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Annex I-1

寄件者: [REDACTED]
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傳送日期: 20/11/2013 下午 05:59
附加檔案: 2013年11月20日 陳家洛 有關城市規劃委員會公佈白腊、鎖羅盆及海下的分區計劃大綱草圖 意見書 2.pdf
主旨: 2013年11月20日 陳家洛 有關城市規劃委員會公佈白腊、鎖羅盆及海下的分區計劃大綱草圖 意見書 城規會工作人員,

你好。有關海下、白腊及鎖羅盆分區計劃大綱草圖，公民黨陳家洛議員希望提交意見書。附件為意見書，煩請查看和處理。

若有任何查詢，請致電 [REDACTED] 或電郵至 [REDACTED] 聯絡Anthony Ko。

謝謝。

Anthony Ko
議員助理
陳家洛立法會議員辦事處
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3021 - (1)

20/11/2013



有關城市規劃委員會公佈白腊、鎖羅盆及海下的分區計劃大綱草圖

背景

城市規劃委員會(下稱：城規會)於 2013 年 9 月公佈白腊、鎖羅盆及海下(下稱：三個地點)的分區計劃大綱草圖，分別把三個地點的部分土地劃作「鄉村式發展」地帶，詳情請參考表一。

表一：三個地點分別被劃作「鄉村式發展」土地的面積

地點	土地面積			人口變化		
	總面積 (公頃)	被劃為「鄉村式 發展」的土地面 積 (公頃)	「鄉村式發 展」土地佔總 面積的百分比	現時人口 數目	預計人口 數目	變化
白腊 ⁱ	6.8	2.37	34.9%	0 (2006 年)	少於 50 (2013 年)	↓ ⁱⁱ
鎖羅盆 坳	27.68	4.12	14.9%	0	1000	↓ ^{iv}
海下 ^v	8.45	2.6	30.8%	110	590	+436% ^{vi}

城規會表示，整體規劃的主要意向為「保護該區的高保育和景觀價值」，同時與附近的郊野公園自然美景互相輝映，以及保護自然鄉郊環境及文化遺產，此舉反映特區政府認同三個地點都具有一定保育價值。不過，特區政府亦分別於三個地點預留土地應付現有鄉村的需要，供原居民日後的鄉村發展、興建小型屋宇之用。

三個地點的自然環境

三個地點都被視為具保育價值的地帶。以海下為例，香港自然生態論壇曾於本年 10 月就當地自然生態進行調查，發現超過 450 物種，部份物種亦具保育價值。詳情請參考表二。



表二：海下物種數據

物種	物種數目	注意事項
植物	180	包括國家二級保護野生植物「沉香」；兩種受林務規例保護的蘭花「高斑葉蘭」和「闊葉沼蘭」。
昆蟲	139	
蜘蛛及其他節肢生物	50	
兩棲類及爬行類	5	包括國家二級保護品種「虎紋蛙」。
魚類	20	
甲殼類	26	
軟體生物	27	
海洋生物	6	
總計	453	

另外，世界自然基金會香港分會表示，白腊部份淡水濕地生長了國家二級保護植物「水蕨」。至於鎖鑰盆，當地的紅樹林、淡水沼澤、風水林等自然環境蘊藏了大量具保育價值的動植物，包括矮大葉藻、弓背青鰓、食蟹獾等^{vi}。

公民黨意見

三個地點中，約15%至35%的土地面積分別被劃為「鄉村式發展」地帶，惟特區政府並未就此提供合理、適當的解釋，令人質疑特區政府推動保育工作的決心。上述規劃方案究竟按甚麼標準和準則為基礎？市民一直被蒙在鼓裡。

就此，公民黨反對三個地點的現行規劃方案，並要求特區政府拿出更多理據和數字，同時，公民黨擔心過度發展將威脅該處的自然生態，特區政府應深切檢討有關土地面積，以免向社會傳遞「一邊納入規劃，一邊縱容破壞」的錯誤訊息。

全港共有77幅「不包括土地」，總面積約2000公頃。鑒於本港城市發展步伐急速，部份「不包括土地」正面臨日漸增加的發展壓力。為保育本港自然生態、改善郊野環境，長遠而言，特區政府應把所有郊野公園「不包括土地」納入郊野公園範圍，使該等土地成為郊野公園一部份，受到《郊野公園條例》保護，以維護本港自然環境。



審計署署長報告書

2013年10月的審計署署長報告書(第5章 保護郊野公園及特別地區)批評漁農自然護理署對郊野公園和「不包括土地」保護不力、監察不足及規劃不善。針對種種不足之處，公民黨要求特區政府盡快落實報告書的建議，例如：

- 1) 不少把「不包括土地」納入郊野公園範圍的工作已展開，特區政府應確保該等工作按照預定計劃及時完成；
- 2) 考慮優先處理一些面對發展壓力的「不包括土地」，及為未展開納入工作的「不包括土地」制訂具體時間表；
- 3) 密切監察「不包括土地」的情況，尤其在該等地帶進行的不協調發展活動，或任何破壞或有損自然環境的活動；
- 4) 完善現行巡邏和監察工作的運作模式，同時增撥資源和增加人手，以加強巡視郊野公園和「不包括土地」。

陳家洛

公民黨立法會議員

陳家洛

2013年11月

ⁱ <http://www.info.gov.hk/gia/general/201309/27/P201309260315.htm>

ⁱⁱ http://www.districtcouncils.gov.hk/sk/doc/en/dc_meetings_doc/SK_2013_118_TC.pdf

ⁱⁱⁱ <http://www.info.gov.hk/gia/general/201309/27/P201309260309.htm>

^{iv} http://www.districtcouncils.gov.hk/north/doc/tc/committee_meetings_doc/dmweic/n_dmweic_2013_032_ch.pdf

^v <http://www.info.gov.hk/gia/general/201309/27/P201309260303.htm>

^{vi} http://www.districtcouncils.gov.hk/tp/doc/tc/committee_meetings_doc/EHW/C/2013/TP_ehwc_2013_039_TC.pdf ; http://the-sun.on.cc/cnt/news/20131015/00407_058.html

^{vii} 2013年11月18日。明報，A15，環團促減白腊丁屋地面積。



陳偉業(Albert Chan)

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cc

Annex I-2

25/11/2013 下午 03:25

bcc

Please respond to
陳偉業(Albert Chan)

Subject 陳偉業：要求撤回海下分區計劃大綱草圖(草圖編號：
S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖
羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)並納入郊野公園
範圍

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

香港北角渣華道333號北角政府合署15樓
城市規劃委員會
周達明先生

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電郵、郵寄及傳真文件

周主席：

要求撤回海下分區計劃大綱草圖(草圖編號：S/NE-HH/1)、白腊分區計劃
大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編
號：S/NE-SLP/1)並納入郊野公園範圍

就 貴委員會早前公佈的海下分區計劃大綱草圖(草圖編號：
S/NE-HH/1) (草圖編號：S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：
S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)事宜，本
人要求 貴委員會撤回上述三個該分區計劃大綱草圖，並建議當局將海下
村、白腊村及鎖羅盤納入郊野公園範圍，以確保海下海岸公園、印洲塘
海岸公園及白腊沙灘的海洋生態不會受到海下村的生活污水威脅。

在政府當局近日公佈的海下分區計劃大綱草圖、白腊分區計劃大綱
草圖及鎖羅盤分區計劃大綱草圖中，當局分別將該三區的總規劃人口大
幅調升，包括預計海下的總規劃人口為五百九十人，較現時的一百一十
人增加五倍，當局又將鎖羅盤的總規劃人口定為一千人，但目前該區並
無人居住。另外，當局又將白腊的總規劃人口定為二百三十人，較現時
少於五十人的人口大幅增加四倍。此外，政府當局將該三個區域的鄉村
及毗鄰土地劃為鄉村式發展，而被劃作鄉村式發展的土地面積較民政事
務處劃定的村界範圍為大。村民可在鄉村範圍內興建樓高三層的村屋。
如獲 貴委員會批准，更可興建食肆、酒店、文娛康樂設施等。

儘管政府當局大幅上調海下、白腊及鎖羅盤的人口，並將大幅土地劃作
鄉村式發展用途，但政府當局在作出上述規劃時，卻沒有仔細評估在人口
增加的情況下，增加的生活污水對規劃區附近的海洋生態的影響。據
本人了解，海下鄰近海下海岸保護區，鎖羅盤則接近印洲塘海岸公園，

而白腊則接近白腊灣。該三個海域均是擁有豐富海洋生態的區域。然而，過去多年來，政府當局均沒有為海下村、鎖羅盤及白腊地區鋪設公共污水渠，因此居民唯有將生活污水積存在民居旁的化糞池。儘管政府當局預計海下、鎖羅盤及白腊規劃區內人口將會大幅增加，但仍拒絕為該等區域鋪設公共污水渠。根據目前的規定，規劃署無須就其規劃方案作出環境評估，因此當局亦沒有交代在人口增加的情況下會否出現污水處理不善的問題，更沒有評估生活污水對海下海岸公園、印洲塘海岸公園及白腊灣的生態構成的潛在威脅。

由於政府當局在作出上述規劃時，沒有就生活污水對海岸公園生態的影響進行嚴格的环境評估，故本人要求貴委員會撤回可能對海下海岸公園、印洲塘海岸公園及白腊灣構成嚴重威脅的海下分區計劃大綱草圖、白腊分區計劃大綱草圖以及鎖羅盤分區計劃大綱草圖。本人亦希望貴委員會能建議政府當局將海下村、白腊及鎖羅盤分別納入西貢郊野公園及船灣郊野公園範圍內，以確保海下海岸公園的海洋生態不會因當局的規劃失誤而受到嚴重威脅。為免將該等區域納入郊野公園範圍後，海下、白腊及鎖羅盤的居民的日常生活在受到影響，貴委員會亦可建議當局修改相關法例，令居民可在村內進行售賣日常用品，集會及公開演說等日常活動。專此函達，佇候示覆。

立法會議員陳偉業 謹啟
二零一三年十一月二十五日



副本抄送：環境局局長黃錦星 陳偉業海下白腊鎖羅盤.pdf



立法會陳偉業議員辦事處

OFFICE OF ALBERT W. Y. CHAN, LEGISLATIVE COUNCILLOR

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周主席：

要求撤回海下分區計劃大綱草圖(草圖編號：S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)並納入郊野公園範圍

就 貴委員會早前公佈的海下分區計劃大綱草圖(草圖編號：S/NE-HH/1) (草圖編號：S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)事宜，本人要求 貴委員會撤回上述三個該分區計劃大綱草圖，並建議當局將海下村、白腊村及鎖羅盤納入郊野公園範圍，以確保海下海岸公園、印洲塘海岸公園及白腊沙灘的海洋生態不會受到海下村的生活污水威脅。

在政府當局近日公佈的海下分區計劃大綱草圖、白腊分區計劃大綱草圖及鎖羅盤分區計劃大綱草圖中，當局分別將該三區的總規劃人口大幅調升，包括預計海下的總規劃人口為五百九十人，較現時的一百一十人增加五倍，當局又將鎖羅盤的總規劃人口定為一千人，但目前該區並無人居住。另外，當局又將白腊的總規劃人口定為二百三十人，較現時少於五十人的人口大幅增加四倍。此外，政府當局將該三個區域的鄉村及毗鄰土地劃為鄉村式發展，而被劃作鄉村式發展的土地面積較民政事務處劃定的村界範圍為大。村民可在鄉村範圍內興建樓高三層的村屋。如獲 貴委員會批准，更可興建食肆、酒店、文娛康樂設施等。

儘管政府當局大幅上調海下、白腊及鎖羅盤的人口，並將大幅土地劃作鄉村式發展用途，但政府當局在作出上述規劃時，卻沒有仔細評估在人口增加的情況下，增加的生活污水對規劃區附近的海洋生態的影響。據本人了解，海下鄰近海下海岸保護區，鎖羅盤則接近印洲塘海岸公園，而白腊則接近白腊灣。該三個海域均是擁有豐富海洋生態的區域。然而，過去多年來，政府當局均沒有為海下村、鎖羅盤及白腊地區鋪設公共污水渠，因此居民唯有將生活污水積存在民居旁的化糞池。儘管政府當局預計海下、鎖羅盤及白腊規劃區內人口將會大幅增加，但仍拒絕為該等區域鋪設公共污水渠。根據目前的規定，規劃署無須就其規劃方案作出環境評估，因此當局亦沒有交代在人口增加的情況下會否出現污水處理不善的問題，更沒有評估生活污水對海下海岸公園、印洲塘海岸公園及白腊灣的生態構成的潛在威脅。

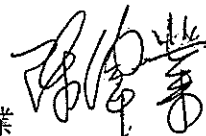
59

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9A, G/F, Wing Hong House, Fuk Loi Estate, Tsuen Wan, Hong Kong
天水圍天慈邨慈恩樓地下1號B翼
No. 1, G/F, Wing B, Tsz Yan House, Tin Tsz Estate, Tin Shui Wai, Hong Kong
屯門友愛邨愛智樓地下128號
No.128, G/F., Oi Chi House, Yau Oi Estate, Tuen Mun, Hong Kong
中環立法會道1號立法會大樓 1014室
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☎ 31479096
☎ 31479098
☎ 28699653
☎ 28800652

由於政府當局在作出上述規劃時，沒有就生活污水對海岸公園生態的影響進行嚴格的环境評估，故本人要求 貴委員會撤回可能對海下海岸公園、印洲塘海岸公園及白腊灣構成嚴重威脅的海下分區計劃大綱草圖、白腊分區計劃大綱草圖以及鎖羅盤分區計劃大綱草圖。本人亦希望 貴委員會能建議政府當局將海下村、白腊及鎖羅盤分別納入西貢郊野公園及船灣郊野公園範圍內，以確保海下海岸公園的海洋生態不會因當局的規劃失誤而受到嚴重威脅。為免將該等區域納入郊野公園範圍後，海下、白腊及鎖羅盤的居民的日常生活会受到影響， 貴委員會亦可建議當局修改相關法例，令居民可在村內進行售賣日常用品，集會及公開演說等日常活動。專此函達，佇候示覆。

立法會議員陳偉業



謹啟

二零一三年十一月二十五日

副本抄送：環境局局長黃錦星

For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	26.11.2013

- The representation should be made to the Town Planning Board (the Board) before the expiry of the specified plan exhibition period. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申述必須於指定的圖則展示期限屆滿前向城市規劃委員會（下稱「委員會」）提出，填妥的表格及支持有關申述的文件（倘有），必須送交香港北角渣華道333號北角政府合署15樓城市規劃委員會秘書收。
- Please read the "Town Planning Board Guidelines on Submission and Publication of Representations, Comments on Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at <http://www.info.gov.hk/tpb/>.
填寫此表格之前，請先細閱有關「根據城市規劃條例提交及公布申述、對申述的意見及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處（香港北角渣華道333號北角政府合署15樓 - 電話：2231 4810或2231 4835）及規劃署的規劃資料查詢處（熱線：2231 5000）（香港北角渣華道333號北角政府合署17樓及新界沙田上禾輋路1號沙田政府合署14樓）索取，亦可從委員會的網頁下載（網址：<http://www.info.gov.hk/tpb/>）。
- This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The representation may be treated as not having been made if the required information is not provided.
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出申述的人士須以打印方式或以正楷填寫表格，填寫的資料宜中英文兼備。倘若未能提供所需資料，則委員會可把有關申述視為不曾提出論。

1. Person Making This Representation (known as "Representer" hereafter) 提出此宗申述的人士（下稱「申述人」）
Name 姓名 / 名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生 / 夫人 / 小姐 / 女士 / 公司 / 機構*) 胡志偉

2. Authorized Agent (if applicable) 獲授權代理人 (如適用)
Name 姓名 / 名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生 / 夫人 / 小姐 / 女士 / 公司 / 機構*) 2013 NOV 26 A 11:15 RECEIVED TOWN PLANNING BOARD

3. Details of the Representation 申述詳情
Draft plan to which the representation relates 與申述相關的草圖 S/SK-PL/1 S/NE/TH/1 白腊 海下分區計劃大綱草圖

* Delete as appropriate

* 請刪去不適用者

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

**REPRESENTATION RELATING TO
DRAFT PLAN UNDER SECTION 6(1) OF
THE TOWN PLANNING ORDINANCE (CAP. 131)**

根據《城市規劃條例》（第 131 章）
第 6(1) 條就草圖作出申述 -

3. Details of the Representation (Continued) (use separate sheet if necessary) 申述詳情(續)(如有需要,請另頁說明)		
Nature of and reasons for the representation 申述的性質及理由		
Subject matters ^⑥ 有關事項 ^⑥	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reasons 理由
建議指 2.36公頃 「鄉村式發展」 用地	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	見附件1及附件2 甲部
建議指 「自然保育區」 「農業」 用地	<input checked="" type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
Any proposed amendments to the draft plan? If yes, please specify the details. 對草圖是否有任何擬議修訂? 如有的話, 請註明詳情。		
見附件1乙部		

⑥ Please describe the particular matter in the plan to which the representation relates. Where the representation relates to an amendment to a plan, please specify the amendment item number provided in the Schedule of Amendments.
請形容圖則內與申述相關的指定事項。如申述與圖則的修訂有關, 請註明在修訂項目附表內的修訂項目編號。

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」
「✓」 at the appropriate box 請在適當的方格內加上「✓」號

4. Plans, Drawings and Documents 圖則、繪圖及文件

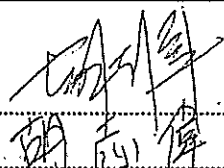
Please list location plans, sites plans, other relevant plans, drawings and other documents submitted with the representation. For coloured drawings/plans or plans/drawings larger than A3 size, 90 copies each should be provided. For other supplementary documents, e.g. reports on impact assessment, 90 copies each should be submitted.

請列明連同申述一併遞交的位置圖、地盤平面圖、其他相關圖則、繪圖及其他文件。倘有圖則/繪圖為彩圖或超過A3大小，須一式90份。至於其他補充文件（例如：影響評估報告），則須一式90份。

與附件1相關的地段索引圖

5. Signature 簽署

Signature
簽署


Name in Block Letters 姓名（以正楷填寫）

"Representer" / Authorized Agent*

「申述人」/ 獲授權代理人*


Position (if applicable) 職位（如適用）

Professional

Qualification(s) 專業資格

Member 會員 / Fellow 資深會員* of

☐ HKIP ☐ HKIA ☐ HKIS ☐ HKIE ☐ HKILA

Others 其他

on behalf of
代表

Company/Organization Name and Chop (if applicable)

公司/機構名稱及蓋章（如適用）

Date

日期 25-11-2013

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this representation will be used by the Secretary of the Board and Government departments for the following purposes:

- (a) the processing of this representation which includes making available the name of the "representer" for public inspection when making available this representation for public inspection; and
- (b) facilitating communication between the "representer" and the Secretary of the Board/Government departments in accordance with the provisions of the Town Planning Ordinance and the relevant Town Planning Board Guidelines.

委員會就這宗申述所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

- (a) 處理這宗申述，包括公布這宗申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及
- (b) 方便「申述人」與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the "representer" in this representation may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.

「申述人」就這宗申述提供的個人資料，或亦會向其他人士披露，以作上述第1段提及的用途。

3. A "representer" has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.

根據《個人資料（私隱）條例》（第486章）的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址為香港北角渣打道333號北角政府合署15樓。

* Delete as appropriate

Please fill "NA" for inapplicable item

「✓」 at the appropriate box

* 請刪去不適用者

請在不適用的項目填寫「不適用」

請在適當的方格內加上「✓」號

附件 1 就 S/SK-PL/1 白腊分區計劃大綱草圖進行的申述

甲部：反對白腊分區計劃大綱草圖中(下稱大綱草圖)擬指定作「鄉村式發展」用地原因

1. 根據城市規劃委員會(下稱城規會)文件編號 9420 “Draft Pak Lap Outline Zoning Plan No. S/SK-PL/C Further Consideration of a New Plan”中的第 5.1 段指出，擬定的 2.36 公頃「地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要供預算供原居村民興建小型屋宇之用。」而擬指定的「鄉村式用地」面積是根據文件 4.1(b)，即西貢地政專員對未來十年原居民對小型屋宇的推算而制訂(預算數目為 72 幢)。
2. 不過規劃署及地政總署並未有為城規會委員提供下列資料：在擬指定的 2.36 公頃「鄉村式用地」中，在現有建築物以外的大多數地段(即擬指定範圍的西邊及東北角)，已經全由一間私人公司於 1990 年代中收購。根據土地註冊處的紀錄顯示，名為 Master Mind Development Limited 已經持有擬指定範圍內的多數地段，包括：丈量約份第 368 約地段編號 71、72、73、74、75、76、77、223、224、225、226、227、255、256、257、258、259、260、261、262、263、264、265、266、267、268、269、270、271、272、273、274、275、276、277、279、280、281、282、283、284、285、286、287、288、290、291、292、293。(見附件 2)
3. 公司註冊處的資料亦顯示該公司的註冊股東與一間本地發展商 Tuenbo Group Limited 的註冊股東為同一人士。顯示多數建議作「鄉

村式發展」用地已非由原居民擁有。如果規劃署及地政總署認為這種情況下仍認定有關土地是供原居民興建小型樓宇之用，有關部門須向公眾及城規會解釋以下疑點：

- A. 在城規會通過「鄉村式發展」後，為何肯定該私人公司不選擇自行依據「鄉村式發展」用地內第二欄的項目向城規會申請發展(例如酒店、屋宇或分層住宅)而選擇讓村民回購土地？
 - B. 當原居民已將土地售予私人公司，公眾對此的理解即持有土地的原居民已自行選擇放棄在這些土地上定居的權利，規劃署或地政總署官員為何需要再為原居民保留相關權利？
4. 如果擬指定的「鄉村式土地」並非如規劃署或地政總署所指是預留予原居民興建小型屋宇，那麼城規會委員在考慮批准有關「鄉村式發展」用地前，需要審慎考慮下列觀點：
- A. 在保護郊野公園的生態讓公眾繼續享用與明顯預見讓私人發展商賺取利潤之間，政府為何要選擇後者而放棄前者？尤其是已有明顯證據顯示擬指定的土地並不符合原居民興建小型屋宇的條件；
 - B. 根據申訴專員公署對郊野公園「不包括的土地」的保護措施的報告書¹顯示，在 2000 年，當時的規劃地政局曾指出「.... 從自然面貌和生態價值角度來看，「不包括的土地」與毗鄰的郊野公園並無實質分別，因此應該予以保護。該局並指出，經驗顯示法定規劃圖則並非保護「不包括的土地」之最有效方法。」(報告書第 24 頁) 按照政府提出的原則，城規會委員及政府當局更不應隨意批准指定「鄉村式發展」用地。
 - C. 城規會委員應注意的是，目前擬指定的「鄉村式發展」用地是

¹ <http://ofomb.ombudsman.hk/abc/files/DI227.pdf>

按照 1905 年時期以「集體官契」形式批出，若該地段是指定為農地，有關地段在未經地政總署批准前即不可建屋(一般而言較少機會獲批)。然而，一旦成為「鄉村式發展」用地後，有關發展限制將大為放寬，土地業權人可向地政總署申請更改地契條款以建村屋，這將對鄰近郊野公園生態造成不可挽救的破壞。正如 2000 年規劃地政局就是否引用法定圖則——「發展審批地區圖」規管「不包括土地」時指出：

「『發展審批地區圖』在自然保育方面的成效不及將『不包括的土地』指定為郊野公園，因前者不能遏止可能破壞自然生態環境的行為，例如砍樹(因砍樹並非法定規劃圖則所能限制的活動)。再者，『發展審批地區圖』刊憲時，有關地點上的土地用途即時會成為『現有用途』，可繼續存在，故即使將『不包括的土地』納入『發展審批地區圖』，亦無法規管那些與周圍自然環境不協調的『現有用途』……把『不包括的土地』納入郊野公園範圍，可以顯示政府保護優美自然生態環境以及郊野公園完整性的決心。」(申訴專員公署對郊野公園「不包括的土地」的保護措施的報告書第 5.9、5.11 段)

D. 最後是關於指定為「鄉村式發展」與是否影響原居民權益的問題。正如先前指出，既然擬指定土地的業權人已非原居民，那指定「鄉村式發展」與否與原居民權益無關。其次，如果有關權益是指有個別原居民與發展商訂立合約，藉操作丁權及興建小型屋宇圖利(俗稱套丁)是違反現行法例的。城規會委員在考慮時根本無須理會，亦不應變相鼓勵有關行徑。

5. 基於以上原因，本人反對大綱草圖中建議指定的「鄉村式發展」土

地。

乙部 對草圖的擬議修訂

將擬議的 2.36 公頃「鄉村式發展」用地以指定「自然保育區」暫時取代。

待漁護署完成制訂郊野公園界線的程序後即撤回有關圖則，並將之納入

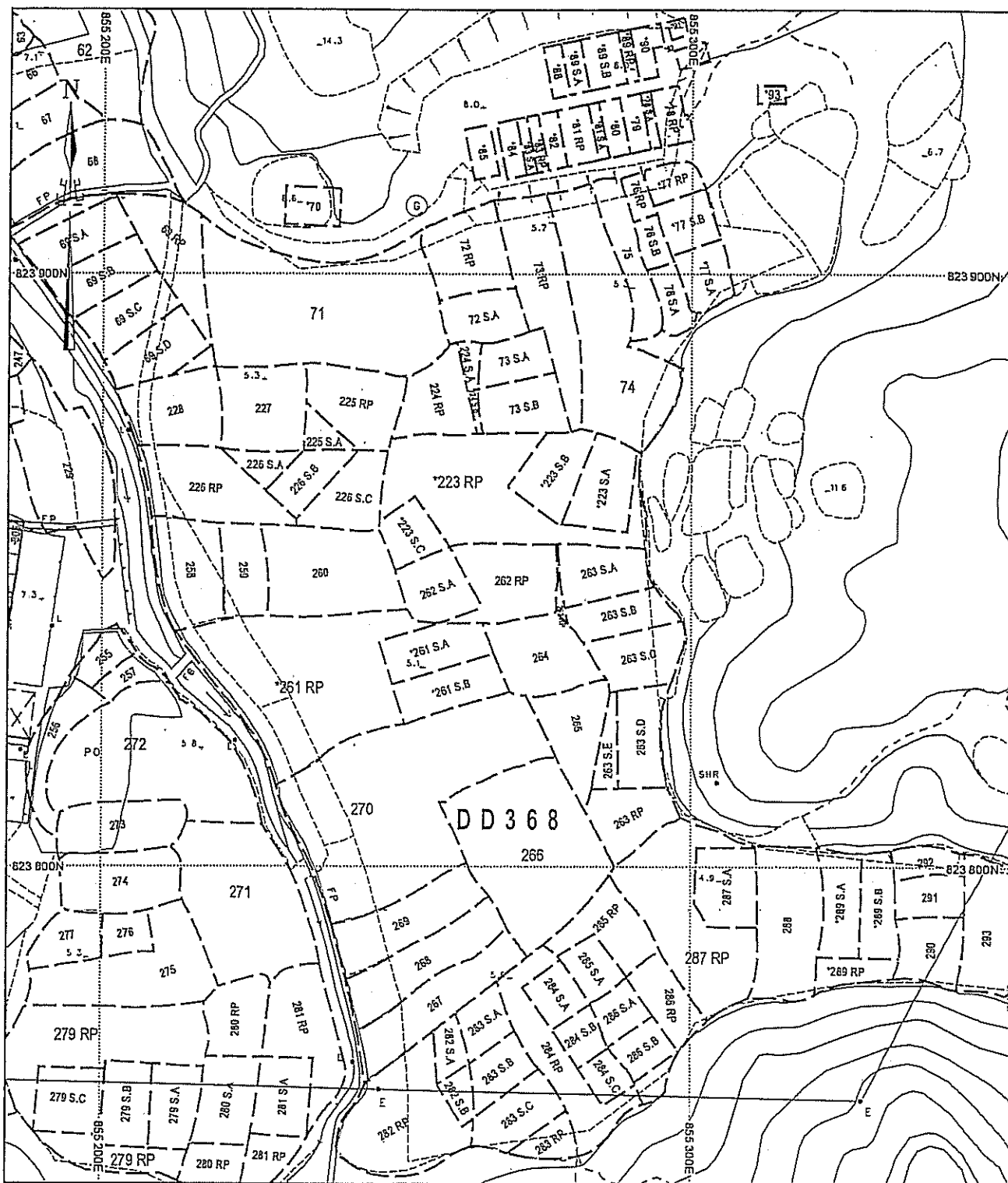
西貢東郊野公園範圍。

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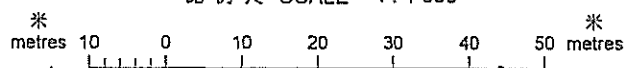
TOWN PLANNING BOARD

地段索引圖 LOT INDEX PLAN



地政總署測繪處 Survey and Mapping Office, Lands Department

比例尺 SCALE 1:1000



Locality : DD368

Lot Index Plan No. : MH0465112013

District Survey Office : MPC, HK

Date : 18-Nov-2013

Reference No. : 12-NE-2B

免責聲明

本圖則乃地段索引圖的複本，顯示地段界線的大概位置，包括根據政府撥地、臨時政府撥地、短期租約及政府土地租用牌照而臨時佔用土地的位置。臨時佔用土地的情況可憑藉短期通知出現或終止，因此應向有關的分區地政專員核實。本圖則所示的資料必須透過實地測量予以核實。當有更佳或新的地界線據時，地段索引圖可能會被修訂而無須事先通知。

Disclaimer

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index

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Land Search Information (Pak Lap)

Lot/ Address	Owners' Name/ Latest Transfer Date	Remarks
LOT NO. 71 IN D.D. 368 (DD368L 71)	Master Mind Development Limited, 13/2/1995	One of the director of Master Mind Development Limited is related to Tuenbo (Holdings) Company Limited
LOT NO. 72 IN D.D. 368 (DD368L 72)	Master Mind Development Limited, 14/6/1995	
LOT NO. 73 IN D.D. 368 (DD368L 73)	Master Mind Development Limited, 5/11/1995	
LOT NO. 74 IN D.D. 368 (DD368L 74)	Master Mind Development Limited, 13/2/1995	
LOT NO. 75 IN D.D. 368 (DD368L 75)	Master Mind Development Limited	
LOT NO. 76 IN D.D. 368 (DD368L 76)	Master Mind Development Limited, 8/11/1993,	
LOT NO. 77 IN D.D. 368 (DD368L 77)	Master Mind Development Limited, 25/9/1996,	
LOT NO. 223 IN D.D. 368 (DD368L 223)	Master Mind Development Limited, 25/9/1996	
LOT NO. 224 IN D.D. 368 (DD368L 224)	Master Mind Development Limited, 27/2/1995	
LOT NO. 225 IN D.D. 368 (DD368L 225)	Master Mind Development Limited, 27/6/1994	
LOT NO. 226 IN D.D. 368 (DD368L 226)	Master Mind Development Limited, 27/6/1994	
LOT NO. 227 IN D.D. 368 (DD368L 227)	Master Mind Development Limited, 27/6/1994,	
LOT NO. 255 IN D.D. 368 (DD368L 255)	Master Mind Development Limited, 27/6/1994,	

LOT NO. 256 IN D.D. 368 (DD368L 256)	Master Mind Development Limited, 30/10/1996	
LOT NO. 257 IN D.D. 368 (DD368L 257)	Master Mind Development Limited, 8/11/1993	
LOT NO. 258 IN D.D. 368 (DD368L 258)	Master Mind Development Limited, 27/6/1994	
LOT NO. 259 IN D.D. 368 (DD368L 259)	Master Mind Development Limited, 22/8/1996	
LOT NO. 260 IN D.D. 368 (DD368L 260)	Master Mind Development Limited, 27/6/1994,	
LOT NO. 261 IN D.D. 368 (DD368L 261)	Master Mind Development Limited, 30/10/1996,	
LOT NO. 262 IN D.D. 368 (DD368L 262)	Master Mind Development Limited, 27/2/1995,	
LOT NO. 263 IN D.D. 368 (DD368L 263)	Master Mind Development Limited, 27/6/1994,	
LOT NO. 264 IN D.D. 368 (DD368L 264)	Master Mind Development Limited, 27/6/1994,	
LOT NO. 265 IN D.D. 368 (DD368L 265)	Master Mind Development Limited, 8/11/1993,	
LOT NO. 266 IN D.D. 368 (DD368L 266)	Master Mind Development Limited, 22/11/1993,	
LOT NO. 267 IN D.D. 368 (DD368L 267)	Master Mind Development Limited, 27/2/1995,	
LOT NO. 268 IN D.D. 368 (DD368L 268)	Master Mind Development Limited, 22/11/1993,	
LOT NO. 269 IN D.D. 368 (DD368L 269)	Master Mind Development Limited, 22/11/1993,	
LOT NO. 270 IN D.D. 368 (DD368L 270)	Master Mind Development Limited, 27/6/1994,	

LOT NO. 271 IN D.D. 368 (DD368L 271)	Master Mind Development Limited, 8/11/1993,	
LOT NO. 272 IN D.D. 368 (DD368L 272)	Master Mind Development Limited, 30/10/1996,	
LOT NO. 273 IN D.D. 368 (DD368L 273)	Master Mind Development Limited, 8/11/1993,	
LOT NO. 274 IN D.D. 368 (DD368L 274)	Master Mind Development Limited, 22/8/1996	
LOT NO. 275 IN D.D. 368 (DD368L 275)	Master Mind Development Limited, 27/2/1995	
LOT NO. 276 IN D.D. 368 (DD368L 276)	Master Mind Development Limited, 22/11/1993,	
LOT NO. 277 IN D.D. 368 (DD368L 277)	Master Mind Development Limited, 17/2/2001,	
LOT NO. 279 IN D.D. 368 (DD368L 279)	Master Mind Development Limited, 27/6/1994,	
LOT NO. 280 IN D.D. 368 (DD368L 280)	Master Mind Development Limited, 8/11/1993,	
LOT NO. 281 IN D.D. 368 (DD368L 281)	Master Mind Development Limited, 27/6/1994,	
LOT NO. 282 IN D.D. 368 (DD368L 282)	Master Mind Development Limited, 14/6/1995,	
LOT NO. 283 IN D.D. 368 (DD368L 283)	Master Mind Development Limited, 14/6/1995,	
LOT NO. 284 IN D.D. 368 (DD368L 284)	Master Mind Development Limited, 27/2/1995,	
LOT NO. 285 IN D.D. 368 (DD368L 285)	Master Mind Development Limited, 8/11/1993,	
LOT NO. 286 IN D.D. 368 (DD368L 286)	Master Mind Development Limited, 27/6/1994,	

LOT NO. 287 IN D.D. 368 (DD368L 287)	Master Mind Development Limited, 27/2/1994,	
LOT NO. 288 IN D.D. 368 (DD368L 288)	Master Mind Development Limited, 27/6/1994,	
LOT NO. 290 IN D.D. 368 (DD368L 290)	Master Mind Development Limited, 8/11/1993	
LOT NO. 291 IN D.D. 368 (DD368L 291)	Master Mind Development Limited, 17/2/2001,	
LOT NO. 292 IN D.D. 368 (DD368L 292)	Master Mind Development Limited, 22/8/1996	
LOT NO. 293 IN D.D. 368 (DD368L 293)	Master Mind Development Limited, 27/6/1994,	

RECEIVED
2013 NOV 26 A 11:15
TOWN PLANNING BOARD



黃偉賢 元朗區議會 (民選議員)

Zachary Wong Wai Yin, Yuen Long District Council Elected Member

本處檔號：LP-13-1520-150

實處檔號：

敬啟者：茲得悉政府把西貢郊野公園內 77 個小區包括白腊、海下及白沙澳等地列入“發展審批地區圖”，要求規劃署就有關土地進行規劃工作，從有關規劃的初步報告可看出政府預留大面積的土地予地產商興建房屋，本人對此表示強烈反對，並促請 貴會捍衛西貢郊野公園獨有而珍貴的生態價值，拒絕發展商於西貢郊野進行任何地產項目的發展。

其中海下灣是一個生態價值極高的地區，有高度的生物多樣性，這是因為海下灣有一個天然屏障，阻擋海水雜質的湧入，使海水較為潔淨，從而提供一個良好的海洋環境，是很多海洋有機生物的居所。在海中，大部分的珊瑚品種可以確定，也是一個潛水熱點。毫無疑問，海下灣一直是香港僅餘珍貴的自然景點。

白腊灣位於西貢半島、萬宜水庫東面海岸，是拍日出、星空景的好地方，白腊灣為天然海灣，左右灘橫數百碼，灣口南向，除強勁東南風及北風外，長期水靜灣美，不少泳客都喜歡到白腊灣感受陽光與海灘，及進行各式水上活動，亦可選擇在沙灘上露營。

白沙澳位於西貢海下附近，面積約二十九公頃，被西貢西郊野公園包圍，有大片淡水濕地和溪流生態環境，是一條具生態價值又保留客家特色的村落。

我們只希望，讓這些彷彿如世外桃源的地方，能夠繼續保持這份寧靜及生態環境；讓我們和下一代，能夠繼續接觸大自然；讓我們的香港，能夠繼續落實保育的可持續發展。

素仰 貴會以尊重民意為工作原則，請務必為我們及下一代捍衛這片淨土，我們絕不容許極具生態價值及自然環境優美的郊野受到任何人為的破壞，懇請 貴會將這 77 個小區內的土地納入郊野公園範圍內，並堅決拒絕於西貢郊野公園進行任何地產項目的發展計劃，是荷。此致

城市規劃委員會主席
周達明先生

元朗區議員：黃偉賢 謹啟

副本：漁農自然護理署署長黃志光先生
二零一三年九月三十日

元朗朗屏邨悅屏樓平台 229 室

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31



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<debby@designinghongkong.com>
Sent by: debby.ckl@gmail.com

27/11/2013 下午 05:20

To ceo@ceo.gov.hk
sen@enb.gov.hk
sdev@devb.gov.hk
mailbox@afcd.gov.hk
kkling@pland.gov.hk
DLoffice@landsd.gov.hk
amo@lcsd.gov.hk
tpbpd <tpbpd@pland.gov.hk>
cc Paul Zimmerman <paul@designinghongkong.com>

Annex I-5

bcc

Subject Re: Draft Outline Zoning Plans (S/NE-SLP/1),(S/SK-PL/1),(S/NE-HH/1) -
The protection of country parks from development in Hoi Ha, Pak Lap, So
Lo Pun, Pak Tam Au, To Kwa Peng and the other enclaves
☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

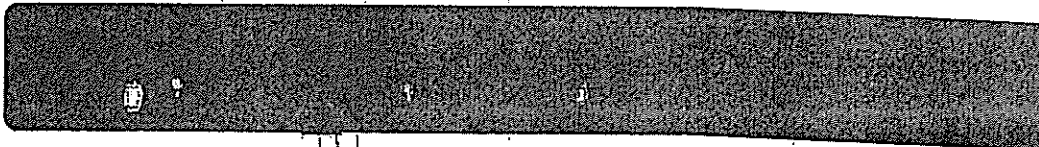
Dear Sirs,

We fully support the incorporation of Tai Long Sai Wan, Yuen Tun and Kam Shan into the Country Parks, and we appreciated the expedient implementation of Development Permission Area controls over 25 enclaves.

The enclaves of private land in country parks are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of country parks from incompatible development in the enclaves requires a comprehensive, integrated and co-ordinated approach.

For this reason, and because each of the measure set out below involves one or more of you in varying combinations, this letter is addressed to you both individually and jointly. Please see the letter full version attached.

Best Regards,
Debby Chan
Designing Hong Kong Limited



DHK Submission on enclaves to Government and TPB.pdf

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Hong Kong, 27 November 2013

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CC: Save Our Country Parks (saveourcountryparks@gmail.com)

The protection of country parks from development in
Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and the other enclaves

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Ling, Ms. Linn, Mr. Ming, Mr. Tang, Mr. Chow
and Members of the Country and Marine Parks Board and Town Planning Board,

We fully support the incorporation of Tai Long Sai Wan, Yuen Tun and Kam Shan into the Country Parks, and we appreciated the expedient implementation of Development Permission Area controls over 25 enclaves.

The enclaves of private land in country parks are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of country parks from incompatible development in the enclaves requires a comprehensive, integrated and co-ordinated approach.

For this reason, and because each of the measure set out below involves one or more of you in varying combinations, this letter is addressed to you both individually and jointly.

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The Government's Promises

The Ombudsman in his September 2011 report noted that Government has been aware of the need to protect Country Parks (CP) against incompatible development in enclaves since 1991.

Following the Tai Long Sai Wan incident, Government published its 'Enclave Policy' on 28 July 2010 setting out follow up actions, including a review of the adequacy of the existing protection against incompatible development which could degrade the integrity, the aesthetic and landscape quality of Country Parks (CP).

In the 2010-11 Policy Address the Chief Executive announced that the Tai Long Sai Wan incident had highlighted the need to take prompt action to regulate land use in CP enclaves to forestall human damage. Private land in enclaves are primarily agriculture lots and the development threat is from village type development (VTD) enabled under the Small House Policy (SHP), and unauthorized developments. To meet conservation and social needs, the Government promised to either include enclaves into CP, or to determine their proper uses through statutory planning.

The Broken Promises

Chapter 5 of Report 61 by the Audit Commission dated 30th October 2013 revealed that the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) secretly decided in October 2010 on 25 enclaves to be incorporated in CP, and statutory plans to be prepared for 27 enclaves, 2 of which would be covered by DPA and then incorporated in CP. (The assumed control measures for each enclave are summarized: <http://thehousenews.com/nature/lazy-only-10-of-enclaves-set-to-become-country-park/>).

The 77 enclaves identified in 2010 cover an area of 2,067ha. Based on the Audit Commission's report and information available from the Legislative Council and TPB, the 27 enclaves identified for incorporation into CP make up only around 236ha - or about 11%. The enclaves zoned with statutory plans which permit development cover 1,840ha - or about 89%.

This lack of control contradicts the promises made in the Enclave Policy: Only 11% of the enclaves will be subject to scrutiny by the CMPB, and for 89% of the enclaves development can proceed without scrutiny from the CMPB and without any scrutiny by both CMPB and TPB for the V-zones within these enclaves.

Statutory Planning Control Measures Inadequate

In November 2013, having regard to immediate development threats the Planning Department had applied development control to 23 of the 29 or 30 enclaves by way of Development Permission Area (DPA) plans under the Town Planning Ordinance (TPO). DPA plans are being prepared for another 6 or 7. These DPA plans are effective for a period of three years (unless extended for up to one additional year). Unless the enclave is incorporated into CP, the DPA plan will need to be replaced with an Outline Zoning Plan (OZP) and VTD zones will need to be included for enclaves with recognized villages (RVs).

Small Houses are always permitted as of right in V-zones, without scrutiny by the CMPB and TPB, merely by LandsD. VTD is regularly permitted in Green Belt, Agriculture and Recreation zones with approval by TPB. TPB commonly approves small house applications outside the V-zones. Under established guidelines the sprawl of VTD has been allowed to expand beyond V-zones.

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So far, zones for VTD have been drawn up for 20 enclaves. This creates serious doubts over the effectiveness of statutory plans controlling development in enclaves and protecting the country parks, especially as the demand under the Small House Policy is infinite.

In all, the combined VTD permitted in enclaves will increase the demand for transport and traffic infrastructure impacting the integrity of CP areas. New roads and road improvements including urban street lighting will follow, significantly reducing the value of each CP.

VTD also blight the immediate landscape, pollute nearby land and waters, and impact the integrity and enjoyment of surrounding country parks and marine resources. The prevailing SHP lacks planning of village environs which results in chaotic village layouts. There is no provision of public works for site formation, slope stabilization, paths, drainage and sewerage. Neither access nor parking is provided. Individual landowners make their own arrangements including unlawful occupation of government land as they deem necessary.

Strengthening control over development in enclaves

Protecting CP from incompatible development is better achieved by incorporating enclaves in CP. Once incorporated, development is subject to scrutiny by AFCD and the CMPB, and the enclaves would enjoy active management including, among others, habitat and amenity improvements, regular patrols and surveillance, enforcement actions against irregularities and refuse collection. Unfortunately, the AFCD has since 2010 gazetted (only) 3 enclaves for incorporation into CP.

The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. Incorporating enclaves into CP will improve the management of these areas, enhance the conservation and landscape values, and increase the enjoyment and amenity value of CP as a whole.

Incorporating the enclaves into CP gives the CMPB and AFCD control over development and management of the area. The CMPB can 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, CP users and facilities, and whether the enjoyment and amenities of the country park as whole will be reduced. Incorporating all the enclaves into CPs is the only way to save our country parks!

Protecting the rights of villagers and land owners

Despite claims from the Heung Yee Kuk and village developers that private land rights are not protected when incorporated into CP, there are statutory procedures for compensation of land owners when existing or proposed developments which reduce the amenity and enjoyment of the CP are disallowed. This procedure does not exist when land uses are restricted under statutory plans.

The demand for small houses is infinite and determined without any justified support under the prevailing Small House Policy. The greater majority of applications are abuses of the SHP by applicants who do not and never intend to live in their village. About half sell as soon as houses are built and many have already sold their rights to 3rd parties by signing secret, under the table agreements and power of attorneys, in return for cash payments. The records of land sales transactions in enclaves are indicative of the likelihood of such abuses.

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We call upon the Chief Executive, the Government, AMO, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:

- ☒ To incorporate all Enclaves into their surrounding CP and to place them under the management and control of the AFCD and oversight of the CMPB;
- ☒ To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into CP to be completed;
- ☒ To categorically deny new roads to enclaves currently not serviced by roads;
- ☒ To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity and recreational values of country parks;
- ☒ To identify and designate structures with heritage value as monuments/grade 1 to avoid pushing owners to 'King Yin Lei Style Strategies';
- ☒ To ensure development and infrastructure projects in enclaves are designated projects under the EIAO; and
- ☒ To subject the decision making by District Lands Offices, Planning Department, AFCD, CMPB and Town Planning Board regarding the development of enclaves to strict oversight and coordination.

Where Outline Zoning Plans are deemed necessary (such as Hoi Ha, Pak Lap and So Lo Pun, for which the DPA plans have expired and ahead of designation as Country Park) we call on the Town Planning Board together with AFCD and PlanD to enhance these plans with strict additional measures of development control to conserve the natural habitat, landscape resources and rural and natural character of the country parks, and to enhance the amenity and recreational values of country parks:

- ☒ To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only. Future legitimate demand under the SHP, if any, would have to be addressed outside the enclaves and CP. This follows the precedent of the Tai Long Wan Outline Zoning Plan;
- ☒ To move "houses" and "small houses" from column 1 to column 2 in the Schedule of Notes to ensure that any and all demolition and (re-) development of houses is subject to planning permission;
- ☒ To create a layout plan for each enclave with consensus from the public including stakeholders;
- ☒ Any and all slope stabilization, site formation, sewage treatment, drainage, footways, access and parking required should be implemented as public works to control the design and engineering, and to minimize impacts;
- ☒ To categorically deny the future construction of new roads to enclaves currently not serviced by roads; and
- ☒ To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

For the following draft Outline Zoning Plans which have been published, we request the following specific changes in addition to the general changes already identified above to protect the Country Parks:

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Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1):

- ☒ We object to the draft OZP.
- ☒ The enclave should be fully incorporated into the Plover Cove Country Park given its ecological and landscape values.
- ☒ We object to the large V-zone for 134 houses and the planned population of 1,000. According to the 2011 census the population at So Lo Pun was "0" and there are no outstanding small house applications. There is no road connection or public sewerage, and the area has a high landscape and ecological value. The V-zone, if any at all, should be limited to existing structures.
- ☒ The heritage value of existing structures should be recognized and protected.
- ☒ We object to the Green Belt zone. The upper section of the So Lo Pun Stream and its riparian zone (30 m from each side of the stream) should be covered with Conservation Area zone to protect the high ecological value of the stream and associated wetland.
- ☒ "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1):

- ☒ We object to the draft OZP.
- ☒ Pak Lap should be incorporated into the Sai Kung East Country Park given its ecological and landscape values.
- ☒ We object to the large V-zone for 79 small houses and the planned population of 230. According to the 2011 census, the population at Pak Lap was less than 50. There is no vehicle access and no public sewerage. The V-zone should be limited to existing structures and approved small house applications only.
- ☒ Pollutants entering Pak Lap Wan will impact the habitat of the amphioxus (lancelet) – a marine species of high conservation value. The Pak Lap Stream and its riparian zone (30 m from each side of the stream) and the habitat for Water Fern should be covered with Conservation Area.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1):

- ☒ We object to the draft OZP.
- ☒ The enclave should be incorporated into the Sai Kung West Country Park given its ecological, landscape and recreational values.
- ☒ We object to the large V-zone for 63 houses, and the planned population of 590. According to the 2011 census, the population at Hoi Ha was 110 persons. There is no public sewerage and the provision of a private sewerage treatment plant is unrealistic. There have been 7 approved small house applications in the last 18 years. The V-zone should be limited to existing structures and approved small house applications only.
- ☒ The provision of individual Septic Tank Systems for every house built in the V-zone in accordance with EPD policy has the potential to pollute Hoi Ha Wan, severely damage the marine environment and render the beaches unsafe for public recreation. A public works program for sewerage and other facilities should be mandated as a condition for existing developments and prior to new developments, if any.

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- ☒ As planning permission for construction of Small Houses in Green Belt is regularly granted, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.
- ☒ "Barbecue Spot", "Picnic Area", "Public Convenience", "Agricultural Use" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

Pre-draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/B):

- ☒ We object to the pre-draft OZP.
- ☒ The enclave should be incorporated into the Sai Kung East Country park given the ecological and landscape values.
- ☒ The V-zone should be limited to existing structures and approved small house applications.
- ☒ Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesamid Crab community. We urge for all stream and riparian area to be covered with Conservation Area zoning to protect the environmental value of the area.
- ☒ Water bodies (e.g., pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Village type development next to these waterbodies and watercourses would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.
- ☒ There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, *Liparis ferruginea*. We consider that this marsh should be covered with Conservation Area zone.

We look forward to your comprehensive response and actions to protect the country parks from incompatible development, as set out above.


Yours sincerely,



Paul Zimmerman
CEO
Designing Hong Kong Limited

Friends of Sai Kung

c/o :-

 **PACIFIC
CHAMBERS**

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27th November 2013

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CC: Save Our Country Parks (saveourcountryparks@gmail.com)

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Linn, Ms. Linn, Mr. Ming, Mr. Tang, Mr. Chow and Members of the Country and Marine Parks Board and Town Planning Board,

Re: Outline Zoning Plans of Hoi Ha, Pak Lap, So Lo Pun and Pak Tam Au

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1):
Draft Pak Lap Outline Zoning Plan (S/SK-PL/1):
Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1).

The Friends of Sai Kung is a community group comprising concerned Hong Kong residents numbering over 215 active members and almost 1,000 online members and contributors.

We wish to make the following representation concerning the above.

Background and general observations:

In his Chief Executive Election Manifesto of 2012 Mr. C. Y. Leung stated, inter alia:-

"We will protect our country parks and bodies of land and water with ecological value, and formulate long-term plans for other areas of land available for development."

In his Policy Address in January 2013 the Chief Executive stated, inter alia:-

"146. The Government shares public concern about ecological conservation. To take forward the Convention on Biological Diversity, we will consult the public in 2013 on the formulation of the Biodiversity Strategy and Action Plan for Hong Kong. We will also emphasise conservation of land and marine ecologies in major government policies."

After the scandal involving illegal development by Mr. Simon Lo at Tai Long Wan / Sai Wan in Sai Kung East Country Park in 2010, the Government formulated and published a Country Parks Enclave Policy whereby the Director of AFCD was to evaluate the suitability of village enclaves inside Country Parks for incorporation into Country Parks in order to best protect the Country Parks against incompatible development.

Despite public statements by Government that it would take action against unauthorized development, the development at Tai Long Wan Sai Wan was completed in 2012 and, as far as we are aware, no action has yet been taken against the developer.

The driving force behind development pressure inside the Country Parks is undoubtedly New Territories Exempted Houses (NTEH), otherwise known as the Small House Policy, introduced in 1972 to enable an eligible indigenous male villager resident in his village to apply to build a house for himself and his immediate family *to live in*. Today, almost none of the houses are occupied by the applicant.

The Small House Policy has become almost entirely a vehicle for abuse.

It is well known that Small House Policy development has resulted in chaotic village layouts because of a lack of planning and has been allowed to run completely out of control.

To our certain knowledge almost half the NTEH built are sold to non indigenous persons immediately they are completed. Of all successful NTEH applications the vast majority (over 95%) are made by persons who do not live in their native village and never will. Many do not live in Hong Kong.

A very large proportion of NTEH applications are made by "villagers" who secretly sell their rights to a third party, usually a property development company, before applying to build. This comprises a written agreement and power of attorney giving the developer beneficial title to the house once permission is granted. The applicant is required to make a statutory declaration to the Government that he will not dispose of or agree to dispose of any permission granted to him under the application. Such agreements are illegal. They commit the criminal offence of obtaining a pecuniary advantage by deception, the operative deception being that the application is by and for the benefit of the applicant only. The pecuniary advantage gained by the deception is permission to build a house.

Over the course of the last 3 or so years it has become increasingly evident that, with the exception of only 3 village enclaves so far, the enclave policy has not been, and is not being, implemented. In fact, on the contrary, the enclave policy has been subverted and overturned *in secret, behind the scenes* by the actions of organizations, individuals and business interests all of whom have an interest in bringing about the very evils which the enclave policy was intended to prevent.

The nature of any property development and use of land in enclaves including private land in Country Parks is inextricably linked with the health and viability of the surrounding Country Park.

The golden thread running through planning law is *need*, not demand.

Broken Promises

In October 2010 the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) secretly decided that 25 enclaves would be incorporated into Country Parks and statutory plans were to be prepared for 27 enclaves, 2 of which would be covered by DPA and then incorporated in CP.

The 77 enclaves identified in 2010 cover an area of 2,067 ha. Based on Chapter 5 of the Audit Commission's report 61 dated 30th October 2013 and information available from the Legislative

Council and TPB, the 27 enclaves identified for incorporation into CP make up only around 236 ha - or about 11%. The enclaves zoned with statutory plans which permit development cover 1,840 ha - or about 89%.

This contradicts the promises made in the Enclave Policy: Only 11% of the enclaves will be subject to scrutiny by the CMPB, and for 89% of the enclaves development can proceed without scrutiny from the CMPB and without any scrutiny by both CMPB and TPB for the V-zones within these enclaves.

Statutory planning control measures are inadequate to protect Country Parks from incompatible development.

In November 2013, having regard to immediate development threats the Planning Department had applied development control to 23 of the 29 or 30 enclaves by way of Development Permission Area (DPA) plans under the Town Planning Ordinance (TPO). DPA plans are being prepared for another 6 or 7. These DPA plans are effective for a period of three years (unless extended for up to one additional year). Unless the enclave is incorporated into CP, the DPA plan will need to be replaced with an Outline Zoning Plan (OZP) and VTD zones will need to be included for enclaves with recognized villages (RVs).

Small Houses are always permitted as of right in V-zones, without scrutiny by the CMPB and TPB, merely by Lands Department.

Village House Development (VTD) is regularly permitted in Green Belt, Agriculture and Recreation zones with approval by TPB. TPB commonly approves small house applications outside the V-zones. Under established guidelines the sprawl of VTD has been allowed to expand beyond V-zones. So far, zones for VTD have been drawn up for 20 enclaves. This creates serious doubts over the effectiveness of statutory plans controlling development in enclaves and protecting the country parks, especially as the demand under the Small House Policy is infinite.

In all, the combined VTD permitted in enclaves will increase the demand for transport and traffic infrastructure impacting the integrity of CP areas. New roads and road improvements including urban street lighting will follow, significantly reducing the value of each CP.

VTD also blight the immediate landscape, pollute nearby land and waters, and impact the integrity and enjoyment of surrounding country parks and marine resources. The prevailing SHP lacks planning of village environs which results in chaotic village layouts. There is no provision of public works for site formation, slope stabilization, paths, drainage and sewerage. Neither access nor parking is provided. Individual landowners make their own arrangements including unlawful occupation of government land as they deem necessary.

Protecting Country Parks from incompatible development can only be achieved by incorporating enclaves in Country Parks. Once incorporated, development is subject to scrutiny by AFCD and the CMPB, and the enclaves would enjoy active management including, among others, habitat and amenity improvements, regular patrols and surveillance, enforcement actions against irregularities and refuse collection.

As stated above, the AFCD has since 2010 gazetted (only) 3 enclaves for incorporation into CP. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. Incorporating enclaves into CP will improve the management of these areas, enhance the conservation and landscape values, and increase the enjoyment and amenity value of CP as a whole.

The Heung Yee Kuk and village developers claim that their private land rights are not protected when incorporated into Country Park. This is untrue because there are statutory procedures for compensation of land owners when existing or proposed developments which reduce the amenity and

enjoyment of the CP are disallowed. This procedure does not exist when land uses are restricted under statutory plans.

The demand for small houses is infinite and determined without any justified support under the prevailing Small House Policy. It is unsustainable. When looked at in the light of the fact that a male indigenous villager can acquire in effect a free 3 storey house purely by accident of his birth, it is a gross social injustice against the vast majority of non-indigenous villager Hong Kong citizens, both male and female, whose best hope is that one day they might be able to pay off a mortgage on a shoe box sized flat which they purchased at an inflated price.

The Planning Department has been zoning areas of enclaves as V Zone based upon the estimate of demand by the Village Representatives (VR), who put forward a figure of estimated demand of numbers of houses required in the next 10 years. These estimates are never queried or verified by any Government Department, instead being accepted at face value. Hence the estimate of 197 houses put forward to TPB recently by the VR of Pak Sha O, a village where no indigenous villager has lived for decades.

The Chief Executive, the Government, AMO, CMPB and TPB must agree to take the following actions to protect our Country Parks:

- Incorporate all Enclaves into their surrounding CP and place them under the management and control of the AFCD and oversight of the CMPB;
- Extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into CP to be completed;
- Categorically deny new roads to enclaves currently not serviced by roads;
- Promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity and recreational values of country parks;
- Identify and designate structures with Grade 1 status and prevent owners neglecting or destroying them;
- Ensure development and infrastructure projects in enclaves are designated projects under the ELAO; and to subject the decision making by District Lands Offices, Planning Department, AFCD, CMPB and Town Planning Board regarding the development of enclaves to strict oversight and coordination.
- Where Outline Zoning Plans are deemed necessary (such as Hoi Ha, Pak Lap and So Lo Pun, for which the DPA plans have expired and ahead of designation as Country Park) the Town Planning Board, AFCD and Planning Department must enhance these plans with strict additional measures of development control to conserve the natural habitat, landscape resources and rural and natural character of the country parks, and to enhance their amenity and recreational values;
- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only. Future legitimate demand under the SHP, if any, would have to be addressed outside the enclaves and CP;
- Move "houses" and "small houses" from column 1 to column 2 in the Schedule of Notes to ensure that any and all demolition and (re-) development of houses is subject to planning permission;
- Create a layout plan for each enclave with consensus from the public including stakeholders;

- Any and all slope stabilization, site formation, sewage treatment, drainage, footways, access and parking required should be implemented as public works to control the design and engineering, and to minimize impacts;
- Categorically deny the future construction of new roads to enclaves currently not serviced by roads; and
- Ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

We request the following specific changes following draft Outline Zoning Plans which have been published, in addition to the general changes already identified above to protect the Country Parks:

1. Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1):

We object to the draft OZP. We adopt and fully endorse the representations made by Friends of Hoi Ha, WWF, Designing Hong Kong and other organizations who oppose the OZP and want Country Park status.

V Zone

The planned V Zone almost entirely consists of private agricultural lots. Land and company searches reveal that 95 % of the planned V Zone lots have been purchased by property development companies for an aggregate of over \$40,000,000. This fact was already known to TPB and Planning Department well before the OZP was gazetted.

We ask why is it that the V Zone was placed in exactly the location where Planning Department already knew almost all the land was owned by development companies?

This smacks of collusion between Government and developers behind the scenes and raises the gravest suspicions. This is the grossest form of maladministration.

The enclave should be incorporated into the Sai Kung West Country Park given its ecological, landscape and recreational values.

Population and Sewerage

We object to the large V-zone for 63 houses, and the planned population of 590. According to the 2011 census, the population at Hoi Ha was 110 persons. This is incorrect. In fact, the real population is about half that number. There is no public sewerage and the provision of a private sewerage treatment plant is unrealistic. There have been 7 approved small house applications in the last 18 years. The V-zone should be limited to existing structures and approved small house applications only.

The provision of individual Septic Tank Systems for every house built in the V-zone in accordance with current misleading EPD policy has the potential to pollute Hoi Ha Wan, severely damage the marine environment and render the beaches unsafe for public recreation. A public works program for sewerage and other facilities should be mandated as a condition for existing developments and prior to new developments, if any.

Green Belt

As planning permission for construction of Small Houses in Green Belt is routinely granted in Green Belt, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.

Again the Green Belt consists almost entirely of private agricultural lots about ¾ of which have been purchased by property development companies.

"Barbecue Spot", "Picnic Area", "Public Convenience", "Agricultural Use" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

2. Draft Pak Lap Outline Zoning Plan (S/SK-PL/1):

We object to the draft OZP. We adopt and fully endorse the representations made by WWF, Designing Hong Kong and other organizations who oppose the OZP and want Country Park status.

Again, the V Zone has been placed in the very same area where a very large proportion of the private agricultural lots have been purchased by development companies. We ask the same question: how and why is it that the V Zone was placed in exactly the location where Planning Department already knew almost all the land was owned by development companies?

Again, this is the grossest form of maladministration.

Pak Lap should be incorporated into the Sai Kung East Country Park given its ecological and landscape values.

We object to the large V-zone for 79 small houses and the planned population of 230. According to the 2011 census, the population at Pak Lap was less than 50. There is no vehicle access and no public sewerage. The V-zone should be limited to existing structures and approved small house applications only.

Pollutants entering Pak Lap Wan will impact the habitat of the amphioxus (lancelet) – a marine species of high conservation value. The Pak Lap Stream and its riparian zone (30 m from each side of the stream) and the habitat for Water Fern should be covered with Conservation Area.

3. Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1):

This OZP is yet another case of gross maladministration.

We object to the draft OZP. We adopt and fully endorse the representations made by WWF, Designing Hong Kong and other organizations who oppose the OZP and want Country Park status.

This enclave has been systematically subjected to large scale destruction of vegetation and woodland and is a prime example of "destroy first, develop later," a practice the TPB is on record as being determined to stop. It is time for TPB's actions to match its words.

The enclave should be fully incorporated into the Plover Cove Country Park given its ecological and landscape values.

We object to the large V-zone for 134 houses and the planned population of 1,000. According to the 2011 census the population at So Lo Pun was "0" and there are no outstanding small house applications. This is yet another obvious example of indigenous villagers selling their "Ding" rights to developers.

There is no road connection or public sewerage, and the area has a high landscape and ecological value. The V-zone, if any at all, should be limited to existing structures.

The heritage value of existing structures should be recognized and protected.

We object to the Green Belt zone. The upper section of the So Lo Pun Stream and its riparian zone (30 m from each side of the stream) should be covered with Conservation Area zone to protect the high ecological value of the stream and associated wetland.

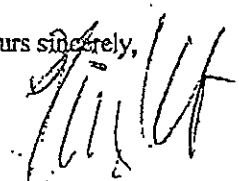
"Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

Thank you for your attention.

You may reveal that this representation is made for Friends of Sai Kung.

I do not consent that you disclose my personal data to any 3rd person.

Yours sincerely,



John Wright

Secretary,
Friends of Sai Kung



25/11/2013 下午 05:48

To "tpbpd@pland.gov.hk" <tpbpd@plk
"pspl@devb.gov.hk" <pspl@devb.gov.hk>
cc "dafcoffice@afcd.gov.hk" <dafcoffice@afcd.gov.hk>
"sen@enb.gov.hk" <sen@enb.gov.hk>
"dep@epd.gov.hk" <dep@epd.gov.hk>

bcc

Subject RE: S/NE-SLP/1 (Draft So Lo Pun OZP); S/SK-PL/1 (Draft Pak
Lap OZP) and S/NE-HH/1 (Draft Hoi Ha OZP)

☒ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Mr. Chow and TPB Members,

As local experts in ecology, biodiversity and conservation, and professoriate staff of the University of Hong Kong, we are writing to provide our professional views on the captioned draft Outline Zoning Plans (OZPs) for So Lo Pun, Pak Lap and Hoi Ha Wan.

Please find attached a jointly signed letter expressing our professional views on the captioned draft OZPs.

Based on our professional judgments and considering the aims and objectives of the international Convention on Biological Diversity, we strongly object to the above draft OZPs. We also consider that any proposal that allows increased development of small houses within Country Park enclaves would be inappropriate and sets a worrying precedent for the future of Hong Kong's cherished Country Park system.

Thank you for your kind attention and consideration. Should you need any further input from us, please do not hesitate to contact me via email at [REDACTED] or by phone ([REDACTED]).

With best wishes,
Prof. Kenneth Leung
(On behalf of the other eight ecologists
as shown on the attached letter)

Professor Kenneth Leung
The Swire Institute of Marine Science
School of Biological Sciences
The University of Hong Kong
Tel.: [REDACTED]
Email: [REDACTED]



To_Town_Planning_Board_Final_v.pdf



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香港大學
生物科學學院
香港薄扶林道
嘉道理生物科學大樓

Chairman (Mr. Thomas Chow) and Members
Town Planning Board
HK SAR Government

By Email tpbpd@pland.gov.hk

26 November 2013

Dear Mr. Chow and TPB Members,

**RE: S/NE-SLP/1 (Draft So Lo Pun Outline Zoning Plan);
S/SK-PL/1 (Draft Pak Lap Outline Zoning Plan) and
S/NE-HH/1 (Draft Hoi Ha Outline Zoning Plan)**

As local experts in ecology, biodiversity and conservation, we are writing to provide our professional views on the captioned draft Outline Zoning Plans (OZPs) for So Lo Pun, Pak Lap and Hoi Ha Wan. Based on our professional judgments and considering the aims and objectives of the international Convention on Biological Diversity (CBD), we strongly object to the above draft OZPs. We also consider that any proposal that allows increased development of small houses within Country Park enclaves would be inappropriate and sets a worrying precedent for the future of Hong Kong's cherished Country Park system.

On the one hand, the HK SAR Government has recently embarked on the planning and implementation of the CBD, and in that context is responsible for fostering the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the utilization of genetic resources.

In clear opposition to this principle, however, it is becoming apparent that the HK SAR Government intends to follow the request of the Heung Yee Kuk and allow substantial development zones for small houses within Country Park enclaves. Eventually, there could be as many as 19 such zones with a total area of 320 ha within these enclaves (including the three OZPs captioned above) where over 3,000 small houses could be built. Certainly, there will be cumulative ecological impacts brought about by such development, which could very well exceed the carrying capacity of ecosystems within and around the enclaves. Without careful studies of the carrying capacity and potential cumulative ecological impacts of the future designation of zoning for small houses, it is a very unwise decision to allowing more houses, more people and more vehicles to exist within these ecologically-sensitive areas.

As a specific example, the Hoi Ha Wan Marine Park is the only one of its type in Hong Kong and Southern China, and has very high biodiversity in its intertidal and sub-tidal zones. The intertidal soft shore of Hoi Ha Wan sustains the highest species richness of marine invertebrates among 41 soft shores surveyed within Hong Kong (Leung et al. 2006). According to the Agriculture Fisheries and Conservation Department (AFCD), Hoi Ha Wan is one of the best coral sites in Hong Kong with 64 stony coral species and over 120 coral-associated fish species. Recent surveys, summarized by Wong (2013) have also indicated that the area encompassed by the Hoi Ha Wan OZP is enriched with an array of terrestrial flora and fauna on land (e.g., 243 plant species, 139 insect species, 50 arthropod species, and 37 reptile/amphibian species) and in the stream and its associated estuary and wetlands (e.g., 26 fishes, 26 crustaceans and 27 molluscs). The construction of the 60-90 small houses envisaged under the proposed OZP will inevitably destroy or fragment natural habitat and reduce biodiversity either during the construction phase or in its aftermath.

Some simple calculations can highlight the long-term consequences associated with the proposed increase in small houses. For example, if there were three people living in each of the 90 small houses, there would be an additional 270 people living in the community with an associated increase in the number of vehicles and traffic, resulting in various cumulative environmental pressures upon the local ecosystems.

If the small houses are going to use septic tanks and soak-away pits as a means to treat domestic wastewater, this is likely to result in the eventual contamination of the stream and entire coastal area of Hoi Ha Wan. The coastal sediments at Hoi Ha Wan are dominated by sand which cannot effectively adsorb or absorb the organic pollutants, and thus any wastewater would infiltrate through the soil into the stream and the coastal waters, with consequent impacts on the Marine Park. Assuming a generation rate as 100 litres of wastewater discharged per person per day, a population of ~ 300 people in the area covered by the OZP would result in daily generation of ~ 30,000 litres of wastewater resulting in contamination of the stream, wetland and Marine Park of Hoi Ha Wan by faecal bacteria, pathogens, and excess nutrients as well as endocrine disrupting chemicals such as nonylphenols from detergents and drug residues arising from the use of pharmaceutical products by residents. If the TPB approves the draft OZP, then a condition of compulsory use of self-contained chemical toilets and wastewater treatment systems must be imposed to avoid contamination of the soils, stream, wetland and marine environments of Hoi Ha Wan.

We do not know how much impact the ecosystems of Hoi Ha Wan, So Lo Pun or Pak Lap can tolerate without an adverse effect, yet this is the central question that the TPB must be able to answer before approving the proposed OZPs. We stress that the carrying capacity for individual enclave sites and the overall capacity of all Country Park enclaves must be carefully studied before an informed and responsible decision on land use and small-house numbers can be made. Other issues such as solid waste management, private vehicles and parking areas, public transportation and goods supply also need to be taken into account when considering the desirability of proposed OZPs. It is also important to balance the various public interests rather than favour, without due consideration, the interests of just one sector of our society.

As history reveals, land-uses change and rural development is a major driver of biodiversity loss. As an Asia world city, Hong Kong should embrace the principle of sustainable development and enable our future generations to enjoy the Country Parks, appreciate their wildlife and live harmoniously with our natural heritage. We should not see our Country Parks surrounded by houses and crowded with people and vehicles. It would be shameful if the TPB made an irreversible decision allowing excessive development within Country Park enclaves.

We propose that members of the TPB take account their responsibility to protect nature and our biodiversity for future citizens of Hong Kong and refuse the proposed draft OZPs. It is essential to balance the interests of different sectors of our society and conduct any development in a measured way based on a sound scientific foundation. Only in this way can it truly contribute to Hong Kong's sustainable development.

Thank you for your attention and consideration.

Yours faithfully,

Prof. David Dudgeon

Prof. Kenneth Leung

Prof. Yvonne Sadovy

Prof. Gray A. Williams

Dr. David Baker

Dr. Tim Bonebrake

Dr. Billy Hau

Dr. Leszek Karczmarski

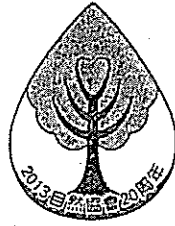
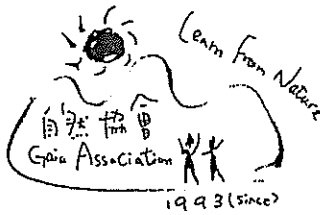
Dr. Vengatesen Thiagarajan



cc. Secretary, ENB; Director, AFCD; Director, EPD;
Editor, SCMP; Editor, The Standard

Cited References:

- Leung, K.M.Y., Lui, K.K.Y., Wai, T.C., Cheung, A.Y.T., Chan, B.K.K., Yau, C. (2006). Study on the Soft Shore in Hoi Ha Wan Marine Park. Final Report to the Agriculture, Fisheries and Conservation Department (AFCD/SQ/2/05), the Government of the Hong Kong Special Administrative Region, P.R. China.
- Wong, C.C. [黃志俊] (2013) 香港自不要海下灣建豪宅 保護郊野完整性。主場新聞。



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自然協會成立於1993年，為香港首間提倡情意自然教育與奉行簡樸生活的慈善教育團體，於2007年創辦鄉師自然學校。

Our Ref: L/GC/2013/11/002/

致：城市規劃委員會

有關：鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)，
白腊分區計劃大綱草圖(S/SK-PL/1)及
海下分區計劃大綱草圖(S/NE-HH/1)發表意見
保育郊野公園「不包括土地」，請港府不要盲目闢地！

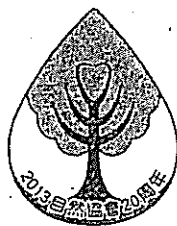
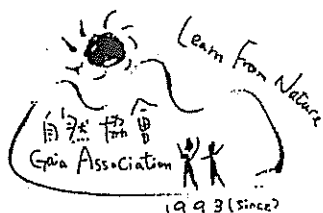
2010年發生西貢大浪西灣慘遭「先破壞、後發展」，令位處於郊野公園範圍的「不包括土地」的保育政策漏洞顯露無遺，當年市民以群眾力量表現愛護香港大自然生態的決心，終逼令政府制定西灣的保育措施，並於上月刊憲修訂，把大浪西灣納入郊野公園範圍內。局方早前就相關修定進行公眾諮詢時，收到3,200個市民電郵表示支持，足見香港人守護自然生態及郊野公園的決心。

可惜，其他郊野公園「不包括土地」如海下、白腊及鎖羅盆等，現正面臨發展威脅，政府並未就當地珍貴的天然遺產制定完善的保育措施。規劃署月前提出將上述三地納入分區計劃大綱圖內，但把鄉村式發展地帶（Village Zone）擴大，可興建大面積村屋。事實上，鎖羅盤及白腊均沒有馬路可達，此三區亦沒有公共污水渠收集生活廢水，我們對政府規劃署建議在這些地區建立大面積鄉村式發展地帶的決定大惑不解。

本會認為規劃署制定鄉村式發展地帶面積時，需考慮三地實際環境及自然生態的承載量。作為關心香港自然環境的一分子，本會認為有必要加強保護力度，故此本會強烈要求政府：

1. 嚴格制定措施保育郊野公園「不包括土地」的自然生態，儘快把具生態保育價值的「不包括土地」納入郊野公園範圍內。
2. 重新審視海下、白腊及鎖羅盆三份分區計劃大綱圖，把鄉村式發展地帶維持在現時可建築地段的範圍內。

保存香港珍貴的自然生態，需配合全面的保育政策，而不能單靠分區計劃大綱圖解決，不必要的大型鄉村式發展更可能令珍貴的自然美景遭受破壞，政府必須立即正視，刻不容緩！



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隨函附上本會對上述三份分區計劃大綱草圖的建議《郊野公園不包括土地的未來》，請城規會謹慎審視公眾意見，以免「先破壞」寶貴郊野而後不能救亡。

此致

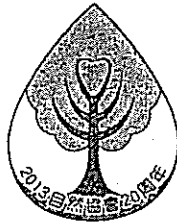
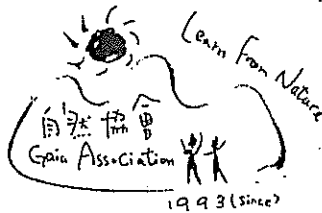
城市規劃委員會

自然協會

綠組

2013年11月22日

附件：《郊野公園不包括土地的未來》



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附件：「郊野公園不包括土地」的未來

2010 年在西貢大浪西灣發生的環境破壞事件，令公眾認識到「郊野公園不包括土地」這個新名詞。事件令政府及市民意識到必須好好保護這些不包括土地；其後申訴專員公署及審計署亦作出同樣要求，促請政府相關部門儘快落實保護這些地區。其實，早在 2001 年，同屬「郊野公園不包括土地」，位於大浪西灣 北面的大浪灣也差點被發展破壞，幸好當時的政府規劃署採取果斷行動，將大浪灣超過九成面積透過分區計劃大綱圖規劃成自然保育區，大浪灣才幸免於難。

但除了大浪西灣及大浪灣，本港其實還有很多仍未廣為人知的「郊野公園不包括土地」。最近政府完成了三幅位於新界東北的鎖羅盤，及西貢的白腊及海下的不包括土地的分區計劃大綱草圖，並建議於每區設大面積的鄉村式發展地帶(主要供新界豁免管制屋宇(又稱小型屋宇或丁屋)發展)，其中海下及白腊的鄉村式發展地帶更佔其總面積的三成或以上。事實上，鎖羅盤及白腊均沒有馬路可達，此三區亦沒有公共污水渠收集生活廢水，我們對政府規劃署建議在這些地區建立大面積鄉村式發展地帶的決定大惑不解。更重要的是，這些地區均具有甚高的自然生態及景觀價值，我們極之憂慮這些鄉村式發展於運作及施工期間的潛在影響，會為這些不包括土地及周邊環境帶來永不磨滅的生態與景觀破壞。我們亦特別關注海下的發展，因生態價值極高的海下灣海岸公園可能會受到威脅。

其實小型屋宇(丁屋)政策在社會上已討論多時。思匯政策研究所在 2003 年發表的一份報告，亦一針見血地指出：小型屋宇政策的主要問題在於其本身的「不可持續性」¹。審計署亦在 2002 年就小型屋宇政策可能被濫用的情況撰寫了一份報告²。我們認為政府實應儘速嚴正檢討此政策，例如加入限制售予非原屋主親屬、限制村屋範圍擴張或限制村屋在村範圍外興建等的新條款；否則，今天在鎖羅盤，白腊及海下出現的問題，日後將會在其他高保育價值的鄉郊地區(例如其他郊野公園不包括土地)不斷重現。

另外，生物多樣性公約已於 2011 年延伸至香港，特首亦於 2013 年的施政報告提到：政府認同公眾對生態保育的關注……我們亦會在政府主要決策中，重視陸上及海域的生態保育。然而，目前規劃署在郊野公園不包括土地的規劃，在生態保育上卻是反其道而行。我們對此情況深表憂慮。

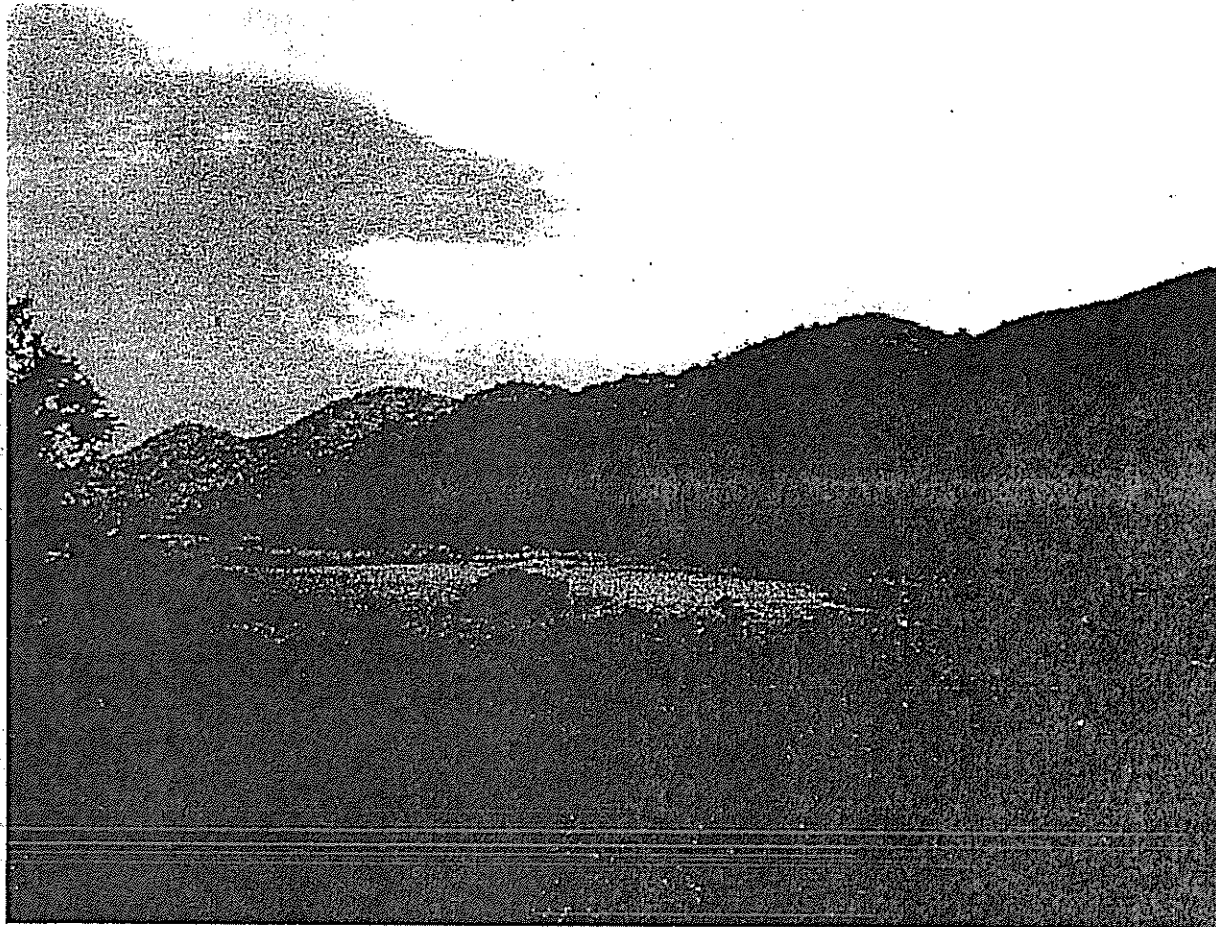
現在，城市規劃委員會(城規會)正收集市民對鎖羅盤，白腊及海下的分區計劃大綱草圖的意見，我們希望 大家能踴躍表態，為自己及下一代捍衛香港的自然環境。請於二〇一三年十一月廿七日(星期三)或之前，將您的意見以電郵遞送至城規會(tpbpd@pland.gov.hk)，並註明是就鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)，白腊分區計劃大綱草圖(S/SK-PL/1)及海下分區計劃大綱草圖(S/NE-HH/1)發表意見。

以下簡列了鎖羅盤，白腊及海下的分區計劃大綱草圖的問題(與我們的建議)。

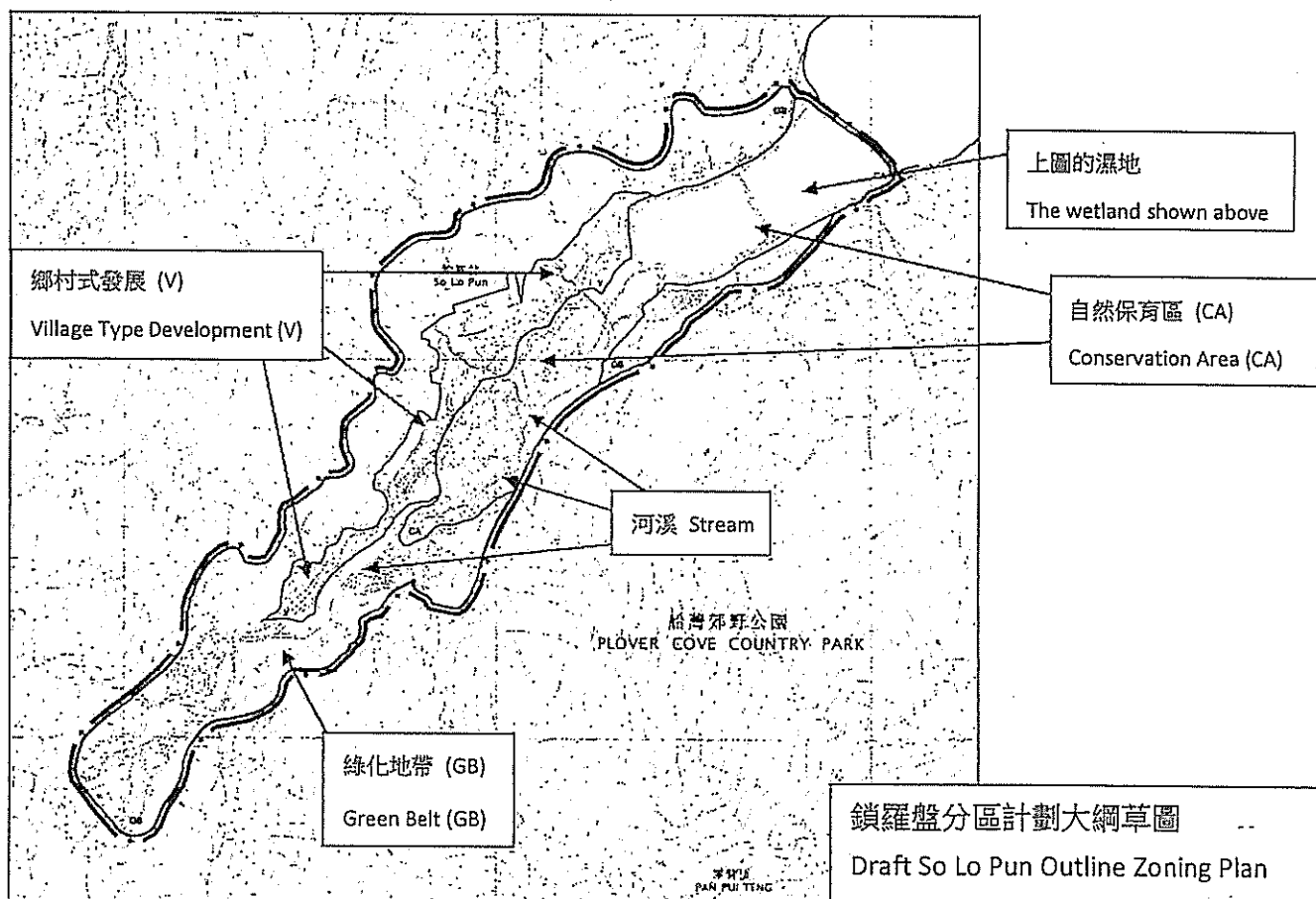
¹ http://www.civic-exchange.org/wp/wp-content/uploads/2003/09/200309_RethinkSmallHouse.pdf

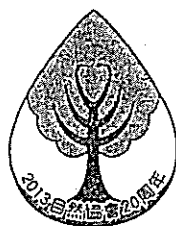
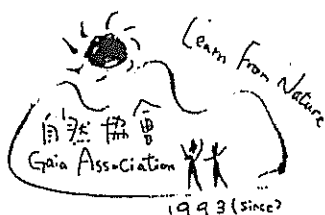
² http://www.aud.gov.hk/pdf_c/c39ch08.pdf

鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)



你希望這片濕地遭受破壞嗎?





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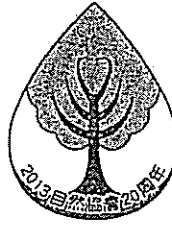
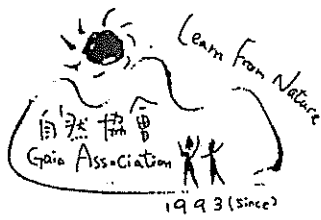
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自然協會成立於1993年，為香港首間提倡情意自然教育與奉行簡樸生活的慈善教育團體，於2007年創辦鄉師自然學校。

- 根據 2011 年的人口普查，鎖羅盤的人口是「0」。但規劃署現在竟把這長期無人居住的地帶的未來規劃人口定為「1000」人，更建議擴大鄉村式發展地帶，以供建設 134 間村屋(新界豁免管制屋宇或小型屋宇)。
- 鎖羅盤有一片生態價值極高的濕地，內有紅樹林、蘆葦叢及在香港極為稀有的海草床。儘管分區計劃大綱草圖建議把這片濕地劃作自然保育區，那可容納 1000 人的鄉村式發展地帶卻被放在這個生態價值極高的濕地旁邊。
- 現時鎖羅盤沒馬路可達。且建議中的鄉村式發展地帶完全被郊野公園、建議的綠化地帶和建議的自然保育區所包圍。
- 現時鎖羅盤並無公共污水渠。根據《水污染管制條例》，鎖羅盤內與外的水體原則上都不應受到污染。政府必須確保此條例能切實執行。
- 我們要求規劃署就以下問題作出解釋：
 - (1) 如何可以在不進入或破壞周圍的綠化地帶、自然保育區或郊野公園的情況下，把用作發展的物資及機器，送到署方建議作鄉村式發展的地帶？
 - (2) 政府如何保證鄉村式發展地帶內村屋慣常使用的化糞池設施，在沒有吸糞車能到的情況下，能定期得到清除池內淤泥等的妥善保養，以保持設施能正常運作，而令區內水域不受污染？
- 儘管鎖羅盤溪流的下游及與其相連的濕地被劃定為自然保育區，我們卻對其上游只被劃定為綠化地帶甚表憂慮。根據現行規劃，「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」均為綠化地帶的「經常准許的用途」；向規劃署申請在綠化地帶作村屋發展並獲批准的情況亦屢見不鮮。一切可能在上游產生的污染，必然會順流而下，直接威脅下游的自然保育區。
- 2008 年，鎖羅盤有近 400 棵樹被砍伐；及後於 2011 年，城規會宣稱不會容忍「先破壞，後發展」的行為。然而，現在規劃署卻建議於鎖羅盤設一面積達 4.12 公頃的鄉村式發展地帶。此舉無疑直接鼓勵「先破壞，後發展」行為，將進一步加劇本港其他地點的生態破壞。香港市民期望規劃署能刻守本分，盡職盡責。



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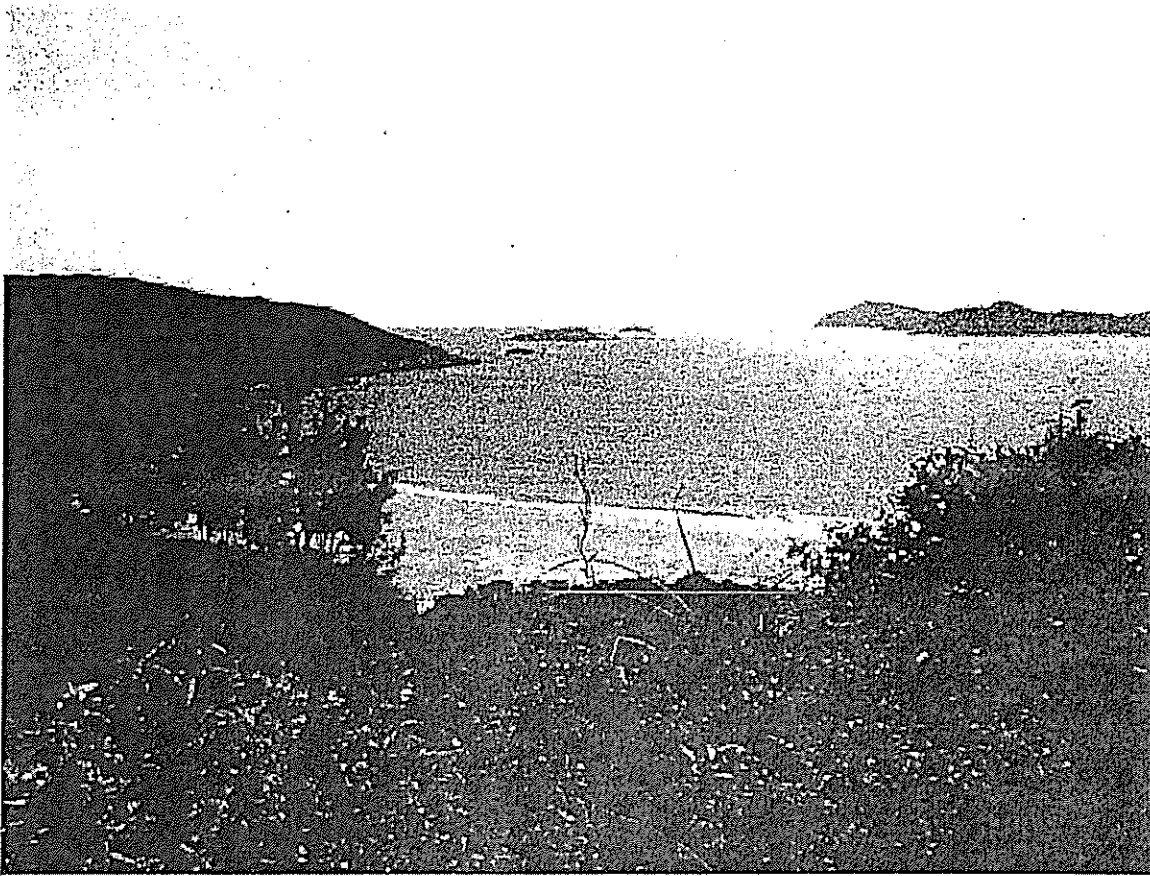
就鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)的建議：

- 必須大幅縮減鎖羅盤的鄉村式發展地帶面積，並規限於現有村屋範圍(及已獲批的村屋地點)；此外，應將鄉村式發展地帶法定圖則註釋表中的「屋宇(只限新界豁免管制屋宇)」，從表列第一欄(「經常准許的用途」)轉移至表列第二欄 — 這正是2001年規劃署處理大浪灣不包括土地時所採納的做法。
- 應把鎖羅盤溪流上游及與其相連的河岸地帶(即河流兩邊各30米的範圍)劃為自然保育區。
- 把綠化地帶法定圖則註釋表中的「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」從表列的第一欄轉移至第二欄，更嚴格地在鎖羅盤規劃監管這些活動及其污染影響。
- 除了上述建議，其實還有一替代方案能更有效地保護「郊野公園不包括土地」。事實上，在2010年的施政報告中，當時的特首早已要求漁農自然護理署(漁護署)研究將不包括土地納入郊野公園的可能性。

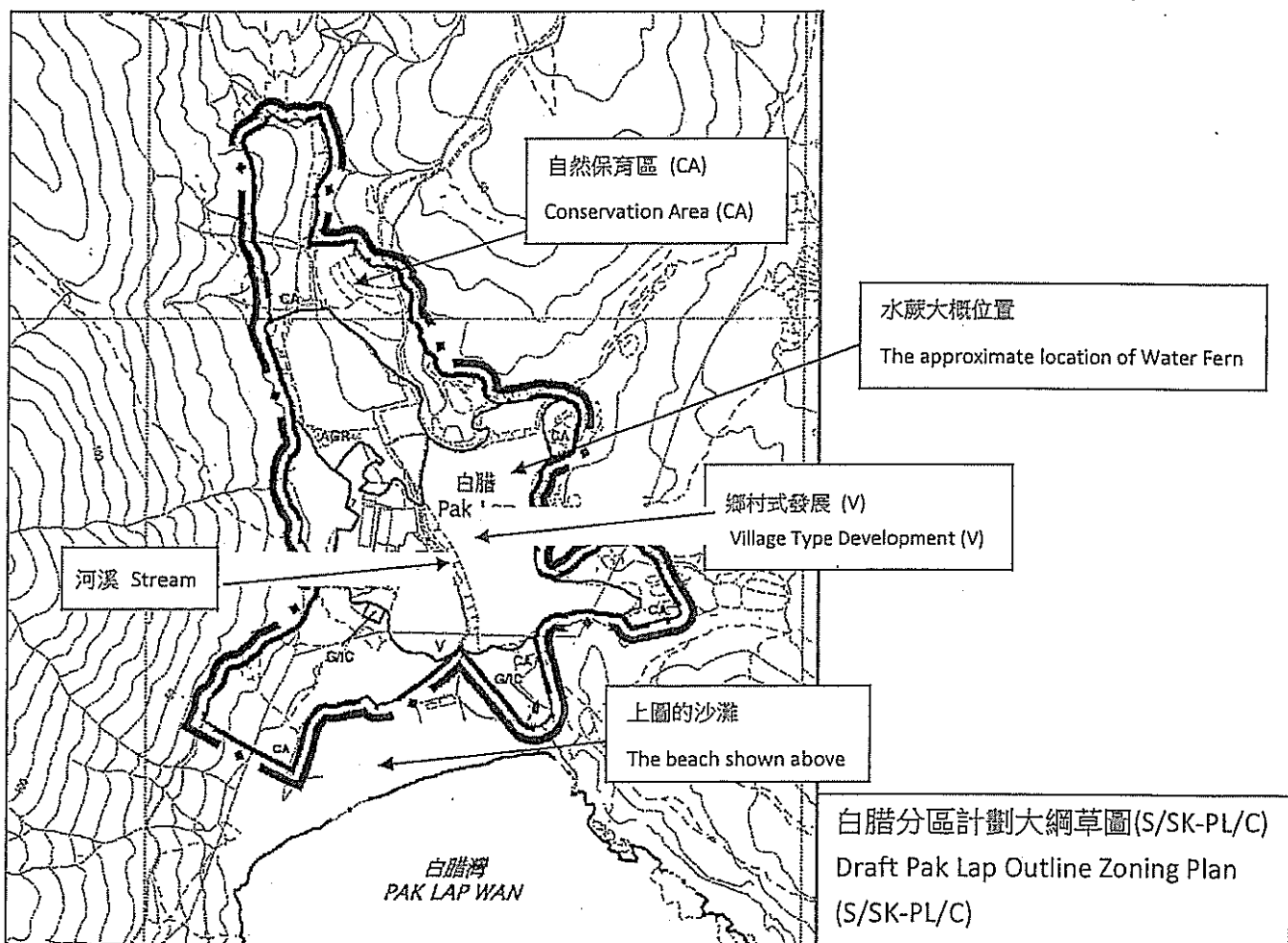
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把鎖羅盤等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啟動規劃程序。

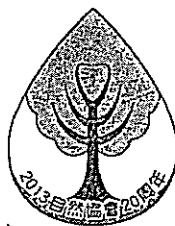
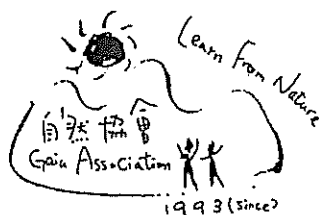
我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

白腊分區計劃大綱草(S/SK-PL/1)



你希望這沙灘遭受污染嗎?





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- 根據 2011 年的人口普查，白腊的人口不足 50 人。可是，規劃署卻把白腊的未來規劃人口定為 230 人，建議中的鄉村式發展地帶可容納 79 間村屋(新界豁免管制屋宇或小型屋宇)。
- 目前，白腊一片擁有稀有水生植物(水蕨)的生境被規劃作鄉村式發展地帶；另外，與白腊灣(白腊對出的海灣)相連的溪流，亦會被建議的鄉村式發展地帶覆蓋。白腊灣是擁有極高保育價值的文昌魚的重要棲地，任何進入與其相連溪流的污染物，均有機會直接流入白腊灣，嚴重威脅文昌魚棲地。
- 現時白腊沒馬路可達。且建議中的鄉村式發展地帶完全被郊野公園和建議的自然保育區所包圍。
- 現時白腊並無公共污水渠。根據《水污染管制條例》，白腊內與外的水體原則上都不應受到污染。政府必須確保此條例能切實執行。
- 我們要求規劃署就以下問題作出解釋：
 - (1) 如何可以在不進入或破壞周圍的自然保育區或郊野公園的情況下，把用作發展的物資及機器，送到署方建議作鄉村式發展的地帶？
 - (2) 政府如何保證鄉村式發展地帶內村屋慣常使用的化糞池設施，在沒有吸糞車能到的情況下，能定期得到清除池內淤泥等的妥善保養，以保持設施能正常運作，而令區內水域不受污染？
- 近年，媒體曾屢次揭發於白腊發生的生態破壞事件；於 2011 年，城規會宣稱不會容忍「先破壞，後發展」的行為。現在規劃署卻建議於白腊設一面積達 2.36 公頃的鄉村式發展地帶。此舉無疑直接鼓勵「先破壞，後發展」行為，將進一步加劇本港其他地點的生態破壞。香港市民期望規劃署能刻守本分，盡職盡責。

對白腊分區計劃大綱草圖(S/SK-PL/1)的建議：

- 必須大幅縮減白腊的鄉村式發展地帶面積，並規限於現有村屋範圍(及已獲批的村屋地點)；此外，應將鄉村式發展地帶法定圖則註釋表中的「屋宇(只限新界豁免管制屋宇)」，從表列第一欄(「經常准許的用途」)轉移至表列第二欄——這正是2001年規劃署處理大浪灣不包括土地時所採納的做法。
- 將水蕨棲地、白腊溪流及與其相連的河岸地帶(即溪流兩邊各30米的範圍)劃為自然保育區。
- 除了上述建議，其實還有一替代方案能更有效地保護「郊野公園不包括土地」。事實上，在2010年的施政報告中，當時的特首早已要求漁農自然護理署(漁護署)研究將不包括土地納入郊野公園的可能性。

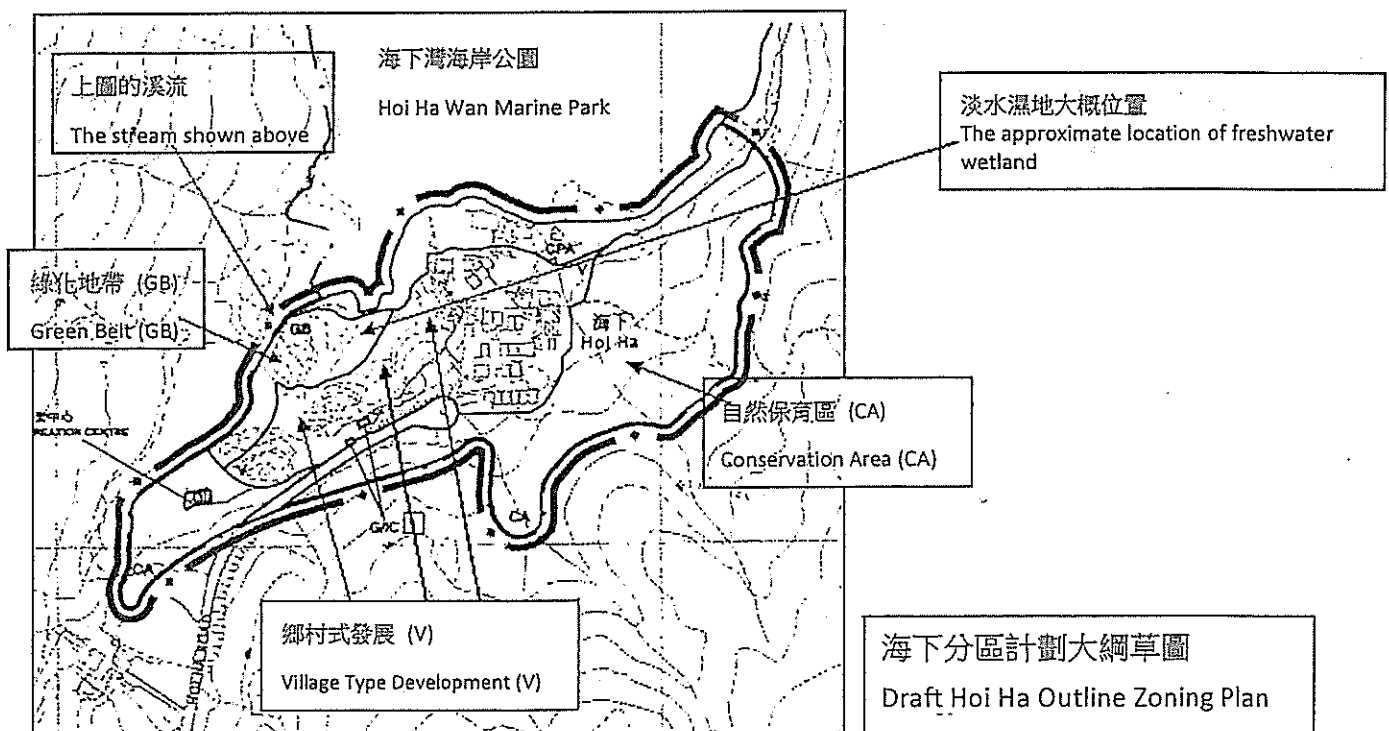
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把白腊等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啟動規劃程序。

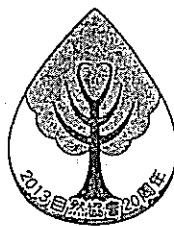
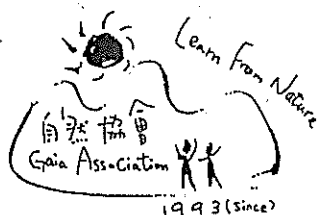
我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

海下分區計劃大綱草圖(S/NE-HH/1)



你希望這溪流遭受污染嗎？





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- 根據 2011 年的人口普查，海下的人口為 110 人。可是，規劃署卻把海下的未來規劃人口定為 590 人，建議中的鄉村式發展地帶可容納 63 間村屋(新界豁免管制屋宇或小型屋宇)。
- 規劃署草擬把海下路西面一片與郊野公園融和一體的天然茂密樹林劃為鄉村式發展地帶，我們對規劃署此建議大惑不解。
- 海下灣海岸公園生態價值極高，但規劃署現卻容許海下的鄉村規模進一步擴大，無視此舉對海下珍貴的海洋及陸上生境的潛在影響。
- 我們對海下溪流的河岸及當地一片淡水濕地只被劃為綠化地帶甚表憂慮。根據現行規劃，「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」均為綠化地帶的「經常准許的用途」；向規劃署申請在綠化地帶作村屋發展並獲批准的情況亦屢見不鮮。一切可能在上游產生的污染，必然會順流而下，嚴重威脅海下灣海岸公園。

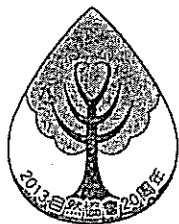
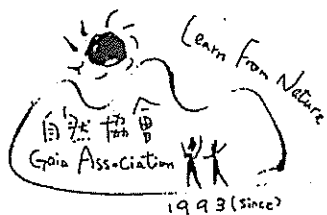
對海下分區計劃大綱草圖(S/NE-HH/1)的建議：

- 必須大幅縮減海下的鄉村式發展地帶面積，並規限於現有村屋範圍(及已獲批的村屋地點)；此外，應將鄉村式發展地帶法定圖則註釋表中的「屋宇(只限新界豁免管制屋宇)」，從表列第一欄(「經常准許的用途」)轉移至表列第二欄 — 這正是2001年規劃署處理大浪灣不包括土地時所採納的做法。
- 把與海下溪流相連的河岸地帶(30米範圍)及淡水濕地劃為自然保育區。
- 把綠化地帶法定圖則註釋表中的「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」從表列的第一欄轉移至第二欄，更嚴格地在海下規劃監管這些活動及其污染影響。
- 除了上述建議，其實還有一替代方案能更有效地保護「郊野公園不包括土地」。事實上，在2010年的施政報告中，當時的特首早已要求漁農自然護理署(漁護署)研究將不包括土地納入郊野公園的可能性。

因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把海下等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啟動規劃程序。

我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

二〇一三年十一月



會址：屯門新墟井頭上村87A

網址：<http://www.gaiass.org>

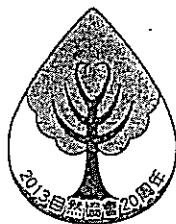
電郵：gaia@gaiass.org

電話：26132773 傳真：26184008

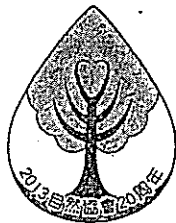
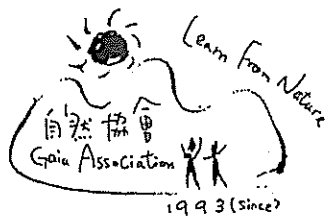
自然協會成立於1993年，為香港首間提倡情意自然教育與奉行簡樸生活的慈善教育團體，於2007年創辦鄉師自然學校。

聯署人

	姓名	電郵地址	簽署
1	歐麗穎	[REDACTED]	[Signature]
2	區紀德	[REDACTED]	[Signature]
3	鄧偉佳	[REDACTED]	[Signature]
4	曾碧玉	[REDACTED]	[Signature]
5	王信興	[REDACTED]	[Signature]
6	彭靖淳	[REDACTED]	[Signature]
7	鄭淑敏	[REDACTED]	[Signature]
8	劉小佳	[REDACTED]	[Signature]
9	劉文清	[REDACTED]	[Signature]
10	曾玉珊	[REDACTED]	[Signature]
11	馬中雄	[REDACTED]	[Signature]
12	傅慧娟	[REDACTED]	[Signature]
13	馬錦輝	[REDACTED]	[Signature]
14	林詠儀	[REDACTED]	[Signature]
15	周妙宜	[REDACTED]	[Signature]



電話：26132773 傳真：26184008



會址：屯門新墟井頭上村87A

網址：<http://www.gaiass.org>

電郵：gaia@gaiass.org

電話：26132773 傳真：26184008

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聯署人

	姓名	電郵地址	簽署
31	劉令茵		
32	馮振豪		
33	張淑蓮		
34	蔡珊茹		
35	葉汶卓		
36	褚慧		
37	Irene Jackson		
38	Terry Preece		
39	PAUL ANTHONY JACKSON		
40	Agnes Choy		
41	Viola Lobb Y. C.		
42			
43			
44			
45			



Lap Pan Chong

27/11/2013 下午 10:17

To tpbpd <tpbpd@pland.gov.hk>
dafcoffice@afcd.gov.hk
kkling@pland.gov.hk

cc

bcc

Annex I-9

Subject 就海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的
草圖提出申述

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

致城市規劃委員會
規劃署署長
漁農自然護理署署長
地政總署署長:

我認為政府在保護郊野公園「不包括土地」時用錯策略，部門在官僚作風影響之下，在制訂分區計劃大綱圖時不自覺地偏袒新界原居民群體〔及擁有土地的地產商〕，在白腊、海下和鎖羅盤劃出過大的丁屋區，原來打算保護「不包括土地」，結果變成加速破壞，更出現違反常理的規劃結果。

我認為現時海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖中丁屋區過大，要求城規會拒絕通過目前的白腊、鎖羅盤、海下三張分區計劃大綱圖。

若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，我要求應採用〈大浪灣分區計劃大綱圖〉的做法，維持發展審批地區圖中的鄉村式發展〔丁屋區〕的範圍。

我要求重新制訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，讓政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合。

莊立彬
土地正義聯盟成員
聯絡電話: [REDACTED]

TPB/R/S/SK-PL/1- 10737

香港北角渣華道 333 號
北角政府合署 15 樓
城市規劃委員會秘書處

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2013 NOV 26 A 9:29

TOWN PLANNING BOARD

敬啟者：

有關：白腊分區計劃大綱草圖編號 S/SK-PL/1

於二零一零年九月三十日刊憲展示《白腊發展審批地區草圖編號 DPA/SK-PL/1》，至今已有三年多，期間，我們多次反映對《白腊分區計劃大綱草圖》之規劃意見；惟規劃署 / 城市規劃委員會完全沒有詳細考慮我們合理要求，我們深感遺憾。現藉在《白腊分區計劃大綱草圖》之諮詢期，再次表達我們的不滿及反對上述不完善的計劃大綱草圖，期望 貴署能仔細考慮我們的下列意見及建議：

白腊村的歷程

我們立村超過二百多年，我們祖先勞碌命多年開發這遍土地，自給自足在一個荒島裡，從來政府也沒有什麼關懷我們，在 1972 年建設萬宜水塘徵收我們土地，取走我們水源，但到現在也沒有道路到我們村裡。更甚在 1979 年更加引進了郊野公園條例，條例說得好聽怎樣保障我們原居民利益，實為一條滅村的政策，完全封殺我們村的發展。一條很基本的道路改善民生也受郊野公園條例封殺。到現在，剩下來的土地也沒有全面諮詢的情況，再將我們村進行規劃，表面是完善規劃土地用途。根據基本法原居民之土地及權益均受保護，本來我們原有的 6.8 公頃都可建屋，現將規劃強加於我們利益上，原有利益加以不合理規管，這規劃大綱是規劃什麼呢？我們這條村道路也沒有，碼頭也沒有，其他公共設施也沒有，那你們規劃什麼，規劃意向是否公平？

就以上所說，我們有以下各項問題 / 疑問：

1. 自然保育區(CA)

在規劃過程中，規劃署有否進行詳細環境評估？有否發現有價值生物或植物？若沒有的話，用什麼的標準作為規劃自然保育區(CA)？

你們有關的漁農處部門在沒有諮詢及詳細交代的他們保育意向，保育什麼？全部都是黑箱作業，在這重要的新規劃大綱強加我們原居民傳統二百多年開發的村子，他們並沒有交代如何處理，並沒有於村民交代評估報告，是否有做四季環評，我們全不知情。幾句說話幾張簡單圖紙已將整條被自然保育區包圍。我們懷疑他們的規劃意圖。我們全不知情下，已得到城規會各委員通過草案，那是否合理？我們強烈要求漁護處交代評估報告，否則村民絕對進行抗爭行動，不容許城市人只懂觀賞，我們自行開發二百多年的村，而不尊重我們的存活權利。

2. 農業用途：有什麼用處，鼓勵什麼？

漁農處建議的農業用途，更加是笑話，大話連篇，虛假事實，城規委員會蒙在鼓裡，並沒有分析，隨意兩筆就交功課，試問我們村如何復耕連車路及農民車也不能進出郊野公園範圍，物資從那裡來，收成如何往外走。那不是天方夜譚的農業用地規劃嗎。

3. 鄉村式發展用途

在是次分區計劃大綱中，鄉村式發展之範圍及邊界均呈現不規則形狀，規劃署是按何種標準作出？業權？地形？

當建議草圖的時候，並沒有諮詢我們村民的歷史文化及風水，怎影響我們整條村的佈局。我們因風水問題原居民的舊村因面向西南面的白虎山，所有男丁年不過四十。所以將整條搬到現在的新村避開的災難，並在海邊加建神廟，朝向白虎山擋煞，確保村民安居樂業及風調雨順。我們搬村的房屋都朝東面而蓋的，幾十年丁財兩旺，試問是規劃的 V 的用途時，有沒有了解我們情況，保育我們二百多年舊村，並加以同情。我們蓋的房必須在現有的村加大的鄉村發展用地，包括官地。但這些官地都被規劃為自然保育區，不理我們村民的生死，試問我們部份如何在這建議中 V 用途上蓋屋。例如：V 用途的不規則形狀，是否有考慮這種規劃會浪費蓋屋土地，根本不能善用規劃建屋。

就以上所說，建議部份修改原有規劃署擬備出的《白腊分區計劃大綱草圖編號 S/SK-PL/1》

1. 將部份自然保育區改為村屋發展用途及綠化地帶：

我們隨建議書，附上修改的建議規劃圖以供參和考慮我們的實際鄉村歷史及鄉情情況，將部份自然保育區改為村屋發展區，以給我們持續申請，樂業安居。這都是利民政策，以民為本。不是與民抗爭，現任政府已有多項政策是以民為敵。是否應該三思。多與村民溝通呢？並且我們有部份男丁因土地分配問題，並沒有私人土地可以建屋。並希望在官地上申請建屋，但現有的建議規劃幾乎所有官地是也納入自然保育區。我們村民是強烈反對這建議規劃，並沒有考慮我們村民日後需要增加在官地上建屋的需求。

2. 其他建議：

加入 GIC 用途是因為自從我們村的範圍納入世界地質公園範圍，遊人眾多，但並沒有衛生設備，使前來參觀人仕不便，污染環境，我們會去信世界土質公園委員會反映這意見，並不想影響我們世界級的景區，帶來國際笑話，叫遊人隨處大小便解。

3. 電視及電訊發射接收站：

建議加流動電話及電視接收站，因為我們整條村的接收都是盲點，什麼流動電話也接收不到。政府徵收我們的土地修建水庫，但並沒有帶來我們村任何設施，最基本電視網絡也沒有，不理我們生活苦困。那你們規劃什麼？是否規劃只有控制我們村的發展，而沒有改善我們村的民生需要。這也是一個利民還是村民為敵的政策？

謝謝！

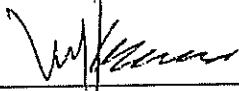
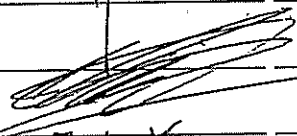
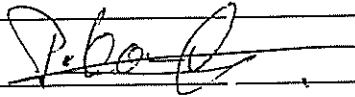

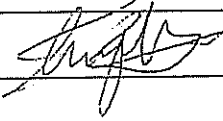
西貢白腊村各原居民(見附頁)

二零一三年十一月二十日

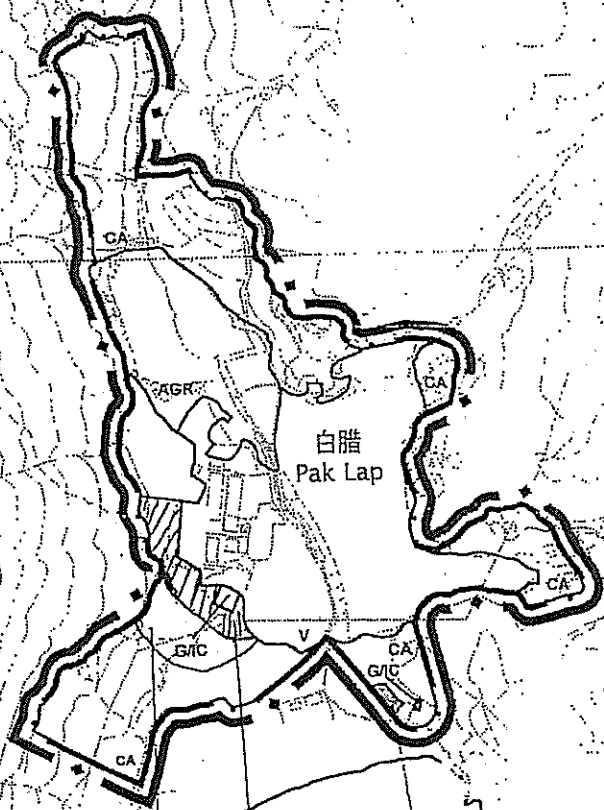
副本抄送：

西貢及離島規劃處 (經辦人: 鍾文傑先生, 麥黃潔芳女士及周燕薇女士)
城市規劃處委員會 (檔號: S/SK-PL/1)

有關：白腊分區計劃大綱草圖編號 S/SK-PL/1

姓名	簽名	姓名	簽名
劉火安			
劉振平			
劉送	劉送		
劉仕文	劉仕文		
劉伯安			
劉天良			
陳瑞媚	陳瑞媚		
劉天英			
劉天來	Tau-ai-lau		
劉德	劉德		
劉永英	劉永英		

KUNG-MAN YEE ROAD



白腊
Pak Lap

白腊仔
PAK LAP TSAI

白腊湾
PAK LAP WAN

Proposed
GREEN BELT
ZONE

Proposed
EXTENSION OF
V ZONE

Proposed C/2E

TPB/R/S/SK-PL/1- 10738



"Tobi Lau" [REDACTED]

26/11/2013 上午 09:33

To <tpbpd@pland.gov.hk>

cc

bcc

Subject Pak Lap Outline Zoning Plan_No. S/SK-PL/1_ Nov 2013

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/Madam,

Please find attached our submission on the captioned.

Thank you for your attention.

Yours faithfully,

Tobi

Tobi Lau (Mr.)
Conservation Officer, Local Biodiversity
WWF-Hong Kong
15/F, Manhattan Centre,
8 Kwai Cheong Road,
Kwai Chung, New Territories
Tel: (852) 2161 9626 or 3193 7508
Fax: (852) 2845 2764
Website: www.wwf.org.hk

WWF Hong Kong works to ensure a better environment for present and future generations in Hong Kong (See attached file:Pak Lap Outline Zoning Plan_No. SSK-PL1_Nov



2013_WWF) Pak Lap Outline Zoning Plan_No. SSK-PL1_Nov 2013_WWF.pdf



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wwf.org.hk

Our Ref.: SHK /LDD 11/13

26 November 2013

Chairman and members

Town Planning Board

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

By E-mail ONLY

Dear Sir/Madam,

Re: Pak Lap Outline Zoning Plan
No. S/SK-PL/1

WWF would like to object to the captioned. The underlying reasons and our recommendations are outlined below:

General view

WWF opines that the captioned draft Outline Zoning Plan (OZP), which is similar to other recently released OZPs for Hoi Hai and So Lo Pun, has exceptionally large area of Village Type Development ("V") Zone with its rationale supposedly based on the 10-year forecast for Small House demand in the village. We are worried that such planning based on subjective forecasting without any verification will cause irreversible adverse impacts not only on the enclave concerned but also on the surrounding Country Parks (CP) and marine environment.

Bad precedent and giving green light to private development

According to the land search carried out by the Eco-education and Resources Centre in 2011, over 40% of the proposed "V" zone which is located to the east of the existing stream, was owned by a developer. The proposed "V" zone, if adopted, will be like giving a green light to private property development. A large part of the proposed "V" zone was once subject to environmental destruction activities in 2009¹ followed by an application to build an international school through the Development Opportunities Office of the Development Bureau in 2010. The sequence of events

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：鄭志強先生

核數機構：香港立信德義會計師事務所有限公司
核數公司秘書：羅信德君證券有限公司
核數律師：打士打律師行
核數司庫：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
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(Incorporated With Limited Liability)

was highly suspicious and fit with the "destroy first, develop later" approach . Giving a "V" zone to an area that suffers from deliberate destruction will set a dangerous precedent to other country park enclaves. It might even encourage other developers to undertake the same approach to lower the ecological/landscape value of the area in order to facilitate large, private residential projects in other enclaves.

In addition, the proposed "V" zone will affect the Water Fern *Ceratopteris thalictroides* which can still be found inside the seasonally wet grassland during the site visit on 15 Nov 2013 (Fig 1). Since this plant species is classified as Vulnerable in China and is under State Protection (Category II), we urge the Administration to rezone the proposed "V" zone east to the existing stream that was once disturbed by human activities (Fig 1) to Conservation Area ("CA") zone so as to provide better protection for this rare wetland plant and to allow the ecological restoration of the damaged area.

Impacts from village septic tanks & soakaway (STS) system on nearby marine environment

Since the Area does not have a sewer system, the sewage generated by any housing development will only be treated by on-site septic tanks and soakaway (STS) system. Although the design and construction of the STS system should follow relevant standards and regulations, such as the ProPECC PN 5/93, a STS system can only perform well if it has been properly sited, used, desludged and repaired². As there is no road access nor proper marine access to Pak Lap, WWF has serious doubts on whether the STS system can be desludged regularly for proper maintenance as the service vehicle/boat cannot reach the site. In addition, with reference to the 2006 Paper presented to the Legislative Council prepared by the EPD named "Information Note on Policy and Planning of Sewage Infrastructure for Unsewered Villages" (CB(1) 281/06-07(01)), the STS systems *"provide only a minimum level of sewage treatment. [...] could therefore cause pollution of the environment and potential health hazards to the villagers or the public in the vicinity."*³ Drainage Services Department (DSD) also states that the STS systems are often not effective in removing pollutants in the long run because of inadequate maintenance and the increase in numbers of septic tanks⁴. Pak Lap is located in the Mirs Bay Water Quality Control Zone⁵, which has beautiful natural coastline and good water quality, supporting a diverse marine life⁶. The marine waters nearby have a number of pollution sensitive receivers, including the Leung Shuen Wan fish culture zone as well

¹ Section 5.3 Draft Pak Lap Development Permission Area Plan No. DPA/SK-PL/1

² EPD. Guidance Notes on Discharges from Village Houses.

http://www.epd.gov.hk/epd/english/environment/hk/water/guide_ref/files/guide_wpc_dv.pdf

³ <http://www.legco.gov.hk/yr05-06/english/panels/ea/papers/ea0522cb1-281-1-e.pdf>

⁴ DSD. Port Shelter Sewerage System Stage 2 & Stage 3.

http://www.dsd.gov.hk/EN/Files/our_projects/our_projects/LEAFLET_DSD_ENG_Sept11.pdf

⁵ EPD Annual Marine Water Quality Report 2011

as the habitats for species of conservation importance, including the *amphioxus*⁷ in Pak Lap and the coral community at Pak Lap Tsai which has a high coral coverage of 61.9%⁸. Pak Lap has not been surveyed for coral under Reef Check but the beach has many dead corals that have been washed ashore, indicating the area also has a coral community. The planning for Pak Lap must not result in deterioration of water quality in the nearby sensitive waters. The proposed "V" zone can cater for 79 additional village houses and their STS systems will unlikely to be properly maintained due to its geographical constraints. Therefore the size of the "V" zone should be restricted to the existing building lot so as to protect the water quality of nearby marine waters and the sensitive coral community and *amphioxus*.

Unconvincing Small House demand

According to the minutes of the 426th Meeting of the Rural and New Town Planning Committee held on 24 Sep 2010, the District Lands Office Sai Kung (the DLO/SK) estimated that the 10-year Small House demand for Pak Lap Village was 15⁹. However, the current forecast demand in the next 10 years was changed to 79 using the Village Representative's information¹⁰. Hence PlanD should investigate the accuracy of the projected population and Small House Demands provided by VR to determine the extent of the "V" zone. WWF urges that Pak Lap should be protected by restricting the "V" zone in the OZP to the existing building lot. The remaining proposed "V" zone, including the area where environmental destruction activities were carried out, should be designated as "Undetermined" zone (Fig 1) so as to ensure all future small house applications will need permission from the Town Planning Board and there will be a public consultation process. In addition, any land filling, excavation and site formation work in this "Undetermined" zone should require the permission from the Town Planning Board.

Uses permitted in "Conservation Area"

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 OZP, the proposed "CA" zone is a wooded area which form a continuous stretch of well-established vegetation and ecological-linked to the natural habitats of Sai Kung East Country Park¹¹. Moreover, a protected species *Pavetta hongkongensis* is recorded in this zone. Since the two proposed land uses will require clearance of vegetation, these

⁶ http://www.epd.gov.hk/epd/english/environmentinhk/water/marine_quality/files/2011Eng-2.pdf

⁷ <http://www.wwf.org.hk/en/whatwedo/conservation/marine/marinebiodiversitymap/>

⁸ Hong Kong Reef check 2012

⁹ Page 3 of the meeting minutes

¹⁰ Page 3 of the Draft Pak Lap OZP No. S/SK-PL/C

activities will affect the ecological value of the proposed "CA" zone and hence should be moved to Column 2. Also, the proposed land uses are against the planning intention of "CA" zone that *"the zoning is intended to protect and retain the existing 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 the authority to remove the two uses from Column 1 to Column 2 wherein Town Planning Board's approval for performing such activities will be required..

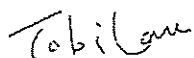
Pak Lap as part of the Country Park

In September 2011, the Ombudsman recommended that (a) *DevB and EnB 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) *AFCD should consider incorporating private lands that have conservation value into country parks in accordance with the revised CMPB criteria*¹². We think that Pak Lap should be incorporated into Sai Kung East Country Parks as soon as feasible in order to protect the valuable species and important habitats both within and near Pak Lap.

We hope our comments will be duly considered by the Board.

Thank you for your attention.

Yours faithfully,



Tobi Lau (Mr.)
Conservation Officer, Local Biodiversity

¹¹ Explanatory statement of draft Pak Lap Outline Zoning Plan No. S/SK-PL/C

¹² http://www.ombudsman.gov.hk/concluded/2011_09_02.pdf

Figure 1 The counter-proposed zoning areas and the location of the Water Fern

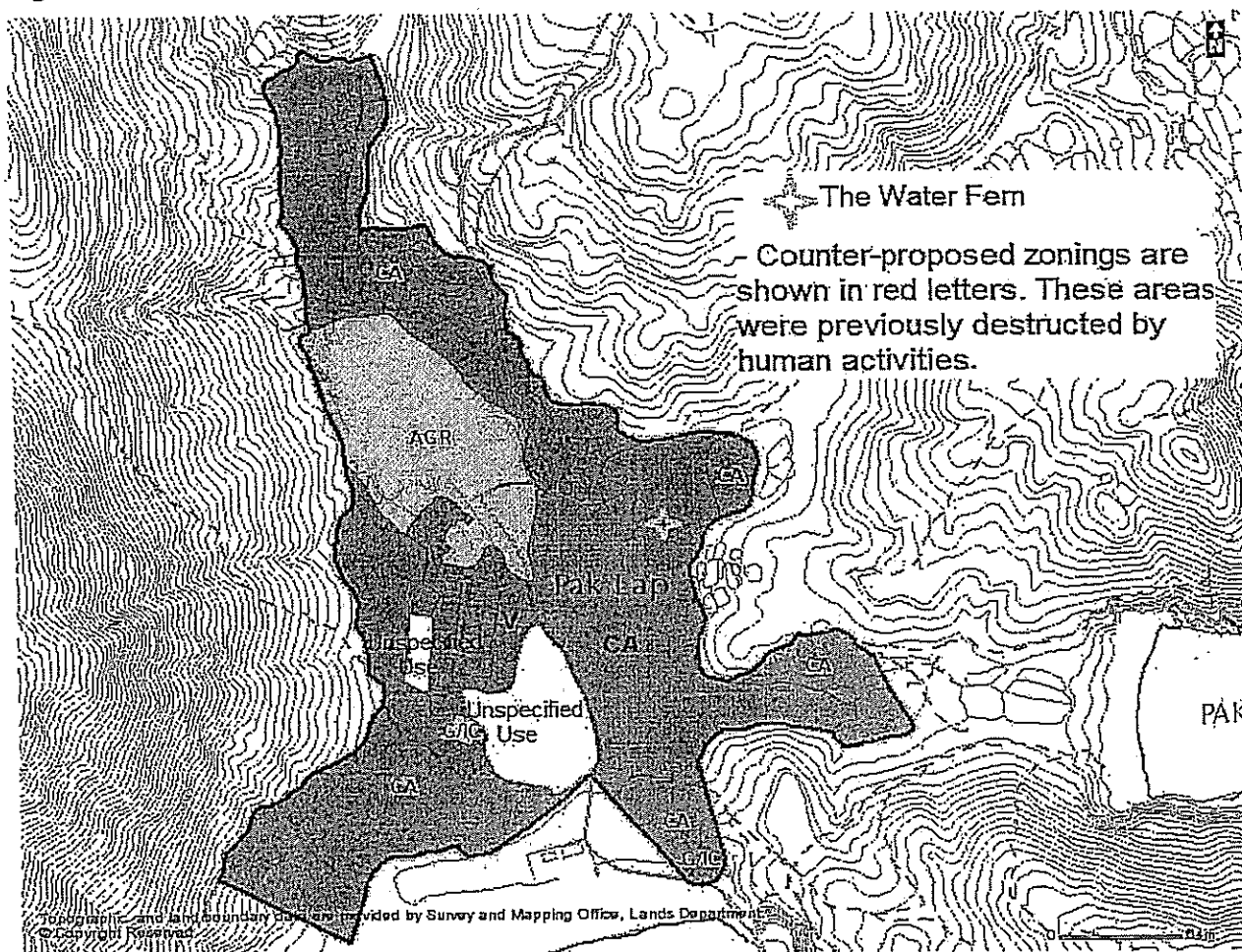
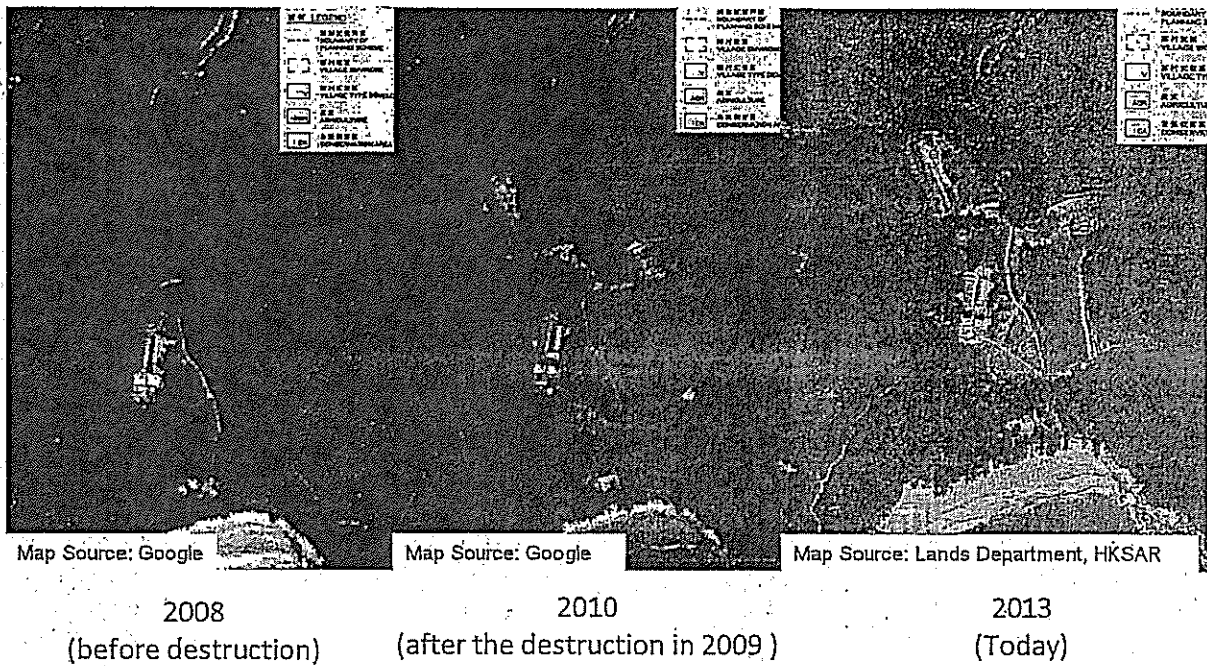


Fig 2 Changes of the Pak Lap village landscape before and after environmental destruction activities carried out between 2008 and 2009





KFBG EAP <eap@kfbg.org>

27/11/2013 下午 06:01

Annex I-12

TPB/R/S/SK-PL/1- 10739

To ei.guire@pland.gov.hk
kkling@pland.gov.hk
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mwkli@pland.gov.hk
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sdev@devb.gov.hk
mailbox@afcd.gov.hk
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bcc

Subject KFBG's comments on the Draft Pak Lap Outline Zoning Plan No.
S/SK-PL/1

☐ Urgent

☐ Return receipt

☐ Sign

☐ Encrypt

Dear Sir/ Madam,

Attached please see our formal submission regarding the captioned and an executive summary.

Best Regards,

Ecological Advisory Programme

Kadoorie Farm & Botanic Garden

Lam Kam Road, Tai Po, N.T., Hong Kong

<http://www.kfbg.org>



Please consider the environment before printing this e-mail PL Draft OZP submission ES (final).pdf



PL Draft OZP submission 131127 (final).pdf



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

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.

(Email: tpbpd@pland.gov.hk)

27th November, 2013

By email only

Dear Sir/ Madam,

Executive Summary

KFBG's Comments on the Daft Pak Lap Outline Zoning Plan No. S/SK-PL/1

We wish to summarise our views and concerns with regard to the captioned subject, as follows:

1. The general public has a right to enjoy the natural beauty of Hong Kong and the spectacular natural landscapes of our Country Parks (CPs) – this is an over-riding public interest. To allow the Country Park (CP) Enclaves to be developed in any inappropriate or large-scale manner is going to substantially damage this public interest.
2. We strongly object to the size of the proposed Village Type Development (V) zone for Pak Lap. We consider that it is unreasonably large in area – i.e., a planned population of 230 residents and additional numbers of Small Houses to be built: 79. The population of Pak Lap was less than 50 based on the 2011 census and the outstanding Small House demand is for 7 only (based on information stated in the Town Planning Board (TPB) Paper No. 9420).

With regard to the actual location of the CP Enclaves, there is no or little demand at all for indigenous occupation of these remote areas. It is very unrealistic to take up residence in the far-flung countryside areas of Hong Kong without access to public transport and the daily necessity of obtaining food as well as being remote from medical facilities, schools, shops, jobs and all other urban amenities.

3. The proposed V zone covers a wetland habitat of a rare wetland plant (i.e., the Water Fern). The construction of village houses will greatly affect the ecological integrity of this plant's habitat at this site.

4. Potential water pollution impacts associated with the construction and operation of Small Houses would significantly threaten Pak Lap Wan (a proposed Marine Park (MP)/ SSSI), which is a habitat for *Amphioxus*, a marine species of high conservation concern which is mainly found in Pak Lap Wan and Tai Long Wan. We are highly concerned that if development is permitted in the V zone at Pak Lap (i.e., along the watercourse in the middle of the V zone), the downstream CP area and the proposed MP/ SSSI at Pak Lap Wan will be significantly degraded by potential pollutants and the discharge of domestic effluents entering the watercourse which would eventually affect the ecological integrity of Pak Lap Wan. Indeed, we have observed many cases of polluted water discharge from village areas into nearby watercourses in other areas of Hong Kong.
5. An Agriculture (AGR) zone is not a conservation zoning status and any developments occurring in such areas would eventually affect the watercourse. Furthermore, the approval of small house construction is not an uncommon occurrence in an AGR zone by the Town Planning Board (TPB). Therefore, we object to the proposed AGR zone; we recommend that the whole area should be changed into a Conservation Area (CA) zone.
6. We are also highly disappointed by the fact that the commendable holistic and conservative approach which was recommended by the Planning Department (PlanD) and adopted by the TPB in the making of the Tai Long Wan Outline Zoning Plan (S/SK-TLW) is not being implemented in the making of the present draft Pak Lap Outline Zoning Plan (OZP).
7. Suspected illegal activities have occurred in Pak Lap. In 2011, the TPB stated that any "Destroy First, Build Later" activities would not be tolerated. However, the PlanD is now proposing a V zone of 2.36 ha at Pak Lap. The PlanD's position will encourage "Destroy First, Build Later" activities, such as the destruction or removal of ecologically important species from the site, as has happened elsewhere in Hong Kong. There is an expectation from the Hong Kong public that the PlanD will act in an ecologically responsible manner to protect Hong Kong's natural heritage from inappropriate development activities.
8. The proposed V zone is surrounded by the proposed CA zone and also surrounded by CP land; we are highly concerned that these areas will be damaged during the transportation of construction materials and passage of heavy machinery or equipment.
9. We are unable to discern that the Enclave Policy as mentioned in the 2010 Policy Address, the request of the Ombudsman (in 2011) which asked the PlanD to better protect the CP Enclaves and the requirement of the Convention on Biological Diversity are being upheld in the preparation of this



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Kadoorie Farm & Botanic Garden Corporation

Draft Pak Lap OZP. All these requirements and recommendations are being ignored without good reasons (e.g., overriding public interest).

Our recommendations to better protect Pak Lap are as follows:

10. The PlanD and the TPB should seriously consider the right of the general public to enjoy our CPs and not just cater for the minority needs of private development.

Remote countryside locations surrounded by CPs are inappropriate places for promoting the “urban village mode or residential concept of development (if any)” especially when in practical terms such countryside areas are without access to public transport and remote from medical facilities, schools, shops, jobs and all urban amenities that are essential for daily living.

11. The PlanD and the TPB should also maintain consistency in adopting and following the holistic and conservation approach that was put in place in 2001 for the Tai Long Wan OZP (which also is a CP Enclave) when making zoning plans for Pak Lap and all the other CP Enclaves.

12. In line with the approach for the Tai Long Wan area as outlined in the 745th TPB meeting, we wish to draw to the attention of the PlanD and the TPB that the natural beauty of the Pak Lap area as a whole should be conserved and that both the PlanD and the Board should also consider the conservation links and ecological integrity of the wider area.

13. Given that there is an inadequate infrastructure provision and that the provision of additional infrastructure to support future development would be difficult in this remote area, we consider that a decrease in the size of the V zone would be a more pragmatic outcome while at the same time avoid unnecessary development expectations.

14. Therefore, we urge the Board to greatly reduce the proposed V zone in Pak Lap so as to only cover the existing village settlement and approved Small House site (if any).

15. The watercourse, the riparian area and the habitat for the Water Fern should be protected with a CA zone.

16. The AGR zone should be changed into CA zone.



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17. The term - "House (New Territories Exempted House only)" (i.e., Small House, typical village house) should be transferred from Column 1 (where "uses always permitted") to Column 2 in the Schedule of Uses of the V zone under the Pak Lap OZP; "House (not elsewhere specified)" should be deleted from Column 2 in the Schedule of Uses of the proposed V zone. These would be in line with and consistent with the procedure that was previously adopted and implemented by the PlanD in the OZP for the Tai Long Wan Enclave.

18. Under the proposed V zone, the terms - "Eating Place" and "Shop and Services" should not be uses always permitted on the ground floor of a New Territories Exempted House. This will help to impose stricter planning control on these activities and minimize their pollution impacts in this ecologically pristine area with sensitive receivers.

19. As an alternative to all the above considerations, we strongly recommend that the PlanD should turn all the V, GB and other non-conservation zonings in the Draft OZPs of CP Enclaves into 'Undetermined' zone at this point in time, in order to better protect these areas. After the Agriculture, Fisheries and Conservation Department, and, the Country and Marine Parks Board have undertaken comprehensive and detailed ecological assessments; the PlanD could then go through a re-planning process for the remaining areas that are not incorporated into the CP System. We consider that this is the best option under the current circumstances of the legal designation process for protecting all the CP Enclaves.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden



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

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.

(Email: tpbpd@pland.gov.hk)

27th November, 2013

By email only

Dear Sir/ Madam,

Comments on the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1

1. We refer to the Draft Pak Lap Outline Zoning Plan (OZP) (S/SK-PL/1) and the Town Planning Board (TPB) Paper No. 9420.
2. We consider that we would not be the only organisation to express grave concerns regarding the proposed designation of an unreasonably large (in terms of size and location) "Village Type Development" zone (V zone) in a Country Park (CP) Enclave. The local media (TVB) has recently also produced a very good TV programme to report and highlight this particular problem¹.
3. There are long term potential impacts and consequences associated with the fact that these Enclaves currently lack appropriate public transport systems and appropriate urban infrastructures. Potential future demands for urban amenities and facilities (i.e., roads, carparks, sewerage system) would also be our major concern regarding allowing large residential populations to become established in these Enclaves. We are surprised that the authorities have not recognised this basic problem – the larger the population size, the greater the disturbance to the natural countryside. We are also highly disappointed by the response of the government regarding the justification for the predicted population size (i.e., a planned population of 230 people despite the fact that the population of Pak Lap was less than 50 (based on the 2011 census) and the outstanding Small House demand is only 7). We consider that allowing such a big proposed V zone in Pak Lap, an isolated location, to be an inappropriate decision which will, in future, cause many environmental problems and conflicts. The TPB, Planning Department (PlanD) and other authorities have the responsibility to ensure that such future problems would not arise through appropriate and careful planning. The proposal for such a big V zone in this isolated Enclave is not an act of balancing development rights and nature conservation but instead shows a lack of foresight in taking a holistic view when planning for countryside conservation.

¹ <http://news.tvb.com/programmes/closerlook/526b3e426db28c903f000000>

4. Our views and comments are set-out, as below:

5. The hydrological conditions at Pak Lap and our concerns regarding the potential effects of water pollution

5.1 According to the TPB Paper No. 9420 and the habitat map provided by the Village Representative (VR) at Appendix V in the TPB Paper No. 9333 (extracted and shown in Figure 1), the site contains the Water Fern (*Ceratopteris thalictroides*). This is, as the name suggests, an aquatic plant species which occurs mainly in wetlands². The aforementioned habitat map also indicates that some areas now within the proposed V zone are abandoned paddy fields. All these indicate that some areas within the V zone, especially the areas where the Water Fern is found, would be quite wet and, thus, the underground water table would be quite high or close to the surface. We carried out a visit to the site recently (on 30th October, 2013) and we found the Water Fern as shown in Figure 1. Figure 2 shows the Water Fern patches and the habitats that we observed during the site visit.

5.2 If another 79 additional houses are to be built – and assuming all are fitted with Septic Tank System (STS), then, the cumulative effect of numerous STSs discharging effluent into the waterlogged ground conditions with a high water table (located adjacent to a stream) may well overload the capacity of the soil to achieve any meaningful purification, and, the saturated substrata will mean that the biological breakdown of pollutants will be by anaerobic bacteria, which is a much slower process than if the percolation was through dry soil with aerobic bacteria. This may lead to a situation where, essentially, raw sewage effluent will be flowing into and become deposited into the nearby stream, and eventually will be carried into the pristine marine waters of Pak Lap Wan.

5.3 We would also like the PlanD and the TPB to note the photographs shown in Figure 3; we have observed on many occasions that, when village houses have been built next to a watercourse, pipes discharging water/ grey water would appear along the watercourse, causing water pollution and threatening the aquatic life. We have also seen cases where pipes are suspected to have been directed to U-channels collecting surface runoff, and eventually connected with the nearby watercourse (Figure 4). We have also seen wastewater suspected of being directly discharged into a stream from a nearby Small House work site (Figure 5). Furthermore, suspected leakage of sewage effluent from an underground septic tank (Figure 6) has also been observed polluting the surroundings.

² Wu, W. H. and Lee, W. T. C. 2000. Pteridophytes of Hong Kong. *Memoirs of the Hong Kong Natural History Society* 23, 5-20.

5.4 We would like to draw the attention of the Board, the PlanD and other authorities to this very real potential impact of sullage and sewage effluents that would be a significant environmental issue in the countryside areas of Hong Kong and to consider whether the consequences of the discharge of effluents from domestic wastewaters could actually be solved by following the existing guidelines (i.e., using the Septic Tank System (STS)). The relevant authorities may state that this is an enforcement problem and not a planning issue and, thus, this factor should not be considered by the Board. However, we strongly consider that it is also the responsibility of the Board (and relevant authorities) to designate a plan that works and take into consideration the consequences of planning decisions according to the conditions of the real world, and, obviously, a conservative and highly sensitive approach is required for the special ecological conditions that exist at Pak Lap (and other CP Enclaves).

5.5 Besides the domestic effluent problems, we also notice that “Eating Place” is an always permitted use on the ground floor of a New Territories Exempted House (NTEH; also called Small House) as shown in the Notes of the Draft OZP. We would like to draw your attention to Figure 7, showing the “Eating Places” on the ground floor of Small Houses. We are highly concerned that, even if only one or two “Eating places” appear in Pak Lap at some future time, the nearby watercourse and Pak Lap Wan would eventually be greatly affected by the operation of such facilities (please see Section 7 for the conservation importance of Pak Lap Wan).

6. Justification to change areas with the Water Fern from Village Type Development zone to Conservation Area zone

6.1 As mentioned in Section 5.1 and shown in Figures 1 and 2, the site contains the Water Fern. This plant species is considered to be rare in Hong Kong² and has been listed in a book entitled “*Rare and Precious Plants of Hong Kong*”³, which was published by the Agriculture, Fisheries and Conservation Department (AFCD); on Mainland China, it is also considered to be ‘Vulnerable’ and is also a “Wild Plant under State Protection (Category II)”³. Furthermore, we would like to remind the PlanD and the Board that this species is also found in the wetland mosaic at So Lo Pun, and the presence of this species is one of the justifications for the authorities to propose covering the wetland mosaic at So Lo Pun with a Conservation Area (CA) zoning.

6.2 The aforementioned habitat map (Figure 1) indicates that this plant occurs in considerable abundance over part of the proposed V zone in Pak Lap. Due to the presence and the rarity of this

³ Hu, Q.-m., Wu, T.-l., Xia, N.-h., Xing, F.-w., Lai, P.C.C. and Yip, K.-l. 2003. *Rare and Precious Plants of Hong Kong*.

AFCD, Friends of the Country Parks and Cosmos Books Limited, Hong Kong.

species, we have in our previous submission requested that areas with this plant (and as also shown in the habitat map provided by the VR) should be covered with a CA zoning. Nevertheless, Section 4.1(k) of the TPB Paper No. 9420 states that: "... *While water ferns are found scattered in the wet abandoned agricultural land on the eastern side of Pak Lap, DAFC (Director of Agriculture, Fisheries and Conservation) advises that the colony is small and its occurrence is subject to site conditions. He has no strong view on maintaining the proposed "V" zone for this area.*"

6.3 According to the TPB Paper No. 9420, reasons for the designation of the proposed CA zone within the Pak Lap area include: (1) the woodland areas within the CA zone are linked with the surrounding CP, and (2) a protected plant called Hong Kong Pavetta (*Pavetta hongkongensis*) could be found in the locality. Although Hong Kong Pavetta is a protected plant species in Hong Kong, it is considered to be common⁴ and is not listed as a Rare and Precious Plant³. In contrast, as shown in Section 6.1, Water Fern is a much rarer plant and has a higher conservation value, and thus, should receive more conservation attention. The habitat map provided by the VR and our photographs in Figure 2 also show that its abundance could not be considered to be "small".

6.4 In general, we are in agreement with the statement by the AFCD that: "*its (Water Fern) occurrence is subject to site conditions.*" If the land can be maintained in its existing natural or semi-natural conditions (e.g., abandoned agricultural land), the spores of this species would remain in the soil and the plant can flourish again during favorable conditions (e.g., by seasonal inundation of natural water flows). However, if its habitats are paved over with an impermeable layer of concrete, for example, due to the development of the village houses, the ground condition will no longer be suitable – the habitat will be permanently lost and irreversibly destroyed.

6.5 We are rather puzzled by the logic used for marking out the boundaries of the CA zone in Pak Lap – on one hand, the CA zone is proposed because of the presence of one common (but protected) plant species; yet on the other hand, a place containing a much rarer plant species does not need any protection and the area would be allowed to be permanently trashed and irreversibly destroyed. This seems to be rather strange logic for protection of the biodiversity in an ecologically sensitive area such as Pak Lap.

6.6 We, therefore, urge that the area with the Water Fern (as shown in the habitat map provided by the VR) should be zoned as a CA.

⁴ Xing, F.W., Ng, S.C. and Chau, L.K.C. 2000. Gymnosperms and angiosperms of Hong Kong. *Memoirs of the Hong Kong Natural History Society* 23, 21-136.

7. Our concerns regarding the potential impacts caused by the proposed Village Type Development Zone on the *Amphioxus* population at Pak Lap Wan

7.1 Section 5 above and Figures 5 and 6 have illustrated the existing conditions in many other village areas and our concerns with regard to the associated water pollution impacts.

7.2 As shown in Plan 9 of the TPB Paper No. 9420, there is a watercourse (which is also within the proposed V zone) passing through the whole site which drains into Pak Lap Wan.

7.3 Pak Lap Wan provides habitat for a marine organism called the *Amphioxus* (Lancelet) (another of its key habitats is Tai Long Wan). This species is considered by local scholars⁵ (from the City University of Hong Kong) and also by the AFCD (documented in Section 4.1(j) of the TPB Paper) to be a species of conservation interest. The scholars of the City University of Hong Kong have proposed a conservation plan for the species to Government and some salient points of the conservation plan that they have suggested are reproduced below:

- (a) *Maintenance of low suspended solids in water body – discharge of effluents or wastewater with high suspended solids to the vicinity of Tai Long Wan and Pak Lap Wan should not be allowed; and any dredging activities at the seabed where *Amphioxus* is found should be prohibited.*
- (b) *Maintenance of sediment characteristics – dumping of spoils and other materials should not be allowed in Tai Long Wan and Pak Lap Wan in order to protect the habitat of *Amphioxus*.*
- (c) *To better implement the above conservation measures, it warrants to consider designating Tai Long Wan and Pak Lap Wan as Sites of Special Scientific Interest, and if situation warranted, consider as Marine Parks in the longer term, taking into account the scenic environment of these coastal waters. Based on the distribution and habitat requirements of *Amphioxus*, it is suggested to delineate 200 m off the shore of Tai Long Wan and Pak Lap Wan as the proposed protection area.*

7.4 In line with the above reasons, we have proposed in our previous submission that the watercourse in the middle of Pak Lap and its riparian zones should not be covered with a V zone, in

⁵ Shin, P., Cheung, S.G. and Kong, R. 2006. *The Ecology and Aspects of Biology of Amphioxus in Hong Kong*. ECF Project 3/2002, Unpublished Report.

order to prevent pollutants from entering the watercourse, and eventually Pak Lap Wan. But the authorities replied in Section 4.1(j) of the TPB Paper that: *“While potential impact on the nearby amphioxus community should be minimized, direct impact on the animals is not expected since development in the future “V” zone is primarily land-based. As to the environmental concerns groups’ concern on control of any development which may require diversion of the existing streams in the area (paragraph 3.2(f) above), restriction on diversion of streams has already been stated in the Notes of the “V” zone.”*

7.5 We are highly disappointed that potential water pollution impacts (i.e., sewage and grey water discharge) have not been taken into serious consideration by the relevant authorities. We are not convinced that the potential impact on the Amphioxus community can be minimized if Small Houses are allowed to be built just next to the watercourse which is directly connected and drains into Pak Lap Wan.

7.6 In view of the potential impacts as outlined in Section 5, the vulnerability of Amphioxus and the connectivity between the watercourse which would pass through the proposed V zone and Pak Lap Wan, we foresee that the population of Amphioxus which is abundant only at Pak Lap Wan and Tai Long Wan in Hong Kong, would be highly threatened by the construction and operation of the Small Houses within the V zone which would be about 2.36 ha in size and consisting of 79 additional Small Houses (i.e., discharging runoff full of silt, grey water and sewage effluents).

8. “Agriculture” is not a conservation zoning

8.1 The following Table shows the Small House planning application cases within/ partially within an Agriculture (AGR) zone where KFBG have made comments and submissions during the period from January 2012 to August 2013.

Zoning	No. of cases approved	No. of cases rejected	No. of cases withdrawn	No. of deferred cases	Total no. of cases handled
Within AGR zone only	59	27	12	5	103
Within AGR & V zones	10	3	0	2	15

8.2 The Table clearly shows that approval of Small House applications within an AGR zone is not an “uncommon” practice by the Board (in fact, more than 50% of the cases were successful applications). We are highly concerned that the proposed AGR zone now within the Enclave, especially the riparian area along the upper section of the main stream would, at some time in the future, be utilised for building Small Houses. If this would be the case, then our concerns as stated above are also



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relevant to this area. We, therefore, urge that this area should not be covered with an AGR zone but instead should be changed to zoning as a CA. Under the CA zone, agricultural use is always permitted and, thus, this zoning status would not exclude any genuine farming or agriculture activities.

9. The conservation approach has not been adopted in this Draft Pak Lap OZP; this is in contradiction to a precedent case – the Tai Long Wan OZP, in which a holistic and conservative approach was adopted by both the Planning Department and the Town Planning Board

9.1 Tai Long Wan is a CP Enclave surrounded by the Sai Kung East CP, which is exactly the same as the general setting of Pak Lap. In 2000, the PlanD proposed a Draft OZP for this site and in the draft plan, a V zone of about 7.9 ha had been proposed to cater for the Small House demand (for about 370 houses with an estimated population that would increase to 1000; according TPB Paper No. 5689). Although there was a V zone of 7.9 ha (about 15.56% of the total area) in this plan (total area of the site: 50.64 hectares), all other areas within the site, including the streams and the riparian zones were designated as CA and the adjacent coastal features was zoned as a Site of Special Scientific Interest (Figure 8). A total of five objections were received by the Board, mainly to express concerns about the size of the proposed V zone and its associated impacts on the environment. According to the 722nd minutes of the meeting held on 4th August, 2000, the Board after deliberation, decided to conduct further consideration (hearings) for the case which were held on 3rd November, 2000.

9.2 Objectors expressed their concerns in the TPB meeting held on 3rd November, 2000. According to the minutes of the 728th meeting (3rd November 2000), one objector said: “it was a fallacy to think that ‘V’ and ‘CA’ zones could co-exist with one another. The development of village housing, accompanying by the associated transportation and infrastructural networks and the resultant population increase would destroy the natural environment of Tai Long Wan”. KFBG (one of the objectors) at that time also stated that there were some rare plants in the proposed V zones and, thus, that such areas should be protected (e.g., not covered with a V zone). The representative from the AFCD, however, made the following point: “though the plant species (mentioned by KFBG) were rare in Hong Kong, it was not those ‘very rare’ species which should be of concern” (extracted from Section 110(a) of the 728th TPB meeting minutes).

[Remarks: The TPB Paper No. 5753 (for consideration by the TPB on 3rd November 2000) mentions that: (1) *“the DAFC considers that those ‘very rare’ species should be of concern and ‘rare’ species in this sense is not really too rare...the information submitted by the objector (KFBG) may not be able to justify the re-zoning of the areas (from ‘V’ zone) to ‘CA’”*; (2) The PlanD considered that: (a) *“based on...in particular DACF’s comments on the ecological value of the objection sites, there is insufficient*

justification to re-zone the objection sites from 'V' to 'CA', and (b) "the designation of 'V' zones is required to meet the Small House demand of the recognized villages in the area"]

9.3 According to the minutes of the 728th meeting, the PlanD had received over 200 representations asking for the preservation of the natural landscape of Tai Long Wan. After hearing the objections, members of the Town Planning Board, in general, considered that: "there was a conflict between conservation of the natural environment and village development", and, "more in-depth research should be carried out by the relevant Government departments so as to provide more information to the Board to substantiate whether Tai Long Wan was worthy of conservation". Finally, the Board decided to defer the decision on the objections pending further information from the relevant departments.

9.4 Further information was provided by the AFCD on 9th March, 2001. The conclusion was: "the Tai Long Bay SSSI and the proposed 'CA' zones to the north of Ham Tin have provided the necessary protection to the more important areas from flora conservation point of view in Tai Long Wan area. The remaining area of Tai Long Wan, i.e. the "V" zones, is not a prime area for plant conservation". This reflects that so far AFCD had reservations on the proposal of turning the proposed V zone into CA zone.

9.5 A TPB meeting was held on 27th April, 2001 for discussing the Draft OZP, and a TPB Paper (No. 5929) was prepared by the PlanD for this meeting. According to this Paper, AFCD still insisted that the proposed V zones in the plan were not the prime area for plant conservation. But the Paper also mentions that during late October/ November 2000, about 300 standard letters against the future village development in the Tai Long Wan area were received by the PlanD, and during November/ December 2000, more than 2000 signatures were collected in support of the preservation of the area; over 900 participants turned up to an event organised by the Conservancy Association and the Friends of Tai Long Wan to arouse public awareness on the issue (i.e., better protection of Tai Long Wan).

9.6 Three options were put forward by the PlanD, as stated in the TPB Paper No. 5929, for discussion during the meeting of the TPB. These options and some of the implications (as set-out in the Paper) are described below:

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	Option 2 – Conservation Approach (with a V zone of about 1.9 ha)	Option 3 – Inclusion in Country Park
Intention (stated by PlanD)		
- To strike a balance between nature conservation and the need to meet Small House	- To preserve the natural environment, unspoiled landscape, historic buildings and	- Another alternative to achieve protection of the Area

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	Option 2 – Conservation Approach (with a V zone of about 1.9 ha)	Option 3 – Inclusion in Country Park
demand	the archaeological site with a view to strengthening the protection of the Area from encroachment by developments	
V zone (proposal/ amendment proposed by the PlanD)		
<ul style="list-style-type: none"> - Drawn up based on the outstanding Small House demand for 370 sites in the next 10 years; upon full development, the estimated population may increase to about 1000. 	<ul style="list-style-type: none"> - The area of the V zones would be substantially reduced to cover only the existing village settlements and the approved Small Houses. The estimated population may increase to about 200 under this option. - Deleting 'House (other than New Territories Exempted House (NTEH')) from Column 2 of the User Schedule - Incorporating the following clause in the Remarks: <i>'On land zoned "Village Type Development", any demolition of or any addition, alteration and/or modification to an existing building, i.e. a building which was in existence on the date of first publication in the Gazette of the Notice of the draft development permission area plan, requires planning permission of the Town Planning Board.'</i> 	N.A.
Implications (stated by PlanD)		
<ul style="list-style-type: none"> - With the construction of the Small Houses and the subsequent population intake, the undisturbed natural environment of Tai Long Wan would change - There would be expectations from the villagers to improve the infrastructure to support the village development. However, the infrastructural provision has been and would continue to be constrained by the surrounding Country Park areas and physical constraints. Their expectations would therefore unlikely be met. 	<ul style="list-style-type: none"> - Demand of Small House development on new land would have to be met in Sai Kung 'Heung' outside Tai Long Wan by 'cross-village' applications. - The natural environment and the present landscape setting of Tai Long Wan would be preserved. - This option would provide a higher degree of protection to Tai Long Wan and would be welcomed by the hikers, green groups and members of the public. However, strong objections from the local villagers are envisaged as the "V" zone would be further reduced and 'cross-village' Small House 	<ul style="list-style-type: none"> - Strong local objections would be envisaged.

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	Option 2 – Conservation Approach (with a V zone of about 1.9 ha)	Option 3 – Inclusion in Country Park
- Strong objection from green groups, hikers and members of the public is envisaged as this option cannot satisfy their expectations to preserve Tai Long Wan. The local villagers would continue to be dissatisfied with the locations of the “V” zones and the absence of infrastructural provision.	applications are difficult.	

9.7 The PlanD, eventually, recommended the Board to adopt a conservation approach, by preserving the existing scale of the villages and the surrounding environment; some of the reasons are reproduced below:

- (a) Would help retain the scale and character of the villages and minimize the potential threats to the existing landscape quality and heritage value of the Area
- (b) Given that there is an inadequate infrastructural provision and that the provision of additional infrastructure to support future development would be difficult in the Area, the reduction of “V” zones would be more pragmatic and help avoid unnecessary development expectations;

9.8 According to the minutes of the 739th meeting of the Town Planning Board held on 27th April, 2001, members’ views were diverse, regarding the recommendation from the PlanD. However, the conservation approach as proposed was adopted, i.e., the proposed V zone was reduced from about 7.9 ha to 1.9 ha (Figure 8). Other than the amendments mentioned in the Table in Section 5.6 above, some members also suggested that not only should demolition, addition, alteration and/or modification require planning permission from the Board, in fact, any development of NTEH should also be subject to planning control to ensure that any new development would be compatible with the character of the existing village settlements. To achieve this, ‘NTEH’ was placed under Column 2 of the ‘Notes for the V zone’.

9.9 After further objections (against the decision made by the Board on 27th April, 2001 to turn about 6 ha of the proposed V zone into a CA zone, and various other amendments) were received, a Board meeting was then held on 13th July, 2001 to discuss these objections. These objections were from local land owners and a development company, according to the TPB Papers No. 6000 and 6001. According to the minutes of the 745th TPB meeting (held on 13th July 2001), the Board did not support

these objections and decided to maintain its previous decision to propose amendments to the Plan, as follows:

- (a) Greatly reduce the size of the proposed V zone (about 6 ha were changed into a CA zone, even though land for future Small House demand may need to be sought outside the Tai Long Wan environs);
- (b) Transfer 'NTEH' from Column 1 to Column 2 of the 'User Schedule of the Notes for the V zone';
- (c) Delete 'House (other than 'NTEH')' from Column 2 of the 'User Schedule of the Notes for the V zone';
- (d) Adding a new paragraph to the Remarks of the 'Notes for the V zone' to require planning permission for any demolition, addition, alteration and/or modification to an existing building;

9.10 In addition, two further points were made by the authorities and the TPB in the 745th TPB meeting (held on 13th July 2001):

- (a) *Even though the AFCD advised that the further objection sites were not a prime area for conservation, the natural beauty of the Tai Long Wan area as a whole should be conserved;* and
- (b) The Board also stated that: "*apart from the conservation of the Tai Long Bay SSSI, the AFCD should also consider the conservation value of the wider area*".

9.11 This is a very commendable and far-sighted holistic approach.

9.12 From the above precedent case for a CP Enclave, we know that:

- (a) A holistic and conservation approach for a CP Enclave was adopted by the PlanD and the TPB in the precedent case, taking into account the details of the very special circumstances of these areas;

- (b) The PlanD can propose and fully adopt conservation zonings even where the AFCD may have different opinions about the proposed areas;
- (c) A proposed V zone could be dramatically reduced in size and scale in the final OZP;
- (d) The term - NTEH can be placed in Column 2 of the User Schedule of the Notes for the V zone;
- (e) A small V zone would be more pragmatic and help avoid unnecessary development expectations in areas with inadequate infrastructural provision and the provision of additional infrastructure to support future development would be difficult if not almost impossible due to inaccessibility factors and the physical constraints of the location.

10. “Destroy First, Build Later” approach would not be tolerated by the Town Planning Board – *is this still the case?*

10.1 The area of Pak Lap has been under the public spot light in recent years not just because of its beautiful beach (Figure 9) but also because of the ecological destruction that has been repeatedly happening in the locality. The Table below lists some of the media reports on these cases:

Green Power	http://www.greenpower.org.hk/html/eng/job_concern_01.shtml
Local Research Community	http://localresearchcommunity.files.wordpress.com/2012/10/draft-content_plefbcbfamended.pdf
EastWeek magazine	http://eastweek.my-magazine.me/?aid=13547
Hong Kong Economic Times	http://www.hket.com/eti/article/21cac23c-ab8b-438e-abaf-3ac1ab745ad9-795041
Oriental Daily	http://orientaldaily.on.cc/cnt/news/20090508/00176_024.html

10.2 KFBG has also visited the site frequently in recent years and Figure 10 shows some of the photographs taken at Pak Lap in 2009 and 2011. Figure 11 also shows two aerial photographs indicating the landscape changes that have been happened in recent years.

10.3 In July 2011, the TPB issued a statement in a Government Press Release that they would not tolerate “destroy first, build later” activities: *“The Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent*



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development on the site concerned.”⁶

10.4 We would like to enquire whether the PlanD and the Board consider that proposing a big V zone in Pak Lap would diminish the confidence of the public regarding upholding the spirit of the principle as stated by the Government in the aforementioned press release.

10.5 We urge the PlanD and the Board, together with the relevant authorities to thoroughly consider and seriously investigate these cases of environmental damage at Pak Lap.

11. The public has the right to enjoy natural landscapes and the outstanding beauty of the Country Parks – this is an overriding public interest

11.1 Figure 12 shows the number of visitors to each CP (2012 data extracted from AFCD records). The Sai Kung CPs had the second highest number of visitors (1,887,800) amongst all the CPs of Hong Kong. Figure 13 also shows the number of people participating in the recent Trailwalker event in November 2013. All these indicate that the Sai Kung CPs draw a huge number of visitors and are very important for the general public, to relax and enjoy. The CPs exist not just for plants and animals.

11.2 The designation of unnecessary, disproportionate in scale super-sized V zones in CP Enclaves will definitely and significantly affect the general public’s enjoyment when visiting CPs (i.e., natural areas will become paved with concrete, places may be fenced-off, with the associated disturbances during both the construction and operation of Small Houses). We urge the Board and the PlanD to not only take the rights of the indigenous villages into concern but to also seriously address the needs of the wider public who in their daily life take to the CPs as respite from the pressures of urban living.

11.3 According to a PlanD study that commenced in 2001, Pak Lap is an area of good landscape condition and has a high natural landscape value⁷. We would like to draw the attention of the PlanD and the Board to some photomontages (Figure 14) which simulates a possible future outlook of the site in a scenario where the proposed V zone is fully occupied with Small Houses.

11.4 We would like to ask the PlanD and the Board – if in allowing the current size of the proposed V zone in Pak Lap whether this would, at some future time, affect and degrade the landscape condition and value of the site; and also whether this would detract from the landscape condition and value of the

⁶ <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

⁷ http://www.pland.gov.hk/pland_en/p_study/prog_s/landscape/e_index.htm

surrounding CPs as a whole?

12. The Convention on Biological Diversity is NOT being respected by the zonings proposed for Pak Lap in the Draft OZP

12.1 The Convention on Biological Diversity (CBD) was extended to Hong Kong in 2011 and in the recent 2013 Policy Address, the Chief Executive stated: *"The Government shares public concern about ecological conservation. To take forward the Convention on Biological Diversity, we will consult the public in 2013 on the formulation of the Biodiversity Strategy and Action Plan for Hong Kong. We will also emphasise conservation of land and marine ecologies in major government policies"*⁸. The PlanD, however, is proposing big V zones in CP Enclaves; this is definitely a contradiction of the basic objective of this Convention – to safeguard biodiversity. What is being proposed by the PlanD as zonings in the Draft OZP is actually seriously threatening biodiversity and important habitats of rare species whose occurrence are limited to a few localities in the still un-spoilt places of Hong Kong.

13. Request of the then Chief Executive and the Ombudsman is NOT being respected by the zonings proposed for Pak Lap in the Draft OZP

13.1 The "Tai Long Sai Wan incident" which happened in mid-2010 generated much public concern, news and commentary in the media⁹. Many people in Hong Kong reacted with great concern to this case and urged the Government to take immediate action to safeguard natural landscapes that did not have any statutory protection (i.e., the CP Enclaves). Subsequently, the then Chief Executive announced in his Policy Address (in October 2010) that the PlanD and the AFCD would protect those Enclaves that were not yet covered by statutory plans according to their local conditions, either by incorporating them into the CP system or through statutory planning control. In September 2011, the Ombudsman also recommended that:

- (a) *DevB (Development Bureau) and EnB (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*

⁸ <http://www.info.gov.hk/gia/general/201301/16/P201301160328.htm>

⁹ http://www.nshk.org.hk/pdf/c_awards/2010/010.pdf

- (b) *AFCD should consider incorporating private lands that have conservation value into country parks in accordance with the revised CMPB (Country and Marine Parks Board) criteria¹⁰.*

13.2 The current proposal of having a large V zone of 2.36 ha (34.71% of the total area of 6.8 ha) in Pak Lap is definitely contradictory to point (a) above. This proposal is promoting additional developments that would threaten biodiversity and sensitive habitats rather than proper protection.

13.3 We strongly urge that the Enclave Policy should be appropriately implemented and that the planning proposals closely abide by the request of the Ombudsman.

13.4 We are aware that the AFCD, and, the CMPB are in the process of investigating the possibility of incorporating some of the Enclaves into the CP system, and that there are plans to assess every Enclave. If the proposal by the PlanD to have big V zones in these Enclaves is agreed to by the TPB and eventually approved by the Chief Executive-in-Council, it would be very difficult for the AFCD and the CMPB to appropriately implement the requirement of the 2010 Enclave Policy and to also comply with the request of the Ombudsman. This will show a complete lack of governance and co-ordination among Government departments, and the request as stated in the Enclave Policy and also by the Ombudsman could not be upheld, which is not a desirable situation.

13.5 In order to allow for sufficient time and leeway for the AFCD and the CMPB to appropriately implement the aforementioned investigative process and procedures, one possible option is to change all the proposed V, GB and other non-conservation zonings in the Enclaves to an "Undetermined" zoning status. After the AFCD and the CMPB have completed their assessments, then only should the PlanD undertakes and goes through a re-planning process for the remaining areas that are not incorporated into the CP System. This would be the most appropriate way to deal with and resolve the conflict between nature conservation and development, under the current circumstances of the legal designation process for protecting all the CP Enclaves. However, this would not be the case if all the CP Enclaves are pre-maturely covered with inappropriate zones under the town planning system even before any comprehensive meaningful assessments of the biodiversity status and conservation values of each and every individual CP Enclave has been determined and properly documented by the relevant conservation authority of Government.

¹⁰ http://www.ombudsman.hk/concluded/2011_09_02.pdf

14. How can the developers transport construction materials and equipment in and out of Pak Lap through Country Park land?

14.1 In 2011, members of the public reported that land in Pak Lap was being destroyed and Green Power even recorded that a large barge that was used to transport excavators and vehicles by sea which passed through Pak Lap beach (within a CP; Figure 15)¹¹.

14.2 Currently, the situation of Pak Lap has not changed – it is and will still be completely surrounded by the Sai Kung East CP. Is it possible that building equipment, machinery and materials could be transported to the site in an appropriate manner across land without causing damage to the natural environment? Would the CA zone and even the surrounding CP not be affected when at some future time, developers and their contractors need to transport construction equipment into the V zone?

15. Some general questions for consideration by the Planning Department and the Town Planning Board

15.1 The conservation importance of Pak Lap and surrounding areas are well recognized by Environmental NGOs and the AFCD (although there seems to be doubt as to whether the AFCD are adopting a holistic view in protecting the site).

15.2 In view of all these points, concerns and information as provided in above paragraphs, we would like to ask the PlanD and the TPB to consider the following questions:

- (a) Why is the commendable holistic and conservation approach that was set for the Tai Long Wan OZP not being used as a reference or adopted in the planning process for this Pak Lap OZP (as well as the many other CP Enclaves such as So Lo Pun, Hoi Ha, To Kwa Peng and Pak Tam Au)?
- (b) Why is the conservation value of the wider area (i.e., the surrounding CP, Pak Lap Wan (proposed as a Marine Park or SSSI) and the proposed CA zone) not considered in the overall planning of the zoning status for the Pak Lap Enclave?
- (c) Why are important habitats inside the Enclave not protected with appropriate statutory designations, following the requirements as stated in the Convention on Biological Diversity,

¹¹ http://www.greenpower.org.hk/html/eng/job_concern_01.shtml

the 2010 Enclave Policy and the 2011 Ombudsman Report?

- (d) Why is a big V zone considered necessary even though the site was occupied by less than 50 persons based on the 2011 census?
- (e) The provision of additional infrastructure to support future development would be difficult in the area, due to the physical site constraints and the fact that it is completely surrounded by CP land. Why does the PlanD not adopt a more pragmatic approach to help avoid and manage unnecessary and unrealistic development expectations?
- (f) Consideration should also be generally given to the questions raised in Sections 10.4, 11.4 and 14.2.

16. KFBG recommendations for the Draft OZP for Pak Lap

- (a) The PlanD and the TPB should consider the rights of the general public to enjoy the CPs of Hong Kong and not only cater for the needs of private development.
- (b) The PlanD and the TPB should do the utmost to emulate the spirit and the processes of the holistic and conservation approach adopted in 2001 for the Tai Long Wan OZP (which is also a CP Enclave) when preparing the zoning plans for Pak Lap and all other Enclaves.
- (c) Following the approach for the Tai Long Wan area as mentioned in the 745th TPB meeting, we wish to stress to the PlanD and the TPB that the natural beauty of the Pak Lap area as a whole should be conserved and that the conservation value of the wider area should also be considered in the planning process.
- (d) Given that there is an inadequate existing infrastructure provision and that the provision of additional infrastructure to support future development would be difficult in the area, KFBG suggests that a decrease in the size of the V zone is more pragmatic and can help to manage and avoid unnecessary and unrealistic development expectations.
- (e) Therefore, we urge that the proposed V zone in Pak Lap should be greatly reduced and to cover only the existing village settlement and approved Small House site (if any).

- (f) The watercourse, the riparian area and the habitat for the Water Fern should be accorded a CA zoning status.
- (g) The AGR zone should be changed into a CA zone.
- (h) The term - "House (New Territories Exempted House only)" (i.e., Small House, typical village house) should be transferred from Column 1 (where "uses always permitted") to Column 2 in the Schedule of Uses of the V zone under the Pak Lap OZP; "House (not elsewhere specified)" should be deleted from Column 2 in the Schedule of Uses of the proposed V zone. These would be consistent with the procedure that was previously implemented by the PlanD in the OZP for the Tai Long Wan Enclave.
- (i) Under the proposed V zone, the terms - "Eating Place" and "Shop and Services" should not be uses always permitted on the ground floor of a New Territories Exempted House. This will help to impose a stricter planning control on these activities and their undesirable pollution impacts.
- (j) As an alternative, we strongly recommend that the PlanD should mandate all the V, GB and other non-conservation zonings in the Draft OZPs of the CP Enclaves into "Undetermined" zone at this point in time, in order to better protect these areas. After the AFCD and the CMPB have completed their assessments, the PlanD could then go through a re-planning process for the remaining areas that are not incorporated into the CP System. We consider that this is the best option under the current circumstances of the legal designation process for protecting all the CP Enclaves.

16.1 We sincerely urge that the Board to adopt our recommendations as stated above (i.e., following the holistic and conservation approach adopted for the Tai Long Wan OZP). Otherwise, there is a high potential for the ecological integrity of the Pak Lap Enclave and the surrounding CP to become greatly affected, and thus, despite the original good intentions of planning for conservation of these areas, the preservation of the natural elements within the Enclave would not be accomplished. This would then be contradictory to the requirements of the Enclave Policy and the Ombudsman, and, would not be in keeping with the principles of the Convention on Biological Diversity.

Thank you for your attention.



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Kadoorie Farm & Botanic Garden Corporation

Yours faithfully,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

cc.: Chief Executive
Legislative Councilors
Country and Marine Parks Board
Town Planning Board Members
Secretary for Development
Secretary for the Environment
Director of Agriculture, Fisheries and Conservation
Director of Planning
Countryside Foundation
Eco-Education & Resources Centre
Save Our Country Parks Campaign

Figure 1. Habitat map of the Pak Lap Enclave as provided by the Village Representative

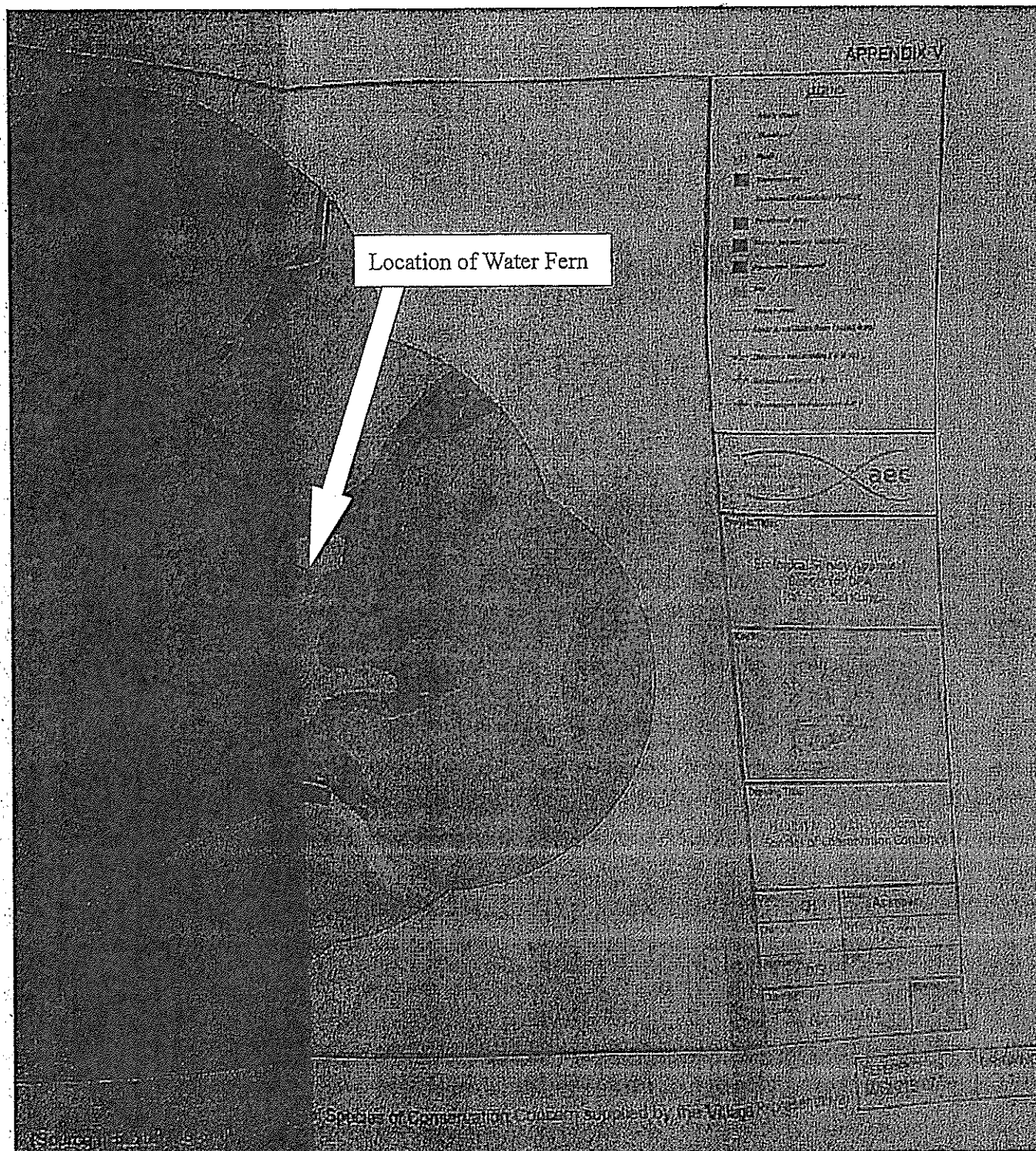


Figure 2. The abundance of the Water Fern as observed at Pak Lap in October 2013

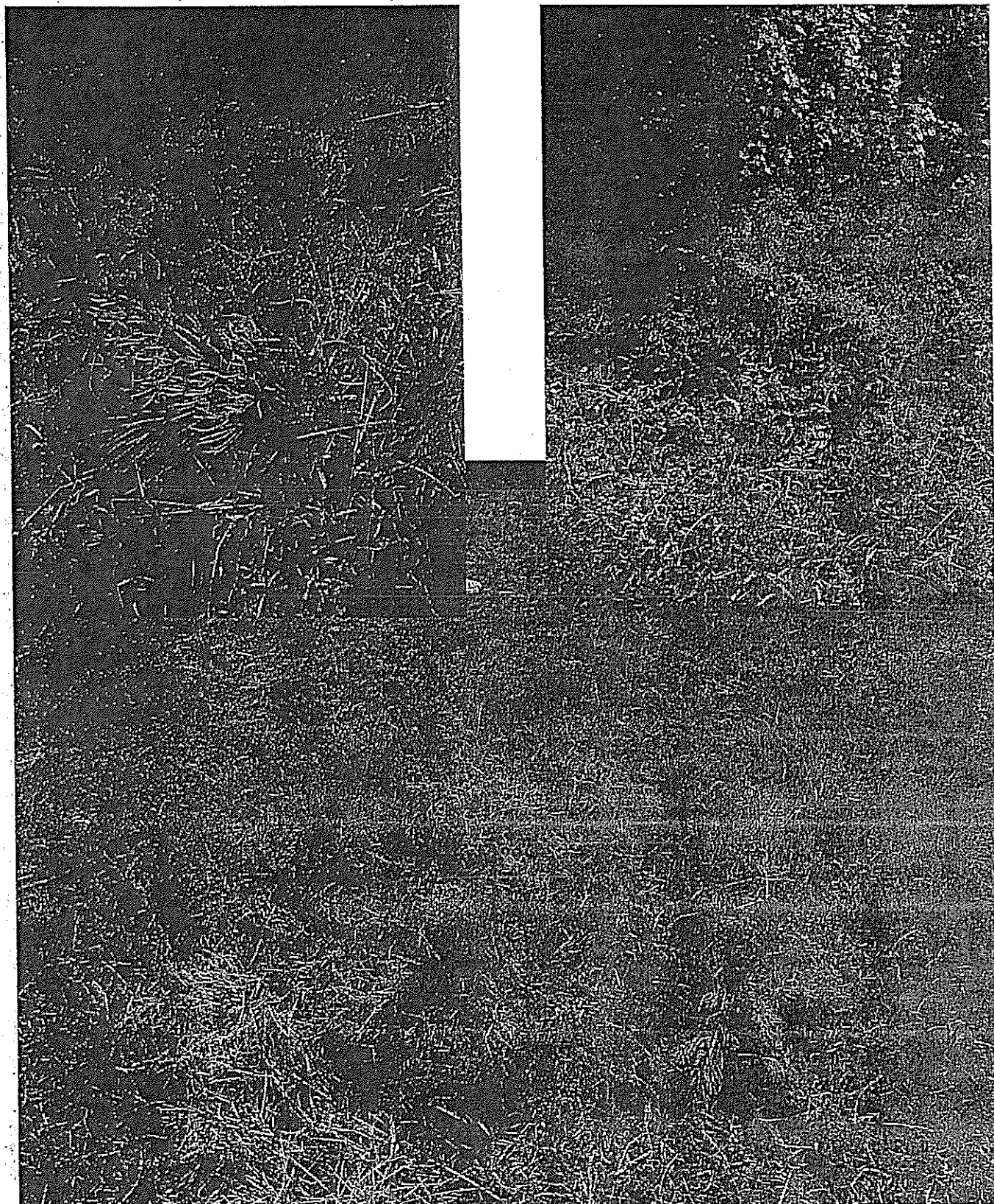


Figure 3. Pipes discharging wastewater/ grey water are often constructed along watercourses next to village areas

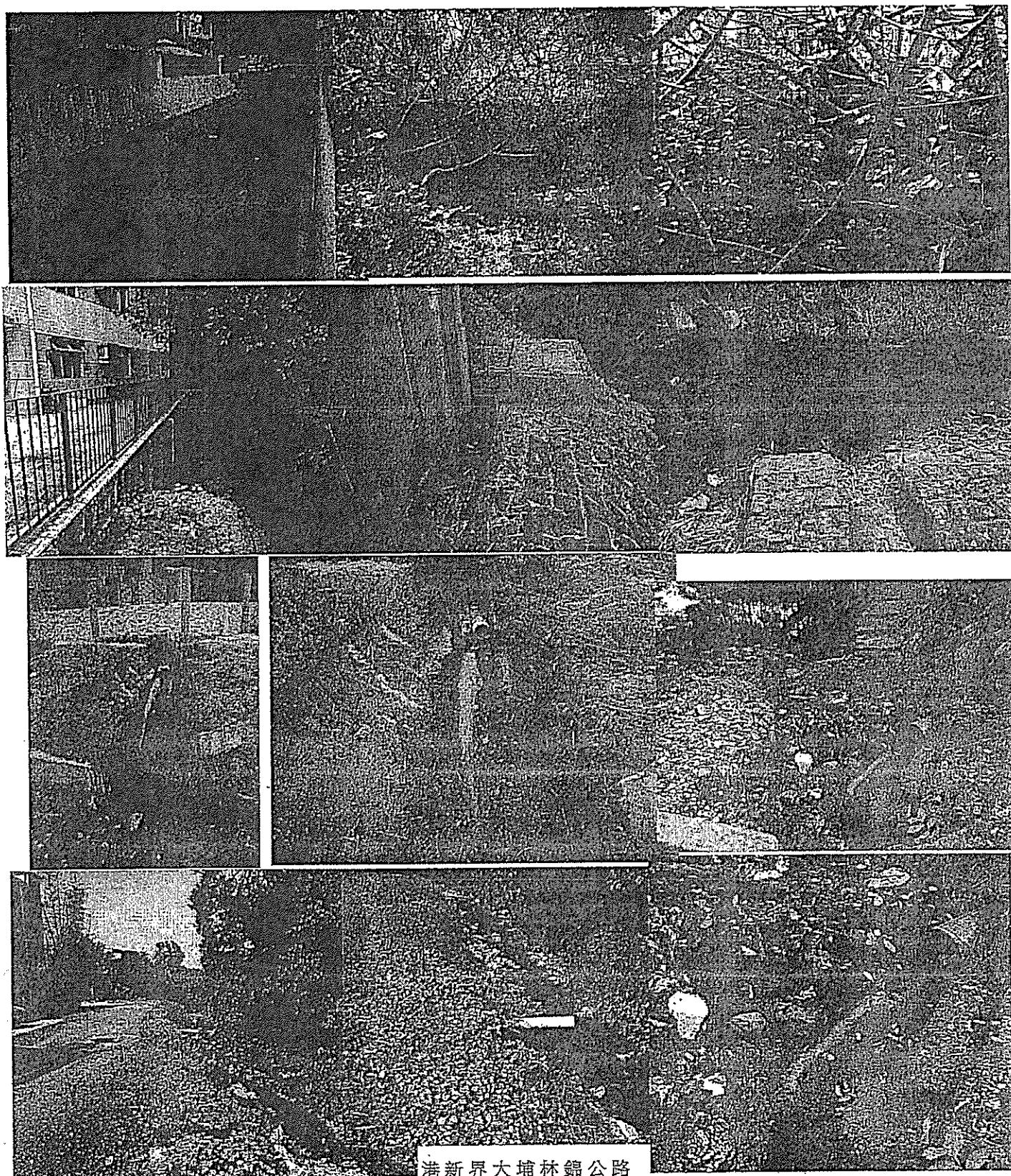


Figure 4. Pipes from a small house suspected of being connected with a U-channel which is usually for collecting storm water only; water from these pipes may eventually be discharged into a nearby watercourse

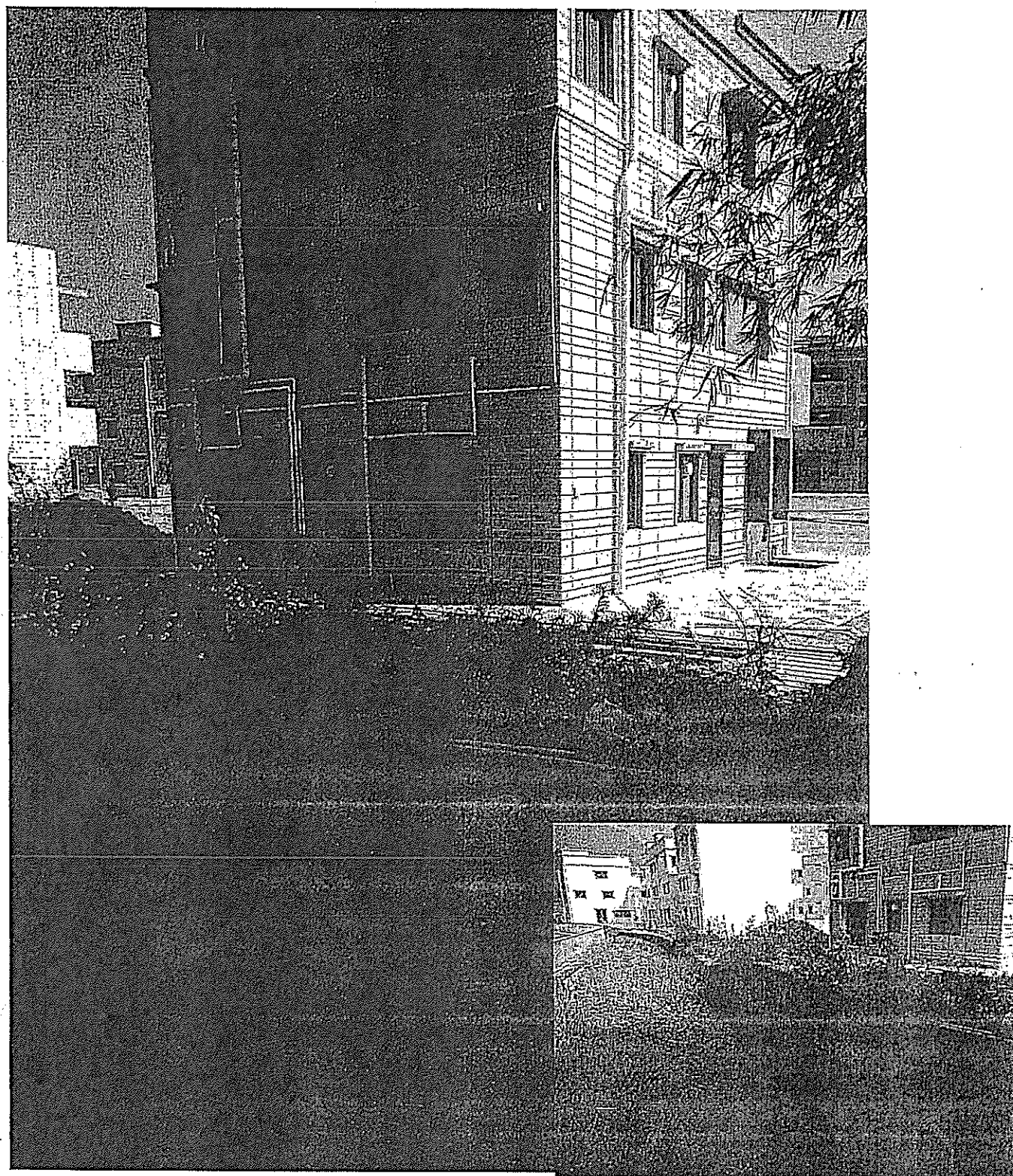


Figure 5. Polluted water suspected of being discharged from a nearby small house site into a watercourse

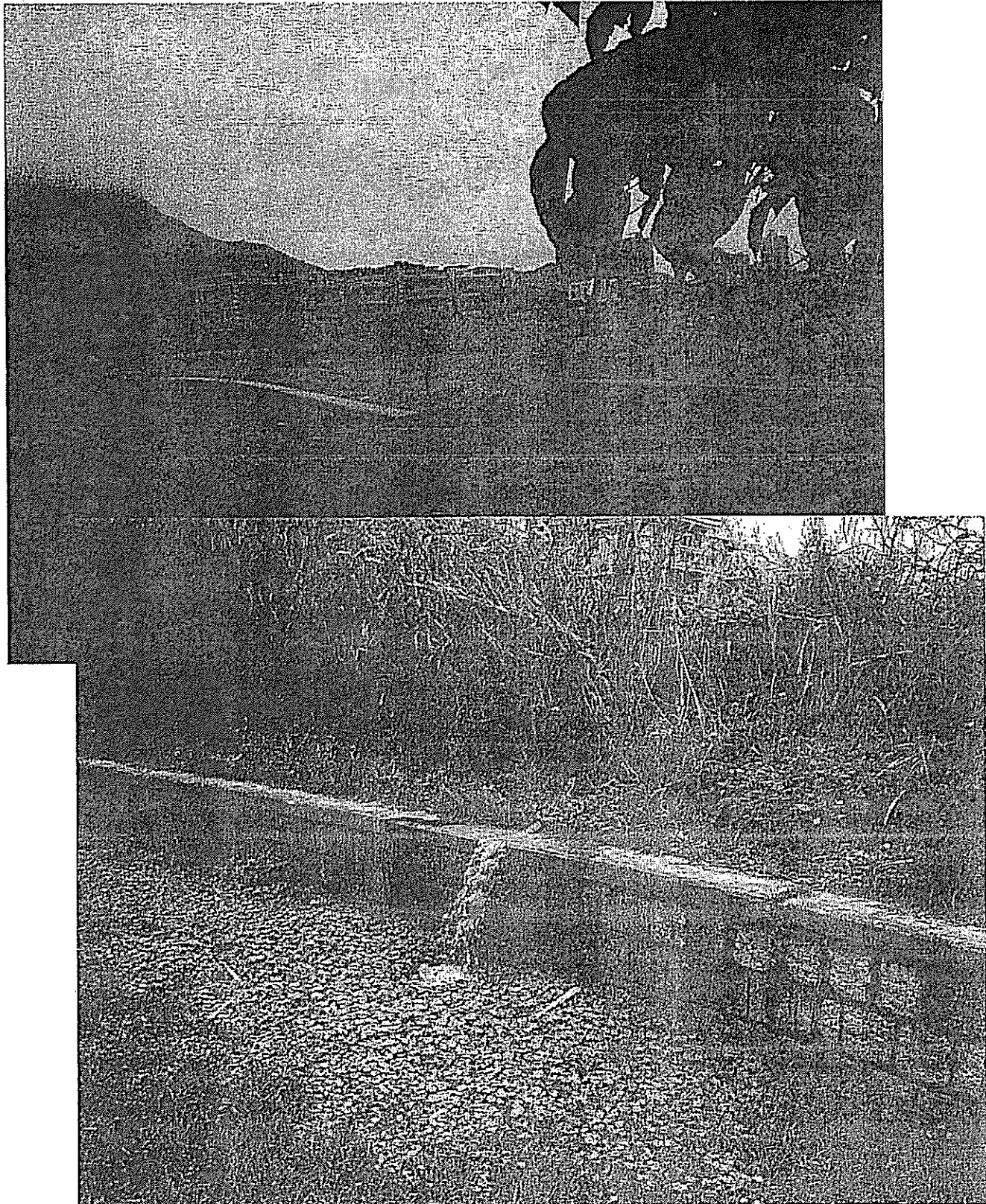


Figure 6. Suspected leakage of sewage from a nearby septic tank

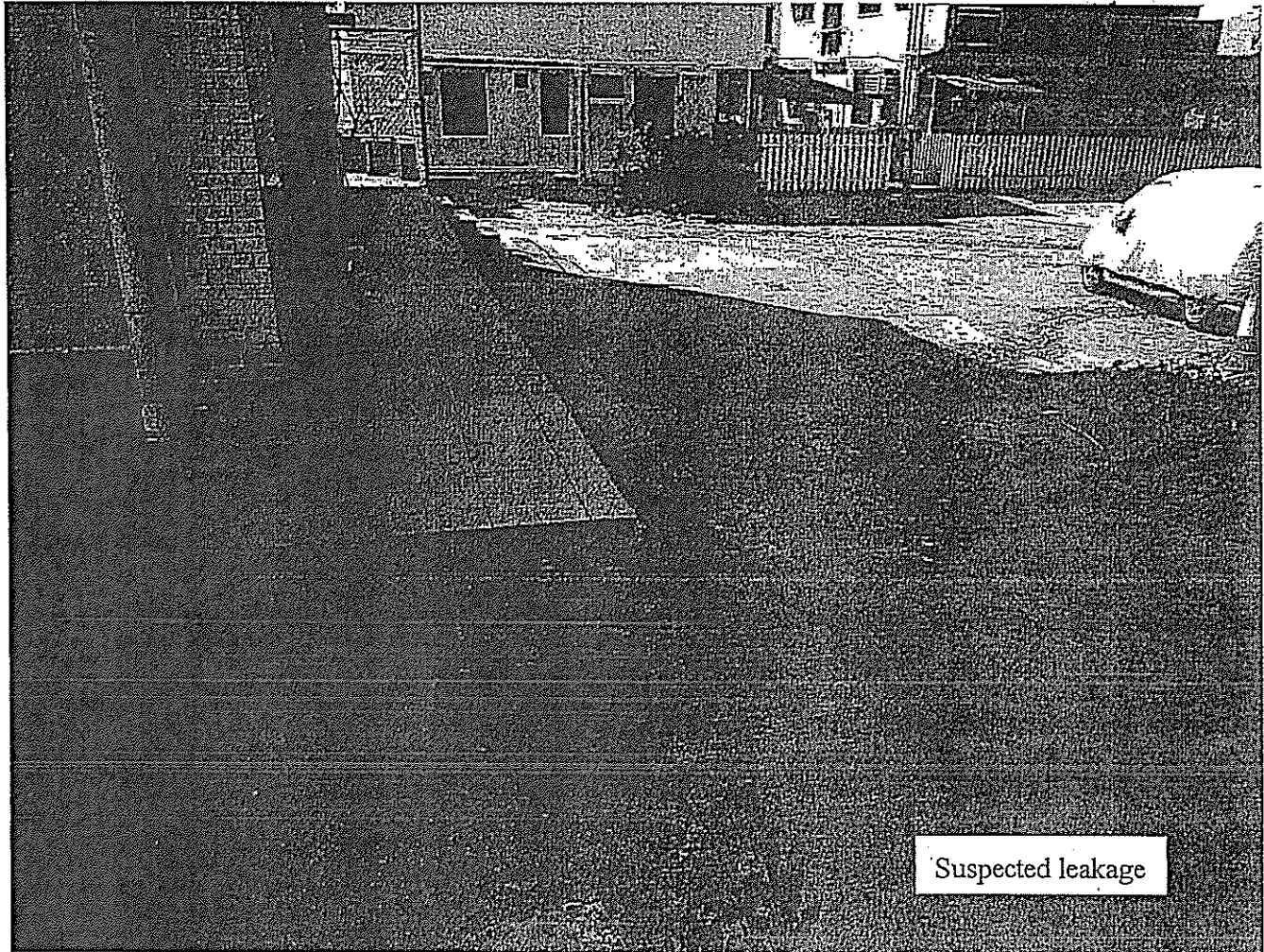


Figure 7. Eating places on the ground floor of small houses

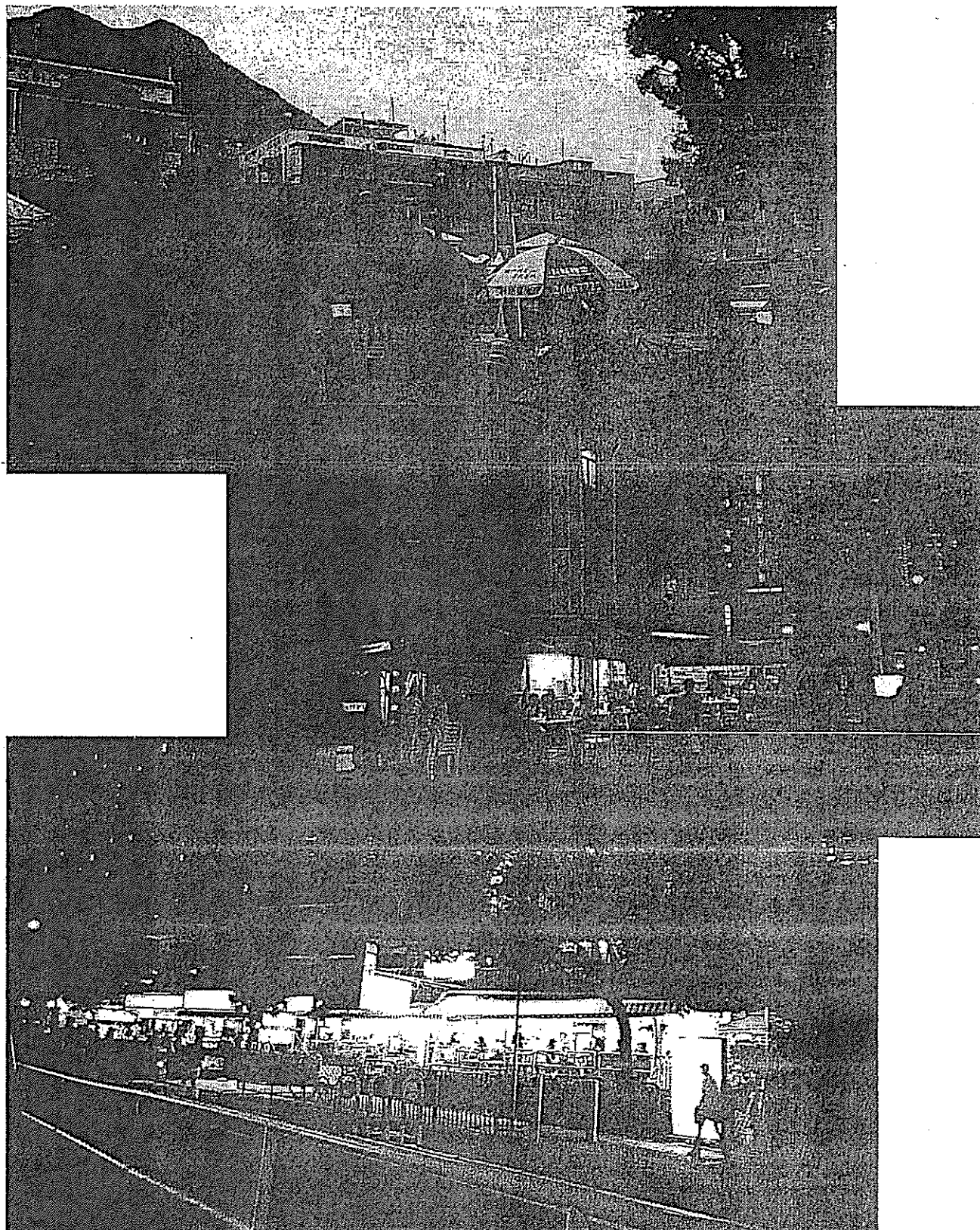


Figure 8. The proposed V zones at Tai Long Wan, a Country Park Enclave was greatly reduced from 7.9 to 1.9 ha, covering only the existing village settlement and approved small house sites

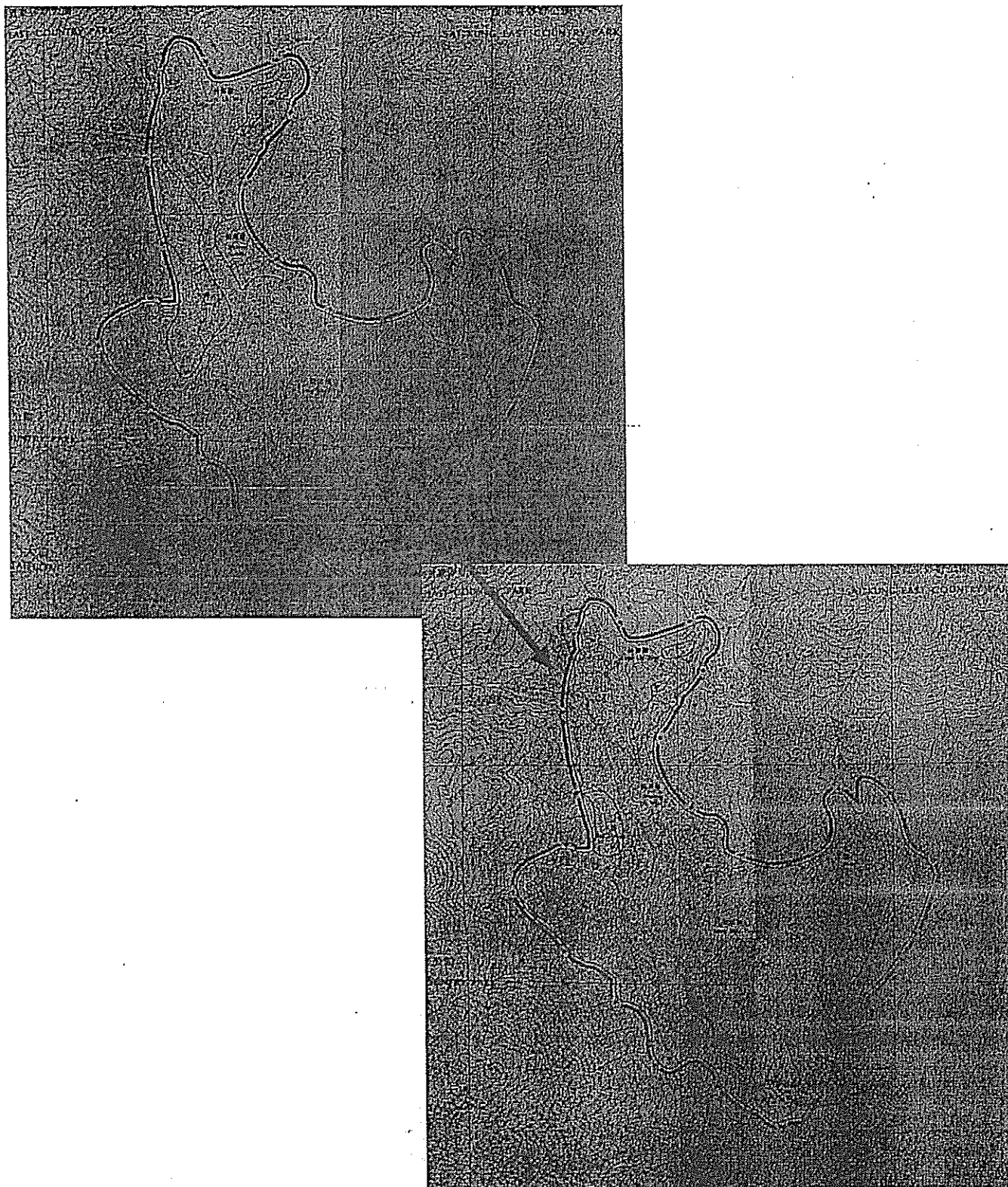


Figure 9. Pak Lap Beach; a naturally clean and unspoilt beach with pristine water quality untouched by human development

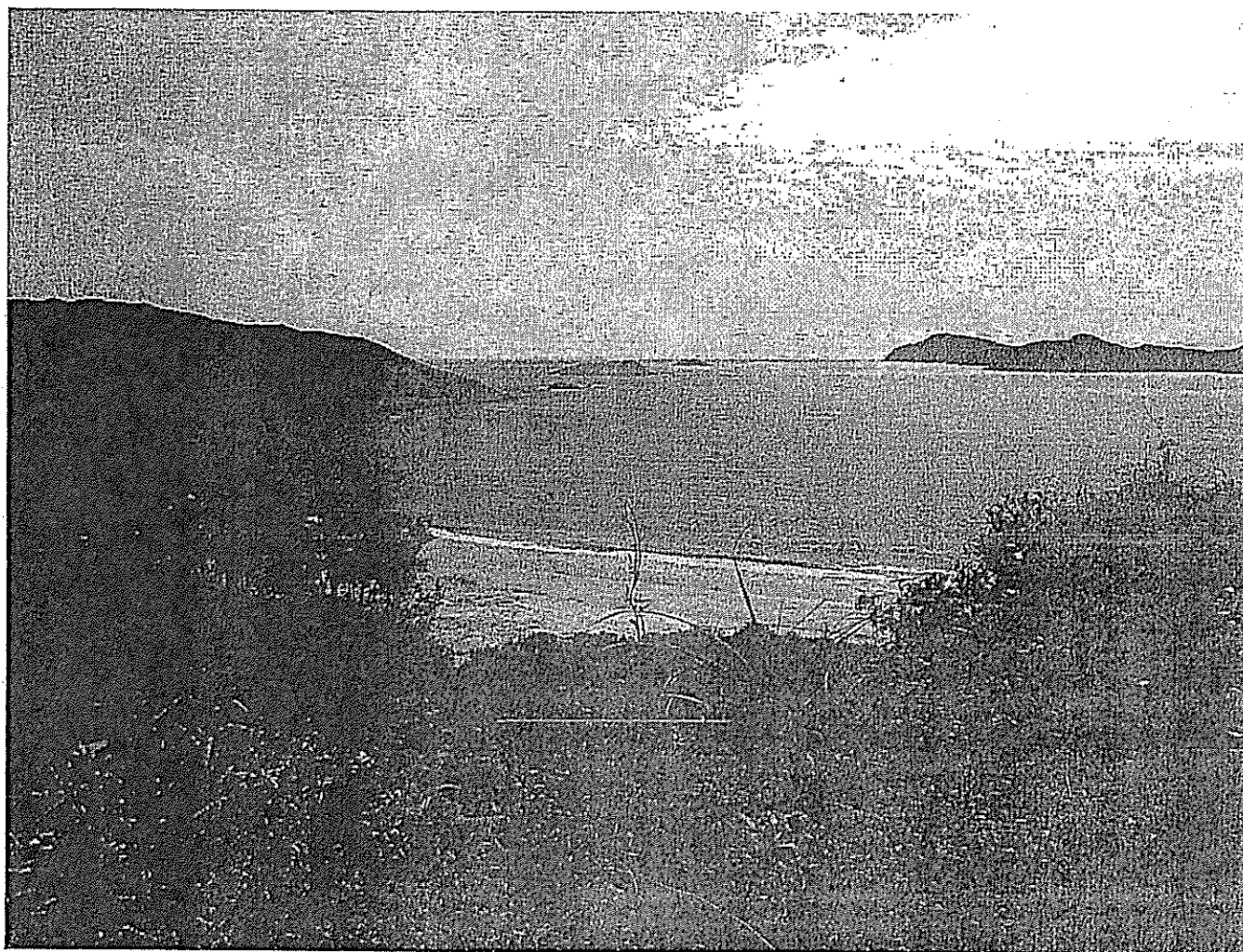
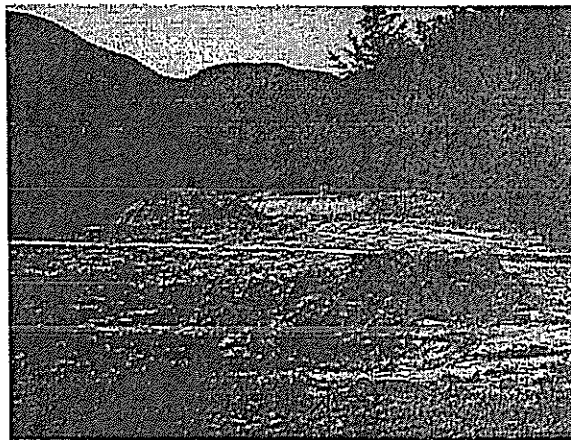
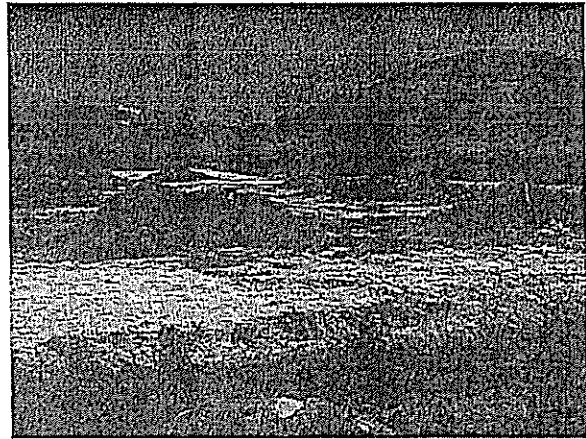
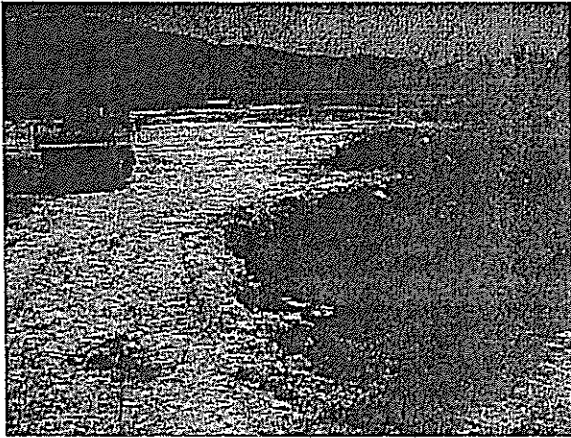
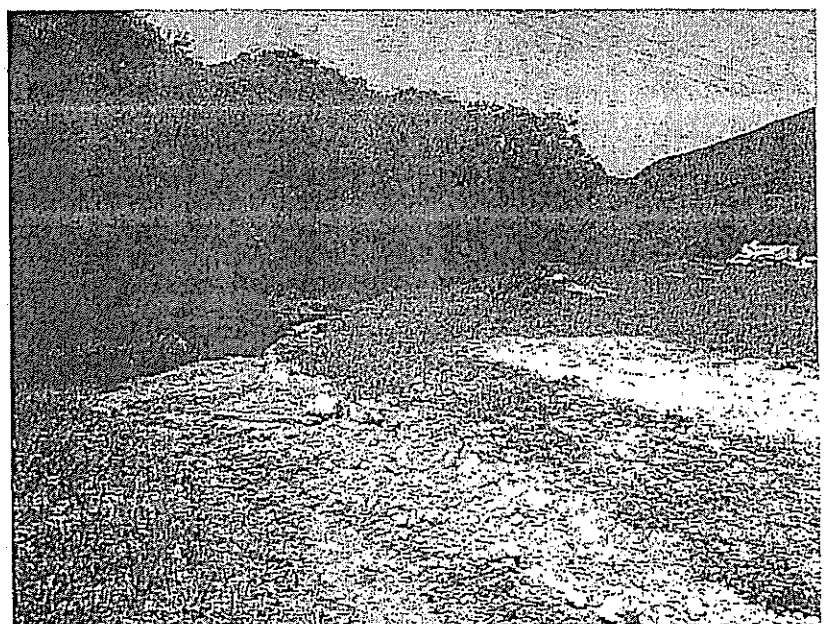
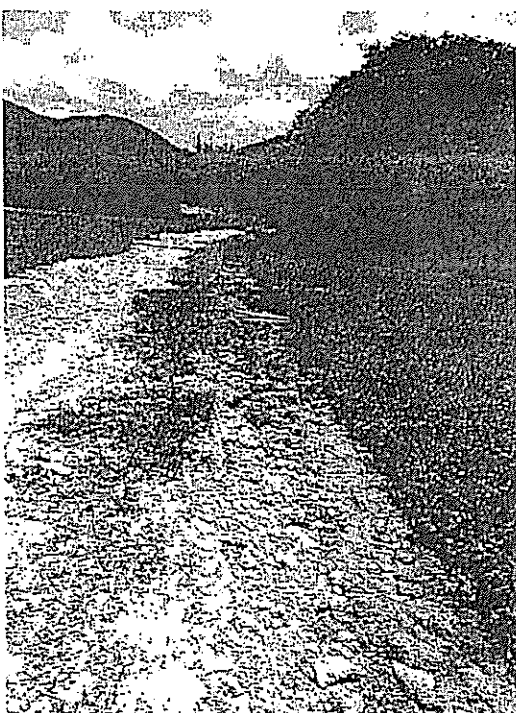


Figure 10. Photographs taken at Pak Lap in 2009 and 2011 showing construction machinery and environmental damage to the landscape.

2009



2011



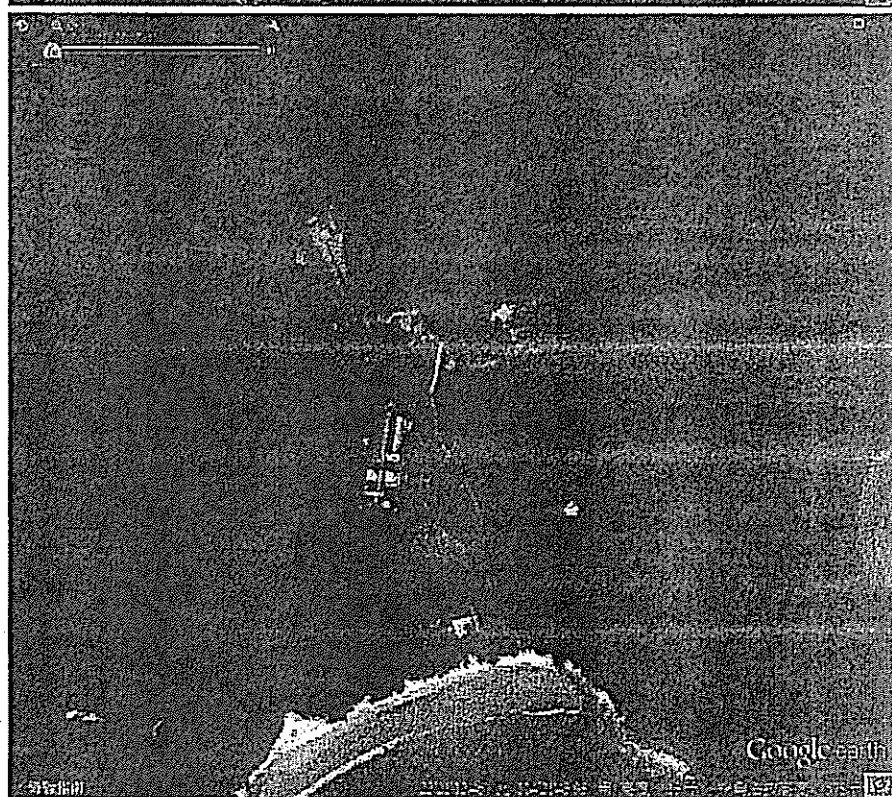
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Figure 11. Aerial photographs (from Google Earth) of Pak Lap



2009



2010

Figure 12. The number of visitors to each Country Park, 2012; map prepared by Local Research Community (data extracted from Agriculture, Fisheries and Conservation Department records)

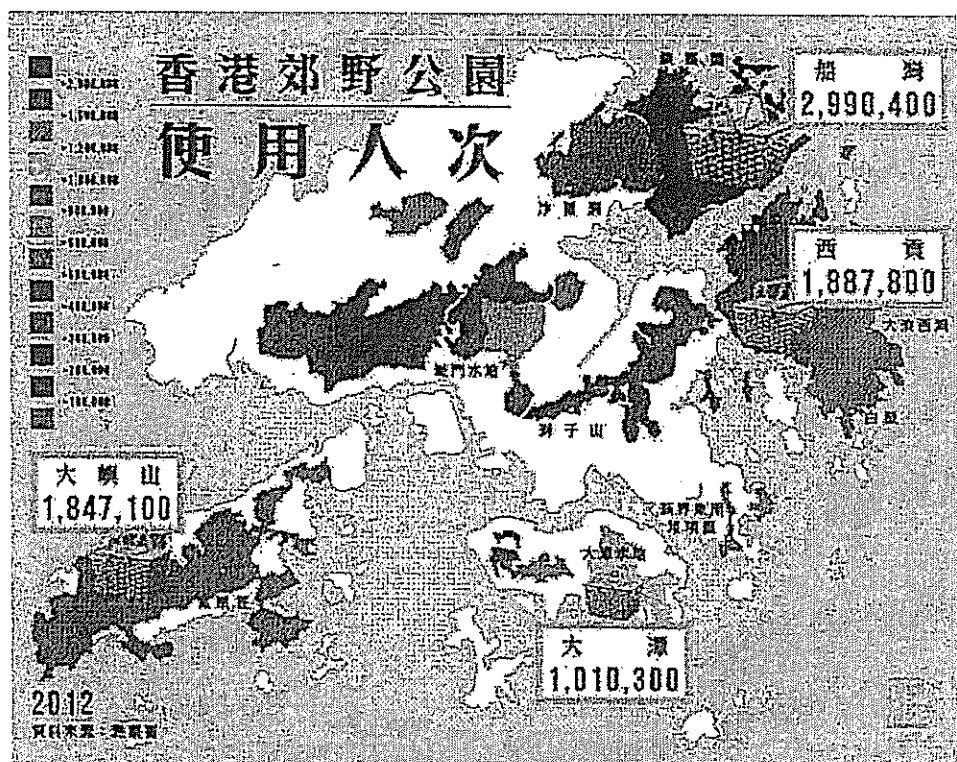


Figure 13. The 2013 Trailwalker event

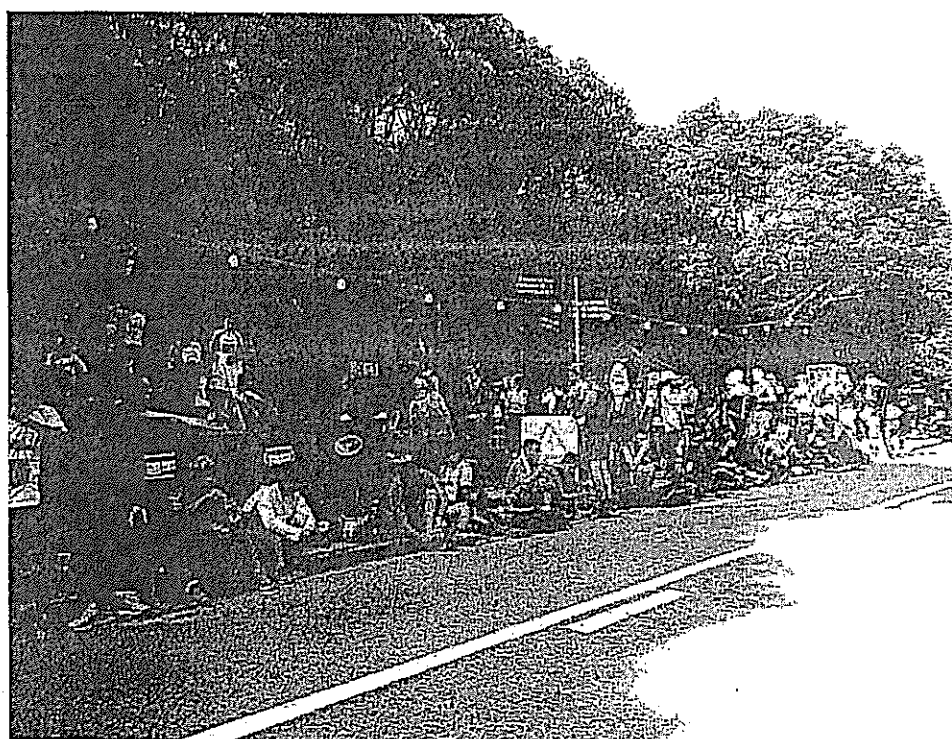


Figure 14. Simulated possible future outlook of the site before (above) and after (below) the proposed V zone is fully occupied with Small Houses

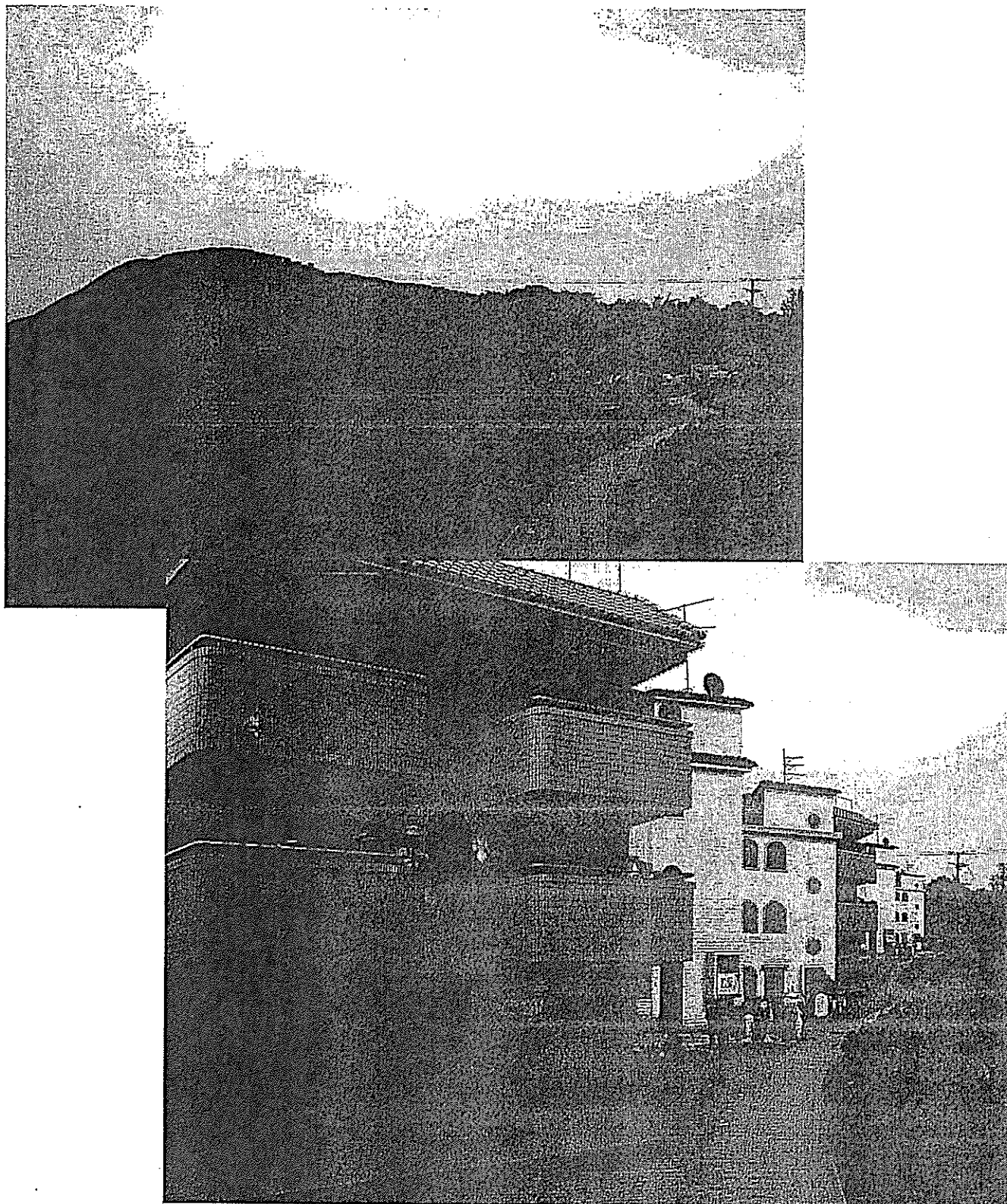


Figure 15. The ecological destruction case at Pak Lap

What we do

- Butterfly Conservation
- Tree Conservation
- River Conservation
- Climate Change
- Waste Reduction
- Education & Community
- Issues of Concern
- Press Release
- Publications

Latest news

"The 19th Green Power Hike" is now open for enrolment.

Liberal Studies of New Senior Secondary Curriculum: "Energy Technology in Hong Kong" Teachers' Guidebook has released. PDF version is:

Workshops & Seminars of Friends of Sai Kung

2010

還救未 Issues of Concern

Uncovering Illegal development at Pak Lap

Sai Kung is the back garden of Hong Kong. Pak Lap, situated in the south of Sai Kung East Country Park, has a century-old tung shui wood that is home to a variety of flora and fauna. Pak Lap Wan, with fine sand and clear water, is known as 'Maldives of Hong Kong'. In September last year, after a private developer damaged Tai Long Sai Wan, the government announced the Development Permission Area Plan (DPA) for various rural sites, including Pak Lap, to prevent uncoordinated development in these areas.

At the end of last year, Green Power, together with Friends of Sai Kung and the Eco-education & Resources Centre, carried out surveys in 28 country park enclaves outside the country park areas in Sai Kung, to assess ecological value and developmental threats. After several field surveys, we found that the natural environment of Pak Lap had been damaged. A dam and water pipes were built along a natural stream that runs over government land, completely modifying the original direction of stream flow. An artificial pond was also built.

In addition, many trees had been felled, over an area of 6,800 square metres. In April of this year, surveyors witnessed excavation trucks and works vehicles leaving the site via the country park's Pak Lap Wan beach. They were loaded onto a large barge anchored in the bay.

Comparing the aerial photos of Pak Lap in different years, it was discovered that before the DPA was released, a developer had already felled trees in the wood and dug the pond. As the damage was done before the DPA was released, the government may take the aerial photo in September last year as the basis for 'original' landuse. It is ironic that the illegal damage and development would thus be officially considered 'original' landuse. The law cannot help restore the landscape before the damage. This exercise of including country park enclaves in the DPA without retroactive effect becomes an accomplice to environmental damage. It provides limited help in conserving ecologically valuable enclaves.

In fact, many village houses have been built in Pak Lap Village in recent years. It is even suspected that a road has been illegally constructed within the country park area to reach those newly built houses. After the damage at Pak Lap was exposed, an application was immediately submitted for building houses at the site. To avoid further damage to the natural environment of Pak Lap, and to stop attempts to 'Damage first, Build later', we wrote to Town Planning Board to oppose the building application. We hope to prevent the house building project eventually becoming commercial and recreational development.

Green Power, together with Friends of Sai Kung and the Eco-education & Resources Centre earlier disclosed the illegal development at Pak Lap to the media:

Pak Lap Wan is known as 'Maldives of Hong Kong'.

Excavation trucks and other works vehicles entered Pak Lap Wan beach, part of the country park area. They were carried by a large barge.

Ecological damage discovered at Pak Lap

立法阻不了 白臘遭嚴重破壞

hkett 經濟日報 - 2011年6月21日星期二 上午6:17

【本報專訊】作為香港後花園的西貢再受破壞，出現大規模填海事件，今次是有「香港馬爾代夫之稱」的白臘，連政府立法也叫不攔破壞，被人大規模挖開沉澱水，破壞規模比大瀝西灣更大，更光天化日下有大艇給「搶灘」，接駁違法闖入郊野公園的挖泥車，環保團體強烈譴責，認為事件揭示規管漏洞，促加強執法。

政府去年10月將白臘納入綠地，但有人趁機填海，比出當年填海政策破壞。(本報專訊提供圖片)

【經濟日報專訊】作為香港後花園的西貢再受破壞，出現大規模填海事件，今次是有「香港馬爾代夫之稱」的白臘，連政府立法也叫不攔破壞，被人大規模挖開沉澱水，破壞規模比大瀝西灣更大，更光天化日下有大艇給「搶灘」，接駁違法闖入郊野公園的挖泥車，環保團體強烈譴責，認為事件揭示規管漏洞，促加強執法。

涉事土地 屬西貢地王夫婦

今次涉及被發展的士地，屬於去年向退還委員會提出要在白臘建國際學校的西貢地王張松夫婦(另見文——「西貢地王僑建國際校被拒」)。

去年7月發生大瀝西灣事件後，城規會去年9月公布白臘發展審批地區圖則(DPA)，規定除農耕以外，任何土地發展及工程，必先經城規會批准。然而，綠色力量、西貢之友和生態教育及資源中心3大團體合作進行有關西貢郊野公園邊境地點調查，發現有人無視政府立法，縱使大規模破壞白臘。

白臘生態災難 非法闖塘

05-21 12:03 AM

星島日報

「西貢之友」索回三年來(右)和生態教育及資源中心教育及科學管理區填海，最後的大池在半年前被填毀。



BY POST AND E-MAIL

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

22 November, 2013

Dear Sir/ Madam,

**TOWN PLANNING ORDINANCE (Chapter 131)
DRAFT PAK LAP OUTLINE ZONING PLAN NO. S/SK-PL/1**

1. **Green Power and Eco-Education & Resources Centre** would like to comment on the above-captioned draft Pak Lap Outline Zoning Plan (OZP).
2. Pak Lap enclave is situated in the south of Sai Kung East Country Park, which has a century-old fung shui wood that is home to a variety of flora and fauna including the locally rare bird Rufous-gorgetted Flycatcher (*Ficedula strophilata* 橙胸姬鵲). Pak Lap Wan, with fine sand and clear water, is known as "Maldives of Hong Kong".
3. We support the General Planning Intention of the Explanatory Statement that Pak Lap enclave should be carefully planned and protected so as to preserve the high ecological and natural landscape value.
4. However, we urge the Town Planning Board (TPB) to assess the environmental carrying capacity of Pak Lap when making provision for future Small House development for the indigenous villagers in such an ecologically sensitive area.
5. In particular, we have grave concerns on the adverse impacts, including deterioration of river and beach water quality, demand on vehicular road access to the village and incompatible developments, brought about by Village Type Development (V) and Agriculture (AGR) zonings



for the Pak Lap area, which are as follows:

- 5.1 About 2.37 ha are zoned as "V". According to the TPB Paper No. 9333, such a V zone is to meet the outstanding and 10-year forecast for Small House demand in Pak Lap area, which are 7 and 72 in 2013 (total: 79) while the forecast was only 15 in 2009. The Administration should verify the forecast for Small House demand and particularly investigate why there will be such a substantial increase in just three years.
- 5.2 Referring to the Explanatory Statement of the Draft OZP, according to the 2011 Census, the total population of the Pak Lap was less than 50 persons. However, no reasons are given to justify that the total planned population of Pak Lap would be about 230 persons.
- 5.3 According to the TPB paper, the total land area required for meeting the total Small House demand of 79 is about 1.8 ha rather than 2.37 ha. The Administration should explain why an excessively large "V" zone is provided for meeting the 10-year small house forecast.
- 5.4 We are also concerned that substantial increase in population and small houses in Pak Lap will consequently lead to demand for vehicular road access directly to Pak Lap enclave. However, we strongly object to the construction of vehicular road because this will indirectly demand the opening of the restricted Man Yee Road, and substantially increase the number of vehicles using Man Yee Road. These will pollute the water gathering ground of High Island Reservoir.
- 5.5 Therefore, we urge the TPB to restrict the road building, both by the Government and the private, in the draft OZP.
- 5.6 We are concerned that such an excessively large "V" zone serving a great number of small houses would adversely affect the water quality of the Pak Lap Wan which is one of the few remaining coastal scenic beach in Sai Kung. Currently, the proposed "V" zone is bisected by a stream course leading to Pak Lap Wan. As the area is not served by public sewer, the sewage from any new small houses will be treated only by on-site septic tanks and soakaway system and the sewage generated will pollute the existing stream course and the Pak Lap Wan downstream.
- 5.7 Also, residential development neighbouring to natural streams will trigger river training works which cause even more environmental damages to the natural environment of Pak Lap. We support the Remarks to control diversion of streams under the "CA" and "AGR" zones. However, we urge the TPB to extend such control of stream diversion to entire planning scheme area.
- 5.8 Furthermore, we urge the TPB to rezone the stream courses and its riparian areas (i.e. at least 30

m buffer from both sides of the stream course) to other conservation zonings such as Conservation Area (CA) or Green Belt (GB) in order to avoid water pollution and physical damages to the stream and Pak Lap Wan.

5.9 According to the habitat map attached in the TPB Paper No. 9333 (Appendix V, Ref. No. M/SK/13/07, Drawing 3), many individuals of Water Fern(*Ceratopteris thalictroides*) were found growing in the wet abandoned field at the site (i.e., the eastern part of the “V” zone). This plant species is vulnerable in China and is a Wild Plant under State Protection (Category II). It is also recognised as a rare and precious plant species in Hong Kong. However, the habitat for this rare plant species is entirely covered by the proposed “V” zone.

5.10 As “V” zone offer no protection to the habitat of this rare and vulnerable plant species, we urge the Administration to rezone the wet abandoned field to “CA” to provide better protection of the rare wetland plant and its habitat.

5.11 In June 2011, we uncovered extensive illegal development in Pak Lap. We found that a wooded area had been damaged and replaced by dams and artificial ponds which are now covered by “AGR” zone. Under the “AGR” zone, agriculture use such as pond filling, soil excavation and stream diversion are always permitted uses, which however can cause significant ecological impacts to ecological sensitive areas. We opine that the current “AGR” zone covering the artificial ponds should be zoned as “CA” or “GB” which have a general presumption against development and can offer better protection to Pak Lap enclave.

Should you have any inquiries or need further information, please contact the undersigned at Green Power (T: 3961 0200; Fax:2314 2661, Email: lkcheng@greenpower.org.hk).

Thank you for your kind attention.

For and on behalf of
Green Power and Eco-Education & Resources Centre,



CHENG Luk-ki
Division Head, Scientific Research and Conservation
GREEN POWER

TPB/R/S/SK-PL/1- 10741



"Roy Ng" <roy@cahk.org.hk>
27/11/2013 下午 04:13

To <tpbpd@pland.gov.hk>

cc

bcc

Subject RE: Comments on Outline Zoning Plan (OZP) (No.S/NE-SLP/1,
S/SK-HH/1, S/SK-PL/1)

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/Madam,

Please find attached our submission on the captioned.

Yours faithfully,

Ng Hei Man

Assistant Campaign Manager

The Conservancy Association



TPB20131127[So Lo Pun].pdf TPB20131127[Hoi Ha].pdf TPB20131127[Pak Lap].pdf



長春社 since 1968

The Conservancy Association

會址：香港九龍青山道 476 號百佳商業中心 1 樓 102 室

Add.: Unit 102, 1/F, Park Building, 476 Castle Peak Road, Kowloon, Hong Kong

電話 Tel.: (852)2728 6781 傳真 Fax.: (852) 2728 5538

27th November 2013

Chairman and Members
Town Planning Board

E-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,

Comments on Pak Lap Outline Zoning Plan (OZP) (No: S/SK-PL/1)

The Conservancy Association (CA) would object to Pak Lap OZP (No: S/NE-PL/1).

CA reiterates that the general planning intention of this area should complement Sai Kung East Country Park which possesses both high ecological and landscape value. It should be reminded that unauthorized tree removal, road construction and other excavation works were detected and caused adverse impact on stream ecology and landscape character in the subject area. Areas of high conservation value should therefore be protected from encroachment by development, unauthorized work and incompatible use with proper zoning which put conservation as the over-riding planning intention.

CA strongly objects that the proposed "V" zone which is too large in size. Such a large size of "V" zone is not well-justified as we see no initiatives from any departments to evaluate the 10-year forecast on small house demand. Besides, Pak Lap currently lacks proper vehicular access and public sewerage system large and putting tremendous village population in such an isolated site would create disastrous impact to the environment. We especially worry that the stream flowing to Pak Lap Wan would be surrounded by the proposed "V" zone and no proper measures has been proposed to protect the riparian zone. Village houses with septic tank system only would not stop significant sewage problem and then the stream itself would then be highly exposed to polluted water from small houses in future. More importantly, the famous scenic spot Pak Lap Wan at the river mouth would be subjected to polluted runoff. In such circumstance, while the "V" zone in Pak Lap should be substantially reduced, the riparian zone should be protected by "CA" zone to safeguard the stream ecology and

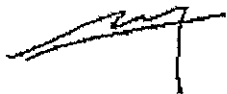
landscape beauty of Pak Lap Wan.

There is precedent case for Planning Department and Town Planning Board to adopt conservation approach in Country Park enclave. With reference to Tai Long Wan OZP, stringent clauses to control development were once proposed. *"Given that there is an inadequate infrastructural provision and that the provision of additional infrastructure to support future development would be difficult in the Area, the reduction of "V" zones would be more pragmatic and help avoid unnecessary development expectation"* (TPB Paper No.5929). It would also *"minimize the potential threats to the existing landscape quality and heritage value of the Area"* (TPB Paper No.5929). CA suggests to strengthen planning control in "V" zone in Pak Lap OZP by putting "House (New Territories Exempted House only)" into Column 2 rather than Column 1. Any small houses should require planning prior approval from Town Planning Board to ensure no significant adverse impacts to the tranquil environment and integrity of village setting in Pak Lap.

CA disagrees with the proposed "AGR" zone which is indeed the trashed site before the gazettal of DPA. Since the village environ covers the entire Pak Lap enclave site, zoning this site into "AGR" zone would only encourage small house application and this area would end up in another small house cluster. From our view, despite site destruction in 2010, the environmental condition of Pak Lap was slightly better afterwards. While it demonstrates that the site has potential to recover naturally, it should be zoned as "CA" zone to reflect its planning intention to protect the existing natural landscape feature. While "CA" would also facilitate proposed use such as agriculture, wetland regeneration, environmental education, it would better protect the land from village encroachment.

To protect high ecological and landscape value of the subject site and also the surrounding Sai Kung East Country Park, CA opines that country park enclaves like Pak Lap should be included in Country Park.

Yours faithfully,



Ng Hei Man
Assistant Campaign Manager

TPB/R/S/SK-PL/1- 10742



Roy Tam.
<roy@greensense.org.hk>
27/11/2013 下午 04:27

To tpbpd@pland.gov.hk
cc
bcc

Subject 意見書：白腊分區計劃大綱草圖

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt



意見書：白腊分區計劃大綱草圖 白腊.pdf



電話: 8100 4877
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地址: 荃灣郵政信箱 454 號

電郵: info@greensense.org.hk
網頁: www.greensense.org.hk

致 城市規劃委員會:

環保觸覺意見書

有關 S/SK-PL/1 白腊分區計劃大綱草圖

反對擴大鄉村式發展範圍

本會反對 S/SK-PL/1 白腊分區計劃大綱草圖擴展鄉村式發展，反對繼續於該區域增加丁屋，破壞香港珍貴郊野及生態。詳細意見如下：

草圖陳述的鄉村式發展的規劃範圍過大及屋宇數量過多，不符合目前環境，該處的丁屋發展鄰近自然保育區及郊野公園，將危害該範圍的樹木及生態，所以城規會應拒絕通過這張分區計劃大綱圖。

白腊現時的居住人口約為 50 人，如規劃署資料所言，總規劃人口以擴展鄉村式發展達至 230 人。本會擔心該處沒有足夠配套以供將來遷入的人口。由於附近未有污水處理及道路配合，恐怕鄰近的自然保育區及農業用地也會遭日後發展而破壞。

政府應參考大浪西灣之規劃，維持現有鄉村範圍，並將該範圍訂為郊野公園；若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展（丁屋區）的範圍，不應再增加。

丁屋是原居民的特權，並不是公平的政策，這政策實在需要在不違反基本法的情況下，盡快檢討。若在分區計劃大綱圖擴大鄉村式發展，這等同讓原居民的特權繼續延伸，政府、規劃署及城規會便成了幫兇，這樣荒謬的事，實在不能發生。

本會鄭重要求，海下 (S/NE-HH/1)、(白腊 S/SK-PL/1) 及鎖羅盆 (S/NE-SLP/1) 三區的分區計劃大綱圖應以保護郊野為首要考慮，所以不應再額外加入鄉村式發展地帶，以免丁屋進一步破壞郊野。

請各城規會委員把關，保護香港的生態及生境，謝謝！

環保觸覺

二零一三年十一月二十七日



Pui Lam Jocelyn HO
<hjocelyn@hkbws.org.hk>
27/11/2013 下午 03:17

To Town Planning Board <tpbpd@plai.....>
cc dafcoffice@afcd.gov.hk
dlosk@landsd.gov.hk
dep@epd.gov.hk
bcc
Subject Comments on 3 Draft OZPs - Hoi Ha, Pak Lap, So Lo Pun
☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir or Madam,

Please refer to the attachments for the HKBWS's comments on the Draft OZPs for Hoi Ha, So Lo Pun and Pak Lap. -Thank you.

Best regards,

Jocelyn Ho

Senior Conservation Officer
The Hong Kong Bird Watching Society
7C, V Ga Building, 532 Castle Peak Road, Lai Chi Kok, Kowloon, Hong Kong

Tel: (852) 23774387 Fax: (852) 23143687 HKBWS_Comments_HoiHadraftOZP_20131127.pdf



HKBWS_Comments_PakLapdraftOZP_20131127.pdf HKBWS_Comments_SoLoPundraftOZP_20131127.pdf

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

27 Nov 2013

Dear Sir/Madam,

Comments on Draft Pak Lap Outline Zoning Plan No. S/SK-PL/C – Further
Consideration of a New Plan

The Hong Kong Bird Watching Society (HKBWS) would like to raise our concerns on the Draft Pak Lap Outline Zoning Plan (OZP) and propose the incorporation of Pak Lap into the Sai Kung East Country Park. In the 2010 Policy Address, Donald Tsang promised to include Country Park enclaves into Country Parks (CPs) or determine their proper uses through statutory planning in order to meet conservation and social development needs¹. However, the Draft Pak Lap OZP does not provide sufficient protection to the natural environment of Pak Lap and we would like bring your attention to the following concerns:



國際鳥盟準成員
BirdLife International
Partner Designate

1. Concerns on the Village Zone

1.1 The size of the Village (V) zone was decided based on the ten-year projection of small houses (79 more houses) at Pak Lap. Given the condition of Pak Lap, being that there is no vehicular road access and access to the nearest road requires a 400 meter hike to Sai Kung Man Yee Road, the draft OZP has failed to take into consideration the associated road access that is necessary to allow villagers to inhabit Pak Lap conveniently, and this puts the surrounding areas of the CP at risk to illegal infrastructure development. Already there are evidence of illegal vegetation clearance and provision of roads from Sai Kung Man Yee Road to Pak Lap (Figure 1).

1.2 The individuals of Water Fern *Ceratopteris thalictroides* as presented in the draft OZP were found in the marsh of the proposed V zone. *Ceratopteris thalictroides* is considered to be a "rare and precious plant" and due to its special habitat requirement, its area of distribution and population size are decreasing². The V

¹ Hong Kong SAR Government (2010). Address by the Chief Executive The Honourable Donald Tsang at the legislative Council Meeting on 13 October 2010. Available at: <http://www.policyaddress.gov.hk/10-11/eng/p122.html>

² Hu, Q.M., Wu, T.L., Xia, N.H., Xing F.W., Patrick C.C.L., Yip, K.W. (2003). Rare and Precious Plants of

zone would not provide any protection to the Water Fern. We urge that the marsh habitat of where the Water Fern is located to be zoned as Conservation Area (CA) so that adequate protection can be given to the marsh habitat and its associated plants, including the protection Water Fern. The size of V zone should be reduced significantly (Figure 2).

- 1.3** We are concerned about the deterioration of water quality at Pak Lap Wan as a result of the high number of small houses in the proposed V zone. Since the area is not equipped with public sewer, the sewage from these small houses will only be treated by on-site septic tanks and soakaway systems, the generated sewage will pollute the stream and Pak Lap Wan which is drains into. Pak Lap Wan is where high abundance of protected amphioxus species, *Branchiostoma belcheri*, has been recorded³. This species is listed under class II protection in China and is the only benthic species of conservation importance in Hong Kong. *Branchiostoma belcheri* is sensitive to water pollution and important habitat requirements include oceanic water of low organic content³. We are concerned that the organic content discharged in to Pak Lap Wan from the village would destroy this important habitat for *B. belcheri*.

2. Concerns on the Agriculture Zone

The proposed Agriculture (AGR) zone is located in an area of young plantation species and man-made pond (Figure 3). This area is hydrologically linked to the stream which drains into Pak Lap Wan. Surface runoff from farming activities would result in the increase of organic content in the stream and Pak Lap Wan. We believe this area should be zoned as Green Belt (GB) to prevent water quality issues and also because the GB zoning would create a suitable buffer area of appropriate size between the existing village houses and the proposed CA (Figure 2).

3. Pak Lap should be incorporated as part of the Sai Kung East Country Park

Pak Lap, and especially its secondary woodland, supports a diverse population of different fauna groups and is ecologically linked to the surrounding Sai Kung East Country Park. High diversity of butterflies (37 species) and birds (55 species) have been recorded at Pak Lap⁴. This includes two uncommon butterfly species,

Hong Kong. Agriculture, Fisheries and Conservation Department, Government of HKSAR.

³ Chen (2007). The Ecology and Biodiversity of Amphioxus in Hong Kong. City University of Hong Kong – Department of Biology and Chemistry

⁴ The survey data was obtained from the results of the ecological surveys at Pak Lap by Eco-education and Resource Centre plus recorded species during a site visit by HKBWS and KFBG

Bush Hopper *Ampittia dioscorides etura* and Silver Streak Blue *Iraota timoleon timoleon*, and eleven bird species of conservation interest. Pak Lap not only supports woodland and generalist birds species, it also supports protected species of ardeids, waterbirds and raptors. A detailed list of birds recorded and their protection statuses are provided in the attached Table 1.

To prevent further illegal habitat destruction at Pak Lap, by including it into the CP, the Country Park Ordinance under the authority of the AFCD would provide the most effective legislative protection which the Town Planning Board of the OZP would otherwise have limited control over. Great considerations should be given to CP enclaves that are not easily accessible by people due to the lack of vehicular road access to become part of the CP boundary due to their low utilization. These enclaves, including Pak Lap, are subject to low levels of human disturbances and thus have high potential ecological value. The draft OZP allows opportunities for irreversible environmental damage arising from village house developments.

The HKBWS respectfully requests the Town Planning Board to consider our concerns of the draft Pak Lap OZP.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Jf H' or similar, written in a cursive style.

Jocelyn Ho
Senior Conservation Officer
Hong Kong Bird Watching Society

cc:

Mr. Alan Wong, Director of Agriculture, Fisheries and Conservation
Mr. Simon Wang, District Lands Officer, Sai Kung
Ms. Anissa Wong, Director of Environmental Protection
Mr. KK Ling, Director of Planning

Figure 3

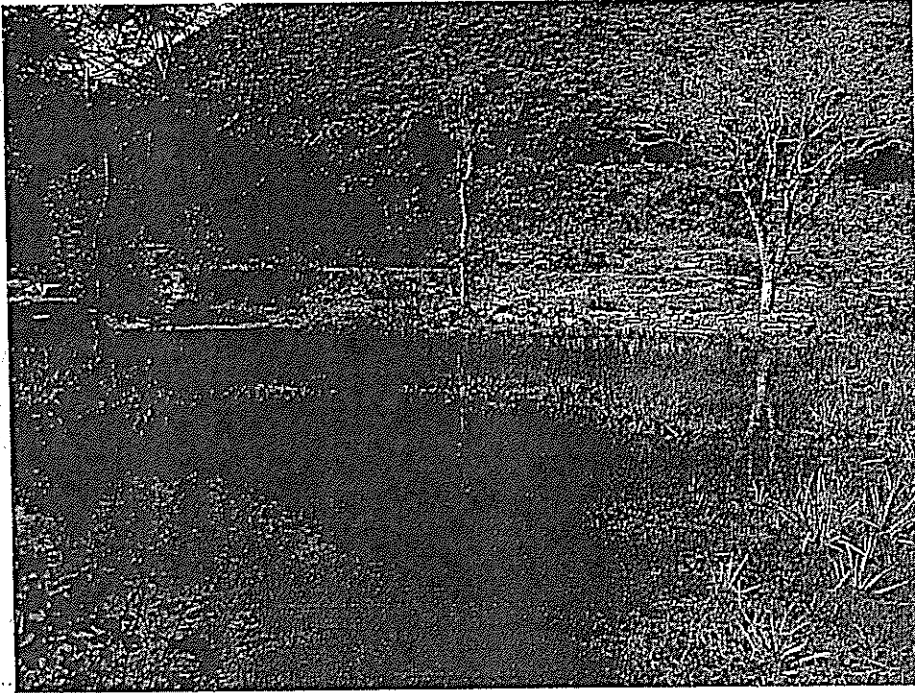


Table 1

Common Name	Scientific Name	Distribution in Hong Kong ⁽¹⁾	Level of Concern ⁽²⁾	Protection Status in China ⁽³⁾	China Red Data Book ⁽⁴⁾
Chinese Pond Heron ⁽⁶⁾	<i>Ardeola bacchus</i>	Common	PRC (RC)	-	-
Eastern Cattle Egret ⁽⁶⁾	<i>Bubulcus coromandus</i>	Common	(LC)	-	-
Little Egret ⁽⁶⁾	<i>Egretta garzetta</i>	Common	PRC (RC)	-	-
Black Kite ⁽⁵⁾⁽⁶⁾	<i>Milvus migrans</i>	Common	(RC)	Class II	-
White-bellied Sea Eagle ⁽⁵⁾⁽⁶⁾	<i>Haliaeetus leucogaster</i>	Uncommon	(RC)	Class II	-
Crested Serpent Eagle ⁽⁵⁾	<i>Spilornis cheela</i>	Uncommon	(LC)	Class II	Vulnerable
Crested Goshawk ⁽⁵⁾	<i>Accipiter trivirgatus</i>	Uncommon	-	Class II	Rare
Eastern Buzzard ⁽⁵⁾⁽⁶⁾	<i>Buteo japonicus</i>	Common	-	Class II	-
Common Kestrel ⁽⁵⁾	<i>Falco tinnunculus</i>	Common	-	Class II	-
White-breasted Waterhen ⁽⁶⁾	<i>Amauromis phoenicurus</i>	Common	-	-	-
Common Moorhen ⁽⁶⁾	<i>Gallinula chloropus</i>	Common	-	-	-
Common Sandpiper ⁽⁶⁾	<i>Actitis hypoleucos</i>	Common	-	-	-
Oriental Turtle Dove	<i>Streptopelia orientalis</i>	Common	-	-	-
Spotted Dove	<i>Streptopelia chinensis</i>	Abundant	-	-	-
Greater Coucal	<i>Centropus sinensis</i>	Common	-	Class II	Vulnerable
Asian Koel	<i>Eudynamys scolopacea</i>	Common	-	-	-
Indian Cuckoo	<i>Cuculus micropterus</i>	Uncommon	-	-	-
Pacific Swift	<i>Apus pacificus</i>	Common	(LC)	-	-
Long-tailed Shrike	<i>Lanius schach</i>	Common	-	-	-

Common Name	Scientific Name	Distribution in Hong Kong ⁽¹⁾	Level of Concern ⁽²⁾	Protection Status in China ⁽³⁾	China Red Data Book ⁽⁴⁾
Black Drongo	<i>Dicrurus macrocercus</i>	Common	-	-	-
Red-billed Blue Magpie	<i>Urocissa erythrorhyncha</i>	Common	-	-	-
Eurasian Magpie	<i>Pica pica</i>	Common	-	-	-
Large-billed Crow	<i>Corvus macrorhynchos</i>	Common	-	-	-
Cinereous Tit	<i>Parus cinereus</i>	Common	-	-	-
Red-whiskered Bulbul	<i>Pycnonotus jocosus</i>	Abundant	-	-	-
Chinese Bulbul	<i>Pycnonotus sinensis</i>	Abundant	-	-	-
Sooty-headed Bulbul	<i>Pycnonotus aurigaster</i>	Uncommon	-	-	-
Barn Swallow	<i>Hirundo rustica</i>	Abundant	-	-	-
Mountain Tailorbird	<i>Phyllergates cucullatus</i>	Uncommon	-	-	-
Dusky Warbler	<i>Phylloscopus fuscatus</i>	Common	-	-	-
Yellow-browed Warbler	<i>Phylloscopus inornatus</i>	Common	-	-	-
Chinese Hwamei	<i>Garrulax canorus</i>	Common	-	-	-
Masked Laughingthrush	<i>Garrulax perspicillatus</i>	Abundant	-	-	-
Japanese White-eye	<i>Zosterops japonicus</i>	Abundant	-	-	-
Crested Myna	<i>Acridotheres cristatellus</i>	Common	-	-	-
Red-billed Starling ⁽⁶⁾	<i>Spodiopsar sericeus</i>	Common	RC	-	-
White-cheeked Starling	<i>Spodiopsar cineraceus</i>	Common	PRC	-	-
Black-collared Starling	<i>Gracupica nigricollis</i>	Common	-	-	-
Common Blackbird	<i>Turdus merula</i>	Common	-	-	-

Common Name	Scientific Name	Distribution in Hong Kong ⁽¹⁾	Level of Concern ⁽²⁾	Protection Status in China ⁽³⁾	China Red Data Book ⁽⁴⁾
Oriental Magpie Robin	<i>Copsychus saularis</i>	Abundant	-	-	-
Daurian Redstart	<i>Phoenicurus aureus</i>	Common	-	-	-
Stejneger's Stonechat	<i>Saxicola stejnegeri</i>	Common	-	-	-
Asian Brown Flycatcher	<i>Muscicapa latirostris</i>	Common	-	-	-
Rufous-gorgeted Flycatcher	<i>Ficedula strophilata</i>	Rare	-	-	-
Scarlet-backed Flowerpecker	<i>Dicaeum cruentatum</i>	Common	-	-	-
Fork-tailed Sunbird	<i>Aethopyga christinae</i>	Common	-	-	-
Eurasian Tree Sparrow	<i>Passer montanus</i>	Abundant	-	-	-
White-rumped Munia	<i>Lonchura striata</i>	Common	-	-	-
Scaly-breasted Munia	<i>Lonchura punctulata</i>	Common	-	-	-
White Wagtail	<i>Motacilla alba</i>	Common	-	-	-
Richard's Pipit	<i>Anthus richardi</i>	Common	-	-	-
Olive-backed Pipit	<i>Anthus hodgsoni</i>	Common	-	-	-

Note:

Species in bold font are of conservation interest

(1) AFCD (2013). Hong Kong Biodiversity Database

(2) Fellowes et al. (2002): LC=Local Concern; RC=Regional Concern; PRC=Potential Regional Concern. Letters in parentheses indicate that the assessment is on the basis of restrictedness in nesting and/or roosting sites rather than in general occurrence.

(3) List of Wild Animals Under State Protection (promulgated by State Forestry Administration and Ministry of Agriculture on 14 January, 1989).

(4) Zheng, G. M. and Wang, Q. S. (1998).

(5) Protected under Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)

(6) Wetland-dependent species (including wetland-dependent species and waterbirds)



YIU Vor
<yiuvor@hkentsoc.org>
26/11/2013 下午 10:53

To tpbpd@pland.gov.hk
cc
bcc

Subject 提交申述 - 白腊分區計劃大綱草圖編號 S/SK-PL/1

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

本會認為圖則中的鄉村式發展地帶面積過大，理由如下：

白腊近幾十年一直只有少量村民居住，並無顯著需求要在該處興建小型屋宇自住；而且擬劃作鄉村式發展地帶的土地，大部份已被地產發展商購入，該處大部份原居民已不持有土地作興建小型屋宇自住之用。劃出大面積鄉村式發展地帶只會鼓勵大批原居民非法售賣「丁牌」予地產發展商作屋苑式發展，完全違反新界小型屋宇政策原意，亦變相鼓勵違法行為。

白腊近期出現破壞生態環境的工程，在這情況下劃出大片鄉村式發展地帶等於獎賞「先破壞，後申請發展」行為，違反規劃政策精神，並不可取。

白腊灣被西貢東郊野公園包圍，景色優美怡人，乃著名旅遊、觀光、露營地點，大量丁屋發展嚴重破壞原有景觀。

該處沒有污水處理設施，大量生活污水將直接流入白腊海灣，造成嚴重污染。大量丁屋發展亦意味要建造行車道路，將進一步破壞該區自然環境。

本會建議大幅縮減圖則中的鄉村式發展地帶，並將整個白腊地區納入西貢東郊野公園範圍。

香港昆蟲學會
2013年11月26日

SEA SHEPHERD CONSERVATION SOCIETY



International Chairman
Farley Mowat

Founder
Captain Paul Watson

Board of Directors
Lani Blazier
Marnie Gaede
Anthony Kiedis
Peter Rleman
Bob Talbot
Paul Watson
Persia White
Robert Wintner
Dr. Ben Zuckerman

Board of Advisors
Richard Dean Anderson
Brigitte Bardot
Linda Blair
Jody Boyman
Berkeley Breathed
Dr. Deborah Brosnan
Pierce Brosnan
Paul Brown
The Honorable Ian Campbell
Sebastiano Cossia Castiglioni
David Comarow, ESQ
Sean Connery
James Costa
John Paul DeJoria
Tui De Roy
Isabel Dow
Albert Falco
Linda G. Fisher
Dave Foreman
Hannah Fraser
Marc Gaede
Dr. Birute Galdikas
Mike Galei
Stephanie Gilmore
Michael Goldschlager
Rutger Hauer
Randall H. Hayes
Herbert Henrich
Dr. Alex Hershaft
Steve Hindi
Basil Hobbs
Dr. Sidney Holt
Dr. Jennifer Hopper
Captain Jet Johnson
Pieter Kroonenburg
Dr. Louise Leakey
Howard Lyman
Rafe Mair
Dr. Joe McGinniss
Dr. Godfrey Merlen
Alex Pacheco
Sean Penn
Grant Pereira
Jacques Perrin
Heidi Prescott
Dave Rastovich
Dr. Tom Regan
Martin Sheen
Sam Simon
Kelly Slater
George Sumner
Barbara Veiga
Geert-Jan Vons
Tom Waes
Oliver Wallasch
Diane Warren
Elora West
Scott West

Chairman, Town Planning Board,

**Representation relating to Draft Plan under
Section 6(1) of the Town Planning Ordinance (Cap 131)**

This is a representation relating to a Draft Plan under Section 6(1) of the Town Planning Ordinance (Cap 131). Please see the details of our submission as follows:

1. Person making the Representation

Mr. Gary Stokes, Senior Operations Director (Asia), Sea Shepherd Conservation Society

2. Authorized Agent (Not applicable)

3. Details of the Representation

(a) Draft plan to which the representation relates.

Draft Pak Lap Outline Zoning Plan No: S/SK-PL/1

(b) Nature of and reasons for the representation

Sea Shepherd Conservation Society oppose the Draft Pak Lap OZP on the following grounds:

1. The Draft Pak Lap OZP has not properly considered the threat to the amphioxus communities in Pak Lap Wan from development in Pak Lap.
2. The use of on-site septic tanks and soakaway (STS) systems will not work in Pak Lap.
3. The underlying geology in Pak Lap will not support the use of on-site septic tanks and soakaway (STS) systems to disperse untreated wastewater into the surrounding soil, which will lead to irreparable damage being caused to the amphioxus communities in Pak Lap Wan.
4. The underlying geology in Pak Lap will not support the use of on-site septic tanks and soakaway (STS) systems because Pak Lap is susceptible to alluvial flooding and this will pose an unacceptable health risk, including the possibility of triggering a global pandemic.
5. Excavations undertaken during development in Pak Lap will disrupt the geologic continuum in the area, which poses the risk of the amphioxus communities in Pak Lap Wan being smothered in sediment.



6. An influx of visitors to Pak Lap poses an unacceptable risk to the marine biodiversity there, yet this has not been mentioned or considered in the Draft Pak Lap OZP.

Supporting evidence for these objections is in the attached report.

(c) Any proposed amendments to the draft plan?

In accordance with Section 6(2) of the Town Planning Ordinance, the failure to recognize or consider these issues are serious omissions and show the Draft Pak Lap OZP is not fit for purpose. Because all of this information has been omitted from the Draft Pak Lap OZP, we do not believe the Town Planning Board has been properly briefed on all of the issues of concern and no development should be allowed in Pak Lap based on the objections we have raised.

4. Particulars of "Representer"

Name: Gary Stokes

On behalf of: Sea Shepherd Conservation Society

Position: Senior Operations Director (Asia)

Tel: [REDACTED]

Email: [REDACTED]

Date: 27 November 2013



Gary Stokes

27/11/2013 12:49

To "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>

cc

bcc

Subject Objection: Draft Pak Lap Outline Zoning Plan No: S/SK-PL/1

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Chairman, Town Planning Board,

**Representation relating to Draft Plan under
Section 6(1) of the Town Planning Ordinance (Cap 131)**

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Name: Gary Stokes

On behalf of: Sea Shepherd Conservation Society

Position: Senior Operations Director (Asia)

Tel: [REDACTED]

Email: [REDACTED]

Date: 27 November 2013

Due to size restrictions this is sent from a personal email, any replies to the address attached



Pak Lap Cover Letter.pdf 1. Pak Lap full report.docx

TPB/R/S/SK-PL/1- 10746



"David NEWBERY"

27/11/2013 下午 04:58

Please respond to

To <tpbpd@pland.gov.hk>

cc <sdev@devb.gov.hk>

<sen@enb.gov.hk>

<DLoffice@landsd.gov.hk>

bcc

Subject Draft Pak Lap OZP - Comment

☐ Urgent

☐ Return receipt

☐ Sign

☐ Encrypt

Dear Sir/Madam

Please find enclosed comments on the Draft Pak Lap OZP by Friends of Hoi Ha.

Yours faithfully

David NEWBERY



Secretary, Friends of Hoi Ha Pak Lap TPB 26 Nov 13.docx

FRIENDS OF HOI HA
PO Box 51
Sai Kung Post Office
New Territories
HONG KONG



Tel: (+852) 2791 6449
Fax: (+852) 2791 6454
Email:
newbs@netvigator.com

26 November 2013

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Mr Chow

DRAFT PAK LAP OUTLINE ZONING PLAN (S/SK-PL/1)

1. In October 2010, the enclave of Pak Lap was gazetted as a Development Permission Area (DPA). The DPA came to an end in October 2013 and has been replaced by a Draft Outline Zoning Plan (OZP) which will remain in force until the final OZP is constructed.
2. FOHH strongly objects to the Draft OZP, as promulgated by the TPB, for the following reasons:
 - The “Requirement” for 79 new houses under the Small House Policy has been based on an estimate given by the Village representative. No check or audit of this figure has been carried out by the TPB. The chances that 79 “sons of the village” and their families wish to “return” (many of them have never, actually, lived in the village) to live at Pak Lap - a tiny village with no road access, no amenities and no employment possibilities – is, simply, unbelievable. That major planning decisions are being based on this totally bogus figure is gross mal-administration.
 - It is, probably, no coincidence that the majority of land in the proposed V-Zone has already been bought by development companies. If the V-Zone is to be primarily used for the legitimate building of houses under the Small House Policy, how is this to be achieved, when the land has already been sold to developers?
 - Pak Lap has no sewage facilities and there are no plans to improve the situation. Therefore, any new houses built at Pak Lap will be furnished with Septic Tank Systems and soakaway pits. These rudimentary sewage treatment facilities will, inevitably, lead to sewage pollution of the water courses and nearby streams which contain species of conservation interest. Septic tank systems pollute water courses even when they are functioning correctly; however, given the remoteness of the village, it is unlikely that STS will be properly maintained and serviced and so the risk of pollution is greatly

increased. The polluted water will then enter the sea, which has coral and other sensitive marine life nearby, as well as mariculture sites. Any significant development at Pak Lap should take account of the need to properly treat sewage before it is discharged into the environment. To this end, the basic requirements of the ProPECC are inadequate due to the sensitivity of the environment, the remoteness of the location and the cumulative effects of the effluent discharges from numerous houses.

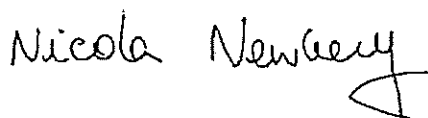
- The area has already been subject to environmental destruction under a “trash first; develop later” philosophy. The Government claims that it opposes these actions; therefore, the OZP should be an opportunity to show that “trash first; develop later” actions will not work and that the area destroyed some years ago should be fully restored at the developer’s expense and then given the highest level of environmental protection. Otherwise, the Government’s promises to discourage “trash first; develop later” are nothing but hot air.

3. The OZP should be redrawn so as to reflect more accurately the actual **NEED** for housing in this environmentally sensitive site. In order to accommodate the **NEED** for housing in the next 10 years, the **V-Zone** should cover only the existing village footprint – the village cluster. The rest of the enclave should be zoned for conservation, with an area allowed for legitimate farming activities and the rest zoned as **Conservation Area**.

4. In order to prevent the destruction of the areas zoned as Conservation Area by trashing activities masquerading as “farming”, we believe that the following uses specified in the “Always Allowed” Column 1 of the schedule, be changed to Column 2 – uses requiring the permission of the TPB:

- Agricultural Use
- On-farm Domestic Structure

5. We fully support the findings and conclusions of the letters sent to you by WWF Hong Kong, Friends of Sai Kung, Designing Hong Kong and others who have objected to the Draft OZP and agree that the best long-term solution for Pak Lap would be to incorporate the enclave within the adjoining Country Park so as, firstly, to properly protect this environmentally sensitive area and, secondly, to take advantage of the formal compensation programme which would be available to Indigenous Villagers suffering from a loss of expectation due to Country Park incorporation. Pending any re-consideration of the enclave for integration into the Country Park, the OZP should be amended so as to give the area the protection it deserves.



Nicola NEWBERY



David NEWBERY

Chair, Friends of Hoi Ha

Secretary, Friends of Hoi Ha

Encs

cc: Chief Executive
Secretary for Development
Secretary for the Environment
Director of Lands
Director of Environmental Protection
Director of Agriculture, Fisheries and Conservation
Tai Po District Officer
Antiquities and Monuments Office
Country and Marine Parks Board
LegCo Panel on Environmental Affairs
LegCo Complaints Panel
Hon. Emily LAU, Legislative Councillor
Kadoorie Farm
Swire Institute
WWF Hong Kong
Civic Exchange
Green Power
Friends of the Earth
Conservancy Association
Designing Hong Kong
Friends of Sai Kung
Save Our Country Parks

TPB/R/S/NE-HH/1-
 TPB/R/S/NE-SLP/1-1
 TPB/R/S/SK-PL/1-

25 NOV 2013

Town Planning
 Board

致城市規劃委員會,

本人丁秀園，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。

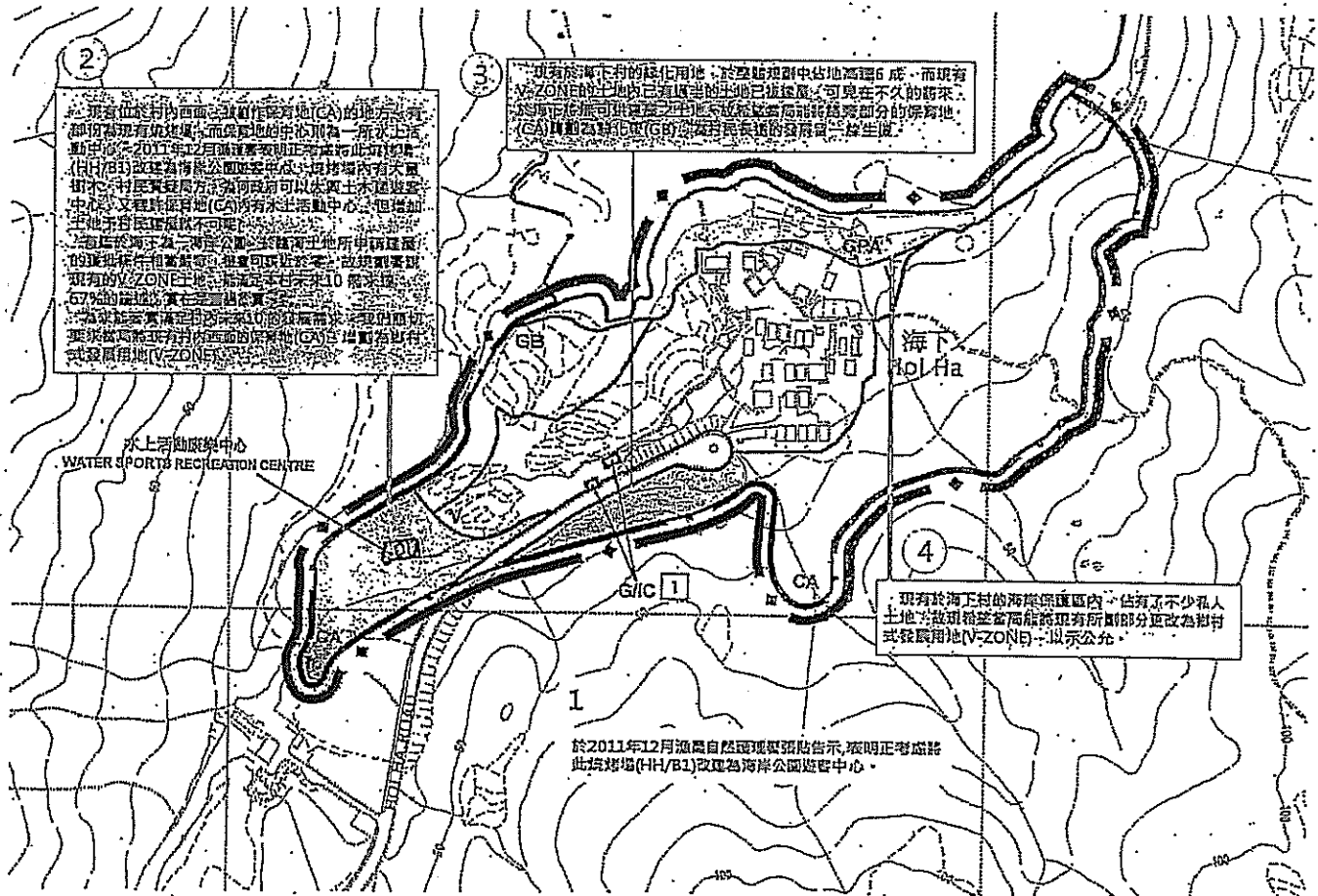
聯絡地址:

聯絡電話:

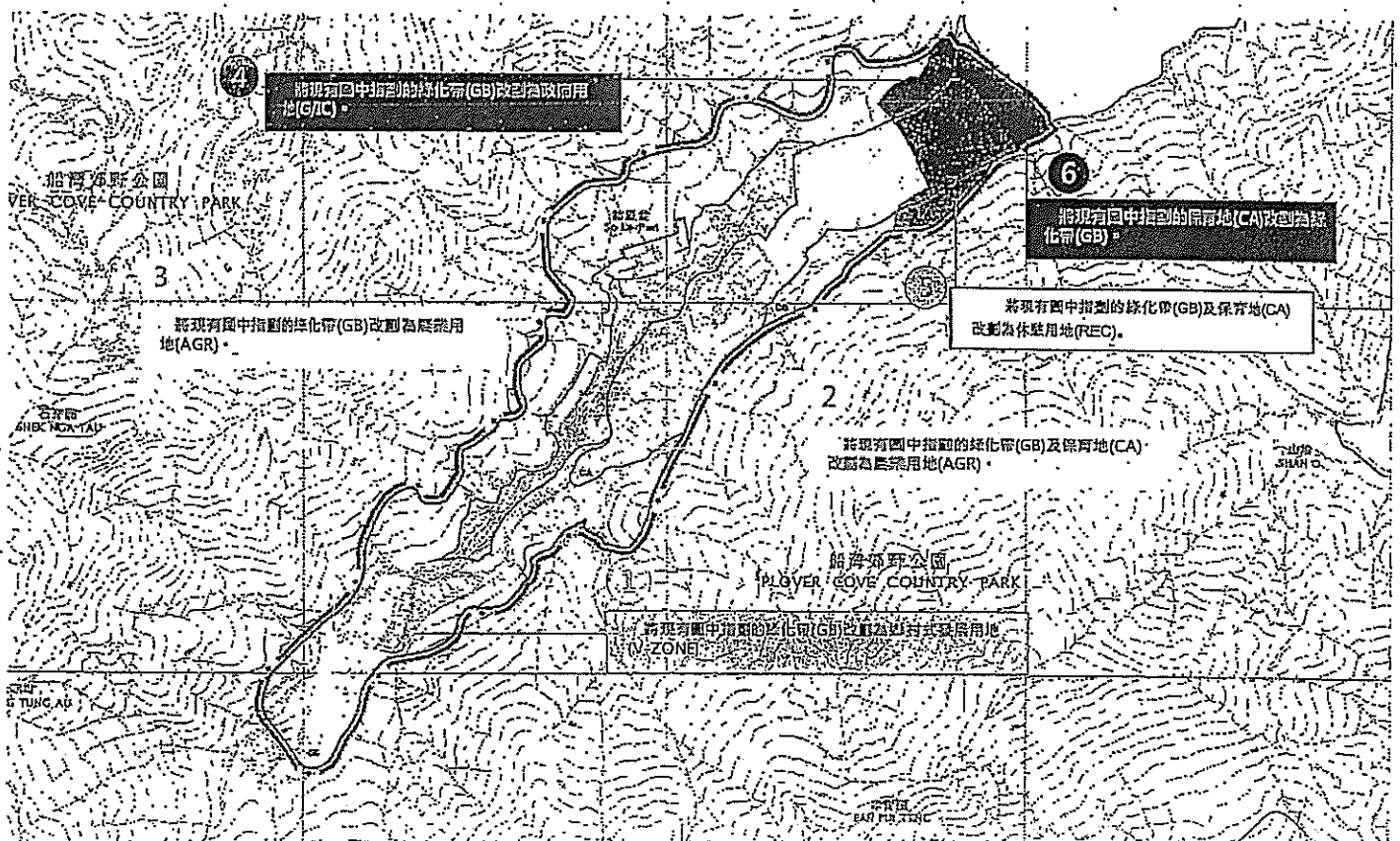
簽署: 丁秀園

日期: 22.11.2013

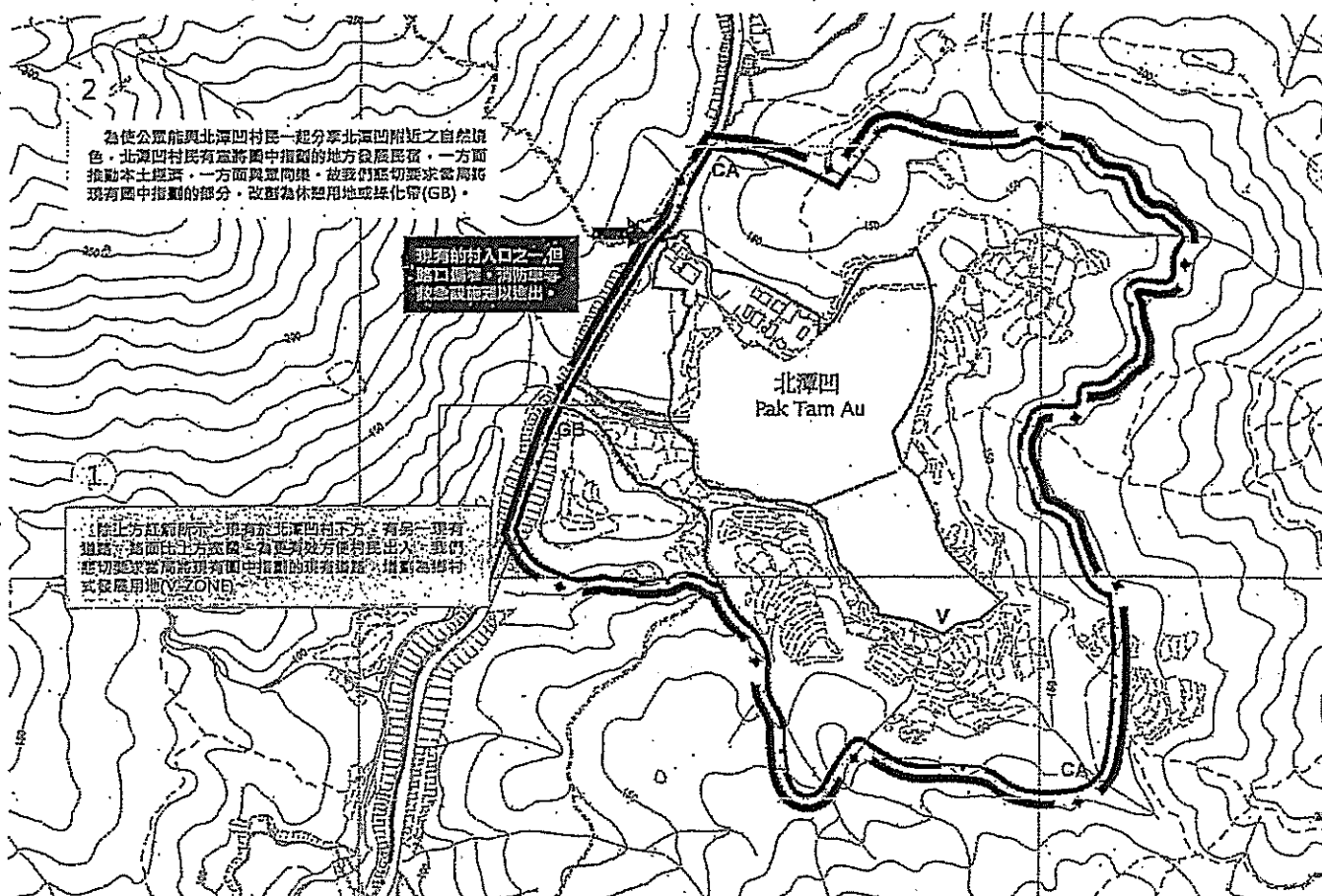
海下村分區計劃大綱圖之意見與具體建議



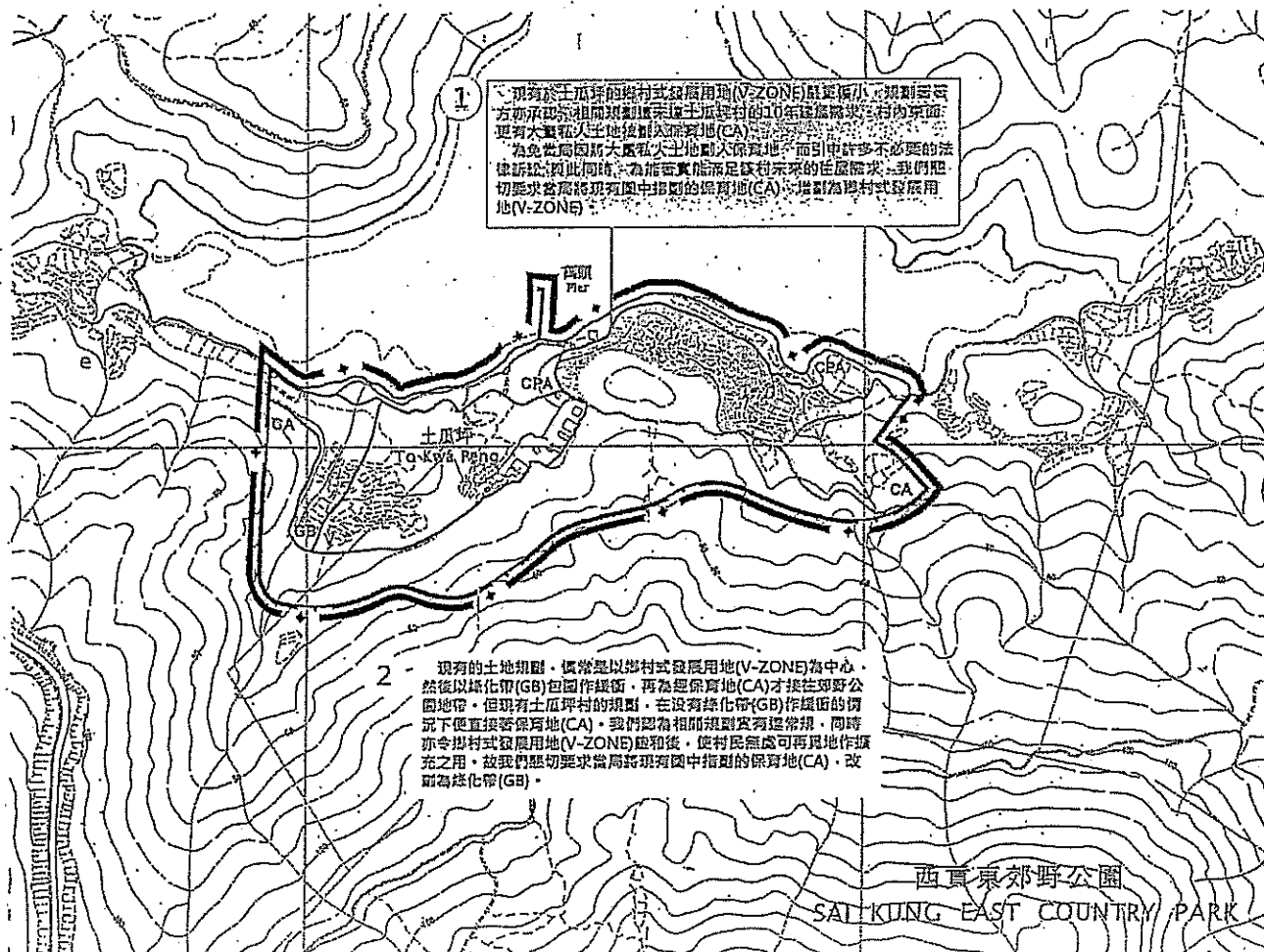
鎖羅盤分區計劃大綱圖之意見與具體建議



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





Wai Ling Kwok

Sent by:

23/11/2013 上午 11:35

To: ceo@ceo.gov.hk
sen@enb.gov.hk
sdev@devb.gov.hk

cc:

Subject: 促請政府保護郊野公園不受肆意發展破壞 [Wai Ling Kwok]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 804
TPB/R/S/SK-PL/1-

to:

香港添馬添美道
香港特別行政區行政長官辦公室
香港特別行政區行政長官
梁振英先生
電郵: ceo@ceo.gov.hk

香港添馬添美道2號政府總部東翼16樓
環境局
環境局局長
黃錦星先生
電郵: sen@enb.gov.hk

香港添馬添美道二號政府總部西翼18樓
發展局
發展局局長
陳茂波先生
電郵: sdev@devb.gov.hk

九龍長沙灣道303號長沙灣政府合署7樓
漁農自然護理署
漁農自然護理署署長
黃志光先生
電郵: dafcoffice@afcd.gov.hk

九龍長沙灣道303號長沙灣政府合署5樓
漁農自然護理署
郊野公園及海岸公園委員會主席
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電郵: mailbox@afcd.gov.hk

香港北角渣華道333號北角政府合署17樓
規劃署
規劃署署長
凌嘉勤先生
電郵: kklng@pland.gov.hk

香港北角渣華道333號北角政府合署20樓
地政署
地政總署署長
蕭漢豪女士
電郵: DLOffice@landsd.gov.hk

香港北角渣華道 333 號 北角政府合署 15 樓
城市規劃委員會主席
周達明先生
電郵: tpbd@pland.gov.hk

附件抄送:
「保育郊野公園」
Email: saveourcountryparks@gmail.com

Annex I-21

題目: 促請政府保護郊野公園不受肆意發展破壞

不要讓發展破壞郊野公園
——保護海下、白腊、鎖鑰盆及所有「不包括土地」

敬啟者:

本人謹以此函表達支持保護郊野公園及反對發展「不包括土地」的想法。

「不包括土地」政策

當年政府建設郊野公園，因行政方便，被郊野公園包圍的村莊或私人土地，卻沒有納入郊野公園保護，造成「不包括土地」的處處漏洞，埋下隱憂。

2010年魯連城在西貢大浪西灣悍然違規建屋，污染破壞生境，事件令政府及市民醒覺意識到需要切實的行動和政策保護郊野公園內的「不包括土地」，不讓郊野公園的生境受無秩序的掠奪式開發所污染或破壞。

其後，申訴專員公署及審計署亦已作出同樣要求，這些「不包括土地」無論地理、生態、地質都與郊野公園緊緊相連，有相當的景觀和康樂價值。據當年的統計，77幅「不包括土地」的面積共約2,067公頃。

可惜，政府現時的實際做法已漸令情況失控：只有11%的不包括土地會劃入郊野公園範圍，其餘89%內的鄉村式用地將會不受郊野公園委員會及城市規劃委員會(城規會)監管，這些地方將來很有可能被村屋覆蓋。

我們不接受此等荒謬情況。審計署最近的報告質疑漁護署對郊野公園的巡查保護不足，「不包括土地」的保護措施淪後，未能有效保護「不包括土地」和郊野公園。

若想了解更多郊野公園現時面對的威脅，請到郊野公園的危機：肆意發展「不包括土地」。

A) 我們在此要求特首、政府、郊野公園及海岸公園委員會及城規會承諾執行以下措施保護郊野公園：

- 必須將所有「不包括土地」納入所在的郊野公園範圍內，
- 為有更充裕的時間將「不包括土地」納入郊野公園，「發展審批地區圖」的期限應延長一年
- 在郊野公園範圍內，不應興建新的汽車道路以連接「不包括土地」
- 鼓勵私人土地用於提高郊野公園的生態、農業、景觀和康樂價值
- 必須將「不包括土地」內的所有發展和基礎建設項目都列為「環境影響評估條例」下的指定工程項目
- 地政分區處、規劃署、漁護處、郊野公園及海岸公園委員會及城規會應受立法會獨立委員會監察，其中一名成員必須為廉政公處高級職員

B) 多個「不包括土地」如海下、白腊及鎖鑰盆的「發展審批地區圖」已到期，但仍未被劃入郊野公園範圍而需要以「分區計劃大綱草圖」讓政府繼續監察及管理土地規劃。因此，我們要求規劃署及城規會優化分區計劃大綱草圖以真正郊野公園的保護自然棲地、天然資源及鄉郊特色：

- 限制「鄉村式發展」用地於現有建築及已批准的小型屋宇申請範圍
- 把「屋宇」及「屋宇(只限新界豁免管制屋宇)」從註釋的第一欄移至第二欄，並確保任何房屋拆遷、重建或興建都必須受規管
- 「不包括土地」及郊野公園的土地不應再用以滿足無止境的住屋需求
- 與市民及相關人士商議，共同設計不包括土地內的設施

我們反對以下法定圖則，並認為各分區計劃大綱草圖應作出以下修訂，以保護郊野公園：

鎖鑰盆分區計劃大綱草圖 (S/NE-SLP/1)

- 鎖鑰盆應完全納入船灣郊野公園。
- 我們反對足以容納134間村屋的「鄉村式發展」規劃，且並不贊成規劃署為鎖鑰盆定立約為1000人的規劃人口。根據2011年的人口普查，鎖鑰盆的人口為0，亦一直沒有小型屋宇申請。該地具有高景觀和生態價值，沒有汽車道路連接或公共污水收集系統。「鄉村式發展」應限制在現有的建築物。
- 我們反對鎖鑰盆河和河岸帶(河岸兩旁30米範圍)的綠化地帶，該河流上游具高生態價值。鎖鑰盆河和河岸帶應列為「自然保育區」以保護河流和下游的「自然保育區」。
- 在綠化地帶下的「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」應從註釋的欄1轉為欄2，使這些用途受城規會監管。

白腊分區計劃大綱草圖 (S/SK-PL/1)

- 白腊應完全納入西貢東郊野公園。
- 我們反對足以容納79間村屋的「鄉村式發展」，且並不贊成規劃署為白腊定立約為230人的規劃人口。根據

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- 2011年的人口普查，白腊的人口少於50。該地沒有汽車道路連接或公共污水收集系統。「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。
- 進入白腊灣的污染物會影響高保育價值的物種文昌魚的棲息地。白腊河和河岸帶（（河岸兩旁30米範圍）應列為「自然保育區」以保護河流；另，在白腊出現的稀有植物水蕨的棲地亦應受「自然保育區」保護。

海下分區計劃大綱草圖（S/NE-HH/1）

- 海下應完全納入西貢西郊野公園。
- 我們反對足以容納63間村屋的「鄉村式發展」，且並不贊成規劃署為海下定立約為590人的規劃人口。根據2011年的人口普查，海下的人口只有110人。該地沒有公共污水收集系統，批准發展是不智的。「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。
- 現時村落沒有公共排污系統，所有屋宇均使用低規格的化糞池，極有可能污染海下灣，威脅市民的安全。
- 過去15年已有7間村屋獲准興建，而數據顯示，城規會批准在綠化地帶建屋的情況屢見不鮮。我們反對將海下的河岸區及淡水濕地劃為綠化地帶，我們極之憂慮人類活動的污染物會破壞河流及海下灣海岸公園的生態。因此海下河岸帶（河旁30米範圍）及淡水濕地應列為「自然保育區」。
- 在綠化地帶下的「燒烤地點」、「野餐地點」、「公廁設施」和「傾葺營地」應從註釋的欄1轉為欄2，使這些用途受城規會監管。

初步擬備的土瓜坪及北潭凹分區計劃大綱草圖（S/NE-TKP/B）

- 土瓜坪及北潭凹應完全納入西貢東郊野公園。
- 「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。
- 「綠化地帶」不足以保護土瓜坪西側的河流，人類活動的污染物會破壞河流，對出的紅樹林與海草及擬議的海岸保護區；此河及其兩岸亦有很高的相手蟹多樣性。因此，此河和其河岸帶（河岸兩旁30米範圍）應列為「自然保育區」。
- 北潭凹內的水體及溪流有稀有魚類香港門魚，這水體及溪流現吐塘甚或被「鄉村式發展」地區覆蓋，香港門魚棲地受到極大威脅。我們認為這些水體、河流及其周邊三十米範圍應以「自然保育區」保護。
- 現時在北潭凹「鄉村式發展」地區的東北部有一淡水濕地，內有受法例保護且在本地瀕危的銹色羊耳蒜（一種蘭花）。因此，我們認為這淡水濕地應劃為「自然保育區」。

其他意見:

根據多個民間團體的調查，包括嘉道理農場暨植物園及香港自然生態論壇等，上述多幅被劃入鄉村式發展的土地的生態價值被嚴重地低估，村民數量卻嚴重被高估，民主黨立法會議員胡志偉更透過益而發現，有關土地不少業權已出售予發展商，發展商將令村落變成豪宅發展項目，而非新界小型屋宇政策的原意，並有可能違反有關法例要求。而且，在欠缺交通及排污設施配套的情況下，當地生態將大受破壞。

2010年前，有23幅「不包括土地」已納入「分區計劃大綱圖」，根據土地正義聯盟的研究，以西貢咸田灣為例，當年的規劃沒有擴展現有的村界，同時，餘下的土地亦列入自然保育區及海岸保護區，「鄉村式發展」受到適當的限制，郊野有應得的保護。

2013年，零村民居住的鎖鑰盆原本的「鄉村式發展」只有2.51公頃，最新的建議圖則則增加至4.12公頃，增幅高達六成，人口估計數字全由原居民提出，地政總署沒有評估及修正這個需求數字，便把鎖鑰盆村2011至2020需要270間丁屋的需求交給規劃署。

雖然規劃署作出了調整，把現時可建丁屋的數量定為134間，表面看已是大力關斧把原居民需要減半，現實是規劃署鎖鑰盆埋下未來可再發展的潛力，因為，按現時的「分區計劃大綱圖」，村後及兩邊有超過15.5公頃的「綠化地帶」，這地帶在未來村民可以輕易向城規會申請更改土地用途，整個鄉村的面積還可以再翻幾翻。

由於丁屋區過大，本人反對目前規劃：城規會應拒絕通過這三張分區計劃大綱圖；當局應參考「大浪灣規劃」，維持現有鄉村範圍；若以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用（大浪灣分區計劃大綱圖）的做法，維持鄉村式發展（丁屋區）的範圍；然而，更好的保護策略是「鄉村及郊野公園」；重新審訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，讓政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合，而非將業權／丁權賣給發展商，令鄉郊變色，新界小型屋宇政策失效。

此致

香港特別行政區行政長官梁振英先生
環境局局長黃錦星先生
發展局局長陳茂波先生
漁農自然護理署署長黃志光先生
郊野公園及海岸公園委員會主席鄧麗成先生
城市規劃委員會主席周達明先生
規劃署署長凌嘉勤先生

Wai Ling Kwok 譚啓



Stella Moone

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21/11/2013 下午 07:16

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TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 1964
TPB/R/S/SK-PL/1-

cc

bcc

Subject: Urging the protection of Country Parks from development
[#Stella Moone]

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Mr. Paul Chan Mo Po
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Annex I-22

Ms. Bernadette Linn
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CC to:
Save Our Country Parks
Email: saveourcountryparks@gmail.com

Subject:
The protection of country parks from development in Hoi Ha, Pak Lap, So Lo Pun and other enclaves

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Ling, Ms. Linn, Mr. Chow, and Members of the Country and Marine Parks Board and Town Planning Board,

The Enclave Policy

At the time the country park was set up, the villages and private land enclosed within were not listed as part of the country park premises due to the laziness of government to do the administration work. Enclaves are therefore not subject to the protection of the country park. The legacy of such measures gives rise to a series of problems concerning the use of the Enclaves.

After the 2010 Tai Long Sai Wan event, the Government and the public realised that these Enclaves should be better protected; the Ombudsman and the Audit Department also made similar requests afterwards. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks (CP). The 77 enclaves identified in 2010 cover an area of 2,067ha.

However, despite promises to the contrary, only 11% of the enclaves will be subject to scrutiny by the Country and Marine Parks Board (CMPB), and for 89% of the enclaves development can proceed without any scrutiny by either the CMPB or the Town Planning Board (TPB) for the V-zone within these enclaves.

This loophole is utterly ridiculous and unacceptable. A recent report released by the Audit Department also criticizes the Agricultural, Fisheries and Conservation Department of its lax surveying around the country park and the delay of the Enclaves protective measures. The report attributes the insufficient protection to the Enclaves and the country park to these bureaucratic failures.

To know more about the risks of Country Parks, please go to "Country Parks lack protection from development in enclaves"

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:

- To incorporate enclaves into their surrounding CP and to place them under the control of the CMPB
- To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into CP to be completed
- To categorically deny new roads to enclaves currently not serviced by roads
- To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks
- To ensure development and infrastructure projects in enclaves are designated projects under the EIAO
- To subject District Lands Offices, Planning Department, AFCD, CMPB and Town Planning Board to oversight by an independent committee of Legco, at least one of whose members should be a senior ICAC Officer.

B) Considering that case like Hoi Ha, Pak Lap and So Lo Pun, the DPA plans have expired, fail of time allow for incorporation into CP and OZPs are needed. We call on the Planning Department and Town Planning Board to enhance the draft Outline Zoning Plan with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park:

- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only

7001

- To move "houses" and "small houses" from column 1 to column 2 in the Schedule of Notes to ensure that any and all demolition and (re-) development of houses is subject to planning permission
- No future development under the SHP in the enclaves and CP
- To create a layout plan for each enclave with consensus from the public including stakeholders.

Best Regards,
Stella Moone

Email : 

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans needed to protect the Country Parks

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)

- The enclave should be fully incorporated into the Plover Cove Country Park.
- We object to the large V-zone for 134 houses and the planned population of 1,000. According to the 2011 census the population at So Lo Pun was "0" and there are no outstanding small house applications. There is no road connection or public sewerage, and the area has a high landscape and ecological value. The V-zone should be limited to existing structures.
- We object to the Green Belt zone. The upper section of the So Lo Pun Stream and its riparian zone (30 m from each side of the stream) should be covered with Conservation Area zone to protect the high ecological value of the stream and associated wetland.
- "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes which needed to seek approval from TPB.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)

- Pak Lap should be incorporated into the Sai Kung East Country Park.
- We object to the large V-zone for 79 small houses and the planned population of 230. According to the 2011 census, the population at Pak Lap was less than 50. There is no vehicle access and no public sewerage. The V-zone should be limited to existing structures and approved small house applications.
- Pollutants entering Pak Lap Wan will impact the habitat of the amphioxus (lancelet) – a marine species of high conservation value. The Pak Lap Stream and its riparian zone (30 m from each side of the stream) and the habitat for Water Fern should be covered with Conservation Area.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)

- The enclave should be incorporated into the Sai Kung West Country Park.
- We object to the large V-zone for 63 houses, and the planned population of 590. According to the 2011 census, the population at Hoi Ha was 110 persons. There is no public sewerage and the provision of a private sewerage treatment plant is unrealistic. There have been 7 approved small house applications in the last 18 years. The V-zone should be limited to existing structures and approved small house applications.
- The provision of Individual Septic Tank Systems for every house built in the V-zone in accordance with EPD policy has the potential to pollute Hoi Ha Wan, severely damage the marine environment and render the beaches unsafe for public recreation.
- As planning permission for construction of Small Houses in Green Belt is regularly granted, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.
- "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes which needed to seek approval from TPB.

Pre-draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/B)

- The enclave should be incorporated into the Sai Kung East Country park.
- The V-zone should be limited to existing structures and approved small house applications.
- Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesamoid Crab community. We urge for all stream and riparian area zoning to be changed to Conservation Area to secure the environmental value of the area.
- Water bodies (e.g., pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Now these waterbodies and watercourses are next to or even covered by the Village Type Development zone. This would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.
- There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, *Liparis ferruginea*. We consider that this marsh should be covered with Conservation Area zone.

Further comments :

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FAMILY Winnie Poon

Sent by: FAMILY Winnie Poon

26/11/2013 下午 11:31

To <tpbpd@pland.gov.hk>

cc

bcc

Subject Draft OZP_Pak Lap (S/SK-PL/1), So Lo Pun (S/NE-SLP/1) & I
Ha(S/NE-HH/1) Pls protect CP enclaves
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TPB/R/S/SK-PL/1-

保育郊野公園「不包括土地」，請港府不要盲目闢地！

2010年發生西貢大浪西灣慘遭「先破壞、後發展」，令位處於郊野公園範圍的「不包括土地」的保育政策漏洞顯露無遺，當年市民以群眾力量表現愛護香港大自然生態的決心，終逼令政府制定西灣的保育措施，並於上月刊憲修訂，把大浪西灣納入郊野公園範圍內。局方早前就相關修訂進行公眾諮詢時，收到3,200個市民電郵表示支持，足見香港人守護自然生態及郊野公園的決心。

可惜，其他郊野公園「不包括土地」如海下、白腊及鎖羅盆等，現正面臨發展威脅，政府並未就當地珍貴的天然遺產制定完善的保育措施。規劃署月前提出將上述三地納入分區計劃大綱圖內，但把鄉村式發展地帶 (Village Zone) 擴大，可興建大面積村屋。本人認為規劃署制定鄉村式發展地帶面積時，需考慮三地實際環境及自然生態的承載量。作為關心香港自然環境的一分子，我認為有必要加強保護力度，故此本人強烈要求政府：

1. 嚴格制定措施保育郊野公園「不包括土地」的自然生態，儘快把具生態保育價值的「不包括土地」納入郊野公園範圍內。
2. 重新審視海下、白腊及鎖羅盆三份分區計劃大綱圖，把鄉村式發展地帶維持在現時可建築地段的範圍內。

故此，本人現正就上述三幅分區大綱草圖所作出的規劃表示反對（白腊 (S/SK-PL/1)、鎖羅盆 (S/NE-SLP/1) 及海下 (S/NE-HH/1)）。

保存香港珍貴的自然生態，需配合全面的保育政策，而不能單靠分區計劃大綱圖解決，不必要的大型鄉村式發展更可能令珍貴的自然美景遭受破壞，政府必須立即正視，刻不容緩。

TPB/R/S/NE-HH/1-
 TPB/R/S/NE-SLP/1- 3694
 TPB/R/S/SK-PL/1-



Sent by: [REDACTED]

17/11/2013 上午 05:08

To <tpbpd@pland.gov.hk>

cc

bcc

Subject Draft OZP_Pak Lap (S/SK-PL/1), So Lo Pun (S/NE-SLP/1) & Hoi Ha (S/NE-HH/1) Pls protect CP enclaves

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Protect our Country Park enclaves from unnecessary large-scale development

In 2010, a public outcry occurred after unauthorized land excavation at Tai Long Sai Wan highlighted loopholes in the way in which our Country Park enclaves are protected against development. In the wake of the uproar, Hong Kong citizens successfully influenced decision-makers to incorporate three enclaves, including Tai Long Sai Wan, into the Country Park system. One action which helped influence this was a powerful email submission signed by 3,200 citizens in support of the enclaves' inclusion.

Today, there are still a large number of Country Park enclaves – including Hoi Ha, Pak Lap and So Lo Pun – yet to be protected from large-scale development. This situation can easily be resolved by speedily incorporating these enclaves into the Country Park system.

I am deeply concerned to see that the Draft Outline Zoning Plans (OZPs) for the abovementioned Country Park enclaves all include a very large Village Zone, which will allow between 60 and 130 additional houses to be built. It is unlikely that these new houses will represent the true need by local villagers. Such large-scale development will not only have significant environmental impacts on the enclaves themselves but also on the surrounding Country Parks. I sincerely hope that the government will amend these draft plans immediately and provide the appropriate level of protection to these Country Park enclaves.

As a concerned citizen who cares deeply about the integrity of our Country Parks, I am writing to urge the government to increase their conservation efforts by:

1. Ensuring proper protection of Country Park enclaves by incorporating those of high conservation value into existing Country Parks as soon as possible.
2. Amending the three draft Hoi Ha, So Lo Pun and Pak Lap OZPs to limit all Village Zones to existing Building Lots.

Based on these draft OZPs, it is clear that currently the precious and irreplaceable natural heritage contained within our Country Parks and their enclaves is not adequately protected from the potential damage posed by large-scale and unnecessary development.

As such, I hereby urge the government to immediately take all necessary action to provide a higher level of protection to our Country Park system.



"林晉暘"

27/11/2013 下午 10:31

Please respond to

"林晉暘"

To tpbpd@pland.gov.hk
dafcoffice@afcd.gov.hk
kkling@pland.gov.hk

cc

bcc

Subject 就海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的
草圖提

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10606
TPB/R/S/SK-PL/1-

Annex I-25

姓名*: 林晉暘

電郵*: [REDACTED]

我認爲政府在保護郊野公園「不包括土地」時用錯策略，部門在官僚作風影響之下，在制訂分區計劃大綱圖時不自覺地偏袒新界原居民群體（及擁有土地的地產商），在白腊、海下和鎖羅盤劃出過大的丁屋區，原來打算保護「不包括土地」，結果變成加速破壞，更出現違反常理的規劃結果。我認爲現時海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖中丁屋區過大，要求城規會拒絕通過目前的白腊、鎖羅盤、海下三張分區計劃大綱圖。若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，我要求應採用〈大浪灣分區計劃大綱圖〉的做法，維持發展審批地區圖中的鄉村式發展（丁屋區）的範圍。我要求重新制訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，讓政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合。

其他意見::

Powered by [EmailMeForm](#)



lo hoiting

27/11/2013 下午 10:21

To "tpbpd@pland.gov.hk" <tpbpd@p

cc

bcc

Subject 保護 海下灣、白腊、鎖羅盤! 不要讓郊野公園因「不包括土地」而受破壞!

☐ Urgent

☐ Return receipt

☐ Sign

☐ Encrypt

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10701
TPB/R/S/SK-PL/1-

Annex I-26

致城規會

本人反對於以下三張分區計劃大綱圖廣設丁屋，以免破壞珍貴郊野
海下 S/NE-HH/1 白腊 S/SK-PL/1 鎖羅盆 S/NE-SLP/1

我的詳細意見如下：

1. 丁屋的規劃範圍過大及屋宇數量過多，我堅決反對目前規劃，丁屋發展將危害該範圍的樹木及生態，所以城規會應拒絕通過這三張分區計劃大綱圖。
2. 政府應參考大浪西灣之規劃，維持現有鄉村範圍，並將該範圍訂為郊野公園：若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展（丁屋區）的範圍，不應再增加。
3. 丁屋是原居民的特權，並不是公平的政策，這政策實在需要在不違反基本法的情況下，盡快檢討。若這三張分區計劃大綱圖廣設丁屋，這等同讓原居民的特權繼續延伸，政府、規劃署及城規會便成了幫兇，這樣荒謬的事，實在不能發生。

我在此鄭重要求，這三區的分區計劃大綱圖應以保護郊野為首要考慮，所以不應再額外加入鄉村地帶，以免丁屋進一步破壞郊野。

市民
羅凱珽
2013.11.27



hOWARD wONG

19/11/2013 下午 02:11

To tpbpd@pland.gov.hk
tspd@pland.gov.hk

cc

bcc

Annex I-27

Subject 反對城規會最新分區計劃將逾三分一的白腊土地劃作「鄉村式發展土地」

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

敬啟者：

當局劃出白腊6.8公頃土地中，逾三分之一，做鄉村式發展土地，准許興建丁屋，等於縱容發展商破壞環境行為。

村屋會引入汽車、排污等問題，妨礙郊野公園和集水區，例如排出之污水會影響海下灣的珊瑚，加上白腊有屬國家二級保護的野生植物水蕨，鎖羅盆則有本港罕見的食蟹和豹貓，一旦城規會劃出大幅的鄉村式發展土地，勢必引發骨牌效應，其餘不包括土地均會面臨發展壓力。

要求全部保留白腊、鎖羅盆和海下自然環境！

敬祝鈞安！
香港公民

(172)

~~621~~

tpbpd@pland.gov.hk

Annex II-1

寄件者: [REDACTED]
收件者: "Town Planning Board" <tpbpd@pland.gov.hk>
副本: [REDACTED]
傳送日期: 14/02/2014 下午 11:42
附加檔案: 14.2.2014 Friends of Sai Kung to TPB comments on representations.doc
主旨: Hoi Ha OZP S/NE-HH/I, Pak Lap OZP S/SK-PL/I, So Lo Pun S/NE-SLP/I, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Dear sir,

Please find attached comments.

Kindly acknowledge receipt and maintain my personal data privacy.

Yours sincerely,

[REDACTED]
Friends of Sai Kung

Friends of Sai Kung

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

Mr. Wong Kam Sing
Secretary for the Environment
15/F & 16/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
Secretary for Development
18/F, West Wing, Central Government Offices
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Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation
Country and Marine Parks Authority
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. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
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Mr. Ling Kar Kan
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333 Java Road, North Point, Hong Kong

Email: kkling@pland.gov.hk

Ms. Bernadette Linn
Director of Lands
Lands Department
20/F, North Point Government Offices,
333 Java Road, North Point, Hong Kong.
Email: DLOffice@landsd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: tpbpd@pland.gov.hk

cc: Save Our Country Parks - saveourcountryparks@gmail.com

Hong Kong 14th February 2014

By email only: tpbpd@pland.gov.hk

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn
and Members of the Country and Marine Parks Board and Town Planning Board,

Comments on the zoning of Hoi Ha OZP S/NE-HH/1, Pak Lap OZP S/SK-PL/1, So Lo
Pun S/NE-SLP/1, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Further to our letter dated 7th January 2014 we maintain strong objections to the zoning of
Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house
development

We urge the protection of the country parks from incompatible development in enclaves in
the hope that reason, fairness and correct environmental and ecological principles may yet
prevail and that the 2010 Enclave Policy should be honestly and properly observed. At
present, the Government Departments responsible for administering the Enclave Policy are
not honouring their obligations.

At the time country parks were set up, some remote villages and farmland were excluded.

After the 2010 Tai Long Sai Wan incident, the Government and the public realised that
enclaves should be better protected. The enclaves are physically, ecologically, geologically,
aesthetically, and from a landscape and recreational point of view, fully connected with their
surrounding Country Parks.

The representations received show an overwhelming majority against the OZPs.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree on the
following actions to protect our Country Parks:

To incorporate all the Enclaves into their surrounding CP and to place them under the
management and control of the AFCD.

To extend the DPA plans for at least one additional year to allow the process of incorporation
of enclaves into Country Parks to be completed.

To categorically deny new roads to enclaves currently not serviced by roads.

To promote and facilitate uses of private land which enhance the ecology, agriculture,
landscape and amenity value of country parks.

B) Where Outline Zoning Plans are deemed necessary, we call on the Planning
Department and Town Planning Board to enhance the plans with strict control to
conserve the natural habitat, landscape resources and rural and natural character of
the surrounding country parks:

To limit the areas zoned for VTD to existing built structures plus a reserve for approved small
house applications only.

To move "House (New Territories Exempted House only)" and "House" from column 1 to
column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any
and all demolition and (re-) development of houses is subject to planning permission.

To move "Agriculture Use" from column 1 to column 2 in the Schedule of Notes in "Village
Type Development", "Green Belt", "Conservation Area" and "Coastal Protection Area" to
ensure that any and all tree felling, flooding, draining, excavation, land filling, and demolition
and (re-) development of structures is subject to planning permission.

No future development under the SHP in the enclaves and CP.

To create a layout plan for each enclave with consensus from the public including
stakeholders.

To ensure development and infrastructure projects in enclaves are designated projects under
the EIAO.

C) We support the objections and proposals in representations on the following
statutory plans:

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)

We endorse the objections and proposals set out in representations numbered 799-10,735 and
10,818-10,858.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)

We endorse the objections and proposals set out in representations numbered 799-10,735 and
10,738-10,775.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)

We endorse the objections and proposals set out in representations numbered 799-10,735 and
10,750-10,934.

D) We object to the following statutory plans and propose various changes to the
Outline Zoning Plans to protect the Country Parks:

Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)

The enclave should be incorporated into the Sai Kung East Country park given its ecological and landscape value.

The V-zones should be limited to existing structures and approved small house applications. Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesamid Crab community. We urge for all stream and riparian area to be covered with Conservation Area zoning to protect the environmental value of the area.

Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Village type development next to these waterbodies and watercourses would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.

There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, *Liparis ferruginea*. We consider that this marsh should be covered with Conservation Area zone.

Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)

The enclave should be incorporated into the Tai Lam Country park. Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the landscape and conservation values of the surrounding country park.

The area is a gazetted water gathering ground and development will impact the water quality. 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 AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks.

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.

Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the area.

In the meantime, the outline zoning plan should be enhanced 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.

The 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.

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.

To provide adequate controls, any and all development should be limited to enhancement of the recreational uses, and be subject to CMPB support, and should require section 12A applications to the Town Planning Board for amendment of the plan.

Assessing the extent of V zones on the basis of development pressure and demand

We request that the Village Type Development areas be limited strictly to existing building lots and land for which there are approved small house applications. We urge the Board to study the boundaries in detail.

The TPB paper states that the estimates of indigenous villagers' housing needs in the next 10 years is provided by the District Lands Office. This is untrue. The District Lands Office takes the estimate solely from the Village Representative who makes up an arbitrary figure for the number of houses presumably based upon the total number of indigenous villagers who exist around the world. District Lands Office and other Government Departments never check or attempt to verify the estimate of Village Representatives who have a vested interest in obtaining approval of as many houses as possible without the slightest regard for the well being of the surrounding Country Park. The estimates of future housing "need" are fictitious. It is scandalous that planning policy can be predicated upon such a biased and unverified factor.

The Golden Thread running through all planning law is *need, not demand*, and certainly not greed. Indigenous housing *need* in each of the 4 enclaves is minimal or practically non-existent.

Further objections

We are very concerned over the ongoing impacts of drainage, sewage and traffic (parking) on the local environment and the integrity of the surrounding country park and waters. The OZPs must make appropriate and specific provisions for infrastructure to support these requirements and to control and mitigate their impacts.

We object to zoning for "Unspecified Uses". We urge the Board to zone the remaining land as Conservation Area in recognition of the fact that these lands are an integral part of the country park in which they are situated. Any further development is incompatible with the objectives of the 2010 Enclave Policy and the prevailing Country Park Ordinance, which is the protection of the integrity of the country park, and the protection of all vegetation and wildlife therein.

Whilst we are agreeable to be identified as Friends of Sai Kung, I require that my own identity and personal data be kept confidential and not be disclosed to any third party.

Yours sincerely,



Secretary, Friends of Sai Kung

tpbpd@pland.gov.hk

寄件者: "Debby Chan" <[redacted]>
收件者: <ceo@ceo.gov.hk>; <sen@enb.gov.hk>; <sdev@devb.gov.hk>; <mailbox@afcd.gov.hk>;
<kkling@pland.gov.hk>; <DLOffice@landsd.gov.hk>; "tpbpd" <tpbpd@pland.gov.hk>
副本: <[redacted]>; <info@countryparks.hk>
傳送日期: 14/02/2014 下午 06:01
附加檔案: DHK HH PL SLP comment TKP PTA TFT representation_Feb2014.pdf
主旨: Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves. Please see the details as attached.

Best Regards,

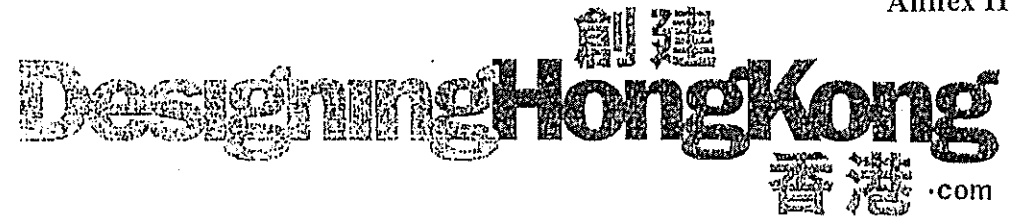
Debby Chan

Designing Hong Kong Limited

Tel: 3104 3107

Fax: 2187 2305

Unit 7, 5/F, Eastern Harbour Centre, 28 Hoi Chak Street, Quarry Bay, Hong Kong



Hong Kong, 14 February 2014

Mr Leung Chun Ying
Chief Executive
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
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Mr. Alan Wong Chi Kong
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Mr. Tang King Shing
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Mr. Ling Kar Kan
Director of Planning
Email: kkling@pland.gov.hk

Ms. Bernadette Linn
Director of Lands
Email: DLOffice@landsd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
Email: tpbpd@pland.gov.hk

Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:

- a. To recognize that enclaves of private land in country parks are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of country parks from incompatible development in the enclaves requires a comprehensive, integrated and co-ordinated approach.
- b. To recognize that the infinite demand for small houses will allow chaotic village developments to spread deep inside the country parks: The environmental disaster of the small house policy is visible throughout the New Territories including sewage percolating into ground waters, grey water drained into streams, tree felling, illegal road construction, chaotic planning and complete lack of enforcement.
- c. Therefore to incorporate enclaves into their surrounding CP. Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the areas, including patrol and strict enforcement over illegal or unauthorized activities.
- d. To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
- e. To categorically deny new roads to enclaves currently not serviced by roads.
- f. To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.
- g. To create a layout plan for each enclave in collaboration with stakeholders and concern groups.
- h. To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

In the meantime, for any and all statutory plans covering enclaves:

- i. To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
- j. To move "House (New Territories Exempted House only)" and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.
- k. To award the highest possible conservation status including Conservation Area and Coastal Protection Area zoning for all remaining land in the enclaves recognizing not just the local ecological and landscape values, but also the potential impacts of development on the surrounding country and marine parks. 'Green belt' provides inadequate protection and has proven to increase expectations of potential development in the community.
- l. To prevent 'Destroy first, build later' we urge the Board to move "Agriculture Use" from column 1 to column 2 in the Schedule of Notes for all the different zoning permitted in the area to

ensure that any demolition and (re-) development of structures, and all massive tree felling, flooding, draining, excavation and land filling is subject to planning permission.

B) We support the objections and proposals in representations on the following statutory plans:

- a. Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)
 - i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.
- b. Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)
 - i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.
- c. Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)
 - i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

- a. Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)
 - i. In addition to the general representations made above:
 - ii. The enclave should be incorporated into the Sai Kung East Country park given its ecological and landscape value, and the risk of development on the ecological, landscape and recreational value of the surrounding country park and marine resources.
 - iii. Now the V zone is too large in both areas. The V-zone should be limited to existing structures and approved small house applications.
 - iv. Green Belt (GB) provides insufficient protection for the stream on the western side of To Kwa Peng and its riparian area. We urge for the stream and riparian area (minimum distance 30 meters) to be covered with 'Conservation Area' zoning.
 - v. Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with 'Conservation Area' zone.
 - vi. There is a freshwater marsh on the northeastern side of the 'Village Type Development' zone of Pak Tam Au. It contains a locally endangered and protected Orchid species, *Liparis ferruginea*. This marsh would be threatened by any and all small house development permitted in the area.

b. Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)

- i. In addition to the general representations made above:

- ii. To enhance ecological, landscape and recreation values of the area and the surrounding country park, the enclave should be incorporated into the Tai Lam Country Park. Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the ecological, landscape and recreational values.
- iii. Given that traffic and activities generated by the permitted recreational uses may impact the surrounding country park, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks
- iv. To remove all 'Village Type Development' zoning and stop granting permission for small house developments. Moreover, any redevelopment of a house should require approval from CMBP, AFCD, WSD and TPB. The area is a gazetted water gathering ground and development will impact the water quality. Environment Protection Department and Water Supplies Department (WSD) expressed their concerns over pollution of water sources if VTD zone is allowed. Moreover, villagers have since threatened that they would pollute the water after TLSW has incorporated into Country Parks.
- v. The stream and its riparian zone should be zone as "CA" zone to prevent water pollution in case of the expansion of the existing war game site.
- vi. The outline zoning plan should be enhanced with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park as a whole and to ensure the water quality and flows.
- vii. We urge for all 'Green Belt' zoning to be changed to 'Conservation Area' zoning with existing developed area and buildings exempted. And, no new houses should be permitted and "House" should be removed from column 2 of the proposed extensive 'Green Belt' zone.

Thank you for your attention.

Designing Hong Kong
February 2014

tpbpd@pland.gov.hk

寄件者: "Chiu Ying Lam" <[REDACTED]>
收件者: <tpbpd@pland.gov.hk>
傳送日期: 14/02/2014 下午 11:56
附加檔案: 20140214_HKCP submission to TPB.doc
主旨: Re: Submission re re Hoi Ha OZP S/NE-HH/1, So Lo Pun OZP S/NE-SLP/1 and Pak Lap OZP S/SK-PL/1
Dear Sir,

Please substitute this attached file for that submitted a couple of minutes ago.

Lam Chiu Ying
Hong Kong Countryside Foundation Ltd

On 14 February 2014 23:47, Chiu Ying Lam <[REDACTED]> wrote:
Dear Sir,

The submission of Hong Kong Countryside Foundation Ltd is attached.

Please acknowledge receipt.

Regards
Lam Chiu Ying
By direction of the Board
Hong Kong Countryside Foundation Ltd



Annex II-3

Mr Thomas Chow
The Chairman
Town Planning Board
15th Floor, North Point Government Offices
333 Java Road, North Point
Hong Kong

14 February 2014

Dear Sir,

Comments on Submissions to Town Planning Board re Hoi Ha OZP S/NE-HH/1, So Lo Pun OZP S/NE-SLP/1 and Pak Lap OZP S/SK-PL/1.

Breaches of Country Park Enclave Policy have contributed to defective new strategy for excessive V zones in OZP instead of Country Park Extension.

Saving our Country Parks using Hoi Ha and So Lo Pun and Pak Lap as case studies.

1. Breaches. These 3 Draft OZPs carry breaches of the Enclave Policy and are fundamentally wrong. Each OZP must be greatly amended to reduce the damage it causes to the nearby Country Park through the provision of hugely expanded V zones in Country Park Enclaves, which subverts the policy objective of the Country Park Enclave Policy which was decided as far back as in October 2010 and subsequently published in May 2011.
2. The Enclave Policy Objective was to protect against "immediate development threats" from "incompatible developments" such as extensive new Small Houses built on agricultural land and near forests and streams, by according priority for protection whilst the Enclaves are assessed for Country Park extension according to principles and criteria. The Audit Commission Report 30th October 2013 Chapter 5 is critical of AFCD's failure to implement the Enclave Policy. The Town Planning Board's endorsement of the three Draft OZPs would prevent AFCD from taking remedial action and flies in the face of the Audit Commission's recommendations.
3. Failure to implement Enclave Policy. Instead of AFCD proceeding to designated more enclaves as country park extensions, the majority of the Enclaves are being processed by Planning Department (Plan D) as DPA for OZP (21 of 27 Enclaves) and with greatly expanded areas of V zone which will cause "immediate development

threats" on a larger scale, which are the "incompatible uses" to be prevented by the Enclave Policy.

4. The Status Quo must be preserved and the new excessive V zone strategy must stop.
5. Only about 11% of Enclave Land is now planned for Country Park extension under the Enclave Policy. This is the shocking consequence of the Enclave Policy being subverted.
6. In so doing the Development Bureau (DevB)/ Plan D are undermining the integrity of the Country Parks as a whole. It is irrational for DevB and Plan D to have a strategy which conflicts with the Country Parks Enclave Policy of Environment Bureau and AFCD. Town Planning Board should not be placed in the invidious position of deliberating on proposals which involve conflicting Government policy objectives.
7. Even worse, considerable amount of land in the expanded V zones has already been sold to outsiders and development companies. It is irrational and contrary to the public interest for Government to knowingly create incentives for an abuse of the law and policy.
8. The new Strategy will encourage a new wave of Small Houses to inundate the best countryside of Hong Kong, namely the Enclaves surrounded by Country Park, directly contrary to the objectives of the Enclave Policy. This is making a "perverse incentive" contrary to the principles of the Convention on Biological Diversity (CBD).
9. The proposed excessive V zones increase the threats to the ecology, landscape and recreation values of Country Parks. This is in conflict with AFCD key policy enshrined in the Country Parks Ordinance and the Enclave Policy.
10. AFCD needs time to adjust their conduct and actions to meet CBD principles and public expectations of the value of the countryside. AFCD needs to protect the Country Parks as a minimum. The Status Quo needs to be protected so AFCD can catch up with the work needed and make up time for 3 years of delay since the publication of DPAs.

Principles

11. Special safeguards and conditions are needed to be imposed by TPB and the V zone expansion needs to be stopped until such safeguards are implemented. The draft OZPs need to be amended whilst all Departments, in particular AFCD, discharge their duties under the law and the Enclave Policy. Those OZPs which are now in Draft must be amended to protect the status quo pending assessment by AFCD under the Enclave Policy Criteria published in May 2011.
12. It must be accepted as principle and policy that the Enclave Policy has precedence and priority over the DevB/PlanD excessive V zone and Small House Strategy for Country Parks. The Enclave Policy is a planning policy for the countryside providing a presumption against development in Country Park Enclaves so as to protect the integrity of the Country Parks as a whole.
13. The Policy Addresses of 2010 and 2013 with declarations for protection of our Country Parks, Enclaves, and areas of high conservation value and HKSARG's conservation obligations under the Convention on Biological Diversity must be honoured.
14. PlanD and TPB cannot shirk responsibility for the breaches mentioned above by reciting the usual excuse of "not within the purview of the TPB". This would be irrational. The damage to be caused to the Country Park is caused by the DevB and PlanD and others expanding the V zones and can be prevented by TPB.

Solutions.

15. The Way Forward with Safeguards and conditions could be as follows.
16. Further to the policy and principles for Country Park Enclaves set out above, there should be a freeze on expanding V zones in Country Park Enclaves and V zones limited to existing Building Lots which may have building rights.
17. The 54 Country Park Enclaves need to be assessed or re-assessed whether or not they are suitable Country Park extensions based on the objective of the Enclave Policy. The assessment of suitability of each Enclave must be done with surveys and EIA type reports in a full and transparent manner.
18. For those Enclaves which are deemed suitable for OZP, not CP, the land outside the V zone will be mostly CA to conserve and provide a buffer zone for CP. The precedent is the final OZP for Tai Long Wan in 2001, see OZP IS/SK-TLW/5.

19. Village Layout Plans are needed now from PlanD for their OZP so that EIA reports can be published on the likely adverse impacts and consequences on the Enclaves themselves and the Integrity of the Country Parks as a Whole, in cases where an Enclave is rejected for Country Park extension.
20. The assessment of impacts from OZP must include the impacts on the 13 million per year Country Park visitors. The Town Planning Board must make Country Parks more accessible for the ordinary visitor in future, and not create the conditions for blocking public enjoyment.
21. Management Plans by AFCD and EPD and others to protect the Country Parks against the impacts are needed NOW so that TPB and PlanD can quantify the costs and workloads as part of the compensation and mitigation needed for letting the environmental cancer of Small Houses into the Enclaves.
22. Hoi Ha case study shows inter alia:-
 - a. Excessive V zone with no proof of indigenous villagers' need. The proposed V zone is mostly owned by outsiders or developers and not legally available for IV residences, hence decision is irrational. This is planning for a special vested interest not public interest.
 - b. Defective and erroneous descriptions and reasoning is used and Ecosystem Approach not used.
 - c. Breach of Technical Memorandum for Water Pollution Control Ordinance Section 4.4.4.3 and Section 9.1.
 - d. Omitted all reference to the key Country Park Enclave Policy.
 - e. High value for Country Park Extension but No assessment of impact on Country Park and Marine Park as a whole as required under Country Parks Enclave Policy
 - f. The Hoi Ha case demonstrates that Hoi Ha fits all the criteria for Country Park, and to provide interim protection before AFCD starts assessment the TPB has a duty to limit the V zone to existing building lots and that the proposed GB should be CA, and that building and agricultural use should be Column 2 requiring permission.

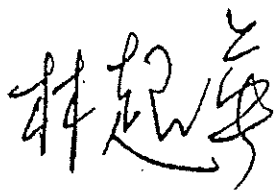
23. So Lo Pun case study shows
 - a. Excessive V zone with no proof of indigenous villagers' need, but proof that there has been no need or use for about 30 years.
 - b. The extensive Small Houses are "incompatible uses" identified by the Enclave Policy and the Planning Report shows that such uses are totally out of place for ecological, landscape and recreational reasons. The information shows So Lo Pun is a highly valuable part of the Country Park system and landscape
 - c. No assessment of impact on Country Park as a whole has been done as required under the Enclave Policy.
24. Pak Lap Case Study shows
 - a. Excessive V zone for 230 residents when census claimed only 50. These will be "incompatible uses."
 - b. Impacts on landscape, recreation and ecology values of Country Park as a whole have not been assessed per Enclave Policy.
 - c. The Planning Intention should be to protect pending Country Park assessment and designation.
 - d. This also demonstrates that Pak Lap fits all the criteria for Country Park, and to provide interim protection before AFCD starts assessment the TPB has a duty to limit the V zone to existing building lots
 - e. The Draft is defective, Inconsistent, fails to comply with policy and law and must be amended.
25. The Country Park Enclave Policy which was devised to ensure planning appropriate to protecting the integrity of the country park as a whole, must now be followed and implemented as a priority.

Actions

26. Solution is to protect the status quo until the completion of proper and detailed assessment by AFCD of Enclaves under the Enclave Policy criteria published in May 2011.

27. Protect the countryside by limiting V zone to existing Building Lots, this protects the existing property development rights of the land owners, following the precedent in Tai Long Wan OZP.
28. Follow conservation principles such as the Ecosystem Approach to zone Enclaves based on holistic principles.
29. The TPB is asked to uphold the Enclave Policy in the public interest and amend the draft OZPs to protect the Enclaves and the Country Parks, uphold the law and the rule of law.
30. TPB is asked to
 - a. request the Planning Department to withdraw other Enclaves from preparation for OZP;
 - b. preserve the status quo to give the AFCD time to assess Hoi Ha, So Lo Pun, Pak Lap and all other Enclaves under the Enclave Policy and prepare Draft Plans for Country Park Extensions.
 - c. protect the interest of over 13 million visitors per year who enjoy the current integrity of our Country Park system.
 - d. ensure Hong Kong honours its international obligations under the Convention on Biological Diversity which was extended to Hong Kong in May 2011 at PRC's request.

Yours sincerely,



Lam Chiu Ying
By direction of the Board
Hong Kong Countryside Foundation Ltd

tpbpd@pland.gov.hk

3667
寄件者: "Cindy Choi" <[REDACTED]>
收件者: <tpbpd@pland.gov.hk>
副本: "Cindy Choi" <[REDACTED]>
傳送日期: 14/02/2014 下午 11:36
附加檔案: AGHK Letter to TPB Draft Pak Lap OZP No. S_SK-PL_C_14-02-2014.pdf
主旨: Re: Comments on Representation TPB/R/S/SK-PL/1-10738 of Draft Pak Lap Outline Zoning Plan
Dear Secretariat,

Attached our comments on representations TPB/R/S/NE-HH/1-799 for your record.

Best regards,

Cindy Choi
Vice Chairman
Association for Geoconservation, Hong Kong
MP: [REDACTED]
Email: [REDACTED]



香港地質保育協會
Association for Geoconservation, Hong Kong

Annex II-4

14 February 2014

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

Comments on Representations TPB/R/S/SK-PL/1-10738 on Draft Pak Lap Outline Zoning Plan No. S/SK-PL/C

Further to the comments of Representations TPB/R/S/SK-PL/1-10738, Association for Geoconservation, Hong Kong would like to raise our concerns on the Draft Pak Lap Outline Zoning Plan (OZP). We would like to stress the draft OZP does not provide sufficient protection to the natural environment which would severely threaten the high aesthetic and ecological value of Pak Lap

Pak Lap, a popular hiking and boating destination for residents and visitors alike, is famous for its beautiful sand beach, clear water and quiet natural environment as well as the unique natural "seven heaven layers" boulders beach in its vicinity.

The large Village Zone with an ultimate aim of developing 79 small houses (based on ten year projection) creates grave concern. First, the large development would exert great pressure on the requirement of vehicular road which Pak Lap currently doesn't have. Given Pak Lap is linked to the Sai Kung Man Yee Road by a 400 meters hike, increasing population would put surrounding areas of CP at risk to illegal infrastructure development. Currently there are illegal vegetation clearance and provision of roads from Sai Kung Man Yee Road to Pak Lap.

We are concerned about the deterioration of water quality at Pak Lap Wan as a result of the high number of small houses in the proposed V zone. Since the area is not equipped with public sewer, the sewage from these small houses will only be treated by on-site septic tanks and soakaway systems, the generated sewage will pollute the stream and Pak Lap Wan which is drains into.

PL-3

111-8

17/02/2014

香港九龍彌敦道 345 號宏利公債金大廈 10 樓 1001-1003 室
Rooms 1001 - 1003, 10th Floor, Manulife Provident Funds Place, 345 Nathan Road, Kowloon, Hong Kong
電郵 Email: aghk@rocks.org.hk 網址 Website: www.rocks.org.hk



香港地質岩石保育協會
Association for Geoconservation, Hong Kong

Pak Lap Wan is where high abundance of protected amphioxus species such as *Branchiostoma belcheri*, has been recorded. This species is listed under class II protection in China and is the only benthic species of conservation importance in Hong Kong. In addition, Water Fern *Ceratopteris thalictroides*, considered to be rare and precious plant, are found in the marsh of the proposed V Zone. Due to its special habitat requirement, its area of distribution and population size is decreasing. The V zone would not provide any protection to the Water Fern. Thus, it is proposed to incorporate the marsh habitat of where the Water Fern is located to be zoned as Conservation Area (CA) so that adequate protection can be given to the marsh habitat and its associated plants.

The proposed Agriculture (AGR) zone is linked to the stream which drains into Pak Lap Wan. Surface runoff from farming activities would result in the increase of organic content in the stream and Pak Lap Wan. We believe this area should be zoned as Green Belt (GB) to prevent water quality deterioration. In addition, the GB zoning would create a suitable buffer area of appropriate size between the existing village houses and the proposed CA.

Pak Lap, and especially its secondary woodland, supports a diverse population of different fauna groups and is ecologically linked to the surrounding Sai Kung East Country Park. High diversity of butterflies (37 species) and birds (55 species) have been recorded at Pak Lap. Pak Lap not only supports woodland and generalist birds species, it also supports protected species of ardeids, waterbirds and raptors.

Based on captioned aesthetic and ecological value, we propose Pak Lap should be incorporated as part of the Sai Kung East Country Park to be under the authority of the AFCD which would provide the most effective control.

Best regards,
Cindy Choi (as signed)
Vice Chairman
Association for Geoconservation, Hong Kong
Email: [REDACTED]



Hau Justin

Sent by:

10/02/2014 19:39

To info@countryparks.hk
ceo@ceo.gov.hk
sen@enb.gov.hk

cc

bcc

Subject 保衛郊野公園免受小型屋宇政策威脅 (Hau Justin)

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1-
TPB/R/S/SK-PL/1-
C2

香港添馬添美道
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香港特別行政區行政長官
梁振英先生
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香港北角渣華道 333 號 北角政府合署 15 樓 城市規劃委員會主席 周達明先生 電郵: tpbpd@pland.gov.hk

附件抄送:
「保衛郊野公園」
Email: saveourcountryparks@gmail.com

保衛郊野公園免受小型屋宇政策威脅

反對現時規劃圖則
—— 保護海下、白臘、鎮羅盆、北潭凹、土瓜坪及田夫仔不受破壞性村屋發展入侵

敬啟者:

本人謹以此函表達支持保護郊野公園及反對發展「不包括土地」的想法。

在郊野公園成立之時，某些偏遠的村落及農地即使位於公園範圍之內卻沒有納入郊野公園，未有保護，是為「不包括土地」。

2010年魯連城在西貢大澳西灣悍然違規建屋，事件令政府及市民醒覺意識到需要切實的行動和政策保護郊野公園內的「不包括土地」。這些「不包括土地」的地理、生態、地質與郊野公園相連，多年來不受滋擾，造就香港郊野公園世界級的美景及康樂價值。

- A) 我們在此要求特首、政府、郊野公園及海岸公園委員會與城市規劃委員會承諾採取以下措施保護郊野公園：
- 將「不包括土地」納入所在的郊野公園範圍內，讓漁農自然護理署署長與郊野公園及海岸公園委員會有權共同監察和管理。
 - 為有更充足的時間將「不包括土地」納入郊野公園，「發展審批地區圖」的期限應延長一年。
 - 限制「鄉村式發展」用地於現有建築及已批准的小型屋宇申請範圍。
 - 不應在郊野公園範圍內興建新的汽車道路。
 - 「不包括土地」的規劃設計需取得公眾共識。
 - 將「不包括土地」內的所有發展和基礎建設項目列為「環境影響評估條例」下的指定工程項目。
 - 提供設施以提高郊野公園的生態、農業、景觀和康樂價值。
 - 防止「先破壞後發展」。
 - 把「屋宇」及「屋宇（只限新界豁免管制屋宇）」從「鄉村式發展」用地註釋的第一欄移至第二欄，以確保任何房屋拆遷、重建或興建都必須得到政府批准。

B) 我們支持以下反對意見及其中述中所提的建議：

- 鎮羅盆分區計劃大綱草圖 (S/NE-SLP/1)
 - 我們支持串連編號799至10,735及10,818至10,858的反對以及建議。
- 白臘分區計劃大綱草圖 (S/SK-PL/1)
 - 我們支持串連編號799至10,735及10,378至10,775的反對以及建議。
- 海下分區計劃大綱草圖 (S/NE-HH/1)
 - 我們支持串連編號799至10,735及10,750至10,934的反對以及建議。

C) 我們反對以下分區計劃大綱草圖並提出以下修訂意見：(S/NE-TKP/B)

- 土瓜坪及北潭凹分區計劃大綱草圖 (S/NE-TKP/1)
 - 此「不包括土地」應完全納入西貢東郊野公園，以減低對鄰近郊野公園在生態上及地理上的損害。
 - 「鄉村式發展」應限制在現有的建築物及已批准的小型屋宇申請地。
- 「綠化地帶」不足以保護土瓜坪西側的河流及兩旁河岸生境，河流和兩旁河岸30米範圍應列為「自然保育區」。
- 北潭凹內的水體及溪流有稀有魚類香港門魚，這些水體、河流及其周邊三十米範圍應以「自然保育區」保護。
- 田夫仔分區計劃大綱草圖 (S/TM-TFT/1)
 - 為了優化康樂用地及環境，此「不包括土地」應完全納入大嶺郊野公園。
 - 田夫仔被大嶺郊野公園包圍又鄰近河背水塘及大嶺涌水塘，任何發展都會損害其生態、景觀及康樂價值。
- 康樂用地會帶來更多的人類活動和汽車，此地應由漁護署監管以杜絕未經許可的用途及發展，同時能監督附近郊野公園用地的用途。
 - 應拆除所有「鄉村式發展」用地，並停止批准任何村屋興建。
 - 田夫仔是法定集水區，任何發展亦會污染水源。
- 應加強保育自然生景、土地資源及郊野公園內的鄉郊特色以確保水質。
- 我們要求現有發展區以外的所有土地均由「綠化地帶」改劃為「自然保育區」。同時，應把「屋宇」從「綠色地帶」的規劃註釋移除。
- 「綠色地帶」提供的保護不足，甚至給予錯誤的印象，讓人以為這些土地有發展的潛力，可在附帶條件下建屋。

其他意見:

此致

香港特別行政區行政長官梁振英先生
環境局局長黃錦星先生
發展局局長陳茂波先生
漁農自然護理署署長黃志光先生
郊野公園及海岸公園委員會主席鄧竟成先生
城市規劃委員會主席周達明先生
規劃署署長凌嘉勤先生

Hau Justin 謹啓

二零一四年二月

電話

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Carol Biddell

Sent by [REDACTED]

10/02/2014 19:20

To info@countryparks.hk
ceo@ceo.gov.hk
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cc

bcc

Subject Protect the Country Parks from the Small House Policy [Carol Biddell]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1-
TPB/R/S/SK-PL/1- C1

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CC to:
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Hong Kong, February 2014

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Ms. Bernadette Linn
Director of Lands
Lands Department

Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Ling, Ms. Linn, Mr. Chow, and Members of the Country and Marine Parks Board and Town Planning Board,

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves.

At the time country parks were set up, some remote villages and farmland were excluded.

After the 2010 Tai Long Sai Wan Incident, the Government and the public realised that enclaves should be better protected. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:

- To incorporate Enclaves into their surrounding CP. Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the area.
- To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
- To categorically deny new roads to enclaves currently not serviced by roads.
- To create a layout plan for each enclave with consensus from the public including stakeholders.
- Development and infrastructure projects in enclaves are designated projects under the EIAO.
- To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.
- To prevent 'destroy first, build later'.
- To move "House (New Territories Exempted House only)" and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.

B) We support the objections and proposals in representations on the following statutory plans:

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)

- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)

- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)

- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)

- The enclave should be incorporated into the Sai Kung East Country park to minimize impacts on the ecological and landscape values of the country park.
- The V-zone should be limited to existing structures and approved small house applications.
- Green Belt (GB) provides insufficient protection for the stream on the western side of the area and its riparian area. We urge for the stream and riparian area (minimum distance 30 meters) to be covered with 'Conservation Area' zoning.
- Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with 'Conservation Area' zone.
- There is a freshwater marsh on the northeastern side of the 'Village Type Development' zone of this enclave. It contains a locally endangered and protected Orchid species, *Liparis ferruginea*. We consider that this marsh should be threatened by the 'Village Type Development' zoning.

Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)

- To enhance recreation uses and environment, the enclave should be incorporated into the Tai Lam Country Park.

Enclosed by Tai Lam Country Park and close to Ho Pul Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the ecological, landscape and recreational values of the country park.

Given the traffic and activities generated by the recreational uses, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks.

- To remove all 'Village Type Development' zoning and stop granting permission for village houses development. *The area is a gazetted water gathering ground and development will impact the water quality.*
- The outline zoning plan should be enhanced 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.
- We urge for all 'Green Belt' zoning to be changed to 'Conservation Area' zoning with existing developed area and buildings exempted. And, no new houses should be permitted and "House" should be removed from column 2 of the proposed extensive 'Green Belt' zone. *The Green belt provides inadequate protection and has proven to increase expectations of potential development in the community and the area is deemed suitable and appropriate for conditional development.*

Further comments :

Best Regards,
Carol Biddell

Email : 

Annex III-1
of TPB Paper No. 9646

Summary of Representations in Group 1 and PlanD's Responses

The representations (R1 to R798 and R10,737) in group 1 are mainly submitted by villagers and individuals. Their grounds of the representations and proposals are summarised and grouped under the respective points below:

Representation Points	PlanD's Responses
Grounds of Representations	
A. Inadequate land within "Village Type Development" ("V") zone	
<p>The "V" zone could not satisfy the demand for Small Houses and the future village development. The relevant authority has not considered the historical culture and <i>fung shui</i> that shaped the layout of the whole village. The old village of the indigenous inhabitants once faced the "Pak Fu Shan 白虎山" at its southwest. Due to poor <i>fung shui</i>, all male grown-ups died before the age of 40. Therefore, the entire village has been relocated to the present location to escape from the ill fate.</p> <p>The local villagers want to know whether the relevant authority has gained any insight into their situation and sympathized with them in planning the "V" zone. While the "V" zone is irregular in shape and will lead to waste of developable land, some local villagers have no private land for Small House development and thus, expansion of the "V" zone to the south-western part of the existing village including Government land within the zone is required.</p>	See TPB Paper paras 5.14 (a) to (f)
B. Inadequate Infrastructure	
The Area is not served by any road and other infrastructural and utility services such as public toilet, television and/or	See TPB Paper para. 5.14 (v)

Representation Points	PlanD's Responses
radio transmitter installation. Such facilities should be provided.	
C. Designation of “Conservation Area” (“CA”) zone	
The relevant department, including the Agriculture, Fisheries and Conservation Department (AFCD), has neither conducted any consultation exercise nor elaborated on their conservation intention. No assessment report has been made available. The local villagers strongly request AFCD to provide their assessment reports.	See TPB Paper para. 5.14 (s)
D. Feasibility of “Agriculture” (“AGR”) zone	
As vehicles and farmers’ carts are restricted within the Country Park area, they question how agricultural land could be rehabilitated and how farming resources/products can be delivered and distributed. As there is no plan for rehabilitation of agriculture, the local villagers worry that the “AGR” zone would limit the chance of Small House development.	See TPB Paper para. 5.14 (t)
Proposals (Plan H-1a)	
P1. Rezoning “CA” to “Green Belt” (“GB”) and “V”	
The local villagers propose to rezone the south-western part of the existing Pak Lap village from “CA” to “GB” and “V” zones to facilitate the village expansion.	See TPB Paper para. 5.14 (f)
P2. Rezoning “CA” to “Government, Institution or Community” (“G/IC”)	
The local villagers propose to rezone the piece of land at the southern part of Pak Lap from “CA” to “G/IC” for the provision of public toilet and television and/or radio transmitter installation.	See TPB Paper para. 5.14 (w)

Annex III-2
of TPB Paper No. 9646

Summary of Representations in Group 2 and PlanD's Responses

The representations (R799 to R10,735 and R10,738 to R10,775) in Group 2 are mainly submitted by green/concern groups, Members of Legislative Council and District Council Member and individuals. Their grounds of the representations and proposals are summarized below:

Representation Points	PlanD's Responses
Grounds of Representations	
E. Size and Designation of "V" zone	
<p><u>E1. Small House Demand</u></p> <p>The "V" zone of about 2.37ha is considered excessive. There will be 79 houses in the "V" zone. According to the 2011 census the population at Pak Lap was less than 50 persons. The government should provide justifications for designating such a large "V" zone.</p> <p>Demand for Small House is infinite and 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.</p> <p>The majority of land in "V" zone has been sold to private developers. They worry that it will eventually become residential developments by private developers.</p> <p>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.</p> <p>The "V" zone will set a bad precedent to other country park enclaves as Pak Lap is an area with records of suspicious 'destroy first, build later'</p>	<p>See TPB paper paras 5.14 (a) to (e)</p>

Representation Points	PlanD's Responses
practices in the past.	
<p><u>E2. Impacts on Natural Habitat</u></p> <p>Pak Lap, especially its secondary woodland, supports a diverse population of different fauna groups and is ecologically linked to the surrounding Sai Kung East Country Park (SKECP). High diversity of butterflies (37 species) and birds (55 species) has been recorded at Pak Lap. This includes two uncommon butterfly species, Bush Hopper <i>Ampittia dioscorides etura</i> (黃斑弄蝶) and Silver Streak Blue <i>Iraota timoleon timoleon</i> (鐵木萊異灰蝶), and eleven bird species of conservation interest.</p> <p>Pak Lap Wan is a habitat for Amphioxus (lancelet) (文昌魚). Chinese Striped Terrapin (中華花龜) and Chinese Bullfrog (虎皮蛙) have been found in the stream.</p> <p>Some <i>Ceratopteris thalictroides</i> (Water Fern) (水蕨) (listed under class II protection in China) are found on the wet abandoned field within the “V” zone, and will be affected by the proposed Small House development.</p> <p>Road may be developed in association with the residential developments and would further damage the natural environment. The increased number of vehicles using Man Yee Road will also pollute the water gathering ground of High Island Reservoir.</p> <p>The downstream country park area will be significantly degraded by the potential pollutants brought about by the Small House development. Eventually, the ecological integrity of Pak Lap Wan will be affected.</p>	<p>See TPB paper paras 5.14 (a) to (c) and (s)</p>
<p><u>E3. Environmental Impact on Pak Lap Wan</u></p> <p>Pak Lap is not equipped with public sewerage system. The sewage from these Small Houses will only be treated by on-site septic tanks and soakaway (STS) systems. There is no road access to the area and proper maintenance of the STS is in doubt. Pollutants will eventually</p>	<p>See TPB paper paras 5.14 (g) to (l)</p>

Representation Points	PlanD's Responses
<p>discharge into water bodies nearby and pollute the environment.</p> <p>The underlying surface sediment in Pak Lap comprises porous and highly permeable deposits, which are a mixture of alluvium and beach deposits. Such superficial sedimentary deposits allow for rapid drainage, so no matter how far the distance, interstices in these deposits means adequate purification cannot be achieved before the wastewater reaches the sea. With geology assessment omitted, the consequence is that cumulative sewage percolation to the surrounding areas occurs.</p> <p>With reference to a 2006 Paper presented to the LegCo prepared by the Director of Environmental Protection (DEP), the STS provides only a minimum level of sewage treatment. The effluent from a septic tank still carries a very high nutrient, organic and microbiological loads. These can only be effectively attenuated by the soakaway systems in circumstances where the ground conditions are suitable and development density is low. Besides, Drainage Services Department (DSD) states that the STS systems are often not effective in removing pollutants in the long run because of inadequate maintenance and the increase in the number of septic tanks.</p>	
<p><u><i>E4. Cumulative Impact Assessment</i></u></p> <p>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 Pak Lap. The carrying capacity for individual enclave sites and the overall capacity of all country park enclaves in Sai Kung East must be carefully studied before responsible decision on land use and Small House numbers can be made.</p> <p>There is also no plan to improve the infrastructure (e.g. sewage and road access) to support new developments at Pak Lap and visitors to the Area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Pak Lap and to prevent the</p>	<p>See TPB paper paras 5.14 (k) and (l)</p>

Representation Points	PlanD's Responses
existing village from polluting Pak Lap Wan.	
<p><u>E5. Notes of “V” zone</u></p> <p>To prevent environmentally sensitive land be 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” and “V” zones should not be allowed or should be Column 2 uses requiring planning permission of the Board. Some representers even propose that these uses should not be allowed in Pak Lap area. Also, stricter planning control should be imposed requiring planning permission for ‘New Territories Exempted House’ (‘NTEH’), ‘Eating Place’ and ‘Shop and Services’ uses and any demolition, addition, alteration and/or modification to an existing building in “V” zone.</p>	<p>See TPB paper paras 5.14 (p) to (r)</p>
<p><u>E6. Designation of Country Park</u></p> <p>The objective of country park enclave (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.</p> <p>The CPEs are well connected with the adjoining Country Parks from ecological, landscape and recreational point of view. They should be incorporated in country parks so that developments would be subject to scrutiny by the Country and Marine Parks Board and AFCD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities.</p>	<p>See TPB paper paras 5.14 (m) to (o)</p>

Proposals (Plan H-1a)	PlanD's Responses
P3. Confining the "V" zone	
The "V" zone should be limited to the existing village area, two-thirds of the "V" zone should be reduced. Only the area to the west of the existing stream can be allowed for development. The area to the east of the existing stream should be rezoned to "CA" zone.	See TPB paper paras 5.14 (a) to (d)
P4. Exclusion of the stream and its riparian zone from "V" zone	
The "V" zone is bisected by a stream leading to Pak Lap Wan, construction and sewerage impacts from Small House development might affect the stream. Buffer zone should be set up to separate the stream from the Small House development within the "V" zone, the stream and its riparian areas (i.e. at least 30m buffer distance from both sides of the stream) within the "V" zone should be rezoned to "CA". STS system must be located at least 30m from the watercourses.	See TPB paper paras 5.14 (g) to (j)
P5. Rezoning the area with Water Fern from "V" to "CA"	
Some isolated Water Fern are found on the wet abandoned field within "V" zone. It is suggested to rezone the wet abandoned field from "V" to "CA" zone.	See TPB paper para. 5.14(u)
P6. Designation of Country Parks	
Pak Lap should be designated as country park to protect its ecologically sensitive areas and the Development Permission Area plan should be extended for at least one year to allow for the required process. In the interim, the "V" and non-conservation zonings could be rezoned to "Undetermined" to protect the natural environment.	See TPB paper paras 5.14 (m) to (o)
P7. Rezoning "AGR" to "CA" or "GB" zone	
The "AGR" zone is located in an area of young	See TPB paper para. 5.14 (t)

Representation Points	PlanD's Responses
<p>plantation species and man-made pond. This area is hydrologically linked to the stream which drains into Pak Lap Wan. Surface runoff from farming activities would result in the increase of organic content in the stream and Pak Lap Wan. Hence, it is suggested to rezone the area from “AGR” to “CA” or “GB” zone to prevent water quality degradation.</p>	

Annex III-3
of TPB Paper No. 9646

**MAJOR POINTS OF REPRESENTATIONS
IN RESPECT OF DRAFT PAK LAP
OUTLINE ZONING PLAN NO. S/SK-PL/1**

Representation No. (TPB/R/S/SK-PL/1)	Representation Points [Representation Proposals] and Responses (Refer to Annex III-1 and III-2)
GROUP 1	
R1 to R798	A
R10737	A, B, C, D [P1, P2]
GROUP 2	
R799 to R3655	E [P3, P4, P6]
R3656 to R10542	E [P3, P6]
R10543	E [P3, P6]
R10544	E [P4, P8]
R10545, R10546	E
R10547	E [P3, P7]
R10548, R10569	E [P3, P4, P6]
R10549, R10552, R10553, R10556, R10557, R10558, R10560, R10561, R10562, R10563, R10564, R10565, R10566, R10567, R10573, R10574, R10575, R10576, R10580, R10581, R10586, R10588, R10589, R10590, R10591, R10592, R10722, R10723, R10724, R10725, R10726, R10727, R10728, R10729, R10731, R10732	E
R10550	E [P3, P4, P6]

Representation No. (TPB/R/S/SK-PL/1)	Representation Points [Representation Proposals] and Responses (Refer to Annex III-1 and III-2)
R10551, R10577, R10600, R10601, R10602, R10603, R10604, R10734	E [P6]
R10554, R10559, R10568, R10593, R10594, R10595, R10596, R10597, R10598, R10599	E
R10555	E
R10570, R10572	[P6]
R10571	E [P6]
R10578, R10579, R10766	E [P3, P4, P5, P6]
R10582, R10583, R10584, R10585	[P3, P4, P5, P6]
R10587	E [P3, P4, P6]
R10605 to R10721, R10730	E [P3]
R10733	E [P6]
R10735	E
R10738	E [P3, P6]
R10739	E [P3, P4, P5, P6, P7]
R10740	E [P3, P4, P5, P7]
R10741	E [P3, P4, P6, P7]
R10742	E [P3, P6]
R10743	E [P3, P5, P6, P7]
R10744	E [P3, P6]
R10745, R10753, R10754, R10755, R10756	E
R10746	E [P3, P6]
R10747	E [P3, P6]
R10748	E [P3]
R10749	E [P3, P6]

Representation No. (TPB/R/S/SK-PL/1)	Representation Points [Representation Proposals] and Responses (Refer to Annex III-1 and III-2)
R10750, R10751	E [P3]
R10752	E [P3, P4, P5, P6]
R10757	[P5]
R10758	E [P3, P4]
R10759	E
R10760	E
R10761, R10762, R10767	E [P3, P5, P6, P7]
R10763	E [P3, P4, P5, P6]
R10764	E [P3, P7]
R10765	[P6]
R10768, R10769	E [P3, P6]
R10770	E [P3, P5]
R10771, R10773, R10774, R10775	E
R10772	[P3, P6]

Summary of Comments on Representations and PlanD's Response

Comment No.	Reason	PlanD's Response
<p><u>Group 1</u> C1 to C3656 and C3661</p> <p>(Total 3,657 comments)</p>	<p>A. The comments are mainly submitted by green/concern groups, including the Friends of Sai Kung (C3,640), Designing Hong Kong (C3,641), Association for Geoconservation, Hong Kong (C3,664) and individuals supporting the objections and proposals set out in representations numbered R799 to R10735 and R10738 to R10775.</p> <p>B. Their major comments and proposals to the draft Pak Lap Outline Zoning Plan (OZP) are as follows:</p> <p><u>Designation of "Village Type Development" ("V") zone</u></p> <p>The "V" zone is not based on genuinely assessed needs as the Small House demand provided by Village Representative (VR) has not been verified. Hence, the Small House Policy should be reviewed.</p> <p><u>Opposition to "Agricultural Use" ("AGR") zone</u></p> <p>The "AGR" zone is linked to the stream which drains into Pak Lap Wan. Surface runoff from farming activities would result in the increase of organic content in the stream and Pak Lap Wan. The area should be zoned "Green Belt" ("GB") to prevent water quality deterioration and to create a suitable buffer area of appropriate size between the existing village houses and the "CA" zone.</p> <p><u>Designation of Country Parks</u></p> <p>Incorporate enclaves into their surrounding country park. Hence, the DPA plans should be extended for at least one additional year to allow the process of incorporation of enclaves into country parks to be completed.</p>	<p>See TPB Paper paras. 5.14(a) to (e)</p> <p>See TPB Paper para. 5.14(t)</p> <p>See TPB Paper paras. 5.14(m) to (o)</p>

	<p>The comprehensive, integrated and coordinated approach should be adopted to protect country parks from incompatible development in the enclaves. The uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks should be promoted. In addition, the draft OZP should be assessed by Country and Marine Parks Board. Besides, the Government's conservation obligations under the Convention on Biological Diversity must be honored in the Country Park Enclave Policy. Most of the OZPs prepared for the enclaves have included greatly expanded "V" zone that will cause "immediate development threats" on a larger scale and fails to comply with the Country Park Enclave Policy.</p>	
<p><u>Group 2</u> C3657 to C3660, C3662 and C3664 to C3669 (Total 11 comments)</p>	<p>The comments are submitted by green/concern groups (i.e. Hong Kong Countryside Foundation (C3657), and the Association for Geoconservation, Hong Kong (C3668)) and individuals. They do not indicate to which representations the comments are related but has general objection to the draft Pak Lap OZP from the similar grounds stated in Group 1 above.</p>	<p>Ditto.</p>