TOWN PLANNING BOARD

TPB Paper No. 9372

For Consideration by

The Town Planning Board on 28.6.2013

DRAFT LIN MA HANG OUTLINE ZONING PLAN (OZP) NO. S/NE-LMH/D

<u>FURTHER CONSIDERATION OF A NEW PLAN</u>

DRAFT LIN MA HANG OUTLINE ZONING PLAN NO. S/NE-LMH/D FURTHER CONSIDERATION OF A NEW PLAN

1. Introduction

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 Lin Ma Hang Outline Zoning Plan (OZP) No. S/NE-LMH/C; and
- (b) seek Members' agreement that the draft Lin Ma Hang OZP No. S/NE- LMH/D, 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 inspection.

2. Background

- On 30.7.2010, the draft Lin Ma Hang Development Permission Area (DPA) Plan No. DPA/NE-LMH/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 Lin Ma Hang area and the findings of the reviews were presented to Town Planning Board (the Board) on 26.4.2013. On 26.4.2013, the Board gave preliminary consideration to the draft Lin Ma Hang OZP No. S/NE- LMH/C (TPB Paper No. 9327) 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. 9327 are at Attachments IV and V for Members' reference.
- 2.2 For Members' easy reference, major land use proposals of the draft OZP as compared to the existing DPA Plan have been highlighted in the TPB Paper No.

9327 and recapitulated below:

"Village Type Development" ("V") Zone (Plan 1)

(a) no change was proposed for the "V" zone of the recognized villages of Lin Ma Hang and San Kwai Tin as the boundaries of the "V" zones had been fully deliberated during the hearing in 2011 and there had been no significant change in planning circumstances since then. Besides, the size of the "V" zone on the approved DPA Plan for Lin Ma Hang was already larger than the village 'environ' ('VE') of the recognized village by about 7% 1;

Review of Buffer Area along Lin Ma Hang Stream (Plan 2)

- (b) in response to the Green Groups' proposal on conservation, the buffer area along the upper section of Lin Ma Hang Stream was proposed to designate as "Conservation Area" ("CA") for better protection of the water quality and habitat characteristic of the stream. In addition, "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;
- (c) the Green Belt" ("GB") zoning would be retained for the buffer area along the lower section of Lin Ma Hang Stream. The proposed "GB" boundary was delineated with reference to the boundary of the "V" zone where existing settlements are situated and Small House developments are permitted as of rights and 'VE' of Lin Ma Hang Village. Small House developments may be permitted within the "GB" zone upon application to the Board; and

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

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¹ A larger "V" zone was designated for the village mainly to provide more flexibility in view of the limitations in the area surrounding Lin Ma Hang Stream that might not be suitable for Small House development.

concerned departments including Agriculture and Fisheries Conservation Department 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.

- 2.3 During the preliminary consideration of the draft OZP, Members expressed divergent views on the proposed "GB" and "CA" zonings for the buffer area along Lin Ma Hang Stream. The salient points of discussion of the Board on the issue are summarized below:
 - (a) Some Members were of the view that the riparian zone of the whole Lin Ma Hang Stream should be designated as "CA" zone from nature conservation point of view. They also questioned whether strong justifications were available to support the proposed different zonings along Lin Ma Hang Stream. They considered that such proposal might not be able to meet the aspirations of the various interested parties, including the Lin Ma Hang villagers and the Green Groups. It was also suggested to investigate the possibility of rezoning the land adjoining the "V" zone of Lin Ma Hang Village from "AGR" to "V".
 - (b) However, other Members expressed a different view and supported the different zonings for the riparian zone along the upstream and downstream areas. They supported the different zonings on the grounds that it was able to strike a proper balance between nature conservation and the development needs of Lin Ma Hang Village. Moreover, they considered that there was adequate provision for the Board to guard against incompatible developments within the proposed "GB" zone under the current planning system.

3. Pubic Consultation

3.1 The STKDRC and NDC were consulted on the draft OZP on 15.5.2013, and 20.5.2013 respectively. The minutes of the consultation meeting with the STKDRC is at **Attachment VIII**. Apart from the NDC and the STKDRC, an informal meeting was also held with the village representatives (VRs) of Lin

Ma Hang Village on 21.5.2013. A letter dated 21.5.2013 received from the VRs of Lin Ma Hang Village is attached at **Attachment VII**.

- 3.2 Major points of their concerns on land use planning and specific proposals from the NDC, STKDRC and VRs of Lin Ma Hang Village on the draft OZP are highlighted below:
 - (a) Opposition to the Land Use Proposal of the Riparian Zone along Lin Ma Hang Stream

Strong oppositions were received from the NDC and STKDRC (in particular the VRs of Lin Ma Hang Village) to the proposed "CA" zoning for the riparian zone along Lin Ma Hang upstream area (**Plan 2**). The VRs of Lin Ma Hang Village claimed that the land that was proposed to be rezoned to "CA" were mostly private land owned by the villagers for farming purpose. They considered that the proposed "CA" zone would 'freeze' their land and thus they would be restricted from any kinds of development/engineering operation within the riparian zone along Lin Ma Hang upstream area, including maintenance of the stream; and

(b) Objection to the Requirement Related to Small House Development within "V" Zone Stated in the Explanatory Statement

The VRs of Lin Ma Hang Village raised objection to the proposed incorporation of a requirement into the Explanatory Statement of the draft OZP (**Attachment III**) regarding the practice of assessing Small House applications that are in close proximity to existing stream courses within "V" zone (as stipulated in para. 9.1(d) of Explanatory Statement). VRs of Lin Ma Hang Village claimed that the imposition of this requirement would render Small House applications impossible. They proposed to exclude the said requirement from the Explanatory Statement of the draft OZP.

A meeting between PlanD 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 Lin Ma Hang 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 below:

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

- (b) all the Green Groups opposed to the proposed "GB" zoning for the riparian zone along the downstream area (**Plan 2**) and proposed that the riparian zone along the whole Lin Ma Hang Stream should be zoned "CA", to safeguard its ecological integrity and conserve its high ecological value; and
- (c) DHK proposed that Residence of Ip Ting-sz, the Declared Monument in Lin Ma Hang, should be zoned "Other Specified Uses" annotated "Heritage Site" with relevant amendments incorporated into the Notes and the Explanatory Statement of the draft OZP.

4. Planning Department's Responses

The above comments made by the NDC, the STKDRC and the VRs of Lin Ma Hang village, and proposals submitted by the Green Groups as illustrated in paragraph 3 have been circulated to concerned departments for comments. In consultation with the departments concerned, PlanD's responses on the points raised by the NDC, the STKDRC, the VRs of Lin Ma Hang Village and the Green Groups are as follows:

4.1 <u>General Issues</u>

Convention on Biological Diversity

(a) 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;

Objection to the Requirement Related to Small House Development within "V" Zone Stated in the Explanatory Statement

(b) in response to the Lin Ma Hang VRs' concern that the requirement stipulated in the Explanatory Statement of the draft OZP would render Small House applications impossible, it should be noted that seeking concerned departments' professional advice when processing Small House applications in close proximity to existing stream courses within "V" zone is an existing administrative measure to protect the existing watercourses and it has been an established practice. The objective of stipulation of such requirement in the Explanatory Statement of the draft OZP is mainly to inform the public of such requirement. Small House applications may or may not be granted after consulting concerned departments and assessment by the Lands Department (LandsD). As such, it is considered appropriate to incorporate the concerned administrative measure in the Explanatory Statement of the draft OZP.

4.2 Specific Issues

Land Use Zoning for Lin Ma Hang Stream Buffer Area

- (a) during the preliminary consideration by the Board and the local consultation exercises, divergent views on the land use zoning for the riparian zone along Lin Ma Hang Stream were received. Further advice had subsequently been sought from the AFCD regarding the zoning proposal. After considering the local demand and balancing the various views/comments received, PlanD has the following views on the issue:
 - (i) while it is considered that the "GB" zoning for the riparian zone along the downstream area where there had been settlement/community would provide sufficient protection to the

Lin Ma Hang Stream and minimize the adverse impact on the Stream through current statutory and administrative measures as stipulated in the Notes and Explanatory Statement of the draft OZP, it is proposed to designate the riparian zone along Lin Ma Hang upstream area with a special "GB(1)" zoning (4.71 ha) (Plans 3 and 4). Though the FCA Study recommended that a 20m buffer area could be considered as an option to protect the stream, it suggested that an appropriate zoning should be considered in more details by the relevant Government departments when preparing the detailed statutory town plans. The proposed "GB(1)" zone, which is more restrictive for better control of development, is considered an acceptable compromise by the AFCD in view that it could still provide the necessary protection to the riparian zone of the upstream area. Moreover, existing administrative measures² have been taken into account in coming to the proposed "GB(1)" zoning for the buffer area;

the planning intention of "GB(1)" is primarily for defining the (ii) limits of urban and sub-urban development areas by natural features and to contain urban sprawl. Only developments that are needed to support the conservation of the existing natural landscape and scenic quality of the area or are essential infrastructure projects with overriding public interest may be There is a general presumption against development within the "GB(1)" zone. In comparison with the Notes of the "GB" zone, the uses are more restrictive for better control of development within the "GB(1)" zone. For example, only redevelopment of house may be permitted by the Board through the planning application system under the "GB(1)" zone. When compared with the Notes of the "CA" zone, some village-related developments such 'Burial Ground and as Committee/Village Office' which are not permitted under "CA" zoning, may be permitted on planning application to the Board

²In 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 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.

under "GB(1)" zone. Also, maintenance or repair of watercourse is always permitted under the Covering Notes of the draft OZP (**Attachment II**); and

Further Expansion of the "V" zone adjoining Lin Ma Hang Village

(b) in response to the Board's suggestion on 26.4.2013 to explore the possibility of rezoning the land adjoining Lin Ma Hang Village from "AGR" to V", it should be noted that the existing "V" zone for Lin Ma Hang Village was defined by physical features such as knolls, slopes, dense vegetation and a fung-shui woodland which is currently zoned "CA" to the east of the village, there is little scope for further expansion (Plans 3 and 4). Nevertheless, as the size of the "V' zone is already larger than that of the 'VE' by 7%, it should not be further extended according to the criteria agreed by the Board. In the event that the designated "V" zones is still not sufficient to meet the future demand of Lin Ma Hang Village, there is provision under the Notes of the draft OZP for planning applications of SH developments to the Board in the "AGR" and "GB" zones.

Land Use Zoning Proposal for Residence of Ip Ting-sz

(c) given the broad-brush nature of zoning and the small scale of the draft OZP, the site of the Residence of Ip Ting-sz would be too small to be reflected in a separate zone. According to the Antiquities and Monuments Office of the Leisure and Cultural Services Department, the Residence of Ip Ting-sz had been designated as a Declared Monument on 6.11.2009 and was protected under the Antiquities and Monuments Ordinance. Prior consultation with the Antiquities and Monuments Office of the LCSD should be made if any development, redevelopment or rezoning proposals might affect the monument.

5. Land Use Zonings (Attachment I)

Having regard to the above, the proposed land use zonings of the draft Lin Ma Hang OZP No. S/NE-LMH/D are as follows:

5.1 "Village Type Development" Zone

About 13.35 ha of land are zoned "V" to cover the two recognized villages within the Area, i.e. Lin Ma Hang and San Kwai Tin and areas of land suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The boundary of "V" zone is drawn up having regard to the existing village 'environs', outstanding Small House applications, Small House demand forecast, local topography, existing settlement pattern, ecologically important areas and other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and streamcourses have been avoided where possible. In order to provide opportunities for short-term accommodation in existing NTEH, "Hotel (Holiday House only)" may also be permitted on application to the Board.

5.2 "Government, Institution or Community" Zone

About 0.8 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. Existing facilities under this zoning include the MacIntosh Fort at Kong Shan and the disused King Sau School with its ancillary playground. According to the FCA Study, existing disused school building can be developed into an exhibition centre/historic museum to demonstrate the traditional living style of Hakka villagers to promote eco-tourism within the Area. The "G/IC" zoning of the school is proposed to be retained.

5.3 <u>"Agriculture" Zone</u>

About 39.15 ha of land are zoned "Agriculture" ("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 mainly covers the lowland areas in the western part of the Area.

5.4 "Green Belt" Zone

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 258.5 ha of land are zoned "GB". This zone mainly covers the

hilly terrain in the east (including Robin's Nest), mountainous areas of Wong Mau Hang Shan and the permitted burial grounds for indigenous villagers. The "GB" zone also covers a land corridor adjoining Lin Ma Hang Stream at the downstream area adjacent to the "V" zone where there had already been village settlements, in order to separate the village area from the river, and to provide flexibility to the Board to scrutinize developments under the planning permission system. There is a general presumption against development within the "GB" zone.

5.5 "Green Belt(1)" Zone

A total of about 4.71 ha of land are zoned "GB(1). The concerned area includes two land corridors adjoining Lin Ma Hang Stream at the eastern and western upstream area on higher altitude to protect the habitats for wildlife associated with the Lin Ma Hang Stream as well as to provide flexibility to the Board to scrutinize developments under the planning permission system. The planning intention of "GB(1)" is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted. There is a general presumption against development within the "GB(1)" zone. In comparison with the Notes of the "GB" zone, the uses under "GB(1)" zone are comparatively more restrictive for better control of development.

5.6 <u>"Conservation Area" Zone</u>

A total of about 1.95 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 such as SSSI from the adverse effects of development. The "CA" zone covers the 'fung-shui' woods at the eastern backdrop of Lin Ma Hang to retain and preserve the existing natural character.

5.7 <u>"Site of Special Scientific Interest" Zone</u>

A total area of 10.62 ha are zoned "SSSI" to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora

and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest. Human activities or developments within the "SSSI" should be deterred. This zoning covers two designated SSSIs. The first one is the Lin Ma Hang Stream which was designated in July 2007, with the main course of about 2km long and 1.5m to 4m wide; and the Lin Ma Hang Leads Mines, which was designated in 1994, home to one of the most important bat colonies in Hong Kong.

5.8 A table comparing the land use budget of Lin Ma Hang area covered by the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 and the draft Lin Ma Hang OZP No. S/NE- LMH/D is shown below:

Table 1: Land Use Budget of Lin Ma Hang Area covered by the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 and the draft Lin Ma Hang OZP No. S/NE-LMH/D

Zoning	Approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 (ha / %)		Draft Lin Ma Hang OZP No. S/NE- LMH/D (ha / %)		Increase / Decrease (ha / %)	
Village Type Development	13.35	4.06	13.35	4.06	No change	No change
Government, Institution or Community	0.80	0.24	0.80	0.24	No change	No change
Agriculture	39.15	11.90	39.15	11.90	No change	No change
Green Belt	263.21	79.98	258.50	78.55	-4.71	-1.78
Green Belt (1)			4.71	1.43		
Conservation Area	1.95	0.59	1.95	0.59	No change	No change
Site of Special Scientific Interest	10.62	3.23	10.62	3.23	No change	No change
Total Planning Area	329.08	100.00	329.08	100.00	No change	No change

6. Consultation

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

7. <u>Decision Sought</u>

Members are invited to:

- (a) note the comments from and responses to the NDC, the STKDRC and the Green Groups on the draft Lin Ma Hang OZP No. S/NE-LMH/C;
- (b) agree that the draft Lin Ma Hang OZP No. S/NE-LMH/D (to be renumbered as S/NE-LMH/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 Lin Ma Hang OZP No. S/NE-LMH/D; 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	"V" Zones and 'VE' Boundaries of Lin Ma Hang and				
	San Kwai Tin				
Plan 2	Proposed "Conservation Area" Zone along the Upper				
	Section of Lin Ma Hang Stream Buffer Endorsed by the				
	Town Planning Board on 26.4.2013				
Plan 3	Proposed "Green Belt (1)" along the Upper Section of				
	Lin Ma Hang Stream Buffer				
Plan 4	Aerial Photo - Proposed "Green Belt (1)" along the				
	Upper Section of Lin Ma Hang Stream Buffer				
Attachment I	Draft Lin Ma Hang OZP No. S/NE-LMH/D				
Attachment II	Notes of the Draft Lin Ma Hang OZP No. S/NE-LMH/D				
Attachment III	Explanatory Statement of the Draft Lin Ma Hang OZP				
	No. S/NE-LMH/D				
Attachment IV	Extract of Minutes of the Town Planning Board Meeting				
	held on 26.4.2013				
Attachment V	TPB Paper No. 9329				
Attachment VIa	E-mail from Kadoorie Farm and Botanic Garden				

Corporation dated 13.5.2013

Attachment VIb E-mail from World Wide Fund for Nature Hong Kong

dated 16.5.2013

Attachment VIc E-mail from the Conservancy Association dated

23.5.2013

Attachment VId E-mail from the Green Power dated 23.5.2013

Attachment VIe E-mail from the Designing Hong Kong dated 4.6.2013

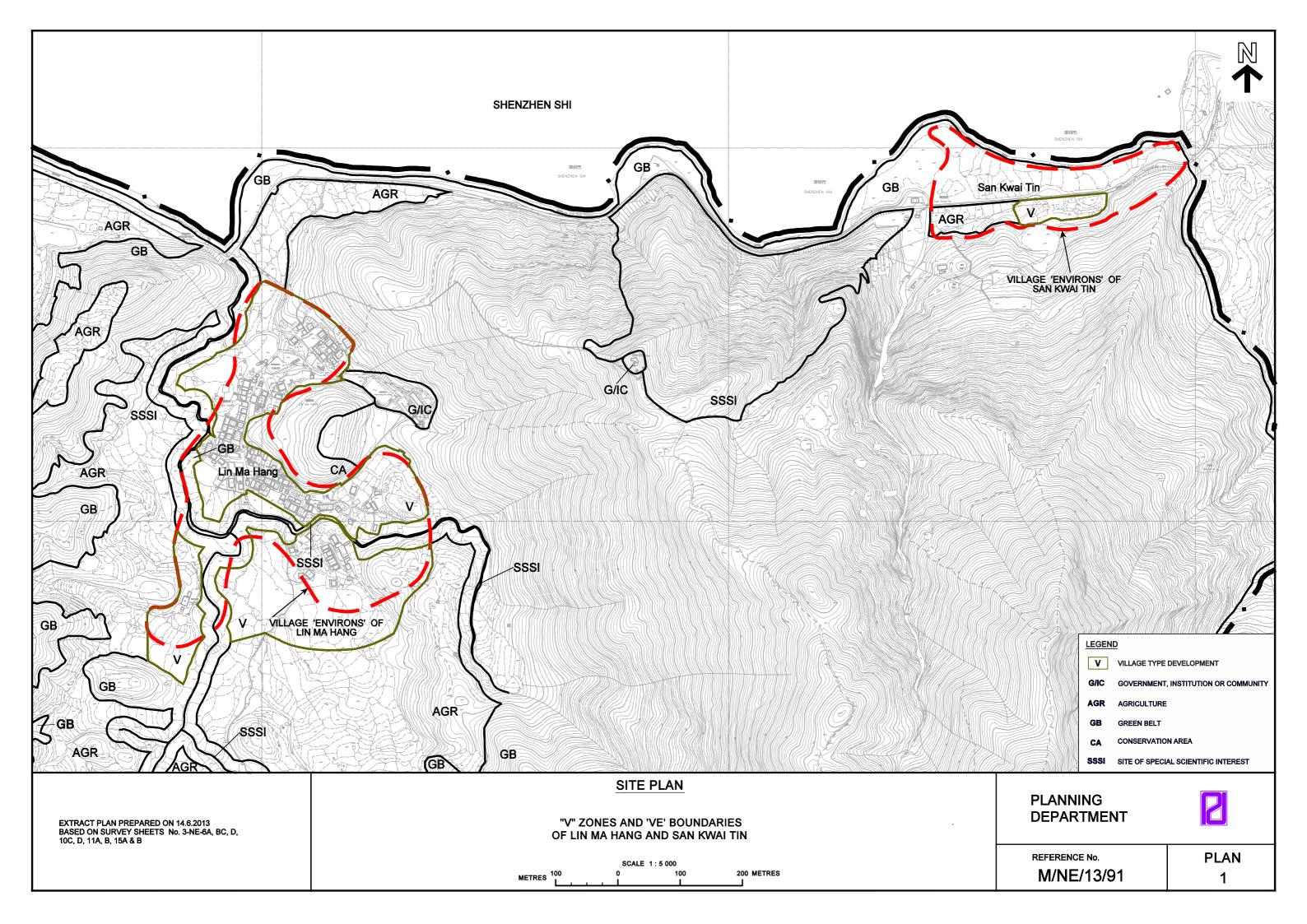
Attachment VII Letter dated 21.5.2013 received from the Village

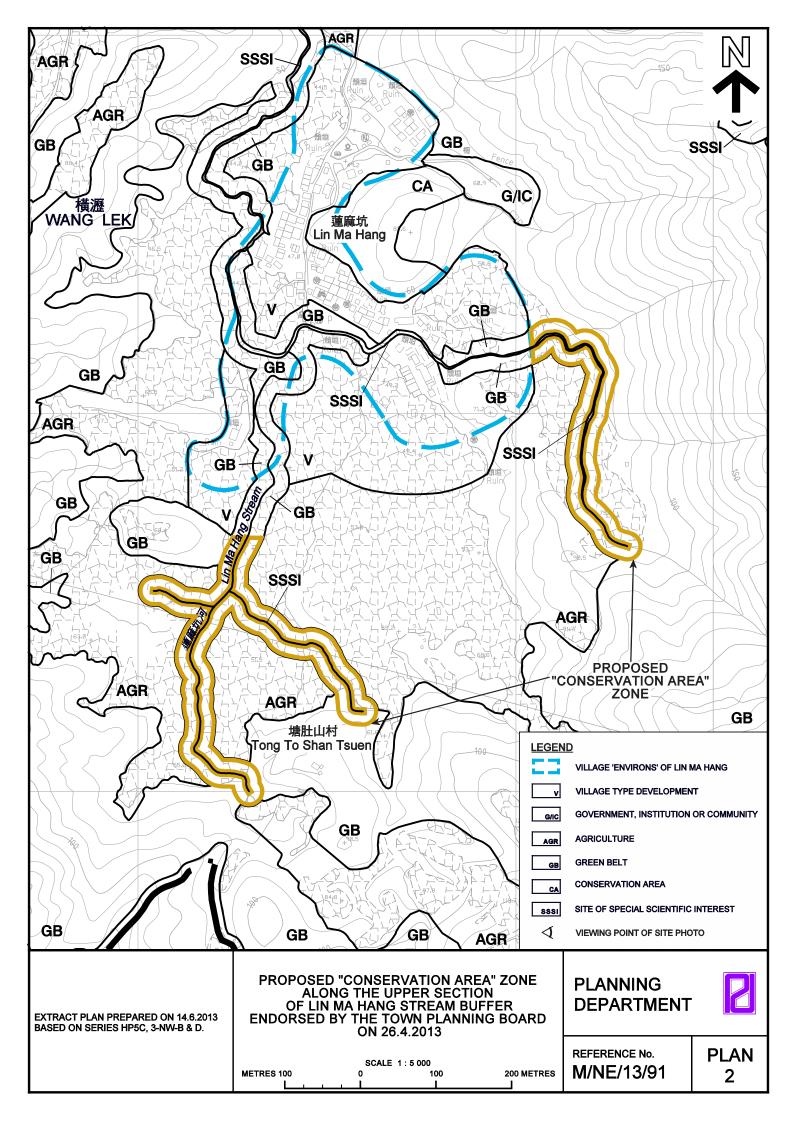
Representatives of Lin Ma Hang Village

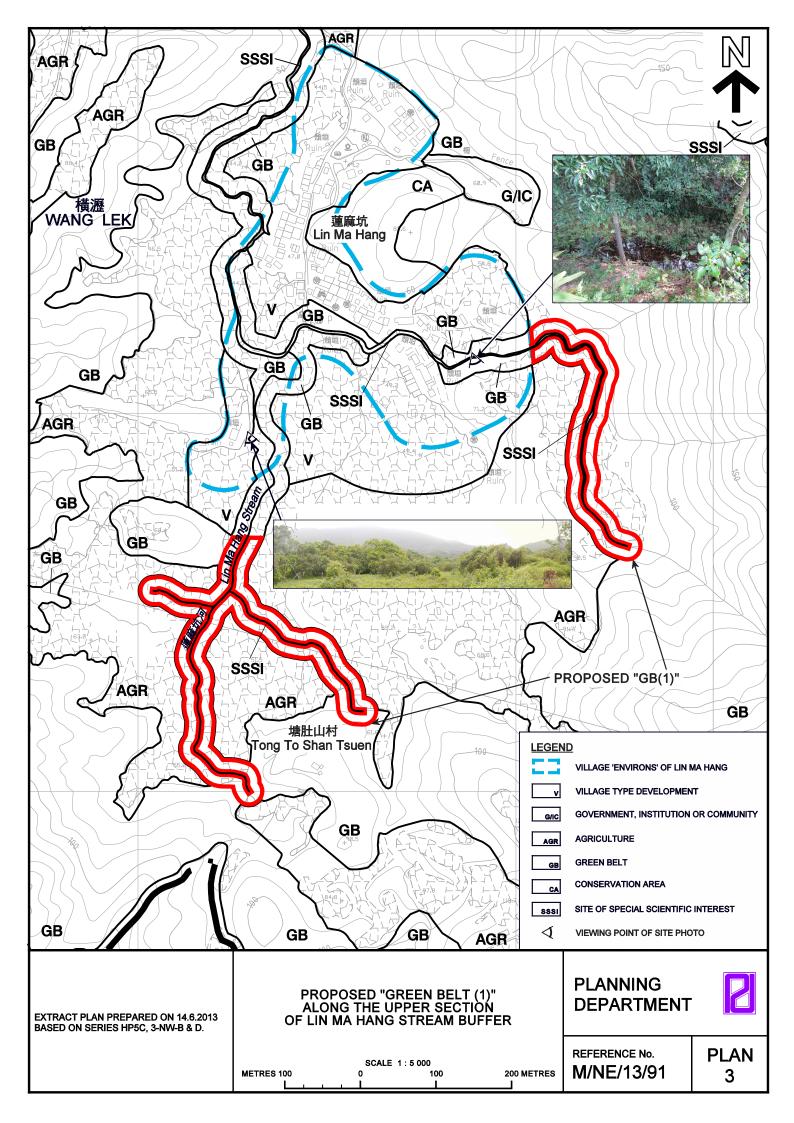
Attachment VIII Minutes of Sha Tau Kok District Rural Committee

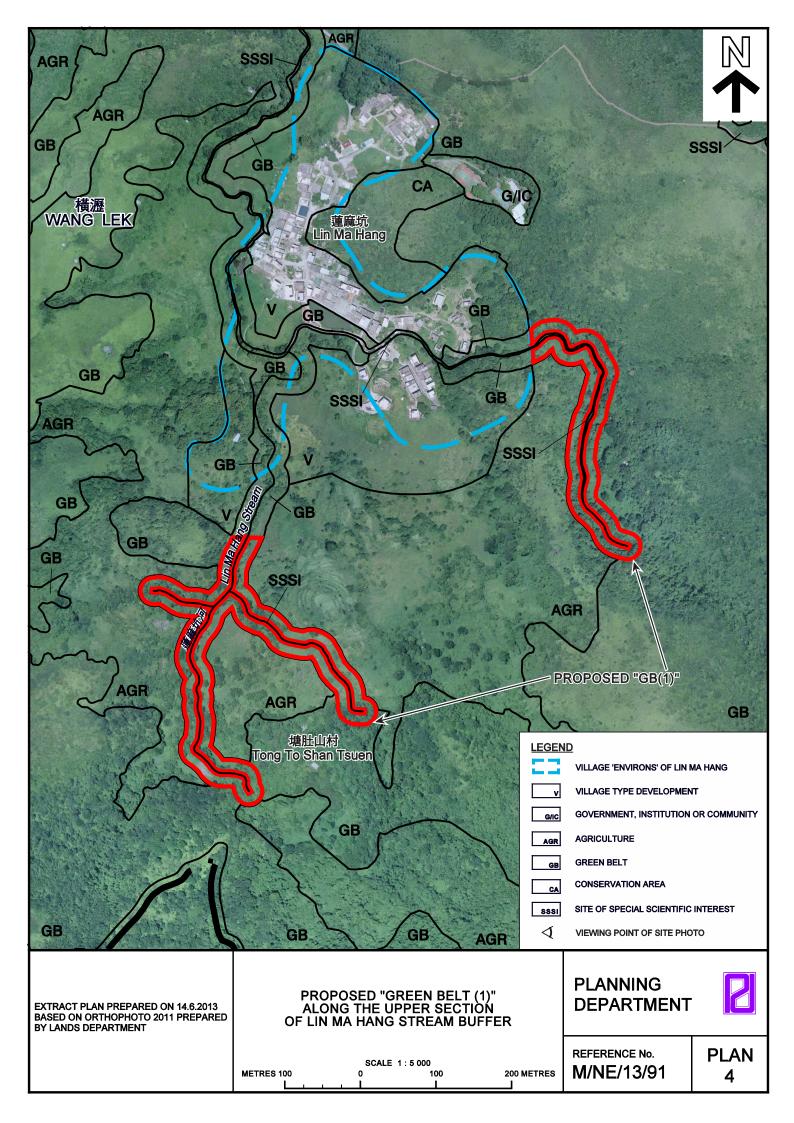
Meeting held on 15.5.2013

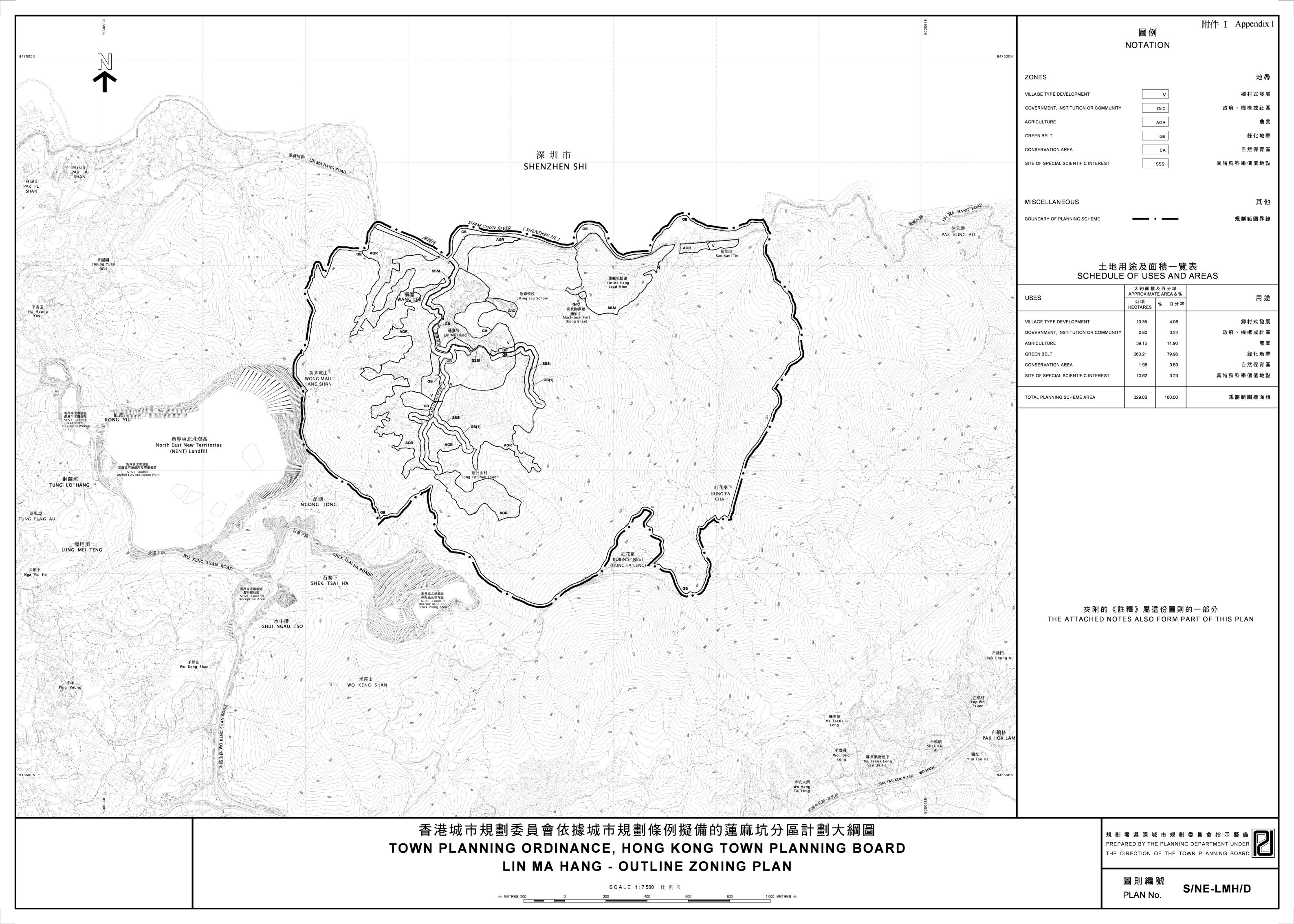
PLANNING DEPARTMENT JUNE 2013











(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 with 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 "Site of Special Scientific Interest" or "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.
- (9) In areas zoned "Site of Special Scientific Interest" or "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
 - (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 "Site of Special Scientific Interest" or "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 "Site of Special Scientific Interest" or "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.
- 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).

Schedule of Uses

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AGRICULTURE	4
GREEN BELT	5
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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

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

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 Quarantine Centre

(in Government building only)

Broadcasting, Television and/or Film Studio

Eating Place (Canteen,

Cooked Food Centre only)

Educational Institution

Exhibition or Convention Hall

Field Study/Education/Visitor Centre Government Refuse Collection Point

Government Use (not elsewhere specified)

Hospital

Institutional Use (not elsewhere specified)

Library Market

Place of Recreation, Sports or Culture

Public Clinic

Public Convenience

Public Transport Terminus or Station

Public Utility Installation Public Vehicle Park

(excluding container vehicle)

Recyclable Collection Centre

Religious Institution

Research, Design and Development Centre

Rural Committee/Village Office

School

Service Reservoir

Social Welfare Facility

Training Centre Wholesale Trade **Animal Boarding Establishment**

Animal Quarantine Centre

(not elsewhere specified)

Columbarium

Correctional Institution

Crematorium Driving School

Eating Place (not elsewhere specified)

Funeral Facility Holiday Camp

Hotel

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)

Off-course Betting Centre

Office

Petrol Filling Station
Place of Entertainment

Private Club

Radar, Telecommunications Electronic

Microwave Repeater, Television and/or Radio Transmitter Installation

Residential Institution

Sewage Treatment/Screening Plant

Shop and Services

Utility Installation for Private Project

Zoo

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.

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

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

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

Government Use (Police Reporting

Centre only)

Nature Reserve

Nature Trail

On-Farm Domestic Structure

Picnic Area

Public Convenience

Tent Camping Ground

Wild Animals Protection Area

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

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)

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 Private Project

(please see next page)

GREEN BELT (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.

GREEN BELT (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 (Other Than Plant Nursery)

Nature Reserve Nature Trail

On-Farm Domestic Structure

Picnic Area

Tent Camping Ground

Wild Animals Protection Area

Barbecue Spot Burial Ground

Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified)

Holiday Camp

House (Redevelopment Only)

Place of Recreation, Sports or Culture

Public Convenience
Public Utility Installation

Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

Rural Committee/Village Office Utility Installation for Private Project

(please see next page)

GREEN BELT (1) (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.

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.

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) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area

Field Study/Education/Visitor Centre
Government Refuse Collection Point
Government Use (not elsewhere specified)
House (Redevelopment only)
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 such as Site of Special Scientific Interest 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

- (b) 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.
- (c) 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.

SITE OF SPECIAL SCIENTIFIC INTEREST

Column 1	Column 2 Uses that may be permitted with or		
Uses always permitted			
	without conditions on application to the Town Planning Board		
	to the Town Flamming Board		
Wild Animals Protection Area	Agricultural Use		
	Field Study/Education/Visitor Centre		
	Government Use		
	Nature Reserve		
	Nature Trail		
	On-Farm Domestic Structure		
	Public Convenience		
	Public Utility Installation		
	Utility Installation for Private Project		

Planning Intention

The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as Site of Special Scientific Interest (SSSI). It intends to deter human activities or developments within the SSSI.

There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

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 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.

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 Lin Ma Hang Outline Zoning Plan (OZP) No. S/NE-LMH/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 (CE), the then Secretary for Housing, Planning and Lands directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Lin Ma Hang 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 Lin Ma Hang DPA Plan No. DPA/NE-LMH/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 7 valid representations were received. On 8 October 2010, the representations were published for three weeks for public comments and 8 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 rezone the Lin Ma Hang stream buffer from "Conservation Area" ("CA") to "Green Belt" ("GB") on the draft Lin Ma Hang DPA Plan to partially meet the representations. On 16 September 2011, the proposed amendment was published for public inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week public inspection period, a total of 15 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 amendment to the DPA Plan would form part of the DPA Plan under section 6F(8) of the Ordinance.
- 2.6 On 8 January 2013, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Lin Ma Hang DPA Plan, which was subsequently renumbered as DPA/NE-LMH/2. On 18 January 2013, the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/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 CE, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Lin Ma Hang area.
- 2.8 On____ 2013, the draft Lin Ma Hang OZP No. S/NE-LMH/C (the Plan) 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 establish the broad land use zonings for the Lin Ma Hang 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 http://www.info.gov.hk/tpb.

5. THE PLANNING SCHEME AREA

5.1 The Planning Scheme Area covers about 329 ha of land. It is located approximately 6 km to the northeast of Fanling/Sheung Shui. It is bounded by Sham Chun River in the north, Robin's Nest (also known as Hung Fa Leng) in the east and south, and Wong Mau Hang Shan in the west. The North East New Territories (NENT) Landfill is located immediately to the southwest of the Area at Wo Keng Shan. 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 adjoining Shenzhen City. To the south and west are predominantly agricultural land spotted with rural settlements. To the east lies the densely vegetated Robin's Nest, with an elevation up to about 492 mPD, is the prominent mountain ridge in the Area. Another major hilly ridge, Wong Mau Hang Shan rises to about 243 mPD, lies at the western fringe. Lying between the mountainous ridges are lowland basins intersected with watercourses. The main watercourse is Lin Ma Hang Stream which flows from the mountainous ranges of Robin's Nest to the flood plains and village settlement before discharging into Sham Chun River.
- 5.3 The landscape features of the Area include woodlands, vegetated uplands, knolls and foothills. The Area covers a spectrum of natural habitats including 'fung-shui' woods, mixed shrubland, freshwater/brackish wetland, lowland forest and natural watercourse. The Area also covers two Sites of Special Scientific Interest (SSSI) (i.e. Lin Ma Hang Lead Mines SSSI and the Lin Ma Hang Stream SSSI).
- 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 A declared monument and a number of graded historic buildings are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), the MacIntosh Fort at Kong Shan (Grade 2), Koon Ancestral Hall (Grade 3), Ip Ancestral Hall (Grade 3) and an old bridge in Lin Ma Hang (Grade 3). In addition, the Tong To Shan Site of Archeological Interest falls within the Area. The Lin Ma Hang Area contains a new item in addition to the list of 1,444 historic buildings (i.e. No. 34 Village House in Lin Ma Hang). These items are subject to the grading assessment by the Antiquities Advisory Board (AAB).

6. POPULATION

According to the 2011 Population Census, the total population within the Area was 100 persons. It is expected that the total planned population of the Area would be about 2,213 persons.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Tourism

The Area is scenically attractive with green environment. The village settlement in Lin Ma Hang is relatively unspoiled and much of its traditional character has been retained. Such setting provides a wide array of unique and attractive tourism opportunities. There is also 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.

7.1.2 Agricultural

Most of the agricultural land is left fallow with only some spots at Lin Ma Hang are under active cultivation. The agricultural land is of fair quality. The lowland topography coupled with the presence of river tributaries for irrigation offers suitable conditions of using the Area for agricultural related activities. With irrigation facilities, fallow arable land can easily be rehabilitated for agricultural purposes under the Agricultural Land Rehabilitation Scheme.

7.1.3 Nature Conservation

The Area comprises Lin Ma Hang Stream SSSI, natural watercourses with high ecological value, large tracts of dense and undisturbed lowland forest and 'fung-shui' woods with high scenic value, the bat colony at Lin Ma Hang Lead Mines SSSI, and wetland. The natural vegetation together with the rugged topographic backdrops provides a picturesque landscape forming an integral part of the natural environment that should be conserved. Future development of the Area needs to take into account the areas of high ecological values especially the two SSSIs. Prior consultation with relevant Government departments should be sought if development proposals would affect these sites.

7.1.4 <u>Accessibility</u>

Pick-up/drop-off bays for the public transport vehicles and parking facilities for coaches and private cars near Wang Lek are being planned to facilitate visitors visiting the Area.

7.2 Constraints

7.2.1 Natural Terrain Landslide Hazards

A majority of the eastern and western parts of the Area are characterized by steep mountains and natural hilly terrain. There is a history of landslides on natural terrain such as Hung Fa Leng and Wong Mau Hang. Such topographic relief imposes geotechnical constraints on proposed development. Due consideration and geotechnical assessment would be required for any proposed development involving site formation and slope stabilization works.

The village settlements at San Kwai Tin and northern part of Lin Ma Hang village are below steep natural terrain and may be affected by natural terrain hazards. New village house development in these areas may be required to carry out a Natural Terrain Hazard Study and provision of necessary hazard mitigation measures, which may have significant cost implication to the development and could render the proposed development economically not viable. Natural terrain landslide hazards should be taken into consideration for zoning proposals.

7.2.2 <u>Traffic Aspect</u>

Due to the limited transport infrastructure in the Area, uncoordinated development would create problems and hazards to both pedestrians and vehicular traffic. Improvements to transport facilities are required when the Area is opened up for development in future.

7.2.3 <u>Drainage Aspect</u>

The area is flood prone and is adjoining to flood pumping gathering grounds. Therefore, any development must demonstrate that the proposal would not cause any increase in the flooding susceptibility of the adjoining areas and be subject to a comprehensive Drainage Impact Assessment.

7.2.4 <u>Sewage Aspect</u>

Currently, the Area is not served by public sewerage infrastructure and there is plan to provide local sewer to Lin Ma Hang connecting to sewerage treatment plant. The Area falls within the Deep Bay catchment and therefore no additional pollution loading should be discharged into the Deep Bay as a result of any new and proposed developments. New development should therefore include proper on-site sewerage treatment facilities or be connected to public sewer. Lack of public sewer has imposed severe constraints for large-scale development in the Area.

7.2.5 Water Supply Aspect

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 maybe required.

7.2.6 Land Ownership

About 14% of land in the Area are private land. A majority of these private land are concentrated in the lowland near the two recognized villages, which are mainly fallow agricultural land and village settlements.

7.2.7 Cemetery and Burial Grounds

The two permitted burial grounds for indigenous villagers have to be retained and should be refrained. Any development that will adversely affect those permitted burial grounds should be avoided.

7.2.8 Historical and Cultural Heritage

Sites of built heritage are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), Old Bridge in Lin Ma Hang, Ip Ancestral Hall and Koon Ancestral Hall (all Grade 3 historic buildings), the MacIntosh Fort at Kong Shan (Grade 2 historic building) a number of village houses, Kwan Tai

Temple and Lau Ancestral Hall. Ip Ting-sz was a member of Tongmenghui (同 盟會) who played an active part in the revolutionary movement in China. The Residence was erected in 1913. MacIntosh Fort (Kong Shan) is one of the MacIntosh Forts built during the period from 1946 to 1953 as a chain of police observation posts overlooking the boundary along Sham Chun River for security purpose. These Forts remain as a reminder of life in those days and the development of Hong Kong's military defence. Tong To Shan Archaeological Site was a 'Settlement District' including stone structural features (i.e. buildings, slope protection walls and trackways) and graves which have been preserved well and reflecting many aspects of human life in Hong Kong during a period of over 300 years. Given the archaeological and historical interests in the Area, thoughtful consideration of cultural heritage preservation should be taken and the Antiquities and Monuments Office of the Leisure and Cultural Services Department should be consulted well in advance on any development or redevelopment affecting these sites and their immediate environs.

8. GENERAL PLANNING INTENTION

The general planning intention of the Area is to protect the natural setting, environmental diversity and to promote cultural conservation and recreation tourism. It is 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 Planning Scheme Area.

9. LAND USE ZONINGS

9.1 "Village Type Development" ("V"): Total Area 13.35 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 two recognized villages within the Area, namely, Lin Ma Hang and San Kwai Tin. The boundaries of "V" zones are drawn up having regard to the existing village 'environs', outstanding Small House applications, Small House

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demand forecast, local topography, existing settlement pattern, ecologically important areas and other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and streamcourses have been avoided where possible.

- (c) 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 in the Gazette of the notice of the draft DPA plan, whichever is the greater.
- (d) In order to address the potential impacts from developments on existing stream courses in general, 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, to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- (e) 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.
- (f) The "V" zone at San Kwai Tin, adjoining Lin Ma Hang Road, would be exposed to severe traffic noise impact. In view of this, self-protective design concept should be incorporated into new and affected Small House developments. Proper layout plan design and firm implementation programme for noise mitigation measures or erection of noise screening structures with minimal visual impact by individual house owner should be required.
- (g) The "V" zone at San Kwai Tin and northern part of the "V" zone at Lin Ma Hang are below steep natural terrain and may be affected by natural terrain hazards. Therefore, natural terrain hazard study and/or mitigation measures may be required for any proposed development.
- (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 0.8 ha

(a) This zone is intended primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. As detailed planning proceeds, land may be designated from other uses to this zoning to meet the envisaged demands of the growing population-in the Area.

(b) Existing developments under this zoning include the MacIntosh Fort (Kong Shan) and the disused King Sau School with its ancillary playground. Existing disused school building can be developed into an exhibition centre/historic museum to demonstrate the traditional living style of Hakka villagers to promote eco-tourism within the Area.

9.3 "Agriculture" ("AGR"): Total Area 39.15 ha

- (a) This zone is intended primarily to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- (b) Majority of the agricultural land is found in lowland areas in the western part of the Area. With basic infrastructures, including irrigation facilities, fallow arable land can easily be rehabilitated for agricultural purposes.
- (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, or construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

9.4 "Green Belt" ("GB"): Total Area 258.5 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 hilly terrain in the east (including Robin's Nest), mountainous areas of Wong Mau Hang Shan and the permitted burial grounds for indigenous villagers.
- (d) A land corridor adjoining Lin Ma Hang Stream at the downstream area where there had already been settlements/community is zoned "GB" to serve as a vegetated buffer to separate the village area from the river, and to provide flexibility to the Board to scrutinize developments under the planning permission system. This could maintain a proper balance between conservation and the community need for development.
- (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.

9.5 "Green Belt(1)" ("GB(1)"): Total Area 4.71 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. 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) The "GB(1)" zone covers the two land corridors adjoining Lin Ma Hang Stream at the eastern and western upstream area on higher altitude to protect the habitats for wildlife associated with the Lin Ma Hang Stream as well as to provide flexibility to the Board to scrutinize developments under the planning permission system.
- (c) The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA plan.
- (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 6.66 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 such as Site of Special Scientific Interest (SSSI) 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 eastern backdrop of Lin Ma Hang are zoned as "CA" to retain and preserve the existing natural character. This large piece of woodland is natural and healthy with a variety of plant species where two tree species of conservation concern, i.e. Aquilaria sinensis and Xylosma longifolium, and forest-dependent birds, like the Orange-headed Thrush, are found.

- (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) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

9.7 "Site of Special Scientific Interest" ("SSSI"): Total Area 10.62 ha

- (a) The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI.
- (b) There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.
- (c) This zoning covers two designated SSSIs. The first one is the Lin Ma Hang Stream with the main course of about 2km long and 1.5m to 4m wide. Designated in July 2007, it is a freshwater fish hotspot supporting sixteen species of primary freshwater fish including *Rasbora steineri* which is locally rare. Other fish species include *Rasborinus lineatus* and *Mastacembelus armatus*, which have limited records in lowland streams. A dragonfly, *Idionyx victor*, of Local Concern has been recorded.
- (d) The Lin Ma Hang Lead Mines, which has been designated as SSSI since 1994, is included in this zone. It is a deserted lead mine and one of the most important bat colonies in Hong Kong providing an undisturbed resting, breeding and wintering ground for eight bat species.
- (e) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10 <u>COMMUNICATIONS</u>

10.1 Road Network

The Area is solely served by Lin Ma Hang Road in the north, leading from Ping Che Road in the west to connect Sha Tau Kok Road in the east. Apart from these major roads, there are local van tracks transversing the settlement areas to serve the residents.

10.2 Public Transport

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

11 <u>UTILITY SERVICES</u>

- 11.1 At present, the Area is not provided with public sewerage infrastructure. However, there is a plan under the North District Sewerage Stage 2 Part 2B project to provide local sewer to Lin Ma Hang. The construction of the sewerage is tentatively scheduled to commence in 2015 for completion in 2019. The Area falls within the Deep Bay catchment. Therefore, no additional pollution loading should be discharged into the Deep Bay as a result of any new proposed developments. New development should therefore include proper on-site sewerage treatment facilities or be connected to public sewer. Depending on the availability of public sewer in the future, the lack of sewerage infrastructure may form a constraint to new development in the area. Advice from the Environmental Protection Department should be sought in assessing the sewerage implications of the proposed development.
- 11.2 Most parts of the low-lying area are flood prone because the flow capacity of the existing drainage system within the Area is generally inadequate. The existing drainage system basically provides a very low flood protection standard that can only support rural development. Given the existing drainage system in the Area has limited capacity, any major developments should be subject to a Drainage Impact Assessment to address the local drainage impacts on areas in the vicinity, as well as the provision of proper drainage facilities for the development.
- 11.3 Potable water supply is available in most parts of the Area and is served by 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.
- 11.4 Solid waste disposal relies on the small refuse collection points scattered throughout the Area. Collected wastes are transported to the NENT Landfill for disposal.
- 11.5 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 A declared monument and a number of graded historic buildings are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), the MacIntosh Fort at Kong Shan (Grade 2), Koon Ancestral Hall (Grade 3), Ip Ancestral Hall (Grade 3) and an old bridge in Lin Ma Hang (Grade 3). In addition, the Tong To Shan Site of Archeological Interest is located in the Area. All the above site of archeological interest, declared monument and graded historic buildings/structures are worthy of

preservation.

- 12.2 The AAB also released a number of new items in addition to the list of 1,444 historic buildings (i.e., No. 34 Village House in Lin Ma Hang). These items are subject to the grading assessment by the AAB. Details of the list of 1,444 historic buildings and its 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 declared monument, graded historic buildings/structures, new items pending grading assessment or site of archaeological interest and their/its immediate environs.

13. <u>IMPLEMENTATION</u>

- 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 including guidelines published by the Board. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and the 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 or after the date of the first publication in the Gazette of the notice of the draft DPA plan on land included in this 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 notice 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" and "SSSI".

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S/NE-LMH/D

the Area and Sheung Shui Station.

11 <u>UTILITY SERVICES</u>

- 11.1 At present, the Area is not provided with public sewerage infrastructure. However, there is a plan under the North District Sewerage Stage 2 Part 2B project to provide local sewer to Lin Ma Hang. The construction of the sewerage is tentatively scheduled to commence in 2015 for completion in 2019. The Area falls within the Deep Bay catchment. Therefore, no additional pollution loading should be discharged into the Deep Bay as a result of any new proposed developments. New development should therefore include proper on-site sewerage treatment facilities or be connected to public sewer. Depending on the availability of public sewer in the future, the lack of sewerage infrastructure may form a constraint to new development in the area. Advice from the Environmental Protection Department should be sought in assessing the sewerage implications of the proposed development.
- 11.2 Most parts of the low-lying area are flood prone because the flow capacity of the existing drainage system within the Area is generally inadequate. The existing drainage system basically provides a very low flood protection standard that can only support rural development. Given the existing drainage system in the Area has limited capacity, any major developments should be subject to a Drainage Impact Assessment to address the local drainage impacts on areas in the vicinity, as well as the provision of proper drainage facilities for the development.
- 11.3 Potable water supply is available in most parts of the Area and is served by 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.
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12 CULTURAL HERITAGE

- 12.1 A declared monument and a number of graded historic buildings are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), the MacIntosh Fort at Kong Shan (Grade 2), Koon Ancestral Hall (Grade 3), Ip Ancestral Hall (Grade 3) and an old bridge in Lin Ma Hang (Grade 3). In addition, the Tong To Shan Site of Archaeological Interest is located in the Area. All the above site of archaeological interest, declared monument and graded historic buildings/structures are worthy of preservation.
- 12.2 The 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

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)

[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)

Mr. Otto Chan

Senior Town Planner/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	Number of valid
	representations	comments
Draft STK DPA Plan No.	14	3
DPA/NE-STK/1		
Draft LMH DPA Plan No.	7	8
DPA/NE-LMH/1		
Draft TKLN DPA Plan	3	1
No. DPA/NE-TKLN/1		e je je vetove velikyeli i te ve •
Draft MKT DPA Plan No.	6	1
DPA/NE-MKT/1		
Draft MTL & HHW DPA	8	1
Plan No. DPA/NE-MTL/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:
 - 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.
- 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

- 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.
- 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

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.

- In response to a Member's concern on the border-crossing traffic and the dem and 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.
- 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

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.
- 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.
- 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) adopted 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.]

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.
- 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.
- 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.
- 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) agreed 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

(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;
- 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

- (1) 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 (约尾副春蜓), 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 (彩鶴) 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;

- (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.
- 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) agreed 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 Ordinance;
- (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;
- (i) 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;

Wet Agricultural Land at Chow Tin Tsuen

(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 (t) 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) agreed 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

- (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 (鐮刀束腰蟹) 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;
- (n) 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) agreed 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.

[Mr. Patrick H.T. Lau and Mr. Otto Chan left the meeting at this point.]

Agenda Item 9

[Open Meeting]

Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/D

Preliminary Consideration of a New Plan

(TPB Paper No. 9331)

[The meeting was conducted in Cantonese.]

76. 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)

Mr. David Ng

Senior Town Planner/New Plans, STN

(STP/NP(STN))

- 77. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.
- 78. With the aid of a Powerpoint presentation, Mr. David Ng, STP/NP(STN), made the following main points on the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/D as detailed in the Paper:

Background

TPB Paper No. 9327 For Consideration by the Town Planning Board on 26.4.2013

DRAFT LIN MA HANG OUTLINE ZONING PLAN (OZP) NO. S/NE-LMH/C PRELIMINARY CONSIDERATION OF A NEW PLAN

1. Purpose

The purposes of this paper are to present to Members the draft Lin Ma Hang Outline Zoning Plan (the Plan) No. S/NE-LMH/C (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.

2. 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 Lin Ma Hang area (the 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 Lin Ma Hang DPA Plan No. DPA/NE-LMH/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 7 valid representations were received. On 8.10.2010, the representations were published for three weeks for public comments and 8 valid comments were received.
- 2.3 On 25.2.2011, 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 16.6.2011, 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 rezone the Lin Ma Hang stream buffer from "Conservation Area" ("CA") to "Green Belt" ("GB") on the draft Lin Ma Hang DPA Plan to partially meet the representations. On 16.9.2011, the proposed amendment was published for public

inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week public inspection period, a total of 15 further representations were received. On 11.11.2011, the Board considered the further representations and decided not to uphold them. The Board decided that the proposed amendment to the DPA Plan would form part of the DPA Plan under section 6F(8) of the Ordinance.

- On 8.1.2013, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Lin Ma Hang DPA Plan, which was subsequently renumbered as DPA/NE-LMH/2. On 18.1.2013, the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 (the Plan) was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.8 In accordance with section 20(5) of the Ordinance, the DPA Plan is effective for three years unless extension is obtained from CE in C. 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 OZP to cover the Area.

3. Strategic Planning Context

- 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 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 the Liantang/Heung Yuen Wai Boundary Control Point area) is planned to come into effect in 2015 (Plan 1). Most of the eastern/southern portion of the Area is covered by the first stage of reduction while part of the western portion is covered by the third stage of reduction.
- 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 and to provide an interim planning guidance for future development pending preparation of 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 Lin Ma Hang Area is 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.

4. <u>Issues Arising from Considerations of the DPA Plan</u>

- 4.1 Since the draft Lin Ma Hang DPA Plan No. DPA/NE-LMH/1 was gazetted on 30.7.2010, no development proposal for permanent use has been received by the Board so far.
- 4.2 Nevertheless, during the 2 months' plan exhibition period of the gazettal of the draft Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 expired on 30.9.2010, a total of 7 valid representations and 8 valid comments were received. The major land use proposal raised by the representer is recapitulated below (Plan 3):

the village representative of Lin Ma Hang Village proposed to enlarge the "V" zone of Lin Ma Hang Village and opposed the "CA" zone for Lin Ma Hang stream buffer area.

5. Town Planning Board's Decisions and Instructions

- On 25.2.2011, the Board considered the representations and comment and decided to defer the consideration of the representations and comments of the draft DPA Plan 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 on the draft DPA Plan had been further reviewed subsequently.
- On 8.9.2011, the Board further considered the representations and comments and decided that no change was proposed for the "V" zones of the recognized villages of Lin Ma Hang and San Kwai Tin after considering the review of the "V" zone boundaries, as the size of the "V" zone was already larger than the 'VE' by about 7%¹ and there was sufficient land within the "V" zone to meet the total future Small House (SH) demand respectively. Also, the Board decided to rezone the Lin Ma Hang stream buffer from "CA" to "GB" on the draft DPA Plan to partially meet the representations.
- 5.3 The proposed amendments to the draft DPA Plan were published for public inspection on 16.9.2011 and a total of 15 further representations were received.

¹ A larger "V" zone had been designated for Lin Ma Hang Village mainly to provide more flexibility in view of the topography, the restrictions and special nature of the "V" zone in that it was carved into three portions by the Lin Ma Hang stream; approval from several Government departments would be required for any Small House development near the stream even though it was within the "V" zone; and the stream might be subject to flooding as it was untrained.

The further representations related to the draft DPA Plan mainly involved objection 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 the further representations 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 Lin Ma Hang so that development and redevelopment within the area of Lin Ma Hang 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. The Planning Scheme Area

- 7.1 The Area covers about 329 ha of land. It is located approximately 6 km to the northeast of Fanling/Sheung Shui New Town. It is bounded by Sham Chun River in the north, Robin's Nest (also known as Hung Fa Leng) in the east and south, and Wong Mau Hang Shan in the west. The North East New Territories (NENT) Landfill and the Leachate Treatment Works are located immediately to the southwest of the Area next to Wong Mau Hang Shan. 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 adjoining Shenzhen City (Shenzhen Shi) in the north. To the south and west are predominantly agricultural land spotted with rural settlements. The nearest urban clusters are found at Heung Yuen Wai which is about 1 km to its west. The surroundings are predominantly agricultural land spotted with rural settlements. The densely vegetated Robin's Nest, with an elevation up to about 492 mPD along the southern and eastern fringes, is the prominent mountain ridge in the Area. Another major hilly ridge, Wong Mau Hang Shan, which rises to about 243 mPD, lies at the western fringe. Lying between the mountainous ridges are lowland basins intersected with watercourses. The main watercourse is Lin Ma Heng Stream which flows from the mountainous ranges of Robin's Nest to the flood plains and village settlement before discharging into Sham Chun River.
- 7.3 The landscape features of the Area include woodlands, vegetated uplands, knolls and foothills. The Area covers a spectrum of natural habitats including 'fung-shui' woods, mixed shrubland, freshwater/brackish wetland, lowland forest and natural watercourse with high ecological values is found in the Area (Plan 4). The Area also covers two Sites of Special Scientific Interest (SSSI) (i.e. Lin Ma Hang Stream SSSI and Lin Ma Hang Lead Mines SSSI).

- 7.4 Existing rural settlements are mainly located in the recognized village at Lin Ma Hang while San Kwai Tin has already been abandoned. 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. Other than the main village cluster, sporadic village houses or on-farm domestic structures are scattered around the Area. According to the 2011 Population Census, the population of the Area was about 100 persons.
- 7.5 Economic activities are limited in the Area due to its rugged relief and limited accessibility of the Area. Farmers are mainly self-employed and engaged in small-scale horticultural and agricultural activities including growing of vegetables, flowers and fruits.
- 7.6 A declared monument and a number of graded historic buildings are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), the MacIntosh Fort at Kong Shan (Grade 2), Koon Ancestral Hall (Grade 3), Ip Ancestral Hall (Grade 3) and an old bridge in Lin Ma Hang (Grade 3). In addition, the Tong To Shan Site of Archeological Interest falls within the Area (Plan 5). The Lin Ma Hang Area contains a new item in addition to the list of 1,444 historic buildings (i.e. No. 34 Village House in Lin Ma Hang). These items are subject to the grading assessment by the Antiquities Advisory Board.
- 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

Kadoorie Farm and Botanic Garden (KFBG) and World Wildlife Fund (WWF) in November 2012/January 2013 discussed their proposals with PlanD with regard to the buffer area along Lin Ma Hang Stream SSSI which is currently zoned "GB". They considered that the current "GB" zoning is not sufficient to provide protection to the Stream and recommended that the buffer area should be at least covered with "CA" zoning to provide adequate protection to the Stream and that all tributaries should be included in such protective zoning.

9. Land Use Planning Considerations

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 SH development within the "V" zones cannot meet the demand

figures. "V" zone areas adjusted should be within or contiguous to the '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 'VE') are still not sufficient to meet the future demand, there is provision under the Notes of the draft OZP for planning applications of SH developments to the Board.
- 9.3 Following the current practice, the District Lands Officer/North, Lands Department (DLO/N, LandsD) was approached to provide the latest Small House (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 increase between the updated 10-year demand figure and the figure adopted when preparing the DPA Plan, the latter would be adopted in the preparation of the Plan unless strong justifications are received from the respective Village Representatives.
- 9.4 The existing conditions within the "V" zones and in the immediate vicinities within the Lin Ma Hang Area have been reviewed. As there is no substantial increase between the updated 10-year demand forecast and the figure previously adopted when preparing the DPA Plan, the updated demand figure of 2012 provided by DLO/N has been adopted. Based on the updated demand figures of 2012 from DLO/N, the "V" zones within the Area were reviewed in an attempt to meet the SH demand. On-site surveys were carried out to consider 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 It is noted that there is a decrease in total SH demand for Lin Ma Hang Village from 909 to 314², 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 (Table 1); while the forecast for San Kwai Tin Village is not available as there is no Indigenous Inhabitant Representative for the village.

Table 1: Small House Demand for the Recognized Villages within Draft Lin Ma Hang OZP

Recognized Villages	Demand figure prepared for TPB hearings in 2011		New demand figures in 2012		'VE' Approx. Area	zone on	Required land to meet	Available Land to meet new	Percentage of the new demand
	Outstanding Demand	10-year forecast	Outstanding Demand	10-year forecast	(ha)	draft OZP (ha)	demand (ha)	demand (ha)	met by available land (%)
Lin Ma Hang	9	900	14	300	12.00	12.83	7.85	6.65	84.7
San Kwai Tin	0	0	1	_*	4.12	0.52	0.03	0.18	600

- forecast for San Kwai Tin Village is not available as there is no Indigenous Inhabitant Representative for the village.
- 9.6 As the boundary of the "V" zone had been fully deliberated at the hearing in 2011 (para. 5.2 above) and there is no significant change in planning circumstances, no change is proposed for Lin Ma Hang Village and San Kwai Tin.
- 9.7 No amendment to the "V" zone was proposed for Lin Ma Hang Village as the size of the "V" zone was already larger than the 'VE' by about 7%. A larger "V" zone had been designated for the village mainly to provide more flexibility in view of the limitations in the area surrounding Lin Ma Hang Stream that might not be suitable for SH development. Despite there is a substantial reduction in the total SH demand for Lin Ma Hang Village, there is still insufficient land available to meet the updated total SH demand.

Buffer Area along Lin Ma Hang Stream (Plans 6 and 7)

9.8 The Lin Ma Hang Stream was designated as a SSSI in 2007 in consideration of its high ecological value. According to the Study, Lin Ma Hang Stream SSSI is a rare, unchannelised, unpolluted lowland stream in Hong Kong. In consideration of the need to protect the riparian zone for better protection of the Lin Ma Hang Stream SSSI and its associated wildlife, the Study proposed that a 20m wide zoning buffer could be further considered.

² The total SH demand for Lin Ma Hang Village at the time of preparation of the DPA Plan in 2010 was 307, which is close to the current demand figure of 314.

- 9.9 A 20m wide buffer area along both sides of the stream was first zoned "CA" when the draft Lin Ma Hang DPA Plan was published in July 2010. In further consideration of the representations to the DPA Plan, the Board agreed on 8.9.2011 to rezone the concerned buffer area from "CA" to "GB", to partially meet the representations of the Lin Ma Hang villagers. The rezoning 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.
- 9.10 In KFBG's and WWF's later proposal, they still maintain their concerns on the buffer area along Lin Ma Hang Stream which is currently zoned "GB" on the approved DPA Plan. They proposed the area to be at least covered with "CA" zoning to provide sufficient protection for the Stream.
- 9.11 After further site investigation and discussion with AFCD, it is considered that the upstream area of the Lin Ma Hang Stream was densely vegetated with very few signs of human disturbance. It is considered more appropriate to zone this area as "CA" for better protection of the water quality and habitat characteristic of the Stream. In addition, it is proposed that 'Agricultural Use' and 'On-Farm Domestic Structure' should be permitted as of right under the Notes of the "CA" zone (i.e. Column 1 use) as they are considered compatible with the rural character and surrounding environment which consists of mainly abandoned agricultural land. However, permission from the Board is required for such activities as diversion of streams or filling of pond/land that may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment.
- 9.12 As for the downstream area, there are already pockets of village settlements. In this regard, AFCD agrees that it is appropriate to retain the "GB" zone for the buffer area at downstream area and its boundary is proposed to be delineated with reference to the existing boundary of the "V" zone and 'VE' of Lin Ma Hang Village where existing settlements are situated and Small House developments may be permitted upon application to the Board. The "GB" zone can 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. This could maintain a proper balance between conservation and the community need for development.

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

9.13 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.

10. Planning Intention

The general planning intention of the Lin Ma Hang area is to protect the natural setting, environmental diversity and to promote cultural conservation and recreation tourism. It is 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 Planning Scheme Area.

11. Land Use Zonings (Appendix I)

- 11.1 About 13.35 ha of land are zoned "V" to cover the two recognized villages within the Area, i.e. Lin Ma Hang and San Kwai Tin and areas of land suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. The boundary of "V" zone is drawn up having regard to the existing village 'environs', outstanding Small House applications, Small House demand forecast, local topography, existing settlement pattern, ecologically important areas and other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and streamcourses have been avoided where possible. In order to provide opportunities for short-term accommodation in existing NTEH, "Hotel (Holiday House only)" may also be permitted on application to the Board.
- 11.2 About 0.8 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. Existing facilities under this zoning include the MacIntosh Fort at Kong Shan and the disused King Sau School with its ancillary playground. According to the FCA Study, existing disused school building can be developed into an exhibition centre/historic museum to demonstrate the traditional living style of Hakka villagers to promote

- eco-tourism within the Area. The "G/IC" zoning of the school is proposed to be retained.
- 11.3 About 39.15 ha of land are zoned "Agriculture" ("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 mainly covers the lowland areas in the western part of the Area.
- 11.4 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 258.5 ha of land are zoned "GB". This zone mainly covers the hilly terrain in the east (including Robin's Nest), mountainous areas of Wong Mau Hang Shan and the permitted burial grounds for indigenous villagers and. The "GB" zone also covers a land corridor adjoining Lin Ma Hang Stream at the downstream area adjacent to the "V" zone where there had already been village settlements, in order to separate the village area from the river, and to provide flexibility to the Board to scrutinize developments under the planning permission system
- A total of about 6.66 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 such as SSSI from the adverse effects of development. The "CA" zone covers the 'fung-shui' woods at the eastern backdrop of Lin Ma Hang to retain and preserve the existing natural character. The "CA" zone also includes two land corridors adjoining Lin Ma Hang Stream at the eastern and western upstream area on higher altitude to protect the habitats for wildlife associated with the Lin Ma Hang Stream and to provide an added protection to the in-stream habitat.
- 11.6 A total area of 10.62 ha are zoned "SSSI" to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest. Human activities or developments within the "SSSI" should be deterred. This zoning covers two designated SSSIs. The first one is the Lin Ma Hang Stream which was designated in July 2007, with the main course of about 2km long and 1.5m to 4m wide; and the Lin Ma Hang Leads Mines, which was designated in 1994, home to one of the most important bat colonies in Hong Kong.
- 11.7 A table comparing the land use budget of Lin Ma Hang area covered by the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 and the draft Lin Ma Hang OZP No. S/NE- LMH/C is shown below:
- Table 2: Land Use Budget of Lin Ma Hang Area covered by the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 and the draft Lin Ma Hang OZP No. S/NE-LMH/C

Zoning	Approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 (ha / %)		Draft Lin Ma Hang OZP No. S/NE- LMH/C (ha / %)		Increase / Decrease (ha / %)	
Village Type Development	13.35	4.06	13.35	4.06	No change	No change
Government, Institution or Community	0.80	0.24	0.80	. 0.24	No change	No change
Agriculture	39.15	11.90	39.15	11.90	No change	No change
Green Belt	263.21	79.98	258.50	78.55	-4.71	-1.43
Conservation Area	1.95	0.59	6.66	2.02	+4.71	+1.43
Site of Special Scientific Interest	10.62	3.23	10.62	3.23	No change	No change
Total Planning Area	329.08	100.00	329.08	100.00	No change	No change

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" zone, 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", "CA" and "SSSI" zones within the OZP will 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

Relevant Government bureaux/departments have been consulted on the Planning Report on Lin Ma Hang (Annex A), the draft Lin Ma Hang OZP No. S/NE-LMH/C (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 NDC and the STKDRC 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. Decision Sought

Members are invited to:

- a) consider the draft Lin Ma Hang OZP No. S/NE-LMH/C (Appendix I) together with its Notes and Explanatory Statement (Appendices II and III), and the Planning Report on Lin Ma Hang (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 Lin Ma Hang OZP No. S/NE-LMH/C; and
- c) agree that the draft Lin Ma Hang OZP No. S/NE-LMH/C 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 Lin Ma Hang
Plan 3 Major Land Use Proposals Raised by Representers
Plan 4 Habitat Map of Lin Ma Hang
Plan 5 Cultural Heritage Plan of Lin Ma Hang

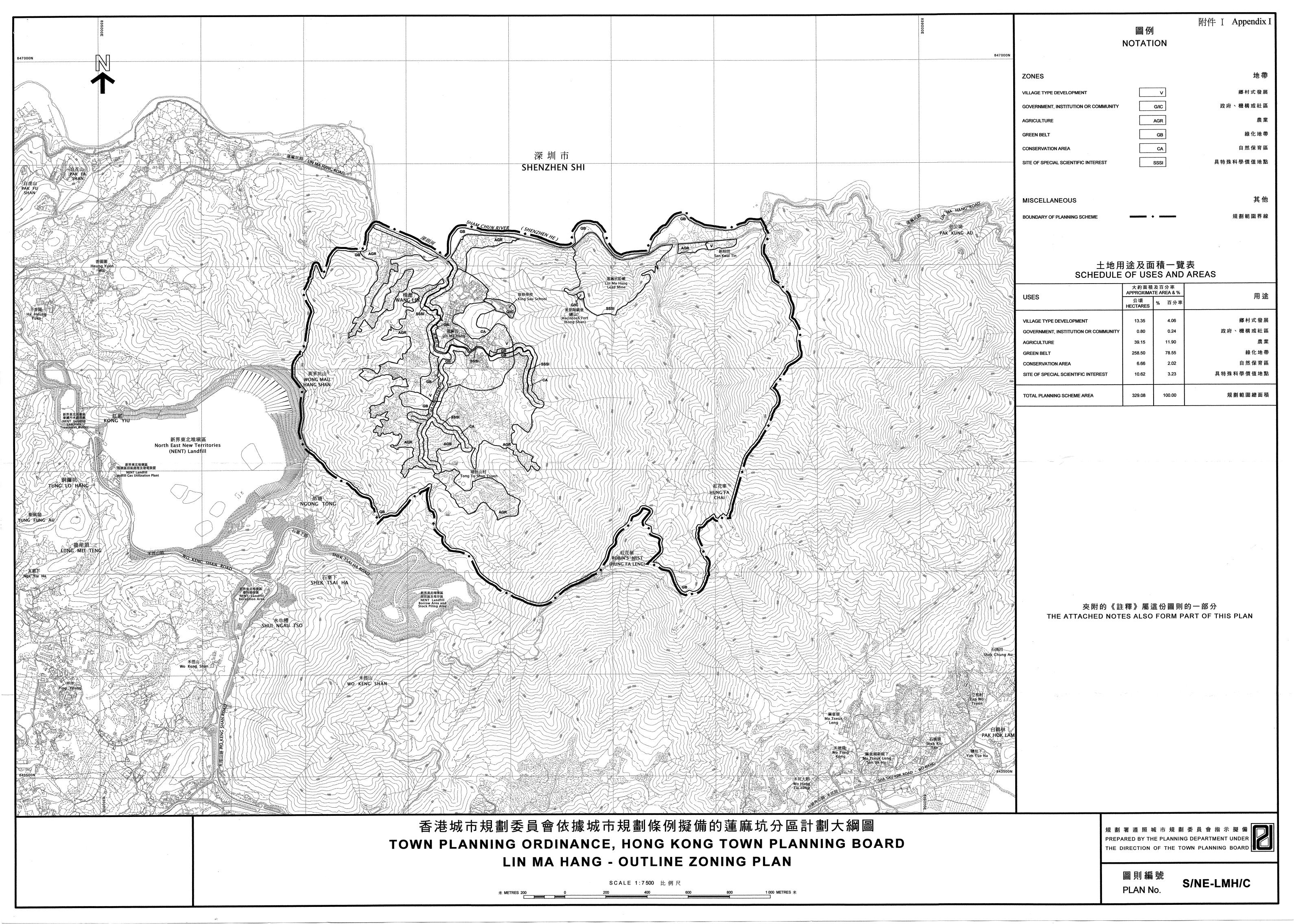
Plan 6 Proposed "CA" Zone at Lin Ma Hang Stream SSSI

Appendix I Draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/C

Appendix II Notes of the Draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/C Appendix III Explanatory Statement of the Draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/C

Annex A Planning Report on Lin Ma Hang

PLANNING DEPARTMENT APRIL 2013



(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 with 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 "Site of Special Scientific Interest" or "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.
- (9) In areas zoned "Site of Special Scientific Interest" or "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
 - (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 "Site of Special Scientific Interest" or "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 "Site of Special Scientific Interest" or "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.
- 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).

Schedule of Uses

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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

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

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 Quarantine Centre

(in Government building only)

Broadcasting, Television and/or Film Studio

Eating Place (Canteen,

Cooked Food Centre only)

Educational Institution

Exhibition or Convention Hall

Field Study/Education/Visitor Centre Government Refuse Collection Point

Government Use (not elsewhere specified)

Hospital

Institutional Use (not elsewhere specified)

Library Market

Place of Recreation, Sports or Culture

Public Clinic

Public Convenience

Public Transport Terminus or Station

Public Utility Installation Public Vehicle Park

(excluding container vehicle)

Recyclable Collection Centre

Religious Institution

Research, Design and Development Centre

Rural Committee/Village Office

School

Service Reservoir

Social Welfare Facility

Training Centre Wholesale Trade **Animal Boarding Establishment**

Animal Quarantine Centre

(not elsewhere specified)

Columbarium

Correctional Institution

Crematorium Driving School

Eating Place (not elsewhere specified)

Funeral Facility Holiday Camp

Hotel

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)
Off-course Betting Centre

Office

Petrol Filling Station
Place of Entertainment

Private Club

Radar, Telecommunications Electronic

Microwave Repeater, Television and/or Radio Transmitter Installation

Residential Institution

Sewage Treatment/Screening Plant

Shop and Services

Utility Installation for Private Project

Zoo

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.

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

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

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

Government Use (Police Reporting

Centre only)

Nature Reserve

Nature Trail

On-Farm Domestic Structure

Picnic Area

Public Convenience

Tent Camping Ground

Wild Animals Protection Area

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

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)

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 Private Project

(please see next page)

GREEN BELT (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) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area

Field Study/Education/Visitor Centre
Government Refuse Collection Point
Government Use (not elsewhere specified)
House (Redevelopment only)
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 such as Site of Special Scientific Interest 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.

SITE OF SPECIAL SCIENTIFIC INTEREST

Column 1	Column 2 Uses that may be permitted with or		
Uses always permitted			
	without conditions on application to the Town Planning Board		
	to the Town Flamming Board		
Wild Animals Protection Area	Agricultural Use		
	Field Study/Education/Visitor Centre		
	Government Use		
	Nature Reserve		
	Nature Trail		
	On-Farm Domestic Structure		
	Public Convenience		
	Public Utility Installation		
	Utility Installation for Private Project		

Planning Intention

The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as Site of Special Scientific Interest (SSSI). It intends to deter human activities or developments within the SSSI.

There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

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 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.

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 Lin Ma Hang Outline Zoning Plan (OZP) No. S/NE-LMH/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 (CE), the then Secretary for Housing, Planning and Lands directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Lin Ma Hang 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 Lin Ma Hang DPA Plan No. DPA/NE-LMH/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 7 valid representations were received. On 8 October 2010, the representations were published for three weeks for public comments and 8 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 rezone the Lin Ma Hang stream buffer from "Conservation Area" ("CA") to "Green Belt" ("GB") on the draft Lin Ma Hang DPA Plan to partially meet the representations. On 16 September 2011, the proposed amendment was published for public inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week public inspection period, a total of 15 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 amendment to the DPA Plan would form part of the DPA Plan under section 6F(8) of the Ordinance.
- 2.6 On 8 January 2013, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Lin Ma Hang DPA Plan, which was subsequently renumbered as DPA/NE-LMH/2. On 18 January 2013, the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/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 CE, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Lin Ma Hang area.
- 2.8 On____ 2013, the draft Lin Ma Hang OZP No. S/NE-LMH/C (the Plan) 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 establish the broad land use zonings for the Lin Ma Hang 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 http://www.info.gov.hk/tpb.

5. THE PLANNING SCHEME AREA

5.1 The Planning Scheme Area covers about 329 ha of land. It is located approximately 6 km to the northeast of Fanling/Sheung Shui. It is bounded by Sham Chun River in the north, Robin's Nest (also known as Hung Fa Leng) in the east and south, and Wong Mau Hang Shan in the west. The North East New Territories (NENT) Landfill is located immediately to the southwest of the Area at Wo Keng Shan. 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 adjoining Shenzhen City. To the south and west are predominantly agricultural land spotted with rural settlements. To the east lies the densely vegetated Robin's Nest, with an elevation up to about 492 mPD, is the prominent mountain ridge in the Area. Another major hilly ridge, Wong Mau Hang Shan rises to about 243 mPD, lies at the western fringe. Lying between the mountainous ridges are lowland basins intersected with watercourses. The main watercourse is Lin Ma Hang Stream which flows from the mountainous ranges of Robin's Nest to the flood plains and village settlement before discharging into Sham Chun River.
- 5.3 The landscape features of the Area include woodlands, vegetated uplands, knolls and foothills. The Area covers a spectrum of natural habitats including 'fung-shui' woods, mixed shrubland, freshwater/brackish wetland, lowland forest and natural watercourse. The Area also covers two Sites of Special Scientific Interest (SSSI) (i.e. Lin Ma Hang Lead Mines SSSI and the Lin Ma Hang Stream SSSI).
- 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 A declared monument and a number of graded historic buildings are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), the MacIntosh Fort at Kong Shan (Grade 2), Koon Ancestral Hall (Grade 3), Ip Ancestral Hall (Grade 3) and an old bridge in Lin Ma Hang (Grade 3). In addition, the Tong To Shan Site of Archeological Interest falls within the Area. The Lin Ma Hang Area contains a new item in addition to the list of 1,444 historic buildings (i.e. No. 34 Village House in Lin Ma Hang). These items are subject to the grading assessment by the Antiquities Advisory Board (AAB).

6. POPULATION

According to the 2011 Population Census, the total population within the Area was 100 persons. It is expected that the total planned population of the Area would be about 2,213 persons.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Tourism

The Area is scenically attractive with green environment. The village settlement in Lin Ma Hang is relatively unspoiled and much of its traditional character has been retained. Such setting provides a wide array of unique and attractive tourism opportunities. There is also 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.

7.1.2 Agricultural

Most of the agricultural land is left fallow with only some spots at Lin Ma Hang are under active cultivation. The agricultural land is of fair quality. The lowland topography coupled with the presence of river tributaries for irrigation offers suitable conditions of using the Area for agricultural related activities. With irrigation facilities, fallow arable land can easily be rehabilitated for agricultural purposes under the Agricultural Land Rehabilitation Scheme.

7.1.3 Nature Conservation

The Area comprises Lin Ma Hang Stream SSSI, natural watercourses with high ecological value, large tracts of dense and undisturbed lowland forest and 'fung-shui' woods with high scenic value, the bat colony at Lin Ma Hang Lead Mines SSSI, and wetland. The natural vegetation together with the rugged topographic backdrops provides a picturesque landscape forming an integral part of the natural environment that should be conserved. Future development of the Area needs to take into account the areas of high ecological values especially the two SSSIs. Prior consultation with relevant Government departments should be sought if development proposals would affect these sites.

7.1.4 <u>Accessibility</u>

Pick-up/drop-off bays for the public transport vehicles and parking facilities for coaches and private cars near Wang Lek are being planned to facilitate visitors visiting the Area.

7.2 Constraints

7.2.1 Natural Terrain Landslide Hazards

A majority of the eastern and western parts of the Area are characterized by steep mountains and natural hilly terrain. There is a history of landslides on natural terrain such as Hung Fa Leng and Wong Mau Hang. Such topographic relief imposes geotechnical constraints on proposed development. Due consideration and geotechnical assessment would be required for any proposed development involving site formation and slope stabilization works.

The village settlements at San Kwai Tin and northern part of Lin Ma Hang village are below steep natural terrain and may be affected by natural terrain hazards. New village house development in these areas may be required to carry out a Natural Terrain Hazard Study and provision of necessary hazard mitigation measures, which may have significant cost implication to the development and could render the proposed development economically not viable. Natural terrain landslide hazards should be taken into consideration for zoning proposals.

7.2.2 <u>Traffic Aspect</u>

Due to the limited transport infrastructure in the Area, uncoordinated development would create problems and hazards to both pedestrians and vehicular traffic. Improvements to transport facilities are required when the Area is opened up for development in future.

7.2.3 <u>Drainage Aspect</u>

The area is flood prone and is adjoining to flood pumping gathering grounds. Therefore, any development must demonstrate that the proposal would not cause any increase in the flooding susceptibility of the adjoining areas and be subject to a comprehensive Drainage Impact Assessment.

7.2.4 <u>Sewage Aspect</u>

Currently, the Area is not served by public sewerage infrastructure and there is plan to provide local sewer to Lin Ma Hang connecting to sewerage treatment plant. The Area falls within the Deep Bay catchment and therefore no additional pollution loading should be discharged into the Deep Bay as a result of any new and proposed developments. New development should therefore include proper on-site sewerage treatment facilities or be connected to public sewer. Lack of public sewer has imposed severe constraints for large-scale development in the Area.

7.2.5 Water Supply Aspect

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 maybe required.

7.2.6 <u>Land Ownership</u>

About 14% of land in the Area are private land. A majority of these private land are concentrated in the lowland near the two recognized villages, which are mainly fallow agricultural land and village settlements.

7.2.7 Cemetery and Burial Grounds

The two permitted burial grounds for indigenous villagers have to be retained and should be refrained. Any development that will adversely affect those permitted burial grounds should be avoided.

7.2.8 Historical and Cultural Heritage

Sites of built heritage are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), Old Bridge in Lin Ma Hang, Ip Ancestral Hall and Koon Ancestral Hall (all Grade 3 historic buildings), the MacIntosh Fort at Kong Shan (Grade 2 historic building) a number of village houses, Kwan Tai

Temple and Lau Ancestral Hall. Ip Ting-sz was a member of Tongmenghui (同 盟會) who played an active part in the revolutionary movement in China. The Residence was erected in 1913. MacIntosh Fort (Kong Shan) is one of the MacIntosh Forts built during the period from 1946 to 1953 as a chain of police observation posts overlooking the boundary along Sham Chun River for security purpose. These Forts remain as a reminder of life in those days and the development of Hong Kong's military defence. Tong To Shan Archaeological Site was a 'Settlement District' including stone structural features (i.e. buildings, slope protection walls and trackways) and graves which have been preserved well and reflecting many aspects of human life in Hong Kong during a period of over 300 years. Given the archaeological and historical interests in the Area, thoughtful consideration of cultural heritage preservation should be taken and the Antiquities and Monuments Office of the Leisure and Cultural Services Department should be consulted well in advance on any development or redevelopment affecting these sites and their immediate environs.

8. GENERAL PLANNING INTENTION

The general planning intention of the Area is to protect the natural setting, environmental diversity and to promote cultural conservation and recreation tourism. It is 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 Planning Scheme Area.

9. LAND USE ZONINGS

9.1 "Village Type Development" ("V"): Total Area 13.35 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 two recognized villages within the Area, namely, Lin Ma Hang and San Kwai Tin. The boundaries of "V" zones are drawn up having regard to the existing village 'environs', outstanding Small House applications, Small House

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demand forecast, local topography, existing settlement pattern, ecologically important areas and other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and streamcourses have been avoided where possible.

- (c) 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 in the Gazette of the notice of the draft DPA plan, whichever is the greater.
- (d) In order to address the potential impacts from developments on existing stream courses in general, 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, to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- (e) 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.
- (f) The "V" zone at San Kwai Tin, adjoining Lin Ma Hang Road, would be exposed to severe traffic noise impact. In view of this, self-protective design concept should be incorporated into new and affected Small House developments. Proper layout plan design and firm implementation programme for noise mitigation measures or erection of noise screening structures with minimal visual impact by individual house owner should be required.
- (g) The "V" zone at San Kwai Tin and northern part of the "V" zone at Lin Ma Hang are below steep natural terrain and may be affected by natural terrain hazards. Therefore, natural terrain hazard study and/or mitigation measures may be required for any proposed development.
- (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 0.8 ha

(a) This zone is intended primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. As detailed planning proceeds, land may be designated from other uses to this zoning to meet the envisaged demands of the growing population-in the Area.

(b) Existing developments under this zoning include the MacIntosh Fort (Kong Shan) and the disused King Sau School with its ancillary playground. Existing disused school building can be developed into an exhibition centre/historic museum to demonstrate the traditional living style of Hakka villagers to promote eco-tourism within the Area.

9.3 "Agriculture" ("AGR"): Total Area 39.15 ha

- (a) This zone is intended primarily to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- (b) Majority of the agricultural land is found in lowland areas in the western part of the Area. With basic infrastructures, including irrigation facilities, fallow arable land can easily be rehabilitated for agricultural purposes.
- (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, or construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

9.4 "Green Belt" ("GB"): Total Area 258.5 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 hilly terrain in the east (including Robin's Nest), mountainous areas of Wong Mau Hang Shan and the permitted burial grounds for indigenous villagers.
- (d) A land corridor adjoining Lin Ma Hang Stream at the downstream area where there had already been settlements/community is zoned "GB" to serve as a vegetated buffer to separate the village area from the river, and to provide flexibility to the Board to scrutinize developments under the planning permission system. This could maintain a proper balance between conservation and the community need for development.
- (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.

9.5 "Conservation Area" ("CA"): Total Area 6.66 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 such as Site of Special Scientific Interest (SSSI) 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 eastern backdrop of Lin Ma Hang are zoned as "CA" to retain and preserve the existing natural character. This large piece of woodland is natural and healthy with a variety of plant species where two tree species of conservation concern, i.e. Aquilaria sinensis and Xylosma longifolium, and forest-dependent birds, like the Orange-headed Thrush, are found.
- (d) Two land corridors adjoining Lin Ma Hang Stream at the eastern and western upstream area on higher altitude is zoned "CA" to protect the habitats for wildlife associated with the Lin Ma Hang Stream and to provide an added protection to the in-stream habitat.
- (e) 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.
- (f) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

9.6 "Site of Special Scientific Interest" ("SSSI"): Total Area 10.62 ha

- (a) The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI.
- (b) There is a general presumption against development in this zone. No

developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

- (c) This zoning covers two designated SSSIs. The first one is the Lin Ma Hang Stream with the main course of about 2km long and 1.5m to 4m wide. Designated in July 2007, it is a freshwater fish hotspot supporting sixteen species of primary freshwater fish including *Rasbora steineri* which is locally rare. Other fish species include *Rasborinus lineatus* and *Mastacembelus armatus*, which have limited records in lowland streams. A dragonfly, *Idionyx victor*, of Local Concern has been recorded.
- (d) The Lin Ma Hang Lead Mines, which has been designated as SSSI since 1994, is included in this zone. It is a deserted lead mine and one of the most important bat colonies in Hong Kong providing an undisturbed resting, breeding and wintering ground for eight bat species.
- (e) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10 <u>COMMUNICATIONS</u>

10.1 Road Network

The Area is solely served by Lin Ma Hang Road in the north, leading from Ping Che Road in the west to connect Sha Tau Kok Road in the east. Apart from these major roads, there are local van tracks transversing the settlement areas to serve the residents.

10.2 Public Transport

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

11 <u>UTILITY SERVICES</u>

11.1 At present, the Area is not provided with public sewerage infrastructure. However, there is a plan under the North District Sewerage Stage 2 Part 2B project to provide local sewer to Lin Ma Hang. The construction of the sewerage is tentatively scheduled to commence in 2015 for completion in 2019. The Area falls within the Deep Bay catchment. Therefore, no additional pollution loading should be discharged into the Deep Bay as a result of any new proposed developments. New development should therefore include proper on-site sewerage treatment facilities or be connected to public sewer. Depending on the availability of public sewer in the future, the lack of sewerage infrastructure may form a constraint to new development in the area. Advice from the Environmental Protection Department should be sought in assessing the sewerage implications of the proposed development.

- 11.2 Most parts of the low-lying area are flood prone because the flow capacity of the existing drainage system within the Area is generally inadequate. The existing drainage system basically provides a very low flood protection standard that can only support rural development. Given the existing drainage system in the Area has limited capacity, any major developments should be subject to a Drainage Impact Assessment to address the local drainage impacts on areas in the vicinity, as well as the provision of proper drainage facilities for the development.
- 11.3 Potable water supply is available in most parts of the Area and is served by 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.
- 11.4 Solid waste disposal relies on the small refuse collection points scattered throughout the Area. Collected wastes are transported to the NENT Landfill for disposal.
- 11.5 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 A declared monument and a number of graded historic buildings are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), the MacIntosh Fort at Kong Shan (Grade 2), Koon Ancestral Hall (Grade 3), Ip Ancestral Hall (Grade 3) and an old bridge in Lin Ma Hang (Grade 3). In addition, the Tong To Shan Site of Archeological Interest is located in the Area. All the above site of archeological interest, declared monument and graded historic buildings/structures are worthy of preservation.
- 12.2 The AAB also released a number of new items in addition to the list of 1,444 historic buildings (i.e., No. 34 Village House in Lin Ma Hang). These items are subject to the grading assessment by the AAB. Details of the list of 1,444 historic buildings and its 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 declared monument, graded historic buildings/structures, new items pending grading assessment or site of archaeological interest and their/its immediate environs.

13. <u>IMPLEMENTATION</u>

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.

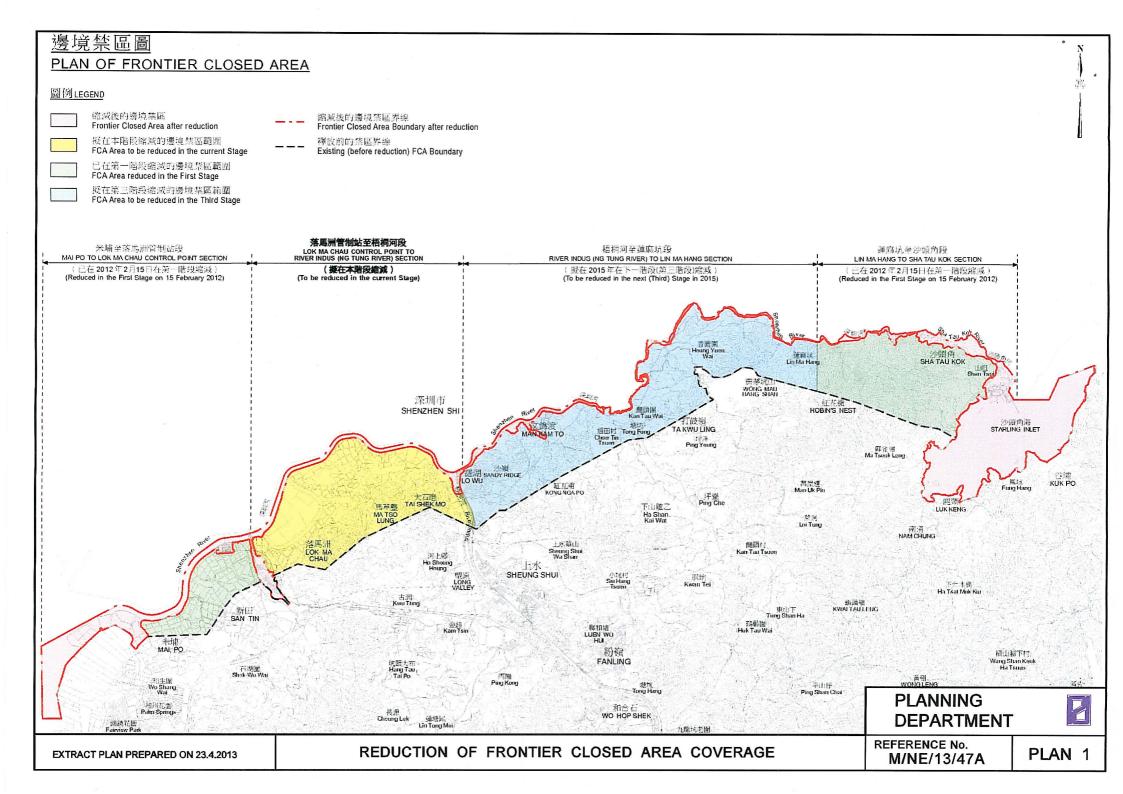
14. PLANNING CONTROL

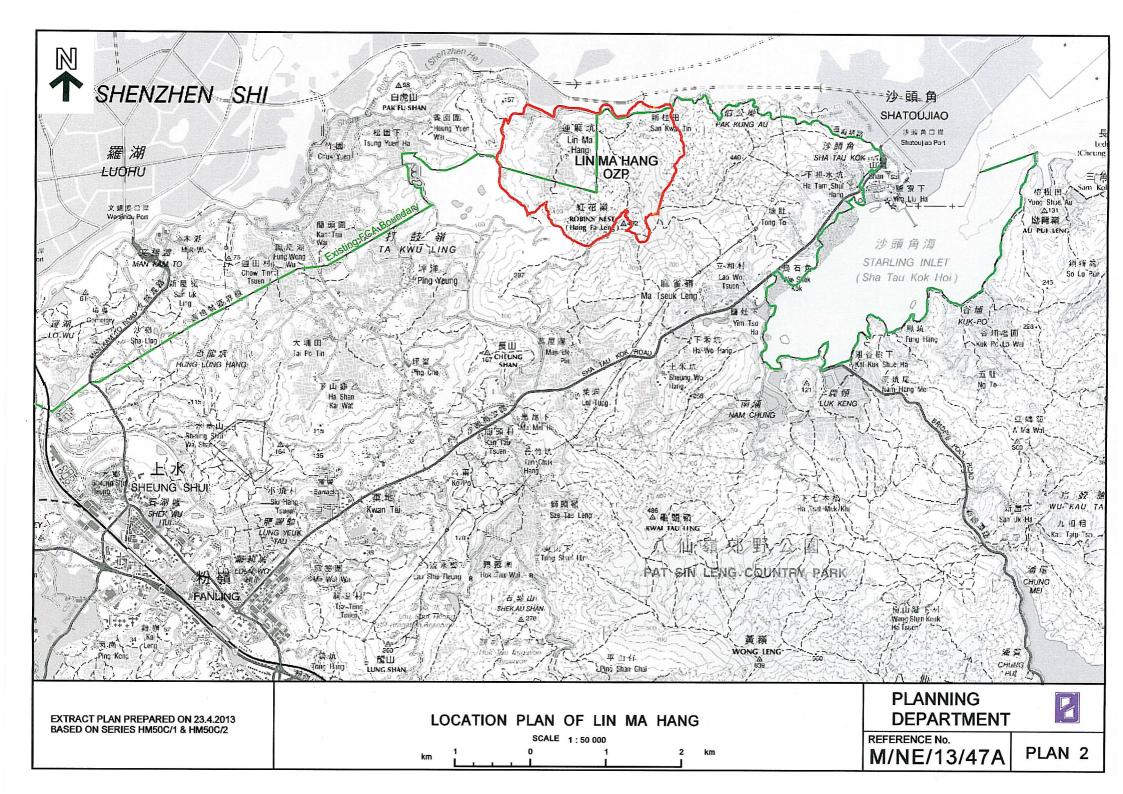
- 14.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same 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 including guidelines published by the Board. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and the 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 or after the date of the first publication in the Gazette of the notice of the draft DPA plan on land included in this Plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond or excavation of land in the

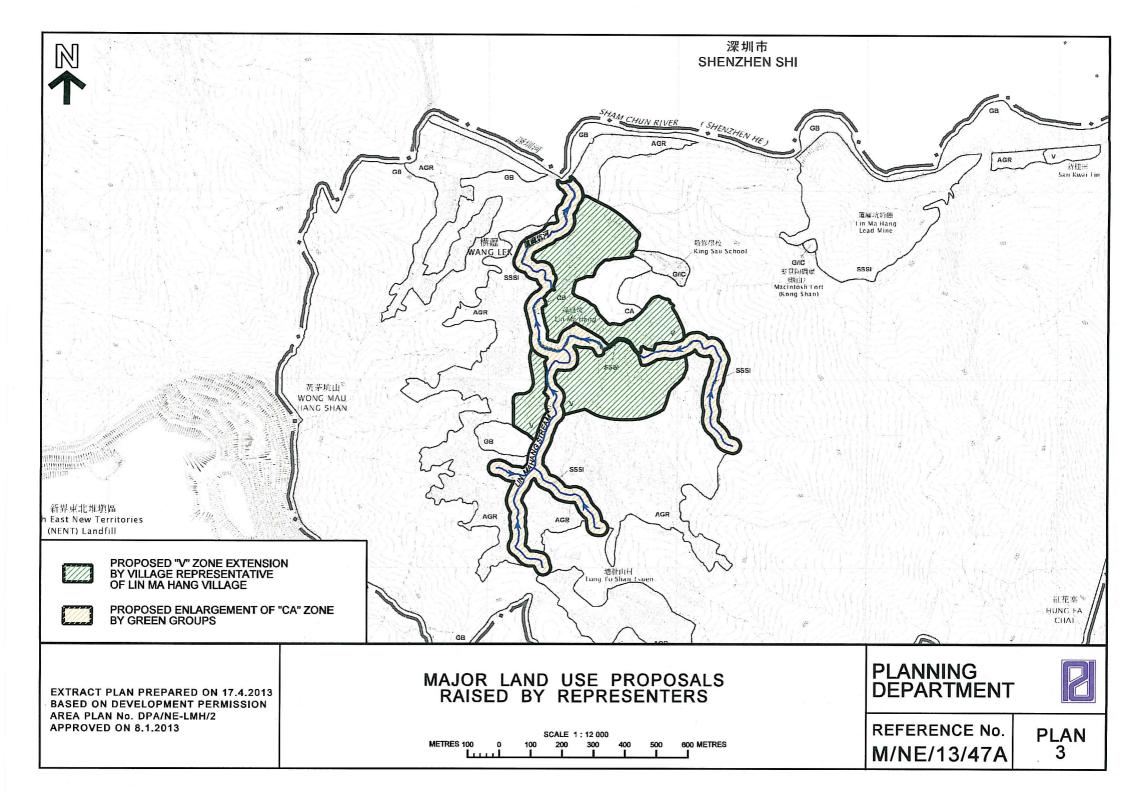
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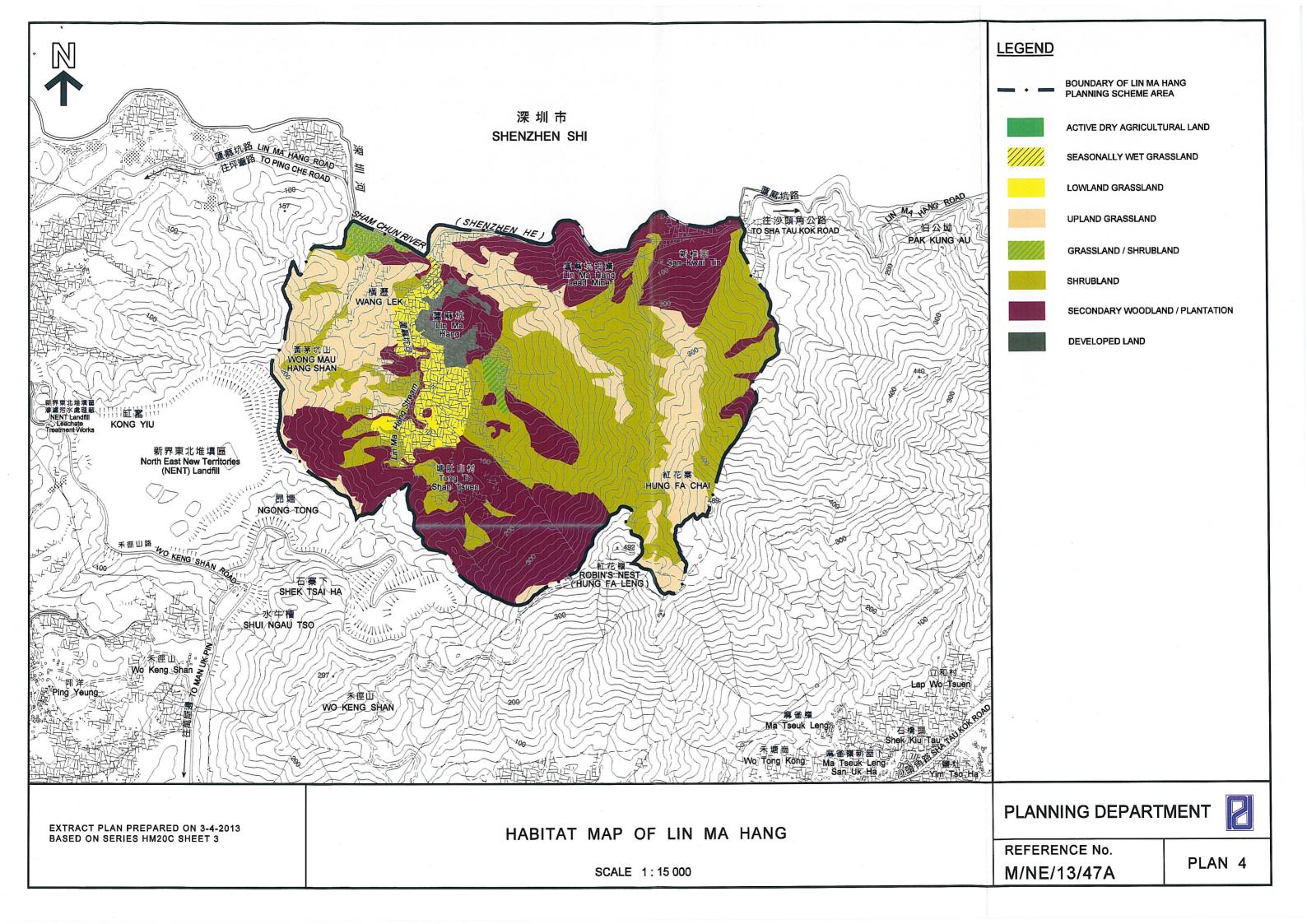
relevant zones on or after the first publication in the Gazette of the notice of the draft DPA plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against filling of ponds for temporary land uses/developments in conservation-related zonings, such as "CA" and "SSSI".

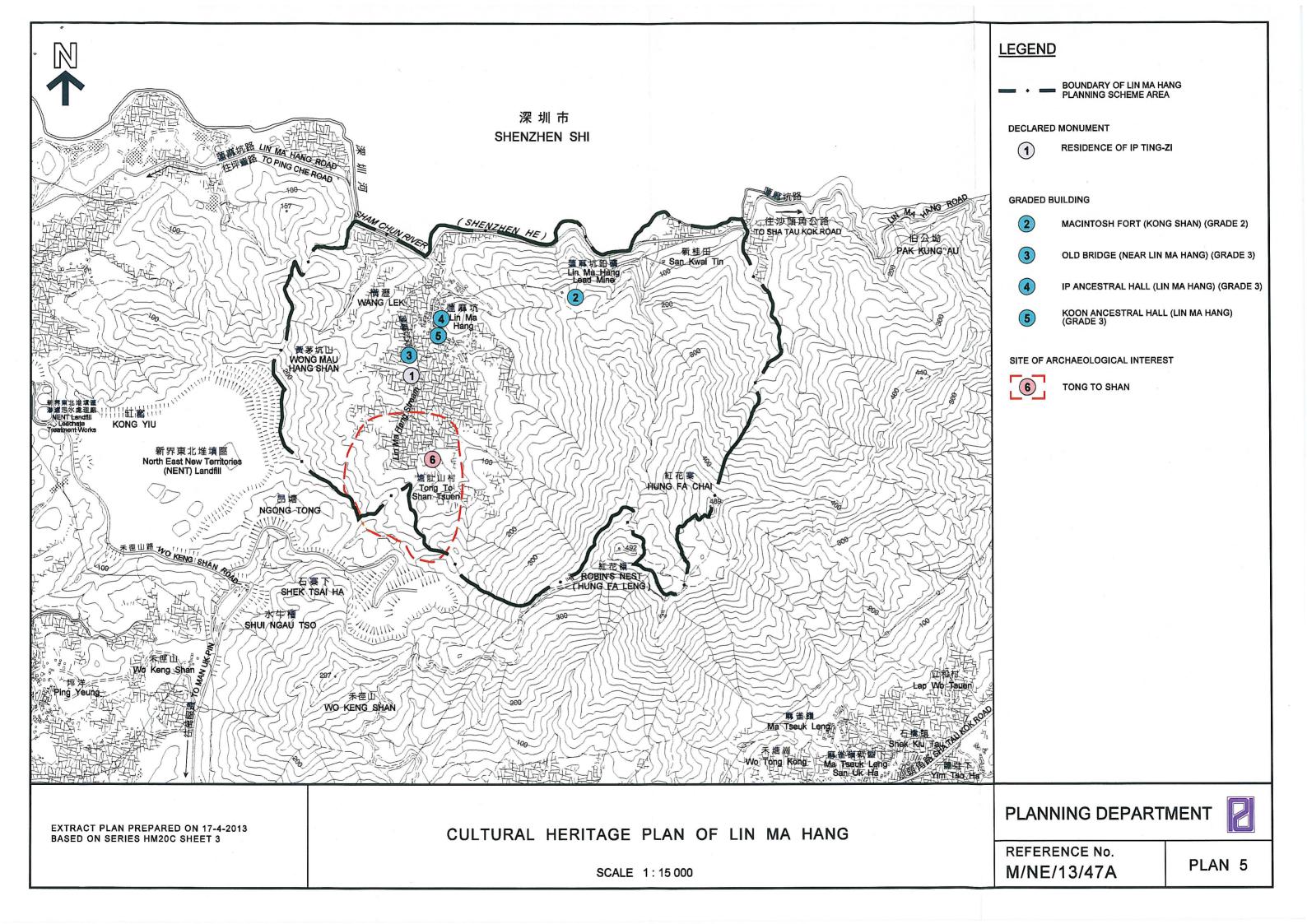
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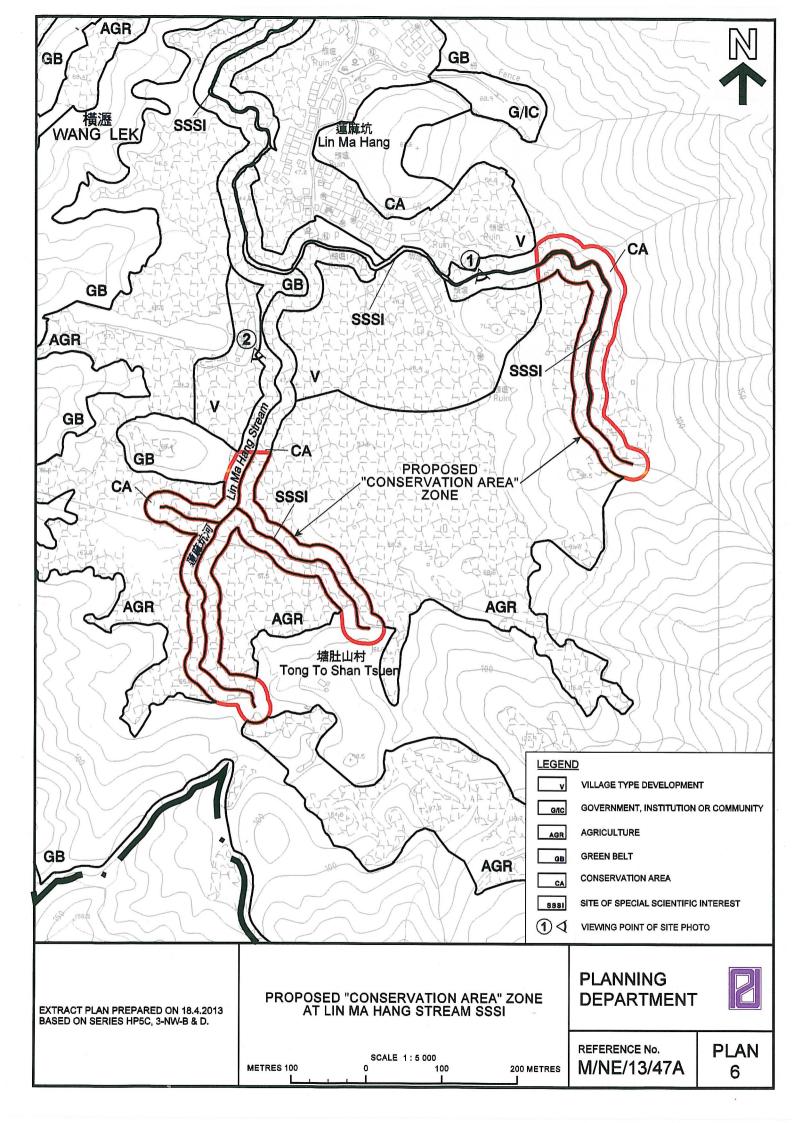












PLANNING REPORT ON LIN MA HANG

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

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1. INTRODUCTION

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 the Lin Ma Hang area (the Area). It aims to provide a basis for the preparation of the Lin Ma Hang 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 10.9.2004, 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 Lin Ma Hang 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.
- 1.2.2 On 30.7.2010, the draft Lin Ma Hang DPA Plan No. DPA/NE-LMH/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 7 valid representations were received. On 8.10. 2010, the representations were published for three weeks for public comments and 8 valid comment was received.
- 1.2.3 On 25.2.2011, 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 (PlanD) 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 16.6.2011, 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.
- 1.2.5 On 8.9.2011, the Board further considered the representations and comments and decided to rezone the Lin Ma Hang stream buffer from "Conservation Area" ("CA") to "Green Belt" ("GB") on the draft Lin Ma Hang DPA Plan to partially meet the representations. On 16.9.2011, the proposed amendment was published for public inspection under section 6C(2) of the Ordinance. Upon expiry of the three-week public inspection period, a total of 15 further representations were received. On 11.11.2011, the Board considered the further representations and decided not to uphold

them. The Board decided that the proposed amendment to the DPA Plan would form part of the DPA Plan under section 6F(8) of the Ordinance.

- 1.2.6 On 8.1.2013, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Lin Ma Hang DPA Plan, which was subsequently renumbered as DPA/NE-LMH/2. On 18.1.2013, the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2 (the Plan) was exhibited for public inspection under section 9(5) of the Ordinance.
- 1.2.7 In accordance with section 20(5) of the Ordinance, the DPA Plan is effective for three years unless extension is obtained from CE in C. 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 OZP to cover the Lin Ma Hang area.

2. THE PLANNING SCHEME AREA

2.1 Location

The Area covers about 329 ha of land. It is located approximately 6 km to the northeast of Fanling/Sheung Shui. It is bounded by Sham Chun River in the north, Robin's Nest (also known as Hung Fa Leng) in the east and south, and Wong Mau Hang Shan in the west. The North East New Territories (NENT) Landfill is located immediately to the southwest of the Area at Wo Keng Shan. The boundary of the Area is shown by a heavy broken line on the Plan (Appendix 1). The location of the Area is shown in Figure 1.

2.2 The Surrounding Area

The Area commands the cross boundary location in the northernmost rural area of the North District adjoining Shenzhen City in the north. To the south and west are predominantly agricultural land spotted with rural settlements. To the east lies the densely vegetated Robin's Nest. The nearest urban clusters are found at Heung Yuen Wai which is about 1 km to its west. The NENT Landfill and the Leachate Treatment Works are located immediately to the southwest of the Area next to Wong Mau Hang Shan. An aerial photo providing an overview of the Area and its surroundings is shown in Figure 2.

2.3 Physical Setting and Topography

2.3.1 The Area comprises two major topographical features, i.e. hilly terrains and lowland. The densely vegetated Robin's Nest, with an elevation up to about 492 mPD along the southern and eastern fringes, is the prominent mountain ridge in the Area. Another major hilly ridge, Wong Mau Hang Shan, which rises to about

243 mPD, lies at the western fringe. Lying between the mountainous ridges are lowland basins intersected with watercourses. The main watercourse is Lin Ma Hang Stream which flows from the mountainous ranges of Robin's Nest to the flood plains and village settlement before discharging into Sham Chun River.

2.3.2 The landscape features of the Area include woodlands, vegetated uplands, knolls and foothills. The Area covers a spectrum of natural habitats including 'fung-shui' woods, mixed shrubland, freshwater/brackish wetland, lowland forest and natural watercourse with high ecological values is found in the Area as shown in the Habitat Map in Figure 3. The Area also covers two Sites of Special Scientific Interest (SSSI) (i.e. Lin Ma Hang Stream SSSI and Lin Ma Hang Lead Mines SSSI) as shown in Figure 4.

2.4 Population and Employment

- 2.4.1 According to the 2011 Population Census, the population of the Area was about 100 persons. There are two recognized villages, namely Lin Ma Hang and San Kwai Tin. The existing population is concentrated mainly in Lin Ma Hang while San Kwai Tin has been abandoned for years and only few villagers visit there each year. It is estimated that the planned population in the Area will increase to approximately 2,213 persons based on the proposed village area. The substantial population increase reflects the anticipated return of villagers after the opening of the Frontier Closed Area (FCA).
- 2.4.2 Economic activities are limited in the Area due 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.

2.5 Existing Land Uses

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

2.5.1 Rural Settlements

Existing rural settlements are mainly located in the recognized village at Lin Ma Hang while San Kwai Tin has already been abandoned. 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. Other than the main village cluster, sporadic village houses or on-farm domestic structures are scattered around the Area.

2.5.2 Agricultural Use

Abundant agricultural land is found along the watercourse, river basin lowlands and foothill areas. Farming activities in the Area is declining and considerable amount of agricultural land is lying fallow. Few plots of agricultural land within Lin Ma Hang are under active cultivation.

2.5.3 Burial Grounds

Two of them are located to the east and west of Lin Ma Hang and the other one is located to the south of San Kwai Tin.

2.5.4 Other Land Uses and Government, Institution and Community (GIC) Uses

Other existing land uses in the Area include Kwan Tai Temple (also known as Kwan Tei Kung), Lin Ma Hang Village Office, helicopter landing fields to the northeast and further east of Lin Ma Hang and existing GIC facilities i.e., the disused King Sau School with its ancillary playground and the graded MacIntosh Fort (Kong Shan) which may be put to alternative uses to support the cultural conservation and recreation tourism (Figure 5).

2.5.5 <u>Land Ownership</u>

About 86% of the Area is Government land which covers mostly hilly areas of Robin's Nest and Wong Mau Hang Shan (Figure 6). Private lots are mainly found in the western and northeastern part of the Area at lowland portion occupied by fallow agricultural land and village settlements.

2.6 Transportation Facilities

- 2.6.1 The Area is solely served by Lin Ma Hang Road in the north, which is a closed single track access, leading from Ping Che Road in the west to connect Sha Tau Kok Road in the east. Apart from these major roads, there are local van tracks transversing the settlement areas to serve the residents.
- 2.6.2 The Area is not well served by public transport facilities due to access restriction, remoteness and sparse population. There is a green minibus route (No. 59K) plying between the Area and Sheung Shui East Rail Station.

2.7 Infrastructure and Utility Services

2.7.1 Water Supply

Portable water supply for the Area is provided by Sheung Shui Water Treatment Works via Ping Che Fresh Water Service Reservoir. Currently freshwater is used for flushing in the Area

as supply of seawater is not available.

2.7.2 <u>Drainage and Sewerage</u>

- 2.7.2.1 Most parts of the low-lying area are flood prone because the flow capacity of the existing drainage system within the Area is generally inadequate. The existing drainage system basically provides a very low flood protection standard that can only support rural development.
- There is no existing sewer within the Area. Under the 2.7.2.2 North District Sewerage Stage 2 Part 2B Project, there is plan to provide local sewer to Lin Ma Hang connecting to sewerage treatment plant. The of the sewerage construction is tentatively scheduled to commence in 2015 for completion in 2019. The Area falls within the Deep Therefore, no additional pollution Bay catchment. loading should be discharged into the Deep Bay as a result of any newly proposed developments. Proper on-site sewerage treatment facilities should be provided for any new developments.

2.7.3 Solid Waste

Solid waste disposal relies on small refuse collection points scattered throughout the Area. Collected wastes are transported to the 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.

2.8 Cultural Heritage

A declared monument and a number of graded historic buildings are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), the MacIntosh Fort at Kong Shan (Grade 2), Koon Ancestral Hall (Grade 3), Ip Ancestral Hall (Grade 3) and an old bridge in Lin Ma Hang (Grade 3). In addition, the Tong To Shan Site of Archeological Interest falls within the Area (Figures 8 and 9). The Lin Ma Hang Area contains a new item in addition to the list of 1,444 historic buildings (i.e. No. 34 Village House in Lin Ma Hang). These items are subject to the grading assessment by the Antiquities Advisory Board (AAB).

3. PLANNING ANALYSIS

Within the Area, the following broad development constraints and opportunities

are identified (Figure 7)

3.1 Development Constraints

3.1.1 Natural Terrain Landslide Hazards

- A majority of the eastern and western parts of the Area 3.1.1.1 are characterized by steep mountains and natural hilly There is a history of landslides on natural terrain such as Hung Fa Leng and Wong Mau Hang. Such topographic relief imposes geotechnical constraints on proposed development. Due consideration and geotechnical assessment would be required for any proposed development involving site formation and slope stabilization works.
- The village settlements at San Kwai Tin and northern 3.1.1.2 part of Lin Ma Hang village are below steep natural terrain and may be affected by natural terrain hazards. New village house development in these areas may be required to carry out a Natural Terrain Hazard Study and provision of necessary hazard mitigation measures, which may have significant cost implication to the development and could render the development economically not viable. Natural terrain landslide hazards should be taken into consideration for zoning proposals.

3.1.2 Traffic

Due to the limited transport infrastructure in the Area, uncoordinated development would create problems and hazards to both pedestrians and vehicular traffic. Improvements to transport facilities are required when the Area is opened up for development in future.

3.1.3 <u>Drainage</u>

The area is flood prone and is adjoining to flood pumping gathering grounds. Therefore, any development must demonstrate that the proposal would not cause any increase in the flooding susceptibility of the adjoining areas and be subject to a comprehensive Drainage Impact Assessment.

3.1.4 Sewage

Currently, the Area is not served by public sewerage infrastructure and there is plan to provide local sewer to Lin Ma Hang connecting to sewerage treatment plant. The Area falls within the Deep Bay catchment and therefore no additional pollution loading should be discharged into the Deep Bay as a result of any

new and proposed developments. New development should therefore include proper on-site sewerage treatment facilities or be connected to public sewer. Lack of public sewer has imposed severe constraints for large-scale development in the Area.

3.1.5 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 maybe required.

3.1.6 Land Ownership

About 14% of land in the Area are private land. A majority of these private land are concentrated in the lowland near the two recognized villages, which are mainly fallow agricultural land and village settlements (Figure 6).

3.1.7 <u>Cemetery and Burial Grounds</u>

The two permitted burial grounds for indigenous villagers have to be retained and should be refrained. Any development that will adversely affect those permitted burial grounds should be avoided.

3.1.8 Historical and Cultural Features (Figures 8 and 9)

- 3.1.8.1 Sites of built heritage are identified in the Area, including the Residence of Ip Ting-sz (Declared Monument), Old Bridge in Lin Ma Hang, Ip Ancestral Hall and Koon Ancestral Hall (all Grade 3 historic buildings), the MacIntosh Fort at Kong Shan (Grade 2 historic building) a number of village houses, Kwan Tai Temple and Lau Ancestral Hall. Ip Ting-sz was a member of Tongmenghui (同盟會) who played an active part in the revolutionary movement in China. The Residence was erected in 1913. MacIntosh Fort at Kong Shan is one of the MacIntosh Forts built during the period from 1946 to 1953 as a chain of police observation posts overlooking the boundary along Sham Chun River for security purpose. These Forts remain as a reminder of life in those days and the development of Hong Kong's military defence.
- 3.1.8.2 Tong To Shan Archaeological Site was a 'Settlement District' including stone structural features (i.e. buildings, slope protection walls and trackways) and graves which have been preserved well and reflecting many aspects of human life in Hong Kong during a period of over 300 years. Given the archaeological

and historical interests of these historical and cultural heritage, they are worthy of preservation and major developments in the vicinity should be avoided as far as possible.

3.2 <u>Development Opportunities</u>

3.2.1 Tourism

The Area is scenically attractive with green environment. The village settlement in Lin Ma Hang is relatively unspoiled and much of its traditional character has been retained. Such setting provides a wide array of unique and attractive tourism opportunities. There is also 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.

3.2.2 Agricultural

Most of the agricultural land is left fallow with only some spots at Lin Ma Hang are under active cultivation. The agricultural land is of fair quality. The lowland topography coupled with the presence of river tributaries for irrigation offers suitable conditions of using the Area for agricultural related activities. With irrigation facilities, fallow arable land can easily be rehabilitated for agricultural purposes under the Agricultural Land Rehabilitation Scheme.

3.2.3 Nature Conservation

The Area comprises Lin Ma Hang Stream SSSI (Figure 11) natural watercourses with high ecological value, large tracts of dense and undisturbed lowland forest and 'fung-shui' woodland with high scenic value, the bat colony at Lin Ma Hang Lead Mines SSSI (Figure 10), and wetland. The natural vegetation together with the rugged topographic backdrops provides a picturesque landscape forming an integral part of the natural environment that should be conserved. Future development of the Area needs to take into account the areas of high ecological values especially the two SSSIs. Prior consultation with relevant Government departments should be sought if development proposals would affect these sites.

3.2.4 Accessibility

Pick-up/drop-off bays for the public transport vehicles and parking facilities for coaches and private cars near Wang Lek are being planned to facilitate visitors visiting the Area.

3.3 Review of "Village Type Development" Zone Boundary

- 3.3.1 The existing conditions within the "Village Type Development" ("V") zones and in the immediate vicinities have been reviewed. Following the current practice, the District Lands Officer/North, Lands Department (DLO/N, LandsD) was approached to provide the latest Small House (SH) demand figures. The information provided by DLO/N has taken account of the outstanding Small House (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 during the SH application stage.
- 3.3.2 Based on the updated demand figures of 2012, the "V" zones within the Area were then reviewed in an attempt to meet the SH demand. On-site surveys were carried out to consider the "V" zones, taking into account the existing village 'environs' ('VE'), local topography, settlement patterns, ecologically important areas and other site specific characteristics including vegetations, burial grounds and stream courses etc.
- 3.3.3 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 need to be extended if the available land for SH development within the "V" zones cannot meet the demand figures. "V" zone areas adjusted should be within or contiguous to the '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.
 - (e) In the event that the designated "V" zones (albeit size already adjusted to match the size of the 'VE') are still not sufficient to meet the future demand, there is provision under the Notes of the draft OZP for planning applications of SH developments to the Town Planning Board.

- 3.3.4 The updated information collected from the DLO/N, LandsD on the latest 10-year SH demand forecast and outstanding SH applications figures as at 2012 is contained in **Appendix I**. It is noted that there is a decrease in SH demand for Lin Ma Hang Village as compared with the figure adopted in the preparation of the DPA Plan and those presented to the Board during the hearings of representations/comments in 2011 while the forecast for San Kwai Tin Village is not available as there is no Indigenous Inhabitant Representative for the village.
- 3.3.5 No amendment to the "V" zone was proposed for Lin Ma Hang as the size of the "V" zone was already larger than the 'VE' by about 7%. A larger "V" zone had been designated for the village mainly to provide more flexibility in view of the topographical limitations in the area surrounding Lin Ma Hang Stream that might not be suitable for SH development. LandsD will process the SH land grant and applications within the "V" zone in consultation with concerned Government departments including the Agricultural Fisheries and Conservation Department (AFCD) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- 3.3.6 As there was sufficient land within the "V" zone to meet the future SH demand, no change was proposed for San Kwai Tin.

3.4 Review of the "Green Belt" Zone along Lin Ma Hang Stream

- 3.4.1 The Lin Ma Hang Stream was designated as a Site of Special Scientific Interest (SSSI) in 2007 in consideration of its high ecological value. A 20m-wide buffer area along both sides of the stream was first zoned "Conservation Area" ("CA") when the draft Lin Ma Hang Development Permission Area plan (DPA Plan) was published in July 2010. The Town Planning Board (the Board) agreed on 8.9.2011 to rezone the concerned buffer area from "CA" to "Green Belt" ("GB"), to respond the Lin Ma Hang villagers' demand of SH development within the area. The rezoning from "CA" to "GB" would also allow the Board to regulate developments within the buffer area and maintain a proper balance between conservation and the need for development.
- Notwithstanding the above, green groups still have expressed concerns on the buffer area along Lin Ma Hang Stream which is currently zoned "GB" on the approved DPA Plan. They proposed the area to be at least covered with "CA" zoning to provide sufficient protection for the Stream.
- 3.4.3 According to the "Land Use Planning for the Closed Area Feasibility Study", Lin Ma Hang Stream SSSI is a rare,

unchannelised, unpolluted lowland stream in Hong Kong, with its upper stream area unpolluted and undisturbed. It was also noted that the upstream area was densely vegetated with very few signs of human disturbance. As such, i it is considered appropriate to retain the "GB" zone for the buffer area at downstream area and its boundary is proposed to be delineated with reference to the existing boundary of the "V" zone and 'VE' of Lin Ma Hang Village where existing settlements are situated and village developments may be allowed. The "GB" zone can be regarded as a vegetated buffer to separate the village area from the river, and to provide flexibility to the Board to scrutinize developments under the planning permission system. This could maintain a proper balance between conservation and the community need for development. (Figures 12 and 13).

3.4.3 Regarding the Green Groups' concerns on potential impacts of developments 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 include 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.

4. PLANNING PROPOSALS

4.1 The Outline Zoning Plan (OZP)

The draft Lin Ma Hang OZP (the Plan) prepared under section (3)(1)(a) of the Town Planning Ordinance (the Ordinance) is to provide a statutory basis for planning control over the Area. It will supersede the approved Lin Ma Hang DPA Plan No. DPA/NE-LMH/2, which was exhibited for public inspection under section 9(5) of the Ordinance on 18.1.2013. 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 attached to the Plan. Also accompanying the Plan is an Explanatory Statement 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 objective of the Plan is to establish the broad land use zonings to provide a statutory planning control and guidance for future development of the Area and to enable enforcement actions to be taken against any authorized 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 FCA is recognized for creation of a conservation, cultural heritage and sustainable development belt between HKSAR and Shenzhen City. 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 suitable development compatible with the surroundings so as to achieve a balance between conservation and development in the FCA.
- 4.3.2 The Area is situated at the eastern portion of the FCA and has a major settlement with traditional buildings at Lin Ma Hang village and agricultural land. The general planning intention of the Area is to protect the natural setting, environmental diversity and to promote heritage conservation and recreation tourism. It is the planning intention to conserve the rural character, the natural habitats including the undisturbed woodland and lowland river habitats and the unique landscape as well as the ecologically important areas and the upland scene of the Area.

4.4 Population and Provision of GIC Facilities

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 of Lin Ma Hang and San Kwai Tin. It is estimated that the planned population of the Area will reach about 2,213 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 **Appendix II**. The required provisions will either be met within the Area or at the adjoining areas in Ta Kwu Ling and Fanling/Sheung Shui.

4.5 Land Use Proposals

In the designation of various land use zones in the Area, consideration has been given to the natural environment, physical landform, vegetation, existing development pattern, demand for Small Houses, and availability of infrastructure. The following land use proposed to be designated on the Plan (Figure 14):

4.5.1 "Village Type Development" ("V"): Total Area 13.35 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 It is also intended to concentrate indigenous villagers. 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 (NTEH). 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 two recognized villages within the Area, namely, Lin Ma Hang and San Kwai Tin. The boundaries of "V" zones are drawn up having regard to the existing village 'environs', outstanding Small House applications, Small House demand forecast, local topography, existing settlement pattern, ecologically important areas and other site specific characteristics. Areas of difficult terrain, dense vegetation, burial grounds and streamcourses have been avoided where possible.
- (c) Except for those specified, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of the publication in the Gazette of the notice of the draft DPA plan, whichever is the greater.
- (d) In order to address the potential impacts from developments on existing stream courses in general, 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, to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- (e) 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.
- (f) The "V" zone at San Kwai Tin, adjoining Lin Ma Hang Road, would be exposed to severe traffic noise impact. In view of this, self-protective design concept with minimal visual impact should be incorporated into new and affected Small House developments. Proper layout plan design and firm implementation programme for noise mitigation measures or erection of noise screening structures by individual house owner should be required.
- (g) The "V" zone at San Kwai Tin and northern part of the "V" zone at Lin Ma Hang are below steep natural terrain and may be affected by natural terrain hazards. Therefore, natural terrain hazard study and/or mitigation measures may be required for any proposed development.
- (h) As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.
- 4.5.2 "Government, Institution or Community" ("G/IC"): Total Area 0.8 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 in the Area.
 - (b) Existing developments under this zoning include the MacIntosh Fort (Kong Shan) and the disused King Sau School with its ancillary playground. Existing disused school building can be developed into an exhibition centre/historic museum to demonstrate the traditional living style of Hakka villagers to promote eco-tourism within the Area.

4.5.3 "Agriculture" ("AGR"): Total Area 39.15 ha

- (a) This zone is intended primarily to retain and safeguard good quality agricultural land, farm and fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- (b) Majority of the agricultural land is found in lowland areas in the western part of the Area. With basic infrastructures, including irrigation facilities, fallow arable land can easily be rehabilitated for agricultural purposes.
- (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, or construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

4.5.4 "Green Belt" ("GB"): Total Area 258.5 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 hilly terrain in the east (including Robin's Nest), mountainous areas of Wong Mau Hang Shan and the permitted burial grounds for indigenous villagers.
- (d) A land corridor adjoining Lin Ma Hang Stream at the downstream area where there had already been settlements/community is zoned "GB" to serve as a vegetated buffer to separate the village area from the river and to provide flexibility to the Board to scrutinize and regulate developments within the buffer area through the

- planning permission system. This could maintain a proper balance between conservation and the community need for development.
- (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.

4.5.5 "Conservation Area" ("CA"): Total Area 6.66 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 such as Site of Special Scientific Interest (SSSI) from the adverse effects of development. 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.
- (b) There is a general presumption against development in this zone, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- (c) The 'fung-shui' woods at the eastern backdrop of Lin Ma Hang is zoned as "CA" to retain and preserve the existing natural character. This large piece of woodland is natural and healthy with a variety of plant species where two tree species of conservation concern, i.e. Aquilaria sinensis and Xylosma longifolium, and forest-dependent birds, like the Orange-headed Thrush, are found.
- (d) Two land corridors adjoining Lin Ma Hang Stream at the eastern and western upstream area on higher altitude is zoned "CA" to protect the habitats for wildlife associated with the Lin Ma Hang Stream and to provide an added protection to the in-stream habitat (Figures 12 and 13).
- (e) 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.
- (f) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In

view of the conservation value of the area within this zone, permission from the Board is required for such activities.

4.5.6 "Site of Special Scientific Interest" ("SSSI"): Total Area 10.62 ha

- (a) The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI.
- (b) There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.
- (c) This zoning covers two designated SSSIs. The first one is the Lin Ma Hang Stream (Figure 11) with the main course of about 2km long and 1.5m to 4m wide. Designated in July 2007, it is a freshwater fish hotspot supporting sixteen species of primary freshwater fish including Rasbora steineri which is locally rare. Other fish species include Rasborinus lineatus and Mastacembelus armatus, which have limited records in lowland streams. A dragonfly, Idionyx victor, of Local Concern has been recorded.
- (d) The Lin Ma Hang Lead Mines (Figure 10), which has been designated as SSSI since 1994, is included in this zone. It is a deserted lead mine and one of the most important bat colonies in Hong Kong providing an undisturbed resting, breeding and wintering ground for eight bat species.
- (e) Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

5. IMPLEMENTATION

5.1 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 the Plan. Provision for planning application would allow flexibility in land use planning and control of development to meet changing needs.

5.2 Country Park (Figure 15)

In the "Study on Land Use Planning for the Closed Area" competed by PlanD in 2008, some 480 ha 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 Lin Ma Hang OZP.

5.3 Hiking/Heritage Trail and Cycle Track

A section of cycle track is proposed from Ping Che Road to the proposed Lin Ma Hang Public Transport Terminus near Wang Lek to improve connectivity in the eastern portion of the Closed Area. The connectivity to the surrounding areas and implementation of the proposed cycle track is largely hinged on the new development areas (i.e. Ping Che/Ta Kwu Ling New Development Area) to the south of the track. During the detail design and implementation stage, consideration should be given to continuing and connecting to the cycle track network and associated facilities during the planning and related engineering studies in the new development area and the planned provision of a comprehensive cycle tracks network in the New Territories.

5.4 Road Improvements

Widening works are proposed at Lin Ma Hang Road between Tsung Yuen Ha and Lin Ma Hang for upgrading to single two-lane carriageway. The investigation is being undertaken by the Highways Department. Pick-up/drop-off bays for the public transport vehicles and parking facilities for coaches and private cars near Wang Lek are also being planned. Traffic management measures should be implemented at the section of Lin Ma Hang Road between Pak Fu Shan and Wang Lek if its widening works could not be tied in with the opening of the Closed Area in the Area.

5.5 Utility Infrastructure

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

5.6 Planning Enforcement

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 APRIL 2013

Small House Demand for the Recognized Villages within Draft Lin Ma Hang OZP

Recognised	Demand figure for TPB hearing		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 by available land
Villages	Outstanding Demand	10-year forecast	Outstanding Demand	10-year forecast	(ha)		demand (ha)	new demand figure (ha)	(%)
Lin Ma Hang	9	900	14	300	12.00	12.83	7.85	6.65	84.7
San Kwai Tin	0	0	1	_*	4.12	0.52	0.03	0.18	100

^{*} forecast for San Kwai Tin Village is not available as there is no Indigenous Inhabitant Representative for the village.

		P	Existing			Planned		Remarks
Type of Facility	HKPSG Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
OPEN SPACE								
1. Local Open Space	10ha/ 100,000 persons	0.01	0.06	0.05	0.22	0.06	-0.16	Existing local open spaces are available in Lin Ma Hang.
2. District Open Space	10ha/ 100,000 persons	0.01	0.00	-0.01	0.22	0.00	-0.22	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 requirement for the provision of District Open Space. Sufficient district open spaces are available in North District to serve the Area.

Type of Facility	HKPSG	I I	Existing			Planned		
-, p	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Remarks
RECREATIONAL FA	ACILITIES							
1. Sports Centre	1/50, 000 – 65, 000 persons	0.00	0.00	0.00	0.03	0.00	-0.03	
2. Sports Ground/ Sports Complex	1/200, 000 – 250, 000 persons	0.00	0.00	0.00	0.01	0.00	-0.01	
3. Swimming Pool Complex	1/287, 000 persons	0.00	0.00	0.00	0.01	0.00	-0.01	
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								

	HKPSG Requirements	E	Existing			Planned		Remarks
Type of Facility		Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements		Surplus/ Deficit	
Nursery Classes and Kindergartens	26 classrooms for every 1000 children aged 3- under 6	0.16	0.00 (0 School)	-0.16	2.93	0.00 (0 School)	-2.93	Kindergarten facilities at 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	0.26	0.00 (0 School)	-0.26	4.78	0.00 (0 School)	-4.78	Existing School: Ling Ying Public School at Ta Kwu Ling covers the Area.
3. Secondary Schools	1 whole-day classroom per 40 persons aged 12-17	0.20	0.00 (0 School)	-0.20	4.69	0.00 (0 School)	-4.69	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 HE	ALTH SERVICES							
1. Hospital	5.5 beds/1,000 persons	0.55	0.00 (0 Hospitals)	-0.55	12.17	0.00	-12.17	Requirement is covered by North District Hospital.
2. Polyclinic/ Specialist Clinic	1 specialist clinic/polyclinic whenever a regional		0.00	N/A	N/A	0.00	N/A	

Type of Facility	HKPSG	I	Existing			Planned		
,	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Remarks
3. Clinic/Health Centre	or district hospital is built 1 clinic/health centre per 100,000 persons	0.00	0.00	0.00	0.02	0.00	-0.02	
SERVICES	AND COMMUNITY	N//	0.00					
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 Carita Child Care Centre at Ping Che Road Ta Kwu Ling

	HILDOO		xisting			Planned	
Type of Facility	HKPSG Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit
3. Integrated	support services for the area. 1 for 12,000 persons	0.00	0.00	0.00	0.01	0.00	-0.01
Children and Youth Services Centres	aged 6-24						
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,	N/A	0.00	N/A	N/A	0.00	N/A

Type of Facility	HKPSG	F	Existing			Planned		Remarks
-J po or a worldy	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	кешатк
	geographical factor, existing service provision and service demand.		·					
5. 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	
'. 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	N/A	0.00	N/A	N/A	0.00	N/A	

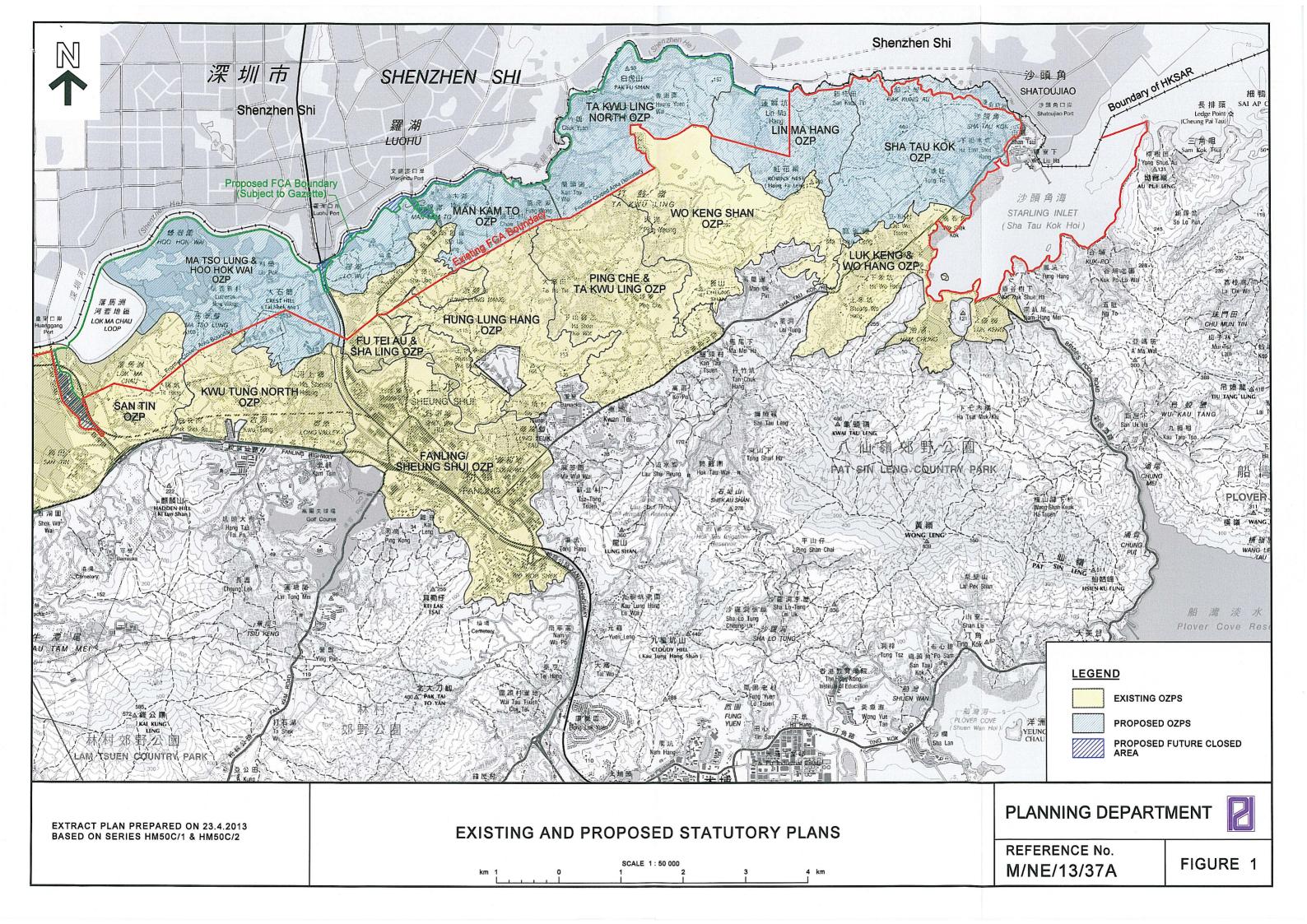
Type of Facility	HKPSG	ı	Existing			Planned		Remarks
	Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
	service demand.			485				
8. Day Care Unit for the Elderly in Residential Care Homes for the Elderly	To be determined 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	1/100,000 to 150,000 persons	0.00	0.00	0.00	0.01	0.00	-0.01	Caritas Integrated Family Service Centre at Wah Ming Estate, Fanling serves the Area.

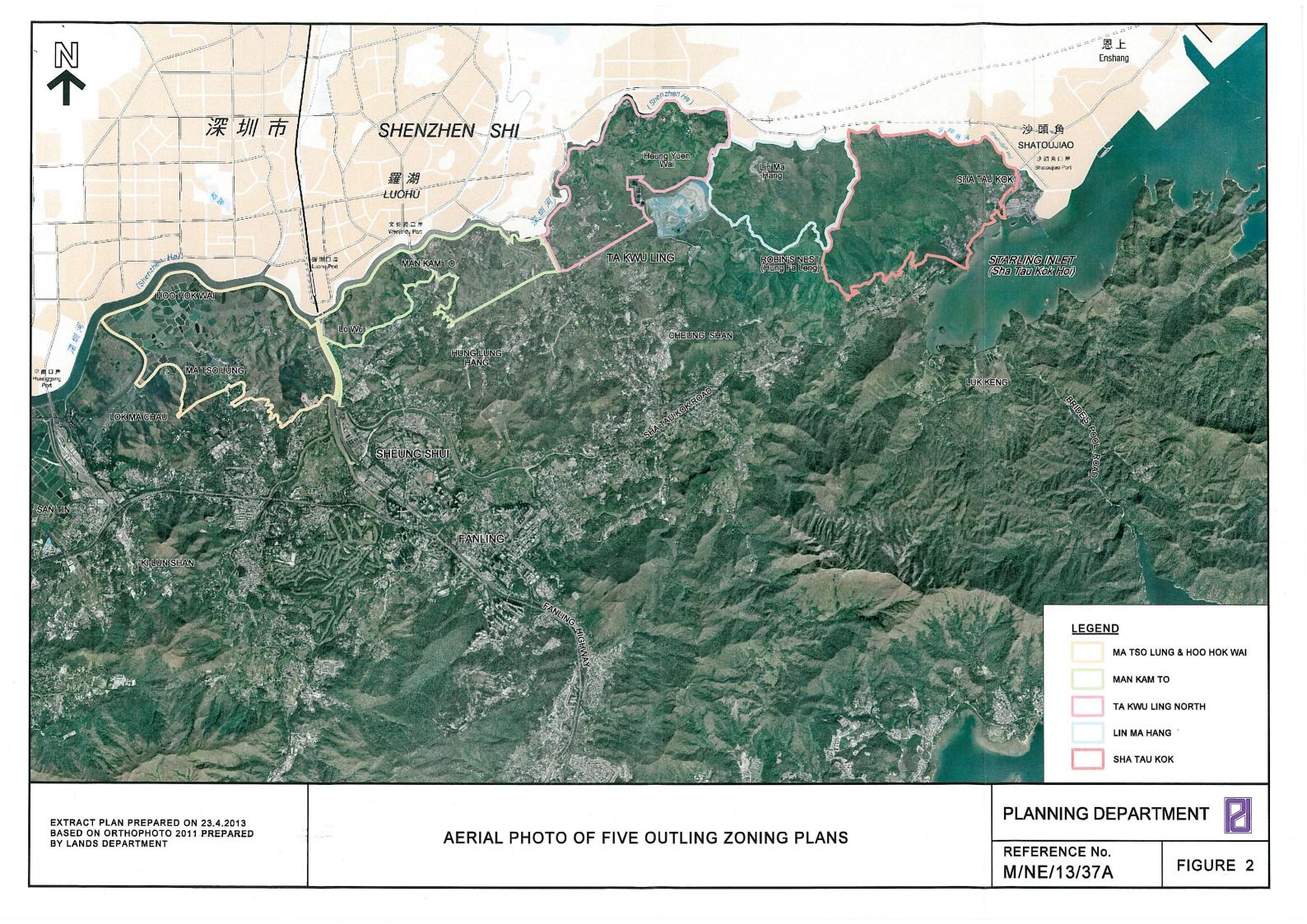
Type of Facility	HANG C	E	Existing			Planned		Remarks
	HKPSG Requirements	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	
LAW AND ORDER								
District Police Stations	1/200,000 to 500,000 persons	0.00	0.00	0.00	0.00	0.00	0.00	Requirement covered by Police Station at Lin Ma Hang Road, Ta Kwu Ling
2. Divisional Police Stations	1/100,000 to 200,000 persons	0.00	0.00	0.00	0.01	0.00	-0.01	
3. Sub-divisional Police Stations/Police Posts	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	Depends on local	N/A	0.00	N/A	N/A	0.00	N/A	

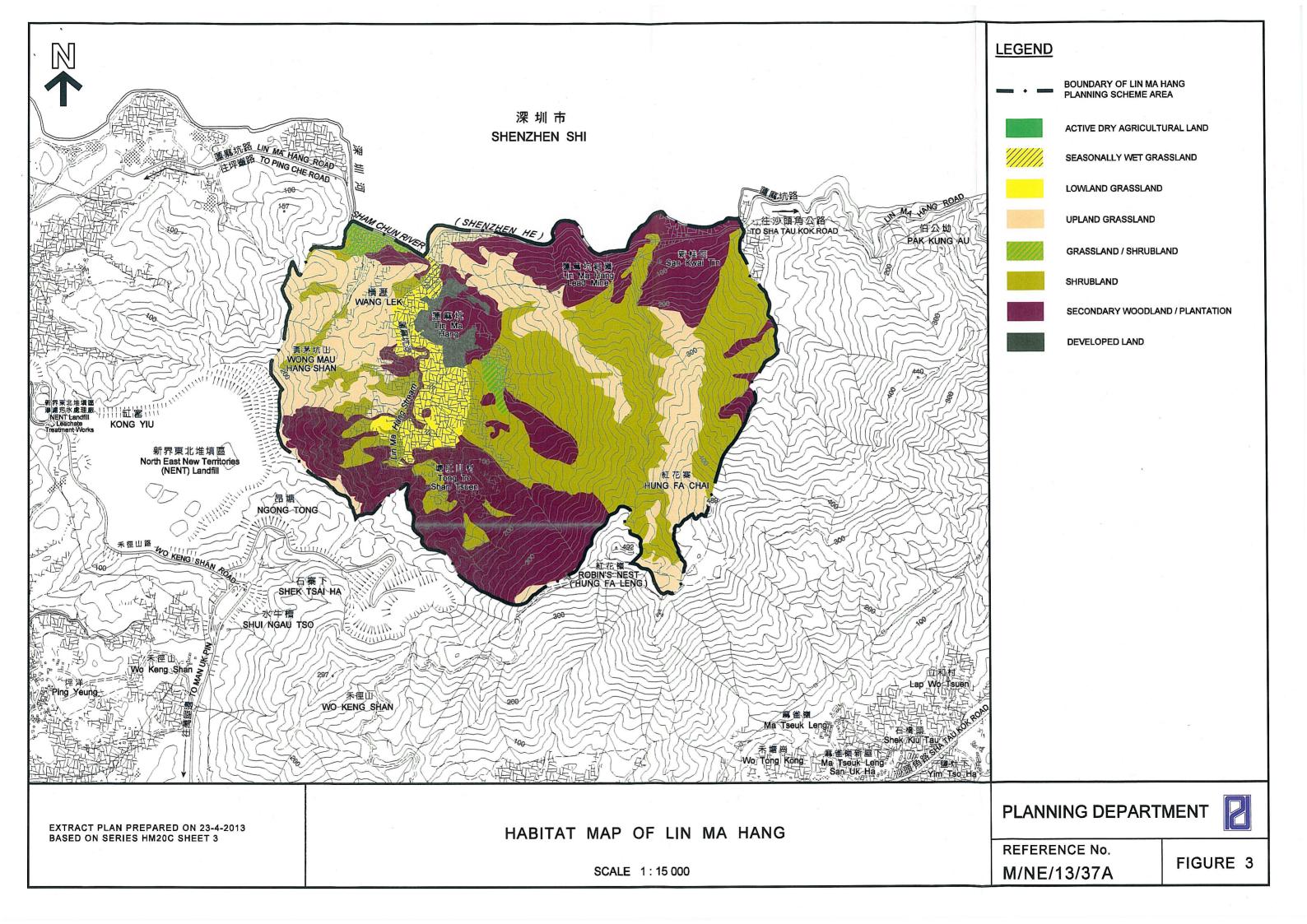
Type of Facility	HKPSG Requirements	Existing			Planned			Remarks		
		Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit			
Fire Stations	needs.									
6. Non-standard Fire Stations	Depends on local needs.	N/A	0.00	N/A	N/A	0.00	N/A	Requirement covered by fire station at Lin Ma Hang Road, Ta Kwu Ling		
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 (8 courtrooms)	1 per 660,000 persons	0.00	0.00	0.00	0.00	0.00	0.00			

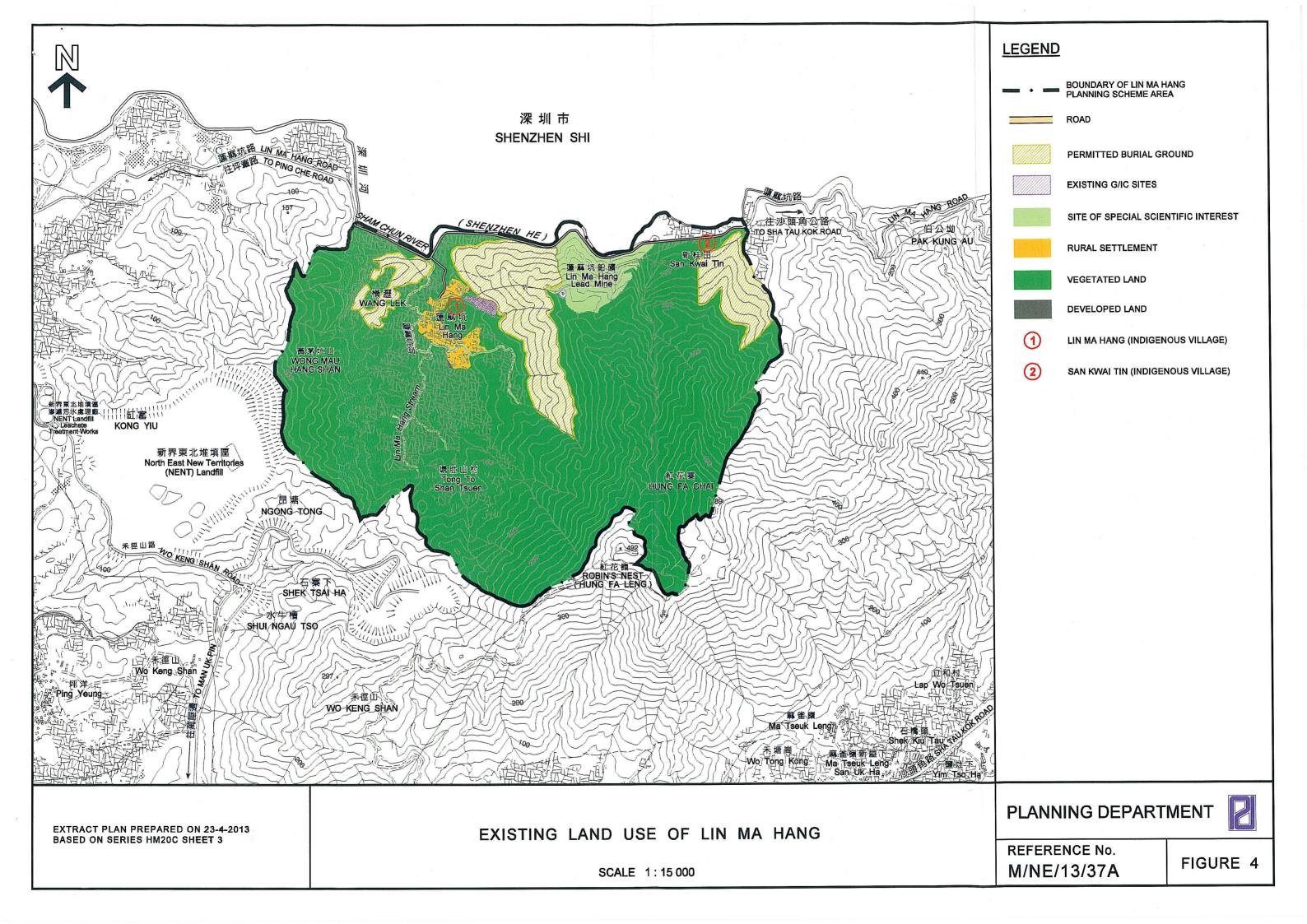
Type of Facility	HKPSG Requirements	Existing			Planned			Remarks	
		Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Nemarks	
1. Arts Venues	No set standard	N/A	0.00	N/A	N/A	0.00	N/A		
2. Library	1 district library per 200,000 persons	0.00	0.00	0.00	0.01	0.00	-0.01		
3. Post office	In rural areas, a distance of 3.2 km should be assumed. In general, 1 for a population of not less than 30,000 persons	0.00	0.00	0.00	0.07	0.00	-0.07		
4. Study Rooms	(a) Usually 1 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.					75 5 60 7 128 			

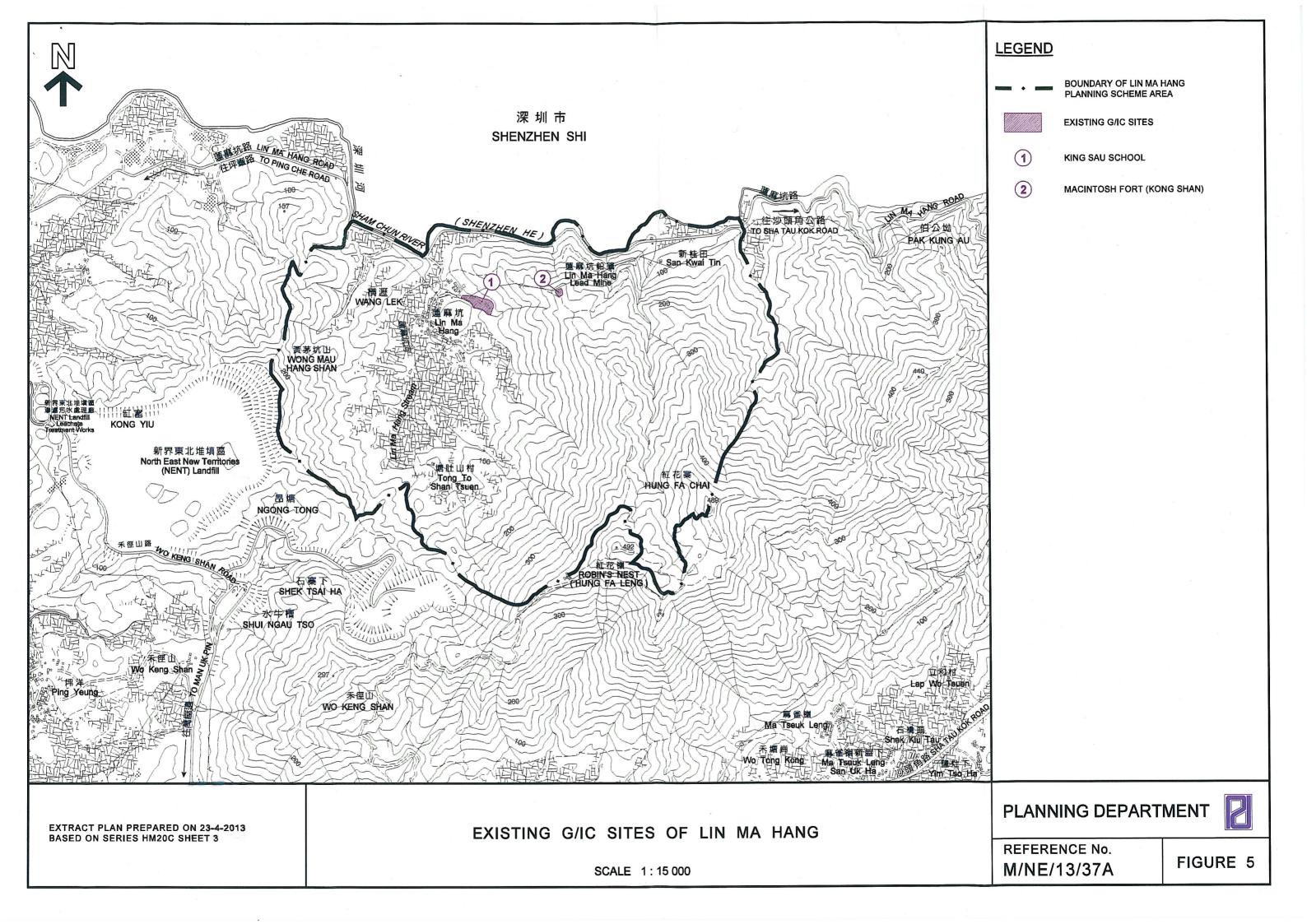
Type of Facility	HKPSG Requirements	Existing			Planned			Remarks		
		Theoretical Minimum Requirements	Provision	Surplus/ Deficit	Theoretical Minimum Requirements		Surplus/ Deficit			
	(c) Provision in public housing estates is based on a need basis.									

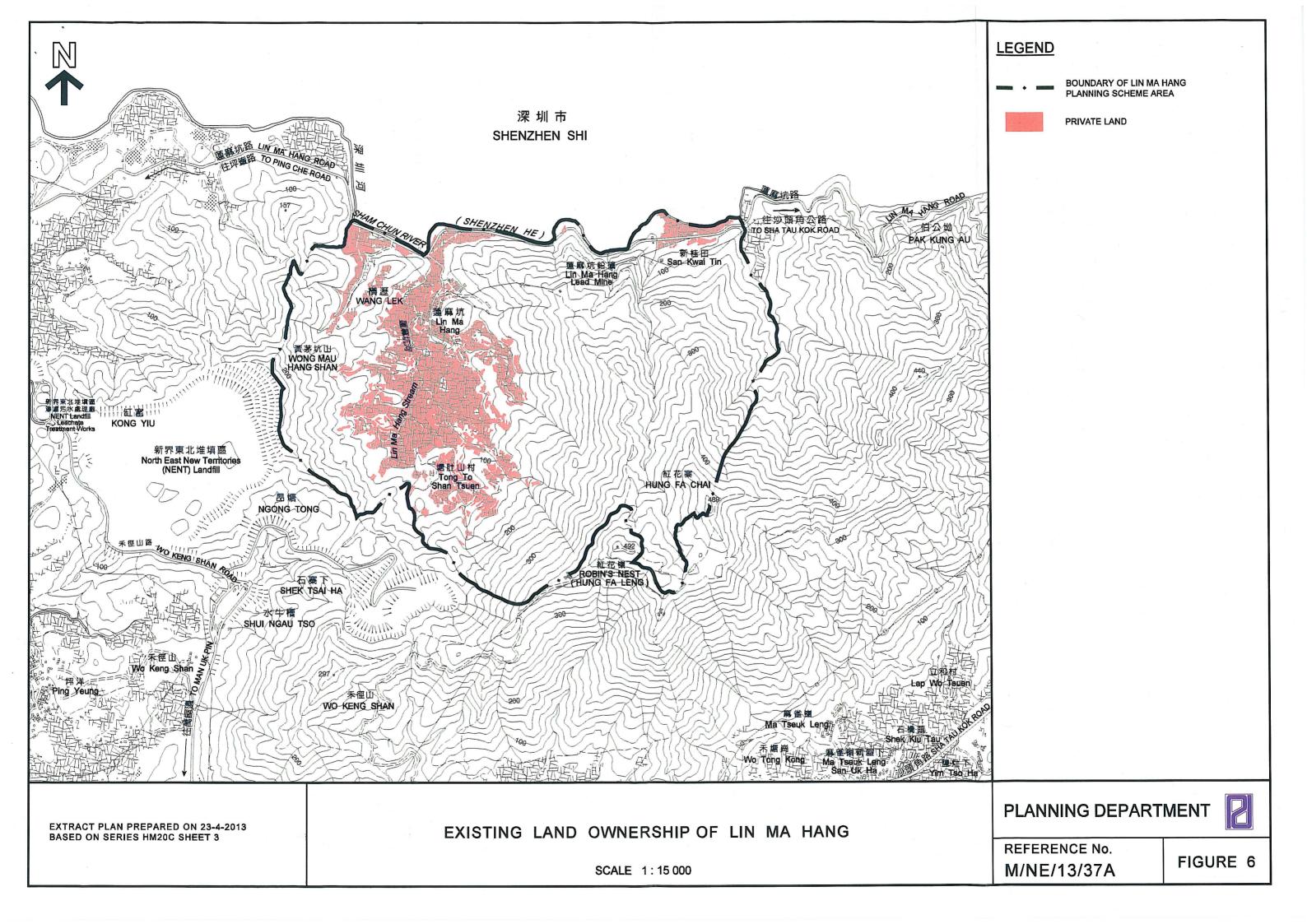


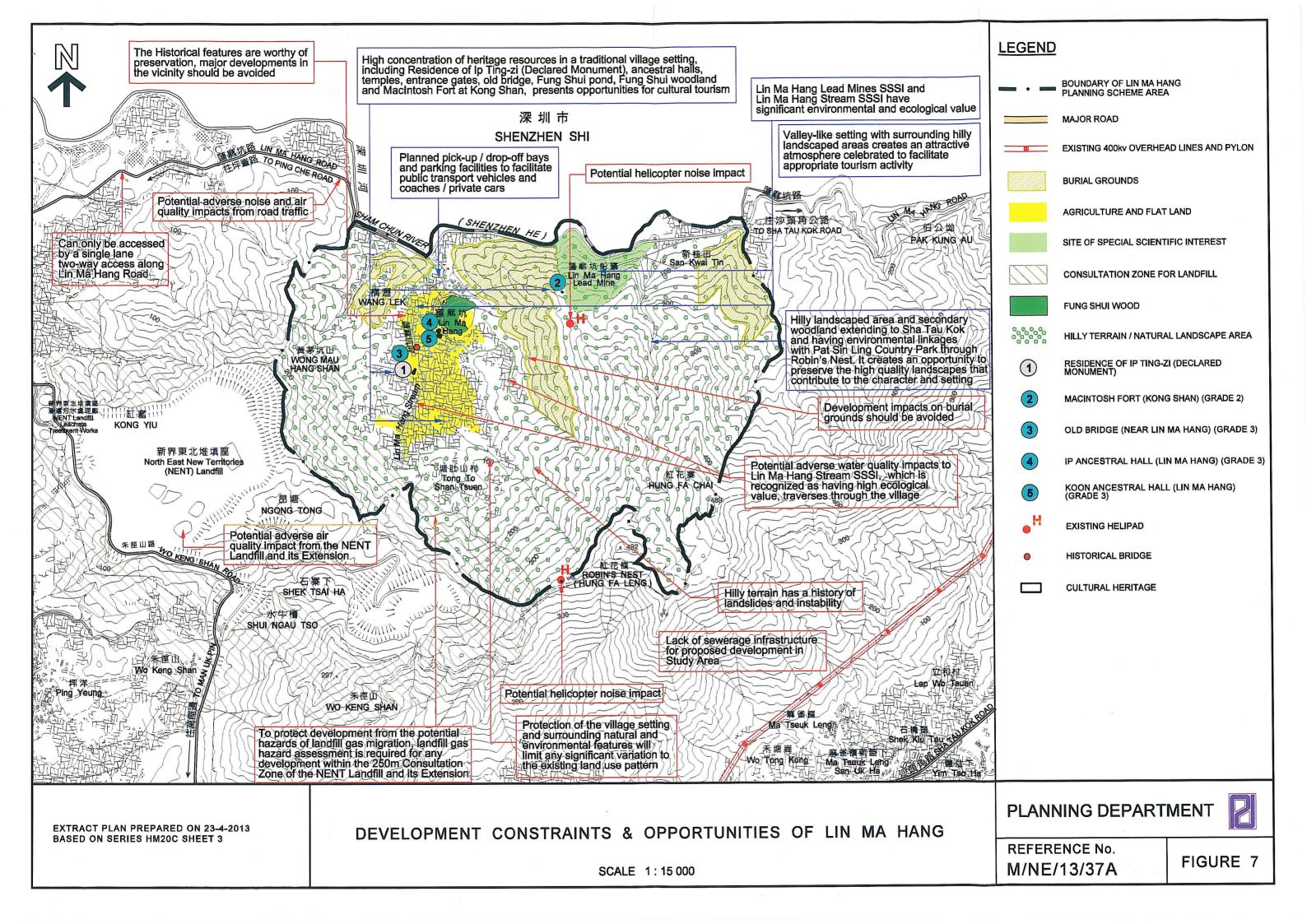


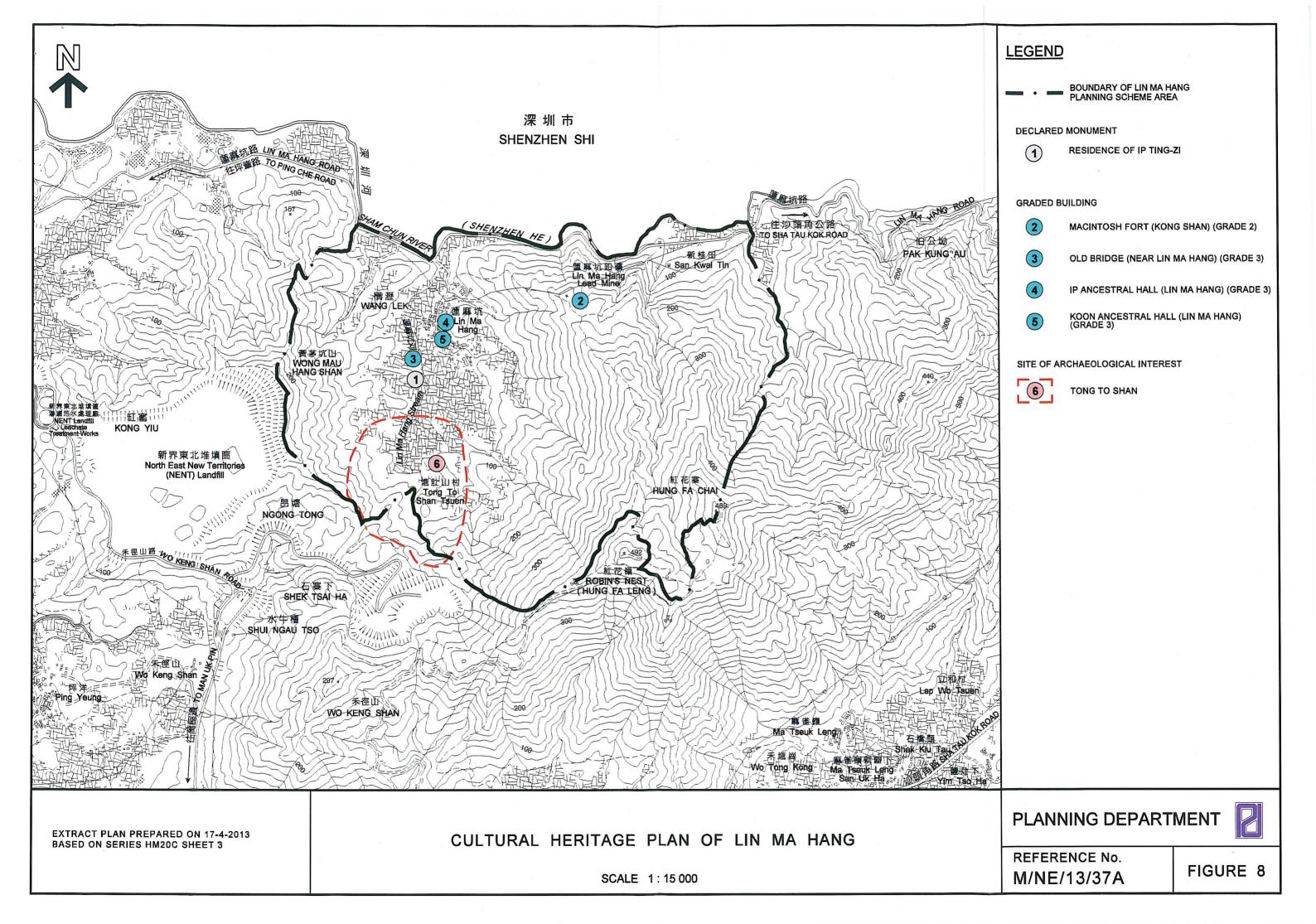


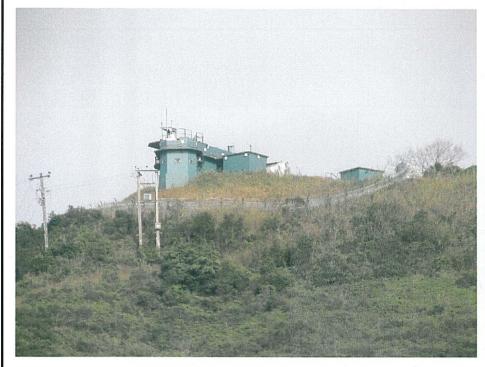












MACINTOSH FORT (KONG SHAN)
(PHOTO TAKEN ON 31-1-2013)



RESIDENCE OF IP TING-SZ (PHOTO TAKEN ON 31-1-2013)



KOON ANCESTRAL HALL (PHOTO TAKEN ON 31-1-2013)



IP ANCESTRAL HALL (PHOTO TAKEN ON 31-1-2013)



'FUNG-SHUI' POND IN FRONT OF LIN MA HANG

(PHOTO TAKEN ON 31-1-2013)



OLD BRIDGE OVER LIN MA HANG STREAM

(PHOTO TAKEN ON 31-1-2013)

'FUNG-SHUI' POND & HERITAGE ITEMS OF LIN MA HANG

PLANNING DEPARTMENT



REFERENCE No. M/NE/13/37A

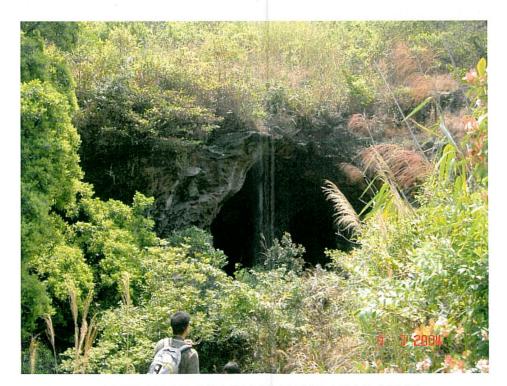
FIGURE 9



CHINESE MYOTIS



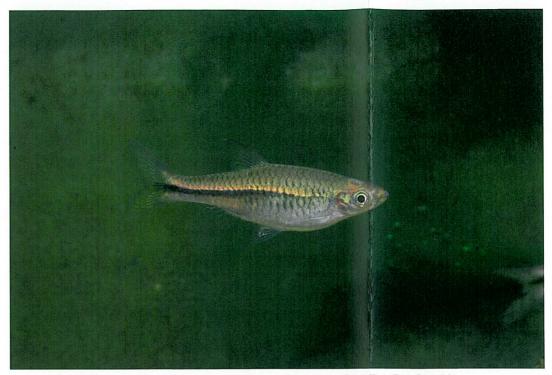
COMMON BENT-WINGED BAT - COLONY



ENTRANCE OF LIN MA HANG LEAD MINE (PHOTO TAKEN ON 9-3-2004)



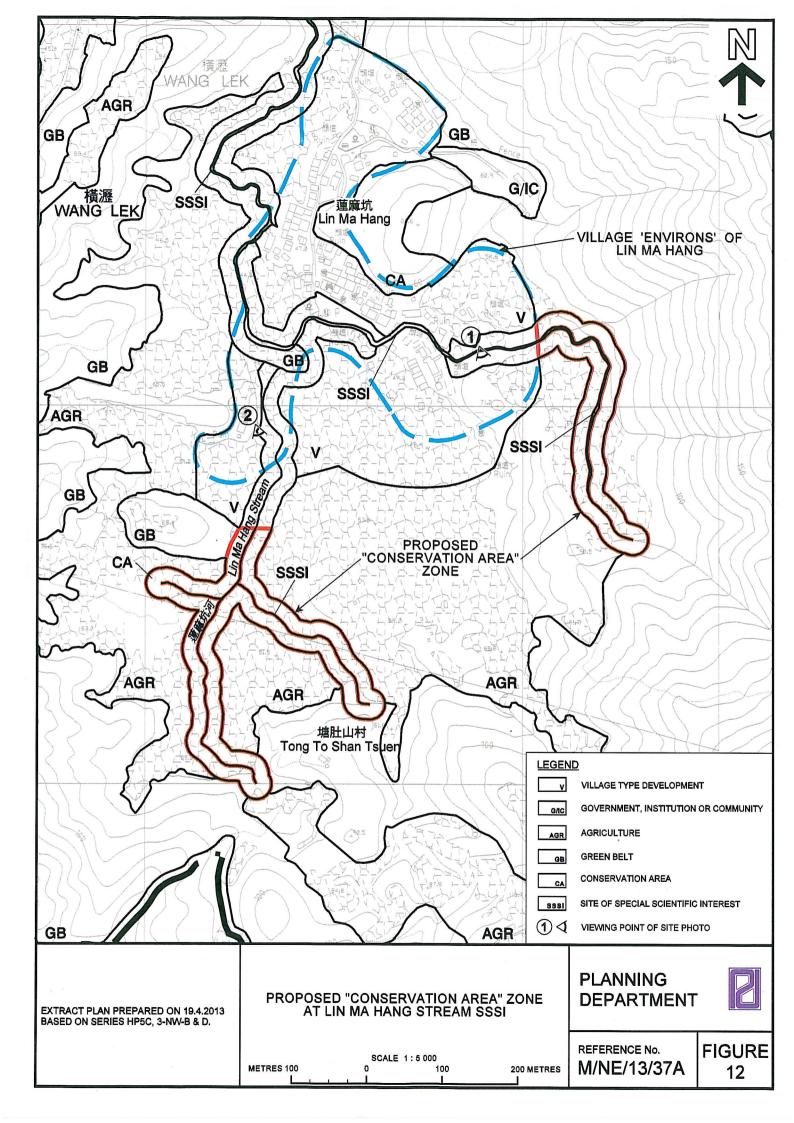
PSEUDORASBORA PARVA (TOPMOUTH GUDGEON) (PHOTO TAKEN ON 18-5-2004)



RASBORA STEINERI (CHINESE RASBORA) (PHOTO TAKEN ON 16-4-2008)



(PHOTO TAKEN ON 31-1-2013)







SITE PHOTO

PLAN PREPARED ON 23.4.2013 BASED ON SITE PHOTO TAKEN ON 31.1.2013

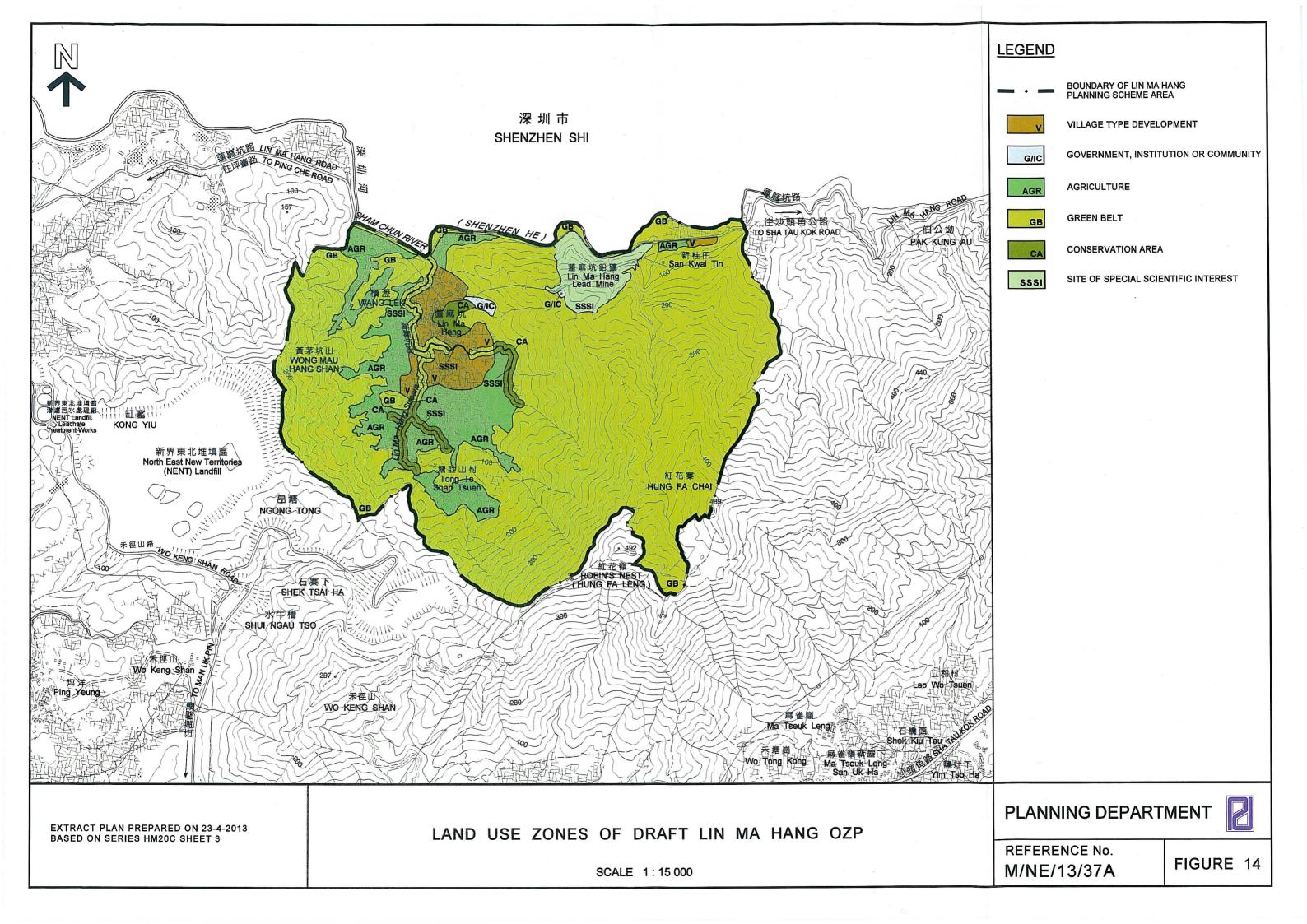
PROPOSED "CONSERVATION AREA" ZONE AT LIN MA HANG STREAM SSSI

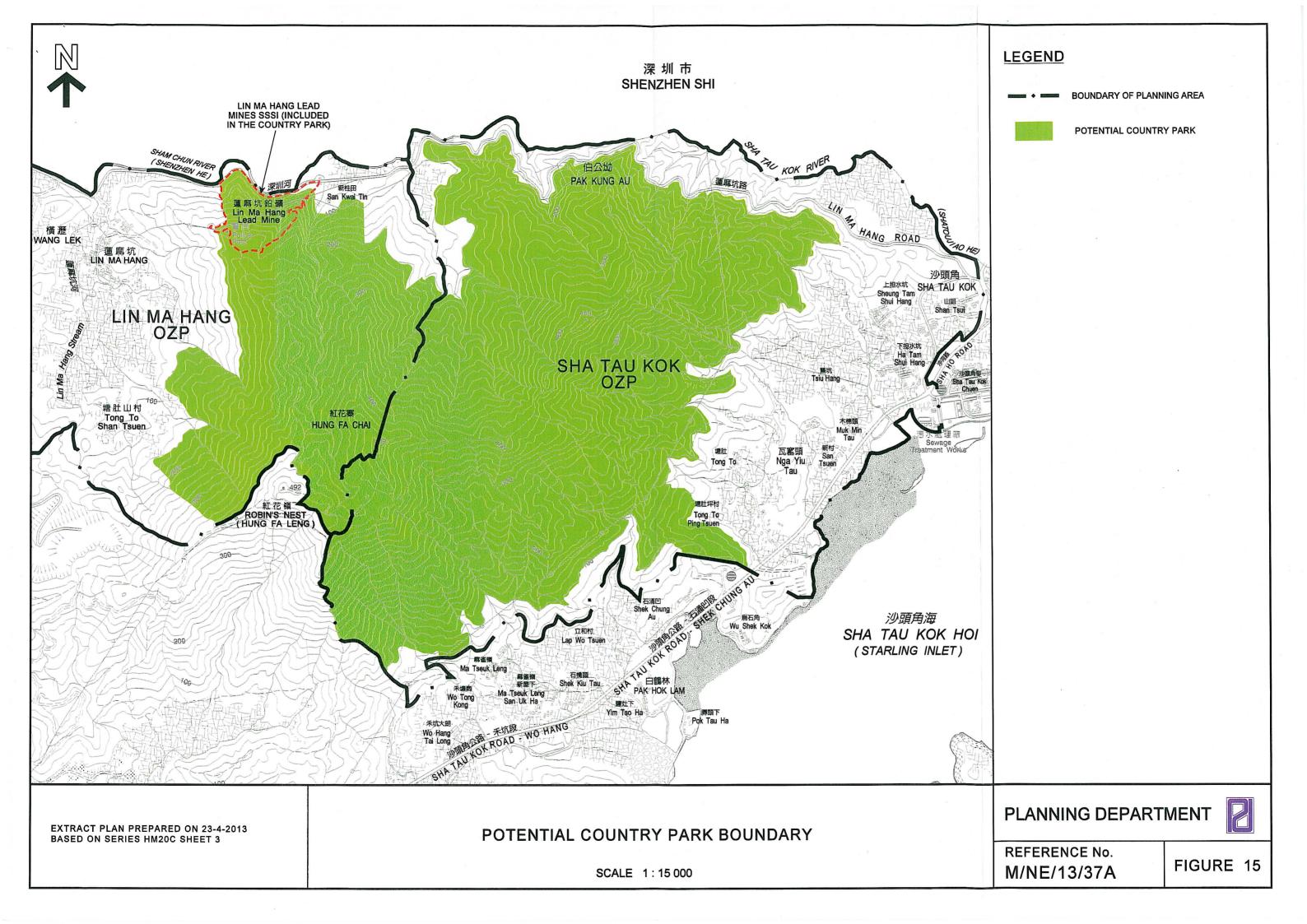
PLANNING DEPARTMENT



REFERENCE No. M/NE/13/37A

FIGURE 13





```
"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>

"'Tobi Lau'" <tlau@wwf.org.hk>

Sub Zonings in Frontier Closed Area

jec

1
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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 Lin Ma Hang Stream 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.

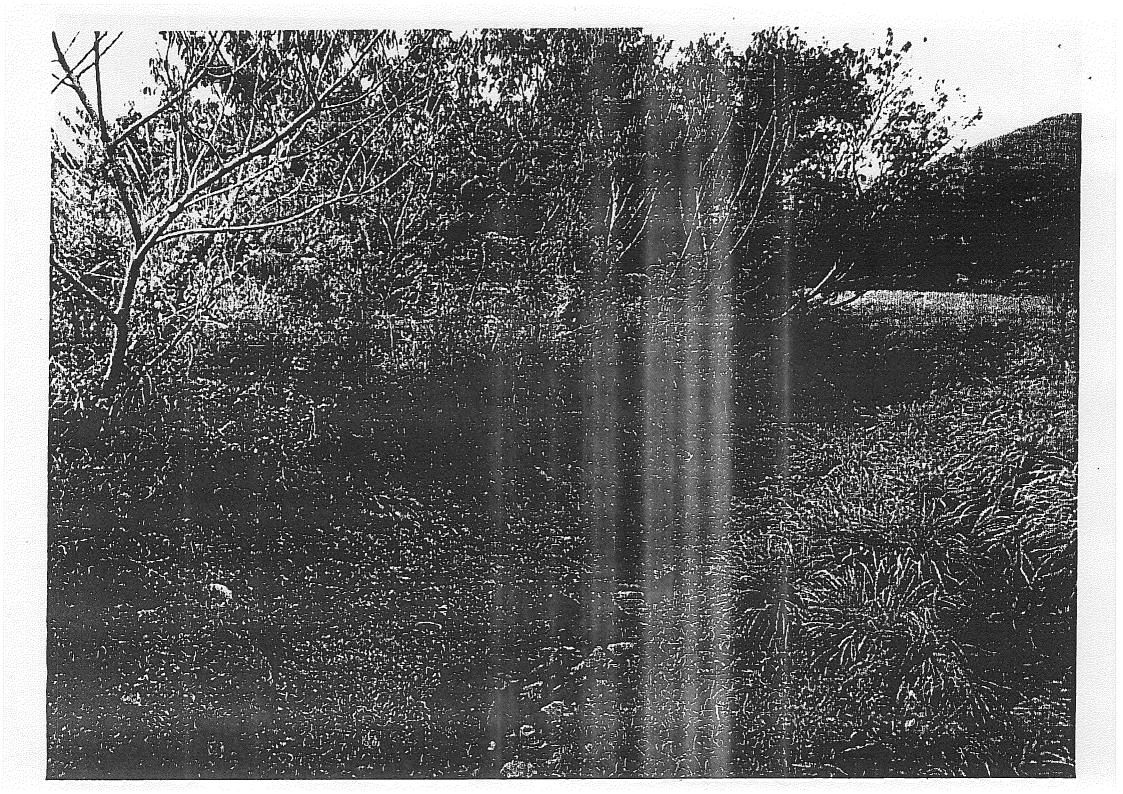
PlanD. 2010. Land Use Planning for the Closed Area - Feasibility Study (Final Report). Unpublished report submitted to Planning Department, Hong Kong Special Administrative Region.

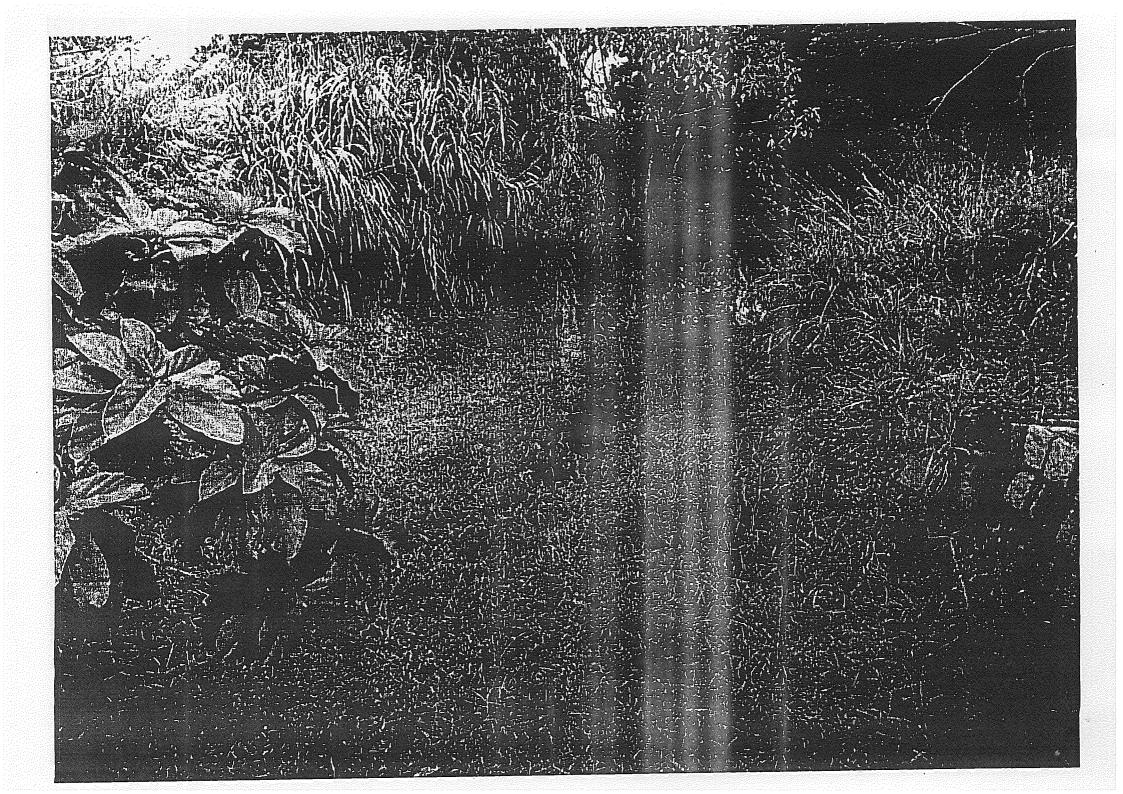
Best Regards,

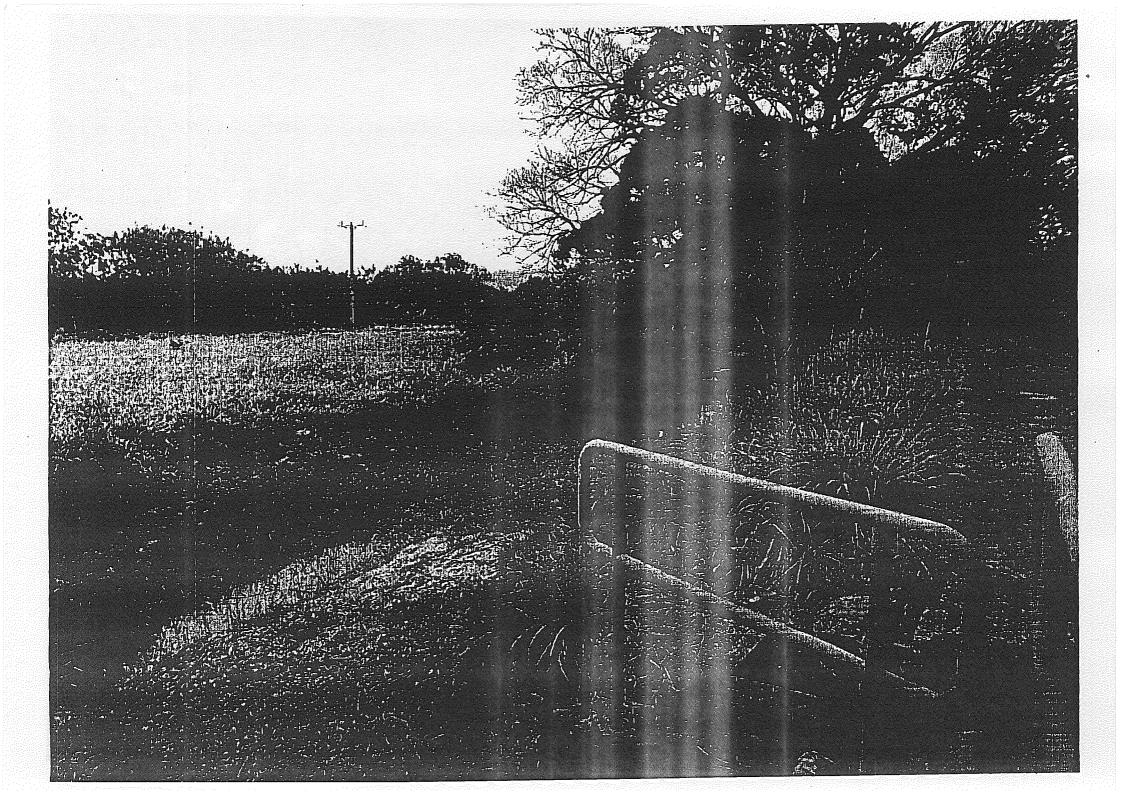
Tony Nip Senior Ecologist Ecological Advisory Programme Kadoorie Farm and Botanic Garden Corporation Lam Kam Rd., Tai Po, N.T., Hong Kong.





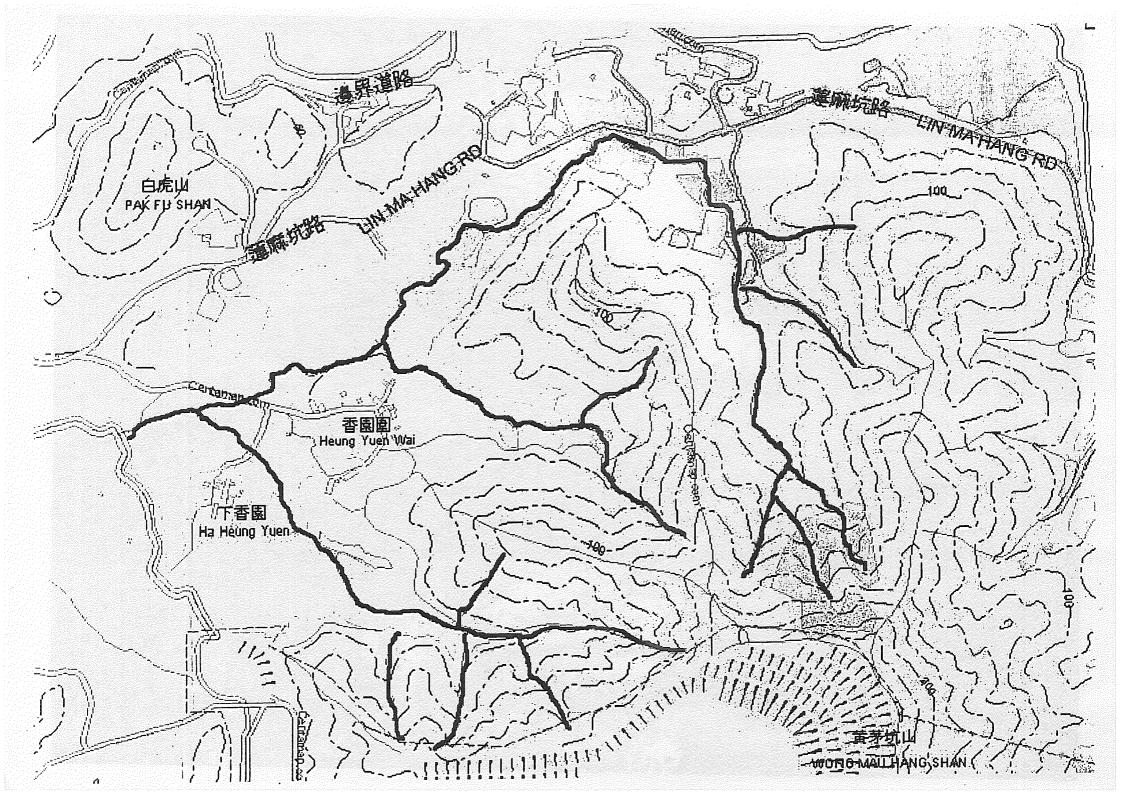






Heung Yuen Wai Stream







"Andrew Chan" <cmchan@wwf.org.hk>

To <okcchan@pland.gov.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

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

Sha Tau Kok

- 1. Riparian Zone of the Stream between Tam Shui Hang & Tong To should be "GB"
 / "AGR"
- 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. Two Fish Ponds between Starling Inlet and south of Shau Tau Kok Road should be conservation zonings
- 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".

Lin Ma Hang

- 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. Concerns on Recreational landuse at the lowland between Kan Tau Wai & Heung 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 strongly support 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.

Man Kam To

- 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
- 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. Concerns on Recreational landuse at Ta Kwu Ling Village & east of Fung Wong Wu
- 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.

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

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"Karen"
<karen@greenpower.org.</pre>
                       To <okcchan@pland.gov.hk>
                           "'Tony Nip'" <tonynip@kfbg.org>
                            "'Ming Chuan Woo'" <mcwoo@kfbg.org>
23/05/2013 下午 02:43
                            "'Debby Chan'" <debby@designinghongkong.com>
                            "'Henry'" <henry@greenpower.org.hk>
                            "'Alan Leung'" <ALeung@wwf.org.hk>
                            "'Tobi Lau'" <tlau@wwf.org.hk>
                            "Roy Ng" < roy@cahk.org.hk>
                            "Ikcheng" < lkcheng@greenpower.org.hk>
                            <dcctsang@pland.gov.hk>
                       Sub Green Power's comments on Frontier Closed Area OZPs
                       jec
                         t
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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

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

蓮蔴坑村公所

Lin Ma Hang Village Office

新界沙頭角蓬蔴坑村 Lin Ma Hang Village, Sha Tau Kok, N.T., Hong Kong

致: 規劃署

沙田、大埔及北區規劃處

有關: 蓮蘇坑村分區計劃大綱草圖編號 (S/NE - LMH/C)

敬啟者:

本村強烈反對上述大綱草圖的說明書第9.5(d) 有關『自然保育區』 (附件1)的規劃.

該條文(d)將(蓮蘇坑河……位於較高海拔)劃作【自然保育區】地帶,就該地帶本實為本村村民農田,這樣規劃即變相凍結本村土地.於2011年9月8日的城規會的會議結果,已同意河兩岸劃作為绿化地帶.對此由原農田規劃改變為綠化地帶的規劃,村民已有極大怨氣.因此,貴署若再進一步將部份河岸改作為【自然保育區】.這將再次挑起村民激動情緒,實非明智.故希望貴署全人在「得些好處須回手」的大道理前題下,作一適切的行動 ---- 就是撤回河兩岸的任何【自然保育區】一切規劃。

函件檔案 TPB/DPA/NE - LMH200

該函件內容為有關本村土地規劃並在2013年1月18日已刊憲. 唯貴署於2013年4月26日再進行黑箱作業,未有邀請本村、沙頭角鄉事會及鄉議局等代表,私自與其他利益集團私自通過會議,置土地業權人於不顧,在法治社會下,此等行徑令人心寒. 故貴署應重回正軌,尊重2011年9月8日的會議結果.

就刊憲日期為 2013 年 1 月 18 日的《蓮蘇坑發展審批地區核准圖編號 DPA/NE - LMH/2》說明書內目錄 8.5 指出根據條例第 20(5)條 「發展審批地區圖在憲報公布後有效期為三年」,意謂此項規劃條文刊憲後三年內有效. 惟於貴署於 2013 年 5 月 15 日發給沙頭角鄉事委員會文件《蓮蘇坑村分區計劃大綱草圖編號 (S/NE - LMH/C)》第 2 點背景 2.1 條文 指出《根據〈城市規劃條例〉第 20(5)條,蓮蘇坑發展審批地區圖凡法定有效期為三年,到 2013 年 7 月 30 日便屆滿》,查《蓮蘇坑發展審批地區核准圖編號 DPA/NE - LMH/2》是於 2013年 1 月 18 日首次刊憲,根本無可能在貴署於 2013 年 5 月 15 日發給沙頭角鄉事委員會文件《蓮蘇坑村分區計劃大綱草圖編號 (S/NE - LMH/C)》說此條文到 2013 年 7 月 30 日便屆滿,這是全心欺瞞本村村民、難怪貴署於 2013 年 4 月 26 日忽忽通過【黑箱會議】後,立刻村民、難怪貴署於 2013 年 4 月 26 日忽忽通過【黑箱會議】後,立刻

交予地區咨詢,而想草草通過.可悲的是規劃署竟淪為一些極端環保組織及漁農自然護理署的橡皮圖章.一個聽取民意而公正作適切於社會的規劃部門卻有負市民的期望.請不要再欺壓我們,三年有效期應是首次刊憲後計算,即2013年1月18日起至2016年1月17日.(附件2)

在《蓮蘇坑村分區計劃大綱草圖編號 (S/NE - LMH/C)》說明書第9項土地用途地帶9.1「鄉村式發展」的(d)項是新加項目.本村在此向貴署正式提出嚴正及強烈抗議.規劃署在增加條文的處理手法上是有欺騙之意圖.因將舊條文改作(e)項,而新的條文則插入(d)項.更重要者為增減條文未有另外列明,有暗渡陳倉之圖.(附件3)

在(d)條文中,指出貼近河15米範圍內申請小型屋宇必須咨詢相關部門(包括規劃署及漁農自然護理署).據本人理解,有此條文等同村民無得申請興建小型屋宇.本村現有VZone土地已經嚴重不足,因此(d)項條文所涉及土地面積巨大,令本村的VZone土地更形細少,本村成年村民更無處立錐.故本村村民一致反對此(d)項條文,必須撤去.

蓮蔴坑村公所主席暨原居民代表葉華清



副主席暨原居民代表葉漢雄

聯絡人: 葉華清 95867010

日期: 2013年5月21日

副本抄送: 新界鄉議局

新界北區民政事務處

新界北區區議會

城市規劃委員會

發展局

民政事務局

規劃署

新界沙頭角鄉事委員會

沙頭角區分區計劃大綱草圖會議

會議記錄

2013年5月15日

I. 召開會議

李冠洪主席 召開沙頭角區分區計劃大綱草圖會議會議時間 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. 點名

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:

沙頭角禁區及蓬麻坑: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)

鎖羅盆大綱草圖 : 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

鎮羅盆 共 16 人 蕉坑村 共 2 人 塘肚村 共 1 人

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 大綱草圖 (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』

<u>徐國新村長</u>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『綠化地帶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『綠化地帶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>季冠洪主席</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。

<u>李冠洪主席</u>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。

<u>張玉麟先生(沙頭角農莊)</u>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。

<u>陳冠昌先生</u>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>丘天仁村長</u>表示以往有實例可與建房屋,為什麼現在不可以,是否因人事上問題不是 政策問題。

<u>季冠洪主席</u>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<u>丘</u> 天仁村長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。

陳冠昌先生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宇發展地帶。

葉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『綠化地帶 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『綠化地帶 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>季冠洪主席</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. <u>鎮羅盆 大綱草圖 (S/NE-SLP/D)</u>

<u>吳育民先生</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>季冠洪主席</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。

鎮羅盆女村民表示城市規劃應以人為本,早前被迫離開自己鄉村出外工作,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?

鎮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>首玉安村長</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。

吴育民先生表示

- 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。

曾玉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。

<u>李冠洪主席</u>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。

*會鐵結束時間 14:10 * *

會議記錄提交者: 嚴雪芳 22-5-2013

會議記錄核准者

生席李冠洪

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

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	. 0
下禾坑	李炳華首副主席	6
担水坑	溫華安副主席	Den 3
梅子林	曾玉安(總務及財務)	Jo panj. &
担水坑	徐國新(福利及衛生)	海城里 0
,山咀	巫納新(文教)	

	葉華清	-200 B
蓮麻坑	禁長風	FELL RE
	莱漠雄	美(美丽) (1)
新村	藍天生	
	丘天仁	丘天仁 0
山咀 -	丘國峯	
	丘桂煌	1分程大多 (1)

担水坑	温新友	123年夏日
	徐國勝	
塘肚	丘文清	<u> </u>
	張玉剛	30×744 (3)
鎖羅盆	黄冠明	4 mon (
#MONEY CONTRACTOR OF THE PROPERTY OF THE PROPE	·	

<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

鄉村/機構部門	,姓名	出席簽署
大幅胡	湖台江也	
木群强及货机	黄河	530
愈级	英等作了	LA W
件乘动料	智慧文	2 1
新村	位天作一人	丘天仁
药校药材	着更出	
型水村	为多伦	
1,00 40	鱼样约	
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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

鄉村/機構部門	姓名	出席簽署
额额盈利	黄慶锋	黄岩峰
革展 坑村	变彩始	李载烟
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莲就北	葉志郷	对方馆
運動机		
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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

鄉村/機構部門	姓名	出席簽署
鎖騷惫	黄佑民.	9.02
樹羅盔	黄冠新	艺彩彩
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鎖魔岛	黄酚芬	黄端杏
類雖為	黄端冰	黄端水
鎖羅盆	黄瑞婷	黄瑞婷
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TOWN PLANNING BOARD

Matter Arising Item No. 2 For Consideration by The Town Planning Board on 12.7.2013

DRAFT LIN MA HANG OUTLINE ZONING PLAN (OZP) NO. S/NE-LMH/D FURTHER CONSIDERATION OF A NEW PLAN

DRAFT LIN MA HANG OUTLINE ZONING PLAN NO. S/NE-LMH/D FURTHER CONSIDERATION OF A NEW PLAN

1. Background

On 28.6.2013, the Town Planning Board (the Board) gave further consideration to the draft Lin Ma Hang Outline Zoning Plan (OZP) No. S/NE-LMH/D (the Plan) and agreed that the Plan and its Notes are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Upon further checking, it was found that there were some typographical mistakes in the Notes for the "Green Belt (1)" and "Conservation Area" zones. There is a need to seek the Board's agreement to rectify the mistakes before gazetting of the draft OZP.

2. Revisions to the Notes of the Plan

Revisions to the Notes are related to the amendment to the Schedule of Uses under the "Green Belt (1)" and "Conservation Area" zones. The revisions are outlined below and shown on **Appendix Ia** and **Appendix Ib** respectively in revised mode:

"Green Belt (1)" Zone

2.1 According to the Covering Notes of the Plan, provision of plant nursery is a use that is always permitted on land falling within the boundaries of the Plan. To avoid confusion, it is necessary to revise the 'Agricultural Use (other than Plant Nursery)' to 'Agricultural Use' under Column 1 of the "Green Belt (1)" zone (**Appendix Ia**).

"Conservation Area" zone

2.2 As agreed by the Board on 26.4.2013 upon preliminary consideration of the draft Plan, 'Agricultural Use (other than Plant Nursery)' and 'On-Farm Domestic Structure' should be permitted as of right under "Conservation Area" zone of the Notes to the Plan as they were considered compatible with the rural character and surrounding environment. Whilst there should be no further proposed amendment to the Notes of the "CA" zone, 'Agricultural Use (other than Plant Nursery)' and 'On-Farm Domestic Structure' were

- 2 -

inadvertently placed under Column 2 in the submission to the Board on 28.6.2013. It is therefore necessary to rectify the mistake by reverting to the version as agreed by the Board on 26.4.2013 (**Appendix Ib**).

3. <u>Decision Sought</u>

Members are invited to agree to the revised Notes of the Plan (**Appendices Ia** and **Ib**) for exhibition for public inspection under section 5 of the Ordinance.

4. <u>Attachments</u>

Appendix Ia Revision to the Schedule of Uses of the "Green Belt (1)" Zone of

the draft Lin Ma Hang Outline Zoning Plan No. S/NE-LMH/D

Appendix Ib Revisions to the Schedule of Uses of the "Conservation Area"

Zone of the draft Lin Ma Hang Outline Zoning Plan No.

S/NE-LMH/D

PLANNING DEPARTMENT JULY 2013

S/NE-LMH/D

GREEN BELT (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 (Other Than Plant Nursery)

Nature Reserve Nature Trail

On-Farm Domestic Structure

Picnic Area

Tent Camping Ground

Wild Animals Protection Area

Barbecue Spot Burial Ground

Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified)

Holiday Camp

House (Redevelopment Only)

Public Convenience Public Utility Installation

Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

Rural Committee/Village Office Utility Installation for Private Project

(please see next page)

S/NE-LMH/D

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)
Nature Reserve
Nature Trail
On-Farm Domestic Structure
Wild Animals Protection Area

Agricultural Use (other than Plant Nursery)
Field Study/Education/Visitor Centre
Government Refuse Collection Point
Government Use (not elsewhere specified)
House (Redevelopment only)
On Farm Domestic Structure
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 such as Site of Special Scientific Interest 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.