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TPB/R/S/I-CC/10- S1

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Subject:

AMENDMENTS TO THE APPROVED CHEUNG CHAU OZP NO.
S/I-CC/9

Representation Number:

TPB/R/S/I-CC/10- R1

AMENDMENTS TO THE APPROVED CHEUNG CHAU OZP NO. S/I-CC/9

Dear TPB Members,

Item A – About 0.07ha. Rezoning of a site at Fa Peng from “Res (Group C) 6” to “Res (Group C) 9” / 6 Net Houses / PR 1.58 (0.2) / SC 52.43% (20%) / BH 3 storeys 8.23m (2 storeys 7.62m) / estimated population of 54 / 6 Septic Tanks

Y/I-CC/7 Approved 20 Sept 2024

Strong Objections. The application is blatant abuse of the intention of the NTEH policy:

In the New Territories of Hong Kong, an NT Exempted House (NTEH) or Small House can be built by a male indigenous villager who is 18 years old or above and **descended through the male line from a resident in 1898 of a recognized village**. This is a one-time entitlement under the Small House Policy. **The small house must be built within the villager's own village on a suitable site.**

But “There are no recognised villages in Cheung Chau.”

Moreover, the “V” zones in Cheung Chau **now cover existing village areas** concentrated in the central lowland mainly in form of village houses.

The site is clearly not part of any existing village.

So effectively there is no legal right to enjoyment of the exemptions applicable to the NTEH formula.

As the estimated population is 50+ the plan is obviously to construct 18 apartments.

This on a site with no vehicular access other than *“the two existing footpaths near the Site had relatively low patronage”*

The original dwellings as reflected in the zoning are intended for single families not a substantial community that would exert considerable wear and tear on the access.

That the site is zoned ‘Res’ when the surrounding area is ‘GB’ is due to the prior existence of a dwelling, and not because it is the appropriate zoning for the site. The proposed development is an increase of multiple times on the PR and SC.

Building 6 septic tanks, each serving up to a dozen users, on a site with no vehicular access would almost certainly incur eventual leakage into the surrounding GB as it would be difficult to ensure that the necessary servicing is carried out..

As for the development itself, there would be no space between the buildings leaving some with poor ventilation, particularly as the floor to ceiling height is less than 3m, and penetration of natural light. See Drawing1f.

That approval of this plan would certainly encourage further applications of a similar nature under the guise of need to provide NTEH homes would impact the integrity of the GB has not been properly considered and members concerns were brushed aside:

Regarding member's concern on the environmental and traffic impacts arising from the construction of proposed residential development and other developments nearby, the Planning Department (PlanD) has conveyed the concerns to relevant B/Ds for follow up as appropriate.

In addition, no consideration was given to the fact that the village house format is most inefficient when the project is a flat development as it requires 6 staircases. A lowrise residential development of 18 units could be built with fewer access and achieve better GFA per unit.

There is no legitimate justification to approve the development of NTEH on this site.

In recent years hundreds of residents of squatter villagers have been evicted from homes they have lived in for decades with no right to rebuild elsewhere. It is therefore an injustice that other folk be allowed privileges that are not compatible with the policies governing the right to build village houses.

Amendments to the Notes of the Plan

(b) Revision to the plot ratio/gross floor area/site coverage exemption clause to clarify the provision related to caretaker's quarters in the Remarks of the Notes for "Res (Group A)" and "R(C)" zones.

CLARITY REQUIRED ON THIS POINT AS THERE IS NO REF TO WHAT IT REFERS TO IN THE PAPER

(c) Incorporation of 'Government Refuse Collection Point' and 'Public Convenience' under Col 1 of the Notes for "V" zone; and corresponding deletion of 'Government Refuse Collection Point' and 'Public Convenience' under Col of the Notes for "V" zone.

OBJECT. COL 2 ENSURES THAT THE UTILITY IS SUBJECT TO PUBLIC SCRUTINY AND THAT LOCATION AND DESIGN ARE NOT INTRUSIVE, TOO BULKY OR AN EYE SORE

(d) Incorporation of 'Field Study/Education/Visitor Centre' and 'Flat' under Col 2 of the Notes for "V" zone.

OBJECT. THE PLANNING INTENTION OF "V" ZONE IS TO PROVIDE FAMILY HOMES FOR INDIGENOUS VILLAGERS. THE PROPOSED AMENDMENTS ENCOURAGE THE ALREADY RAMPANT ABUSE OF THE NTEH POLICY THAT HAS RESULTED IN MOST OF THE RECENT DEVELOPMENTS BEING ACTUALLY UNITS FOR SALE TO OUTSIDERS

(f) Revision to the Planning Intention as well as the Remarks of the Notes for "Coastal Protection Area" zone on filling of land or excavation of land clause in accordance with the Master Schedule of Notes to Statutory Plans.

STRONGEST OBJECTIONS. THIS GIVES THE GOVERNMENT UNFETTERED AND UNACCOUNTABLE POWER TO BASICALLY DO WHATEVER IT WANTS AND MAKES A MOCKERY OF THE ENTIRE PLANNING PROCESS AS THERE IS NO POINT IN PROPOSING CONSERVATION PROJECTS WHEN THE LOTS CONCERNED CAN BE FILLED IN BY HKSAR WHENEVER IT PLEASES WITHOUT BEING SUBJECT TO EVEN MINIMAL SUPERVISION. THE INTERESTS OF THE COMMUNITY WILL BE ENTIRELY ELIMINATED FROM THE PROCESS.

While the OZP approval rate for some time now has been 100%, the abuse of NTEH formula should require the rejection of this OZP as approval would set a most undesirable precedence. There is no indication that the development is intended for the use of indigenous villagers of the island. Development of the site should be restricted to its original zoning intention.

Mary Mulvihill

