### **TOWN PLANNING BOARD**

TPB PAPER NO. 9371 FOR CONSIDERATION BY THE TOWN PLANNING BOARD <u>ON 28.6.2013</u>

DRAFT SHA TAU KOK OUTLINE ZONING PLAN (OZP) NO. S/NE-STK/C FURTHER CONSIDERATION OF A NEW PLAN

TPB Paper No. 9371 for Consideration by the Town Planning Board on 28.6.2013

#### DRAFT SHA TAU KOK OUTLINE ZONING PLAN NO. S/NE-STK/C <u>FURTHER CONSIDERATION OF A NEW PLAN</u>

#### 1. <u>Introduction</u>

The purposes of this paper are to:

- (a) report on the results of the consultation with the North District Council
   (NDC) and the Sha Tau Kok District Rural Committee (STKDRC), and other
   public views on the draft Sha Tau Kok Outline Zoning Plan (OZP) No.
   S/NE-STK/B; and
- (b) seek Members' agreement that the draft Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/C, its Notes and Explanatory Statement (Attachments I to III) are suitable for exhibition under section 5 of the Town Planning Ordinance (the Ordinance) for public exhibition.

#### 2. Background

2.1 On 30.7.2010, the draft Sha Tau Kok Development Permission Area (DPA) Plan No. DPA/NE-STK/1 was exhibited for public inspection under section 5 of the Ordinance. In accordance with section 20(5) of the Ordinance, the DPA Plan is effective for three years until 30.7.2013 unless an extension is obtained from the Chief Executive in Council. Opportunities were taken to review the land use zonings in Sha Tau Kok Area and the findings of the reviews were presented to the Town Planning Board (the Board) on 26.4.2013. On 26.4.2013, the Board gave preliminary consideration of the draft Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/B (TPB Paper No. 9326) and agreed that the draft OZP was suitable for submission to the NDC and the STKDRC for consultation. An extract of the minutes of the Board's meeting held on 26.4.2013 and TPB Paper No. 9326 are at Attachments IV and V for Members' reference. 2.2 For Members' easy reference, major land use proposals of the draft OZP compared to the existing DPA Plan have been highlighted in the TPB Paper No. 9326 and recapitulated below:

#### "Village Type Development" Zone

- (a) in response to villagers' request to expand the area for village type development, a review of the "Village Type Development" ("V") zones was carried out. It was found that the area covered by the "V" zones of Tong To, San Tsuen and Muk Min Tau (including Tsiu Hang) is about the same as the area of the village 'environs' ('VE'), Besides, the boundaries of the "V" zones had already been fully deliberated during the hearing in 2011. There had been no significant changes in planning circumstances. In this regard, no changes were proposed for the "V" zones of Tong To, San Tsuen and Muk Min Tau (including Tsiu Hang) (Plans 1 to 3);
- (b) for Shan Tsui and Tam Shui Hang, two pieces of land north of Tam Shui Hang and Shan Tsui (Site C in Plans 2 and 3) with a total area of 0.55 ha as proposed to be rezoned from "V" to "Green Belt" ("GB") to preserve the existing mature trees and landscape character while two pieces of land sandwiched between Muk Min Tau and Tam Shui Hang (Site A in Plans 2 and 3) (0.39 ha) and at the north-western fringe of Tam Shui Hang (Site B in Plans 2 and 3) (0.16 ha) where pockets of village houses have already been built nearby were rezoned from "Agriculture" ("AGR") to "V" to reflect the existing development pattern;

#### Nature Conservation to the Three Major Stream Courses in Sha Tau Kok Area (Plans 4 and 5)

(c) although the three major streams in Sha Tau Kok Area are not designated as Site of Special Scientific Interest (SSSI) or ecologically important stream (EIS), the land use zonings along the three streams have been reviewed in response to the Green Groups' concerns. After site investigation and taking into account the findings of the "Land Use Planning for the Closed Area – Feasibility Study" (the FCA Study), the proposals are summarized as follows:

#### (i) Stream near Tong To / Nga Yiu Tau

the stream near Tong To / Nga Yiu Tau has moderate ecological value according to the FCA Study. Since there had been no significant changes in planning circumstances in area along the stream, the "Recreation" ("REC") zone at the lower and middle sections of the stream and the "V", "Agriculture" ("AGR") and "GB" zones at the upper section of the stream would be retained;

(ii) Stream near Muk Min Tau and San Tsuen

according to the FCA Study, the upper section of the stream courses adjacent to Muk Min Tau and San Tsuen is of moderate ecological value while the lower-middle course of the stream is channelized and of low ecological value. Since there had been no significant changes in planning circumstances in area along the stream, the "Conservation Area" ("CA"), "GB" and "AGR" zones at the upper section and the "V" zone at the lower-middle course of the stream would be retained;

#### (iii) Stream near Tam Shui Hang

the stream at Tam Shui Hang is of moderate to high ecological value according to the FCA Study. Since there had been no significant changes in planning circumstances in area along the stream at the upper section of the stream, the "AGR" and "GB" zones covering the area would be retained. However, there are signs of recent village house developments alongside the nearby "V" zone which is close to the lower-middle course of the stream and this part of the stream would be rezoned to "V" to reflect the existing development pattern as mentioned in paragraph 2.2 (b) above;

#### Potential Impact of Small House Development within "V" Zone on Streams

(d) to address the Green Groups' concerns on potential impacts of developments, in particular small houses within "V" zone, on existing stream courses in the Area, the current administrative practice to consult concerned departments including AFCD and Planning Department (PlanD) on Small House applications in close proximity to existing stream course will be clearly stipulated in the Explanatory Statement of the draft OZP. Besides, any diversion of streams or filling of ponds to effect any permitted uses would also require permission from the Board in accordance with the Notes of the "V" zone;

#### Coastal "AGR" Zone south of Sha Tau Kok Road

(e) in response to the villagers' concerns on development of the "AGR" zone south of Sha Tau Kok Road, the potential land use of the "AGR" zone had been reviewed. In view that the area covers mostly fallow arable land with grass and shrub with good potential for agricultural rehabilitation, the "AGR" zone south of Sha Tau Kok Road is proposed to be retained (**Plans 6** to **9**); and

## <u>"Green Belt" Zones near Gate One Checkpoint of the Closed Area (South of Ha Tam Shui Hang)</u>

- (f) in response to the villagers' concern on insufficient provision of car parking space in Sha Tau Kok Area, the "GB" zones near the Gate One Checkpoint had been reviewed. It was considered appropriate to retain the two "GB" zones (**Plan 10**) to define the limits of development areas in Sha Tau Kok Town and to protect the existing seasonally wet grassland and mangroves.
- 2.3 During the preliminary consideration of the draft OZP, Members had strong concerns on the issue of insufficient provision of car / coach parking facilities in Sha Tau Kok particularly at weekends and public holidays in view of the recent opening up of the concerned area. There was a general need for provision of supporting facilities, including car parks, to meet the

vast volume of visitors and local tours during weekends and holidays. Proper traffic measures to ensure the promotion of recreational development and eco-tourism without undermining the planning intention to conserve the area, such as restricting vehicular access to the area, should also be considered.

#### 3. <u>Public Consultation</u>

- 3.1 The STKDRC and NDC were consulted on the draft OZP on 15.5.2013 (Attachment VIII) and 20.5.2013 respectively and they strongly objected to the draft OZP. Besides, an informal meeting was held with the village representative (VR) of Muk Min Tau and Tsiu Hang on 30.5.2013 (Attachment VII).
- 3.2 Major points of concerns of land use planning and specific proposals from the NDC, STKDRC and the VR of Tsiu Hang on the draft OZP are highlighted below:

#### Insufficient Parking Space in Sha Tau Kok Area

- (a) members of the STKDRC and NDC stated that since the opening up of Sha Tau Kok Area in February 2012, there has been an increase in traffic volume along Sha Tau Kok Road and insufficient provision of car parking space in Sha Tau Kok Area, particularly during public holidays and weekends. Members of the STKDRC and NDC raised comments in relation to insufficient parking space in Sha Tau Kok Area and visitors parking on local villagers' land causing land owners subject to enforcement actions of the Planning Authority. Planning Department was requested to review the land use zonings along Sha Tau Kok Area;
- (b) STKDC and NDC proposed to rezone two pieces of land currently zoned "GB" near Gate One Checkpoint (Plan 10) to "Government, Institution or Community" to allow 'Public Vehicle Park (excluding container vehicle)' use or to an area shown as 'Road';

#### Review of Current "Agriculture" Zones

#### "AGR" zone on the southern side of Sha Tau Kok Road

(c) the piece of land currently zoned "AGR" on the southern side of Sha Tau Kok Road (Plans 6 to 9) is currently grassland and fallow agricultural land occupied by some existing village houses. STKDRC and NDC considered that this piece of land is not suitable for agricultural activities as the area is subject to salt-laden air and sea water intrusion. It was suggested to rezone the area to "REC" (Plans 6 and 7) to allow greater flexibility for development of the area and to provide more parking spaces (either through planning permission or ancillary to permitted developments) while the VR of Muk Min Tau and Tsiu Hang suggested that the site should be rezoned to "V" (Attachment VII).

#### "AGR" zone on the northern side of Sha Tau Kok Road

- (d) the two strips of land currently zoned "AGR" in the northern side of Sha Tau Kok Road (Sites A and B in Plan 11) were too small and not suitable for agricultural activities in view that they were adjacent to Sha Tau Kok Road. It was suggested to rezone the two strips of land from "AGR" to "V" to meet the Small House demand for Tsiu Hang / Muk Min Tau or for parking of coaches to address the problem of acute shortage of parking spaces in Sha Tau Kok Area;
- 3.3 A meeting between Planning Department and the Green Groups (including World Wide Fund for Nature Hong Kong (WWF), Kadoorie Farm and Botanic Garden (KFBG), the Conservancy Association (CA), Green Power (GP) and Designing Hong Kong (DHK)) was held on 2.5.2013 to seek their views on the land use proposals of the draft Sha Tau Kok OZP. Comments and specific land use proposals submitted by the Green Groups are at **Attachments VIa** to **VIe** for Members' reference. The Green Groups' comments and major proposals in respect of the draft OZP are summarized as follows:

#### **General Comments**

(a) KFBG suggested to observe and take into consideration the Convention on Biological Diversity that has been extended to Hong Kong in the preparation of the draft OZP;

#### Specific Proposals

#### Tam Shui Hang Stream and its Riparian Area

- (b) the Green Groups suggested that more restrictive zonings should be designated to reflect the conservation value of the stream course and its adjoining area. Specific land use zonings for Tam Shui Hang Stream and its riparian area proposed by the Green Groups are summarized as follows:
  - (i) WWF proposed that Tam Shui Hang Stream and its riparian area
     (Plans 4 and 5) should be rezoned from "V" to either "GB" or "AGR" to better protect *Zeuxine affinis* (寬葉線柱蘭) which is a native orchid growing on the bank of Tam Shui Hang Stream, the Giant Mottled Eel (花鰻驪) and Mangrove Skimmer Dragonfly (斑 灰蜻); and
  - (ii) GP proposed that the area be rezoned to "CA" for better protection of the stream course; and

#### Two Fish Ponds near Gate One Checkpoint south of Sha Tau Kok Road

(c) WWF has proposed that the two existing fish ponds near Gate One Checkpoint south of Sha Tau Kok Road (Plans 6, 7 and 12) to be rezoned from "AGR" to "CA" as the mangroves nearby is an important habitat to the globally vulnerable Mangrove Skimmer Dragonfly.

#### 4. <u>Planning Department's Responses</u>

The above comments made by the NDC, the STKDRC and the VR of Tsiu Hang, and

proposals submitted by the Green Groups as highlighted in paragraph 3 have been circulated to concerned departments for comments. In consultation with departments concerned, the Planning Department's responses on the points raised by the NDC, the STKDRC, the VR of Tsiu Hang and the Green Groups are as follows:

#### 4.1 <u>General Issue</u>

#### Convention on Biological Diversity

The Convention on Biological Diversity was formally extended to Hong Kong in 2011. It is an international treaty which emphasizes the importance of biological diversity to human well-being. During the preparation of the draft OZP, due consideration has been given to the importance of the rich variety of flora and fauna within the planning area with a view to striking a proper balance between nature conservation and development;

#### 4.2 <u>Specific Issues</u> (Plan 12)

The land use zonings along Sha Tau Kok Road have been further reviewed to address the following issues and the revised proposals are summarized in **Plan 12**.

#### Insufficient Parking Space in Sha Tau Kok Area and Traffic Issues

- (a) since the opening up of Sha Tau Kok Area in February 2012, it was observed that there had been substantial increase in visitors to the area, particularly at weekends and public holidays. There was a genuine need for provision of supporting facilities, including car parks, to meet the vast volume of visitors and local tours and proper traffic control measures;
- (b) Commissioner for Transport (C for T), Chief Highways Engineer/New Territories East of Highways Department (CHE/NTE of HyD), Commissioner of Police (C of P), Director of Agriculture, Fisheries and Conservation (DAFC) have been consulted on NDC's and STKDRC's concerns on insufficient parking space and transport facilities in Sha Tau Kok Area and their land use proposals. The departments consulted have no comment on / objection to the proposed rezoning of Site B1 (about

0.09 ha) (**Plan 12**) from "GB" to 'Road' to reflect the existing alignment of Sha Tau Kok Road.

- (c) DAFC has no strong view on the proposed rezoning of Site B2 (about 0.2 ha) (Plan 12) from "GB" to 'Road'. It is a piece of disturbed grassland close to Sha Tau Kok Road and the natural state of the site has already been disturbed due to previous site formation as well as removal and damage of mangroves. C for T also has no comment on the proposed rezoning of Site B2 for parking of coaches to address the shortage of parking spaces particularly during weekends and public holidays, and opines that in view of the small scale of Site B2, the traffic generated from the site is expected to be acceptable from traffic management point of view. CHE/THE of HyD and C of P also have no comment on the said proposed rezoning;
- (d) in view of the existing mudflats and mangroves in Sites A (about 0.23 ha) and B3 (about 0.35 ha) (Plan 12), the "GB" zone for these two sites should be retained to protect the ecology associated with the existing landscape and mangroves. The proposal to retain the "GB" zone in Sites A and B3 is supported by DAFC;

#### Review of "Agriculture" Zones on the Southern Side of Sha Tau Kok Road

- (e) the land use zoning of the "AGR" south of Sha Tau Kok Road (Site E in Plan 12) was discussed in the TPB meetings on 8.9.2011 in considering the representations to the draft DPA Plan, and in the meeting on 26.4.2013. The Board considered that the "AGR" zone was appropriate to retain the good agricultural land. However, the local community has raised concerns on shortage of parking facilities in Sha Tau Kok Area particularly at weekends and public holidays and requested the Government to rezone the site to "REC" to allow greater flexibility for development. On the other hand, WWF has proposed to rezone the existing fish ponds in the north to "CA" to protect the nearby mangroves;
- (f) PlanD has reviewed the land use zoning of the site in consultation with other departments including AFCD, HyD, TD and C of P. The site is currently covered mostly by fallow arable land with grass and shrubs and

some village houses, and enjoys good accessibility from Sha Tau Kok The area to the immediate south and west is zoned "REC" which Road. is occupied by the existing Sha Tau Kok Farm (沙頭角農莊) (Attachment I). To the east, it fronts onto Starling Inlet and there are mangroves along the coasts of the site. Since the opening up of Sha Tau Kok Area in February 2012, it was observed that there had been substantial increase in visitors to the area, particularly at weekends and public holidays. There was a genuine need for provision of supporting facilities, including car parks, to meet the vast volume of visitors and local tours and proper traffic control measures. In view of the latest development in Sha Tau Kok Area including the nearby Sha Tau Kok Farm in the south and west, the site would have potential for development of agri-tourism and low-intensity recreational use, such as holiday farm and leisure fishing with provision of supporting facilities such as cafes and small shops selling local produce. A special zone of "Recreation (1)" ("REC(1)") is proposed with 'Place of Recreation, Sports or Culture' use placed under 'Column 2' (Attachment II) so that the Board could retain control on major development in the area which may have potential The "REC(1)" zone can serve as an impact on the natural environment. extended area of the existing "REC" zone to the south and west and car / coach parking facilities could be provided subject to planning permission by the Board. Filling of ponds is also subject to planning permission under the Notes of the "REC(1)" zone to protect the existing ponds. While DAFC does not support the proposed rezoning from agricultural development point of view and commented that protective structures such as greenhouses could be set up at the site for cultivation and even in open field, some crops could grow well in the coastal environment. Nevertheless, it should be noted that 'Agricultural Use' is always permitted under the "REC(1)" zone and the existing ponds can be protected by the restriction on filling of ponds. C for T has no comment on the proposed rezoning of the site from "AGR" to "REC" provided that the 'Place of Recreation, Sports or Culture' use is kept under 'Column 2' of the "REC(1)" zone to ensure that future development of such use would provide sufficient parking spaces through the planning application system. CHE/NTE of HyD and C of P have no comment on the proposed rezoning from highways and traffic management point of view;

(g) a small piece of land (Site F in Plan 12) (about 0.07 ha) currently zoned "AGR" and sandwiched between the "GB" zone and the "V" zone of San Tsuen is covered with dense trees and vegetation. It is considered appropriate to rezone the site to "GB" to protect the natural features including the vegetation and existing trees;

#### Review of "Agriculture" Zone on the Northern Side of Sha Tau Kok Road

(h) the two strips of land, which cover a total of about 0.62 ha and currently zoned "AGR" on the northern side of Sha Tau Kok Road (Sites C and D in Plan 12), were originally reserved as a buffer from Sha Tau Kok Road. CHE/NTE of HyD and C for T comment that the buffer is no longer needed and there is no plan for widening of Sha Tau Kok Road. Although DAFC does not support the proposed rezoning from agricultural development point of view taking into consideration that the sites are close to Sha Tau Kok Road and they are ideal for farms that would be equipped with large greenhouses and other agricultural structures, the two sites are occupied partly (Site C in Plan 12) as a container storage yard / storage, partly vacant land and partly an existing footpath. A large part in the southern strip and a small part in the northern strip fall partly within the 'VE' of San Tsuen and Muk Min Tau. In view that the area of the current "V" zone of San Tsuen and Muk Min Tau covers only about 95% of its 'VE', and there is only about 12.33 ha of land available in the current "V" zone which is insufficient to meet the latest total Small House demands (3,165 Small Houses) for the two villages based on the figures provided by District Lands Office/North of Lands Department, it is proposed to rezone the area to "V" to help meet the Small House demand for San Tsuen and Muk Min Tau (including Tsiu Hang) according to the established criteria agreed by the Board on 8.9.2011. C for T. CHE/NTE of HyD and C of P have no comment on the proposed rezoning of the two sites from "AGR" to "V";

#### Tam Shui Hang Stream and Its Riparian Area

(i) with regard to the Green Groups' proposal to designate a more restrictive land use zoning for Tam Shui Hang Stream and its riparian area (Site A in Plan 2 and 3), it should be noted that the zoning for the riparian area

of the stream proposed by the Green Groups has been fully deliberated in the TPB meeting on 26.4.2013. There had been no significant change in planning circumstances. In this regard, no changes were proposed to the land use zonings; and

#### Minor Zoning Boundary Adjustments

 (j) minor boundary adjustments to the land use zonings along Sha Tau Kok Road are proposed to reflect the existing alignment of the road (Plan 12).

#### 5. <u>Land Use Zonings</u> (Attachment I)

Having regard to the above, the proposed land use zonings of the draft Sha Tau Kok OZP No. S/NE-STK/C are as follows:

#### "Village Type Development": Total Area 39.94 ha

5.1 About 39.94 ha of land are zoned "V" to cover the seven recognized villages within the Area, i.e. Shan Tsui, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), Muk Min Tau (including Tsiu Hang), San Tsuen and Tong To and areas of land suitable for village The boundaries of the "V" zone for these villages are drawn expansion. up with regard to the village 'environs', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and natural stream have been avoided where possible. 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 infrastructure Selected commercial and community uses serving the and services. 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.

"Government, Institution or Community": Total Area 1.46 ha

5.2 About 1.46 ha of land are zoned "Government, Institution or Community" ("G/IC") to provide land for uses directly to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. Major existing developments under this zoning include two hilltop survey stations, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site and MacIntosh Fort (Pak Kung Au). The disused Kwan Ah School at Sheung Tam Shui Hang is currently vacant. According to the FCA Study, the disused school building can be used as a visitor centre and/or a small scale holiday camp. The "G/IC" zoning of the school is proposed to be retained.

#### "Recreation": Total Area 11.26 ha

5.3 About 11.26 ha of land are zoned "REC" for recreational developments, including holiday camp with sporting facilities, visitor centres, local historical museums, adventure parks, organic farms, hobby-farms, camping grounds, BBQ areas, etc. for the use of general public. It encourages the development of active and/or passive recreation and agri-tourism/eco-tourism. The "REC" zone covers an area south of Tong To extending to the bank of Sha Tau Kok Hoi. The site is occupied by "Sha Tau Kok Farm" (place of recreation) and abandoned agricultural land. The proposed recreational uses will benefit from its proximity to the potential Robin's Nest Country Park and provide economic opportunities in the nearby villages and tourism initiatives for the Sha Tau Kok area. Residential development with a maximum plot ratio of 0.2 may be permitted on application to the Board.

#### "Recreation (1)": Total Area 5.14 ha

5.4 About 5.14 ha of land are zoned "REC(1)" for low-intensity recreational developments to promote agri-tourism and eco-tourism, including organic farm, hobby-farm, leisure fishing ground, camping ground, BBQ area, etc. for the use of general public. The "REC(1)" zone covers an area in the coastal strip of land south of Sha Tau Kok Road to allow a greater

flexibility of land uses for the area. Given its location at the coastal area and the two existing ponds are potential habitats for overwintering birds and ardeids (池鷺), and are fringed by mangroves along the coast, 'Place of Recreation, Sports or Culture' is a 'Column 2' use for better control of large-scale development in the area. Recreational uses compatible with the rural setting of the area may be permitted by the Board on individual The proposed recreational uses will serve as an extended area of merits. the "REC" zone to its south and west and provide opportunities for provision of supporting facilities, such as car / coach parking, cafes and retail shops selling local produce subject to planning permission from the The recreational development in this area should be restricted to Board. low-intensity development so as not to overload the infrastructure of the area. Residential development with a maximum plot ratio of 0.2 may be permitted on application to the Board.

#### "Agriculture": Total Area 32.81 ha

5.5 About 32.81 ha of land, which covers the areas east of Tong To, north of San Tsuen, Muk Min Tau and Tsiu Hang, and north west of Tam Shui Hang, is zoned "AGR" to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes as well as to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

#### "Green Belt": Total Area 461.39 ha

5.6 To define 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, about 461.39 ha of land are zoned "GB". This zone mainly covers the potential country park and eastern fringe of Robin's Nest which are the permitted burial grounds for indigenous villagers. There is a general presumption against development within this zone.

#### "Conservation Area": Total Area 2.77 ha

5.7 A total of about 2.77 ha of land are zoned "CA" 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. 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. The 'fung-shui' woods at the backdrops of Muk Min Tau is zoned "CA" to retain and preserve the existing natural character. These 'fung-shui' woods are generally natural and healthy with a variety of plant and animal species.

5.8 A table comparing the land use budget of Sha Tok Kok area covered by the approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2 and the draft Sha Tau Kok OZP No. S/NE-STK/C is shown below:

Zoning	Approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2 (ha / %)		Draft Sha Tau Kok OZP No. S/NE-STK/C (ha / %)		Increase / Decrease (ha / %)	
Village Type Development	39.45	7.08	39.94	7.17	+ 0.49	+ 1.24
Government, Institution or Community	1.46	0.26	1.46	0.26	No change	No change
Recreation	11.35	2.04	11.26	2.02	- 0.09	- 0.79
Recreation (1)	-	-	5.14	0.92	-	-
Agriculture	39.37	7.07	32.81	5.89	- 6.56	- 16.66
Green Belt	461.00	82.75	461.39	82.82	+ 0.39	+ 0.09
Conservation Area	2.77	0.50	2.77	0.50	No change	No change
Major Road, etc.	1.73	0.30	2.36	0.42	+ 0.63	+ 36.42
Total Planning Area	557.13	100.00	557.13	100.00	No change	No change

#### 6. <u>Consultation</u>

The NDC and the STKDRC will be consulted after the Board's agreement to the publication of the draft Sha Tau Kok OZP under section 5 of the Ordinance either before the gazetting or during the exhibition period of the OZP depending on the meeting schedules of NDC and STKDRC.

#### 7. Decision Sought

Members are invited to:

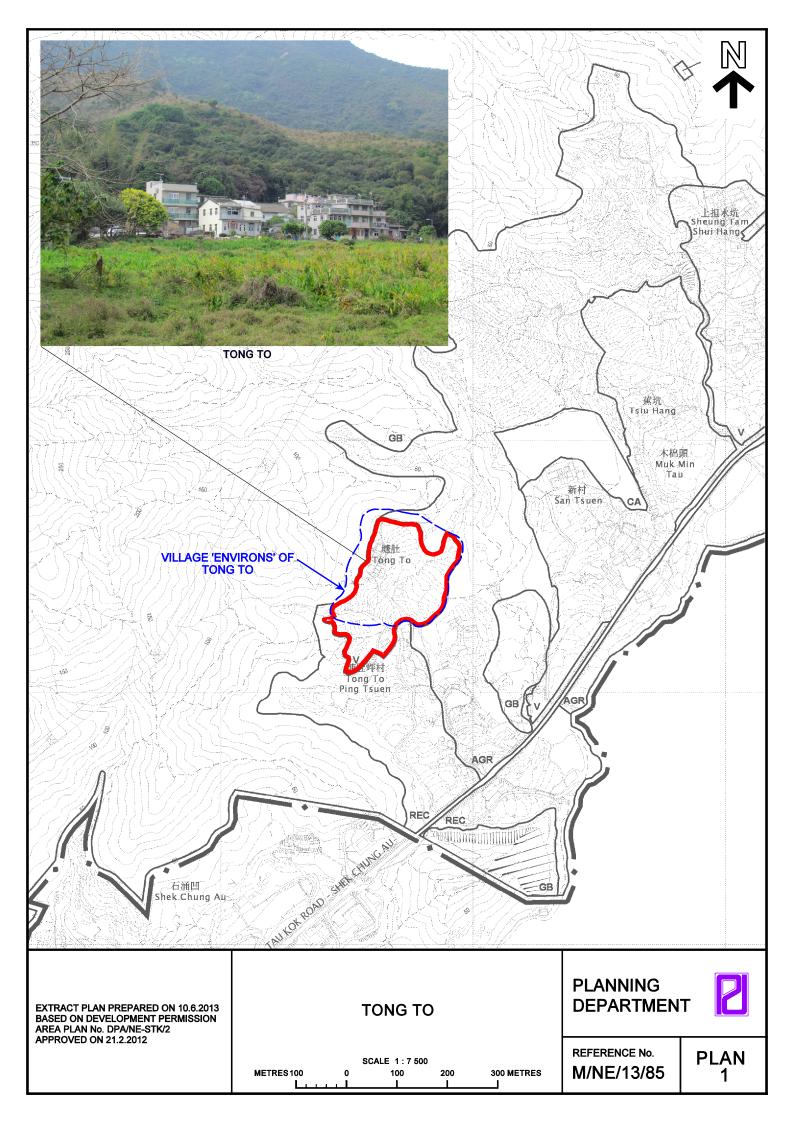
- (a) note the comments from and responses to the NDC, the STKDRC and the Green Groups on the draft Sha Tau Kok OZP No. S/NE-STK/B;
- (b) agree that the draft Sha Tau Kok OZP No. S/NE-STK/C (to be renumbered as S/NE-STK/1 upon gazetting) and its Notes (Attachments I and II) are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (c) adopt the Explanatory Statement (Attachment III) as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Sha Tau Kok OZP No. S/NE-STK/C; and
- (d) agree that the Explanatory Statement is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.

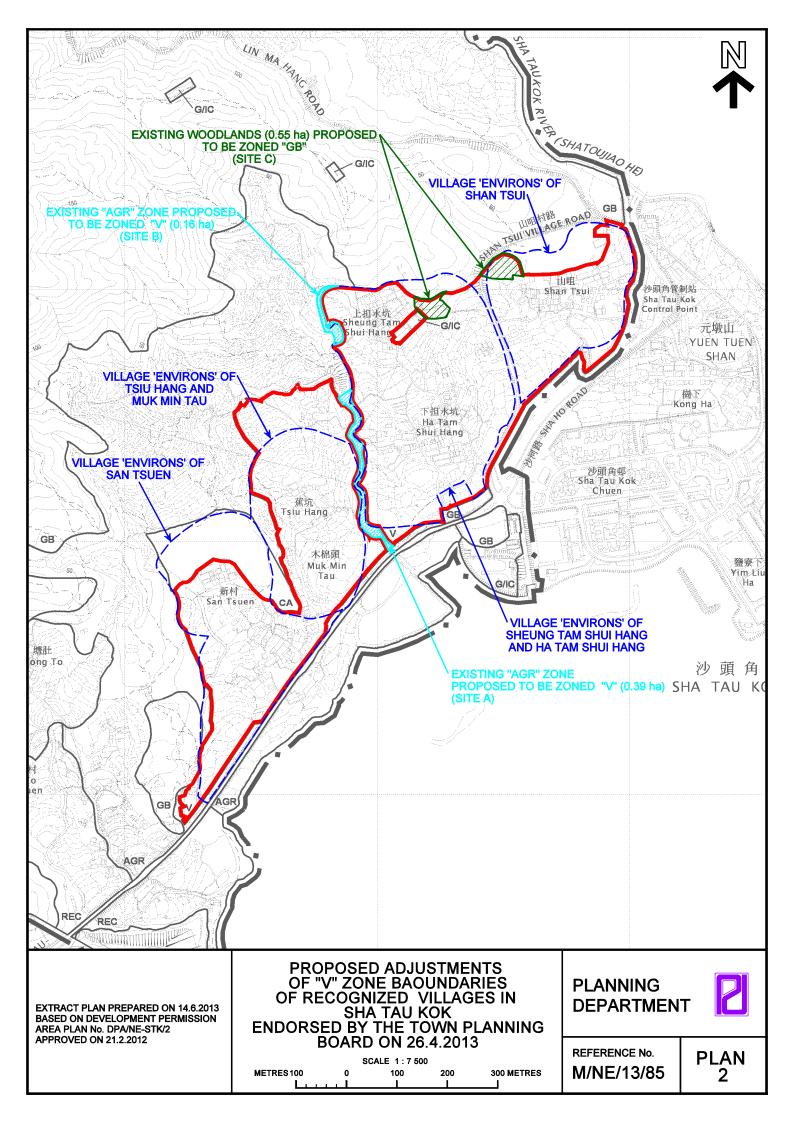
#### 8. <u>Attachments</u>

Plan 1	Review of "Village Type Development" Zone for Tong To				
Plans 2 and 3	Review of "Village Type Development" Zone Boundaries of				
	Recognized Villages in Sha Tau Kok				
Plans 4 and 5	Streams Originating from Robin's Nest towards Starling Inlet				
Plans 6 and 9	Review of the Coastal "Agriculture" Zone along Sha Tau Kok				
	Road				
Plan 10	Review of "Green Belt" Zones to the South of Ha Tam Shui Hang				
	and Sha Tau Kok Road				
Plan 11	"Agriculture" Zone fronting Tsiu Hang and Muk Min Tau				
Plan 12	Review of Land Use Zonings in Sha Tau Kok Area				
Attachment I	Draft Sha Tau Kok OZP No. S/NE-STK/C				
Attachment II	Notes of the Draft Sha Tau Kok OZP No. S/NE-STK/C				
Attachment III	Explanatory Statement of the Draft Sha Tau Kok OZP No.				

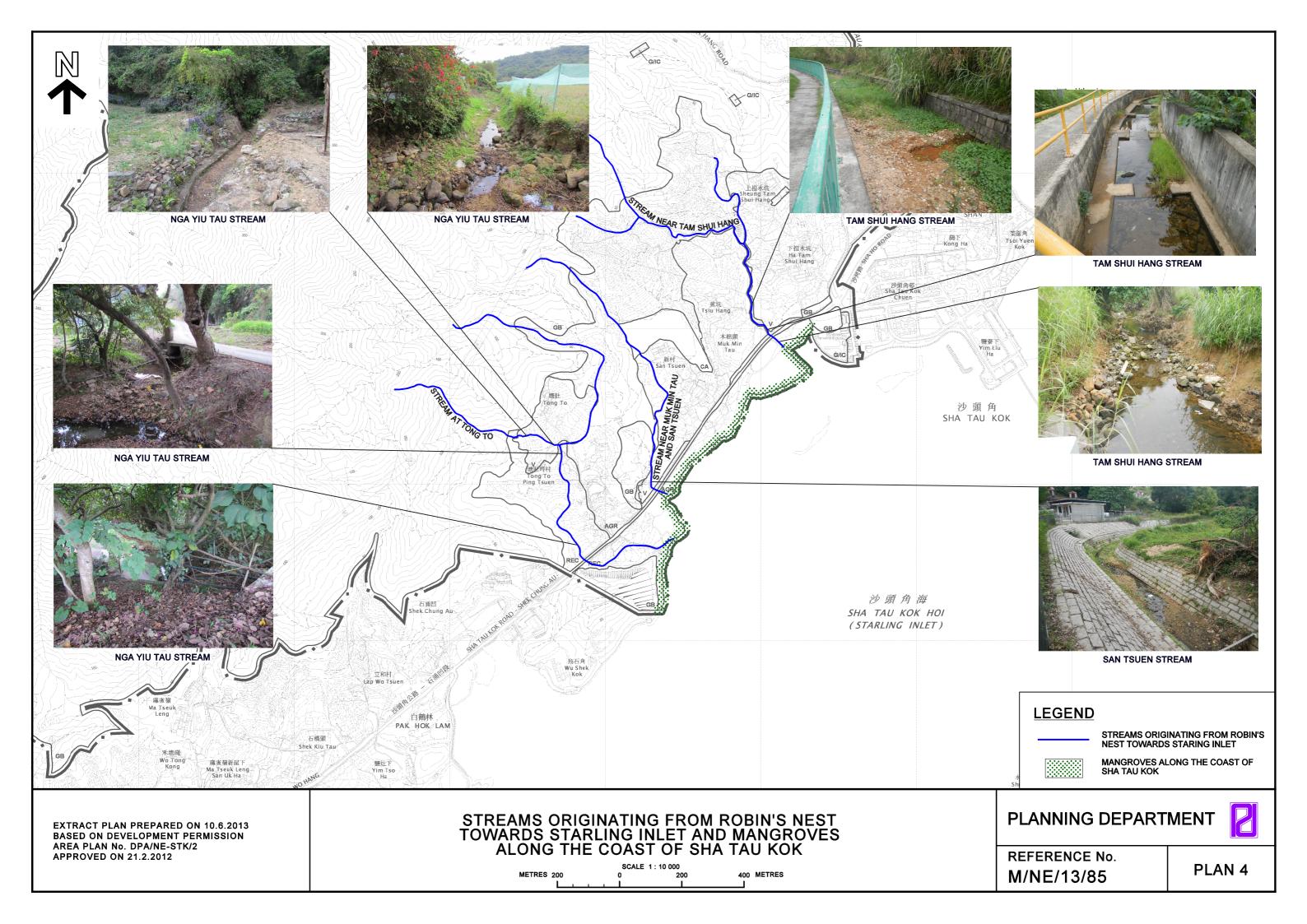
S/NE-STK/C
Extract of Minutes of the Town Planning Board Meeting held on
26.4.2013
TPB Paper No. 9326
E-mail from Kadoorie Farm and Botanic Garden Corporation
dated 13.5.2013
E-mail from World Wide Fund for Nature Hong Kong dated
16.5.2013
E-mail from the Conservancy Association dated 23.5.2013
E-mail from the Green Power dated 23.5.2013
E-mail from Designing Hong Kong dated 4.6.2013
Letter from the Village Representative of Muk Min Tau and Tsiu
Hang
Minutes of Sha Tau Kok District Rural Committee Meeting held
on 15.5.2013

#### PLANNING DEPARTMENT JUNE 2013











EXTRACT PLAN PREPARED ON 10.6.2013 BASED ON ORTHOPHOTO 2011 PREPARED BY LANDS DEPARTMENT

#### STREAMS ORIGINATING FROM ROBIN'S NEST TOWARDS STARLING INLET AND MANGROVES ALONG THE COAST OF SHA TAU KOK

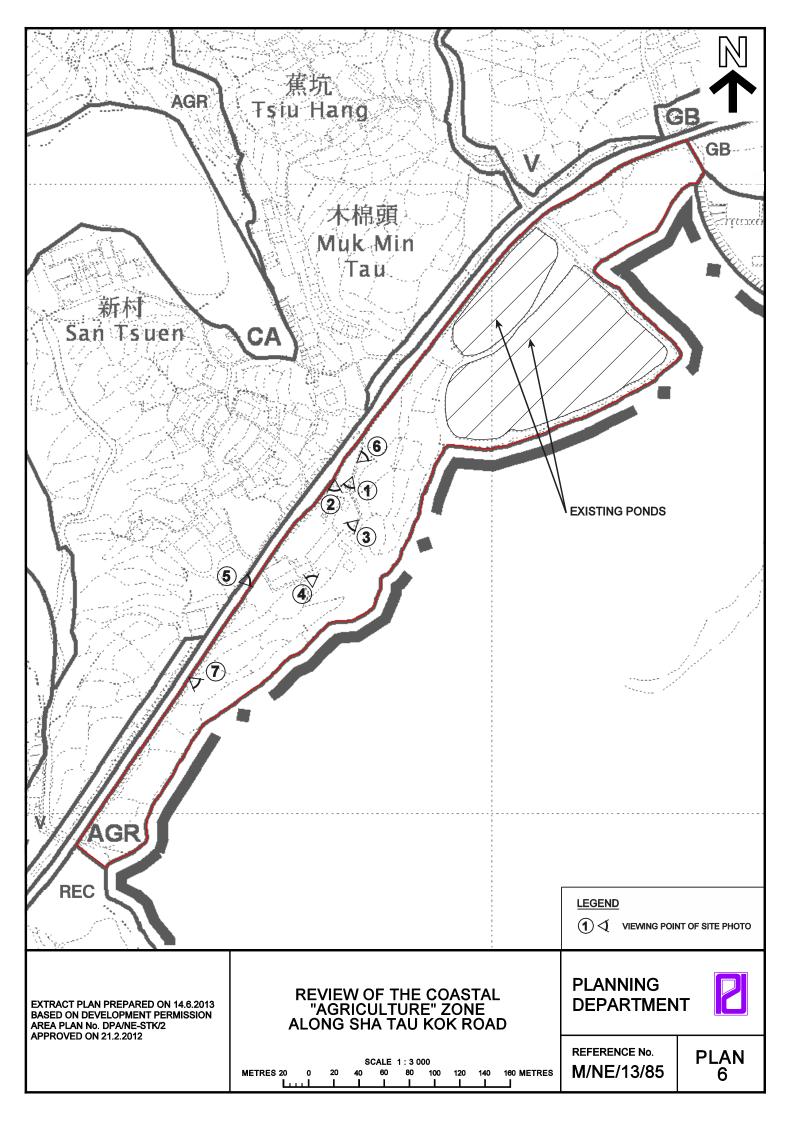
# シ頭角口岸 Shatoujiao Port

PLANNING DEPARTMENT



REFERENCE No. M/NE/13/85

PLAN 5





EXTRACT PLAN PREPARED ON 14.6.2013 BASED ON ORTHOPHOTO 2011 PREPARED BY LANDS DEPARTMENT

#### REVIEW OF THE COASTAL "AGRICULTURE" ZONE ALONG SHA TAU KOK ROAD

REFERENCE No. M/NE/13/85













# SITE PHOTOS OF THE AREA SOUTH OF SHA TAU KOK ROAD

EXTRACT PLAN PREPARED ON 10.6.2013

### PLANNING DEPARTMENT

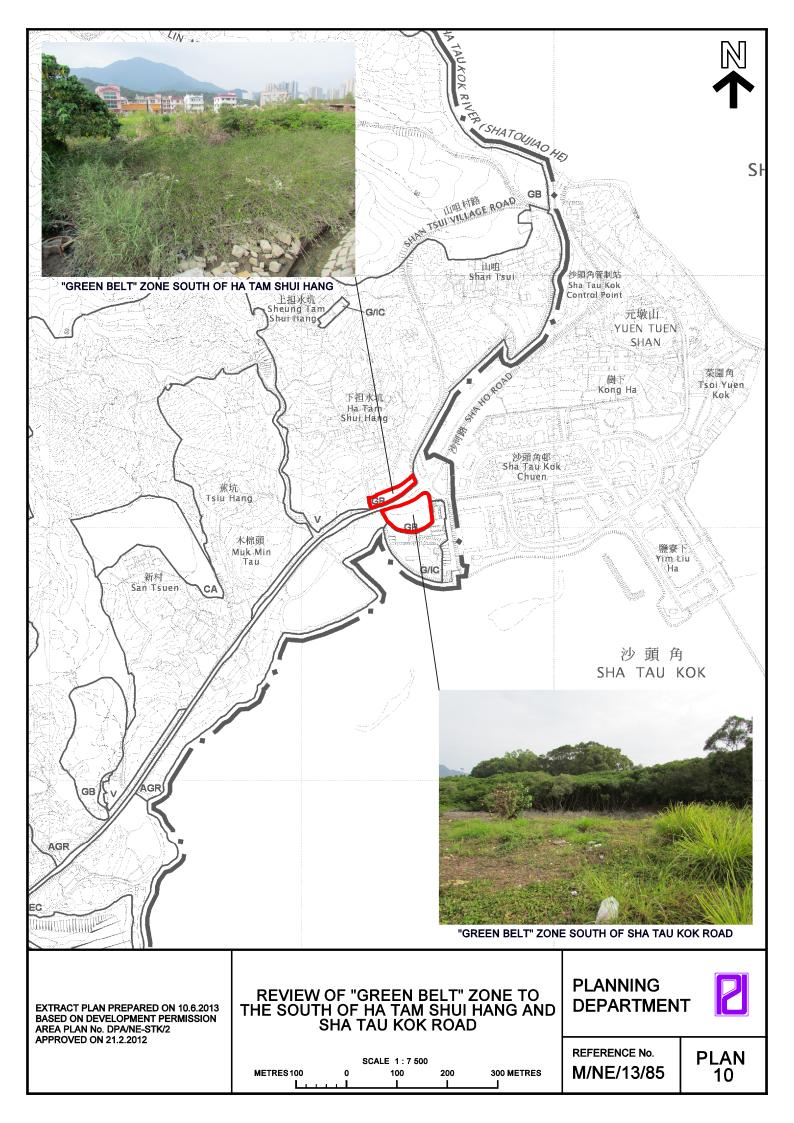


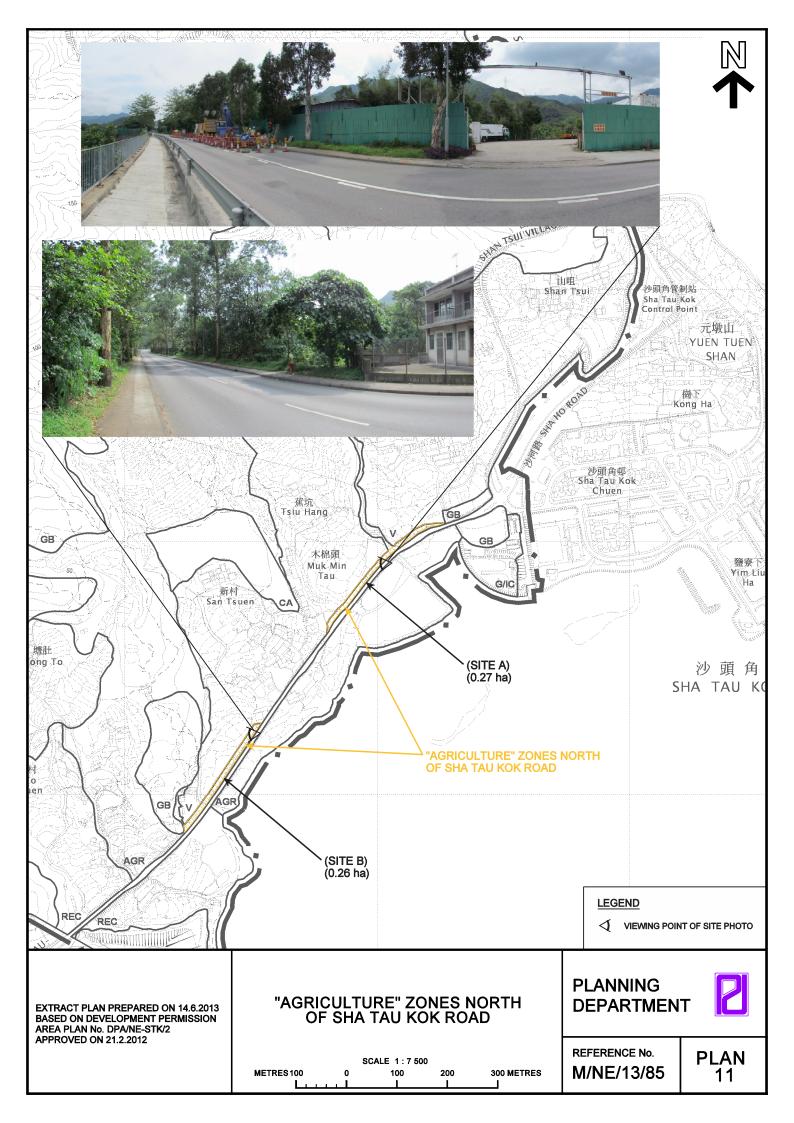
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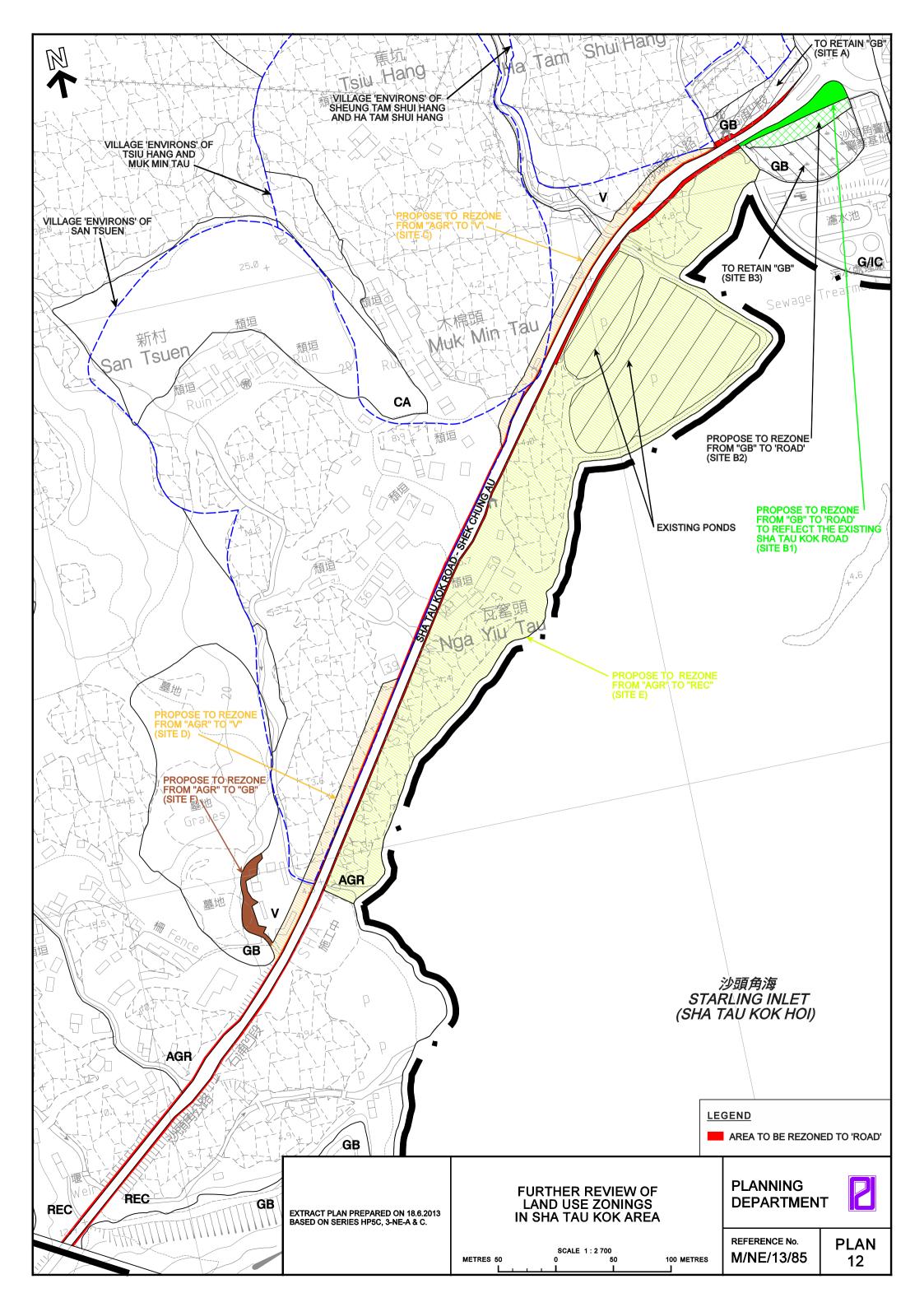
PLAN 8

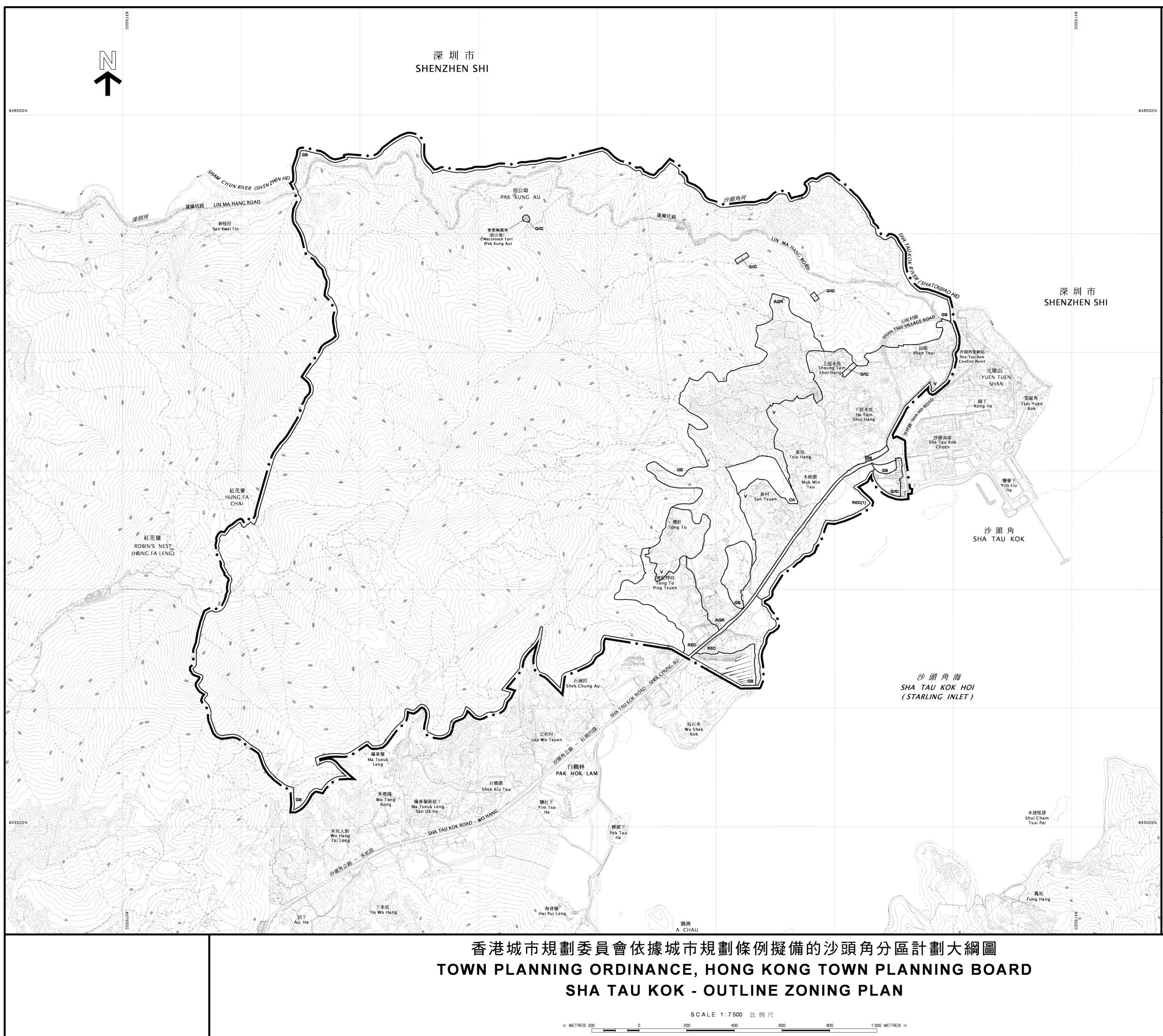
PLAN PREPARED ON 10.6.2013	SITE PHOTOS OF THE AREA SOUTH OF SHA TAU KOK ROAD	PLANNING DEPARTMENT REFERENCE NO. M/NE/13/85	PLAN 9

Γ









### 附件 I Attachment I

圖例
NOTATION

規 劃 範 圍 界 線

ZONES		地帶
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	G/IC	政 府 丶 機 構 或 社 區
RECREATION	REC	康樂
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	J [ [	主要道路及路口
		<i>h</i> .
MISCELLANEOUS		其他

BOUNDARY OF PLANNING SCHEME

# 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	
0323	公頃 HECTARES	% 百分率	用逐	
VILLAGE TYPE DEVELOPMENT	39.94	7.17	鄉村式發展	
GOVERNMENT, INSTITUTION OR COMMUNITY	1.46	0.26	政 府 丶 機 構 或 社 區	
RECREATION	16.40	2.94	康樂	
AGRICULTURE	32.81	5.89	農業	
GREEN BELT	461.39	82.82	綠 化 地 帶	
CONSERVATION AREA	2.77	0.50	自然保育區	
MAJOR ROAD ETC.	2.36	0.42	主要道路等	
TOTAL PLANNING SCHEME AREA	557.13	100.00	規劃範圍總面積	

夾 附 的 《 註 釋 》 屬 這 份 圖 則 的 一 部 分 THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

> PREPARED BY THE PLANNING DEPARTMENT UNDER PLANNING BOARI



圖則編號 PLAN No.

S/NE-STK/C

#### DRAFT SHA TAU KOK OUTLINE ZONING PLAN NO. S/NE-STK/C

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

#### **NOTES**

#### (N.B. These form part of the Plan)

- These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2)Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- Except to the extent that paragraph (3) or (4) applies, any use or development falling (5) within the boundaries of the Plan and also within the boundaries of the draft development permission area plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
  - Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town

(1)

(6)

Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.

(7) Road junctions, alignment of roads and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

2

- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned "Conservation Area":
  - (a) maintenance, repair or demolition of a building;
  - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
  - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
  - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
  - (e) rebuilding of New Territories Exempted House;
  - (f) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House; and
  - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
  - In areas zoned "Conservation Area",

(9)

- (a) the following uses or developments are always permitted:
  - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
  - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
  - (iii) provision of amenity planting by Government; and

(b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast. lamp pole, telephone booth and shrine.

(10)In any area shown as 'Road', all uses or developments except those specified in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:

3

road and on-street vehicle park.

(11)

Except in areas zoned "Conservation Area", temporary use or development of any (a) land or building not exceeding a period of two months is always permitted provided that no site formation (excavation or land/pond filling) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

- (b) Except as otherwise provided in paragraph (11)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned "Conservation Area", temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.
- Temporary use or development of land or building exceeding three years requires (c) permission from the Town Planning Board in accordance with the terms of the Plan.
- (12)Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (13)In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

"Existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

"New Territories Exempted House" means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

### DRAFT SHA TAU KOK OUTLINE ZONING PLAN <u>NO. S/NE-STK/C</u>

#### Schedule of Uses

		Page
VILLAGE TYPE DEVELOPMENT		1
GOVERNMENT, INSTITUTION O	R COMMUNITY	3
RECREATION		4
RECREATION(1)		6
AGRICULTURE		8
GREEN BELT		9
CONSERVATION AREA		11

#### VILLAGE TYPE DEVELOPMENT

Column 1
Uses always permitted

Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board

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

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

Eating Place Library School Shop and Services

(please see next page)

## VILLAGE TYPE DEVELOPMENT (cont'd)

# **Planning Intention**

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

#### **Remarks**

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
  - (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
  - (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

# GOVERNMENT, INSTITUTION OR COMMUNITY

3 -

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

Planning Intention

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

Studio

# **RECREATION**

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Animal Boarding Establishment
Barbecue Spot	Broadcasting, Television and/or Film Stud
Field Study/Education/Visitor Centre	Eating Place
Government Use (Police Reporting Centre	$\mathbf{c}$
only)	Golf Course
Holiday Camp	Government Refuse Collection Point
On-Farm Domestic Structure	Government Use (not elsewhere specified
Picnic Area	Helicopter Landing Pad
Place of Recreation, Sports or Culture	Hotel
Public Convenience	House (other than rebuilding of ]
Rural Committee/Village Office	Territories Exempted House
Tent Camping Ground	replacement of existing domestic buil
이 것은 것을 물었다. 물건은 것은 것은 것을 가지?	by New Territories Exempted H
	permitted under the covering Notes)
	Place of Entertainment
	Private Club

cified)

of New use or c building d House tes) Private Club Public Utility Installation Public Vehicle Park (excluding container vehicle) **Religious Institution** Residential Institution Shop and Services Theme Park

Utility Installation for Private Project

Zoo

(Please see next page)

# <u>RECREATION</u> (cont'd)

# **Planning Intention**

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.

### Remarks

- (a) No residential development (except 'New Territories Exempted House') shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/ building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

# RECREATION (1)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot	Animal Boarding Establishment Broadcasting, Television and/or Film Studio
Field Study/Education/Visitor Centre	Eating Place
Government Use (Police Reporting Centre	Flat
only)	Golf Course
Holiday Camp	Government Refuse Collection Point
On-Farm Domestic Structure	Government Use (not elsewhere specified)
Picnic Area	Helicopter Landing Pad
Public Convenience	Hotel
Rural Committee/Village Office	House (other than rebuilding of New
Tent Camping Ground	Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Place of Entertainment
	Place of Recreation, Sports or Culture
	Private Club
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Religious Institution
	Residential Institution
	Shop and Services
	Theme Park
	Utility Installation for Private Project
	Zoo

(Please see next page)

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# RECREATION (1) (cont'd)

#### Planning Intention

This zone is intended primarily for low-intensity recreational developments to promote agri-tourism and eco-tourism. Major recreational facilities and uses in support of the recreational developments may be permitted subject to planning permission.

#### Remarks

- (a) No residential development (except 'New Territories Exempted House') shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/ building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

# AGRICULTURE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Animal Boarding Establishment
Government Use (Police Reporting Centre	Barbecue Spot
only)	Burial Ground
On-Farm Domestic Structure	Field Study/Education/Visitor Centre
Public Convenience	Government Refuse Collection Point
Religious Institution (Ancestral Hall only)	Government Use (not elsewhere specified)
Rural Committee/Village Office	House (New Territories Exempted House only,
	other than rebuilding of New Territories
이는 사람은 사람들은 것 같아? 영국 문화	Exempted House or replacement of
	existing domestic building by New
	Territories Exempted House
	permitted under the covering Notes)
	Picnic Area
	Place of Recreation, Sports or Culture
	(Horse Riding School, Hobby Farm,
	Fishing Ground only)
	Public Utility Installation
	Religious Institution (not elsewhere specified)
	School
	Utility Installation for Private Project

# **Planning Intention**

This zone is intended primarily to retain and safeguard good quality agricultural land/farm/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.

#### <u>Remarks</u>

Any diversion of streams or filling of land/pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:

- (i) laying of soil not exceeding 1.2m in thickness for cultivation; or
- (ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

# GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot	Animal Boarding Establishment Broadcasting, Television and/or Film Studio
Government Use (Police Reporting	Burial Ground
Centre only)	Columbarium (within a Religious Institution or
Nature Reserve	extension of existing Columbarium only)
Nature Trail	Crematorium (within a Religious Institution or
On-Farm Domestic Structure	extension of existing Crematorium only)
Picnic Area	Field Study/Education/Visitor Centre
Public Convenience	Firing Range
Tent Camping Ground	Flat
Wild Animals Protection Area	Golf Course
	Government Refuse Collection Point
	Government Use (not elsewhere specified)
이 이 이 가격에 들어 들어들었다.	Helicopter Landing Pad
	Holiday Camp
	House (other than rebuilding of New Territories
	Exempted House or replacement of existing
	domestic building by New Territories Exempted House permitted under the
	covering Notes)
	Petrol Filling Station
	Place of Recreation, Sports or Culture
	Public Transport Terminus or Station
	Public Utility Installation
	Public Vehicle Park
	(excluding container vehicle)
	Radar, Telecommunications Electronic
	Microwave Repeater, Television
	and/or Radio Transmitter Installation
	Religious Institution
	Residential Institution
	Rural Committee/Village Office
	School
	Service Reservoir
	Social Welfare Facility
	Utility Installation for PrivateProject
	Zoo

(please see next page)

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# <u>GREEN BELT</u> (cont'd)

#### **Planning Intention**

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

# Remarks

Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

#### CONSERVATION AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use (other than Plant Nursery)	Field Study /Education/Visitor Centre
Nature Reserve	Government Refuse Collection Point
Nature Trail	Government Use (not elsewhere specified)
On-Farm Domestic Structure	House (Redevelopment only)
Wild Animals Protection Area	Public Convenience
	Public Utility Installation
	Radar, Telecommunications Electronic
	Microwave Repeater, Television
	and/or Radio Transmitter Installation
	Utility Installation for Private Project

# **Planning Intention**

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

# Remarks

- No redevelopment, including alteration and/or modification, of an existing house shall result in (a) a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

# DRAFT SHA TAU KOK OUTLINE ZONING PLAN <u>NO. S/NE-STK/C</u>

# **EXPLANATORY STATEMENT**

1

<u>,</u>

# DRAFT SHA TAU KOK OUTLINE ZONING PLAN <u>NO. S/NE-STK/C</u>

# EXPLANATORY STATEMENT

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# DRAFT SHA TAU KOK OUTLINE ZONING PLAN <u>NO. S/NE-STK/C</u>

(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 Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/C. 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, 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 Sha Tau Kok 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 Sha Tau Kok DPA Plan No. DPA/NE-STK/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 14 valid representations were received. On 8 October 2010, the representations were published for three weeks for public comments and 3 valid comments were 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 (CE in C) 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 to propose amendments to revise the respective "V" zones on the draft Sha Tau Kok DPA Plan to partially meet the representations. 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, a total of 2 further representations were received. On 11 November 2011, the Board considered the further representations and decided not to uphold them. The Board decided that the

proposed amendments to the DPA Plan would form part of the DPA Plan under section 6F(8) of the Ordinance.

- 2.6 On 21 February 2012, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Sha Tau Kok DPA Plan, which was subsequently renumbered as DPA/NE-STK/2. On 2 March 2012, the approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.7 On 8 February 2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Sha Tau Kok area.
- 2.8 On 2013, the draft Sha Tau Kok OZP No. S/NE-STK/C (the Plan) (to be renumbered as S/NE-STK/1 upon gazetting) was exhibited for public inspection under section 5 of the Ordinance.

# 3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land use zonings for the Sha Tau Kok area (the Area) so that development and redevelopment within the Area can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and planning control only. It is a small-scale plan and the road alignments and boundaries between the land use zones may be subject to minor alterations as detailed planning proceeds.

# 4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Planning Scheme Area 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 <u>http://www.info.gov.hk/tpb</u>.

# 5. THE PLANNING SCHEME AREA

5.1 The Planning Scheme Area covers about 557 ha of land. It is located approximately 9 km to the north-east of Fanling / Sheung Shui New Town. It is bounded by Sha Tau Kok River in the north, Sha Tau Kok Boundary Control Point in the east, Starling Inlet (Sha Tau Kok Hoi) in the south-east, and Robin's Nest (Hung Fa Leng) in the

south-west and west. The boundary of the Area is shown by a heavy broken line on the Plan.

- 5.2 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 Robin's Nest (also known as Hung Fa Leng), with an elevation up to about 492 mPD, is the prominent mountain ridge in the Area. Lying on the east of the hilly terrain is a large tract of lowland occupied by fallow arable land and several clusters of village settlements.
- 5.3 The landscape features of the Area include shrubland, woodlands, upland grassland, knolls and foothills. The Area covers a spectrum of natural habitats including, 'fung-shui' woods, mixed shurbland, seasonally wet grassland, lowland forest and natural watercourse.
- 5.4 Economic activities are limited in the Area due to its rugged relief and limited accessibility. Farmers are mainly self-employed and engaged in small-scale horticultural and agricultural activities including growing of vegetables, flowers and fruits.
- 5.5 Graded historic buildings within the Area include the Macintosh Fort (Pak Kung Au) which is a Grade 2 historic building. Besides, there are three Grade 3 historic buildings in the Area, i.e. the Kwan Ah School (formerly Pan Lam Study Hall) at Sheung Tam Shui Hang, the Chung Ancestral Hall at Ha Tam Shui Hang and the Wong Tak Ching Ancestral Hall at Shan Tsui. In addition, the Sha Tau Kok San Tsuen Site of Archaeological Interest and a small portion of the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest are located in the Area.

# 6. <u>POPULATION</u>

According to the 2011 Population Census, the total population within the Area was about 750. It is expected that the total population of the Area would be about 9,276 persons.

# 7. <u>OPPORTUNITIES AND CONSTRAINTS</u>

7.1 **Opportunities** 

## 7.1.1 <u>Tourism</u>

The tranquility and the rural setting, in tandem with the historical and heritage features, provides a good opportunity for cultural tourism development and passive recreational activities. The Area also provides a good potential for cultural heritage and eco-tourism. Provision of tourism and recreational-related developments such as well-connected footpaths, cycle tracks and dining / overnight accommodation facilities would be required to realize its tourism potential. The tourism intention for Sha Tau Kok has been investigated under the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas – Feasibility Study which was commissioned by the Planning Department and completed in March 2013. The Study recommends the opening up of the Sha Tau Kok Public Pier during weekends and public holidays for organized group tours, allowing a maximum of 500 visitors per day to access the areas along the east coasts and major outer islands in the North East New Territories. Although Sha Tau Kok Town is located outside the Area, it is expected that the proposed tourism development in Sha Town Kok Town will have spin-off effects to promote tourism-related facilities and services in the Area and enhance the connection of Sha Tau Kok Town with other tourist attractions in the NENT.

#### 7.1.2 Agriculture

Most agricultural land is found in the eastern part of the Area with some under active cultivation. As advised by Agriculture, Fisheries and Conservation Department, the agricultural land in the Area is of good quality. With irrigation facilities, fallow arable land can be rehabilitated for agricultural purposes under the Agricultural Land Rehabilitation Scheme.

### 7.1.3 Nature Conservation

Large tracts of dense and undisturbed woodland and lowland forests can be found in the hillslopes in the Area. There are various types of habitats, including natural streams from Robin's Nest towards the coastal lowland in the east, mangrove and fishponds aligned at the edge of the Starling Inlet, and the Muk Min Tau Fung Shui Wood which are worthy of conservation. Future development of the Area needs to take into account areas of their ecological values and natural landscape characters. Prior consultation with relevant Government departments should be conducted if development proposals would affect places of ecological interest.

#### 7.2 Constraints

#### 7.2.1 Relief and Geotechnical Aspects

The central and western parts of the Area are characterized by relatively steep mountains and naturally hilly terrain. There is a history of landslides on the hillslopes. Such topographic relief imposes geotechnical constraints on development, and geotechnical assessment would be required for any proposed development involving site formation and slope stabilization works. Besides, the village settlements at Tong To and Sheung Tam Shui Hang are below steep natural terrain and meet the Alert Criteria for a Natural Terrain Hazard Study (NTHS). Therefore, a NTHS and/or mitigation measures may be required for any proposed development at Tong To and Sheung Tam Shui Hang.

#### 7.2.2 Traffic

Vehicular accesses are of a limited capacity and not intended for heavy traffic. Due to the limited transport infrastructure in the Area, uncoordinated development would create problems and hazards to both pedestrians and vehicular traffic. Improvement to transport facilities is required to cater for expected increase in traffic flow after the Area was released from the Frontier Closed Area (FCA) in February 2012.

## 7.2.3 Drainage

The existing drainage system within the Area comprises only basic provisions for supporting rural development. Some low-lying areas along Sha Tau Kok Road are flood prone. The Review of Drainage Master Plans for Yuen Long and North Districts completed in late 2011 has recommended drainage improvement works at Tsiu Hang and along Sha Tau Kok Road. Therefore, any development proposal must demonstrate that it would not cause any increase in the flooding susceptibility of the adjoining areas and is subject to a comprehensive Drainage Impact Assessment (DIA).

# 7.2.4 Sewerage

The Area falls within the Sha Tau Kok water catchment. The findings of the Mirs Bay Water Quality Regional Control Strategy Joint Study indicate that pollutants assimilative and dispersive capabilities of Starling Inlet are low. Therefore, adequate and properly designed wastewater treatment facilities have to be provided for any proposed new and redevelopments to minimize any adverse impacts on the ecologically sensitive water environment of Starling Inlet. In addition, as part of the Area falls within the Deep Bay catchment, no additional pollution loading should be discharged into the Deep Bay as a result of any new and proposed developments. New developments should therefore include proper on-site sewerage treatment facilities or be connected to public sewer, when available. Lack of public sewer has imposed severe constraints on large-scale developments in this Area.

### 7.2.5 <u>Water Supply</u>

The existing water supply system for the Area is of limited capacity. If major development is to be planned, upgrading of water supply system and construction of additional waterworks installations may be required.

# 7.2.6 Land Ownership

About 13% of the Area is private land, most of which is concentrated in the lowland in the eastern part of the Area where land is more developable as compared with the hillslopes, which are mainly Government land, in the west. Such land ownership pattern renders the need for land acquisition for comprehensive development.

# 7.2.7 Overhead Transmission Lines

There are 132 kV and 400 kV overhead transmission lines running across the Area. Relevant guidelines in Chapter 7 of the Hong Kong Planning Standards and Guidelines should be observed for any proposed development which may affected these overhead transmission lines.

#### 7.2.8 Burial Grounds

The six permitted burial grounds for indigenous villagers would be retained.

#### 8. <u>GENERAL PLANNING INTENTION</u>

The general planning intention of the Area is to promote cultural conservation and recreation tourism. The rural character, natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well the ecologically important areas and the upland scene of the Planning Scheme Area should be conserved.

## 9. LAND USE ZONINGS

# 9.1 "Village Type Development" ("V"): Total Area 39.94 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 infrastructure 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 In order to provide opportunities for short-term application to the Board. 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 seven recognized villages within the Area, namely Shan Tsui, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), Muk Min Tau (including Tsiu Hang), San Tsuen and Tong To. The boundaries of the "V" zone for these villages are drawn up with regard to the village 'environs', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and stream courses have been avoided 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 the first publication of the 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) San Tsuen, Ha Tam Shui Hang and Shan Tsui Villages are subject to adverse traffic noise impact generated by the cross-boundary traffic along Sha Tau Kok Road. Village housing development near the main road should be avoided. Suitable noise mitigation measures such as self-protective building design, noise barriers with minimal visual impact, etc. would be required.
- (f) The "V" zone at Tong To is below steep natural terrain and meets the Geotechnical Engineering Office's Alert Criteria for a Natural Terrain Hazard Study. Therefore, natural terrain hazard study and/or hazard mitigation measures may be required for any proposed development.
- (g) In order to address the concerns on potential impacts from developments on existing stream courses in general, concerned departments including the Agriculture, Fisheries and Conservation Department and Planning Department should be consulted when processing Small House grant and applications in close proximity to existing stream courses to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- (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 activities.
- 9.2 "Government, Institution or Community"("G/IC"): Total Area 1.46 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) Existing developments under this zoning include two hilltop survey stations, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site and MacIntosh Fort (Pak Kung Au). 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.
  - (c) The disused Kwan Ah School at Sheung Tam Shui Hang is proposed for adaptive reuse as a visitor centre and/or a small-scale holiday camp. These uses can be supported by guided tours and field trips to promote the conservation of the ecological link between Shenzhen City and HKSAR along Wutongshan, Robin's Nest (Hung Fa Leng) and Pat Sin Leng Country Park.
  - 9.3 "Recreation" ("REC") : Total Area 11.26 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 south of Tong To extending to the bank of Sha Tau Kok Hoi is designated as "REC" zone on the Plan. The site is occupied by Sha Tau Kok Farm and abandoned agricultural land. The proposed agricultural and recreational uses will benefit from its proximity to the potential Robin's Nest Country Park and provide economic opportunities in the nearby villages and tourism initiatives for the Sha Tau Kok area. Recreational uses like holiday camp with sporting facilities, 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 etc. are permitted within this zone.
- (c) 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.
- (d) As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.
- 9.4 "Recreation (1)": Total Area 5.14 ha
  - (a) This zone is intended primarily for low-intensity recreational developments to promote agri-tourism and eco-tourism. Major recreational facilities and uses in support of the recreational developments may be permitted subject to planning permission. However, the recreational development in this area should be restricted to low-intensity development so as not to overload the infrastructure of the area. For better control of any high intensity future development in the area, the 'Place of Recreation, Sports or Culture' is under 'Column 2' of the zone. Uses in support of the recreational developments may be permitted subject to planning permission.
  - (b) This zone covers an area in the coastal strip of land south of Sha Tau Kok Road to allow a greater flexibility of land uses for the area. The proposed recreational uses will serve as an extended area of the "REC" zone in the immediate south and west but of low intensity and provide opportunities for provision of supporting facilities, such as car / coach parking, cafes and retail shops selling local produce subject to planning permission from the Board.
  - (c) 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.
  - •(d)
- As diversion of streams or filling of pond may cause adverse drainage impacts on

the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

- 9.5 <u>"Agriculture"("AGR"):</u> Total Area 32.81 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) The majority of agricultural land of good quality is found in lowland areas in the eastern part of the Area. With basic agricultural infrastructure, including irrigation facilities, fallow arable land can be easily rehabilitated for agricultural purpose.
  - (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 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, and construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.
- 9.6 <u>"Green Belt" ("GB"):</u> Total Area 461.39 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 eastern fringe of Robin's Nest which also covers 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.
- 9.7 "Conservation Area" ("CA"): Total Area 2.77 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. 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.

- (b) Uses related to conservation purpose such as nature reserve and nature trail are permitted as of right while selective range of uses such as field study/education/visitor centre and public convenience which would have insignificant impact on environment and infrastructural provisions could be permitted upon approval by the Board.
- (c) The 'fung-shui' woods at the backdrops of Muk Min Tau is zoned "CA" to retain and preserve the existing natural character. These 'fung-shui' woods are generally natural and healthy with a variety of plant and animal species.
- (d) New residential development is not permitted under this zone. The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA plan.
- (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.

### 10. COMMUNICATIONS

#### 10.1 Road Network

The major access to the Area is via Sha Tau Kok Road which is a single 2-lane carriageway leading from Fanling Highway through Sha Ho Road to Sha Tau Kok Control Point in the north. Another access to the Area is via Lin Ma Hang Road which is a single track access leading from Ping Che Road in the west and connects Sha Tau Kok Road through Shan Tsui Village Road. Apart from these access roads, there are local van tracks traversing the settlement areas to serve the villagers.

#### 10.2 Public Transport

The Area is not well served by public transport facilities due to restriction on access, remoteness and sparse population. There are franchised public bus service (No. 78K) and green minibus (No. 55K) plying between the Area and Sheung Shui Station.

#### 11. UTILITY SERVICES

# 11.1 Water Supply

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

#### 11.2 Drainage and Sewerage

The existing drainage system within the Area comprises only basic provisions for supporting rural development. Some low-lying areas along Sha Tau Kok road are flood prone. The Review of Drainage Master Plans for Yuen Long and North Districts completed in late 2011 has recommended drainage improvement works at Tsiu Hang and along Sha Tau Kok Road. The Area is currently not sewered. The ongoing project PWP Item No. 4378DS targeted for completion in 2016 will provide a trunk sewer along Sha Tau Kok Road and sewer connection to Shan Tsui, Sheung Tam Shui Hang, Ha Tam Shui Hang, Tsiu Hang, Muk Min Tau, San Tsuen and Nga Yiu Tau. Plans are underway for expanding the existing Sha Tau Kok Seweage Treatment Works in stages to cope with the forecast increase in sewage flow. Other works may include expansion of Sha Tau Kok Sewage Treatment Works. The Area falls within the Sha Tau Kok catchment. Apart from the ongoing village sewerage works mentioned above, the general lack of sewerage infrastructure may constrain new developments in the Area. Adequate sewage facilities have to be provided for any proposed development to guard against any adverse impacts on the ecologically sensitive water environment of the Starling Inlet. Advice from the Environmental Protection Department should be sought in assessing the sewerage implications of the proposed development.

# 11.3 Other Public Utility Services

- 11.3.1 Solid waste disposal relies on small refuse collection points scattered throughout the Area. Collected wastes are transported to North East New Territories Landfill for disposal.
- 11.3.2 There is no existing piped gas system in the area. Electricity supply and telephone networks are available in the Area.

# 12. <u>CULTURAL HERITAGE</u>

- 12.1 Graded historic buildings within the Area include the Macintosh Fort (Pak Kung Au) which is a Grade 2 historic building. Besides, there are three Grade 3 historic buildings in the Area, i.e. the Kwan Ah School (formerly Pan Lam Study Hall) at Sheung Tam Shui Hang, the Chung Ancestral Hall at Ha Tam Shui Hang and the Wong Tak Ching Ancestral Hall at Shan Tsui. In addition, the Sha Tau Kok San Tsuen Site of Archaeological Interest and a small portion of the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest are located in the Area. All the above sites of archaeological interest and graded historic buildings / structures are worthy of preservation.
- 12.2 The Antiquities Advisory Board (AAB) also released a list of new items in addition to the list of 1,444 historic buildings. These items are subject to grading assessment by the AAB. Details of the list of 1,444 historic buildings and the new items have been uploaded onto the website of the AAB at http://www.aab.gov.hk.
- 12.3 Prior consultation with the Antiquities and Monuments Office of the Leisure and Cultural Services Department should be made if any development, redevelopment or rezoning proposals might affect the above graded historic buildings / structures, new items pending grading assessment or sites of archaeological interest and their immediate environs.

#### 13. IMPLEMENTATION

- 13.1 The Plan provides a broad land use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works planning and private developments.
- 13.2 At present, there is no definite programme for the provision of comprehensive infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both the public and private sectors.
- 13.3 Notwithstanding the above, minor improvement works e.g. widening of access road and laying of utility services will be implemented through the Public Works Programme and the Rural Public Works as and when resources are available. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

# 14. PLANNING CONTROL

- 14.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.
- 14.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the 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 the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 14.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering 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 Planning Department. Application should be supported by such materials as the

Board thinks appropriate to enable it to consider the applications.

14.4 Any development, other than those referred to in paragraph 14.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this Plan on or after the date of the first publication in the Gazette of the notice of the draft DPA plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond or excavation of land in the relevant zones on or after the first publication in the Gazette of the draft DPA plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in conservation related zonings, such as "CA".

### **TOWN PLANNING BOARD**

\_\_\_\_\_2013

S/NE-STK/C

#### 11.2 Drainage and Sewerage

The existing drainage system within the Area comprises only basic provisions for supporting rural development. Some low-lying areas along Sha Tau Kok road are flood prone. The Review of Drainage Master Plans for Yuen Long and North Districts completed in late 2011 has recommended drainage improvement works at Tsiu Hang and along Sha Tau Kok Road. The Area is currently not sewered. The ongoing project PWP Item No. 4378DS targeted for completion in 2016 will provide a trunk sewer along Sha Tau Kok Road and sewer connection to Shan Tsui, Sheung Tam Shui Hang, Ha Tam Shui Hang, Tsiu Hang, Muk Min Tau, San Tsuen and Nga Yiu Tau. Plans are underway for expanding the existing Sha Tau Kok Seweage Sewage Treatment Works in stages to cope with the forecast increase in sewage flow. Other works may include expansion of Sha Tau Kok Sewage Treatment Works. The Area falls within the Sha Tau Kok catchment. Apart from the ongoing village sewerage works mentioned above, the general lack of sewerage infrastructure may constrain new developments in the Area. Adequate sewage facilities have to be provided for any proposed development to guard against any adverse impacts on the ecologically sensitive water environment of the Starling Inlet. Advice from the Environmental Protection Department should be sought in assessing the sewerage implications of the proposed development.

# 11.3 Other Public Utility Services

- 11.3.1 Solid waste disposal relies on small refuse collection points scattered throughout the Area. Collected wastes are transported to North East New Territories Landfill for disposal.
- 11.3.2 There is no existing piped gas system in the area. Electricity supply and telephone networks are available in the Area.

# 12. <u>CULTURAL HERITAGE</u>

- 12.1 Graded historic buildings within the Area include the Macintosh Fort (Pak Kung Au) which is a Grade 2 historic building. Besides, there are three Grade 3 historic buildings in the Area, i.e. the Kwan Ah School (formerly Pan Lam Study Hall) at Sheung Tam Shui Hang, the Chung Ancestral Hall at Ha Tam Shui Hang and the Wong Tak Ching Ancestral Hall at Shan Tsui. In addition, the Sha Tau Kok San Tsuen Site of Archaeological Interest and a small portion of the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest are located in the Area. All the above sites of archaeological interest and graded historic buildings / structures are worthy of preservation.
- 12.2 The Antiquities Advisory Board (AAB) also released a list of new items in addition to the list of 1,444 historic buildings. These items are subject to grading assessment by the AAB. Details of the list of 1,444 historic buildings and the new items have been uploaded onto the website of the AAB at http://www.aab.gov.hk.
- 12.3 Prior consultation with the Antiquities and Monuments Office of the Leisure and Cultural Services Department should be made if any development, redevelopment or rezoning proposals might affect the above graded historic buildings / structures, new items pending grading assessment or sites of archaeological interest and their

Agenda Items 4 to 8

[Open Meeting] .

Preliminary Consideration of New Plans -

Draft Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/B, Draft Lin Ma Hang OZP No. S/NE-LMH/C, Draft Ta Kwu Ling North OZP No. S/NE-TKLN/C, Draft Man Kam To OZP No. S/NE-MKT/B and Draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/C (TPB Papers No. 9326, 9327, 9328, 9329 and 9330)

- 25 -

[The meeting was conducted in Cantonese.]

[Mr. Dominic K.K. Lam returned to join the meeting at this point.]

34. The Chairman suggested and Members agreed that since all the five draft outline zoning plans (OZPs) covering the Sha Tau Kok (STK), Lin Ma Hang (LMH), Ta Kwu Ling North (TKLN), Man Kam To (MKT) and Ma Tso Lung and Hoo Hok Wai (MTL & HHW) areas were all located in proximity to each other in the Frontier Closed Area (FCA) and with similar planning backgrounds, they would be considered collectively by the Town Planning Board (the Board).

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

Ms. Jacinta Woo	- District Planning (	Officer/Sha Tin, Tai Po &
	North (DPO/STN	١
		<b>/</b>
Mr. Otto Chan	Conton Torm Dies	ner/North (STP/N)

36. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Papers.

37. With the aid of a Powerpoint presentation, Mr. Otto Chan, STP/N, made the following main points on the background of five draft OZPs as detailed in the Papers:

 (a) in 2008, the Security Bureau (SB) announced that the coverage of the FCA would be substantially reduced from about 2,800 ha to about 400 ha. The STK area and most of the eastern/southern portion of the LMH area fell within the area covered by the first stage of reduction and were now outside the FCA. Most of the MTL & HHW area fell within the area covered by the second stage of reduction which would tentatively come into effect in mid-2013. Part of the western portion of the LMH area and the TKLN and MKT areas were covered by the third stage of reduction which was planned to come into effect in 2015;

- (b) five draft development permission area (DPA) Plans for the former FCA, including the STK, LMH, TKLN, MKT and MTL & HHW DPA Plans, were prepared to take forward the recommendations of the "Land Use Planning for the Closed Area – Feasibility Study" (the FCA Study);
- (c) on 30.7.2010, the five draft DPA Plans, including the draft STK DPA Plan No. DPA/NE-STK/1, the draft LMH DPA Plan No. DPA/NE-LMH/1, the draft TKLN DPA Plan No. DPA/NE-TKLN/1, the draft MKT DPA Plan No. DPA/NE-MKT/1 and the draft MTL & HHW DPA Plan No. DPA/NE-MTL/1, were exhibited for public inspection under section 5 of the Ordinance. The numbers of valid representations and comments to the five draft DPA Plans were as follows:

DPA Plan	Number of valid representations	Number of valid comments
Draft STK DPA Plan No. DPA/NE-STK/1	14	3
Draft LMH DPA Plan No. DPA/NE-LMH/1	7	. 8
Draft TKLN DPA Plan No. DPA/NE-TKLN/1	3	1
Draft MKT DPA Plan No. DPA/NE-MKT/1	6	1
Draft MTL & HHW DPA Plan No. DPA/NE-MTL/1	<b>.</b>	1

·(d)

on 8.9.2011, the Board considered the representations and comments to

the five draft DPA Plans and agreed to propose amendments to the draft DPA Plans to meet/partially meet the representation(s);

- (e) on 11.11.2011, the Board gave consideration to the further representations to the draft STK DPA Plan, the draft LMH DPA Plan, the draft MKT DPA Plan and the draft MTL & HHW DPA Plan and decided not to uphold the further representations. The Board decided that the proposed amendments to the four DPA Plans would form part of the respective DPA Plan under section 6F(8) of the Ordinance;
- (f) the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft STK DPA Plan and the draft MTL & HHW DPA Plan on 21.2.2012, the draft TKLN DPA Plan and the draft MKT DPA Plan on 8.5.2012, and the draft LMH DPA Plan on 8.1.2013; and
- (g) in accordance with section 20(5) of the Ordinance, the DPA Plans were effective for three years until 30.7.2013. On 8.2.2013, under the power delegated by the CE, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an outline zoning plan (OZP) to cover each of the STK, LMH, TKLN, MKT and MTL & HHW areas.

#### Draft STK OZP

38. Mr. Otto Chan then made the following main points on the draft STK OZP No. S/NE-STK/B as detailed in TPB Paper No. 9326:

# Strategic Planning Context

(a) according to the FCA Study, the major objective of the Recommended Development Plan (RDP) of the STK area was to protect the natural setting, environmental diversity and cultural integrity. The traditional villages could provide an entry point to the recreational and environmental features of the immediate area;

#### Issues Arising from Consideration of the DPA Plan

- (b) the major land use proposals arising from the representations and comments to the draft STK DPA Plan No. DPA/NE-STK/1 were summarized as follows:
  - (i) 'local villagers suggested that more land should be reserved for all villages in Sha Tau Kok by inclusion of the adjacent "Agriculture" ("AGR") and "Green Belt" ("GB") zones;
  - (ii) a Sha Tau Kok District Rural Committee (STKDRC) member, a North District Council (NDC) member and various Village Representatives (VRs) opposed the "AGR" zone along the coastal area south of Sha Tau Kok Road and proposed to rezone the area to "Recreation" ("REC"); and
  - (iii) local villages opposed the "GB" zoning of an area near Gate One Checkpoint of the FCA (south of Ha Tam Shui Hang) and proposed to rezone the area to "REC";

# Town Planning Board's Decisions and Instructions

(c) on 8.9.2011, the Board considered the representations and comments to the draft STK DPA Plan No. DPA/NE-STK/1, and decided to amend the "Village Type Development" ("V") zone for the villages of Tong To, San Tsuen, Muk Min Tau, Tsui Hang, Tam Shui Hang and Shan Tsui to partially meet the representations. Regarding the local villagers' request to rezone the coastal area south of Sha Tau Kok Road to "REC", the Board decided that the "AGR" zoning of the area should be maintained as the zoning was in line with the recommendations of the FCA Study and appropriate to retain the good quality agricultural land. Nevertheless, the Board requested PlanD to further examine the issue in the OZP preparation stage. As for the "GB" zone near Gate One Checkpoint, the "GB" zoning was considered appropriate taking into account its natural setting;

(d) the proposed amendments to the draft STK DPA Plan No. DPA/NE-STK/1 were published for public inspection on 16.9.2011. Two further representations were received, which proposed to revoke the proposed amendments and raised objection on ground that there was a lack of sustainable layout plans of infrastructure for the health and well being of the residents. On 11.11.2011, the Board gave consideration to the further representations and decided not to uphold them, and agreed to amend the STK DPA Plan by the proposed amendments under section 6F(8) of the Ordinance;

#### The Planning Scheme Area

- (e) the Planning Scheme Area of the draft STK OZP (the STK Area) covered a total area of about 557 ha. It was located approximately 9 kilometres to the north-east of Fanling/Sheung Shui. It was bounded by Sha Tau Kok River in the north, Sha Tau Kok Boundary Control Point (STK BCP) in the east, Starling Inlet (Sha Tau Kok Hoi) in the south-east, and Robin's Nest (Hung Fa Leng) in the south-west and west;
- (f) the landscape features of the STK Area included shrubland, woodlands, upland grassland, knolls and foothills. The STK Area covered a spectrum of natural habitats including 'fung shui' woods, mixed shrubland, seasonally wet grassland, lowland forest and natural watercourse;
- (g) the recognized villages within the STK Area included Tong To, Muk Min Tau (including Tsiu Hang), San Tsuen, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), and Shan Tsui. According to the 2011 Population Census, the total population of the STK Area was 750;

- (h) economic activities in the STK Area were limited due to its rugged relief and limited accessibility;
- (i) there were several graded historic buildings and two sites of archaeological interest within the STK Area;
- (j) in general, the major conditions of the STK Area remained largely unchanged since the gazettal of the draft STK DPA Plan;

### Development Proposals Received in the Course of Preparation of the Draft OZP

- (k) Kadoorie Farm and Botanic Garden Corporation (KFBGC) and World Wildlife Fund (WWF) requested for a review of land use zonings for three streamcourses in the STK area, their river estuaries and the mangroves along the coast of Sha Tau Kok;
- (1) green groups, including KFBGC and WWF, expressed that appropriate zonings should be designated for two pieces of dense woodland of high ecological value to the north of Tam Shui Hang and Sha Tsui which were zoned "V" on the STK DPA Plan;

# Land Use Planning Considerations

#### Review of "V" Zones

(m) based on the latest Small House demand figures provided by the District Lands Officer/North, Lands Department (DLO/N, LandsD) in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the "V" zones on the approved STK DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;

- (n) according to DLO/N, LandsD, there was a substantial increase in total Small House demands for Tong To and Tam Shui Hang from 548 and 467 to 3,002 and 912 respectively, and a slight increase in total Small House demands for San Tsuen from 138 to 151, Muk Min Tau from 3,000 to 3,014 and Shan Tsui from 246 to 254 as compared with the figures presented to the Board in 2011. As the substantial increase in Small House demands for Tong To and Tam Shui Hang was not supported by evidence and not verified by DLO/N, their "V" zone boundaries were reviewed based on the total Small House demand in 2011, i.e. 550 and 462 respectively;
- (o) the boundaries of the "V" zones had been fully deliberated during the consideration of representations and comments to the draft STK DPA Plan in 2011 and there had been no significant change in planning circumstances since then. No change was proposed for the "V" zone of Tong To as the size of the "V" zone on the approved DPA Plan was already equivalent to the size of the village 'environs' ('VE') of the recognized village;
- (p) for Shan Tsui and Tam Shui Hang, the "V" zone on the approved DPA Plan was approximately the same as the 'VE' of the recognized villages. Taking into account the green groups' proposal, two pieces of land north of Tam Shui Hang and Shan Tsui with a total area of 0.55 ha were proposed to be rezoned from "V" to "GB". On the other hand, two pieces of land between Muk Min Tau and Tam Shui Hang (0.39 ha) and to the north-west of Tam Shui Hang (0.16 ha) were proposed to be rezoned from "AGR" to "V";
- (q) for San Tsuen and Muk Min Tau (including Tsiu Hang), the "V" zone on the approved DPA Plan was of a size equivalent to about 95% of the 'VE' of the two recognized villages. No suitable land in the vicinity of the villages was available to meet their Small House demands as the surrounding area was covered by dense vegetation, seasonal wet grassland and burial ground;

# Major Streamcourses in STK Area

(r) the land use zonings along the three streamcourses in the STK Area had been reviewed after site investigation and further discussions with the Agriculture, Fisheries and Conservation Department (AFCD). The findings were summarized below:

#### Stream adjacent to Tong To

- (i) according to the findings of the FCA Study, the stream adjacent to Tong To was of moderate ecological value. The modified lower-middle section of the stream fell mainly within "REC" zone. As there had been no material change in planning circumstances of the area along the stream since the gazettal of the draft STK DPA Plan, it was considered appropriate to retain the "REC" zoning for the stream. A clause had been included in the Notes of the draft OZP to ensure that any diversion of the existing streamcourses within the "REC" zone would be subject to statutory planning control;
- (ii) the upper section of the stream fell within areas mainly zoned "GB" to reflect the current natural hillslopes. The areas covered by Tong To and Tong To Ping Tsuen and their vicinity were zoned "AGR" and "V" to reflect its existing uses which included agricultural land and village house developments;

#### Stream adjacent to Muk Min Tau and San Tsuen

(iii) the upper section of the stream adjacent to Muk Min Tau and San Tsuen was of moderate ecological value according to the FCA Study and was covered by "Conservation Area" ("CA"), "GB" and "AGR" zones. The lower-middle course of the stream was of low ecological value and mainly zoned "V" to reflect the existing development pattern; and

# Stream adjacent to Tam Shui Hang

(iv) according to the FCA Study, the stream at Tam Shui Hang was of moderate to high ecological value. The upper section of the stream fell mainly within "AGR" and "GB" zones. As there had been no change in the planning circumstances at the upper section of the stream since the gazettal of the draft STK DPA Plan, the "AGR" and "GB" zonings for this part of the stream were to be retained. There were signs of recent village house developments alongside the nearby "V" zone close to the lower-middle course of the stream. It was proposed that this part of the stream should be rezoned to "V" to reflect the existing development pattern;

# Impact of Small House Development within "V" Zone on Streams

(s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within "V" zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the "V" zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

# Coastal "AGR" Zone south of Sha Tau Kok Road

(t) regarding the request of the Board to review the land use zoning of the coastal area south of Sha Tau Kok Road, it was considered appropriate to retain the "AGR" zoning in view that the area covered mostly fallow arable land with good potential for agricultural rehabilitation. The "AGR" zoning was also appropriate to allow only low-density development along the coastal area with a view to minimizing any potential impact on Starling Inlet. Recreational uses, such as 'Barbecue Spot' and 'Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)', might be permitted on application to the Board;

# "GB" Zone near Gate One Checkpoint of the FCA

 (u) it was considered appropriate to retain the "GB" zoning for the areas near Gate One Checkpoint of the FCA as they were covered with seasonally wet grassland and mangroves;

### Planning Intention

(v) the general planning intention of the STK Area was to promote cultural conservation, recreation and tourism. The rural character, natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well as the ecologically important areas, and the upland scene of the STK Area should be conserved;

# Land Use Zonings

- (w) about 39.45 ha of land were zoned "V" to cover the recognized villages within the STK Area, i.e. Shan Tsui, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), Muk Min Tau (including Tsiu Hang), San Tsuen and Tong To, and areas of land suitable for village expansion;
- (x) about 1.46 ha of land were zoned "Government, Institution or Community" ("G/IC"), which mainly covered two hilltop survey stations, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site, and the MacIntosh Fort at Pak Kung Au. The disused Kwan Ah School at Sheung Tam Shui Hang was currently vacant. According to the FCA Study, the disused school building could be used as a visitor centre and/or a small scale holiday camp;

 (y) about 11.35 ha of land were zoned "REC", which covered an area south of Tong To extending to the bank of Sha Tau Kok Hoi currently occupied by 'Sha Tau Kok Farm' and abandoned agricultural land;

- (z) about 38.82 ha of land were zoned "AGR", which mainly covered the areas in the northern and western parts of the STK Area;
- (aa) about 461.55 ha of land were zoned "GB", which mainly covered the eastern fringe of Robin's Nest and the permitted burial grounds for indigenous villagers;
- (bb) about 2.77 ha of land were zoned "CA" to retain and preserve the existing natural character of the 'fung shui' woods at the backdrops of Muk Min Tau;
- (cc) in terms of land use, there was a slight increase in area zoned "GB" (0.55 ha) and a corresponding decrease in area zoned "AGR" as compared with the approved STK DPA Plan. No change to the land area of other land use zones was proposed;

#### Consultation

- (dd) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (ee) subject to the agreement of the Board, the draft STK OZP No. S/NE-STK/B would be submitted to the NDC and the STKDRC for consultation. Comments from the NDC and the STKDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

39. As the presentation from the representatives of PlanD on the draft STK OZP had been completed, the Chairman invited questions from Members. The Chairman remarked that Members were invited to consider if the draft OZPs were suitable for submission to the NDC and the concerned RCs for consultation. After the consultation exercises, the draft OZPs with the views of NDC and the concerned RCs would be submitted to the Board before gazetting under section 5 of the Ordinance.

## Supporting Facilities for Recreational Uses and Tourism

40. In response to the Chairman's question on the provision of supporting facilities for recreational development including car parks in the STK Area, Ms. Jacinta Woo said that about 11.35 ha of land were zoned "REC" on the draft OZP with a view to facilitating low-density active recreational and related uses. An area to the north-western part of the STK Area was a proposed country park for passive recreational use. She indicated that due to infrastructural constraints, the STK Area was largely suitable for passive recreational uses at present. Since the STK Area was only opened up in February 2012, it would be prudent to closely monitor the situation before active recreational uses and supporting facilities could be considered. Besides, planning applications for temporary car parks in the STK Area had recently been received and such applications would be assessed based on individual merits.

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41. Another Member said that after opening up of the STK Area, there was a need to gear up the provision of supporting facilities to meet the vast volume of visitors and local tours during weekends and holidays.

#### Traffic Issues

42. The Chairman further asked whether there were any coach parking facilities and transport infrastructures such as public transport terminus (PTT) to support the corresponding increase in coach bus traffic in the area. Ms. Jacinta Woo said that there was no provision of coach parking facilities in the STK Area but there was one PTT in STK Town close to the STK Area for green minibuses (GMB) and coach bus parking. Ms. Woo said that Transport Department would closely monitor the local traffic situation and consider improving the existing transport facilities when necessary.

43. Given the rural character and infrastructural constraints of the area, a Member said that the use of public transport such as GMBs should be encouraged and the use of private cars should be discouraged on environmental consideration.

A Member said that proper traffic measures to ensure the promotion of

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recreational development and eco-tourism without undermining the planning intention to conserve the area, such as restricting vehicular access to the area, should be considered.

45. In response to a Member's concern on the border-crossing traffic and the demand for parking facilities generated from the STK BCP, Mr. K.K. Ling said that the STK BCP, similar to the MKT BCP, were relatively small scale road-based land crossings which would not attract significant volume of border-crossing traffic. There was currently no plan and programme to expand these two existing BCPs. Mr. Ling said that a new BCP at Liantang/Heung Yuen Wai planned for handling higher volume of border-crossing traffic was scheduled for operation in 2018.

46. In response to a Member's question on whether the land use zonings on the draft OZP would pose any constraints on future road improvement works, the Secretary said that road projects authorized under the Roads (Works, Use and Compensation) Ordinance were deemed approved under the Ordinance and road works co-ordinated or implemented by Government departments were permitted in all zones under the covering Notes of the draft OZP.

#### Integration with STK Town

47. In response to a Member's suggestion to take into account the STK Town in the planning of the STK Area as an integrated area, Ms. Jacinta Woo said that STK Town was still within the FCA and there was currently no plan and programme to open up STK Town. Ms. Woo said that the preparation of the draft STK OZP had already taken into account the findings and recommendations of the Study on Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas of which proper integration of STK Town and its surrounding fringe areas had been examined. The integration of the STK Area with STK Town could be further examined when there was a policy to open up STK Town.

#### Zoning of Proposed Country Park

48. A Member asked whether the proposed country park at Robin's Nest should be zoned as "CA" instead of "GB". In response, Ms. Jacinta Woo said that the proposed

country park area was mostly Government land and hence was under Government control. AFCD considered that the "GB" zoning for the proposed country park area was appropriate in preserving its natural landscape and environment. Only areas of high ecological value as supported by AFCD would be considered for "CA" zoning.

#### Planning Intention and Scope for More Intensive Development

49. The Vice-chairman indicated support to the general planning intention of the five draft OZPs to preserve the local character and to conserve the natural environment. He said that given the lack of transport and other infrastructures, it was appropriate to designate majority of the areas as "CA", "GB" and "AGR" zones on the draft OZPs to contain urbanised development. In the long term, any major development in these areas should be justified and supported by detailed studies.

50. A Member said that agriculture use played an important role in the process of sustainable development. Noting that there was plenty of abandoned agricultural land in the areas, the Member commented that a proper agricultural policy should be in place to optimize the use of agricultural land. Otherwise, the agricultural land should be considered for other beneficial uses such as residential development in order to avoid wastage of land resources.

51. The same Member asked if there was any long term plan to allow more development in the area noting that it was very near Shenzhen which had been developed into a high density area. Some people might want to live in the STK area to be near Shenzhen. In response, Mr. K.K. Ling said that PlanD had conducted an integrated planning study, i.e. the FCA Study, to examine how the area should be planned from a the strategic planning perspective. The FCA Study recommended that the FCA could serve as a green buffer between Hong Kong and Shenzhen. Although there had been growing aspiration for intensifying developments in the area, a proper balance between nature conservation and development needs should be struck. The draft OZPs were prepared mainly to reflect the proposals recommended in the FCA Study and to ensure proper planning control in the areas. Most of the FCA areas were not sufficiently served by infrastructural facilities and hence they were not yet ready for development. These areas would have to be properly protected by way of a statutory OZP. High-density urban type

developments should be confined to areas with infrastructure provisions such as the three proposed New Development Areas in North East New Territories.

## "V" Zone Boundary and Small House Development

52. The Vice-chairman supported the criteria that the area of "V" zone should not be larger than the area of 'VE'. He quoted several villages in the STK Area which indicated that there was a substantial increase in 10-year forecast demand for Small House development since the opening up of the STK Area. In view of the need to conserve the natural environment, it would be prudent to confine "V" zone within the 'VE'. In fact, land was still available in the "V" zones for Small House developments.

53. A Member asked whether there were any new Small House development within the areas since the gazettal of the draft DPA Plans. In response, Ms. Jacinta Woo said that comparing the Small House demand figures provided by DLO/N in 2011 and 2012, there had been an increase in the outstanding Small House applications for a number of villages in the areas, possibly due to the opening up of the FCA.

- 54. After deliberation, the Board:
  - (a) <u>adopted</u> the Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Sha Tau Kok OZP No. S/NE-STK/B; and
  - (b) agreed that the draft Sha Tau Kok OZP No. S/NE-STK/B together with its Notes and Explanatory Statement were suitable for submission to NDC and STKDRC for consultation.

#### Draft LMH OZP

55. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft LMH OZP No. S/NE-LMH/C as detailed in TPB Paper No. 9327:

#### Strategic Planning Context

(a) according to the FCA Study, the major objective of the RDP of the LMH area was to protect the natural setting, environmental diversity and cultural integrity of the area. The land use pattern and surrounding facilities should also promote Lin Ma Hang as a key tourism node;

# Issues Arising from Consideration of the DPA Plan

(b) the major land use proposals arising from the representations and comments to the draft LMH DPA Plan No. DPA/NE-LMH/1 included the proposal of the VR of Lin Ma Hang Village to enlarge the "V" zone of Lin Ma Hang Village and his objection to the "CA" zoning for the buffer area of Lin Ma Hang Stream;

# Town Planning Board's Decisions and Instructions

- (c) on 8.9.2011, the Board considered the representations and comments to the draft LMH DPA Plan, and decided that no change should be proposed for the "V" zones of Lin Ma Hang and San Kwai Tin. The Board also decided to rezone the buffer area of Lin Ma Hang Stream from "CA" to "GB" to partially meet the representations;
- (d) the proposed amendments to the draft LMH DPA Plan No. DPA/NE-LMH/1 were published for public inspection on 16.9.2011. A total of 15 further representations were received, which mainly objected to the proposed rezoning of the buffer area along Lin Ma Hang Stream from "CA" to "GB". On 11.11.2011, the Board gave consideration to the further representations and decided not to uphold them, and agreed to amend the LMH DPA Plan by the proposed amendments under section 6F(8) of the Ordinance;

## The Planning Scheme Area

- (e) the Planning Scheme Area of the draft LMH OZP (the LMH Area) covered a total area of about 329 ha. It was located approximately 6 kilometres to the northeast of Fanling/Sheung Shui New Town. It was bounded by Sham Chun River in the north, Robin's Nest in the east and south and Wong Mau Hang Shan in the west;
- (f) the landscape features of the LMH Area included woodlands, vegetated uplands, knolls and foothills. The LMH Area covered a spectrum of natural habitats including 'fung shui' woods, mixed shrubland, freshwater/brackish wetland, lowland forest and natural watercourse.
  There were two sites of special scientific interest (SSSIs) in the LMH Area;
- (g) existing rural settlements were mainly located in the recognized village of Lin Ma Hang while San Kwai Tin Village had already been abandoned. According to the 2011 Population Census, the population of the LMH Area was about 100 persons;
- (h) economic activities in the LMH Area were limited due to its rugged relief and limited accessibility;
- (i) there were several graded historic buildings and a site of archaeological interest within the LMH Area;
- (j) in general, the major conditions of the LMH Area remained largely unchanged since the gazettal of the draft LMH DPA Plan;

[Mr. Patrick H.T. Lau left the meeting temporarily at this point.]

#### Development Proposals Received in the Course of Preparation of the Draft OZP

(k) KFBGC and WWF considered that the "GB" zoning of the buffer area along the Lin Ma Hang Stream SSSI was not sufficient to provide protection to the stream. They proposed to rezone the buffer area of the stream to "CA";

## Land Use Planning Considerations

## Review of "V" Zones

- (l) based on the latest Small House demand figures provided by DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the "V" zones on the approved LMH DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- (m) according to DLO/N, LandsD, there was a decrease in total Small House demand for Lin Ma Hang Village from 909 to 314 as compared with the figures presented to the Board in 2011. The Small House demand forecast for San Kwai Tin Village was not available as there was no Indigenous Inhabitant Representative for the village;
- (n) no amendment to the "V" zone was proposed for Lin Ma Hang Village as the size of the "V" zone on the approved DPA Plan was already larger than the 'VE' of the recognized village by about 7%. Despite there was a substantial reduction in the total Small House demand for Lin Ma Hang Village, there was still insufficient land available within the "V" zone to meet the total Small House demand. As the boundaries of the "V" zones had been fully deliberated during the consideration of representations and comments to the draft LMH DPA Plan in 2011 and there had been no significant change in planning circumstances since then, no change to the "V" zones of Lin Ma Hang Village and San Kwai Tin Village was proposed;

#### Buffer Area along Lin Ma Hang Stream

(o) Lin Ma Hang Stream was designated as a SSSI in 2007 in consideration of its high ecological value. According to the FCA Study, Lin Ma Hang Stream was a rare, unchannelised and unpolluted lowland stream in Hong Kong. The FCA Study proposed that a 20m wide zoning buffer could be considered for the stream;

(p) a 20m wide buffer area along both sides of Lin Ma Hang Stream was first zoned "CA" on the draft LMH DPA Plan No. DPA/NE-LMH/1. Upon consideration of the representations and comments to the draft LMH DPA Plan on 8.9.2011, the Board agreed to rezone the buffer area of the stream from "CA" to "GB" to partially meet the representations of the Lin Ma Hang villagers. It was considered that the rezoning of the area from "CA" to "GB" would allow the Board to regulate developments within the buffer area and maintain a proper balance between conservation and the need for development;

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

(q) after further site investigation and discussion with AFCD, it was found that the upstream area of Lin Ma Hang Stream was densely vegetated with few signs of human disturbance. Thus, it was considered more appropriate to designate this section of the stream and its buffer area as "CA" for better protection of the water quality and habitat characteristic of the stream. 'Agricultural Use' and 'On-Farm Domestic Structure' would be permitted as of right under the "CA" zone as they were considered compatible with the rural character and surrounding environment. Planning permission from the Board would be required for diversion of streams or filling of pond/land that might cause adverse impacts on drainage and the natural environment;

[Ms. Janice W.M. Lai left the meeting temporarily and Mr. Patrick H.T. Lau returned to join the meeting at this point.]

(r) as for the downstream area, there were already pockets of village
 settlements. AFCD agreed that it was appropriate to retain the "GB" zoning for the buffer area. The proposed boundary of the "GB" zone

would be delineated with reference to the boundary of the "V" zone and 'VE' of Lin Ma Hang Village. Small House developments might be permitted within the "GB" zone upon application to the Board. The "GB" zone could be regarded as a vegetated buffer to separate the village area from the stream and to provide flexibility to the Board to scrutinize developments under the planning permission system;

## Impact of Small House Development within "V" Zone on Streams

(s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within "V" zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the "V" zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

#### **Planning Intention**

(t) the general planning intention of the LMH Area was to protect the natural setting, environmental diversity and to promote cultural conservation, recreation and tourism. It was also the planning intention to conserve the rural character, the natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well as the ecologically important areas, and the upland scene of the LMH Area;

## Land Use Zonings

(u) about 13.35 ha of land were zoned "V" to cover the two recognized villages within the LMH Area, i.e. Lin Ma Hang and San Kwai Tin, and areas of land suitable for village expansion. In order to provide opportunities for short-term accommodation in existing NTEH, 'Hotel (Holiday House only)' might be permitted on application to the Board;

- (v) about 0.8 ha of land were zoned "G/IC", which covered the MacIntosh Fort at Kong Shan and the disused King Sau School with its ancillary playground. According to the FCA Study, the disused school building could be developed into an exhibition centre/historic museum;
- (w) about 39.15 ha of land were zoned "AGR", which mainly covered the lowland areas in the western part of the LMH Area;
- (x) about 258.5 ha of land were zoned "GB", which mainly covered the hilly terrain in the east, mountainous areas of Wong Mau Hang Shan and the permitted burial grounds for indigenous villagers. The "GB" zone also covered a land corridor adjoining Lin Ma Hang Stream at the downstream area adjacent to the "V" zone of Lin Ma Hang Village;
- (y) about 6.66 ha of land were zoned "CA" which covered the 'fung shui' woods at the eastern backdrop of Lin Ma Hang, and two land corridors adjoining Lin Ma Hang Stream at the eastern and western upstream areas on higher altitude;
- (z) a total area of 10.62 ha were zoned "SSSI", which covered the two designated SSSIs in the LMH Area, i.e. the Lin Ma Hang Stream SSSI and the Lin Ma Hang Lead Mines SSSI;
- (aa) in terms of land use, there was an increase in the area zoned "CA" (4.71 ha) and a corresponding decrease in the area zoned "GB" as compared with the approved LMH DPA Plan. No change to the land area of other land use zones was proposed;

#### Consultation

(bb) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and

(cc) subject to the agreement of the Board, the draft LMH OZP No. S/NE-LMH/C would be submitted to the NDC and the STKDRC for consultation. Comments from the NDC and the STKDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

[Ms. Bonnie J.Y. Chan and Ms. Bernadette H.H. Linn arrived at the meeting at this point.]

56. As the presentation from the representatives of PlanD on the draft LMH OZP had been completed, the Chairman invited questions from Members.

Lin Ma Hang Stream and Buffer Areas

57. The Vice-chairman said that it would be desirable to designate the buffer area of the whole Lin Ma Hang Stream as "CA" from nature conservation point of view. He asked if there was strong justification to zone the buffer zone on the upstream area of Lin Ma Hang Stream to "CA" and the downstream buffer zone to "GB". The proposal with "CA" and "GB" zonings respectively for the upstream and downstream areas might not be able to meet the expectation of both the villagers and the green groups.

58. In response, Ms. Jacinta Woo said that there had been differing views on the land use zonings for the buffer areas of Lin Ma Hang Stream from villagers and green groups. Taking account of the need for protecting the stream and the community needs for development, and after detailed discussion with AFCD, the proposed "CA" and "GB" zonings were considered as a more balanced proposal. The "CA" zoning for the upstream area was to protect the natural habitats of the stream. As for the downstream area, it was located close to the "V" zone and partly within the 'VE' of Lin Ma Hang Village. While "GB" zoning was not a development zone and had a presumption against development, it would provide greater flexibility for the Board to allow some Small House developments within the appropriate places therein through the planning permission system if situation so warranted it. Ms. Woo supplemented that in terms of planning control, 'NTEH' was a Column 2 use under "GB" zone, but in "CA" zone only rebuilding of NTEHs could be allowed on application to the Board.

59. A Member said that the whole Lin Ma Hang Stream and its buffer area should be zoned "CA" to conserve the integrity of habitats along the stream. To compensate for the corresponding reduction in land area for village development at the downstream area, some land within the adjoining "AGR" zone could be considered for rezoning to "V" to meet the Small House demand. Ms. Jacinta Woo said that the feasibility of the Member's suggestion could be further considered upon consultation with the local villagers.

60. A Member expressed concern that the "GB" zoning for the downstream area might give a wrong impression to the villagers that they could develop up to the banks of the stream. Although a wide buffer area might not be necessary for protection of the habitats along the stream, development too close to the banks might adversely affect the water quality of the stream and should be discouraged.

61. A Member indicated support to the "GB" zoning for the downstream area since it could provide a proper balance between nature conservation and the development needs of villagers. There was adequate provision for the Board to guard against incompatible developments within the "GB" zone under the planning permission system.

62. After deliberation, the Board:

- (a) <u>adopted</u> the Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Lin Ma Hang OZP No. S/NE-LMH/C; and
- (b) <u>agreed</u> that the draft Lin Ma Hang OZP No. S/NE-LMH/C together with its Notes and Explanatory Statement were suitable for submission to NDC and STKDRC for consultation.

[Dr. Wilton W.T. Fok left the meeting at this point.]

### Draft TKLN OZP

63. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft TKLN OZP No. S/NE-TKLN/C as detailed in TPB Paper No.

## Strategic Planning Context

9328:

(a) according to the FCA Study, the major objective of the RDP of the TKLN area was to protect the natural setting and cultural integrity and to promote sustainable agricultural activities. Provision had been made for an extensive recreation area stretching across the north of the TKLN area to provide low-intensity recreational uses to complement other nearby uses, and for the future Liantang/Heung Yuen Wai Boundary Crossing Point (LT/HYW BCP) and connecting roads;

#### Issues Arising from Consideration of the DPA Plan

- (b) since the gazettal of the draft TKLN DPA Plan No. DPA/NE-TKLN/1, two planning applications (No. A/DPA/NE-TKLN/1 and No. A/DPA/NE-TKLN/3) for the proposed resite of village/building lots affected by the LT/HYW BCP project were approved by the Rural and New Town Planning Committee (RNTPC). Planning application No. A/DPA/NE-TKLN/2 for reprovisioning of a permitted burial ground was also approved by the RNTPC;
- (c) the major land use proposals arising from the representations and comment to the draft TKLN DPA Plan No. DPA/NE-TKLN/1 included that of The Conservancy Association, which proposed that the 'fung shui' woodlands near the villages of Kan Tau Wai, Tsung Yuen Ha and Heung Yuen Wai should be rezoned to "CA";

## Town Planning Board's Decisions and Instructions

(d) on 8.9.2011, the Board agreed to the proposed extension of the "V" zones of Tong Fong, Tsung Yuen Ha and Ha Heung Yuen after considering the review of "V" zone boundaries. The Board also considered the representations and comment to the draft TKLN DPA

Plan, and decided not to uphold the representations for rezoning the 'fung shui' woodlands near Kan Tau Wai and Tsung Yuen Ha from "GB" to "CA". At the representation hearing, a Member of the Board requested PlanD to review the land use zoning of an area between Pak Fu Shan and Sham Chun River and to consider whether the area should be rezoned from "GB" to "REC" or "AGR";

(e) on 28.10.2011, the draft TKLN DPA Plan No. DPA/NE-TKLN/2 was exhibited for public inspection under section 7 of the Ordinance. One representation was received. On 13.1.2012, the Board decided that the representation was invalid;

#### The Planning Scheme Area

- (f) the Planning Scheme Area of the draft TKLN OZP (the TKLN Area) covered a total area of about 431 ha. It was located approximately 9 kilometres to the north-east of Fanling/Sheung Shui. It was 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;
- (g) there were six recognized villages within the TKLN Area, namely Chuk Yuen, Heung Yuen Wai, Ha Heung Yuen, Tsung Yuen Ha, Kan Tau Wai and Tong Fong. According to the 2011 Population Census, the total population of the TKLN Area was 550;
- (h) the landscape features of the TKLN Area included woodlands, vegetated uplands, knolls and foothills. The TKLN Area covered a spectrum of natural habitats including 'fung shui' woods, mixed shrubland, lowland forest and natural watercourse;

(i) economic activities in the TKLN Area were limited due to its rugged relief and limited accessibility;

- (j) there were several graded historic buildings and a site of archaeological interest within the TKLN Area;
- (k) in general, the major conditions of the TKLN Area remained largely unchanged since the gazettal of the draft TKLN DPA Plan;

Development Proposals Received in the Course of Preparation of the Draft OZP

- KFBGC and WWF requested for a review of land use zonings to reflect the ecological value of the following areas within the TKLN Area:
  - (i) Ping Yuen River an uncommon dragonfly species, Paragomphus capricornis or commonly known as Tawny Hooktail (鈎尾副春蜓), was found around an upper tributary of Ping Yuen River near the "V" zones of Tong Fong and Kan Tau Wai. It was proposed that the area be rezoned to "CA" or "GB";

[Ms. Janice W.M. Lai and Ms. Anita W. T. Ma returned to join the meeting at this point.]

- (ii) Lowland habitats from Kan Tau Wai to Heung Yuen Wai seasonally wet grassland, lowland grassland and grassland/shrubland mosaic where species of conservation concern including Greater Painted-snipe (彩鷸) and Large Grass Warbler (Graminicola stiatus) (大草鶯) were recorded. It was proposed that the area be rezoned from "REC" to "CA"; and
- (iii) Natural streamcourses at Heung Yuen Wai the area along the streamcourses near Heung Yuen Wai was largely natural vegetated riparian zone and natural stream bed. The area should be considered of high ecological value;
- (m) green groups, including KFBGC and WWF, expressed concerns about the potential adverse impacts of development within the "V" zones of

Tsung Yuen Ha, Heung Yuen Wai and Ha Heung Yuen on the water quality of the nearby natural streamcourses;

#### Land Use Planning Considerations

### Review of "V" Zones

- (n) based on the latest Small House demand figures provided by DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the "V" zones on the approved TKLN DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- (o) according to DLO/N, LandsD, there was a substantial increase in total Small House demand for Heung Yuen Wai (including Ha Heung Yuen) from 232 to 593, an increase of total Small House demand for Kan Tau Wai from 73 to 222, a slight increase in total Small House demand for Tong Fong and Tsung Yuen Ha from 151 and 185 to 168 and 187 respectively, and a decrease in total Small House demand for New Chuk Yuen Village from 65 to 22 as compared with the figures presented to the Board in 2011;
- (p) for Kan Tau Wai, the "V" zone (3.07 ha) on the approved DPA Plan was not sufficient to meet the total Small House demand in 2012. As there was scope to enlarge the "V" zone to the same area of the 'VE' of the recognized village, an area of about 2.46 ha adjacent to the northeast of Kan Tau Wai was proposed to be rezoned from "REC" to "V";
- (q) no change to the "V" zones of Heung Yuen Wai (including Ha Heung Yuen) and Tsung Yuen Ha was proposed as the size of the "V" zones on the approved DPA Plan was already equivalent to the 'VE' of the two recognized villages;

(r) no change to the "V" zone of Tong Fong was proposed as the character of the village surroundings was not suitable for further expansion. However, it was possible to extend the "V" zone to the south of the village where suitable flat land with little vegetation was available. As the concerned area was covered by the Ping Che and Ta Kwu Ling OZP, the proposal could be considered separately when the land uses within the Ping Che and Ta Kwu Ling OZP were to be reviewed;

(s) for New Chuk Yuen Village, the "V" zone on the approved DPA Plan was designated for the relocation of the village affected by the LT/HYW BCP project and its further expansion. No amendment to the "V" zone of New Chuk Yuen Village was proposed;

#### Nature Conservation

(t)

the land use zonings along the two streamcourses and the lowland habitat in the TKLN Area had been reviewed after site investigation and further discussions with AFCD. The findings were summarized below:

## Heung Yuen Wai Stream and its Riparian Area

(i) according to the FCA Study, the upper section of Heung Yuen Wai Stream, which fell mainly within "REC" zone, had high ecological value. Its riparian vegetation, generally well-developed with little disturbance, created a variety of stream conditions and showed good linkage to other nearby habitats, including woodland and grassland habitats. Upon further discussion with AFCD, it was considered appropriate to rezone a strip of land (about 0.59 ha) along the natural streamcourse at Heung Yuen Wai from "REC" to "AGR" and a piece of land (about 0.31 ha) east of Heung Yuen Wai from "REC" to "GB". AFCD considered that the proposed "GB" and "AGR" zones would offer better protection for the stream;

#### Ping Yuen River and its Riparian Area

(ii) the upper section of Ping Yuen River, which fell mainly within "REC" zone, was natural and of moderate ecological value according to the FCA Study. As there was no material change in planning circumstances of the area, it was considered appropriate to retain the "REC" zoning of the stream. A clause had been included in the Notes of the draft OZP to ensure that any diversion of the existing streamcourses within the "REC" zone would be subject to statutory planning control; and

#### Lowland Habitats between Kan Tau Wai and Heung Yuen Wai

(iii) the area comprised lowland grassland and grassland/shrubland. According to the FCA Study, the lowland habitats had low to moderate ecological value with low habitat diversity and low faunal diversity. AFCD considered that the "REC" zoning was appropriate and in line with the recommendations of the FCA Study;

#### Impact of Small House Development within "V" Zone on Streams

(u) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within "V" zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the "V" zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

#### Area North of Pak Fu Shan

(v) the area was predominantly covered with trees and shrubs, with scattered temporary structures and small-scale farming activities. As there was no direct road access to the area, only small-scale passive recreational use might be supported in the area. In view that there was limited

infrastructure and no active recreational and other uses had been identified for the concerned area, the "GB" zoning was considered appropriate to preserve its natural state;

## The LT/HYW BCP Project

(w) the LT/HYM BCP project and its connecting roads had strategic significance for Hong Kong's future development and would connect Hong Kong with the Eastern Corridor in Shenzhen to provide an efficient link with the eastern part of Guangdong Province and the adjacent provinces. The project commenced in 2013 and was expected to be completed in 2018;

#### **Planning Intention**

(x) the general planning intention of the TKLN Area was to promote cultural conservation, recreation and tourism, and to provide suitable facilities to meet the territorial need and cross-boundary infrastructure. It was also the planning intention to protect the natural setting and cultural integrity of the TKLN Area and to promote sustainable agricultural activities. Provision had been made for an extensive recreation area stretching across the north of the TKLN Area to provide low-intensity recreational uses to complement other nearby land uses. The draft TKLN OZP also made provision for the future LT/HYW BCP;

#### Land Use Zonings

- (y) about 27.83 ha of land were zoned "V" to cover the six recognized villages within the TKLN Area, i.e. Chuk Yuen, Heung Yuen Wai, Ha Heung Yuen, Tsung Yuen Ha, Kan Tau Wai and Tong Fong, and areas of land suitable for village expansion;
- (z) about 1.98 ha of land were zoned "G/IC", which mainly covered the Ta Kwu Ling Police Station, Ta Kwu Ling Fire Station, Pak Fa Shan Police

Operation Base and the MacIntosh Fort at Pak Fu Shan;

- (aa) about 111.83 ha of land were zoned "REC", which covered the fallow agricultural land around Pak Fu Shan to the north of Tsung Yuen Ha, Ha Heung Yuen and Heung Yuen Wai, and a large area to the east of Kan Tau Wai;
- (bb) a total of 23.82 ha of land were zoned "Other Specified Uses" ("OU") annotated "Boundary Crossing Facilities" ("BCP") to provide land for the development of boundary crossing facilities and related activities for the proposed LT/HYW BCP. To meet the public aspiration and to cater for the future public need for cross-boundary purpose, 'Public Vehicle Park (excluding container vehicles)' was added under Column 1 of the "OU(BCP)" zone;
- (cc) about 55.92 ha of land were zoned "AGR", which mainly covered the areas in the northern and western parts of the TKLN Area;
- (dd) about 208.13 ha of land were zoned "GB", which mainly covered the prominent hilly areas of Wong Mau Hang Shan, Pak Fu Shan and Tung Lo Hang, the permitted burial grounds and the 'fung shui' woodland adjoining the villages of Tsung Yuen Ha, Kan Tau Wai and Tong Fong;
- (ee) about 1.1 ha of land were zoned "CA" to retain and preserve the existing natural character of the 'fung shui' woods at the backdrops of Heung Yuen Wai;
- (ff) in terms of land use, there was an increase in areas zoned "V" (2.46 ha), "AGR" (0.59 ha) and "GB" (0.31 ha) and a corresponding decrease in area zoned "REC" (3.36 ha) as compared with the approved TKLN DPA Plan. No change to the land area of other land use zones was proposed;

Consultation

- 55 -

(gg) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and

(hh) subject to the agreement of the Board, the draft TKLN OZP No. S/NE-TKLN/C would be submitted to the NDC and the Ta Kwu Ling District Rural Committee (TKLDRC) for consultation. Comments from the NDC and the TKLDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

64. As the presentation from the representatives of PlanD on the draft TKLN OZP had been completed, the Chairman invited questions from Members.

#### "OU" Zone

65. In response to the question of a Member, Ms. Jacinta Woo said that the land within the "OU" zone on the draft TKLN OZP was reserved for development of the LT/HYW BCP.

66. In response to the question of a Member regarding the function of the LT/HYW BCP, Mr. K.K. Ling said that the new facilities at LT/HYW BCP would serve the cross-border passage of both people and goods. Compared with the existing MKT and STK BCPs, the LT/HYW BCP would be of larger capacity and was at a more strategic location readily connected to the transportation networks in Shenzhen.

#### "REC" Zone

67. A Member noted that about 26% of land was zoned "REC" on the draft TKLN OZP and asked whether there had been any proposal for recreational developments in the area. Ms. Jacinta Woo said that according to the FCA Study, the flat land and abandoned agricultural land in the area were considered suitable for recreational uses in view of their relatively low ecological value. Nevertheless, no planning application for recreational developments had been received since the gazettal of the draft TKLN DPA Plan. The same Member followed up and enquired about the road infrastructures to support the "REC" zones. In response, Ms. Jacinta Woo said that the "REC" zones were currently accessible via Ping Che Road and Lin Ma Hang Road. They would also be served by the new roads connecting to the LT/HYW BCP in the future.

- 68. After deliberation, the Board:
  - (a) <u>adopted</u> the Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Ta Kwu Ling North OZP No. S/NE-TKLN/C; and
  - (b) <u>agreed</u> that the draft Ta Kwu Ling North OZP No. S/NE-TKLN/C together with its Notes and Explanatory Statement were suitable for submission to NDC and TKLDRC for consultation.

#### Draft MKT OZP

69. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft MKT OZP No. S/NE-MKT/B as detailed in TPB Paper No. 9329:

#### Strategic Planning Context

(a) according to the FCA Study, the major objective of the RDP of the MKT area was to protect the natural setting and cultural integrity while promoting sustainable agricultural practices. Retention of agricultural practices in the west of the MKT area would preserve its landscape and ecological values. Limited alterative uses to upgrade the existing environment through the promotion of residential development at Kong Nga Po would be allowed. The RDP also recommended Sandy Ridge for cemetery and related columbarium and crematorium uses;

#### Issues Arising from Consideration of the DPA Plan

(b) the major land use proposals arising from the representations and comment to the draft MKT DPA Plan No. DPA/NE-MKT/1 included

that of the VR of Fung Wong Wu Village, who suggested that the extent of the "V" zone as well as 'VE' for Fung Wong Wu Village should be enlarged as the Small House developments in the village were subject to the physical limitation of Ping Yuen River;

## Town Planning Board's Decisions and Instructions

- (c) on 8.9.2011, the Board agreed to the proposed extension of the "V" zone of Muk Wu after considering the review of "V" zone boundaries. The Board also considered the representations and comment to the draft MKT DPA Plan, and decided to rezone an area to the northwest of Chow Tin Tsuen from "AGR" to "V" to partially meet a representation;
- (d) the proposed amendments to the draft MKT DPA Plan No. DPA/NE-MKT/1 were published for public inspection on 16.9.2011. One further representation was received, which stated that there was a lack of sustainable layout plans of infrastructure for the health and well being of the residents. On 11.11.2011, the Board gave consideration to the further representation and decided not to uphold it, and agreed to amend the MKT DPA Plan by the proposed amendments under section 6F(8) of the Ordinánce;
- (e) on 28.10.2011, the draft MKT DPA Plan No. DPA/NE-MKT/2 was exhibited for public inspection under section 7 of the Ordinance. No representation was received;

## The Planning Scheme Area

(f) the Planning Scheme Area of the draft MKT OZP (the MKT Area) covered a total area of about 431 ha. It was located approximately 3.5 kilometres to the north of Fanling/Sheung Shui. It was 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;

- (g) the landscape features of the MKT Area included woodlands, vegetated uplands, knolls and foothills. The MKT Area covered a spectrum of natural habitats including large tracts of mature woodland, 'fung shui' wood, freshwater/brackish wetland, lowland forest, mixed shrubland and natural watercourse;
- (h) there were four recognized villages within the MKT Area, namely Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu, and a major non-indigenous settlement at Ta Kwu Ling Village. According to the 2011 Population Census, the total population of the MKT Area was 600;
- economic activities in the MKT Area were limited due to its rugged relief and limited accessibility;
- (j) there were several graded historic buildings and a site of archaeological interest within the MKT Area;
- (k) in general, the major conditions of the MKT Area remained largely unchanged since the gazettal of the draft MKT DPA Plan;

Development Proposals Received in the Course of Preparation of the Draft OZP

- (1) a proposal was received from the indigenous villagers of Chow Tin Tsuen for including a parcel of land zoned "AGR" on the Hung Lung Hang OZP as an extension to the "V" zone of Chow Tin Tsuen. Since the concerned area fell outside the boundary of the draft MKT OZP, the proposal could be considered separately when the land uses within the Hung Lung Hang OZP were to be reviewed;
- (m) KFBGC and WWF pointed out that a parcel of land to the northwest of Chow Tin Tsuen which was zoned "V" on the DPA Plan was active wet agricultural land without intense human disturbance. KFBGC and

WWF proposed to designate the area with "CA" or "GB" zoning in view of its ecological value;

#### Land Use Planning Considerations

#### Review of "V" Zones

- (n) based on the latest Small House demand figures provided by DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the "V" zones on the approved MKT DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- (o) according to DLO/N, LandsD, there was a slight increase in total Small House demands for Muk Wu and Chow Tin Tsuen from 129 and 812 to 137 and 900 respectively, no change in total Small House demand for Muk Wu Nga Yiu at 84 and a decrease in total Small House demand for Fung Wong Wu from 250 to, 123 as compared with the figures presented to the Board in 2011;
- (p) the boundaries of the "V" zones had been fully deliberated during the hearings of representations and comment to the draft MKT DPA Plan in 2011 and there had been no significant change in planning circumstances since then. No change to the "V" zones of Muk Wu and Muk Wu Nga Yiu was proposed as the size of the "V" zones on the approved DPA Plan was already equivalent to the 'VE' of the two recognized villages;
- (q) Chow Tin Tsuen and Fung Wong Wu shared the same 'VE' with Lei Uk located outside the boundary of the draft MKT OZP. No change to the "V" zones of Chow Tin Tsuen and Fung Wong Wu was proposed as the size of the "V" zones on the approved DPA Plan was already equivalent to the 'VE' of the two recognized villages;

(t)

(r) according to the FCA Study, the subject area was considered of moderate ecological value. The boundary of the "V" zone of Chow Tin Tsuen was defined in accordance with the recommendations of the FCA Study and agreed by AFCD after taking into account various factors including local topography, settlement patterns, ecological value of the area, site characteristics and the total Small House demand of the village. Therefore, no change to the "V" zone of Chow Tin Tsuen was proposed;

#### Impact of Small House Development within "V" Zone on Streams

(s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within "V" zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the "V" zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

## Proposed Columbarium, Crematorium and Funeral Related Uses at the Existing Sandy Ridge Cemetery

an engineering feasibility study on the site formation and associated infrastructural works for development of columbarium, crematorium and funeral related uses at the existing Sandy Ridge Cemetery was completed in 2012. It was recommended to provide an all-inclusive funeral venue and services, including crematorium, funeral parlours, visitor service centre and ancillary restaurant and convenience store, with a provision of at least 200,000 niches. The proposed funeral facility was expected to complete in 2022. Detailed design including detailed visual, environmental and traffic impact assessments on the site formation and associated infrastructural works would commence in July 2013. The concerned area would be zoned "OU(Cemetery, Columbarium, Crematorium and Funeral Related Uses)" on the draft MKT OZP. The scale and height of the proposed developments within the "OU(Cemetery, Columbarium, Crematorium and Funeral Related Uses)" zone would be subject to detailed study;

#### Residential Development at Kong Nga Po Ex-borrow Area

(u) the ex-borrow area in Kong Nga Po was an area of low environmental value. The previous uses had created a series of platforms that could be developed for residential use to provide a sustainable living environment. As recommended in the FCA Study, an engineering study had been commissioned by the Civil Engineering and Development Department (CEDD) to examine the development feasibility of the Kong Nga Po site for residential use. The engineering feasibility study commenced in October 2012 and was scheduled for completion in April 2014;

#### **Planning Intention**

(v) the general planning intention of the MKT Area was to promote cultural conservation, recreation, tourism and sustainable residential development, and to provide suitable facilities to meet the territorial need and cross-boundary infrastructure. It was 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;

#### Land Use Zonings

(w) about 27.62 ha of land were zoned "V" to cover the four recognized villages within the MKT Area, i.e. Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu, and areas of land suitable for village expansion. In order to provide opportunities for short-term accommodation in existing NTEH, 'Hotel (Holiday House only)' might be permitted on application to the Board;

(x) about 11.28 ha of land were zoned "G/IC", which mainly covered Ling

Ying Public School, three pumping stations and staff quarter, Hong Kong Police Force Man Kam To Operation Base, MacIntosh Forts, a livestock monitoring station, an animal inspection station and food inspection facilities at the MKT BCP. Two disused schools (ex-Sam Wo Public School and ex-Lo Wu Public School) also fell within this zone. According to the FCA Study, the disused school buildings could be refurbished as a focal point for a possible farmland rehabilitation and organic farm centre to promote eco-tourism;

- (y) about 16.68 ha of land were zoned "REC", which covered 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;
- (z) a total of 108.96 ha of land were zoned "OU" to provide land of specific uses in the MKT Area. They included the "OU(BCP)" zone (10.15 ha) that covered the Lo Wu BCP and the MKT BCP; the "OU(Cemetery, Columbarium, Crematorium and Funeral Related Uses)" zone (92.08 ha) that covered the Sandy Ridge Cemetery; and the "OU(Railway)" zone (6.73 ha) that covered a strip of land to the east of Ng Tung River primarily for the railway track of the Mass Transit Railway (East Rail Line);
  - (aa) about 59.73 ha of land were zoned "AGR", which mainly covered parcels of land near Muk Wu and Lo Shue Ling and the agricultural land in lowland areas in the western and central parts of the MKT Area;
  - (bb) about 114.22 ha of land were zoned "GB", which mainly covered the mountainous areas west of the boundary crossing at Man Kam To and in Lo Shue Ling, the densely vegetated areas which included the 'fung shui' woodlands mainly scattering around Chow Tin Tsuen and Muk Wu, and the permitted burial grounds for indigenous villagers;

(cc) about 4.24 ha of land were zoned "CA" which covered a small patch of land at Yuen Leng Chai and the area west of the McIntosh Fort at Nam

Hang occupied by existing fish ponds/wetlands;

- (dd) about 3.23 ha of land were zoned "Undetermined" which covered the northern portion of the ex-borrow area at Kong Nga Po. The planning intention of the area was to allow for comprehensive development for residential use with the provision of open space and other supporting facilities in future. The Kong Nga Po site was subject to a number of development constraints. An engineering study had been commissioned by CEDD to examine the development feasibility of the site for residential use;
- (ee) in terms of land use, there was a slight increase in area zoned "GB" (0.05 ha) and a corresponding decrease in area zoned "AGR" as compared with the approved MKT DPA Plan. No change to the land area of other land use zones was proposed;

Consultation

(ff) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and

(gg) subject to the agreement of the Board, the draft MKT OZP No. S/NE-MKT/B would be submitted to the NDC and the TKLDRC for consultation. Comments from the NDC and the TKLDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

70. As the presentation from the representatives of PlanD on the draft MKT OZP had been completed, the Chairman invited questions from Members. Members had no questions.

71. After deliberation, the Board:

(a) adopted the Explanatory Statement as an expression of the planning

intention and objectives of the Board for various land use zonings on the draft Man Kam To OZP No. S/NE-MKT/B; and

(b) <u>agreed</u> that the draft Man Kam To OZP No. S/NE-MKT/B together with its Notes and Explanatory Statement were suitable for submission to NDC and TKLDRC for consultation.

#### Draft MTL & HHW OZP

72. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft MTL & HHW OZP No. S/NE-MTL/C as detailed in TPB Paper No. 9330:

#### Strategic Planning Context

(a) according to the FCA Study, the major objective of the RDP of the MTL & HHW area was to conserve the ecological value of the fish ponds which formed an integral part of the wetland ecosystem in the Deep Bay area. The existing and contiguous, active or abandoned fish ponds in the Deep Bay area should all be conserved. The loss of fish ponds and habitat fragmentation should be avoided and any negative impacts arising from undesirable land uses and human disturbances should be mitigated;

#### Issues Arising from Consideration of the DPA Plan

1.1.1

- (b) the major land use proposals arising from the representations and comment to the draft MTL & HHW DPA Plan No. DPA/NE-MTL/1 were summarized as follows:
  - (i) the VR of Liu Pok suggested to enlarge the "V" zone and the 'VE' of Liu Pok, and to zone the agricultural land at Ma Tso Lung as "V" to complement the Kwu Tung North development; and

 (ii) green groups, including The Conservancy Association, KFBGC, Designing Hong Kong Limited, Green Lantau Association and WWF, opposed the designation of "Unspecified Use" area for the HHW area and proposed to rezoned the area to "CA";

## Town Planning Board's Decisions and Instructions

- (c) on 8.9.2011, the Board considered the representations and comment to the draft MTL & HHW DPA Plan No. DPA/NE-MTL/1, and decided to rezone an area to the northwest of Liu Pok Village from "AGR" to "V" and an area to the northeast of the village from "V" to "AGR" to partially meet a representation. The Board also noted that the HHW area was designated as "Unspecified Use" area which would be subject to further study in the course of the OZP preparation;
- (d) the proposed amendments to the draft MTL & HHW DPA Plan were published for public inspection on 16.9.2011. One further representation was received, which stated that there was a lack of sustainable layout plans of infrastructure for the health and well being of the residents. On 11.11.2011, the Board gave consideration to the further representation and decided not to uphold it, and agreed to amend the MTL & HHW DPA Plan by the proposed amendments under section 6F(8) of the Ordinance;

## The Planning Scheme Area

- (e) the Planning Scheme Area of the draft MTL & HHW OZP (the MTL & HHW Area) covered a total area of about 553 ha. It was located approximately 2 kilometres to the northwest of Fanling/Sheung Shui. It was bounded by the southern bank of Sham Chun River in the north, Lo Wu Station and Mass Transit Railway (East Rail Line) in the east, Fung Kong Shan in the south and Tai Law Hau in the west;
- (f) Tai Shek Mo was a dominating hilly terrain that was located on the

eastern side of the MTL & HHW Area. Another hilly upland was located to the west of Tse Koo Hang. The extensive lowlands mainly comprised arable land intermixed with clusters of village settlements, abandoned fish ponds, marsh, undisturbed woodlands, vegetated habitats and natural watercourse;

- (g) Ho Sheung Heung Egretry was located at the eastern base of Tai Shek Mo and was an important breeding site for ardeids particularly for Chinese Pond Heron. The northern portion of the MTL & HHW Area was occupied by a spectrum of natural habitats including woodland, mixed shrub land, lowland forests, freshwater/brackish wetlands, natural watercourses, abandoned fish ponds and marshy wetland;
  - (h) existing rural settlements were mainly located at Liu Pok, which was the only recognized village in the area, and the rural settlements at Ma Tso Lung San Tsuen and Shun Yee San Tsuen. According to the 2011 Population Census, the total population of the MTL & HHW Area was 1,000;

(i) there were no significant economic activities in the MTL & HHW Area;

(j) the MacIntosh Fort at Ma Tso Lung was a Grade 2 historic building;

 (k) in general, the major conditions of the MTL & HHW Area remained largely unchanged since the gazettal of the draft MTL & HHW DPA Plan;

Development Proposals Received in the Course of Preparation of the Draft OZP

(1) KFBGC and WWF reported that two endangered species, i.e. Somanniathelphusa zanklon (鎌刀束腰蟹) which was classified as 'Globally Endangered' in the International Union for Conservation of Nature (IUCN) redlist, and Cuora trifasciata (金錢龜) which was classified as 'Globally Critically Endangered' in the IUCN redlist, had been found in the Ma Tso Lung Stream. They proposed that the stream and its riparian area, which were mainly zoned "AGR" and "GB" on the DPA Plan, should at least be covered by "CA" zoning;

### Land Use Planning Considerations

#### Review of "V" Zones

- (m) based on the latest Small House demand figures provided by the DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the "V" zone on the approved MTL & HHW DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- according to DLO/N, LandsD, there was a slight increase in total Small House demand for Liu Pok from 349 to 353, as compared with the figure presented to the Board in 2011;
- (o) the boundary of "V" zone had been fully deliberated during the consideration of representations and comment to the draft MTL & HHW DPA Plan in 2011 and there had been no significant change in planning circumstances since then. No change to the "V" zone of Liu Pok was proposed as the size of the "V" zone on the approved DPA Plan was already equivalent to the 'VE' of the recognized village;

#### Review of "Unspecified Use" Areas at Hoo Hok Wai

(p) an Ecological Field Survey had been undertaken to identify the ecological values at various parts of the HHW area, which was designated as "Unspecified Use" area on the MTL & HHW DPA Plan. The results of the survey and the proposals on appropriate zonings for respective areas were summarized below:

- (i) the extensive fish ponds that occupied majority of the HHW area were rated with high ecological value due to their importance to waterbirds including ardeids and spoonbills and other wetland-dependent species including the globally-threatened Eurasian Otter, and their strong ecological linkages with other wetlands within the Deep Bay area including the Mai Po Inner Deep Bay Ramsar Site. These areas were proposed to be zoned "CA(1)";
- (ii) the freshwater marshes which formed an integral part of the HHW area were largely rated with high ecological value. These freshwater marshes were known to support a rare community of reed-associated species and Eurasian Otter. It was considered appropriate to zone the marshes as "CA(1)"; and
- (iii) the remaining part of the HHW area was recommended to be zoned"GB" due to the relatively less importance in ecological value;
- (q) AFCD considered that although the isolated marshes within the HHW area were accorded with moderate to high ecological value in the Ecological Field Survey, they were part and parcel of the ecosystem and should be included in the "CA(1)" zone;

#### Review of Ma Tso Lung Stream and Its Riparian Area

(r) according to the FCA Study, Ma Tso Lung Stream was a narrow and partially-channelised stream that appeared to provide suitable habitat for fish and odonates, with low to moderate abundance/richness of wildlife. Its ecological value was constrained by the modification that had occurred to the stream while the riparian area was predominately covered by weeds and shrubs. It was considered appropriate to retain the "AGR" and "GB" zonings of the stream. AFCD also agreed to the "AGR" and "GB" zonings for this area;

## Impact of Small House Development within "V" Zone on Streams

(s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within "V" zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the "V" zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

## Existing Government, Institution or Community Uses

 (t) it was proposed that two sites currently used by the Hong Kong Police Force as Tak Yuet Lau Police Post and Tai Shek Mo Observation Post should be rezoned from "GB" to "G/IC";

#### **Planning Intention**

 (u) the general planning intention of the MTL & HHW Area was to strengthen nature conservation and to promote sustainable eco-tourism and cross-boundary development. It was 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;

#### Land Use Zonings

- (v) about 6.33 ha of land were zoned "V" to cover the recognized village of Liu Pok and areas of land suitable for village expansion. In order to provide opportunities for short-term accommodation in existing NTEH,
   'Hotel (Holiday House only)' might be permitted on application to the Board;
- (w) about 7.93 ha of land were zoned "G/IC", which mainly covered the MacIntosh Fort at Ma Tso Lung, Lo Wu Correctional Institution, Lo Wu

Saddle Club, the flood shelter near Tak Yuet Lau, Tak Yuet Lau Police Post, Tai Shek Mo Observation Post and two raw water tunnel portals for the Water Supplies Department;

- (x) about 9.15 ha of land covering the small knoll to the west of Tse Koo Hang were zoned "OU" annotated "Eco-lodge" to provide for sustainable-based tourism in the form of an eco-lodge for development of low-rise and low-density resort-type accommodation. Development and/or redevelopment in this zone was subject to a maximum plot ratio of 0.2 and a maximum building height of 6m. The built structure should be one storey over stilts to allow the building to be lifted off the ground to minimize site disturbance and permit variation in building height to create visual interest in the development;
- (y) the Lo Wu Firing Range, with a total land area of 5.47 ha, was zoned
   "OU(Firing Range)";
- (z) about 38.42 ha of land were zoned "AGR", which mainly covered the western and central parts of the MTL & HHW Area as well as the agricultural land to the west and north of Liu Pok;
- (aa) about 234.64 ha of land were zoned "GB", which mainly included the woodland and densely vegetated hillslopes at Ma Tso Lung, Tai Shek Mo and Tse Koo Hang, and the permitted burial grounds for indigenous villagers. The "GB" zone also included the planted mitigation woodland in the north-eastern HHW area, two ruderal vegetation areas and two small planted woodlands alongside the border road and the marsh located to the north of Liu Pok;
- (bb) about 10.81 ha of land were zoned "CA" which covered the Ho Sheung Heung Egretry together with its peripheral secondary woodland and fishponds;

(cc) a total of about 228.37 ha of land were zoned "CA(1)" to conserve the

ecological value of wetland and fish ponds. The "CA(1)" zone covered the extensive fish ponds that occupied a majority of the HHW area and the freshwater marshes which formed an integral part of the HHW area;

(dd) in terms of land use, the area designated as "Unspecified Use" (246.32ha) on the approved MTL & HHW DPA Plan had been rezoned to "CA(1)" (228.37 ha), "GB" (16.89 ha) and "G/IC" (1.06 ha). No change to the land area of other land use zones was proposed;

[Mr. Maurice W.M. Lee arrived at the meeting at this point.]

#### Consultation

- (ee) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (ff) subject to the agreement of the Board, the draft MTL & HHW OZP No. S/NE-MTL/C would be submitted to the NDC and the Sheung Shui District Rural Committee (SSDRC) for consultation. Comments from the NDC and the SSDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

73. As the presentation from the representatives of PlanD on the draft MTL & HHW OZP had been completed, the Chairman invited questions from Members.

74. In response to the question of a Member, Ms. Jacinta Woo said that some of fish ponds within the "CA(1)" zone in Hoo Hok Wai were still under active cultivation. While all types of agricultural uses were always permitted within the "CA" zone, only fish pond culture was permissible within the "CA(1)" zone under the Notes of the draft OZP.

75. After deliberation, the Board:

(a) adopted the Explanatory Statement as an expression of the planning

intention and objectives of the Board for various land use zonings on the draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/C; and

(b) <u>agreed</u> that the draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/C together with its Notes and Explanatory Statement were suitable for submission to NDC and SSDRC for consultation.

# Attachment V

TPB Paper No. 9326 For Consideration by the Rural and New Town Planning Committee on 26.4.2013

# DRAFT SHA TAU KOK OUTLINE ZONING PLAN (OZP) NO. S/NE-STK/B PRELIMINARY CONSIDERATION OF A NEW PLAN

#### Purpose

1.

2.

The purposes of this paper are to present to Members the draft Sha Tau Kok Outline Zoning Plan (the Plan) No. S/NE-STK/B (Appendix I) and to seek Members' agreement that the Plan is suitable for submission to the North District Council (NDC) and Sha Tau Kok District Rural Committee (STKDRC) for consideration.

#### Background

- 2.1 On 10.9.2004, under the power delegated by the Chief Executive (CE), the then Secretary for Housing, Planning and Lands directed the Town Planning Board (the Board), under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Sha Tau Kok Area as a development permission area (DPA). Subsequently on 17.6.2010, the Secretary for Development directed the Board to extend the coverage of the draft DPA plan.
- 2.2 On 30.7.2010, the draft Sha Tau Kok DPA Plan No. DPA/NE-STK/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 14 valid representations were received. On 8.10.2010, the representations were published for three weeks for public comments and 3 valid comments were received.
- 2.3 On 25.2.2011, the Board considered the representations and comment 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 16.6.2011, 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 (CE in C) for approval for a period of six months from 30.6.2011 to 30.12.2011.

- 2.5 On 8.9.2011, the Board further considered the representations and comments and decided to amend the draft Sha Tau Kok DPA Plan by amending the "V" zone for the villages of Tong To, San Tsuen, Muk Min Tau, Tsui Hang, Tam Shui Hang and Shan Tsui to partially meet the representations. On 16.9.2011, the proposed amendments were published for public inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week public inspection, a total of 2 further representations were received. On 11.11.2011, the Board gave consideration to the further representations and decided not to uphold them and agreed to amend the DPA Plan by the proposed amendments under section 6F(8) of the Ordinance.
- 2.6 On 21.2.2012, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Sha Tau Kok DPA Plan, which was subsequently re-numbered as DPA/NE-STK/2. On 2.3.2012, the approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.7 In accordance with section 20(5) of the Ordinance, the DPA Plan is effective for three years unless an extension is obtained from the CE in C. On 8.2.2013, under the power delegated by the CE in C, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Sha Tau Kok area.

#### 3. <u>Strategic Planning Context</u>

- 3.1 In 2006, the Security Bureau (SB) conducted a review of the coverage of the existing Closed Area and concluded that the objective of maintaining boundary security may still be achieved with substantial reduction in the Closed Area. Subsequently, the "Land Use Planning for the Closed Area Feasibility Study" (the FCA Study) was commenced in 2007 to formulate a land use planning framework to guide conservation and development of the Closed Area. After two rounds of public engagements, the Recommended Outline Development Plan (RDP) of the Study was formulated and the findings of the Study were presented to the Board on 9.7.2010.
- 3.2 In 2008, the SB announced that the coverage of the Frontier Closed Area (FCA) would be substantially reduced from about 2,800 ha to about 400 ha. The first stage of reduction of the FCA involving "Mai Po to Lok Ma Chau Control Point Section" and the "Lin Ma Hang to Sha Tau Kok Section" came into effect on 15.2.2012; the second stage of reduction involving "Lok Ma Chau Control Point to River Indus (Ng Tung River) Section" will tentatively come into effect in mid-2013; and the third stage of reduction involving "River Indus (Ng Tung River) to Lin Ma Hang Section" (less Liantang / Heung Yuen Wai Boundary Control Point area) is planned to come into effect in 2015. The Sha Tau Kok area falls within the area covered by the first stage of reduction (Plan 1) and is now outside the Closed Area.

3.3 Five draft DPA Plans for the Closed Area including the subject DPA Plan were prepared to take forward the recommendations of the Study to provide an interim planning guidance for future development pending preparation of the OZP and to enable enforcement action to be taken against any unauthorized developments. According to the Study, the major objective of the Recommended Development Plan (RDP) of the Sha Tau Kok area is to protect the natural setting, environmental diversity and cultural integrity. The traditional villages can provide an entry point to the recreational and environmental features of the immediate area.

3

# Issues Arising from Consideration of the DPA Plan

4.

- 4.1 Since the draft Sha Tau Kok DPA Plan No. DPA/NE-STK/1 was gazetted on 30.7.2010, two development proposals for permanent use (Applications No. A/DPA/NE-STK/1 and 4) have been received. Application No. A/DPA/NE-STK/1 was for the development of a New Territories Exempted House on a site zoned "Green Belt" ("GB") which was rejected by the Board on 13.7.2012 mainly on grounds that the proposed development was not in line with the planning intention of the "GB" zone, the proposed development was not in line with the Town Planning Board Guidelines for 'Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB-PG No.10) and the 'Interim Criteria for Assessing Planning Applications for New Territories Exempted House / Small House Development in the New Territories' in that it would cause adverse landscape impacts on the surrounding area. Application No. A/DPA/NE-STK/4 was for filling of land for agricultural use and a public carpark (private car) in an area zoned "GB" which was rejected by the Committee on 7.9.2012 mainly on grounds that the development under application was not in line with the planning intention of the "GB" zone, there was no strong planning justification for a departure from the planning intention of the "GB" zone, there was insufficient information to demonstrate that the proposed development under application would not cause adverse impacts on traffic in the surrounding area and safety to other road users including cyclists and pedestrians, and there was insufficient information to demonstrate that the proposed development would not have significant landscape impact on the surrounding areas. The locations of the Applications No. A/DPA/NE-STK/1 and 4 are at Plan 3.
- 4.2 Besides, during the 2 months' plan exhibition period of the gazettal of the draft Sha Tau Kok DPA Plan No. DPA/NE-STK/1 expired on 30.9.2010, a total of 14 valid representations were received and 3 valid comments were received. The major land use proposals raised by the representers (**Plan 4**) are recapitulated below:

- (a) local villagers suggested that more land should be reserved for all villages in Sha Tau Kok by inclusion of adjacent "Agriculture" ("AGR") and "GB" zones;
- (b) a Sha Tau Kok District Rural Committee (STKDRC) member, a North District Council (NDC) member and various village representatives (VRs) opposed to the whole strip of "AGR" zone along the coastal area south of Sha Tau Kok Road and proposed to rezone the area to "Recreation" ("REC"); and
- (c) local villages opposed to the designation of the "GB" zone near to Gate One Checkpoint of the Closed Area and proposed the area to be zoned "REC".

#### **Town Planning Board's Decisions and Instructions**

5.

- 5.1 On 25.2.2011, the Board considered the representations and comment and decided to defer the consideration of the representations and comments pending further review by the Planning Department (PlanD) on the land use proposals, in particular on the "V" zones, taking into account the views of the representers and commenters and any other relevant planning considerations. The "V" zone boundaries of the draft DPA Plan had been further reviewed subsequently.
- 5.2 On 8.9.2011, the Board further considered the representations and comments and decided to amend the draft Sha Tau Kok DPA Plan by amending the "V" zone for the villages of Tong To, San Tsuen, Muk Min Tau, Tsui Hang, Tam Shui Hang and Shan Tsui to partially meet the representations. Nevertheless, the "AGR" zone of the coastal area south of Sha Tau Kok Road would be retained as the zoning was in line with the recommendations of the FCA Study and was appropriate to retain the good agricultural land of the area. However, in response to the local villagers' request to rezone the coastal area south of Sha Tau Kok Road to "REC", the Board requested PlanD to further examine the issue during the course of OZP preparation (**Plans 5** to **8**). Regarding the "GB" zone close to Gate One Checkpoint of the Closed Area, the "GB" zone was retained as it was considered appropriate taking into account its natural setting (**Plan 9**).
- 5.3 The proposed amendments to the draft DPA Plan were published for public inspection on 16.9.2011 and a total of 2 further representations were received. The further representations proposed to revoke the proposed amendments, and raised objection on ground that there is a lack of sustainable layout plans of infrastructure for health and well being of current and future residents within the Area.. On 11.11.2011, the Board gave consideration to the further representations and decided not to uphold them and agreed to amend the DPA Plan by the proposed amendments under section 6F(8) of the Ordinance.

#### 6. Object of the Plan

The object of the Plan is to indicate the broad land-use zonings for the area of Sha Tau Kok so that development and redevelopment within the area of Sha Tau Kok can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.

# 7. <u>The Planning Scheme Area</u>

- 7.1 The planning scheme area (the Area) covers a total area of about 557 hectares. It is located approximately 9 km to the north-east of Fanling/Sheung Shui. It is bounded by Sha Tau Kok River in the north, Sha Tau Kok Boundary Control Point in the east, Starling Inlet (Sha Tau Kok Hoi) in the south-east, and Robin's Nest (Hung Fa Leng) in the south-west and west (**Plan 2**). The boundary of the Area is shown by a heavy broken line on the Plan. (Appendix I).
- 7.2 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 Robin's Nest (also known as Hung Fa Leng), with an elevation up to about 492 mPD, is the prominent mountain ridge in the Area. Lying on the east of the hilly terrain is a large tract of lowland occupied by fallow arable land and several clusters of village settlements.
- 7.3 The landscape features of the Area include shrubland, woodlands, upland grassland, knolls and foothills. The Area covers a spectrum of natural habitats including, 'fung-shui' woods, mixed shrubland, seasonally wet grassland, lowland forest and natural watercourse (**Plan 10**).
- 7.4 There are seven recognized villages within the Area, namely Tong To, Muk Min Tau (including Tsiu Hang), San Tsuen, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), and Shan Tsui. All these villages are located to the eastern part of the Area. According to the 2011 Census, the total population within the Area was 750.
- 7.5 Economic activities are limited in the Area due to its rugged relief and limited accessibility. Farmers are mainly self-employed and engaged in small-scale horticultural and agricultural activities including growing of vegetables, flowers and fruits.
- 7.6 Graded historic buildings within the Area included the Macintosh Fort (Pak Kung Au) which is a Grade 2 historic building. Besides, there are three Grade

3 historic buildings in the Area, i.e. the Kwan Ah School (formerly Pan Lam Study Hall) at Sheung Tam Shui Hang, the Chung Ancestal Hall at Ha Tam Shui Hang and the Wong Tak Ching Ancestral Hall at Shan Tsui. In addition, the Sha Tau Kok San Tsuen Site of Archaeological Interest and a small portion of the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest are located in the Area (**Plan 11**).

7.7 In general, the major conditions of the Area remain largely unchanged since the gazettal of the DPA Plan.

## 8. Development Proposals Received in the Course of Preparation of the Plan

- 8.1 Kadoorie Farm and Bontanic Garden (KFBG) and World Wildlife Fund (WWF) in November 2012/January 2013 discussed their proposals with PlanD requesting for a review of the land use zonings along three stream courses in Sha Tau Kok area originating from Robin's Nest towards Starling Inlet, their river estuaries and mangroves along the coast of Sha Tau Kok (Plans 12 and 13). The justifications of their request for review of the land use zonings are summarized below:
  - (a) The stream courses flow through Tong To, San Tsuen, Muk Min Tau and Tam Shui Hang and are covered by "V", "AGR", "GB", "REC" and "Conservation Area" ("CA") zones. They are reported to have moderate / moderate to high ecological value, mainly because of their relatively natural status, good water quality and connection with other habitats at their upper courses.
  - (b) It is reported that a group of *Zeuxine affinis* (寬葉線柱蘭) is found growing on a dried bed next to the Ha Tam Shui Hang Stream. The species is considered to be 'Near Threatened' in Hong Kong.
  - (c) Anguilla marmorata (Giant Mottled Eel) (花鰻驪), which is considered of conservation interest, is also found in these stream courses.
  - (d) It is also found that the lower sections, river estuaries of Ha Tam Shui Hang Stream and Tong To Stream, and the mangroves along the coast of Sha Tau Kok provide natural habitats for Orthetrum poecilops (Mangrove Skimmer Dragonfly) (斑灰蜻) which is considered a 'Globally Vulnerable' species.
- 8.2 Besides, Green Groups, including KFBG and WWF, in the liaison meeting with Planning Department on protection of natural habitats in the FCA have also expressed that appropriate zonings should be designated for the two pieces of dense woodland of high ecological value to the north of Tam Shui Hang and Sha Tsui as stated in the FCA Study located within the current "V" zone on the

approved DPA Plan with a view to preserving the existing mature trees there (Plan 14).

#### Land Use Planning Considerations

9.

Review of "Village Type Development" Zone

- 9.1 As agreed by the Board on 8.9.2011, the following established criteria have been adopted in reviewing the "V" zones:
  - (a) The current "V" zones on the DPA Plan will be extended if the available land for Small House (SH) development within the "V" zones cannot meet the demand figures. "V" zone areas adjusted should be within or contiguous to the 'Village Environs' ('VE') and should preferably include Government land, if available, in the vicinity and take due considerations of the topography, woodlands, roads, streams, burial grounds and ecological features, etc.
  - (b) The "V" zones would be adjusted to meet the increased demand figure but up to the limit equivalent to the area bounded by the 'VE'.
  - (c) The current "V" zones on the DPA Plan will not be adjusted if the available land for SH development within the "V" zones is sufficient to meet the increase demand figure. As such, the area of "V" zones would remain smaller than that of 'VE'.
  - (d) In determining land for SH developments, both government land and private land would be considered.
- 9.2 In the event that the designated "V" zones (albeit size already adjusted to match the size of the 'V') are still not sufficient to meet the future demand, there is a provision under the Notes of the draft OZP for planning applications for SH developments to the Board.
- 9.3 Following the current practice upon preparation of OZP, the District Lands Officer/North, Lands Department (DLO/N, LandsD) was approached to provide the latest SH demand figures. The information provided by DLO/N has taken account of the outstanding SH applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives. It should be noted that the 10-year SH demand forecasts have not been supported by evidence and will not be subject to verification by DLO/N. However, if there is a substantial and unjustified increase between the updated 10-year demand figure and the figure previously adopted when preparing the DPA Plan, the latter would be adopted in the preparation of the OZP unless strong justifications are received by the respective Village Representatives.

- 9.4 The existing conditions within the "V" zones and in the immediate vicinities within the Sha Tau Kok area have been reviewed. Based on the demand figures, the "V" zones within the Area were reviewed in an attempt to meet the SH demand. On-site surveys were carried out on the boundaries of the "V" zones, taking into account the existing 'VE', local topography, settlement patterns, ecologically important areas and other site specific characteristics including vegetations, burial grounds and stream courses, etc.
- 9.5 In Sha Tau Kok Area, it is noted that there is a substantial increase in total SH demand for Tong To and Tam Shui Hang from 548 and 467 to 3,002 and 912 respectively, a slight increase in total SH demand for San Tsuen from 138 to 151, Muk Min Tau from 3,000 to 3,014 and Shan Tsui from 246 to 254 as compared with the figures adopted in the preparation of the draft OZP and those presented to the Board during the hearings of representations/comments in 2011 (**Table 1**). The updated figures are provided without justifications and not verified. As the substantial increase in SH demand for Tong To and Tam Shui Hang is not supported by evidence and not verified, their "V" zone boundaries are reviewed based on the criteria agreed by the Board in 2011 and the 10-year forecast adopted then, i.e. total SH demand would be 550 and 462 (i.e. current outstanding plus 10-year forecast in 2011) instead of 3002 and 912 respectively.

Recognized	Demand fi prepared fo hearings in	r TPB	New demand in 201	•	'VE' Approx. Area	"V" zone on	Required land to meet	Available Land to meet new	Percentage of the new demand met by
Villages	Outstanding Demand	10-year forecast	Outstanding Demand	10-year forecast	(ha)	draft OZP (ha)	new demand (ha)	demand (ha)	available land (%)
Tong To (STK)	0	548*	2*	3000	4.36	4.36	13.75	2.82	20.5
San Tsuen (STK)	8	130	16	135	9.16		3.78		
Muk Min Tau (incl. Tsiu Hang) (STK)	0	3000	14	3000	6.88	15.30	75.35	12.33	15.6
Tam Shui Hang(STK)	17	450*	12*	900	13.34		11.55		
Shan Tsui (STK)	6	240	14	240	6.34	19.79	6.35	12.26	68.5

Toble 1.	Small House D	amand for the	Decomined V	illages within Sha	Ton Kal- OTD
LaDic I.	Sman nouse p	emanu ivi the	VecoSinyea A	mages within ona	I AU NOK ULL

\* When considering the land use zoning for the "V" zone of Tong To and Tam Shui Hang, it is noted that no justification has been provided by the village representatives for the substantial increase in the latest 10-year forecast. In such circumstances, the updated outstanding demand in 2012 and the previous10-year forecast provided in 2011 are adopted as the total Small House demand figure in preparation of the draft OZP.

8

- 9.6 As the boundaries of the respective "V' zone have been fully deliberated at the hearing in 2011 (para. 5.2) and there is no significant change in planning circumstances, no changes were proposed for Tong To as the size of the existing "V" zone was already equivalent to the size of the 'VE' of the same village.
- 9.7 For Shan Tsui and Tam Shui Hang, the area of the existing "V" zone is approximately the same as the 'VE' of the same villages. To take into account the concerns that appropriate zonings should be designated for the dense woodland of high ecological value, two pieces of land north of Tam Shui Hang and Shan Tsui with a total of 0.55 ha are proposed to be rezoned from "V" to "GB" to preserve the existing mature trees and landscape character as well as its rich biodiversity. According to the FCA Study, these areas are covered by closed-canopy shrubland and secondary woodland with high floral and faunal diversity in particular a high richness of avifauna which has high ecological value. On the other hand, two pieces of land between Muk Min Tau and Tam Shui Hang (0.39 ha) which is currently covered by a stream course and adjacent land area, and to the north-west of Tam Shui Hang (0.16 ha), where pockets of village houses have already been built in the "V" zone close to the stream, are proposed to be rezoned from "AGR" to "V" (Plans 14 and 15).
- 9.8 For San Tsuen and Muk Min Tau (including Tsiu Hang), it is noted that the "V" zone is at a size equivalent to about 95% of the 'VE' of the same villages. It is noted that no suitable land in the vicinity is available to meet the total SH demand for the villages as the surrounding area is covered by dense vegetation, seasonal wet grassland and burial ground.

#### Nature Conservation

## Major Stream Courses in Sha Tau Kok Area (Plans 12 and 13)

- 9.9 The KFBG and WWF have expressed concerns about the potential adverse impacts of development within the "V" zones on the water quality of nearby natural stream courses, particularly the three streams adjacent to the villages of Tong To, Muk Min Tau and Tam Shui Hang originating from Robin's Nest towards Starling Inlet, including the river estuaries and mangroves along the coast of Sha Tau Kok. The three streams are currently covered by "V", "AGR", "GB", "REC" and "CA" on the DPA Plan.
- 9.10 According to the FCA Study, the stream course adjacent to Tong To has moderate ecological value as it has moderate to high diversity of riparian vegetation, moderate riparian faunal diversity and moderately rich in riparian fauna; the stream adjacent to Muk Min Tau has low to moderate ecological value due to its modification at the lower section and to its naturalness and strong linkage to the forests in the mid/upstream; and the stream course adjacent to Tam Shui Hang Village has a moderate to high ecological value since its upper section is the breeding ground for amphibians, fish, odonates

and aquatic invertebrates and its connectivity to Starling Inlet. The land use zonings along these steams have been reviewed after site investigation and further discussions with AFCD. The findings are summarized below.

#### Stream adjacent to Tong To

9.11 The stream is of moderate ecological value according to the findings of the FCA Study. The modified lower-middle sections of the stream adjacent to Tong To falls mainly within the "REC' zone and are surrounded by village area, hobby farms (place of recreation), and fallow agricultural land. There is no material change in planning circumstances of the area along the stream since the gazettal of the draft DPA Plan. It is thus considered appropriate to retain the "REC" zone. To address the concerns on potential impacts of developments on existing stream courses in the Area, a clause on diversion of streams has already been included in the Notes of the "REC" zone to ensure that any works and alteration of the existing stream course will be put under the control of the statutory planning system.

9.12 The upper section of the stream falls within areas mainly zoned "GB" to reflect the current natural state of the hillslopes. The areas covered by Tong To and Tong To Ping Tsuen and their vicinity are zoned "AGR" and "V" to reflect its existing uses which include agricultural land and village house developments (**Plans 12** and **13**).

#### Stream adjacent to Muk Min Tau and San Tsuen

9.13 The upper section of the stream courses adjacent to Muk Min Tau and San Tsuen is of moderate ecological value according to the FCA Study and is partly covered by "CA", "GB" and "AGR" where the stream course and its surrounding habitats will be protected by the relatively more restrictive permitted land uses. The lower-middle course of the stream is of low ecological value and mainly zoned "V" to reflect the existing development pattern which includes mostly village house developments (Plan 13).

#### Stream adjacent to Tam Shui Hang

9.14 The stream at Tam Shui Hang is of moderate to high ecological value according to the FCA Study. It is not designated as a Site of Special Scientific Interest (SSSI) or identified as an ecologically important stream (EIS) by AFCD. The upper section of the stream falls mainly within the "AGR" and "GB" zones to reflect the existing fallow agricultural land and natural hillslopes respectively (**Plans 12** and **13**). As there is no change in the planning circumstances at the upper stream since the gazettal of the DPA Plan, the respective zonings are considered appropriate to be retained for this area. However, there are signs of recent village house developments alongside the nearby "V" zone which is close to the lower-middle course of the stream. It is proposed to rezone this part of the stream to "V" to reflect the existing development pattern (**Plan 13**).

#### Impacts of Small House Development on Existing Streams

Regarding the concerns on potential impacts of developments, in particular 9.15 small houses within "V" zone, on existing stream courses in the Area, it should be noted that in accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005, under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the Agriculture. Fisheries and Conservation Department (AFCD) and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, LandsD when processing Small House grant and applications in close proximity to existing stream course, should consult concerned departments including AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. It is suggested to clearly state this requirement in the Explanatory Statement of the "V" zone that when processing Small House grant and applications in close proximity to existing stream courses, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond to effect any permitted uses would also require permission from the Board in accordance with the Notes of the "V" zone.

## Coastal "AGR" Zone south of Sha Tau Kok Road (Plans 5 to 8)

9.16 Regarding the Board's request to review the land use zoning of the "REC" zone south of Sha Tau Kok Road in further considering the representations and comments on 8.9.2011 (para. 5.2 above refers), it is considered appropriate to retain the "AGR" zone in view that the area covers mostly fallow arable land with grass and shrub with good potential for agricultural rehabilitation under the "AGR" zone. Recreational uses, such as 'Barbecue Spot' and 'Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)' are 'Column 2' uses which may be permitted with or without conditions on application to the Board under section 16 of the Town Planning Ordinance. "AGR" zone is also appropriate to allow only low-density development along the coastal area with a view to minimizing any potential impact to the Starling Inlet which may arise from any extensive development.

<u>"Green Belt" Zone near Gate One Checkpoint of the Closed Area (South of Ha</u> <u>Tam Shui Hang</u>) (Plan 9)

9.17 Regarding the local villagers' proposal to rezone the areas near Gate One Checkpoint of the Closed Area from the current "GB" to "REC", it is noted that the areas are covered with seasonally wet grassland and mangroves. It is appropriate to retain the "GB" zone for the areas to define the limits of development areas in Sha Tau Kok Town.

#### 10. <u>Planning Intention</u>

The general planning intention of the Area is to promote cultural conservation and recreation tourism. The rural character, natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well the ecologically important areas and the upland scene of the Planning Scheme Area should be conserved.

## 11. Land Use Zonings (Appendix I)

- 11.1 About 39.45 ha of land are zoned "V" to cover the seven recognized villages within the Area, i.e. Shan Tsui, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), Muk Min Tau (including Tsiu Hang), San Tsuen and Tong To and areas of land suitable for village expansion. The boundaries of the "V" zone for these villages are drawn up with regard to the village 'environs', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and stream courses have been avoided where possible. 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.
- 11.2 About 1.46 ha of land are zoned "Government, Institution or Community" ("G/IC") to provide land for uses directly to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. Major existing developments under this zoning include two hilltop survey stations, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site and MacIntosh Fort (Pak Kung Au). The disused Kwan Ah School at Sheung Tam Shui Hang is currently vacant. According to the FCA Study, the disused school building can be used as a visitor centre and/or a small scale holiday camp. The "G/IC" zoning of the school is proposed to be retained.
- 11.3 About 11.35 ha of land are zoned "REC" for recreational developments, including holiday camp with sporting facilities, visitor centres, local historical museums, adventure parks, organic farms, hobby-farms, camping grounds, BBQ areas, etc. for the use of general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. The "REC" zone covers an area south of Tong To extending to the bank of Sha Tau Kok Hoi.

The site is occupied by "Sha Tau Kok Farm" (place of recreation) and abandoned agricultural land. The proposed agricultural and recreational uses will benefit from its proximity to the potential Robin's Nest Country Park and provide economic opportunities in the nearby villages and the tourism initiatives for the Sha Tau Kok area. 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.

- 11.4 About 38.82 ha of land, the majority of which is found in lowland areas in the eastern part of Sha Tau Kok area, are zoned "AGR" to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes as well as to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The "AGR" zone in this Area mainly covers the areas in the northern and western parts of the Area.
- 11.5 To define 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, about 461.55 ha of land are zoned "GB". This zone mainly covers the eastern fringe of Robin's Nest which also covers the permitted burial grounds for indigenous villagers. There is a general presumption against development within this zone.
- 11.6 A total of about 2.77 ha of land are zoned "CA" to retain and preserve the existing natural character of the 'fung-shui' woods at the backdrops of Muk Min Tau. These 'fung-shui' woods are generally natural and healthy with a variety of plant and animal species.
- 11.7 A table comparing the land use budget of Sha Tok Kok area covered by the approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2 and the draft Sha Tau kok OZP No. S/NE-STK/B is shown below:

Table 2:	Land Use Budget of	of Sha Tau Ko	k Area cove	ered by t	the approv	ed Sha T	au Kok ]	Develop	ment
	Permission Area P	lan No. DPA/	NE-STK/2 a	ind the	draft Sha	Tau Kok	Outline	Zoning	Plan
	No. S/NE-STK/B			ana ang sang Sang sang sang sang sang sang sang sang s					
	Zoning	Approv	ved Sha Tau	Dra	aft Sha Tau	Kok			

	in section of the	1.111.111				
	Approved	l Sha Tau	Draft Sha	a Tau Kok		
Zoning		ok Plan		' No. STK/B	/Increase (ha	Decrease
		NE-STK/2 / %)	(ha	/ %)		
Village Type Development	39.45	7.08	39.45	7.08	No	No
en de la secte e grafie de la secte esta de secte		an a		n dige state a state	change	change
Government, Institution or	1.46	0.26	1.46	0.26	No	No
Community					change	change
Recreation	11.35	2.04	11.35	2.04	No	No
•					change	change
Agriculture	39.37	7.07	38.82	6.97	- 0.55	- 1.40
Green Belt	461.00	82.75	461.55	82.84	+ 0.55	+ 0.12

Conservation Area	2.77	0.50	2.77	0.50	No	No
					change	change
Major Road, etc.	1.73	. 0.30	1.73	0.31	No	No
					change	change
Total Planning Area	557.13	100.00	557.13	100.00	No	No
					change	change

11.8 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. Proposed diversion of streams or filling of pond in "V" and "REC" zones, proposed diversion of streams or filling of land/pond in "AGR" zone and proposed diversion of streams, filling of land/pond or excavation of land in "GB" and "CA" zones within the OZP all require planning permission from the Board.

# 12. Notes of the Plan

Attached to the Plan is a set of Notes (Appendix II) 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 Notes of the Plan are prepared in accordance with the Master Schedule of Notes to Statutory Plans endorsed by the Board, taking account of local circumstances and the planning intentions of various zones. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet the changing needs.

#### 13. Consultation

- 13.1 Relevant Government bureaux/departments have been consulted on the Planning Report on Sha Tau Kok (Annex B), the draft Sha Tau Kok OZP No. S/NE-STK/B (Appendix I), its Notes and Explanatory Statement (Appendices II and III) and their comments have been incorporated where appropriate.
- 13.2 Subject to the agreement of the Board, the draft OZP will be submitted to the North District Council and the Sha Tau Kok District Rural Committee for consideration. Separate briefings and discussions with relevant parties including village representatives and concern groups would also be held. Their comments will be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

# 14. <u>Decision Sought</u>

Members are invited to:

14

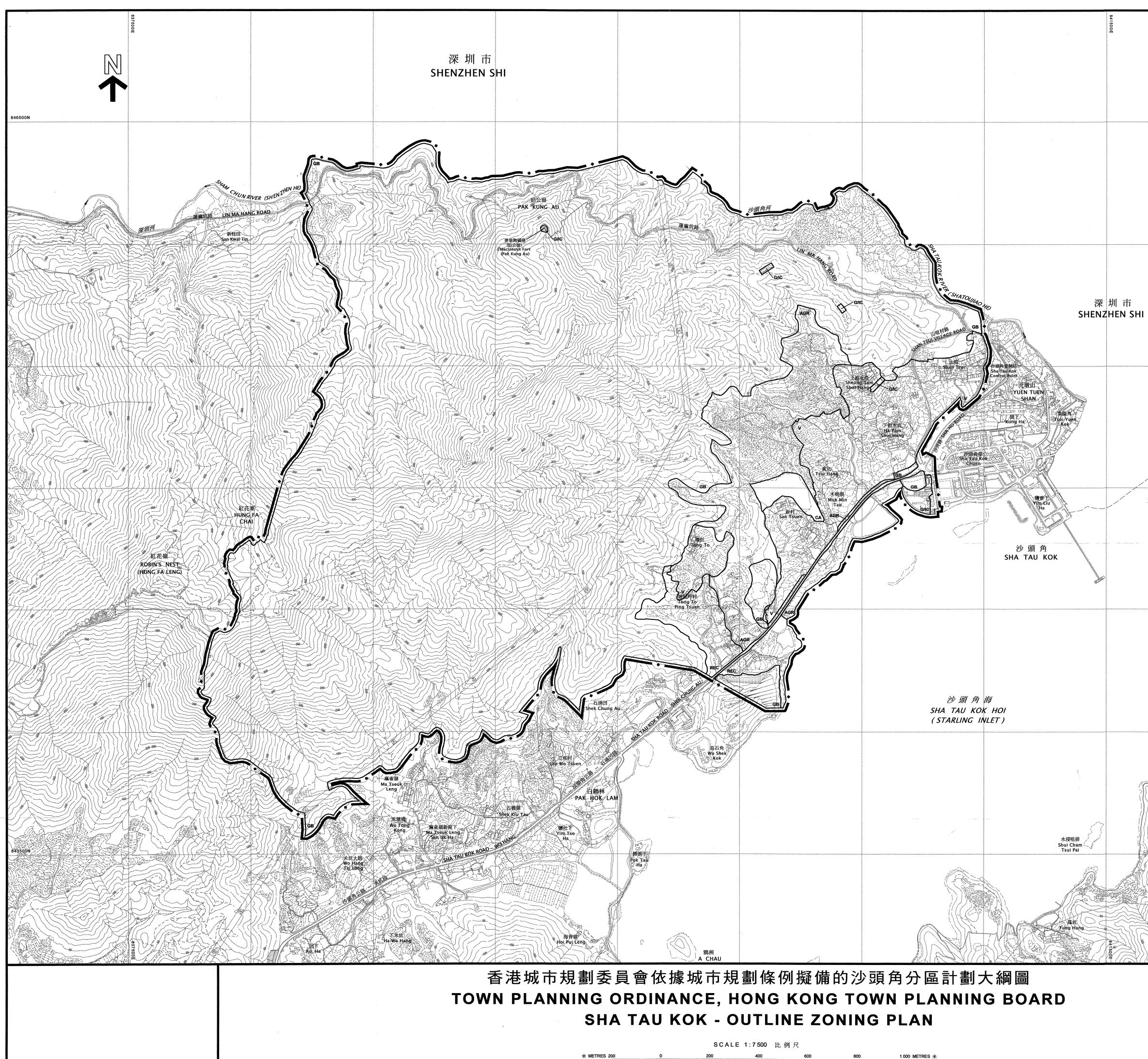
- (a) consider the draft Sha Tau Kok OZP No. S/NE-STK/B (Appendix I) together with its Notes and Explanatory Statement (Appendices II and III), and the Planning Report on Sha Tau Kok (Annex A);
- (b) adopt the updated Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Sha Tau Kok OZP No. S/NE-STK/B; and
- (c) agree that the draft Sha Tau Kok OZP No. S/NE-STK/B together with its Notes and Explanatory Statement are suitable for submission to NDC and STKDRC for consultation.

# **Attachments**

Plan 1	Reduction of Frontier Closed Area Coverage
Plan 2	Location Plan of Sha Tau Kok
Plan 3	Planning applications for permanent uses within Sha Tau Kok since the
	gazette of the Sha Tau Kok DPA Plan
Plan 4	Representation with land use proposals received during the exhibition period
	of the draft Sha Tau Kok DPA Plan No. DPA/NE-STK/1
Plans 5 to 8	Review of the landuse zoning of the "AGR" zone south of Sha Tau Kok
	Road
Plan 9	Review of the "GB" zone south of Tam Shui Hang
Plan 10	Habitat Map of Sha Tau Kok
Plan 11	Cultural Heritage Plan of Sha Tau Kok
Plans 12 and 13	Review of the Landuse Zoning along the Three Major Streams in Sha Tau
	Kok
Plan 14	Review of the Landuse Zoning of Two Pieces of Woodlands north of Shan
	Tsui and Tam Shui Hang
Plan 15	Proposed Adjustments of the "V" Zones of Shan Tsui and Tam Shui Hang
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Appendix I	Draft Sha Tau Kok Outline Zoning Plan No. S/NE-STK/B
Appendix II	Notes of the Draft Sha Tau Kok Outline Zoning Plan No. S/NE-STK/B
Appendix III	Explanatory Statement of the Draft Sha Tau Kok Outline Zoning Plan No.
	S/NE-STK/B

Annex A Planning Report on Sha Tau Kok

PLANNING DEPARTMENT APRIL 2013



		圖例 NOTATION	附件 I Appendix I
	ZONES		地帶
	VILLAGE TYPE DEVELOPMENT	v	鄉村式發展
846500N	GOVERNMENT, INSTITUTION OR COMMUNITY	G/IC	<b>政府、機構或社區</b>
	RECREATION	REC	康樂
	AGRICULTURE	AGR	農業
	GREEN BELT	GB	綠化地帶
	CONSERVATION AREA	СА	自然保育區
	COMMUNICATIONS		交通
	MAJOR ROAD AND JUNCTION	<u></u>	主要道路及路口
	MISCELLANEOUS		其他

BOUNDARY OF PLANNING SCHEME

規劃範圍界線

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

		及百分率 TE AREA & %	用途
USES	公頃 HECTARES	% 百分率	用述
		·	
VILLAGE TYPE DEVELOPMENT	39.45	7.08	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	1.46	0.26	政府、機構或社區
RECREATION	11.35	2.04	康樂
AGRICULTURE	38.82	6.97	農業
GREEN BELT	461.55	82.84	綠化地帶
CONSERVATION AREA	2.77	0.50	自然保育區
MAJOR ROAD ETC.	1.73	0.31	主要道路等
TOTAL PLANNING SCHEME AREA	557.13	- <b>100.00</b>	規劃範圍總面積

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

> PREPARED BY THE PLANNING DEPARTMENT UNDER THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號 PLAN No.

S/NE-STK/B

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

## **NOTES**

#### (N.B. These form part of the Plan)

(1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.

(2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.

(3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.

(4) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.

- (5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the draft development permission area plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
- (6) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town

Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.

- (7) Road junctions, alignment of roads and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned "Conservation Area":
  - (a) maintenance, repair or demolition of a building;
  - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
  - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
  - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
  - (e) rebuilding of New Territories Exempted House;
  - (f) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House; and
  - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
  - In areas zoned "Conservation Area",
    - (a) the following uses or developments are always permitted:
      - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
      - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
      - (iii) provision of amenity planting by Government; and

(9)

(b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.

(10) In any area shown as 'Road', all uses or developments except those specified in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:

road and on-street vehicle park.

(11)

(a) Except in areas zoned "Conservation Area", temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (excavation or land/pond filling) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

- (b) Except as otherwise provided in paragraph (11)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned "Conservation Area", temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.
- (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.
- (12) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (13) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

"Existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

"New Territories Exempted House" means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

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# Schedule of Uses

	Page
VILLAGE TYPE I	DEVELOPMENT
GOVERNMENT,	NSTITUTION OR COMMUNITY 3
RECREATION	1 is the factor of the second seco
AGRICULTURE	6
GREEN BELT	. The second s
CONSERVATION	AREA 9

# VILLAGE TYPE DEVELOPMENT

- 1 -

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Burial Ground
Government Use (Police Reporting Centre,	Eating Place
Post Office only)	Flat
House (New Territories Exempted	Government Refuse Collection Point
House only)	Government Use (not elsewhere specified)#
On-Farm Domestic Structure	Hotel (Holiday House only)
Religious Institution	House (not elsewhere specified)
(Ancestral Hall only)	Institutional Use (not elsewhere specified)#
Rural Committee/Village Office	Market
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Transport Terminus or Station
	Public Utility Installation #
	Public Vehicle Park
	(excluding container vehicle)
	Religious Institution (not elsewhere specified)#
	Residential Institution #
	School #
	Shop and Services
	Social Welfare Facility #
	Utility Installation for Private Project
· · · · ·	

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

Eating Place Library School Shop and Services

(please see next page)

#### VILLAGE TYPE DEVELOPMENT (cont'd)

#### Planning Intention

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

#### Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
  - (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
  - (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

# GOVERNMENT, INSTITUTION OR COMMUNITY

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

Planning Intention

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

# **RECREATION**

Column 1	Column 2
Uses always permitted	Uses that may be permitted with or
	without conditions on application
	to the Town Planning Board
	to the rown r lumining Dourd
Agricultural Use	Animal Boarding Establishment
Barbecue Spot	Broadcasting, Television and/or Film Studio
Field Study/Education/Visitor Centre	Eating Place
Government Use (Police Reporting Centre	Flat
only)	Golf Course
Holiday Camp	Government Refuse Collection Point
On-Farm Domestic Structure	Government Use (not elsewhere specified)
Picnic Area	Helicopter Landing Pad
Place of Recreation, Sports or Culture	Hotel
Public Convenience	House (other than rebuilding of New
Rural Committee/Village Office	Territories Exempted House or
Tent Camping Ground	replacement of existing domestic building
	by New Territories Exempted House
	permitted under the covering Notes)
	Place of Entertainment
	Private Club
	Public Utility Installation
	Public Vehicle Park (excluding container
	vehicle)
	Religious Institution
	Residential Institution
	Shop and Services
	Theme Park
	Utility Installation for Private Project
	Zoo

(Please see next page)

#### <u>RECREATION</u> (cont'd)

## **Planning Intention**

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.

### Remarks

- (a) No residential development (except 'New Territories Exempted House') shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio/ building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams or filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

#### <u>AGRICULTURE</u>

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Use (Police Reporting Centre only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Animal Boarding Establishment Barbecue Spot Burial Ground Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (New Territories Exempted House only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Picnic Area Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only) Public Utility Installation Religious Institution (not elsewhere specified) School
	Utility Installation for Private Project

# **Planning Intention**

This zone is intended primarily to retain and safeguard good quality agricultural land/farm/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.

#### Remarks

Any diversion of streams or filling of land/pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:

(i) laying of soil not exceeding 1.2m in thickness for cultivation; or

(ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

# **GREEN BELT**

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Agricultural Use Barbecue Spot Government Use (Police Reporting Centre only)Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial GroundNature Reserve Phone AreaColumbarium (within a Religious Institution or extension of existing Columbarium only)Preme Area Public Convenience Tent Camping Ground Wild Animals Protection AreaFlat Golf Course Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp. House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)Petrol Filling Station Public Utility Installation Rubic Vehicle Park (excluding container vehicle)Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for PrivateProject Zoo	Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Utility Installation for PrivateProject	Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground	to the Town Planning Board Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Firing Range Flat Golf Course Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Rural Committee/Village Office School
		Social Welfare Facility Utility Installation for PrivateProject

(please see next page)

#### <u>GREEN BELT</u> (cont'd)

#### Planning Intention

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

# **Remarks**

Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

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#### CONSERVATION AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use (other than Plant Nursery)	Field Study /Education/Visitor Centre
Nature Reserve	Government Refuse Collection Point
Nature Trail	Government Use (not elsewhere specified)
On-Farm Domestic Structure	House (Redevelopment only)
Wild Animals Protection Area	Public Convenience
	Public Utility Installation
	Radar, Telecommunications Electronic
	Microwave Repeater, Television
승규가는 경험에 있는 것은 것이 없는 것	and/or Radio Transmitter Installation
	Utility Installation for Private Project

## Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

#### Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

Appendix III

# EXPLANATORY STATEMENT

# EXPLANATORY STATEMENT

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(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 Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/B. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land use zonings of the Plan.

## 2. <u>AUTHORITY FOR THE PLAN AND PROCEDURE</u>

- 2.1 On 10 September 2004, under the power delegated by the Chief Executive, 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 Sha Tau Kok 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 Sha Tau Kok DPA Plan No. DPA/NE-STK/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 14 valid representations were received. On 8 October 2010, the representations were published for three weeks for public comments and 3 valid commens 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 (CE in C) 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 to propose amendments to revise the respective "V" zones on the draft Sha Tau Kok DPA Plan to partially meet the representations. 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, a total of 2 further representations were received. On 11 November 2011, the Board considered the further representations and decided not to uphold them. The Board decided that the

proposed amendments to the DPA Plan would form part of the DPA Plan under section 6F(8) of the Ordinance.

- 2.6 On 21 February 2012, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Sha Tau Kok DPA Plan, which was subsequently renumbered as DPA/NE-STK/2. On 2 March 2012, the approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2 (the Plan) was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.7 On 8 February 2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Sha Tau Kok area.
- 2.8 On \_\_\_\_\_2013, the draft Sha Tau Kok OZP No. S/NE-STK/B (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

# 3. <u>OBJECT OF THE PLAN</u>

- 3.1 The object of the Plan is to indicate the broad land use zonings for the Sha Tau Kok area (the Area) so that development and redevelopment within the Area can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and planning control only. It is a small-scale plan and the road alignments and boundaries between the land use zones may be subject to minor alterations as detailed planning proceeds.

## 4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Planning Scheme 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.

#### THE PLANNING SCHEME AREA

5.

5.1 The Planning Scheme Area covers about 557 ha of land. It is located approximately 9 km to the north-east of Fanling / Sheung Shui New Town. It is bounded by Sha Tau Kok River in the north, Sha Tau Kok Boundary Control Point in the east, Sha Staling Inlet (Sha Tau Kok Hoi) in the south-east, and Robin's Nest (Hung Fa Leng) in the south-west and west. The boundary of the Area is shown by a heavy broken line on

#### the Plan.

- 5.2 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 Robin's Nest (also known as Hung Fa Leng), with an elevation up to about 492 mPD, is the prominent mountain ridge in the Area. Lying on the east of the hilly terrain is a large tract of lowland occupied by fallow arable land and several clusters of village settlements.
- 5.3 The landscape features of the Area include shrubland, woodlands, upland grassland, knolls and foothills. The Area covers a spectrum of natural habitats including, 'fung-shui' woods, mixed shurbland, seasonally wet grassland, lowland forest and natural watercourse.
- 5.4 Economic activities are limited in the Area due to its rugged relief and limited accessibility. Farmers are mainly self-employed and engaged in small-scale horticultural and agricultural activities including growing of vegetables, flowers and fruits.
- 5.5 Graded historic buildings within the Area included the Macintosh Fort (Pak Kung Au) which is a Grade 2 historic building. Besides, there are three Grade 3 historic buildings in the Area, i.e. the Kwan Ah School (formerly Pan Lam Study Hall) at Sheung Tam Shui Hang, the Chung Ancestal Hall at Ha Tam Shui Hang and the Wong Tak Ching Ancestral Hall at Shan Tsui. In addition, the Sha Tau Kok San Tsuen Site of Archaeological Interest and a small portion of the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest are located in the Area. Cultural remains dated back from the Late Neolithic period (c. 2500 1500 B.C.) to the Qing Dynasty (1644 1911 A.D.) were unearthed in the Sha Tau Kok San Tsuen Site of Archaeological Interest during the previous archaeological investigations. Prehistoric cultural remains and ceramic sherds of the Song Dynasty (960 1279 A.D.), Ming Dynasty (1368 1644 A.D.) and Qing Dynasty (1644 1911 A.D.) were discovered in the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest during the previous archaeological investigations.

#### 6. <u>POPULATION</u>

According to the 2011 Population Census, the total population within the Area was about 750. It is expected that the total population of the Area would be about 9,276 persons.

#### 7. <u>OPPORTUNITIES AND CONSTRAINTS</u>

- 7.1 <u>Opportunities</u>
  - 7.1.1 <u>Tourism</u>

The tranquility and the rural setting, in tandem with the historical and heritage features, provides a good opportunity for cultural tourism development and passive recreational activities. The Area also provides a good potential for

Provision cultural heritage and eco-tourism. of tourism and recreational-related developments such as well-connected footpaths, cycle tracks and dining / overnight accommodation facilities would be required to realize its tourism potential. The tourism intention for Sha Tau Kok has been investigated under the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas - Feasibility Study which was commissioned by the Planning Department and completed in March 2013. The Study recommends the opening up of the Sha Tau Kok Public Pier during weekends and public holidays for organized group tours, allowing a maximum of 500 visitors per day to access the areas along the east coasts and major outer islands in the North East New Territories. Although Sha Tau Kok Town is located outside the Area, it is expected that the proposed tourism development in Sha Town Kok Town will have spin-off effects to promote tourism-related facilities and services in the Area and enhance the connection of Sha Tau Kok Town with other tourist attractions in the NENT.

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#### 7.1.2 Agriculture

Most agricultural land is found in the eastern part of the Area with some under active cultivation. As advised by Agriculture, Fisheries and Conservation Department, the agricultural land in the Area is of good quality. With irrigation facilities, fallow arable land can be rehabilitated for agricultural purposes under the Agricultural Land Rehabilitation Scheme.

#### 7.1.3 Nature Conservation

Large tracts of dense and undisturbed woodland and lowland forests can be found in the hillslopes in the Area. There are various types of natural habitats, including stream courses from Robin's Nest towards the coastal lowland in the east, mangrove aligned at the edge of the Starling Inlet, and the Muk Min Tau Fung Shui Wood which are worthy of conservation. Future development of the Area needs to take into account areas of their ecological values and natural landscape characters. Prior consultation with relevant Government departments should be conducted if development proposals would affect places of ecological interest.

#### 7.2 <u>Constraints</u>

#### 7.2.1 Relief and Geotechnical Aspects

The central and western parts of the Area are characterized by relatively steep mountains and naturally hilly terrain. There is a history of landslides on the hillslopes. Such topographic relief imposes geotechnical constraints on development, and geotechnical assessment would be required for any proposed development involving site formation and slope stabilization works. Besides, The village settlement at Tong To and Sheung Tam Shui Hang are below steep natural terrain and meet the Alert Criteria for a Natural Terrain Hazard Study (NTHS). Therefore, a NTHS and/or mitigation measures may be required for any proposed development at Tong To and Sheung Tam Shui Hang.

# 7.2.2 <u>Traffic</u>

Vehicular accesses are of a limited capacity and not intended for heavy traffic. Due to the limited transport infrastructure in the Area, uncoordinated development would create problems and hazards to both pedestrians and vehicular traffic. Improvement to transport facilities are required if the Area is released from the Frontier Closed Area (FCA) in future.

#### 7.2.3 Drainage

The existing drainage system within the Area comprises only basic provisions for supporting rural development. Some low-lying areas along Sha Tau Kok Road are flood prone. The Review of Drainage Master Plans for Yuen Long and North Districts completed in late 2011 has recommended drainage improvement works at Tsiu Hang and along Sha Tau Kok Road. Therefore, any development must demonstrate that the proposal would not cause any increase in the flooding susceptibility of the adjoining areas and is subject to a comprehensive Drainage Impact Assessment (DIA).

#### 7.2.4 Sewerage

The Area falls within the Sha Tau Kok catchment. The findings of the Mirs Bay Water Quality Regional Control Strategy Joint Study indicate that pollutants assimilative and dispersive capabilities of Starling Inlet are low. Therefore, adequate and properly designed wastewater treatment facilities have to be provided for any proposed new and redevelopments to minimize any adverse impacts on the ecologically sensitive water environment of Starling Inlet. In addition, as part of the area falls within the Deep Bay catchment, no additional pollution loading should be discharged into the Deep Bay as a result of any new and proposed developments. New developments should therefore include proper on-site sewerage treatment facilities or be connected to public sewer, when available. Lack of public sewer has imposed severe constrains for large-scale developments in this Area.

#### 7.2.5 Water Supply

The existing water supply system for the Area is of limited capacity. If major development is to be planned, upgrading of water supply system and construction of additional waterworks installations may be required.

#### 7.2.6 Land Ownership

About 13% of the Area is private land, most of which is concentrated in the lowland in the eastern part of the Area where land is more developable as compared with the hillslopes, which are mainly Government land, in the west. Such land ownership pattern renders the need for land acquisition for comprehensive development.

#### 7.2.7 Overhead Transmission Lines

There are 132 kV and 400 kV overhead transmission lines running across the Area. Relevant guidelines in Chapter 7 of the Hong Kong Planning Standards and Guidelines should be observed for any proposed development which may affected these overhead transmission lines.

#### 7.2.8 Burial Grounds

The six permitted burial grounds for indigenous villagers are proposed to be retained.

#### 8. GENERAL PLANNING INTENTION

The general planning intention of the Area is to promote cultural conservation and recreation tourism. The rural character, natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well the ecologically important areas and the upland scene of the Planning Scheme Area should be conserved.

#### 9. LAND USE ZONINGS

#### 9.1 <u>"Village Type Development"("V"):</u> Total Area 39.45 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 seven recognized villages within the Area, namely Shan Tsui, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), Muk Min Tau (including Tsiu Hang), San Tsuen and Tong To. The boundaries of the "V" zone for these villages are drawn up with regard to the village 'environs', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and stream courses have been avoided 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 the first publication of the 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) The San Tsuen, Ha Tam Shui Hang and Shan Tsui Villages are subject to adverse traffic noise impact generated by the cross-boundary traffic along Sha Tau Kok Road. Village housing development near the main road should be avoided. Suitable noise mitigation measures such as self-protective building design, noise barriers with minimal visual impact, etc. would be required.
- (f) The "V" zone at Tong To is below steep natural terrain and meets the Geotechnical Engineering Office's Alert Criteria for a Natural Terrain Hazard Study. Therefore, natural terrain hazard study and/or hazard mitigation measures may be required for any proposed development.
- (g) In order to address the concerns on potential impacts from developments on existing stream courses in general, it is suggested that the Lands Department when processing Small House grant and applications in close proximity to existing stream courses, concerned departments including the Agriculture, Fisheries and Conservation Department and Planning Department should be consulted to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- (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 activities.

# 9.2 "Government, Institution or Community"("G/IC"): Total Area 1.46 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. 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.
- (b) Existing developments under this zoning include two hilltop survey stations, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site and MacIntosh Fort (Pak Kung Au).
- (c) The disused Kwan Ah School at Sheung Tam Shui Hang is proposed for adaptive reuse as a visitor centre and/or a small-scale holiday camp. These uses can be supported by guided tours and field trips to promote the conservation of the ecological link between Shenzhen City and HKSAR along Wutongshan, Robin's Nest (Hung Fa Leng) and Pat Sin Leng Country Park.

#### 9.3 <u>"Recreation" ("REC")</u> : Total Area 11.35 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 south of Tong To extending to the bank of Sha Tau Kok Hoi is designated as "REC" zone on the Plan. The site is occupied by Sha Tau Kok Farm and abandoned agricultural land. The proposed agricultural and recreational uses will benefit from its proximity to the potential Robin's Nest Country Park and provide economic opportunities in the nearby villages and tourism initiatives for the Sha Tau Kok area. Recreational uses like holiday camp with sporting facilities, 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 etc. are permitted within this zone. 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.
- (c) 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.
- (d) As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.
- 9.4 <u>"Agriculture"("AGR"):</u> Total Area 38.82 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) The majority of agricultural land of good quality is found in lowland areas in the eastern part of the Area. With basic agricultural infrastructure, including irrigation facilities, fallow arable land can be easily rehabilitated for agricultural purpose.
  - (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 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, and construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

- 9.5 <u>"Green Belt" ("GB"):</u> Total Area 461.55 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 eastern fringe of Robin's Nest which also covers 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.
- 9.6 "Conservation Area" ("CA"): Total Area 2.77 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. 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.
  - (b) Uses related to conservation purpose such as nature reserve and nature trail are permitted as of right while selective range of uses such as field study/education/visitor centre and public convenience which would have insignificant impact on environment and infrastructural provisions could be permitted upon approval by the Board.
  - (c) The 'fung-shui' woods at the backdrops of Muk Min Tau is zoned "CA" to retain and preserve the existing natural character. These 'fung-shui' woods are generally natural and healthy with a variety of plant and animal species.
  - (d) New residential development is not permitted under this zone. The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA plan.
  - (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.

#### 10. <u>COMMUNICATIONS</u>

#### 10.1 Road Network

The major access to the Area is via Sha Tau Kok Road which is a single 2-lane carriageway leading from Fanling Highway through Sha Ho Road to Sha Tau Kok Control Point in the north. Another access to the Area is via Lin Ma Hang Road which is a single track access leading from Ping Che Road in the west and connects Sha Tau Kok Road through Shan Tsui Village Road. Apart from these access roads, there are local van tracks traversing the settlement areas to serve the villagers.

#### 10.2 Public Transport

The Area is not well served by public transport facilities due to restriction on access, remoteness and sparse population. There are franchised public bus service (No. 78K) and green minibus (No. 55K) plying between the Area and Sheung Shui Station.

#### 11. UTILITY SERVICES

#### 11.1 Water Supply

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

#### 11.2 Drainage and Sewerage

The existing drainage system within the Area comprises only basic provisions for supporting rural development. Some low-lying areas along Sha Tau Kok road are flood prone. The Review of Drainage Master Plans for Yuen Long and North Districts completed in late 2011 has recommended drainage improvement works at Tsiu Hang and along Sha Tau Kok Road. The Area is currently not sewered. The ongoing project PWP Item No. 4378DS targeted for completion in 2016 will provide a trunk sewer along Sha Tau Kok Road and sewer connection to Shan Tsui, Sheung Tam Shui Hang, Ha Tam Shui Hang, Tsiu Hang, Muk Min Tau, San Tsuen and Nga Yiu Tau. Plans are underway for expanding the existing Sha Tau Kok Seweage Treatment Works in stages to cope with the forecast increase in sewage flow. Other works may include expansion of Sha Tau Kok Sewage Treatment Works. The Area falls within the Sha Tau Kok catchment. Apart from the ongoing village sewerage works mentioned above, the general lack of sewerage infrastructure may constrain new developments in the Area. Adequate sewage facilities have to be provided for any proposed development to guard against any adverse impacts on the ecologically sensitive water environment of the Starling Inlet. Advice from the Environmental Protection Department should be sought in assessing the sewerage implications of the proposed development.

#### 11.3 Other Public Utility Services

- 11.3.1 Solid waste disposal relies on small refuse collection points scattered throughout the Area. Collected wastes are transported to North East New Territories Landfill for disposal.
- 11.3.2 There is no existing piped gas system in the area. Electricity supply and telephone networks are available in the Area.

#### 12. CULTURAL HERITAGE

- 12.1 Graded historic buildings within the Area included the Macintosh Fort (Pak Kung Au) which is a Grade 2 historic building. Besides, there are three Grade 3 historic buildings in the Area, i.e. the Kwan Ah School (formerly Pan Lam Study Hall) at Sheung Tam Shui Hang, the Chung Ancestal Hall at Ha Tam Shui Hang and the Wong Tak Ching Ancestral Hall at Shan Tsui. In addition, the Sha Tau Kok San Tsuen Site of Archaeological Interest and a small portion of the Sha Tau Kok Shek Kiu Tau Site of Archaeological Inerest are located in the Area. Cultural remains dated back from the Late Neolithic period (c. 2500 - 1500 B.C.) to the Qing Dynasty (1644 - 1911 A.D.) were unearthed in the Sha Tau Kok San Tsuen Site of Archaeological Interest during the previous archaeological investigations. Prehistoric cultural remains and ceramic sherds of the Song Dynasty (960 - 1279 A.D.), Ming Dynasty (1368 - 1644 A.D.) and Qing Dynasty (1644 - 1911 A.D.) were discovered in the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest during the previous archaeological investigations. All the above sites of archaeological interest and graded historic buildings / structures are worthy of preservation.
- 12.2 The Antiquities Advisory Board (AAB) also released a list of new items in addition to the list of 1,444 historic buildings. These items are subject to grading assessment by the AAB. Details of the list of 1,444 historic buildings and the new items have been uploaded onto the official website of the AAB at http://www.aab.gov.hk.
- 12.3 Prior consultation with the Antiquities and Monuments Office of the Leisure and Cultural Services Department should be made if any development, redevelopment or rezoning proposals might affect the above graded historic buildings / structures, new items pending grading assessment or sites of archaeological interest and their immediate environs.

#### 13. IMPLEMENTATION

- 13.1 The Plan provides a broad land use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works planning and private developments.
- 13.2 At present, there is no definite programme for the provision of comprehensive infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both the public and private sectors.
- 13.3 Notwithstanding the above, minor improvement works e.g. widening of access road and laying of utility services will be implemented through the Public Works Programme and the Rural Public Works as and when resources are available. Private developments

will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

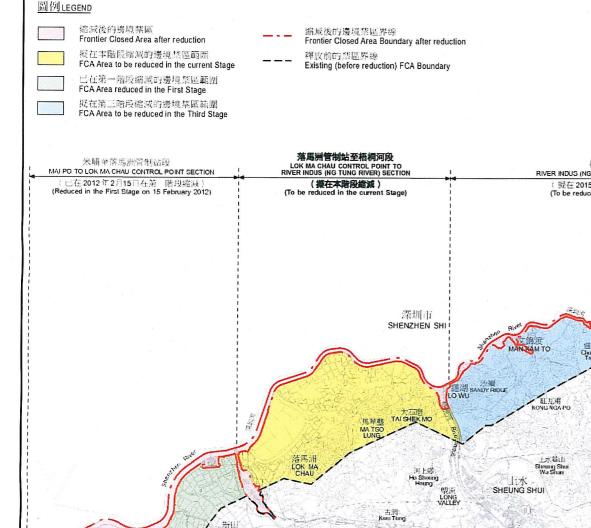
#### 14. PLANNING CONTROL

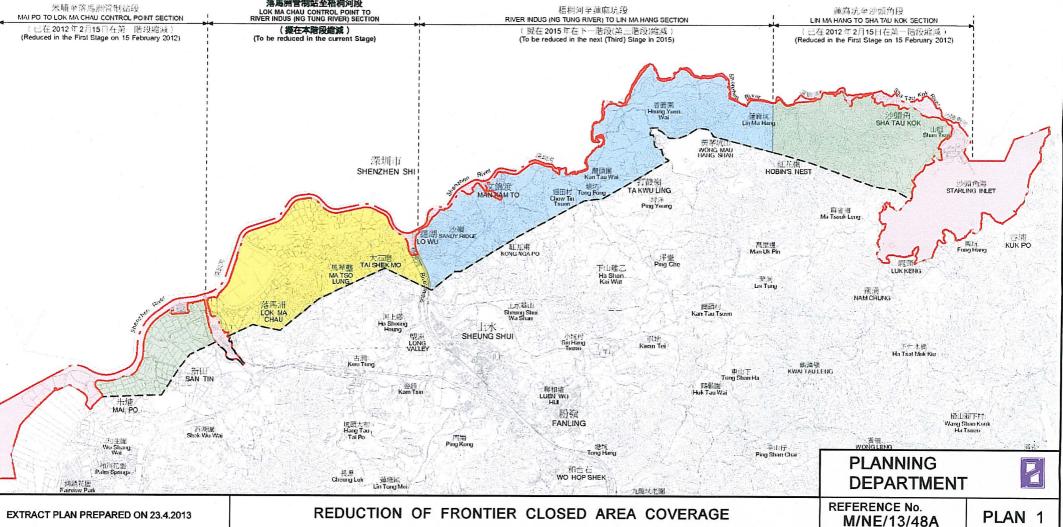
- 14.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.
- 14.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the 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 the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 14.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering 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 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.
- 14.4 Any development, other than those referred to in paragraph 14.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this Plan on or after the date of the first publication in the Gazette of the notice of the draft DPA plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond or excavation of land in the relevant zones on or after the first publication in the Gazette of the draft DPA plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in conservation related zonings, such as "CA".

#### TOWN PLANNING BOARD

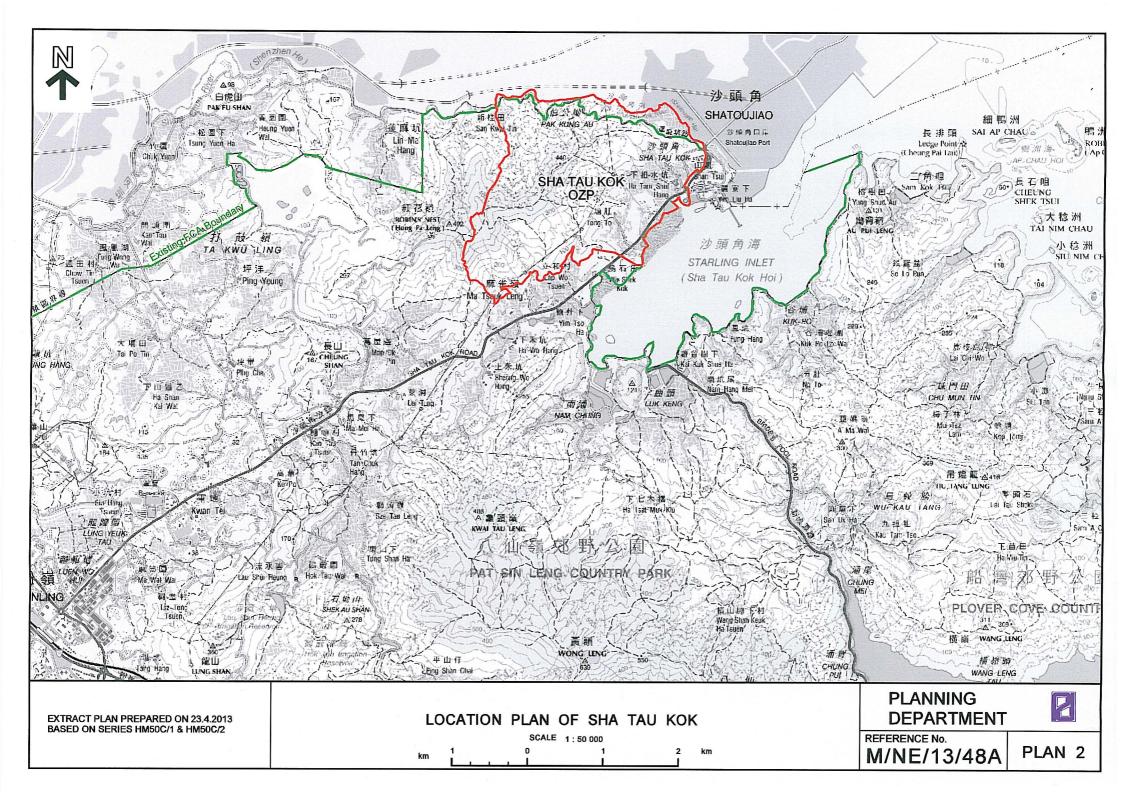
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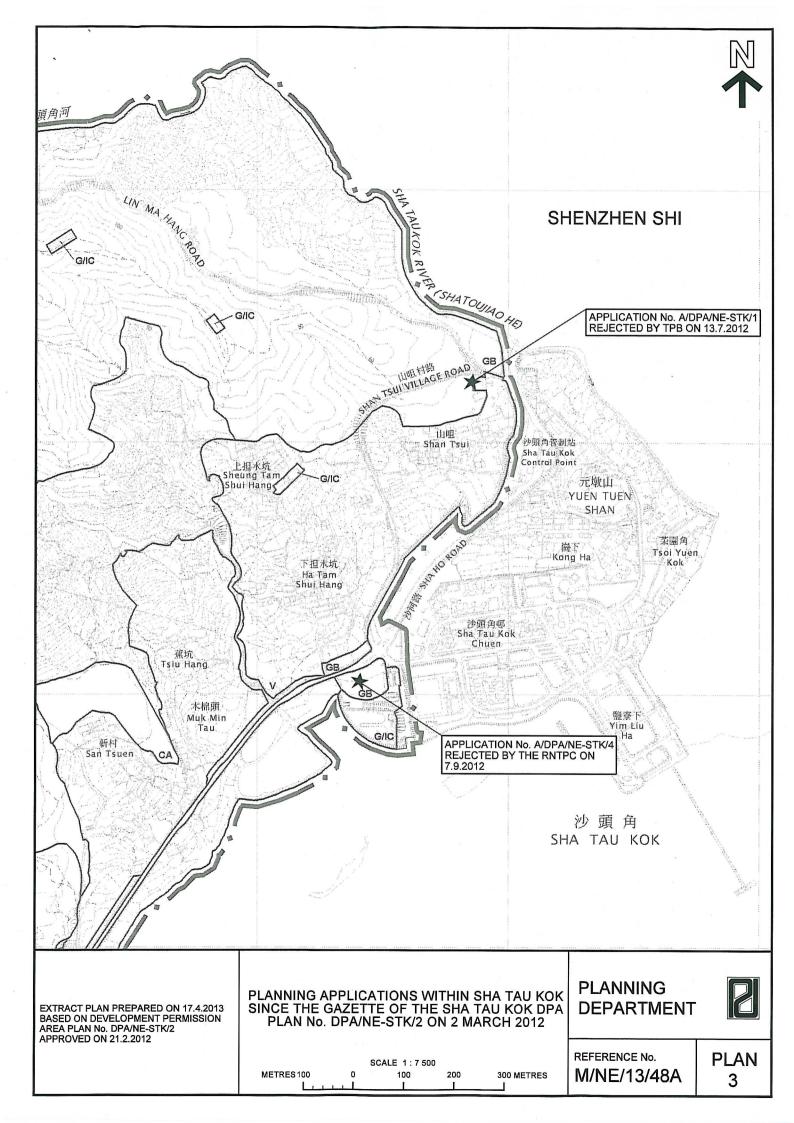
# 邊境禁區圖 PLAN OF FRONTIER CLOSED AREA

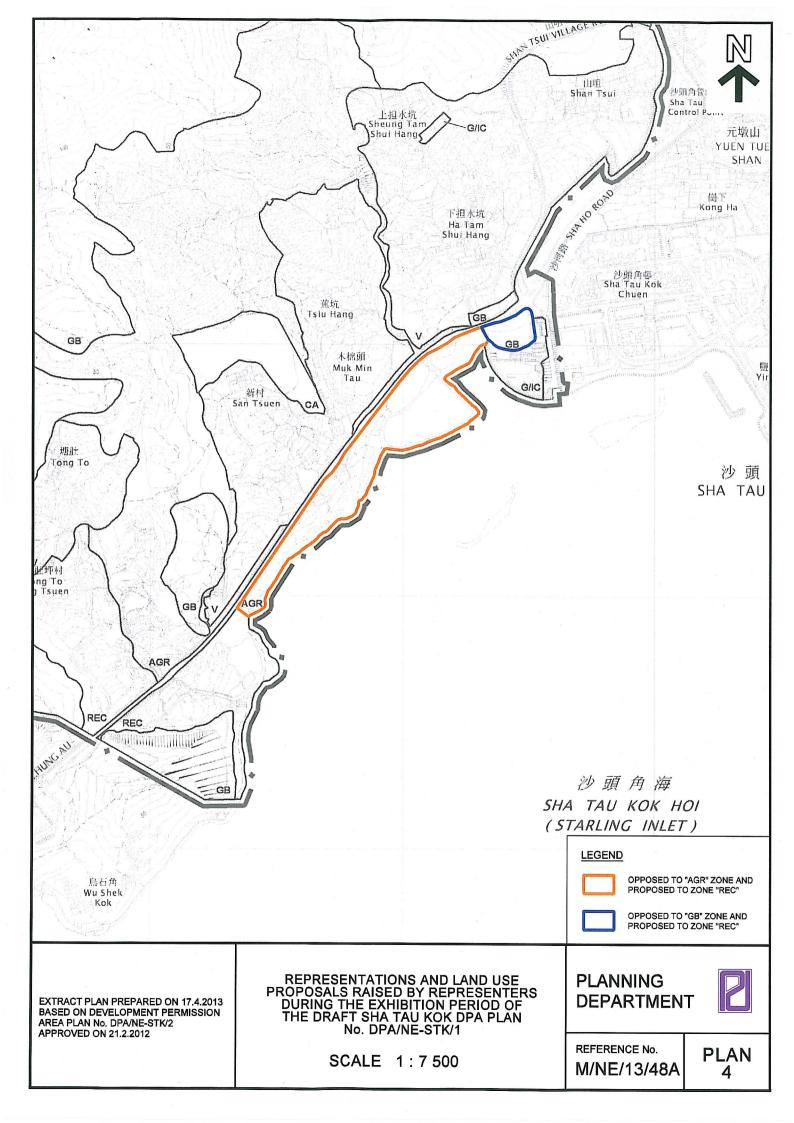


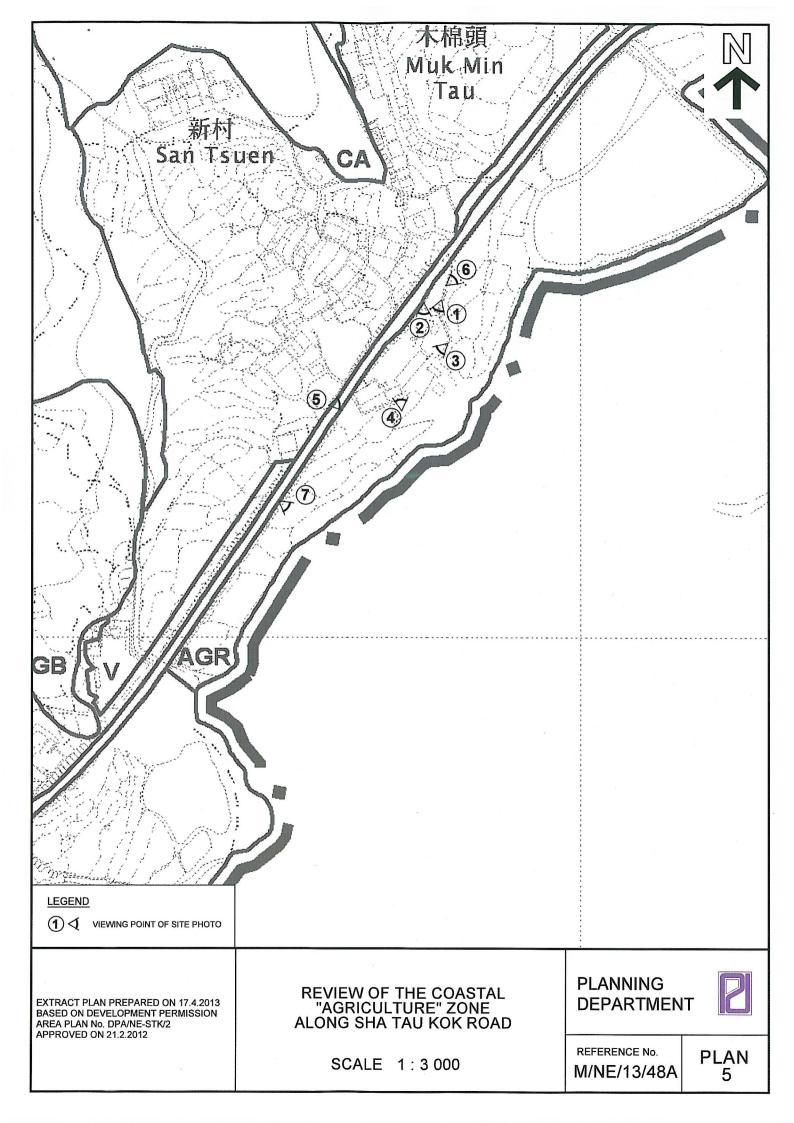


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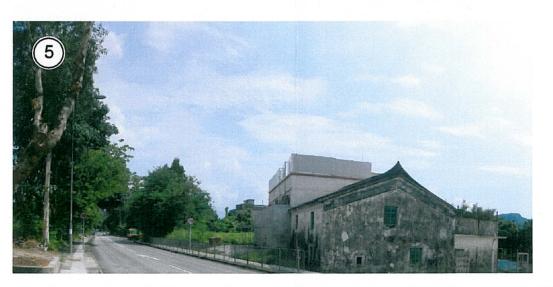












SITE PHOTOS OF THE AREA SOUTH OF SHA TAU KOK ROAD

EXTRACT PLAN PREPARED ON 17.4.2013

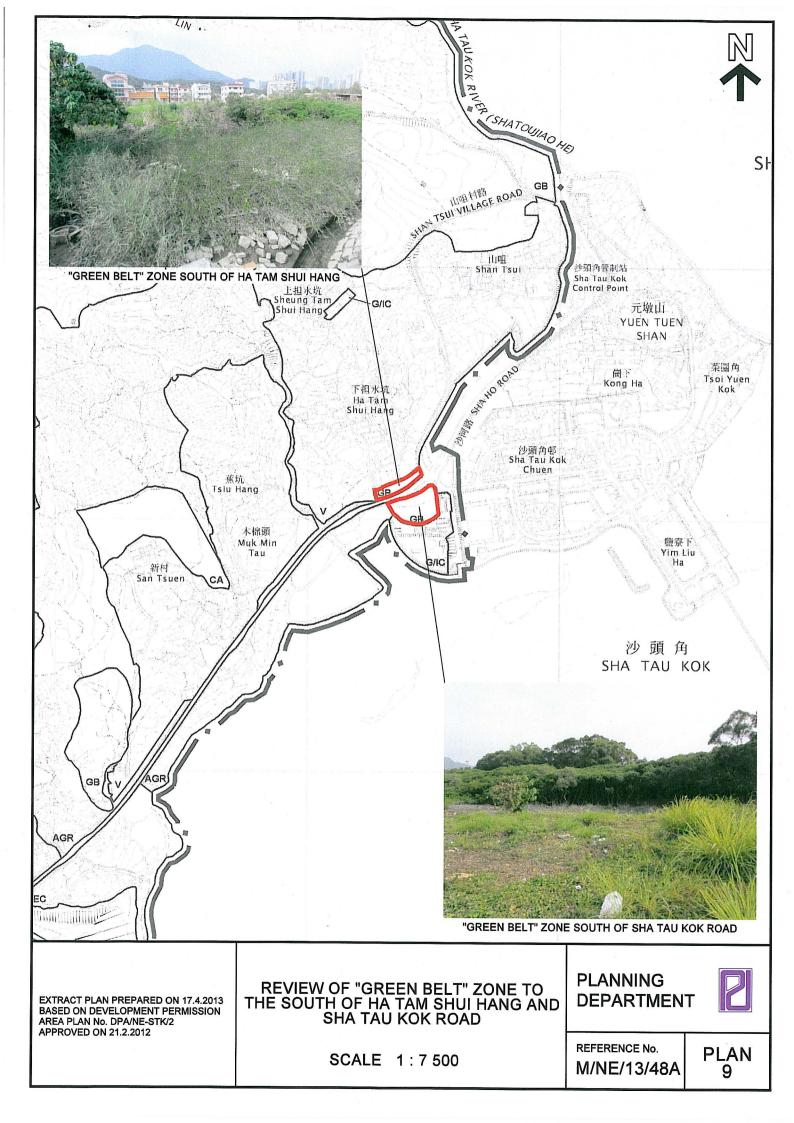
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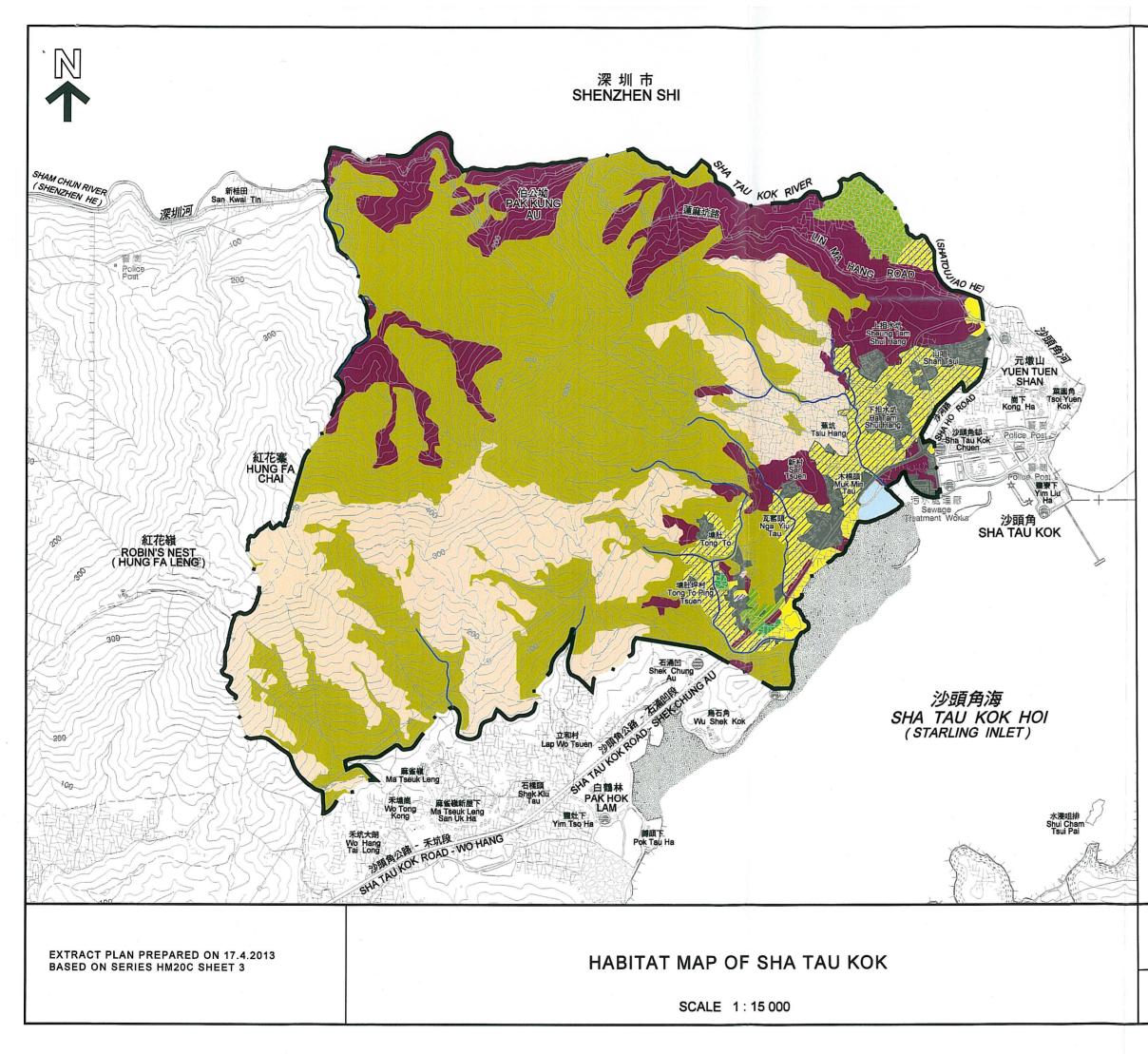
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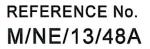






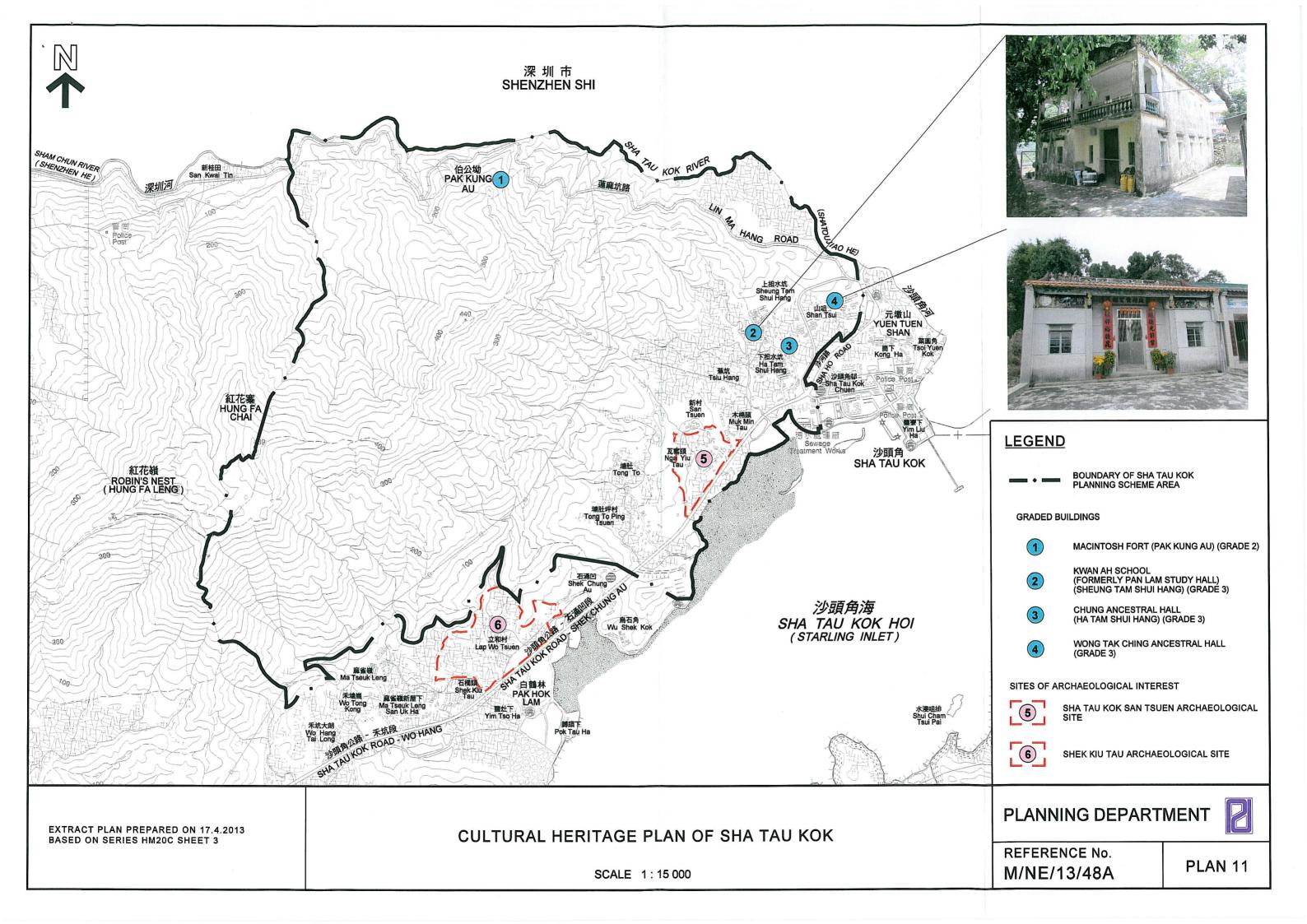
<u>LEGEND</u>	
	BOUNDARY OF SHA TAU KOK PLANNING SCHEME AREA
	POND
	MAJOR STREAM / DRAINAGE CHANNEL
1/////	INACTIVE WET AGRICULTURAL LAND
	ACTIVE DRY AGRICULTURAL LAND
	INACTIVE DRY AGRICULTURAL LAND
//////	SEASONALLY WET GRASSLAND
	LOWLAND GRASSLAND
	UPLAND GRASSLAND
	GRASSLAND / SHRUBLAND
	SHRUBLAND
	SECONDARY WOODLAND / PLANTATION
	DEVELOPED LAND

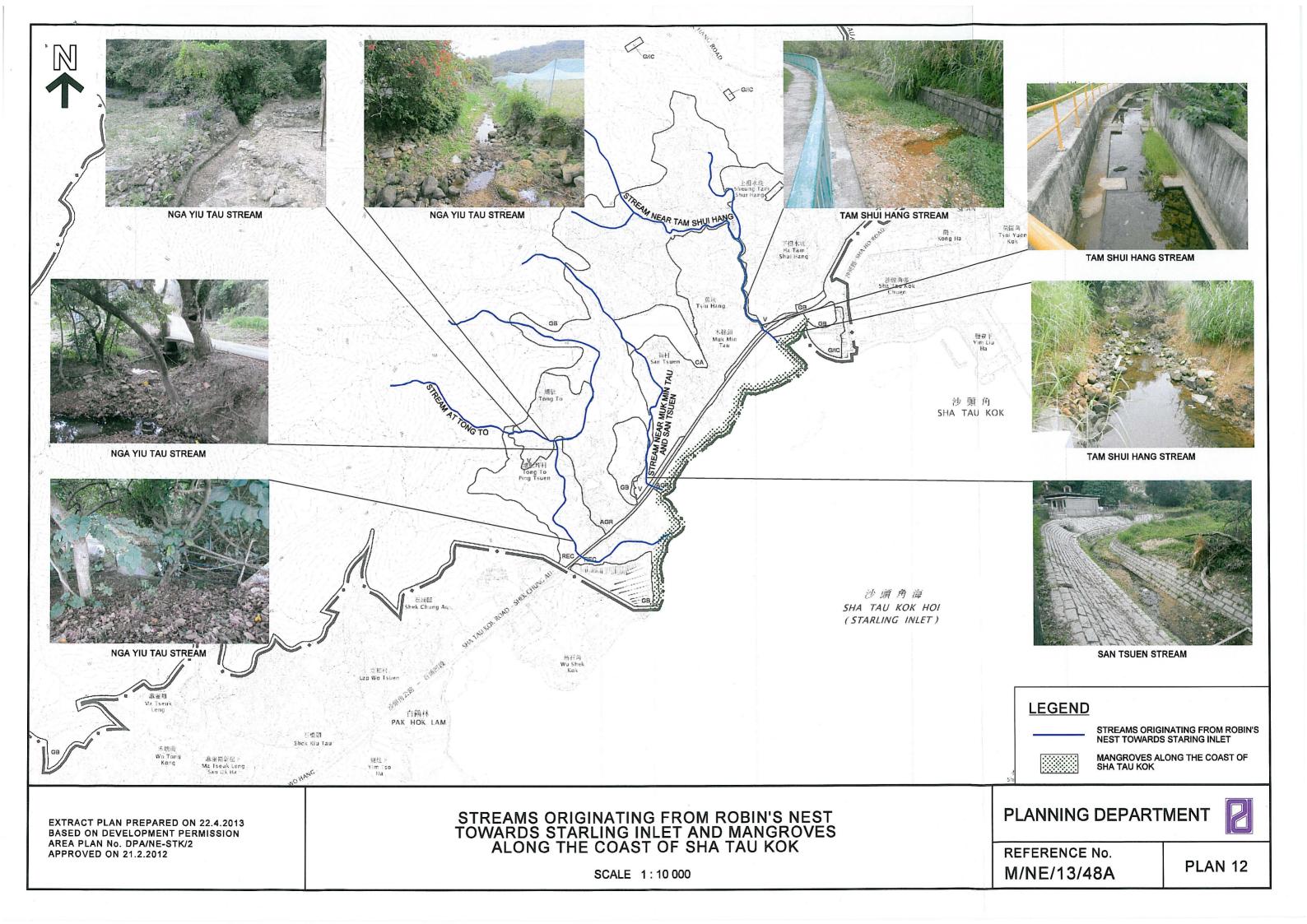
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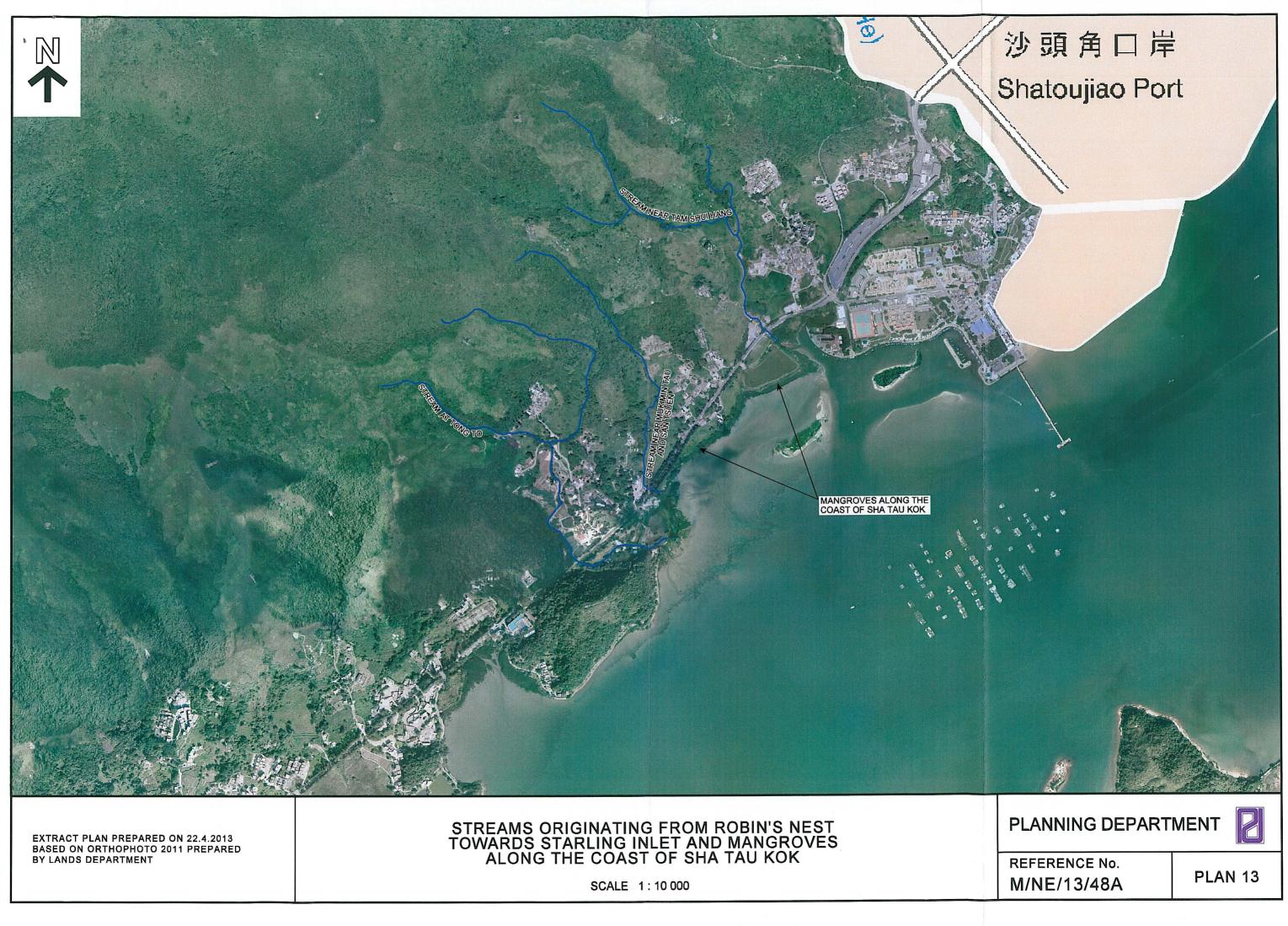


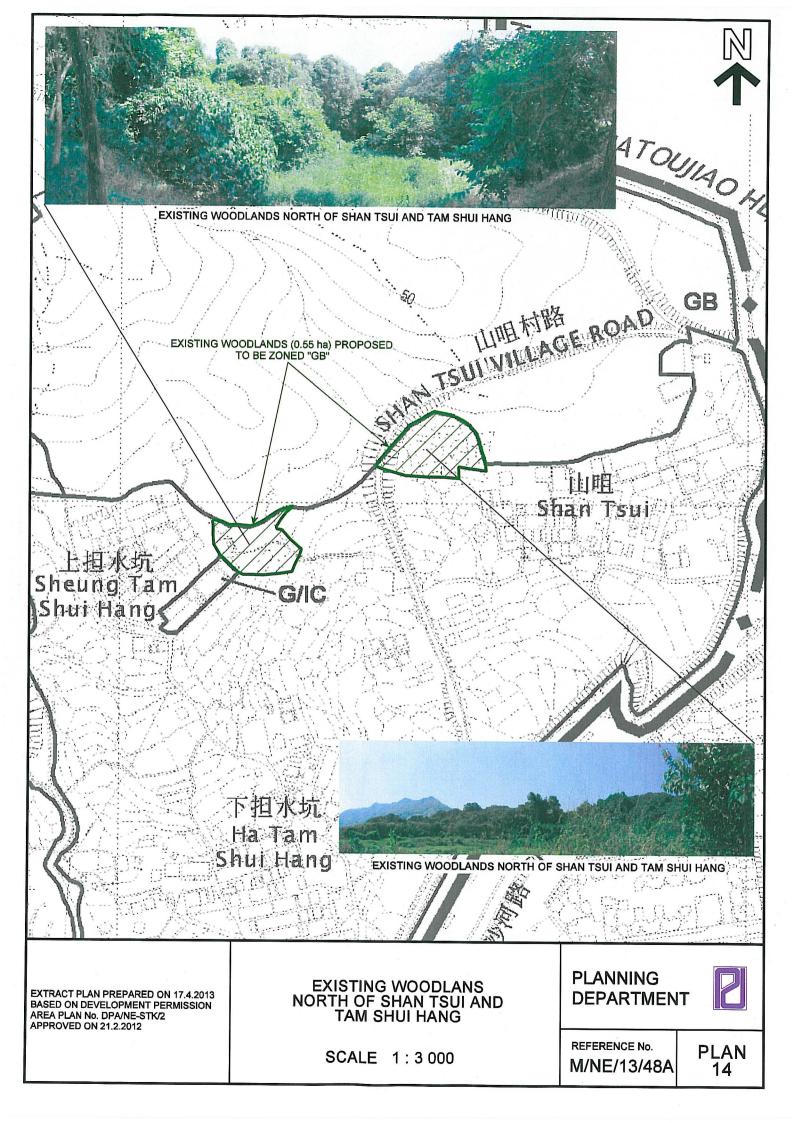


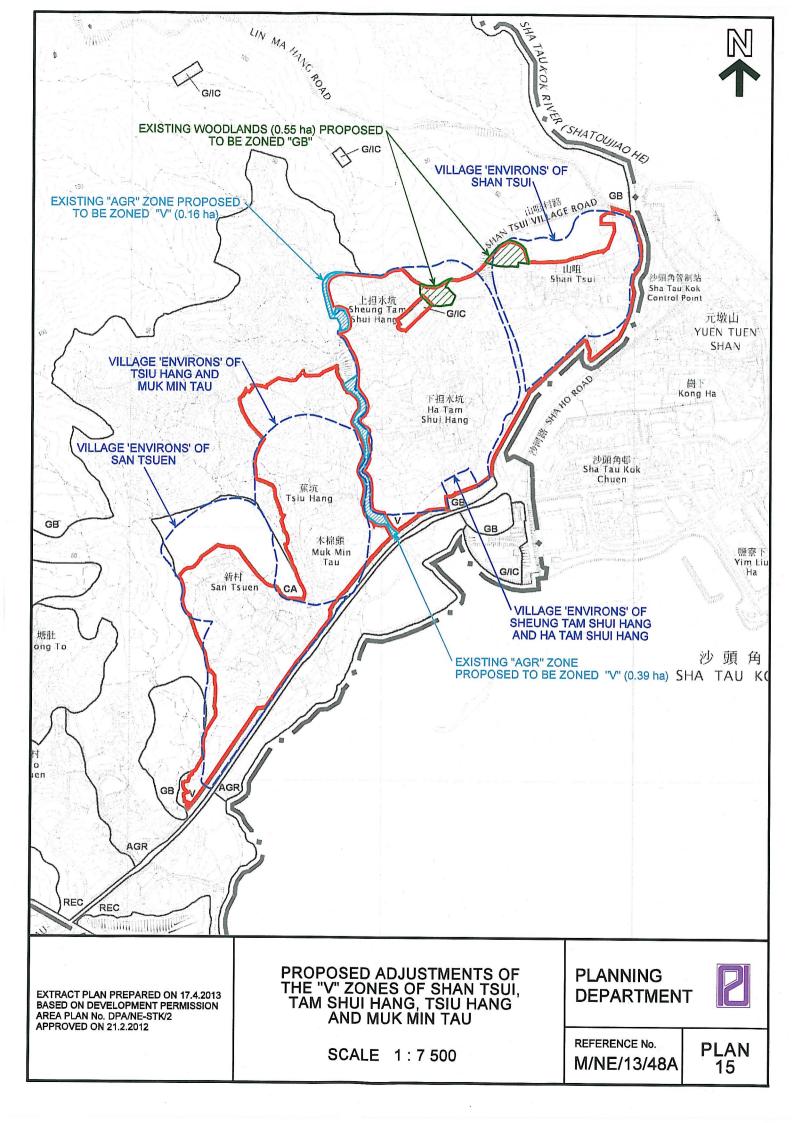
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#### Annex A

# PLANNING REPORT ON SHA TAU KOK

# SHA TIN, TAI PO AND NORTH DISTRICT PLANNING OFFICE PLANNING DEPARTMENT

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# 1. <u>INTRODUCTION</u>

# Annex A

# 1.1 **Purpose of the Planning Report**

The purpose of the Planning Report is to give an account of the background and an appraisal of the existing conditions, characteristics and development requirements of Sha Tau Kok area (the Area). It aims to provide a basis for the preparation of the Sha Tau Kok Outline Zoning Plan (OZP) for the Area and the formulation of a planning framework to guide future development.

# 1.2 Background

- 1.2.1 On 10 September 2004, under the power delegated by the Chief Executive (CE), the then Secretary for Housing, Planning and Lands directed the Town Planning Board (the Board), under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the 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.
- 1.2.2 On 30 July 2010, the draft Sha Tau Kok DPA Plan No. DPA/NE-STK/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 14 valid representations were received. On 8 October 2010, the representations were published for three weeks for public comments and 3 valid comments were received.
- 1.2.3 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.
- 1.2.4 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 (CE in C) for approval for a period of six months from 30 June 2011 to 30 December 2011.
- 1.2.5 On 8 September 2011, the Board further considered the representations and comments and decided to propose amendments to revise the respective "V" zones on the draft Sha Tau Kok DPA Plan to partially meet the representations. 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, a total of 2 further representations were received. On 11 November 2011, the Board considered the further representations and decided not to uphold them. The Board decided that the proposed amendments to the DPA Plan would form part of the DPA Plan under section 6F(8) of the Ordinance.
- 1.2.6 On 21 February 2012, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Sha Tau Kok DPA Plan, which was subsequently re-numbered as DPA/NE-STK/2. On 2 March 2012, the approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2 was exhibited for public inspection under section 9(5) of the Ordinance. In accordance with section 20(5) of the Ordinance,

the DPA Plan is effective for three years unless an extension is obtained from the CE in C.

1.2.7 On 8 February 2013, under the power delegated by the CE in C, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Sha Tau Kok area.

# 2. THE PLANNING SCHEME AREA

# 2.1 Location

The Sha Tau Kok Area (the Area) covers about 557 ha of land. It is located approximately 9 km to the north-east of Fanling / Sheung Shui. It is bounded by Sha Tau Kok River in the north, Sha Tau Kok Boundary Control Point in the east, Sha Staling Inlet (Sha Tau Kok Hoi) in the south-east, and Robin's Nest (Hung Fa Leng) in the south-west and west (**Appendix I**). The location of the Area is shown in **Figure 1**.

# 2.2 <u>The Surrounding Area</u>

Except Shenzhen in the north, the Area and its surroundings are rural in character, remain unspoiled and comprise various types of natural habitats. The surrounding land uses are dominated by agricultural activities mixed with rural settlements along Sha Tau Kok Road. Luk Keng is local further south beyond Starling Inlet (Sha Kau Tok Hoi) and Wo Keng Shan is located further to the south-west. An aerial view and an overview of the Area and its surrounding areas is shown in **Figure 2**.

# 2.3 <u>Physical Setting and Topography</u>

- 2.3.1 The Area has two major topographical features, including the coastal plain in the east and the hilly terrain dominating the western part. The densely vegetated Robin's Nest (492 mPD) is the prominent mountain ridge in the Area. To the east of the hilly terrain is a large tract of lowland occupied by seasonally wet grassland and clusters of village settlements.
- 2.3.2 A range of natural habitats, including secondary woodland, shrubland and upland grassland on the hilly terrain; and 'fung-shui' woods, freshwater / brackish wetland and natural watercourses on the coastal plain of high ecological and conservation value are shown on the Habitat Map (**Figure 3**).
  - (a) Shrubland and Forest

The shrubland and woodland, known for their large diversity of plant species, are of botanical significance. There are extensive areas of woodland around villages up to 300 m. A large population of tree species of conservation value, including *Xylosma longifolium*, has been reported in these areas.

(b) Robin's Nest

Robin's Nest was first proposed as a potential country park in 1993 under the Territorial Development Strategy Review. Its potential to be designated as country park is further discussed under the 'Land use Planning for the Closed Area'.

(c) 'Fung-shui' Woods

Muk Min Tau 'fung-shui' woods is the largest 'fung-shui' wood in the Area. It is situated on a piece of flatland and hence considered a rare natural habitat in Hong Kong. Tree species with conservation value, including *Aquilaria sinensis*, has been reported in these woods. Some rare bryophytes (Hypnaceae) have also been observed along streams in these areas.

(d) Watercouses

There are three major streams in the Area which flow from the hillslopes of Robin's Nest to Sharling Inlet. Some of the streams run adjacent to existing village and abandoned agricultural land of Ha Tam Shui Hang, Tsiu Hang, Muk Min Tau, San Tsuen and Tong To. Although the lower sections of the streams are partially modified, the streams remain largely natural. The watercourses, which flow from the higher grounds of Robin's Nest through the eastern flanks of the hillslopes to eastern lowlands and Starling Inlet, are in the form of stream courses, some of which flow through / between the existing villages of Ha Tam Shui Hang and Tsiu Hang, Muk Min Tau, San Tsuen and Tong To.

# 2.4 **Population and Employment**

- 2.4.1 According to the 2011 Census, the Area had a total population of about 750. There are 7 recognized villages, namely Tong To, Muk Min Tau (including Tsiu Hang), San Tsuen, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), and Shan Tsui.
- 2.4.2 Economic activities are limited mainly to small-scale horticultural and agricultural practices in the Area, due to the rugged topography and limited accessibility. Farmers are mainly self-employed.

# 2.5 Existing Land Uses

Major existing land uses of the Area include the following (**Figure 4**):

2.5.1 <u>Rural Settlements</u>

Existing rural settlements in the Area are concentrated in the recognized villages (i.e. Tong To, Muk Min Tau (including Tsiu Hang), San Tsuen, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), and Shan Tsui). The majority of the village houses are traditional village houses ranging from one to three storeys. Some of the traditional domestic structures are in dilapidated conditions and left vacant. Sporadic village houses and temporary structures, as

well as on-farm domestic structures, are scattered in the Area, particularly near Tong To Ping Tsuen, which is not a recognized village.

2.5.2 Agricultural Use

The majority of the agricultural land in the Area is fallow with only small plots of cultivated land being found in Tong To. The main horticultural and agricultural activities include cultivation of vegetables, flowers and fruits. There are a few abandoned ponds, including the largest ponds which are situated to the south of Sha Tau Kok Road near the Sha Tau Kok Sewage Treatment Works. There are a number of small fish ponds which have already dried up and are covered with vegetation.

# 2.5.3 Burial Grounds

There are six permitted burial grounds for indigenous villagers in the Area. They are concentrated at the eastern fringe of Robin's Nest.

#### 2.5.4 Government, Institution and Community (GIC) Uses (Figure 5)

The main GIC facilities in the Area include two hilltop survey stations to the south of Lin Ma Hang Road, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site, MacIntosh Fort (Pak Kung Au) and the disused Kwan Ah School at Sheung Tam Shui Hang.

#### 2.5.5 <u>Cultural Heritage</u> (Figure 8)

Graded historic buildings within the Area included the Macintosh Fort (Pak Kung Au) which is a Grade 2 historic building. Besides, there are three Grade 3 historic buildings in the Area, i.e. the Kwan Ah School (formerly Pan Lam Study Hall) at Sheung Tam Shui Hang, the Chung Ancestal Hall at Ha Tam Shui Hang and the Wong Tak Ching Ancestral Hall at Shan Tsui. In addition, the Sha Tau Kok San Tsuen Site of Archaeological Interest and a small portion of the Sha Tau Kok Shek Kiu Tau Site of Archaeological Interest are located in the Area. Cultural remains dated back from the Late Neolithic period (c. 2500 - 1500 B.C.) to the Qing Dynasty (1644 – 1911 A.D.) were unearthed in the Sha Tau Kok San Tsuen Site of Archaeological Interest during the previous archaeological investigations. Prehistoric cultural remains and ceramic sherds of the Song Dynasty (1644 – 1911 A.D.) were discovered in the Sha Tau Kok Shek Kiu Tau Site of Archaeological investigations.

#### 2.5.6 Land Ownership

About 13% of the land in the Area are private lots which are mainly located in the eastern coast and lowlands of the area which are mainly occupied by village settlements and fallow agricultural land. Government land, which covers about 87% of the Area, are mainly at the hilly areas of Robin's Nest (**Figure 6**).

# 2.6 <u>Transportation Facilities</u>

- 2.6.1 The major access to the Area is via Sha Tau Kok Road which is a single 2-lane carriageway leading from Fanling Highway through Sha Ho Road to Sha Tau Kok Control Point in the north. Another access to the Area is via Lin Ma Hang Road which is a single track access leading from Ping Che Road in the west and connects Sha Tau Kok Road through Shan Tsui Village Road. The widening works at Lin Ma Hang Road is currently at investigation stage undertaken by the Highways Department. Apart from these access roads, there are local van tracks traversing the settlement areas to serve the villagers.
- 2.6.2 The Area is not well served by public transport facilities due to restriction on access, remoteness and sparse population. There are franchised public bus service (No. 78K) and green minibus (No. 55K) plying between the Area and Sheung Shui Station.

# 2.7 <u>Infrastructure and Utility Services</u>

# 2.7.1 <u>Water Supply</u>

Water supply for the Area is provided by Sheung Shui Water Treatment Works via Ping Che Fresh Water Service Reservoir. Currently, fresh water for flushing is provided to the Area as supply of seawater for flushing is not available.

# 2.7.2 Drainage and Sewerage

The existing drainage system within the Area comprises only basic provisions for supporting rural development. Some low-lying areas along Sha Tau Kok road are flood prone. The Review of Drainage Master Plans for Yuen Long and North Districts completed in late 2011 has recommended drainage improvement works at Tsiu Hang and along Sha Tau Kok Road. The Area is currently not sewered. The ongoing project PWP Item No. 4378DS targeted for completion in 2016 will provide a trunk sewer along Sha Tau Kok Road and sewer connection to Shan Tsui, Sheung Tam Shui Hang, Ha Tam Shui Hang, Tsiu Hang, Muk Min Tau, San Tsuen and Nga Yiu Tau. Plans are underway for expanding the existing Sha Tau Kok Seweage Treatment Works in stages to cope with the forecast increase in sewage flow (**Figure 7**).

# 2.7.3 Solid Wastes

Solid waste disposal relies on small refuse collection points scattered throughout the Area. Collected wastes are transported to the North East New Territories (NENT) Landfill for disposal.

# 2.7.4 Electricity, Telephone and Gas Supply

There is no existing piped gas system in the Area. Electricity supply and telephone networks are available in the Area.

# 3. PLANNING ANALYSIS

# 3.1 <u>Development Constraints</u>

Within the Area, the following broad development constraints are identified (Figure 7):

- 3.1.1 <u>Relief</u>
  - 3.1.1.1 The central and western parts of the Area are characterized by relatively steep mountains and natural hilly terrain. There is a history of landslides on the hillslopes. Such topographic relief imposes geotechnical constraints on development, and geotechnical assessment would be required for any proposed development involving site formation and slope stabilization works.
  - 3.1.1.2 The village settlement at Tong To and Sheung Tam Shui Hang are below steep natural terrain and meet the Alert Criteria for a Natural Terrain Hazard Study (NTHS). Therefore, a NTHS and/or mitigation measures may be required for any proposed development at Tong To and Sheung Tam Shui Hang.

# 3.1.2 <u>Traffic</u>

Vehicular accesses are of a limited capacity and not intended for heavy traffic. Due to the limited transport infrastructure in the Area, uncoordinated development would create problems and hazards to both pedestrians and vehicular traffic. Improvement to transport facilities is required for any further major development.

# 3.1.3 Drainage

The existing drainage system within the Area comprises only basic provisions for supporting rural development. Some low-lying areas along Sha Tau Kok Road are flood prone. The Review of Drainage Master Plans for Yuen Long and North Districts completed in late 2011 has recommended drainage improvement works at Tsiu Hang and along Sha Tau Kok Road. Therefore, any development must demonstrate that the proposal would not cause any increase in the flooding susceptibility of the adjoining areas and is subject to a comprehensive Drainage Impact Assessment (DIA). In addition, as part of the area falls within the Deep Bay catchment, no additional pollution loading should be discharged into the Deep Bay as a result of any new and proposed developments. New developments should therefore include proper on-site sewerage treatment facilities or be connected to public sewer, when available. Lack of public sewer has imposed severe constrains for large-scale developments in this Area.

# 3.1.4 <u>Sewerage</u>

The Area falls within the Sha Tau Kok catchment. The findings of the Mirs Bay Water Quality Regional Control Strategy Joint Study indicate that pollutants assimilative and dispersive capabilities of Starling Inlet are low. Therefore, adequate and properly designed wastewater treatment facilities have to be provided for any proposed new and redevelopments to minimize any adverse impacts on the ecologically sensitive water environment of Starling Inlet.

# 3.1.5 <u>Water Supply</u>

The existing water supply system for the Area is of limited capacity. If major development is to be planned, upgrading of water supply system and construction of additional waterworks installations may be required.

# 3.1.6 Land Ownership

About 13% of the Area is private land, most of which is concentrated in the lowland in the eastern part of the Area where land is more developable as compared with the hillslopes, which are mainly Government land, in the west. Such land ownership pattern renders the need for land acquisition for comprehensive development (**Figure 6**).

# 3.1.7 <u>Overhead Transmission Lines</u>

There are 132 kV and 400 kV overhead transmission lines running across the Area. Relevant guidelines in Chapter 7 of the Hong Kong Planning Standards and Guidelines should be observed for any proposed development which may affected these overhead transmission lines.

# 3.1.8 <u>Burial Grounds</u>

The six permitted burial grounds for indigenous villagers are proposed to be retained.

# 3.2 <u>Development Opportunities</u> (Figure 7)

# 3.2.1 <u>Tourism</u>

- 3.2.1.1 The tranquility and the rural setting, in tandem with the historical and heritage features, provides a good opportunity for cultural tourism development and passive recreational activities. The Area also provides a good potential for cultural heritage and eco-tourism. Provision of tourism and recreational-related developments such as well-connected footpaths, cycle tracks and dining / overnight accommodation facilities would be required to realize its tourism potential.
- 3.2.1.2 The tourism potential for Sha Tau Kok has been investigated under the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas Feasibility Study which was commissioned by the Planning Department and completed in 2013. The Study recommends the opening up of the Sha Tau Kok Public Pier during weekends and public holidays for organized group tours, allowing a maximum of 500 visitors per day to access the areas along the east coasts and major

outer islands in the North East New Territories. Although Sha Tau Kok Town is located outside the Area, it is expected that the proposed tourism development in Sha Town Kok Town will have spin-off effects to promote tourism-related facilities and services in the Area and enhance the connection of Sha Tau Kok Town with other tourist attractions in the NENT.

# 3.2.2 Agriculture

Most agricultural land is found in the eastern part of the Area with some under active cultivation. As advised by Agriculture, Fisheries and Conservation Department, the agricultural land in the Area is of good quality. With irrigation facilities, fallow arable land can be rehabilitated for agricultural purposes under the Agricultural Land Rehabilitation Scheme. Besides, there is potential for development of hobby farm to complement cultural tourism and recreational activities.

# 3.2.3 <u>Nature Conservation</u>

Large tracts of dense and undisturbed woodland and lowland forests can be found in the hillslopes in the Area. In addition, there are various types of natural habitats, including stream courses from Robin's Nest towards the coastal lowland in the east, mangrove aligned at the edge of the Starling Inlet, and the Muk Min Tau Fung Shui Wood which are worthy of conservation. Future development of the Area needs to take into account areas of their ecological values and natural landscape characters. Prior consultation with relevant Government departments should be conducted if development proposals would affect places of ecological interest.

# 3.3 <u>Review of Zoning Boundaries</u>

# Review of "V" Zone Boundaries

- 3.3.1 As agreed by the Board on 8.9.2011, the following established criteria have been adopted in reviewing the "V" zones:
  - (a) The current "V" zones on the DPA Plan will be extended if the available land for Small House (SH) development within the "V" zones cannot meet the demand figures. "V" zone areas adjusted should be within or contiguous to the 'Village Environs' ('VE') and should preferably include Government land, if available, in the vicinity and take due considerations of the topography, woodlands, roads, streams, burial grounds and ecological features, etc.
  - (b) The "V" zones would be adjusted to meet the increased demand figure but up to the limit equivalent to the area bounded by the 'VE'.
  - (c) The current "V" zones on the DPA Plan will not be adjusted if the available land for SH development within the "V" zones is sufficient to meet the increase demand figure. As such, the area of "V" zones would remain smaller than that of 'VE'.

- (d) In determining land for SH developments, both government land and private land would be considered.
- 3.3.2 In the event that the designated "V" zones (albeit size already adjusted to match the size of the 'V') are still not sufficient to meet the future demand, there is a provision under the Notes of the draft OZP for planning applications for SH developments to the Board.
- 3.3.3 Following the current practice upon preparation of OZP, the District Lands Officer/North, Lands Department (DLO/N, LandsD) was approached to provide the latest SH demand figures. The information provided by DLO/N has taken account of the outstanding SH applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives. It should be noted that the 10-year SH demand forecasts have not been supported by evidence and will not be subject to verification by DLO/N. However, if there is a substantial and unjustified increase between the updated 10-year demand figure and the figure previously adopted when preparing the DPA Plan, the latter would be adopted in the preparation of the OZP unless strong justifications are received by the respective Village Representatives.
- 3.3.4 The existing conditions within the "V" zones and in the immediate vicinities within the Area have been reviewed. Based on the updated demand figures of 2012 from DLO/N (**Appendix I**) having regard to the established criteria and the site constraints / opportunities, the "V" zones within the Area were reviewed in an attempt to meet the SH demand. On-site surveys were carried out on the boundaries of the "V" zones, taking into account the existing 'VE', local topography, settlement patterns, ecologically important areas and other site specific characteristics including vegetations, burial grounds and stream courses, etc.
- 3.3.5 In Sha Tau Kok Area, it is noted that there is a substantial increase in total SH demand for Tong To and Tam Shui Hang from 548 and 467 to 3,002 and 912 respectively\*, a slight increase in total SH demand for San Tsuen from 138 to 151, Muk Min Tau from 3,000 to 3,014 and Shan Tsui from 246 to 254 as compared with the figures adopted in the preparation of the Plan and those presented to the Board during the hearings of representations/comments in 2011. The updated figures are provided without justifications and not verified. As the boundaries of the respective "V" zone have been fully deliberated at the hearing in 2011 (para. 5.2) and there is no significant change in planning circumstances, no changes were proposed for Tong To as the size of the existing "V" zone was already equivalent to the size of the 'VE' of the same village.
- 3.3.6 For Tong To, no changes were proposed for the villages as the size of the existing "V" zone was already equivalent to the size of the 'VE' of the same villages (**Figure 9**).

<sup>\*</sup> When considering the land use zoning for the "V" zone of Tong To and Tam Shui Hang, it is noted that no justification has been received from the respective village representatives for the substantial increase in SH demand from 2011. In such circumstances, the figures of SH demand in 2011 are adopted in preparation of the draft OZP.

- 3.3.7 For Shan Tsui and Tam Shui Hang, the area of the existing "V" zone is approximately the same as the 'VE' of the same villages. To take into account the KFBG and WWF's concerns that appropriate zonings should be designated for the dense woodland of high ecological value, two pieces of land north of Tam Shui Hang and Shan Tsui with a total of 0.55 ha are proposed to be rezoned from "V" to "GB" to preserve the existing mature trees and landscape character as well as its rich biodiversity. According to the FCA Study, these areas are covered by closed-canopy shrubland and secondary woodland with high floral and faunal diversity in particular a high richness of avifauna which has high ecological value. On the other hand, two pieces of land between Muk Min Tau and Tam Shui Hang (0.39 ha) which is currently covered by a stream course and adjacent land area, and to the north-west of Tam Shui Hang (0.16 ha), where pockets of village houses have already been built in the "V" zone close to the stream, are proposed to be rezoned from "AGR" to "V".
- 3.3.8 For San Tsuen and Muk Min Tau (including Tsiu Hang), it is noted that the "V" zone is at a size equivalent to about 95% of the 'VE' of the two villages (Figure 14). It is noted that no suitable land in the vicinity is available to meet the total SH demand for the villages as the surrounding area is covered by dense vegetation, seasonal wet grassland and burial ground..
- 3.3.9 A strip of land (about 0.39 ha), which is currently zoned "AGR" between Muk Min Tau and Ha Tam Shui Hang to reflect the course of a trained stream and the adjoining land, is proposed to be zoned "V" to follow the current practice of broad brush land use zoning on the OZP, and on grounds that the concerned stream is not an ecological important stream, and the section of the lower stream course has already been trained and its natural character has been modified (**Figures 10** and **11**).

#### Review of Zoning Boundaries from Nature Conservation and Ecological Perspectives

3.3.10 Kadoorie Farm and Botanic Garden (KFBG) and Worldwide Fund for Nature (WWF) Hong Kong have expressed concerns on the various zonings from nature conservation and ecological perspectives. Their concerns are summarized follows:

<u>Areas along streams originating from Robin's Nest towards Starling Inlet</u> (Figures 15 and 16)

- 3.3.10.1 KFBG and WWF have expressed concerns about the potential adverse impacts of development within the "V" zones on the water quality of nearby natural stream courses, particularly the three streams adjacent to the villages of Tong To, Muk Min Tau and Tam Shui Hang originating from Robin's Nest towards Starling Inlet, including the river mouths and mangroves along the coast of Sha Tau Kok. The three streams are currently covered by "V", "AGR", "GB", "REC" and "CA" on the DPA Plan.
- 3.3.10.2 Regarding the WWF and the KFBG's concerns on potential impacts of developments (in particular Small House development) on existing

stream courses in the Area, all three streams are partially modified but their upper sections are largely undisturbed. It should be noted that the 3 streams and the area adjacent to the stream courses are not Sites of Special Scientific Interest or ecologically important streams. Against this background, it is considered that the current land use zonings mentioned in para. 3.3.10.1 above would protect the stream courses and its adjacent area through the planning system. Besides, in accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005, under the current administrative practice, development proposals / submissions that may affect natural streams / rivers, the approving / processing authorities at various stages of the development should consult and collate comments from the Agriculture, Fisheries and Conservation Department (AFCD) and relevant authorities and incorporate relevant comments / advice as conditions of approval wherever possible. Accordingly, LandsD when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. It is also suggested to clearly state this requirement in the Explanatory Statement of the "V" zone that when processing Small House grant and applications in close proximity to existing stream courses, AFCD and PlanD should be consulted.

- 3.3.10.3 According to the FCA Study, the stream course adjacent to Tong To has moderate ecological value as it has moderate to high diversity of riparian vegetation, moderate riparian faunal diversity and moderately rich in riparian fauna; the stream adjacent to Muk Min Tau has low to moderate ecological value due to its modification at the lower section and to its naturalness and strong linkage to the forests in the mid/upstream; and the stream course adjacent Tam Shui Hang has a moderate to high ecological value since its upper section is the breeding ground for amphibians, fish, odonates and aquatic invertebrates and its connectivity to Starling Inlet. The land use zonings along these steams have been reviewed after site investigation and further discussions with AFCD. The findings are summarized below.
- 3.3.10.4 The stream adjacent to Tong To is of moderate ecological value according to the findings of the FCA Study. The modified lower-middle sections of the stream adjacent to Tong To falls mainly within the "REC' zone and are surrounded by village area, hobby farms (place of recreation), and fallow agricultural land. There is no material change in planning circumstances of the area along the stream since the gazettal of the draft DPA Plan. It is thus considered appropriate to retain the "REC" zone. To address the concerns on potential impacts of developments on existing stream courses in the Area, a clause on diversion of streams has already been included in the Notes of the "REC" zone to ensure that any works and alteration of the existing stream course will be put under the control of the statutory

planning system. The upper section of the stream falls within areas mainly zoned "GB" to reflect the current natural state of the hillslopes. The areas covered by Tong To and Tong To Ping Tsuen and their vicinity are zoned "AGR" and "V" to reflect its existing uses which include agricultural use and village house developments (**Figures 15** and **16**).

- 3.3.10.5 The upper section of the stream courses adjacent to Muk Min Tau and San Tsuen is of moderate ecological value according to the FCA Study and is partly covered by "CA", "GB" and "AGR" where the stream course and its surrounding habitats will be protected by the relatively more restrictive permitted land uses. The lower-middle course of the stream is of low ecological value and mainly zoned "V" to reflect the existing development pattern which includes mostly village house developments (**Figures 15** and **16**).
- 3.3.10.6 The stream at Tam Shui Hang is of moderate to high ecological value according to the FCA Study. It is not designated as a Site of Special Scientific Interest (SSSI) or identified as an ecologically important stream (EIS) by AFCD. The upper section of the stream falls mainly within the "AGR" and "GB" zones to reflect the existing fallow agricultural land and natural hillslopes respectively (Figures 15 and 16). As there is no change in the planning circumstances at the upper stream, the respective zonings are considered appropriate to be retained for this area. However, there are signs of recent village house developments alongside the nearby "V" zone which is close to the lower-middle course of the stream. It is proposed to rezone this part of the stream to "V" to reflect the existing development pattern.

#### Impacts of Small House Development on Existing Streams

3.3.10.7 Regarding the concerns on potential impacts of developments, in particular small houses within "V" zone, on existing stream courses in the Area, it should be noted that in accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005, under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the Agriculture, Fisheries and Conservation Department (AFCD) and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, LandsD when processing Small House grant and applications in close proximity to existing stream course, should consult concerned departments including AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. It is suggested to clearly state this requirement in the Explanatory Statement of the "V" zone that when processing Small House grant and applications in close proximity to existing stream courses, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond to effect any permitted uses would also require

permission from the Board in accordance with the Notes of the "V" zone.

Review of the Coastal "AGR" Zone to the south of Sha Tau Kok Road (Figures 10, 18 to 21)

3.3.11 Regarding the Board's request to review the land use zoning of the "REC" zone south of Sha Tau Kok Road in further considering the representations and comments on 8.9.2011 (para. 5.2 above refers), it is considered appropriate to retain the "AGR" zone in view that the area covers mostly fallow arable land with grass and shrub with good potential for agricultural rehabilitation under the "AGR" zone. Recreational uses, such as 'Barbecue Spot' and 'Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)' are 'Column 2' uses which may be permitted with or without conditions on application to the Board under section 16 of the Town Planning Ordinance. "AGR" zone is also appropriate to allow only low-density development along the coastal area with a view to minimizing any potential impact to the Starling Inlet which may arise from any extensive development.

# "Green Belt" Zone near Gate One Checkpoint of the Closed Area (South of Ha Tam Shui Hang) (Figure 22)

3.3.13 Regarding the local villagers' proposal to rezone the areas near Gate One Checkpoint of the Closed Area from the current "GB" to "REC", it is noted that the areas are covered with seasonally wet grassland and mangroves. It is appropriate to retain the "GB" zone for the areas to define the limits of development areas in Sha Tau Kok Town.

# 4. <u>PLANNING PROPOSALS</u>

# 4.1 <u>The Outline Zoning Plan (OZP)</u>

The draft Sha Tau Kok OZP (the Plan) (**Appendix I**) prepared under section (3)(1)(a) of the Town Planning Ordinance (the Ordinance) is to provide a statutory basis for planning control over the Sha Tau Kok area. It will supersede the approved Sha Tau Kok DPA Plan No. DPA/NE-STK/2, which was exhibited for public inspection under section 9(5) of the Ordinance on 2 March 2012. Uses and development that are always permitted and those uses that require permission from the Board upon application in various land-use zones are set out in a schedule of Notes (**Annex C**) attached to the Plan. Also accompanying the Plan is an Explanatory Statement (**Annex D**) to assist an understanding of the Plan and to reflect the planning intentions and objectives of Board for various land-use zonings.

# 4.2 Objectives of the Plan

The objectives of the Plan are to establish the broad land use zonings to provide an interim statutory planning control and guidance for future development of the Area and to enable enforcement actions to be taken against any unauthorized development. It also provides a general planning framework for preparing more detailed non-statutory plans which form the basis for infrastructure planning and site reservation for various uses.

# 4.3 Planning Intention

- 4.3.1 The strategic role of the Area is recognized for creation of a conservation, cultural heritage and sustainable development belt between HKSAR and Shenzhen. There is a 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 sustainable development compatible with the surroundings so as to achieve a balance between conservation and development in the Area.
- 4.3.2 The Area is situated outside the eastern portion of the previous Closed Area and has a number of village settlements, traditional buildings and agricultural land. The general planning intention of the Area is to promote cultural conservation and recreation tourism. The rural character, natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well the ecologically important areas and the upland scene of the Planning Scheme Area should be conserved.

# 4.4 <u>Population and Provision of GIC Facilities</u>

# 4.4.1 Population

Based on the following proposed land uses, the future expansion of population in the Area will be concentrated in the recognized villages. It is estimated that the planned population of the Area will reach about 9,276 persons.

# 4.4.2 GIC Facilities

Based on the planned population, the requirements for open space and GIC facilities in the Area are summarized at **Annex B**. The required provisions will either be met within the Area, Sha Tau Kok Town or in Ta Kwu Ling and Fanling / Sheung Shui New Town.

# 4.5 Land Use Proposals

In 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 proposals are proposed to be designated on the Plan (**Figure 23**):

# 4.5.1 <u>"Village Type Development" ("V")</u>: Total Area 39.45 ha

(a) The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. The boundaries of the "V" zone for these villages are drawn up with regard to the village 'environs', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and stream courses have been avoided where possible. 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.

- (b) There are seven recognized villages within the Area, namely Shan Tsui, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), Muk Min Tau (including Tsiu Hang), San Tsuen and Tong To. The boundaries of the "V" zone for these villages are drawn up with regard to the village 'environs', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics.
- (c) Except for those specified, development on land zoned "V" is subject to 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.
- (d) The "V" zone of Tong To is below steep natural terrain and meet the Geotechnical Engineering Office of the Civil Engineering and Development Department's Alert Criteria for a Natural Terrain Hazard Study. Therefore, natural terrain hazard study and/or hazard mitigation measures may be required for any proposed development in the area.
- (e) The San Tsuen, Ha Tam Shui Hang and Shan Tsui villages are expected to subject to adverse traffic noise impact of the cross-boundary traffic along Sha Tau Kok Road. Village housing development near the main road should be avoided. Suitable noise mitigation measures such as self-protective building design, noise barriers with minimal visual impact, etc. would be required.
- (f) Two pieces of land (total area of about 0.55 ha) north of Tam Shui Hang and Shan Tsui will be rezoned from "V" to "GB" to preserve the existing woodland and mature trees. A piece of land of about 0.16 ha north-west of Sheung Tam Sui Hang, which is not covered with dense vegetation, could be zoned "V" to partially meet the Small House demand of the villages.
- (g) To address the concerns on potential impacts developments on existing stream courses in the Area, concerned departments including Agriculture, Fisheries and Conservation Department and Planning Department should be consulted when processing Small House grant and applications in close proximity to existing stream courses (i.e. within 15 m of a stream), to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- (h) 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.

- (i) 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.
- 4.5.2 <u>"Government, Institution or Community" ("G/IC")</u>: Total Area 1.46 ha
  - (a) This zone is intended primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, the region as well as 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) Existing facilities under this zoning include two hilltop survey stations, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site, the disused Kwan A School at Sheung Tam Shui Hang and MacIntosh Fort (Pak Kung Au).
  - (c) Kwan Ah School is a disused school located at Sheung Tam Shui Hang in close proximity to the Robin's Nest and Starling Inlet. However, ccording to the FCA Study, the disused school building can be used as for other adaptive reuse, such as visitor / interpretation centre and / or a small-scale holiday camp of an estimated capacity of 20-30 persons with basketball court, barbecue area, sightseeing and sightseeing facilities. The proposed uses can be supported by guided tours and field trips to promote the conservation of the ecological link between Shenzhen and Hong Kong along Wutongshan, Robin's Nest and Pat Sin Leng Country Park. The preferred uses of the disused Kwan Ah School site could be accommodated under the provisions of the "G/IC" zoning.
- 4.5.3 <u>"Recreation" ("REC")</u>: Total Area 11.35 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. Uses in support of the recreational developments may be permitted subject to planning permission.
  - (b) A site to the south of Tong To on both sides of Sha Tau Kok Road is designated as "REC" zone. The site extends from Tong To east to the banks of Starling Inlet and is occupied by fallow agricultural land. The recreational initiatives will benefit from its proximity to the potential Robin's Nest Country Park and provide economic opportunities in the nearby villages and the tourism intentions for 'Sha Tau Kok according to the findings of the 'Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas Study'. The planning intention of the "REC" zone is to provide low-intensity recreational uses. The recreation areas are intended

to integrate with other recreation facilities such as hiking / heritage / bicycle trails and the Country Park, while integrating with the village and agricultural areas to provide a holistic approach to the provision of low-intensity tourism.

- (c) Recreational uses such as holiday camp with sporting facilities, visitor centre, local historical museums, adventure parks, organic farms, hobby-farms, camping grounds, BBQ areas and other uses that are primarily outdoor nature-based activities, etc. are permitted within this zone. 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. No residential 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.
- (d) 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.

#### 4.5.4 <u>"Agriculture" ("AGR")</u>: Total Area 38.82 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 of cultivation and other agricultural purposes.
- (b) The majority of agricultural land of good quality are found in lowland areas in the eastern part of the Area. With basic infrastructure, 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 1.2 m in thickness for cultivation, or construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

#### 4.5.5 <u>"Green Belt" ("GB")</u>: Total Area 461.55 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 outlet. 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 hilly areas of Robin's Nest are zoned "GB" as these areas are of botanical significance and known for the diversity of plant species. There are extensive areas of woodland up to about 300 m in elevation. In addition, a large population of tree species of conservation concern (e.g. *Xylosma longifolium*) is reported in the Area. The Robin's Nest is a potential country park and "GB" zoning is considered appropriate to protect the area before its formal designation as a country park. The "GB" zone also covers the hillslopes of Robin's Nest which are also the permitted burial grounds for indigenous villagers.
- (d) As diversion of streams or filling of land / pond, and 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.

# 4.5.6 <u>"Conservation Area" ("CA")</u>: Total Area 2.77 ha

- (a) This zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse impacts 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 Muk Min Tau is zoned "CA". Environmental surveys have identified that the Muk Min Tau 'fung-shui' woods have a high level of significance in terms of plant diversity and woodland integrity with minimal human disturbance. This 'fung-shui' woodland deserves a greater level of protection under the "CA" zoning.
- (d) As filling of land / pond, excavation of land and diversion of streams 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.

# 5. **IMPLEMENTATION**

5.1 The draft OZP provides a broad land use framework for development control and implementation of planning proposals for the Area. Detailed plans will be prepared as a basis for public works planning and private developments. The type of permitted developments and uses on land within the Area are listed in the Notes of the Plan. Implementation of the proposed land uses and development control would be made according to the planning intentions and stated restrictions of the respective zones of this draft OZP. Provision for planning application would allow flexibility in land use planning and control of development to meet changing needs.

# 5.2 <u>Country Park</u>

In the "Study on Land use Planning for the Closed Area" completed by the Planning Department in 2008, some 480 hectares in the Robin's Nest area are recommended for designation as a country park for its high ecological value, landscape quality and recreation potential. The potential Robin's Nest Country Park falls partly within the planning area of the Sha Tau Kok OZP. The exact delineation of the potential Robin's Nest (Hung Fa Leng) Country Park boundary is still subject to continuing refinement with appropriate government agencies (**Figure 24**). Upon finalization of the boundary, the potential Country Park at Robin's Nest would be the subject of gazettal by the Country and Marine Parks Authority under the Country Parks Ordinance (Cap. 208). The implementation agent for the proposal would be the AFCD. Following completion of the necessary statutory procedures, the draft map showing potential Country Park would be submitted to the Chief Executive in Council for approval. After such approval, the Country Park boundary would then be reflected by a "Country Park" zoning under the future OZP.

# 5.3 <u>Recreation Area</u>

Implementation of the "Recreation" zone would effectively rely on private sector initiatives, taking into account the improved infrastructure and increased tourism opportunities in the Area. There is some Government land scattered throughout the Area which could be leased to legitimate proponents as a means of providing consolidated allotments that can provide development compatible with the planning intention.

# 5.4 Road Improvement

The modification of the junction of Sha Tau Kok Road / Sha Ho Road / Shan Tsui Village Road was completed in February 2012. Besides, minor road improvement is necessary for the local village access road for Shan Tsui. The road improvement work is subject to the schedule of the maintenance agent and priority. No public transport terminus is proposed to serve the Area. The existing traffic restriction on Sha Tau Kok Road near Shek Chung Au has been lifted. A section of Lin Ma hang Road from Lin Ma Hang Village to Sha Tau Kok will remain as a restricted road for police patrol.

# 5.5 <u>Utility Infrastructure</u>

Given the small scale development proposed in the Area, there is no overall programme for the provision of utility infrastructure within the Area.

#### 5.6 <u>Planning Enforcement</u>

Any development, other than those referred to in paragraph 5.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this Plan on or after the date of the first publication in the Gazette of the notice of the draft DPA plan may be subject to enforcement proceedings under the Ordinance.

#### Sha Tin, Tai Po and North District Planning Office PLANNING DEPARTMENT MARCH 2013

Recognised	Demand figure for TPB hear 2011	rings in	New demand figures		'VE' Approx. Area	"V" zone on draft OZP (ha)	Required land to meet new	Available Land to meet	Percentage of the new demand met
Villages	Outstanding Demand	10-year forecast	Outstanding Demand	10-year forecast	(ha)		demand (ha)	new demand figure (ha)	by available land (%)
Tong To (STK)	0	548	2	3000	4.36	4.36	13.75*	2.82	20.5
San Tsuen (STK)	8	130	16	135	9.16		3.78		
Muk Min Tau (incl. Tsiu Hang) (STK)	0	3000	14	3000	6.88	15.30	75.35	12.33	15.6
Tam Shui Hang(STK)	17	450	12	900	13.34		11.55*		
Shan Tsui (STK)	6	240	14	240	6.34	19.79	6.35	12.26	68.5

\* When considering the land use zoning for the "V" zone of Tong To and Tam Shui Hang, it is noted that no justification has been received from the respective village representatives for the substantial increase in SH demand from 2011. In such circumstances, the figures of SH demand forecast in 2011 are adopted in preparation of the draft OZP.

# Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

Existing Population: 750 persons

Type of Facility	HKPSG	F	Existing		]	Planned		Remarks
	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
OPEN SPACE								
1. Local Open Space	10 ha per 100,000 persons	0.08	0.07	-0.01	0.93	0.07	-0.86	Noting the rural locations of these settlements which enable the residents to have more easy access to the countryside, and the small population level, there is no provision of Local Open Space. Sufficient local open spaces are available in the rural settlements to serve local residents' needs.
2. District Open Space	10 ha per 100,000 persons	0.08	0.00	-0.08	0.93	0.00	-0.93	Noting the rural locations of these settlements which enable the residents to have more easy access to the countryside, and the small population level, there is no provision of District Open Space. Sufficient district open spaces are available in North District to serve the Area.

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

**Existing Population: 750 persons** 

Type of Facility	Type of Facility HKPSG		Existing		1	Planned		Remarks
	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
RECREATIONAL FA	CILITIES							
1. Sports Centre	1 per 50, 000 – 65, 000 persons	0.01	0.00	-0.01	0.14	0.00	-0.14	
2. Sports Ground/ Sports Complexes	1 per 200, 000 – 250, 000 persons	0.00	0.00	0.00	0.04	0.00	-0.04	
3. Swimming Pool Complex	1 per 287, 000 persons	0.00	0.00	0.00	0.03	0.00	-0.03	
4. Indoor Stadium (Sports)	Territorial facility based on need	N/A	0.00	N/A	N/A	0.00	N/A	
5. Outdoor Stadium	Territorial facility based on need	N/A	0.00	N/A	N/A	0.00	N/A	
EDUCATION								

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

**Existing Population: 750 persons** 

Type of Facility	HKPSG	E	Existing		]	Planned		Remarks
Type of Facility	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
<ol> <li>Nursery Classes and Kindergartens</li> </ol>	26 classrooms for every 1000 children aged 3- under 6	0.36	0.00 (0 School)	-0.36	7.79	0.00 (0 School)	-7.79	Kindergarten facilities in Sha Tau Kok Area 6 and Caritas Nursery Schools at Ping Che Road, Ta Kwu Ling cover the Area.
2. Primary Schools	1 whole-day classroom per 25.5 persons aged 6-11	1.75	0.00 (0 School)	-1.75	27.57	0.00 (0 School)	-27.57	Existing School in Ta Kwu Ling Ling Ying Public School can cover the Area.
3. Secondary Schools	1 whole-day classroom per 40 persons aged 12-17	1.48	0.00 (0 School)	-1.48	15.75	0.00 (0 School)	-15.75	Fanling / Sheung Shui will provide secondary school places for the Area.
4. Special Schools	No set standard	N/A	0.00 (0 School)	N/A	N/A	0.00 (0 School)	N/A	
MEDICAL AND HEA	ALTH SERVICES							
1. Hospitals	5.5 beds per 1,000 persons	4.13	0.00	-4.13	51.02	0.00	-51.02	Requirements are covered by North District Hospital in Sheung Shui
2. Polyclinics/ Specialist Clinic	1 specialist clinic/polyclinic	N/A	0.00	N/A	N/A	0.00	N/A	

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

**Existing Population: 750 persons** 

Type of Facility	HKPSG	E	Existing		Planned			Remarks
	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
	whenever a regional or district hospital is built							
3.Clinics/Health Centres	1 clinic/health centre per 100,000 persons	0.01	0.00	-0.01	0.09	0.00	-0.09	
SOCIAL WELFARE A	AND COMMUNITY							
1. Community Halls	To be determined on the basis of need, having regard to community aspirations and other relevant considerations.	N/A	0.00	N/A	N/A	0.00	N/A	
2. Child Care Centre	To be based on the estimated demand, socio-economic factors, district characteristics and the provision of other child care	N/A	0.00	N/A	N/A	0.00	N/A	Child care centre available in Caritas Centre at Ping Che Road, Ta Kwu Ling

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

**Existing Population: 750 persons** 

Type of Facility	HKPSG	E	Existing		Planned		
Type of Fuchty	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit
	support services for the area.						
3. Integrated Children and Youth Services Centres	1 per 12,000 persons aged 6-24	N/A	0.00	N/A	N/A	0.00	N/A
4. District Elderly Community Centres	To be determined taking into account the elderly population, demographic characteristics, geographical factor, existing service provision and service demand.	N/A	0.00	N/A	N/A	0.00	N/A
5. Neighbourhood Elderly Centres	To be determined taking into account the elderly population, demographic characteristics, geographical factor,	N/A	0.00	N/A	N/A	0.00	N/A

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

Existing Population: 750 persons

Type of Facility	HKPSG	F	Existing		]	Planned	
Type of Fuchicy	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit
	existing service provision and service demand.						
6. Day Care Centres for the Elderly	To be determined taking into account the elderly population, demographic characteristics, geographical factor, existing service provision and service demand.	N/A	0.00	N/A	N/A	0.00	N/A
7. Day Care Unit for the Elderly in District Elderly Community Centres	To be determined taking into account the elderly population, demographic characteristics, geographical factor, existing service provision and service demand.	N/A	0.00	N/A	N/A	0.00	N/A

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

**Existing Population: 750 persons** 

Type of Facility	HKPSG	E	Existing		Planned			Remarks
Type of Facility	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Kennar KS
8. Day Care Unit for the Elderly in Residential Care Homes for the Elderly	To be determined taking into account the elderly population, demographic characteristics, geographical factor, existing service provision and service demand.	N/A	0.00	N/A	N/A	0.00	N/A	
9. Residential Care Homes for the Elderly	To be determined taking into account the service demand and the availability of suitable premises.	N/A	0.00	N/A	N/A	0.00	N/A	Caritas Fung Wong Fung Ting Home at Ping Che Road, Ta Kwu Ling serves the Area.
10. Integrated Family Service Centres	1 per 100,000 to 150,000 persons	0.01	0.00	-0.01	0.06	0.00	-0.06	Care-and-Attention Homes available in Caritas Centre at Ping Che Road, Ta Kwu Ling
LAW AND ORDER								

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

**Existing Population: 750 persons** 

Type of Facility	HKPSG	E	Existing		1	Planned		Remarks
Type of Facility	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
1. District Police Stations	1 per 200,000 to 500,000 persons	0.00	0.00	0.00	0.02	0.00	-0.02	Requirement covered by the Sha Tau Kok Police Station at Sha Tau Kok Road – Shek Chung Au section.
2. Divisional Police Stations	1 per 100,000 to 200,000 persons	0.00	0.00	0.00	0.05	0.00	-0.05	Ũ
<ol> <li>Sub-divisional Police Stations/Police Posts</li> </ol>	No set standard	N/A	0.00	N/A	N/A	0.00	N/A	
4. Divisional Fire Stations	Provision depends on graded response time determined by fire risk category system. Generally 1 standard divisional station is provided for 1 fire station	N/A	0.00	N/A	N/A	0.00	N/A	
5. Sub-divisional Fire Stations	depends on local needs.	N/A	0.00	N/A	N/A	0.00	N/A	
6. Non-standard Fire Stations	depends on local needs.	N/A	0.00	N/A	N/A	0.00	N/A	Requirement covered by Fire Station at Sha Tau Kok Town

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

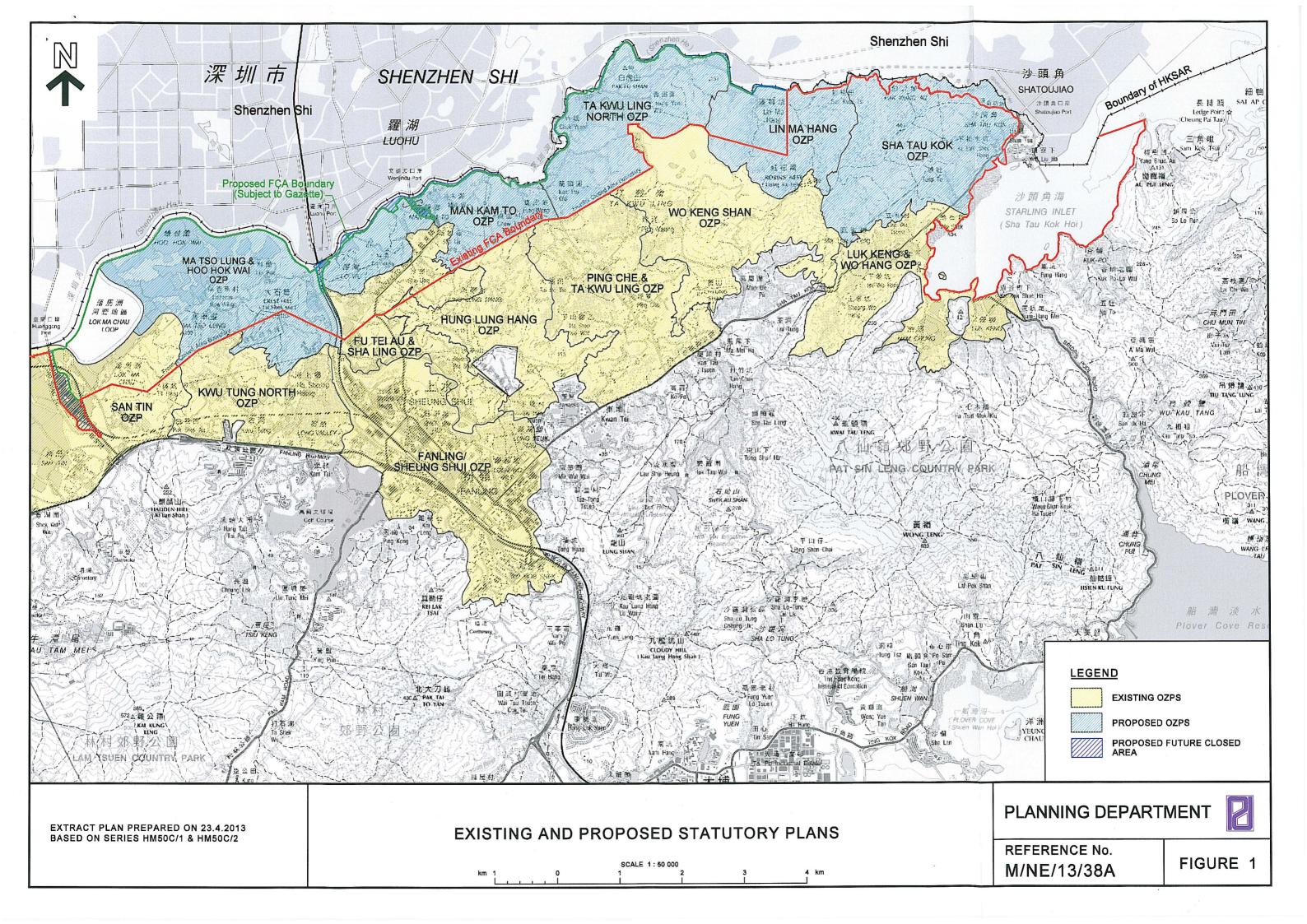
**Existing Population: 750 persons** 

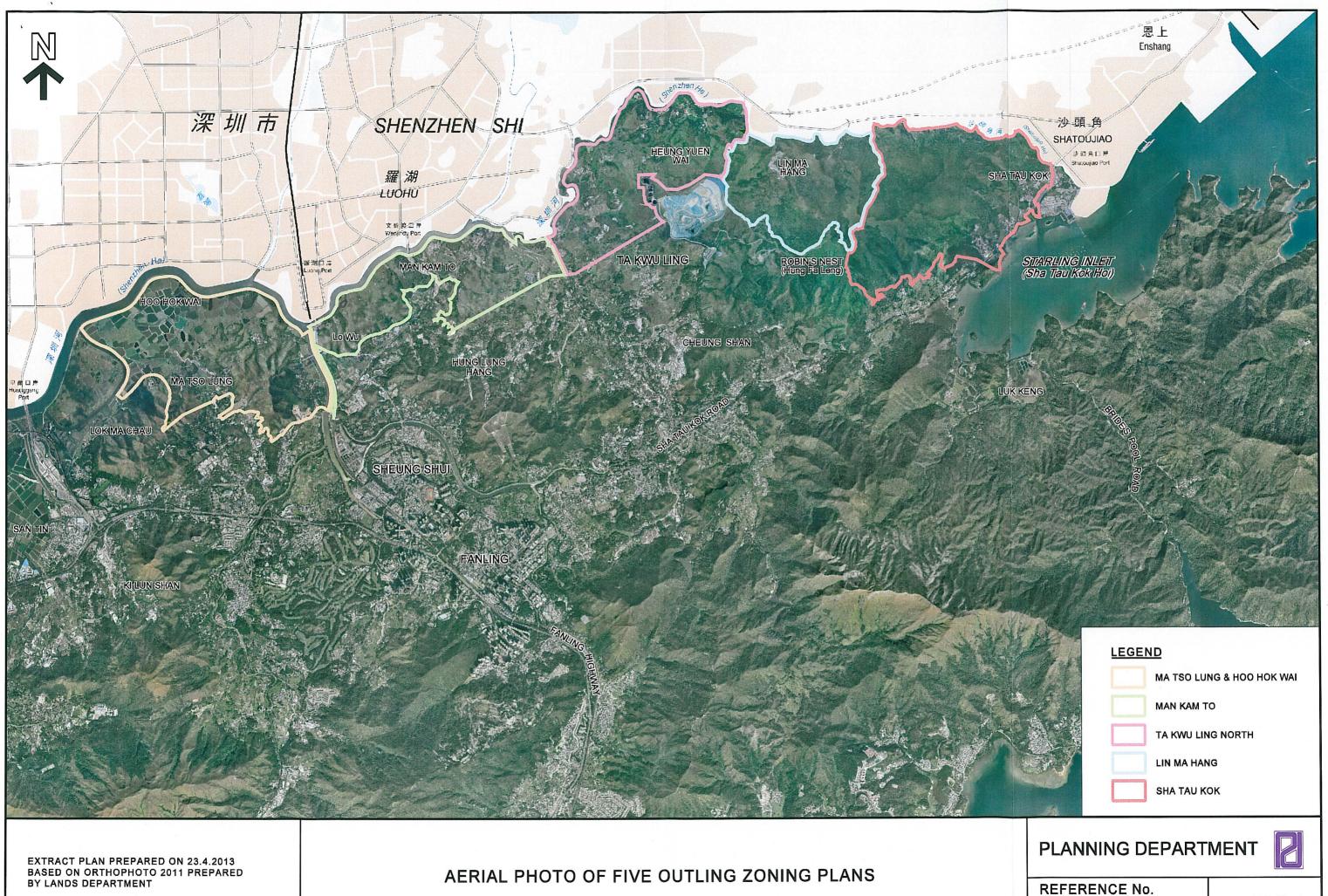
Type of Facility	HKPSG	E	Existing		Planned			Remarks
	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
7. Ambulance Depots and Ambulance Stations	Provision depends on the requirement of accommodation for ambulance to give an emergency coverage of 10 minutes and 20 minutes in urban/new towns and rural areas respectively	N/A	0.00	N/A	N/A	0.00	N/A	
8. Magistracies (with 8 courtrooms)	1 per 660,000 persons	0.00	0.00	0.00	0.01	0.00	-0.01	
OTHER COMMUNIT	TY FACILITIES							
1. Arts Venues	No set standard	N/A	0.00	N/A	N/A	0.00	N/A	
2. Library	1 district library per 200,000 persons	0.00	0.00	0.00	0.05	0.00	-0.05	
3. Post office	In rural areas, a distance of 3.2 km should be assumed.	0.03	0.00	-0.03	0.31	0.00	-0.31	

Schedule of Requirements and Provision of Open Space and Major GIC Facilities in Draft Sha Tau Kok OZP

Existing Population: 750 persons

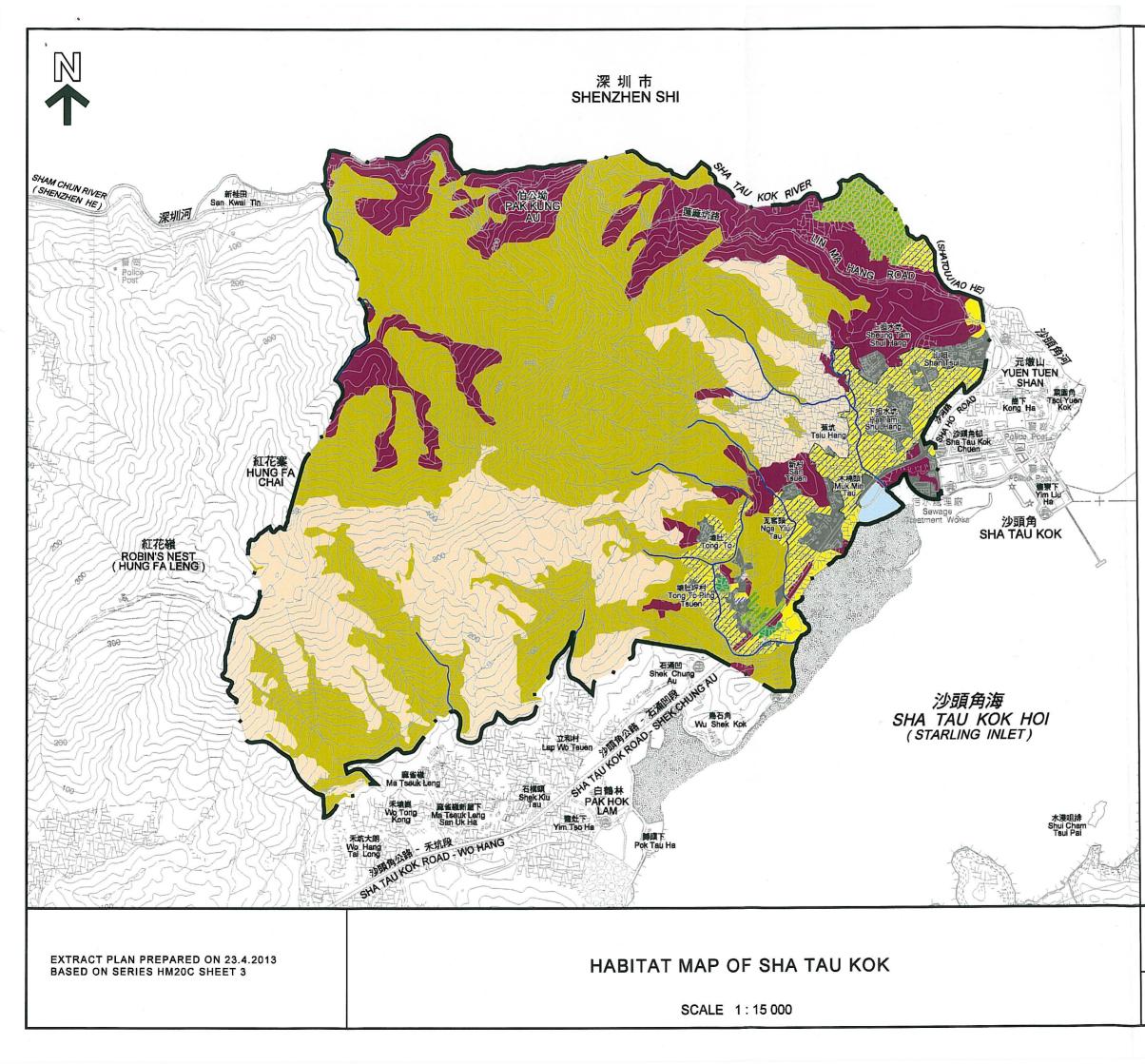
Type of Facility	HKPSG	E	Existing		Planned			Remarks
	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
	In general, 1 for a population of not less than 30,000 persons							
4. Study Rooms	(a) Usually one in each public major / district library.	N/A	0.00	N/A	N/A	0.00	N/A	
	(b) Provision in Community Centre is governed by the approved schedule of accommodation.							
	(c) Provision in public housing estates is based on a need basis							





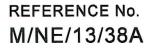
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FIGURE 2



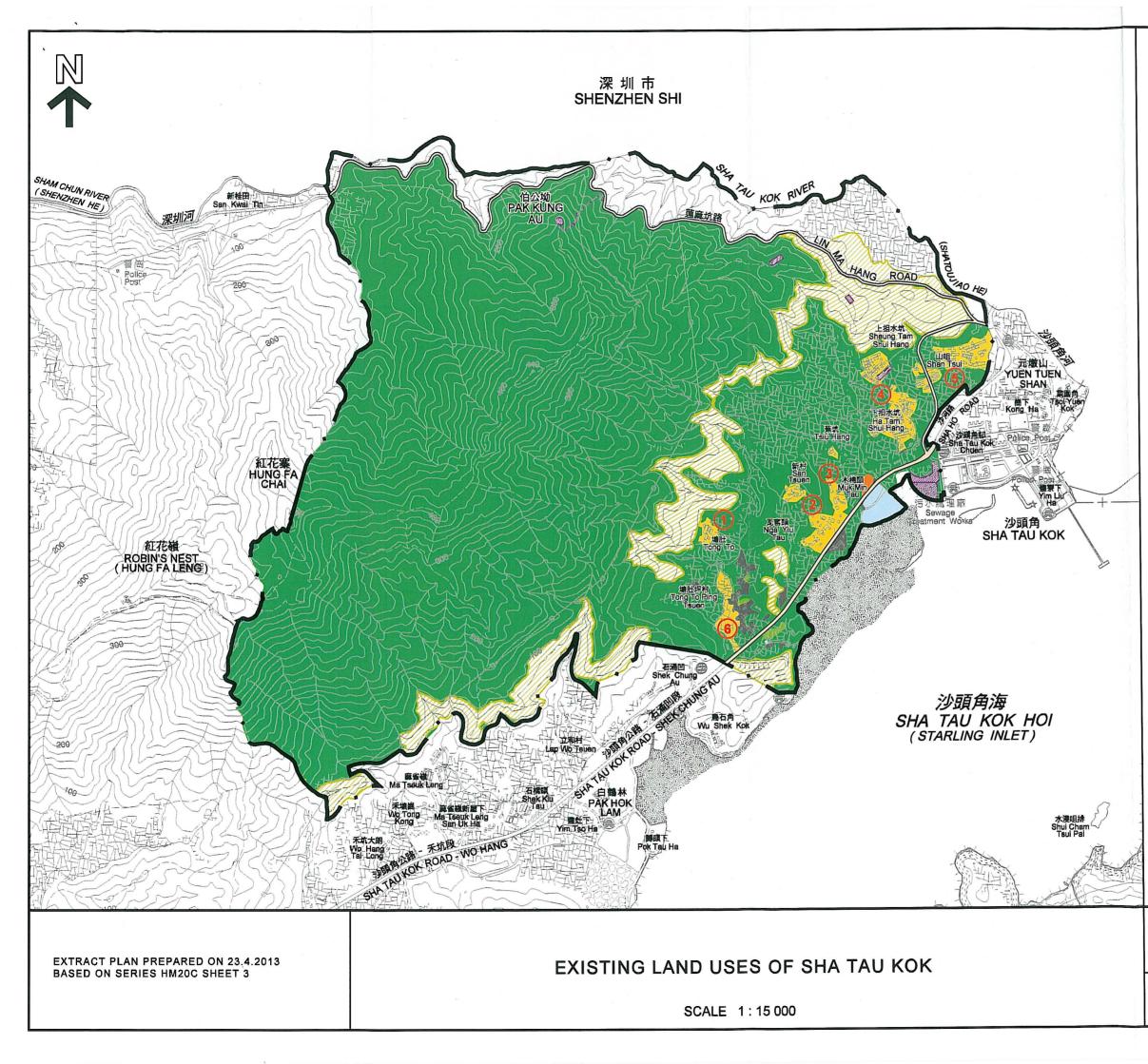
LEGEND	
	BOUNDARY OF SHA TAU KOK PLANNING SCHEME AREA
	POND
	MAJOR STREAM / DRAINAGE CHANNEL
//////	INACTIVE WET AGRICULTURAL LAND
	ACTIVE DRY AGRICULTURAL LAND
	INACTIVE DRY AGRICULTURAL LAND
//////	SEASONALLY WET GRASSLAND
	LOWLAND GRASSLAND
	UPLAND GRASSLAND
	GRASSLAND / SHRUBLAND
	SHRUBLAND
	SECONDARY WOODLAND / PLANTATION
	DEVELOPED LAND

# PLANNING DEPARTMENT





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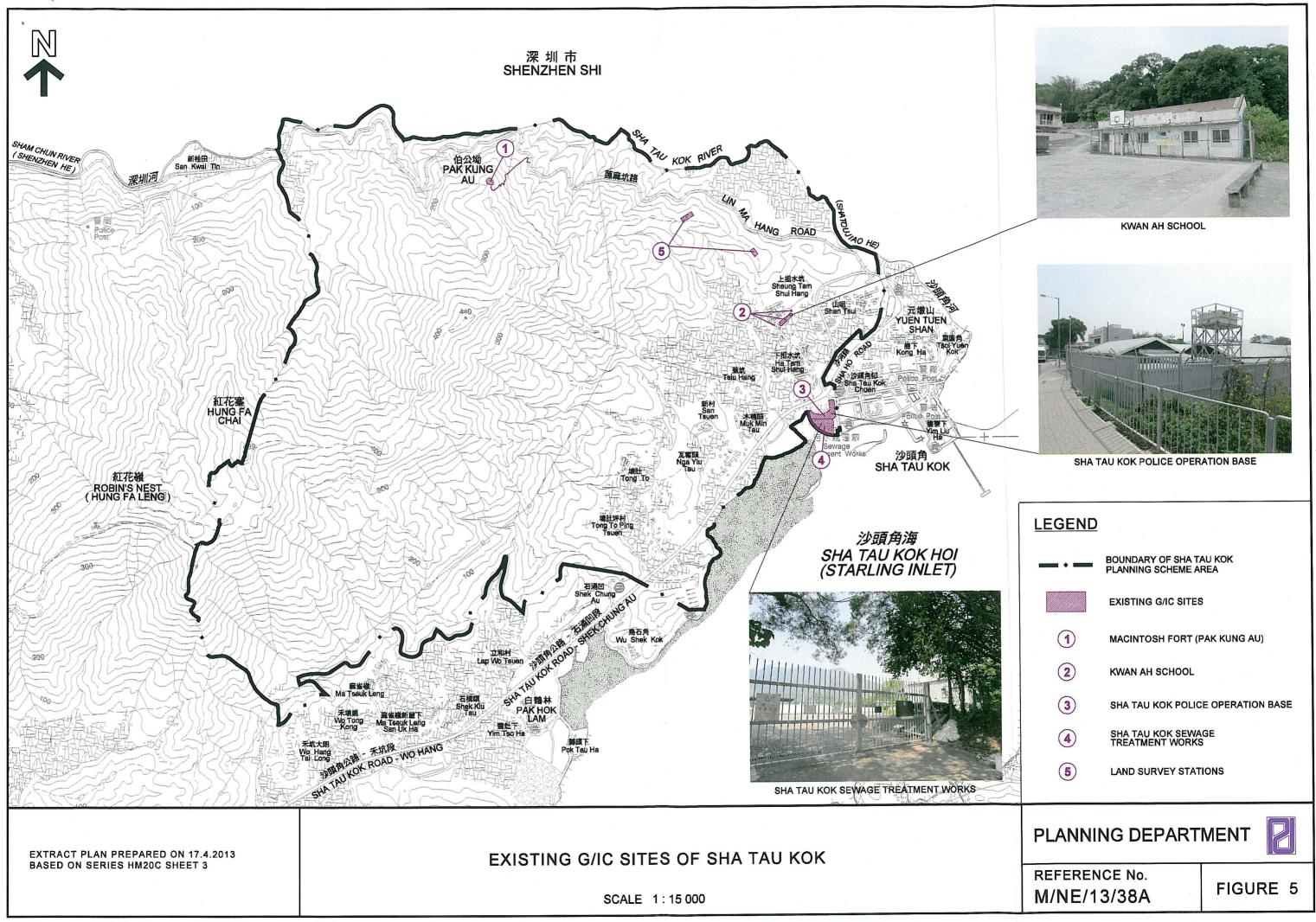


LEGEND	
•	BOUNDARY OF SHA TAU KOK PLANNING SCHEME AREA
	ROAD
	PERMITTED BURIAL GROUND
	EXISTING G/IC SITES
	CONTAINER VEHICLE PARK/WORKSHOP
	RURAL SETTLEMENT
	AGRICULTURAL LAND
	VEGETATED LAND
	POND AREA
	DEVELOPMENT LAND
1	TONG TO (INDIGENOUS VILLAGE)
2	SAN TSUEN (INDIGENOUS VILLAGE)
3	TSIU HANG & MUK MIN TAU (INDIGENOUS VILLAGE)
4	SHEUNG TAM SHUI HANG & HA TAM SHUI HANG (INDIGENOUS VILLAGE)
5	SHAN TSUI (INDIGENOUS VILLAGE)
6	TONG TO PING TSUEN

# PLANNING DEPARTMENT

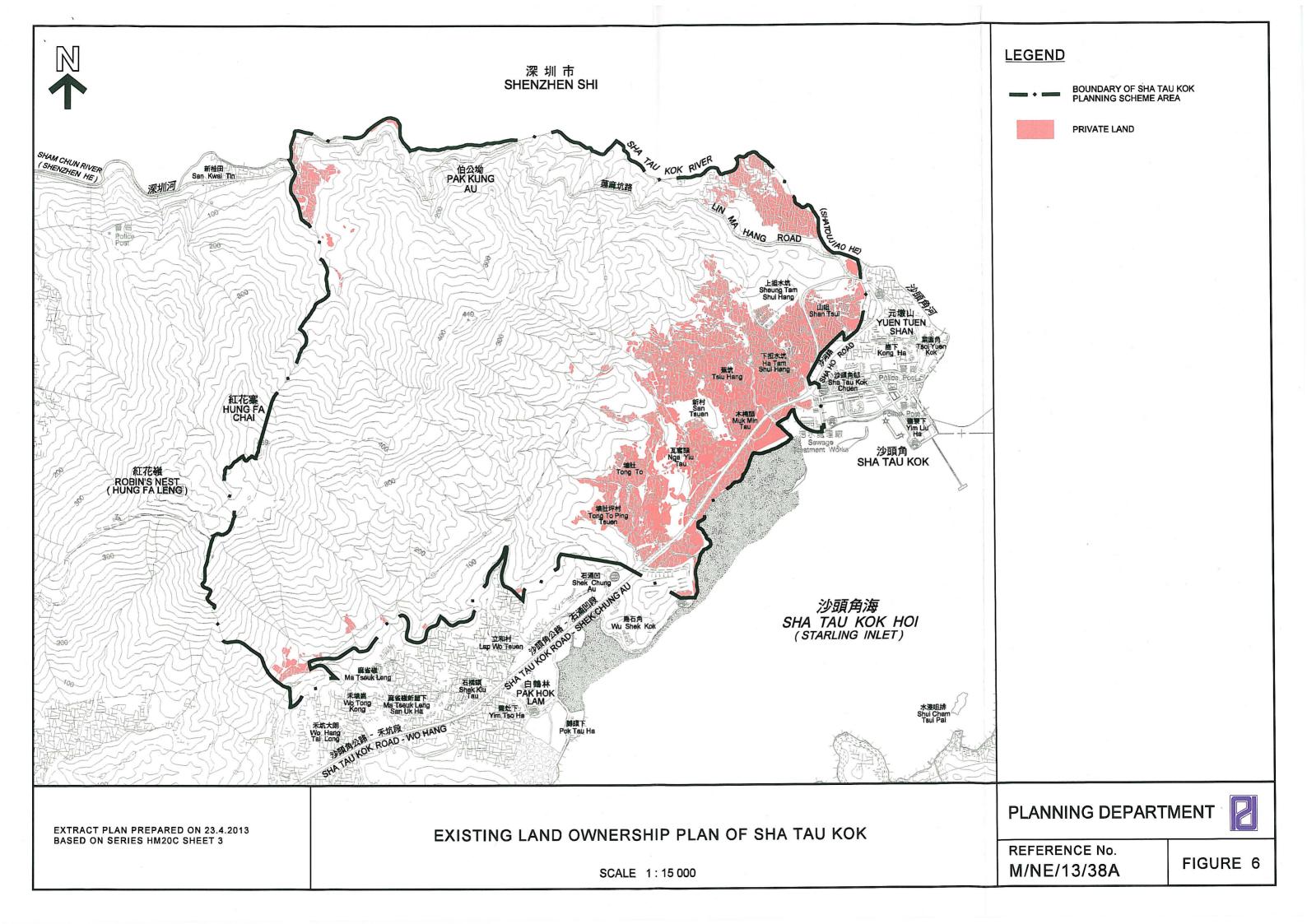
REFERENCE No. M/NE/13/38A

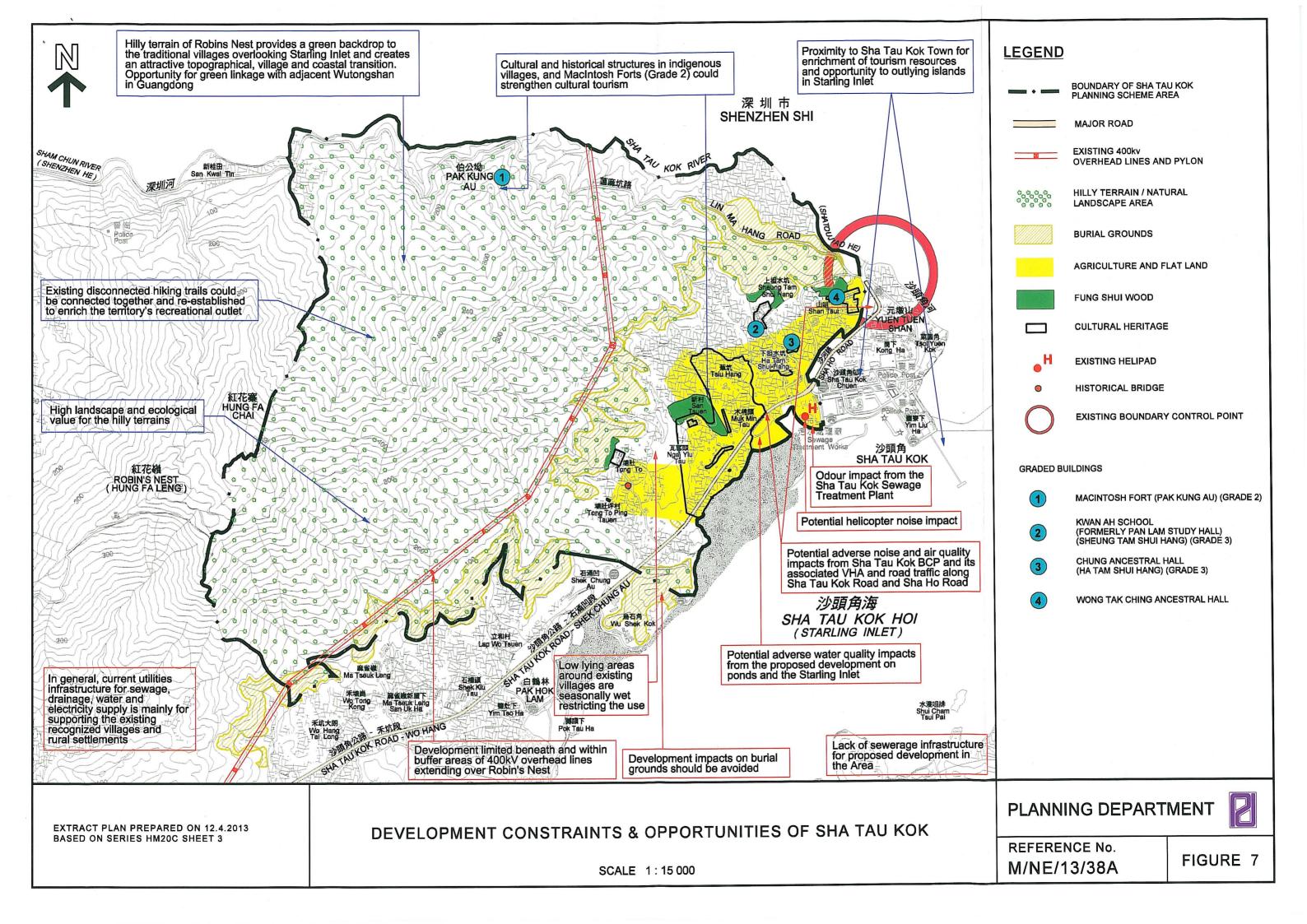
FIGURE 4

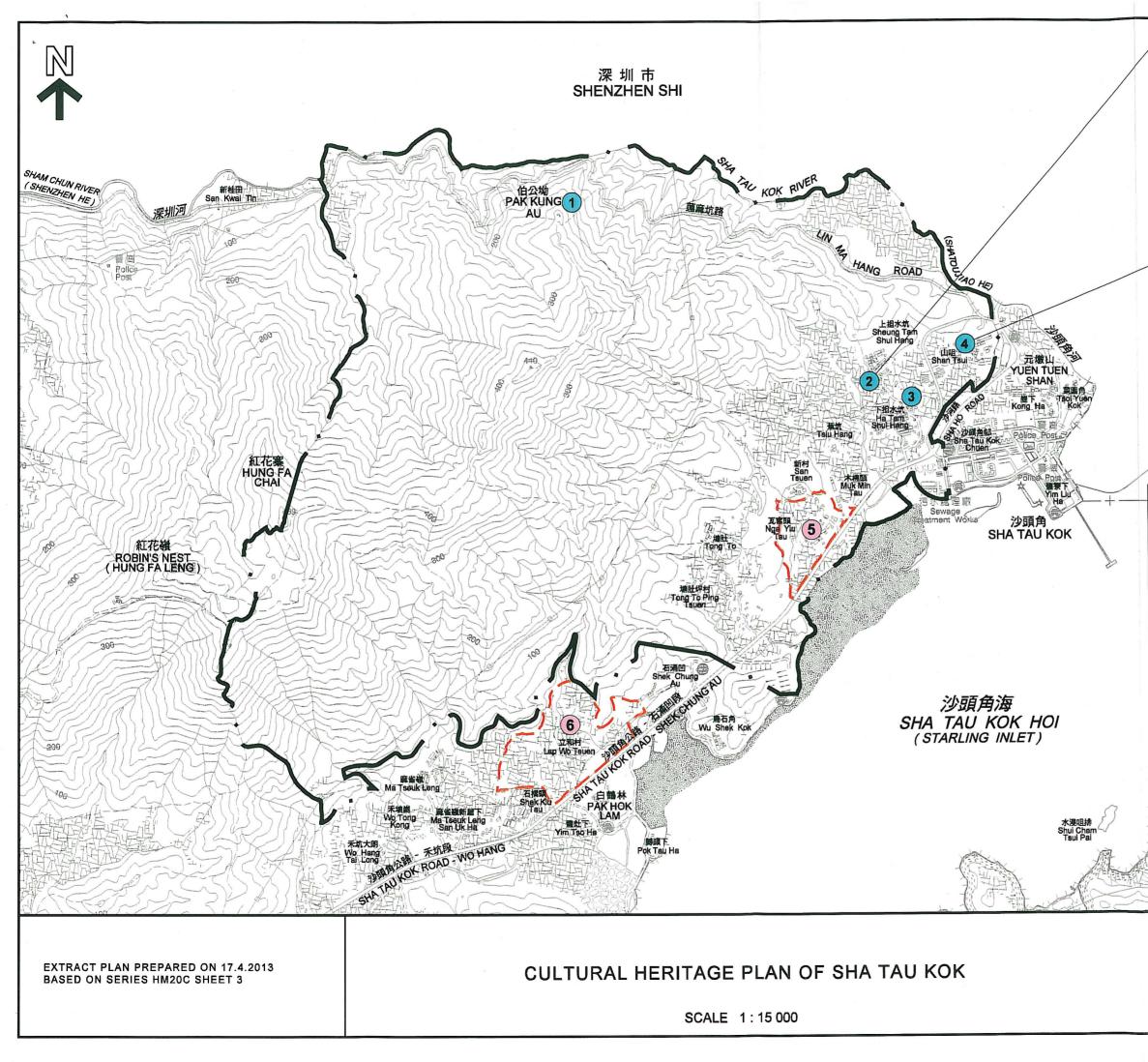












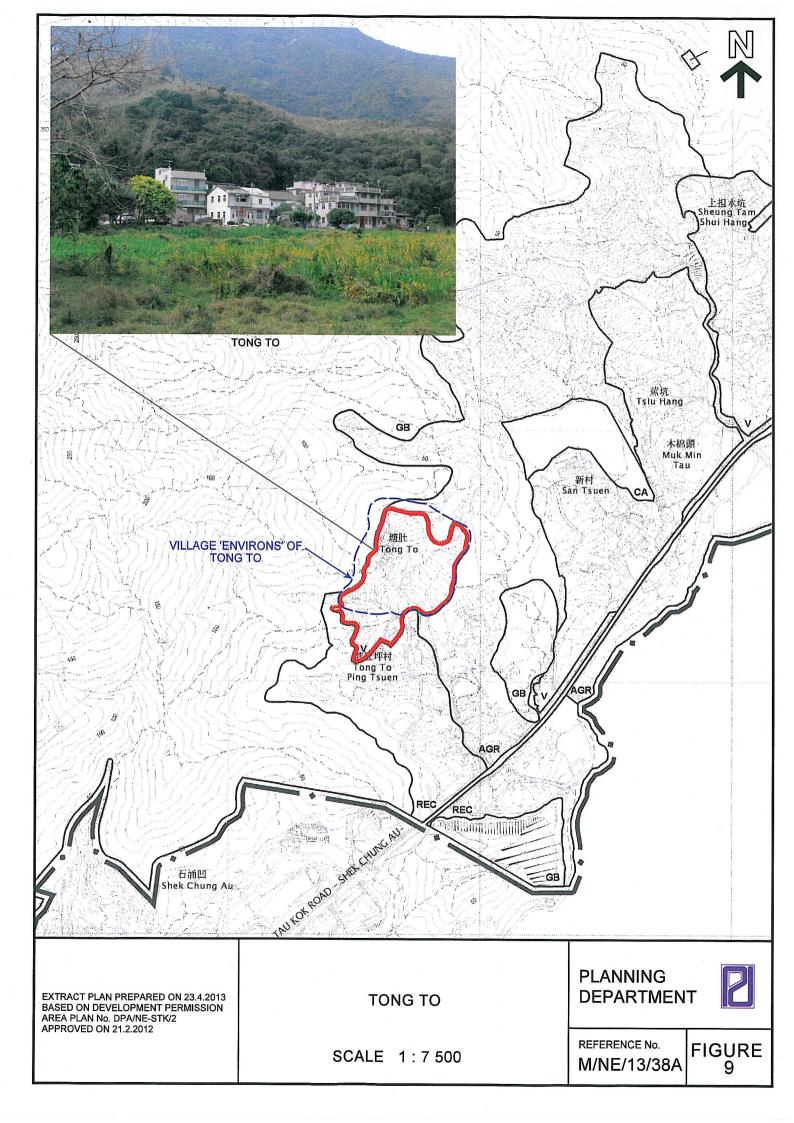
	GRADED BUILDINGS			
	MACINTOSH FORT (PAK KUNG AU) (GF			
	(2) KWAN AH SCHOOL (FORMERLY PAN LAM S (SHEUNG TAM SHUI HA	KWAN AH SCHOOL (FORMERLY PAN LAM STUDY HALL) (SHEUNG TAM SHUI HANG) (GRADE 3)		
		CHUNG ANCESTRAL HALL (HA TAM SHUI HANG) (GRADE 3)		
	WONG TAK CHING ANCESTRAL HALL (GRADE 3)			
-	SITES OF ARCHAEOLOGICAL INTERE	ST		
1 1 1 1	5 SHA TAU KOK SAN TSUE	EN ARCHAEOLOGICAL		
11 11/12 - 2:	6 SHEK KIU TAU ARCHAEC	DLOGICAL SITE		
	REFERENCE No. M/NE/13/38A	FIGURE 8		
		6		

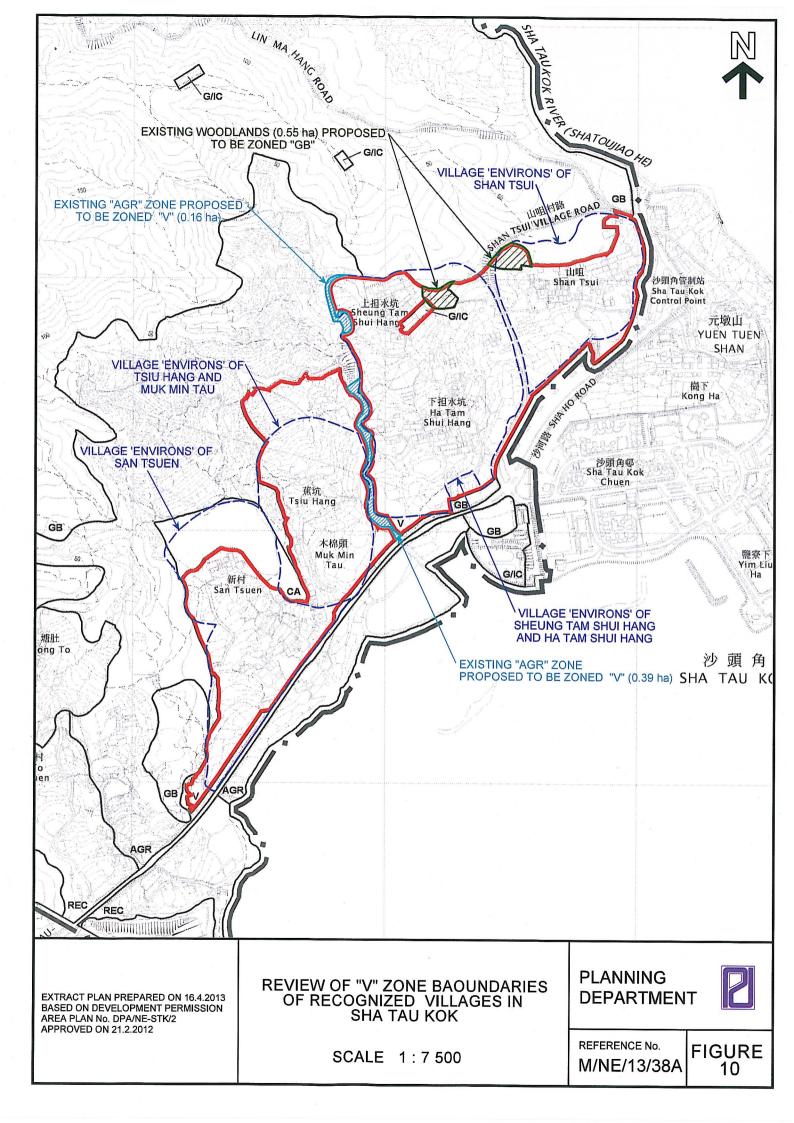


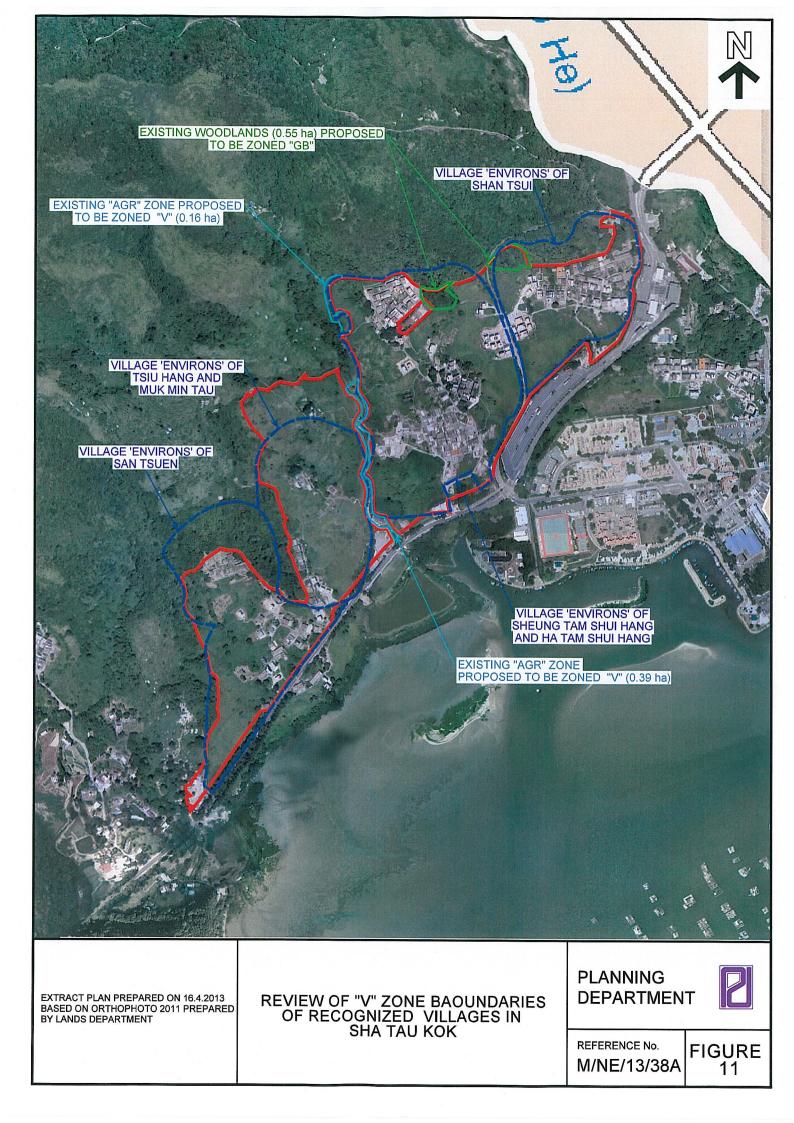
BOUNDARY OF SHA TAU KOK PLANNING SCHEME AREA

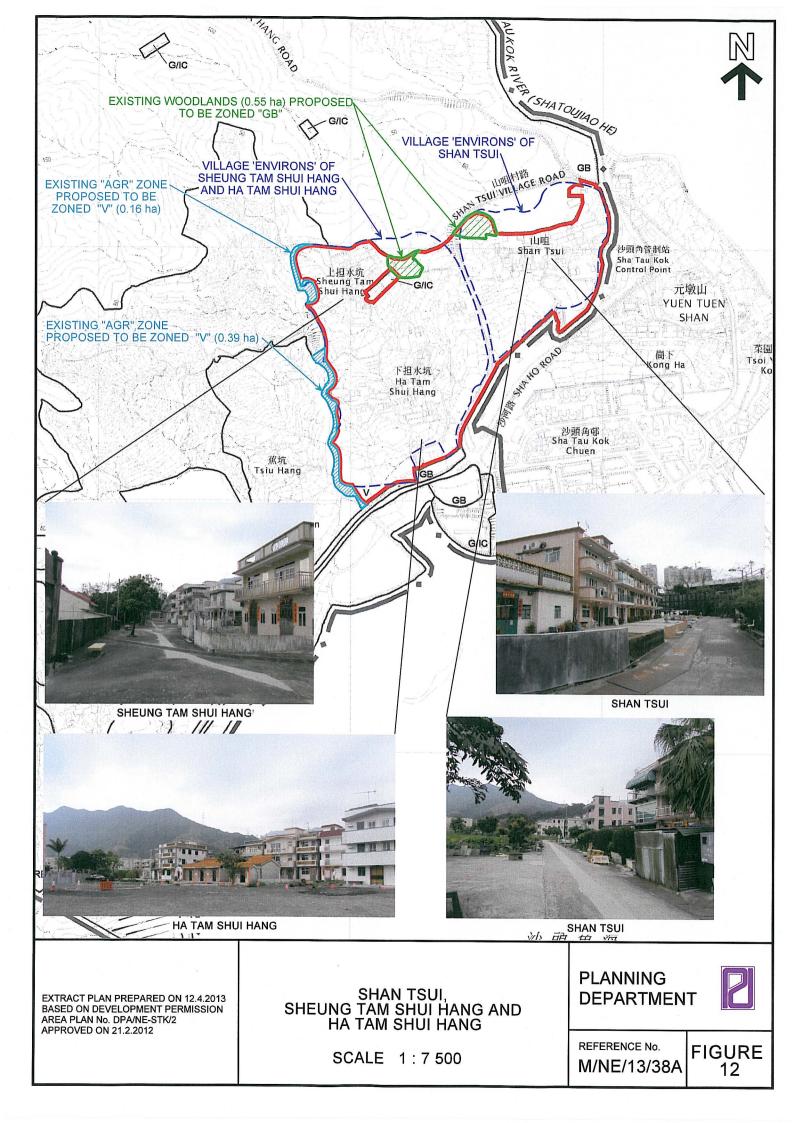
**LEGEND** 











EXISTING WOODLANDS (0.55 ha) PROPOSED TO BE ZONED "GB"

> VILLAGE 'ENVIRONS' OF SHAN TSUI

VILLAGE 'ENVIRONS' OF SHEUNG TAM SHUI HANG AND HA TAM SHUI HANG

EXISTING "AGR" ZONE PROPOSED TO BE ZONED "V" (0.16 ha)

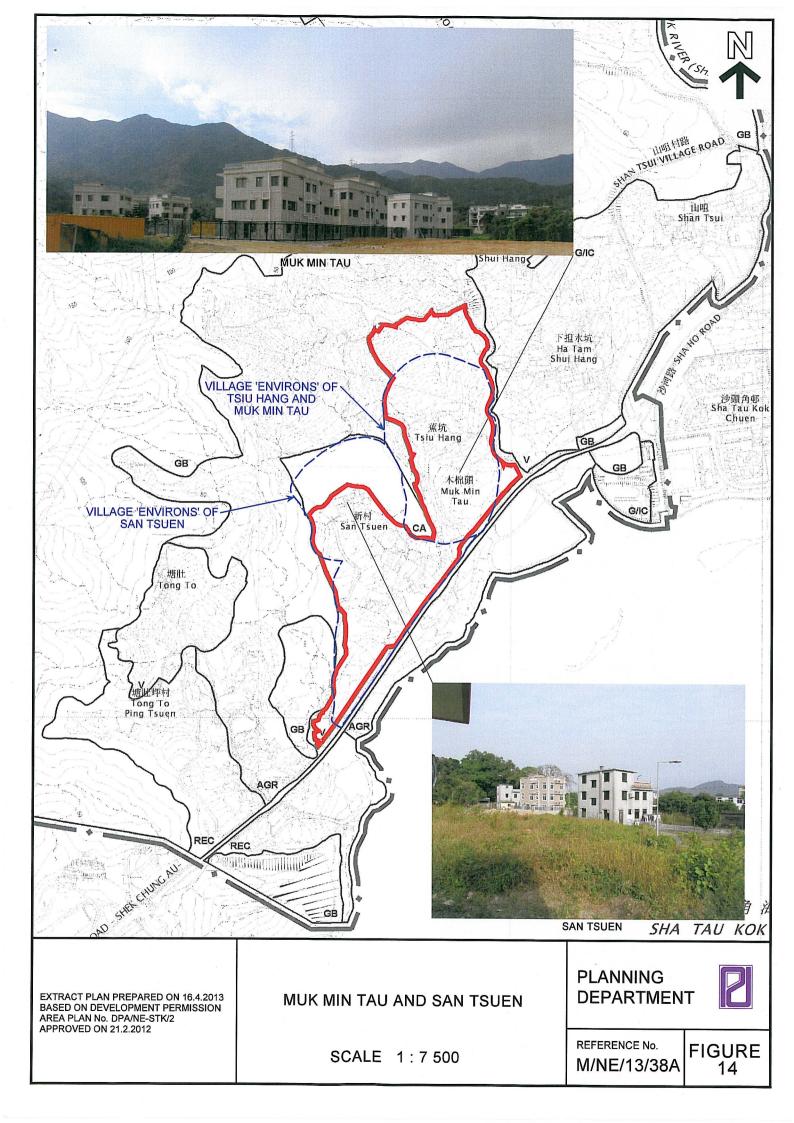
Existing "AGR" Zone Proposed to be Zoned "V" (0.39 be)

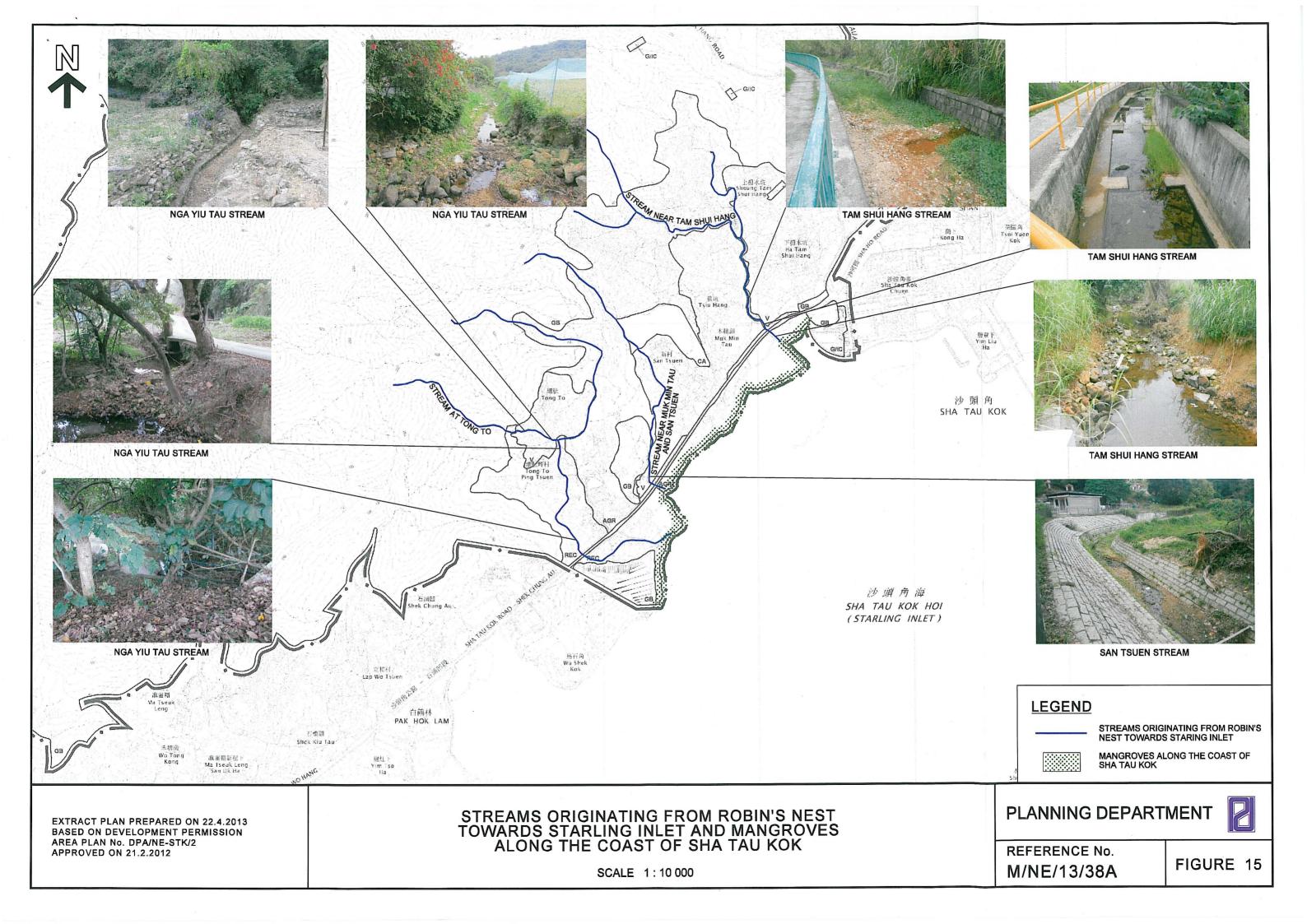
EXTRACT PLAN PREPARED ON 12.4.2013 BASED ON ORTHOPHOTO 2011 PREPARED BY LANDS DEPARTMENT SHAN TSUI, SHEUNG TAM SHUI HANG AND HA TAM SHUI HANG

SCALE 1:7 500

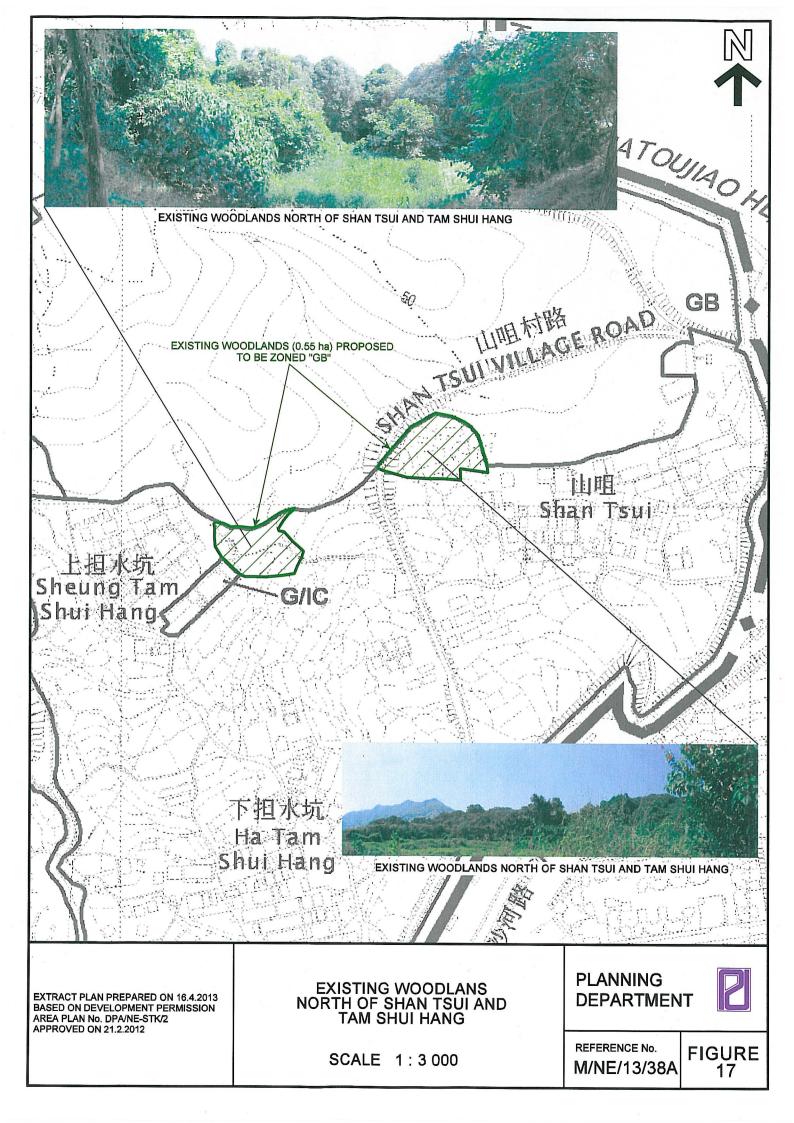


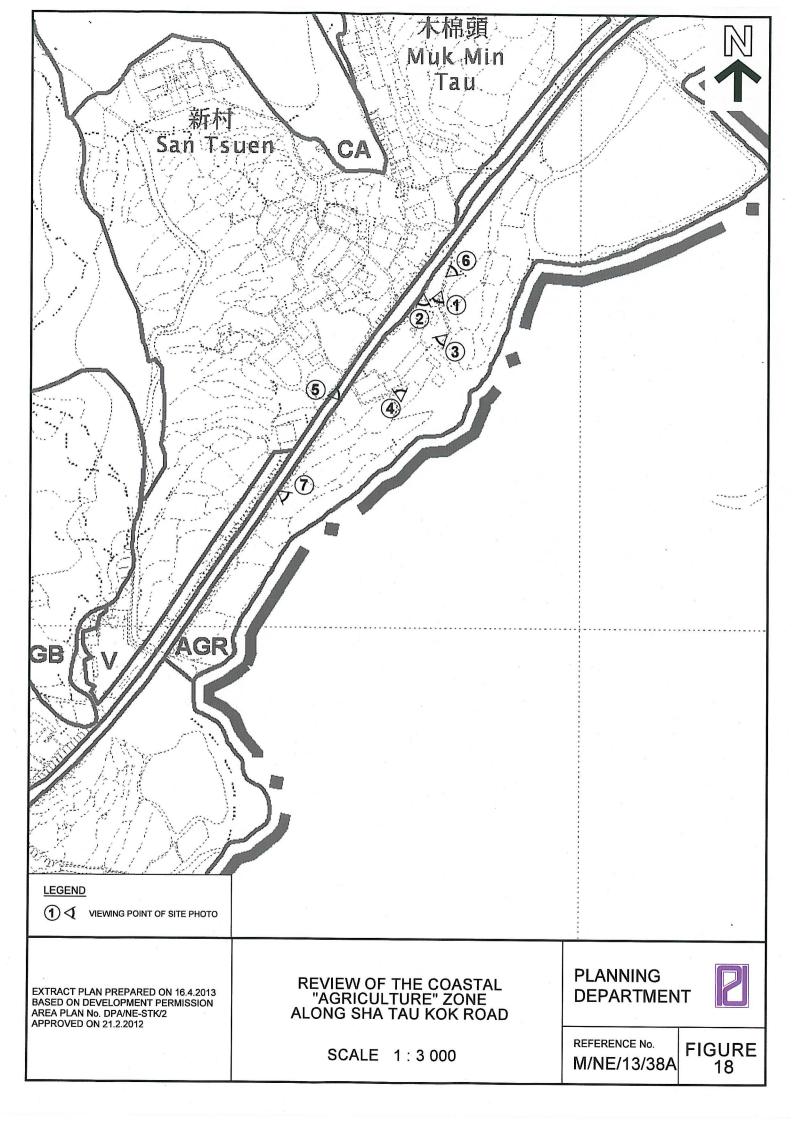
6 B























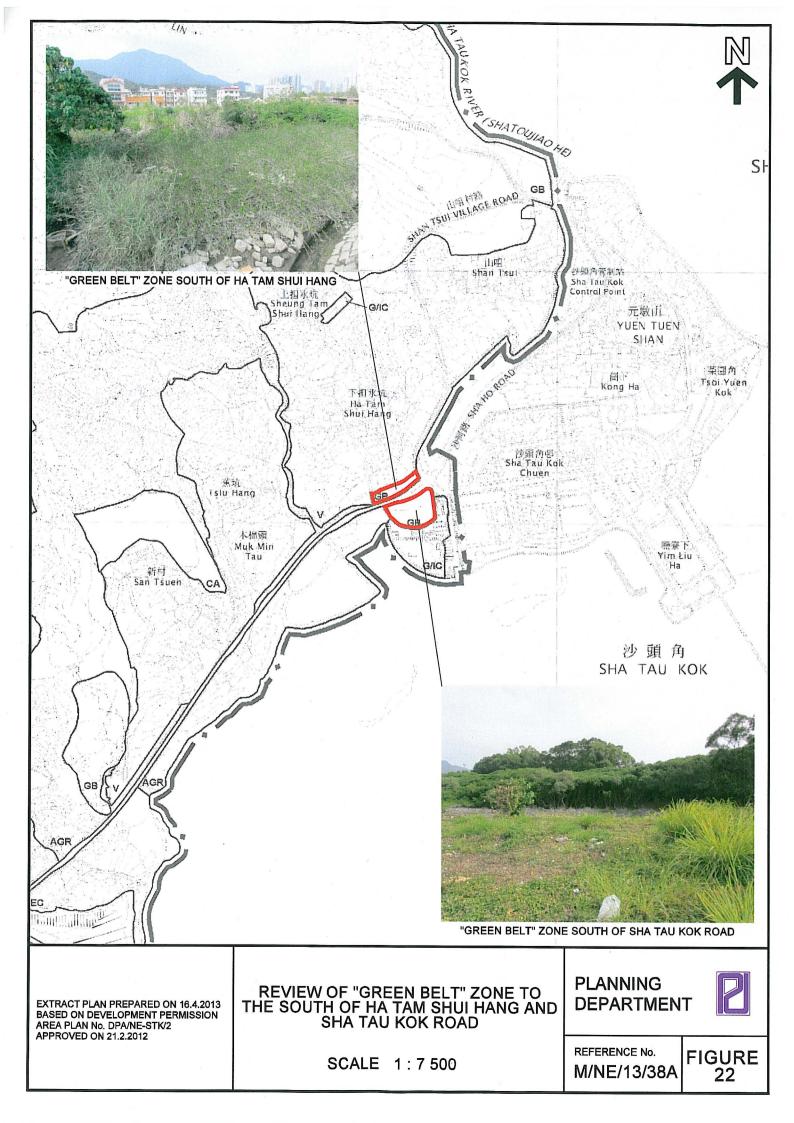
# SITE PHOTOS OF THE AREA SOUTH OF SHA TAU KOK ROAD

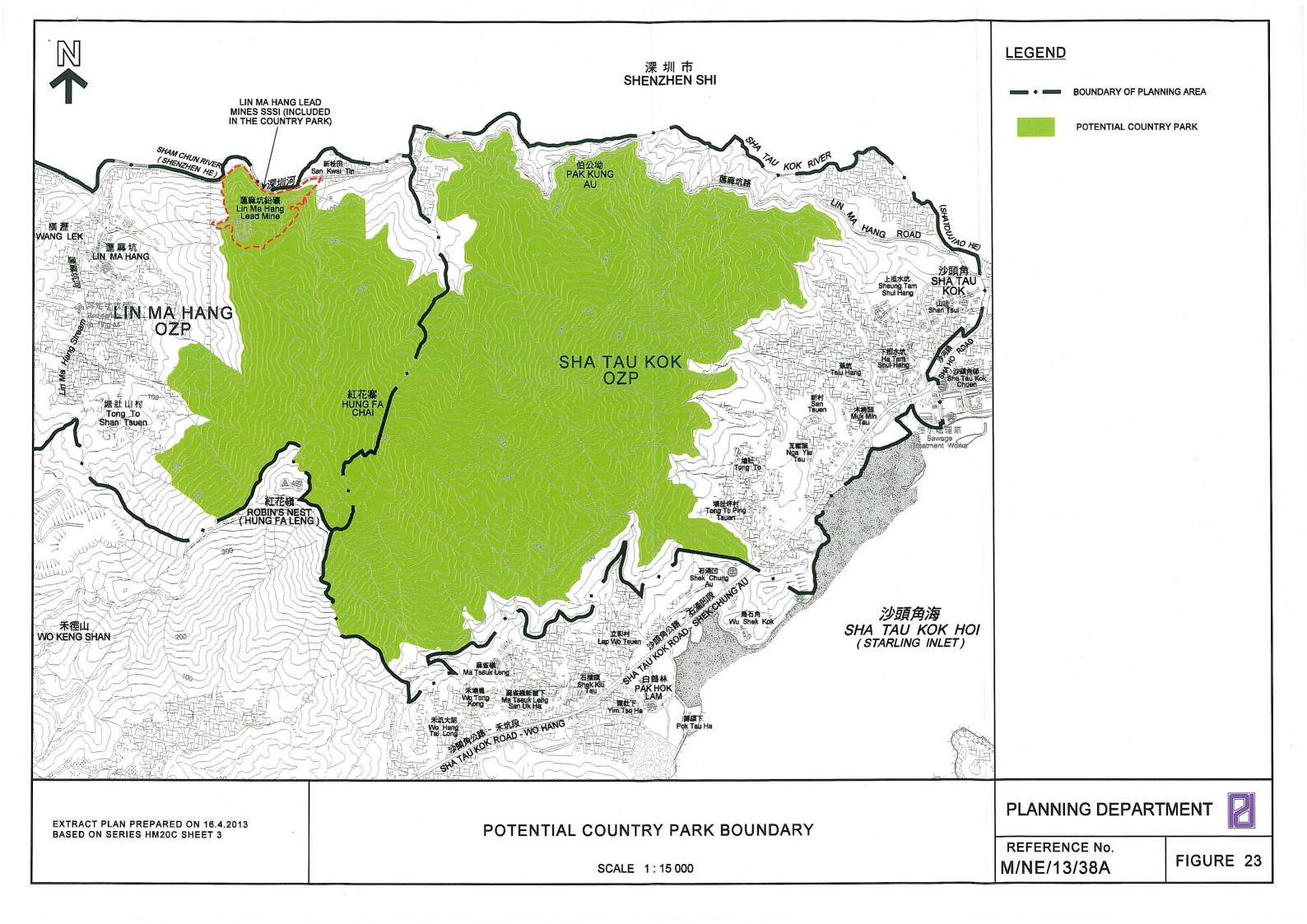
EXTRACT PLAN PREPARED ON 16.4.2013

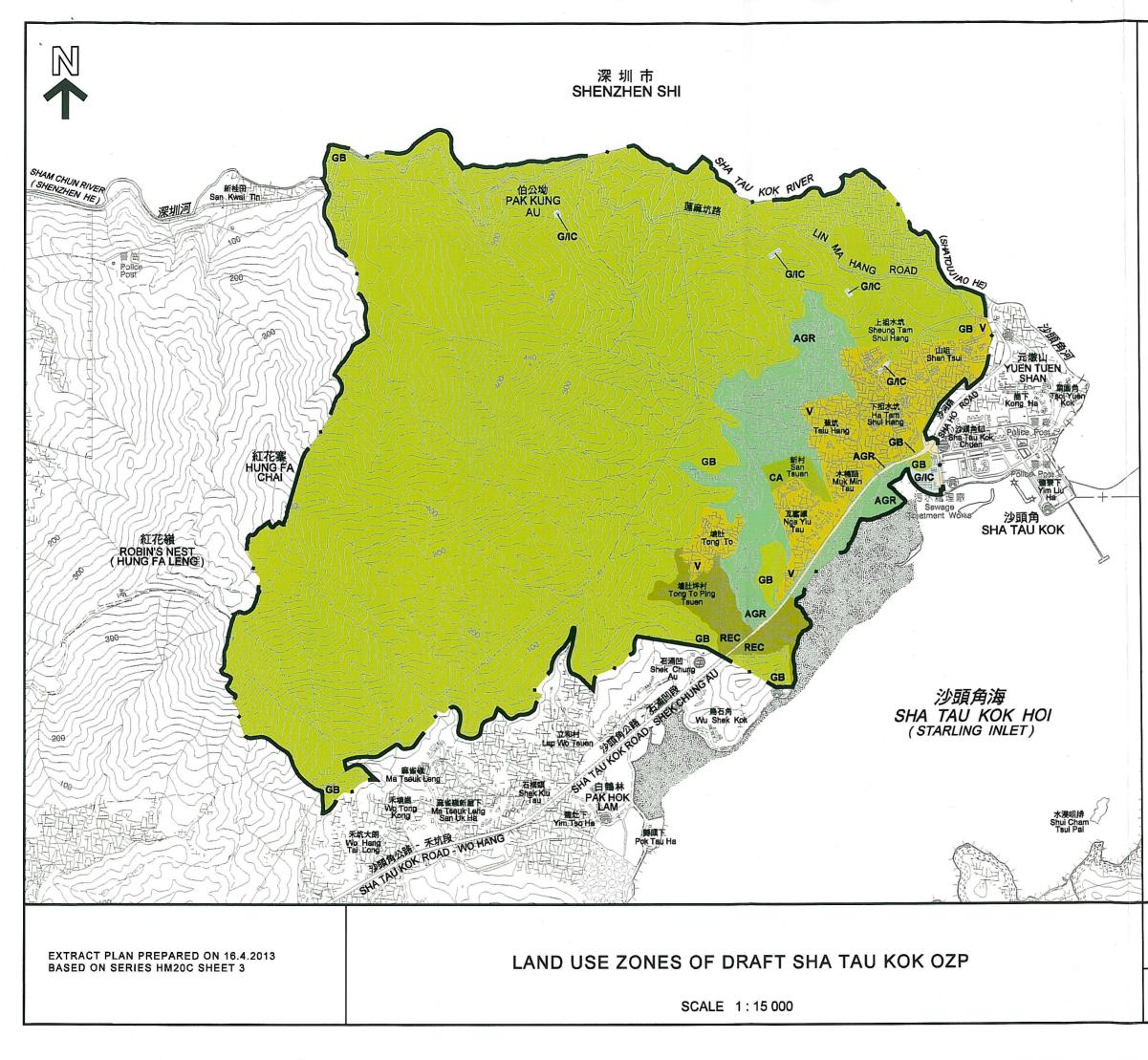
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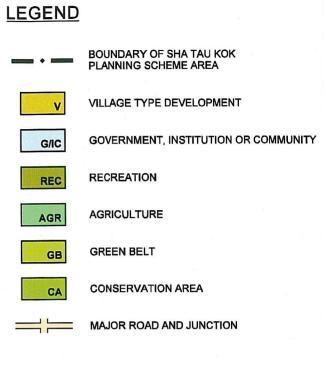












## PLANNING DEPARTMENT

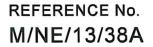


FIGURE 24



#### Attachment VIa

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"Tony Nip"
<tonynip@kfbg.org> To <okcchan@pland.gov.hk>
13/05/2013 下午 04:49 cc <dcctsang@pland.gov.hk>
"'Ming Chuan Woo'" <mcwoo@kfbg.org>
<roy@cahk.org.hk>
"'Debby Chan'" <debby@designinghongkong.com>
"'Karen'" <karen@greenpower.org.hk>
"'Henry'" <henry@greenpower.org.hk>
"'Alan Leung'" <Aleung@wwf.org.hk>
Sub Zonings in Frontier Closed Area
jec
t
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#### Dear Otto,

Nice to meet you on 2 May 2013, and we also spoke this noon.

I would like to reiterate some of the points I made during our conversation this noon, and some additional views.

### Draft Ta Kwu Ling North OZP

As mentioned repeatedly (in our document sent to you earlier this year and 1. also in the Feasibility Study for the land use planning for the closed area commissioned by the PlanD; PlanD (2010)), the Heung Yuen Wai Stream is of high conservation concern and should be protected (see attached figure entitled HYW). We urge that this stream and its riparian zone (at least 5 to 10 m) should NOT be covered with zonings for development/ recreation (e.g. V zone/ REC zone). We sincerely hope that the final draft of the OZP can accommodate this request; this can show that the recommendation regarding ecologically important issue made in PlanD (2010) and Environmental NGOs' view are being respected. Attached please see the natural status of the Heung Yuen Wai Stream (natural bottom, naturally vegetated riparian zone). Please be informed (again) that an endemic freshwater crab species of high conservation importance (Somanniathelphusa zanklon; Globally Endangered in the IUCN redlist) inhabits this stream. Also, as mentioned in our earlier meeting, we have already recommended AFCD to designate this stream to be an Ecologically Important Stream (EIS); if this comes true but at the same time it is covered with V zone/ REC zone, we are concerned that this is showing a lack of consistency.

#### Draft Lin Ma Hang OZP

1. In general, we consider that, after KFBG' s internal discussion, it would

not be appropriate to rezone some AGR land to V zone (as a "compensation" for turning certain <u>Lin Ma Hang Stream</u> riparian GB zones back to CA); GB is already a conservation zoning and the intention is not for development.

2. But we would be grateful if more Lin Ma Hang Stream riparian GB zones can be turned back to CA (without "compensation").

#### Draft Sha Tau Kok OZP

1. In the document we sent to you earlier this year and the Feasibility Study by PlanD (PlanD 2010), we consider that you should have been aware that the streams in this OZP are of conservation interest (please see the attached figure entitled STK). We consider that these streams should not be covered with zonings for development/ recreation such as V zone/ REC zone. In particular, the <u>Ha Tam Shui Hang Stream</u> zoning should be reverted (at least not under V zone). The original proposed zoning was AGR but now is V; we do not consider that the results of the FCA study report (PlanD 2010), especially the ecological part, have been respected based on this change.

2. Please be informed that in 2012 and later in January 2013, we have reported some suspected unauthorized cases related to Ha Tam Shui Hang Stream to relevant departments and we are greatly concerned that the situation would be worse if the Ha Tam Shui Hang Stream is entirely covered under V zone. We urge that this stream and its riparian area should not be covered with zonings for development/ recreation (such as V zone/ REC zone).

You should have known that an international convention – The Convention on Biological Diversity – has been extended to Hong Kong and a high level steering group is being formed by the Environment Bureau. Senior officials from relevant government departments (including PlanD) and bureaux would join this committee. We sincerely hope that the process of the making of the FCA OZPs can respect the spirit and the requirements of this convention.

Any enquires please feel free to contact me, and I expect we would meet later before the formal public consultation process.

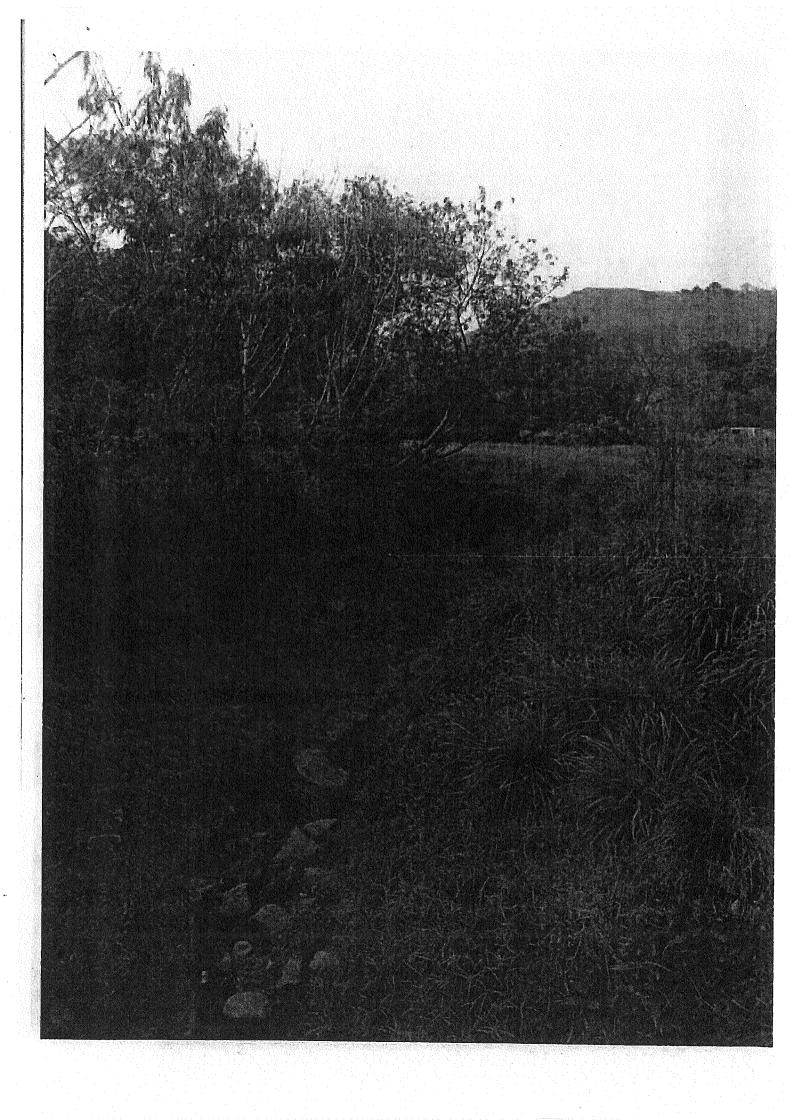
#### References:

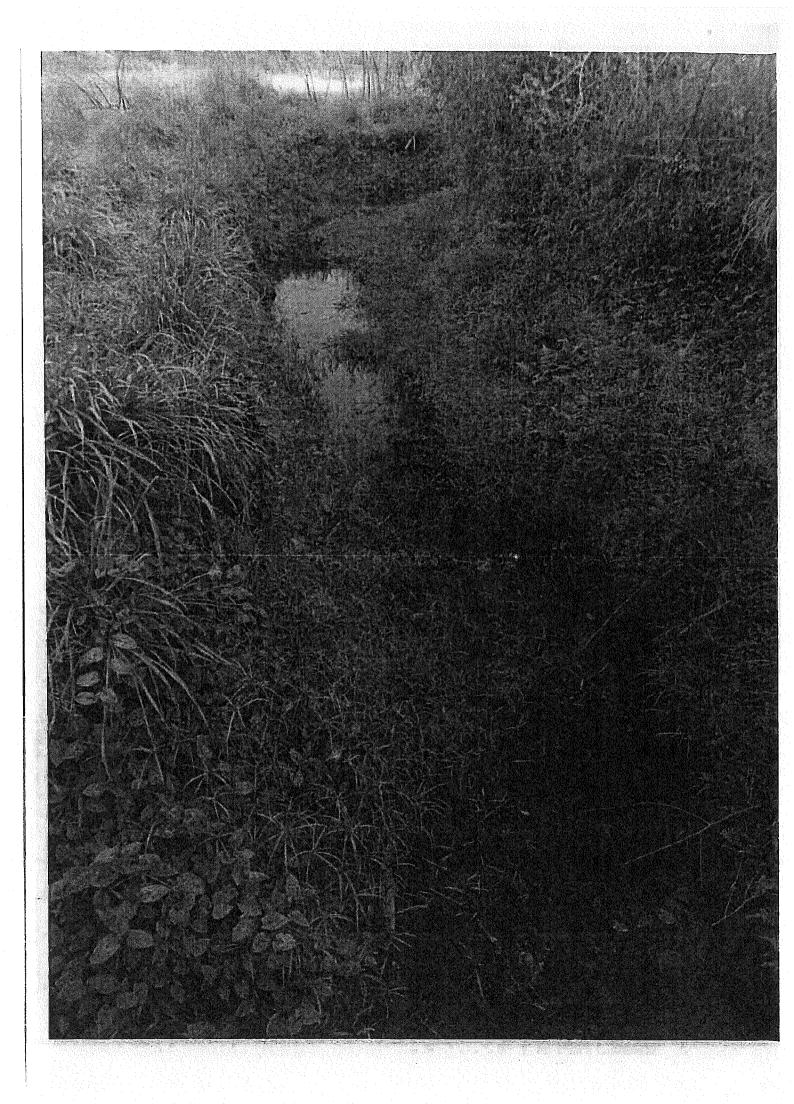
IUCN. 2012. The IUCN Red List of Threatened Species. <www.iucnredlist.org> Downloaded in December 2012.

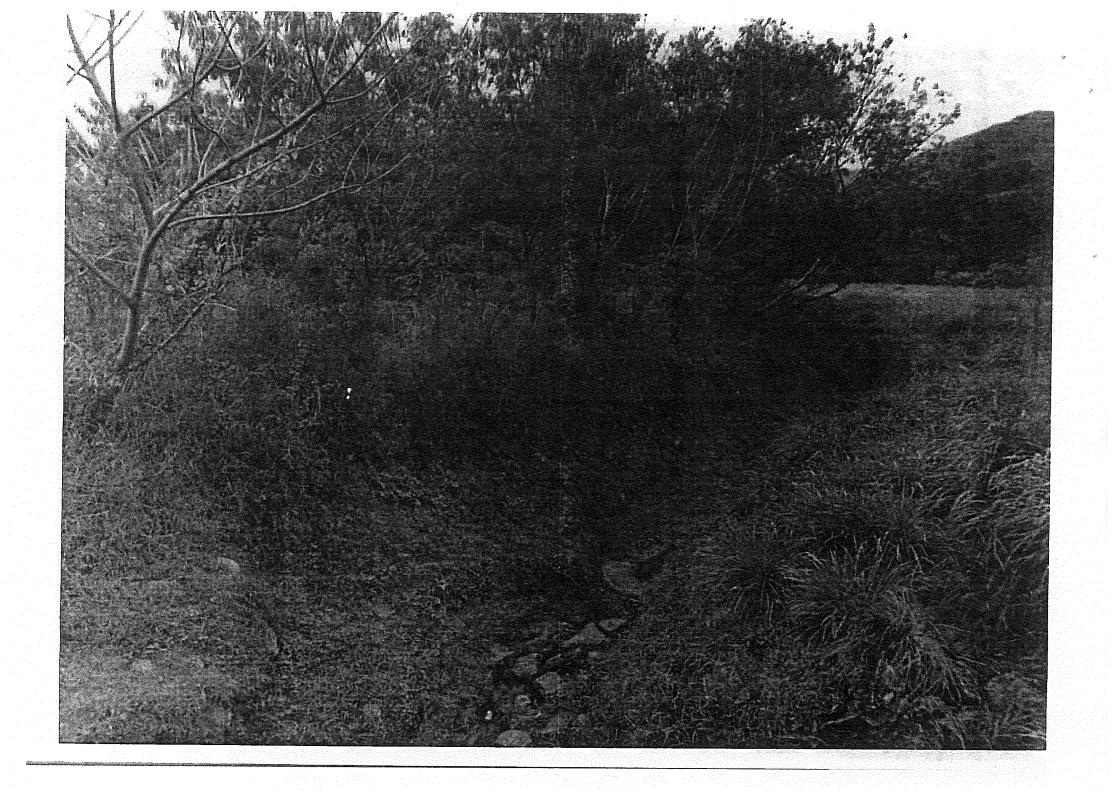
PlanD. 2010. Land Use Planning for the Closed Area – Feasibility Study (Final Report). Unpublished report submitted to Planning Department, Hong Kong Special Administrative Region.

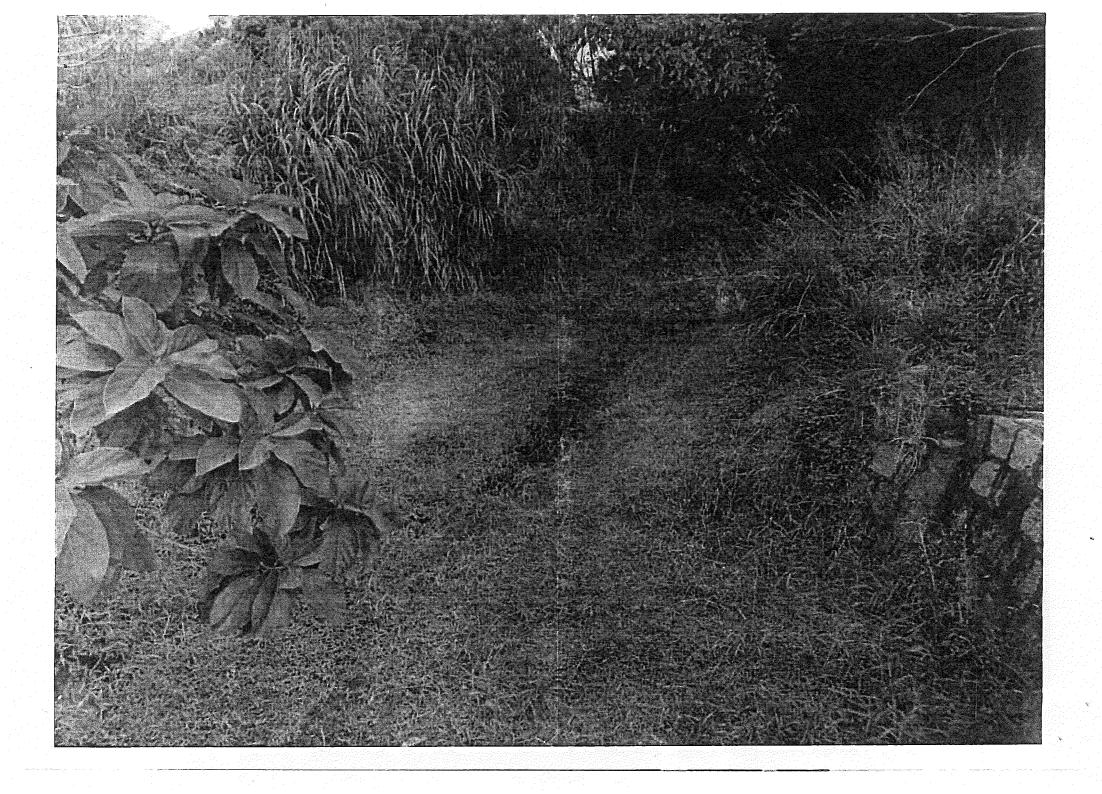
#### Best Regards,

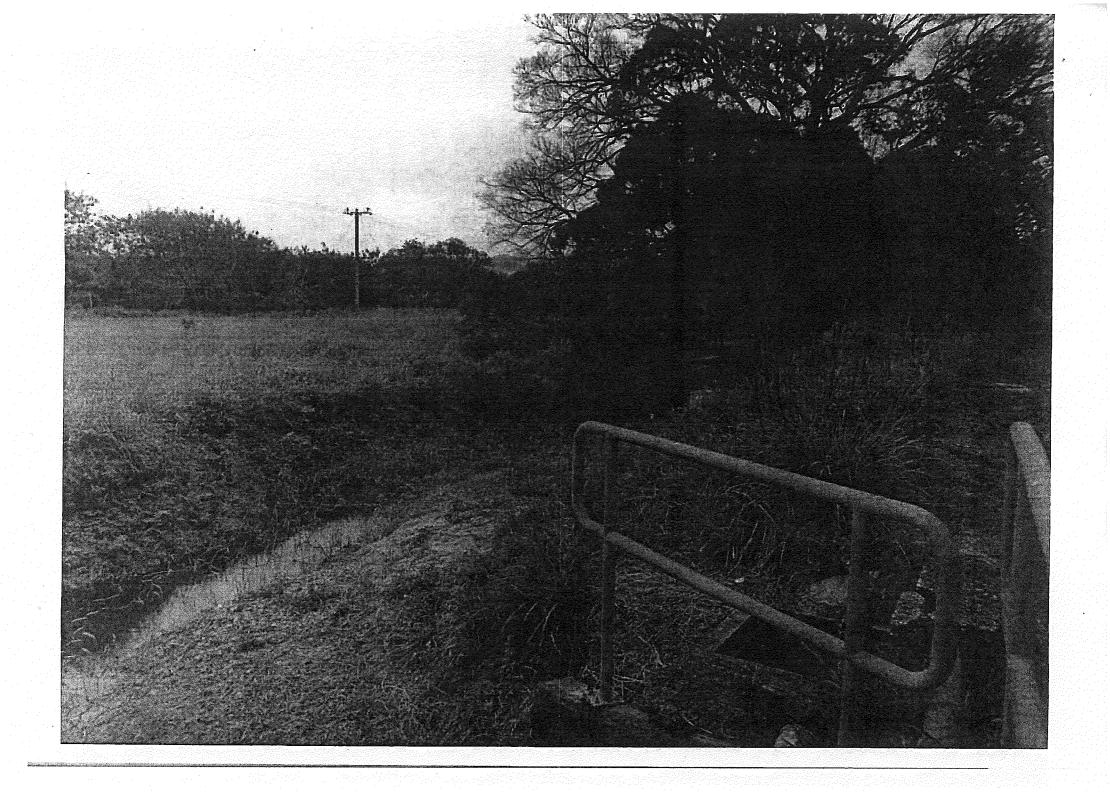
Tony Nip Senior Ecologist Ecological Advisory Programme Kadoorie Farm and Botanic Garden Corporation Lam Kam Rd., Tai Po, N.T., Hong Kong.



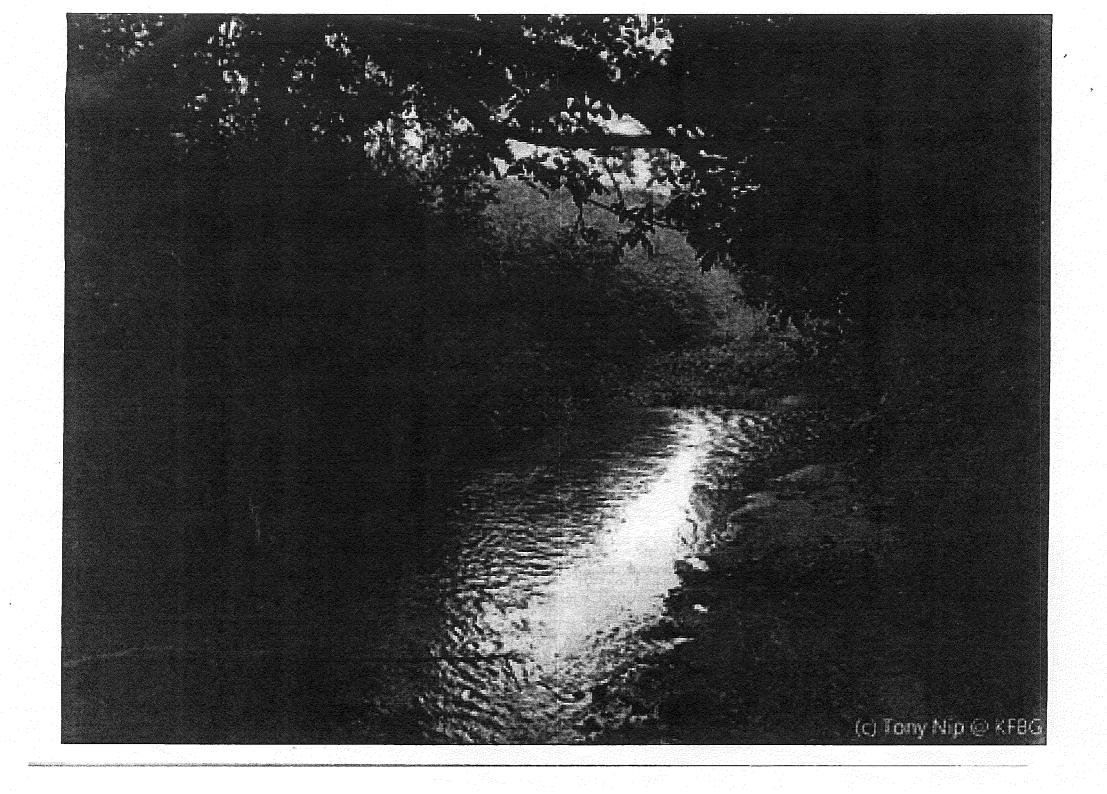


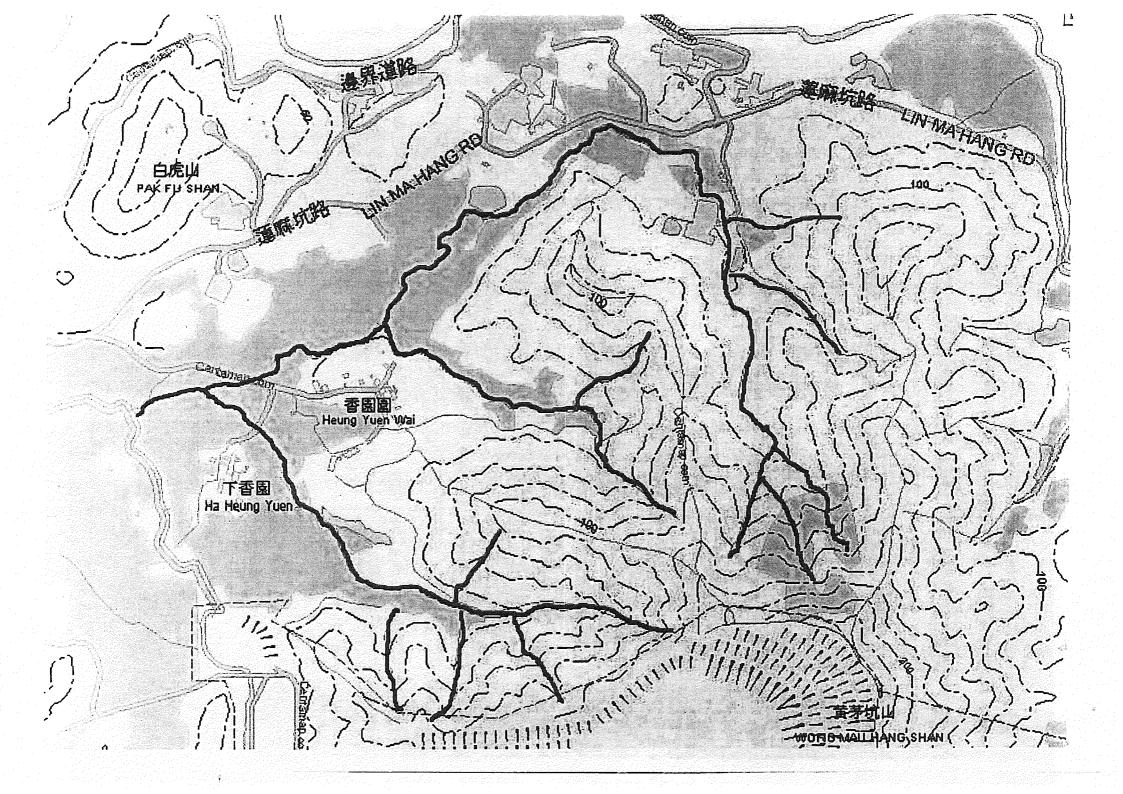


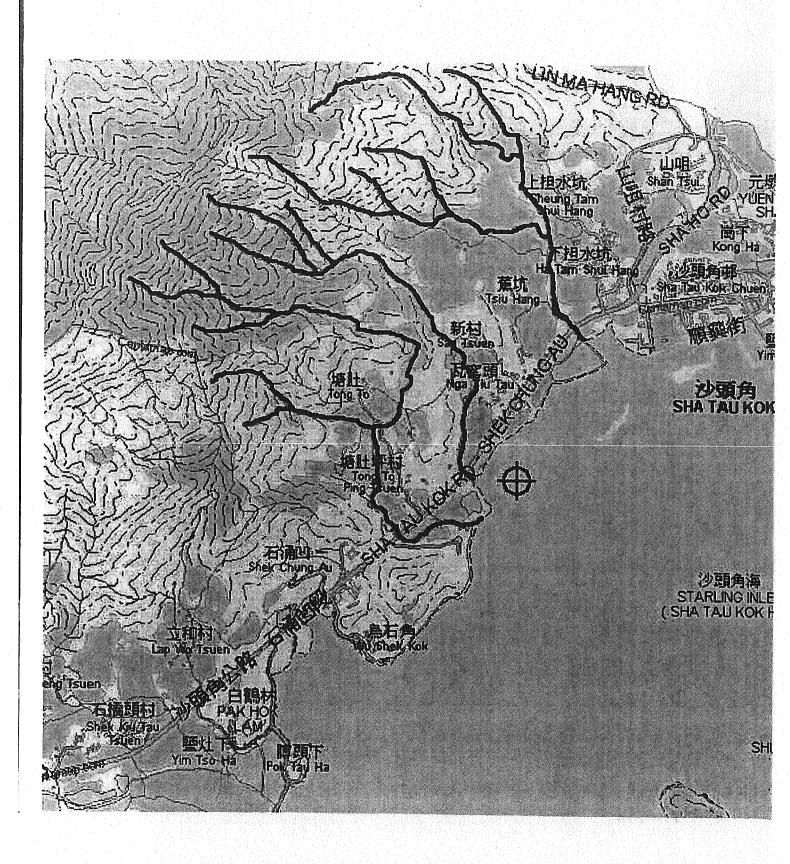




## Heung Yuen Wai Stream







"Andrew Chan" <cmchan@wwf.org.hk> 16/05/2013 18:40 CC "Alan Leung" <ALeung@wwf.org.hk> "Tony Hung" <thung@wwf.org.hk> "Tobi Lau" <tlau@wwf.org.hk> Sub WWF's Comments on FCA Draft OZPs jec t

Dear Otto,

Thanks for arranging the focus group meeting on 2 May 2013 regarding the captioned issue. As discussed in the meeting, here attached our comments and concerns on the FCA draft OZPs for your consideration.

If you have any enquiries, please feel free to contact us. Thank you very much!

Best Regards,

Andrew Chan Assistant Conservation Officer, Local Biodiversity WWF-Hong Kong 15/F, Manhattan Centre, 8 Kwai Cheong Road, Kwai Chung, New Territories Tel: (852) 2161 9667 Fax: (852) 2845 2764 Website: www.wwf.org.hk

WWF Hong Kong works to ensure a better environment for present and future generations in Hong Kong (See attached file: FCA darft OZPs comments\_May

2013\_WWF.pdf)

### **Comments & Recommendations on Draft FCA OZPs**

#### <u>Sha Tau Kok</u>

- 1. <u>Riparian Zone of the Stream between Tam Shui Hang & Tong To should be "GB"</u> /<u>"AGR"</u>
- The stream is regarded as moderate high ecological value by TPB paper
- Species of conservation found in the stream: Zeuxine affinis, Giant Mottled Eel and Mangrove Skimmer Dragonfly
- Given no sewerage system in the area and within "V" zone, pollutants from village development will contaminate the stream and the mangroves at the estuary
  "GB" / "AGR" is appropriate zoning to protect the riparian zone from future development.
- 2. <u>Two Fish Ponds between Starling Inlet and south of Shau Tau Kok Road should</u> <u>be conservation zonings</u>
- Mangrove nearby is important habitat to globally vulnerable Mangrove Skimmer Dragonfly
- Also, at least 15 nos. of wetland dependent avifauna species are using the fish ponds (refer to the attached WWF Letter on 27/9/2010).
- To avoid any ecological impacts to the ponds and the mangroves nearby, conservation zoning is necessary, e.g. "CA".

#### <u>Lin Ma Hang</u>

- 1. Riparian zone of Lin Ma Hang SSSI should be "Conservation Area"
  - All the 20m riparian zone of Lin Ma Hang Stream (LMHS) SSSI within Lin Ma Hang Village should be zoned as "Conservation Area"
  - The importance of riparian zone to the LMHS SSSI has been repeatedly explained in green groups' joint letters (date of letter: 14 May 2012).
- Riparian zone is important since it is an integral part of the stream ecosystem
- Since Small House application is under Column 2, Small House development may encroach to LMHS's riparian zone if the riparian zone is "GB"
- "CA" should be adopted to avoid any development on the riparian zones that will degrade the water quality of the LMHS SSSI.
- Given no public sewer within the area, domestic sewerage from new Small Houses will be potentially drained into the LMHS SSSI
- Adopting "CA" will be an effective measure to prevent any contamination to the SSSI from future village development
- Sha Lo Tung can be the reference that riparian zone is under conservation zoning, i.e. "SSSI" to protect the integrity of stream ecosystem and prevent any degradation from development

#### Ta Kwu Ling North

1. All Fung Shui Woodlands zoned as "Conservation Area"

Fung Shui Woodlands near Kan Tau Wai and Tsung Yuen Ha should be zoned as "Conservation Area"

"V" zone of Kan Tau Wai has been expanded and nearly surrounded by village area. Thus, there will be development threat imposed if *Fung Shui* Woodland remains "GB"

Village development at Tsung Yuen Ha also threaten the Fung Shui Woodland nearby (zoned as "GB")

"CA" should be adopted to these two areas to prevent any development disturbing the woodlands

- 2. Heung Yuen Wai Stream to be zoned as "CA"
- FCA study regards Heung Yuen Wai Stream (HYWS) as high ecological value
- Somanniathepphusa zanklon, a Globally Endangered freshwater crab species under IUCN, inhabits in the HYW stream
- To prevent any human disturbance and protect the endangered species, the stream course and riparian zone of HYWS should be changed from "REC" and "AGR" to "CA" and impose strict control on development

3. <u>Concerns on Recreational landuse at the lowland between Kan Tau Wai & Heung</u> Yuen Wai

There should be restriction on land filling and excavation in "REC" use.

We are of concern that unrestricted land fillings for recreational activities will lead to serious fly-tipping in the area.

- Also, there will be impacts on existing drainage, ecology and landscape caused by fly-tipping.

#### Ma Tso Lung & Hoo Hok Wai

- 1. Strong support to zone Hoo Hok Wai into CA(1)
- We <u>strongly support</u> the zoning of CA(1) in Hoo Hok Wai and Ta Sha Lok CA(1) can conserve the ecological value and function of the fish ponds which are part of the ecosystem of Deep Bay by prohibiting any development in this area Therefore, CA(1) is appropriate to Hoo Hok Wai and Ta Sha Lok

2. Conservation zoning to Ma Tso Lung stream & riparian zone

- 2 globally endangered species Somanniathepphusa zanklon 鐮刀束腰蟹 and Cuora trifasciata 金錢龜 have been found in the stream
- Instead of "AGR", conservation zoning, e.g. "CA", is more appropriate to reflect the ecological importance of the stream in terms of these endangered species
- As roots and stems of riparian grasses are also the habitats of this freshwater crab, riparian zone of MTL stream should also be zoned as "CA"
- As part of the wetland ecosystem at Hoo Hok Wai, the stream should be further protected by "CA" against any development which can cause pollution to it.
- 3. Potential impacts of future development around Ma Tso Lung
- Ecological impacts of LMC Loop bypass which is proposed to pass through HHW fish ponds
- Future zoning of southern part of Ma Tso Lung where is duplicated with the proposed NENT NDA.
- Upper MTL stream falls into the proposed NENT NDA which may be affected by the proposed development of NDA
- PlanD should address the cumulative impacts of surrounding development plan and co-operate with different Government departments so that ecological values of habitats with high conservation interests will not be degraded.

#### <u>Man Kam To</u>

1. Fung Shui woodland at Muk Wu to be zoned as "Conservation Area"

-

- Fung Shui woodland in Muk Wu should be zoned as "Conservation Area" to further conserve their ecological value to local biodiversity.
- Since the Fung Shui woodland has significant size, about 2.5 hectare, the ecological value is high and thus it should be conserved.
- As said in the board paper, Fung Shui woodland has high susceptibility. Therefore, "Conservation Area" is needed to restrict any potential development that encroach to Fung Shui woodland
- 2. Chow Tin Tsuen wet agricultural land to be zoned as "GB" or "AGR"
  - The wet agricultural lands should not be zoned as "V" since they are still actively using and the lands are outside "VE"
  - They will be under great development pressure from Small Houses if remains at "V"
  - As wet agricultural lands have been declining in Hong Kong due to development, conservation zoning is necessary to keep them intact from human disturbance and maintain their ecological function
- 3. <u>Concerns on Recreational landuse at Ta Kwu Ling Village & east of Fung Wong</u> <u>Wu</u>
  - There should be restriction on land filling and excavation in "REC" use.
  - We are of concern that unrestricted land fillings for recreational activities will lead to serious fly-tipping in the area.
  - Also, there will be impacts on existing drainage, ecology and landscape due to fly-tipping.

"Roy Ng" <roy@cahk.org.hk></roy@cahk.org.hk>	То	<okcchan@pland.gov.hk></okcchan@pland.gov.hk>
23/05/2013 下午 12:39	cc	"'Tony Nip'" <tonynip@kfbg.org></tonynip@kfbg.org>
		<dcctsang@pland.gov.hk></dcctsang@pland.gov.hk>
		"'Ming Chuan Woo'" <mcwoo@kfbg.org></mcwoo@kfbg.org>
		"'Debby Chan'" <debby@designinghongkong.com></debby@designinghongkong.com>
		"'Karen'" <karen@greenpower.org.hk></karen@greenpower.org.hk>
		"'Henry'" <henry@greenpower.org.hk></henry@greenpower.org.hk>
		"'Alan Leung'" <aleung@wwf.org.hk></aleung@wwf.org.hk>
		"'Tobi Lau'" <tlau@wwf.org.hk></tlau@wwf.org.hk>
	Sub	Comments on 5 Frontier Closed Area OZPs
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#### Dear Otto,

Thanks for arranging the meeting on 2 May 2013. While The Conservancy Association (CA) appreciates the effort by Planning Department in working on the final draft of the OZPs in Frontier Closed Area (FCA), we would reiterate some of our comments on the following items.

#### Draft Lin Ma Hang OZP

We support the initiative to rezone the upstream riparian zone of Lin Ma Hang SSSI into "CA" to safeguard its ecological importance. To further ensure its ecological integrity, the remaining GB along the riparian zone should also be rezone as "CA".

#### Draft Ma Tso Lung & Hoo Hok Wai OZP

We support that the extensive fish ponds and adjacent freshwater marshes in Hoo Hok Wai would be zoned as "CA (1)". This arrangement is appropriate to reflect the ecological value of Hoo Hok Wai wetland system and ecological linkage with adjacent wetland in Ho Sheung Heung, Lok Ma Chau Loop, San Tin, Mai Po and even other Deep Bay Area.

#### Draft Sha Tau Kok OZP

We are concerned that the 0.16ha and 0.39ha of Ha Tam Shui Hang Stream, originally zoned as AGR, would be rezoned as V. In the final report of Strategic Environmental Impact Assessment of FCA, this stream was once classified as "Moderate to High" so that rezoning this as V zone does not reflect the ecological importance of the stream. We especially worry that stream diversion which requires permission from TPB under AGR zone would be legitimate under the proposed V zone. We thus would not support that this stream and riparian area should be zoned as V zone in future.

Best regards, Ng Hei Man (Roy) Assistant Campaign Manager The Conservancy Association

#### Attachment VId

hb	<okcchan@pland.gov.hk> "'Tony Nip'" <tonynip@kfbg.org></tonynip@kfbg.org></okcchan@pland.gov.hk>
23/05/2013 下午 02:43	"'Ming Chuan Woo'" <mcwoo@kfbg.org></mcwoo@kfbg.org>
	"'Debby Chan'" <debby@designinghongkong.com></debby@designinghongkong.com>
	"'Henry'" <henry@greenpower.org.hk></henry@greenpower.org.hk>
	"'Alan Leung'" <aleung@wwf.org.hk></aleung@wwf.org.hk>
	"'Tobi Lau'" <tlau@wwf.org.hk></tlau@wwf.org.hk>
	"Roy Ng" <roy@cahk.org.hk></roy@cahk.org.hk>
	"lkcheng" <lkcheng@greenpower.org.hk></lkcheng@greenpower.org.hk>
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Sub	Green Power's comments on Frontier Closed Area OZPs
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#### Dear Mr. Otto Chan,

Thank you for meeting with the green groups on 2 May 2013 relating to the drafting of OZPs covering the FCA areas. Green Power would like to submit our comments as follows:

#### 1. Draft Lin Ma Hang OZP

- Lin Ma Hang Stream SSSI has very high ecological value and is one of few good quality stream for freshwater fish in Hong Kong. We consider that the Administration should take an ecosystem approach and rezone the whole existing stream buffer areas from "Green Belt" (GB) zone to "Conservation Area" (CA) zone which can offer more effective protection to the Lin Ma Hang SSSI stream.

- In view of the above rezoning of the stream buffers of Lin Ma Hang Stream SSSI, the Administration may consider whether it is necessary to increase the "GB" areas within the Lin Ma Hang OZP. And if yes, the identification of areas suitable for "GB" designation should be first subject to an ecological impact assessment to confirm that the areas are not ecologically sensitive.

#### 2. Draft Ta Kwu Ling North OZP

-As discussed in the green groups meeting on 2 May, we note that the Heung Yuen Wai Stream is of high conservation concern. KFBG has already recommended AFCD to designate this stream to be an Ecologically Important Stream (EIS).

-We therefore urge the Administration to protect the stream and its riparian zone (at least 10 m) by rezoning it from the proposed "Village Type Development" (V) zone and/or "Recreation" (REC) zone to "Conservation Area" (CA) zone to better reflect its high ecological value.

#### 3. Draft Sha Tau Kok OZP

-As discussed in the meeting, we support the protection and conservation of the stream course near Ha Tam Shui Hang which is considered of ecological interest in local context. However, the stream and its riparian areas are currently proposed to be zoned as "Village Type Development" (V) zone, which will make the stream course vulnerable to small house development or other developments listed in Columns 1 and 2 under the "V" zone. As such, we suggest that the stream should be rezoned as "Conservation Area" (CA) zone for better protection and conservation of the stream. -Moreover, we note that the "Agriculture" (AGR) zone on the southern-eastern side of Sha Tau Kok has been used for car parks at present. The Administration should assess whether the car parks in the "V" zone is a compatible land use with the surrounding land uses in the Sha Tau Kok area.

Thank you for your attention and consideration.

Sincerely, Karen Woo Conservation and Education Manager Green Power T: 3961 0205

#### Attachment VIe

Debby Chan <debby@designinghongko To okcchan@pland.gov.hk ng.com> cc Sent by: debby.ckl@gmail.com Sub Comments on draft FCA ozp jec 04/06/2013 12:53 t

Dear Mr Otto Chan,

We appreciate the fruitful meeting on 2 May 2013. We support the suggestions that the NGOs mentioned during the meeting, here we would like to readdress our views on the draft of the OZPs in Frontier Closed Area (FCA):

1. To fully protect the villages from the threat of flooding and the ecological important streams, including Lin Ma Hang Stream in the Lin Ma Hang OZP, Heung Yuen Wai Stream in the Ta Kwu Ling North OZP and stream passes Ha Tam Shui Hang in the Sha Tau Kok OZP, we agree the area along those streams and the riparian zones on the both side should either be zoned as SSSI or CA.

2. One additional point, all monuments in the FCA, including the Residence of Ip-Ting-Zi, should be zoned as OU annotated as Heritage Site with relevant amendment added to the Notes.

Yours sincerely,

Debby Chan

Designing Hong Kong

Attachment VII

致:規劃署 CC.地政署、民政事務署

由: 沙頭角木棉頭及蕉坑村村代表 - 李瑟賢先生 地址:沙頭角木棉頭及蕉坑村2號 Email address: waiyinalex@netvigator.com 聯絡電話:9603 8973 / 2655 9789

### 沙頭角分區計劃大綱編號 S/NE - STK/B

#### 木棉頭及蕉坑村

敬啓者:

本人是沙頭角木棉頭及蕉坑村的原居民村代表,本人於 2013 年 5 月 15 日得悉 賢署的大綱 草圖編號 S/NE-STK/B 的內容,本人代表本村木棉頭及蕉坑村所有居民及原居民,一致反對 城市規劃大網草圖的計劃,作出以下強烈反對:

- 1) 爲何在本村的村口位置規劃一條細而長的 AGR (即是農地)? 竟把本村近馬路邊的出入口 重重包圍,原因爲何?
- 2) 反對在本村口規劃 AGR. 把本村的所有土地凍結, 原因沒有路可進出入本村範圍及建 屋!
- 3) 歧視及剝奪全村村民的建屋權利!
- 4) 規劃本村村口為 AGR 的理據何在?
- 5) 反對規劃署是否在鼓勵我們沙頭角禁區開放後、可以耕種、以務農為生嗎?香港特區政府是否在這方面有津貼及支持?我們曰後可以以此為生計?有什麼數據參考?
- 6) 爲何草圖時常更改? 浪費公帑?

香港近年已經有很多房屋政策問題,如新移民的擁入,再加上人口老化問題,城市規劃已經 千瘡百孔,如天台屋,劏房,大廈的消防設施等等問題都需 贠署(城市規劃署)去解決;爲何 身爲城規署,自己的職能已不稱職!

現在沒有足夠數據支持下,竟然把本村的原居民唯一的棲息地落筆,規劃署前後矛盾,後面 是 V. ZONE 地,前面是 AGR!因此本人及本村所有村民對以上規劃,作出強烈不滿!並希望 貴署能還原為 V. ZONE、以作建屋用途!

最後, 懇請 貴署以書面詳細回復本人及本村所有村民之問題.

#### 李慧賢 謹啓

(沙頭角木棉頭及蕉坑村-原居民村代表) 28-5-2013

### 沙頭角區分區計劃大綱草圖會議

#### 會議記錄

#### 2013年5月15日

#### 1. 召開會鐵

李冠洪主席 召開沙頭角區分區計劃大網草圖會議會議時間 上午 11:00 至下午 2:10 會議日期 2013 年 5 月 15 日 會議地點 沙頭角區鄉事委員會。

### II. 贴名

嚴雪芳負責點名。下列為與會人員:李冠洪、李炳華、溫華安、鄧春池、曾玉安、徐國新、黃夏衛、葉華清、葉長風、葉漢雄、丘天仁、丘桂煌、温新友、丘文清、張玉剛、黃冠明、李慧賢、李嘉俊、曾瑞文、曾亞七(共20人) 出席會人士:

沙頭角葉區及蓮麻坑:陳冠昌 先生 規劃署 (高級城市規劃師/北區 2) 曾志宗 先生 規劃署 (城市規劃師/邊境禁區) 鎮羅盆大綱草圖 : 吳育民 先生 規劃署 (高級城市規劃師/新圖規劃) 巢德森 先生 規劃署 (城市規劃師/新圖規劃) :北區民政事務處高級聯絡主任 方鳳娟女士

聯絡主任 劉嘉如女士

### 出席會議村民 : 蓮麻坑 共19人

鎖羅盆	共	16	人
蕉坑村	共	2)	ζ.
塘肚村	共	1)	5

議程:

- 1) 沙頭角 大綱草圖 (S/NE-STK/B)
  - (山咀、担水坑、蕉坑、木棉頭、新村、瓦窰頭及塘肚)
- 2) 蓮麻坑 大綱草圖 (S/NE-LMH/C)
- 3) 鎖羅盆 大綱草圖 (S/NE-SLP/D)

1. 沙頭角 大網草圖 (S/NE-STK/B)

陳冠昌先生講解建議大綱草圖 (S/NE-STK/B)及有關注釋(附件1)

徐國新村長建議把草圖規劃木棉頭對出海岸之地段由『農地 AGR』改變為『康樂用地 REC』使村民有使多選擇。

陳冠昌先生表示該地段『農地 AGR』除了耕種外還可作養漁。

李冠洪主席表示為什麼近禁區口之兩邊樽頸位置,該地段要規劃成『綠化地帶 GB』

陳冠昌先生表示因有關地帶是紅樹林區,因此有必要納入為『綠化地帶 GB』

徐國新村長表示希望有關當局到實地視察,因禁區開放後每逢假日交通十分繁忙,因此應規劃一此可用作停車場用地。

陳冠昌先生表於4月26日之規劃署會議上有提及停車場一事。

**李冠洪主席**表示在上次會議已有提及該地段是否有必要規劃成『線化地帶 GB』,因 早前已與運輸署提及擴闊道路,由於該位置是禁區發展重要位置,如把這規劃『線化 地帶 GB』,對日後持續發展有重大影響,若日後需要擴闊道路或增添社區設施,必 定有阻礙,到不如現在把那地段改變為『農地 AGR』或『康樂用地 REC』使村民可更 好利用土地

陳冠昌先生表示會就此問題開會討論。

<u>李冠洪主席</u>補充禁區開放應有考慮整體發展,開放地點之公用設施。希望能配合沙頭 角未來發展。同時今次之草圖相信並不是落實,還有改善空間,於七月將會有另一張, 希望規劃署在落實大綱圖前能聽取我們的意見。

李冠洪主席希望先聽取沙頭角村民之意見後待陳冠昌先生一起回答

**張玉麟先生(沙頭角農莊)**表示現時是否有機會改變規劃圖。

李慧賢村長表示為可木棉頭村口一帶規劃成『農地 AGR』,現一帶存放了十多個貨櫃, 跟本沒法再耕種,同時村口一帶被規劃為『農地 AGR』就好像封了村口。應把該地段 同樣規劃成 V-zone 地,以便村民可整體發展。

**陳冠昌先生**表示會在城規會會議上反映。

**張玉麟先生(沙頭角農莊)**該地段是低窪水浸地帶所以跟本不能復耕,可把此路段改為道路。

**陳冠昌先生**表示在 2010 年已就有關意見反映城規會,但未能改變規劃。

**丘天仁村長**表示新村近山位置為何不改為 v-zone。

**陳冠昌先生**表示因有關位置是超出村界範圍,同時因地政署行政問題而該地段即使改為 v-zone 也無法建屋。

<u>季冠洪主席表示如在村界內興建房屋可向地政署申請,在村界外要向城規申請,而丘</u> <u>天仁村長</u>提及批出與否是否涉及人事影響,我可向大家保證若現時有人不依政策是以 人事決定是否批出建屋,他一定追究到底。 曾五安村長表示若不可改變為 v-zone 可否考慮為『康樂用地 REC』。

張玉麟先生表示塘肚村內一幅『康樂用地 REC』備註為低密度康樂項目。

**陳冠昌先生**表示『康樂用地 REC』有兩種,一般康樂建設也能通過,除非興建規模如 海洋公園或迪士尼等,因需要配公眾設施。

張玉麟先生表示早前有提交向城規申請在低密度康樂用地興建十二層高酒店但被拒。 陳冠昌先生表示並未收到有關申請,請張先生會後與他們再作跟進。

#### 2. 遵麻坑 大網草圖 (S/NE-LMH/C)

**李冠洪主席**表示就蓮麻坑之規劃作了很多次抗爭行動,而最近一次已得到確定草圖 把沿河一帶改變為**『綠化地帶 GB』**但不知為何又把上流改回『保育地帶 CA』,因如 改變為『保育地帶 CA』日後河道維修或倒塌,那一個政府部門能承擔維修?希望規 劃署能反映,現蓮麻坑村已讓步可接受**『綠化地帶 GB』**因為日後還可復耕,但一旦 改變為『保育地帶 CA』等於把業權人財產吞沒。

<u>陳冠昌先生</u>表示因有環保組織希望把河兩邊規劃成『保育地帶 CA』。由於被城規劃 成『保育地帶 CA』都是在山上之松林地區而遠離鄉村式小型屋字發展地帶。

**蘩華清村長**表示他們與村民在這幾年不斷爭取合理規劃,已得到梁特首同意,而在 一月之規劃大綱草圖河兩邊都修改為『線化地帶 GB』,但為何規劃署在未知會業權 人及鄉事會下於4月26日開會決定修改大綱草圖,若現改為『線化地帶 GB』日後 沒空間可擴大鄉村式發展地帶 v-zone,為什麼只顧及環保份子而罔顧業權人的權 利。是否可以未經業權人同意下胡亂規劃。同時在上游位置不是什麼松林而是他們 梯田,全是私人業權地段。如今次未能就規劃得到共識,他們會禁止所有政府及環 保份子進入蓮麻坑,他們堅決反對不合理規劃。

**陳冠昌先生**表示 4 月 26 日城規會是否同意此份大綱草圖進行諮詢。同時有關『保育 地帶 CA』附加註釋可以耕種,因此不會影響復耕。

<u>李冠洪主席</u>明白政府因受到環保份子壓力下,又希望能配合業權人之權益,所以附 加注釋於保育地帶使業權人使用自己土地,但政府也需要小心研究若河道上流日後 規劃為『保育地帶 CA』如何處理河道清潔及維修。

**陳冠昌先生**表示大家所表達意見及聲音他聽到,會在規劃署會議上反映。

李冠洪主席多謝陳冠昌先生出席今次會議。

3. 鎮羅盆 大網草圖 (S/NE-SLP/D)

<u> 吴育民先生</u>表示 2010 年鎖羅盆刊憲之大綱草圖將於今年 9 月 20 日諮詢期屆滿,今 日希望收集大家意見向城規會反映。

<u>巢德森先生</u>表示因鎖羅盆地點獨特,三邊環山,一面環海,內裡有很多真貴樹林, 魚類及昆蟲,因此極有自然保育價值的村落,同時因環保人士希望能保持舊屋周邊 面貌,因此作出大綱草圖之規劃,現講解有關內容。(附件2)

<u>李冠洪主席</u>表示在上之 DPA 草圖會議上提交了多項建議但沒有一項加入此草圖,此 草圖完全把所有私人業權土地納入為保育地帶。這樣對他們十分不公平,同時該村 少人居住是由於政府沒有提供足夠公眾設施給予村民,使他們無法之下搬離鄉村。

<u>黃冠明村長</u>表示為什麼規劃中一塊農地也沒有,早前因有些村民希望從外地回流,因此他自行把現有漁塘開發養漁,希望能養活村民,但若現把漁塘納入保育地帶, 漁塘還可養漁嗎?

**曾家求先生**表示鎖羅盆村民希望能與政府就規劃合作及得到共識,就因所羅盆是一個很靚的地方,所以村民會攜手好好保育自己村落,就要平衡發展,沒有人住的地方由誰人保育,周邊已是郊野公園,已足夠無需把村內也規劃為保育土地。鎖羅盆現是最少有 300 個合資格與建丁屋之原居民,由於早前並未作出規劃因此沒有入表申請,其實現時鎖羅盆有足水電配套供應 500 間房屋使用,同時鎖羅盆陽光充足, 用太陽能也是極為環保,車輛可用電動車,即使發展也可平衡環保概念,如農業種植,歷史博物館,連貫周邊外島之遠足之路,民宿等等。

#### 鎮羅盆村民表示同意曾先生之概念。

<u>鎮羅盆村民</u>表示他在早年種了兩百多棵樹在現時規劃為『保育地帶 CA』,若日後定 案他們是否需要砍伐這些樹。

**鎖羅盆女村民**表示城市規劃應以人為本,早前被迫離開自已鄉村出外工作,現今退 休希望能回鄉可借沒法興建自己家園,也沒法在鄉村發展,那些叫規劃嗎?

鎖羅盆老村民政府這樣做是充公他們的財產,他們做錯了什麼被政府充公財產。

<u>曾玉安村長</u>表示此規劃非人性化,為什麼在英國統治時代預留空間土地給各村落, 但今日不是以人為本去規劃,若是只把接近碼頭地段規劃成保育地帶可接受,但不 接受把村民土地規劃為保育地帶,漁護署現時常常阻撓我們的發展,此規劃實遠離 我們所望!

<u>鎮羅盆女村民</u>表示現時規劃只可睇到平面圖,跟本完全沒有看到村民的歷史,規劃 只照顧那些一年也去不到一次的環保旅遊人士,一點顧及村落的歷史發展,待村民 日後退休可回自己鄉村居住或養活鄉村。 <u>吴育民先生</u>表示

一)鎖羅盆除了一面海,另三面也被郊野公園包圍,是一個受到關注地方。

現在被規劃為『綠化地帶 GB』或『保育地帶 CA』已加備註釋可進行農業和漁業 用途,不需要去城規申請,以確保業權人充分使用。

二)而所指定之 V-zone 是可以興建小型屋宇,若村民提供民宿當然需要另外申請經 營牌照。

三)有關『保育地帶 CA』規劃位置是由漁農署提供。

四)村民希望能擴闊 V-zone 請提供位置及若有新建議可以書面提交再進行研究。

**曾五安村長**表示現被規劃為『保育地帶 CA』位置無論是否有注釋也需要更改為『綠 化地帶 GB』,否則等於把村民土地權取去。

李冠洪主席表示吳育民先生對我們沙頭角好熟識,同時會盡量配合大家意見,因此 希望大家提出方案給予吳育民先生向規劃署反映。

### \*會議結束時間 14:10\*\*

會議記錄提交者: 嚴雪芳 22-5-2013

會議記錄核准者:

<u>山咀、担水坑、蕉坑、木棉頭、新村、塘肚、鎖羅盆及蓮麻坑</u> 日期:2013年5月15日(星期三) 時間:上午11時00分

出席:

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鄉村名稱(#名不分先後)	原居民/居民	出席簽署
烏蛟騰	李冠洪主席	Ø
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<u>山咀、担水坑、蕉坑、木棉頭、新村、塘肚、鎖羅盆及蓮麻坑</u> 日期:2013年5月15日(星期三) 時間:上午11時00分

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山咀、担水坑、蕉坑、木棉頭、新村、塘肚、鎖羅盆及蓮麻坑 日期:2013年5月15日(星期三)

時間:上午11時00分

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<sup>出席,</sup> 鄉村/機構部門	姓名	出席簽署
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薄鞋松	華志保	175-195
蓮花氏		

<u>山咀、担水坑、蕉坑、木棉頭、新村、塘肚、鎖羅盆及蓮麻坑</u> 日期:2013年5月15日(星期三)

時間:上午11時00分

出席:

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儲羅區	黄冠新	方彩张
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铺器高	黄鹅苔	黄紫紫
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