

TOWN PLANNING BOARD

TPB Paper No. 8929

**For Consideration by
The Town Planning Board on 14.10.2011**

**PROPOSED AMENDMENTS TO
DRAFT MAN KAM TO DPA PLAN NO. DPA/NE-MKT/1 AND
DRAFT TA KWU LING NORTH DPA PLAN NO. DPA/NE-TKLN/1**

**PROPOSED AMENDMENTS TO
DRAFT MAN KAM TO DPA PLAN NO. DPA/NE-MKT/1 AND
DRAFT TA KWU LING NORTH DPA PLAN NO. DPA/NE-TKLN/1**

1. Induction

This paper is to seek Members' agreement that:

- (a) the proposed amendments to the draft Man Kam To Development Permission Area (DPA) Plan No.DPA/NE-MKT/1 and draft Ta Kwu Ling North DPA Plan No.DPA/NE-TKLN/1 (**Attachments III & IV**) (**Attachments I & II are existing version**) are suitable for exhibition under section 7 of the Town Planning Ordinance (the Ordinance); and
- (b) the Explanatory Statement (ES) of the DPA Plans (**Attachments V & VI**) are the expression of the Town Planning Board (the Board)'s planning intentions and objectives for the various land use zonings of the DPA Plans.

2. Background

- 2.1 On 30.7.2010, the five draft DPA Plans for the Closed Area (including draft Sha Tau Kok DPA Plan No.DPA/NE-STK/1, Lin Ma Hang DPA Plan No.DPA/NE-LMH/1, Ta Kwu Ling North DPA Plan No.DPA/NE-TKLN/1, Man Kam To DPA Plan No.DPA/NE-MKT/1 and Ma Tso Lung and Hoo Hok Wai DPA Plan No.DPA/NE-MTL/1) were exhibited for public inspection under section 5 of the Ordinance. A total of 38 valid representations and 14 comments were received. On 25.2.2011, the Board considered all the 38 representations and 14 comments in respect of the five DPA Plans (TPB Papers No. 8718, 8721, 8723, 8720 and 8717). Noting Members' view of the need to obtain further information on the latest Small House ('SH') demand figures, the Board decided to defer a decision on the representations/comments pending further review by PlanD on the land use proposals, in particular on the "V" zones, taking into account the views of the representers and commenters and other relevant planning considerations.
- 2.2 On 8.9.2011, the Board gave further consideration to the representations and comments. It decided to propose amendments to revise "V" zones for Tong To, San Tsuen, Muk Min Tau and Tsiu Hang, and Tam Shui Hang and Shan Tsui (Sha Tau Kok DPA), Fung Wong Wu (Man Kam To DPA) and Liu Pok (Ma Tso Lung and Hoo Hok Wai DPA) as well as the "CA" zone for Lin Ma Hang stream buffer to partially meet the representations (No. R1 to 11 of Sha Tau Kok DPA Plan, R1 and R2 of Lin Ma Hang DPA Plan, R1 of Man Kam To DPA Plan and R3 of Ma Tso Lung and Hoo Hok Wai DPA Plan). These proposed amendments have been published for public inspection under s.6C(2) of the Ordinance on 16.9.2011.

- 2.3 In the same meeting, the Board also agreed to revise the “V” zones for Muk Wu (Man Kam To DPA), Tong Fong, Tsung Yuen Ha and Heung Yuen Wai including Ha Heung Yuen (Ta Kwu Ling North DPA) (**Plan 1**), which had not been subject to the representations/comments in para. 2.1. This paper is to follow-up the Board’s decision to amend the “V” zones for publication under s.7 of the Ordinance. The Minutes of the Board meeting on 8.9.2011 is attached for Members’ reference (**Annex I**).

3. Proposed Amendments to the DPA Plans

Man Kam To DPA Plan

3.1 *Muk Wu (Plans 2a, 2b and 2c)*

Muk Wu is located to the east of Muk Wu Pumping Station. It is bounded by dense vegetation to the northeast and south of the village. It is proposed to extend the “V” zone of Muk Wu to its north and east areas, which are zoned “AGR” on the draft DPA Plan up to the extent equivalent to the size of the village ‘environs’(‘VE’). The proposed extension is covered by fallow agricultural land. With the proposed extension of about 0.3 ha, the total area of the extended “V” zone will be about 4.88 ha.

Ta Kwu Ling North DPA Plan

3.2 *Tong Fong (Plans 3a, 3b and 3c)*

Tong Fong is located to the southern part of the DPA at Ping Che Road. It is bounded by a burial ground and dense vegetation to its east. The ‘VE’ of Tong Fong straddles both the Ta Kwu Ling North DPA Plan and Ping Che and Ta Kwu Ling OZP. Based on the Board’s consideration on 8.9.2011, the “V” zone is to be slightly extended by about 0.28 ha to its northeast, which is currently zoned “REC” on the draft DPA Plan and consists of active and fallow agricultural land. The area covered by Ping Che and Ta Kwu Ling OZP to the south will be considered to be rezoned from “AGR” to “V” in due course. In doing so, the aggregate area for the “V” zone of Tong Fong will be equivalent to the extent of the ‘VE’.

3.3 *Heung Yuen Wai including Ha Heung Yuen (Plans 4a, 4b and 4c)*

Heung Yuen Wai and Ha Heung Yuen are located to the north of North East New Territories (NENT) Landfill and in the middle part of the DPA. The “V” zone of Heung Yuen Wai including Ha Heung Yuen is to be extended by about 0.43 ha to its west to cover fallow agricultural land, which is currently zoned “AGR” on the draft DPA Plan. A strip of land to the northwest close to an existing stream is to be rezoned from “V” to “REC” in order to avoid possible flooding to SH developments in low-lying areas. The total area of the extended “V” zone (about 0.37 ha) is up to the extent equivalent to the size of the ‘VE’.

3.4 *Tsung Yuen Ha (Plans 5a, 5b and 5c)*

Tsung Yuen Ha is located to the east of the proposed Liantang/Heung Yuen Wai Boundary Control Point with a burial ground to the south of the village and some trees clusters in the east. The proposed “V” extension area of about 0.84 ha lies to its north and east and consists of fallow agricultural land, which is currently zoned “REC” and “AGR” respectively on the draft DPA Plan. The

total area of the extended "V" zone (about 0.84 ha) is up to the extent equivalent to the size of the 'VE'.

4. Proposed Amendments to Matters Shown on the Plan

The proposed amendments to the draft Man Kam To DPA Plan and Ta Kwu Ling North DPA Plan are shown on the draft Amendment Plan No.DPA/NE- MKT/1A and DPA/NE- TKLN /1A. The amendment items are listed out as follow:

Man Kam To DPA Plan (Attachment III)

- Amendment Item A1 – Rezoning of an area to the north of Muk Wu from "AGR" to "V" (about 0.12 ha)
- Amendment Item A2 – Rezoning of a strip of land to the east of Muk Wu from "AGR" to "V" (about 0.18 ha)

Ta Kwu Ling North DPA Plan (Attachment IV)

- Amendment Item A1 – Rezoning of an area to the north-east of Tong Fong from "REC" to "V" (about 0.28 ha)
- Amendment Item A2 – Rezoning of an area to the north of Tsung Yuen Ha from "REC" to "V" (about 0.74 ha)
- Amendment Item B1 – Rezoning of an area to the east of Tsung Yuen Ha from "AGR" to "V" (about 0.10 ha)
- Amendment Item B2 – Rezoning of an area to the west of Ha Heung Yuen from "AGR" to "V" (about 0.43 ha)
- Amendment Item C – Rezoning of a strip of land to the northwest of Ha Heung Yuen close to an existing stream from "V" to "REC" (about 0.06 ha)

5. Revision to the Explanatory Statement

The Explanatory Statement (ES) of the respective DPA Plans have been revised to take into account the proposed amendments as mentioned in the above paragraphs. Copies of the revised ES are at **Attachments V & VI** for Members' consideration.

6. Consultation

- 6.1 The proposed amendments have been circulated to relevant Government departments for comments. They have no objection to the proposed amendments.
- 6.2 The Ta Kwu Ling District Rural Committee will be consulted on the amendments during the exhibition period for public inspection under s.7 of the Ordinance.

7. Plan Number

Upon exhibition for public inspection, the draft Man Kam To DPA Plan and draft Ta Kwu Ling North DPA Plan will be renumbered as DPA/NE- MKT/2 and DPA/NE-TKLN/2.

8. Decision Sought

Members are invited to:

- (a) agree to the proposed amendments to the draft Man Kam To DPA Plan No.DPA/NE-MKT/1 and draft Ta Kwu Ling North DPA Plan No.DPA/NE-TKLN/1 as described in paragraph 4 above and that the draft Amendment Plan No. DPA/NE-MKT/1A and DPA/NE-TKLN/1A at **Attachment III and IV** (to be renumbered to DPA/NE-MKT/2 and DPA/NE-TKLN/2 respectively upon exhibition) ; and
- (b) adopt the revised ES at **Attachment V and VI** for the draft Man Kam To DPA Plan No.DPA/NE-MKT/1A and draft Ta Kwu Ling North DPA Plan No.DPA/NE-TKLN/1A as the expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan and the revised ES will be published together with the draft DPA Plans.

Attachments

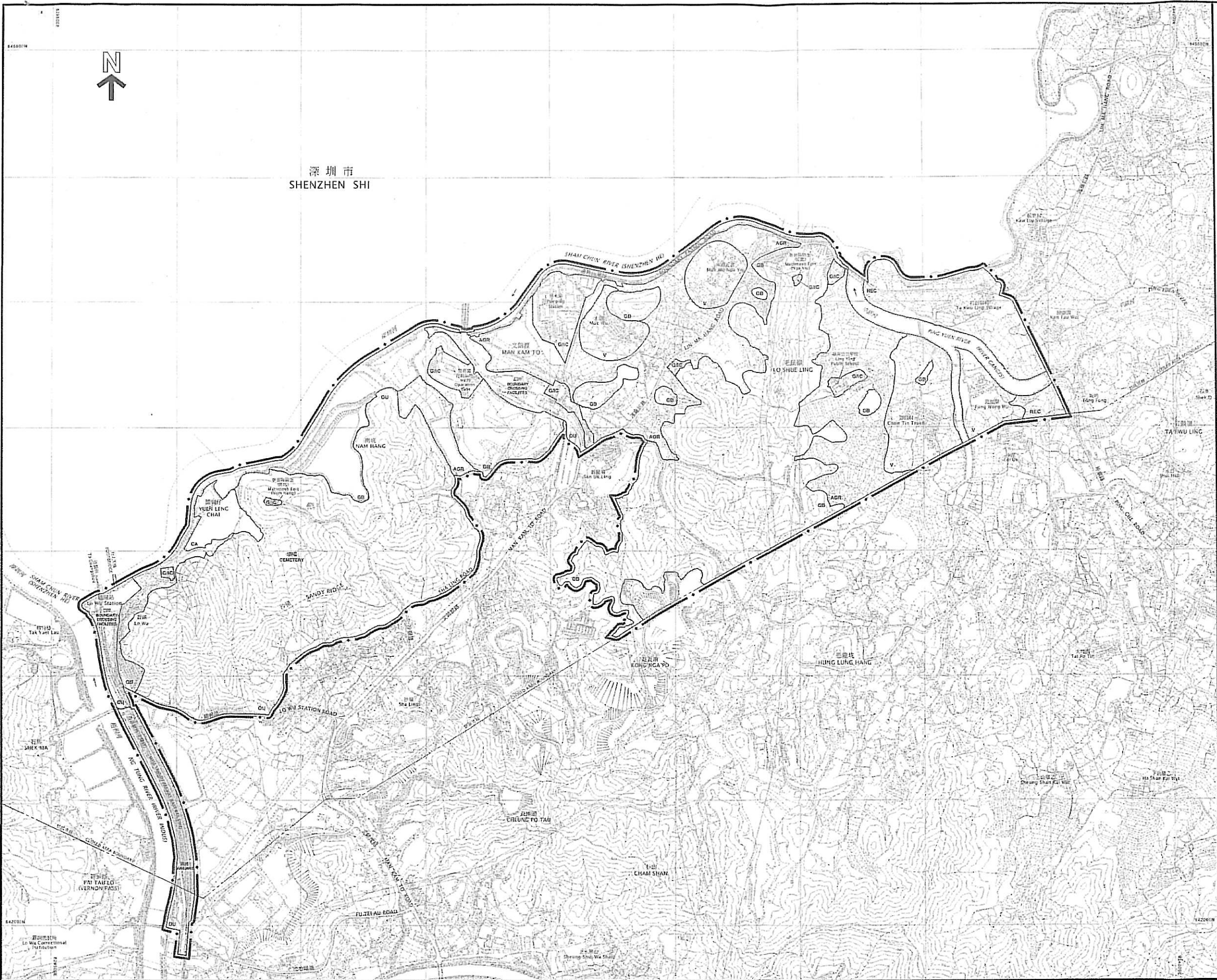
Attachment I	Draft Man Kam To DPA Plan No.DPA/NE- MKT /1 (reduced)
Attachment II	Draft Ta Kwu Ling North DPA Plan No.DPA/NE- TKLN /1 (reduced)
Attachment III	Draft Man Kam To DPA Plan No.DPA/NE- MKT /1A
Attachment IV	Draft Ta Kwu Ling North DPA Plan No.DPA/NE- TKLN /1A
Attachment V	Revised Explanatory Statement of the draft Man Kam To DPA Plan No.DPA/NE- MKT /1A
Attachment VI	Revised Explanatory Statement of the draft Ta Kwu Ling North DPA Plan No.DPA/NE- TKLN /1A
Plan 1	Summary of the Board's Decision on Revision of "V" Zones of all the Recognized Villages within 5 DPA Plans
Plan 2a to 5a	Site Plans for each village

Plan 2b to 5b Aerial Photos

Plan 2c to 5c Site Photos

Annex I Extract of Minutes of TPB Meeting held on 8.9.2011

PLANNING DEPARTMENT
October 2011



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
RECREATION	REC	康樂
OTHER SPECIFIED USES	OU	其他指定用途
AGRICULTURE	AGR	農業
GREEN BELT	CB	綠化地帶
CONSERVATION AREA	CA	自然保育區
COMMUNICATIONS		交通
ELEVATED ROAD		高架道路
MISCELLANEOUS		其他
BOUNDARY OF DEVELOPMENT PERMISSION AREA		發展許可地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	百分比 %	
VILLAGE TYPE DEVELOPMENT	20.89	7.60	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	11.26	3.19	政府、機構或社區
RECREATION	16.68	4.72	康樂
OTHER SPECIFIED USES	108.90	30.60	其他指定用途
AGRICULTURE	60.49	17.10	農業
GREEN BELT	114.15	32.28	綠化地帶
CONSERVATION AREA	4.24	1.20	自然保育區
RIVER CHANNEL	7.77	2.20	河道
UNSPECIFIED USE	3.23	0.91	非指定用途
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	353.73	100.00	發展許可地區總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

2010年7月30日 按《城市規劃條例》第5條展出的發展許可地區圖
DRAFT DEVELOPMENT PERMISSION AREA PLAN EXHIBITED UNDER SECTION 5 OF THE TOWN PLANNING ORDINANCE ON 30 JULY 2010

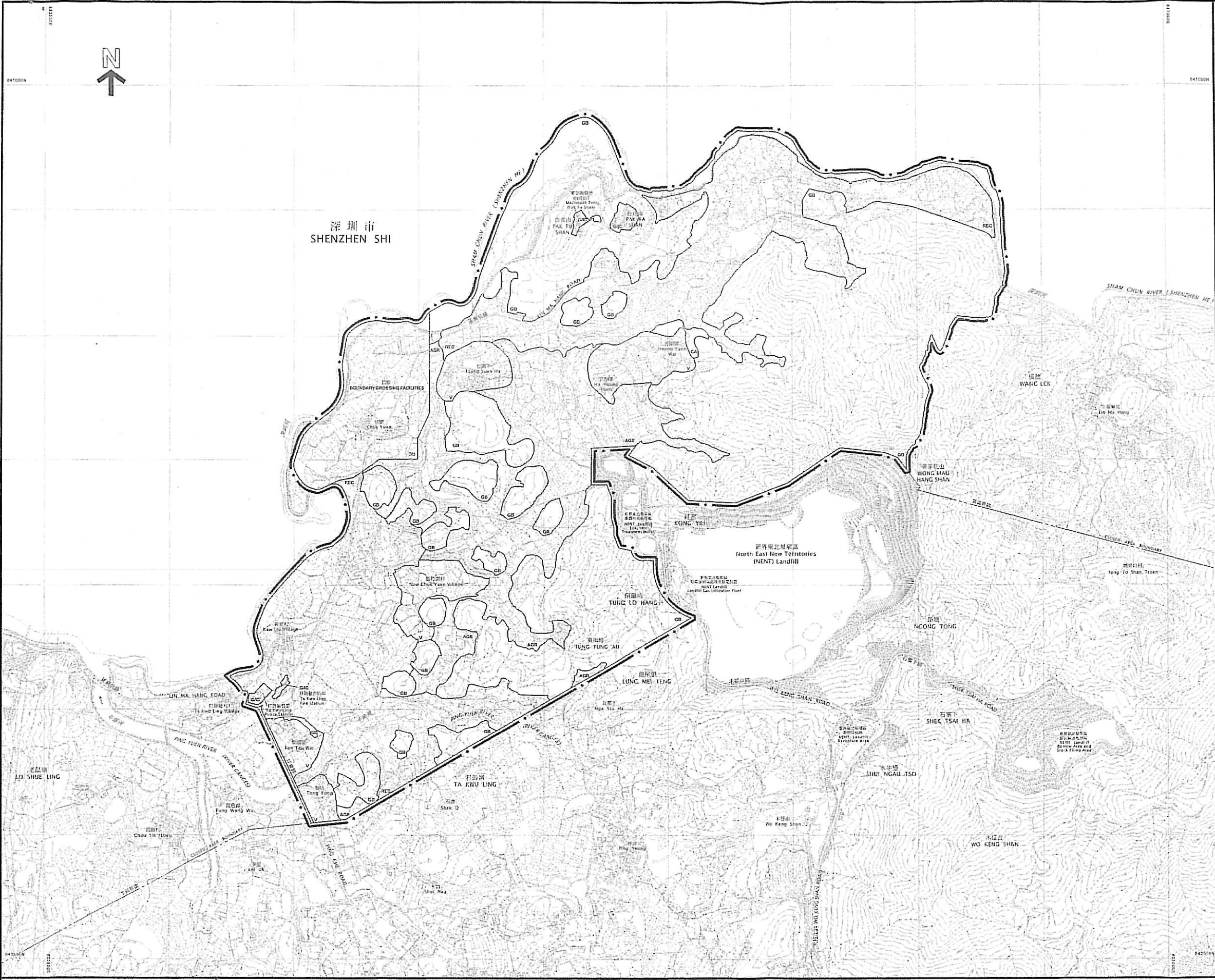
S. LAU 劉星
SECRETARY 城市規劃委員會秘書
TOWN PLANNING BOARD

文錦渡發展審批地區圖
MAN KAM TO DEVELOPMENT PERMISSION AREA PLAN

SCALE 比例尺
* METRES 200 0 200 400 600 800 1000 METRES *

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

圖則編號
PLAN No. DPA/NE-MKT/1



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
RECREATION	REC	康樂
OTHER SPECIFIED USES	OU	其他指定用途
AGRICULTURE	AGR	農業
GREEN BELT	GB	綠化地帶
CONSERVATION AREA	CA	自然保育區
COMMUNICATIONS		交通
MAJOR ROAD AND JUNCTION	==+==	主要道路及路口
MISCELLANEOUS		其他
BOUNDARY OF DEVELOPMENT PERMISSION AREA	---+---	發展審批地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
VILLAGE TYPE DEVELOPMENT	23.88	5.64	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	1.98	0.46	政府、機構或社區
RECREATION	118.15	26.95	康樂
OTHER SPECIFIED USES	23.02	5.53	其他指定用途
AGRICULTURE	55.66	12.95	農業
GREEN BELT	207.62	48.21	綠化地帶
CONSERVATION AREA	1.10	0.25	自然保育區
MAJOR ROAD ETC.	0.42	0.09	主要道路等
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	431.03	100.00	發展審批地區總面積

本圖的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

2010年7月30日 按照城市規劃條例第5條展出的發展審批地區圖
DRAFT DEVELOPMENT PERMISSION AREA PLAN EXHIBITED UNDER SECTION 5 OF THE TOWN PLANNING ORDINANCE ON 30 JULY 2010

S. LAU
SECRETARY
TOWN PLANNING BOARD

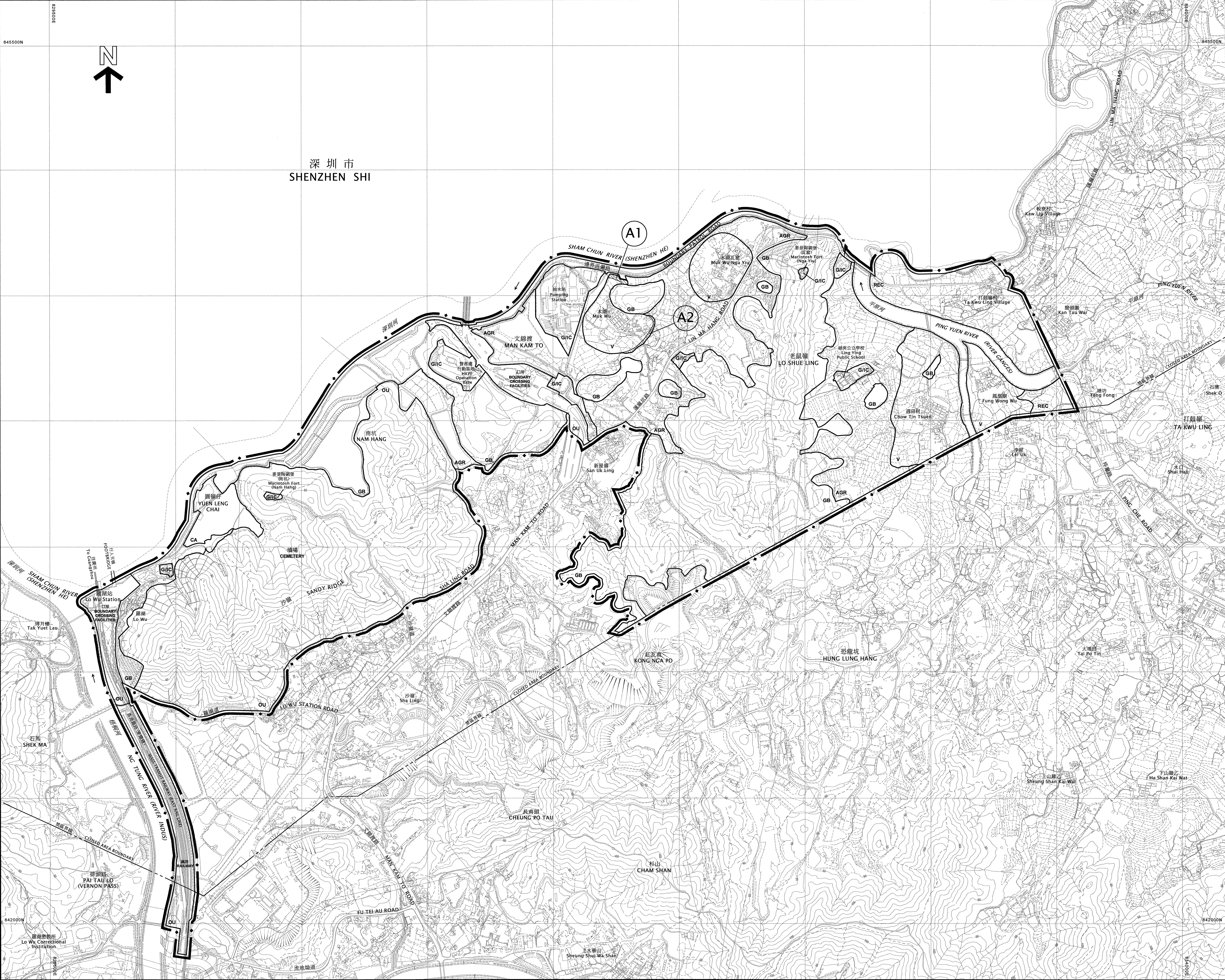
劉星
城市規劃委員會秘書

打鼓嶺北發展審批地區圖
TA KWU LING NORTH DEVELOPMENT PERMISSION AREA PLAN



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

圖則編號
PLAN No. DPA/NE-TKLN/1



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
RECREATION	REC	康樂
OTHER SPECIFIED USES	OU	其他指定用途
AGRICULTURE	AGR	農業
GREEN BELT	GB	綠化地帶
CONSERVATION AREA	CA	自然保育區
COMMUNICATIONS		交通
ELEVATED ROAD		高架道路
MISCELLANEOUS		其他
BOUNDARY OF DEVELOPMENT PERMISSION AREA		發展審批地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分率 APPROXIMATE AREA & %			用途
	公頃 HECTARES	%	百分率	
VILLAGE TYPE DEVELOPMENT	27.19	7.69		鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	11.28	3.19		政府、機構或社區
RECREATION	16.68	4.72		康樂
OTHER SPECIFIED USES	108.96	30.80		其他指定用途
AGRICULTURE	60.19	17.02		農業
GREEN BELT	114.19	32.28		綠化地帶
CONSERVATION AREA	4.24	1.20		自然保育區
RIVER CHANNEL	7.77	2.19		河道
UNSPECIFIED USE	3.23	0.91		非指定用途
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	353.73	100.00		發展審批地區總面積

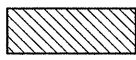
夾附的《註釋》屬這份圖則的一部分，
現經修訂並按照城市規劃條例第 7 條展示。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND HAVE BEEN AMENDED FOR EXHIBITION UNDER
SECTION 7 OF THE TOWN PLANNING ORDINANCE

草圖編號 DPA/NE-MKT/1 的修訂
AMENDMENTS TO DRAFT PLAN No. DPA/NE-MKT/1

AMENDMENTS EXHIBITED UNDER SECTION 7
OF THE TOWN PLANNING ORDINANCE

按照城市規劃條例第 7 條
展示的修訂

AMENDMENT ITEMS A1,A2



修訂項目 A 1, A 2 項

(參看附表)
(SEE ATTACHED SCHEDULE)

文錦渡發展審批地區圖
MAN KAM TO DEVELOPMENT PERMISSION AREA PLAN

SCALE 1:7500 比例尺
米 METRES 200 0 200 400 600 800 1000 METRES 米

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

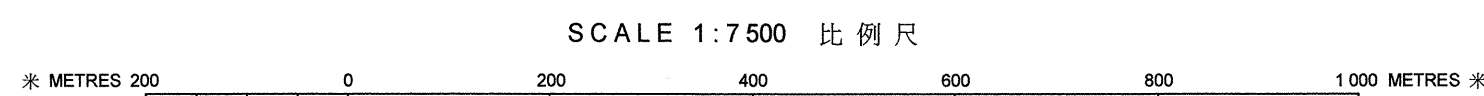


圖則編號
PLAN No. DPA/NE-MKT/1A

TA KWU LING NORTH DEVELOPMENT PERMISSION AREA PLAN



圖則編號
PLAN No. **DPA/NE-TKLN/1A**



**DRAFT MAN KAM TO DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/NE-MKT/1A**

EXPLANATORY STATEMENT

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**DRAFT MAN KAM TO DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/NE-MKT/1A**

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note : For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. **INTRODUCTION**

This Explanatory Statement is intended to assist an understanding of the draft Man Kam To Development Permission Area Plan No. DPA/NE-MKT/1A. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land use zonings of the Plan.

2. **AUTHORITY FOR THE PLAN AND PROCEDURE**

- 2.1 On 10 September 2004, under the power delegated by the Chief Executive (CE), the then Secretary for Housing, Planning and Lands directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Man Kam To area as a development permission area (DPA). Subsequently on 17 June 2010, the Secretary for Development directed the Board to extend the coverage of the draft DPA plan.
- 2.2 On 30 July 2010, the draft Man Kam To DPA Plan No. DPA/NE-MKT/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 6 valid representations were received. On 8 October 2010, the representations were published for three weeks for public comments and 1 valid comment was received.
- 2.3 On 25 February 2011, the Board considered the representations and comments and decided to defer the consideration of the representations and comments pending further review by the Planning Department on the land use proposals, in particular on the "Village Type Development" ("V") zones, taking into account the views of the representers and commenters and any other relevant planning considerations.
- 2.4 On 16 June 2011, the CE, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft DPA Plan to the Chief Executive in Council for approval for a period of six months from 30 June 2011 to 30 December 2011.
- 2.5 On 8 September 2011, upon further consideration of the representations to the draft Plan, the Board decided to propose amendments to partially meet a representation by rezoning an area to the northwest of Chow Tin Tsuen from "Agriculture" to "V". On 16 September 2011, the proposed amendments were published for public inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week public inspection period, XXX further representations were received.

- 2.6 On XXXXX, the draft Man Kam To DPA Plan No.DPA/NE-MKT/2, incorporating amendments to rezone an area to the north and a strip of land to the east of Muk Wu from "Agriculture" to "V", was exhibited for public inspection under s.7 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to delineate the extent of the Man Kam To DPA (the Area) and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 The Plan is to provide guidance for planning and to facilitate development control within the Area during the period required for detailed analysis of land use pattern, study of infrastructural provisions and examination of development options for the formulation of an outline zoning plan (OZP).

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

5. THE EXISTING SITUATION

- 5.1 The Area commands the cross boundary location in the northernmost rural area of the North District. Except Shenzhen City (Shenzhen Shi) which lies immediately outside the Hong Kong Special Administrative Region (HKSAR) in the north, the surroundings are predominantly agricultural spotted with rural settlements. The elongated Sandy Ridge with an elevation up to about 130 mPD in the west is the prominent mountain ridge in the Area. Other major hilly ridges include Lo Shue Ling in the east which rises to about 85 mPD lying in a north-south direction and the hillslopes near San Uk Ling of about 86 mPD in the south. The extensive lowlands mainly comprise arable land intermixed with clusters of village settlements, undisturbed woodland, vegetated habitats and natural watercourses.
- 5.2 The landscape features of the Area are woodlands, vegetated uplands, knolls and foothills. It covers a spectrum of natural habitats including large tracts of mature woodland, 'fung-shui' wood, freshwater/brackish wetland, lowland forest, mixed shrubland and natural watercourse.

- 5.3 Economic activities are limited in the Area due to its rugged relief and limited accessibility of the Area. People therein are mainly engaged in horticultural and agricultural activities including growing of vegetables, flowers and fruits. The farming activities are of small-scale and most farmers are self-employed.
- 5.4 Items of built heritage include the MacIntosh Forts at Nam Hang and Nga Yiu (Grade 2 Historic Buildings), Muk Wu Nga Yiu Kilns (site of archaeological interest), the Tin Hau Temple and village entrance gate at Muk Wu and the ancestral halls at historical villages including Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu.

6. NEED FOR PLANNING GUIDANCE AND CONTROL

- 6.1 The Area largely falls within the existing Closed Area that serves as a buffer zone to help the security forces to maintain the integrity of the boundary between HKSAR and the Mainland and to combat illegal immigration and other cross-boundary criminal activities. Access to the Closed Area is controlled by the Police through the issue of Closed Area permits which enable persons having actual needs to enter the Closed Area. The nearest police check points are the Sha Ling Check Point along Man Kam To Road and Ping Che Check Point at Ping Che Road. Following a review of the coverage of the Closed Area in 2006, the Administration announced in January 2008 that the coverage of the Closed Area could be substantially reduced. The reduced Closed Area will comprise a narrow strip of land covering the realigned boundary patrol road and areas to its north, together with crossing points along the boundary (i.e. the Boundary Control Points and Sha Tau Kok Town).
- 6.2 The Area is rural in character comprising mainly unspoilt natural ridgelines and vegetated lowland spotted with settlements. Within the Area, there are already a few sites established for open storage use particularly along Lin Ma Hang Road. There is a need to consolidate the villages, rural settlements and other developments so as to avoid undesirable disturbance to the natural environment and overtaking the limited infrastructure. In the circumstances, it is necessary to prepare a DPA plan to cover the Area to provide an interim planning control and guidance for future development pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized development.

7. THE DEVELOPMENT PERMISSION AREA

7.1 Plan Area

The Area covers an area of about 354 ha. It is located approximately 3.5 km to the north of Fanling/Sheung Shui New Town. It is bounded by the southern bank of Sham Chun River in the north, Ping Che Road in the east, Hung Lung Hang in the southeast, Sha Ling Road in the southwest and Ng Tung River in the west. The boundary of the Area is shown by a heavy broken line on the Plan.

7.2 General Planning Intention

- 7.2.1 In January 2008, the Security Bureau announced that about 2,400 hectares of land will be released from the Closed Area in phases. The Study on Land Use Planning for the Closed Area was commissioned by the Government to formulate a planning framework to guide the conservation and development of the land to be released from the Closed Area. The Study recognizes the strategic role of the Closed Area for creation of a conservation, cultural heritage and sustainable development belt between HKSAR and Shenzhen City.
- 7.2.2 The Study also indicates the need to strengthen nature conservation of rich natural resources, to conserve cultural heritage resources worthy of preservation, to promote sustainable uses by capitalizing on the boundary location and to allow suitable development compatible with the surroundings so as to achieve a balance between conservation and development in the Closed Area.
- 7.2.3 The Planning Scheme Area is situated at the middle portion of the Closed Area and has a great number of village settlements, traditional buildings and agricultural land. The general planning intention of the Area is to promote cultural conservation, recreation tourism, sustainable residential development and provide suitable facilities to meet the territorial need and cross-boundary infrastructure. It is also the planning intention to retain good quality agricultural land for agricultural purposes or leisure farming and to preserve the existing heritage features and historic buildings.

7.3 Population

According to the 2006 By-Census, the population of the Area was about 470 persons, mainly concentrated in villages, namely Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu, and settlements in Lo Wu and Ta Kwu Ling Village. It is estimated that the planned population of the Area would be about 6,340 persons.

7.4 Land Use Zonings and Intended Uses Within “Unspecified Use” Area

In the designation of various land use zones in the Area, consideration has been given to the natural environment, physical land form, vegetation, existing development pattern, demand for Small Houses and availability of infrastructure. The following land use zones are designated on the Plan :

7.4.1 “Village Type Development”(“V”) : Total Area ~~26.89~~ ha 27.19 ha

- (a) The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village

development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board. In order to provide opportunities for short-term accommodation in existing NTEH, "Hotel (Holiday House only)" may also be permitted within this zone on application to the Board. The accommodation can complement any proposed agricultural and recreational uses to promote village life experience, leisure farming and agri-tourism.

- (b) There are four recognized villages within the Area, namely Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu. The boundaries of "V" zones are drawn up having regard to the existing village 'environs', outstanding Small House applications, Small House demand forecast, local topography, existing settlement pattern, ecologically important areas and other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and streamcourses have been avoided where possible. As parts of the villages may be subject to traffic noise impact from Lin Ma Hang Road and Ping Che Road, sufficient setback should be allowed where possible.
- (c) Except for those specified, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of publication in the Gazette of the notice of this draft DPA plan, whichever is the greater.
- (d) To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- (e) As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.

7.4.2 "Government, Institution or Community" ("G/IC") : Total Area 11.28 ha

- (a) This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- (b) Major existing facilities under this zoning include Ling Ying Public School, three pumping stations and staff quarter, Ta Kwu Ling Hong Kong Police Force (HKPF) Operation Base, MacIntosh Fort (Nga Yiu) and MacIntosh Fort (Nam Hang), a livestock monitoring station, an animal inspection station and food control office at Man Kam To Boundary Control Point. The ex-Sam Wo Public School at Lin Ma Hang Road near Muk Wu and ex-Lo Wu Public School are also zoned

“G/IC”. Existing disused school building can be refurbished as a focal point for a possible farmland rehabilitation and organic farm centre to promote eco-tourism. As detailed planning proceeds, land may be designated from other uses to this zoning to meet the envisaged demands of the growing population of this Area.

7.4.3 “Recreation” (“REC”) : Total Area 16.68 ha

- (a) This zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- (b) An area to the north of Ping Yuen River around Ta Kwu Ling Village and a small area to the east of Fung Wong Wu are designated as “REC” zone in view of the existing extensive abandoned agricultural land adjoining traditional villages that may have opportunities to create visitor destinations that celebrate the heritage, village-life, agricultural and recreational assets of the area. As the area around Ta Kwu Ling Village may be subject to traffic noise impact from Lin Ma Hang Road and Ping Che Road, sufficient setback should be allowed for any planned sensitive uses from these potential polluting sources. Suitable noise mitigation measures such as self-protective building design, noise barriers, etc. would be required.
- (c) Recreational uses like holiday camp with sporting facilities are always permitted within this zone. It is intended to provide low-density recreational uses such as horse riding school, visitor centre, local historical museum, camping ground, recreational facilities or adventure park that are primarily outdoor nature-based activities. The recreational areas are intended to integrate with other recreational facilities such as the hiking/heritage/bicycle trails promoting low-intensity tourism while preserving natural and rural character. However, the recreational development in this area should be restricted to low-density development so as not to overload the infrastructure of the area and create nuisance to nearby villages.
- (d) No residential development (except NTEH) shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys. To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the plot ratio and building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- (e) As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.

7.4.4 “Other Specified Uses” (“OU”) : Total Area 108.96 ha

The planning intention of this zone is to provide land for specific uses in the Area. This zone covers land annotated for the following specific uses :

“OU (Boundary Crossing Facilities)” (“OU (BCF)”) : Total Area : 10.15 ha

- (a) This zone is intended primarily for the development of boundary crossing facilities. The Lo Wu Control Point and Man Kam To Control Point are designated under this zone to reflect the existing uses. Uses that are related to boundary crossing facilities are permitted under this zone.

“OU (Cemetery)” : Total Area 92.08 ha

- (b) This zone is intended primarily for the provision of land for cemetery, graves and funeral facility uses serving the needs of the general public. Retail uses and other related uses in support of funeral services may be permitted subject to planning permission. The Sandy Ridge Cemetery is included under this zone and is reserved for such and related uses.

“OU (Railway)” : Total Area 6.73 ha

- (c) A strip of land to the east of Ng Tung River is zoned “OU (Railway)” primarily for the railway track of the Mass Transit Railway (East Rail Line). The remaining railway alignment within the other zone is either elevated or at grade.

7.4.5 “Agriculture” (“AGR”) : Total Area ~~60.49~~ ha 60.19 ha

- (a) This zone is intended primarily to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- (b) Majority of the agricultural land of good quality are found in lowland areas in the west and central parts of the Area. Also, parcels of agriculture land along Lin Ma Hang Road have been converted to aquarium business. With basic agricultural infrastructure, including irrigation facilities, fallow arable land can be easily rehabilitated for agricultural purpose. On the other hand, the agricultural land around villages has the potential to provide low intensity leisure farming or organic farming to promote village life experience.
- (c) As diversion of streams or filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities. However, filling of land for genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, and construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

7.4.6 “Green Belt”(“GB”) : Total Area 114.19 ha

- (a) The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- (b) However, limited developments may be permitted if they are justified on strong planning grounds. Developments requiring planning permission from the Board will be assessed on their individual merits taking into account the relevant Town Planning Board Guidelines.
- (c) The “GB” zone mainly covers the mountainous areas west of the boundary crossing at Man Kam To and in Lo Shue Ling in the east, the densely vegetated areas which are mainly scattered around the village settlements including Chow Tin Tsuen and Muk Wu and the permitted burial grounds for indigenous villagers.
- (d) As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

7.4.7 “Conservation Area”(“CA”) : Total Area 4.24 ha

- (a) The planning intention of this zone is to conserve the ecological value of wetland and fish ponds which form an integral part of the wetland ecosystem. The “no-net-loss in wetland” principle is adopted for any change in use within this zone. The primary intention is to discourage new development unless it is required to support the conservation of the ecological integrity of the wetland ecosystem or the development is an essential infrastructure project with overriding public interest.
- (b) A small patch of land at Yuen Leng Chai near the foothill of Sandy Ridge and west of McIntosh Fort at Nam Hang is occupied by existing fish ponds/wetlands and is zoned “CA”. The fish ponds were created as an ecological mitigation area associated with the previous Sham Chun River regulation works. The “CA” zone will provide appropriate protection to the fishpond/wetland habitat at the site.
- (c) The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the publication of this draft DPA plan.
- (d) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

7.4.8 "Unspecified Use" : Total Area 3.23 ha

- (a) The ex-borrow area at Kong Nga Po, which straddles over this draft DPA plan and the Outline Zoning Plans to the south, is located on formed (formed from previous use as a soil borrow site) Government land of about 6.8 ha and is currently vacant. There are two high voltage cables to the east of the area. The planning intention of the area is to allow for comprehensive development for residential use with the provision of open space and other supporting facilities in future. With appropriate planning control over the development mix, scale, design and layout of the future comprehensive development under future zoning, taking account of various environmental, traffic and infrastructure constraints, there is an opportunity to provide a prototype for sustainable building development objectives with good urban design in a low-density environment. The proposed residential development should be contained within the existing platforms and the proposed road along the existing access road to be upgraded.
- (b) The northern portion of this ex-borrow area which falls within this DPA plan is designated as "Unspecified Use" area in the interim pending preparation of an OZP. When opportunity arises, it is desirable to designate the whole ex-borrow area as "Comprehensive Development Area" within one statutory plan to achieve the future planning intention in (a) above.

7.5 Transport and Utility Services

7.5.1 Road Network

Man Kam To Road and Lin Ma Hang Road are the major distributors in the Area. Currently, the capacity of these vehicular accesses is considered adequate to serve the Area. The Area is also served by Ping Che Road and Lo Wu Station Road leading from the southern area. There are also narrow local van tracks traversing the Area to serve the residents, especially the clustered population at Muk Wu, Chow Tin Tsuen and Fung Wong Wu.

7.5.2 Mass Transit Railway

Lo Wu, situated at the western part of the Area, is served by the Mass Transit Railway (East Rail Line) which provides an important transport link to Kowloon as well as between the HKSAR and the Mainland.

7.5.3 Public Transport

The Area is not well served by public transport facilities due to its access restriction, remoteness and sparse population. There are public franchised bus (No. 73K) and green minibus (No. 59K) plying between the Area and Sheung Shui Station.

7.5.4 Utility Services

- (a) The drainage system of the Area comprises mainly natural channels. The runoff from developments can be conveyed to Sham Chun River through west tributary of Ping Yuen River. Drainage system of the Area was improved by the river training works at Ping Yuen River which were completed in 2006. Drainage improvement works at Sandy Ridge under 'Drainage Improvement in Northern New Territories - Package B' are scheduled for implementation in 2011. Notwithstanding, major developments should be subject to Drainage Impact Assessment to address the local drainage impacts on areas in the vicinity, as well as the provision of proper drainage facilities for development such as detention tanks.
- (b) The Area falls within the Deep Bay catchment and therefore no additional pollution loading should be discharged into the Deep Bay as a result of any new and proposed developments. The sewerage works for Muk Wu, Chow Tin Tsuen, Fung Wong Wu and the settlements at Ta Kwu Ling Village were completed in 2008. Other than these villages, the Government has at present no programme to further extend the public sewer to the Area. Depending on the availability of public sewer in the future, the lack of sewerage infrastructure may form a constraint to new development in the area.
- (c) Potable water supply is generally available in the Area. The Area is served by the Ping Che Fresh Water Service Reservoir which is outside the Area. Supply of seawater for flushing is not available and fresh water is used instead currently. Upgrading of existing water supply system will be required for new developments. On the other hand, part of the Area falls within the consultation zone of Sheung Shui Water Treatment Works and this will form a constraint to new developments in the southern part of the Area.
- (d) Solid waste disposal relies on small refuse collection points scattered throughout the Area. Collected wastes are transported to the North East New Territories Landfill for disposal.
- (e) Electricity supply and telephone networks are available in the Area. There are existing 400kV overhead lines passing through Lo Shue Ling at the eastern part of the Area. There is however no existing piped gas system in the Area.

7.6 Cultural Heritage

There are items of built heritage in the Area, including the Tin Hau Temple and village entrance gate at Muk Wu, the Kilns at Muk Wu Nga Yiu (site of archaeological interest), the ancestral halls at historical villages including Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu, as well as two Grade 2 historic buildings - the MacIntosh Forts at Nam Hang and Nga Yiu, etc. The forts were amongst the MacIntosh Forts built during the period from 1946 to 1953 as a chain of police observation posts overlooking the boundary along Sham Chun River for security purpose. These Forts remain as a reminder of life in those days and the

development of Hong Kong's military defence. Given the archaeological and historical interests in the Area, thoughtful consideration of cultural heritage preservation should be taken, and the Antiquities and Monuments Office of the Leisure and Cultural Services Department and the Commissioner for Heritage's Office of the Development Bureau should be consulted well in advance on any development or redevelopment affecting these sites and their immediate environs.

8. PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA

- 8.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.
- 8.2 Uses of land or building which were in existence immediately before the publication in the Gazette of the notice of this draft DPA plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the area. Although no action is required to make such use conform to this Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 8.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering planning applications, will take into account all relevant planning considerations which may include the departmental outline development plans/layout plans and the guidelines published by the Board. The outline development plans and layout plans are available for public inspection at the Planning Department. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning application can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.
- 8.4 Any development, other than those referred to in paragraph 8.1 above or in conformity with this draft DPA plan or with the permission of the Board, undertaken or continued on or after the date of the publication in the Gazette of the notice on land included in this draft DPA plan may be subject to enforcement proceedings under the Ordinance. Any filling of land/pond, excavation of land or diversion of streams in the relevant zones on or after the publication in the Gazette of the notice of this draft DPA plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in conservation-related zonings, such as "CA" and "Site of Special Scientific Interest".

- 8.5 It is intended that the DPA plan published by the Board will be replaced, within three years, by an OZP. Under the provisions of section 20(5) of the Ordinance, a draft DPA plan is effective for a period of three years after the notification in the Gazette. Extension of one additional year may be given by the Chief Executive in Council. The provision of enforcement will continue to be applicable to the Area after the DPA plan is replaced by an OZP.

TOWN PLANNING BOARD

JULY 2010 October 2011

DRAFT TA KWU LING NORTH DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/NE-TKLN/1A

EXPLANATORY STATEMENT

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DRAFT TA KWU LING NORTH DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/NE-TKLN/1A

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note: For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the draft Ta Kwu Ling North Development Permission Area Plan No. DPA/NE-TKLN/1A. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land use zonings of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 10 September 2004, under the power delegated by the Chief Executive (CE), the then Secretary for Housing, Planning and Lands directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Ta Kwu Ling North area as a development permission area (DPA). Subsequently on 17 June 2010, the Secretary for Development directed the Board to extend the coverage of the draft DPA plan.
- 2.2 On 30 July 2010, the draft Ta Kwu Ling North DPA Plan No. DPA/NE-TKLN/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 3 valid representations were received. On 8 October 2010, the representations were published for three weeks for public comments and 1 valid comment was received.
- 2.3 On 25 February 2011, the Board considered the representations and comments and decided to defer the consideration of the representations and comments pending further review by the Planning Department on the land use proposals, in particular on the "Village Type Development" ("V") zones, taking into account the views of the representers and commenters and any other relevant planning considerations.
- 2.4 On 16 June 2011, the CE, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft DPA Plan to the Chief Executive in Council for approval for a period of six months from 30 June 2011 to 30 December 2011.
- 2.5 On 8 September 2011, the Board further considered the representations and comments and decided not to uphold the representations.
- 2.6 On XXXXX, the draft Ta Kwu Ling North DPA Plan No. DPA/NE-TKLN/2, incorporating amendments to rezone an area to the north-east of Tong Fong from "Recreation" ("REC") to "V", areas to the north and east of Tsung Yuen Ha from "REC" and "Agriculture" ("AGR") respectively to "V", an area to the northwest of Ha

Heung Yuen from "AGR" to "V", and a strip of land to the north of Ha Heung Yuen close to an existing stream from "V" to "REC", was exhibited for public inspection under s.7 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to delineate the extent of the Ta Kwu Ling North DPA (the Area) and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 The Plan is to provide guidance for planning and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an outline zoning plan (OZP).

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of development to meet changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

5. THE EXISTING SITUATION

- 5.1 The Area commands the cross boundary location in the northernmost rural area of the North District. Except Shenzhen City (Shenzhen Shi) which lies immediately outside the Hong Kong Special Administrative Region (HKSAR) in the north, the surroundings are predominantly agricultural spotted with rural settlements. The densely vegetated Wong Mau Hang Shan (243 mPD), Pak Fa Shan (75 mPD), Pak Fu Shan (98 mPD) and Tung Lo Hang (87 mPD) are the prominent mountain ridges in the Area. Lying between the mountainous ridges are lowland basins intersected with watercourses. The main watercourse is Ping Yuen River which flows from the mountainous ridges of Wo Keng Shan to the lowland before discharging into Sham Chun River. The extensive lowlands mainly comprise arable land intermixed with livestock farms and clusters of settlements, undisturbed woodlands and vegetated habitats.
- 5.2 The landscape features of the Area include woodlands, vegetated uplands, knolls and foothills. The Area covers a spectrum of natural habitats including 'fung-shui' woods, mixed shrubland, lowland forest and natural watercourse.
- 5.3 Economic activities are limited in the Area due to its rugged relief and limited

accessibility. Farmers are mainly self-employed and engaged in operating pigsties and poultry farms to raise hogs or chicken, as well as agricultural activities including growing of vegetables, flowers and fruits.

- 5.4 Items of built heritage are identified in the Area, including a number of village houses, MacIntosh Fort (Pak Fu Shan) (Grade 2 Historic Building), Ta Kwu Ling Police Station (Grade 3 Historic Building), Wing Kit Study Hall in Tong Fong, Ho's Ancestral Hall in Tsung Yuen Ha and a watchtower in Heung Yuen Wai.

6. NEED FOR PLANNING GUIDANCE AND CONTROL

- 6.1 The Area wholly falls within the existing Closed Area that serves as a buffer zone to help the security forces to maintain the integrity of the boundary between HKSAR and the Mainland and to combat illegal immigration and other cross-boundary criminal activities. Access to the Closed Area is controlled by the Police through the issue of Closed Area permits which enable persons having actual needs to enter the Closed Area. The nearest police check point is Ping Che Check Point near Tong Fong. Following a review of the coverage of the Closed Area in 2006, the Administration announced in January 2008 that the coverage of the Closed Area could be substantially reduced. The reduced Closed Area will comprise a narrow strip of land covering the realigned boundary patrol road and areas to its north, together with crossing points along the boundary (i.e. the Boundary Control Points and Sha Tau Kok Town).
- 6.2 The Area is rural in character comprising mainly unspoilt natural ridgelines, vegetated mountains, ecologically important areas and river basin spotted with livestock farms and settlements. There is a need to consolidate the villages, rural settlements and other developments so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure. In the circumstances, it is necessary to prepare a DPA plan to cover the Area to provide an interim planning control and guidance for future development pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized developments.

7. THE DEVELOPMENT PERMISSION AREA

7.1 Plan Area

The Area covers about 431 ha of land. It is located approximately 6.7 km to the north of Fanling/Sheung Shui New Town. It is bounded by Sham Chun River in the north, Lin Ma Hang Road in the northeast, Wong Mau Hang Shan in the east, Tung Fung Au and Tung Lo Hang in the south, and Ping Che Road in the west. The North East New Territories (NENT) Landfill is located immediately to the southeast of the Area at Wo Keng Shan. The boundary of the Area is shown by a heavy broken line on the Plan.

7.2 General Planning Intention

- 7.2.1 In January 2008, the Security Bureau announced that about 2,400 hectares of land will be released from the Closed Area in phases. The Study on Land Use Planning for the Closed Area was commissioned by the Government to formulate a planning framework to guide the conservation and development of

the land to be released from the Closed Area. The Study recognizes the strategic role of the Closed Area for creation of a conservation, cultural heritage and sustainable development belt between HKSAR and Shenzhen City.

- 7.2.2 The Study also indicates the need to strengthen nature conservation of rich natural resources, to conserve cultural heritage resources worthy of preservation, to promote sustainable uses by capitalizing on the boundary location and to allow suitable development compatible with the surroundings so as to achieve a balance between conservation and development in the Closed Area.
- 7.2.3 The Planning Scheme Area is situated at the middle portion of the Closed Area and has a great number of village settlements, traditional buildings and agricultural land. The general planning intention of the Area is to promote cultural conservation, recreation tourism and provide suitable facilities to meet the territorial need and cross-boundary infrastructure. It is also the planning intention to protect the natural setting and cultural integrity of the Planning Scheme Area and to promote sustainable agricultural activities. Provision has been made for an extensive recreation area stretching across the north of the Planning Scheme Area to provide low-intensity recreational uses to complement other nearby land uses. The Plan also makes provision for the future Liantang/ Heung Yuen Wai Boundary Control Point (LT/HYW BCP).

7.3 Population

According to the 2006 By-Census, the Area had a total population of about 520 persons. The existing population is mainly concentrated in the recognized villages, namely, Heung Yuen Wai, Ha Heung Yuen, Tsung Yuen Ha, Chuk Yuen, Kan Tau Wai and Tong Fong, and the rural cluster of Kaw Liu Village. It is estimated that the planned population of the Area would be about 5,550 persons, mainly attributed to village expansion.

7.4 Land Use Zonings

In the designation of various land use zones in the Area, consideration has been given to the natural environment, physical landform, vegetation, existing development pattern, demand for Small Houses, and availability of infrastructure. The following land use zones are designated on the Plan:

7.4.1 "Village Type Development" ("V"): Total Area 25.37 ~~23.88~~ ha

- (a) The planning intention of this zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the

Board. In order to provide opportunities for short-term accommodation in existing NTEH, "Hotel (Holiday House only)" may also be permitted within this zone on application to the Board. The accommodation can complement any proposed agricultural and recreational uses to promote village life experience, leisure farming and agri-tourism.

- (b) There are six recognized villages within the Area, namely, Chuk Yuen, Heung Yuen Wai, Ha Heung Yuen, Tsung Yuen Ha, Kan Tau Wai and Tong Fong. The boundaries of "V" zones are drawn up having regard to the existing village 'environs', outstanding Small House applications, Small House demand forecast, local topography, existing settlement pattern, ecologically important areas and other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and streamcourses have been avoided where possible.
- (c) The proposed boundary crossing facilities and related activities of LT/HYW BCP would require resumption of Chuk Yuen Village. A site at about 500m from the southeastern side of the Chuk Yuen Village is zoned "V" and to be developed as a resite area for Chuk Yuen Village and its future expansion.
- (d) The south-western part of the Ha Heung Yuen Village falls within the 250m NENT Landfill Consultation Zone. To compensate for the loss of land for building village houses, an area to the east of the village (outside of the 250m Landfill Consultation Zone) is zoned "V" for village type development.
- (e) Except for those specified, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of the publication in the Gazette of the notice of this draft DPA plan, whichever is the greater.
- (f) To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- (g) The village houses close to Lin Ma Hang Road and Ping Che Road are subject to adverse traffic noise impact. Village housing development near the main roads should be avoided. Suitable noise mitigation measures such as self-protective building design, noise barriers etc. would be required.
- (h) As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.

7.4.2 "Government, Institution or Community" ("G/IC"): Total Area 1.98 ha

- (a) This zone is intended primarily for the provision of Government, institution

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

- (b) The existing GIC facilities, including the MacIntosh Fort (Pak Fu Shan), Pak Fa Shan Police Operation Base, Ta Kwu Ling Police Station and Ta Kwu Ling Fire Station are designated as GIC uses. As detailed planning proceeds, land may be designated from other uses to this zoning to meet the envisaged demands of the growing population of this Area.

7.4.3 "Recreation" ("REC") : Total Area ~~115.19~~ 116.15 ha

- (a) This zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- (b) There are abandoned agricultural land around Pak Fu Shan, north of the Tsung Yuen Ha, Ha Heung Yuen and Heung Yuen Wai. It is occupied by a number of temporary structures that are used for domestic and non-domestic purposes as well as some limited open storage uses. This area was designated for recreational purposes as it has low environmental value, low scenic value with a mixture of temporary structures. A large area east of Kan Tau Wai at the southwestern part of the Area is designated as "REC" zone on the Plan. It is intended to provide indirect economic benefits to the nearby villages and the area is adjacent to the proposed hiking/heritage trails and bicycle track as well as the proposed Robin's Nest Country Park so that the future facilities of this area can complement any proposed recreational uses in the "REC" zone.
- (c) Kaw Liu Village which contains mainly village settlements without recognized village status is included in this zoning. The house structures built in this area are mainly domestic houses. Although expansion of this rural settlement is not encouraged, redevelopment of existing NTEHs and domestic houses have been allowed for in this zoning.
- (d) Recreational uses such as horse riding schools, visitor centres, local historical museums, adventure parks, organic farms, hobby-farms, camping grounds, BBQ areas and other uses that are primarily outdoor nature-based activities are permitted within this zone. These facilities should work in parallel with the promotion of Heung Yuen Wai and other villages which are connected by the proposed heritage and hiking trails. However, the recreational development in this area should be restricted to low-density development so as not to overload the infrastructure of the area and create nuisance to the villagers.
- (e) No residential development (except NTEH development) shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys. To provide flexibility for innovative design

adapted to the characteristics of particular sites, minor relaxation of the plot ratio and building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

- (f) As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

7.4.4 "Other Specified Uses" ("OU") : Total Area 23.82 ha

"OU(Boundary Crossing Facilities)" ("OU(BCF)")

The only site zoned "OU" on the Plan is the area to the southwest of Pak Fu Shan. This zone is intended primarily for the development of boundary crossing facilities and related activities for the proposed LT/HYW BCP. Major facilities include vehicle clearance facilities, passenger clearance building, transit halls, pick-up/drop-off zones for passengers, public transport interchange, government offices and other necessary supporting facilities. These facilities are arranged so as to achieve proper and smooth operation of the clearance procedures and traffic movements.

7.4.5 "Agriculture" ("AGR"): Total Area 55.33 55.86 ha

- (a) This zone is intended primarily to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- (b) Majority of the agricultural land is of good quality and found in lowland areas in the northern and eastern parts of the Area. With basic infrastructures, including irrigation facilities, fallow arable land can easily be rehabilitated for agricultural purposes.
- (c) As diversion of stream or filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities. However, filling of land specifically required under prior written instructions of Government department(s), or for the purposes of genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, or construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

7.4.6 "Green Belt" ("GB"): Total Area 207.82 ha

- (a) The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- (b) However, limited developments may be permitted if they are justified on

strong planning grounds. Developments requiring planning permission from the Board will be assessed on their individual merits taking into account the relevant Town Planning Board Guidelines.

- (c) The “GB” zone mainly covers the prominent hilly areas of the densely-vegetated Wong Mau Hang Shan, Pak Fu Shan and Tung Lo Hang. Green buffer areas also include permitted burial grounds within the Planning Area and the ‘fung-shui’ woodland adjoining the villages of Tsung Yuen Ha, Kan Tau Wai, Ha Heung Yuen and Tong Fong. For the area located to the north of Pak Fu Shan, it is recommended to contribute to the green buffer concept, but can still provide supporting recreational uses to the nearby recreation area. This area has limited vehicular access and is isolated, but could still provide ancillary uses to the nearby recreational uses.
- (d) As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

7.4.7 “Conservation Area” (“CA”): Total Area 1.1 ha

- (a) This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development.
- (b) There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- (c) The ‘fung-shui’ woods at the backdrops of Heung Yuen Wai is of high integrity and of significant level of plant diversity. It is zoned as “CA” to protect and preserve the existing natural character.
- (d) The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the publication of this draft DPA plan.
- (e) As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

7.5 Transport and Utility Services

7.5.1 Road Network

- (a) The Area is mainly served by Lin Ma Hang Road in the north and Ping Che Road in the southwest. Lin Ma Hang Road is a closed single track access leading from Ping Che Road in the west to connect Sha Tau Kok Road in the south. Ping Che Road is a single 2-lane carriageway leading from Ping Che in the south and connecting with Lin Ma Hang Road in the north. Apart from these major roads, there are local van tracks transversing the settlement areas to serve the residents.
- (b) Since the release schedule of this section of Closed Area is subject to the ongoing LT/HYW BCP and Associated Works Study, the actual implementation schedule of the road improvement works should depend on the findings of the Study. On the other hand, it is anticipated that there would be no adverse performance at the key junction at Lin Ma Hang Road. The existing Ping Che Road should have no capacity problem arisen from the traffic generated in the Closed Area. However, any improvement proposal on the full section of Ping Che Road should be subject to the ongoing Northeast New Territories New Development Areas (NDA) Planning and Engineering Study.
- (c) Apart from the rural roads, minor improvement works is also proposed to the local access road of Ha Heung Yuen and the proposed resite area of Chuk Yuen Village.

7.5.2 Public Transport

The Area is not well served by public transport facilities due to its access restriction, remoteness and sparse population. There are public franchised bus (No. 79K) and green minibus (No. 59K) plying between the Area and Sheung Shui Station.

7.5.3 Utility Services

- (a) Most parts of the low-lying area are flood prone because the flow capacity of the existing drainage system within the Area is generally inadequate. The runoff from developments can be conveyed to Sham Chun River. Drainage system of the Area was improved by the river training works at Ping Yuen River which were completed in 2006. Drainage improvement works to Sham Chun River (Shenzhen River) under 'Regulation of Shenzhen River Stage 4' are scheduled for implementation in 2013.
- (b) The Area is basically unsewered at present. Existing village type developments and the livestock farms mainly rely on on-site sewerage treatment facilities, such as septic tanks and soakaway pits. The existing NENT Landfill Sewerage System in the Area is for pumping leachate from the NENT Landfill plus sewage from villages in Ping Che/Ta Kwu Ling area to Shek Wu Hui Sewage Treatment Works. Depending on the availability of public sewer in the future, the lack of sewerage infrastructure may form a constraint to new development in the area.
- (c) Potable water supply is available in most parts of the Area and is served by the Sheung Shui Water Treatment Works via Ping Che Fresh Water Service Reservoir which is outside the Area. Currently, freshwater is used for

flushing as supply of seawater is not available. Upgrading of existing water supply system will be required for new developments.

- (d) Solid waste disposal relies on the small refuse collection points scattered throughout the Area. Collected wastes are transported to NENT Landfill for disposal.
- (e) There is no existing piped gas system in the Area. Electricity supply and telephone networks are available in the Area.

7.6 Cultural Heritage

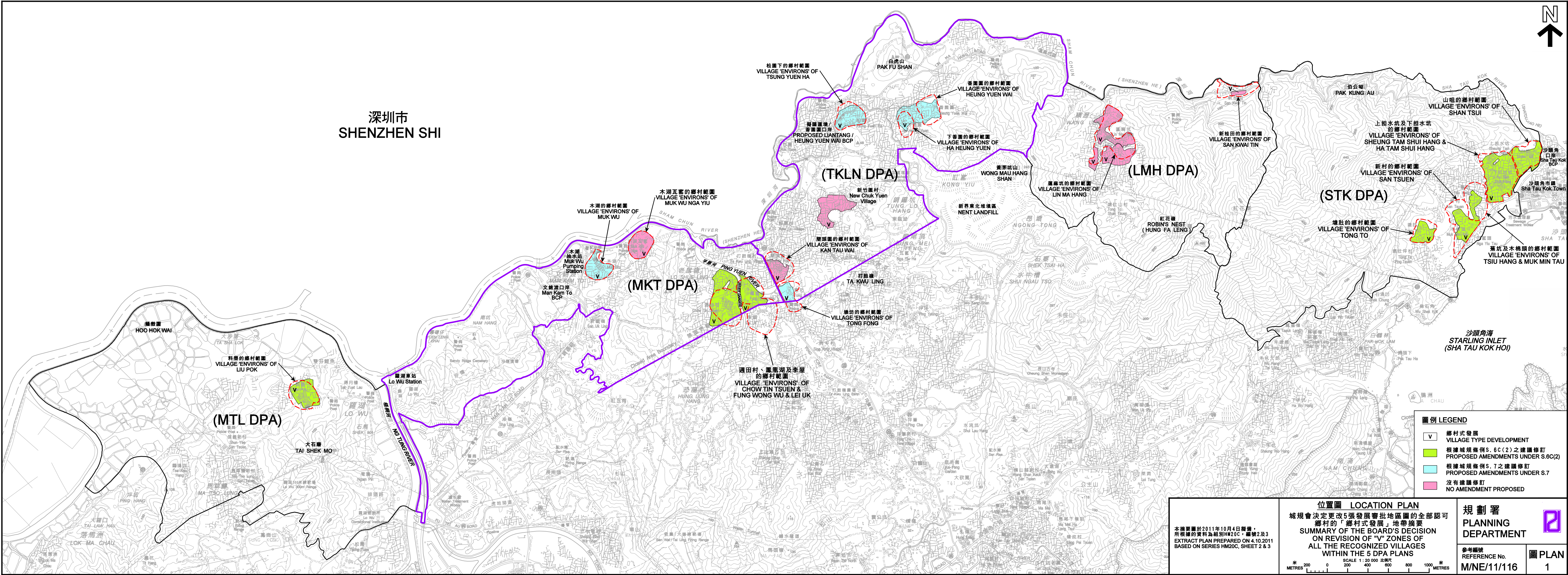
Items of built heritage are identified in the Area, including a number of village houses in Heung Yuen Wai, Kan Tau Wai, Tsung Yuen Ha and Tong Fong, MacIntosh Fort (Pak Fu Shan) (Grade 2 Historic Building), Ta Kwu Ling Police Station (Grade 3 Historic Building), Wing Kit Study Hall in Tong Fong, Ho's Ancestral Hall in Tsung Yuen Ha and a watchtower and its adjoining village houses in Heung Yuen Wai. MacIntosh Fort (Pak Fu Shan) is one of the MacIntosh Forts built during the period from 1946 to 1953 as a chain of police observation posts overlooking the boundary along Sham Chun River for security purpose. These Forts remain as a reminder of life in those days and the development of Hong Kong's military defence. Given the historical interests in the Area, thoughtful consideration of cultural heritage preservation should be taken and the Antiquities and Monuments Office of the Leisure and Cultural Services Department and the Commissioner for Heritage's Office of the Development Bureau should be consulted well in advance on any development or redevelopment affecting these sites and their immediate environs.

8. PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA

- 8.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.
- 8.2 Uses of land or building which were in existence immediately before the publication in the Gazette of the notice of this draft DPA plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the area. Although no action is required to make such use conform to this Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 8.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering planning applications, will take into account all relevant planning considerations which may include the departmental outline development

plans/layout plans, and the guidelines published by the Board. The outline development plans and layout plans are available for public inspection at the Planning Department. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.

- 8.4 Any development, other than those referred to in paragraph 8.1 above or in conformity with this draft DPA plan or with the permission of the Board, undertaken or continued on or after the date of the publication in the Gazette of the notice on land included in this draft DPA plan may be subject to enforcement proceedings under the Ordinance. Any filling of land/pond, excavation of land or diversion of streams in the relevant zones on or after the publication in the Gazette of the notice of this draft DPA plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in conservation-related zonings, such as "CA" and "Site of Special Scientific Interest".
- 8.5 It is intended that the DPA plan published by the Board will be replaced, within three years, by an OZP. Under the provisions of section 20(5) of the Ordinance, a draft DPA plan is effective for a period of three years after the notification in the Gazette. Extension of one additional year may be given by the Chief Executive in Council. The provision of enforcement will continue to be applicable to the Area after the DPA plan is replaced by an OZP.



深圳市
SHENZHEN SHI



深圳河

SHAM CHUN RIVER (SHENZHEN HE)

擬議由「農業」改劃為
「鄉村式發展」
Proposed Rezoning
from "AGR" to "V"

木湖抽水站
Muk Wu
Pumping Station

木湖的鄉村範圍
VILLAGE 'ENVIRONS' OF
MUK WU

GB

擬議由「農業」改劃為
「鄉村式發展」
Proposed Rezoning
from "AGR" to "V"

G/IC

V

①

G/IC

GB

AGR

GB

G/IC

GB

OU

蓮花山
LIN MA HANG ROAD

圖例 LEGEND

-  擬議擴大「鄉村式發展」地帶部份
PROPOSED EXTENSION OF "V" ZONE
-  鄉村式發展
VILLAGE TYPE DEVELOPMENT
- AGR 農業
AGRICULTURE
- GB 綠化地帶
GREEN BELT
- G/IC 政府、機構或社區
GOVERNMENT, INSTITUTION OR COMMUNITY
- OU 其他指定用途
OTHER SPECIFIED USES
- ①  實地照片的觀景點
VIEWING POINT OF SITE PHOTO

平面圖 SITE PLAN

木湖
MUK WU

(文錦渡發展審批地區草圖)
(DRAFT MAN KAM TO DPA PLAN)

本摘要圖於2011年9月26日擬備，
所根據的資料為測量圖編號3-NW-11D、
12C、16B和17A
EXTRACT PLAN PREPARED ON 26.9.2011
BASED ON SURVEY SHEETS No.
3-NW-11D, 12C, 16B & 17A

米 60 0 60 120 米
METRES SCALE 1 : 3 000 比例尺

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
2a

深圳市
SHENZHEN SHI



深圳河

SHAM CHUN RIVER (SHENZHEN HE)

木湖的鄉村範圍
VILLAGE ENVIRONS OF
MUKWU

V

LIN MAI HANG ROAD

圖例 LEGEND

-  擬議擴大「鄉村式發展」地帶部份
PROPOSED EXTENSION OF "V" ZONE
-  鄉村式發展
VILLAGE TYPE DEVELOPMENT

航攝照片 AERIAL PHOTO

木湖
MUK WU

(文錦渡發展審批地區草圖)
(DRAFT MAN KAM TO DPA PLAN)

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
2b

本摘要圖於2011年9月26日擬備，
所根據的資料為地政總署
於2010年8月3日拍得的航攝照片
編號CW86441R
EXTRACT PLAN PREPARED ON 26.9.2011
BASED ON AERIAL PHOTO No.CW86441R
TAKEN ON 3.8.2010 BY
LANDS DEPARTMENT

擬議由「農業」改劃為
「鄉村式發展」
Proposed Rezoning
from "AGR" to "V"

1



擬議由「農業」改劃為
「鄉村式發展」
Proposed Rezoning
from "AGR" to "V"

2



界線只作識別用

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

木湖
MUK WU

(文錦渡發展審批地區草圖)
(DRAFT MAN KAM TO DPA PLAN)

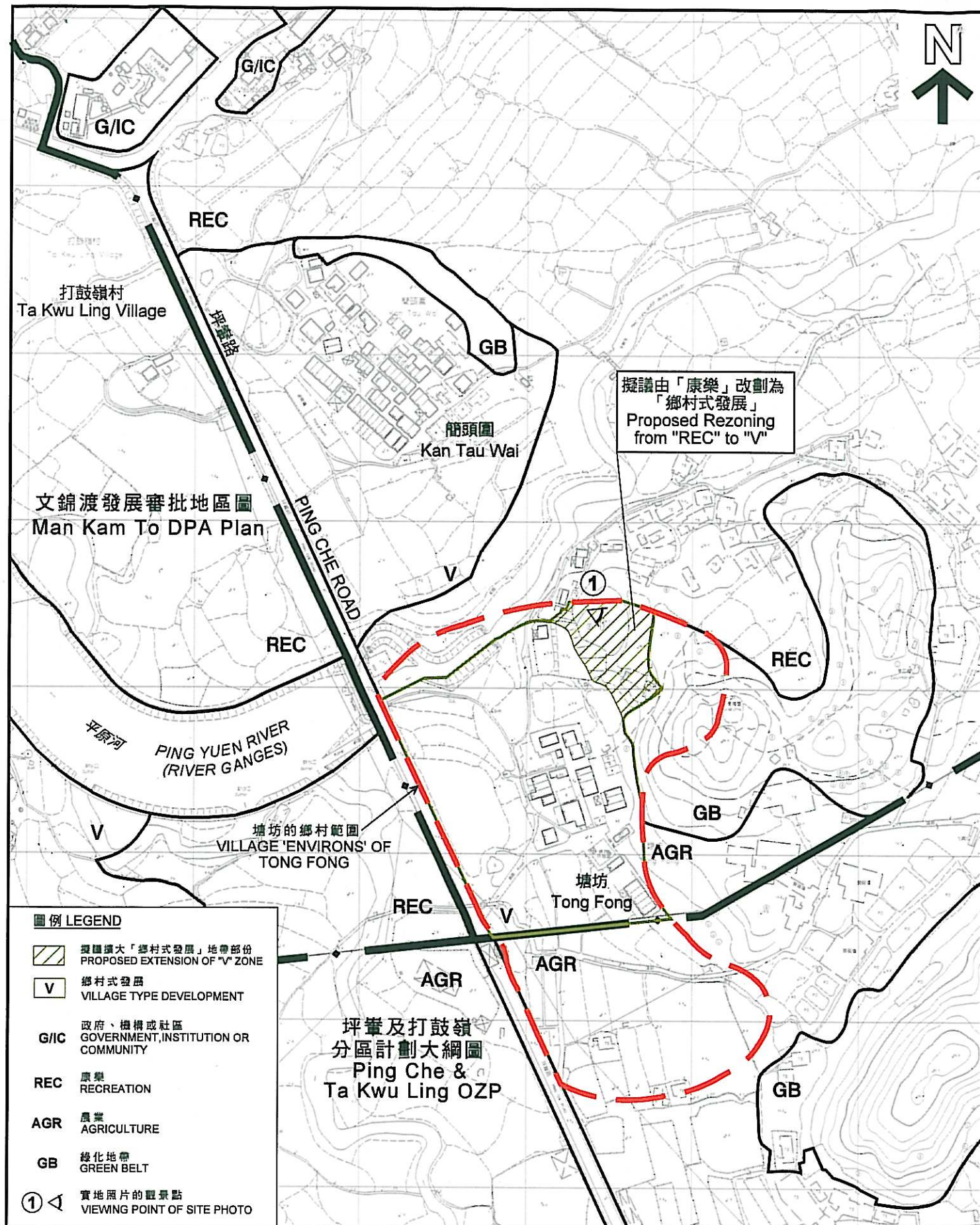
規劃署
PLANNING
DEPARTMENT



本圖於2011年10月6日發備，所根據
的資料為攝於2011年10月4日
的實地照片
PLAN PREPARED ON 6.10.2011 BASED ON
SITE PHOTO TAKEN ON 4.10.2011

參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
2c



本摘要圖於2011年9月26日擬備，
所根據的資料為測量圖編號
3-NW-13C、13D、18A和18B
EXTRACT PLAN PREPARED ON 26.9.2011
BASED ON SURVEY SHEETS No.
3-NW-13C, 13D, 18A & 18B

平面圖 SITE PLAN
塘坊
TONG FONG
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

米 60 0 60 120 米
METRES SCALE 1:3 000 比例尺

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
3a



打鼓嶺村
Ta Kwu Ling Village

坪輦路
Ping Kwan Road

簡頭圍
Kan Tau Wai

塘坊的鄉村範圍
VILLAGE 'ENVIRONS' OF
TONG FONG

PING CHEE ROAD

平輦河
PING YUEN RIVER
(RIVER GANGES)

塘坊
Tong Fong

V

圖例 LEGEND

-  擬議擴大「鄉村式發展」地帶部份
PROPOSED EXTENSION OF "V" ZONE
-  鄉村式發展
VILLAGE TYPE DEVELOPMENT

本摘要圖於2011年9月26日擬備，
所根據的資料為地政總署
於2010年8月3日拍得的航攝照片
編號CW86437R
EXTRACT PLAN PREPARED ON 26.9.2011
BASED ON AERIAL PHOTO No. CW86437R
TAKEN ON 3.8.2010 BY
LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

塘坊
TONG FONG
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
3b

1



擬議由「康樂」改劃為
「鄉村式發展」
Proposed Rezoning
from "REC" to "V"

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

本圖於2011年10月6日擬備，所根據
的資料為攝於2011年10月4日
的實地照片
PLAN PREPARED ON 6.10.2011 BASED ON
SITE PHOTO TAKEN ON 4.10.2011

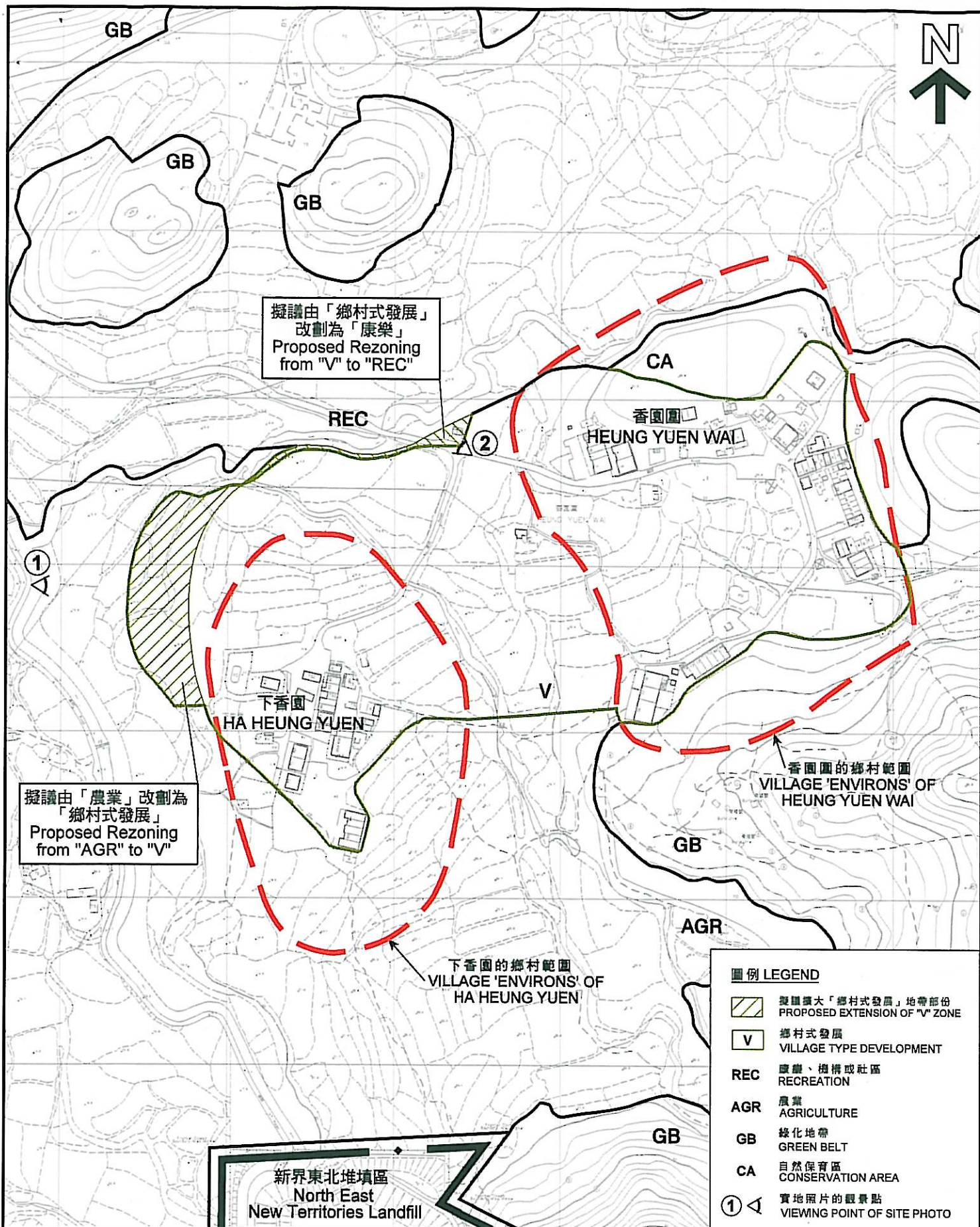
實地照片 SITE PHOTO
塘坊
TONG FONG
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
3c



平面圖 SITE PLAN

香園圍及下香園
HEUNG YUEN WAI
AND HA HEUNG YUEN
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

米 60 0 60 120 米
METRES SCALE 1:3 000 比例尺

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
4a

本摘要圖於2011年9月26日擬備，
所根據的資料為測量圖編號
3-NW-9A、9C和14A
EXTRACT PLAN PREPARED ON 28.9.2011
BASED ON SURVEY SHEETS No.
3-NW-9A, 9C & 14A



擬議由「鄉村式發展」
改劃為「康樂」
Proposed Rezoning
from "V" to "REC"

香園圍
HEUNG YUEN WAI

下香園
HA HEUNG YUEN

V

香園圍的鄉村範圍
VILLAGE 'ENVIRONS' OF
HEUNG YUEN WAI

下香園的鄉村範圍
VILLAGE 'ENVIRONS' OF
HA HEUNG YUEN

圖例 LEGEND

-  擬議擴大「鄉村式發展」地帶部份
PROPOSED EXTENSION OF "V" ZONE
-  鄉村式發展
VILLAGE TYPE DEVELOPMENT

本摘要圖於2011年9月26日擬備，
所根據的資料為地政總署
於2010年8月3日拍得的航攝照片
編號CW86432

EXTRACT PLAN PREPARED ON 26.9.2011
BASED ON AERIAL PHOTO No. CW86432
TAKEN ON 3.8.2010 BY
LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

香園圍及下香園
HEUNG YUEN WAI
AND HA HEUNG YUEN
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

規劃署
PLANNING
DEPARTMENT

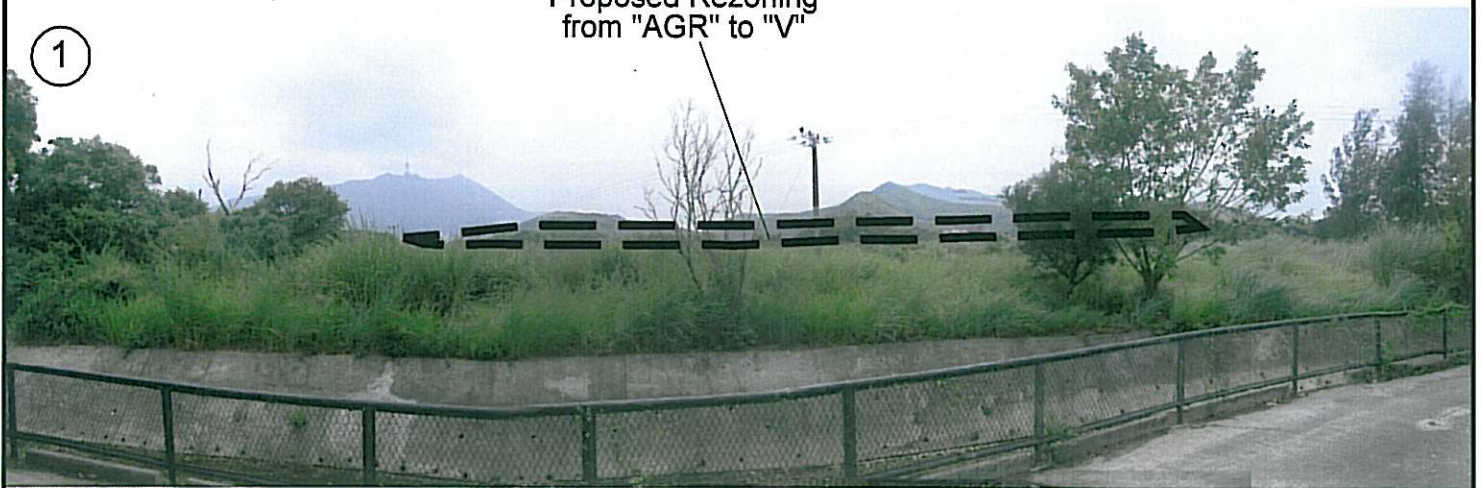


參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
4b

擬議由「農業」改劃為
「鄉村式發展」
Proposed Rezoning
from "AGR" to "V"

①



②



擬議由「鄉村式發展」
改劃為「康樂」
Proposed Rezoning
from "V" to "REC"

界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

香園圍及下香園
HEUNG YUEN WAI
AND HA HEUNG YUEN
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

本圖於2011年10月6日擬備，所根據
的資料為攝於2011年10月4日
的實地照片

PLAN PREPARED ON 6.10.2011 BASED ON
SITE PHOTO TAKEN ON 4.10.2011

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
4c

深圳市
SHENZHEN SHI



GB

OU

蓮麻坑路 LIN MA HANG ROAD

擬議由「康樂」改劃為
「鄉村式發展」
Proposed Rezoning
from "REC" to "V"

REC

AGR

AGR

擬議蓮塘/香園圍口岸
Proposed Liantang /
Heung Yuen Wai
Boundary Control Point

松園下
Tsung Yuen Ha

②

GB

松園下的鄉村範圍
VILLAGE 'ENVIRONS' OF
TSUNG YUEN HA

擬議由「農業」改劃為
「鄉村式發展」
Proposed Rezoning
from "AGR" to "V"

圖例 LEGEND

 擬議擴大「鄉村式發展」地帶部份
PROPOSED EXTENSION OF "V" ZONE

 鄉村式發展
VILLAGE TYPE DEVELOPMENT

REC 康樂、機構或社區
RECREATION

AGR 農業
AGRICULTURE

GB 綠化地帶
GREEN BELT

OU 其他指定用途
OTHER SPECIFIED USES

①  實地照片的觀景點
VIEWING POINT OF SITE PHOTO

平面圖 SITE PLAN

松園下

TSUNG YUEN HA

(打鼓嶺北發展審批地區草圖)

(DRAFT TA KWU LING NORTH DPA PLAN)

規劃署

PLANNING

DEPARTMENT



參考編號

REFERENCE No.

M/NE/11/116

圖 PLAN

5a

本摘要圖於2011年9月26日擬備，
所根據的資料為測量圖編號
3-NW-8D、9C、13B和14A
EXTRACT PLAN PREPARED ON 26.9.2011
BASED ON SURVEY SHEETS No.
3-NW-8D, 9C, 13B & 14A

米 60 0 60 120 米
METRES SCALE 1 : 3 000 比例尺

深圳市
SHENZHEN SHI



蓮麻坑路 LIN MA HANG ROAD

松園下
Tsung Yuen Ha

松園下的鄉村範圍
VILLAGE 'ENVIRONS' OF
TSUNG YUEN HA

圖例 LEGEND

-  擬議擴大「鄉村式發展」地帶部份
PROPOSED EXTENSION OF "V" ZONE
-  鄉村式發展
VILLAGE TYPE DEVELOPMENT

本摘要圖於2011年9月26日擬備，
所根據的資料為地政總署
於2010年8月3日拍得的航攝照片
編號CW86444r
EXTRACT PLAN PREPARED ON 26.9.2011
BASED ON AERIAL PHOTO No. CW86344R
TAKEN ON 3.8.2010 BY
LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

松園下
TSUNG YUEN HA
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

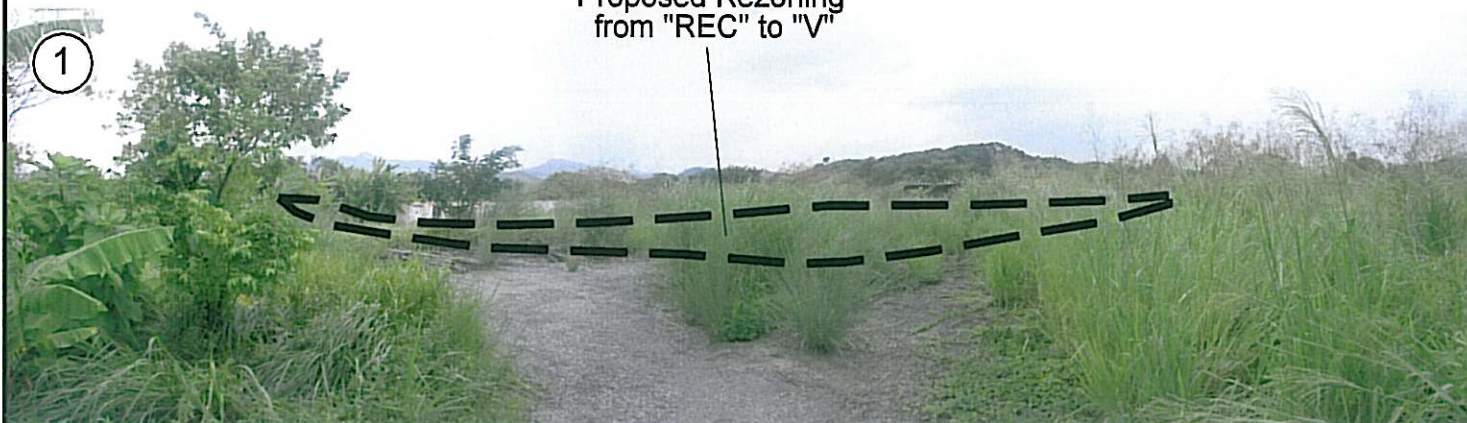
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
5b

擬議由「康樂」改劃為
「鄉村式發展」
Proposed Rezoning
from "REC" to "V"



擬議由「農業」改劃為
「鄉村式發展」
Proposed Rezoning
from "AGR" to "V"



界線只作識別用
BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

松園下
TSUNG YUEN HA
(打鼓嶺北發展審批地區草圖)
(DRAFT TA KWU LING NORTH DPA PLAN)

本圖於2011年10月6日擬備，所根據
的資料為攝於2011年10月4日
的實地照片
PLAN PREPARED ON 6.10.2011 BASED ON
SITE PHOTO TAKEN ON 4.10.2011

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/116

圖 PLAN
5c

**Minutes of 991st Meeting of the
Town Planning Board held on 8.9.2011**

Present

Permanent Secretary for Development
(Planning and Lands)
Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-Chairman

Mr. Walter K.L. Chan

Mr. B.W. Chan

Ms. Maggie M.K. Chan

Ms. Anna S.Y. Kwong

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Mr. Timothy K.W. Ma

Dr. W.K. Lo

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Professor S.C. Wong

Director of Lands
Miss Annie K.L. Tam

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director (2), Home Affairs Department
Mr. Andrew Tsang

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr. Fletch Chan

Director of Planning
Mr. Jimmy C.F. Leung

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. K.Y. Leung

Mr. Raymond Y.M. Chan

Mr. Y.K. Cheng

Mr. Felix W. Fong

Professor Paul K.S. Lam

Dr. James C.W. Lau

Mr. Maurice W.M. Lee

Dr. Winnie S.M. Tang

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Ms. Pansy L.P. Yau

Dr. W.K. Yau

Mr. Stephen M.W. Yip

In Attendance

Assistant Director of Planning/ Board
Miss H.Y. Chu

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

Senior Town Planner/Town Planning Board
Mr. J.J. Austin

Agenda Item 1

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

1. There were no matters arising.

Agenda Items 2 to 6

[Open Meeting (Presentation and Question Session only)]

Further Consideration of Representations and Comments to the Draft Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1, Draft Lin Ma Hang DPA Plan No. DPA/NE-LMH/1, Draft Ta Kwu Ling North DPA Plan No. DPA/NE-TKLN/1, Draft Man Kam To DPA Plan No. DPA/NE-MKT/1, and Draft Ma Tso Lung and Hoo Hok Wai DPA Plan No. DPA/NE-MTL/1

(TPB Paper No. 8900)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

2. Members noted that the Heung Yee Kuk New Territories (HYK) had submitted comments in respect of the five DPA Plans and the following Members had declared interests on these items:

Mr. Stephen M.W. Yip	-	being an ex-officio Executive Councillor of the HYK
Dr. W.K. Yau)	being co-opted Councillors of the HYK
Dr. C.P. Lau)	

3. Members noted that Mr. Stephen M.W. Yip, Dr. W.K. Yau and Dr. C.P. Lau had tendered apologies for not being able to attend the meeting.

4. The Chairman said that at the meeting held on 25.2.2011, the Board heard all the representations and comments in respect of the five DPA Plans and decided to defer the consideration of the representations pending further review by the Planning Department (PlanD) on the land use proposals, in particular the "Village Type Development" ("V") zones on the five DPA Plans. On 26.8.2011, the Board decided to defer the hearing until 8.9.2011 in order to allow more time for the representers and commenters to study the TPB paper and to consult villagers on their views.

5. The Chairman said that sufficient notice had been given to invite the representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As sufficient notice had been given to the representers and commenters, Members agreed to proceed with the hearing in their absence. Members noted that the following letters had been tabled at the meeting:

- (a) a letter from Kadoorie Farm & Botanic Garden Corporation dated 25.8.2011 concerning the proposal to amend the Notes of the "Conservation Area" ("CA") zone in the Lin Ma Hang DPA Plan;
- (b) a letter from World Wide Fund Hong Kong (WWF) dated 26.8.2011 concerning the proposal to amend the Notes of the "CA" zone in the Lin Ma Hang DPA Plan;
- (c) two similar letters from the Lin Ma Hang Village Office dated 26.8.2011 and 8.9.2011 concerning the conservation proposals for the Lin Ma Hang DPA Plan;
- (d) a letter from the Sheung Shui District Rural Committee dated 30.8.2011 concerning the proposals for the Ma Tso Lung and Hoo Hok Wai DPA Plan;
- (e) a letter from the Indigenous Inhabitants Representatives of Shan Tsui Village dated 31.8.2011; and

- (f) a letter from the Conservancy Association dated 31.8.2011 concerning the proposal to amend the Notes of the "CA" zone in the Lin Ma Hang DPA Plan;

6. The following representatives from the Government, the representers and the commenters were invited to the meeting at this point:

Mr. Hui Wai Keung	District Planning Officer/Shau Tin, Tai Po and North, PlanD
Mr. Terry Chao	Senior Town Planner/Frontier Closed Area, PlanD
Mr. Patrick Lai	Senior Nature Conservation Officer/North, Agriculture, Fisheries and Conservation Department (AFCD)
Miss Cynthia Chan	Nature Conservation Officer/North, AFCD

All Five DPA Plans

Heung Yee Kuk - C3 (Sha Tau Kok DPA Plan), C8 (Lin Ma Hang DPA Plan), C1 (Ta Kwu Ling North DPA Plan), C1 (Man Kam To DPA Plan) and C1 (Ma Tso Lung & Hoo Hok Wai DPA Plan)

Ms. Carmen Chan Ka Mun)	
Mr. Henry Chan Hon Kwan)	Commenter's representatives (all five DPA
Mr. Tony Chan Tung Ngok)	Plans)
Ms. Chan Shui Man)	
Mr. Lee Koon Hung	-	Commenter's representative (LMH. STK)
Mr. Marx Yuen Ka Man]	
Mr. Man Sun Choi]	Commenter's representatives (TKLN)
Mr. Hau Chi Keung)	
Mr. Fung Wai Fat)	
Mr. Fung Chau Chuen)	Commenter's representatives (MKT, MTL)
Mr. Tsang Ka Keung)	
Mr/ Fung Wai Kwong)	

Lin Ma Hang DPA Plan

R2 (Lin Ma Hang Village Office)

Mr. Yip Wah Ching	-	Representer
Mr. Tsang Yuk On)	
Mr. Ip Cheung Fung)	
Mr. Ip Yuk On)	
Mr. Ip Tung Fook)	
Ms. Ip Mee Fook)	
Mr. Ip Yat Choi)	
Mr. Yip Lung Hong)	
Mr. Lau Kwok Keung)	
Mr. Yip Yuk Yam)	Representer's representatives
Mr. Tsang Wai Lun)	
Ms. Fan Cheong Wing)	
Mr. Ip Koon Fat)	
Mr. Ip Yuk Keung)	
Mr. Lau Fong Sang)	
Mr. Lee Ka Wai)	
Mr. Lee Yau Wai)	
Mr. Yuen Hi)	
Ms. Yip Sze Ying)	

Man Kam To DPA Plan

R1 (Yik Wai Tung – Village Representative of Fung Wong Wu Tsuen)

Mr. Yik Wai Tung	-	Representer
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Sha Tau Kok DPA Plan

R1 (Mr. Marlon Cheung (Manager of the Cheung Clan's properties and Indigenous Inhabitant of Tong To Tsuen/Tong To Ping Section) and Mr. Yau Man Ching (Manager of the Yau Clan's Properties and Indigenous Inhabitants Representative of Tong To Tsuen))

Mr. Marlon Cheung - Representer

R2 (Yau Man Ching – Indigenous Inhabitants Representative of Tong To Tsuen)

Mr. Yau Man Ching - Representer

R5 (Wong Tin Seng and Mo Lap Sun – Indigenous Inhabitants Representatives of Shan Tsui Tsuen)

Mr. Mo Lap Sun - Representer

R9 (Lee Wai Yin – Indigenous Inhabitants Representative of Muk Min Tau Tsuen)

Mr. Lee Wai Yin - Representer

C2 (Sha Tau Kok Farm Organic Co. Ltd.)

Mr. Ng Wai Man - Commenter's representative

Ma Tso Lung and Hoo Hok Wai DPA Plan

R1 (Mr. H.K. Cheung)

Mr. H.K. Cheung - Representer

7. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

8. Mr. Terry Chao informed Members that replacement pages, mainly to rectify typos for pages 8 to 11, Annex II and Annex V of the Paper, had been tabled. With the aid of a Powerpoint presentation, Mr. Chao made the following main points as detailed in the Paper:

- (a) on 25.2.2011, the Board decided to defer a decision on the representations and comments in respect of the five DPA Plans pending further review by PlanD on the land use proposals, in particular the “V” zones, taking into account the views of the representers and commenters and other relevant planning considerations;

- (b) the review had covered all the "V" zones in the five DPA Plans with further surveys on the existing conditions within and in the vicinity of the "V" zones and the latest Small House demand provided by the District Lands Officer/North (DLO/N);
- (c) in reviewing the boundaries of the "V" zones, the following criteria had been adopted:
 - (i) the current "V" zones on the DPA Plans would be extended if the available land for Small House development within the "V" zones could not meet the demand figures. Extended "V" zone areas should be within or contiguous to the village 'environs' ('VE') and should preferably include government land, if available, in the vicinity. Due consideration to the topography, woodlands, roads, streams, burial grounds and ecological features of the areas would be taken into account;
 - (ii) the "V" zone would be extended to meet the increased demand figure but up to the limit equivalent to the area bounded by the 'VE';
 - (iii) the current "V" zones on the DPA Plans would not be extended if the available land for Small House development within the "V" zones was sufficient to meet the increased demand figures;
 - (iv) in determining land for Small House developments, both government land and private land would be considered; and
 - (v) in the event that the designated "V" zone (albeit size already extended to match the size of the 'VE') was still insufficient to meet the future demand, there was provision under the Notes of the DPA Plans for planning applications for SH developments to be submitted to the Town Planning Board for consideration;

- (d) upon completion of the review, “V” zone extensions for 11 recognized villages within the five DPA Plans were proposed and the “V” zones for the remaining 6 recognized villages were proposed to remain unchanged. In June 2011, the Indigenous Inhabitants Representatives (IIRs) of the respective villages, the villagers and the relevant government departments were consulted on the proposed “V” zone extensions. Taking into account the views received during the consultation exercise, the boundaries of some of the proposed village extension areas had been further adjusted. The recommended proposal for each village was set out below;

Ma Tso Lung and Hoo Hok Wai DPA

- (i) Liu Pok – to meet the substantial increase in Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the village by rezoning an area to the north and northwest of the village from “Agriculture” (“AGR”) to “V”. Taking into account the local topography and the presence of mature trees in the vicinity, an area in the northeastern part of the village was proposed to be rezoned from “V” to “AGR”. Although the villagers requested for extending the “V” zone further north to the Hoo Hok Wai wetland area, it was considered inappropriate as the concerned site comprised a marshy habitat with some ecological value which should be kept for agricultural use;

Man Kam To DPA

- (ii) Fung Wong Wu and Chow Tin Tsuen – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the two villages by rezoning an area to the northwest of Chow Tin Tsuen from “AGR” to “V”. Although the villagers of Fung Wong Wu requested for extending the “V” zone to an area to the north of the trained Ping Yuen River, it was considered inappropriate as the area concerned was located completely outside the ‘VE’ of the recognized village;

- (iii) Muk Wu – to meet the substantial increase in Small House demand and take into account the suggestion of the IIR, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the village by rezoning two areas respectively to the north and east of the village from “AGR” to “V”;
- (iv) Muk Wu Nga Yiu – as the size of the existing “V” zone was already equivalent to the size of the ‘VE’ of the recognized village, no changes were proposed for the village;

Ta Kwu Ling North DPA

- (v) Tong Fong – to meet the increase in Small House demand, it was proposed that an area to the northeast of the village be rezoned from “Recreation” (“REC”) to “V”. The IIR had suggested extending the “V” zone to an area to the south of the village. However, as the area in question was located in the Ping Che and Ta Kwu Ling OZP and was not covered by the Ta Kwu Ling North DPA Plan, the proposal would need to be considered separately;
- (vi) Heung Yuen Wai (including Ha Heung Yuen) – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the two villages by rezoning an area to the west of Ha Heung Yuen from “AGR” to “V”. A strip of land near the stream to the northeast of Ha Heung Yuen was proposed to be rezoned from “V” to “REC” to meet the villagers’ proposals as the concerned site was low-lying and might be subject to flooding. Although the IIRs had requested for extending the “V” to an area to the southwest of Ha Heung Yuen, it was considered inappropriate as the area fell within the 250m gas consultation zone of the NENT Landfill and would be subject to potential risks imposed by the landfill gas. It was also considered inappropriate to delete some areas adjoining village houses from the “V” zone, as proposed by the IIRs, as those areas formed part of the village settlement and should be retained within the “V” zone;

- (vii) Tsung Yuen Ha – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the recognized village by rezoning two areas respectively to the north and east of the village from “REC” and “AGR” to “V”. The IIR of the village did not suggest any amendments to the proposal;
- (viii) Chuk Yuen – no amendment to the “V” zone was proposed as sufficient area had already been reserved in the New Chuk Yuen Village to accommodate the existing village and its future expansion;
- (ix) Kan Tau Wai – as there was sufficient land within the “V” zone to meet the future Small House demand, no change was proposed for the village;

Lin Ma Hang DPA

- (x) Lin Ma Hang – no amendment to the “V” zone was proposed for the village as the size of the “V” zone was already larger than the ‘VE’ by about 7%. A larger “V” zone had been designated for the village mainly to provide more flexibility in view of the topography, the restrictions and special nature of the “V” zone in that it was carved into three portions by the Lin Ma Hang stream, approval from several government departments would be required for any Small House development near the stream even though it was within the “V” zone, and the stream might be subject to flooding as it was untrained. Although the IIRs had requested extending the “V” zone to cover land zoned “AGR” to the south of the village, it was considered inappropriate to further extend the “V” zone as the size of the “V” zone was already larger than the ‘VE’;
- (xi) San Kwai Tin – as there was sufficient land within the “V” zone to meet the future Small House demand, no change was proposed for

the village;

Sha Tau kok DPA

- (xii) Tong To – to meet the substantial increase in Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the recognized village by rezoning two areas respectively to the northeast and south of the village from “AGR” to “V” and from “REC” to “V”. The proposal had taken into account the request of the IIR to further extend the “V” zone to the south of the village and to avoid areas of difficult terrain, burial ground and mature trees to the north of the village;
- (xiii) San Tsuen, Muk Min Tau and Tsiu Hang – to meet the substantial increase in Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to about 95% of the ‘VE’ of the three recognized villages by rezoning an area to the west and southwest of San Tsuen, an area to the north of Tsiu Hang, and an area to the east of Muk Min Tau from “AGR” to “V”. A small strip of land to the north of San Tsuen was also proposed to be rezoned from “CA” to “V”. The proposed village expansion areas had avoided encroaching upon dense vegetation, seasonal wet grassland and the natural stream within the ‘VE’ and had provided a 10m setback from Sha Tau Kok Road. The IIRs of San Tsuen, Muk Min Tau and Tsiu Hang had been consulted and the proposal was considered acceptable; and
- (xiv) Tam Shui Hang and Shan Tsui – to meet the increased Small House demand, it was proposed that the “V” zone be enlarged to a size equivalent to the ‘VE’ of the two recognized villages by rezoning an area to the north and northeast of Sheung Tam Shui Hang from “AGR” and “Green Belt” (“GB”) to “V” and two areas to the south of Ha Tam Shui Hang from “AGR” and “GB” respectively to “V”. Upon consultation with the IIRs of Tam Shui Hang and Shan Tsui, it was also proposed that an area to the northeast of Shan Tsui be

rezoned from “GB” to “V”. Although the IIR of Shan Tsui had requested extending the “V” zone to cover two areas to the north of Shan Tsui and an area to the east of the Sha Tau Kok Border Control Point, it was considered inappropriate as those areas were either occupied by fung shui woodland of ecological value, or were located outside the DPA plan; and

- (e) to address the concern of the villagers of Lin Ma Hang on the impact on farming activities caused by the designation of the 20m buffer area on both sides of the Lin Ma Hang stream as “Conservation Area” (“CA”), the zoning of the site had been reviewed. Both AFCD and the Environment Bureau (ENB) considered the “CA” zone appropriate for protecting the water quality and eco-system of the stream. However, as the buffer area itself might not carry high intrinsic ecological value, it was agreed amongst the government departments that ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ could be transferred from Column 2 of the Notes of the “CA” zone to Column 1 so that these uses would be always permitted within the buffer area.

[Mr. Andrew Tsang arrived to join the meeting at this point.]

- 9. The Chairman then invited the representatives of the representers and commenters to elaborate on the representations and comments.

Commenter C3 (Sha Tau Kok DPA Plan), C8 (Lin Ma Hang DPA Plan), C1 (Ta Kwu Ling North DPA Plan), C1 (Man Kam To DPA Plan) and C1 (Ma Tso Lung & Hoo Hok Wai DPA Plan) – Heung Yee Kuk

- 10. Ms. Carmen Chan, representative of the Heung Yee Kuk, made the following main points:

- (a) she relayed the views of the Chairman of the Heung Yee Kuk (HYK), who appreciated the initiative taken by PlanD to consult the villagers on the “V” zone boundary and it was an improvement that the boundaries of some of the “V” zones had been amended to take account of the views of

the villagers, although there was still room for improvement;

- (b) the Heung Yee Kuk was concerned with three main issues. First of all, the designation of "V" zones should take into account the actual needs of the villagers. Although there was a slight increase in terms of area of the "V" zones for the respective villages, there was no actual increase in area for Small House development as the "V" zones would not exceed the size of the 'VE', except for Lin Ma Hang village. She said that the criterion adopted in the review exercise viz. that the area covered by the "V" zone should not be larger than the area of the 'VE' was not acceptable. It was almost 40 years since the Government promulgated the Small House Policy and hence it was unreasonable that the 'VE' boundaries could not be extended. It should be noted that some of the land within the 'VE' was not usable. Some of them were already under private ownership and hence not available for Small House development. Some of the "V" zone had included burial grounds and slopes which were not suitable for Small House development. The proposed "V" zone extension was therefore not practical. The Government should allow villagers who had land outside the "V" zone to build Small Houses in order to make better use of scarce land resources;
- (c) the planning of the Closed Area should respect the traditional right of the villagers. Conservation of the area should not be at the expense of the villagers' traditional right. The zoning of the villagers' land for conservation-related purposes had severely affected the livelihood of the villagers. They were not able to benefit from the opening up of the Closed Area. Though the Heung Yee Kuk supported nature conservation, the Government should also include measures to preserve the cultural heritage of the villages. The Board should consider the villagers' proposal to develop a market town in the Closed Area to serve and support the local villagers. Moreover, the Government should designate areas of lower ecological value as "V" zone for Small House development so as to compensate for the loss arising from zoning villagers' land for conservation purpose; and

- (d) the Government had formulated long-term housing policy such as the Home Ownership Schemes for the general public but had neglected the need of the local villagers. The boundary of the 'VE' had not been extended for years. The reason why only a small number of Small House applications were submitted was due to the lack of suitable land for Small House developments. The living environment of the villages had become very congested and the villagers were facing a serious housing problem. The Government should review the Small House Policy with a view to extending the 'VE' boundary. She hoped that Members would consider the housing needs of local villagers in the long-term planning of the area.

11. Mr. Hau Chi Keung, Chairman of the Sheung Shui District Rural Committee, made the following main points:

- (a) the Board should carefully consider the village extension areas proposed by the villages of the Sheung Shui District Rural Committee which mainly comprised government land and land owned by the local villagers. PlanD's proposal included wetland and fung shui woodland which were not suitable for Small House development and the extended area was not usable because the land was not under the ownership of the villagers;
- (b) the size of the "V" zone extensions proposed by PlanD was inadequate. The size of the "V" zone should be able to cater for the demand beyond the 10-year forecast as there would unlikely be a second chance to extend the "V" zone in future;
- (c) the 10-year forecast only reflected a suppressed demand. Many overseas villagers wanted to return to their villages but, as they could not find land in their own villages, they were forced to give up their rights for Small House development in their indigenous villages in order to make a cross-village application. Even the local villagers could not submit applications for Small House development as they could not find land

within the 'VE' to build Small Houses. Hence, the number of Small House applications submitted was very low;

- (d) in the long run, the Government should consider extending the boundaries of the 'VE' of the respective villages, which were drawn up some 40 years ago. As some of the land within the 'VE' were zoned as "CA", "AGR" or "REC" and could not be used for Small House development, there was not enough land within the 'VE' for Small House development. Hang Tau and Ho Sheung Heung were two examples where the 'VE' needed to be expanded;
- (e) while the villagers supported nature conservation, it was unfair for the Government to zone their private land to "CA" without paying compensation; and
- (f) some villagers would be affected by the implementation of the Kwu Tung North New Development Area (NDA). The Government should take the opportunity to expand the "V" zone for villages such as Liu Pok, Ma Tso Lung and Ho Sheung Heung to serve the affected villagers who would like to be relocated within the same area. The expanded "V" zone would also enable indigenous villagers of Liu Pok and Ma Tso Lung who were currently living in temporary housing within the NDA to return to their village in future.

12. Mr. Lee Koon Hung, Chairman of the Sha Tau Kok District Rural Committee, made the following main points:

- (a) the villagers were very disappointed that out of 2,400 ha of land to be released from the Closed Area, most of them had been zoned for conservation purpose and only a very small amount of land would be available for village expansion;
- (b) for Lin Ma Hang village, it was factually incorrect to say that Lin Ma Hang stream was a natural stream as the stream was built many years ago

by the villagers. The Board should consider the villagers' proposal to extend the "V" zone to the south of the village which was mainly agricultural land that was not worthy of conservation;

- (c) for Shan Tsui and Tam Shui Hang, he was concerned that the "V" zone extension proposed by PlanD had included a piece of land previously used as public burial grounds. That piece of land was not suitable for Small House development. The Board should consider the villagers' proposal to zone a piece of government land from "GB" to "V", even though that piece of land was located outside the 'VE'; and
- (d) although indigenous villagers were entitled to build Small Houses, many villagers were not able to find suitable land for Small House development. They suffered from housing problem as they were also not eligible for public housing because of their ownership of Tso Tong land.

[Mr. Walter K.L. Chan left the meeting at this point.]

13. Mr. Hau Chi Keung said that he would like to mention an incident which he knew was not related to the hearing but was noteworthy to the Board. The incident last year concerned illegal filling of land/pond at Ho Sheung Heung, which was publicized as a case of 'destroy first, develop later', was in fact a misunderstanding of the planning procedures by the villagers. As the villagers had obtained approval from the District Lands Office/North for the development of 7 Small Houses, the villagers had proceeded with filling the land/pond to facilitate the Small House development without realizing that planning permission was required before any filling of land/pond could be carried out.

14. Mr. Chan Tung Ngok made the following main points:

- (a) it was unfair to zone the private land of the villagers for a public purpose of conservation without any compensation. In view of the recent public concern on conservation and preservation, the Government should take the opportunity to review the Town Planning Ordinance, noting that the Special Committee on Compensation and Betterment had published a

report in 1992 recommending the provision of compensation to those landowners whose private properties were adversely affected by planning controls;

- (b) the Government could also adopt the same approach used for the King Yin Lei site, i.e. compensation through land exchange. PlanD should identify a site for exchange with the villages affected by conservation proposals so that the villagers would not suffer any loss. This would help reduce objections to the planning proposals;
- (c) the current methodology used in working out the "V" zone area by taking account of the number of outstanding Small House applications was not appropriate as that number only reflected a suppressed demand. Instead, the Government should assess the Small House demand based on the total number of male villagers aged 18 years old or above and did not own a Small House or had not obtained a Small House grant. The Village Representative would be able to provide that number. He noted that many elderly villagers did not have a Small House as there was not enough land within the village for Small House development; and
- (d) some of the land proposed by PlanD for "V" zone extension was not suitable for Small House development, such as land previously used as burial grounds. PlanD should work with the Village Representatives who had a good knowledge of the suitability of land for Small House development.

15. Mr. Yuen Ka Man made the following main points:

- (a) although the villagers of Ta Kwu Ling owned 70% of the land to be released from the Closed Area, most of them was zoned "Green Belt". Hence, the villagers were not able to use their land for Small House development. Even though there were three boundary crossing points located within Ta Kwu Ling, i.e. Man Kam To, Lo Wu and the future Liantang/Heung Yuen Wai, no land had been designated for development

on the DPA Plans;

- (b) the small amount of land zoned "V" was not enough to cater for the needs of the villagers. As the 'VE' was drawn up 40 years ago, at a time when the area was a Closed Area with no public transport and villagers had to relocate elsewhere in order to make a living, it was inappropriate to take the 'VE' boundary as a constraint. With the opening up of the Closed Area, many villagers would return to live in the village and the existing 'VE' was not large enough to cater for the returning villagers;
- (c) as the Ta Kwu Ling area was in close proximity to Shenzhen where there were already a lot of development across the boundary, the area was most suitable for development; and
- (d) the opening up of the Closed Area did not bring any benefits to the indigenous villagers. The Government had only planned for the conservation of the mangroves and the habitats for migrating birds and had neglected the needs of the local villagers. The indigenous villagers could not exercise their right to build Small Houses in their villages as there was not enough land within the 'VE' for Small House development.

[Mr. B.W. Chan left the meeting temporarily at this point.]

16. With the aid of a few plans, Mr. Man Sun Choi made the following main points:

- (a) the villagers were not consulted on PlanD's proposals and the statement that the villagers of Heung Yuen Wai did not demand any enlargement of the 'V' zone was incorrect;
- (b) the 10-year forecast of Small House demand provided by the District Lands Office was incorrect as those figures did not include villagers who were living overseas but wished to return to live in the village;
- (c) the Ta Kwu Ling Rural Committee requested that PlanD consult the

villagers of Ta Kwu Ling afresh before finalising the DPA Plans covering the area;

- (d) referring to Drawing Ha-5(2) of the Paper, he requested that the areas in black, which were either low-lying areas along the stream or woodlands not suitable for Small House development, be excluded from the "V" zone;
- (e) making reference to two drawings tabled at the meeting, he requested that the area in between Pak Fu Shan and Sham Chun River, next to the Liantang/Heung Yuen Wai Border Control Point (shown in red in the first drawing), should be rezoned from "GB" to "REC" or "AGR" as the site was previously used for agricultural purposes. Referring to the second drawing, he requested that the area in between Tsung Yuen Ha and Ha Heung Yuen (shown in black), which was most suitable for village expansion, should be rezoned to "V";
- (f) contrary to the statement in the TPB paper, the villagers of Kan Tau Wai and Chuk Yuen had also requested for enlargement of their "V" zones; and
- (g) many villagers wanted to return to live in the village upon the opening up of the Closed Area. Therefore, it was wrong to rely on the Small House demand forecast provided by DLO.

[Mr. Andrew Tsang and Mr. Rock C.N Chen left the meeting at this point.]

17. With the aid of a drawing, Mr. Fung Wai Kwong, a resident of Liu Pok, made the following main points:

- (a) although the population of Liu Pok had continued to increase in the last few decades, the 'VE' of the village had never been extended. As a result, there was inadequate land for indigenous villagers to build their Small Houses. More than 100 villagers had already moved out to other

villages;

- (b) for those villagers who did not have land to build Small Houses, they were also not eligible for applying for public housing as all indigenous villagers had title to the “tso tong” land; and
- (c) referring to the drawing that was tabled, he said that PlanD’s proposed “V” zone to the northwest of Liu Pok was of no use to the villagers as that piece of land was owned by people outside the village. The request of the village was to extend the “V” zone to the north of the village where the land was flat and belonged to the villagers. Contrary to the claim made by PlanD, the area to the north did not form part of the Hoo Hok Wai wetland.

[Ms. Anita W.T. Ma left the meeting at this point.]

18. With the aid of a plan, Ms. Carmen Chan made the following supplementary points:

- (a) it was not absolutely necessary for the “V” zone to be confined within the boundaries of the ‘VE’ as suggested by PlanD. Making reference to the plan covering Lam Tsuen that was tabled, the boundaries of the “V” zone were shown to extend beyond the boundaries of the ‘VE’. In fact, several other villages were known to have their “V” zones extending beyond the ‘VE’ boundaries; and
- (b) there were also known examples where a “V” zone could be divided into two portions, due to the presence of a road or stream in between. Under such circumstances, the “V” zone could be linked up by adding ‘hooks’ on the two portions of land.

Representation R5 (Sha Tau Kok DPA Plan)

19. Mr. Mo Lap Sun made the following main points:

- (a) making reference to Drawing No. Ha-9(3), he said that the area proposed by PlanD as the village expansion area for Shan Tsui village was used as a public burial ground during the Second World War. That site would not be suitable for Small House development. It could only be used as a car parking area for the village; and
- (b) the Board was requested to re-consider the villagers' proposal for the village extension area as shown on Drawing Ha-9(2), in particular, the lots highlighted in green as they were land owned by the villagers. Although part of the village expansion area was located within the Sha Tau Kok Boundary Control Point outside the DPA Plan, he said that the area was originally part of Shan Tsui village and should therefore be reserved for the village as an expansion area.

[Miss Annie K.L. Tam arrived to join the meeting at this point.]

Representation R1 (Man Kam To DPA Plan)

20. With the aid of two survey plans, Mr. Yik Wai Tung made the following main points:

- (a) due to the training of Ping Yuen River and the requirement that Small House developments should not be located within 30 metres of the river, the amount of land available for the indigenous villagers of Fung Wong Wu to build Small House was greatly reduced by about 60% to 70%;
- (b) the villagers requested PlanD to identify land suitable for Small House development to compensate for their loss, even though the villagers were given monetary compensation under the river training programme;
- (c) the suggestion of the villagers was to rezone about 2.5 ha of land to the north of Fung Wong Wu, on the other side of Ping Yuen River, as "V" zone for village expansion. That site was suitable for Small House development as it had access to Lin Ma Hang Road and villagers would not need to cross Ping Yuen River to enter the village. The site would

not be affected by flooding as it was on higher ground. The Board should adopt an approach similar to the King Yin Lei case and provide a reprovisioning site on the other side of Ping Yuen River, even though the proposed site was outside the 'VE'; and

- (d) the village expansion area proposed by PlanD was not suitable as it was too small and did not have vehicular access. The site would also be affected by flooding as it was close to the river.

21. With the aid of a few photos, Mr. Fung Wai Kwong supplemented his representation on Liu Pok and said that the village expansion area proposed by the villagers were mainly flat land with vegetation as shown on the photos and the area did not form part of the Hoo Hok Wai wetland.

22. With the aid of a plan, Mr. Tsang Ka Keung made the following main points:

- (a) he considered that, except for the Lin Ma Hang area, the overall planning of the Sha Tau Kok area was an improvement. He appreciated the proposal of a village expansion area for Tong To to cater for Small House demand of the Cheung's clan in the village;
- (b) the Board should carefully handle the planning of Lin Ma Hang and should strike a balance between conservation and development; and
- (c) he suggested rezoning a "GB" site near Gate 1 of the Sha Tau Kok Boundary Control Point to "Government, Institution or Community" ("G/IC") use so as to serve the future needs of the Boundary Control Point. The Government should plan for the long-term development of the Sha Tau Kok Boundary Control Point and take into account the increased traffic using that control point after the opening up of the Closed Area. Although there were currently some mangroves on the "GB" site, it was considered not worthy to preserve such a small colony of mangroves at that location, particularly if it would become a constraint to the future development of the Boundary Control Point.

Commenter C2 (Sha Tau Kok DPA Plan)

23. Mr. Raymond Ng made the following main points:

- (a) the Sha Tau Kok Farm Organic Co. Ltd. had requested that the area to the south of Sha Tau Kok Road, which was of low ecological value and was currently zoned "AGR", be rezoned to "REC" to encourage more development in the area. The proposal was not accepted by the Government for the reason that there was inadequate infrastructure to support the development. This reason was unconvincing as the Government should start to plan and provide the necessary infrastructure (including transport, drainage and sewerage) to support the overall development of the Sha Tau Kok area upon the opening up of the Closed Area; and
- (b) the Board was also requested to consider the proposal to rezone an area to the north of Tong To village extending to San Tsuen to "REC" so as to encourage the provision of recreational facilities which would complement the future Robin's Nest Country Park.

24. With the aid of a plan, Mr. Marlon Cheung made the following main points:

- (a) PlanD's proposal to incorporate the village houses of Tong To Ping Tsuen into the village expansion area of Tong To was supported; and
- (b) he requested the Board to consider further extending the "V" zone to the south to include those agricultural lots owned by the villagers of Tong To Ping Tsuen.

Representation R2 (Lin Ma Hang DPA Plan)

25. With the aid of some photographs, Mr. Yip Wah Ching made the following main points:

- (a) PlanD had not considered the proposals of the villagers of Lin Ma Hang.

In the last six months, PlanD's staff had only met with the villagers once. The villagers were not invited to join AFCD in their site visit to Lin Ma Hang stream;

- (b) the villagers of Lin Ma Hang would suffer from the proposals of the DPA Plan which were made to please the conservationists without taking the interests of the villagers into account;
- (c) in the 1950s, Lin Ma Hang village had a population of over 1,000 people. There were 10,000 to 20,000 villagers currently living overseas and many of them wanted to return to the village to build their Small Houses. In this respect, the currently planned "V" zone was not large enough to accommodate the Small House demand of the villagers;
- (d) contrary to the large-scale development that was taking place on the other side of Sham Chun River, the HKSAR Government was trying to prevent development on the Hong Kong side without paying any compensation to the landowners;
- (e) the claim that Lin Ma Hang stream would cause flooding problem in the village was untrue as the village was located on higher ground and was not prone to flooding. It was only at the mouth of the stream where it merged with the Sham Chun River that flooding had occurred, mainly due to the flooding of Sham Chun River;
- (f) the photographs that were presented at the meeting showed that the Lin Ma Hang stream was not a natural stream but was built by his ancestors many years ago. In the old days, villagers would use the water in the stream for irrigating their farmland. Houses were built on both sides of the stream for easy access to the water source. Much effort had been put in by the villagers to maintain the stream in its current state. It would be a wrong decision to designate the stream as an "SSSI" as it would become no-man's land. No government department would take up the management of the stream while villagers were not allowed to use and

maintain the stream as they currently did;

- (g) when the lead mine at Lin Ma Hang was developed by the Government, the village provided the labour to work in the mine. As the land of the mine belonged to the villagers, compensation should be paid to the landowners if the Government wanted to preserve the lead mine;
- (h) the "V" zone extension proposed by PlanD had included burial grounds, slopes and fung shui woodland which were not suitable for Small House development. Small House development was also no longer permitted on the land on both sides of the stream. It was therefore misleading to claim that the size of the "V" zone had exceeded the size of the 'VE' by 7%;
- (i) the 'VE' was drawn up 40 years ago and had already severely constrained the development of the village. It did not take into account the increase in population in the village. The boundary of the 'VE' was totally out-of-date;
- (j) the planning of the villages should complement the overall development of Hong Kong and more land should be provided for village development. If the Government decided, in the public interest, to conserve the natural environment, landowners whose development rights were taken away should be properly compensated;

[Mr. Fletch Chan and Ms. Anna S.Y. Kwong left the meeting at this point.]

26. Mr. Ip Cheung Fung made the following main points:

- (a) the current Lin Ma Hang stream originally comprised several small streamlets which were subsequently channelled by the ancestors of the village into a stream by laying stones on both sides. As explained by the villagers, Lin Ma Hang stream was not a natural stream;

- (b) the stream was a main focal point of the village as it provided water for cultivation as well as recreation. Once the stream was designated as "SSSI", the livelihood of the villagers would be severely affected as villagers could no longer fish or swim in the stream, nor draw water from the stream for cultivation purposes;
- (c) the pond was also very important for the villagers as it served a fire fighting purpose as well as a buffering mechanism to prevent flooding;
- (d) the fung shui woodland was planted by the ancestors of the village and the villagers had put much effort into preserving the woodland. The trees in the lead mine and at Robin's Nest were also planted by the ancestors of the village and were not naturally grown. These trees were therefore the property of the village and the villagers had the right to fell them;
- (e) many villagers currently living overseas expressed their desire to return to the village. However, with only 6 ha of land available within the village for Small House development, it was not enough to meet the future demand;
- (f) it was unfair to require the villagers to give up their development rights for nature conservation. The development needs of the villagers were overlooked; and
- (g) the Government should handle the issue of compensation properly, instead of claiming that planning and compensation were two matters to be dealt with separately;

[Mr. B.W. Chan returned to join the meeting at this point.]

27. Ms. Carmen Chan made the following supplementary points:

- (a) the villagers of Lin Ma Hang requested rezoning the land on both sides of the stream from "CA" to "V" to enable the villagers to use the land for

Small House development;

- (b) according to the report produced by the Special Committee on Compensation and Betterment, the Government should consider paying compensation for the loss in development potential caused by imposition of planning controls. In this regard, if a piece of private land was zoned for conservation purpose, the Government should consider zoning another piece of land as "V" for Small House development so as to compensate for the loss of the villagers; and
- (c) when the Small House Policy was promulgated in 1972, it was never stated that the boundaries of the 'VE' had to remain unchanged. In this respect, the Government should consider the proposal of the villagers of Lin Ma Hang to enlarge the boundary of the 'VE' to meet their needs.

28. Mr. Chan Hon Kwan supplemented that as the Lin Ma Hang stream was built by the villagers, it belonged to them. It was unfortunate that the villagers did not lay claim to the stream in the early 1900s, when the survey plans were first prepared by the Government. Nevertheless, in accordance with the court rulings on adverse possession of title, the ownership of the stream should belong to the villagers as they had used and maintained the stream over the years.

[Mr. Stanley Y.F. Wong left the meeting at this point.]

29. Mr. Yip Wah Ching supplemented that Tong To Shan Tsuen should also be included into the "V" zone as it formed part of the original village and used to be inhabited by the Cheung's clan.

[Professor Edwin H.W. Chan left the meeting at this point.]

30. Mr. Lau Fong Sang made the following main points:

- (a) during the time when the village was occupied by the Japanese, the villagers of Lin Ma Hang resisted and fought the Japanese and forced

them out of the village; and

- (b) the villagers owned the land and they would continue to fight to safeguard their homeland.

31. Mr. Yuen Ka Man supplemented that the communication between the government departments and the villagers would require much improvement. Taking the example of the village resite of Chuk Yuen village, the villagers were concerned that the works of the Liantang/Heung Yuen Wai Boundary Control Point would affect their private property rights. The related site investigation works could not proceed as a result of strong local objection. In that case, there was no direct communication between the concerned government departments and the villagers. As the opening up of the Closed Area would soon take effect, the Government should improve its communication with the villagers to avoid further disputes.

[Ms. Maggie. M.K. Chan left the meeting at this point.]

Representation R1 (Ma Tso Lung & Hoo Hok Wai DPA Plan)

32. Mr. Cheung Hoi Keung made the following main points:

- (a) it was unfair that the indigenous villagers were adversely affected by the DPA plans but no compensation was provided to them;
- (b) the DPA Plans were also incomplete as only recognized villages were zoned as "V" on these plans. Residents currently living in village houses outside the recognised villages had not been taken care of. Those residents were not consulted and no proposals were made for them, whilst there were many other proposals on the conservation of wildlife;
- (c) the Government could not remove all the residents in a whole district, such as those living in the Kwu Tung North New Development Area, for development without consulting the residents there. Though he did not object to nature conservation, PlanD should pay more attention to the livelihood of the local residents that were affected by the DPA Plans.

Areas of low ecological value should be reserved for village development in order to allow villagers to be relocated in the same area; and

- (d) the Government should indicate clearly the proportion of government land and private land that had been planned for conservation and development.

33. Ms. Carmen Chan concluded the presentation and said that the villagers' request was for the Board to make the best use of scarce land resources and to appropriately amend the DPA Plans, taking account of the representers' proposals. The Board should not ask the local villagers to pay the price for nature conservation. Moreover, the Board should consider the long-term planning of the Closed Area and further expand the "V" zone in order to cater for the long-term development needs of the villages.

34. As the representers and commenters and their representatives had completed their presentations, the Chairman invited questions from Members.

35. In response to a Member's enquiry on the consultation process, Mr. Hui Wai Keung made reference to Liu Pok in Drawing Ha-1 as an example and explained that in conducting the further review of the "V" zone as requested by the Board, PlanD had first prepared an "Initial" proposal on the "V" zone extensions of the 17 recognized villages based on the criteria mentioned above and consulted the IIR of the respective villages on the "Initial" proposal. Some IIRs or villagers had provided PlanD with their counter proposals, i.e. the "Suggestion by IIR" in Drawing Ha-1. After considering the counter-proposals and comments from concerned government departments, PlanD had prepared a final proposal (i.e. the "Final Revised" proposal in Drawing Ha-1) for the Board's consideration. Mr. Hui said that the IIRs and villagers had not been consulted on PlanD's "Final Revised" proposals.

36. Noting that one of the written representations mentioned that the population of Lin Ma Hang in 1951 was about 500 persons, a Member enquired whether there were statistics from the Census & Statistics Department on the current population of the Lin Ma Hang village. In response, Mr. Yip Wah Ching said the population of 500 was wrong as there were more than 300 village houses in the village back in the 1960s accommodating at least 2,000 persons. Ms. Carmen Chan supplemented that the statistics from the Census &

Statistics Department only reflected the "usual resident" on the day of survey and hence should not be used to assess the total number of indigenous villagers of the village as many of them had moved out of the village or overseas. It would be more appropriate to refer to the number of indigenous villagers in the genealogical records of each village.

37. In response to the same Member's enquiry on the methodology of estimating the latest Small House demand, Mr. Hui Wai Keung said that the information was provided by the respective District Lands Office which had taken account of the outstanding Small House applications and the 10-year demand forecast provided by the IIR of each village.

38. The Chairman enquired about the two village expansion areas proposed by the representers of Shan Tsui Village. Mr. Hui Wai Keung referred to Drawing Ha-9(2) and explained that Shan Tsui Village was bounded by roads on three sides and the northern side was a fung shui woodland. The IIR's proposal was to incorporate some areas in the fung shui woodland and an area to the east of Sha Tau Kok Road as village expansion areas. Mr. Hui said that the areas located within the woodland should not be rezoned to "V" as the fung shui woodland had to be preserved. The area to the east of Sha Tau Kok Road was unsuitable as that site was located outside the DPA Plan and would remain as a Closed Area in future. PlanD had identified a piece of land to the northeast of the "V" zone which was relatively flat as the extension area. He had no information showing that this piece of land was previously used as a burial ground as claimed by the villagers.

39. Mr. Mo Lap Sun said that the villagers could confirm that the land to the northeast of the "V" zone in Shan Tsui Village as proposed by PlanD had been used as burial ground. He said that the green area as marked on Drawing Ha-9(2) was suitable as an extension area as it was their own private lots and the villagers would not destroy their own fung shui woodland. That area was also within the 'VE'. Mr. Chan Tung Ngok said that although the area to the east of Sha Tau Kok Road was outside the DPA Plan, the Board should not be restricted by the planning scheme area boundaries in its overall planning of an area. He also said that the villagers had clearly told DPO/STN that the site proposed by PlanD had been used as burial ground and was not suitable for Small House development. In response, Mr. Hui said that the area to the east of Sha Tau Kok Road was within Sha Tau Kok Town and was not covered by any statutory plan. In this respect, the Board's jurisdiction did not cover that area.

40. In response to the Chairman's enquiry on the village expansion area proposed by the villagers of Fung Wong Wu, Mr. Hui Wai Keung made reference to Drawing Ha-2(2) and said that the area was located to the northwest of Fung Wong Wu across Ping Yuen River. Although the area was suitable for building development, it was far away from the 'VE' and the existing village. Besides, there was already adequate land within the extended "V" zone to meet the 10-year forecast of Small House demand for the village.

41. Ms. Carmen Chan, however, pointed out that the separation in distance between the existing village and the proposed village expansion area should not be a problem as the two "V" zones could be linked up on the DPA Plan by a 'hook'. One of the representers supplemented that the separation in distance was the result of the training of Ping Yuen River which had carved the village into separate portions. In this respect, it was reasonable to compensate the villagers by extending the "V" zone to the other side of Ping Yuen River. In response to the point about the 'hook' arrangement, Mr. Hui Wai Keung said that there were cases where two "V" zones were joined by a hook on the OZP. Since there was adequate land within the extended "V" zone to meet the future Small House demand, it was considered unnecessary to extend the "V" zone to the area proposed by the villagers.

42. In response to a Member's enquiry on whether compensation had been paid to the villagers for resuming their land under the river training project of Ping Yuen River, Mr. Yik Wai Tung said that villagers had obtained monetary compensation under the river training project. However, as the size of the "V" zone for Fung Wong Wu had been reduced after the river was trained, the Government should also compensate the loss of land by extending the "V" zone. He considered that the extended "V" zone as proposed by the villagers could be linked with the existing "V" zone with a 'hook' on the DPA Plan.

[Professor S.C. Wong left the meeting at this point.]

43. In response to a point made earlier by Ms. Carmen Chan concerning the "V" zone and the 'VE' boundary of Lam Tsuen where she said that the "V" zone was larger than the 'VE', the Secretary clarified that according to the extract plan presented by Ms. Chan, the size of the "V" zone was smaller than 'VE', although there were examples in other OZPs where the "V" zone was larger than the 'VE'.

44. Mr. Hui Wai Keung further explained that the villagers' proposal for Liu Pok was to extend the "V" zone to the north which was close to the fish ponds at Hoo Hok Wai. After consulting AFCD and DEP who raised concern on the proposal in view of the likely impact on the fish ponds, it was considered inappropriate to adopt the villagers' proposal. Mr. Fung Wai Kwong said that DPO/STN did not understand the topography and the environment of the village. The extension area to the west of Liu Pok as proposed by PlanD was on slopes and was a burial ground while the extension area in the northwest comprised private land which was not owned by the indigenous villagers. Though the village expansion area proposed by the villagers to the north was relatively close to the Hoo Hok Wai wetland, it was still outside the wetland and Small House development there would not affect the Hoo Hok Wai wetland. Mr. Fung was also disappointed that the villagers were only consulted once on PlanD's proposal which was totally inadequate.

45. The Chairman enquired about the proposal made by the IIR of Heung Yuen Wai. In response, Mr. Hui Wai Keung referred to Drawing Ha-5(2) and said that the proposal of the villagers was to extend the "V" zone to the west and southwest of Ha Heung Yuen (area hatched red on Drawing Ha-5(2)) and to remove some areas in the north, east and south (areas coloured black on Drawing Ha-5(2)). Upon consultation with the relevant government departments, it was found that the proposed area to the southwest of Ha Heung Yuen fell within the 250m gas consultation zone of the NENT Landfill and was not suitable for Small House development. Mr. Man Sun Choi said that the villagers of Heung Yuen Wai only demanded the size of the "V" zone to be the same as the 'VE'. The areas coloured black on Drawing Ha-5(2) was unsuitable for Small House development because they were either too close to the stream which would be subject to flooding, or they were burial grounds or fung shui woodland. Mr. Man also said that PlanD had never indicated the extent of the 250m gas consultation zone of the NENT Landfill to the villagers.

46. The Chairman enquired about the proposed "V" extension area for Kan Tau Wai. Mr. Hui Wai Keung said that the IIR of Kan Tau Wai was consulted on PlanD's initial proposal for the "V" zone extension and the IIR did not raise objection to PlanD's proposal. However, one of the representers disagreed with Mr. Hui and said that the IIR of Kan Tau Wai was misled and had only indicated that the "V" zone was sufficient at this stage. The IIR was not asked to give any counter-proposal to PlanD.

47. For the Tam Shui Hang, Mr. Hui Wai Keung said that the IIR of Tam Shui Hang was consulted on PlanD's initial proposal for the "V" zone extension and the IIR accepted the proposal. There was, however, a proposal from a villager to rezone the site near Gate 1 of the Boundary Control Point from "GB" to "G/IC". Upon consultation with the relevant government departments, it was considered inappropriate to rezone the site at this stage in view of its close proximity to the Boundary Control Point. The zoning of the site could be reviewed at the OZP preparation stage.

48. Making reference to Plan Ha-8a, Mr. Hui said that one of the representers proposed to zone an area to the south of Sha Tau Kok Road from "AGR" to "REC". Although AFCD advised that the coastal area south of Sha Tau Kok Road was of low ecological value, further studies on traffic and infrastructure constraints would need to be conducted to assess the feasibility of the "REC" zone. It was also noted that the site was facing the Sha Tau Kok Hoi which would be retained as a Closed Area. In this respect, it was considered more appropriate to retain the "AGR" zoning for the site. Mr. Lee Koon Hung, however, pointed out that the area in question was currently filled with rubbish. Instead of maintaining the status quo, the Government should consider rezoning the site to "REC" so that some development could take place to improve the existing situation.

49. The Chairman enquired about the "CA" zoning on both sides of Lin Ma Hang stream. Mr. Patrick Lai of AFCD explained that according to a study conducted by the University of Hong Kong (HKU) in 2000, the Lin Ma Hang stream was found to be a stream of high ecological value. The stream was subsequently designated as an SSSI in 2007. When the Study on "Land Use Planning for the Closed Area" was conducted, the Study confirmed the ecological importance of the stream and further proposed that a 20m-wide buffer area along both sides of the stream should be zoned as "CA" to protect the stream. Mr. Lai noted that the "CA" zoning on the DPA plan had already taken into account the existing land uses along the stream as some part of the riverside was not zoned "CA".

50. In response to a Member's enquiry on how the livelihood of the villagers of Lin Ma Hang would be affected by the DPA Plan, Ms. Carmen Chan said that before the stream was zoned "SSSI", the villagers could fish and swim in the stream and the land on both sides of the stream could be used for farming activities by drawing water from the stream.

With the imposition of the "SSSI" and "CA" zoning, villagers could no longer swim or fish in the stream, not to mention pumping water from the stream for cultivation purposes. Mr. Ip Cheung Fung supplemented that the Lin Ma Hang stream was part of their life. Once the "SSSI" and "CA" zoning were imposed, no activity would be allowed in the stream and along the riverside. Mr. Chan Hon Kwan said that the existing state of the stream of high ecological value was in fact the result of the villagers' effort. By imposing statutory restrictions over the stream, the villagers would be prevented from maintaining and protecting the stream and there was no guarantee that the high ecological value of the stream could be kept. Mr. Yip Wah Ching said that the "CA" zoning would mean that the stream could no longer be used by the villagers. He was concerned that the zoning was only for the fish and not for the people.

51. Mr. Chan Tung Ngok was concerned that the 20m-wide buffer area which mainly comprised private property had been zoned "CA". The villagers were not consulted on the proposed "CA" zone. They did not agree to the proposal which had frozen their right to develop the land without any compensation. The Government should adopt the King Yin Lei approach and compensate the villagers by providing a reprovisioning site for them to develop. The Chairman clarified that the Kin Yin Lei case was a measure taken under the heritage preservation policy and not under the Town Planning Ordinance.

52. A Member enquired about the statutory planning controls imposed on the stream under the "SSSI" zoning. In response, the Secretary said that according to the Notes of the "SSSI" zone under the Lin Ma Hang DPA Plan, any diversion of streams, filling of land/pond or excavation of land would require planning permission from the Board. There was no statutory planning control on such activities as fishing or swimming. Mr. Patrick Lai supplemented that an SSSI was an administrative measure to protect areas of special scientific significance and AFCD had no statutory control on the uses or activities permitted within an SSSI. As the Lin Ma Hang stream was zoned as an "SSSI" under the DPA Plan, the uses permitted would have to follow the statutory restrictions under the "SSSI" zoning. As regards the general protection of rivers, he mentioned the case of Tung Chung River which happened a few years ago where the Government had taken enforcement action against certain destructive actions to the river which was on government land.

53. Ms. Carmen Chan said that the villagers were worried that government departments would restrict access to and use of the stream. The Study conducted by HKU did not take into account the history of the stream and its cultural importance to the village. Mr. Lee Koon Hung referred Members to a case in Kai Kuk Shue Ha Tsuen at Sha Tau Kok, where a stream designated as an SSSI had been blocked by boulders after flooding. The concerned government departments claimed that they did not have the authority to clear the boulders because of its SSSI status and the stream was still blocked at the present moment. Mr. Yip Wah Ching reiterated that the Lin Ma Hang stream was built and owned by the villagers and they objected to the "SSSI" and "CA" zoning of the stream and the buffer area.

54. In response to Mr. Jimmy C.F. Leung's enquiry, Mr. Hui Wai Keung said that PlanD had recommended including 'Agricultural Use' under Column 1 of the "CA" zone as a use that was always permitted. Ms. Carmen Chan, however, said that as the villagers would not be able to pump water from the stream, it was impossible for them to farm the land within the "CA" zone. Mr. Chan Tung Ngok supplemented that the villagers would need to dredge the stream and strengthen the banks to install the water pump and such activities were not permitted under the "SSSI" zoning.

55. Mr. Yip Wah Ching reiterated that the villagers of Lin Ma Hang strongly objected to the DPA Plan as they were not properly consulted. PlanD should conduct the land use review afresh. A representer also said that PlanD had presented a lot of incorrect and misleading information in the TPB Paper.

56. As the representers and commenters and their representatives had finished their presentation and Members had no more questions to raise, the Chairman said that the hearing procedures had been completed, the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers and commenters and their representatives and the government representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

57. The Chairman said that while the villagers of Shan Tsui had proposed to include

two sites they owned as village expansion area, the sites were within the fung shui woodland zoned "GB". A Member commented that the two sites were relatively small and, strictly speaking, the villagers should not disturb their own fung shui woodland. However, the Board would need to strike a proper balance between development and conservation. As the DPA Plan was only an interim plan, it would be better to keep to the original recommendation to preserve the woodland. The long-term planning of the area, which should take into account the development of Shenzhen, would have to be carefully considered under the preparation of the OZP.

58. Another Member considered that as the two sites were small and the villagers had claimed that there was no impact on the fung shui woodland, the site could be considered for rezoning to "V". Should there be concern on tree felling as a result of Small House development, it could be handled by LandsD in its processing of the Small House application. Miss Annie K.L. Tam, however, pointed out that if a site within a woodland was used for Small House development, it would inevitable involve some tree felling and it would be difficult for LandsD to object to the Small House application because of the felling of trees. A Member considered that the rezoning of two sites within the fung shui woodland to "V" would have long-term planning implication and there was insufficient information at this stage to support the amendment. After all, the actual number of returning villagers was not known. The Chairman said that the two sites were currently zoned "GB" and villagers could submit planning applications for Small House developments should they wish to do so. Moreover, it was not the practice of the Board to take into account land ownership when considering the land use zoning of a particular site. In this respect, Members considered that it was more appropriate to retain the "GB" zoning for the two sites.

59. For Heung Yuen Wai, the Chairman noted that the villagers' proposed extension area fell within the 250m gas consultation zone for the NENT Landfill and was not suitable for development. A Member noted the grievance of the villagers that the "V" zone extension areas proposed by PlanD were often on land not owned by them and therefore could not be used by them for Small House development. Though landownership was not a relevant consideration in deciding on the land use zoning, this Member considered that there was a practical problem in that respect. Miss Annie K.L. Tam agreed that landownership should not be a relevant consideration in planning the use of an area as the

ownership of a piece of land could be changed easily. Mr. Jimmy C.F. Leung added that it was difficult to prove whether the villagers were unable to buy land for Small House development. He said that the villagers were mainly concerned that land within the 'VE' had not been zoned as "V".

60. Mr. Jimmy C.F. Leung opined that the Board was not responsible for formulating policy for Small House or nature conservation. The King Yin Lei case was a result of heritage conservation policy and not something proposed by the Board.

[Mr. Timothy K.W. Ma left the meeting at this point.]

61. After further consideration, Members agreed to adopt the "V" zone extension for Kan Tau Wai and Liu Pok as proposed in the TPB paper.

62. For Fung Wong Wu, Members noted that the village expansion area proposed by the villagers was across Ping Yuen River on land zoned "REC" and was far away from the 'VE' and the existing village. The Secretary said that the proposal to use land which was far away from the 'VE' might not be suitable as LandsD might not approve Small House applications on land completely outside the 'VE'. Miss Annie K.L. Tam said that the Board should only consider whether the proposed village expansion area was suitable to be zoned as "V" from the planning perspective and that it was irrelevant to take the 'VE' boundary into consideration. Mr. Jimmy C.F. Leung, however, considered that the 'VE' was a relevant consideration in drawing up the "V" zone as the planning intention of the "V" zone to provide land for Small House development would not be achieved if LandsD would not approve applications for Small House grants on land outside the 'VE'. The Chairman said that while the 'VE' was a relevant consideration, it was not be the only consideration in drawing up the "V" zone boundary. Noting that the villagers had already received compensation under the river training project and the proposed "V" extension area was outside the 'VE', Members agreed that the villagers' proposal should not be accepted.

63. For Tam Shui Hang, Members noted that the villager's proposal to rezone a piece of land from "GB" to "G/IC" for car parking purposes was not supported by the Hong Kong Police Force. The Secretary said that the zoning of the site could be reviewed at the OZP preparation stage. By the same token, the Chairman considered that a representer's

proposal to rezone an area from "AGR" to "REC" should not be adopted at this stage and that the zoning of that site would be reviewed at the OZP preparation stage. Members agreed.

64. For Lin Ma Hang, the Secretary explained that the issue raised by the villagers was not so much the "SSSI" zoning of the stream as the government representatives had already explained that there were no restrictions on the use of the stream and that the villagers could always submit an application to the Board for planning permission to pump water from the stream for irrigation purposes. The main concern of the villagers was the "CA" zone of the 20m-wide buffer area as Small House development would not be permitted. The villagers were originally also concerned about the need for planning permission to carry out agricultural activities, but this issue had already been addressed by PlanD's recommendation to include 'Agricultural Use' and 'On-Farm Domestic Structure' under Column 1 of the "CA" zone. To address the villagers' concern on Small House development, the Board could consider rezoning the buffer area from "CA" to "GB" so that Small House development would be permitted on application to the Board. Under the Board's current practice, unless the proposed development would involve extensive tree felling, applications for Small House development within the 'VE' would normally be approved.

65. Concerning the villagers' proposal to rezone a large piece of land to the south of Lin Ma Hang from "AGR" to "V", Members generally agreed that the proposal was not acceptable, given that the existing size of the "V" zone was already larger than the size of the 'VE'.

66. On the villagers' proposal to amend the "SSSI" zoning of the Ling Ma Hang stream, the Chairman considered that it was not acceptable. A Member agreed and said that whether the stream was built and owned by the villagers was an irrelevant consideration. Miss Annie K.L. Tam, however, noted that the management of the stream was a problem after its zoning to "SSSI" and that the management issue needed to be addressed as part of the Government's conservation policy. A Member suggested that the villagers should be allowed to continue to manage the stream. Based on AFCD's advice on the ecological value of the stream, it was appropriate to zone the stream to "SSSI". The Chairman said that the buffer area could be rezoned from "CA" to "GB" where villagers would be allowed

to submit planning applications for Small House development. The Secretary said that a buffer area to protect areas worthy of conservation would normally be zoned as "CA". However, in the case of Sha Lo Tung mentioned by the representers, the river and the buffer area were both zoned "SSSI" on the OZP. In the current case, as AFCD confirmed that the buffer area itself was of low ecological value and in view of the fact that there were already existing developments within the buffer area, the Board could consider rezoning the area from "CA" to "GB" to allow regulated development on the site.

67. A Member noted that the concern of the villagers was not on the zoning of the stream or its buffer area but on the need to expand the 'VE'. As claimed by the villagers, the 'VE' had remained unchanged for 40 years. However, this was an issue outside the purview of the Board. In response to another Member's enquiry, the Secretary said that PlanD's proposal in the TPB Paper to include 'Agricultural Use' and 'On-Farm Domestic Structure' under Column 1 of the Notes of the "CA" zone would not address the villagers' concerns as the zoning of the site would remain as "CA" where there was a presumption against development. A Member noted that the request of the villagers was to rezone the buffer area to "V", which would be out of the question as it would allow unregulated development which would adversely affect the ecology of the stream. This Member supported the proposal to rezone the buffer area to "GB" as a compromise so that any development within the buffer area would be regulated.

68. In conclusion, the Chairman noted that Members generally agreed to rezone the buffer area of Lin Ma Hang stream from "CA" to "GB". As there was an existing community along the banks of the stream, the "GB" zoning would enable the Board to regulate development within the buffer area and maintain a proper balance between conservation and the community need for development.

69. The Chairman then concluded the discussion and noted that Members generally agreed to partially uphold the representations on enlarging the "V" zones in the five DPA Plans. Members also agreed to amend the "V" zones for some of the villages which were not the subject of representations, including the "V" zone for Muk Wu, Tong Fong, Heung Yuen Wai and Tsung Yuen Ha. Amendments to these "V" zones would be made under section 7 of the Ordinance. Members also agreed to note the supporting views of the representations and agreed that the remaining representations should not be upheld.

70. On the request of the Chairman, the Secretary explained that DPO/STN had reviewed the boundaries of all the "V" zones covering the five DPA Plans, no matter whether the villages had submitted representations or not. For those villages that had submitted representations on the "V" zones, the proposed amendments would be gazetted under section 6C(2) of the Ordinance, as the Board had agreed to partially meet the representation. For those villages that had not submitted representations on the "V" zones, the proposed amendments would be made under section 7 of the Ordinance.

71. Members also agreed to request PlanD to review the zoning of a piece of land in between Pak Fu Shan and Sham Chun River at the OZP preparation stage.

72. A Member noted that the villagers generally welcomed consultation by PlanD but were not satisfied that only one round of consultation was conducted. This Member considered that a negotiation process was required where the different interest groups could come together to negotiate with one another. The DPOs might need to conduct several rounds of negotiations with the interested parties. A Member, however, noted that consultation was different from negotiation and the DPO was not in a position to make any decisions on behalf of the Board.

73. The Chairman noted that apart from statutory consultation procedure under the Town Planning Ordinance, the DPO had taken extra effort to consult the villagers on the various proposals. The Chairman suggested and Members agreed to put on record the Board's appreciation of the DPO's efforts.

Draft Sha Tau Kok DPA Plan

Representation No. R1 (part) to R11 (part)

74. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representations on the enlargement of "V" zones by amending the "V" zone for the villages of Tong To, San Tsuen, Muk Min Tau, Tsiu Hang, Tam Shui Hang and Shan Tsui.

Representation No. R1 (part) to R11 (part) and R12 to R14

75. After further deliberation, the Board decided not to uphold the remaining parts

of representations R1 to R11 and representations R12 to R14 for the following reasons:

Enlargement of All "V" zones in Sha Tau Kok

- (a) to cater for the future Small House demand, the "V" zone of Tong To, San Tsuen, Muk Min Tau, Tsiu Hang, Tam Shui Hang and Shan Tsui had been extended to the extent equivalent to the size of the village 'environs' ('VE'). Areas suitable for village type development had been zoned "V" taking all relevant factors like topography, settlement pattern, vegetation cover and other local features into consideration. The other "V" expansion areas proposed in the representation were not suitable for Small House development as they either fell outside the 'VE', had good potential for recreational or agricultural activities or were well vegetated woodland worthy of protection; *(for R1 to R11 and R13)*

"AGR" and "GB" zonings for the Coastal Land south of Sha Tau Kok Road

- (b) the zoning of "AGR" for the coastal areas to the south of Sha Tau Kok Road was to retain agricultural land of good quality. In line with the recommendations of the "Study on Land Use Planning for the Closed Area", the "AGR" zone was appropriate for the coastal area. The scope for zoning the area to "REC" would be further studied during the course of OZP preparation taking all relevant factors into consideration; *(for R6, R8, R9 and R11)*
- (c) the zoning of "GB" close to the future Gate One Checkpoint of the Closed Area was considered appropriate taking into account its proximity to the Closed Area and its natural setting; *(for R6 and R11)*
- (d) the zoning of "AGR" for the coastal areas to the south of Sha Tau Kok Road was to retain agricultural land of good quality. There was no strong ground to zone the isolated fish ponds of low ecological value to "CA"; *(for R14)*

Zonings for the Fung Shui Woodland near rural villages and the proposed Robin's Nest Country Park and its northern slope

- (e) the “GB” zone for the fung shui woodlands at Shan Tsui, Sheung Tam Shui Hang and Tong To was considered appropriate taking into account their relatively low ecological value, their small colony size and commonness of species composition; *(for R5 and R12)*
- (f) the “GB” zone for the proposed Robin’s Nest Country Park and its northern slope was to define the limits of urban and sub-urban development areas by natural features. The “GB” zoning would be reviewed pending the designation of the potential Robin’s Nest Country Park by the Country and Marine Parks Board; *(for R13 and R14)*

Issues of Public Consultation and Compensation

- (g) extensive public consultation had been conducted to collect public views during the course of the “Study on Land Use Planning for the Closed Area”. The publication of the draft DPA Plan under the Town Planning Ordinance (the Ordinance) was also a form of statutory public consultation under which all the representations and comments received would be duly considered by the Board in accordance with the provision of the Ordinance; *(for R3 and R4)*
- (h) under the Ordinance, there was no provision for compensation to land affected by planning restrictions of the statutory plan. Land resumption was outside the purview of the Board; *(for R7)* and

Restrictions on “REC” zone

- (i) the “REC” zone was intended primarily for recreational developments for the use of the general public. It encouraged the development of active and/or passive recreation and tourism/eco-tourism, which was in line with the vision and land use framework recommended in the “Study on Land Use Planning for the Closed Area”. Uses such as ‘Holiday Camp’ and ‘Picnic Area’ which were generally compatible with the environment without causing significant adverse drainage, landscape and ecological impacts were permitted as of right under the “REC” zone. However, major recreational developments such as ‘Golf Course’ and

‘Theme Park’ which might have potential drainage, ecological and landscape impacts on the adjacent area were placed under Column 2 requiring planning permission from the Board. Technical assessments and suitable mitigation measures would need to be provided in support of the planning application. In this respect, it was unlikely that the future recreational development at Tong To would cause any adverse impact on the area. (*for R1*)

Draft Lin Ma Hang DPA Plan

Representation No. R4 (part) and R5 (part)

76. After further deliberation, the Board agreed to note the views of the above representations in support of the buffer area for the Lin Ma Hang stream.

Representation No. R1 (part) and R2 (part)

77. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representations by rezoning the buffer area of the Lin Ma Hang stream from “CA” to “GB”.

Representation No. R1 (part), R2 (part), R3, R4 (part), R5 (part) and R6 to R7

78. After further deliberation, the Board decided not to uphold the remaining parts of representations R1, R2, R4 and R5 and representations R3, R6 and R7 for the following reasons:

“V” zone for Lin Ma Hang Village

- (a) the boundary of the “V” zone was drawn up having regard to the existing village ‘environs’ (‘VE’), outstanding Small House applications, demand forecasts, local topographies, existing settlement patterns, ecologically important areas and other site specific characteristics. Areas suitable for village type development had been zoned “V”, the size of which was already larger than the ‘VE’ by 7%. There was no strong planning justification to rezone all the agricultural land to the north, west and south of Lin Ma Hang Village from “AGR” to “V” as they were mostly hilly and fell outside the ‘VE’. Nevertheless, the boundary of the “V”

zone would be kept under close review and would be further refined where appropriate in the course of preparing the OZP; *(for R1, R2 and R4)*

- (b) the sewerage improvement for Lin Ma Hang Village had been included in the North District Sewage Stage 2 Project the implementation of which would be subject to resource availability and local support. Relevant studies would be carried out to address/monitor the sewerage infrastructure for new developments in the area. Hence, the concern on the possible drainage/sewage impacts of the Lin Ma Hang “V” zone would be properly addressed. There was no ground to consider the proposal of planning village expansion on Government land elsewhere; *(for R4, R5 and R6)*
- (c) the draft DPA Plan was prepared to take forward the recommendations of the “Study on Land Use Planning for the Closed Area” and to provide interim planning guidance and development control pending the preparation of the OZP. It was not appropriate to repeal the current draft DPA Plan. Notwithstanding, in working out the detailed land use proposals in the process of OZP preparation, all relevant planning considerations would be taken into account and local consultations would be conducted as appropriate; *(for R2)*

*“SSSI” zoning for the Lin Ma Hang stream and the Lin Ma Hang Lead Mine and
“CA” zoning for the stream’s buffer and fung shui areas*

- (d) the “SSSI” zoning for the Lin Ma Hang stream and the Lin Ma Hang Lead Mine was to recognise their existing status and to provide statutory planning control of the designated SSSIs. The stream buffer including the fung shui pool was proposed to be rezoned to “GB” as it comprised fallow agricultural land and did not carry high ecological value. While the “GB” zone would help provide a buffer to protect the water quality and eco-system of the stream, it would also provide flexibility for suitable development subject to scrutiny under the planning permission system. A suitable balance had been struck between conservation needs

and the existing village condition; *(for R1, R2, R3 R5 and R7)*

- (e) the designation of Restricted Area was outside the jurisdiction of the Town Planning Board. Nevertheless, the proposal to designate the Lin Ma Hang Lead Mine as a Restricted Area had been conveyed to the Agriculture, Fisheries and Conservation Department who would give due consideration to the proposal; *(for R7)*

“GB” zoning near Lin Ma Hang Village, Robin’s Nest Country Park and the area near Tong To Shan Tsuen

- (f) the “GB” zone for the areas near Lin Ma Hang Village and the proposed Robin’s Nest Country Park was to define the limits to urban and sub-urban development areas by natural features. As ‘Agricultural Use’ was a Column 1 use and was permitted as of right within the “GB” zone, existing and planned farming activities would not be affected by the zoning. The “GB” zone would be reviewed pending the designation of the potential Robin’s Nest Country Park by the Country and Marine Parks Board; *(for R1 and R2)*
- (g) the “GB” zone for the areas near the proposed Robin’s Nest Country Park and its northern slope, and the Tong To Shan Tsuen area was to define the limits to urban and sub-urban development areas by natural features. The proposed inclusion of the Lin Ma Hang Valley and its environs into the Robin’s Nest Country park had been conveyed to the Agriculture, Fisheries and Conservation Department who would give due consideration to the proposal when delineating the boundary of the Country Park in the future; *(for R4, R6 and R7)*

Provision of Road Infrastructure

- (h) the necessary road widening works for Lin Ma Hang would be carried out in the future. Moreover, improvement of local roads would continue having regard to the traffic needs and road safety; *(for R1)*

Zoning for the Former Residence of Ip Ting-Sz

- (i) given the broadbrush nature of zoning and the small scale of the DPA Plan, the site of the former residence of Ip Ting-Sz was too small to be reflected in a separate zone. The former residence was a declared monument and there was sufficient protection under the Antiquities and Monuments Ordinance (Cap. 53). The land use zoning for the secondary forest close to the site would be reviewed pending detailed investigation of the ecological value of the plant species therein during the preparation of the OZP; (*for R5 and R7*) and

Issues of Compensation

- (j) under the Ordinance, there was no provision for compensation to land affected by planning restrictions of the statutory plan. Land resumption was outside the purview of the Board. (*for R1 and R2*)

Draft Ta Kwu Ling North DPA Plan

Representation No. 1

79. After further deliberation, the Board agreed to note the concern of representation R1 on the implementation of the Liantang/Heung Yuen Wai Boundary Control Point and to convey his concerns to Security Bureau for its consideration.

Representation No. R2 and R3

80. After further deliberation, the Board decided not to uphold the above representations for the following reasons:

“GB” zone for Fung Shui Woodlands

- (a) as the fung shui woodlands near Tsung Yuen Ha and Kan Tau Wai were of low to moderate ecological value with low plant diversity, the “GB” zoning was considered appropriate. With a general presumption against development within the “GB” zone, any unauthorized development would be subject to enforcement under the provision of the Town Planning Ordinance; (*for R2*) and

Restrictions and Requirements under the “REC” zone

- (b) with the planning intention primarily for recreational developments for the use of the general public, the “REC” zone was not a conservation-related zoning per se and stringent restrictions on land filling/excavation was not necessary. Moreover, the Notes for the “REC” zone had already stipulated that any diversion of stream or filling of ponds as well as some recreational developments under Column 2 would require planning permission from the Board. With the programmed improvements to the drainage systems in the area of the DPA Plan and the current planning control procedures under the Notes of the “REC” zone, it was not necessary to require drainage impact assessments for developments within the “REC” zone. (*for R3*)

Draft Man Kam To DPA Plan

Representation No. R1 (part)

81. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representation by amending the “V” zone for Fung Wong Wu.

Representation No. R1 (part), R2 to R6

82. After further deliberation, the Board decided not to uphold the remaining parts of representation R1 and representations R2 to R6 for the following reasons:

“V” zone for Fung Wong Wu Village

- (a) to cater for the future Small House demand, the “V” zone of Fung Wong Wu and Chow Tin Tsuen had been extended to the extent equivalent to the size of the village ‘environs’ (‘VE’). Areas suitable for village type development had been zoned “V” taking all relevant local factors like topography, settlement pattern, vegetation cover and other local features into consideration. The proposed “V” expansion area to the north of Ping Yuen River was considered not suitable as the area fell outside the ‘VE’ of Fung Wong Wu and was planned for recreational developments. The boundary of the “V” zone would be kept under close review and would be further refined where appropriate in the course of preparing the OZP; (*for R1*)

"AGR" zone near Muk Wu and Lo Shue Ling

- (b) the areas near Muk Wu and Lo Shue Ling were considered not suitable for warehouse or port back-up use and open storage uses as they were surrounded by active and fallow agricultural land with no proper access. Rezoning to such uses would result in adverse environmental and traffic impacts and land use incompatibility problems with the surrounding areas; *(for R2 and R3)*

"GB" zone for Fung Shui Woodlands

- (c) as the fung shui woodlands at Muk Wu and Chow Tin Tsuen were of low to moderate ecological value with low plant diversity, the "GB" zoning was considered appropriate. With a general presumption against development within the "GB" zone, any unauthorised development would be subject to enforcement under the provision of the Town Planning Ordinance; *(for R4)*

"G/IC" zone for Historic Buildings

- (d) the "G/IC" zone for the MacIntosh Fort at Nam Hang and Nga Yiu were considered appropriate to reflect Government landownership and the former use by the Hong Kong Police Force. Moreover, there was an established mechanism under the purview of the Antiquities and Monuments Ordinance and the Commissioner for Heritage to protect these historic buildings from the encroachment of development; *(for R5)* and

Restrictions and Requirements for Development within "REC" zone

- (e) with the planning intention primarily for recreational developments for the use of the general public, the "REC" zone was not a conservation-related zoning per se and stringent restrictions on land filling/excavation was not necessary. Moreover, the Notes for the "REC" zone had already stipulated that any diversion of stream or filling of ponds as well as some recreational developments under Column 2 would require planning permission from the Board. With the

programmed improvements to the drainage systems in the area of the DPA Plan and the current planning control procedures under the Notes of the “REC” zone, it was not necessary to require drainage impact assessments for developments within the “REC” zone. (*for R6*)

Draft Ma Tso Lung and Hoo Hok Wai DPA Plan

Representation No. R2 (part)

83. After further deliberation, the Board agreed to note the views of the above representation in support of the planning and development of Hoo Hok Wai.

Representation No. R3 (part)

84. After further deliberation, the Board agreed to amend the DPA Plan to partially meet the representation by amending the “V” zone for Liu Pok.

Representation No. R1, R2 (part), R3 (part) and R4 to R8

85. After further deliberation, the Board decided not to uphold the remaining parts of representations R2 and R3 and representations R1, and R4 to R8 for the following reasons:

“V” zone for Liu Pok Village

- (a) to cater for the future Small House demand, the “V” zone of Liu Pok had been extended to the extent equivalent to the size of the village ‘environs’ (‘VE’). Areas suitable for village type development had been zoned “V” taking all relevant local factors like topography, settlement pattern, vegetation cover and other local features into consideration. The proposed “V” expansion area to the north of Liu Pok was considered not appropriate by the Director of Agriculture, Fisheries and Conservation as the proposed extension had marshy habitat with some ecological value which should be kept for agricultural use. The boundary of the “V” zone would be kept under close review and would be further refined where appropriate in the course of preparing the OZP; (*for R3*)

Zoning for Hoo Hok Wai

- (b) it was premature to zone Hoo Hok Wai as "CA" or "Comprehensive Development Area" ("CDA") at this stage pending a follow-up study to ascertain the future land uses for Hoo Hok Wai. More detailed assessments would be carried out before an appropriate zoning would be given to Hoo Hok Wai when preparing the OZP. In the interim, apart from uses/developments permitted under the Notes of the DPA Plan, all other uses would require planning permission from the Board under the "Unspecified Use" designation; (for R4 to R8)

Zoning for Fung Shui Woodland near rural villages

- (c) no known fung shui woodland was identified within the area covered by the DPA Plan; (for R4)

Concerns on Eco-lodge

- (d) according to the "Study on Land Use Planning for the Closed Area", the off-site disturbance impacts on Hoo Hok Wai due to the construction and subsequent operation of the eco-lodge would be insignificant. Besides, the eco-lodge was located suitably away from the Deep Bay so that any potential impact would be minimised. Under the planning permission system, technical assessments would need to be submitted in support of the planning application to the Board and any possible negative impacts of the eco-lodge development to its surroundings would be assessed and addressed; (for R4 and R6)

"G/IC" zone for Historic Building

- (e) the "G/IC" zone for the MacIntosh Fort at Ma Tso Lung was considered appropriate to reflect Government landownership and the former use by the Hong Kong Police Force. Moreover, there was an established mechanism under the purview of the Antiquities and Monuments Ordinance and the Commissioner for Heritage to protect these historic buildings from the encroachment of development; (for R6)

Other Issues

Land Resumption

- (f) there was no provision for compensation under the Ordinance to land affected by planning restrictions of statutory plans. The proposal to resume the fish ponds in Hoo Hok Wai was outside the purview of the Board; *(for R2 and R8)*

Town Planning Board Guidelines No. 12B

- (g) the guiding principles for development in Deep Bay Area as enshrined in Town Planning Board Guidelines No. 12B had been stated in the Notes as well as the Explanatory Statement of the DPA Plan. The need to revise the Guidelines to cover Hoo Hok Wai would be further examined when the findings of the further study were known; *(for R4 and R8)* and

Reserve land for Kwu Tung North Development

- (h) the rehousing arrangement for Kwu Tung North development was being examined under the NENT New Development Area Study. *(for R1)*

Agenda Item 7

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

86. There being no other business, the meeting closed at 3:00 p.m.