

TOWN PLANNING BOARD

**TPB PAPER NO. 10173
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 23.9.2016**

**DRAFT TAI PO KAU OUTLINE ZONING PLAN NO. S/NE-TPK/B
PRELIMINARY CONSIDERATION OF A NEW PLAN**

DRAFT TAI PO KAU OUTLINE ZONING PLAN NO. S/NE-TPK/B
PRELIMINARY CONSIDERATION OF A NEW PLAN

1. Purpose

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

- (a) that the draft Tai Po Kau Outline Zoning Plan (OZP) No. S/NE-TPK/B (the Plan) (**Appendix I**) together with its Notes (**Appendix II**) are suitable for consultation with the Shatin District Council (STDC), Tai Po District Council (TPDC), Shatin Rural Committee (STRC) and Tai Po Rural Committee (TPRC); and
- (b) that the Explanatory Statement (ES) (**Appendix III**) is an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the land use zoning of the draft OZP and is suitable for consultation with the STDC, TPDC, STRC and TPRC together with the draft OZP.

2. Background

- 2.1 On 21.3.2014, the draft Tai Po Kau Development Permission Area (DPA) Plan No. DPA/NE-TPK/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 49 representations and no comment were received. After giving consideration to the representations on 5.12.2014, the Board decided not to propose any amendment to the draft DPA to meet the representations.
- 2.2 On 24.2.2015, the Chief Executive in Council, under section 9(1)(a) of the Ordinance, approved the draft Tai Po Kau DPA Plan, which was subsequently renumbered as DPA/NE-TPK/2. On 20.3.2015, the approved Tai Po DPA Plan No. DPA/NE-TPK/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.3 Pursuant to section 20(5) of the Ordinance, the Tai Po Kau DPA Plan is effective for a period of three years until 21.3.2017. An OZP has to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Area upon expiry of the DPA Plan.
- 2.4 On 14.3.2016, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Tai Po Kau area.

3. Planning Context (Plans 1 to 3)

- 3.1 The Planning Scheme Area (the Area), which comprises two Country Park enclaves, namely a site near Ngau Wu Tok (about 6.28 ha) and a site near Tai Po Mei (about 5.47 ha), covers a total land area of about 11.75 ha. It is encircled by the Tai Po Kau Nature Reserve (TPKNR) nestled between Sha Tin and Tai Po. There is no recognized village in the Area, and it is not served by any public roads.
- 3.2 With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is situated in an unsettled valley with generally steep hillsides, strong sense of enclosure, remoteness, tranquil and coherent natural qualities. The woodlands in the Area are of significant landscape value complementing the overall naturalness and the landscape beauty of the surrounding Special Area.
- 3.3 Details of the land use considerations are contained in the Planning Report on Tai Po Kau at **Appendix IV**. Some major issues in relation to the proposed zoning are stated in the following paragraphs.

4. Issues Arising from Consideration of the DPA Plan

- 4.1 During the exhibition period of the draft DPA Plan, a total of 49 representations were received. The major land use proposals raised by the representers are recapitulated below:
- (a) Five representations submitted by the Village Representatives of Tai Po Mei Village, TPRC and TPDC mainly object to the designation of private agricultural land as “Unspecified Use” area; and
 - (b) The remaining 44 representations submitted by green/concern groups¹ and individuals mainly do not support designation of “Village Type Development” (“V”) zone in the future OZP and propose to protect the Area by designation of conservation zones, restricting agricultural and house uses and incorporation of the Area into the TPKNR.
- 4.2 On 5.12.2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations. It also noted that detailed studies and analysis would be conducted to formulate the appropriate land use zonings in the course of preparing the OZP.

¹ Including World Wide Fund for Nature Hong Kong, The Hong Kong Bird Watching Society, Designing Hong Kong Limited, Hong Kong Wild Bird Conservation Concern Group, Kadoorie Farm and Botanic Garden Corporation and The Conservancy Association.

5. Object of the Plan

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

6. The Planning Scheme Area (Plans 1 to 3a and 3b) (Figures 4b, 4c, 5, 6, 7b and 9 of Appendix IV)

- 6.1 The site near Ngau Wu Tok comprises well wooded hill slopes located at the southern fringe of the TPKNR and is within the upper indirect water gathering ground (WGG). There is a natural stream running from northwest to southeast through the area. It could be reached by the Tai Po Kau Forest Track which is a restricted vehicular access connecting to Tsung Tsai Yuen along Tai Po Road.
- 6.2 The site near Tai Po Mei is situated at the eastern fringe of the TPKNR. It is made up of two portions of land mainly comprising well wooded hill slopes contiguous with the surrounding TPKNR. Several natural streams flow through the major portion of the site largely from west to east. Among the woodland, a number of scattering temporary structures/squatters and parcels of active agricultural land can be found. The site could only be reached by a steep footpath branching off Tai Po Road.
- 6.3 There are no recognized village and village 'environs' ('VE') in the Area. Some of the existing temporary structures/squatters are covered by Government Land Licenses restricted to cultivation and temporary structures only. Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons.

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

- 7.1 Since the gazettal of the draft DPA Plan on 21.3.2014, no planning application in the Area has been received by the Board.
- 7.2 In the course of preparing the OZP, some views/proposals were received from Kadoorie Farm and Botanic Garden Corporation (**Appendix Va**) and an individual (**Appendix Vb**) in March 2016. They consider that the whole Area should be protected by "Conservation Area" ("CA") zone. The individual also considers that 'Agricultural Use' should be put under Column 2 in the Notes requiring planning permission from the Board, 'plant nursery' as a permitted use should be excluded from the covering Notes, and Government land in the Area should be incorporated into the TPKNR or Country Park.
- 7.3 Planning assessment of the proposals is in **Appendix VI**. The views conveyed in these proposals have been taken into account in the preparation of the draft OZP and the details are elaborated in the following paragraphs.

8. Land Use Planning Considerations (Plan 4 and Figures 9 and 10 of Appendix IV)

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

- 8.1 The TPKNR, covering a total land area of about 460 ha, was designated as a Special Area in 1977 primarily for conserving the native natural habitats therein, where a long-established forest by plantations with more than 100 different species of trees supporting diverse fauna and flora are found. Completely surrounded by the TPKNR, the Area is largely natural in character comprising mainly woodlands and natural streams, with a number of temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands near Tai Po Mei. The Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area.
- 8.2 The woodlands in the Area are mature and ecologically linked with those of the TPKNR. The woodlands are dominated by native species, such as *Machilus chekiangensis* (浙江潤楠), *Machilus pauhoi* (刨花潤楠), *Schima superb* (木荷) and *Symplocos cochinchinensis var. lauria* (黃牛奶樹), etc. with plantation of exotic species, namely *Acacia confusa* (台灣相思) and *Lophostemon confertus* (紅膠木). Protected plant species including Lamb of Tartary (*Cibotium barometz* (金毛狗)), Hong Kong Pavetta (*Pavetta hongkongensis* (香港大沙葉)), *Aquilaria sinensis* (土沈香) and *Ailanthus fordii* (常綠臭椿) could also be found.
- 8.3 There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded. Several natural streams flow through the major portion of the site near Tai Po Mei with no sign of pollution.
- 8.4 The Area has a landscape character of tranquil and coherent natural qualities, and the woodlands therein are of significant landscape value complementing the overall naturalness and the landscape beauty of the surrounding Special Area.
- 8.5 In consultation with the Agriculture, Fisheries and Conservation Department (AFCD), it is proposed to designate the whole Area as “CA” zone in order to reflect the ecological importance of the natural habitats including the mature woodlands and natural streams. Although there are some temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands near Tai Po Mei, they are small in scale and do not undermine the overall conservation and landscape value of the Area. Given that there is no recognized village in the Area, no “V” zone is proposed. The “CA” zoning is considered appropriate with a view to conserving the natural environment of the Area and preserving the integrity of the TPKNR in the long run. There is a general presumption against development in this zone.

Development Constraints (Figure 9 of Appendix IV)

- 8.6 At present, the Area is not served by any public roads. There is no existing nor planned public sewerage for the Area. Environmental Protection Department advises that future proponent of development within the Area shall provide their own on-site waste water treatment facility to comply with the Water Pollution Control Ordinance (WPCO) to safeguard the receiving waters. In particular, the site near Ngau Wu Tok is within the WGG. In general, the use of septic tank and soakaway systems for treating wastewater is not acceptable inside the WGG. Water Supplies Department advises that any new development within the upper indirect WGG, impact assessment should be conducted and submitted to the Water Authority to demonstrate that the new development will not result in loss of yield and material increase in pollution risks to the WGG. The Area has no telecommunication facilities. There are also no existing nor planned potable water supply and drainage systems, but the site near Tai Po Mei is provided with electricity.
- 8.7 The Area is overlooked by steep natural terrain with past landslide records. For future development within the Area, natural terrain hazard study may be required to assess the scale of hazards and suitable hazard mitigation measures, if found necessary, should be provided as part of the development.

9. Planning Intention

Completely surrounded by the TPKNR, which was designated as a Special Area comprising long established forestry plantation, the Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area. The general planning intention of the Area is to protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Special Area.

10. Land Use Zoning

“Conservation Area” (“CA”) : Total Area 11.75 ha

- 10.1 This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 10.2 The Area zoned “CA” forms an integral part of the wider natural environment of the Special Area. The woodlands are mature and ecologically linked with the surrounding TPKNR. Protected plant species including *Cibotium barometz* (金毛狗), *Pavetta hongkongensis* (香港大沙葉), *Aquilaria sinensis* (土沈香) and

Ailanthus fordii (常綠臭椿) could be found in the woodlands. There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded. Several natural streams flow through the major portion of the site near Tai Po Mei with no sign of pollution.

- 10.3 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.
- 10.4 The proposed land use pattern of the Area is shown in Figure 10 at **Appendix IV**. Detailed land use proposals of the Area are set out in paragraph 9 of the ES (**Appendix III**).
- 10.5 A comparison of land use zonings on the approved Tai Po Kau DPA Plan No. DPA/NE-TPK/2 and the draft OZP No. S/NE-TPK/B is shown in the table below:

Land Use Zoning	Area on approved DPA Plan	Area on the Draft OZP
“Unspecified”	11.75 ha (100%)	-
“CA”	-	11.75 ha (100%)
Total	11.75 ha	11.75 ha

11. Notes of the Plan

- 11.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and other uses for which planning permission from the Board should be sought. The provision for application for planning permission under section 16 of the Ordinance allows flexibility in land use planning and control of development to meet the changing needs. Each proposal will be considered on its individual planning merits.
- 11.2 The draft Notes are formulated on the basis of the latest set of Master Schedule of Notes (MSN) endorsed by the Board.

12. Consultation

- 12.1 Prior to the preparation of the draft OZP, the major stakeholders have been approached for their views/proposals. The draft OZP together with its Notes and ES as well as the Planning Report have been circulated to the relevant Government bureaux and departments for comments. Comments received have been incorporated into the draft OZP, its Notes and ES as well as the Planning Report as appropriate.

12.2 Subject to the agreement of the Board, the draft OZP No. S/NE-TPK/B will be submitted to the STDC, TPDC, STRC and TPRC for consultation. Comments from the STDC, TPDC, STRC and TPRC will be submitted to the Board for consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

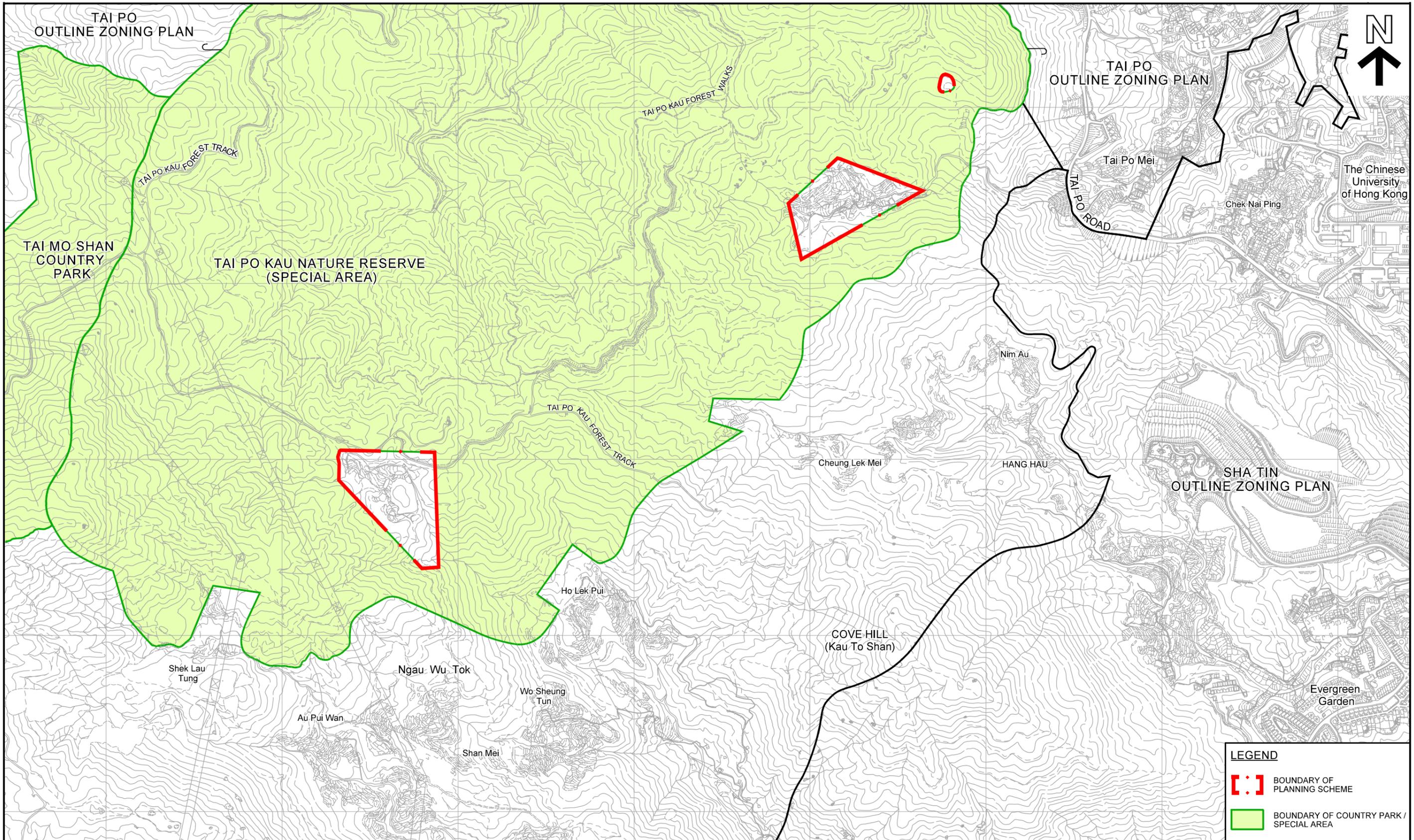
13. Decision Sought

Members are invited to:

- (a) agree that the draft Tai Po Kau OZP No. S/NE-TPK/B (**Appendix I**) together with its Notes (**Appendix II**) are suitable for consultation with the STDC, TPDC, STRC and TPRC;
- (b) agree that the ES (**Appendix III**) is suitable to serve as an expression of the planning intentions and objectives of the Board for the land use zoning of the draft Tai Po Kau OZP No. S/NE-TPK/B and the ES should be issued under the name of the Board; and
- (c) agree that the ES (**Appendix III**) is suitable for consultation with the STDC, TPDC, STRC and TPRC together with the draft OZP.

14. Attachments

Plan 1	Planning Scheme Area of the Draft Tai Po Kau OZP
Plan 2	Aerial Photo of Tai Po Kau
Plans 3a and 3b	Existing Physical Features of Tai Po Kau
Plan 4	Development Constraints and Proposed Land Uses
Appendix I	Draft Tai Po Kau OZP No. S/NE-TPK/B
Appendix II	Notes of the Draft Tai Po Kau OZP No. S/NE- TPK/B
Appendix III	Explanatory Statement of the Draft Tai Po Kau OZP No. S/NE- TPK/B
Appendix IV	Planning Report on Tai Po Kau
Appendix Va	Proposal by Kadoorie Farm and Botanic Garden Corporation
Appendix Vb	Proposal by an Individual
Appendix VI	Planning Assessment on the Development Proposals received in the Course of Preparation of the Plan



LEGEND

- BOUNDARY OF PLANNING SCHEME
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA

PLAN PREPARED ON 28.7.2016
 BASED ON SURVEY SHEETS No.
 7-SW-4A/B, 5A/B, 7-SE-1A/B, 2A, 7-NW-19C/D,
 20B/C/D, 24A/B/C/D, 25A/B/C/D, 7-NE-16C/D,
 17C, 21A/B/C/D AND 22A/C

PLANNING SCHEME AREA

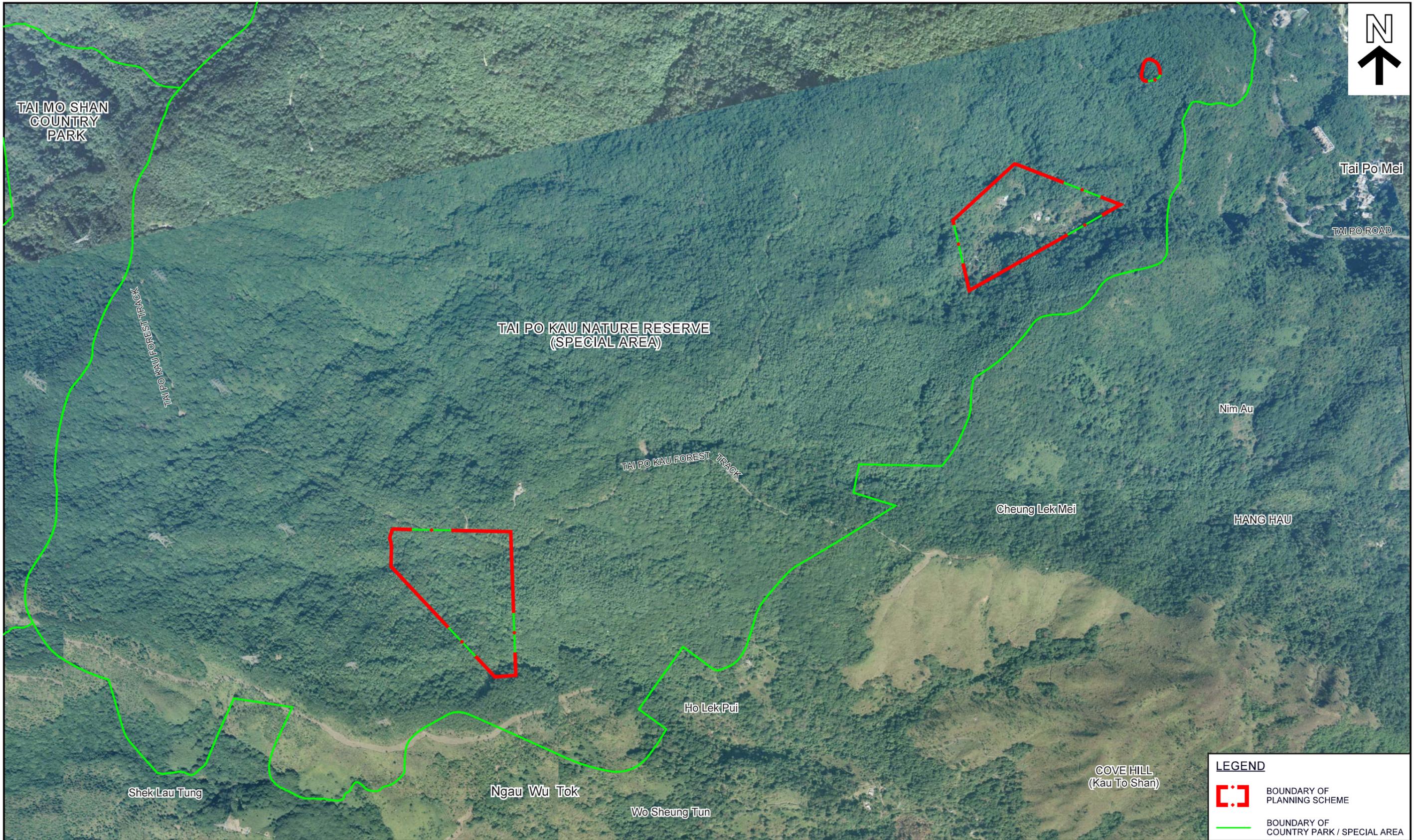
TAI PO KAU

SCALE 1 : 10 000

METRES 200 0 200 400 METRES

PLANNING DEPARTMENT

REFERENCE No. M/CPE/TPK/16/5	PLAN 1
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PLAN PREPARED ON 28.7.2016 BASED ON
 AERIAL PHOTOS No. CW111602 & CW111752
 TAKEN ON 14.1.2015 BY LANDS DEPARTMENT

AERIAL PHOTO

TAI PO KAU

PLANNING DEPARTMENT	
REFERENCE No. M/CPE/TPK/16/5	PLAN 2



TAI PO KAU NATURE RESERVE
(SPECIAL AREA)

TAI PO KAU FOREST TRACK

FIRE LOOKOUT

Ngau Wu Tok

LEGEND

-  BOUNDARY OF PLANNING SCHEME
-  BOUNDARY OF SPECIAL AREA
-  LOWLAND FOREST / MIXED SHRUBLAND
-  GRASSLAND / SHRUBBY GRASSLAND
-  EXISTING STREAM

Existing Physical Features for Indicative Purpose only

EXISTING PHYSICAL FEATURES

SITE NEAR NGAU WU TOK



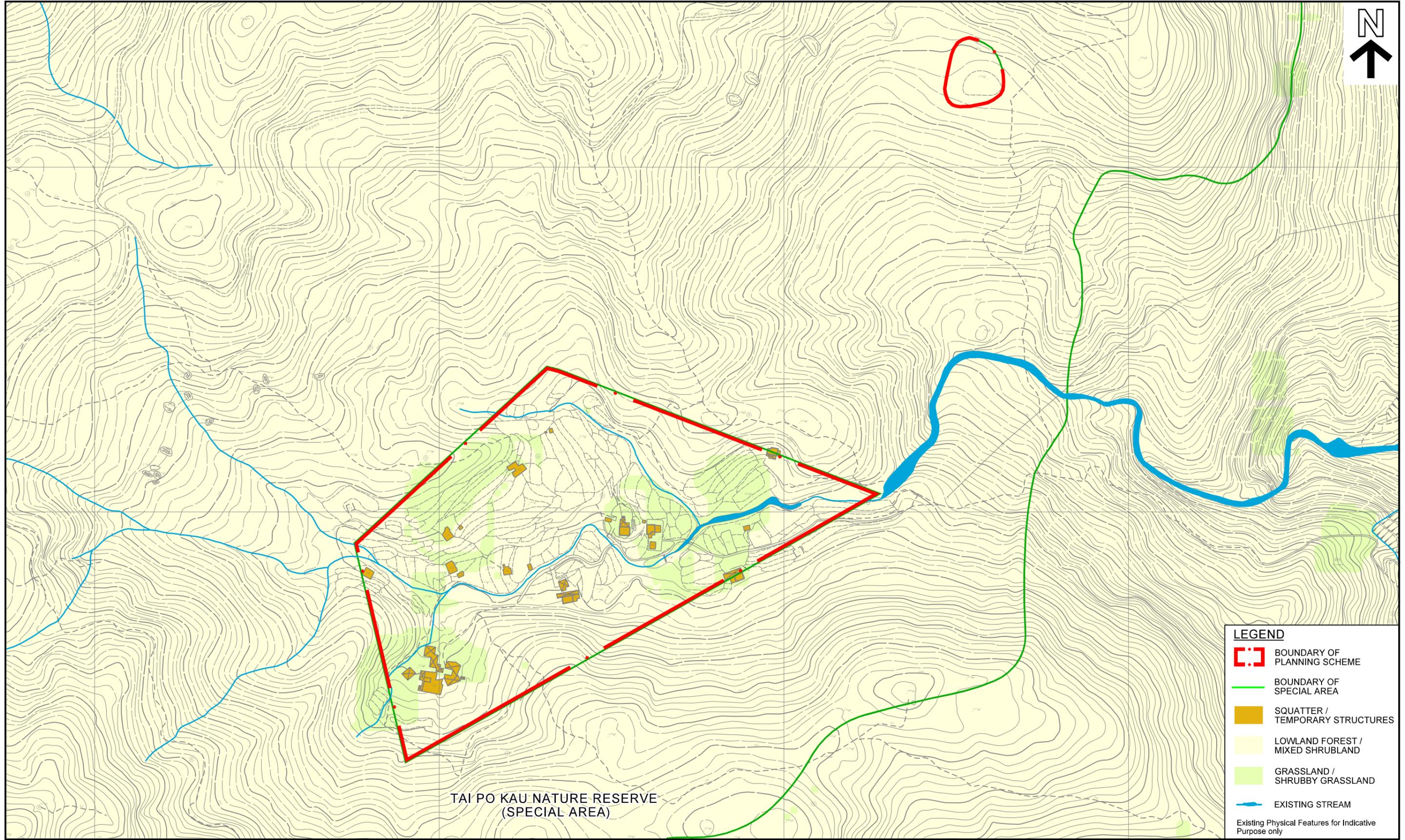
PLAN PREPARED ON 28.7.2016 BASED ON
SURVEY SHEETS No. 7-NW-24B, 24D, 25A, 25B, 25C AND 25D

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/TPK/16/5

PLAN
3a



LEGEND

-  BOUNDARY OF PLANNING SCHEME
-  BOUNDARY OF SPECIAL AREA
-  SQUATTER / TEMPORARY STRUCTURES
-  LOWLAND FOREST / MIXED SHRUBLAND
-  GRASSLAND / SHRUBBY GRASSLAND
-  EXISTING STREAM

Existing Physical Features for Indicative Purpose only

TAI PO KAU NATURE RESERVE
(SPECIAL AREA)

EXISTING PHYSICAL FEATURES

SITE NEAR TAI PO MEI



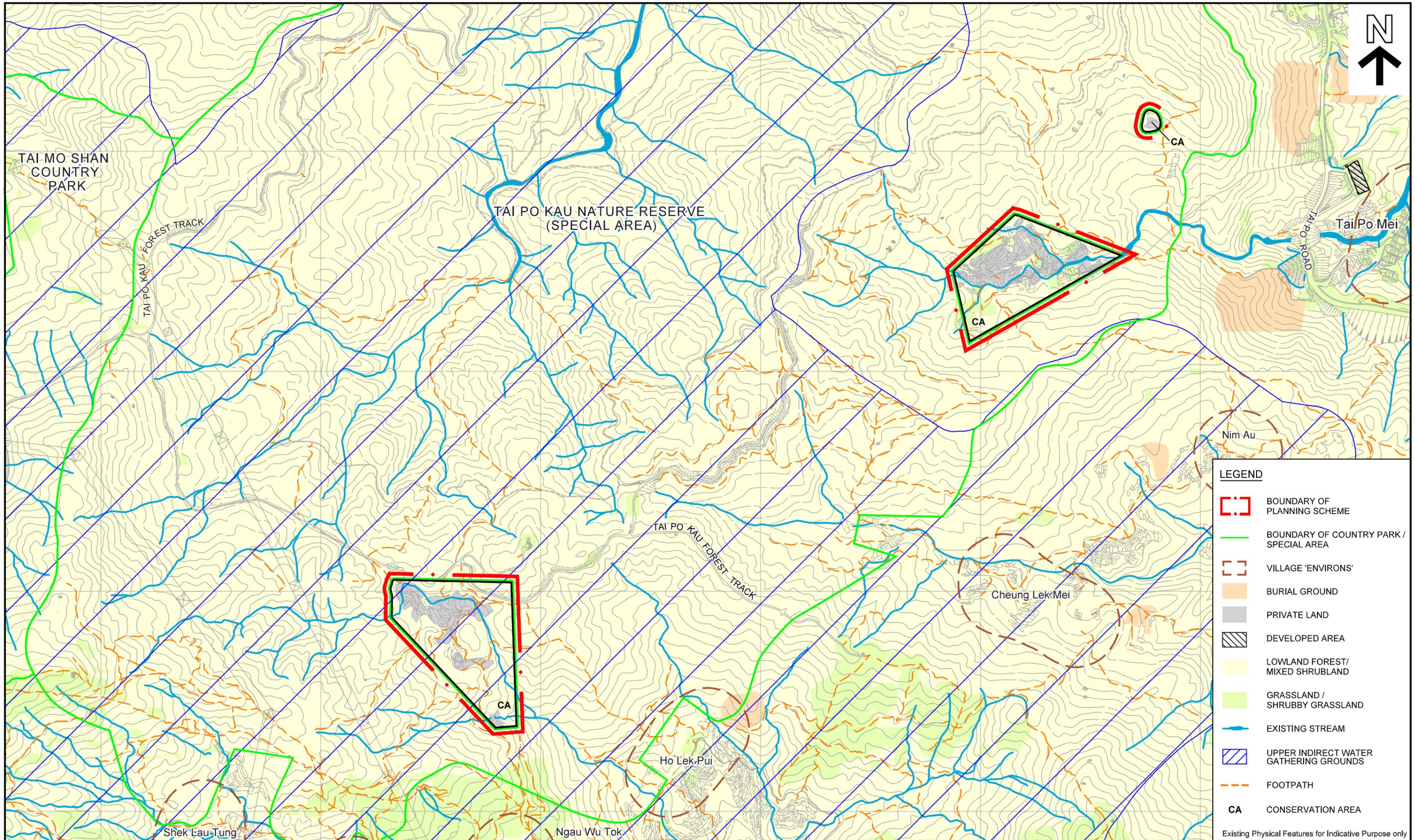
PLAN PREPARED ON 28.7.2016 BASED ON
SURVEY SHEETS No. 7-NE-16C, 21A, 7-NW-20D AND 25B

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/TPK/16/5

PLAN
3b



DEVELOPMENT CONSTRAINTS AND PROPOSED LAND USES



PLAN PREPARED ON 8.8.2016
 BASED ON SURVEY SHEETS No.
 7-SW-4B,5A/B,7-SE-1A/B,7-NW-19B/D,
 20A/B/C/D,24B/D,25A/B/C/D,
 7-NE-16A/B/C/D AND 21A/B/C/D

PLANNING DEPARTMENT



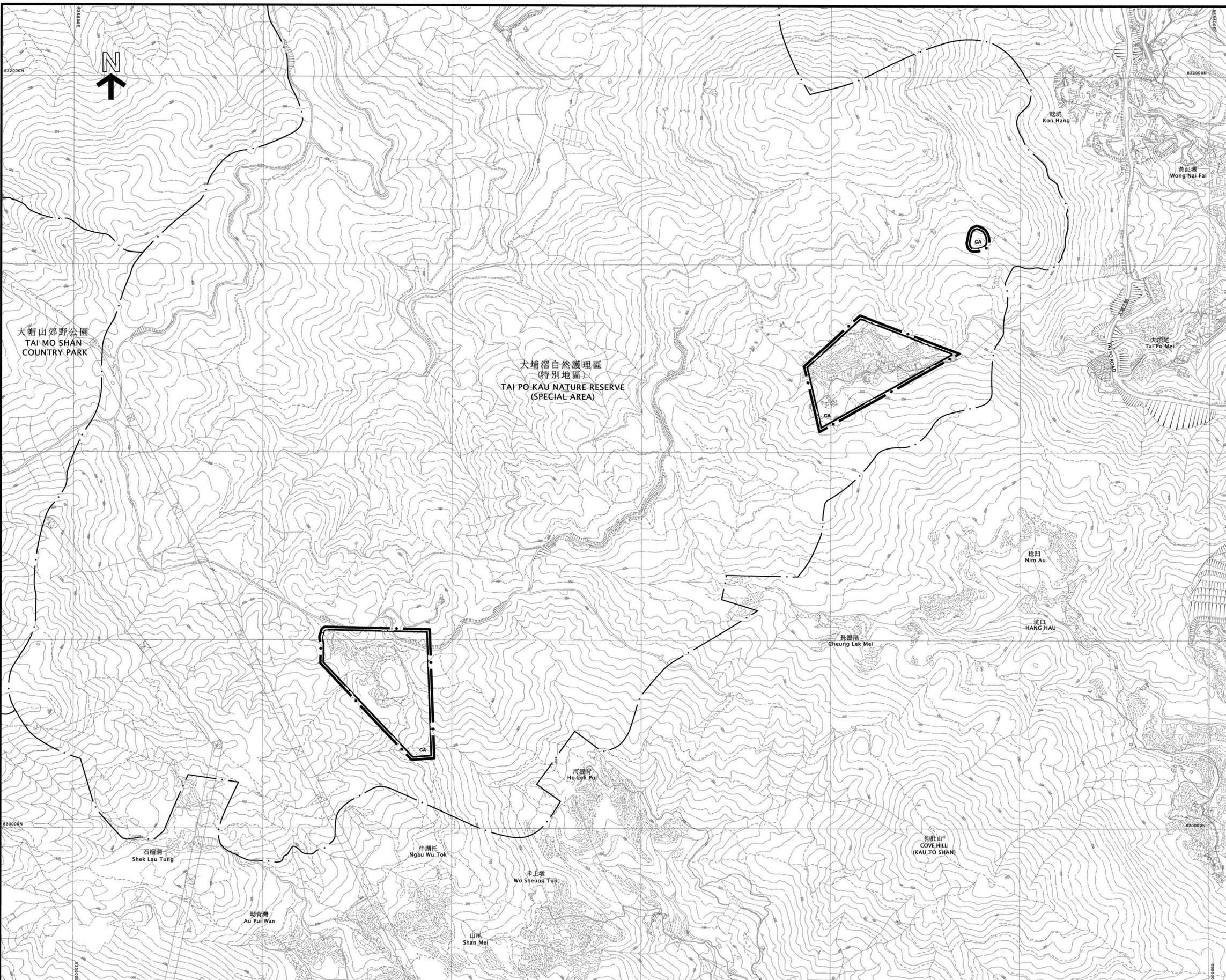
REFERENCE No.
 M/CPE/TPK/16/5

PLAN
 4

LEGEND

- BOUNDARY OF PLANNING SCHEME
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA
- VILLAGE 'ENVIRONS'
- BURIAL GROUND
- PRIVATE LAND
- DEVELOPED AREA
- LOWLAND FOREST / MIXED SHRUBLAND
- GRASSLAND / SHRUBBY GRASSLAND
- EXISTING STREAM
- UPPER INDIRECT WATER GATHERING GROUNDS
- FOOTPATH
- CA CONSERVATION AREA

Existing Physical Features for Indicative Purpose only



圖例
NOTATION

- ZONES**
- CONSERVATION AREA CA 地帶
自然保育區
- MISCELLANEOUS** 其他
- BOUNDARY OF PLANNING SCHEME 規劃範圍界線
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA 郊野公園 / 特別地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
CONSERVATION AREA	11.75	100.00	自然保育區
TOTAL PLANNING SCHEME AREA	11.75	100.00	規劃範圍總面積

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

香港城市規劃委員會依據城市規劃條例擬備的大埔滘分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
TAI PO KAU - OUTLINE ZONING PLAN



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

圖則編號
PLAN No. **S/NE-TPK/B**

DRAFT TAI PO KAU OUTLINE ZONING PLAN NO. S/NE-TPK/B

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

NOTES

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

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the draft development permission area plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
- (6) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.

- (7) Alignment of roads and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) In areas zoned “Conservation Area”,
- (a) the following uses or developments are always permitted:
- (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
- (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
- (iii) provision of amenity planting by Government; and
- (b) the following uses or developments require permission from the Town Planning Board:
- provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.
- (9) In any area shown as ‘Road’, all uses or developments except those specified below require permission from the Town Planning Board:
- road and on-street vehicle park.
- (10) (a) Except temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.
- (b) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.
- (11) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (12) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

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

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

**DRAFT TAI PO KAU
OUTLINE ZONING PLAN NO. S/NE-TPK/B**

Schedule of Uses

	<u>Page</u>
CONSERVATION AREA	1

CONSERVATION AREA

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

Planning Intention

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

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

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

DRAFT TAI PO KAU OUTLINE ZONING PLAN NO. S/NE-TPK/B

EXPLANATORY STATEMENT

DRAFT TAI PO KAU OUTLINE ZONING PLAN NO. S/NE-TPK/B

EXPLANATORY STATEMENT

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DRAFT TAI PO KAU OUTLINE ZONING PLAN NO. S/NE-TPK/B

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

EXPLANATORY STATEMENT

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

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the draft Tai Po Kau Outline Zoning Plan (OZP) No. S/NE-TPK/B. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the land-use zoning of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 17 February 2014, under the power delegated by the Chief Executive (CE), the Secretary for Development (SDEV) directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the sites near Ngau Wu Tok and Tai Po Mei in Tai Po Kau area as a development permission area (DPA).
- 2.2 On 21 March 2014, the draft Tai Po Kau DPA Plan No. DPA/NE-TPK/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 49 representations were received. On 20 June 2014, the representations were published for public comment for three weeks and no comment was received. After giving consideration to the representations on 5 December 2014, the Board decided not to propose any amendment to the draft DPA Plan to meet the representations.
- 2.3 On 24 February 2015, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Tai Po Kau DPA Plan, which was subsequently renumbered as DPA/NE-TPK/2. On 20 March 2015, the approved Tai Po Kau DPA Plan No. DPA/NE-TPK/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 On 14 March 2016, under the power delegated by the CE, the SDEV directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the sites near Ngau Wu Tok and Tai Po Mei in Tai Po Kau area.
- 2.5 On _____ 2017, the draft Tai Po Kau OZP No. S/NE-TPK/B (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

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

4. NOTES OF THE PLAN

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

5. THE PLANNING SCHEME AREA

- 5.1 The Area, which comprises two Country Park enclaves, namely a site near Ngau Wu Tok (about 6.28 ha) and a site near Tai Po Mei (about 5.47 ha), covers a total land area of about 11.75 ha. It is encircled by the Tai Po Kau Nature Reserve (TPKNR) nestled between Sha Tin and Tai Po. The TPKNR, covering a total land area of about 460 ha, was designated as a Special Area in 1977 primarily for conserving the native natural habitats therein, where a long-established forest by plantations with more than 100 different species of trees supporting diverse fauna and flora are found. The Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area. Whilst some temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands can be found near Tai Po Mei, there is no recognized village in the Area, and it is not served by any public roads. The boundary of the Area is shown by heavy broken lines on the Plan.
- 5.2 The Site near Ngau Wu Tok
- 5.2.1 The area comprises well wooded hill slopes located at the southern fringe of the TPKNR and is within the upper indirect water gathering ground (WGG). There is a natural stream running from northwest to southeast through the area. It could be reached by the Tai Po Kau Forest

Track which is a restricted vehicular access connecting to Tsung Tsai Yuen along Tai Po Road.

- 5.2.2 The woodland in the site near Ngau Wau Tok is mature, dense and extensive. It is ecologically linked with the surrounding woodland of the TPKNR and has no sign of disturbance. The woodland in the area is dominated by native species with some patches of plantation with exotic species. Protected plant species including *Cibotium barometz* (金毛狗), *Pavetta hongkongensis* (香港大沙葉) and *Aquilaria sinensis* (土沉香) could be found. There is a natural stream running across the area where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘳蜆)), a protected animal species, are recorded.

5.3 The Site near Tai Po Mei

- 5.3.1 The site near Tai Po Mei is situated at the eastern fringe of the TPKNR. It is made up of two portions of land mainly comprising well wooded hill slopes contiguous with the surrounding TPKNR. Several natural streams flow through the major portion of the site largely from west to east. Among the woodland, a number of scattering temporary structures/squatters and parcels of active agricultural land could be found. The site could only be reached by a steep footpath branching off Tai Po Road.
- 5.3.2 The woodlands in the site near Tai Po Mei are mature with little sign of disturbance and ecologically linked with the surrounding woodland of TPKNR. Woodlands with native trees can be found near the temporary structures/squatters, whereas plantations dominated by exotic tree species are mainly located at the peripheral hilly area. A protected plant species, *Ailanthus fordii* (常綠臭椿), could be found in the woodlands. The small portion is covered by dense mature woodland contiguous with the surrounding TPKNR.
- 5.3.3 There are no recognized village and village 'environs' ('VE') in the Area. Some of the existing temporary structures/squatters are covered by Government Land Licenses restricted to cultivation and temporary structures only.

6. POPULATION

Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons. It is expected that the total planned population of the Area would remain at this level as no expansion of existing development is planned.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Conservation and Natural Landscape

Completely surrounded by the TPKNR, the Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area. The Area is largely natural in character comprising mainly woodlands and natural streams, with a number of temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands near Tai Po Mei. It is situated in an unsettled valley with generally steep hillsides, strong sense of enclosure, remoteness, tranquil and coherent natural qualities. The woodlands in the Area are of significant landscape value complementing the overall naturalness and the landscape beauty of the surrounding Special Area. It is worthy of conservation.

7.1.2 Recreation and Agricultural Potential

7.1.2.1 The Area forms part of the wider natural environment of the Special Area which is primarily for conserving the native flora and fauna in the TPKNR. Visitor activities are mainly confined to hiking and sight-seeing along the Tai Po Kau Forest Walks and the Tai Po Kau Nature Trail. Within the TPKNR, there are picnic sites, pavilions, public toilets and a country park management centre provided by the Agriculture, Fisheries and Conservation Department (AFCD).

7.1.2.2 In the site near Tai Po Mei, some temporary structures/squatters and few parcels of active agricultural land can be found.

7.2 Constraints

7.2.1 Ecological Significance

7.2.1.1 The TPKNR was designated as a Special Area in 1977 primarily for conserving the native natural habitats therein, where a long-established forest by plantations with more than 100 different species of trees supporting diverse fauna and flora are found.

7.2.1.2 The woodlands in the Area are mature and ecologically linked with those of the TPKNR. The woodlands are dominated by native species, such as *Machilus chekiangensis* (浙江潤楠), *Machilus pauhoi* (刨花潤楠), *Schima superb* (木荷), and *Symplocos cochinchinensis var. lauria* (黃牛奶樹), etc. with plantation of exotic species, namely *Acacia confusa* (台灣相思) and *Lophostemon confertus* (紅膠木). Protected plant species including Lamb of Tartary (*Cibotium barometz*) (金毛

狗)), Hong Kong Pavetta (*Pavetta hongkongensis* (香港大沙葉)), *Aquilaria sinensis* (土沉香) and *Ailanthus fordii* (常綠臭椿) could also be found.

7.2.1.3 There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded. Several natural streams flow through the major portion of the site near Tai Po Mei with no sign of pollution.

7.2.1.4 From the nature conservation perspective, developments that may adversely affect the natural character and the ecologically sensitive areas will not be recommended.

7.2.2 Landscape Character

With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is situated in an unsettled valley with generally steep hillsides, strong sense of enclosure, remoteness, tranquil and coherent natural qualities. The Site near Ngau Wu Tok is in rural landscape character mainly covered by dense woodland and wet areas are found at the valley plain where human disturbance is not observed. The Site near Tai Po Mei is in rural character covered by dense woodland alongside of the valley where agricultural lands, abandoned ponds and temporary structures are found. The woodlands in the Area are of significant landscape value complementing the overall naturalness and the landscape beauty of the surrounding Special Area.

7.2.3 Transportation

At present, the Area is not served by any public roads. The site near Ngau Wu Tok could be reached by the Tai Po Kau Forest Track which is a restricted vehicular access connecting to Tsung Tsai Yuen along Tai Po Road mainly for management of the TPKNR. Vehicle permit issued by the AFCD is required for driving vehicles into the TPKNR. The site near Tai Po Mei could only be reached by a steep footpath branching off Tai Po Road.

7.2.4 Water Gathering Ground and Sewerage

7.2.4.1 The site near Ngau Wu Tok is located within the upper indirect WGG. To prevent contamination of waters which are designated for abstraction for potable water supply, any proposed development that may result in any material increase in pollution effect will not be acceptable. For any new development within the upper indirect WGG, impact assessment should be conducted and submitted to the Water Authority to demonstrate that the new development will not

result in loss of yield and material increase in pollution risks to the WGG.

7.2.4.2 There is no existing nor planned public sewer for the Area. Future proponent of development within the Area shall provide their own on-site wastewater treatment facility to comply with the Water Pollution Control Ordinance to safeguard the receiving waters. In general, the use of septic tank and soakaway systems for treating wastewater is not acceptable inside the WGG. Other kind of sewage treatment facilities shall be provided by future developments to ensure that the effluent water quality is acceptable to concerned Government departments.

7.2.5 Infrastructure and Utility Services

The Area has no telecommunication facilities. There are also no existing nor planned potable water supply, sewerage and drainage systems, but the site near Tai Po Mei is provided with electricity.

7.2.6 Geotechnical

The Area is overlooked by steep natural terrain with past landslide records. For future developments within the Area, natural terrain hazard studies may be required to assess the scale of hazards and suitable hazard mitigation measures, if found necessary, should be provided as part of the developments.

8. GENERAL PLANNING INTENTION

Completely surrounded by the TPKNR, which was designated as a Special Area comprising long established forestry plantation, the Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area. The general planning intention of the Area is to protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Special Area.

9. LAND-USE ZONING

“Conservation Area” (“CA”) : Total Area 11.75 ha

9.1 This zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

- 9.2 The Area zoned “CA” forms an integral part of the wider natural environment of the Special Area. The woodlands are mature and ecologically linked with the surrounding TPKNR. Protected plant species including *Cibotium barometz* (金毛狗), *Pavetta hongkongensis* (香港大沙葉), *Aquilaria sinensis* (土沉香) and *Ailanthus fordii* (常綠臭椿) could be found in the woodlands. There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded. Several natural streams flow through the major portion of the site near Tai Po Mei with no sign of pollution.
- 9.3 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan.
- 9.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10. COMMUNICATIONS

At present, the Area is not served by any public roads. The site near Ngau Wu Tok could be reached by the Tai Po Kau Forest Track which is a restricted road while the site near Tai Po Mei could only be reached by a steep footpath branching off Tai Po Road.

11. UTILITY SERVICES

The Area has no telecommunication facilities. There are also no existing nor planned potable water supply, sewerage and drainage systems, but the site near Tai Po Mei is provided with electricity.

12. IMPLEMENTATION

- 12.1 The Plan provides a broad land-use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works planning and private developments.
- 12.2 At present there is no overall programme for the provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both the public and private sectors.

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

13. PLANNING CONTROL

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

proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in the "CA" zone.

TOWN PLANNING BOARD
2016

PLANNING REPORT ON TAI PO KAU



**PLANNING REPORT ON
TAI PO KAU**

SEPTEMBER 2016

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1. INTRODUCTION

1.1 Purpose of the Planning Report

The purpose of this Planning Report is to give an account of the background and an appraisal of the existing conditions, characteristics and development requirements of a site near Ngau Wu Tok and a site near Tai Po Mei in Tai Po Kau area (the Area). It also aims at providing a basis for the preparation of an Outline Zoning Plan (OZP) for the Area and the formulation of a planning framework to guide future development of the Area.

1.2 Background

1.2.1 The Area, which comprises two Country Park enclaves, namely a site near Ngau Wu Tok and a site near Tai Po Mei, is encircled by the Tai Po Kau Nature Reserve (TPKNR) nestled between Sha Tin and Tai Po (**Figure 1**).

1.2.2 The TPKNR, covering a total land area of about 460 ha, was designated as a Special Area in 1977 primarily for conserving the native natural habitats therein, where a long-established forest by plantations with more than 100 different species of trees supporting diverse fauna and flora are found.

1.2.3 The Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area. Whilst some temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands can be found

near Tai Po Mei, there is no recognized village in the Area, and it is not served by any public roads.

1.2.4 There was an urgent need to better protect the natural and landscape character of the Area and avoid disturbance to the natural environment. On 17.2.2014, under the power delegated by the Chief Executive (CE), the Secretary for Development directed the Town Planning Board (the Board) to prepare a draft plan designating the Area as a development permission area (DPA).

1.2.5 On 21.3.2014, the draft Tai Po Kau DPA Plan No. DPA/NE-TPK/1 was exhibited for public inspection. During the plan exhibition period, a total of 49 representations¹ and no comment were received. After giving consideration to the representations on 5.12.2014, the Board decided not to propose any amendment to the draft DPA plan to meet the representations.

1.2.6 On 24.2.2015, the CE in Council (CE in C), approved the draft Tai Po Kau DPA Plan, which was subsequently renumbered as DPA/NE-TPK/2 (**Figure 2**). On 20.3.2015, the approved Tai Po Kau DPA Plan No. DPA/NE-TPK/2 was exhibited for public inspection under section 9(5) of the Town Planning Ordinance (the Ordinance).

¹ 49 representations including village representative (VR) of Tai Po Mei Village, Tai Po Rural Committee Member, Tai Po District Council Member, World Wide Fund for Nature Hong Kong, the Hong Kong Bird Watching Society, Designing Hong Kong, Hong Kong Wild Bird Conservation Concern Group, Kadoorie Farm and Botanic Garden Corporation, the Conservancy Association and individuals.

1.2.7 Pursuant to section 20(5) of the Ordinance, the DPA Plan is effective for three years until 21.3.2017. On 14.3.2016, under the power delegated by the CE, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP for the Area.

2. **THE STUDY AREA**

2.1. **Location**

The Area, which comprises two Country Park enclaves, namely a site near Ngau Wu Tok (about 6.28 ha) and a site near Tai Po Mei (about 5.47 ha), covers a total land area of about 11.75 ha. It is encircled by the TPKNR nestled between Sha Tin and Tai Po. The location of the Area is shown in **Figures 3 and 4a**.

2.2. **Natural Features (Figures 4a, 4b, 4c, 5a and 5b)**

Physical Setting and Topography

The Site near Ngau Wu Tok (Figures 4b and 5a)

2.2.1 The area comprises well wooded hill slopes located at the southern fringe of the TPKNR and is within the upper indirect water gathering ground (WGG). There is a natural stream running from northwest to southeast.

The Site near Tai Po Mei (Figures 4c and 5b)

2.2.2 The site near Tai Po Mei is situated at the eastern fringe of the TPKNR. It is made up of two portions of land mainly comprising well wooded hill slopes

contiguous with the surrounding TPKNR (**Figure 4c**). Several natural streams flow through the major portion of the site largely from west to east. Among the woodland, a number of scattering temporary structures/squatters and parcels of active agricultural land can be found.

Natural Habitats

2.2.3 Completely surrounded by the TPKNR, the Area is largely natural in character comprising mainly woodlands and natural streams, with a number of temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands in the site near Tai Po Mei.

(a) Woodland/Shrubland

(i) The woodland in the site near Ngau Wau Tok is mature, dense and extensive. It is ecologically linked with the surrounding woodland of the TPKNR and has no sign of disturbance. The woodland in the area is dominated by native species such as *Machilus chekiangensis* (浙江潤楠), *Machilus pauhoi* (刨花潤楠), *Schima superb* (木荷) and *Schefflera heptaphylla* (鵝掌柴), etc. Some patches of plantation with exotic species, namely *Acacia confusa* (台灣相思), and protected plant species including *Cibotium barometz* (金毛狗), *Pavetta hongkongensis* (香港大沙葉) and *Aquilaria sinensis* (土沉香) can be found.

(ii) The woodlands in the site near Tai Po Mei Mei are mature with little sign of disturbance and ecologically linked with the surrounding woodland of TPKNR. Woodlands with native trees, such as *Machilus chekiangensis* (浙江潤楠), *Machilus pauhoi* (刨花潤楠), *Symplocos cochinchinensis var. lauria* (黃牛奶樹) and *Machilus* spp. (潤楠屬), etc can be found near the temporary structures/squatters, whereas plantations dominated by exotic tree species, *Acacia confusa* (台灣相思) and *Lophostemon confertus* (紅膠木) are mainly located at the peripheral hilly area. A protected plant species, *Ailanthus fordii* (常綠臭椿), could be found in the woodlands. The small portion is covered by dense mature woodland contiguous with the surrounding TPKNR.

(b) Natural Streams

- (i) There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded.
- (ii) Several natural streams flow through the major portion of the site near Tai Po Mei largely from west to east with no sign of pollution.

(c) Agricultural Land

There is no agricultural activity in the site near Ngau Wu Tok. Most of the agricultural land in the site near Tai Po Mei is abandoned and a few parcels of active agricultural land could be found near the temporary structures/squatters in its inner part.

2.3 Historical Development

2.3.1 There is no recognized village in the Area. A number of temporary structures/squatters are scattering in the site near Tai Po Mei.

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

2.4 Population and Employment

2.4.1 Based on the 2011 Population Census, the total population of the Area was estimated to be about 10 persons.

2.4.2 The Area forms part of the wider natural environment of the Special Area which is primarily for conserving the native flora and fauna in the TPKNR. Visitor activities are mainly confined to hiking and sight-seeing along the Tai Po Kau Forest Walks and the Tai Po Kau Nature Trail. A few parcels of active agricultural lands can be found near the squatters in the inner part of the site near Tai Po Mei.

2.5 Existing Land Uses (*Figures 5a, 5b and 6*)

According to the District Lands Officer/Shu Tin (DLO/ST) and District Lands Officer/Tai Po (DLO/TP), there is no recognized village and ‘Village Environ’ (‘VE’) in the Area. Some of the existing temporary structures/squatters are covered by Government Land Licenses restricted to cultivation and temporary structures only (**Figure 6**).

2.6 Land Ownership (*Figure 6*)

About 8.62 ha (73%) of land in the Area is Government land, and the remaining 3.13 ha (27%) are private land comprising agricultural lots.

2.7 Transportation and Access (*Figure 7b*)

At present, the Area is not served by any public roads. The site near Ngau Wu Tok could be reached by the Tai Po Kau Forest Track which is a restricted vehicular access connecting to Tsung Tsai Yuen along Tai Po Road. The site near Tai Po Mei could only be reached by a steep footpath branching off Tai Po Road.

2.8 Infrastructure and Utility Services

The Area has no telecommunication facilities. There are also no existing nor planned potable water supply, sewerage and drainage systems, but the site near Tai Po Mei is provided with electricity.

3. PLANNING ANALYSIS

3.1 Strategic Planning Context

3.1.1 Given the natural environment, its ecological and landscape value coupled with its potential natural terrain landslide hazards, the planning framework for the Area should fundamentally be for preservation of the natural environment. Any large-scale development is not recommended to minimize the encroachment onto the sensitive environment and to protect and enhance ecological and landscape conservation.

3.1.2 With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is situated in an unsettled valley with generally steep hillsides, strong sense of enclosure, remoteness, tranquil and coherent natural qualities. The woodlands in the Area are of significant landscape value complementing the overall naturalness and the landscape beauty of the surrounding Special Area.

3.2 Environment and Conservation Consideration (*Figure 8*)

3.2.1 Completely surrounded by the TPKNR, the Area mainly comprises woodlands and natural streams connecting to the surrounding Nature Reserve.

3.2.2 The woodlands are mature and ecologically linked with those of the TPKNR. Protected plant species could be found in the Area. A freshwater fish of conservation concern and a protected animal species could be found in the natural stream running across the site near Ngau Wu Tok. Several natural streams flow

through the site near Tai Po Mei with no sign of pollution.

- 3.2.3 The Area is situated in an unsettled valley with generally steep hillsides, strong sense of enclosure, remoteness, tranquil and coherent natural qualities. In general, the Area is largely natural in character with high ecological and landscape value.

3.3 Development Constraints (*Figure 9*)

Ecological Significance

- 3.3.1 The TPKNR was designated as a Special Area in 1977 primarily for conserving the native natural habitats therein, where a long-established forest by plantations with more than 100 different species of trees supporting diverse fauna and flora are found.
- 3.3.2 The woodlands in the Area are mature and ecologically linked with those of the TPKNR. The woodlands are dominated by native species, such as *Machilus chekiangensis* (浙江潤楠), *Machilus pauhoi* (刨花潤楠), *Schima superb* (木荷), and *Symplocos cochinchinensis var. lauria* (黃牛奶樹) etc. with plantation of exotic species, namely *Acacia confusa* (台灣相思) and *Lophostemon confertus* (紅膠木). Protected plant species including Lamb of Tartary (*Cibotium barometz* (金毛狗)), Hong Kong Pavetta (*Pavetta hongkongensis* (香港大沙葉)), *Aquilaria sinensis* (土沉香) and *Ailanthus fordii* (常綠臭椿) could also be found.

- 3.3.3 There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded. Several natural streams flow through the major portion of the site near Tai Po Mei with no sign of pollution.

- 3.3.4 From the nature conservation perspective, developments that may adversely affect the natural character and the ecologically sensitive areas will not be recommended.

Landscape Character

- 3.3.5 With reference to the “Landscape Value Mapping of Hong Kong (2005)”, the Area is situated in an unsettled valley with generally steep hillsides, strong sense of enclosure, remoteness, tranquil and coherent natural qualities. The Site near Ngau Wu Tok is in rural landscape character mainly covered by dense woodland and wet areas are found at the valley plain where human disturbance is not observed. The Site near Tai Po Mei is in rural character covered by dense woodland alongside of the valley where agricultural lands, abandoned ponds and temporary structures are found. The woodlands in the Area are of significant landscape value complementing the overall naturalness and the landscape beauty of the surrounding Special Area.

Transportation

- 3.3.6 At present, the Area is not served by any public roads. The site near Ngau Wu Tok could be reached by the Tai Po Kau Forest Track which is a restricted vehicular access connecting to Tsung Tsai Yuen along Tai Po Road mainly for management of the TPKNR. Vehicle permit issued by the Agriculture, Fisheries and Conservation Department (AFCD) is required for driving vehicles into the TPKNR. The site near Tai Po Mei could only be reached by a steep footpath branching off Tai Po Road (from a level of about 95mPD to about 220mPD with sections of steep gradient).

Water Gathering Ground and Sewerage

- 3.3.7 The site near Ngau Wu Tok is located within the upper indirect WGG. To prevent contamination of waters which are designated for abstraction for potable water supply, any proposed development that may result in any material increase in pollution effect will not be acceptable. For any new development within the upper indirect WGG, impact assessment should be conducted and submitted to the Water Authority to demonstrate that the new development will not result in loss of yield and material increase in pollution risks to the WGG.
- 3.3.8 There is no existing nor planned public sewer for the Area. Future proponent of development within the Area shall provide their own on-site wastewater treatment facility to comply with the Water Pollution Control Ordinance to safeguard the receiving waters. In general, the use of septic tank and soakaway

systems for treating wastewater is not acceptable inside the WGG. Other kind of sewage treatment facilities shall be provided by future developments to ensure that the effluent water quality is acceptable to concerned Government departments.

Other Infrastructure and Utility Services

- 3.3.9 The Area has no telecommunication facilities. There are also no existing nor planned potable water supply, sewerage and drainage systems, but the site near Tai Po Mei is provided with electricity.

Geotechnical Constraint

- 3.3.10 The Area is overlooked by steep natural terrain with past landslide records. For future developments within the Area, natural terrain hazard studies may be required to assess the scale of hazards and suitable hazard mitigation measures, if found necessary, should be provided as part of the developments.

3.4 Development Opportunities (Figures 7a and 8)

Conservation and Natural Landscape

- 3.4.1 Completely surrounded by the TPKNR, the Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area. The Area is largely natural in character comprising mainly woodlands and natural streams, with a number of temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands near Tai Po Mei. It is situated in an unsettled valley with generally steep

hillsides, strong sense of enclosure, remoteness, tranquil and coherent natural qualities. The woodlands in the Area are of significant landscape value in complementing the overall naturalness and the landscape beauty of the surrounding Special Area. It is worthy of conservation.

Recreation and Agricultural Potential

3.4.2 The Area forms part of the wider natural environment of the Special Area which is primarily for conserving the native flora and fauna in the TPKNR. Visitor activities are mainly confined to hiking and sight-seeing along the Tai Po Kau Forest Walks and the Tai Po Kau Nature Trail. Within the TPKNR, there are picnic sites, pavilions, public toilets and a country park management centre provided by AFCD.

3.4.3 In the site near Tai Po Mei, some temporary structures/squatters and few parcels of active agricultural land can be found.

3.5 Development Pressure

There is no recognized village and ‘VE’ in the Area. The Area does not involve in any complaints on unauthorized development nor active enforcement case under the Town Planning Ordinance.

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

3.6.1 As at August 2016, since the gazettal of the draft DPA Plan on 21.3.2014, no planning application in the Area has been received by the Board.

Submission from Kadoorie Farm and Botanic Garden Corporation and an Individual

3.6.2 In the course of preparing the OZP, some views/proposals were received from Kadoorie Farm and Botanic Garden Corporation and an individual in March 2016. They consider that the whole Area should be protected by “CA” zone. The individual also considers that ‘Agricultural Use’ should be put under Column 2 in the Notes requiring planning permission from the Board, ‘plant nursery’ as a permitted use should be excluded from the covering Notes, and Government land in the Area should be incorporated into the TPKNR or Country Park.

4 PLANNING PROPOSALS

4.1 The Outline Zoning Plan

The draft Tai Po Kau OZP (the Plan) prepared under section 3(1) of the Ordinance is to provide a statutory basis for planning control over the Area. It will supersede the approved Tai Po Kau DPA Plan No. DPA/NE-TPK/2, which was exhibited for public inspection under section 9(5) of the Ordinance on 20.3.2015. Uses and development that are always permitted and those for which the Board’s permission must be sought in various zones are set out in a schedule of Notes attached to the Plan. Also accompanying the Plan is an Explanatory Statement to assist an understanding of the Plan and to reflect the planning intentions and objectives of the Board for the land-use zoning.

4.2 Planning Objectives

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

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

4.3 Planning Principles

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

- (a) The Area, which comprises two small Country Park enclaves, namely a site near Ngau Wu Tok and a site near Tai Po Mei, is encircled by the TPKNR nestled between Sha Tin and Tai Po. Completely surrounded by the TPKNR, the Area is largely natural in character comprising mainly woodlands and natural streams, and with a number of temporary structures/squatters and parcels of active agricultural land scattering amidst the woodland near Tai Po Mei. It has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area, and should be preserved and protected.
- (b) There are no ‘recognized village and ‘VE’ within the Area. Some of the existing temporary structures/squatters are covered by Government Land Licenses restricted to

cultivation and temporary structures only. Land for development will not be designated in the Area so as to preserve the natural environment of the Area.

4.4 Land Use Proposals (*Figure 10*)

4.4.1 In the designation of the land use zone in the Area, consideration has been given to the natural environment, physical landform, existing land use pattern and availability of infrastructure. The following land use zone is proposed to be designated on the Plan.

4.4.2 Conservation Area (“CA”)

- (a) This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- (b) The Area zoned “CA” forms an integral part of the wider natural environment of the Special Area. The woodlands are mature and ecologically linked with the surrounding TPKNR. Protected plant species including *Cibotium barometz* (金毛狗), *Pavetta hongkongensis* (香港大沙葉), *Aquilaria sinensis*

(土沉香) and *Ailanthus fordii* (常綠臭椿) could be found in the woodlands. There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded. Several natural streams flow through the major portion of the site near Tai Po Mei with no sign of pollution.

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

5 IMPLEMENTATION

Infrastructural Provisions

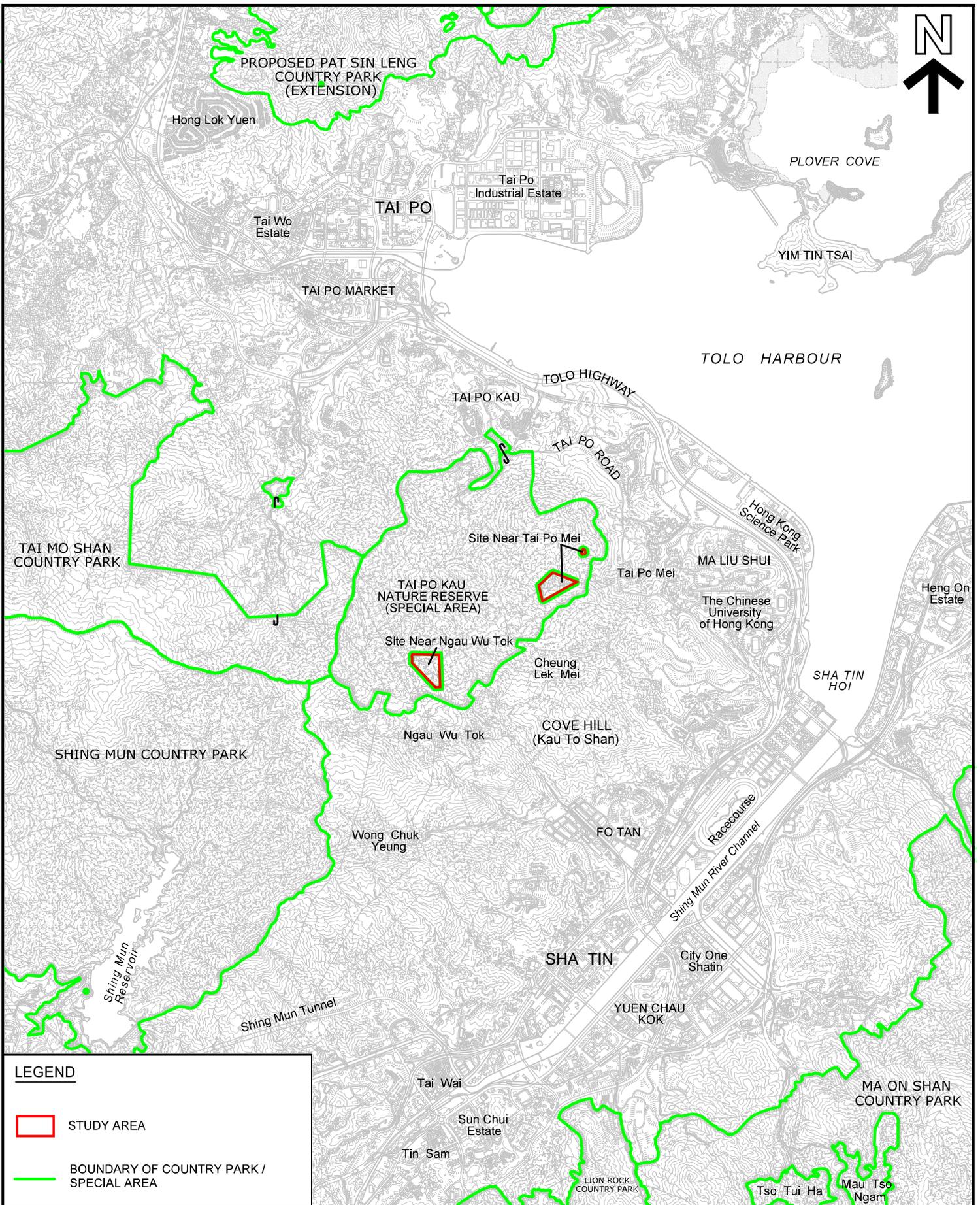
- 5.1 The Area has no telecommunication facilities. There are also no existing nor planned potable water supply, sewerage and drainage systems, but the site near Tai Po Mei is provided with electricity.

Statutory Development Control

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

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

**PLANNING DEPARTMENT
SEPTEMBER 2016**



LEGEND

- STUDY AREA
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA

LOCATION PLAN

TAI PO KAU

PLAN PREPARED ON 12.8.2016
 BASED ON MAP SERIES HM20C
 SHEETS 3 & 7

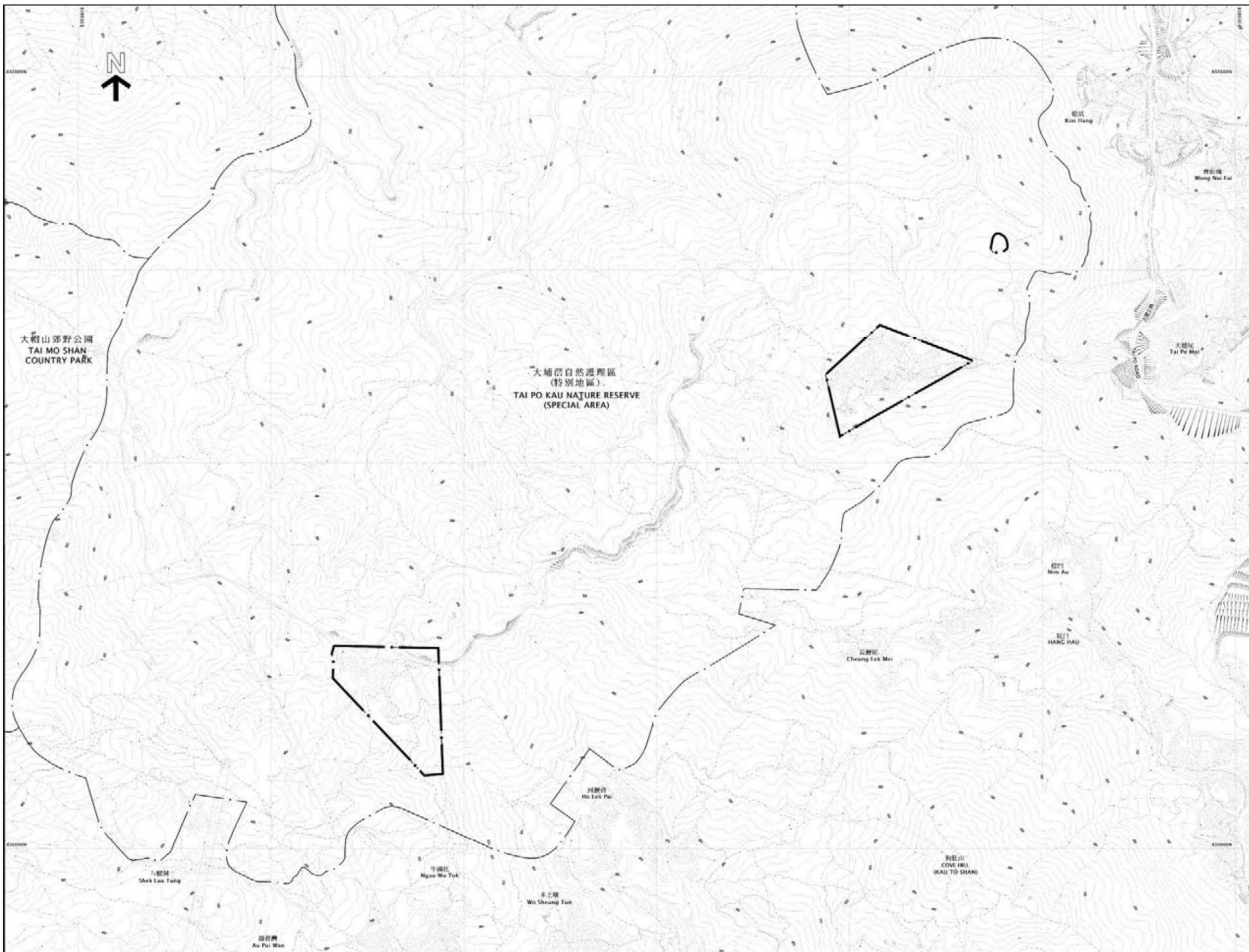


PLANNING DEPARTMENT



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

FIGURE
 1



圖例
NOTATION

MISCELLANEOUS		其他
BOUNDARY OF DEVELOPMENT PERMISSION AREA	— · — · —	發展審批地區界線
BOUNDARY OF COUNTRY PARK / SPECIAL AREA	— · — · —	郊野公園 / 特別地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
UNSPECIFIED USE	11.75	100.00	未指定用途
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	11.75	100.00	發展審批地區總面積

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

EXTRACT PLAN PREPARED ON 12.8.2016
BASED ON DEVELOPMENT PERMISSION AREA
PLAN No. DPA/NE-TPK/2 APPROVED ON 24.2.2015

TAI PO KAU
DEVELOPMENT PERMISSION AREA PLAN

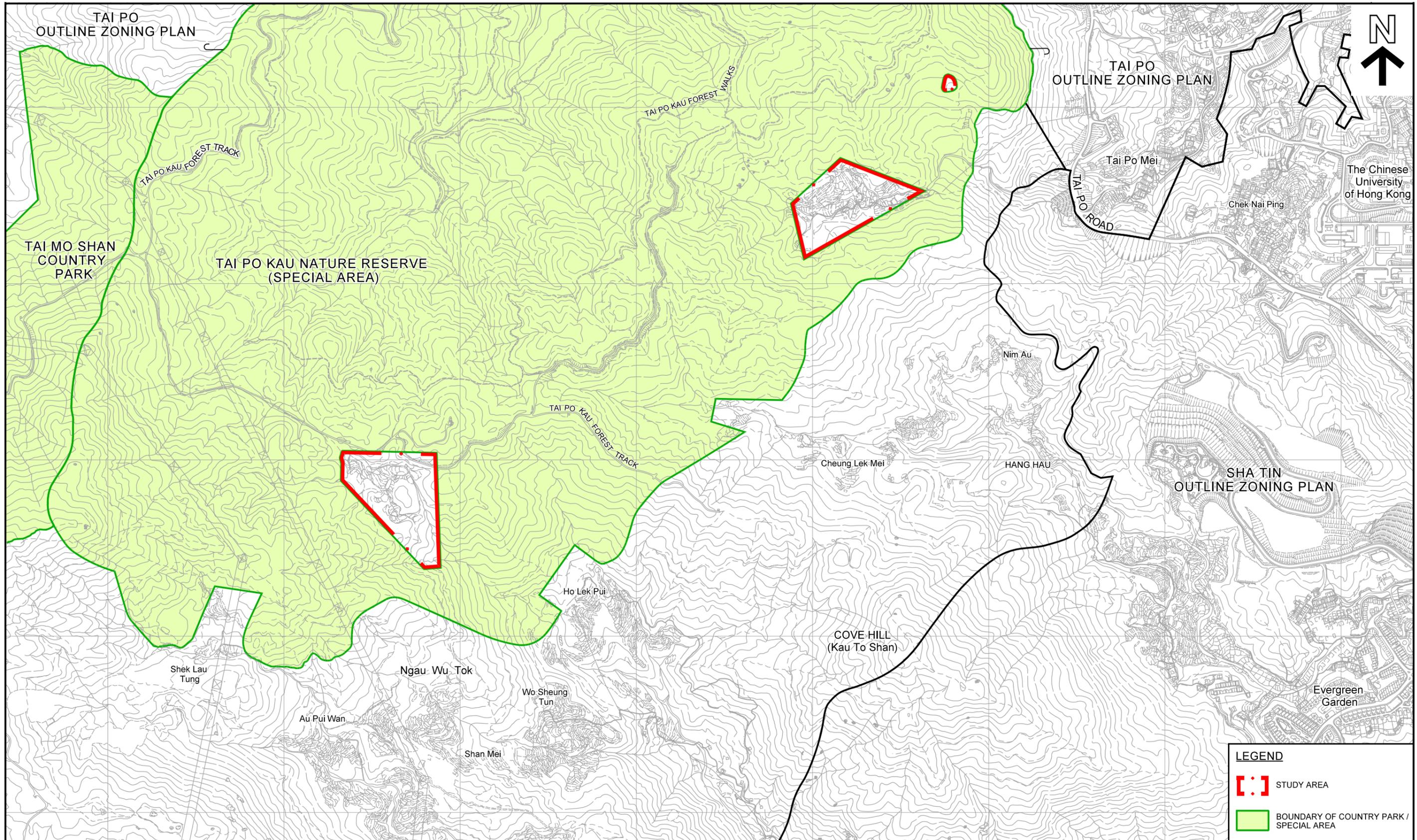


PLANNING DEPARTMENT



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

FIGURE
2



LEGEND

-  STUDY AREA
-  BOUNDARY OF COUNTRY PARK / SPECIAL AREA

PLAN PREPARED ON 12.8.2016
 BASED ON SURVEY SHEETS No.
 7-SW-4A/B, 5A/B, 7-SE-1A/B, 2A, 7-NW-19C/D,
 20B/C/D, 24A/B/C/D, 25A/B/C/D, 7-NE-16C/D,
 17C, 21A/B/C/D AND 22A/C

STUDY AREA

TAI PO KAU

SCALE 1 : 10 000

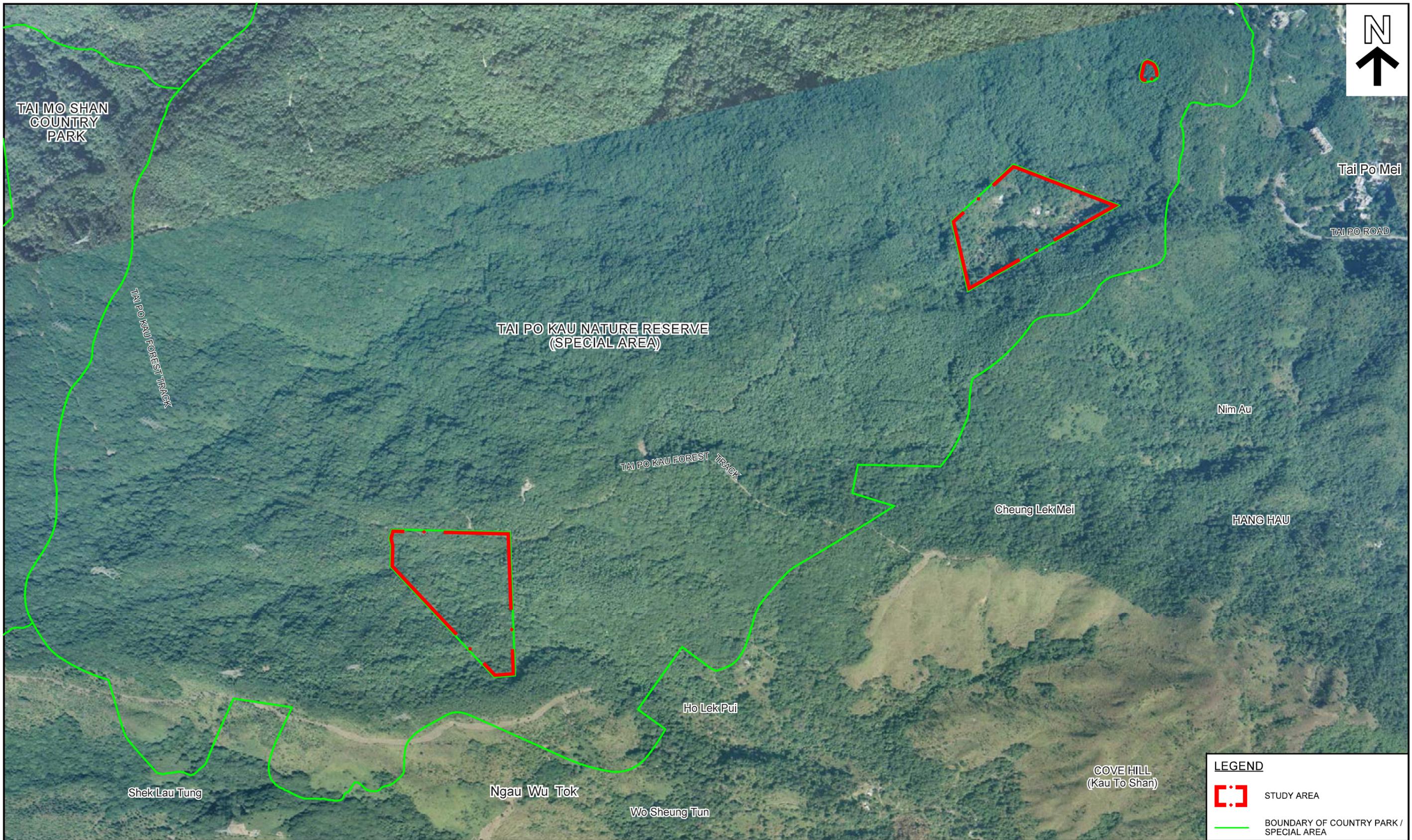
METRES 200 0 200 400 METRES

PLANNING DEPARTMENT



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

FIGURE
3



PLAN PREPARED ON 12.8.2016 BASED ON
AERIAL PHOTOS No. CW111602 & CW111752
TAKEN ON 14.1.2015 BY LANDS DEPARTMENT

AERIAL PHOTOS

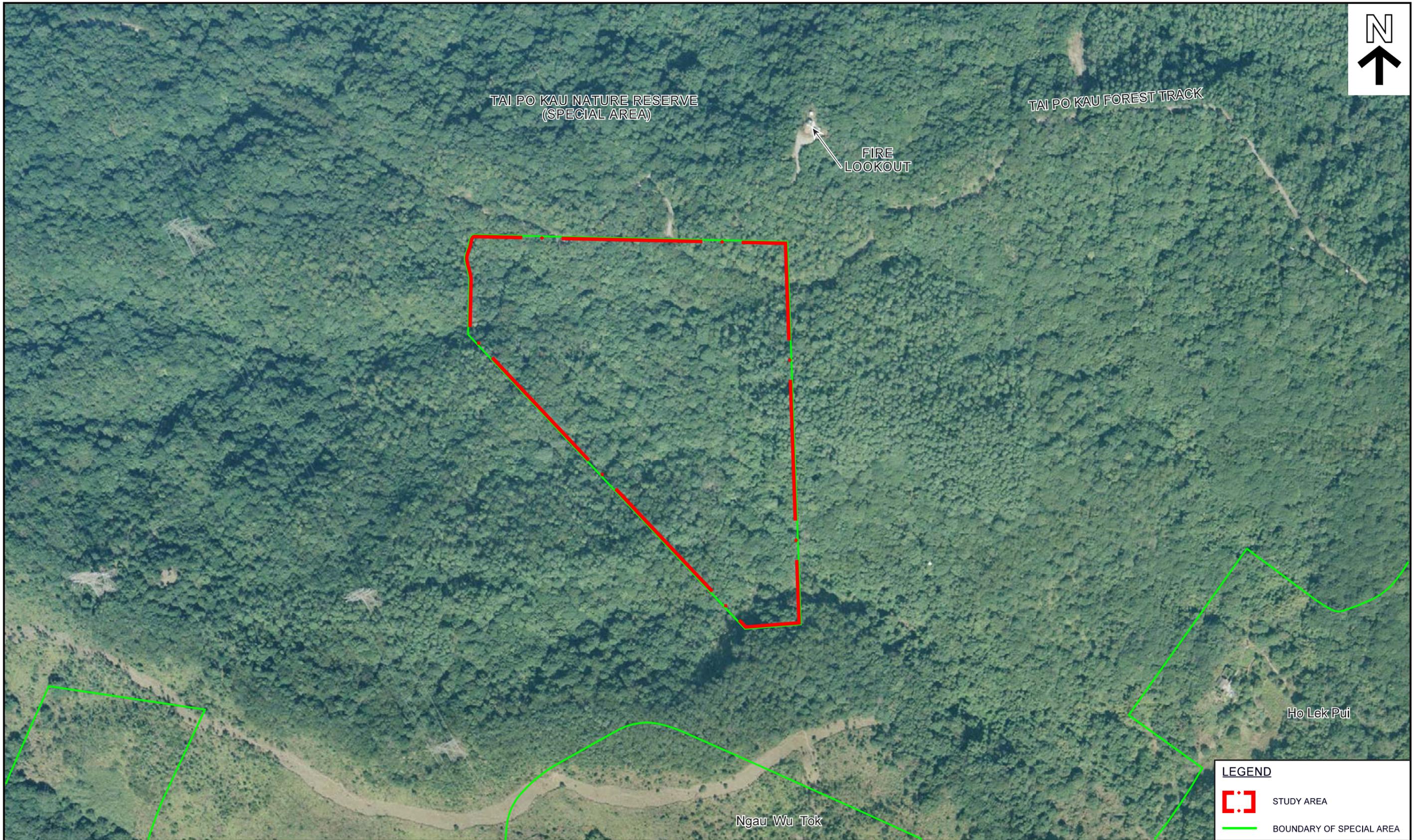
TAI PO KAU

PLANNING DEPARTMENT



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

FIGURE
4a



TAI PO KAU NATURE RESERVE
(SPECIAL AREA)

TAI PO KAU FOREST TRACK

FIRE
LOOKOUT

Ngau Wu Tok

Ho Lek Pui

LEGEND



STUDY AREA



BOUNDARY OF SPECIAL AREA



AERIAL PHOTO

SITE NEAR NGAU WU TOK

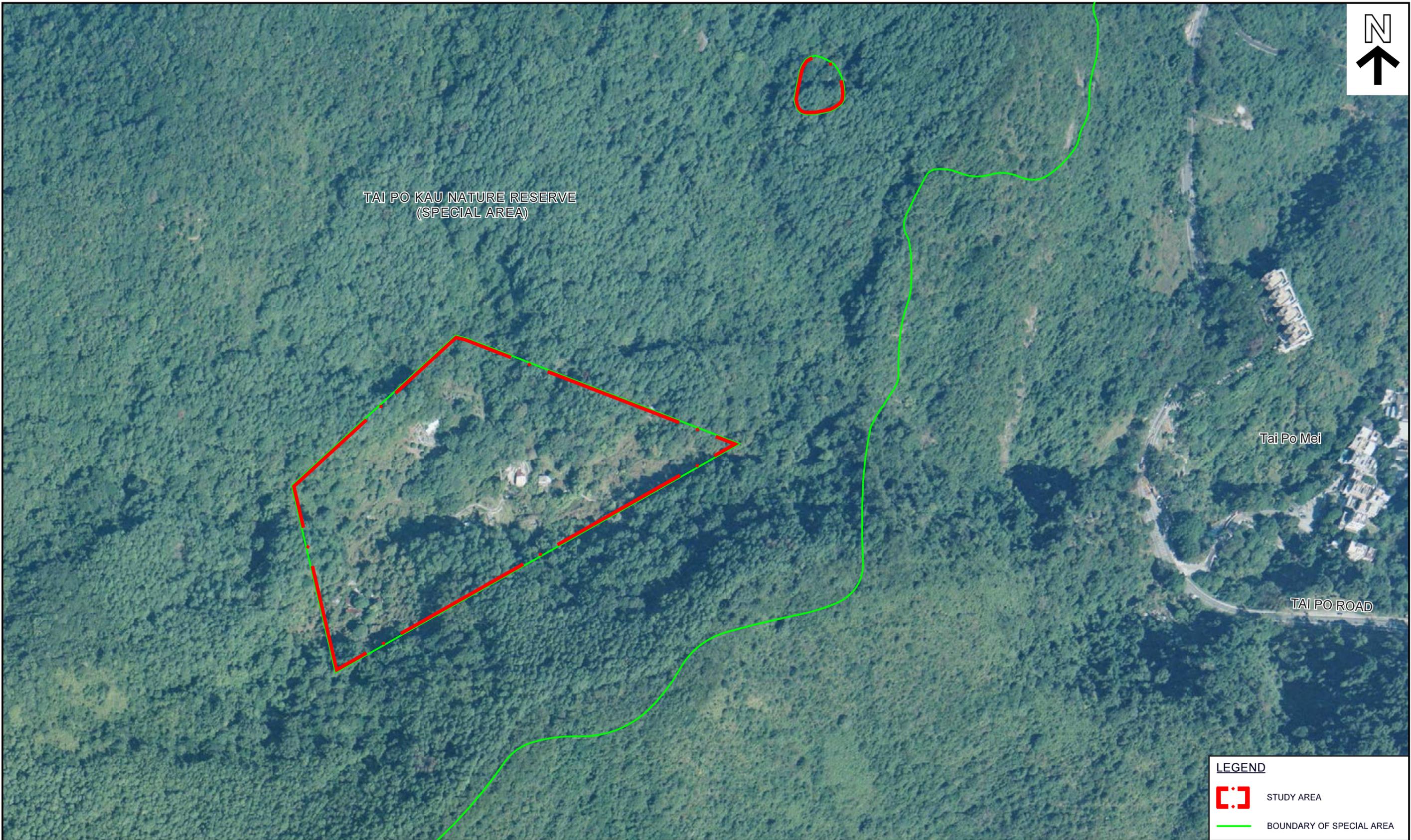
PLANNING DEPARTMENT



PLAN PREPARED ON 12.8.2016 BASED ON
AERIAL PHOTO No. CW111752
TAKEN ON 14.1.2015 BY LANDS DEPARTMENT

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

FIGURE
4b



PLAN PREPARED ON 12.8.2016 BASED ON
 AERIAL PHOTO No. CW111752
 TAKEN ON 14.1.2015 BY LANDS DEPARTMENT

AERIAL PHOTO

SITE NEAR TAI PO MEI

PLANNING DEPARTMENT 

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

FIGURE
 4c



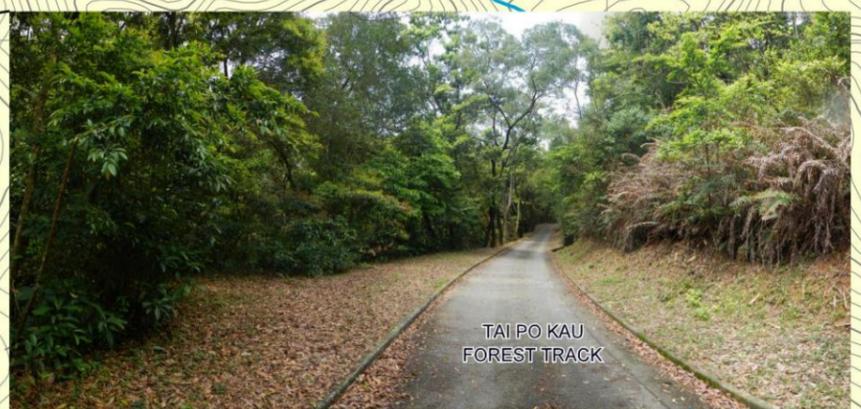
TAI PO KAU NATURE RESERVE
(SPECIAL AREA)

FIRE
LOOKOUT

TAI PO KAU FOREST TRACK



NATURAL STREAM



TAI PO KAU
FOREST TRACK



TAI PO KAU
FOREST TRACK



WOODLAND IN NGAU WU TOK

LEGEND

-  STUDY AREA
 -  BOUNDARY OF SPECIAL AREA
 -  LOWLAND FOREST/
MIXED SHRUBLAND
 -  GRASSLAND /
SHRUBBY GRASSLAND
 -  EXISTING STREAM
- Existing Physical Features for Indicative Purpose only

EXISTING PHYSICAL FEATURES AND LAND USES

SITE NEAR NGAU WU TOK



PLAN PREPARED ON 12.8.2016 BASED ON
SURVEY SHEETS No. 7-NW-24B, 24D, 25A, 25B, 25C AND 25D

PLANNING DEPARTMENT



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

FIGURE
5a



PATCHES OF GRASSLANDS WITH TREE CLUSTERS



WOODLAND IN TAI PO MEI



NATURAL STREAM



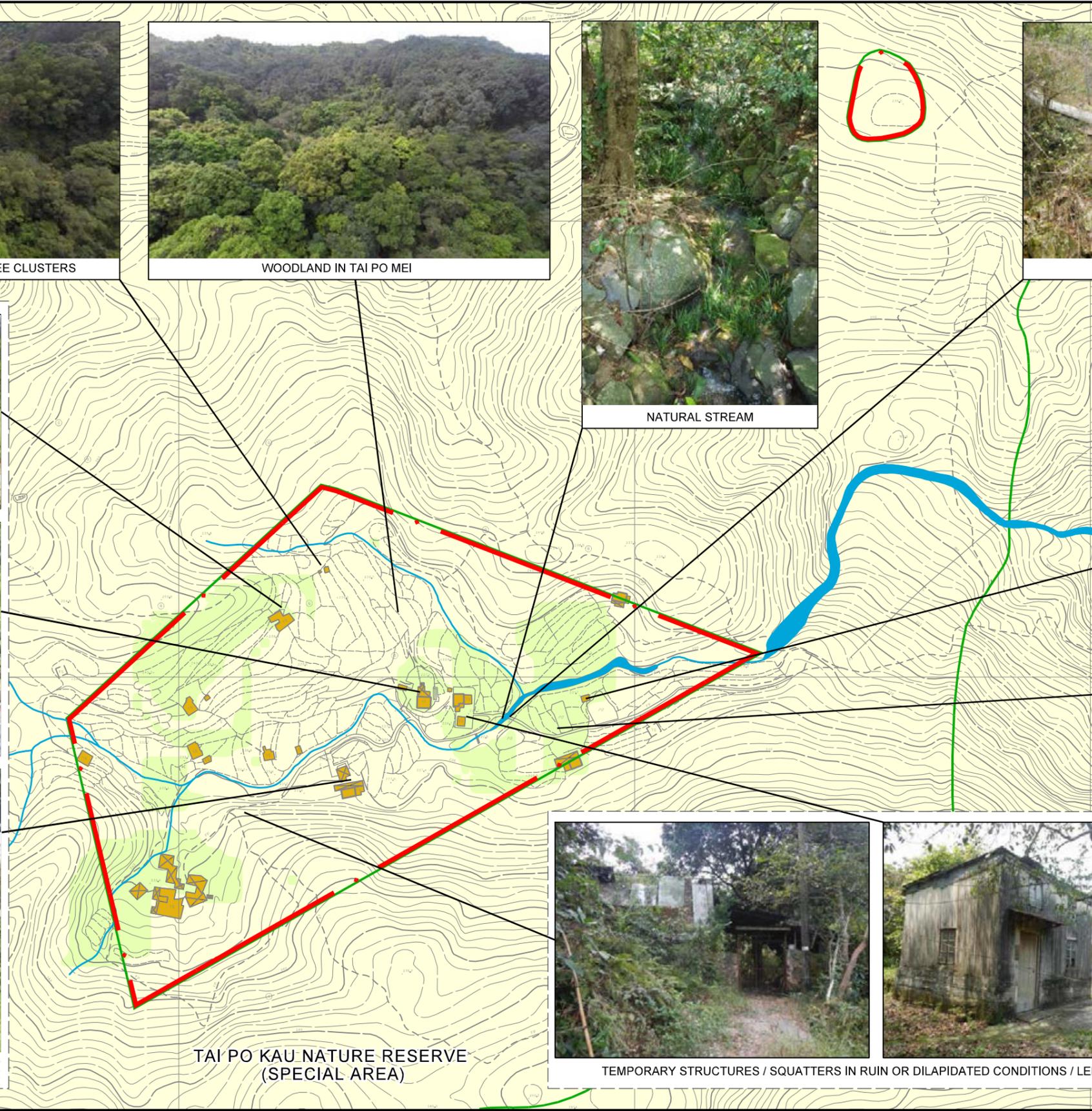
FOOTPATH LEADING FROM TAI PO ROAD



ACTIVE FARMLAND ADJACENT TO SQUATTERS



TEMPORARY STRUCTURES / SQUATTERS IN RUIN OR DILAPIDATED CONDITIONS / LEFT VACANT



TAI PO KAU NATURE RESERVE (SPECIAL AREA)

LEGEND

-  STUDY AREA
 -  BOUNDARY OF SPECIAL AREA
 -  SQUATTER / TEMPORARY STRUCTURES
 -  LOWLAND FOREST / MIXED SHRUBLAND
 -  GRASSLAND / SHRUBBY GRASSLAND
 -  EXISTING STREAM
- Existing Physical Features for Indicative Purpose only

EXISTING PHYSICAL FEATURES AND LAND USES

SITE NEAR TAI PO MEI

PLAN PREPARED ON 12.8.2016 BASED ON SURVEY SHEETS No. 7-NE-16C, 21A, 7-NW-20D AND 25B

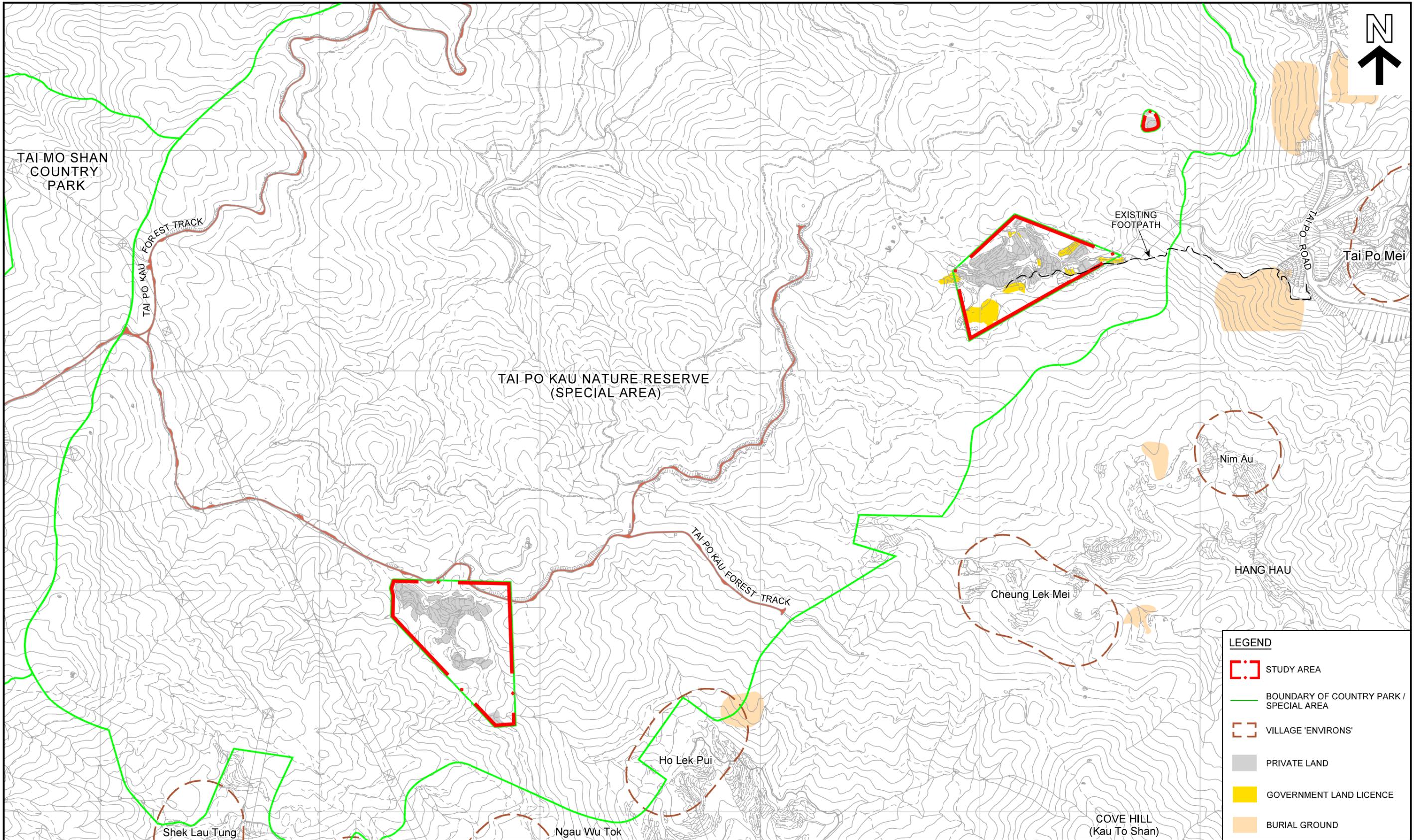


PLANNING DEPARTMENT



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

FIGURE
5b



PLAN PREPARED ON 12.8.2016
 BASED ON SURVEY SHEETS No.
 7-SW-4B, 5A/B, 7-SE-1A/B, 7-NW-19B/D,
 20A/B/C/D, 24B/D, 25A/B/C/D,
 7-NE-16A/B/C/D AND 21A/B/C/D

LAND OWNERSHIP

TAI PO KAU



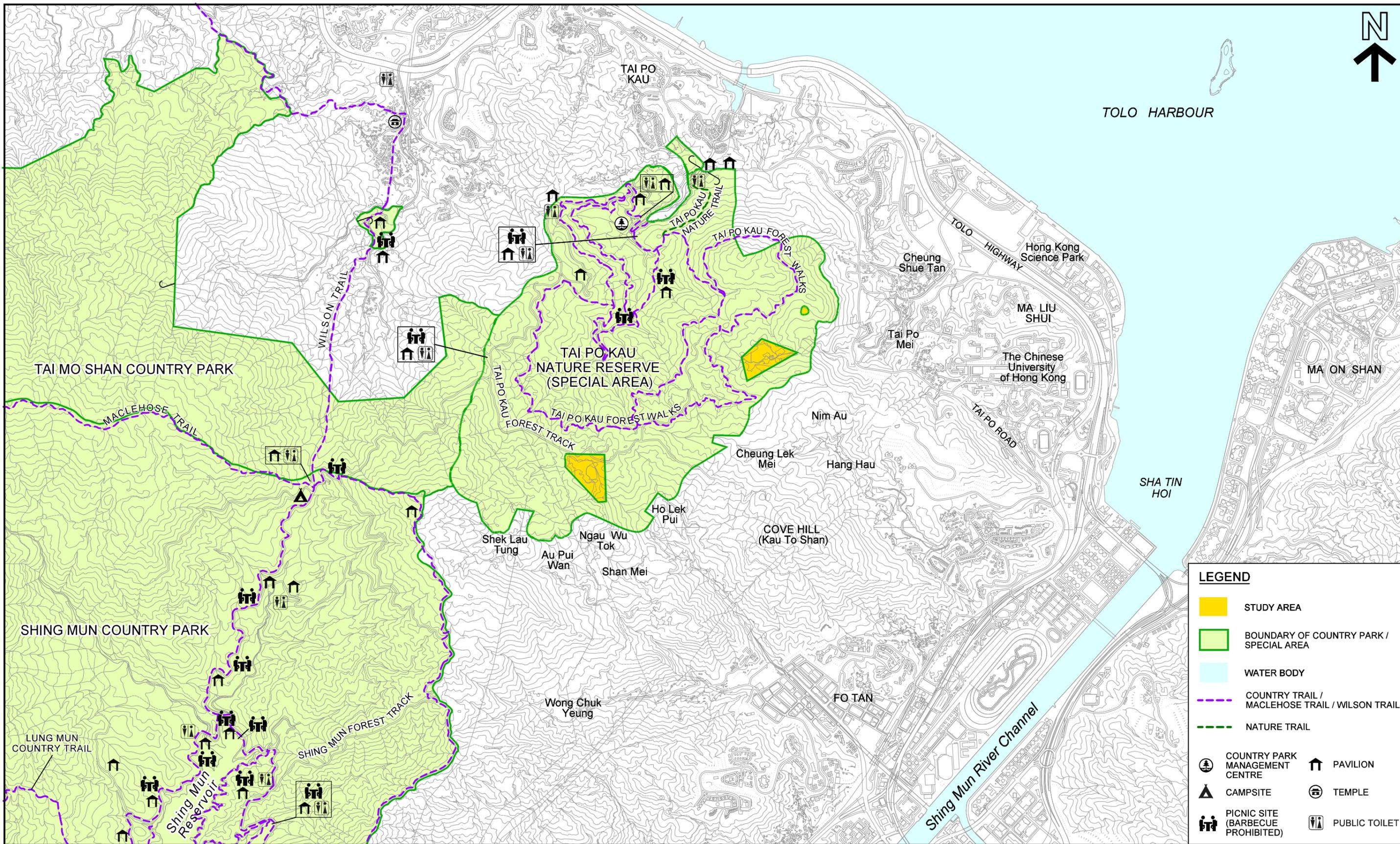
SCALE 1 : 8 000

PLANNING DEPARTMENT



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

FIGURE
6

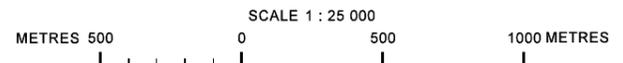


TOLO HARBOUR

LEGEND	
	STUDY AREA
	BOUNDARY OF COUNTRY PARK / SPECIAL AREA
	WATER BODY
	COUNTRY TRAIL / MACLEHOSE TRAIL / WILSON TRAIL
	NATURE TRAIL
	COUNTRY PARK MANAGEMENT CENTRE
	PAVILION
	CAMPSITE
	TEMPLE
	PICNIC SITE (BARBECUE PROHIBITED)
	PUBLIC TOILET

EXISTING GIC, INFRASTRUCTURAL, RECREATION AND TOURISM-RELATED FACILITIES

TAI PO KAU

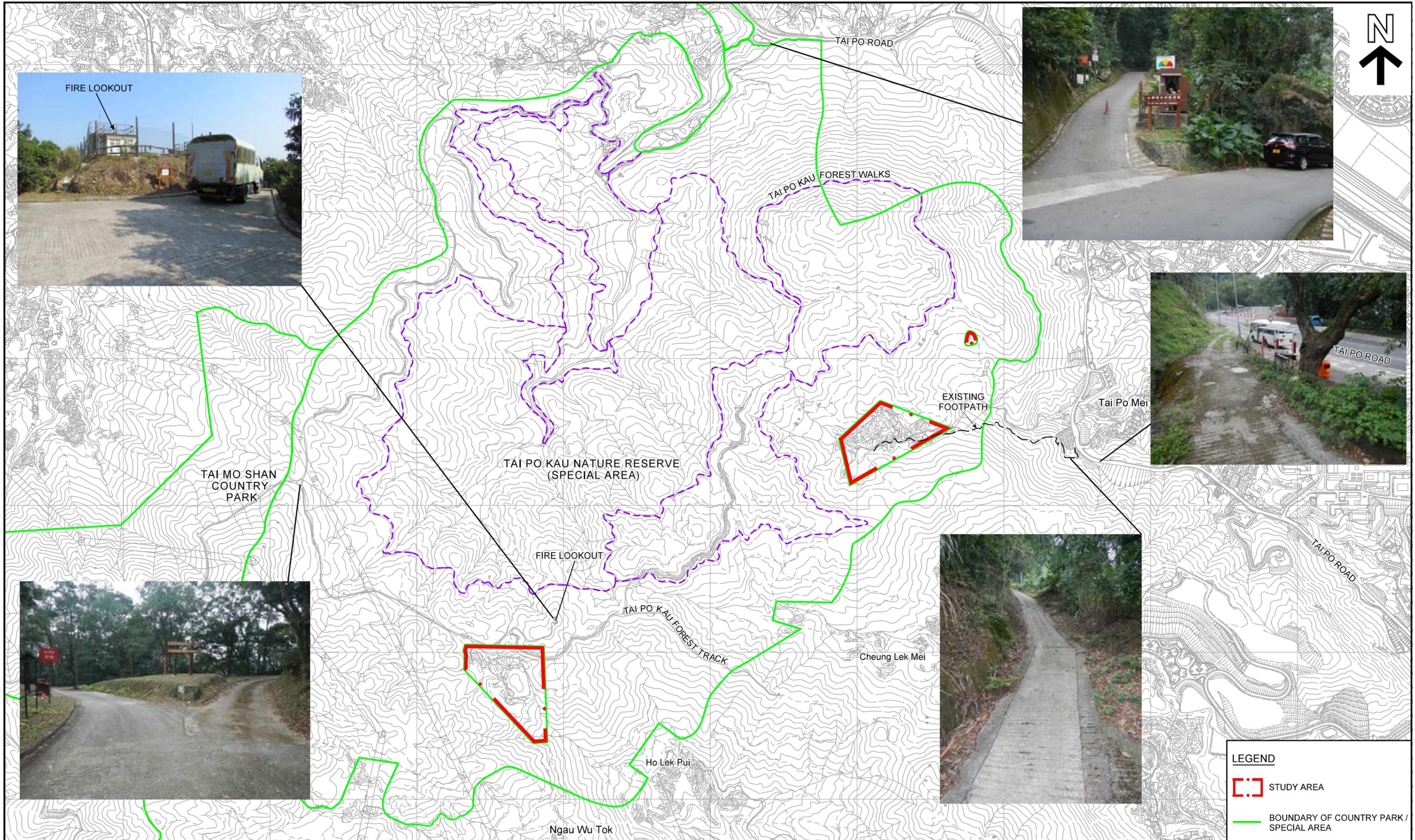


PLAN PREPARED ON 12.8.2016
BASED ON SHEETS No. 4-SE/SW AND 8-NE/NW

PLANNING DEPARTMENT

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

FIGURE
7a



ACCESS ROAD TO THE AREA

TAI PO KAU



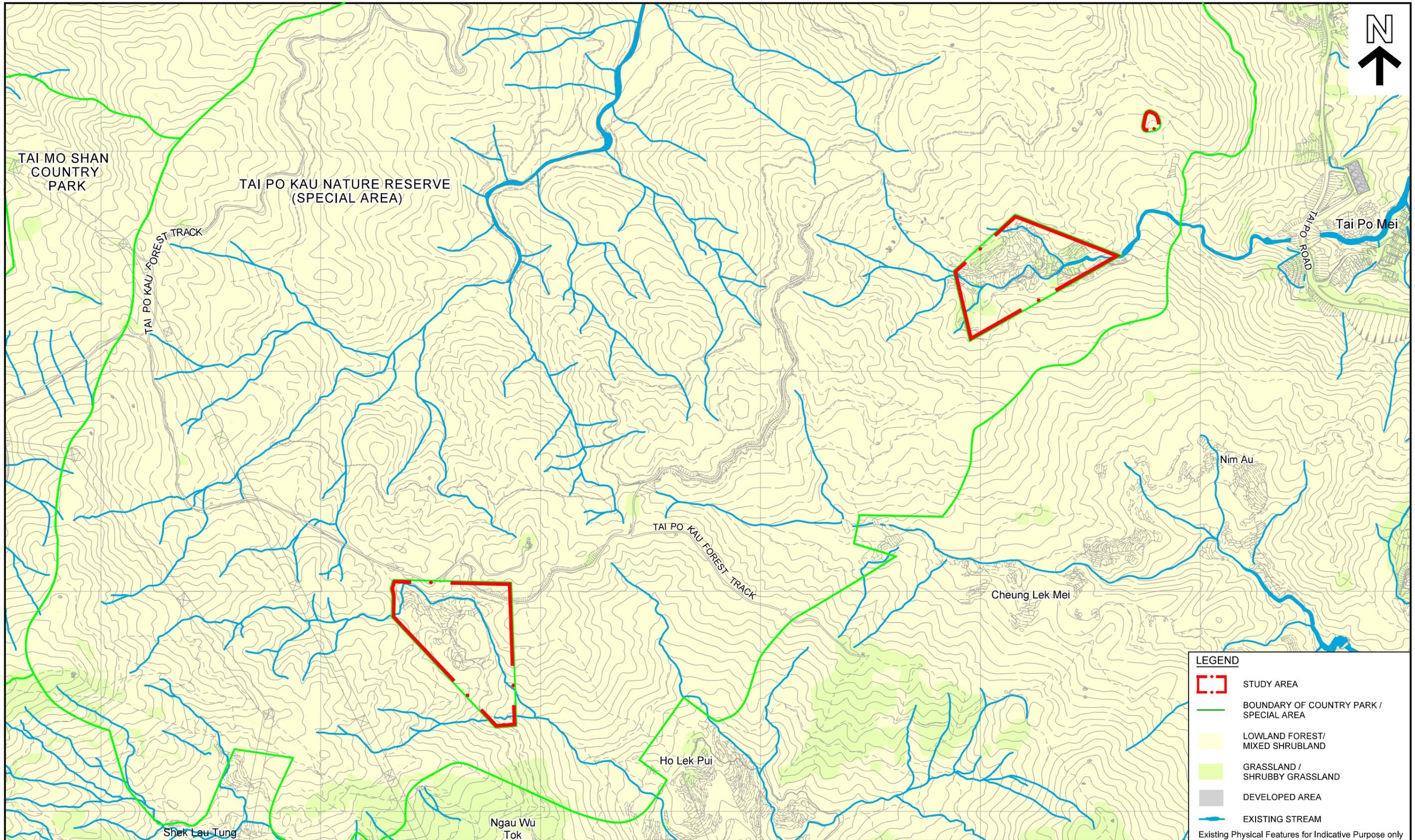
PLAN PREPARED ON 12.8.2016
 BASED ON SURVEY SHEETS No.
 7-SW-4A/B, 5A/B, 7-SE-1A/B, 2A, 7-NW-14C/D,
 15C/D, 19C/D, 20A/B/C/D, 24A/B/C/D, 25A/B/C/D,
 7-NE-11C/D, 12C, 16A/B/C/D, 17A/C, 21A/B/C/D
 AND 22A/C

PLANNING DEPARTMENT



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

FIGURE
 7b



LEGEND

- STUDY AREA
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA
- LOWLAND FOREST / MIXED SHRUBLAND
- GRASSLAND / SHRUBBY GRASSLAND
- DEVELOPED AREA
- EXISTING STREAM

Existing Physical Features for Indicative Purpose only

ECOLOGICAL RESOURCES

TAI PO KAU



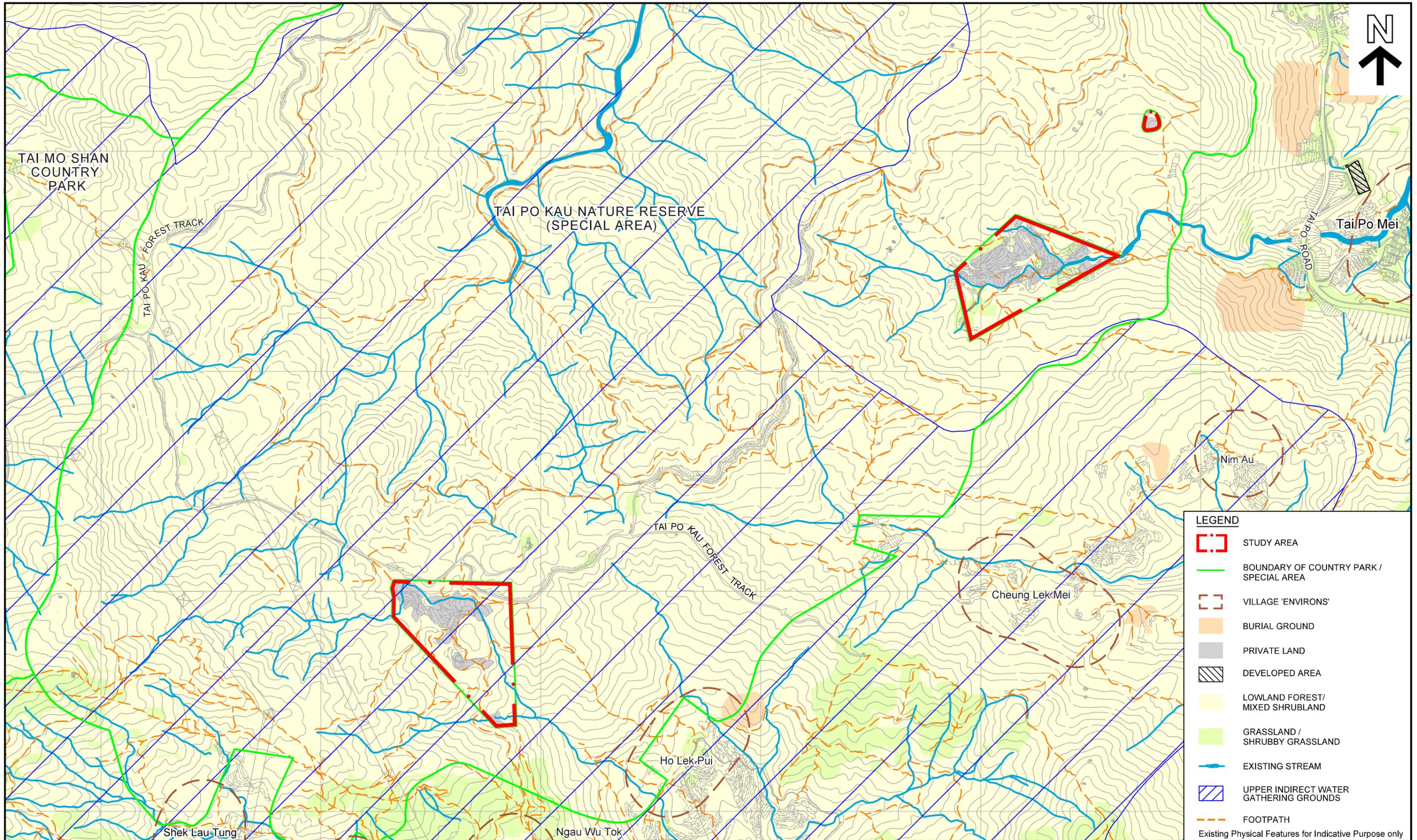
PLAN PREPARED ON 12.8.2016
 BASED ON SURVEY SHEETS No.
 7-SW-4B, 5A/B, 7-SE-1A/B, 7-NW-19B/D,
 20A/B/C/D, 24B/D, 25A/B/C/D,
 7-NE-16A/B/C/D AND 21A/B/C/D

PLANNING DEPARTMENT



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

FIGURE
 8



DEVELOPMENT CONSTRAINTS

TAI PO KAU



PLAN PREPARED ON 12.8.2016
 BASED ON SURVEY SHEETS No.
 7-SW-4B, 5A/B, 7-SE-1A/B, 7-NW-19B/D,
 20A/B/C/D, 24B/D, 25A/B/C/D,
 7-NE-16A/B/C/D AND 21A/B/C/D

PLANNING DEPARTMENT



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

FIGURE
 9

Proposal by Kadoorie Farm and Botanic Garden Corporation on 24.3.2016

KFBG's preliminary comments regarding the land use zonings for Ping Chau, Tai Po Kau and Cheung Sheung, and also the preliminary OZP of Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung
24/03/2016 15:25

From: Tony Nip <@kfbg.org>
To: @pland.gov.hk, @pland.gov.hk,
Cc:

Dear David and Channy,

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

Ping Chau:

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

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

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

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

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

Tai Po Kau:

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

The TPKNR is a popular place for nature lovers and hikers, as it is widely recognised as one of Hong Kong's best developed woodlands which supports a rich diversity of wild flora and fauna. According to the AFCD website¹, TPKNR has over 100 species of trees, and from the Hong Kong Live Eco-map, AFCD has recorded 98 species of birds, 112 species of butterflies, 51 species of dragonflies, 17 species of freshwater fish and 36 species of herpetofauna in the area. We have also had discussions with various leading experts of the local flora and faunal groups, and they have recorded over 200 species of birds (Hong Kong Bird Watching Society, pers. comm.), over 300 species of plants including about 142 species of trees (Dr. Jin-long Zhang from KFBG, pers. comm.) and over 600 species of moths (Dr. Roger Kendrick, pers. comm.) within the TPKNR. We consider that the nature reserve is simply one of the best ecological hot spots of Hong Kong which must be thoroughly protected.

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

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

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

~~Cheung Sheung:~~

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

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

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

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

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

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

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

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

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

Thank you. Any enquires please contact me.

Best Regards,

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

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Town Planning Board
15th Floor, North Point Government Offices
333 Java Road, North Point
Hong Kong
2016

19th May 2014/17th March

Dear Sir,

**Re: TPB Paper No. 9581. Consideration of the Draft Tai Po Kau
Development Permission Area Plan No.DPA/NE-TPK/B
and Proposals for Draft OZP**

1. **This DPA concerns a Special Area/Country Park Enclave and thus is governed by the Country Park Enclave Policy.** This Policy is totally appropriate for Special Areas hence it is sensible for it to apply by analogy because CP and SA are so close in objective which is better protection for conservation. This Policy has been omitted from the Paper and the Notes and Explanatory Statements and must be expressly mentioned and stated with the key features of the CPE Policy stated.
2. **The Country Park Enclave Policy objective** is to provide **better** protection of the 77 Country Park Enclaves than currently exists. As such, OZPs made to implement this policy must use better and enhanced planning to achieve the policy objective. This means planning as usual for increased Small House development is neither adequate nor acceptable. Backward steps allowing more development at the expense of the countryside in Enclaves is contrary to policy. This policy was necessary because of the many examples of unauthorized destruction to the countryside. Public outcry and concern led to the formulation of the policy beginning in 2010. To implement this policy, it was further articulated, and, principles and criteria were reaffirmed and published in May 2011 and actions are taking place of which these Enclaves are a part. The CPE Policy was articulated further by Government in July 2013. The objective is to better protect against “increasing development pressure and development in the Enclaves which may **not be compatible** with the natural environment of the Country Parks or may **degrade the integrity and landscape quality of the Country Parks as a whole**. After the Sai Wan incident, there has been public expectation on the Government to **better protect the Country Park Enclaves and safeguard them against any development that would undermine public enjoyment of the natural environment...**”
3. **Please amend to state expressly in the Notes and Explanatory Statement that the General Planning Intention is, to implement the Country Park**

Enclave Policy, which is appropriate to Special Areas, to ensure that the public enjoyment of the Country Park system and hence Tai Po Kau Special Area or Nature Reserve is protected against incompatible developments and urgent threats of development so as to fulfill the public expectation that the Government will better protect the Country Park Enclaves.

4. **The Enclaves should be incorporated into the surrounding Special Area in so far as the Enclaves are Government Land (about 73%) but this Country Park or Special Area option has been omitted.** Paragraphs 2.5 and 3.2 of the Paper omit the stop gap measure whereby DPA is a stop gap to Country Park designation or in this case Special Area designation under CPO Section 24.. This is part of the CPE Policy as shown by the precedent Tai Long Sai Wan Enclave which was made DPA as a stopgap measure in 2010 under the new CPE Policy pending Country Park designation by extension of the CP. Under the CPE Policy the Tai Long Sai Wan DPA became an extension of the surrounding Country Park.
5. The logical and appropriate GPI which follows the CPE Policy is for permanent protection of these Enclaves so that they become **formally Protected Areas under the Convention on Biodiversity**. This obligation requires the Government Land be incorporated into the Country Park/Special Area. This is essential to safeguard TPKNR as a biodiversity hotspot for Hong Kong and the Region.
6. **No Village etc.** The GPI , the Notes and the Explanatory Memorandum should incorporate the comments in the Paper 4.2.2. that the sites are either uninhabited or in ruins and that there is NO Recognized Village. These should state expressly that there is to be no housing, no NTEH or other development in these Enclaves.
7. **No road access etc.** The GPI, Notes and ES should incorporate the Paper's points on Transport and Accessibility, at paragraph 4.5 and it should be made clear that no further roads will be permitted and the existing Forest Track is only for Special Area/Country Park management purposes, conservation related purposes and associated emergency purposes. It is NOT to be used or licensed for development access purposes.
8. The Paper, on Unspecified Use, paragraph 5.2. **Agricultural Use should be put into Column 2** so as to better control and protect these Enclaves against trashing for development. There are many notorious cases of unauthorized site preparation, site formation and drainage works which are carried out by new developer owners with the pretended temporary or 'fake farming' and the usual excuse for no action by Government departments is that it is hard for Plan D to prove that the new use is site preparation instead of new farming use. **Nursery should be excluded** in any event because it is well known that temporary 'nurseries', made with extensive site preparation and site formation land excavation and drainage works, are intended to make sites ultimately suitable for housing development.

9. **The Explanatory Statement is deficient hence amendments are required.**
10. Object of Plan under Paragraph 3.3 is **wrong in principle in stating the object is to study infrastructure and development options.** In keeping with the CPE Policy and the higher conservation objectives in a Special Area it should state that the object is to develop and protect the Enclaves under the CPE Policy into Special Area extensions and to protect them until this objective is achieved.
11. The Existing situation under Paragraph 5.1 fails to adequately describe the regional importance for conservation of TPKNR and so that all Enclaves need to be protected. As noted above this should state that **the restricted track is only for management and conservation of Tai Po Kau Nature Reserve and emergency purposes,** not for access for development or infrastructure. Actually the track is a major area for recreation, being much used by walkers, joggers, birders and wild life enthusiasts and photographers.
12. The Site near Ngau Wu Tok, paragraph 5.2, omits to refer to wet abandoned agricultural areas which are part of the hydrological system which is sensitive and supports significant biodiversity. In so far as such wet abandoned fields are private land they need to be protected with CA.
13. The Site near Tai Po Mei paragraph 5.3, the same applies. A major natural stream course flows through the area down to Tai Po Mei via magnificent waterfalls visible from the Taipo Road and this must not be polluted.
14. Need for Planning Guidance and Control, Paragraph 6, needs to be explicit on stating the Country Parks Enclave Policy will be applied here.
15. **General Planning Intention, Paragraph 7.2, should incorporate the Country Park Enclave Policy. See the wording for insertion into the ES and the Notes below.**
16. Paragraph 7.4, Land Use Zonings and Intended Uses, should state that the **intended use is conservation, protection of the natural and landscape character and for public enjoyment** within the Tai Po Kau Nature Reserve, which is largely the existing use. It is the most appropriate use.
17. Agricultural use is currently under Column 1 and always permitted. Para 7.4.1 (b) should be deleted and there should be **NO permission for diversion of streams, excavation and filling of land** in this area. The Agricultural Use should be moved to Column 2 requiring permission and should state **“Nursery excluded.”**
18. At the very least, **the recommendation should be stated that the Government Lands in these areas be incorporated into the Special Area/Country Park under S.24 of the Country Parks Ordinance.** The

whole Enclaves should be Conservation Areas as a stop gap measure until Special Area extensions are declared for the Government Land in the Enclave.

19. **The Notes require amendment and a better express General Planning Intention.** The Country Park Enclave Policy must be incorporated in summary. The correct wording should follow the Tai Long Wan precedent of 2000 to 2008. The wording required in the Notes is as follows:
- (a) Encircled by TPKNR comprising long established forest and old plantation, the Area is of high scenic and ecological value. It is part of a regionally significant Important Bird Area of Hong Kong. The General Planning Intention of the Area is to protect its high conservation value and landscape value and the integrity of the surrounding Nature Reserve with its overall naturalness and landscape beauty pursuant to the Country Park Enclave Policy.
 - (b) The Area is part of the wider natural system of the TPKNR and countryside. The Area is rural and natural in character. Natural features include forest, well vegetated slopes and countryside, unpolluted streams and stream courses, wet and dry long abandoned terraces or agricultural land, and plants, fish and mammals of conservation significance. They should be protected from encroachment from development or incompatible uses. There is a general presumption against development except retaining those existing squatter structures which are still inhabited.
 - (c) The Country Park Enclave Policy is to be implemented by planning to better protect the Country Park (and Special Area) Enclaves and safeguard them against any development, including development threats and unauthorized/incompatible activities or uses that would undermine public enjoyment of the natural environment, or which may not be compatible with the natural environment of the country parks or may degrade the integrity and landscape quality of the country parks as a whole. The intention is to maintain the suitability of the Enclave for future designation of Government Land therein as a Special Area extension, following established principles and criteria, which include landscape quality, recreational potential, conservation value, size, land status and management effectiveness of the site. Such action and measures to better protect Special Area/Country Park Enclaves partly implements existing Government Policy to enhance nature conservation by implementing the Convention on Biological Diversity which was extended to Hong Kong by the Central Peoples Government from May 2011.
20. **Delete Plant Nursery from Note 7 (b).**
21. **No V zone must be made for NTEH.**
- (a) Delete Note 7(e) rebuilding NTEH as there are none in existence.
 - (b) **Delete 7(f) replacement of domestic buildings, (which are squatters), with NTEH.**

- (c) There is NO reason nor “pressure” to import the incompatible and damaging impacts of NTEH into the DPA under the guise of replacing squatters. There is NO demand nor NEED by indigenous villagers for any V zones and these are NOT Recognized Villages.
22. **The failure to protect the old Orchard with DPA is a major omission.**
The most significant and urgent threat to the Tai Po Kau Nature Reserve is the dis-used former Orchard to the right of the AFCD Track entering Tai Po Kau Nature Reserve from the Tai Po Road, at a location between the Track and the main Tai Po Kau Stream. However this is NOT mentioned in the Paper. Compared to the other 3 Enclaves, there is even more of “an urgent need to better protect the natural and landscape character of this area so as to avoid disturbance to the natural environment.”
23. **The Orchard faces imminent threats from development applications.** This is more urgent and more of a threat to the Nature Reserve because it has nearby access, it has been sold, the new owners have cleared it but planted no orchard fruit trees so there is no existing use. The previous “on farm structures” have been used as dwelling places, not structures to support farming. There is an empty site at nearby “Wildridge” where an illegal luxury house was built and demolished. Wildridge is contiguous with the Orchard but separated by the main Tai Po Kau Stream.
24. There is a clear threat that applications will be made for development and housing which will be incompatible with the Tai Po Kau Nature Reserve, and the high degree of public enjoyment of the area and its crucial regional biodiversity “hot spot” status.
25. It is most worrying that Plan D and AFCD have omitted to even mention this Orchard Enclave in this Paper on TPKNR Enclaves. **Are there any discussions or informal proposals or applications in relation to this Enclave? What is the position? What are the reasons for omitting the Orchard?**
26. This is the heart of the Nature Reserve, all people entering the Reserve walk up hill here. This is an area of high public enjoyment of the Nature Reserve, peace and quiet, clean air, high biodiversity, especially birds, and is close to the main stream. Development means pollution will be inevitable. Any development here would be of massive impact and undermine public enjoyment of the Nature Reserve and must be prevented.
27. **Please could you therefore amend and improve this DPA in conformity to the CPE Policy to include conservation and planning protection for the Tai Po Kau Orchard and the areas along the main Tai Po Kau Stream Valley upto the Tai Po Road.** In so far as the land is Government Land it should be designated for incorporation within the Special Area/Country Park. The rest which is Private Land should be zoned CA Conservation Area to better protect the integrity of the surrounding Nature Reserve as a whole. **Alternatively and more simple to achieve is to zone the parts of the Tai Po Kau Stream Valley which is outside the Special Area, including the**

Orchard, as CA which is amply justified by the high ecological values of one of the best mature stream and forest ecosystems existing in Hong Kong. At the very least the Valley must be CA and the Orchard should be AG (Orchard only) so that there is no permission for excavation, dumping, filling or changes in use to damage the natural environment and facilitate future development.

28. Tai Po Kau Nature Reserve is part of Hong Kong's Important Bird Area, an area of international significance for avifauna for which Hong Kong and the Plan D and AFCO have new obligations to better protect. The number of species of birds at TPKNR is not listed despite this being the home of species which are rare and habitat sensitive. There are significant records and records of breeding.
29. Other fauna is very important and TPKNR is the type locality or stronghold or last remaining site for many rare or significant species. The number of butterflies is not listed despite many significant records. The aquatic life is important but not listed, neither are the reptiles.
30. This DPA is supported. But it needs much improvement with amendments and conditions as stated herein to comply with the CPE Policy and the Convention on Biological Diversity to better protect the Enclaves and surrounding Special Area from incompatible developments so that conservation is protected and the public enjoyment of the countryside is preserved.
31. Please could you send me your proposals and amendments with these matters incorporated.

New Submission for drafting OZP.

32. Thank you for your letter of 29th December 2014 giving reasons for the DPA decision and the Minutes of the TPB Meeting of 5th December 2014.
33. I am happy that the DPA has been in place since 2014 but am concerned that it will not be adequate to protect the sites from inappropriate trashing and development in future. I repeat the submissions in my letter of 19th May 2014 as my suggestions for the OZP which is to replace the DPA Plan, hence for convenience they are included above.
34. **The OZP must provide the specific Notes to protect Agricultural Land from the known threats.** No valid reasons were given at the Meeting for failing to protect Agricultural Land against the known threats. No reasons were given for not protecting Agricultural Land against the known threats of trashing, unauthorized excavation, vehicle access making, site formation and drainage works. The evidence of threat and damage and necessity for action and the solutions are summarized as follows.
35. **Trash first and apply later has evolved to become "trash first, and do fake farming"**. For many years there have been cases of trash first and apply to

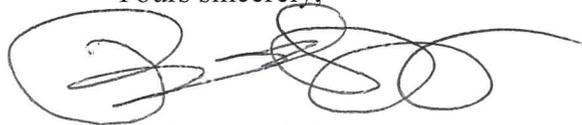
develop later, with a purpose to alter the environment and habitats so much that the conservation value is destroyed thus making future zoning for development easier. This became known as “the trash first apply later” method. It was so notorious that the Planning Department and TPB recognized and criticized the method and adopted a policy of not rewarding such sites with favourable zoning decisions. This was later evaded as follows.

36. To get around this the trashing process became more sophisticated and long term, so that agents or licensees of developers would, after the excavation, adopt **fake farming or temporary farming** whereby bulldozers excavate with the pretence of farming as a temporary strategy but actually excavating so as to do unauthorized creation of vehicle access, site formation and drainage works which will be preparatory to later development applications. When complaints are made, the authorities usually claim they cannot enforce because the perpetrators cannot be found on site or if found, claim they are doing farming. These bulldozer and ‘farming’ cases were initially seen on very big pieces of land acquired by bigger developers for large scale projects. Now the method is common.
37. **For a long time the public, Plan D and Town Planning Board have been well aware of these methods which exploit loopholes caused by imprecise drafting of the Notes in OZP.** There have been numerous submissions to Plan D and TPB warning of this abuse, and many cases are reported. Obvious ongoing examples are Sha Lo Tung and Wong Chuk Yeung and other places where agricultural land is not adequately protected by the OZP.
38. **Closing the loopholes would not impose restrictions on genuine agriculture** nor would they discourage genuine agriculture development in the area. Such provisions include
 - (a) put Agriculture under Column 2 so it is under the control of the Town Planning Board;
 - (b) Planners can thus encourage and ensure the genuineness of the farming activity and attach appropriate conditions to the desired farming method to protect the environment;
 - (c) exclude Plant Nursery from the covering Notes to prevent unauthorized site preparation, formation and drainage works as often such temporary nurseries pave the way for abuse to prepare sites ultimately for housing development.
 - (d) See submissions above.
39. **There is evidence showing strong justification for better control.** There is no reason to allow the loophole of excavation and fake farming to continue. Repeated examples like Sha Lo Tung and Wong Chuk Yeung are the strong justification for the necessary appropriate control and it is now the time to take effective action.
40. **Failure to install the measures will encourage more trashing so as to reduce the ecological value of the area, dry out the valuable wet areas, change the hydrology and lose valuable wildlife habitats.**

41. **Current experience under current OZPs is that usually there is NO effective enforcement**, no bollards are erected to block illegal roads, no fences are put up to protect Government land, no effective investigation takes place, photos provided by the public are not considered as reliable evidence, no effective enforcement action is done, no prosecutions are begun and the perpetrators get away with it. As can be seen in the Sha Lo Tung and Wong Chuk Yeung cases, apart from putting up a few signboards, Government responses are seen by the public to be inadequate and ineffective and too late.
42. **There is no excuse to allow this laxity and create loop holes in this DPA or future OZP. Specific planning Notes to close the loopholes are suggested.** Plan D and TPB must give their officials the means to do their jobs effectively. Failure to do so will be interpreted as persons in higher authority closing their eyes to the problem and connivance. **The solutions are simple and practical and will be more effective than the current situation.**
43. **Previous Papers did not mention the importance of these Enclaves in having upland wet lands.** This mosaic of habitats, being marsh, wet and dry areas, streams and surrounding slopes make the Enclaves especially valuable for supporting wildlife diversity in the surrounding Country Park which is not so well watered. A recent inspection confirms this, see photos of the Enclave above Tai Po Mei which also shows how dramatic and scenic is the landscape. Numerous species of birds were noted including Lesser Shortwing and Pygmy Wren Babblers which favour wet and well forested areas.
44. Only 3 of the squatter structures appear to be used, and only one has a little farming. The rest appear to be abandoned or long disused. **The most appropriate planning and land use for the Enclave is enhanced protection and conservation to fit in with and support the surrounding Country Park.**
45. **Protecting the former Tai Po Kau orchard area.** The Minutes at paragraph 18(h) have a mistake. This refers to protecting the former Tai Po Kau orchard (not orchid). This should be covered by the DPA/OZP Plan and should be protected by zoning it into a Conservation Area. It appears this has been misunderstood.
46. **This area is valuable riparian habitat next to the main stream.** It has trees, shrubs and valuable wet areas and ponds in a scenic position. The structures have not been used or occupied for about a decade, and are left open and in a dilapidated state. It has not been an orchard for much longer. **The area is vulnerable to trashing and fake farming, since access is nearby.**
47. **This is a Core area and valuable asset for of the Tai Po Kau visitor experience** and must be better protected by CA as it is next to the access track used by visitors walking up and next to the stream on the other side. Development here, it would seriously damage visitor enjoyment on one side and pollute the stream on the other side. This is a core area for birding and photography, with for example, sightings of Striated Heron.

48. I look forward to your enhanced protection of these Enclaves including the orchard in the draft OZP.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Ruy Barretto S.C.

[8927.rb]

1) Entry to Enclave from Taijoo Road





2) Stream flowing through Enclave to Taijoo Aei.

3) Nature forest, stream & wet & dry land.



4) Ponds & wet land surrounded by forest.



Planning Assessment on the Development Proposals Received in the Course of Preparation of the Plan

Development Proposals

In the course of preparing the OZP, some views/proposals were received from Kadoorie Farm and Botanic Garden Corporation (**Appendix Va**) and an individual (**Appendix Vb**) in March 2016. They consider that the whole Area should be protected by “Conservation Area” (“CA”) zone. The individual also considers that ‘Agricultural Use’ should be put under Column 2 in the Notes requiring planning permission from the Board, ‘plant nursery’ as a permitted use should be excluded from the covering Notes, and Government land in the Area should be incorporated into the TPKNR or Country Park.

Planning Assessment

Natural Environment

1. The TPKNR, covering a total land area of about 460 ha, was designated as a Special Area in 1977 primarily for conserving the native natural habitats therein, where a long-established forest by plantations with more than 100 different species of trees supporting diverse fauna and flora are found. Completely surrounded by the TPKNR, the Area is largely natural in character comprising mainly woodlands and natural streams, with a number of temporary structures/squatter and parcels of active agricultural land scattering amidst the woodlands near Tai Po Mei. The Area has high ecological and landscape value and forms an integral part of the wider natural environment of the Special Area.
2. The woodlands in the Area are mature and ecologically linked with those of the TPKNR. The woodlands are dominated by native species, such as *Machilus chekiangensis* (浙江潤楠), *Machilus pauhoi* (刨花潤楠), *Schima superb* (木荷), and *Symplocos cochinchinensis* var. *lauria* (黃牛奶樹), etc. with plantation of exotic species, namely *Acacia confusa* (台灣相思) and *Lophostemon confertus* (紅膠木). Protected plant species including Lamb of Tartary (*Cibotium barometz* (金毛狗)), Hong Kong Pavetta (*Pavetta hongkongensis* (香港大沙葉)), *Aquilaria sinensis* (土沈香) and *Ailanthus fordii* (常綠臭椿) could also be found.
3. There is a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species, are recorded. Several natural streams flow through the major portion of the site near Tai Po Mei with no sign of pollution.
4. The Area has a landscape character of tranquil and coherent natural qualities, and the woodlands therein are of significant landscape value complementing the overall naturalness and the landscape beauty of the surrounding Special Area.

Land designated for Conservation Use

5. In consultation with the Agriculture, Fisheries and Conservation Department (AFCD), it is proposed to designate the whole Area as “CA” zone in order to reflect the ecological importance of the natural habitats including the mature woodlands and natural streams. Although there are some temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands near Tai Po Mei, they are small in scale and do not undermine the overall conservation and landscape value of the Area. Given that there is no recognized village, in the Area, no “Village Type Development” (“V”) zone is proposed. The “CA” zoning is considered appropriate with a view to conserving the natural environment of the Area and preserving the integrity of the TPKNR in the long run. There is a general presumption against development in this zone.

To Control 'Agricultural Use'

6. In the “CA” zone, whilst ‘Agricultural Use (other than Plant Nursery)’ is always permitted, provision of plant nursery and any diversion of streams, filling of land/pond or excavation of land require planning permission from the Town Planning Board (the Board). There is no strong justification for imposing more stringent control on ‘Agricultural Use’.

Designation of the Area as TPKNR or Country Park

7. Incorporation of the Area into the TPKNR or Country Park is outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Special Area or Country Park.