

DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/3

**INFORMATION NOTE AND HEARING ARRANGEMENT FOR
CONSIDERATION OF REPRESENTATIONS AND COMMENTS**

1. Introduction

- 1.1 On 3.4.2020, the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/3 (the Plan) was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance). The amendments to the OZP mainly involved the rezoning of two areas to the west and east of the village cluster of Hoi Ha from “Village Type Development” (“V”) to “Green Belt(1)” (“GB(1)”) (**Item A**) and “Coastal Protection Area” (“CPA”) (**Item B**) respectively. Amendments were also made to the Notes and Explanatory Statement of the OZP to reflect the above and to update the general information of various land use zonings and the planning area, where appropriate. The Schedule of Amendments setting out the amendments incorporated into the OZP is at **Annex I** and the locations of the amendment items are shown on **Plan P-1**.
- 1.2 During the two-month exhibition period, a total of 21 representations were received. 20 submissions were made in accordance with the revised requirements set out in the Town Planning Board Guidelines No. 29B (TPB PG-No. 29B)¹. The remaining submission was made with identity information missing, which should be considered as invalid and treated as not having been made pursuant to sections 6(2)(b) and 6(3)(b) of the Ordinance.
- 1.3 On 16.6.2020, the 20 valid representations were published for public comment and, in the first three weeks of the publication period, a total of 114 comments were received. 54 submissions were made with identity information missing, which should be considered as invalid and treated as not having been made pursuant to sections 6A(2) and 6A(3)(b) of the Ordinance. There are in total 60 valid comments.
- 1.4 The lists of valid representers and commenters, and the summaries of the representations and comments are at **Annexes II, III, IV and V** respectively for Members’ reference. The locations of the representation sites are shown on **Plan P-1**.

¹ According to TPB PG-No. 29B on Submission and Publication of Representations, Comments on Representations and Further Representations under the Town Planning Ordinance, which have taken effect since 1.1.2019, representers/commenters/further representers and their authorized agents are required to provide their full name as shown on the HKID card/passport and their HKID card/passport number (only the first four alphanumeric characters are required) in the submission. For submission with no full name, incomplete and/or illegible names or no HKID card/passport number, the representation/comment/further representation concerned may be treated as not having been made.

2. The Representations and Comments

- 2.1 Among the 20 valid representations, one (**R1**) supports both Items A and B, two (**R4 and R5**) support Item B but object to/provide adverse views on Item A, and the remaining 17 (**R2, R3, R6 to R20**) object to/provide adverse views on either Item A or both Amendment Items. The views of the representations are summarised as follows:
- (a) **R1**, submitted by an individual, supports both Items A and B on the ground that the amendments are in line with the conservation-oriented approach having regard to the need for Small Houses and the ecological value of the concerned areas.
 - (b) **R4 and R5**, submitted by The Conservancy Association and Hong Kong Bird Watching Society respectively, indicate support to Item B. However, both of them provide adverse representations on Item A similar as those stated in paragraph (c) below.
 - (c) **R2, R3, R6 to R14**, submitted by Hong Kong Countryside Foundation (**R2**), Kadoorie Farm and Botanic Garden (**R3**), Designing Hong Kong Limited (**R6**), Friends of Hoi Ha (**R7**), Friends of Sai Kung (**R8**) and individuals (**R9 to R14**), object to/provide adverse views on both items. Amongst them, **R2 and R6 to R8** indicate support to the general reduction of “V” zone but consider that the reduced “V” zone is still excessive. They raise similar adverse representations as **R3 and R9 to R14**, which mainly consider that the Town Planning Board (the Board), in determining the extent of reduction of the “V” zone, has failed to make proper review of the genuine need for housing by indigenous villagers, and that Small House development in the reduced “V” zone would still impose adverse environmental and ecological impacts on the surrounding environment and the water quality of Hoi Ha Wan Marine Park. In support of their claims that the reduced “V” zone is still excessive, some representers raise that the septic tank and soakaway (STS) system used by Small Houses for effluent discharge would not be effective to protect the water quality in Hoi Ha (**R2, R4, R5, R7, R8, R11, R12, and R14**). Some also raise that the information on the base map adopted for the OZP is inadequate and misleading, which has provided an inaccurate basis for the Board in designating the zonings (**R2, R7, R8, R11, R12 and R14**).
 - (d) **R20** submitted by World Wide Fund For Nature Hong Kong raise adverse representations on Item A mainly on the concern of possible adverse ecological impact to be caused by Small House development on a natural stream which flows through the western part of the “V” zone.
 - (e) **R15** submitted by an individual objects to the OZP mainly on an argument that the designation of “V” zone for private agricultural lots will contravene the Block Government Lease and the Small House Policy.
 - (f) **R16 to R19** were submitted by Heung Yee Kuk (**R16**), Sai Kung North Rural Committee (**R17**), and the Indigenous Inhabitant Representative and Resident Representative of Hoi Ha Village (**R18 and R19** respectively)

against the OZP or both Items A and B mainly on the grounds that the reduced “V” zone could not provide sufficient land to meet the Small House demand. **R18 and R19** consider that the actual land available for Small House development was even less as Government land will no longer be granted in accordance with the Court’s judgment on the judicial review on Small House Policy.

- 2.2 The 60 valid comments are submitted by Conservancy Association (**C54**), Hong Kong Bird Watching Society (**C55**), 港九工團聯合總會(**C56**) and individuals (**C1 to C53 and C57 to C60**). Of them, three commenters (**C54, C55 and C59**) are also representers themselves. All comments indicate support to **R2 to R8** and/or objection to **R16 to 19**.

3. Arrangement for Consideration of Representations and Comments

- 3.1 Under section 2A of the Ordinance, the Board is empowered to appoint a Representation Hearing Committee (RHC) from among its members to consider representations and comments, propose amendments to the Plan to meet representations, consider further representations in respect of the proposed amendments, and consider whether to vary the proposed amendments upon consideration of any adverse further representations. Since the amendments incorporated in the Plan and the representations and comments received are of similar nature, it will be more efficient for the full Board to consider the representations and comments without resorting to the appointment of a RHC. The hearing could be accommodated in the Board’s regular meeting and a separate hearing session may be arranged if necessary. The arrangement would not delay the completion of the representation consideration process.
- 3.2 Under section 6B(6) of the Ordinance, the Board may determine whether the representations and the related comments shall be considered at the same meeting and whether they shall be considered individually or collectively. In view of the similar nature of representations and comments, it is recommended that the hearing of the representations and comments should be considered in one group.
- 3.3 The subject OZP, together with the draft So Lo Pun OZP and Pak Lap OZP, was gazetted under section 7 of the Ordinance on the same date, and all the OZPs involve the rezoning of “V” zone. A significant number of representations and comments on the three OZPs are submitted by the same representers and commenters (i.e. 16 representations and 60 comments). As such, the Board may consider the representations and comments on the three OZPs collectively. To ensure efficiency of the hearing, it is recommended to allot a maximum of 10 minutes presentation time to each representer/commenter in the representation hearing irrespective of the number of OZPs he/she has made submissions on.
- 3.4 Consideration of the representations and comments by the full Board under section 6B of the Ordinance is tentatively scheduled for September/October 2020.

4. Decision Sought

- 4.1 The Board is invited to note that pursuant to sections 6(2)(b) and 6A(2) of the Ordinance, one representation and 54 comments with the required identity information missing as mentioned in paragraphs 1.2 and 1.3 above should be considered as invalid and treated as not having been made.
- 4.2 The Board is invited to consider whether:
- (a) to appoint a RHC for consideration of the representations and comments; and
 - (b) the representations and comments should be considered in the manner as proposed in paragraph 3 above.

5. Attachments

Annex I	Schedule of Amendments to the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 incorporating the amendments as shown on Plan No. R/S/NE-HH/1-A2
Annex II	List of representers
Annex III	List of commenters
Annex IV	Summary of representations
Annex V	Summary of comments
Plan P-1	Location plan of the representation sites

PLANNING DEPARTMENT
AUGUST 2020