

**TPB PAPER NO. 10237
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 20.1.2017**

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

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1. INTRODUCTION

The purposes of this paper are to:

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

2. BACKGROUND

- 2.1 On 23.9.2016, the Town Planning Board (the Board) gave preliminary consideration to the draft Tai Po Kau OZP No. S/NE-TPK/B (TPB Paper No. 10173) and agreed that the draft OZP was suitable for submission to the STDC, TPDC, STRC and TPRC for consultation. An extract of the minutes of the Board's meeting held on 23.9.2016 and TPB Paper No. 10173 are at **Annexes IV and V** respectively for Members' reference.
- 2.2 The land use proposal of the draft OZP No. S/NE-TPK/B (**Plan 1**) highlighted in the TPB Paper No. 10173 is recapitulated below:

"Conservation Area" ("CA") Zone (11.75 ha and 100%) (Plans 1 to 5)

The Area, forming an integral part of the wider natural environment of the Tai Po Kau Nature Reserve (TPKNR) which is designated as a Special Area, is zoned "CA". The woodlands in the Area are mature and ecologically linked with the surrounding TPKNR, where protected plant species could be found. There is a natural stream running across the site near Ngau Wu Tok, where *Macropodus hongkongensis* (香港鬥魚), a freshwater fish of conservation concern and *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. LOCAL CONSULTATION

STDC and STRC

- 3.1 The STDC was consulted on the draft OZP No. S/NE-TPK/B. Members of the STDC at its meeting on 3.11.2016 in general had no comment on the draft OZP. A STDC Member supported the designation of “CA” zone and raised concerns about the enforcement actions to be taken by the Government against any ecological destruction in the Area and the manpower resources of Planning Department (PlanD) for enforcement. An extract of the minutes of the STDC meeting is at **Annex VI-1**. There have been no comments received from STRC¹.

TPDC and TPRC

- 3.2 The TPRC and TPDC were consulted on 2.11.2016 and 9.11.2016 respectively and they both objected² to the draft OZP No. S/NE-TPK/B. In November 2016, a submission³ was received from the TPRC, attaching letters from the Indigenous Inhabitant Representatives (IIRs) of Tai Po Mei Village and the Representative of Cheung Shue Tan Heung (**Annexes VI-2**). Extracts of the minutes of the TPRC and TPDC meetings are at **Annexes VI-3 to VI-4**. Their views and proposals are summarized below:

Objection to Designation of the Site near Tai Po Mei as “CA” Zones

- (a) The site near Tai Po Mei belongs to the Tai Po Mei Village⁴ and around one third of its area, which are agricultural lots under the Block Government Lease, is owned by the villagers thereof, who have been engaging in agriculture there for several hundred years. They object to the designation of the site near Tai Po Mei, in particular the private land, as “CA” zones without any compensation to the landowners/farmers, that would infringe their land rights/interests, is unfair to them and contravenes to Article 6 of the Basic Law.
- (b) They are also concerned about that the “CA” zoning would restrict agricultural activities/rehabilitation, grave sweeping activities, maintenance or repair of graves and temporary structures/squatters as well as construction of road.
- (c) It is proposed to zone the private land in the site near Tai Po Mei “Agriculture” (“AGR”) (**Plan 6**) to protect the private property rights/interests, and that the Government should provide compensation to the affected landowners and farmers such as land resumption.

¹ Consultation documents were sent to the STRC which was further contacted in October 2016, and no comments/views were received to date.

² Members of the TPDC voted at its meeting on 9.11.2016, with one supporting, four abstaining and 15 objecting to the draft OZP.

³ The submission includes three letters of same contents separately submitted to the Town Planning Board, Director of Planning and Sha Tin, Tai Po & North District Planning Office of Planning Department.

⁴ The Tai Po Mei Village is a recognized village about 500m to the east of the site near Tai Po Mei.

The Site near Tai Po Mei is not of High Ecological Value

- (d) The “CA” zoning is not justified as the site near Tai Po Mei is not of high ecological value in that there should not be any woodland or protected plant species on the private agricultural land and there is no mentioning about any fauna species of conservation value in the stream.

Lack of Local Consultation

- (e) There is a lack of local consultation on the draft OZP. The local villagers should be duly consulted and their views together with those of SKNRC and TPDC should be respected/seriously considered.

Green/Concern Groups and Individual

- 3.3 In October 2016, submissions were received from The Hong Kong Bird Watch Society (HKBWS), Kadoorie Farm & Botanic Garden Corporation (KFBG), Hong Kong Wild Bird Conservation Concern Group (HKWBCCG) and an individual (**Annexes VII-1 to VII-4**). Their views and proposals are summarized below (**Plan 9**):

Support to the Designation of the Whole Area as “CA” Zones

- (a) All of them supported the designation of the whole Area as “CA” zones, mainly for the ecological importance of the Area and TPKNR and no development pressure in the Area.

Ecological Importance of the Area

- (b) According to the HKBWS’s submission, over 200 bird species have been recorded in the TPKNR, which together with the Area form part of the greater “Tai Po Kau, Shing Mun and Tai Mo Shan Important Bird Area” recognized by the global authority in bird conservation. It supports many characteristic species of the Sino-Himalayan subtropical forest biome and is a representative site of the South China Mountains. The HKBWS’s internal records reveal that the composition of bird species within the Area is similar to the surrounding habitats of the TPKNR, demonstrating the strong ecological connectivity between them as well as the intact conditions of the wooded areas within the Area. The individual also indicates that interesting bird species are recorded in a short survey.

To Incorporate the Area into the TPKNR or Country Park

- (c) The HKBWS and the individual propose to incorporate the Area into the TPKNR or Country Park to fully protect or enhance the ecological and landscape values of the Area and the TPKNR.

4. PLANNING DEPARTMENT’S RESPONSES

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

- (a) The supportive views of the STDC Member, the TPDC Member, green/concern groups and the individual on the designation of the whole Area as “CA” zones are noted.

Ecological Importance of the Area

- (b) The villagers group considers that the site near Tai Po Mei is not of high ecological value, whilst green/concern groups and the individual indicate the ecological importance of the Area.
- (c) 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. Completely surrounded by the TPKNR, the Area is largely natural in character comprising mainly mature 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.
- (d) The woodlands in the Area 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. There is a natural stream running across the site near Ngau Wu Tok, where the *Macropodus hongkongensis* (香港鬥魚), a freshwater fish of conservation concern and the *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.
- (e) On the ecological information in the submissions of the green/concern groups and the individual, the Agriculture, Fisheries and Conservation Department (AFCD) confirms that the Area forms part of the “Tai Po Kau, Shing Mun and Tai Mo Shan Important Bird Area” identified by BirdLife International, a global partnership of about 120 non-government organizations, the composition of bird species therein is similar to that of the TPKNR, and it is surrounded by and ecologically connected with the TPKNR⁵. In consultation with the AFCD, the ecological importance of the Area has been taken into account in the course of preparing the draft OZP. 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.

⁵ The AFCD also advises that the HKBWS recorded around 110 bird species at Tai Po Kau in a two-year period before October 2010. And, *Pygmy Wren Babblers*, *Lesser Shortwing* and *Mountain Tailorbird* could be found and recorded by AFCD in the Area. For *Mountain Bush Warbler*, there is no bird with such common name on the checklist of birds of Hong Kong. Therefore, the identity of this bird is uncertain as no scientific name was provided.

Designation of the “CA” Zones

- (f) On one hand, the villagers group objects to the designation of the site near Tai Po Mei as “CA” zones and proposes to zone the private land as “AGR”. On the other hand, the green/concern groups and the individual support the designation of the whole Area as “CA” zones.
- (g) Forming an integral part of the wider natural environment of the Special Area, the whole Area is designated as “CA” zones in order to reflect the ecological importance of the natural habitats including the mature woodlands and natural streams. 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.
- (h) It should be noted that there is no recognized village and village ‘environs’ in the Area. The private land near Tai Po Mei is primarily demised for agricultural purpose under Block Government Lease, and ‘Agricultural Use (other than Plant Nursery)’ is in general always permitted in the “CA” zone on the draft OZP. As such, there are no deprivation of the landowners’ rights and no hindrance to farming activities even not designating the “AGR” zone. Regarding the specific proposal to zone the private land in the site near Tai Po Mei “AGR”, the land ownership (i.e. whether it is Government land or private land) should not be the only factor for formulating the land use zone.
- (i) Besides, maintenance or repair of graves and temporary structures/squatters⁶, ‘On-Farm Domestic Structure’ as well as road works coordinated or implemented by Government are also in general always permitted in the draft OZP. There would be no hindrance to grave sweeping activities by the draft OZP.

Contravention to Article 6 of the Basic Law

- (j) TPRC objected to the “CA” zoning on private land of the draft OZP by alleging that the zoning would infringe the landowners/farmer’s rights and interests in the land and contravene Article 6 of Basic Law and compensation should also be made to the concerned landowner/farmers. Article 6 of Basic Law protects private property rights in Hong Kong. It is further provided in the Basic Law that the Government shall compensate for lawful deprivation of property. Based on the draft OZP, the zoning would unlikely constitute “deprivation” of property and requiring payment of compensation. The draft OZP would not affect the landowner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use. Besides, insofar as the zoning restrictions pursue the legitimate aim of protecting and retaining the existing natural landscape, ecological or topographical features of the area and the land concerned could be put to “always permitted uses” and uses that may be permitted with or without conditions on application to the Town Planning Board, it does not appear inconsistent with the protection of property rights

⁶ Minor alteration and/or modification to the development of the land or building, the use of which was in existence immediately before the first publication in the Gazette of the notice of the draft DPA Plan and such use has continued since it came into existence, is always permitted.

under Article 6 of Basic Law and other relevant Basic Law provisions.

Local Consultation

- (k) Prior to the preparation of the draft OZP, letters were issued to the TPRC on 6.1.2016, 3.2.2016 and 22.4.2016 inviting local views on land use zonings for the site near Tai Po Mei, but no comments/views were received. After preliminary consideration of the draft OZP by the Board on 23.9.2016, the TPRC and TPDC were consulted on 2.11.2016 and 9.11.2016 respectively, and the two IIRs of the Tai Po Mei Village attended the former meeting while one of them attended the latter meeting. Their views and proposals together with those from green/concern groups and the individual have been examined in consultation with the concerned departments and reported to the Board for consideration. Both the TPRC and TPDC will be further consulted after the publication of the draft OZP No. S/NE-TPK/1 under section 5 of the Ordinance.

Enforcement Action

- (l) The Area is subject to statutory planning control and the provisions on enforcement under the Town Planning Ordinance. The Planning Authority investigates public complaints and referrals from other Government departments, and carries out regular patrols to identify possible unauthorized developments. Once an unauthorized development is confirmed, statutory enforcement and prosecution actions will be taken as appropriate. There are also other conservation measures that could be enforced under the relevant Ordinances such as Forests and Countryside Ordinance (Cap. 96).

To Incorporate the Area into the TPKNR or Country Park

- (m) Designation of a Country Park or Special Area is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Park or Special Area.
- 4.2 In summary, no zoning amendment to the previous draft OZP has been proposed and the land use zoning on the draft OZP (No. S/NE-TPK/B) as highlighted in paragraph 2.2 is considered appropriate.
- 4.3 Technical amendments to the Covering Notes to tally with the Standard Master Schedule of Notes to Statutory Plans for areas previously covered by DPA Plans and minor refinements to the Notes and ES are highlighted (***bold and italics*** for addition and ~~cross-out~~ for deletion) at **Annexes II and III** respectively for Members' easy reference.

5. CONSULTATION

The STDC, TPDC, STRC and TPRC will be consulted after the Board's agreement to the publication of the draft Tai Po Kau OZP under section 5 of the Ordinance during the exhibition period of the OZP.

6. **DECISION SOUGHT**

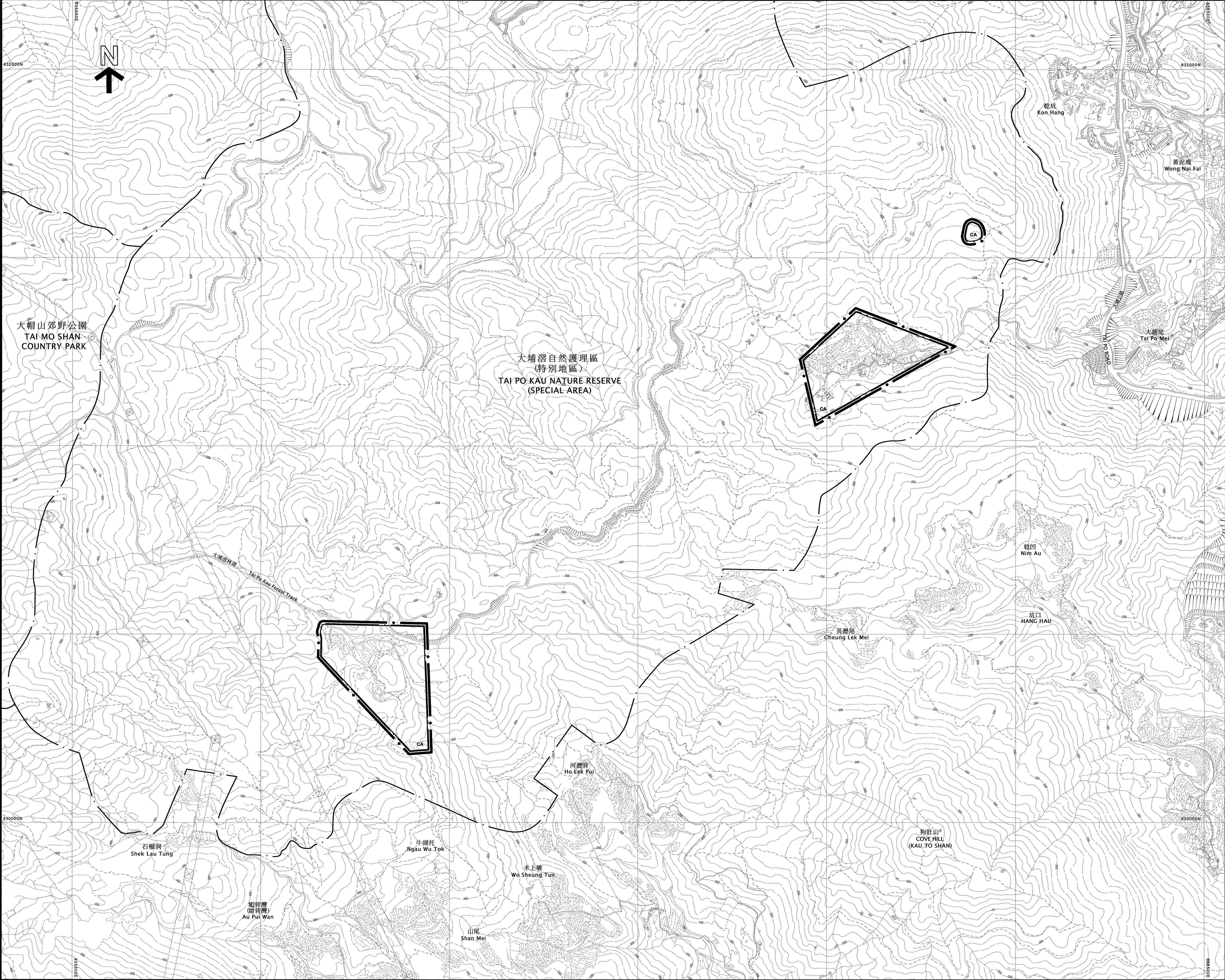
Members are invited to:

- (a) note the comments from and responses to the STDC, TPDC, TPRC and the green/concern groups and the individual on the draft Tai Po Kau OZP No. S/NE-TPK/B;
- (b) agree that the draft Tai Po Kau OZP No. S/NE-TPK/B (to be renumbered as S/NE-TPK/1 upon gazetting) and its Notes (**Annexes I and II**) are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the ES (**Annex III**) as an expression of the planning intentions and objectives of the Board for the land use zoning of the draft Tai Po Kau OZP No. S/NE-TPK/B; and
- (d) agree that the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

7. **Attachments**

Plan 1	Proposed Land Uses of the Draft Tai Po Kau OZP No. S/NE-TPK/B
Plan 2	Aerial Photos of Tai Po Kau
Plans 3a and 3b	Existing Physical Features and Land Uses in Tai Po Kau
Plan 4	Land Ownership in Tai Po Kau
Plan 5	Development Constraints and Photos of Protected Plant/Animal Species
Plan 6	Specific Zoning Proposal from the Tai Po Rural Committee
Annex I	Draft Tai Po Kau OZP No. S/NE-TPK/B
Annex II	Notes of the Draft Tai Po Kau OZP No. S/NE-TPK/B
Annex III	Explanatory Statement of the Draft Tai Po Kau OZP No. S/NE-TPK/B
Annex IV	Extract of Minutes of the Town Planning Board Meeting held on 23.9.2016
Annex V	Town Planning Board Paper No. 10173 (considered by the Town Planning Board on 23.9.2016)
Annex VI-1	Extract of Minutes of the Sha Tin District Council held on 3.11.2016
Annex VI-2	Submissions from the Tai Po Rural Committee dated 7.11.2016
Annex VI-3	Extract of Minutes of the Tai Po Rural Committee held on 2.11.2016
Annex VI-4	Extract of Minutes of the Tai Po District Council held on 9.11.2016
Annex VII-1	Submission from The Hong Kong Bird Watching Society dated 18.10.2016
Annex VII-2	Submission from Kadoorie Farm & Botanic Garden Corporation dated 19.10.2016
Annex VII-3	Submission from Hong Kong Wild Bird Conservation Concern Group dated 21.10.2016
Annex VII-4	Submission from an Individual dated 19.10.2016

PLANNING DEPARTMENT
JANUARY 2017



圖例
NOTATION

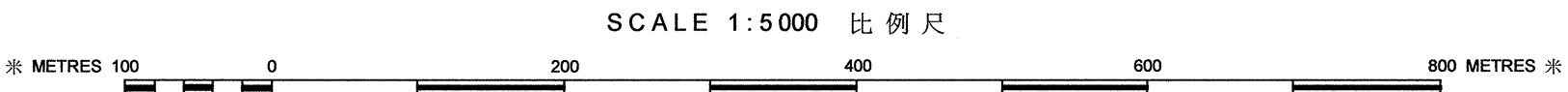
ZONES		地帶
CONSERVATION AREA	CA	自然保育區
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME	— • —	規劃範圍界線
BOUNDARY OF COUNTRY PARK / SPECIAL AREA	— • —	郊野公園 / 特別地區界線

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

~~(8)~~(9) In areas zoned “Conservation Area”,

- (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
 - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (iii) provision of amenity planting by Government; and

- (b) the following uses or developments require permission from the Town Planning Board:

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

- ~~(9)~~(10) In any area shown as 'Road', all uses or developments except those specified *in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified* below require permission from the Town Planning Board:

road and on-street vehicle park.

- ~~(10)~~ (11) (a) *Except in areas zoned "Conservation Area", temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:*

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

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

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

- ~~(12)~~ (13) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

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

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

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

Schedule of Uses

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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~~**I** (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land-use 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* (香港瘰螈)), 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 **by the Planning Department as 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.

Sha Tin, Tai Po and North District

Agenda Item 10

[Open Meeting]

Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/B

– Preliminary Consideration of a New Plan

(TPB Paper No. 10173)

[The item was conducted in Cantonese.]

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

- | | |
|-------------------|--|
| Mr C.K. Soh | - District Planning Officer/Shan Tin, Tai Po and North
(DPO/STN), PlanD |
| Ms Channy C. Yang | - Senior Town Planner/Country Park Enclaves (STP/CPE),
PlanD |

183. The Chairman extended a welcome and invited DPO/STN to brief Members on the Paper. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, briefed Members on the draft Tai Po Kau Outline Zoning Plan (OZP) No. S/NE-TPK/B as detailed in the Paper and covered the following main points:

Background

- (a) on 21.3.2014, the draft Tai Po Kau Development Permission Area (DPA) Plan No. DPA/NE-TPK/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). On 24.2.2015, the draft DPA Plan was approved by the Chief Executive in Council after completion of the plan-making process;
- (b) pursuant to section 20(5) of the Ordinance, the DPA Plan was effective for a period of three years until 21.3.2017. An OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Tai Po Kau area (the Area) upon expiry of the DPA Plan;
- (c) on 13.6.2016, the Secretary for Development, under the power delegated by the Chief Executive, directed the Town Planning Board (the Board), under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Area;

Planning Context

- (d) the Area, which comprised two Country Park Enclaves, namely a site near Ngau Wu Tok (about 6.28 ha) and another site near Tai Po Mei (about 5.47 ha), covered a total land area of about 11.75 ha. It was encircled by the Tai Po Kau Nature Reserve (TPKNR) nestled between Sha Tin and Tai Po;
- (e) the site near Ngau Wu Tok comprised well wooded hill slopes located at the southern fringe of the TPKNR and was within the upper indirect water gathering ground (WGG). There was a natural stream running from northwest to southeast through the site. It could be reached by the Tai Po Kau Forest Track which was a restricted vehicular access connecting to Tsung Tsai Yuen along Tai Po Road;
- (f) the site near Tai Po Mei was situated at the eastern fringe of the TPKNR. It was 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;

- (g) there were no recognised village and village ‘environs’ (‘VE’) in the Area. Some of the existing temporary structures/squatters were covered by Government Land Licenses restricted to cultivation and temporary structures only. The total population of the Area was estimated to be about 10 persons. 73% of the Area was government land and 27% was private land;
- (h) 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 were found. Completely surrounded by the TPKNR, the Area was 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 had high ecological and landscape value and formed an integral part of the wider natural environment of the Special Area;

Development Proposals Received in the Course of Preparation of the OZP

- (i) since the gazettal of the DPA Plan on 21.3.2014, no planning application in the Area had been received by the Board;
- (j) 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 considered that the whole Area should be protected by “Conservation Area” (“CA”) zone. The individual also considered

that ‘Agricultural Use’ should be put under Column 2 in the Notes of the OZP 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;

Land Use Planning Considerations

- (k) in consultation with the Agriculture, Fisheries and Conservation Department (AFCD), it was proposed to designate the whole Area as “CA” zone to reflect the ecological importance of the natural habitats including the mature woodlands and natural streams;
- (l) although there were some temporary structures/squatters and parcels of active agricultural land scattering amidst the woodlands near Tai Po Mei, they were small in scale and did not undermine the overall conservation and landscape value of the Area;
- (m) given that there was no recognised village in the Area, no “V” zone was proposed;

General Planning Intention

- (n) the general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Special Area;

Land Use Zoning – “CA” (about 11.75 ha)

- (o) the “CA” zoning for the Area was 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 was a general presumption against

development in the zone;

- (p) the “CA” zone formed an integral part of the wider natural environment of the Special Area. The woodlands were mature and ecologically linked with the surrounding TPKNR. Protected plant species including *Cibotium barometz*, *Pavetta hongkongensis*, *Aquilaria sinensis* and *Ailanthus fordii* could be found in the woodlands. There was a natural stream running across the site near Ngau Wu Tok, where the Hong Kong Paradise Fish (*Macropodus hongkongensis*), a freshwater fish of conservation concern and the Hong Kong Newt (*Paramesotriton hongkongensis*), a protected animal species, were recorded. Several natural streams flew through the major portion of the site near Tai Po Mei with no sign of pollution;

Consultation

- (q) prior to the preparation of the draft OZP, the major stakeholders had been approached for their views/proposals. The draft OZP together with its Notes and Explanatory Statement (ES) as well as the Planning Report had been circulated to the relevant government bureaux and departments for comments. Comments received had been incorporated into the draft OZP, its Notes and ES as well as the Planning Report as appropriate;
- (r) subject to the agreement of the Board, the draft OZP No. S/NE-TPK/B would be submitted to the Sha Tin District Council (STDC), Tai Po District Council (TPDC), Sha Tin Rural Committee (STRC) and Tai Po Rural Committee (TPRC) for consultation. Their comments would be submitted to the Board for further consideration in due course; and

Decision Sought

- (s) Members were invited to agree that the draft Tai Po Kau OZP No. S/NE-TPK/B together with its Notes and ES was suitable for consultation with STDC, TPDC, STRC and TPRC.

184. As the presentation of DPO/STN had been completed, the Chairman invited questions and comments from Members.

185. A Member asked whether consideration had been given to incorporating the Area into the TPKNR or Country Park and what the procedures would be. In response, Mr C.K. Soh, DPO/STN, said that pursuant to the Country Parks Ordinance, only government land could be designated as Special Area. As the Area covering the two sites near Ngau Wu Tok and Tai Po Mei comprised private land, it was not included in the TPKNR which was designated as a Special Area in 1977. The Special Area also fell outside Country Park boundaries. With a view to putting the Area, which was a Country Park Enclave, under statutory planning control and safeguarding its natural environment against any possible unauthorised development, the DPA Plan for the Area was prepared and was to be replaced by the subject OZP.

186. In response to a Member's question on how the population of about 10 persons in the Area was estimated, Mr Soh said that the population of the Area was estimated taking into account the information from the 2011 Population Census and the number of residential structures in the Area.

187. In response to the Chairman's enquiry, Mr Soh said that the finalised draft OZP was scheduled for submission to the Board for further consideration in the first quarter of 2017 after consultation with the relevant District Councils and Rural Committees.

188. After deliberation, the Board agreed that:

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

- (c) the ES (Appendix III of the Paper) was suitable for consultation with STDC, TPDC, STRC and TPRC together with the draft OZP.

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.

- 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**

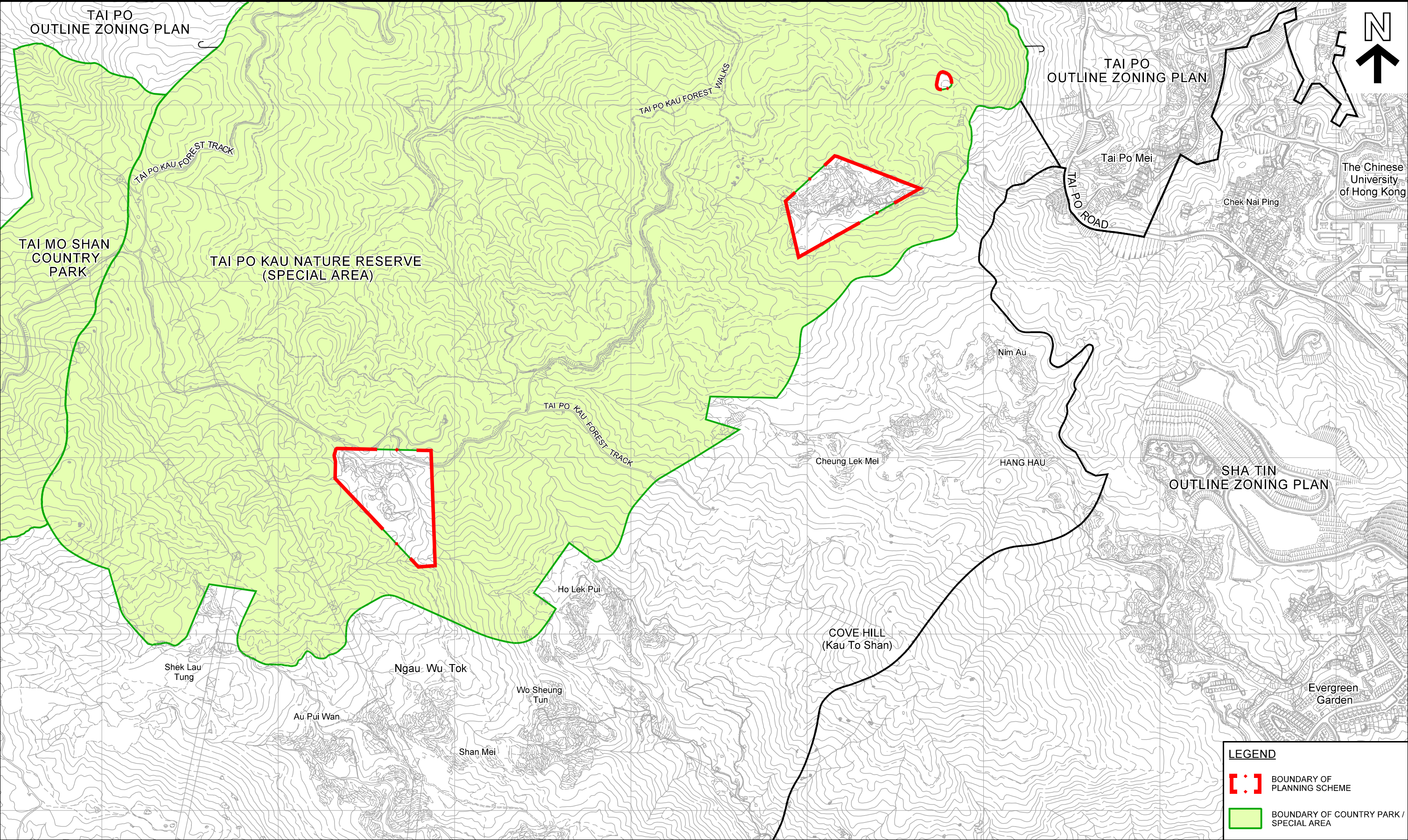
Members are invited to:

- (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

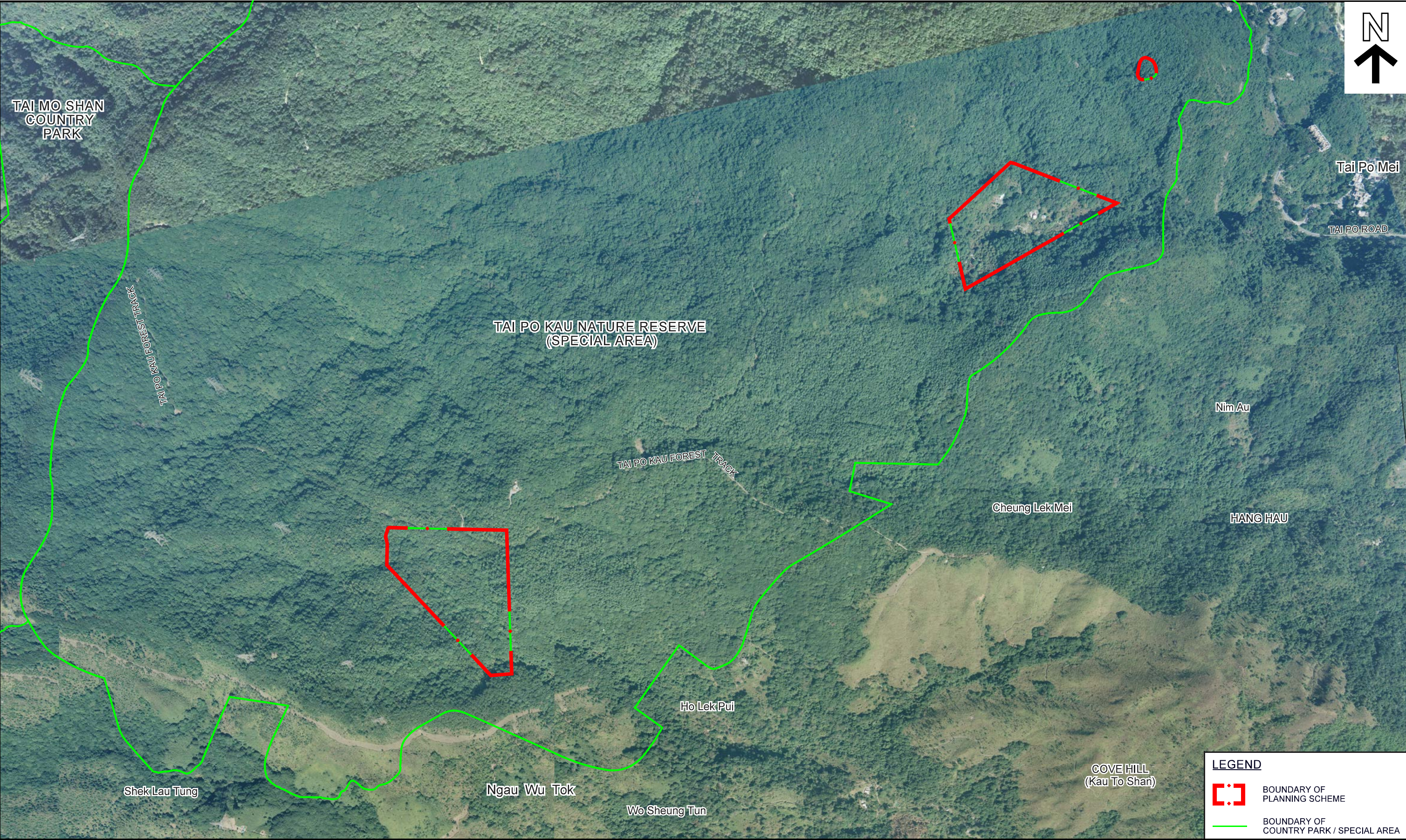
**PLANNING DEPARTMENT
SEPTEMBER 2016**



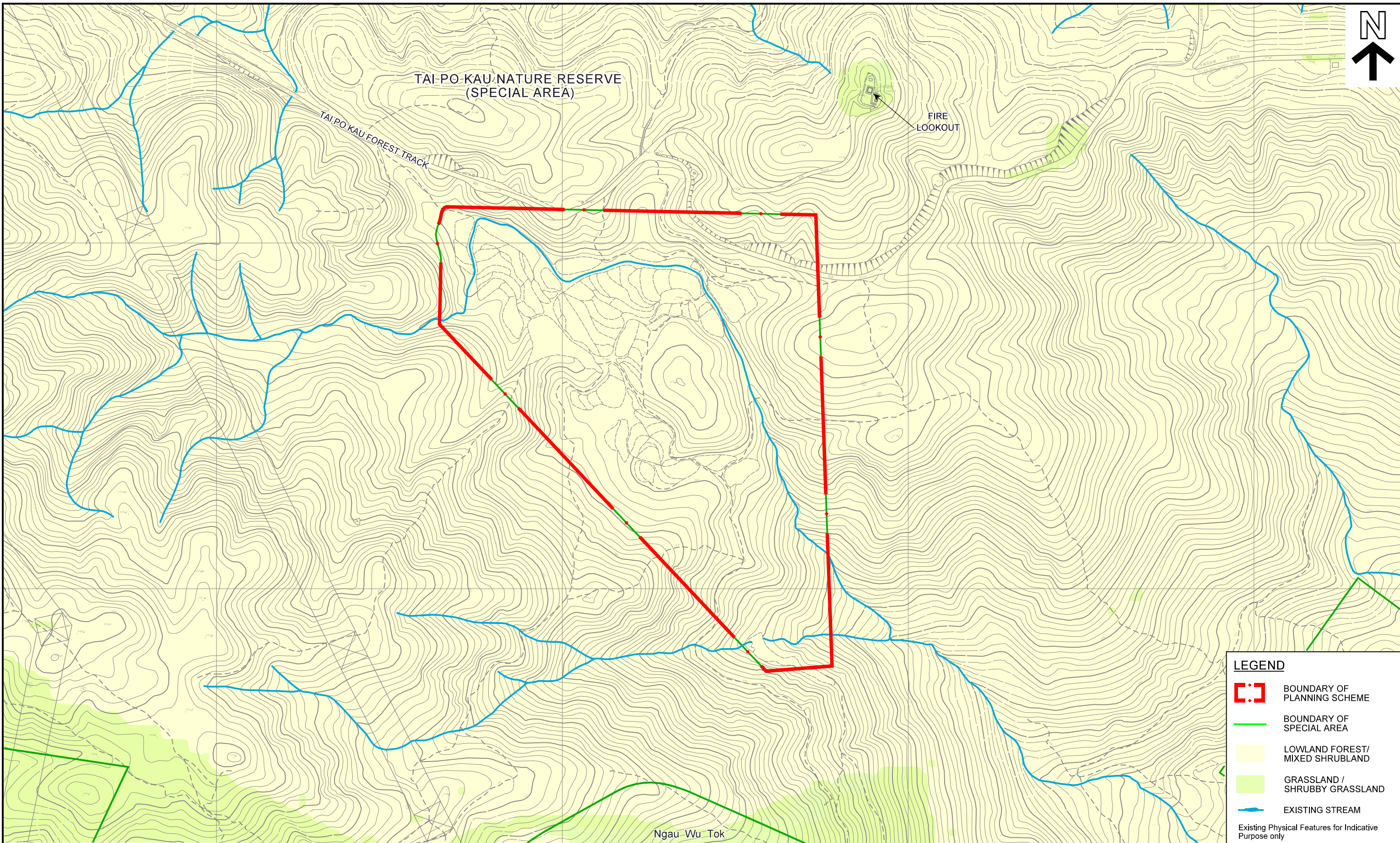
LEGEND

[Red dashed line] BOUNDARY OF PLANNING SCHEME

[Green outline] BOUNDARY OF COUNTRY PARK / SPECIAL AREA



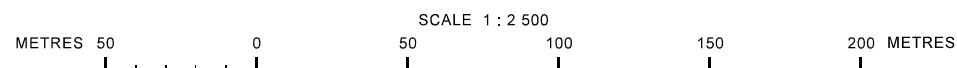
PLAN PREPARED ON 28.7.2016 BASED ON AERIAL PHOTOS No. CW111602 & CW111752 TAKEN ON 14.1.2015 BY LANDS DEPARTMENT	AERIAL PHOTO		PLANNING DEPARTMENT	
	TAI PO KAU		REFERENCE No. M/CPE/TPK/16/5	PLAN 2



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

EXISTING PHYSICAL FEATURES

SITE NEAR NGAU WU TOK

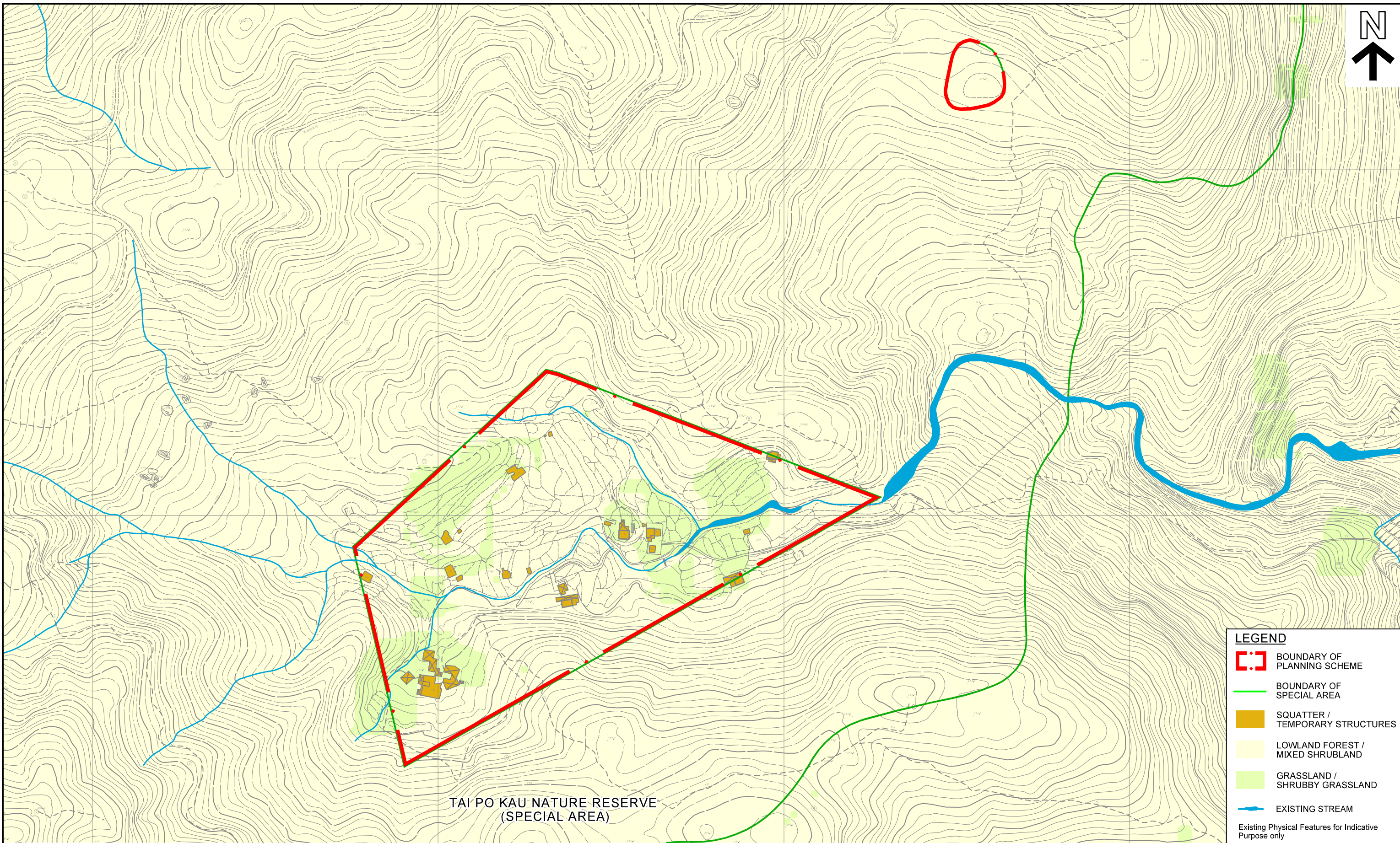


PLANNING DEPARTMENT



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

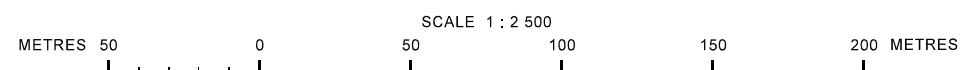
PLAN
3a



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

EXISTING PHYSICAL FEATURES

SITE NEAR TAI PO MEI

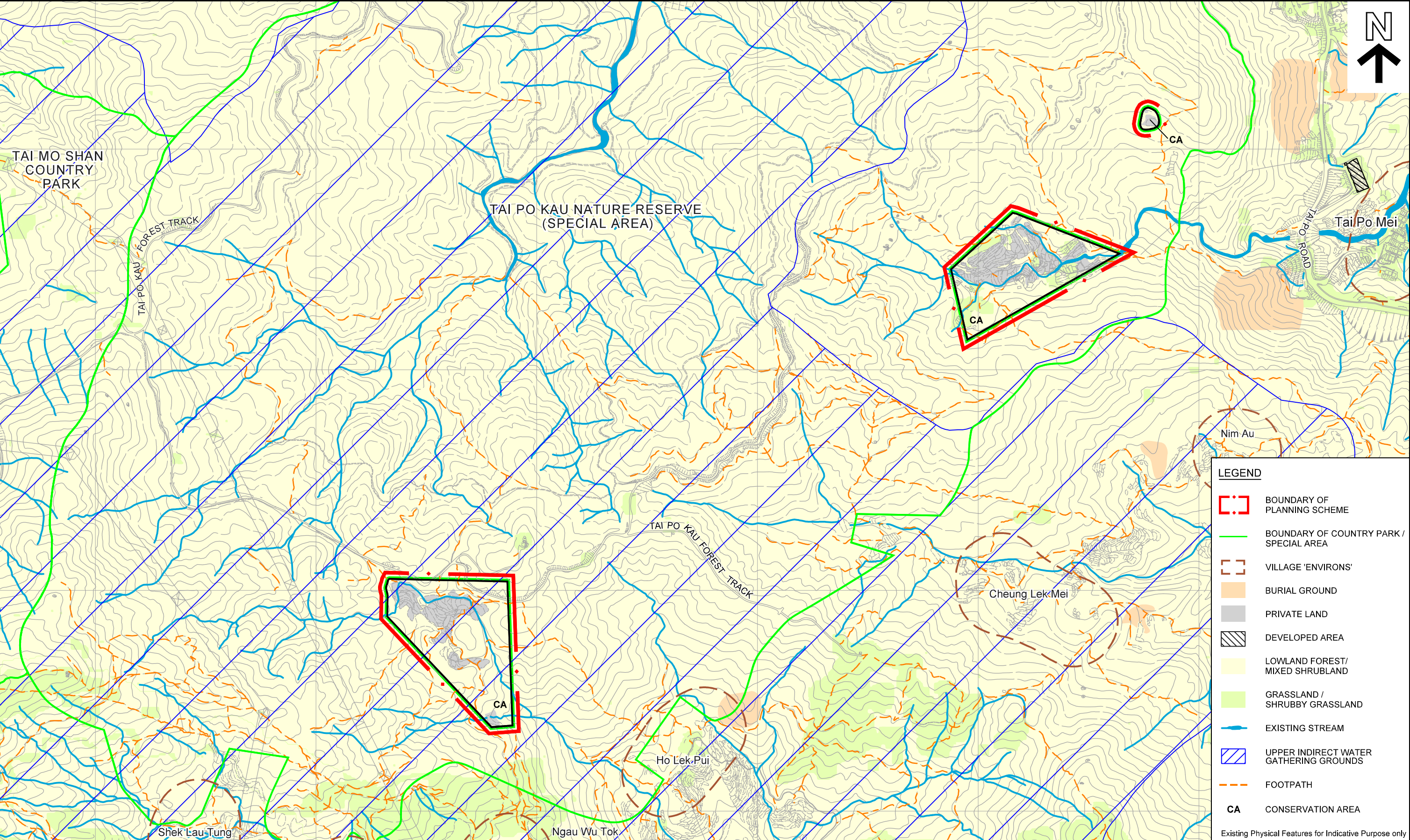


PLANNING DEPARTMENT



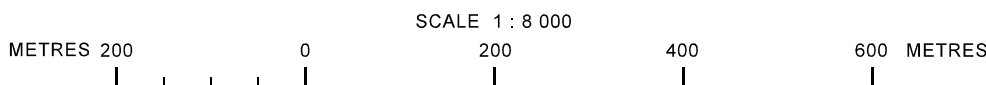
REFERENCE No.
M/CPE/TPK/16/5

PLAN
3b



DEVELOPMENT CONSTRAINTS AND PROPOSED LAND USES

TAI PO KAU



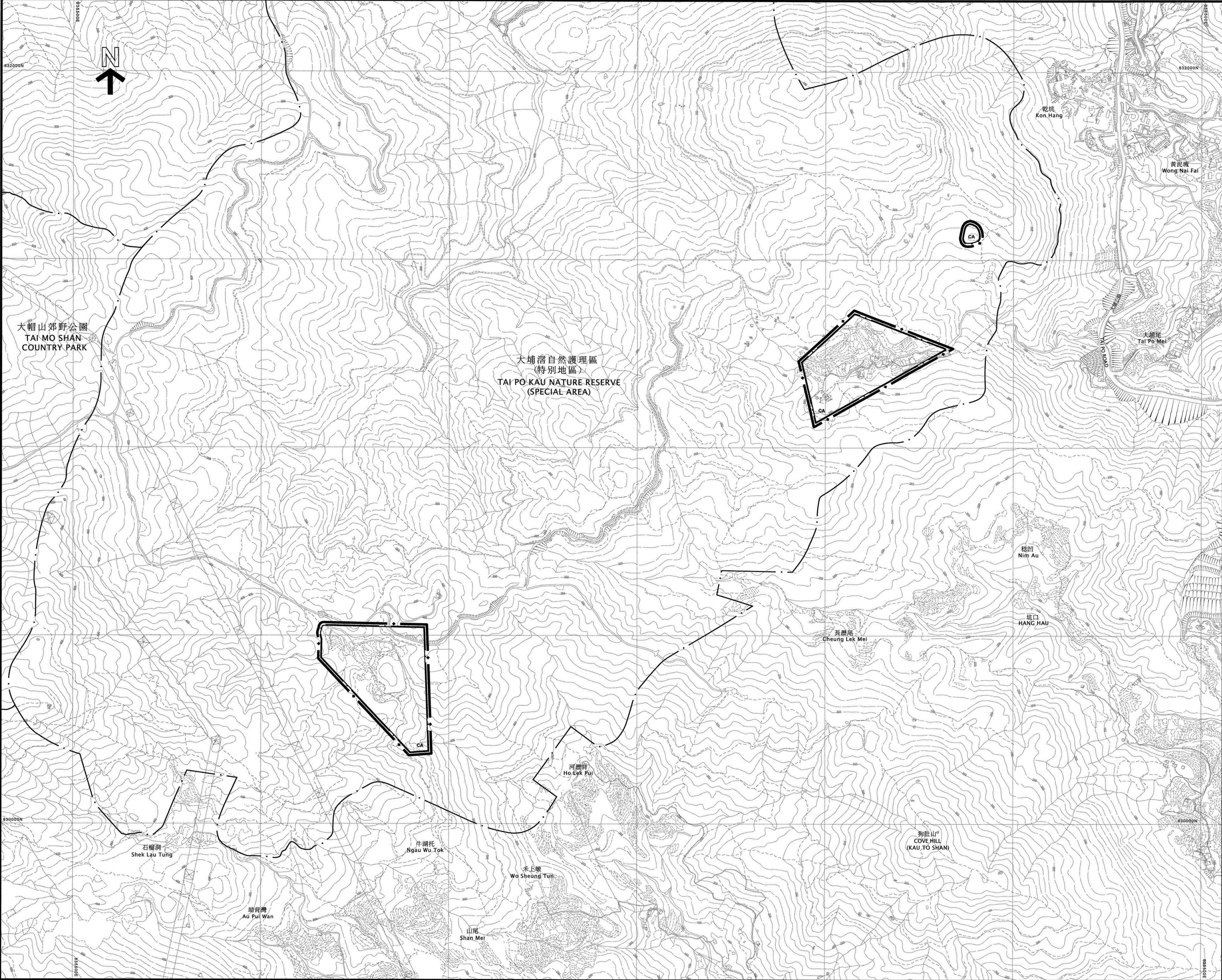
PLANNING DEPARTMENT



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

PLAN
4

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



圖例
NOTATION

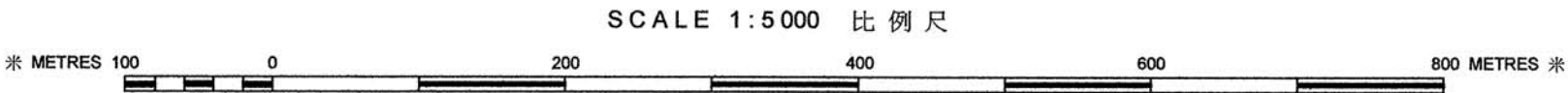
ZONES		地帶
CONSERVATION AREA	CA	自然保育區
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME	— • —	規劃範圍界線
BOUNDARY OF COUNTRY PARK / SPECIAL AREA	— • —	郊野公園 / 特別地區界線

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

<u>CONTENTS</u>	<u>Page</u>
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2. AUTHORITY FOR THE PLAN AND PROCEDURE	1
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4. NOTES OF THE PLAN	2
5. THE PLANNING SCHEME AREA	2
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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* (香港鱉蜥)), 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/Shan 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

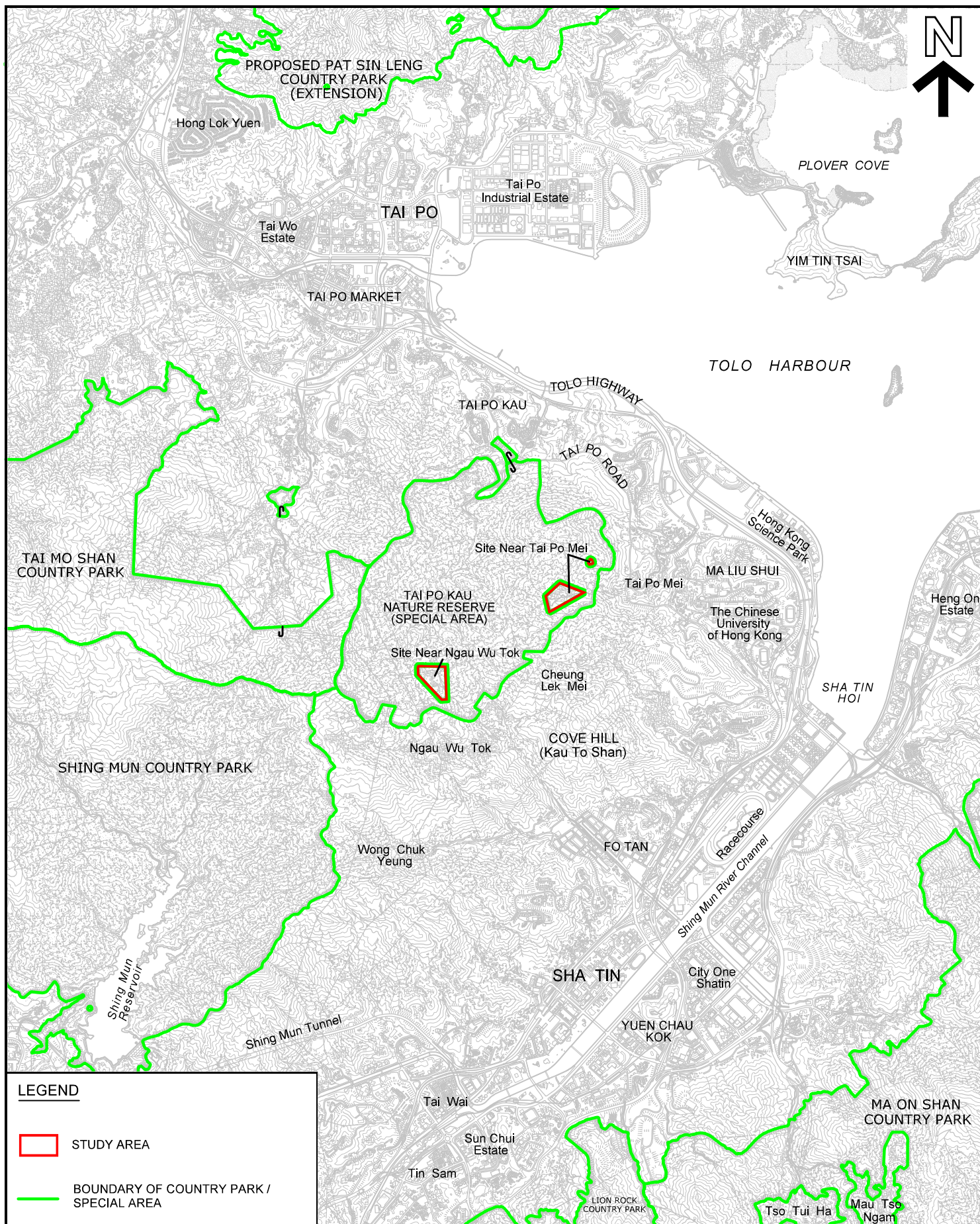
- 5.1 The Area has no telecommunication facilities. There are also no existing nor planned potable water supply, sewerage and drainage systems, but the site near Tai Po Mei is provided with electricity.

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

SCALE 1 : 50 000

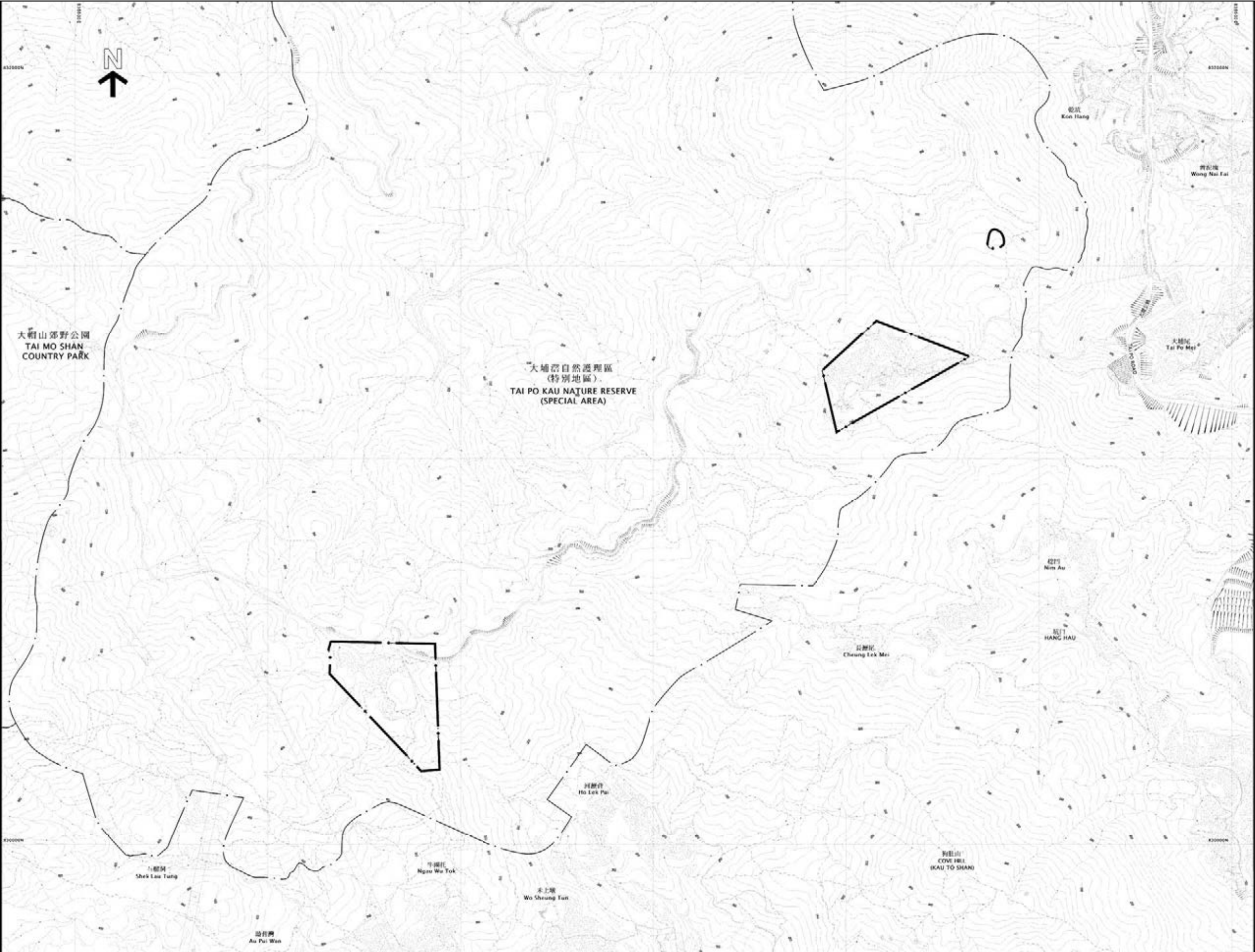
METRES 1000 0 1000 2000 METRES

PLANNING
DEPARTMENT



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

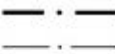
FIGURE
1



圖例
NOTATION

MISCELLANEOUS

BOUNDARY OF DEVELOPMENT
PERMISSION AREA
BOUNDARY OF COUNTRY PARK /
SPECIAL AREA



其他

發展審批地區界線
郊野公園/
特別地區界線

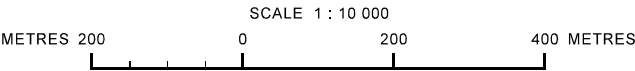
土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

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

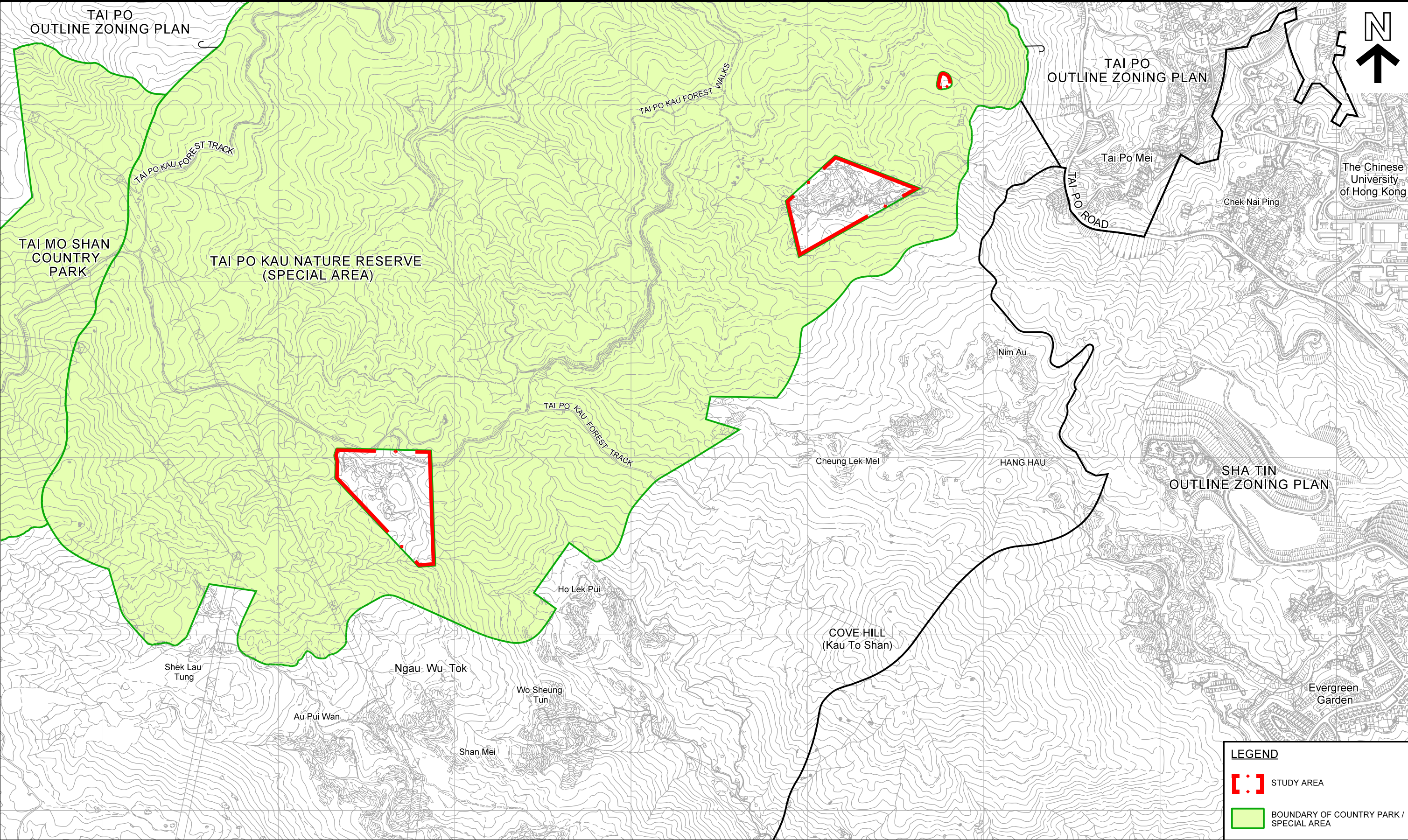


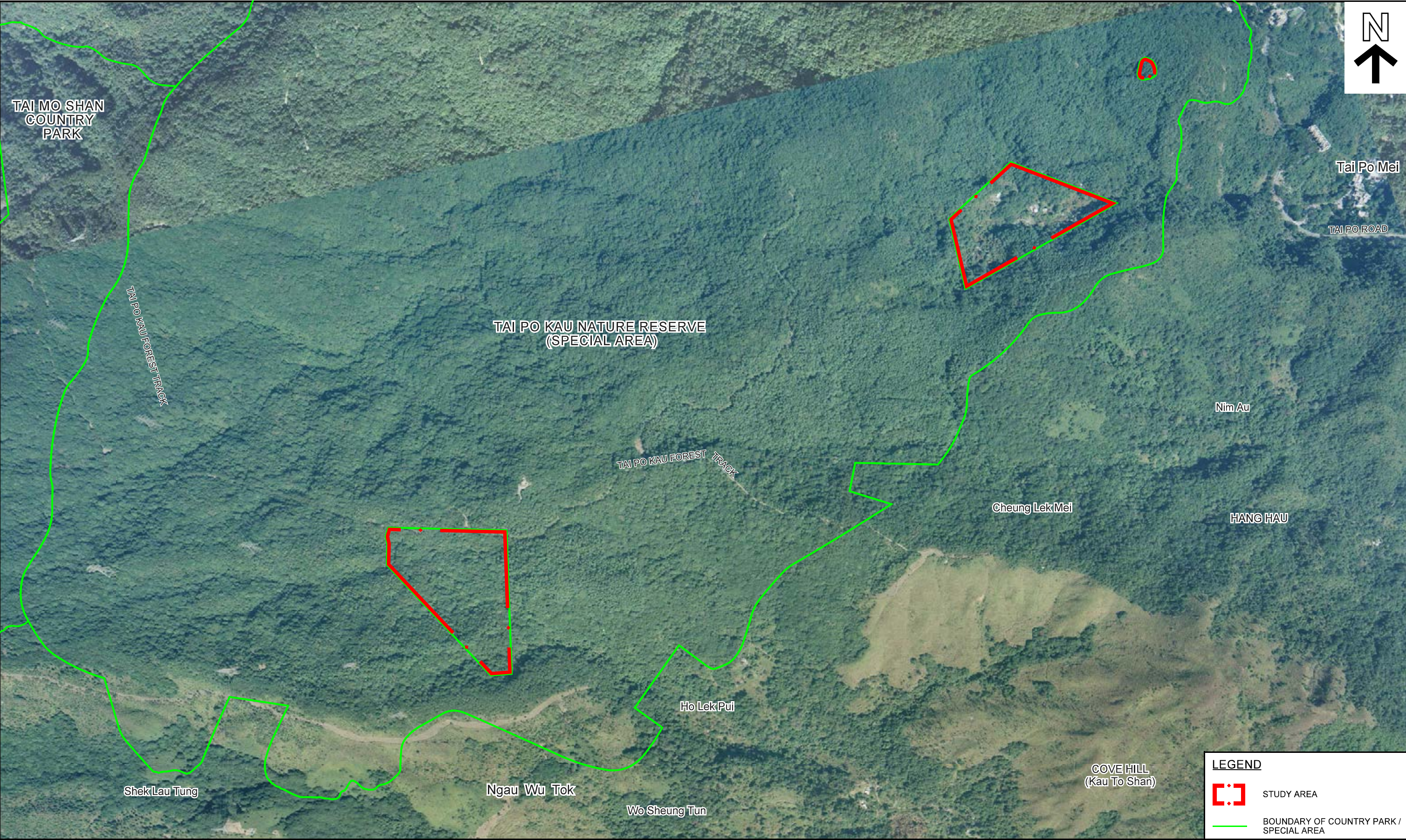
PLANNING DEPARTMENT




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


FIGURE
2



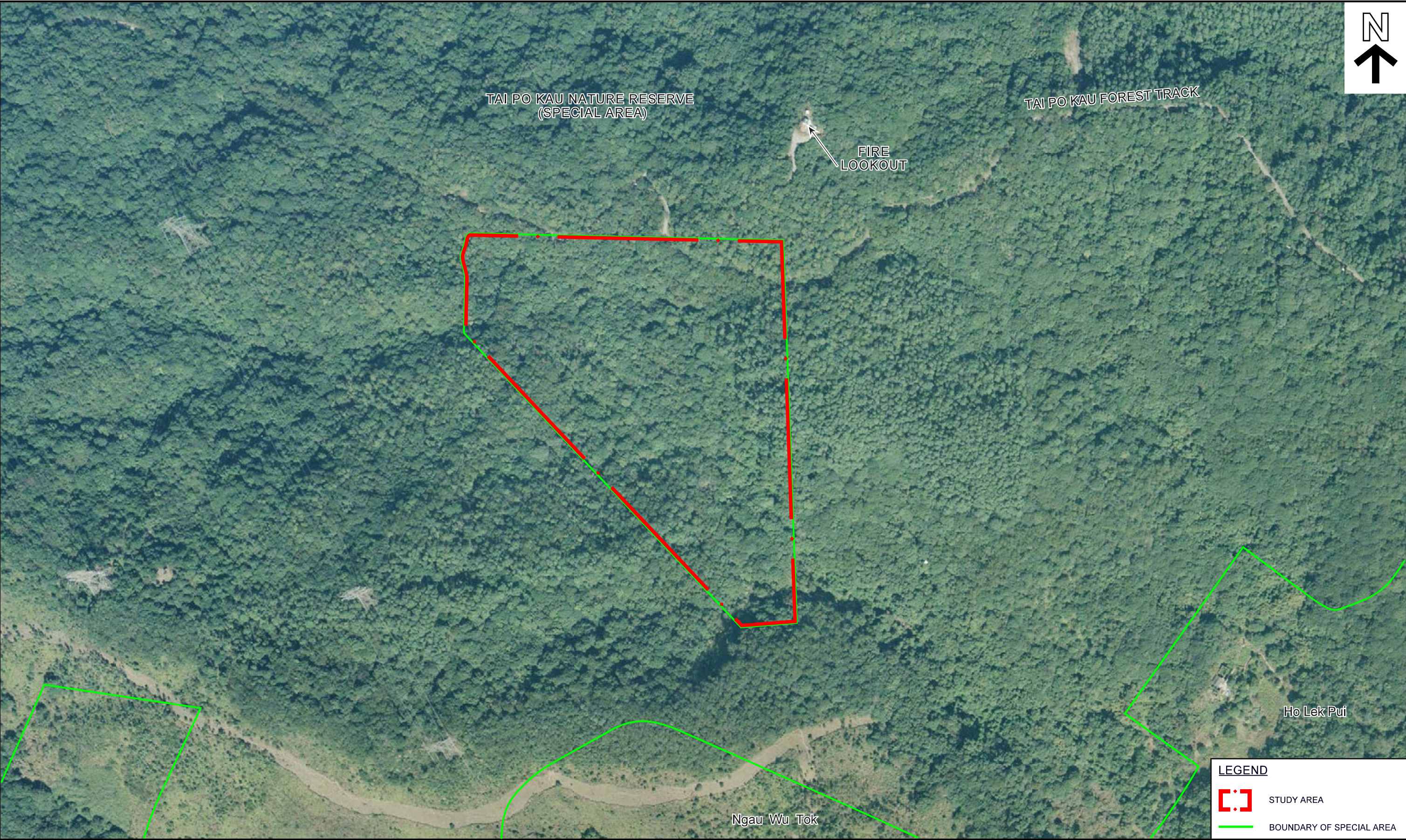


LEGEND

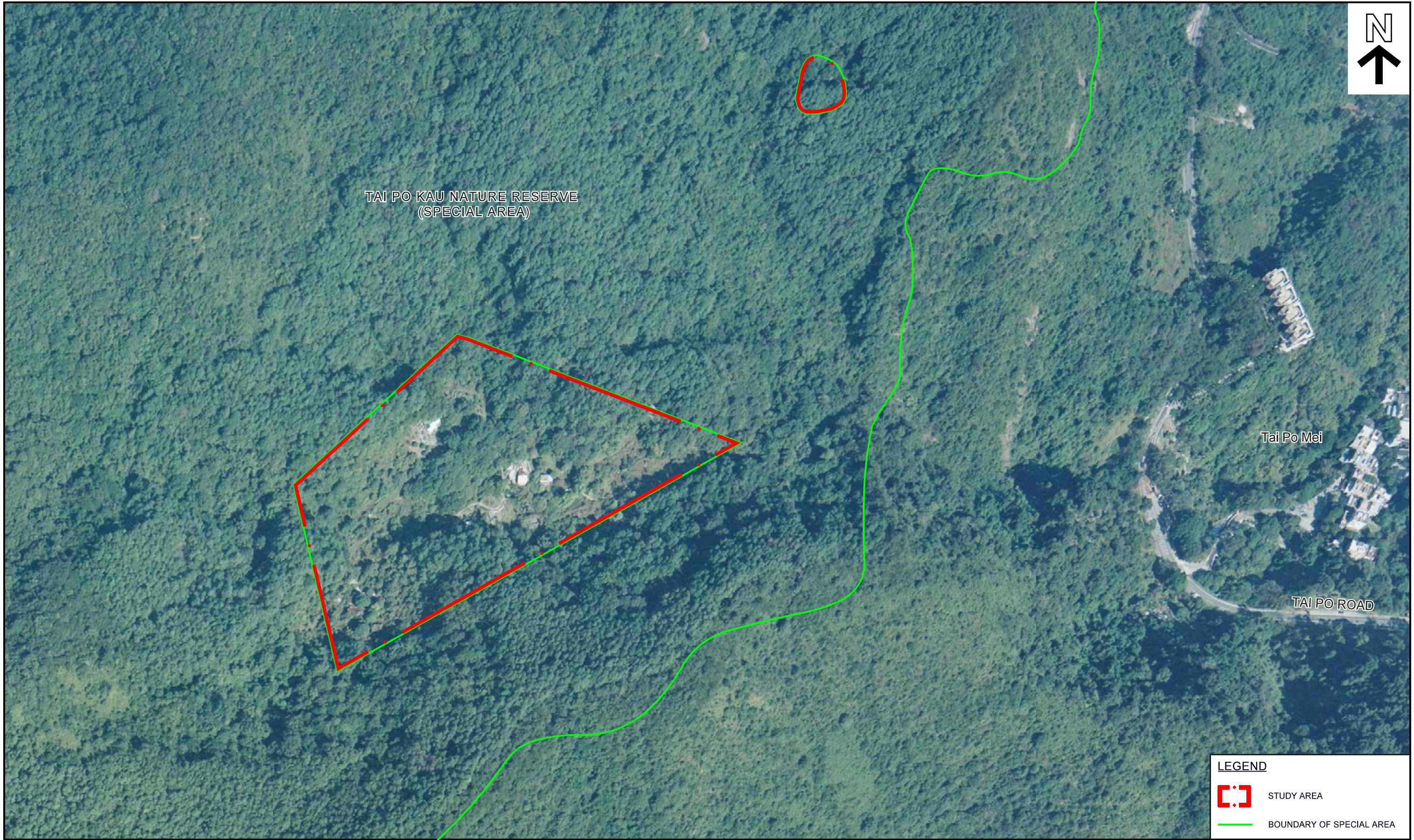
 STUDY AREA

 BOUNDARY OF COUNTRY PARK / SPECIAL AREA

<p>PLAN PREPARED ON 12.8.2016 BASED ON AERIAL PHOTOS No. CW111602 & CW111752 TAKEN ON 14.1.2015 BY LANDS DEPARTMENT</p>	<p><u>AERIAL PHOTOS</u></p> <p>TAI PO KAU</p>		<p>PLANNING DEPARTMENT </p>
		<p>REFERENCE No. M/CPE/TPK/16/1</p>	<p>FIGURE 4a</p>



PLAN PREPARED ON 12.8.2016 BASED ON AERIAL PHOTO No. CW111752 TAKEN ON 14.1.2015 BY LANDS DEPARTMENT	<u>AERIAL PHOTO</u>		PLANNING DEPARTMENT 	
	SITE NEAR NGAU WU TOK		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	<u>AERIAL PHOTO</u>		PLANNING DEPARTMENT 	
	SITE NEAR TAI PO MEI		REFERENCE No. M/CPE/TPK/16/1	FIGURE 4c



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

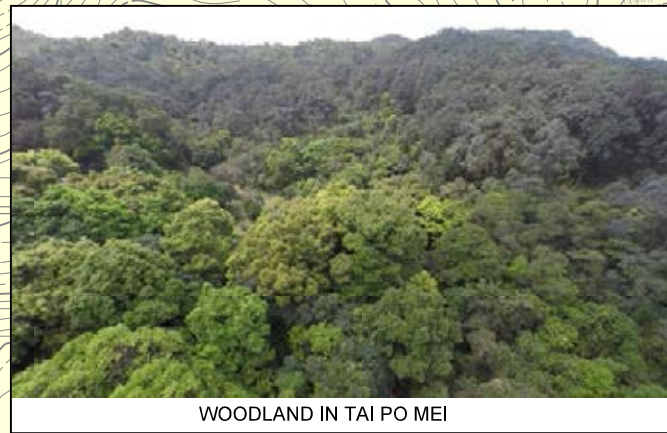


REFERENCE No.
M/CPE/TPK/16/1

FIGURE
5a



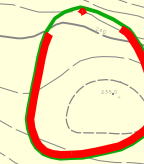
PATCHES OF GRASSLANDS WITH TREE CLUSTERS



WOODLAND IN TAI PO MEI



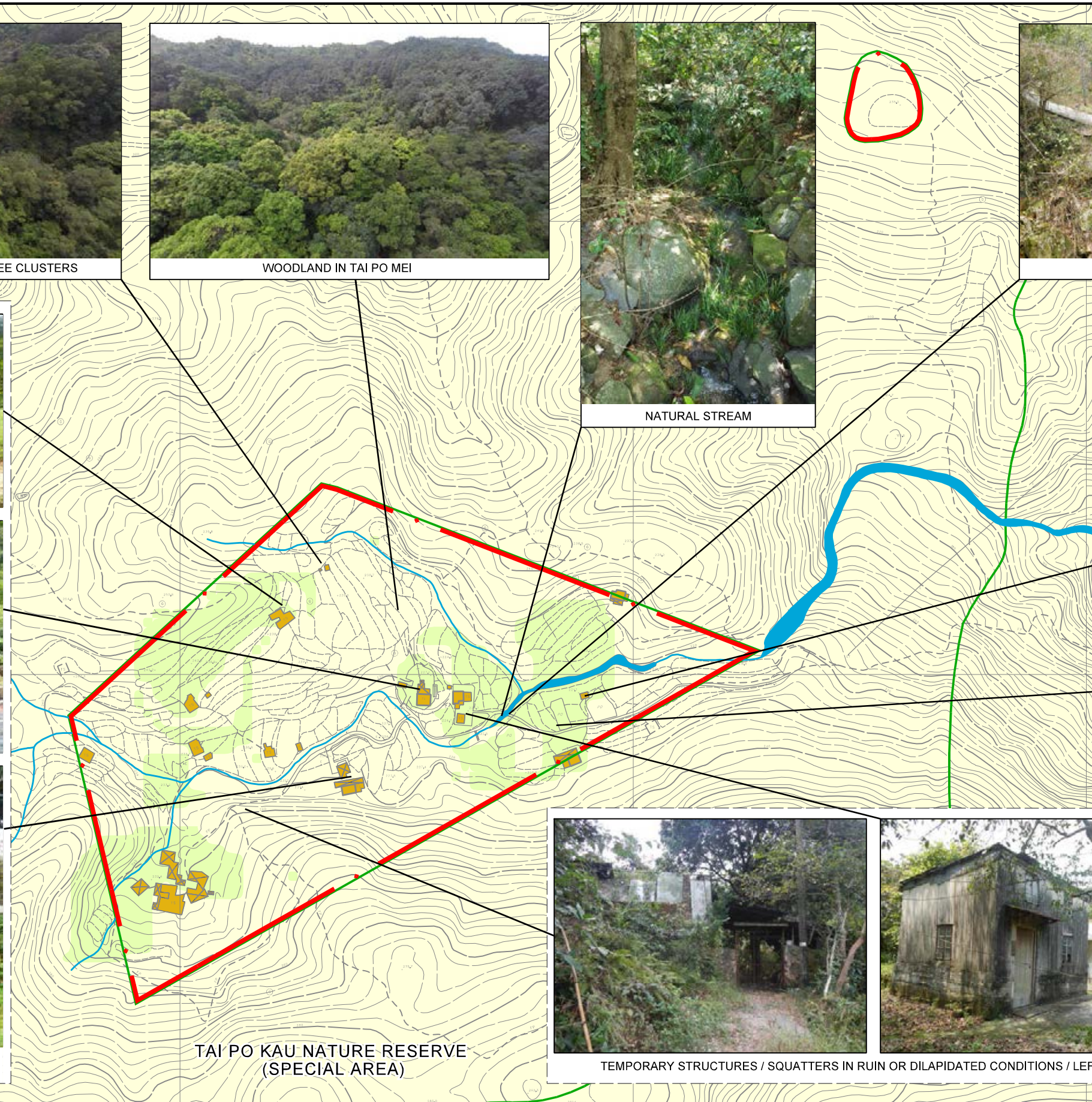
NATURAL STREAM



FOOTPATH LEADING FROM TAI PO ROAD



ACTIVE FARMLAND ADJACENT TO SQUATTERS



TAI PO KAU NATURE RESERVE
(SPECIAL AREA)



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



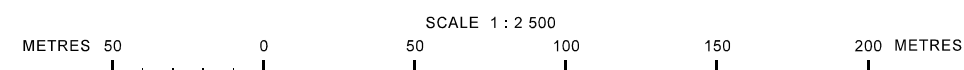
LEGEND

- 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

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

EXISTING PHYSICAL FEATURES AND LAND USES

SITE NEAR TAI PO MEI

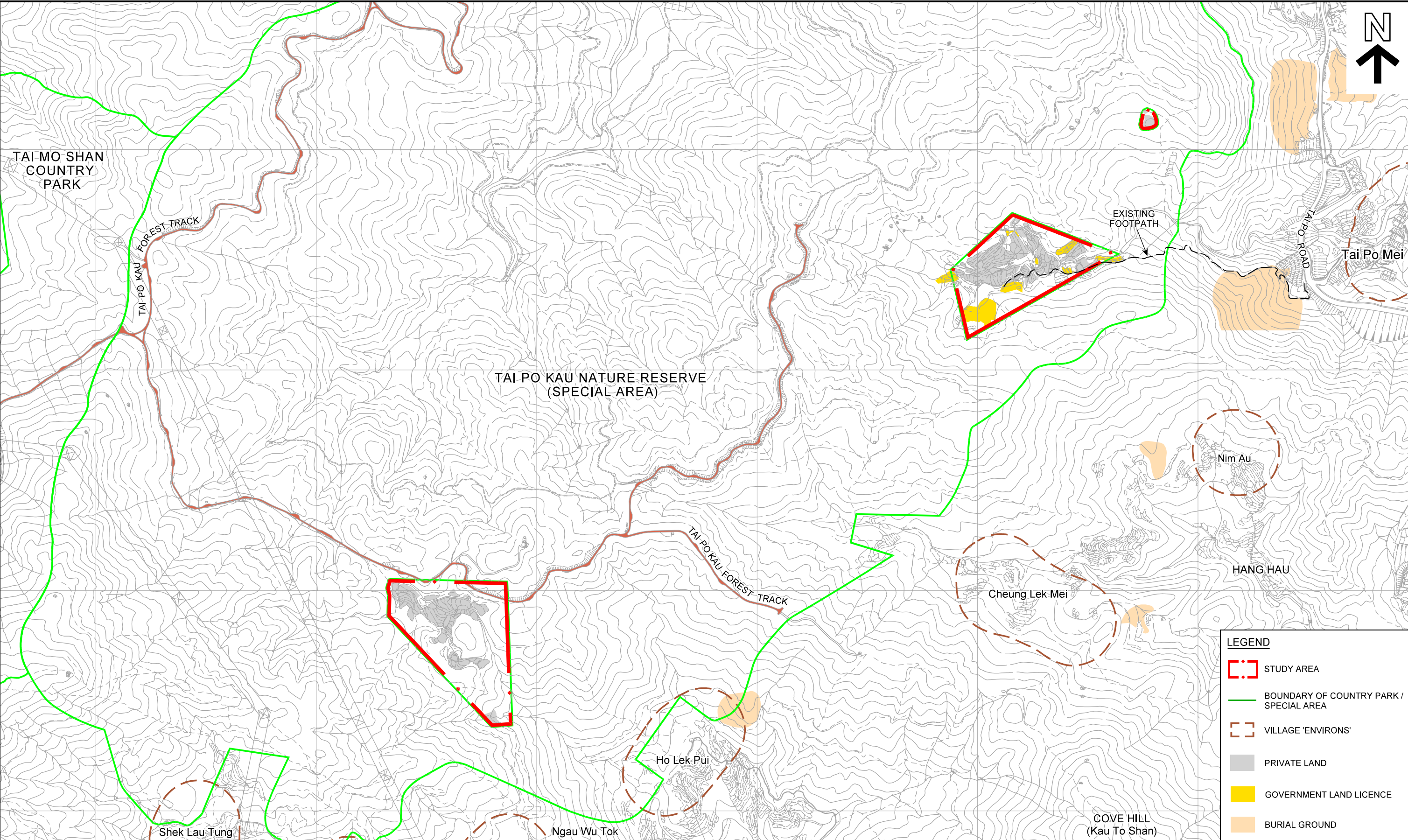


PLANNING DEPARTMENT

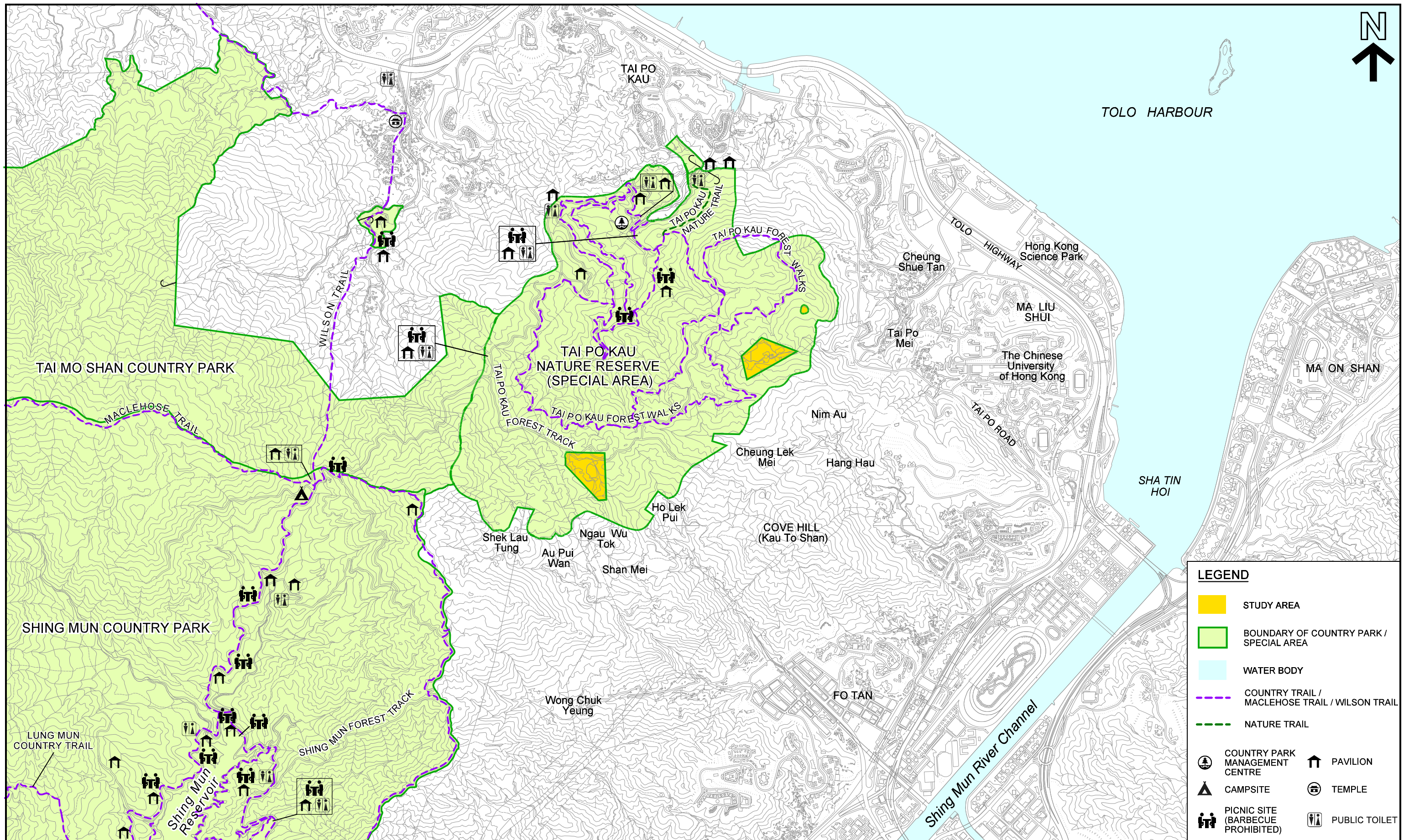


REFERENCE No.
M/CPE/TPK/16/1

FIGURE
5b



<p>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</p>	<p>LAND OWNERSHIP</p> <p>TAI PO KAU</p> <p>SCALE 1 : 8 000</p> <p>METRES 200 0 200 400 600 METRES</p>		<p>PLANNING DEPARTMENT</p>
			<p>REFERENCE No. M/CPE/TPK/16/1</p>
		<p>FIGURE 6</p>	



EXISTING GIC, INFRASTRUCTURAL, RECREATION AND TOURISM-RELATED FACILITIES

TAI PO KAU

SCALE 1 : 25 000
METRES 500 0 500 1000 METRES

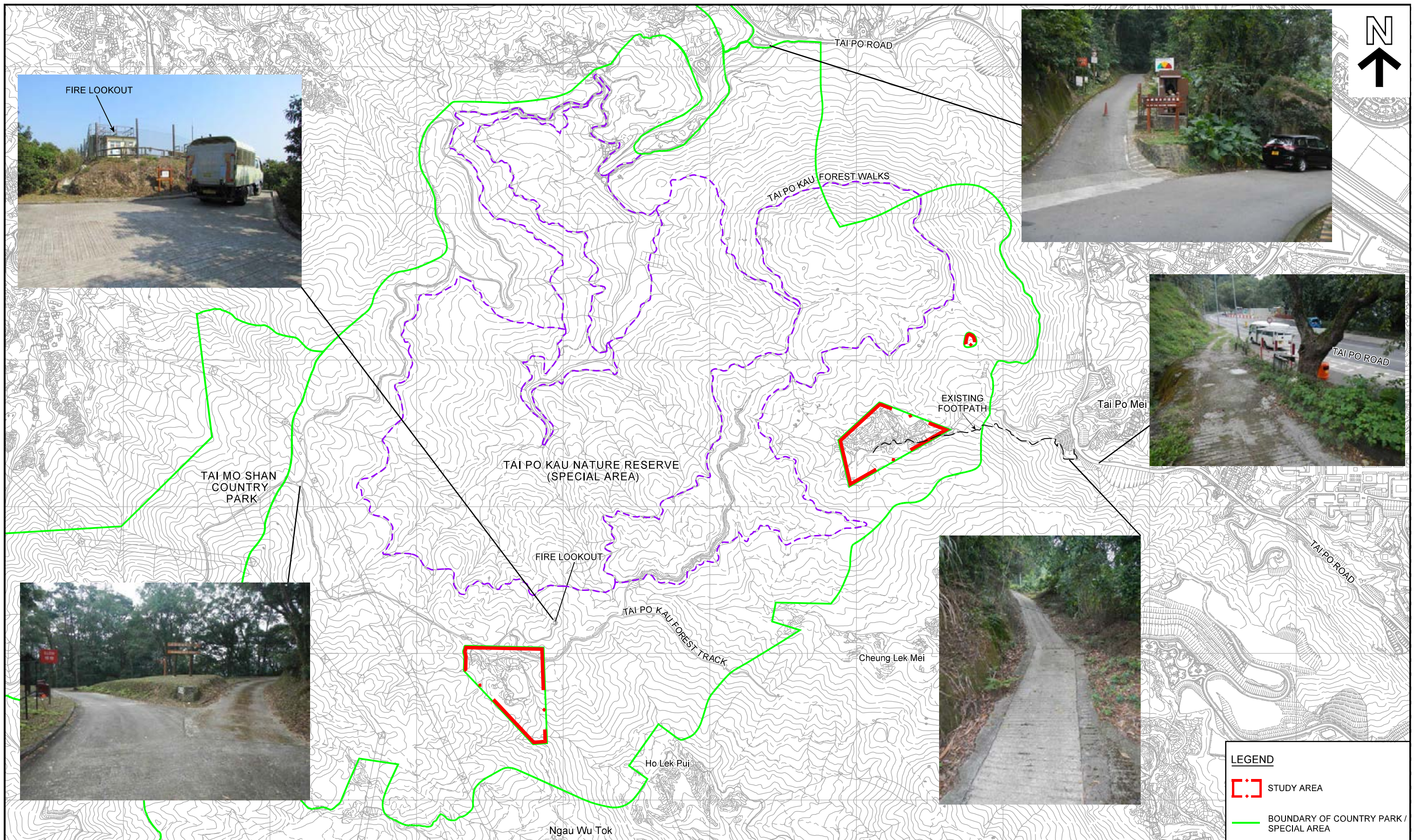
PLAN PREPARED ON 12.8.2016
BASED ON SHEETS No. 4-SE/SW AND 8-NE/NW

PLANNING DEPARTMENT



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

FIGURE
7a



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

ACCESS ROAD TO THE AREA

TAI PO KAU

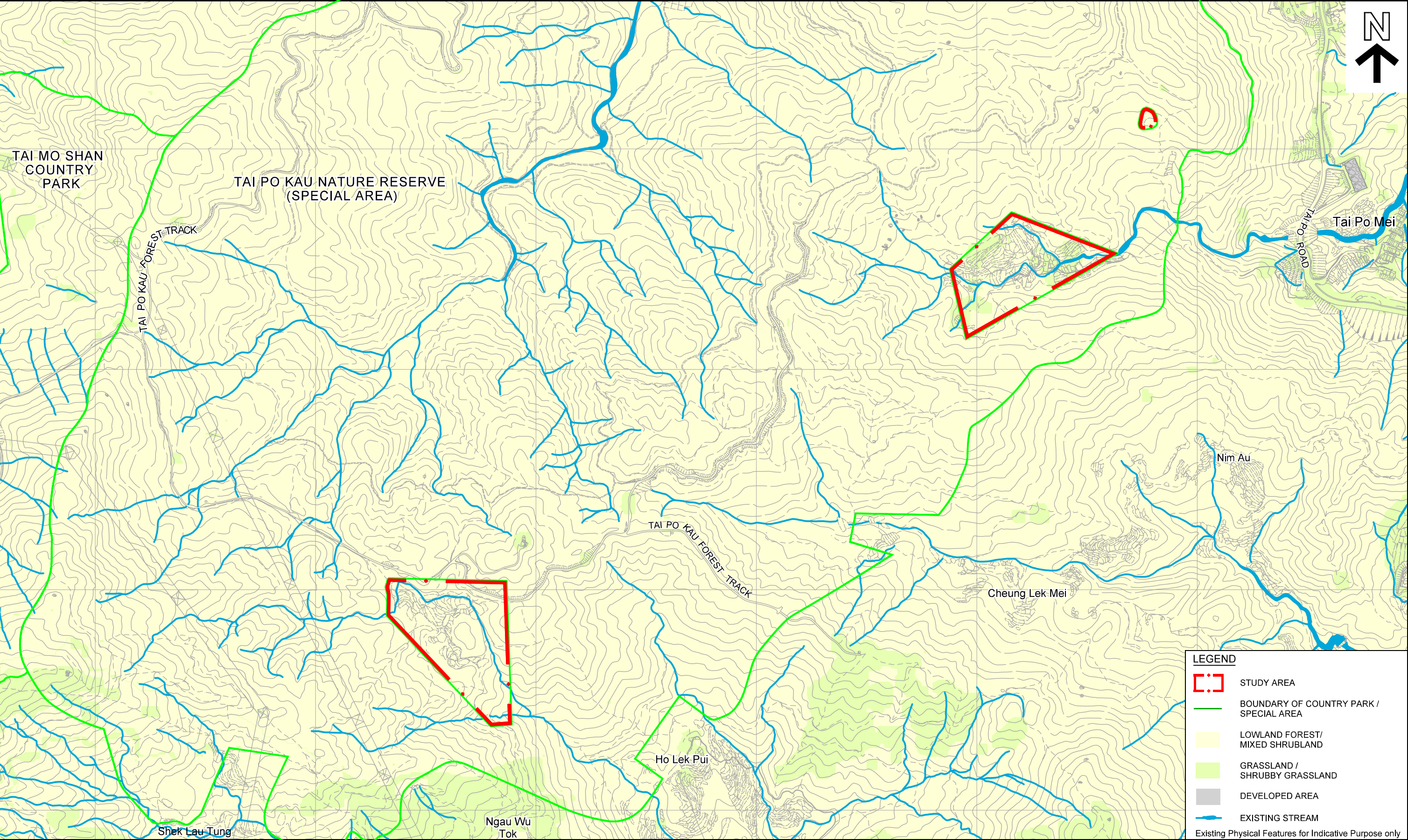
SCALE 1:12 000
METRES 250 0 250 500 750 1000 METRES

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

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

ECOLOGICAL RESOURCES

TAI PO KAU

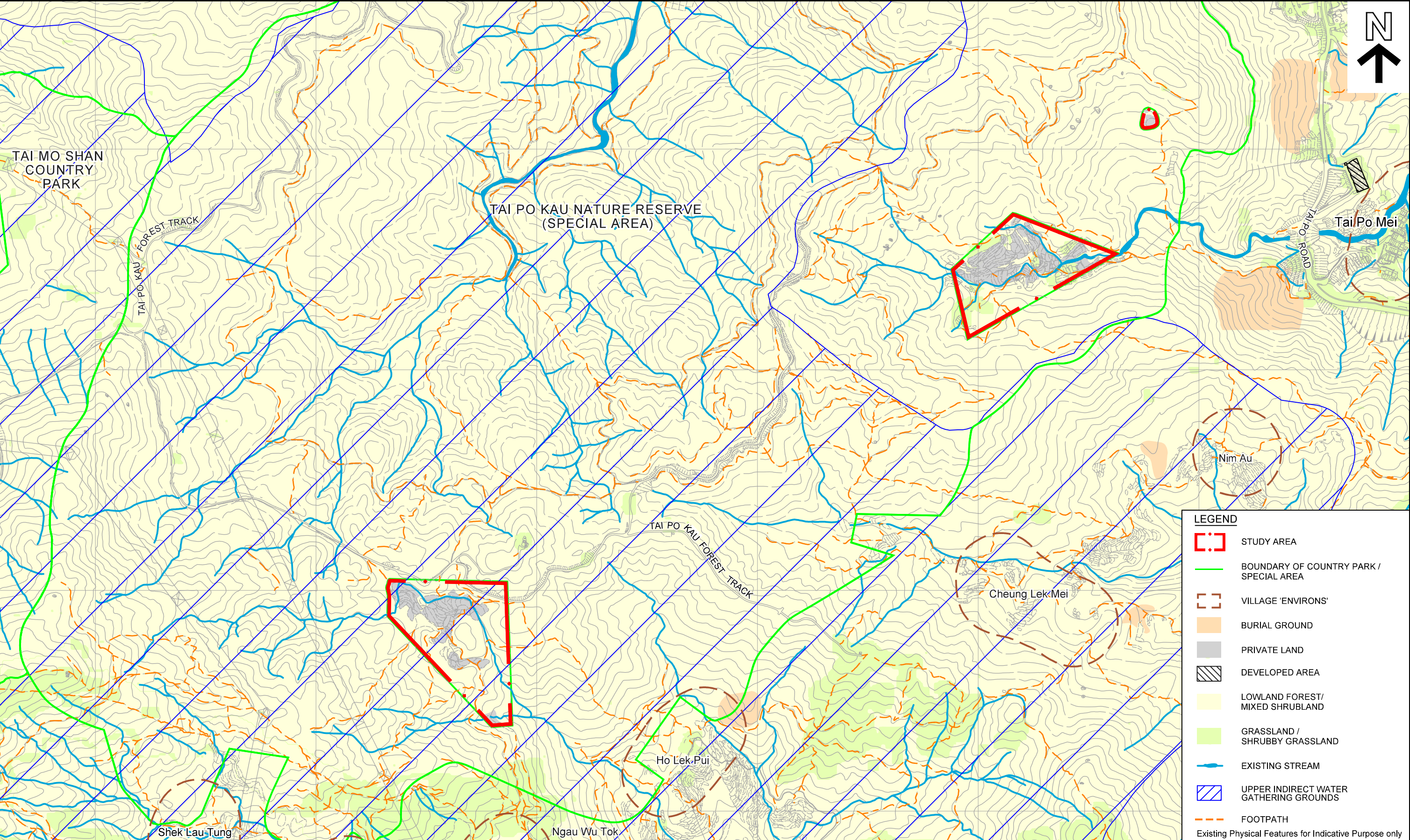
SCALE 1 : 8 000

METRES 200 0 200 400 600 METRES

PLANNING DEPARTMENT

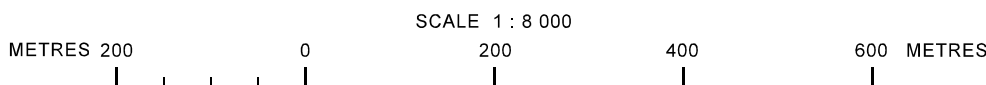
REFERENCE No.
M/CPE/TPK/16/1

FIGURE
8



DEVELOPMENT CONSTRAINTS

TAI PO KAU



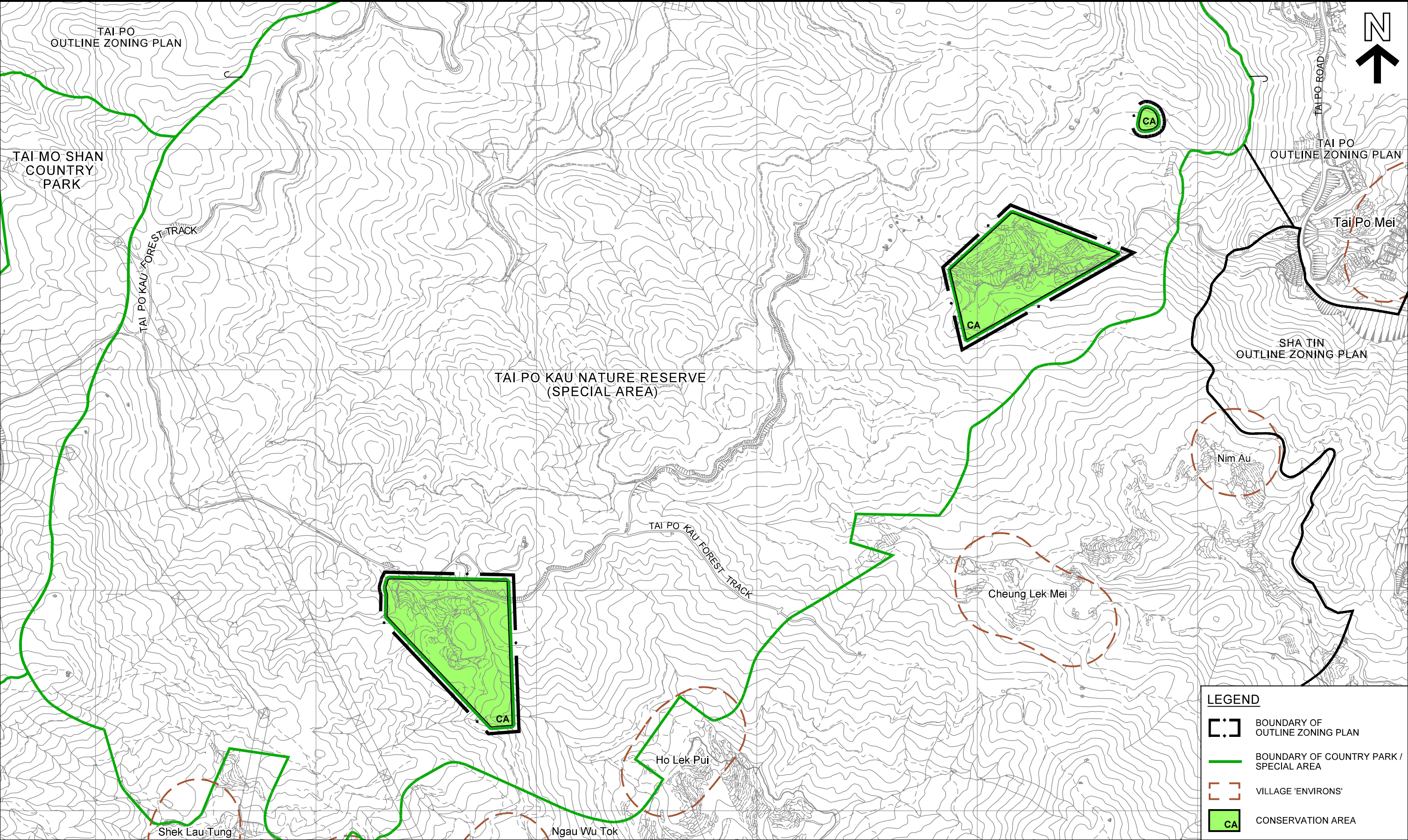
PLAN PREPARED ON 12.8.2016
BASED ON SURVEY SHEETS No.
7-SW-4B, 5A/B, 7-SE-1A/B, 7-NW-19B/D,
20A/B/C/D, 24B/D, 25A/B/C/D,
7-NE-16A/B/C/D AND 21A/B/C/D

PLANNING DEPARTMENT



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

FIGURE
9



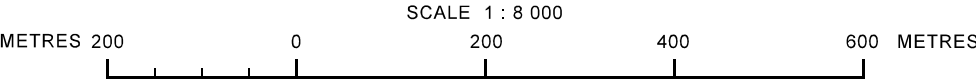
LEGEND

- BOUNDARY OF OUTLINE ZONING PLAN
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA
- VILLAGE 'ENVIRONS'
- CA CONSERVATION AREA

PROPOSED LAND USES

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
10

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.

TEMPLE CHAMBERS

16/F One Pacific Place
88 Queensway, Hong Kong
T: (+852) 2523 2003
F: (+852) 2810 0302
www.templechambers.com
Chambers Administrator: Teresa Tam



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 Taiipo 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 AFCDD 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 loops and a long horizontal stroke extending to the right.

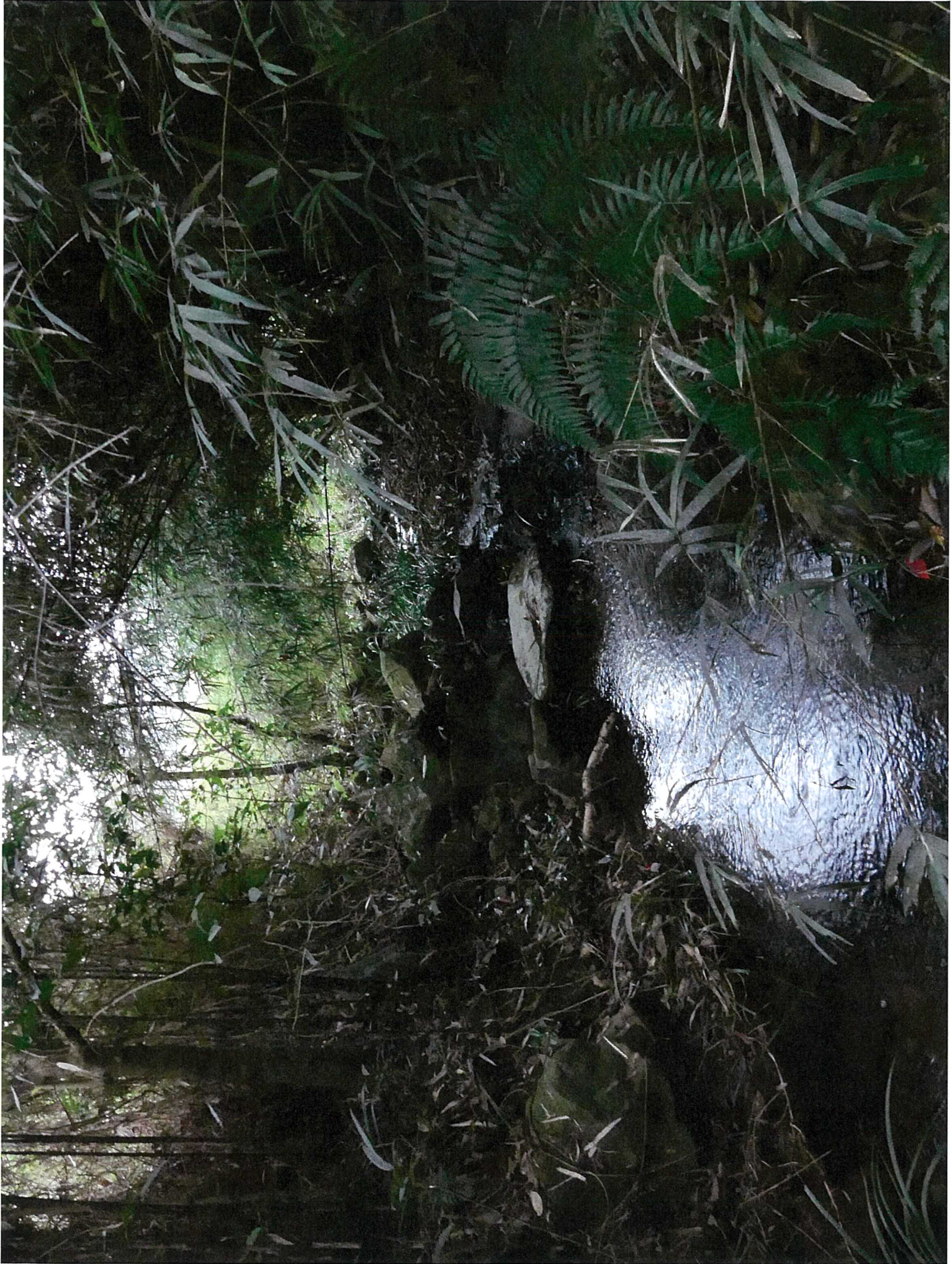
Ruy Barretto S.C.

[8927.rb]

1) Entry to Envelave from Taijao Road



2) Stream flowing through Enclave to Taupo Nei.



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.

沙田區議會
發展及房屋委員會
二零一六年度第六次會議記錄

會議日期：二零一六年十一月三日(星期四)

時間：下午二時三十分

地點：沙田政府合署四樓

沙田區議會會議室

《大埔滘分區計劃大綱草圖編號 S/NE-TPK/B》

(文件 DH 41/2016)

104. 主席歡迎規劃署高級城市規劃師/新圖規劃楊倩女士及城市規劃師/新圖規劃何文瑛女士。

105. 楊倩女士簡介文件。

106. 容溟舟先生的意見綜合如下：

- (a) 城規會已把該幅土地劃為自然保育區。他詢問若發現有人在那裏破壞生態，由哪個部門負責執法。他發現過去有人在保育區斬樹和進行復耕活動，詢問規劃署有多少人手巡查；以及
- (b) 他支持把“不包括的土地”改劃為“自然保育區”，但擔心署方沒有足夠人手巡查面積廣闊的保育區。

107. 蘇震國先生回應說，如發現有人在“自然保育區”地帶進行填土、挖土等活動，規劃署可根據《城市規劃條例》執法。牽涉政府土地的活動，例如砍伐林木，會由漁農自然護理署執法。人手方面，規劃署有約 60 人負責整個新界區的執行管制及檢控工作。然而，該地點偏遠，需步行一段頗長及陡斜行人徑方能到達，而且不接近村落，在發展方面沒有壓力，因此署方預計該地點受破壞的潛在風險不高。此外，將該地點劃為“自然保育區”地帶可配合周圍大埔滘自然護理區的生態價值。

108. 容溟舟先生詢問在土地改劃獲批准後，規劃署會否通知環保組織，以期作全面監察。

109. 蘇震國先生表示，規劃署與環保組織例如嘉道理農場暨植物園公司、香港觀鳥會等經常保持聯繫，這些組織不時主動通知署方發生在一些偏遠地區的保育問題。他讚賞這些組織在自然生態保育方面的參與。

110. 主席宣布結束討論是項議題。



大埔鄉事委員會 TAI PO RURAL COMMITTEE

本會檔號：21-128

敬啟者：

反對大埔滘分區計劃大綱草圖編號 S/NE-TPK/B

貴署曾就標題事宜於 2016 年 11 月 2 日諮詢本會意見，會上各委員對其中兩幅郊野公園「不包括土地」的規劃設計，表示強烈不滿，認為會嚴重影響當地民生，並對私有土地業權人構成龐大的損失。就大埔尾村附近約 5.47 公頃土地的規劃，會上各委員提出多項意見，要求貴署盡量反映在設計上。

本會認為該私有土地既有農作物及寮屋，政府理應保護市民私有財產權益，將該處規劃為農地(AGR)，實現耕作用途；而不應借公眾利益為名，將市民私有財產改劃為自然保育區(CA)，令業權人及在當地耕作人士蒙受損失，形同搶掠市民財產的行為，並無分別。

為此，本會強烈反對大埔滘分區計劃大綱草圖編號 S/NE-TPK/B，除非政府合理補償有關土地業權人。隨函附上大埔尾村原居民代表李永強、李少文先生及鄉代表丘華安先生來信副本，以供查閱。敬祈重新考慮。

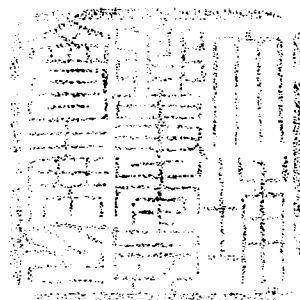
此致
規劃署署長
凌嘉勤太平紳士

大埔鄉事委員會

主 席：張學明

副主席：陳笑權

張國棟



二零一六年十一月七日

敬啟者：

大埔滘分區計劃大綱草圖

S/NE-TPK/B

就標題事宜，本村村民曾進行討論並議決反對本村附近兩幅土地被規劃為「自然保育區」，而我們在 貴會本月二日執行委員會議已表達反對意見，謹列反對理據如下：

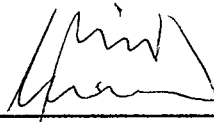
- (一) 擬規劃地區土名「鹿湖」屬本村範圍，立村數百年來，村民在該區耕作，百多年前還有村民在該區建屋居住，其後因地處偏僻，出入不便而相繼遷離。村民認為政府不應將本村範圍內土地規劃為「自然保育區」。
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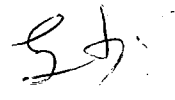
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此致

大埔鄉事委員會
張學明主席
陳笑權首副主席
張國棟副主席

大埔尾村原居民代表



李永強

李少文

二零一六年十一月七日

副本送交：大埔區議會
環境、房屋及
工程委員會主席
陳笑權議員

敬啟者：

大埔滘分區計劃大綱草圖
S/NE-TPK/B


就標題事宜，本人於 貴會本月二日執行委員會議已表達意見，反對政府將大埔尾村附近兩幅土地規劃為「自然保育區」。

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陳笑權副主席
張國棟副主席

樟樹灘鄉代表


丘華安

二零一六年十一月七日



大埔鄉事委員會 TAI PO RURAL COMMITTEE

本會檔號：21-128

敬啟者：

反對大埔滘分區計劃大綱草圖編號 S/NE-TPK/B

貴署曾就標題事宜於 2016 年 11 月 2 日諮詢本會意見，會上各委員對其中兩幅郊野公園「不包括土地」的規劃設計，表示強烈不滿，認為會嚴重影響當地民生，並對私有土地業權人構成龐大的損失。就大埔尾村附近約 5.47 公頃土地的規劃，會上各委員提出多項意見，要求貴署盡量反映在設計上。

本會認為該私有土地既有農作物及寮屋，政府理應保護市民私有財產權益，將該處規劃為農地(AGR)，實現耕作用途；而不應借公眾利益為名，將市民私有財產改劃為自然保育區(CA)，令業權人及在當地耕作人士蒙受損失，形同搶掠市民財產的行為，並無分別。

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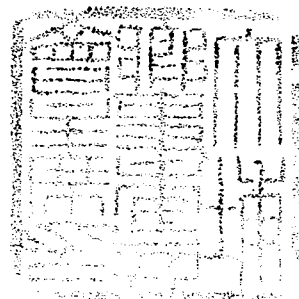
城市規劃委員會秘書

大埔鄉事委員會

主席：張學明

副主席：陳笑權

張國棟



二零一六年十一月七日

敬啟者：

大埔滘分區計劃大綱草圖

S/NE-TPK/B

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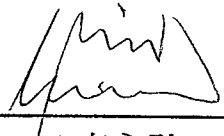
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丘華安

二零一六年十一月七日



大埔鄉事委員會 TAI PO RURAL COMMITTEE

24

本會檔號：21-128

敬啟者：

反對大埔滘分區計劃大綱草圖編號 S/NE-TPK/B

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規劃署

楊倩女士(高級城市規劃師/新圖規劃)

大埔鄉事委員會

主席：張學明

副主席：陳笑權

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二零一六年十一月七日

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S/NE-TPK/B

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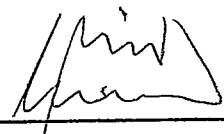
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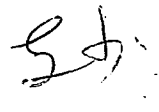
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大埔鄉事委員會
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大埔尾村原居民代表



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二零一六年十一月七日

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環境、房屋及
工程委員會主席
陳笑權議員

敬啟者：

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丘華安

二零一六年十一月七日

大埔鄉事委員會第二十一屆執行委員會第二十次會議紀錄

21M020 P.1

日期：2016年11月2日(星期三)

時間：上午十時正

地點：本會二樓會議廳

出席：張學明 (大埔鄉事委員會主席)
陳笑權 (大埔鄉事委員會首副主席)
張國棟 (大埔鄉事委員會副主席)
鄭倫光 (大埔鄉事委員會委員)
鍾偉強 (大埔鄉事委員會總務主任)
鄧銘泰 (大埔鄉事委員會副總務主任)
陳長有 (大埔鄉事委員會總務)
陳灶良 (大埔鄉事委員會總務)
李少文 (大埔鄉事委員會總務)
李國英 (大埔鄉事委員會委員)
梁官華 (大埔鄉事委員會委員)
陳漢明 (大埔鄉事委員會委員)
李有慶 (大埔鄉事委員會委員)
石廣燕 (大埔鄉事委員會委員)
鄭煌發 (大埔鄉事委員會委員)
馬家強 (大埔鄉事委員會委員)
張國耀 (大埔鄉事委員會委員)
鍾天培 (大埔鄉事委員會委員)
文健洪 (大埔鄉事委員會委員)
丘華安 (大埔鄉事委員會委員)
葉志良 (大埔鄉事委員會委員)
黃漢平 (大埔鄉事委員會委員)
邱榮光 (大埔鄉事委員會委員)
李永強 (大埔鄉事委員會委員)
梁正光 (大埔鄉事委員會委員)
李有來 (大埔鄉事委員會委員)
張國慧 (大埔鄉事委員會委員)
李玉明 (大埔鄉事委員會委員)
王柏茂 (大埔鄉事委員會委員)
劉志成 (大埔鄉事委員會義務顧問)

張浩然（大埔鄉事委員會義務顧問）
林祿榮（大埔鄉事委員會義務顧問）
楊倩（規劃署高級城市規劃師/新圖規劃）
何文瑛（規劃署城市規劃師/新圖規劃 2）
傅凱謙（規劃署）
賴德聰（規劃署）

會議程序：

甲. 主席宣布開會並歡迎

規劃署官員 高級城市規劃師/新圖規劃 楊倩女士、
城市規劃師/新圖規劃 2 何文瑛女士

出席本會介紹大埔滘分區計劃大綱草圖編號 S/NE-TPK/B 事宜

1. 楊倩高級規劃師簡介大埔滘分區計劃大綱草圖編號 S/NE-TPK/B 事宜，規劃背景、規劃意向及土地用途地帶(見附帶文件)。署方先諮詢本會意見，稍後再諮詢區議會，並會將所收集的意見轉交城規會討論。
2. 有委員指兩年多前政府發表地區審批圖將該區規劃為「非指定用途」時，該村已提出反對，今天政府要再進一步將該區劃為「保育地」，該村再次提出強烈反對。他指該區有 17 萬平方呎在 1905 年始的集體官批上註冊的私有農地，是大埔尾村民所有。該地區距離公路有三十多分鐘路程，並無發展潛力，但有一河流提供村民用水，是大埔尾村民世代生活用地。他續指署方所提出的受保護的一種植物只在山坡地生長，農地並無受保護植物，質疑為何一定要將農地改劃為保育地？加上保育地內的農耕作業必定受到嚴格限制，只會令到農戶蒙受損失，因此政府不應將無保護植物生長的耕地規劃為保育地。該村反對將鹿湖劃為保育區，特別反對將農地規劃為保育區。如要規劃，政府必須將鹿湖私有土地規劃為農地，而不是強搶私有農地為保育地，或按價值賠償與受影響的農戶及業權人。
3. 有委員指該區農地種有果樹，建有蓄水池作灌溉用途，山坡地雖然不是農地，但有該村的祖墓和古墳，被劃為保育地將令村民祭祖除草都變成犯法。該村強烈反對政府將私有農地改劃為保育地，指政府變相禁制該區農耕活動，將私產公有化，令業權人喪失土地使用權。
4. 張主席指政府將私有土地劃為保育地必會扼殺土地的潛在價值，侵害業權人的利益，由於該兩片土地分別在大埔及沙田兩區，他建議委員們聚焦討論鹿湖的規劃事宜，牛湖托位於沙田則交由沙田鄉事會跟進。

5. 有委員指鹿湖是樟樹灘鄉(大埔尾村及樟樹灘村)村民世代代作業和祭祖活動的地方，他不滿署方無設身處地考慮村民的感情，每每在制定政策後才作諮詢，再少修少補，強行通過。
6. 有委員反對政府借保育為名，搶掠市民土地使用權為實。他認為政府如要規劃私有土地作為保育用途，先要給補償與業權人。
7. 有委員指該區被劃為郊野公園內不包括土地，已有非常多條款限制，保護該區生態，如被劃為自然保育區，限制條款更多，質疑政府是否認為現行郊野公園不足以保育，要進一步將私有土地劃為保育地？他質疑政府假保育為名，進一步扼殺居民在私有土地的使用權，違犯基本法第六條。
8. 有委員指有關規劃對大埔尾的影響與沙螺洞情況類同，造成村民強力的反響。他質疑如當區村民強烈反對，該署是否堅持規劃建議？他建議規劃署先與村代表及村民溝通。
9. 有委員指如在政府土地劃為保育地(CA)，漁護署可以進入工作，方便並可有效保育。如保育地在私人土地，漁護署如何進入工作？他指有關農地耕作超過百年，政府應尊重業權人的權益，如私有農地被劃為保育地，耕作會受到限制，甚者要申請獲得批准才可以復耕，否則便屬違法，此舉嚴重侵害業權人的權益，制造不少糾紛，政府究竟依據甚麼準則去核實有關申請？他強調鄉議局與十一個綠色(環保)團體在 2005 年建議政府對規劃保育地或有特殊科學價值地帶，都要有適當的配套，包括成立保育基金，對私人土地作出賠償，才能達到公平和真正保育。他認為署方要仔細考慮，審慎處理郊野公園不包括土地(私有土地)，達至雙贏。
10. 有顧問指規劃建議的兩幅土地屬於郊野公園 54 幅不包括土地其中兩幅地，規劃署在 2014 發表的發展審批大綱圖，三年後的今天又要規劃 OZP，有關規劃每每令新界鄉村及原居民感到不公。他認為鄉郊土地，尤其是鄰近鄉村有人居住的地方，應盡量保留原有的規劃，保障私有權益，政府不應將規劃變成掣肘原居民及私有土地的政策？大埔尾村已對鹿湖被規劃為 CA 表達明確反對意見，他要求署方澄清鹿湖是否位處大埔滘自然護理區範圍外。
11. 楊女士補充關於 2010 年政府處理不包括土地的措施，該地在集體官批被註冊為農地。署方在 2014 年將發展審批地區圖刊憲，在 2014 年前已存在的寮屋會被政府確認為既有構築物；2016 年 9 月 23 日將草圖提交城規會，城規會要本署作廣泛諮詢，收集意見後交城規會討論，將發展審批地區草圖刊憲，刊憲期間有兩個月作申述期。該署曾向民政處及地政處查詢有關地區有無墳墓，獲回應指該地無認可鄉村殯葬區。
12. 有委員立即抗議指該地有大埔尾村超過百年的祖墳。

13. 張主席相信民政處及地政處所指的是認可鄉村殯葬區的墓地，不是指祖墳。他指新界原居民重視風水，為先人尋找風水地然後下葬，福蔭子孫，因此祖墳每每遠離原居鄉村，建議署方再詳細諮詢民政處及地政處，避免產生誤會。
14. 楊女士補充指如在 2014 年前已存在的構築物，屬於已有構築物，容許繼續運作。她重申本會要儘快在兩個星期內致函該署提出意見，以便該署將意見提交城規會審議。
15. 張主席總結指本會反對大埔滘分區計劃大綱草圖編號 S/NE-TPK/B 就大埔尾鹿湖地區的規劃，反對理由經由各委員在席上提出，他要求楊女士將意見帶回署方及城規會，本會將致函署方及城規會表達本會意見。
16. 上午十一時三十分，規劃署官員離席。

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Fw: 大埔鄉事委員會會議紀錄摘錄
19/12/2016 11:38

Phoebe MY HO to: [REDACTED]
Cc: Channy, Amanda

From: Phoebe MY HO/PLAND/[REDACTED]
To: 秘書處 大埔鄉事委員會 <[REDACTED]>
Cc: Channy, Amanda

History: This message has been forwarded.

本署檔號 PD/TP 1/01/28-1

大埔鄉事委員會
文寅發先生

文先生：

感謝 貴會於本年12月9日電郵予本處有關本處出席 貴會於本年11月2日的會議的紀錄。就該會議紀錄的第11及14段，本處有以下補充/更正資料：

楊女士作出綜合回應：

二〇一〇至二〇一一年《施政報告》承諾，將五十多幅郊野公園「不包括土地」，納入郊野公園範圍或制訂法定規劃圖則。規劃署現正為大埔滘地區制訂分區計劃大綱圖，以取代該發展審批地區圖，對該區維持法定規劃管制。

該區大埔尾附近的私人土地主要是根據集體政府契約批租作農業用途；而在「自然保育區」地帶內，一般的耕種活動是經常准許的。

該署根據大埔民政處及地政處提供的資料，該區並無認可鄉村的許可墓地。然而，任何土地或建築物的用途，如在大埔滘發展審批地區草圖

2014年刊憲前已經存在並持續進行，屬現有用途，可繼續存在。

該署在展開分區計劃大綱圖的擬備工作之前，曾致函大埔鄉事委員會，邀請委員會就土地用途規劃提供意見。其後城規會同意把《大埔滘分區計劃大綱草圖編號S/NE-TPK/B》提交相關區議會及鄉事委員會作諮詢，所以該署現正收集地區意見，亦備悉委員會的反對意見。委員會亦可於兩星期內盡快致函該署提出意見，以便在分區計劃大綱草圖根據城規條例刊憲前，提交予城規會作進一步考慮。

多謝 貴會對該區規劃事宜的關注。

如有任何查詢，請聯絡本人或高級城市規劃師楊倩女士 (電話2158

6372)。

規劃署
沙田、大埔及北區規劃處
何文瑛女士
電話 2158 6381

秘書處 大埔鄉事委員會

茲送上2016年11月2日之會議摘錄大埔鄉事...

09/12/2016 12:01:38

From: 秘書處 大埔鄉事委員會 [REDACTED]
To: [REDACTED]
Date: 09/12/2016 12:01
Subject: 大埔鄉事委員會會議紀錄摘錄

茲送上2016年11月2日之會議摘錄
大埔鄉事委員會文秘書

Attachment "C:\MS05\0511\05-11031001.pdf" deleted by Photos.MY HORIZON\RSARQ

大埔區議會
環境、房屋及工程委員會
2016年第七次會議記錄

日期：2016年11月9日(星期三)

時間：下午2時30分至下午6時15分

地點：大埔區議會會議室

出席者：

		<u>出席時間</u>	<u>離席時間</u>
陳笑權先生,MH	主席	會議開始	會議完畢
李華光先生	副主席	會議開始	下午5時10分
區鎮樺先生	委員	會議開始	會議完畢
陳灶良先生,MH	委員	下午2時45分	會議完畢
周炫璋先生	委員	會議開始	會議完畢
關永業先生	委員	會議開始	會議完畢
劉志成博士	委員	下午2時40分	會議完畢
劉勇威先生	委員	會議開始	會議完畢
羅曉楓先生	委員	會議開始	會議完畢
李國英先生,BBS,MH,JP	委員	會議開始	會議完畢
李耀斌先生,BBS,MH,JP	委員	會議開始	下午5時20分
譚榮勳先生	委員	下午2時35分	下午5時50分
鄧銘泰先生	委員	會議開始	會議完畢
黃碧嬌女士,BBS,MH,JP	委員	會議開始	會議完畢
胡健民先生	委員	會議開始	會議完畢
任啓邦先生	委員	會議開始	會議完畢
任萬全先生	委員	會議開始	下午5時45分
余智榮先生	委員	會議開始	會議完畢
郭永健先生	委員	會議開始	下午6時02分
陳梓華先生	委員	下午3時45分	下午5時12分
李錦松先生	委員	會議開始	下午5時25分
李少文先生	委員	會議開始	會議完畢
邱榮光博士,JP	委員	會議開始	會議完畢
鄧佩詩女士	委員	會議開始	下午2時55分
陳盟鏘先生	秘書	會議開始	會議完畢

列席者：

李佳盈女士	大埔民政事務助理專員／大埔民政事務處／民政事務總署
黃展和先生	高級環境保護主任(區域北)1／環保法規管理科／環境保護署
趙謝淑燕女士	高級房屋事務經理(大埔及北區)／屋邨管理處／房屋署
劉志庭先生	高級城市規劃師(大埔)／新界區規劃部／規劃署
湛淑媛女士	工程師／49(新界東)／新界東拓展處／土木工程拓展署
冼超航先生	高級衛生督察(潔淨／防治蟲鼠)／大埔區環境衛生辦事處／食物環境衛生署
鍾嘉時先生	高級衛生督察(小販)／大埔區環境衛生辦事處／食物環境衛生署
劉素梅女士	署理行政助理／大埔地政處／地政總署
鄒健強先生	署理高級地政主任(管制)／大埔地政處／地政總署
黃耀明先生	大埔區副康樂事務經理 2／康樂及文化事務署
王志永先生	大埔分區特遣隊指揮官／香港警務處
李裕修先生	高級行政主任(區議會)／大埔民政事務處／民政事務總署
陳樂謙先生	行政主任(發展)／大埔民政事務處／民政事務總署
梁仲華先生	候任行政主任(區議會)1／大埔民政事務處／民政事務總署

III. 《大埔滘分區計劃大綱草圖編號 S/NE-TPK/B》

(大埔區議會文件 EHW 72/2016 號)

8. 主席歡迎規劃署高級城市規劃師楊倩女士及城市規劃師何文瑛女士就是項議程出席會議。

9. 楊倩女士介紹上述文件。

10. 委員的意見如下：

- (i) 多名委員批評規劃署漠視村民反對，強行將他們的私人土地規劃作自然保育區。
- (ii) 有委員指將私人土地劃作自然保育區會影響村民的生活，他們將不能從事修墳、耕種、採藥等活動。
- (iii) 有委員認為均衡發展非常重要，政府不能以保育為理由隨便更改土地用途，漠視業權人的權益。他指如所涉私人土地有很高生態價值，政府可藉收購土地進行保育，公平對待業權人。
- (iv) 有委員認為應尊重村民的意見。他建議規劃署先作充分諮詢，並主動告知委員諮詢結果，以供參考。
- (v) 多名委員認為規劃署已有既定立場，諮詢鄉事委員會(“鄉委會”)及區議會只是形式上的工作，並沒有認真考慮接納鄉委會及區議會的意見。

11. 主席表示，大埔鄉委會已於本年 11 月 2 日的會議上就《大埔滘分區計劃大綱草圖編號 S/NE-TPK/B》提出反對，並要求維持有關土地原有的農地用途。他同意保育與發展須平衡，但規劃署事前沒有諮詢業權人便將私人土地改劃作自然保育區，做法對他們不公平。

12. 楊倩女士回應如下：

(i) 規劃署知悉在大埔尾附近建議劃為自然保育區的地帶內有私人土地，而該土地於集體官契上主要批租作農業用途。根據大綱草圖，在這些土地上復耕、修葺和保養墳墓屬一般經常准許的用途，不需向城市規劃委員會（“城規會”）申請。

(ii) 規劃署本年初開始擬備大埔滘分區計劃大綱草圖時已去信徵詢大埔及沙田鄉委會有關土地用途規劃的意見。署方及後繼續相關的規劃工作，在城規會的同意下向相關區議會及鄉委會提交該草圖作正式諮詢。署方稍後會將收集到的意見在大綱草圖刊憲之前提交城規會作進一步考慮，並計劃於該草圖刊憲後進行第二輪諮詢。

13. 有委員詢問如果復耕是經常准許的用途，更改土地用途對該區的發展潛力有何影響。他又詢問政府目前有沒有針對私人土地的賠償方案。

14. 楊倩女士回應，根據地政總署提供的資料，該區並非認可鄉村，而區內的私人土地於集體官契上主要是批租作農業用途。此外，該區沒有道路連接，只能經由陡斜的行人路前往，故此有一定的發展限制。她補充，規劃署並無於本年 11 月 2 日大埔鄉委會會議上知悉村民有打算發展有關土地。

15. 有委員指他沒有在上述大埔鄉委會會議上聽到村民表示不會發展有關土地。

16. 有委員表示將私人土地劃作自然保育區會使村民對他們擁有的土地的價值失去合理期望，有關土地最終可能變成他們的負資產。

17. 主席表示，規劃署曾於 2014 年 5 月就有關審批地區草圖諮詢本委員會，當時委員會認為須尊重村民和持份者的意見，因此反對該圖。主席就《大埔滘分區計劃大綱草圖編號 S/NE-TPK/B》所載的建議進行表決，結果有 1 票贊成，15 票反對，4 票棄權。主席宣布委員會反對有關建議。

From: WOO Ming Chuan [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Date: 18/10/2016 12:52
Subject: Re: Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/B - Consultation after TPB's Preliminary Consideration

Dear Channy and Phoebe,

Thank you for letting us know about the draft Tai Po Kau OZP No. S/NE-TPK/B. Our comments on the draft Plan is attached.

Best Regards,

Chuan

WOO Ming Chuan (Ms)
Conservation Officer
The Hong Kong Bird Watching Society
[REDACTED]

Ms. YANG Ching, Channy
Senior Town Planner/Country Park Enclaves Team
Sha Tin, Tai Po and North District Planning Office,
Planning Department,
14/F, Sha Tin Government Offices,
1 Sheung Wo Che Road, Sha Tin, N.T.
(E-mail: [REDACTED])



香港觀鳥會
THE
HONG
KONG
BIRD
WATCHING
SOCIETY

Since 1957 成立

By email only

18 October 2016

Dear Ms. Yang,

Comments on the draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/B

During the exhibition period of the draft Development Permission Area (DPA) Plan back in 2014, the Hong Kong Bird Watching Society (HKBWS) already expressed our concerns on the consequences of potential development (including small houses) and consider that the Plan Area should be designated as CA zone to protect the conservation value of the area. We appreciate that the Planning Department (PlanD) has taken our comments into consideration and we welcome the draft Tai Po Kau Outline Zoning Plan (OZP) No. S/NE-TPK/B in which the whole Area is proposed to be designated as CA zone.



The Plan Area is of high ecological value and conservation importance

The Plan Area is completely encircled by the Tai Po Kau Nature Reserve (TPKNR), which was declared as a Special Area back in 1977 and is well-known for its mature secondary woodland. The HKBWS has recorded over 200 bird species in TPKNR which accounts for more than one-third of the total bird species in Hong Kong. It is an important foraging and roosting ground for woodland-dependent species. Records of the uncommon resident Great Barbet *Psilopogon virens*, scarce resident Brown Wood Owl *Strix leptogrammica*, rare residents Speckled Piculet *Picumnus innominatus* and Bay Woodpecker *Blythipicus pyrrhotis* are mainly concentrated in TPK¹. At the international level, the Plan Area and the TPKNR forms part of the greater "Tai Po Kau, Shing Mun and Tai Mo Shan Important Bird Area (IBA)" which is recognized by BirdLife International, the global authority in bird conservation (Figure 1). This IBA supports many characteristic species of the Sino-Himalayan subtropical forest biome² and is a representative site of the South China Mountains, which is important for scientific research and long-term monitoring of the whole region³.

¹ HKBWS Hong Kong Bird Reports 2012, 2013 and 2014. Records of Great Barbet, Brown Wood Owl, Speckled Piculet and Bay Woodpecker concentrated at Tai Po Kau at least since 2012.

² Important Bird Areas in Asia: key sites for conservation. Hong Kong. Birdlife Conservation Series No.13

³ <http://www.birdlife.org/datazone/sitefactsheet.php?id=16077>

HKBWS internal records reveal that the composition of bird species within the Plan Area are similar to the surrounding habitats of the TPKNR. Records of woodland bird species such as Mountain Tailorbird *Phyllergates cucullatus*, Streak-breasted Scimitar Babbler *Pomatorhinus ruficollis*, Chestnut Bulbul *Hemixos castanonotus*, Blue-winged Minla *Minla cyanouroptera* and Large Hawk Cuckoo *Hierococcyx sparverioides* demonstrate the strong ecological connectivity between the Plan Area and the TPKNR as well as the intact conditions of the wooded areas within the Plan Area. The natural habitats within the Plan Area are also very similar to that within the TPKNR (Figures 2 and 3). Therefore, we consider that it is appropriate to designate the whole Plan Area as CA zone.

The provision of a “Village Type Development” (V) zone is not necessary

As stated in the Town Planning Board (TPB) Paper No. 10173, there are no recognized village and “village environs” (VE) in the Area. Since the gazette of the DPA plan, no planning application in the Area was received by the TPB. Moreover, it is not served by any public roads and there is no existing or planned public sewerage. The site near Ngau Wu Tok is also within the upper indirect water gathering ground. Any development in the Plan Area (i.e. expansion of current temporary houses and small houses development) would not only introduce human disturbances, potential water pollution to the natural streams and habitat loss, it also facilitates the demand for access roads to the development sites which further degrades the natural environment and adversely affect the ecological integrity of the TPKNR. The current temporary structures or squatters in the site near Tai Po Mei are of small scale and do not affect the overall conservation value and importance of the Plan Area. Therefore, there are no evidence that indicate the need for village or residential development in the Plan Area, and we consider that it is appropriate to designate the whole Plan Area as CA zone.

Our recommendations

The HKBWS considers that an “Ecosystem Approach”, which is the primary framework for action under the Convention on Biological Diversity⁴, should be adopted to protect the various sensitive habitats in the Plan Area. The Plan Area is encircled by the TPKNR and we consider that the whole area should be designated as CA zoning. However, the introduction of planning control alone could not fully protect the sites from activities such as unauthorized tree felling and vegetation removal. In order to fully protect the ecological and landscape values of the site, as well as the overall value of the surrounding TPKNR, the PlanD and TPB should consider including the Plan Area into the TPKNR or as an extension of the Tai Mo Shan/Shing Mun Country Park following detailed assessments and public consultation. HKBWS believes that the Plan Area and its surrounding areas are

⁴ <https://www.cbd.int/ecosystem/>

qualified for such purpose given its value in terms of ecology and landscape.

Thank you for your kind attention and we hope that the Planning Department would take our comments into consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Woo Ming Chuan', with a large, sweeping initial 'W'.

Woo Ming Chuan
Conservation Officer
The Hong Kong Bird Watching Society

cc.

Designing Hong Kong
Kadoorie Farm and Botanic Garden
WWF – Hong Kong

Figure 1. Location of the Plan Area within the “Tai Po Kau, Shing Mun and Tai Mo Shan Important Bird Area (IBA)” as coloured in blue and indicated by the blue arrows (maps extracted from <http://www.birdlife.org/datazone/sitefactsheet.php?id=16077>).

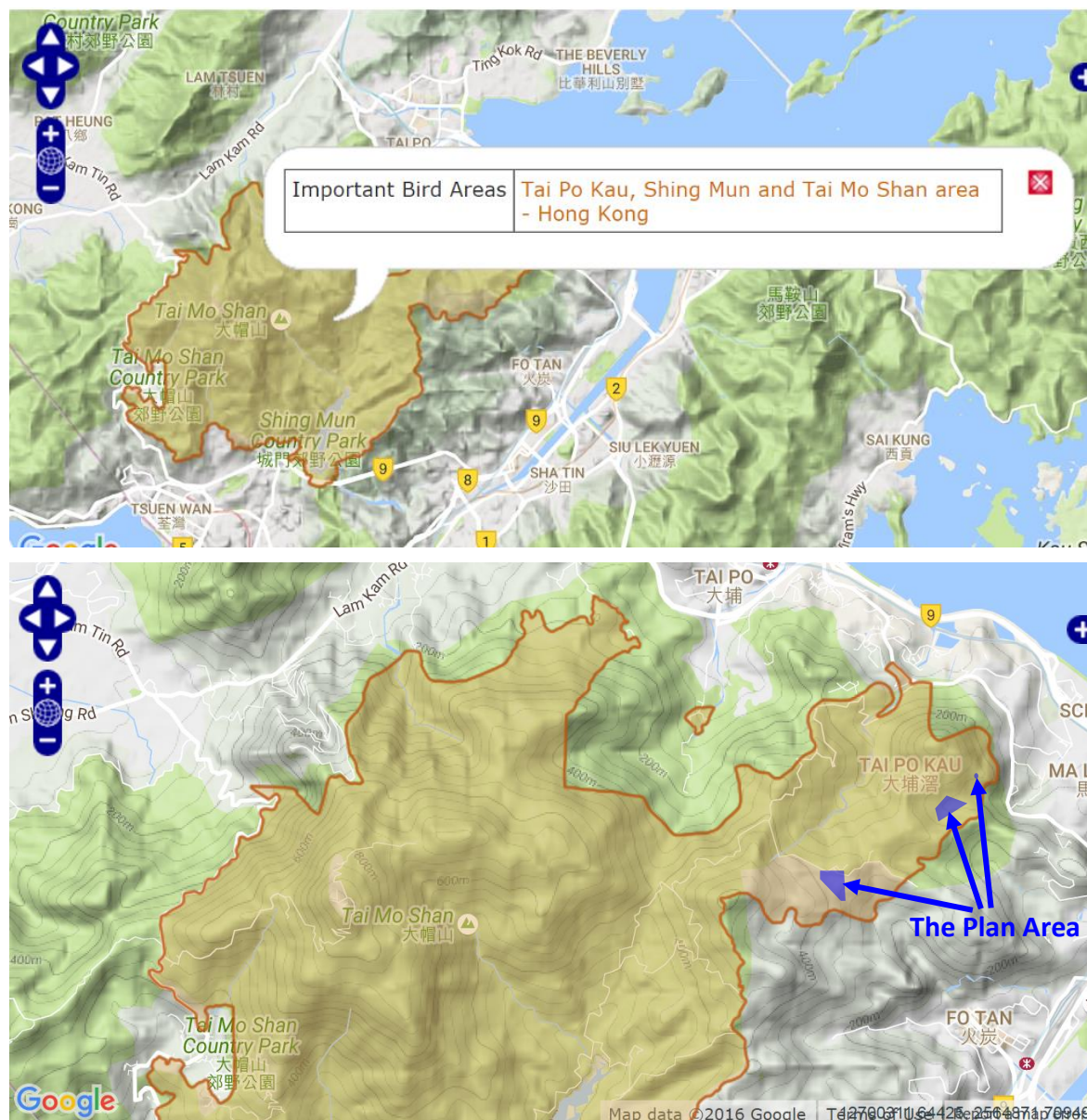


Figure 2. The woodland at the site near Tai Po Mei in the Plan Area



Figure 3. The watercourse and surrounding wooded areas at the site near Ngau Wu Tok in the Plan Area



From: Tony Nip <[REDACTED]@kfbg.org>
To: [REDACTED]
Cc: [REDACTED]
Date: 19/10/2016 11:31
Subject: Re: Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/B - Consultation after TPB's Preliminary Consideration

Dear Ms. HO,

We support this Draft OZP - to zone all enclaves as CA.

We have no further comments.

Best Regards,

Tony

From: 香港野生雀鳥保育關注組
To: 香港野生雀鳥保育關注組
Date: 21/10/2016 00:09
Subject: Re: Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/B - Consultation after TPB's Preliminary Consideration

楊女士及何女士：

很感謝及很高興收到你們這個消息！

本關注組對Tai Po Kau Outline Zoning Plan No. S/NE-TPK/B草圖中把涉及的範圍均劃為自然保育區的建議表示非常支持，因這對大埔滘自然護理區的保育來說實在是非常重要的。

大埔滘自然護理區作為香港現存少數廣闊及成熟的次生林，保持其完整性對保育其生態價值（尤其是林鳥），有著非常重要的作用。

我們衷心希望建議能獲得接納，令大埔滘這個林鳥的重點鳥區能得到更好的保護！

祝 工作順利！

王學思

香港野生雀鳥保育關注組召集人

香港野生雀鳥保育關注組

Hong Kong Wild Bird Conservation Concern Group

Facebook Page: <http://www.facebook.com/hkwildbird.concerngroup>

[REDACTED] Dear Ms Ho, 1. Further to my letters, this Plan i...

19/10/2016 21:41:56

From: "Ruy Barretto" <[REDACTED]>
To: [REDACTED]
Cc:
Date: 19/10/2016 21:41
Subject: RE: Draft Tai Po Kau Outline Zoning Plan No. S/NE-TPK/B - Consultation after TPB's Preliminary Consideration

Dear Ms Ho,

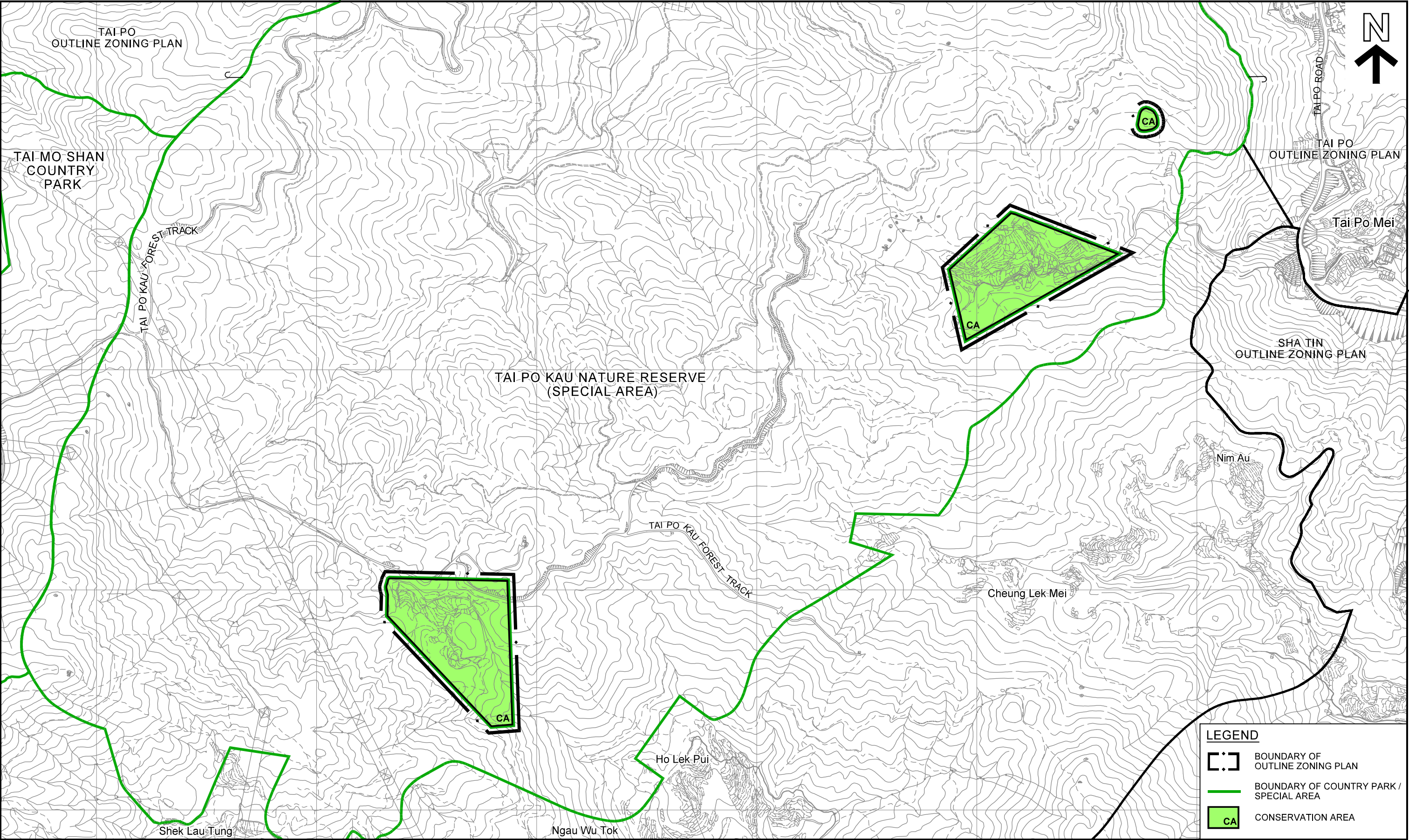
1. Further to my letters, this Plan is supported.
2. My inspection of the site above Tai Po Mei showed the permanent population is less than 10, as only 2 houses appeared in use.

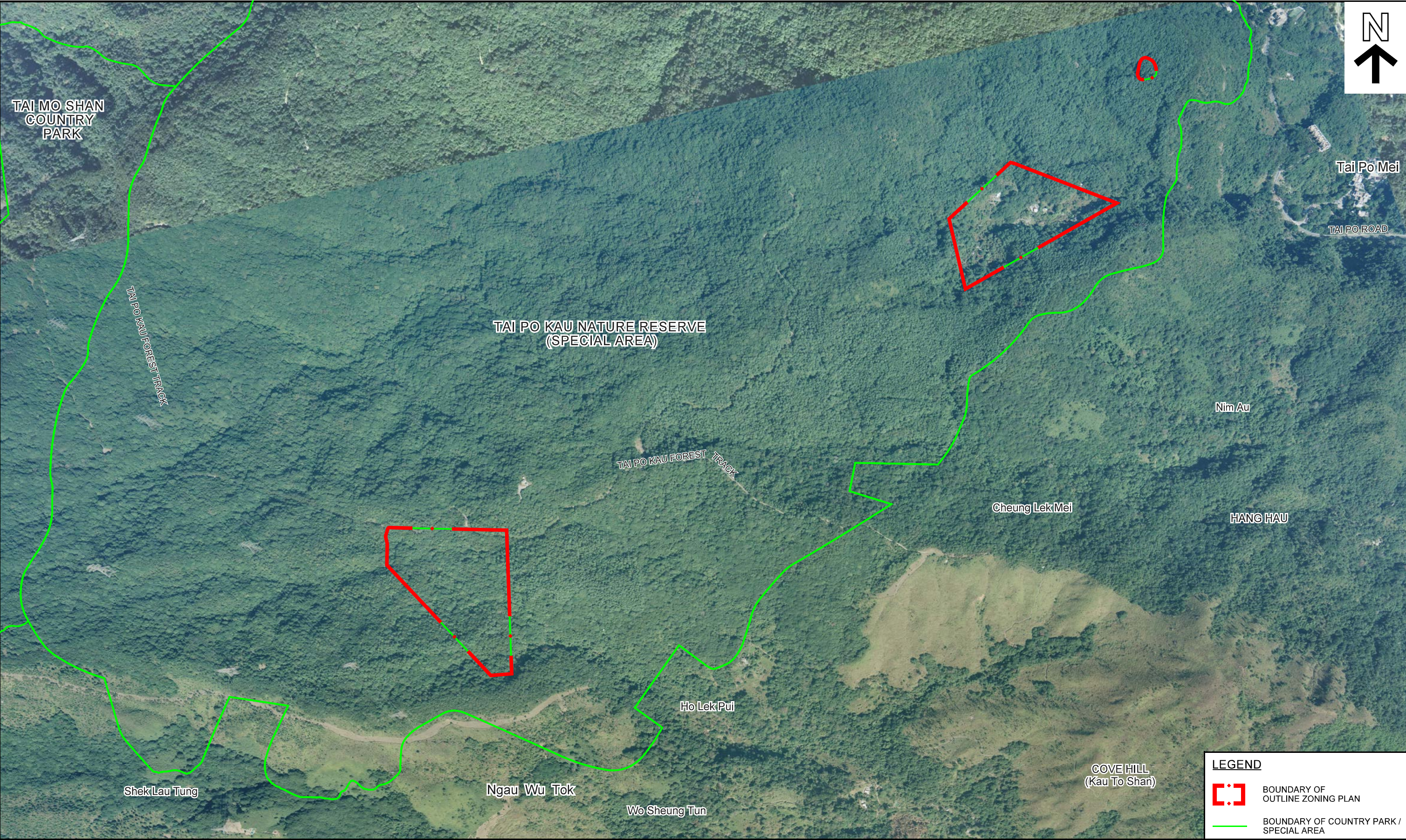
3. Most structures are derelict or overgrown.
4. There is very little active agricultural activity.
5. The Bird life also justifies the CA zoning. A short survey on 15th March 2016 revealed 4 Pygmy Wren Babblers, 2 Lesser Shortwings, 2 Mountain Bush Warblers and Mountain Tailor Birds.
6. These interesting species indicate valuable mixed forest and open habitats, clean water and streams, lack of disturbance and thus justify conservation.
7. I suggest management as part of the TPKNR so that the conservation and scenic values are enhanced.
8. Threats such as from hill fire need to be considered.
9. Please keep me informed as to progress.
10. This is a welcome contribution to carrying out Hong Kong's obligations under the Convention on Biological Diversity.

Yours sincerely


Ruy Barretto SC


19th October 2016.



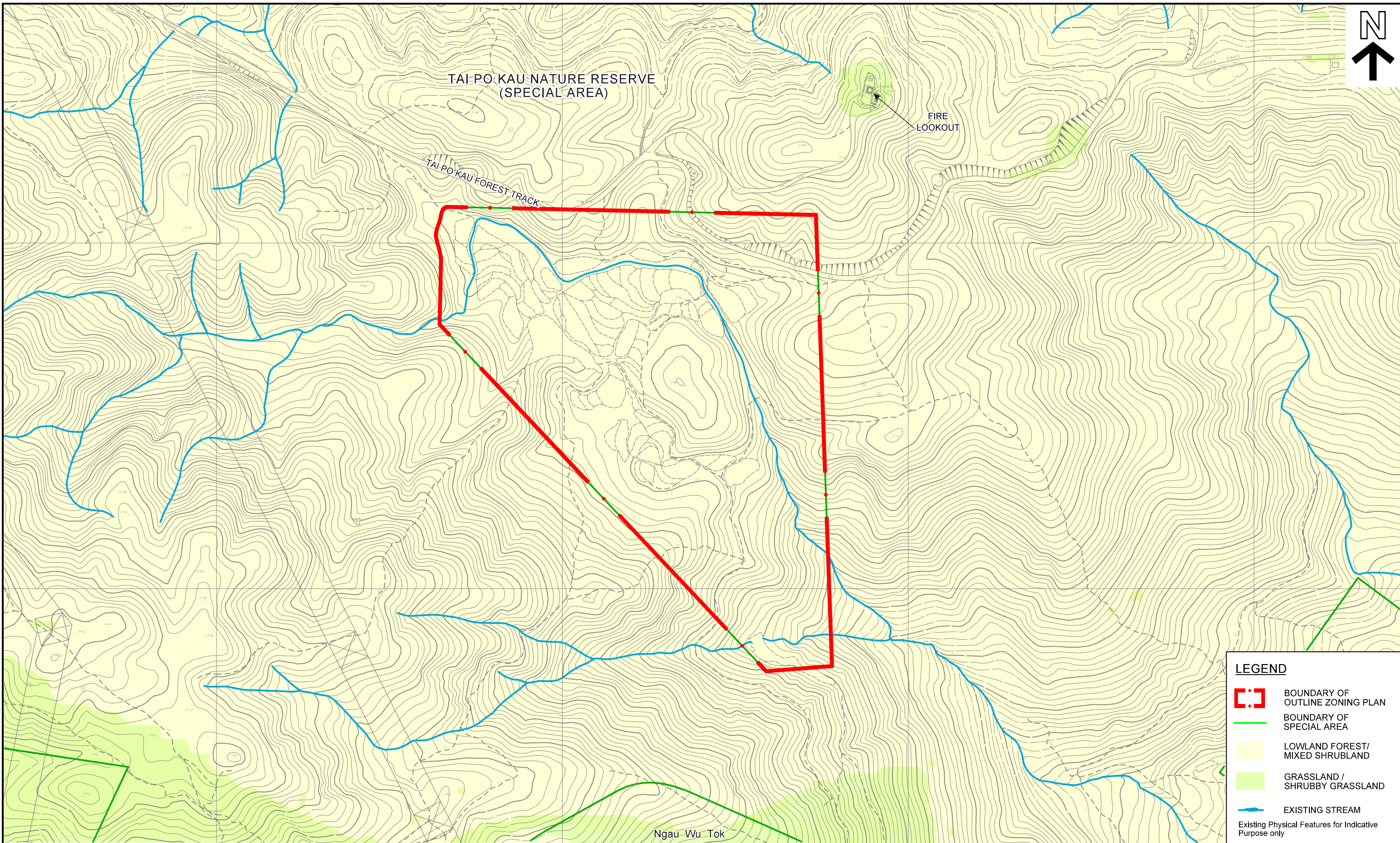


LEGEND

 BOUNDARY OF OUTLINE ZONING PLAN

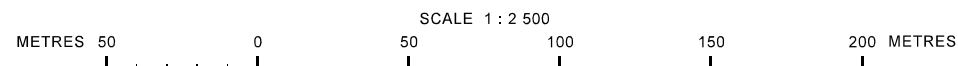
 BOUNDARY OF COUNTRY PARK / SPECIAL AREA

PLAN PREPARED ON 4.11.2016 BASED ON AERIAL PHOTOS No. CW111602 & CW111752 TAKEN ON 14.1.2015 BY LANDS DEPARTMENT	<u>AERIAL PHOTOS</u>		PLANNING DEPARTMENT 	
	TAI PO KAU		REFERENCE No. M/CPE/TPK/16/6	PLAN 2



EXISTING PHYSICAL FEATURES AND LAND USES

SITE NEAR NGAU WU TOK



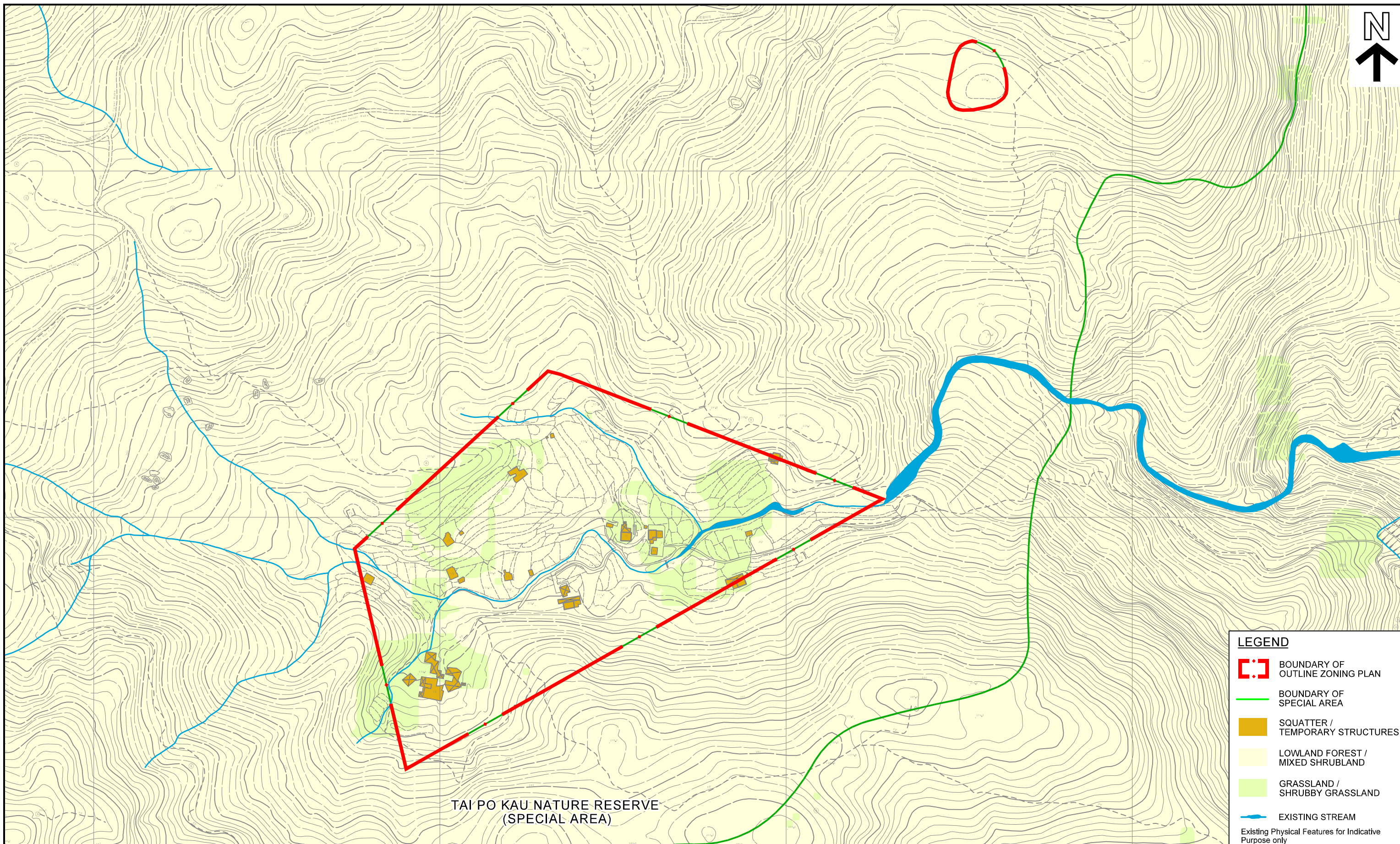
PLAN PREPARED ON 4.11.2016 BASED ON
SURVEY SHEETS No. 7-NW-24B, 24D, 25A, 25B, 25C AND 25D

PLANNING DEPARTMENT



REFERENCE No.
M/CPE/TPK/16/6

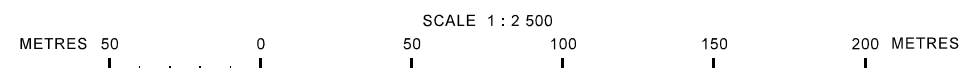
PLAN
3a



PLAN PREPARED ON 4.11.2016 BASED ON
SURVEY SHEETS No. 7-NE-16C, 21A, 7-NW-20D AND 25B

EXISTING PHYSICAL FEATURES AND LAND USES

SITE NEAR TAI PO MEI

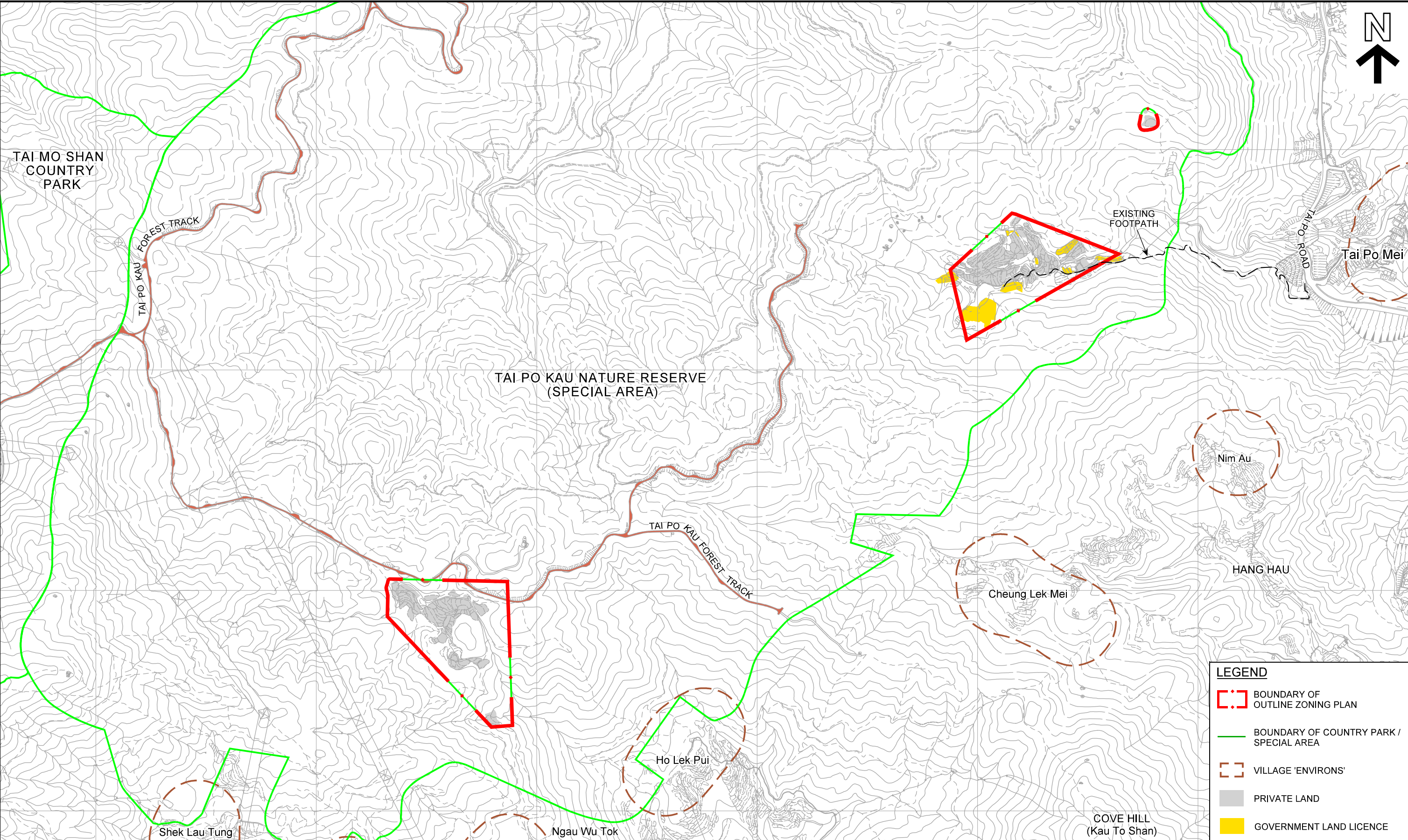


PLANNING DEPARTMENT



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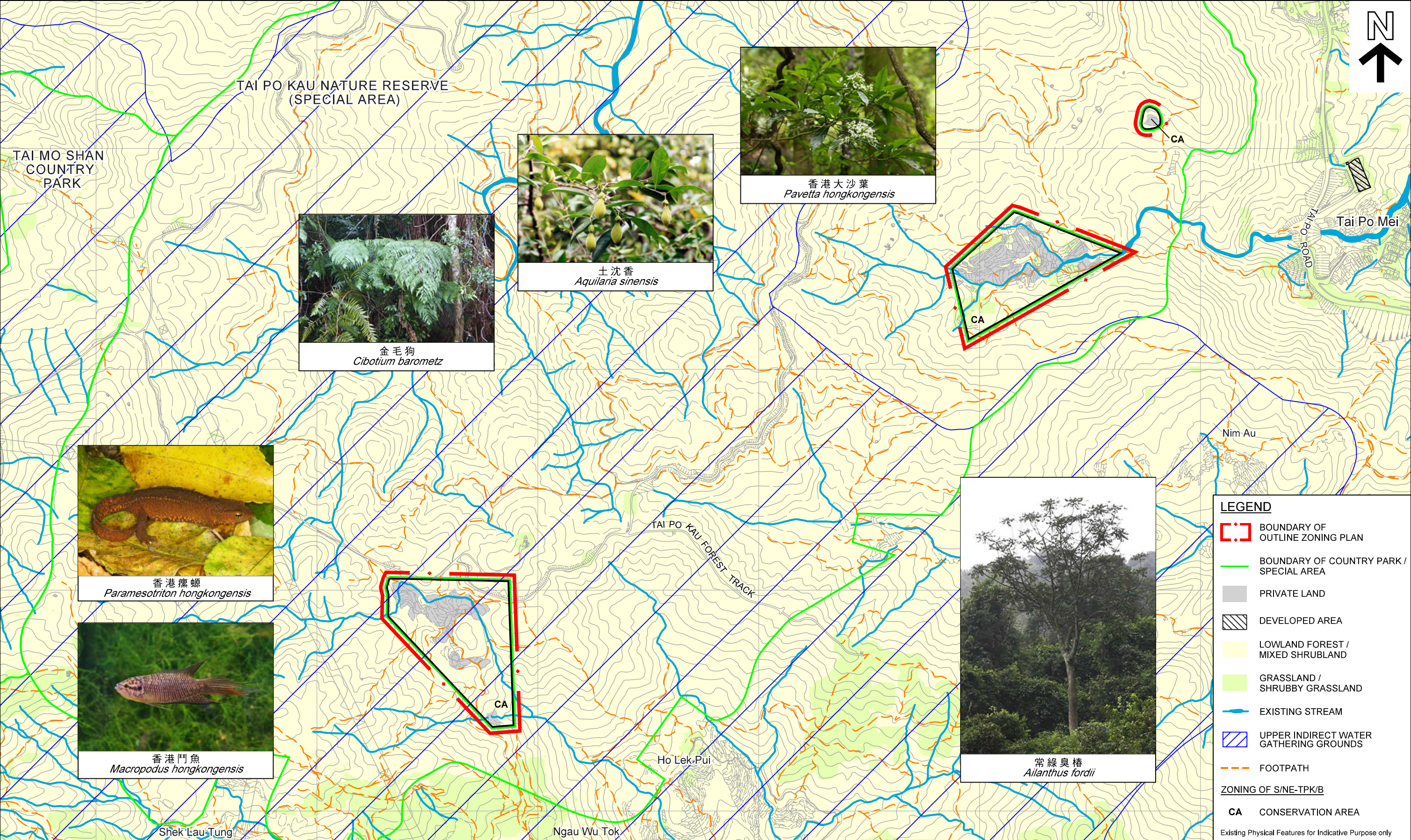
PLAN
3b



LEGEND

- BOUNDARY OF OUTLINE ZONING PLAN
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA
- VILLAGE 'ENVIRONS'
- PRIVATE LAND
- GOVERNMENT LAND LICENCE

<p>PLAN PREPARED ON 12.12.2016 BASED ON SURVEY SHEETS No. 7-SW-4B, 5A/B, 7-SE-1A, 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</p>	<p>LAND OWNERSHIP</p> <p>TAI PO KAU</p> <p>SCALE 1 : 8 000</p> <p>METRES 200 0 200 400 600 METRES</p>		<p>PLANNING DEPARTMENT</p>	
			<p>REFERENCE No. M/CPE/TPK/16/6</p>	<p>PLAN 4</p>



PLAN PREPARED ON 9.1.2017
BASED ON SURVEY SHEETS No.
7-SW-4B, 5A/B, 7-SE-1A, 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

SOURCE OF PHOTOS: AGRICULTURE,
FISHERIES AND CONSERVATION DEPARTMENT

DEVELOPMENT CONSTRAINTS AND PHOTOS OF PROTECTED PLANT / ANIMAL SPECIES

TAI PO KAU

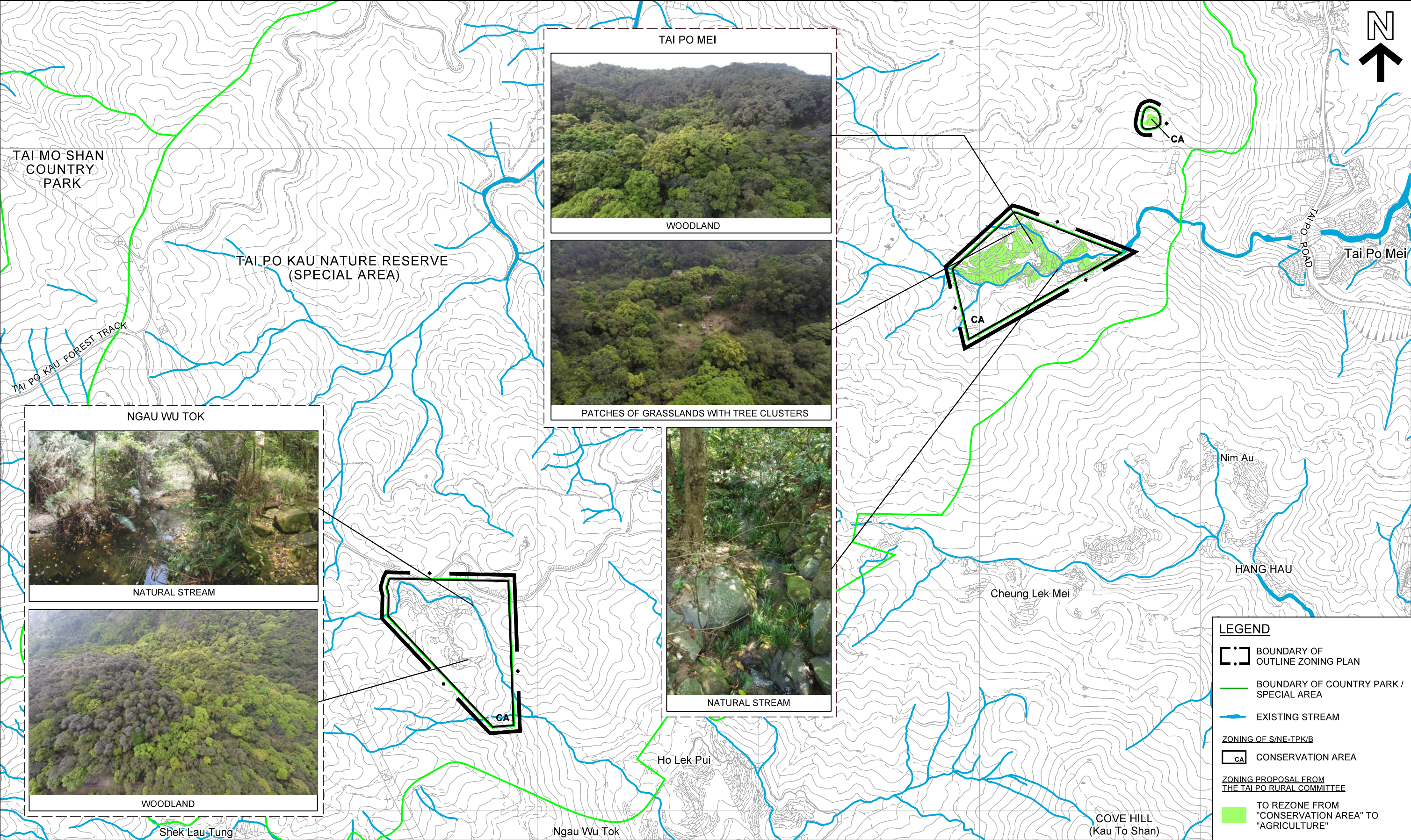
SCALE 1 : 8 000

METRES 200 0 200 400 600 METRES

PLANNING DEPARTMENT

REFERENCE No.
M/CPE/TPK/16/6

PLAN
5



<p>PLAN PREPARED ON 12.12.2016 BASED ON SURVEY SHEETS No. 7-SW-4B, 5A/B, 7-SE-1A, 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</p>	<p>SPECIFIC ZONING PROPOSAL FROM THE TAI PO RURAL COMMITTEE</p> <p>TAI PO KAU</p> <p>SCALE 1 : 8 000</p> <p>METRES 200 0 200 400 600 METRES</p>		<p>PLANNING DEPARTMENT</p>
	<p>REFERENCE No. M/CPE/TPK/16/6</p>	<p>PLAN 6</p>	