

圖例  
NOTATION

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

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

USES	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
VILLAGE TYPE DEVELOPMENT	1.65	19.53	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	0.01	0.12	政府、機構或社區
OTHER SPECIFIED USES	0.03	0.36	其他指定用途
GREEN BELT	1.50	17.75	綠化地帶
CONSERVATION AREA	3.97	46.98	自然保育區
COASTAL PROTECTION AREA	1.08	12.78	海岸保護區
MAJOR ROAD ETC.	0.21	2.48	主要道路等
TOTAL PLANNING SCHEME AREA	8.45	100.00	規劃範圍總面積

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

草圖編號 S/NE-HH/1 的修訂  
(該圖包含圖則編號 R/S/NE-HH/1-A2 上顯示的修訂)  
AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1 INCORPORATING  
THE AMENDMENTS AS SHOWN ON PLAN No. R/S/NE-HH/1-A2

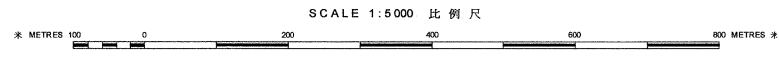
AMENDMENTS EXHIBITED UNDER SECTION 7  
OF THE TOWN PLANNING ORDINANCE

按照城市規劃條例第 7 條  
展示的修訂

AMENDMENT ITEM A		修訂項目 A 項
AMENDMENT ITEM B		修訂項目 B 項

(參看附表)  
(SEE ATTACHED SCHEDULE)

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



2020年4月3日 按照城市規劃條例第7條展示的  
草圖編號 S/NE-HH/1 的修訂 (該圖包含圖則編號 R/S/NE-HH/1-A2  
上顯示的修訂)  
AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1 INCORPORATING  
THE AMENDMENTS AS SHOWN ON PLAN No. R/S/NE-HH/1-A2  
EXHIBITED UNDER SECTION 7 OF THE TOWN PLANNING ORDINANCE ON  
3 APRIL 2020  
Fiona LUNG 龍小玉  
SECRETARY 城市規劃委員會秘書  
TOWN PLANNING BOARD

規劃署遵照城市規劃委員會指示擬備  
PREPARED BY THE PLANNING DEPARTMENT UNDER  
THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號  
PLAN No. S/NE-HH/3

**SCHEDULE OF AMENDMENTS TO  
THE DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/1 INCORPORATING  
THE AMENDMENTS AS SHOWN ON PLAN NO. R/S/NE-HH/1-A2  
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 an area to the west of the village cluster at Hoi Ha from “Village Type Development” (“V”) to “Green Belt(1)”.
- Item B – Rezoning of an area to the east of the village cluster at Hoi Ha from “V” to “Coastal Protection Area”.

**II. Amendments to the Notes of the Plan**

Deletion of ‘Market’ from Column 2 of the Notes for the “V” zone and revision of ‘Shop and Services’ to ‘Shop and Services (not elsewhere specified)’ in Column 2 of the Notes for the “Government, Institution or Community” zone.

Town Planning Board

3 April 2020

TPB Paper No. 10626  
For Consideration by the  
Town Planning Board  
on 3.3.2020

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

**1. Introduction**

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

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

**2. The Preparation of OZP**

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

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

36 valid further representations were received.

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

### **3. The JR Application**

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

### **4. Review of the Genuine Need Issue**

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



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

Principles for Designating the "V" Zone

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

Information for Assessing the Small House Need of Indigenous Villagers

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

Additional/Updated Information

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

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

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

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

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

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

@ No proforma was submitted by the IIRs for that period

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

<sup>^</sup> Presented to the Board at the hearing of the further representations

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

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

4.9.1 Actual number of Small House applications

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

4.9.2 The 10-year Small House demand forecast

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

4.9.3 Land available for Small House development

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

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

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

#### 4.9.4 Other relevant information

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

## 5. Review on the ‘Maps Issue’

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

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

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

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

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

## 6. Recommendation

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

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

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

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

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

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

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

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

- 6.7 The land proposed to be rezoned from the “V” to “CPA” consists mainly of abandoned farmland now covered by disturbed vegetation with trees and shrubs of common species and overgrown with weedy climbers. The vegetation at this area is continuous with the similar vegetation of the nearby coastal area to its north, which is zoned “CPA”. Including this area into the “CPA” zone will help enhance the function of the “CPA” zone to protect and retain the coastlines and the sensitive coastal environment. DAFC and CTP/UD&L, PlanD support the proposed rezoning from nature conservation and landscape planning points of view.
- 6.8 According to DLO/TP, LandsD, there are five outstanding applications in the proposed “CPA” zone. Those five cases are private treaty grant applications involving only Government land. Processing of these cases has been suspended in view of the High Court’s ruling on the JR on Small House Policy handed down on 8.4.2019.
- 6.9 A comparison of the existing and proposed “V” zone is shown on **Plan 4**.

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

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

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

## 7. Proposed Amendments to OZP

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

#### Amendment Item A (about 0.2 ha)

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

#### Amendment Item B (about 0.1 ha)

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

### 7.2 *Amendments to the Notes of the OZP*

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

#### Technical Amendments

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

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



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

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

9. **Plan Number**

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

10. **Consultation**

**Departmental Consultation**

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

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

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

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

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

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

**12. Decision Sought**

Members are invited to:

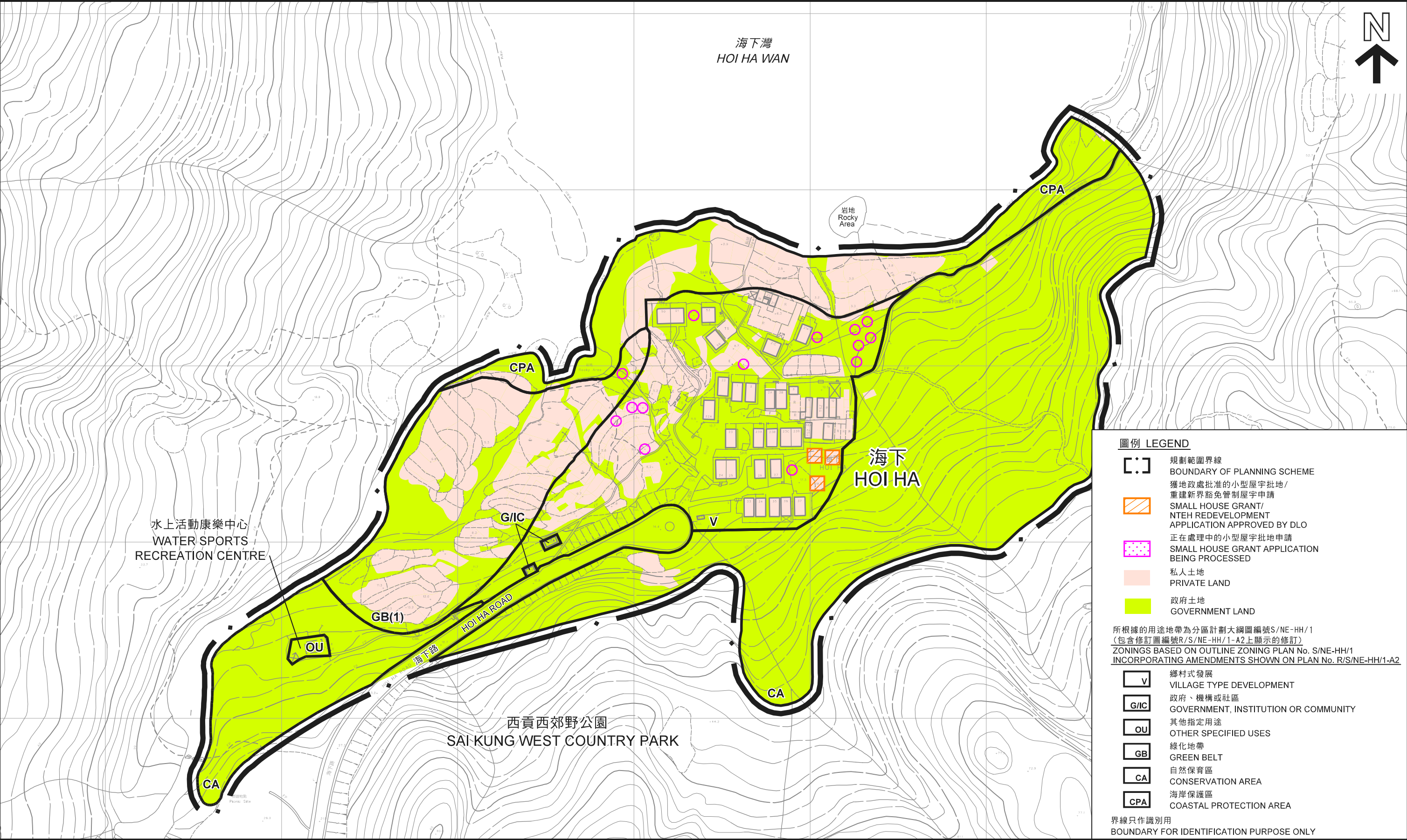
- (a) consider the findings and recommendations of the review as detailed in paragraphs 4 to 6 above;
- (b) agree to the proposed amendments to the draft Hoi Ha OZP as detailed in paragraph 7 above and that the draft Hoi Ha OZP No. S/NE-HH/2A at **Annex B1** (to be renumbered as S/NE-HH/3 upon exhibition)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

**13. Attachments**

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

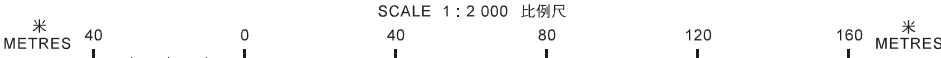
**PLANNING DEPARTMENT**

**MARCH 2020**



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

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



規劃署  
PLANNING DEPARTMENT



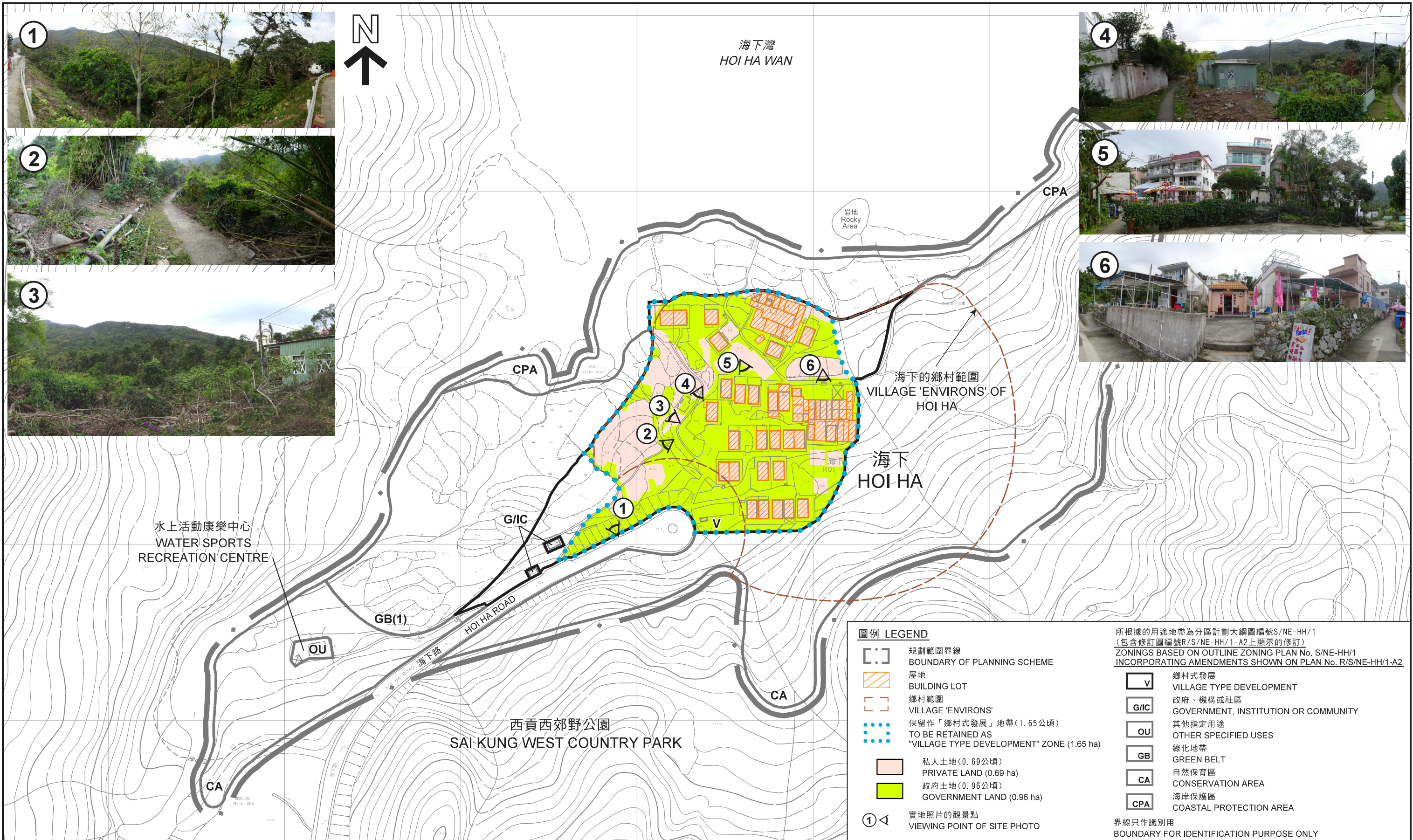
參考編號  
REFERENCE No.  
M/CPE/HH/19/20

圖 PLAN  
1









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

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

SCALE 1 : 2 000 比例尺  
米 METRES 40 0 40 80 120 160 米 METRES

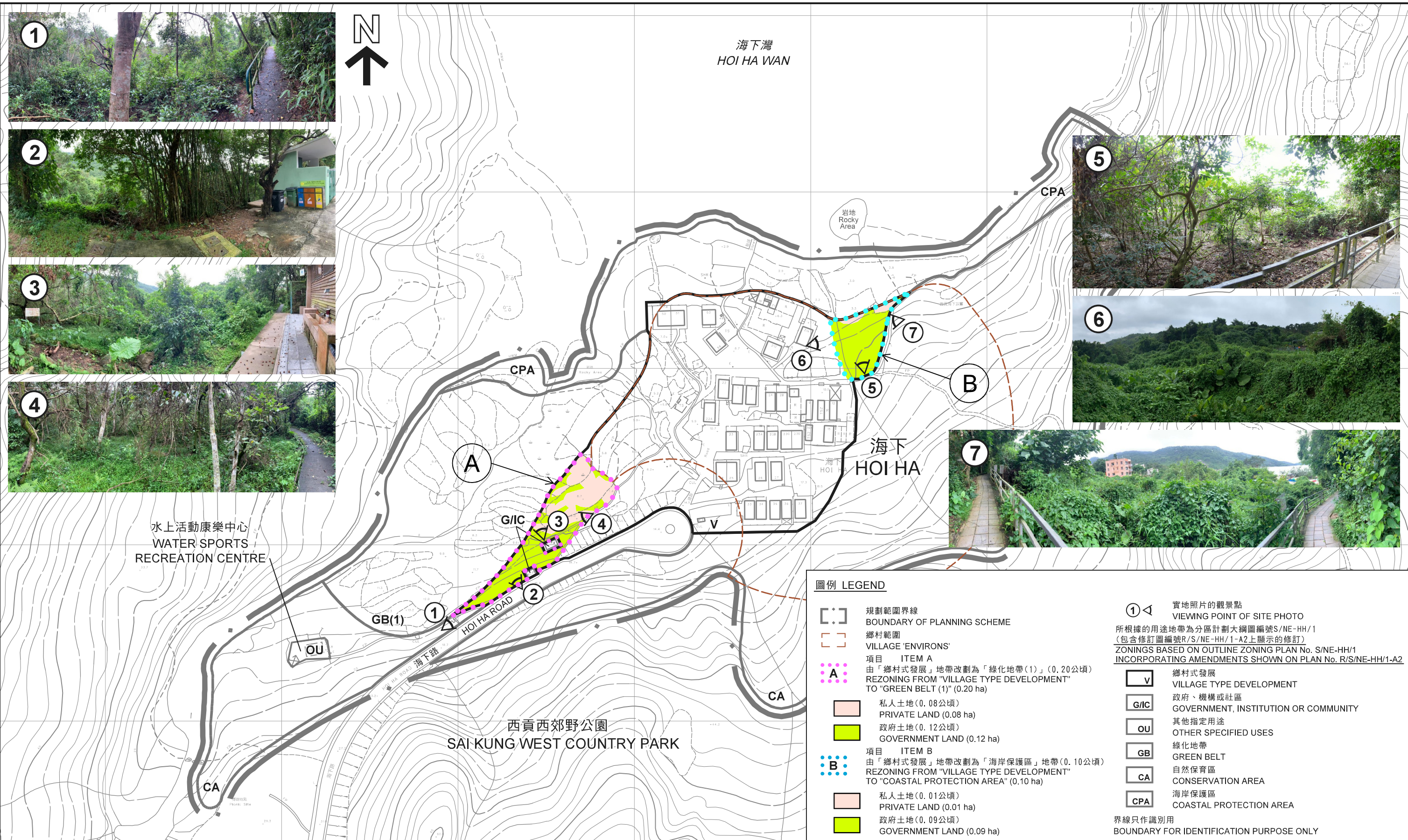
規劃署  
PLANNING DEPARTMENT



參考編號  
REFERENCE No.  
M/CPE/HH/19/20

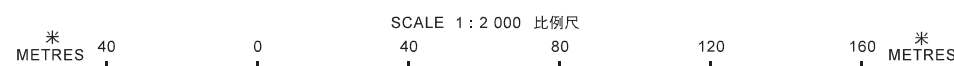
圖 PLAN  
3





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

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



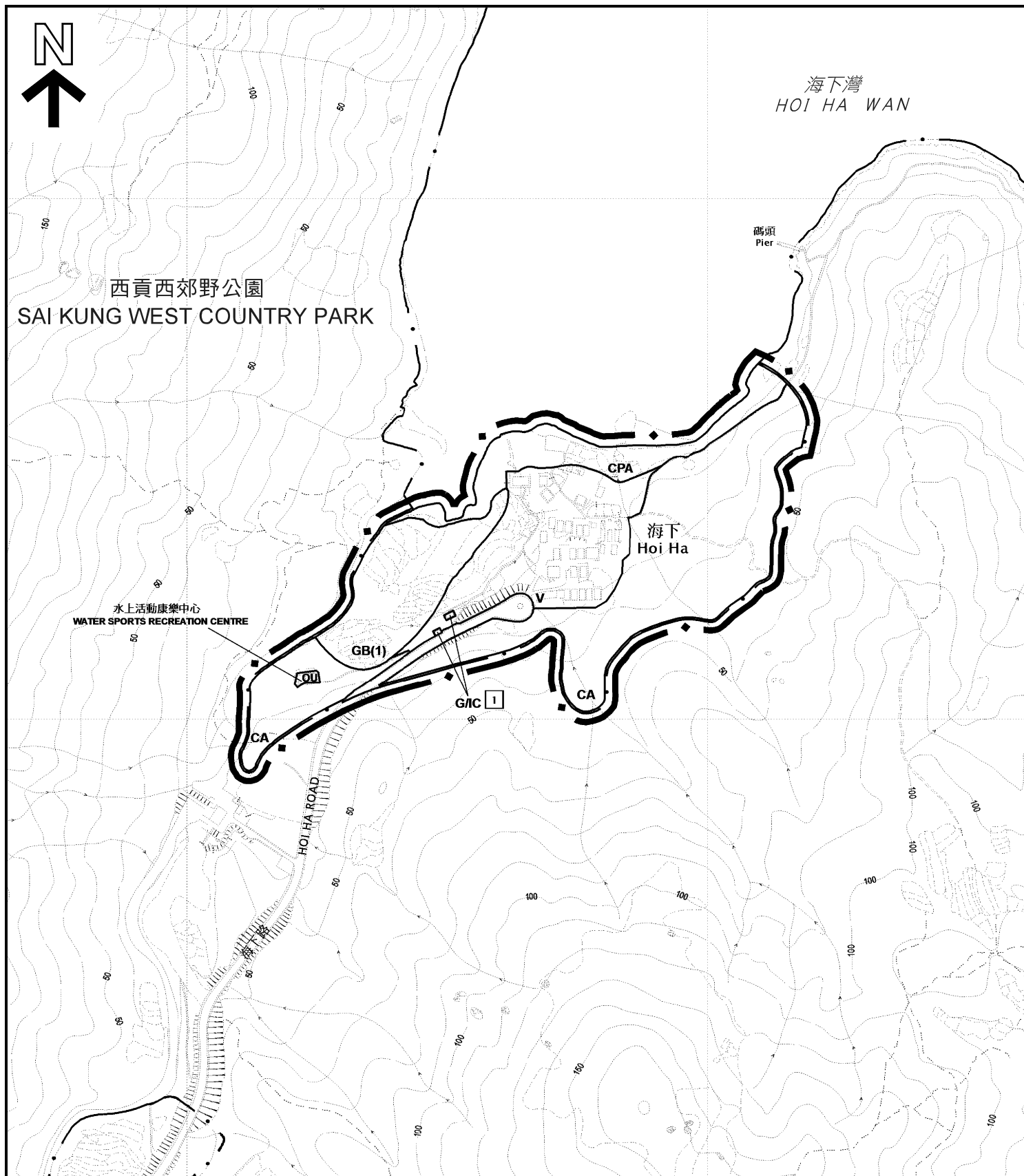
規劃署  
PLANNING DEPARTMENT



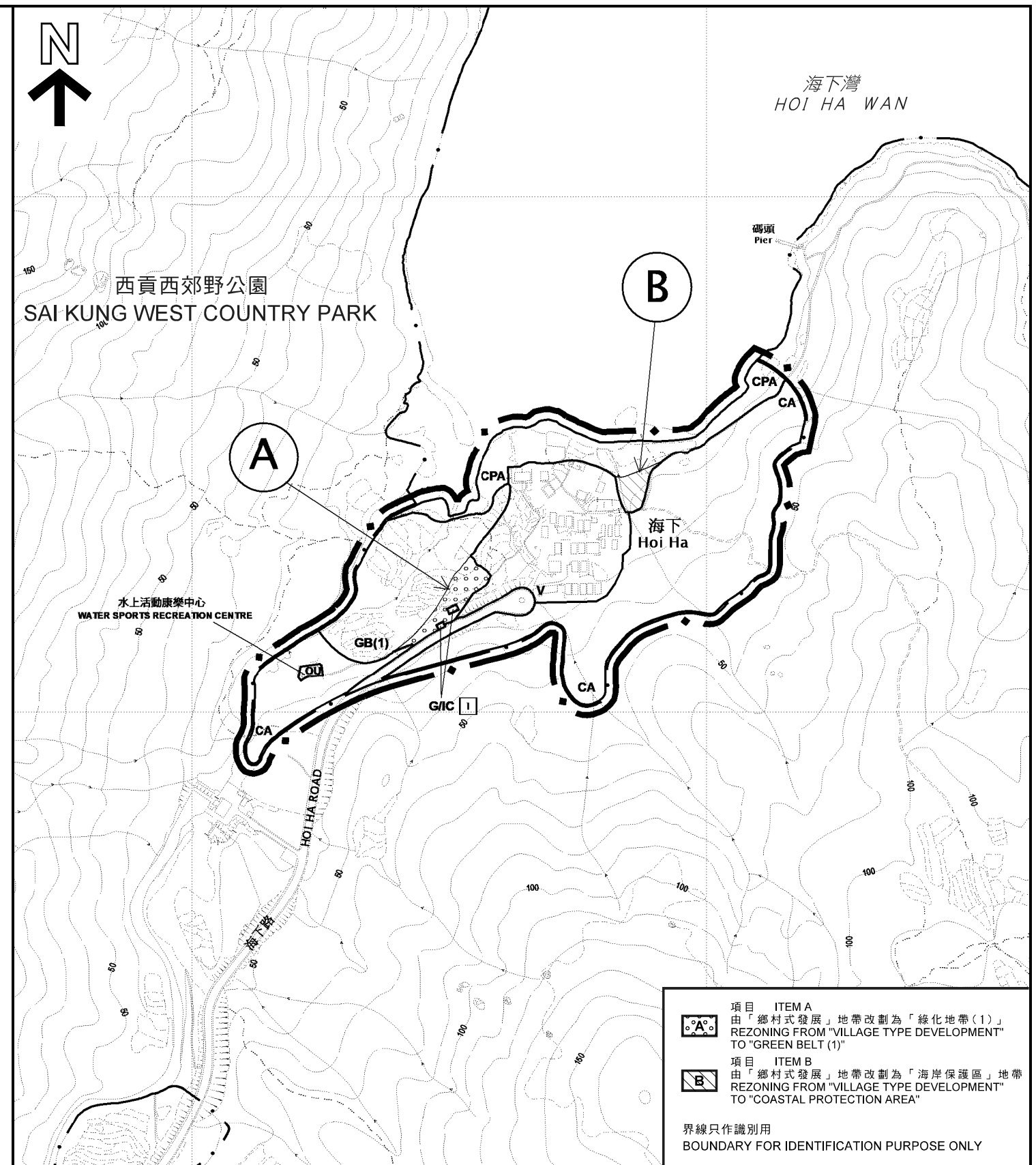
參考編號  
REFERENCE No.  
M/CPE/HH/19/20

圖 PLAN  
4





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

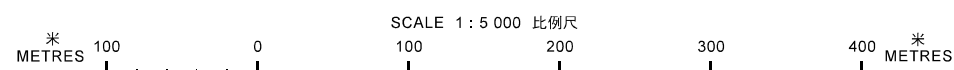


S/NE-HH/2A 的摘要圖  
EXTRACT PLAN OF S/NE-HH/2A

- 項目 ITEM A  
由「鄉村式發展」地帶改劃為「綠化地帶(1)」  
REZONING FROM "VILLAGE TYPE DEVELOPMENT"  
TO "GREEN BELT (1)"
- 項目 ITEM B  
由「鄉村式發展」地帶改劃為「海岸保護區」地帶  
REZONING FROM "VILLAGE TYPE DEVELOPMENT"  
TO "COASTAL PROTECTION AREA"
- 界線只作識別用  
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

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

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



規劃署  
PLANNING DEPARTMENT



參考編號  
REFERENCE No.  
M/CPE/HH/19/20

圖 PLAN  
5





改劃方案  
REZONING PROPOSALS

規劃署  
PLANNING DEPARTMENT



參考編號  
REFERENCE No.  
M/CPE/HH/19/20

圖 PLAN  
6

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



**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)

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[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.]

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**Agenda Item 5**

[Open Meeting]

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

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[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).

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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 Hoi Ha Outline Zoning Plan No. S/NE-HH/1,  
Comments on the Representations and Responses/Decisions of the Town Planning Board**

**Representations in Support of the Draft Hoi Ha Outline Zoning Plan (OZP)**

<b><u>Representations</u></b>	<b><u>Comments</u></b>	<b><u>Responses/Decisions of the Town Planning Board</u></b>
<p><b><u>R10737 to R10739 and R10742</u></b></p> <ul style="list-style-type: none"> <li>♦ Generally supported the draft Hoi Ha OZP (the Plan).</li> </ul> <p><u>Grounds of Representations</u></p> <p>(1) Although there was a need to protect the natural environment, indigenous villagers' right to build Small Houses and land owners' right should be respected.</p> <p>(2) Since the majority of land in the Hoi Ha area (the Area) was under private ownership, they should not be included in the country park.</p> <p>(3) Due to the pressing demand for Small Houses, designation of "Village Type Development" ("V") zone to cater for the demand was supported.</p> <p><u>Representers' Proposal</u></p> <p>Nil</p>	Nil	<p>The Town Planning Board (the Board) <u>noted</u> the supportive views of <b>R10737 to R10739 and R10742.</b></p>

### Representations Opposing the Draft Hoi Ha 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><b><u>R1 to R798, R10736, R10740, R10741 and R10743 to R10749</u></b></p> <ul style="list-style-type: none"> <li>♦ Generally opposed the Plan for reasons including insufficient “V” zone.</li> </ul> <p><u>Grounds of Representations</u></p> <p><i>Inadequate Land within “V” Zone</i></p> <p>(1) There was insufficient suitable land in the proposed “V” zone for Small House development due to topographical constraints and the proposed “V” zone was not large enough to satisfy the future demand for Small Houses.</p> <p>(2) Apart from the need to conserve the environment and to provide relevant recreational facilities in Hoi Ha, due regard should be given to Small House development so as to strike a balance between conservation and development.</p>	<p>Nil</p>	<p>The Board noted the following responses to <b>R1 to R798, R10736, R10740, R10741 and R10743 to R10749</b>:</p> <p><i>Designation of “V” Zone</i></p> <p>(1) In drawing up the Plan and its land use proposals, special attention had been given to protect the ecological and landscape significance of the area having regard to the wider natural system of Sai Kung West Country Park and HHWMP. Conservation zones, i.e. “CA”, “CPA” and “GB”, in consultation with relevant government departments, had been designated to cover areas (e.g. native woodlands, natural coastlines and rocky stream) having ecological and landscape significance that warranted protection under the statutory planning framework. The total land area of those three conservation zones was about 5.6 ha, representing about 66% of land covered by the Plan.</p> <p>(2) An indigenous village, Hoi Ha, was located in the area. Thus there was a need to designate “V” zones at suitable locations to meet the Small House demand of indigenous villagers after delineating areas that had to be conserved. The boundaries of the “V” zone had been drawn up after considering 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 many references in considering the</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p><u>Representers' Proposals</u></p> <p><i>Rezoning the Western Part of the Area zoned "Conservation Area" ("CA") to "V"</i></p> <p>(i) As the land at the western part of the Area, currently zoned "CA", could be used for a water sports recreation centre and the Agriculture, Fisheries and Conservation Department (AFCD)'s proposed visitor centre for the Hoi Ha Wan Marine Park (HHWMP), it should be rezoned to "V" for Small House development.</p> <p><i>Rezoning "CA" along Hoi Ha Road to "Green Belt" ("GB")</i></p> <p>(ii) Since most of the land within the "V" zone had already been occupied by existing village houses, rezoning part of the "CA" along the existing Hoi Ha Road to "GB" could provide an opportunity for the villagers to submit planning applications for Small House development in future.</p>		<p>proposed "V" zone.</p> <p>(3) Small House demand forecast provided by Indigenous Inhabitant Representatives to the Lands Department (LandsD) could be subject to changes over time for reasons like demographic changes as well as aspiration of indigenous villagers currently living outside the village, either local or overseas, to move back to Hoi Ha in future. An incremental approach had been adopted with an aim to confining Small House developments at suitable locations adjacent to the existing village cluster. The "V" zone on the Plan had an area of about 2.6 ha which was smaller than the 'VE' of Hoi Ha Village (about 2.92 ha) by 11%, was capable of providing land for development of about 64 Small Houses to meet about 68% of the outstanding demand and 10-year demand forecast of 94 Small Houses.</p> <p><i>Proposals on Rezoning "CA" to "V" and "GB"</i></p> <p>(4) The proposed visitor centre for HHWMP fell within Sai Kung West Country Park and outside the boundary of the Plan. The "CA" zone at the western part of the Area and along Hoi Ha Road consisted of relatively undisturbed, native woodland worthy of preservation that was contiguous with the adjoining Sai Kung West Country Park. AFCD advised that the "CA" zone was appropriate from the nature conservation perspective.</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p><i>Rezoning “Coastal Protection Area” (“CPA”) to “V”</i></p> <p>(iii) Large amount of private land had been found in the proposed “CPA” zone and should be rezoned to “V”.</p>		<p><i>Proposal on Rezoning “CPA” to “V”</i></p> <p>(5) The “CPA” zone covered mangroves, mangrove-associated plants and backshore vegetation, and adjoined HHWMP. A “CPA” zone was required to serve as a buffer between the village area and HHWMP.</p> <p>The Board <u>decided not to uphold R1 to R798, R10736, R10740, R10741 and R10743 to R10749</u><sup>2</sup> 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 Hoi Ha, 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>Rezoning of the “CA” Zone to “V” and “GB”</i></p> <p>(C) The “CA” zone at the western part of the Area and along Hoi Ha Road consisted of relatively undisturbed, native woodland worthy of preservation. The “CA” zone was considered appropriate from nature conservation perspectives.</p>

<b><u>Representations</u></b>	<b><u>Comments</u></b>	<b><u>Responses/Decisions of the Town Planning Board</u></b>
		<p><i>Rezoning of the “CPA” Zone to “V”</i></p> <p>(D) The “CPA” zone covered mangroves, mangrove-associated plants and backshore vegetation, and adjoined HHWMP. A “CPA” zone was required to serve as a buffer between the village area and HHWMP.</p>



## Representations Opposing the Draft Hoi Ha 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>
<p><b><u>R799 to R10735 and R10750 to R10934<sup>2</sup></u></b></p> <ul style="list-style-type: none"> <li>♦ Generally opposed the Plan for reasons including excessive “V” zone.</li> </ul> <p><u>Grounds of Representations</u></p> <p><i>Designation of “V” Zone</i></p> <p><u><i>Small House Demand</i></u></p> <p>(1) 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>(2) 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 as possible.</p> <p>(3) In the past 20 years, only seven new houses were built in Hoi Ha. The population of Hoi Ha had not changed significantly in recent years. Majority of the land in the “V” zone had been sold to private developers and would eventually become property projects. The size</p>	<p><b><u>C1 to C3655, C3661, C3663 and C3669<sup>3</sup></u></b></p> <ul style="list-style-type: none"> <li>♦ Generally opposed the Plan for reasons including excessive “V” zone.</li> <li>♦ Supported <b>R799 to R10735 and R10750 to R10934.</b></li> </ul> <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. The Small House Policy should be reviewed.</p> <p><i>Environmental and Cumulative Impact on HHWMP</i></p> <p>(b) There was insufficient buffer area separating the expanded “V” zone from the area of SSSI, wetland and important streams. The excessive “V” zone was not feasible, as there was no public</p>	<p>The Board noted the following responses to <b>R799 to R10735 and R10750 to R10934<sup>2</sup></b>:</p> <p><i>Designation of “V” Zone</i></p> <p><u><i>Small House Demand</i></u></p> <p>(1) The Small House demand forecast was only one of the many references in considering the proposed “V” zone. Though there was no mechanism at the planning stage to verify the authority of the figures, the respective District Lands Officer would verify the status of the Small House applicant at the stage of approving the Small House grant application.</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p>of the “V” zone should be reduced to avoid development expectations.</p> <p><i>Environmental Impact on Woodland</i></p> <p>(4) The proposed village expansion area (zoned “V”) to the west of the existing village cluster was occupied by secondary woodland comprising a considerable number of mature trees, including Chinese Banyan on the eastern edge of the “V” zone and a plant species of conservation concern, <i>Hong Kong Pavetta</i> (香港大沙葉). According to World Wide Fund for Nature, apart from a few small patches of disturbed area near the existing village and the public toilet as indicated by the dominance of invasive species, <i>Mikania micrantha</i> (薇甘菊), the majority of the area was undisturbed or relatively undisturbed.</p> <p>(5) Small House developments would result in the loss of the woodland habitats and disturbances to the natural stream and tidal creek which were foraging grounds of Brown Fish Owls.</p> <p>(6) AFCD should carry out a full four-season ecological study of the proposed “V” zone to assess its ecological value and the “precautionary principle” should be adopted, i.e. environmental damage should be assumed to be threatened unless proven otherwise.</p> <p>(7) There was inconsistency in the designation of “CA” zone for the protection of the biodiversity in different country park enclaves (CPEs). In Pak Lap, areas covered with young native woodlands containing a plant species of conservation interest, <i>Hong Kong Pavetta</i>, were zoned “CA” whilst the woodland with <i>Hong Kong Pavetta</i> in Hoi Ha was zoned “V”.</p>	<p>sewerage and the provision of a private sewerage treatment plant was unrealistic due to the site constraints of Hoi Ha. The provision of STS systems for a large amount of village houses would cause pollution to HHW and potential health hazards to the villagers and the general public. As a result, it increased the threats to the ecological, landscape and recreational values of the country park. A village layout plan and a public works programme should be drawn up to improve the infrastructure and facilities of Hoi Ha to address the potential pollution problem.</p> <p><i>Adequacy of “GB” Zone and Provision of 30m Buffer from Hoi Ha Stream</i></p> <p>(c) The eastern side of Hoi Ha Stream was covered by “GB” zone, developments within which were often permitted by the Board. The cumulative pollution from the approved developments would eventually damage the whole stream as well as the SSSI and HHWMP.</p> <p><i>Inadequate and Misleading Information</i></p>	<p><i>Environmental Impact on Woodland</i></p> <p>(2) According to AFCD, the woodland at the western portion of the proposed “V” zone was covered with trees regenerated through natural succession on abandoned agricultural land. As compared with the woodlands to the east, south and western ends of Hoi Ha, which were mature and contiguous with those inside the country park area, this woodland in the “V” zone was relatively young and disturbed to a certain extent due to its proximity to the existing village.</p> <p>(3) After reviewing the latest evidence and based on AFCD’s advice, it was considered that some of the proposals submitted by the representers had merits. To minimise any possible adverse impact on the existing natural environment, consideration could be given to partially meet the representations by revising the boundary of the “V” zone to exclude the relatively undisturbed woodland with flora of conservation species in the western part of the “V” zone and to rezone it and the adjacent “GB” zone to “GB(1)”.</p> <p>(4) The proposed “GB(1)” zone was designed to provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allowed flexibility for some necessary uses to cater for the needs of local villagers (e.g. ‘Burial Ground’ and ‘Rural Committee/Village Office’). Only developments that were needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or essential infrastructure projects with overriding public interest might be permitted. Whilst redevelopment of existing NTEH and rebuilding of existing structures were permitted, no new Small Houses were permitted in this zone. AFCD considered that the proposed “GB(1)” zone for the woodland and wetland was appropriate</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p>(8) To avoid environmental impacts on the existing woodland, nearby natural stream and HHWMP, and to prevent degradation of the landscape value of the Area, the “V” zone should be reduced and the undisturbed woodland area should be rezoned as “GB”.</p> <p><i><u>Environmental Impact on HHWMP</u></i></p> <p>(9) HHWMP had very high biodiversity in its intertidal and sub-tidal zones. The construction of 60 to 90 new Small Houses envisaged under the Plan would inevitably destroy or fragment the natural habitat and reduce the biodiversity either during the construction or in its aftermath, and would result in various cumulative environmental pressures upon the local ecosystems.</p> <p>(10) The septic tank and soakaway (STS) system could only provide a minimum level of sewage treatment. The effluent from the septic tank still carried a very high nutrient, organic and microbiological loads which could only be effectively attenuated where the ground conditions were suitable and development density was low. The STS system was often not effective in removing pollutants in the long run because of inadequate maintenance and with the increase in the number of septic tanks.</p> <p>(11) The underlying surface sediment in the Area comprised porous and highly permeable deposits (e.g. sand), which allowed for rapid drainage. As such, adequate purification could not be achieved by the STS system before the wastewater reached the sea. The Environment Protection Department (EPD)’s Practice Note for Professional Persons (ProPECC PN) 5/93 did not cover this unique situation of Hoi Ha. The discharge of sewage effluent and wastewater from the large number of village houses with STS system in the</p>	<p>(d) Poor information including underestimated ecological data, inaccurate map and incomplete landscape and technical assessments had been introduced to the Board for considering the Plan.</p> <p><i><u>Designation of CPEs as Country Parks</u></i></p> <p>(e) The DPA Plan should be extended for at least one additional year to allow the process of incorporating CPEs into country parks.</p> <p>(f) The comprehensive, integrated and coordinated approach should be adopted to protect country parks from incompatible developments in the CPEs. The use of private land which could enhance the ecology, agriculture, landscape and amenity value of country parks should be promoted. In addition, the Plan should be assessed by CMPB. Besides, the Government’s conservation obligations under the Convention on Biological Diversity should be honoured in the CPE Policy. Most of the OZPs prepared for the CPEs had included the greatly expanded “V” zones that would cause</p>	<p>from nature conservation perspective.</p> <p><i><u>Environmental Impact on HHWMP</u></i></p> <p>(5) Conservation zones, such as “GB”, “CA” and “CPA” under which there was a general presumption against development, had been designated to cover areas of ecological and landscape significance to protect the natural environment of Hoi Ha and the ecologically linked Sai Kung West Country Park and HHWMP under the statutory planning framework.</p> <p>(6) The sewage disposal including STS system of Small House would be considered by concerned departments during the processing of the Small House application by LandsD.</p> <p>(7) The use of septic tank as a sewage treatment and disposal option in rural areas with small population was permitted under the Hong Kong Planning Standards and Guidelines. The design and construction of the on-site STS system for any development proposals/submissions needed to comply with relevant standards and regulations, such as EPD’s ProPECC PN 5/93. Operation and maintenance practices for septic tanks were also given in EPD’s Guidance Notes on Discharges from Village Houses.</p> <p>(8) 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, etc. 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>
<p>proposed “V” zone would pose a severe threat to the marine life of HHWMP. There was no geology assessment on the cumulative sewage percolation to the HHWMP which was a Site of Special Scientific Interest (SSSI).</p> <p>(12) Hoi Ha Village was an inhabited village adjacent to the coastal beach/sea area of Hoi Ha Wan (HHW) (a SSSI) and heavily utilised for recreational activities. Hence, reference should be made to the Technical Memorandum under the Water Pollution Control Ordinance to establish the statutory set back distance (e.g. 100m) from the STS system to the coastal water. Compulsory use of self-contained chemical toilets and wastewater treatment systems should be required to avoid contamination of the soil, streams, wetland and marine environment of HHW.</p> <p><i><u>Notes of “V” Zone</u></i></p> <p>(13) Stricter planning control should be imposed requiring planning permission for ‘New Territories Exempted House’ (‘NTEH’), ‘Eating Place’ and ‘Shop and Services’ uses and any demolition, addition and/or modification to an existing building in the “V” zone.</p> <p><i><u>Cumulative Impact Assessment</u></i></p>	<p>“immediate development threats” on a larger scale and failed to comply with the CPE Policy.</p> <p><b><u>C3656 to C3660, C3662, C3664 to C3668 and C3670 to C3675<sup>3</sup></u></b></p> <ul style="list-style-type: none"> <li>The comments did not indicate which representations were related to but generally objected to the Plan with similar grounds stated above.</li> </ul>	<p>followed by an authorised person to determine the absorption capacity of soil and hence the allowable loading of a septic tank. The ProPECC 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><u>Notes of “V” Zone</u></i></p> <p>(9) 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>(10) LandsD when processing Small House applications and applications for ‘Eating Place’ and ‘Shop and Services’ 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 license was required to be obtained. License would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.</p> <p><i><u>Cumulative Impact Assessment</u></i></p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p>(14) 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 HHW. The carrying capacity for individual enclave sites and the overall capacity of all CPEs in Sai Kung East and West 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>(15) There was no plan to improve the infrastructure (e.g. sewage, road access, car parking and public transport) to support new developments in Hoi Ha and visitors to the Area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Hoi Ha and to prevent the existing village from polluting HHW.</p> <p><i>Adequacy of “GB” Zone</i></p> <p>(16) The upper section of Hoi Ha Stream was a designated Ecologically Important Stream (EIS). The proposed “GB” zone adjoining the lower section of the stream should be zoned “CA” or “CPA” 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 in “GB”, which might induce irreversible impacts on the wetland and the riparian zone in the future.</p> <p>(17) According to the field observations in 2012 and 2013, the water feeding into the wet abandoned agricultural land originated from Hoi Ha Stream and there was a small stream not shown in the maps prepared by the Planning Department (PlanD). In a recent site visit, the wetland was still inundated and a locally rare</p>		<p>(11) When considering the Plan, 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 Department raised any concern on the proposed “V” zone from the traffic and transport infrastructure points of view.</p> <p>(12) 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. The water quality of HHWMP had also been closely monitored by AFCD while 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>(13) When drafting the Plan, 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 Hoi Ha Stream, which could provide suitable habitats supporting a variety of species, were covered with conservation zonings.</p> <p>(14) 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 rocky stream was not an EIS. To minimise any possible adverse impact on the existing natural environment, consideration could be given to partially meet the representations by rezoning the “GB” to “GB(1)” so that there was a higher degree of protection to the concerned wetland but at the same time allowed flexibility for some necessary uses to</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p>herbaceous plant, <i>Geissapis cristata</i> (雞冠苞覆花), was recorded. As this wetland was connected hydrologically with HHWMP, any pollutants entering this wetland would flow into the marine park. The rare plant would also be affected by any future development.</p> <p>(18) The lack of a 30m wide buffer zone between the Small Houses and Hoi Ha Stream would increase the likelihood of the effluent from the STS system reaching the stream via the ground water causing secondary impacts of pollution on Hoi Ha Stream and HHWMP.</p> <p><i>Notes of “GB”, “CA” and “CPA” Zone</i></p> <p>(19) To prevent environmentally sensitive land be 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’ uses in “CA”, “CPA” and “GB” zones should not be allowed or should be designated as Column 2 uses requiring planning permission from the Board.</p> <p><i>Inadequate and Misleading Information</i></p> <p>(20) Inadequate and misleading information including maps had been used to designate “V” and “GB” zones and the boundaries of HHWMP and the SSSI. The maps did not reflect the effects of coastal erosion in the past 30 years. Up-to-date map should be used to show the current boundaries of the beaches accurately following</p>		<p>cater for the needs of local villagers. AFCD considered that the proposed rezoning to “GB(1)” was appropriate as together with the woodland area, the new “GB(1)” zone would provide a wider buffer between the village, HHWMP and Hoi Ha Stream.</p> <p><i>Notes of “GB”, “CA” and “CPA” Zone</i></p> <p>(15) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ from Column 1 to Column 2 of conservation zones, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Moreover, permission from the Board was required for any works relating to diversion of streams, filling of land/pond of excavation of land which might cause adverse impacts on the natural environment.</p> <p>(16) ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ were facilities designated by the Government. AFCD considered that such activities might not have significant adverse impacts on sensitive habitats.</p> <p><i>Inadequate and Misleading Information</i></p> <p>(17) The boundary of HHWMP had been drawn making reference to the high water mark, and the coverage of the marine park had taken into account the ecological characteristics of the shoreline. In this regard, the boundary of the marine park was purposely drawn to include the beaches and sand dunes in Hoi Ha for better protection of the coastal ecology. The gazette</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p>the high tidal marks, and in designating the “CPA” zone.</p> <p>(21) Within the proposed “V” and “GB” zones, there was a network of streams and associated wetland. The network of small streams flow into the wetland leading to a significant stream that flew directly into HHW. The hydrological complex was separated from Hoi Ha Stream and a full survey should be carried out between July and August to obtain the hydrological data in the wet season.</p> <p>(22) The ecological information from AFCD was inadequate, in particular, no proper survey had been undertaken for the proposed “V” and “GB” zones and Hoi Ha Stream had not been accorded the prominence as a natural resource and environmentally sensitive area.</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(23) 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>(24) The CPEs were well connected with the adjoining country parks from the ecological, landscape and recreational points of view. They should be incorporated in country parks so that developments would be subject to scrutiny by the Country and Marine</p>		<p>boundary of the marine park was approved in 1996 and there had been no changes since then. The northern boundary of the Plan coincided with the marine park boundary leaving no gap in between.</p> <p>(18) In drawing up the Plan and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transport, infrastructure and utility services had been taken into account. There was more emphasis on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest. Views and comments had also been sought from stakeholders and government departments. The Plan had not been prepared on the basis of the survey map which was just as a map base of the Plan only.</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(19) 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>
<p>Parks Board (CMPB) and AFCD, and put under active management including habitat and amenity improvements, regular patrols, and surveillance, and enforcement actions against irregularities.</p> <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 structures/building lots and village expansion should be planned at area with lower ecological value. The western part of the proposed "V" zone should be rezoned to "CA" or "GB" to safeguard the woodland and HHW.</p>		<p><i>Proposal on Confining the "V" Zone</i></p> <p>(20) In drawing up the Plan and its land use proposals, special attention had been given to protect the ecological and landscape significance of the area having regard to the wider natural system of Sai Kung West Country Park and HHWMP. Conservation zones, i.e. "CA", "CPA" and "GB", in consultation with relevant government departments, had been designated to cover areas (e.g. native woodlands, natural coastlines and rocky stream) having ecological and landscape significance that warranted protection under the statutory planning framework. The total land area of those three conservation zones was about 5.6 ha, representing about 66% of land covered by the Plan.</p> <p>(21) An indigenous village, Hoi Ha, was located in the area. Thus there was a need to designate "V" zones at suitable locations to meet the Small House demand of indigenous villagers after delineating areas that had to be conserved. The boundaries of the "V" zone had been drawn up after considering 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 many references in considering the proposed "V" zone.</p> <p>(22) Small House demand forecast provided by Indigenous Inhabitant Representatives to the Lands Department (LandsD) could be subject to changes over time for reasons like demographic changes as well as aspiration of indigenous</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
		<p>villagers currently living outside the village, either local or overseas, to move back to Hoi Ha in future. An incremental approach had been adopted with an aim to confining Small House developments at suitable locations adjacent to the existing village cluster. The “V” zone on the Plan had an area of about 2.6 ha which was smaller than the ‘VE’ of Hoi Ha Village (about 2.92 ha) by 11%, was capable of providing land for development of about 64 Small Houses to meet about 68% of the outstanding demand and 10-year demand forecast of 94 Small Houses.</p> <p>(23) According to AFCD, the woodland at the western portion of the proposed “V” zone was covered with trees regenerated through natural succession on abandoned agricultural land. As compared with the woodlands to the east, south and western ends of Hoi Ha, which were mature and contiguous with those inside the country park area, this woodland in the “V” zone was relatively young and disturbed to a certain extent due to its proximity to the existing village.</p> <p>(24) After reviewing the latest evidence and based on AFCD’s advice, it was considered that some of the proposals submitted by the representers had merits. To minimise any possible adverse impact on the existing natural environment, consideration could be given to partially meet the representations by revising the boundary of the “V” zone to exclude the relatively undisturbed woodland with flora of conservation species in the western part of the “V” zone and to rezone it and the adjacent “GB” zone to “GB(1)”.</p> <p>(25) The proposed “GB(1)” zone was designed to provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allowed flexibility for some necessary uses to cater for the needs of local villagers (e.g. ‘Burial Ground’ and ‘Rural Committee/Village Office’). Only developments that were needed to support the conservation of the existing natural landscape, ecological</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p><i>Designation of “Comprehensive Development Area” (“CDA”)</i></p> <p>(ii) The existing village and the suggested village expansion areas should be designated as “CDA”, within which planning restrictions should apply when applications for improvement and developments were made to ensure that the potential environmental impacts were properly addressed. Consideration could also be given to swap land with the villagers so that land in the centre of the village could be released for provision of supporting facilities, whereas government land in the east and south could be used for Small House development.</p> <p><i>Provision of a 30m “CA” Zone Buffer from Hoi Ha Stream</i></p> <p>(iii) To separate the ecologically sensitive stream and HHWMP from the undesirable land use/development, the “GB” zone should be rezoned to “CA” of at least 30m in width to protect the Hoi Ha Stream from possible Small House developments.</p>		<p>features or scenic quality of the area or essential infrastructure projects with overriding public interest might be permitted. Whist redevelopment of existing NTEH and rebuilding of existing structures were permitted, no new Small Houses were permitted in this zone. AFCD considered that the proposed “GB(1)” zone for the woodland and wetland was appropriate from nature conservation perspective.</p> <p><i>Proposal on Designation of “CDA”</i></p> <p>(26) The current proposed zonings for the Area had been drawn up to provide a clear planning intention and protection for different localities in accordance with their ecological and landscape significance, and suitability for Small House development. Designation of the village area as “CDA” zone to enforce planning restrictions or protect the environment was not appropriate.</p> <p><i>Proposal on Provision of a 30m “CA” Zone Buffer from Hoi Ha Stream</i></p> <p>(27) When drafting the Plan, 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 Hoi Ha Stream, which could provide suitable habitats supporting a variety of species, were covered with conservation zonings.</p> <p>(28) The width of the “CPA” zone between Hoi Ha Village and HHWMP ranged from about 25m to 35m. Further extending the “CPA” zone inland will encroach onto the existing village.</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p><i>Provision of at least 30m from the Shore for “CPA” Zone</i></p> <p>(iv) The “CPA” zone should be at least 30m from the shore to serve as a buffer to protect the coastline.</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(v) Hoi Ha should be designated as country park to protect its ecologically sensitive areas and the Development Permission Area (DPA) plan should be extended for at least one year to allow for the required process. In the interim, the “V” and “GB” zones as well as non-conservation zonings could be rezoned to “Undetermined” to protect the natural environment.</p> <p><i>Expanding the Boundary of the “Other Specified Uses” (“OU”) annotated “Water Sports Recreation Centre” (“OU (Water Sports Recreation Centre)”) Zone</i></p>		<p>(29) 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 rocky stream was not an EIS. To minimise any possible adverse impact on the existing natural environment, consideration could be given to partially meet the representations by rezoning the “GB” to “GB(1)” so that there was a higher degree of protection to the concerned wetland but at the same time allowed flexibility for some necessary uses to cater for the needs of local villagers. AFCD considered that the proposed rezoning to “GB(1)” was appropriate as together with the woodland area, the new “GB(1)” zone would provide a wider buffer between the village, HHWMP and Hoi Ha Stream.</p> <p><i>Proposal on Provision of at least 30m from the Shore for “CPA” Zone</i></p> <p>(30) AFCD advised that the “CPA” zone was considered appropriate from the nature conservation point of view in forming a buffer between the village and HHWMP. Further extending the “CPA” zone inland would encroach onto the existing village.</p> <p><i>Proposal on Designation of CPEs as Country Parks</i></p> <p>(31) 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><i>Expanding the Boundary of the “OU(Water Sports Recreation Centre)” Zone</i></p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p>(vi) To extend the “OU(Water Sports Recreation Centre)” zone by 5m along the boundaries to its north, east and south to facilitate the maintenance of the surrounding vegetation as required under the lease conditions and to rezone the footpath linking Hoi Ha Road to Tolo Adventure Centre to “OU” or “Government, Institution or Community” to facilitate the maintenance of the footpath.</p>		<p>(32) According to the District Lands Officer/Tai Po (DLO/TP), as per the Short Term Tenancy (STT) covering the Tolo Adventure Centre, the 3m rule referred to trees within the STT boundary. In light of this, the reason for expanding the site boundary due to the tenancy requirement was not justified. Regarding the proposal to rezone the footpath leading to the site for easier maintenance and repair of the footpath, DLO/TP advised that the footpath fell outside the STT boundary and it was uncertain how the proposed amendment could facilitate the maintenance of the footpath. It should be noted that the maintenance or repair of road (including footpath) was always permitted in the “CA” zone under the covering Notes of the Plan.</p> <p>To give added protection to the existing natural environment including the woodland, wetland, Hoi Ha Stream and HHW and to adopt an incremental approach in the designation of “V” zone to meet the Small House demand, the Board <u>decided to partially uphold R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10750 to R10910, R10922 to R10931 and R10933<sup>2</sup></u> by rezoning the western part of the “V” zone and the adjoining “GB” zone to “G(B)1”.</p> <p>The Board <u>decided not to uphold R10555, R10563, R10565, R10570, R10572, R10573, R10575, R10581, R10731, R10911 to R10921 and the remaining parts of R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10750 to R10910, R10922 to R10931 and R10933<sup>2</sup></u> 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 Hoi Ha, 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</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
		<p>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>Environmental Impact on HHWMP</i></p> <p>(C) Conservation zones, including “GB”, “CA” and “CPA” 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 Hoi Ha and the ecologically linked Sai Kung West Country Park and HHWMP under the statutory planning framework.</p> <p>(D) As stated in the Explanatory Statement of the Plan, for the protection of the water quality of HHWMP, the design and construction of the on-site STS system for any development proposals/submissions needed to comply with relevant standards and regulations, including EPD’s ProPECC PN 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”.</p> <p>(E) LandsD, when processing Small House grant applications, would consult concerned government departments including EPD, AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The water quality of HHWMP had also been closely monitored by AFCD.</p>

<u>Representations</u>	<u>Comments</u>	<u>Responses/Decisions of the Town Planning Board</u>
		<p><i>Inadequate and Misleading Information</i></p> <p>(F) The boundary of HHWMP was drawn making reference to the high water mark and the gazetted boundary of HHWMP was approved under the Marine Parks Ordinance in 1996. The northern boundary of the Plan coincided with the HHWMP boundary leaving no gap in between</p> <p>(G) In the drawing up the Plan and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transportation, infrastructure and utility services had been taken into account. Views and comments had also been sought from stakeholders and relevant government departments. The Plan had not been prepared on the basis of the survey map which was just a map base of the Plan only.</p> <p><i>Designation of “CDA”</i></p> <p>(H) The current proposed zonings for the Area had been drawn up to provide clear planning intention and protection for different localities in accordance with their ecological and landscape significance, and suitability for Small House development. Designation of the Hoi Ha area as “CDA” so as to enforce planning restrictions or protect the environment was not necessary.</p> <p><i>Provision of at least 30m from the Shore for “CPA” Zone</i></p> <p>(I) The “CPA” zone was considered appropriate from nature conservation point of view to forming a buffer between the village and the HHWMP.</p> <p><i>Designation of CPEs as Country Parks</i></p> <p>(J) Designation of the country park was under the jurisdiction of the Country and Marine Parks Authority governed by the</p>



<u><b>Representations</b></u>	<u><b>Comments</b></u>	<u><b>Responses/Decisions of the Town Planning Board</b></u>
		<p>Country Parks Ordinance (Cap. 208), which was outside the purview of the Board.</p> <p><i>Expanding the Boundary of the “OU(Water Sports Recreation Centre)” Zone</i></p> <p>(K) There was no strong justification for expanding the boundary of the “OU(Water Sports Recreation Centre)” zone. The maintenance or repair of road (including footpath) was always permitted in the “CA” zone under the covering Notes of the Plan.</p>

**Summary of Further Representations in respect of the Proposed Amendments  
to the Draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1  
and Responses/Decisions of the Town Planning Board**

<u>Further Representations</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p><b><u>F1 to F20 , F38 to F45, F47, F48, F50 and F51</u></b></p> <ul style="list-style-type: none"> <li>F1 and F2 supported the proposed amendments or the reduction of the “Village Type Development” (“V”) zone.</li> <li>F3 to F20, F38 to F45, F47, F48, F50 and F51 partly supported and partly opposed the proposed amendments and/or expressed concerns on the environmental issues of the Hoi Ha area (the Area).</li> </ul> <p><u>Grounds and Proposals of Further Representations</u></p> <p><i>Designation of “V” Zone</i></p> <p>(3) It was not clear that the size of the “V” zone under proposed Amendment Item A (i.e. the rezoning of the western part of the “V” zone to “Green Belt(1)” (“GB(1)”) was based on the proven genuine need for Small Houses. The Small House demand figures were unjustified and the size of the “V” zone should commensurate with the actual need of indigenous villagers.</p> <p>(4) 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 were covered under the “V” zones) was applicable to the Area. Thus the strict planning control of the former should also be adopted.</p> <p>(5) It was proposed to substantially reduce the “V” zone or to further confine the “V” zone to the existing settlement and rezone the remaining “V” zone to “Green Belt” (“GB”) and “GB(1)” mainly on environmental grounds.</p>	<p>The Board <u>noted</u> the supporting views of <b>F1 to F20 and F42</b> on proposed Amendment Items A and B to the draft Hoi Ha OZP No. S/NE-HH/1 (the Plan).</p> <p>The Board also noted the following responses to <b>F3 to F20, F38 to F45, F47 and F48</b>:</p> <p><i>Designation of “V” Zone</i></p> <p>(6) The boundaries of the “ V” zone had been drawn up having regard to the village ‘environs’, 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.</p> <p>(7) 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.</p>

<b><u>Further Representations</u></b>	<b><u>Responses/Decisions of the Town Planning Board</u></b>
<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 Area from the man-made pollution. In particular, the septic tanks and soakaway (STS) systems of Small House developments would have adverse water quality impact on the Hoi Ha Wan Marine Park (HHWMP).</p> <p>(7) There was a lack of assessment on the cumulative impacts (such as ecology, landscape and water pollution) of Small House development on the country park enclaves (CPEs) and consideration of its carrying capacity.</p>	<p><i>Adverse Impacts of Small House Development on Surrounding Environment</i></p> <p>(8) 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>(9) 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>(10) 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 Plan. The relevant government departments had no objection to the "V" zone.</p>
<p><i>Inadequacy of the "GB(1)" Zone for Conservation</i></p> <p>(8) The "GB(1)" zone was inadequate to protect the local habitats. The majority of the "GB(1)" zone consisted of private land owned by property developers. Farming activities, which were always permitted within the "GB(1)" zone, might be designed to destroy anything of ecological interest with an attempt to get favourable consideration for subsequent building development, i.e. 'destroy first, build later'. Besides, fertilisers and pesticides from farming activities might pollute Hoi Ha Wan (HHW) to the immediate north.</p> <p>(9) It was proposed to amend the boundary of the "GB(1)" zone by providing buffer zones in which no Small House and septic tank was allowed with a view to protecting the habitats (at least 30m on both sides of the main stream).</p>	<p><i>Inadequacy of the "GB(1)" Zone for Conservation</i></p> <p>(11) The "GB(1)" zone was intended to provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allow flexibility for some necessary uses to cater for the needs of local villagers. Only development that were needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area of essential infrastructure projects with overriding public interest might be permitted. Whilst rebuilding of New Territories Exempted House (NTEH) and replacement of an existing domestic structure by a NTEH were permitted, no new Small Houses were permitted in this zone. Agriculture, Fisheries and Conservation Department (AFCD) considered that the proposed "GB(1)" zone for the woodland and wetland was appropriate from the nature conservation perspective.</p>

<u>Further Representations</u>	<u>Responses/Decisions of the Town Planning Board</u>
<p>(10) It was proposed to move ‘Agricultural Use’ from Column 1 to Column 2 under the “GB(1)” zone with a view mainly to preventing ‘destroy first, build later’ activities or adverse environmental impacts.</p> <p><i>Rezoning “GB(1)” to “Coastal Protection Area” (“CPA”) or “Conservation Area” (“CA”)</i></p> <p>(11) It was proposed to rezone the “GB(1)” zone to “CPA” or “CA” to enhance the protection of the natural environment.</p>	<p>(12) AFCD had reservation on moving ‘Agricultural Use’ from Column 1 to Column 2 under the “GB(1)” zone from the agricultural development point of view as it would impose restrictions on agriculture and discourage agricultural development in the long run. On the concern over the run-off of agricultural chemicals into water bodies, AFCD commented that all pesticides registered under the Pesticides Ordinance (Cap. 133) were safe to use if applied according to the label directions. Moreover, permission from the Board was required for any works relating to diversion of streams, filling of land/pond or excavation of land, which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD agreed that there was no strong justification for imposing more stringent control on ‘Agricultural Use’ within the “GB(1)” zone.</p> <p><i>Rezoning “GB(1)” to “CPA” or “CA”</i></p> <p>(13) The area proposed to be zoned “GB(1)” mainly comprised patches of wetland and some young woodland developed from abandoned agricultural land. The proposed rezoning of the area to “CA” or “CPA” was considered inappropriate.</p> <p>The Board <u>decided not to uphold F38 to F41, F43 to F45 and F47 to F51 and the remaining part of F3 to F20 and F42</u> for the following reasons:</p> <p><i>Designation of the “V” and “GB(1)” Zones (F3 to F5, F7 to F20, F38 to F45 and F47)</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 within the village. Based on it and in view of the lack of infrastructural facilities in Hoi Ha and the need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers, the rezoning of the area to the west of the existing village cluster from “V” and “GB” to “GB(1)” was appropriate.</p> <p>(B) The “GB(1)” zone was intended to provide a higher degree of protection to the concerned woodland and wet agricultural land and at the same time would allow flexibility for some necessary uses to cater for the needs of local villagers. Only developments that were needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or essential</p>

<u><b>Further Representations</b></u>	<u><b>Responses/Decisions of the Town Planning Board</b></u>
	<p>infrastructure projects with overriding public interest might be permitted. While rebuilding of NTEH and replacement of an existing domestic structure by a NTEH were permitted, no new Small Houses were permitted in this zone.</p> <p>(C) The “GB(1)” area mainly comprised patches of wetland and some young woodland developed from abandoned agricultural land. The proposed rezoning of the “GB(1)” area to “CA” or “CPA” was inappropriate.</p> <p>(D) Taking into account all the relevant planning considerations, expert advice from concerned government departments, and views from relevant stakeholders, the Plan incorporating the proposed amendments could strike a balance between enhancing nature conservation of the Area and meeting the needs of villagers for Small House development.</p> <p><i>Adverse Impacts of Small House Development on Surrounding Environment (F4, F5, F7 to F20, F38 to F41, F44 and F48)</i></p> <p>(E) LandsD, 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>Notes of “GB(1)” Zone (F4, F7 to F20, F38, F45 and F47)</i></p> <p>(F) Planning permission from the Board was required for any works relating to diversion of streams, filling of land/pond or excavation of land, which might cause adverse impacts on the natural environment. There was no strong justification for imposing more stringent control on ‘Agricultural Use’ within the “GB(1)” zone.</p>

<u><b>Further Representations</b></u>	<u><b>Responses/Decisions of the Town Planning Board</b></u>
<p><b><u>F33 to F35</u></b></p> <ul style="list-style-type: none"> <li>♦ Opposed proposed Amendment Item A (i.e. the rezoning of the western part of the “V” zone to “GB(1)”) or the reduction of the “V” zone.</li> </ul> <p><u>Grounds and Proposal of Further Representations</u></p> <p><i>Insufficient “V” Zone</i></p> <ol style="list-style-type: none"> <li>(1) The reduced “V” zone was inadequate to meet the Small House demand.</li> <li>(2) The reduction of the “V” zone was not the right way of balancing conservation and development.</li> <li>(3) It was proposed to expand the “V” zone in order to reserve sufficient land for Small House development.</li> </ol>	<p>The Board noted the following responses to <b>F33 to F35</b>:</p> <p><i>Insufficient “V” Zone</i></p> <ol style="list-style-type: none"> <li>(1) In order to minimise the adverse impacts on the natural environment, in particular HHWMP, 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. Should there be a genuine need for more Small House developments, flexibility had been provided under the rezoning application system to expand the “V” zone. Each application would be considered by the Board based on its individual merits taking into account the prevailing planning circumstances.</li> </ol> <p>The Board <u>decided not to uphold</u> <b>F33 to F35</b> for the following reasons:</p> <p><i>Designation of the “V” and “GB(1)” Zones</i></p> <ol style="list-style-type: none"> <li>(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 within the village. Based on it and in view of the lack of infrastructural facilities in Hoi Ha and the need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers, the rezoning of the area to the west of the existing village cluster from “V” and “GB” to “GB(1)” was appropriate.</li> <li>(B) The “GB(1)” zone was intended to provide a higher degree of protection to the concerned woodland and wet agricultural land and at the same time would allow flexibility for some necessary uses to cater for the needs of local villagers. Only developments that were needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or essential infrastructure projects with overriding public interest might be permitted. While rebuilding of NTEH and replacement of an existing domestic structure by a NTEH were permitted, no new Small Houses were permitted in this zone.</li> </ol>

<b><u>Further Representations</u></b>	<b><u>Responses/Decisions of the Town Planning Board</u></b>
	<p>(C) The “GB(1)” area mainly comprised patches of wetland and some young woodland developed from abandoned agricultural land. The proposed rezoning of the “GB(1)” area to “CA” or “CPA” was inappropriate.</p> <p>(D) Taking into account all the relevant planning considerations, expert advice from concerned government departments, and views from relevant stakeholders, the Plan incorporating the proposed amendments could strike a balance between enhancing nature conservation of the Area and meeting the needs of villagers for Small House development.</p>
<p><b><u>F3, F4, F6 to F20, F38 to F45 and F47 to F51</u></b></p> <ul style="list-style-type: none"> <li>♦ Provided other views not directly related to the proposed amendments as follows:</li> </ul> <ol style="list-style-type: none"> <li>(1) Removing ‘Eating Place’ and other polluting uses from Column 1 under the “V” zone.</li> <li>(2) Amending the boundaries of “V” and “CPA” zones to widen the buffer zone from the current spring high tide.</li> <li>(3) Avoiding further Small House developments and provision of septic tanks at the north of the old village houses.</li> <li>(4) Re-opening the debate of the Plan or revising the Plan due to inaccurate or misleading information presented to the Board in particular survey map, high water mark and the boundary of HHWMP.</li> <li>(5) Failures in the hearing process/procedure of the representations and comments in respect on the draft Plan.</li> <li>(6) Incorporating the area into the country park.</li> <li>(7) Offering general comments on environmental conservation of the Area.</li> </ol>	<p>The Board <u>decided not to uphold</u> <b>F3, F4, F6 to F20, F38 to F45 and F47 to F51</b> for the following reason:</p> <p>(A) These views were not directly related to the proposed amendments 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 amendments.</p>



**XI. Amendments to the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/3**

(TPDC Paper No. PHW 14/2020)

152. The Chairman welcomed Ms. CHU Ha-fan, Jessica, Mr. WU Yiu-chung, Tony, Ms. CHAN Hiu-yan, Sharon, and Mr. WONG Shu-tai, William, District Planning Officer / Sha Tin, Tai Po and North, Senior Town Planner / CPE, Town Planner / CPE 3 and Town Planning Graduate / CPE respectively of the Plan D to the meeting for the discussion of this agenda item.

153. Ms. Jessica CHU said that as the Hoi Ha Outline Zoning Plan involved the rural area that included an indigenous village, the Plan D outlined the amendments to this draft outline to the Sai Kung North Rural Committee (“SKNRC”) on 16 April. At this meeting, the department would like to introduce the amendments concerned to Members and canvass their views. The representation period of the amendments was from 3 April to 3 June. She welcomed everyone to submit written representations to the TPB during the representation period.

154. Mr. Tony WU outlined Paper No. PHW 14/2020.

155. Mr. LI Yiu-ban’s comments were as follows:

- (i) He thanked the Plan D for visiting the SKNRC on 16 April to outline the project. The matters concerned could be traced to a long time ago. When Hoi Ha Outline Zoning Plan was first drawn up in 2013, it had unfairly and completely deprived the indigenous residents of the New Territories of their rights to apply for the construction of New Territories Small Houses (“Small Houses”). It could be seen from the outline draft that houses had been built on most of the land, and an extremely limited amount of land was available for the construction of Small Houses.
- (ii) The colonial Government drew up the New Territories Small House Policy in 1972, which stipulated that the area within a 300-foot radius from the edge of the outermost house in a recognised village was a Village Environ, and Small Houses could be built within this area. In the late 1970s, the Government set up a country park system that had substantially reduced the area covered by the afore-mentioned 300-foot radius. All land outside the planning area was country park area while most of the planning area was private agricultural land. In 1991, the Government introduced the Town Planning Ordinance and established Village Type Development (“VTD”) zones for many villages. Regardless of whether it was government land or private land, one could apply for the construction of Small House only inside the zone concerned. In the 1990s, as these remote villages were surrounded by country parks, no planning was carried out. Since 2003, the Government had gradually incorporated 54 enclaves into country parks or drawn up statutory zoning plans. The planning at that time still reserved room for villagers to build Small Houses. Later, due to the TPB’s decisions, the VTD zones had

further been reduced. Subsequently, some members of the public filed a judicial review (“JR”), claiming that the TPB had not taken into account the villagers’ demand for Small Houses in the next 10 years when drawing up the plans concerned. In the end, the JR was allowed by the court, and the outline zoning plan was returned to the TPB for re-consideration. The indigenous residents had considered asking the Government to lodge an appeal. However, as they did not agree with the previous version of the plan, if they asked the Government to lodge an appeal, it would mean that they agreed with the plan at that time. Therefore, they did not make such a request in the end, which had resulted in today’s situation.

- (iii) The earlier JR on Small House concessionary rights ruled that it was a traditional rights for indigenous residents to apply for the construction of Small Houses on private land within the VTD zones. However, one could not apply for the construction of Small House on government land or exchanged land. The Government had lodged an appeal for the ruling concerned. Before deciding whether the indigenous residents could apply for the construction of Small Houses on government land within the VTD zones, the TPB had already promulgated the afore-mentioned draft outline. As most of the land was government land, it had basically deprived the indigenous residents of Hoi Ha of the rights to construct Small Houses. The Government had repeatedly gone back on its pledges. The colonial Government could claim that the rural land was recovered for official purposes, carry out land forming on the suitable land under the Village Expansion Area (“VEA”) scheme, sell it to the eligible persons and charge them the cost of forming land. However, the last VEA in Tai Po was located in Shui Wai, and there was no such land since the re-unification of Hong Kong. As a result, the indigenous residents had been completely deprived of their rights to apply for the construction of Small Houses.
- (iv) When the Plan D visited the SKNRC to outline the zoning plan earlier, the village representatives were strongly against it. However, as there were just a handful of them, they only hoped that the TPB would wait until the appeal case had concluded to deal with the matters concerned, instead of rushing to approve the draft outline concerned today. Therefore, he would definitely oppose the draft outline concerned, and would also call on the villagers to submit their opinions to the TPB.

156. Mr. TAM Yi-pui’s comments and questions were as follows:

- (i) Citing the views of Ms. CHAN Ka-lam, Debby, a Member of Sai Kung District Council, as well as “Save Our Country Park” alliance (including Friends of Hoi Ha), he said that when the court ruled against the Government, it questioned how the estimated Small House demand for the next 10 years was calculated. The TPB, in its discussion paper (Paper No. 10626) of the meeting on 3 March 2020, pointed out that the figures on the estimated Small House demand for the next 10 years was

provided by the indigenous inhabitant representatives for the TPDLO's reference. However, he wondered if there was any substance in these figures. According to the estimate, several dozens or even more than 100 people were expected to apply for the construction of Small Houses between 2013 and 2014. While the figure dropped to single digits in 2019, it had now rebounded slightly. However, between 2010 and 2019, 20 people had submitted applications. Three of the applications were successful, while the remaining 17 had been rejected. According to records, there was zero application in the past two to three years. Therefore, the TPDLO and the indigenous inhabitant representatives should explain how they came up with the estimated figures, so as to support their claim that a large number of people wanted to apply for the construction of Small Houses.

- (ii) He supported rezoning Green Belt (1) as it could protect the ecological environment more effectively compared with the general Green Belt. He had no opinion on reducing the VTD zone. According to the information provided by Friends of Sai Kung, there was a river at this location that was not shown on the map. As the land there was rather wet, drainage and sewage problems had to be resolved first if houses were to be built there. Friends of Sai Kung opined that the VTD zone should be further reduced so as to shorten its distance to the houses concerned. He opined that while the views were debatable, they were also justified. He inspected the area in March and found limited amount of water in the river. However, he believed that the water volume would increase substantially once the rainy season arrived. Therefore, the department should review whether such a wet piece of land was suitable for development purposes.
- (iii) The original draft was based on the coastline in the past, and the water level had risen due to the loss of marine sand. If the Coastal Protection Area was not set according to the high water mark at present, it would be problematic as the minimum distance from the septic tank and soakaway systems to high water mark would be less than 30 metres, and sewage might be discharged into the sea. He would like to know whether the Plan D had made any improvement in accordance with the court's ruling earlier.
- (iv) He asked whether the Secretariat could provide an English translation as regards the discussion of this agenda item.

157. Mr. Terence LEE said that the minutes of DC meetings and committee meetings were all available in English. However, as translation took time, the English version could not be provided immediately.

158. Ms. Jessica CHU responded as follows:

- (i) Mr. LI Yiu-ban and the village representatives concerned expressed their concerns to the Plan D on 16 April, and the department had also explained the court's ruling to them. In light of the court's decision, the Plan D had collected more information, including the number of Small House applications received, approved and rejected by the Lands D in the past 10 years, the estimated 10-year Small House demand submitted by the indigenous inhabitant representatives in the past 10 years, as well as the Small House applications pending processing by the Lands D, for the TPB's reference. After reviewing all the afore-mentioned information, the TPB found it necessary to adjust the VTD zone concerned. In this regard, Mr. LI Yiu-ban and villagers could express their views to the TPB.
- (ii) A professional code of practice drawn up by the Environmental Protection Department ("EPD") stipulated that the design and construction of septic tanks and soakaway systems had to comply with the relevant standards and regulations, such as having a 30-metre minimum distance from the high water mark to the river channel. Small House applicants were also required to hire accredited persons to carry out infiltration tests and submit the results to the Lands D to prove that the application site was suitable for installing septic tank and soakaway systems. When dealing with land allocations and applications for Small House construction near existing river channels and Hoi Ha Wan Marine Park, the Lands D also had to consult the departments concerned, including the EPD, the Agriculture, Fisheries and Conservation Department ("AFCD"), the DSD and the Plan D, so as to ensure that all the departments concerned had every opportunity to review and comment on the applications. The department also knew that even for applications for house construction within the VTD zone, the Lands D would also require villagers to carry out infiltration tests and submit the results to ensure that the construction of Small House there would not have any impact on the significant ecological environments such as Hoi Ha Wan. As such, it could be seen that the departments concerned had put in place mechanisms to regulate the septic tank and soakaway systems of Small Houses.
- (iii) The northern boundary of Hoi Ha Outline Zoning Plan was not set according to the high water mark. Instead, it was totally in line with the boundary of Hoi Ha Wan Marine Park to provide certainty, and avoid dual regulation or the lack of it. In recent years, a group had asked the Survey and Mapping Office ("SMO") of the Lands D, requesting the department to update the changes in high water mark, and the Lands D had also sent staff to inspect the site. When the Plan D submitted the plan concerned to the TPB for consideration, it had also clearly informed the TPB about the changes in high water mark. For the sake of effective regulation, the boundary of the outline plan had to be seamlessly connected to the boundary of Hoi Ha Wan Marine Park, and should not be changed with the constantly changing high

- water mark.
- (iv) The periphery of the planning area was surrounded by the marine park and country parks. Having reviewed the information of the relevant Small House applications, the TPB opined that the area covered by the VTD zone could be adjusted correspondingly to provide the relevant area with more protection, and therefore proposed rezoning part of the land as Green Belt (1). Stricter conservation control would be implemented in Green Belt (1), but it was not merely because of a river channel. She noted that Friends of Hoi Ha questioned the accuracy of the plan's map base. In this regard, the TPB made use of the latest survey plans provided by the SMO of the Lands D when drawing up the outline zoning plan. In addition, survey plans were only one of the topographical information, and was mainly used for location reference. The TPB would also refer to other information, including land use survey records, lot boundary records, geological maps, aerial photographs, as well as on-site inspection results of the Plan D and other departments, etc., to determine the appropriate boundaries for land use zoning. At the same time, planning control was not implemented merely based on the map base of the outline plan, but the natural features and activities on the ground. For instance, river diversion and pond filling works would be regulated regardless of whether the river or pond concerned was shown on the map base. If someone diverted the river, reclaimed the land or filled the pond, etc., without permission, the Central Enforcement and Prosecution Section of the Plan D could also take law enforcement action.
- (v) For any comments, Members could submit written representations to the TPB. After hearing all the representations and relevant comments, the TPB would consider whether further amendments were to be made.

159. Mr. LI Yiu-ban's comments and questions were as follows:

- (i) Since 1996, the AFCD had been carrying out consultation on the designation of Hoi Ha Wan as a marine park. When he was the Vice-chairman of the SKNRC at that time, the department said that only the area below the tidal zone would be designated as marine parks, and the living habits and conditions of residents on land would not be interfered with. To this day, many environmental protection groups had repeatedly pointed out that Hoi Ha Village had sewage discharged into Hoi Ha Wan. He opined that as the Government promised at that time that the life of residents on land would not be affected, the Government had the responsibility to set up a centralised sewage system or wastewater treatment system for the villagers in the event of sewage problems. In addition, the small river channel mentioned by Mr. TAM Yi-pui earlier used to be the farming area of villagers. As water flew

downwards, the river channel would disappear in February or March. When a typhoon hit Hong Kong, many rivers would appear in the vicinity. Therefore, he opined that the villagers should not be harassed in such a manner.

- (ii) Not all village representatives could get in touch with all the residents as some of them were living abroad. However, at a meeting on 16 April, the village representative of Hoi Ha Village stated that 21 indigenous residents had clearly expressed their interest in applying for the construction of Small Houses, and he could provide their names and contact information.
- (iii) The Plan D referred to the estimated Small House demand for the next 10 years to determine the area of the VTD zone. As the land concerned would maintain the status quo when no one applied for it, and no management or rental payment was required either, he did not understand why the Plan D insisted on reducing the area of the VTD zone and took away the opportunity of the people in need to apply in the future. He opined that as the number of villagers would increase, there was nothing wrong with expanding the VTD zone. Many urban residents mistakenly believed that the indigenous residents of the New Territories were given land at birth for the construction of Small Houses. However, the application process was painstaking instead. He said that the indigenous residents took environmental protection seriously. Otherwise, it would not be possible to set up country parks more than 40 years ago, as the residents of most villages used firewood as their main fuel and to make a living, such as selling them or trading them with boat squatters. However, for the benefit of Hong Kong as a whole, and members of the public happened to switch to kerosene stoves at that time, country parks had been set up. He opined that the sacrifices made by the indigenous residents should not be ignored. All planning work should carry out comprehensive studies to find out the underlying issues so as to plan for the future. We should not ignore history and plan for the future based on today's situation alone.

160. Mr. TAM Yi-pui's comments and questions were as follows:

- (i) He agreed with Mr. LI Yiu-ban that the establishment of marine parks in the 1990s was to keep the life of Hoi Ha residents in the south of the marine park unaffected. However, it could not explain why there were only 20 applications for the construction of Small Houses from 2010 to 2019. He asked whether Mr. LI Yiu-ban, when providing the information of these 20-plus people who were interested in applying for the construction of Small Houses in Hoi Ha Village, could also provide information on when they indicated their interest to do so. In addition, the question of whether the poorly drainable wetland was suitable for development purpose also had to be considered.

- (ii) He found it necessary to meet the relevant parties before 3 June to discuss and draw up proposals on the issues concerned. As the Government was responsible for safeguarding the water quality of marine parks, the newly-built visitor centre in Hoi Ha Wan would produce sewage, and Hoi Ha region also had ecological value, he hoped that the DSD would send staff to participate in the discussion of the sewage problem in the region concerned. He agreed to expand the Green Belt area, but at the same time understood the position of indigenous residents held by Mr. LI Yiu-ban. Therefore, he hoped that the environmentalists and villagers could directly communicate with each other.

161. Mr. LI Yiu-ban found it very difficult to change the minds of either party, and thus had no intention to continue discussing the issues concerned. The AFCD had built two toilets and bathrooms equipped with a biochemical treatment system in Wan Tsai Campsite near Hoi Ha Wan. The system was highly effective as the waste produced by the facilities had basically been decomposed by bacteria, and the remaining sewage could be directly discharged into the sea. As the site concerned was located outside Tolo Channel, its water quality control was relatively less stringent. If this method was applied to Hoi Ha Wan to treat the sewage from Hoi Ha Visitor Centre and Hoi Ha Village, it would be extremely beneficial to the environment, society and villagers. He estimated that setting up the facilities concerned would cost about \$10 million, and there might be maintenance and management cost in the future. The Government had to resolve the sewage treatment problem effectively, and disputes might be avoided if these facilities were installed.

162. The Chairman said that as the afore-mentioned draft outline needed not be endorsed by the DC, Members could submit written representations to the TPB on or before 3 June. In addition, if Mr. TAM Yi-pui found it necessary to convene a co-ordination meeting, he could contact the departments and relevant stakeholders on his own.

有關《海下分區計劃大綱草圖編號 S/NE-HH/3》

In respect of the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/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-HH/3-1*	Marry Mulvihill (亦是 also C59)
TPB/R/S/NE-HH/3-2*	香港鄉郊基金 The Hong Kong Countryside Foundation
TPB/R/S/NE-HH/3-3*	嘉道理農場暨植物園 Kadoorie Farm and Botanic Garden
TPB/R/S/NE-HH/3-4*	長春社 The Conservancy Association (亦是 also C54)
TPB/R/S/NE-HH/3-5*	香港觀鳥會 Hong Kong Bird Watching Society (亦是 also C55)
TPB/R/S/NE-HH/3-6*	創建香港 Designing Hong Kong Limited
TPB/R/S/NE-HH/3-7*	海下之友 Friends of Hoi Ha
TPB/R/S/NE-HH/3-8*	西貢之友 Friends of Sai Kung
TPB/R/S/NE-HH/3-9*	Andrew Bowden Brown
TPB/R/S/NE-HH/3-10*	Gary William John Ades
TPB/R/S/NE-HH/3-11*	Ann Marie Davy-Hou
TPB/R/S/NE-HH/3-12*	Thomas Han San Hou
TPB/R/S/NE-HH/3-13*	Yip Tsz Lam
TPB/R/S/NE-HH/3-14*	Ruy Barretto
TPB/R/S/NE-HH/3-15*	鄭杏芬
TPB/R/S/NE-HH/3-16*	新界鄉議局 Heung Yee Kuk New Territories
TPB/R/S/NE-HH/3-17	西貢北鄉事委員會 Sai Kung North Rural Committee
TPB/R/S/NE-HH/3-18	翁煌發
TPB/R/S/NE-HH/3-19	翁天生
TPB/R/S/NE-HH/3-20	世界自然基金會香港分會 The World Wide Fund For Nature Hong Kong

\*此申述人亦就鎖羅盆及白腊分區計劃大綱圖提出申述。

\*The representer also made submission for the So Lo Pun and Pak Lap Outline Zoning Plans.



有關《海下分區計劃大綱草圖編號 S/NE-HH/3》

In respect of the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/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-HH/3-C1*	Leung Sau Mei Teresa
TPB/R/S/NE-HH/3-C2*	Ka Hei Fung
TPB/R/S/NE-HH/3-C3*	Ka Hei Fung
TPB/R/S/NE-HH/3-C4*	Leung Lok Sum
TPB/R/S/NE-HH/3-C5*	Kong Wai Lam William
TPB/R/S/NE-HH/3-C6*	Ng Pak Ming
TPB/R/S/NE-HH/3-C7*	Leung Chun Ho
TPB/R/S/NE-HH/3-C8*	馮潤林
TPB/R/S/NE-HH/3-C9*	Lai Mei Ling
TPB/R/S/NE-HH/3-C10*	Pang Wai Lun
TPB/R/S/NE-HH/3-C11*	羅子琛
TPB/R/S/NE-HH/3-C12*	鄭卓安
TPB/R/S/NE-HH/3-C13*	Chung Chi Keung
TPB/R/S/NE-HH/3-C14*	邱潔詩
TPB/R/S/NE-HH/3-C15*	Chow Chi Wai
TPB/R/S/NE-HH/3-C16*	Lee Wai Ying
TPB/R/S/NE-HH/3-C17*	Chow Suet Yan
TPB/R/S/NE-HH/3-C18*	Lau Man Lai
TPB/R/S/NE-HH/3-C19*	Law Chi Ming
TPB/R/S/NE-HH/3-C20*	Lui Wing Yat Christopher
TPB/R/S/NE-HH/3-C21*	Poon Po Yan Ambrose
TPB/R/S/NE-HH/3-C22*	Chan Kin Yui
TPB/R/S/NE-HH/3-C23*	張進誼
TPB/R/S/NE-HH/3-C24*	Leung Lok Shan
TPB/R/S/NE-HH/3-C25*	Eric Wong
TPB/R/S/NE-HH/3-C26*	Cheung Kit Ling
TPB/R/S/NE-HH/3-C27*	Yip Ching Han
TPB/R/S/NE-HH/3-C28*	Ho Wai Yee Paula
TPB/R/S/NE-HH/3-C29*	Chu Lap Shun

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

\*此提意見人亦就鎖羅盆及白腊分區計劃大綱圖提出意見。

\*The commenter also made submission for the So Lo Pun and Pak Lap Outline Zoning Plans.

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

(1) The grounds and proposals of the representers (TPB/R/S/NE-HH/3-R1 to R20), as well as PlanD's responses are summarized below:

<b>Representation No. (TPB/R/S/NE-HH/3-)</b>	<b>Subject of Representation</b>	<b>Response to Representation</b>
<b>R1</b> (also <b>C59</b> ) (individual)	<p>(a) Supports Amendment Items A and B.</p> <p><u>Grounds of Representations</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) There is a stream in the area under Amendment Item A and the "Green Belt" ("GB") zoning under the item serves as an ecological buffer.</p> <p>(e) Item B is clearly designed to protect the marine park from effluent.</p>	<p>(i) The supportive views are noted.</p>
<b>R2</b> (The Hong Kong Countryside Foundation)	<p>(a) Provides adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Town Planning Board (Board) has failed to make a proper inquiry into the data and information relating to genuine need for housing of indigenous villagers which has</p>	<p>(i) It is noted that the Court of First Instance (CFI) did not query the need of indigenous villagers for Small House</p>

<b>Representation No.</b> (TPB/R/S/NE-HH/3-)	<b>Subject of Representation</b>	<b>Response to Representation</b>
<b>R2 (Cont'd)</b>	been highlighted as its statutory duty in the Court's Judgment on the previous judicial review (JR). The Small House demand forecast by Indigenous Village Representatives (IIRs) is not verified and the extent of "V" zone upon amendment is determined without demonstrating the genuine need.	<p>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 of the paper. To follow up the JR Judgment, a review of the issues 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 applications and 10-year demand forecasts and their breakdown provided by IIRs starting from 2010, was obtained from 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</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
R2 (Cont'd)	<p>(c) The Board has not taken into account the following factors when considering the genuine need for housing:</p> <p>(1) the success rate of Small House applications in the past 10 years was only about 15%. The “V” zone is still too large to accommodate the likely number of successful Small House applications in the next 10 years;</p>	<p>District Land Offices (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 Hoi Ha 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) It should be noted that the success rate of Small House applications depends on various factors, including specific technical constraints for the Small House development at individual sites and personal circumstances of individual applicants. It may not be a good reference to directly relate the successful rate to the genuine need for Small House development.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
R2 (Cont'd)	<p>(2) infrastructure in Hoi Ha is insufficient to support further development;</p> <p>(3) there is no evidence to indicate the overseas residents have demonstrated a genuine intention to return to Hong Kong to live; and</p> <p>(4) none of the houses built in the last 20 years in Hoi Ha is presently occupied, wholly or in part by the indigenous villagers for whom the houses were built; and</p>	<p>(iv) As set out in the TPB Paper No. 10626 considered by the Board on 3.3.2020, Hoi Ha area is accessible by Hoi Ha Road and is supplied with electricity, telephone services and potable water supply. It is considered that there is a good infrastructural basis to support some further Small House development in the Area.</p> <p>(v) This issue concerns mainly the administration of the Small House Policy (SHP), which shall be handled by LandsD in the course of processing Small House grant applications. This issue is not directly related to the subject of amendments to the OZP. LandsD advises that the requirement for overseas villagers to prove an intention of living in Hong Kong only 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> <p>(vi) This issue concerns mainly the administration of the SHP, which shall be handled by LandsD in the course of processing Small House grant applications. This issue is not directly related to the subject of amendments to the OZP. District Lands Officer/ Tai Po (DLO/TP) advises that there were 5 Small Houses built at Hoi Ha Village in the past 20 years and</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
R2 (Cont'd)	<p>(5) some land within the “V” zone is owned by development companies/developers which should not be used for Small House development. There would possibly be selling of “Small House rights” in the future.</p> <p>(d) As there is no existing sewer system in Hoi Ha, Small House developments will rely solely on septic tanks and soakaway (STS) system which will potentially cause adverse sewage impacts.</p>	<p>2 of which are still owned by the original grantees.</p> <p>(vii) This issue concerns mainly the administration of the SHP, which shall be handled by LandsD in the course of processing Small House grant applications. These issue is not directly related to the subject of amendments to the OZP. LandsD advises that application for Small House 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 Small House Policy, LandsD will initiate investigation and refer to the relevant enforcement departments if necessary. Furthermore, land ownership should not be a material planning consideration on the designation of land use zones as ownership could change over time.</p> <p>(viii) 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</p>

<b>Representation No.</b> (TPB/R/S/NE-HH/3-)	<b>Subject of Representation</b>	<b>Response to Representation</b>
<b>R2 (Cont'd)</b>		<p>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 "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 STS system within the "V" zone would not entail unacceptable impacts on the surrounding environment.</p> <p>(ix) 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, including the buffer distance requirements (generally not less than a 30m minimum clearance distance from High</p>



Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
R2 (Cont'd)		<p>Water Mark (HWM), and 15m 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>(x) With the above mechanisms, there should not be any insurmountable impact from the use of STS in Small House development on the water quality of Hoi Ha Wan (HHW) and the streamcourses in the area. According to the AFCD's regular monitoring of the water quality of HHWMP, the quality of the main water-body of the MP is all along very good. This shows that the discharges from the existing Small Houses to the main water-body has not resulted in significant impact, compared to the carrying capacity of the main water-body of the MP.</p> <p>(xi) As noted in the JR Judgment, the CFI is of the view that the Board is not necessary 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 the Small House application scheme could sufficiently address the issue.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
R2 (Cont'd)	(e) The beaches in front of the village are not plotted.	<p>(xii) The map base for the current Hoi Ha OZP was extracted from the 1:1000 basic maps prepared by the Survey and Mapping Office (SMO) of LandsD as at 31.1.2020 which was the most up-to-date version by that time. As advised by SMO, the basic maps are prepared for general reference only, and will be updated from time to time to reflect changes. In making the maps, due to cartographic limitation, selection and generalisation of features are needed. Generally speaking, while SMO would endeavour to capture ground features in the basic maps for general reference, there are situations where a feature could not be readily identified and located due to heavy vegetation and topography limitation on site, or the feature does not fully meet the mapping specifications adopted by SMO for mapping purpose. As a standard practice, PlanD would update the relevant plans and drawings based on the latest available survey map base whenever opportunity arises. The maps for the current hearing paper are based on the most up-to-date version dated 22.10.2020.</p> <p>(xiii) SMO advises that the concerned coastal area in front of the village is predominantly overgrown with vegetation. According to the mapping specifications and as shown in the latest aerial photo, it is defined as 'vegetated area' instead</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
R2 (Cont'd)	(f) The boundary of Hoi Ha Wan Site of Special Scientific Interest (HHWSSSI) needs to be defined with reference to the original published plans.	<p>of 'beach'. No specific annotation is designated under the mapping specifications to show a vegetated area.</p> <p>(xiv) The HHW SSSI falls outside the planning scheme area of the OZP. The northern boundary of the OZP coincides with the HHWMP boundary, which was established in the gazette map approved by the CE in C in June 1996 under the Marine Parks Ordinance (Cap 476) to provide certainty and to avoid duplication of controlling authorities.</p> <p>(xv) The HHW SSSI was listed in January 1989 to reflect the scientific importance of the coral communities in Hoi Ha Wan. The boundary of the SSSI as shown in the plan deposited in the SSSI Register, which is a small scale (1:20,000) plan prepared in 1992, is indicative only. It should be noted that the listing of SSSIs is primarily an administrative device to alert government departments about the biological/geological importance of these sites, and that due consideration should be given to conservation when developments at or close to these sites are proposed. AFCD will be consulted for proposed developments at or in the proximity to SSSIs. For instance, the Water Pollution Control Ordinance (WPCO) has stipulated a setback distance requirement between effluent discharges into</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<p><b>R2 (Cont'd)</b></p>	<p><u>Representer's Proposal</u></p> <p>(g) To reduce the "V" zone for accommodating only six houses with reference to the historical success rate.</p>	<p>coastal water and the SSSI. In this regard, EPD in exercising the control would consult AFCD to ensure the requirement is complied with.</p> <p>(xvi) Since June 1996, Hoi Ha Wan has been designated as a Marine Park. There are statutory provisions under Cap 476 and subsidiary regulations to prohibit and control activities such as discharging into the marine park and those which may potentially affect the ecological habitats in Hoi Ha Wan.</p> <p>(xvii) 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 Hoi Ha, the current "V" zone is confined mainly to the existing village cluster and a piece of abandoned farmland</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R2</b> (Cont'd)		now covered in lowland forest and mixed shrubland to the immediate west of the village cluster. There is no strong reason for a further reduction of the “V” zone.
<b>R3</b> (Kadoorie Farm & Botanic Garden)	<p>(a) Provides adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Board has failed to make a 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 western part of the current “V” zone adjoining the “GB(1)” zone is well vegetated and comprises a stream which deserves proper protection.</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(ii) According to AFCD, the vegetated part of the “V” zone is covered in open shrubs and woody vegetation with scattered trees and partly overgrown with climbers. The stream flowing through this area is seasonal with a gentle profile, slow-flowing with clear and odourless water. The riparian vegetation is mainly disturbed shrubs and grassland with native plant species and some common wetland herbs. As compared with the woodlands to the east, south and western end of Hoi Ha, which are mature and contiguous with those inside the Country Park area, the woodland with area zoned “V” is relatively young and disturbed to a certain extent due to its proximity to the existing village. As there is no record</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R3 (cont'd)</b>	<p><u>Representer's Proposal</u></p> <p>(d) To rezone the western vegetated part of the current "V" zone to "GB(1)" to cover the stream and the woodland.</p> <p>(e) 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 '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.</p>	<p>of any species of conservation importance in this area, AFCD has no adverse comment on the current "V" zoning for this area.</p> <p>(iii) Response (ii) above is relevant.</p> <p>(iv) Each Country Park Enclave (CPE) should be considered on the circumstances and characteristics on individual basis. The imposition of more stringent planning control in 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 Hoi Ha OZP and there is no exceptional circumstances that warrant adopting a more stringent planning control on new NTEH/Small House developments</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R3</b> (Cont'd)		within the “V” zone.
<b>R4 (also C54)</b> (The Conservancy Association)	<p>(a) Supports the conservation approach under Item B.</p> <p>(b) Provides adverse representations on Item A as follows:</p> <p><u>Grounds of Representations</u></p> <p>(c) The Board has failed to make a 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.</p> <p>(d) The Board has not taken into account when considering the genuine need for housing that majority of the houses within “V” zone have been sold or rent out. Four outstanding Small House applications in the southwestern part of the “V” zone are located on lots previously owned by developers but subsequently transferred to villagers. There would possibly be selling of “Small House rights” in the future. Zoning these lots as “V” is not to satisfy the genuine need for Small House development of indigenous villagers.</p>	<p>(i) The supportive view is noted.</p> <p>(ii) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(iii) Responses (vi) and (vii) to <b>R2</b> above are relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R4 (Cont'd)</b>	<p>(e) The western part of the current “V” zone adjoining the “GB(1)” zone is well vegetated with secondary and modified woodland of ecological value and provides buffer function.</p> <p>(f) There is a stream flowing through the western part of the “V” zone into the HHWMP. Any development close to the stream would pose adverse environmental impacts.</p> <p>(g) The proposed extent of “V” zone would lead to sewage impacts affecting water bodies. The use of STS is not suitable for Hoi Ha due to its proximity with HHW, presence of streams and high water table.</p> <p>(h) The Practice Note for Professional Persons (ProPECC PN) 5/93 (PN) is not effective for monitoring the adverse sewage impact from STS in Hoi Ha.</p> <p>(i) Hoi Ha is recognized with significant ecological interest relating to HHWMP and natural streams. The “V” zone should be further reduced to safeguard the ecological value of the diverse habitats against any development and human disturbances.</p>	<p>(iv) Response (ii) to <b>R3</b> above is relevant.</p> <p>(v) Response (ii) to <b>R3</b> above is relevant</p> <p>(vi) Responses to (viii) and (xi) to <b>R2</b> are relevant.</p> <p>(vii) The ecological value of Hoi Ha and the surrounding areas are well recognised and it has been an important consideration in drawing up the draft OZP. Conservation zones, such as “GB(1)”, “CA” and “CPA” 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 Hoi Ha and the areas ecologically linked with Sai Kung West Country Park and HHWMP under the statutory planning framework.</p>



Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
	<p><u>Representer's Proposal</u></p> <p>(j) To rezone the western vegetated part of the current "V" zone to "GB(1)" to cover the stream and the woodland.</p>	<p>(viii) Response (ii) to <b>R3</b> above is relevant</p>
<p><b>R5</b> (also <b>C55</b>) (Hong Kong Bird Watching Society)</p>	<p>(a) Supports the conservation approach under Item B.</p> <p>(b) Provides adverse representations on Item A as follows:</p> <p><u>Grounds of Representations</u></p> <p>(c) The Board has failed to make a 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>(d) An area to the west of the existing village cluster in the "V" zone were sold to development companies in 2014. The current "V" zone for this area might facilitate abuse of Small House Policy.</p> <p>(e) There is a stream flowing through the western part of the "V" zone into the HHWMP. Any development close to the stream would pose adverse environmental impacts. A buffer zone should be provided to protect the ecological integrity of</p>	<p>(i) The supportive view is noted.</p> <p>(ii) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(iii) Response (vii) to <b>R2</b> above is relevant.</p> <p>(iv) Response (ii) to <b>R3</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R5 (Cont'd)</b>	Hoi Ha as a whole.	
	<p>(f) The western part of the current “V” zone adjoining the “GB(1)” comprises secondary and modified woodland of ecological value.</p> <p>(g) As there is no existing and planned sewer system in Hoi Ha, Small House developments will rely solely on STS system, which will potentially cause adverse sewage impacts to the nearby HHWMP and streams. Furthermore, some of the outstanding Small House applications within the “V” zone are located within 20m of the watercourse and could not meet the 30m setback requirement under ProPECC PN No. 5/93. The “V” zone should be further reduced to minimize the impacts on the surrounding sensitive ecological environment.</p>	<p>(v) Response (ii) to <b>R3</b> above is relevant.</p> <p>(vi) Responses (viii) to (xi) to <b>R2</b> above are relevant.</p>
	<p>(h) Hoi Ha is recognized with significant ecological interest relating to Hoi Ha Wan Marine Park (HHWMP) and SSSI, Sai Kung West (SKW) Country Park and natural streams. A total of 104 bird species are recorded in Hoi Ha and such diversity is related to the naturalness and diversity of different habitat types. The “V” zone should be further reduced to safeguard the ecological value of the diverse habitats and bird community against any development and</p>	<p>(vii) Response (vii) to <b>R4</b> above is relevant.</p> <p>(viii) Regarding the protection of bird species, AFCD emphasises more on the preservation of habitats with high conservation value rather than individual species or specimens of conservation interest, and important habitats such as native woodlands, riparian zones as well as wetland areas, which could provide suitable habitats supporting a variety of species, were already covered by conservation zonings, such</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R5 (Cont'd)</b>	<p>human disturbances.</p> <p><u>Representer's Proposals</u></p> <p>(i) 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 Hoi Ha.</p> <p>(j) To rezone the western vegetated part of the current "V" zone to "GB(1)" to cover the stream and the woodland. (<b>Plan H-3</b>)</p> <p>(k) Including Hoi Ha into SKW Country Park after detailed assessment and public consultation</p>	<p>as "CA", "CPA" and "GB(1)" in Hoi Ha for due protection.</p> <p>(ix) Response (iv) to <b>R3</b> above is relevant.</p> <p>(x) Response (ii) to <b>R3</b> above is relevant.</p> <p>(xi) For CPEs protected by statutory plans, the general planning intention is to conserve the natural landscape and conservation value, protect the natural and rural character and allow for Small House development by the indigenous villagers of the existing recognised villages within the areas. Designation of country park is under the jurisdiction of the</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R5</b> (Cont'd)		Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board.
<b>R6</b> (Designing Hong Kong Limited)	<p>(a) Provides adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Board has failed to make a 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 extent of "V" zone upon amendment is determined without demonstrating the genuine need.</p> <p>(c) The Board has not taken into account the following factors when considering the genuine need for housing:</p> <p>(1) the proposed "V" zone to accommodate 60% of the Small House demand has overestimated the need for land for Small House compared to the number of applications received and processed in the last decade; and</p> <p>(2) some of the land lots currently within "V" zone were sold by villagers to various companies since</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(ii) Response (iii) to <b>R2</b> above is relevant.</p> <p>(iii) Response (vii) to <b>R2</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<p><b>R6 (Cont'd)</b></p>	<p>2008. It is inconsistent with the IIR's claim that there is a demand for housing of villagers. Furthermore, some companies have sold the land back to villagers. There is a concern on the abuse of "Small House rights".</p> <p>(d) There is a stream flowing through the western part of the "V" zone into the HHWMP. Any development close to the stream would pose adverse environmental impacts.</p> <p>(e) The "V" zone should be further reduced to prevent the damage from development to the ecology and hydrology.</p> <p>(f) The Board should take a stringent restrictive approach towards permitted land uses and development in CPEs to protect the existing environment.</p>	<p>(iv) Response (ii) to <b>R3</b> above is relevant.</p> <p>(v) Response (vii) to <b>R4</b> above is relevant.</p> <p>(vi) 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</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
	<p><u>Representer's Proposals</u></p> <p>(g) To rezone the western vegetated part of the current "V" zone to "GB(1)" to protect the stream running across.</p> <p>(h) The "V" zone should be reduced to confine to the existing village settlements and approved Small House sites.</p>	<p>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>(vii) Response (ii) to <b>R3</b> above is relevant.</p> <p>(viii) Response (xvii) to <b>R2</b> above is relevant.</p>
<p><b>R7 &amp; R8</b> (Friends of Hoi Ha, Friends of Sai Kung)</p>	<p>(a) Provide adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Board has not fulfilled the requirements of the JR to enquire into and properly deal with the genuine need for Small Houses of the indigenous villagers. It has used the same flawed methodology as before to designate the extent of the "V" zone on the basis of unverified forecast of Small House demand made by the IIR.</p> <p>(c) The Board has not taken into account the following factors when considering the genuine need for housing:</p> <p>(1) the success rate of Small House applications in the past 10 years was only about 15%;</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(ii) Response (iii) to <b>R2</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R7 &amp; R8 (Cont'd)</b>	<p>(2) infrastructure in Hoi Ha is insufficient to support further development as there is a lack of sewage system, decent public transport, parking spaces, mobile phone coverage and fast internet services;</p> <p>(3) none of the houses built in the last 20 years in Hoi Ha is presently occupied by the indigenous villagers for whom the houses were built; and</p> <p>(4) some land within the “V” zone is owned by development companies which should not be used for Small House development.</p> <p>(d) The proposed extent of “V” zone would lead to sewage impacts affecting water bodies. The use of STS is not suitable for Hoi Ha due to its proximity with HHW SSSI. It would potentially deteriorate and cause cumulative impact for the nearby hydrological system.</p> <p>(e) The setback distance for STS from high water mark (HWM) as stipulated under the PN is insufficient to prevent polluting Hoi Ha Wan because the HWM does not accurately reflect the sea/land boundary (see point (i)(1) below).</p>	<p>(iii) Response (iv) to <b>R2</b> above is relevant.</p> <p>(iv) Response (vi) to <b>R2</b> above is relevant.</p> <p>(v) Response (vii) to <b>R2</b> above is relevant.</p> <p>(vi) Responses (viii) to (xi) to <b>R2</b> above are relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R7 &amp; R8 (Cont'd)</b>	<p>(f) Hoi Ha, with a “V” zone adjacent to a MP/SSSI and recreation beach, should be treated as ‘special circumstance’ mentioned in the ProPECC No. 5/93 to warrant a more stringent standard. This requirement should be clearly stated by the Board.</p> <p>(g) The Board has failed to fulfill the obligations under the Convention on Biodiversity (CBD) Article 8e to “promote environmentally sound and sustainable development in area adjacent to protected areas with a view to further protection of these areas”.</p> <p>(h) The Board has failed to fulfil various requirements under the Hong Kong’s Biodiversity Strategy and 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.</p> <p>(i) The information on the base map adopted to designate the zoning is inadequate and misleading:</p> <p>(1) High Water Mark (HWM) might not be an appropriate</p>	<p>(vii) AFCD advises that the protection of the CPEs to meet conservation needs, either through designation of country parks or conservation zonings of statutory town plans, including the ‘conservation oriented approach’ adopted by the Board in amending the Hoi Ha OZP, is generally in line with the objectives of Article 8e of the CBD and the BSAP in promoting biodiversity conservation and the sustainable development.</p> <p>(viii) Response (xii) to <b>R2</b> above is relevant.</p> <p>(ix) The adoption of HWM, taken to be 2.3m above the Hong</p>



<b>Representation No.</b> (TPB/R/S/NE-HH/3-)	<b>Subject of Representation</b>	<b>Response to Representation</b>
<b>R7 &amp; R8 (Cont'd)</b>	<p>indication of the relationship between the sea and land. An alternative measurement, Highest Astronomical Tide (HAT) predicted and published by Hong Kong Observatory might be a better indication for the level where the sea reaches inland.</p>	<p>Kong Principal Datum, in the basic maps as a line for showing generally the boundary of the land and the sea is in accordance with SMO's mapping specifications. There is no alternative annotation under the mapping specifications to serve the same mapping purpose.</p> <p>(x) For the HAT, Hong Kong Observatory (HKO) advises that it generally reflects the highest water level that can occur under average meteorological conditions and any combination of astronomical conditions. HKO computes HAT at various tide stations in Hong Kong every year using the predicted tide data from the current and past 18 years. As there is no tide station in Hoi Ha Wan, HAT is not available for that location (the nearest station is at Ko Lau Wan, which is about 3 km to the east of Hoi Ha). Same as HWM, HAT is only a general indication, which predicts the highest tide that may reach on an average basis. The actual highest tide level will depend on various factors including the weather effects such as storm surges. In view of the above, it is considered not feasible nor necessary to replace HWM with HAT as an alternative indication of the land/sea boundary in Hoi Ha.</p>

<b>Representation No. (TPB/R/S/NE-HH/3-)</b>	<b>Subject of Representation</b>	<b>Response to Representation</b>
<b>R7 &amp; R8 (Cont'd)</b>	<p>(2) The boundary of HHWMP does not encompass all of the beach area inland from the HWM. The beach is used for recreation use, which should be protected with larger set back distance from septic tanks of Small Houses. It needs to be surveyed and plotted on the map.</p> <p>(3) The marking of the streams on the map are important 'evidence on the ground' for enforcement against any diversion of streams/filling of pond, which should be clearly shown on the base map.</p>	<p>(xi) Response (xiii) to <b>R2</b> above is relevant.</p> <p>(xii) SMO advises that all streams with obvious and continuous water flow are shown on the 1:1000 basic maps. Regarding the importance of marking the streams on the base maps as evidence for enforcement against any diversion of streams/filling of pond, it should be noted that for the preparation of OZPs, the survey maps serve no more than a map base and a locational reference. There are many other materials taken into account, including land use survey records, lot boundaries records, geological maps, aerial photos, and site inspections by officers of the PlanD and other relevant departments. Planning control is not exercised based on the map base of the OZP. It is the physical features/activities on the ground that matter, i.e. diversion of streams and filling of ponds are under control, irrespective of whether the streams and ponds are shown on the map base or not.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R7 &amp; R8</b> (Cont'd)	<p>(4) The distance between the “V” zone and the HHW SSSI has relevance in determining whether the location requirements of septic tanks as stated in the Water Pollution Control Ordinance (Cap.358) and its associated Technical Memorandum Standards for Effluents Discharged Into Drainage and Sewage Systems are fulfilled. However, the SSSI boundary is poorly defined in the relevant map.</p> <p><u>Representer’s Proposal</u></p> <p>(j) To reduce the “V” zone for accommodating only six houses.</p>	<p>(xiii) Responses (xiv) to (xvi) to <b>R2</b> above are relevant.</p> <p>(xiv) Response (xvii) to <b>R2</b> above is relevant.</p>
<b>R9, R10 &amp; R13</b> (Individuals)	<p>(a) Provide adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Board has not fulfilled the requirements of the JR to enquire into and properly deal with the genuine need for Small Houses of the indigenous villagers.</p> <p>(c) The western part of the current “V” zone adjoining the “GB(1)” is well vegetated.</p> <p><u>Representer’s Proposal</u></p> <p>(d) To rezone the western vegetated part of the current “V” zone</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(ii) Response (ii) to <b>R3</b> above is relevant.</p> <p>(iii) Response (ii) to <b>R3</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R9, R10 &amp; R13</b> (Cont'd)	<p>to “GB(1)”.</p> <p>(e) The conservation approach adopted in Tai Long Wan, which confines the “V” zone to only the existing village settlements and approved Small House sites, should also be adopted in Hoi Ha.</p>	<p>(iv) Response (iv) to <b>R3</b> above is relevant.</p>
<b>R11 &amp; R12</b> (Individuals)	<p>(a) Provide adverse representations as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) The Board has failed to make a proper inquiry into the data and information relating to genuine need for housing of indigenous villagers. 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.</p> <p>(c) The Board has not taken into account the following factors when considering the genuine need for housing:</p> <p>(1) infrastructure in Hoi Ha is insufficient to support further development as there is a lack of parking spaces, mobile phone coverage and fast internet service;</p> <p>(2) demographic information of the Hoi Ha Village shows</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(ii) Response (iv) to <b>R2</b> above is relevant.</p> <p>(iii) Response (vi) to <b>R2</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R11 &amp; R12 (Cont'd)</b>	<p>that only 5 out of 31 houses built since 1977 are still occupied by indigenous villagers and majority of the houses within “V” zone have been sold or rent out. This show the genuine need for house development of indigenous villagers is not high;</p> <p>(3) some land within the “V” zone is owned by development companies which should not be used for Small House development. There would possibly be selling of “Small House rights” in the future.</p> <p>(d) The proposed extent of “V” zone would lead to sewage impacts affecting water bodies. The use of STS is not suitable for Hoi Ha due to its proximity with HHW, presence of streams and high water table. It would exceed the natural treatment capacity in the locality, thus potentially deteriorate and cause cumulative impact for the nearby hydrological system and the HHWMP. All the Small Houses in Hoi Ha village have STS located right adjacent to the houses. Proper sewage treatment plant in Hoi Ha village should be considered to provide better protection of HHWMP.</p> <p>(e) ProPECC PN 5/93 (PN) is not effective for monitoring the adverse sewage impact from STS in Hoi Ha. The setback</p>	<p>(iv) Responses (vii) to <b>R2</b> above are relevant.</p> <p>(v) Responses (viii) to (xi) to <b>R2</b> above are relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R11 &amp; R12</b> (Cont'd)	<p>distance for STS from HWM as stipulated under the PN is insufficient to prevent polluting Hoi Ha Wan because the HWM does not accurately reflect the sea/land boundary. The rising sea levels caused by global warming will also cause flooding problem to new houses to be built near the “CPA” boundary and flowing of effluents from septic tanks to HHWMP during typhoons. To address the problems, the setback distance should be increased to 45m.</p> <p>(f) The information on the base map adopted to designate the zoning is inadequate and misleading.</p> <p>(g) High water mark might not be an appropriate indication of the relationship between the sea and land.</p>	<p>(vi) Response (xii) to <b>R2</b> above is relevant.</p> <p>(vii) Responses (ix) and (x) to <b>R7 &amp; R8</b> above are relevant.</p>
<b>R14</b> (Individual)	<p>(a) Provides adverse representations as follows.</p> <p><u>Grounds of Representations</u></p> <p>(b) 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</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R14 (Cont'd)</b>	<p>determined without demonstrating the genuine need.</p> <p>(c) The Board has not taken into account the following factors when considering the genuine need for housing:</p> <ul style="list-style-type: none"> <li>(1) with reference to the success rate of Small House applications in the past 10 years, only less than 18% of the current 14 outstanding applications are likely to be approved;</li> <li>(2) infrastructure in Hoi Ha is insufficient to support further development as there is a lack of sewage system, decent public transport, parking spaces, mobile phone coverage and fast internet services;</li> <li>(3) there is no evidence to indicate the overseas residents have demonstrated a genuine intention to return to Hong Kong to live;</li> <li>(4) none of the houses built in the last 20 years in Hoi Ha is presently occupied by the indigenous villagers for whom the houses were built; and</li> <li>(5) some land within the “V” zone is owned by development companies which should not be used for</li> </ul>	<p>(ii) Response (iii) to <b>R2</b> above is relevant.</p> <p>(iii) Response (iv) to <b>R2</b> above is relevant.</p> <p>(iv) Response (v) to <b>R2</b> above is relevant.</p> <p>(v) Response (vi) to <b>R2</b> above is relevant.</p> <p>(vi) Response (vii) to <b>R2</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R14 (Cont'd)</b>	<p>Small House development. There would possibly be selling of “Small House rights” in the future.</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 proposed extent of “V” zone would lead to sewage impacts affecting water bodies. The use of STS is not suitable for Hoi Ha due to its proximity with HHW, presence of streams and high water table. It would potentially deteriorate and cause cumulative impact for the nearby hydrological system and the HHWMP.</p> <p>(f) The current administration of STS requiring proper percolation test is poorly enforced.</p> <p>(g) Assessment of the sewage impact should be done before designating the “V” zone.</p>	<p>(vii) Most of the representations/comments/further representations raised concerned on the “V” zone designation (some of them also touched upon the maps issue) which is the subject of review on the genuine need issue on the Hoi Ha OZP in the TPB Paper No. 10626 considered by the Board on 3.3.2020, in accordance with the Court’s Judgment.</p> <p>(viii) Responses (viii) to (xi) to <b>R2</b> above are relevant.</p>



Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R14 (Cont'd)</b>	<p>(h) The Board has failed to fulfill the obligations under the Convention on Biodiversity (CBD) Article 8e to “promote environmentally sound and sustainable development in area adjacent to protected areas with a view to further 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 defective mapping must be dealt with by accurate updated surveys on the beaches and streams so that all of the areas covered by water at any time are identified and the MP, SSSI and CPA are protected.</p> <p><u>Representer’s Proposals</u></p> <p>(k) 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</p>	<p>(ix) Response (vii) to <b>R7 &amp; R8</b> is relevant.</p> <p>(x) Responses (xii) and (xiii) to <b>R2</b> and Response (xii) to <b>R7 &amp; R8</b> are relevant.</p> <p>(xi) Response (iv) to <b>R3</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R14 (Cont'd)</b>	<p>(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 Hoi Ha.</p> <p>(l) To reduce the “V” zone for accommodating only six houses.</p> <p>(m) To rezone the “GB(1)” as “CA” for an area of at least 15 m from the main stream bank, and 15m on either bank of other streamcourses.</p> <p>(n) The land use zonings for Hoi Ha should be for “Conservation Area” (“CA”) or a buffer for “CA” and Marine Park, and “GB(1)” with restrictions against houses.</p>	<p>(xii) Response (xvii) to <b>R2</b> above is relevant.</p> <p>(xiii) Given the mechanisms in the control of adverse environmental impact from STS discharge, and the streams in Hoi Ha are not Ecologically Important Streams (EIS) (circumstances different from So Lo Pun with an EIS), the proposal to rezone the area on either bank of the streams to “CA” in Hoi Ha is considered not necessary. Furthermore, AFCD advises that as there is no record of any species of conservation importance in the concerned streams and the streams are not EIS, given the land area adjoining the HHWMP and the large stream to the west of the planning scheme have already been placed under conservation zonings, additional buffer would not be necessary.</p> <p>(xiv) Response (vii) to <b>R4</b> above is relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R15</b> (Individual)	<p>(a) Opposes the OZP.</p> <p><u>Grounds of Representations</u></p> <p>(b) The designation of “V” zone has violated the Block Government Lease (BGL) and SHP. The Board shall not prepare any plan under the Ordinance (Cap 131) 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 the implementation details of SHP are not directly related to the OZP. LandsD will handle the matters in the processing of Small House grant applications.</p> <p>(ii) Response (vi) to <b>R6</b> above is relevant.</p>
<b>R16</b> (新界鄉議局)	<p>(a) Opposes Amendment Items A and B.</p> <p><u>Grounds of Representations</u></p> <p>(b) The reduced “V” zone could not meet the Small House need in Hoi Ha.</p>	<p>(i) 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</p>

<b>Representation No.</b> (TPB/R/S/NE-HH/3-)	<b>Subject of Representation</b>	<b>Response to Representation</b>
<b>R16 (Cont'd)</b>		<p>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 adverse impact on the natural environment. In order to comply with the JR judgement, the Board, in deciding to make amendments to the OZP, has considered additional/updated information on Small House demand as mentioned in paragraph 2.6 of the Paper. As advised by the District Lands Officer/Tai Po (DLO/TP), no further Small House application has been received, approved or rejected in Hoi Ha since the Board's decision to make amendments to the OZP on 3.3.2020, and the number of outstanding applications remains as 14 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</p>

<b>Representation No. (TPB/R/S/NE-HH/3-)</b>	<b>Subject of Representation</b>	<b>Response to Representation</b>
<b>R16 (Cont'd)</b>	<p>(c) According to Article 40 of Basic Law, the legal rights of the indigenous villagers of the New Territories should be protected and there should be adequate land within “V” to satisfy the Small House demand of the future male indigenous villagers.</p>	<p>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.</p> <p>(iii) 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>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R17</b> (Sai Kung North Rural Committee)	<p>(a) Opposes Amendment Items A and B.</p> <p><u>Grounds of Representations</u></p> <p>(b) The reduced “V” zone could not meet the Small House need in Hoi Ha, which is well supported by the genealogy list of male indigenous villagers prepared by the representers.</p> <p><u>Representer’s Proposal</u></p> <p>(c) To delete the “CPA” and “GB(1)” zones under Items A and B.</p>	<p>(i) Responses (i) and (ii) to <b>R16</b> above are relevant.</p> <p>(ii) Responses (i) and (ii) to <b>R16</b> above are relevant.</p>
<b>R18 &amp; R19</b> (翁煌發 (Indigenous Inhabitant Representative of Hoi Ha Village) & 翁天生 (Resident Representative of Hoi Ha Village))	<p>(a) Oppose Amendment Items A and B</p> <p><u>Grounds of Representations</u></p> <p>(b) The reduced “V” zone could not meet the Small House need in Hoi Ha. The Small House demand could be supported by the list showing the names of all male indigenous villagers who are entitled for Small House grant.</p> <p>(c) The actual land available for Small House development was even less as Government land will no longer be granted in accordance with the Court’s Judgment on the judicial review on SHP.</p>	<p>(i) Responses (i) to (ii) to <b>R16</b> above are relevant.</p> <p>(ii) The concerned Judgment is related to the Government’s land administration policy on Small House while the Board’s plan-making function is pursuant to the Town Planning Ordinance (Cap.131). The Board prepares draft plans for the lay-out of Hong Kong by way of zoning and the object of the draft plans is to indicate the broad land-use zonings for an area so that the development and redevelopment within the</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R18 &amp; R19</b> (Cont'd)	<p><u>Representer's Proposal</u></p> <p>(d) To reduce the size of the "GB(1)" and "CPA" zones under Items A and B.</p>	<p>area can be put under statutory planning control. The Board's function is to determine the types of building suitable for a certain area. The power to grant land for erection of building rests with the LandsD and that is the power of the Director of Lands being challenged in the judicial review proceedings and the related appeal.</p> <p>(iii) Responses (i) to (ii) to <b>R16</b> above are relevant.</p>
<b>R20</b> (World Wide Fund For Nature Hong Kong)	<p>(a) Provides adverse representations on Amendment Item A as follows:</p> <p><u>Grounds of Representations</u></p> <p>(b) There is a stream flowing through the western part of the "V" zone into the HHWMP. Any development close to the stream would pose adverse environmental impacts.</p> <p>(c) The proposed extent of "V" zone would lead to sewage impacts affecting water bodies. The use of STS is not suitable for Hoi Ha due to its proximity with HHW, presence of streams and high water table. It would exceed the natural treatment capacity in the locality, thus potentially deteriorate and cause cumulative impact for the nearby hydrological</p>	<p>(i) Response (ii) to <b>R3</b> above is relevant.</p> <p>(ii) Responses (viii) to (xi) to <b>R2</b> above are relevant.</p>

Representation No. (TPB/R/S/NE-HH/3-)	Subject of Representation	Response to Representation
<b>R20</b> (Cont'd)	<p>system and the HHWMP.</p> <p><u>Representer's Proposal</u></p> <p>(d) To rezone the western vegetated part of the current "V" zone to "GB(1)" to cover the stream and the woodland if the stream is found to have high ecological value.</p>	<p>(iii) Response (ii) to <b>R3</b> above is relevant.</p>



(2) The 60 comments (TPB/R/S/NE-HH/3-C1 to C60) are submitted by three representers themselves (**R1**, **R4** and **R5**), 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-HH/3-C)	Related Representation	Gist of Comments	
<b>C1 to C53</b>  (Individuals)	<b>R3 to R8</b>	(a) Support the representations.  (b) The “V” zone should be reduced and part of it should be rezoned to “Coastal Protection Area” (“CPA”) and “Green Belt (1)” (“GB (1)”) zones to protect the areas with ecological and landscape significance.	(i) Responses (ii) to <b>R3</b> and (vii) to <b>R4</b> above are relevant.
	<b>R16 to R19</b>	(c) Oppose the representations.  (d) It is not justified to enlarge the “V” zone as the genuine need for Small House development cannot be verified.s  (e) Reduction of “V” zone would not affect village development.	(i) Responses (i) and (ii) to <b>R2</b> and responses (i) and (ii) to <b>R16</b> above are relevant.
<b>C54 (also R4)</b>  (The Conservancy Association)	<b>R16 to R19</b>	(a) Oppose the representations.  (b) It is not justified to expand the “V” zone as the genuine need for Small House development cannot be verified.	(i) Responses (i) and (ii) to <b>R2</b> and response (i) and (ii) to <b>R16</b> related to the comment of expanding “V” zone above are relevant.

Comment No. (TPB/R/S/NE- HH/3-C)	Related Representation	Gist of Comments	
<b>C54</b> (Cont'd)		<p>(c) To avoid undermining the ecological and landscape significance of Sai Kung West Country Park and Hoi Ha Wan Marine Park, conservation zonings including “GB(1)”, “Conservation Area” (“CA”) and “CPA” should not be further reduced in Hoi Ha.</p> <p>(d) Considerable amount of land in the “V” zone was sold by indigenous villagers to developers. It is very doubtful if there are urgent genuine needs to increase the size of “V” zone. The “V” zone should be further reduced by confining it to the existing village settlement.</p>	<p>(ii) Responses (i) and (ii) to <b>R16</b> above are relevant.</p> <p>(iii) Responses (vii) and (xvii) to <b>R2</b> above are relevant.</p>
<b>C55</b> (also <b>R5</b> )  (Hong Kong Bird Watching Society)	<b>R2 to R6</b>	<p>(a) Support the representations.</p> <p>(b) As the genuine need for Small House development in Hoi Ha has not yet been verified, the Town Planning Board (the Board) could not properly inquire into the issue as raised by the Court in the previous judicial review (JR).</p> <p>(c) The area to the west of the existing village cluster within "V" zone are owned by development companies and there is a possible abuse of “Small</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(ii) Response (vii) to <b>R2</b> above is relevant.</p>

Comment No. (TPB/R/S/NE- HH/3-C)	Related Representation	Gist of Comments	
<b>C55</b> (Cont'd)		House rights”.  (d) The proposed amendment item A still do not provide sufficient protection to the natural environment of Hoi Ha.	(iii) Response (vii) to <b>R4</b> above is relevant.
<b>C56</b>  (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) Hoi Ha 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. The 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.

<b>Comment No. (TPB/R/S/NE- HH/3-C)</b>	<b>Related Representation</b>	<b>Gist of Comments</b>	
<b>C57</b>  (Individual)	<b>R3 to R4</b>	<p>(a) Supports the representations.</p> <p>(b) Considerable amount of land in the “V” zone is owned by developers, or previously owned by developers and then sold to villagers. This resembles the situation of abuse of Small House rights. The “V” zone should be significantly reduced to avoid the scope for such abuse.</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 (vii) to <b>R2</b> above is relevant.</p> <p>(ii) Responses (i) and (ii) to <b>R2</b> above are relevant.</p>
<b>C58</b>  (Individual)	<b>R3 to R5</b>	<p>(a) Support the representations.</p> <p>(b) Planning of “V” zone should be based on genuine need and there is insufficient information to support the scale of development.</p> <p>(c) As Hoi Ha is ecologically sensitive, a more stringent standard should be adopted in the planning process.</p>	<p>(i) Responses (i) and (ii) to <b>R2</b> above are relevant.</p> <p>(ii) Response (vi) to <b>R6</b> is relevant</p>
<b>C59 (also R1)</b>  (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 as</p>	<p>(i) Responses (i), (ii) and (xvii) to <b>R2</b> above are relevant.</p>

<b>Comment No. (TPB/R/S/NE- HH/3-C)</b>	<b>Related Representation</b>	<b>Gist of Comments</b>	
<b>C59</b> (Cont'd)		to the actual valid and justified demand for Small House. The “V” zone should be confined to the existing village and approved NTEH application sites.	
<b>C60</b>  (Individual)	<b>R3 to R8</b>	(a) Supports the representations  (b) Support rezoning part of the “V” into “CPA” and “GB (1)” to protect the areas with ecological and landscape significance.  (c) The Board should review whether the issue as raised by the Court in the previous JR have been duly addressed.	(i) Responsess (ii) to <b>R3</b> and (vii) to <b>R4</b> above are relevant.  (ii) Responses (i) and (ii) to <b>R2</b> are relevant.