

**TPB Paper No. 10690**

**For Consideration by  
the Town Planning Board on 13.11.2020**

**DRAFT SO LO PUN OUTLINE ZONING PLAN NO. S/NE-SLP/3  
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/NE SLP/3-1 TO 53  
AND COMMENTS NO. TPB/R/S/NE SLP/3-C1 TO C66**

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CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/NE-SLP/3-1 TO 53  
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<b>Subject of Representations (Amendment Item)</b>	<b>Representers (No. TPB/R/S/NE-SLP/3-)</b>	<b>Commenters (No. TPB/R/S/NE-SLP/3-)</b>
<b><u>Item A</u></b> Rezoning of two areas to the north-east and south of the village clusters at So Lo Pun from “Village Type Development” (“V”) to “Agriculture” (“AGR”).	<b>Total: 53</b>  <b><u>Support</u></b> <b>R1:</b> Individual  <b><u>Oppose/do not support/raise adverse representations</u></b> <b>R2:</b> The Hong Kong Countryside Foundation  <b>R3:</b> Kadoorie Farm and Botanic Garden  <b>R4:</b> The Conservancy Association  <b>R5:</b> Hong Kong Bird Watching Society  <b>R6:</b> Designing Hong Kong Limited  <b>R7:</b> Friends of Hoi Ha  <b>R8:</b> Friends of Sai Kung  <b>R9 to R15:</b> Individuals  <b>R16:</b> 新界鄉議局  <b>R17:</b> 北區區議會  <b>R18:</b> 新界沙頭角區鄉事委員會  <b>R19:</b> 鎖羅盆村委員會  <b>R20:</b> Wong Hing Cheung (Indigenous Inhabitant)	<b>Total: 66</b>  <b><u>Support R3 to R6 and Oppose R16, R18 to R53</u></b> <b>C1 to C53:</b> Individuals  <b><u>Oppose R16, R18 to R53</u></b> <b>C54:</b> The Conservancy Association ( <i>i.e. R4</i> )  <b><u>Support R2 to R4 and R6</u></b> <b>C55:</b> Hong Kong Bird Watching Society ( <i>i.e. R5</i> )  <b><u>Support R4</u></b> <b>C57:</b> Individual  <b><u>Support R5</u></b> <b>C58:</b> Individual  <b><u>Support R3 to R6</u></b> <b>C60:</b> Individual  <b><u>Oppose R2 to R14</u></b> <b>C62:</b> Wong Hing Cheung (IIR of So Lo Pun Village) ( <i>i.e. R20</i> )  <b><u>Oppose R1 to R15</u></b> <b>C63:</b> Individual ( <i>i.e. R21</i> )  <b><u>Provide views (6)</u></b> <b>C56:</b> 港九工團聯合總會  <b>C59:</b> Individual ( <i>i.e. R1</i> )  <b>C61:</b> So Lo Pun Village Committee (鎖羅盆村委員會) ( <i>i.e. R19</i> )

	Representative (IIR) of So Lo Pun Village)	<b>C64:</b> Individual ( <i>i.e.</i> <b>R22</b> )
	<b>R21 to R53:</b> Individuals	<b>C65:</b> Individual ( <i>i.e.</i> <b>R35</b> )
		<b>C66:</b> Individual

Note: The names of all representers and commenters are at **Annex VI**. Soft copy of their submissions is sent to the Town Planning Board Members via electronic means; and is also available for public inspection at the Town Planning Board's website at [https://www.info.gov.hk/tpb/en/plan\\_making/S\\_NE-SLP\\_3.html](https://www.info.gov.hk/tpb/en/plan_making/S_NE-SLP_3.html) and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the Town Planning Board Secretariat for Members' inspection.

## 1. **Introduction**

- 1.1 On 3.4.2020, the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/3 (the Plan) at **Annex I**, together with the draft Pak Lap and Hoi Ha OZPs, was exhibited for public inspection under section 7 of the Town Planning Ordinance (the Ordinance or TPO). The amendments to the Plan are set out in the Schedule of Amendments at **Annex II** and the locations of the amendment item are shown on **Plan H-1**.
- 1.2 During the two-month statutory exhibition period, a total of 53 valid representations were received. On 16.6.2020, the representations were published for public comments. A total of 66 valid comments were received.
- 1.3 As a significant number of representations and comments on the Pak Lap, Hoi Ha and So Lo Pun OZPs are submitted by the same representers and commenters (*i.e.* 16 representations and 60 comments), the Town Planning Board (the Board), on 14.8.2020, agreed to consider the representations and comments on the three OZPs collectively in one group. This paper is to provide the Board with information for consideration of the representations and comments on the draft So Lo Pun OZP. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

## 2. **Background**

### **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. On 27.9.2013, the draft So Lo Pun OZP No. S/NE-SLP/1 was exhibited for public inspection under section 5 of the Ordinance. After giving consideration to the representations and comments from April to June 2014 and further representations and the related representations and comments on 21.11.2014, the Board, on 19.12.2014, agreed to submit, under section 8 of the Ordinance, the draft So Lo Pun OZP, together with the draft OZPs for Pak Lap and Hoi Ha, 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.

### Judicial Review

- 2.2 On 18.2.2015, a judicial review (JR) application was lodged by Chan Ka Lam 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.
- 2.3 The Court of First Instance (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 of the relevant issues.
- 2.4 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 that the Board had properly inquired into the representations in respect of the three OZPs in making its decisions on the representations. For the genuine need issue, the Court holds the view that 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.
- 2.5 The CFI also made findings and rulings in favour of the Board as follows:
  - (a) for the purpose of making the planning decision, it was not necessary for the Board to inquire into and resolve the matters related to adverse environmental impacts caused by septic tank system installations as far as it accepted that the Small House application could sufficiently address the issue;
  - (b) the Board had adequately inquired into the cumulative impact on conservation and had taken into account the representations on this issue when making a planning judgement which was to strike a balance between conservation and compatible development;
  - (c) among the three OZPs, there was no inconsistency in zoning with reference to their circumstances as each of the zonings was essentially the result of balancing and accommodation between various factors which may themselves be in conflict or tension. Where the overall balance of factors as between one area and another resulting in a different zoning as in the three OZPs, it could not be characterised as "inconsistency" in public law sense;
  - (d) the factors that the Board and CE in C took into account of (or not) were a

matter of discretionary judgment which the CFI would not interfere unless there is *Wednesbury* irrationality;

- (e) for planning purposes, it was reasonable for the Board to start off by looking at the right of indigenous villagers to apply for building Small House and the forecasted demands on the side of the scale of development needs. It was not *Wednesbury* unreasonable for the Board to regard that as a relevant factor to be taken into account; and
- (f) 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 CPE Policy was rejected.

#### Amendments to the OZP

- 2.6 To comply with the CFI's Judgment, a review on the genuine need for Small House development for the three OZPs (and the maps issue for the Hoi Ha OZP) has been undertaken. On the genuine need issue, the review has taken into account the principles for designating the "V" zone and relevant information for assessing the Small House need of indigenous villagers for the areas concerned. Additional/updated information including (i) the actual number of Small House grant applications received/approved/rejected by Lands Department (LandsD) since 2010, and the latest number of outstanding Small House grant applications being considered by LandsD and (ii) the 10-year Small House demand forecast starting from 2010 provided by the Indigenous Village Representatives (IIRs), and breakdown of such forecasts were obtained to facilitate the Board's deliberation on the issue and making further inquiries as necessary. Other relevant information including the latest estimation of land available for Small House development within the "V" zone, and the population figures and infrastructure provision in So Lo Pun area has also been provided for the Board's consideration.
- 2.7 The Board, on 3.3.2020, considered the reviews and reconsidered the three OZPs. The Board well noted that there is no practical means available for determining the genuine need for Small House development at the planning stage, and best available information has already been obtained relating to the Small House demand in the review. The Board is also 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 the Small House grant applications. The Board noted the findings of the review of the genuine need issue on So Lo Pun OZP that with a view to further enhancing the balance between nature conservation and meeting the Small House need of the villagers, the extent of "V" zone could be suitably adjusted.
- 2.8 Having considered the review of the issue, the Board agreed to make amendments under section 7 of the Ordinance to rezone two areas to the north-east and south of the village clusters at So Lo Pun from "V" to "AGR" (Item A). The relevant TPB Paper No. 10625 is available at the Board's website at [https://www.info.gov.hk/tpb/en/papers/TPB/STN/S\\_NE-SLP\\_2A/S\\_NE-SLP\\_2A\\_Main%20Paper.pdf](https://www.info.gov.hk/tpb/en/papers/TPB/STN/S_NE-SLP_2A/S_NE-SLP_2A_Main%20Paper.pdf) and at **Annex III(a)** and the minutes of the

meeting is at **Annex III(b)**. On 3.4.2020, the draft So Lo Pun OZP No. S/NE-SLP/3 was exhibited for public inspection under section 7 of the Ordinance. A total of 53 valid representations and 66 valid comments were received.

- 2.9 For background information, a total of 10,748 representations, 3,673 comments and 21 further representations were received in respect of the draft OZP No. S/NE-SLP/1, of which most of them were related to the designation of “V” zone. A summary of these previous representations, comments and further representations is at **Annex IV**. All of these previous representers/commenters/further representers have been informed of the Board’s decision on 3.3.2020 and advised that they could make representation in respect of this round of amendments, and 37 of them have made representations and/or comments on this round of amendments.

### **3. Local Consultation**

The amendments to the OZP were presented to Sha Tau Kok District Rural Committee (STKDRC) and the Committee on Land Development, Housing and Works, North District Council (CLDHW, NDC) at their meetings on 4.5.2020 and 18.5.2020 respectively. Both committees raised objection to the reduction of “V” zone and contended that there was insufficient land within the “V” zone to meet the Small House demand of the villagers. CLDHW, NDC also raised a concern on possible adverse impacts of agricultural activities in the “AGR” zone on the adjoining “Conservation Area” (“CA”) zone. The relevant minutes of the meeting of CLDHW, NDC is at **Annex V**. Both NDC (**R17**) and STKDRC (**R18**) subsequently submitted representations setting out their grounds of objections.

### **4. The Representation Sites and their Surrounding Areas**

- 4.1 The Representation Sites and their Surrounding Areas (Plans H-1, H-2, H-4a and H-4b)

#### **Representation Sites under Item A**

- 4.1.1 The Sites (with an area of about 1.37 ha) are located to the north-east and south of the village clusters at So Lo Pun. They comprise mainly abandoned agricultural fields currently dominated with herbaceous plants, shrubs and young trees. The areas are available with agricultural infrastructures such as footpath and water source, and possess potentials for agricultural rehabilitation. Together with the “AGR” zone designated by the Board on 21.11.2014 after hearing the further representations on the draft So Lo Pun OZP No. S/NE-SLP/1, the Sites form part of a continuous agricultural belt between the “V” zone to the north and the “CA” zone to the south.

#### **The Surrounding Areas**

- 4.1.2 So Lo Pun is encircled by Plover Cove Country Park on three sides with remaining north-eastern side facing Kat O Hoi. So Lo Pun Village, the

only recognized village in So Lo Pun, is located to the immediate north of the Sites and currently inhabited. The surrounding areas of the Sites are predominantly in rural landscape character comprising woodland, shrubland, fallow agricultural land, and wetland. To the immediate south of the Sites is a “CA” zone which covers the wetland system in So Lo Pun including the intertidal habitats with mangrove and seagrass bed, reed bed, a natural stream identified as an ecologically important stream (EIS) and the freshwater marsh which are of ecological importance.

#### 4.2 Planning Intention

The planning intention of “AGR” zone is primarily to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

### 5. The Representations and Comments on Representations

#### 5.1 Subject of Representations

5.1.1 There are a total of 53 valid representations, including a supportive representation (**R1**) and 52 adverse representations (**R2 to R53**) objecting to Item A (two of them indicated welcome to the reduction of “V” zone). The list of representers is at **Annex VI**.

5.1.2 The major grounds of representations as well as their proposals, and PlanD’s responses, in consultation with the relevant government departments, are at **Annex VII** and summarised in paragraphs 5.2 and 5.3 below.

#### 5.2 Major Grounds of and Responses to Supportive Representation

**R1** supports Item A.

Major Grounds	Representation
(1) The conservation-oriented approach as adopted in drawing up the land use proposals for the area is supported.	R1
(2) The number of Small Houses that could be provided in the “V” zone upon amendment is more than adequate.	
(3) The “AGR” zone as designated is appropriate.	
Responses	
(a) The supportive views are noted.	

#### 5.3 Major Grounds/Proposals of and Responses to Adverse Representations

5.3.1 All **R2 to R53** provide adverse representations.

### 5.3.2 *Genuine Need for Small House Development*

Major Grounds	Representations
(1) The Board has failed to make a meaningful review of /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 determined without demonstrating the genuine need.	<b>R2 to R14</b>
(2) Rational consideration of the genuine need for housing should take into account the following factors: (a) zero application in the past 10 years; (b) zero outstanding Small House applications; (c) only few number of potential entitled indigenous villagers are residing in Hong Kong and whether the overseas residents have demonstrated a genuine intention to return to Hong Kong to live; (d) the land owned by development companies rather than indigenous villagers are not entitled for Small House grant; (e) nil population of the village for many years and ample scope for rebuilding the ruined houses if there is such need; (f) lack of infrastructure; and (g) a balance between nature and heritage conservation and meeting the genuine need for housing of villagers.	<b>R2, R7 and R14</b>
(3) The Board has made no reference to the evidence against excessive "V" zone as contained in the previous 10,000 submissions on the draft So Lo Pun OZP No. S/NE-SLP/1.	<b>R14</b>
Responses	
(a) In response to (1), it is noted that the 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 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 above. To follow up the JR Judgment, a review of the issues has been undertaken for the Board's consideration on 3.3.2020.	



- (b) 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 its breakdown provided by IIRs starting from 2010, was obtained from 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 DLOs during the processing of Small House grant application, and the demand forecast was only one of the host of planning 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.
- (c) In response to (2), relevant factors have already been taken into account by the Board. It should be noted that the issues raised in 2(c) and 2(d) 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. In respect of 2(c) raising that 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. In respect of 2(d), 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.
- (d) In response to (3), 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**.

### 5.3.3 Designation of “V” Zone

Major Grounds	Representations
Inappropriate/Excessive “V” Zone	
(1) 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 EIS, should not be zoned “V”.	<b>R3, R5, R6, R9, R10, R13 and R14</b>

<b>Proposals</b>	
(2) Rezoning the area near the shrine from “V” to “GB(1)”. ( <b>Plan H-3a</b> )	<b>R5</b>
(3) Rezoning the area around the shrine to other zoning with more protection to existing trees. ( <b>Plan H-3a</b> )	<b>R6</b>
(4) Deleting the northern parcel of the “V” zone comprising the shrine.	<b>R14</b>
(5) Adopting 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.	<b>R3, R5, R9, R10, R13 and R14</b>
(6) Confining the “V” zone to the existing village settlements or further reducing the “V” zone.	<b>R3, R4, R6, R7, R8, R9, R10, R13 and R14</b>
(7) Rezoning the area outside village settlement to “CA”.	<b>R7 and R8</b>
<b>Responses</b>	
<p>(a) In response to (1) to (4), 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 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 the Director of Agriculture, Fisheries and Conservation (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.</p> <p>(b) In response to (5) regarding the proposal to incorporate planning control as adopted in Tai Long Wan OZP, each 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</p>	

<p>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>(c) In response to (6) and (7), an incremental approach has been adopted for designating the “V” zone with an aim to confining Small House development at suitable locations and to 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>
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<b>Major Grounds</b>	<b>Representations</b>
<b><u>Insufficient Land to Meet Small House Demand</u></b>	
(8) 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.	<b>R16, R18, R20, R23, R24 and R27 to R33</b>
(9) 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, the land is still under their deceased fore-fathers and each piece of land is insufficient for building a standard Small House (with a covered area of 700 sq. ft.). It is the villagers’ rights to be allocated with land for village type development.	<b>R16 to R19, R21, R25, R26, R32, R34 to R37, R39, R40, R42, R45, R46 to R49, R51 and R52</b>
(10) The reduction of “V” zone is in conflict with the objective to identify suitable land for village expansion.	<b>R32</b>
(11) The actual area available for use in “V” zone is even less because the land near the ruins, shrine and slopes could not be used for development.	<b>R26 and R50</b>
(12) 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.	<b>R32, R46 and R48</b>
(13) Villagers’ rights and interest of using their land should not be deprived of for reasons of nature conservation and environmental protection. Such imbalance	<b>R16, R20, R22, R23, R27 to R32, R39, R41, R43,</b>

between villagers' need and nature conservation should be rectified.	<b>R51 and R53</b>
(14) 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.	<b>R16 and R18</b>
<b>Proposals</b>	
(15) Enlarging the "V" zone to meet the demand for Small House development by indigenous villagers or restoring the "V" zone to 4.12 ha under the first OZP. <b>(Plan H-3b)</b>	<b>R19, R20, R23, R25, R27 to R34, R36 to R49 and R51 to R53</b>
(16) Rezoning the "AGR" zone under Item A to "V". <b>(Plan H-3b)</b>	<b>R26</b>
(17) Deleting the "CA" on the OZP or rezoning the "CA" 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 eco-tourism.	<b>R17 and R24</b>
<b>Responses</b>	
<p>(d) In response to (8) to (10) and (15) to (16), the "V" zone is drawn up to strike a balance between 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 minimise 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 above. 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 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>(e) 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</p>	

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 the land use zones as ownership could change over time.

- (f) 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.
- (g) In response to (11), 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 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.
- (h) In response to (12), 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.
- (i) In response to (13), 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.
- (j) In response to (14), 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 TPO, applying those controls to the area concerned by way of the draft OZP does not appear inconsistent with Article 40 of the Basic Law.
- (k) In response to (17), 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.

Major Grounds	Representations
<u>Violation of the Block Government Lease (BGL) and SHP</u>	
(18) The designation of “V” zone has violated the BGL and SHP. The Board shall not prepare any plan under the TPO 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.	<b>R15</b>
Responses	
(1) In response to (18), 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.	

#### 5.3.4 *Environmental Impact on Existing Stream*

Major Grounds	Representations
(1) The proposed extent of “V” zone would lead to sewage impacts affecting water bodies. The use of septic tanks and soakaway (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. Assessment of the sewage impact should be done before designating the “V” zone.	<b>R5 and R14</b>
Proposals	
(2) Rezoning an area of 15m on either bank of the stream course as “CA”.	<b>R14</b>
Responses	
(a) In response to (1), 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 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 the Drainage and Health Requirements for Village Type Houses and EPD’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. 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	

<p>system within the “V” zone would not entail unacceptable impacts on the surrounding environment.</p> <p>(b) 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 the design of the STS system, 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 the requirements in ProPECC PN 5/93 would be met at the application stage of Small House development processed by LandsD.</p> <p>(c) 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>(d) On the above grounds, the proposal under (2) above is considered not necessary. There is no strong justification to rezone the areas to “CA”.</p>
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### 5.3.5 Designation of “Agriculture” (“AGR”) Zone

Major Grounds	Representations
<u>Protection of Adjoining “CA” Zone</u>	
(1) 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.	<b>R2, R3, R5, R6 and R14</b>
(2) 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 diversion of streams and ponds.	<b>R7, R8 and R17</b>
(3) 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.	<b>R4</b>
<b>Proposals</b>	
(4) Placing ‘Agricultural Use’ under Column 2 of “AGR” zone.	<b>R2, R7 and R8</b>
(5) Replacing ‘House (New Territories Exempted	<b>R4</b>

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)' under Column 2 of "AGR" zone.	
(6) Rezoning "AGR" to "GB"/"GB(1)" or "CA". (Plan H-3a)	<b>R3, R5 to R10, R13 and R14</b>
<b>Responses</b>	
<p>(a) In response to (1), (3) and (5), 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 "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 regards 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 NTEH in the "AGR" zone on So Lo Pun OZP.</p> <p>(b) In response to (2), 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 fertilizers and pesticides, the scale is relatively small. There are codes of practice prepared by AFCD providing guidelines on the use of fertilizers and pesticides, with focus on reducing the risk of chemical contamination at farm level. Moreover, pesticides registered under the Pesticides Ordinance, Cap. 133 are safe to use if applied according to the label directions. Furthermore, 'Agriculture Use' generally always permitted on land within the boundary of the OZP is subject to control on diversion of streams, 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.</p> <p>(c) In response to (4), DAFC has reservation on moving 'Agricultural Use' to Column 2 under "AGR" zone 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.</p> <p>(d) In response to (6), 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"</p>	



zoning appropriate.
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Major Grounds	Representations
<u>Agricultural Rehabilitation Potential</u>	
(7) 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 which could better be used for housing.	<b>R16 and R18</b>
(8) 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 as “CA” and “GB”.	<b>R32, R38, R44 and R52</b>
<b>Proposal</b>	
(9) Rezoning the agricultural lots in “CA” and “GB” zones for agricultural use.	<b>R19, R20, R32, R39, R43, R44, R48, R49 and R52</b>
<b>Responses</b>	
<p>(e) In response to (7), according to DAFC’s advice, the subject “AGR” zone are available with agricultural infrastructures such as footpath and water source, and possess potentials for agricultural rehabilitation.</p> <p>(f) In response to (8) and (9), 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 are in general always permitted under “CA” and “GB” zone, and there is no conflict between these conservation zonings and the objective to encourage agricultural rehabilitation.</p>	

### 5.3.6 *Preservation of CPE*

Major Grounds	Representations
(1) The surrounding natural habitats of So Lo Pun support a diverse populations of birds, including the undisturbed EIS with the scare species Crested Kingfisher (冠魚狗), and the mangroves and reed bed near the shore of Kat O Hoi with waterbirds. 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.	<b>R5</b>
(2) The amendment has emphasized the agricultural potential but it has not taken into account the	<b>R14</b>

ecological, recreation and landscape potentials of the area.	
(3) The Board should take a stringent restrictive approach towards permitted land uses and development in So Lo Pun.	<b>R5 to R8 and R14</b>
(4) All developments should be stopped as it would adversely affect the ecology of the area.	<b>R15</b>
(5) The Board has failed to fulfill 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”.	<b>R7, R8, R11, R12 and R14</b>
(6) The Board has failed to fulfill 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 areas, Action 3 on the enhancement of natural streams conservation, and Action 9 on incorporating biodiversity considerations in planning and development process.	
(7) 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.	<b>R14</b>
(8) 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.	<b>R23 and R27 to R31</b>
<b>Proposals</b>	
(9) Rezoning “GB” to “GB(1)” and including So Lo Pun into Plover Cove Country Park after detailed assessment and public consultation.	<b>R5</b>
<b>Responses</b>	
(a) In response to (1), the ecological value of So Lo Pun and the surrounding areas are well recognised 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 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, were already covered by conservation zonings, such as “CA” and “GB” in So Lo Pun for due protection.

- (b) In response to (2), 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.
- (c) In response to (3) and (4), 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 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.
- (d) In response to (5) and (6), 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.
- (e) In response to (7), 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.
- (f) In response to (8), as mentioned in paragraph 5.3.3 (f) above, the Government has established the 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 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.
- (g) In response to (9), 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 they were 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.

### 5.3.7 *Deletion of ‘Market’ Use from Column 2 of “V” zone*

Major Grounds	Representation
(1) Oppose 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.	<b>R21</b>
Responses	
(a) ‘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.	

## 5.4 Comments on Representations

5.4.1 The 66 valid comments are submitted by the Conservancy Association (C54), Hong Kong Bird Watching Society (C55), 港九工團聯合總會 (C56), So Lo Pun Village Committee (C61), the IIR of So Lo Pun Village (C62), and individuals (C1 to C53, C57 to C60 and C63 to C66). Of them, eight commenters (C54, C55, C59, C61 to C65) are also representers themselves (R1, R4, R5, R19 to R22 and R35). 53 of them are submitted in the form of standard proforma with individual commenters providing additional comments on top. The list of commenters is at **Annex VI**.

5.4.2 The major grounds of comments and PlanD’s responses, in consultation with the relevant government departments, are at **Annex VII**. The major additional grounds/views are summarised as follows:

Additional Grounds/Views	Comments
<u>Protection of So Lo Pun from Development</u>	
(1) The reduction of “V” zone would not affect village development as claimed by <b>R16, R18 to R53</b> .	<b>C1 to C53</b>
(2) Brownfield sites should be used. Housing supply should not be an excuse for land development.	<b>C47</b>
(3) The areas of conservation zones such as “GB” and “CA” should not be reduced as proposed by <b>R16, R18 to R53</b> .	<b>C54</b>
(4) 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.	<b>C56</b>
Responses	
(a) In response to (1), response (d) under paragraph 5.3.3 above is relevant.	
(b) In response to (2), statutory plans for CPEs are not prepared for housing	

<p>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 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.</p> <p>(c) In response to (3), response (f) under paragraph 5.3.5 is relevant.</p> <p>(d) In response to (4), since So Lo Pun Village is an indigenous village, 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 AFCD, EPD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.</p>
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<b>Additional Grounds/Views</b>	<b>Comments</b>
<b><u>Supporting Village Development</u></b>	
(5) It is not justified to accept the representers’ proposals for more stringent control on Small House development 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. 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.	<b>C61 and C66</b>
(6) 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. Without measures to help revitalization, the cultural heritage of So Lo Pun and other rural villages would disappear in 20-30 years.	<b>C61, C64 and C66</b>
<b><u>Responses</u></b>	
(e) In response to (5), responses (b) and (f) under paragraph 5.3.3, response (d) under paragraph 5.3.5, response (d) under paragraph 5.3.6 and response (d) under paragraph 5.4.2 are relevant.	
(f) In response to (6), response (f) under paragraph 5.3.3 is relevant.	

## 6. **Departmental Circulation**

The following government departments have been consulted and their responses have been incorporated in the above paragraphs, where appropriate:

- (a) District Lands Officer/North, Lands Department;
- (b) Director of Agriculture, Fisheries and Conservation;
- (c) Director of Environmental Protection;
- (d) Commissioner for Transport;
- (e) Chief Engineer/Mainland North, 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 (CEDD);
- (i) Head of Geotechnical Engineering Office, CEDD;
- (j) Chief Highway Engineer/New Territories East, Highways Department;
- (k) Chief Building Surveyor/New Territories West, Buildings Department;
- (l) Director of Electrical and Mechanical Services;
- (m) Director of Marine;
- (n) Director of Leisure and Cultural Services;
- (o) Director of Food and Environmental Hygiene;
- (p) Director of Housing;
- (q) Director-General of Communications;
- (r) Commissioner of Police;
- (s) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau;
- (t) Government Property Administrator, Government Property Agency;
- (u) Secretary for Education;
- (v) Commissioner for Tourism;
- (w) Advisor of Countryside Conservation Office, Environmental Protection Department;
- (x) Chief Town Planner/Studies and Research, PlanD;
- (y) Chief Town Planner/Urban Design and Landscape, PlanD; and
- (z) District Officer (North), Home Affairs Department.

## **7. Planning Department's Views**

- 7.1 The supportive views of **R1** are noted.
- 7.2 Based on the assessments in paragraph 5 above, and for the following reasons, PlanD does not support **R2 to R53** and considers that the draft OZP should not be amended to meet the representations:

### **Genuine Need for Small House Development**

- (a) to follow up the Court's Judgment on the JR, a review on the genuine need for Small House development has been undertaken and the best available information has been provided to the Board for consideration (**R2 to R14**);

### **Designation of "V" Zone**

- (b) the designation of the "V" zones is considered appropriate and a host of planning factors, including but not limited to the village 'environs', local topography, existing settlement pattern, number of 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 have been taken into account. An incremental approach has been adopted for designating the “V” zone with an aim to confining Small House development to the existing village cluster and the adjoining suitable land and to minimize adverse impact on the natural environment. It is also reasonable to retain the “V” zoning for the area around the shrine with the potential for community use by villagers (**R3 to R10, R13 and R14, R16 to R53**);

- (c) each CPE should be considered on the circumstances and characteristics of individual areas, and same planning control of Tai Long Wan OZP is considered not necessary to apply to So Lo Pun OZP (**R3, R5, R9, R10, R13 and R14**);
- (d) 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 application (**R15**);
- (e) there is no deprivation of landowners’ right in using their land. The draft OZP is not inconsistent with Article 40 of the Basic Law (**R16**);

Environmental Impact on Existing Stream

- (f) there is an established mechanism exercised through the Small House grant application system administered by LandsD to ensure that individual Small House development and STS system within “V” zone would not entail unacceptable impacts on the surrounding environment (**R5 and R14**);

Designation of “AGR” Zone

- (g) the designation of “AGR” zone covering mainly abandoned agricultural fields between the “V” and “CA” zones is considered appropriate as it possess a potential for agricultural rehabilitation. Whilst there is provision for application for NTEH development in the “AGR” zone, each application would be considered on its own merits taking account of all relevant planning considerations and the comments from government departments as well as public comments. It is also considered that putting ‘Agricultural Use’ as a column 2 use would discourage agricultural development in the long run. There is no strong justification for imposing more stringent control in the “AGR” zone on the So Lo Pun OZP (**R2 to R10, R13, R14, R16 to R18**);
- (h) the agricultural lots zoned “CA” and “GB” were not covered by any amendment items under the current rezoning exercise. The designation of “CA” and “GB” zones on the OZP has 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, there is no strong justification for a departure from the Board’s previous decision (**R19, R20, R32, R38, R39, R43, R44, R48, R49 and R52**);

Preservation of CPE

- (i) the conservation zones, including “GB” and “CA”, have been designated at suitable locations to protect the natural environment of So Lo Pun and the areas ecologically linked with Plover Cove Country Park under the statutory planning framework (**R5 and R14**);
- (j) a conservation-oriented approach has been adopted in drawing up the land use proposal of So Lo Pun, which aims to strike a balance between conservation and development (**R5 to R8, R14 and R15**);
- (k) designation of the 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 (**R5**); and

Deletion of ‘Market’ Use

- (l) ‘Market’ use is subsumed under ‘Shop and Services’ use, which is always permitted on the ground floor of a NTEH and is a Column 2 use elsewhere under “V” zone (**R21**).

**8. Decision Sought**

- 8.1 The Board is invited to give consideration to the representations and comments taking into account the points raised in the hearing session, and decide whether to propose/not to propose any amendment to the OZP to meet/partially meet the representations.
- 8.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representations, Members are also invited to agree that the draft OZP, together with their respective Notes and updated Explanatory Statement, are suitable for submission under section 8 of the Ordinance to the CE in C for approval.

**9. Attachments**

<b>Annex I</b>	Draft So Lo Pun OZP No. S/NE-SLP/3 (reduced size)
<b>Annex II</b>	Schedule of Amendments to the Draft So Lo Pun OZP No. S/NE-SLP/3
<b>Annex III(a)</b>	TPB Paper No. 10625 with Plans 1 to 4
<b>Annex III(b)</b>	Extract of Minutes of the TPB Meeting held on 3.3.2020
<b>Annex IV</b>	Summary of Previous Representations, Comments and Further Representations in respect of the draft So Lo Pun OZP No. S/NE-SLP/1
<b>Annex V</b>	Extract of Minutes of NDC’s CLDHW Meeting held on 18.5.2020 (Chinese only)
<b>Annex VI</b>	List of Representers and Commenters in respect of the Draft So



<b>Annex VII</b>	Lo Pun OZP No. S/NE-SLP/3 Summary of Representations and Comments and PlanD's Responses in respect of the Draft So Lo Pun OZP No. S/NE-SLP/3
<b>Plan H-1</b>	Location Plan of Representation Sites
<b>Plan H-2</b>	Aerial Photo
<b>Plans H-3a and H-3b</b>	Proposals of Representations
<b>Plans H-4a and H-4b</b>	Site Photos

**PLANNING DEPARTMENT**  
**NOVEMBER 2020**