

TOWN PLANNING BOARD

TPB Paper No. 10626

For Consideration by
the Town Planning Board on 3.3.2020

Proposed Amendments to the Draft
Hoi Ha Outline Zoning Plan No. S/NE-HH/1
Incorporating the Amendments as Shown on Plan No. R/S/NE-HH/1-A2

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1. Introduction

This paper is to brief Members on the review of the issues related to the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1 arising from the Court of First Instance (CFI)'s judgment on the judicial review (JR) lodged by Chan Ka Lam (the Applicant) in respect of the Hoi Ha OZP and two others¹, and to seek Members' agreement that :

- (a) the proposed amendments to the draft Hoi Ha OZP as shown on the draft OZP No. S/NE-HH/2A at **Annex B1** (to be renumbered as S/NE-HH/3 upon exhibition) and its Notes at **Annex B2** are suitable for exhibition under section 7 of the Town Planning Ordinance (the Ordinance); and
- (b) the revised Explanatory Statement (ES) of the OZP at **Annex B3** is an expression of the planning intentions and objectives of the Town Planning Board (the Board) for the various land use zonings of the draft Hoi Ha OZP No. S/NE-HH/2A (to be renumbered as S/NE-HH/3 upon exhibition) and is suitable for exhibition together with the draft OZP.

2. The Preparation of OZP

- 2.1 Hoi Ha is one of the country park enclaves (CPEs) for which statutory plans were prepared under the Ordinance. The draft development permission area plan (DPA Plan) covering Hoi Ha was published on 30.9.2010, which was interim in nature and subsequently replaced by OZP.
- 2.2 On 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 (**Annex A1**) was exhibited for public inspection under section 5 of the Ordinance. During the statutory exhibition periods, a total of 10,824 valid representations and 3,671 valid comments, of which all were related to the designation of "Village Type Development" ("V") zone, including the comment submitted by the Applicant (C3652), were received. After giving consideration to the representations and comments from April to June 2014, the Board, on 4.6.2014, decided to partially uphold 9,995 representations by rezoning an area to the west of the existing village cluster from "V" and "Green Belt" ("GB") to "GB"(1). On 25.7.2014, the proposed amendments to the draft OZP were published under section 6C(2) of the Ordinance. Upon expiry of the three-week publication period, a total of

¹ The other two OZPs are those for So Lo Pun and Pak Lap, which will be covered in separate papers and considered by Members at the same meeting.

36 valid further representations were received.

- 2.3 After giving consideration to the further representations and the related representations and comments under section 6F(1) of the Ordinance on 21.11.2014, the Board decided not to uphold the further representations, and to amend the draft Hoi Ha OZP No. S/NE-HH/1 by the proposed amendments (**Annex A2**).
- 2.4 On 19.12.2014, the Board agreed to submit, under section 8 of the Ordinance, the draft Hoi Ha OZP, together with the draft OZPs for So Lo Pun and Pak Lap, to the Chief Executive in Council (CE in C) for approval. On 3.2.2015, the CE in C under section 9(1)(a) of the Ordinance, approved all three draft OZPs. On 13.2.2015, the approved OZPs were exhibited for public inspection under section 9(5) of the Ordinance.

3. The JR Application

- 3.1 On 18.2.2015, a JR application was lodged by the Applicant against (i) the decision of the CE in C made on 3.2.2015 to approve the three draft OZPs for Pak Lap, Hoi Ha and So Lo Pun; and (ii) the decision of the Board made on 19.12.2014 to submit the three draft OZPs to the CE in C for approval. The CFI allowed the JR on 24.11.2017 quashing the said decisions of the CE in C and the Board with a direction that all three draft OZPs be remitted to the Board for reconsideration.
- 3.2 According to the CFI's judgment, the JR was allowed on the grounds that the Board failed to carry out its duty to inquire, specifically on two issues, namely, the genuine need for Small House development (the genuine need issue) (for all three OZPs) and the accuracy of the base map (the maps issue) (for Hoi Ha OZP only), and such failure had tainted the CE in C's decision. On both issues, the Court holds the view that the deliberation and reasons given by the Board did not demonstrate it had properly inquired into the representations in respect of the three OZPs and made its decisions on the representations. For the genuine need issue in particular, the Board had not explained on what basis it had treated the forecast figures of the Small House demand to provide support for showing the needs of "V" zoning, whether and why it had accepted or rejected the validity of those extensive representations made under the question on the genuine need issue, and how the representations had affected its view on planning the size of the "V" zones. For the maps issue, the Court considers that the Board had not properly inquired into and answered the questions raised in the representations regarding the accuracy of the map base for the OZP.

4. Review of the Genuine Need Issue

- 4.1 To comply with the CFI's judgment, a review has been undertaken on the issue on the genuine need for Small House development in Hoi Ha, taking into account the following aspects relating to the designation of "V" zone:
 - (a) the principles for designating the "V" zone; and

- (b) information for assessing the Small House need of indigenous villagers.
- 4.2 Additional/updated information, where necessary, on the above aspects is obtained/collated to facilitate Members' deliberation on the issues and making further inquiries as necessary.

Principles for Designating the "V" Zone

- 4.3 Hoi Ha is one of the CPEs protected by statutory planning, for which sites of high conservation value are suitably protected. The plan-making process was an iterative process with proposals carefully drawn up to strike a balance between conservation and development. In drawing up the land use proposals, a conservation-oriented approach was adopted as a starting point. All the important habitats, with information obtained from Agriculture, Fisheries and Conservation Department (AFCD), were protected by conservation zonings, e.g. "Conservation Area" ("CA"), "Coastal Protection Area" ("CPA") and "GB" as a start. Since CPEs mostly cover existing indigenous villages, consideration would also be given to designating "V" zone on the OZP to reflect the existing village clusters and identify suitable land for village expansion if necessary. In this regard, the areas within and outside the village 'environs' were carefully analysed in terms of suitability for Small House development taking account of a host of planning factors including but not limited to local topography, settlement pattern, outstanding Small House applications, Small House demand forecast, availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics.
- 4.4 When planning for "V" zone, the demand for Small House developments would only be one of the various factors to be considered. There was no obligation to cater for the full Small House demand at the outset. In order to minimise the adverse impacts on the natural environment, an incremental approach should be adopted by first confining the "V" zone to the existing village settlements and the adjoining suitable land and then expanding outwards upon due consideration of all relevant planning considerations.

Information for Assessing the Small House Need of Indigenous Villagers

- 4.5 During the hearing of the representations/comments/further representations, the following information has been presented to the Board as reference on the estimated Small House demand:
- (a) the number of outstanding Small House applications being processed by Lands Department (LandsD) at the time of the hearing of representations/comments in April – June 2014 was 15, which remained the same when the further representations were heard in November 2014; and
 - (b) the figure of 10-year forecast of Small House demand provided by the Indigenous Inhabitant Representative (IIR) was 84 when the draft Hoi Ha OZP was gazetted. This figure was presented to the Board at the hearing of representations/comments in April – June 2014, which was updated to 92 at the hearing of the further representations in November 2014.

Additional/Updated Information

4.6 For this review, additional/updated information has been obtained for assessing the Small House demand of villagers, including (i) the actual number of Small House applications received/approved/rejected by LandsD since 2010, and the latest number of outstanding Small House applications being considered by LandsD and (ii) the 10-year Small House demand forecasts starting from 2010 provided by the IIRs, and breakdown of 10-year Small House demand forecasts provided by IIRs. Consideration has also been given to other relevant factors such as the latest population and other local circumstances

4.7 The actual number of Small House applications received/approved/rejected by the LandsD since 2010 are summarized as follows:

Year	The number of Small House applications received	The number of approved Small House applications	The number of rejected Small House applications.
2010	2	0	3
2011	8	0	5
2012	4	0	6
2013	0	0	2
2014	1	0	0
2015	0	0	0
2016	1	3	0
2017	0	0	1
2018	0	0	0
2019	0	0	0

4.8 The figures of 10-year Small House demand forecast provided by the IIRs of Hoi Ha (based on the replies from the IIRs on a standard proforma issued by LandsD on a yearly-basis (**Annex C**)²) are summarized in the following table:

Year*	Figure of "10-year forecast" demand
2010	85
2011	Not submitted [@]
2012	Not submitted [@]
2013	84 [#]
2014	92 [^]
2015	100
2016	13
2017	Not submitted [@]
2018	Not submitted [@]
2019	21
2020	21

* The starting year of the 10-year period covered by the forecast demand

@ No proforma was submitted by the IIRs for that period

At the time of gazettal of the draft OZP, and presented to the Board at the hearing of the representations/comments

^ Presented to the Board at the hearing of the further representations

² According to District Lands Officer/Tai Po (DLO/TP), the format of the proforma and the breakdown of forecast being sought have changed over the years. The current standard proforma has been used since 2015.

4.9 The major observations/findings on the above figures and other relevant information are as follows:

4.9.1 Actual number of Small House applications

- (a) since 2010, there were 16 Small House applications received by LandsD. During the same period, LandsD approved three applications and rejected 17 applications; and
- (b) as advised by DLO/TP, LandsD, there are currently 14 outstanding Small House applications under processing, of which 13 cases are within the existing “V” zone (with nine Small Houses on Government land, one of which straddling private land and four on private land) and one case is in the existing “GB(1)” zone (on Government land) (**Plan 1**). All applicants are indigenous villagers of Hoi Ha Village of Sai Kung North Heung as confirmed by the respective IIR. However their eligibility of Small House grant has yet to be ascertained.

4.9.2 The 10-year Small House demand forecast

- (a) the 10-year Small House demand forecast is subject to changes over time. As shown in the above table, it rose from 85 in 2010 to 100 in 2015, and then dropped significantly to 13 in 2016. In 2019, it rose to 21 and remains the same for 2020;
- (b) as shown in the IIR’s reply on the standard proforma, the forecast demand of 21 Small Houses in 2020 was made on a prediction that 10 male indigenous villagers aged 18 or above (4 residing in Hong Kong and 6 overseas) and 11 male indigenous villagers to be aged 18 or above in coming 10 years (5 residing in Hong Kong and 6 overseas) will apply for Small House grants;
- (c) DLO/TP, LandsD advises that the forecast was provided solely by the IIRs and could not be easily verified based on the information currently available. DLO/TP, LandsD would verify the status of an applicant for Small House development at the stage of Small House grant application; and
- (d) based on the above, while the 10-year Small House demand forecasts provided by the IIRs in the past 10 years as set out in paragraph 4.8 above provide a useful reference for considering the reasonableness of the Small House demand forecast figures, there is no practical means available for determining the genuine need for Small House development at the planning stage.

4.9.3 Land available for Small House development

According to the Planning Department (PlanD)’s latest estimation, about 0.78 ha of land (31 Small Houses) within the current “V” zone is available

for Small House development. A summary table of Small House demand and land available for Small House development in Hoi Ha Village is as follows:

Small House Demand Figure (A)+(B)=35		“V” zone Area	Available land to meet Small House demand	Land required to meet the outstanding applications (A) (ha)	Land required to meet the Small House Demand of ((A) + (B)) (ha)	% of the outstanding applications (A) met by available land	% of the Small House demand ((A) + (B)) met by available land
Outstanding Small House Applications (A)	10-Year Small House Demand Forecast (B)						
14	21	1.95 ha	0.78 ha (31 houses)	0.35	0.88	221%	89%

4.9.4 Other relevant information

- (a) the population in Hoi Ha has increased from about 110 in 2011 (based on 2011 Census) to about 150 in 2016 (based on 2016 By-census); and
- (b) the area is accessible by Hoi Ha Road and is supplied with electricity, telephone services and potable water supply. There is a good infrastructural basis to support some further Small House development in the Area.

5. Review on the ‘Maps Issue’

- 5.1 It was contended in the representations on the draft Hoi Ha OZP that the map base was inaccurate, which had led to the coastal boundary of the “CPA” zone being set much beyond the actual coastline (i.e. the High Water Mark (HWM))³. It was also contended that some of the streamcourses/ponds within the Area were not shown on the map base. As a result, the protection to the Hoi Ha Wan Marine Park (HHWMP) from effluent pollution caused by the use of septic tank and soakaway systems (STS) for Small House development will be correspondingly reduced.
- 5.2 The map base for the current Hoi Ha OZP was extracted from the survey maps prepared by the Survey and Mapping Office (SMO) of LandsD in 2013. It was the up-to-date version at the time when the OZP was prepared. However, it is possible that they may not fully reflect the prevailing situation due to on-going changes in topographic features over time. Furthermore, as advised by LandsD, due to cartographic limitation, selection and generalisation of features are needed in making maps. Generally speaking, while SMO would endeavour to capture

³ According to the Explanatory Statement of the Hoi Ha OZP, the coastal area abutting HHWMP is designated as “CPA” which is intended to protect and retain the coastlines and the sensitive coastal environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological significance, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby development against the effects of coastal erosion. This zone serves as a buffer between the village area and the HHW Marine Park, protecting the marine park from nearby developments.

ground features in the basic maps for general reference, there are situations where a feature could not be readily identified and located due to heavy vegetation and topography limitation on site, or the feature does not fully meet the mapping specifications adopted by SMO for mapping purpose.

- 5.3 Nevertheless, it should be noted that for the preparation of OZPs, the survey maps serve no more than a map base and a locational reference. There are many other materials taken into account, including land use survey records, lot boundaries records, geological maps, aerial photos, and site inspections by officers in the PlanD and other relevant departments.
- 5.4 Furthermore, planning control is not exercised based on the map base of the OZP. It is the physical features/activities on the ground that matter, i.e. diversion of streams and filling of ponds are under control, irrespective of whether the streams or ponds are shown on the map base of an OZP or not. A map base is to facilitate locational references and is not used for enforcement purpose. As such, the contention that no enforcement of planning control can be anticipated if the related streamcourse/ponds are not marked on the map base of the OZP is unfounded.
- 5.5 Regarding the contention that the boundary of the "CPA" zone has been set much beyond the actual coastline, **Plan 2** shows that part of HWM in Hoi Ha, notably that fronting the existing village cluster, is further inland than the coastal boundary of the "CPA" zone. However, it is not related to any mapping inaccuracy as contended. The reason that the northern boundary of the OZP coincides with the HHWMP, which is protected under the Marine Parks Ordinance (Cap. 476), is to provide certainty and to avoid duplication of controlling authorities. As advised by the Director of Agriculture, Fisheries and Conservation (DAFC), the boundary of the HHWMP was drawn by making reference to the HWM but was not exactly following it. As the coverage of the HHWMP would take into account the ecological characteristics of the shoreline, the boundary of the HHWMP was purposely drawn to include the beaches and sand dunes in Hoi Ha for better protection of the coastal ecology.
- 5.6 Regarding the representers' concern on the control over STS systems for Small House development, there is an established mechanism exercised through the Small House grant application system administered by LandsD to ensure that STS systems to be installed are environmentally acceptable. In this regard, an applicant for Small House would need to engage an Authorised Person (AP) to conduct a percolation test and submit the test results to the LandsD (who may seek advice from Environmental Protection Department (EPD) when required) to demonstrate that the application site is suitable for installation of STS. As advised by the Director of Environmental Protection (DEP), the STS systems should comply with the provisions in the Practice Note for Professional Person on "Drainage Plans Subject to Comments by the EPD" (ProPECC PN 5/93). For HHW which is not a gazetted beach, the minimum clearance requirement between the STS systems and the HWM and the nearest watercourses set out in the said PN, i.e. 30m, should be carefully considered and strictly followed. Other requirements, such as percolation test, minimum clearance requirements from ground water table, etc., should also be complied with. It should be noted that while a minimum clearance requirement is set out in the PN 5/93 for the

distance between STS systems and HWM/watercourses, there is no requirement set out for the distance between the Small House itself and the HWM/watercourses. AFCD, EPD, Drainage Services Department (DSD) and Water Supplies Department (WSD) have been further consulted and confirmed the above. With the mechanism for the control of STS systems as stated above, there should not be any insurmountable impact from Small House development in the “V” zone on the water quality of HHW and the streamcourses in the Area.

6. Recommendation

- 6.1 Having regard to the review of the two issues above, it is considered that the “V” zone on Hoi Ha OZP should be amended to comply with the CFI’s judgment.
- 6.2 As shown in the review of genuine need issue above, there is a significant drop in the 10-year Small House demand forecast in recent years, from 100 in 2015 to 21 in 2020. On the other hand, 16 Small House applications have been received by the LandsD since 2010, and 14 outstanding applications are still being processed. There is also good infrastructure basis to support some further Small House development in the area. With a view to further enhancing the balance between conservation and development needs in the Area, it is considered that the extent of “V” zone could be suitably adjusted.

Area (about 1.65 ha) Proposed to be Retained as “V” (Plan 3)

- 6.3 The area proposed to be retained as “V” is drawn up having regard to the principles for designating “V” zone as generally set out in paragraphs 4.3 and 4.4 above, notably:
 - (a) the conservation-oriented approach in drawing up land use proposals;
 - (b) determining suitable areas for Small House development taking account of a host of planning factors including but not limited to local topography, settlement pattern, outstanding Small House applications, Small House demand forecast, availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics; and
 - (c) the incremental approach to confine the “V” zone to the existing village settlements and the adjoining suitable land.
- 6.4 Based on the above principles and taking account of the updated/additional information set out in paragraphs 4.6 to 4.9 above, it is proposed that the “V” zone should be adjusted by confining it to cover mainly the existing village cluster as generally delineated by the built village houses, ruins of previous houses, lots with building entitlement and adjoining topographic features such as footpaths, building footprints and slopes; and a piece of abandoned farmland now covered in lowland forest and mixed shrubland to the immediate west of the village cluster.
- 6.5 As shown on **Plan 3**, the retained “V” zone will have an area of about 1.65 ha.

There will be about 0.53 ha (21 houses) of land available for Small House development. It could still meet the current outstanding Small House applications (i.e. 14 Small Houses) and meet 60% of the overall Small House demand of 35 Small Houses. A comparison between the current “V” zone and the proposed amendment is as follows:

	“V” zone (ha)	Land available for Small House development within “V” zone	Percentage of the outstanding applications (14 houses) met by available land	Percentage of the overall demand (35 houses) met by available land
Current	1.95 ha	0.78 ha (31 houses)	221%	89%
Proposed	1.65 ha	0.53 ha (21 houses)	150%	60%

Area (about 0.2ha) Proposed to be Rezoned as “GB(1)” (west of village cluster) (Plan 4)

6.6 The land proposed to be rezoned from the “V” to “GB(1)” consists mainly of abandoned farmland now covered in lowland forest and mixed shrubland. It is located adjacent to the current “GB(1)” zone which serves as an ecological buffer between village development and the rocky stream along the western boundary of the Area, and helps to protect the landscape resources of this area. The proposed rezoning will further enhance the ecological and landscape function of this zone. DAFC and Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) support the proposed rezoning from nature conservation and landscape planning points of view.

Area (about 0.1ha) Proposed to be Rezoned as “CPA” (east of the village cluster) (Plan 4)

6.7 The land proposed to be rezoned from the “V” to “CPA” consists mainly of abandoned farmland now covered by disturbed vegetation with trees and shrubs of common species and overgrown with weedy climbers. The vegetation at this area is continuous with the similar vegetation of the nearby coastal area to its north, which is zoned “CPA”. Including this area into the “CPA” zone will help enhance the function of the “CPA” zone to protect and retain the coastlines and the sensitive coastal environment. DAFC and CTP/UD&L, PlanD support the proposed rezoning from nature conservation and landscape planning points of view.

6.8 According to DLO/TP, LandsD, there are five outstanding applications in the proposed “CPA” zone. Those five cases are private treaty grant applications involving only Government land. Processing of these cases has been suspended in view of the High Court’s ruling on the JR on Small House Policy handed down on 8.4.2019.

6.9 A comparison of the existing and proposed “V” zone is shown on **Plan 4**.

6.10 A table comparing the concerned zones between the current Hoi Ha OZP and the proposed amendments is shown below:

Zoning	Current (Draft OZP No. S/SK-HH/1 incorporating amendments shown on Plan No. R/S/SK-HH-A2 (ha)	Proposed (Draft OZP No. S/SK-HH/2A) (ha)	Changes (ha)
“V”	1.95	1.65	-0.3
“GB(1)”	1.30	1.50	+0.2
“CPA”	0.98	1.08	+0.1

6.11 For avoidance of further contention on the accuracy of map base, the updated survey maps as at December 2019 have been adopted for preparation of amendments to comply with the CFI’s judgement and illustrations in the relevant papers. Nonetheless, it should be noted that for the preparation of OZPs, the survey maps serve no more than a map base and a locational reference.

7. Proposed Amendments to OZP

7.1 *Amendments to Matters Shown on the Plan (Plan 5)*

Amendment Item A (about 0.2 ha)

Rezoning a piece of land at the western part of the “V” zone to “GB(1)”

Amendment Item B (about 0.1 ha)

Rezoning a piece of land at the eastern part of the “V” zone to “CPA”

7.2 *Amendments to the Notes of the OZP*

7.2.1 No amendments to the Notes of the OZP are necessary for the Amendment Items A and B above.

Technical Amendments

7.2.2 Opportunity will be taken to delete ‘Market’ from Column 2 use in the “V” zone and to revise ‘Shop and Services’ to ‘Shop and Services (not elsewhere specified)’ in the “Government, Institution or Community” zone, which is in accordance with the amendments to the Master Schedule of Notes endorsed by the Board on 28.12.2018 to subsume ‘Market’ use under ‘Shop and Services’ use.

7.2.3 The proposed amendment to the Notes of the OZP is at **Annex B2** (with additions in *bold and italic* and deletions in ‘cross-out’) for Members’ consideration.

8. **Revisions to the Explanatory Statement of the OZP**

The ES of the OZP is proposed to be revised to take into account the proposed amendments as mentioned in the above paragraphs. Opportunity has been taken to update the general information for various land use zones to reflect the latest status and planning circumstances. The proposed amendments to the ES of the OZP (with additions in *bold and italic* and deletions in 'cross-out') are at **Annex B3** for Members' consideration.

9. **Plan Number**

Upon exhibition for public inspection, the Plan will be renumbered as S/NE-HH/3.

10. **Consultation**

Departmental Consultation

10.1 The findings of the review and the proposed amendments to the draft Hoi Ha OZP have been circulated to relevant government bureaux and departments for comment. The comments of DEP, DAFC, CTP/UD&L of PlanD and DLO/TP of LandsD have been incorporated in paragraphs 5.6 and 6.7 to 6.9 above. The following bureaux/departments have no objection or adverse comments:

- (a) Commissioner for Tourism;
- (b) Commissioner for Transport;
- (c) Chief Engineer/Mainland North, DSD;
- (d) Chief Engineer/Sewerage Project, DSD;
- (e) Chief Engineer/Drainage Project, DSD;
- (f) Chief Engineer/Construction, WSD;
- (g) Chief Highway Engineer/New Territories East, Highways Department
- (h) Director of Fire Services;
- (i) District Surveying Officer/ Tai Po, Lands Department;
- (j) Project Manager (North), North Development Office, Civil Engineering and Development Department;
- (k) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (l) Director-General of Communications
- (m) Director of Electrical and Mechanical Services;
- (n) Director of Marine;
- (o) Director of Leisure and Cultural Services;
- (p) Director of Housing;
- (q) Chief Building Surveyor/New Territories West, Buildings Department;
- (r) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau;
- (s) Government Property Administrator, Government Property Agency;
- (t) Secretary for Education; and
- (u) District Officer (Tai Po), Home Affairs Department.

Consultation with Tai Po District Council, Sai Kung North Rural Committee and Public Consultation

10.2 The proposed amendments to the OZP are mainly a follow-up consequential to the CFI's rulings on the JR in respect of the draft Hoi Ha OZP. Subject to agreement of the proposed amendments by the Board for gazetting under section 7 of the Ordinance, the Tai Po District Council and Sai Kung North Rural Committee will be consulted during the 2-month statutory plan exhibition period. Members of the public can submit representations on the OZP to the Board during the same statutory plan exhibition period.

11. Responses to Previous Representations, Comments and Further Representations Relating to the Genuine Need Issue and Maps Issue

All the previous representations, comments and further representations submitted to the Board in respect of the draft Hoi Ha OZP No. S/NE-HH/1 raised views and queries related to the designation of "V" zone. Should the Board agree to the recommendations of the review as set out in paragraph 6 above and the proposed amendments to the OZP as detailed in paragraph 7 above, all the representers, commenters and further representers will be informed accordingly. They may submit representations on the amendments to the OZP or comments on representations for the Board's consideration under sections 6 and 6A of the Ordinance respectively.

12. Decision Sought

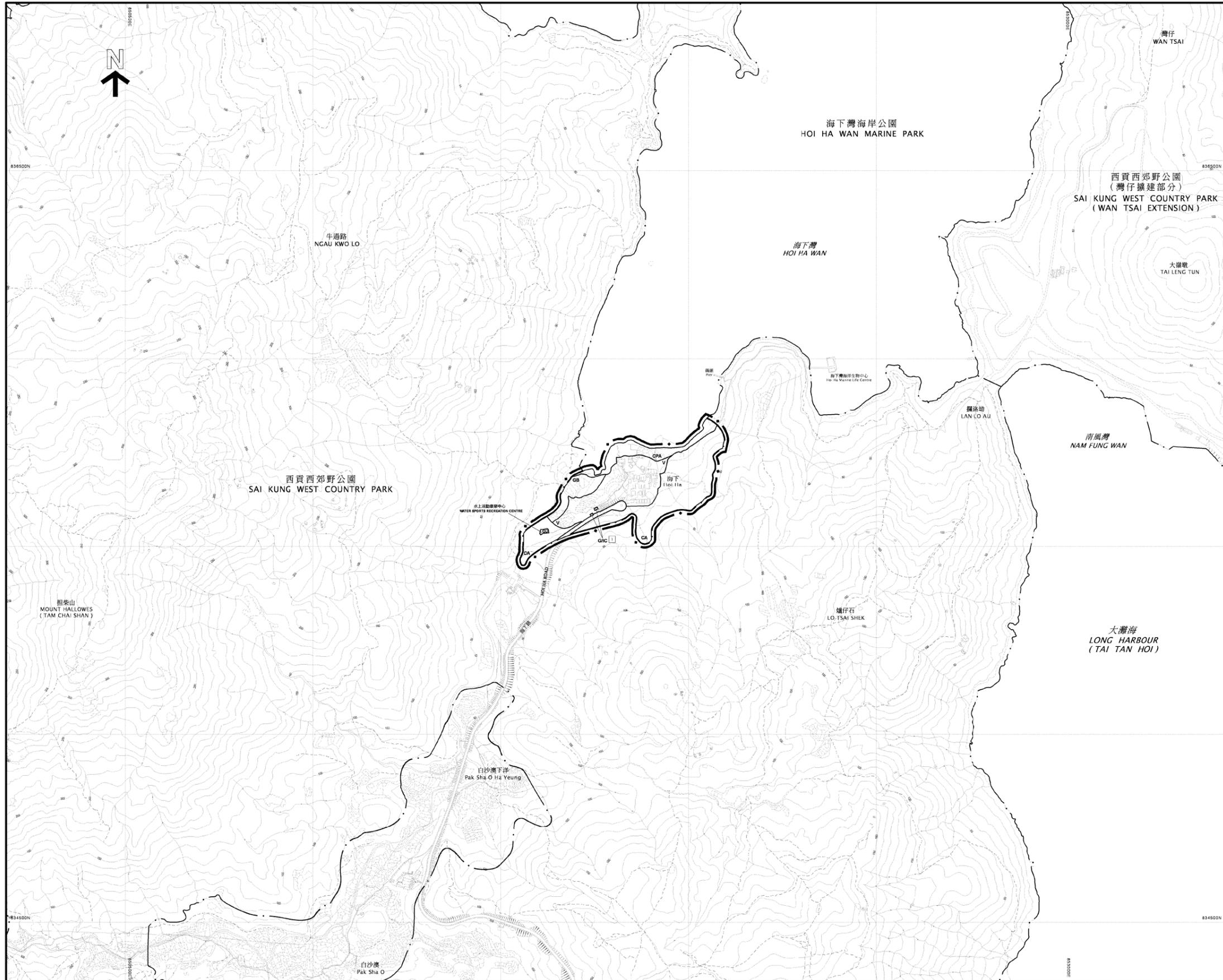
Members are invited to:

- (a) consider the findings and recommendations of the review as detailed in paragraphs 4 to 6 above;
- (b) agree to the proposed amendments to the draft Hoi Ha OZP as detailed in paragraph 7 above and that the draft Hoi Ha OZP No. S/NE-HH/2A at **Annex B1** (to be renumbered as S/NE-HH/3 upon exhibition) and its Notes at **Annex B2** are suitable for exhibition under section 7 of the Ordinance;
- (a) adopt the revised ES at **Annex B3** for the draft Hoi Ha OZP No. S/NE-HH/2A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP and the revised ES will be published together with the draft OZP; and
- (d) agree to inform all the representers, commenters and further representers in respect of the draft Hoi Ha OZP No. S/NE-HH/1 on the amendments to the draft OZP, and that they may submit representations on the amendments to the OZP or comments on representations for the Board's consideration under sections 6 and 6A of the Ordinance respectively.

13. Attachments

- Annex A1** Draft Hoi Ha OZP No. S/NE-HH/1 (reduced to A3 size)
- Annex A2** Amendment Plan No. R/S/NE-HH/1-A2
- Annex B1** Draft Hoi Ha OZP No. S/NE-HH/2A
- Annex B2** Revised Notes for the draft Hoi Ha OZP No. S/NE-HH/2A
- Annex B3** Revised Explanatory Statement for the draft Hoi Ha OZP No. S/NE-HH/2A
- Annex C** The proforma of 10-year Small House demand forecast for Hoi Ha submitted by the IIR
- Plan 1** Small House Applications in Hoi Ha
- Plan 2** Distance between the “Village Type Development” zone and the Hoi Ha Wan Marine Park and High Water Mark
- Plan 3** The Land Proposed to be Retained as “Village Type Development” Zone
- Plan 4** The Land Proposed to be Excised from “Village Type Development” Zone
- Plan 5** Comparison of Existing and Proposed Zoning on the OZP
- Plan 6** Aerial Photo for the Land Proposed to be Excised from “Village Type Development” Zone

**PLANNING DEPARTMENT
MARCH 2020**



圖例
NOTATION

ZONES		地帶
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	GIC	政府、機構或社區
OTHER SPECIFIED USES	OU	其他指定用途
GREEN BELT	GB	綠化地帶
CONSERVATION AREA	CA	自然保育區
COASTAL PROTECTION AREA	CPA	海岸保護區
COMMUNICATIONS		
MAJOR ROAD AND JUNCTION		主要道路及路口
MISCELLANEOUS		
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
MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)	1	最高建築物高度 (樓層數目)

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	
VILLAGE TYPE DEVELOPMENT	2.60	30.77	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	0.01	0.12	政府、機構或社區
OTHER SPECIFIED USES	0.03	0.36	其他指定用途
GREEN BELT	0.65	7.69	綠化地帶
CONSERVATION AREA	3.97	46.98	自然保育區
COASTAL PROTECTION AREA	0.98	11.60	海岸保護區
MAJOR ROAD ETC.	0.21	2.48	主要道路等
TOTAL PLANNING SCHEME AREA	8.45	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

2013年9月27日 按照城市規劃條例第5條展示的
草圖
DRAFT PLAN EXHIBITED UNDER SECTION 5 OF THE TOWN
PLANNING ORDINANCE ON 27 SEPTEMBER 2013

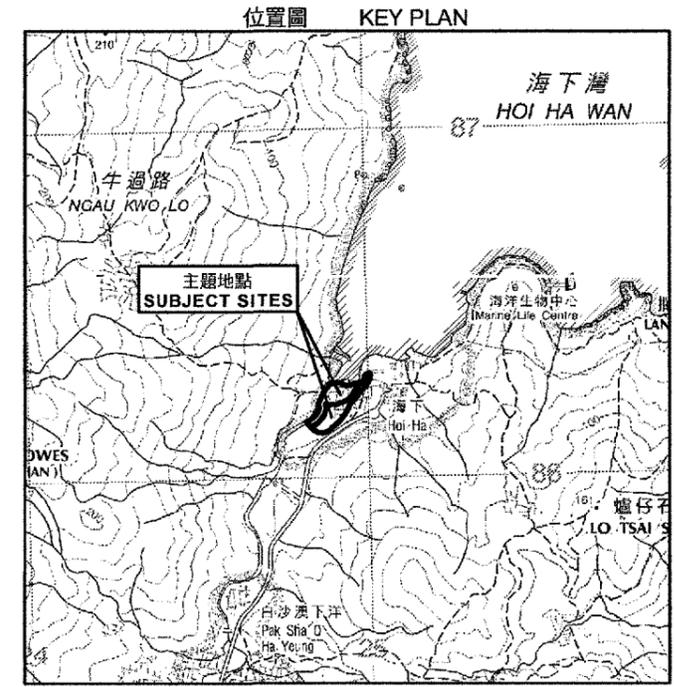
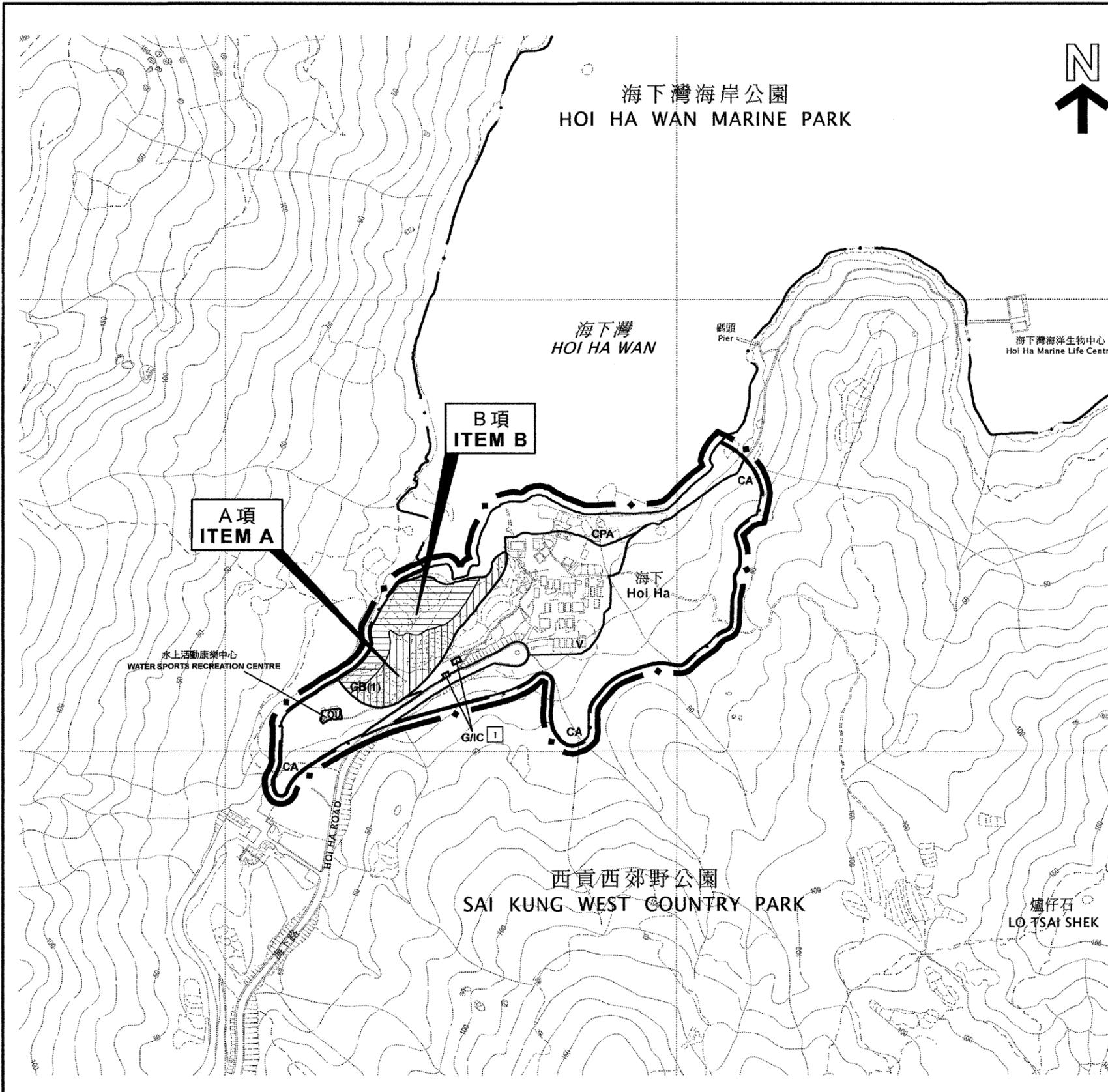
香港城市規劃委員會依據城市規劃條例擬備的海下分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
HOI HA - OUTLINE ZONING PLAN

Signed Ophelia Y. S. WONG 黃婉霏 簽署
SECRETARY 城市規劃委員會秘書
TOWN PLANNING BOARD

SCALE 1:5000 比例尺
METRES 100 0 200 400 600 800 METRES

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-HH/1



草圖編號 S/NE-HH/1 的修訂
AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

根據城市規劃條例第6F(8)條作出的修訂
AMENDMENTS MADE UNDER SECTION 6F(8) OF THE TOWN PLANNING ORDINANCE

- A項 ITEM A
把「鄉村式發展」地帶改劃為「綠化地帶(1)」
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"
- B項 ITEM B
把「綠化地帶」改劃為「綠化地帶(1)」
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"

夾附的《註釋》屬這份圖則的一部分，並根據城市規劃條例第6F(8)條作出修訂。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND HAVE BEEN AMENDED UNDER SECTION 6F(8) OF THE TOWN PLANNING ORDINANCE

(參看附表)
(SEE ATTACHED SCHEDULE)

2014年11月21日根據城市規劃條例第6F(8)條對
草圖編號 S/NE-HH/1 作出的修訂
AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1 MADE UNDER
SECTION 6F(8) OF THE TOWN PLANNING ORDINANCE ON
21 NOVEMBER 2014

Raymond LEE  李啟榮
SECRETARY, TOWN PLANNING BOARD 城市規劃委員會秘書

海下分區計劃大綱草圖編號 S/NE-HH/1 的修訂
AMENDMENTS TO DRAFT HOI HA
OUTLINE ZONING PLAN No. S/NE-HH/1

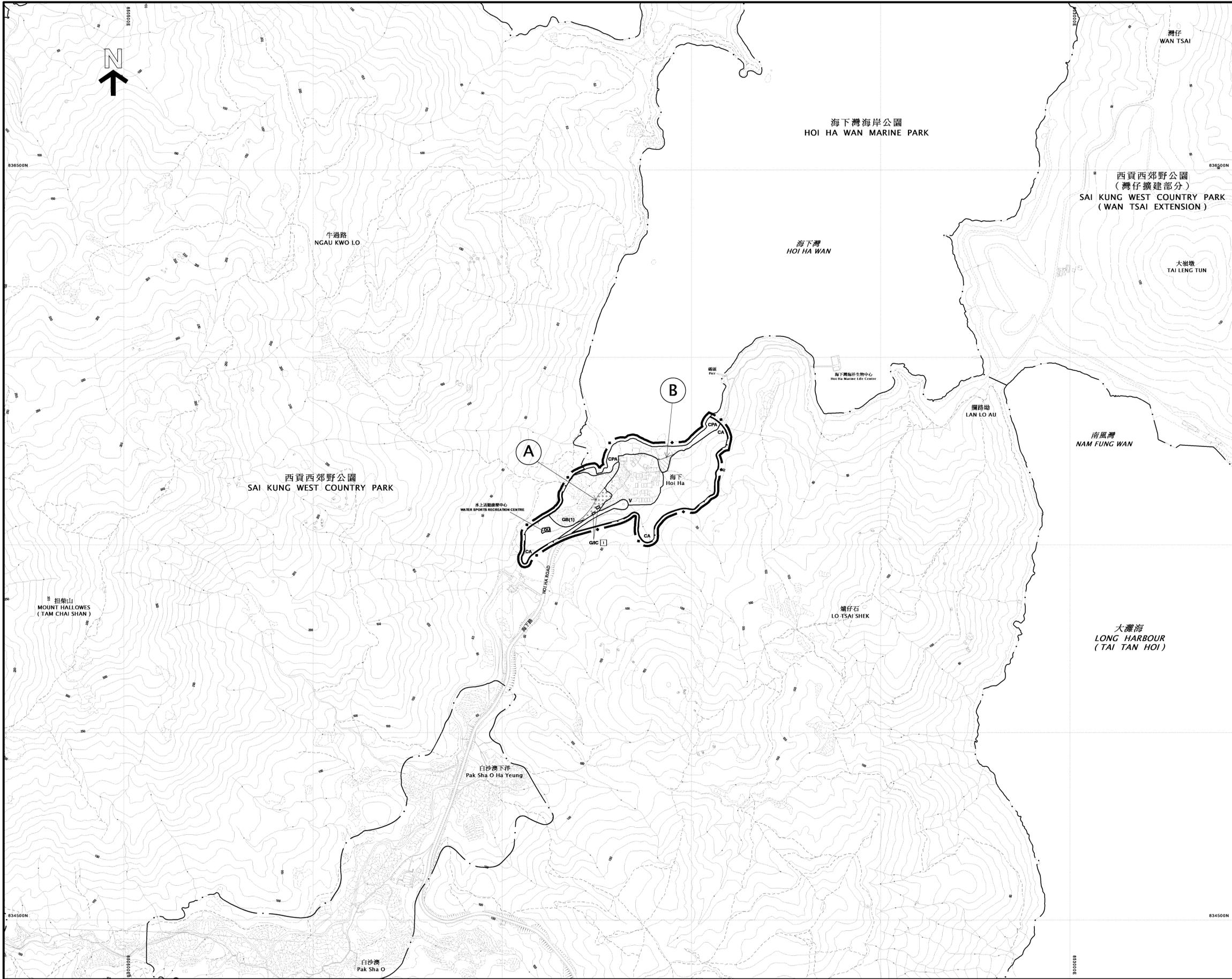
SCALE 1 : 5 000 比例尺

米 METRES 100 0 100 200 300 400 METRES 米

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. R/S/NE-HH/1 - A2





圖例
NOTATION

ZONES		地帶
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	GIC	政府、機構或社區
OTHER SPECIFIED USES	OU	其他指定用途
GREEN BELT	GB	綠化地帶
CONSERVATION AREA	CA	自然保育區
COASTAL PROTECTION AREA	CPA	海岸保護區
COMMUNICATIONS		
MAJOR ROAD AND JUNCTION	==+==	主要道路及路口
MISCELLANEOUS		
BOUNDARY OF PLANNING SCHEME	—+—	規劃範圍界線
BOUNDARY OF COUNTRY PARK	—·—	郊野公園界線
MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)	1	最高建築物高度 (樓層數目)

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	% 百分率	
VILLAGE TYPE DEVELOPMENT	1.65	19.53	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	0.01	0.12	政府、機構或社區
OTHER SPECIFIED USES	0.03	0.36	其他指定用途
GREEN BELT	1.50	17.75	綠化地帶
CONSERVATION AREA	3.97	46.98	自然保育區
COASTAL PROTECTION AREA	1.08	12.78	海岸保護區
MAJOR ROAD ETC.	0.21	2.48	主要道路等
TOTAL PLANNING SCHEME AREA	8.45	100.00	規劃範圍總面積

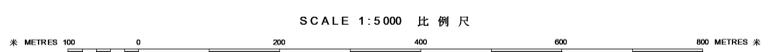
夾附的《註釋》屬這份圖則的一部分，
現經修訂並按照城市規劃條例第 7 條展示。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND HAVE BEEN AMENDED FOR EXHIBITION UNDER
SECTION 7 OF THE TOWN PLANNING ORDINANCE

草圖編號 S/NE-HH/1 的修訂
AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

AMENDMENTS EXHIBITED UNDER SECTION 7 OF THE TOWN PLANNING ORDINANCE	按照城市規劃條例第 7 條 展示的修訂
AMENDMENT ITEM A	修訂項目 A 項
AMENDMENT ITEM B	修訂項目 B 項

(參看附表)
(SEE ATTACHED SCHEDULE)

香港城市規劃委員會依據城市規劃條例擬備的海下分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
HOI HA - 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-HH/2A**

APPROVED DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/2A

(Being an ~~Approved~~ *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) Road junctions, 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" or "Coastal Protection 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.
- (9) In areas zoned "Conservation Area" or "Coastal Protection 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.

- (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.

- (11) (a) Except in areas zoned "Conservation Area" or "Coastal Protection 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) 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" or "Coastal Protection 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) 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.

- (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.

- (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).

APPROVED HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/2A

Schedule of Uses

	<u>Page</u>
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GOVERNMENT, INSTITUTION OR COMMUNITY	3
OTHER SPECIFIED USES	5
GREEN BELT(1)	6
CONSERVATION AREA	8
COASTAL PROTECTION AREA	9

VILLAGE TYPE DEVELOPMENT

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 Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Burial Ground Eating Place Flat Government Refuse Collection Point Government Use (not elsewhere specified) # Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified) # Market Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation # Public Vehicle Park (excluding container vehicle) Religious Institution (not elsewhere specified) # Residential Institution # School # Shop and Services Social Welfare Facility # Utility Installation for Private Project

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

Eating Place
 Library
 School
 Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)Planning Intention

The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the 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, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams or filling of pond, 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 (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), 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.

GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot Animal Quarantine Centre (in Government building only) Broadcasting, Television and/or Film Studio Eating Place (Canteen, Cooked Food Centre only) Educational Institution Exhibition or Convention Hall Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Hospital Institutional Use (not elsewhere specified) Library Market Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution Research, Design and Development Centre School Service Reservoir Social Welfare Facility Training Centre Wholesale Trade	Animal Boarding Establishment Animal Quarantine Centre (not elsewhere specified) Columbarium Correctional Institution Crematorium Driving School Eating Place (not elsewhere specified) Funeral Facility Holiday Camp Off-course Betting Centre Office Petrol Filling Station Place of Entertainment Private Club Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Residential Institution Sewage Treatment/Screening Plant Shop and Services (<i>not elsewhere specified</i>) Utility Installation for Private Project Zoo

(Please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (Cont'd)

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height in terms of number of storeys as stipulated on the Plan, or the height of the 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, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

OTHER SPECIFIED USESFor "Water Sports Recreation Centre" only

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Holiday Camp Place of Recreation, Sports or Culture (Water Sports Recreation Centre only)	Eating Place Government Refuse Collection Point Government Use (not elsewhere specified) Place of Recreation, Sports or Culture (not elsewhere specified) Private Club Public Vehicle Park (excluding container vehicle) Religious Institution Shop and Services Social Welfare Facility Utility Installation not Ancillary to the Specified Use

Planning Intention

This zone is intended to designate land for the purposes of accommodating water sports recreational uses.

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing building shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the 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.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, site coverage and building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GREEN BELT(1)

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 Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Tent Camping Ground Wild Animals Protection Area	Barbecue Spot Burial Ground Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp House (Redevelopment Only) Public Convenience Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Rural Committee/Village Office Utility Installation for Private Project

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone.

In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

(Please see next page)

GREEN BELT(1) (cont'd)

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 (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), 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.

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	Barbecue Spot 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.

COASTAL PROTECTION 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 Use 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 conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.

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.

-APPROVED DRAFT HOI HA
OUTLINE ZONING PLAN NO. S/NE-HH/2A

EXPLANATORY STATEMENT

APPROVED DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/2A

EXPLANATORY STATEMENT

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APPROVED DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/2A

(Being an Approved *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 approved *draft* Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/2A. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land-use zonings of the plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 1 September 2010, 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 Development Permission Area (DPA) Plan for the Hoi Ha area.
- 2.2 On 30 September 2010, the draft Hoi Ha DPA Plan No. DPA/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance. During the plan exhibition period, a total of 18 representations were received. On 10 December 2010, the Board published the representations for public comment and, in the first three weeks of the publication period, no comment was received. After giving consideration to the representations on 8 April 2011, the Board decided not to meet the representations and not to propose any amendment to the draft DPA Plan.
- 2.3 On 4 October 2011, the CE in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Hoi Ha DPA Plan, which was subsequently renumbered as DPA/NE-HH/2. On 14 October 2011, the approved Hoi Ha DPA Plan No. DPA/NE-HH/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 On 11 January 2013, 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 Hoi Ha area.
- 2.5 On 6 May 2013, under the power delegated by the CE, the SDEV directed the Board, under section 3(1)(a) of the Ordinance, to revise the planning scheme boundary of the future OZP, by excluding the areas lying within Hoi Ha Wan (HHW) Marine Park, which is protected under the Marine Parks Ordinance (Cap. 476), so as to provide certainty and avoid duplication of controlling authorities.

- 2.6 On 27 September 2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 10,824 valid representations were received. On 24 January 2014, the representations were published for public comment and, in the first three weeks of the publication period, 3,671 valid comments were received. After giving consideration to the representations and comments from April to June 2014, the Board, on 4 June 2014, decided to partially uphold 9,995 representations by rezoning an area to the west of the existing village cluster from "Village Type Development" ("V") and "Green Belt" ("GB") to "Green Belt(1)" "GB(1)". On 25 July 2014, the proposed amendments to the draft OZP were published under section 6C(2) of the Ordinance. Upon the expiry of the three-week publication period, a total of 36 valid further representations were received. After giving consideration to the further representations and the related representations and comments under section 6F(1) of the Ordinance on 21 November 2014, the Board decided not to uphold the further representations and to amend the draft OZP by the proposed amendments. In accordance with section 6H of the Ordinance, the draft OZP should hereafter be read as including the above amendments. *On 19 December 2014, the Board decided to submit, under section 8 of the Ordinance, the draft Hoi Ha OZP to the CE in C for approval.*
- 2.7 On 3 February 2015, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Hoi Ha OZP, which was subsequently renumbered as S/NE-HH/2. On 13 February 2015, the approved Hoi Ha OZP No. S/NE-HH/2 (~~the Plan~~) was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.8 *On 18 February 2015, a Judicial Review (JR) application was filed against the CE in C's decision made on 3 February 2015 to approve the draft Hoi Ha OZP and the Board's decision made on 19 December 2014 to submit the OZP to the CE in C for approval. Pursuant to the Court of First Instance's judgment on the JR (Constitutional and Administrative Law List no. 28/2015) handed down on 24 November 2017, the said decisions of the CE in C and the Board were quashed. The draft Hoi Ha OZP No. S/NE-HH/1, incorporating the amendments as shown on Plan No. R/S/NE-HH/1-A2, was then the statutory plan covering the Hoi Ha Area.*
- 2.9 *On XX.XX.2020, the draft Hoi Ha OZP No. S/NE-HH/3 (the Plan) incorporating amendments mainly to rezone two pieces of land at the west and east of the "V" zone to "GB(1)" and "Coastal Protection Area" ("CPA") respectively, was exhibited for public inspection under section 7 of the Ordinance.*

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land-use zonings for the area of Hoi Ha so that development and redevelopment within the area of Hoi Ha 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 zones 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, covering a total area of about 8.45 ha, is located at the northern coast of Sai Kung peninsula, and accessible by vehicles via Hoi Ha Road. It is encircled by Sai Kung West (SKW) Country Park on three sides, with the remaining side fronting the scenic HHW, which is a designated Marine Park as well as a Site of Special Scientific Interest.
- 5.2 The area abutting the HHW Marine Park, along the northern coast of the Area, consists of sandy beaches, sand dunes, rock outcrops and sea side vegetations including mangroves. Dense native woodlands, including a *Fung Shui* Woodland, spread on the hill slopes in the eastern and southern parts of the Area, as well as at its western end. These mature woodlands give the Area a distinct natural character.
- 5.3 Hoi Ha Village, lying between HHW in the north and the hill slopes on the south, is the only recognized village in the Area, consisting of about 30 houses and two *tsz tong*s. The houses are mostly three-storeys, occupied, and in fair or good condition. Provision stores can be found on the ground floor of some of the houses, and the HHW Marine Park Warden Post of the Agriculture, Fisheries and Conservation Department (AFCD) occupies the ground floor of one house. The Hoi Ha Site of Archaeological Interest, the Hoi Ha Lime Kilns and part of the Hoi Ha Trackway are heritage features located in the Area. An area to the immediate west of the village is occupied by a young but disturbed woodland on abandoned agricultural land.

- 5.4 Hoi Ha Road approaches the village from west to east, terminating just outside the village. A privately run water sports recreation centre, a public toilet, and a refuse collection point can be found along the north side of the road. Further east along the coast is the Hoi Ha Marine Life Centre operated by the World Wide Fund for Nature Hong Kong.

6. POPULATION

~~According to~~ *Based on* the 2014~~6~~ By-Census, the ~~total~~ population of the Area was *estimated by the Planning Department as* about ~~110~~ 150. It is expected that the total planned population of the area would be about ~~430~~ 330 persons ~~mainly attributed to village expansion.~~

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Conservation and Natural Landscape

Amid SKW Country Park, the Area has high scenic and landscape value which complements the natural landscape of the surrounding SKW Country Park and HHW Marine Park. The natural landscape and the coastal environment of the Area, as well as the area along the rocky stream on the northwest side, are worthy of conservation and the scale of the village development should be compatible with the rural setting and surrounding landscape. Any expansion of village development into the native woodlands (including the *Fung Shui* woodland) that are ecologically linked to SKW Country Park and to the coastal environment near HHW Marine Park is not recommended.

7.1.2 Tourism Potential

HHW, with its scenic sea bay, sandy beach, clear water, and coral communities, as well as direct vehicular access, is popular for divers, snorkelers and kayakers, particularly during holidays and weekends. The HHW Nature Trail, used frequently by hikers, traverses the Area from east to west, connecting to other trails and footpaths of SKW Country Park. Heritage features such as the Hoi Ha Lime Kilns also attract visitors to the Area. AFCD operates an ecotour service from a Warden Post office within the village, and there is a privately run water recreation/sports centre located in the western part of the Area close to Hoi Ha Road. Kayak rentals, provision stores and shower stands catering to visitors can be found on the beach or within the village. It is expected HHW will remain a popular local tourism destination.

7.1.3 Transportation

The Area is accessible by vehicles via Hoi Ha Road, ~~although at present,~~ *leading from* Pak Tam Road *which* is a restricted road and vehicles entering it have to apply for permits from relevant departments. There is a mini-bus route operating between Hoi Ha and Sai Kung Town Pier. Marine access is available via the pier located in HHW Marine Park along the coast to the northeast of the Area. A trail runs along the coast from west to east connecting to trails of the surrounding Country Park.

7.2 Constraints

7.2.1 Ecological Significance

Whilst most of the flora and fauna recorded in the Area and the adjacent SKW Country Park are common species, the native woodlands on the hillsides behind (east and south) Hoi Ha Village and on the gentle slope at the western end of the Area, are quite natural in character and are ecologically-linked with the wide stretch of vegetation in SKW Country Park. In particular, protected plant species including *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉), and *Neottopteris nidus* (巢蕨) have been recorded in these woodlands, and for the woodlands on the east side, notable plant species including *Morinda cochinchinensis* (大果巴戟) and *Sargentodoxa cuneata* (大血藤) have also been recorded. *On the west side, several rare wetland plants including Blyxa aubertii* (無尾水篩), *Utricularia gibba* (少花狸藻) and *Limnophila rugosa* (大葉石龍尾) were present among the woodland. A number of fauna species of conservation concern have also been recorded in the subject area or in its vicinity. These include *Thoressa monastyrskyi* (黑斑陀弄蝶) (a rare butterfly species found only in Sai Kung), *Troides aeacus* (金裳鳳蝶) (a rare butterfly species with conservation concern), *Troides helena* (裳鳳蝶) (an uncommon and protected butterfly species) and the Chinese Pangolin (穿山甲) (an endangered and protected species with restricted distribution). Also, the large rocky stream that abuts the Area on the northwestern side is natural with a moderate diversity of freshwater and brackish fish, and its estuarine area supports mangroves and a moderate diversity of coastal fauna. In general, natural streams of significant size are regarded as ecologically important habitats in the territory.

7.2.2 Landscape Character

The Area contains extensive areas of high quality natural landscape. The HHW valley faces the scenic and landscape-sensitive HHW Marine Park and SKW Country Park. The landscape comprises a juxtaposition of distinct landscape character areas. Due to the topography and the low level of existing development, development in the area will have an impact on the present landscape character. In order to ensure any deterioration of the existing landscape quality would be minimal, the existing ridgelines should be retained and development should not

encroach upon slopes, and the *Fung Shui* woods, secondary woodlands and stream courses should not be affected. Also, the rocky stream and the mangrove estuarine are considered a type of significant landscape resource of this area and it should also not be affected. Development should be confined to the lower ground village areas where human-scale buildings are traditional and in harmony with the existing character. Open vista from the waterfront to the mountain backdrop should be preserved.

7.2.3 Sewerage

There is no existing sewer or planned public sewer for the Area, and at present, each house is typically served with its own on-site septic tanks and soakaway (STS) system. Any increase in population, number of visitors to the Area or further recreational/residential developments would require additional facilities in accordance with relevant laws and regulations.

7.2.4 Site of Archaeological Interest and Cultural Heritage

The Hoi Ha Site of Archaeological Interest, the Hoi Ha Lime Kilns and part of the Hoi Ha Trackway are located within the Area. The Antiquities and Monuments Office (AMO) ~~of the Leisure and Cultural Services Department (LCSD)~~ should be consulted on any development proposals which might affect the above sites of archaeological interest and their immediate environs.

7.2.5 Geotechnical Constraint

The Head of Geotechnical Engineering Office of the Civil Engineering and Development Department advises that the southern part of the ~~“Village Type Development”~~ “V” zone is in an area close to the natural hillside and may be affected by potential natural terrain landslide hazards. For future development in this area, the developer(s) may be required to carry out a natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.

7.2.6 Infrastructure and Utility Services

The Area is supplied with electricity and telephone services. In respect of other utility services, potable water supply to existing facilities and villagers of the Area is provided, but there are no committed/planned sewerage and drainage systems nor gas supply projects for the Area.

8. GENERAL PLANNING INTENTION

- 8.1 The general planning intention for the Area is to conserve its natural landscape and conservation value, to protect its natural and rural character, its cultural

heritage, and to make provision for future Small House development for the indigenous village of Hoi Ha.

- 8.2 In the designation of various zones for the Area, considerations have been given to protect the ecological and landscape significance of the Area, which includes the Hoi Ha *Fung Shui* woodland that forms the wider natural system of SKW Country Park and HHW Marine Park. Considerations have also been given to delineate the area for future Small House development.

9. LAND-USE ZONINGS

9.1 "Village Type Development" ("V") : Total Area ~~1.95ha~~ *1.65ha*

- 9.1.1 The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.1.2 Hoi Ha is a recognized village and the only recognized village in the Area. The boundaries of the "V" zone are drawn up ~~having regard to taking into account a host of planning factors including but not limited to~~ the village 'environs', *local topography, settlement pattern*, the number of outstanding Small House applications, Small House demand forecast, ~~local topography and site constraints~~ *availability of road access and infrastructure, areas of ecological and landscape importance as well as site specific characteristics*. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 9.1.3 No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is the greater. Application for minor relaxation of these restrictions would be considered by the Board based on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.
- 9.1.4 As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

- 9.1.5 There is no existing sewer or planned public sewer for the Area, and at present, each house is typically served with its own on-site STS system. In accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005, under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Also, for the protection of the water quality of HHW Marine Park, the design and construction of on-site STS system for any development proposals/submissions need to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) 5/93. Accordingly, the Lands Department (LandsD) when processing Small House grant and applications in close proximity to existing stream courses and HHW Marine Park, should consult concerned departments including EPD, AFCD, *Drainage Services Department (DSD)* and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- 9.1.6 The Head of Geotechnical Engineering Office of the Civil Engineering and Development Department advises that the southern part of the "V" zone is in an area close to the natural hillside and may be affected by potential natural terrain landslide hazards. For future development in this area, the developer(s) may be required to carry out a natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.
- 9.2 "Government, Institution or Community" ("G/IC") : Total Area 0.01 ha
- 9.2.1 The planning intention of this zone is primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 9.2.2 The main existing GIC facilities under this zone include a single storey permanent flushing toilet and a single storey refuse collection point at the western part of the Area.
- 9.2.3 To preserve the rural and low-rise character of the Area as well as provide spatial and visual relief, development/redevelopment within this zone should be restricted to a maximum building height as stipulated on the Plan (i.e. one storey) or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is greater.

9.2.4 To provide design flexibility for particular development, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each application will be considered on its individual planning merits.

9.3 “Other Specified Uses” (“OU”) annotated “Water Sports Recreation Centre” :
Total Area 0.03 ha

9.3.1 This zone is intended primarily to reflect the existing use of the land at the western part of the Area currently occupied by a water sports recreation centre (the “Tolo Adventure Centre”) to the north of Hoi Ha Road. The club is operated by a religious organization for over 30 years to provide water sports training facilities and overnight accommodation for teenagers. According to LandsD, ~~there are 2 existing structures on the site under Short Term Tenancy with a total built over area of about 71.5m².~~

9.3.2 The following planning controls are applicable to this zone:

- (a) no redevelopment, including alternation and/or modification, of an existing building shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA plan, and
- (b) based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, site coverage and building height restrictions stated in paragraph (a) above may be considered by the Board on application under section 16 of the Ordinance.

9.4 “Green Belt(1)” (“GB(1)”) : Total Area ~~1.30 ha~~ *1.50ha*

9.4.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone. In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

9.4.2 The “GB(1)” zone covers mainly the areas to the west of the village and near the rocky stream that flows along the western boundary of the Area, which mainly consists of abandoned agricultural lands now covered by woodland and wetland. ~~A plant species of conservation concern, *Pavetta hongkongensis* (香港大沙葉) and a considerable number of large trees, including Chinese Banyan, can be found in the woodland. There are several protected or rare plant species of conservation concern and a number of mature trees in this area.~~ The “GB(1)” zone would serve as an ecological buffer between village development and

the stream, and would help to protect the landscape resource of this area. It would also provide flexibility for the Board to consider redevelopment of an existing house through the planning application system.

9.4.3 The redevelopment of an existing house 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 of the draft DPA plan.

9.4.4 As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

9.5 “Conservation Area” (“CA”) : Total Area 3.97 ha

9.5.1 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.

9.5.2 The “CA” zoning covers the woodlands on the hillsides to the east and south of the Hoi Ha Village, as well as a woodland at the western end of the Area, on the north side of Hoi Ha Road. These woodlands are quite natural in character and are ecologically-linked with the wide stretch of vegetation in the SKW Country Park. There is also a variety of protected plant and animal species of conservation concern. It is intended that with stringent planning control imposed under this zoning, the rich ecological and biological features in the areas can be protected and preserved.

9.5.3 There is a strip of land for traditional burial ground at the southern part of the hillslopes within this zone. It has been in existence for many years, which are considered as an existing use and intended for burial places of deceased indigenous villagers in the Area. To respect the local ritual and tradition, burial activities within this zone are generally tolerated.

9.5.4 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 of the DPA Plan.

9.5.5 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.

9.6 Coastal Protection Area ("CPA"): Total Area ~~0.98 ha~~ *1.08ha*

9.6.1 This zone is intended to protect and retain the coastlines and the sensitive coastal environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological significance, with a minimum of built 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.

9.6.2 "CPA" zone is designated for the coastal area abutting HHW Marine Park. It consists of sandy beaches, rock features, estuarine, mangroves, mangrove-associated plants, backshore vegetation, shrubs and vegetated slopes. The "CPA" zone serves as a buffer between the village area and HHW Marine Park, protecting the marine park from nearby developments.

9.6.3 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 of the DPA Plan.

9.6.4 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

Road/Transport Network

The Area is accessible by vehicles via Hoi Ha Road. Marine access is available via the pier located in HHW Marine Park along the coast to the northeast of the Area.

11. CULTURAL HERITAGE

The Hoi Ha Site of Archaeological Interest, the Hoi Ha Lime Kilns and part of the Hoi Ha Trackway are located within the Area. AMO of LCSD should be consulted on any

development proposals which might affect the sites and their immediate environs. If disturbance to the archaeological site is unavoidable, a detailed Archaeological Impact Assessment (AIA) conducted by a professional archaeologist is required for development works within the site. The archaeologist shall apply for a license to conduct the AIA under the Antiquities and Monuments Ordinance (Cap. 53). A proposal of the AIA shall be submitted to AMO for agreement prior to applying for a license.

12. UTILITY SERVICES/INFRASTRUCTURAL PROVISIONS

The Area is supplied with electricity and telephone services. In respect of other utility services, potable water supply to existing facilities and villagers of the Area is provided, but there are no committed/planned sewerage and drainage systems nor gas supply projects for the Area.

13. IMPLEMENTATION

- 13.1 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.
- 13.2 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 public and private sectors.
- 13.3 Notwithstanding the above, minor improvement works, e.g. access improvements and laying of roads, utility services installation and public works projects will be implemented through the Public Works Programme and the Rural Public Works Programme subject to priority and resource availability. Private developments will be effected principally through private sector initiatives in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

14. PLANNING CONTROL

- 14.1 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.
- 14.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the 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.

- 14.3 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.
- 14.4 Any development, other than those referred to in paragraph 14.1 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 conservation-related zonings, such as "CA" and "CPA".

**TOWN PLANNING BOARD
MARCH 2020**

覆函

致：大埔地政處
新界大埔汀角路一號大埔政府合署一樓
(傳真號碼：2650 9396)

檔案：LM(34) in DLO/TP 39/59 p.3 5W

未來十年內的小型屋宇需求預算

本人／我們是大埔區*大埔／*西貢北約 鄉 海下 村／圍的原居民代表。為使政府有關部門掌握在未來十年內合資格的男性原居村民申請興建小型屋宇的需求，現根據本村的情況向貴處提供下列數字：

甲部-本村現時男性原居村民的總人數

大約 118

(a)	在香港的男性原居村民的人數	36
(b)	在海外的男性原居村民的人數	82
	總數 (即(a)-(b))	118

乙部-未來十年內本村的小型屋宇需求

(c)	現時(即截至 2012 年 12 月 31 日) 在十八歲或以上但尚未申請興建小型屋宇的合資格男性原居民的人數	大約 76
(d)	在未來十年內, 即由 2013 年 1 月 1 日至 2022 年 12 月 31 日將會年滿十八歲(即現時八至十七歲)的男性原居村民的人數	大約 8
	未來十年需求 (即(c)+(d))	大約 84

姓名



簽署



姓名

簽署

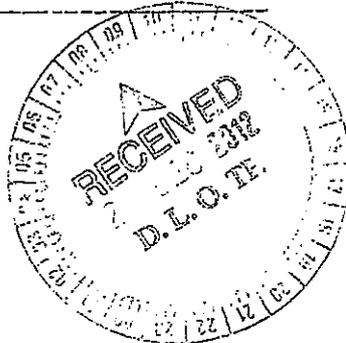
姓名

簽署

日期

27-12-2012

*刪去不適用者



致：大埔地政專員

新界大埔汀角路一號大埔政府合署一樓 (傳真號碼：2650 9896)

檔號：LM(34) in DLO/TP 39/59 Pt.4

未來十年內小型屋宇需求預算

本人/我們是大埔區*大埔/西貢北約鄉_____ *村/圍的原居民代表，現根據本村的情況向貴處提供在未來十年內合資格的男性原居村民¹申請興建小型屋宇的需求預算，以便政府有關部門對此有較具體的了解²。有關的資料如下：

甲部. 現時(即截至 2014 年 12 月 31 日)年滿十八歲或以上的男性原居村民

	現居香港	僑居海外
(A) 總人數： 大約 127	大約 33	大約 94
(B) 總人數當中已經行使其小型屋宇資格 ³ 的人數： 大約 22	10	12
(C) 總人數當中未行使其小型屋宇資格的人數： 大約 89	14	75
(D) 未行使其小型屋宇資格人數當中預算未來十年內會申請興建小型屋宇的人數： 89	14 (i)	74 (ii)

乙部. 未來十年內將會滿十八歲(即截至 2014 年 12 月 31 日時為八至十七歲)的男性原居村民

	現居香港	僑居海外
(E) 總人數： 大約 16	2	14
(F) 總人數當中預算未來十年內會申請興建小型屋宇的人數： 12	2 (iii)	10 (iv)

未來十年內小型屋宇需求預算[(i) + (ii) + (iii) + (iv)]： 100

姓名： _____

簽署： _____

姓名： _____

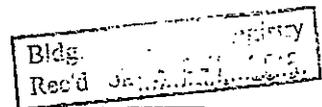
簽署： _____

姓名： _____

簽署： _____

日期： 2015-1-30

*刪去不適用者



¹ 男性原居村民指父系源自 1898 年時為香港新界認可鄉村居民的男子。

² 因應需要，有關政府部門可能會要求提供其他相關補充資料。

³ 行使小型屋宇資格即為已獲批准興建小型屋宇，或獲轉讓未曾移除限制轉讓條款的小型屋宇。

致：大埔地政專員

新界大埔汀角路一號大埔政府合署一樓 (傳真號碼：2650 9896)

檔號：LM(34) in DLO/TP 39/59 Pt.5

7.25.16

未來十年內小型屋宇需求預算

本人/我們是大埔區*大埔/西貢北約鄉海下*村圍的原居民代表，現根據本村的情況向貴處提供在未來十年內合資格的男性原居村民¹申請興建小型屋宇的需求預算，以便政府有關部門對此有較具體的了解²。有關的資料如下：

甲部. 現時(即截至 2015 年 12 月 31 日)年滿十八歲或以上的男性原居村民

	現居香港	僑居海外
(A) 總人數： 大約 126 人	大約 32 人	大約 93 人
(B) 總人數當中已經行使其小型屋宇資格 ³ 的人數： 大約 22 人	大約 9	大約 11
(C) 總人數當中未行使其小型屋宇資格的人數： 大約 88	大約 13	大約 74
(D) 未行使其小型屋宇資格人數當中預算未來十年內會申請興建小型屋宇的人數：	約 13 (i)	未能確定 (ii)

乙部. 未來十年內將會滿十八歲(即截至 2015 年 12 月 31 日時為八至十七歲)的男性原居村民

	現居香港	僑居海外
(E) 總人數： 大約 16	大約 2	未能確定
(F) 總人數當中預算未來十年內會申請興建小型屋宇的人數： 由於鄉村式發展用地未確定，未能預算	未能預算 (iii)	未能預算 (iv)

未來十年內小型屋宇需求預算[(i) + (ii) + (iii) + (iv)]：_____

姓名：_____ 簽署：_____

姓名：_____ 簽署：_____

姓名：_____ 簽署：_____

日期：2016-1-29

*刪去不適用者

¹ 男性原居村民指父系源自 1898 年時為香港新界認可鄉村居民的男子。

² 因應需要，有關政府部門可能會要求提供其他相關補充資料。

³ 行使小型屋宇資格即為已獲批准興建小型屋宇，或獲轉讓未曾移除限制轉讓條款的小型屋宇。

致：大埔地政專員

新界大埔汀角路一號大埔政府合署一樓 (傳真號碼：2650 9896)

檔案：LM(34) in DLO/TP 39/59 Pt.6

未來十年內小型屋宇需求預算

本人/我們是大埔區*大埔/西貢北約鄉 海下 *村/圍的原居民代表，現根據本村的情況向貴處提供在未來十年內合資格的男性原居村民¹申請興建小型屋宇的需求預算²，以便政府有關部門對此有較具體的了解³。有關的資料如下：

甲部. 現時(即截至 2018 年 12 月 31 日)年滿十八歲或以上的男性原居村民

	現居香港	僑居海外
(A) 總人數： 118	33	59
(B) 總人數當中已經行使其小型屋資格 ³ 的人數： 26		
(C) 總人數當中未行使其小型屋資格的人數： 89	7	56
(D) 未行使其小型屋資格的人數當中預算未來十年內會申請興建小型屋宇的人數：	4 (i)	6 (ii)

乙部. 未來十年內將會滿十八歲(即截至 2018 年 12 月 31 日時為八至十七歲)的男性原居村民

	現居香港	僑居海外
(E) 總人數： 36	7	29
(F) 總人數當中預算未來十年內會申請興建小型屋宇的人數： 11	5 (iii)	6 (iv)

未來十年內小型屋宇需求預算[(i) + (ii) + (iii) + (iv)]：

姓名： [Redacted]

簽署： [Redacted]

姓名： _____

簽署： _____

姓名： _____

簽署： _____

日期： 16-5-2019

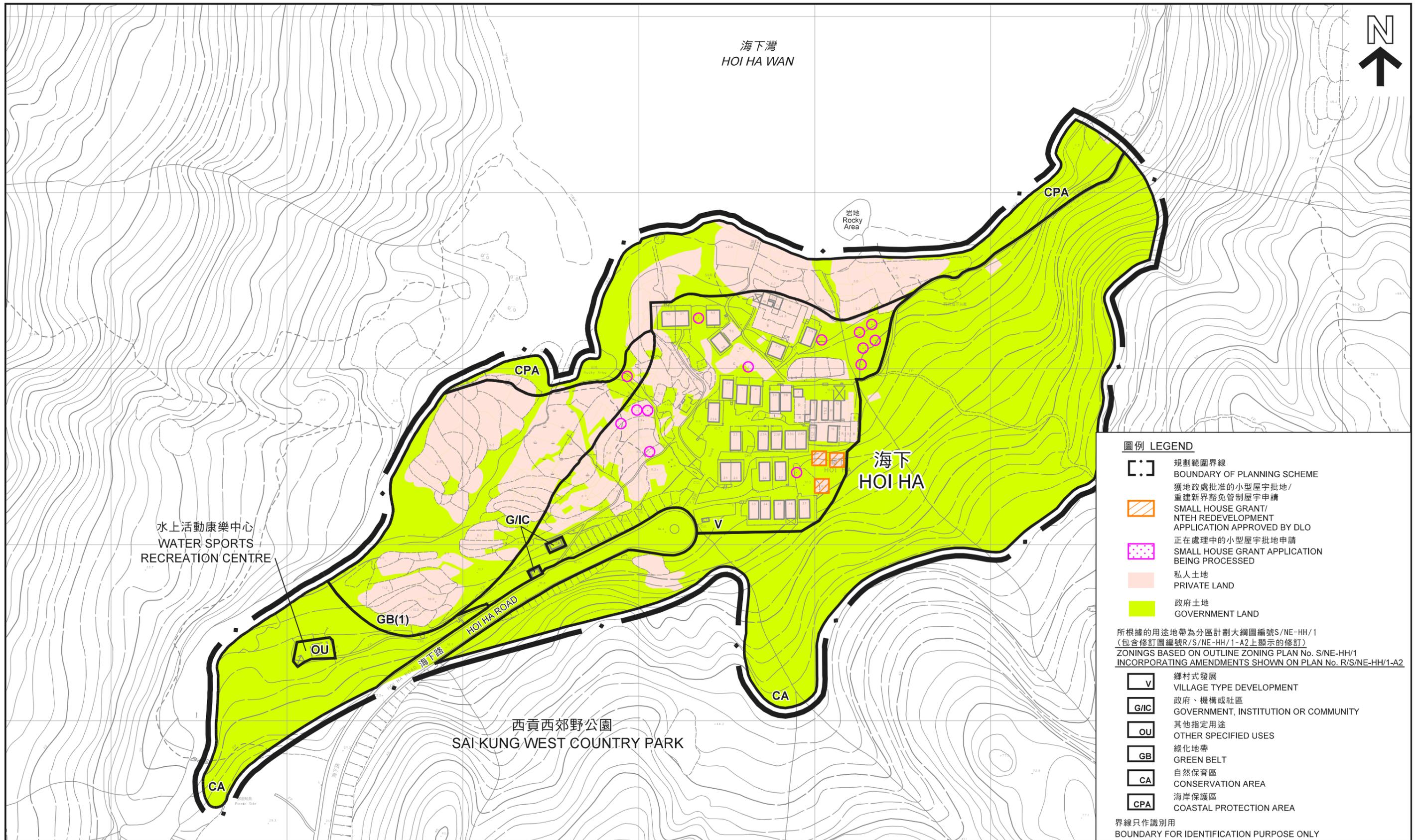
2019 MAY 16 P 1:32
RECEIVED BY
DLO/TP

*刪去不適用者

¹ 男性原居村民指父系源自 1898 年時為香港新界認可鄉村居民的男子。

² 因應需要，有關政府部門可能會要求提供其他相關補充資料。

³ 行使小型屋宇資格即為已獲批准興建小型屋宇，或獲轉讓未曾移除限制轉讓條款的小型屋宇。



圖例 LEGEND

-  規劃範圍界線
BOUNDARY OF PLANNING SCHEME
-  獲地政處批准的小型屋宇批地/
重建新界豁免管制屋宇申請
SMALL HOUSE GRANT/
NTEH REDEVELOPMENT
APPLICATION APPROVED BY DLO
-  正在處理中的小型屋宇批地申請
SMALL HOUSE GRANT APPLICATION
BEING PROCESSED
-  私人土地
PRIVATE LAND
-  政府土地
GOVERNMENT LAND
-  鄉村式發展
VILLAGE TYPE DEVELOPMENT
-  政府、機構或社區
GOVERNMENT, INSTITUTION OR COMMUNITY
-  其他指定用途
OTHER SPECIFIED USES
-  綠化地帶
GREEN BELT
-  自然保育區
CONSERVATION AREA
-  海岸保護區
COASTAL PROTECTION AREA

所根據的用途地帶為分區計劃大綱圖編號S/NE-HH/1
(包含修訂圖編號R/S/NE-HH/1-A2上顯示的修訂)
ZONINGS BASED ON OUTLINE ZONING PLAN No. S/NE-HH/1
INCORPORATING AMENDMENTS SHOWN ON PLAN No. R/S/NE-HH/1-A2

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2020年2月7日擬備，
所根據的資料為於2020年1月所得的
測量圖編號8-NW-5A及B
EXTRACT PLAN PREPARED ON 7.2.2020
BASED ON SURVEY SHEETS No. 8-NW-5A AND B
OBTAINED IN JANUARY 2020

海下小型屋宇申請
SMALL HOUSE APPLICATIONS IN HOI HA

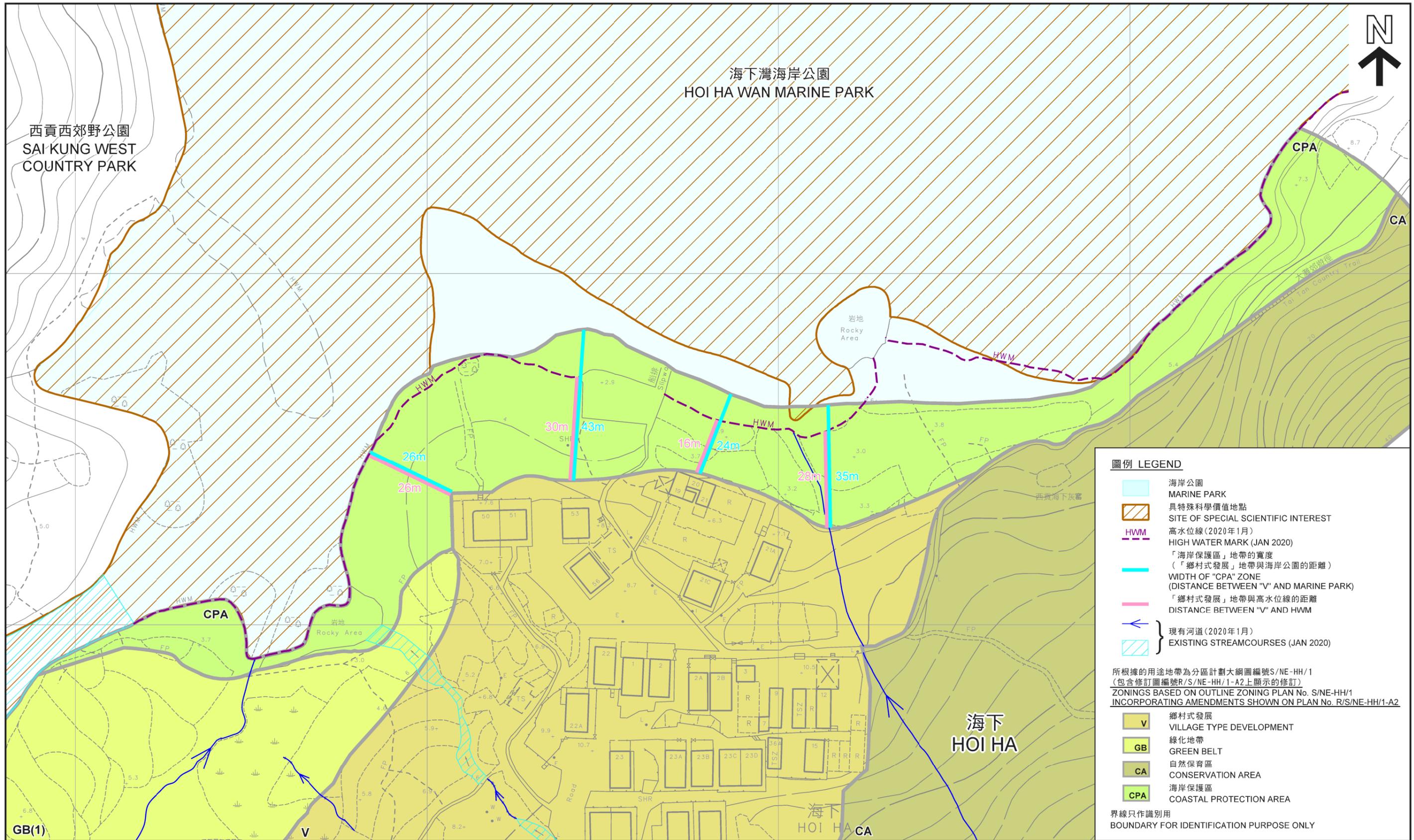


規劃署
PLANNING DEPARTMENT



參考編號
REFERENCE No.
M/CPE/HH/19/20

圖 PLAN
1



圖例 LEGEND

- 海岸公園
MARINE PARK
- 具特殊科學價值地點
SITE OF SPECIAL SCIENTIFIC INTEREST
- HWM
高水位線 (2020年1月)
HIGH WATER MARK (JAN 2020)
- 「海岸保護區」地帶的寬度
(「鄉村式發展」地帶與海岸公園的距離)
WIDTH OF "CPA" ZONE
(DISTANCE BETWEEN "V" AND MARINE PARK)
- 「鄉村式發展」地帶與高水位線的距離
DISTANCE BETWEEN "V" AND HWM
- } 現有河道 (2020年1月)
EXISTING STREAMCOURSES (JAN 2020)

所根據的用途地帶為分區計劃大綱圖編號S/NE-HH/1
(包含修訂圖編號R/S/NE-HH/1-A2上顯示的修訂)
ZONINGS BASED ON OUTLINE ZONING PLAN No. S/NE-HH/1
INCORPORATING AMENDMENTS SHOWN ON PLAN No. R/S/NE-HH/1-A2

- V 鄉村式發展
VILLAGE TYPE DEVELOPMENT
- GB 綠化地帶
GREEN BELT
- CA 自然保育區
CONSERVATION AREA
- CPA 海岸保護區
COASTAL PROTECTION AREA

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2020年1月20日擬備，
所根據的資料為於2020年1月所得的
測量圖編號8-NW-5A及B
EXTRACT PLAN PREPARED ON 20.1.2020
BASED ON SURVEY SHEETS No. 8-NW-5A AND B
OBTAINED IN JANUARY 2020

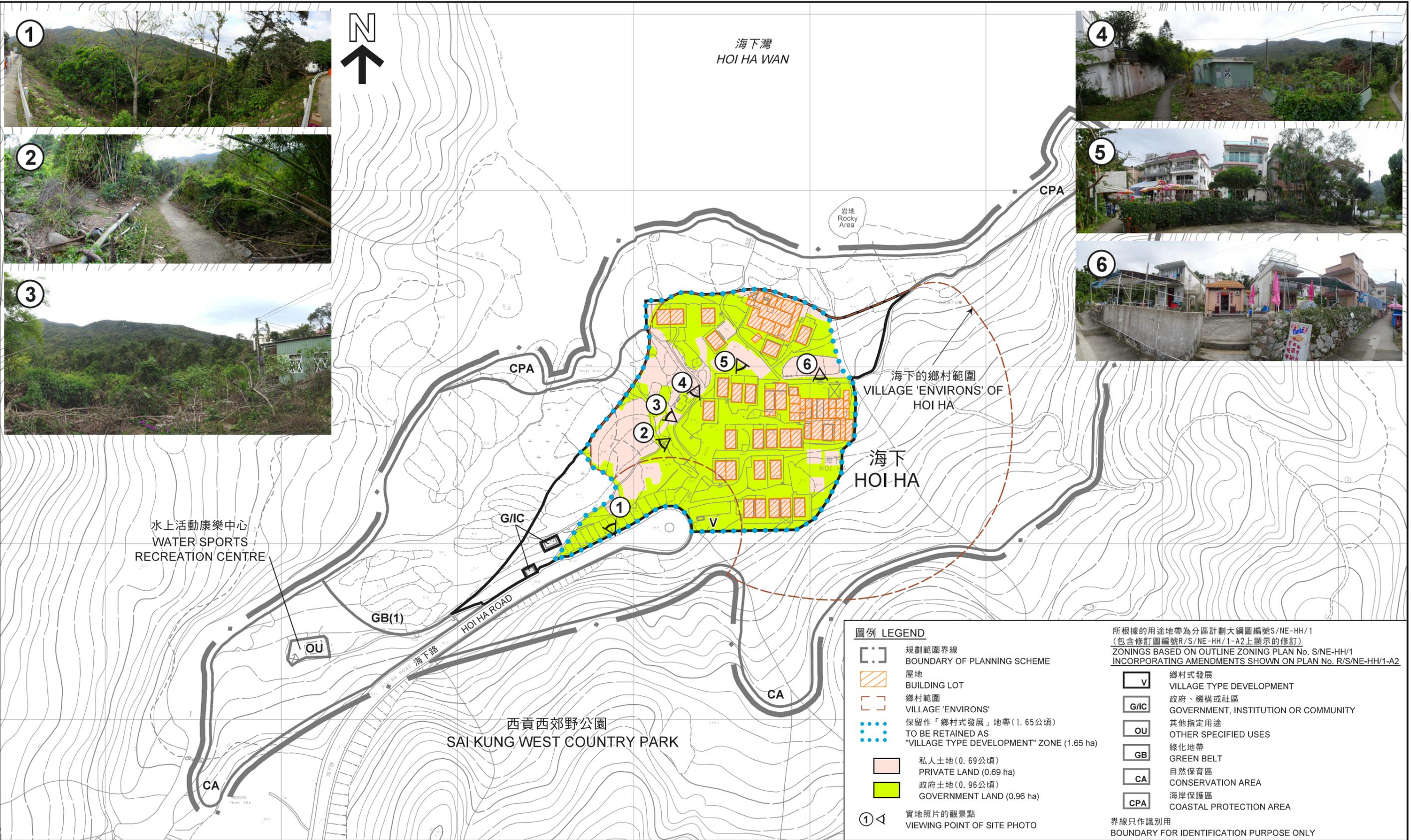
海下的海岸公園、高水位線與「鄉村式發展」地帶的距離
DISTANCE BETWEEN MARINE PARK, HIGH WATER MARK
AND "VILLAGE TYPE DEVELOPMENT" ZONE IN HOI HA



規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
M/CPE/HH/19/20

圖 PLAN
2



本摘要圖於2020年1月17日擬備，
 所根據的資料為於2020年1月所得的
 測量圖編號8-NW-5A及B
 EXTRACT PLAN PREPARED ON 17.1.2020
 BASED ON SURVEY SHEETS No. 8-NW-5A AND B
 OBTAINED IN JANUARY 2020

擬保留作「鄉村式發展」地帶的土地
 THE LAND PROPOSED TO BE RETAINED AS "VILLAGE TYPE DEVELOPMENT" ZONE

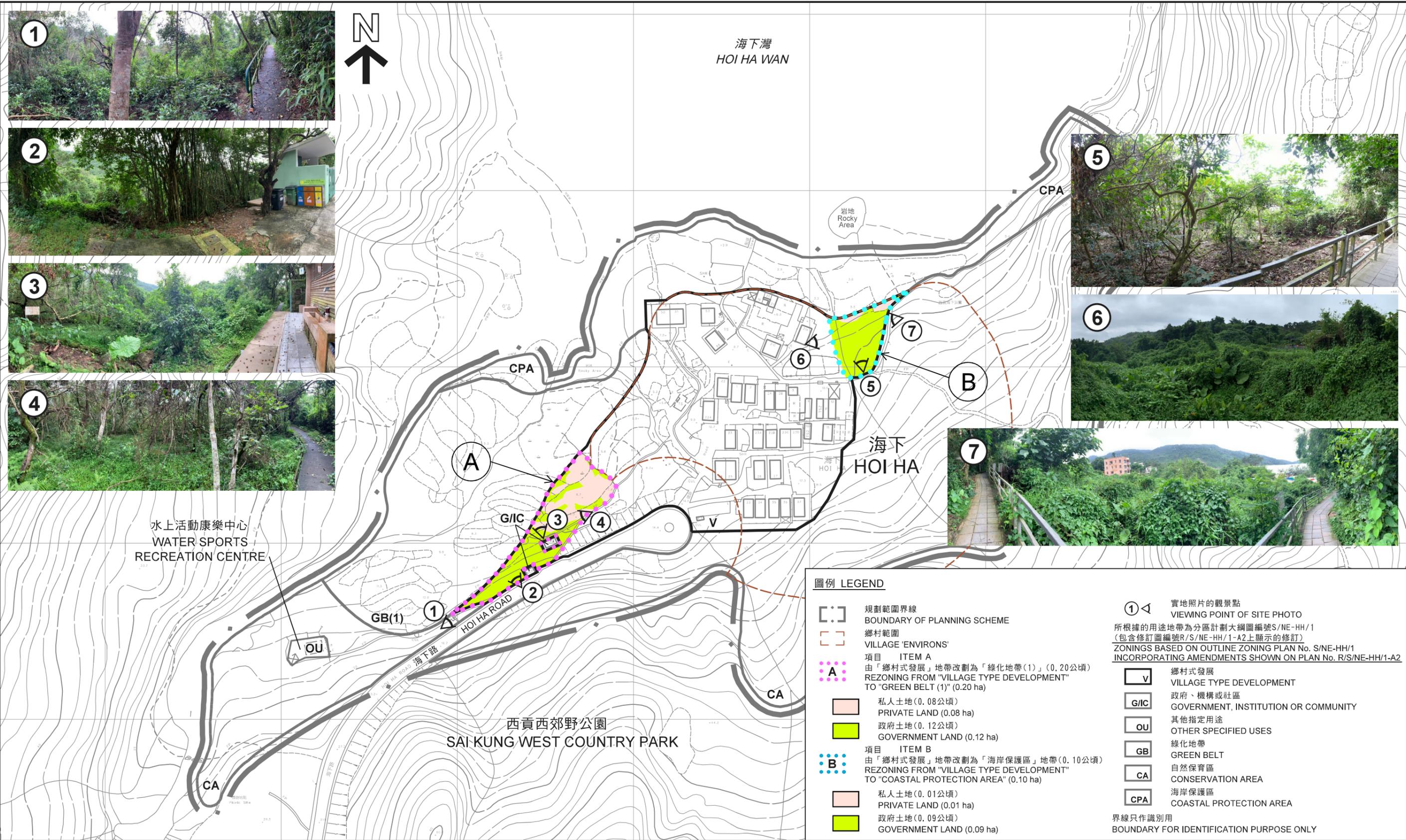


規劃署
 PLANNING DEPARTMENT



參考編號
 REFERENCE No.
 M/CPE/HH/19/20

圖 PLAN
 3



圖例 LEGEND

- [] 規劃範圍界線
BOUNDARY OF PLANNING SCHEME
- [] 鄉村範圍
VILLAGE 'ENVIRONS'
- 項目 ITEM A
由「鄉村式發展」地帶改劃為「綠化地帶(1)」(0.20公頃)
REZONING FROM "VILLAGE TYPE DEVELOPMENT"
TO "GREEN BELT (1)" (0.20 ha)
- 私人土地(0.08公頃)
PRIVATE LAND (0.08 ha)
- 政府土地(0.12公頃)
GOVERNMENT LAND (0.12 ha)
- 項目 ITEM B
由「鄉村式發展」地帶改劃為「海岸保護區」地帶(0.10公頃)
REZONING FROM "VILLAGE TYPE DEVELOPMENT"
TO "COASTAL PROTECTION AREA" (0.10 ha)
- 私人土地(0.01公頃)
PRIVATE LAND (0.01 ha)
- 政府土地(0.09公頃)
GOVERNMENT LAND (0.09 ha)
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO
- 所根據的用途地帶為分區計劃大綱圖編號S/NE-HH/1
(包含修訂圖編號R/S/NE-HH/1-A2上顯示的修訂)
ZONINGS BASED ON OUTLINE ZONING PLAN No. S/NE-HH/1
INCORPORATING AMENDMENTS SHOWN ON PLAN No. R/S/NE-HH/1-A2
- 鄉村式發展
VILLAGE TYPE DEVELOPMENT
- G/IC 政府、機構或社區
GOVERNMENT, INSTITUTION OR COMMUNITY
- OU 其他指定用途
OTHER SPECIFIED USES
- GB 綠化地帶
GREEN BELT
- CA 自然保育區
CONSERVATION AREA
- CPA 海岸保護區
COASTAL PROTECTION AREA
- 界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2020年1月17日擬備，
所根據的資料為於2020年1月所得的
測量圖編號8-NW-5A及B
EXTRACT PLAN PREPARED ON 17.1.2020
BASED ON SURVEY SHEETS No. 8-NW-5A AND B
OBTAINED IN JANUARY 2020

從「鄉村式發展」地帶中剔除的土地
THE LAND PROPOSED TO BE EXCISED FROM "VILLAGE TYPE DEVELOPMENT" ZONE

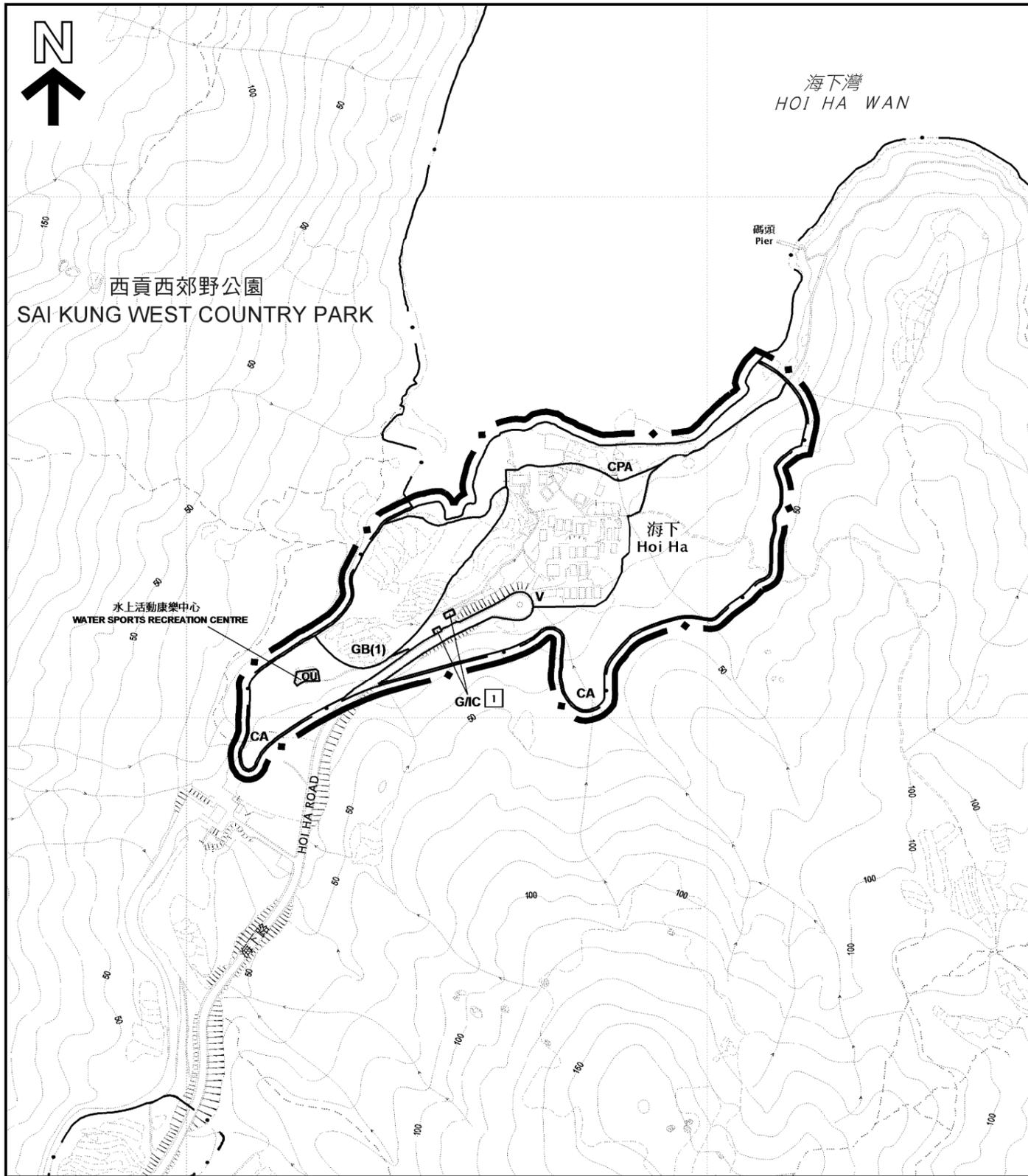


規劃署
PLANNING DEPARTMENT

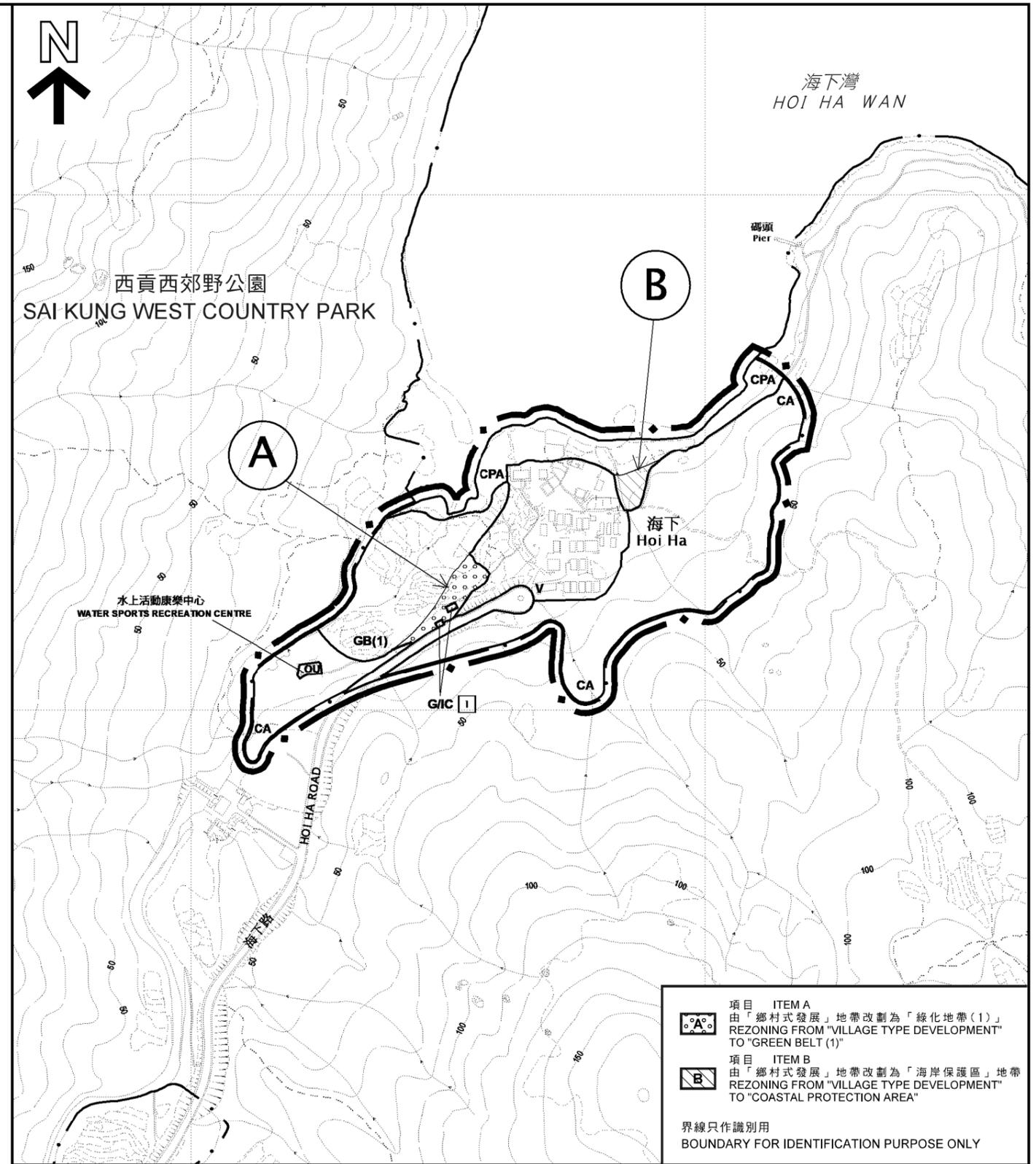


參考編號
REFERENCE No.
M/CPE/HH/19/20

圖 PLAN
4



S/NE-HH/1 的摘要圖 (包含 R/S/NE-HH/1-A2 上顯示的修訂)
 EXTRACT PLAN OF S/NE-HH/1 INCORPORATING AMENDMENTS SHOWN ON R/S/NE-HH/1-A2



S/NE-HH/2A 的摘要圖
 EXTRACT PLAN OF S/NE-HH/2A

項目 ITEM A
 由「鄉村式發展」地帶改劃為「綠化地帶(1)」
 REZONING FROM "VILLAGE TYPE DEVELOPMENT"
 TO "GREEN BELT (1)"

項目 ITEM B
 由「鄉村式發展」地帶改劃為「海岸保護區」地帶
 REZONING FROM "VILLAGE TYPE DEVELOPMENT"
 TO "COASTAL PROTECTION AREA"

界線只作識別用
 BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2020年2月5日擬備
 EXTRACT PLAN PREPARED ON 5.2.2020

現有與擬議用途地帶的比較
 COMPARISON OF EXISTING AND PROPOSED ZONING ON THE OZP



規劃署
 PLANNING DEPARTMENT



參考編號
 REFERENCE No.
 M/CPE/HH/19/20

圖 PLAN
 5



圖例 LEGEND

	規劃範圍界線 BOUNDARY OF PLANNING SCHEME		
	項目 ITEM A 由「鄉村式發展」地帶改劃為「綠化地帶(1)」 REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT (1)"		鄉村式發展 VILLAGE TYPE DEVELOPMENT
	項目 ITEM B 由「鄉村式發展」地帶改劃為「海岸保護區」地帶 REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "COASTAL PROTECTION AREA"		政府、機構或社區 GOVERNMENT, INSTITUTION OR COMMUNITY
			其他指定用途 OTHER SPECIFIED USES
			綠化地帶 GREEN BELT
			自然保育區 CONSERVATION AREA
			海岸保護區 COASTAL PROTECTION AREA

所根據的用途地帶為分區計劃大綱圖編號S/NE-HH/1
(包含修訂圖編號R/S/NE-HH/1-A2上顯示的修訂)
ZONINGS BASED ON OUTLINE ZONING PLAN No. S/NE-HH/1
INCORPORATING AMENDMENTS SHOWN ON PLAN No. R/S/NE-HH/1-A2

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本摘要圖於2019年12月12日擬備，
所根據的資料為地政總署於2018年1月3日
拍得的航攝照片編號E033437C及E033438C
EXTRACT PLAN PREPARED ON 12.12.2019
BASED ON AERIAL PHOTO No. E033437C AND E033438C
TAKEN ON 3.1.2018 BY LANDS DEPARTMENT

改劃方案
REZONING PROPOSALS

規劃署
PLANNING DEPARTMENT

參考編號
REFERENCE No.
M/CPE/HH/19/20

圖 PLAN
6