

TOWN PLANNING BOARD

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**DRAFT TO KWA PENG AND PAK TAM AU
OUTLINE ZONING PLAN NO. S/NE-TKP/B
PRELIMINARY CONSIDERATION OF A NEW PLAN**

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1. Purpose

The purpose of this paper is to present to Members the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B (the Plan) and to seek Members' agreement that the Plan is suitable for submission to the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) for consideration.

2. Background

- 2.1 On 13.12.2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a Development Permission Area (DPA) Plan for the To Kwa Peng and Pak Tam Au area.
- 2.2 On 7.1.2011, the draft To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/1 was exhibited for public inspection under section 5 of the Ordinance. During the plan exhibition period, a total of 206 representations and 227 comments were received. After giving consideration to the representations and comments on 15.7.2011, the Town Planning Board (the Board) decided not to meet the representations and not to propose any amendment to the draft DPA Plan.
- 2.3 On 7.2.2012, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft To Kwa Peng and Pak Tam Au DPA Plan, which was subsequently renumbered as DPA/NE-TKP/2. On 17.2.2012, the approved To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 Pursuant to section 20(5) of the Ordinance, the To Kwa Peng and Pak Tam Au DPA Plan is effective for a period of 3 years until 7.1.2014. As such, an OZP has to be prepared to replace the DPA Plan in order to maintain statutory planning control over the To Kwa Peng and Pak Tam Au area upon expiry of the DPA Plan.
- 2.5 On 30.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the To Kwa Peng and Pak Tam Au area.

3. Planning Context

- 3.1 The To Kwa Peng area is located in the south side of Ko Tong Hau at the north-western edge of the Sai Kung East Country Park. It is accessible by a walking trail off Pak Tam Road or along the coast from the west and by marine access off a small pier fronting Ko Tong Hau and Long Harbour.
- 3.2 The Pak Tam Au area is located along Pak Tam Road at the western edge, integral with Sai Kung East Country Park. It is accessible by vehicle via Pak Tam Road and by walking trails connected to the Sai Kung East Country Park.
- 3.3 The To Kwa Peng area is of rural landscape character which comprises mainly fallow agricultural land and surrounded by shrubs and woodland. Mudflats and significant mangroves define the larger northern cove of To Kwa Peng. A natural stream near the western boundary of the To Kwa Peng area is flowing from south to north towards Ko Tong Hau. There is a small recognized village with a few Small Houses and fallow agricultural land near to the hillside slope toe but without direct access road. The To Kwa Peng area has high landscape value that the unique coastal landscape creates a natural shelter surrounded with vegetated knolls. However, some areas (about 0.5 ha) to the north-west of the village cluster has already disturbed by vegetation clearance, which have regenerated with wild grasses and shrubs. Site inspection revealed that there was recent tree felling near the pier.
- 3.4 The enclosed, tranquil and rural character and woodlands of the Pak Tam Au area has a high landscape value which complements the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. Vegetation comprises woodland and scrub on lower valley sides and the woodland forms part of well-established vegetation in the Sai Kung East Country Park. The recognized Pak Tam Au village comprises pockets of terraced fallow agricultural land surrounded by the vegetated slope with some areas (about 3 ha) already disturbed by vegetation clearance in the central and southern parts of the area. The Pak Tam Au area has high landscape value. The landscape comprises a juxtaposition of distinct landscape character areas.

4. Issues Arising from Consideration of the DPA Plan

- 4.1 During the consideration of the representations to the draft DPA Plan on 15.7.2011, the following proposals from major groups were put forwarded for the Board's consideration:
 - (a) Environmental concern groups¹ suggested that the whole To Kwa Peng and Pak Tam Au area or the ecologically and environmentally sensitive areas such as the coastal area and mangrove community, *fung shui* woodland and secondary forest and natural stream be designated for conservation purpose including "Coastal Protection Area" ("CPA"), "Conservation Area" ("CA") and "Green Belt" ("GB") zones; and

¹ Environmental concern groups include Designing Hong Kong, The Hong Kong Bird Watching Society, WWF Hong Kong, The Conservancy Association, Kadoorie Farm & Botanic Garden Corporation.

- (b) Local villagers suggested that the central and north-western parts of Pak Tam Au be designated as “Village Type Development” (“V”) for Small House developments, the area near the hill to the north of Pak Tam Au designated as “Government, Institute or Community” (“G/IC”) for the development of community centre for clubhouse and recreational purposes, and the southern area as “Agriculture” (“AGR”) for agricultural rehabilitation by the overseas returnees for Pak Tam Au.
- 4.2 While the Board decided not to meet the representations and not to propose any amendment to the draft DPA Plan, it was agreed that there was a need to strike a balance between environmental conservation and sustainable development of the Area which would be taken into account in the preparation of the future OZP.

5. Object of the Plan

The object of the Plan is to indicate the broad land-use zonings for 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.

6. The Planning Scheme Area

- 6.1 The Planning Scheme Area (the Area), which comprises two sub-areas, namely the To Kwa Peng area (about 9.77 hectares) and the Pak Tam Au area (about 15.19 hectares), covers a total area of about 24.96 hectares. The Area is encircled by the Sai Kung East Country Park in the east and Pak Tam Road and Sai Kung West Country Park in the west. The boundary of the Area is shown by a heavy broken line on the Plan (**Appendix I**).

To Kwa Peng

- 6.2 The To Kwa Peng area is located along the natural coast overlooking Ko Tong Hau at the north-western edge of the Sai Kung East Country Park about 12 km to the north-east of Sai Kung Town. It is accessible by a walking trail off Pak Tam Road or along the coast from the west and by marine access off a small pier fronting Ko Tong Hau and Long Harbour.
- 6.3 The To Kwa Peng area is rural in character comprising mainly fallow agricultural land surrounded by shrubs and woodland. While To Kwa Peng is a recognized village, the area is basically uninhabited with some ruins and a row of about 7 village houses in dilapidated condition. To the west of these houses is a stretch of fallow agricultural land. The surrounding areas have some signs of previous excavation and site formation works but the area has regenerated with scattered wild grasses and shrubs. There are graves located to the south on the hillslope along the southern boundary of the area.

- 6.4 There is a natural stream near the western boundary of the To Kwa Peng area flowing from south to north towards Ko Tong Hau. Estuarine mangrove and mudflat habitats are found along the coast fronting Ko Tong Hau. According to the Agriculture, Fisheries and Conservation Department (AFCD), uncommon species of mangroves, *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) are found in this mudflat. Existing physical features with the village 'environs' ('VE') for To Kwa Peng is shown on **Plan 1a**.

Pak Tam Au

- 6.5 The Pak Tam Au area, which falls entirely within an upper indirect water gathering ground, is located along Pak Tam Road at the western edge of the Sai Kung East Country Park about 500m to the south of the To Kwa Peng area. It is accessible by vehicle via Pak Tam Road and by walking trails connected to the Sai Kung East Country Park. There are bus and mini bus routes operating between Sai Kung Public Pier and Pak Tam Au.
- 6.6 With a scenic setting, the area is rural in character comprising mainly fallow agricultural land at the centre surrounded by shrubs and woodland. Pak Tam Au is a recognized village with about 12 village houses up to three storeys in height in fair to good condition. A short local track connects these houses with Pak Tam Road.
- 6.7 The central part of the area comprises pockets of terraced fallow agricultural land overgrown with grass and shrubs surrounded to its north and south by slopes covered with woodland and dense natural vegetation. The woodland forms part of the well-established vegetation in the Sai Kung East Country Park. Some graves are found at the small hill at the south-western corner of the area. There is a partially trained stream running across the central portion of the area from the slope in the east towards the west.
- 6.8 The tranquil rural character and woodlands of Pak Tam Au has a high landscape value which complements the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. The area, with a section of Maclehose Trail and Pak Tam Country Trail running across its northern and southern regions, is a popular spot for hikers. Existing physical features with the 'VE' for Pak Tam Au is shown on **Plan 2a**.

7. Development Proposals Received in the Course of Preparation of the Plan

- 7.1 Since the gazettal of the draft DPA Plan on 7.1.2011, and in the course of preparing the Plan, two specific planning proposals and 22 planning applications have been received. Also, some views/proposals were received from informal meetings/site visits with concerned parties. These proposals are summarised below:

Specific planning proposals

- (a) For To Kwa Peng, the relevant indigenous inhabitant representative (IIR) submitted a proposal on the “V” zone boundaries. He proposes to zone all the private land within the 300-foot ‘VE’ and part of the private land beyond the ‘VE’ as “V” (**Figure A of Appendix V**).
- (b) For Pak Tam Au, AF Architecture & Planning Consultants Ltd submitted sustainable development planning and ecological conservation proposals, which comprise a total of 76 nos. of Small Houses, open space with an eating place, a youth hostel, an organic hobby farm, and an ancillary car park, etc., with an access road/ emergency vehicular access (EVA), two communal sewage treatment plants (STPs) and landscape planting (**Figures B and C of Appendix VI**).

Views/proposals from informal meetings/site visits with concerned parties

- (c) The local villagers are of the view that there is a need to strike a balance between development and conservation and adequate land should be designated to meet their Small House demand.
- (d) Environmental concern groups² suggested that the future OZP should focus on conservation and the proposed “V” zone should be confined to the existing ruins of structures and its surrounding areas while the ecologically sensitive areas should be preserved and protected. Also, conservation zonings such as “CA” and “CPA” are preferred for the secondary woodland extending from the Country Parks, natural streams and coastal areas including the mangrove/freshwater marshes thereat. Adequate buffer zones should also be provided on both sides of natural streams.
- (e) Kadoorie Farm & Botanic Garden Corporation has also provided the information on the important habitats in the Area. In this regard, AFCD has no comment on the information on the rare and protected species as it is based on the previous record of Kadoorie Farm & Botanic Garden Corporation.

7.2 The planning assessments of the two specific proposals are at **Appendices V and VI respectively**. Since the Area is part of the wider natural system of the Sai Kung East Country Park, Small House development will be concentrated at suitable location so as to preserve the rural character of the Area. In preparing the draft OZP and delineating the various zones such as “CPA”, “CA”, “GB”, “V”, etc., the views conveyed in the above proposals have been taken into account. Details will be explained in paragraph 8 below.

² See footnote 1.

- 7.3 A total of 22 planning applications in the Area were received before, with 15 for NTEH (Small House) and seven for rebuilding of NTEH (non-Small House). Twelve applications were subsequently withdrawn. Amongst these, one planning application (No. A/DPA/NE-TKP/1) for three Small House developments at the Pak Tam Au area was approved with conditions in July 2011 mainly on the ground that given the special circumstances of the case, where Certificate of Exemption (C of E) for the three Small Houses had been issued six years ago, and concerned Government departments, including the Water Supplies Department (WSD) and the Environmental Protection Department (EPD) had no objection to the application subject to imposing relevant approval conditions. Six planning applications for Small Houses in Pak Tam Au and three planning applications for Small Houses in To Kwa Peng were rejected mainly on, *inter alia*, adverse environmental impacts on the surrounding areas. Details of the applications are summarized at **Annex A of Appendix IV** and their locations are shown on **Plans A(i) and A(ii)**.

8. Land Use Planning Consideration

Environmental and Conservation Considerations

To Kwa Peng (Plans 1a to 1d and photos on Figures 5c to 5h of Appendix IV)

“Conservation Area” (“CA”)

- 8.1 According to AFCD, To Kwa Peng is mainly covered by wooded areas, bare ground and village houses. The wooded areas adjacent to the Sai Kung East Country Park are relatively undisturbed and ecologically-linked to the natural habitats therein. The *fung shui* woodland behind the village remains largely intact with a dense canopy (**Photos 4 and 5 on Figure 5d of Appendix IV**). A high diversity of flora species (96 species), including the protected *Aquilaria sinensis* (土沉香) and *Pavetta hongkongensis* (香港大沙葉), has been recorded. *Aquilaria sinensis* (土沉香) has also been recorded in the woodland at the knoll northeast of the *fung shui* woodland. Though most of the species recorded in the subject site are common and widespread, To Kwa Peng has been identified as a butterfly hotspot with over 40% of the local species recorded, including the very rare *Choaspes hemixanthus* (半黃綠弄蝶), and the rare *Zographetus satwa* (黃裳腫脈弄蝶) and *Aburachia davidii* (白弄蝶).
- 8.2 AFCD recommends that the “CA” zoning should not only cover the *fung shui* woodland, but also the woodland on the eastern side of the area and the woodland adjoining the Sai Kung East Country Park along the southern and western boundary of the area. This “CA” zone mainly consists of relatively undisturbed native woodland adjacent to the Country Park (**Plans 1b to 1d**).

“Coastal Protection Area” (“CPA”)

- 8.3 For the coastal areas, AFCD comments that the natural mudflat on the coast supports dense mangrove stands comprising seven species of mangroves, including the uncommon *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李). Two seagrass species, *Halophila minor* (小喜鹽草) and *H. ovalis* (喜鹽草) have also been recorded at the mudflat. The area is one of the most species-rich sites in Hong Kong with respect to mangrove fauna, with a total of 52 species recorded (**Figures 5e and 5f of Appendix IV**). The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advises that some wetland plants, such as *Kandelia canel* (水筆仔), *Heritiera littoralis* (銀葉樹), *Glochidion zeylanicum* (香港算盤子), etc., are found along the eastern coast of To Kwa Peng and along two sides of the existing footpath. According to the Landscape Value Mapping of Hong Kong (2005), the To Kwa Peng area is of a high landscape value of rural character with scenic setting (**Figure 5c of Appendix IV**).
- 8.4 It is recommended to zone the coastal areas along Ko Tong Hau as “CPA” in order to conserve the coastal habitats and provide visual buffer to the scenic coastline (**Plans 1b and 1c**). The seaward boundary of the proposed “CPA” zone as shown on **Plan 1d** coincides with the coastline and the existing pier while the western landward boundary has been drawn up making reference to the topographic features and site conditions, including footpath and natural vegetated slopes. The eastern boundary of this proposed “CPA” zone is contiguous with the boundary of the “CA” zone proposed above. The “CPA” zone primarily consists of the natural coast, estuarine, mangrove, backshore vegetation and the existing pier, etc., with the objective to comprehensively preserve the coastal landscape and minimize the adverse impact from village development. It should be noted that since two existing village houses are located in the middle of the coastal area near the pier (**Figure 5g of Appendix IV**), it would not be appropriate to exclude these structures and the adjoining areas from the “CPA” zone. Future proposed redevelopment of these houses would require planning permission from the Board.

“Green Belt” (“GB”)

- 8.5 The area to the west of the existing village cluster of To Kwa Peng mainly comprises relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land (**Plans 1b and 1c**). A natural stream passes through this woodland/ shrubby grassland from the south to the semi-enclosed coast of Ko Tong Hau with limited tidal flush in the north where abundant mangroves and backshore vegetation are found as detailed in the preceding paragraphs. AFCD comments that maintaining a buffer between the natural stream and the village is desirable from nature conservation point of view. On the landscape aspect, CTP/UD&L, PlanD advises that the natural stream is a significant landscape resource, particularly the estuarine area of this stream which supports mangroves and adjacent coastal plants and provides high coastal landscape scenery value (**Figures 5e to 5h of Appendix IV**). Besides, there are abundant trees and vegetation along both sides of this stream. As the natural stream together with the adjoining shrubland and young woodland as well as the estuarine area constitute distinctive landscape resources, there is a need to impose planning control against undesirable village expansion in close proximity to the stream so as to safeguard the integrity of the existing landscape settings.

- 8.6 It is proposed to designate the natural stream and the adjoining areas mainly occupied by shrubland and young woodland as “GB” so as to provide a buffer between the village development/ expansion and conservation areas or Country Park (**Plan 1d**). The proposed “GB” zone would provide planning control against undesirable encroachment of village expansion upon the natural stream and adjoining shrubland and young woodland thereby preserving the distinctive natural settings and landscape value. The western edge of the proposed “GB” zone coincides with the adjoining Sai Kung East Country Park whereas the northern and southern boundaries are adjacent to the “CPA” and “CA” zones proposed above. For the eastern boundary of the “GB” zone, since there are no distinctive topographical features or site conditions, such as footpath or natural slopes, etc, a set-back distance of 20m from the natural stream has been proposed. In this regard, AFCD and CTP/UD&L, PlanD support the proposed “GB” zone, which is considered appropriate and sufficient to form a buffer from nature conservation and landscape perspectives.

Pak Tam Au (Plans 2a to 2d and photos on Figures 5i to 5l of Appendix IV)

“Conservation Area” (“CA”)

- 8.7 According to AFCD, the Pak Tam Au area is mainly covered by wooded areas, bare ground and village houses. A partially disturbed *fung shui* woodland is found behind the village with a moderately high diversity of flora species (62 species), including the protected *Pavetta hongkongensis* (香港大沙葉). The well-wooded periphery of the area is ecologically-linked to the wide stretch of natural vegetation in the Sai Kung East Country Park though most of the fauna recorded therein are common and widespread species. AFCD recommends “CA” zoning for the *fung shui* woodland and the woodland adjoining the Sai Kung East Country Park along the boundary of the whole area except the permitted burial ground for indigenous villagers at the southwest. The areas recommended for “CA” zoning consist of relatively undisturbed, native woodland. The “CA” zone will also serve as a buffer between the village area and the Sai Kung East Country Park adjoining the OZP boundary (**Plans 2b and 2c**). The outer boundary of the proposed “CA” zone as shown on **Plan 2d** follows the boundary of the adjoining Sai Kung East Country Park in the north, east and south, Pak Tam Road in the west and the permitted burial ground for indigenous villagers at the southwest while the inner boundary has been drawn up having regard to the existing village cluster, topographical features and site conditions, including footpath, channelized stream and ponds, etc.

“Green Belt” (“GB”)

- 8.8 To reflect the traditional burial ground at the southwestern vegetated knoll of Pak Tam Au, it is proposed to designate the area as “GB”. The boundary of this proposed “GB” zone adjoins the “CA” zone proposed above and the Sai Kung East Country Park and Pak Tam Road (**Plan 2d**).

Land for Village Development

- 8.9 To Kwa Peng and Pak Tam Au are the only two recognized villages in the Area and the areas of their 'VE' are about 5.23 ha and 3.74 ha respectively (**Plans 1a and 2a**). According to the 2011 Population Census, the population in the To Kwa Peng and Pak Tam Au areas is below 50 persons.
- 8.10 The latest information on the Small House demand has been obtained from the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD). However, According to the established practice of the Board, if there is a substantial and unjustified increase in the updated 10-year demand forecast figure when compared with the previous corresponding figure when preparing the DPA Plan, the latter would be adopted in the preparation of the OZP unless strong justifications are received by the respective IIR. As such, the total Small House demand of 102 for To Kwa Peng (i.e. current outstanding (72) in 2013 plus previous 10-year forecast (30) in 2010) and 36 for Pak Tam Au (i.e. current outstanding (11) in 2013 plus previous 10-year forecast (25 rather than "over 25") in 2010) are adopted. Based on PlanD's preliminary estimate, land required for meeting the Small House demand of 102 (for To Kwa Peng) and 36 (for Pak Tam Au) is about 2.55 ha and 0.90 ha respectively (**Table 1**).
- 8.11 With reference to the Small House demand and 'VE' for the recognized villages as enumerated above, PlanD has analyzed the conditions of the area within 'VE' taking account of the existing village cluster, environmental conditions, natural terrain and topography of the Area. It should be noted that the To Kwa Peng Village is mainly concentrated at the toe of the hillslopes in the central part of the area (**Plan 1a**). Land within the 'VE' at the central part of the area comprises not only existing village clusters and ruin structures of To Kwa Peng Village as well as the adjoining *fung shui* wood, but also some hilly slopes in the south, a knoll in the east, some fallow agricultural land with a natural stream in the north-west and the natural coastline with a narrow strip of mangrove in the north. As for Pak Tam Au Village, the existing village cluster is mainly concentrated at the toe of the hillslopes in the north-western part of the area near Pak Tam Road (**Plan 2a**). Land within the 'VE' at the central and north-western part of the area comprises not only existing village clusters and ruin structures of Pak Tam Au Village as well as the adjoining *fung shui* wood, but also some hilly slopes in the north and west, some fallow agricultural land in the east, south and west, and a natural stream in the south.
- 8.12 Given the natural environment with conservation and landscape value coupled with its inaccessibility due to lack of or limited vehicular access, an incremental approach for designation of "V" zone for Small House development has been adopted with an aim to consolidating Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area. Discounting the surrounding environmentally sensitive areas, including coastal mangrove and mudflat, natural stream and woodland which are zoned "CA", "CPA" and "GB", the residual area for "V" is about 1.94 ha of land (for To Kwa Peng) and about 3.64 ha of land (for Pak Tam Au) (**Plans 1d and 2d**).

Table 1: Small House Demand for To Kwa Peng and Pak Tam Au Villages

Village	Small House Demand Figure in 2010		Small House Demand Figure in 2013		'VE' Area (ha)	"V" zone on draft OZP (ha)	Required land to meet new demand (ha)	Available Land to meet new demand figure (ha)	Percentage of the new demand met by available land
	Outstanding Demand	10-year forecast (2010 – 2019)	Outstanding Demand	10-year forecast (2013 – 2022)					
To Kwa Peng	72	30*	72*	60*	5.23	1.94	2.55	0.97	38%
Pak Tam Au	14	> 25*	11*	100*	3.74	3.64	0.90	1.84	204%
Total	86	> 55	83	160	8.97	5.58	3.45	2.81	81%

* When considering the land use zoning for the "V" zone, it is noted that no justification has been provided by the IIRs for the substantial increase in the latest 10-year forecast. In such circumstances, the updated outstanding demand in 2013, i.e. 72 for To Kwa Peng and 11 for Pak Tam Au, and the previous 10-year forecast provided in 2010, i.e. 30 for To Kwa Peng and 25 rather than "over 25" for Pak Tam Au, are adopted as the total Small House demand figures in preparation of the draft OZP.

8.13 In To Kwa Peng, there is insufficient land to meet the outstanding and 10-year Small House demand (a deficit of about 1.58 ha of land or equivalent to about 64 Small House sites). For Pak Tam Au, while there is sufficient land to meet the outstanding and 10-year Small House demand (a surplus of about 0.94 ha of land or equivalent to about 37 Small House sites), opportunity may be taken to make use of the surplus area to accommodate the potential cross-village applications where there is a shortage of available land for Small House developments, such as To Kwa Peng. Overall, there is still insufficient land to meet the total outstanding and 10-year Small House demand in To Kwa Peng and Pak Tam Au (a deficit of about 0.64 ha of land or equivalent to about 27 Small House sites). However, the villagers may apply for Small House development in other zones, including the proposed "GB" zone in To Kwa Peng, which would be considered by the Board on its individual merits.

8.14 For Pak Tam Au, while the channelized part of a stream passes through the middle of the proposed "V" zone, there are practical difficulties to exclude this channelized stream and the adjoining area from the "V" zone. However, regarding the concern on potential impacts of developments in particular Small Houses within "V" zones 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 AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, LandsD when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. It will be clearly stated 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.

- 8.15 In addition, the Pak Tam Au area also falls entirely within the upper indirect water gathering ground. For any village type development within the “V” zone, it should be demonstrated that the water quality within the water gathering ground will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is not considered as an acceptable means for new village developments located in water gathering grounds. There should be demonstrably effective means (such as proper waste water treatment plant) to ensure that the effluent water quality is acceptable to concerned government departments.

9. Planning Intention

- 9.1 The Area forms an integral part of the natural system of the natural woodlands in the adjoining Sai Kung East Country Park with a wide spectrum of natural habitats including, *inter alia*, mature woodland, hillside shrubland, streamcourses, estuarine mangrove and mudflat, etc., which support some rare/uncommon flora and fauna of the Area and should be preserved and protected. The general planning intention of the Area is to protect its conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks.
- 9.2 Apart from the environmental and ecological considerations, development in the Area is constrained by limited transport and infrastructural provisions. It is also intended to consolidate village so as to avoid undesirable disturbances to the natural environment and overtaking the limited infrastructure in the Area.

10. Land Use Zonings

10.1 “Village Type Development” (“V”) : Total Area 5.58 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. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.
- (b) To Kwa Peng and Pak Tam Au villages are the two recognized villages in the Area. The boundaries of the “V” zone are drawn up having regard to the ‘VE’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.

- (c) Some areas zoned “V” are overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. For future development in these areas, the developer(s) may be required to carry out natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development. 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.

10.2 “Green Belt” (“GB”) : Total Area 1.79 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) The sites zoned “GB” include the vegetated hillslopes, natural stream and woodland adjoining the west of the “V” zone of the existing main village cluster of To Kwa Peng and the vegetated hillslopes and woodland at the southwest part of Pak Tam Au. These “GB” zones mainly comprise relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which provide a buffer between the development and conservation areas or Country Park area.
- (c) There is a traditional burial ground at the southwestern part of the Pak Tam Au area which is within this zone. It has been in existence for many years, which are considered as an existing use and intended for burial places of deceased indigenous villagers in the area. To respect the local ritual and tradition, burial activities within this zone are generally tolerated.
- (d) There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines. As diversion of streams, filling of land/ pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

10.3 “Conservation Area” (“CA”) : Total Area 16.51 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 Country Park 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) The “CA” zoning, which mainly comprises relatively undisturbed native woodland ecologically-linked to the natural habitats in the adjacent Sai Kung East Country Park, covers the *fung shui* woods behind the villages and the adjoining wooded areas. In To Kwa Peng, a high diversity of flora species (96 species), including the protected *Aquilaria sinensis* (土沉香) and *Pavetta hongkongensis* (香港大沙葉), has been recorded. *Aquilaria sinensis* (土沉香) has also been recorded in the woodland at the knoll northeast of the *fung shui* woodland. Though most of the species recorded in the subject site are common and widespread, To Kwa Peng has been identified as a butterfly hotspot with over 40% of the local species recorded, including the very rare *Choaspes hemixanthus* (半黃綠弄蝶), and the rare *Zographetus satwa* (黃裳腫脈弄蝶) and *Abraximorpha davidii* (白弄蝶). For Pak Tam Au, a partially disturbed *fung shui* woodland is found behind the village with a moderately high diversity of flora species (62 species), including the protected *Pavetta hongkongensis* (香港大沙葉).
- (c) New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on 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.

10.4 “Coastal Protection Area” (“CPA”) : Total Area 1.08 ha

- (a) This zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. 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) This zone covers the coastal areas of To Kwa Peng along Ko Tong Hau, where estuarine mangrove and mudflat habitats locate. The natural mudflat on the coast is one of the most species-rich sites in Hong Kong with respect to mangrove fauna. Some uncommon species of mangroves, *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) are found in this mudflat. Some wetland plants, such as *Kandelia canel* (水筆仔), *Heritiera littoralis* (銀葉樹), *Glochidion zeylanicum* (香港算盤子), *Clochidion zeylanium* (香港算盤子), *Excoecaria agallocha* (海漆) and *Cerbera manghas* (海芒果) etc., are found along the east coast of To Kwa Peng and along two sides of the existing footpath.

- (c) New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. Any diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on 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.

10.5 Detailed land use zoning proposals are described in Section 9 of the Explanatory Statement (ES) (**Appendix III**) and Section 4.4 of the Planning Report (**Appendix IV**).

11. Cultural Heritage

There is no record of built heritage and archaeological sites in the Area.

12. Notes of the Plan

Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The 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 intention of various zones. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet the changing needs.

13. Consultation

- 13.1 The draft OZP together with its Notes and ES and the Planning Report have been circulated to relevant Government bureaux and departments for comments. Comments received have been incorporated into the draft OZP, its Notes and ES and the Planning Report as appropriate.
- 13.2 Subject to the agreement of the Board, the draft OZP No. S/NE-TKP/B will be submitted to the TPDC and SKNRC for consultation. Comments from the TPDC and STKDNRC 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 To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B (**Appendix I**) together with its Notes and ES (**Appendices II and III**) and the Planning Report (**Appendix IV**);
- (b) adopt the updated ES as an expression of the planning intension and objectives of the Board for various land use zonings of the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B; and

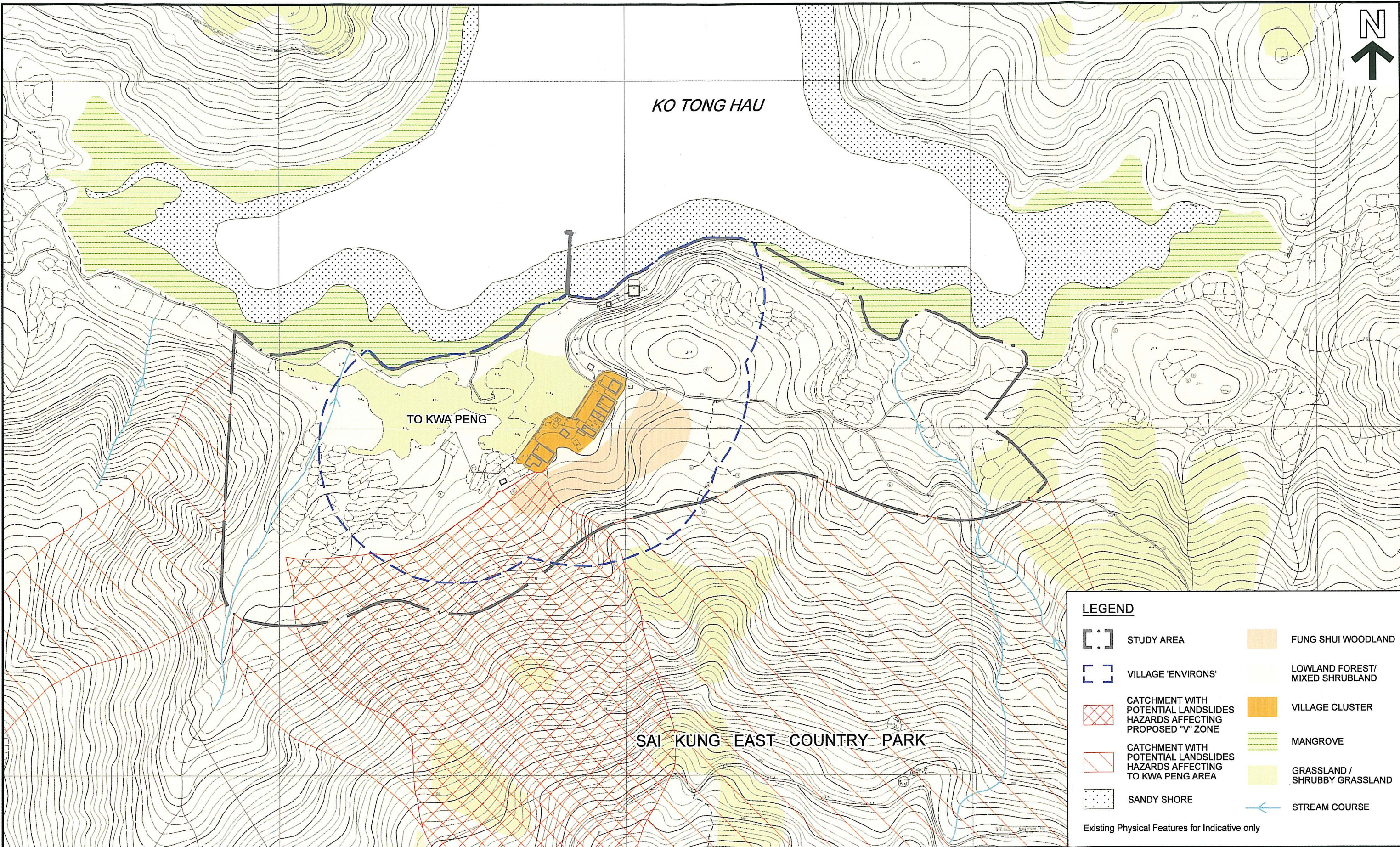
- (c) agree that the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B together with its Notes and ES (**Appendices I to III**) are suitable for submission to the TPDC and SKNRC for consultation.

15. Attachment

Plan 1a	Village ‘environs’ and existing physical features of To Kwa Peng
Plan 1b	Indicative major vegetation types in To Kwa Peng
Plan 1c	Aerial photo of To Kwa Peng
Plan 1d	Proposed land uses of To Kwa Peng
Plan 2a	Village ‘environs’ and existing physical features of Pak Tam Au
Plan 2b	Indicative major vegetation types in Pak Tam Au
Plan 2c	Aerial photo of Pak Tam Au
Plan 2d	Proposed land uses of Pak Tam Au
Appendix I	Draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B
Appendix II	Notes of the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B
Appendix III	Explanatory statement of the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B
Appendix IV	Planning Report on To Kwa Peng and Pak Tam Au
Appendix V	Planning assessments on the proposed “V” zone boundaries received from the IIR of To Kwa Peng on 2.4. 2012
Appendix VI	Planning assessments on the sustainable development planning and ecological conservation proposals for Pak Tam Au received from AF Architecture & Planning Consultants Ltd on 15.5.2013

**PLANNING DEPARTMENT
OCTOBER 2013**

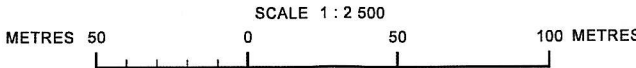
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VILLAGE 'ENVIRONS' AND EXISTING PHYSICAL FEATURES

TO KWA PENG

EXTRACT PLAN PREPARED ON 23.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D

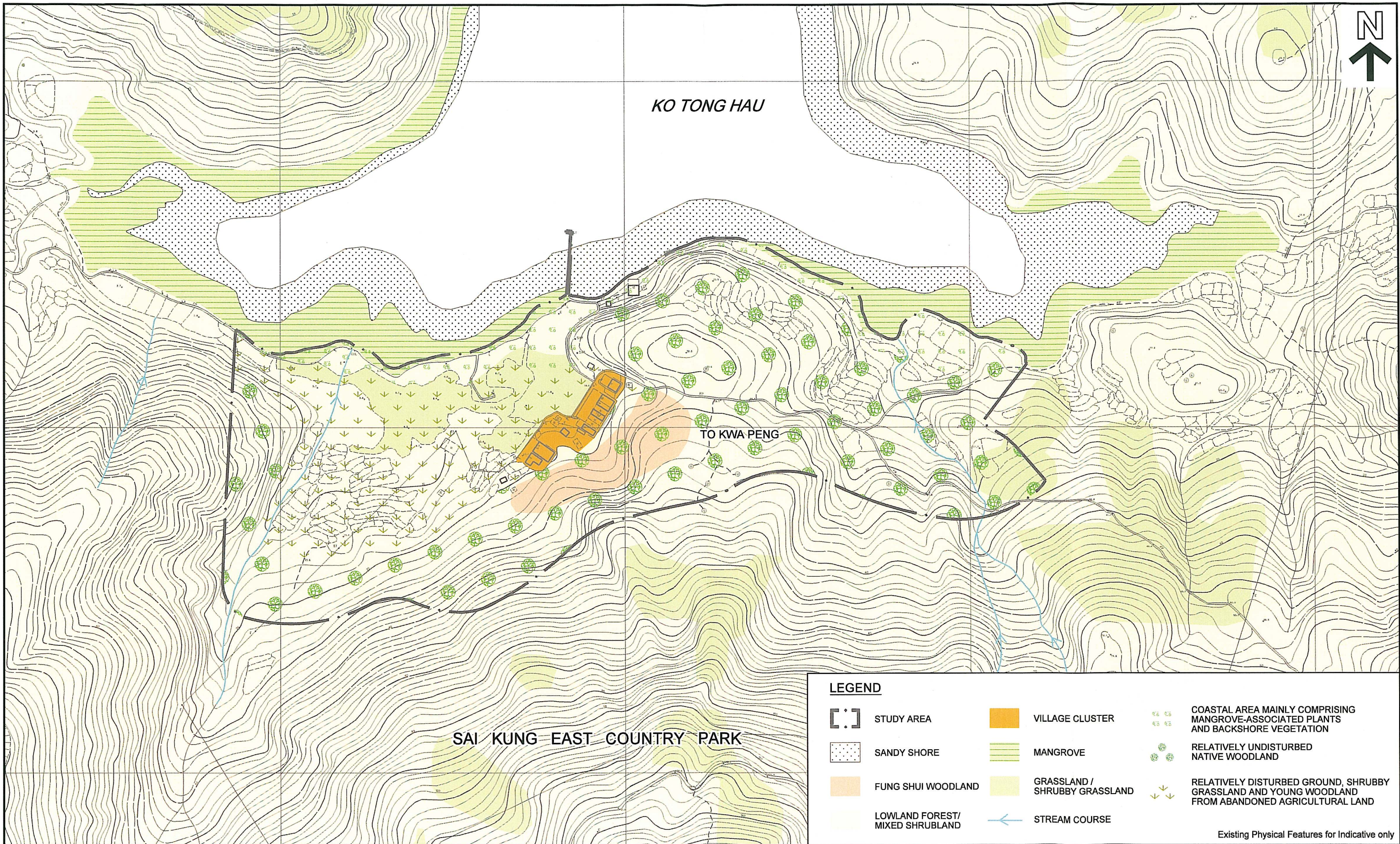


PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/13/1

PLAN
1a



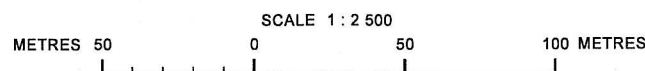
INDICATIVE MAJOR VEGETATION TYPES

TO KWA PENG

PLANNING DEPARTMENT



EXTRACT PLAN PREPARED ON 18.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D





REFERENCE No.
M/NP/TKP/13/1


PLAN
1b

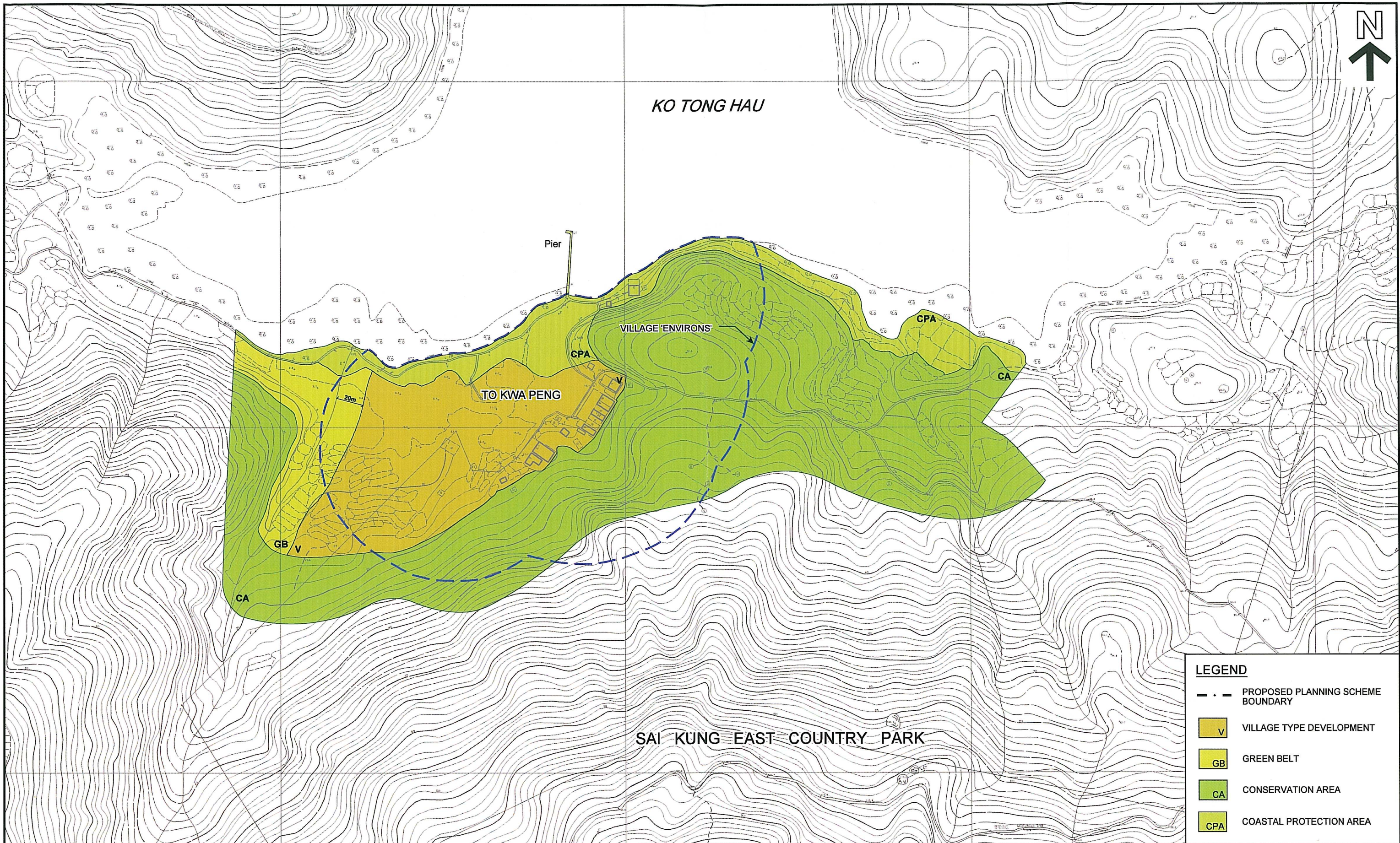


LEGEND

 STUDY AREA

 COUNTRY PARK BOUNDARY

<div>EXTRACT PLAN PREPARED ON 17.9.2013 BASED ON AERIAL PHOTOS No. CW96093-4 TAKEN ON 7.5.2012 BY LANDS DEPARTMENT</div>	<div>AERIAL PHOTOS</div> <div>TO KWA PENG</div> <div><div>METRES 50050100 METRES</div><div>SCALE 1 : 2 500</div></div>	<div>PLANNING DEPARTMENT</div> <div></div>
	<div>REFERENCE No. M/NP/TKP/13/1</div>	<div>PLAN 1c</div>



LEGEND

- PROPOSED PLANNING SCHEME BOUNDARY
- V VILLAGE TYPE DEVELOPMENT
- GB GREEN BELT
- CA CONSERVATION AREA
- CPA COASTAL PROTECTION AREA

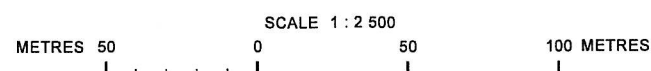
PROPOSED LAND USES

TO KWA PENG

PLANNING DEPARTMENT

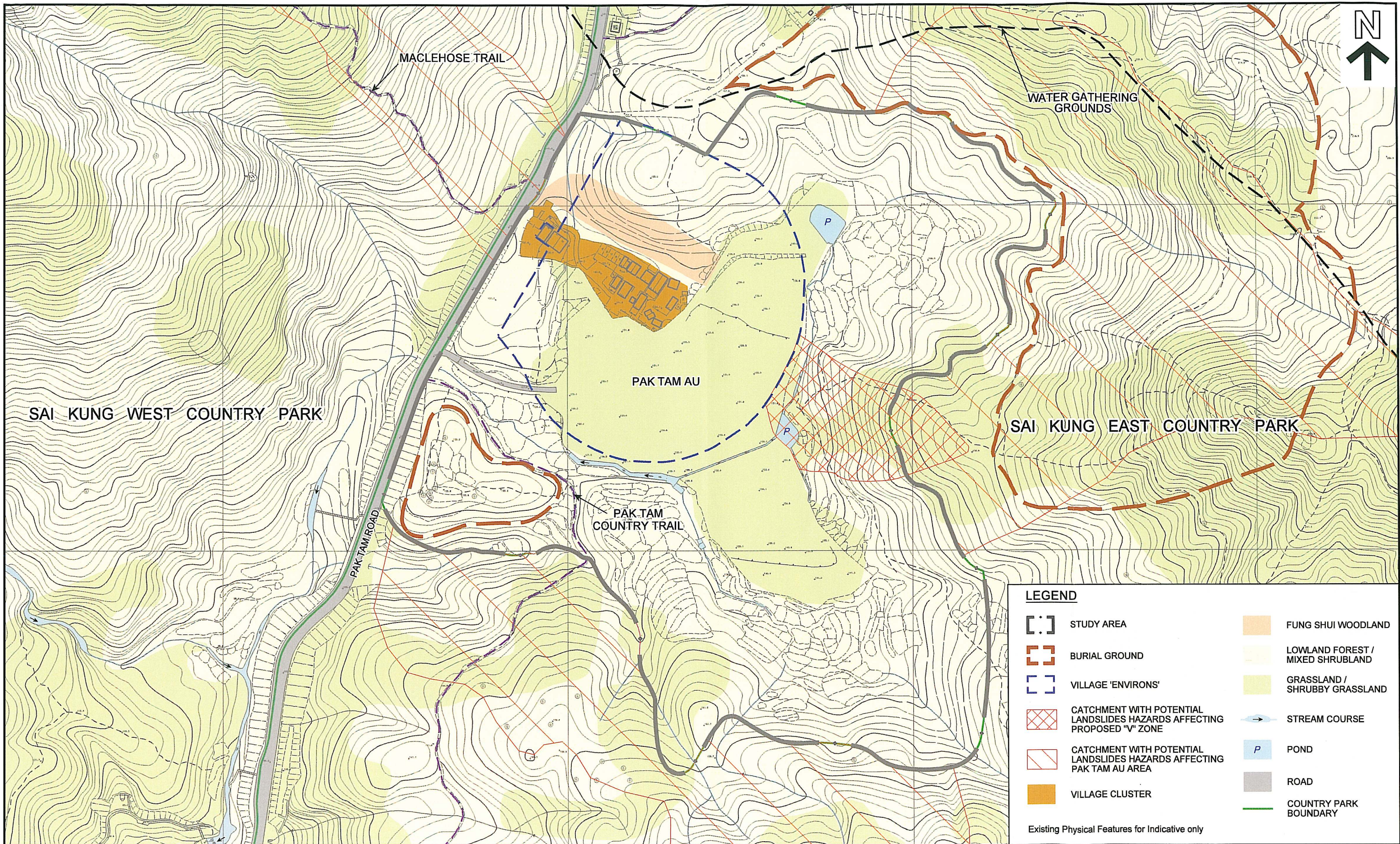


EXTRACT PLAN PREPARED ON 23.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D



REFERENCE No.
M/NP/TKP/13/1

PLAN
1d



VILLAGE 'ENVIRONS' AND EXISTING PHYSICAL FEATURES

PAK TAM AU

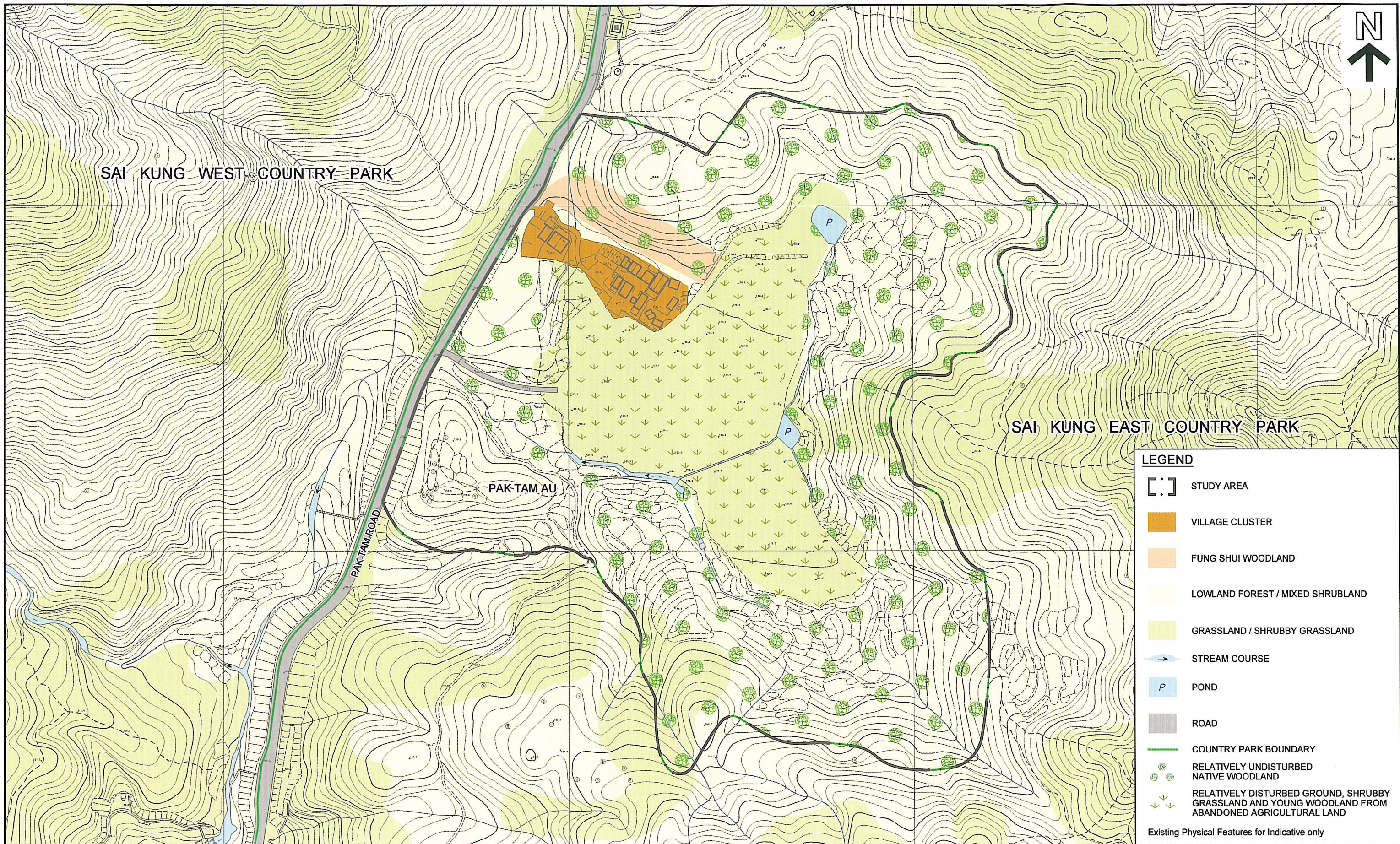
PLANNING DEPARTMENT

EXTRACT PLAN PREPARED ON 18.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B

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REFERENCE No.
M/NP/TKP/13/1

PLAN
2a



INDICATIVE MAJOR VEGETATION TYPES

PAK TAM AU

EXTRACT PLAN PREPARED ON 2.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B

SCALE 1 : 2 500
METRES 50 0 50 100 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/13/1

PLAN
2b

SAI KUNG WEST COUNTRY PARK

FUNG SHUI
WOODLAND

PAK TAM AU

BURIAL
GROUND

BURIAL
GROUND

SAI KUNG EAST COUNTRY PARK

PAK TAM ROAD

LEGEND

[] STUDY AREA

— COUNTRY PARK BOUNDARY

AERIAL PHOTOS

PAK TAM AU

PLANNING DEPARTMENT

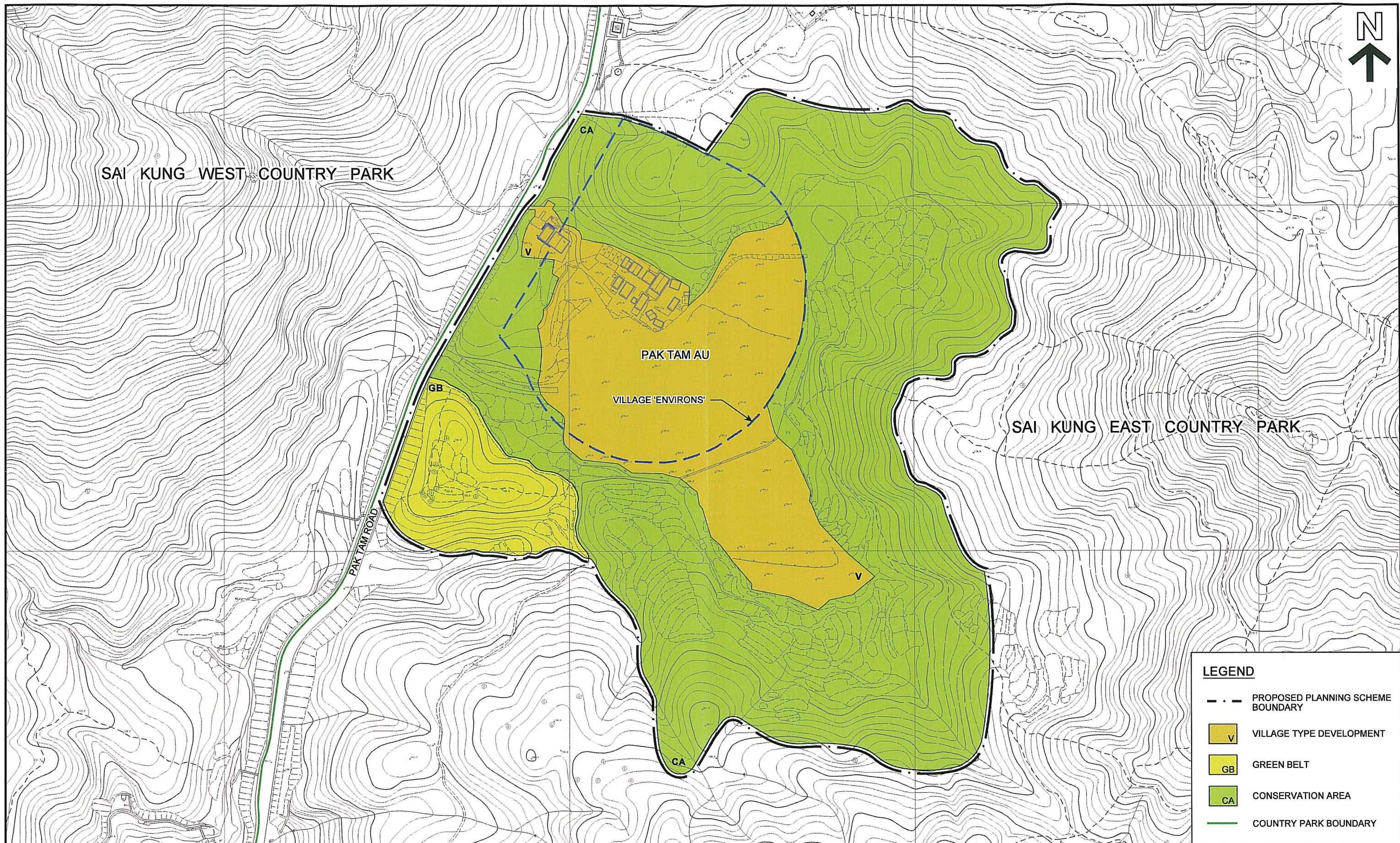


EXTRACT PLAN PREPARED ON 17.9.2013
BASED ON AERIAL PHOTOS No. CW96214-6 &
CW96325-9 TAKEN ON 7.5.2012 BY LANDS DEPARTMENT

SCALE 1 : 2 500
METRES 50 0 50 100 METRES

REFERENCE No.
M/NP/TKP/13/1

PLAN
2c



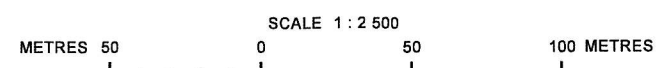
PROPOSED LAND USES

PAK TAM AU

PLANNING DEPARTMENT

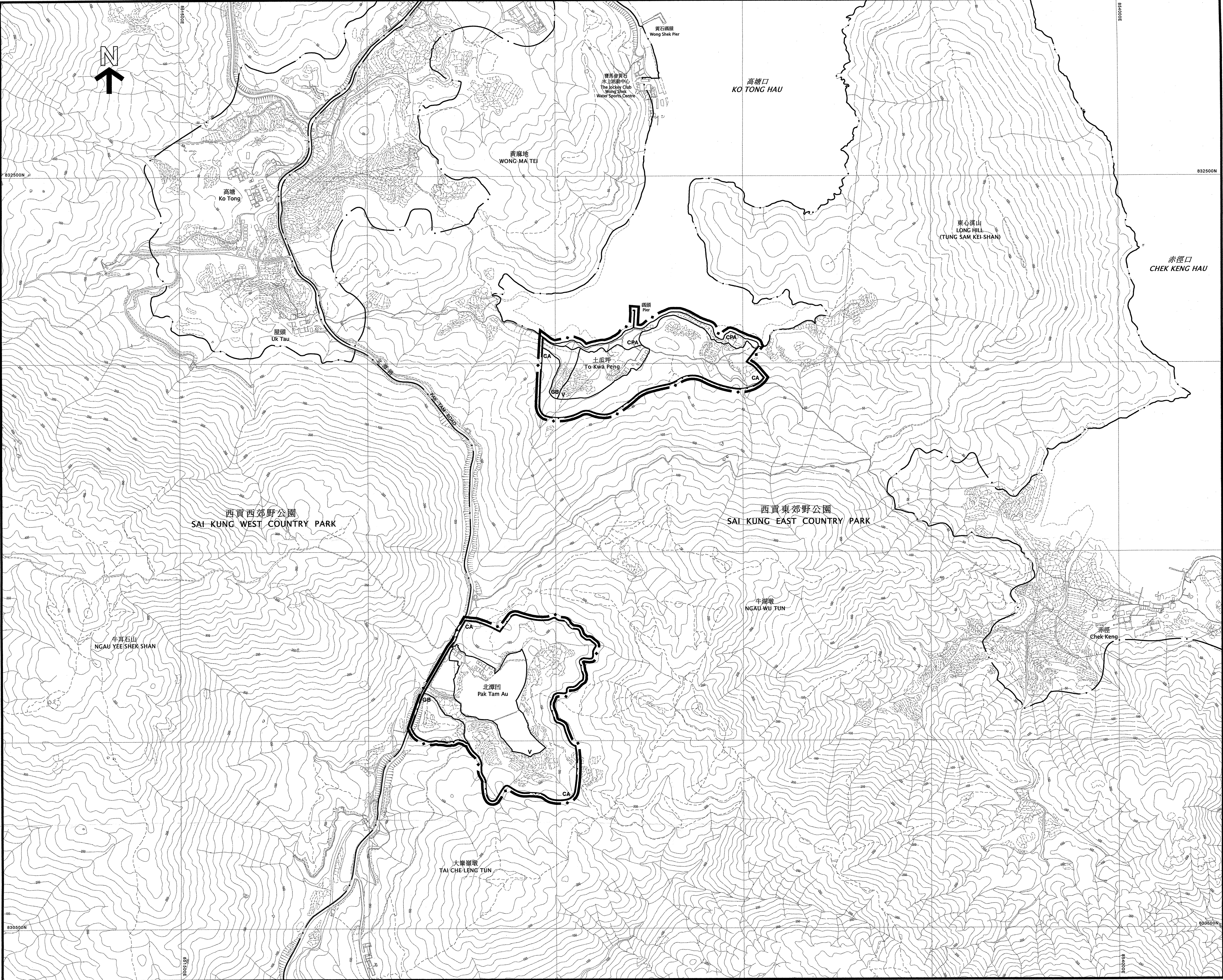


EXTRACT PLAN PREPARED ON 17.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B



REFERENCE No.
M/NP/TKP/13/1

PLAN
2d



圖例
NOTATION

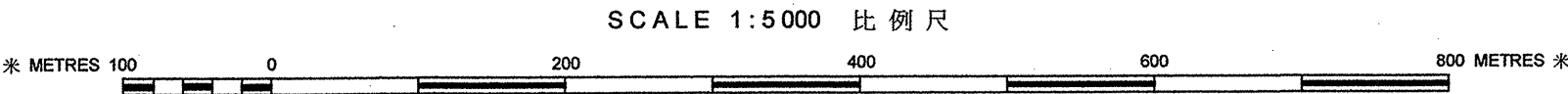
ZONES		地帶
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GREEN BELT	GB	綠化地帶
CONSERVATION AREA	CA	自然保育區
COASTAL PROTECTION AREA	CPA	海岸保護區

MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME	— • —	規劃範圍界線
BOUNDARY OF COUNTRY PARK / SPECIAL AREA	— • —	郊野公園 / 特別地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
VILLAGE TYPE DEVELOPMENT	5.88	22.36	鄉村式發展
GREEN BELT	1.79	7.17	綠化地帶
CONSERVATION AREA	16.51	66.14	自然保育區
COASTAL PROTECTION AREA	1.08	4.33	海岸保護區
TOTAL PLANNING SCHEME AREA	24.96	100.00	規劃範圍總面積

香港城市規劃委員會依據城市規劃條例擬備的土瓜坪及北潭凹分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
TO KWA PENG AND PAK TAM AU - OUTLINE ZONING PLAN



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



圖則編號
PLAN No. S/NE-TKP/B

DRAFT TO KWA PENG AND PAK TAM AU
OUTLINE ZONING PLAN NO. S/NE-TKP/B

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

NOTES

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

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

- (7) Alignment of roads and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned “Conservation Area” or “Coastal Protection 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 “Conservation Area” or “Coastal Protection 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 "Conservation Area" or "Coastal Protection 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 (filling or excavation) is carried out and that the use or development is a use or development specified below:

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

- (b) Except as otherwise provided in paragraph (11)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned "Conservation Area" or "Coastal Protection Area", temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

- (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.

- (12) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.

- (13) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

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

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

**DRAFT TO KWA PENG AND PAK TAM AU
OUTLINE ZONING PLAN NO. S/NE-TKP/B**

Schedule of Uses

	<u>Page</u>
VILLAGE TYPE DEVELOPMENT	1
GREEN BELT	3
CONSERVATION AREA	5
COASTAL PROTECTION AREA	7

VILLAGE TYPE DEVELOPMENT

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

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

Eating Place
Library
School
Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)

Planning Intention

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

Remarks

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

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) Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Pier Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation

(Please see next page)

GREEN BELT (Cont'd)

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

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 Country Park 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.

(Please see next page)

CONSERVATION AREA (Cont'd)

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.

COASTAL PROTECTION AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<hr/>	
Agricultural Use (other than Plant Nursery)	Field Study/Education/Visitor Centre
Nature Reserve	Government Use
Nature Trail	House (Redevelopment only)
On-Farm Domestic Structure	Public Convenience
Wild Animals Protection Area	Public Utility Installation
	Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

Planning Intention

This zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.

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.

(Please see next page)

COASTAL PROTECTION AREA (Cont'd)

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.

DRAFT TO KWA PENG AND PAK TAM AU
OUTLINE ZONING PLAN NO. S/NE-TKP/B

EXPLANATORY STATEMENT

**DRAFT TO KWA PENG AND PAK TAM AU
OUTLINE ZONING PLAN NO. S/NE-TKP/B**

EXPLANATORY STATEMENT

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**DRAFT TO KWA PENG AND PAK TAM AU
OUTLINE ZONING PLAN NO. S/NE-TKP/B**

(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 To Kwa Peng and Pak Tam Au Outline Zoning Plan (OZP) No. S/NE-TKP/B. 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 13 December 2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a Development Permission Area (DPA) Plan for the To Kwa Peng and Pak Tam Au area.
- 2.2 On 7 January 2011, the draft To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, 206 representations were received. On 18 March 2011, the Board published the representations for public comment and in the first three weeks of the publication period, 227 comments were received. After giving consideration to the representations and comments on 15 July 2011, the Board decided not to propose any amendment to the draft DPA plan to meet the representations.
- 2.3 On 7 February 2012, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft To Kwa Peng and Pak Tam Au DPA Plan, which was subsequently renumbered as DPA/NE-TKP/2. On 17 February 2012, the approved To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 On 30 January 2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the To Kwa Peng and Pak Tam Au area.
- 2.5 On XX XXXX 2013, the draft To Kwa Peng and Pak Tam Au OZP No. S/NE-TKP/B (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 indicate the broad land-use zonings for the area of To Kwa Peng and Pak Tam Au so that development and redevelopment within the area of To Kwa Peng and Pak Tam Au 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 the 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 (the Area), which comprises two sub-areas, namely the To Kwa Peng area (about 9.77 hectares) and the Pak Tam Au area (about 15.19 hectares), covers a total area of about 24.96 hectares. The Area is encircled by the Sai Kung East Country Park in the east and Pak Tam Road and Sai Kung West Country Park in the west. The boundary of the Area is shown by a heavy broken line on the Plan.
- 5.2 To Kwa Peng
- 5.2.1 The To Kwa Peng area is located along the natural coast overlooking Ko Tong Hau at the north-western edge of the Sai Kung East Country Park about 12 km to the north-east of Sai Kung Town. It is accessible by a walking trail off Pak Tam Road or along the coast from the west and by marine access off a small pier fronting Ko Tong Hau and Long Harbour.
- 5.2.2 The To Kwa Peng area is rural in character comprising mainly fallow agricultural land surrounded by shrubs and woodland. While To Kwa Peng is a recognized village, the area is basically uninhabited with some

ruins and a row of about 7 village houses in dilapidated condition. To the west of these houses is a stretch of fallow agricultural land. The surrounding areas have some signs of previous excavation and site formation works but the area has regenerated with scattered wild grasses and shrubs. There are graves located to the south of the hill along the southern boundary of the area.

- 5.2.3 There is a natural stream near the western boundary of the To Kwa Peng area flowing from south to north towards Ko Tong Hau. Estuarine mangrove and mudflat habitats are found along the coast fronting Ko Tong Hau. According to the Agriculture, Fisheries and Conservation Department, uncommon species of mangroves, *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) are found in this mudflat.

5.3 Pak Tam Au

- 5.3.1 The Pak Tam Au area, which falls entirely within the upper indirect water gathering ground, is located along Pak Tam Road at the western edge of the Sai Kung East Country Park about 500m to the south of the To Kwa Peng area. It is accessible by vehicle via Pak Tam Road and by walking trails connected to the Sai Kung East Country Park. There are bus and mini bus routes operating between Sai Kung Public Pier and Pak Tam Au.
- 5.3.2 With a scenic setting, the area is rural in character comprising mainly fallow agricultural land at the centre surrounded by shrubs and woodland. Pak Tam Au is a recognized village with a small cluster of village houses up to three storeys in height in fair to good condition. A short local track connects these houses with Pak Tam Road.
- 5.3.3 The central part of the area comprises pockets of terraced fallow agricultural land overgrown with grass and shrubs surrounded to its north and south by slopes covered with woodland and dense natural vegetation. The woodland forms part of the well-established vegetation in the Sai Kung East Country Park. Some graves are found at the small hill at the south-western corner of the area. There is a partially trained stream running across the central portion of the area from the slope in the east towards the west.
- 5.3.4 The tranquil rural character and woodlands of Pak Tam Au has a high landscape value which complements the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. The area, with a section of Maclehose Trail and Pak Tam Country Trail running across its northern and southern regions, is a popular spot for hikers.

6. POPULATION

According to the 2011 Population Census, the total population of the Area was below 50 persons. It is expected that the total planned population of the Area would be 790 persons mainly attributed to the village expansion.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Conservation and Natural Landscape

Amid the Sai Kung East Country Park, the To Kwa Peng area and the Pak Tam Au area have high scenic and landscape value forming part of the wider natural system of the Sai Kung countryside comprising a diversity of woodland, hillsides shrubland, abandoned agricultural land, stream, freshwater marsh, and mangrove, which support a diversity of flora and fauna. Due to high quality scenery and landscape along the section of Maclehorse Trail and Pak Tam Country Trail at the Pak Tam Au area, and the location of the To Kwa Peng area along the waterfront overlooking Ko Tong Hau, the natural environment of the Area is worthy of conservation while the scale of the village development should be compatible with the rural setting and surrounding landscape.

7.1.2 Tourism Potential

7.1.2.1 The To Kwa Peng area is located to south of Wong Shek Pier connected by a hiking trail. There is a bus terminus at Wong Shek Pier which is both a popular tourist destination and a transport connection point between Hong Kong's urban area and outlying places (such as Tap Mun, Wan Tsai and Chek Keng, etc.). The Jockey Club Wong Shek Water Sports Centre, south of Wong Shek Pier, is popular for various types of waters sports activities, such as sailing, windsurfing and canoeing.

7.1.2.2 The Pak Tam Au area, with a section of Maclehorse Trail and Pak Tam Country Trail running across its northern and southern regions, is a popular spot for hikers as it is located between Chek Keng and Cheung Sheung connected by Maclehorse Trail. Also, the area is connected to the Lady Maclehorse Holiday Village located to its further south by Pak Tam Road or Pak Tam Country Trail.

7.2 Constraints

7.2.1 Transportation (Road Access)

7.2.1.1 The To Kwa Peng area is located in a remote area without vehicular access. Currently, it is only accessible by a footpath off Pak Tam Road at a distance of over 700 m through Sai Kung East Country Park or by sea at the small pier at the north of the area.

7.2.1.2 The Pak Tam Au area is accessible via Pak Tam Road and walking trails connecting to the Country Park to the south and north of the area. At present, Pak Tam Road is a restricted road and vehicles entering it have to apply permits from relevant departments.

7.2.2 Geotechnical

Land to the south, east and west of the To Kwa Peng area and land to the east, northwest and south of the Pak Tam Au area are bounded by steep natural hillslopes, and may be affected by potential natural terrain landslide hazards. For new development in these areas, especially those located near the boundary, natural terrain hazard study would be required and suitable mitigation measures should be provided, if necessary, as part of the development or re-development.

7.2.3 Ecological Significance

7.2.3.1 The Area forms an integral part of the natural system of the natural woodlands in the adjoining Sai Kung East Country Park with a wide spectrum of natural habitats including mature woodland, hillside shrubland, fallow agricultural land and streamcourses. Estuarine mangrove and mudflat habitats are also found in the To Kwa Peng area along the coast fronting Ko Tong Hau.

7.2.3.2 To Kwa Peng is mainly covered by wooded areas, bare ground and village houses. The wooded areas adjacent to the Sai Kung East Country Park are relatively undisturbed and ecologically-linked to the natural habitats therein. The *fung shui* woodland behind the village remains largely intact with a dense canopy. A high diversity of flora species (96 species), including the protected *Aquilaria sinensis* (土沉香) and *Pavetta hongkongensis* (香港大沙葉), has been recorded. *Aquilaria sinensis* (土沉香) has also been recorded in the woodland at the knoll northeast of the *fung shui* woodland. Though most of the species recorded in the subject site are common and widespread, To Kwa Peng has been identified as a butterfly hotspot with over 40% of the local species recorded, including the very rare *Choaspes hemixanthus* (半黃綠弄蝶),

and the rare *Zographetus satwa* (黃裳腫脈弄蝶) and *Abraximorpha davidii* (白弄蝶). The natural mudflat on the coast front supports dense mangrove stands comprising seven species of mangroves, including the uncommon *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李). Two seagrass species, *Halophila minor* (小喜鹽草) and *H. ovalis* (喜鹽草) have also been recorded at the mudflat. The area is one of the most species-rich sites in Hong Kong with respect to mangrove fauna, with a total of 52 species recorded.

7.2.3.3 In addition, some wetland plants, such as *Kandelia canel* (水筆仔), *Heritiera littoralis* (銀葉樹), *Glochidion zeylanicum* (香港算盤子), *Excoecaria agallocha* (海漆) and *Cerbera manghas* (海芒果), etc., are found along the east coast of To Kwa Peng and along two sides of the existing footpath.

7.2.3.4 Pak Tam Au is mainly covered by wooded areas, bare ground and village houses. A partially disturbed *fung shui* woodland is found behind the village with a moderately high diversity of flora species (62 species), including the protected *Pavetta hongkongensis* (香港大沙葉). The well-wooded periphery of the area is ecologically-linked to the wide stretch of natural vegetation in the Sai Kung East Country Park though most of the fauna recorded therein are common and widespread species.

7.2.4 Landscape Character

7.2.4.1 With reference to the Landscape Value Mapping of Hong Kong (2005), the To Kwa Peng area is of rural landscape character which comprises mainly fallow agricultural land and surrounded by shrubs and woodland. Mudflats and significant mangroves define the larger northern cove of To Kwa Peng. A natural stream near the western boundary of the To Kwa Peng area is flowing from south to north towards Ko Tong Hau. There is a recognized small village with few small houses and fallow agricultural lands near to the hillsides slope toe but without direct access road to connect. The To Kwa Peng area is rated with “High (qualified)” landscape value that the unique coastal landscape creates an extreme shelter surrounded with vegetated knolls. However, some areas have already disturbed by vegetation clearance, which has regenerated with wild grasses and shrubs. Due to the high landscape sensitivity of the area and its remoteness from existing roads and other development, any large scale development of the area should be avoided.

7.2.4.2 The enclosed, tranquil and rural character and woodlands of the Pak Tam Au area has a high landscape value which complements the overall natural quality and the landscape

beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. Vegetation comprises woodland and scrub on lower valley sides and the woodland forms part of well-established vegetation in the Sai Kung East Country Park. The recognized Pak Tam Au village comprises pockets of terraced fallow agricultural lands surrounded by the vegetated slope with some areas already disturbed by vegetation clearance. The Pak Tam Au area is rated with “High” landscape value. The landscape comprises a juxtaposition of distinct landscape character areas. Due to the high landscape sensitivity and the topography of the area and that it is away from other development, any large scale development of the area should be avoided.

7.2.5 Burial Grounds

A large piece of burial grounds found at the southwestern part of the Pak Tam Au area is not suitable for any development.

7.2.6 Water Gathering Ground

The whole of the Pak Tam Au area is within the upper indirect water gathering ground (WGG). To prevent contamination of waters which are designated for abstraction for potable water supply, any proposed development that will result in a material increase in pollution effect will not be encouraged.

7.2.7 Sewerage

There is no existing public sewer nor any committed/ planned sewerage project planned for the Area. At present, on-site discharge system such as septic tanks and soakaway pits are generally used in traditional villages. They would only satisfy the requirements of individual lots. Any increase in population or number of visitors to the Area or further recreation/ residential developments will require additional facilities.

7.2.8 Infrastructure and Utility Services

The Area is provided with electricity and telephone services. Potable water supply has been provided to the existing facilities and villagers of the Area.

8. GENERAL PLANNING INTENTION

- 8.1 The Area forms an integral part of the natural system of the natural woodlands in the adjoining Sai Kung East Country Park with a wide spectrum of natural habitats including, *inter alia*, mature woodland, hillside shrubland, streamcourses, estuarine mangrove and mudflat, etc., which support some rare/uncommon flora and fauna of the Area and should be preserved and protected. The general planning intention of the Area is to protect its high conservation and landscape value which complements the overall naturalness

and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks.

- 8.2 Apart from the environmental and ecological considerations, development in the Area is constrained by limited transport and infrastructural provisions. It is also intended to consolidate village so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area.

9. LAND-USE ZONINGS

9.1 “Village Type Development” (“V”) : Total Area 5.58 ha

- 9.1.1 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.
- 9.1.2 The boundaries of the “V” zone are drawn up having regard to the village ‘environs’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible. To Kwa Peng Village and Pak Tam Au Village are two recognized villages in the Area.
- 9.1.3 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 first publication in the Gazette of the notice of the draft DPA plan, whichever is the greater. Application for minor relaxation of these restrictions would be considered by the Board based on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.
- 9.1.4 Some areas zoned “V” are overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. For future development in these areas, the developer(s) may be required to carry out natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.

- 9.1.5 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 and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, Lands Department when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including the Agriculture, Fisheries and Conservation Department and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- 9.1.6 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.
- 9.1.7 There is neither existing nor proposed public sewer in the Area. For Small House development, the design and construction of such systems need to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93, for the protection of the water quality of the Area.
- 9.1.8 In addition, the Pak Tam Au area also falls entirely within the upper indirect water gathering ground. For any village type development within the "V" zone, it should be demonstrated that the water quality within water gathering ground will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments located in water gathering grounds. There should be demonstrably effective means (such as proper waste water treatment plant) to ensure that the effluent water quality is acceptable to concerned government departments.

9.2 "Green Belt" ("GB") : Total Area 1.79 ha

- 9.2.1 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.

- 9.2.2 The sites zoned “GB” include the vegetated hillslopes, natural stream and woodland adjoining the west of the “V” zone of the existing main village cluster of To Kwa Peng and the vegetated hillslopes and woodland at the southwest part of Pak Tam Au. These “GB” zones mainly comprise relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which provide a buffer between the development and conservation areas or Country Park area.
- 9.2.3 There is a traditional burial ground at the southwestern part of the Pak Tam Au area which is within this zone. It has been in existence for many years, which are considered as an existing use and intended for burial places of deceased indigenous villagers in the area. To respect the local ritual and tradition, burial activities within this zone are generally tolerated.
- 9.2.4 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- 9.2.5 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.

9.3 “Conservation Area” (“CA”) : Total Area 16.51 ha

- 9.3.1 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 Country Park 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.

9.3.2 The “CA” zoning, which mainly comprises relatively undisturbed native woodland ecologically-linked to the natural habitats in the adjacent Sai Kung East Country Park, covers the *fung shui* woods behind the villages and the adjoining wooded areas. In To Kwa Peng, a high diversity of flora species (96 species), including the protected *Aquilaria sinensis* (土沉香) and *Pavetta hongkongensis* (香港大沙葉), has been recorded. *Aquilaria sinensis* (土沉香) has also been recorded in the woodland at the knoll northeast of the *fung shui* woodland. Though most of the species recorded in the subject site are common and widespread, To Kwa Peng has been identified as a butterfly hotspot with over 40% of the local species recorded, including the very rare *Choaspes hemixanthus* (半黃綠弄蝶), and the rare *Zographetus satwa* (黃裳腫脈弄蝶) and *Abraximorpha davidii* (白弄蝶). For Pak Tam Au, a partially disturbed *fung shui* woodland is found behind the village with a moderately high diversity of flora species (62 species), including the protected *Pavetta hongkongensis* (香港大沙葉).

9.3.3 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses 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 DPA Plan.

9.3.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on 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.

9.4 “Coastal Protection Area” (“CPA”) : Total Area 1.08 ha

9.4.1 This zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. 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.

- 9.4.2 This zone covers the coastal areas of To Kwa Peng along Ko Tong Hau, where estuarine mangrove and mudflat habitats locate. The natural mudflat on the coast is one of the most species-rich sites in Hong Kong with respect to mangrove fauna. Some uncommon species of mangroves, *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) are found in this mudflat. Some wetland plants, such as *Kandelia canel* (水筆仔), *Heritiera littoralis* (銀葉樹), *Glochidion zeylanicum* (香港算盤子), *Excoecaria agallocha* (海漆) and *Cerbera manghas* (海芒果), etc., are found along the east coast of To Kwa Peng and along two sides of the existing footpath.
- 9.4.3 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses 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 DPA Plan.
- 9.4.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on 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. COMMUNICATIONS

10.1 Road/Transport Network

- 10.1.1 The To Kwa Peng area is not served by any vehicular access and is only accessible by a walking trail connecting to Pak tam Road and along the coast to the west towards Wong Shek Pier. There is marine access off a small pier located at the north of the area. Visitors often charter small vessels off Wong Shek Pier to land at this pier.
- 10.1.2 The Pak Tam Au area is accessible via Pak Tam Road and walking trails connecting to the Country Park to the south and north of the area.

11. UTILITY SERVICES

The Area is provided with electricity and telephone services. Potable water supply has been provided to the existing facilities and villagers of the areas. There are no sewerage and drainage systems.

12. IMPLEMENTATION

- 12.1 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.
- 12.2 At present there is no overall programme for the provision of 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.
- 12.3 Notwithstanding the above, minor improvement works, e.g. access improvement 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.

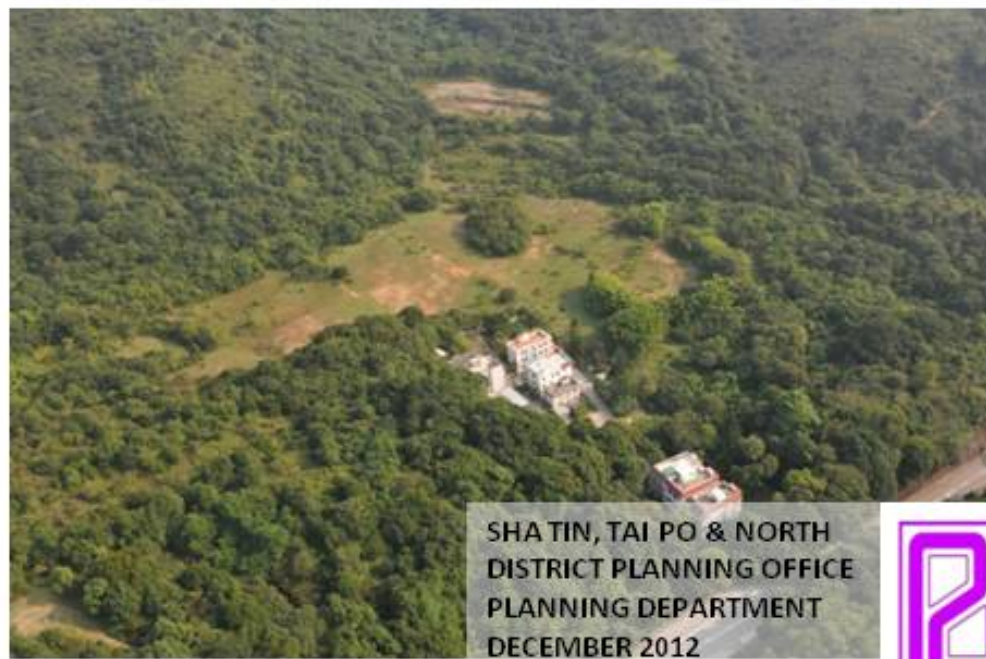
13. PLANNING CONTROL

- 13.1 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.
- 13.2 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 impacts on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to this Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 13.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the 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, and 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.

- 13.4 Any development, other than those referred to in paragraph 13.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this Plan on or after the date of the first publication in the Gazette of the Notice of the draft DPA Plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond and excavation of land in the relevant zones on or after the date of 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”.

TOWN PLANNING BOARD
XXXX 2013

PLANNING REPORT ON TO KWA PENG AND PAK TAM AU



SHA TIN, TAI PO & NORTH
DISTRICT PLANNING OFFICE
PLANNING DEPARTMENT
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**PLANNING REPORT ON
TO KWA PENG AND PAK TAM AU**

OCTOBER 2013

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1. INTRODUCTION

1.1. Purpose of the Planning Report

The purpose of this Planning Report is to give an account of the background and an appraisal of the existing conditions, characteristics and development requirements of the To Kwa Peng and Pak Tam Au area (the Area). It also aims at providing a basis for the preparation of an Outline Zoning Plan (OZP) for the Area and the formulation of a planning framework to guide future development.

1.2. Background

1.2.1. The Area, which comprises two sub-areas of To Kwa Peng and Pak Tam Au, is located at the northern coast of Sai Kung peninsula about 11 km to the north-east of Sai Kung Town (**Figure 1**). The To Kwa Peng area is located along the waterfront overlooking Ko Tong Hau off Long Harbour at the north-western edge of the Sai Kung East Country Park. The Pak Tam Au area is located along Pak Tam Road at the western edge of the Sai Kung East Country Park about 500m to the south of To Kwa Peng.

1.2.2. Amid the Sai Kung East Country Park, the To Kwa Peng area and the Pak Tam Au area have high scenic value forming part of the wider natural system of the Sai Kung countryside. As former villages both the To Kwa Peng area and the Pak Tam Au area comprise mainly fallow agricultural

land and a few village houses surrounded by shrubland and woodland. The Area is rural in character with a scenic setting. Along the coast of the To Kwa Peng area are mudflats with record of uncommon species of mangroves and seagrass.

1.2.3. In recent years, there had been excavation, site formation works and suspected unauthorized tree felling activities that had adversely affected the landscape character of the Area. The Pak Tam Au area, located at the junction of the popular Maclehoose Trail and Pak Tam Country Trail, has become a well-known spot for hikers. Any large scale and uncontrolled development may affect the natural environment and the ecological interest of the Area. There is an urgent need to prepare a DPA Plan for the Area to facilitate proper planning control and enforcement. Under the power delegated by the Chief Executive, on 13.12.2010, the Secretary for Development directed the Town Planning Board (the Board) to prepare a draft plan designating the Area as a development permission area (DPA) plan.

1.2.4. The draft To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/1 was exhibited for public inspection on 7.1.2011. During the plan exhibition period, a total of 206 representations and 227 comments were received. After giving consideration to the representations and comments on 15.7.2011, the Board decided not to propose any amendment to the draft DPA plan to meet the representations.

- 1.2.5. On 7.2.2012, the Chief Executive in Council (CE in C) approved the draft To Kwa Peng and Pak Tam Au DPA Plan, which was subsequently renumbered as DPA/NE-TKP/2 (**Figure 2**). On 17.2.2012, the approved To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/2 was exhibited for public inspection under section 9(5) of the Town Planning Ordinance (the Ordinance).
- 1.2.6. Pursuant to section 20(5) of the Ordinance, the DPA Plan is effective for three years until 7.1.2014. On 30.1.2013, the Chief Executive, pursuant to section 3(1)(a) of the Ordinance, directed the Board to prepare an OZP for the Area.

2. THE STUDY AREA

2.1. Location

- 2.1.1. The Area covers a total area of about 24.96 ha, comprising about 9.77 ha in the To Kwa Peng area and 15.19 ha in the Pak Tam Au area. Both To Kwa Peng and Pak Tam Au are recognized villages. The location of the Area is shown in **Figure 3**.

2.2. Natural Features

Physical Setting and Topography

- 2.2.1. The To Kwa Peng area is accessible by a walking trail off Pak Tam Road or by marine access off a

small pier fronting Ko Tong Hau. The To Kwa Peng area is rural in character comprising mainly a few village houses and fallow agricultural land surrounded by shrubs and woodland. While To Kwa Peng is a recognized village, the area is basically uninhabited at the moment. There is a natural stream near the western boundary of the area flowing from south to north towards Ko Tong Hau.

- 2.2.2. The Pak Tam Au area is encircled by the Sai Kung East Country Park on its north, east and south and Pak Tam Road and the Sai Kung West Country Park on its west. The Pak Tam Au area is rural in character comprising mainly village houses and fallow agricultural land in the centre of the area surrounded by shrubs and woodland. There is a partially trained stream running across the central portion of the area from the slope on the east towards the west. Pak Tam Au is a recognized village with a few village houses. Overview of the To Kwa Peng and Pak Tam Au area is shown in **Figures 4a and 4b**.

Natural Habitats (Figures 5a – 5l)

- 2.2.3. Amid the Sai Kung East Country Park, the To Kwa Peng and the Pak Tam Au area has high scenic value forming part of the wider natural system of the Sai Kung countryside. Details of the natural habitats are listed below:

(a) Fallow agricultural land

- (i) In the To Kwa Peng area, agricultural land is located mainly to the west of the village houses in the centre of the area. There is evidence of previous excavation and site formation works but the area is now overgrown with weeds. Fallow agricultural land is also found among ruin structures in the lower flat land along the coast to the west of the area.
- (ii) In the Pak Tam Au area, there are pockets of terraced fallow agricultural land in the centre of the area overgrown with grass and shrubs surrounded in the north and south by slopes covered with woodland and dense natural vegetation. With the decline of agricultural activities, agricultural land has been left fallow in both To Kwa Peng and Pak Tam Au.

(b) Woodland/shrubland

- (i) Except for the stretch of fallow agricultural land with a few houses in the centre, the entire To Kwa Peng area is densely covered by woodland and shrubs. There is evidence of past tree felling activities around the hilltop to the east of the area. Similarly, while the centre of

the area comprises fallow agricultural land, the remainder of the Pak Tam Au area mainly consists of natural hill slopes covered by dense woodland and shrublands.

- (ii) According to Agriculture, Fisheries and Conservation Department (AFCD), the wooded areas in the To Kwa Peng area and the Pak Tam Au area are ecologically linked to the natural habitats of the Sai Kung East Country Park. The To Kwa Peng area has been identified as a butterfly hotspot with over 40% of the local species recorded. A total of 96 plant species have been recorded in the *fung shui* wood behind To Kwa Peng Village. It has a high diversity of flora species and two protected plants, *Pavetta hongkongensis* (香港大沙葉) and *Aquilaria sinensis* (土沉香), can be found. The *Aquilaria sinensis* also occurs in the lowland forest at the knoll northeast of the *fung shui* wood. In the Pak Tam Au area, while a total of 62 plant species have been recorded in the *fung shui* wood, most of the fauna recorded therein are common and widespread species. The *fung shui* wood is located behind the village. It has a moderately high diversity of flora species and the protected plant, *Pavetta hongkongensis* (香港大沙葉), can be

found.

(c) Mangrove/Marsh

- (i) Estuarine mangrove and mudflat habitats are found in the To Kwa Peng area along the coast fronting Ko Tong Hau. According to AFCD, the natural mudflat on the coast is one of the most species-rich sites in Hong Kong with respect to mangrove fauna. Some uncommon species of mangroves, *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) are found in this mudflat.
- (ii) In addition, some wetland plants, such as *Kandelia canel* (水筆仔), *Heritiera littoralis* (銀葉樹), *Glochidion zeylanicum* (香港算盤子), *Excoecaria agallocha* (海漆) and *Cerbera manghas* (海芒果), etc., are found along the east coast of To Kwa Peng and along two sides of the existing footpath.

(d) Stream Course

In the To Kwa Peng area, a natural stream is located near the western boundary of the area flowing from south to north towards Ko Tong Hau. In the Pak Tam Au area, there is a partially trained stream across the central

portion of the area from the slopes on the east towards the west.

2.3. Historical Development

- 2.3.1. Both To Kwa Peng and Pak Tam Au Villages are recognized villages in the area of Sai Kung North Heung. Today, To Kwa Peng is basically uninhabited with some ruins and a row of several village houses in dilapidated condition. Pak Tam Au comprises a small cluster village houses in fair to good condition. However, no record of built heritage and archaeological sites in the Area were detected.

2.4. Population and Employment

- 2.4.1. In 2011 Population Census, the population of the To Kwa Peng and Pak Tam Au areas was estimated to be below 50 persons. No employment is recorded in the Area. Considerable of agricultural land has been lying fallow covered with shrubs and grassland.

2.5. Existing Land Uses (**Figures 6a – 6d**)

The Area is rural and natural in character comprising mainly fallow agricultural land surrounded by shrubs and woodland. There is a natural stream near the western boundary of the To Kwa Peng area and estuarine mangrove with mudflat habitats are found along the coast fronting Ko Tong Hau. To Kwa Peng Village is located at the central portion of the area facing Ko Tong Hau while

Pak Tam Au Village is located along Pak Tam Road with fallow agricultural land in the central area surrounded by woodland at the periphery connection to the surrounding Sai Kung East and West Country Park. The major existing land uses include the following:

Village Type Development

2.5.1. To Kwa Peng and Pak Tam Au are recognized villages. To Kwa Peng is basically uninhabited with some ruins and a row of village houses in dilapidated condition. Pak Tam Au comprises a small cluster of about 12 village houses up to three storeys in height in fair to good condition. There is a short local track connecting these houses with Pak Tam Road.

2.5.2. According to District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD), the number of outstanding Small House applications is 72 for To Kwa Peng Village and 11 for Pak Tam Au Village while the number of 10-year Small House demand is 60 for To Kwa Peng Village and 100 for Pak Tam Au Village.

Burial Grounds

2.5.3. There are graves located to the south of the hill along the southern boundary of the To Kwa Peng area and at the small hill at the south-western corner of the Pak Tam Au area (**Figure 7b**).

2.6. Land Ownership

2.6.1. The majority of land in the Area (about 70%) is Government land. The remaining 30% are private land comprising mainly fallow agricultural land in the central parts of the Area (**Figures 7a and 7b**).

2.7. Transportation (**Figures 8a and 8b**)

2.7.1. The To Kwa Peng area is not served by any vehicular access and is only accessible by a walking trail connecting to Pak Tam Road and along the coast to the west towards Wong Shek Pier. There is marine access off a small pier located at the north of the area. Visitors often charter small vessels off Wong Shek Pier to land at this pier.

2.7.2. The Pak Tam Au area is accessible via Pak Tam Road and walking trails connecting to the Country Park to the south and north of the area.

2.8. Infrastructure and Utility Services

2.8.1. The To Kwa Peng and Pak Tam Au area is provided with electricity and telephone services. Potable water supply has been provided to the existing facilities and villagers of the areas. There are no sewerage and drainage systems.

3. PLANNING ANALYSIS

3.1. Planning Contexts

- 3.1.1. The To Kwa Peng area is located in the south side of Ko Tong Hau and adjoining to the northwestern corner of Sai Kung East Country Park. Given the natural environment and high landscape sensitivity of the Area coupled with its inaccessibility due to the lack of vehicular access, the planning framework for the area should fundamentally be for preservation of the natural environment. Any large scale development is not recommended to minimize disturbance to the existing landscape and adjoining Country Park.
- 3.1.2. The Pak Tam Au area is located along Pak Tam Road at the western edge, integral with Sai Kung East Country Park. Due to the high sensitivity of the surrounding Country Parks, high quality scenery and landscape along the section of Maclehorse Trail and Pak Tam Country Trail, the planning framework for the area should fundamentally be for the preservation of the natural environment. Any large scale development is not recommended to minimize disturbance to the existing landscape and adjoining Country Park.
- 3.1.3. With reference to the Landscape Value Mapping of Hong Kong (2005), the To Kwa Peng area has a rural landscape character which comprises mainly fallow agricultural land and surrounded by shrubs and woodland. Mudflats and significant mangroves define the larger northern cove of To Kwa Peng. A natural stream near the western boundary of the To Kwa Peng area is flowing from

south to north towards Ko Tong Hau. The To Kwa Peng Village with few village houses and fallow agricultural land are located near to the toe of the hillslope without direct road access. The To Kwa Peng area is rated with “High (qualified)” landscape value that the unique coastal landscape creates a shelter surrounded with vegetated knolls. However, some areas have already been disturbed by vegetation clearance.

- 3.1.4. The enclosed, tranquil and rural character and woodlands of Pak Tam Au has a high landscape value which complements the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. Vegetation comprises woodland and scrub on the lower valley and the woodland forms part of well-established vegetation in the Sai Kung East Country Park. The Pak Tam Au Village comprises pockets of terraced fallow agricultural lands surrounded by the vegetated slope with some areas already disturbed by vegetation clearance. The Pak Tam Au area is rated with “High” landscape value.
- 3.2. Environmental and Conservation Considerations (**Figures 9a and 9b**)
 - 3.2.1 The To Kwa Peng area is located in the south side of Ko Tong Hau and adjoining the northwest corner of Sai Kung East Country Park while the Pak Tam Au area is located along Pak Tam Road at the western edge, integral with Sai Kung East

Country Park. The wooded areas in the To Kwa Peng and Pak Tam Au areas are ecologically linked to the natural habitats at the Sai Kung East Country Park. The To Kwa Peng area has been identified as a butterfly hotspot. The 'fung shui' wood behind To Kwa Peng Village has a high diversity of flora species with some protected plants. In the Pak Tam Au area, while a total of 62 plant species have been recorded in the *fung shui* wood, most of the fauna recorded therein are common and widespread species. The *fung shui* wood behind the village has a moderately high diversity of flora species and a protected plant.

3.3. Development Constraints (**Figures 10a and 10b**)

Transportation (Road Access)

- 3.3.1. The To Kwa Peng area is located in a remote area without vehicular access. Currently, it is only accessible by a footpath off Pak Tam Road at a distance of over 700 m through Sai Kung East Country Park or by sea at the small pier at the north of the area.
- 3.3.2. The Pak Tam Au area is accessible via Pak Tam Road and walking trails connecting to the Country Park to the south and north of the area. At present, Pak Tam Road is a restricted road and vehicles entering it have to apply permits from relevant departments.

Geotechnical

- 3.3.3. Land to the south, east and west of the To Kwa Peng area and land to the east, northwest and south of the Pak Tam Au area are bounded by steep natural hillslopes, and may be affected by potential natural terrain landslide hazards. For new development in these areas, especially those located near the boundary, natural terrain hazard study would be required and suitable mitigation measures should be provided, if necessary, as part of the development or re-development.

Burial Grounds

- 3.3.4. A large piece of burial grounds found at the southwestern part of the Pak Tam Au area is not suitable for any development.

Water Gathering Ground (WGG)

- 3.3.5. The whole of the Pak Tam Au area is within the upper indirect water gathering ground (WGG). To prevent contamination of waters which are designated for abstraction for potable water supply, any proposed development that may result in any material increase in pollution effect will not be encouraged.

Sewerage

- 3.3.6. There is no existing public sewer nor any committed/planned sewerage project planned for

the Area. At present, on-site discharge system such as septic tanks and soakaway pits are generally used in traditional villages. They would only satisfy the requirements of individual lots. Any increase in population or number of visitors to the Area or further recreation/residential developments will require additional facilities.

Other Infrastructure and Utility services

- 3.3.7. The Area is provided with electricity and telephone services. Potable water supply has been provided to the existing facilities and villagers of the Area.

3.4. Development Opportunities

Conservation Potential

- 3.4.1. Amid the Sai Kung East Country Park, the To Kwa Peng area and the Pak Tam Au area have high scenic and landscape value forming part of the wider natural system of the Sai Kung countryside comprising a diversity of woodland, hillsides shrubland, abandoned agricultural land, stream, freshwater marsh, and mangrove, which support a diversity of flora and fauna. Due to high quality scenery and landscape along the section of Maclehorse Trail and Pak Tam Country Trail at Pak Tam Au area, and the location of the To Kwa Peng area along the waterfront overlooking Ko Tong Hau, the natural environment of the Area is worthy of conservation while the scale of the village

development should be compatible with the rural setting and surrounding landscape.

Tourism Potential (Figures 8a and 8b)

- 3.4.2. The To Kwa Peng area is located to south of Wong Shek Pier connected by a hiking trail. There is a bus terminus at Wong Shek Pier which is both a popular recreational destination and a transport connection point between Hong Kong's urban area and outlying places (such as Tap Mun, Wan Tsai and Chek Keng, etc.). The Jockey Club Wong Shek Water Sports Centre, south of Wong Shek Pier, is popular for various types of waters sports activities, such as sailing, windsurfing and canoeing.

- 3.4.3. The Pak Tam Au area, with a section of Maclehorse Trail and Pak Tam Country Trail running across its northern and southern regions, is a popular spot for hikers as it is located between Chek Keng and Cheung Sheung connected by Maclehorse Trail. Also, Pak Tam Country Trail connects the area and the Lady Maclehorse Holiday Village is located to its further south connected by Pak Tam Road or Pak Tam Country Trail.

3.5. Development Pressure

- 3.5.1. Suspected illegal tree felling activities and illegal excavation on private and government Land were detected at To Kwa Peng from 2009 to 2010. (**Figure 11**). Site inspection revealed that there

was a recent tree felling near the pier.

3.5.2. To Kwa Peng and Pak Tam Au are recognized villages. To Kwa Peng is basically uninhabited while there is a small cluster of about 12 village houses at Pak Tam Au. According to LandsD, the number of outstanding Small House applications is 72 for To Kwa Peng Village and 11 for Pak Tam Au Village while the number of 10-year Small House demand is 60 for To Kwa Peng Village and 100 for Pak Tam Au Village. Land should be reserved to meet the future demand of village house developments.

3.5.3. As at March 2013, there are 22 numbers of Small House/NTEH applications in the To Kwa Peng and Pak Tam Au areas. One planning application (No. A/DPA/NE-TKP/1) for three Small House developments at the Pak Tam Au area was approved with conditions in July 2011 mainly on the ground that given the special circumstances of the case, where Certificate of Exemption (C of E) for the 3 Small Houses had been issued six years ago, concerned Government departments particularly the Water Supplies Department (WSD) and the Environmental Protection Department (EPD) had no objection to the application subject to imposing relevant approval conditions. Six planning applications for Small Houses in Pak Tam Au and three planning applications for Small Houses in To Kwa Peng have been rejected by the Town Planning Board mainly on, *inter alia*, adverse environmental impacts on the surrounding areas. Details of the applications are summarized at **Annex A**.

3.6. Development Proposals Received Since the Gazettal of the DPA Plan

3.6.1. In the course of preparation of the Plan, two specific proposals and some views/ proposals were received from informal meetings/ site visits with concerned parties. They are summarized below.

3.6.2. For To Kwa Peng, the relevant indigenous inhabitant representative (IIR) submitted a proposal on the “V” zone boundaries. He proposes to zone all the private land within the 300-foot village ‘environs’ and part of the private land beyond the village ‘environs’ as “V”.

3.6.3. For Pak Tam Au, AF Architecture & Planning Consultants Ltd submitted sustainable development planning and ecological conservation proposals, which comprise a total of 76 nos. of Small Houses, open space with an eating place, a youth hostel, an organic hobby farm, and an ancillary car park, etc., with an access road/ emergency vehicular access (EVA), two communal sewerage treatment plants (STPs) and landscape planting.

3.6.4. The local villagers are of the view that there is a need to strike a balance between development and conservation and adequate land should be designated to meet their Small House demand.

3.6.5. Environmental concern groups¹ suggested that the future OZP should focus on conservation and the proposed “V” zone should be confined to the existing ruins of structures and its surrounding areas while the ecologically sensitive areas should be preserved and protected. Also, conservation zonings such as “Conservation Area” (“CA”) and “Coastal Protection Area” (“CPA”) are preferred for the secondary woodland extending from the Country Parks, natural streams and coastal areas including the mangrove/freshwater marshes thereat. Adequate buffer zones should also be provided on both sides of natural streams.

3.6.6. Kadoorie Farm & Botanic Garden Corporation has also provided the information on the important habitats in the Area. In this regard, AFCD has no comment on the information on the rare and protected species as it is based on the previous record of Kadoorie Farm & Botanic Garden Corporation.

4. PLANNING PROPOSALS

4.1. The Outline Zoning Plan

The draft To Kwa Peng and Pak Tam Au OZP (the Plan) prepared under section 3(1) of the Ordinance is to provide a statutory basis for planning control over the Area. It will

¹ Environmental concern groups include Designing Hong Kong, The Hong Kong Bird Watching Society, WWF Hong Kong, The Conservancy Association, Kadoorie Farm & Botanic Garden Corporation.

supersede the approved To Kwa Peng and Pak Tam Au DPA Plan No. DPA/NE-TKP/2, which was exhibited for public inspection under section 9(5) of the Ordinance on 17.2.2012. Uses and development that are always permitted and those for which the Board’s permission must be sought in various 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 the Board for various land-use zonings.

4.2. Planning Objectives

4.2.1. The development of the Area should gear towards the following objectives:

- (a) to provide a comprehensive planning framework to guide the development on an integrated and co-ordinated basis;
- (b) to conserve the Area’s outstanding natural landscape and ecological value in safeguarding the natural habitat and natural system of the wider area; and
- (c) to preserve the natural and rural character of the Area.

4.3. Planning Principles

4.3.1. The main planning principles below are adopted for preparation of the planning and development

proposals of the Area:

- (a) The To Kwa Peng area is located in the south side of Ko Tong Hau and adjoining the northwest corner of Sai Kung East Country Park while the Pak Tam Au area is located along Pak Tam Road at the western edge, integral with Sai Kung East Country Park. The Area comprises a diversity of natural habitats including, inter alia, mature woodland, hillside shrubland, freshwater marsh and mangrove which support some rare/uncommon flora and fauna of the Area and should be preserved and protected.
- (b) Small House development in recognized villages will be consolidated at suitable locations so as to preserve the rural character of the Area. Future development and redevelopment should also demonstrate such a low-rise characteristic and not to overtax the limited infrastructure.

4.4. Land Use Proposals (**Figures 12a and 12b**)

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

4.4.2. Village Type Development (“V”) (5.58 ha or

22.36%)

- (a) The planning intention of this zone is to reflect existing recognized village, and to provide land considered suitable for provision of village houses. 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 Board.
- (b) This zone includes the two recognized villages in the Area, namely To Kwa Peng and Pak Tam Au Villages.
- (c) The “V” zones are drawn up having regard to the village ‘environs’, the local topography, the existing settlement pattern, site constraints, the estimated Small House demand, and provision of infrastructural facilities. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value, burial grounds and the buffer area for the stream courses are excluded.

- (d) The latest information on the outstanding Small House demand and 10-year Small House demand forecast has been obtained from the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD). However, it should be noted that the figures of 10-year Small House demand forecast are estimated and provided by the IIR in response to DLO/TP, LandsD's enquiry without any supporting evidence. If there is substantial and unjustified increase between the updated 10-year demand forecast figure and the previous corresponding figure when preparing the DPA Plan, the latter would be adopted in the preparation of the OZP unless strong justifications are received by the respective IIR.
- (e) DLO/TP, LandsD has advised that the latest total Small House demand are 132 for To Kwa Peng (comprising the outstanding Small House demand of 72 and the 10-year Small House demand forecast of 60) and 111 for Pak Tam Au (comprising the outstanding Small House demand of 11 and the 10-year Small House demand forecast of 100). It is noted that there is a substantial increase in the 10-year Small House demand forecast from 30 to 60 for To Kwa Peng and from over 25 to 100 for Pak Tam Au as compared with the previous

corresponding figure² when preparing the DPA Plan in 2010. The updated figures are provided without justifications and not verified. As the substantial increase in Small House demand forecast is not supported by evidence and not verified, the "V" zone boundaries are prepared based on the previous 10-year forecast. The total Small House demand would be 102 for To Kwa Peng (i.e. current outstanding (72) plus 10-year forecast (30) in 2010) and 36 for Pak Tam Au (i.e. current outstanding (11) plus 10-year forecast (25 rather than "over 25") in 2010). Based on PlanD's preliminary estimate, land required for meeting the Small House demand of 102 (for To Kwa Peng) and 36 (for Pak Tam Au) is about 2.55 ha and 0.90 ha respectively (**Table 1**).

- (f) With reference to the Small House demand and 'VE' for the recognized village as enumerated above, PlanD has analyzed the conditions of the area within 'VE' taking account of the existing village cluster, environmental conditions and natural terrain and topography of the Area. It should be noted that To Kwa Peng Village is mainly concentrated at the toe of the hillslopes in the central part of the area. Land within the 'VE'

² According to DLO/TP, LandsD in December 2010, the 10-year Small House demand forecast (2010-2019) is 30 for To Kwa Peng and over 25 for Pak Tam Au.

at the central part of the area comprises not only existing village clusters and ruin structures of To Kwa Peng Village, but also some hilly slopes in the south, a knoll in the east, some fallow agricultural land with a natural stream in the north-west and the natural coastline with a narrow strip of mangrove in the north. As for Pak Tam Au Village, the existing village cluster is mainly concentrated at the toe of the hillslopes in the north-western part of the area near Pak Tam Road. Land within the 'VE' at the central and north-western part of the area comprises not only existing village clusters and ruin structures of Pak Tam Au Village, but also some hilly slopes in the north and west, some fallow agricultural land in the east, south and west, and a natural stream in the south. Throughout the plan-making process, concerned departments have been closely liaised to ensure their input and comments are duly taken into account in the delineation of the "V" zone for the existing village cluster and potential areas for village expansion.

- (g) According to the 2011 Population Census, the population in the To Kwa Peng and Pak Tam Au areas is below 50 persons. For the To Kwa Peng area, given the natural environment with conservation and landscape value coupled with its inaccessibility due to lack of vehicular access, an incremental approach for designation of "V" zone for Small House

development has been adopted with an aim to consolidating Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the area. The surrounding woodland and the natural coastline with mangrove in the northern part and the natural stream in the western part of the area are hence suggested to be protected. Thus, about 1.94 ha of land mainly comprising the existing village settlements and cluster with its surrounding areas have been reserved for Small House development. Within the proposed "V" zone, about 0.97 ha of land is available (or equivalent to about 38 Small House sites) (**Table 1**). Although there is insufficient land to meet the outstanding and 10-year Small House demand (deficit of about 1.58 ha of land or equivalent to about 64 Small House sites), this figure has not been verified. Besides, the villagers may apply for Small House development in other zones which would be considered by the Board on its individual merits.

- (h) As for the Pak Tam Au area, given the natural environment with conservation and landscape value, the boundary of the "V" zone has also been drawn up with an aim of consolidating Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the area. The surrounding

woodland, the natural stream in the southern part and the ponds in the eastern part of the area are hence suggested to be protected. The central parts of the Pak Tam Au area adjoining the south of the existing village cluster are mainly fallow agricultural land overgrown with grass and shrubs. As the grassland in the central part is flat, close to the existing village and large enough to meet the outstanding and the 10-year forecast for Small House demand, it is the optimal location for designation as “V” zone. Consolidation of Small House development at suitable locations could avoid undesirable disturbances to the natural environment and overtaking the limited infrastructure in the Area. The currently proposed “V” zone covering a total of 3.64 ha has allowed sufficient land to meet the Small House demand. Within the proposed “V” zone, about 1.84 ha of land is available (or equivalent to about 73 Small House sites) (**Table 1**). Although there is sufficient land to meet the 10-year Small House demand (surplus of about 0.94 ha of land or equivalent to about 37 Small House sites), this figure has not been verified. In addition, opportunity may be taken to make use of the surplus area to accommodate the potential cross-village applications where there is a shortage of available land for Small House developments. Overall, there is still insufficient land to meet the total outstanding and 10-year Small House demand in To Kwa Peng and Pak Tam Au (a

deficit of about 0.64 ha of land or equivalent to about 27 Small House sites). Besides, planning is a continuous process, the boundaries of the “V” zone would be kept under review to cater for changing circumstances. Also, the villagers may apply for Small House development in other zones which would be considered by the Board on its individual merits.

- (i) With reference to the concern on potential impacts of developments in particular Small Houses within “V” zones 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 AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, LandsD when processing Small House grant and applications in close proximity to existing stream courses, should consult concerned departments including AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. It is also

suggested to clearly state this requirement in the Explanatory Statement of the “V” zone that when processing Small House grant and applications in close proximity to existing stream courses, AFCD and PlanD should be consulted.

- (j) The “V” zones in the To Kwa Peng and Pak Tam Au area are overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. For future development in this area, the developer(s) may be required to carry out natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development. Any development within the steep natural terrain may be required to carry out a natural terrain hazard study and provision of necessary hazard mitigation measures.
- (k) 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 first publication in the Gazette of the notice of the draft DPA plan, whichever is the greater.
- (l) 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 works and related activities except public works co-ordinated or implemented by government, and maintenance, repair or rebuilding works.

- (m) There is neither existing nor proposed public sewer in the Area. For Small House development, the design and construction of such systems need to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93, for the protection of the water quality of the Area.
- (n) In addition, the Pak Tam Au area also falls entirely within the upper indirect water gathering ground. For any village type development within the “V” zone, it should be demonstrated that the water quality within the water gathering ground will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is not considered as an acceptable means for new village developments located in water gathering grounds. There should be demonstrably effective means (such as proper waste water treatment plant) to ensure that the effluent water quality is acceptable to concerned

government departments.

4.4.3. Green Belt (“GB”) (1.79 ha or 7.17%)

- (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) The sites zoned “GB” include the vegetated hillslopes, natural stream and woodland adjoining the west of the “V” zone of the existing main village cluster of To Kwa Peng and the vegetated hillslopes and woodland at the southwest part of Pak Tam Au. These “GB” zones mainly comprise relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which provide a buffer between the development and conservation areas or Country Park area.
- (c) There is a traditional burial ground at the southwestern part of the Pak Tam Au area which is within this zone. It has been in existence for many years, which are considered as an existing use and intended for burial places of deceased indigenous villagers in the area. To respect the local ritual and tradition, burial activities within this zone are

generally tolerated. The District Office (DO) is delegated with authority under the Public Health and Municipal Services Ordinance (Cap 132) to approve burial grounds outside gazetted cemeteries. Burial activities should be approved by DO and confined within the designated grounds and any encroachments onto the natural areas should be avoided.

- (d) There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- (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 works and related activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

4.4.4. Conservation Area (“CA”) (16.51 ha or 66.14%)

- (a) This zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research

purposes and to separate sensitive natural environment such as Country Park 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) The “CA” zoning, which mainly comprises relatively undisturbed native woodland ecologically-linked to the natural habitats in the adjacent Sai Kung East Country Park, covers the *fung shui* woods behind the villages and the adjoining wooded areas. In To Kwa Peng, a high diversity of flora species (96 species), including the protected *Aquilaria sinensis* (土沉香) and *Pavetta hongkongensis* (香港大沙葉), has been recorded. *Aquilaria sinensis* (土沉香) has also been recorded in the woodland at the knoll northeast of the *fung shui* woodland. Though most of the species recorded in the subject site are common and widespread, To Kwa Peng has been identified as a butterfly hotspot with over 40% of the local species recorded, including the very rare *Choaspes hemixanthus* (半黃綠弄蝶), and the rare *Zographetus satwa* (黃裳腫脈弄蝶) and *Abraximorpha davidii* (白弄蝶). For Pak Tam Au, a partially disturbed *fung shui* woodland is

found behind the village with a moderately high diversity of flora species (62 species), including the protected *Pavetta hongkongensis* (香港大沙葉).

- (c) New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses 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 DPA Plan.
- (d) Works relating to diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on 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.

4.4.5. Coastal Protection Area (“CPA”) (1.08 ha or 4.33%)

- (a) This zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which

serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. 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) The coastal areas of To Kwa Peng along Ko Tong Hau, where estuarine mangrove and mudflat habitats locate, are under this zoning. According to AFCD, the natural mudflat on the coast is one of the most species-rich sites in Hong Kong with respect to mangrove fauna. Some uncommon species of mangroves, *Heritiera littoralis* (銀葉樹) and *Lumnitzera racemosa* (欖李) and seagrass, *Halophila minor* (小喜鹽草) are found in this mudflat.
- (c) In addition, some wetland plants, such as *Kandelia canel* (水筆仔), *Heritiera littoralis* (銀葉樹), *Glochidion zeylanicum* (香港算盤子), *Excoecaria agallocha* (海漆) and *Cerbera manghas* (海芒果), etc., are found along the east coast of To Kwa Peng and along two sides of the existing footpath.
- (d) New residential development is not permitted under this zone. Redevelopment of existing

houses may be permitted on application to the Board. The redevelopment of existing houses 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 DPA Plan.

- (e) Works relating to diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on 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

Infrastructural Provisions

- 5.1. The To Kwa Peng area and the Pak Tam Au area are provided with electricity and telephone services. Potable water supply has been provided to the existing facilities and villagers of the Area. There are no committed/proposed sewerage and drainage projects planned for the Area.

Statutory Development Control

- 5.2. The OZP 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. The type of permitted developments and uses on land within the Area are listed in the Notes of the Plan. All uses directly related and ancillary to the permitted developments and uses are also permitted.

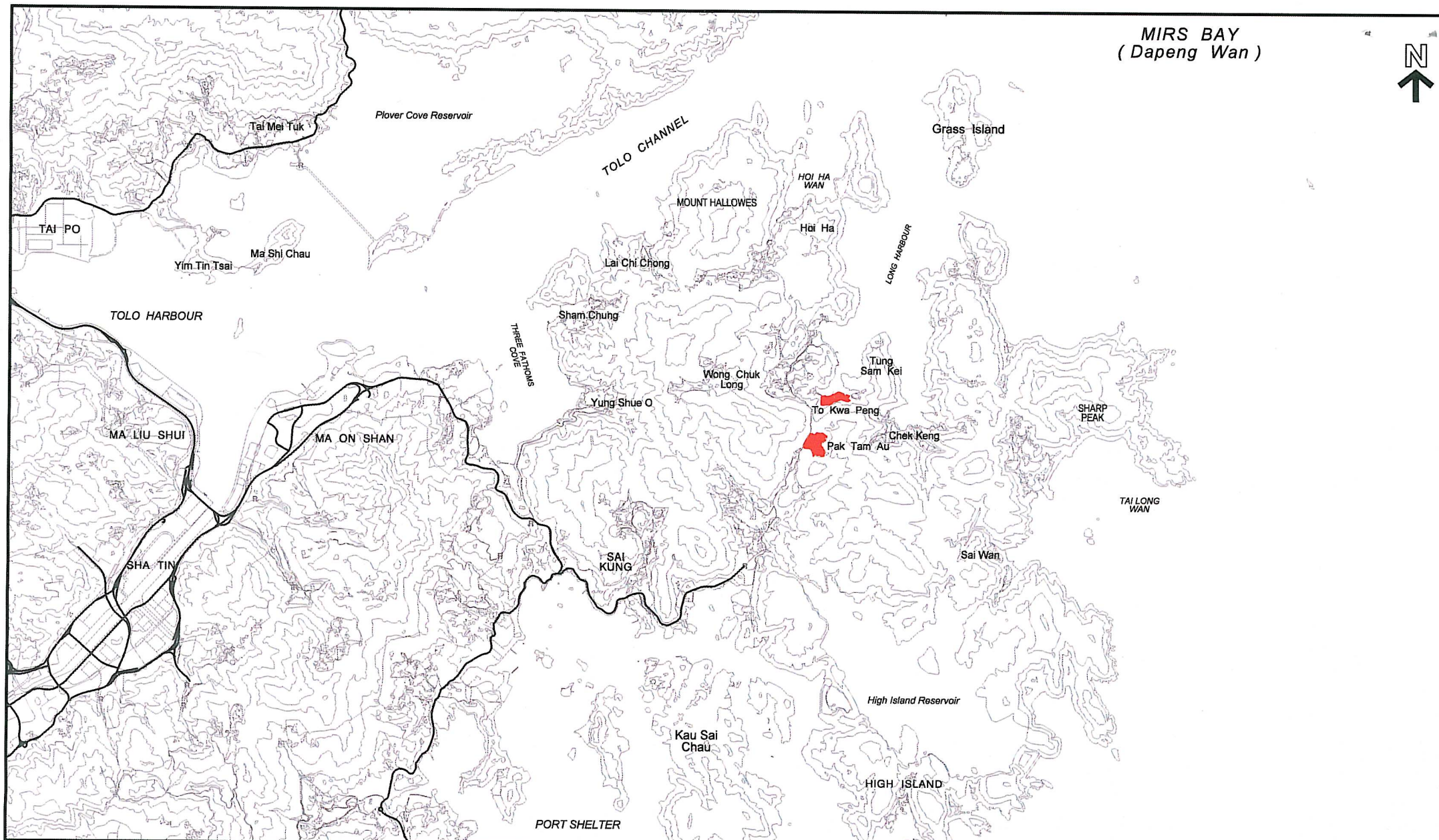
- 5.3. At present, there is no overall programme for the provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both public and private sectors.
- 5.4. Roads, utility services installation and public works projects will be implemented through the Public Works Programme, the Rural Public Works Programme, and Local Public Works Improvement Programme subject to priority and resource availability. Private developments will be effected principally through private sector initiatives in accordance with the zoned uses indicated on the OZP, provided that their proposals meet Government requirements.
- 5.5. 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 or after 7.1.2011 on land included in a plan of the To Kwa Peng and Pak Tam Au DPA, may be subject to enforcement proceedings under the Ordinance.

PLANNING DEPARTMENT
OCTOBER 2013

Table 1**Small House Demand for To Kwa Peng and Pak Tam Au**

	Small House Demand Figure in 2010		Small House Demand Figure in 2013		'VE' Area (ha)	“V” zone on draft OZP (ha)	Required land to meet new demand (ha)	Available Land to meet new demand figure (ha)	Percentage of the new demand met by available land
	Outstanding Demand	10-year forecast (2010 – 2019)	Outstanding Demand	10-year forecast (2013 – 2022)					
To Kwa Peng	72	30*	72*	60*	5.23	1.94	2.55	0.97	38%
Pak Tam Au	14	> 25*	11*	100*	3.74	3.64	0.90	1.84	204%
Total	86	> 55	83	160	8.97	5.58	3.45	2.81	81%

* When considering the land use zoning for the “V” zone, it is noted that no justification has been provided by the IIRs for the substantial increase in the latest 10-year forecast. In such circumstances, the updated outstanding demand in 2013, i.e. 72 for To Kwa Peng and 11 for Pak Tam Au, and the previous 10-year forecast provided in 2010, i.e. 30 for To Kwa Peng and 25 rather than “over 25” for Pak Tam Au, are adopted as the total Small House demand figures in preparation of the draft OZP.



 STUDY AREA

EXTRACT PLAN PREPARED ON 29.1.2013
BASED ON SURVEY SHEET SERIES HM100C

LOCATION PLAN TO KWA PENG AND PAK TAM AU

SCALE 1 : 100 000

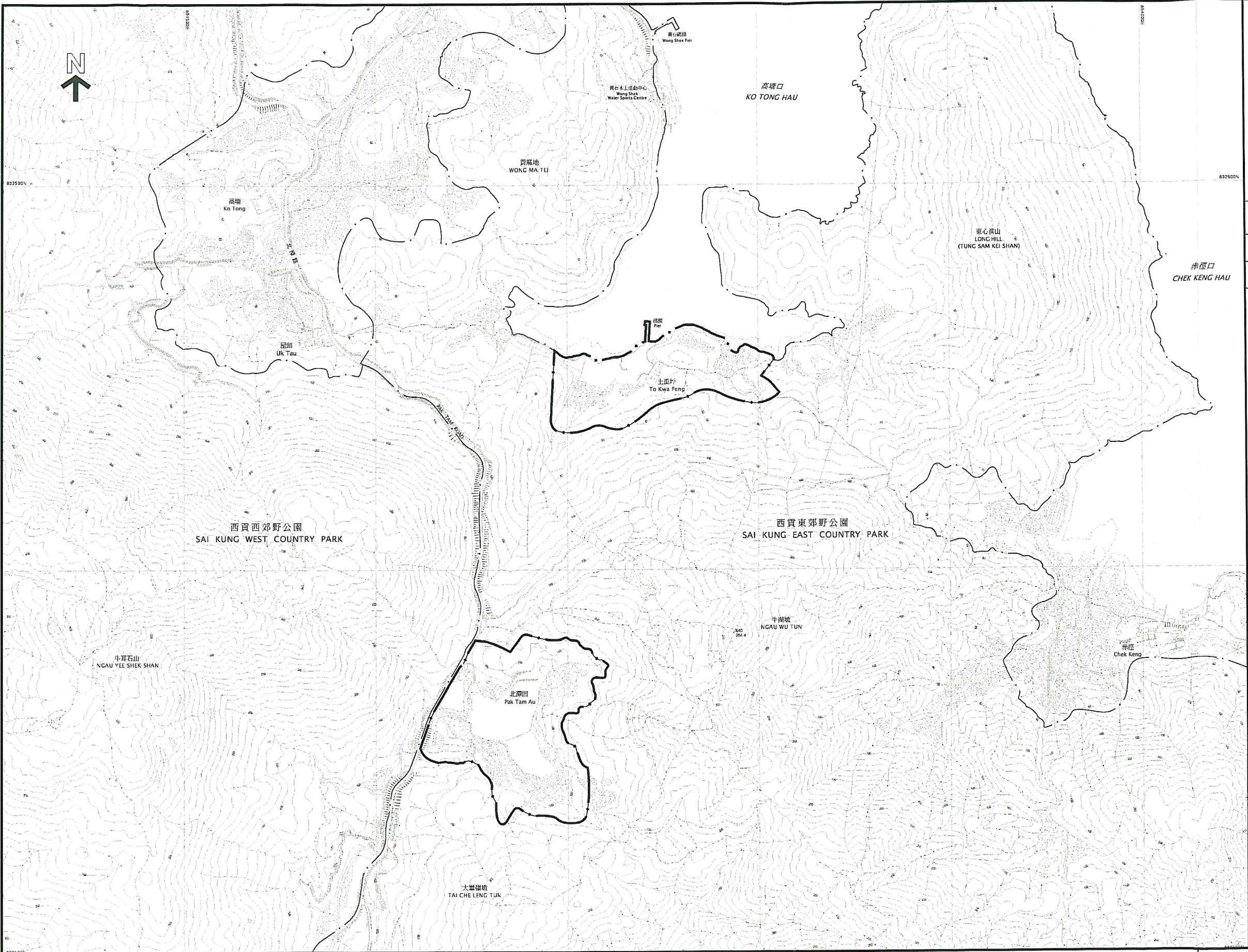
KILOMETRES 2 0 2 4 KILOMETRES

PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
1



圖例
NOTATION

MISCELLANEOUS
BOUNDARY OF DEVELOPMENT
PERMISSION AREA
BOUNDARY OF COUNTRY PARK

其他
發展審批地區界線
郊野公園界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
UNSPECIFIED USE	24.96	100.00	非指定用途
TOTAL PLANNING SCHEME AREA	24.96	100.00	規劃範圍總面積

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

TO KWA PENG AND PAK TAM AU
DEVELOPMENT PERMISSION AREA PLAN

PLANNING DEPARTMENT

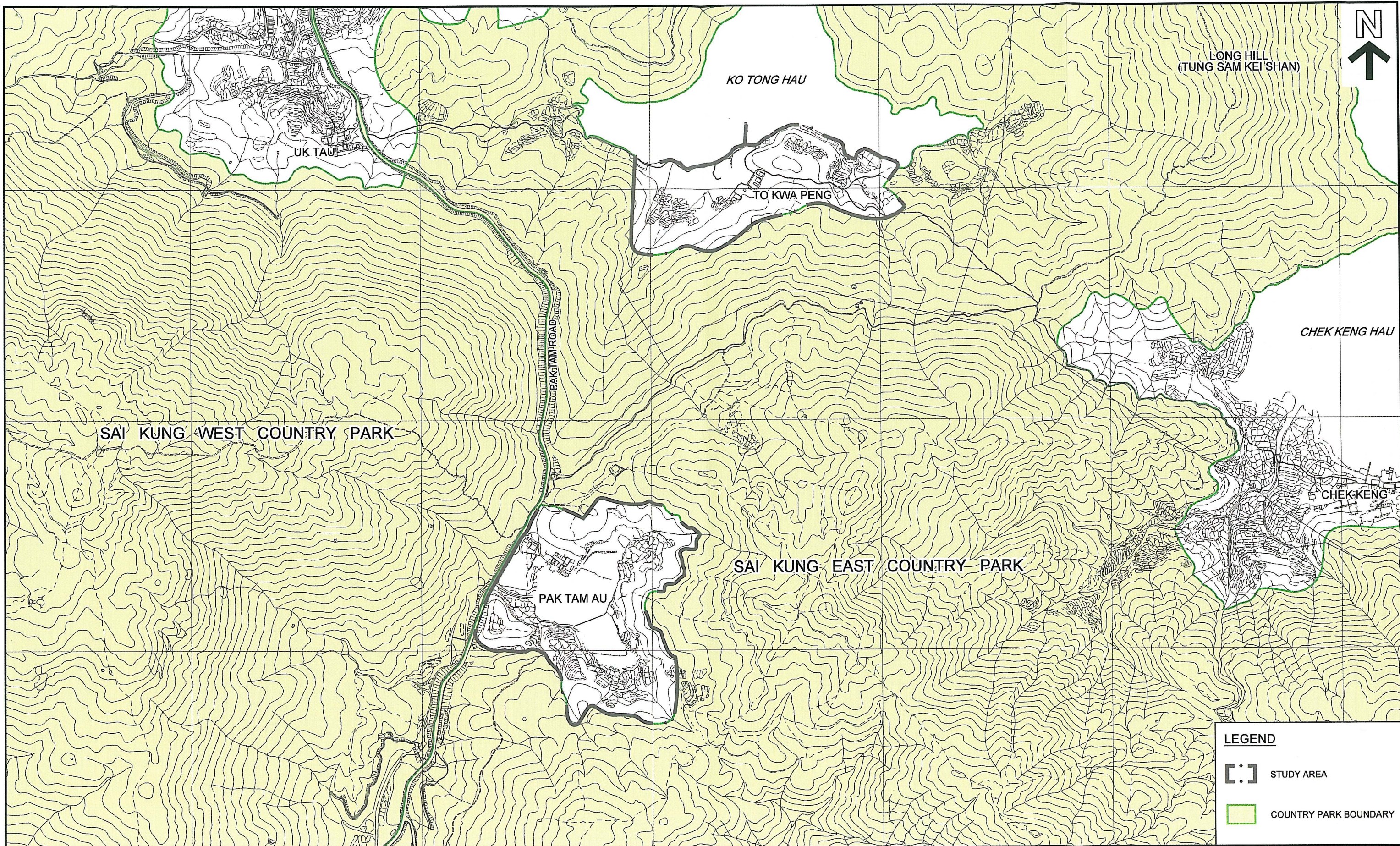


EXTRACT PLAN PREPARED ON 12.10.2012
BASED ON DEVELOPMENT PERMISSION
AREA PLAN No. DPA/NE-TKP/2 APPROVED ON 7.2.2012

METRES 200 0 200 400 METRES

REFERENCE No.
M/NP/TKP/12/1

FIGURE
2



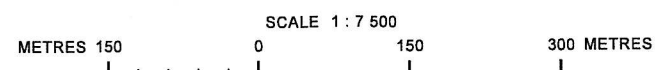
STUDY AREA

TO KWA PENG AND PAK TAM AU

PLANNING DEPARTMENT



EXTRACT PLAN PREPARED ON 31.7.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D,
17A/C, 21A/B/C/D, 22A/C, 8-NW-20A/B/C/D AND 25A/B/C/D



REFERENCE No.
M/NP/TKP/12/1

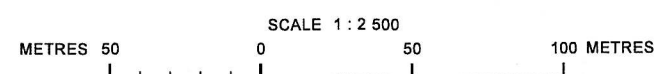
FIGURE
3



AERIAL PHOTOS

TO KWA PENG

EXTRACT PLAN PREPARED ON 18.6.2013
BASED ON AERIAL PHOTOS No. CW96093-4
TAKEN ON 7.5.2012 BY LANDS DEPARTMENT



PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
4a

SAI KUNG WEST COUNTRY PARK

PAK TAM AU

SAI KUNG EAST COUNTRY PARK

PAK TAM ROAD

LEGEND

[.] STUDY AREA

— COUNTRY PARK BOUNDARY

AERIAL PHOTOS

PAK TAM AU

PLANNING DEPARTMENT

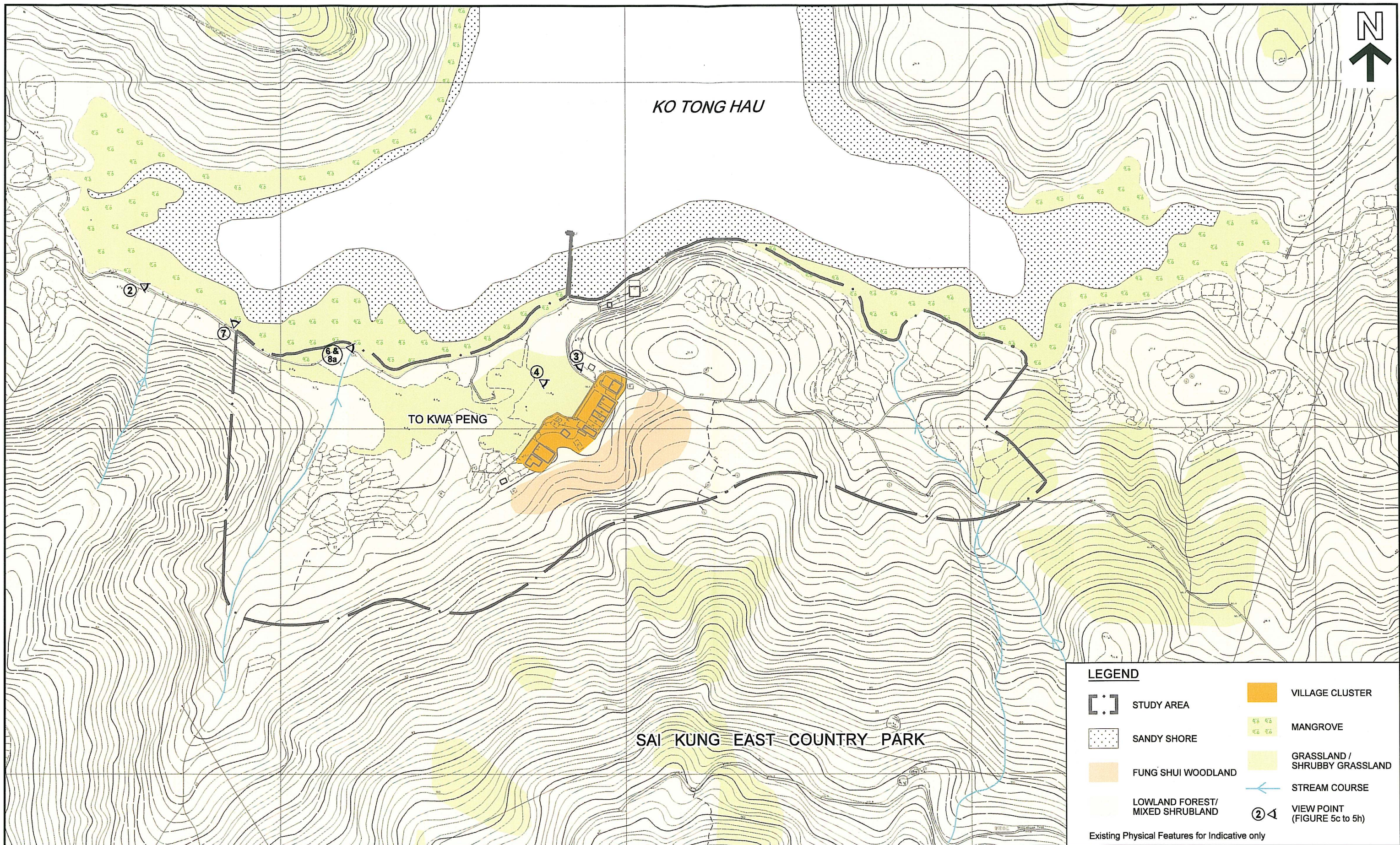


EXTRACT PLAN PREPARED ON 27.3.2013
BASED ON AERIAL PHOTOS No. CW96214-6 &
CW96325-9 TAKEN ON 7.5.2012 BY LANDS DEPARTMENT

SCALE 1 : 2 500
METRES 50 0 50 100 METRES

REFERENCE No.
M/NP/TKP/12/1

FIGURE
4b



LEGEND

- | | | | |
|--|----------------------------------|--|-------------------------------|
| | STUDY AREA | | VILLAGE CLUSTER |
| | SANDY SHORE | | MANGROVE |
| | FUNG SHUI WOODLAND | | GRASSLAND / SHRUBBY GRASSLAND |
| | LOWLAND FOREST / MIXED SHRUBLAND | | STREAM COURSE |
| | | | VIEW POINT (FIGURE 5c to 5h) |

Existing Physical Features for Indicative only

EXISTING PHYSICAL FEATURES

TO KWA PENG

PLANNING DEPARTMENT

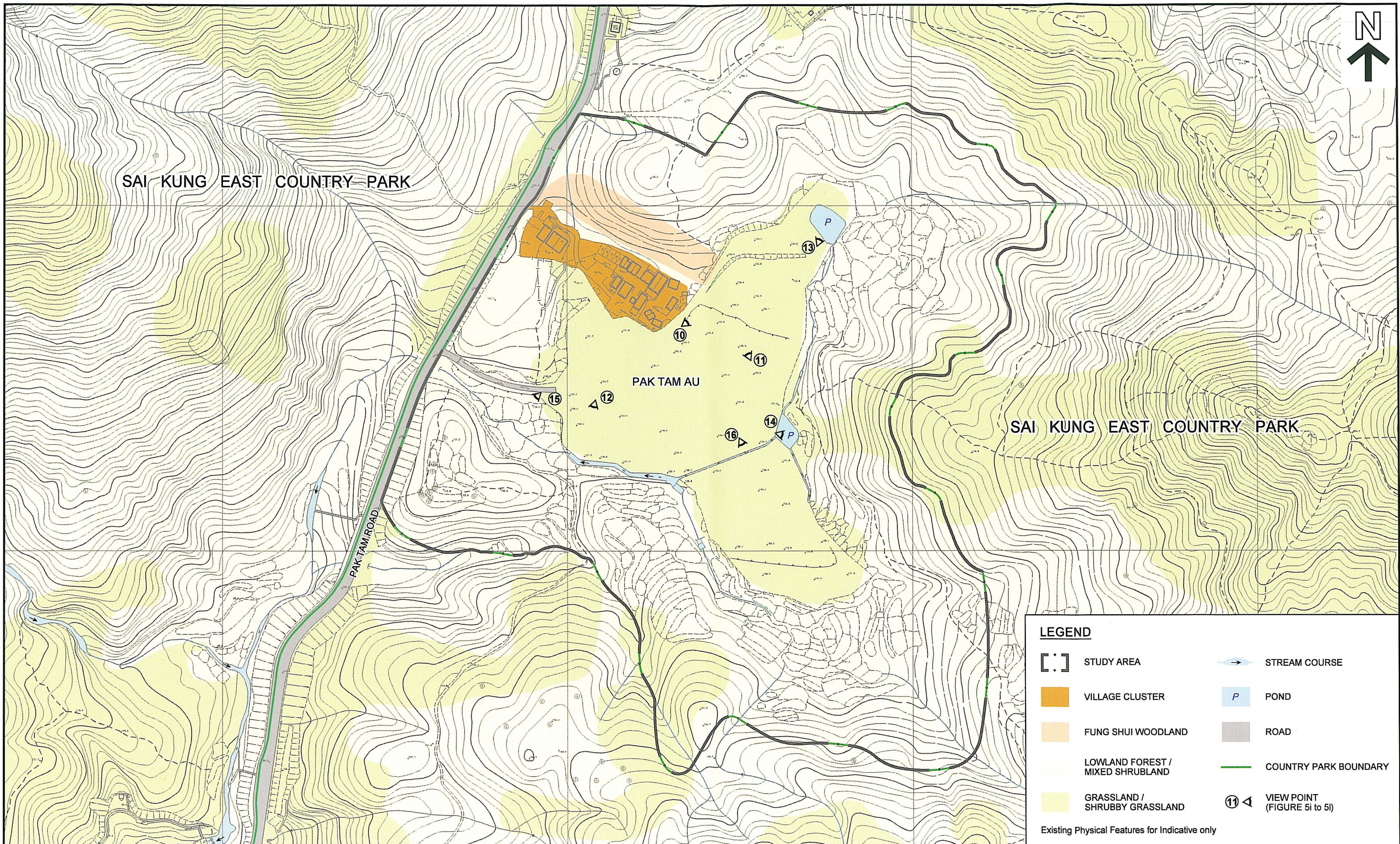


REFERENCE No.
M/NP/TKP/12/1

FIGURE
5a

EXTRACT PLAN PREPARED ON 19.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D

SCALE 1 : 2 500
METRES 50 0 50 100 METRES



EXISTING PHYSICAL FEATURES

PAK TAM AU

EXTRACT PLAN PREPARED ON 12.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B

SCALE 1 : 2 500
METRES 50 0 50 100 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
5b



PHOTO 1 TAKEN FROM HELICOPTER

EXTRACT PLAN PREPARED ON 27.5.2013
 BASED ON SITE PHOTO TAKEN
 ON 19.10.2011

SITE PHOTO - EXISTING PHYSICAL FEATURES

TO KWA PENG

PLANNING
 DEPARTMENT



REFERENCE No.
 M/NP/TKP/12/1

FIGURE
 5c



FALLOW AGRICULTURAL LAND, WOODLAND, SHRUBLAND AT TO KWA PENG



FUNG SHUI WOOD BEHIND TO TO KWA PENG VILLAGE

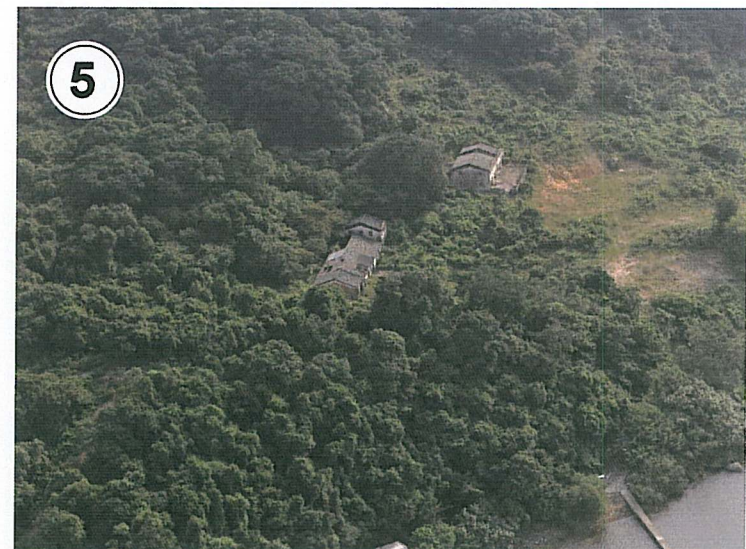


PHOTO 5 TAKEN FROM HELICOPTER

EXTRACT PLAN PREPARED ON 18.1.2013
BASED ON SITE PHOTOS TAKEN ON
17.8.2011, 19.10.2011 AND 27.8.2012

SITE PHOTOS - EXISTING PHYSICAL FEATURES

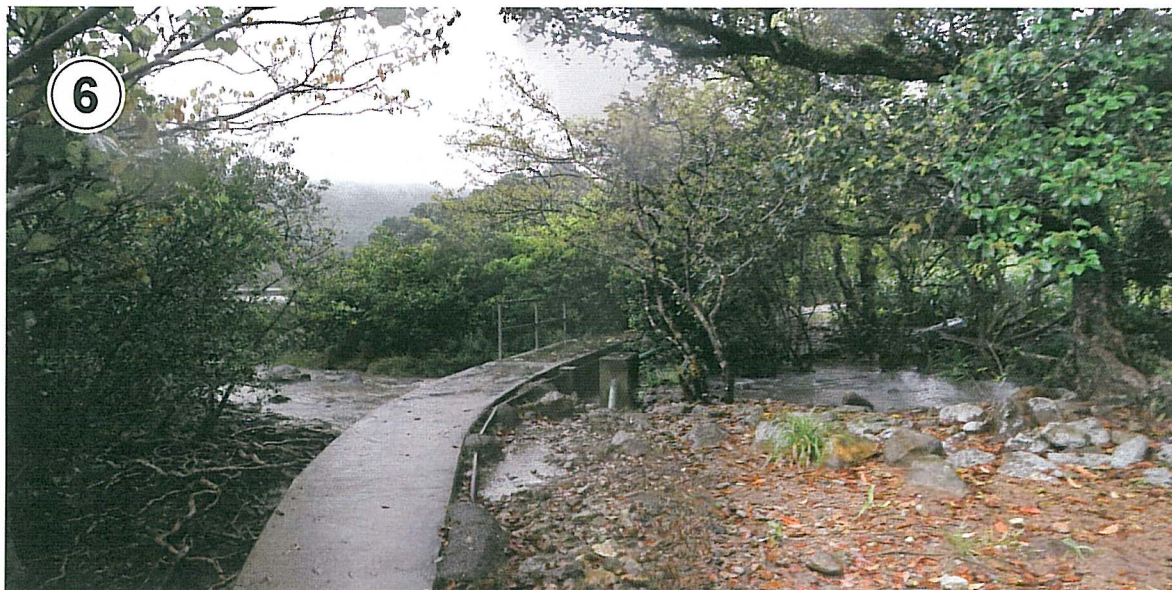
TO KWA PENG

PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
5d



MUDFLAT AND MANGROVE / MARSH ALONG THE COAST FRONTING KO TONG HAU

EXTRACT PLAN PREPARED ON 19.9.2013
BASED ON SITE PHOTOS TAKEN ON
17.8.2011 AND 20.4.2012

SITE PHOTOS - EXISTING PHYSICAL FEATURES

TO KWA PENG

PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
5e



ESTUARINE MANGROVE AND A NATURAL STREAM NEAR THE WESTERN BOUNDARY OF THE AREA

EXTRACT PLAN PREPARED ON 19.9.2013
BASED ON SITE PHOTO TAKEN ON 9.9.2011

SITE PHOTO - EXISTING PHYSICAL FEATURES

TO KWA PENG

PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
5f



PHOTO 8b TAKEN FROM HELICOPTER

EXTRACT PLAN PREPARED ON 17.9.2013
 BASED ON SITE PHOTO TAKEN
 ON 18.2.2013

SITE PHOTO - EXISTING PHYSICAL FEATURES

TO KWA PENG

PLANNING
 DEPARTMENT



REFERENCE No.
 M/NP/TKP/12/1

FIGURE
 5g



PHOTO 8c TAKEN FROM HELICOPTER

SITE PHOTO - EXISTING PHYSICAL FEATURES

TO KWA PENG

EXTRACT PLAN PREPARED ON 17.9.2013
 BASED ON SITE PHOTO TAKEN
 ON 18.2.2013

PLANNING
 DEPARTMENT



REFERENCE No.
 M/NP/TKP/12/1

FIGURE
 5h



PHOTO 9a TAKEN FROM HELICOPTER

EXTRACT PLAN PREPARED ON 12.9.2013
 BASED ON SITE PHOTO TAKEN
 ON 19.10.2011

SITE PHOTO - EXISTING PHYSICAL FEATURES

PAK TAM AU

PLANNING
 DEPARTMENT



REFERENCE No.
 M/NP/TKP/12/1

FIGURE
 5i



PHOTO 9b TAKEN FROM HELICOPTER

EXTRACT PLAN PREPARED ON 12.9.2013
 BASED ON SITE PHOTO TAKEN
 ON 19.10.2011

SITE PHOTO - EXISTING PHYSICAL FEATURES

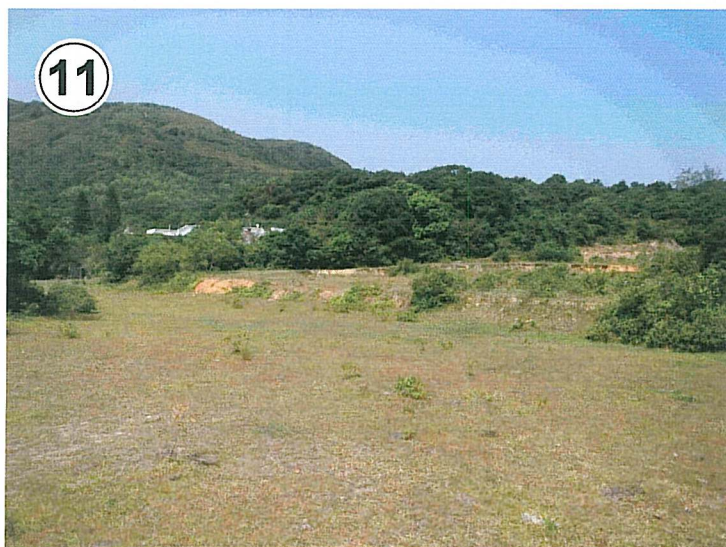
PAK TAM AU

PLANNING
 DEPARTMENT



REFERENCE No.
 M/NP/TKP/12/1

FIGURE
 5j



FALLOW AGRICULTURAL LAND AND WOODLAND / SHRUBLAND AT PAK TAM AU

EXTRACT PLAN PREPARED ON 27.9.2013
BASED ON SITE PHOTOS TAKEN ON
25.4.2012, 5.10.2012 AND 17.10.2012.

SITE PHOTOS - EXISTING PHYSICAL FEATURES

PAK TAM AU

PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
5k



POND WITH LOTUS AND OTHER WATER PLANTS AT PAK TAM AU



NATURAL STREAM AND PARTIALLY TRAINED STREAM AT PAK TAM AU

SITE PHOTOS - EXISTING PHYSICAL FEATURES

PAK TAM AU

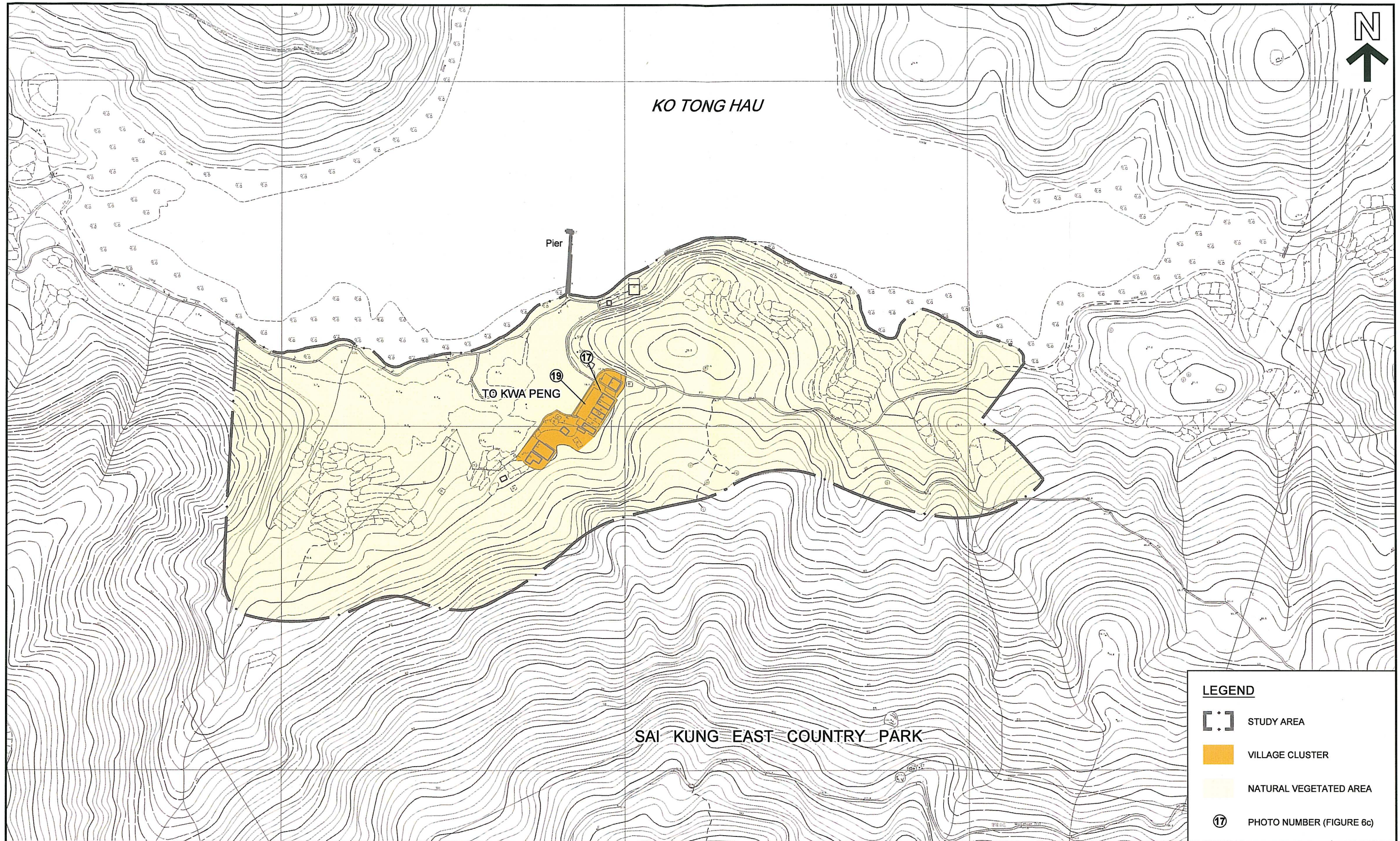
PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
5I

EXTRACT PLAN PREPARED ON 27.9.2013
BASED ON SITE PHOTOS TAKEN ON
25.4.2012 AND 5.10.2012



EXISTING LAND USES

TO KWA PENG

PLANNING DEPARTMENT

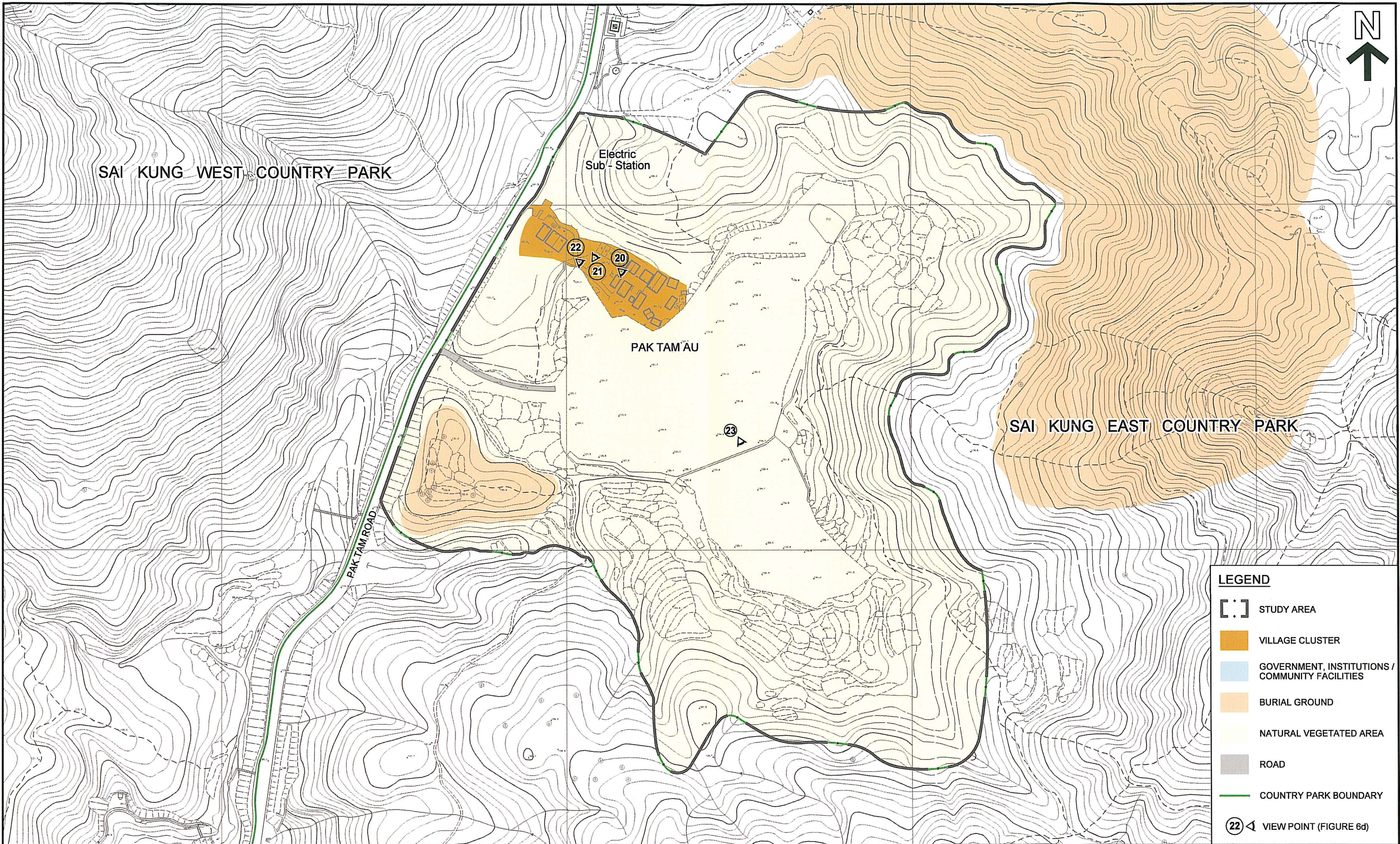


REFERENCE No.
M/NP/TKP/12/1

FIGURE
6a

EXTRACT PLAN PREPARED ON 30.7.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D

SCALE 1 : 2 500
METRES 50 0 50 100 METRES



EXISTING LAND USES

PAK TAM AU

PLANNING DEPARTMENT



EXTRACT PLAN PREPARED ON 13.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B



REFERENCE No.
M/NP/TKP/12/1

FIGURE
6b

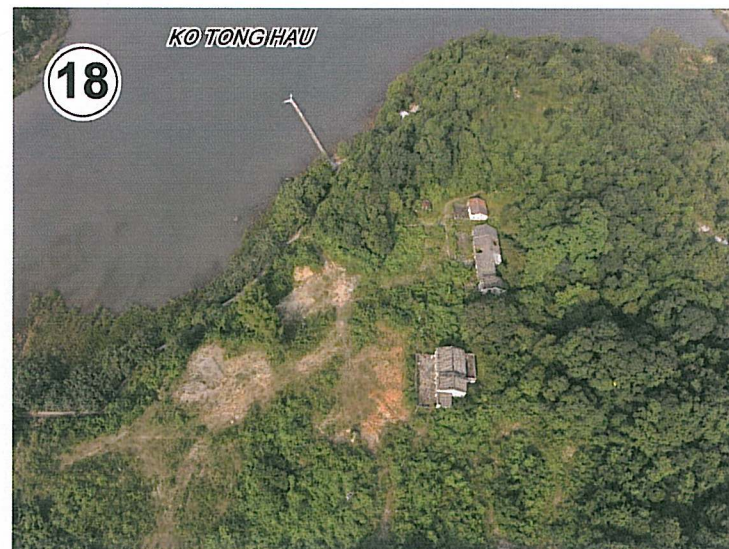


PHOTO 18 TAKEN FROM HELICOPTER



A ROW OF SEVERAL VILLAGE HOUSES WITH SOME RUINS AND IN DILAPIDATED CONDITIONS

EXTRACT PLAN PREPARED ON 20.6.2013
BASED ON SITE PHOTOS TAKEN ON
19.10.2011, 27.8.2012 AND 5.10.2012

SITE PHOTOS - EXISTING LAND USES

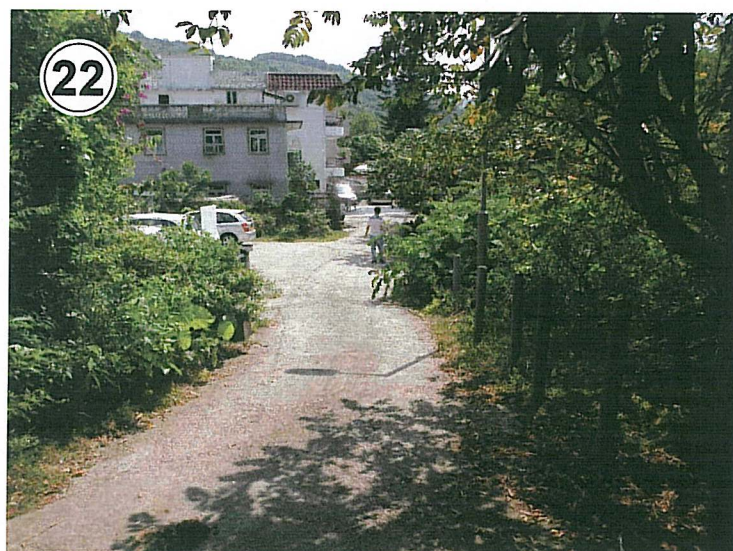
TO KWA PENG

PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

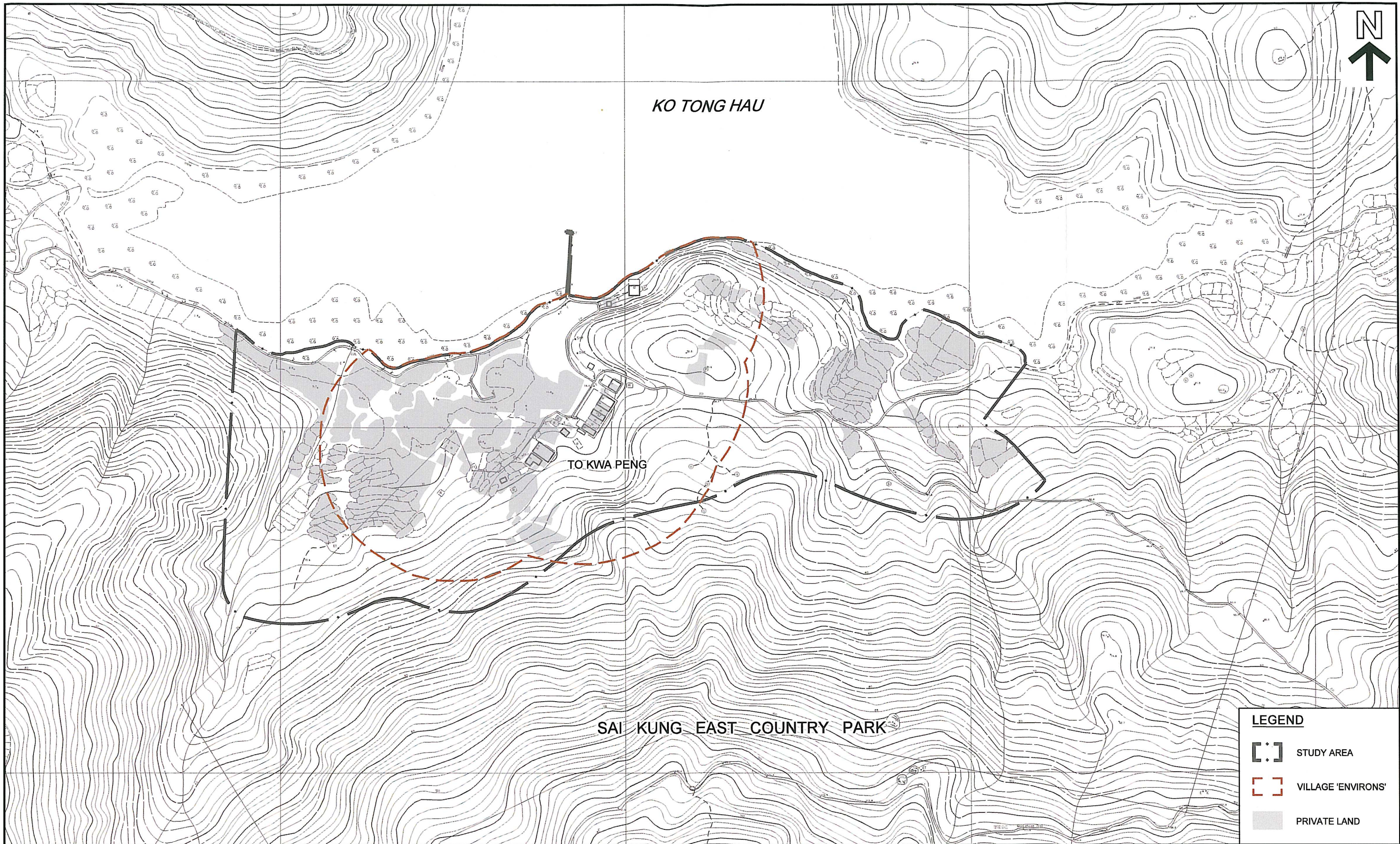
FIGURE
6c



VILLAGE HOUSES AT PAK TAM AU WITH SOME IN RUINS

<p>EXTRACT PLAN PREPARED ON 13.11.2012 BASED ON SITE PHOTOS TAKEN ON 5.10.2012</p>	<p>SITE PHOTOS - EXISTING LAND USES</p> <p>PAK TAM AU</p>	<p>PLANNING DEPARTMENT</p>	
		<p>REFERENCE No. M/NP/TKP/12/1</p>	<p>FIGURE 6d</p>





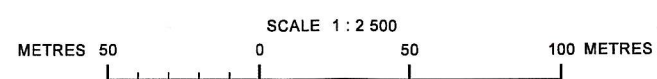
LAND OWNERSHIP AND VILLAGE 'ENVIRONS'

TO KWA PENG

PLANNING DEPARTMENT

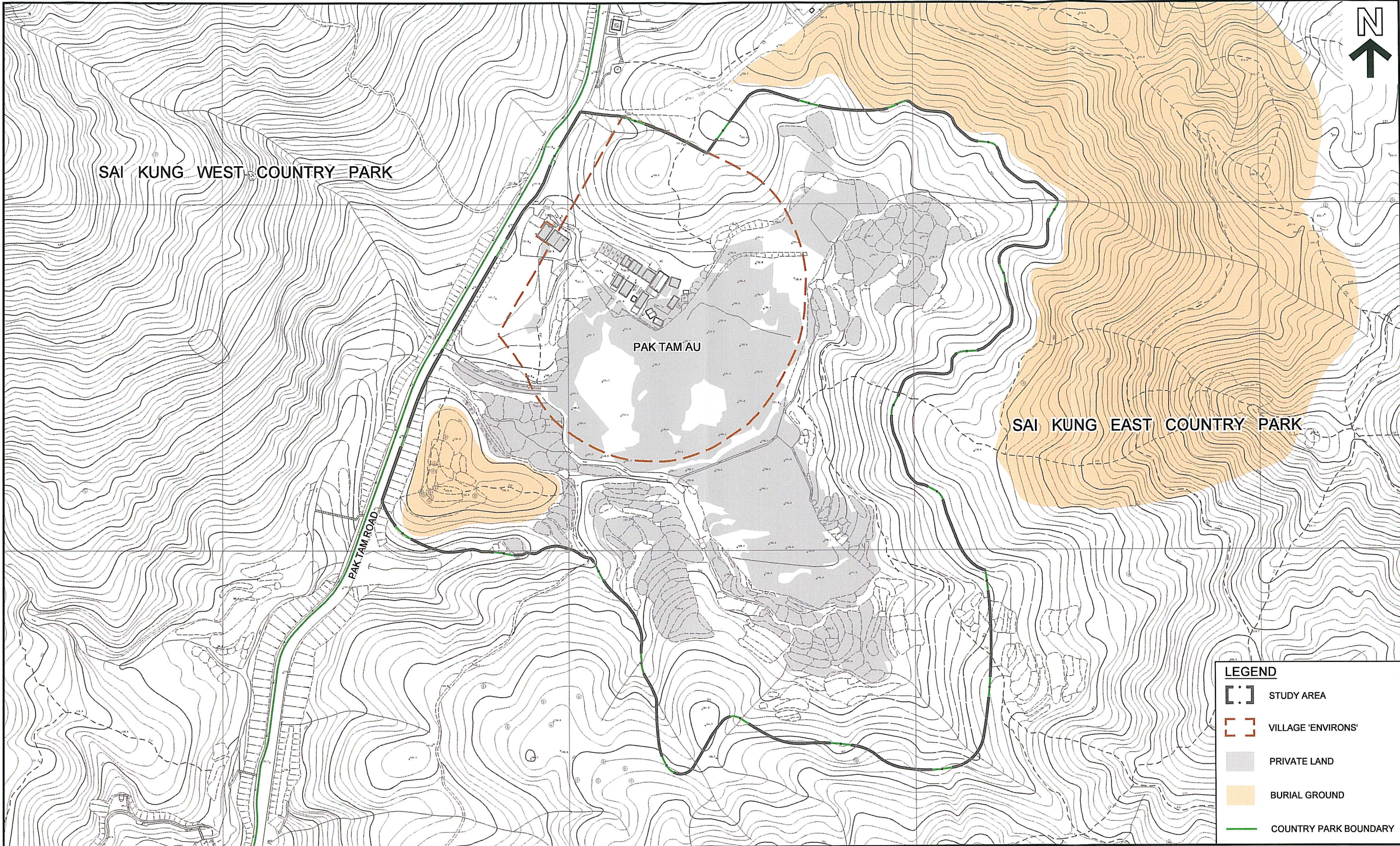


EXTRACT PLAN PREPARED ON 30.7.2013
 BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D



REFERENCE No.
 M/NP/TKP/12/1

FIGURE
 7a



LEGEND

- [] STUDY AREA
- [] VILLAGE 'ENVIRONS'
- PRIVATE LAND
- BURIAL GROUND
- COUNTRY PARK BOUNDARY

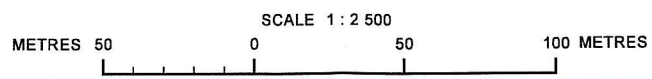
LAND OWNERSHIP AND VILLAGE 'ENVIRONS'

PAK TAM AU

PLANNING DEPARTMENT



EXTRACT PLAN PREPARED ON 2.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B



REFERENCE No.
M/NP/TKP/12/1

FIGURE
7b



EXISTING GIC, INFRASTRUCTURAL AND TOURISM-RELATED FACILITIES

TO KWA PENG

SCALE 1 : 5 000
METRES 100 0 100 200 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
8a

EXTRACT PLAN PREPARED ON 31.7.2013
BASED ON SURVEY SHEETS No. 8-NE-11C/D,
16A/B/C/D AND 8-NW-15D, 20B/D



**EXISTING GIC, INFRASTRUCTURAL
AND TOURISM-RELATED FACILITIES**

PAK TAM AU

PLANNING DEPARTMENT

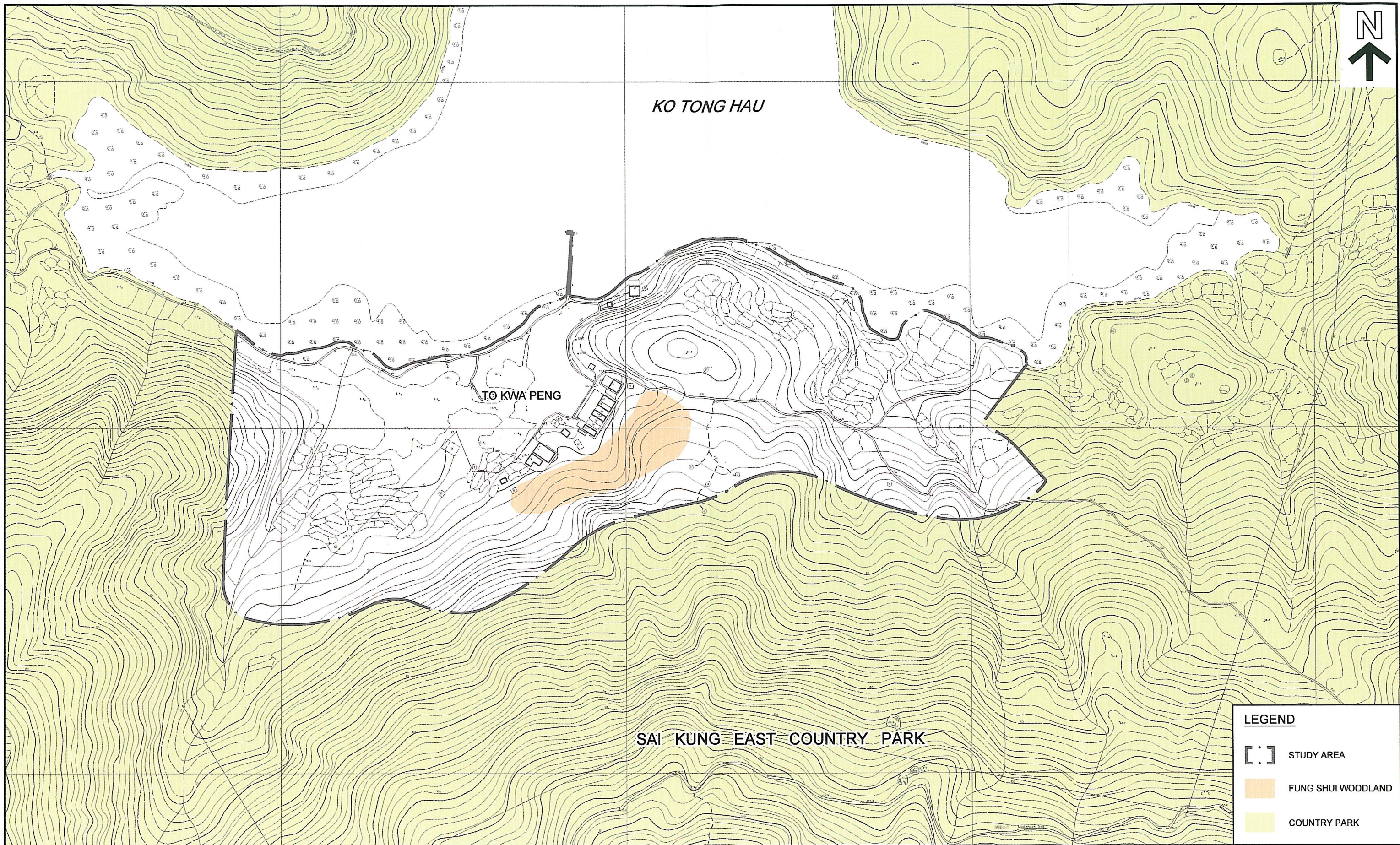


REFERENCE No.
M/NP/TKP/12/1

FIGURE
8b

EXTRACT PLAN PREPARED ON 31.7.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D, 17A/C, 21A/B/C/D, 22A/C,
8-NW-19B/D, 20A/B/C/D, 24B/D, 25A/B/C/D, 8-SE-1A/B, 2A, 8-SW-4B AND 5A/B

SCALE 1 : 10 000
METRES 200 0 200 400 METRES



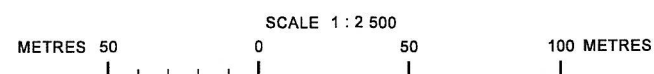
ECOLOGICAL AND CULTURAL HERITAGE RESOURCES

TO KWA PENG

PLANNING DEPARTMENT

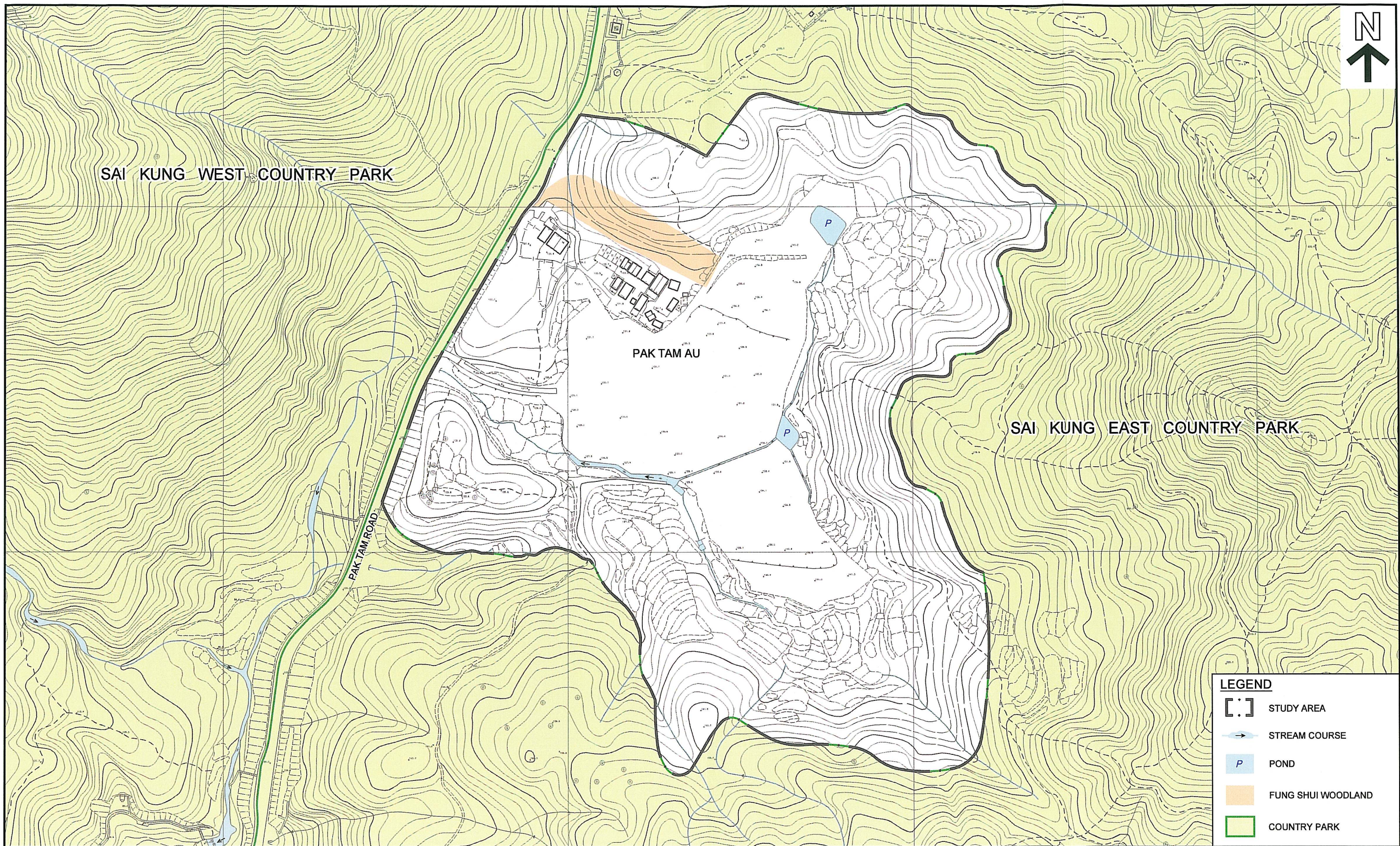


EXTRACT PLAN PREPARED ON 30.7.2013
BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D



REFERENCE No.
M/NP/TKP/12/1

FIGURE
9a



LEGEND

- [] STUDY AREA
- STREAM COURSE
- P POND
- FUNG SHUI WOODLAND
- COUNTRY PARK

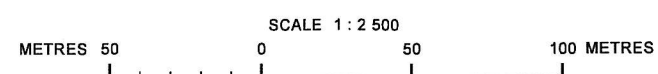
ECOLOGICAL AND CULTURAL HERITAGE RESOURCES

PAK TAM AU

PLANNING DEPARTMENT

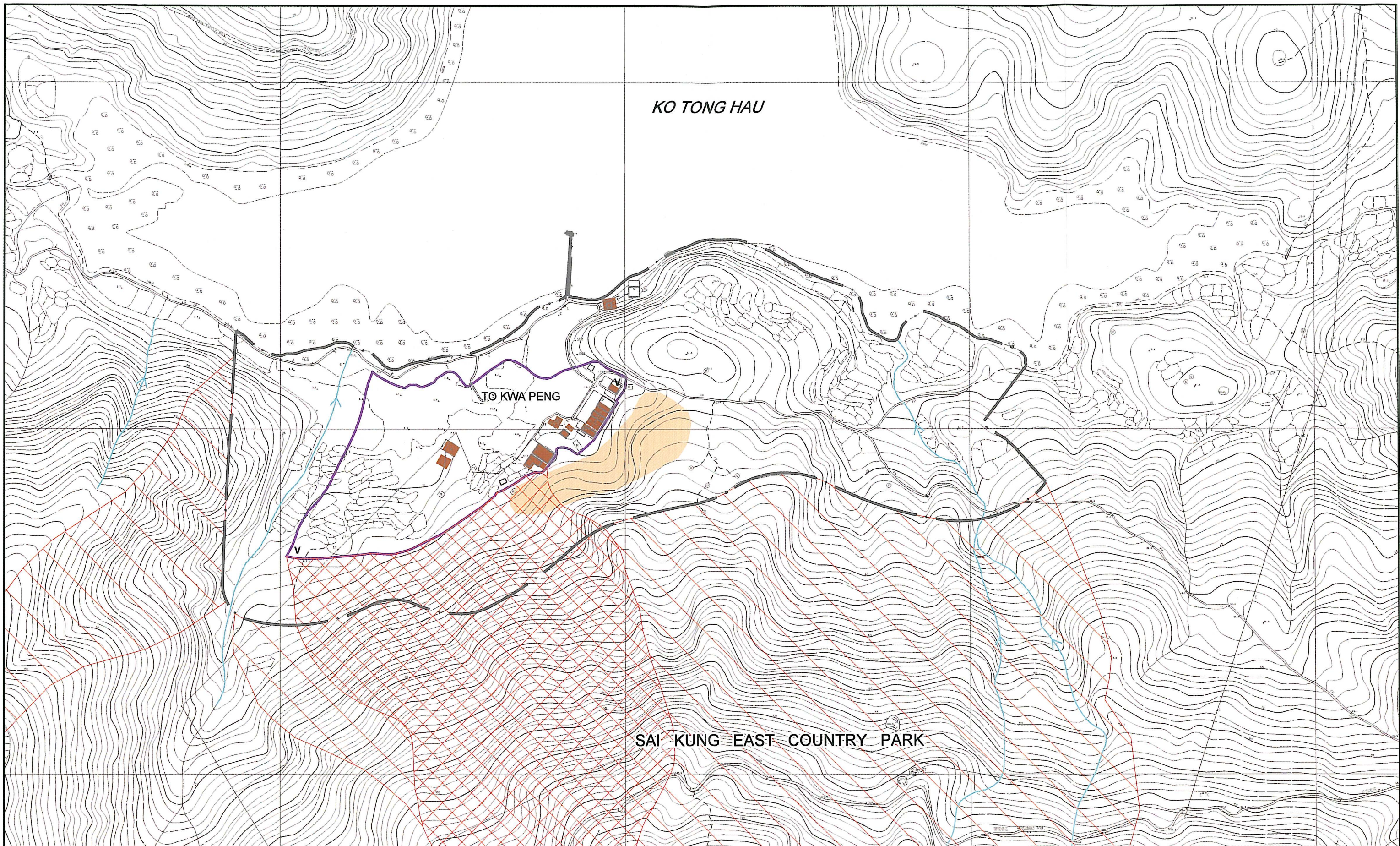


EXTRACT PLAN PREPARED ON 2.9.2013
 BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B



REFERENCE No.
 M/NP/TKP/12/1

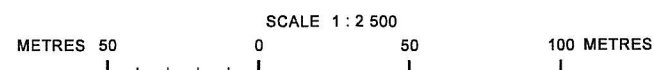
FIGURE
 9b



DEVELOPMENT CONSTRAINTS

TO KWA PENG

EXTRACT PLAN PREPARED ON 23.9.2013
 BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D

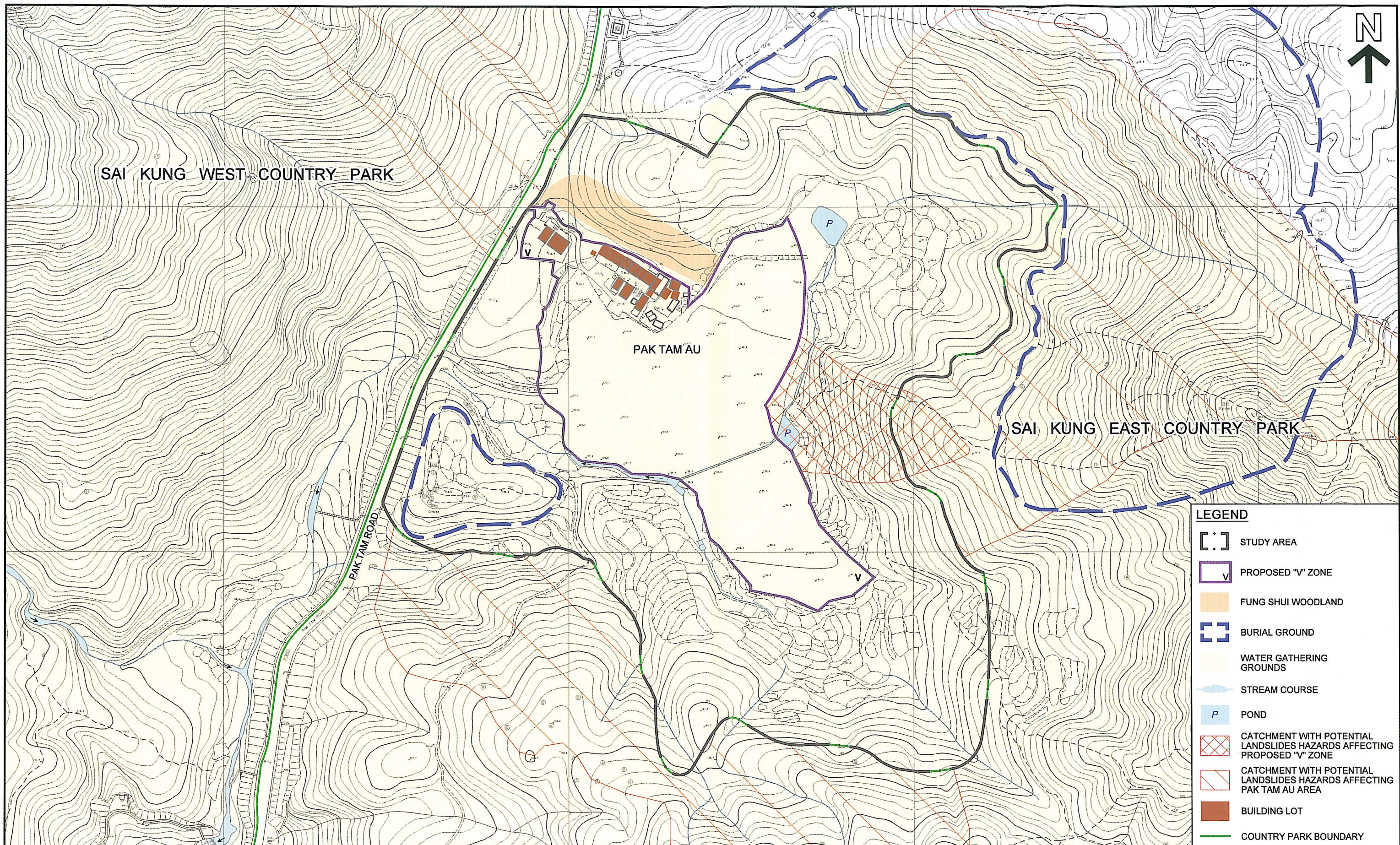


PLANNING DEPARTMENT



REFERENCE No.
 M/NP/TKP/12/1

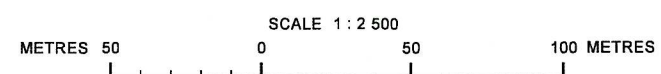
FIGURE
 10a



DEVELOPMENT CONSTRAINTS

PAK TAM AU

EXTRACT PLAN PREPARED ON 11.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B

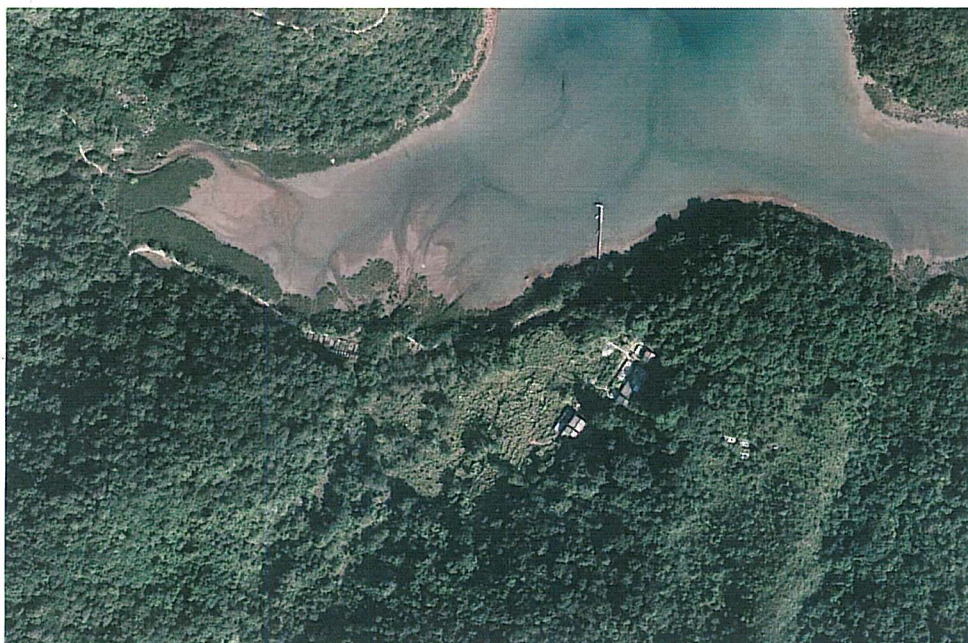


PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
10b



AERIAL PHOTO TAKEN ON 2/12/2008



AERIAL PHOTO TAKEN ON 24/11/2009

EXTRACT PLAN PREPARED ON
18.3.2013 BASED ON AERIAL PHOTOS
TAKEN ON 2.12.2008 AND 24.11.2009

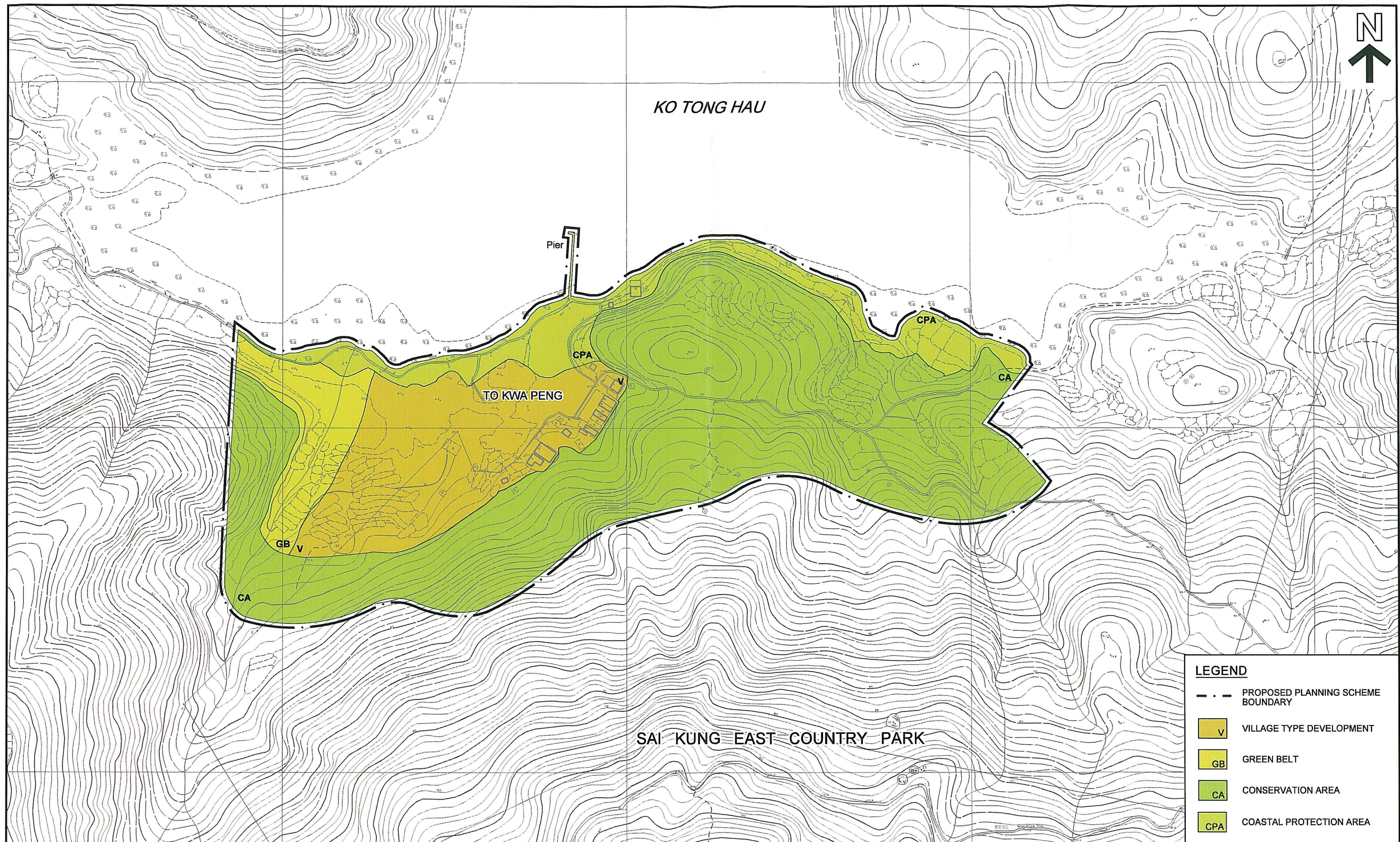
EXCAVATION WORKS IN TO KWA PENG

PLANNING
DEPARTMENT



REFERENCE No.
M/NP/TKP/12/1

FIGURE
11

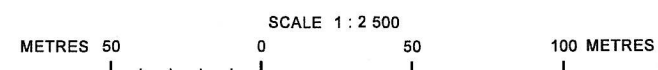


- LEGEND**
- PROPOSED PLANNING SCHEME BOUNDARY
 - V VILLAGE TYPE DEVELOPMENT
 - GB GREEN BELT
 - CA CONSERVATION AREA
 - CPA COASTAL PROTECTION AREA

PROPOSED LAND USES

TO KWA PENG

EXTRACT PLAN PREPARED ON 23.9.2013
 BASED ON SURVEY SHEETS No. 8-NE-16A/B/C/D AND 8-NW-20B/D

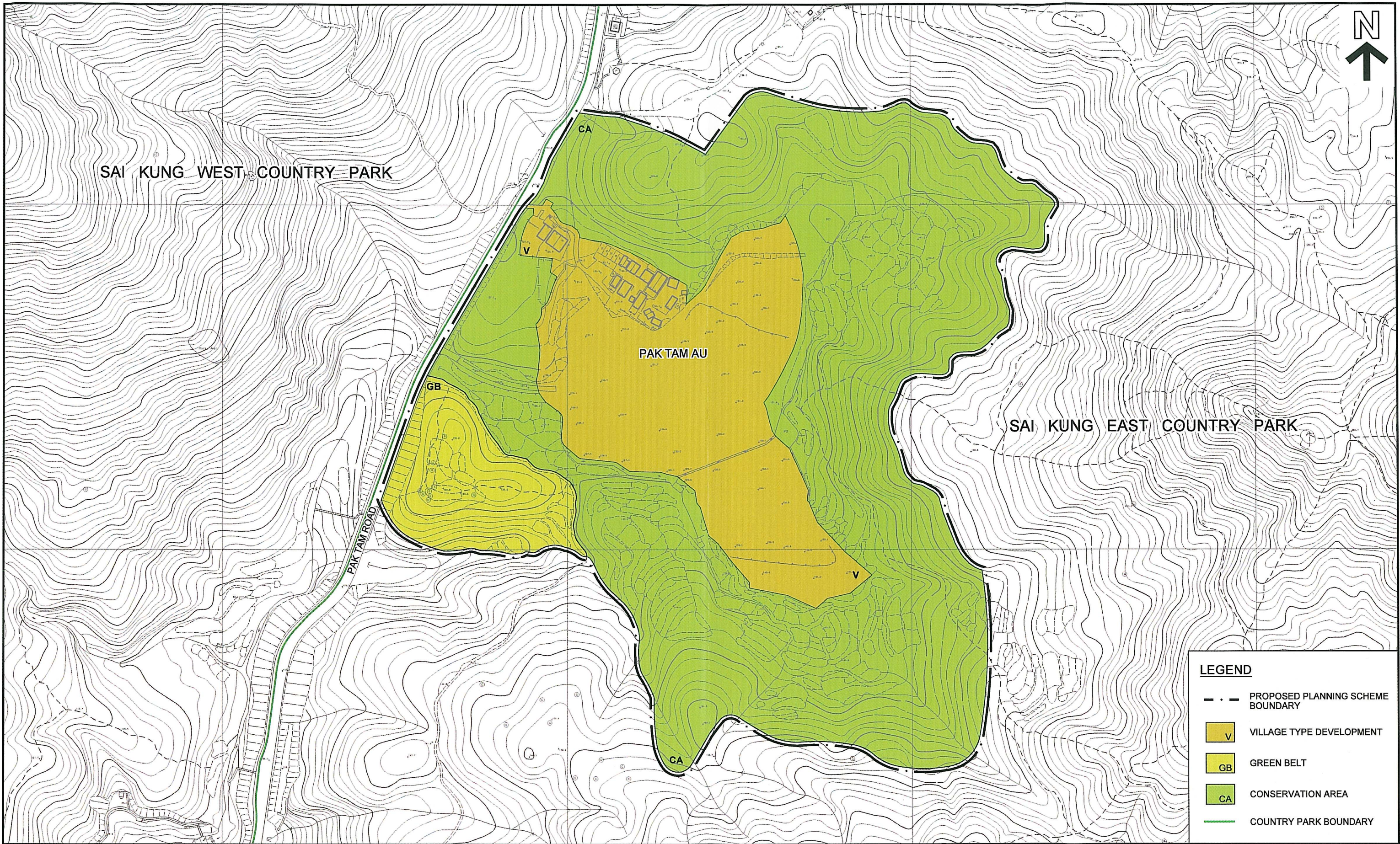


PLANNING DEPARTMENT



REFERENCE No.
 M/NP/TKP/12/1

FIGURE
 12a



LEGEND

- PROPOSED PLANNING SCHEME BOUNDARY
- V VILLAGE TYPE DEVELOPMENT
- GB GREEN BELT
- CA CONSERVATION AREA
- COUNTRY PARK BOUNDARY

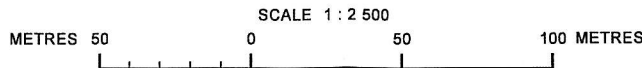
PROPOSED LAND USES

PAK TAM AU

PLANNING DEPARTMENT



EXTRACT PLAN PREPARED ON 2.9.2013
BASED ON SURVEY SHEETS No. 8-NE-16C, 21A, 8-NW-20D AND 25B



REFERENCE No.
M/NP/TKP/12/1

FIGURE
12b

Summary of the Planning Applications
To Kwa Peng and Pak Tam Au (as at August 2013)

To Kwa Peng (Plan A(i))

Total number of planning applications since the gazetting of the draft DPA Plan on 7.1.2011	13
1. Number of rejected planning applications (a)	3
2. Number of withdrawn planning applications (b)	10

(a) Rejected Applications

No.	Application No.	Proposed Development	Date of Consideration	Rejection Reasons
1.	A/DPA/NE-TKP/3	Proposed 19 New Territories Exempted Houses (NTEHs) (Small Houses)	24.2.2012	R1 & R3
2.	A/DPA/NE-TKP/4	Proposed 16 Houses New Territories Exempted House (NTEHs) (Small Houses)	22.7.2011	R4 to R8
	A/DPA/NE-TKP/5	Proposed 2 New Territories Exempted Houses (NTEHs) (Small Houses)	24.2.2012	R2 & R3

Remarks:

The applicants of the above three planning applications applied for s.17 reviews under the Town Planning Ordinance, which were subsequently withdrawn.

Rejection Reasons

- R1. The proposed developments did not comply with the interim criteria for consideration of application for NTEH/Small House in the New Territories as they were not compatible with the surrounding natural environment and the applicants failed to demonstrate that the proposal would not cause adverse geotechnical, landscape, water quality, environmental and ecological impacts on the area.
- R2. The proposed developments did not comply with the interim criteria for consideration of application for NTEH/Small House in the New Territories as they were not compatible with the surrounding natural environment and the applicants failed to demonstrate that the proposal would not cause adverse landscape impact on the area.
- R3. The approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in a general degradation of the surrounding environment.
- R4. The proposed Small House developments were not compatible with the existing natural environment in the area.
- R5. The proposed effluent disposal arrangement by septic tanks was considered unacceptable due to the adverse water quality impact on the nearby water bodies
- R6. The proposed developments would affect the natural environment and ecology of the area which was in close proximity to the mudflat and mangroves, and surrounded by the Sai Kung East Country Park. The applicant failed to demonstrate that the proposed Small Houses would not cause adverse environmental and ecological impacts on the area.
- R7. The sites were remote. The applicant failed to demonstrate that proper access arrangement could be provided for the proposed Small Houses.
- R8. The approval of the application would set an undesirable precedent for similar applications in the area, and the cumulative impact on the landscape, ecology and environment would result in a degradation of the natural environment.

(b) Withdrawn Applications

	Application No.	Proposed Development
1.	A/DPA/NE-TKP/12	Proposed 16 New Territories Exempted Houses (NTEHs) (Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant)
2.	A/DPA/NE-TKP/14	Proposed Rebuilding of House (New Territories Exempted House)
3.	A/DPA/NE-TKP/15	Proposed Rebuilding of House (New Territories Exempted House)
4.	A/DPA/NE-TKP/16	Proposed Rebuilding of House (New Territories Exempted House)
5.	A/DPA/NE-TKP/17	Proposed Rebuilding of House (New Territories Exempted House)
6.	A/DPA/NE-TKP/18	Proposed Rebuilding of House (New Territories Exempted House)
7.	A/DPA/NE-TKP/19	Proposed Rebuilding of House (New Territories Exempted House)
8.	A/DPA/NE-TKP/20	Proposed Rebuilding of House (New Territories Exempted House)
9.	A/DPA/NE-TKP/21	Proposed 21 New Territories Exempted Houses (NTEHs) (Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant)
10	A/DPA/NE-TKP/22	Proposed 12 New Territories Exempted Houses (NTEHs) (Small Houses) and Utility Installation for Private Project (Sewage Treatment Plant)

Pak Tam Au (Plan A(ii))

Total number of planning applications since the gazetting of the draft DPA Plan on 7.1.2011		9
1.	Number of approved planning applications (a)	1
2.	Number of rejected planning applications (b)	6
3.	Number of withdrawn planning applications (c)	2

(a) Approved Application

	Application No.	Proposed Development	Date of Consideration	Approval Conditions
1	A/DPA/NE-TKP/1	Proposed 3 New Territories Exempted Houses (NTEHs) (Small Houses)	22.7.2011	A1 to A4

Approval Conditions

- A1. The submission and implementation of landscape proposal and tree preservation plan to the satisfaction of the Director of Planning or of the TPB.
- A2. The provision of fire-fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.
- A3. The submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.

- A4. The submission of the proposal for and the provision of septic tanks and soakaway pits or a more effective facility for effluent disposal to the satisfaction of the Director of Environmental Protection or of the TPB.

(b) Rejected Applications

	Application No.	Proposed Development	Date of Consideration	Rejection Reasons
1.	A/DPA/NE-TKP/7	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2012	R1 to R2
2.	A/DPA/NE-TKP/8	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2012	R1 to R2
3.	A/DPA/NE-TKP/9	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2012	R1 to R2
4.	A/DPA/NE-TKP/10	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2012	R1 to R2
5.	A/DPA/NE-TKP/11	Proposed New Territories Exempted House (NTEH) (Small House)	24.2.2012	R1 to R2
6.	A/DPA/NE-TKP/13	Proposed New Territories Exempted House (NTEH) (Small House)	22.6.2012	R1 to R2

Remarks:

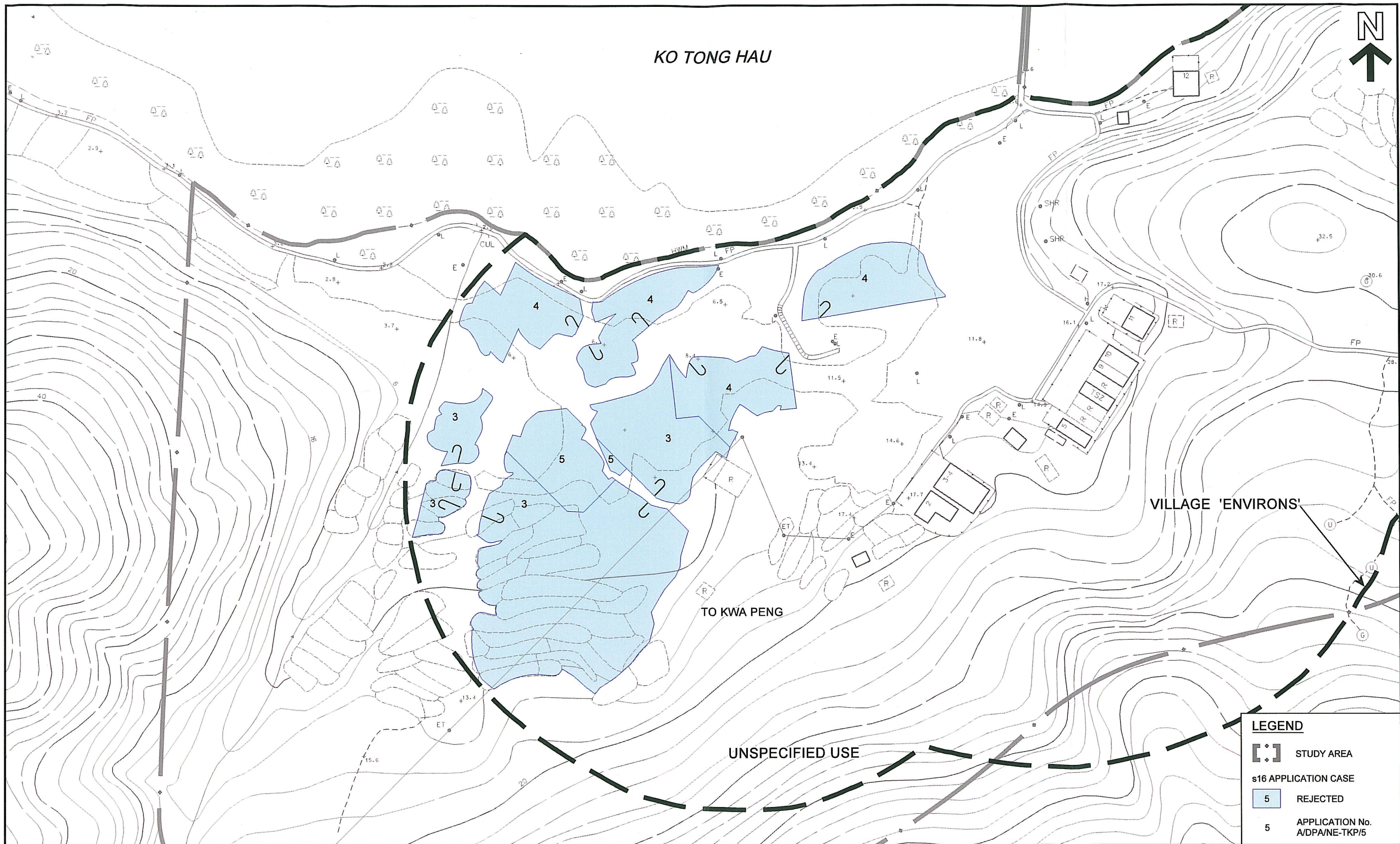
Subsequent to rejection of five of the above planning applications (No. A/DPA/NE-TKP/7 to 10 and 13) by the TPB on review on 22.6.2012, the applicants lodged appeals against the TPB's decision under the Town Planning Ordinance and these appeals would be heard by the Town Planning Appeal Board in due course.

Rejection Reasons

- R1. The proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories as the site was located within the Upper Indirect Water Gathering Grounds where public sewer was not available and the applicant failed to demonstrate that the proposal would not cause adverse water quality impact on the area.
- R2. The approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would result in an adverse impact of the water quality in the area.

(c) Withdrawn Applications

	Application No.	Proposed Development
1.	A/DPA/NE-TKP/2	Proposed 5 New Territories Exempted Houses (NTEHs) (Small Houses)
2.	A/DPA/NE-TKP/6	Proposed New Territories Exempted House (NTEH) (Small House)



SUMMARY OF THE PLANNING APPLICATIONS IN THE AREA

TO KWA PENG

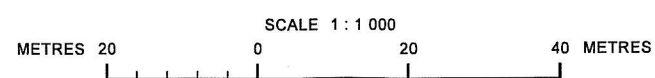
PLANNING DEPARTMENT

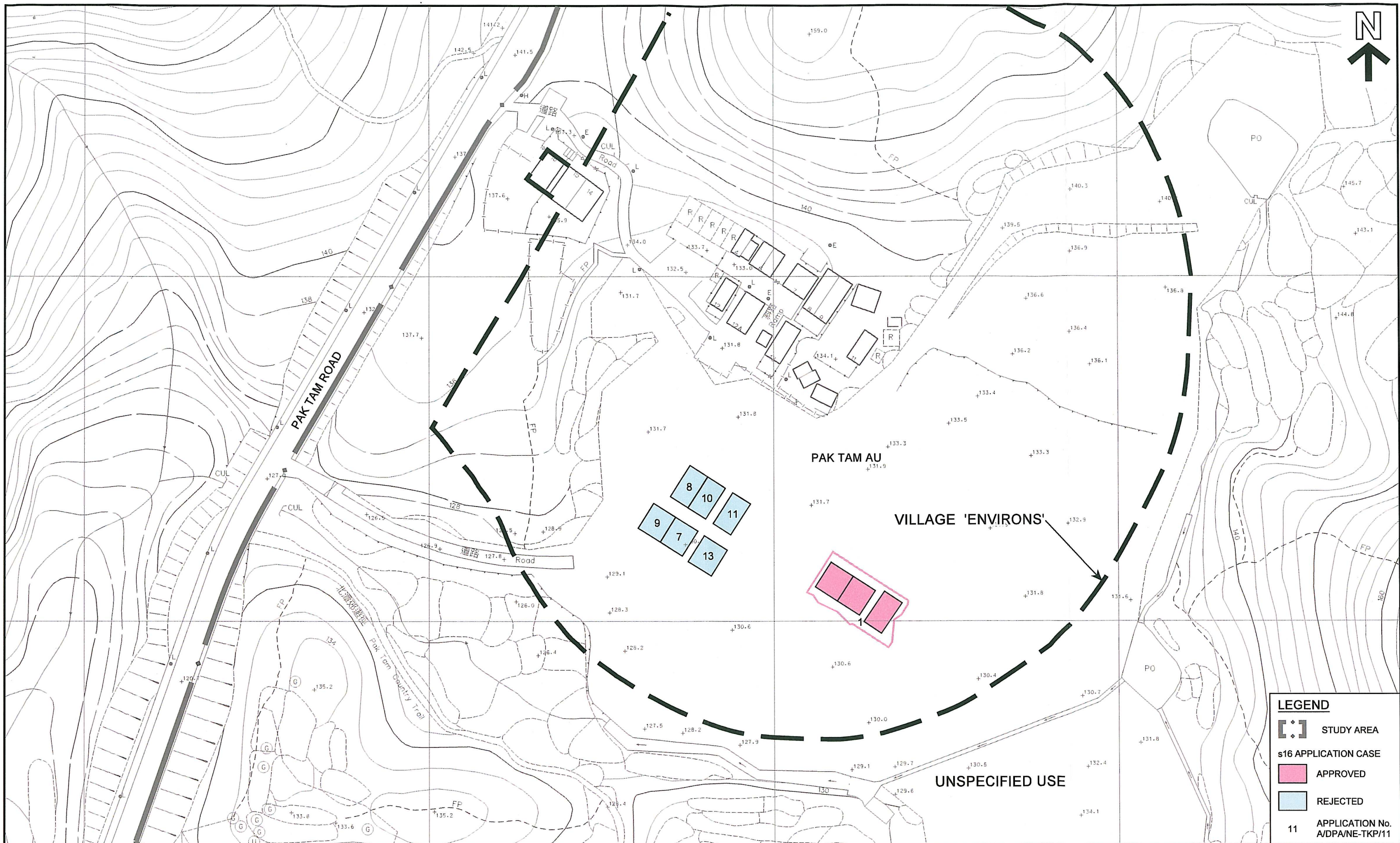


**REFERENCE No.
M/NP/TKP/13/1**

**PLAN
A(i)**

EXTRACT PLAN PREPARED ON 30.7.2013
BASED ON SURVEY SHEETS No. 8-NE-16A AND 8-NW-20B





SUMMARY OF THE PLANNING APPLICATIONS IN THE AREA

PAK TAM AU

SCALE 1 : 1 000
METRES 20 0 20 40 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/13/1

PLAN
A(ii)

EXTRACT PLAN PREPARED ON 30.7.2013
BASED ON SURVEY SHEETS No. 8-NW-20D AND 25B

**Planning assessments on the proposed “V” zone boundaries
received from the Indigenous Inhabitant Representative (IIR) of
To Kwa Peng on 2.4.2012**

Introduction

1. On 2.4.2012, the IIR of To Kwa Peng submitted the proposed “V” zone boundaries for To Kwa Peng to facilitate preparation of the OZP.

Proposals

2. The IIR of To Kwa Peng proposes to zone all the private land within the 300-foot village ‘environs’ and part of the private land beyond the village ‘environs’ as “V”. A location plan showing the indicative boundaries of the proposed “V” zone submitted by him is attached at **Figure A**.

Planning Assessments

3. According to the indicative boundaries at **Figure A**, the proposed “V” zone stretches across a sizable area of 5 ha and covers the coastal areas adjoining the mangrove and mudflat at Ko Tong Hau, a natural stream, secondary woodland and *fung shui* wood and sloping areas, etc. The private land thereat, which scatters across the area, is fragmented and irregular in configuration. The proposals are not substantiated with any background studies or assessments on any aspects, such as landuse planning, conservation value, the environmental and infrastructural constraints and landscape character, etc. of the To Kwa Peng area.
4. On the ecological aspect, Director of Agriculture, Fisheries and Conservation (DAFC) comments that the proposed “V” zone covers the riparian zone of a stream on the western end of the OZP boundary, some secondary woodland and the *fung shui* woodland in To Kwa Peng. He trusts that the proposed “V” zone as shown on the draft OZP No. S/NE-TKP/B, of which he has no comment, is fully justified and adequate for meeting the needs of village development, any further village development encroaching into woodland and other ecologically sensitive habitats should be carefully controlled.
5. On the environmental aspect, Director of Environmental Protection (DEP) advises that there is no existing or planned sewer for the To Kwa Peng area. Water quality of the receiving water body which is a semi-enclosed bay may be a concern, and he considers that the area for “V” should be as small as possible. Any proposed Small House should have the minimum clearance requirement from any existing streams as stipulated in “Practice Note for Professional Person” (ProPECC PN) 5/93.
6. On the geotechnical aspect, Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD) advises that the southern part, western part and northeastern corner of the proposed “V”, especially those located near the

proposed “V” zone boundary, are overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. For the future development in these areas, the developer may be required to carry out a natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.

7. On traffic aspect, although Commissioner for Transport (C for T) has no-principle objection to the proposal, he advises that the subject proposal is more or less double of the planned “V” zone at To Kwa Peng. However, To Kwa Peng is only accessible by a footpath off Pak Tam Road, a restricted road within the Sai Kung country park, at a distance of over 700m. With consideration of its remote nature, the possible traffic impact could be tolerated.
8. Given the natural environment with conservation and landscape value coupled with its inaccessibility due to lack of direct vehicular access, it is intended to consolidate village so as to avoid undesirable disturbances to the natural environment and overtaking the limited infrastructure in the To Kwa Peng area. Hence, it is considered appropriate to zone the existing village settlements with its surrounding areas as “V” for Small House development.
9. Besides, it should be noted that land ownership is only one of the considerations in drawing up the boundaries of the “V” zone. Other factors, such as the village ‘environs’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints have to be taken account. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have also to be avoided as far as possible. Therefore, the proposed “V” zone boundaries put forth by the IIR of To Kwa Peng is considered undesirable.

Attachment

Figure A Indicative boundaries of the proposed “V” zone submitted by the IIR of To Kwa Peng

FIGURE
A

**Planning assessments on the sustainable development planning and
ecological conservation proposals for Pak Tam Au
received from AF Architecture & Planning Consultants Ltd on 15.5.2013**

Introduction

1. On 15.5.2013, the captioned sustainable development planning and ecological conservation proposals for Pak Tam Au received from AF Architecture & Planning Consultants Ltd (the Consultants) to facilitate preparation of the OZP.

Proposals

2. The proposed developments put forth by the Consultants mainly comprise a total of 76 nos. of Small Houses, open space with an eating place, a youth hostel, an organic hobby farm, and an ancillary car park, etc., with an access road/ emergency vehicular access (EVA), two communal sewerage treatment plants (STPs) and landscape planting. A copy of the Master Layout Plan (MLP) and Zoning Plan area attached at **Figures B and C** respectively. The development and zoning proposals are summarised as follows:
 - (a) A total of 76 nos. of Small Houses, which are concentrated at the central and south-eastern portions of the Pak Tam Au area, are proposed to be zoned “V” and implemented in six phases.
 - (b) A “Recreation” (“REC”) zone covering an existing lotus pond at the north-east is proposed mainly for open space use. An eating place with alfresco cafe providing non-alcoholic drinks beside the existing lotus pond is proposed but no detailed proposal has been provided.
 - (c) In the eastern corner of the “REC” zone, one youth hostel with a covered area of 1,782 m² (15,000 ft²) and 3 storeys in height as well as a total floor area (TFA) of about 4,182 m² (45,000 ft²) is proposed to promote tourism. The youth hostel is composed of about 929 m² (10,000 ft²) total floor area (TFA) for holding seminar related to environmental conservation, about 2,277 m² (24,500 ft²) TFA for 122 nos. of hostel rooms of about 19 m² (200 ft²) TFA for each room, and the remaining area of about 976 m² (10,500 ft²) TFA for communal staircases. It is proposed that the youth-hostel would be operated by the School of Hotel and Tourism Management (酒店系) of the Hong Kong Polytechnic University.
 - (d) An organic hobby farm is proposed at the south-east is proposed. It will be sub-divided into 80 nos. of farming plots, each of about 929 m² (1,000 ft²) in land area. A total of about 80 nos. of farm houses is proposed (one no. for each farming plot). Each farm house has a covered area of about 37 m² (400 ft²) and self-contained toilet/kitchen. This organic hobby farm is proposed to be zoned “Agriculture” (“AGR”).

- (e) An area of about 403 m² near the existing access road and the existing main village cluster is proposed to be zoned “Government, Institution or Community” (“G/IC”) for a proposed ancillary car park with 25 nos. of car parking spaces.
- (f) On traffic access and fire safety aspect, a 4.5-m to 6-m wide access road/ EVA within the area is proposed.
- (g) To ensure that the water quality of the Upper Indirect Water Gathering Ground in which the Pak Tam Au area falls would not be adversely affected by the above proposals, a total of two communal STPs using Membrane Bio-Reactor Water Recycling System (MBR) is proposed within the “V” zones. In addition, the proposed 3 Small Houses (Planning Application No. A/DPA/NE-TKP/1), which have already obtained planning approval from the Board on 22.7.2011, would also use the proposed STP, instead of traditional septic tanks. The future management and maintenance of the STPs would be secured by means of Deed of Mutual Covenant (DMC).
- (h) Landscaping planting will be provided throughout the subject site to provide visual relief and enhance the environmental quality of the area.

Planning Assessments

- 3. The submission is a comprehensive development proposal for almost the entire the Pak Tam Au area (about 9 ha or 60%) comprising a total of 76 nos. of Small Houses, open space with an eating place, a youth hostel, an organic hobby farm, and an ancillary car park, etc. with supporting infrastructural facilities including an access road/ EVA and two communal STPs, and landscape planting. While the proposals occupy an extensive area located in close proximity and/ or adjoining the surrounding Country Park, its consequential impacts upon the surrounding areas should be examined. Except for the tree survey, the proposals are not substantiated with any background studies or assessments on other aspects, such as landuse planning, conservation value, the environmental and infrastructural constraints and landscape character, etc. of the Pak Tam Au area. Various departments have raised the following concerns:

Ecological Conservation

- 4. Director of Agriculture, Fisheries and Conservation (DAFC) has the following comments:
 - (a) He notes the villagers’ intention to conserve the natural environment in the captioned proposals and the development proposed, except the youth centre, is not in major conflict with his suggested zonings, which have been incorporated into the current draft OZP. Regarding the zoning proposals, conservation zonings would be more appropriate for woodland along the boundary of the area. Development encroaching into woodland should not be encouraged.
 - (b) Although the submitted proposal covers only the Pak Tam Au enclave, the consequential impact of the proposed development on Sai Kung Country Parks shall also be considered. The large number of proposed small houses would inevitably increase the traffic flow inside country parks during and after construction. As the intention of vehicular control beyond Pak Tam Chung is to

maintain the tranquillity of country parks and keep our country parks as free from motor vehicles as possible, the impact of increased traffic flow on country parks shall be evaluated and relevant information should be submitted for the consideration of the Country and Marine Parks Authority in due course.

Water Quality

5. Chief Engineer/Development (2), Water Supplies Department (CE/D(2), WSD) has the following comments:
 - (a) The whole of the Pak Tam Au area is within the upper indirect water gathering grounds (WGG). For proposed development, he has grave concern on the pollution effect on WGGs as there is no existing or planned public sewers serving these areas. Normally, WSD will not accept the proposed development if it considers that there will be material increase in pollution effect arising from the proposed development.
 - (b) To prevent contamination of our potable water supply, the project proponent has to demonstrate that there are effective means to ensure there is no material increase in the pollution effect as a result of the implementation of the proposed project and that there are effective engineering solutions and mitigation measures in place in preventing and containing the pollution effect and the proposal will not cause irreversible damage, unacceptable risks or negative impacts on water environment and water quality. As such, the project proponent has to demonstrate to the satisfaction of EPD and WSD that the discharge from the sewerage facilities (during normal operation or maintenance periods) meet the requirements of Water Pollution Control Ordinance (WPCO) and/ or other government regulations under all circumstances. The proponent might have to obtain a licence/permission from EPD for the operation of the sewerage facilities for the compliance of the WPCO. EPD should be consulted in these aspects.
 - (c) The Consultants shall include a water demand assessment in the proposal for the consideration of the Director of Water Supplies or of the Town Planning Board.

Sewerage

6. Director of Environmental Protection (DEP) has the following comments:
 - (a) Pak Tam Au is an unsewered area with no planned sewer. The entire area falls within the Water Gathering Ground. WSD's expert advice and consent shall be sought in advance before the consideration of the proposal. The proposal for the construction of a Youth House Centre with 122 rooms and 80 farm houses in the proposed "REC" zone and "AGR" zones respectively would greatly increase the potential water quality impact on Water Gathering Ground.
 - (b) In addition, contaminated surface runoff would also be generated from the proposed "AGR" zone and affect the water quality. WSD again shall be consulted.
 - (c) In view of the above, the area of the "V" zone should be kept to a minimum in order to minimize the potential water quality impact caused by village type development.

- (d) He also has reservation on the treatment processes and design calculations of the proposed wastewater treatment system in Attachment 2 of the submission.

Visual and Landscape

- 7. Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) has the following comments:

Visual

- (a) While there are no details including visual materials that illustrate the structures of the proposed small-scale water treatment works and youth hostel development, it is premature to determine if the proposals would result in any visual impact. As such, he has no particular comment from urban design and visual perspectives on the zoning proposal.

Landscape

- (b) According to the “*Landscape Value Mapping of Hong Kong*” and the DPA Plan A/DPA/NE-TKP/2, the area of Pak Tam Au has a high landscape value of tranquil rural character which complements the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Parks. The area, with a section of Maclehorse Trail and Pak Tam Country Trail running across its northern and southern regions, is a popular spot for hikers.
- (c) The proposed development covers a large area of the existing woodland vegetation, particularly on the northeast to south of the Pak Tam Au valley. According to the site photo dated 25.4.2013 and the aerial photo dated 1.1.2013, the existing densely woodland vegetation around the existing village houses and grassland land serves as a good quality green and scenic buffer for the Sai Kung East and West Country Park. It is considered a significant landscape resources and landscape character of the area of Pak Tam Au valley, which should be conserved.
- (d) The proposed development scheme as shown on the master layout development plan and the proposed zoning plan (drg. no.: LSC/SK/PTA/PH11) is too extensive and would cause adverse impact on the existing landscape resources and landscape character. Therefore, the proposed development is not supported from the landscape planning perspective.

Traffic

- 8. Commissioner for Transport (C for T) has the following comments:
 - (a) The only vehicular access to the site will be through a restricted road connecting Pak Tam Road within the Sai Kung country park. The Consultants' proposal of 76 Small House development implies a higher density development than standard assumption (40 Small Houses per ha). Nevertheless, as the possible traffic impact could be tolerated, he has no in-principle objection to the proposal.
 - (b) For the proposed EVA indicated on Attachment 8 of the proposal, his department will not take up the traffic management responsibility of the proposed EVA. The

management and maintenance responsibilities of the proposed EVA should be clarified with the relevant lands and maintenance authorities accordingly.

Drainage

9. Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) has the following comments:
 - (a) There are several streams discharging into the proposed development area, and there are existing streams, ponds and drainage channels within the proposed development area. Some of these streams/channels are quite large and collect a lot of runoff (like the drainage channel just south of the proposed VDA in the Proposed Zoning Plan at **Figure C**). The applicant is required to clarify whether his development will affect these drainage features, to submit a Drainage Impact Assessment (DIA) for the proposed development, and to submit proposals to mitigate the drainage impacts and drain the development area to the satisfaction of his office.
 - (b) In the Proposed Master Layout Development Plan at **Figure B**, the proposed EVA and the trees to be planted on both sides of the EVA appear to intrude into an existing stream course. This will obstruct the flow in the stream which is not acceptable. The applicant is required to clarify whether this will occur or not, and to amend his proposal if necessary.

Land Administration

10. District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) has the following comments:
 - (a) For the EVA issue, this Office will conduct the assessment (EVA analysis) case by case to see if the small house application site fulfills FSD's requirement. Any condition as proposed by FSD will be incorporated into the offer letter/land grant document on individual merit.
 - (b) The proposed Sewage Treatment Plant is located on Government Land, which is not the standard requirements under the Small House Policy. The applicants are required to seek separate approval for the erection and operation of the proposed sewage treatment plant from Lands Department.

Geotechnical

11. Head (Geotechnical Engineering Office), Civil Engineering and Development Department (H(GEO), CEDD) comments that the northeastern corner of the proposed "V" zone extension is overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. For future development in this area, the developer(s) may be required to carry out natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.

Hotel Licensing

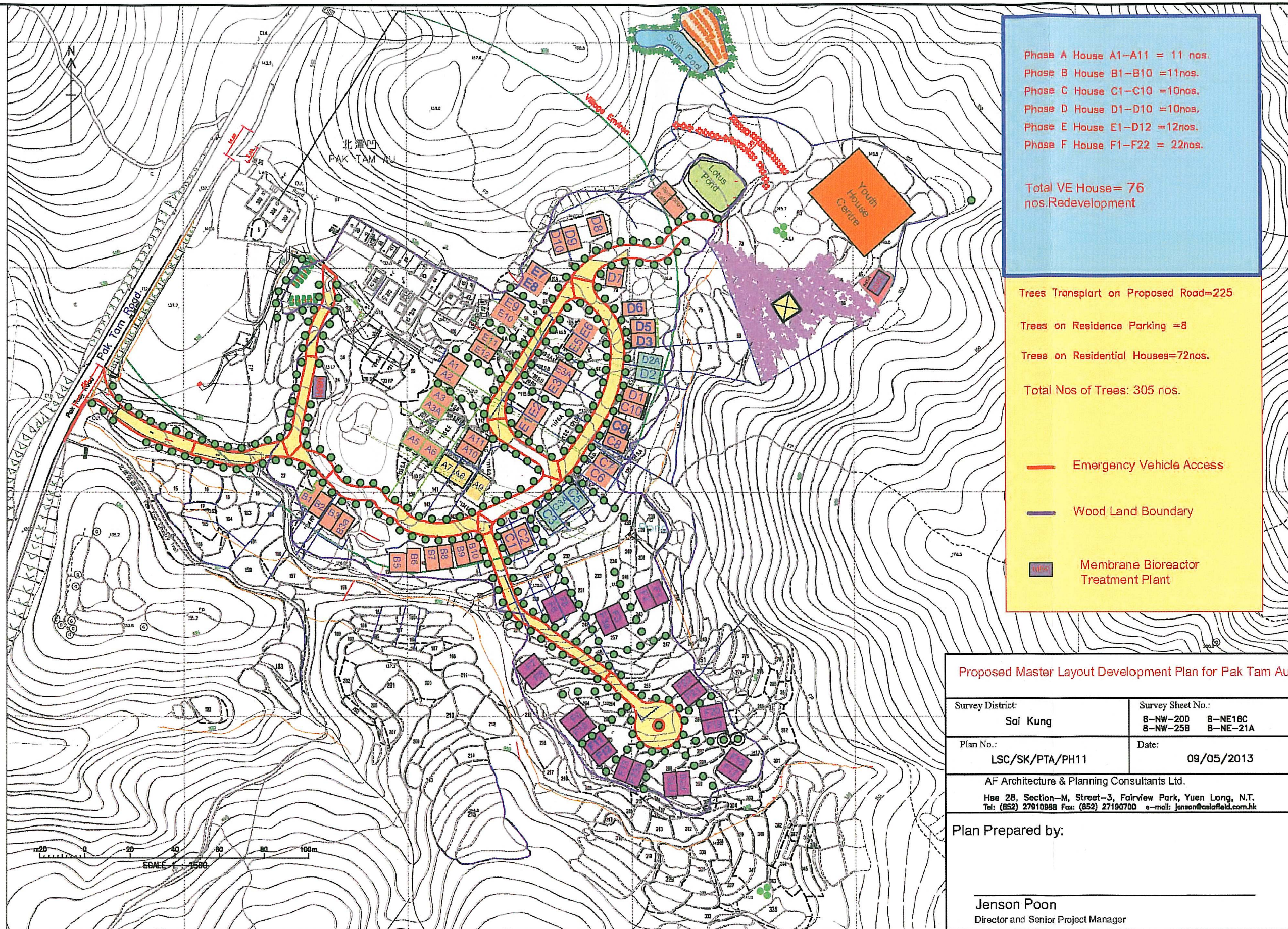
12. In the absence of detailed information, Chief Officer/Licensing Authority, Home Affairs Department (CO/LA, HAD) has the following comments under the Hotel and

Guesthouse Accommodation Ordinance (HAGAO):

- (a) The applicant should submit a copy of the occupation permit for the proposed youth house centre when making an application under the HAGAO).
- (b) The proposed license area should be physically connected.
- (c) The sitting of the proposal is considered acceptable from fire safety licensing point of view. The applicant is advised to observe the FSI requirements for Institutional Building of the Codes of Practice for Minimum Fire Services Installations and Equipment.
- (d) The licensing requirements will be formulated after inspections by his Building Safety Unit and Fire Safety Team upon receipt of an application under the HAGAO.

Attachments

Figure B	Master layout plan submitted by AF Architecture & Planning Consultants Ltd
Figure C	Zoning plan submitted by AF Architecture & Planning Consultants Ltd



MASTER LAYOUT PLAN FOR PAK TAM AU
PROPOSED BY AF ARCHITECTURE AND PLANNING CONSULANTS LTD

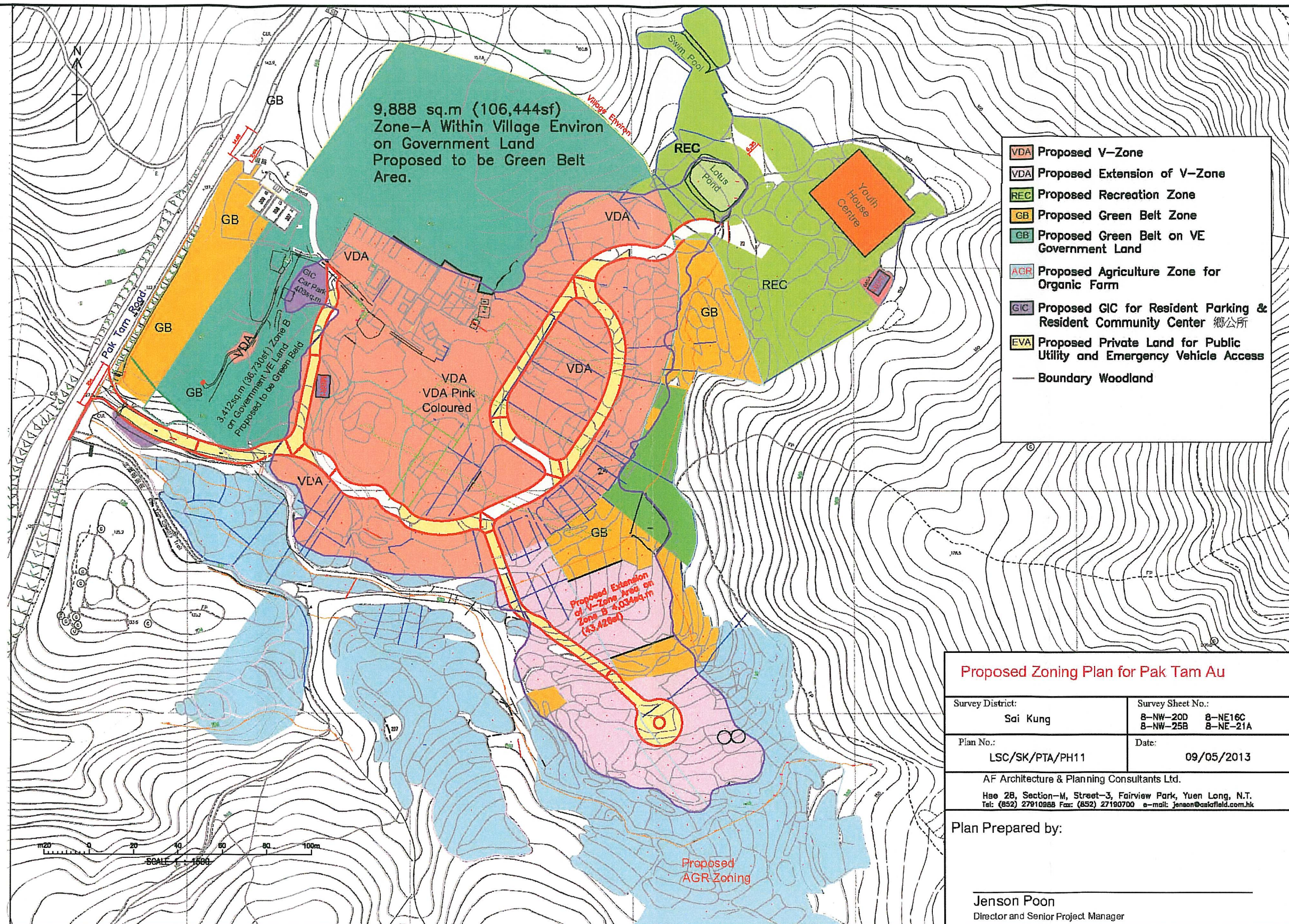
EXTRACT PLAN PREPARED ON 14.6.2013

PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/13/1

FIGURE
B



EXTRACT PLAN PREPARED ON 14.6.2013

ZONING PLAN FOR PAK TAM AU
PROPOSED BY AF ARCHITECTURE AND PLANNING CONSULANTS LTD

PLANNING DEPARTMENT



REFERENCE No.
M/NP/TKP/13/1

FIGURE
C