

**SCHEDULE OF AMENDMENTS TO
THE DRAFT SO LO PUN OUTLINE ZONING PLAN NO. S/NE-SLP/1
INCORPORATING THE AMENDMENTS AS SHOWN ON PLAN NO.
R/S/NE-SLP/1-A2
MADE BY THE TOWN PLANNING BOARD
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)**

I. Amendments to Matters shown on the Plan

- Item A – Rezoning of two areas to the north-east and south of the village clusters at So Lo Pun from “Village Type Development” to “Agriculture”.

II. Amendments to the Notes of the Plan

Deletion of ‘Market’ from Column 2 of the Notes for the “Village Type Development” zone.

Town Planning Board

3 April 2020

TPB Paper No. 10625

For Consideration by
the Town Planning Board on 3.3.2020

Proposed Amendments to the Draft
So Lo Pun Outline Zoning Plan No. S/NE-SLP/1
Incorporating the Amendments as Shown on Plan No. R/S/NE-SLP/1-A2

**Proposed Amendments to the Draft
So Lo Pun Outline Zoning Plan No. S/NE-SLP/1
Incorporating the Amendments as Shown on Plan No. R/S/NE-SLP/1-A2**

1. Introduction

This paper is to brief Members on the review of the issues related to the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/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 So Lo Pun OZP and two others¹, and to seek Members' agreement that:

- (a) the proposed amendments to the draft So Lo Pun OZP as shown on the draft OZP No. S/NE-SLP/2A at **Annex B1** (to be renumbered as S/NE-SLP/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 So Lo Pun OZP No. S/NE-SLP/2A (to be renumbered as S/NE-SLP/3 upon exhibition) and is suitable for exhibition together with the draft OZP.

2. The Preparation of OZP

- 2.1 So Lo Pun 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 So Lo Pun was published on 30.9.2010, which was interim in nature and subsequently replaced by OZP.
- 2.2 On 27.9.2013, the draft So Lo Pun OZP No. S/NE-SLP/1 (**Annex A1**) was exhibited for public inspection under section 5 of the Ordinance. During the statutory exhibition periods, a total of 10,748 valid representations and 3,673 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 9,863 representations by rezoning two pieces of land at the north-eastern end and south-western end of the "V" zone to "Green Belt" ("GB"). 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 21 valid further representations were received.

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

- 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 to partially uphold 11 further representations and to vary the proposed amendments by rezoning the land at the north-eastern end of the “V” zone to “Agriculture” (“AGR”) and to confirm the remaining part of the proposed amendments by rezoning the land at the south-western end of the “V” zone to “GB” (**Annex A2**).
- 2.4 On 19.12.2014, the Board agreed to submit, under section 8 of the Ordinance, the draft So Lo Pun OZP, together with the draft OZPs for Hoi Ha 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.

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 So Lo Pun, 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 issue and making further inquiries as necessary.

Principles for Designating the "V" Zone

- 4.3 So Lo Pun 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") 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) there was no outstanding Small House applications being processed by Lands Department (LandsD) at the time of the hearing of representations/comments in April – June 2014, 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 Representatives (IIRs) was 270 when the draft So Lo Pun OZP was gazetted. This figure was presented to the Board at the hearing of representations/comments in April – June 2014, which was updated to 269 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 | 0 | 0 | 0 |
| 2011 | 0 | 0 | 0 |
| 2012 | 0 | 0 | 0 |
| 2013 | 0 | 0 | 0 |
| 2014 | 0 | 0 | 0 |
| 2015 | 0 | 0 | 0 |
| 2016 | 0 | 0 | 0 |
| 2017 | 0 | 0 | 0 |
| 2018 | 0 | 0 | 0 |
| 2019 | 0 | 0 | 0 |

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

| Year* | Figure of “10-year forecast” demand |
|-------|-------------------------------------|
| 2010 | 230 |
| 2011 | 270 |
| 2012 | Not submitted [@] |
| 2013 | 270 [#] |
| 2014 | 269 [^] |
| 2015 | 218 |
| 2016 | Not submitted [@] |
| 2017 | 212 |
| 2018 | Not submitted [@] |
| 2019 | 228 |
| 2020 | 229 |

* 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/North (DLO/N), LandsD, 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 has been no Small House application for So Lo Pun submitted to or processed by LandsD; and
- (b) as advised by DLO/N, LandsD, there is also no outstanding Small House application under processing.

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 230 in 2010 to 270 in 2011 and then dropped to 212 in 2017. In 2020, it rose slightly to 229;
- (b) as shown in the IIR's reply on the standard proforma, the forecast demand of 229 Small Houses in 2020 was made on a prediction that 215 male indigenous villagers aged 18 or above (50 residing in Hong Kong and 165 overseas) and 14 male indigenous villagers to be aged 18 or above in coming 10 years (1 residing in Hong Kong and 13 overseas) will apply for Small House grants;
- (c) DLO/N, LandsD advises that the forecast was provided solely by the IIRs and could not be easily verified based on the information currently available. DLO/N, 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 1.83 ha of land (73 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 So Lo Pun Village is as follows:

| Latest Small House Demand Figure (as at December 2019) (A)+(B)=229 | | “V” zone Area | Available land to meet Small House demand | Land required to meet the outstanding applications (A) (ha) | Land required to meet Small House Demand ((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) | | | | | | |
| 0 | 229 | 2.48 ha | 1.83 ha (73 houses) | 0 | 5.73 | N/A* | 32% |

*There is no outstanding Small House application in So Lo Pun

4.9.4 Other relevant information

- (a) So Lo Pun has been largely un-inhabited and its population has remained nil for years. Most of the village houses have become ruins; and
- (b) So Lo Pun is not accessible by vehicular access and not supplied with sewerage and drainage systems. It is served by an existing water mains along the north-eastern boundary of the Area but there is no plan for upgrading the water supply system. There is no strong infrastructural basis to support significant development in the Area.

5. Recommendation

- 5.1 As shown in the above review, there has been no application for Small House development submitted by the villagers of So Lo Pun in the past years since 2010 and there is currently no outstanding Small House application being processed by LandsD. Furthermore, the Small House demand forecast provided by the IIRs is subject to changes over time and could not be easily verified to establish the genuine need for Small House development. There is also no strong infrastructural basis to support significant development in the Area. To further enhance the balance between conservation and development needs in the Area, it is considered that the extent of “V” zone could be suitably adjusted.

Areas (with a total area of about 1.11 ha) Proposed to be Retained as “V” (Plan 1)

- 5.2 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.

5.3 Based on the above principles and taking account of the updated/additional information set out in paragraphs 4.6 - 4.9 above, it is proposed that the “V” zone should be confined to the areas covered by the existing village clusters 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, paddy field boundaries and contour lines. Areas with potential for community use by villagers should also be included.

5.4 As shown on **Plan 1**, the retained “V” zone will comprise three parcels of land with a total area of 1.11 ha. It covers mainly the existing village clusters (about 0.98 ha) as delineated above and also a small piece of flat land (about 0.13 ha) with a shrine and tree groups, which has a potential for community use by villagers. There will be about 0.75 ha of land available for Small House development, which could meet about 13% of the latest forecast of 10-year Small House demand (i.e. 229 in 2020). 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 met by available land | Percentage of the forecast demand (229 houses) met by available land |
|-----------------|---------------|--|--|--|
| Current | 2.48 ha | 1.83 ha (73 houses) | N/A* | 32% |
| Proposed | 1.11 ha | 0.75 ha (29 houses) | N/A* | 13% |

*There is no outstanding Small House application in So Lo Pun

Two Areas (with a total area of about 1.37 ha) Proposed to be Rezoned to “AGR” (Plans 2 and 4)

5.5 Two areas, one at the north-eastern (with an area of 0.22 ha) and the other along the southern part (with an area of 1.15 ha) of the current “V” zone are proposed to be rezoned. As advised by Director of Agriculture, Fisheries and Conservation (DAFC), these areas comprise mainly abandoned agricultural fields currently dominated with herbaceous plants, shrubs and young trees. They are relatively less well-wooded comparing to the “GB” zone to the north and are also relatively less ecologically sensitive comparing to the “CA” zone to the south, in which there are freshwater marsh and an Ecologically Important Stream. Furthermore, the areas are available with agricultural infrastructures such as footpath and water source, and possess a potential for agricultural rehabilitation.

5.6 Having regard to their ecological value, which is not so high as the “GB” and “CA” zone, and their potential for agricultural rehabilitation, these two areas are considered appropriate to be rezoned as “AGR”. Under this proposal, the two areas will be merged with the existing “AGR” zone, which was designated by the

Board after hearing the further representations on the draft So Lo Pun OZP on 21.11.2014 with a view to addressing the villagers' aspiration to resume agricultural activities in So Lo Pun, to further encourage agricultural rehabilitation in the Area. Moreover, it will lead to the formation of a continuous agricultural belt between the retained "V" zone to the north and the existing "CA" zone to the south, serving the function as a buffer between village development and areas of high conservation value in So Lo Pun.

- 5.7 The proposed rezoning of the two areas to "AGR" will not necessitate any amendments to the Notes for the "AGR" zone. Under the current Notes for the "AGR" zone, agricultural use is always permitted but development of Small Houses will require planning permission from the Board, which would be considered by the Board on individual merits. Furthermore, diversion of streams or filling of land/pond within the "AGR" zone will require planning permission to avoid adverse impacts on the natural environment and the ecological value of the adjacent area.
- 5.8 The proposal is supported by DAFC as it will benefit the conservation of natural and traditional value, and is in line with their guiding principles to adopt a flexible approach in supporting and promoting sustainable development through improving the livelihood of the rural community.
- 5.9 The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD advises that the proposal to rezone part of the "V" zone to "AGR" could encourage retention of existing farmland as buffer between the "V" zone and the "CA" zone. In view of this, she has no objection to the proposal from landscape planning perspective.
- 5.10 A comparison of the existing and proposed "V" zone is shown on **Plan 3**.
- 5.11 A table comparing the concerned zones between the current So Lo Pun OZP and the proposed amendments is shown below:

| Zoning | Current (Draft OZP No. S/NE-SLP/1 incorporating amendments shown on Plan No. R/S/NE-SLP/1-A2) (ha) | Proposed (Draft OZP No. S/NE-SLP/2A) (ha) | Changes (ha) |
|---------------|---|--|-------------------------|
| "V" | 2.48 | 1.11 | -1.37 |
| "AGR" | 0.65 | 2.02 | +1.37 |

6. Proposed Amendments to OZP

6.1 *Amendment to Matters Shown on the Plan*

Amendment Item A (about 1.37 ha) (Plan 3)

Rezoning two pieces of land at the north-eastern and southern parts of "V" zone to "AGR"

6.2 *Amendment to the Notes of the OZP*

- 6.2.1 No amendments to the Notes of the OZP are necessary for the Amendment Item A above.

Technical Amendments

- 6.2.2 Opportunity will be taken to delete 'Market' from Column 2 use in the "V" 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.
- 6.2.3 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.

7. **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.

8. **Plan Number**

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

9. **Consultation**

Departmental Consultation

- 9.1 The findings of the review and the proposed amendments to the draft So Lo Pun OZP have been circulated to relevant government bureaux and departments for comment.
- 9.2 District Officer (North), Home Affairs Department (DO(N), HAD) anticipates that the rural community is likely to have concerns of the proposal to amend the "V" zone.
- 9.3 The comments of DAFC and CTP/UD&L of PlanD have been incorporated in paragraphs 5.5 to 5.9 above. The following bureaux/departments have no objection or adverse comments:
- (a) District Lands Officer/North, Lands Department;
 - (b) Director of Environmental Protection;
 - (c) Commissioner for Transport;

- (d) Chief Engineer/Mainland North, Drainage Services Department;
- (e) Chief Engineer/Sewerage Projects, Drainage Services Department;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) Director of Fire Services;
- (h) Project Manager (North), North Development Office, Civil Engineering and Development Department;
- (i) Chief Highway Engineer/New Territories East, Highways Department;
- (j) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (k) Director of Electrical and Mechanical Services;
- (l) Director of Marine;
- (m) Director of Leisure and Cultural Services;
- (n) Director of Housing;
- (o) Chief Building Surveyor/New Territories West, Buildings Department;
- (p) Commissioner of Police;
- (q) Director of Food and Environmental Hygiene;
- (r) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau;
- (s) Government Property Administrator, Government Property Agency;
- (t) Secretary for Education;
- (u) Commissioner for Tourism;
- (v) Director-General of Communications; and
- (w) Chief Town Planner/Studies and Research, PlanD.

Consultation with North District Council, Sha Tau Kok District Rural Committee and Public Consultation

- 9.4 The proposed amendments to the OZP are mainly a follow-up consequential to the CFI's rulings on the subject JR in respect of the draft So Lo Pun OZP. Subject to agreement of the proposed amendments by the Board for gazetting under section 7 of the Ordinance, the North District Council and Sha Tau Kok District 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.

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

All the previous representations, comments and further representations submitted to the Board in respect of the draft So Lo Pun OZP No. S/NE-SLP/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 5 above and the proposed amendments to the OZP as detailed in paragraph 6 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.

11. **Decision Sought**

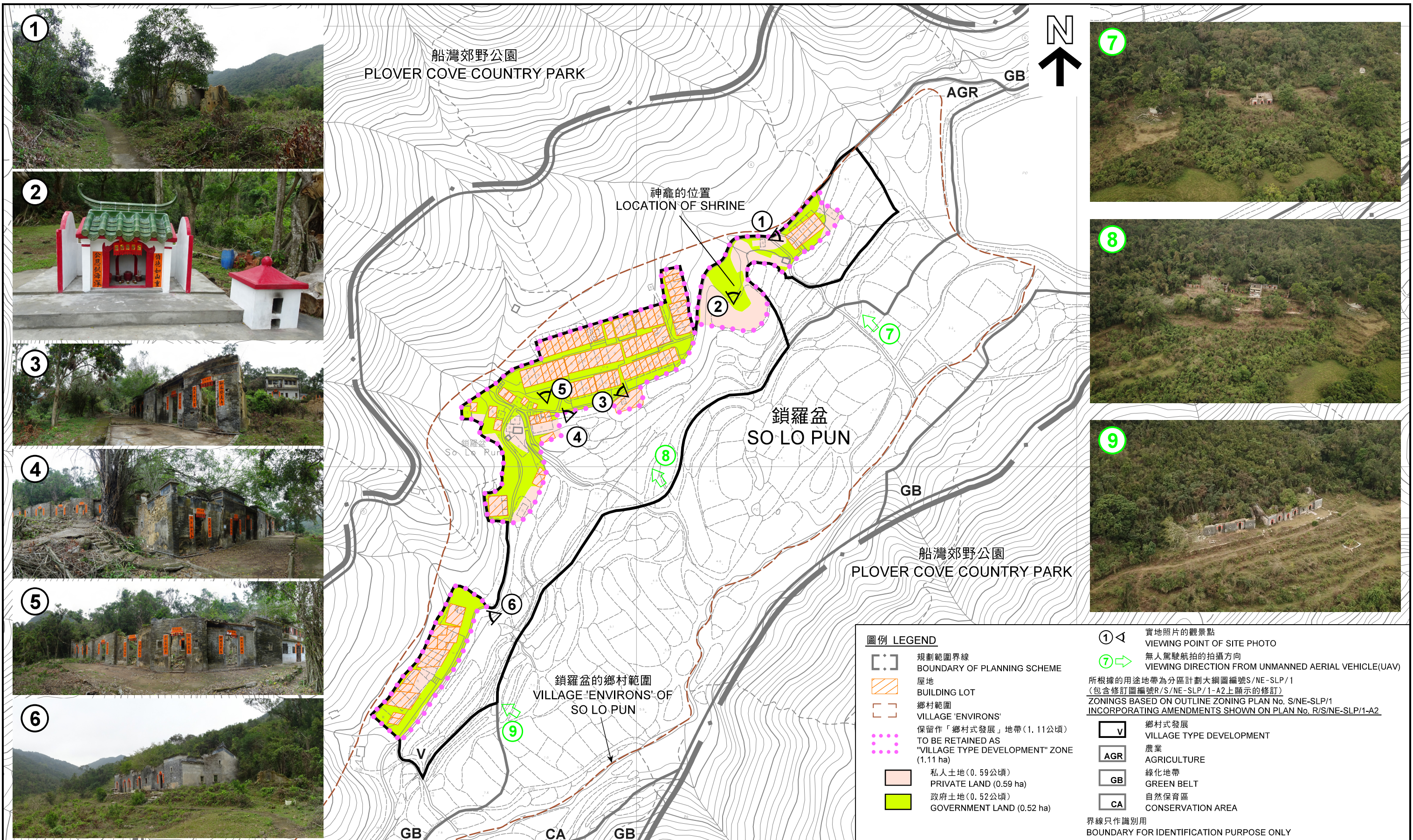
Members are invited to:

- (a) consider the findings and recommendations of the review as detailed in paragraphs 4 and 5 above;
- (b) agree to the proposed amendments to the draft So Lo Pun OZP as detailed in paragraph 6 above and that the draft So Lo Pun OZP No. S/NE-SLP/2A at **Annex B1** (to be renumbered as S/NE-SLP/3 upon exhibition) and its Notes at **Annex B2** are suitable for exhibition under section 7 of the Ordinance;
- (c) adopt the revised ES at **Annex B3** for the draft So Lo Pun OZP No. S/NE-SLP/2A as an expression of the planning intentions and objectives of the Board for the various land use zonings of the OZP, and agree that the revised ES should be published together with the draft OZP; and
- (d) agree to inform all the representers, commenters and further representers in respect of the draft So Lo Pun OZP No. S/NE-SLP/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.

12. **Attachments**

| | |
|-----------------|---|
| Annex A1 | Draft So Lo Pun OZP No. S/NE-SLP/1 (reduced to A3 size) |
| Annex A2 | Amendment Plan No. R/S/NE-SLP/1-A2 |
| Annex B1 | Draft So Lo Pun OZP No. S/NE-SLP/2A |
| Annex B2 | Revised Notes for the draft So Lo Pun OZP No. S/NE-SLP/2A |
| Annex B3 | Revised Explanatory Statement for the draft So Lo Pun OZP No. S/NE-SLP/2A |
| Annex C | The proforma of 10-year Small House demand forecast for So Lo Pun submitted by the IIRs |
| Plan 1 | The Land Proposed to be Retained as "Village Type Development" Zone |
| Plan 2 | The Land Proposed to be Excised from "Village Type Development" Zone |
| Plan 3 | Comparison of Existing and Proposed Zoning on the OZP |
| Plan 4 | Aerial Photo |

PLANNING DEPARTMENT
MARCH 2020



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3-NE-20A、B及C
EXTRACT PLAN PREPARED ON 17.1.2020
BASED ON SURVEY SHEETS No. 3-NE-20A, B AND C
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

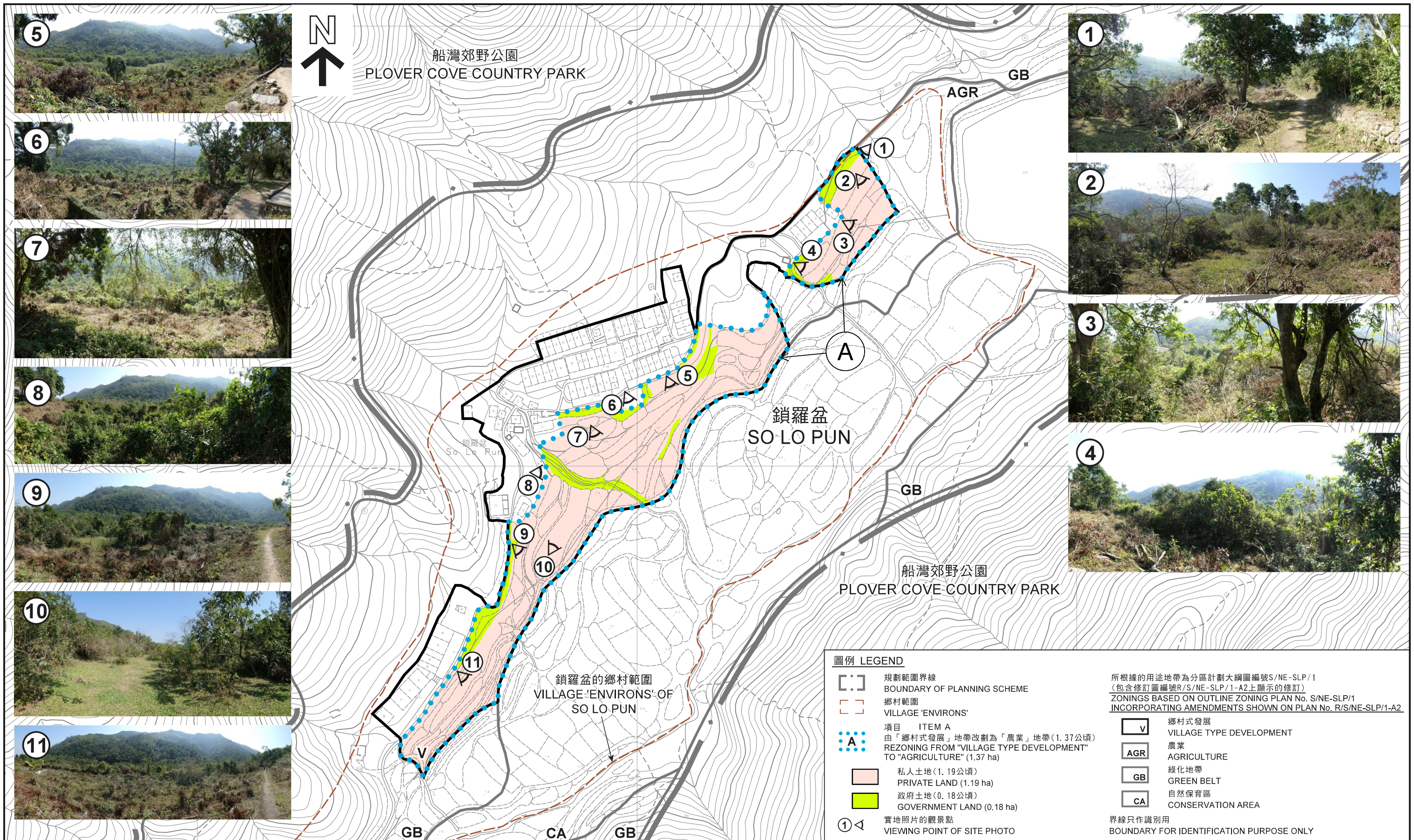
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PLANNING DEPARTMENT



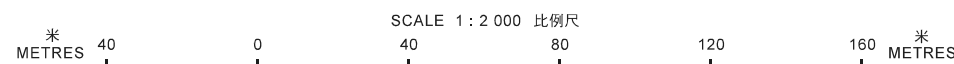
參考編號
REFERENCE No.
M/CPE/SLP/19/13

圖 PLAN
1



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3-NE-20A、B及C
EXTRACT PLAN PREPARED ON 17.1.2020
BASED ON SURVEY SHEETS No. 3-NE-20A, B AND C
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

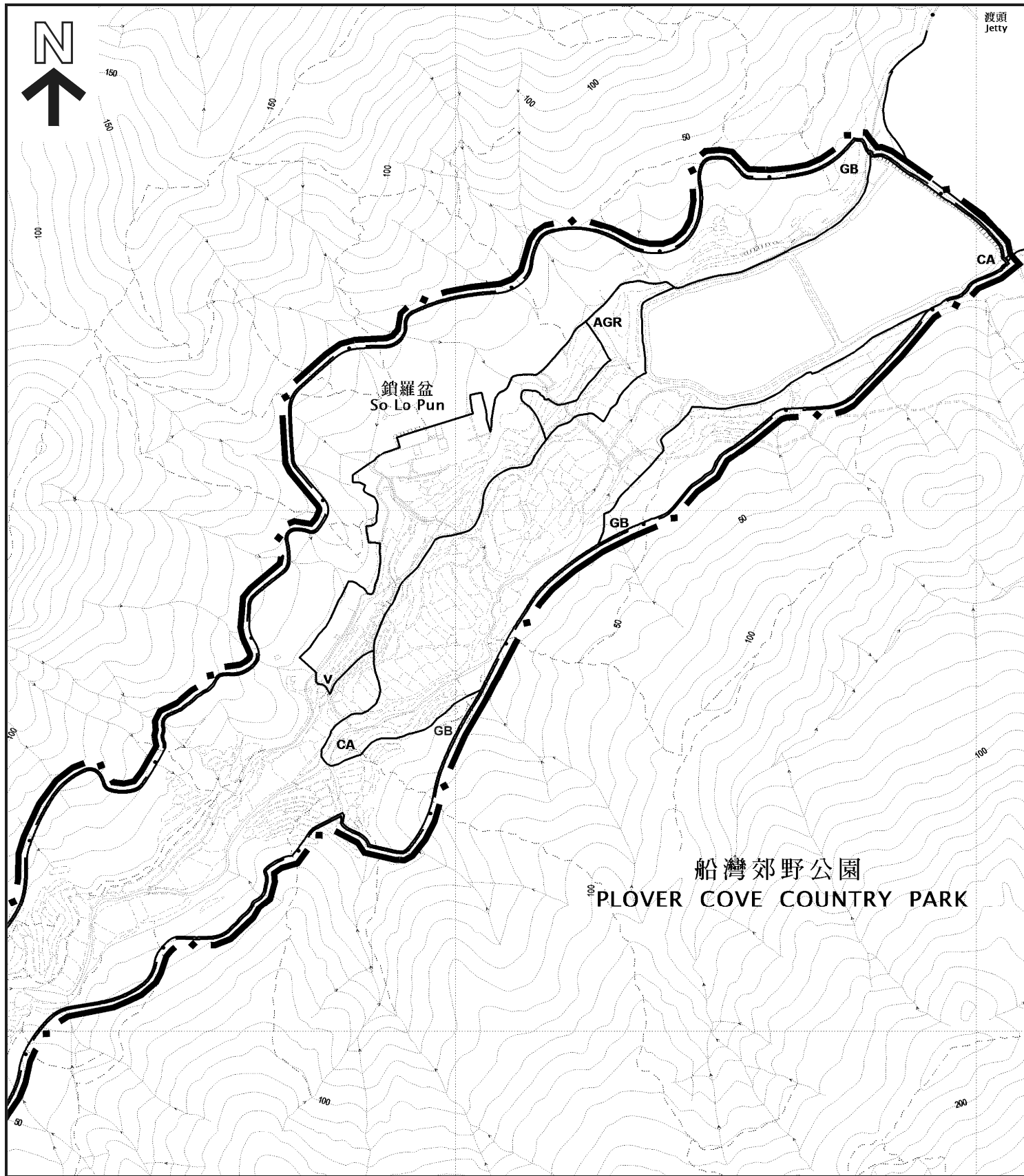


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PLANNING DEPARTMENT

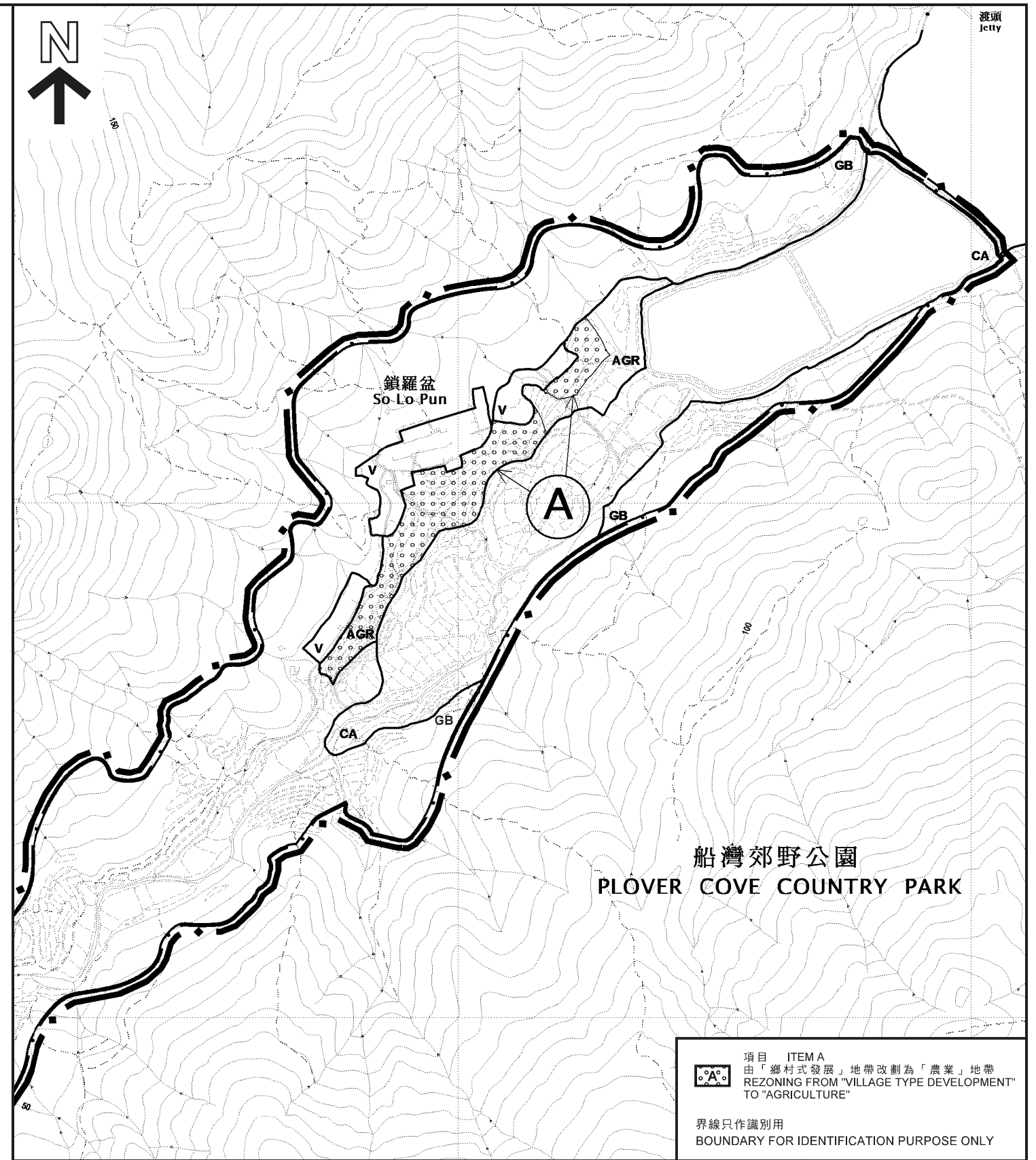


參考編號
REFERENCE No.
M/CPE/SLP/19/13

圖 PLAN
2



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



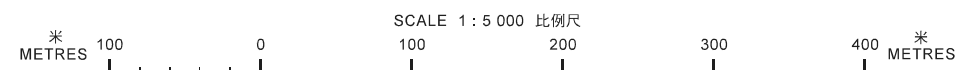
S/NE-SLP/2A 的摘要圖
EXTRACT PLAN OF S/NE-SLP/2A

項目 ITEM A
由「鄉村式發展」地帶改劃為「農業」地帶
REZONING FROM "VILLAGE TYPE DEVELOPMENT"
TO "AGRICULTURE"

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/SLP/19/13

圖 PLAN
3



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「農業」地帶
REZONING FROM "VILLAGE TYPE DEVELOPMENT"
TO "AGRICULTURE"

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

鄉村式發展
VILLAGE TYPE DEVELOPMENT

農業
AGRICULTURE

綠化地帶
GREEN BELT

自然保育區
CONSERVATION AREA

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

Sai Kung & Islands District

Sha Tin, Tai Po & North District

Agenda Items 2 to 4

[Open Meeting]

Proposed Amendments to the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1 Incorporating Amendments Shown on Plan No. R/S/SK-PL/1-A2, the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 Incorporating Amendments Shown on Plan No. R/S/NE-SLP/1-A2 and the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 Incorporating Amendments Shown on Plan No. R/S/NE-HH/1-A2

(TPB Papers No. 10624, 10625 and 10626)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

7. Members noted that the three items were similar in nature and agreed that they could be considered together.

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

Ms Donna Y.P. Tam - District Planning Officer/Sai King & Islands
(DPO/SKIs)

Ms Jessica H.F. Chu - District Planning Officer/ Sha Tin, Tai Po & North
(DPO/STN)

Mr Tony Y.C. Wu - Senior Town Planner/Country Park Enclaves
(STP/CPE)

Ms Katherine H.Y. Wong - Town Planner/Sai Kung

9. The Chairperson extended a welcome and invited DPO/SKIs and DPO/STN to brief Members on the items.

10. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs and Ms Jessica H.F. Chu, DPO/STN, briefed Members on the background of the proposed amendments to the draft Outline Zoning Plans (OZPs) for Pak Lap, So Lo Pun and Hoi Ha areas, the judicial review (JR) application, the review of genuine need for Small House development, the review of 'maps issue' of Hoi Ha OZP and the recommendations as detailed in the TPB Papers No. 10624, 10625 and 10626 (the Papers).

11. As the presentation from DPO/SKIs and DPO/STN had been completed, the Chairperson invited questions and views from Members.

Genuine Need for Small House Development

12. Noting that the 10-year forecast of Small House demand, the number of outstanding Small House applications and the actual number of Small House applications received/ approved/ rejected by the Lands Department (LandsD) had been provided to facilitate the review on the genuine need of Small House demand, some Members had the following questions:

- (a) whether the Small House demand forecast provided by the Indigenous Inhabitant Representatives (IIRs) would be verified;
- (b) whether the IIRs would provide the 10-year forecast of Small House demand annually so the up-to-date forecast could be compared with the actual number of Small House applications; and
- (c) the definition of an indigenous villager and whether indigenous villagers living overseas were eligible for applying Small House.

13. Ms Jessica H.F. Chu, DPO/STN, made the following responses:

- (a) as advised by LandsD, the Small House demand forecast was provided by the IIRs and could not be easily verified based on the information currently available. While the IIRs should be able to provide a list of names of indigenous villagers, LandsD would only verify the status of an applicant for Small House development at the stage of Small House grant application; and
- (b) the 10-year Small House demand forecast was subject to change over time. Although LandsD would normally ask the IIRs for updated figures on an annual basis, some IIRs might not submit the required form/figures every year. Also, there was often discrepancy between the figures provided by the IIRs and the actual number of Small House applications. Hence, the 10-year Small House demand forecast was only one of the references to evaluate the Small House demand.

14. In response to a Member's enquiry on the definition of an indigenous villager, Mr Alan K.L. Lo, Assistant Director (Regional 3), LandsD pointed out that under the Small House Policy, in general, an indigenous villager was a male person of at least 18 years old who was descended through the male line from a resident in 1898 of a recognised village. In processing Small House application on private land, the District Lands Officer (DLO) would consider applications from villagers residing overseas. However, application for Small House grants on government land from villagers living overseas would be refused unless the DLO was satisfied that the applicant intended to return and reside in his village.

Designation of "Village Type Development" ("V") Zone

15. Noting the principles for designating the "V" zone as set out in the Papers, some Members had the following questions:

- (a) whether there were any villagers living in the existing village settlement in So Lo Pun and whether the dilapidated village houses would be preserved;
- (b) whether the land area of existing dilapidated village houses was counted as land available for Small House developments in So Lo Pun; and

- (c) whether the historical background of the village settlement would be taken into account in drawing up “V” zones.

16. For the “V” zone in So Lo Pun, Ms Jessica H.F. Chu, DPO/STN, responded that although the villagers were not living in the existing village settlement in So Lo Pun, there were signs that some of them would return to the village to hold ritual/festive events and to undertake repairing works. There was no information from the Antiquities and Monuments Office (AMO) that any village houses were of heritage importance. Consistent with the methodology generally adopted in estimating the area of land available for Small House development in rural OZPs, the land of existing dilapidated village houses/ruins in So Lo Pun had been counted. Notwithstanding that, as advised by LandsD, there was currently no application for redevelopment of New Territories Exempted Houses (NTEHs) on those areas.

17. Ms Donna Y.P. Tam, DPO/SKIs, indicated that researches had been conducted for better understanding on the planning areas including the historical background of the existing villages and economic activities in the areas when preparing the OZPs.

Designation of “Agriculture” (“AGR”) Zone

18. Some Members raised questions on the rationale of designating “AGR” zones and how to ensure that the land zoned “AGR” would be used and not be abandoned.

19. For Pak Lap OZP, Ms Donna Y.P. Tam, DPO/SKIs, pointed out that the Agriculture, Fisheries and Conservation Department (AFCD) was of the view that the fallow arable land to the east of the village cluster possessed good potential for rehabilitation for cultivation and other agricultural purposes and was worthy of preservation from agricultural point of view, and hence the land was zoned “AGR”. The land was not covered by any trees and was not identified as ecologically important areas.

20. For So Lo Pun OZP, Ms Jessica H.F. Chu, DPO/STN, said that the fallow agricultural land adjoining the existing village settlement at “V” zone was paddy fields many years ago. Those land could be distinguished from other fallow agricultural land to the south, which was zoned “Conservation Area” (“CA”). The “CA” zone was

intended to preserve the wetland system in So Lo Pun including the intertidal habitats with mangrove and seagrass bed, reed bed, a natural stream identified as Ecologically Important Stream and the freshwater marsh of ecological importance. The “CA” zone was designated since the So Lo Pun area was first covered by OZP in 2013 reflecting the conservation value of the area. The current proposal was to rezone the land adjoining the existing village settlement from “V” to “AGR” was based on AFCD’s advice that the land had good potential for rehabilitation for agricultural purposes and could be preserved from agricultural point of view. Furthermore, upon rezoning, the land would merge with the existing “AGR” zone to the northeast to form a continuous agricultural belt, which would further encourage agricultural rehabilitation and also serve as a buffer between the “V” zone to the north and the “CA” zone to the south.

21. The Chairperson supplemented that, with the support of the Food and Health Bureau and the Development Bureau, AFCD had commissioned a consultancy study to identify suitable quality agricultural land for possible designation of agricultural priority areas, with a view to contributing to the modernisation and sustainable development of local agriculture. It was expected that the study would take some time for completion.

22. In response to a Member’s enquiry, Ms Jessica H.F. Chu, DPO/STN, confirmed that agricultural activities could be carried out in “CA” zones. However, permission from the Town Planning Board (the Board) was required for agricultural use involving diversion of streams, filling of land/pond or excavation of land.

“Government, Institution or Community (1)” (“G/IC(1)”) Zone of Pak Lap OZP

23. The Chairperson and some Members had the following comments and questions:

- (a) the location of the “G/IC(1)” zone for the new RCP and a public convenience could be a concern of villagers;
- (b) whether there were any existing government refuse collection point (RCP) and public convenience in the area;
- (c) whether the RCP and a public convenience at the “G/IC(1)” site would

obstruct the access of the nearby village houses; and

- (d) the possibility of relocating the “G/IC(1)” site to the north of the village.

24. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following points:

- (a) the future RCP would collect the household refuse of the existing village settlement and the new public convenience would serve visitors in the area and would adopt an environmentally friendly design;
- (b) there was no existing RCP and public convenience in the area;
- (c) the original “G/IC” site reserved for the future RCP and public convenience was located to the south of the village office. As that site was currently partly covered by trees, it was therefore proposed to make use of the vacant and cleared government land to the west of the village office to accommodate the two facilities;
- (d) sufficient buffer between the new facilities and village houses would be maintained and the new facilities would not obstruct the access of the nearby village houses; and
- (e) the piece of land to the north of the village was private land and a Small House had been approved in the area. That location was considered not acceptable by concerned departments for siting the RCP and public convenience as it was close to a natural stream. The “G/IC(1)” site to the south of the village was closer to the seafront which would facilitate water transport of refuse. There was an existing track leading from the site to the seafront.

25. In response to a Member’s enquiry, Ms Donna Y.P. Tam, DPO/SKIs, indicated that the “G/IC” zone in the southern part of the area was currently occupied by an existing temple.

Supporting Facilities

26. Noting that there was an increasing number of visitors to Pak Lap and Hoi Ha areas for leisure purpose, a Member asked whether there were any supporting facilities for recreational use in the areas.

27. Ms Donna Y.P. Tam, DPO/SKIs, indicated that the Pak Lap area was encircled by the Sai Kung East Country Park (SKECP) which was a famous scenic spot and a popular tourist and hiking attraction in the territory. Recreational facilities such as camp sites had been provided within SKECP. Nevertheless, the area covered by the OZP was country park enclave with the general planning intention to avoid undesirable disturbances to the natural environment. Given the limited infrastructure in the area, large scale recreational activities were not recommended, while supporting facilities such as public convenience and signage would be provided in the area to serve the visitors.

28. Regarding Hoi Ha area, Ms Jessica H.F. Chu, DPO/STN, responded that Hoi Ha Wan, with its scenic sea bay and sandy beach, was a popular local tourism destination. A number of recreation facilities were found in the area, including a water sports recreation centre, which was currently zoned “Other Specified Uses” annotated “Water Sports Recreation Centre” on the Hoi Ha OZP. There was also a visitor centre for the Hoi Ha Wan Marine Park under construction by AFCD on Hoi Ha Road near the village. Supporting facilities such as public convenience and RCP were also provided in the area.

29. In response to the Chairperson’s question on whether commercial facilities could be provided in “V” zone, Ms Donna Y.P. Tam, DPO/SKIs, pointed out that the planning intention of the “V” zone was to designate both existing recognised villages and areas of land considered suitable for the provision of village expansion. While ‘Shop and Services’ and ‘Eating Place’ uses were always permitted on the ground floor of an NTEH, other commercial or recreational uses such as holiday houses might be permitted on application to the Board.

Maps Issue of Hoi Ha OZP

30. A Member asked the details of the Court’s judgment on the ‘maps issue’. Ms

Jessica H.F. Chu, DPO/STN, said that it was the Court's view that the Board had not properly inquired into the questions raised in the representations regarding the accuracy of the map base for the OZP. As such, in response to the Court's judgement, PlanD set out the contentions in details in paragraph 5 of TPB Paper No. 10626 for the Board's consideration and making inquiries as necessary. Ms Chu further said that the map base adopted for preparing the Hoi Ha OZP was extracted from the survey maps prepared by the Survey and Mapping Office (SMO) of LandsD, which was the latest version available from SMO at the time when the OZP was prepared. The survey maps might not fully reflect the prevailing situation due to on-going changes in topographic features over time and the selection and generalisation of features in making maps to address cartographic limitations. However, planning control under OZP was not affected because planning control was exercised based on the physical features/activities on the ground instead of the map base which was only a locational reference. She also explained that the northern boundary of the OZP coincided with the Hoi Ha Wan Marine Park (HHWMP) instead of the High Water Mark (HWM) and the rationale was to provide certainty and avoid duplication of controlling authorities. As for the protection of Hoi Ha Wan from effluent pollution, there was an established mechanism to ensure that septic tank and soakaway systems (STS) to be installed for Small House developments were environmentally acceptable. An applicant was required to comply with the provisions in the Practice Note for Professional Person on "Drainage Plans Subject to Comments by the Environmental Protection Department" (ProPECC PN 5/93), which set out various requirements including the minimum clearance requirement between the STS and the HWM and the nearest watercourses.

31. To sum up, the Chairperson said that PlanD had presented the findings and recommendations of the review of genuine need for Small House development and 'maps issue' in relevant Papers, elaborated in their presentations, and responded to Members' inquiries on a number of issues. Whilst Members had observed that the basis for evaluating the genuine need for Small House development for the purpose of the three OZPs and the proposed location of the future RCP and public convenience in Pak Lap would probably attract some public concerns, the meeting in general agreed that the proposed amendments to the draft OZPs were based on explicable considerations and could be exhibited for public inspection. The Board would further consider the proposed amendments to the draft OZPs upon receiving the representations and comments.

32. After deliberation, the Board:

- (a) noted the findings and recommendations of the review as detailed in TPB Papers No. 10624, 10625 and 10626;
- (b) agreed to the proposed amendments to the draft Pak Lap Outline Zoning Plan (OZP) and that the draft Pak Lap OZP No. S/ SK-PL/2A at Annex B1 of TPB Paper No. 10624 (to be renumbered as S/SK-PL/3 upon exhibition) and its Notes at Annex B2 of the Paper were suitable for exhibition under section 7 of the Town Planning Ordinance (the Ordinance);
- (c) agreed to the proposed amendments to the draft So Lo Pun OZP and that the draft So Lo Pun OZP No. S/NE-SLP/2A at Annex B1 of TPB Paper No. 10625 (to be renumbered as S/NE-SLP/3 upon exhibition) and its Notes at Annex B2 of the Paper were suitable for exhibition under section 7 of the Ordinance;
- (d) agreed to the proposed amendments to the draft Hoi Ha OZP and that the draft Hoi Ha OZP No. S/NE-HH/2A at Annex B1 of TPB Paper No. 10626 (to be renumbered as S/NE-HH/3 upon exhibition) and its Notes at Annex B2 of the Paper were suitable for exhibition under section 7 of the Ordinance;
- (e) agreed to adopt the revised Explanatory Statement (ES) at Annex B3 of TPB Paper No. 10624 for the draft Pak Lap OZP No. S/SK-PL/2A, Annex B3 of TPB Paper No. 10625 for the draft So Lo Pun OZP No. S/NE-SLP/2A and Annex B3 of TPB Paper No. 10626 for the draft Hoi Ha OZP No. S/NE-HH/2A as expressions of the planning intentions and objectives of the Board for the various land use zonings of the OZPs and agreed that the revised ES should be published together with the draft OZPs; and
- (f) agreed to inform all the representers, commenters and further representers in respect of the draft Pak Lap OZP No. S/SK-PL/1, draft So Lo Pun OZP No.

S/NE-SLP/1 and draft Hoi Ha OZP No. S/NE-HH/1 on the amendments to the draft OZPs, and that they might submit representations on the amendments to the OZPs or comments on the representations for the Board's consideration under sections 6 and 6A of the Ordinance respectively.

33. The Chairperson thanked PlanD's representatives for attending the meeting. They left the meeting at this point.

[The meeting adjourned for a short break of 10 minutes.]

Agenda Item 5

[Open Meeting]

Study on Existing Profile and Operations of Brownfield Sites in the New Territories
(TPB Paper No. 10638)

[The item was conducted in Cantonese.]

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

Mr Lawrence Y.C. Chau - Chief Town Planner/Studies & Research (CTP/SR)

Mr Otto Chan - Senior Town Planner/Studies & Research (STP/SR)

35. The Chairperson extended a welcome and invited CTP/SR to give a presentation to Members on the Study on Existing Profile and Operations of Brownfield Sites in the New Territories (the Study).

36. With the aid of a PowerPoint presentation, Mr Lawrence Y.C. Chau, CTP/SR, briefed Members on the background and the findings of the Study as well as the follow-up actions by the Government as detailed in the TPB Paper No. 10638 (the Paper).

37. The Chairperson remarked that out of the total 1,579 ha of brownfield land, 803 ha

**Summary of Representations in respect of the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1,
Comments on the Representations and Responses/Decisions of the Town Planning Board**

Representations Opposing the Draft So Lo Pun OZP Mainly for Reason of Insufficient “V” Zone (Group 1)

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
|--|---|--|
| <p><u>R1 to R798 and R10736 to R10817</u></p> <ul style="list-style-type: none"> Opposed to the So Lo Pun OZP (the draft OZP) for reasons including insufficient “Village Type Development” (“V”) zone. <p><u>Grounds of Representations</u></p> <p><i>Inadequate land within “V” zone</i></p> <p>The proposed “V” zone could not satisfy the future demand for Small House development. Due to topographical constraints, inadequate land was available for Small House development.</p> <p><u>Representers’ Proposals</u></p> <p><i>Expanding the “V” zone</i></p> <p>(a) The “V” zone should be expanded to the adjoining areas in the middle and upper sections of the river valley zoned “Conservation Area” (“CA”) and “Green Belt” (“GB”), with an area not less than 7.15 ha and should not cover any steep slope, stream and burial ground.</p> | <p><u>C3669 to C3676</u></p> <ul style="list-style-type: none"> Supported R1 to R798 and R10736 to R10817 as their representations respected villagers as well as their private properties, which was essential for the preservation of the historic village. Objected to R799 to R10735 and R10818 to R10858 as their representations did not respect the private property rights of the villagers. Since there were sufficient regulations to monitor the village development, it was not necessary to impose additional regulations as proposed by the environmentalists. | <p>The Board noted the following responses to R1 to R798 and R10736 to R10817:</p> <p><i>Designation of “V” zone</i></p> <p>(i) an incremental approach for designating “V” zone for Small House development had been adopted with an aim to confining Small House development at suitable locations adjacent to the existing village cluster. Discounting the environmentally sensitive areas zoned “CA” and “GB”, the residual area covered by the current “V” zone was mainly occupied by the existing village clusters and the adjoining relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which was considered suitable for village development. The boundaries of the “V” zone for So Lo Pun Village, a recognized village within the Area, had been drawn up after taking into account the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. In the course of preparing the draft OZP, views and comments from stakeholders including the North District Council (NDC), the Sha Tau Kok District Rural Committee (STKDRC), villagers and green/concern groups and government departments had been sought; .</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| | | <p>(ii) the “V” zone on the draft OZP had an area of about 4.12 ha which was smaller than the ‘VE’ of So Lo Pun Village (about 5.58 ha) by 26%. Within the “V” zone, about 3.36 ha of land was available, capable of meeting about 50% (134 houses) of the Small House demand of 270 houses;</p> <p>(iii) the Small House demand forecast was only one of the many references in considering the proposed “V” zones. The forecast was provided by the Indigenous Inhabitant Representatives to the Lands Department and could be subject to change over time for reasons such as demographic changes (births/deaths) as well as the aspirations of indigenous villagers currently living outside the village (local and overseas) to move back to So Lo Pun in future. Though there was no mechanism at the planning stage to verify the figures, the respective District Lands Office would verify the status of the Small House applicant at the stage of Small House grant application;</p> <p>(iv) according to the Director of Agriculture, Fisheries and Conservation (DAFC), the wetland system (i.e. the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as EIS and the freshwater marshes) was of ecological importance. A relatively high diversity of fish and a number of species of conservation interest including water fern <i>Ceratopteris thalictroides</i>, seagrass <i>Zostera japonica</i> and a bat species <i>Tylonycteris robustula</i>, as well as the uncommon dragonfly <i>Orthetrum poecilops poecilops</i> and a fish species <i>Oryzias curvinotus</i>, had been recorded in the wetland complex. According to the available information, the EIS and its adjoining freshwater marsh was one of the remaining habitats in Hong Kong that supported a healthy and natural population of <i>Oryzias curvinotus</i>. In addition, the water fern <i>Ceratopteris thalictroides</i>, which was a protected plant in China, had been recorded throughout the marsh. These important habitats for a variety of rare and uncommon flora and fauna should be protected. DAFC considered that “CA” zoning for the wetland</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><i>Comprehensive proposal to facilitate eco-tourism</i></p> <p>(b) To facilitate eco-tourism, the following rezoning proposals for the “CA” zone and part of the “GB” zone and road designation were proposed:</p> <p>(i) the wetland including the part of the Ecologically Important Stream (EIS) adjacent to the breakwater should be rezoned from “CA” to “GB”;</p> <p>(ii) the wetland and the adjoining areas should be rezoned from “CA” and “GB” to “Recreation” (“REC”) to facilitate development of low-density recreational uses including field study/ education/visitor centre with a view to promoting ecological tourism;</p> | | <p>complex in So Lo Pun was appropriate for the wetland system so that the rich ecological and biological features in the area could be protected and preserved;</p> <p>(v) the surrounding wooded areas and a traditional burial ground at the eastern part of the hillslopes in the northern part of the Area formed a continuous stretch of well-established vegetation of natural woodlands adjoining the Plover Cove Country Park, providing a buffer between the development and conservation areas or Country Park. As such, the “CA” and “GB” zones were to protect the local ecological resources as well to prevent the adjacent country park area from being impacted by incompatible developments;</p> <p><i>Rezoning of the wetland including the EIS from “CA” to “GB”</i></p> <p>(vi) the area adjacent to the breakwater proposed to be rezoned to “GB”, which covered part of the EIS, wetland and mangrove stand, was part of the wetland system of So Lo Pun with significant ecological value. DAFC considered that the current “CA” zoning for the area was appropriate; .</p> <p><i>Rezoning the wetland from “CA” and “GB” to “REC”</i></p> <p>(vii) DAFC advised that part of the long stretch of level land comprising the wetland complex should be retained for conservation purpose while the adjoining natural habitats should be designated as “GB”. Specifically, there was no concrete recreational proposal submitted by any interested party so far. Should such recreational proposals be submitted, the Board would consider each case on its individual merits. In view of the above, there was no strong justification to rezone the wetland and adjoining areas from “CA” and “GB” to “REC”;</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p>(iii) the ex-school site and adjoining areas should be rezoned from “CA” and “GB” to “Government, Institution or Community” (“G/IC”) to facilitate development of village committee office and tourist centre;</p> <p>(iv) the pond and various areas adjacent to the proposed “V” zone including the terraced agricultural land should be rezoned from “CA” and “GB” to “Agriculture” (“AGR”) to facilitate agricultural uses such as hobby farming;</p> <p>(v) a new set of Notes for the “V”, “GB”, “REC”, “G/IC” and “AGR” had been proposed in relation to the above rezoning proposals; and</p> <p>(vi) the existing footpath and the adjoining areas with a minimum width of 2.5m leading from the breakwater to the “V” zone should be designated as area shown as ‘Road’ on the draft OZP.</p> | | <p><i>Rezoning the ex-village school from “GB” and “CA” to “G/IC”</i></p> <p>(viii) the ex-school site was originally held under two pieces of privately-owned land but they were surrendered to Government in 1958 for the purpose of building the school. At present, the site was partly vacant and partly occupied by a ruined structure. With no population in the area at the moment and only about 1,100 persons upon full development, there was no requirement for specific GIC facilities to serve the Area. The site was currently zoned “GB” where village office and visiting centre were Column 2 uses. Besides, ‘Village Office’ was always permitted in the “V” zone;</p> <p><i>Rezoning of the pond and part of the EIS from “CA” and “GB” to “AGR”</i></p> <p>(ix) DAFC advised that part of the long stretch of level land comprising the wetland complex should be retained for conservation purpose while the adjoining natural habitats should be designated as “GB”. Notwithstanding, ‘Agricultural Use’ was a Column 1 use in all zones;</p> <p><i>Notes for the rezoning proposals</i></p> <p>(x) there was no detailed information in the submissions to justify the proposed rezoning to “GB”, “REC”, “G/IC” and “AGR”. Besides, the Notes of the respective zones should be based on the Master Schedule of Notes (MSN) agreed by the Board and there was no justification for the additional uses proposed by the representer for each of the above zones; and</p> <p><i>Designating areas shown as ‘Road’</i></p> <p>(xi) according to the relevant works departments, there was neither planned/committed access road to be proposed at the Area. Besides, according to the Notes of the draft OZP, geotechnical works, local public works, road works and such other public</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| | | <p>works co-ordinated or implemented by government were always permitted.</p> <p>The Board <u>decided not to uphold</u> R1 to R798 and R10736 to R10817² for the following reasons:</p> <p><i>Designation of “V” zone</i></p> <p>(A) There was a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in So Lo Pun, a recognised village within the Area. The boundaries of the “V” zone for the village had been drawn up having regard to the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. Only land suitable for Small House development had been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography had been excluded.</p> <p>(B) The Small House demand forecast was only one of the factors in drawing up the proposed “V” zones and the forecast was subject to variations over time. An incremental approach for designating the “V” zone for Small House development had been adopted with an aim to confining Small House development at suitable locations.</p> <p><i>Comprehensive Proposal to facilitate eco-tourism</i></p> <p>(C) The “CA” zone primarily covered the wetland system of So Lo Pun, which included the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as EIS and the freshwater marsh. These important habitats for a variety of rare and uncommon flora and fauna should be protected. The current “CA” zoning was considered appropriate.</p> <p>(D) The wooded areas at the periphery of the Area formed a continuous stretch of well-established vegetation of natural</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| | | <p>woodlands adjoining the Plover Cove Country Park. The “GB” zone, which provided a buffer between the development and conservation areas or Country Park, was considered appropriate.</p> <p>(E) ‘Agricultural Use’ was a Column 1 use which was permitted in all zones.</p> <p>(F) According to relevant works departments, there was neither planned/committed access road to be proposed at the Area. Besides, according to the Notes of the draft OZP, geotechnical works, local public works, road works and such other public works co-ordinated or implemented by government were always permitted.</p> |

Representations Opposing the Draft So Lo Pun OZP Mainly for Reason of Excessive “V” Zone (Group 2)

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><u>R799 to R10735 and R10818 to R10858²</u></p> <ul style="list-style-type: none"> ♦ Opposed to the draft OZP for reasons mainly in relation to the excessive “V” zone. <p><u>Grounds of Representations</u></p> <p><i>Designation of “V” zone</i></p> <p><u>Small House demand</u></p> <p>(a) The proposed “V” zone of about 4.12 ha for 134 houses with a planned population of 1,000 was excessive. According to the 2011 Census, the population at So Lo Pun was zero and there was no outstanding Small House application. The government should provide justification for designating such a large “V” zone.</p> <p>(b) The demand for Small House was infinite and had been determined without any justifications and verification. The prevailing Small House Policy was unsustainable and the majority of Small House applications were abusing the policy. Designation of “V” zones should be based on a more realistic estimation of the need for Small Houses.</p> <p>(c) Certificate of proof of need and residence should be required in each Small House application. Restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remained within the ownership of the indigenous villagers as far</p> | <p><u>C1 to C3655, C3661 and C3677</u></p> <ul style="list-style-type: none"> ♦ Supported R799 to R10735 and R10818 to R10858. <p><u>Major Grounds of Comments</u></p> <p><i>Designation of “V” Zone</i></p> <p>(a) the proposed “V” zone was not based on genuine needs as the Small House demand provided by the village representative had not been verified. There was no buffer area between the key wetland and the expanded “V” zone. The excessive “V” zone and the STS systems of village houses would cause significant sewage problems, threatening the ecology, landscape and recreational value of the country park. The Small House Policy should be reviewed;</p> <p><i>Adequacy of “GB” Zone</i></p> <p>(b) the upper section of So Lo Pun Stream and the forest were covered by “GB” zone, where development was often permitted by the Board. The cumulative</p> | <p>The Board noted the following responses to R799 to R10735 and R10818 to R10858:</p> <p><i>Small House demand</i></p> <p>(i) the Small House demand forecast was only one of the many references in considering the proposed “V” zones. The forecast was provided by the Indigenous Inhabitant Representatives to the Lands Department and could be subject to change over time for reasons such as demographic changes (births/deaths) as well as the aspirations of indigenous villagers currently living outside the village (local and overseas) to move back to So Lo Pun in future. Though there was no mechanism at the planning stage to verify the figures, the respective District Lands Office would verify the status of the Small House applicant at the stage of Small House grant application;</p> <p>(ii) an incremental approach should be adopted in view of the existing zero population and a lack of infrastructural facilities. In this regard, the “V” zone should be confined mainly to the existing village settlements in the central portion whilst the north-eastern and south-western portions should be zoned to “GB”. Should there be a genuine need for more Small House developments, flexibility had been provided under the planning application system for Small House developments within the</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p>as possible.</p> <p><u>Environmental Impact on the local habitats and the surrounding areas</u></p> <p>(d) Development in the area would have adverse impact on the habitat of Crab-eating mongoose and <i>Prionailurus bengalensis</i> in So Lo Pun. The Greater Bamboo Bat <i>Tylonycteris robustula</i>, a rare local species, would be affected by the light generated from Small House developments in the excessive “V” zone.</p> <p>(e) So Lo Pun was not provided with public sewage system. The sewage from Small Houses could only be treated by on-site septic tanks and soakaway (STS) systems. Also, there was no road access to the area and proper maintenance of the STS is in doubt. Pollutants would eventually discharge into water bodies nearby and pollute the environment.</p> <p>(f) The underlying surface sediment in So Lo Pun comprised porous and highly permeable deposits which allowed for rapid drainage. As such, adequate purification could not be achieved by the STS system before the wastewater reached the sea. There was no geological assessment on the cumulative sewage percolation to the surrounding areas.</p> <p>(g) The STS system could only provide a minimum level of sewage treatment. The effluent from a septic tank still carried a very nutrient, organic and microbiological load which could only be effectively attenuated in circumstances where the ground conditions were suitable and development density was low. The STS</p> | <p>pollution from the approved developments would eventually damage the entire stream as well as the wetland with its high diversity of habitats; and</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(c) the ‘enclaves’ should be incorporated into their surrounding country parks, The DPA Plan should be extended for at least one additional year to allow the process of incorporating CPEs into country parks.</p> <p><u>C3656 to C3660 and C3662 to C3668</u></p> <ul style="list-style-type: none"> The comments did not indicate which representations they were related to but generally objected to the draft OZP with similar grounds stated above. | <p>“GB” zone or for a rezoning application to expand the “V” zone. Each application would be considered by the Board based on its individual merits taking account of the prevailing planning circumstances;</p> <p><i>Environmental Impact on the local habitats and the surrounding areas</i></p> <p>(iii) the ecological value of So Lo Pun and the surrounding areas were well recognized. Hence, the designation of conservation zones, including “GB” and “CA” at suitable locations to protect the natural environment;</p> <p>(iv) as there was no existing sewer or planned public sewer for the Area, Small House development within the “V” zone would have to rely on on-site STS systems. The arrangement of sewage disposal works should comply with the requirements from the relevant government departments;</p> <p>(v) to protect the water quality of the area, any development proposal/submission for the design and construction of on-site STS would need to comply with the relevant standards and regulations including EPD’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. Operation and maintenance practices for septic tanks (e.g. desludging practices) were also given in EPD’s “Guidance Notes on Discharges from Village Houses”;</p> <p>(vi) in considering whether a site was suitable for septic tank construction, a number of site-specific conditions needed to be taken into account, such as percolation test result, proximity of rivers/streams, depth of the ground water table, topography and flooding risk. Site specific information was essential, particularly if the soil characteristics were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which had to be</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p>system was often not effective in removing pollutants in the long run because of inadequate maintenance and increasing numbers of septic tanks.</p> <p>(h) As Crooked Harbour outside So Lo Pun was within the Mirs Bay Water Control Zone and located in close proximity to Yan Chau Tong Marine Park (about 1km) and the Ap Chau Fish Culture Zone (about 1.5km), the cumulative impacts on water quality from the STS systems in the “V” zone of So Lo Pun would pollute the ecologically sensitive habitats in So Lo Pun and the surrounding sensitive area, including Yan Chau Tong Marine Park.</p> <p><i>Notes of “V” zone</i></p> <p>(i) Stricter planning control should be imposed and planning permission should be required for ‘New Territories Exempted House’ (‘NTEH’), ‘Eating Place’ and ‘Shop and Services’ uses. Any demolition, addition, alteration and/or modification to an existing building in the “V” zone should also require planning permission.</p> <p><i>Cumulative Impact Assessment</i></p> <p>(j) There was a lack of relevant surveys/assessments, including environmental, drainage, landscape and traffic, on the potential cumulative impact of the additional Small Houses in the area. The carrying</p> | | <p>followed by an authorised person to determine the absorption capacity of soil and hence the allowable loading of a septic tank. The ProPECC had also set out the design standards and clearance distances between a septic tank and specified water bodies, as well as clearance distance between buildings;</p> <p><i>Notes of “V” Zone</i></p> <p>(vii) as the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of the “V” zone;</p> <p>(viii) when processing Small House applications and applications for ‘Eating Place’ and ‘Shop and Services’, Lands Department would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. Moreover, if a food business was carried out at the premises, a food business licence was required from the Food and Environmental Hygiene Department. As such, there was no strong justification to place ‘NTEH’, ‘Eating Place’ and ‘Shop and Services’ under Column 2 of the “V” zone;</p> <p><i>Cumulative Impact Assessment</i></p> <p>(ix) when considering the draft OZP, the Board had already taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Neither the Transport Department nor the Highways</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p>capacity for individual enclave sites and the overall capacity of all Country Park ‘enclaves’ (CPE) should be carefully studied before an informed and responsible decision on the land use and the number of Small Houses could be made.</p> <p>(k) There was no plan to improve the infrastructure (e.g. sewage, road access, car parking and public transport) to support new developments at So Lo Pun and visitors to the Area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of So Lo Pun and to prevent the existing village from polluting the area.</p> <p><i>Adequacy of “GB” Zone</i></p> <p>(l) The lower section of So Lo Pun Stream was a designated EIS. The “GB” zone adjoining the upper section of the stream should be zoned “CA” in view of its ecological significance. The real planning intention of the “GB” zone might not be conservation-led as planning permission was often given to Small House development, which might induce irreversible impacts on the wetland and the riparian zone.</p> | | <p>Department raised any concern on the proposed “V” zone from the traffic and transport infrastructure points of view;</p> <p>(x) LandsD when processing Small House applications would consult concerned departments to ensure that all relevant departments including EPD, AFCD and PlanD would have adequate opportunity to review and comment on the applications. LandsD would require the applicant to comply with relevant standards and regulations in respect of the on-site STS system for any development proposals/submissions;</p> <p><i>Adequacy of “GB” zone</i></p> <p>(xi) when drafting the OZP, AFCD had emphasized more on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest. Important habitats such as mature native woodlands and the riparian zone of So Lo Pun Stream as well as the wetland, which could provide suitable habitats supporting a variety of species, were covered with conservation zonings. In general, these habitats were supporting various species of conservation interest;</p> <p>(xii) AFCD considered that the proposed “GB” zone was appropriate since the area consisted of relatively disturbed, young woodland that had developed from the abandoned agricultural land and the upper section of So Lo Pun Stream was not an EIS;</p> <p>(xiii) “GB” was a conservation zone where there was a general presumption against development. Any Small House development should require planning permission from the Board which would scrutinize and consider each application on its own merits. Relevant departments would be consulted to ensure that no adverse environmental, ecological and landscape</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><i>Notes of “GB” and “CA” zones</i></p> <p>(m) To prevent environmentally sensitive land from being destroyed in ecological terms (e.g. bogus agricultural activities) prior to applying for a change of land use, ‘Agricultural Use’, ‘On-Farm Domestic Structure’, ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ in “CA” and “GB” zones should not be allowed or should be Column 2 uses requiring planning permission from the Board.</p> <p><i>Ecological Information</i></p> <p>(n) A Study by the Kadoorie Farm & Botanic Garden Corporation had recorded a total of 244 vascular plant species, including 7 species of conservation concern, one dragonfly species of conservation concern, 11 native fish species with 3 species of conservation concern, 2 amphibian species and 3 mammals of conservation concern in So Lo Pun.</p> <p>(o) Hong Kong Bird Watching Society and others had recorded 38 species of birds in and around So Lo Pun. In particular, 10 species of birds were of conservation interest including the Common Emerald Dove, Grey Treeple and Crested Kingfisher. The water fern, a</p> | | <p>impacts, amongst others, would be brought about to the surroundings including So Lo Pun Stream and the wetland;</p> <p><i>Notes of “GB” and “CA” zones</i></p> <p>(xiv) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 of conservation zones as it would impose restrictions on agriculture and discourage agricultural development in the long run. In any case, planning permission was already required for any works that might cause adverse impacts on the natural environment including the diversion of streams, filling of land/pond and the excavation of land;</p> <p>(xv) as ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ were facilities that were operated/maintained/designated by Government, AFCD considered that these activities might not have significant adverse impacts on sensitive habitats. There was no strong justification to put these uses under Column 2 of the “GB” and “CA” zones;</p> <p><i>Ecological Information</i></p> <p>(xvi) when drafting the OZP, AFCD had emphasized more on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest. Important habitats such as mature native woodlands and the riparian zone of So Lo Pun Stream as well as the wetland, which could provide suitable habitats supporting a variety of species, were covered with conservation zonings. In general, these habitats were supporting various species of conservation interest;</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p>protected plant in China under State Protection (Category II), could be found in the freshwater marshes located in close proximity to the “V” zone, where the rice fish, a species of conservation concern, was also recorded.</p> <p>(p) The seahorse <i>Hippocampus kuda</i>, a species listed as Vulnerable under the International Union for Conservation of Nature, could be found at Kat O Hoi which was under threat by water pollution from the village houses.</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(q) The objective of the CPE policy was to protect the enclaves against “immediate development threats” from “incompatible developments” such as extensive new Small Houses built on agricultural land and near forests and streams. However, most of the OZPs prepared for the CPEs had included the expansion of “V” zone that would cause “immediate development threats” on a larger scale. This contradicted the stated CPE policy and failed to comply with the International Convention on Biological Diversity.</p> <p>(r) The CPEs are well connected with the adjoining country parks from the ecological, landscape and recreational points of view. They should be incorporated into the country parks so that developments would be subject to scrutiny by the Country and Marine Parks Board (CMPB) and the Agriculture, Fisheries and Conservation Department (AFCD), and put under active management including habitat and amenity improvements, regular patrols, and surveillance, and enforcement actions against irregularities.</p> | | <p><i>Designation of CPEs as Country Parks</i></p> <p>(xvii) the general planning intention of the CPEs was to conserve their natural landscape and conservation value, to protect their natural and rural character, and to allow for Small House development by the indigenous villagers of the existing recognised villages within the areas;</p> <p>(xviii) designation of country park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board;</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><u>Representers' Proposals</u></p> <p><i>Confining the "V" Zone</i></p> <p>(i) The "V" zone should be confined to the existing village structures/building lots (within 20m around the existing ruined houses) and approved Small House sites.</p> <p><i>Designation of the upper section of So Lo Pun Stream as "CA" zone</i></p> <p>(ii) To strengthen the protection of the lower section of So Lo Pun Stream which was designated as EIS, the upper section of the stream and its tributaries together with the riparian zone with a minimum buffer of 30m on both sides of the streams as well as the adjoining woodland should be rezoned from "V" and "GB" to "CA".</p> | | <p><i>Proposal on Confining the "V" Zone</i></p> <p>(xix) an incremental approach for designating "V" zone for Small House development had been adopted with an aim to confining Small House development at suitable locations adjacent to the existing village cluster. Discounting the environmentally sensitive areas zoned "CA" and "GB", the residual area covered by the current "V" zone was mainly occupied by the existing village clusters and the adjoining relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which was considered suitable for village development. The boundaries of the "V" zone for So Lo Pun Village, a recognized village within the Area, had been drawn up after taking into account the village 'environs' ('VE'), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. In the course of preparing the draft OZP, views and comments from stakeholders including the North District Council (NDC), the Sha Tau Kok District Rural Committee (STKDRC), villagers and green/concern groups and government departments had been sought;</p> <p><i>Designation of the upper section of So Lo Pun Stream as "CA" zone</i></p> <p>(xx) according to AFCD, a natural stream flowed across the Area in the south-west to north-east direction, the downstream part of which was identified as an EIS. This part of the stream formed part of the wetland complex which had been proposed for "CA" zone. However, DAFC advised that the upper part of the stream was yet to be designated as an EIA as it required further investigation. In this regard, it was not appropriate to zone the upper part of the natural stream as "CA";</p> <p>(xxi) the riparian zone and the adjoining woodland were zoned "V"</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><i>Rezoning the seagrass bed and adjoining mangrove from “CA” to Site of Special Scientific Interest” (“SSSI”)</i></p> <p>(iii) To rezone the seagrass bed together with the adjacent mangrove community from “CA” to “SSSI”.</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(iv) So Lo Pun should be designated as a country park to protect its ecologically sensitive areas and the DPA Plan should be extended for at least one year to allow for the required process. In the interim, the “V”, “GB” and non-conservation zonings could be rezoned to “Undetermined” (“U”) to protect the natural environment.</p> | | <p>and “GB”. Except for those located near the village clusters which were considered suitable for village expansion, these wooded areas formed a continuous stretch of well-established vegetation of natural woodland adjoining the Plover Cove Country Park. The “GB” zone was appropriate for providing planning control and protection to the upstream area and woodland;</p> <p><i>Rezoning the seagrass bed and adjoining mangrove from “CA” to Site of Special Scientific Interest” (“SSSI”)</i></p> <p>(xxii) while the proposal to protect the seagrass bed and mangrove by conservation zonings was supported, AFCD considered that there was insufficient justification to designate the area concerned as “SSSI” and AFCD did not have any plan to do so; and</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(xxiii) the proposed incorporation of an area as “Country Park” was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board.</p> <p>The Board decided to partially meet representations R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10818 to R10854 and R10856 to R10858 (excluding the withdrawn/not having been made/identical representations) by rezoning the north-eastern and south-western parts of the “V” zone to “GB”.</p> <p>The Board <u>decided not to uphold</u> R10555, R10563, R10565,</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| | | <p>R10570, R10572, R10573, R10575, R10581, R10731, R10735 and R10855 and the remaining parts of representations R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10818 to R10854 and R10856 to R10858 (excluding the withdrawn/not having been made/identical representations) for the following reasons:</p> <p><i>Designation of “V” zone</i></p> <p>(A) see reasons (A) and (B) to R1 to R798 and R10736 to R10817 above.</p> <p><i>Environmental Impact on Local Habitats and Surrounding Areas</i></p> <p>(B) when considering the draft OZP, the Board had already taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Conservation zones, including “GB” and “CA” under which there was a general presumption against development, had been designated to cover areas having ecological and landscape significance to protect the natural environment of So Lo Pun and the ecologically linked Plover Cove Country Park under the statutory planning framework. The Lands Department, when processing Small House grant applications, would consult concerned government departments including the Environmental Protection Department (EPD), AFCD and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The design and construction of on-site STS for any development proposal/submission would need to comply with relevant standards and regulations, such as EPD’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.</p> <p><i>Opposition to the “GB” zone</i></p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| | | <p>(C) the upper section of So Lo Pun Stream was not an EIS and the proposed “GB” zone was considered appropriate since the area consisted of relatively disturbed, young woodland that had developed from abandoned agricultural land. There was a general presumption against development within the “GB” zone. Any Small House development should require planning permission from the Board, and each case should be considered on its individual merits.</p> <p><i>Designating the upper section of So Lo Pun Stream as “CA”</i></p> <p>(D) the upper part of So Lo Pun Stream was not an EIS and it was not appropriate to designate the upper part of the natural stream as “CA” zone.</p> <p>(E) for development proposals that might affect natural rivers/streams and the requirement of on-site septic tank system, there was relevant regulatory mechanism including ETWBTC(W) No. 5/2005 and EPD’s ProPECC PN 5/93. As such, there was no need to excise the tributaries and their adjoining areas from the “V” zone and to rezone these areas to “CA”.</p> <p>(F) the wooded areas at the periphery of the Area and a traditional burial ground at the eastern part of the hillslopes in the northern part of the Area formed a continuous stretch of well-established vegetation of natural woodlands adjoining the Plover Cove Country Park, which provided a buffer between the development and conservation areas or Country Park. As such, the “GB” zones were considered appropriate.</p> <p><i>Rezoning the seagrass bed and the adjoining mangrove from “CA” to “SSSI”</i></p> <p>(G) there was currently insufficient justification to designate the area concerned as “SSSI”. As such, the “CA” zoning was</p> |

| <u>Representations</u> | <u>Comments</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| | | <p>appropriate.</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(H) designation of country park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board.</p> |

**Summary of Further Representations in respect of the Proposed Amendment
to the Draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/1
and Responses/Decisions of the Town Planning Board**

| <u>Further Representations</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><u>F1 to F21</u></p> <ul style="list-style-type: none"> ♦ F1 to F3 partly supported and partly opposed the proposed Amendment Item A, i.e. rezoning an area to the northeast and an area to the southwest of So Lo Pun from “Village Type Development” (“V”) to “Green Belt” (“GB”). ♦ F4 to F21 opposed the proposed Amendment Item A. <p><u>Grounds and Proposals of Further Representations</u></p> <p><i>Excessive “V” Zone</i></p> <ol style="list-style-type: none"> (1) The reduction of the area of the “V” zone was supported (F1 to F3). (2) It was not clear whether the size of the “V” zone under the proposed Amendment Item A was based on proven genuine need for Small Houses (F2 and F4 to F7). (3) The planning intention of the Tai Long Wan OZP to primarily conserve the scenic and unspoiled natural environment (in that only the existing village areas are covered by the “V” zone) was applicable to So Lo Pun, thus the strict planning control of the former should also be adopted (F2 to F7). (4) It was proposed to substantially reduce the area of the “V” zone (F1). (5) It was proposed to confine the “V” zone to the existing village settlements (F2 to F7). | <p>The Board noted the supporting views of F1(part) to F3(part) on proposed Amendment Item A.</p> <p>The Board also noted the following responses to F1 to F21:</p> <p><i>Designation of “V” Zone</i></p> <ol style="list-style-type: none"> (1) The boundaries of the “V” zone for the So Lo Pun Village had been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, and other site-specific characteristics. The Small House demand forecast was only one of the factors in drawing up the proposed “V” zone and the forecast was subject to variations over time, whilst the respective District Lands Officer would verify the status of the Small House applicant at the stage of Small House grant application. (2) Regarding the application of the strict planning control of the Tai Long Wan OZP onto the area, each CPE should be considered on the circumstances and characteristics of individual areas. (3) In order to minimise the adverse impacts on the natural environment, the Board considered that an incremental approach for designating the “V” zone for Small House development should be adopted with an aim to confining Small House development at suitable locations. Based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities in So Lo Pun, the Board decided to rezone the two pieces of fallow agricultural land at the north-eastern end and south-western end of the “V” zone to “GB”. |

| <u>Further Representations</u>¹ | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><i>Adverse Impacts of Small House Development on Surrounding Environment</i></p> <p>(6) The current sewage treatment arrangements in villages would not be able to protect the water bodies in and surrounding the Country Park ‘enclave’ (CPE) from man-made pollution (F2, F3 and F5 to F7).</p> <p>(7) There was a lack of assessment on the cumulative impacts (such as ecology, landscape, water pollution) of Small House development on the CPE in consideration of its carrying capacity (F2 and F4).</p> | <p><i>Adverse Impacts of Small House Development on Surrounding Environment</i></p> <p>(4) The Lands Department (LandsD), when processing Small House grant applications, would consult concerned government departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The design and construction of on-site STS systems for any development proposals/submissions needed to comply with relevant standards and regulations, such as the Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. There was sufficient control in the current administrative system to ensure that individual Small House development and STS system within the “V” zone would not entail unacceptable impacts on the surrounding environment.</p> <p>(5) EPD advised that provided that the STS system was built at a suitable location in accordance with the prescribed standards and regulations, the attenuation effect should be able to offer adequate protection to the nearby environment.</p> <p>(6) Regarding the quest for cumulative impact assessment of Small House development, all relevant planning considerations, including the expert advice of relevant government departments and public view, had been taken into account when considering the draft OZP. The relevant government departments had no objection to the “V” zone.</p> |
| <p><i>Adequacy of the “GB” Zone for Conservation</i></p> <p>(8) As Small House developments might be permitted in “GB” zone, it would prevent the appropriate long term conservation of the existing state of the land and was contrary to the general planning intention for CPE (F4). Besides, the “GB” zone did not provide adequate control to protect the woodlands in So Lo Pun which provided habitats for many species of conservation concern and its naturalness was considered as the highest among those in the three draft OZP¹ (F2 and F5 to F7).</p> <p>(9) It was proposed to rezone the “GB” to “GB(1)” or “CA” (F2 to F7).</p> | <p><i>Adequacy of the “GB” Zone for Conservation</i></p> <p>(7) The “GB” zone was a conservation zone, where there was a general presumption against development. Any Small House development should require planning permission from the Board, and each case should be considered on its individual merits. Furthermore, any diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment would require planning permission from the Board.</p> <p>(8) According to AFCD, the woodlands in So Lo Pun should be relatively young secondary woodlands. They were not as ecologically important as fung shui woodlands or mature secondary woodlands in the territory. The three protected</p> |

¹ including draft Hoi Ha OZP No. S/NE-HH/1, draft So Lo Pun OZP No. S/NE-SLP/1 and draft Pak Lap OZP No. S/SK-PL/1.

| <u>Further Representations</u>¹ | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p><i>Insufficient “V” Zone</i></p> <p>(10) The area of “V” zone was insufficient to meet the Small House demand (F10, F14 F19 and F21) or for provision of ancillary public facilities for the village (F8, F11 to F13 and F20).</p> <p>(11) It was proposed to expand the “V” zone to cover an area of at least 4.12 ha or in proportion to the Small House demand (F8, F9, F11 to F13, F19 and F20).</p> <p><i>Landowners’ Interests and Rights</i></p> <p>(12) The zoning of the draft OZP was heavily biased towards the ecological value of the site over the social and economic value of the land and the rights of land owners (F8, F9, F11 and F16 to F18). Indigenous villagers were eligible and had the right to build Small Houses, and the draft OZP should not be used to deter them from building Small Houses (F14 and F19), and</p> | <p>plant species therein quoted by the relevant further representations were rather widespread in Hong Kong. There was no adequate evidence to substantiate the highest naturalness of the woodlands in So Lo Pun among those in the three draft OZPs¹ as claimed in the relevant further representations.</p> <p><i>Insufficient “V” Zone</i></p> <p>(9) In order to minimise the adverse impacts on the natural environment, an incremental approach for designating the “V” zone for Small House development should be adopted with an aim to confining Small House development at suitable locations. Based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities in So Lo Pun, the Board decided to rezone the two pieces of fallow agricultural land at the north-eastern end and south-western end of the “V” zone to “GB”.</p> <p>(10) Although the area of the “V” zone was reduced from 4.12 ha to 2.48 ha, with about 1.72 ha of land available in the “V” zone for Small House development (68 Small Houses), about 25% of the Small House demand² would be met. The estimation of available land had taken into account the need for the necessary supporting facilities.</p> <p><i>Landowners’ Interests and Rights</i></p> <p>(11) All the building lots were covered by “V” zone, in which ‘House (New Territories Exempted House only)’ was always permitted. As for agricultural lots, ‘Agricultural Use’ in general was always permitted on land within the boundary of the draft OZP³. Therefore, there was no deprivation of landowners’ rights in using their building and agricultural lots.</p> |

¹ Including draft Hoi Ha OZP No. S/NE-HH/1, draft So Lo Pun OZP No. S/NE-SLP/1 and draft Pak Lap OZP No. S/SK-PL/1.

² According to the latest information provided by the District Lands Officer/North, Lands Department (DLO/N, LandsD) for the So Lo Pun Village, there was very minor change to the Small House demand figures considered in the Board’s deliberation of the original representations and comments i.e. there was no outstanding Small House application (same as the previous figure) and the 10-year Small House demand forecast was 269 houses (the previous figure is 270 houses).

³ Subject to different control of the diversion of streams, filling of land/pond or excavation of land in individual zones as such activities might cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. There were “V”, “GB” and “CA” zones on the draft OZP. In the “V” zone, ‘Agricultural Use’ was always permitted, but any diversion of streams or filling of pond would require planning permission. In the “GB” zone, ‘Agricultural Use’ was always permitted, but any diversion of streams, filling of land/pond or excavation of land would require planning permission. In the “CA” zone, ‘Agricultural Use (other than Plant Nursery)’ was always permitted, but any diversion of streams, or filling of land/pond or excavation of land would require planning permission.

| <u>Further Representations¹</u> | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p>their right was protected by Basic Law (F21).</p> <p>(13) Private land should not be zoned “GB” as it would limit the land uses permitted (F15 and F21).</p> <p>(14) It was proposed that agricultural lots should be rezoned to “Agriculture” (F8, F9, F11 to F13, F15 to F18, F20 and F21).</p> | <p>(12) Regarding the interests and needs of landowners in So Lo Pun, the Board considered that the indigenous villagers’ right to build Small Houses should be respected and there was a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in So Lo Pun. The “V” zone with an area of about 2.48 ha had been designated for village development.</p> <p>(13) As regards the concern on the protection of the indigenous villagers’ rights under the Basic Law, Department of Justice (DoJ) advised that the amended draft OZP would not affect any landowner’s right to transfer or assign his/her interest in land; nor would it leave the land concerned without any meaningful use or any economically viable use; hence there was no ‘deprivation’ of the landowner’s property right. Furthermore, the zoning restrictions pursue the legitimate aim of better planning control and the land concerned could be put to ‘always permitted uses’ and other uses as long as planning approval was obtained. The Amendment was not inconsistent with Articles 6 and 105 of the Basic Law. According to DoJ, there was no concrete evidence on how Small Houses development would be affected in the area; in any event, even assuming there was a right to build Small Houses by the indigenous villagers, as long as the right had already been qualified by the Ordinance (Cap. 131) by the time the Basic Law came into force, subjecting such a right to the planning controls that might be lawfully imposed pursuant to the Ordinance by way of the amended draft OZP would not be inconsistent with Basic Law 40.</p> <p>(14) In view of the villagers’ aspiration to resume agricultural activities and in order to clearly set out the planning intention to encourage rehabilitation of agricultural activities in So Lo Pun, it was considered appropriate to rezone the north-eastern part of the original “V” zone from “GB” to “AGR” as the site was generally flat and more easily accessible from the village and via the pier. As the concerned area was mainly fallow agricultural land covered with grass and scrub, the proposed rezoning should not result in any adverse impact on the natural environment.</p> |
| <p><i>Other Views Not Directly Related to the Proposed Amendment Item A</i></p> <p>(15) Other views and proposed amendments not directly related to the proposed Amendment Item A included supporting the incorporation of So Lo Pun into Country Park (F1), proposing amendments to the Notes of the draft OZP for</p> | <p><i>Other Views Not Directly Related to the Proposed Amendment Item A</i></p> <p>(15) These views were not directly related to the proposed Amendment Item A and were similar to views made in the original representations/comments, which had been considered by the Board in deliberating the representations and comments.</p> |

| <u>Further Representations</u>¹ | <u>Responses/Decisions of the Town Planning Board</u> |
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| <p>stricter planning control (F2 and F4 to F7), failures in the hearing process/procedure of the representations and comments in respect of the three draft OZPs (F4) and objection to the “CA” zone (F21).</p> | <p>The view on the failures in the representation hearing process/procedure was not relevant to the proposed Amendment Item A.</p> <p>The Board decided to partially meet further representations F8 to F9, F11 to F13, F15 to F18 and F20 to F21 by rezoning a piece of land at the north-eastern end of the “V” zone to “Agriculture” (“AGR”).</p> <p>The Board also decided not to uphold further representations F4 to F7, F10, F14 and F19, and the remaining part of F1 to F3, F8 to F9, F11 to F13, F15 to F18 and F20 to F21 for the following reasons</p> <p><i>Designation of “V” and “GB” Zones (F1 to F7, F8 to F14 and F19 to F21)</i></p> <p>(A) In order to minimise the adverse impacts on the natural environment, an incremental approach for designating the “V” zone for Small House development should be adopted to confine Small House developments at suitable locations of the village. Based on it and in view of the existing zero population, the lack of infrastructural facilities in So Lo Pun, the need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers, the villagers’ strong aspiration to rehabilitate agriculture and the current conditions of the land concerned, the rezoning of two pieces of land at the north-eastern end and south-western end of the “V” zone to “AGR” and “GB” respectively was appropriate;</p> <p>(B) the designation of a piece of land at the south-western end of the original “V” zone as “GB” was appropriate to provide a buffer between the village development and the “CA” zone and to protect the existing green areas in So Lo Pun. At the same time, this would allow flexibility for suitable development to meet the community needs or for Small House development adjoining to the existing village cluster, if any in future, subject to scrutiny of the Board under the planning application system;</p> <p>(C) the designation of a piece of land at the north-eastern end of the original “V” zone as “AGR” was appropriate to encourage the rehabilitation for cultivation and other agricultural purposes in So Lo Pun;</p> |

| <u>Further Representations</u>¹ | <u>Responses/Decisions of the Town Planning Board</u> |
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| | <p>(D) taking into account all the relevant planning considerations, expert advice from concerned government departments and views from relevant stakeholders, the draft So Lo Pun OZP incorporating the proposed amendments could strike a balance between enhancing nature conservation of the So Lo Pun area and meeting the needs of villagers for Small House development;</p> <p><i>Adverse Impacts of Small House Development on Surrounding Environment (F2 to F7)</i></p> <p>(E) the Lands Department, when processing Small House grant applications, would consult concerned government departments to ensure that all relevant departments would have an adequate opportunity to review and comment on the applications. There was sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would not entail unacceptable impacts on the surrounding environment;</p> <p><i>Adequacy of the “GB” zone for Conservation and Proposal to Rezone the Proposed “GB” to “GB(1)” or “CA” (F2 to F7)</i></p> <p>(F) the “GB” zone was a conservation zone with a general presumption against development. In the “GB” zone, any Small House development, diversion of streams, filling of land/pond or excavation of land would require planning permission from the Board. There was appropriate and adequate protection for the proposed “GB” site. There was no strong justification for rezoning the proposed “GB” site to “GB(1)” or “CA”;</p> <p><i>Landowners’ Interests and Rights (F8, F9, F11, F14, F16 to F19 and F21)</i></p> <p>(G) all the building lots were covered by “V” zone, in which ‘House (New Territories Exempted House only)’ was always permitted. As for agricultural lots, ‘Agricultural Use’ in general was always permitted on land within the boundary of the draft OZP. Therefore, there was no deprivation of landowners’ rights in using their land;</p> <p>(H) the indigenous villagers’ right to build Small Houses should be duly respected and there was a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in So Lo Pun;</p> |

| <u>Further Representations</u> ¹ | <u>Responses/Decisions of the Town Planning Board</u> |
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| | <p>(I) according to legal advice, the imposition of planning controls in the amended draft OZP would not be inconsistent with Articles 6, 40 and 105 of the Basic Law;</p> <p><i>Private Land should be zoned for Village Type Development or Agricultural Use and/or Government Land should be zoned as “CA” or “GB” (F8 to F9, F11 to F13 and F15 to F18, F20 and F21)</i></p> <p>(J) designation of the land use zones on the draft OZP including “V” and “GB” was considered appropriate taking into account all the relevant planning considerations. Landownership should not be the only factor for formulating the land use zones. Furthermore, ‘Agricultural Use’ in general was always permitted on land within the boundary of the draft OZP; and</p> <p><i>Other Views Referring to the Whole Draft So Lo Pun OZP or Not Directly Related to the Proposed Amendment Item A (F1, F2, F4 to F7 and F21)</i></p> <p>(K) these views were not directly related to the proposed Amendment Item A and were similar to those views made in the original representations/comments, which had already been considered by the Board. The view on the failures in the representation hearing process/procedure was not relevant to the proposed Amendment Item A.</p> |

57. 羅庭德議員同意陳惠達議員的意見，並指連同荔枝窩碼頭和鹿頸一帶，在疫情期間有很多遊客前往該區的郊野公園遠足，但現有的交通配套未能容納大量遊客，尤其是鹿頸路是單線行車，因此他詢問可否考慮開拓由沙頭角碼頭以水路前往鹿頸。

58. 李民就先生回應表示，因碼頭工程只包括興建臨時碼頭，承建商屆時可對與旁邊行人路接駁位置作小幅度修整。他會向有關部門反映擴闊行人路及開放沙頭角墟禁區事宜的相關意見，亦會向運輸署反映有關以水路前往鹿頸的意見。

59. 主席總結，他和大部分委員支持碼頭工程，並表示可出席署方就委員有關意見與相關部門召開的會議，並給予意見。

**第 5 項——《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/3》的修訂
項目
(委員會文件第 8/2020 號)**

60. 主席歡迎規劃署沙田、大埔及北區規劃專員朱霞芬女士、高級城市規劃師／新圖規劃胡耀聰先生、城市規劃師／新圖規劃 1 卓靜萍女士和見習城市規劃師／新圖規劃黃書泰先生參與這項議程的討論。

61. 胡耀聰先生以投影片介紹委員會文件第 8/2020 號，有關投影片載於附件三。

62. 李冠洪議員表示，他極力反對《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/3》(下稱「大綱圖」)所載的修訂項目(下稱「有關修訂」)，他已在規劃署向沙頭角區鄉事委員會講解有關修訂時表達相同意見。他了解有關修訂是由於有市民早前就上一版大綱圖提出司法覆核，最後法庭要求城市規劃委員會(下稱「城規會」)重新審視鎖羅盆村的小型屋宇真正需求。在這方面，鎖羅盆村村長曾估算未來 10 年將會有 229 個申請，即每年 20 餘個。他認為政府如覺得有關估算數字過大，倒不如收回鎖羅盆的土地。基於鎖羅盆環境因素的影響，有些原居民即使移居外地生活或謀生，但退休後或希望回村建屋居住，因此即使過去 10 年沒有人申請在有關地段興建村屋，也不代表將來沒有人會申請。政府作規劃時不應拘泥於過去，而應考慮未來的發展。他指政府於 2014 年為鎖羅盆制定大綱圖時，將鎖羅盆大部分的土地劃為「自然保育區」或「綠化地帶」，令村民的回響甚大。由於鎖羅盆位置荒蕪，三面

被船灣郊野公園包圍，而沿海地方則毗鄰海岸公園，加上交通並不便利，由馬料水乘船需時 2 小時，下船後仍需要步行一段距離，另一途徑是經由沙頭角碼頭，但該碼頭屬於禁區範圍，市民難以到達。即使政府鼓勵市民前往郊外旅遊，但鎖羅盆並沒有小型商店等旅遊設施。他相信鎖羅盆不會有大型發展，亦不會有大量村民興建村屋，因此有環保人士指出大型發展會破壞該區環境的說法並不合理。他重申，自己、有關村代表和沙頭角區鄉事委員會強烈反對有關修訂，他亦會在新界鄉議局會議上表達有關立場。如政府堅持有關修訂，不考慮將有關範圍重新劃為「鄉村式發展」地帶，村民必定會有激烈的抗爭行動。

63. 高維基議員同意李冠洪議員的意見，並反對有關修訂。他指出，由於城規會將鎖羅盆大部分的「鄉村式發展」地帶改為「農業」地帶，而餘下的「鄉村式發展」地帶土地大部分已被一些破屋、豬欄等覆蓋，村民難以找到足夠土地申請興建佔地 700 平方呎的村屋。無論「農業」、「綠化地帶」或「鄉村式發展」地帶，農業均是經常准許的用途，即使村民決定不興建村屋，也可以在該土地上耕作，但如土地被劃作「農業」地帶，村民則只能耕作，不可建屋。即使村民現時未有建屋，將來仍可能打算建屋。他詢問有關修訂的用意，並指有關修訂引來鄉事委員會和村民強烈反對，是浪費資源。

64. 袁浩倫議員反對有關修訂，並詢問既然鎖羅盆的土地本身已經種有樹木，為何仍規劃如此大面積的「綠化地帶」。此外，在有關修訂下，「農業」地帶與「鄉村式發展」地帶和「自然保育區」相連，他認為有人居住便容易對大自然造成破壞，難以進行保育工作，在香港亦有不少類似例子。他舉例當年有人希望發展南生圍部分有保育價值的土地，卻有反對意見，接着這些有保育價值的地方遭人破壞。他認為政府應能預計並避免同類事件再次發生。他又指政府無需規劃保育用地，大自然會自行作出調整。此外，他認為規劃的「農業」地帶面積太小，並不能出產大量農作物。因此，他認為有關修訂不論在農業發展、自然保育還是鄉村式發展三方面均不太理想。

65. 陳月明議員反對有關修訂，並支持李冠洪議員的意見，認為李議員道出了原居民的心聲。

66. 周錦豪議員反對有關修訂，並同意袁浩倫議員的意見。他認為農業發展對附近的生態會構成影響，因為耕作所產生的污水和過程中所使用的農藥可能會影響「自然保育區」的生態。他詢

問為何不增加「農業」地帶與「自然保育區」之間的緩衝地帶，並指這樣的規劃可能會再一次因有人提出司法覆核而被推翻。

67. 羅庭德議員表示，現時北區如鹿頸、鶴藪和荔枝窩等鄉郊地點，在疫情期間特別受遊客歡迎，加上大埔墟站至烏蛟騰的巴士路線即將開通，相信會吸引更多遊客前往這些地點。但上述地點部分道路狹窄，交通配套並不完善，政府應先運用資源改善現有郊遊地點的配套，再考慮開發位置偏遠的鎖羅盆。

68. 溫和達議員反對有關修訂，政府沒有投放資源開發有關土地，但卻不容許當地原居民行使自己建屋和耕作的權利，連在附近榕樹凹村居住的村民亦極力反對有關修訂，甚至導致有村民與一些行山人士發生衝突，因此有關修訂對政府、村民和香港市民來說，是三輸的局面。政府表示要發展農業，但很多農地並沒有接駁水電；香港市民希望享受大自然，但有關配套卻不夠完善。他認同發展應與大自然和諧共融，但沒有人前往的地方難以發展，因此政府現時在鎖羅盆所進行的規劃意義不大，只會浪費資源。

69. 朱霞芬女士就委員的意見和問題綜合回應如下：

- (a) 規劃署於 2020 年 5 月 4 日曾向沙頭角區鄉事委員會進行諮詢，得悉李冠洪議員的相關意見，亦告知鄉事委員會可以提交申述，予城規會考慮；
- (b) 她理解委員提出就鎖羅盆村民在該村興建村屋所遇到的困難，例如基建設施不足、適當建屋用地已有破屋覆蓋等，亦留意到鎖羅盆村即使現時已沒有人居住，部分村民也會逢年過節回村張貼揮春和舉行聚會。鎖羅盆是原居民村，城規會為該村劃定「鄉村式發展」地帶，以反映有關鄉村的存​​在。由於法庭就一宗有關上一版大綱圖的司法覆核的裁決，城規會需要再詳細查究鎖羅盆村民就小型屋宇的真正需要，而根據北區地政處(下稱「地政處」)提供的資料，過去十年，在鎖羅盆興建村屋的申請、批准和否決的數字均為零。縱然村長預測未來 10 年會有 220 餘個建屋申請，城規會經考慮後決定將部分「鄉村式發展」地帶改為「農業」地帶，修訂後的「鄉村式發展」地帶已包括所有已建有或曾建有村屋的土地，大致上反映了原有村落群的位置；

- (c) 而在修訂後被劃為「農業」地帶的土地位於「鄉村式發展」地帶的南面，本身是已荒廢的農地，在 1950 至 60 年代主要是該村的梯田，漁農自然護理署(下稱「漁護署」)亦認為該地有復耕的潛力，劃作「農業」地帶是合適的；
- (d) 有委員認為「農業」地帶和「自然保育區」太接近，不能達致保育的目的。在這方面，有關的「自然保育區」主要涵蓋鎖羅盆的濕地系統，包括有一條「具重要生態價值的河溪」，該河溪與「鄉村式發展」地帶相距超過 50 米，漁護署認為該緩衝距離是足夠的。而農業活動所用的農藥均受相關條例監管，在適當管理下，不會影響自然生態。荔枝窩正是一個在適當管理下成功復耕的好例子；以及
- (e) 有關修訂目前正按法定程序向公眾展示，各委員可向城規會提交申述，城規會會審視所收集的申述和相關意見，再決定會否提出進一步的修訂。

70. 李冠洪議員建議各委員仔細審視委員會文件第 8/2020 號圖一，放大該圖會看到「自然保育區」範圍內有大量格線，顯示了原有的耕地，而連接吉澳海的兩個空白的範圍，從前是鹹田，可種植類似水稻的農作物，其後荒廢了才成為濕地。由此可見，過往整個鎖羅盆均是農田，但現在荒廢了，卻被環保人士稱為具有生態保育價值的土地。他表示，其實舊式的耕作活動是最環保的，因農夫會清除雜草，用廚餘飼養家畜，以及為了引水灌溉而清理河道。因此，他認為類似荔枝窩進行的復耕計劃才是最好的保育方法。但有關修訂將鎖羅盆大部分範圍劃作保育用途，只在「農業」地帶內復耕，意義不大。鎖羅盆如此偏僻，被數千公頃的船灣郊野公園包圍，不會有大型發展或有馬路連接，政府仍要在鎖羅盆規劃保育用地，令人難以理解。鎖羅盆除了「鄉村式發展」地帶以外，其他土地應被改劃為「農業」地帶，而不需要設立「自然保育區」，因為在鎖羅盆「自然保育區」挖土復耕，須要作出相關申請，獲批難度甚高。他又指在鎖羅盆發展生態旅遊更為合適，但該處並沒有一些小商店等可以提供物資給郊遊人士，難以發展旅遊。如政府真的希望進行保育，應將鎖羅盆所有土地收回，甚至表明不希望在有關土地上有任何活動，待十年後土地荒廢，取消鎖羅盆村。此外，現時規劃的「鄉村式發展」地帶範圍只足夠興建 20 餘間村屋(即約只及合資格男丁數量的 11%)，他認為有關比例並不合理。他指過往鎖羅盆曾有很多人居住，認為村民數目不可能少於 200 餘人，並預計有 20%至 50%的村民申請興建村

屋。政府應翻查記錄，並應預留足夠土地供村民建屋。該村位置偏僻，不可能有地產商願意在那裡建屋，村屋必定是村民自建自用，因此政府推行有關修訂並不是防止地產商開發，而是在剝削村民的相關權利。

(蔣旻正議員於此時離席。)

71. 周錦豪議員表示，縱然規劃署代表回應「具重要生態價值的河溪」和「鄉村式發展」地帶之間已預留了超過 50 米的緩衝區，以及農藥會受監管，但農業種類有很多，包括耕作和家禽養殖。他詢問有關修訂能否規限農業用途只能以有機耕作形式進行，因農藥可能會在耕作過程中滲至地底，從而污染地下水和河道，對環境造成影響。

72. 朱霞芬女士回應表示，大綱圖沒有指定農業用途只能以有機耕作形式進行，而根據荔枝窩的經驗，只要管理得宜，農業用途不會影響天然環境，有關部門亦會繼續按相關條例進行監管，確保河流不會受到污染。

73. 袁浩倫議員認為評估對天然環境的影響，應委託環保團體，而非同屬政府部門的漁護署進行，這樣會更公正和公開。

74. 李冠洪議員建議以委員會名義發信予城規會，反對大綱圖，並考慮徵詢北區區議會其他議員的意見。

75. 主席詢問有否委員反對以委員會名義出信予城規會，表達相關反對意見。沒有委員反對。他請秘書處草擬信函予城規會，秘書處
表達委員的意見。

(會後按語：委員會主席致城規會的信函已於 2020 年 6 月 3 日發出，以表達上述反對意見。)

76. 李冠洪議員補充，如以委員會名義提交有關申述，主席須代表委員會前往城規會作出有關申述。

第 7 項——在古洞北新發展區提供區域供冷系統 (委員會文件第 9/2020 號)

77. 陳思羽女士以投影片介紹委員會文件第 9/2020 號，有關投影片載於附件四。

《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/3》
Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/3

申述人名單
List of representers

| 申述個案編號 Representation No. | 申述人名稱 Name of 'Representer' |
|------------------------------|--|
| TPB/R/S/NE-SLP/3-1* | Marry Mulvihill (亦是 also C59) |
| TPB/R/S/NE-SLP/3-2* | 香港鄉郊基金 The Hong Kong Countryside Foundation |
| TPB/R/S/NE-SLP/3-3* | 嘉道理農場暨植物園 Kadoorie Farm and Botanic Garden |
| TPB/R/S/NE-SLP/3-4* | 長春社 The Conservancy Association (亦是 also C54) |
| TPB/R/S/NE-SLP/3-5* | 香港觀鳥會 Hong Kong Bird Watching Society (亦是 also C55) |
| TPB/R/S/NE-SLP/3-6* | 創建香港 Designing Hong Kong Limited |
| TPB/R/S/NE-SLP/3-7* | 海下之友 Friends of Hoi Ha |
| TPB/R/S/NE-SLP/3-8* | 西貢之友 Friends of Sai Kung |
| TPB/R/S/NE-SLP/3-9* | Andrew Bowden Brown |
| TPB/R/S/NE-SLP/3-10* | Gary William John Ades |
| TPB/R/S/NE-SLP/3-11* | Ann Marie Davy-Hou |
| TPB/R/S/NE-SLP/3-12* | Thomas Han San Hou |
| TPB/R/S/NE-SLP/3-13* | Yip Tsz Lam |
| TPB/R/S/NE-SLP/3-14* | Ruy Barretto |
| TPB/R/S/NE-SLP/3-15* | 鄭杏芬 |
| TPB/R/S/NE-SLP/3-16* | 新界鄉議局 Heung Yee Kuk New Territories |
| TPB/R/S/NE-SLP/3-17 | 北區區議會 North District Council |
| TPB/R/S/NE-SLP/3-18 | 新界沙頭角區鄉事委員會 New Territories Sha Tau Kok District Rural Committee |
| TPB/R/S/NE-SLP/3-19 | 鎖羅盆村委員會 So Lo Pun Village Committee (亦是 also C61) |
| TPB/R/S/NE-SLP/3-20 | Wong Hing Cheung (Indigenous Inhabitant Representative of So Lo Pun Village) (亦是 also C62) |
| TPB/R/S/NE-SLP/3-21 | Wong Wayne Chun Wing (亦是 also C63) |
| TPB/R/S/NE-SLP/3-22 | Wong Shui Fong (亦是 also C64) |
| TPB/R/S/NE-SLP/3-23 | Wong Yuk Fai |

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|---------------------|-------------------------------|
| TPB/R/S/NE-SLP/3-24 | Wong Wai Chung |
| TPB/R/S/NE-SLP/3-25 | Wong Chen Man |
| TPB/R/S/NE-SLP/3-26 | Wong Chi Hong |
| TPB/R/S/NE-SLP/3-27 | Eric Wong Wai Ming |
| TPB/R/S/NE-SLP/3-28 | Ian Wong Cherk Wai |
| TPB/R/S/NE-SLP/3-29 | Eric Wong |
| TPB/R/S/NE-SLP/3-30 | Wong Sau Wan |
| TPB/R/S/NE-SLP/3-31 | Emily Wong Hei Yee |
| TPB/R/S/NE-SLP/3-32 | 黃素珍 |
| TPB/R/S/NE-SLP/3-33 | Wong Chiu Lun |
| TPB/R/S/NE-SLP/3-34 | Wong Kwai Tan |
| TPB/R/S/NE-SLP/3-35 | Wong Chee Yeung (亦是 also C65) |
| TPB/R/S/NE-SLP/3-36 | Cheng Lan Ying |
| TPB/R/S/NE-SLP/3-37 | 黃羅月英 |
| TPB/R/S/NE-SLP/3-38 | 黃瑞清 |
| TPB/R/S/NE-SLP/3-39 | 沈桂梅 |
| TPB/R/S/NE-SLP/3-40 | 黃智建 |
| TPB/R/S/NE-SLP/3-41 | 黃瑞葦 |
| TPB/R/S/NE-SLP/3-42 | 黃瑞芬 |
| TPB/R/S/NE-SLP/3-43 | Wong Ka Kit |
| TPB/R/S/NE-SLP/3-44 | Wong Ka Yi |
| TPB/R/S/NE-SLP/3-45 | Wong Ka Man |
| TPB/R/S/NE-SLP/3-46 | Wong Chung Hing |
| TPB/R/S/NE-SLP/3-47 | 黃瑞冰 |
| TPB/R/S/NE-SLP/3-48 | 黃瑞婷 |
| TPB/R/S/NE-SLP/3-49 | 黃文培 |
| TPB/R/S/NE-SLP/3-50 | Wong Yin Shun |
| TPB/R/S/NE-SLP/3-51 | 黃俊文 |
| TPB/R/S/NE-SLP/3-52 | 黃健祺 |
| TPB/R/S/NE-SLP/3-53 | 黃湘齡 |

*此申述人亦就海下及白腊分區計劃大綱圖提出申述。

*The representer also made submission for the Hoi Ha and Pak Lap Outline Zoning Plans.

有關《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/3》

In respect of the draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/3

提意見人名單

List of commenters

| 意見編號 Comment No. | 提意見人名稱 Name of 'Commenter' |
|-----------------------|-------------------------------|
| TPB/R/S/NE-SLP/3-C1* | Leung Sau Mei Teresa |
| TPB/R/S/NE-SLP/3-C2* | Ka Hei Fung |
| TPB/R/S/NE-SLP/3-C3* | Ka Hei Fung |
| TPB/R/S/NE-SLP/3-C4* | Leung Lok Sum |
| TPB/R/S/NE-SLP/3-C5* | Kong Wai Lam William |
| TPB/R/S/NE-SLP/3-C6* | Ng Pak Ming |
| TPB/R/S/NE-SLP/3-C7* | Leung Chun Ho |
| TPB/R/S/NE-SLP/3-C8* | 馮潤林 |
| TPB/R/S/NE-SLP/3-C9* | Lai Mei Ling |
| TPB/R/S/NE-SLP/3-C10* | Pang Wai Lun |
| TPB/R/S/NE-SLP/3-C11* | 羅子琛 |
| TPB/R/S/NE-SLP/3-C12* | 鄭卓安 |
| TPB/R/S/NE-SLP/3-C13* | Chung Chi Keung |
| TPB/R/S/NE-SLP/3-C14* | 邱潔詩 |
| TPB/R/S/NE-SLP/3-C15* | Chow Chi Wai |
| TPB/R/S/NE-SLP/3-C16* | Lee Wai Ying |
| TPB/R/NE-SLP/3-C17* | Chow Suet Yan |
| TPB/R/NE-SLP/3-C18* | Lau Man Lai |
| TPB/R/NE-SLP/3-C19* | Law Chi Ming |
| TPB/R/NE-SLP/3-C20* | Lui Wing Yat Christopher |
| TPB/R/NE-SLP/3-C21* | Poon Po Yan Ambrose |
| TPB/R/NE-SLP/3-C22* | Chan Kin Yui |
| TPB/R/NE-SLP/3-C23* | 張進誼 |
| TPB/R/NE-SLP/3-C24* | Leung Lok Shan |
| TPB/R/NE-SLP/3-C25* | Eric Wong |
| TPB/R/NE-SLP/3-C26* | Cheung Kit Ling |
| TPB/R/NE-SLP/3-C27* | Yip Ching Han |
| TPB/R/NE-SLP/3-C28* | Ho Wai Yee Paula |

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| TPB/R/NE-SLP/3-C29* | Chu Lap Shun |
| TPB/R/NE-SLP/3-C30* | 伍曼怡 |
| TPB/R/NE-SLP/3-C31* | Kwok Yim Fong |
| TPB/R/NE-SLP/3-C32* | Chow Oi Chuen |
| TPB/R/NE-SLP/3-C33* | Lo Chun Wah |
| TPB/R/NE-SLP/3-C34* | Law Wing Fai Teddy |
| TPB/R/NE-SLP/3-C35* | 陳杏怡 |
| TPB/R/NE-SLP/3-C36* | Shek Yuen Nam |
| TPB/R/NE-SLP/3-C37* | Cheung Ho Kuen |
| TPB/R/NE-SLP/3-C38* | Wong Kin Yip |
| TPB/R/NE-SLP/3-C39* | Wong Shing Tat |
| TPB/R/NE-SLP/3-C40* | Tang Yiu Ying |
| TPB/R/NE-SLP/3-C41* | Mak Hei Man |
| TPB/R/NE-SLP/3-C42* | Tsang Shui Hing |
| TPB/R/NE-SLP/3-C43* | 朱偉明 |
| TPB/R/NE-SLP/3-C44* | Ng Ellen |
| TPB/R/NE-SLP/3-C45* | 鄭筠慧 |
| TPB/R/NE-SLP/3-C46* | 彭康斌 |
| TPB/R/NE-SLP/3-C47* | Tam Ho Chuen |
| TPB/R/NE-SLP/3-C48* | Sung Siu Kong |
| TPB/R/NE-SLP/3-C49* | A Ha |
| TPB/R/NE-SLP/3-C50* | Li Man Yi |
| TPB/R/NE-SLP/3-C51* | Tse Lok Yan |
| TPB/R/NE-SLP/3-C52* | Chan Yee Ting |
| TPB/R/NE-SLP/3-C53* | Hung Yuk Chun |
| TPB/R/NE-SLP/3-C54* | 長春社 The Conservancy Association (亦是 also R4) |
| TPB/R/NE-SLP/3-C55* | 香港觀鳥會 Hong Kong Bird Watching Society (亦是 also R5) |
| TPB/R/NE-SLP/3-C56* | 港九工團聯合總會 Hong Kong and Kowloon Trades Union Council |
| TPB/R/NE-SLP/3-C57* | Leung Hin Yan |
| TPB/R/NE-SLP/3-C58* | 陳嘉琳 |
| TPB/R/NE-SLP/3-C59* | Mary Mulvihill (亦是 also R1) |
| TPB/R/NE-SLP/3-C60* | Fung Kam Lam |
| TPB/R/NE-SLP/3-C61 | 鎖羅盆村委員會 So Lo Pun Village Committee (亦是 also R19) |

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| TPB/R/NE-SLP/3-C62 | Wong Hing Cheung (Indigenous Inhabitant Representative of So Lo Pun Village) (亦是 also R20) |
| TPB/R/NE-SLP/3-C63 | Wong Wayne Chun Wing (亦是 also R21) |
| TPB/R/NE-SLP/3-C64 | 黃瑞芳 (Wong Shui Fong) (亦是 also R22) |
| TPB/R/NE-SLP/3-C65 | Wong Chee Yeung (亦是 also R35) |
| TPB/R/NE-SLP/3-C66 | Wai Yan Wong |

*此提意見人亦就海下及白腊分區計劃大綱圖提出意見。

*The commenter also made submission for the Hoi Ha and Pak Lap Outline Zoning Plans.

**Summary of Representations and Comments and the Planning Department's Responses
in respect of the Draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/3**

(1) The grounds and proposals of the representers (TPB/R/S/NE-SLP/3-1 to 53), as well as PlanD's responses are summarized below:

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|--|
| R1 (also C59) (Individual) | <p>(a) Supports Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) The conservation-oriented approach as adopted in drawing up the land use proposals for the area is supported.</p> <p>(c) The number of Small Houses that could be provided in the "Village Type Development" ("V") zone upon amendment is more than adequate.</p> <p>(d) The "Agriculture" ("AGR") zone as designated is appropriate.</p> | <p>(i) The supportive views are noted.</p> |
| R2 (The Hong Kong Countryside Foundation) | <p>(a) Provides adverse representations as follows:</p> <p><u>Grounds of Representation</u></p> <p>(b) The Town Planning Board (the Board) has failed to make a meaningful review of the genuine need for housing of indigenous villagers which has been highlighted as its statutory duty in the Court's Judgment on the previous judicial review (JR). The Small House demand forecast by Indigenous Inhabitant Representatives (IIRs) is not verified and the extent of "V" zone upon amendment is determined</p> | <p>(i) It is noted that the Court of First Instance (CFI) did not query the need of indigenous villagers for Small House development, which relates to one of the basis upon which the respective size of the "V" zone is planned. According to the JR Judgment, it is reasonable for the Board to start off by looking at the right of indigenous villagers to apply for building Small House and the</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|--|---|--|
| R2 (Cont'd) | without demonstrating the genuine need. | <p>forecast demand on the side of development need. The JR was allowed only on the basis that the Board has failed to properly inquire into the relevant issues, as set out in paragraph 2.4 of the Paper. To follow up the JR Judgment, a review of the issue has been undertaken for the Board's consideration on 3.3.2020.</p> <p>(ii) In the review of the genuine need issue, the Board noted that there is no practical means available for determining the genuine need for Small House development at the planning stage. In this regard, best available information relating to the Small House demand, including the updated/past figures on Small House grant applications and 10-year demand forecasts and their breakdown provided by IIRs starting from 2010, was obtained from the Lands Department (LandsD) for consideration by the Board. The Board was fully aware that there is no mechanism to verify the figures in the Small House demand forecast provided by the IIRs at the planning stage, the status of the Small House applicant would be verified by respective District Lands Offices (DLOs) during the processing of Small House grant application, and the demand forecast was only one of the host of planning</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|--|
| R2 (Cont'd) | <p>(c) Rational consideration of the genuine need for housing should take into account the following factors:</p> <ul style="list-style-type: none"> (1) zero application in the past 10 years; (2) zero outstanding Small House applications; (3) only few number of potential entitled indigenous villagers are residing in Hong Kong and whether the overseas indigenous villagers have demonstrated a genuine intention to return to Hong Kong to live; (4) nil population of the village for many years and ample scope for rebuilding the ruined houses if there is such need; and (5) lack of infrastructure. | <p>factors to be considered in designation of “V” zone. In designating the “V” zone on the So Lo Pun OZP, the Board has also taken into account all related planning considerations including but not limited to the village ‘environs’ (‘VE’), local topography, existing 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.</p> <p>(iii) Relevant factors have already been taken into account by the Board. It should be noted that the issues under point (3) concern mainly the administration of the Small House Policy (SHP), which shall be handled by LandsD in the course of processing Small House grant applications. These issues are not directly related to the subject of amendment to the OZP. Regarding the concern about whether the overseas villagers should prove their intention of living in Hong Kong, LandsD advises that such requirement applies to those villagers applying for Small House grants on government land. This requirement does not apply to those overseas villagers applying for Small House on private land.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R2 (Cont'd) | <p>(d) The increase in “AGR” zone under the Amendment Item A may lead to ecological impact to the surrounding environment and stream course.</p> <p><u>Representer’s Proposal</u></p> <p>(e) ‘Agricultural Use’ should be placed under Column 2 of “AGR” zone.</p> | <p>(iv) The “AGR” zones under the current amendment, together with the “AGR” zone designated by the Board after hearing the further representations in respect of the draft So Lo Pun OZP No. S/NE-SLP/1 on 21.11.2014, form part of a continuous agricultural belt between the “V” zone to the north and the “CA” zone to the south. It is not uncommon to have “AGR” zone designated adjacent to “Conservation Area” (“CA”) zone in rural OZPs, e.g. the approved Lai Chi Wo, Siu Tan and Sam A Tsuen OZP, To Kwa Peng and Pak Tam Au OZP, Sam Chung OZP, etc. Small House development in “AGR” zone requires planning permission from the Board which would scrutinize and consider each application on its own merits having regard to the advice from relevant departments and public comments to ensure no adverse impacts on surrounding areas. There is no strong justification for imposing a more stringent control on New Territories Exempted House (NTEH) in the “AGR” zone on So Lo Pun OZP.</p> <p>(v) The Director of Agriculture, Fisheries and Conservation (DAFC) has reservation on moving ‘Agricultural Use’ to Column 2 under “AGR” zone</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R2 (Cont'd) | | from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. EPD also advises that any effluent discharges are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge licence under the WPCO shall be obtained before a new discharge is commenced. There is no strong justification for imposing more stringent control on 'Agricultural Use' in the "AGR" zone. |
| R3 (Kadoorie Farm & Botanic Garden) | <p>(a) Provides adverse representations as follows:</p> <p><u>Grounds of Representation</u></p> <p>(b) The Board has failed to properly review/inquire into the data and information relating to genuine need for Small House development as per the Court's Judgment on the previous JR. The extent of "V" zone upon amendment is determined without demonstrating the genuine need.</p> <p>(c) The vacant land around a shrine, which is covered with vegetation and adjacent to dense woodland and watercourse flowing into the reed beds and an Ecologically Important Stream (EIS), should not be zoned "V".</p> | <p>(i) Responses (i) and (ii) to R2 above are relevant.</p> <p>(ii) The area zoned "V" around the shrine covers a small piece of flat land (about 0.13 ha) which has the potential for community use by villagers. It is generally in line with the planning intention of the "V" zone to provide community uses serving the needs of</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R3 (Cont'd) | <p>(d) The “AGR” zone is inadequate to serve as a buffer between “V” and “Conservation Area” (“CA”) as Small House development and undesirable land uses may still be permitted in the “AGR” zone.</p> | <p>the villagers and in support of the village development. The trees near the shrine include two large and mature <i>Ficus microcarpa</i>, which are common native species as advised by DAFC. As a measure to protect these trees from possible impacts by Small House development, there is an established mechanism that LandsD, when processing Small House grant applications on private land and any development on Government land, would consult concerned departments including AFCD, EPD and PlanD to ensure no adverse environmental, ecological and landscape impacts on the surrounding environment will be caused. It is considered reasonable to retain this piece of land as “V” zone. Detailed responses to the concern on potential impact of Small House development on stream course are set out in paragraph 5.3.4 of the Paper.</p> <p>(iii) Response (iv) to R2 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R3 (Cont'd) | <p><u>Representer's Proposals</u></p> <p>(e) The conservation approach adopted in Tai Long Wan, which (a) restricts the "V" zone to only cover the existing settlements and approved Small House sites, (b) moves 'NTEH' from Column 1 to Column 2 in "V" zone, (c) deletes 'House other than NTEH' from Column 2 of "V" zone, and (d) adds the requirement to seek planning permission for demolition, addition, alteration and/or modification of an existing building in the Remarks of the Notes for "V" zone, should also be adopted in So Lo Pun.</p> <p>(f) The "V" zone should be reduced to confine to the existing village settlements.</p> | <p>(iv) Each Country Park Enclave (CPE) should be considered on the circumstances and characteristics on individual basis. The imposition of specific planning control on the Tai Long Wan OZP is mainly based on the consideration that the village settlements in Tai Long Wan are well-preserved and of high heritage value. To ensure that new NTEH/Small House development would be in harmony with the existing historical village houses and would not affect the integrity of the existing village setting in Tai Long Wan, planning permission is required for new NTEH developments, and for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the "V" zone. There is no historic village of heritage significance in So Lo Pun OZP and there is no exceptional circumstances that warrant adopting the same planning control on new NTEH/Small House developments within the "V" zone.</p> <p>(v) An incremental approach has been adopted for designating the "V" zone with an aim to confining Small House development at suitable locations and to</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R3 (Cont'd) | <p>(g) To rezone “AGR” to “GB”/“GB(1)”.</p> | <p>minimize adverse impact on the natural environment. The boundaries of “V” zone have been drawn up having regard to a host of planning factors including but not limited to the ‘VE’, 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. For So Lo Pun, the current “V” zone is confined mainly to the existing village clusters and a small piece of land (about 0.13ha) around the shrine. There is no strong reason for a further reduction of the “V” zone.</p> <p>(vi) The subject “AGR” zone is mainly abandoned agricultural fields dominated with herbaceous plants, shrubs and young trees. It is relatively less well-wooded comparing to the “GB” zone to the north and less ecologically sensitive comparing to the “CA” zone to the south, where freshwater marsh and So Lo Pun EIS of higher ecological value are located. From nature conservation point of view, DAFC considers the current “AGR” zoning appropriate.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R4 (The Conservancy Association) | <p>(a) Provide adverse representations as follows.</p> <p><u>Grounds of Representation</u></p> <p>(b) The Board has failed to make proper inquiry into the data and information relating to genuine need for housing of indigenous villagers which has been highlighted as its statutory duty in the Court's Judgment on the previous JR. The Small House demand forecast by IIRs is not verified and the extent of "V" zone is not justified.</p> <p>(c) To preserve rural setting and environment of So Lo Pun, protect good quality agricultural land and secure genuine agricultural practice, a stringent control on permanent structures built on area zoned "AGR" is considered more appropriate.</p> <p><u>Representer's Proposals</u></p> <p>(d) The "V" zone should be confined to the existing village settlements.</p> <p>(e) It is proposed to replace 'House (NTEH) only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)' by 'House (Redevelopment only)' in Column 2 under "AGR" zone.</p> | <p>(i) Responses (i) and (ii) to R2 above are relevant.</p> <p>(ii) Response (iv) to R2 above are relevant.</p> <p>(iii) Response (v) to R3 above is relevant.</p> <p>(iv) Response (iv) to R2 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R5 (also C55) (Hong Kong Bird Watching Society) | <p>(a) Supports the conservation approach to reduce the “V” zone but provides adverse representations as follows:</p> <p><u>Grounds of Representation</u></p> <p>(b) The Board has failed to conduct proper inquiry into the data and information relating to genuine need for housing of indigenous villagers which has been highlighted as its statutory duty in the Court’s Judgment on the previous JR. The Small House demand forecast by IIRs is not verified.</p> <p>(c) The vacant land around a shrine, which is covered with vegetation and adjacent to mature trees and watercourse flowing into the reed beds and an EIS, is not suitable for village development due to potential environmental impacts and should not be zoned “V”.</p> <p>(d) The “AGR” zone is inadequate to serve as a buffer between “V” and “CA” as village development and undesirable land uses may still be permitted in the “AGR” zone.</p> <p>(e) The surrounding natural habitats of So Lo Pun support a diverse populations of birds, including the scare species Crested Kingfisher (冠魚狗). The EIS and the mangroves and reed bed near the shore of Kat O Hoi form the wetland system with which ecological importance is well recognized.</p> | <p>(i) Responses (i) and (ii) to R2 above are relevant.</p> <p>(ii) Response (ii) to R3 above is relevant.</p> <p>(iii) Response (iv) to R2 above is relevant.</p> <p>(iv) The ecological value of So Lo Pun and the surrounding areas are well recognized and it has been an important consideration in drawing up the draft OZP. Conservation zones, including “GB” and “CA” under which there is a general presumption</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R5 (Cont'd) | <p>The Board should take into consideration the ecological value of the natural habitats and the associated species during the plan making process so as to protect them from any destructive development and human disturbances.</p> <p>(f) The Board should take a stringent restrictive approach towards permitted land uses and development in So Lo Pun.</p> | <p>against development, have been designated to cover areas of ecological and landscape significance to protect the natural environment of So Lo Pun and the areas ecologically linked with Plover Cove Country Park under the statutory planning framework. AFCD has no record of Crested Kingfisher in So Lo Pun, which is considered as a rare visitor. Meanwhile, DAFC emphasizes more on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interests, and important habitats such as native woodlands, wetland areas and the EIS, which could provide suitable habitats supporting a variety of species, are already covered by conservation zonings, such as “CA” and “GB” in So Lo Pun for due protection.</p> <p>(v) A conservation-oriented approach has been adopted by the Board in preparing the OZP, in which all important habitats are protected by conservation zonings as a start. “V” zone is designated mainly to reflect the existing village clusters. To allow flexibility in land-use planning and control on development to meet the changing needs, provision for applications for planning permission is allowed for</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R5 (Cont'd) | <p>(g) The “GB” zoning for the hillslopes at the northwestern and southwestern and northeastern sides of the OZP is inadequate to protect the nature features against development as house development may still be permitted on application to the Board.</p> <p>(h) As there is no existing and planned sewer system in So Lo Pun, Small Houses developments will rely solely on septic tank and soakaway (STS) system. Potential adverse sewerage impacts arising from Small House development on the nearby stream should not be overlooked.</p> | <p>some uses in certain zones. These applications will be considered by the Board on individual merits to ensure no adverse impacts will be caused. As noted in the JR Judgment, the CFI also takes the view that the Board did seek to plan by striking a balance between conservation and development needs. The allegation that the Board failed to take into account the CPE policy was rejected by the CFI.</p> <p>(vi) The “GB” zone is not the subject of amendment under the current exercise. The delineation of the “GB” zone had been duly considered by the Board in the previous hearing and further hearing on the draft So Lo Pun OZP No. S/NE-SLP/1 and the Board considered that it was appropriate.</p> <p>(vii) The concerns on sewage treatment arrangements and water quality impact of Small Houses were also raised by many previous representations and comments. The Board, in considering these previous representations and comments, noted that the LandsD, when processing Small House grant applications, will consult concerned government departments including the DSD, EPD, AFCD and PlanD to ensure that all relevant departments would have adequate</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R5 (Cont'd) | | <p>opportunity to review and comment on the applications. The design and construction of on-site STS system for any development proposals/submissions need to comply with relevant standards and regulations, such as EPD's Practice Note for Professional Person (ProPECC PN) 5/93. The Board was of the view that there was sufficient control in the current administrative system to ensure that individual Small House development and the STS system within the "V" zone would not entail unacceptable impacts on the surrounding environment.</p> <p>(viii) EPD advises that provided that the STS system is built at suitable location in accordance with the prescribed standards and regulations, the attenuation effect should be able to offer adequate protection to the nearby environment. Under the current practice, building professionals (Authorized Persons/Registered Structural Engineers/Registered Professional Engineers) are responsible for (i) the supervision of the percolation test, (ii) certification of the percolation test performances (to ascertain soil condition suitable for STS), and (iii) certification of</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R5 (Cont'd) | <p></p> <p><u>Representer's Proposals</u></p> <p>(i) To rezone the area near the shrine from “V” to “GB(1)”.</p> <p>(j) Adopting the Tai Long Wan approach to confine the “V” zone to existing village settlement</p> <p>(k) To rezone “AGR” to “GB(1)”.</p> | <p>the design of the STS, including the buffer distance requirements (generally not less than 15m minimum clearance from a stream or 30m if the stream is used for drinking or domestic purposes), to ensure that the requirements stipulated in the ProPECC PN5/93 would be met at the application stage of Small House development processed by LandsD.</p> <p>(ix) As noted in the JR judgment, the CFI is of the view that it was not necessary for the Board to inquire into and resolve those matters related to adverse environmental impacts caused by the septic tank system for the purpose of making the planning decision as far as it accepts that the Small House application scheme could sufficiently address the issue.</p> <p>(x) Responses (ii) to R3 above are relevant.</p> <p>(xi) Response (iv) to R3 above is relevant.</p> <p>(xii) Response (vi) to R3 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R5 (Cont'd) | (l) Rezoning “GB” to “GB(1)” and to include So Lo Pun into Plover Cove Country Park after detailed assessment and public consultation. | (xiii) The “GB” zone is not the subject of amendment under the current exercise. The delineation of the “GB” zone had been duly considered by the Board in the previous hearing and further hearing on the draft So Lo Pun OZP No. S/NE-SLP/1 and the Board considered that it was appropriate. There is no strong justification to change the “GB” zone. Designation of Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. |
| R6 (Designing Hong Kong Limited) | (a) Welcomes the reduction of “V” zone but provides adverse representations as follows: <u>Grounds of Representation</u> (b) The Board has failed to properly inquire into the data and information relating to genuine need for housing of indigenous villagers which has been highlighted as its statutory duty in the Court’s Judgment on the previous JR. The Small House demand forecast by IIRs is not verified and there has been no Small House application in So Lo Pun in the past years. The extent of “V” zone upon amendment is not justified and determined without demonstrating the genuine need. | (i) Responses (i) and (ii) to R2 above are relevant. |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R6 (Cont'd) | <p>(c) The vacant land around a shrine, which is covered with vegetation and surrounded by tall trees, is not suitable for Small House development and should not be zoned “V”.</p> <p>(d) The “AGR” zone is inadequate to serve as a buffer between “V” and “CA” as village development and undesirable land uses may still be permitted in the “AGR” zone.</p> <p>(e) The Board should take a stringent restrictive approach towards permitted land uses and development in So Lo Pun to protect the existing environment.</p> <p><u>Representer’s Proposals</u></p> <p>(f) To rezone the area around the shrine to other zoning with more protection to existing trees.</p> <p>(g) The “V” zone should be confined to the existing village settlements.</p> <p>(h) To rezone “AGR” to “GB” or “CA”</p> | <p>(ii) Response (ii) to R3 above is relevant.</p> <p>(iii) Response (iv) to R2 above is relevant.</p> <p>(iv) Response (v) to R5 above is relevant.</p> <p>(v) Response (ii) to R3 above is relevant.</p> <p>(vi) Response (v) to R3 above is relevant.</p> <p>(vii) Response (vi) to R3 above is relevant.</p> |
| R7 and R8 (Friends of Hoi Ha and Friends of Sai Kung) | <p>(a) Provide adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Board has failed to conduct proper inquiry into the data and information relating to genuine need for housing of</p> | <p>(i) Responses (i) and (ii) to R2 above are relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R7 and R8 (Cont'd) | <p>indigenous villagers which has been highlighted as its statutory duty in the Court's Judgment on the previous JR. The Small House demand forecast by IIRs is not verified and the extent of "V" zone upon amendment is determined without demonstrating the genuine need. The Board has used the same flawed methodology as before to designate the extent of the "V" zone by assessing the land which is seen as "suitable" for housing rather than assessing the genuine need for housing.</p> <p>(c) Rational consideration of the genuine need for housing should take into account the following factors (R7 only):</p> <ol style="list-style-type: none"> (1) zero application in the past 10 years; (2) zero outstanding Small House applications; (3) the number of potential entitled indigenous villagers residing in Hong Kong; (4) nil population of the village for many years; and (5) lack of infrastructure. <p>(d) The use of fertilizers and pesticides and generation of sewage in agricultural activities in the "AGR" zone would pollute the underground water and surrounding environment affecting the adjoining "CA" zone. Agricultural use may also lead to</p> | <p>(ii) Response (iii) to R2 above is relevant.</p> <p>(iii) Unlike extensive farming practice in the advance agricultural countries, farming in Hong Kong largely involves small plots surrounded by bunds. While farming may involve uses of agrochemicals (i.e. fertilizers and pesticides), the scale is relatively small.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R7 and R8 (Cont'd) | <div>diversion of streams and ponds</div> <div>(e) The Board has failed to fulfil the obligations under the Convention on Biological Diversity (CBD) Article 8e to “promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas”.</div> <div>(f) The Board has failed to fulfil various requirements under the Hong Kong’s Biodiversity Strategy Action Plan (BSAP) 2016-21, including Action 2 on the conservation of ecologically important habitats outside the existing protected</div> | <div>There are codes of practice prepared by AFCD providing guidelines on the use of fertilizers and pesticides, with focuses on reducing the risk of chemical contamination at farm level. Moreover, pesticide registered under the Pesticides Ordinance, Cap 133 are safe to use if applied according to the label directions. Furthermore, ‘Agriculture Use’ in general is always permitted on land within the boundary of the OZP subject to control of diversion of stream, filling of land/pond or excavation of land (excluding digging and ploughing of land due to farming). It is highly unlikely that agricultural activities might bring detrimental impacts on the environment.</div> <div>(iv) DAFC advises that the protection of the CPEs to meet conservation needs, either through designation of Country Parks or conservation zonings on statutory town plans, including the ‘conservation-oriented approach’ adopted by the Board in amending the So Lo Pun OZP, is in line with the objectives of Article 8e of the CBD and the BSAP in promoting biodiversity conservation and sustainable development.</div> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R7 and R8 (Cont'd) | <p>areas, Action 3 on the enhancement of natural streams conservation, and Action 9 on incorporating biodiversity considerations in planning and development process.</p> <p><u>Representers' Proposals</u></p> <p>(g) To rezone the area outside village settlement to "CA" zone.</p> <p>(h) The "V" zone should be confined to the existing village settlements.</p> <p>(i) 'Agricultural Use' should be placed under Column 2 of "AGR" zone.</p> | <p>(v) Response (v) to R3 above is relevant.</p> <p>(vi) Response (v) to R3 above is relevant.</p> <p>(vii) Response (v) to R2 above is relevant.</p> |
| R9, R10 and R13 (Individuals) | <p>(a) Provide adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The extent of "V" zone is still too large. The Board has failed to conduct proper inquiry into the data and information relating to genuine need for housing of indigenous villagers which has been highlighted as its statutory duty in the Court's Judgment on the previous JR.</p> <p>(c) The vacant land around a shrine should not be zoned "V".</p> <p><u>Representers' Proposals</u></p> <p>(d) The conservation approach adopted in Tai Long Wan, which restricts the "V" zone to only cover the existing settlements</p> | <p>(i) Responses (i) and (ii) to R2 above are relevant.</p> <p>(ii) Response (ii) to R3 above is relevant.</p> <p>(iii) Response (iv) to R3 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|---|
| R9, R10 and R13 (Cont'd) | <p>and approved Small House sites, should also be adopted in So Lo Pun.</p> <p>(e) To rezone “AGR” to “GB”/“GB(1)”.</p> | <p>(iv) Response (vi) to R3 above is relevant.</p> |
| R11 and R12 (Individuals) | <p>(a) Provide adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Board has failed to conduct proper inquiry into the data and information relating to genuine need for housing of indigenous villagers which has been highlighted as its statutory duty in the Court’s Judgment on the previous JR. The Small House demand forecast by IIRs is not verified.</p> <p>(c) The Board has failed to fulfil the obligations under the CBD Article 8e to “promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas”.</p> <p>(d) The Board has failed to fulfil various requirements under the Hong Kong’s BSAP 2016-21, including Action 2 on the conservation of ecologically important habitats outside the existing protected areas, Action 3 on the enhancement of natural streams conservation, and Action 9 on incorporating biodiversity considerations in planning and development process.</p> | <p>(i) Responses (i) and (ii) to R2 above are relevant.</p> <p>(ii) Response (iv) to R7 and R8 above is relevant.</p> <p>(iii) Response (iv) to R7 and R8 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R14 (Individual) | <p>(a) Provides adverse representations as follows:</p> <p><u>Grounds of Representation</u></p> <p>(b) The Board has failed to conduct proper inquiry into the data and information relating to genuine need for housing of indigenous villagers which has been highlighted as its statutory duty in the Court's Judgment on the previous JR. The Small House demand forecast by IIRs is not verified and the extent of "V" zone upon amendment is excessive and determined without demonstrating the genuine need.</p> <p>(c) Rational consideration of the genuine need for housing should take into account the following factors:</p> <ol style="list-style-type: none">(1) zero application in the past 10 years;(2) zero outstanding Small House applications;(3) the small number of potential entitled indigenous villagers residing in Hong Kong;(4) whether the overseas residents have demonstrated a genuine intention to return to Hong Kong to live;(5) the land owned by development companies rather than indigenous villagers are not entitled for Small House grant;(6) nil population of the village for many years and ample scope for rebuilding the ruined houses if there is such | <p>(i) Responses (i) and (ii) to R2 above are relevant.</p> <p>(ii) Response (iii) to R2 above is relevant. Regarding issue (5), LandsD advises that application for Small House grant on private land would be rejected if the applicant is not the registered sole owner of the lot under application. If there is misrepresentation by an applicant or potential abuse of SHP, LandsD will initiate investigation and refer to the relevant enforcement departments if necessary.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R14 (Cont'd) | <p>need;</p> <p>(7) lack of infrastructure; and</p> <p>(8) a balance between nature and heritage conservation and meeting the genuine need for housing of villagers.</p> <p>(d) The Board has made no reference to the evidence against excessive “V” zone as contained in the previous 10,000 submissions on the OZP</p> <p>(e) The vacant land around a shrine together with some trees nearby should not be zoned “V”.</p> <p>(f) The proposed extent of “V” zone would lead to sewage impacts affecting water bodies. Assessment on the sewerage impact should be done before designating the “V” zone as the use of STS systems by Small Houses will cause pollution problems for the water bodies, channels and streams. The current administration of the STS system requiring proper percolation tests is poorly enforced.</p> | <p>(iii) Most of the previous representations/comments/further representations in respect of the Draft So Lo Pun OZP No. S/NE-SLP/1 raised concern on the “V” zone designation, which is the subject of review on the genuine need issue on the So Lo Pun OZP in the TPB Paper No. 10625 considered by the Board on 3.3.2020. A summary of the previous representations/comments/further representations is at Annex IV of the Paper.</p> <p>(iv) Responses (ii) to R3 above is relevant.</p> <p>(v) Responses (vii) to (ix) to R5 above are relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
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| R14 (Cont'd) | <p>(g) The “AGR” zone is inadequate to serve as a buffer between “V” and “CA” as village development and undesirable land uses may still be permitted in the “AGR” zone.</p> <p>(h) The Board has failed to fulfil the CBD Article 8e to “promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas”.</p> <p>(i) The Board has failed to fulfil various requirements under the Hong Kong’s BSAP 2016-21, including Action 2 on the conservation of ecologically important habitats outside the existing protected areas, Action 3 on the enhancement of natural streams conservation, and Action 9 on incorporating biodiversity considerations in planning and development process.</p> <p>(j) The amendment has emphasized the agricultural potential but it has not taken into account the ecological, recreation and landscape potentials of the area.</p> | <p>(vi) Response (iv) to R2 above is relevant.</p> <p>(vii) Response (iv) to R7 and R8 above is relevant.</p> <p>(viii) Response (iv) to R7 and R8 above is relevant.</p> <p>(ix) The high quality landscape setting, great variety of natural habitats and the tourism potential of So Lo Pun have been reflected in the Explanatory Statement (paragraphs 7.1.1 and 7.1.2) of the OZP. In drawing up land use zoning on the OZPs, the ecological, landscape and recreational potentials of the Area have been taken into account.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|--|
| R14 (Cont'd) | <p>(k) So Lo Pun was famous for its grand houses and has some ruins showing significant traditional architecture. Restoration of the heritage of the village is essential to make So Lo Pun a worthwhile case of heritage and nature conservation in CPE.</p> <p><u>Representer's Proposals</u></p> <p>(l) To delete the northern parcel of the “V” zone comprising the shrine.</p> <p>(m) The conservation approach adopted in Tai Long Wan, which (a) restricts the “V” zone to only cover the existing settlements and approved Small House sites, (b) moves ‘New Territories Exempted House (NTEH)’ from Column 1 to Column 2 in “V” zone, (c) deletes ‘House other than NTEH’ from Column 2 of “V” zone, and (d) adds the requirement to seek planning permission for demolition, addition, alteration and/or modification of an existing building in the Remarks of the Notes for “V” zone, should also be adopted in So Lo Pun.</p> <p>(n) The “V” zone should be confined to the existing village settlements or further reduced.</p> <p>(o) Rezoning an area of 15m on either bank of the stream course as “CA”.</p> | <p>(x) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau advises that there is no graded historic building or new item pending heritage assessment by the Antiquities Advisory Board within the OZP.</p> <p>(xi) Response (ii) to R3 above is relevant.</p> <p>(xii) Response (iv) to R3 above is relevant.</p> <p>(xiii) Response (v) to R3 above is relevant.</p> <p>(xiv) In view of the responses (vii) to (ix) to R5 above, the proposal is considered not necessary. There is no strong justification to rezone the areas to “CA”.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|---|
| R14 (Cont'd) | (p) To rezone “AGR” to “GB(1)” or “CA”. | (xv) Response (vi) to R3 above is relevant. |
| R15 (Individual) | <p>(a) Opposes to the OZP.</p> <p><u>Grounds of Representation</u></p> <p>(b) The designation of “V” zone has violated the Block Government Lease (BGL) and Small House Policy (SHP). The Board shall not prepare any plan under the Town Planning Ordinance (Cap 131) (the Ordinance) for an area covered by BGL before the Government has resumed the concerned lots under Lands Resumption Ordinance (Cap 124). Also, according to the SHP, the resumed lots shall only be re-granted to a lessee for Small House development after the Government has completed the planning of roads and other public facilities and updated the boundary of the remaining portion of the lots.</p> <p>(c) All developments should be stopped as it would adversely affect the ecology of the area.</p> | <p>(i) Matters related to BGL and implementation details of SHP are not directly related to the OZP. LandsD will handle these matters in processing of Small House grant applications.</p> <p>(ii) Response (v) to R5 above is relevant.</p> |
| R16 (新界鄉議局) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) There is a strong aspiration of the villagers of So Lo Pun to</p> | (i) The “V” zone is drawn up to strike a balance between |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|---|
| R16 (Cont'd) | <p>revitalize the village. The Board has under-estimated land required for Small Houses development by focusing on the number of applications for Small House in past years and overlooked the villagers' effort over years to restore the village. The reason for having no Small House application in the past years is the lack of access and infrastructure instead of no Small House demand. .</p> <p>(c) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. The retained "V" zone is insufficient to meet the Small House demand as it is too small to accommodate 29 Small Houses only.</p> | <p>conservation and development. In drawing up the land use proposal, a conservation-oriented approach was adopted as a starting point. The areas within and outside the 'VE' were carefully analysed in terms of suitability for Small House development taking account of a host of planning factors including but not limited to the 'VE', 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. An incremental approach has been 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 so as to minimize the adverse impacts on natural environment. In order to comply with the JR Judgment, the Board, in deciding to make amendments to the OZP, has considered additional/updated information on Small House demand as mentioned in paragraphs 2.6 and 2.7 of the Paper. As advised by the District Lands Officer/North (DLO/N), there is still no Small House application received in So Lo Pun since the Board's decision on</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---------------------------|--|
| R16 (Cont'd) | | <p>3.3.2020 to make amendments to the OZP, and the number of outstanding applications remains zero as at 2.11.2020. The situation of infrastructural provision in the Area has also been unchanged. As such, there is no strong ground for enlarging the “V” zone in the prevailing circumstances to meet the Small House demand as proposed by the representers.</p> <p>(ii) Regarding the representers’ contention that the “V” zone is not sufficient to meet the Small House demand forecast, it should be noted that the Small House demand forecast provided by the IIRs is subject to changes over time and there is no mechanism to verify the figures in the Small House demand forecast provided by the IIRs at the planning stage to establish the genuine need for Small House development. The forecast is just one out of different pieces of information provided to facilitate the Board’s consideration. There is also no obligation for the Board to recommend a “V” zone large enough to cater for the full Small House demand at the outset. As for the ground that the villagers may not own sufficient land in the “V” zone for Small House development, it should be noted that landownership should not be a material planning consideration on the designation of</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|--|
| R16 (Cont'd) | <p>(d) Majority of land in So Lo Pun had already been zoned as conservation related zonings. It is not a people-oriented approach of planning. Further reduction of “V” zone would affect villagers’ right and interest of using their land. Such imbalance between villagers’ need and nature conservation should be rectified.</p> | <p>the land use zones as ownership could change over time.</p> <p>(iii) The villagers’ aspiration for village revitalization is noted. The Government has established the Countryside Conservation Office (CCO) for the promotion of sustainable development of remote countryside thereby protecting the natural ecology, revitalising the architectural environment of villages, and conserving cultural resources. Moreover, the Countryside Conservation Funding Scheme (CCFS) has been set up to provide financial support to non-profit-making organisations and villagers for organising diverse and innovative conservation activities or projects.</p> <p>(iv) All the building lots are covered by “V” zone, in which ‘House (NTEH) only’ is always permitted. ‘Agricultural Use’ in general is always permitted on land within the boundary of the OZP subject to control of diversion of stream, filling of land/pond or excavation of land in individual zones. Therefore, there is no deprivation of landowners’ rights in using their private land.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|--|
| R16 (Cont'd) | <p>(e) The area zoned “AGR” under Item A is not suitable for agricultural use due to a lack of infrastructure. Zoning the land as “AGR” is a waste of land resources which could better be used for housing.</p> <p>(f) Reduction of “V” zones contravenes the lawful traditional rights and interest of the indigenous inhabitants of the New Territories as protected under Article 40 of Basic Law.</p> | <p>(v) According to DAFC’s advice, the subject “AGR” zone is available with agricultural infrastructures such as footpath and water source, and possess potentials for agricultural rehabilitation.</p> <p>(vi) There is no express assertion of the right to build Small House under Article 40 of the Basic Law. Insofar as Small House development was subject to statutory planning controls that may be imposed under the Ordinance, applying those controls to the area concerned by way of the draft OZP does not appear inconsistent with Article 40 of the Basic Law.</p> |
| R17 (North District Council) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. The retained “V” zone is insufficient to meet the Small House demand as it is too small to accommodate some 20 Small Houses only. Sufficient land should be reserved for village type development.</p> <p>(c) The use of fertilizers and pesticides and generation of sewage in agricultural activities in the “AGR” zone would pollute the underground water and surrounding environment affecting</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) Response (iii) to R7 and R8 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|---|
| R17 (Cont'd) | <p>the adjoining “CA” zone.</p> <p><u>Representer’s Proposals</u></p> <p>(d) The “CA” on the OZP should be rezoned to “V” to meet the Small House demand. The remaining area of the “CA” should be rezoned to “AGR” to facilitate agricultural rehabilitation or to promote ecotourism.</p> | <p>(iii) The “CA” zone is not the subject of amendments under the current exercise. The delineation of the “CA” zone had been duly considered by the Board in the previous hearing and further hearing on the draft So Lo Pun OZP No. S/NE-SLP/1.</p> |
| R18 (新界沙頭角區鄉事委員會) | <p>(a) Provides adverse representations as follows:</p> <p><u>Grounds of Representation</u></p> <p>(b) The reason for having no Small House application in the past years is the lack of access and infrastructure instead of no Small House demand. The Board has under-estimated land required for Small Houses development by focusing on the number of applications for Small House in past years.</p> <p>(c) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. The retained “V” zone is insufficient to meet the Small House demand of indigenous villagers.</p> <p>(d) The area zoned “AGR” under Item A is not suitable for agricultural use due to a lack of infrastructure and no population in So Lo Pun. Zoning the land as “AGR” is a waste of land resources.</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iii) Response (v) of R16 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|--|--|---|
| R18 (Cont'd) | (e) Reduction of “V” zones contravenes the lawful traditional rights and interest of the indigenous inhabitants of the New Territories as protected under Article 40 of Basic Law. | (iv) Response (vi) of R16 above is relevant. |
| R19 (also C61) (鎖羅盆村委員會) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. The retained “V” zone is insufficient to meet the Small House demand as it is too small. It is the villagers’ rights to be allocated with land for village type development.</p> <p><u>Representer’s Proposals</u></p> <p>(c) The “V” zone should be enlarged to meet the demand for Small House development by indigenous villagers.</p> <p>(d) It is proposed to rezone the agricultural lots in “CA” and “GB” zones for agricultural use.</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iii) The designation of “GB” and “CA” zones on the OZP had been duly considered by the Board in the previous hearing and further hearing on the draft So Lo Pun OZP No. S/NE-SLP/1 and the Board considered that the “GB” and “CA” zonings were appropriate. It should be noted that the “CA” and “GB” are neither the subjects to be reconsidered by the Board as required by the Court nor amendment items under the current exercise. Nonetheless, agricultural activities in</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|--|--|--|
| R19 (Cont'd) | | general are always permitted under “CA” and “GB” zone, and there is no conflict between these conservation zonings and the objective to encourage agricultural rehabilitation. |
| R20 (also C62) (Wong Hing Cheung (IIR of So Lo Pun Village)) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) There is a strong aspiration of the villagers of So Lo Pun to revitalize the village. The reason for having no Small House application in the past years is the lack of access and infrastructure instead of no Small House demand. The Board has under-estimated land required for Small Houses development by focusing on the number of applications for Small House in past years.</p> <p>(c) The OZP is biased towards nature conservation without addressing the villagers’ right in building houses. Villagers’ right and interest of using their land should not be deprived of for reasons of nature conservation and environmental protection.</p> <p><u>Representer’s Proposals</u></p> <p>(d) The “V” zone should be enlarged to meet the demand for Small House development by indigenous villagers.</p> <p>(e) It is proposed to rezone the agricultural lots in “CA” and</p> | <p>(i) Responses (i) to (iii) of R16 above are relevant.</p> <p>(ii) Response (iv) of R16 above is relevant.</p> <p>(iii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iv) Response (iii) of R19 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|---|
| R20 (Cont'd) | “GB” zones for agricultural use. | |
| R21 (also C63) (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) The retained “V” zone is insufficient to meet the Small House demand by indigenous villagers. It is the villagers’ rights to be allocated with land for village type development.</p> <p>(c) Opposes the deletion of ‘market’ use from Column 2 of the Notes for “V” zone. There is a need to have a market place for the potential population in the village to buy and sell food and daily necessities.</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) ‘Market’ use is subsumed under ‘Shop and Services’ use, which is always permitted on the ground floor of a NTEH. It is only a Column 2 use elsewhere under “V” zone. The provision for market use has not been changed upon the amendment to the OZP.</p> |
| R22 (also C64) (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Ground of Representation</u></p> <p>(b) The land in So Lo Pun belongs to the villagers.</p> | <p>(i) Response (iv) of R16 above is relevant.</p> |
| R23, R27 to R31 (Individuals) | <p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of Representations</u></p> <p>(b) There is a strong aspiration of the villagers of So Lo Pun to revitalize the village. However, owing to the lack of road access and infrastructure, rebuilding Small House in So Lo</p> | <p>(i) Responses (i) to (iii) of R16 above are relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|--|
| R23, R27 to R31 (Cont'd) | <p>Pun is very difficult. The reason for having no Small House application in the past years is due to the constraints of infrastructures. The Board has under-estimated land required for Small Houses development.</p> <p>(c) Designating only 1.11 ha of land for rural development and 2.02 ha of land for agricultural use are unrealistic and prevent villagers to revitalize the villages. Villagers' right and interest of using their land should not be deprived of for reasons of nature conservation and environmental protection.</p> <p>(d) The ancestral heritage of So Lo Pun including the village's traditions and customs must be preserved as a testament to Hong Kong's culture.</p> <p><u>Representers' Proposal</u></p> <p>(e) The "V" zone should be restored to 4.12 ha under the first OZP.</p> | <p>(ii) Responses (iv) of R16 above is relevant.</p> <p>(iii) Responses (iii) of R16 above is relevant.</p> <p>(iv) Responses (i) and (ii) of R16 above are relevant.</p> |
| R24 (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) Due to the constraints in road access and infrastructure provision as well as land holding issue, building Small House in the existing "V" zone is very difficult. The rezoning proposal which further reduce the "V" zone to accommodate</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|---|
| R24 (Cont'd) | <p>only 29 Small House would deprive villagers' right to build Small House in So Lo Pun.</p> <p><u>Representer's Proposal</u></p> <p>(c) The "CA" on the OZP should be rezoned to "V".</p> | (ii) Response (iii) of R17 above is relevant. |
| R25 and R26 (Individuals) | <p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of Representations</u></p> <p>(b) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. The existing "V" zone is already insufficient to meet the Small House demand by indigenous villagers. The rezoning proposal would further aggravate the problem.</p> <p>(c) The actual area available for use in "V" zone is even less because the land occupied by building ruins could not be used for development. (R26)</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) In estimating the land available for Small House development in "V" zone, PlanD has adopted a consistent approach and would make use of the latest available information. In general, land occupied by road, existing and approved village houses, steep slope, major tree clusters and stream buffer will be deducted from the area available for Small House development. Moreover, odd-shaped land that could not reasonably accommodate the footprint of a Small House will also be discounted. For So Lo Pun, the "V" zone is about 1.11 ha with about 0.75 ha of land available for Small</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|---|
| R25 and R26 (Cont'd) | <p><u>Representers' Proposals</u></p> <p>(d) The “V” zone should be enlarged to meet the demand for Small House development by indigenous villagers. (R25)</p> <p>(e) The “AGR” zone under Item A should be rezoned to “V”. (R26)</p> | <p>House development (equivalent to 29 Small House sites), which has excluded the deducted areas as mentioned above. The area around the shrine, which is used by villagers for community use, has also been excluded.</p> <p>(iii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iv) Responses (i) and (ii) of R16 above are relevant.</p> |
| R32 (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) There is a strong aspiration of the villagers of So Lo Pun to revitalize the village. The reason for having no Small House application in the past years is the lack of access and infrastructure instead of no Small House demand. The Board has under-estimated land required for Small Houses development by focusing on the number of applications for Small House in past years.</p> <p>(c) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. The retained “V” zone is insufficient to meet the Small House demand as most of the land is still</p> | <p>(i) Responses (i) to (iii) of R16 above are relevant.</p> <p>(ii) Responses (i) and (ii) of R16 above are relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|--|
| R32 (Cont'd) | <p>under their deceased family members. No suitable land is available for Small House development. It is the villagers' rights to be allocated with land for village type development.</p> <p>(d) The reduction of "V" zone is in conflict with the objective to identify suitable land for village expansion.</p> <p>(e) Although there is provision for applying for planning permission for Small Houses in "AGR" zone, the chance of getting such planning permission is very low.</p> <p>(f) Private agricultural land should not be zoned as "CA" or "GB" for nature conservation and environmental protection purposes without land owners' consent.</p> <p>(g) The claim of designating the "AGR" zone to encourage agricultural activities is not justified given that 10.91 ha of private agricultural land in the OZP is zoned to "CA" and "GB".</p> <p><u>Representer's Proposals</u></p> <p>(h) The "V" zone should be enlarged to meet the demand for Small House development by indigenous villagers.</p> | <p>(iii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iv) Small House development in "AGR" zone requires planning permission from the Board and each application will be considered by the Board based on its individual merits taking into account the prevailing planning circumstances, relevant guidelines and relevant departments' comments.</p> <p>(v) Response (iv) of R16 above is relevant.</p> <p>(vi) Response (iii) of R19 above is relevant.</p> <p>(vii) Responses (i) and (ii) of R16 above are relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|--|
| R32 (Cont'd) | (i) It is proposed to rezone the agricultural lots in “CA” and “GB” zones for agricultural use. | (viii)Response (iii) of R19 above is relevant. |
| R33 (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) There is a strong aspiration of the villagers of So Lo Pun to revitalize the village. The reason for having no Small House application in the past years is the lack of access and infrastructure instead of no Small House demand.</p> <p><u>Representer’s Proposal</u></p> <p>(c) The “V” zone should be enlarged to meet the demand for Small House development by indigenous villagers.</p> | <p>(i) Responses (i) to (iii) of R16 above are relevant.</p> <p>(ii) Responses (i) and (ii) of R16 above are relevant.</p> |
| R34, R37, R40 and R51 (Individuals) | <p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of Representations</u></p> <p>(b) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. Most of which do not own land/building or land is still owned by deceased family members. The retained “V” zone is insufficient to meet the Small House demand of indigenous villagers. It is the villagers’ rights to be allocated with land for village type development. Villagers have put much efforts to restore the</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|--|
| R34, R37, R40 and R51 (Cont'd) | <p>village.</p> <p>(c) Villagers' right and interest of using their land should not be deprived of for reasons of nature conservation and environmental protection. (R51)</p> <p><u>Representer's Proposal</u></p> <p>(d) The "V" zone should be enlarged to meet the demand for Small House development by indigenous villagers or restored to 4.12 ha under the first OZP.</p> | <p>(ii) Response (iv) of R16 above is relevant.</p> <p>(iii) Responses (i) and (ii) of R16 above are relevant.</p> |
| R35 (also C65), R36, R39, R41 to R43, R45, R47 and R49 (Individuals) | <p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of Representations</u></p> <p>(b) There are 229 male indigenous villagers entitled for Small Houses in So Lo Pun. The retained "V" zone is insufficient to meet the Small House demand of indigenous villagers. (R35, R36, R39, R47 and R49)</p> <p>(c) The Government should not further reduce the size of the "V" zone to an area of 1.11 ha. (R42 and R45)</p> <p>(d) Villagers' right and interest of using their land should not be deprived of for reasons of nature conservation and environmental protection. (R39, R41 and R43)</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iii) Response (iv) of R16 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|--|---|--|
| R35, R36, R39, R41 to R43, R45, R47 and R49 (Cont'd) | <p><u>Representers' Proposals</u></p> <p>(e) The "V" zone should be enlarged to meet the demand for Small House development by indigenous villagers or restored to 4.12 ha under the first OZP. (R36, R39, R41 to R43, R45, R47, R49)</p> <p>(f) It is proposed to rezone the agricultural lots in "CA" and "GB" zones for agricultural use. (R39, R43 and R49)</p> | <p>(iv) Responses (i) and (ii) of R16 above are relevant.</p> <p>(v) Response (iii) of R19 above is relevant.</p> |
| R38 and R44 (Individuals) | <p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of Representations</u></p> <p>(b) The claim of encouraging agricultural activities in So Lo Pun area is not justified as only 2.2 ha of land is designated as "AGR" but about 10.91 ha of private agricultural land in the OZP is zoned to "CA" and "GB".</p> <p><u>Representers' Proposals</u></p> <p>(c) The "V" zone should be enlarged to meet the demand for Small House development by indigenous villagers or restored to 4.12 ha under the first OZP.</p> <p>(d) It is proposed to rezone the agricultural lots in "CA" and "GB" zones for agricultural use. (R44)</p> | <p>(i) Response (iii) of R19 above is relevant.</p> <p>(ii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iii) Response (iii) of R19 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|---|--|
| R46 and R48 (Individuals) | <p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of Representations</u></p> <p>(b) The retained “V” zone is insufficient to meet the Small House demand of indigenous villagers as each old building lot is too small for building a standard Small House (with a covered area of 700 sq. ft.). More land should be zoned as “V” for Small House development.</p> <p>(c) Although there is provision for applying for planning permission for Small Houses in “AGR” zone, the chance of getting such planning permission is very low. (R46)</p> <p><u>Representers’ Proposals</u></p> <p>(d) The “V” zone should be enlarged to meet the demand for Small House development by indigenous villagers or restored to 4.12 ha under the first OZP.</p> <p>(e) It is proposed to rezone the agricultural lots in “CA” and “GB” zones for agricultural use. (R48)</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) Response (iv) of R32 above is relevant.</p> <p>(iii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iv) Response (iii) of R19 above is relevant.</p> |
| R50 (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) The actual area available for use in “V” zone is even less because the land near the shrine could not be used for</p> | <p>(i) Response (ii) of R25 and R26 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|---|
| R50 (Cont'd) | development. | |
| R52 (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) The retained “V” zone is insufficient to meet the Small House demand of indigenous villagers as the land is still under their deceased fore-fathers. The Government should not further reduce the “V” zone to an area of 1.11 ha.</p> <p>(c) The claim of encouraging agricultural activities in So Lo Pun area is not justified as only 2.2 ha of land is designated as “AGR” but about 10.91 ha of private agricultural land in the OZP is zoned to “CA” and “GB”.</p> <p><u>Representer’s Proposals</u></p> <p>(d) The “V” zone should be enlarged to meet the demand for Small House development by indigenous villagers.</p> <p>(e) It is proposed to rezone the agricultural lots in “CA” and “GB” zones for agricultural use.</p> | <p>(i) Responses (i) and (ii) of R16 above are relevant.</p> <p>(ii) Response (iii) of R19 above is relevant.</p> <p>(iii) Responses (i) and (ii) of R16 above are relevant.</p> <p>(iv) Response (iii) of R19 above is relevant.</p> |

| Representation No. (TPB/R/S/NE-SLP/3-) | Subject of Representation | Response to Representation |
|---|--|--|
| R53 (Individual) | <p>(a) Opposes Amendment Item A.</p> <p><u>Grounds of Representation</u></p> <p>(b) Villagers' right and interest of using their land should not be deprived of for reasons of nature conservation and environmental protection. The conservation value of the "GB" zone in So Lo Pun is in doubt.</p> <p><u>Representer's Proposal</u></p> <p>(c) The "V" zone should be restored to 4.12 ha under the first OZP.</p> | <p>(i) Response (iv) of R16 above is relevant.</p> <p>(ii) Responses (i) and (ii) of R16 above are relevant.</p> |

(2) The 66 comments (**TPB/R/S/NE-SLP/3-C1 to C66**) are submitted by eight representers themselves (**R1, R4, R5, R19-R22, R35**), and other organizations and individuals. The grounds of the commenters, as well as PlanD's responses are summarized below:

| Comment No. (TPB/R/S/NE-SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|---|----------------------------------|--|---|
| C1 - C53 (Individuals) | R3 to R6 | (a) Support the grounds raised by the representations including reducing the "V" zone, rezoning part of the "V" zone to "GB(1)" for protecting areas with ecological and landscape significance, and objecting to the "AGR" zone which has provisions to allow planning application for Small House development. | (i) Responses (ii) and (iii) to R3 above are relevant. |
| | R16, R18 to R53 | (b) Oppose the representations. (c) The reduction of "V" zone would not affect village development as claimed by R16, R18 to R53 . (d) It is not justified to enlarge the "V" zone as the genuine need for Small House development cannot be verified. | (ii) Responses (i) and (ii) to R16 above are relevant. (iii) Responses (i) and (ii) to R2 above are relevant. |
| | Nil | (e) Brownfield sites should be used. Housing supply should not be an excuse for land development. (C47) | (iv) The planning intention of preparing statutory plans for CPEs is not for housing supply, but rather to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House development by the indigenous villagers. Over the years, the |

| Comment No. (TPB/R/S/NE- SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|---|------------------------------|---|---|
| C1 - C53 (Cont'd) | | | Government has adopted a multi-pronged approach for increasing land supply. To meet the acute housing need of the community, various measures in short, medium and long terms will be considered and explored concurrently. |
| C54 (also R4) (The Conservancy Association) | R16, R18 to R53 | <p>(a) Opposes the representations.</p> <p>(b) To avoid undermining the ecological and landscape significance of Plover Cove Country Park, the areas of conservation zones such as “GB” and “CA” should not be reduced as proposed by R16, R18 to R53.</p> <p>(c) It is not justified to enlarge the “V” zone as the genuine need for Small House development has still not been proven.</p> | <p>(i) Response (iii) to R19 above is relevant.</p> <p>(ii) Responses (i) and (ii) to R2 above are relevant.</p> |
| C55 (also R5) (Hong Kong Bird Watching Society) | R2 to R4 and R6 | <p>(a) Supports the representations.</p> <p>(b) As the genuine need for Small House development in So Lo Pun has not yet been verified, the Board could not properly inquire into the issue as raised by the Court in the previous judicial review (JR). The “V” zone should be further reduced.</p> | <p>(i) Responses (i) and (ii) to R2 and response (ii) to R3 above are relevant.</p> |

| Comment No. (TPB/R/S/NE- SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|---|------------------------------|--|--|
| C55 (Cont'd) | | (c) The “AGR” zone is inadequate to serve as a buffer between village development and ecologically sensitive areas because undesirable land uses may still be permitted. A stringent control/zoning should be considered to conserve the ecology of So Lo Pun. | (ii) Response (iv) to R2 above is relevant. |
| C56 (港九工團聯合總會) | Nil | (a) The “V” zone should be deleted from the OZP as its area is excessive and village development would have adverse impacts on “GB” and “CA” zones. | (i) So Lo Pun Village is an indigenous village, and consideration is given to designating “V” zone on the OZP to reflect the existing village clusters and identify suitable land for village expansion, if necessary. For the possible adverse impacts from the village development, there is sufficient control in the current administrative system to ensure that individual Small House development would not entail unacceptable impacts on the surrounding environment. LandsD, when processing Small House grant applications, would consult concerned departments including DSD, AFCD, EPD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. |

| Comment No. (TPB/R/S/NE- SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|---|------------------------------|---|---|
| C57 (Individual) | R4 | <p>(a) Supports the representation.</p> <p>(b) The reduction of “V” zone is not sufficient to protect the area.</p> <p>(c) The “V” zone area is not justified as the genuine need of villagers for Small House development is still doubtful.</p> | <p>(i) Response (v) to R3 above is relevant.</p> <p>(ii) Responses (i) and (ii) to R2 above are relevant.</p> |
| C58 (Individual) | R3 to R5 | <p>(a) Supports the representations.</p> <p>(b) The “V” zone should be confined to the existing village clusters to allow revitalization of the village when necessary while protecting the ecological environment.</p> <p>(c) There is no mechanism to verify the genuine need for housing by indigenous villagers. Also, there is no imminent need for development in So Lo Pun and it is more reasonable to enhance conservation in the area, which is surrounded by Country Park.</p> | <p>(i) Response (v) to R3 above is relevant.</p> <p>(ii) Responses (i) and (ii) to R2 above are relevant.</p> |
| C59 (also R1) (Individual) | Nil | <p>(a) Supports those representations which raise that the Board has not sufficiently addressed the Court’s ruling in the previous JR. There is no indication to the actual valid and justified demand for Small House. The “V” zone should be confined to the</p> | <p>(i) Responses (i) and (ii) to R2 and response (v) to R3 above are relevant.</p> |

| Comment No. (TPB/R/S/NE- SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|--|------------------------------|---|--|
| C59 (Cont'd) | | existing village. | |
| C60 (Individual) | R3 to R6 | <p>(a) Supports the grounds raised by the representations including reducing the “V” zone, rezoning part of the “V” zone to “GB(1)” for protecting areas with ecological and landscape significance, and objecting to the “AGR” zone which has provisions to allow planning application for Small House development.</p> <p>(b) The Board should review whether the issue as raised by the Court in the previous JR have been duly addressed.</p> | <p>(i) Responses (ii) and (iii) to R3 above are relevant.</p> <p>(ii) Responses (i) and (ii) to R2 above are relevant.</p> |
| C61 (also R19) (So Lo Pun Village Committee (鎖羅盆村委員會)) | Nil | <p>(a) Villagers of So Lo Pun have strong sentimental connection with their heritage. None of them has surrendered or sold their land to any non-villagers, and they keep on holding regular activities in the village e.g. Da Jiu and worshipping ancestors in Chung Yeung Festival.</p> <p>(b) Their ancestors have proved that village development would not adversely affect the rural environment. The existing villagers will also take very good care of the environment and revive the village. To do so, they need their land to be available for revival use,</p> | <p>(i) Response (iii) to R16 above is relevant.</p> <p>(ii) Response (iv) of R16 above is relevant.</p> |

| Comment No. (TPB/R/S/NE- SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|---|------------------------------|--|--|
| C61 (Cont'd) | | <p>adequate “V” zone for building residence and sufficient farmland for agricultural activities.</p> <p>(c) The area of the enclaves is minimal compared with the Country Parks. It is unreasonable to further reduce the “V” zone and zone the majority of private agricultural land into “CA” or “GB”. The villagers are defending their lawful rights. The “V” zone should be reverted back to at least 4.12ha and all private agricultural land under “GB” and “CA” zoning should be rezoned so that they could be resumed for original agricultural use.</p> <p>(d) The representers’ proposal to include So Lo Pun into Country Park is not reasonable as most of the enclaves are covered by statutory plans instead of being included into Country Parks. Revitalisation of village like the pilot scheme of Sustainable Lai Chi Wo is a more proper way to strike a balance between conservation and development, and preserve traditional rural setting and natural environment whilst allowing for sustainable rural development.</p> | <p>(iii) Responses (i) and (ii) of R16 and response (iii) to R19 above are relevant.</p> <p>(iv) Response (xiii) to R5 and response (iii) to R16 above are relevant.</p> |

| Comment No. (TPB/R/S/NE- SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|---|------------------------------|--|--|
| C62 (also R20) (Wong Hing Cheung (IIR of So Lo Pun Village)) | R2 to R14 | (a) Opposes the representations. (b) So Lo Pun is a recognized village with long history. Building village houses is the villagers' basic rights. Over half of the land in So Lo Pun is private land inherited by the villagers from their ancestors. They should keep such land for agricultural use. | (i) Response (iv) of R16 above is relevant. |
| C63 (also R21) (Individual) | R1 to R15 | (a) Opposes the representations. (b) It is the ancestral rights of villagers to build houses in So Lo Pun. Non-villagers have no right to restrict how and when the villagers should use their land. (c) The reason for having no Small House built in So Lo Pun is the lack of road access. It will be feasible for the villagers to rebuild their houses and live in the village when the Government has provided the road access. | (i) Response (iv) of R16 above is relevant. (ii) Response (i) of R16 above is relevant. |
| C64 (also R22) (Individual) | Nil | (a) So Lo Pun Village is an important heritage left by their ancestors. Villagers would hold activities in the village on Chung Yeung Festival and Lunar New Year. The village should be retained instead of being turned into a backyard of Hong Kong. | (i) Responses (iii) and (iv) of R16 above are relevant. |

| Comment No. (TPB/R/S/NE- SLP/3-C) | Related Representation(s) | Gist of Comments | Response to Comments |
|---|------------------------------|--|--|
| C65 (also R35) (Individual) | Nil | (a) The only way to revive the local environment is to bring back the village community to restore the former ecology. The reduction of “V” zone would further deter villagers from returning to the village for living, and would jeopardise the revival of the local environment. | (i) Responses (iii) and (iv) of R16 above are relevant. |
| C66 (Individual) | Nil | <p>(a) It is not justified to accept the representers’ proposals to allow only redevelopment of Small House in the “V” zone, delete the “V” zone or zone the agricultural land as “CA” or Country Park.</p> <p>(b) The So Lo Pun village lacks road access. Without any remedial measures, the cultural heritage of So Lo Pun and other rural villages would disappear in 20-30 years.</p> | <p>(i) Responses (iii) and (vi) to R3 and response (i) to C56 above are relevant. Also, designation of Country Park is under the jurisdiction of the Country Park and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board.</p> <p>(ii) Response (iii) to R16 above is relevant.</p> |