

TOWN PLANNING BOARD

**TPB Paper No. 9509
For Consideration by
the Town Planning Board on 6.12.2013**

**DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/D
FURTHER CONSIDERATION OF A NEW PLAN**

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FURTHER CONSIDERATION OF A NEW PLAN

1. Introduction

The purposes of this paper are to:

- (a) report on the results of the consultation with the Tuen Mun District Council (TMDC), the Tuen Mun Rural Committee (TMRC), the Town Planning and Development Committee of the Yuen Long District Council (TPDC of YLDC), and other public views on the draft Tin Fu Tsai Outline Zoning Plan (OZP) No. S/TM-TFT/B; and
- (b) seek Members' agreement that the revised draft Tin Fu Tsai OZP No. S/TM-TFT/D, its Notes and Explanatory Statement (ES) (**Annexes I to III**) are suitable for exhibition under section 5 of the Town Planning Ordinance (the Ordinance) for public inspection.

2. Background

- 2.1 On 7.1.2011, the draft Tin Fu Tsai Development Permission Area (DPA) Plan No. DPA/TM-TFT/1 was exhibited under section 5 of the Ordinance for public inspection. In accordance with section 20(5) of the Ordinance, the DPA Plan is effective for 3 years until 7.1.2014 unless an extension is obtained from the Chief Executive in Council.
- 2.2 On 4.10.2013, the Town Planning Board (the Board) gave preliminary consideration to the draft Tin Fu Tsai OZP No. S/TM-TFT/B (TPB Paper No. 9459). The Board decided that the draft Tin Fu Tsai OZP No. S/TM-TFT/B be amended to include "Village Type Development" ("V") zone to generally cover 7 existing houses, and the draft Tin Fu Tsai OZP No. S/TM-TFT/B was suitable for submission to the TMDC, the TMRC and the YLDC for consultation subject to the amendments. The TPB Paper No. 9459 is at **Annex IV** and an extract of the minutes of the Board's meeting held on 4.10.2013 is at **Annex V** for Members' reference.
- 2.3 On 18.10.2013, the Board considered the draft Tin Fu Tsai OZP No. S/TM-TFT/C with "V" zones covering 7 existing village type houses with inhabitants, its Notes and ES with corresponding amendments. The Board decided that the previous draft Tin Fu Tsai OZP No. S/TM-TFT/B (with no "V" zone), its Notes and ES are suitable for consultation. The relevant Matter Arising paper is at **Annex VI** and an extract of the minutes of the Board's meeting held on 18.10.2013 is at **Annex VII** for Members' reference.

- 2.4 Two land use zonings have been designated on the draft Tin Fu Tsai OZP No. S/TM-TFT/B, namely “Conservation Area” (“CA”) (about 1.07 ha or 1.96%) and “GB” (about 53.43 ha or 98.04%). The land use zonings have been highlighted in the TPB Paper No. 9459 and are recapitulated below:

“CA” Zone (about 1.07 ha)

- (a) A wooded area in the northwestern part of the planning scheme area (the Area) with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in this area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. This wooded area is of higher conservation value. This wooded area is therefore zoned “CA”.

“GB” Zone (about 53.43 ha)

- (b) Apart from the wooded area with higher conservation value in the northwestern part of the Area, all areas are within this zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area.

3. Public Consultation

- 3.1 On 25.10.2013 and 1.11.2013, the Village Representative (VR) of Tin Fu Chai was consulted. The objection letter of 2.11.2013 from the VR is at **Annex VIII**. Apart from objection, the VR also proposed options to tackle the sewage disposal/water pollution issue. On 26.10.2013, the TMRC was consulted at its meeting. An objection letter of 29.10.2013 from the TMRC is at **Annex IX**.
- 3.2 On 5.11.2013, the TMDC was consulted at its meeting. The draft minutes of TMDC on consultation of the draft Tin Fu Tsai OZP No. S/TM-TFT/B is at **Annex X**. On 20.11.2013, the TPDC of YLDC was consulted at its meeting. The record of its views is at **Annex XI**. In general, the TMDC and TPDC of YLDC raised objection to non-designation of “V” zone on the draft Tin Fu Tsai OZP.
- 3.3 In addition, 100 objections in the form of a standard letter from individuals of the general public were received in November 2013. Samples of 2 letters are at **Annex XVII-1** and **Annex XVII-2** respectively.
- 3.4 The comments, grounds of objection and proposals from the VR, the TMRC, the TMDC, the TPDC of YLDC and other individuals on the draft Tin Fu Tsai OZP are summarized below:

Strong Request for “V” Zone

- (a) The VR of Tin Fu Chai strongly requested for designation of a “V” zone which is a necessary support for indigenous villagers to exercise their rights to build Small Houses and is the standard practice for all indigenous villages. The Government should not deprive indigenous villagers of their right to build Small Houses. Tin Fu Chai is the first recognized village which has no designated “V” zone on an OZP and this will set a precedent which will extend to other recognized villages and derogate the rights of indigenous villagers. The TMRC, the TMDC and the TPDC of YLDC all requested that “V” zone be designated on the draft Tin Fu Tsai OZP. The TMDC was also of the view that it is unreasonable to require indigenous villagers to obtain planning permissions for Small House developments. The concerned individuals stated in the standard letters that the draft Tin Fu Tsai OZP cannot meet the long-term housing demand and development of the village.

Not respecting the Basic Law

- (b) The TMRC considered that the non-designation of “V” zone is not respecting Article 40 of the Basic Law, which states that the lawful traditional rights and interests of the indigenous inhabitants of the New Territories shall be protected.

Resumption and Compensation

- (c) Both the TMDC and the TPDC of YLDC considered that the right of the villagers should be protected and compensated. The Government should resume the private land in the Area for protection of water resources.

Re-site of the Village or Designation of “V” Zone outside Water Gathering Ground

- (d) The VR, the TMDC and the TPDC of YLDC proposed that re-site of the village to an area outside the water gathering ground or designation of “V” zone for Tin Fu Chai in an area outside the water gathering ground are options to prevent pollution of the water resources.

Sewage Treatment

- (e) The VR, the TMDC and the TPDC of YLDC also considered that the Government should provide public sewerage or sewage treatment facilities for village developments in Tin Fu Tsai. The VR suggested that the Environmental Protection Department (EPD) should consider laying sewerage to Ho Pui to the north. He also proposed that villagers may provide water-tight sewage tanks (either for individual village type houses or on communal basis) for temporary storage of

sewage which would be removed periodically by sewage tankers for proper disposal.

- 3.5 Comments have been received from environmental concern groups including the World Wide Fund for Nature Hong Kong (WWFHK) (**Annex XII**), The Conservancy Association (**Annex XIII**), Designing Hong Kong Limited (DHKL) (**Annex XIV**), Kadoorie Farm & Botanic Garden Corporation (KFBGC) (**Annex XV**), and The Hong Kong Bird Watching Society (HKBWS) (**Annex XVI**). In general, they support the draft Tin Fu Tsai OZP and suggest further enhancing development control in the Area. Their comments and proposals are summarized below:

Support of Statutory Planning Control

- (a) The green groups including WWFHK, The Conservancy Association, KFBGC and HKBWS support statutory planning control and conservation zonings to conserve/preserve the natural habitats and landscape resources, and to strictly control developments with adverse environmental impacts. The Conservancy Association in particular supports the “CA” zone covering the wooded area in the northwestern part of the Area.

Incorporation of the Area into Country Park

- (b) WWFHK, DHKL and KFBGC opined that consideration should be given to incorporating the Area into Tai Lam Country Park to better conserve the integrity of the natural settings, ecological integrity and diversity of natural habitats of the Area. WWFHK considered that ‘Country Park’ is in line with the planning intention of the draft Tin Fu Tsai OZP. DHKL suggested that the validity period of the Tin Fu Tsai DPA Plan be extended to allow the Director of Agriculture, Fisheries and Conservation (DAFC) to consider incorporating the Area into Country Park. DHKL also opined that incorporation of the enclaves into Country Parks is the only way to strike a balance between conservation and development, and will give the DAFC and the Country and Marine Parks Board (CMPB) control over development and management of the Area. KFBGC urged that the DAFC should incorporate private land with conservation value into Country Parks.

Speed-up DPA Plan Preparation

- (c) WWFHK and KFBGC stated that the Planning Department (PlanD) should speed up the process of covering the remaining enclaves adjacent to or surrounded by Country Parks and those ecologically sensitive areas which are not in proximity to Country Parks by DPA plans.

Enforcement against War Game Areas

- (d) The Conservancy Association expressed concerns on the adverse

environmental impacts of the war game areas and urged the PlanD and other concerned Government departments to take enforcement action against the war game areas as appropriate. KFBGC also had concern on the possible adverse effects of war game activities on the landscape and environment.

Enhancing Development Control

- (e) The Conservancy Association and KFBGC suggested that the streams and their riparian areas should be protected by “CA” zone to prevent water pollution caused by potential expansion of war game areas. KFBGC further suggested covering all woodlands by “CA” zone.
- (f) DHKL considered that “GB” zone provides inadequate protection and has proven to increase expectation of potential development in the community. DHKL proposed to cover the Area with “CA” zone instead of “GB” zone except the existing developed area and buildings within the Area.
- (g) WWFHK proposed that ‘Agricultural Use (other than Plant Nursery)’ and ‘On-farm Domestic Structure’ should be transferred from Column 1 to Column 2 of the Notes for “CA” zone. The “CA” zone covers a wooded area of high conservation value but the above mentioned uses would require clearance of vegetation in the wooded area and affect the conservation and ecological value of the “CA” zone. These 2 uses are against the planning intention of the “CA” zone.
- (h) KFBGC considered that “GB” zoning cannot provide sufficient protection to some of the natural habitats since ‘Barbecue Spot’, ‘Picnic Area’ and ‘Tent Camping Ground’ are always permitted and ‘House’, ‘Columbarium’ and ‘Crematorium’ are in Column 2 of the Notes for the “GB” zone.
- (i) WWFHK proposed that ‘Barbecue Spot’ in Column 1 of the Notes for the “GB” zone be moved to Column 2. Any use of fire should be controlled so as to prevent hill fire, which may affect the integrity of the natural environment and landscape of Tin Fu Tsai and Tai Lam Country Park and the water gathering ground. There are already designated barbecue sites in Tai Lam Country Park.
- (j) DHKL proposed to delete ‘House’ from Column 2 of the Notes for the “GB” zone as no new house should be permitted within “GB” zone, and to avoid giving a wrong impression that the area is deemed suitable for house developments with conditions.

4. Planning Department’s Responses

- 4.1 The comments received have been circulated to relevant Government departments for comment. In the light of the comments of relevant Government departments, the Planning Department’s responses are as follows:

Strong Request for “V” Zone

- (a) Tin Fu Chai is a recognized village. Normally, “V” zone would be designated to reflect existing recognized villages and to provide land considered suitable for village expansion for development of Small Houses by indigenous villagers. However, the Water Supplies Department (WSD) has advised that since Tin Fu Tsai is located within the upper direct water gathering ground of Tai Lam Chung Reservoir, the WSD would not accept any increase in the risk of water pollution due to new village type developments. The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible, would collect the sewage from point sources, it would still be necessary to prevent/mitigate water pollution from non-point sources. The effective means to prevent water pollution, in particular from non-point sources, is through land use control. As such, new village type developments at Tin Fu Tsai are not supported. However, the WSD would tolerate the exiting village type houses and the redevelopment of village type houses previously existed in the past. This is in line with redevelopment or rebuilding of NTEH (including Small House), and replacement of existing domestic building by NTEH within the Area, which are always permitted under the covering Notes of the OZP.
- (b) While redevelopment or rebuilding of NTEH (including Small House) and replacement of existing domestic building by NTEH within “Green Belt” zone are always permitted under the covering Notes of the OZP, there are still grave concerns of the VR, the TMRC, the TMDC and the YLDC. Having regard to the grave concerns and the development rights of the indigenous villagers owning private lots with house/building status in Tin Fu Chai, and in the view that the WSD would tolerate the exiting village type houses and the redevelopment of village type houses previously existed in the past, it is proposed to confine the “V” zones to the areas generally covering the 66 private lots with house/building status to minimize the risk of pollution to the water resources (**Annex I and Plans 1 to 5**). Future redevelopment on these private lots would to some extent meet the Small House demand of the indigenous villagers¹.

¹ According to the DLO/TM, LandsD, there is no approved or outstanding Small House application for Tin Fu Chai. The DLO/TM, LandsD advised that according to the Tuen Mun Rural Committee in 2009, the 10-year Small House demand forecast for Tin Fu Chai was 150. In January 2013, the DLO/TM, LandsD advised that the 10-year Small House demand forecast by end of 2012 as indicated by the Indigenous Village Representative (IVR) was 678. In August 2013, the DLO/TM, LandsD advised that the forecast was revised by the IVR to 720. However, the DLO/TM, LandsD states that the forecasts of 678 and 720 Small Houses cannot be verified. As the substantial increase in the updated 10-year demand forecast is unjustified, the forecast at year 2009 (i.e. 150 Small Houses) should be adopted for reference.

- (c) The DAFC has reservation on rezoning the private land with house/building status at the fringe of the “CA” zone to “V” (**Plan 2** and **Plan 5**) as the affected area is currently occupied by large mature trees and NTEH redevelopments may lead to tree felling or damage to the wooded area. However, it is noted that the affected area (about 0.03 ha) is at the fringe of the originally proposed “CA” zone. The proposal to rezone this small area from “CA” to “V” and “GB” would have minimal impact on the wooded area as a whole.

Not respecting the Basic Law

- (d) Article 40 of the Basic Law protects the lawful traditional rights and interest of the indigenous inhabitants of the New Territories. Insofar as the rights and interests embodied by the New Territories Small House Policy have already been qualified by the system of OZP prepared under the Ordinance before the Basic Law came into force on 1.7.1997, applying those controls to the area concerned by way of the draft OZP does not appear inconsistent with the protection of the lawful traditional rights and interests of the New Territories indigenous inhabitants under Article 40 of the Basic Law.

Resumption and Compensation

- (e) According to the information in 2013, private land within the Area is about 10.21 ha (i.e. about 18.73% of the Area). According to the revised draft Tin Fu Tsai OZP, about 0.401 ha of land is designated for “V” to respect the development right of the landowners of private lots with house/building status.
- (f) The remaining private land within “GB” and “CA” zones is primarily demised for agricultural purpose under the Block Government Lease. ‘Agricultural Use’ and ‘Agricultural Use (other than Plant Nursery)’ are always permitted under the “GB” zone and the “CA” zone respectively. Thus, the revised draft Tin Fu Tsai OZP would not deprive the rights of the landowners. In any case, there is no provision for compensation under the Ordinance and land resumption is outside the purview of the Board.

Re-site of the Village or Designation of “V” Zone outside Water Gathering Ground

- (g) The water gathering ground covers a much larger area than the village environs (VE) of Tin Fu Chai. Any “V” zone designated outside the water gathering ground will not be contiguous to the VE and will fall outside the boundary of the planning scheme area of the draft Tin Fu Tsai OZP. Under the current Small House Policy, Small House application will be processed by the LandsD only if the site falls within a “V” zone which encircles or overlaps with a VE or within VE. The designation of land for village re-site of Tin Fu Chai involves land policy matters which are outside the purview of the Board.

Sewage Treatment

- (h) The Director of Environmental Protection (DEP) advises that connecting Tin Fu Tsai to the nearest public sewerage facilities in Tai Tong to the west or Sham Tseng to the south would require about 8 km long sewer over the undulating terrain and a number of sewage pumping stations, but the level of sewage flow is too low for effective operation of the sewage pumps. The provision of public sewerage is not feasible from the perspective of engineering design and actual difficulties during operation. In response to the VR's suggestion of laying sewerage to Ho Pui to the north, the DEP advises that there is no existing sewerage in Ho Pui, further sewerage connection to Kat Hing Wai or Shek Kong Barracks would be required. The length of sewerage and technical difficulties are similar to providing sewerage to Tai Tong and Sham Tseng. The DEP also advises that his Department would not provide sewage treatment plant/facilities for individual village type developments.
- (i) The DEP does not agree to the "temporary storage and tanker-away" proposal for sewage disposal. According to his information, there has not been any successful case for NTEH development. The risk of sewage spillage and pollution is relatively high as the sewage may not be removed on time. If sewage spillage causes water pollution, the Water Pollution Control Ordinance will be contravened. Moreover, the organic matters in stored sewage will decompose over time releasing bad odour and there is also risk of methane accumulation. In addition, sewage tanker traffic may also be a concern. This view is shared by the WSD.
- (j) On the traffic of sewage tankers, the DAFC comments that the vehicular accesses to Tin Fu Tsai are restricted roads under Country Parks Ordinance, which are not built to the road standards, and may have safety concern if they are frequently used by heavy vehicles. These roads overlap with popular hiking trails and mountain bike trails, frequent movement of heavy vehicles along these roads will create disturbance and safety concern on country park visitors, and is also not compatible with the nature conservation objective of Country Park. Moreover, accidental spilling of sewage will cause pollution to the Country Park environment and affect Country Park users.

Incorporation of the Area into Country Park

- (k) The incorporation of the Area in Tai Lam Country Park, which is under the jurisdiction of the Country and Marine Parks Authority under the Country Parks Ordinance, is outside the purview of the Board. Whether there are justifications for incorporating Tin Fu Tsai as part of Tai Lam Country Park would be subject to consideration of the DAFC and the CMPB.

Speed-up DPA Plan Preparation

- (l) According to the 2010-2011 Policy Address, the Government will either include the remaining enclaves into Country Park, or determine their proper uses through statutory planning. Up to November 2013, including the approved Tin Fu Tsai DPA Plan, a total of 18 DPA plans (including those replaced by OZPs) have been published covering 25 Country Park enclaves. Continued efforts will be made to cover the remaining Country Park enclaves by DPA plans which are considered suitable for control through the preparation of statutory plans. In setting the priority for preparation of DPA plans, due regard will be given to such factors as accessibility and development pressure.

Enforcement against War Game Areas

- (m) Although the war game areas existed immediately before the first publication of the draft Tin Fu Tsai DPA Plan are tolerated under the Ordinance, any unauthorized new war game area will be subject to planning enforcement action. Besides, if there is a breach of lease condition or illegal occupation of Government land, the DLO/TM, LandsD will consider taking appropriate lease enforcement or land control action(s). To protect the water resources, the WSD monitors regularly the water quality of streams near the war game areas in Tin Fu Tsai and appropriate action will be taken by the DEP should there be any violation of environmental legislations.

Enhancing Development Control

- (n) Regarding the protection of streams and its riparian areas by “CA” zone, it should be noted that the war game use is neither a Column 1 nor a Column 2 use under the Notes for the “CA” and “GB” zones. There is a presumption against development in these 2 zones. Unauthorized war game areas will be subject to planning enforcement actions. Moreover, the Remarks of Notes for the “GB” zone states that any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) shall not be undertaken without the permission of the Board. According to the DAFC, the existing streams/watercourses at Tin Fu Tsai, while largely natural, are not of particular high ecological value which warrant designation of a “CA” zoning. Having a “GB” zone is appropriate and provides sufficient planning control over new developments.
- (o) For the proposal of moving ‘Agricultural Use (other than Plant Nursery)’ and ‘On-farm Domestic Structure’ from Column 1 to Column 2 of the Notes for “CA” zone, it should be noted that there is private agricultural land within the “CA” zone and erection of on-farm domestic structure on agricultural land requires approval of the LandsD. The LandsD will consult concerned Government

departments in processing such applications according to the established practice. Moreover, permission from the Board is required for any works relating to diversion of stream, filling of land/pond or excavation of land which may cause adverse impacts on the natural environment. It is considered appropriate to retain these two uses under Column 1 in the Notes for the “CA” zone, which is also consistent with the revised Master Schedule of Notes to Statutory Plans promulgated by the Board.

- (p) Tin Fu Tsai is located within the upper direct water gathering ground of Tai Lam Chung Reservoir. A cautious approach should be adopted based on the WSD’s latest advice on potential risk of water pollution arising from non-point sources. It is, therefore, proposed to move ‘Barbecue Spot’, ‘Picnic Area’ and ‘Tent Camping Ground’ uses from Column 1 to Column 2 of the Notes for “GB” zone. Also, taking into account the views of the environmental concern groups and having considered the setting of Tin Fu Tsai, it is proposed to delete ‘Columbarium (within a Religious Institution or extension of existing Columbarium only)’, ‘Crematorium (within a Religious Institution or extension of existing Crematorium only)’ and ‘Petrol Filling Station’ from Column 2 of the Notes for the “GB” zone. With the above proposed revisions, only agriculture-related, and nature reserve/protection-related uses are in Column 1 which are always permitted. The revised Notes for the “GB” zone is at **Annex II**.
- (q) There is a general presumption against development in the planning intention for the “GB” zone. According to the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10), an application for new development in “GB” zone will only be considered in exceptional circumstances and must be justified with very strong planning grounds. Retaining the ‘House’ use in Column 2 would provide flexibility to cater for unforeseen and exceptional circumstances.

5. **Land Use Zonings** (Annexes I to III)

Having regarded to the above, there are some amendments to the proposed land use zonings as shown on the revised draft Tin Fu Tsai OZP No. S/TM-TFT/D. They are highlighted as follows:

“Village Type Development” (“V”): Total area: 0.41 ha

- 5.1 To cater for the special circumstances of the Area, the Notes and planning intention for the “V” zone are tailor-made. The planning intention of this zone is to reflect the existing recognized village. Land within this zone is primarily intended for redevelopment of Small Houses by indigenous villagers. Besides, ‘Eating Place’, ‘Library’, ‘School’ and ‘Shop and Services’ on the ground floor of a NTEH are deleted from Column 1 of the Notes for the “V” zone, while only ‘Eating Place’, ‘Government Refuse Collection Point’,

‘House (not elsewhere specified)’, ‘Residential Institution’, ‘Shop and Services’, ‘Social Welfare Facility’ and “Utility Installation for Private Project” are retained in Column 2.

- 5.2 The boundary of the “V” zone is drawn up having regard to the private land with house/building status.
- 5.3 Except for those specified, developments and redevelopments within this zone are restricted to a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- 5.4 As diversion of stream may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.
- 5.5 In accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005, under the current administrative practice, for 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 where possible. Accordingly, the Lands Department when processing New Territories Exempted House/Small House applications in close proximity to existing streams, should consult relevant departments and ensure that relevant departments would have adequate opportunity to review and comment on the applications.
- 5.6 There is no existing or proposed public sewer in the Area. For New Territories Exempted House/Small House redevelopment, the design and construction of sewage disposal facilities need to comply with relevant standards and regulations, such as the Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93, for protection of the water quality of the Area.

“Green Belt” (“GB”): Total area: 53.05 ha

- 5.7 The area of “GB” zone is reduced from about 53.43 ha to about 53.05 ha. ‘Barbecue Spot’, ‘Picnic Area’ and ‘Tent Camping Ground’ uses are moved from Column 1 to Column 2 of the Notes for the “GB” zone. ‘Columbarium (within a Religious Institution or extension of existing Crematorium only)’, ‘Crematorium (within a Religious Institution or extension of existing Crematorium only)’ and ‘Petrol Filling Station’ are deleted from Column 2 of the Notes for the “GB” zone. There is no change to the planning intention or other aspects of the “GB” zone.
- 5.8 Apart from the wooded area with higher conservation value in the northwestern part of the Area and the areas zoned “V”, all areas are within this

zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area. The provision of grave of indigenous New Territories villager within the permitted burial ground is always permitted according to the covering Notes. The “GB” zone also provides a buffer between the areas zoned “V” and the Tai Lam Country Park.

- 5.9 Since 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.
- 5.10 As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

“Conservation Area” (“CA”): Total area: 1.04 ha

- 5.11 The area of “CA” zone is slightly reduced from about 1.07 ha to about 1.04 ha to exclude private land with house/building status and a small piece of land rezoned to “GB”. There is no change to the planning intention or other aspects of the “CA” zone.
- 5.12 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.
- 5.13 A wooded area in the northwestern part of the Area with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in this area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. This wooded area is of higher conservation value.
- 5.14 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 in the Gazette of the notice of the draft DPA Plan.

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

6. Consultation

The TMDC, the TMRC and the YLDC will be consulted during the publication period of the revised draft Tin Fu Tsai OZP under section 5 of the Ordinance.

7. Decision Sought

Members are invited to:

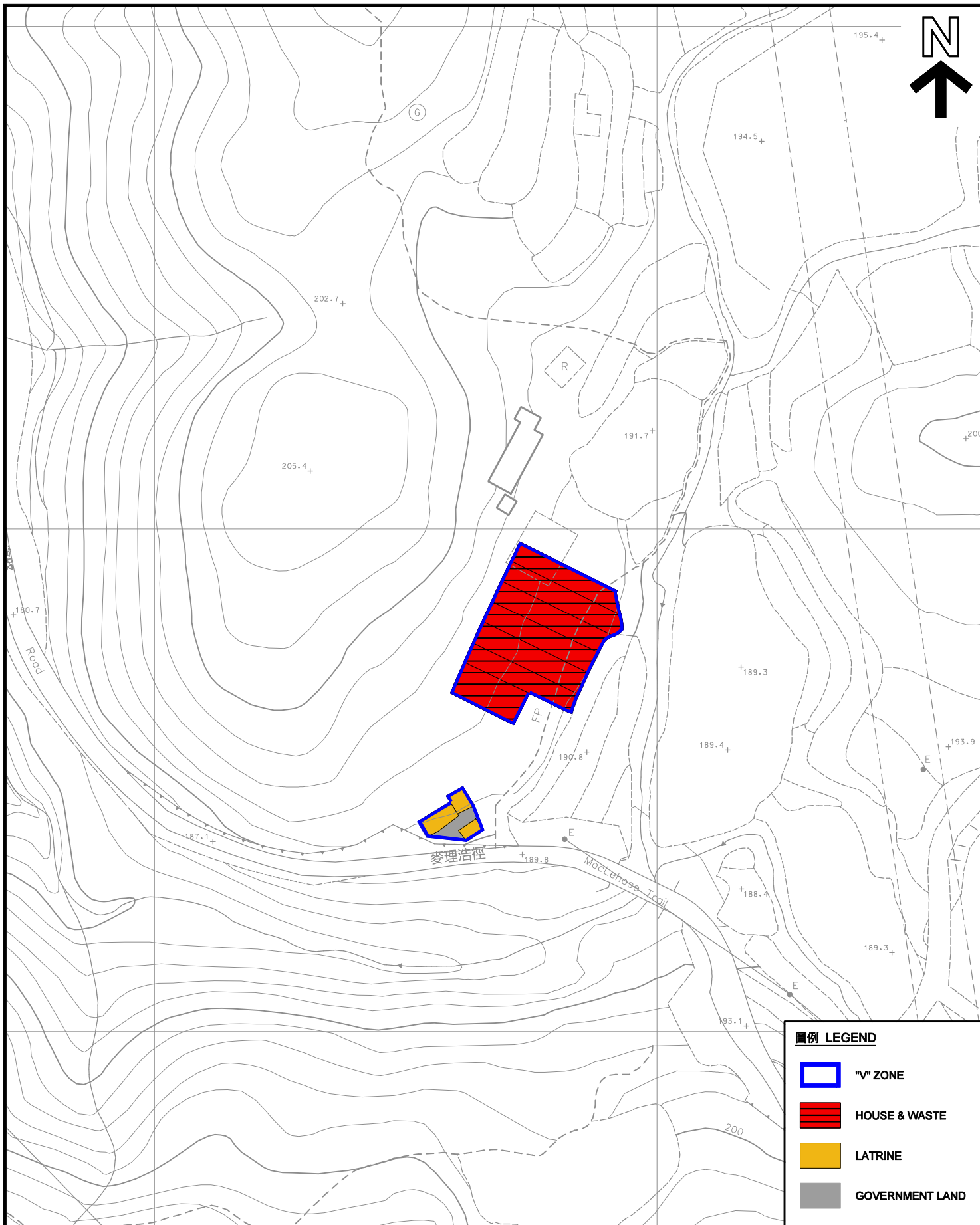
- (a) note the comments from and responses to the TMDC, the TMRC, the TPDC of the YLDC, the local villagers, private individuals and the environmental concern groups on the draft Tin Fu Tsai OZP No. S/TM-TFT/B;
- (b) agree that the revised draft Tin Fu Tsai OZP No. S/TM-TFT/D (to be renumbered as S/TM-TFT/1 upon gazetting) and its Notes (**Annexes I to II**) are suitable for exhibition under section 5 of the Ordinance for public inspection;
- (c) adopt the ES (**Annex III**) as an explanation of the planning intentions and objectives of the Board for various land use zonings of the revised draft Tin Fu Tsai OZP No. S/TM-TFT/D; and
- (d) agree that the ES is suitable for exhibition for public inspection together with the revised draft Tin Fu Tsai OZP and issued under the name of the Board.

8. Attachments

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| Plan 1 | “V” Zones near a Knoll at the Western Part of the Area |
| Plan 2 | “V” Zones around the Ancestral Hall in the Northwestern Part of the Area |
| Plan 3 | “V” Zones around Village Type Houses in the Northwestern Part of the Area |
| Plan 4 | “V” Zones at the Southwestern Part of the Area |
| Plan 5 | Zonings on Aerial Photo |
| Annex I | Draft Tin Fu Tsai OZP No. S/TM-TFT/D |
| Annex II | Notes of draft Tin Fu Tsai OZP No. S/TM-TFT/D |
| Annex III | Explanatory Statement of draft Tin Fu Tsai OZP No. S/TM-TFT/D |
| Annex IV | TPB Paper No. 9459 |
| Annex V | Extract of Minutes of TPB Meeting held on 4.10.2013 |
| Annex VI | Matters Arising Paper (ii) for TPB Meeting held on 18.10.2013 |
| Annex VII | Extract of Minutes of TPB Meeting held on 18.10.2013 |
| Annex VIII | Letter of 2.11.2013 from Village Representative of Tin Fu Chai |
| Annex IX | Letter of 29.10.2013 from Tuen Mun Rural Committee |

| | |
|----------------------------------|---|
| Annex X | Extract of Draft Minutes of Tuen Mun District Council Meeting held on 5.11.2013 |
| Annex XI | Progress Report of the Town Planning and Development Committee of the Yuen Long District Council of November 2013 |
| Annex XII | Letter of 1.11.2013 from World Wide Fund for Nature Hong Kong |
| Annex XIII | Letter of 7.11.2013 from The Conservancy Association |
| Annex XIV | Letter of 8.11.2013 from Designing Hong Kong Limited |
| Annex XV | Letter of 8.11.2013 from Kadoorie Farm & Botanic Garden Corporation |
| Annex XVI | Letter of 13.11.2013 from The Hong Kong Bird Watching Society |
| Annexes XVII-1 and XVII-2 | Sample of standard letters from individuals of the general public received in November 2013 |

**PLANNING DEPARTMENT
DECEMBER 2013**



本摘要圖於2013年12月3日擬備，所根據的資料為測量圖編號 6-SE-7A
EXTRACT PLAN PREPARED ON 3.12.2013
BASED ON SURVEY SHEETS No. 6-SE-7A

"V" ZONES NEAR A KNOLL AT THE WESTERN PART OF THE AREA

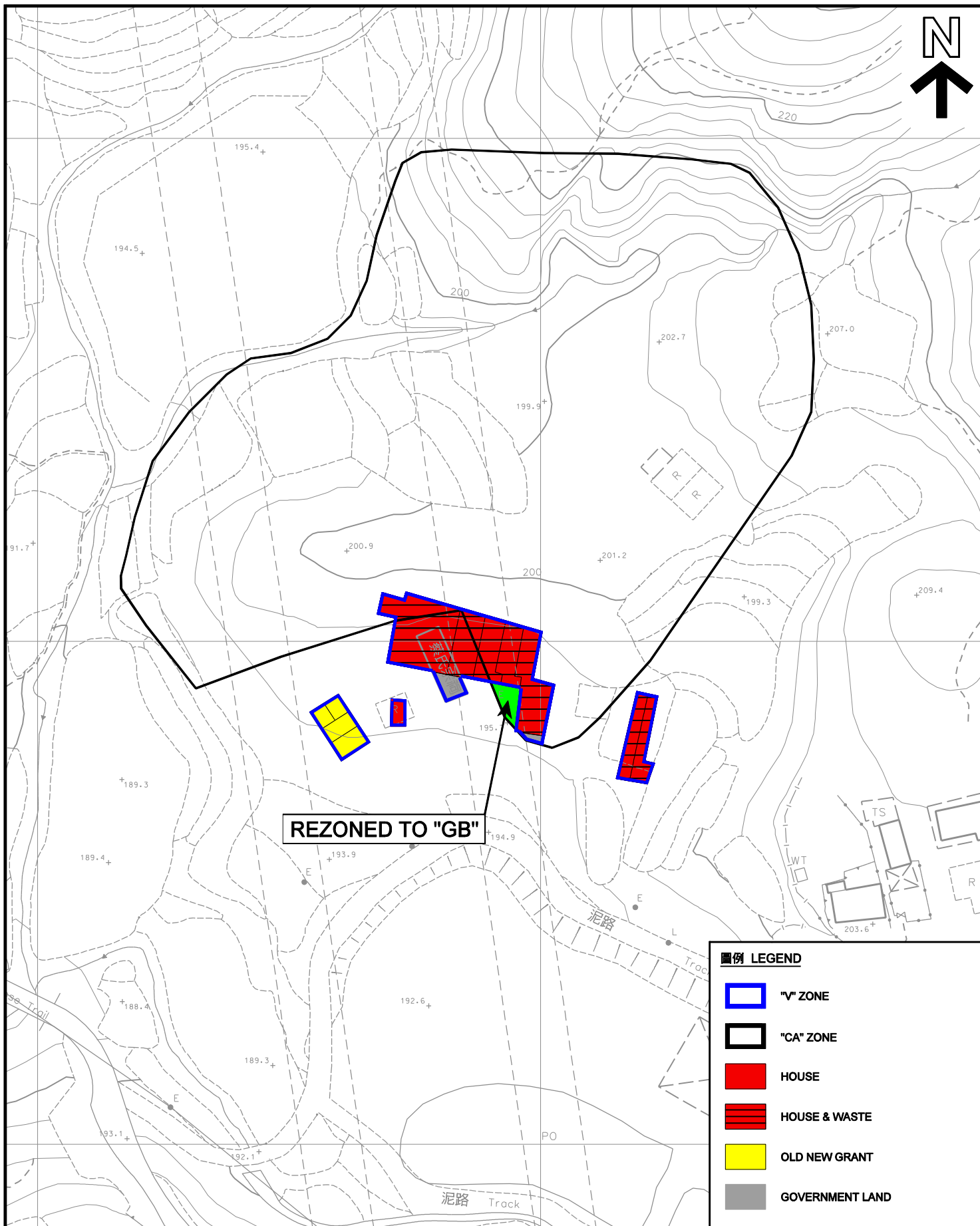
SCALE 1 : 1 000 比例尺
米 METRES 20 0 20 40 米 METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/TM/13/223

圖 PLAN
1



本摘要圖於2013年12月3日擬備，所根據的資料為測量圖編號 6-SE-7A
EXTRACT PLAN PREPARED ON 3.12.2013
BASED ON SURVEY SHEETS No. 6-SE-7A

"V" ZONES AROUND THE ANCESTRAL HALL IN THE NORTHWESTERN PART OF THE AREA

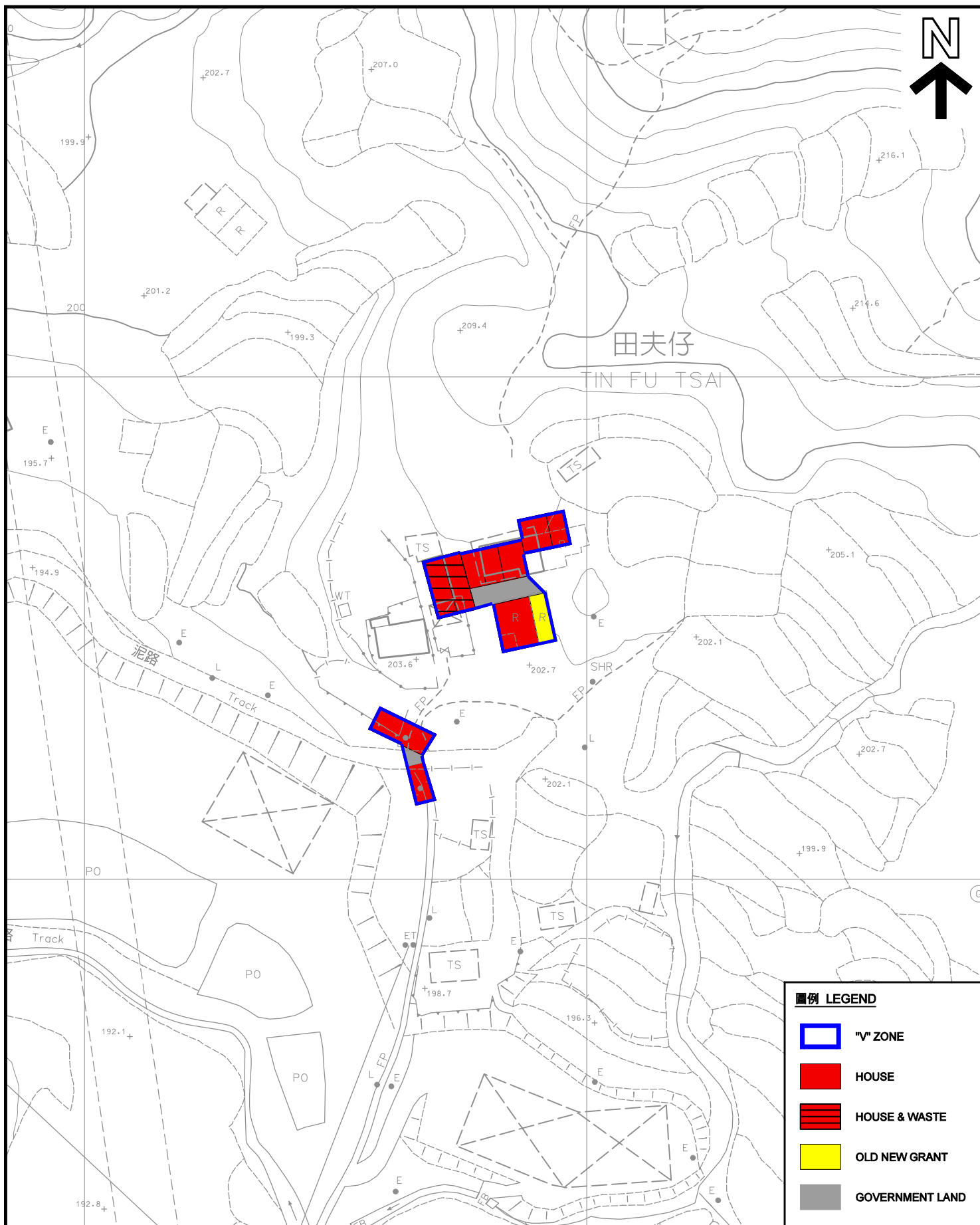
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METRES 20 0 20 40 METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/TM/13/223

圖 PLAN
2



平面圖 SITE PLAN

"V" ZONES AROUND VILLAGE
TYPE HOUSES IN THE NORTHWESTERN
PART OF THE AREA

SCALE 1 : 1 000 比例尺

米 20 0 20 40 米
METRES

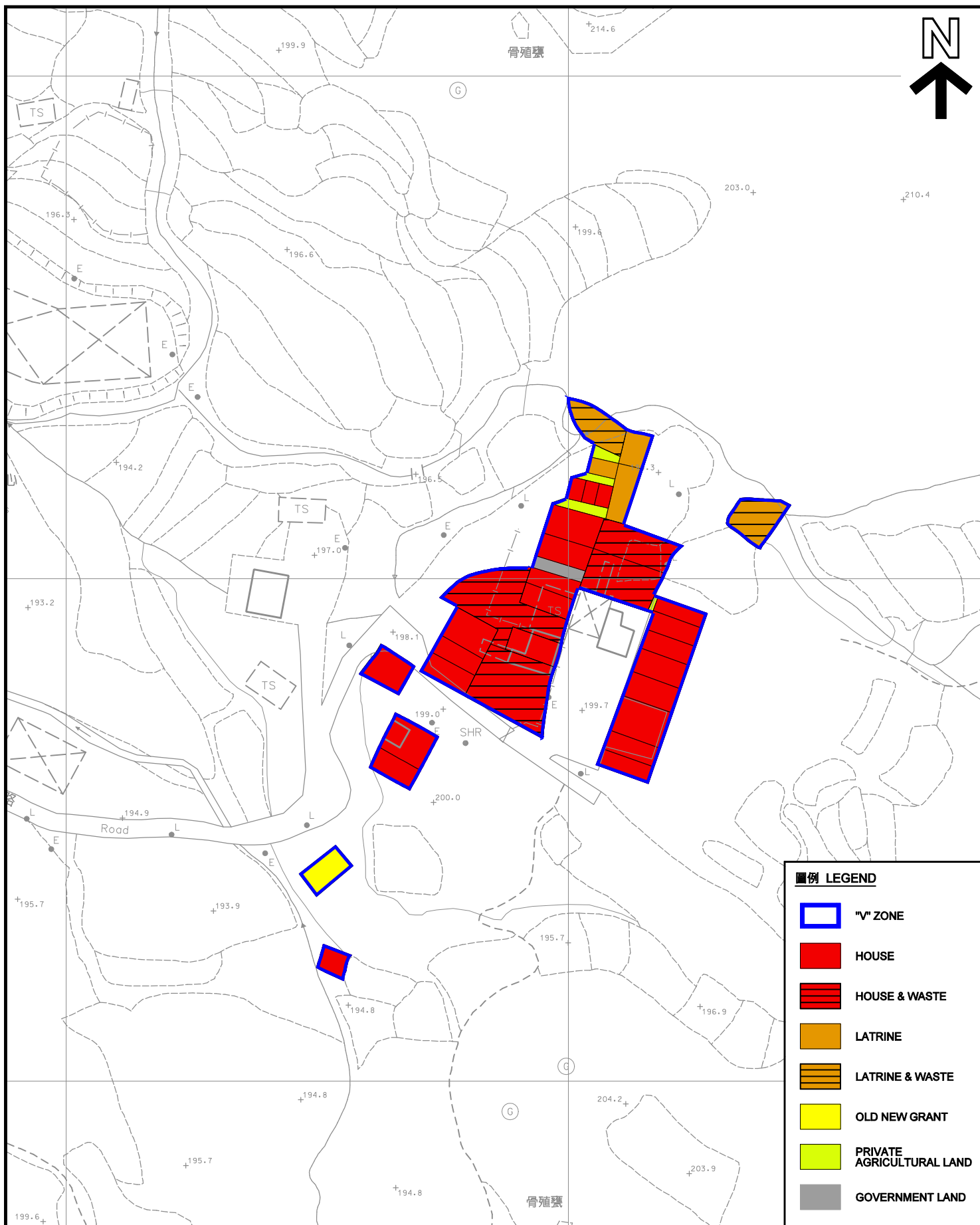
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/TM/13/223

圖 PLAN
3

本摘要圖於2013年12月3日擬備，所根據的
資料為測量圖編號 6-SE-7A
EXTRACT PLAN PREPARED ON 3.12.2013
BASED ON SURVEY SHEETS No.
6-SE-7A



本摘要圖於2013年12月3日擬備，所根據的資料為測量圖編號 6-SE-7A 和 6-SE-7C
EXTRACT PLAN PREPARED ON 3.12.2013
BASED ON SURVEY SHEETS No.
6-SE-7A & 6-SE-7C

"V" ZONES AT THE SOUTHWESTERN PART OF THE AREA

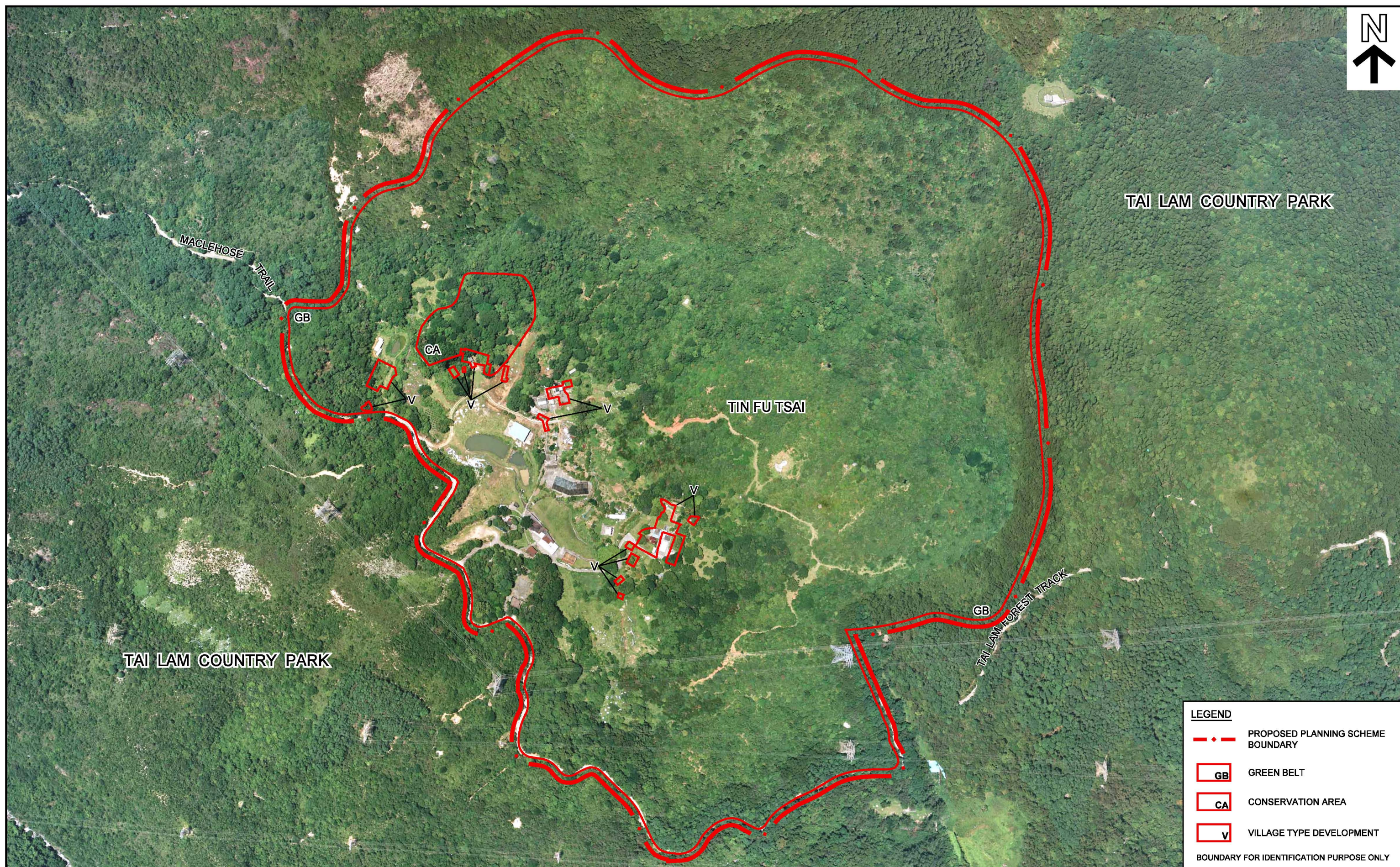
SCALE 1 : 1 000 比例尺
米 METRES 20 0 20 40 米 METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/TM/13/223

圖 PLAN
4



LEGEND

- PROPOSED PLANNING SCHEME BOUNDARY
- GREEN BELT
- CONSERVATION AREA
- VILLAGE TYPE DEVELOPMENT

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

EXTRACT PLAN PREPARED ON 5.12.2013
BASED ON AERIAL PHOTO No.
CS37066, CS37068, CS37221, CS37222
TAKEN ON 30.7.2012 BY LANDS DEPARTMENT

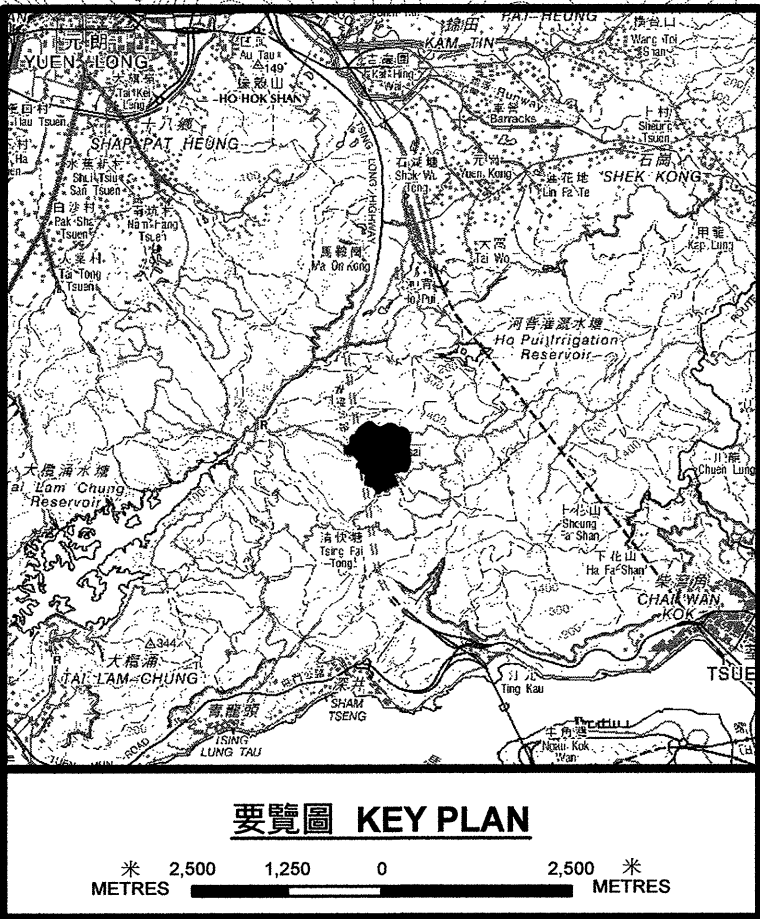
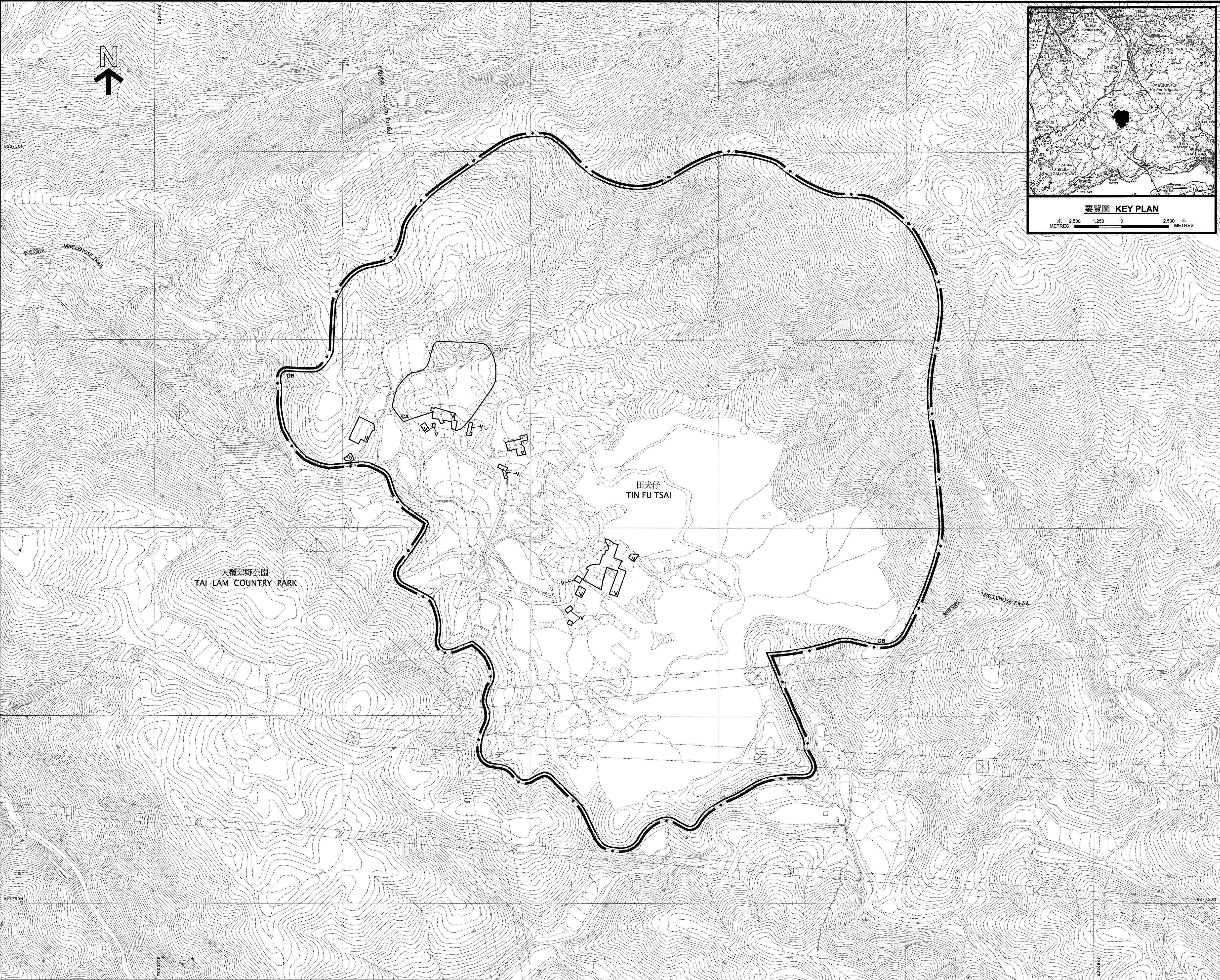
ZONINGS ON THE AERIAL PHOTO

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/223

PLAN
5



圖例
NOTATION

ZONES

- VILLAGE TYPE DEVELOPMENT
- GREEN BELT
- CONSERVATION AREA

V

GB

CA

地帶

- 鄉村式發展
- 綠化地帶
- 自然保育區

MISCELLANEOUS

- BOUNDARY OF PLANNING SCHEME
- BOUNDARY OF COUNTRY PARK / SPECIAL AREA

— • —

— . —

其他

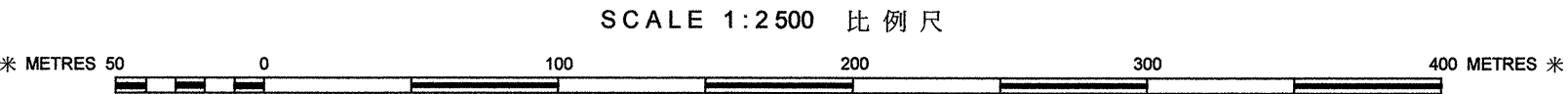
- 規劃範圍界線
- 郊野公園 / 特別地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

| USES | 大約面積及百分比 APPROXIMATE AREA & % | | | 用途 |
|----------------------------|----------------------------------|--------|-----|---------|
| | 公頃 HECTARES | % | 百分比 | |
| VILLAGE TYPE DEVELOPMENT | 0.41 | 0.75 | | 鄉村式發展 |
| GREEN BELT | 53.05 | 97.34 | | 綠化地帶 |
| CONSERVATION AREA | 1.04 | 1.91 | | 自然保育區 |
| TOTAL PLANNING SCHEME AREA | 54.50 | 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

香港城市規劃委員會依據城市規劃條例擬備的田夫仔分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
TIN FU TSAI - 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/TM-TFT/D

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/D

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

- (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) (a) Except in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (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 (10)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

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

- (11) 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.

- (12) 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 TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/D

Schedule of Uses

| | <u>Page</u> |
|--------------------------|-------------|
| Village Type Development | 1 |
| Green Belt | 2 |
| Conservation Area | 4 |

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 | Eating Place |
| Government Use (Police Reporting Centre, Post Office only) | Government Refuse Collection Point |
| House (New Territories Exempted House only) | House (not elsewhere specified) |
| On-Farm Domestic Structure | Residential Institution # |
| Religious Institution (Ancestral Hall only) | Shop and Services |
| Rural Committee/Village Office | Social Welfare Facility # |
| | Utility Installation for Private Project |

Planning Intention

The planning intention of this zone is to reflect the existing recognized village. Land within this zone is primarily intended for redevelopment of Small Houses by indigenous villagers.

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 (8.23 m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft 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 stream, 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 Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Public Convenience Wild Animals Protection Area | Animal Boarding Establishment Barbecue Spot Broadcasting, Television and/or Film Studio Burial Ground Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Picnic Area Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Tent Camping Ground 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 stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

CONSERVATION AREA

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

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.

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 stream, 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 TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/D
EXPLANATORY STATEMENT**

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/D

EXPLANATORY STATEMENT

| <u>CONTENTS</u> | <u>Page</u> |
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| 1. INTRODUCTION | 1 |
| 2. AUTHORITY FOR THE PLAN AND PROCEDURE | 1 |
| 3. OBJECT OF THE PLAN | 1 |
| 4. NOTES OF THE PLAN | 2 |
| 5. THE PLANNING SCHEME AREA | 2 |
| 6. POPULATION | 3 |
| 7. OPPORTUNITIES AND CONSTRAINTS | 3 |
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| 9. LAND USE ZONINGS | 5 |
| 9.1 Village Type Development | 5 |
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DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/D

(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 Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/D. It reflects the planning intention and objectives of the Town Planning Board (the Board) for 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 draft plan designating the Tin Fu Tsai area as a development permission area (DPA).
- 2.2 On 7 January 2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.3 On 6 December 2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Tin Fu Tsai DPA Plan, which was subsequently renumbered as DPA/TM-TFT/2. On 16 December 2011, the approved Tin Fu Tsai DPA Plan No. DPA/TM-TFT/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 outline zoning plan for the Tin Fu Tsai area.
- 2.5 On _____ 2013, the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/D (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 Tin Fu Tsai area so that development and redevelopment within the area can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and control only. It is a small scale plan and the boundaries between the land use zones may be subject to minor adjustments 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 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 developments 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) is located at Tin Fu Tsai and covers an area of about 54.50 ha. It is completely encircled by Tai Lam Country Park. It is about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam Tunnel runs through the western part of the Area underground in a north-south direction. The Area falls mainly within the Tuen Mun district, and partly within the Yuen Long district. The boundary of the Area is shown by a heavy broken line on the Plan.
- 5.2 The Area is rural and natural in character. It is surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprise flat or gently sloping land with orchards/planted trees and some fallow agricultural land covered with trees, shrubs and grass. The western part of the Area comprises gentle slopes with trees at the periphery. In the northwestern part of the Area, along the toe of the hill slopes is a woodland, and some of the trees are on previously fallow agricultural land. The woodland extends to the upper and steeper hill slopes in the northwestern part of the Area. The northern and northeastern parts of the Area comprise steeper naturally vegetated hill slopes rising to a higher altitude. The higher hill slopes are generally covered by shrubs and grass, while trees concentrate at the toe of these hill slopes and along the streams flowing down these slopes. These streams converge to a west-flowing branched watercourse near the central and at the southwestern parts of the Area. A few ponds are near the watercourse at the southwestern part of the Area. The southwestern part of the Area has generally been used for an outdoor training centre. Some war game areas stretch from the southwestern part to the northwestern part of the Area. A few village type houses are in the Area. Some cultivated land is at the southwestern part of the Area. An ancestral hall is in the northwestern part of the Area.
- 5.3 Tin Fu Chai (as per the List of Recognized Villages under the New Territories Small House Policy published by the Lands Department), a pre-1898 recognized village, is located within the Area.

- 5.4 The Area is within a gazetted water gathering ground. According to the Water Supplies Department, the water gathering ground in which the Area locates is classified as upper direct water gathering ground of Tai Lam Chung Reservoir, where water would flow into the reservoir direct. Part of a permitted burial ground is at the northwestern periphery of the Area. In recognition of the traditional burial right of indigenous villagers, that part of burial ground within the Area has been preserved.

6. POPULATION

- 6.1 According to the estimate of the Planning Department, the population of the Area in 2013 is about 20 persons.
- 6.2 It is estimated that the planned population for the Area would be about 560 persons due to redevelopment of village type houses. There is no definite programme for the anticipated level of population built-up and the planned population growth will be in the long-term.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

- 7.1.1 The Area is of rural and natural character and with high landscape value and tranquil environment. According to the Landscape Value Mapping of Hong Kong (2005), the Area is of upland countryside landscape character and the landscape value of the Area is generally rated “High” and “High (Qualified)”. Opportunities should be taken to preserve the rural and natural character as well as the landscape of the Area.
- 7.1.2 According to the Agriculture, Fisheries and Conservation Department, the habitats in the northwestern part of the Area are largely natural. A wooded area to the north of an ancestral hall is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. Although the understory has been disturbed and signs of war game are noted, the ecological value of the wooded area should recover overtime. This wooded area is of higher conservation value. There is an opportunity to conserve the natural habitats and the wooded area in the northwestern part of the Area.
- 7.1.3 In addition, other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should be protected as advised by the Agriculture, Fisheries and Conservation Department.

7.2 Constraints

- 7.2.1 The Area is completely encircled by Tai Lam Country Park. The vehicular access to the Area is through Tai Lam Forest Track, which is a restricted road managed by the Agriculture, Fisheries and Conservation Department. The section of Tai Lam Forest Track near the Area also forms a section of MacLehose Trail and mountain bike trail for recreation purposes. The section of Tai Lam Forest Track concerned is narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns.
- 7.2.2 The Area is not provided with public water supplies, drainage and sewerage systems. Uses and developments within the Area should pay due regard to these infrastructure constraints.
- 7.2.3 The Area is within an upper direct water gathering ground of Tai Lam Chung Reservoir. According to the Water Supplies Department, Tai Lam Chung Reservoir is a very important reservoir in Hong Kong and pollution of this reservoir will have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area. The Water Supplies Department does not support new village type development. According to the Environmental Protection Department, in general the use of septic tank and soakaway systems for sewage treatment and disposal are not considered acceptable for new village type developments within water gathering ground, especially for sites in close proximity to existing stream courses. For New Territories Exempted House/Small House redevelopment, the design and construction of sewage disposal facilities need to comply with relevant standards and regulations, such as the Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93, for protection of the water quality of the Area.
- 7.2.4 There is natural terrain around the Area. Natural terrain is also present in the northern and northeastern parts of the Area. These parts of the Area also comprise steep natural hillsides with past occurrence of landslides. Developments in these parts of the Area are potentially subject to natural terrain hazards. Natural terrain hazard study may be required and suitable hazard mitigation measures shall be provided, if found necessary, as part of the developments. For developments to be located only on the relatively flat areas close to these steep natural hillsides, it is considered that natural terrain hazard study should be extended to cover the steep natural hillsides.
- 7.2.5 There are 400 kV overhead power lines at the southern part of the Area. Uses and developments within the Area should pay due regard to the high voltage overhead power lines.

- 7.2.6 Tai Lam Tunnel runs in a generally north-south direction across the western part of the Area. Uses and developments shall not affect Tai Lam Tunnel.
- 7.2.7 Part of a permitted burial ground is at the northwestern periphery of the Area and the remaining part of it is within Tai Lam Country Park. The area occupied by the burial ground is not suitable for development.

8. GENERAL PLANNING INTENTION

The Area is completely encircled by Tai Lam Country Park and is rural and natural in character. It forms an integral part of the natural habitats/system of the adjoining Tai Lam Country Park. The general planning intention for the Area is to conserve the natural habitats, landscape resources and rural and natural character of the Area. Developments which would cause adverse impacts on the water quality and water resources of the water gathering ground are not encouraged.

9. LAND USE ZONINGS

9.1 Village Type Development ("V"): Total area: 0.41 ha

- 9.1.1 The planning intention of this zone is to reflect the existing recognized village. Land within this zone is primarily intended for redevelopment of Small Houses by indigenous villagers.
- 9.1.2 The boundary of the "V" zone is drawn up having regard to the private land with house/building status.
- 9.1.3 Except for those specified, developments and redevelopments within this zone are restricted to a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- 9.1.4 As diversion of stream may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.
- 9.1.5 In accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005, under the current administrative practice, for 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 where possible. Accordingly, the Lands Department when processing New Territories Exempted House/Small House applications in close proximity to

existing streams, should consult relevant departments and ensure that relevant departments would have adequate opportunity to review and comment on the applications.

- 9.1.6 There is no existing or proposed public sewer in the Area. For New Territories Exempted House/Small House redevelopment, the design and construction of sewage disposal facilities need to comply with relevant standards and regulations, such as the Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93, for protection of the water quality of the Area.

9.2 Green Belt (“GB”): Total area: 53.05 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 Apart from the wooded area with higher conservation value in the northwestern part of the Area and the areas zoned “V”, all areas are within this zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area. The provision of grave of indigenous New Territories villager within the permitted burial ground is always permitted according to the covering Notes. The “GB” zone also provides a buffer between the areas zoned “V” and the Tai Lam Country Park.
- 9.2.3 Since 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.
- 9.2.4 As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.3 Conservation Area (“CA”): Total area: 1.04 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 A wooded area in the northwestern part of the Area with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in this area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a 'fung shui' wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. This wooded area is of higher conservation value.
- 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 in the Gazette of the notice of the draft DPA plan.
- 9.3.4 Diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10. **TRANSPORT AND COMMUNICATION**

Road Network and Footpath

The Area is accessible through the paved Tai Lam Forest Track. The track runs through Tai Lam Country Park and a section of it is along the southern and southwestern edges of the Area. Tai Lam Forest Track is a restricted vehicular access managed by the Agriculture, Fisheries and Conservation Department. The track also forms a section of the MacLehose Trail and mountain bike trail. In addition, there are waterworks access roads in the vicinity. The waterworks access roads are restricted vehicular accesses constructed and maintained by the Water Supplies Department solely for inspection and maintenance of waterworks. The waterworks access roads are not constructed to public road standard and the Water Supplies Department has no plan to upgrade or improve them.

11. **UTILITY SERVICES**

There are no public fresh/potable and salt water supplies to the Area. There are also no public drainage and sewerage systems in the Area. Electricity supply and limited fixed line telecommunication services are available in the Area. Town gas supply is not available.

12. IMPLEMENTATION

- 12.1 The Plan provides a broad land use framework for development control and implementation of planning proposals. More detailed plans would be prepared when required 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. laying of utility services, will be implemented through the Public Works Programme, the Rural Public Works, and the Local Public Works subject to priority and resources availability. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned use 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 uses and developments 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 impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 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 the 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 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 the Plan or with the permission of the Board, undertaken or continued on land included in the 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 stream, filling of land/pond or 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 diversion of stream and filling of pond for temporary use or development in conservation-related zonings, such as “Conservation Area”.

TOWN PLANNING BOARD

2013

TOWN PLANNING BOARD

**TPB Paper No. 9459
For Consideration by
the Town Planning Board on 4.10.2013**

**DRAFT TIN FU TSAI OUTLINE ZONING PLAN No. S/TM-TFT/B
PRELIMINARY CONSIDERATION OF A NEW PLAN**

DRAFT TIN FU TSAI OUTLINE ZONING PLAN No. S/TM-TFT/B
PRELIMINARY CONSIDERATION OF A NEW PLAN

1. Purpose

The purpose of this paper is to present to Members the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B (the Plan) and to seek Members' agreement that the Plan is suitable for submission to the Tuen Mun District Council (TMDC), Tuen Mun Rural Committee (TMRC) and Yuen Long District Council (YLDC) for consultation.

2. Background

- 2.1 According to the 2010-2011 Policy Address, the Government will either include the sites encircled by Country Parks into Country Parks, or determine their proper uses through statutory planning in order to meet conservation and social development needs.
- 2.2 On 13.12.2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Tin Fu Tsai area (the Area) as a development permission area (DPA).
- 2.3 On 7.1.2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.4 On 6.12.2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Tin Fu Tsai DPA Plan, which was subsequently renumbered as DPA/TM-TFT/2. On 16.12.2011, the approved Tin Fu Tsai DPA Plan No. DPA/TM-TFT/2 (**Plan 1**) was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.5 Pursuant to section 20(5) of the Ordinance, the Tin Fu Tsai DPA Plan is effective only 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 Area upon expiry of the DPA Plan.
- 2.6 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 outline zoning plan for the Area.

3. Issues Arising from Consideration of the DPA Plan

- 3.1 During the consideration of the representations to the draft Tin Fu DPA Plan No. DPA/TM-TFT/1 on 15.7.2011, the following issues were raised in the adverse and supportive representations:
- (a) The adverse representations were from Village Representative of Tin Fu Chai (who represented villagers and land owners) and Tuen Mun Rural Committee. The major issue raised was that the DPA Plan would affect the future development of Tin Fu Chai, and villagers who wanted to build houses would need to submit planning applications.
 - (b) The supportive representations were from Designing Hong Kong Limited, The Conservancy Association, The Hong Kong Bird Watching Society Limited, and World Wide Fund for Nature Hong Kong. In general, they requested for conservation related zonings to protect the natural and rural character, and water resources of the Area. Designing Hong Kong Limited stated that the northeast side of the Area appeared in good condition with natural and secondary forest. This area was recommended to be zoned as “Conservation Area” to preserve the rural and natural character of the area (**Drawing 1**).
 - (c) The Tuen Mun District Council expressed concern on whether the Government would accept large-scale ‘non-haphazard’ developments in the Area and whether relocation of the villagers and residents at Tin Fu Tsai would be required.
- 3.2 The Board decided not to uphold the representations. For the adverse representations, the Board considered that the DPA Plan would not affect the future development of the Tin Fu Tsai area and there were provisions in the DPA Plan for application for development under the Ordinance. For the supportive representations, the Board considered that the DPA Plan was an interim plan which would be replaced by an OZP and detailed land use zonings would be worked out at the OZP preparation stage. For the concerns of the Tuen Mun District Council, the Board considered that the objective of the DPA Plan was to prevent haphazard developments and conserve the rural and natural character of the Area. Large-scale developments were generally not favoured, and the DPA Plan had not proposed any removal or relocation of the villagers or residents of the Tin Fu Tsai area.

4. Object of the Plan

The object of the Plan is to indicate the broad land use zonings for Tin Fu Tsai area so as 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.

5. The Planning Scheme Area

- 5.1 The planning scheme area (the Area) is located at Tin Fu Tsai and covers an area of about 54.50 ha. It is completely encircled by Tai Lam Country Park. It is about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge (**Plans 2 and 3**). Tai Lam Tunnel runs through the western part of the Area underground in a north-south direction. The Area falls mainly within the Tuen Mun district, and partly within the Yuen Long district (**Plan 3**).
- 5.2 The Area is rural and natural in character (**Plan 4 and Plan 5**). It is surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprise flat or gently sloping land with orchards/planted trees and some fallow agricultural land covered with trees, shrubs and grasses. The western part of the Area comprises gentle slopes with trees at the periphery. In the northwestern part of the Area, along the toe of the hill slopes is a woodland, and some of the trees are on previously fallow agricultural land. The woodland extends to the upper and steeper hill slopes in the northwestern part of the Area. The northern and northeastern parts of the Area comprise steeper naturally vegetated hill slopes rising to a higher altitude. The higher hill slopes are generally covered by shrubs and grasses, while trees concentrate at the toe of these hill slopes and along the streams flowing down these slopes. These streams converge to a west-flowing branched watercourse near the central and at the southwestern parts of the Area. A few ponds are near the watercourse at the southwestern part of the Area. The southwestern part of the Area has generally been used for an outdoor training centre. Some war game areas stretch from the southwestern part to the northwestern part of the Area. A few village type houses are in the Area. Some cultivated land is at the southwestern part of the Area. An ancestral hall is in the northwestern part of the Area.
- 5.3 Tin Fu Chai (as per the List of Recognized Villages under the New Territories Small House Policy published by the Lands Department), a pre-1898 recognized village, is located within the Area (**Plan 10**).
- 5.4 The Area is within a gazetted water gathering ground (**Plan 6**). According to the Water Supplies Department (WSD), the water gathering ground in which the Area locates is classified as upper direct water gathering ground of Tai Lam Chung Reservoir, where water would flow into the reservoir direct. Part of a permitted burial ground is at the northwestern periphery of the Area (**Plan 9**).

6. Local Views

During the course of preparation of the draft Tin Fu Tai OZP, the Planning Department met the Indigenous Village Representative of Tin Fu Chai on 18.7.2012 and 5.9.2012 on the land use planning of the Area. He stated that Tin Fu Chai is a recognized village and has been inhabited by local villagers for a long time. The planning of Tin Fu Tsai area should respect this and “Village Type Development”

(“V”) zone should be designated for the indigenous villagers to build Small Houses. Besides, the planning should respect the current uses and conditions of the Tin Fu Tsai area. He was of the opinion that current uses at the Area should be permitted to be continued and the tranquil rural environment should be preserved. He also considered that the Tin Fu Tsai area had some potential for recreation development and flexibility could be provided for introducing some compatible recreation uses so that the Tin Fu Tsai area would not degrade into a dilapidated village.

7. **Land Use Planning Considerations (Plans 7, 8 and 9)**

Environmental and Conservation Considerations

- 7.1 The Area is of rural and natural character and with high landscape value and tranquil environment.
- 7.2 According to the Landscape Value Mapping of Hong Kong (2005), the Area is of upland countryside landscape character. The landscape is generally characterized by high levels of topographic relief, a very low density of built development, largely unaltered topography and high levels of vegetation cover. The landscape value of the Area is generally rated “High” (for areas with more natural character) and “High (Qualified)” (for areas with more human activities) (**Plan 7**). Opportunities should be taken to preserve the rural and natural character as well as the landscape of the Area.
- 7.3 According to the Agriculture, Fisheries and Conservation Department, the habitats in the northwestern part of the Area are largely natural (**Plan 8**). A wooded area to the north of an ancestral hall is dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. Although the understory has been disturbed and signs of war game are noted, the ecological value of the wooded area should recover overtime. This wooded area is of higher conservation value. There is an opportunity to conserve the natural habitats and the wooded area in the northwestern part of the Area.
- 7.4 In addition, other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should be protected (**Plan 8**) as advised by the Agriculture, Fisheries and Conservation Department.
- 7.5 The Area is within an upper direct water gathering ground of the Tai Lam Chung Reservoir. According to the WSD, Tai Lam Chung Reservoir is a very important reservoir in Hong Kong and pollution of this reservoir will have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area.

Technical Constraints (Figure 9)

- 7.6 The Area is surrounded by natural hill slopes of Tai Lam Country Park. The hill slopes at the northwestern, northern and northeastern parts of the Area are steep. According to the Geotechnical Engineering Office, Civil Engineering and Development Department, there were natural terrain landslides on these steep hill slopes, which indicate that these natural hillsides are susceptible to natural terrain hazards. These steep hill slopes are considered not suitable for development.
- 7.7 The vehicular access to the Area is through Tai Lam Forest Track, which is a restricted road managed by the Agriculture, Fisheries and Conservation Department. The section of Tai Lam Forest Track near the Area also forms a section of MacLehose Trail and mountain bike trail for recreation purposes. The section of Tai Lam Forest Track concerned is narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns.
- 7.8 The Area is not provided with public water supplies (both fresh/potable and flushing/salt water), drainage and sewerage systems. For the time being, there is no project for provision of public water supplies, drainage and sewerage systems. Uses and developments in the Area should pay due regard to these infrastructure constraints.
- 7.9 There are 400 kV overhead power lines at the southern part of the Area. The Tai Lam Tunnel should not be affected.
- 7.10 The Permitted Burial Ground No. BURGD15 is at the northwestern side of the Area. Part of the burial ground is at the northwestern periphery of the Area and the remaining part of it is within Tai Lam Country Park.
- 7.11 The upper direct water gathering ground mentioned in paragraph 7.5 above is also considered as a technical constraint.

Land for Village Development

- 7.12 Tin Fu Chai is a recognized village and the only village in the Area. Its 'village environs' covers an area of about 14.68 ha, of which about 13.81 ha (i.e. about 94.07%) is within the Area (**Plan 10**).
- 7.13 According to the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD), there is no approved nor outstanding Small House application for Tin Fu Chai. The DLO/TM, LandsD advised that according to the Tuen Mun Rural Committee in 2009, the 10-year Small House demand forecast for Tin Fu Chai was 150. In January 2013, the DLO/TM, LandsD advised that the 10-year Small House demand forecast by end of 2012 as indicated by the Indigenous Village Representative (IVR) was 678. In August 2013, the DLO/TM, LandsD advised that the forecast was revised by the IVR to 720. However, the DLO/TM, LandsD states that the forecasts of 678 and 720 Small Houses cannot be verified. As the substantial increase in

the updated 10-year demand forecast is unjustified, the forecast at year 2009 (i.e. 150 Small Houses) would be adopted for reference in the preparation of the OZP.

- 7.14 There are 7 existing village type houses with inhabitants within the Area, which account for an area of about 0.18 ha. The forecasted 150 Small Houses would require an area of about 3.75 ha. Therefore, a site of about 3.93 ha in total (i.e. for 157 Small Houses) would be required. There is flat land with few trees in the southwestern part of the Area. The land is already with human activities (e.g. outdoor training centre, war game areas, some cultivated land) and no longer natural. Most of the existing village type houses (including some without inhabitants or in dilapidated state) are within this part of the Area. This part can be considered for village type development to meet the Small House demand of Tin Fu Chai.
- 7.15 However, according to the WSD, the Area falls within an upper direct water gathering ground. Since there is no existing or planned public sewerage within the Area, the WSD considers that new village type developments within the Area would increase the risk of pollution to the water gathering ground and that “V” zone, which permits New Territories Exempted House (NTEH) (including Small House) developments, within the Area is not appropriate. According to the Environmental Protection Department (EPD), in general the use of septic tank and soakaway systems for sewage treatment and disposal are not considered acceptable for new village type developments within water gathering ground, especially for sites in close proximity to existing stream courses. Any development should demonstrate that water quality within the water gathering ground would not be adversely affected.
- 7.16 In view of the concerns of the WSD and the EPD on the pollution of the upper direct water gathering ground, no “V” zone is proposed. However, rebuilding of NTEHs (including Small Houses) and replacement of existing domestic buildings by NTEHs (including Small Houses) would be permitted as per the covering Notes of the OZP. For new NTEHs (including Small Houses) developments, the villagers may consider identifying sites in other villages within the same Heung.

8. General Planning Intention

The Area is completely encircled by Tai Lam Country Park and is rural and natural in character. It forms an integral part of the natural habitats/system of the adjoining Tai Lam Country Park. The general planning intention for the Area is to conserve the natural habitats, landscape resources and rural and natural character of the Area. Developments which would cause adverse impacts on the water quality and water resources of the water gathering ground are not encouraged.

9. **Land Use Zonings (Appendix I)**

“Green Belt” (“GB”): Total area: 53.43 ha

- 9.1 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 Apart from the wooded area with higher conservation value in the northwestern part of the Area, all areas are within this zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area.
- 9.3 Since 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.
- 9.4 As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

“Conservation Area” (“CA”): Total area: 1.07 ha

- 9.5 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.
- 9.6 A wooded area in the northwestern part of the Area with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in this area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. This wooded area is of higher conservation value.
- 9.7 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 in the Gazette of the notice of the draft DPA Plan.

- 9.8 Diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.
- 9.9 Detailed land use zoning proposals are described in Section 9 of the Explanatory Statement (**Appendix III**) and Section 4 of the Planning Report (**Appendix IV**). The land use proposals in relation to the existing physical features, burial ground and 'village environs' is shown on **Plans 11a to 11b**.

10. Notes of the Plan

- 10.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application (**Appendix II**). The Notes of the Plan are prepared in accordance with the Master Schedule of Notes to Statutory Plans (the MSN) 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 changing needs.
- 10.2 In the covering Notes of the Plan, the provision for permitted road and on-street vehicle park in any area shown as 'Road' (as per the MSN) is not included as there is no area shown as 'Road' on the Plan.

11. Consultation

- 11.1 During the course of preparation of the draft Tin Fu Tai OZP, the Planning Department met the Indigenous Village Representative of Tin Fu Chai on 18.7.2012 and 5.9.2012 and sought his views on the land use planning of the Area. His views have been duly considered in the preparation of the draft Tin Fu Tai OZP.
- 11.2 The Plan together with its Notes and Explanatory Statement (ES) and the Planning Report have been circulated to relevant Government bureau and departments for comment. Comments received have been incorporated into the Plan, its Notes and ES (**Appendices I, II and III**) and the Planning Report (**Appendix IV**) as appropriate.
- 11.3 Subject to the agreement of the Board, the draft Tin Fu Tsai OZP No. S/TM-TFT/B together with its Notes and ES will be submitted to the TMDC, TMRC and YLDC for consultation. Comments from the TMDC, TMRC and YLDC will be submitted to the Board for further consideration prior to publication of the draft OZP under section 5 of the Ordinance.

12. **Decision Sought**

Members are invited to:

- (a) consider the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B (**Appendix I**) together with its Notes and ES (**Appendices II and III**) and the Planning Report (**Appendix IV**);
- (b) adopt the ES as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B; and
- (c) agree that the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B together with its Notes and ES (**Appendices I to III**) are suitable for submission of the TMDC, TMRC and YLDC for consultation.

13. **Attachments**

| | |
|-------------------------|---|
| Drawing 1 | Recommended Conservation Area |
| Plan 1 | Approved Tin Fu Tsai Development Permission Area Plan No. DPA/TM-TFT/2 (reduce-sized plan only) |
| Plan 2 | Location Plan |
| Plan 3 | Site Plan |
| Plan 4 | Aerial Photo |
| Plan 5 | Existing Land Uses |
| Plan 6 | Water Gathering Ground |
| Plan 7 | Landscape Value |
| Plan 8 | Existing Physical Features |
| Plan 9 | Development Constraints |
| Plan 10 | Land Ownership and 'Village Environs' |
| Plans 11a to 11b | Land Use Proposals |
| Appendix I | Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B |
| Appendix II | Notes of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B |
| Appendix III | Explanatory Statement of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B |
| Appendix IV | Planning Report on Tin Fu Tsai |

PLANNING DEPARTMENT
OCTOBER 2013

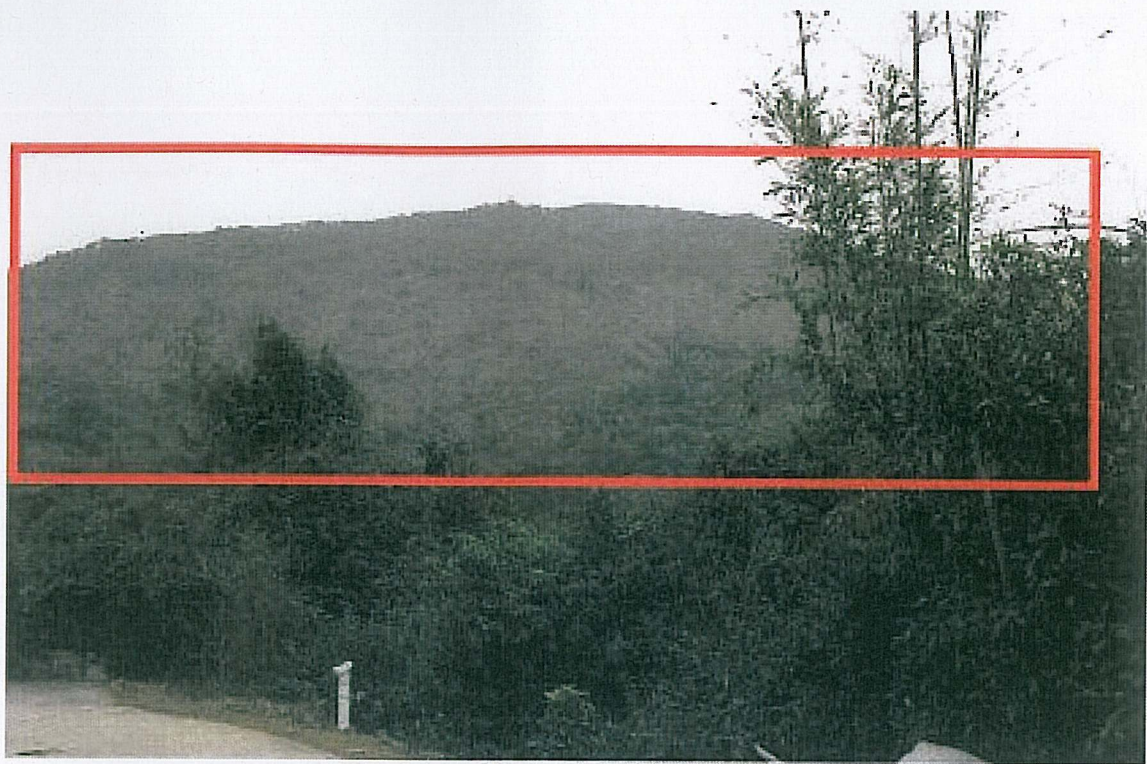


Figure 1: Slope in good condition

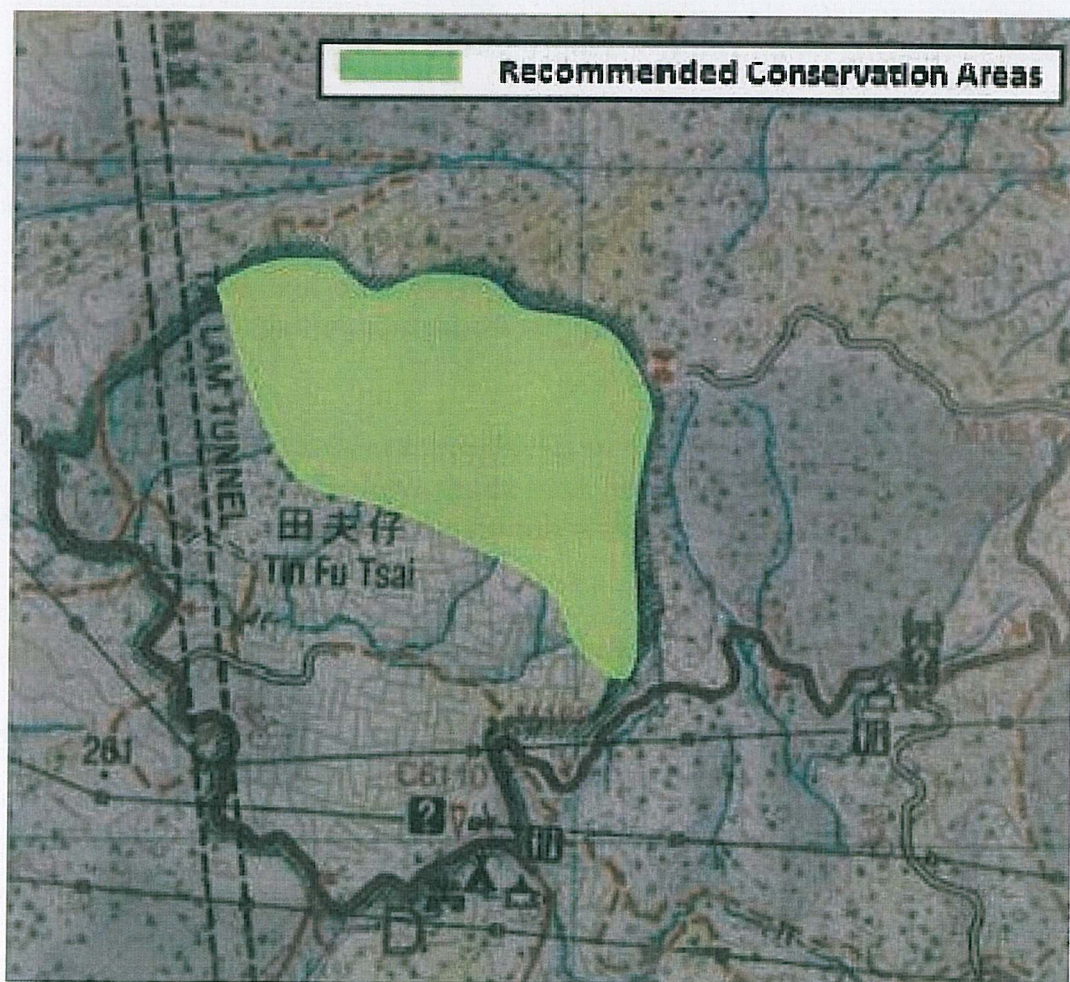
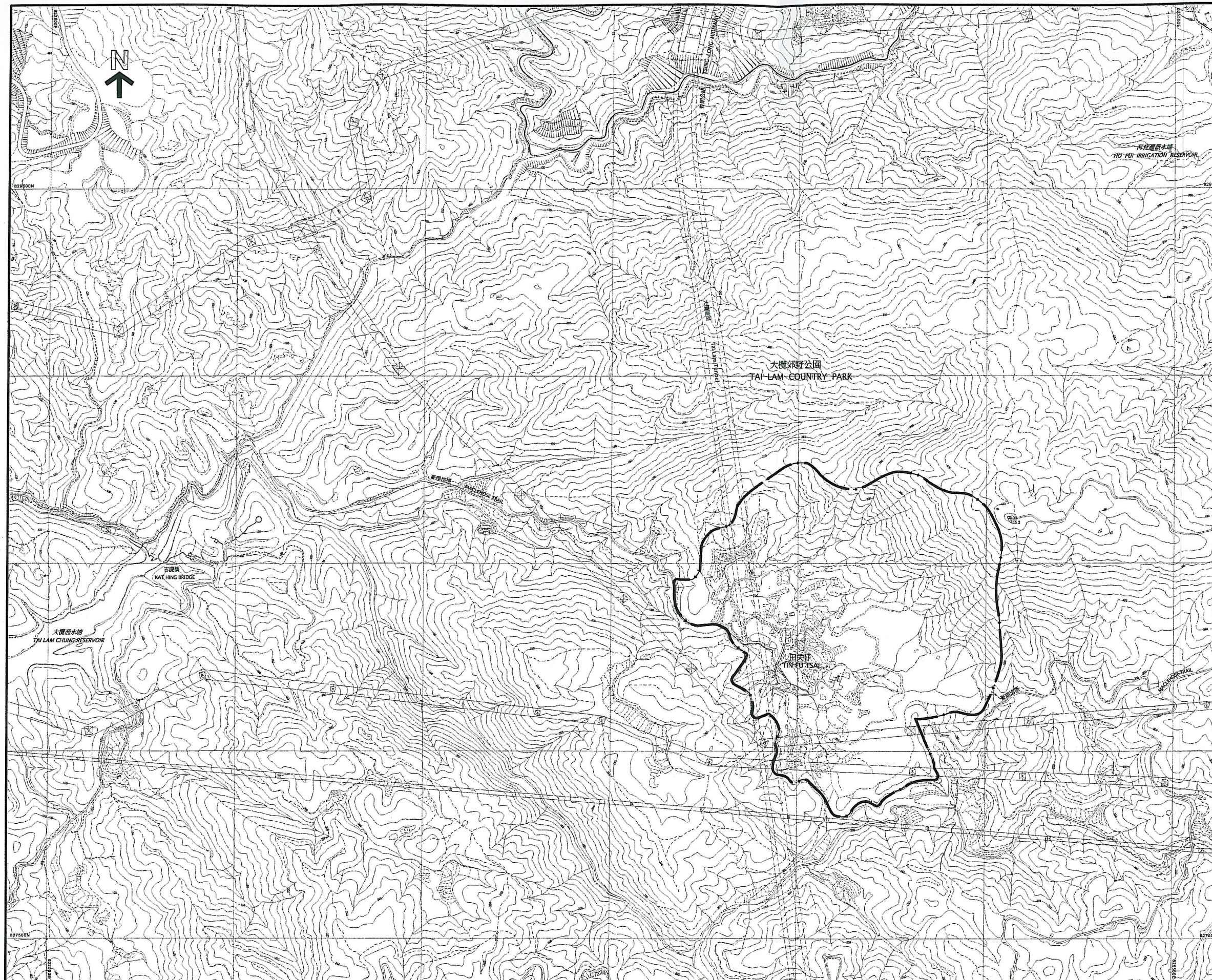


Figure 2: Proposed Recommendation



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 | 大約面積及百分比 APPROXIMATE AREA & % | | 用途 |
|---|----------------------------------|--------|-----------|
| | 公頃 HECTARES | % 百分比 | |
| UNSPECIFIED USE | 54.50 | 100.00 | 非指定用途 |
| TOTAL AREA OF DEVELOPMENT PERMISSION AREA | 54.50 | 100.00 | 發展審批地區總面積 |

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

行政長官會同行政會議於2011年12月6日 根據城市
規劃條例第9(1)(a)條核准的圖則
APPROVED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER
SECTION 9(1)(a) OF THE TOWN PLANNING ORDINANCE ON
6 DECEMBER 2011

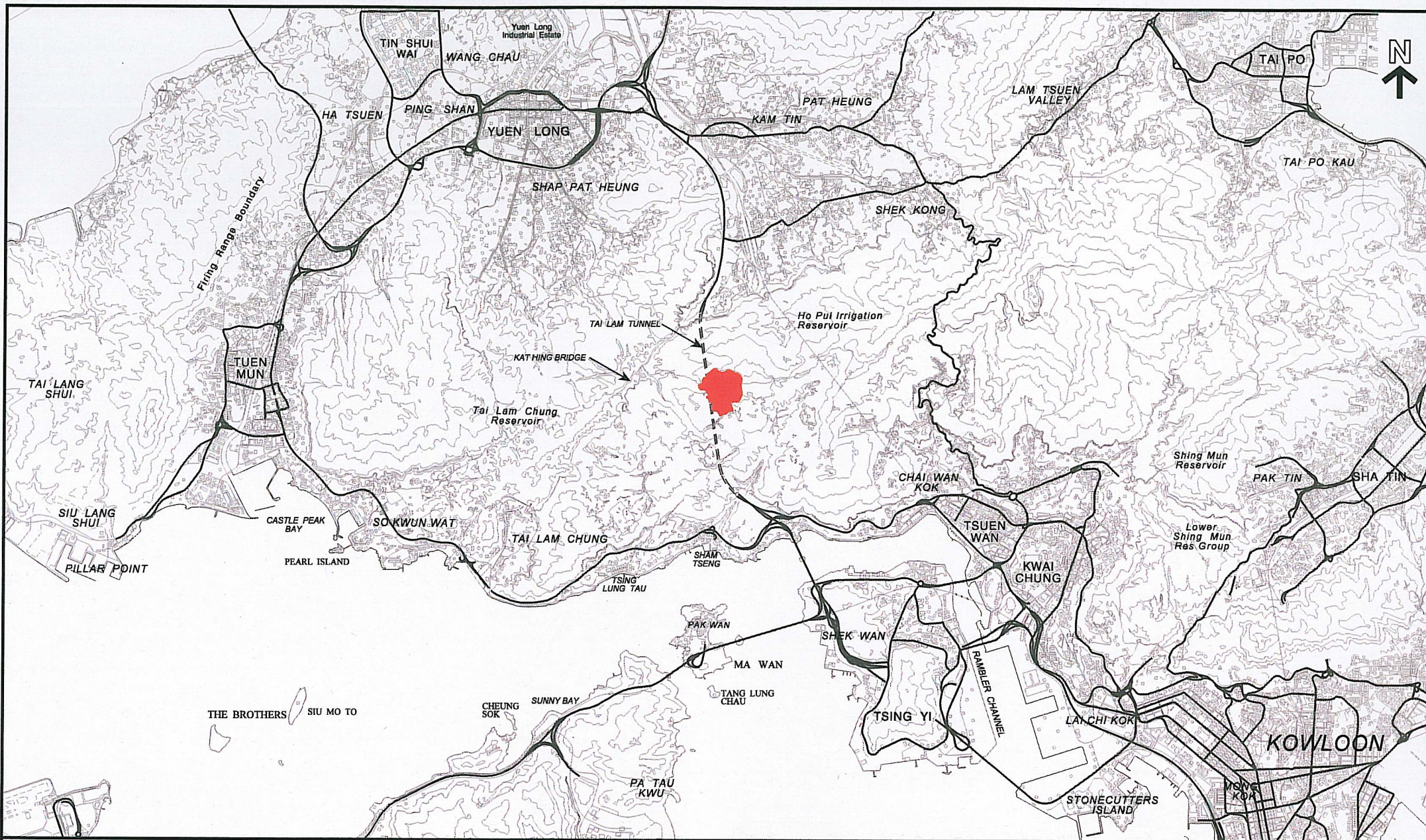
Ms Manda CHAN 陳詠雯女士
CLERK TO THE EXECUTIVE COUNCIL 行政會議秘書

田夫仔發展審批地區圖
TIN FU TSAI DEVELOPMENT PERMISSION AREA PLAN

SCALE 1:5,000 比例尺
米 METRES 100 0 200 400 600 800 METRES 米

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

圖則編號
PLAN No. DPA/TM-TFT/2



PLANNING SCHEME AREA

EXTRACT PLAN PREPARED ON 14.8.2013
BASED ON SURVEY SHEET SERIES HM100C

LOCATION PLAN

TIN FU TSAI

SCALE 1 : 100 000



PLANNING
DEPARTMENT



REFERENCE No.
M/TM/13/161

PLAN
2



TAI LAM COUNTRY PARK

YUEN LONG DISTRICT

Tai Lam Forest Track

Tai Lam Tunnel

TIN FU TSAI

Mac Leose Trail

TUEN MUN DISTRICT

TSUEN WAN DISTRICT

LEGEND

[] PLANNING SCHEME AREA

COUNTRY PARK

BOUNDARY OF DISTRICT COUNCIL

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

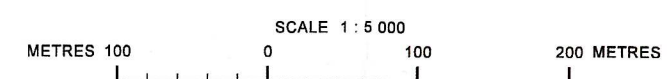
平面圖 SITE PLAN

TIN FU TSAI

PLANNING DEPARTMENT

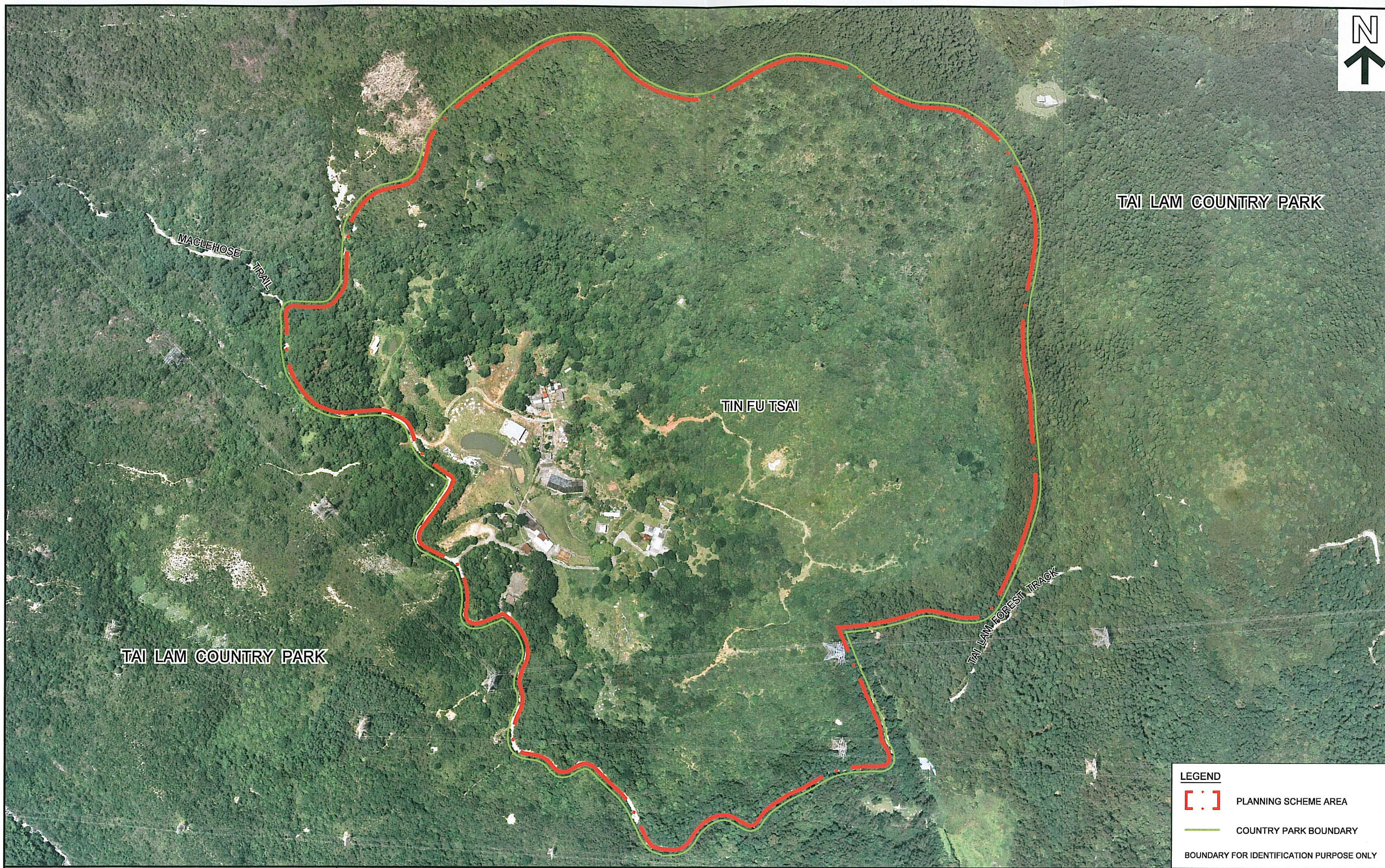


EXTRACT PLAN PREPARED ON 16.8.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, D, 3C, 6B, 7A, B, C, D & 8A



REFERENCE No.
M/TM/13/161

PLAN
3



LEGEND

[:] PLANNING SCHEME AREA

— COUNTRY PARK BOUNDARY

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

EXTRACT PLAN PREPARED ON 15.8.2013
BASED ON AERIAL PHOTO No.
CS37066, CS37068, CS37221, CS37222
TAKEN ON 30.7.2012 BY LANDS DEPARTMENT

AERIAL PHOTO

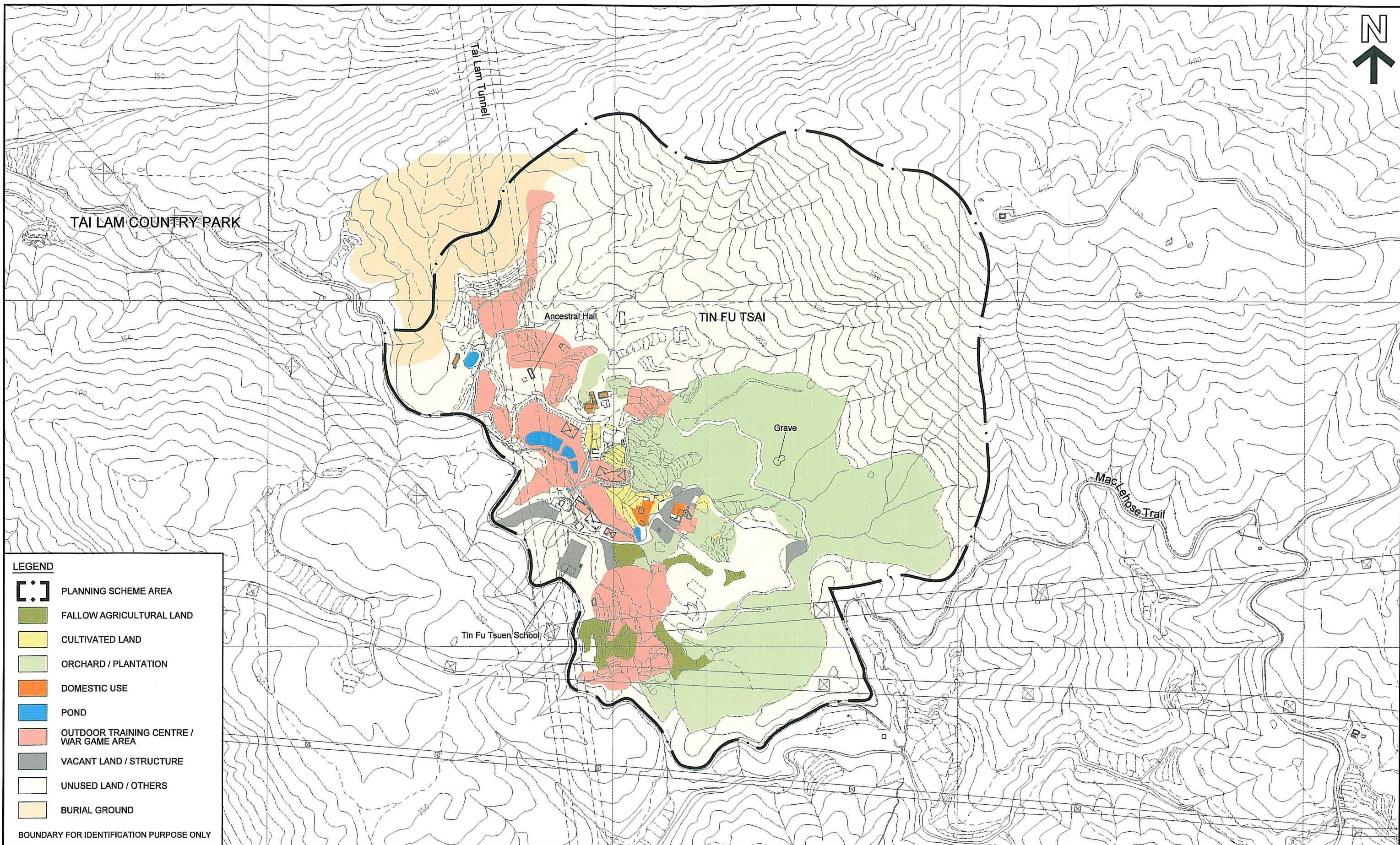
TIN FU TSAI

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/161

PLAN
4



EXISTING LAND USES

TIN FU TSAI

EXTRACT PLAN PREPARED ON 19.9.2013
 BASED ON SURVEY SHEETS No.
 6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C

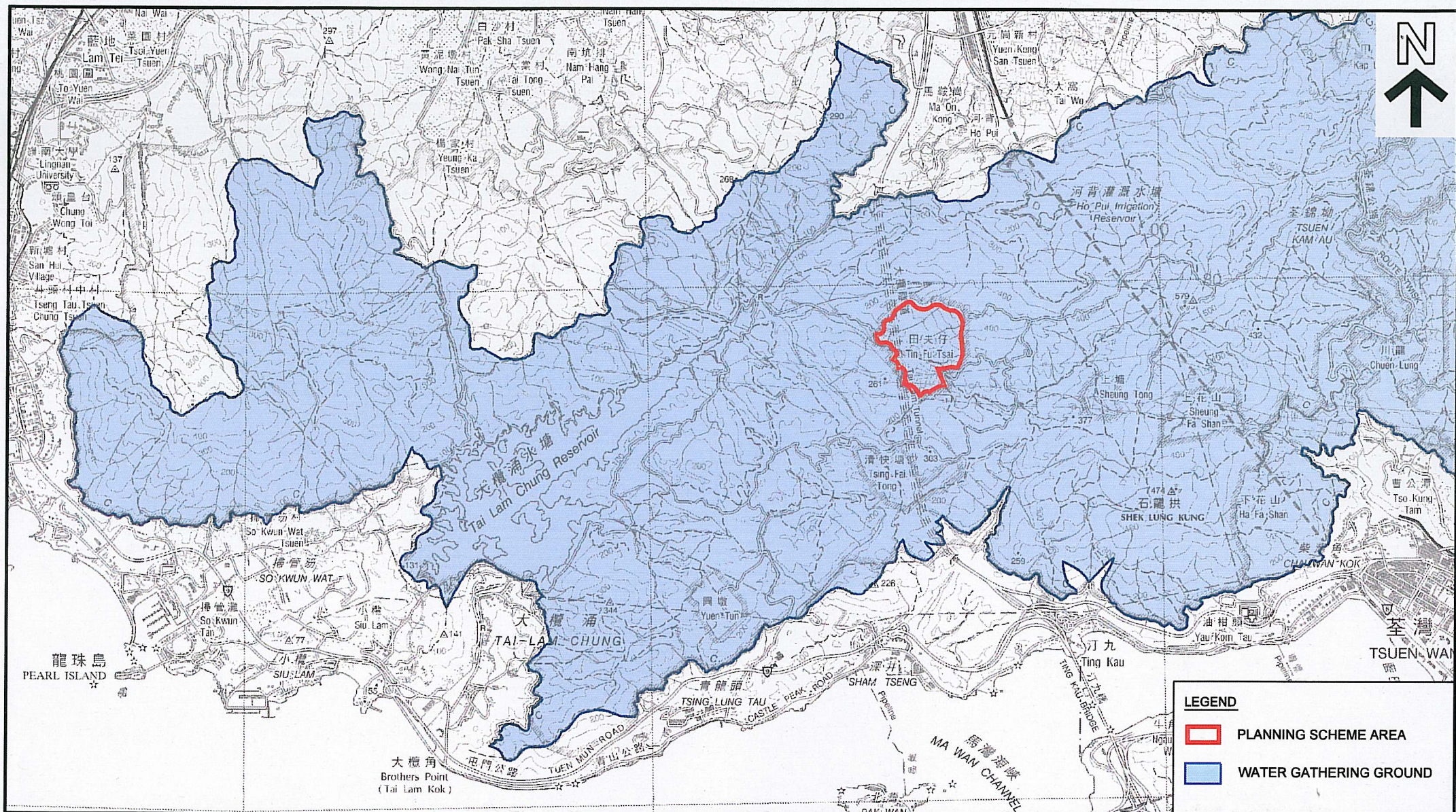


PLANNING DEPARTMENT



REFERENCE No.
 M/TM/13/161

Plan
 5



LEGEND

- PLANNING SCHEME AREA
- WATER GATHERING GROUND

WATER GATHERING GROUND

TIN FU TSAI

**PLANNING
DEPARTMENT**

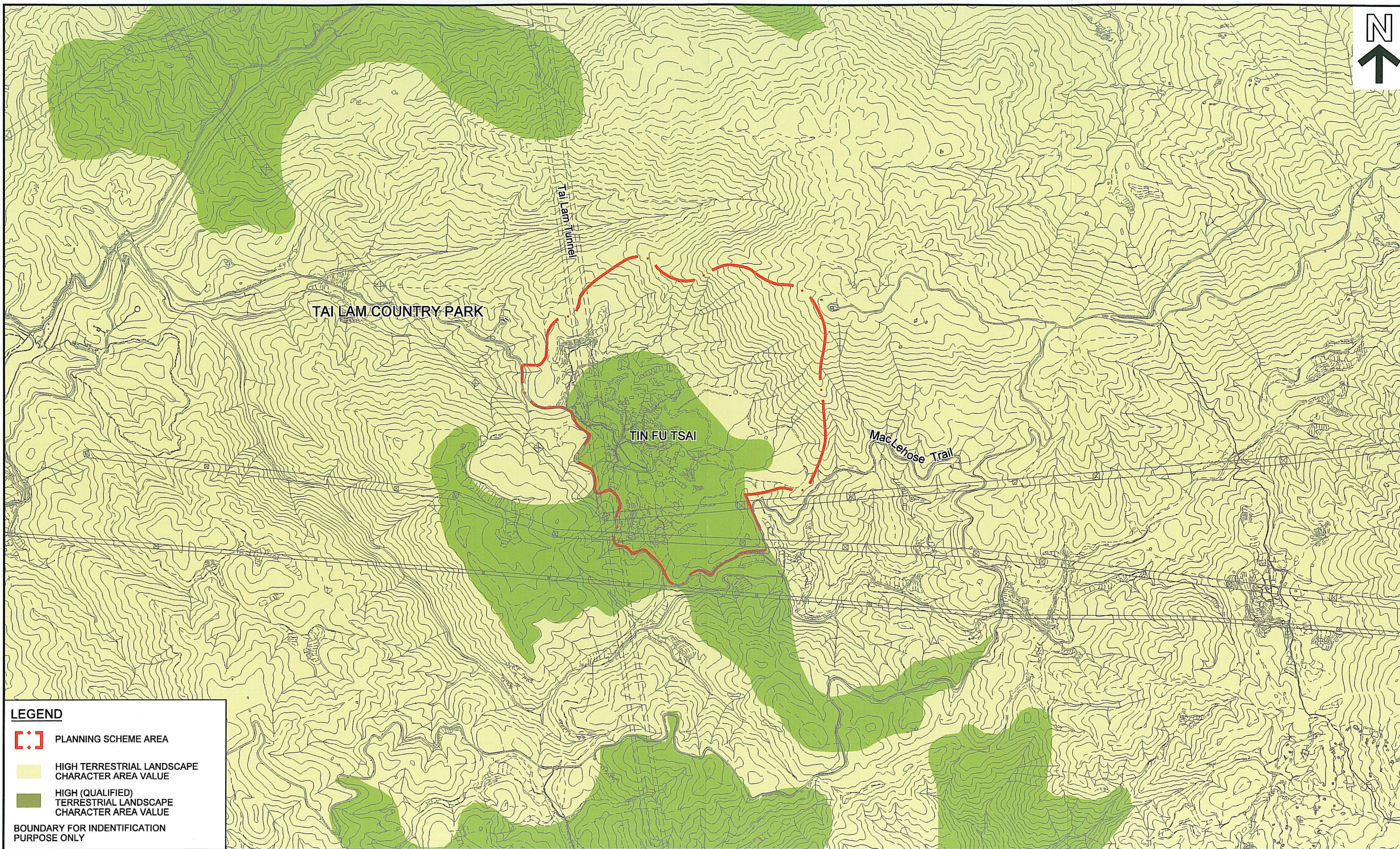


EXTRACT PLAN PREPARED ON 9.8.2013
BASED ON SHEETS No. 1
IN SERIES HM50C

SCALE 1 : 50 000 比例尺
米 1000 0 1000 2000 米
METRES

REFERENCE No.
M/TM/13/161

PLAN
6



LEGEND



PLANNING SCHEME AREA



HIGH TERRESTRIAL LANDSCAPE
CHARACTER AREA VALUE



HIGH (QUALIFIED)
TERRESTRIAL LANDSCAPE
CHARACTER AREA VALUE

BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY

LANDSCAPE VALUE

TIN FU TSAI

EXTRACT PLAN PREPARED ON 8.8.2013
BASED ON SURVEY SHEETS No.
6-SE-1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, 6A, 6B, 6C, 6D,
7A, 7B, 7C, 7D, 8A, 8B, 8C, 8D, 11A, 11B, 12A, 12B, 13A & 13B

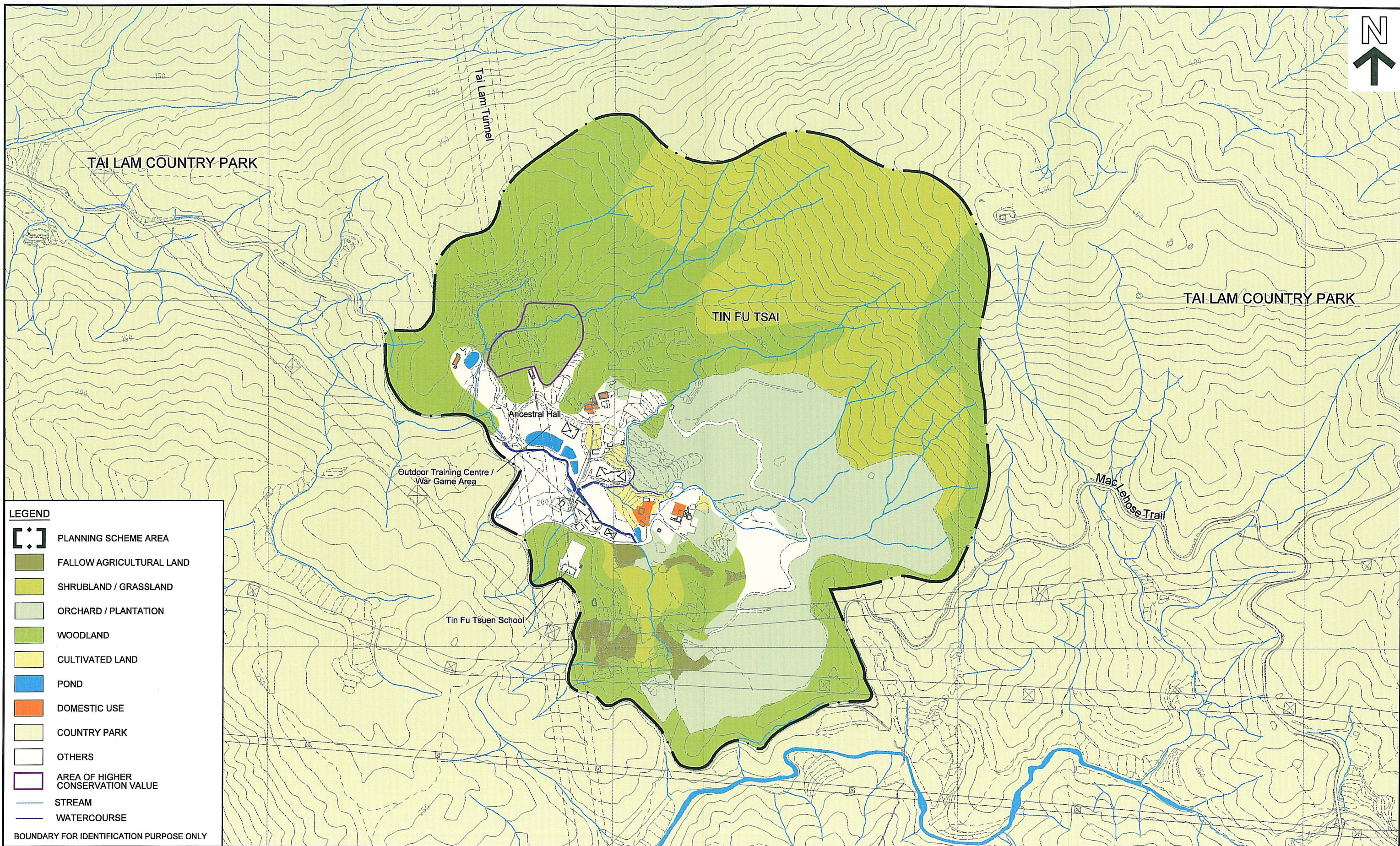
SCALE 1 : 10 000
METRES 500 0 500 1000 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/161

PLAN
7



EXISTING PHYSICAL FEATURES

TIN FU TSAI

EXTRACT PLAN PREPARED ON 2.10.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C

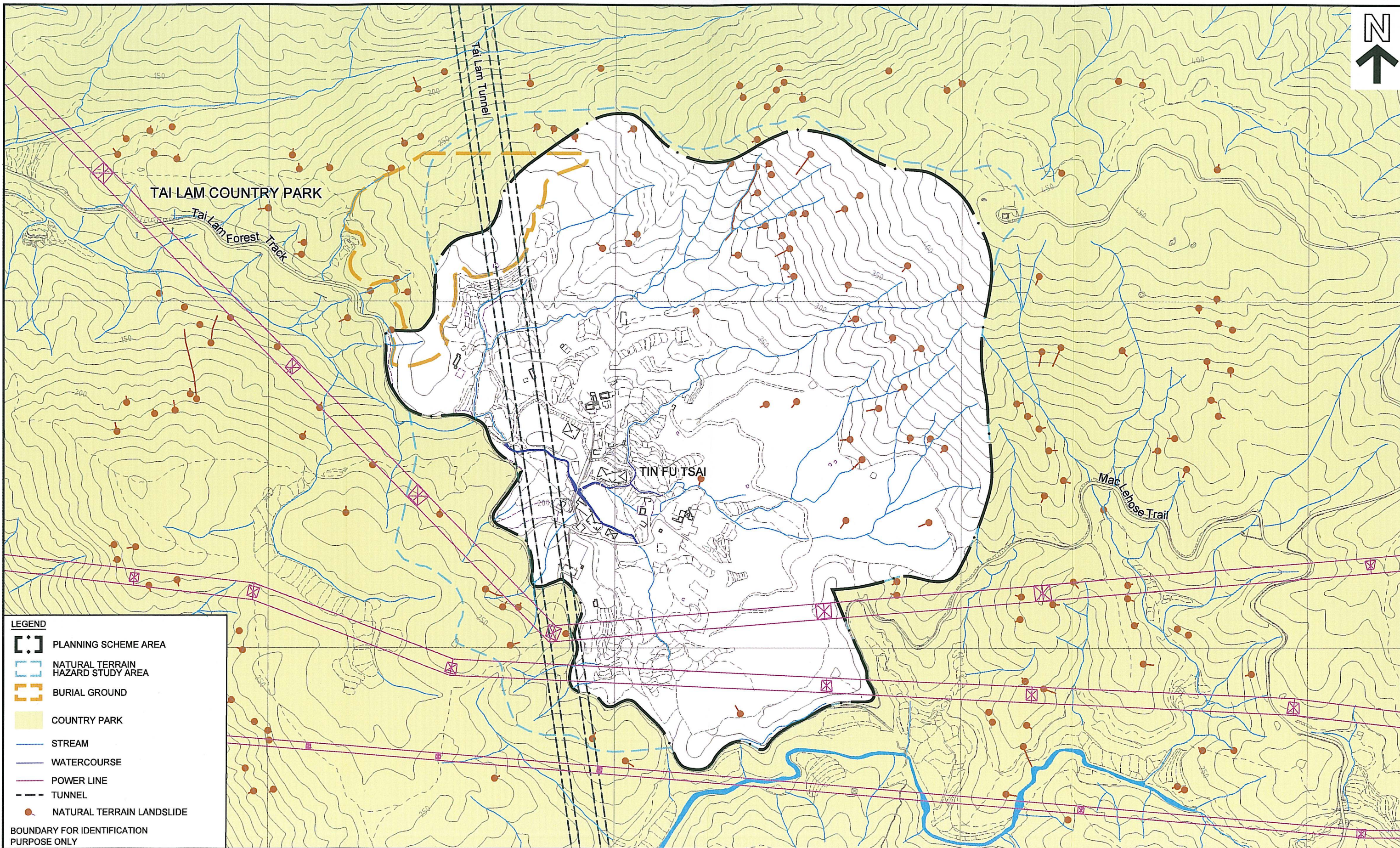
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METRES 100 0 100 200 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/161

PLAN
8



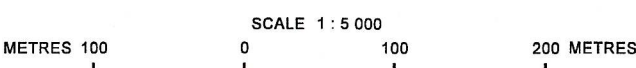
LEGEND

- PLANNING SCHEME AREA
- NATURAL TERRAIN HAZARD STUDY AREA
- BURIAL GROUND
- COUNTRY PARK
- STREAM
- WATERCOURSE
- POWER LINE
- TUNNEL
- NATURAL TERRAIN LANDSLIDE

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

DEVELOPMENT CONSTRAINTS

TIN FU TSAI



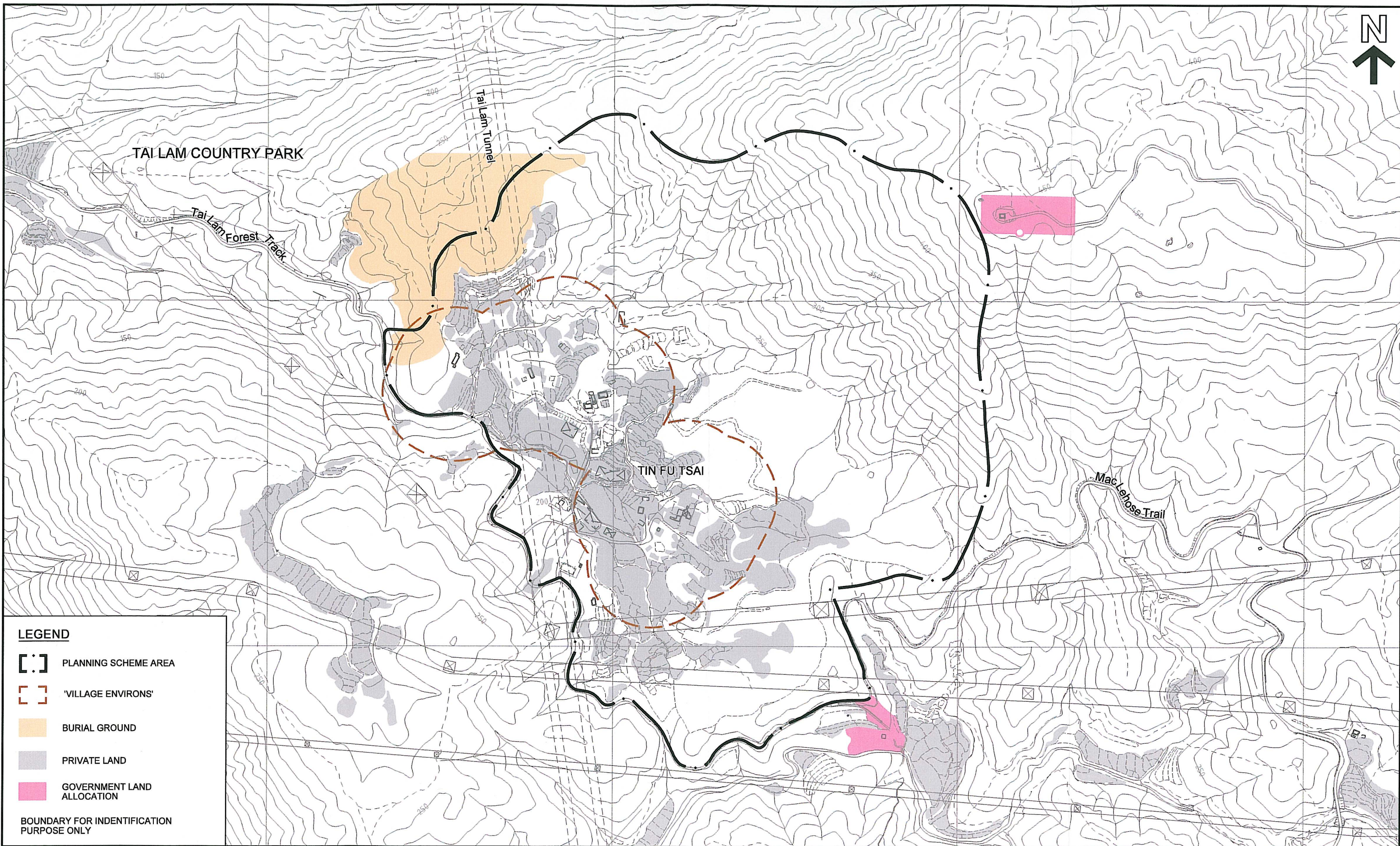
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BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/161

PLAN
9



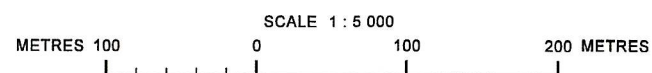
LAND OWNERSHIP AND 'VILLAGE ENVIRONS'

TIN FU TSAI

PLANNING DEPARTMENT

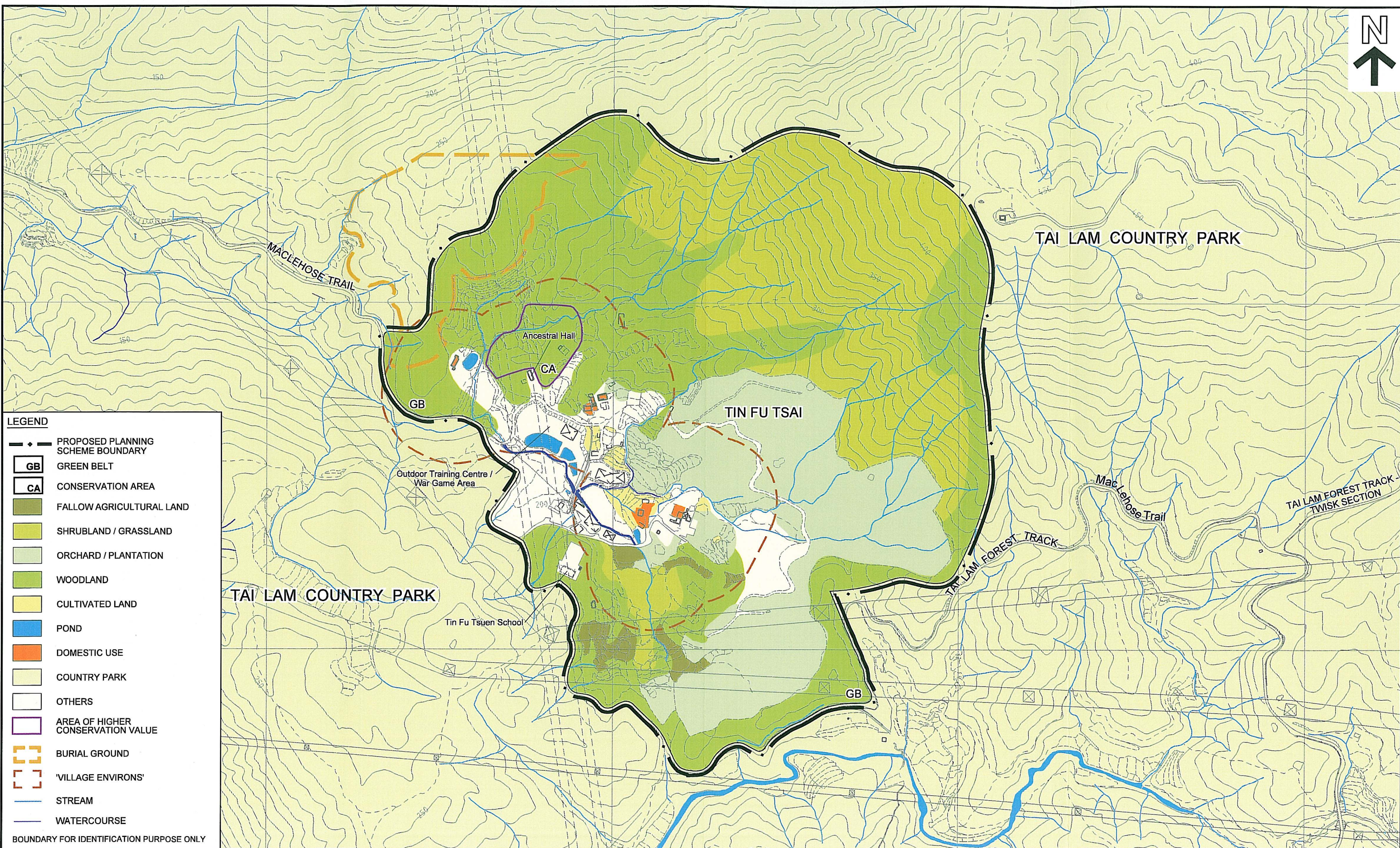


EXTRACT PLAN PREPARED ON 13.8.2013
 BASED ON SURVEY SHEETS No.
 6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C



REFERENCE No.
 M/TM/13/161

PLAN
 10



LAND USE PROPOSALS

TIN FU TSAI

SCALE 1 : 5 000
METRES 100 0 100 200 METRES

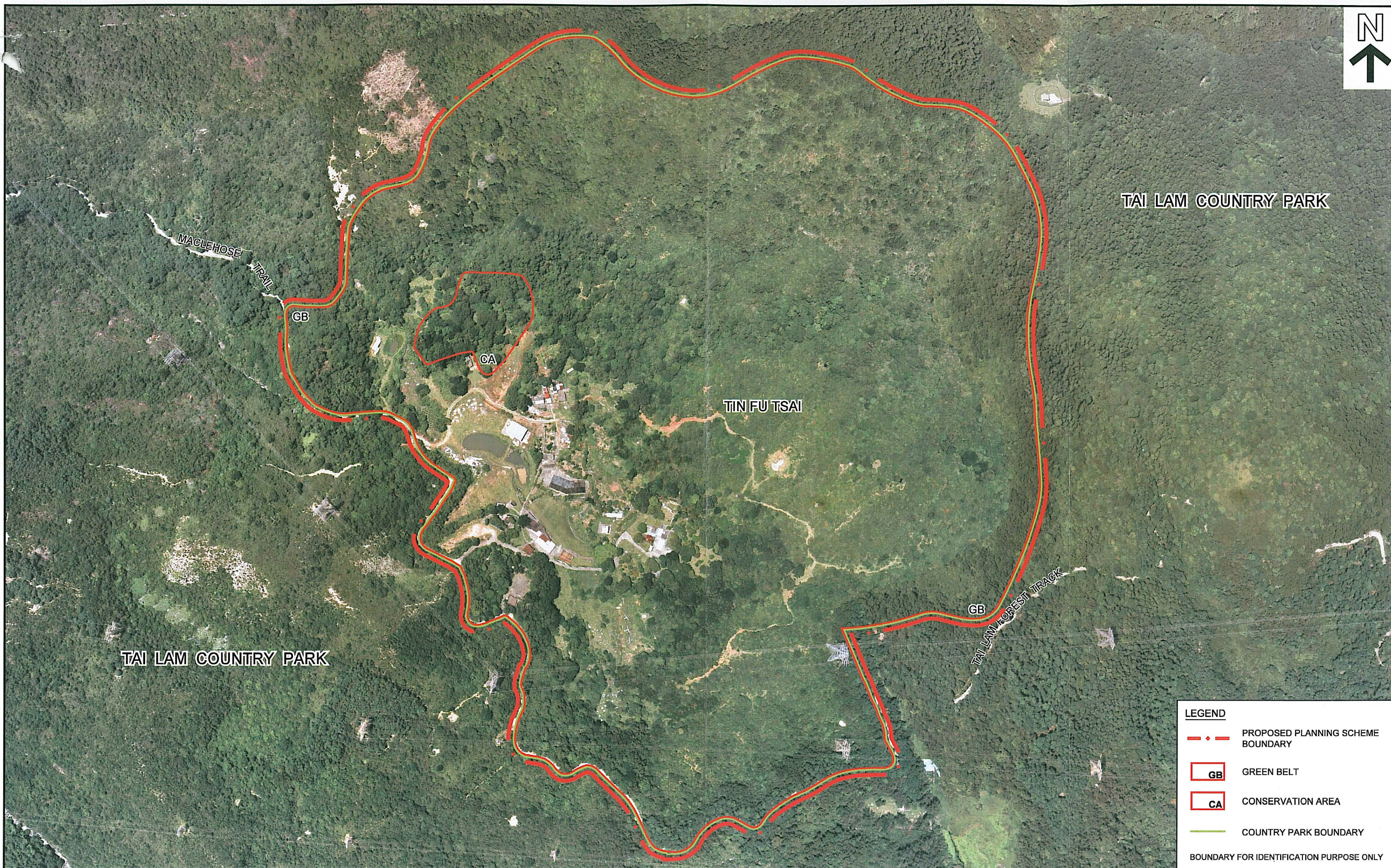
PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/161

PLAN
11a

EXTRACT PLAN PREPARED ON 2.10.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C



| LEGEND | |
|--|-----------------------------------|
| | PROPOSED PLANNING SCHEME BOUNDARY |
| | GREEN BELT |
| | CONSERVATION AREA |
| | COUNTRY PARK BOUNDARY |
| BOUNDARY FOR IDENTIFICATION PURPOSE ONLY | |

EXTRACT PLAN PREPARED ON 2.10.2013
BASED ON AERIAL PHOTO No.
CS37066, CS37068, CS37221, CS37222
TAKEN ON 30.7.2012 BY LANDS DEPARTMENT

LAND USE PROPOSALS

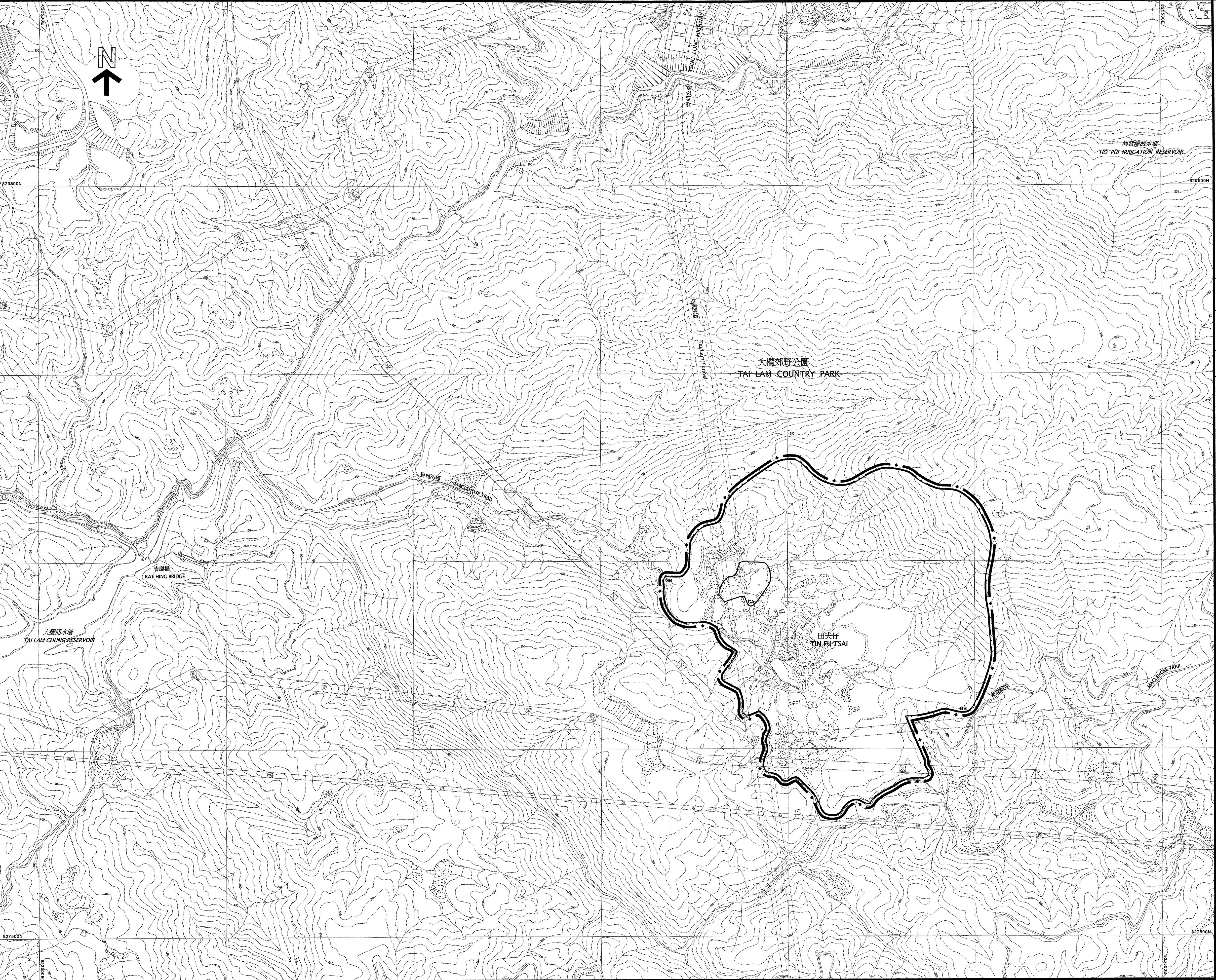
TIN FU TSAI

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/161

PLAN
11b



圖例
NOTATION

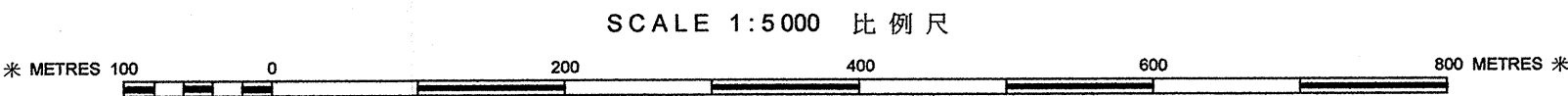
| ZONES | | 地帶 |
|---|-------|---------------|
| GREEN BELT | GB | 綠化地帶 |
| CONSERVATION AREA | CA | 自然保育區 |
| MISCELLANEOUS | | 其他 |
| BOUNDARY OF PLANNING SCHEME | — • — | 規劃範圍界線 |
| BOUNDARY OF COUNTRY PARK / SPECIAL AREA | — • — | 郊野公園 / 特別地區界線 |

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 | |
| GREEN BELT | 53.43 | 98.04 | 綠化地帶 |
| CONSERVATION AREA | 1.07 | 1.98 | 自然保育區 |
| TOTAL PLANNING SCHEME AREA | 54.50 | 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

香港城市規劃委員會依據城市規劃條例擬備的田夫仔分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
TIN FU TSAI - 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/TM-TFT/B

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/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) Boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned “Conservation Area”:
 - (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted House;
 - (f) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House; and
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
- (9) In areas zoned “Conservation Area”,
 - (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
 - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (iii) provision of amenity planting by Government; and

- (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) (a) Except in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (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 (10)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

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

- (11) 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.

- (12) 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 TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/B

Schedule of Uses

| | <u>Page</u> |
|-------------------|-------------|
| Green Belt | 1 |
| Conservation Area | 3 |

GREEN BELT

| Column 1 Uses always permitted | Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board |
|--|---|
| Agricultural Use Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area | Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for 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 stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

CONSERVATION AREA

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

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.

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 stream, 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 TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/B
EXPLANATORY STATEMENT**

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/B

EXPLANATORY STATEMENT

| <u>CONTENTS</u> | <u>Page</u> |
|---|--------------------|
| 1. INTRODUCTION | 1 |
| 2. AUTHORITY FOR THE PLAN AND PROCEDURE | 1 |
| 3. OBJECT OF THE PLAN | 1 |
| 4. NOTES OF THE PLAN | 2 |
| 5. THE PLANNING SCHEME AREA | 2 |
| 6. POPULATION | 3 |
| 7. OPPORTUNITIES AND CONSTRAINTS | 3 |
| 8. GENERAL PLANNING INTENTION | 4 |
| 9. LAND USE ZONINGS | 5 |
| 9.1 Green Belt | 5 |
| 9.2 Conservation Area | 5 |
| 10. TRANSPORT AND COMMUNICATION | 6 |
| 11. UTILITY SERVICES | 6 |
| 12. IMPLEMENTATION | 6 |
| 13. PLANNING CONTROL | 7 |

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/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 Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B. It reflects the planning intention and objectives of the Town Planning Board (the Board) for 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 draft plan designating the Tin Fu Tsai area as a development permission area (DPA).
- 2.2 On 7 January 2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.3 On 6 December 2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Tin Fu Tsai DPA Plan, which was subsequently renumbered as DPA/TM-TFT/2. On 16 December 2011, the approved Tin Fu Tsai DPA Plan No. DPA/TM-TFT/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 outline zoning plan for the Tin Fu Tsai area.
- 2.5 On _____ 2013, the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/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 Tin Fu Tsai area so that development and redevelopment within the area can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and control only. It is a small scale plan and the boundaries between the land use zones may be subject to minor adjustments 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 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 developments 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) is located at Tin Fu Tsai and covers an area of about 54.50 ha. It is completely encircled by Tai Lam Country Park. It is about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam Tunnel runs through the western part of the Area underground in a north-south direction. The Area falls mainly within the Tuen Mun district, and partly within the Yuen Long district. The boundary of the Area is shown by a heavy broken line on the Plan.
- 5.2 The Area is rural and natural in character. It is surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprise flat or gently sloping land with orchards/planted trees and some fallow agricultural land covered with trees, shrubs and grass. The western part of the Area comprises gentle slopes with trees at the periphery. In the northwestern part of the Area, along the toe of the hill slopes is a woodland, and some of the trees are on previously fallow agricultural land. The woodland extends to the upper and steeper hill slopes in the northwestern part of the Area. The northern and northeastern parts of the Area comprise steeper naturally vegetated hill slopes rising to a higher altitude. The higher hill slopes are generally covered by shrubs and grass, while trees concentrate at the toe of these hill slopes and along the streams flowing down these slopes. These streams converge to a west-flowing branched watercourse near the central and at the southwestern parts of the Area. A few ponds are near the watercourse at the southwestern part of the Area. The southwestern part of the Area has generally been used for an outdoor training centre. Some war game areas stretch from the southwestern part to the northwestern part of the Area. A few village type houses are in the Area. Some cultivated land is at the southwestern part of the Area. An ancestral hall is in the northwestern part of the Area.
- 5.3 Tin Fu Chai (as per the List of Recognized Villages under the New Territories Small House Policy published by the Lands Department), a pre-1898 recognized village, is located within the Area.

- 5.4 The Area is within a gazetted water gathering ground. According to the Water Supplies Department, the water gathering ground in which the Area locates is classified as upper direct water gathering ground of Tai Lam Chung Reservoir, where water would flow into the reservoir direct. Part of a permitted burial ground is at the northwestern periphery of the Area. In recognition of the traditional burial right of indigenous villagers, that part of burial ground within the Area has been preserved.

6. POPULATION

According to the estimate of the Planning Department, the population of the Area in 2013 is about 20 persons.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

- 7.1.1 The Area is of rural and natural character and with high landscape value and tranquil environment. According to the Landscape Value Mapping of Hong Kong (2005), the Area is of upland countryside landscape character and the landscape value of the Area is generally rated “High” and “High (Qualified)”. Opportunities should be taken to preserve the rural and natural character as well as the landscape of the Area.
- 7.1.2 According to the Agriculture, Fisheries and Conservation Department, the habitats in the northwestern part of the Area are largely natural. A wooded area to the north of an ancestral hall is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. Although the understory has been disturbed and signs of war game are noted, the ecological value of the wooded area should recover overtime. This wooded area is of higher conservation value. There is an opportunity to conserve the natural habitats and the wooded area in the northwestern part of the Area.
- 7.1.3 In addition, other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should be protected as advised by the Agriculture, Fisheries and Conservation Department.

7.2 Constraints

- 7.2.1 The Area is completely encircled by Tai Lam Country Park. The vehicular access to the Area is through Tai Lam Forest Track, which is a restricted road managed by the Agriculture, Fisheries and Conservation Department. The section of Tai Lam Forest Track near the Area also forms a section of MacLehose Trail and mountain bike

trail for recreation purposes. The section of Tai Lam Forest Track concerned is narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns.

- 7.2.2 The Area is not provided with public water supplies, drainage and sewerage systems. Uses and developments within the Area should pay due regard to these infrastructure constraints.
- 7.2.3 The Area is within an upper direct water gathering ground of Tai Lam Chung Reservoir. According to the Water Supplies Department, Tai Lam Chung Reservoir is a very important reservoir in Hong Kong and pollution of this reservoir will have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area. According to the Environmental Protection Department, in general the use of septic tank and soakaway systems for sewage treatment and disposal are not considered acceptable for new village type developments within water gathering ground, especially for sites in close proximity to existing stream courses.
- 7.2.4 There is natural terrain around the Area. Natural terrain is also present in the northern and northeastern parts of the Area. These parts of the Area also comprise steep natural hillsides with past occurrence of landslides. Developments in these parts of the Area are potentially subject to natural terrain hazards. Natural terrain hazard study may be required and suitable hazard mitigation measures shall be provided, if found necessary, as part of the developments. For developments to be located only on the relatively flat areas close to these steep natural hillsides, it is considered that natural terrain hazard study should be extended to cover the steep natural hillsides.
- 7.2.5 There are 400 kV overhead power lines at the southern part of the Area. Uses and developments within the Area should pay due regard to the high voltage overhead power lines.
- 7.2.6 Tai Lam Tunnel runs in a generally north-south direction across the western part of the Area. Uses and developments shall not affect Tai Lam Tunnel.
- 7.2.7 Part of a permitted burial ground is at the northwestern periphery of the Area and the remaining part of it is within Tai Lam Country Park. The area occupied by the burial ground is not suitable for development.

8. GENERAL PLANNING INTENTION

The Area is completely encircled by Tai Lam Country Park and is rural and natural in character. It forms an integral part of the natural habitats/system of the adjoining Tai Lam Country Park. The general planning intention for the Area is to conserve the natural habitats, landscape resources and rural and natural character of the Area.

Developments which would cause adverse impacts on the water quality and water resources of the water gathering ground are not encouraged.

9. LAND USE ZONINGS

9.1 Green Belt (“GB”): Total area: 53.43 ha

- 9.1.1 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.
- 9.1.2 Apart from the wooded area with higher conservation value in the northwestern part of the Area, all areas are within this zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area.
- 9.1.3 Since 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.
- 9.1.4 As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.2 Conservation Area (“CA”): Total area: 1.07 ha

- 9.2.1 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.
- 9.2.2 A wooded area in the northwestern part of the Area with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in this area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are

also recorded there. This wooded area is of higher conservation value.

9.2.3 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 in the Gazette of the notice of the draft DPA plan.

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

10. TRANSPORT AND COMMUNICATION

Road Network and Footpath

The Area is accessible through the paved Tai Lam Forest Track. The track runs through Tai Lam Country Park and a section of it is along the southern and southwestern edges of the Area. Tai Lam Forest Track is a restricted vehicular access managed by the Agriculture, Fisheries and Conservation Department. The track also forms a section of the MacLehose Trail and mountain bike trail. In addition, there are waterworks access roads in the vicinity. The waterworks access roads are restricted vehicular accesses constructed and maintained by the Water Supplies Department solely for inspection and maintenance of waterworks. The waterworks access roads are not constructed to public road standard and the Water Supplies Department has no plan to upgrade or improve them.

11. UTILITY SERVICES

There are no public fresh/potable and salt water supplies to the Area. There are also no public drainage and sewerage systems in the Area. Electricity supply and limited fixed line telecommunication services are available in the Area. Town gas supply is not available.

12. IMPLEMENTATION

12.1 The Plan provides a broad land use framework for development control and implementation of planning proposals. More detailed plans would be prepared when required 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. laying of utility services, will be implemented through the Public Works Programme, the Rural Public Works, and the Local Public Works subject to priority and resources availability. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned use 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 uses and developments 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 impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 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 the 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 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 the Plan or with the permission of the Board, undertaken or continued on land included in the 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 stream, filling of land/pond or 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 diversion of stream

and filling of pond for temporary use or development in conservation-related zonings, such as “Conservation Area”.

TOWN PLANNING BOARD
_____ **2013**

PLANNING REPORT ON TIN FU TSAI



TUEN MUN & YUEN LONG
DISTRICT PLANNING OFFICE
PLANNING DEPARTMENT
AUG 2013



PLANNING REPORT ON TIN FU TSAI

SEPTEMBER 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 planning scheme area of Tin Fu Tsai (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 is located at Tin Fu Tsai. It is completely encircled by Tai Lam Country Park. It is to the southwest of Ho Pui Irrigation Reservoir, and to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam Tunnel runs through the western part of the Area underground in a north-south direction (**Figure 1**).

1.2.2 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 draft plan designating the Tin Fu Tsai area as a development permission area (DPA).

1.2.3 On 7.1.2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance. During the plan

exhibition period, a total of 7 valid representations and 1 comment were received. After giving consideration to the representations and comment on 15.7.2011, the Board decided not to propose any amendment to the draft DPA plan to meet the representations.

1.2.4 On 6.12.2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Tin Fu Tsai DPA Plan, which was subsequently renumbered as DPA/TM-TFT/2 (**Figure 2**). On 16.12.2011, the approved Tin Fu Tsai DPA Plan No. DPA/TM-TFT/2 was exhibited for public inspection under section 9(5) of the Ordinance.

1.2.5 Pursuant to section 20(5) of the Ordinance, the Tin Fu Tsai DPA Plan is effective for three years until 7.1.2014. 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 for the Area.

2. THE STUDY AREA

2.1 Location

2.1.1 The Area covers an area of about 54.50 ha. The Area is located at Tin Fu Tsai. It is completely encircled by Tai Lam Country Park. It is about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam

Tunnel runs through the western part of the Area underground in a north-south direction. The location of the Area is shown on **Figure 1**. The Area falls mainly within the Tuen Mun district, and partly within the Yuen Long district (**Figure 3**).

- 2.1.2 The Area is also within a gazetted water gathering ground (**Figure 4**). According to the Water Supplies Department (WSD), the water gathering ground in which the Area locates is classified as upper direct water gathering ground of Tai Lam Chung Reservoir, where water would flow into the reservoir direct.

2.2 Natural Features

Physical Setting and Topography (Figures 5 and 6a)

- 2.2.1 An overview of the Area is shown in **Figure 5**. It is surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprise flat or gently sloping land. The southwestern part of the Area is generally flat. The western part of the Area comprises gentle slopes with trees at the peripheral. The northwestern, northern and northeastern parts of the Area comprise steeper naturally vegetated hill slopes rising to a higher altitude. The topography of the Area is shown on **Figure 6a**.

Natural Habitats

- 2.2.2 The Area forms an integral part of the natural

vegetation in the adjoining Tai Lam Country Park. The natural habitats include mature woodland, hillside shrubland and grassland, fallow agricultural land and streams.

(a) Stream and Watercourse (**Figures 6a, 6b and 6c**)

Streams are generally flowing from the hill slopes in the northern and the eastern parts of the Area towards the central part of the Area. According to the Agriculture, Fisheries and Conservation Department, the natural streams have diverse aquatic vegetation. These streams converge to a west-flowing branched watercourse near the central and at the southwestern parts of the Area. A few ponds are near the watercourse at the southwestern part of the Area.

(b) Woodland, Shrubland and Grassland (**Figures 5, 6a and 6d**)

- (i) According to the Agriculture, Fisheries and Conservation Department, the habitats in the northwestern part of the Area are largely natural (**Figure 6a**). A wooded area to the north of the existing ancestral hall is dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠), and believed to be the remnant of a 'fung shui' wood. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which is a species protected under the Forests and

Countryside Ordinance (Cap. 96), are also recorded there. Although the understory has been disturbed and signs of war game are noted, the ecological value of the wooded area should recover overtime. This wooded area is of higher conservation value. The woodland of other trees extends to the upper and steeper hill slopes in the northwestern part of the Area. Other areas with natural trees are mainly along the eastern, southern and western edges of the Area and the natural streams in the northeastern part of the Area.

- (ii) The steep slopes uphill in the northern and northeastern parts of the Area are mainly occupied by common native trees, shrubs and grass (**Figures 5 and 6a**).

(c) Fallow agricultural land (**Figures 6a and 6d**)

Fallow agricultural land is mainly located in the flat land in the southern and southwestern parts of the Area. The fallow agricultural land is currently covered with trees, shrubs and grass. Some of the previously fallow agricultural land in the northwestern part of the Area already becomes part of the woodland there.

2.3 Historical Development

2.3.1 Tin Fu Chai (as per the List of Recognized Villages

under the New Territories Small House Policy published by the Lands Department), a pre-1898 recognized village, is located within the Area. It is the home of the Choi clan.

- 2.3.2 Currently, only a few village type houses are left. Those with inhabitants or occupied by outdoor training centre/war game operators are in fair to good conditions. The uninhabited ones are generally not well maintained or dilapidated. According to the Leisure and Cultural Services Department, there is no record of archaeological sites or built heritage within the Area.

2.4 Population and Employment

According to the estimate of the Planning Department, the population of the Area in 2013 is about 20 persons. No employment is recorded in the Area.

2.5 Existing Land Uses (**Figures 7a**)

- 2.5.1 The Area is rural and natural in character comprising mainly woodland, shrubland, grassland, streams, orchard, fruit tree plantation, fallow and cultivated agricultural land, a few village type houses, an outdoor training centre, and war game areas. The streams/watercourse and areas with natural vegetation and fallow agricultural land are described in paragraph 2.2 above.

2.5.2 Human activities are mainly concentrated at the

southwestern part of the Area where the land is relatively flat.

Village Type Development

2.5.3 There are only a few village type houses in the Area (**Figures 7a and 7b**). They are mainly located in the southwest part and near the central of the Area, and another is in the western part. There are 7 village type houses with inhabitants, and 2 village type houses occupied by outdoor training centre/war game operators. They range from 1 to 3 storeys high. The village type houses with inhabitants or in active use are in good to fair conditions. A few uninhabited ones are generally less well maintained or dilapidated.

2.5.4 There is a Choi's ancestral hall in the northwestern part of the Area (**Figures 7a and 7c**).

2.5.5 A major part of the 'village environs' of Tin Fu Chai is within the Area (**Figure 8**).

2.5.6 According to the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD), there is no approved nor outstanding Small House application for Tin Fu Chai. The DLO/TM, LandsD advised that according to the Tuen Mun Rural Committed in 2009, the 10-year Small House demand forecast for Tin Fu Chai was 150. In January 2013, the DLO/TM, LandsD advised that the 10-year Small House demand forecast by end of 2012 as indicated by the Indigenous Village Representative (IVR) was 678. In August

2013, the DLO/TM, LandsD advised that the forecast was revised by the IVR to 720. However, the DLO/TM, LandsD states that the forecasts of 678 and 720 Small Houses cannot be verified.

*Outdoor Training Centre and War Game Areas (**Figures 7a and 7d**)*

2.5.7 An outdoor training centre is at the southwestern part of the Area. The land in this part is flat in general. Around the outdoor training centre are some war game areas at the northwestern, southeastern and near central parts of the Area.

*Farming and Plantation (**Figures 7a and 7e**)*

2.5.8 Active cultivation is mainly near the village type houses in the southwestern part but near the centre of the Area. The cultivate crops are mainly vegetables.

2.5.9 Near the village settlement and on the flat and gentle slopes in the eastern and southern parts of the Area, there are orchards and fruit tree plantations.

*Community Facility (**Figures 7a and 7f**)*

2.5.10 An existing dilapidated village school, named Tin Fu Tsuen School, is at the southwestern edge of the Area.

2.6 Land Ownership and 'Village Environs' (**Figure 8**)

2.6.1 Private land is mainly located at the central, southern,

southwestern and western parts of the Area. It accounts for about 10.21 ha (about 18.73%) of the land in the Area, the remaining about 44.29 ha (about 81.27%) of the land is Government land. Most of the private land in the Area is also within the 'village environs' of Tin Fu Chai.

- 2.6.2 The area of the 'village environs' of Tin Fu Chai is about 14.68 ha, of which about 13.81 ha (i.e. about 94.07%) is within the Area.

2.7 Transportation (**Figure 9**)

The Area is accessible through the paved Tai Lam Forest Track. The track runs through Tai Lam Country Park and a section of it is along the southern and southwestern edges of the Area. Tai Lam Forest Track is a restricted vehicular access managed by the Agriculture, Fisheries and Conservation Department. The track also forms a section of the MacLehose Trail and mountain bike track for recreation purposes. Local villagers can use it for vehicular access upon obtaining permission from the Agriculture, Fisheries and Conservation Department. In addition, there are waterworks access roads in the vicinity. The waterworks access roads are restricted vehicular accesses constructed and maintained by the Water SD solely for inspection and maintenance of waterworks. The waterworks access roads are not constructed to public road standard and the WSD has no plan to upgrade or improve them.

2.8 Infrastructure and Utility Services

- 2.8.1 There are no public fresh/potable and flush/salt water supplies to, and no public drainage and sewerage systems in the Area. For the time being, there is no public water supplies, drainage or sewerage projects for the Area.
- 2.8.2 Electricity supply is available. Limited fixed line telecommunication services are available in the Area.
- 2.8.3 There is no town gas pipe laid by The Hong Kong and China Gas Company Limited within the Area. However, the company advises that there is the possibility that some gas pipes were laid long time ago or by other Registered Gas Contractors. In case unknown pipes are found during construction works, the developer/contractor may contact the company for joint site inspection.

3. PLANNING ANALYSIS

3.1 Strategic and Planning Contexts

- 3.1.1 In mid 2010, excavation works were detected at Tai Long Sai Wan area, which is an area completely enclosed by Sai Kung East Country Park. To prevent haphazard developments at sites enclosed by Country Parks, DPA plans were subsequently prepared for areas of Tai Long Sai Wan, Hoi Ha, Pak Lap and So Lo Pun in 2010.

3.1.2 According to the 2010-2011 Policy Address, the Government will either include the remaining 50 sites encircled by Country Parks into Country Parks, or determine their proper uses through statutory planning in order to meet conservation and social development needs. The Area is one of these sites and has been covered by a statutory DPA Plan. The draft Tin Fu Tsai OZP is to replace the DPA Plan for maintaining statutory planning control over the Area.

3.1.3 The Area is completely encircled by Tai Lam Country Park. It is situated in a lower area surrounded by hill slopes of Tai Lam Country Park. The steeper hill slopes are of natural character and the flat land and gentle slopes are of rural character. The Area is also within a large gazetted water gathering ground (**Figure 4**).

3.1.4 The Area is relatively isolated from the developed areas due to its location and restrictive vehicular access. The environment of the Area is tranquil. According to the Landscape Value Mapping of Hong Kong (2005), the Area is of upland countryside landscape character. The landscape is generally characterized by high levels of topographic relief, a very low density of built development, largely unaltered topography and high levels of vegetation cover. The landscape value of the Area is generally rated “High” (for areas with more natural character in the northwestern, northern and northeastern part of the Area) and “High (Qualified)” (for areas with more human activities in the southwestern and southern

parts of the Area) (**Figure 10**).

3.1.5 In view of the existing character of the Area and the development constraints, the planning framework for the Area should fundamentally be preserving the natural and rural environment and landscape resources.

3.2 Environmental and Conservation Considerations

3.2.1 According to the Agriculture, Fisheries and Conservation Department, the natural habitats and woodland are mainly in the northwestern part of the Area (**Figure 6a**). A wooded area to the north of the existing ancestral hall is dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠), and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. Although the understory has been disturbed and signs of war game are noted, the ecological value of the wooded area should recover overtime. This wooded area is of higher conservation value.

3.3 Development Constraints (**Figures 11, 4 and 9**)

Topography

3.3.1 The Area is surrounded by natural hill slopes of Tai Lam Country Park. The hill slopes at the northwestern, northern and northeastern parts of the Area are steep. There were natural terrain landslides

on these steep hill slopes. These steep hill slopes are considered not suitable for development.

Transportation (Road)

- 3.3.2 The Area is completely encircled by Tai Lam Country Park. The vehicular access to the Area is through Tai Lam Forest Track, which is a restricted road managed by the Agriculture, Fisheries and Conservation Department. The section of Tai Lam Forest Track near the Area also forms a section of MacLehose Trail and mountain bike trail for recreation purposes. The section of Tai Lam Forest Track concerned is narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns.

Water Supplies, Drainage and Sewerage

- 3.3.3 The Area is not provided with public water supplies (both fresh/potable and flushing/salt water), drainage and sewerage systems. For the time being, there is no project for provision of public water supplies, drainage and sewerage systems. Uses and developments in the Area should pay due regard to these infrastructure constraints.

Water Gathering Ground

- 3.3.4 The Area is within an upper direct water gathering ground of Tai Lam Chung Reservoir. According to the WSD, Tai Lam Chung Reservoir is a very

important reservoir in Hong Kong and pollution of this reservoir will have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area. According to the Environmental Protection Department (EPD), in general the use of septic tank and soakaway systems for sewage treatment and disposal are not considered acceptable for new village type developments within water gathering ground, especially for sites in close proximity to existing stream courses. Any development should demonstrate that water quality within the water gathering ground would not be adversely affected.

Geotechnical

- 3.3.5 There are natural terrain and records of natural terrain landslides on the hill slopes within and around the Area. Developments in the Area are potentially subject to natural terrain hazards. Natural terrain is also present in the northern and northeastern parts of the Area. These parts of the Area also comprise steep natural hillsides with past occurrence of landslides. Developments in these parts of the Area are also potentially subject to natural terrain hazards. Natural terrain hazard study may be required and suitable hazard mitigation measures shall be provided, if found necessary, as part of the developments. For developments to be located only on the relatively flat areas within the Area close to the steep natural

hillsides, it is considered that the natural terrain hazard study should be extended to cover the steep natural hillsides within the Area.

Power lines and Tunnel

3.3.6 There are 400 kV overhead power lines at the southern part of the Area. Uses and developments in Area should pay due regard to the overhead power lines.

3.3.7 Tai Lam Tunnel runs in a generally north-south direction across the western part of the Area. Uses and developments should not affect Tai Lam Tunnel.

Permitted Burial Ground

3.3.8 The Permitted Burial Ground No. BURGD15 is at the northwestern side of the Area. Part of the burial ground is at the northwestern periphery of the Area and the remaining part of it is within Tai Lam Country Park. The area occupied by the burial ground is not suitable for development.

3.4 Development Opportunities

Conservation Potential

3.4.1 The Area is of rural and natural character and with high landscape value (**Figure 10**) and tranquil environment. Opportunities should be taken to preserve the rural and natural character as well as the

landscape of the Area.

3.4.2 The Area, in particular the steeper vegetated hillsides in the western, northern and eastern parts, form an integral part of the natural terrain of Tai Lam Country Park. The natural habitats and woodland in the northwestern part of the Area dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and with numerous *Pavetta hongkongensis* (香港大沙葉), are of higher conservation value (**Figures 5 and 6a**).

3.4.3 In addition, other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should be protected (**Figures 5 and 6a**) as advised by the Agriculture, Fisheries and Conservation Department.

3.5 Development Pressure

3.5.1 According to the DLO/TM, LandsD, there is no outstanding Small House application to be processed. Since the publication of the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 on 7.1.2011, there has been no New Territories Exempted House (NTEH)/Small House application to the Board under section 16 of the Ordinance or to the Lands Department.

3.5.2 The 10-year Small House demand forecast at 2009 is 150. As the substantial increase in the updated 10-year demand forecast as at 2012 and in 2013 is unjustified, the previous forecast as at 2009 would be

adopted for reference in the preparation of the OZP. Taking into account of the existing 7 inhabited village type houses and the forecasted demand of 150 Small Houses, a site of about 3.93 ha would be required. There is flat land with few trees in the southwestern part of the Area. The land is already with human activities (e.g. outdoor training centre, war game areas, some cultivated land) and no longer natural. Most of the existing village type houses (including some without inhabitants or in dilapidated state) are within this part of the Area. This part can be considered for village type development to meet the Small House demand of Tin Fu Chai.

- 3.5.3 However, according to the WSD, the Area falls within an upper direct water gathering ground. Since there is no existing or planned public sewerage within the Area, the WSD considers that new village type developments within the Area would increase the risk of pollution to the water gathering ground and that “V” zone, which permits New Territories Exempted House (NTEH) (including Small House) developments, within the Area is not appropriate. According to the EPD, in general the use of septic tank and soakaway systems for sewage treatment and disposal are not considered acceptable for new village type developments within water gathering ground, especially for sites in close proximity to existing stream courses.

4. PLANNING PROPOSALS

4.1 The Outline Zoning Plan

The draft Tin Fu Tsai OZP (the Plan) prepared under section 3(1) of the Ordinance is to provide a statutory basis for planning guidance and control over the Area. It will supersede the approved Tin Fu Tsai DPA Plan No. DPA/TM-TFT/2, which was exhibited for public inspection under section 9(5) of the Ordinance on 16.12.2011. Uses and developments 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 developments and redevelopments on an integrated and co-ordinated basis;
 - (b) to conserve the natural habitats and woodland in the northwestern part of the Area and to safeguard the steep hill slopes and the vegetation there; 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 Area forms an integral part of the natural environment of the adjoining Tai Lam Country Park. The natural vegetation and habitats at the hill slopes within the Area and adjoining Tai Lam Country Park should be preserved and protected. These areas would also serve as a buffer between developments within the Area and Tai Lam Country Park.
- (b) In view of the concern of the WSD and the EPD on the pollution of upper direct water gathering ground, no “Village Type Development” zone is proposed.

4.4 Land Use Proposals (**Figure 12**)

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 Green Belt (“GB”)

- (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) Apart from the wooded area with higher conservation value in the northwestern part of the Area, all areas are within this zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area.
- (c) Since 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.
- (d) As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by

Government, and maintenance, repair or rebuilding works.

4.4.3 Conservation Area (“CA”)

- (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) A wooded area in the northwestern part of the Area with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in the northwestern part of the Area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. This wooded area is of higher conservation value.

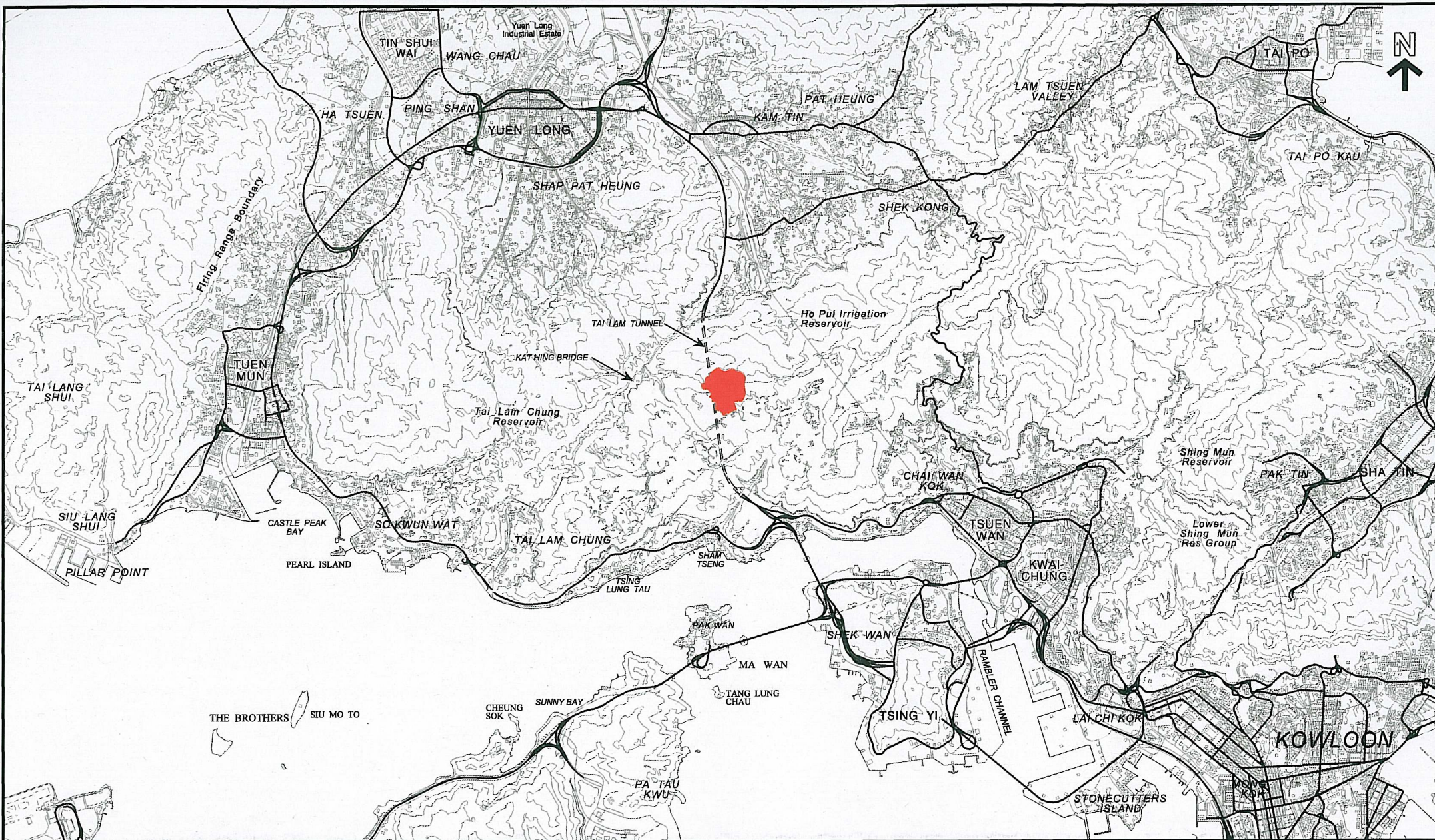
- (c) New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan.
- (d) Diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.


5. IMPLEMENTATION

- 5.1 The Plan provides a broad land use framework for development control and implementation of planning proposals. More detailed plans would be prepared when required 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. Unless otherwise specified, all uses directly related and ancillary to the permitted uses and developments within the same zone are also permitted.

- 5.2 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.
- 5.3 Minor improvement works, e.g. laying of utility services, will be implemented through the Public Works Programme, the Rural Public Works Programme, and the Local Public Works Improvement Programme subject to priority and resources availability. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned use indicated on the Plan, provided that their proposals meet Government requirements.
- 5.4 Any development, other than those referred to in paragraph 5.1 above or in conformity with the Plan or with the permission of the Board, undertaken or continued on land included in the Plan on or after the date of the first publication in the Gazette of the notice of the draft DPA plan (i.e. 7.1.2011) may be subject to enforcement proceedings under the Ordinance. Any diversion of stream, filling of land/pond or 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 diversion of stream and filling of pond for temporary use or development in conservation-related zonings, such as “Conservation Area”.

**PLANNING DEPARTMENT
SEPTEMBER 2013**



 STUDY AREA

EXTRACT PLAN PREPARED ON 14.8.2013
BASED ON SURVEY SHEET SERIES HM100C

LOCATION PLAN

TIN FU TSAI

SCALE 1 : 100 000

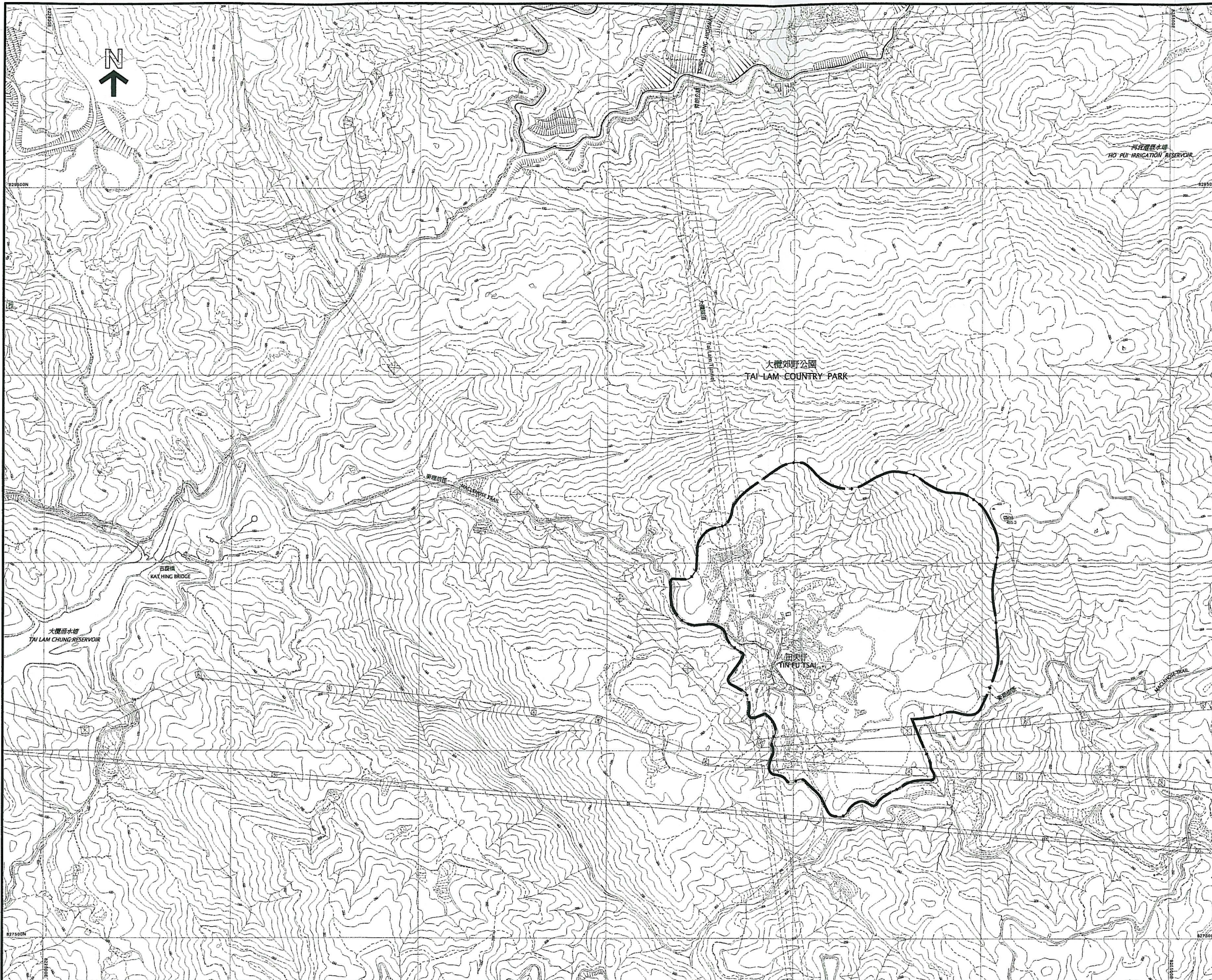
KM 2 0 2 4 KM

PLANNING
DEPARTMENT



REFERENCE No.
M/TM/13/155

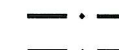
FIGURE
1



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 | 54.50 | 100.00 | 非指定用途 |
| TOTAL AREA OF DEVELOPMENT PERMISSION AREA | 54.50 | 100.00 | 發展審批地區總面積 |

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

行政長官會同行政會議於2011年12月6日 根據城市
規劃條例第9(1)(a)條核准的圖則
APPROVED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER
SECTION 9(1)(a) OF THE TOWN PLANNING ORDINANCE ON
6 DECEMBER 2011

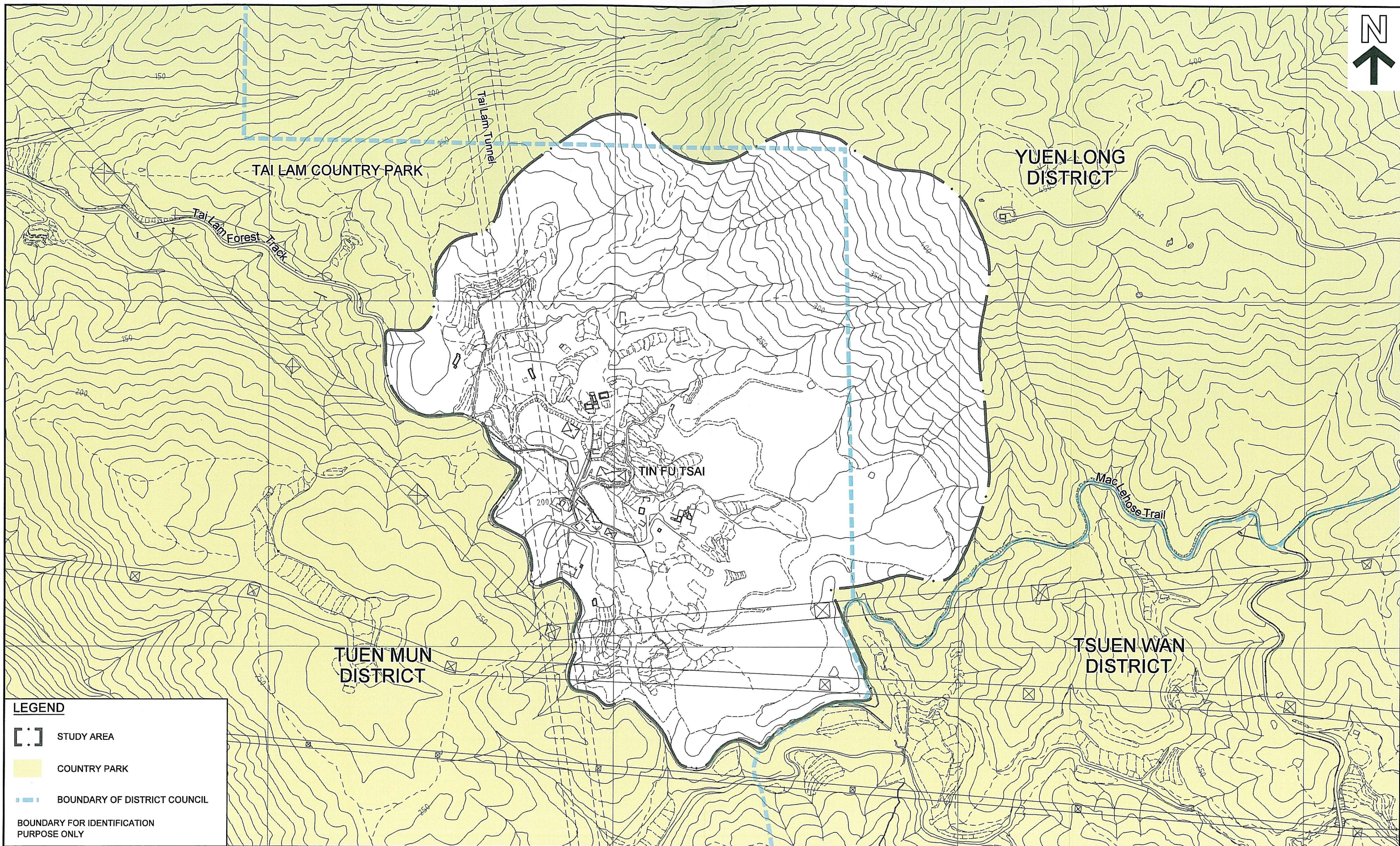
Ms Manda CHAN 陳詠雯女士
CLERK TO THE EXECUTIVE COUNCIL 行政會議秘書

田夫仔發展審批地區圖
TIN FU TSAI DEVELOPMENT PERMISSION AREA PLAN

SCALE 1:5,000 比例尺
METRES 100 0 200 400 600 800 METRES

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

圖則編號
PLAN No. DPA/TM-TFT/2



LEGEND

[] STUDY AREA

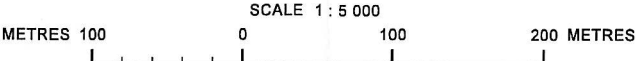
COUNTRY PARK

BOUNDARY OF DISTRICT COUNCIL

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

STUDY AREA OF TIN FU TSAI

TIN FU TSAI



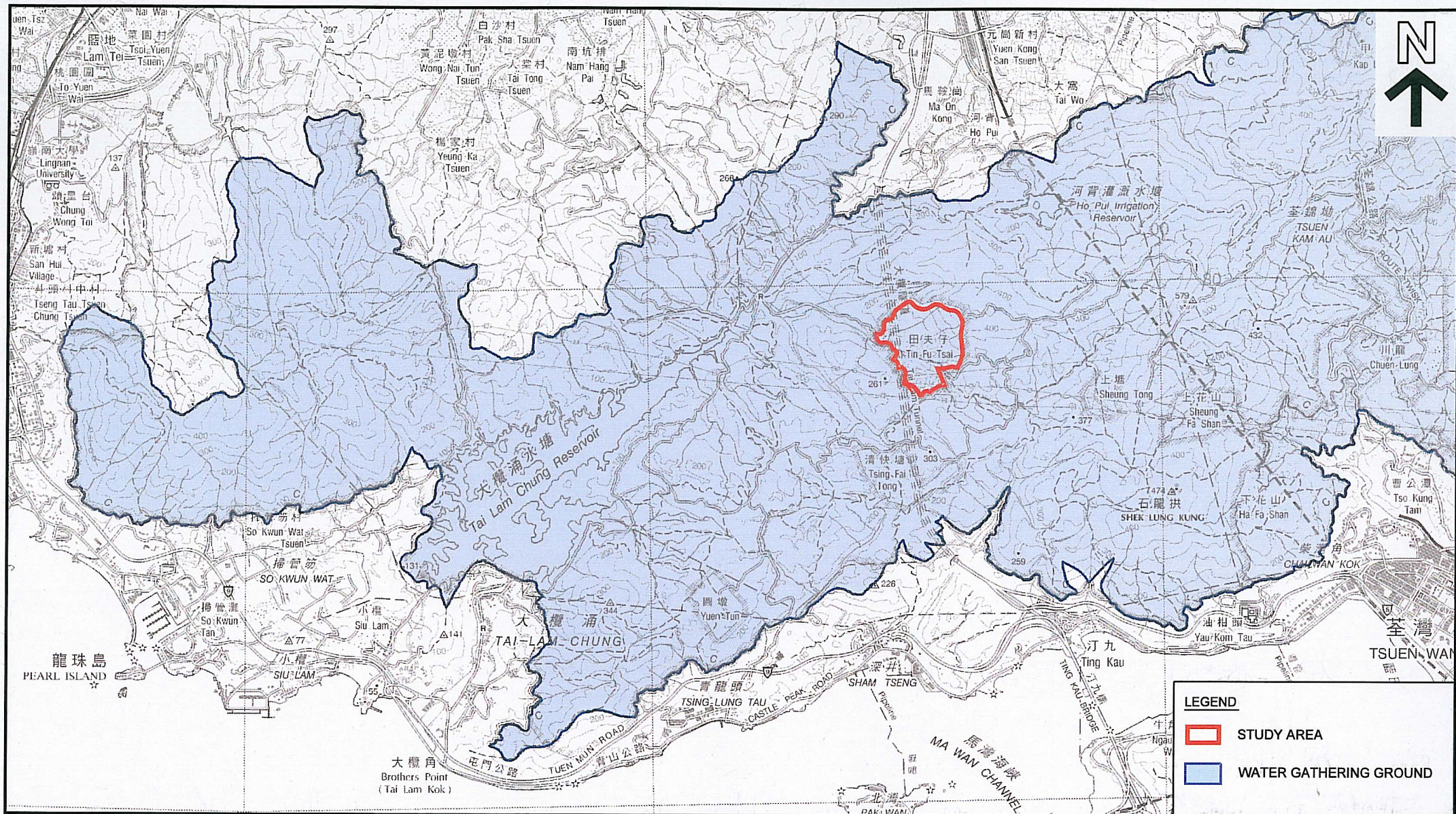
PLANNING DEPARTMENT



EXTRACT PLAN PREPARED ON 16.8.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, D, 3C, 6B, 7A, B, C, D & 8A

REFERENCE No.
M/TM/13/155

FIGURE
3



LEGEND

- STUDY AREA
- WATER GATHERING GROUND

WATER GATHERING GROUND

TIN FU TSAI

PLANNING
DEPARTMENT

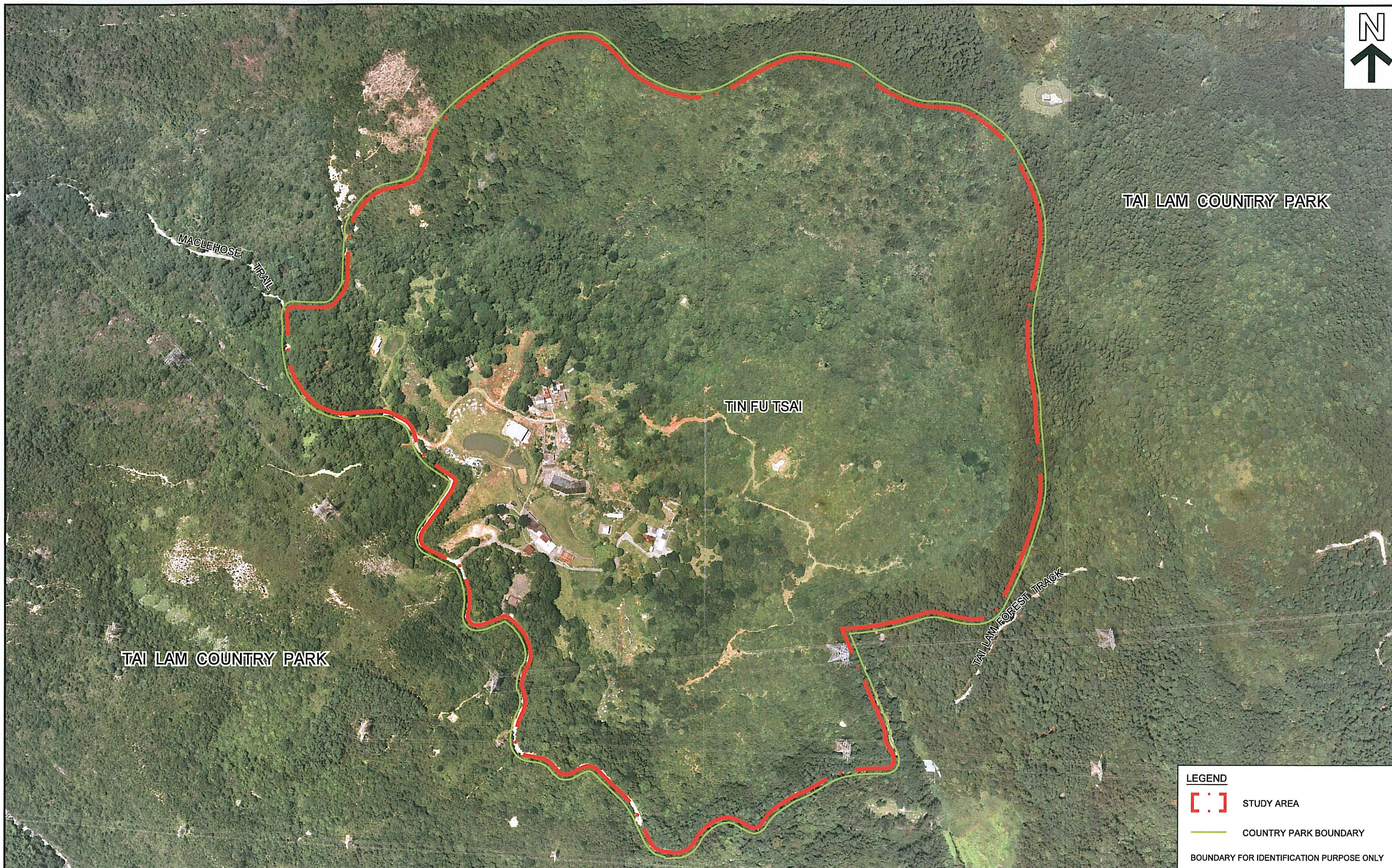


EXTRACT PLAN PREPARED ON 9.8.2013
BASED ON SHEETS No. 1
IN SERIES HM50C

REFERENCE No.
M/TM/13/155

FIGURE
4

SCALE 1 : 50 000 比例尺
米 METRES 1000 0 1000 2000 米 METRES



EXTRACT PLAN PREPARED ON 15.8.2013
BASED ON AERIAL PHOTO No.
CS37066, CS37068, CS37221, CS37222
TAKEN ON 30.7.2012 BY LANDS DEPARTMENT

AERIAL PHOTO

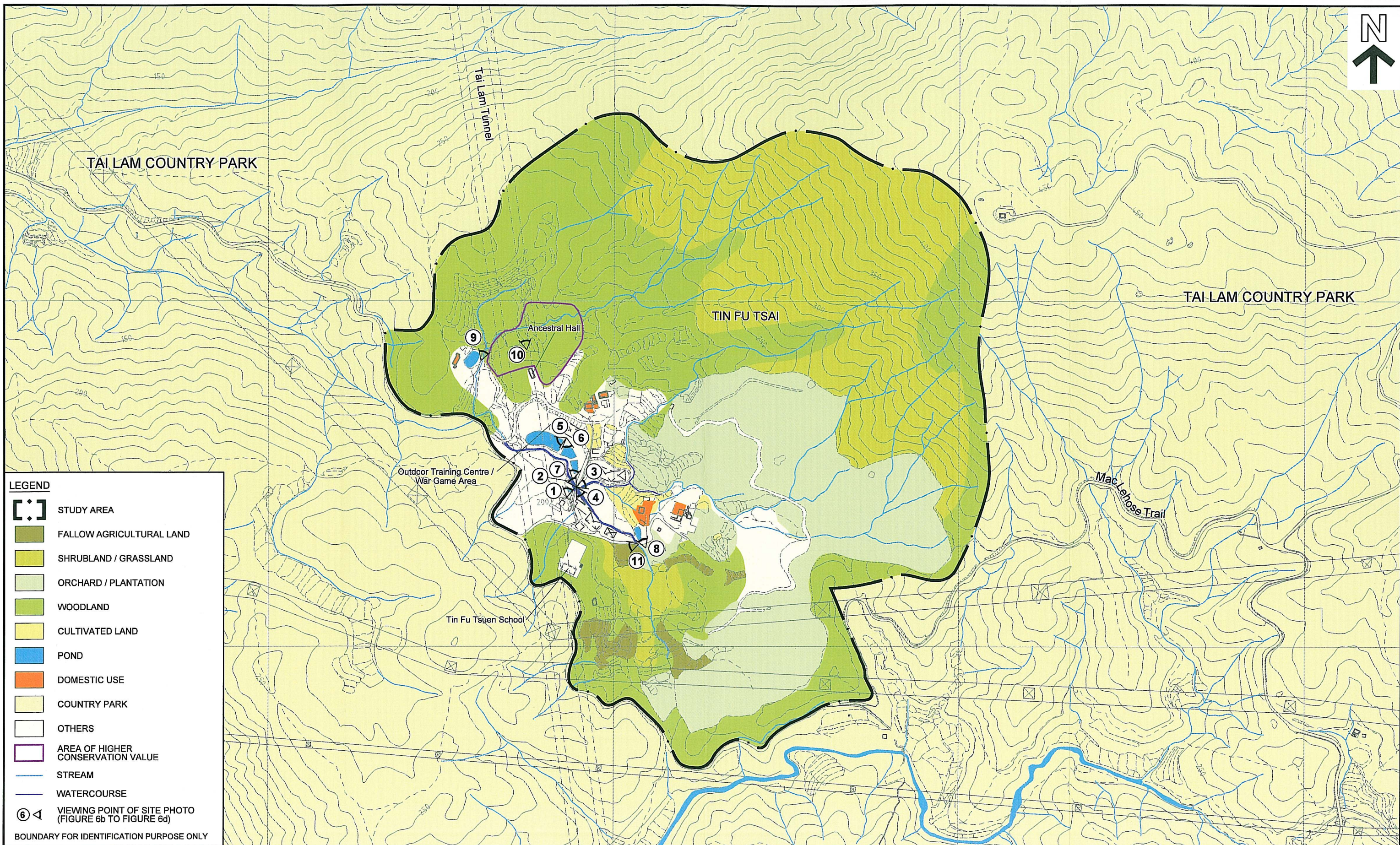
TIN FU TSAI

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/155

FIGURE
5



EXISTING PHYSICAL FEATURES

TIN FU TSAI

EXTRACT PLAN PREPARED ON 2.10.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C

SCALE 1 : 5 000
METRES 100 0 100 200 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/155

FIGURE
6a



WATERCOURSE

PLAN PREPARED ON 4.9.2013
BASED ON SITE PHOTOS
TAKEN ON 5.8.2013 AND 2.9.2013

SITE PHOTOS - EXISTING PHYSICAL FEATURES

TIN FU TSAI

PLANNING
DEPARTMENT



| | |
|------------------------------|--------------|
| REFERENCE No. M/TM/13/155 | FIGURE 6b |
|------------------------------|--------------|



PONDS

PLAN PREPARED ON 4.9.2013
BASED ON SITE PHOTOS
TAKEN ON 5.8.2013 AND 2.9.2013

SITE PHOTOS - EXISTING PHYSICAL FEATURES

TIN FU TSAI

PLANNING
DEPARTMENT



| | |
|------------------------------|--------------|
| REFERENCE No. M/TM/13/155 | FIGURE 6c |
|------------------------------|--------------|



WOODLAND



FALLOW AGRICULTURAL LAND

PLAN PREPARED ON 4.9.2013
BASED ON SITE PHOTOS
TAKEN ON 5.8.2013

SITE PHOTOS - EXISTING PHYSICAL FEATURES

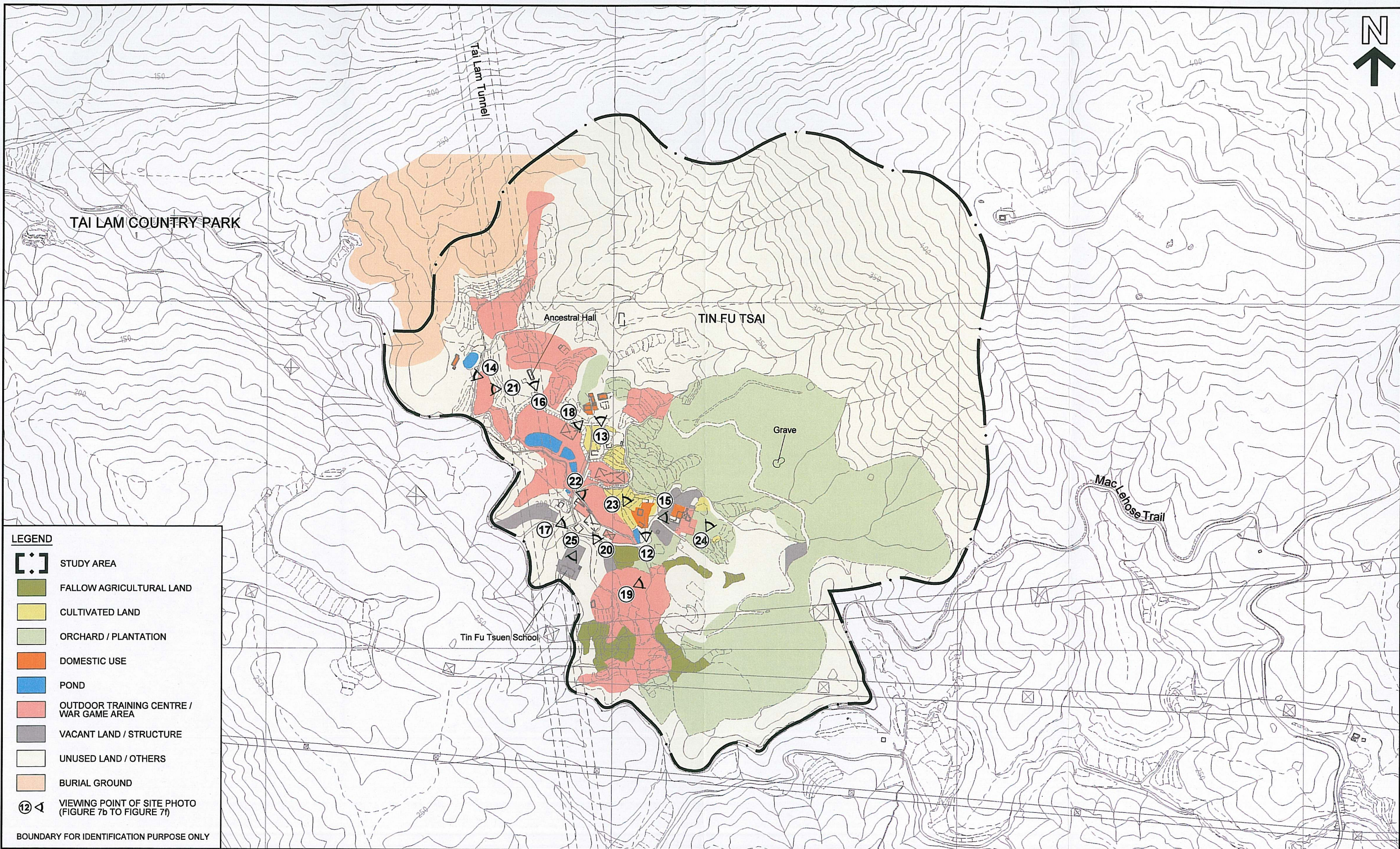
TIN FU TSAI

PLANNING
DEPARTMENT



REFERENCE No.
M/TM/13/155

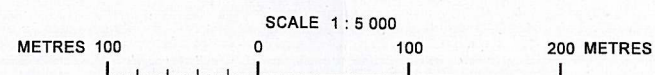
FIGURE
6d



EXISTING LAND USES

TIN FU TSAI

EXTRACT PLAN PREPARED ON 15.8.2013
 BASED ON SURVEY SHEETS No.
 6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C

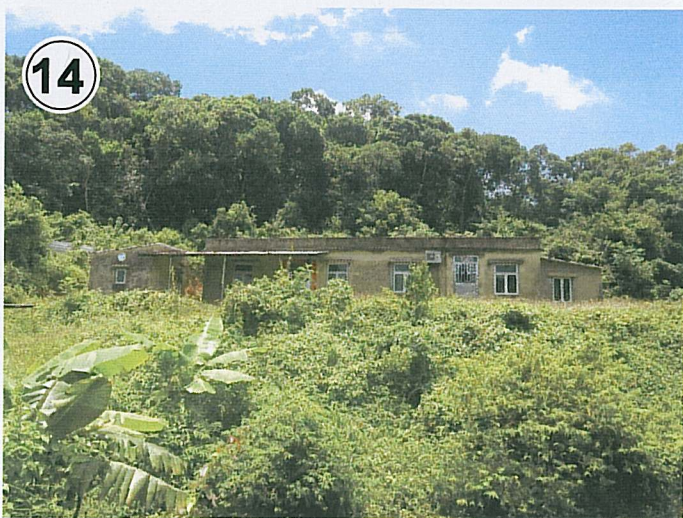


PLANNING DEPARTMENT



REFERENCE No.
 M/TM/13/155

FIGURE
 7a



VILLAGE TYPE HOUSES

PLAN PREPARED ON 8.8.2013
 BASED ON SITE PHOTOS
 TAKEN ON 05.08.2013

SITE PHOTOS - EXISTING LAND USES

TIN FU TSAI

PLANNING
 DEPARTMENT



REFERENCE No.
 M/TM/13/155

FIGURE
 7b

16



CHOI'S ANCESTRAL HALL

PLAN PREPARED ON 8.8.2013
BASED ON SITE PHOTOS
TAKEN ON 05.08.2013

SITE PHOTOS - EXISTING LAND USES

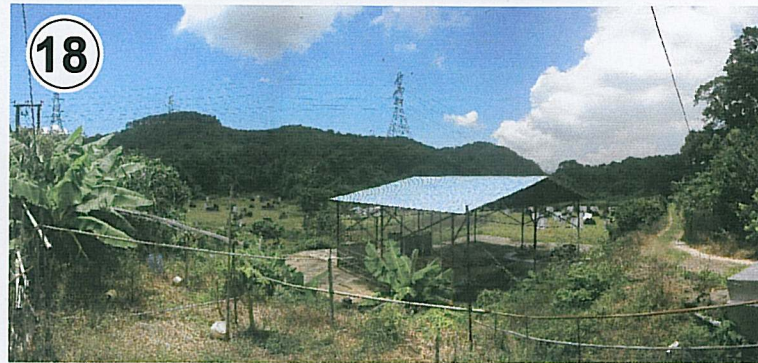
TIN FU TSAI

PLANNING
DEPARTMENT



REFERENCE No.
M/TM/13/155

FIGURE
7c



OUTDOOR TRAINING CENTRE AND WAR GAME AREAS

PLAN PREPARED ON 8.8.2013
BASED ON SITE PHOTOS
TAKEN ON 05.08.2013

SITE PHOTOS - EXISTING LAND USES

TIN FU TSAI

PLANNING
DEPARTMENT



| | |
|------------------------------|--------------|
| REFERENCE No. M/TM/13/155 | FIGURE 7d |
|------------------------------|--------------|



CULTIVATED LAND AND ORCHARD

PLAN PREPARED ON 8.8.2013
BASED ON SITE PHOTOS
TAKEN ON 05.08.2013

SITE PHOTOS - EXISTING LAND USES

TIN FU TSAI

PLANNING
DEPARTMENT



REFERENCE No.
M/TM/13/155

FIGURE
7e



TIN FU TSUEN SCHOOL

PLAN PREPARED ON 8.8.2013
BASED ON SITE PHOTOS
TAKEN ON 05.08.2013

SITE PHOTOS - EXISTING LAND USES

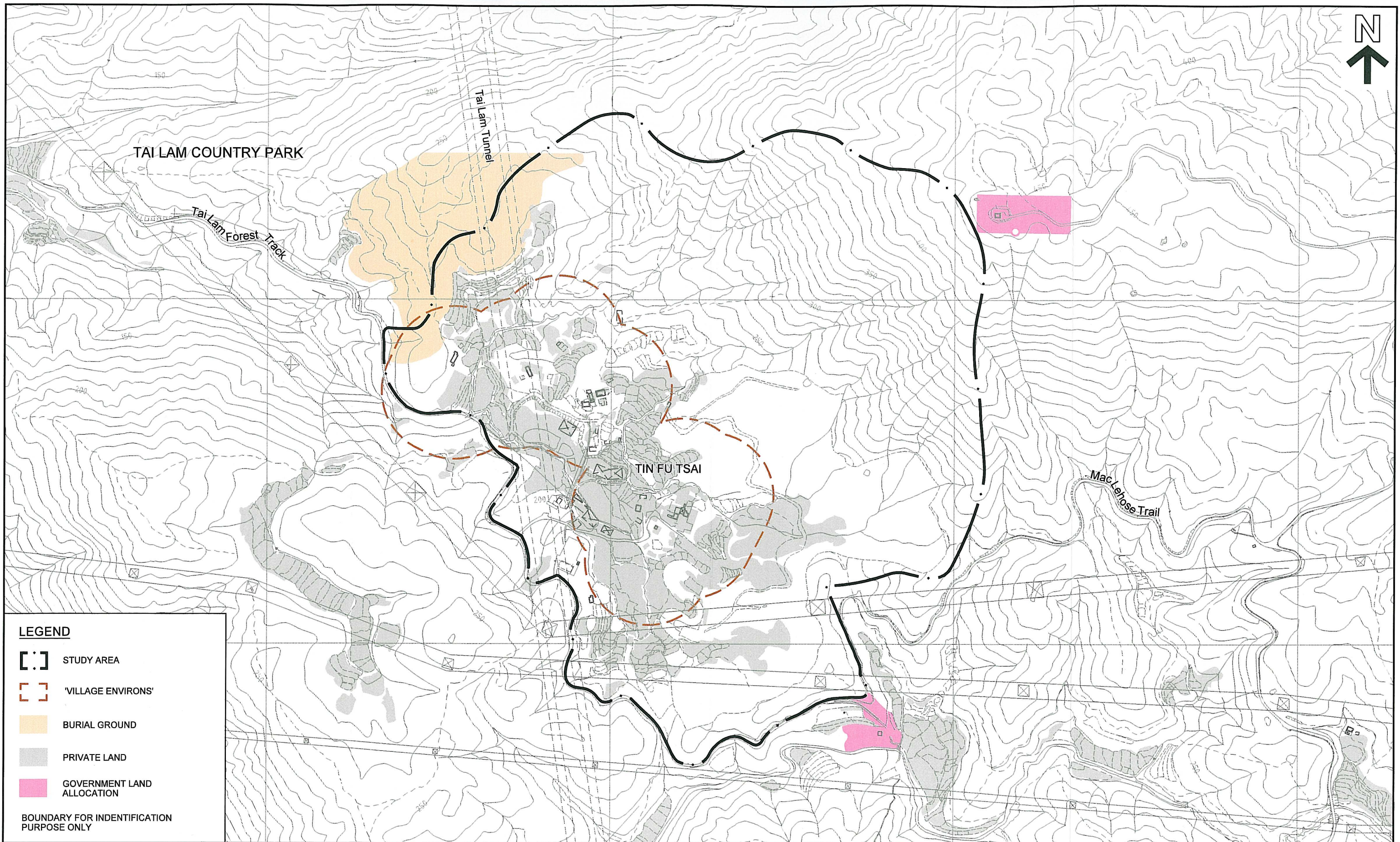
TIN FU TSAI

PLANNING
DEPARTMENT



REFERENCE No.
M/TM/13/155

FIGURE
7f



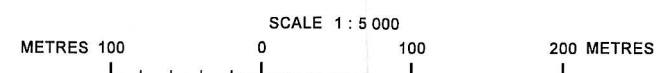
LAND OWNERSHIP AND 'VILLAGE ENVIRONS'

TIN FU TSAI

PLANNING DEPARTMENT

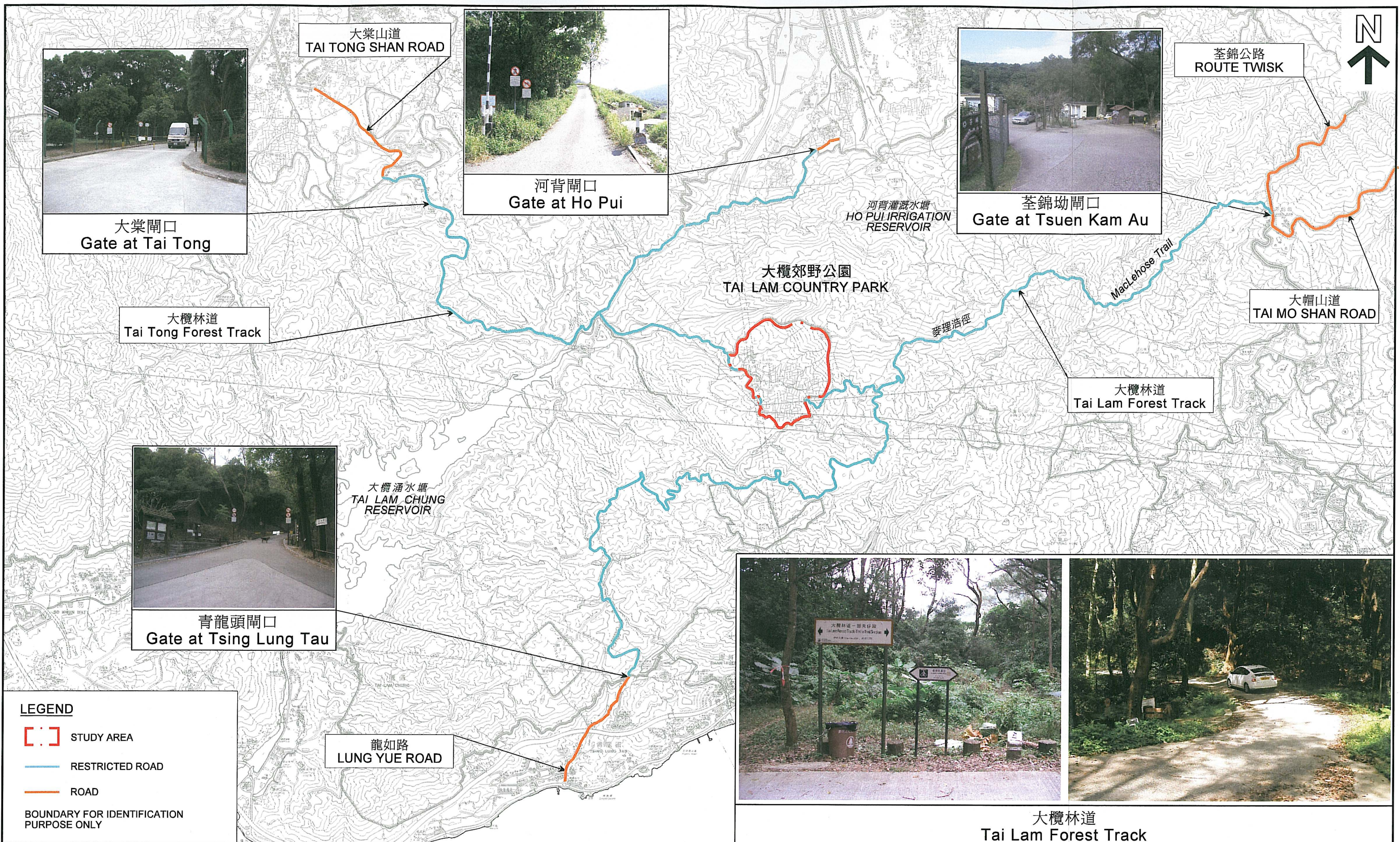


EXTRACT PLAN PREPARED ON 13.8.2013
 BASED ON SURVEY SHEETS No.
 6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C



REFERENCE No.
 M/TM/13/155

FIGURE
 8



TRANSPORTATION

TIN FU TSAI

EXTRACT PLAN PREPARED ON 4.9.2013
BASED ON SURVEY SHEETS No.
6-NW-C/D, 6-NE-C/D, 6-SW-A/B/C/D & 6-SE-A/B/C/D

SCALE 1 : 30 000 比例尺

米 600 0 600 1200 米

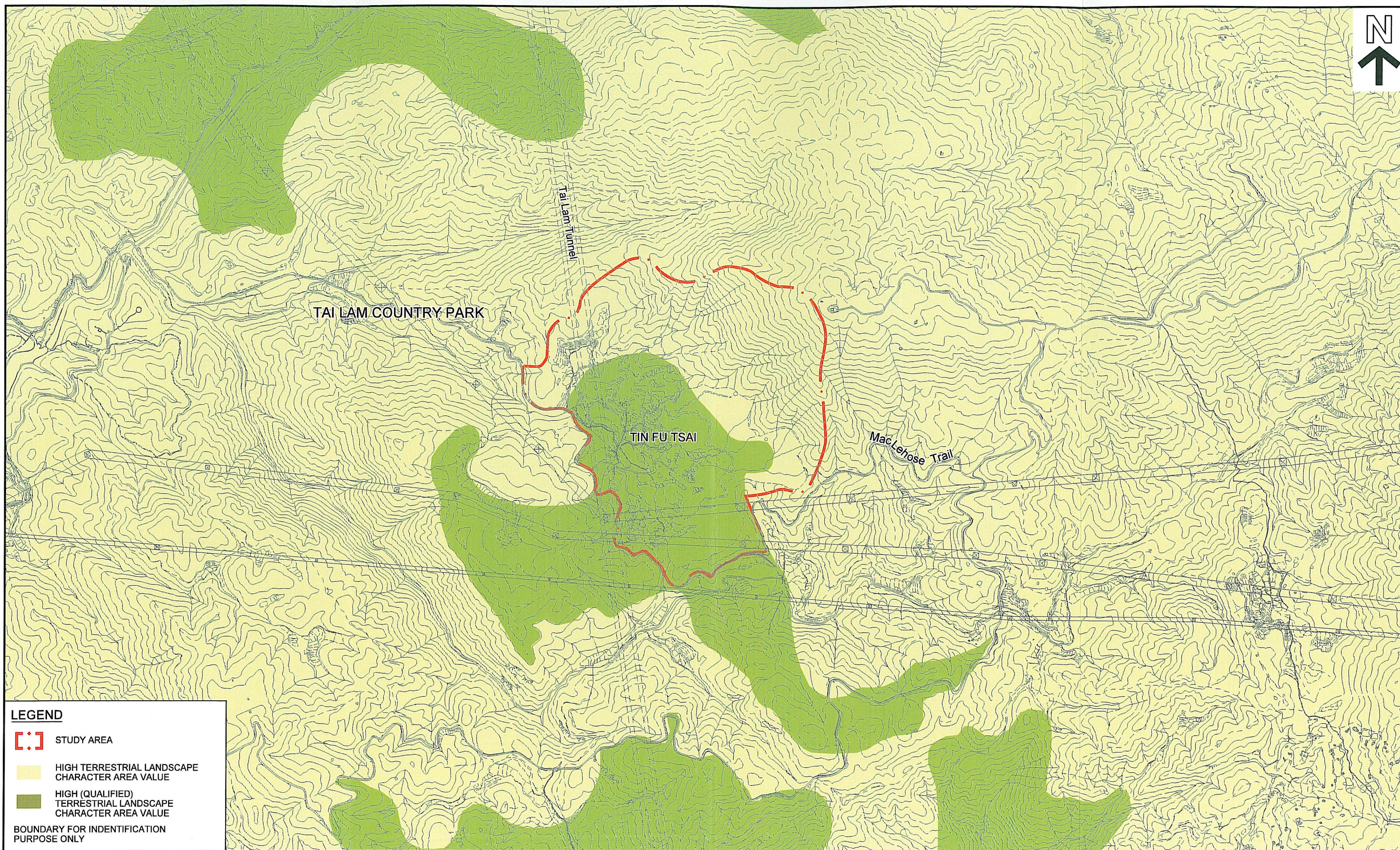
METRES

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/155

FIGURE
9



LEGEND



STUDY AREA



HIGH TERRESTRIAL LANDSCAPE
CHARACTER AREA VALUE



HIGH (QUALIFIED)
TERRESTRIAL LANDSCAPE
CHARACTER AREA VALUE

BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY

LANDSCAPE VALUE

TIN FU TSAI

EXTRACT PLAN PREPARED ON 8.8.2013
BASED ON SURVEY SHEETS No.
6-SE-1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, 6A, 6B, 6C, 6D,
7A, 7B, 7C, 7D, 8A, 8B, 8C, 8D, 11A, 11B, 12A, 12B, 13A & 13B

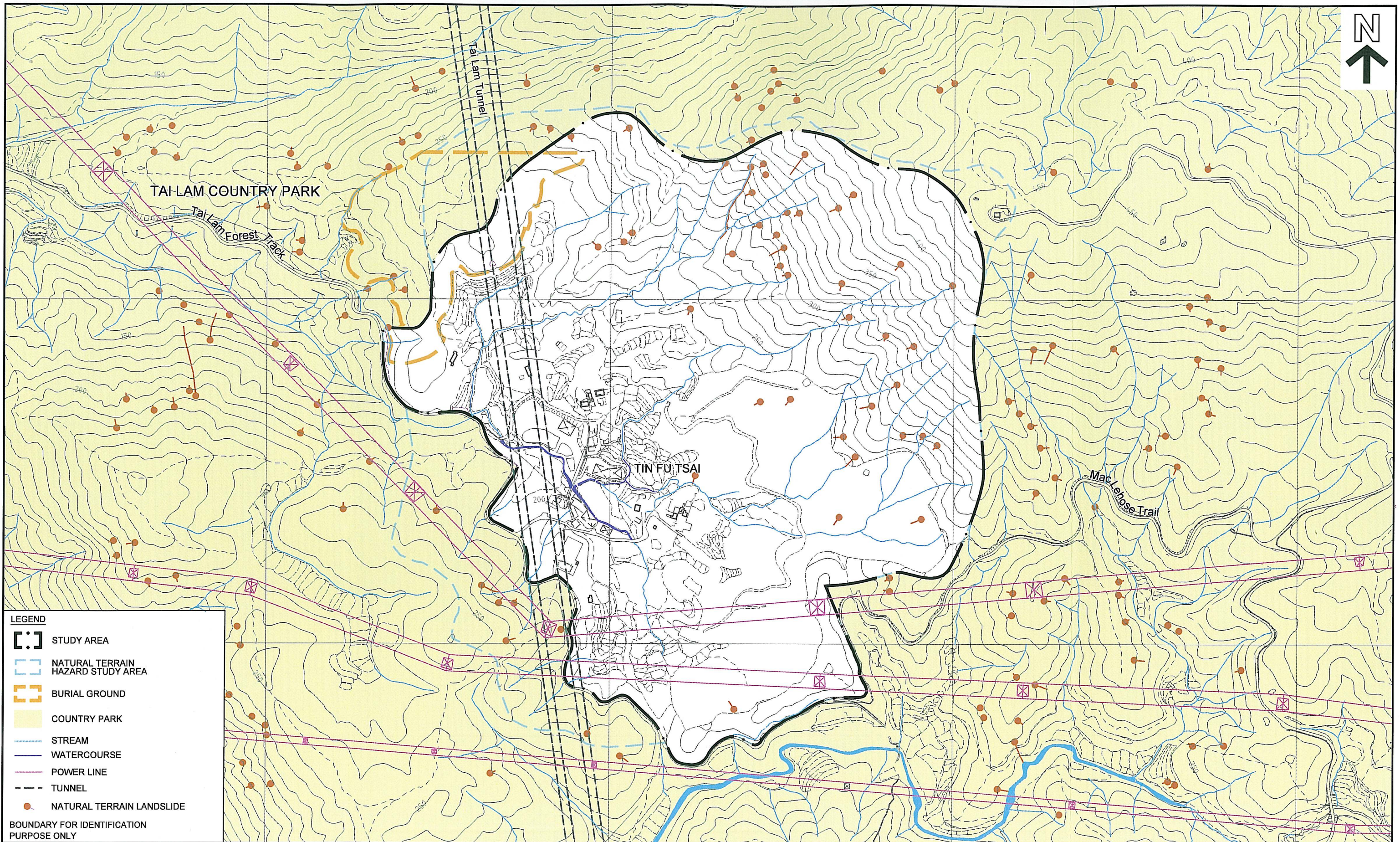
SCALE 1 : 10 000
METRES 500 0 500 1000 METRES

PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/155

FIGURE
10



LEGEND

- [] STUDY AREA
- [] NATURAL TERRAIN HAZARD STUDY AREA
- [] BURIAL GROUND
- [] COUNTRY PARK
- STREAM
- WATERCOURSE
- POWER LINE
- TUNNEL
- NATURAL TERRAIN LANDSLIDE

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

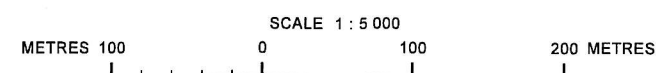
DEVELOPMENT CONSTRAINTS

TIN FU TSAI

PLANNING DEPARTMENT

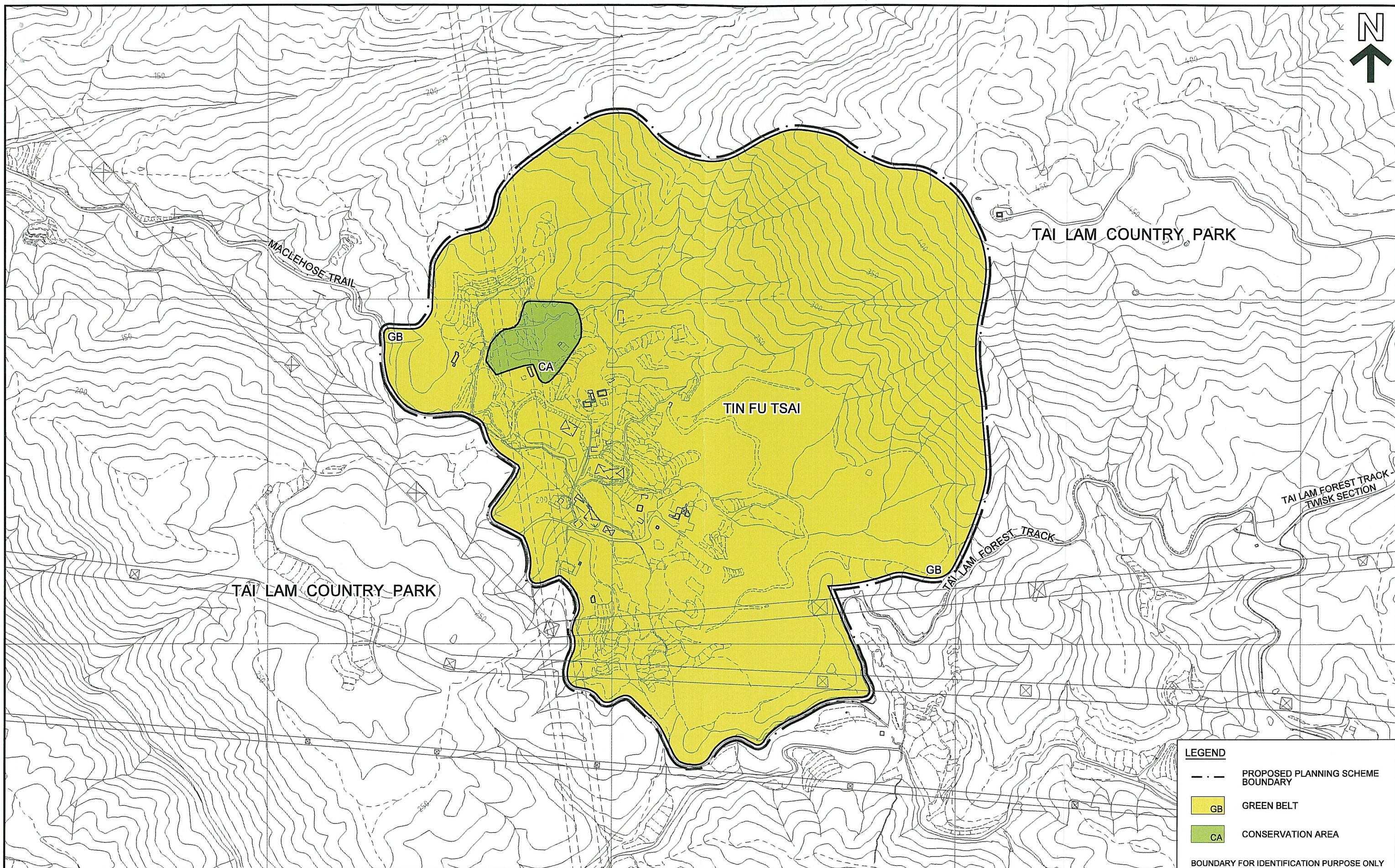


EXTRACT PLAN PREPARED ON 23.8.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C



REFERENCE No.
M/TM/13/155

FIGURE
11



LEGEND

--- PROPOSED PLANNING SCHEME BOUNDARY

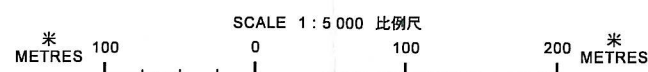
GB GREEN BELT

CA CONSERVATION AREA

BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

LAND USE PROPOSALS

TIN FU TSAI



PLANNING DEPARTMENT



REFERENCE No.
M/TM/13/155

**FIGURE
12**

EXTRACT PLAN PREPARED ON 2.10.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, 2D, 3C, 6B, 6D, 7A, 7B, 7C, 7D, 8A & 8C

**Extract of Minutes of 1042nd Meeting of the
Town Planning Board held on 4.10.2013**

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Preliminary Consideration of the Draft Tin Fu Tsai Outline Zoning Plan No.
S/TM-TFT/B
(TPB Paper No. 9459)

[The meeting was conducted in Cantonese.]

179. The following government representatives were invited to the meeting at this point:

| | |
|--------------------|--|
| Mr W.S. Lau | District Planning Officer/Tuen Mun & Yuen Long, Planning Department (DPO/TM&YL, PlanD) |
| Mr Joshua Kan | Senior Town Planner/Special Duties, PlanD |
| Mr Yeung Tak Hoi | Senior Engineer, Water Supplies Department (WSD) |
| Mr Chiu Chung Ming | Engineer, WSD |
| Mr Law Yuk Fat | Engineer, WSD |
| Ms So Lai Wah | Chemist, WSD |
| Mr Lau Wing Fai | Senior Environmental Protection Officer, Environmental Protection Department (EPD) |
| Mr Wong Man Kee | Senior Environmental Protection Officer, EPD |

180. The Chairman extended a welcome and invited PlanD to brief Members on the Paper.

181. With the aid of a powerpoint presentation, Mr Joshua Kan made the following main points as detailed in the Paper:

Background

- (a) on 7.1.2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance. After completion of the plan-making process, the DPA Plan was approved by the Chief Executive in Council (CE in C) on 6.12.2011;
- (b) pursuant to section 20(5) of the Ordinance, the DPA Plan was effective only for a period of 3 years until 7.1.2014. As such, an OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Tin Fu Tsai area (the Area) upon expiry of the DPA Plan;
- (c) 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 outline zoning plan (OZP) for the Area;

Issues Arising from Consideration of the DPA Plan

- (d) during the consideration of the representations on the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 on 15.7.2011, the following issues were raised in the representations:
 - (i) the adverse representations were from Tuen Mun Rural Committee and the Village Representative of Tin Fu Chai (the village name "Tin Fu Chai" was as per in the 'List of Recognized Villages under the New Territories Small House Policy' published by the Lands Department). The major issue raised was that the DPA Plan would affect the future development of Tin Fu Chai, and villagers who wanted to build

houses would need to submit planning applications;

(ii) the supportive representations were submitted by green groups.

In general, they requested for conservation-related zonings to protect the natural and rural character, and water resources of the Area; and

(iii) the Tuen Mun District Council expressed concern on whether the Government would accept large-scale 'non-haphazard' developments in the Area; and whether relocation of the villagers and residents at Tin Fu Tsai would be required;

(e) the Board decided not to uphold those representations:

(i) for the adverse representations, the Board considered that the DPA Plan would not affect the future development of the Area and there were provisions in the DPA Plan for application for development under the Ordinance;

(ii) for the supportive representations, the Board considered that the DPA Plan was an interim plan which would be replaced by an OZP and detailed land use zonings would be worked out at the OZP preparation stage; and

(iii) for the concerns of the Tuen Mun District Council, the Board considered that the objective of the DPA Plan was to prevent haphazard developments and conserve the rural and natural character of the Area. Large-scale developments were generally not favoured. The DPA Plan had not proposed removal or relocation of the villagers or residents of the Tin Fu Tsai area;

The Planning Scheme Area

- (f) the planning scheme area covered an area of about 54.5 ha, including 10.21 ha of private land (about 18.73%) and 44.29 ha of government land (about 81.27%). It was completely encircled by Tai Lam Country Park. It was about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam Tunnel ran through the western part of the Area underground in a north-south direction;
- (g) the Area was rural and natural in character. It was surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprised flat or gently sloping land with orchards/planted trees and some fallow agricultural land covered with trees, shrubs and grasses. The western part of the Area comprised gentle slopes with trees at the periphery;
- (h) in the northwestern part of the Area, along the toe of the hill slopes was a woodland. The northern and northeastern parts of the Area comprised steeper naturally vegetated hill slopes rising to a higher altitude. The higher hill slopes were generally covered with shrubs and grass, while trees were concentrated at the toe of these hill slopes and along the streams flowing down these slopes. These streams converged to a west-flowing watercourse near the central and at the southwestern parts of the Area, and there were a few ponds near the watercourse. An ancestral hall was in the northwestern part of the Area. Part of a permitted burial ground was at the northwestern periphery of the Area;
- (i) the southwestern part of the Area was used for an outdoor training centre. Some war game areas stretched from the southwestern part to the northwestern part of the Area. There were also a few village

type houses and some cultivated land;

- (j) Tin Fu Chai, a pre-1898 recognized village, was located within the Area;
- (k) the Area was within a gazetted water gathering ground (WGG). According to the Water Supplies Department (WSD), the WGG was classified as an upper direct WGG of Tai Lam Chung Reservoir;

Local Views

- (l) during the course of preparation of the draft Tin Fu Tsai OZP, PlanD met the Indigenous Village Representative (IVR) of Tin Fu Chai on 18.7.2012 and 5.9.2012. The IVR indicated that Tin Fu Chai was a recognized village and had been inhabited by villagers for a long time. The planning of Tin Fu Tsai area should respect this and "Village Type Development" ("V") zones should be designated for the indigenous villagers to build Small Houses. Besides, he was of the opinion that current uses in the Area should be allowed to continue and the tranquil rural environment should be preserved. He also considered that flexibility could be provided for introducing some compatible recreation uses so that the Tin Fu Tsai area would not degrade into a dilapidated village;

Environmental and Conservation Considerations

- (m) the Area was of rural and natural character and with high landscape value. According to the Landscape Value Mapping of Hong Kong (2005), the Area was of upland countryside landscape character. The landscape was generally characterized by high levels of topographic relief, a very low-density of built development, largely unaltered topography and high levels of vegetation cover. The landscape value of the Area was generally rated "High" (for areas with more natural character) and "High (Qualified)" (for areas with

more human activities). Opportunities should be taken to preserve the rural and natural character as well as the landscape of the Area;

- (n) according to the Agriculture, Fisheries and Conservation Department (AFCD), the habitats in the northwestern part of the Area were largely natural. A wooded area to the north of the ancestral hall was dominated by *Celtis sinensis* (朴) and *Machilus pauhoi* (刨花潤楠) and believed to be the remnant of a 'fung shui' woodland. Numerous individuals of *Pavetta hongkongensis* (香港大沙葉), which was a species protected under the Forests and Countryside Ordinance (Cap. 96), were also recorded there. Although the understorey vegetation had been disturbed and signs of war game were noted, the ecological value of the wooded area should recover overtime. This wooded area was of higher conservation value. There was an opportunity to conserve the natural habitats and the wooded area in the northwestern part of the Area;
- (o) AFCD also advised that other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should also be protected;
- (p) the Area was within an upper direct WGG of the Tai Lam Chung Reservoir. According to the WSD, Tai Lam Chung Reservoir was a very important reservoir in Hong Kong and pollution of this reservoir would have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area;

Technical Constraints

- (q) the Area was surrounded by natural hill slopes of Tai Lam Country Park. The hill slopes at the northwestern, northern and northeastern

parts of the Area were steep. According to the Geotechnical Engineering Office, Civil Engineering and Development Department, there were natural terrain landslides on these steep hill slopes, which indicated that these natural hillsides were susceptible to natural terrain hazards. These steep hill slopes were considered not suitable for development;

- (r) vehicular access to the Area was through Tai Lam Forest Track, which was a restricted road managed by the AFCD. The section of Tai Lam Forest Track near the Area also formed a section of MacLehose Trail and mountain bike trail for recreation purposes. This section of Tai Lam Forest Track was narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns;
- (s) the Area was not provided with public water supplies (both fresh/potable and flushing/salt water), drainage and sewerage systems. Currently, there was no plan for provision of public water supplies, drainage and sewerage systems. Uses and developments in the Area should pay due regard to these infrastructure constraints;
- (t) there were 400 kV overhead power lines at the southern part of the Area. The Tai Lam Tunnel, traversing the western part of the Area, should not be affected. Part of the Permitted Burial Ground No. BURGD15 was at the northwestern periphery of the Area and the remaining part of the burial ground was within Tai Lam Country Park. The upper direct WGG mentioned above was also considered as a technical constraint;

Land for Village Development

- (u) Tin Fu Chai was a recognized village and the only village in the Area. Its village 'environs' ('VE') covered an area of about 14.68 ha, of which about 13.81 ha (i.e. about 94.07%) was within the area

covered by the OZP;

- (v) according to the District Lands Officer/Tuen Mun, Lands Department (DLO/TM), there was no approved nor outstanding Small House application for Tin Fu Chai. DLO/TM indicated that according to the Tuen Mun Rural Committee, at 2009, the 10-year Small House demand forecast for Tin Fu Chai was 150. In January 2013, DLO/TM advised that the 10-year Small House demand forecast by end of 2012 as indicated by the IVR was 678. In August 2013, the forecast was revised by the IVR to 720. As the substantial increase in the updated 10-year demand forecast was unjustified, the forecast at year 2009 (i.e. 150 Small Houses) was adopted for reference in the preparation of the OZP;
- (w) there were seven existing village type houses with inhabitants within the Area, which accounted for an area of about 0.18 ha. The forecasted 150 Small Houses would require an area of about 3.75 ha. Therefore, an area of about 3.93 ha in total (i.e. for 157 Small Houses) would be required to meet the Small House demand of the village. There was flat land with few trees in the southwestern part of the Area. The land was already with human activities (e.g. outdoor training centre, war game areas, some cultivated land) and no longer natural. Most of the existing village type houses (including some without inhabitants or in dilapidated state) were within this part of the Area. This part could be considered for village type development to meet the Small House demand of Tin Fu Chai;
- (x) however, as the Area fell within an upper direct WGG and there was no existing or planned public sewerage within the Area, WSD considered that new village type developments within the Area would increase the risk of pollution to the WGG and that "V" zone, which permitted New Territories Exempted House (NTEH)/Small House developments, within the Area was not appropriate;

- (y) according to the Environmental Protection Department (EPD), in general the use of septic tank and soakaway systems for sewage treatment and disposal were not considered acceptable for new village type developments within WGG, especially for sites in close proximity to existing stream courses. Any development should demonstrate that water quality within WGG would not be adversely affected;
- (z) in view of the concerns of WSD and EPD on the pollution of the upper direct WGG, no "V" zone was proposed in the OZP. However, rebuilding of NTEHs (including Small Houses) and replacement of existing domestic buildings by NTEHs (including Small Houses) would be permitted under the Covering Notes of the OZP. For new NTEHs (including Small Houses) developments, the villagers might consider identifying sites in other villages within the same Heung;

Draft Outline Zoning Plan

Planning Intention

- (aa) the general planning intention for the Area was to conserve the natural habitats, landscape resources and rural and natural character of the Area. Developments which would cause adverse impacts on the water quality and water resources in the WGG were not encouraged;

Land Use Zonings

- (bb) the land use zonings were incorporated in the draft OZP in Appendix I of the Paper and summarized below:

"Green Belt" ("GB"): Total area: 53.43 ha

- (i) the planning intention of this zone was 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 was a general presumption against development within this zone;
- (ii) apart from the wooded area with higher conservation value in the northwestern part of the Area, all areas were within this zone. This zone also covered part of a permitted burial ground intended to provide burial places for indigenous villagers, which was at the northwestern periphery of the Area;
- (iii) since there was a general presumption against development within this zone, development in this zone would be strictly controlled. Development proposals would be considered by the Board on individual merits;
- (iv) as diversion of stream, filling of land/pond or excavation of land might cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board was required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works;

"Conservation Area" ("CA"): Total area: 1.07 ha

- (v) this zoning was 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 was a general presumption against development in this zone. In general, only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted;

(vi) a wooded area in the northwestern part of the Area with dense trees was within this zone. As mentioned above, according to AFCD, the habitats in this area were largely natural and this wooded area was of higher conservation value;

(vii) new residential development was not permitted under this zone. Redevelopment of existing houses might be permitted on application to the Board. The redevelopment of existing houses should 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 in the Gazette of the notice of the draft DPA Plan; and

(viii) diversion of stream, filling of land/pond or excavation of land might cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board was required for such activities;

Consultation

(cc) during the course of preparation of the draft OZP, PlanD met the IVR of Tin Fu Chai on 18.7.2012 and 5.9.2012. His views as highlighted above had been duly considered;

(dd) the Plan together with its Notes and Explanatory Statement (ES) and the Planning Report had been circulated to relevant government

bureau and departments for comment. Comments received had been incorporated, as appropriate; and

- (ee) subject to the agreement of the Board, the draft Tin Fu Tsai OZP No. S/TM-TFT/B together with its Notes and ES would be submitted to the Tuen Mun District Council, Tuen Mun Rural Committee and Yuen Long District Council for consultation. Comments collected would be submitted to the Board for further consideration prior to publication of the draft OZP under section 5 of the Ordinance.

182. As the representative of PlanD had finished the presentation, the Chairman invited questions from Members.

183. In response to the Chairman's question, Mr Joshua Kan said that currently there was vehicular access to Tin Fu Tsai via Tai Lam Forest Track, which was for restricted access by permits issued by AFCD. The Tai Lam Forest Track was a narrow paved road.

Water Pollution Concerns

184. The Chairman said that the "GB" and "CA" zones on the OZP would be very restrictive on developments in the Area and that would be contrary to the general expectation of villagers. He asked whether the main reason of not allowing a "V" zone on the OZP was due to the location of the Area within the WGG. In response, Mr Yeung Tak Hoi (Senior Engineer, WSD) said that Tin Fu Tsai was close to the Tai Lam Chung Reservoir. This reservoir provided water to the water treatment works in Tuen Mun and Tsuen Wan in New Territories West and Siu Ho Wan on Lantau Island. Hence, any development in the Area that might cause pollution of the Tai Lam Chung Reservoir would pose serious risk on water resources. In addition, as no public sewer was planned to service the Area, any development in the Area would have high risk of water pollution to the reservoir.

185. A Member asked whether there were any technical/engineering solutions to resolve the potential risk associated with water pollution from village development

in that location. Mr. Yeung Tak Hoi said that according to the 'Interim Criteria for Consideration of Application for NTEH /Small House in the New Territories' (Interim Criteria), proposed NTEH/Small House development within WGG should be connected to existing or planned sewerage system. However, no sewerage system was being planned for the Area and it would be very difficult to allow new Small House development from the water pollution control perspective.

186. Mr Lau Wing Fai, Wessex (Senior Environmental Protection Officer, EPD) further advised that Tin Fu Tsai was about 8km from the closest public sewer. It was neither cost effective nor feasible engineering-wise to build a sewer pipe to connect the Area with the public sewer due to the undulating terrain; the very long distance; and the low level of flow.

187. In response to the Chairman's question about in-situ treatment, Mr Wong Man Kee, Johnson (Senior Environmental Protection Officer, EPD) said that according to EPD's ProPECC notes, septic tanks had to be at a buffer distance of at least 30m from streams that were likely to be used for drinking purpose. Most of the existing houses might be able to comply with this criterion. However, if 150 houses were proposed in the Area, it would be difficult to comply with this criterion as there were many streams in the Area.

188. Mr C.W. Tse (Deputy Director of Environmental Protection) supplemented that it was the existing policy not to allow septic tanks for sites in WGG as septic tanks could not filter all e-coli. Very sophisticated sewage treatment facilities would be needed in order to achieve the high standard for discharge required in WGG. However, given the remote location of the Area, it was unimaginable that such sophisticated sewage treatment facilities would be practical.

Need for "V" Zone

189. The Chairman said that there was an existing 'VE' for Tin Fu Chai and villagers could directly apply to DLO for Small House developments before the Area was covered by a statutory plan. However, with the proposed "CA" and "GB" zonings on the OZP, Small House development would not be permitted within "CA"

zone and there was a presumption against development in both the "CA" and "GB" zones. Notwithstanding that there was concern on pollution impacts on the WGG, Members should be aware that this would be the first OZP for the Country Park enclaves, converted from a DPA Plan to an OZP, with no "V" zone for an area with an existing 'VE'. Strong objections from villagers would be expected.

190. A Member said that the "CA" zoning covering the natural woodland was supported. Another Member said that given that all land on the OZP were zoned "GB" and "CA" with no "V" zone, a Member asked why the Government had not asked AFCD to incorporate the Area into the Country Park. In response to the Chairman's question on whether the Area could be zoned "Country Park" on the OZP, Mr W.S. Lau (DPO/TM&YL) said that areas zoned "Country Park" on statutory plans were within the boundaries of Country Park and the authority to include an area in a Country Park was vested in the Country and Marine Parks Board.

191. The Vice-chairman and five Members indicated that a "V" zone should be included in the OZP. They considered that there was no strong ground not to include a "V" zone given that there was an existing 'VE' for Tin Fu Chai and there was demand for Small House in the Area. Non-designation of a "V" zone on the OZP would invite strong objection from villagers. They also opined that the village existed before the reservoir was built and the WGG was designated in the Area, hence, the Government should have planned/provided for sewage disposal/treatment of the village settlement at that time or in future if the population in the Area increased. The Vice-chairman and another Member pointed out that the Board had all along adopted the principle to respect recognised village and villagers' rights when preparing statutory plans. Another Member was of the opinion that under the Covering Notes of the OZP, rebuilding of NTEH was permitted as of right (other than in the "CA" zone), which indicated that the Board had accepted that there would be a minimum level of village development.

192. In order to reflect the status quo and address WSD's concern on the impact on water quality within WGG, the Vice-chairman and the five Members suggested that a "V" zone, though small in extent say covering the existing buildings and/or the ancestral hall, should be included in the OZP. A Member also said that if

there were changing circumstances in future, an extension of the "V" zone could be considered. With regard to the suggestion for a "V" zone to cover mainly the existing buildings, the Chairman said that normally "V" zones on OZPs were drawn up based on the existing settlement and the Small House demand forecast.

193. The Vice-chairman further said that applications for Small Houses within the "GB" zone, could continue to be considered by the Board based on the Interim Criteria.

194. A Member pointed out that large war game centres were being operated in the Area and the waste generated would likely be more than Small House developments. In response to an enquiry from another Member, the Secretary said that no government approval had been given to the war game centre.

[Mr H.F. Leung left the meeting at this point.]

195. A Member said that the proposal not to include any "V" zone in the OZP was not based on any scientific study or quantified risk. In response, Mr Tse said that a more detailed study would be required to quantify the level of population that could be permitted in the Area. Without such study, it would be difficult not to follow the existing policy for control of developments in WGG. The Chairman said that even if such study was conducted, the new house development would likely require sophisticated sewage treatment facilities that would be too costly for Small House developments.

196. The Chairman said that there was a three-year time limit on the DPA Plan which was due to lapse. The Board might consider seeking an extension of time of the DPA Plan to allow time to conduct a study on the level of population that could be accommodated in the Area. Members might also consider whether the OZP, with only "GB" and "CA" zones as proposed, could be put out for consultation first. If necessary, the Government could consider alternatives such as designation of "V" zones on other statutory plans in the same Heung to address the Small House demand of villagers.

Extent of the "V" Zone

197. Mr C.W. Tse said that from sewerage impact perspective, it would be acceptable to only allow rebuilding of existing houses in the Area. The Secretary drew Member's attention that rebuilding of existing NTEH was permitted under the Covering Notes of the OZP, even though there was no "V" zone.

198. In response to the question from Mr C.W. Tse, the Secretary said that there were seven existing houses and some building lots in the Area. Under the Covering Notes of the proposed OZP, rebuilding of NTEH was always permitted except in "CA" zone. If the "V" zone was to cover the existing houses and the building lots, it would allow about 70 NTEH/Small Houses in the Area. Drawing up the "V" zone based on existing houses and building lots would deviate from the Board's normal practice to draw up the "V" zones to cater also for forecasted Small House demand. However, applications for Small House development within the "GB" zone could be submitted to the Board for consideration in accordance with the Interim Criteria and applicants would be required to demonstrate, inter alia, that there would be no adverse sewerage impacts.

199. Mr C.W. Tse indicated that if the proposal for the "V" zone would not worsen the existing situation, it could be tolerated.

200. Mr T.H. Yeung said that the seven existing houses could be acceptable from the water supply perspective. However, more information about the building lots in the area was needed for their assessment on potential risk of pollution to the WGG.

201. Mr W.S. Lau said that there were seven existing village type houses with inhabitants and 66 old building lots in the Area. Some buildings on the building lots had already collapsed as villagers had moved out. With the aid of a plan, Mr W.S. Lau said that the building lots were mainly in four clusters. If the Board's decision was to draw up the "V" zone based on the existing houses and all the building lots, the number of NTEH/Small Houses that could be accommodated in the Area would be more than 70. Based on the Small House demand figure of 150 provided by the IVR

in 2009, about half of the demand could be satisfied.

202. Mr T.H. Yeung said that the seven existing houses could be accepted. However, he was concerned that if the building lots were all zoned "V", there would be no planning control on the Small House development. In response to the Chairman that control on Small House application would still be subject to approval of DLO, Mr T.H. Yeung said that it would be more difficult to raise objection if the lots were within a "V" zone.

203. In response to Mr C.W. Tse's question, Mr Jeff Y.T. Lam advised that rebuilding of Small Houses on building lots also required application to the DLO and comments from relevant departments, including WSD, would be considered.

"V" Zone covering Existing Houses

204. A Member agreed with the proposal to draw up a "V" zone to include the existing houses and all the building lots to recognise the existence of the houses prior to the WGG. However, the Member asked whether there was any practical solution to tackle the sewerage impacts from the 70 houses. Mr T.H. Yeung responded that it would be difficult to deal with the sewerage impacts from more than 70 houses as there was no existing sewer in the Area.

205. The Chairman said that the possibility for provision of sewer in the future might not be precluded. In response, Mr C.W. Tse said that given the small number of houses and the long distance (about 8km) from the closest public sewer, there was virtually no chance that a public sewer would be provided in the Area in future.

206. Mr C.W. Tse asked whether it was possible to require planning applications for NTEH/Small House under a "V" zone. The Secretary said that normally NTEH/Small House was permitted as-of-right in "V" zones. However, there were exceptional instances, such as the Tai Long Wan OZP and the Pak Sha O DPA Plan, that 'NTEH/Small House' was put under a Column 2 use in a "V" zone and required planning permission. In Pak Sha O, the requirement for planning permission was to ensure that any new developments would be compatible with the

vernacular Hakka building and village setting.

207. The Chairman said that the case of Tin Fu Tsai was different from Pak Sha O. In assessing planning application for NTEH/Small House development in Pak Sha O, the Board would assess the compatibility in visual amenity terms of the new developments on the vernacular Hakka village setting, involving qualitative assessment and value judgement. For Tin Fu Tsai, whether Small House applications would be approved would be purely based on very technical sewerage related matter. The Secretary said it would not be appropriate if the Board stipulated a requirement for planning permission for Small Houses, having known that all planning applications could not be approved because of the technical consideration on sewerage impact. The cases of Tai Long Wan and Pak Sha O were different in that the planning applications for Small House in those areas could be approved based on individual merits.

208. In response to the Chairman's question, Mr Jeff Y.T. Lam (Deputy Director of Lands) said that Small House applications within "V" zone and 'VE' would be duly processed by DLO and relevant government departments, including WSD, could object to the Small House applications at that juncture.

209. A Member said that regardless of whether the Small House applications were to be handled by DLO or the Board, it might be necessary to undertake a study to ascertain the maximum number of houses that could be accommodated in the Area taking into account the infrastructural constraints.

210. The Chairman said that as there was major concern on potential sewerage impacts, he asked whether Members generally agreed to draw up a "V" zone on the OZP to cover only existing houses for the purpose of the consultation with District Councils and Rural Committee. Further amendments might be incorporated after receiving comments on the OZP after the consultation. The Government might need to make a policy decision as to whether the Area was suitable for village development or whether there was a case to relocate the village. Members agreed.

211. After deliberation, Members:

- (a) agreed that the OZP should be amended to include "V" zone to generally cover the seven existing houses;
- (b) adopted, subject to the amendments to reflect (a) above, the Explanatory Statement (ES) as an expression of the planning intention and objectives of the Board for various land use zonings of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B; and
- (c) agreed, subject to the amendments to reflect (a) above, that the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B together with its Notes and ES (Appendices I to III of the Paper) were suitable for submission to the Tuen Mun District Council, Tuen Mun Rural Committee and Yuen Long District Council for consultation.

212. The Chairman thanked the representatives of government department for attending the meeting. They left the meeting at this point.

[The Chairman and Mr Lincoln L.H. Huang left the meeting and the Vice-chairman took over the chairmanship at this point.]

MA Paper (ii)
For Consideration by
the Town Planning Board
on 18.10.2013

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/C
PRELIMINARY CONSIDERATION OF A NEW PLAN

1. Purpose

The purpose of this paper is to provide information to the Town Planning Board (the Board) on the designation of “Village Type Development” (“V”) zone on the draft Tin Fu Tsai Outline Zoning Plan (OZP) No. S/TM-TFT/C.

2. Background

On 4.10.2013, the Board gave preliminary consideration to the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B (**Plan 1**). The Board noted that Tin Fu Chai is a recognized village within the Planning Scheme Area (the Area). While there are village type houses with inhabitants within the Area, as the Area falls with the upper direct water gathering ground (WGG) and there is no existing or planned public sewerage, the Water Supplies Department considers that new village type developments within the Area would increase the risk of pollution to the WGG. The Board decided that the existing village type houses with inhabitants in the Area be covered by “V” zone.

3. Revision to the Tin Fu Tsai OZP

- 3.1 Following the decision of the Board, the seven existing village type houses with inhabitants have been rezoned from “Green Belt” (“GB”) to “V” on the draft OZP. The “V” zones cover an area of about 0.03 ha in total. The area of the “GB” zone is reduced correspondingly from about 53.43 ha to about 53.40 ha (**Appendix I**).
- 3.2 In addition, the Notes of the draft OZP have been revised by adding the Notes for the “V” zones and the Explanatory Statement has been revised to include information on the “V” zones (**Appendices II and III** respectively).
- 3.3 To cater for the special circumstances of the Area, the Notes and planning intention of the “V” zone have been tailor-made. The planning intention for the “V” zone is only to reflect the inhabited village type houses. To reflect such planning intention, ‘Eating Place’, ‘Library’, ‘School’ and ‘Shop and Services’ on the ground floor of a New Territories Exempted House (NTEH) are deleted from Column 1 of the Notes of the “V” zone, while only ‘Eating Place’, ‘House (not elsewhere specified)’, ‘Residential Institution’, ‘Shop and Services’ and ‘Social Welfare Facility’ are retained under Column 2.

4. Points to Note

- 4.1 In general, the planning intention for “V” zone is to designate both existing recognized village and areas of land suitable for village expansion and for Small House development by indigenous villagers. The proposed “V” zones in the Area with an intention to cover only the existing village type houses with inhabitants are in fact not recognizing the indigenous village in the Area, not respecting the right of indigenous villagers for Small House development and not allowing for village expansion. The proposal is expected to meet with strong objection from the villagers.
- 4.2 In addition, under the Covering Notes of the draft OZP, rebuilding of NTEH and replacement of existing domestic building by NTEH are always permitted (paragraphs (8)(e) and (8)(f) of Covering Notes at **Appendix II**). Hence, the seven existing village type houses within the proposed “V” zones could be rebuilt/redeveloped under the Covering Notes, whether or not they are covered by the “V” zones.
- 4.3 The proposed “V” zones on the draft OZP could be regarded as a kind of spot zoning and might be subject to legal challenge.

5. Advice Sought

Members are invited to consider the draft Tin Fu Tsai OZP No. S/TM-TFT/C (**Appendix I**), its Notes (**Appendix II**) and Explanatory Statement (**Appendix III**), in particular whether the proposed “V” zone is appropriate. Subject to the decision of the Board, the draft Tin Fu Tsai OZP will be submitted to the Tuen Mun District Council, the Tuen Mun Rural Committee and the Yuen Long District Council for consultation. Their views will be reported to the Board in due course.

6. Attachments

| | |
|---------------------|---|
| Plan 1 | Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B (reduced scale plan only) |
| Appendix I | Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/C |
| Appendix II | Notes of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/C |
| Appendix III | Explanatory Statement of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/C |

**PLANNING DEPARTMENT
OCTOBER 2013**



圖例
NOTATION

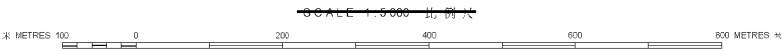
| ZONES | | 地帶 |
|---|-------|---------------|
| GREEN BELT | CB | 綠化地帶 |
| CONSERVATION AREA | CA | 自然保育區 |
| MISCELLANEOUS | | 其他 |
| BOUNDARY OF PLANNING SCHEME | — • — | 規劃範圍界線 |
| BOUNDARY OF COUNTRY PARK / SPECIAL AREA | — • — | 郊野公園 / 特別地區界線 |

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 | |
| GREEN BELT | 53.43 | 98.04 | 綠化地帶 |
| CONSERVATION AREA | 1.07 | 1.96 | 自然保育區 |
| TOTAL PLANNING SCHEME AREA | 54.50 | 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

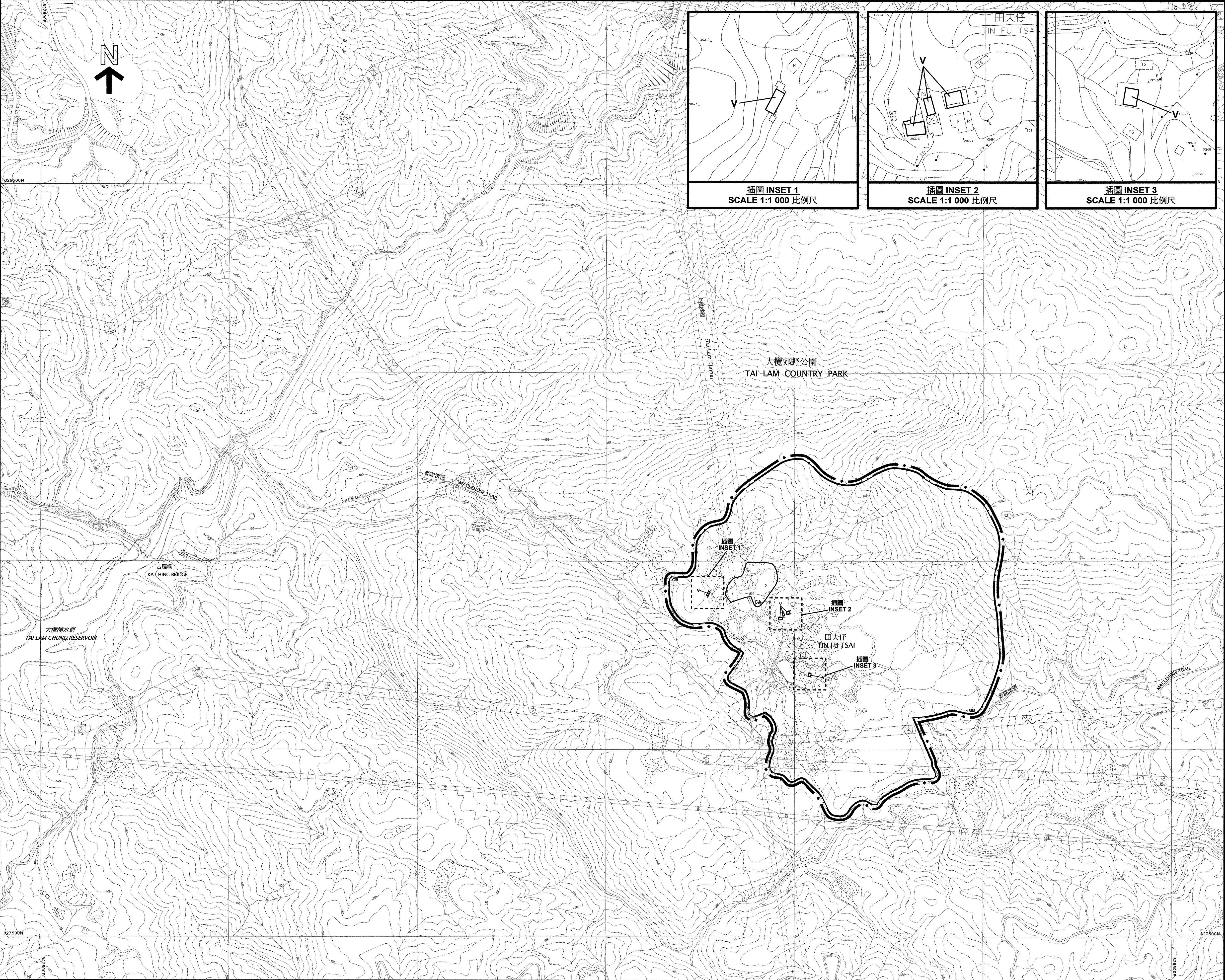
香港城市規劃委員會依據城市規劃條例擬備的田夫仔分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
TIN FU TSAI - OUTLINE ZONING PLAN



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



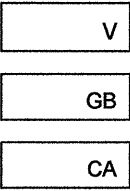
圖則編號
PLAN No. S/TM-TFT/B



圖例
NOTATION

ZONES

- VILLAGE TYPE DEVELOPMENT
GREEN BELT
CONSERVATION AREA



- 地帶
鄉村式發展
綠化地帶
自然保育區

MISCELLANEOUS

- BOUNDARY OF PLANNING SCHEME
BOUNDARY OF COUNTRY PARK / SPECIAL AREA



- 其他
規劃範圍界線
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 | 0.03 | 0.06 | | 鄉村式發展 |
| GREEN BELT | 53.40 | 97.98 | | 綠化地帶 |
| CONSERVATION AREA | 1.07 | 1.96 | | 自然保育區 |
| TOTAL PLANNING SCHEME AREA | 54.50 | 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

香港城市規劃委員會依據城市規劃條例擬備的田夫仔分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
TIN FU TSAI - OUTLINE ZONING PLAN

SCALE 1:5 000 比例尺
米 METRES 100 0 200 400 600 800 METRES 米

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



圖則編號
PLAN No. S/TM-TFT/C

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/C

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

- (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) (a) Except in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (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 (10)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

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

- (11) 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.

- (12) 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 TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/C

Schedule of Uses

| | <u>Page</u> |
|--------------------------|-------------|
| Village Type Development | 1 |
| Green Belt | 3 |
| Conservation Area | 5 |

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 | Eating Place |
| Government Use (Police Reporting Centre, Post Office only) | House (not elsewhere specified) |
| House (New Territories Exempted House only) | Residential Institution # |
| On-Farm Domestic Structure | Shop and Services |
| Religious Institution (Ancestral Hall only) | Social Welfare Facility # |
| Rural Committee/Village Office | |

Planning Intention

The planning intention of this zone is to reflect the existing inhabited village type houses.

(Please see next page.)

VILLAGE TYPE DEVELOPMENT (Cont'd)

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 (8.23 m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft 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 stream 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) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for 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 stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

CONSERVATION AREA

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

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.

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 stream, 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 TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/C
EXPLANATORY STATEMENT

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/C

EXPLANATORY STATEMENT

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| 3. OBJECT OF THE PLAN | 1 |
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| 6. POPULATION | 3 |
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DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/C

(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 Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/C. It reflects the planning intention and objectives of the Town Planning Board (the Board) for 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 draft plan designating the Tin Fu Tsai area as a development permission area (DPA).
- 2.2 On 7 January 2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.3 On 6 December 2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Tin Fu Tsai DPA Plan, which was subsequently renumbered as DPA/TM-TFT/2. On 16 December 2011, the approved Tin Fu Tsai DPA Plan No. DPA/TM-TFT/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 outline zoning plan for the Tin Fu Tsai area.
- 2.5 On _____ 2013, the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/C (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land use zonings for Tin Fu Tsai area so that development and redevelopment within the area can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and control only. It is a small scale plan and the boundaries between the land use zones may be subject to minor adjustments 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 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 developments 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) is located at Tin Fu Tsai and covers an area of about 54.50 ha. It is completely encircled by Tai Lam Country Park. It is about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam Tunnel runs through the western part of the Area underground in a north-south direction. The Area falls mainly within the Tuen Mun district, and partly within the Yuen Long district. The boundary of the Area is shown by a heavy broken line on the Plan.
- 5.2 The Area is rural and natural in character. It is surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprise flat or gently sloping land with orchards/planted trees and some fallow agricultural land covered with trees, shrubs and grass. The western part of the Area comprises gentle slopes with trees at the periphery. In the northwestern part of the Area, along the toe of the hill slopes is a woodland, and some of the trees are on previously fallow agricultural land. The woodland extends to the upper and steeper hill slopes in the northwestern part of the Area. The northern and northeastern parts of the Area comprise steeper naturally vegetated hill slopes rising to a higher altitude. The higher hill slopes are generally covered by shrubs and grass, while trees concentrate at the toe of these hill slopes and along the streams flowing down these slopes. These streams converge to a west-flowing branched watercourse near the central and at the southwestern parts of the Area. A few ponds are near the watercourse at the southwestern part of the Area. The southwestern part of the Area has generally been used for an outdoor training centre. Some war game areas stretch from the southwestern part to the northwestern part of the Area. A few village type houses are in the Area. Some cultivated land is at the southwestern part of the Area. An ancestral hall is in the northwestern part of the Area.
- 5.3 Tin Fu Chai (as per the List of Recognized Villages under the New Territories Small House Policy published by the Lands Department), a pre-1898 recognized village, is located within the Area.

- 5.4 The Area is within a gazetted water gathering ground. According to the Water Supplies Department, the water gathering ground in which the Area locates is classified as upper direct water gathering ground of Tai Lam Chung Reservoir, where water would flow into the reservoir direct. Part of a permitted burial ground is at the northwestern periphery of the Area. In recognition of the traditional burial right of indigenous villagers, that part of burial ground within the Area has been preserved.

6. **POPULATION**

According to the estimate of the Planning Department, the population of the Area in 2013 is about 20 persons.

7. **OPPORTUNITIES AND CONSTRAINTS**

7.1 **Opportunities**

- 7.1.1 The Area is of rural and natural character and with high landscape value and tranquil environment. According to the Landscape Value Mapping of Hong Kong (2005), the Area is of upland countryside landscape character and the landscape value of the Area is generally rated “High” and “High (Qualified)”. Opportunities should be taken to preserve the rural and natural character as well as the landscape of the Area.
- 7.1.2 According to the Agriculture, Fisheries and Conservation Department, the habitats in the northwestern part of the Area are largely natural. A wooded area to the north of an ancestral hall is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. Although the understory has been disturbed and signs of war game are noted, the ecological value of the wooded area should recover overtime. This wooded area is of higher conservation value. There is an opportunity to conserve the natural habitats and the wooded area in the northwestern part of the Area.
- 7.1.3 In addition, other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should be protected as advised by the Agriculture, Fisheries and Conservation Department.

7.2 **Constraints**

- 7.2.1 The Area is completely encircled by Tai Lam Country Park. The vehicular access to the Area is through Tai Lam Forest Track, which is a restricted road managed by the Agriculture, Fisheries and Conservation Department. The section of Tai Lam Forest Track near the Area also forms a section of MacLehose Trail and mountain bike

trail for recreation purposes. The section of Tai Lam Forest Track concerned is narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns.

- 7.2.2 The Area is not provided with public water supplies, drainage and sewerage systems. Uses and developments within the Area should pay due regard to these infrastructure constraints.
- 7.2.3 The Area is within an upper direct water gathering ground of Tai Lam Chung Reservoir. According to the Water Supplies Department, Tai Lam Chung Reservoir is a very important reservoir in Hong Kong and pollution of this reservoir will have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area. According to the Environmental Protection Department, in general the use of septic tank and soakaway systems for sewage treatment and disposal are not considered acceptable for new village type developments within water gathering ground, especially for sites in close proximity to existing stream courses.
- 7.2.4 There is natural terrain around the Area. Natural terrain is also present in the northern and northeastern parts of the Area. These parts of the Area also comprise steep natural hillsides with past occurrence of landslides. Developments in these parts of the Area are potentially subject to natural terrain hazards. Natural terrain hazard study may be required and suitable hazard mitigation measures shall be provided, if found necessary, as part of the developments. For developments to be located only on the relatively flat areas close to these steep natural hillsides, it is considered that natural terrain hazard study should be extended to cover the steep natural hillsides.
- 7.2.5 There are 400 kV overhead power lines at the southern part of the Area. Uses and developments within the Area should pay due regard to the high voltage overhead power lines.
- 7.2.6 Tai Lam Tunnel runs in a generally north-south direction across the western part of the Area. Uses and developments shall not affect Tai Lam Tunnel.
- 7.2.7 Part of a permitted burial ground is at the northwestern periphery of the Area and the remaining part of it is within Tai Lam Country Park. The area occupied by the burial ground is not suitable for development.

8. GENERAL PLANNING INTENTION

The Area is completely encircled by Tai Lam Country Park and is rural and natural in character. It forms an integral part of the natural habitats/system of the adjoining Tai Lam Country Park. The general planning intention for the Area is to conserve the natural habitats, landscape resources and rural and natural character of the Area.

Developments which would cause adverse impacts on the water quality and water resources of the water gathering ground are not encouraged.

9. LAND USE ZONINGS

9.1 Village Type Development (“V”): Total area: 0.03 ha

- 9.1.1 The planning intention of this zone is to reflect the existing inhabited village type houses.
- 9.1.2 The boundary of the “V” zone is drawn up having regard to the existing village type houses with inhabitants.
- 9.1.3 Developments and redevelopments within this zone are restricted to a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- 9.1.4 As diversion of stream or filling of pond may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.2 Green Belt (“GB”): Total area: 53.40 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 Apart from the wooded area with higher conservation value in the northwestern part of the Area and the areas zoned “V”, all areas are within this zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area.
- 9.2.3 Since 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.
- 9.2.4 As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.3 Conservation Area (“CA”): Total area: 1.07 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 A wooded area in the northwestern part of the Area with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in this area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. This wooded area is of higher conservation value.
- 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 in the Gazette of the notice of the draft DPA plan.
- 9.3.4 Diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10. **TRANSPORT AND COMMUNICATION**

Road Network and Footpath

The Area is accessible through the paved Tai Lam Forest Track. The track runs through Tai Lam Country Park and a section of it is along the southern and southwestern edges of the Area. Tai Lam Forest Track is a restricted vehicular access managed by the Agriculture, Fisheries and Conservation Department. The track also forms a section of the MacLehose Trail and mountain bike trail. In addition, there are waterworks access roads in the vicinity. The waterworks access roads are restricted vehicular accesses constructed and maintained by the Water Supplies Department solely for inspection and maintenance of waterworks. The waterworks access roads are not constructed to public road standard and the Water Supplies Department has no plan to upgrade or improve them.

11. UTILITY SERVICES

There are no public fresh/potable and salt water supplies to the Area. There are also no public drainage and sewerage systems in the Area. Electricity supply and limited fixed line telecommunication services are available in the Area. Town gas supply is not available.

12. IMPLEMENTATION

- 12.1 The Plan provides a broad land use framework for development control and implementation of planning proposals. More detailed plans would be prepared when required 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. laying of utility services, will be implemented through the Public Works Programme, the Rural Public Works, and the Local Public Works subject to priority and resources availability. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned use 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 uses and developments 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 impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.

- 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 the 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 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 the Plan or with the permission of the Board, undertaken or continued on land included in the 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 stream, filling of land/pond or 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 diversion of stream and filling of pond for temporary use or development in conservation-related zonings, such as "Conservation Area".

**Extract of Minutes of 1043rd Meeting of the
Town Planning Board held on 18.10.2013**

Agenda Item 2

Matters Arising

[This item was conducted in Cantonese]

~~(i) Matters Arising (i)
[Closed Meeting]~~

~~2. This item was recorded under confidential cover.~~

(ii) Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/C - Preliminary
Consideration of a New Plan
[Open Meeting]

3. The Secretary reported that on 4.10.2013, the Board gave preliminary consideration to the draft Tin Fu Tsai Outline Zoning Plan (OZP) No. S/TM-TFT/B. The Board noted that Tin Fu Tsai was a recognized village within the Planning Scheme Area (the Area). While there were village type houses with inhabitants within the Area, as the Area fell with the upper direct water gathering ground (WGG) and there was no existing or planned public sewerage, the Water Supplies Department (WSD) considered that new village type developments within the Area would increase the risk of pollution to the WGG. The Board decided that the existing village type houses with inhabitants in the Area be covered by "V" zone.

4. Following the decision of the Board, the seven existing village type houses with inhabitants were rezoned from "Green Belt" ("GB") to "V" on the draft OZP. The "V" zones covered an area of about 0.03 ha in total. The area of the "GB" zone was reduced correspondingly from about 53.43 ha to about 53.40 ha. In addition, the Notes of the draft OZP were revised by adding the Notes for the "V" zones, and the Explanatory Statement was revised to include information on the "V" zones. To cater for the special circumstances of the Area, the Notes and planning intention of the "V" zone were tailor-made. The planning intention for the "V" zone was only to reflect the inhabited village type houses. To reflect such planning intention, 'Eating Place', 'Library', 'School' and 'Shop and Services' on the ground floor of a New Territories Exempted House (NTEH) were deleted from Column 1 of the Notes of the "V" zone, while only 'Eating Place', 'House (not elsewhere specified)', 'Residential Institution', 'Shop and Services' and 'Social Welfare Facility' were retained under Column 2.

5. The Secretary raised the following points for Members' consideration:

- (a) in general, the planning intention for "V" zone was to designate both existing recognized village and areas of land suitable for village expansion and for Small House development by indigenous villagers. The proposed "V" zones in the Area with an intention to cover only the existing village type houses with inhabitants were in fact not recognizing the indigenous village in the Area, not respecting the right of indigenous villagers for Small House development and not allowing for village expansion. The proposal was expected to meet with strong objection from the villagers;
- (b) in addition, under the Covering Notes of the draft OZP, rebuilding of NTEH and replacement of existing domestic building by NTEH were always permitted (paragraphs (8)(e) and (8)(f) of Covering Notes at Appendix II of the Paper). Hence, the seven existing village type houses within the proposed "V" zones could be rebuilt/redeveloped under the Covering Notes, whether or not they were covered by the "V" zones; and

- (c) the proposed "V" zones on the draft OZP could be regarded as a kind of spot zoning and might be subject to legal challenge.

6. The Chairman said that at the last meeting, the Board considered that the existing village type houses should be respected as they existed before the designation of the WGG. However, noting that these existing village type houses could be rebuilt/redeveloped under the Covering Notes of the OZP (whether or not they were covered by the "V" zones), the Chairman invited Members to consider whether the scattered "V" zones as shown on the revised draft OZP No. S/TM-TFT/C and its Notes and Explanatory Statement (Appendices I, II and III of the Paper respectively) should be adopted.

7. After consideration, Members generally agreed that the draft OZP No. S/TM-TFT/B (with no "V" zone), its Notes and Explanatory Statement as attached in Appendices I, II and III of TPB Paper No. 9459 considered by the Board on 4.10.2013 were suitable for submission to the Tuen Mun District Council, the Tuen Mun Rural Committee and the Yuen Long District Council for consultation. Their views would be reported to the Board in due course.

新界
沙田政府合署 14 樓規劃署
屯門及元朗規劃專員劉榮想先生

劉專員：

有關田夫仔分區計劃大綱圖事宜

本人（田夫仔村代表）聯同一名村民與閣下及有關部門代表在 2013 年 11 月 1 日開會，得悉以下事項，並加以討論：

(A) 現存位於田夫仔村（下稱本村）綠化地帶的合法屋宇及舊屋地可獲批准重建，進行重建時可無須向城市規劃委員會申請，而可直接向屯門地政處提出申請。環保署和水務署對此不表示反對。

(B) 由於擬議的田夫仔分區計劃大綱圖（下稱計劃大綱圖）未有劃出 V ZONE（鄉村式發展地帶）範圍，因此田夫仔村民（下稱村民）極力要求政府在本村劃出 V ZONE 範圍，因為這是原居村民行使丁屋權的必要配套，須與其他原居民鄉村看齊。水務署及環保署對此有所保留，理由是 V ZONE 內的新丁屋會有污水排出和滲漏。本人指出，將來在本村居住村民人數可達 1 200 以上，由於地理位置關係，他們的生活廢水會直接流入大欖涌水塘，影響全港百多萬飲用該水塘水的市民。正如水務署代表指出，香港每五名市民便有一人飲用大欖涌水塘的食水。由於村民極力爭取在計劃大綱圖劃設 V ZONE，會議討論如何緩解 V ZONE 帶來的集水區污染問題，並提出以下方案：

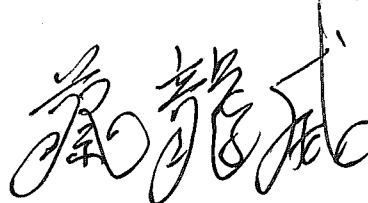
1. 搬村。為防止本村繼續污染大欖涌水塘，唯一辦法是把本村遷離水塘集水區。水務署的代表堅決反對在本村劃設 V ZONE，他們只接受舊屋重建，完全不接受任何新建的丁屋，因此應由該署向政府總部提出搬村的政策建議（policy initiative）。
2. 把本村的 V ZONE 另設於集水區以外地方。
3. 渠務署應建造排污渠將本村與最近的政府排污設施連接。環保署代表答應進一步研究有關排污渠的走線。
4. 政府應為全港五分之一市民的健康著想，為 V ZONE 內的丁屋提供污水處理設施（根據環保署資料，每間丁屋約為 40 萬元），否則應批准村民沿用傳統化糞池。

（接下頁）

5. 如上述方案皆不可行，而當局又要防止任何污染及滲漏，村民可建造密封式污水池，並定期用抽糞車抽走污水廢物。如有必要，村民可集資設立中央污水池，提高成本效益。

V ZONE 的作用是提供土地範圍讓村民的下一代建造丁屋，除非當局廢除丁屋政策，否則不應剝奪村民下一代使用 V ZONE 建屋的權利，本村更不想成為全港第一個沒有 V ZONE 的原居民鄉村。如果政府一意孤行開此先例，日後必定擴展至其他原居民鄉村，將有更多原居民的下一代被剝奪建屋權，最終，基本法所保障的原居民權利會被蠶食，後果極為嚴重，望特區政府及鄉議局明察。

田夫仔村代表蔡龍威



2013 年 11 月 2 日

本函副本送交：

屯門區議會
元朗區議會
鄉議局
屯門民政事務專員



屯門鄉事委員會
TUEN MUN RURAL COMMITTEE

新界屯門青賢街一號 1Tsing Yin Street, Tuen Mun, N.T.
TEL : 2459 4701 FAX : 2457 4716
Email : tmrcad@yahoo.com.hk

Annex IX of TPB
Paper No. 9509

規劃署

屯門及元朗規劃專員 台鑒

敬啟者：

諮詢《田夫仔分區計劃大綱草圖編號 S/TM-TFT/B》

本會接獲貴署上述諮詢文件，並感謝貴署派員出席本會的會議向各執委講解有關文件。

田夫仔村是政府認可的原居民村落，位於大欖郊野公園範圍內，本會明白郊野公園極具有保育價值，是全港市民重要土地資源。但經過貴署職員講解及討論後，知悉有關規劃將會影響田夫仔村的未來發展，並得知圖則(編號 S/TM-TFT/B)只有綠化地帶及自然保育區，並沒有「鄉村式發展」地帶(V-Zone)，本會認為這是不尊重基本法第四十條「新界」原居民的合法傳統權益，故希望貴署盡快為田夫仔村補上「鄉村式發展」地帶規劃，以反映事實狀況。

屯門鄉事委員會

主席 何君堯

首副主席 陶錫源

副主席 曾展雄 謹啟



副本抄送：田夫仔村村代表蔡龍威先生

2013 年 10 月 29 日

屯門區議會第十三次會議

會議記錄(初稿)摘錄

日期：2013 年 11 月 5 日(星期二)

時間：上午 9 時 36 分

地點：屯門區議會會議室

II. 討論事項

(d) 諮詢《田夫仔分區計劃大綱草圖編號 S/TM-TFT/B》 (屯門區議會文件 2013 年第 39 號)

副主席歡迎規劃署高級城市規劃師/特別職務簡國治先生、水務署工程師/策劃 6 羅郁發先生、工程師/新界西區(供應及保養 3)趙重明先生、水務化驗師/水源管理 2 蘇麗華女士、環境保護署高級環境保護主任(策略評估)2 黃文基先生，以及高級環境保護主任(排污基建)3 劉榮輝先生出席是次會議。

2. 規劃署簡先生以投影片向議員介紹有關文件的內容，當中包括：(a) 田夫仔的位置；(b) 田夫仔的平面圖；(c) 位於田夫仔的戶外訓練中心、野戰遊戲場、鄉村式屋宇／住用構築物，以及祠堂；(d) 土地用途的規劃考慮，包括集水區、往田夫仔的車路、有較高保育價值的林地，以及基礎設施；(e) 整體規劃意向，以及(f) 土地用途地帶，包括「自然保育區」地帶及「綠化地帶」等。有關投影片的內容載於附件三。

3. 他亦強調，雖然草圖上沒有「鄉村式發展」地帶，但是根據草圖的《註釋》說明頁，在「綠化地帶」內，新界豁免管制屋宇（包括小型屋宇）的翻建和以新界豁免管制屋宇（包括小型屋宇）取代現有住用建築物是經常准許的。

4. 有議員表示，規劃署代表於 10 月 26 日在屯門鄉事委員會執行委員會會議上，已就是項議題與田夫仔村村代表作出討論。署方代表於上述會議上表示，田夫仔村村民如需就其現有村屋作出重建，是無須向規劃署提出申請的，但若有新的男丁希望於村內興建新的村屋，則必須先向署方作出申請。他以新墟村、良田村、新圍仔村，稔灣村及虎地村為例，指出屯

門區有很多村落於發展期間，亦可能未有包括「鄉村式發展」地帶。但是，雖然現時很多田夫仔村村民已搬到市區工作及居住，他們的村代表仍然希望當局能劃分部分田夫仔的範圍作「鄉村式發展」。

5. 他續表示，田夫仔村村代表對田夫仔村的水質問題表示關注。他認為，既然水務署擔心大欖涌水塘受到污染，渠務署及環境保護署這些相關部門理應改善現時村民使用的排污系統，令污水不會滲入地底的集水區而影響大欖涌水塘的水質。此外，若然政府在規劃上定出太多限制，而排污系統方面亦可能會對大欖涌水塘的水質造成影響，田夫仔村村代表會要求當局作出搬遷田夫仔村的安排，並以擴展區的形式，於別處重新安置田夫仔村的村民。

6. 有議員指出，政府在交通、水質及保育等各方面亦未有為田夫仔村作出充分準備，不允許該地進行「鄉村式發展」，而只希望將該地用作保育及教育用途，認為這並不是兩全其美的方法。他表示，村民若在沒有違反《建築物條例》的情況下重建現有房屋是無須向規劃署作出申請的，故當局縱然可以控制建築物的數量，但因未能有效預計居民的數目，仍有可能面對他們帶來水質及自然保育方面的影響。有見及此，他建議政府正式收回村民的土地，並對他們作出賠償，然後再將土地用作自然教育發展。

7. 有議員表示，他是田夫仔村的當區區議員。雖然田夫仔村現時只有大約 20 戶的村民，但他認為政府仍須為他們保護水源及保留當地文化，並須考慮有關搬村的安排。此外，他亦建議政府將有關方案提交予鄉事委員會及田夫仔村村代表考慮。

8. 有議員指出，水務署於四、五十年代興建了大欖涌水塘。雖然當時的田夫仔村村民已有養豬及養雞，但也沒有污染水源，故認為當局無需擔心。他建議政府多考慮村代表及村民的意見，並應以「化水劑」及「化水池」等方法，盡快為他們解決有關供水及排污的問題。此外，他認為有關事宜應交由鄉事委員會處理，但區議會亦必須知悉有關村民福利的跟進情況。

9. 他續指出，政府早於 1996 年曾要求搬遷當時只有 8 戶的田夫仔村，但最終沒有成事。當時的蔡氏家族，亦已發展到位於八鄉的「蔡屋村」。

雖然現時圖則上所見的田夫仔村面積較少，但已牽涉百多間村屋，當中有些已被出售，而部分更已經倒塌，故搬村工程其實殊不簡單。

10. 有議員相信區議會大部分議員均未曾踏足過田夫仔，故建議區議會到田夫仔村作實地視察，並與村代表交換意見。副主席表示，區議會稍後可考慮作出安排。

11. 規劃署簡先生回應表示，他已經知悉各位議員的意見，並會將這些意見向相關政策局及政府部門反映，以研究下一步的安排。有關田夫仔村村代表希望當局能劃分部分田夫仔的範圍作「鄉村式發展」的訴求，他表示署方會再與相關部門作出仔細研究，務求盡量回應村代表及議員的要求。

12. 副主席多謝各政府代表出席是次會議，並請他們考慮區議會的意見，以及與鄉事委員會作出緊密聯繫。

城鄉規劃及發展委員會進展報告

元朗區議會城鄉規劃及發展委員會(城委會)於二零一三年十一月二十日舉行二零一三年度第六次會議，會上討論要點如下：

規劃署－諮詢《田夫仔分區計劃大綱草圖編號 S/TM-TFT/B》

2. 委員普遍關注上述擬議計劃大綱草圖對影響田夫仔村業權的問題，表示上述草圖凍結了原居民的私人土地，令原居民在日後難以重建及興建丁屋，認為此舉不合理。委員認為，政府應重視原居民的權益，若影響原居民的權益，必須向原居民作出合理賠償；同時，規劃署應諮詢當區鄉事委員會及業權人，並尊重當區居民的意見。有委員希望保留田夫仔村，為了避免大欖涌水塘的集水區受污染，委員建議政府在田夫仔村鋪設排污渠，提供污水排放系統。同時，政府可保留田夫仔內的鄉郊旅遊設施，並鼓勵城市居民到鄉郊地區感受大自然。另有委員表示，政府亦可考慮搬村，以保留田夫仔村的歷史文化。另一方面，委員普遍對諮詢文件感到不滿，指文件沒有詳細說明規劃帶來的影響及改變，促請規劃署及相關部門交代細節。

3. 規劃署代表回應，指這份分區計劃大綱草圖，是用作取代二零一一年城市規劃委員會制訂的田夫仔發展審批地區圖。分區計劃大綱草圖規劃了用途地帶，在「綠化地帶」內，村民重建新界豁免管制屋宇(包括小型屋宇)無須再向城市規劃委員會申請，相比發展審批地區圖，是放寬了要求。在二零一三年十月至十一月，規劃署已諮詢屯門鄉事委員會、屯門區議會及田夫仔村代表，明白他們希望在田夫仔分區計劃大綱草圖上劃設「鄉村式發展」地帶，讓當地原居民可以興建丁屋。規劃署代表回應，田夫仔有私人土地，沒有「鄉村式發展」地帶的原因是田夫仔位於大欖涌水塘的上部直接集水區內，水務署擔心新的鄉村式發展會增加水污染的風險和影響集水區的水質。署方表示，會把委員及當區居民的相關意見轉交城市規劃委員會考慮。

4. 經討論後，委員以絕對多數票通過下列動議：

「本會反對政府在未經諮詢屯門區議會及田夫仔村民的意見，以《田夫仔分區計劃大綱草圖編號 S/TM-TFT/B》用集水區規劃凍結村民土地發展。政府必須先諮詢屯門區議會獲得同意，再諮詢元朗區議會的意見。」

二零一四年度建議的會議時間表

5. 委員一致通過城委會二零一四年度的會議時間表。

元朗區議會秘書處

二零一三年十一月



for a living planet®

世界自然基金會
香港分會

WWF-Hong Kong

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Our Ref.: SHK /LDD 7/13
1 November 2013

District Planning Officer
Tuen Mun and Yuen Long,
Planning Department
14/F Sha Tin Government Offices,
1 Sheung Wo Che Road,
Sha Tin, N.T., Hong Kong
(E-mail: kckan@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

Re: Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B

WWF welcomes the statutory planning control over the Tin Fu Tsai area and supports the conservation zonings in the draft Outline Zoning Plan (the draft OZP) as it can help the preservation of the natural and landscape character of the area.

Our specific comments and recommendations are as follows:

1. WWF opines that “Agricultural Use (other than Plant Nursery)” and “On-farm Domestic Structure” in Column 1 of the proposed Conservation Area (CA) zone should be removed and put in Column 2. According to the Explanatory Statement of the draft OZP, the proposed CA zone is of high conservation value where a protected species *Pavetta hongkongensis* is recorded and the woodland is dominated by *Celtis sinensis* and *Machilus pauhoi* which AFCD had suggested that they are the remnant of a *fung shui wood*¹. Since the two proposed land uses will require clearance of vegetation including the woodland, thus it will affect the high conservation and ecological value of CA zone. Also, the proposed land uses are against the planning intention of CA zone that “the zoning is intended to protect and retain the existing

贊助人：香港特區行政長官
梁振英先生, GBM,GBS, JP
主席：楊子信先生
行政總裁：顧志雄先生

義務核數師：香港立信德業會計師事務所有限公司
義務公司秘書：嘉信秘書服務有限公司
義務律師：行士打律師行
義務司庫：匯豐銀行
註冊慈善機構

Patron: The Honourable CY Leung, GBM,GBS, JP
Chief Executive of the HKSAR
Chairman: Mr Trevor Yang
CEO: Mr Adam Koo

Honorary Auditors: BDO Limited
Honorary Company Secretary:
McCabe Secretarial Services Limited
Honorary Solicitors: Mayer Brown JSM
Honorary Treasurer: HSBC
Registered Charity
(Incorporated With Limited Liability)

natural landscape, ecological or topographical features of the area for conservation, education or research purpose and to separate sensitive natural environment such as Country Park from adverse effects of development". As such, we urged Planning Department to remove the two uses from Column 1 to Column 2 which requires approval from Town Planning Board.

2. **WWF opines that "Barbecue Spot" in Column 1 of the proposed Green Belt (GB) zone should be removed and put in Column 2.** The draft OZP is entirely encircled by Tai Lam Country Park (TLCP) and the area is within a gazette water gathering ground². Any use of fire should be controlled so as to prevent hill fire which may affect the vegetation and woodland of the TLCP and water gathering ground. Also, we are dubious about the demand of barbecue site as there are various designated barbecue sites situated in and around TLCP already, including Tin Fu Tsai Campsite situated at the south of the area. These sites provide proper fire-fighting and prevention measures (such as fire breaks, water tanks, fire lookouts) to prevent hill fire³. Allowing barbecue spot as always permitted use would be difficult to ensure fire-fighting and prevention measures at the site are up to standard and increase the risk of having hill fire. It may affect the integrity of the natural environment and landscape in the area and the TLCP. As such, WWF urged Planning Department to remove barbecue spot from Column 1 to Column 2 which requires approval from Town Planning Board.
3. **The Authority should consider incorporating the area as part of the Tai Lam Country Park** to better conserve the integrity of the natural settings of the area and we opine that the "Country Park" use is in line with the planning intention of the draft OZP Plan.

Other suggestions on protection of enclaves in the territory

It is stated in the 2010-11 Policy Address that the remaining enclaves adjacent to country parks but not yet covered by statutory plans will be incorporated into country parks or

¹ Explanatory statement of draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B

² *Ibid.*

³ Prevent Hill Fire (online). Available at https://www.afcd.gov.hk/english/country/cou_lea/hillfire.html

regulated by the statutory planning. We view that the Planning authority should speed up the process to incorporate those remaining enclaves adjacent to or surrounded by country parks, and those ecologically sensitive areas which are not in proximity to country parks into the ongoing programme of Development Permission Area (DPA) Plans coverage.

Thank you for your attention.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tony', with a stylized flourish underneath.

Tony Hung (Mr.)

Conservation Officer, Mai Po Projects



長春社 since 1968

The Conservancy Association

會址：香港九龍青山道 476 號百佳大廈 1 樓 102 室

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7th November 2013

Mr K.C. Kan

Sr Town Plnr/Special Duties 1

Planning Department

By e-mail: kckan@pland.gov.hk

Dear Mr Kan

Comments on of Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B

The Conservancy Association (CA) is writing to submit our comment on the captioned.

CA states that the general planning intention of the Area is to conserve the natural habitats and landscape resources, and also to strictly control development causing adverse environmental impacts.

We note that a war game site has long been set up in the subject site before the publication of the draft Development Permission Area Plan. While it would be regarded as “existing use”, we are of grave concern that associated adverse environmental impacts would continue to disturb the surrounding environment. We would urge that Planning Department and other concerned departments should take enforcement action under their jurisdictions as appropriate in future.

To further preserve the water gathering ground of the subject site, we suggest that, apart from no provision of V zone in the subject site, the stream and its riparian zone should be protected by “CA” zone to prevent water pollution caused by potential expansion of the war game site. Moreover, we agree the “CA” zone covering the wooded area in the northwestern part of the Area.

Yours faithfully

Ng Hei Man

Assistant Campaign Manager

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Hong Kong, 8 November 2013

Mr Leung Chun-ying
Chief Executive
Office of the Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong
Email: ceo@ceo.gov.hk

Country and Marine Parks Authority and
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon
Email: mailbox@afcd.gov.hk

Mr. Kan Kwok Chee, Joshua
Senior Town Planner
Planning Department
District Planning Branch
New Territories District Planning Division
Tuen Mun and Yuen Long District Planning Office
Email: kckan@pland.gov.hk

Dear Sirs,

Re: Tin Fu Tsai and the pre-draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B

1. The Development Permission Area plan for Tin Fu Tsai should be extended by the Chief Executive for one more year to allow the DAFC to assess Tin Fu Tsai for incorporation into the Country Park.
2. The DAFC and CMPB should consider incorporation of Tin Fu Tsai into the Tai Tam Country Park:
 - The area is physically, ecologically, geologically, aesthetically, and from a landscape as well as a recreational point of view fully connected with the surrounding country park.
 - Encircled by Tai Tam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the landscape value.
 - The area is a gazetted water gathering ground.
 - The area has established recreational values including war game activities, which could be broadened.
 - Given the traffic and activities generated by the recreational uses, increased management of the area is required by the DAFC (as the CMPA and in consultation with the CPMB) to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks.

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- Utility and transport services to the area is limited. There is no public fresh and salt water or gas supply, nor are there drainage and sewerage. The road capacity is limited and access is reserved for government services.
 - Any small house development or the construction of temporary structures will result in chaotic layouts, a blight on the environment, and pollution from the uses impacting the nearby land and waters, impacting the integrity of the country park.
3. Incorporating the enclaves into the country park is the only way to strike a balance between conservation and development. Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the area:
- a. to assess any use or development of land, including building a small house, on the individual merits taking into account land status, location, nature conservation, landscape and visual impacts, country park users and facilities, and whether the enjoyment and amenities of the country park as whole will be reduced.
 - b. to patrol, to cleanse, to invest in facilities, to manage, and to enforce control in country parks – assuming the civil service and financial implications of the necessary additional resources has been resolved.
4. Failing a timely assessment of Tin Fu Tsai for incorporation into Country Park and the need to replace the DPA a outline zoning plan for the time being, we call on the Planning Department and Town Planning Board to enhance the pre-draft plan with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park and to ensure the water quality and flows:
- a. Green belt provides inadequate protection and has proven to increase expectations of potential development in the community. We urge for all GB zoning to be changed to Conservation Area zoning with existing developed area and buildings exempted.
 - b. No new houses should be permitted and “House” should be removed from column 2 of the proposed extensive Green Belt zone. We are concerned that “House” in column 2 will create the wrong impression that the area is deemed suitable and appropriate for conditional development.
 - c. To provide adequate controls, any and all development should be limited to enhancement of the recreational uses and natural environment, and be subject to CMPB support, and should require section 12A applications to the Town Planning Board for amendment of the plan.

Herewith we so submit for your consideration.

Designing Hong Kong
November 2013

Abbreviation:

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DAFC – Director of Agriculture, Fisheries and Conservation

CPMA – Country and Marine Parks Authority

CPMB – Country and Marine Parks Board

DPA - Development Permission Area plans

Attachment:

Designing Hong Kong comment to Subcommittee on Country Parks (Designation) (Consolidation)
(Amendment) Order 2013 on 1 November 2013

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Hong Kong, 1 November, 2013

Honorable Cyd Ho
Chairperson
Subcommittee on Country Parks
(Designation) (Consolidation) (Amendment) Order 2013
Legislative Council Secretariat
2/F, Legislative Council Complex
1, Legislative Council Road, Central, Hong Kong
(Attention: Ms. Christina SHIU)(By Email: cb1@legco.gov.hk)

Re: Subcommittee on Country Parks (Designation) (Consolidation) (Amendment) Order 2013

Dear Chairperson and Members,

We refer to your invitation for submissions regarding the captioned subject.

1. Protecting country parks from incompatible development in enclaves under the prevailing small house policy (the main threat) can be achieved with three methods of control:
 - a. Incorporate enclaves into the surrounding country parks; or
 - b. Apply statutory plans together with strict additional measures of control; or
 - c. Alternatively, Government should remove development threat by fulfilling legitimate "ding" rights with land outside the enclaves.
2. Physically, ecologically, and from a geology, aesthetic, landscape and recreational point of view, enclaves are fully connected and integrated with their surrounding country parks. When designating sites as country parks, AFCD initially excluded 77 enclaves of village houses and agricultural lands together with a buffer area of Government land from the boundaries of country parks to not adversely affect rights of villagers and landowners so as to avoid objections and compensation claims.
3. Today, 40 years later, the issue of compensation has not been resolved. Incorporating Tai Long Sai Wan into the country park fails to take account of opportunities beyond the lease conditions of their agricultural land available to villagers under the prevailing small house policy. Government's pursuit of the cheapest way out is frustrating both the community interest in country parks as well as the private interests of villagers and land owners.
4. According to the Ombudsman in his September 2011 report, Government has since 1991 been aware of the need to protect Country Parks against incompatible development in enclaves, development which could degrade the integrity, the aesthetic and landscape quality of country parks as a whole. The ongoing failure to protect country parks became a scandal in July 2010 when the public was alerted by development at Tai Long Sai Wan.
5. In response, the Director of Planning 'frooze' developments in enclaves with Development Permission Area plans. In the meantime, the Director of Agriculture, Fisheries and Conservation (DAFC) who is also the Country and Marine Parks Authority set out to determine the future method of development control in enclaves:
 - a. To review the adequacy of the existing protection against incompatible development;
 - b. To critically assess and to seek advice of the Country and Marine Parks Board on the most appropriate measure to protect the natural environment; and
 - c. Having regard to the circumstances of each enclave to review if:

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- i. Enclaves should be incorporated as part of a country park under the Country Parks Ordinance, or
 - ii. To apply statutory planning control under the town planning ordinance, or
 - iii. To apply the Public-Private-Partnership or Management Agreement schemes under the New Nature Conservation Policy (which have proven to be of limited practical use).
6. Incorporating the enclaves into the country park is the only way to give the DAFC together with the Country and Marine Parks Board control over development and management of enclaves and the country parks:
 - a. The DAFC is to assess any use or development of land, including building a small house, on the individual merits taking into account land status, location, nature conservation, landscape and visual impacts, country park users and facilities, and whether the enjoyment and amenities of the country park as a whole will be reduced.
 - b. The DAFC is empowered to patrol, to invest in facilities, to manage, and to enforce control in country parks – assuming the civil service and financial implications of the necessary additional resources has been resolved.
7. There is no such control for the DAFC under statutory plans, and as it appears control by other Government departments is limited too.
8. Although the DAFC is one of the consultees in the planning process and will offer views on the zonings of the enclaves to be covered by statutory plans with a view to providing protection of a site from the nature conservation angle, it appears from statutory plans for enclaves that the DAFC is unable to assess cumulative permitted developments and impacts on country parks as a whole.
9. The methods of control over small house developments are limited and the DAFC has no say over the development in enclaves after the statutory plans have been gazetted. Indigenous villagers which meet the criteria set out under the Small House Policy – irrespective of whether their need is genuine or not - will have rights to build small houses in those enclaves which are also village environs. Small houses require approval from the Town Planning Board in zones such as Green Belt, Agriculture and Recreation, however, in V-Zones only approval from the Lands Department is required.
10. Small house or village type developments are not guided by layout plans. There is no provision of public works for site formation, roads, parking, drainage, and sewerage. As a result, planning and environmental controls under the prevailing small house policy and its various guidelines are limited resulting in uncontrolled and incompatible developments:
 - a. Infinite demand for small house developments;
 - b. Chaotic layout of properties;
 - c. Individual arrangement of site formation;
 - d. Individual arrangement of drainage systems for discharge of rain water as well as effluent household discharges into nearby waters;
 - e. Sewage treatment with individual septic tanks and soak-away pits resulting in percolation of sewage into nearby waters;
 - f. As no access or parking is provided, villagers commonly resort to unauthorized site formation, land filling, excavation and slope stabilisation as well as unauthorized occupation of government land to facilitate the necessary access and parking.

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11. Finally, it appears that control by the Environmental Protection Department is limited over Small House developments. Although development in enclaves is near Country Parks, small house construction is not normally deemed a designated project under the Environmental Impact Assessment Ordinance.
12. Therefore, if development in enclaves is to be guided by statutory plans Government must consider the special status of enclaves and implement strict additional controls to protect the surrounding country parks, including:
 - a. Setting limits on all developments permitted in each country park and in each enclave after considering the overall carrying capacity of each country park;
 - b. Control development with village layouts which rearrange private lands in a more orderly manner;
 - c. Provide quality public works for sustainable infrastructure which deals comprehensively with site formation, roads, parking, drainage, and sewerage;
 - d. Retain control over small house developments under the Town Planning Board (Require approval for small house development by moving small houses under column 2 rather than permitting development of right under column 1);
 - e. Determine developments in enclaves as designated projects which require an environmental permit under the Environmental Impact Assessment Ordinance; and
 - f. Limit small house development to the existing structures in an enclave (as per the example of Tai Long Wan in 2001), and fulfill future "ding" rights by using land outside the site and only to satisfy legitimate or genuine needs of indigenous villagers.
13. We have noted the reluctance of Government to apply the above additional measures of control. At the same time, despite the obvious advantages of controlling development in enclaves by incorporating enclaves into country parks, since the Tai Long Sai Wan incident the DAFC reviewed only 3 small enclaves for incorporation into the country parks. Government has stated that it will decide on incorporating other enclaves into country parks only AFTER Tai Long Sai Wan, Kam Shan and Yuen Tun have been incorporated.
14. Development Permission Area plans (DPAs) now cover all enclaves where there is an immediate development threat under the Small House Policy. These DPAs will soon expire, resulting in statutory plans with large V-zones as the de-facto method of control. The DAFC can only incorporate these enclaves into country parks at a later stage if it can accept the number of small houses permitted, or accept the civil service and financial implications of handling the compensation claims.
15. Therefore, we urge Legislators to incorporate Tai Long Sai Wan, Kam Shan and Yuen Tun expeditiously into country parks, or to agree on supporting strict alternative measures of control including limiting the number of small houses which can be built in enclaves by fulfilling legitimate future "ding" rights by using land outside the enclaves.

Yours sincerely,



Paul Zimmerman
CEO, Designing Hong Kong Limited



嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

Tuen Mun and Yuen Long District Planning Office,
Planning Department,
14/F, Sha Tin Government Offices,
1, Sheung Wo Che Road,
Sha Tin, N.T.

(Email: tmyldpo@pland.gov.hk)

8th November, 2013

By email only

Dear Sir/ Madam,

Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B

We would like to express our views on the Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B (the draft Plan). We welcome and appreciate the fact that mainly conservation zonings, i.e., Green Belt (GB) and Conservation Area (CA), were recommended for the area within this Country Park (CP) enclave. Nevertheless, we have some concerns and recommendations with regard to the zonings in draft Plan.

We agree with the CA zoning which gives protection to the *fung-shui* woodland and the individuals of the protected plant species, *Pavetta hongkongensis* as suggested for the northwestern part of the site. However, we consider that the remaining areas with GB zoning cannot provide sufficient protection to some of the natural habitats within the site since facilities such as Barbecue Spot, Picnic Area and Tent Camping Ground are always permitted uses in a GB zone, while developments such as 'House', Columbarium or Crematorium are listed in Column 2 in the Schedule of Uses of the Notes for GB and can be built after planning permission is sought and granted by the Town Planning Board. In Section 7.1.3 of the Explanatory Statement of the Plan, the Agriculture, Fisheries and Conservation Department (AFCD) advised "...other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should be protected...". Indeed, during our own on-site observations conducted in mid-September 2013, we note that the hillsides are very well-vegetated (**Figure 1**), while the streams are largely natural and their riparian zones are also well-vegetated (**Figure 2**). Moreover, we noticed the parts of the area are being used as a war game facility and some structures are erected close to the existing watercourses (**Figure 3**); some poles and lamp posts may have been also been erected, recently (**Figure 4**). According to the Water Supplies Department, the Area is part of

the upper direct water gathering grounds of Tai Lam Chung Reservoir¹. We are concerned these uses of land, together with the structures erected or activities may have adverse effects on the landscape and environment of the site. **We wish to strongly recommend that all streams (including their riparian zones) and woodlands should be protected by being accorded CA zoning status.**

Furthermore, in October 2010, the Chief Executive announced in his Policy Address that your Department and the AFCD would protect all those enclaves not yet covered by statutory plans according to their local situations, either by incorporating them into Country Parks or through statutory planning control. In September 2011, the Ombudsman² also recommended that (a) the Development Bureau and Environment Bureau should urge their executive departments to, as directed by the Chief Executive, expeditiously prepare statutory plans for those enclaves that are still unprotected or to incorporate them into Country Parks, in order to ensure that all enclaves are properly protected; and (b) the AFCD should consider incorporating private lands that have conservation value into Country Parks in accordance with the revised Country and Marine Parks Board criteria. **Based on this guidance and the fact that Tin Fu Tsai is completely enclosed by the Tai Lam Country Park, we highly recommend that your Department in collaboration with the AFCD completely incorporate the whole area into the Country Park for better protection of its ecological integrity and diversity of natural habitats.**

We hope our comments and concerns as above will be adequately addressed in future consultations and meetings.

Thank you for your kind attention.

Yours faithfully,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

¹ Section 5.4 of the Explanatory Statement of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B

² http://www.ombudsman.gov.hk/concluded/2011_09_02.pdf

Figure 1. Well-vegetated hillside in Tin Fu Tsai (photographs taken in mid-September 2013)



Figure 2. Natural streams and their riparian zones in Tin Fu Tsai (photographs taken in mid-September 2013)



Figure 3. Existing uses of land and building structures in Tin Fu Tsai (photographs taken in mid-September 2013)

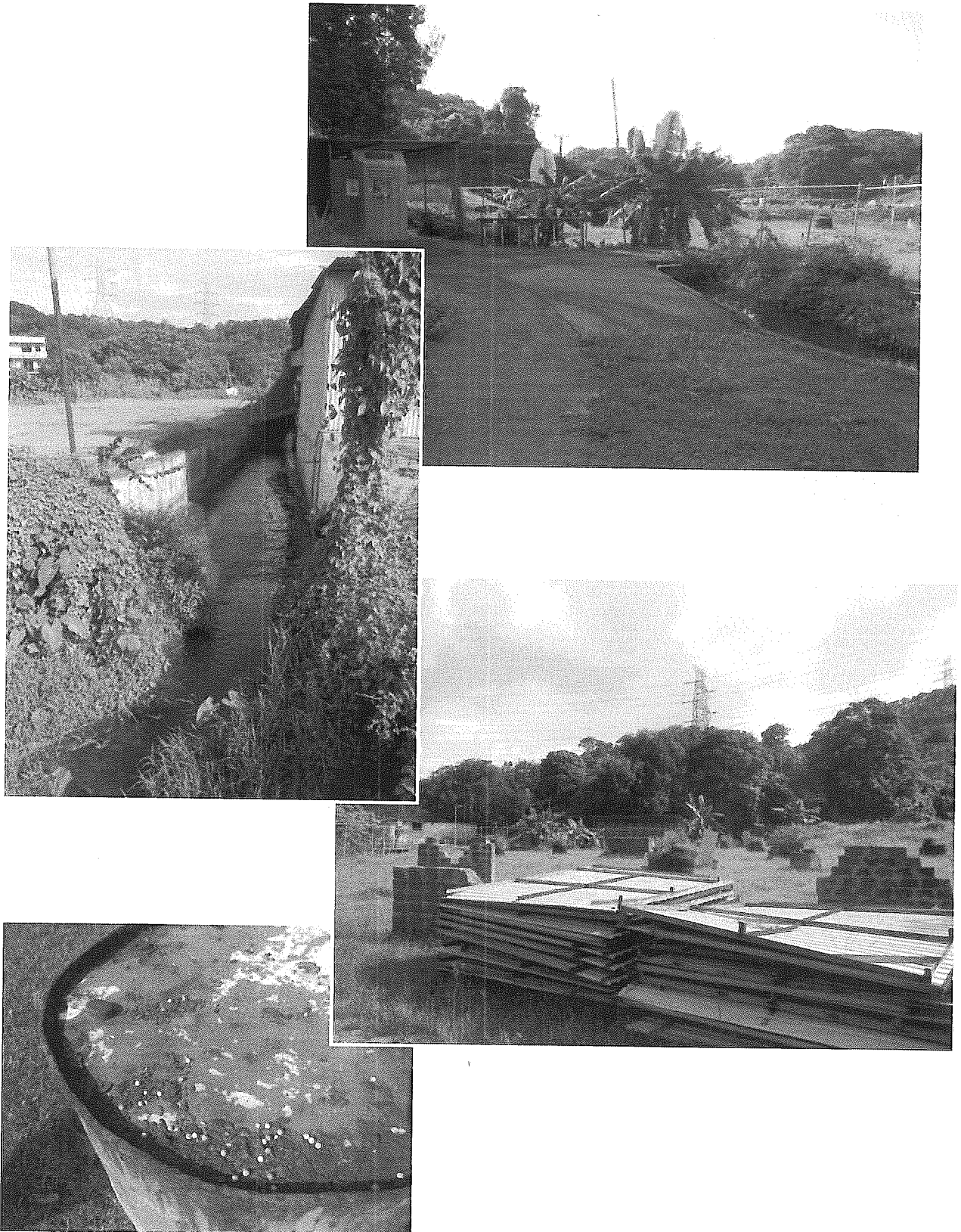
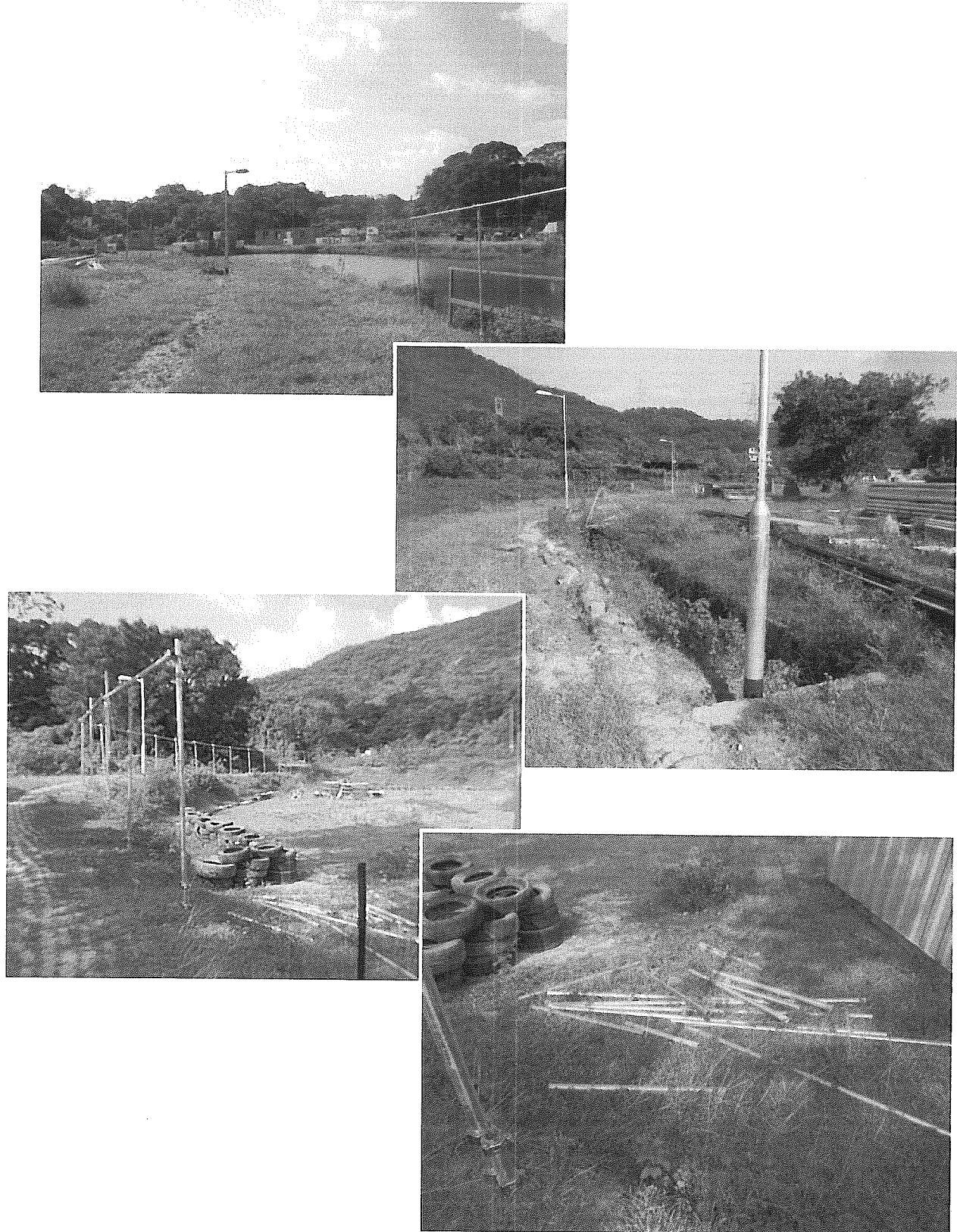


Figure 4. Metal poles and lamp posts which may be recently erected in Tin Fu Tsai
 (photographs taken in mid-September 2013)



Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)



香港觀鳥會
THE
HONG
KONG
BIRD
WATCHING
SOCIETY

Since 1957 成立

13 Nov 2013

Dear Sir/Madam,

**Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B Preliminary Consideration
of a New Plan**

The Hong Kong Bird Watching Society (HKBWS) has no further comments on the draft Outline Zoning Plan. We would like to express our appreciation to the Town Planning Board's decision for taking into account our request in applying Green Belt and Conservation Area zonings to Tin Fu Tsai.



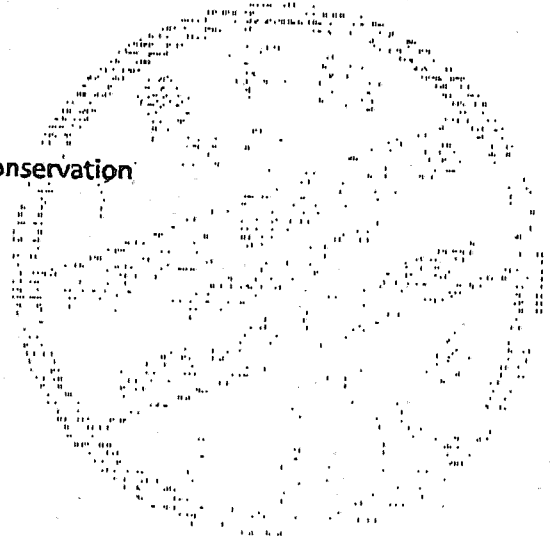
國際鳥盟準成員
BirdLife International
Partner Designate

Yours faithfully,

Jocelyn Ho
Senior Conservation Officer
Hong Kong Bird Watching Society

cc:

Mr. Alan Wong, Director of Agriculture, Fisheries and Conservation
Mr. Ling Kar Kan, Director of Planning



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致城市規劃委員會,

本人 林志光，就城市規劃委員會於近月所刊憲的下列的分區計劃大綱圖則，表示強烈反對。相關圖則包括：

| |
|------------|
| 海下分區計劃大綱圖 |
| 鎖羅盤分區計劃大綱圖 |
| 北潭凹分區計劃大綱圖 |
| 土瓜坪分區計劃大綱圖 |
| 白腊分區計劃大綱圖 |
| 田夫仔分區計劃大綱圖 |
| 分區計劃大綱圖 |

本人認為相關圖則，遠遠未能滿足各相關村落的長遠住屋需求與發展。相關反對意見建議可見於附件。有鑒於本人極度關切上述圖則的事態發展，如貴會將就上述圖則舉行任何聆訊，務請貴會書面通知本人，讓本人有機會在會上跟各城規會委員再詳抒己見。

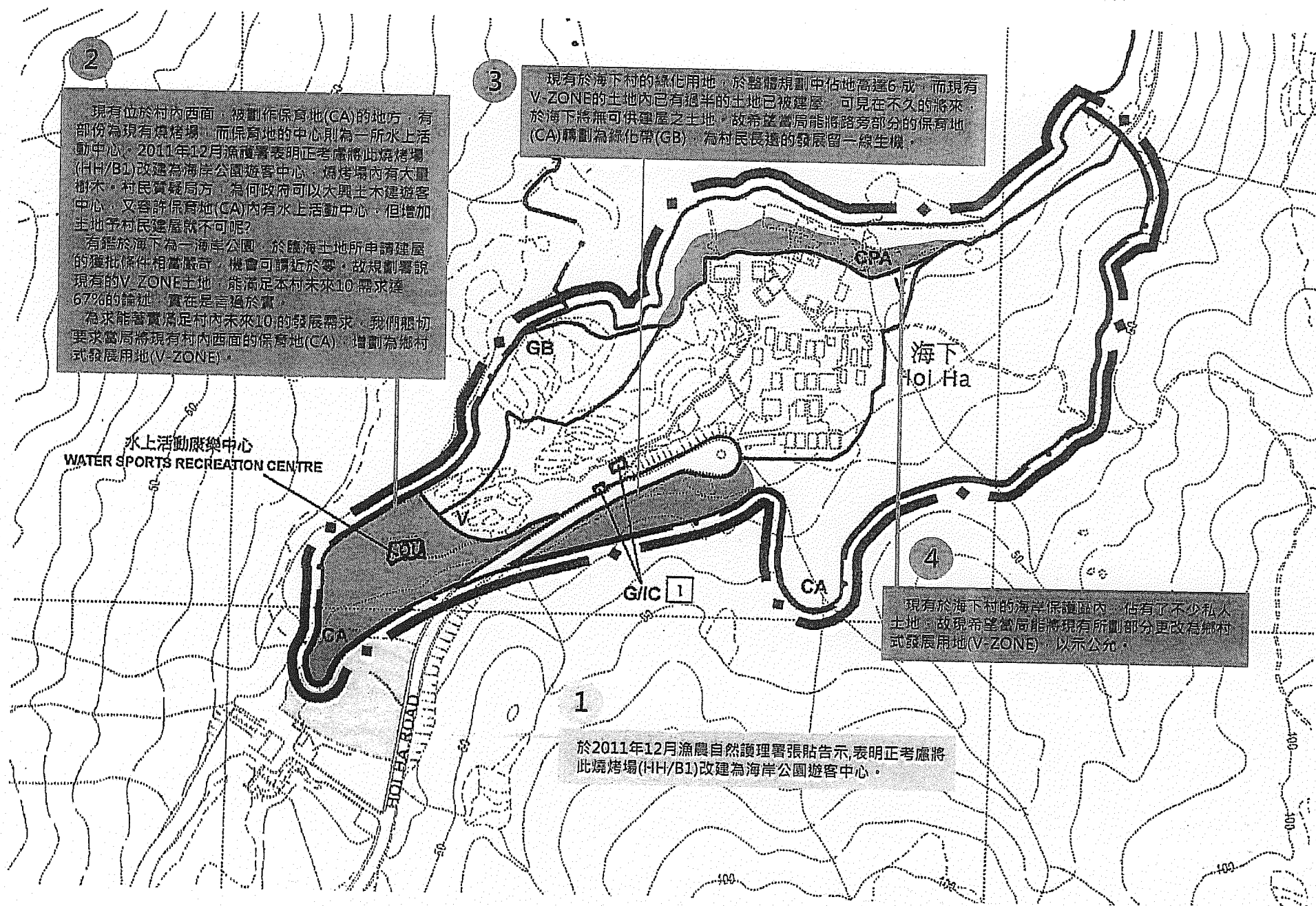
聯絡地址：

聯絡電話：

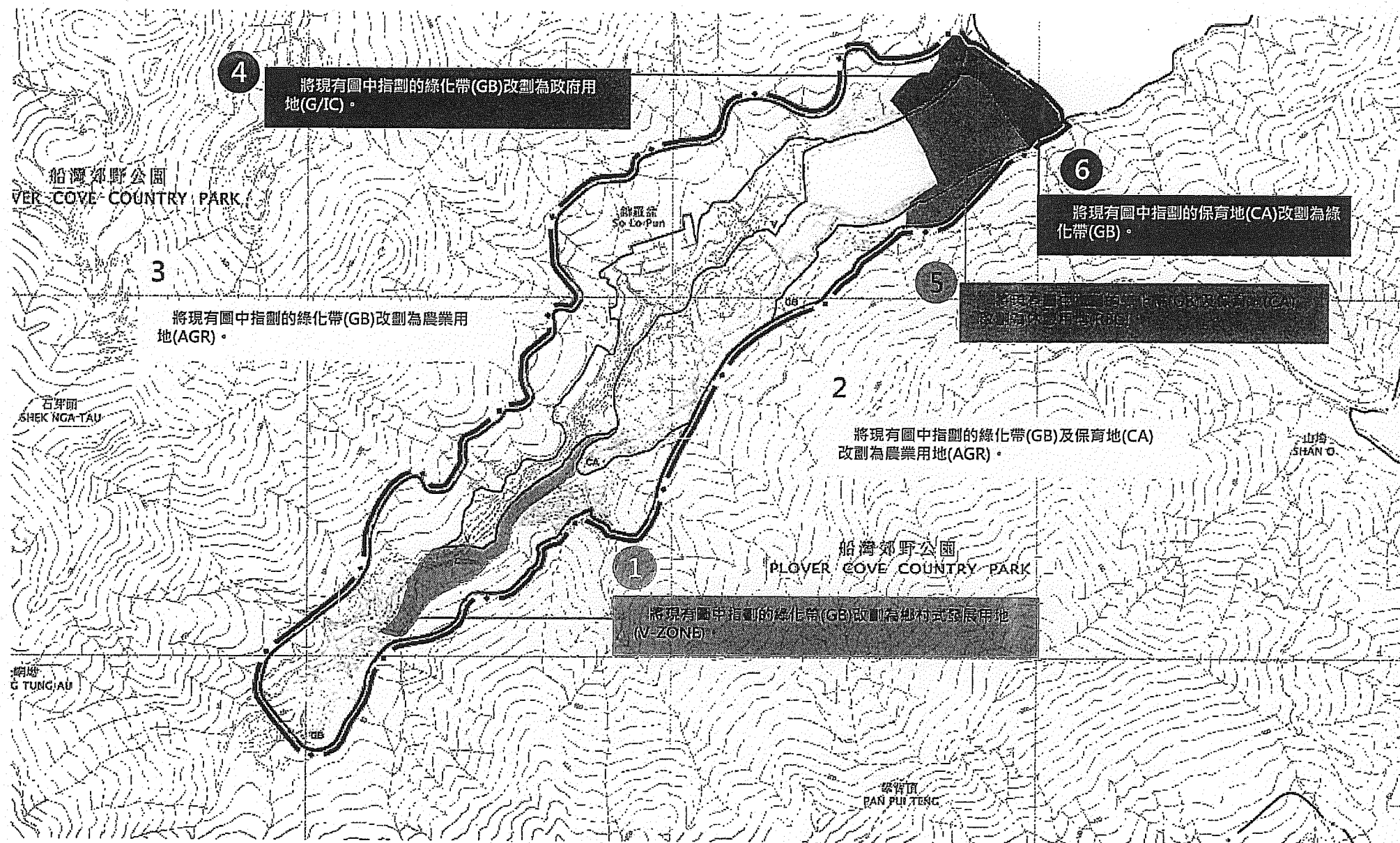
簽署：

日期：11-11-2013

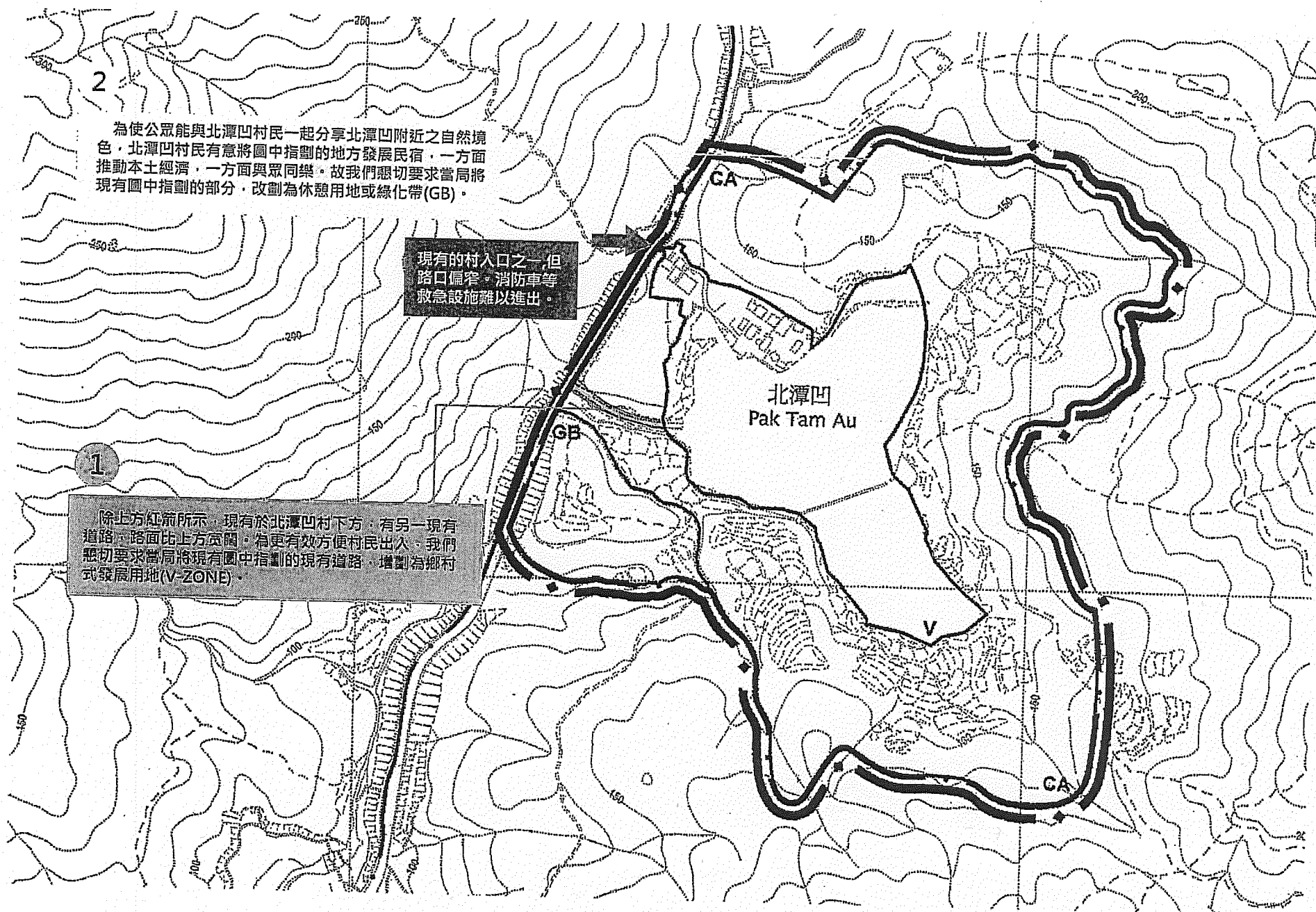
海下村分區計劃大綱圖之意見與具體建議



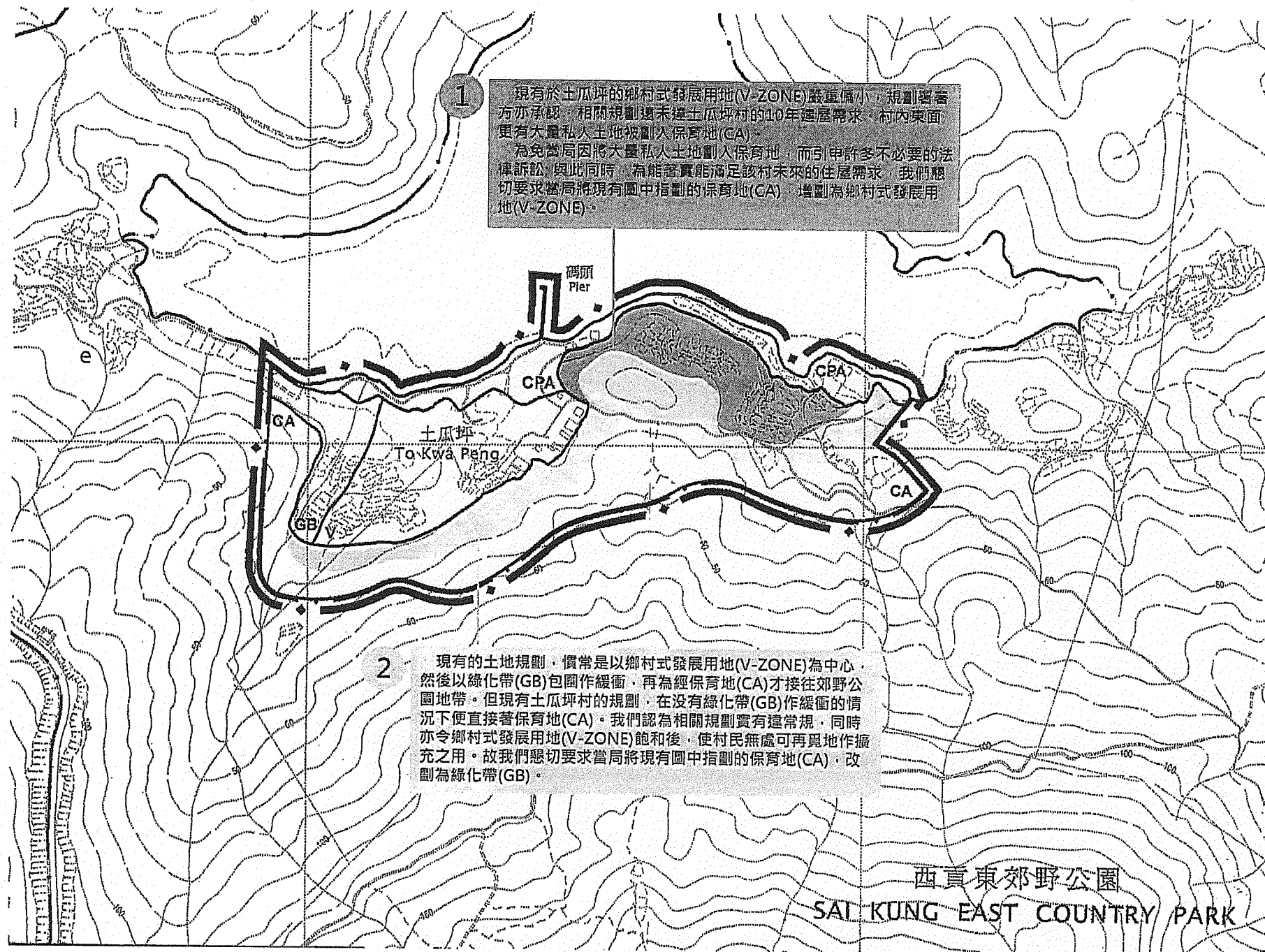
鎖羅盤分區計劃大綱圖之意見與具體建議



北潭凹分區計劃大綱圖之意見與具體建議



土瓜坪分區計劃大綱圖之意見與具體建議





致城市規劃委員會,

本人黃曉欣，就城市規劃委員會於近月所刊憲的下列的分區計劃大綱圖則，表示強烈反對。相關圖則包括：

| |
|------------|
| 海下分區計劃大綱圖 |
| 鎖羅盤分區計劃大綱圖 |
| 北潭凹分區計劃大綱圖 |
| 土瓜坪分區計劃大綱圖 |
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聯絡地址：

[REDACTED]

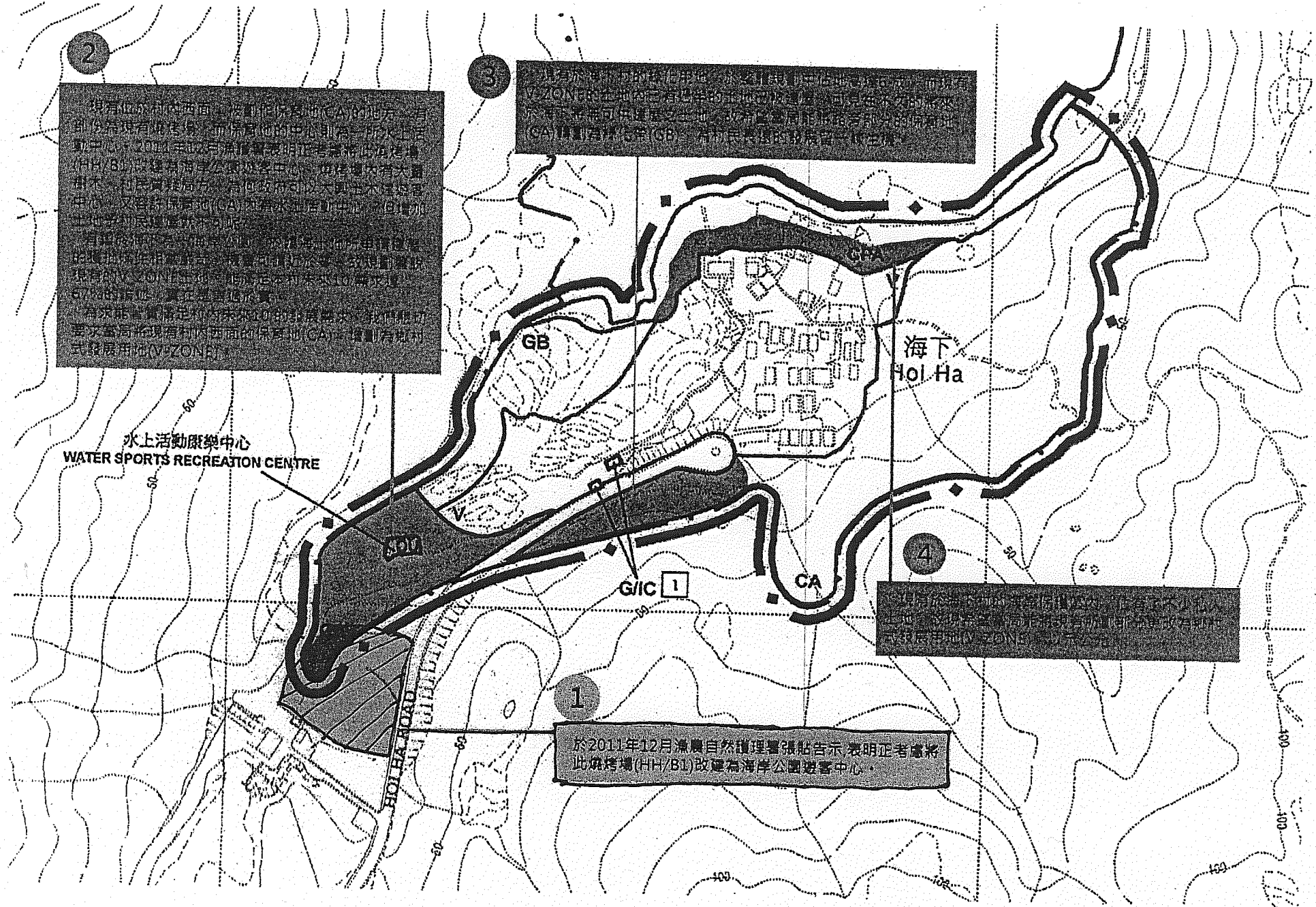
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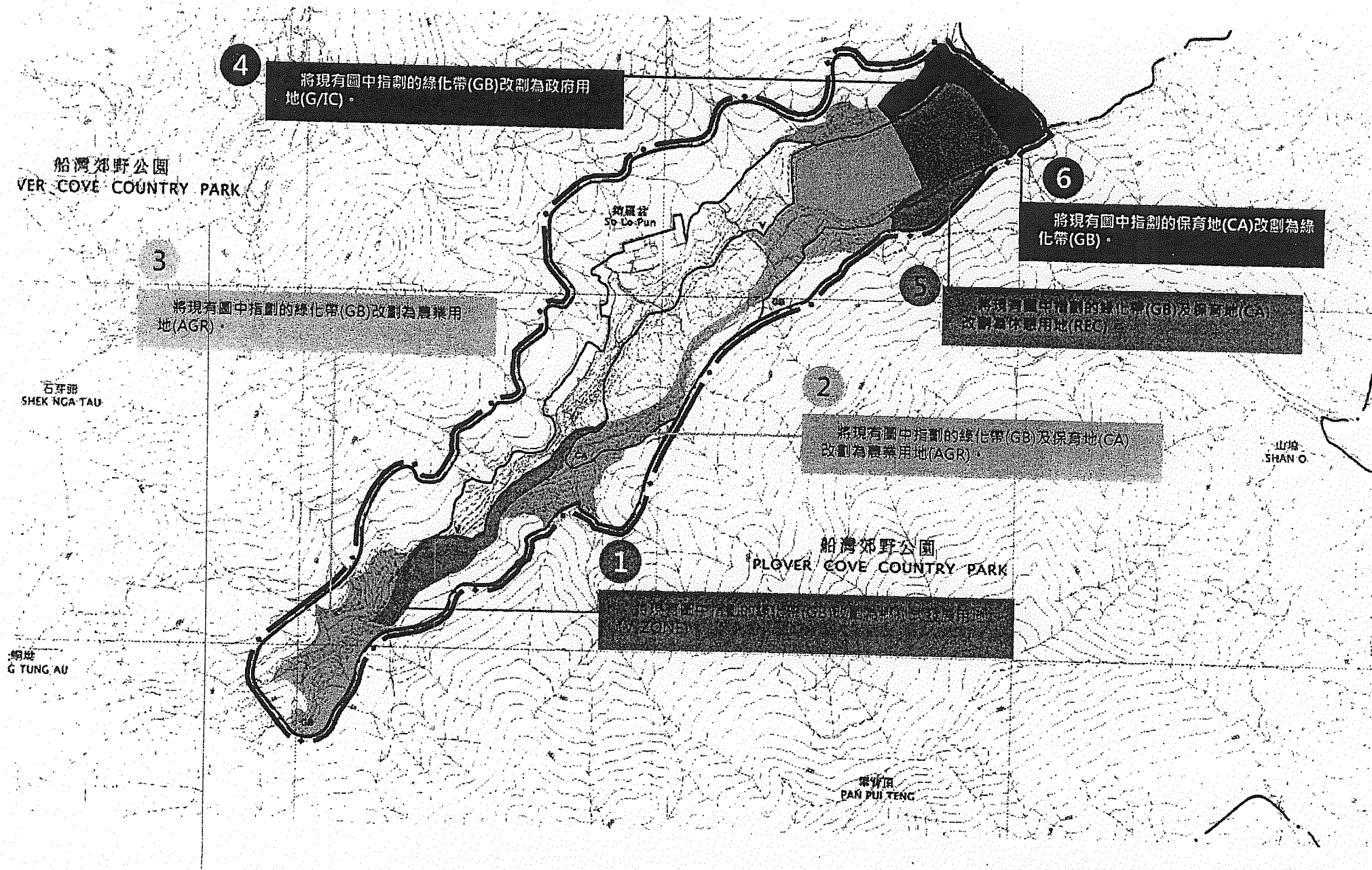
簽署：黃曉欣

日期：22-11-2013

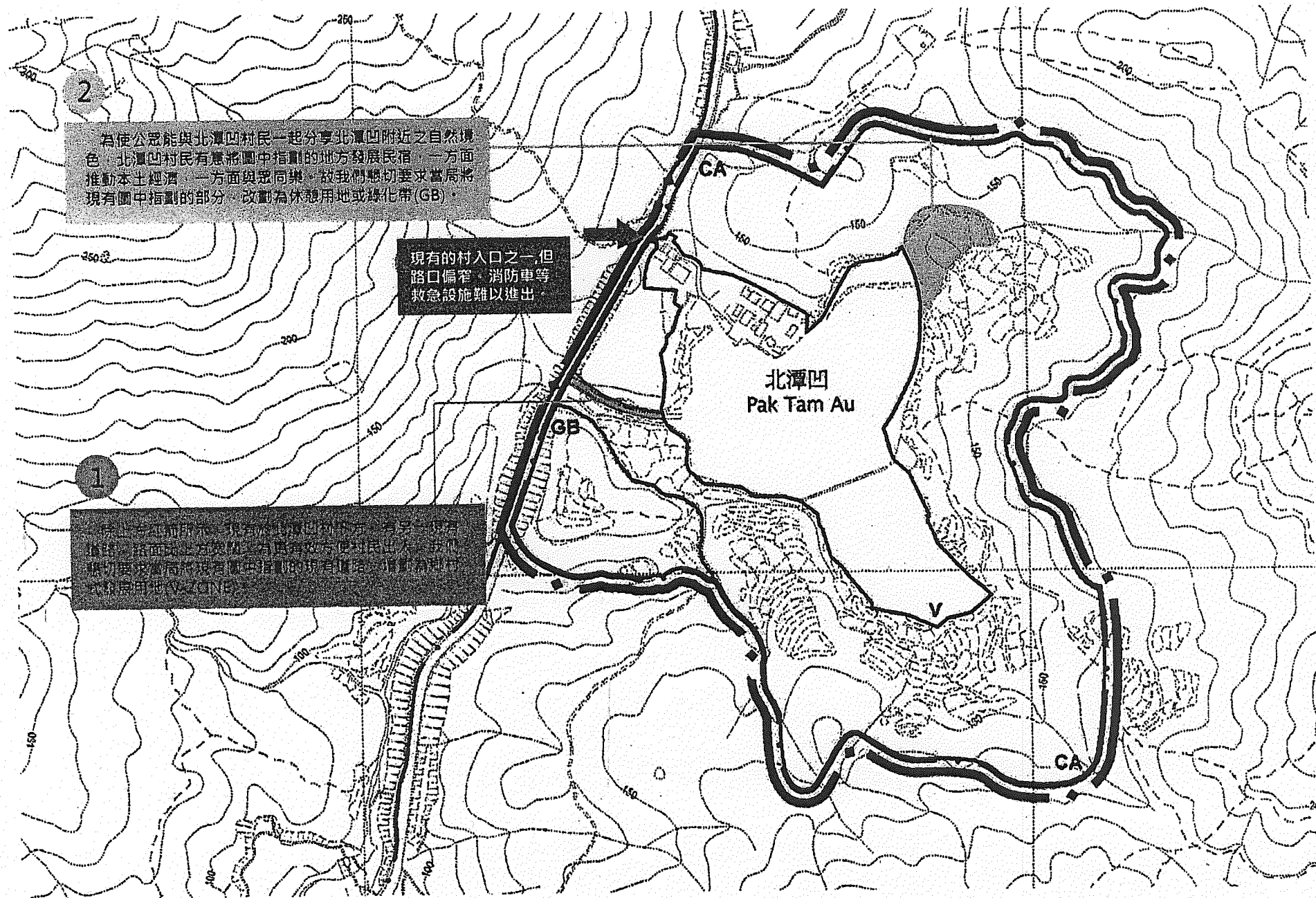
海下村分區計劃大綱圖之意見與具體建議



鎖羅盤分區計劃大綱圖之意見與具體建議



北潭凹分區計劃大綱圖之意見與具體建議



土瓜坪分區計劃大綱圖之意見與具體建議

1 現有土瓜坪分區的土地發展用地(V-ZONE)面積小，規劃署擬在未來發展土瓜坪時，將土瓜坪的V-ZONE發展用地擴大，並將其劃入保育地(CA)。

2 現有土瓜坪分區的土地發展用地(V-ZONE)面積小，規劃署擬在未來發展土瓜坪時，將土瓜坪的V-ZONE發展用地擴大，並將其劃入保育地(CA)。

2

現有的土地規劃，慣常是以鄉村式發展用地(V-ZONE)為中心，然後以綠化帶(GB)包圍作緩衝，再為經保育地(CA)才接在郊野公園地帶。但現有土瓜坪村的規劃，在沒有綠化帶(GB)作緩衝的情況下，便直接接保育地(CA)。我們認為相關規劃實有違常規。同時，亦令鄉村式發展用地(V-ZONE)飽和後，使村民無處可再興地作擴充之用。故我們懇切要求當局將現有圖中指劃的保育地(CA)改劃為綠化帶(GB)。

西貢東郊野公園
SAI KUNG EAST COUNTRY PARK