

**TPB PAPER NO. 9646
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 28.4.2014**

**DRAFT PAK LAP OUTLINE ZONING PLAN NO. S/SK-PL/1
CONSIDERATION OF REPRESENTATIONS NO. 1 TO 10775
AND COMMENTS NO. 1 TO 3669**

**CONSIDERATION OF REPRESENTATIONS AND COMMENTS
IN RESPECT OF THE DRAFT PAK LAP
OUTLINE ZONING PLAN NO. S/SK-PL/1**

Group No.	Subject of Representation/ Representation Site	Representers	Commenters
1	<u>Support</u> the draft Pak Lap Outline Zoning Plan (draft OZP)	<u>Total: 1</u> Indigenous villager: R10736	
	Generally <u>oppose</u> the draft OZP, for reasons including insufficient "Village Type Development" ("V") zone	<u>Total: 799</u> <i>Village Representative (VR) and various indigenous villagers:</i> R10737 <i>Individuals:</i> 798 representations (R1 to R798)	
2	Generally <u>oppose</u> the draft OZP, for reasons of including excessive "V" zone	<u>Total: 9,975</u> <u>Legislative Council Members:</u> R10543: Hon Chan Ka Lok R10600: Hon Albert Chan R10747: Hon Wu Chi Wai <u>Member of Yuen Long District Council:</u> R10749: Mr. Wong Wai Yin <u>Green/concern Groups:</u> R799: Designing Hong Kong Limited R10544: Friends of Sai Kung R10545 and R10546: Nine ecologists of University of Hong Kong R10578: Gaia Association R10605: Land Justice League R10738: WWF-Hong Kong R10739: Kadoorie Farm & Botanic Garden Corporation (KFBG)	<u>Total: 3,669</u> Group A: <u>Support representations opposing the excessive "V" zone (3,659)</u> <i>Green/concern groups:</i> C3640: Friends of Sai Kung C3641: Designing Hong Kong <i>Individuals:</i> C1 to C3639, C3642 to C3656, and C3661 Group B: <u>Object to the draft OZP (10)</u> <i>Green/concern groups:</i> C3657: The Hong Kong Countryside Foundation

Group No.	Subject of Representation/ Representation Site	Representers	Commenters
		R10740: Green Power R10741: Conservancy Association R10742: Green Sense R10743: HK Bird Watching Society R10744: Hong Kong Entomological Society R10745: Sea Shepherd Conservation Society R10746: Friends of Hoi Ha <i>Individuals:</i> R800 to R10542, R10547 to R10577, R10579 to R10599, R10601 to R10604, R10606 to R10735, R10748, R10750 to R10775	C3664: Association for Geoconservation, Hong Kong <i>Individuals:</i> C3658 to C3660 and C3665 to C3669
	Grand Total	10,775	3,669

Note: The representations and comments on representations made by the members of Legislative Council and District Council, green/concern groups, villagers and related organisations in the above table and samples of some standard letters/e-mails are attached at **Annexes I-1 to I-27**. A CD-ROM containing the names of all representers and commenters as well as their submissions is enclosed at **Annex V** (for Board Members only).

1. Introduction

1.1 On 27.9.2013, the draft Pak Lap Outline Zoning Plan No. S/SK-PL/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance. During the two-month exhibition period, a total of 10,775 representations were received. On 24.1.2014, the representations were published for three weeks for public comment. Upon expiry of the publication period on 14.2.2014, a total of 3,669 comments were received.

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

Group 1

- (a) collective hearing of the first group comprising 800 representations (**R1 to R798, R10736 and R10737**) submitted by the individuals, VR and various indigenous villagers, mainly in relation to the insufficient “V” zone; and

Group 2

- (b) collective hearing of the second group comprising 9,975 representations

(**R799** to **R10735** and **R10738** to **R10775**) and 3,669 comments (**C1** to **C3669**), submitted by the Legislative Council and District Council members, green/concern groups and other individuals mainly in relation to the excessive “V” zone.

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

2. The Representations

- 2.1 Except one representation (**R10736**) submitted by the local villager supporting the draft OZP on the grounds that the draft OZP could facilitate the future development of Pak Lap Village, all the remaining representations oppose to the draft OZP and their views could generally be categorized into the following two groups.

Group 1

- (a) The first group (**Group 1**) comprises 800 representations (**R1** to **R798**, **R10736** and **R10737**) submitted by individuals and the villagers. Apart from **R10736**, all the representers object to the insufficient “V” zone to satisfy the demand for Small House developments. The villagers propose to rezone areas to the south-west of the existing village from “Conservation Area” (“CA”) to “V” and “Green Belt” (“GB”) to allow for village expansion. The villagers also propose to rezone an area to the south-east of the existing village from “CA” to “Government, Institution or Community” (“G/IC”) to allow for provision of public hygiene facilities.

Group 2

- (b) The second group (**Group 2**) comprises 9,975 representations (**R799** to **R10735** and **R10738** to **R10775**) submitted by Legislative Council and District Council members, green/concern groups and individuals. They mainly object to the large area of the “V” zone on the grounds that it is based on unrealistic Small House demand figures without verification. As 40% of the “V” zone was owned by private development companies and with bad record of “destroy first, build later”, they worry that it would set a bad precedent to encourage private development. They are also concerned about the potential environmental problem brought by the proposed Small Houses to the existing stream course and Pak Lap Wan. Above all, the Administration should strengthen control over development in country park enclaves by incorporating them into country parks.
- 2.2 Many of the representations are submitted in similar emails/letters and the samples together with the submissions from members of Legislative Council and District Council, green/concern groups and organisations are attached at **Annexes I-1 to I-27**. A full set of the representations and comments are saved in the CD-ROM attached at **Annex V** for Members' reference and the proposals they refer to are shown on **Plans H-1** and **H-1a**. Representations in Group 1 and Group 2 with Planning Department (PlanD)'s responses and major points of representations are summarised at **Annexes III-1, III-2** and **III-3 respectively**.

Grounds of Representations

Group 1

Supportive Representation

2.3 The major grounds of representation (**R10736**) submitted by the local villager are summarised below:

- (a) Villagers support the draft OZP as it could facilitate the development of Pak Lap Village. Although there is a need to protect the natural environment, the indigenous villager's right to build Small Houses and land owners' right should be respected.
- (b) Currently there is no vehicular access to Pak Lap, there is a need to provide vehicular access to Pak Lap which is essential for the villagers' future development.

Adverse Representations

2.4 The major grounds of representations of **Group 1 (R1 to R798 and R10737)** are summarised below:

Size of "V" Zone

- (a) 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 *fung shui* 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 *fung shui*, 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. 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.

Inadequate Infrastructure

- (b) The Area is not served by any road and other infrastructural and utility services such as public toilet, television and/or radio transmitter installation. Such facilities should be provided.

Designation of "CA" Zone

- (c) 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.

Feasibility of “Agriculture” (“AGR”) Zone

- (d) 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.

Group 2

- 2.5 The major grounds of representations of **Group 2 (R799 to R10735 and R10738 to R10775)** are summarised below:

Size and Designation of “V” zone

Small House Demand

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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’ practices in the past.

Impacts on Natural Habitat

- (f) 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 *Ampittia dioscorides etura* (黃斑弄蝶) and Silver Streak Blue *Iraota timoleon timoleon* (鐵木菜異灰蝶), and eleven bird species of conservation interest.

- (g) 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.
- (h) Some *Ceratopteris thalictroides* (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.
- (i) 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.
- (j) 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.

Environmental Impact on Pak Lap Wan

- (k) 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 discharge into water bodies nearby and pollute the environment.
- (l) 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.
- (m) 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.

Cumulative Impact Assessment

- (n) There is a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impact of the additional Small Houses on 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.

- (o) 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 existing village from polluting Pak Lap Wan.

Notes of “V” zone

- (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.

Designation of Country Park Enclave as Country Park

- (q) 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.
- (r) 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.

Representers’ Proposals

Group 1

2.6 The proposals of **Group 1** are summarised below (**Plan H-1a**):

- (a) 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 (**P1**).
- (b) 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 (**P2**).

Group 2

2.7 The proposals of **Group 2** are summarised below (**Plan H-1a**):

- (a) The “V” zone should be limited to the existing village area, two-thirds of the “V” zone should be reduced (**P3**). 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.
- (b) 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 (**P4**).
- (c) 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 (**P5**).
- (d) Pak Lap should be designated as country park to protect its ecologically sensitive areas (**P6**) 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.
- (e) The “AGR” zone is located in an area of young 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 (**P7**).

3. Comments on Representations

Group A

- 3.1 Among the 3,669 comments received, 3,659 of them (**C1** to **C3656**, **C3661** and **C3664**) are mainly submitted by green/concern groups and individuals supporting the representations submitted by green/concern groups and individuals (i.e. **R799** to **R10735** and **R10738** to **R10775**) on the grounds that the excessive area of “V” zone would increase the threats to the ecology, landscape and recreation values of the country park.

Group B

- 3.2 The remaining 10 comments (**C3657** to **C3660** and **C3664** to **C3669**) submitted by green/concern groups and individuals with similar grounds put forth by the **Group 2** representers raise objection to the draft OZP and opposition to the excessive “V” zone.

- 3.3 A summary of comments on representations and PlanD's response is at **Annex IV** and all the submissions are available in the CD-ROM attached in **Annex V** for Members' information.

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

Preparation of Pak Lap Development Permission Area (DPA) Plan

- 4.1 On 1.9.2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Pak Lap area as a DPA.
- 4.2 On 30.9.2010, the draft Pak Lap DPA Plan No. DPA/SK-PL/1 was exhibited for public inspection under section 5 of the Ordinance. In accordance with section 20(5) of the Ordinance, the DPA Plan is effective for three years until 30.9.2013 unless an extension is obtained from the Chief Executive in Council. During the plan exhibition period, 4 representations were received. When the representations were published, no comment was received. After giving consideration to the representations on 11.3.2011, the Board noted the supportive view of representations and decided not to uphold the adverse representations.
- 4.3 On 4.10.2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Pak Lap DPA Plan, which was subsequently renumbered as DPA/SK-PL/2. On 14.10.2011, the approved Pak Lap DPA Plan No. DPA/SK-PL/2 was exhibited for public inspection under section 9(5) of the Ordinance.

Preparation of Pak Lap OZP

- 4.4 On 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Pak Lap area. On 26.4.2013, the Board gave preliminary consideration to the draft Pak Lap OZP and agreed that the draft OZP was suitable for submission to the Sai Kung District Council (SKDC) and the Sai Kung Rural Committee (SKRC).
- 4.5 The SKRC and SKDC were consulted on the draft OZP on 30.4.2013 and 7.5.2013 respectively. SKDC requested the expansion of "V" zone for village type development and the provision of vehicular access within the Area. SKRC expressed objection to the draft OZP as the zoning could affect development rights of the villagers. The village representative (VR) of Pak Lap Village after the SKRC meeting has also submitted a counter-proposal to rezone the north-western and south-western parts of the existing Pak Lap village from "CA" to "GB" and "V" zones to facilitate the village expansion. The local villagers suggested 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.
- 4.6 On the other hand, the green/concern groups were of the view that the "CA" was supported, but the "V" zone was too large. There was a view that except a

minimal “V” zone to accommodate the existing village, the entire Pak Lap should be designated as Country Park. Since part of the stream falls within the “V” zone, construction and sewerage impacts from Small House development might affect the stream. 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”

- 4.7 On 13.9.2013, the draft Pak Lap OZP, together with comments received from the SKDC, SKRC, green/concern groups as well as other public comments, were submitted to the Board for further consideration. The Board noted the comments and agreed that the draft OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft Pak Lap OZP No. S/SK-PL/1 was exhibited for public inspection under section 5 of the Ordinance. The SKRC and SKDC were consulted in October 2013.

5. Planning Consideration and Assessments

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

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

Planning Scheme Area

- 5.2 The Area covers a total of about 6.8ha. The Area is located at the southern coast of Sai Kung peninsula, about 9.5km to the south-east of Sai Kung Town. It is completely encircled by the SKECP. There are mountain ranges to its east, north and west. To the south of the Area is the scenic coastline, including the beach of Pak Lap Wan which has also been designated as part of the SKECP (**Plan H-1**).
- 5.3 The Area is characterised by a rural and countryside ambience, comprising mainly village houses, shrubland, woodland, grassland, fallow agricultural land and streamcourses. Pak Lap is the only recognized village in the Area. Village houses are mainly two to three storeys in height. The main cluster of village houses is in the middle of the Area. Most of them are left vacant while some of them are still being used for habitation. The eastern and northern parts of the Area are fallow agricultural land and become regenerated grassland. A stream is found flowing across the Area from north to south into Pak Lap Wan. Further north of the Area is the High Island Reservoir.
- 5.4 The SKECP, which encircles the Area, is a famous scenic spot and a popular tourist and hiking attraction in the territory. Pak Lap Wan is a famous beach in Hong Kong. Therefore, the Area has a high landscape value which complements the overall naturalness and the landscape beauty of the surrounding SKECP. Existing physical features for Pak Lap village are shown on **Plan H-2**.
- 5.5 According to AFCD, most of the flora and fauna recorded in the Area and the adjacent SKECP are common and widespread species. Though the Area is not considered exceptional in terms of biodiversity or ecological importance, the wooded areas (including lowland forest and mixed shrubland) at the periphery

of the Area form a continuous stretch of well-established vegetation with those located in the adjoining SKECP and are ecologically-linked to the natural habitats therein. In particular, a protected plant species, *Pavetta Hongkongensis* (香港大沙葉), has been recorded in the woodland near the village. A small colony of the rare *Ceratopteris thalictroides* (水蕨) was recorded in the wet abandoned fields and its occurrence is subject to site conditions.

- 5.6 A temple constructed by the local residents is found at the southern part of the Area.

Planning Intention

- 5.7 The general planning intention for the Area is to protect its high natural landscape value, to protect its natural and rural character which complements the overall naturalness and the landscape beauty of the surrounding SKECP and to make provision for future Small House development for the indigenous villagers of Pak Lap.
- 5.8 The planning intention of “V” zone is to designate both existing recognized village and areas of land considered suitable for provision of village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial and community uses may be permitted on application to the Board.
- 5.9 The planning intention of “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory.
- 5.10 The planning intention of “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 5.11 The planning intention of “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such country park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 5.12 For “AGR” and “CA” zones, any diversion of streams, filling of land/pond or excavation of land shall not be undertaken without the permission from the Board whilst for “V” zone, diversion of streams or filling of pond also requires planning permission of the Board.

Responses to Representations and Proposals

Supportive Representation

5.13 The views of the supportive representation (**R10736**) are noted.

Adverse Representations

Size and Designation of “V” zone

5.14 As far as the boundary of the “V” zone is concerned, the representations in **Group 1** consider that the “V” zone is not sufficient to meet Small House demand. However, the representations in **Group 2** are against the extent of “V” zone, which is considered excessive as it is based on unrealistic Small House demand figures without verification. Besides, Small House developments would have adverse impacts on the natural habitats and sewage aspect as well as cumulative adverse environmental impacts. In this regard, our responses to the size and designation of the “V” zone raised by **Group 1** and **Group 2** are as follows:

- (a) in the designation of various zones for the Pak Lap Area, special attention has been given to protect the ecological and landscape significance of the Area having regard to the wider natural system of the SKECP. Nevertheless, there is also a need to designate “V” zone at suitable locations to meet the Small House demand of indigenous villagers.
- (b) The boundaries of the “V” zone for the Pak Lap Village, a recognised village within the Area has been drawn up after considering the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. Only land suitable for Small House development has been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded. During the course of preparing the draft OZP, views and comments from relevant stakeholders including SKDC, SKRC, villagers and green/concern groups and government departments have also been taken into account in drawing up the “V” zone.
- (c) Pak Lap is completely encircled by the SKECP. There are mountain ranges to its east, north and west and the scenic coastline of Pak Lap Wan to its south. The central and northern parts of Pak Lap are fallow agricultural land overgrown with grass and shrubs (**Plan H-2**). As the grassland in the central part of Pak Lap is flat, close to the existing village and large enough to meet the outstanding and the 10-year forecast demand for Small House development, it is an optimal location for “V” zone. As such, the grassland in the central part of Pak Lap (1.81ha) is reserved to meet the 10-year forecast demand, together with the existing village and the area approved for Small House and NTEHs development (0.56ha), a total of 2.37 ha are designated as “V”. The wooded areas of about 3.41 ha at the periphery of Pak Lap are zoned “CA” to protect and retain the existing natural landscape, ecological or topographical features of Pak Lap for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of

development.

- (d) The Small House demand forecast is only one of the many factors in considering the “V” zones. The forecast is provided by the Indigenous Inhabitant Representatives to the Lands Department and could be subject to changes over time for reasons like demographic changes (birth/death) as well as aspiration of indigenous villagers currently living outside the village, local and overseas, to move back to Pak Lap in future. Though there is no mechanism in the planning stage to verify the authenticity of the figures, the respective DLO would verify the status of the Small House applicant at the stage of Small House grant application. The current “V” zone on the draft OZP has an area of about 2.37 ha which is only 34% of the ‘VE’ of Pak Lap (6.85ha) (**Plan H-1**).
- (e) Land within “V” zone, may it be privately owned or Government land, is subject to the planning intention that land within this zone is primarily for development of Small Houses by indigenous villagers. Whilst ‘House (NTEH only)’ is a use always permitted, ‘Flat’ and ‘House (not elsewhere specified)’ are uses which require planning permission of the Board. As such, there is sufficient control in the draft OZP in that land within “V” zone will be used for Small House development.
- (f) Regarding the villagers’ proposal to rezone the south-western part of the Area from “CA” to “GB” and “V” zone for village expansion, AFCD advises that the wooded areas at the periphery of Pak Lap consist of relatively undisturbed, native woodland where a high diversity of plants, including protected species, can be found. Regarding the proposal for rezoning to “GB”, AFCD advises that woodland is of similar quality and there are little ecological grounds to differentiate the proposed “GB” and “CA” areas which in fact form continuous woodland integrated with the adjoining SKECP. To preserve the native woodland and maintain a buffer between the village area and the surrounding SKECP, rezoning the woodland is not supported from nature conservation point of view.

Environmental Impact on Pak Lap Wan

- (g) As there is no existing sewer or planned public sewer for the Area, Small House development within the “V” zone would have to rely on on-site STS system. The sewage disposal including STS system of Small House will be considered by concerned departments (including EPD, Drainage Services Department (DSD), Water Supplies Department (WSD), AFCD and PlanD) during the processing of the Small House application by Lands Department (LandsD) to ensure that the arrangement of sewage disposal works would comply with the requirements from the relevant government departments.
- (h) As stated in paragraph 9.1.5 of the Explanatory Statement of the draft OZP, under the current practice and in accordance with the Environmental, Transport and Works Bureau’s Technical Circular (Works) (ETWBTC(W)) No. 5/2005, for development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities should consult and collate comments from AFCD and relevant authorities. The use of septic

tank as a sewage treatment and disposal option in rural areas with small population is permitted under Section 5.2.8, Chapter 9, Hong Kong Planning Standards and Guidelines. For protection of the water quality of the Pak Lap Wan, the design and construction of on-site STS for any development proposals/submissions need to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 *"Drainage Plans subject to Comment by the Environmental Protection Department"*. Operation and maintenance practices for septic tank (e.g. desludging practices) are also given in EPD's "Guidance Notes on Discharges from Village Houses".

- (i) According to EPD, in considering whether a site is suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions need to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography, and flooding risks, etc. Site-specific information is essential, particularly if the soil characteristics such as the soil textures are believed to be highly variable even on the same site. The percolation test is one of the requirements set out in ProPECC PN 5/93 which has to be followed by authorized person to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test will allow relevant parties to ascertain whether the soil condition is suitable for a septic tank to function properly for effective treatment and disposal of the effluent. As such, the site-specific conditions of Pak Lap will be taken account of in assessing the acceptability of proposed STS system.
- (j) Apart from percolation test, the ProPECC also sets out the design standards, including clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements will help identify the appropriate ground conditions suitable for the construction of septic tanks, and limit the density of houses to certain extent.

Cumulative Impact Assessment

- (k) When considering the draft Pak Lap OZP, the Board has taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Neither Transport Department (TD) nor Highways Department (HyD) has raised any concern on the "V" zone from the traffic and transport infrastructure points of view.
- (l) LandsD when processing Small House applications will consult concerned departments including EPD, AFCD, TD, DSD, WSD, Fire Services Department (on emergency vehicular access issue), Civil Engineering and Development Department (on slope issue) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. LandsD would require the applicant to ensure the design and construction of on-site septic tank system for any development proposals/submissions in compliance with relevant standards and regulations, such as ProPECC PN 5/93.

Designation of Country Parks

- (m) As announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 enclaves into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For country park enclaves to be protected by statutory plans, the general planning intention of the country park enclaves is to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House development by the indigenous villagers of the existing recognized villages within the areas.
- (n) The proposed incorporation of an area as “Country Park” is under the jurisdiction of the Country Park and Marine Authority (the Authority) under the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. AFCD comments that whether a site is suitable for designation as a country park should be assessed against the established principles and criteria, which include conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing country parks, land status and existing land use. The Authority will also seek the advice of the Country and Marine Parks Board in respect of the proposed country parks. As such, whether a specific country park enclave should be included in the country park or not rests with the authority of the Country and Marine Parks Board. Moreover, whether extending one year for the DPA plan will not affect the process of incorporation of enclaves into country parks as it could be reflected in the OZPs deemed necessary in future.
- (o) In preparing the relevant statutory plans, PlanD would consult relevant government departments including Home Affairs Department (HAD), LandsD, AFCD, CTP/UD&L of PlanD, DSD, EPD, Antiquities & Monuments Office (AMO) and Geotechnical Engineering Office etc. In the designation of various zones for the area, considerations will be given to protect the ecological and landscape significance of the areas with a view to preserving its natural landscape and conservation value, and to consolidating Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment and overtaking the limited infrastructure in the area.

Notes of the “V” zone

- (p) As the planning intention of the “V” zone is to provide land for NTEH, it is appropriate to put NTEH in Column 1 of the “V” zone. As regards other proposed changes put forth by the representers, AFCD has reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 from agricultural point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Moreover, AFCD advises that permission from the Board is required for any works relating to diversion of streams or filling of pond which may cause adverse impacts on the natural environment. There is no strong justification for imposing more stringent control on Column 1 uses in the zones concerned.

- (q) 'Barbecue Spot' and 'Picnic Area' refer to facilities operated by the government and exclude sites that are privately owned and/or commercially operated, 'Public Convenience' refers to any latrine within the meaning of Section 2 of the Public Health and Municipal Services Ordinance (Cap. 132) and any bathhouse maintained, managed and controlled by the government for use of the public, and 'Tent Camping Ground' refers to any place open to the public where tents are put only for temporary lodging for recreational or training purpose. Again, these are facilities designated by the government, AFCD considers that such activities may not have significant adverse impacts on sensitive habitats and thus there is no strong justification for removing these uses from Column 1 of the zones concerned.
- (r) LandsD when processing Small House applications and applications for 'Eating Place' and 'Shop and Services', concerned departments will be consulted to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. Moreover, if a food business is carried out at the premises, a food business licence is required to be obtained from FEHD under the Public Health and Municipal Services Ordinance (Cap. 132). Licence will only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions are confirmed. As such, there is no strong justification to place 'NTEH', 'Eating Place' and 'Shop and Services' under Column 2 of "V" zone.

Designation of "CA" zone

- (s) According to AFCD, the wooded areas (including lowland forest and mixed shrubland) at the periphery of the Area form a continuous stretch of well-established vegetation with those located in the adjoining SKECP and are ecologically-linked to the natural habitats therein. A protected plant species, *Pavetta Hongkongensis* (香港大沙葉), has been recorded in the woodland near the village. AFCD advises that the "CA" zone is considered appropriate to preserve the natural environment and its natural resources.

Rezoning of "AGR" to "CA" or "GB" Zone

- (t) The area zoned as "AGR" was once the subject of excavation works in 2009. The "AGR" zone is occupied by artificial ponds and fallow terraced field. AFCD advises that the fallow terraced field and ponds have good potential for rehabilitation into agricultural use and the area should be designated as "AGR" to retain and safeguard good quality land/farm/fish ponds for agricultural purpose. To ensure that activities within "AGR" zone would not result in adverse environmental impact, the Notes of the OZP has stipulated that diversion of stream, and filling of land/pond within "AGR" zone are subject to the Board's approval. The "AGR" zone in Pak Lap is prohibited from livestock rearing activities under the Waste Disposal Ordinance. Therefore, it is not anticipated that major organic pollution on the stream and Pak Lap Wan will be caused by the non-livestock rearing farming activities.

Rezoning the Area with Water Fern from “V” to “CA”

- (u) The green/ concern groups propose to rezone the area, where water fern is found, from “V” to “CA”. While water ferns are found scattered in the wet abandoned agricultural land on the eastern side of Pak Lap, AFCD advises that the colony is small and its occurrence is subject to site conditions. The proposed “CA” zone is not justified.

Inadequate Infrastructure

- (v) According to the 2011 Census, the total population of the Area was less than 50 persons. At present, the Area is supplied with potable water, electricity and telephone services. There are neither committed/planned sewerage and drainage systems nor gas supply projects for the Area. Relevant works departments would keep in view the need for infrastructure in future subject to resources availability. Flexibility has also been provided in the Notes of the draft OZP for geotechnical works, local public works and environmental improvement works co-ordinated or implemented by the Government, which are generally necessary for provision, maintenance, daily operations and emergency repairs of local facilities for the benefit of the public and/or environmental improvement.

Rezoning a piece of land at the southern part of the Pak Lap Village from “CA” to “G/IC” zone

- (w) The villagers suggest to rezone the piece of land at the southern part of the Area from “CA” to “G/IC” for the provision of public toilet and television and/or radio transmitter installation. Regarding the request for provision of television and/or radio transmitter installation, the Office of the Communications Authority would keep in view the needs and forward the requests to the services providers when necessary. As to the requested provision of public toilet, a site at the southern part of the existing village has been zoned as “G/IC” and for the provision of public toilet and a Government Refuse Collection Point to serve the needs of the local residents and tourists.

Responses to Grounds of Comments

- 5.16 Among the 3,669 comments received, 3,659 comments (**C1 to C3656, C3661 and C3677**) support the representations in **Group 2**, whereas the remaining 10 comments (**C3657 to C3660 and C3664 to C3669**) do not indicate the representations on which the comments are related to but raise objection to the draft OZP. The major grounds of the comments and PlanD’s responses are at **Annex IV**, which are similar to those raised by the representers.

6. Consultation

- 6.1 Relevant government departments have been consulted and their comments have been incorporated in the above paragraphs.

6.2 The following government departments have been consulted and they have no major comment on the representations:

- (a) Chief Building Surveyor/New Territories East (2) & Rail, Buildings Department;
- (b) Chief Highway Engineer/New Territories East, Highways Department;
- (c) Commissioner for Transport;
- (d) Director of Electrical and Mechanical Services;
- (e) Director of Fire Services;
- (f) Director of Food and Environmental Hygiene;
- (g) Director-General of Communications; and
- (h) Project Manager/New Territories East, Civil Engineering and Development Department.

7 Planning Department's Views

Supportive Representation

7.1 The supportive views of **R10736** are noted.

Adverse Representations

7.2 Based on the assessments made in paragraph 5 above and for the following reasons, the Planning Department does not support the Representations in both **Group 1** and **Group 2** and considers that no amendment should be made to the Plan to meet these representations:

Group 1 and Group 2

Size and Designation of "V" zone

- (a) There is a need to designate "V" zone at suitable locations to meet Small House demand of indigenous villagers in Pak Lap, a recognised village within the Area. The boundaries of the "V" zone for the village have been drawn up having regard to the 'VE', local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site specific characteristics. The Small House demand forecast is only one of the various factors in drawing up the "V" zones. Only land suitable for Small House development has been included in the "V" zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded.

Environmental Impact on Pak Lap Wan

- (b) For development proposals that may affect rivers/streams and the requirement of on-site septic tank system, there is relevant regulatory mechanism including Environmental, Transport and Works Bureau's Technical Circular (Works) (ETWBTC(W)) No. 5/2005 and Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93. Therefore, there is no need to rezone the tributaries and their adjoining areas from the "V" to "CA".

Group 1

Rezoning from “CA” to “GB” and “V”

- (c) The “CA” zone at the south-western part of the Area consists of relatively undisturbed, native woodland worthy of preservation. Proposal to rezone the area from “CA” to “GB” and “V” is not favoured from nature conservation perspective.

Rezoning a piece of land at the southern part of the Pak Lap Village from “CA” to “G/IC” zone

- (d) The “CA” zone at the southern part of the Area consists of relatively undisturbed, native woodland worthy of preservation. Proposal to rezone the area to “G/IC” is not favoured from nature conservation perspective.

Group 2

Exclusion of the stream and its riparian zone from “V” zone

- (e) As advised by AFCD, the water course flowing across Pak Lap is largely modified by human activities. For development proposals that may affect natural rivers/streams and the requirement of on-site septic tank system, there is relevant regulatory mechanism including Environmental, Transport and Works Bureau’s Technical Circular (Works) (ETWBTC(W)) No. 5/2005 and Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC) PN 5/93. As such, there is no need to rezone the stream and its riparian zone from “V” to “CA”.

Rezoning the area with Water Fern from “V” to “CA”

- (f) The green/concern groups propose to rezone the area, where water fern is found, from “V” to “CA”. While water ferns are found scattered in the wet abandoned agricultural land on the eastern side of Pak Lap, AFCD advises that the colony is small and its occurrence is subject to site conditions. The proposed “CA” zone is not justified.

Rezoning Non-conservation Zonings to “Undetermined”

- (g) During the preparation of the draft OZP, the natural environment and the topography of the Area of Pak Lap have been taken into account, and views of the relevant government departments have been sought. The general planning intention of the Area is to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House development by the indigenous villagers of the existing recognised village of Pak Lap within the Area. In view of the above, the proposed “Undetermined” designation is considered not appropriate.

Designation of Country Parks and Country Park Enclave Policy

- (h) Designation of the country park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board.
- (i) Whether extending one year for the DPA plan will not affect the process of incorporation of enclaves into country parks as it could be reflected in the OZPs deemed necessary in future.

Rezoning “AGR” to “CA” or “GB” Zone

- (j) AFCD advises that the fallow terraced field and ponds have good potential for rehabilitation into agricultural use. To ensure development within “AGR” zone would not result in adverse environmental impact, the Notes of the OZP has stipulated that diversion of stream, and filling of land/pond within “AGR” zone are subject to the Board’s approval. The “AGR” zone in Pak Lap is prohibited from livestock rearing activities under the Waste Disposal Ordinance. Therefore, it is not anticipated that major organic pollution impact on the stream and Pak Lap Wan will be caused by the non-livestock rearing farming activities. The proposed “CA” or “GB” zone is not justified.

8 Decision Sought

The Board is invited to give consideration to the representations and comments taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendments to the draft OZP to meet/partially meet the representations.

9 Attachments

Annexes I-1 to I-27	Representations made by members of Legislative Council and District Council, green/concern groups, villagers as well as samples of some representations in standard letters/e-mails
Annexes II-1 to II-6	Comments on Representations made by green/concern groups and samples of some representations in standard letters/e-mails
Annex III-1	Summary of Representations in Group 1 and PlanD’s Responses
Annex III-2	Summary of Representations in Group 2 and PlanD’s Responses
Annex III-3	Major Points of Representations
Annex IV	Summary of Comments on Representations and PlanD’s Responses
Annex V	CD-ROM containing names of all representers and commenters as well as their submissions (for Board Members only)

Plan H-1	Location plan
Plan H-1a	Representation proposals
Plan H-2	Development constraints
Plan H-3	Aerial photo

**PLANNING DEPARTMENT
APRIL 2014**