

TPB PAPER NO. 9644
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 28.4.2014

CONSIDERATION OF REPRESENTATIONS AND COMMENTS
IN RESPECT OF DRAFT HOI HA
OUTLINE ZONING PLAN NO. S/NE-HH/1

**DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/1
CONSIDERATION OF REPRESENTATIONS NO. 1 TO NO. 10934**

Subject of Representation/ Representation Site	Representers	Commenters
Generally <u>support</u> the draft Hoi Ha Outline Zoning Plan (the Plan)	<u>Total: 4</u> <i>Individuals</i> R10737 to R10739 and R10742	
Generally <u>oppose</u> to the Plan, for reasons including insufficient “Village Type Development” (“V”) zone	<u>Total: 808</u> <i>Village Representatives (VRs) and related organisations:</i> R10736: Sai Kung North Rural Committee (SKNRC) <i>Individuals:</i> R1 to R798, R10740, R10741, R10743 to R10749	
Generally <u>oppose</u> to the Plan, for reasons including excessive “V” zone	<u>Total: 10,122</u> <i>Legislative Councillors:</i> R10543: Hon Chan Ka Lok R10600: Hon Albert Chan R10902: Hon Wu Chi Wai <i>Yuen Long District Council Member:</i> R10910: Mr. Wong Wai Yin <i>Green/Concern Groups and Related Organisations:</i> R799: Designing Hong Kong R10544: Friends of Sai Kung R10545 : Nine ecologists of the University of Hong Kong R10578: Gaia Association R10605: Land Justice League R10752: Friends of Hoi Ha R10755: Conservancy Association R10866: Greener Action R10874: WWF-Hong Kong R10880: Professional Commons	<u>Total: 3,675</u> <u>Support representations opposing to the excessive “V” zone (3,658)</u> <i>Green/concern groups and Related Organisations:</i> C3640: Friends of Sai Kung C3641: Designing Hong Kong C3642: Friends of Hoi Ha <i>Individuals/Other Organisations:</i> C1 to C3639, C3643 to C3655, C3661, C3663 and C3669 <u>Object to the Plan (17)</u> <i>Green/concern groups and Related Organisations:</i> C3657: Hong Kong Countryside Foundation C3668: Association for Geoconservation, Hong Kong

Subject of Representation/ Representation Site	Representers	Commenters
	R10882: HK Bird Watching Society R10883: Kadoorie Farm & Botanic Garden Corporation (KFBG) R10884: Hong Kong Entomological Society R10885: Green Sense R10895: Sea Shepherd Conservation Society R10912: Tolo Adventure Centre <i>Individuals/Other Organisations:</i> R800 to R10542, R10546 to R10577, R10579 to R10599, R10601 to R10604, R10606 to R10735, R10750, R10751, R10753, R10754, R10756 to R10865, R10867 to R10873, R10875 to R10879, R10881, R10886 to R10894, R10896 to R10901, R10903 to R10911, R10913 to R10934	<i>Individuals/Other Organisations:</i> C3656, C3658 to C3660, C3662, C3664 to C3667, C3670 to C3675
Grand Total	10,934	3,675

Note: The representations and comments on representations made by the Legislative Councillors, District Council member, green/concern groups, villagers, related organisations and individuals in the above table and samples of some standard letters/e-mails are attached at **Annex I-1 to I-33 and Annex II-1 to II-6**. A CD-ROM containing names of all the representers and commenters¹ as well as their submissions is enclosed at **Annex IX** (for TPB Members only).

1. Introduction

1.1 On 27.9.2013, the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 10,934 representations were received. The representations were subsequently published for three weeks, and 3,675 comments were received.

1.2 On 28.3.2014, the Town Planning Board (the Board) decided to consider the representations and comments in two groups:

Group 1

- (a) collective hearing of the first group comprising 812 representations (**R1 to R798 and R10736 to R10749**) submitted by the SKNRC, villagers and individuals, in relation to the insufficient “Village Type Development” (“V”)

¹ The names of all representers and comments can be found at the Board’s website at http://www.info.gov.hk/tpb/en/plan_making/S_NE-HH_1.html

zone on the Plan to satisfy the demand for Small House developments; and

Group 2

- (b) collective hearing of the second group comprising 10,122 representations (**R799 to R10735 and R10750 to R10934**) and 3,675 comments (**C1 to C3675**), submitted by Legislative Councillors, District Council member, green/concern groups, related organisations and individuals mainly in relation to the excessive “V” zone, the potential environmental problems brought by Small House developments to the woodland habitats and the marine life of Hoi Ha Wan (HHW) Marine Park, and the overall conservation of the Area.

- 1.3 This paper is to provide the Board with information for consideration of the representations and comments. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. The Representations

- 2.1 Four representations (**R10737 to R10739 and R10742**) submitted by individuals support the Plan for designating land for Small House development and not including the Area into country park. The other representations (10,930) oppose to the Plan and their views could be generally categorised into two groups.

Group 1

- (a) The first group comprises 808 representations (**R1 to R798 and R10736, R10740, R10741, R10743 to R10749**), mainly submitted by SKNRC, villagers and individuals objecting to the insufficient “V” zone to satisfy the demand for Small House developments. They propose to rezone areas within “Conservation Area” (“CA”) along the Hoi Ha Road and to the west of the Hoi Ha Village, and part of the “Coastal Protection Area” (“CPA”) to “V” zone.

Group 2

- (b) The second group comprises 10,122 representations (**R799 to R10735 and R10750 to R10934**) submitted by Legislative Councillors, District Council member, green/concern groups, organisations and individuals. They mainly object to the proposed “V” zone on grounds that it is based on unrealistic Small House demand figures without verification and would result in the loss of the woodland habitats and pose a severe threat to the marine life of HHW Marine Park. Hence, they propose that the “V” zone should be minimised to the existing village cluster and the area to be released should be rezoned to “Green Belt” (“GB”) or “CA”. In addition, the proposed “GB” zone where the wet abandoned agricultural land is found should be rezoned to “CA” so as to prevent undesirable land uses and to separate the ecologically sensitive stream from adverse impacts of developments. They also consider that the Administration should strengthen control over development in country park enclaves by incorporating them into country parks.

- (c) Besides, 10 representations (**R10911 to R10920**) oppose to the "Other Specified Uses (Water Sports Recreation Centre)" ("OU(Water Sports Recreation Centre)") for the Tolo Adventure Centre and propose to expand the zone by adding a 5m belt to its north, south and east.

2.2 Many of the representations are submitted in similar emails/letters. The samples of standard letters/emails together with the submissions from SKNRC, Legislative Councillors and District Council member, green/concern groups and organisations are attached at **Annexes I-1 to I-33**. A full set of the representations are saved in the CD-ROM attached at **Annex IX** for Members' reference and the sites they refer to are shown on **Plan H-1a**. A set of hard copy is also deposited at the Secretariat of the Board for Members' inspection. A summary of representations in **Group 1** and **Group 2** with Planning Department (PlanD)'s responses and major points of adverse representations are at **Annexes III-1, III-2 and III-3** respectively.

Grounds of Representations

Supportive Representations

2.3 The major grounds of representations (**R10737 to R10739 and R10742**) submitted by four individuals are summarised below:

- (a) Although there is a need to protect the natural environment, indigenous villagers' right to build Small Houses and land owners' right should be respected.
- (b) Since the majority of land in the area is under private ownership, they should not be included in the country park.
- (c) Due to the pressing demand for Small Houses, designation of "V" zone to cater for the demand is supported.

2.4 There are also supporting views from **Group 1** on the efforts made in the Plan to cater for the need of local villagers and from **Group 2** on the proposed "CPA" as it will protect the natural coastline and serve as a buffer between the HHW Marine Park and the village area, and the inclusion of the native woodlands on the hillsides behind (east and south) Hoi Ha Village and on the gentle slope at the western part of the area as "CA".

Adverse Representations

2.5 The grounds of representations in **Group 1** are summarised below:

Inadequate Land within "V" Zone

- (a) There is insufficient suitable land in the proposed "V" zone for Small House development due to topographical constraints and the proposed "V" zone is not large enough to satisfy the future demand for Small Houses.
- (b) Apart from the need to conserve the environment and to provide relevant recreational facilities at Hoi Ha, due regard should be given for Small House development so as to strike a balance between conservation and development.

2.6 The grounds of representations in **Group 2** are summarised below:

Designation of "V" zone

Small House Demand

- (a) The demand for Small House is infinite and has been determined without any justifications and verification. The prevailing Small House Policy is unsustainable and majority of applications are abusing the Policy. Designation of "V" zones should be based on a more realistic estimation of the need for Small Houses.
- (b) Certificate of proof of need and residence should be required in each Small House application. Restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remain within the ownership of the indigenous villagers as far as possible.
- (c) In the past 20 years, only seven new houses were built in Hoi Ha. The population of Hoi Ha has not been changed significantly in recent years. Majority of land in the "V" zone has been sold to private developers and would eventually become property projects. The size of the "V" zone should be reduced to avoid development expectations.

Environmental Impact on Woodland (Plan H-1a)

- (d) The proposed village expansion area (zoned "V") to the west of the existing village cluster is occupied by secondary woodland comprising a considerable number of mature trees, including Chinese Banyan on the western edge of the "V" and a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉). According to WWF, apart from a few small patches of disturbed area near the existing village and the public toilet as indicated by the dominance of invasive species *Mikania micrantha* (薇甘菊), the majority of the area is undisturbed or relatively undisturbed.
- (e) Small House developments would result in the loss of the woodland habitats and disturbances to the natural stream and tidal creek which are foraging grounds for Brown Fish Owls (scarce in Hong Kong and feed in undisturbed unpolluted lowland streams and tidal creeks).
- (f) Agriculture, Fisheries and Conservation Department (AFCD) should carry out a full four season ecological study of the proposed "V" zone to assess its ecological value and the "Precautionary Principle" should be adopted, i.e. environmental damage should be assumed to be threatened unless proven otherwise.
- (g) There is inconsistency in the designation of "CA" zone for protection of biodiversity in different country park enclaves. In Pak Lap, areas covered with young native woodlands containing a plant species of conservation interest (*Hong Kong Pavetta*) are zoned "CA" whilst the woodland with *Hong Kong Pavetta* in Hoi Ha is zoned "V".

- (h) To avoid environmental impacts to the existing woodland, nearby natural stream and Marine Park and to prevent degradation of the landscape value of the area, the “V” zone should be reduced and the undisturbed woodland area should be rezoned as “GB”.

Environmental Impact on Hoi Ha Wan Marine Park

- (i) The HHW Marine Park has very high biodiversity in its intertidal and sub-tidal zones. The construction of the 60 to 90 Small Houses envisaged under the Plan will inevitably destroy or fragment natural habitat and reduce biodiversity either during the construction or in its aftermath and result in various cumulative environmental pressures upon the local ecosystems.
- (j) The septic tank and soakaway (STS) system can only provide a minimum level of sewage treatment. The effluent from a septic tank still carries a very high nutrient, organic and microbiological loads which can only be effectively attenuated in circumstances where the ground conditions are suitable and development density is low. STS system is often not effective in removing pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks.
- (k) The underlying surface sediment in the Ho Hai Area comprises porous and highly permeable deposits (e.g. sand), which allows for rapid drainage. As such, adequate purification cannot be achieved by STS system before the wastewater reaches the sea. The (ProPECC PN) 5/93 does not cover this unique situation of Hoi Hai. The discharge of sewage effluent and wastewater from the large number of village houses with STS system in the proposed “V” zone would pose a severe threat to the marine life of HHW Marine Park. There is no geology assessment on the cumulative sewage percolation to the HHW Marine Park/Site of Special Scientific Interest (SSSI).
- (l) The village of Hoi Ha is in an unusual situation in Hong Kong in that it is an inhabited village adjacent to coastal beach/sea area of HHW which is a SSSI and heavily utilised for recreational activities. Hence, reference should be made to the Technical Memorandum under the Water Pollution Control Ordinance to establish the statutory set back distance (e.g. 100m) from STS system to coastal water. Compulsory use of self-contained chemical toilets and wastewater treatment systems should be required to avoid contamination of the soils, stream, wetland and marine environments of HHW.

Notes of “V” Zone

- (m) Stricter planning control should be imposed requiring planning permission for ‘NTEH’, ‘Eating Place’ and ‘Shop and Services’ uses and any demolition, addition, alteration and/or modification to an existing building in “V” zone.

Cumulative Impact Assessment

- (n) There is a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impact of the additional Small Houses on HHW. The carrying capacity for individual enclave sites and the overall capacity of all Country Park enclaves (CPEs) in Sai Kung East/West must be carefully studied before an informed and responsible decision on land use and small house numbers can be made.
- (o) There is also no plan to improve the infrastructure (e.g. sewage, road access, car parking and public transport) to support new developments at Hoi Ha and visitors to the Area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Hoi Ha and to prevent the existing village from polluting HHW.

Adequacy of “GB” Zone

- (p) The upper section of the Hoi Ha Stream is a designated Ecologically Important Stream (EIS). The proposed "GB" zone adjoining the lower section of the stream should be zoned “CA” or “CPA” in view of its ecological significance². The real planning intention of “GB” zone may not be conservation-led as planning permission is often given to Small House development in “GB”, which may induce irreversible impacts on the wetland and the riparian zone in future.
- (q) According to field observation in May 2012 and Aug 2013, the water feeding into the wet abandoned agricultural land originates from the Hoi Ha Stream and there is a small stream not shown in the maps prepared by PlanD. In a recent site visit, it was observed that the wetland was still inundated and a locally rare herbaceous plant, *Geissapis cristata* (雞冠苞覆花), was recorded. As this wetland is connected hydrologically with the HHW Marine Park, any pollutants entering this wetland will flow into the marine park. The rare plant will also be affected by any future development.
- (r) The lack of a 30m wide corridor would increase the likelihood of septic tank soakaway sewage effluent reaching the stream via ground water causing secondary impacts of pollution on Hoi Ha Stream and the HHW Marine Park.

Notes of “GB”, “CA” and “CPA” Zones

- (s) To prevent environmentally sensitive land from being destroyed in ecological terms (e.g. bogus agricultural activities) prior to applying for a change of land use, ‘Agricultural Use’, ‘On-Farm Domestic Structure’, ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ in “CA”, “CPA” and “GB” zones should not be allowed or should be Column 2 uses requiring planning permission of the Board.

² Foraging ground for Brown Fish Owl; movement corridor for catadromous species (i.e migrate between freshwater natural watercourses and the sea); the riparian zone and the three-banded box terrapin (金錢龜, 金頭龜, 紅肚龜); and specimens of naturally occurring, *Rhododendron simsii* (野生品種紅杜鵑), a species of conservation significance found along the banks of Hoi Ha Stream.

Inadequate and misleading information

- (t) Inadequate and misleading information including maps have been used to designate “V” and “GB” zone and the boundaries of the HHW Marine Park and the SSSI. The maps do not reflect the effects of coastal erosion in the past 30 years. Up-to-date map should be used to show the current boundaries of the beaches accurately following the high tidal marks, and in designating “CPA” zone.
- (u) Within the proposed "V" and "GB" zones, there is a network of streams and associated wetlands. The network of small streams flow into a wetland leading to a significant stream that flows directly into HHW. The hydrological complex is separate from the Hoi Ha Stream and it is essential that a full survey be carried out in the period July - August to obtain hydrological data in the wet season.
- (v) The ecological information from AFCD is inadequate, in particular, no proper survey has been undertaken for the proposed “V” zone and “GB” areas and the Hoi Ha Stream has not been accorded the prominence as a natural resource and environmentally sensitive area that it deserves³.

Designation of Country Park Enclave as Country Park

- (w) The objective of CPE policy is to protect the enclaves against “immediate development threats” from “incompatible developments” such as extensive new Small Houses built on agricultural land and near forests and streams. However, most of the OZPs prepared for the enclaves have included expanded “V” zone that will cause “immediate development threats” on a larger scale. This contradicts the stated CPE policy and fails to comply with the International Convention on Biological Diversity.
- (x) The CPEs are well connected with the adjoining Country Parks from ecological, landscape and recreational points of view. They should be incorporated in Country Parks so that developments would be subject to scrutiny by the Country and Marine Parks Board (CMPB) and AFCD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities.

Proposals

Group 1

2.7 The proposals of the representations in **Group 1** are mainly related to expanding the “V” zone which are summarised below (**Drawing H-1 and Plan H-1a**):

³ Hong Kong Bird Watching Society and others have recorded 97 species of birds in and around Hoi Ha. Besides, over 50 species of butterflies have been recorded at Hoi Ha. 326 species of moths were recorded at Hoi Ha, including one species which was first described at Hoi Ha. *Rhododendron simsii* (野生品種紅杜鵑), a species of conservation significance are found along the banks of Hoi Ha Stream. More than 450 species including eight species with conservation value (180 plant species including *Aquilaria sinensis* 土沉香, 139 insect species, 50 Arthropod species (節肢類), 2 Amphibians species (兩棲類) and 3 Reptiles species (爬行類) have been identified.

- (a) As the land at the western part of the area, currently zoned "CA", could be used for a water sports recreation centre and AFCD's proposed visitor centre for the marine park, it should be rezoned to "V" for Small House development.
- (b) Large amount of private land has been found in the proposed "CPA" zone and should be rezoned to "V".
- (c) Since most of the land within the "V" have already been occupied by existing village houses, rezoning part of the "CA" along the existing Hoi Ha Road to "GB" could provide an opportunity for the villagers to submit planning applications for Small House development in future.

Group 2

2.8 The proposals of the representations in **Group 2** are mainly related to confining the "V" zone and provision of buffer from Hoi Ha Stream and HHW Marine Park, which are summarised below (**Plan H-1a**):

- (a) The "V" zone should be confined to the existing structures/building lots and village expansion should be planned at area with lower ecological value. The western part of the proposed "V" zone should be rezoned to "CA" or "GB" to safeguard the woodland and HHW.
- (b) The existing village and the suggested village expansion areas should be designated as "Comprehensive Development Area" ("CDA"), within which planning restrictions should apply when applications for improvement and developments are made to ensure that the potential environmental impacts are properly addressed. Consideration could also be given to swap land with the villagers so that land in the centre of the village can be released for provision of supporting facilities (e.g. playground), whereas government land in the east and south can be used for Small House development (**Drawing H-3**).
- (c) To separate the ecologically sensitive stream and HHW Marine Park from undesirable land use/development, the "GB" should be rezoned to "CA" of at least 30m width to protect Hoi Ha Stream from possible Small House developments (**Drawing H-2**), and the "CPA" zone should be at least 30m from the shore to serve as a buffer to protect the coastline.
- (d) Hoi Ha should be designated as country park to protect its ecologically sensitive areas and the DPA plans should be extend for at least one year to allow for the required process. In the interim, the "V", "GB" and non-conservation zonings could be rezoned to "Undetermined" to protect the natural environment.

2.9 The proposals of **R10911 to 10920** submitted by the Tolo Adventure Centre and individuals are to extend the "OU(Water Sports Recreation Centre)" zone by 5m along the boundaries to its north, south and east to facilitate maintenance of the surrounding vegetation as required under the lease conditions and to rezone the footpath linking Hoi Ha Road to Tolo Adventure Centre to "OU" or "Government, Institution or Community" ("G/IC") to facilitate maintenance of the footpath (**Drawing H-4**).

3. Comments on Representations

- 3.1 Among the 3,675 comments received, 3,658 of them (**C1 to C3655, C3661, C3663 and C3669**) were submitted by green/concern groups and individuals including Designing Hong Kong (**C3641**), Friends of Sai Kung (**C3640**), Friends of Hoi Ha (**C3663**) supporting the objections and proposals set out in Group 2 on similar grounds.
- 3.2 The remaining 17 comments, **C3656 to C3660, C3662, C3664 to C3668 and C3670 to C3674** were submitted by green/concern groups (i.e. Hong Kong Countryside Foundation (**C3657**), and the Association for Geoconservation, Hong Kong (**C3668**)) and individuals. They have not indicated which representations the comments are related to but in general oppose to the Plan.
- 3.3 A summary of comments on representations and PlanD's response is at **Annex IV** and all the submissions are available in the CD-ROM attached in **Annex IX** for Members' information.

4. Background (Plans H-1, H-2 and H-3)

Preparation of Hoi Ha DPA Plan

- 4.1 On 1.9.2010, 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 DPA Plan for the Hoi Ha area.
- 4.2 On 30.9.2010, the draft Hoi Ha DPA Plan No. DPA/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance. During the plan exhibition period, a total of 18 representations were received. On 10.12.2010, the Board published the representations for public comment and in the first three weeks of the publication period, no comment was received. After giving consideration to the 18 representations on 8.4.2011, the Board decided not to meet the representations and not to propose any amendment to the draft DPA Plan.
- 4.3 On 4.10.2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Hoi Ha DPA Plan, which was subsequently renumbered as DPA/NE-HH/2. On 14.10.2011, the approved Hoi Ha DPA Plan No. DPA/NE-HH/2 was exhibited for public inspection under section 9(5) of the Ordinance.

Preparation of Hoi Ha OZP

- 4.4 On 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Hoi Ha area. On 28.6.2013, the Board gave preliminary consideration to the draft Hoi Ha OZP and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the SKNRC for consultation, subject to the refinement of the “V” zone boundary following the principles that the abandoned wet agricultural land be excluded from the “V” zone, a 20m wide buffer from the Hoi Ha Stream be allowed and the existing topographical features and paddy field boundaries be followed. On 12.7.2013, the Board noted the revised boundary of the “V” zone in the draft Hoi Ha OZP.
- 4.5 The TPDC and SKNRC were consulted in July 2013. While they appreciated that “V” zone has been designated on the draft OZP to address their concern, they considered the size of the “V” zone insufficient to meet the future demand as it would only provide land to meet about 68% of the 10-year Small House demand, and there was too little Government land in the “V” zone for Small House development. In order to cater for the Small House demand in the coming 10 years, the VRs suggest that the “V” zone should be enlarged by extending its boundary westward to cover part of the area currently proposed as “CA”.
- 4.6 A meeting with villagers/residents was held in August 2013. Comments from KFBG, local concern groups⁴ and individuals were also received. Villagers were concerned about that most of the land proposed for “V” zone extension was owned by developers, thus might not be made available for them to build Small Houses. The green/concern groups and residents were of the view that whilst the “CA” and “CPA” zones were supported, the “V” zone was too large and that the “GB” zone would be prone to future developments, and considered that the “V” zone should be confined to the existing village cluster and Hoi Ha should be designated as country park.
- 4.7 On 13.9.2013, the draft Hoi Ha OZP, together with comments received from the TPDC, SKNRC, villagers, green/concern groups and the members of public, were submitted to the Board for further consideration. The Board noted the comments and agreed that the draft OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance. The SKNRC and TPDC were consulted in October and November 2013, and they generally objected to the draft OZP and considered that the Government had ignored the requests of local villagers and rights of private land owners, and public sewers or sewerage systems should be provided to cater for the need of villagers
- 4.8 Subsequently, the SKNRC (**R10736**) submitted representation opposing to the draft OZP.

⁴ Local concern groups include Friends of Hoi Ha (FOHH) and Hoi Ha Action Group.

5. Planning Consideration and Assessments

The Representation Sites and their Surrounding Areas (Plans H-1, H -2 and H-3)

5.1 The representation sites cover the whole Plan area (**Plan H-1a**).

Planning Scheme Area

- 5.2 The Planning Scheme Area (the Area), covering a total area of about 8.45 ha, is located at the northern coast of Sai Kung peninsula, and accessible by vehicle via Hoi Ha Road. It is encircled by the Sai Kung West Country Park on three sides, with its northern side opening towards the scenic HHW, which is a designated Marine Park as well as an SSSI. The northwestern boundary of the Area abuts a major rocky stream. The boundary of the Area is shown by a heavy broken line on the plan (**Plan H-1**).
- 5.3 The Area mainly consists of woodlands, village houses, sandy beaches and fallow agricultural land. The Hoi Ha village, located in the middle part of the Area, is the only recognized village in the Area, with about 30 houses and two *tze tongs*. Provision stores can be found on the ground floor of some of the houses, and the HHW Marine Park Warden Post of the AFCD occupies the ground floor of one of these houses, providing guiding tours for tourists during weekend. According to 2011 Census, the total population of the Area was about 110 persons.
- 5.4 DAFC advises that most of the flora and fauna recorded in the Area and the adjacent Sai Kung West Country Park are common and widespread species. Although the terrestrial habitats therein are not exceptional in terms of biodiversity, the native woodlands on the hillsides behind (east and south) of the Hoi Ha Village, and on the gentle slope at the western end of the Area, are quite natural in character and are ecologically-linked with the wide stretch of vegetation in the Sai Kung West Country Park. Within these woodlands, protected plant species including *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉), and *Neottopteris nidus* (巢蕨) have been found, and for the woodlands on the east side, notable plant species including *Morinda cochinchinensis* (大果巴戟) and *Sargentodoxa cuneata* (大血藤) have been recorded. A number of fauna species of conservation concern, including *Thoressa monastyrskyi* (黑斑陀弄蝶) (a rare butterfly species found only in Sai Kung), *Troides aeacus* (金裳鳳蝶) (a rare butterfly species with conservation concern), *Troides helena* (裳鳳蝶) (an uncommon and protected butterfly species) and Chinese Pangolin (穿山甲) (an endangered and protected species with restricted distribution), have been recorded in the area or in its vicinity.
- 5.5 In the western part of the Area, between the native woodland at the western end and the Hoi Ha Village, are mostly abandoned agricultural lands, either on gentle slope overgrown with trees forming a young and disturbed woodland, or on low-lying area overgrown with grass and weeds. The Hoi Ha Road approaches the village from west to east, terminating just outside the village. A privately run water sports/recreation centre (the “Tolo Adventure Centre”), a public toilet, and a refuse collection point can be found along the north side of the road. The water sports/recreation centre, on a Short Term Tenancy (STT)

status, is run by a religious non-profit organisation, and has been in existence for over 30 years.

- 5.6 The Hoi Ha Site of Archaeological Interest, the Hoi Ha Trackway and the Hoi Ha Lime Kilns are heritage features in the Area. Prehistoric pottery shreds, stone implements and ceramic shreds of Tang, Ming and Qing periods have been found. The Hoi Ha Lime Kilns reflects one of the oldest industries in Hong Kong which refined lime from either oyster shells or coral skeleton for construction and agricultural uses. The once prospering industry in HHW area reflects the history and longevity of coral communities in the Area. The boulder-paved Hoi Ha Trackway starts at Hoi Ha village and originally served to connect the neighboring villages.

Planning Intention

- 5.7 The general planning intention for the Area is to conserve its natural landscape and conservation value, to protect its natural and rural character, its cultural heritage, and to make provision for future Small House development for the indigenous village of Hoi Ha.
- 5.8 The planning intention of “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (**Annex V**).
- 5.9 The planning intention of the “Other Specified Uses (Water Sports Recreation Centre)” is to reflect the existing use of the land at the western part of the Area currently occupied by a water sports recreation centre (the "Tolo Adventure Centre") to the north of Hoi Ha Road (**Annex V**).
- 5.10 The planning intention of “GB” 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 (**Annex V**).
- 5.11 The planning intention of “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development. There is a general presumption against development in this zone (**Annex V**).
- 5.12 The planning intention of “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone (**Annex V**).

- 5.13 For “GB”, “CA” and “CPA” zones, any diversion of streams, filling of land/pond or excavation of land shall not be undertaken without the permission from the Board whilst for “V” zone, any diversion of streams, filling of pond requires planning permission from the Board (**Annex V**).

Responses to Grounds of Representations and Representers’ Proposals

Supportive Representations

- 5.14 The views of the four supportive representations (**R10737 to R10739 and R10742**) are noted.

Adverse Representations

Designation of “V” zone

- 5.15 As far as the boundaries of the “V” zone is concerned, local villagers, SKNRC and TPDC consider that the “V” zone is not sufficient to meet the Small House demand. On the other hand, the green/concern groups and large number of individuals consider the extent of “V” zone excessive, in particular the western portion covered by woodland, as it has been based on unrealistic Small House demand figures without verification. It also fails to respect the high ecological value of the woodland area and the possible adverse environmental impact on the HHW Marine Park.
- 5.16 In drawing up the Plan and its land use proposals, special attention has been given to protect the ecological and landscape significance of the Area having regard to the wider natural system of the Sai Kung West Country Park and the HHW Marine Park. Conservation zones, i.e. “CA”, “CPA” and “GB”, in consultation with relevant Government departments including AFCD and CTP/UD&L, PlanD, have been designated to cover areas (e.g. native woodlands, natural coastlines and rocky stream) having ecological and landscape significance that warrant protection under the statutory planning framework. The total land area of the three conservation zones is about 5.6 ha representing about 66% of the 8.45 ha of land covered by the Plan.
- 5.17 Nevertheless, an indigenous village, Hoi Ha is found in the Area, thus there is a need to designate “V” zone at suitable locations to meet the Small House demand of local villagers after delineating the areas that have to be conserved. The boundaries of the “V” zone has been drawn up after considering the village ‘environ’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. The Small House demand forecast is only one of the many references in considering the proposed “V” zone.
- 5.18 It is recognised that the Small House demand forecast provided by the Indigenous Inhabitant Representatives to the Lands Department (LandsD) could be subject to changes over time for reasons like demographic changes (birth/death) as well as aspiration of indigenous villagers currently living outside the village, local and overseas, to move back to Hoi Ha in future. An incremental approach has been adopted with an aim to confining Small House development at suitable locations adjacent to existing village cluster. The “V” zone on the

Plan has an area of about 2.6 ha which is smaller than the ‘VE’ of Hoi Ha Village (about 2.92 ha) by 11% and capable of providing land for about 64 Small Houses meeting about 68% of the future demand (**Table1**).

Table 1

Small House Demand Figure in 2012		‘VE’ Area (ha)	“V” zone Area on the Plan (ha)	Land required to meet the demand for 94 houses (ha)	Land available to meet the demand figure (ha)	Percentage of the demand met by available land (%)
Outstanding demand	10-year forecast (2013-2022)					
15 ⁵ (10)	84	2.92	2.60	2.35	1.60 (64 houses)	68

5.19 The representers, in particular the green/concern groups have collated large amount of supporting information⁶ to demonstrate that the western portion of the proposed “V” zone is occupied by undisturbed secondary woodland comprising a considerable number of mature trees and plant species of conservation concern, and is ecologically linked with the adjacent “CA” and “GB” zones. Particularly, a grouped of mature trees, including Chinese Banyan on the western edge of the "V" and a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉) are found. As such, they consider that the woodland area should be protected by conservation zones such as “CA” and “GB” and excluded from the proposed “V” zone.

5.20 According to AFCD, the woodland at the western portion of the proposed “V” zone is covered with trees regenerated through natural succession on abandoned agricultural land. As compared with the woodlands to the east, south and western end of Hoi Ha, which are mature and contiguous with those inside the country park area, this woodland in the “V” zone is relatively young and disturbed to a certain extent due to its proximity to the existing village.

5.21 After reviewing the latest evidence and based on AFCD’s advice, it is considered that some of the proposals submitted by the representers have merits. To minimise any possible adverse impact on the existing natural environment including the wetland and HHW, consideration can be given to partially meet the representations by revising the boundary of the "V" zone to exclude the relatively undisturbed woodland with flora of conservation species in the western part of the “V” zone and to rezone it and the adjacent “GB” to "GB(1)" (**Plans H-5 and H-6**).

5.22 The proposed “GB(1)” zone is so designed to provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allow flexibility for some necessary uses to cater for the needs of local

⁵ Five of these 15 applications have received planning approval from the Board.

⁶ The western portion comprises a considerable number of mature trees, including Chinese Banyan on the western edge of the "V", a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉), relatively undisturbed woodland and a network of streams connecting to the wetlands in the “GB”.

villagers (e.g. ‘Burial Ground’ and ‘Rural Committee/Village Office’). Only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or essential infrastructure projects with overriding public interest may be permitted. Whist redevelopment of existing New Territories Exempted House (NTEH) and rebuilding of existing structures are permitted, no new Small Houses are permitted in this zone. AFCD considers that the proposed "GB(1)" zone for the woodland and wetland is appropriate from nature conservation perspective (**Plans H-4, H-5 and H-6**).

- 5.23 Accordingly, the land area of “V” zone would be reduced from 2.6 ha to 1.95 ha. About 40 new Small Houses could be built capable of meeting 43% of the Small House demand (**Table 2**) as compared with the original 68% (**Table 1**).

Table 2

Small House Demand Figure in 2012		‘VE’ Area (ha)	“V” zone Area on the Plan (ha)	Land required to meet the demand for 94 houses (ha)	Land available to meet the demand figure (ha)	Percentage of the demand met by available land (%)
Outstanding demand	10-year forecast (2013-2022)					
15 ⁷ (10)	84	2.92	1.95	2.35	1.02 (40 houses)	43

- 5.24 To cater for future demand for Small Houses, a review has been taken to identify possible locations that might have potential for Small House development. In consultation with AFCD, a piece of Government land which is relatively flat and mainly covered by small trees, shrubs and grass to the east of the village cluster has been identified. It has a land area of about 0.25 ha and is proposed to be rezoned from “CA” to “GB” to reflect its current landscape character. Application for Small House development is not precluded and can be considered by the Board on its individual merits (**Plans H-4, H-5 and H-6 and Annex VI**).

Small House Demand

- 5.25 As mentioned in paragraphs 5.17 and 5.18 above, the Small House demand forecast is only one of the many references in considering the proposed “V” zone. Though there is no mechanism at the planning stage to verify the authority of the figures, the respective District Lands Officer (DLO) would verify the status of the Small House applicant at the stage of Small House grant application.

⁷ Five of these 15 applications have received planning approval from the Board.

Environmental Impact on Hoi Ha Wan Marine Park

- 5.26 The ecological value of HHW is well recognised and it has been an important consideration in the drawing up of the Plan. As indicated in paragraph 7.1.1 of the Explanatory Statement of the Plan, *“the Area has high scenic and landscape value which complements the natural landscape of the surrounding SKW Country Park and the HHW Marine Park. The natural landscape and the coastal environment of the Area, as well as the area along the rocky stream on the northwest side, are worthy of conservation and the scale of the village development should be compatible with the rural setting and surrounding landscape. Any expansion of village development into the native woodlands that are ecologically linked to the SKW Country Park and to the coastal environment near the HHW Marine Park is not recommended.”* Conservation zones, including “GB”, “CA” and “CPA” under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment of Hoi Ha and the ecologically linked SKW Country Park and HHW Marine Park under the statutory planning framework.
- 5.27 As there is no existing sewer or planned public sewer for the Area, Small House development within “V” zone would have to rely on on-site STS system. The sewage disposal including STS system of Small House will be considered by concerned departments (including EPD, Drainage Service Department (DSD), Water Service Department (WSD), AFCD and PlanD) during the processing of the Small House application by Lands Department (LandsD). The arrangement of sewage disposal works should comply with the requirements from the relevant government departments.
- 5.28 As stated in paragraph 9.1.5 of the Explanatory Statement of the Plan, under the current practice and in accordance with the Environmental, Transport and Works Bureau’s Technical Circular (Works) (ETWBTC(W)) No. 5/2005, for development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant authorities. The use of septic tank as a sewage treatment and disposal option in rural areas with small population is permitted under Section 5.2.8, Chapter 9, Hong Kong Planning Standards and Guidelines. For protection of the water quality of the HHW Marine Park, the design and construction of on-site STS for any development proposals/submissions need to comply with relevant standards and regulations, such as Environment Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93 *“Drainage Plans subject to Comment by the Environmental Protection Department”*. Operation and maintenance practices for septic tank (e.g. desludging practices) are also given in EPD’s “Guidance Notes on Discharges from Village Houses”.
- 5.29 According to EPD, in considering whether a site is suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions need to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography, and flooding risks, etc. Site-specific information is essential, particularly if the soil characteristics such as the soil textures are believed to be highly variable even on the same site. The percolation test is one of the requirements set out in (ProPECC PN) 5/93 which have to be followed by authorized person to

determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test will allow relevant parties to ascertain whether the soil condition is suitable for a septic tank to function properly for effective treatment and disposal of the effluent. As such, the site-specific conditions of Hoi Ha will be taken account of in assessing the acceptability of proposed STS system.

- 5.30 The ProPECC also sets out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements will help identify the appropriate ground conditions suitable for the construction of septic tanks, and limit the density of houses to certain extent. Operation and maintenance practices for septic tank (e.g. desludging practices) are also given in EPD's Guidance Notes on Discharges from Village Houses.
- 5.31 When considering the Plan, the Board have already taken into account all relevant planning considerations, including the advice of the relevant Government departments and public views. Neither Transport Department (TD) nor Highways Department (HyD) raised any concern on the proposed "V" zone from the traffic and transport infrastructure points of view.
- 5.32 LandsD when processing Small House applications will consult concerned departments including EPD, AFCD, TD, DSD, WSD, Fire Services Department (on emergency vehicular access issue), Civil Engineering Development Department (on slope issue) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The water quality of the HHW Marine Park has also been closely monitored by AFCD while LandsD would require the applicant to comply with relevant standards and regulations, such as (ProPECC PN) 5/93 in respect of on-site septic tank system for any development proposals/submissions.

Notes of the Plan

- 5.33 As the planning intention of the "V" zone is to provide land for New Territories Exempted House (NTEH), it is appropriate to put NTEH in Column 1 of "V" zone. As regards other proposed changes put forth by the representers,
- (a) AFCD has reservation on moving 'Agricultural Use' and 'On-Farm Domestic Structure' to Column 2 of conservation zones⁸ from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Moreover, AFCD advises that permission from the Board is required for any works relating to diversion of streams, filling of land/pond or excavation of land which may cause adverse impacts on the natural environment. Taking into account the above factors, AFCD agrees that there is no strong justification for imposing more stringent control on Column 1 uses in the relevant zones.

⁸ Some representers suggested it should be deleted in all zones

- (b) 'Barbecue Spot' and 'Picnic Area' refer to facilities operated by the Government and exclude sites that are privately owned and/or commercially operated, 'Public Convenience' refers to any latrine within the meaning of Section 2 of the Public Health and Municipal Services Ordinance (Cap. 132) and any bathhouse maintained, managed and controlled by the Government for use of the public, and 'Tent Camping Ground' refers to any place open to the public where tents are put only for temporary lodging for recreational or training purpose. Again, this is a facility designated by the Government. AFCD considers that such activities may not have significant adverse impacts on sensitive habitats and thus there is no strong justification for putting these uses under Column 2 of "GB", "CA" and "CPA" zones.
- (c) LandsD when processing Small House applications and applications for 'Eating Place' and 'Shop and Services' will consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. Moreover, if a food business is carried out at the premises, a food business licence is required to be obtained from FEHD under the Public Health and Municipal Services Ordinance (Cap. 132). Licence will only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions are confirmed. As such, there is no strong justification to place 'NTEH', 'Eating Place' and 'Shop and Services' under Column 2 of "V" zone.

5.34 Response to other specified grounds of representations in **Group 2** are summarized as follows:

Adequacy of "GB" zone and Provision of 30m buffer from the Hoi Ha Stream

- (a) In advising PlanD on drafting the Plan, AFCD has emphasised more on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest. Important habitats such as mature native woodlands and the riparian zone of the Hoi Ha Stream, which could provide suitable habitats supporting a variety of species, are covered with conservation zonings. In general, these habitats are supporting various species of conservation interest.
- (b) AFCD considers that the proposed "GB" zone is appropriate since the area consists of relatively disturbed, young woodland that has developed from abandoned agricultural land and the rocky stream is not an EIS. To minimise any possible adverse impact on the existing natural environment including the wetland and the Hoi Ha Stream, consideration can be given to partially meet the representation by rezoning the "GB" to "GB(1)" zone so that there is a higher degree of protection to the concerned wetland but at the same time allow flexibility for some necessary uses to cater for the needs of local villagers. AFCD considers that the proposed rezoning to "GB(1)" zone is appropriate from nature conservation perspective as together with the woodland area, the new "GB(1)" zone would provide a wider buffer between the village, HHW Marine Park and Hoi Ha stream (**Plans H-4, H-5 and H-6**).

Inadequate and misleading information

- (c) According to AFCD, the boundary of the Marine Park has been drawn making reference to the high water mark (but not exactly according to the high water mark) and the coverage of the Marine Park has taken into account the ecological characteristics of the shoreline. In this regard, the boundary of the Marine Park is purposely drawn to include the beaches and sand dunes at Hoi Ha for better protection of the coastal ecology. The gazetted boundary of the HHW Marine Park was approved under the Marine Parks Ordinance in 1996 and there have been no changes since then. The northern boundary of the Plan coincides with the HHW Marine Park boundary leaving no gap in between the two.
- (d) In drawing up the Plan and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transportation, infrastructure and utility services have been taken into account. Views and comments have also been sought from stakeholders and relevant Government departments. The Plan has not been prepared on the basis of the survey map which is just as a map base of the Plan only.

Designation of Country Park Enclaves as Country Parks

- (e) As announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 enclaves into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For country park enclaves to be protected by statutory plans, the general planning intention of the country park enclaves is to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for small house development by the indigenous villagers of the existing recognised villages within the areas.
- (f) Designation of the Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board.

5.35 Response to the proposals of representations are set out below:

Group 1

Rezoning of the “CA” zone to “V” and “GB”

- (a) According to AFCD, the proposed visitor centre for HHW Marine Park falls within the Sai Kung West Country Park and outside the boundary of the Plan. The “CA” zone at the western part of the Area and along the Hoi Ha Road consists of relatively undisturbed, native woodland worthy of preservation that is contiguous with the adjoining Sai Kung West Country Park. AFCD advises that the “CA” zone is considered appropriate from nature conservation perspectives.

Rezoning of the “CPA” zone to “V”

- (b) The “CPA”⁹ covers mangroves, mangrove-associated plants and backshore vegetation, and adjoins the HHW Marine Park. A “CPA” zone is also required to serve as a buffer between the village area and the HHW Marine Park.

Group 2

Designation of “CDA”

- (c) In the course of preparing the Plan, the “CDA” proposal has been fully deliberated by the Board. The current proposed zonings for the Area have been drawn up to provide clear planning intention and protection for different localities in accordance with their ecological and landscape significance, and suitability for Small House development. Designation of the village area as “CDA” so as to enforce planning restrictions or protect the environment is not appropriate.

Provision of at least 30m from the shore for “CPA”

- (d) AFCD advises that the “CPA” zoning is considered appropriate from nature conservation point of view to forming a buffer between the village and HHW Marine Park. Further extending the “CPA” zone inland will encroach on the existing village.

Designation of Country Park Enclaves as Country Parks

- (e) Whether a specific CPE should be included in the country park or not is under the jurisdiction of the Country and Marine Parks Authority (the Authority) under the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board.

Expanding the boundary of the “OU(Water Sports Recreation Centre)”

- (f) According to DLO/TP, as per the STT covering the Tolo Adventure Centre¹⁰, the 3m rule refers to trees within the STT boundary. In light of this, the reason for expanding the site boundary due to the tenancy requirement is not justified. Regarding the proposal to rezone the footpath leading to the site for easier maintenance and repair of the footpath, DLO/TP advises that the footpath falls outside the STT boundary and it is uncertain how the proposed amendment could facilitate the maintenance of the footpath. It should be noted that maintenance or repair of road (including footpath) is always permitted in the “CA” zone under the covering Notes of the Plan.

⁹ The width of the “CPA” zone between the Hoi Ha village and the HHW Marine Park ranged from 25m to 35m.

¹⁰ "A belt of trees not less than 3m in width, of species to be approved by the DAFC & Project Manager/New Territories (NE), shall be planted along the southern side of the said piece or parcel of ground."

Responses to Grounds of Comments

- 5.36 Among the 3,675 comments received, 3,658 of them (**C1 to C3655, C3661, C3663 and C3669**) support the objections and proposals put forth by **R799 to R10735** and **R10750 to R10934** whereas the remainin 17 comments (**C3656 to C3660, C3662, C3664 to C3668 and C3670 to C3674**) do not indicate the representations on which the comments are related to but raise objection to the Plan. The major grounds of the comments and PlanD's responses are at **Annex IV**, which are similar to those raised by the representations.

6 Consultation

- 6.1 Relevant government departments have been consulted and their comments have been incorporated in the above paragraphs.
- 6.2 The following government bureaux and departments have been consulted and they have no major comment on the representations:
- (a) Chief Engineer/Development(2), Water Supplies Department;
 - (b) Chief Building Surveyor/New Territories West, Buildings Department;
 - (c) Chief Highway Engineer/New Territories East, Highways Department;
 - (d) Chief Engineer/Sewerage Projects, Drainage Services Department;
 - (e) Director of Electrical and Mechanical Services;
 - (f) Director of Leisure and Cultural Services;
 - (g) District Officer/Tai Po;
 - (h) Government Property Administrator; and
 - (i) Chief Town Planner/Central Enforcement & Prosecution, Planning Department.

7 Planning Department's Views

Supportive Representations

- 7.1 The supportive views of **R10737 to R10739 and R10742** are noted.

Adverse Representations

- 7.2 Based on the assessments made in paragraph 5 above, the PlanD has no objection to part of the Representations No. (**R799 to R10735 and R10750 to R10934**) and considers that the Plan should be amended to partially meet these representations by rezoning the western part of the "V" zone and the adjoining "GB" zone to "GB(1)" and the eastern portion of the "CA" zone adjoining the "V" zone to "GB" as shown on the plan in **Annex V**. In tandem with the proposed amendments to the Plan, the Notes and the Explanatory Statement should also be revised as proposed in **Annexes VI and VII**.
- 7.3 PlanD does not support Representations No. (**R1 to R798 and R10736, R10740, R10741, R10743 to R10749**) and not upholding the remaining part of the Representations No. (**R799 to R10735 and R10750 to R10934**) for the following reasons:

Group 1 and Group 2

Designation of "V" Zone

- (a) "V" zone has been designated at suitable locations to meet Small House demand of indigenous villagers in Hoi Ha, a recognised village within the Area. The boundaries of the "V" zone for the village has been drawn up having regard to the 'VE', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics.
- (b) The Small House demand forecast is only one of the factors in drawing up the proposed "V" zones and the forecast is subject to variations over time. An incremental approach for designating the "V" zone for Small House development has been adopted with an aim to confining small house development at suitable locations.

Group 1

Rezoning of the "CA" zone to "V" and "GB"

- (c) The "CA" zone at the western part of the Area and along the Hoi Ha Road consists of relatively undisturbed, native woodland worthy of preservation. "CA" zone is considered appropriate from nature conservation perspectives.

Rezoning of "CPA" to "V"

- (d) The "CPA" covers mangroves, mangrove-associated plants and backshore vegetation, and adjoins the HHW Marine Park. A "CPA" zone is required to serve as a buffer between the village area and the HHW Marine Park.

Group 2

Environmental Impact on Hoi Ha Wan Marine Park

- (e) Conservation zones, including "GB", "CA" and "CPA" under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment of Hoi Ha and the ecologically linked SKW Country Park and HHW Marine Park under the statutory planning framework.
- (f) As stated in the Explanatory Statement of the Plan, for the protection of the water quality of the HHW Marine Park, the design and construction of on-site STS for any development proposals/submissions need to comply with relevant standards and regulations, such as Environment Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 "*Drainage Plans subject to Comment by the Environmental Protection Department*".

- (g) LandsD when processing Small House grant and applications will consult concerned departments including EPD, AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The water quality of the HHW Marine Park has also been closely monitored by AFCD.

Inadequate and misleading information

- (h) The boundary of the HHW Marine Park was drawn making reference to the high water mark and the gazetted boundary of the HHW Marine Park was approved under the Marine Parks Ordinance in 1996. The northern boundary of the Plan coincides with the HHW Marine Park boundary leaving no gap in between the two.
- (i) In the drawing up of the Plan and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transportation, infrastructure and utility services have been taken into account. Views and comments have also been sought from stakeholders and relevant Government departments. The Plan has not been prepared on the basis of the survey map.

Designation of "CDA"

- (j) The current proposed zonings for the Area have been drawn up to provide clear planning intention and protection for different localities in accordance with their ecological and landscape significance, and suitability for Small House development. Designation of the Area as "CDA" so as to enforce planning restrictions or protect the environment is not necessary.

Provision of at least 30m from the shore for "CPA" zone

- (k) The "CPA" zoning is considered appropriate from nature conservation point of view to forming a buffer between the village and Hoi Ha Wan Marine Park.

Designation of Country Park Enclaves as Country Parks

- (l) Designation of the Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board.

Expanding the Boundary of the "OU(Water Sports Recreation Centre)" zone

- (m) There is no strong justifications for expanding the boundary of the "OU(Water Sports Recreation Centre)" zone. It should be noted that maintenance or repair of road (including footpath) is always permitted in the "CA" zone under the covering Notes of the Plan.

8 Decision Sought

- 8.1 The Board is invited to give consideration to the representations and comments taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendments to the Plan to meet/partially meet the representations.
- 8.2 Should the Board decide to propose amendments to the Plan to partially meet the representations, the Board is also invited to agree to the proposed s.6B(8) amendments to the Plan, and its ES in relation to the proposed amendments as described in paragraph 7.2 above and set out in **Annexes VI, VII and VIII** respectively, which will be exhibited for public inspection under s.6C(2) of the Ordinance.

9 Attachments

Annexes I-1 to I-33	Representations made by LegCo Councillors, District Council Member, green/concern groups, villagers and related organisations as well as samples of some representations in standard letters/ e-mails
Annexes II-1 to II-6	Comments on Representations made by green/ concern groups and samples of some representations in standard letters/ e-mails
Annex III-1	Summary of Representations in Group 1 and PlanD's Responses
Annex III-2	Summary of Representations in Group 2 and PlanD's Responses
Annex III-3	Major Points of Adverse Representations
Annex IV	Summary of Comments on Representations and PlanD's Responses
Annex V	Extracts of Notes of "V", "OU(Water Sports Recreation Centre)" "GB", "CA" and "CPA" zones
Annex VI	Amendments incorporated on the Draft Hoi Ha OZP
Annex VII	Proposed revisions to the Notes of the Plan
Annex VIII	Proposed revisions to the Explanatory Statement of the Plan
Annex IX	CD-ROM containing names of all representers and commenters as well as their submissions (for Members only)
Drawing H-1	Drawing submitted by R1-R798 in Group 1
Drawing H-2	Drawing submitted by World Wide Fund for Nature Hong Kong (R10874) in Group 2
Drawing H-3	Drawing submitted by Professional Commons (R10880) in Group 2
Drawing H-4	Drawing submitted by Tolo Adventure Centre (R10911) in Group 2

Plan H-1	Location plan
Plan H-1a	Representation proposals
Plan H-2	Development constraints
Plan H-3	Aerial photo
Plan H-4	Proposed Amendments to the Draft Hoi Ha OZP
Plan H-5	Site Plan of the Proposed Amendments
Plan H-6	Aerial photo of the Proposed Amendments

PLANNING DEPARTMENT
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