

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

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

**GREEN BELT (1)**

<i>Column 1 Uses always permitted</i>	<i>Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board</i>
<i>Agricultural Use Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Tent Camping Ground Wild Animals Protection Area</i>	<i>Barbecue Spot Burial Ground Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp House (Redevelopment Only) Public Convenience Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Rural Committee/Village Office Utility Installation for Private Project</i>

*(please see next page)*



**GREEN BELT (1) (cont'd)****Planning Intention**

*The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone.*

*In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.*

**Remarks**

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.*
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.*

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

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

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

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

## 1. Introduction

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

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

### Group 1

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

<sup>1</sup> The names of all representers and comments can be found at the Board’s website at [http://www.info.gov.hk/tpb/en/plan\\_making/S\\_NE-HH\\_1.html](http://www.info.gov.hk/tpb/en/plan_making/S_NE-HH_1.html)

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

### **Group 2**

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

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

## **2. The Representations**

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

### **Group 1**

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

### **Group 2**

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

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

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

## **Grounds of Representations**

### ***Supportive Representations***

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

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

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

### ***Adverse Representations***

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

#### Inadequate Land within "V" Zone

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

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

Designation of "V" zone

*Small House Demand*

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

*Environmental Impact on Woodland (Plan H-1a)*

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

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

*Environmental Impact on Hoi Ha Wan Marine Park*

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

*Notes of “V” Zone*

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

### *Cumulative Impact Assessment*

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

### Adequacy of “GB” Zone

- (p) The upper section of the Hoi Ha Stream is a designated Ecologically Important Stream (EIS). The proposed "GB" zone adjoining the lower section of the stream should be zoned “CA” or “CPA” in view of its ecological significance<sup>2</sup>. The real planning intention of “GB” zone may not be conservation-led as planning permission is often given to Small House development in “GB”, which may induce irreversible impacts on the wetland and the riparian zone in future.
- (q) According to field observation in May 2012 and Aug 2013, the water feeding into the wet abandoned agricultural land originates from the Hoi Ha Stream and there is a small stream not shown in the maps prepared by PlanD. In a recent site visit, it was observed that the wetland was still inundated and a locally rare herbaceous plant, *Geissapis cristata* (雞冠苞覆花), was recorded. As this wetland is connected hydrologically with the HHW Marine Park, any pollutants entering this wetland will flow into the marine park. The rare plant will also be affected by any future development.
- (r) The lack of a 30m wide corridor would increase the likelihood of septic tank soakaway sewage effluent reaching the stream via ground water causing secondary impacts of pollution on Hoi Ha Stream and the HHW Marine Park.

### *Notes of “GB”, “CA” and “CPA” Zones*

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

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



#### Inadequate and misleading information

- (t) Inadequate and misleading information including maps have been used to designate “V” and “GB” zone and the boundaries of the HHW Marine Park and the SSSI. The maps do not reflect the effects of coastal erosion in the past 30 years. Up-to-date map should be used to show the current boundaries of the beaches accurately following the high tidal marks, and in designating “CPA” zone.
- (u) Within the proposed "V" and "GB" zones, there is a network of streams and associated wetlands. The network of small streams flow into a wetland leading to a significant stream that flows directly into HHW. The hydrological complex is separate from the Hoi Ha Stream and it is essential that a full survey be carried out in the period July - August to obtain hydrological data in the wet season.
- (v) The ecological information from AFCD is inadequate, in particular, no proper survey has been undertaken for the proposed “V” zone and “GB” areas and the Hoi Ha Stream has not been accorded the prominence as a natural resource and environmentally sensitive area that it deserves<sup>3</sup>.

#### Designation of Country Park Enclave as Country Park

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

### **Proposals**

#### ***Group 1***

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

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

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

## **Group 2**

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

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

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

### **3. Comments on Representations**

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

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

#### **Preparation of Hoi Ha DPA Plan**

- 4.1 On 1.9.2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a DPA Plan for the Hoi Ha area.
- 4.2 On 30.9.2010, the draft Hoi Ha DPA Plan No. DPA/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance. During the plan exhibition period, a total of 18 representations were received. On 10.12.2010, the Board published the representations for public comment and in the first three weeks of the publication period, no comment was received. After giving consideration to the 18 representations on 8.4.2011, the Board decided not to meet the representations and not to propose any amendment to the draft DPA Plan.
- 4.3 On 4.10.2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Hoi Ha DPA Plan, which was subsequently renumbered as DPA/NE-HH/2. On 14.10.2011, the approved Hoi Ha DPA Plan No. DPA/NE-HH/2 was exhibited for public inspection under section 9(5) of the Ordinance.

### Preparation of Hoi Ha OZP

- 4.4 On 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Hoi Ha area. On 28.6.2013, the Board gave preliminary consideration to the draft Hoi Ha OZP and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the SKNRC for consultation, subject to the refinement of the “V” zone boundary following the principles that the abandoned wet agricultural land be excluded from the “V” zone, a 20m wide buffer from the Hoi Ha Stream be allowed and the existing topographical features and paddy field boundaries be followed. On 12.7.2013, the Board noted the revised boundary of the “V” zone in the draft Hoi Ha OZP.
- 4.5 The TPDC and SKNRC were consulted in July 2013. While they appreciated that “V” zone has been designated on the draft OZP to address their concern, they considered the size of the “V” zone insufficient to meet the future demand as it would only provide land to meet about 68% of the 10-year Small House demand, and there was too little Government land in the “V” zone for Small House development. In order to cater for the Small House demand in the coming 10 years, the VRs suggest that the “V” zone should be enlarged by extending its boundary westward to cover part of the area currently proposed as “CA”.
- 4.6 A meeting with villagers/residents was held in August 2013. Comments from KFBG, local concern groups<sup>4</sup> and individuals were also received. Villagers were concerned about that most of the land proposed for “V” zone extension was owned by developers, thus might not be made available for them to build Small Houses. The green/concern groups and residents were of the view that whilst the “CA” and “CPA” zones were supported, the “V” zone was too large and that the “GB” zone would be prone to future developments, and considered that the “V” zone should be confined to the existing village cluster and Hoi Ha should be designated as country park.
- 4.7 On 13.9.2013, the draft Hoi Ha OZP, together with comments received from the TPDC, SKNRC, villagers, green/concern groups and the members of public, were submitted to the Board for further consideration. The Board noted the comments and agreed that the draft OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance. The SKNRC and TPDC were consulted in October and November 2013, and they generally objected to the draft OZP and considered that the Government had ignored the requests of local villagers and rights of private land owners, and public sewers or sewerage systems should be provided to cater for the need of villagers
- 4.8 Subsequently, the SKNRC (**R10736**) submitted representation opposing to the draft OZP.

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

## 5. Planning Consideration and Assessments

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

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

#### Planning Scheme Area

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

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

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

### **Planning Intention**

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

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

## **Responses to Grounds of Representations and Representers’ Proposals**

### **Supportive Representations**

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

### **Adverse Representations**

#### Designation of “V” zone

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

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

**Table 1**

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

5.19 The representers, in particular the green/concern groups have collated large amount of supporting information<sup>6</sup> to demonstrate that the western portion of the proposed “V” zone is occupied by undisturbed secondary woodland comprising a considerable number of mature trees and plant species of conservation concern, and is ecologically linked with the adjacent “CA” and “GB” zones. Particularly, a grouped of mature trees, including Chinese Banyan on the western edge of the "V" and a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉) are found. As such, they consider that the woodland area should be protected by conservation zones such as “CA” and “GB” and excluded from the proposed “V” zone.

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

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

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

<sup>5</sup> Five of these 15 applications have received planning approval from the Board.

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



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

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

**Table 2**

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

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

#### Small House Demand

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

<sup>7</sup> Five of these 15 applications have received planning approval from the Board.

Environmental Impact on Hoi Ha Wan Marine Park

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

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

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

#### Notes of the Plan

- 5.33 As the planning intention of the "V" zone is to provide land for New Territories Exempted House (NTEH), it is appropriate to put NTEH in Column 1 of "V" zone. As regards other proposed changes put forth by the representers,
- (a) AFCD has reservation on moving 'Agricultural Use' and 'On-Farm Domestic Structure' to Column 2 of conservation zones<sup>8</sup> from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Moreover, AFCD advises that permission from the Board is required for any works relating to diversion of streams, filling of land/pond or excavation of land which may cause adverse impacts on the natural environment. Taking into account the above factors, AFCD agrees that there is no strong justification for imposing more stringent control on Column 1 uses in the relevant zones.

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<sup>8</sup> Some representers suggested it should be deleted in all zones

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

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

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

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

Inadequate and misleading information

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

Designation of Country Park Enclaves as Country Parks

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

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

***Group 1***

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

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

Rezoning of the “CPA” zone to “V”

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

**Group 2**

Designation of “CDA”

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

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

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

Designation of Country Park Enclaves as Country Parks

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

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

- (f) According to DLO/TP, as per the STT covering the Tolo Adventure Centre<sup>10</sup>, the 3m rule refers to trees within the STT boundary. In light of this, the reason for expanding the site boundary due to the tenancy requirement is not justified. Regarding the proposal to rezone the footpath leading to the site for easier maintenance and repair of the footpath, DLO/TP advises that the footpath falls outside the STT boundary and it is uncertain how the proposed amendment could facilitate the maintenance of the footpath. It should be noted that maintenance or repair of road (including footpath) is always permitted in the “CA” zone under the covering Notes of the Plan.

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

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

## **Responses to Grounds of Comments**

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

## **6 Consultation**

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

## **7 Planning Department's Views**

### ***Supportive Representations***

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

### ***Adverse Representations***

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

## ***Group 1 and Group 2***

### Designation of "V" Zone

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

## ***Group 1***

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

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

### Rezoning of "CPA" to "V"

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

## ***Group 2***

### Environmental Impact on Hoi Ha Wan Marine Park

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



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

Inadequate and misleading information

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

Designation of "CDA"

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

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

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

Designation of Country Park Enclaves as Country Parks

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

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

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

## **8 Decision Sought**

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

## **9 Attachments**

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

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

**PLANNING DEPARTMENT**  
**APRIL 2014**

b頁 1 - 1(B)

TPB/IS/NE-HH/-  
TPB/IS/NE-SLP/- C3640  
TPB/IS/SEK-PL/-

tpbd@pland.gov.hk

寄件者:  
收件者:  
副本:

"Iowa Planning Board" &lt;tpbd@pland.gov.hk&gt;

14/02/2014 下午 11:42

傳送日期:  
附加檔案:  
主旨:

14.2.2014 Friends of Sai Kung to TPB comments on representations.doc

For the OZP SNE-HH/1, Pak Lap OZP SSK-PL/1, So Lo Pin SNE-SLP/1, Pak Tam Au, To Kwa Peng (SNE-TPB) and Tin Fu Tsai

Dear sir,

Please find attached comments.

Kindly acknowledge receipt and maintain my personal data privacy.

Yours sincerely,

Friends of Sai Kung

Friends of Sai Kung

Mr. Leung Chun Ying  
Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
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Secretary for Development  
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Country and Marine Parks Authority  
Agriculture, Fisheries and Conservation Department  
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Mr. Tang King Shing  
Chairman and Members of the Country and Marine Parks Board  
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Mr. Ling Kar Kan  
Director of Planning  
Planning Department  
17/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong

all 3-15

1

Email: [kkl@pland.gov.hk](mailto:kkl@pland.gov.hk)

Ms. Bernadette Lim  
Director of Lands  
Lands Department  
20/F, North Point Government Offices,  
333 Java Road, North Point, Hong Kong  
Email: [DL@office@pland.gov.hk](mailto:DL@office@pland.gov.hk)

Mr. Thomas Chow Tai Ming  
Chairman and Members of the Town Planning Board  
15/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
Email: [tpbd@pland.gov.hk](mailto:tpbd@pland.gov.hk)

cc: Save Our Country Parks - [saveourcountryparks@gmail.com](mailto:saveourcountryparks@gmail.com)

Hong Kong 14<sup>th</sup> February 2014

By email only: [tpbd@pland.gov.hk](mailto:tpbd@pland.gov.hk)

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Lim  
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-SL/PL, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Further to our letter dated 7<sup>th</sup> 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-SL/PL)*

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 Sessalid 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-TF/TI)*

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



b頁 1-1(B)

TPB/IS/NE/HK/  
TPB/IS/NE/SLP/  
TPB/IS/SLP/L/

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副本: 14/02/2014 下午 06:01

傳送日期: DHK HH PL SLP comment TKP PTA TPT representation Feb2014.pdf

附加檔案: 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

主寄: 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

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Secretary for the Environment  
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Mr. Paul Chan Mo Po  
Secretary for Development  
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Mr. Alan Wong Chi Kong  
Director of Agriculture, Fisheries and Conservation Department  
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Mr. Tang King Shing  
Chairman and Members of the Country and Marine Parks Board  
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Mr. Ling Kar Kan  
Director of Planning  
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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,

Unit 7, 5/F, Eastern Harbour Centre, 28 Hoi Chak Street, Quarry Bay,  
Tel: +852 3104 3107 Fax: +852 2187 2305

all 3-16



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 DASC 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

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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 Hol 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:

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- 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 TISW 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



TPB/R/S/INE-HH/1-  
TPB/R/S/INE-SLP/1- C3657  
TPB/R/S/SK-PL/1-

tpbpd@pland.gov.hk

寄件者: "Chiu Ying Lam" <chiuypd@pland.gov.hk>  
收件者: <chiuypd@pland.gov.hk>  
傳送日期: 14/02/2014 下午 11:56  
附加檔案: 20140214 HKCF submission to TPB.doc  
主旨: Re: Submission re re Hoi Ha OZP SNE-HH/1, So Lo Pun OZP SNE-SLP/1 and Pak Lap OZP SSK-PL/1

Dear Sir,

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

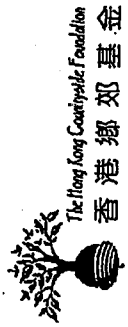
Lam Chiu Ying  
Hong Kong Countryside Foundation Ltd

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



Mr Thomas Chow  
The Chairman  
Town Planning Board  
15<sup>th</sup> 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 30<sup>th</sup> 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 files in the face of the Audit Commission's recommendations.

3. Failure to implement Enclave Policy. Instead of AFCD proceeding to designate 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

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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/ 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 HKSAR'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 rectifying 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.

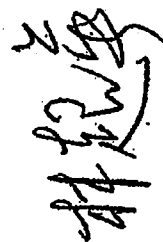
18. For those Enclaves which are deemed suitable for OZP, not CP, the land outside the V zone will be mostly CA to conserve and provide a buffer zone for CP. The precedent is the final OZP for Tai Long Wan in 2001, see OZP IS/SK-TLWS.

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:-
- 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.
  - Defective and erroneous descriptions and reasoning is used and Ecosystem Approach not used.
  - Breach of Technical Memorandum for Water Pollution Control Ordinance Section 4.4.3 and Section 9.1.
  - Omitted all reference to the key Country Park Enclave Policy.
  - 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
  - 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
- Excessive V zone with no proof of indigenous villagers' need, but proof that there has been no need or use for about 30 years.
  - 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
  - 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
- Excessive V zone for 230 residents when census claimed only 50. These will be "incompatible uses."
  - Impacts on landscape, recreation and ecology values of Country Park as a whole have not been assessed per Enclave Policy.
  - The Planning Intention should be to protect pending Country Park assessment and designation.
  - 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
  - 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
- request the Planning Department to withdraw other Enclaves from preparation for OZP;
  - preserve the status quo to give the AFCD time to assess Hoi Ho, So Lo Pun, Pak Lap and all other Enclaves under the Enclave Policy and prepare Draft Plans for Country Park Extensions.
  - protect the interest of over 13 million visitors per year who enjoy the current integrity of our Country Park system.
  - 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

b頁 1-2(B)

TPB/R/SNE-HH/1-C368

tpbpd@pland.gov.hk

寄件者: "Cindy Choi"  
 收件者: tpbpd@pland.gov.hk  
 日期: 14/02/2014 下午 11:16  
 傳送日期: AGHK letter to TPB Draft OZP No. S/NE/H/1-D-14-02-2014.pdf  
 附加檔案: Re: Comments on Representation TPB/R/SNE-HH/1-799 on Draft Hoi Ha Outline Zoning Plan  
 主旨: Dear Secretariat,

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

Best regards,

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



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/SNE-HH/1-799 on Draft Hoi Ha Outline Zoning Plan  
 No. S/NE-HH/D

Further to the representations of TPB/R/SNE-HH/1-799, Association for Geoconservation, Hong Kong would like to raise our serious concerns on the Draft Hoi Ha 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 geological and ecological value of Hoi Ha Wan.

Hoi Ha Wan is an easily accessible outdoor classroom exhibiting clear geological features of collapsed volcanoes, weathering and deposition. The volcanic rocks of Hoi Ha dated back to 140 million years old which are same as the High Island Formation of our Hong Kong Global Geopark of China. The east-west trending fault, lapilli bearing coarse ash tuffs, monzonite intrusion, presence of a lot of minor faultjoints are evidences of a small caldera. In here, one could found plenty of weathering features - especially physical weathering along joints or minor faults to form block disintegration and boulder valleys. The sand spits, sand bars and beaches in the inner bay exemplify the beautiful and representative depositional features. The relatively calm inner bay and peaceful environment offers high aesthetic value. Any project developments will totally destroy the naturalness and coastal features of Hoi Ha Wan.

Ecologically, the Hoi Ha Wan's shoreline, with its band of mangroves and back-mangroves are a vital part of the marine ecosystem. The mangroves provide food and habitat (breeding and nursery grounds) for fish, marine and terrestrial animals, insects including the newly-discovered Mangrove China-Mark Moth and birds. They are essential for our wildlife sanctuaries and reserves of biodiversity. In addition, the mangroves have effectively stabilized the coastline after a period of coastal erosion.

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



The Hoi Ha Wan Marine Park and SSSI provide protection of the mangroves only up to the High Tide Mark. With the likely increasing development of small houses near the coast, those mangroves and back-mangroves along the coast are likely to suffer damage or removal.

The change of land use in Hoi Ha as proposed in the draft OZP and the uncontrolled agricultural land (under GB Column 1) would further increase the pollution load into Hoi Ha Wan Marine Park. The cumulative effect of these developments poses serious threat to the water and entire ecological environment. Corals and the associated reef fishes are sensitive to excess nutrients and turbidity. Deteriorated water quality would result in a lower coverage of hard corals and decline in fish abundance.

The provision of land for small house developments in the proposed V zone would result in the loss of current secondary woodland as well as an existing marsh and natural stream. The natural stream and tidal creek are foraging grounds of Brown Fish Owls which are of Regional Concern and also listed under Class II in the List of Wild Animals under State Protection in China.

The V zone is located less than 500 m from a Marine Park/SSSI, adjacent to the proposed CPA and CA and within the Hoi Ha Site of Archaeological Interest and within 500 m from the Hoi Ha Lime Kiln (which is also considered as a site of archaeological interest). We are concerned that the extensive area of V zone would result in adverse environmental impacts to these sensitive receivers nearby.

In order to provide adequate protection and conservation of the natural coastline, the geological features of Hoi Ha, natural stream, marsh, the associated woody and shrubby areas and the extensive sensitive receivers, we therefore strongly urge the Town Planning Board to include Hoi Ha into Sai Kung West Country Parks to ensure proper planning control and management for conserving the geological, ecological and cultural heritage of Hoi Ha.

Yours sincerely,

Cindy Choi (as signed)

Vice Chairman

Association for Geoconservation, Hong Kong

Email: [REDACTED]

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

C1

To: info@countryparks.hk  
ceo@cao.gov.hk  
sen@arb.gov.hk

cc

bcc

Carol Biddle

Sent by

10/02/2014 19:20



Subject: Protect the Country Parks from the Small House Policy (HCand Biddle)

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Hong Kong, February 2014

to:

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

Mr. Paul Chan Mo Po

Secretary for Development  
18/F, West Wing, Central Government Offices  
2 Tim Mei Avenue, Tamar, Hong Kong  
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,  
203 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,  
303 Cheung Sha Wan Road, Kowloon  
Email: mailbox@afcd.gov.hk

Mr. Ling Kai Kon

Director of Planning  
Planning Department  
17/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
Email: kding@pland.gov.hk

Ms. Bernadette Lim

Director of Lands  
Lands Department

20/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
Email: D1office@land.gov.hk

Mr. Thomas Chow Tai Ming Chairman and Members of the Town Planning Board 17/F, North Point Government  
Offices 333 Java Road, North Point, Hong Kong Email: tpb@pland.gov.hk

CC to:

Save Our Country Parks  
Email: saveourcountryparks@gmail.com

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. Lim, 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, CMPS and TPA 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 CMPS control over development and management of the area.
- To extend the CPA 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 EMO.
- 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 10,818-10,838.

*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/N/E-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 linked 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 Tai 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 Pui 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 park.*

- To remove all 'Village Type Development' zoning and stop granting premission 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 Blidell

Email : 

TPB\NSINE-444-  
TPB\NSINE-SUPP-  
TPB\NSISKPLJ-

C2

To Info@countryparks.hk  
ccs@seo.gov.hk  
sen@enb.gov.hk

cc

bcc

Subject 保衛郊野公園免受小型屋宇發展威脅 [附: Hau Juelin]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Hau Juelin

Senl by:

10/02/2014 19:39



香港政府秘書處  
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官邸  
秘書長  
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香港北角海濱道 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: cbpd@pland.gov.hk

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

保衛郊野公園免受小型屋宇發展威脅

反對現時規劃圖則  
——保護地下、白蟻、綠蟻、北角四、土瓜灣及田夫村不受破壞性填海發展入侵

敬啟者:

本人原以此函表達支持保衛郊野公園及反對發展「不包地土地」的想法。

在郊野公園成立之時，某些填海的村莊及農地即使出讓公園範圍之內卻沒有納入郊野公園，未有保護，是為「不包地土地」。

2010年香港填海計劃，事件令政府及市民更意識到填海對郊野公園的行動和破壞郊野公園內的「不包地土地」。這些「不包地土地」的地理、生態、地質和郊野公園相連，多年來不受保護，造成香港郊野公園世界級的自然及風景價值。

A) 我們在此要求特許、政府、郊野公園及海岸公園委員會與城市規劃委員會承認以下填海發展郊野公園：將「不包地土地」納入郊野公園範圍內，其填海自然環境與郊野公園及海岸公園委員會有共同利益。

· 所有更完善的填海計劃「不包地土地」納入郊野公園，「包圍者」地區應延長一年。

· 限制「不包地土地」填海發展及已批准的小型屋宇申請。

· 不應在郊野公園範圍內興建新的「不包地土地」。

· 「不包地土地」的填海計劃及填海工程須符合大綱。

· 將「不包地土地」內的所有發展和填海項目列入「填海發展評估表」，下地指定工程項目。

· 填海計劃應以填海郊野公園的生態、風景、景觀和環境價值。

· 防止「不包地土地」填海發展。  
· 把「屋宇」及「屋宇」(只限郊野公園範圍內)從「不包地土地」填海發展的第一個移至第二個，以確保任何填海發展，重要發展必須得到政府批准。

B) 我們支持以下反對發展及其中途中所提的建議：

· 發展區分區計劃大綱草案 (S/NESL/21)  
· 我們支持由建議795至10,735及10,818至10,858的反對以及建議。

· 發展區分區計劃大綱草案 (S/NESL/21)  
· 我們支持由建議795至10,735及10,378至10,775的反對以及建議。

· 發展區分區計劃大綱草案 (S/NESL/21)  
· 我們支持由建議795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案並提出以下修改建議：(S/NE-TKP/B)

· 此「不包地土地」應全數納入西貢郊野公園，以填海發展郊野公園在生態上及地理上的損害。

· 「不包地土地」應全數納入西貢郊野公園，以填海發展郊野公園在生態上及地理上的損害。

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· 田夫村分區計劃大綱草案 (S/TH-TF/21)

· 為了保護田夫村及填海，此「不包地土地」應全數納入西貢郊野公園。

· 田夫村分區計劃大綱草案 (S/TH-TF/21)

· 為了保護田夫村及填海，此「不包地土地」應全數納入西貢郊野公園。

· 田夫村分區計劃大綱草案 (S/TH-TF/21)

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· 田夫村分區計劃大綱草案 (S/TH-TF/21)

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· 田夫村分區計劃大綱草案 (S/TH-TF/21)

· 為了保護田夫村及填海，此「不包地土地」應全數納入西貢郊野公園。

· 田夫村分區計劃大綱草案 (S/TH-TF/21)

其他意見:

此致

香港特別行政區行政長官林鄭若瑟先生  
環境局長黃錦星先生  
發展局局長陳茂波先生  
漁農自然護理署署長黃錦光先生  
郊野公園及鄉村公園委員會主席鄧錦成先生  
城市規劃委員會主席羅漢明先生  
環境保護署長徐永雄先生

Hau Justin 羅啓

二零一四年二月

機密

**Summary of Representations in Group 1 and PlanD's Responses**

The representations (R1 to R798 and R10,736, R10,740, R10,741, R10,743 to R10,749) in Group 1 are mainly submitted by villagers, Sai Kung North Rural Committee and individuals. Their grounds of representations and proposals as well as the PlanD's response are summarized below:

<b>Representation Points</b>	<b>PlanD's Responses</b>
<b>Grounds of Representations</b>	
<b>A. Inadequate land within "Village Type Development" ("V") zone</b>	
<p>There is insufficient suitable land in the proposed "V" zone for Small House development due to topographical constraints and the proposed "V" zone is not large enough to satisfy the future demand for Small Houses.</p> <p>Apart from the need to conserve the environment and to provide relevant recreational facilities at Hoi Ha, due regard should be given for Small House development so as to strike a balance between conservation and development.</p>	See TPB Paper paras 5.15 to 5.24
<b>Proposals (Drawing H-1 and Plan H-1a)</b>	
<b>P1. Rezoning western part of "Conservation Area" ("CA") to "V"</b>	
As the land at the western part of the Area, currently zoned "CA", could be used for a water sports recreation centre and AFCD's proposed visitor centre for the marine park, it should be rezoned to "V" for Small House development.	See TPB Paper para 5.35 (a)
<b>P2. Rezoning "Coastal Protection Area" ("CPA") to "V"</b>	
Large amount of private land has been found in the proposed "CPA" zone and should be rezoned to "V".	See TPB Paper para 5.35 (b)

Representation Points	PlanD's Responses
<b>P3. Rezoning "CA" along Hoi Ha Road to "GB"</b>	
<p>Since most of the land within the "V" have already been occupied by existing village houses, rezoning part of the "CA" along the existing Hoi Ha Road to "GB" could provide an opportunity for the villagers to submit planning applications for Small House development in future.</p>	<p>See TPB Paper para 5.35 (a)</p>

**Summary of Representations in Group 2 and PlanD's Responses**

The representations (**R799 to R10,735 and R10,750 to R10,934**) in **Group 2** are submitted by Legislative Councillors, District Council Member, green/ concern groups, related organizations and individuals. Their grounds of representations and proposals as well as the PlanD's responses are summarized below:

<b>Representation Points</b>	<b>PlanD's Responses</b>
<b>Grounds of Representations</b>	
<b>B. Designation of "Village Type Development" ("V") zone</b>	
<p><b><u>B1. Small House Demand</u></b></p> <p>The demand for Small House is infinite and has been determined without any justifications and verification. The prevailing Small House Policy is unsustainable and majority of applications are abusing the Policy. Designation of "V" zones should be based on a more realistic estimation of the need for Small Houses.</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>In the past 20 years, only seven new houses were built in Hoi Ha. The population of Hoi Ha has not been changed significantly in recent years. Majority of land in the "V" zone has been sold to private developers and would eventually become property projects. The size of the "V" zone should be reduced to avoid development expectations.</p>	See TPB paper para 5.25
<p><b><u>B2. Environmental Impact on Woodland</u></b></p> <p>The proposed village expansion area (zoned "V") to the west of the existing village cluster is occupied by secondary woodland comprising a considerable number of mature trees, including Chinese Banyan on the eastern edge of the "V" and a plant species of conservation concern (<i>Hong Kong Pavetta</i> 香港大沙葉). According to WWF, apart from a few small patches of disturbed area near the existing village and the public toilet as indicated by the dominance of invasive species <i>Mikania micrantha</i> (薇甘菊), the majority of the area is undisturbed or relatively undisturbed.</p>	See TPB paper paras 5.15 to 5.24



Representation Points	PlanD's Responses
<p>Small House developments would result in the loss of the woodland habitats and disturbances to the natural stream and tidal creek which are foraging grounds for Brown Fish Owls (scarce in Hong Kong and feed in undisturbed unpolluted lowland streams and tidal creeks).</p> <p>Agriculture, Fisheries and Conservation Department (AFCD) should carry out a full four season ecological study of the proposed "V" zone to assess its ecological value and the "Precautionary Principle" should be adopted, i.e. environmental damage should be assumed to be threatened unless proven otherwise.</p> <p>There is inconsistency in the designation of "CA" zone for protection of biodiversity in different country park enclaves. In Pak Lap, areas covered with young native woodlands containing a plant species of conservation interest (<i>Hong Kong Pavetta</i>) are zoned "CA" whilst the woodland with <i>Hong Kong Pavetta</i> in Hoi Ha is zoned "V".</p> <p>To avoid environmental impacts to the existing woodland, nearby natural stream and Marine Park and to prevent degradation of the landscape value of the area, the "V" zone should be reduced and the undisturbed woodland area should be rezoned as "GB".</p>	
<p><u>B3. Environmental Impact on Hoi Ha Wan Marine Park</u></p> <p>The HHW Marine Park has very high biodiversity in its intertidal and sub-tidal zones. The construction of the 60 to 90 Small Houses envisaged under the proposed OZP will inevitably destroy or fragment natural habitat and reduce biodiversity either during the construction or in its aftermath and result in various cumulative environmental pressures upon the local ecosystems.</p> <p>The septic tank and soakaway (STS) system can only provide a minimum level of sewage treatment. The effluent from a septic tank still carries a very high nutrient, organic and microbiological loads which can only be effectively attenuated in circumstances where the ground conditions are suitable and development density is low. STS system is often not effective in removing pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks.</p> <p>The underlying surface sediment in the Ho Hai Area comprises porous and highly permeable deposits (e.g. sand), which allows for rapid drainage. As such, adequate purification cannot be achieved by STS system before the wastewater reaches the sea. The (ProPECC PN 5/93) does not cover this unique situation of Hoi Hai. The discharge of sewage effluent and wastewater from the large number of village houses with STS system in the proposed</p>	<p>See TPB paper paras 5.26 to 5.32</p>

Representation Points	PlanD's Responses
<p>‘V’ zone would pose a severe threat to the marine life of HHW Marine Park. There is no geology assessment on the cumulative sewage percolation to the HHW Marine Park/Site of Special Scientific Interest (SSSI).</p> <p>The village of Hoi Ha is in an unusual situation in Hong Kong in that it is an inhabited village adjacent to costal beach/sea area of HHW which is a SSSI and heavily utilised for recreational activities. Hence, reference should be made to the Technical Memorandum under the Water Pollution Control Ordinance to establish the statutory set back distance (e.g. 100m) from STS system to coastal water. Compulsory use of self-contained chemical toilets and wastewater treatment systems should be required to avoid contamination of the soils, stream, wetland and marine environments of HHW.</p>	
<p><u>B4. Notes of “V” Zone</u></p> <p>Stricter planning control should be imposed requiring planning permission for ‘NTEH’, ‘Eating Place’ and ‘Shop and Services’ uses and any demolition, addition, alteration and/or modification to an existing building in “V” zone.</p>	See TPB paper para 5.33
<p><u>B5. Cumulative Impact Assessment</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 HHW. The carrying capacity for individual enclave sites and the overall capacity of all Country Park enclaves (CPEs) in Sai Kung East/West must be carefully studied before an informed and responsible decision on land use and small house numbers can be made.</p> <p>There is also no plan to improve the infrastructure (e.g. sewage, road access, car parking and public transport) to support new developments at Hoi Ha and visitors to the Area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Hoi Ha and to prevent the existing village from polluting HHW.</p>	See TPB paper paras 5.31 and 5.32

Representation Points	PlanD's Responses
<b>C. Adequacy of "GB" zone</b>	
<p>The upper section of the Hoi Ha Stream is a designated Ecologically Important Stream (EIS). The proposed "GB" zone adjoining the lower section of the stream should be zoned "CA" or "CPA" in view of its ecological significance. The real planning intention of "GB" zone may not be conservation-led as planning permission is often given to Small House development in "GB", which may induce irreversible impacts on the wetland and the riparian zone in future.</p> <p>According to field observation in May 2012 and Aug 2013, the water feeding into the wet abandoned agricultural land originates from the Hoi Ha Stream and there is a small stream not shown in the maps prepared by PlanD. In a recent site visit, it was observed that the wetland was still inundated and a locally rare herbaceous plant, <i>Geissapis cristata</i> (雞冠苞覆花), was recorded. As this wetland is connected hydrologically with the HHW Marine Park, any pollutants entering this wetland will flow into the marine park. The rare plant will also be affected by any future development.</p> <p>The lack of a 30m wide corridor would increase the likelihood of septic tank soakaway sewage effluent reaching the stream via ground water causing secondary impacts of pollution on Hoi Ha Stream and the HHW Marine Park.</p> <p><u>Notes of "GB", "CA" and "CPA" Zones</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", "CPA" and "GB" zones should not be allowed or should be Column 2 uses requiring planning permission of the Board.</p>	<p>See TPB paper paras 5.33 (a) and (b), 5.34 (a) and (b)</p>
<b>D. Inadequate and misleading information</b>	
<p>Inadequate and misleading information including maps have been used to designate "V" and "GB" zone and the boundaries of the HHW Marine Park and the SSSI. The maps do not reflect the effects of coastal erosion in the past 30 years. Up-to-date map should be used to show the current boundaries of the beaches accurately following the high tidal marks, and in designating "CPA" zone.</p> <p>Within the proposed "V" and "GB" zones, there is a network of streams and associated wetlands. The network of small streams flow into a wetland leading to a significant stream that flows directly into HHW. The hydrological complex is separate from the Hoi Ha Stream and it is essential that a full survey be carried</p>	<p>See TPB paper paras 5.34 (c) and (d)</p>

Representation Points	PlanD's Responses
<p>out in the period July - August to obtain hydrological data in the wet season.</p> <p>The ecological information from AFCD is inadequate, in particular, no proper survey has been undertaken of the proposed "V" zone and "GB" areas and the Hoi Ha Stream has not been accorded the prominence as a natural resource and environmentally sensitive area that it deserves.</p>	
<b>E. Designation of Country Park Enclave as Country Park</b>	
<p>The objective of CPE policy is to protect the enclaves against "immediate development threats" from "incompatible developments" such as extensive new Small Houses built on agricultural land and near forests and streams. However, most of the OZPs prepared for the enclaves have included expanded "V" zone that will cause "immediate development threats" on a larger scale. This contradicts the stated CPE policy and fails to comply with the International Convention on Biological Diversity.</p> <p>The CPEs are well connected with the adjoining Country Parks from ecological, landscape and recreational points of view. They should be incorporated in Country Parks so that developments would be subject to scrutiny by the Country and Marine Parks Board (CMPB) and AFCD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities.</p>	<p>See TPB paper para 5.34 (e) and (f)</p>
Proposals (Plan H-1a)	PlanD's Responses
<b>P4. Confining the "V" zone</b>	
<p>The "V" zone should be confined to the existing structures/building lots and village expansion should be planned at area with lower ecological value. The western part of the proposed "V" zone should be rezoned to "CA" or "GB" to safeguard the woodland and HHW.</p>	<p>See TPB paper paras 5.15 to 5.24</p>
<b>P5. Designation of "Comprehensive Development Area" ("CDA")</b>	
<p>The existing village and the suggested village expansion areas should be designated as "Comprehensive Development Area" ("CDA"), within which planning restrictions should apply when applications for improvement and developments are made to ensure that the potential environmental impacts are properly</p>	<p>See TPB paper para 5.35 (c)</p>

Representation Points	PlanD's Responses
addressed. Consideration could also be given to swap land with the villagers so that land in the centre of the village can be released for provision of supporting facilities (e.g. playground), whereas government land in the east and south can be used for Small House development ( <b>Drawing H-3</b> ).	
<b>P6. Provision of a 30m “CA” zone buffer from Hoi Ha Stream</b>	
To separate the ecologically sensitive stream and HHW Marine Park from undersirable land use/development, the “GB” should be rezoned to “CA” of at least 30m width to protect Hoi Ha Stream from possible Small House developments ( <b>Drawing H-2</b> ).	See TPB paper paras 5.34 (a) and (b)
<b>P7. Provision of at least 30m from the shore for “CPA” zone</b>	
The “CPA” zone should be at least 30m from the shore to serve as a buffer to protect the coastline.	See TPB paper para 5.35 (d)
<b>P8. Designation of Country Park Enclaves as Country Parks</b>	
Hoi Ha should be designated as country park to protect its ecologically sensitive areas and the DPA plans should be extend for at least one year to allow for the required process. In the interim, the “V”, “GB” and non-conservation zonings could be rezoned to “Undetermined” to protect the natural environment.	See TPB paper para 5.35 (e)
<b>P9. Expanding the Boundary of the “OU(Water Sports Recreation Centre)” zone</b>	
To extend the “OU(Water Sports Recreation Centre)” zone by 5m along the boundaries to its north, south and east to facilitate maintenance of the surrounding vegetation as required under the lease conditions and to rezone the footpath linking Hoi Ha Road to Tolo Adventure Centre to “OU” or “Government, Institution or Community” (“G/IC”) to facilitate maintenance of the footpath ( <b>Drawing H-4</b> ).	See TPB paper para 5.35 (f)

**MAJOR POINTS OF ADVERSE REPRESENTATIONS  
IN RESPECT OF DRAFT HOI HA  
OUTLINE ZONING PLAN NO. S/NE-HH/1**

<b>Representation No. (TPB/R/S/NE-HH/1)</b>	<b>Representation Points [Representation Proposals] and Responses (Refer to Annexes III-1 and III-2)</b>
<b>GROUP 1</b>	
R1 to R798 and R10736	A [P1, P2, P3]
R10740 and R10741	A
R10743 to R10749	A [P1, P3]
<b>GROUP 2</b>	
R799 - R3655, R10578, R10579 and R10875	B, C, E [P4, P6, P8]
R3656 - R10542 and R10902	B, E [P4, P8]
R10543	B, D, E [P8]
R10544	B, C, E [P4, P8]
R10545 and R10546	B, D, E
R10547	D [P4, P6]
R10548, R10755 and R10859 to R10862	B, C [P4, P6, P8]
R10549, R10552, R10553, R10556 to R10567, R10569, R10573 to R10576, R10580, R10581, R10586, R10588 to R10592, R10722 to R10732, R10735, R10896, R10903, R10906 to R10909, R10921 to R10927 and R10929 to R10934	B
R10550	B, C, D [P4, P6, P8]
R10551, R10577, R10600 to R10604 and R10734	B [P8]
R10554, R10559, R10568 and R10593 to R10599	B, E
R10555	E
R10570 and R10572	[P8]

<b>Representation No. (TPB/R/S/NE-HH/1)</b>	<b>Representation Points [Representation Proposals] and Responses (Refer to Annexes III-1 and III-2)</b>
R10571	B, E [P8]
R10582 to R10584 and R10585	[P4, P6, P8]
R10587, R10750 to R10752, R10869 and R10874	B, C, D, E [P4, P6, P7, P8]
R10605 to R10721, R10730, R10886	B, E [P4]
R10733 and R10905	B, D [P8]
R10753, R10884, R10898 and R10901	B [P4, P8]
R10754	B, C [P4, P7, P8]
R10756, R10758 to R10855, R10863, R10864, R10866 - R10868 and R10871	B, C, D [P4, P6, P7, P8]
R10757	B, D, E [P4, P6, P7, P8]
R10856	B [P4, P7, P8]
R10857, R10858, R10870, R10897, R10899 and R10910	B [P8]
R10865	B, D [P6, P7, P8]
R10872, R10881, R10891 and R10900	B [P4]
R10873	B, C [P8]
R10876 to R10879	B, D, E [P4]
R10880	B, C, D, E [P4, P5, P6, P7, P8]
R10882, R10887, R10888 and R10889	B, C, D, E [P4, P8]
R10883	B, C, D, E [P4, P6, P8]
R10885	B, D [P4, P8]
R10890	B, D [P4, P7]
R10892, R10893 to R10895, R10904 and R10928	B, D
R10911 to R10920	[P9]

**Summary of Comments on Representations and PlanD's Response**

Comment No.	Reasons	PlanD's Responses
<p>C1 to C3655, C3661, C3663 and C3669</p> <p>(Total 3,658 comments)</p>	<p>A. The comments are mainly submitted by green/concern groups including Designing Hong Kong (<b>C3641</b>), Friends of Sai Kung (<b>C3640</b>), Friends of Hoi Ha (<b>C3663</b>) supporting the representations in <b>Group 2</b> (i.e. Representations numbered <b>R799</b> to <b>R10735</b> and <b>R10750</b> to <b>R10934</b>).</p> <p>B. Their major comments and proposals to the draft Hoi Ha Outline Zoning Plan (the Plan) are as follows:</p> <p><u>Designation of “Village Type Development” (“V”) zone</u></p> <p>The proposed “V” zone is not based on genuine 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>Environmental and cumulative Impact to Hoi Ha Wan Marine Park</u></p> <p>There is insufficient buffer area separating the expanded “V” zone from the area of Site of Special Scientific Interest (SSSI), wetland and important streams. The excessive “V” zone is not feasible, as there is no public sewerage and the provision of private sewerage treatment plant is unrealistic due to the site constraint in Hoi Ha. The provision of septic tank and soakaway (STS) systems for large amount of village houses will cause pollution to Hoi Ha Wan and potential health hazards to the villagers and general public. As a result, it increases the threats to the ecology, landscape and recreation values of Country Park. Therefore, village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Hoi Ha to address the potential pollution problem.</p>	<p>See TPB paper para 5.25</p> <p>See TPB Paper paras 5.26 to 5.32</p>



Comment No.	Reasons	PlanD's Responses
	<p><u>Adequacy of “GB” Zone and Provision of 30m buffer from the Hoi Ha Stream</u></p> <p>The eastern side of the Hoi Ha stream is only covered by “GB” zone, where the development in this zone is often permitted by the Town Planning Board (the Board). The cumulative pollution from the approved development will eventually damage whole stream as well as the SSSI and Marine Park below with high diversity of habitats.</p> <p><u>Inadequate and misleading information</u></p> <p>Poor information including underestimated ecological data, inaccurate map and incomplete landscape and technical assessment has been introduced to TPB in considering the Plan.</p> <p><u>Designation of Country Park Enclaves as Country Parks</u></p> <p>Incorporate enclaves into their surrounding Country Parks. 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>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 Plan 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>See TPB paper paras 5.34 (a) and (b)</p> <p>See TPB paper paras 5.34 (c) and (d)</p> <p>See TPB paper para 5.35 (e) and (f)</p>

Comment No.	Reasons	PlanD's Responses
C3656 to C3660, C3662, C3664 to C3668, C3670 to C3675 (Total 17 comments)	The comments are submitted by green/concern groups (i.e. Hong Kong Countryside Foundation ( <b>C3657</b> ), and the Association for Geoconservation, Hong Kong ( <b>C3668</b> )) and individuals. They do not indicate which representations the comments are related to but has general objection to the Plan from the similar grounds stated above.	Ditto.

## Extract of Notes of "V", "OU", "GB", "CA" and "CPA" zones

VILLAGE TYPE DEVELOPMENT

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

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

Eating Place  
 Library  
 School  
 Shop and Services

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)Planning Intention

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

Remarks

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

OTHER SPECIFIED USESFor "Water Sports Recreation Centre" only

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Holiday Camp Place of Recreation, Sports or Culture (Water Sports Recreation Centre only)	Eating Place Government Refuse Collection Point Government Use (not elsewhere specified) Place of Recreation, Sports or Culture (not elsewhere specified) Private Club Public Vehicle Park (excluding container vehicle) Religious Institution Shop and Services Social Welfare Facility Utility Installation not Ancillary to the Specified Use

Planning Intention

This zone is intended to designate land for the purposes of accommodating water sports recreational uses.

(Please see next page)

OTHER SPECIFIED USES (Cont'd)

For "Water Sports Recreation Centre" only

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing building shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, site coverage and building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

(Please see next page)

GREEN BELT (cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
	Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for Private Project

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Remarks

Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.



CONSERVATION AREA

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

Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

(Please see next page)

CONSERVATION AREA (Cont'd)

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

COASTAL PROTECTION AREA

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

Planning Intention

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

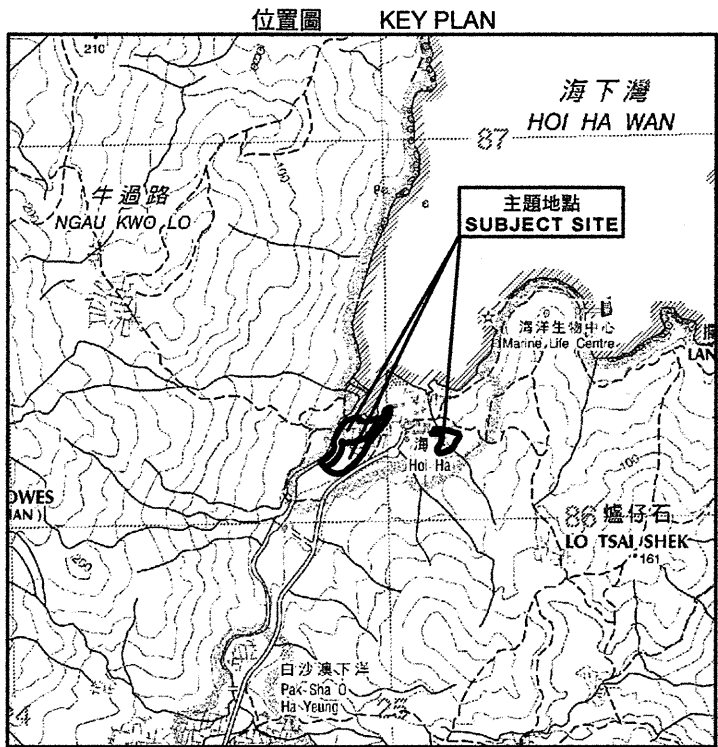
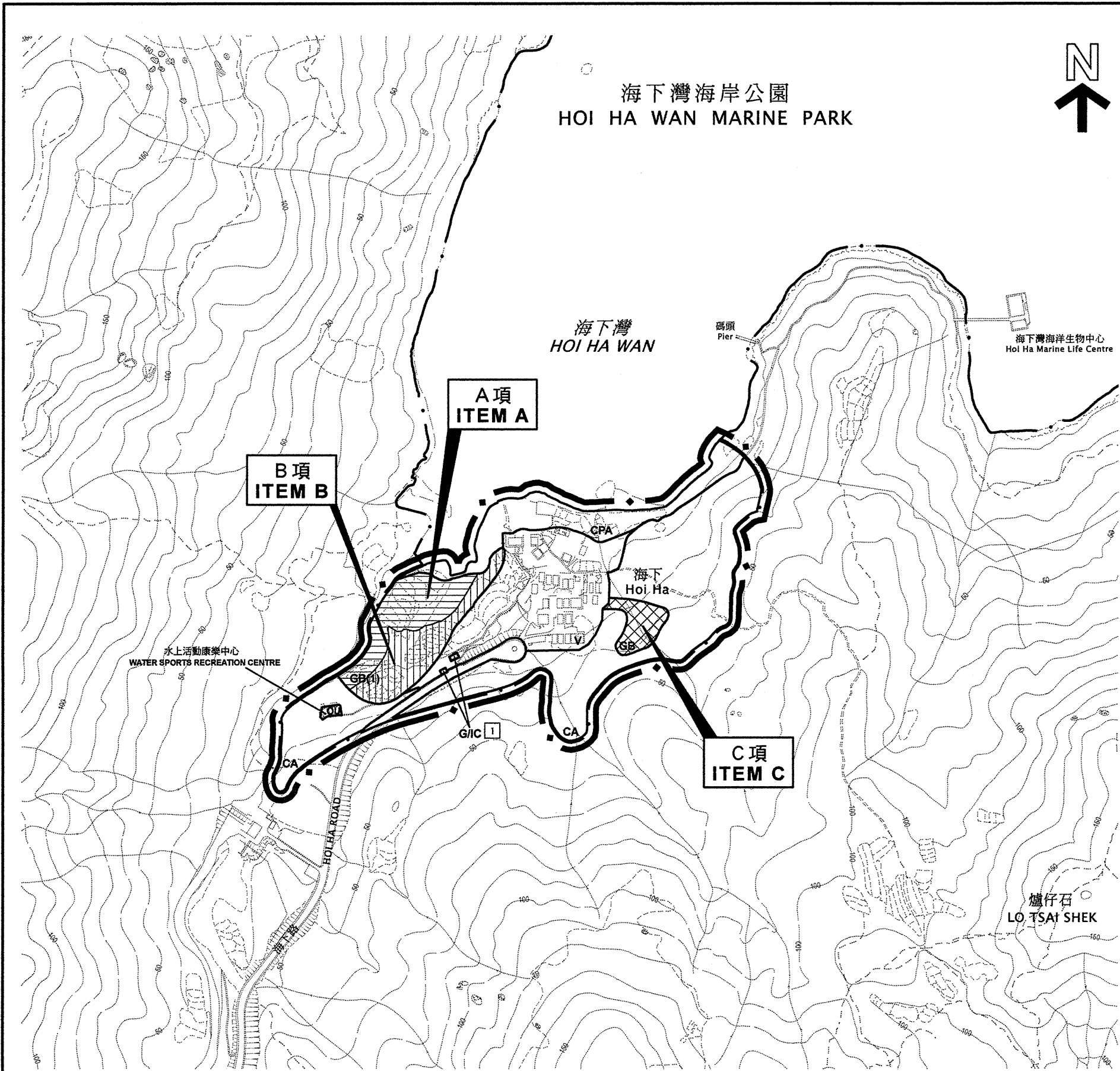
There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

(Please see next page)

COASTAL PROTECTION AREA (Cont'd)

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.



草圖編號 S/NE-HH/1 的建議修訂  
PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

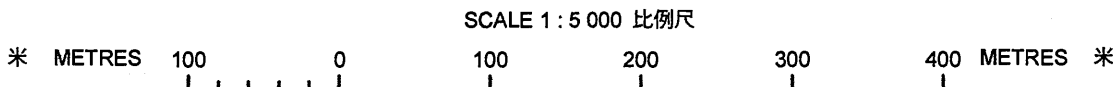
根據城市規劃條例第6C(2)條公布的建議修訂  
PROPOSED AMENDMENTS PUBLISHED UNDER SECTION 6C(2)  
OF THE TOWN PLANNING ORDINANCE

- A項 ITEM A
-  把「綠化地帶」地帶改劃為「綠化地帶(1)」地帶  
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"
- B項 ITEM B
-  把「鄉村式發展」地帶改劃為「綠化地帶(1)」地帶  
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"
- C項 ITEM C
-  把「自然保育區」地帶改劃為「綠化地帶」地帶  
REZONING FROM "CONSERVATION AREA" TO "GREEN BELT"

夾附的《註釋》屬這份圖則的一部分，  
《註釋》的建議修訂已根據城市規劃條例第6C(2)條公布。  
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN  
AND THE PROPOSED AMENDMENTS THERETO HAVE BEEN PUBLISHED  
UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

(參看附表)  
(SEE ATTACHED SCHEDULE)

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂  
PROPOSED AMENDMENTS TO DRAFT HOI HA  
OUTLINE ZONING PLAN No. S/NE-HH/1



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



圖則編號  
PLAN No. R/S/NE-HH/1 - A1

## 8. GENERAL PLANNING INTENTION

- 8.1 The general planning intention for the Area is to conserve its natural landscape and conservation value, to protect its natural and rural character, its cultural heritage, and to make provision for future Small House development for the indigenous village of Hoi Ha.
- 8.2 In the designation of various zones for the Area, considerations have been given to protect the ecological and landscape significance of the Area, which includes the Hoi Ha *Fung Shui* woodland that forms the wider natural system of the SKW Country Park and the HHW Marine Park. Considerations have also been given to delineate the area for future Small House development.

## 9. LAND-USE ZONINGS

### 9.1 “Village Type Development” (“V”) : Total Area 1.95 ha

- 9.1.1 The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.1.2 Hoi Ha is a recognized village and the only recognized village in the Area. The boundaries of the “V” zone are drawn up having regard to the village ‘environs’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 9.1.3 No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is the greater. Application for minor relaxation of these restrictions would be considered by the Board based on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.

which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is greater.

- 9.2.4 To provide design flexibility for particular development, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each application will be considered on its individual planning merits.

9.3 Other Specified Uses (Water Sports Recreation Centre) (“OU(WSRC)”) : Total Area 0.03 ha

- 9.3.1 This zone is intended primarily to reflect the existing use of the land at the western part of the Area currently occupied by a water sports recreation centre (the "Tolo Adventure Centre") to the north of Hoi Ha Road. The club is operated by a religious organization for over 30 years to provide water sports training facilities and overnight accommodation for teenagers. According to LandsD, there are 2 existing structures on the site under Short Term Tenancy with a total built-over area of about 71.5m<sup>2</sup>.

- 9.3.2 The following planning controls are applicable to this zone:

- (a) no redevelopment, including alternation and/or modification, of an existing building shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA plan, and
- (b) based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, site coverage and building height restrictions stated in paragraph (a) above may be considered by the Board on application under section 16 of the Ordinance.

9.4 “Green Belt” (“GB”) : Total Area **0.25** ha

- 9.4.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

- 9.4.2 ***The “GB” covers a piece of Government land to the east of the village cluster. The land is relatively flat and mainly covered by grasses which is contiguous to the existing village cluster.***

- 9.4.3 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines. As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

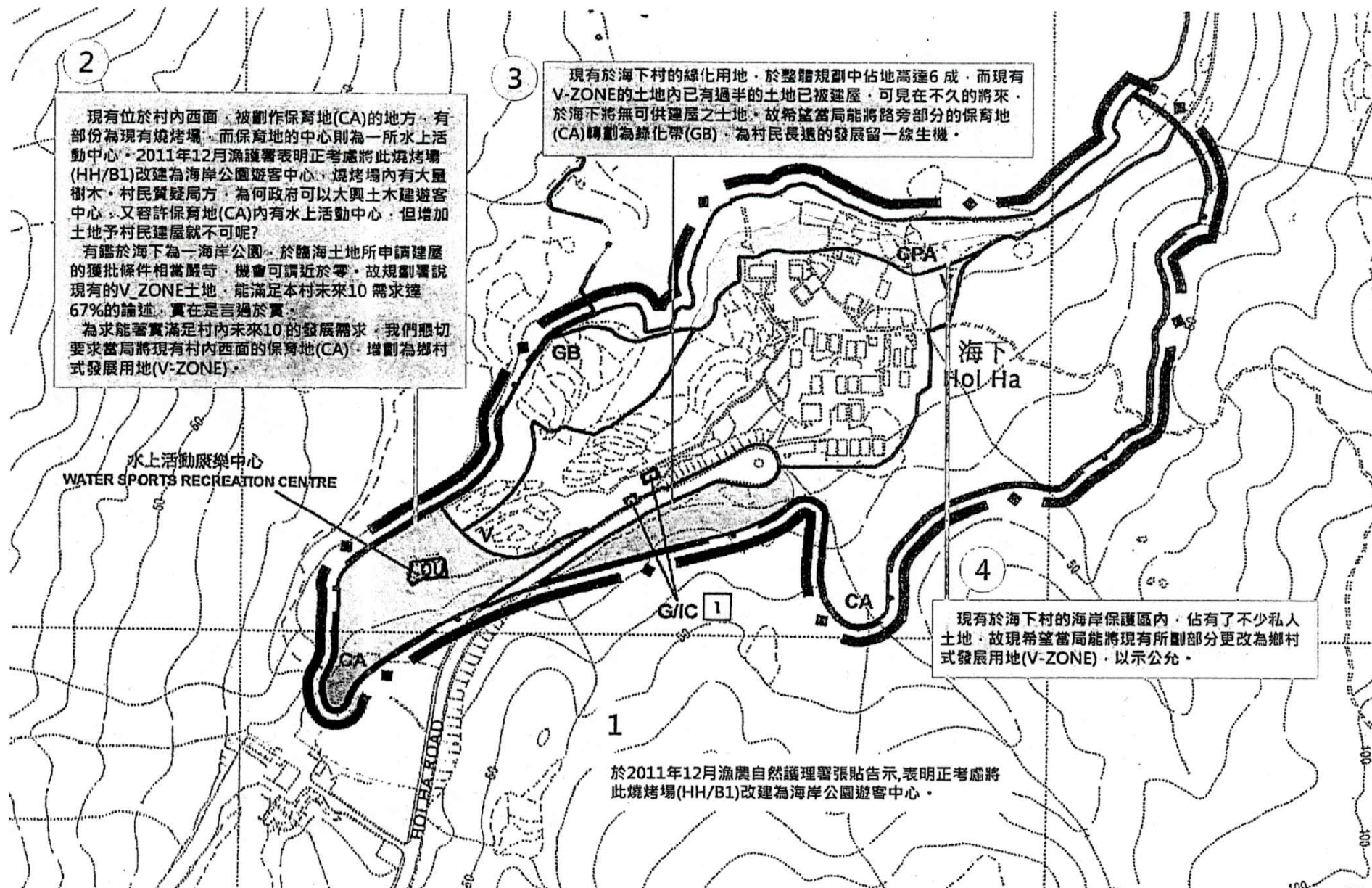
**9.5 “Green Belt(1)” (“GB(1)”) : Total Area 1.3 ha**

- 9.5.1 *The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone. In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.*
- 9.5.2 *The “GB(1)” covers mainly the areas to the west of the village and near the rocky stream that flows along the western boundary of the Area, which mainly consists of abandoned agricultural lands. Besides, a plant species of conservation concern (Hong Kong Pavetta 香港大沙葉) and a considerable number of large trees, including Chinese Banyan, can be identified in the woodland. It is also noted that part of the woodland is relatively undisturbed and there is a network of streams flowing through the woodland into the wetland leading to HHW. The “GB(1)” zone would serve as an ecological buffer between village development and the stream, and would help to prevent the significant landscape resource of this area from being negatively affected.*
- 9.5.3 *The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA plan.*
- 9.5.4 *As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.*



**9.6     “Conservation Area” (“CA”) : Total Area 3.72 ha**

- 9.6.1   This zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.
- 9.6.2   The “CA” zoning covers the woodlands on the hillsides to the east and south of the Hoi Ha Village, as well as a woodland at the western end of the Area, on the north side of Hoi Ha Road. These woodlands are quite natural in character and are ecologically-linked with the wide stretch of vegetation in the SKW Country Park. There is also a variety of protected plant and animal species of conservation concern. It is intended that with stringent planning control imposed under this zoning, the rich ecological and biological features in the areas can be protected and preserved.
- 9.6.3   There is a strip of land for traditional burial ground at the southern part of the hillslopes within this zone. It has been in existence for many years, which are considered as an existing use and intended for burial places of deceased indigenous villagers in the Area. To respect the local ritual and tradition, burial activities within this zone are generally tolerated.
- 9.6.4   New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the DPA Plan.
- 9.6.5   Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

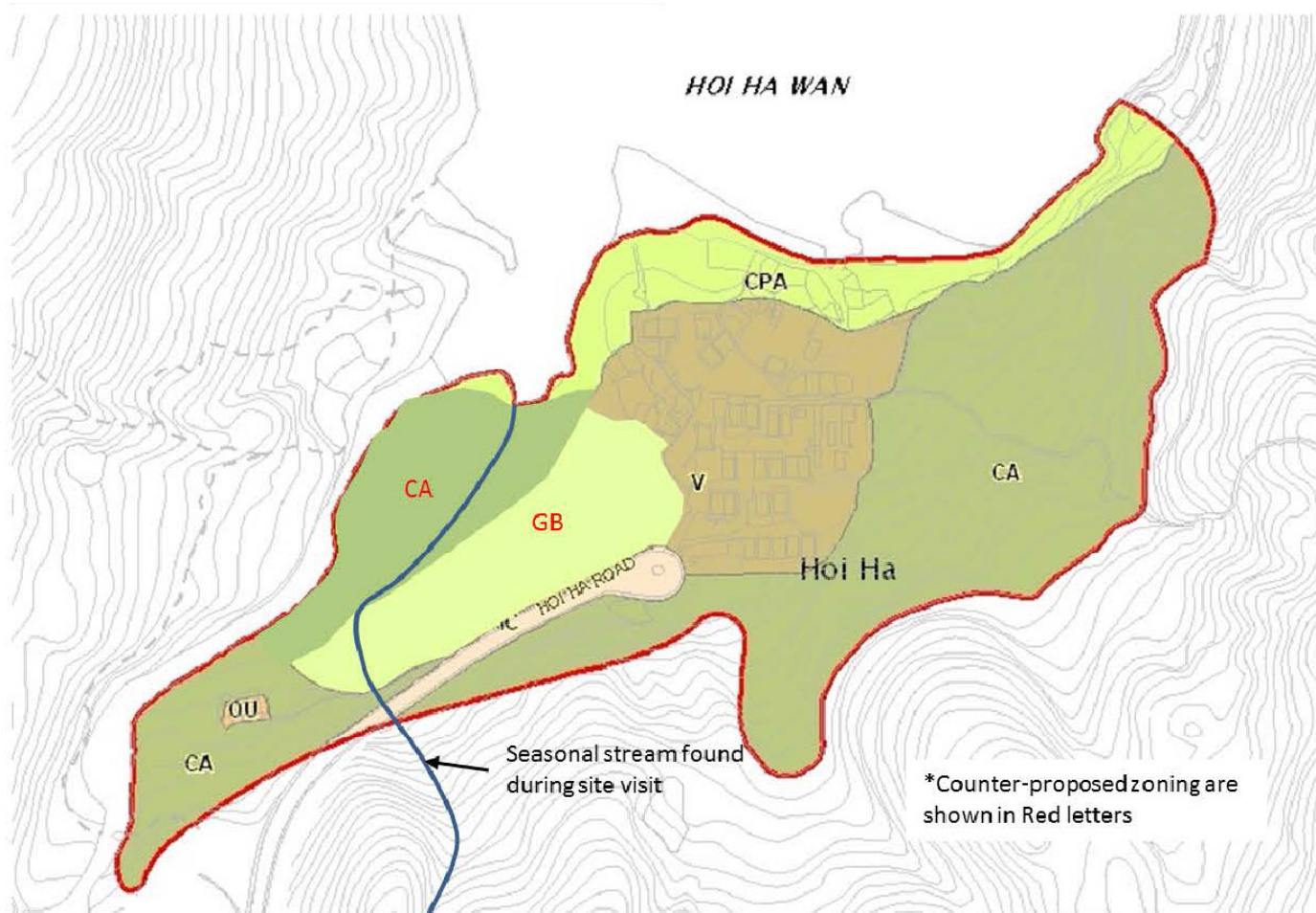


R1至R798所提供的建議  
PROPOSED ZONING PROVIDED BY R1 TO R798

參考編號  
REFERENCE No. R/S/NE-HH/1-1 to 10934

繪圖 DRAWING H-1

(來源 Source: R1 to R798)



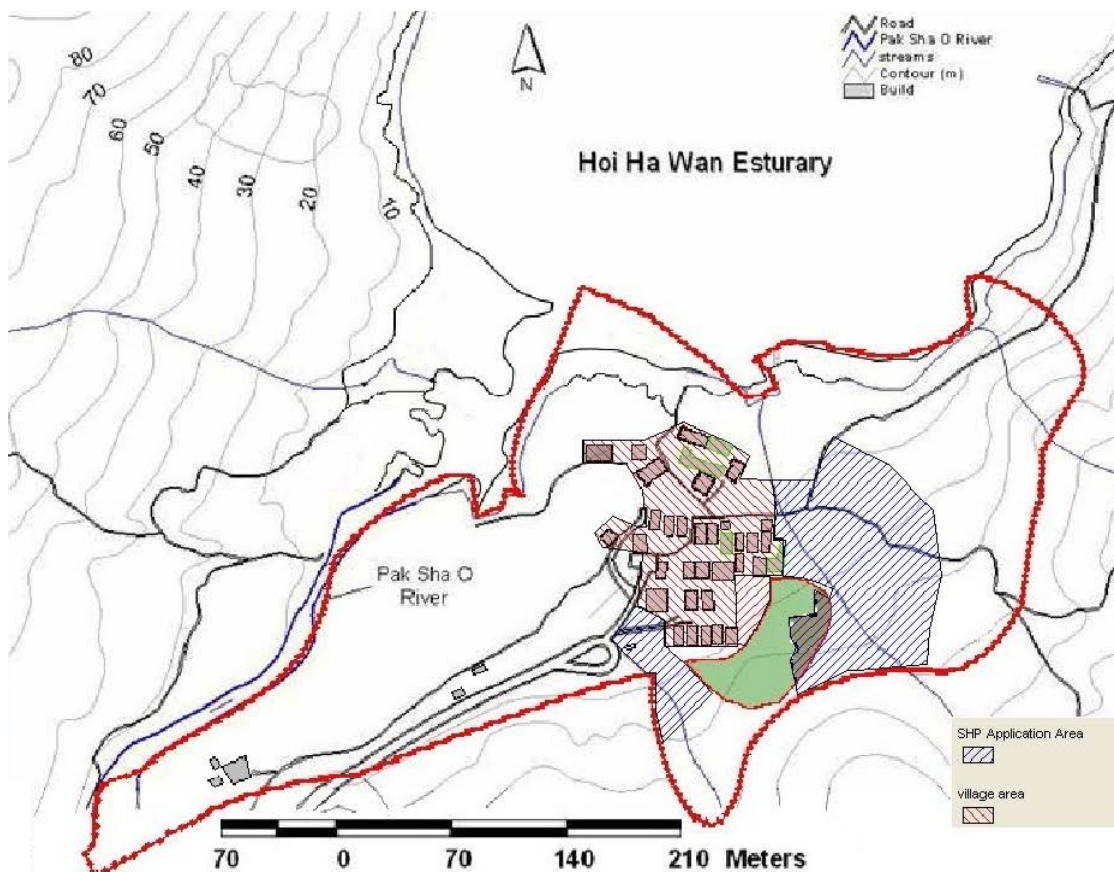
R10874所提供的建議  
PROPOSALS PROVIDED BY R10874

參考編號  
REFERENCE No. R/S/NE-HH/1-1 to 10934

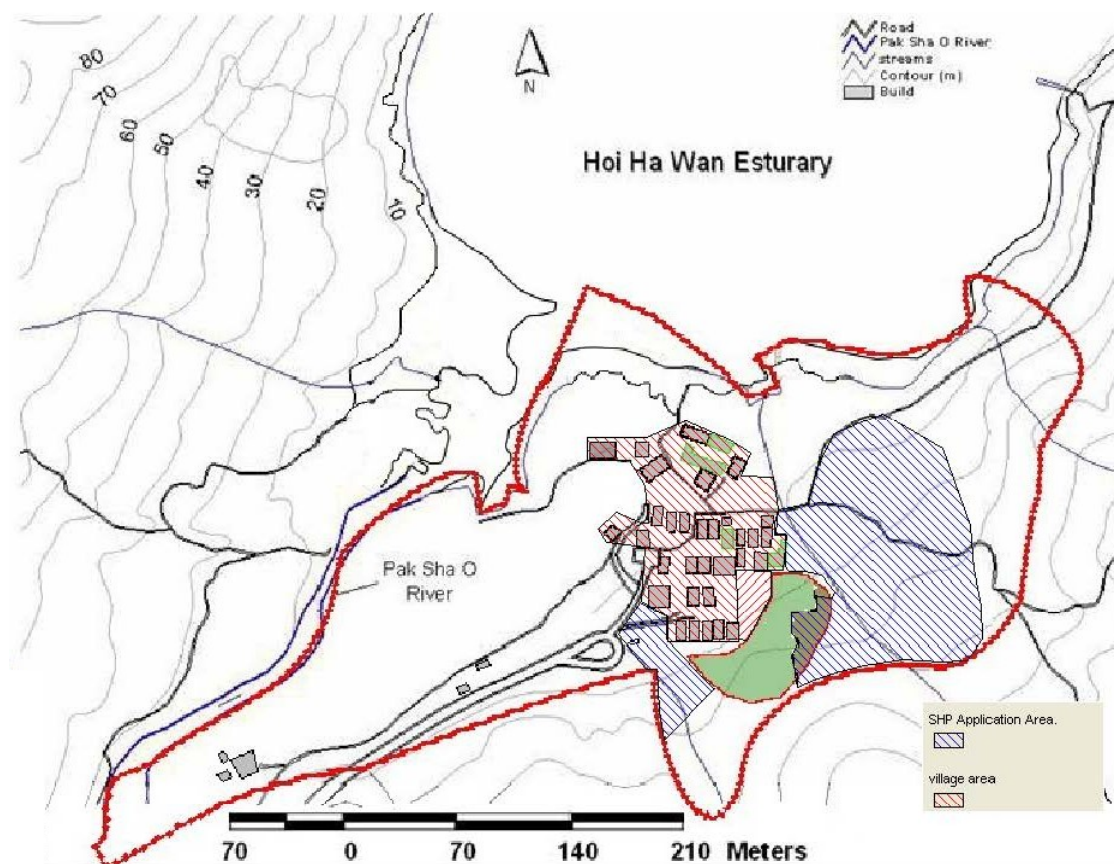
繪圖 DRAWING H-2

( 來源 Source : R10874 )  
(世界自然基金會香港分會)  
(WORLD WIDE FUND FOR NATURE HONG KONG)





建議 PROPOSAL 1



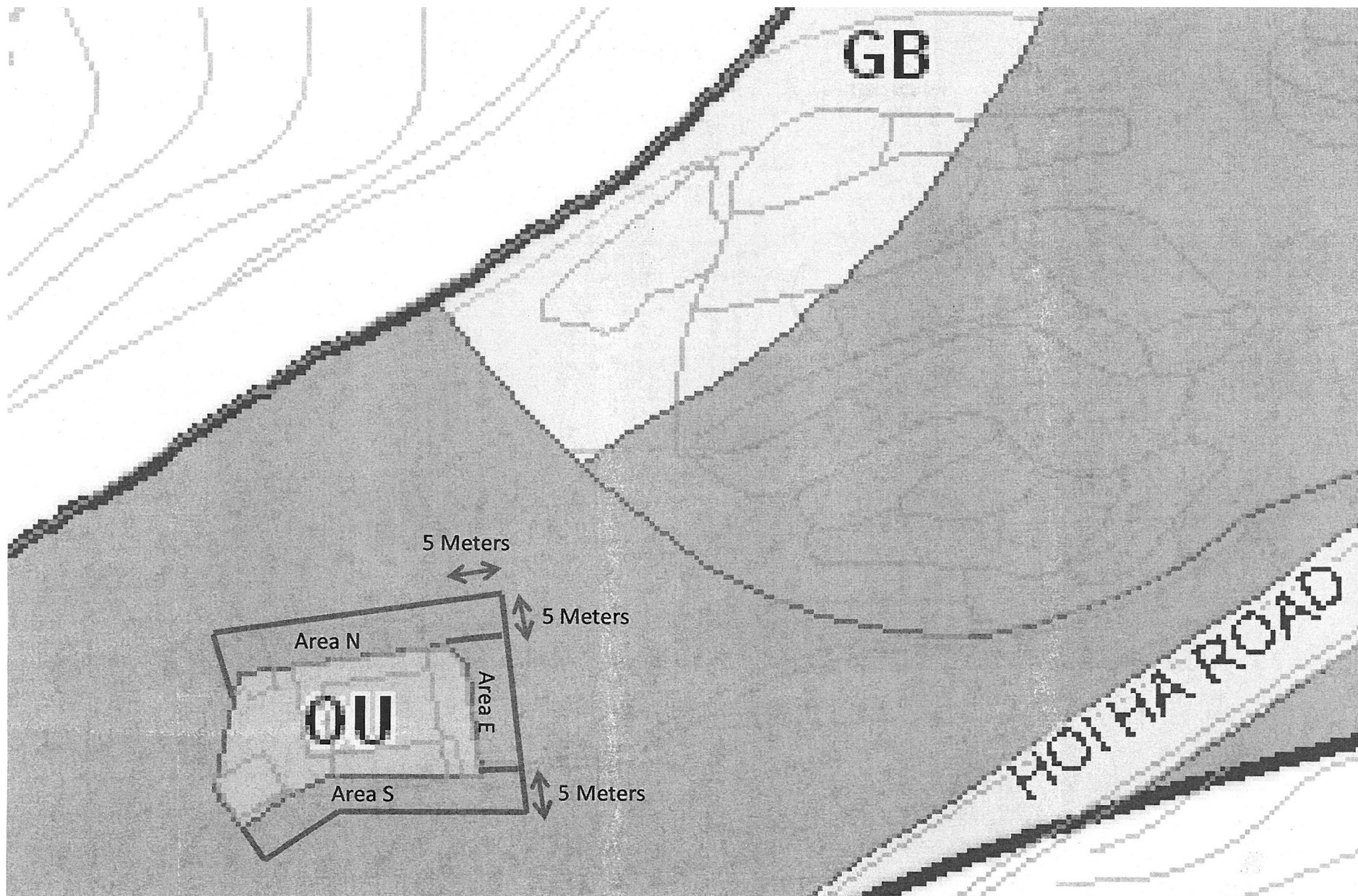
建議 PROPOSAL 2

R10880所提供的建議  
PROPOSALS PROVIDED BY R10880

參考編號  
REFERENCE No. R/S/NE-HH/1-1 to 10934

繪圖 DRAWING H-3

(來源 Source : R10880)  
(公共事業聯盟)  
(THE PROFESSIONAL COMMONS)

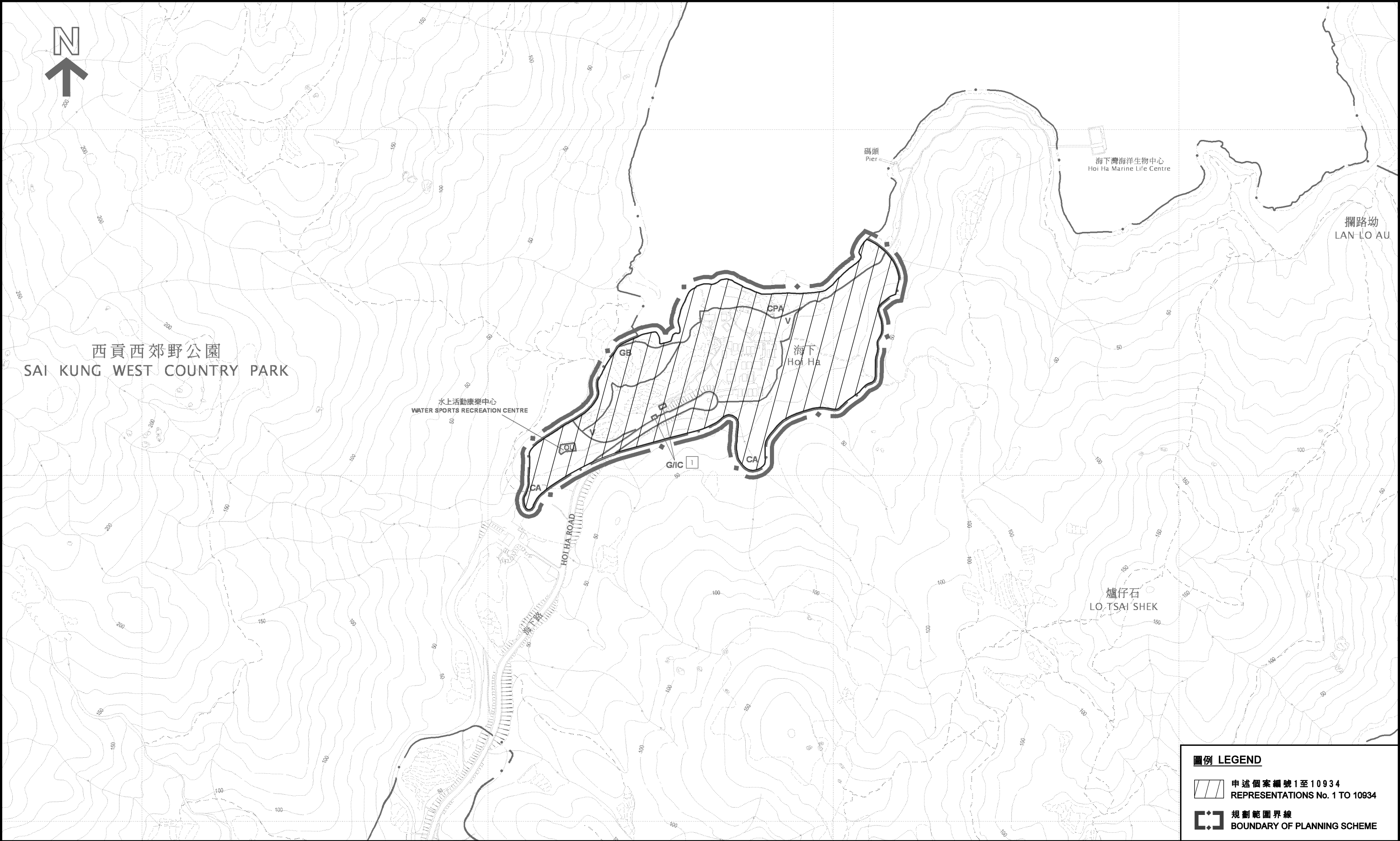


R10911所提供的擬議「其他指定用途」地帶界線  
 PROPOSED BOUNDARY OF "OU" ZONE PROVIDED BY R10911

參考編號  
 REFERENCE No. R/S/NE-HH/1-1 to 10934

繪圖 DRAWING H-4

(來源 Source : R10911)  
 (海谷中心)  
 (TOLO ADVENTURE CENTRE)



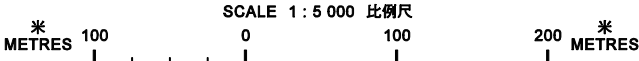
**圖例 LEGEND**

 申述個案編號 1 至 10934  
REPRESENTATIONS No. 1 TO 10934

 規劃範圍界線  
BOUNDARY OF PLANNING SCHEME

本摘要圖於2014年4月11日擬備，所根據的資料  
為於2013年9月27日展示的海下分區計劃大綱草圖編號 S/NE-HH/1  
EXTRACT PLAN PREPARED ON 11.4.2014  
BASED ON THE DRAFT HOI HA OUTLINE ZONING PLAN  
No. S/NE-HH/1 EXHIBITED ON 27.9.2013

**位置圖 LOCATION PLAN**  
就海下分區計劃大綱草圖編號 S/NE-HH/1  
提出的申述個案編號 1 至 10934 作出考慮  
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934  
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1



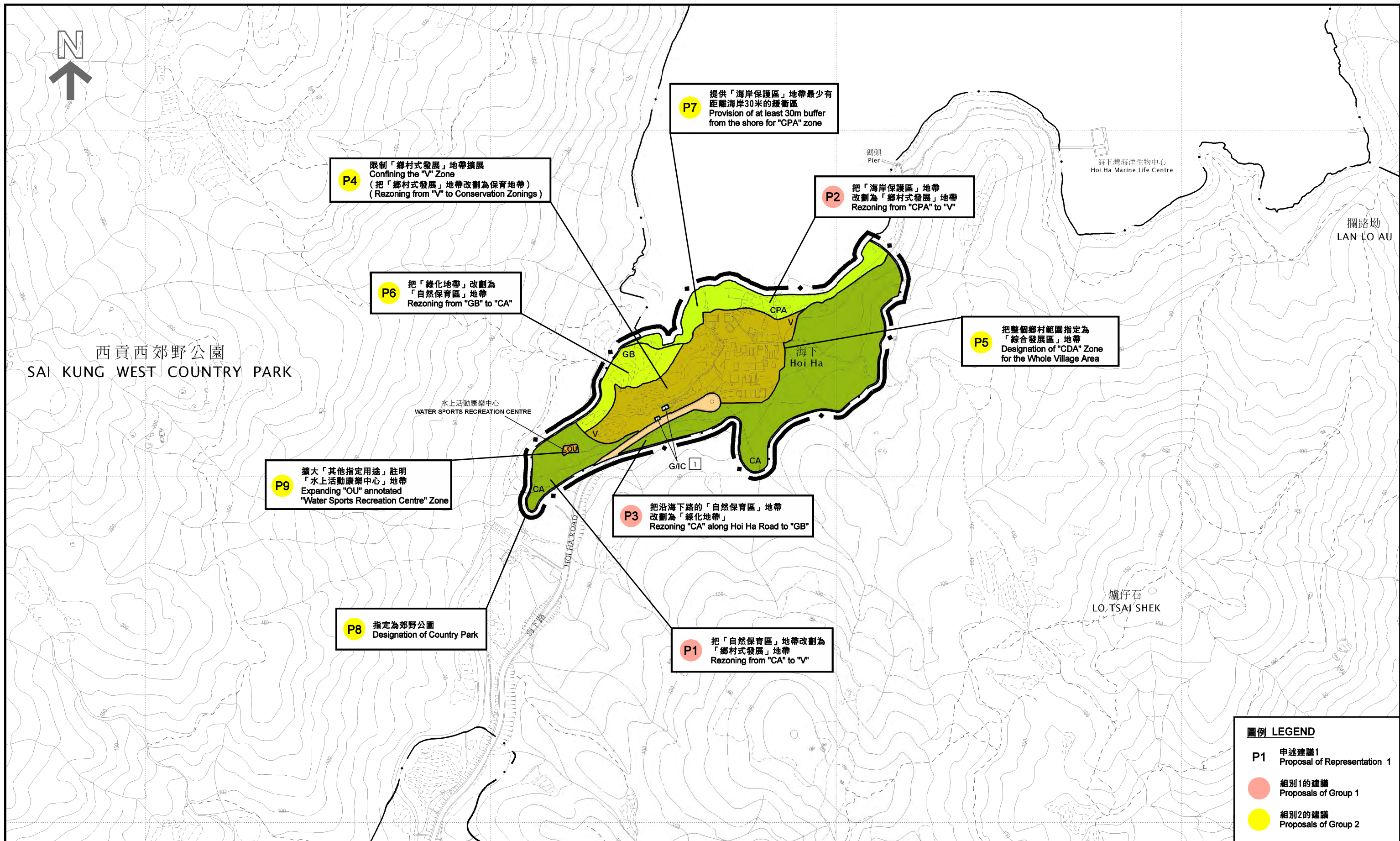
**規劃署**  
**PLANNING DEPARTMENT**



參考編號 REFERENCE No.  
R/S/NE-HH/1-1 to 10934

圖 PLAN  
H-1





**圖例 LEGEND**

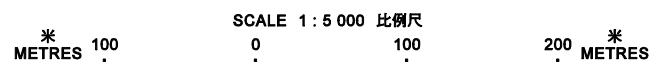
**P1** 申述建議1  
Proposal of Representation 1

組別1的建議  
Proposals of Group 1

組別2的建議  
Proposals of Group 2

本摘要圖於2014年4月17日擬備，所根據的資料  
為於2013年9月27日展示的海下分區計劃大綱草圖編號 S/NE-HH/1  
EXTRACT PLAN PREPARED ON 17.4.2014  
BASED ON THE DRAFT HOI HA OUTLINE ZONING PLAN  
No. S/NE-HH/1 EXHIBITED ON 27.9.2013

**申述建議 PROPOSALS OF REPRESENTATIONS**  
就海下分區計劃大綱草圖編號 S/NE-HH/1  
提出的申述個案編號1至10934作出考慮  
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934  
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1



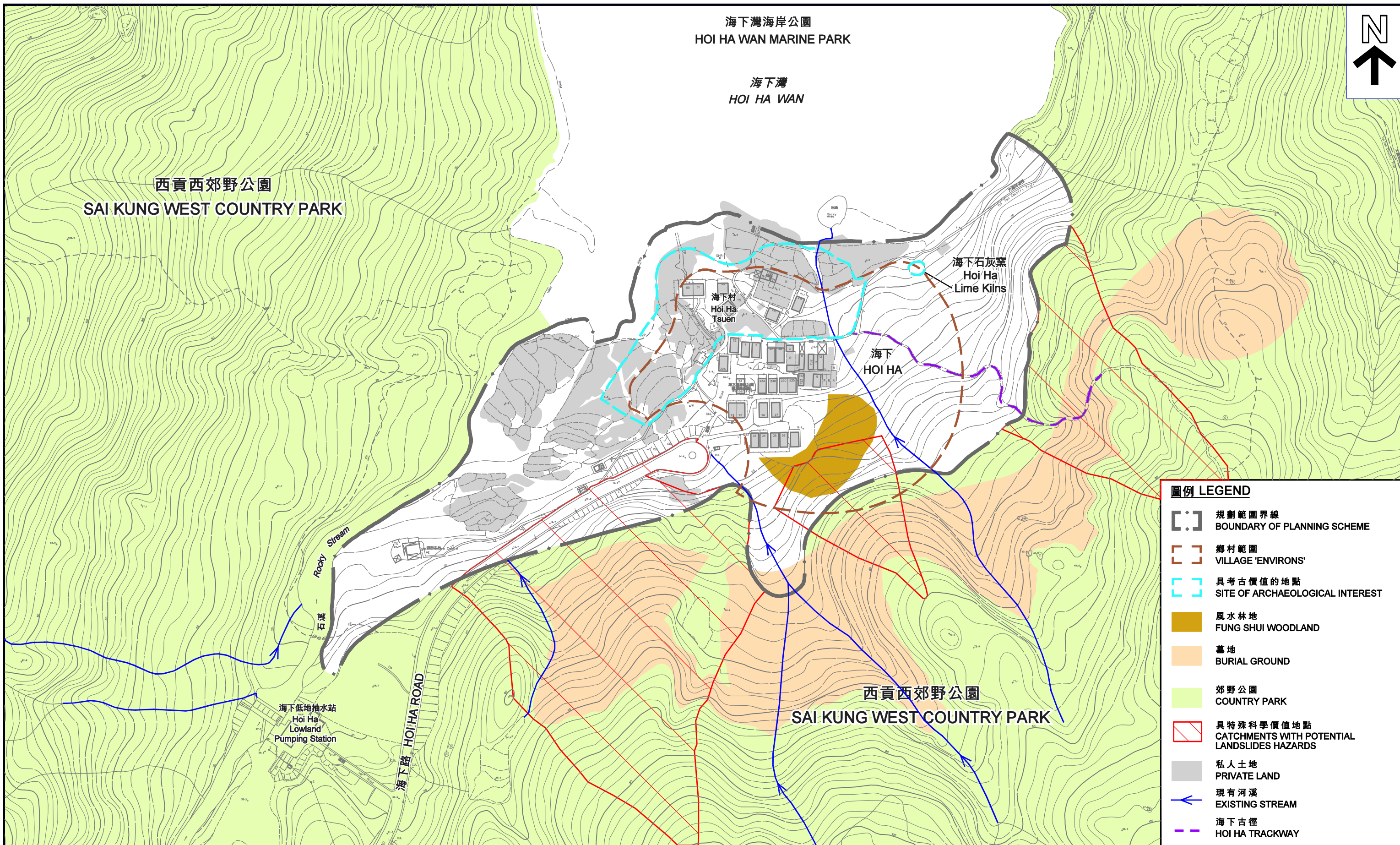
**規劃署**  
**PLANNING DEPARTMENT**



參考編號 REFERENCE No.  
R/S/NE-HH/1-1 to 10934

圖 PLAN  
H-1a





本摘要圖於2014年4月16日擬備，所根據的資料  
為測量圖編號 8-NW-5A/B/C/D  
EXTRACT PLAN PREPARED ON 16.4.2014  
BASED ON SURVEY SHEETS No. 8-NW-5A/B/C/D

海下分區計劃大綱草圖的發展限制  
DEVELOPMENT CONSTRAINTS OF THE DRAFT HOI HA OUTLINE ZONING PLAN

就海下分區計劃大綱草圖編號 S/NE-HH/1  
提出的申述個案編號1至10934作出考慮  
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934  
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 2 500 比例尺  
METRES 50 0 50 100 METRES

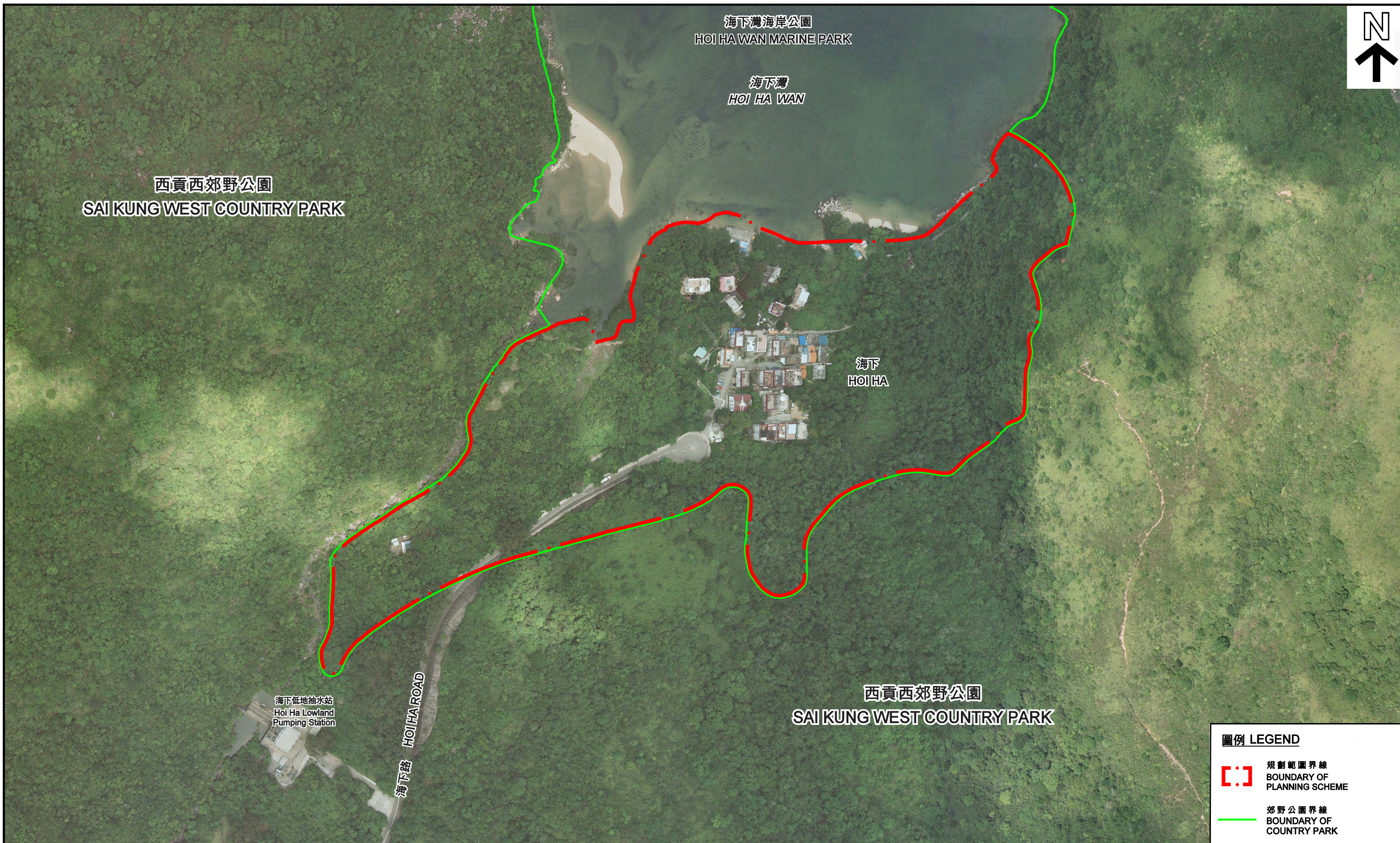
規劃署  
PLANNING DEPARTMENT



參考編號 REFERENCE No.  
R/S/NE-HH/1-1 to 10934

圖 PLAN  
H-2






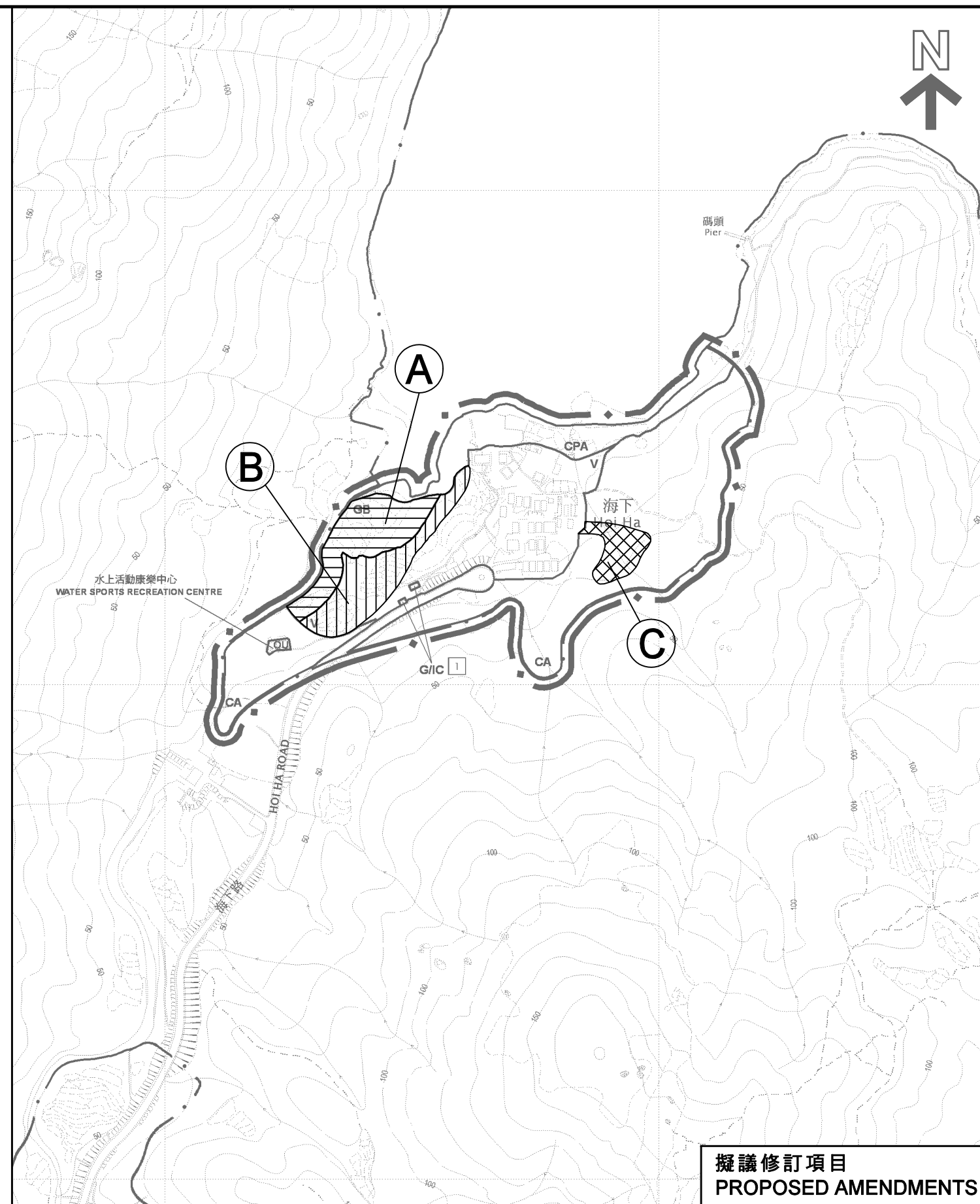
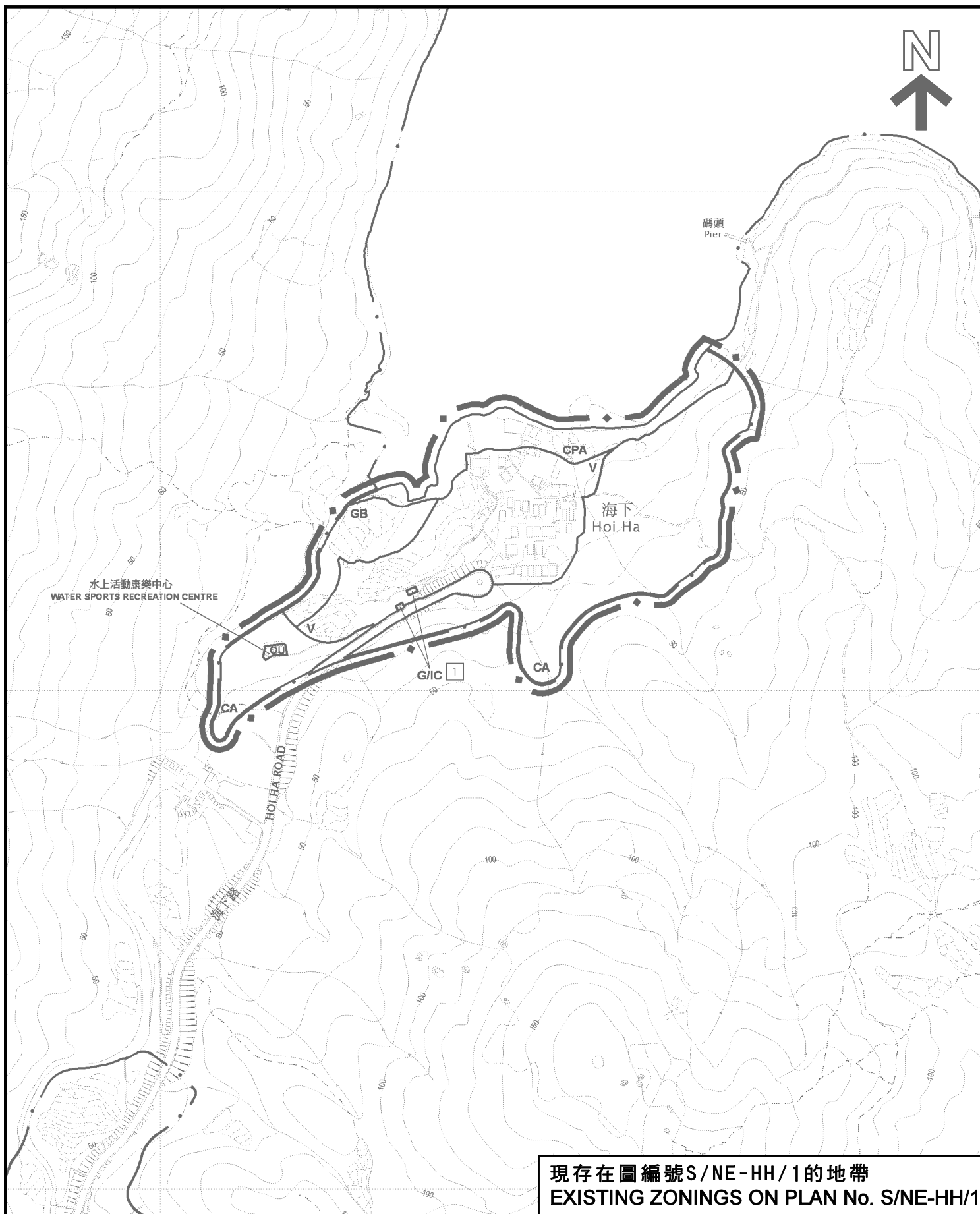
**圖例 LEGEND**

[ - - ] 規劃範圍界線  
BOUNDARY OF PLANNING SCHEME

— 郊野公園界線  
BOUNDARY OF COUNTRY PARK

<p>本摘要圖於2014年4月11日擬備， 所根據的資料為地政總署於2012年5月10日 拍得的航攝照片編號 CW97133-35 EXTRACT PLAN PREPARED ON 11.4.2014 BASED ON AERIAL PHOTOS No. CW97133-35 TAKEN ON 10.5.2012 BY LANDS DEPARTMENT</p>	<p style="text-align: center;"><u>航攝照片 AERIAL PHOTO</u></p> <p style="text-align: center;">就海下分區計劃大綱草圖編號 S/NE-HH/1 提出的申述個案編號1至10934作出考慮 CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934 TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1</p>	<p style="text-align: center;">規 劃 署 PLANNING DEPARTMENT</p> 	
		<p style="text-align: center;">參考編號 REFERENCE No. R/S/NE-HH/1-1 to 10934</p>	<p style="text-align: center;">圖 PLAN H-3</p>





本摘要圖於2014年4月16日擬備，所根據的資料  
為於2013年9月27日展示的海下分區計劃大綱草圖編號 S/NE-HH/1  
EXTRACT PLAN PREPARED ON 16.4.2014  
BASED ON THE DRAFT HOI HA OUTLINE ZONING PLAN  
No. S/NE-HH/1 EXHIBITED ON 27.9.2013

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂  
**PROPOSED AMENDMENTS TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1**  
就海下分區計劃大綱草圖編號 S/NE-HH/1提出的申述個案編號1至10934作出考慮  
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934 TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

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

規劃署  
PLANNING DEPARTMENT

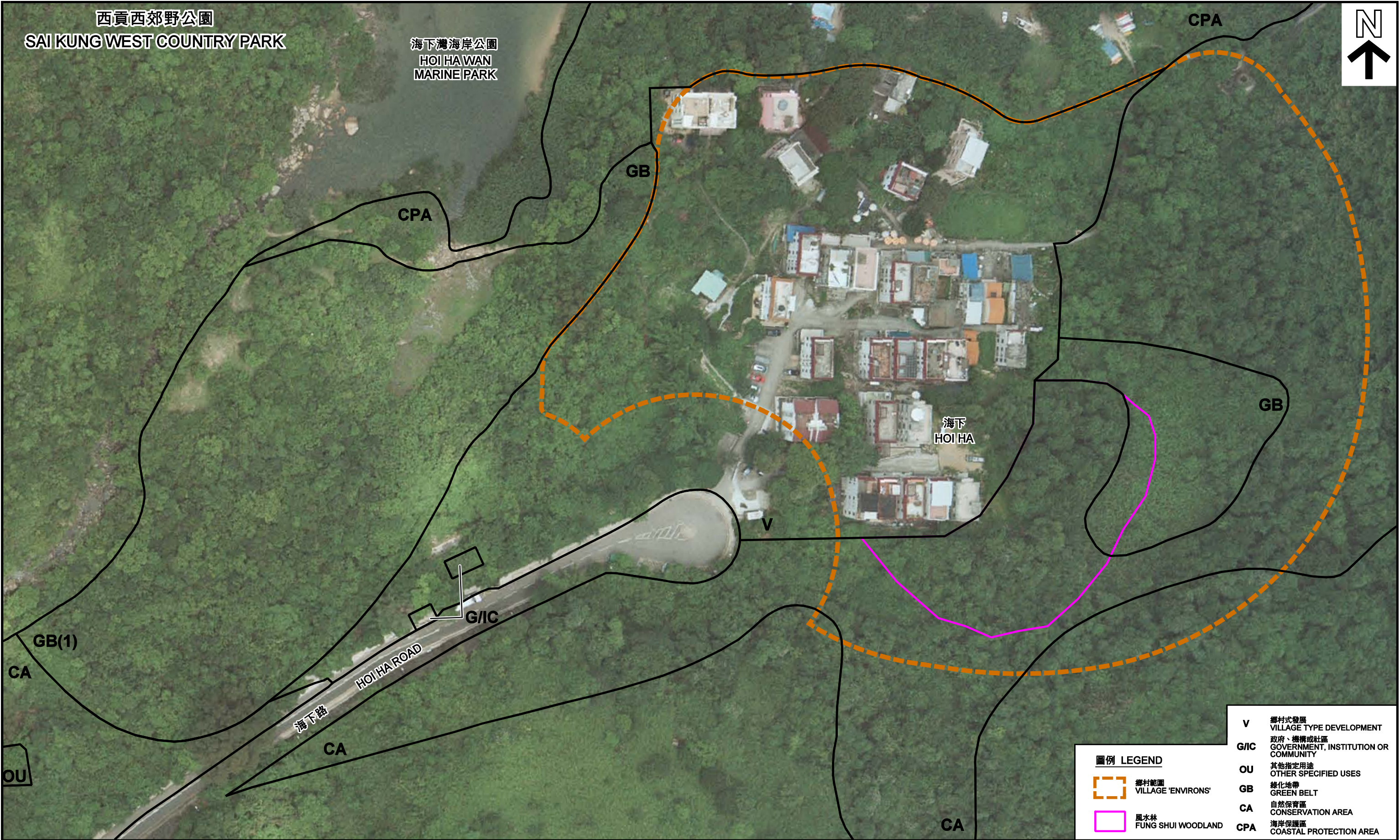


參考編號 REFERENCE No.  
R/S/NE-HH/1-1 to 10934

圖 PLAN  
H-4







<p>本圖於2014年4月16日擬備，所根據的資料為地政總署於2012年5月10日拍得的航攝照片編號CW97133-35 EXTRACT PLAN PREPARED ON 16.4.2014 BASED ON AERIAL PHOTOS No. CW97133-35 TAKEN ON 10.5.2012 BY LANDS DEPARTMENT</p>	<p>航攝照片 - 建議修訂 AERIAL PHOTO - PROPOSED AMENDMENTS</p> <p>就海下分區計劃大綱草圖編號 S/NE-HH/1 提出的申述個案編號1至10934作出考慮 CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934 TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1</p>	<p>規 劃 署 PLANNING DEPARTMENT</p> 	
		<p>參考編號 REFERENCE No. R/S/NE-HH/1-1 to 10934</p>	<p>圖 PLAN H-6</p>



**Minutes of 1057<sup>th</sup> Meeting of the Town Planning Board  
held on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014**

**Present**

Permanent Secretary for Development  
(Planning and Lands)

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor P.P. Ho

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Assistant Director (2), Home Affairs Department

Mr Eric K.S. Hui/Mr Frankie W.P. Chou

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands/Deputy Director of Lands (General)

Ms Bernadette H.H. Linn/Mr. Jeff Y.T. Lam

Director of Planning

Mr K.K. Ling

Deputy Director of Planning/District

Secretary

Miss Ophelia Y.S. Wong (28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014 and 20.5.2014)

Mr Raymond K.W. Lee (4.6.2014)

**Absent with Apologies**

Ms Bonnie J.Y. Chan

Dr Eugene K.C. Chan

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Miss Winnie M.W. Wong

**In Attendance**

Assistant Director of Planning/Board  
Ms Brenda K.Y. Au (28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014 and 20.5.2014)  
Miss Fiona S.Y. Lung (4.6.2014)

Chief Town Planner/Town Planning Board  
Ms Lily Y.M. Yam (morning sessions on 28.4.2014 and 8.5.2014, afternoon sessions on 12.5.2014 and 19.5.2014, 20.5.2014 and 4.6.2014)  
Mr Louis K.H. Kau (afternoon sessions on 28.4.2014 and 8.5.2014, and morning sessions on 12.5.2014 and 19.5.2014)

Senior Town Planner/Town Planning Board  
Mr Raymond H.F. Au (morning session on 28.4.2014, 20.5.2014 and 4.6.2014)  
Mr T.C. Cheng (afternoon session on 28.4.2014)  
Ms Johanna W.Y. Cheng (morning session on 8.5.2014)  
Ms Amy M.Y. Wu (afternoon session on 8.5.2014)  
Ms Doris S.Y. Ting (morning session on 12.5.2014)  
Mr Jerry J. Austin (afternoon session on 12.5.2014)  
Mr Stephen K.S. Lee (morning session on 19.5.2014)

Town Planner/Town Planning Board  
Mr Terence W.C. Leung (afternoon session on 19.5.2014)

1. The following Members and the Secretary were present in the morning session on 28.4.2014:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr David Y.T. Lui

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling



**Agenda Item 1**

[Open Meeting]

**Matters Arising**

[The meeting was conducted in Cantonese.]

1. The Secretary reported that there were no matters arising.

**Sha Tin, Tai Po & North District and  
Sai Kung & Islands District**

**Agenda Item 2**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in Respect of  
the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline  
Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1  
(TPB Papers No. 9644, 9645 and 9646)

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[The meeting was conducted in Cantonese and English.]

**Draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1**

**Group 1**

***Representations***

R1 to R798 and R10736 to R10749

**Draft So Lo Pun OZP No. S/NE-SLP/1**

**Group 1**

***Representations***

R1 to R798 and R10736 to R10817

***Comments***

C3669 to C3676

Draft Pak Lap OZP No. S/SK-PL/1

**Group 1**

***Representations***

R1 to R798, R10736 and R10737

Presentation and Question Session

2. At the request of the Chairman, the Secretary briefly highlighted the meeting arrangement and said that the meeting was tentatively scheduled to be held in four sessions on 28.4.2014, 8.5.2014, 12.5.2014 and 19.5.2014. The registered representers and commenters would be invited to make oral submissions in each session. There would be a Question and Answer (Q & A) session in each session after the oral submissions. As sufficient notice had been given to the representers and commenters to invite them to attend the meeting, Members agreed to proceed with the hearing of the representations in the absence of the other representers and commenters who had indicated that they would not attend or had made no reply.

3. The following representatives of the Planning Department (PlanD) and the Agriculture, Fisheries and Conservation Department (AFCD), the representers and the representers' representatives were invited to the meeting at this point:

Mr C.K. Soh	-	District Planning Officer/Shia Tin, Tai Po and North (DPO/STN), PlanD
Mr Ivan M.K. Chung	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Mr David Y.M. Ng	-	Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD
Mrs Alice K.F. Mak	-	Senior Town Planner/Sai Kung (STP/SK), PlanD

Ms Lisa Y.M. Chau	-	Town Planner/Sai Kung (TP/SK), PlanD
Mr Cary P.H. Ho	-	Senior Nature Conservation Officer (South)(SNC/S), AFCD
Mr K.W. Cheung	-	Senior Nature Conservation Officer (North)(SNC/N), AFCD
Mr Alan L.K. Chan	-	Senior Marine Parks Officer (SMP), AFCD
Mr K.S. Cheung	-	Country Parks Officer (Special Duty) (CPO(SD)), AFCD

**Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1**

R18 - 翁煒發

Mr Yung Wong Fat	-	Representer
Mr Yung Yuet Ming	-	Representer's representative

R25 - 鄭國輝

Mr Cheng Kwok Fai	-	Representer
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R28 - 陳祖旺

Mr Chan Cho Wong	-	Representer
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R32 - 李耀斌

*(Please refer to Appendix A for a list of representers who had authorised R32 as their representative.)*

Mr Li Yiu Ban	-	Representer and Representers' representative
Mr Chung Tin Sang	]	Representers' representatives
Mr Chung Kin Ming	]	

R133 - 黃來生

Mr Wong Loy Sang	-	Representer
Mr Kong Wong Tai	-	Representer's representative

R136 - 曾漢平

Mr Tsang Hon Ping	-	Representer
Ms Cheung Ting Kiu	]	Representer's representatives
Ms Yau Sau Wa	]	
Ms Tse Yuk Hing	]	
Mr Tse Tin Sung	]	

R299 - 曾玉安

Mr Tsang Yuk On	-	Representer
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R300 - 李國安

Mr Li Kwok On	-	Representer
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R429 - 楊進賢

Mr Yeung Chun Yin	-	Representer
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R511 - 溫丁仁

Mr Wan Ting Yan, George	-	Representer
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R521 - 陳惠珍

Mr Cheng King Hang	-	Representer's representative
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R524 - 何偉成

Mr Ho Wai Shing	-	Representer
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R582 - 李明

Mr Li Ming	-	Representer
Mr Li Yiu Ban	-	Representer's representative

R594 - 梁和平

Mr Leung Wo Ping - Representer

R599 - 梁偉傑

Mr Leung Wai Kit - Representer

Mr Li Yiu Ban - Representer's representative

R674 - 蔡進華

Mr Choi Chun Wah - Representer

Mr Li Yiu Ban - Representer's representative

R795 - 李雲開

Mr Lee Wan Hoi - Representer

**Representations in respect of the Draft Hoi Ha OZP No. S/NE-HH/1**

HH-R10738 - Ng Ka Man

Ms Ng Ka Man - Representer

王希哲 - Representer's representative

HH-R10740 - Yung Yuk Ming

Mr Yung Yuk Ming - Representer

Mr Li Yiu Ban - Representer's representative

HH-R10742 - Lau Fung

Mr Lau Fung - Representer

HH-R10743 - 翁天生

Mr Yung Tin Sang - Representer

HH-R10746 - 翁清雲

Ms Yung Ching Wan - Representer

Mr Leung Wo Ping - Representer's representative

**Representations in respect of the Draft So Lo Pun OZP No. S/NE-SLP/1**

SLP-R10736 - 鎖羅盆村村務委員會聯同曾家裘測量師有限公司

Mr Thomas Tsang Ka Kau ] Representer's representatives

Mr Lam Tsz Kwai ]

Mr Vincent Yip ]

SLP-R10737 - 范富財(蛤塘村原居民村代表)

Mr Fan Foo Choi - Representer

SLP-R10740 - 曾玉安

Mr Tsang Yuk On - Representer

SLP-R10742 - 張文然(鳳坑村原居民村代表)

Mr Tsang Kwok Keung - Representer's representative

SLP-R10743 - 楊玉峰(谷埔村原居民村代表)

Mr Yeung Yuk Fung - Representer

SLP-R10744 - 鄭馬福(谷埔村原居民村代表)

Mr Simon Sung - Representer's representative

SLP-R10745 - 黃國麟(鹽灶下原居民村代表)

Mr Wong Kok Lun - Representer

SLP-R10746 - 曾瑞文(牛屎湖村代表)

Mr Tsang Sui Man - Representer

SLP-R10747 - Sha Tau Kok District Rural Committee

Mr Lee Koon Hung - Representer's representative

SLP-R10762 - 黃富、黃冠英

Mr Wong Fu - Representer

SLP-R10812 - Wong Hing Cheung

*(Please refer to Appendix A for a list of representers who had authorised Wong Hing Cheung as their representative.)*

Mr Wong Hing Cheung - Representer and Representers' representative

SLP-R10781 - 黃桂寧

Mr Wong Kwai Ning - Representer

SLP-R10790 - 黃瑞清

Ms Wong Sui Ching - Representer

SLP-R10791 - 黃瑞冰

Ms Wong Sui Ping - Representer

SLP-R10793 - 黃瑞芬

Ms Wong Sui Fun - Representer

Mr Wong Yau Man - Representer's representative

SLP-R10794 - 黃瑞婷

Ms Wong Sui Ting - Representer

**Representations in respect of the Draft Pak Lap OZP No. S/SK-PL/1**

PL-R10736 - 劉成

Mr Kong Chi Cheung ] Representer's representatives

Mr So Chi Wai ]

Mr Cheung Ka Ming ]

Mr David Staunton ]

PL-R10737 - 西貢白腊村各原居民

Mr Lau Pak On	]	Representer's representatives
Mr Chan Wong	]	
Mr Lau For On, Kenny	]	

4. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the “Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1” (Guidance Notes) which had been provided to all representers/commenters prior to the meeting. In particular, he highlighted the following main points:

- (a) in view of the large number of representations and comments received and some 100 representers/commenters had indicated that they would either attend in person or had authorised representatives, it was necessary to limit the time for making oral submissions;
- (b) each representer/commenter would be allotted a 10-minute speaking time in respect of each concerned OZP. However, to provide flexibility to representers/commenters to suit their circumstances, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and requesting for extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already submitted to the Town Planning Board (the Board) during the exhibition period of the respective OZPs/publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the Chairman might request the representer/commenter not to repeat



unnecessarily the same points of arguments which had already been presented by others at the same meeting. Representers/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to Members for their consideration.

5. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers and representer's representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up.

6. The Chairman said that the representatives of PlanD would first be invited to make a presentation on the three draft OZPs. After that, the representers/authorised representatives would be invited to make oral submissions. After the oral submissions, there would be a Q & A session which Members could direct question(s) to any attendee(s) of the meeting. Lunch break would be from about 12:45 p.m. to 2:00 p.m. and there might be one short break in the morning and one to two short breaks in the afternoon, as needed. He then invited the representatives of PlanD to brief Members on the representations and comments in respect of the draft Hoi Ha OZP, the draft So Lo Pun OZP and the draft Pak Lap OZP.

#### Invalid Representations and Comments

7. With an aid of a Powerpoint slide, Mr C.K. Soh, DPO/STN, informed Members that the total number of representations and comments in respect of the three draft OZPs originally received during the exhibition period (as stated in the TPB Papers) were as follows:

OZP	Number of Representations	Number of Comments
Hoi Ha	10,934	3,675
So Lo Pun	10,858	3,677
Pak Lap	10,775	3,669

8. Mr C.K. Soh said that 109 representers and four commenters subsequently wrote to the Board withdrawing their representations or indicated that they had not submitted the representations, and two representations were identical and submitted by the same person<sup>1</sup>. As a result, the total number of valid representations and comments were as follows:

OZP	Number of Valid Representations	Number of Valid Comments
Hoi Ha	10,824	3,671
So Lo Pun	10,748	3,673
Pak Lap	10,665	3,665

#### Hoi Ha OZP

9. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points in respect of the draft Hoi Ha OZP as detailed in TPB Paper No. 9644:

#### Background

- (a) on 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). The total numbers of valid representations and comments received were 10,824 and 3,671 respectively;

#### The Representations

- (b) except four representations (R10737 to R10739 and R10742)

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<sup>1</sup> The withdrawn/not having been made representations and comments i.e. representations No. R287, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531; and comments No. C631, C1060, C1472 and C3063 were taken out. For R32 and R569 that were identical, the latter was taken out.

submitted by individuals which supported the draft Hoi Ha OZP for designating land for Small House development and not including the Hoi Ha area into country park, all the remaining 10,820 representations opposed the draft Hoi Ha OZP and their views could be generally categorised into two groups:

- (i) Group 1 comprising 803 representations mainly submitted by the Sai Kung North Rural Committee (SKNRC), villagers and individuals and objected against the insufficient “Village Type Development” (“V”) zone to satisfy the demand for Small House developments; and
- (ii) Group 2 comprising 10,017 representations submitted by Legislative Councillors, a District Council (DC) member, green/concern groups, organisations and individuals mainly objecting against the proposed “V” zone on grounds that it was based on unrealistic Small House demand figures without verification and that it would result in the loss of the woodland habitats and pose a severe threat to the marine life of Hoi Ha Wan (HHW) Marine Park;

Grounds of Supportive Representations (R10737 to R10739 and R10742)

- (c) the main grounds of the supportive representations as detailed in paragraphs 2.3 and 2.4 of TPB Paper No. 9644 were summarised below:
  - (i) although there was a need to protect the natural environment, indigenous villagers’ right to build Small Houses and land owners’ right should be respected;
  - (ii) since the majority of land in the area was under private ownership, they should not be included in the country park; and

- (iii) due to the pressing demand for Small Houses, designation of “V” zone to cater for the demand was supported;
- (d) there were also supporting views from Group 1 on the efforts made in the Hoi Ha OZP to cater for the need of local villagers and from Group 2 on the “Coastal Protection Area” (“CPA”) zone as it would protect the natural coastline and serve as a buffer between HHW Marine Park and the village area, and the inclusion of the native woodlands on the hillsides behind (east and south) Hoi Ha Village and on the gentle slope at the western part of the area as “Conservation Area” (“CA”);

#### Grounds of Adverse Representations

- (e) the grounds of representations in Group 1 as detailed in paragraph 2.5 of TPB Paper No. 9644 were summarised below:

##### ***Inadequate Land within “V” Zone***

- (i) there was insufficient suitable land in the “V” zone for Small House development due to topographical constraints and the proposed “V” zone was not large enough to satisfy the future demand for Small Houses; and
- (ii) apart from the need to conserve the environment and to provide relevant recreational facilities at Hoi Ha, due regard should be given to Small House development so as to strike a balance between conservation and development;

[Ms Julia M.K. Lau arrived to join the meeting at this point.]

- (f) the grounds of representations in Group 2 as detailed in paragraph 2.6 of TPB Paper No. 9644 were summarised below:

### ***Designation of “V” Zone***

#### ***Small House Demand***

- (i) the demand for Small Houses was infinite and had been determined without any justifications and verification. The prevailing Small House Policy was unsustainable and majority of applications were abusing the policy;
- (ii) restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remained within the ownership of the indigenous villagers as far as possible;
- (iii) in the past 20 years, only seven new houses were built in Hoi Ha. The population of Hoi Ha had not changed significantly in recent years. Majority of land in the “V” zone had been sold to private developers and would eventually become property projects. The size of the “V” zone should be reduced to avoid development expectations;

#### ***Environmental Impact on Woodland***

- (iv) the proposed village expansion area to the west of the existing village cluster was occupied by secondary woodland comprising a considerable number of mature trees, including Chinese Banyan and a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉). Majority of the area was undisturbed or relatively undisturbed;
- (v) Small House developments would result in the loss of the woodland habitats and disturbance to the natural stream and tidal creek which were foraging grounds for Brown Fish Owls;
- (vi) AFCD should carry out a full four-season ecological study of the proposed “V” zone to assess its ecological value. The

‘precautionary principle’ should be adopted, i.e. environmental damage should be assumed to be threatened unless proven otherwise;

- (vii) there was inconsistency in the designation of “CA” zone for protection of biodiversity in different country park enclaves (CPEs). In Pak Lap, areas covered with young native woodlands containing *Hong Kong Pavetta* were zoned “CA” whilst the woodland in Hoi Ha was zoned “V”;
- (viii) to avoid adverse environmental impacts on the existing woodland, nearby natural stream and the HHW Marine Park, and to prevent degradation of the landscape value of the area, the “V” zone should be reduced and the undisturbed woodland area should be rezoned to “Green Belt” (“GB”);

*Environmental Impact on HHW Marine Park*

- (ix) the HHW Marine Park had very high biodiversity in its intertidal and sub-tidal zones. The construction of 60 to 90 new Small Houses envisaged under the draft Hoi Ha OZP would destroy or fragment natural habitats, reduce biodiversity and result in cumulative environmental pressures upon the local ecosystems;
- (x) the septic tank and soakaway (STS) system could only provide a minimum level of sewage treatment. The effluent from a septic tank still carried a very high nutrient, organic and microbiological loads which could only be effectively attenuated in circumstances where the ground conditions were suitable and development density was low. The STS system was often not effective in removing pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks;

- (xi) the underlying surface sediment in the Hoi Ha area comprised porous and highly permeable deposits, which allowed for rapid drainage. Adequate purification could not be achieved by the STS system before the wastewater reached the sea. The Environment Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 did not cover this unique situation of Hoi Ha. The discharge of sewage effluent and wastewater from the large number of village houses with the STS system in the "V" zone would pose a severe threat to the marine life of HHW Marine Park. There was no geology assessment on the cumulative sewage percolation to HHW Marine Park/Site of Special Scientific Interest (SSSI);
- (xii) Hoi Ha was an inhabited village adjacent to the coastal beach/sea area of HHW which was a SSSI and heavily utilised for recreational activities. Reference should be made to the Technical Memorandum under the Water Pollution Control Ordinance to establish the statutory set back distance (e.g. 100m) from the STS system to coastal water. Compulsory use of self-contained chemical toilets and wastewater treatment systems should be required to avoid contamination of soil, stream, wetland and marine environments of HHW;

Notes of "V" Zone

- (xiii) stricter planning control should be imposed. Planning permission should be required 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 the "V" zone;

Cumulative Impact Assessment

- (xiv) there was a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impacts of the additional Small Houses on HHW.

The carrying capacity for individual enclave sites and the overall capacity of all CPEs in Sai Kung East/West should be carefully studied before an informed and responsible decision on land use and Small House numbers could be made;

- (xv) there was no plan to improve the infrastructure (e.g. sewerage, road access, carparking and public transport) to support new developments at Hoi Ha and visitors to the area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of Hoi Ha and to prevent the existing village from polluting the area and HHW;

#### ***Adequacy of “GB” Zone***

- (xvi) the upper section of Hoi Ha Stream was a designated Ecologically Important Stream (EIS). The “GB” zone adjoining the lower section of the stream should be zoned “CA” or “Coastal Protection Area” (“CPA”) in view of its ecological significance. The real planning intention of “GB” zone might not be conservation-led as planning permission was often given to Small House development, which might cause irreversible impacts on the wetland and the riparian zone;
- (xvii) according to field observation in May 2012 and August 2013, the water feeding into the wet abandoned agricultural land was originated from Hoi Ha Stream and there was a small stream not shown in the maps prepared by PlanD. In a recent site visit, it was observed that the wetland was still inundated and a locally rare herbaceous plant, *Geissapis cristata* (雞冠苞覆花), was recorded. As this wetland was connected hydrologically with HHW Marine Park, any pollutants entering this wetland would flow into the Marine Park. The rare plant would also be affected by future development;



- (xviii) the lack of a 30m wide buffer would increase the likelihood of sewage effluent of the STS system reaching the stream via ground water, causing pollution to Hoi Ha Stream and HHW Marine Park;

*Notes of “GB”, “CA” and “CPA” Zones*

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

***Inadequate and Misleading Information***

- (xx) inadequate and misleading information including maps had been used to designate the “V” and “GB” zones and the boundaries of HHW Marine Park and the SSSI. The maps did not reflect the effects of coastal erosion in the past 30 years. Up-to-date maps should be used to show the current boundaries of the beaches accurately following the high tidal marks, and in designating “CPA” zone;
- (xxi) within the “V” and “GB” zones, there was a network of streams and associated wetlands. The network of small streams flowed into a wetland leading to a significant stream that flowed directly into HHW. The hydrological complex was separated from Hoi Ha Stream and a full survey should be carried out in July to August to obtain hydrological data in the wet season;
- (xxii) the ecological information from AFCD was inadequate, in

particular, no proper survey had been undertaken for the “V” zone and the “GB” areas, and Hoi Ha Stream had not been accorded with the prominence of a natural resource and environmentally sensitive area that it deserved;

***Designation of CPEs as Country Park***

(xxiii) the objective of the CPE policy was 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 had included expanded “V” zones that would cause “immediate development threats” on a larger scale. This contradicted the stated CPE policy and failed to comply with the International Convention on Biological Diversity (ICBD); and

(xxiv) the CPEs were well connected with the adjoining country parks from ecological, landscape and recreational points of view. They should be incorporated into country parks so that developments would be subject to scrutiny by the Country and Marine Parks Board (CMPB) and AFCD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities;

**Representers’ Proposals**

- (g) the proposals of the representations in Group 1 as detailed in paragraph 2.7 of TPB Paper No. 9644 were summarised below:
  - (i) as the land at the western part of the area, currently zoned “CA”, could be used for a water sports recreation centre and AFCD’s proposed visitor centre for the marine park, it should

be rezoned to “V” for Small House development;

- (ii) a large amount of private land had been found in the “CPA” zone which should be rezoned to “V”; and
  - (iii) since most of the land within the “V” had been occupied by existing village houses, rezoning part of the “CA” zone along the existing Hoi Ha Road to “GB” could provide an opportunity for the villagers to submit planning applications for Small House development;
- (h) the proposals of the representations in Group 2 as detailed in paragraph 2.8 of TPB Paper No. 9644 were summarised below:
- (i) the “V” zone should be confined to the existing structures/building lots and village expansion should be planned at area with lower ecological value. The western part of the “V” zone should be rezoned to “CA” or “GB” to safeguard the woodland and HHW;
  - (ii) the existing village and the suggested village expansion areas should be designated as “Comprehensive Development Area” (“CDA”), within which planning restrictions should apply when applications for improvement and developments were made to ensure that the potential environmental impacts were properly addressed. Consideration could also be given to swapping land with the villagers so that land in the centre of the village could be released for provision of supporting facilities (e.g. playground), whereas Government land in the east and south could be used for Small House development;
  - (iii) to separate the ecologically sensitive stream and HHW Marine Park from undesirable land use/development, the “GB” should be rezoned to “CA” of at least 30m wide to protect Hoi Ha

Stream from possible Small House developments, and the “CPA” zone should be at least 30m from the shore to serve as a buffer to protect the coastline; and

- (iv) Hoi Ha should be designated as a country park to protect its ecologically sensitive areas and the development permission area (DPA) plan should be extended for at least one year to allow for the required process. In the interim, the “V”, “GB” and non-conservation zonings could be rezoned to “Undetermined” (“U”) to protect the natural environment;
- (i) the proposals of R10911 to R10920 submitted by the Tolo Adventure Centre and individuals were to extend the “Other Specified Uses” (“OU”) annotated “Water Sports Recreation Centre” (“OU(Water Sports Recreation Centre)”) zone by 5m along the boundaries to its north, south and east to facilitate maintenance of the surrounding vegetation as required under the lease conditions, and to rezone the footpath linking Hoi Ha Road to Tolo Adventure Centre to “OU” or “Government, Institution or Community” (“G/IC”) to facilitate maintenance of the footpath;

#### Comments

- (j) among the 3,671 comments received, 3,654 of them (C1 to C3655, C3661, C3663 and C3669) were submitted by green groups/concern groups and individuals including Designing Hong Kong Limited (DHKL)(C3641), Friends of Sai Kung (C3640), Friends of Hoi Ha (C3663) supporting the representations and proposals in Group 2 on similar grounds;
- (k) the remaining 17 comments (C3656 to C3660, C3662, C3664 to C3668 and C3670 to C3675) were submitted by green groups/concern groups (i.e. Hong Kong Countryside Foundation (C3657), and the Association for Geoconservation, Hong Kong (C3668)) and

individuals. They had not indicated which representations the comments were related to but in general opposed the draft Hoi Ha OZP;

### Planning Considerations and Assessments

#### ***The Representation Sites and their Surrounding Areas***

- (l) the representation sites covered the whole OZP area;
- (m) the Planning Scheme Area of Hoi Ha (the Hoi Ha Area), covering a total area of about 8.45 ha, was located at the northern coast of Sai Kung peninsula, and accessible by vehicles via Hoi Ha Road. It was encircled by the Sai Kung West (SKW) Country Park on three sides, with its northern side opening towards the scenic HHW, which was a designated Marine Park as well as a SSSI. The northwestern boundary of the Hoi Ha Area abutted on a major rocky stream;
- (n) the Hoi Ha Area mainly consisted of woodlands, village houses, sandy beaches and fallow agricultural land. Hoi Ha Village, located in the middle part of the Area, was the only recognised village in the Hoi Ha Area, with about 30 houses and two 'tsz tongs'. Local provisions stores could be found on the ground floor of some houses, and HHW Marine Park Warden Post of AFCD occupied the ground floor of one of these houses, providing guiding tours for tourists during weekend. According to 2011 Census, the total population of the Hoi Ha Area was about 110 persons;

#### ***Planning Intention***

- (o) the general planning intention for the Hoi Ha Area was to conserve its natural landscape and conservation value, to protect its natural and rural character, its cultural heritage, and to make provision for future Small House development for the indigenous village of Hoi Ha;

- (p) the planning intention of “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (q) the planning intention of “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development. There was a general presumption against development in this zone;
- (r) the planning intention of “CPA” zone was intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It might also cover areas which served as natural protection areas sheltering nearby developments against the effects of coastal erosion. There was a general presumption against development in this zone;
- (s) the planning intention of “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was 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;
- (t) the planning intention of the “OU(Water Sports Recreation Centre)” was to reflect the existing use of the land at the western part of the Hoi Ha Area currently occupied by a water sports recreation centre

(the “Tolo Adventure Centre”) to the north of Hoi Ha Road;

***Consultation***

- (u) on 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Hoi Ha Area. On 28.6.2013, the Board gave preliminary consideration to the draft Hoi Ha OZP and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and SKNRC for consultation;
- (v) TPDC and SKNRC were consulted in July 2013. They considered the size of the “V” zone insufficient to meet the future demand as it would only provide land to meet about 67% of the 10-year Small House demand, and there was too little Government land in the “V” zone for Small House development. The Village Representatives (VRs) suggested that the “V” zone should be enlarged by extending its boundary westward to cover part of the area currently zoned as “CA”;
- (w) a meeting with the villagers/residents was held in August 2013. Comments from Kadoorie Farm and Botanic Garden Corporation (KFBGC), local concern groups and individuals were also received. The villagers were concerned that most of the land proposed for the “V” zone extension was owned by developers, thus might not be made available for them to build Small Houses. The green/concern groups and residents were of the view that whilst the “CA” and “CPA” zones were supported, the “V” zone was too large and the “GB” zone would be prone to future developments. They considered that the “V” zone should be confined to the existing village cluster and Hoi Ha should be designated as country park;
- (x) on 13.9.2013, the draft Hoi Ha OZP, together with comments received from TPDC, SKNRC, villagers, green/concern groups and

members of public, were submitted to the Board for further consideration. The Board noted the comments and agreed that the draft Hoi Ha OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance;

- (y) SKNRC and TPDC were consulted in October and November 2013 respectively, and they generally objected to the draft Hoi Ha OZP and considered that the Government had ignored the requests of local villagers and rights of private landowners, and that public sewers or sewerage systems should be provided to cater for the need of villagers;

#### Responses to Grounds of Representations and Representers' Proposals

- (z) the views of the four supportive representations (R10737 to R10739 and R10742) were noted;

[Mr Lincoln L.H. Huang left the meeting temporarily at this point.]

- (aa) the responses to the grounds of the adverse representations as detailed in paragraphs 5.15 to 5.34 of TPB Paper No. 9644 were summarised below:

#### ***Designation of "V" zone***

- (i) in drawing up the draft OZP and its land use proposals, special attention had been given to protect the ecological and landscape significance of the Hoi Ha Area having regard to the wider natural system of SKW Country Park and HHW Marine Park. Conservation zones, i.e. "CA", "CPA" and "GB", in consultation with relevant Government departments, had been designated to cover areas (e.g. native woodlands, natural coastlines and rocky stream) having ecological and landscape



significance that warranted protection under the statutory planning framework. The total land area of those three conservation zones was about 5.6 ha, representing about 66% of land covered by the draft Hoi Ha OZP;

- (ii) there was a need to designate “V” zones at suitable locations to meet the Small House demand of local villagers after delineating the areas that had to be conserved. The boundaries of the “V” zone had been drawn up after considering the village ‘environs’ (‘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 was only one of the many references in considering the proposed “V” zone;
- (iii) the Small House demand forecast provided by the Indigenous Inhabitant Representatives to the Lands Department (LandsD) could be subject to changes over time. An incremental approach for designating “V” zone for Small House development had been adopted with an aim to confine Small House development at suitable locations adjacent to existing village cluster. The “V” zone on the draft Hoi Ha OZP had an area of about 2.6 ha which was smaller than the ‘VE’ of Hoi Ha Village (about 2.92 ha) by 11%, was capable of providing land for development of about 64 Small Houses to meet about 68% of the outstanding demand and 10-year demand forecast of 94 Small Houses;

#### Environmental Impact on Woodland

- (iv) the representers, in particular the green/concern groups had collated a large amount of supporting information to demonstrate that the western portion of the “V” zone was occupied by undisturbed secondary woodland comprising a

considerable number of mature trees and plant species of conservation concern, and was ecologically linked with the adjacent “CA” and “GB” zones. In particular, a group of mature trees, including Chinese Banyan on the western edge of the “V” and a plant species of conservation concern (*Hong Kong Pavetta* 香港大沙葉) were found. As such, they considered that the woodland area should be protected by conservation zonings such as “CA” and “GB” and excluded from the “V” zone;

- (v) after reviewing the latest evidence and based on AFCD’s advice, it was considered that some of the proposals submitted by the representers had merits. To minimise any possible adverse impact on the existing natural environment including wetland and HHW, consideration could be given to partially meet the representations by revising the boundary of the “V” zone to exclude the relatively undisturbed woodland with flora of conservation species in the western part of the “V” zone and to rezone it and the adjacent “GB” to “GB(1)”;
- (vi) the proposed “GB(1)” zone was so designed to provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allow flexibility for some necessary uses to cater for the needs of local villagers (e.g. ‘Burial Ground’ and ‘Rural Committee/Village Office’). Only developments that were needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or essential infrastructure projects with overriding public interest might be permitted. Whist redevelopment of existing NTEH and rebuilding of existing structures were permitted, no new Small Houses were permitted in the “GB(1)” zone. AFCD considered that the proposed “GB(1)” zone for the woodland and wetland was appropriate from the nature conservation perspective;

- (vii) accordingly, the land area zoned “V” would be reduced from 2.6 ha to 1.95 ha for development of about 40 new Small Houses capable of meeting 43% of the Small House demand forecast as compared with the original 68%;
- (viii) to cater for future demand for Small Houses, a review had been taken to identify possible locations that might have potential for Small House development. In consultation with AFCD, a piece of government land which was relatively flat and mainly covered by small trees, shrubs and grass to the east of the village cluster had been identified. It had a land area of about 0.25 ha and was proposed to be rezoned from “CA” to “GB” to reflect its current landscape character. Applications for Small House development were not precluded and could be considered by the Board based on individual merits;

#### Small House Demand

- (ix) the Small House demand forecast was only one of the many references in considering the designation of “V” zone. Though there was no mechanism at the planning stage to verify the authenticity of the figures, the respective District Lands Officer (DLO) would verify the status of the Small House applicant at the stage of Small House grant application;

#### Environmental Impact on Hoi Ha Wan Marine Park

- (x) the ecological value of HHW was well recognised and it had been an important consideration in the drawing up of the draft Hoi Ha OZP. Conservation zones, including “GB”, “CA” and “CPA” against which there was a general presumption against development, had been designated to cover areas having ecological and landscape significance to protect the natural environment of Hoi Ha and the ecologically linked SKW Country Park and HHW Marine Park under the statutory

planning framework;

- (xi) sewage disposal including the STS system(s) of Small Houses would be considered by the concerned departments (including the Environment Protection Department (EPD), Drainage Services Department (DSD), Water Supplies Department (WSD), AFCD and PlanD) during the processing of Small House grant applications by LandsD. The arrangement of sewage disposal works should comply with the requirements of the relevant government departments;
- (xii) as stated in the Explanatory Statement (ES) of the draft Hoi Ha 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 might 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 was permitted under Chapter 9 of the Hong Kong Planning Standards and Guidelines (HKPSG). For protection of the water quality of HHW Marine Park, the design and construction of on-site STS for any development proposals/submissions needed to comply with relevant standards and regulations, including 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 tanks (e.g. desludging practices) were also given in EPD's "Guidance Notes on Discharges from Village Houses";
- (xiii) according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal,

a number of site-specific conditions needed to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography and flooding risks. Site-specific information was essential, particularly if the soil characteristics such as the soil textures were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which had to be followed by Authorised Person (AP) to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test would allow relevant parties to ascertain whether the soil condition was suitable for a septic tank to function properly for effective treatment and disposal of the effluent. The site-specific conditions of Hoi Ha would be taken account of in assessing the acceptability of the proposed STS system;

- (xiv) ProPECC PN 5/93 also set out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements would 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

- (xv) when considering the draft Hoi Ha OZP, the Board had already taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Neither the Transport Department (TD) nor Highways Department (HyD) raised concern on the proposed “V” zone from the traffic and transport infrastructure points of view;
- (xvi) LandsD, when processing Small House grant applications,

would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The water quality of HHW Marine Park had been closely monitored by AFCD;

***Notes of the Plan***

- (xvii) as the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of the “V” zone;
- (xviii) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 of conservation zones from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Planning permission from the Board was required for works relating to diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD considered that there was no strong justification for imposing more stringent control on Column 1 uses in the relevant zones;
- (xix) ‘Barbecue Spot’ and ‘Picnic Area’ referred to facilities operated by the Government and excluded sites that were privately owned and/or commercially operated. ‘Public Convenience’ referred to any latrine within the meaning 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’ referred to any place opened to the public where tents were put only for temporary lodging for recreational or training purpose. Again, this was a facility designated by the Government. AFCD considered that such uses might not have significant

adverse impacts on sensitive habitats and thus there was no strong justification for putting these uses under Column 2 of “GB”, CA” and “CPA” zones;

- (xx) LandsD, when processing Small House applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. If a food business was to be carried out at the premises, a food business licence was required to be obtained from the Food and Environmental Hygiene Department (FEHD). As such, there was no strong justification to place ‘NTEH’, ‘Eating Place’ and ‘Shop and Services’ under Column 2 of the “V” zone;

***Adequacy of “GB” zone***

- (xxi) AFCD had emphasised more on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest. Important habitats such as mature native woodlands and the riparian zone of Hoi Ha Stream, which could provide suitable habitats supporting a variety of species, were covered by conservation zonings. In general, these habitats were supporting various species of conservation interest;
- (xxii) AFCD considered that the “GB” zone was appropriate since the area consisted of relatively disturbed, young woodland that had developed from abandoned agricultural land and the rocky stream was not an EIS. To minimise any possible adverse impact on the existing natural environment including the wetland and Hoi Ha Stream, consideration could be given to partially meet the representation by rezoning the “GB” to “GB(1)” zone. AFCD considered that the proposed rezoning to “GB(1)” was appropriate from nature conservation

perspective as together with the woodland area, the new “GB(1)” zone would provide a wider buffer between the village, HHW Marine Park and Hoi Ha stream;

***Inadequate and misleading information***

(xxiii) the boundary of Marine Parks had been drawn making reference to the high water mark and the coverage of Marine Parks had taken into account the ecological characteristics of the shoreline. In this regard, the boundary of the HHW Marine Park was purposely drawn to include the beaches and sand dunes at Hoi Ha for better protection of the coastal ecology. The gazetted boundary of the HHW Marine Park was approved under the Marine Parks Ordinance in 1996 and there had been no changes since then. The northern boundary of the draft Hoi Ha OZP coincided with the HHW Marine Park boundary leaving no gap in between;

(xxiv) in drawing up the draft OZP and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transportation, infrastructure and utility services had been taken into account. Views and comments had also been sought from stakeholders and relevant government departments. The draft OZP was not prepared on the basis of the survey map which was just as a map base of the draft OZP only;

***Designation of CPEs as Country Parks***

(xxv) as announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 CPEs into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For a CPE to be protected by a statutory



plan, the general planning intention of the CPE was to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House developments by the indigenous villagers of the existing recognised villages within the area; and

(xxvi) designation of country park was under the jurisdiction of the Country and Marine Parks Authority (CMPA) governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

(bb) the responses to the proposals in the representations as detailed in paragraph 5.35 of TPB Paper No. 9645 were summarised below:

***Group 1***

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

(i) the proposed visitor centre for HHW Marine Park fell within SKW Country Park and outside the boundary of the draft OZP. The “CA” zone at the western part of the Hoi Ha Area and along Hoi Ha Road consisted of relatively undisturbed, native woodland worthy of preservation that was contiguous with the adjoining SKW Country Park. The “CA” zone was considered appropriate from the nature conservation perspective;

***Rezoning of the “CPA” zone to “V”***

(ii) the “CPA” covered mangroves, mangrove-associated plants and backshore vegetation, and adjoined HHW Marine Park. A “CPA” zone was also required to serve as a buffer between the village area and HHW Marine Park;

***Group 2***

Designation of “CDA”

- (iii) in the course of preparing the draft OZP, the “CDA” proposal had been fully deliberated by the Board. The current zonings for the Hoi Ha Area had been drawn up to provide clear planning intention and protection for different localities in accordance with their ecological and landscape significance, and suitability for Small House development. Designation of the village area as “CDA” so as to enforce planning restrictions or protect the environment was not appropriate;

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

- (iv) the width of the “CPA” zone between Hoi Ha village and HHW Marine Park ranged from 25m to 35m. The “CPA” zoning was considered appropriate to form a buffer between the village and HHW Marine Park. Further extending the “CPA” zone inland would encroach onto the existing village;

Designation of CPEs as Country Parks

- (v) whether a specific CPE should be included in the country park or not was under the jurisdiction of CMPA under the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

Expanding the “OU(Water Sports Recreation Centre)” zone

- (vi) according to the short term tenancy (STT) covering Tolo Adventure Centre, a belt of trees not less than 3m in width should be planted along the southern side of the site within the STT boundary. The reason for expanding the site boundary due to the tenancy requirement was not justified; and
- (vii) the footpath fell outside the STT boundary and it was uncertain how the proposed amendment could facilitate the maintenance of the footpath. The maintenance or repair of road (including footpath) was always permitted in the “CA” zone under the

covering Notes of the draft OZP;

Responses to Grounds of Comments

- (cc) the major grounds of the comments and the responses highlighted in Annex IV of TPB Paper No. 9644 were similar to those raised by the adverse representations as summarised above; and

PlanD's Views

- (dd) PlanD's views on the representations were:

***Supportive Representations***

- (i) the supportive views of R10737 to R10739 and R10742 were noted;

***Adverse Representations***

- (ii) no objection to part of the Representations No. R799 to R10735 and R10750 to R10934 and the draft Hoi Ha OZP should be amended to partially meet these representations by rezoning the western part of the "V" zone and the adjoining "GB" zone to "GB(1)" and the eastern portion of the "CA" zone adjoining the "V" zone to "GB" as indicated in Annex VI of TPB Paper No. 9644. In tandem with the proposed amendments to the draft Hoi Ha OZP, the Notes and the ES should also be revised as proposed in Annexes VII and VIII of TPB Paper No. 9644; and
- (iii) Representations No. R1 to R798 and R10736, R10740, R10741, R10743 to R10749 and the remaining part of Representations No. R799 to R10735 and R10750 to R10934 were not supported and the draft Hoi Ha OZP should not be amended to meet these representations.

## So Lo Pun OZP

10. Members noted that a replacement page (Plan H-1a) of TPB No. 9645 had been tabled at the meeting. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points in respect of the draft So Lo Pun OZP as detailed in TPB Paper No. 9645:

### Background

- (a) on 27.9.2013, the draft So Lo Pun OZP No. S/NE-SLP/1 was exhibited for public inspection under section 5 of the Ordinance. The total numbers of valid representations and comments received were 10,748 and 3,673 respectively;

### The Representations

- (b) all the representations objected to the draft So Lo Pun OZP and their views could be generally categorised into two groups:
  - (i) Group 1 comprising 875 representations (R1 to R798 and R10736 to R10817) submitted by the villagers and related organisations as well as other individuals mainly objecting to insufficient “V” zone to satisfy the demand for Small House developments and the inclusion of a large amount of private land within the “CA” zone; and
  - (ii) Group 2 comprising 9,873 representations (R799 to R10735 and R10818 to R10858) submitted by Legislative Councillors, green/concern groups and individuals mainly objecting to excessive “V” zone on the grounds that it was based on unrealistic Small House demand figures without verification and provision of Small House would pose a severe threat to the important habitats and species of the area;

### Grounds of Representations

- (c) the grounds of representations in Group 1 as detailed in paragraph 2.3 of TPB Paper No. 9645 were summarised below:

#### ***Inadequate Land within “V” Zone***

- (i) the proposed “V” zone could not satisfy the future demand for Small House development. Due to topographical constraints, inadequate land was available for Small House development;

[Mr Lincoln L.H. Huang returned to join the meeting at this point.]

- (d) the grounds of representations in Group 2 as detailed in paragraph 2.4 of TPB Paper No. 9645 were summarised below:

#### ***Designation of “V” Zone***

##### *Small House Demand*

- (i) the “V” zone of about 4.12 ha for 134 houses with a planned population of 1,000 was excessive. According to the 2011 Census, the population in So Lo Pun was nil and there was no outstanding Small House application. Justifications should be provided for designating such a large “V” zone;
- (ii) the demand for Small House was infinite and had been determined without any justifications and verification. The prevailing Small House Policy was unsustainable and majority of such applications were abusing the policy;
- (iii) restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remained within the ownership of the indigenous villagers as far as possible;

Environmental Impact on Local Habitats and Surrounding Areas

- (iv) development in the area would have adverse impact on the habitat of Crab-eating mongoose (食蟹獐) and *Prionailurus bengalensis* (豹貓) in So Lo Pun. The Greater Bamboo Bat *Tylonycteris robustula* (褐扁顱蝠), a rare local species, would be affected by the light generated from Small House developments;
- (v) So Lo Pun was not provided with public sewerage system. The sewage from Small Houses would only be treated by on-site STS systems. There was no road access to the area and proper maintenance of the STS was in doubt. Pollutants would be discharged into the water bodies nearby and pollute the environment;
- (vi) the STS could only provide a minimum level of sewage treatment. The effluent from a septic tank still carried a very high nutrient, organic and microbiological loads which could only be effectively attenuated in circumstances where the ground conditions were suitable and development density was low. The STS system was often not effective in removing pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks;
- (vii) the underlying surface sediment in So Lo Pun comprised porous and highly permeable deposits, which allowed for rapid drainage. Adequate purification could not be achieved by STS system before the wastewater reached the sea. There was no geological assessment on the cumulative sewage percolation to the surrounding areas;
- (viii) as the Crooked Harbour outside So Lo Pun was within the

Mirs Bay Water Control Zone and located in close proximity to Yan Chau Tong Marine Park and the Ap Chau Fish Culture Zone, the cumulative impacts on water quality from the STS systems in the “V” zone of So Lo Pun would pollute the ecologically sensitive habitats in So Lo Pun and the surrounding sensitive areas;

Notes of “V” Zone

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

Cumulative Impact Assessment

- (x) there was a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impacts of the additional Small Houses on the area. The carrying capacity for individual enclave sites and the overall capacity of all CPEs should be carefully studied before an informed and responsible decision on land use and Small House numbers could be made;
- (xi) there was no plan to improve the infrastructure (e.g. sewerage, road access, carparking and public transport) to support new developments in So Lo Pun and visitors to the area. Village layout plan and public works programme should be drawn up to improve the infrastructure and facilities of So Lo Pun and to prevent the existing village from polluting the area;

***Adequacy of “GB” Zone***

- (xii) the lower section of So Lo Pun Stream was a designated EIS. The “GB” zone adjoining the upper section of the stream

should be zoned to “CA” as it was ecologically significant. The real planning intention of “GB” zone might not be conservation-led as planning permission was often given to Small House development in “GB”, which might cause irreversible impacts on the wetland and the riparian zone in future;

### ***Notes of “GB” and “CA” Zones***

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

### ***Ecological Information***

- (xiv) a total of 244 vascular plant species including seven species of conservation concern, one dragonfly species with conservation concern, 11 native fish species including three species of conservation concern, two amphibian species and three mammals with conservation concern were recorded in So Lo Pun;
- (xv) 38 species of birds had been recorded in and around So Lo Pun. In particular, 10 species of birds were of conservation interest including Common Emerald Dove (綠翅金鳩), Grey Treeple (灰樹鵲) and Crested Kingfisher (冠魚狗). The water fern, a protected plant in China under State Protection (Category II), could be found in the freshwater marshes located in close proximity to the “V” zone, where the rice fish, a species of conservation concern, was also recorded;



- (xvi) the seahorse *Hippocampus kuda*, a species listed as Vulnerable under the International Union for Conservation of Nature, could be found at Kat O Hoi which was under threat by water pollution from the village houses;

### ***Designation of CPEs as Country Parks***

- (xvii) the objective of the CPE policy was 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 had included expanded “V” zones that would cause “immediate development threats” on a larger scale. This contradicted the stated CPE policy and failed to comply with the ICBD; and
- (xviii) the CPEs were well connected with the adjoining country parks from the ecological, landscape and recreational points of view. They should be incorporated into country parks so that developments would be subject to scrutiny by CMPB and AFCDD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities;

### **Representers’ Proposals**

- (e) the proposals of the representations in Group 1 as detailed in paragraph 2.5 of TPB Paper No. 9645 were summarised below:
  - (i) the “V” zone should be expanded to cover the adjoining areas in the middle and upper sections of the river valley zoned “CA” and “GB”, with an area not less than 7.15 ha and should not cover any steep slope, stream or burial ground; and

(ii) to facilitate eco-tourism, the following rezoning proposals for the “CA” zone and part of the “GB” zone and road designation were proposed:

- the wetland including the part of the EIS adjacent to the breakwater should be rezoned from “CA” to “GB”;
- the wetland and the adjoining areas should be rezoned from “CA” and “GB” to “Recreation” (“REC”) to facilitate development of low-density recreational uses including field study/education/visitor centre with a view to promoting ecological tourism;
- the ex-school site and the adjoining areas should be rezoned from “CA” and “GB” to “G/IC” to facilitate development of village committee office and tourist centre;
- the pond and various areas adjacent to proposed “V” zone including the terraced agricultural land should be rezoned from “CA” and “GB” to “Agriculture” (“AGR”) to facilitate agricultural uses such as hobby farming;
- in relation to the rezoning proposals above, a set of new Notes for the “V”, “GB”, “REC”, “G/IC” and “AGR” zones had been proposed at Annex VI of TPB Paper No. 9645; and
- the existing footpath and the adjoining areas with a minimum width of 2.5m leading from the breakwater to the “V” zone should be shown as ‘Road’ on the So Lo Pun OZP;

(f) the proposals of the representations in Group 2 as detailed in

paragraph 2.6 of TPB Paper No. 9645 were summarised below:

- (i) the “V” zone should be confined to the existing village structures/building lots (within 20m around the existing ruined houses) and approved Small House sites;
- (ii) in order to strengthen the protection of the lower section of So Lo Pun Stream designated as EIS, the upper section of the stream and its tributaries together with the riparian zone with a minimum buffer of 30 metres on both sides of the streams as well as the adjoining woodland should be rezoned from “V” and “GB” to “CA”;
- (iii) to rezone the seagrass bed together with the adjacent mangrove community from “CA” to “SSSI”;
- (iv) So Lo Pun should be designated as a country park to protect its ecologically sensitive areas and the DPA plan should be extended for at least one year to allow for the required process. In the interim, the “V”, “GB” and non-conservation zonings could be rezoned to “U” to protect the natural environment;

#### Comments

- (g) among the 3,673 comments received, eight comments (C3669 to C3676) were submitted by villagers and individuals supporting the representations in Group 1 on similar grounds. They also objected to the representations opposing the excessive “V” zone in Group 2;
- (h) the remaining 3,665 comments were submitted by green groups/concern groups (including Friends of Sai Kung (C3640), DHKL (C3641) and Hong Kong Countryside Foundation (C3657)) and individuals with similar views put forth by the representations in Group 2. Amongst these comments, a total of 3,653 comments

(C1 to C3655, C3661 and C3677) supported the representations in Group 2 whereas the remaining 12 comments (C3656 to C3660 and C3662 to C3668) did not indicate the representations to which the comments were related but raised objection to the draft So Lo Pun OZP;

### Planning Considerations and Assessments

#### ***The Representation Sites and their Surrounding Areas***

- (i) the representation sites covered the whole OZP area;
- (j) the Planning Scheme Area of So Lo Pun (the So Lo Pun Area), covering a total land area of about 27.68 ha, was encircled by the Plover Cove Country Park on three sides and fronted the scenic coastline of Kat O Hoi to the north-east;
- (k) So Lo Pun Village was the only recognised village in the area which was currently largely uninhabited. Village developments mainly concentrated on the lower hillslopes in the northern part of the area. Most of the village houses had become ruins, except a few one to two-storey houses which were in dilapidated condition and left vacant;
- (l) the southern, western and northern parts of the So Lo Pun Area were mainly covered by woodland and shrubland. The wooded areas along the hillside formed a continuous stretch of well-established vegetation with those located at the adjacent Plover Cove Country Park and complemented the overall natural environment and landscape beauty of the surrounding country park. Fallow agricultural land on lower slopes and at lowland was mainly covered with grass and shrubs. Some freshwater marshes had evolved from abandoned wet agricultural fields at the flat land in the central part of the area. Estuarine mangrove/mudflat habitats were found on the

seaward side of the area along the coastline of Kat O Hoi. A pond fringed by reeds was found to the south-west of the estuarine mangrove. A natural stream flowed across the So Lo Pun Area in the south-west to north-east direction, the downstream part of which was an EIS;

- (m) according to 2011 Census, the total population of the So Lo Pun Area was about 110 persons;

***Planning Intention***

- (n) the general planning intention of the So Lo Pun Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Plover Cove Country Park. Apart from the environmental and ecological considerations, development in the So Lo Pun Area was constrained by limited transport and infrastructural provisions. It was also intended to consolidate the village so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the area;
- (o) the planning intention of the “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (p) the planning intention of the “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There was a general presumption against development in this zone;

- (q) the planning intention of the “V” zone was to designate both existing recognised village and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was 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;

### ***Consultation***

- (r) 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 So Lo Pun Area. On 26.4.2013, the Board gave preliminary consideration to the draft So Lo Pun OZP and agreed that the draft OZP was suitable for submission to the North District Council (NDC) and the STKDRC for consultation;
- (s) NDC and STKDRC were consulted in May 2013. NDC and STKDRC strongly opposed the “CA” zoning as the land involved was mostly private land owned by the villagers. Besides, only about 9% of land was designated as “V” zone which could not meet the Small House demand. The planned “V” zone would eradicate the village and deprive the private landowners of their rights. The zonings (i.e. “CA”, “GB” and “V” zones) on the draft OZP seemed inadequate to cater for the villagers’ wish to revive the village. “AGR”, “REC” and “G/IC” zones should also be incorporated, and hence a balance could be struck between conservation and development rights of landowners;
- (t) comments from green groups including the DHKL, World Wide Fund for Hong Kong, The Conservancy Association and KFBGC were received. They in general supported the draft OZP as many areas of conservation importance in So Lo Pun were covered with

conservation zonings;

- (u) taking into account the divergent views on the draft OZP, in particular the proposed “V” and “CA” zonings, the zonings for the So Lo Pun Area were revised after further consultation with relevant departments, including AFCD. While the ecological importance of the wetland complex and the surrounding natural woodland with dense vegetated hillslopes and major natural stream were proposed to be retained as “CA” and “GB” zones, about 1.6 ha of land, including a piece of land at the north-eastern part of the area and a long stretch of level land at the south-western part of the area were rezoned from “GB” to “V” (with an increase in total “V” zone area from about 2.52 ha to about 4.12 ha);
- (v) on 9.8.2013, the draft So Lo Pun OZP incorporating the proposed extension of the “V” zone, together with the comments received from NDC, STKDRC, villagers and green groups/concern groups were submitted to the Board for further consideration. The Board noted the comments and agreed that the revised draft So Lo Pun OZP was suitable for exhibition for public inspection. On 27.9.2013, the draft So Lo Pun OZP No. S/NE-SLP/1 was exhibited for public inspection under section 5 of the Ordinance;
- (w) NDC and STKDRC were consulted in September and October 2013 respectively. They strongly opposed the “CA” zoning as the land involved was mostly private land owned by the villagers and relevant infrastructure should be provided to support the village;

#### Responses to Grounds of Representations and Representers’ Proposals

- (x) the responses to the grounds of representations as detailed in paragraphs 5.12 and 5.13 of TPB Paper No. 9645 were summarised below:

***Designation of “V” zone***

- (i) the wetland system (i.e. the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as EIS and the freshwater marsh, etc.) was of ecological importance with a relatively high diversity of fish and a number of species of conservation interest had been recorded. The “CA” zoning for the wetland complex in So Lo Pun was appropriate so that the rich ecological and biological features in the wetland complex could be protected and preserved. The surrounding wooded areas and a traditional burial ground were zoned “GB”, providing a buffer between the development and conservation areas or country park;
- (ii) discounting the environmentally sensitive areas zoned “CA” and “GB” zones, the residual area covered by the “V” zone was mainly occupied by the existing village clusters and the adjoining relatively disturbed, young woodland and shrubby grassland developed from abandoned agricultural land, which was considered suitable for village development;
- (iii) the boundaries of the “V” zone had 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;
- (iv) an incremental approach for designating “V” zone for Small House development had been adopted with an aim to confine Small House development at suitable locations adjacent to existing village cluster. The “V” zone on the draft So Lo Pun OZP had an area of about 4.12 ha, which was smaller than the ‘VE’ of So Lo Pun Village (about 5.58 ha) by 26%, was capable of providing land for development of about 134 Small Houses to meet about 50% of the 10-year demand forecast of



270 houses;

*Small House Demand*

- (v) the Small House demand forecast was only one of the many references in considering the proposed “V” zone. The forecast was provided by the Indigenous Inhabitant Representatives to LandsD and could be subject to changes over time for reasons like demographic changes (birth/death) as well as the aspiration of indigenous villagers currently living outside the village, local and overseas, to move back to So Lo Pun in future. Though there was no mechanism at 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;

*Environmental Impact on Local Habitats and Surrounding Areas*

- (vi) the ecological value of So Lo Pun and the surrounding areas was well recognised and it had been an important consideration in the drawing up of the draft So Lo Pun OZP. Conservation zones, including “GB” and “CA” against which there was a general presumption against development, had been designated at suitable locations to protect the natural environment of So Lo Pun and the ecologically linked Plover Cove Country Park and the surrounding areas under the statutory planning framework;
- (vii) the sewage disposal including the STS system(s) of Small Houses would be considered by the concerned departments (including EPD, DSD, WSD, AFCD and PlanD) during the processing of Small House grant applications by LandsD. The arrangement of sewage disposal works should comply with the requirements from the relevant government departments;

- (viii) as stated in the ES of the draft So Lo Pun OZP, under the current practice and in accordance with ETWBTC(W) No. 5/2005, for development proposals/submissions that might 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 was permitted under Chapter 9 of the HKPSG. For protection of the water quality of the area, the design and construction of on-site STS for any development proposals/submissions needed to comply with relevant standards and regulations, including EPD's ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". Operation and maintenance practices for septic tanks (e.g. desludging practices) were also given in EPD's "Guidance Notes on Discharges from Village Houses";
- (ix) according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions needed to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography and flooding risks. Site-specific information was essential, particularly if the soil characteristics such as the soil textures were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which had to be followed by AP to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test would allow relevant parties to ascertain whether the soil condition was suitable for a septic tank to function properly for effective treatment and disposal of the effluent. The site-specific conditions of So Lo Pun would be taken account of in assessing the acceptability of the proposed STS system;

- (x) ProPECC PN 5/93 also set out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements would help identify the appropriate ground conditions suitable for the construction of septic tanks, and limit the density of houses to a certain extent;

*Cumulative Impact Assessment*

- (xi) when considering the draft So Lo Pun OZP, the Board had already taken into account all relevant planning considerations, including the advice of the relevant Government departments and public views. Neither TD nor HyD raised concern on the “V” zone from the traffic and transport infrastructure points of view;
- (xii) LandsD, when processing Small House grant applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications;

***Notes of the Plan***

- (xiii) as the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of the “V” zone;
- (xiv) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 of conservation zones from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Planning permission from the Board was required for works relating to diversion of streams,

filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD considered that there was no strong justification for imposing more stringent control on Column 1 uses in the relevant zones;

(xv) ‘Barbecue Spot’ and ‘Picnic Area’ referred to facilities operated by the Government and excluded sites that were privately owned and/or commercially operated. ‘Public Convenience’ referred to any latrine within the meaning 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’ referred to any place opened to the public where tents were put only for temporary lodging for recreational or training purpose. Again, this was a facility designated by the Government. AFCD considered that such uses might not have significant adverse impacts on sensitive habitats and thus there was no strong justification for putting these uses under Column 2 of “GB”, CA” and “CPA” zones;

(xvi) LandsD, when processing Small House applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. If a food business was to be carried out at the premises, a food business licence was required to be obtained from FEHD. As such, there was no strong justification to place ‘NTEH’, ‘Eating Place’ and ‘Shop and Services’ under Column 2 of the “V” zone;

#### ***Adequacy of “GB” zone***

(xvii) AFCD had emphasised more on the preservation of habitats with high conservation value rather than records of individual

species or specimens of conservation interest. Important habitats such as mature native woodlands and the riparian zone of So Lo Pun Stream as well as the wetland, which could provide suitable habitats supporting a variety of species, were covered by conservation zonings. In general, these habitats were supporting various species of conservation interest;

(xviii) AFCD considered that the “GB” zone was appropriate since the area consisted of relatively disturbed, young woodland that had developed from abandoned agricultural land and the upper section of So Lo Pun Stream was not an EIS;

(xix) “GB” was a conservation zone and there was a general presumption against development within “GB” zone. Any Small House development would require planning permission from the Board. Relevant departments would be consulted to ensure that no adverse environmental, ecological and landscape impacts, among others, would be brought about to the surroundings including So Lo Pun Stream and the wetland;

#### ***Designation of CPEs as Country Parks***

(xx) as announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 CPEs into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For a CPE to be protected by a statutory plan, the general planning intention of the CPE was to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House developments by the indigenous villagers of the existing recognised villages within the area; and

(xxi) designation of country park was under the jurisdiction of

CMPA governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board;

- (y) the responses to the proposals in the representations as detailed in paragraph 5.14 of TPB Paper No. 9645 were summarised below:

***Group 1***

*Rezoning of the wetland including part of the EIS adjacent to the breakwater from “CA” to “GB”*

- (i) the area adjacent to the breakwater proposed to be rezoned to “GB”, which covered part of the EIS, wetland and mangrove stand, etc., was part of the wetland system of So Lo Pun with significant ecological value. The current “CA” zoning for the area was appropriate;

*Rezoning of the wetland/pond and the adjoining areas including part of the EIS from “CA” and “GB” to “REC” and “AGR”*

- (ii) part of the long stretch of level land comprising the wetland complex should be retained for conservation purpose while the adjoining natural habitats should be designated as “GB”. There were no concrete recreation proposals submitted by any interested parties so far. In view of the above, there was no strong justification to rezone the wetland and adjoining areas from “CA” and “GB” to “REC”. Agricultural use was a Column 1 use in all zones and planning permission from the Board was not required;

*Rezoning of the ex-village school and the adjoining area from “GB” and “CA” to “G/IC”*

- (iii) there was presently no population in the area and the total population upon full development was about 1,000 persons. There was no requirement for specific government, institution and community (GIC) facilities for the moment;

- (iv) 'Village Office' use was always permitted in the "V" zone. For development of village office and visiting centre within the "GB" zone, they could be considered by the Board upon application on individual merits;

Notes of the rezoning proposals

- (v) there was no detailed information in the submissions to justify the proposed rezoning to "GB", "REC", "G/IC" and "AGR". The Notes of respective zonings should be based on the Master Schedules of Notes (MSN) agreed by the Board and there was no information provided to justify the additional uses in "GB", "REC", "G.IC" and "AGR" zones as proposed by the representers;

Designating areas shown as 'Road' on the OZP

- (vi) there was neither planned/committed access road to be proposed in the So Lo Pun Area. According to the Notes of the draft So Lo Pun OZP, geotechnical works, local public works, road works and such other public works co-ordinated or implemented by Government were always permitted;

**Group 2**

Designating the upper section of So Lo Pun Stream and its tributaries, the riparian zones and the adjoining secondary woodland as "CA"

- (vii) according to AFCD, a natural stream flows across the So Lo Pun area in the south-west to north-east direction, the downstream part of which was identified an EIS and this part of the stream formed part of the wetland complex in the area which had been designated as "CA" zone. However, the upper part of the stream was yet to be designated as EIS which required further investigation. In view of the above, it was not appropriate to designate the upper part of the stream as

“CA”;

- (viii) for development proposals that might affect natural rivers/streams and the requirement of on-site STS system, there were relevant regulatory mechanisms including ETWBTC(W) No. 5/2005 and EPD’s ProPECC PN 5/93;
- (ix) the riparian zone and the adjoining woodland were zoned “V” and “GB” on the draft OZP. Except for those located near the village clusters which were considered suitable for village expansion, these wooded areas formed a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park. The “GB” zoning was appropriate for providing planning control and protection to the upstream area and woodland;

Rezoning seagrass bed and the adjoining mangrove from “CA” to “SSSI”

- (x) the proposal of protecting the seagrass and mangrove by conservation zonings was supported. However, there was currently insufficient justification to designate the area concerned as “SSSI” and AFCD did not have any plan to designate the area as SSSI; and

Designation of CPEs as Country Parks

- (xi) whether a specific CPE should be included in the country park or not was under the jurisdiction of CMPA under the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

Responses to Grounds of Comments

- (z) the major grounds of the comments and the responses highlighted in Annex IV of TPB Paper No. 9645 were similar to those raised by the



adverse representations as summarised above; and

#### PlanD's Views

- (aa) the representations in both Group 1 and Group 2 were not supported and no amendment should be made to the draft So Lo Pun OZP to meet these representations.

#### Pak Lap OZP

11. With the aid of a Powerpoint presentation, Mrs Alice K.F. Mak made the following main points in respect of the draft Pak Lap OZP as detailed in TPB Paper No. 9646:

#### Background

- (a) 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. A total of 10,665 valid representations and 3,665 comments were received;

#### The Representations

- (b) except one representation (R10736) submitted by a local villager supporting the draft Pak Lap OZP, all the remaining representations opposed the draft OZP and their views could be generally categorised into two groups:
  - (i) Group 1 comprising 795 representations (R1 to R798 and R10737) submitted by individuals and the villagers mainly objecting to the insufficient “V” zone to satisfy the demand for Small House developments; and
  - (ii) Group 2 comprising 9,870 representations (R799 to R10735 and R10738 to R10775) submitted by Legislative Councillors,

a DC member, green/concern groups and individuals mainly objected to the large area of the “V” zone on the grounds that it was 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 worried that it would set a bad precedent to encourage private developments;

#### Grounds of Supportive Representations (R10736)

- (c) the main grounds of the supportive representation as detailed in paragraph 2.3 of TPB Paper No. 9646 were summarised below:
  - (i) the draft Pak Lap OZP was supported as it could facilitate the development of Pak Lap Village. Although there was a need to protect the natural environment, the indigenous villager rights to build Small Houses and the landowners’ rights should be respected; and
  - (ii) there was a need to provide vehicular access to Pak Lap which was essential to the villagers’ future development;

#### Grounds of Adverse Representations

- (d) the major grounds of adverse representations in Group 1 (R1 to R798 and R10737) as detailed in paragraph 2.4 of TPB Paper No. 9646 were summarised below:

##### *Size of “V” Zone*

- (i) the “V” zone could not satisfy the demand for Small Houses and the future village development. The relevant authority had 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 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 had been relocated to the present location to escape from the ill fate. While the “V” zone was irregular in shape and would lead to waste of developable land, some local villagers had 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 was required;

***Inadequate Infrastructure***

- (ii) the Pak Lap area was not served by any road or infrastructural and utility services such as public toilet, television and/or radio transmitter installation. Such facilities should be provided;

***Designation of “CA” Zone***

- (iii) the relevant departments, including AFCD, had neither conducted any consultation exercise nor elaborated on their conservation intention. No assessment report had been made available; and

***Feasibility of “Agriculture” (“AGR”) Zone***

- (iv) vehicles and farmers’ carts were restricted within the country park area. As there was no plan for agricultural rehabilitation, the local villagers worried that the “AGR” zone would limit the chance of Small House development;
- (e) the grounds of adverse representations in Group 2 (R799 to R10735 and R10738 to R10775) as detailed in paragraph 2.5 of TPB Paper No. 9646 were summarised below:

### ***Size and Designation of “V” Zone***

#### **Small House Demand**

- (i) the “V” zone of about 2.37 ha was considered excessive. There would be 79 houses in the “V” zone. According to the 2011 Census, the population in Pak Lap was less than 50 persons. Justifications should be provided for designating such a large “V” zone;
- (ii) the demand for Small House was infinite and had been determined without any justifications and verification. The prevailing Small House Policy was unsustainable and majority of applications were abusing the policy;
- (iii) restraints on alienation of ancestral or inherited village land should be enforced so that Small Houses remained within the ownership of the indigenous villagers as far as possible;
- (iv) the majority of land in the “V” zone had been sold to private developers. There were worries that the land would eventually become residential developments by private developers;
- (v) the “V” zone would set a bad precedent for other CPEs as Pak Lap was an area with records of suspicious ‘destroy first, build later’ practices in the past;

#### **Impact on Natural Habitats**

- (vi) Pak Lap, especially its secondary woodland, supported a diverse population of different fauna groups and was ecologically linked to the surrounding Sai Kung East (SKE) Country Park. High diversity of butterflies (37 species) and birds (55 species) had been recorded in Pak Lap;

- (vii) Pak Lap Wan was a habitat for *Amphioxus* (lancelet) (文昌魚). Chinese Striped Terrapin (中華花龜) and Chinese Bullfrog (虎皮蛙) had been found in the stream;
- (viii) some Water Ferns (水蕨) (listed under Class II protection in China) were found on the wet abandoned field within the “V” zone, and would be affected by the proposed Small House developments;
- (ix) possible roads in association with the residential developments would further damage the natural environment. The increased number of vehicles using Man Yee Road would pollute the water gathering ground of High Island Reservoir;
- (x) the downstream country park area would be significantly degraded by the potential pollutants brought about by the Small House developments. The ecological integrity of Pak Lap Wan would be affected;

Environmental Impact on Pak Lap Wan

- (xi) Pak Lap was not provided with public sewerage system. The sewage from Small Houses would only be treated by on-site STS systems. There was no road access to the area and proper maintenance of the STS system was in doubt. Pollutants would be discharged into water bodies nearby and pollute the environment;
- (xii) the STS could only provide a minimum level of sewage treatment. The effluent from a septic tank still carried a very high nutrient, organic and microbiological loads which could only be effectively attenuated in circumstances where the ground conditions were suitable and development density was low. The STS system was often not effective in removing

pollutants in the long run because of inadequate maintenance and with the increase in number of septic tanks;

- (xiii) the underlying surface sediment in Pak Lap comprised porous and highly permeable deposits, which allowed for rapid drainage. Adequate purification could not be achieved by the STS system before the wastewater reached the sea. Cumulative sewage percolation to the surrounding areas would occur;

#### *Cumulative Impact Assessment*

- (xiv) there was a lack of relevant surveys/assessments, including environmental, drainage, landscape, and traffic on the potential cumulative impacts of the additional Small Houses on the area. The carrying capacity for individual enclave sites and the overall capacity of all CPEs should be carefully studied before an informed and responsible decision on land use and Small House number could be made;
- (xv) there was no plan to improve the infrastructure (e.g. sewerage, road access, carparking and public transport) to support new developments at So Lo Pun 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 the area;

#### ***Notes of the Plan***

- (xvi) to prevent environmentally sensitive land from being destroyed in ecological terms (e.g. bogus agricultural activities) prior to applying for a change of land use, 'Agricultural Use', 'On-Farm Domestic Structure', 'Barbecue Spot', 'Picnic Area', 'Public Convenience' and 'Tent Camping Ground' in "CA" and "V" zones should not be allowed or should be Column 2

uses requiring planning permission from the Board;

- (xvii) stricter planning control should be imposed. Planning permission should be required for 'NTEH', 'Eating Place' and 'Shop and Services' uses and any demolition, addition, alteration and/or modification to an existing building in the "V" zone;

### ***Designation of CPEs as Country Park***

- (xviii) the objective of the CPE policy was 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 had included expanded "V" zones that would cause "immediate development threats" on a larger scale. This contradicted the stated CPE policy and failed to comply with the ICBD; and
- (xix) the CPEs were well connected with the adjoining country parks from the ecological, landscape and recreational points of view. They should be incorporated into country parks so that developments would be subject to scrutiny by CMPB and AFCD, and put under active management including habitat and amenity improvements, regular patrols and surveillance, and enforcement actions against irregularities;

### **Representers' Proposals**

- (f) the proposals of the representations in Group 1 as detailed in paragraph 2.6 of TPB Paper No. 9646 were summarised below:
  - (i) to rezone the south-western part of the existing Pak Lap village from "CA" to "GB" and "V" to facilitate village expansion;

and

- (ii) to rezone the piece of land at the southern part of Pak Lap from “CA” to “G/IC” for provision of a public toilet and television and/or radio transmitter installation;
- (g) the proposals of the representations in Group 2 as detailed in paragraph 2.7 of TPB Paper No. 9646 were summarised below:
- (i) 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 could be allowed for development. The area to the east of the existing stream should be rezoned to “CA”;
  - (ii) the “V” zone was bisected by a stream leading to Pak Lap Wan, and construction and sewage impacts from Small House developments might affect the stream. Buffer zone should be set up to separate the stream from the Small House developments within the “V” zone. The stream and its riparian areas should be rezoned to “CA”, and the STS system should be located at least 30m from the watercourses;
  - (iii) some isolated Water Fern were found in the wet abandoned field within the “V” zone. It was suggested that the wet abandoned field be rezoned from “V” to “CA”;
  - (iv) Pak Lap should be designated as a country park to protect its ecologically sensitive areas and the DPA 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 “U” to protect the natural environment; and
  - (v) the “AGR” zone was located in an area of young plantation



species and man-made pond. This area was hydrologically linked to the stream which drained into Pak Lap Wan. Surface runoff from farming activities would result in the increase of organic content in the stream and Pak Lap Wan. It was suggested that the area be rezoned from “AGR” to “CA” or “GB” to prevent the degradation of water quality;

#### Comments

- (h) among the 3,665 comments received, 3,655 comments (C1 to C3656 and C3661 to C3663) were mainly submitted by green/concern groups and individuals supporting the representations in Group 2 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;
- (i) the remaining 10 comments (C3657 to C3660 and C3664 to C3669) did not indicate the representations to which the comments were related but raised objection to the draft Pak Lap OZP and opposed the excessive “V” zone;

#### Planning Considerations and Assessments

##### ***The Representation Sites and their Surrounding Areas***

- (j) the representation sites covered the whole OZP area;
- (k) the Planning Scheme Area of Pak Lap (the Pak Lap Area), covering a total area of about 6.8 ha, was located at the southern coast of Sai Kung peninsula, about 9.5 km to the south-east of Sai Kung Town, and was completely encircled by the SKE Country Park. There were mountain ranges to its east, north and west. To the south of the Pak Lap Area was the scenic coastline, including the beach of Pak Lap Wan which had also been designated as part of the SKE Country

Park;

- (l) the Pak Lap Area was characterised by a rural and countryside ambience, comprising mainly village houses, shrubland, woodland, grassland, fallow agricultural land and streamcourses. Pak Lap was the only recognised village in the Pak Lap Area and village houses were mainly two to three storeys in height. The main cluster of village houses was in the middle of the Pak Lap Area, most of them were vacant while some of them were still being used for habitation. The eastern and northern parts of the Pak Lap Area were fallow agricultural land and become regenerated grassland. A stream flowed across the Pak Lap Area from north to south into Pak Lap Wan. Further north of the Area was the High Island Reservoir;

### ***Planning Intention***

- (m) the general planning intention of the Pak Lap Area was to protect its high natural landscape value, to protect its natural and rural character which complemented the overall naturalness and the landscape beauty of the surrounding SKE Country Park and to make provision for future Small House development for the indigenous villagers of Pak Lap;
- (n) the planning intention of “CA” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There was a general presumption against development in this zone;
- (o) the planning intention of “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other

agricultural purposes;

- (p) the planning intention of “V” zone was to designate both existing recognised village and areas of land considered suitable for provision of village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was 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;
- (q) the planning intention of “G/IC” zone was 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;

### ***Consultation***

- (r) 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) for consultation;
- (s) SKRC and SKDC were consulted on 30.4.2013 and 7.5.2013 respectively. SKDC requested for an expansion of the “V” zone for village type development and the provision of vehicular access within the Pak Lap Area. SKRC objected to the draft OZP as the zoning could affect the development rights of villagers. The VR of Pak Lap Village had 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 village expansion. The local villagers also suggested rezoning a piece of land in the southern part of Pak Lap from “CA” to “G/IC” for the provision of public toilet and

television and/or radio transmitter installation;

- (t) 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 fell within the “V” zone, construction and sewage impacts from Small House developments might affect the stream. The stream and its riparian areas within the “V” zone should be rezoned to “CA”;
- (u) on 13.9.2013, the draft Pak Lap OZP, together with comments received from 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 Pak Lap 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;

*Responses to Grounds of Representations and Representers' Proposals*

- (v) the views of the supportive representation (R10736) were noted;
- (w) the responses to the grounds of representations and representers' proposals as detailed in paragraph 5.14 of TPB Paper No. 9646 were summarised below:

***Size and Designation of “V” zone***

- (i) in drawing up the draft OZP and its land use proposals, special attention had been given to protect the ecological and landscape significance of the Pak Lap Area having regard to the wider natural system of the SKE Country Park;

- (ii) there was a need to designate “V” zone at suitable locations to meet the Small House demand of indigenous villagers. The boundaries of the “V” zone had 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 had been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography had 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 had been taken into account in drawing up the “V” zone;
- (iii) the central and northern parts of Pak Lap were fallow agricultural land overgrown with grass and shrubs. As the grassland in the central part of Pak Lap was flat, close to the existing village and large enough to meet the outstanding and the 10-year forecast demand for Small House development, it was an optimal location for “V” zone. As such, the grassland in the central part of Pak Lap (1.81 ha) was reserved to meet the 10-year forecast demand, together with the existing village and the area approved for Small House and NTEHs development (0.56 ha), a total of 2.37 ha were designated as “V”;
- (iv) the Small House demand forecast was only one of the many factors in designating the “V” zones. The forecast was provided by the Indigenous Inhabitant Representatives to LandsD and could be subject to changes over time. Though there was 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 had an area of about 2.37 ha which was only 34% of the 'VE' of Pak Lap (6.85 ha);

- (v) land within the "V" zone, be it privately owned or government land, was subject to the planning intention that land within this zone was primarily for development of Small Houses by indigenous villagers. Whilst 'House (NTEH only)' was a use always permitted, 'Flat' and 'House (not elsewhere specified)' were uses which required planning permission of the Board. As such, there was sufficient control in the draft OZP in that land within "V" zone would be used for Small House development;

Environmental Impact on Pak Lap Wan

- (vi) the sewage disposal including the STS system(s) of Small Houses would be considered by concerned departments (including EPD, DSD, WSD, AFCD and PlanD) during the processing of the Small House application by LandsD. The arrangement of sewage disposal works should comply with the requirements from the relevant government departments;
- (vii) as stated in the ES of the draft Pak Lap OZP, under the current practice and in accordance with ETWBTC(W) No. 5/2005, for development proposals/submissions that might 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 was permitted under Chapter 9 of the HKPSG. For protection of the water quality of Pak Lap Wan, the design and construction of on-site STS system for any development proposals/submissions needed to comply with relevant standards and regulations, including EPD's ProPECC PN 5/93 "Drainage Plans subject to Comment by the Environmental

Protection Department”. Operation and maintenance practices for septic tanks (e.g. desludging practices) were also given in EPD’s “Guidance Notes on Discharges from Village Houses”;

- (viii) according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions needed to be taken into account such as percolation test result, proximity of rivers/streams, depth of ground water table, topography and flooding risks. Site-specific information was essential, particularly if the soil characteristics such as the soil textures were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which had to be followed by AP to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test would allow relevant parties to ascertain whether the soil condition was suitable for a septic tank to function properly for effective treatment and disposal of the effluent. The site-specific conditions of Pak Lap would be taken account of in assessing the acceptability of the proposed STS system;
- (ix) ProPECC PN 5/93 also set out the design standards, including soil percolation tests, and clearance distances between a septic tank and specified water bodies (e.g. ground water tables, streams, beaches, etc.), as well as clearance distances between buildings. These requirements would 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

- (x) when considering the draft Pak Lap OZP, the Board had taken into account all relevant planning considerations, including the

advice of the relevant Government departments and public views. Neither TD nor HyD raised concern on the “V” zone from the traffic and transport infrastructure points of view;

- (xi) LandsD, when processing Small House grant applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications;

***Notes of the Plan***

- (xii) as the planning intention of the “V” zone was to provide land for NTEH, it was appropriate to put NTEH in Column 1 of the “V” zone;
- (xiii) AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 of the “V” and “CA” zones from agricultural development point of view, as it would impose restrictions on agriculture and discourage agricultural development in the long run. Planning permission from the Board was required for works relating to diversion of streams, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. Taking into account the above factors, AFCD considered that there was no strong justification for imposing more stringent control on Column 1 uses in the relevant zones;
- (xiv) ‘Barbecue Spot’ and ‘Picnic Area’ referred to facilities operated by the Government and excluded sites that were privately owned and/or commercially operated. ‘Public Convenience’ referred to any latrine within the meaning 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’



referred to any place opened to the public where tents were put only for temporary lodging for recreational or training purpose. Again, this was a facility designated by the Government. AFCD considered that such uses might not have significant adverse impacts on sensitive habitats and thus there was no strong justification for putting these uses under Column 2 of the zones concerned;

- (xv) LandsD, when processing Small House applications, would consult concerned departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. If a food business was to be carried out at the premises, a food business licence was required to be obtained from FEHD. As such, there was no strong justification to place 'NTEH', 'Eating Place' and 'Shop and Services' under Column 2 of the "V" zone;

#### ***Inadequate Infrastructure***

- (xvi) according to the 2011 Census, the total population of the Pak Lap Area was less than 50 persons. At present, the Pak Lap Area was supplied with potable water, electricity and telephone services. Relevant works departments would keep in view the need for infrastructure in future subject to resources availability. Flexibility had been provided in the Notes of the draft Pak Lap OZP for geotechnical works, local public works and environmental improvement works co-ordinated or implemented by the Government, which were generally necessary for provision, maintenance, daily operations and emergency repairs of local facilities for the benefit of the public and/or environmental improvement;

#### ***Designation of CPEs as Country Parks***

- (xvii) as announced in the 2010-11 Policy Address, the Government undertook to either include the remaining 54 CPEs into country parks, or determine their proper uses through statutory planning, so as to meet the conservation and social development needs. For a CPE to be protected by a statutory plan, the general planning intention of the CPE was to conserve its natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House developments by the indigenous villagers of the existing recognised villages within the area; and
- (xviii) designation of country park was under the jurisdiction of CMPA governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board; and
- (xix) AFCD commented that whether a site was suitable for designation as a country park should be assessed against the established principles and criteria, which included conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing country parks, land status and existing land use. The CMPA would also seek the advice of CMPB in respect of the proposed country parks;
- (x) the responses to the proposals in the representations as detailed in paragraph 5.14 of TPB Paper No. 9646 were summarised below:

### ***Group 1***

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

- (i) AFCD advised that the wooded areas at the periphery of Pak Lap consisted of relatively undisturbed, native woodland where a high diversity of plants, including protected species, could be found. Regarding the proposal for rezoning to “GB”, AFCD advised that woodland was of similar quality and there

were little ecological grounds to differentiate the proposed “GB” and “CA” areas which in fact formed a continuous woodland integrated with the adjoining SKE Country Park. To preserve the native woodland and to maintain a buffer between the village area and the surrounding SKE Country Park, rezoning the woodland was not supported from the nature conservation point of view;

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

- (ii) 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 was zoned as “G/IC” for the provision of public toilet and a Government Refuse Collection Point to serve the needs of the local residents and tourists;

***Group 2***

*The “V” zone should be limited to the existing village area*

- (iii) the responses to grounds of representations stated in paragraph 9(w)(i) to (iv) above were relevant;

*The Stream and its riparian area should be rezoned to “CA”*

- (iv) the responses to grounds of representations stated in paragraph 9(w)(vi) to (ix) above were relevant;

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

- (v) while water ferns were found scattered in the abandoned wet agricultural land on the eastern side of Pak Lap, AFCD advised that the colony was small and its occurrence was subject to site conditions. The proposed “CA” zone was not justified;

*Designation of CPEs as Country Parks*

- (vi) whether a specific CPE should be included in the country park or not was under the jurisdiction of CMPA under the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

*Rezoning of “AGR” to “CA” or “GB” Zone*

- (vii) AFCD advised that the fallow terraced field and ponds had 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 the “AGR” zone would not result in adverse environmental impact, the Notes of the draft OZP had stipulated that any diversion of stream, and filling of land/pond within “AGR” zone required planning permission from the Board; and
- (viii) livestock rearing activities in the “AGR” zone in Pak Lap were prohibited under the Waste Disposal Ordinance. It was not anticipated that major organic pollution to the stream and Pak Lap Wan would be caused by farming activities not related to livestock rearing;

*Responses to Grounds of Comments*

- (y) the major grounds of the comments and the responses highlighted in Annex IV of TPB Paper No. 9646 were similar to those raised by the representations as summarised above; and

*PlanD’s Views*

- (z) PlanD’s views on the representations were:

***Supportive Representation***

- (i) the supportive views of R10736 were noted; and

***Adverse Representations***

- (ii) the representations in both Group 1 and Group 2 were not supported and no amendment should be made to the draft Pak Lap OZP to meet these representations.

[The meeting was adjourned for a 5-minute break.]

12. The Chairman invited the representers and the representers' representatives in respect of all three draft OZPs to elaborate on their representations.

R18 - 翁煌發

13. Mr Yung Wong Fat made the following main points:

- (a) he was the Village Representative (VR) of Hoi Ha Village;
- (b) the preparation of draft OZP for Hoi Ha was welcomed because good planning could enable village expansion and environmental improvement, and achieve a balance between development and conservation;
- (c) the villagers had all along been expressing their viewpoints and aspirations in an objective and reasonable manner. However, they felt aggrieved that the accuracy of Small House demand figures had been subject to dispute by other representers;
- (d) Small House demand figure was essential information for consideration of the "V" zone designation on the statutory plan. To demonstrate the accuracy of Small House demand figures for Hoi Ha,

a list showing the number and relevant information of the male indigenous villagers of Hoi Ha, including their tribal origin, name, identification number and telephone number, had been prepared for information of the Board and PlanD and tabled at the meeting. The list showed that the updated future Small House demand, after discounting those villagers who had passed away and those who had already exercised their Small House right, was 97. As such, the Small House demand forecast of 84 provided for preparation of the draft Hoi Ha OZP was not exaggerated, as alleged by other representers, but underestimated;

- (e) according to the draft Hoi Ha OZP No. S/NE-HH/1 exhibited on 27.9.2013, about 2.6ha of land were zoned “V”, which was 11% smaller than the area of the village ‘environs’ (‘VE’) of Hoi Ha (about 2.92 ha). Although the area of “V” zone could only satisfy about 68% of the total Small House demand, such proposal was acceptable to the villagers taking into account the inadequacy of sewage treatment facilities and the need to conserve the woodland areas in Hoi Ha;
- (f) according to PlanD’s latest proposal as shown on Plan H-4 of TPB Paper No. 9644, the western portion of the “V” zone was proposed to be rezoned to “GB(1)”. As a result, the area zoned “V” would be reduced to 1.95ha, which could only accommodate about 40 Small Houses and satisfy about 43% of the Small House demand. Moreover, planning application for new Small House developments was not provided for in the “GB(1)” zone. In the light of the above, the villagers of Hoi Ha strongly objected to PlanD’s latest proposals;
- (g) with insufficient land zoned “V” on the draft Hoi Ha OZP, there would be disputes among villagers regarding the land for Small House development, thus damaging the harmony of the village;
- (h) the villagers had been adopting a sensible and reasonable approach

towards nature conservation. While they had no objection to the “GB” zoning of the mature woodland and undulating land within the ‘VE’, they also accepted an area to the west of the village cluster, which was smaller than the ‘VE’, for village expansion. However, the concerned area was described by the green groups as ‘secondary woodland’ and according to PlanD’s latest proposal, it was proposed to be rezoned from “V” to “GB(1)”. It was queried if the green groups had provided sufficient information and justifications to demonstrate the high conservation value of the concerned area which, according to on-site observation, was mainly abandoned farmland overgrown with grass and covered with debris. It would be grossly unfair to the villagers if the Government considered the protection of woodland with insignificant conservation value to be more important than the development needs of the villagers;

- (i) the indigenous villagers had been good citizens in following Government’s requirements to provide the STS system as sewage treatment facilities for Small House developments. However, the green groups still used the reason of sewerage and environmental impacts to restrict village developments. While the villagers of Hoi Ha had been urging the Government to provide public sewage treatment facilities to serve them, a private lot owner in Hoi Ha had recently offered his land for providing a sewage treatment system for the village. It was hoped that future village development would no longer be constrained by sewage treatment issues; and
- (j) the villagers of Hoi Ha proposed to maintain the “V” zoning of the area to the west of the existing village cluster; or to designate that area with a new “V(1)” zoning with ‘House (NTEH provided with non-STS system as sewage treatment installation only)’ instead of ‘House (NTEH only)’ use as a Column 1 use.

R28 - 陳祖旺

14. Mr Chan Cho Wong made the following main points:

- (a) many planning applications for Small House developments within “GB” zones had been rejected by the Board in the past. The unlimited expansion of “CA” and “GB” zones would have adverse impact on the housing land supply. A lack of flat supply might cause social unrests such as those riots in the 1950s and 1960s;
- (b) nature conservation was a public matter which should be implemented fairly to all stakeholders. For those private property rights affected by nature conservation, compensating measures to the landowners such as land exchange or cash compensation should be considered. Otherwise, the Basic Law would be contravened;

[Dr C.P. Lau left the meeting temporarily at this point.]

- (c) in the Mainland, native people living in Jiuzhaigou National Park were compensated with residences within the national park, and farmers would be given compensation by the Government upon resumption of their land for development. The situation in Hong Kong was worse than that of the Mainland as landowners would not receive any form of compensation if his private land was zoned for conservation purpose;
- (d) it was unfair that compensation was given to non-indigenous villagers of Choi Yuen Tsuen in the case of the Express Rail Link, but not for the legal landowners and indigenous villagers affected by conservation zonings; and
- (e) his comments would be voiced out to the Chinese Government if necessary.



[Actual Speaking Time of R28: 11 minutes]

R32 - 李耀斌

15. Mr Lee Yiu Ban made the following main points:

- (a) a letter of his verbal submission was tabled at the meeting;
- (b) a large number of representations had alleged that the sizes of the “V” zones were excessive. It was mainly because the ‘VEs’ were not indicated on the DPA plans, thus giving the impression that the concerned villages were very small or even not in existence. Therefore, when the three draft OZPs were published, there were strong reactions against the sizes of the “V” zones. The ‘VE’ boundaries should be duly considered in the plan-making process of DPA plans;
- (c) the claim by some representers that the planned population of some CPEs was a drastic increase as compared with the existing zero or low population of the areas was unfair to the villagers and misleading to the public. Taking So Lo Pun as an example, there existed over 100 houses in the village in the past. However, after the diversion of watercourses for construction of reservoirs and the designation of country parks, the farming activities had diminished and the provision of road access had become infeasible. As such, villagers could no longer sustain their living in the village and had gradually moved out from the village to work or attend school. When most villagers moved out, the village had become derelict;
- (d) indigenous villagers had a strong sense of home-belonging. They also had great aspirations for sustaining the development of their own villages for their next generation. The fact that no people were living in the villages did not mean that the indigenous villagers had no intention to rehabilitate their villages. The draft OZPs should

cater for the rehabilitation of villages;

- (e) the Government should consider conserving and rehabilitating the villages by providing appropriate supporting facilities so that villagers could return and live in the villages. The provision of road access and rehabilitation of agricultural activities were essential, while the latter could also enrich the food chains and biodiversity, thus benefiting the natural environment;
- (f) the benefit of incorporating the CPEs into country parks was insignificant given their relatively small area in aggregate as compared with that of the country parks;
- (g) the Small House demand figures provided by the VRs of the villages to the Government were accurate and supported with evidence, as demonstrated by the list of villagers eligible for Small House right in Hoi Ha prepared by R18;
- (h) indigenous villagers would only apply for Small House grants based on their needs and ability. Some villagers of Hoi Ha had passed away without exercising their Small House rights, and only a small number of the villagers had applied for or had been granted with Small Houses in the past 20 years. The number of Small House grant applications was even smaller for So Lo Pun and Pak Lap which were not served by vehicular access. The alleged abuse of the Small House Policy by the villagers could not be established;
- (i) according to the list prepared by R18, the actual Small House demand of Hoi Ha Village was 97. However, only 1.6ha of land (equivalent to about 64 houses) was available for Small House development within the “V” zone on the draft Hoi Ha OZP No. S/NE-HH/1. On this basis, the “V” zone should be expanded by about 1 hectare to meet the actual Small House demand;

- (j) PlanD's latest proposal to rezone the area to the west of Hoi Ha Village from "V" to "GB(1)" was a fabricated disguise to restrict village development. There was also no merit in the proposed rezoning of the area to the east of Hoi Ha Village from "CA" to "GB" as there was no guarantee that Small House developments would be permitted within the proposed "GB" zone. PlanD's latest proposals would further reduce the area zoned "V" in Hoi Ha and were strongly objected to;
- (k) before the designation of HHW Marine Park in the mid-1990s, the villagers of Hoi Ha had expressed grave concerns on the possible adverse impacts of such designation on village development. It was after further explanation by the Government officials that HHW Marine Park would be confined to the water areas and would not affect the daily life and village development that the villagers had later withdrawn their objections against the marine park designation. To use the reason of potential pollution of HHW Marine Park for restricting village development in Hoi Ha was absurd;
- (l) it was the Government's responsibility to provide public sewage treatment facilities for the villagers. To minimise the potential impact on HHW, the Government should consider providing environmentally friendly sewage treatment facilities in Hoi Ha; and
- (m) the Board should take into account the needs of the villagers in making a decision on the three draft OZPs.

[Actual speaking time of R32: 17 minutes]

[Dr C.P. Lau returned to join the meeting at this point.]

R594 - 梁和平

16. Mr Leung Wo Ping made the following main points:

- (a) the Government appeared to have adopted double standards in respect of the planning of “GB” zones. On the one hand, the Government had been conducting reviews of “GB” zones to increase housing land supply. On the other hand, PlanD had proposed to expand the area zoned “GB” on the draft Hoi Ha OZP. According to past experience, the chance of approval for planning applications for Small House developments within “GB” zone was very slim;
- (b) the zoning proposals on the draft Hoi Ha OZP No. S/NE-HH/1 had been accepted by the Hee Yee Kuk and SKNRC after thorough discussion. PlanD’s latest proposal to reduce the “V” zone of Hoi Ha Village was unjustified. As Vice-chairman of SKNRC, it was his responsibility to reflect the views of SKNRC to the Board;
- (c) it was unreasonable for the green groups to use reasons such as environmental impacts, traffic congestion, pollution to rivers and coastlines, densely built villages and inadequate population to deter village developments. The villagers had well accepted that land was a scarce resource which should be used efficiently and effectively. As demonstrated by his own village, villages could be developed in a tidy and orderly manner after concerted efforts by the Government and villagers;
- (d) the beauty of Hoi Ha was attributed to the villagers’ past efforts in treasuring the village and protecting the natural environment. The shortage of land for village development had, however, caused overcrowding and environmental problems. Adequate space should therefore be allowed for village development;
- (e) the use of existing population and the number of outstanding Small House applications to determine the size of “V” zones was inappropriate. The history, development needs and sustainability of the villages should be taken into account; and

- (f) the westerners living in Hoi Ha Village were currently enjoying ample spaces in the village. They would object to any further development of the village as their interests would be adversely affected.

[Actual speaking time of R594: 10 minutes]

R795 – 李雲開

17. Mr Lee Wan Hoi made the following main points:

- (a) he was an indigenous villager of Tung Ping Chau and a member of the SKNRC. He shared the feelings of villagers of Hoi Ha, So Lo Pun and Pak Lap as Tung Ping Chau was facing the same problem of those villages;
- (b) ‘environment protection’ was a beautiful term but it could not guarantee good living environment for villagers. As the villagers had committed to protect the natural environment, their interests should also be protected;
- (c) no one would like to see his land designated for conservation purpose because his rights and interests in the land would be deprived of. Planning of villages should meet the needs of the villagers. The Government should provide adequate supporting facilities such as road access to help sustain the living of the villagers. However, the Government had not done anything to help improve the living conditions of the villagers or facilitate village development. The slogan ‘love country, love Hong Kong, love people’ was only an empty statement;
- (d) land was a valuable asset of the villagers. It was unreasonable to zone the villagers’ land for conservation purpose without any compensation or providing any benefits to the villagers in Hong Kong.

Even in the Mainland, compensation was provided to the affected villagers if their land was resumed;

- (e) the stringent planning controls on the use of the villagers' land had taken away the rights of the villagers. This might have contravened Article 41 of the Basic Laws;
- (f) while the area zoned "V" had been reduced, there was no guarantee that Small House development would be permitted within the proposed "GB" zone to the east of Hoi Ha Village; and
- (g) the balance of development and conservation should not be tilted towards the latter. The culture and living of villagers should be duly respected in the planning process.

[Actual speaking time of R795: 9 minutes]

18. The Chairman then invited the representers and the representers' representatives in respect of the draft Hoi Ha OZP to elaborate on their representations. The representers and the representers' representatives indicated that they would not make verbal submissions in the meeting.

19. The Chairman then invited the representers and the representers' representatives in respect of the draft So Lo Pun OZP to elaborate on their representations.

SLP-R10736 - 鎖羅盆村村務委員會聯同曾家裘測量師有限公司

20. With the aid of a Powerpoint presentation, Mr Thomas Tsang Ka Kau made the following main points:

- (a) in the light of the unique geographical setting of So Lo Pun, it was the intention of the villagers to conserve the natural environment based on human needs and to develop the So Lo Pun Village in an orderly and sustainable manner under the concept of 'eco-village'. It was

also the intention to encourage eco-tourism, facilitate local economy and to rehabilitate So Lo Pun Village in the context of the North East New Territories development strategy;

- (b) a picture taken in the 1960s showed that So Lo Pun was once a vibrant village with plenty of active paddy fields, and occupied by over 300 villagers. Since the designation of Sha Tau Kok as a Closed Area which restricted access to and from So Lo Pun Village, the daily lives of villagers had been adversely affected and they had started to move out of So Lo Pun to the urban areas or even overseas. It was estimated that over 300 villagers of So Lo Pun Village were now residing in other countries. These villagers had strong aspiration to move back to So Lo Pun to rehabilitate the village. They would also like to show to others the unique history and living experience of indigenous villagers;
- (c) the private landholding in So Lo Pun was concentrated in the valley and all private land was under the ownership of the villagers and their families;
- (d) the villagers of So Lo Pun had three main proposals to amend the draft So Lo Pun OZP, i.e. to expand the “V” zone; to rezone some parts of the “CA” zone to “V”, “REC”, “AGR” and “GB”; and to rezone an area zoned “GB” to “G/IC”;
- (e) the “V” zone designated on the draft So Lo Pun OZP was close to the natural slopes and the existing village houses in the northern part of the valley. Since the natural slopes had been subject to soil erosion and slope instability hazards, part of the “V” zone would not be suitable for village development and the residual area could only accommodate about 80 new Small Houses. It was therefore proposed to expand the area zoned “V” southwards to cover part of the “CA” zone. As a result, the area zoned “V” would be increased from 4.12 ha to 7.15 ha for accommodating about 188 new Small

Houses;

- (f) the “CA” zone on the draft So Lo Pun OZP was relatively large in size, with an area of 8.05ha and covered many private land. However, the ecological environment of So Lo Pun did not justify the designation of “CA” zoning. The EIS in So Lo Pun was the main source of potable water and irrigation water for villagers, which had been regulated through a system of fish ponds and sluice gates to avoid flooding and overflowing onto the agricultural fields. Moreover, the ecology of the “CA” zone had been disturbed by a breakwater located at the estuary in the north-east. As the breakwater was the main access to So Lo Pun and Lai Chi Wo and formed part of a popular route for tourists and hikers, the flora and fauna which could be found in the adjacent areas was not abundant and uncommon. It was proposed that part of the “CA” zone in the north-east be rezoned to “REC” and “GB” to facilitate low-density recreational uses with a view to promoting ecological tourism. It was also proposed that some farmland land and a pond adjacent to proposed “V” zone be rezoned from “CA” and “GB” to “AGR” to reflect the existing uses and to facilitate agricultural uses such as hobby farming;
- (g) to facilitate eco-tourism and to enhance the living condition of the village, it was proposed that an area in the north-eastern part of So Lo Pun occupied by the ex-Kai Ming School site be rezoned from “CA” and “GB” to “G/IC” to facilitate development of a village committee office, a tourist centre and other Government facilities. The ex-school site was a collective memory of the villagers and it was considered appropriate to reuse it as a tourist/education centre to showcase the history of So Lo Pun to the people of Hong Kong;
- (h) the access leading from the breakwater to the “V” zone should be shown as ‘Road’ on the OZP; and



- (i) it was hoped that the above proposals would be accepted by the Board so that the needs and aspiration of the villagers could be met.

[Actual speaking time of SLP-R10736: 12 minutes]

SLP-R10737 - 范富財(蛤塘村原居民村代表)

21. Mr Fan Foo Choi made the following main points:

- (a) private land in villages should not be expropriated by the Government for nature conservation purpose. There should be sufficient land for village development for the next generations. Otherwise, the anti-Government riots in 1950s and 1960s might repeat;
- (b) many existing natural features were nurtured by humans. Government policies should be formulated based on the needs of people. The views of the indigenous villagers, as major stakeholders, should be respected in the planning of CPEs; and
- (c) Government resources should be devoted to improve the living condition of the remote villages so that villagers, including those currently residing overseas, could return and live in the villages.

[Actual speaking time of SLP-R10737: 4 minutes]

SLP-R10740 – 曾玉安

22. Mr Tsang Yuk On made the following main points:

- (a) he was the VR of Mui Tsz Lam Village in Sha Tau Kok, a member of STKDRC as well as a co-opted member of the District Minor Works and Environmental Improvement Committee of NDC;

- (b) there was concern that Government policies had been leaning towards nature conservation and deterred village developments. The Board should treat indigenous villagers as the major stakeholders and consider their needs appropriately in the planning process of CPEs;
- (c) the moral standard of Hong Kong had been declining and there were examples of injustice in Government policies which had affected social harmony;
- (d) in contrast to those villages in Yuen Long, Tai Po and Sai Kung where many Small House developments were built, it would be very difficult for indigenous villagers of such remote villages as So Lo Pun to realise their Small House rights or return and live in the village due to the lack of access, infrastructural facilities and utilities. To sustain the living environment of the villagers, consideration should be given to open up the Closed Area in Sha Tau Kok and to provide environmentally friendly transport facilities to serve the villages;
- (e) the VR of Hoi Ha Village had set a good example by preparing a list of male indigenous villagers of Hoi Ha as proof of the Small House demand. The Board could request other villages to follow suit so as to reduce disputes on the Small House demand figures;
- (f) private land within the CPEs was mostly agricultural lots, which should not be zoned for conservation purpose unconditionally. The CPEs were purposely excluded from country parks in order to sustain the living of villagers and the development of villages;
- (g) there was a sluice gate regulating the water levels of the So Lo Pun area. Since the gate was damaged about 40 years ago, seawater had flowed backwards into the agricultural fields causing them fallowed and the growth of some floras and faunas worthy of conservation. If the fallow agricultural fields were put back to agricultural use, the vegetation in the area might have to be cleared and hence the

conservation interest would be lost. The designation of private land as “CA” zone was therefore meaningless;

- (h) since the designation of the 12 priority sites for enhanced conservation, there had been no progress on either conservation or development of these sites since over 90% of the land was under private ownership. The demolition of Ho Tung Garden was another example which illustrated that conservation of private properties did not work in Hong Kong;
- (i) there was no dispute on zoning government land for conservation purpose as natural features were generally treasured by villagers. As a matter of fact, a close relationship had been established between AFCD and villagers on the conservation of Lai Chi Wo; and
- (j) the villagers’ private properties should not be used to achieve nature conservation objectives and the needs of indigenous villagers should be taken care of.

[Actual speaking time of SLP-R10740: 9 minutes]

SLP-R10744 - 鄭馬福(谷埔村原居民村代表)

23. Mr Simon Sung, the representer’s representative, made the following main points:

- (a) the situation in So Lo Pun was similar to that of Kuk Po, Yung Shue Au and Fung Hang. In Kuk Po, the land zoned “V” zone mainly covered the existing village cluster and only two new houses could be accommodated. However, there were over 2,000 villagers of Kuk Po residing overseas;
- (b) although the land adjacent to the EIS in Kuk Po comprised private agricultural lots and building lots, no villager had received

compensation from the Government. The Government should stop sending out messages to the public that compensation would be provided when designating private land for conservation purpose;

- (c) future development of the Sha Tau Lok area should be based on the model of Sha Tin New Town. Through land resumption, reclamation and railway connection, the area could provide plenty of land to meet the housing needs of Hong Kong people; and
- (d) designation of conservation zones in the Sha Tau Kok area would not be effective in promoting eco-tourism due to the lack of supporting transport and infrastructural facilities.

[Actual speaking time of SLP-R10744: 4 minutes]

SLP-R10747 - Sha Tau Kok District Rural Committee (STKDC)

24. Mr Lee Koon Hung, the representer's representative, made the following main points:

- (a) STKDRC objected to the draft So Lo Pun OZP;
- (b) after the Tai Long Sai Wan incident, the Government had proposed to incorporate some CPEs into country parks and to prepare statutory plans for the other CPEs. The incorporation of CPEs into country parks was objected to since during the designation of country parks in 1970s, the Government had committed to excluding the existing villages from the country parks;
- (c) putting CPEs under statutory planning control would not resolve the development issues in the New Territories. Planning control would often result in depriving private landowners of their property rights. The tradition of villages and the private property rights should be duly respected;

- (d) the villagers were even ‘greener’ than the environmentalists as farming was in fact an environmentally friendly practice;
- (e) freezing the development of villages would not help conserve the natural environment. Rather, it would polarise different sectors of the community with opposing views. If no further development was permitted in the rural areas as advocated by the environmentalists, the concerned villagers and landowners might resort to extreme actions, such as denying the access of outsiders into the villages in Tai Long Sai Wan;
- (f) an appropriate balance between development and nature conservation should be struck. A good example was illustrated in Alishan, Taiwan, which was a nature reserve but also renowned for eco-tourism; and
- (g) the views of the villagers should be taken into account in the planning process.

[Actual speaking time of SLP-R10747: 8 minutes]

[Professor S.C. Wong and Ms Bernadette H.H. Linn left the meeting temporarily at this point.]

SLP-R10762 - 黃富、黃冠英

25. Mr Wong Fu made the following main points:

- (a) any development should be served by road access, infrastructures and utilities. Without the provision of road access and utilities for So Lo Pun, the draft So Lo Pun OZP would only be fake proposals that could not be implemented;

- (b) the Board should provide clear explanation on a number of facts and issues. There were no rivers in So Lo Pun but only small streams and trenches. Moreover, areas zoned “V” located close to those trenches were not suitable for Small House development as they would be prone to floods washed down from the mountains;
- (c) he did not agree to the proposals presented by the representative of R10736, whose views could not represent those of the villagers of So Lo Pun;
- (d) there was insufficient evidence to prove that So Lo Pun was as ecologically important as claimed by some representers. During his site inspections with the staff from the World Wide Fund for Nature, no protected flora and fauna species could be found;
- (e) he once tried to reactivate farming in So Lo Pun but ultimately failed as the farm produces had been eaten by animals; and
- (f) the Government had not been helpful to the villagers. Road access and utilities should be provided for the village.

[Actual speaking time of SLP-R10762: 12 minutes]

26. The meeting was adjourned for lunch break at 12:50 p.m.

27. The meeting was resumed at 2:15 p.m. on 28.4.2014.

28. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Dr C.P. Lau

Dr W.K. Yau

Professor K.C. Chau

Mr Sunny L.K. Ho

Mr Francis T.K. Ip

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Deputy Director of Lands (General)

Mr Jeff Y.T. Lam

Deputy Director of Environmental Protection (1)

Mr C.W Tse

Director of Planning

Mr K.K. Ling

Presentation and Question Session

[Open Meeting]

29. The following representatives of Planning Department (PlanD) and Agriculture, Fisheries and Conservation Department (AFCD), the representers and the representers' representatives were invited to the meeting at this point:

- |                    |   |                                                                              |
|--------------------|---|------------------------------------------------------------------------------|
| Mr C.K. Soh        | - | District Planning Officer/Shia Tin, Tai Po & North District (DPO/STN), PlanD |
| Mr David Y.M. Ng   | - | Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD                   |
| Mr Ivan M.K. Chung | - | District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD               |
| Mrs Alice K.F. Mak | - | Senior Town Planner/Sai Kung (STP/SK), PlanD                                 |
| Ms Lisa Y.M. Chau  | - | Town Planner/Sai Kung (TP/SK), PlanD                                         |
| Mr Cary Ho         | - | Senior Nature Conservation Officer (South) (SNC/S), AFCD                     |
| Mr K.W. Cheung     | - | Senior Nature Conservation Officer (North) (SNC/N), AFCD                     |
| Mr Alan Chan       | - | Senior Marine Parks Officer (SMP), AFCD                                      |
| Mr K.S. Cheung     | - | Country Parks Officer (Special Duty) (CPO(SD)), AFCD                         |



**Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1**

R18 – Yung Wong Fat

Mr Yung Yuet Ming - Representer's representative

R32 – Li Yiu Ban

Mr Li Yiu Ban - Representer

Mr Chung Tin Sang ] Representers' representatives

Mr Chung Kin Ming ]

R299 – Tsang Yuk On

Mr Tsang Yuk On

R599 – Leung Wai Kit

R674 – Choi Chun Wah

Mr Li Yiu Ban - Representers' representative

R429 – Yeung Chun Yin

Mr Yeung Chun Yin - Representer

R795 – Lee Wan Hoi

Mr Lee Wan Hoi - Representer

**Representations in respect of Draft So Lo Pun OZP No. S/NE-SLP/1**

SLP-R10736 – 鎖羅盤村村務委員會聯同曾家裘測量師有限公司

Mr Thomas Tsang ] Representer's representatives

Mr Lam Tsz Kwai ]

Mr Vincent Yip ]

SLP-R10740 – Tsang Yuk On

Mr Tsang Yuk On - Representer

SLP-R10762 – Wong Fu

Mr Wong Fu - Representer

SLP-R10812 - Wong Hing Cheung

*(Please refer to Appendix A for a list of representers who had authorised Wong Hing Cheung as their representative.)*

Mr Wong Hing Cheung - Representer and Representers' representative

SLP-R10781 – Wong Kwai Ning

Mr Wong Kwai Ning - Representer

SLP-R10790 – Wong Sui Ching

Ms Wong Sui Ching - Representer

SLP-R10791 – Wong Sui Ping

Ms Wong Sui Ping - Representer

SLP-R10793 – Ms Wong Sui Fun

Mr Wong Yau Man - Representer' representative

SLP-R10794 – Wong Sui Ting

Ms Wong Sui Ting

**Representations in respect of Draft Pak Lap OZP No. S/SK-PL/1**

PL-R10736 – 劉成

Mr Kong Chi Cheung ] Representer's Representatives

Mr So Chi Wai ]

Mr Cheung Ka Ming ]

Mr David Stanton ]

PL-R10737 - 西貢白腊村各原居民

Mr Lau Pak On	]	Representer's representatives
Mr Chan Wong	]	
Mr Lau For On, Kenny	]	

30. The Chairman invited the representers and the representers' representatives to elaborate on their representations on the draft So Lo Pun OZP.

R10812 – Wong Hing Cheung

R10738 – 黃子揚

R10755 – 黃桂華

R10763 – 黃冠新

R10774 – Wong Wai Sun

R10776 – Wong Ho Yan

R10799 – Wong Ho Yi, Yedda

R10811 – 范黃綺嫻

R10813 – 黃瑞強

31. Mr Wong Hing Cheung said that he was a Representer himself and he also represented some Representatives who were villagers of So Lo Pun Village. He then read out a letter from 黃瑞強 (R10813) who could not attend the meeting but requested that his views be conveyed to the Board. The main points of the letter were that it was against the Basic Law to rezone the private land in So Lo Pun Village; although the houses in the village were uninhabited, the villagers had not abandoned the village; and it was the intention of the villagers to re-establish the village in future.

32. With the aid of a Powerpoint presentation, Mr Wong Hing Cheung then further made the following main points:

- (a) the rezoning of private land to “CA” under the draft So Lo Pun OZP was against the Basic Law which stated that the traditions and rights of the indigenous villagers in the New Territories should be protected;

[Dr C.P. Lau returned to join the meeting at this point.]

- (b) So Lo Pun Village was established more than 400 years ago by their ancestors and it was now the 11<sup>th</sup> generation. Due to the rapid growth in the urban area and lack of supporting infrastructure and facilities in the rural area, a lot of villagers left the village in the 1960s and 1970s. Although the houses in So Lo Pun Village were now in a dilapidated state, most villagers hoped that they could re-establish the village when better infrastructure was provided;
- (c) the Government had treated So Lo Pun Village unfairly. Even directional signs indicating So Lo Pun Village were removed in recent years. As a result, many people such as the hikers did not know the existence of So Lo Pun Village;
- (d) when the Board considered the draft So Lo Pun OZP in August 2013, there were TV programme and newspaper articles reporting that the “V” zone of So Lo Pun Village had been extended from about 2ha to over 4ha, and that So Lo Pun Village had made application to the Board for constructing 134 village houses. However, these reports were flawed in the sense that the land for the “V” zone was based on the village house demand forecast and that no application had been submitted to the Town Planning Board. As at 2014, there were 269 male descendants in So Lo Pun Village and none of them had applied to the Government for Small House. Nevertheless, the Small House demand forecast, based on the above population figures, was accurate;

[Mr David Y.T. Lui left the meeting temporarily at this point.]

- (e) the rezoning to preserve the country park and the natural environment as supported by the environmentalists had not taken into consideration the needs of the villagers;
- (f) although the village was now deserted, it did not mean that the villagers

had given up the village so much so that their land could be rezoned for the purpose of conservation. The villagers had returned annually to clear the vegetation and decorated the houses with a view to maintaining the original appearance of the terraced fields and village houses. The clearance of vegetation had to be carried out periodically in order that the terraced fields would not be overgrown with vegetation;

[Mr Roger K.H. Luk left the meeting temporarily at this point.]

- (g) the section of the ecologically important stream (EIS) near the estuary was no longer in existence since 1960s as the river mouth had been blocked to create a fish pond which was now abandoned. The re-aligned stream course was coloured 'blue' in the plan prepared by PlanD. The "CA" zoning for this part to preserve the EIS, which no longer existed, was therefore meaningless. The planning intention of the "GB" and "CA" zones was also questionable;
- (h) the planning intention of the "GB" zone was to define the limit of urban development and to contain urban sprawl. As So Lo Pun Village is not near any urban area, the "GB" zoning was not necessary. Moreover, the restrictive "CA" zone would prohibit villagers from carrying out vegetation clearance on their private land to maintain the appearance of So Lo Pun Village. The restrictive "CA" zone would have the effect of confiscating private land as the land could not be put to any meaningful use by the villagers. With the "CA" zoning, the village environment would soon become overgrown with vegetation again and the village environment would be eliminated. The villagers' right should be respected;

[Mr Roger K.H. Luk returned to join the meeting at this point.]

- (i) the Board should be responsible for the planning of the urban area but

not the rural area. So Lo Pun Village did not benefit from the plan, e.g. no road access was provided to the village. It was not planning for the village but only imposing restrictive controls on the use of private land.

[Actual speaking time of R10812: about 60 minutes]

R10781 – Wong Kwai Ning

33. Ms Wong Kwai Ning made the following main points:

- (a) Mr Wong Hing Cheung (R10812) had already covered the points she wanted to make; and
- (b) the Board should put equal weight on all considerations rather than being biased towards the conservation of the natural environment. The land at So Lo Pun Village was privately owned and it was not right to rezone the private land, which effectively restricted the villagers to use the land for any meaningful purpose for the sake of conservation.

[Actual speaking time of R10781: about 1 minute]

R10793 – Wong Sui Fun

34. Mr Wong Yau Man made the following main points:

- (a) the points he wanted to raise were mostly covered by other representers; and
- (b) the villagers of So Lo Pun Village had made much contribution to Hong Kong during the World War II. In return, the Board should respect the rights of the villagers and should not rezone their private land to conservation related zonings, which would restrict the development of So Lo Pun Village. Without further development, So Lo Pun Village

would wither and its history would be forgotten.

[Actual speaking time of R10793: about 1 minute]

35. The Chairman then invited the representers' representatives in respect of the draft Pak Lap OZP to elaborate on their representations.

R10736 – 劉成

36. Mr Kong Chi Cheung advised that an ecological assessment for Pak Lap had been carried out to establish the land use pattern for Pak Lap. He then invited Mr David Stanton to brief the Board on the findings of the ecological assessment.

37. Mr David Stanton made the following main points:

- (a) the draft Pak Lap OZP had excluded all areas of natural habitats (i.e. secondary woodland and shrubland) from the development zones and the areas zoned for development had limited ecological value. There was only one plant species of conservation significance, i.e. water fern, which might be affected by development. However, patches of water fern within the development zones could easily be transplanted;
- (b) the findings of the ecological assessment were consistent with those of AFCD; and
- (c) the adoption and implementation of the OZP would not result in any significant adverse impact on the ecological value of Pak Lap and its adjacent areas.

38. Mr Kong Chi Cheung then made the following main points:

- (a) In view of the assessment on the ecological value of Pak Lap, the land area and proportion of various zonings on the draft Pak Lap OZP were

acceptable;

- (b) appropriate mitigation measures would need to be implemented in developing Pak Lap, especially within the “V” zone with respect to the siting of village houses away from the riverbank and the installation of septic tanks in accordance with ProPECC 5/93, to ensure that there would not be any adverse impact on the water quality of the natural stream in Pak Lap. The existing trees within the “V” zone would be retained wherever possible in developing village houses;
- (c) as only NTEH of 8.23m in height would be permitted within the “V” zone of Pak Lap Village, which was located at a lower level than Sai Kung Man Yee Road, there would not be any adverse visual impact on the surrounding area. A site on the western side of Pak Lap Village would be designated for a refuse collection point and public toilet, and a ramp of about 1.2m wide connecting Pak Lap Village and Sai Kung Man Yee Road would be provided to cater for these facilities; and
- (d) he appreciated PlanD’s effort in preparing the draft Pak Lap OZP.

[Actual speaking time of R10736: about 11 minutes]

39. As the presentation from the Government representatives, representers and representers’ representatives had been completed, the Chairman invited questions from Members.

40. The Vice-chairman said that Mr Thomas Tsang, representing R10736, had made a presentation about the planning of So Lo Pun Village in the morning session. However, Mr Wong Fu pointed out subsequently that Mr Thomas Tsang only represented one So Lo Pun villager. The Vice-chairman asked Mr Thomas Tsang to clarify whether he was authorized by 鎖羅盆村村務委員會 and more details of his plan for So Lo Pun.

41. In response, Mr Thomas Tsang clarified that he was authorized to represent 鎖



羅盆村村務委員會 and he had been liaising with PlanD and Sha Tau Kok District Rural Committee on the planning proposals for So Lo Pun Village. Although he was not a villager of So Lo Pun Village, he was providing free service to the villagers helping them to develop So Lo Pun Village to showcase the unique village development in the New Territories for the future generations. He proposed to rezone some of the “CA” zone at the foothill to “V” to accommodate more village houses. His proposal could accommodate about 188 houses while the “V” zone on the OZP could only accommodate about 80 houses. A 2.5m-wide road network for zero-emission vehicles was also proposed to facilitate transportation of goods and daily necessities to the village. Moreover, a small “G/IC” zone was proposed to provide more GIC facilities, e.g. visitor centre, to help revitalize the village.

42. The Vice-chairman sought further clarification from Mr Wong Hing Cheung on the authorization of Mr Thomas Tsang. In response, Mr Wong Hing Cheung said that Mr Thomas Tsang was only representing the Village Representative and Mr Tsang’s plan reflected only the intention of some villagers, although it was welcomed by the Rural Committee. Mr Tsang clarified that the Village Representative had signed off the representation submitted to the Board.

43. A Member asked the following questions:

- (a) Would the restrictions on the draft So Lo Pun OZP be subject to change if there were changes in the personnel of PlanD and the membership of Board?
- (b) Would the difference in the alignment of the EIS in the “CA” zone as raised by Mr Wong Hing Cheung have any impact on the “CA” zone?
- (c) In planning for the village, who would be the major stakeholders and what weight should be given to their views?

44. In response, Mr C.K. Soh clarified that all the development restrictions stipulated on the draft So Lo Pun OZP were statutory planning controls, which did not

hinge on individuals and would not be affected by any change in the personnel of PlanD or the membership of the Board. Mr C.K. Soh also clarified that AFCD had been consulted on the alignment of the section of the EIS in question. It was recognised that the relevant section of the stream was covered by mangrove and reed pond. The alignment was indicated on the OZP to illustrate the EIS as designated while the existing stream courses were shown on its northern and southern sides. As the area covered by the “CA” zone had encompassed the past and existing alignments of the EIS, the stream courses would be suitably protected.

45. In response, Mr Tsang Yuk On said that the major stakeholders referred to those people being directly affected by a decision. In the case of the draft So Lo Pun OZP, the land owners of those private lots being designated for conservation purpose were the major stakeholders and their views should be considered in the first place. In considering the representations on the draft So Lo Pun OZP, the Board should consider giving different weight to major stakeholders and other/secondary stakeholders, e.g. those not directly affected but only expressed their views.

46. A Member noted that some representers wanted to re-establish So Lo Pun Village while some had proposed other development for the area. While the draft OZP tried to strike a balance between development and the need for conservation of the environment, the question was which type of development would be the most appropriate. He also asked whether the villagers would move back to the village if it was re-established and how they would make a living there.

47. In response, Mr Tsang Yuk On said that as a member of the Sha Tau Kok District Rural Committee and the Northern District Council, he was of the view that villagers should not be deprived of their rights to develop by designating their private land for conservation purposes. He said that if the villagers’ land was zoned “V”, they could choose whether to develop after considering all relevant factors. However, their rights were taken away as the zoning would restrict their land for certain purposes. As to the “CA” zone, although agricultural use would be permitted, it was not possible to cultivate within the “CA” zone as the land near the river mouth was not suitable for agricultural use. The villagers would not be able to make use of their land under the “CA” zoning. On the

point of re-establishing So Lo Pun Village, Mr Wong Hing Cheung said that the villagers hoped to restore the appearance of the village to showcase what So Lo Pun Village was like and their ancestors' efforts in establishing the village. On the point of developing So Lo Pun Village, he realized that the plan proposed by Mr Thomas Tsang could only be implemented in the long term. He would welcome such plan if it could be implemented. He urged the Government to improve the external transportation to the village so that more people could visit and appreciate the village. Mr Thomas Tsang supplemented that the alternative layout for So Lo Pun Village was the result of a series of discussions with the villagers, which aimed to balance the development need of the villagers, and nature conservation.

48. A Member said that the draft So Lo Pun OZP attempted to strike a balance between development and nature conservation and to maintain the existing attractiveness of So Lo Pun. If more facilities and better transportation were provided, which in turn would attract lots of visitors, the place would lose its attractiveness.

49. In response, both Mr Wong Hing Cheung and Mr Tsang Yuk On considered that it was not correct to designate private land as "CA". Mr Wong reiterated that the most proper way was to zone building lots as "V" for village development and agricultural lots as "AGR". If the private land was zoned for conservation purposes such as "CA", the villagers would not be able to use their land and the terraced fields would soon be covered by vegetation. Mr Thomas Tsang added that his proposal would help the villagers to re-establish So Lo Pun Village while providing opportunity in the long term to further develop the village. Mr Wong Hing Cheung said that the area zoned "CA" was now a swamp due to flooding of the stream. It was because the relevant government departments did not carry out their duties to maintain the natural water course.

50. As all the representers and the representers' representatives attending the session had completed their presentations and Members had no further question to raise, the Chairman thanked the representers, the representers' representatives and the Government representatives for attending the hearing. They all left the meeting at this point.

51. The meeting was adjourned at 4:00 p.m.

1. The meeting was resumed at 9:10 a.m. on 8.5.2014.
2. The following members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr Francis T.K. Ip

Director of Lands

Ms Bernadette H.H. Linn

Assistant Director (2), Home Affairs Department

Mr Eric K.S. Hui

Deputy Director of Environment Protection

Mr C.W. Tse

Director of Planning

Mr K.K. Ling

Draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1

**Group 2**

***Representations***

R799 to R10735 and R10750 to R10934

***Comments***

C1 to C3675

Draft So Lo Pun OZP No. S/NE-SLP/1

**Group 2**

***Representations***

R799 to R10735 and R10818 to R10858

***Comments***

C1 to C3668 and C3677

Draft Pak Lap OZP No. S/SK-PL/1

**Group 2**

***Representations***

R799 to R10735 and R10738 to R10775

***Comments***

C1 to C3669

Presentation and Question Session

[Open meeting]

3. The following Government representatives were invited to the meeting at this point:

Mr C.K. Soh	District Planning Officer/Shau Tin, Tai Po and North, Planning Department (DPO/STN, PlanD)
Mr David Y.M. Ng	Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD
Mr Ivan M.K. Chung	District Planning Officer/Sai Kung and Islands

(DPO/SKIs), PlanD

Ms Lisa Y.M. Chau	Town Planner/Sai Kung (TP/SK), PlanD
Mr Cary P.H. Ho	Senior Nature Conservation Officer (South), Agriculture, Fisheries and Conservation Department (SNC/S, AFCD)
Mr K.W. Cheung	Senior Nature Conservation Officer (North) (SNC/N), AFCD
Mr Alan L.K. Chan	Senior Marine Parks Officer (SMP), AFCD
Mr K.S. Cheung	Country Parks Officer (Special Duty) (CPO(SD)), AFCD

4. The following representers or representers' representatives were invited to the meeting at this point:

R799 - Designing Hong Kong Limited

Mr Paul Zimmerman	]	Representer's representatives
Ms Debby K.L. Chan	]	

HH-R10874, SLP-R10820, PL-R10738 – WWF-Hong Kong

*(Please refer to Appendix A for a list of representers who had authorised WWF-Hong Kong as their representative.)*

Mr Michael W.N. Lau	]	Representers' representatives
Mr Andrew Chan	]	
Mr Tobi Lau	]	

HH-R10883, SLP-R10821, PL-R10739 - Kadoorie Farm & Botanic Garden Corporation (KFBG)

*(Please refer to Appendix A for a list of representers who had authorised*

*KFBG as their representative.)*

Mr Tony Nip	]	Representers' representatives
Mr Chiu Sein Tuck	]	
Mr Woo Ming Chuan	]	
Mr Gary Ades	]	
Mr Andy Brown	]	

R10587 - Ruy Barretto S.C.

Mr Ruy Barretto	-	Representer
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R10543 - Chan Ka Lok

Mr Chan Ka Lok	-	Representer
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HH-R10902, SLP-R10825, PL-R10747 – Wu Chi Wai

Mr Wu Chi Wai	-	Representer
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R1980 - Martin Williams

Mr Martin Williams	-	Representer
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R6591 - Ida B.S. Lee

Ms Ida B.S. Lee	-	Representer
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R6401 - Lai Yin Mei

Mr Jan K.C. Chan	-	Representer's representative
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5. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the “Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1” (Guidance Notes) which had been provided to all representers/commenters prior to the meeting. In particular, he highlighted the following main points:



- (a) in view of the large number of representations and comments received and some 100 representers/commenters had indicated that they would either attend in person or had authorised representatives, it was necessary to limit the time for making oral submissions;
- (b) each representer/commenter would be allotted a 10-minute speaking time in respect of each concerned OZP. However, to provide flexibility to representers/commenters to suit their circumstances, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and requesting for extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already submitted to the Town Planning Board (the Board) during the exhibition period of the respective OZPs/publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the Chairman might request the representer/commenter not to repeat unnecessarily the same points of arguments which had already been presented by others at the same meeting. Representers/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to Members for their consideration.

6. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers and representer's representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up.

7. Members noted the proposed programme tabled by the representers, which

included the names of persons who would make oral representations, the contents of the presentations and the estimated time of presentation.

8. The Chairman said that the representatives of PlanD would first be invited to make a presentation on the three draft OZPs. After that, the representers/authorized representatives would be invited to make their presentations following the sequence in the proposed programme. There would be a Q & A session which Members could direct question(s) to any attendee(s) of the meeting after all attendees had completed their presentations in the afternoon session. Lunch break would be from about 12:45 pm to 2:00 pm and there might be one short break in the morning and one to two short breaks in the afternoon, as needed. He then invited the representatives of PlanD to brief Members on the representations and comments in respect of the draft Hoi Ha OZP, the draft So Lo Pun OZP and the draft Pak Lap OZP.

9. With the aid of Powerpoint presentations, Mr C.K. Soh, DPO/STN and Mr Ivan M.K. Chung, DPO/SKIs repeated the presentations which were made in the session of the meeting on 28.4.2014 as recorded in paragraphs 9 to 11 of the minutes of that session.

[Dr Wilton W.T. Fok arrived to join the meeting, Mr Francis T.K. Ip, Ms Anita W.T. Ma, and Ms Bernadette H.H. Linn returned to join the meeting and Ms Janice W.M. Lai left the meeting temporarily during the presentations.]

10. The Chairman then invited the representers and representers' representatives to elaborate on their representations.

#### R799 – Designing Hong Kong Limited

11. With the aid of a Powerpoint presentation, Mr Paul Zimmerman made the following main points:

##### Introduction

- (a) he was the Chief Executive Officer of Designing Hong Kong Limited; member of the Steering Committee on Biodiversity Strategy and Action

Plan; Chairman of the Focus Group on Terrestrial Habitat Identification, Protection and Management; member of Harbourfront Commission; and a district councillor;

- (b) the choice before the Board was whether to allow incremental development in the country park enclaves (CPE) or to conserve the country park and send a clear message to the land owners;
- (c) the Save Our Country Parks Alliance (the Alliance) was an alliance set up some 15 years ago after the Tai Long Wan incident. The Alliance included nearly all green groups in Hong Kong. The Alliance had gained a lot of support from members of the public, visitors to country parks, hikers, legislators, etc. The Alliance had also reached out to the community, including holding consultations with villagers and Heung Yee Kuk;
- (d) over 10,000 representations were received on the three outline zoning plans (OZPs) indicating strong opposition to zoning agricultural land in the CPEs as “Village Type Development” (“V”) to allow new Small House developments. The main grounds of the representations were that “V” zones facilitated fraud and destruction; developments under the Small House Policy was incompatible with country parks; and the natural heritage of Hong Kong people should not be put up for sale. Under the Town Planning Ordinance (the Ordinance), only the “Conservation Area” (“CA”) zoning offered reasonable protection against incompatible development and eco-vandalism; and only the Country Parks Ordinance (CPO) could provide management control as AFCD had wardens to patrol the country parks;
- (e) despite that LandsD would circulate Small House applications to relevant departments for comments and Small House developments should comply with the Environmental Protection Department’s Practice Note for Professional Person (ProPECC PN), in reality, Small House developments were chaotic and created a lot of adverse impacts

in terms of drainage, sewerage, tree felling and illegal road construction;

- (f) two plans were shown to compare Ho Chung in 1990 and 2014. The area occupied by Small House developments had expanded tremendously over the years because of the introduction of “V” zones in the area. The same should not be allowed in other CPEs;
- (g) CPEs were integral to country parks in terms of their ecology, landscape values and recreation values. There was no distinct boundary between the country parks and the CPEs. In fact, in the Explanatory Statements (ES) of the respective OZPs, it was indicated that Hoi Ha, Pak Lap and So Lo Pun were integral parts of Sai Kung West Country Park and Hoi Ha Wan Marine Park, Sai Kung East Country Park, and Plover Cove Country Park respectively. It was also indicated in the ES of the So Lo Pun OZP that development which might adversely affect the rural character and the ecologically sensitive areas would not be recommended and no large-scale development should be introduced in order to minimise encroachment onto the sensitive environment;

[Mr Eric K.S. Hui left the meeting temporarily and Ms Janice W.M. Lai returned to join the meeting at this point.]

#### History of Country Parks and CPEs

- (h) a preparatory study entitled “Conservation of Hong Kong Countryside” was conducted in 1966. In that study report, it was indicated that the existence of scattered villages was a problem that should be carefully considered in the initial planning of a country park system. It was indicated that it was not possible to put villages in a country park and expect them to remain static as they would grow and expand, requiring the construction of roads to serve the new population. There was little purpose in investing in a country park system which would

subsequently be destroyed incrementally;

- (i) round about 1977, in about three years time, 40% of the area in the territory were put under the CPO. Of the 2,500 ha of private land, 500 ha with no economic activities were incorporated into country parks. About 2,000 ha of private land with farming activities and a few houses were left in the CPEs. In the three OZP areas, there were only a few existing houses in the existing villages, namely Mui Tsz Lam, Kop Tong, Lai Chi Wo and Fung Hang;
- (j) private land in CPEs was mainly located at the Plover Cove Country Park and Sai Kung Country Park, which concerned the subject OZPs. Agricultural activities would be compatible with the surrounding country parks, but allowing Small Houses and villages to grow incrementally would create problems;
- (k) in The Ombudsman's report dated 2011, it was stated that in 1991, the Government started discussion at a policy level about protection of CPEs, but the Government failed to take forward the policy. After the Tai Long Sai Wan incident in 2010, the Government confirmed its policy to protect the CPEs. It was decided that of the 54 CPEs, AFCD would incorporate 25 small CPEs (accounting for about 10% of the total land area within CPEs) which primarily involved Government land and there was no pressure for Small House development into the country parks. The other CPEs were to be covered by statutory plans under the Ordinance. In this regard, PlanD had expeditiously exhibited many DPA Plans to impose planning controls on those CPEs that were under imminent development threats;
- (l) the Ordinance was not as effective to achieve nature conservation objectives as compared to CPO. In the Legislative Council Papers regarding the incorporation of the Tai Long Sai Wan enclave into the Sai Kung East Country Park in 2013, it was stated that PlanD or the Board would not allocate resources for habitat/amenity improvement.

Whereas under CPO, the Government would manage the sites as part of the country parks, improve the supporting facilities, patrol and undertake law enforcement. Aggrieved land owners might also seek compensation from the Government under the provisions of CPO;

The Board to Retain Planning Control

- (m) by zoning large areas of land as “V” under the OZPs, the Board had shifted the development control to the Lands Department (LandsD). LandsD’s present controls on Small House development were ineffective. Although Small House applications were circulated to relevant government departments for comments and villagers supposedly had to comply with the ProPECC PN, adverse sewerage and effluent impacts were prevalent in many existing villages. In some cases, the Government had to spend public money to retrofit sewerage systems in villages;
- (n) the Board should retain its control on developments within CPEs. The Alliance strongly objected to zoning agricultural land in country parks for Small House developments due to the environmental problems that would be created as evident in the existing villages;
- (o) given that Hoi Ha, Pak Lap and So Lo Pun were all surrounded by country parks, the Board should adopt the same kind of control as that for Tai Long Wan. According to the ES of the Tai Long Wan DPA/OZP, the planning intention was that there was a general presumption against development except for retaining the existing village areas. The Board did not create new or expanded “V” zones in Tai Long Wan, the same approach should be adopted for the subject OZPs. For the “V” zones designated on the three OZPs, it was estimated that the population in the Sai Kung East and West Country Parks would increase by about 5 times and that in Plover Cove Country Park would increase by about 20 times;

- (p) Designing Hong Kong Limited and the Alliance had raised questions about the cumulative impacts, carrying capacity of the country park, and whether impact assessments were prepared regarding the environmental, visual, sewerage, drainage and infrastructure impacts as well as traffic impacts and demand on transport facilities of the potential Small House developments on the country parks. AFCD indicated that they were not responsible for undertaking those impact assessments and did not possess the relevant information. The Board should not allow incremental growth of village settlements in country parks knowing that cumulative impact assessments had not been undertaken and there was no information available about the cumulative impacts;
- (q) neither the Transport Department nor Highways Department had raised any concerns on the proposed “V” zones from a traffic and transport infrastructure point of view as there were no roads, public ferries/kaito services nor access to public roads. However, the villagers would build unauthorised roads in a haphazard manner to provide access to their own village houses or they would park their cars illegally on public roads. In addition, AFCD would issue permits (up to six permits per house) for vehicular access on roads in CPEs. If the population was allowed to grow in the CPEs, there would be pressure for building new roads in country parks, an example was the ‘Pak Lap Road’;
- (r) our country parks had beautiful landscape and provided extensive recreational grounds and they should be protected. The proposal from the Alliance was to follow the case of Tai Long Wan. In particular, ‘New Territories Exempted Houses (NTEH)’ should be changed to a Column 2 use and ‘House (other than ‘NTEH’)’ should be deleted from the user schedule of the “V” zone; “V” zones should be reduced to cover only the existing village settlements and approved Small House applications; “CA” instead of “Green Belt (1)” (“GB(1)”) zonings should be used to maintain control over incompatible development and

eco-vandalism; any demolition, addition, alteration and/or modification to an existing building should require planning permission. The Board was urged to make a decision on the three OZPs to protect Hoi Ha, Pak Lap and So Lo Pun.

[Actual speaking time of R799: 29 minutes]

[Professor S.C. Wong left the meeting at this point.]

[The meeting took a five-minute break at this point.]

HH-R10874, SLP-R10820, PL-R10738 – WWF-Hong Kong

12. With the aid of a Powerpoint presentation, Dr Michael W.N. Lau made the following main points:

- (a) he was the Senior Programme Head of WWF-Hong Kong responsible for local biodiversity and regional wetlands; member of the Steering Committee for the Biodiversity Strategy and Action Plan; member of Terrestrial Biodiversity Working Group; member of Awareness, Mainstreaming and Sustainability Working Group; Co-leader of Status and Trend and Red List Focus Group; member of International Union for Conservation of Nature Species Survival Commission - Tortoise and Freshwater Turtle Specialist Group Steering Committee and Red List Authority; member of Amphibian Specialist Group and Red List Authority;
- (b) Hong Kong lied in the Indo-Burma Hotspot, which was one of the 25 biodiversity hotspots in the World. Hong Kong was also a key bio-diversity area within the Hotspot, which was of high conservation priority;

Ecological Value of CPEs



- (c) the country park system was crucial to sustaining rich bio-diversity. The country parks covered some 40% of the land area in Hong Kong and covered much of the secondary forests, shrubland, grassland and associated hill streams;
- (d) nevertheless, there were many gaps in the country park system. Country parks mostly covered hilly areas for protection of watershed to ensure reliability of water supplies. Private land in existing villages and associated farmland were excluded from country parks due to local objections at that time. As such, as revealed by a research conducted by the University of Hong Kong (2004), many ecologically important areas such as freshwater wetlands, abandoned agriculture and feng shui woods in the lowland had been excluded from country parks;
- (e) most lowland habitats, such as Lam Tsuen Valley and Yuen Long and Kam Tin Valleys, had been developed. The marshes and lowland streams remaining in the CPEs were of high ecological value. Important lowland habitats were rare in Hong Kong, for example, based on AFCD's data of a study conducted in 2008, freshwater/brackish wetland, natural watercourse and seagrass bed only accounted for 0.44%, 0.52% and 0.01% of the total area of high value ecological habitats in the territory;
- (f) the boundaries of country parks and CPEs were hardly discernible and they were ecologically linked. The CPEs complemented conservation and landscape values of country parks. Many wildlife depended on habitats both within country parks and CPEs, for example, the Crab-eating Mongoose *Herpestes urva* that lived in the forest fed on the crabs in the streams;
- (g) fresh water marsh had unique wildlife community supporting many threatened species under-represented in the country park systems. For example, the Hong Kong Paradise Fish *Macropodus*

*hongkongensis* that was only found in Hong Kong and coastal South China and the Bog Orchid *Liparis ferruginea* that was locally endangered;

- (h) low gradient streams with a sandy substrate were also ecologically important. They were breeding grounds of several uncommon dragonflies such as the Spangled Shadow-emerald *Macromidia ellenae* that was only found in Hong Kong and Guangdong. They were also important habitats for amphibians such as the Hong Kong Newt *Paramesotriton hongkongensis* that was only found in Hong Kong and coastal Guangdong;
- (i) CPEs also had natural streams that had uninterrupted flow into the sea, this was important for diadromous species such as the Neo Goby *Stiphodon atropurpureus* that was locally endangered and Brown Fish Owl *Ketupa flavipes* that was locally scarce;

CPEs being destroyed and threatened

- (j) according to WWF-Hong Kong's 'Country Park Enclaves Investigation Report', 12 out of the 77 CPEs had suffered from large-scale destruction and 10 of those areas in CPEs were related to private developers' interests. So Lo Pun and Pak Lap were also CPEs that had been seriously damaged;
- (k) after the Tai Long Sai Wan incident in 2010, the Government had committed to protecting CPEs either through incorporating them into country parks or putting them under statutory planning control. Nevertheless, since 2010, four additional CPEs had been damaged. They were the CPEs at Pak Sha O, Wong Chuk Yeung, Lo Shue Tin and Yi O. Although Yi O was covered by a DPA plan shortly after damage occurred, the vegetation on private land had already been cleared;

- (l) Lo Shue Tin was the most recent CPE being damaged. A private development company bought a number of private lots in Lo Shue Tin between 2010 to 2013. In 2013, about 2.3 ha of land was cleared, damaging mature and secondary forests, freshwater marshes and a section of a stream. From aerial photos, it was clear that the damaged area covered land owned by the private development company. So far, only LandsD had taken action to block the access to the illegal track routing through government land. No enforcement action could be undertaken by PlanD as there was no restriction on vegetation clearance in “Agriculture” (“AGR”) zone;
- (m) more restrictive planning controls, such as “CA” zones, were needed to protect ecologically important habitats, it would remove expectation for development and would reduce the chances of eco-vandalism. The precedent of the Tai Long Wan OZP should be followed. CPEs of high conservation value should be incorporated into country parks in the longer term. The Board should not zone recently-damaged land as “V” to reward eco-vandalism, or else it would encourage more destructions in other CPEs; and
- (n) the Convention on Biological Diversity was extended to Hong Kong in 2011, and the Government was formulating the Biodiversity Strategy and Action Plan. As such, the Government had a responsibility to protect ecologically important CPEs.

[Actual speaking time of HH-R10874, SLP-R10820, PL-R10738: 21 minutes]

HH-R10883, SLP-R10821 and PL-R10739 – KFBG

13. With the aid of a powerpoint presentation, Mr Tony Nip made the following main points:

- (a) he had worked as an ecologist as a private consultant and in AFCD.

He was currently the Senior Ecologist of KFBG. He was a member of the focus groups for formulation of the Biodiversity Strategy and Action Plan and also provided advice on ecologically important streams (EISs);

- (b) the zoning adopted for Tai Long Wan was a good precedent. Tai Long Wan was completely surrounded by the Sai Kung East Country Park. In the original OZP gazetted in April 2000, 7.9 ha (about 16%) of land in the planning scheme area was zoned “V”. It was estimated that the “V” zones would accommodate 370 Small Houses and a population of 1,000. The entire stream course running through the planning scheme area and its riparian areas were zoned “CA”, despite that only the southern section of the stream was later identified as an EIS. The forest areas were all zoned “CA” rather than “GB(1)”;
- (c) there were five objections received on the Tai Long Wan OZP objecting to the large size of the “V” zones. One of the objectors indicated that it was a fallacy to think that “V” and “CA” zones could co-exist. The development of village houses would result in more population and demand for additional transportation and infrastructural facilities that would cause destruction to the natural environment;
- (d) after hearing the objections, the Board was of the view that more in-depth research should be carried out by relevant government departments so as to provide more information to the Board to substantiate whether Tai Long Wan was worthy of conservation;
- (e) at the time, AFCD commented that the flora and fauna found in the Area as identified by the objectors were only ‘rare’ and not ‘very rare’ species, and as such, it might not be justified to rezone areas zoned “V” to “CA”. AFCD also considered that the “Site of Special Scientific Interest” (“SSSI”) for the Tai Long Bay SSSI and

the “CA” zonings for the area north of Ham Tin had already provided the necessary protection for the more important areas in Tai Long Wan;

- (f) on the other hand, there were active public actions urging for protection of Tai Long Wan. During November/December 2000, more than 2,000 signatures were collected in support of preserving Tai Long Wan. Moreover, over 900 persons participated in an event organised by the Conservancy Association and the Friends of Tai Long Wan which was aimed to arouse public awareness for protection of Tai Long Wan;
- (g) PlanD set out three rezoning options for the Board’s further consideration of the objections. Option 1 was to keep the 7.9 ha “V” zone but it was pointed out that this option would not be in line with public expectation. Option 2 was to reduce the “V” zone from 7.9 ha to 1.9 ha to cover only the existing village settlements and approved Small House developments. Option 3 was to incorporate Tai Long Wan into the country park, which however was not within the purview of the Board;
- (h) PlanD recommended Option 2 for the reasons that it would minimise the potential threats to the existing landscape and heritage value of Tai Long Wan. It was also indicated that given the inadequate infrastructural provision and the difficulty to provide additional infrastructure in the Area, reduction in the area of the “V” zones would be more pragmatic and would help avoid unnecessary development expectations;
- (i) after considering the above recommendations, the Board decided to propose the following amendments to the Tai Long Wan OZP:
  - (i) adopting Option 2 to reduce the “V” zone to cover only the existing village settlements and approved Small House

developments (with an estimated population of 200). The Board also considered that land outside Tai Long Wan might need to be identified to satisfy any future Small House demand. As such, the Board had taken the view that it did not have an obligation to ensure that the Small House demand of a village would be completely satisfied within the existing village area;

- (ii) deleting “House (other than NTEH)” from Column 2 of the user schedule of the Notes for the “V” zone;
  - (iii) 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. Similar provisions were adopted in Pak Sha O; and
  - (iv) transferring “NTEH” from Column 1 to Column 2 of the user schedule of the Notes for the “V” zone so that NTEH developments also required planning permission. This particular amendment was a decision made by the Board at its meeting and was not part of PlanD’s original recommendation;
- (j) the Board also remarked that despite some of the individual sites might not be the prime area for conservation, a holistic approach should be adopted to conserve the natural beauty of Tai Long Wan as a whole. Apart from the Tai Long Wan SSSI, the surrounding country parks were of equally important conservation value;
- (k) further objections were raised by land owners and development company against the Board’s proposed rezoning as highlighted above. However, the Board decided not to uphold all the further objections;

- (l) it was clear that the planning intention for Tai Long Wan was to protect its natural environment, and that it should be protected from encroachment by development of incompatible uses and there was a general presumption against development except retaining the existing village areas;
- (m) after the aforementioned amendments to the OZP, there had not been any Small House applications nor planning applications for Small House developments; and
- (n) the OZP restrictions had not ‘extinguished’ the village as some objectors had claimed. In fact, villagers living in Tai Long Wan were still thriving and making a living from holiday hikers and visitors. The public could still enjoy the spectacular natural features in Tai Long Wan and the natural environment was conserved. As such, the Tai Long Wan precedent was a win-win solution for villagers, the public and nature.

[Actual speaking time of HH-R10883, SLP-R10821 and PL-R10739: 13 minutes]

R10587 – Ruy Barretto S.C.

14. In response to Mr Ruy Barreto’s query that his representation submission dated 27.11.2013 had been included in the attachments to the Paper, the Chairman said that a copy of all submissions (including Mr Barreto’s representation submission) had been passed to Members. Mr Barretto then made a presentation based on the tabled document entitled “Country Park Enclaves and their better protection as required by policy, using better statutory planning and eventual designation as country park” and made the following main points:

- (a) the Board’s duty was to follow the Government’s policy to protect the CPEs by appropriate zonings and to protect the CPEs until they were eventually designated as country parks. Better planning

control was needed and the proposed amendments to the three OZPs would be explained in more details later. However, the three published OZPs showed excessive “V” zones that were designated for expediency and to satisfy vested interests. Such zonings were contrary to evidence, principles and the law;

- (b) under section 3 of the Ordinance, the Board had a statutory duty to have regard to public interests as it had to plan for the benefit of the community and its health, safety and general welfare. The zoning of excessive “V” zones on the three OZPs appeared to be for the protection of private vested interests rather than the interests of the general public;
- (c) the Tai Long Wan precedent, as explained earlier, was a binding precedent for better planning, it was a pragmatic solution that curtailed development expectations. The former Chief Executive had announced the policy to protect CPEs and the Board had promulgated its policy in opposition to the ‘destroy first and build later’ approach. Nevertheless, the three OZPs seemed to follow the contrary principle of ‘destroy first, reward later’. That was a wrong principle and irrational;
- (d) the Small House application system was currently being abused and most of the Small Houses were eventually sold off to developers and were not for the villagers’ own use. Hence, extensive developer-owned landholdings within the expanded “V” zones would facilitate future fraud in the Small House application system;
- (e) the OZPs had failed to address the requirements of the CPE policy. It was wrong for the Board to merely state that designation of country parks was outside the purview of the Board and refrain from undertaking any planning controls that would affect the CPEs. There was public expectation for the Government to better protect the CPEs so that it would not undermine public enjoyment of the



natural environment. Such public expectation was evident from the 10,000 objections against the three OZPs;

- (f) the CPE policy was upheld by law. In the Tai Long Sai Wan court case in 2013, the High Court ruled that public interest in and expectation for conservation of the countryside were lawful reasons for designating Tai Long Sai Wan as country park. Public expectation for better conservation of country park and CPEs should take precedence over the alleged development rights or vested interests;
- (g) the background of the So Lo Pun case was highlighted in the tabled documents. While the April 2013 Planning Report stated that a comprehensive planning framework was needed to conserve So Lo Pun's outstanding natural landscape and ecological value, the So Lo Pun OZP subsequently published showed none of those planning objectives. There were massive areas zoned "GB" on which Small Houses might be permitted. The "V" zones had been expanded to accommodate 134 houses for 1,000 people. The doubling of Small House demand, to allow a sudden jump from the baseline of zero population to 1,000 population, was based on claimed demand and not genuinely verified needs. The baseline should be the existing village settlement with zero population;
- (h) the Government claimed that an incremental approach to development should be adopted but cumulative impacts were not addressed. It was also claimed that development impacts would be addressed by existing mechanisms. However, those so-called existing mechanisms either did not exist, were inadequate or were compromised due to lack of enforcement. If "V" zones were allowed in these CPEs, it would cause destruction in the heart of the country parks;
- (i) it was a known fact that runoff from septic tanks polluted stream

courses. The septic tank issue had been the subject of legal challenge, but EPD had not been able to address the legal arguments they put forward. Instead, EPD continued to indicate that they would rely on ProPECC PN and no action was taken to enforce the Water Pollution Control Ordinance and its Technical Memorandum;

- (j) soil percolation tests, that were previously not enforced by the authorities, were now being stated as a requirement for Small House developments in Hoi Ha. However, it was unrealistic to assume that such percolation tests would be sufficient to help with the problems of septic tanks and their cumulative impacts;
- (k) the So Lo Pun stream was hydrologically and ecologically connected and it was illogical only to protect the lower section of the stream. The Board should ensure that the entire stream would be protected based on the precautionary principle and ecosystem approach;
- (l) proposed amendments to the three OZPs were tabled and would be explained in more detail in the later presentations. In gist, the common principles in their proposed amendments were to zone the forest and wetland areas as “CA”, the existing village areas as “V” and the damaged areas near the villages as “GB(1)”. These rezoning proposals were based on the successful precedents in Tai Long Wan and Pak Sha O and would provide better protection for the CPEs.

[Actual speaking time of R10587: 22 minutes]

[Professor C.M. Hui left the meeting temporarily at this point.]

R10543 – Chan Ka Lok

15. Mr Chan Ka Lok made the following main points:

- (a) there had been several discussions about CPE policy in Legislative Council and the general consensus was that CPEs should be incorporated into country parks. While some indigenous villagers might claim that incorporation of CPEs into country park would affect their private property rights and contravene the Basic Law, the Government had reiterated that there were existing mechanisms to address the concerns about impact on property rights. The Alliance considered that all CPEs should be incorporated into country parks to provide better protection for the natural ecology;
- (b) there were reservation and doubts on Small House demand data which PlanD adopted in drawing up “V” zones. There was projected increase in population in all three OZP areas, at So Lo Pun from zero to 1,000; at Hoi Ha from 110 to 590; at Pak Lap from zero in 2006, less than 50 at present and 230 in future;
- (c) in paragraph 5.25 of the TPB Paper for the Hoi Ha OZP, it was stated that there was no mechanism at the planning stage to verify the authority of the Small House demand figures. Those figures were provided by the village representatives with no objective basis. It was a negotiated ‘deal’ and a political decision made between the Government and the villagers;
- (d) “V” zones should not be drawn up based on ‘unverifiable’ data. For example, in So Lo Pun, there was currently no Small House application. Future Small House developments should be considered on a case-by-case basis. The Board should be well aware of the commercial interests behind Small House developments and the vested interests of property developers;
- (e) from his personal experience living in a village area in Tai Po, there was clear abuse of the existing Small House application system. It was common to see land being destroyed first before applications for Small House were made. No particular government department

could take effective enforcement actions against such irregular activities. As such, the Board should not rely on unverifiable and not trustworthy data to designate massive area of land as “V”;

- (f) an example was a planning application for an organic farm in Pak Shui Wun, Sai Kung that was approved by the Board on review. However, the organic farm turned out to be run on a commercial basis and a private pier was built so that people could access from Sai Kung. The Board should base its decision on trustworthy evidence, or else there would be abuses like this case that would cause unforeseen damages; and
- (g) the Board should ensure that CPEs were well protected, otherwise, the destruction caused would be irreversible. Wrong decisions made by the Board might destroy the corals in Hoi Ha and the natural environment in So Lo Pun and Pak Lap. In general, areas with ecological value should be zoned “CA” to provide for the best available protection; the “V” zone should only be confined to the existing village settlements and future Small House applications should be assessed on a case-by-case basis. The Board was urged to make the right decisions that would protect the public interests in conservation of the country parks and CPEs.

[Actual speaking time of R10543: 15 minutes]

HH-R10902, SLP-R10825, PL-R10747 – Wu Chi Wai

16. Mr Wu Chi Wai made the following main points:

- (a) the objective of the Small House policy was to provide a place for villagers to live in. However, in the case of Pak Lap, all private land within the village had already been sold to a single developer. That meant that the villagers had willingly given up their right to build a house for their own use. In such case, if the Board still

zoned massive areas of land as “V”, it would only benefit the developer and would legitimise the illegal transfer/sale of the rights to build Small Houses (套丁);

- (b) for the case of So Lo Pun, the existing population was zero. There were also more than 50 existing village houses. Under the existing mechanisms, villagers with genuine need could apply to rehabilitate/redevelop/rebuild those houses for their own living. However, there was no such application from villagers. As such, there was no basis to zone some 4.5 ha of additional land as “V”. The case of Hoi Ha was similar in that villagers had already sold their private land to developers in 2010;
- (c) some villagers had claimed that their rights were being deprived. However, private land owned by villagers was originally for agricultural use. “V” zones should only be drawn up to satisfy the genuine need of villagers for a place to live in and not to satisfy their demand for commercial transactions of rights to build Small Houses; and
- (d) there was objection to the three OZPs. The existing mechanisms already allowed rebuilding of the 50 odd existing village houses and there was no need to zone additional land as “V”.

[Actual speaking time of HH-10902, SLP-R10825, PL-R10747: 10 minutes]

[Ms Anita W.T. Ma left the meeting temporarily at this point.]

R1980 – Martin Williams

17. With the aid of a Powerpoint presentation and some video clips, Mr Martin Williams made the following main points:

- (a) the issue at stake was about developers’ interest rather than interests

of indigenous villagers;

- (b) Hoi Ha was a place with beautiful natural scenery. There were lots of corals in the marine park, even in places very close to the footpaths. Hoi Ha should be designated as a country park and protected for the future generation;
- (c) according to AFCD, the area designated for village house development was agricultural land. However, from the video clips, it was evident that the area was scenic secondary forest with lots of trees including old banyan trees. The marsh land thereat was also rich in wild life species. This area should be zoned “CA”, and farming should not be allowed as land with agricultural activities might attract vested interest to destroy the land and build later;
- (d) the area designated for Small House development was also too close to the coastline. The natural coastline had moved inland and areas previously shown as farmland on survey maps was now covered by water during high tides. That meant that houses built even with a 30m setback from the previous recorded coastline would be right next to the current coastline;
- (e) a natural stream course in the area was also not recorded on the map. Any pollution to this stream course would destroy the corals in Hoi Ha, that was one of the most important coral areas in Asia;
- (f) for Pak Sha O, the indigenous villagers had left and much of the private land was bought by a developer, who was the owner of Xin Hua Bookstore. Any development thereat would be for the developers’ interests and not for indigenous villagers;
- (g) protecting and allowing access to the countryside was very important for the health and well being of people, and this was supported by research. It was particularly important as a space for relief in the

busy living environment in Hong Kong. In fact, more and more Hong Kong people were visiting the country parks during weekends;

- (h) there were examples of well preserved villages in Cape Town. The heritage and natural landscape were both preserved and the villages were thriving. It was a pity that there was no strategic planning for the countryside in Hong Kong and the Board might need to take up its role in this regard. Existing villages should be preserved and allowed to thrive in its natural setting. Developers should not be allowed to build large-scale housing developments in CPEs. There was an example of such large scale housing development on Cheung Chau that had remained largely unoccupied after completion;

[Actual speaking time of R1980: 10 minutes]

[Dr C.P. Lau left the meeting temporarily at this point.]

R6591 – Ida B.S. Lee

18. Ms Ida B.S. Lee made the following main points:

- (a) she spent most weekends in the country parks. The extensive country parks that were close to the city centre was a precious asset of Hong Kong that should be preserved. The three OZP areas were all close to the country parks and were ecologically sensitive areas. While the housing need of local villagers should be respected, it was necessary to balance it with the need to conserve the natural environment in country parks;
- (b) Hong Kong's countryside was an important recreational resource for people of Hong Kong as well as overseas visitors engaging in hiking or marathon activities. The country parks should be protected and this matter involved major public interests;

- (c) the three OZP areas were currently very inaccessible - So Lo Pun was accessible on foot; Pak Lap was accessible on foot from Sai Kung Man Yee Road; and Hoi Ha was accessible via Hoi Ha Road with restricted access. If development was to be permitted within these three OZPs areas, it was necessary to consider how road infrastructure and other transport facilities could be provided to satisfy the demand of future residents; and
- (d) there were doubts on the projected demand for Small Houses. In the past ten years, she had not seen any new houses or people residing in So Lo Pun. It was hard to understand why there was a forecast demand of 200 odd houses in the next ten years. The Board should carefully consider whether those figures were trustworthy before designating more land for village house developments.

[Actual speaking time of R6591: 5 minutes]

[Ms Bernadette H.H. Linn and Mr Sunny L.K. Ho left the meeting temporarily and Ms Anita W.T. Ma returned to join the meeting at this point.]

R6401 – Lai Yin Mei

19. Mr Jan K.C. Chan made the following main points:

- (a) he visited the country parks and marine parks on a regular basis. Individual indigenous villagers could be allowed to build houses if they had real housing need. However, it was a known fact that most private land covered by the OZPs had been bought by private developers for large-scale developments;
- (b) the countryside was a precious asset of Hong Kong, as it covered extensive areas and was close to the urban areas. More and more



people were visiting country parks for recreation purpose. Since 2003, the Government had promoted local tours featuring natural and heritage assets in Hong Kong. The Hong Kong Tourism Board had also promoted Hong Kong's great outdoor space to overseas visitors. The natural beauty of our country parks had been featured in overseas media and was appreciated by local and overseas visitors; and

- (c) before the Board made a decision to zone more land for village type developments, whether private interests or public interests of Hong Kong residents should prevail should be a consideration.

[Actual speaking time of R6401: 6 minutes]

20. As all the speakers for the morning session had completed their presentations, the Chairman thanked the group for arranging the programme which had facilitated the meeting process.

21. The meeting was adjourned for lunch break at 12:30 p.m.

22. The meeting was resumed at 2:10 p.m. on 8.5.2014.

23. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr H. F. Leung

Mr Francis T.K. Ip

Deputy Director of Environmental Protection

Mr. C.W. Tse

Director of Lands/ Deputy Director of Lands (General)

Ms Bernadette H.H. Linn/ Mr Jeff Y.T. Lam

Director of Planning

Mr K.K. Ling

Presentation and Question Session

[Open meeting]

24. The following Government representatives, representatives and representatives' representatives were invited to the meeting at this point:

Mr C.K. Soh - District Planning Officer/Shau Tin, Tai Po and North, Planning Department (DPO/STN, PlanD)

Mr David Y.M. Ng - Senior Town Planner/country Park Enclaves (STP/CPE), PlanD

Mr Ivan M.K. Chung - District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD

Ms Lisa Y.M. Chau - Town Planner/Sai Kung (TP/SK), PlanD

Mr Cary O.H. Ho - Senior Nature Conservation Officer (South), Agriculture, Fisheries and Conservation Department (SNC/S, AFCD)

Mr K.W. Cheung - Senior Nature Conservation Officer (North) (SNC/N), AFCD

Mr Alan L.K. Chan - Senior Marine Parks Officer (SMP), AFCD

Mr K.S. Cheung - Country Parks Officer (Special Duty) (CPO(SD)), AFCD

R10909 – Kevin Laurie

HH-R10895, SLP-R10827 & PL-10745 – Sea Shepherd Conservation Society

Mr Kevin Laurie - Representative and Representative's representative

HH-R10883, SLP-R10821 & PL-R10739 - Kadoorie Farm & Botanic Garden (KFBG)

*(Please refer to Appendix A for a list of representers who had authorised KFBG as their representatives)*

Mr Tony Nip	]	
Mr Chiu Sein Tuck	]	
Ms Woo Ming Chuan	]	Representers' representatives
Mr Gary Ades	]	
Mr Andy Brown	]	

R2474 - John Wright

R10544 - Friends of Sai Kung

Mr John Wright	-	Representer	and	Representer's representative
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SLP- R10823 - Eco-Education & Resources Centre

R6138 –Verity B Picken

PL-R10740 – Green Peace

Ms Michelle Cheung	-	Representers' representative
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HH- R10882, SLP-10819, PL-10743 - The Hong Kong Bird Watching Society

Ms Jocelyn Ho	-	Representer's representative
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R1990 – Denis Leung

Mr Yeung Man Yau	-	Representer's representative
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HH-R10755, SLP-R10822, PL-10741 - The Conservancy Association

Mr Roy Ng	-	Representer's representative
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R799- Designing Hong Kong Limited

Mr Paul Zimmerman	]	Representer's representatives
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Ms Debby Chan Ka Lam ]

HH-R10874, SLP-10822, PL-10741 – WWF - Hong Kong

*(Please refer to Appendix A for a list of representers who had authorised WWF-Hong Kong as their representatives)*

Mr Michael Lau ]

Mr Lau Wai Neng ] Representers' representatives

Mr Andrew Chan ]

Mr Tobi Lau ]

R10587 – Ruy Barretto

Mr Ruy Barretto - Representer

25. The Chairman extended a welcome and then invited the representers and their representatives to elaborate on the representations.

R10909 – Kevin Laurie

HH-R10895, SLP-R10827 & PL-10745 – Sea Shepherd Conservation Society

26. With the aid of a Powerpoint presentation, Mr Kevin Laurie made the following main points:

- (a) he was trained as a geologist and had worked as an archaeologist. He had also been a police officer for 30 years in Hong Kong and was now retired. He was currently a scientific consultant in the National Dinosaur Museum in Australia and an independent marine ecologist focusing on Horseshoe Crabs in Hong Kong and Southeast Asia. He was also a member of Hong Kong Biodiversity Strategy and Action Plan (BSAP) Marine Biodiversity Working Group providing advice on human impacts on the marine environment;

*Geological constraints*

- (b) there were geological constraints on village house development in Hoi Ha, Pak Lap and So Lo Pun. The Board should not approve the “Village Type Development” (“V”) zones on these three Outline Zoning Plans (OZPs) in view of the geological setting of these areas, which were located on floodplains in the lower regions of the river valleys underlain by alluvium and were susceptible to groundwater flooding;
- (c) alluvium was loose, well-sorted to semi-sorted gravel, sand, silt and clay. It was formed by materials eroded from the hills, transported down by a river and deposited in the river bed. It mostly occurred in the lower reaches of river valleys. As alluvium was permeable, water flowed freely through it and also moved up and down and sideways through it. Water levels in alluvium could rise or fall because of the groundwater level, the rates of precipitation and influences of sea level. As such, river valleys with alluvium were susceptible to flooding and became floodplains;
- (d) geological survey maps could assist planners and engineers in identifying geological hazards of an area and was a cost-effective way to manage risk. It showed surface distribution of rocks and was a primary source of information for land use planning. Failure to use geological maps or understand the geology of an area could lead to a variety of adverse land-use impacts e.g. ground-water contamination;
- (e) the Hong Kong Geological Survey produced by the Government could help planners and the Board to make informed decisions. The geological maps showed the surface occurrence of a deposit (including its age and type) and the schematic section of the deposits. Based on the geological survey maps, the proposed “V” zones laid directly above a mixture of alluvium, beach deposits and debris flow deposits for Hoi Ha OZP; a mixture of alluvium and beach deposits for Pak Lap OZP; and a mixture of terraced alluvium, debris flow deposits and estuarine and intertidal deposits for So Lo Pun OZP. Because of alluvium, floodplains were susceptible to groundwater flooding;

- (f) according to the Environmental Protection Department's (EPD's) "Guidance Notes on Discharges from Village Houses", septic tank and soakaway (STS) system consisted of a septic tank, a soakaway system and surrounding soil into which wastewater was finally disposed of. Soakaway system involved dispersing untreated wastewater into the surrounding soil and relying on the soil to remove polluting material. Adequate purification could only be achieved after the wastewater had travelled a fairly long distance through the ground before reaching the sea. However, in the three OZP areas, wastewater flowed freely and rapidly through alluvium and could not get adequate purification before they reached the sea;
- (g) the said EPD's Guidance Notes also stated that a STS system was not feasible in areas prone to flooding during storms or with high groundwater table. Hoi Ha, Pak Lap and So Lo Pun were areas prone to flooding. According to the Drainage Services Department (DSD) Annual Report 2001/2002, Hong Kong could experience very severe rainstorms at times and significant flooding occurred in the New Territories. Flooding could happen in the natural floodplains and low-lying areas of the northern part of the New Territories, i.e. where Hoi Ha, Pak Lap and So Lo Pun were located. There was evidence of flooding in these three areas and high water tables could be seen from the photos. If a STS system was put in an area with a high groundwater table or prone to flooding, it would lead to overflow of septic materials to the adjacent areas;

[Mr Ivan C.S. Fu arrived to join the meeting at this point.]

*Threats to biodiversity*

- (h) when Hoi Ha was designated as a Site of Special Scientific Interest (SSSI), the threats from development, i.e. pollution and sedimentation were recognized and it was considered that future development and

changes of land uses in Wanchai Borrow Area might cause water pollution and sedimentation of Hoi Ha Wan. It was recommended at that time that AFCD should be consulted on any development of reclamation proposals which might affect the site. However, AFCD had not commented on the development threats in Hoi Ha;

- (i) a STS system could produce contaminants including water-borne pathogens which affected human health; nitrogen and phosphorous which caused nutrient enrichment; toxic chemicals which killed wildlife; and endocrine disruptors which caused major alterations to sexuality of fish;
- (j) land clearance for village house development in a floodplain area would turn an area of deposition to an area of erosion. Besides, runoff from construction sites would lead to suspended sediments running into streams and rivers and even to the sea during heavy rainstorm. It was globally recognized as a major problem. For example, a coral community on the eastern shore of Hoi Ha Wan had been lost because of soil and sand run-off from the surrounding hills from which trees and rocks were removed for land reclamation in Ma On Shan;
- (k) the proposed developments in Hoi Ha, Pak Lap and So Lo Pun were located in floodplains. The whole river valley was a single system in which surface water, groundwater and the river were connected. Development in the lower reaches of the river valley would convert the area from an area of deposition into an area of erosion and create sedimentation and pollution. Each OZP area was a part of a river valley system and should not be considered in isolation;
- (l) according to a Study on the Soft Shore in Hoi Ha Wan Marine Park commissioned by AFCD in 2006, there were high ecological value soft shore communities in Hoi Ha Wan. It was the top soft shore in Hong Kong in terms of biodiversity. However, the toxic chemicals and endocrine disruptors generated by the STS system would affect the soft



shore communities in that area. Hoi Ha Wan was also one of the “Crown Jewels” of Hong Kong’s biodiversity but sedimentation and nitrogen/phosphorous would threaten coral communities in Hoi Ha Wan;

- (m) amphioxus (*Branchiostoma belcheri*) was found in Pak Lap Wan. It was a living fossil and one of the National Key Protected Species in China. According to AFCD’s website and study, it was of unique and high conservation value. However, it would be adversely affected by sedimentation and endocrine disruptors from sewage and waste water. The latter would affect normal sex development in fish;
- (n) So Lo Pun was an ecologically important stream (EIS). However, sedimentation and nitrogen/phosphorous (key components of fertilizers) would change the ecological balance of the stream. For example, the seagrass beds in So Lo Pun was very susceptible to sedimentation, nitrogen/phosphorous and toxic chemicals;

[Mr H.W. Cheung arrived to join the meeting at this point.]

#### *Threats to human health*

- (o) according to a report by the United States Government, human health threats were imposed by putting STS systems in alluvium areas in that more than 400 people were infected with gastroenteritis related to contaminated groundwater in 1995; major outbreaks of gastroenteritis had been attributed to virus in numerous states; and high water tables or inappropriate geological settings could allow pathogenic bacteria and viruses to reach groundwater;
- (p) according to the microbiologist in Hong Kong, H7N9 bird flu might spread through human faeces. Besides, according to Science Daily in 2013, antibiotic-resistant bacteria were widespread in Hudson River, antibacterial products fuel resistant bacteria were found in streams and rivers and superbugs were found breeding in sewage plants;

[Dr W.K. Yau returned to join the meeting at this point.]

- (q) human activities, e.g. clam digging and school field trips, would no longer be safe in the downstream areas and beaches; and
- (r) to sum up, the Board had not been briefed about the geology, implication for wetland conditions, threats of sedimentation and pollution, important coral and soft shore communities at Hoi Ha, amphioxus being a species of conservation concern and the public health threats;
- (s) the main function of the Board under section 3 of the Town Planning Ordinance was to promote the health, safety, convenience and general welfare of the community. The Board had a duty to protect the health, safety and welfare of the community; and
- (t) the Board should look at the evidence and reject all the village house development proposals on the three OZPs which used STS systems in floodplains.

[Actual speaking time of R10909: 30 minutes]

HH-R10883, SLP-R10821 & PL-R10739 - Kadoorie Farm & Botanic Garden

27. With the aid of a Powerpoint presentation, Mr Tony Nip made the following main points:

- (a) two case studies in Lung Mei and Ma Wan New Village would be presented to demonstrate the fact that increase in number of Small Houses could have serious impact on the water quality of an area;

*Case Study No. 1 - Lung Mei*

- (b) according to the data collected by EPD between 2000 to 2013, the water

quality in Lung Mei beach (in terms of the amount of E. coli) became very poor when more and more Small Houses were built in Lung Mei since 1998, despite that the area was already equipped with public sewers and waste water facilities;

- (c) as shown by some site photos, eating places (which were always permitted on the ground floors of Small Houses) and the construction and operation of Small Houses generated waste waters and were discharged to the outlets at Lung Mei;
- (d) it was very difficult to enforce the Water Pollution Control Ordinance as it was always difficult to identify which house or eating place was responsible for the illegal discharge of waste water. Besides, illegal underground pipes were always covered by concrete;

*Case Study No. 2 – Ma Wan New Village, Tung Chung*

- (e) the Ma Wan New Village was built in 1998 due to Tung Chung New Town development. The concerned “V” zone was surrounded by woodland and next to a stream. The situation was similar to that of a country park enclave (CPE);
- (f) there were currently about 120 Small Houses in the village. Small Houses built in the early years (about 44) were connected to public sewer while the remaining ones were using STS system. There were three to four restaurants operating in the village;
- (g) according to the data from EPD, the level of E. coli and Faecal coliforms in the nearby stream in 2010-2013 were about 18,000 to 39,000 counts per 100ml and 54,000 to 120,000 counts per 100ml respectively. The level of ammonia was 1.4mg/L. The amount had far exceeded the Water Quality Objectives (WQO). The water quality was as poor as that of Tin Shui Wan Channel, Yuen Long Nullah and Tuen Mun River and worse than that of Shing Mun River. As shown in a chart, the

levels of pollution increased with the sharp increase in Small House developments from 1998 to 2011;

- (h) as shown in site photos, highly polluted water was discharged into the nearby stream from an outlet connected with U-channels running through Small Houses. Potential pollutants were also generated from domestic sewage and waste water discharged from the restaurants. Storm water outlets were often used to discharge waste water. High mortality of wild frogs was observed along the stream which demonstrated high water pollution;
- (i) Ma Wan New Village was built after EPD's Practice Notice for Professional Person (ProPECC) PN 5/93 was adopted. However, in reality, no one complied with the requirements and the rules were not enforceable. It was a planning problem, not just an environmental problem; and
- (j) according to PlanD's latest proposal, there would be 40 new Small Houses and 30 existing Small Houses in Hoi Ha, 79 new Small Houses in Pak Lap and 134 new Small Houses in So Lo Pun. The existing population in Hoi Ha and Pak Lap were 110 and less than 50 respectively. The expected population for Hoi Ha, Pak Lap and So Lo Pun would be 393, 230 and 1000 respectively. These future developments would have serious impact on the water quality of the areas.

[Actual speaking time of HH-R10883, SLP-R10821 & PL-R10739: 18 minutes]

[Mr Roger K.H. Luk left the meeting temporarily at this point.]

R2474 - John Wright

R10544 - Friends of Sai Kung

28. With the aid of a Powerpoint presentation, Mr John Wright made the following

main points:

- (a) he had been living in Hong Kong for 31 years and was a practising barrister. He was the Chairman of the Friends of Sai Kung. His presentation would cover land issues and the legal aspect;
- (b) the “V” zones were areas within the village ‘environs’ (‘VE’) set aside for building of New Territories Exempted Houses (NTEH) (Small Houses) by eligible adult male indigenous villagers. The Small House Policy was introduced in 1972 to allow an indigenous villager to apply for permission to erect for himself during his lifetime a Small House on a suitable site within his own village;
- (c) an eligible adult male indigenous villager could apply to build on a private lot owned by himself. If he did not have private land, he could apply for a grant of Government land to build a Small House. Non-indigenous villagers and other parties, e.g. developers and development companies, were not allowed to apply to build Small Houses within “V” zones;
- (d) anyone could buy or sell private land within a “V” zone. In many CPEs, development companies had bought a large number of private lots from indigenous villagers. In Hoi Ha and Pak Lap, most of the private lots had been sold by indigenous villagers to developers. About 95% of private land within the “V” zone in Hoi Ha was currently owned by nine companies. Besides, the majority of private land within the “V” zone of Pak Lap was owned by one single company. However, these companies were not eligible to apply to build Small Houses;
- (e) development companies bought land within “V” zones so as to build Small Houses for sale or rent to outside and non-indigenous persons. Payment of the full purchase price of the land by the development companies to the indigenous villager was conditional upon building permission being granted;

- (f) a developer could build Small Houses in a “V” zone by making use of various legal devices which were illegal. The developer could execute a legal agreement assigning legal title in the land to an indigenous villager who applied for building permission. The villager could then sign a secret agreement assigning beneficial ownership of the land and the Small House to the developer, and could sign, inter alia, a trust document, a power of attorney and a Will in favour of the developer. In return, he could get cash payment, a house/flat or some other benefits from the developer;
- (g) the above legal devices were unlawful as the application was a deliberate misrepresentation to the Government that the Small House applicant was applying for permission to build a Small House for himself. That was supported by the judgments of various court cases. For example, in Civil Appeal Case No. 20 of 2001, there was a development scheme between a developer and an indigenous villager whereby (i) the developer provided the land and bore all construction and other costs of building a Small House; (ii) the villager applied to the Government for the grant of a free building licence to build the Small House; and (iii) the villager had no interest in the land or the house to be erected. The villager executed powers of attorney in favour of the developer as well as a Will appointing the developer as his sole executor to whom the land was bequeathed;
- (h) in the judgment of the above appeal case, the Court held that:
  - (i) the agreement was illegal. Its purpose was to misrepresent that the villager was the true owner in order to enable the developer to obtain the concessionary terms in the building licence available under the Small House Policy only for individual indigenous villager and not the developer;
  - (ii) the villager was presenting to the Government that he was the legal and beneficial owner of the land in respect of which the application for a grant under the Small House Policy was made. An indigenous

villager who held the land as a mere nominee would normally be not qualified given the purpose of the Small House Policy;

- (iii) the Small Houses when erected would belong, not to the applicants, but to the owner or the developer. In other words, the applicants would not be the owners of the houses erected; and
  - (iv) the Deed was plainly unenforceable on public policy grounds because performance according to its term necessarily involved the swearing of false declarations and the making of misrepresentations to the Government;
- 
- (i) in So Lo Pun, there were over 200 private lots of land which were owned by members of the Wong clan. However, there was possibility that those indigenous villagers would enter into a development scheme with a developer to enable the developer to obtain the concessionary terms in the building licence available under the Small House Policy;
  - (j) indigenous villagers and developers who entered into illegal schemes might be subject to criminal offences under section 16A(1) of the Theft Ordinance (Cap.210); and
  - (k) illegal schemes were very common and widespread in villages in the New Territories and CPEs. The current rate for sale of a Small House right was about HK\$450,000. The parties who were involved in the illegal scheme would be criminally liable.

[Actual speaking time of R2474: 16 minutes]

[Mr Sunny L.K. Ho returned to join the meeting at this point.]

HH-R10883, SLP-R10821 & PL-R10739 - Kadoorie Farm & Botanic Garden

29. With the aid of a Powerpoint presentation, Mr Tony Nip continued to make the following main points:

- (a) although PlanD stated that there was sufficient control in the draft OZPs as land within “V” zones would only be used for Small House development, this was not the case in reality as demonstrated by some case studies;

*Case Study No. 1 - Ting Kok*

- (b) between 1995 and 2006, a number of planning applications for Small House development were approved by the Board in Ting Kok within the “V” and “Green Belt” (“GB”) zones. For example, a proposed development of 37 Small Houses for indigenous villagers was approved by the Board on 7.4.2006 (Application No. A/NE-TK/204). However, those Small Houses turned out to be luxury houses and the selling price of each house was up to about HK\$14 million in 2013;

*Case Study No. 2 - Pak Heung*

- (c) a number of planning applications for vehicle parks in Pak Heung was approved by the Board in the “V” zone between 2001 and 2006. No planning application was required for Small House development within “V” zone. Again, Small House development in Pak Heung had turned out to be luxury houses. The price of each house was about HK\$10.5 million. Assuming a 30% down payment (HK\$3.15 million), the monthly mortgage would be about HK\$34,855 (for 25 years). However, the median monthly domestic household income in 2012 was only HK\$20,700. Those houses would not be affordable by the indigenous villagers and the general public;
- (d) the conversion of Small Houses to luxury houses by developers for profit-making purpose had deviated from the original intention of the Small House Policy which aimed to cater for the housing need of the indigenous villagers. There was a need to review the Small House Policy;



- (e) the proposed new Small Houses in Hoi Ha, Pak Lap and So Lo Pun of 40, 79 and 134 respectively were based on the Small House demand forecast provided by the VRs. They would generate possible monetary value of HK\$400 million, HK\$790 million and HK\$1,340 million respectively. However, the VR of So Lo Pun told the media that the future population of 1,000 for So Lo Pun was only a guesstimate;
- (f) in 2008, there was extensive tree felling in So Lo Pun village. The Chairman of the So Lo Pun Village Committee told the media that tree felling was to rehabilitate the village. It was not only to accommodate the need of the future generation of the indigenous villagers but also to exploit the development potential of the area. If land filling was approved by the Government, the area could be developed into 40 luxury houses similar to those in Discovery Bay. In a recent layout presented by the villagers, 188 houses were proposed which covered the whole valley of So Lo Pun;
- (g) the VR of Pak Lap also told the media that not all the 10-year Small House demand forecast would be materialised in future. Besides, the indigenous villagers would cooperate with developers for the development of Small Houses and it would be up to the indigenous villagers whether to sell the Small Houses to the developers. Although the Lands Department (LandsD) advised that any secret deal between the developers and the indigenous villagers on Small House development would be against the rules of Small House application, it would be difficult to verify;
- (h) in 2010, a Japanese developer planned to develop luxury houses in Hoi Ha. That incident demonstrated that it was very common for indigenous villagers to sell their Small House right to developers which was against the original intention of the Small House Policy;
- (i) the VR of Tung A village (another CPE) told the media that he had exaggerated the Small House demand forecast. As the Government

would never agree to the full amount of land demanded by the villagers, he could only bargain for more by asking for more. The number of Small House demand forecast was meaningless;

- (j) according to the media, the net profit of developing a Small House was over HK\$6 million. The Small House development had become a real estate investment rather than meeting the genuine need of the indigenous villagers; and
- (k) apart from conservation zonings, current zonings on the OZPs could not provide enough protection to the natural environment and habitats. The monetary incentive was so big that it would only encourage more and more destructions to the environment. Natural heritage and the public interest should not be exploited as a money spinner of the developers.

30. Mr Tony Nip and Ms Debby Chan then showed a 6-minute video extracted from two documentaries on Hoi Ha, Pak Lap and So Lo Pun which covered interviews with concerned VRs, ex-Assistant Director of Lands and Friends of Hoi Ha.

[The meeting was adjourned for a 5-minute break.]

[Mr Jeff Y.T. Lam left the meeting at this point.]

31. With the aid of a Powerpoint presentation, Mr Tony Nip continued to make the following main points on Hoi Ha:

- (a) the Hoi Ha area was encircled by the Sai Kung West (SKW) Country Park on three sides, with the remaining side fronting the scenic Hoi Ha Wan, which was a designated Marine Park and an SSSI. The area had high scenic and landscape value which complemented the natural landscape of the surrounding SKW Country Park and the Hoi Ha Wan Marine Park. The area was also of high ecological significance;
- (b) he strongly objected to the Hoi Ha OZP as the “V” zone covered dense

woodlands and streams, and was adjacent to wetlands and encroached upon the Marine Park;

- (c) all woodlands, wetland and seasonal streams should be protected and zoned as “Conservation Area” (“CA”). The “V” zone should be further away from the wetlands. Both the wetland and the streams were hydrologically and ecologically connected with the Marine Park. A rare wetland plant species (*Geissapis cristata*) was found in the wetland;
- (d) taking into account the representations, PlanD proposed to rezone the original “GB” zone and part of the “V” zone into “GB(1)”; and to rezone part of the original “CA” to “GB” (the new “GB” zone). However, there were problems for both rezoning proposals;
- (e) first, “GB(1)” was very different from “CA” in terms of conservation protection. Under the Environmental Impact Assessment Ordinance (EIAO), river training and miscellaneous projects within and close to “CA” would require Environmental Impact Assessment (EIA) but it was not required under “GB” or “GB(1)” zones. Under the Notes of the OZP, ‘Agriculture Use’ was under Column 1 of the “GB(1)” zone whereas ‘Agriculture Use (other than Plant Nursery)’ was under Column 1 of a “CA” zone, i.e. plant nursery was not permitted in “CA” zone. Besides, ‘Holiday Camp’ was under Column 2 of the “GB(1)” zone but not under a “CA” zone. As shown by some photos of a CPE at Uk Tau, Sai Kung, an extensive area was cleared for a so-called ‘plant nursery’ with only a few trees planted at the site. Similarly, massive construction was carried out for an approved holiday camp site within a “Coastal Protection Area” (“CPA”);
- (f) second, the new “GB” zone, which was originally zoned “CA”, encroached upon the fung shui woodland recognised by AFCD. According to PlanD, there was provision for planning application for Small House development in the new “GB” zone. PlanD, in consultation with AFCD, considered that the land was relatively flat and

mainly covered by small trees, shrubs and grass and hence the “GB” zone was to reflect the current landscape character. However, as shown by the contour map and site photos, the new “GB” zone was actually located at a sloping area covered by woodlands and with a stream passing through. All along, AFCD and the green groups considered that the area was a undisturbed fung shui woodland in which rare ecological and plant species were found. It was unreasonable that part of the “CA” zone was proposed to be rezoned for “GB”;

- (g) third, the reduced “V” zone was still too big and would have adverse impact on the Hoi Ha Wan Marine Park. Hoi Ha Wan was an enclosed bay located within another enclosed bay, i.e. Mirs Bay. The water current would not be strong enough to wash out waste water discharged from the Small Houses. According to the data collected from EPD, the water quality in similar enclosed bays in Pui O and Silvermine Bay was fair to poor with polluted waste water generated by Small Houses;
- (h) Hoi Ha Wan was a Marine Park and within the Secondary Recreation Contact Zone. It was also a very popular bathing beach, though not a gazetted beach. However, the amount of E.coli measured at various points near Hoi Ha Wan had already exceeded the WQO standard for gazetted beaches. As shown by the site photos, existing bathing facilities for recreational activities, operation of eating places and car washing activities in the village all generated waste water and pollution to the nearby stream and the sea;
- (i) as shown by the case study of Ma Wan New Village in Tung Chung earlier, the water quality in the nearby streams became very poor with the increase in Small House development. The same situation would occur in Hoi Ha Wan in future. As recorded in the TPB minutes for Draft Tin Fu Tsai OZP, the Deputy Director of Environmental Protection stated that septic tanks could not filter all E.coli. Hence, with 40 new Small Houses (in addition to the existing 30 Small Houses) in Hoi Ha, there would be 40 more septic tanks and the amount of E.coli would

definitely increase in Hoi Ha Wan Marine Park and affect the coral-rich area;

- (j) the new Small Houses would also generate demand for more parking spaces. Illegal parking might encroach upon the Government land in “CPA” and “GB(1)” zone affecting the natural environment;
- (k) the Hoi Ha OZP should follow the holistic approach of the Tai Long Wan enclave, i.e. to cover areas of conservation and buffering value with “CA” zone; to reduce “V” zone to cover only the existing village settlements; to move ‘NTEH’ from Column 1 to Column 2 in the user schedule of “V” zones; to delete “House (other than NTEH)” from the user schedule of the “V” zones; and to require planning permission for any demolition, addition, alteration and/or modification to NTEH;
- (l) the Board should better protect the CPE at Hoi Ha. The sudden increase in Small Houses from 40 to 70 was not an incremental approach. It was proposed that:
  - (i) the “V” zone should only confine to the existing village settlements or approved Small House sites;
  - (ii) the original “GB” zone and the majority of the proposed “GB(1)” zone covering the freshwater wetland and the secondary woodland ecologically linked with the country park should be rezoned to “CA”;
  - (iii) part of the proposed “GB(1)” zone covering the modified woodland near the existing village settlements could be retained; and
  - (iv) the proposed “GB” zone covering the fung shui woodland ecologically linked with the country park should be reverted back to “CA”.

32. With the aid of a Powerpoint presentation, Mr Tony Nip continued to make the following main points on Pak Lap:

- (a) Pak Lap was located in Sai Kung East Country Park and was a common recreational spot due to its scenic beauty. Pak Lap Wan was regarded as “Hong Kong’s Maldives”. There were many wetlands there in the past. However, around 2009, the natural environment of the area and the wetlands were destroyed with the construction of roads, extensive clearance of woodland and vegetation and construction of man-made ponds. Massive destruction occurred again in 2011, which was widely reported by the media. As shown in a video, excavators and bulldozers were transported by barge to the beach and used for site clearance;
- (b) according to the land history record of Pak Lap prepared by a local research community, a development company bought land in Pak Lap from the villagers in 1993-1996. In 1999-2001, PlanD undertook a strategic review of the South East New Territories. One of the owners of the development company participated in the public consultation process and proposed that Sai Kung should be developed for eco-tourism and education uses with relaxation of development restrictions and joint partnership with local people. In 2004-2007, the said owner became a committee member of the Sai Kung District Council and requested the Government to rehabilitate the pier in Pak Lap. In 2007-2009, massive excavation and vegetation clearance occurred in Pak Lap village. In March 2010, an educational institution, in which the said owner was the educational superintendent, sought assistance from the Development Bureau for the setting up of an international school in Pak Lap. In September 2010, the Pak Lap Development Permission Area (DPA) Plan was gazetted. In October 2010, the proposal for the setting up of an international school in Pak Lap was rejected by the Government due to incompatibility with the surrounding environment;
- (c) the carrying out of illegal activities in Pak Lap including tree felling, illegal occupation of government land, construction of roads, land excavation and filling and diversion of stream, were in breach of various ordinances e.g. Forests and Countryside Ordinance, Country Parks Ordinance, Land (Miscellaneous Provisions) Ordinance, Town Planning

Ordinance and Waste Disposal Ordinance;

- (d) Pak Lap was an area of high ecological value with high bird diversity and records of some rare bird species. Besides, remaining wetland patches with Water Fern were found in the area. Water Fern was recorded in the book “Rare and Precious Plants of Hong Kong” by AFCD. It was also listed under Category II of wild plant under protection by the State in China. The extent of area covering by Water Fern in Pak Lap was not small (a size of about 2.5 basketball courts). Its occurrence depended on site condition and transplantation would not be suitable. The remaining wetland would completely disappear as the area was zoned “V” for Small House development;
- (e) in a report submitted by the Science Department, Hong Kong Institute of Education, to AFCD in 2004, Pak Lap Wan was proposed as a Marine Park/Marine Reserve. The ecological value of Pak Lap Wan was regarded as high in terms of diversity of fish community and *Sargassum* habitat as well as uniqueness of species and habitat;
- (f) in 2006, the Department of Biology and Chemistry, City University of Hong Kong, had undertaken a study on the ecology and aspect of biology of amphioxus in Hong Kong. Pak Lap Wan was considered as an important habitat for amphioxus, which was a living fossil on earth for 500 million years. The water quality requirements of amphioxus were very high. As shown in the study, the water quality of Pak Lap Wan (in terms of amount of suspended solid, ammonia and E.coli) was extremely good and nearly free from pollution. It was one of the four locations in Hong Kong where the density of amphioxus was very high;
- (g) water pollution generated by Small House development in “V” zone would have significant impact on Pak Lap Wan. As demonstrated by the case study in Ma Wan New Village in Tung Chung earlier, the water quality of the nearby stream became very poor with more Small Houses and use of septic tanks. The same situation would occur in Pak Lap in

future. All waste water and pollutants generated by Small Houses in the “V” zone would be discharged into the stream and Pak Lap Wan;

- (h) Pak Lap and Pak Lap Wan should not be affected by inappropriate zonings on the OZP. If the Board endorsed the OZP, the proposed Marine Park and the living fossil of amphioxus in Pak Lap would disappear;
- (i) on 4.7.2011, the Board stated in its press release that it would not tolerate any “destroy first, build later” activities. However, the current OZP in Pak Lap adopted a “destroy first, reward later” approach. Developers could enjoy huge monetary benefits by building Small Houses in the “V” zone after they destroyed the natural environment. In this regard, it was urged that the Board should keep its promise not to tolerate any “destroy first, build later” activities;
- (j) the current “V” zone in Pak Lap would facilitate fraud and abuse of Small House Policy. The majority of land in the “V” zone was owned by a development company. The VR of Pak Lap also admitted that he had exaggerated the amount of Small House demand and he might cooperate with the developers for Small House development. It was therefore against the planning intention to make provision for future Small House development for the indigenous villagers of Pak Lap;
- (k) when considering the Tai Long Wan OZP, the Board agreed that given that there was an inadequate infrastructural provision, the reduction of “V” zones would be more pragmatic and help avoid unnecessary development expectations. Even though at that time AFCD advised that the further objection sites were not a prime area for conservation, the Board considered that the natural beauty of the Tai Long Wan as a whole should be conserved and that AFCD should consider the conservation value of the wider area. The Pak Lap OZP should follow the holistic approach of the Tai Long Wan;



- (l) the Board should better protect the CPE at Pak Lap and Pak Lap Wan (a bathing beach and a proposed Marine Park). The sudden increase of 79 Small Houses was not an incremental approach. It was proposed that:
  - (i) the “V” zone should only confine to the existing village settlements or approved Small House sites;
  - (ii) the “CA” zone covering the secondary woodland ecologically linked with the country park should be retained;
  - (iii) the “V” zone covering the remaining habitat for Water Fern and the riparian zone of the streams (including the streams) should be rezoned to “CA”; and
  - (iv) the grassland and regenerated shrubland/grassland after trashing should be rezoned from “AGR” and “V” to “GB(1)” (in order not to adopt a “destroy first, reward later” approach).

[The meeting was adjourned for a 3-minute break.]

[Dr W.K. Yau left the meeting temporarily at this point.]

33. With the aid of a Powerpoint presentation, Mr Tony Nip continued to make the following main points on So Lo Pun:

- (a) in the 1960s, village settlements (with a population of about 170) were recorded in So Lo Pun. Since the 1980s, the agricultural land in the village had been abandoned. In 2007, village settlements disappeared and the area was covered by dense vegetation. In 2008, extensive tree felling and burning were carried out and the original dense woodlands were destroyed. The incident was reported by the media as a natural habitat disaster. However, the Chairman of So Lo Pun Village Committee indicated to the media that tree felling and rehabilitation of the village could pave way for the future development of villas and oyster bars in So Lo Pun similar to those in Discovery Bay and Gold Coast;
- (b) in 2008, about 400 trees were felled, amongst which some were on

Government land. AFCD issued a summons to the Chairman of So Lo Pun village committee (the defendant). However, the prosecutor from the Department of Justice decided not to adduce evidence to the prosecution case. The defendant was thus acquitted;

- (c) in 2010, there was even more destruction in So Lo Pun with some mangrove areas and woodlands being destroyed. Illegal excavation activities were also carried out on government land and LandsD had to undertake reinstatement works. In the same year, the So Lo Pun DPA was gazetted to deter further destruction activities. The Board also promised in 2011 that it would not tolerate any “destroy first, build later” activities. However, the current So Lo Pun OZP showed that a “destroy first, reward later” approach was adopted by the Board as the destroyed woodland area was now zoned “V”;
- (d) the So Lo Pun area was of very high ecological value comprising wetlands, seagrass bed, mangroves, woodlands, streams and river valley. There were 244 vascular plant species (e.g. Spiny Tree-fern, Incense Tree, Water Fern, Lamb of Tartary, Dwarf Eel Grass) recorded. Other rare species covering dragonfly (e.g. Mangrove Skimmer), fish (e.g. Japanese Eel, Rice Fish and Orange Peacock Puffer Fish), amphibian (e.g. Big-headed frog), bird (e.g. Crested Kingfisher), mammals (e.g. Crab-eating Mongoose, Yellow-eating Mongoose and Greater Bamboo Bat) were also found;
- (e) the current So Lo Pun OZP would have adverse impacts on the natural environment in terms of serious water pollution, channelization of streams, light pollution, barrier effect, fragmentation, human disturbance and vegetation clearance;
- (f) as shown in the case study of Man Wan New Village in Tung Chung earlier, water pollution would be generated by the development of Small Houses. The same situation would occur in So Lo Pun in future as 134 new Small Houses were proposed in the “V” zone of So Lo Pun;

- (g) the current “V” zone was next to the wetland area. All pollutants would be discharged through the tributaries to the main stream and then into the wetland area. As a result, all rare aquatic species would die. Besides, as pollutants and garbage could not be brought away by wave actions, they would accumulate in the mangroves and seagrass area;
- (h) Dwarf Eel Grass was highly restricted in its distribution in Hong Kong. There were only seven locations where Dwarf Eel Grass could be found. In this regard, the representer had originally proposed that So Lo Pun should be zoned “SSSI” given the large coverage of Dwarf Eel Grass;
- (i) a seasonal stream in So Lo Pun currently passed through the “V” zone. It was likely that villagers of future Small House development would channelize the stream in view of the flood hazard. However, PlanD could not take enforcement action as it was not regarded as a diversion of streams;
- (j) vegetation within the “V” zone would be cleared for Small House development in future. There was no guarantee that the clearance would not extend to the adjacent “GB” zone covering the woodland areas which were ecologically linked with the country park;
- (k) an inconsistent approach was adopted by PlanD in zoning the woodland areas on the three OZP areas. While woodlands in all the three areas were ecologically linked with the adjacent country park with protected plant species and/or rare wild mammal species, the Pak Lap woodland and majority of Hoi Ha woodland were zoned “CA” whereas So Lo Pun woodland was only zoned “GB”. In So Lo Pun woodland, there were 171 plant species (as compared to 25 to 121 in Pak Lap and 114 to 130 in Hoi Ha); three protected plant species (as compared to one in Pak Lap and a few in Hoi Ha); three rare wild mammal species (as compared to one in Hoi Ha and nil in Pak Lap). In view of the high ecological value of the So Lo Pun woodland, it should be zoned “CA”;

- (l) there was not enough protection for the upper section of the stream which was zoned “GB”. All pollutants entering the upper section of the stream in future would also affect the lower section of the stream (an EIS) and the wetlands. According to AFCD, Rice Fish was recently found in the upper section of the stream which was being considered by AFCD for designating as EIS;
- (m) all rare mammals currently found in So Lo Pun, i.e. Leopard Cat, Greater Bamboo Bat, Yellow-bellied Weasel and Crab-eating Mongoose, would be seriously affected by the new development. In particular, So Lo Pun was the only place in Hong Kong where the Greater Bamboo Bat was recorded and the distribution of Yellow-bellied Weasel and Crab-eating Mongoose was also restricted to the North-East New Territories including So Lo Pun;
- (n) light pollution generated by Small House development in the “V” zone would also affect those nocturnal animals, e.g. the Greater Bamboo Bat;
- (o) Small House development would create a barrier effect and lead to fragmentation of ecological habitats which would affect the life of animals. Besides, there would be severe human disturbance and noise effect due to increase of population in the area;
- (p) dumping of construction waste from Small House development to the nearby wetland area would occur in future. As shown in some previous cases in Kam Tin and Pak Lap, reinstatement notice issued by PlanD could not resolve the problem. The man-made grassland after reinstatement was different from the original wetland;
- (q) the proposed 1,000 population was based on a guesstimate of the future Small House demand forecast by the VR of So Lo Pun. The proposed 134 Small Houses could never satisfy the demand of the land owners. If the So Lo Pun OZP was approved, it would become a classic case

study on how village development would destroy an ecological hotspot;

- (r) according to the So Lo Pun OZP, the general planning intention was to protect the high conservation and landscape value of the area which complemented the overall naturalness and the landscape beauty of the surrounding Plover Cove Country Park. Development that might adversely affect the rural character and the ecologically sensitive areas would not be recommended. Besides, no large-scale development should be introduced in order to minimise encroachment onto the sensitive environment and to protect and enhance ecological conservation. However, the provision of 134 Small Houses within the “V” zone of the OZP was against the above planning principles;
- (s) the So Lo Pun OZP should also follow the holistic approach of the Tai Long Wan; and
- (t) the Board should better protect the CPE at So Lo Pun. The sudden increase of 134 Small Houses and 1,000 persons was not an incremental approach. It was proposed that:
  - (i) the “V” zone should only confine to the existing village settlements or approved Small House sites;
  - (ii) all the freshwater wetlands, reedbeds, seagrass bed, mangroves and riparian zone of the streams (including the streams) should be rezoned from “V” and “GB” to “CA”;
  - (iii) the “CA” zone covering the secondary woodland and fung shui woodland ecologically linked with the country park could be retained; and
  - (iv) the regenerated grassland after trashing should be rezoned from “V” to “GB(1)” (in order not to adopt a “destroy first, reward later” approach).

[Actual speaking time of HH-R10883, SLP-R10821 & PL-R10739: 87 minutes]

SLP- R10823 - Eco-Education & Resources Centre

R6138 –Verity B Picken

PL-R10740 – Green Peace

34. Ms Michelle Cheung made the following main points:

- (a) when the Board decided to allow more village type developments in CPEs, it had to consider the demand for additional infrastructure and the possible impacts on the surrounding areas; and
- (b) access to Hoi Ha and Pak Lap was currently controlled at the gate at Pak Tam Chung. Access beyond the gate was restricted and controlled by permits. The “V” zones under the Hoi Ha and Pak Lap OZPs would allow development of more than 100 Small Houses. The future residents in new Small Houses would demand for more infrastructure including roads and sewerage systems. This might result in widening of the roads leading to Hoi Ha and Pak Lap. It could be even worse if the gate at Pak Tam Chung had to be opened up to accommodate the influx of additional population. This would further affect other CPEs, including Pak Sha O, Tai Tan, Ko Tong and Ha Yeung, as their access was also currently controlled by that gate.

[Actual speaking time of SLP-R10823, R6138 & PL-R10740: 3 minutes]

[Ms Bernadette H.H. Linn returned to join the meeting at this point.]

HH- R10882, SLP-R10819 & PL-R10743 - The Hong Kong Bird Watching Society (HKBWS)

35. With the aid of a Powerpoint presentation, Ms Jocelyn Ho made the following main points:

- (a) birds were useful indicators of biodiversity because different bird species

had specific habitat requirements and they were very sensitive to environmental changes;

- (b) Hoi Ha had diverse habitats and eight natural habitats had been identified by the consultants. According to the HKBWS's records, waterbirds, seabirds, woodland birds, raptors and open area birds were recorded in Hoi Ha. This reflected that the coastline, woodlands and wetlands in Hoi Ha were in very good conditions. Brown Fish Owls had a stable population in Hoi Ha as they preferred undisturbed, unpolluted, lowland streams and tidal creeks. Other than Hoi Ha, they were only found in six other locations including the EISs at Tai Tan, Yung Shue O, Pak Tam Chung and Pui O;
- (c) in Pak Lap, waterbirds, land birds, woodland birds and raptors were recorded. This also reflected that the woodlands and wetlands in Pak Lap were in very good conditions;
- (d) in So Lo Pun, waterbirds, woodland birds, raptors and riverine species were recorded. In particular, the Crested Kingfisher, which was a scarce resident in the region, was spotted in So Lo Pun. This species also preferred undisturbed woodland with natural stream habitats; and
- (e) the Board was requested to note the scientific evidence provided by HKBWS which substantiated the importance of Hoi Ha, Pak Lap and So Lo Pun; to plan according to the Principles of Conservation in Chapter 10 of the Hong Kong Planning Standards and Guidelines; and to accept the rezoning proposals for the three OZPs put forward by the Save Our Country Park Alliance.

[Actual speaking time of HH-R10882, SLP-R10819 & PL-R10743: 4 minutes]

R1990 – Denis Leung

36. Mr Yeung Man Yau made the following main points:

- (a) he was from Green Peace. He agreed with the representations made by the Save Our Country Park Alliance;
- (b) the protection of CPEs was included under the section on “Conservation” in the Policy Address. As such, the planning controls in CPEs should be restrictive in order to achieve conservation objectives and unnecessary developments should be avoided; and
- (c) the Board was urged to accept the rezoning proposals for the three OZPs put forward by the Save Our Country Park Alliance.

[Actual speaking time of R1990: 2 minutes]

HH-R10755, SLP-R10822 & PL-R10741 - The Conservancy Association

37. Mr Roy Ng made the following main points:

- (a) So Lo Pun, Hoi Ha and Pak Lap were of very high ecological and landscape values. The OZPs should emphasize on conservation of the CPEs. If excessive “V” zones were designated, it would give a false impression to villagers that the CPEs were suitable for large scale developments and that additional infrastructure would be provided to support such developments;
- (b) the Tai Long Wan approach should be adopted for the three OZPs. The Conservancy Association was involved in public campaigns for protection of Tai Long Wan back in 2001. In gist, there should be a holistic approach with emphasis on conservation; the “V” zones should be substantially reduced; and NTEH should be included as a Column 2 use that required planning permission from the Board; and
- (c) reduction in the size of the “V” zone would reduce villagers’ expectation for large scale developments in the CPEs. In fact, a lot of private land



had been sold off to developers and there was no genuine need for Small House development for villagers. The Board could maintain control if planning permission was required for NTEH developments to ensure that new developments were compatible with the village setting and the surrounding environment. The public would also have an opportunity to provide comments on planning applications for NTEHs in the CPEs.

[Actual speaking time of HH-R10755, SLP-R10822 & PL-R10741: 5 minutes]

R2474 - John Wright

R10544 – Friends of Sai Kung

38. Mr John Wright made the following main points:

- (a) if the Board endorsed the three OZPs, it was endorsing destruction of the rule of law in the country parks. If development was allowed, the natural beauty in the country parks would be lost forever;
- (b) development of such scale in country parks was unprecedented. The three OZPs would increase the number of village houses by four to five folds. In So Lo Pun, 134 houses would be allowed but there was no one living there at present and there was no road access; and
- (c) the Board was guarding a priceless public heritage. The Board should not endorse the three OZPs that would only benefit the developers.

[Actual speaking time of R2474: 2 minutes]

R799 - Designing Hong Kong Limited

39. With the aid of a Powerpoint presentation, Mr Paul Zimmerman made the following main points:

- (a) the Board was not only making a decision about So Lo Pun and there had

to be a holistic view on the planning for the Plover Cove Country Park. It was not acceptable for the Board to allow the population there to increase from 300 to 13,000;

- (b) AFCD, who was the manager of the country parks, advised the Board that the land proposed to be zoned “V” was not so valuable from the conservation point of view. However, an increase in population would necessitate increase in the provision of infrastructure for water, sewerage, roads and emergency access. It was not possible to provide such infrastructure within the country parks;
- (c) the cumulative impacts on country parks had not been assessed. The Board could not make decisions without information on cumulative impacts. That would be unacceptable and irrational;
- (d) the existing Small House Policy and application system were ineffective to control impacts of Small House developments. It was evident that reliance on ProPECC would only create sewerage and pollution problems which were prevailing in existing villages. The Board had to face the reality and consider the genuine impacts of having extensive “V” zones in the CPEs; and
- (e) the Board should follow the Tai Long Wan approach to amend the three OZPs accordingly so as to provide better protection for the three CPEs.

[Actual speaking time of R799: 5 minutes]

HH-R10874, SLP-R10822 & PL-R10741 – WWF-Hong Kong

40. With the aid of a Powerpoint presentation, Mr Michael Lau made the following main points:

- (a) he had worked for a long time on nature conservation. Of the 12 CPEs that were damaged, he had visited 11 of them before they were damaged.

After the Tai Long Sai Wan incident in 2010, there were hopes for better protection of the CPEs. The policy to protect the CPEs were included in the Policy Address and AFCD had amended their policy such that private land could be included into country parks. Nevertheless, four additional enclaves had been damaged since 2010;

- (b) the surrounding country parks and coastlines in So Lo Pun, Hoi Ha and Pak Lap were with exceptionally high conservation value. It was inappropriate to designate extensive “V” zones on the three OZPs as land already bought by private developers as well as areas that were only destroyed a few years ago would be involved; and
- (c) the Board had the responsibility to protect the CPEs when it made a decision on the three OZPs.

[Actual speaking time of HH-R10874, SLP-R10822 & PL-R10741: 2 minutes]

R10587 – Ruy Barretto

41. With the aid of a Powerpoint presentation, Mr Ruy Barretto made the following main points:

*Proposed Amendments to the three OZPs*

- (a) the amendments to the OZPs proposed by the non-government organisations (NGOs) reflected the site conditions and the scientific evidence that had been presented at the meeting. The main objectives of the proposed amendments were to protect the ecological value of the CPEs and to guard against the adverse impacts caused by Small House developments;
- (b) in gist, the proposed amendments were to rezone the streams and woodlands as “CA”; to confine the “V” zones to the existing village settlements; to zone the destroyed areas as “GB(1)”;

- (c) the Notes of the OZPs were proposed to be amended, including amendments to the wording for the planning intention along the lines in the Tai Long Wan OZP; deletion of uses such as 'Public Transport Interchange' and 'Public Vehicle Park' from the user schedule of the "V" zones; inclusion of more stringent planning controls on development in "V" zones; and modification to the Notes of the "GB(1)" zone such that new developments would not be permitted;
- (d) the Explanatory Statement (ES) should be amended to make it clearer and with more elaboration on the planning intention for conservation. Paragraph 8.1 of the ES, which was proposed for deletion in the tabled document, should be kept;
- (e) the planning intention for Hoi Ha in the published OZP was inadequate, as there was no mention of the marine park thereat;

*The Board's Duty to Better Protect the CPEs*

- (f) the zonings in the three OZPs were not realistic and important issues were not addressed. The NGOs had provided the solutions in their proposed amendments, that were consistent with the Government's CPE policy, the Environment Bureau's policy, the international obligations under the Convention on Biological Diversity, the planning principles, the law and the Tai Long Wan approach;
- (g) the Board could not just say that the matter fell outside its purview. The Board had a duty to take forward the CPE policy to better protect the CPEs and country parks. The Board should adopt the Tai Long Wan approach to amend the three OZPs having regard to public interest;
- (h) conceding to development pressure was not a balanced decision. It was necessary to recognise that village type developments would cause pollution; ProPECC was not an effective measure against pollution; the

“V” zoned land would eventually be sold to developers and there was no genuine need to build Small House for villagers’ own use; and unauthorised site preparation would cause destruction to the environment. It should also be noted that there was public interest of 13 million visitors to country parks; Hong Kong was a biodiversity hotspot in this part of the world; there was a government policy to protect the CPEs; and there were obligations under the Convention on Biological Diversity. The Board had a duty to maintain planning control and not to pass it back to other departments/bodies;

- (i) the Board had not been provided with answers to matters raised by the representers, for example, there was no response in the Paper to the detailed scientific evidence provided by Mr Kevin Laurie, which was also supported by professors and experts of the University of Hong Kong. Since there was insufficient evidence provided by the Government, the Board should rely on the evidence provided by the experts of the green groups at the meeting;
- (j) the Board had adopted a holistic and ecosystem approach in Tai Long Wan. In the second judicial review for Sha Lo Tung, AFCD was also advocating that the ecosystem approach should be adopted to protect Sha Lo Tung. The same approach should be applied to the three CPEs. That would be pragmatic, good planning, with good ecological sense and in line with the precautionary principle; and
- (k) the demand for Small House was not real but the risks of destruction to the CPEs were real and tangible. The Board had a duty to provide lawful and rational planning. The Board’s decision should follow principles, policy, precedents, law and evidence.

[Actual speaking time of R10587: 9 minutes]

42. With the aid of a Powerpoint presentation, Mr Tony Nip further made the following main points:

- (a) the planning system could protect the CPEs if a holistic and ecosystem approach was adopted. In considering the Tai Long Wan case, the Board recognised that there was no existing infrastructure and it would be difficult to provide such infrastructure in the country parks in future. Hence, the only pragmatic way forward was to reduce the “V” zone, which would also reduce the expectation for future development. At that time, the Board also considered that AFCD should have taken a more macro view when considering the values of the CPEs;
- (b) the Board should adopt four straightforward and simple points to amend the OZPs, that were, to reduce the “V” zones to cover only the existing village settlements and approved Small Houses; to move ‘NTEH’ from a Column 1 use to a Column 2 use in the user schedule of “V” zones; to delete “House (other than NTEH)” from the user schedule of the “V” zones; and to require planning permission for any demolition, addition, alteration and/or modification to an existing building;
- (c) due to the imminent destructions at Pak Lap, So Lo Pun and Hoi Ha, they were the first three CPEs to be covered by DPA plans. The consensus at the time of publishing the DPA plans were to protect the CPEs. However, the three published OZPs seemed to reward the destruction that had taken place and against the original intention of the DPAs, the CPE policy, the Convention on Biological Diversity and the requirements in the relevant Ombudsman Report and Audit Reports;
- (d) the “V” zones in the OZPs would make additional provision for 40 Small Houses in Hoi Ha, 79 houses in Pak Lap and 134 houses in So Lo Pun (despite there was currently no population in So Lo Pun). The principles of imposing stringent planning controls to protect these CPEs had to be upheld, otherwise, it would set an undesirable precedent for the upcoming OZPs for other CPEs and that would result in opening a

floodgate for village developments and destruction;

- (e) it was not in the public interest to clear the wetlands/woodlands in the CPEs for building luxury housing that might not be occupied upon completion. It was not in line with the public interest to zone land as “V” if they had been or would eventually be bought by developers instead of to cater for the genuine housing needs of villagers. The real public interest was to preserve the natural environment in country parks and the CPEs for meeting the recreation/leisure needs of Hong Kong people. In fact, in the Court judgment on the Tai Long Sai Wan case, it was affirmed that incorporation of Tai Long Sai Wan into the country park was in line with the public interest for its protection.

43. With the aid of a Powerpoint presentation, Mr Chiu Sein Tuck made the following main points:

- (a) planning for the CPEs should follow the ‘3Rs’, that were, respect for traditional rights, respect for nature and respect for public interest. The Tai Long Wan approach, encompassed these 3Rs, should be adopted to bring about a win-win solution;
- (b) there should be respect for the traditional rights of indigenous villagers to build Small Houses for their own use. Applications for Small Houses in country parks and rezoning applications for Small Houses could be approved if genuine need was demonstrated. Approval on a case-by-case basis was a truly incremental approach, and would be far better than zoning large areas as “V” in one go; and
- (c) there should be respect for nature. While STS system was used for Small Houses, the sewerage was only being soaked away to the surrounding habitats that supported other wild life species. Hence, Small House developments would inevitably cause water quality impacts and destruction to biodiversity, and such impacts were permanent and irreversible.

44. Mr Tony Nip supplemented that rezoning for Small House developments had been previously approved by the Board in “CA” zones (such as at Kei Ling Ha Lo Wai) and even within Wetland Conservation Area and Wetland Buffer Area as long as the applicant could demonstrate that there was a genuine housing need. Only approval on a case-by-case basis was a truly incremental approach.

[Actual speaking time of HH-R10883, SLP-R10821 & PL-R10739: 12 minutes]

45. As all the presentations of the representers and representers’ representatives scheduled for this session had completed, the Chairman invited questions from Members.

#### *Sewage Disposal Problem*

46. A Member asked how the sewage disposal problems arising from Small House development as claimed by some representers could be prevented. Mr C.K. Soh, DPO/STN, replied that there was no existing sewer or planned public sewer in the three OZP areas. Disposal of foul water from Small House developments had to rely on on-site STS system which would be considered by concerned departments (including EPD, DSD, Water Supplies Department (WSD), AFCD and PlanD) during the processing of the Small House application by LandsD. The design and arrangement of sewage disposal works should comply with the requirements from the relevant government departments.

47. Mr Soh further explained that in accordance with the Environmental, Transport and Works Bureau’s Technical Circular (Works) (ETWBTC(W)) No. 5/2005, for development proposals/submissions that might affect natural streams/rivers, the approving/processing authorities should consult and collate comments from relevant departments including AFCD. The use of septic tank as a sewage treatment and disposal option in the rural areas with small population was permitted under the Hong Kong Planning Standards and Guidelines. For protection of the water quality of the areas, the design and construction of on-site STS for any development proposals/submissions would need to comply with relevant standards and regulations, such as EPD’s ProPECC PN 5/93. Operation and maintenance practices for septic tank (e.g. desludging practices) were also given in EPD’s “Guidance Notes on Discharges from Village Houses”.



48. Noting the concern of some representers on the water pollution problem, the Chairman asked how the illegal disposal of waste water into the storm drains could be prevented. Mr C.K. Soh said that the STS system was used to handle the waste water discharged from the Small Houses whereas the storm water pipes were used to discharge rain water. The two systems should be separated. Mr C.W. Tse, Deputy Director of Environmental Protection, supplemented that discharge of domestic or commercial waste water into storm water pipes causing pollution would be an offence under the Water Pollution Control Ordinance against which EPD would take enforcement action.

### *Geological Constraints*

49. On a representer's concern that the geological setting of the three OZP areas covering with alluvium was not suitable for the use of septic tank, Mr C.K. Soh said that according to EPD, in considering whether a site was suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions had to be taken into account such as percolation test result, proximity to rivers/streams, depth of ground water table, topography, and flooding risks, etc. Site-specific information was essential, particularly if the soil characteristics such as the soil textures were believed to be highly variable even on the same site. The percolation test was one of the requirements set out in ProPECC PN 5/93 which should be followed by Authorized Persons to determine the absorption capacity of soil and hence the allowable loading of a septic tank. This test would allow relevant parties to ascertain whether the soil condition was suitable for the proper functioning of a septic tank for effective treatment and disposal of the effluent. As such, the site-specific conditions of the areas would be taken account of in assessing the acceptability of proposed STS system. Apart from percolation test, ProPECC PN 5/93 also set 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 would help identify the appropriate ground conditions suitable for the construction of septic tanks, and limit the density of houses to certain extent.

50. Mr Kevin Laurie said that a STS system was not feasible in floodplains. According to EPD's guidelines, a STS system should not be adopted in areas with high

ground water tables and areas prone to flooding during storms. Hence, the use of percolation test was not applicable and was irrelevant for these cases.

51. In response to a Member's question on the percentage of land within the "V" zones of the three OZPs that were located on top of alluvium, Mr Kevin Laurie said that all of them were located within river valleys in floodplains underlain by alluvium and were susceptible to flooding. The same Member said that the "V" zone in Hoi Ha Wan was located on raised beach with sand deposits. Mr Laurie replied that even though Ho Ha Wan and So Lo Pun were located on raised beaches, they were located at the bottom parts of river valleys and the underlying materials were still alluvium. In response to the same Member's comment that the depth of the alluvium varied among floodplains, Mr Laurie replied that although the depth of alluvium might vary, they were still interconnected and that caused flooding.

#### *Planning Principles for Preparation of the OZPs*

52. Two Members asked about the planning principles for the preparation of the three OZPs which covered the CPEs and the Government policy for the protection of CPEs. One of these Members noted that the CPEs were not 'protected areas' under the Country Parks Ordinance. Mr C.K. Soh said that as stated in the ES of the three OZPs, the general planning intention was to conserve the natural landscape and conservation value of the areas, to protect their natural and rural character and to make provision for future Small House development for the indigenous villages. In the designation of various land use zones, special attention had been given to protecting areas of ecological and landscape significance that were not suitable for development by zoning them "CA", "CPA" and "GB", taking into account the comments of AFCD and other relevant departments. Discounting the environmentally sensitive areas zoned "CA", "CPA" and "GB", PlanD would consider whether the residual area were suitable for development. That was in line with the established Government's policy to protect the natural environment and ecological habitats in CPEs.

#### *Designation of "V" zone*

53. A Member noted that the land currently zoned "V" on the three OZPs could

not satisfy the future Small House demand (both the outstanding demand and the 10-year demand forecast) and asked about the basis for the designation of the “V” zone. Mr C.K. Soh said that the boundaries of the “V” zones were drawn up after considering a number of factors including the ‘VE’, local topography, existing settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. Small House demand forecast, which was provided by the VRs to LandsD, was only one of the many factors in considering the “V” zones. Only land suitable for Small House development was included in the “V” zones whilst environmentally/ecologically sensitive areas and areas with steep topography had been excluded. Since the Small House demand provided by the VR might change over time, an incremental approach had been adopted for designating “V” zones for Small House developments in that the land area of “V” zone would not fully meet the land requirement of Small House demand at the outset with an aim to confining such developments at suitable locations adjacent to existing village clusters.

54. This Member further asked for the criteria in determining the amount of Small House demand to be met in the first instance. Mr C.K. Soh said that as in the case of So Lo Pun, according to the original Small House demand forecast provided by the VR, about 270 Small Houses were required to meet future demand. However, after assessing all relevant planning considerations and without compromising the environmentally/ecologically sensitive areas, PlanD considered that the amount of suitable land available could only build 134 Small Houses. The size of the “V” zone was a result of striking a balance between conservation and development needs. In drawing up the “V” zones, views and comments from stakeholders including relevant District Councils (DCs), Rural Committees (RCs), villagers and green/concern groups and government departments were sought.

55. Another Member noted that the VR of So Lo Pun had told the media that the forecast population of 1,000 provided by him to LandsD was only a guesstimate and asked whether PlanD was aware of that when preparing the OZP. Mr C.K. Soh replied that there was currently no population in So Lo Pun. The figure of 1,000 was derived from the number of new Small houses (134) that could be built within the “V” zone on the OZP.

56. In response to a Member's concern on the need for new infrastructure to cater for the future Small House development within the "V" zones, Mr C.K. Soh said that when considering the draft OZPs, the Board had taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Neither the Transport Department nor Highways Department had raised any concern on the "V" zones from the traffic and transport infrastructure points of view. There was currently no plan to develop new transport infrastructure for the areas. Future residents would rely on the existing facilities e.g. footpath and water transport. There was also no problem for the provision of other infrastructure facilities such as water supply and electricity. Relevant works departments would keep in view the need for infrastructure in future and provision would be subject to resource availability.

#### *Ecological Information*

57. A Member asked whether AFCD had been consulted on the ecological information presented by the representers at the hearing. Mr C.K. Soh said that the ecological information was provided by the representers in their written submissions during the plan exhibition period and had been circulated to relevant Government departments, including AFCD, for comments. In general, there was no dissenting view on the ecological information on the rare species. However, AFCD was of the view that some of those rare species were also found in within the country parks and not confined to specified locations within the OZP areas. Mr Kevin Laurie confirmed that all ecological information presented by him was true and was extracted from scientific reports and AFCD's website.

#### *Zonings for Streams*

58. A Member asked why the zonings for different sections of a stream were different on the OZPs. Mr C.K. Soh said that in advising PlanD on preparing the draft OZPs, AFCD had emphasised more on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest. In the case of So Lo Pun, important habitats such as mature native woodlands and the wetland system, including the mangrove, seagrass bed, reed pond, EIS and the freshwater marsh,

which could provide suitable habitats supporting a variety of species, were zoned “CA”. The upper section of So Lo Pun Stream was not an EIS and the area consisted of relatively young woodland and shrubs that had developed from abandoned agricultural land. There was no special ecological value which warranted a “CA” zone. Hence, AFCD considered that a “GB” zone was appropriate for the area. He said that there was a general presumption against development within “GB” zone and any Small House development required planning permission from the Board.

### *Land Ownership*

59. A Member noted that according to one of the representers, majority of land within the “V” zone on Pak Lap OZP was under the ownership of a development company and asked whether PlanD had taken that into account in drawing up the “V” zone. Mr Ivan Chung, DPO/SKIs, replied that PlanD was aware of privately owned land but land ownership was not a material planning consideration in drawing up the “V” zone as it would be subject to change under prevailing market conditions. The boundaries of the “V” zones were 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. He added that when considering Pak Lap OZP, the Board had further reviewed the representations received on the Pak Lap DPA Plan. Besides, the relevant DC, RC, local villagers and green/concern groups were also consulted on the draft OZP and their views were reported to the Board before the draft OZP was gazetted.

60. In response to the comments made by Members and PlanD, Mr Paul Zimmerman made the following points:

- (a) according to the Hoi Ha OZP, “GB” zone was available for Small House development with planning permission from the Board. It was not solely for environmental protection;
- (b) as shown by the evidence provided by the representer, despite that the ProPECC had been in force for many years, water quality continued to deteriorate in areas with increasing Small House developments. The ProPECC only helped minimise, but not avoid, pollution. There should

be zero pollution for CPEs. It was unrealistic to rely on the villagers to build a central sewage treatment system and future Small Houses were too remote to connect to the public sewerage system;

- (c) PlanD neglected the impact of future Small House developments on the adjoining areas of high ecological and conservation value e.g. wetland;
- (d) the Small House demand forecast was not a real demand and did not reflect the actual need of the indigenous villagers. Land in the “V” zone would only be used by villagers for monetary benefits;
- (e) CPEs were not protected areas as SSSI or country parks and that was the reason why the Government had to consider ways to protect them from destruction. It was also a Government commitment. The Government should keep its promise to protect the areas;
- (f) the impact of Small House developments in CPEs was not the same as that in other rural areas e.g. Pak Heung. There was a need for the Government to protect these enclaves which were next to Plover Cove Country Park and SKW Country Park;
- (g) the Board would be under criticisms for zoning the majority of private land under single ownership of a developer as “V” in Pak Lap, given that the land would not be used by the villagers in future;
- (h) it was unreasonable and irresponsible for the Board to designate the “V” zones on the three OZPs while there was no plan to develop new infrastructure to cater for future development needs; and
- (i) the Board should preserve the highly unique lowland habitats in these CPEs where rare bird species were recorded and should not destroy these precious habitats.

- (a) planning should be based on principles and policies, not a bargaining process which was not scientific. The Board should not plan for the benefits of the developers. The Tai Long Wan approach should be adopted in planning the CPEs;
- (b) it was irresponsible for the Board to designate “V” zones for Small House developments without any new infrastructure;
- (c) the Environment Bureau had a policy to protect the CPEs but it was not referred to on the three OZPs;
- (d) clear evidence was provided by the representers to the Board that the proposed land use zonings on the three OZPs would increase pollution and destroy the natural habitats in the areas. The ProPECC was inadequate and not enforceable; and
- (e) the Board should plan to protect the public interest in accordance with the Town Planning Ordinance and international principles.

62. With the aid of a Powerpoint presentation, Mr Tony Nip further supplemented the following points:

- (a) as shown on the newspaper cuttings, the preparation of the DPAs for Hoi Ha, Pak Lap and So Lo Pun by the Board in 2010 was supported by the public and the media. These areas were not ‘protected areas’ and that was why the Board had to impose statutory control to protect these areas from destruction. However, the proposed Small House developments in the “V” zones on the three OZPs would destroy the natural environment and were against the original intention for protecting these areas when preparing the DPAs. That was not an incremental approach as claimed by PlanD;
- (b) the public views were very clear. There were about 30,000

representations opposing the “V” zones but only 3,000 representations supporting the “V” zones;

- (c) a stream was ecologically connected as a whole and fishes would swim from the upstream part to the downstream part. As in the case of Tai Long Wan OZP, a holistic and ecosystem approach was adopted by the Board for the zoning of a stream. The whole stream and its riparian areas were protected by “CA” zoning which did not rely on the grading of any EIS system. Hence, there was no reason why different zonings were currently designated for different sections of streams in So Lo Pun and Hoi Ha. The streams in Hong Kong were so small and short that they should be regarded as just one system;
- (d) PlanD and AFCD stated that the recorded rare species were not confined within specified habitats in these three enclaves and they could go elsewhere. That was totally wrong. The seagrass bed in So Lo Pun were only found in seven locations along the entire coastline in Hong Kong and the Greater Bamboo Bat was only recorded in So Lo Pun. Similarly, the amphioxus in Pak Lap Wan was only found in four bays in Hong Kong. They were all of very high ecological values that were worthy of high level of protection;
- (e) the three CPEs were highly inaccessible. It was unreasonable that no new infrastructure (e.g. roads, sewerage system, emergency vehicular access) was planned for the future Small House developments in the “V” zones; and
- (f) the ineffectiveness of the ProPECC could be shown by the prevailing waste water and pollution problems created by existing Small House developments. In practice, EPD might not always be consulted on Small House applications. LandsD could approve some applications based on internal guidelines without having the consent of EPD.



was for Members to ask questions. Representatives and commenters should only respond to the points made by PlanD during the session but not to repeat points already made in the earlier part of the presentation.

### *Consultation Process*

64. The Vice-chairman noted that since the gazetting of the DPA plans, PlanD had consulted relevant stakeholders including the DC, RC, VR and green groups on the preparation of the OZPs. Yet, the proposed land use zonings on the OZPs still could not meet the aspirations of both the green groups and the villagers. As more OZPs would need to be prepared for other CPEs in future, he asked PlanD whether there was scope for improvement to the consultation process.

65. Mr C.K. Soh said that the gazetting of DPA Plans was a stopgap measure to protect the CPEs from further destruction by extending the Board's enforcement power to these areas while allowing time for the Board to prepare detailed land use zonings on the OZPs. During the plan-making process, advice from government departments and views from relevant stakeholders and concerned parties had been taken into account in designating appropriate land use zonings to protect these areas, with a view to striking a balance between conservation protection and the need of villagers for Small House developments. Views from the stakeholders and concerned parties were presented to the Board when considering the draft OZPs. Representations and comments received during the plan exhibition period had also been considered and submitted to the Board for consideration.

### *Tai Long Wan Approach*

66. Mr Paul Zimmerman queried why the approach on Tai Long Wan OZP was not adopted for the three OZPs. According to an Audit Report, a meeting was held between PlanD and AFCD in October 2010 to identify the list of CPEs which required statutory protection. He agreed that it was a right decision for the Government to stop development and destruction in those areas. However, during the preparation of the OZPs, there was no clear instruction to PlanD on how to protect these areas except to follow the Small House Policy. According to a LegCo paper, two meetings were held in

July and November 2011 with Heung Yee Kuk. As no minutes of the meetings were disclosed, it was not sure whether the two meetings were concerned with the change of Government policy in providing land for new Small House developments in these areas, which was different from the Tai Long Wan approach adopted in 2004. He urged the Board to follow the CPE Policy in protecting the three CPEs against incompatible development and pollution.

67. The Chairman asked PlanD to clarify whether it was true for Mr Paul Zimmerman to claim that the only instruction for the preparation of the three OZPs was to follow the Small House Policy. Mr C.K. Soh said that Small House Policy was not a starting point for the preparation of the OZPs for the three CPEs. Rather, in drawing up the three OZPs, special attention was first given to protecting the ecological and landscape significance of the areas. Yet, the need to make provision for future Small House developments to cater the needs of the indigenous villagers had also been taken into account.

68. A Member asked PlanD to confirm whether Small House developments in Tai Long Wan were only limited to the existing village areas. Mr Ivan Chung said that under the Tai Long Wan OZP, the “V” zone was to reflect the existing recognised villages in Tai Long Wan and any development or redevelopment of existing Small Houses would require planning permission from the Board. He said that the old village houses in Tai Long Wan were of high heritage value. In particular, Ham Tin Tsuen and Tai Long Tsuen were Grade 1 historic villages. As stated in paragraphs 8.1.2 and 8.1.3 of the ES of the Tai Long Wan OZP shown on the visualiser, in order to safeguard the natural and heritage features and to minimize human disturbance to the sensitive and tranquil environment in Tai Long Wan, only the existing village areas were covered under the “V” zones. It was stated in the ES of the Tai Long Wan OZP that the Antiquities and Monuments Office (AMO) should be consulted well in advance on any development or redevelopment proposals affecting these sites of historical interests.

69. Referring to paragraph 7.1 of the ES of the Tai Long Wan OZP shown on the visualiser, Mr Paul Zimmerman said that the primary planning intention of the Tai Long Wan area was to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character. To

conserve the historic and archaeological value of the area was a secondary planning intention. With the aid of some photos, he said that the environment for villages in the three OZP areas like Mun Tsz Lam, Kop Tong and Lai Chi Wan was no different from those villages in Tai Long Wan.

70. Mr Ruy Barretto echoed that the planning intention of Tai Long Wan was for protection of the ecological habitats and natural landscape, not just for protection of heritage. The Board had a duty to follow the Tai Long Wan approach in planning the three OZP areas.

71. Mr Michael Lau supplemented that Tai Long Wan was a good precedent. During the preparation of Tai Long Wan OZP, there were also conflicting views among green groups and villagers. At that time, villagers had a strong demand for the provision of Small Houses. However, he wondered how many indigenous villagers had actually built Small Houses in that area over the past ten years. He considered that it was unreasonable to assume that there would be a sudden increase in Small House developments in Hoi Ha, Pak Lap and So Lo Pun, given that there would not be any change in site condition or provision of new infrastructure in future.

72. As Members had no further question, the Chairman thanked all the representers, representers' representatives and government departments' representatives for attending the meeting.

73. The meeting was adjourned at 7:10 p.m.

1. The meeting was resumed at 9:15 a.m. on 12.5.2014.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Dr C.P. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.W. Yau

Mr F.C. Chan

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection (1)

Mr C.W. Tse

Chief Engineer (Works), Home Affairs Department

Mr Frankie W.P. Chou

Director of Planning  
Mr K.K. Ling

Declaration of Interest

3. Mr Stanley Y.F. Wong, the Vice-chairman, informed Members that at the last session on 8.5.2014, one of the representers had displayed a Powerpoint presentation of Save Our Country Parks Alliance (the Alliance). As Friends of the Earth (FoE) was one of the members of the Alliance and he was one of the Governors of FoE, he would like to declare interest on this. He further advised that FoE itself had not made any representation to the three OZPs under consideration. Members noted.

Presentation and Question Session

[Open Meeting]

4. The following representatives of the Planning Department (PlanD), Agriculture, Fisheries and Conservation Department (AFCD) and representers and representers' representatives were invited to the meeting at this point:

Mr C.K. Soh	- District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), PlanD
Mr Ivan M.K. Chung	- District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Mr David Y.M. Ng	- Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD
Ms Lisa Y.M. Chau	- Town Planner/Sai Kung (TP/SK), PlanD
Mr Cary P.H. Ho	- Senior Nature Conservation Officer (South)(SNC/S), AFCD

- Mr K.W. Cheung - Senior Nature Conservation Officer  
(North)(SNC/N), AFCD
- Mr Alan L.K. Chan - Senior Marine Parks Officer (SMP), AFCD
- Mr K.S. Cheung - Country Parks Officer (Special Duty)  
(CPO(SD)), AFCD

R883 – Hoi Yee Chan

HH-R10869 – Ann Davy-Hou

HH-R10904 – Thomas H Hou

- Mr Thomas Han San Hou - Representer and Representatives' representative

R6283 – Lai Oi Ling

- Ms Lai Oi Ling - Representer

R10545 – Kenneth Leung, David Dudgeon, Yvonne Sadovy, Gray A. Williams,  
David Baker, Tim Bonebrake, Billy Hau, Leszek Karezmarski, Vengatesen\_

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Thiyagarajan

- |                            |   |              |
|----------------------------|---|--------------|
| Professor Kenneth Leung    | ] |              |
| Professor David Dudgeon    | ] |              |
| Professor Gray A. Williams | ] | Representers |
| Dr David Baker             | ] |              |
| Dr Tim Bonebrake           | ] |              |
| Dr Billy Hau               | ] |              |
| Dr Vengatesen Thiyagarajan | ] |              |

R10588 – Mercedes Vazquez

- Ms Mercedes Vazquez - Representer

R10589 – William Lau

- Mr William Lau - Representer

R10641 – Tam Kwok Sun

Mr Tam Kwok Sun - Representer

HH-R10871, SLP-R10848 and PL-R10751 – H.F.Cheng

Ms H.F. Cheng - Representer

HH-R10885, SLP-R10818 and PL-R10742 – Green Sense

Ms Ho Ka Po - Representer's representative

HH-R10897, SLP-R10854 and PL-R10772 – Ho Ka Po

Ms Ho Ka Po - Representer

HH-R10769 – Judith Mackay

HH-R10786 – John Mackay

Dr John Mackay - Representer and Representer's representative

HH-R10803 – Stephen Ortmann

Mr Stephen Ortmann - Representer

HH-R10836 and PL-R10750 - Chiu Kwok Cheung, Brian

Mr Brian Chiu Kwok Cheung - Representer

HH-R10863 – David O'Dwyer

HH-R10864 – Lee Wai Sun, Jeffrey

Mr Jeffrey Lee Wai Sun - Representer and Representer's representative

HH-R10870 - Robin Bradbeer

HH-R10880 – Professional Commons

Ms Robin Bradbeer - Representer and Representer's representative

Mr Paul Hodgson ] Representer's representatives

Mr Stanley Ng ]

HH-R10905 – Lam Chiu Ying

Ms Jocelyn Ho - Representer's representative

HH-R10912 – Tolo Adventure Centre

Ms Lam Po Chu - Representer's representative

5. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the “Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1” (Guidance Notes) which had been provided to all representers/commenters prior to the meeting. In particular, he highlighted the following main points:

- (a) in view of the large number of representations and comments received and some 100 representers/commenters had indicated that they would either attend in person or had authorised representatives, it was necessary to limit the time for making oral submissions;
- (b) each representer/commenter would be allotted a 10-minute speaking time in respect of each concerned OZP. However, to provide flexibility to representers/commenters to suit their circumstances, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and requesting for extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already submitted to the Town Planning Board (the Board) during the exhibition period of the respective OZPs/publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the



Chairman might request the representer/commenter not to repeat unnecessarily the same points of arguments which had already been presented by others at the same meeting. Representers/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to Members for their consideration.

6. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers and representer's representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up.

7. The Chairman said that the representatives of PlanD would first be invited to make a presentation on the three draft OZPs. After that, the representers/authorised representatives would be invited to make oral submissions. After the oral submissions, there would be a Q & A session which Members could direct question(s) to any attendee(s) of the meeting. Lunch break would be from about 12:45 p.m. to 2:00 p.m. and there might be one short break in the morning and one to two short breaks in the afternoon, as needed. He then invited the representatives of PlanD to brief Members on the representations and comments in respect of the draft Hoi Ha OZP, the draft So Lo Pun OZP and the draft Pak Lap OZP.

8. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, and Mr Ivan M.K. Chung, DPO/SKIs, repeated the presentations which were made in the session of the Meeting on 28.4.2014 as recorded respectively in paragraphs 9 to 11 of the minutes of 28.4.2014.

[Mr C.W. Tse, Mr H.F. Leung, Ms Anita W.T. Ma and Dr W.K. Yau returned to join the meeting, Mr Clarence W.C. Leung and Ms Christina M Lee arrived to join the meeting, and Mr Frankie W.P. Chou left the meeting temporarily during the presentations.]

9. The Chairman then invited the representers and representer's representatives to

elaborate on their representations. The Chairman said that the presentation should be confined to an elaboration of the written submissions and to ensure a smooth and efficient conduct of the meeting, he might request the representers or their representatives not to repeat unnecessarily the same points of arguments which had already been presented by others at the same meeting.

10. Ms Lam Po Chu (HH-R10912) and Dr John Mackay (HH-R10786) requested to make their presentations before the lunch break. After consulting other attendees who had no objection, the Chairman acceded to their requests.

R883 – Hoi Yee Chan

HH-R10869 – Ann Davy-Hou

HH-R10904 – Thomas H Hou

11. Mr Thomas H Hou, made the following main points:

- (a) as compared with the previous policy which aimed at protecting and improving the country park areas, the Government had made a drastic change in its policy by allowing developments in the country park enclaves;
- (b) the objective of Small House Policy (SHP) was to facilitate Small House developments by indigenous villagers and the land under application for building licence should be registered in the applicant's name. However, much of the agricultural land within the "Village Type Development" ("V") zones of Hoi Ha and So Lo Pun had already been sold to the developers. This was in contravention with the objective of SHP;
- (c) the Government had misled the general public to believe that there was a need to develop the country park enclaves in order to address the problem of insufficient housing land in the territory. The country park enclaves, which were mostly inaccessible by roads or public

transport and were in lack of basic infrastructure facilities, would not provide suitable dwellings for the population. Moreover, as only 3-storey houses were allowed in the “V” zones, the housing demand of the general public could not be met;

- (d) given the beautiful scenery of Hoi Ha, So Lo Pun and Pak Lap and their proximity to the sea, luxury houses with private gardens would likely be developed in these areas. Such residential developments were not in line with SHP and would only benefit a small group of people;
- (e) the following points in the judgement of the recent judicial review (JR) case concerning Tai Long Sai Wan were highlighted:
  - (i) the development of country park enclaves could degrade the integrity, aesthetic and landscape quality of the country park as a whole;
  - (ii) the expectations of an individual or groups of individuals had to be balanced against the interest and needs of the public; and
  - (iii) including an enclave into a statutory plan could not fully achieve the conservation objective; and
- (f) the Board was urged to consider, based on the JR judgement, to incorporate Hoi Ha, So Lo Pun, Pak Lap as well as other country park enclaves into the country park boundary.

[Actual speaking time of HH-R10904 : 12 minutes]

R6283 – Lai Oi Ling

12. With the aid of a Powerpoint presentation, Ms Lai Oi Ling made the following

main points:

- (a) she was an ordinary citizen and she was against any development which would destroy Hoi Ha;
- (b) according to 'Nam-myoho-renge-kyo' (南無妙法蓮華經), everything was equal. Human beings and all other living things were entitled to the same right of living. The destruction of a habitat for one living organism would in effect destroy an integrated part of the whole system of the earth;
- (c) as revealed by the huge number of representations to the three OZPs, the public at large was determined to protect against any intrusion into the country parks. The country park and the enclaves should be protected as a whole for the benefits of the general public and no development should be allowed in these areas;
- (d) Hoi Ha, which was characterised by streams, woodland, wetland and abandoned agricultural land, together with Hoi Ha Wan (HHW) Marine Park, a Site of Special Scientific Interest (SSSI) with more than 64 coral species, were of high ecological value. Hoi Ha and HHW should be incorporated into the boundary of the country park and marine park such that the areas would be duly protected by AFCD for the public enjoyment;
- (e) the Government should comply with the principles of the International Convention on Biological Diversity to protect the country park enclaves and to enhance their sustainability;
- (f) the current global carbon emission rate had increased by about 50% as compared with that of a century ago. The destruction of the natural landscape and environment of a city could lead to the extinction of that city and would adversely affect the biodiversity of flora and fauna

species, some of which were of significant scientific and medical values. Damages to the environment of the country park enclaves and those valuable habitats were irreversible;

- (g) SHP should be discarded as most of the indigenous villagers had sold their Small House entitlements to the developers. Moreover, the infinite Small House demand would have adverse impact on the natural environment. The separation distance of 30m between the septic tanks of the Small Houses and HHW was insufficient to prevent water pollution of HHW given that the local geology of the area was dominated by sandy sediments. A minimum separation distance of 100m was required to reduce the impacts of the pollution if Small House developments were permitted; and
- (h) the freshwater habitats which were rare, valuable and essential to the hydrological circulation and food chain should be duly protected. She therefore supported the proposals submitted by Worldwide Fund for Hong Kong, Kadoorie Farm and Botanical Garden Corporation and Friends of Hoi Ha which clearly set out the need to carefully protect the flora, fauna, landscape and hydrology of Hoi Ha.

[Actual speaking time of R6283 : 12 minutes]

R10545 – Kenneth Leung, David Dudgeon, Yvonne Sadovy, Gray A. Williams, David Baker, Tim Bonebrake, Billy Hau, Leszek Karezmarski, Vengatesen Thiyagarajan

13. Professor David Dudgeon first introduced his colleagues who were ecologists or marine biologists. He then said that their presentations would mainly focus on the impacts of village house development on the terrestrial and wetland ecology of the areas covered by the three OZPs and data relating to Hoi Ha would be used for illustration purpose. He then made the following main points:

- (a) PlanD's proposed amendment to reduce the number of village houses

permitted within the Hoi Ha OZP was supported. However, the development of this enclave to allow additional village houses beyond the existing 30 houses would pose a risk to the Marine Park that was ecologically sensitive with high conservation value, and was an important educational resource for the next generation of Hong Kong citizens;

- (b) the materials presented by the green groups at the hearing session held on 8.5.2014 represented the best scientific consensus on the importance of these enclaves and the potential ecological impacts that would take place if they were developed according to the land use proposals of the current OZPs;
- (c) while the Government was preparing a biodiversity strategy action plan for Hong Kong, the promulgation of OZPs for the country park enclaves at this stage would certainly damage the environment and impair the biodiversity of these areas;
- (d) while the proposals put forth by the green groups to enhance the protection of these ecologically significant areas were sound, the incorporation of the country park enclaves into the country park boundary like the case of Tai Long Sai Wan would provide better protection of the enclaves;
- (e) it was important to consider the linkages in the country park especially the linkages between the land along the stream. From an ecological perspective, it was not reasonable to designate the lower part of So Lo Pun stream, which was classified by AFCD to be an ecologically important stream, as “CA” while its upper part was zoned “GB”; and
- (f) the freshwater wetlands were currently the most ecologically sensitive habitat in Hong Kong. It was also the most unrepresented habitat in the current country park system. There was an urgent need to protect

the freshwater wetlands in Hoi Ha and So Lo Pun, which were largely intact, in order to protect the biodiversity of Hong Kong. The OZPs need to take into account the importance of these freshwater wetlands.

14. With the aid of a video showing the coral community of HHW, Dr David Baker made the following main points:

- (a) he was a scientist and an expert in ecology and biodiversity of corals. He was speaking on behalf of the near-shore corals which were facing numerous threats posed by the development in the country park enclave;
- (b) development in the area was a difficult issue as it involved the right of indigenous villagers, the increasing demand for affordable housing and our responsibility to protect the biodiversity of the local species according to the Convention of Biological Diversity;
- (c) his research revealed that the corals in Hong Kong were special in that they could survive in an extremely variable and polluted environment. Corals in the Marine Park, which were high in abundance and biodiversity, were particularly special which deserved diligent conservation effort. Several important marine communities were found in the HHW Marine Park which would be seriously affected if developments in the country park enclave were allowed;
- (d) the coral community in Hoi Ha was diverse and beautiful and the area was easily visited and explored. Coral reefs provided a high degree of complex habitat which became the most diverse ecosystem on earth. Corals created nurseries for juvenile fish and shellfish, many of which were commercially or culturally important to mankind. Corals protected the shorelines by absorbing waves and storm energy and reducing beach erosion. They boosted economic growth for tourism. Corals also represented a treasure of genetic and chemical resources

beginning to reveal. It was therefore important to keep the coral community healthy;

- (e) corals and the communities they supported all over the world were declining due to the rapid development of coastal areas. The same situation happened in Hong Kong as it was revealed that the high diversity of the coral community in Sham Wan on Lamma Island was removed due to pollution in the late 1990s. According to AFCD, the coral coverage of Hong Kong had reduced from 64% to 5% in two years' time;
- (f) in April 2014, he documented the death of about 30% of the population of the 'paradis' corals in Tung Ping Chau, some of which had existed for more than 200 years. While only 4% of these corals in Tung Ping Chau were in healthy condition, more than 11% of these corals in Hoi Ha were healthy. This showed the corals were protected by the environment of Hoi Ha to some extent;
- (g) the special location of Hoi Ha, which was designated as a Marine Park and located near the country park, had provided complementary protection and fostered a relatively pristine ecosystem. The freshwater catchment including streams and wetlands were near pristine and functioned to reduce the impact of sedimentation and sewage pollution on the corals; and
- (h) Hoi Ha was the most important place in Hong Kong for coral protection and further development in the area should be prohibited.

15. With the aid of a Powerpoint presentation, Dr Kenny Leung made the following main points:

- (a) according to the findings of a study on the ecology and biodiversity of soft shore animals of HHW Marine Park commissioned by AFCD, the



diversity of marine animals on the soft shore of HHW Marine Park was the highest among any other soft shores in Hong Kong between 2005 and 2006;

- (b) the river leading to HHW played a significant role in the ecosystem of Hoi Ha;
- (c) the untreated wastewater generated by human activities could enter HHW Marine Park through the storm water drainage system and the river causing pollution of the Marine Park. The local geology dominated by sand-like sediment would render the septic tanks ineffective to deal with the waste water at Hoi Ha Village;
- (d) with more concrete surfaces in the proposed building areas, surface runoff contaminated with pollutants could not infiltrate into soils, leading to a greater impact to the ecosystem in the river and HHW Marine Park;
- (e) the results of the sampling surveys conducted in July 2013 and January 2014 demonstrated that seawater, sediment and marine organisms in HHW Marine Park had already been contaminated with faeces and various endocrine disrupting chemicals associated with wastewater discharge, possibly from Hoi Ha Village;
- (f) given the local geology dominated by sand-like sediment and the close proximity to the river and the HHW Marine Park, it was inappropriate to use the septic tank soak-away systems to deal with the wastewater at Hoi Ha Village. If there were additional Small Houses and more people living in Hoi Ha Village, the water pollution of HHW would likely worsen, the cumulative impacts of which would lead to adverse impacts on the valuable marine biodiversity and unique marine ecosystem in HHW Marine Park; and

- (g) to safeguard the water quality of HHW Marine Park and protect its ecosystem integrity, a 'zero-discharge' management policy should be implemented. Discharge of wastewater into storm drainage system must be strictly prohibited, while a better wastewater treatment system should be installed to replace the conventional use of septic tanks.

[Actual speaking time of R10545 : 30 minutes]

[The meeting was adjourned for a short break of 10 minutes.]

[Mr F. C. Chan returned to join the meeting and Mr Clarence W.C. Leung and Ms Anita W.T. Ma left the meeting temporarily at this point.]

R10588 – Mercedes Vazquez

16. Ms Mercedes Vazquez made the following main points:

- (a) she and her husband were part of a Hakka indigenous community of Pak Lap;
- (b) they were strongly against land speculation in the concerned areas of the OZPs and considered that the right of indigenous villagers to build houses on their ancestors' land should be defended. The protection of country park enclaves was not merely for the interest of the indigenous villagers but also for the general public through the preservation of the living, culture and natural heritage of the areas;
- (c) much of the land and properties in the areas were already owned by non-indigenous villagers, thus reducing the possibility for indigenous villagers with a strong sense of community to build their houses in these areas. Non-indigenous villagers should not be allowed to own land or houses in these areas;

- (d) the current activities of tourism agencies and the illegal activities of the indigenous villagers such as filling of fish ponds, felling of trees and building of private gardens in these country park enclaves should be strictly controlled and enforced by the Government. Only organic farming and genuine sustainable tourism should be allowed in these areas;
- (e) for the Pak Lap area, they believed that allowing indigenous villagers to build their houses would not destroy the environment, if those developments were carried out under certain circumstances. On the contrary, the developments would contribute to a better protection of the environment. The indigenous villagers should not be allowed to sell their houses to other non-indigenous villagers of Pak Lap to avoid further land speculation; and
- (f) pollution in these areas was not merely caused by house development. It was believed that technology could be used to improve the performance of the septic tanks to avoid seepage of sewage causing pollution to the rivers or the sea in the areas. The scientists in collaboration with the Government should be responsible for striking a balance between human and natural development.

[Actual speaking time of R10588 : 5 minutes]

R10589 – William Lau

17. Mr William Lau made the following main points:

- (a) he was an indigenous villager of Pak Lap village;
- (b) based on his own and other indigenous villagers' experience in Small House application, the process involved in building a Small House in Pak Lap was lengthy and bureaucratic;

- (c) the Pak Lap community was thriving and the indigenous villagers had not done any widespread damages to the environment of the area in the past; and
- (d) he strongly opposed land speculation by property developers in the Pak Lap area, and considered that the traditional right of indigenous villagers should be maintained within limits. The villagers were capable of protecting the environment because they cared about their land and respected the history and cultural heritage of the area.

[Actual speaking time of R10589 : 3 minutes]

18. At this point, the Chairman invited Ms Lam Po Chu (HH-R10912) to make a presentation as agreed earlier.

HH-R10912 – Tolo Adventure Centre

19. Ms Lam Po Chu made the following main points:

- (a) she was the Chairman of the Tolo Adventure Centre (the Centre). She spoke on behalf of 224 members who had jointly signed the representation;
- (b) the Centre was a non-profit making voluntary association which organised outdoor activities for the public and co-organised activities with schools, churches, youth centres and community centres, etc. Since the Centre was run by volunteers and the operating cost of the Centre was not high due to low rent, the Centre was able to operate for more than 30 years;
- (c) she clarified that the proposal to incorporate three 5m strips of land into the boundary of the Centre under “Other Specified Uses”

annotated “Water Sports Recreation Centre” zone was not to enlarge the area of the Centre but to enable the Centre to continue with the maintenance of the existing trees in these areas. Those existing trees had been planted and maintained by the Centre for more than 30 years in compliance with the requirement of the Short Term Tenancy (STT);

- (d) as the land between the existing structure of the Centre and the southern boundary of the STT was narrow, with some areas less than 3m wide, the Centre had all along considered that the required planting strips under the lease were those areas immediately outside the STT boundary. Trees had been planted thereat since 1981 and no clarification was made by the Lands Department (LandsD) on the location of these planting strips, even at the time when the lease was renewed in 1988;
- (e) as noted from TPB Paper No. 9644, the District Lands Officer/Tai Po advised that the required 3m planting strips were located within the STT boundary and hence the proposal put forth by the Centre was unreasonable. This was the first time that she realized the discrepancy between the Government and the Centre in interpreting the location of planting strips;
- (f) there was a practical difficulty to plant trees within the 3m areas adjoining the existing structure as the growth of the trees would be affected due to the blocking of sunlight by the structure. Moreover, the root system of these trees might affect the stability of the existing structure;
- (g) the inclusion of 5m strips of land within the “OU” zone was not for the expansion of the Centre. The area would serve as a buffer area between the Centre and “Conservation Area” (“CA”) zone and through proper management, this buffer area would help minimize the impact of mosquitoes, bees and snakes on the users of the Centre;

- (h) there was concern on the future management and maintenance of these existing trees if they were incorporated as part of the “CA” zone since the Centre would not be able to continue with the maintenance. The failure to provide proper and timely maintenance of these trees by concerned government departments, particularly during the typhoon season, might pose safety problem to the users of the Centre; and
- (i) the designation of a 5m buffer area would be beneficial to the preservation of the existing trees. If the proposal was agreed by the Board, the Centre would undertake to provide proper maintenance of the existing trees.

[Actual speaking time of HH-R10912 : 7 minutes]

HH-R10769 – Judith Mackay

HH-R10786 – John Mackay

20. Dr John Mackay made the following main points:

- (a) he had lived in the Sai Kung area for over 40 years. He was a member of the Worldwide Fund of Hong Kong, FoE and Friends of Hoi Ha;
- (b) when he first moved into Tai Po Tsai Village, it was part of a very beautiful green valley. However, the valley was gradually replaced by large-scale residential developments in the area; and
- (c) he strongly objected to any large-scale developments within the Hoi Ha area.

[Actual speaking time of HH-R10769 : 2 minutes]

R10641 – Tam Kwok Sun

21. Mr Tam Kwok Sun made the following main points:

- (a) the Government's country park enclave policy was to prevent haphazard and uncoordinated developments within these areas. The Board was tasked to ensure that any development in Hong Kong would be implemented in an orderly and coordinated manner;
- (b) based on the existing population and the trend of population growth in the past, the accuracy of the Small House demand forecast provided by the indigenous villagers of the three country park enclaves was in doubt;
- (c) the delineation of the "V" zones on the three OZPs based on the unverified information of Small House demand forecast provided by indigenous villagers was unreasonable;
- (d) for the Hoi Ha area, about 2.6 ha of land were zoned "V" to cater for the future Small House demand. Based on the record that only seven new houses were built in Hoi Ha in the past 20 years, it would take about 200 years for the development of additional 60 to 90 Small Houses by the indigenous villagers. Hence, the current provision of "V" zone was considered excessive as the future Small House demand forecast was not verified;
- (e) given that HHW Marine Park had already been contaminated by the sewage generated by the existing Small Houses, further increase in the number of Small House by 10-fold would further aggravate the pollution of HHW. The provision of septic tanks and soakaway systems for Small House developments could not solve the pollution problem;

- (f) the indigenous villagers who wanted to move back to the Hoi Ha area should rebuild their existing houses first if they were in dilapidated condition. The development of new Small Houses in the area should only be allowed when a genuine need was demonstrated in future;

[Ms Anita W.T. Ma returned to join the meeting, Mr Patrick H.T. Lau arrived to join the meeting and Dr C.P. Lau left the meeting temporarily at this point.]

- (g) considering that the existing population of Hoi Ha was about 110 only, hundreds of years would be needed for the population to increase by 10 times if the natural birth rate of 2% was adopted. There was no need to reserve additional “V” land in Hoi Ha at the moment;
- (h) So Lo Pun was a highly inaccessible area without any supporting infrastructural facilities. People living therein would have to be self-subsistent. Given that there was no inhabitant in the area at present, the proposed “V” zone with an area of 4.12 ha to provide land to build 134 Small Houses accommodating 1,000 residents was considered excessive and the Government should provide justifications for designating such a large “V” zone on the OZP;
- (i) according to 2011 Census, the population in Pak Lap was 50. However, it was reported in a recent TV programme that only one household was found in Pak Lap. It was unreasonable for PlanD to designate 2.37 ha of land as “V” zone for building 79 Small Houses when the population of Pak Lap was in a decreasing trend;
- (j) only local villagers should be allowed to develop Small Houses in these areas. Measures similar to ‘Hong Kong Land for Hong Kong People’ policy should be implemented to ensure that transfer of Small House would only be allowed among those indigenous villagers and not for developers. If the indigenous villagers continued to sell their land and Small House entitlements to other people or developers, the



demand for additional land for Small House development would become infinite; and

- (k) there was no need to reserve additional “V” land for Small House development in the areas unless the genuine housing demand of the indigenous villagers was demonstrated. The Board was urged to exercise its own judgement in the current proceedings.

[Actual speaking time of R10641 : 16 minutes]

HH-R10871, SLP-R10848, PL-R10751 – H.F. Cheng

HH-R10836, PL-R10750 - Chiu Kwok Cheung, Brian

22. Ms H.F. Cheng requested for the Chairman’s permission to have a joint presentation with her husband and advised that the total time for the presentation would be about 40 to 45 minutes. The Chairman acceded to her request.

23. Ms Cheng made the following main points:

- (a) she objected to any development in the country park enclaves as it would destroy the natural environment of high conservation and ecological value and such damage was irreversible;
- (b) the original objective of SHP promulgated in 1972 to respect the right of indigenous villagers for Small House development should be maintained and the transfer of Small House to non-indigenous villagers should not be allowed;
- (c) SHP should comply with the requirement of Block Crown Lease (BCL) and other relevant legislation. However, demarcation district (DD) sheets which were attached to BCL to clearly demarcate the boundary of established villages were lost;

24. With the aid of a visualiser, Mr Chiu Kwok Cheung, Brian made the following main points:

- (a) he and his wife had bought an old Small House in Yuen Long four years ago after retirement. They together with their neighbours in the same village were victims of SHP as concerned government departments including LandsD, Buildings Department (BD), PlanD, Transport Department (TD) and Fire Services Department (FSD), failed to take the necessary enforcement action to ensure the original planning of Small Houses as embedded in BCL was properly implemented;
- (b) BCL, which specified the application procedure for conversion of agricultural land to building land and the provision of connecting public road to and internal access within the village, provided the legal basis for the implementation of SHP. However, those developers who had purchased much land from the indigenous villagers rarely provided the required village access and some of the developers even blocked an existing village access intentionally;
- (c) the DD sheets were the authentic survey plans of agricultural lots produced by the Indian Survey regiment under the colonial government around 1905 for identification, leasing and conveyancing purposes of the scheduled lots in BCL. The boundaries of the old scheduled lots, the alignments of field bund (which was known as public easement under BCL) as well as the location of established villages (existed before 1898) were clearly demarcated on those DD sheets. The provision of public easement as required under BCL was intended to facilitate uninterrupted access for the local villagers to different parts of the area in the old days when public transport was not easily accessible. Nowadays, the closure of existing village access by individual lot owners, as in the case of Tai Long Sai Wan, was in contravention with the requirement of BCL. However, no

enforcement action had been taken by concerned departments;

- (d) since many authentic DD sheets had been lost, private land surveyors and lawyers would have the flexibility to delineate the configuration of the lots. While the Government was responsible for verifying the accuracy of the proposed lot boundaries in the past, the enactment of the Land Survey Ordinance (Cap 473) in 1996 had allowed private land surveyors to conduct their own land surveys without scrutinisation by the Land Authority. This might result in an abuse of the existing system as some private land surveyors, during the preparation of lot division plans, might try to revise the original lot boundary by incorporating the adjacent field bunds. Such loss of the field bunds would lead to the extinguishment of public easement as required by BCL;
- (e) there was no strong reason for LandsD not to reconstruct the original DD sheets using the latest technology so as to provide a legal authentic survey record for effective land administration and conveyancing purpose;
- (f) given that BCL was in place before the enactment of the Town Planning Ordinance, the current planning for the “V” zones in these areas should take into account the provisions of BCL, in particular those relating to the accurate lot boundaries and the provision of village access; and
- (g) under the existing mechanism, LandsD was obliged to approve the Small House applications within the “V” zones of the country park enclaves upon its designation by the Board. It was therefore a prerequisite for the Board, prior to the designation of “V” zone for these areas, to ascertain the legal status of individual lots for Small House developments under BCL.

25. The Chairman reminded the representers to be concise in their presentations and the points made should be related to the subject of representations.

26. Ms H.F. Cheng made the following main points:

- (a) the Town Planning Ordinance aimed to promote the health, safety, convenience and general welfare of the community. The country park enclaves which were of high ecological and conservation value should be protected for the enjoyment of the general public instead of allowing unlimited number of Small House developments, in particular when land was still available in other parts of the territory to meet the housing demand. Moreover, the preservation of natural scenery and landscape of the country park enclaves would also help promote the tourism of Hong Kong;
- (b) the designation of “V” zones in these country park enclaves should be supported by technical assessments to demonstrate that the Small House developments would not cause adverse traffic, environmental, drainage, sewerage impacts. Moreover, the provision of emergency vehicular access as required under Building (Planning) Regulations (Cap 123F) should also be taken into account;
- (c) prior to the completion of the direct investigation into the Administration’s regulation of the fire safety measures for NTEH currently undertaken by The Ombudsman, the designation of “V” zones in these country park enclaves should be withheld; and

[Mr Stephen H.B. Yau left the meeting at this point.]

- (d) as transfer of Small Houses no longer required the approval of the Government since 1984, the construction of boundary walls for some Small Houses, which followed the inaccurate lot boundary demarcated by private land surveyors without scrutiny by concerned Government

departments, had obstructed the original village access. Concerned departments should step up necessary enforcement action to rectify these irregularities;

27. Mr Chiu Kwok Cheung, Brian, continued to make the following main points:

- (a) the transfer of Small House entitlements to developers and non-indigenous villagers was in contravention with the original intention of SHP. The development of Small Houses by the developers in Hoi Ha, So Lo Pun and Pak Lap areas through transfer of Small House entitlements was an act of fraud; and
- (b) the Board should not designate any “V” zones on the OZPs covering the three country park enclaves before the three outstanding issues, namely the loss of DD sheets, the investigation result of The Ombudsman regarding the fire safety measures for NETH, and the illegal transfer of Small House entitlements from the indigenous villagers to the developers, were satisfactorily addressed.

[Actual speaking time of HH-R10871, SLP-R10848, PL-R10751 and HH-R-10836, PL-R10750 : 47 minutes]

28. The meeting was adjourned for a lunch break at 12:45 p.m.

29. The meeting was resumed at 2:15 p.m. on 12.5.2014.

30. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Planning

Mr K.K. Ling

Presentation and Question Session

[Open Meeting]

31. The following Government representatives were invited to the meeting:

- |                    |                                                                                                                |
|--------------------|----------------------------------------------------------------------------------------------------------------|
| Mr C.K. Soh        | - District Planning Officer/Shau Tin, Tai Po and North, Planning Department (DPO/STN, PlanD)                   |
| Mr Ivan M.K. Chung | - District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD                                             |
| Mr David Y.M. Ng   | - Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD                                                   |
| Ms Lisa Y.M. Chau  | - Town Planner/Sai Kung (TP/SK), PlanD                                                                         |
| Mr Cary P.H. Ho    | - Senior Nature Conservation Officer (South), Agriculture, Fisheries and Conservation Department (SNC/S, AFCD) |
| Mr K.W. Cheung     | - Senior Nature Conservation Officer (North)(SNC/N), AFCD                                                      |
| Mr Alan L.K. Chan  | - Senior Marine Parks Officer (SMP), AFCD                                                                      |
| Mr K.S. Cheung     | - Country Parks Officer (Special Duty)(CPO(SD)), AFCD                                                          |

32. The following representers and representer's representatives were invited to the meeting:

**Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1**

HH-R10885, SLP-R10818, PL-R10742 – Green Sense

HH-R-10897, SLP-R10854, PL-R10772 – Ms Ho Ka Po

Ms Ho Ka Po - Representer and Representer's representative

**Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1**

HH-R10803 – Mr Stephen Ortmann

Mr Stephen Ortmann - Representer

HH-R10863 – David O'Dwyer

HH-R10864 – Lee Wai Sun, Jeffrey

Mr Jeffrey Lee Wai Sun - Representer and Representer's representative

HH-R10870 – Robin Bradbeer

HH-R10880 – The Professional Commons

Ms Robin Bradbeer )

Mr Paul Hodgson ) Representer and Representer's representatives

Mr Stanley Ng Wing Fai )

HH-R10905 – Lam Chiu Ying

Ms Jocelyn Ho - Representer's representative

33. The Chairman extended a welcome and invited the representers and the representers' representatives to continue with their oral submissions.

HH-R10885, SLP-R10818, PL-R10742 – Green Sense

HH-R-10897, SLP-R10854, PL-R10772 – Ms Ho Ka Po

34. With the aid of a Powerpoint presentation, Ms Ho Ka Po made the following main points:

(a) the representers opposed the expansion of the "Village Type



Development” (“V”) zone on the Pak Lap Outline Zoning Plan (OZP). Planning should strike an appropriate balance among the conservation of the environment, the local community and village development;

- (b) the expansion of the “V” zone on the So Lo Pun OZP was opposed to as it was excessive. The projected increase in population from 0 to 1,000 was unsubstantiated;
- (c) the expansion of the “V” zone on the Hoi Ha OZP was also opposed to. The ecology of Hoi Ha Wan should be better protected;
- (d) it was questionable whether the conservation-related zones including “Green Belt” (“GB”), “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”) and “Country Park” (“CP”) were effective in protecting the natural environment. The existing practice of making provision for the submission of planning applications for Small House development within areas zoned “GB” to the Board for consideration went against the principle of conservation and protection of the environment;
- (e) it was questionable whether the purpose of Small House development was to resolve the housing problem of local villagers or to allow them to make monetary gains from property development;

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

- (f) the ‘enclaves’ should be incorporated into the country parks;
- (g) the Board should carefully consider the views expressed by the representers and commenters and should not take the recommendations of PlanD for granted;
- (h) the DPA Plans should serve the purpose of conserving and protecting the ecology and natural environment of the countryside;

- (i) in addressing the existing housing problem, the Government was too short-sighted in proposing to use land in the “GB” zone and country park areas for development. Land use planning should take a long-term view of the future;
- (j) the Government should prevent any possibility of environmental pollution caused by septic tanks and foul water by ensuring that all relevant legislation and guidelines were met when considering any development in the rural areas. The Government should also take action to stop any ‘destroy first, develop later’ cases; and
- (k) the Board should play the role of gate-keeper, protecting the ecology and natural habitats of Hong Kong.

[Actual speaking time of HH-R-10897, SLP-R10854 & PL-R10772: 10 minutes]

HH-R10803 – Stephen Ortmann

35. With the aid of a Powerpoint presentation, Dr Stephen Ortmann made the following main points:

- (a) Small House developments in country parks had to be kept to the minimum as they would cause an adverse impact on the country parks. Hong Kong’s country parks were unique as a place for people to escape from the stress and pollution in the urban areas;
- (b) the country parks gave Hong Kong a special value and an edge over the other big cities such as Shanghai and Singapore which did not have a countryside of a similar size or that was so easily accessible;
- (c) country parks were established to prevent urban sprawl. Enlarging the “V” zones in the enclaves would act against the objective of country park

designation in the first place;

- (d) country parks were used not only for nature conservation purposes but also for recreational purposes, allowing people to enjoy and explore nature. According to a research, 84% of people indicated stress reduction and 52% indicated a reduction in headaches after going to the country parks. The scenic environment and tranquillity of the country parks would be lost if massive expansion of houses was allowed; and
- (e) more Small House developments in the three OZPs would generate more traffic and pollution in terms of noise and air.

[Actual speaking time of HH-R10803 : 6 minutes]

HH-R10863 – David O’Dwyer

HH-R10864 – Lee Wai Sun, Jeffrey

36. With the aid of a Powerpoint presentation, Mr Lee Wai Sun made the following main points:

- (a) the representers objected to the Hoi Ha OZP;
- (b) “Living Seas Hong Kong” commenced operation in 2007 as a Hong Kong-based charitable organisation whose objective was to urge the implementation of strategic local marine protection programmes and policies to help revitalise Hong Kong’s unique marine ecosystem;
- (c) the Hoi Ha Wan Marine Park (HHWMP) was established to enable the revitalisation of Hong Kong’s marine resources and the protection of valuable habitats;
- (d) HHWMP was important as it had the highest level of coral coverage and density in Hong Kong. It was specifically chosen to be a protected area

under the Marine Parks Ordinance and as a Site of Special Scientific Interest (SSSI);

- (e) although marine parks were set up to enhance Hong Kong's marine resources, they had not been successful as commercial fishing was still allowed and marine resources had not recovered even after the trawling ban. The marine parks were inadequately protected and any increase in population would only result in an increase in the uncontrolled extraction of marine resources;
- (f) the OZP was not supported as the proposed expansion in population would put pressure on the infrastructure and damage the marine park and terrestrial ecology of Hoi Ha. The increased pollution would damage HHWMP, the SSSI and marine life;
- (g) as Hoi Ha village did not have public sewers and the provision of a private sewage treatment plant was unrealistic, the provision of individual septic tanks for the Small Houses to be built in the "V" zone would result in pollution to HHWMP. As the E-Coli level in the waters of HHWMP was already relatively high, it was not acceptable to allow a large development next to the river with runoff flowing directly into the marine park;
- (h) in the drafting of the OZP, no consideration had been given to the threats to HHWMP from pollution caused by sewage and runoff;
- (i) the significant expansion of the "V" zone was unjustified, given that only 7 new Small Houses had been built in Hoi Ha in the last 20 years;
- (j) as the resources available at Hoi Ha belonged to all the people of Hong Kong, the development plan for the area should be aligned to the genuine needs of the indigenous village and should allow for the active preservation of the marine park for future generations; and

- (k) as a coach who had brought many people to the area to dive, Hoi Ha was a very good spot for diving. However, illegal fishing activities in the area had been increasing and a three-fold increase in the population would only aggravate the current situation. The increase in population would also worsen the sewerage problem where an effective solution had yet to be identified.

[Actual speaking time of HH-R10864 : 11 minutes]

HH-R10870 – Robin Bradbeer

HH-R10880 – The Professional Commons

37. Mr Ng Wing Fai made the following main points:

- (a) the report submitted by the Professional Commons was based on the research and monitoring work carried out by Ms Robin Bradbeer and Mr Paul Hodgson in the Hoi Ha area over the last 23 years;
- (b) corals were very fragile and could be destroyed very easily due to changes in their habitats;
- (c) the Hon Charles Mok, Chairman of The Professional Commons, was of the view that any resource bid by the Government for expertise that would help in the preservation of corals in Hoi Ha would be supported;

38. With the aid of a Powerpoint presentation, Ms Robin Bradbeer made the following main points:

- (a) the report submitted by The Professional Commons had been prepared by academics and professionals and independently audited by third party professionals. The report prepared was based on the law, backed up by proper data and robust science;

- (b) the over 30,000 representations received by the Board showed that the public had an interest in the future of the country parks;
- (c) the environment was crucial to the world's life-support system which had to be maintained in a dynamic steady state. Changes in the environment would affect the ecological mechanism and would result in species being killed off;
- (d) in order to prepare the report submitted in the representation, 23 years of past data had been collected and the Hoi Ha area had been studied intensively for 2 years. Moreover, the views of key stakeholders had been collected. The proposal of the Professional Commons for Hoi Ha was realistic and it had taken into account the views of all stakeholders;
- (e) it was always easier to prevent environmental disasters from taking place in the first place than to remedy after the disasters had occurred; and
- (f) the Board should assign maximum protection to the enclaves so as not to impact on the surrounding SSSI, country parks and marine park; mitigate the impact of existing enclaves on the surrounding protected areas; protect cultural heritage areas within the village; cater for and protect the rights of the resident indigenous villagers; plan for the future needs of Hoi Ha village; and consider the rights of Hong Kong people with regard to their needs and access to the country parks.

39. With the aid of a Powerpoint presentation, Mr Paul Hodgson made the following main points:

- (a) the country parks and marine parks were designated as areas of special landscape, ecology or geology that were accorded the highest level of protection under the laws of Hong Kong. All flora and fauna in the country and marine parks were protected. In this regard, any zoning in

the 'enclaves' would need to meet the legal requirement;

- (b) as the enclave was surrounded by the country park, marine park and SSSI, the spill-over effect of developments at Hoi Ha would need to be considered;
- (c) the proposed OZP would result in continued village expansion in the area;
- (d) the outflow of the river would impact on HHWMP. Previous analysis showed that the hydrology of the river had been affected back in 1980 when Hoi Ha Road was being built. As water flowed along the road, the boundary of the river sediment deposit area shifted and changed. According to the current study, as the boundary of the river sediment deposit area was already very close to the corals at Hoi Ha Wan, a shift in the boundary by only 4.2% would lead to the death of corals as they would be smothered by sediment. Since any clearing of vegetation, cementing of land and other building works would affect the hydrology of the river, these activities would need to be kept away from the river and the flood plain;
- (e) there were currently different species of protected animals that congregated within the enclaves, at a location some distance away from the main village area. The study showed that the mangrove at the river mouth was a major wild-life terminating point where the various species of protected animals tended to congregate and feed;
- (f) the study found that with the provision of piped water to Hoi Ha, the size of the septic tanks serving the village houses was no longer big enough to treat the amount of waste water produced, causing the septic tanks to overflow and increasing the E-Coli level in the waters of HHWMP. In this regard, even though the hydrologic conductivity of the soil at Hoi Ha was suitable for the use of septic tanks, the problem of overflow would need to be addressed by providing septic tanks that were big enough to

store and treat the amount of waste water generated by the households;

- (g) alternatively, as a replacement for the current septic tank system, the use of aerobic treatment systems for groups of houses should be considered in the Hoi Ha area. The aerobic treatment system would produce processed sewage that was much less polluting than the overflow from septic tanks;
- (h) the most appropriate location for developing new village houses at Hoi Ha would be at a location as far away from the river and the coastline as possible;
- (i) chlorine was recently found in the waters of HHWMP, causing sea hares to disappear from HHWMP. This showed the unintended negative impact to the environment which could arise from the provision of such basic facilities as tap water;
- (j) the area currently proposed for village expansion was located in a plain which had been flooded during the last incidence of heavy rainfall. In this regard, the site was not suitable for village type development as septic tanks serving the village houses would be flooded in times of heavy rain, causing raw sewage to overflow into HHWMP;
- (k) the OZP had failed to give careful consideration to the cultural heritage of the area. Even though the cultural heritage of the area was acknowledged, the sites with cultural interest had been carved up into different zonings on the OZP;
- (l) while the rights of the local people and indigenous villagers under the Small House policy was a requirement that needed to be catered for, the requirement should be realistic. With only 7 Small Houses built in the last 20 years, the forecast demand of 84 Small Houses in the coming 10 years was not substantiated;



- (m) the current OZP had no provision for businesses providing amenities in the Hoi Ha area. Business operations in the area such as the existing kayak rental shop could only continue their operations as an ‘existing use’. Indigenous villagers would not be able to make a living and stay in the village if they were not allowed to start local businesses in the area;
- (n) as most of the land within the proposed village expansion area was already owned by developers, the “V” zone would not benefit the local villagers. While Hoi Ha might be able to support a small increase in the number of Small Houses, HHWMP could not sustain any large-scale increase in housing as envisaged by the private developers;
- (o) although 30,000 people visited Hoi Ha each year, there was only one restaurant and no public toilet/shower/changing room facilities in the village to serve the visitors. The OZP had no provision to address the lack of community facilities. Government should find land in the existing village to provide the necessary facilities to serve the visitors;
- (p) the educational value of Hoi Ha should be made use of and it was proposed to replace the existing centre operated by World Wide Fund-Hong Kong with an education centre operated by AFCD; and
- (q) as the existing conservation-related zonings under the Town Planning Ordinance such as “CPA”, “CA” and “GB” could not meet the needs of Hoi Ha, the enclave should be incorporated in its entirety into the country park. Alternatively, land that was suitable for village expansion should be zoned as “Comprehensive Development Area” (“CDA”) and development guided by a planning brief while the remaining part of the enclave should be zoned as “CA”, with the ultimate aim of incorporating the latter part into the country park.

40. Mr Ng Wing Fai concluded the presentation with the following main points:

- (a) in view of the special circumstances of Hoi Ha, it was considered necessary to introduce the “CDA” zone to control village development in the area;
- (b) as the draft OZP did not meet the development needs of the area, it was considered necessary to conduct an environmental impact assessment for the area to identify the real development needs and impacts;
- (c) the Tai Long Wan case was well supported by the public and had set an example to be followed; and
- (d) the Board might be subject to judicial challenges if the draft OZP was to be approved as it was.

[Actual speaking time of HH-10870 and HH-10880 : 32 minutes]

HH-R10905 – Lam Chiu Ying

41. Ms Jocelyn Ho read out a statement from Mr Lam Chiu Ying (HH-R10905), making the following main points:

- (a) it was announced in the 2010-11 Policy Address that in order to protect country park enclaves from further destruction, these enclaves would either be covered by statutory plans or incorporated into country parks;
- (b) in a subsequent document submitted to the Legislative Council, the Government had set out the criteria for incorporating enclaves into statutory plans which included taking into account the accessibility of the enclaves, the threat of development, conservation value, landscape value, geographical location, extent of village settlement, etc;
- (c) the Board was bound by the Government’s current policy and was obliged to implement the policy;

- (d) while AFCD's ecological assessment noted that only one species of bird was sighted, the consultant's commissioned by the Friends of Hoi Ha had reported sighting 50 species of birds and the Hong Kong Bird Watching Society reported 100 species of birds being found in the Hoi Ha area. As AFCD's ecological assessment failed to reflect the true picture, there was a risk that wrong decisions would be taken by the Board and such decisions could be subject to challenge in the court; and
- (e) contrary to the Government's claim that developments within the enclaves would not affect the country park, the proposed scale of the "V" zone in the 3 enclaves would definitely affect the landscape and function of the surrounding country parks.

[Actual speaking time of HH-R10905: 4 minutes]

42. As the representers and representer's representatives who attended this session had completed their presentations, the Chairman invited questions from Members.

43. In response to the Chairman's enquiry on the difference in bird counts from the surveys done by AFCD and the green groups, Mr Cary Ho (AFCD) clarified that AFCD had not conducted any specific ecological survey for Hoi Ha. In response to a request from the Friends of Hoi Ha, AFCD provided them with the existing information that AFCD had gathered from previous records. For the one bird species recorded in the area, it was an incidental record taken during other surveys conducted in the past. It was not a bird survey with the record of only one bird species.

44. A Member enquired whether sewage treatment systems more effective than septic tanks in reducing the E-Coli counts were available. In response, Mr C.W. Tse said that, from the technical point of view, there were sewage treatment systems that were more effective than septic tanks. Small scale package sewage treatment plants were available in the market. Notwithstanding this, the use of septic tanks for treating sewage was very common in the rural areas not only in Hong Kong but also in different places around the

world.

45. Noting some representers' concern that the Hoi Ha area might not be suitable for the use of septic tanks due to its soil conditions and risk of flooding, Mr C.W. Tse said that any person who wished to build a Small House would need to make an application to the Lands Department. The design and location of the septic tank proposed would need to be certified by an Authorised Person (AP) as meeting the requirements of the ProPECC Note. The requirements included percolation tests to be carried out at the site to confirm that the soil would be suitable for septic tank use. The Environmental Protection Department (EPD) would only support Small House proposals that passed the percolation test. Alternative sewage treatment systems would need to be considered by the AP for sites that failed the percolation test. In response to the Chairman's enquiry, Mr C.W. Tse said that the percolation tests should be conducted at the design stage, i.e. before the construction of the Small Houses. Moreover, if the septic tanks were not properly maintained or operated, EPD could take enforcement action against the owners of the septic tanks, requiring them to rectify the situation and properly maintain the septic tanks.

46. In response to the Chairman's question, Mr Jeffrey Lee (HH-R10864) said that while only 7 Small Houses had been built at Hoi Ha in the last 20 years, the 10-year forecast of Small House demand for the area was 84 Small Houses. It was therefore questionable whether the 10-year Small House forecast demand was a genuine need.

47. Noting some representers' concern about chemicals flowing into the marine park by surface runoff arising from people taking showers with open taps, the Chairman enquired whether enforcement action could be taken against such activities. In response, Mr C.W. Tse said that prosecution action could be taken against these activities if they caused pollution and were done regularly. However, the water quality along the coast would naturally be affected by the increase in the people living near or visiting the shore. Enforcement and prosecution would not be able to eliminate the effects.

48. A Member enquired which department was responsible for taking enforcement action against illegal connections to storm water drains and the difficulties involved. In response, Mr C.W. Tse said that while enforcement actions could be taken by both

Buildings Department (BD) and EPD depending on the specific regulations that had been violated, more enforcement cases were done by EPD which also received the greater number of complaints. The main difficulty in enforcement was spotting the illegal connections and identifying the culprit. While not all individual case problems had been satisfactorily dealt with, the overall water quality of the streams in the New Territories had been improving, demonstrating that the water quality programme as a whole had been effective. He also noted that the water quality in So Lo Pun and Pak Lap was very good at the moment as they were uninhabited. If population started to increase, the water quality of these two places would deteriorate, though the pollution would be controlled within the allowable limits.

49. As the three enclaves were well-populated in the past and the corals had not been affected at that time, a Member enquired whether it would be acceptable if a population equivalent to the peak population in the past was allowed. In response, Mr Ng Wing Fai (HH-R10880) said that as people's way of life had changed, the impact generated by people in the past was not comparable even though the population might be the same. Instead of using water from the river, people nowadays used piped water supplied by WSD, significantly increasing the amount of waste water generated. Besides, the amount of chemicals used in daily products such as shampoos had also increased significantly. Mr Paul Hodgson (HH-R10880) added that things were more natural in the past, without any chlorine in the water or the use of fertilizers for farming. Besides, the ecological environment was much more healthier with no trawling activities or land reclamation depositing sediment onto the corals. Ms Robin Bradbeer (HH-R10880) supplemented that houses further up the hill would have less impact on HHWMP than houses developed close to the beach. However, in the draft OZP, the village expansion area was located close to the beach which was not acceptable. Mr C.K. Soh (DPO/STN) remarked that the impact of human activities to HHWMP hinged on *inter alia* the number of Small House developments as well as the number of visitors to the area, and that was the reason why the chemicals found in the waters of the marine park increased significantly during summer, as pointed out by some representatives.

50. In response to a Member's enquiry on when the Small House demand figures were made available by the stakeholders in the plan-making process, Mr C.K. Soh said that

the representative of indigenous villagers would provide a 10-year forecast of Small House demand to the respective District Lands Office on an annual basis. In preparing the OZP for the enclaves, PlanD would take into consideration the outstanding Small House applications and the most recent 10-year forecast demand, together with other relevant factors, for drawing up the “V” zone. Mr Ivan M.K. Chung supplemented that when preparing the OZP for Pak Lap, PlanD had asked the District Lands Office to update the 10-year forecast demand and, after the Board had agreed to the preliminary draft OZP, the views of the District Council, the Rural Committee and local villagers were sought again before the OZP was published.

51. As Members had no further question to raise, the Chairman thanked the Government representatives, representers and representer’s representatives for attending the meeting. They left the meeting at this point.

52. The meeting was adjourned at 3:55 p.m.

1. The meeting was resumed at 9:10 a.m. on 19.5.2014.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor P.P. Ho

Dr C.P. Lau

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr Francis T.K. Ip

Mr Peter K.T. Yuen

Deputy Director of Lands (General)  
Mr Jeff Y.T. Lam

Deputy Director of Environmental Protection  
Mr C.W. Tse

Assistant Director (2), Home Affairs Department  
Mr Frankie W.P. Chou

Director of Planning  
Mr. K.K. Ling

Presentation and Question Session  
[Open Meeting]

3. The following representatives of the Planning Department (PlanD) and the Agriculture, Fisheries and Conservation Department (AFCD), representers, representer's representative, commenters and commenters' representatives were invited to the meeting at this point:

Mr C.K. Soh	District Planning Officer/Shau Tin, Tai Po & North (DPO/STN), PlanD
Mr David Y.M. Ng	Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD
Mr Ivan M.K. Chung	District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD
Ms Lisa Y.M. Chau	Town Planner/Sai Kung (TP/SK), PlanD
Mr Cary P.H. Ho	Senior Nature Conservation Officer (South), (SNC/S), AFCD
Mr K.W. Cheung	Senior Nature Conservation Officer (North), (SNC/N), AFCD



Mr Alan L.K. Chan

Senior Marine Parks Officer (SMP), AFCD

Mr K.S. Cheung

Country Parks Officer (Special Duty)  
(CPO/SD), AFCD

**Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1**

R2342 - Stefan Behr-Heyder

HH-R10750 - Nicola Newbery

Mrs Nicola Newbery

## Representer and Representer's representative

R9907 - Andy Cornish

Dr Andy Cornish

Representer

**Comments in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1**

C263 - Ronald Taylor

Mr Ronald Taylor

Commenter

C274 - Rosalind Kep

Mrs Jo Wilson

Commenter's representative

C643 - Liu Su

Ms Liu Su

Commenter

C1018 - Stefan Behr-Heyder

C1057 - Christian Hirth

C2529 - Karina O'Carroll

Mrs Nicola Newbery

Commenters' representative

C1638 - 黃宇祺

C1787 – Nikki Suen

Mr Tony Nip,	Commenters' representative
Kadoorie Farm & Botanic Garden	

C2864 - Ruy Barretto S.C.

Mr Ruy Barretto S.C.	Commenter
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C3645 - David Newbery

Mr David Newbery	Commenter
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C3657 - The Hong Kong Countryside Foundation

Mr Edward Michael	Commenter's representative
Southern Kilburn	

**Comments in respect of Draft So Lo Pun OZP No. S/NE-SLP/1**

SLP-C3669 - Wong Hing Cheung

SLP-C3673 - 黃瑞強

SLP-C3675 - Margaret Wong

SLP-C3676 - Wayne C Wong

SLP-C3677 - Wong So Chun

Mr Wong Hing Cheung	Commenter and Commenters' representative
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SLP-C3670 - Wong Yau Man

Mr Wong Yau Man	Commenter
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SLP-C3672 - Jane Wong

Ms Jane Wong	Commenter
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4. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the "Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of

the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1” (Guidance Notes) which had been provided to all representers/commenters prior to the meeting. In particular, he highlighted the following main points:

- (a) in view of the large number of representations and comments received and some 100 representers/commenters had indicated that they would either attend in person or had authorised representatives, it was necessary to limit the time for making oral submissions;
- (b) each representer/commenter would be allotted a 10-minute speaking time in respect of each OZP. However, to provide flexibility to representers/commenters to suit their circumstances, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and/or requesting for extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already submitted to the Town Planning Board (the Board) during the exhibition period of the respective OZPs/publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the Chairman might request the representer/commenter not to repeat unnecessarily the same points of arguments which had already been presented by others at the same meeting. Representers/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to Members for their consideration.

[Mr C.W. Tse returned to join the meeting at this point.]

5. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers/commenters and their representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up.

6. The Chairman said that the representatives of PlanD would be invited to make a presentation on the three draft OZPs. After that, the representers/authorized representatives would be invited to make oral submissions. After the oral submissions, there would be a question and answer (Q & A) session which Members could direct question(s) to any attendee(s) of the meeting. After the Q&A session, the commenters/authorized representatives would be invited to make oral submissions before another Q&A session. Lunch break would be from about 12:45 pm to 2:00 pm and there might be one short break in the morning and one to two short breaks in the afternoon, as needed.

[Ms Christina M. Lee and Mr Clarence W.C. Leung returned to join the meeting at this point.]

7. The Chairman then invited Mr C.K. Soh, DPO/STN, PlanD, to brief Members on the representations and comments with respect to the Draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1 and the Draft So Lo Pun OZP No. S/NE-SLP/1. With the aid of a Powerpoint presentation, Mr Soh repeated the presentation that was made in the hearing session on 28.4.2014 as recorded in paragraphs 9 and 10 of the minutes of 28.4.2014.

[Mr Roger K.H. Luk and Mr H.W. Cheung left the meeting temporarily while Mr Dominic K.K. Lam and Ms Julia M.K. Lau returned to join the meeting at this point.]

8. After the presentation by Mr Soh, the Chairman then invited Mr Ivan M.K. Chung, DPO/SKIs, PlanD, to brief Members on the representations and comments with respect to the Draft Pak Lap OZP No. S/SK-PL/1. With the aid of a Powerpoint presentation, Mr Chung repeated the presentation that was made in the hearing session on 28.4.2014 as recorded in paragraph 11 of the minutes of 28.4.2014.

[Mr H.W. Cheung returned to join the meeting at this point.]

9. The Chairman then invited the representers and representer's representative to elaborate on their representations.

R2342 - Stefan Behr-Heyder

HH-R10750 - Nicola Newbery

10. With the aid of a Powerpoint presentation, Mrs Nicola Newbery made the following main points:

- (a) she first visited Hong Kong in 1966, emigrated to Hong Kong 20 years ago, studied environmental impact assessments and founded Friends of Ho Ha (FOHH) in 2003;
- (b) the natural landscape of the New Territories had changed a lot in the past years and the remaining areas in the country parks and marine parks were under development threats;
- (c) Hoi Ha was a site of outstanding natural beauty. It was a popular tourist destination and field trip site attracting 96,000 visitors a year. People came to swim, snorkel, kayak, scuba-dive, sail boats and study ecology. It had been made a Site of Special Scientific Interest in 1989 and a marine park in 1996. There were 64 species of hard stony corals in Hoi Ha. Protected birds, such as White-bellied Sea Eagle and Osprey and vulnerable Yellow Seahorses were found at Hoi Ha. A protected marine bird, Cormorant, visited Hong Kong in winters passing through the area. The river valley and Marine Park of Hoi Ha were biodiversity hotspots. The various natural features in Hoi Ha were valuable habitats of wildlife. They were:
  - (i) mangroves which formed the only colony in the world for a mangrove moth, *Eristena*, and provided nectar through the flowers grown in the mangroves for carpenter bees and wasp moths;
  - (ii) marshlands, which started at the coast, were full of fresh water

shrimps and covered in marsh plants which attracted insects, such as dragonflies and grasshoppers. Some of these marshes were seasonal marshes, which had been zoned “Village Type Development” (“V”) on the draft Hoi Ha OZP. There were frogs and hundreds of species of moths, including the *Erebus hieroglyphica* belonging to the Owllet Moth family, found in the seasonal marshes at Hoi Ha;

(iii) streams which flowed through the forests and marshes at Hoi Ha into the sea. Luxuriant vegetation was found on both banks of the main Hoi Ha stream. It was not understood why one side of the stream could be country park while the other side was zoned “V”. The main stream got rare species of fish and birds. Crabs also lived in the stream and protected orchid was found alongside the banks. Another stream ran parallel to the main Hoi Ha stream was a habitat for fish, shrimps and crabs;

(iv) forests which were described as abandoned agricultural land were found behind the marshes on the valley floor. They were 50 years old. There were champion trees, such as Banyan, lived in harmony with native epiphyte and the bracket fungus thrived on dead trees. A “fung shui” forest was found on the eastern part of Hoi Ha. It was a mature and relatively undisturbed forest covered with dense and tall trees and vines, including the protected species, *Aquilaria sinensis*. It was rich in flora and fauna, including India Muntjac deer, porcupines, leopard cats, wild boar, snakes, monkeys, beetles and ants. The forest was of high ecological value and was very important for maintaining biodiversity. The forest was recently proposed for a “Green Belt” (“GB”) zone as a reserve of building land. It was impossible to remove part of the forest without affecting the rest of it; and

(v) open canopy shrubland, which was habitat for hundreds of species of butterflies;

- (d) the ecological data provided by AFCD were poor. While AFCD's data on the flora and fish were acceptable, there was a big difference between the data of AFCD and those of the non-governmental organisations (NGOs) including the Hong Kong Wildlife, FOHH, Kadoorie Farm & Botanic Garden and Hong Kong Birdwatching Society, in respect of the number of species of butterflies, birds, moths and spiders found at Hoi Ha. The Government had ignored the ecological data of the NGOs. AFCD had not provided the required data for the Board to make planning decisions;
- (e) Hoi Ha was facing an environmental disaster. If development was allowed in the forest, tree would be felled and there would be nothing left in the river valley. It would herald the death of the Hoi Ha Wan (HHW) Marine Park since it was the forest that kept the sea clean and the corals healthy. Hoi Ha would become a monument to the Small House policy; and
- (f) Hoi Ha's habitats and biodiversity should be protected. The trees in the forests, the streams and the marshlands should respectively be protected from being felled, diverted and drained in order to save the marine park. There was more than enough room within the existing village for Small House development. Therefore, development should be confined to the existing village. The "fung shui" forest and the waterlogged wetland of Hoi Ha, and the coastal area should be zoned "Conservation Area" ("CA") and "Coastal Protection Area" ("CPA") respectively. 'Agriculture' should be put under Column 2 uses to deter 'destroy first, build later' tactics.

[Actual speaking time of R2342 and HH-R10750: 21 minutes]

R9907 - Andy Cornish

11. With the aid of a Powerpoint presentation, Dr Andy Cornish made the following main points:

- (a) he was a marine ecologist and had studied the reef fish community at Hoi Ha since 1995. The current land use proposals for Hoi Ha would be a

great threat to the coral community;

- (b) there were 84 hard coral species recorded in Hong Kong, more than those in the Caribbean. Coral community in Hong Kong was subject to natural stress of big annual temperature fluctuation, low salinity and low water clarity, which prevented the formation of true coral reefs;
- (c) in addition, human induced stress, such as pollution, had already led to a loss of a significant amount of corals in the inner Tolo Harbour;
- (d) although it appeared that Hoi Ha had a rich coral community, it was fragile and was limited to a small area which was three to four metres under the sea due to the light requirement for coral growth. Corals in Hoi Ha were also subject to bio-erosion. Mussels and sea-urchins drilled holes in corals. Over-fishing of blackspot tuskfish, which was a natural predator of sea-urchins, in Hong Kong had led to a sharp decrease in the population of the fish and a massive increase in the population of sea-urchins, causing damages to the coral community;
- (e) some fishes needed live coral to survive and coral communities were important nursery grounds for fishes such as snappers and groupers. The continued presence of corals would help support commercial fishery; and
- (f) another natural stress to the coral community was global warming, by which the coral reef systems could be eliminated by mid to late this century. In order not to aggravate the situation, commercial fishing should be forbidden in the marine park and developments in Hoi Ha should be restricted before an alternative sewage disposal system was in place to control the amount of pollution being discharged into the marine park. More than 40 village houses using septic tanks for sewage disposal would be a direct threat to the coral community.



12. As the presentation from the Government representatives, representers and a representer's representative had been completed, the Chairman invited questions from Members.

13. Two Members asked whether there would be land zoned for "V" in forest and marshland and whether Government department had any comments on septic tanks in the "V" zone. In response, Mr C.K. Soh said that the western part of the proposed "V" zone was occupied by relatively undisturbed woodland comprising mature trees and plant species of conservation concern. As advised by AFCD, this woodland was covered with trees regenerated through natural succession on abandoned agricultural land. After reviewing the latest evidence and based on the AFCD's advice, to minimise any possible adverse impact on the existing habitats, consideration could be given to revise the boundary of the "V" zone by excluding the relatively undisturbed woodland in the western part of the "V" zone and rezoning the area and the adjacent "GB" to "GB(1)". The proposed "GB(1)" zone was so designed to provide a higher degree of protection to the concerned woodland and wet agricultural land. At the same time, a piece of Government land mainly covered by small trees, shrubs and grass to the east of the village cluster could be considered for rezoning from "CA" to "GB" to reflect its current landscape character. Applications for Small House development within the "GB" zone might be considered by the Board on their individual merits.

[Ms Anita W.T. Ma left the meeting temporarily at this point.]

14. Regarding the use of septic tanks and soakaway (STS) system, Mr Soh said that the design and construction of on-site STS system for any development proposals/submissions needed to comply with relevant standards and regulations, including the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department". The ProPECC also set out the design standards, including the requirement for soil percolation tests. These requirements would help identify the appropriate ground conditions suitable for the construction of septic tanks. As advised by EPD, in considering whether a site was suitable for septic tank construction, a number of site-specific conditions needed to be taken into account, which included proximity of rivers/streams, depth of ground water table, flooding risk, etc. These considerations had been taken into consideration in

preparing the OZP.

15. A Member asked about the distance between the beach and the northernmost boundary of the “V” zone, the number of existing houses in Hoi Ha and whether these houses were using septic tanks. In response, Mr Soh said that to the north of the “V” zone was a “CPA” zone covering the beach and other coastal features, and the distance of the northernmost boundary of the “V” zone to the northernmost boundary of the “CPA” zone fronting the Marine Park ranged from about 25 m to 40 m. There were currently about 30 houses at Hoi Ha. They were all served by septic tanks. The design of the septic tanks might vary according to the requirements prevailing at the time when the houses were built. For those that were built before ProPECC PN 5/93 was promulgated, they might not be able to meet the current standard.

16. A Member asked about the basis of estimating a Small House demand of 94, noting that there were only 7 Small Houses approved at Hoi Ha in the past 17 years. Mr Soh advised that the estimate was provided by the Lands Department (LandsD), which included 10 outstanding applications and 84 for the 10-year forecast. For the development of 94 Small Houses, about 2.35 ha of land would be required. As the available land of the revised “V” zone had been reduced to 1.02 ha, only about 40 Small Houses could be accommodated within the “V” zone. Another Member asked whether there was any rejected Small House application within the “V” zone. With the aid of a plan displayed on the visualizer, Mr Soh said that the rejection cases were all outside the “V” zone but still within the ‘village environs’ of Hoi Ha.

17. A Member noted that the representers emphasized the importance of looking at the ecosystem as a whole including the stream, the marshland, the inner sea area and the outer sea area. A change in part of the environment would have impacts on the remaining parts. Besides, the representers also opined that development would definitely bring about destruction to the environment. The Member asked if the Government shared the same views of the representers. The Chairman and another Member also asked if there was any test or standard on water quality available to indicate that the proposed further Small House development at Hoi Ha would be environmentally acceptable. In response, Mr Soh said that there was no dispute that Hoi Ha was an integral part of the larger ecosystem comprising the Hoi Ha proper and the surrounding country park and marine park. When preparing the OZP,

“CA” and “CPA” zones were designated to protect areas of high ecological and conservation value, such as the woodlands and the coastal area. As further information was collected, the woodland and wetland of conservation value to the west of Hoi Ha Village were proposed to be rezoned “GB(1)” for better protection. In addition, to ensure that village type development in the area would not impose unacceptable impacts on the marine park, the water quality there had been under close monitoring by EPD and AFCD through long-term water quality monitoring programme at the marine park. LandsD would also circulate Small House applications to relevant Government departments, including AFCD, EPD and PlanD for comments. The applicants had to demonstrate that the proposed developments would comply with the requirements of the relevant Government departments before they could be approved. Percolation test for proposed STS system would be one of the requirements for village type developments at Hoi Ha. As such, although land had been reserved for the development of 40 Small Houses, Small House applications would not be approved as of right by LandsD.

[Dr C.P. Lau left the meeting temporarily at this point.]

18. To supplement, Mr Alan L.K. Chan, SMP, AFCD said that the HHW Marine Park was ecologically significant. The importance of the marine park and its relationship with the surrounding environment as presented by the representers were generally correct. AFCD shared the same view that any development in the area should not bring about adverse impact on the water quality and ecology of the marine park. Discharge of sewage and effluent must also comply with the relevant statutory requirements. AFCD had expressed their views to PlanD when the draft Hoi Ha OZP was circulated for comment. At present, AFCD had three offshore stations within HHW Marine Park to monitor the water quality and ecological conditions of corals at the marine park since 1998. Long-term water quality monitoring close to the coral sites in the marine park indicated that the water quality was good as a whole. AFCD and EPD would continue to monitor the water quality of the HHW Marine Park.

19. A Member noted that there were discrepancies between the ecological data provided by AFCD and the NGOs, and asked whether the findings of the ecological survey of the NGOs would change AFCD’s views on the conservation value of the area. In response, Mr Cary P.H. Ho, SNC/S, AFCD said that in advising PlanD during the

preparation of the OZP, AFCD had emphasised more on the preservation of habitats with high conservation value rather than on records of individual species or specimens of conservation interest. Important habitats such as native woodlands and the riparian zone as well as the wetland, which could provide suitable habitats supporting a variety of species, were covered by conservation zonings. With the proposed rezoning of areas of woodland from “V” and “GB” to “GB(1)”, the percentage of conservation zonings at Hoi Ha would be increased from 68% to 74%.

[Dr W.K. Yau returned to join the meeting at this point.]

20. In response to the Chairman’s question, Dr Andy Cornish said that he was not aware of any study which examined if the proposed “V” zone would cause an unacceptable impact on the water quality of the HHW Marine Park. Members should consider whether any impact assessments should be done to show that the use of septic tanks in this sensitive area was acceptable.

21. The Chairman asked for Dr Cornish’s view whether he considered the whole Hoi Ha Village, which was causing pollution to the area to a certain extent, should be relocated for the well being of the coral community in the marine park. In response, Dr Andy Cornish said that it was more appropriate to connect all the village houses to a primary sewerage system to stop reliance on septic tanks instead of relocating the village. There were engineering solutions to sewage disposal for future village houses. Mr David Newbery supplemented that ideally speaking, the village should be relocated because of the pollution concern but it would not be realistic to do. Given the small number of existing village houses, the pollution problem was not significant. However, the problem would be aggravated when the number of village houses was doubled or even more.

[Ms Julia M.K. Lau left the meeting temporarily at this point.]

22. A Member asked if any water modelling had been done for HHW to ascertain that the water quality there met the relevant legislation or the requirements of technical memorandum under the Environmental Impact Assessment Ordinance, and whether bio-treatment of sewage had been considered. Mr C.K. Soh said that if the STS system was not suitable because of site characteristics or soil texture, there would be technical

alternatives, such as bio-treatment and the filter system adopted in public toilets in the country parks. Mr C.W. Tse, Deputy Director of Environmental Protection, supplemented that EPD had an interest in the water quality at Hoi Ha. To address the suitability issue of using STS system at specific locations, EPD had discussed that with LandsD. When Small House applications were processed, a certified percolation test would be required to confirm that the soil conditions of the application site were suitable for use of STS system. Failure to pass the test might result in rejection of the Small House application. Regarding assessment of water quality, AFCD had all along kept monitoring the water quality of the marine park. There were about 40 existing Small Houses in Hoi Ha. The quality of the main water body of the marine park had been very good and there was no evidence to show that an increase in the number of Small Houses would result in significant adverse impacts on the quality of the main water body of the marine park. EPD could take enforcement actions if any person failed to carry out proper maintenance of the septic tanks. Technically, the Small Houses could adopt alternative sewage treatment technologies which, however, would be more costly. Mr Alan L.K. Chan added that AFCD would continue to monitor the water quality of HHW and pass the data to EPD for interpretation and follow-up actions.

23. A Member noted that “fung shui” forest was part of the heritage of the Hakka clan and asked whether consideration should be given to retaining the “CA” zoning of the concerned part of the “fung shui” forest (proposed to be rezoned to “GB” by PlanD) to allow the forest to recuperate from its previous disturbance and thereby preserve the integrity of the forest. Otherwise, future Small House development in the part would lead to fragmentation of the forest. In response, Mr C.K. Soh said that there was some overlapping of the proposed “GB” zone and the “fung shui” forest. However, in view of the current landscape character, the proposed “GB” zoning for the disturbed forest was considered appropriate. The Board might consider Small House applications under section 16 of the Town Planning Ordinance based on individual merits under the “GB” zoning, and those involving felling of trees would not be recommended for approval.

24. A Member said that although the Small House policy was to cater for the housing need of the indigenous villagers, there were non-indigenous villagers living at Hoi Ha. The Member asked about (a) the number of indigenous and non-indigenous villagers living at Hoi Ha at the moment; (b) the original purpose of building Hoi Ha Road; and (c) the impacts of the 96,000 people visiting Hoi Ha annually on the water quality of HHW.

Regarding the Small House policy, Mr Jeff Y.T. Lam, Deputy Director of Lands, advised that only indigenous villagers were allowed to submit Small House applications. Applicants had to comply with the requirements of the relevant Government departments before the applications would be approved by LandsD. Small House grants could be in the form of a building licence or a private treaty grant which would be subject to a five-year and a perpetual non-assignment restriction respectively. Any proposed assignment within the non-assignment period would require approval from LandsD to remove the restriction and premium payment. Thus, the owner of a Small House could be a non-indigenous villager after assignment. In response to the Member's questions on Hoi Ha Road, the visitors to Hoi Ha and the number of indigenous villagers living at Hoi Ha, Mr C.K. Soh said that Hoi Ha Road was constructed for a water supply facility and not intended particularly for the development of the area. The water sports activities carried out by visitors would inevitably bring about some pollution to the sea. However, the data provided by AFCD indicated that the overall water quality of HHW was good. Regarding the number of indigenous villagers living at Hoi Ha, no exact figure was readily available but it was noted that there were many non-indigenous residents.

[Ms Julia M.K. Lau returned to join the meeting at this point.]

25. Regarding the number of indigenous and non-indigenous villagers, Mrs Nicola Newbery supplemented that there were 30 houses at Hoi Ha. The non-indigenous villagers outnumbered the indigenous villagers by about five to one. None of the houses that were built in the last seven years was occupied by indigenous villagers. As for the impact of the visitors, she said that the sea would be made frothy by non-biodegradable detergents used by visitors on busy days. AFCD did not monitor the water quality close to the shore and said that there was no pollution in the sea. For Hoi Ha Road, it was constructed in the 1980s when the High Island Reservoir was built to provide access to a water pumping station.

[The meeting was adjourned for a short break of 5 minutes.]

[Mr Roger K.H. Luk returned to join the meeting, Mr Clarence W.C. Leung left the meeting, and Ms Julia M.K. Lau and Mr Frankie W.P. Chou left the meeting temporarily at this point.]

26. The Chairman invited the commenters and commenters' representatives to

elaborate on their comments.

C263 - Ronald Taylor

27. With the aid of a Powerpoint presentation, Mr Ronald Taylor made the following main points:

- (a) he was a hiker enjoying the country parks of Hong Kong for 40 years;
- (b) Hoi Ha, So Lo Pun and Pak Lap were bordered by country parks. Changes to the village size in the areas would have an impact on the adjacent country parks. A buffer area should be in place to protect the country parks from the adverse impact of village type developments. The “CA” zones surrounding the “V” zones on the OZPs were insufficient to act as proper buffer areas to protect the country parks;
- (c) the Director of Agriculture, Fisheries and Conservation (DAFC) acting as the Country and Marine Parks Authority under the Country Parks Ordinance, had the duties, amongst others, to take measures in respect of country parks and special areas as he thought necessary to encourage their use and development for the purpose of recreation and tourism; and to protect the vegetation and wildlife inside the country parks and special areas;
- (d) regarding Hoi Ha, any development within the “V” zone would attract traffic on Hoi Ha Road which traversed through the country park. The increased traffic generated by residents would be detrimental to the country park users. The agricultural land, either be used for agriculture or allowed for nature to reclaim, at Hoi Ha should serve as a buffer between the “V” zone and the country park instead of putting up for development to reduce the value of the country park;
- (e) a planned population of 590 persons at Hoi Ha was misguided as the 2011 population was only 110. In the past 18 years, there were only 7 Small

Houses approved in the area. Many of the Small Houses were not occupied by indigenous villagers. There had been an abuse of the intent of the Small House policy;

- (f) with respect to So Lo Pun, there was no one living in the area in 2011. A demand of Small House developments for a population of 1,000 people was inconceivable. There were no access road and no public sewerage system at So Lo Pun. Water supply to the area was limited. Provision of such infrastructural facilities to the area would cause adverse impacts on the country park. There was a danger that any development at So Lo Pun would become an abandoned eyesore like an existing residential development on the Chi Ma Wan peninsula. If the proposed “V” zone was the first step to create a commercial resort in the area, there was every reason not to create a large “V” zone for 134 houses. Any development should be restricted to the existing structures;
- (g) in respect of Pak Lap, it was surrounded by the country park on all sides. Any access or provision of infrastructural services to the area must pass through the country park and was bound to impact on the value of the country park. The planned population of 230 was five times the reported population in 2011. It was suspicious whether the planned population was a population of weekend visitors for a commercial resort. Given that the Government had succeeded in deterring the “destroy first, build later” tactics of a developer earlier in Pak Lap, there was no justification to allow the developer or his successor to develop Pak Lap at the expense of the surrounding country park; and
- (h) incorporating all the three enclaves into the relevant country parks would be an effective measure to stop the “destroy first, build later” approach of developers.

[Actual speaking time of C263: 14 minutes]



28. With the aid of a Powerpoint presentation, Mrs Jo Wilson made the follow main points:

- (a) she was the Chairperson of Living Lamma, a group campaigning for improvement to Lamma's environment and facilities since 2009;
- (b) although Hoi Ha and Lamma were at opposite ends of Hong Kong, they had characteristics in common. It would be useful to share the experience of Lamma as, without care and attention, Hoi Ha might follow the same path leading to the situation which Lamma faced;
- (c) Lamma had stunning scenery. The rehabilitated former quarry had become a nature park and South Lamma was magnificent. Like Hoi Ha, Lamma was facing significant development pressure. A consortium of developers had bought up seven areas on Lamma and was in the course of seeking planning approval for development;
- (d) land in the rural New Territories had become shabby and unproductive because of land banking and fencing off of government land from unauthorized uses, leaving land derelict. The chaotic Small House developments and the lack of suitably planned facilities also played a part. Provision of public facilities, whether in urban or rural areas, was based on standard design and procedures. All these were making it quite impossible in some cases for residents and visitors to enjoy a clean and safe living environment, let alone the obvious threats to nature;
- (e) Hoi Ha, with mangroves and coral habitats, was like Lamma an area of ecological importance. But the ability to protect the ecology there was in serious doubt. The overall impression of the area was one of neglect. Places of ecological importance in Hong Kong, such as an habitat for Romer's tree frog and the nesting ground for the green turtles on Lamma, had either become dumping grounds or been closed year round not being used for educational purpose or for creating local employments;

- (f) failure of planning had entailed not only dumping in many places, such as on beaches, but was also coupled with the lack of effective measures to instil environmental responsibility in people to change their habits. The standards of site management and waste disposal were very low;
- (g) a town planner had once demonstrated ways to introduce community recycling facilities and develop the waterfront on Lamma so that its natural features could be retained and enhanced. However, the suggestion was ignored in favour of a concrete reclamation that destroyed the natural coast; and
- (h) it might have been satisfactory to ignore sustainability 20 years ago. However, the environment had deteriorated to such an extent that sustainability could no longer be neglected. Members were invited to visit Hoi Ha, So Lo Pun and Pak Lap which were under threat or suffering from outdated planning procedures before making a decision about the future of the enclaves. Following standard design and procedures, and making decisions without visiting the places were not appropriate.

[Actual speaking time of C274: 12 minutes]

C643 - Liu Su

29. Ms Liu Su made the following main points:

- (a) although the Government had made progress in protecting the enclave in the country park in the Sai Wan incident, the current development proposals on the OZPs were backward moves that neglected the conservation needs of the areas. Decisions on the land uses in these areas should be made after serious consideration to regain the trust of the community;
- (b) there were loopholes and fundamental flaws in the Small House policy. Before a decision on meeting the unceasing Small House demand with

limited land resources was made, the Small House policy should be implemented sustainably. Besides, it was doubtful whether the projected Small House demand for the areas concerned was genuine. A holistic, instead of a piecemeal, approach to tackle the Small House problem should be adopted;

- (c) the country parks were established for conservation purpose. The ecology of these areas should be safeguarded and not to be compromised;
- (d) currently, about 70 to 80% of Hong Kong's water supply was imported from Mainland. To secure a local supply of fresh water, preserving the naturalness of the country parks as well as the enclaves was very important; and
- (e) development should not be at the cost of future generations. As shown in the satellite image on the visualizer, the changes of landscape in Hong Kong and Shenzhen in the past years had been significant. The future generations' right to the natural environment should not be sacrificed by the current development proposals.

[Actual speaking time of C643: 8 minutes]

C1018 - Stefan Behr-Heyder

C1057 - Christian Hirth

C2529 - Karina O'Carroll

30. With the aid of a Powerpoint presentation, Mrs Nicola Newbery made the following main points:

- (a) Hoi Ha was an enclave surrounded by the country park and the marine park. It was a Site of Special Scientific Interest. The "V" zone of Hoi Ha also sat on a site of archaeological interest. Artefacts found were dated back to the Stone Age;

- (b) Hoi Ha was a biodiversity hotspot rich in habitats. There were beaches, mangroves, intertidal area and marine habitats providing homes for plants and animals, fish, birds and insects. There were rare species of flora and fauna which could only be found at Hoi Ha but nowhere else in Hong Kong or in the world;
- (c) the undersea world at Hoi Ha was fascinating. It would be in the public interest to conserve this natural environment;

“CA” zoning for forest

- (d) Hoi Ha had forest in the valley and on the hillsides. The Hoi Ha main stream ran through the forest into the sea. The area between the main stream and Hoi Ha Road used to be paddy fields 50 years ago. After the villagers left in the 1970s for overseas, the nature reclaimed the paddy fields. The areas which had now become forest were zoned “V”. There was another stream near the roundabout of Hoi Ha Road but it was not marked on the planning map prepared by PlanD;
- (e) there were marshlands at Hoi Ha, both seasonal and permanent marshes. They drained onto the beach and then into the sea. They were full of wildlife;
- (f) the “fung shui” forest, which was zoned “CA”, was currently proposed to be rezoned to “GB”. The “GB” zone provided no protection to the natural habitats and was not justified. There was no disturbed tree and the forest was impenetrable. The open canopy shrubland found in the forest was natural because there was a boulder bed. The massive boulders had prevented trees from growing on them;
- (g) with Hoi Ha being zoned for development and as a “GB” for future building land, it contravened the Convention on Biodiversity that Hong Kong had signed, in which it stipulated that land adjacent to protected areas, such as marine park and country park, should be protected from development;

‘Agricultural Use’ under Column 2

- (h) the usual tactic of developers was to destroy anything of ecological value first and then develop later. They would bulldoze the forest, clear the land, drain the marshes and divert the streams to establish a temporary farm or market garden. Then, they would apply to build on the degraded land since the land was no longer of ecological value;
- (i) the reason why Hoi Ha had exceptionally good coral coverage was that the water was clean and unpolluted. It was the forest and the marshland that kept the sea clean. By removing the forest, diverting the streams and draining the marshland, the valley would be covered in bare soil, which would be washed into the sea and killed the corals when it rained. Besides, pesticides, herbicides and fertilizers used in farming would be washed off into marshland, streams and into the sea to kill life in these habitats;
- (j) ‘Agricultural Use’ should be put under Column 2 of the Notes. There was no longer any farmland at Hoi Ha. Nature had reclaimed what used to be farmland when the villagers emigrated to the United Kingdom in the 1970s and changed the river valley back into habitats. There were 50-year old forest, marshland, and open-canopy shrubland. Putting ‘Agricultural Use’ under Column 2 would not stop farming, which could still be allowed upon application;

Small House development inappropriate

- (k) the abuses of the Small House policy and rezoning for development had replaced fishing as the greatest threat to the marine park;
- (l) there was no access for emergency vehicles and no parking at Hoi Ha. There was no town planning for village type developments. The houses did not conform to the building regulations. Waste water, which was not monitored nor treated, from Hoi Ha village houses went directly into storm drains and then into the sea. On a busy day, the sea at Hoi Ha was frothing and foaming with detergents and shampoo used by visitors to wash themselves and their dogs after bathing in the sea;

- (m) the river valley for Small House developments was a waterlogged flood plain with streams overflowing their banks in the rainy season. It was a habitat for marshland water plants;
- (n) the use of septic tanks to discharge effluents was not environmentally friendly. Flooded areas were not suitable for building or for siting septic tanks. The water table of the “V” zone was high and the area was prone to flooding during storms;
- (o) with the use of septic tanks, bleaches, non-biodegradable detergents, E-coli and endocrine disrupting compounds (EDCs) would be discharged into the marshes, streams and sea. Toxic waste would accumulate in the lagoon. Life in the streams, marshland and intertidal areas would be killed or damaged and EDCs would interfere with the sexuality of fish in the marine park. The mangroves and marine life would be adversely impacted by waste from additional septic tanks; and
- (p) Hoi Ha had some of the cleanest waters in Hong Kong because of the surrounding forest and streams which kept the marine life, including the mangroves and corals, in good shape. It was a favourite spot for tourists and field trips. To protect the environment, zoning the area “CA” or “CPA” was the minimum. Hoi Ha should be saved for future generations.

[Actual speaking time of C1018, C1057 and C2529: 30 minutes]

31. The meeting was adjourned for lunch break at 1:00 p.m.

32. The meeting was resumed at 2:30 p.m. on 19.5.2014.

33. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow Chairman

Mr Stanley Y.F. Wong Vice-chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr Patrick H.T. Lau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

Presentation and Question Session

[Open Meeting]

34. The following representatives of the Planning Department (PlanD) and the Agriculture, Fisheries and Conservation Department (AFCD), the commenters and the commenters' representatives were invited to the meeting at this point:

Mr C.K. Soh	-	District Planning Officer/Shia Tin, Tai Po and North (DPO/STN), PlanD
Mr Ivan M.K. Chung	-	District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
Mr David Y.M. Ng	-	Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD
Mrs Alice K.F. Mak	-	Senior Town Planner/Sai Kung (STP/SK), PlanD
Ms Lisa Y.M. Chau	-	Town Planner/Sai Kung (TP/SK), PlanD
Mr Cary P.H. Ho	-	Senior Nature Conservation Officer (South) (SNC/S), AFCD
Mr K.W. Cheung	-	Senior Nature Conservation Officer (North) (SNC/N), AFCD
Mr Alan L.K. Chan	-	Senior Marine Parks Officer (SMP), AFCD
Mr K.S. Cheung	-	Country Parks Officer (Special Duty) (CPO(SD)), AFCD



**Comments in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1**

C1638 – 黃宇祺

C1787 – Nikki Suen

Mr Tony Nip, - Commenters' representative  
Kadoorie Farm &  
Botanic Garden

C2506 – Damian Ryan

C2535 – Renia Lopez

Ms Debby Chan, - Commenters' representative  
Designing Hong Kong Ltd.

C2864 – Mr Ruy Barretto S.C.

Mr Ruy Barretto S.C. - Commenter

C3645 – Mr David Newbery

Mr David Newbery - Commenter

C3657 – The Hong Kong Countryside Foundation

Mr Edward Michael - Commenter's representative  
Southern Kilburn

**Comments in respect of the Draft So Lo Pun OZP No. S/NE-SLP/1**

SLP-C3669 – Wong Hing Cheung

SLP-C3673 – 黃瑞強

SLP-C3675 – Margaret Wong

SLP-C3676 – Wayne C. Wong

SLP-C3677 – Wong So Chun

Mr Wong Hing Cheung - Commenter and Commenters' representative

SLP-C3670 – 黃佑民

Mr Wong Yau Man - Commenter

SLP-C3672 – Jane Wong

Ms Jane Wong - Commenter

35. The Chairman extended a welcome and invited the commenters and commenters' representatives to elaborate on their comments. For the efficient conduct of the meeting, the Chairman asked the commenters and their representatives not to repeat unnecessarily long the same points that had already been presented by previous representers/commenters.

C1638 – 黃宇祺

C1787 – Nikki Suen

36. With the aid of a Powerpoint presentation, Mr Tony Nip, Kadoorie Farm & Botanic Garden (KFBG), made the following main points:

- (a) he suggested that Members could look at the Powerpoint presentations made by him, as representative of KFBG (HH-R10883, SLP-R10821 and PL-R10739), at the hearing session on 8.5.2014, in particular regarding the problem of the Small House policy, landownership issue (i.e. majority of the land within "V" zone in Hoi Ha and Pak Lap were owned by development companies), the rare species recorded in the three country park enclaves (CPEs) (e.g. the living fossils (*Amphioxus*) in Pak Lap Wan, seagrass bed in So Lo Pun) and the undesirable "destroy first, reward later" approach adopted by the Board;

[Mr Roger W.H. Luk returned to join the meeting at this point.]

- (b) all three CPEs in Hoi Ha, Pak Lap and So Lo Pun had close relationships with water. Hoi Ha Wan (HHW) was an existing Marine Park whereas Pak Lap Wan was a proposed Marine Park with living fossils. In So Lo Pun, there were freshwater wetland, mangrove, reedbed and seagrass bed,

with Yan Chau Tong Marine Park nearby;

- (c) as shown in the two case studies of Lung Mei in Tai Po and Ma Wan New Village on Lantau Island in the previous presentation on 8.5.2014, the development of Small Houses had generated waste waters and pollutants which were illegally discharged to the nearby stream and sea;
- (d) there were currently 76 Small Houses in Ma Wan New Village using septic tank systems and about 3 to 4 restaurants operating in the village. According to the data from the Environmental Protection Department (EPD), the level of *E. coli* and *Faecal coliforms* in nearby streams in 2010-2013 were about 18,000 to 39,000 counts per 100ml and 54,000 to 120,000 counts per 100ml respectively. The level of Ammonia was 1.4mg/L. The water quality was as poor as those of Tin Shui Wan Channel, Yuen Long Nullah and Tuen Mun River and worse than that of Shing Mun River. The levels of pollution increased with the sharp increase in Small House developments from 1998 to 2011. Illegal underground drainpipes were built and connected with nearby streams to discharge waste waters. It was a common situation in the nearby villages;
- (e) as presented by a geologist at the previous hearing, the use of septic tanks and soakaway (STS) system was not feasible in Hoi Ha, Pak Lap and So Lo Pun which were situated in floodplains;
- (f) according to a study conducted by seven HKU professors on the levels of *E. coli* at HHW, it was shown that the coastal water at HHW was already highly polluted. Endocrine disrupting chemicals were also found in the coastal water. Such pollution was caused by human activities;
- (g) there were 30 existing Small Houses in Hoi Ha. According to the Outline Zoning Plan (OZP), there would be 40 new Small Houses in the future. For Pak Lap and So Lo Pun, there would also be 79 and 134 new Small Houses respectively. The increase in Small House developments would

have serious impact on the water quality;

- (h) the EPD Practice Notes for Professional Persons (ProPECC PNs) and the existing enforcement mechanisms did not prevent pollution nor protect water quality in “Village Type Development” (“V”) zones. PlanD could not ensure that there would be no pollution to the ecosystems near “V” zones. The problems raised in the representations had not been addressed directly in the TPB papers by PlanD;
- (i) the STS system was a source of water pollution and not a solution to sewerage problem in village areas. This was indicated by various statements made by the Government in the Legislative Council (LegCo) and its committee meetings as follows:

- (i) Pollution of streams (26.1.2005): the then Secretary for the Environment, Transport and Works stated that “as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams... to remain unsatisfactory.”;

[Mr C.W. Tse returned to join the meeting at this point.]

- (ii) Yuen Long and Kam Tin sewerage and sewage disposal (December 2005): the then Environment, Transport and Works Bureau stated that “village sewerage is part of the Government’s sewerage provision programme to improve the village environs and sanitary conditions of the unsewered areas in the New Territories. In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the

nearby public.”; and

- (iii) Yuen Long and Kam Tin sewerage and Lam Tsuen Valley sewerage (28.5.2012): EPD and the Drainage Services Department (DSD) stated that “at present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as STS systems). Such facilities might however become ineffective due to their proximity to watercourse or inadequate maintenance. Sewage from such areas has therefore been identified as a source of water pollution to nearby watercourses and the receiving waters of Deep Bay. The aforesaid situation will persist unless sewerage infrastructure is made available to collect and treat sewage from the areas concerned properly. STS systems operate by allowing the effluent to percolate through gravels whereby pollutants are removed in a natural manner. However, if a STS system is located in an area where the ground water table is high, such as an area in proximity to watercourse, it will not function properly due to ineffective percolation. Inadequate maintenance of STS system would affect their pollutant removal efficiency and might even lead to overflow of effluent.”

[Mr F.C. Chan returned to join the meeting at this point.]

- (j) under EPD’s Guidance Notes on Discharges from Village Houses, the user of a STS system was required to inspect, desludge and repair his STS system. As such, regular desludging was essential for the maintenance of a septic tank. However, many CPEs, including So Lo Pun and Pak Lap, were not served by roads so that the desludging vehicles could not access to those areas. Even though there was an access road to Hoi Ha, not every village house there could be desludged by vehicles. The health requirement of village houses were not enforced;
- (k) according to the same EPD’s Guidance Notes, a STS system was not

feasible in areas prone to flooding during storms, or with high groundwater table. However, ground water table was high in Hoi Ha, Pak Lap and So Lo Pun, even in dry season. They were also situated at river valleys prone to flooding during storms. As shown by some recent photos during rain storms, flood waters overflowed in Hoi Ha;

- (l) in gist, there was no evidence to justify PlanD's proposed solution of constructing many new STS systems in the "V" zones of the three CPEs to resolve the water pollution problem as there was no existing or planned sewer and it was not possible to provide sewer in the foreseeable future or proper maintenance for the STS systems. There were highly sensitive aquatic ecosystems in the three CPEs which were highly vulnerable to water pollution and also too many country park visitors. The current planning of the OZPs would only lead to pollution in the country parks. On the other hand, if the Government considered that STS system should not be used in these areas, it should be stated clearly in the OZPs;
- (m) although enforcement action by EPD was said to be one of the measures to deal with unauthorised sewage discharge, the following four actual cases showed that there were continued water pollutions despite some enforcement efforts had been made:
  - (i) Case 1 – Pollution in Kam Tin River: a television programme of 21.1.2010 investigated the issue of stream pollution and used Kam Tin River as an example. A tributary of Kam Tin River was suspected to be seriously polluted by the discharge from a food factory although the factory did not admit that. In a reply to LegCo in 2009, EPD mentioned that, since 2006, for water pollution cases related to food factories in the Northwest New Territories, 211 site inspections plus 81 night-time inspections had been carried out, but only six successful prosecutions were done. A resident said that even though 7 to 8 departments, including DSD, EPD, AFCD, Lands Department (LandsD) and PlanD, with some 20 people had attended a

joint site visit, EPD could do nothing and the Government so far could not solve the water pollution problem. From the photos taken in 2014, it was shown that the tributary was still extremely polluted and there was still not much improvement;

- (ii) Case 2 – Pollution in River Beas: Apple Daily reported on 22.5.2005 that the water pollution problem in River Beas had greatly affected the farmers in a village in Sheung Shui. The farmers had filed complaints to EPD and AFCD, but nothing changed. The farmers only demanded clean river water and they said the enforcement action of EPD was not effective. EPD replied that about 69 site inspections were carried out within 17 months, and four warning letters were issued. However, as the factories did not discharge sewage during EPD's inspection, the pollutants in the sewage samples collected did not exceed the legal standards and no prosecution could be made;
- (iii) Case 3 – Pollution in a stream on Hong Kong Island: Apple Daily reported on 2.6.2013 that a M.Phil. student of the University of Hong Kong observed that one of her stream sampling sites was polluted. The situation prevailed and she reported the case to EPD. The student also contacted the Ecological Advisory Programme of KFBG. She and KFBG both followed up the case with EPD. Some site visits were carried out and some 'warning letters' were issued by EPD to the nearby construction sites/renovation sites, but no one was prosecuted directly for causing water pollution. Finally, the student needed to abandon that site which was greatly affected by the pollution and was no longer suitable for her study; and
- (iv) Case 4 – Pollution in Deep Water Bay stream: in 2009, serious pollution was observed in the stream, which was an ecologically important stream. There was a construction site nearby. He complained the situation to EPD immediately. Prompt action was taken but no one was prosecuted after investigation as no muddy

water discharge was noted from the nearby construction site to the streamcourse during EPD's inspections. Pollution at the stream was observed again in 2010, 2012 and 2013 and he reported to EPD after each observation. While prompt action to investigate the cases was undertaken by EPD, no one was prosecuted;

- (n) regarding the enforcement under the Water Pollution Control Ordinance on stream pollution, the then Secretary for the Environment, Transport and Works said on 26.1.2005 in LegCo that "... as regards law enforcement, the front-line staff of EPD have indeed encountered considerable difficulties. A major reason is that according to the prevailing legal principles and law requirements, our enforcement staff have to collect valid effluent samples as evidence for prosecution. However, as illegal discharges can often be completed in a few minutes, it is very difficult to catch the culprits red-handed and collect evidence on the spot, which results in prosecution difficulties." Despite complaints and efforts, pollution was not prevented but continued. The best solution to the pollution problem was to put less or none pollution sources to the CPEs;
- (o) the proposed "V" zones in the three OZPs would affect their surrounding "Green Belt" ("GB") and "Conservation Area" ("CA") zones, the downstream areas and even the country parks outside the OZPs. There were streamcourses and wetland in So Lo Pun. The "V" zone of Pak Lap encompassed a stream. HHW was a Marine Park with many streamcourses. To merely monitor the performance of the STS systems and the pollution situations in these CPEs was not a solution as some of the problems might not emerge immediately. It was not possible to stop Small House developments, which was the major source of pollution, if the villagers were entitled to develop such within the "V" zones;
- (p) when Application No. A/NE-LYT/437 for 11 proposed Small Houses in the "Agriculture" ("AGR") zone at Leng Pei Tsuen, Fanling was considered by the Rural and New Town Planning Committee (RNTPC) on 8.7.2011, both



EPD and AFCD did not support the application. EPD indicated that they would tolerate the use of STS systems by a proposed development covering not more than 10 Small Houses as an interim measure for sewage disposal before public sewer was available. However, as the proposed development involved 11 Small Houses, EPD would not tolerate the use of STS systems as the development with such a scale would have a higher potential to cause pollution. Nevertheless, when a Member asked if the proposed 11 Small Houses were covered by separate applications, whether EPD would tolerate the use of septic tanks by these Small Houses, EPD only gave an arbitrary reply. Members then considered that if the proposed Small Houses submitted under separate applications would be approved, that application for 11 Small Houses could also be approved. From this case, it could be expected that the Board would not be able to guarantee that the 40 reserved Small Houses at Hoi Ha would not be approved one by one or even all at a time;

- (q) the green groups had been compromising with proposed developments in the rural areas over the past few years, such as in the Frontier Closed Area and the North East New Territories. The Government was also proposing to develop Lantau Island and Yuen Long South. Some of the proposed development areas of the CPEs were at the outskirts or even in the middle of country parks. There was no way for the green groups to further compromise;

[The Vice-chairman returned to join the meeting at this point.]

- (r) he wondered whether the Board would keep using the incremental approach to allow developments in the CPEs, say if the villagers asked for 1,000 Small House sites, the Board would give them 500 sites. Although the Board might argue that the village areas being reserved were based on the demand from lists of genuine eligible male indigenous villagers, in the case of Tai Long Wan, the “V” zone designated by the Board only covered the existing village area even though the villagers had provided a name list of

eligible villagers to the Board; and

- (s) in conclusion, the “V” zones designated in the three OZPs were all not justifiable in that their extents were rebutted by scientific evidence from the experts; the data from EPD demonstrated that a single Small House could lead to great deterioration in stream water quality; the geology and water table levels of the sites were not duly taken into account; the ProPECC PNs, the existing enforcement mechanisms and the proposed monitoring of situations were all ineffective in preventing water pollution; and the zonings were against the majority view of the public and not in line with the previous practice for Tai Long Wan. It should be noted that the preparation of Development Permission Area (DPA) plans for the Hoi Ha, So Lo Pun and Pak Lap areas was due to the destruction activities such as vegetation and site clearance being detected in these areas some years ago that statutory planning control was considered necessary to stop the deteriorations. It was hoped that the Board would keep its pledge of not tolerating any “destroy first, build later” activities, and would not approve the three OZPs by ignoring the evidence presented and the public view.

37. The Chairman said that the videos of the first three hearing sessions on the representations in respect of the three OZPs held on 28.4.2014, 8.5.2014 and 12.5.2014, including the presentations of Mr Tony Nip, as representative of KFBG (HH-R10883, SLP-R10821 and PL-R10739), in the previous session on 8.5.2014, had already been distributed to Members for reference.

[Actual speaking time of C1638 and C1787: 36 minutes]

C2506 – Damian Ryan

C2535 – Renia Lopez

38. With the aid of some documents, Ms Debby Chan, Designing Hong Kong Limited (DHKL), made the following main points:

- (a) DHKL supported the proposed amendments to the three draft OZPs suggested by Mr Tony Nip on 8.5.2014;
- (b) the Government had since 1991 recognised the need to protect the CPEs from development. The Tai Long Sai Wan incident in 2010 revealed that 54 CPEs, which were physically, ecologically, recreationally and landscape-wise integrated as parts of country parks, remained unprotected as they were neither included in country parks nor covered by statutory town plans. These CPEs were not designated as country parks at the outset as there were active farming activities and a very small number of inhabitants in these areas;
- (c) the Government had repeatedly confirmed the need to protect the CPEs with high landscape, ecological and aesthetic value, including the incorporation of the CPEs into country parks. Tai Long Wan, which was a CPE within Sai Kung East Country Park, was covered by an OZP in 2004, with a general presumption against development except retaining the existing village areas. It was explicitly stated in the OZP that “to safeguard the natural and heritage features and to minimise human disturbance to the sensitive and tranquil environment in Tai Long Wan, only the existing village areas are covered under the “V” zones. Additional future demand for Small House development by the indigenous villagers under the Small House Policy would have to be addressed outside the Tai Long Wan area”;
- (d) in 2010, 23 out of the total 77 CPEs were covered by OZPs. For the remaining 54 CPEs, DPA plans were prepared for such areas as Tai Long Sai Wan, Hoi Ha, So Lo Pun and Pak Lap in order to address the imminent development threat in these four areas. Nevertheless, after 3 years, despite the advocacy of AFCD and the Country and Marine Parks Board (CMPB) that the CPEs should be protected, only Tai Long Sai Wan, which was described by AFCD and EPD as an area not outstanding in ecological value but with high landscape and aesthetic value, was incorporated into country

park whilst Hoi Ha, So Lo Pun and Pak Lap were not. Indeed, Hoi Ha, So Lo Pun and Pak Lap had much higher ecological values than Tai Long Sai Wan and their recreational values were comparable to Tai Long Sai Wan. The three areas should also be incorporated into country parks for better protection;

- (e) it was discovered that the Government had held secret meetings with Heung Yee Kuk (HYK) since 2011 to communicate and consult HYK on the proposed measures for protecting the CPEs. After that, AFCD told the public that the CPE was not compatible with the surrounding country park area owing to its existing land use and development potential. The policy had been shifted from protecting the CPEs to allowing development within them. In 2014, it was further discovered that AFCD had not conducted any assessment of the cumulative impacts of increasing population in country parks and CPEs, and AFCD always responded that they were not responsible for the development issues within the CPEs. However, it was stated in the Audit Report of 2013 that AFCD should be responsible for undertaking the preliminary assessment on the number of enclaves to be incorporated into country parks and the detailed assessment on which enclaves were suitable for incorporation into country park, but AFCD had done nothing;
- (f) if Small House developments were allowed in the Hoi Ha, So Lo Pun and Pak Lap areas under the three OZPs with the use of STS systems and construction of new access roads, the ecological values of the three areas would greatly diminish. AFCD might then conduct the assessments based on the diminished ecological values and conclude that the three areas were not suitable for incorporation into country parks. It was noted that AFCD had only conducted assessments of the conservation, landscape, aesthetic and recreational values for those CPEs that were not covered by OZPs so far; and
- (g) Small House developments in the CPEs would bring in residents and cause

different impacts, including destruction of habitats, water pollution, demand for road and transport facilities, tree felling and loss of vegetation, hillside erosion, light pollution, fire risk, poaching risk and waste generation. Hoi Ha, So Lo Pun and Pak Lap were the first three CPEs among the 54 outstanding CPEs that OZPs were prepared. If a large number of Small Houses were allowed in these three OZPs and the subsequent OZPs to be prepared, an assessment of the cumulative impacts should be conducted by AFCD. The value of country parks stemmed from their extensive coverage and continuity. The development impacts of the CPEs could not be isolated from the country parks.

[Actual speaking time of C2506 and C2535: 15 minutes]

C2864 – Mr Ruy Barretto S.C.

39. Mr Ruy Barretto S.C. tabled a document to elaborate his views for Members' reference and made the following main points:

- (a) PlanD's papers presented an air of unreality as they failed to address the real issues raised in the representations in terms of the planning and legal defects and the problems that the draft OZPs would cause. PlanD had roughly paraphrased some of the issues but generally the papers had not addressed the representations with valid reasons or evidence because PlanD had no valid answer to the points made on the breaches of policy, principles, precedent and law that the draft OZPs would cause. PlanD or the Government was unable to justify the draft OZPs in respect of the excessive "V" zones and the inadequate zonings for conservation;

[Mr Patrick H.T. Lau returned to join the meeting at this point.]

- (b) further to the proposed amendments to the three OZPs presented to the Board at the hearing session on 8.5.2014, some refinements on the general planning intention paragraphs of the So Lo Pun and Pak Lap OZPs were

tabled to amend and replace the relevant parts of the previous documents;

- (c) while PlanD had not addressed the breach or subversion of the CPE policy, the Board should not facilitate the breach. The CPE policy was to better protect the enclaves but PlanD was planning to permit direct loss, damage, pollution, incompatible housing development, increasing development pressures and threats to Hong Kong's best countryside. The genuine needs for conservation, recreation, landscape protection and public enjoyment of the countryside, which should not be fragmented by development, were supported by the CPE policy;
- (d) the public interest and public expectation in protecting the CPEs against Small House developments had been upheld by the High Court in the recent Sai Wan Country Park case in that the Small Houses should be confined in certain ways and there was no general right for Small House as claimed in respect of the enclaves;
- (e) Hong Kong was a regional biodiversity hot spot and the enclaves were a key part of such conservation value. It had regional and national responsibilities to protect the rare and significant species and their sensitive habitats in the enclaves from development threats and a duty to implement the Convention on Biological Diversity. However, the OZPs did not follow the internationally agreed Aichi Biodiversity Targets. The Board would be held accountable in future if it made a wrong decision now and facilitated the fault;
- (f) the issue of cumulative impacts had not been addressed and the ecosystem approach or holistic approach were not followed in the OZPs. It was totally contrary to sensible planning or precautionary approach which should plan ahead and anticipate and prevent the problems beforehand. It appeared that the Government has just waited to see what the pollution would cause until at the very late stage that no meaningful action could be taken on the cumulative environmental impacts;

- (g) as regards the question raised by the Chairman on whether Hoi Ha should be evacuated since the existing village houses in Hoi Ha were causing pollution, it was absolutely right that the Small Houses were causing pollution and evacuation might be the logical solution. The Chairman's question suggested that the OZPs could lead to this situation if they permitted all 40 Small Houses in Hoi Ha or 134 Small Houses in So Lo Pun in one go. Indeed, the pollutions could be eliminated at source by not zoning the enclaves for Small House developments;
- (h) the genuine need for the excessive "V" zones in the three OZPs had not been proven. PlanD had not provided any justifications for the large "V" zones based on needs but just the unverified demand for the "V" zones which was never a justification in planning law. So Lo Pun had been uninhabited for decades and it did not have a genuine need for Small House. The zoning of the existing built areas and building lots as "V" was already a reasonable baseline of the existing need. In the Tai Long Wan precedent, only the existing built-up areas were zoned as "V". Such a pragmatic, principled and evidence-based decision making should be followed. Bargaining with vested interests over the "V" zones, in the absence of genuine need and justification, was not planning according to law and evidence. The CPE policy was to protect the enclaves from incompatible developments but not to cave in to vested interest pressure. This caused loss of credibility to PlanD, the Board and the planning process;
- (i) the excessive "V" zones facilitated fraud and were against public interest. Land in the "V" zones planned for Small Houses were not owned by the villages but outsider development companies. While PlanD facilitated fraud and abuse of the Small House policy, the Board had a duty not to create a zone which would facilitate fraud;
- (j) the Tai Long Wan precedent by limiting the size of the "V" zone to only those existing houses was a solution for the excessive "V" zones with vested interest demands in the three OZPs, although PlanD tried to argue in

the hearing session on 8.5.2014 that the Tai Long Wan case was different because of its heritage value which was wrong. The Tai Long Wan case was similar to the three current CPEs which even had more valuable biodiversity. There was no valid reason for not following the Tai Long Wan precedent which actually worked;

- (k) the pollution which would be caused by the “V” zones and Small Houses was not addressed. There was no attempt in PlanD’s papers to address the detailed representations proving that the geology of alluvium would lead to septic tank pollution and that the flooding of the flood plain would spread the pollution and pathogens causing health risks as the amount sewage effluents increased with the number of houses. The impacts on the Marine Park and beaches were not addressed. From his experience in sitting on various environmental protection and conservation bodies, the existing enforcement mechanism could hardly work in “V” zones. It was irresponsible for PlanD and the Board to plan the “V” zones which could create problems and say that other departments could fix the problems brought about by the “V” zones;
- (l) it was the job of PlanD to prevent pollution but their bad planning would knowingly facilitate the start of pollution in the enclaves. The Board had a statutory duty under section 3 of the Town Planning Ordinance to deliver planning for the health and safety of the public. It would be in breach of its duty if it allowed zonings which would contribute to endangering the health and safety of the public. While STS systems in “V” zones were causing pollution and health risks, the villagers would argue that it were PlanD, EPD and the ProPECC PNs that allowed them to use the STS systems;
- (m) PlanD and EPD did not address the failure to meet the Technical Memorandum under the Water Pollution Control Ordinance which required that new effluent or STS system should be at a minimum of 100m from the Hoi Ha Site of Special Scientific Interest. It was because EPD had policy



of not applying the Water Pollution Control Ordinance but not a question of legal interpretation. Its professed reliance on the ProPECC PNs and the inadequate usual mechanisms or administrative measures was a failure to apply the specific law. The Board had a duty not to facilitate the breach of the law by EPD and others in relation to Hoi Ha;

- (n) according to the Town Planning Ordinance, planning should be for the benefit of the community. In the context of the three OZPs and the prevailing CPE policy, the OZPs should be for the benefit of the public interest in conservation, recreation, landscape and public enjoyment of the countryside. The bias towards the Small House policy by designating the excessive “V” zones should not be the planning objective;
- (o) the main reason why PlanD would propose such irrational and unreasonable OZPs with excessive “V” zones where the land had been sold to developers and why they were unable and unwilling to address the representations was that they wished to appease the vested interest demands by providing the excessive “V” zone far in excess of proved genuine need, as well as other zonings such as the degraded “GB” which offered speculative hope for future development. The Board should not allow such irrelevant consideration to overwhelm the objections to such planning. The rational and proportionate zoning to meet demands for genuine need of future residences for male indigenous villagers and legal obligations of the land leases would be to follow the precedent of Tai Long Wan which was pragmatic, in accordance with planning principles and good in law;
- (p) the proposed amendments to the OZPs tabled generally followed the Tai Long Wan precedent in wording and intention and they should be adopted by the Board. By putting uses under Column 2 of the Notes of the OZPs the Board retained control over the uses, which was of paramount importance for protecting the sensitive habitats in the CPEs. The existing built-up areas of the “V” zones reflecting the past genuine needs were the appropriate area to be zoned as “V”. If a genuine need was justified in

future, the protected land could be considered for other uses on a case by case basis. However, if extensive areas were zoned as “V” in advance of any determination of genuine needs under the OZPs, the sudden increase in size of the “V” zones and number of houses would facilitate the sale of houses to outsiders which was an abuse of the Small House policy;

- (q) zoning excessive land in the CPEs for “V” meant that LandsD would permit Small House developments without public involvement in the process. Evidence showed that LandsD had limited control or enforcement over “V” zones which contributed to the notorious pollution, sewerage, access, safety and health problems in the “V” zones, which were contrary to the planning objectives under the Town Planning Ordinance;
- (r) the Board should make decisions in the public interest. In balancing the unverified demands from vested interests against the policy, evidence, law and genuine needs for conservation, the Board had a duty to protect the public interest and the legitimate expectation in conservation of the CPEs. A solution to achieve this had been proposed to the Board;
- (s) the only effective means to protect the areas of significant ecological value in the CPEs was to zone them as “CA” but not “GB”. While there was a presumption against development within “GB” zones, PlanD would regard “GB” as land bank for future village development. “GB” zoning just facilitated more Small House developments but not to protect the areas. The zonings in the Tai Long Wan OZP were simple and logical and they should be followed for the three OZPs; and
- (t) the preparation of OZPs for the three enclaves was only an interim measure to protect the areas from development and the enclaves should be designated as country parks ultimately. This approach was adopted when the Government designated the Tai Long Sai Wan enclave as country park. Only the designation as country parks could provide adequate protection, proper management and proactive conservation for these enclaves as the

planning system was not adequate to protect them. The duty of the Board was to protect the enclaves as best as it could under the Town Planning Ordinance until one day when the areas would be under the control of the Country and Marine Parks Ordinance.

[Actual speaking time of C2864: 36 minutes]

40. The Chairman said that Mr Ruy Barretto S.C. (C2864) might have misinterpreted his question raised in the Question and Answer session for the representations as he had never made any suggestion to relocate the village in Hoi Ha. He only asked a question on whether the existing village settlement in Hoi Ha should be relocated because some representers suggested that any level of pollution going into the Marine Park would be unacceptable but the fact was that there was already an existing settlement in Hoi Ha which was generating pollution. The Chairman said that his question was neither an intervention nor a suggestion to relocate the village. In response, Mr Ruy Barretto S.C. (C2864) said that no one was suggesting the relocation of the existing village but if there was a situation of pollution, the least drastic solution was not to introduce 40 more houses to Hoi Ha by the OZP.

41. The Chairman then invited Mr David Newbery (C3645) to give his oral submission. He reminded that this session was for the commenters and their representatives to elaborate on the commenters' submissions and they should be commenting on the other representations that had been made, but not to supplement what had been said to the Board in their capacities as representers.

#### C3645 – Mr David Newbery

42. With the aid of a Powerpoint presentation, Mr David Newbery made the following main points:

- (a) he was representing the Friends of Hoi Ha;
- (b) the “V” zone designated on the original draft Hoi Ha OZP No. S/NE-HH/1 was flawed. The revised “V” zone as shown on PlanD’s proposed

amendments to the Hoi Ha OZP was better but there were still major problems in the mapping of the coastline and hydrology, the lack of control for agricultural use, whether the proposed “GB(1)” zoning was for development or conservation, the creation of sewage impact, the newly proposed “GB” area and the way housing need was defined, despite that these problems could be resolved;

- (c) the coastline mapping by PlanD in the Paper for Hoi Ha was incorrect. While an area within the “Coastal Protection Area” (“CPA”) zone between the Marine Park boundary and the “V” zone boundary was marked as ‘fields’ on a plan, that area was actually not ‘fields’ but should be a beach with associated mangroves as revealed from site photos. PlanD’s plan gave the impression that there was at least a distance of 40m between House 21A and the sea, but in reality the distance was less than 20m during mid-tide;

[Ms Bernadette H.H. Linn returned to join the meeting at this point.]

- (d) the Marine Park boundary shown by PlanD as out to sea was arbitrary. It was neither the high tide mark nor the beach line. It was true that before coastal erosion which happened in the 1970s, Hoi Ha Village was about 40m to 50m from the sea. However, the beach at about the mid-tide mark now came as close as about 10m from the old (ruined) village walls;
- (e) PlanD had recognised the need for the “CPA” zone to be at least 25m wide. While PlanD’s plan showed the “CPA” zone as being 30m wide in front of the old village, the “CPA” was effectively 10m wide in reality because coastal erosion had changed the boundary between sea and land. As such, the “CPA” zone needed to encroach upon the existing village footprint because the coastal boundaries had changed. A 10m wide “CPA” zone was insufficient to prevent the building works causing pollution and continued erosion. The old village should be included within the “CPA” zone not only to stop all building activities in the area but to ensure that any

building works would not cause pollution to HHW or resumption of coastal erosion;

- (f) a mapping of the hydrology including the existing streams and marshes of Hoi Ha indicated that the western part of the originally proposed “V” zone (part of which was proposed to be rezoned to “GB(1)” by PlanD) was within an area of very high water table that was not suitable for building of houses;
- (g) agricultural use was allowed on privately-owned land in areas zoned “CPA”, “CA” and “GB”. Indeed, 95% of land in the “GB(1)” zone was owned by developers. It was doubtful if people would farm in these areas or they would just use farming as a pretext for trashing an area prior to applications for development. Fake farming, as revealed in Pak Sha O, could involve destruction of woodland and draining of woodland and marshland. The present hydrological system of the woodland and marshland in the proposed “GB(1)” zone effectively filtered runoff and produced clean water running into HHW, which was vital for its survival. If uncontrolled farming was allowed, trees would be cut down to leave exposed soil, the soil would be washed down into HHW, silt would cover the corals and other marine life and the marine life would be killed. Farming activities also involve the use of fertilisers and pesticides. These pollutants would be washed into HHW causing algal blooms, de-oxygenation of water and poisoning of marine life;
- (h) ‘Agricultural Use’ was suggested to be transferred from Column 1 to Column 2 under the Notes for “CA”, “CPA”, “GB” and “GB(1)” zones in the Hoi Ha OZP. This was not to prevent small-scale, sustainable, organic and environmentally-friendly farming activities but to avoid the areas being trashed by bogus farming activities. A genuine farmer could apply to the Board for permission to carry out farming activities which would not harm the environment and, in particular, would not cause pollution to HHW;

- (i) the intention of the proposed “GB(1)” zoning was unclear. PlanD had recognised that AFCD’s ecological assessments were flawed and inadequate and that the data from the non-governmental organisations had merits, i.e. they were correct. PlanD said that they were zoning the “GB(1)” area for conservation but “GB” was seen by the public as a reserve of future building land in the recent government policy. If the “GB(1)” area was seen as available for future development, the landowners, i.e. developers, would trash the area to destroy the ecological value. If PlanD did have the intention to conserve the area, it should be zoned “CA”;
- (j) Hoi Ha had no proper sewerage system. All houses in Hoi Ha were served by STS systems which were designed to produce effluent which flew through the soil and was purified by soil bacteria. The greater the distance between a STS system and the receiving water, the greater the purification. Measurable levels of *E. coli* and endocrine disrupting compounds were found close to the beaches at Hoi Ha. These pollutants could only come from STS systems at Hoi Ha, which had been licensed in accordance with EPD’s policy;
- (k) EPD’s Technical Memorandum on Effluent Standards stated that bathing beaches and SSSIs within the coastal waters were special areas that needed specific restrictions, and no new effluent would be allowed within 100m of the boundaries of a gazetted beach, and within 200m of the seaward boundaries and 100m of the landward boundaries of a SSSI. However, EPD’s policy did not take account of such legislative requirement. It allowed the siting of STS systems within 30 m of a SSSI rather than the statutory 100m, which could not prevent pollution from Hoi Ha’s existing STS systems from entering into HHW. The OZP would further lead to an increase in the number of STS systems in Hoi Ha for more than double. This would result in public health hazard, destruction of marine life and breach of the environmental law;
- (l) parts of the proposed “V” zone were waterlogged with a high water table

and numerous streams, rendering the areas unsuitable for septic tanks. The step-back distances should be increased to provide the same level of purification as in ideal conditions. While the existing STS systems were causing pollution in HHW, the OZP allowed 40 more new houses, the majority of which would be within 100m of HHW. If the incorrect maps were used for planning, septic tanks might be sited on the site of the old village at 10m or less from the beach. Much of the “V” had soil hydrology which precluded effective treatment of sewage effluent. A proper planning process should assess the cumulative impact of adding more sewage effluent to the hydrological system. The possible consequences would be the increase in the levels of *E. coli* which might render the beaches unsafe for public health, increase in nutrients in HHW causing a decrease in oxygen levels and damaging the marine life, and increase in the levels of detergents and non-biodegradable detergents, which were toxic to marine life, especially corals. It would be an environmental catastrophe to destruct HHW which was a place for conservation and recreation;

- (m) EPD had three pollution monitoring stations at HHW with the nearest one at more than 1km from the beaches and in an area regularly flushed by Tolo Channel. Although EPD claimed that there was no pollution of HHW at present, the inner reaches of HHW had slow flushing rates, especially in dry season such that the pollutants would not be removed quickly. A lagoon was recently formed at the stream estuary which would trap and concentrate pollutants;
- (n) upon full development, Hoi Ha would no longer be a small village. The individual STS systems would not provide long-term protection to HHW. To resolve the water pollution problem, no more house development should be permitted until a long-term solution for the disposal of sewage was available, for instance a piped sewage mains system or a local, environmentally-friendly sewage plant, which also served the existing houses;

- (o) he wondered why an area to the east of the “V” zone would be rezoned from “CA” to “GB” by PlanD as a proposed amendment to the Hoi Ha OZP. The proposed “GB” area was not flat as claimed by AFCD. It was strewn with large boulders and was difficult to access. It was a totally natural old woodland which had never been farmed, and it was a mature, distinct and un-surveyed ecosystem. The designation of the area as “GB” was just seen as providing a reserve of future building land for development. However, AFCD had not presented any scientific data on the ecology of the area. In fact, there was a significant stream flowing through the area into HHW and part of the area had been designated as fung shui woodland by AFCD. The designation of “GB” should be for defining the limits of urban and sub-urban development areas by natural features and containing urban sprawl but not for creating an island in the middle of a “CA” zone;
- (p) the “V” zone in Hoi Ha was drawn up by PlanD based on the figure of 84 Small House demands given by the village representative plus 10 outstanding applications for Small House grants being processed. Whether such a demand figure of 84 was based on the total number of potentially entitled indigenous villagers worldwide or the number of houses that could be built within the private land owned by the villagers was unknown as it had not been subject to any kind of audit, verification or scrutiny. The village representative of Tung A had admitted to the newspaper that the figure he provided to the Government was just a rough estimate and he had asked for more than the actual need. There was no reason why the arbitrary figures provided by the village representatives should be used as the basis for the “V” zones in the OZP;
- (q) in the last 18 years, 7 new houses were built in Hoi Ha. However, none of the new houses was occupied by indigenous villagers. Therefore, the need for housing in Hoi Ha under the Small House policy in the last 18 years was zero. It was unlikely that 94 male villagers would return to live and work in Hoi Ha in the next 10 years. The planned Small Houses would not help solve Hong Kong’s housing shortage and they would not provide houses for



the indigenous villagers. They would only benefit the developers, property speculators and those absentee indigenous villagers;

- (r) only the indigenous villagers were consulted by the Government but most of them did not live in the village and they were only interested in the money made from the Small House policy. The resident villagers of Hoi Ha had not been consulted on the OZP. In fact, more than three-quarters of the resident villagers had written to the Rural Committee saying that the views expressed by the Rural Committee to the Board did not represent the views of the villagers who resided at Hoi Ha. The Rural Committee replied to the resident villagers that their primary function was to protect the rights of the indigenous population, particularly to safeguard their rights on village houses. The Small House policy provided the indigenous male villagers with the right to apply for building a Small House in Hoi Ha and where they lived was irrelevant;
- (s) if the Board accepted the Rural Committee's view that an indigenous villager's eligibility to build a Small House had nothing to do with his intention to occupy the house, and also the Village Representative's claimed demand for housing, it would set a bad precedent for other CPEs and open up the floodgates for infinite number of applications from the indigenous villagers who had no intention of living in their New Territories villages;  
\\
- (t) a long-term plan for Hoi Ha should be formulated with inputs from key stakeholders, including the resident villagers, the indigenous villagers with a genuine need for housing in the village, village businesses, tourist industry, education providers, environmental groups and visitors who enjoyed Hoi Ha and HHW; and
- (u) the OZP also needed to be amended by properly mapping the coastline and the hydrology and extending the "CPA" to ensure that it provided at least a 25m barrier between the beach and the "V" zone; putting 'Agricultural Use'

under Column 2 of the “CA”, “CPA” and “GB” zones to require planning permission from the Board for agricultural activities; not allowing septic tanks within 100m of the beaches or 30m of a stream; deleting the proposed new “GB” zone to the east of the “V” zone and reverting it to “CA”; rezoning the proposed “GB(1)” zone to “CA”; designating the area to the west of the proposed “V” zone and east of the proposed “CA” zone as “GB(1)” to serve as a buffer area; planning the “V” zone based on a realistic estimate of the housing need under the Small House policy but not the village representative’s desire; and clarifying and enforcing the intent of the Small House policy to require that the Small House being applied for should be a genuine residence for the indigenous villager.

[Actual speaking time of C3645: 33 minutes]

[The meeting was adjourned for a break of 5 minutes.]

[Messrs H.W. Cheung, Patrick H.T. Lau and K.K. Ling left the meeting temporarily at this point.]

C3657 – Hong Kong Countryside Foundation

43. Mr Edward Michael made the following main points:

- (a) the Board should base its decisions on good evidence. If the evidence was not good enough to justify a particular course of action, the existing policies and practices should be followed. The Board also had a duty to make decisions in the public interests, which were generally defined by the enclave policy, the planning policy, the Hong Kong Planning Standards and Guidelines, the decision of the Legislative Council with reference to the Tai Long Sai Wan case, the court and the Town Planning Ordinance;

[Mr Patrick H.T. Lau returned to join the meeting at this point.]

- (b) contrary to public interests were private interests. Private interests included development needs or development expectations disguised as property rights. However, property rights only conferred a right on a person to submit the necessary application to the Government. The application was still subject to the Laws of Hong Kong and might or might not be approved. As for Small House development, the villagers were often not the beneficiaries of the Small House policy. Rather, it was the private developers who profited the most from the Small House policy once they had bought up the land owned by the villagers. There was a need for the Board to distinguish public interests from private interests. We should not sacrifice public interests for the sake of the profits of a few corporations;
- (c) in making its decisions, the Board should conduct an accurate assessment of the land uses of the concerned areas. So Lo Pun was an area with the highest conservation value, as shown by studies conducted by Kadoorie Farm and Botanic Garden Corporation and other green groups. The area had not been inhabited for about 30 years. Very strong justifications and evidence had to be provided for the Board to change the existing land uses of the area;

[Mr K.K. Ling returned to join the meeting at this point.]

- (d) as shown by the efforts to discourage “destroy first, build later” activities, the Board took the existing land uses of the rural areas very seriously. So Lo Pun, Hoi Ha and Pak Lap were all of high conservation, ecological and landscape value. Very strong justifications and evidence had to be provided for the Board to allow a deviation from the existing land uses. From this perspective, these areas should not be zoned for anything other than “CA”;
- (e) the Government often used the argument that the imposition of approval conditions was effective in mitigating the adverse impacts of developments

as a justification for permitting these developments. However, this reasoning was in direct contradiction with the precautionary principle, which stated that no harm should be inflicted at all if the extent and degree of the harm was unknown;

- (f) according to a table from “Hong Kong Headline Indicators for Biodiversity and Conservation Report”, the total area of planning application sites falling within the “GB” zone jumped significantly from 36 hectares in 2012 to 131 hectares in 2013. Of these 131 hectares of planning application sites, about 108 hectares were subsequently approved by the Board. This indicated that the “GB” zone was effectively turned into a development zone. It would be misleading to continue to call this zone a “GB” zone;

[Mr H.W. Cheung returned to join the meeting at this point.]

- (g) there was no evidence to show that the “GB” zone would be protected against development. There was also no evidence to show that all sewerage facilities would prevent unwanted sewage from flowing into the sea. On the contrary, there was a long body of evidence to show that ‘agricultural use’ comprised activities that diminished the ecological value of a piece of land;
- (h) once the ecological value of the land was diminished, the likelihood of restoration would be extremely low. Enforcement actions and prosecution were not effective mechanisms to protect the ecological value of the CPEs;
- (i) ‘agricultural use’ and developments generating sewage flows should not be permitted as of right within the “GB” zone. It was the duty of the Board to consider these developments under the planning application process; and
- (j) there was no need to “strike a balance” in an area intended for nature conservation. Any balance had to be geared towards the public interests of conservation rather than the private interests of profits. The planning of

the enclaves was not a battle between environmentalists and villagers. The interests of the villagers were already protected as they were allowed to build on the existing building lots. However, the additional property rights that some villagers demanded should not be protected under the enclave policy.

[Actual speaking time of C3657: 10 minutes]

SLP-C3669 – Wong Hing Cheung

SLP-C3673 – Wong Shui Keung

SLP-C3675 – Margaret Wong

SLP-C3676 – Wayne C Wong

SLP-C3677 – Wong So Chun

44. Mr Wong Hing Cheung made the following main points:

- (a) he represented the village committee of So Lo Pun and he had been authorised by four other villagers to speak on their behalf;
- (b) Mr Wong Shui Keung's (SLP-C3673) views were summarised as follows:
  - (i) many Hong Kong people had been misled by the media into believing that village type development would have adverse impacts on the ecology and the rural environment. Some Legislative Council or District Council members, Government departments, environmentalists and green groups had voiced their objection against village type development in So Lo Pun. It was unfair to the villagers as they were only a minority group;
  - (ii) the Country and Marine Parks Authority had only included government land into the country parks. Furthermore, the 300 feet of land surrounding a village was normally excluded from the country parks. These indicated that the original intention of the country park

policy was to allow the villages to grow. In contrast, the OZP was a statutory tool intended to wipe out So Lo Pun;

- (iii) the restoration of So Lo Pun and the development of a village office or tourist centre in the village would not affect the ecological and landscape value of the So Lo Pun area. In contrast, the hikers and campers who urinated and left excrement in the rural environment had led to pollution in the So Lo Pun area;
  - (iv) So Lo Pun Village had been in existence for a few hundred years. It was the only recognised village in the northern part of the New Territories. The village was of Hakka heritage and its layout was in a harmonious relationship with the surrounding rural areas. Without the rights to use the land, the villagers would be left with nothing. Once destroyed, the village and its heritage would be gone forever; and
  - (v) the Government should strike a balance between conserving the environment and protecting the rights of the indigenous villagers. This would make society more harmonious and stable. The Government should support the restoration of the village and explore the tourism potential of the area;
- (c) some Legislative Council members, such as Hon. Kenneth Ka Lok Chan, and some green groups had queried why So Lo Pun, which had no existing resident, would have a planned population of 1,000. It should be noted that the planned population figure was not reported by the Village Representative of So Lo Pun. It was only in response to the Government's request for information that he had reluctantly stated that 134 Small Houses would be required to meet the needs of the male indigenous villagers of the village;
- (d) no one would easily give up the inheritance left behind by their ancestors.

According to Article 40 of the Basic Law, the lawful traditional rights and interests of the indigenous inhabitants of the New Territories should be protected by the Government;

- (e) the village had a history of over 300 years, but the country park system had been in existence only since the 1970s. It was wrong to say that the village encroached onto the country park areas. It was the rights of the villagers to apply for Small House development, and it was the duty of the villagers to protect their village;
- (f) as the village was surrounded by the country park and there was no road connecting the village to the urban areas, they had no choice but to temporarily leave the village. Since 2007, they had tried to restore the village to its previous conditions. Their mission to restore the village was encapsulated in a poem (認祖詩) written by their ancestor which taught them that they should honour their ancestors. For this reason, even though 95% of the land of the village was private land, the villagers had not sold any of it for profit. It was not fair to the villagers if the green groups sought to confiscate their land so that members of the green groups could enjoy the natural environment;
- (g) the villagers were not against nature conservation. It might even be worthwhile to sacrifice their land for nature conservation. However, the truth was that a majority of the representers and commenters lived in the urban areas to take full advantage of the benefits of modern urban living and only visited the rural areas during their spare time. This kind of selfish behaviour was not worthy of the villagers' sacrifice;
- (h) the natural environment would not be protected by the gazettal of an OZP. The only effective way to conserve the environment was to actually do something to improve the environment. For example, as a result of the activities by some illegal loggers, there were frequent incidents of soil erosion in recent years, leading to the clogging of a reservoir which served

their village. In 2011, 2013 and 2014, the villagers desilted the reservoir so that water would flow to the village again. Those loggers also caused damage to the village houses. The only way that the villagers were able to protect their home was for them to reside in the village. There was also frequent flooding in recent years as no one was there to dredge up the sediments in the river. The Government should be responsible for managing the river;

- (i) there was previously a stream in So Lo Pun. However, after a villager built a pond near the upstream portion of the stream in the 1970s, the stream had disappeared. Therefore, there was no ecologically important stream in So Lo Pun;

[Professor K.C. Chau returned to join the meeting at this point.]

- (j) a lot of private land, some of them were terraced fields, had been zoned as “GB”. The villagers had been clearing the vegetations there so as to restore the terraced fields. It was not sure if they were still able to do so after the terraced fields were zoned as “GB”;
- (k) the restoration of the village should not be considered as “destroy first, build later” activities as the villagers had no intention to build new developments in the village; and
- (l) if So Lo Pun was incorporated into the country park as Legislative Council member Hon. Wu Chi Wai had suggested, then it would be a case of confiscating private properties for public purposes.

[Actual speaking time of SLP-C3669, SLP-C3673, SLP-C3675, SLP-C3676 and SLP-C3677: 30 minutes]

[Ms Bernadette H.H. Linn left the meeting temporarily at this point.]



SLP-C3670 – Wong Yau Man

45. Mr Wong Yau Man made the following main points:

- (a) he was born in So Lo Pun and was a true indigenous villager;
- (b) the plan for So Lo Pun was prepared without good evidence. The genealogy book of the village indicated that there were 14 generations since the establishment of the village and there were over 100 families living in the village in its heyday. A school was built in the 1950s with several dozens of students and the Government supported the expansion of the village. Although there were a lot of residents in the village at that time, they were able to co-exist with nature in a harmonious manner. It was only when no one was there to manage the river and the fields that the rare animal and fish species began to disappear;
- (c) although the rights of the villagers were protected under the Basic Law, the Government now decided to cover the village with a statutory plan which restricted the growth of the village. The Government should have encouraged the development of the village and the rehabilitation of agricultural activities;
- (d) the rubbish that was found in and around the village were brought by hikers and visitors from the urban areas. The green groups had not done anything to stop these hikers and visitors from polluting the areas;
- (e) the villagers would not give up and would return to reside in the village one day when roads and other communications infrastructure were built; and
- (f) it was proposed that the private land should be zoned as “Agriculture” so as to conserve the natural environment. It was hoped that the Government would protect the Hakka history and culture so that the villagers could contribute to society in the future.

[Actual speaking time of SLP-C3670: 10 minutes]

SLP-C3672 – Jane Wong

46. Ms Jane Wong made the following main points:

- (a) she was a member of the 11<sup>th</sup> generation of indigenous villagers from So Lo Pun. She was also a member of the 167<sup>th</sup> generation of her clan;
- (b) So Lo Pun was a recognised village which was in existence even before the British took over the New Territories. The British Colonial Government recognised the village and built tracks, playgrounds, a pier and a reservoir for the benefit of the village. The Police also maintained a good relationship with the villagers at that time. In the 1970s, when the Government developed the country park system, the private land in the village was preserved in a CPE;

[Mr H.W. Cheung left the meeting temporarily at this point.]

- (c) unfortunately, the Government did not build a road or provide electricity to the village. To make a living, many villagers had no choice but to leave the village for the urban areas. According to the 2011 Census, there was no person living in the village, and there were at this moment no outstanding Small House applications. However, the clan had continued to expand and members of the clan could now be found all over the world. Many of them insisted on returning to the village every year to pay respect to the ancestors and to participate in festivals. In 2008, weeds within the village were cleared by the villagers on their own initiative. Recently, some of the older graves were renovated. It was hoped that the village could be restored one day;
- (d) it was not the villagers of So Lo Pun who intended to invade the country parks. Rather, it was the country park which was about to swallow the

village. The green groups were even more terrifying than the British colonial Government and the Japanese invaders in their efforts to wipe out the village. The villagers had been consistent in conserving the village and no private land had ever been sold to private developers for profit. The green groups were not acting in a civilised manner when they accused the villagers of being the enemy of nature conservation;

- (e) Hong Kong was a society with rule of law, but due to pressure from the public, the Board did not follow the relevant laws. According to Article 6 of the Basic Law, the HKSAR should protect the right of private ownership of property, and according to Article 105 of the Basic Law, the HKSAR should protect the right of individuals and legal persons to the acquisition, use, disposal and inheritance of property and their right to compensation for lawful deprivation of their property. However, the OZP was in contravention of these laws as it deprived the villagers of their property rights by zoning the private land as “CA” and “GB”;
- (f) ‘Agricultural Use’ and ‘On-farm Domestic Structure’ were uses that were always permitted within the “CA” and “GB” zones. However, AFCD advised in paragraph 5.12(k)(i) of the TPB Paper No. 9645 that planning permission from the Board was required for any works relating to diversion of streams, filling of land/pond or excavation of land within these zones which might cause adverse impacts on the natural environment. It should be noted that to restore the fields and fish ponds, works such as diversion of streams, filling of land/pond and excavation of land were necessary. It was meaningless to say that ‘Agricultural Use’ was always permitted within these zones;

[Ms Bernadette H.H. Linn returned to join the meeting at this point.]

- (g) town planning should be oriented towards people rather than animals and plants. As the villagers intended to restore the village, the Government should render its support and assistance to them. The “V” zone should not

only include Small Houses and sewage treatment facilities, but should also be provided with basic infrastructure and services such as roads, potable water and electricity supplies, public security and telecommunications services;

- (h) historically, the development of many villages in the New Territories and in the urban areas was not satisfactory as they had led to environmental degradation. This was mainly due to the fact that there was a lack of guidance and monitoring from the Government and the environmental awareness of many villagers and developers was poor. For So Lo Pun, a new approach aimed at the development of an eco-village should be adopted. This new approach would be in line with the Government's plan for the Sha Tau Kok area which was to develop the area as a destination of eco-tourism and cultural tourism. With this new approach, the co-existence of the people and the natural environment would be encouraged and the private property rights of the villagers would be respected. It would revitalise the village while at the same time conserve the natural environment; and
- (i) the role of the Town Planning Board in this new approach was not simply to plan and control. Rather, it would guide and facilitate the restoration of the village and the development of a tourist destination.

[Actual speaking time of SLP-C3672: 12 minutes]

47. As the presentations had been completed, the Chairman invited questions from Members.

#### So Lo Pun

48. The Vice-Chairman asked Mr Wong Hing Cheung (SLP-C3669) to provide more information to support the 10-year Small House forecast of 270 for So Lo Pun. Mr Wong Hing Cheung said that the Villager Representative provided the 10-year Small House forecast at

the request of LandsD. As at 2013, the number of male indigenous villagers of So Lo Pun was 270, with 69 living in Hong Kong and 201 living abroad. The 10-year Small House forecast of 270 was the sum of the number of male indigenous villagers over the age of 18 who had not submitted an application for Small House development (233) and the number of male indigenous villagers who would reach the age of 18 in the next ten years (37). According to his knowledge, no villager from So Lo Pun had ever submitted an application for Small House development to LandsD. Therefore, the number of male indigenous villagers was the same as the figure of the 10-year Small House forecast.

49. The Chairman asked whether it was true that all the male indigenous villagers currently living outside of So Lo Pun intended to apply for a Small House grant. In response, Mr Wong Hing Cheung said that it was their right to apply for a Small House grant and they did not assume that the villagers would forfeit their right when they estimated the 10-year Small House forecast.

50. The Vice-Chairman asked whether Mr Wong Hing Cheung had the names of all the male indigenous villagers who were included in the 10-year forecast. Through the visualiser, Mr Wong Hing Cheung presented a table showing the number of indigenous villagers from different branches of the clan. He said that he was able to collect the relevant data from most of the villagers. However, as some villagers had already lost contact with the village committee, he had added 15 to 20% to the number of known male indigenous villagers so that those villagers who had lost contact could still retain their right to apply for a Small House development. The 10-year forecast of 270 already included the extra 15 to 20%.

51. The Vice-Chairman then asked why the number of male indigenous villagers over the age of 18 as shown in the table was 228 while the corresponding number provided to LandsD was 233. In response, Mr Wong Hing Cheung said that the numbers shown in the table were collected in 2012 while the numbers presented to LandsD were put together in 2013.

52. The Vice-Chairman asked whether the genealogy book mentioned by Mr Wong Yau Man (SLP-C3670) had included the names of all the male indigenous villagers. Mr Wong Yau Man said that the genealogy book was updated two years ago and therefore the information in the genealogy book should correspond well with the table shown by Mr Wong Hing Cheung.

53. The Vice-Chairman asked whether a copy of the genealogy book could be made available for the reference of the Board. Mr Wong Hing Cheung declined and said that he would only do so if the Board could guarantee that the information contained in the genealogy book would not be disclosed to the public. This was to prevent people from making use of the information in the genealogy book and pretending to be an indigenous villager to apply for Small Houses. The Chairman suggested that the Secretariat could have a look at the genealogy book after the meeting. Mr Wong Hing Cheung agreed to the suggestion.

54. A Member asked what the difficulties were in restoring So Lo Pun. In response, Mr Wong Yau Man said that the main difficulty was that there were no road and supporting services in So Lo Pun to jump start the restoration process. Mr Wong Hing Cheung added that the objective of the restoration of the village was not to attract a large number of villagers to come back to reside in the village. Rather, it was hoped that the previous appearance of the village could be restored. Since the village committee was formed in 2007, a donation over \$800,000 was collected. The money was used for clearing the unwanted vegetation and other related works so that the village could be refurbished to its previous beauty.

[Mr H.W. Cheung returned to join the meeting at this point.]

55. A Member asked whether any survey had been conducted to collect the opinions of the villagers on their willingness to return and reside in the village. In response, Mr Wong Hing Cheung said many villagers would be willing to do so if there were roads and supporting services in So Lo Pun. He got that impression from numerous informal conversations with the villagers.

56. A Member asked how the restoration of the village was possible if the villagers had to go back to the urban areas to make a living. Mr Wong Hing Cheung said that many villagers were willing to reside in the village where they could recollect many beautiful childhood memories. Ms Jane Wong said that even if the village was restored, many villagers would not take the village as their regular abode. Rather, they would likely spend their weekends, holidays or festivals in the village and engage in planting, livestock-rearing and agricultural activities. There were also plans for organic farming and restoration of the fish ponds. It could be said that the villagers would like to revive the village lifestyle in a modern

manner. However, they had no intention to build a restaurant or shopping centre in the village.

57. A Member asked whether it was possible to conserve the village if there was no one living there. Mr Tony Nip (C1638) said that having ownership of the private land did not imply that there was a corresponding right to develop the land. It was not the original intention of the Government to allow the villages in the CPEs to continue to grow, otherwise the Government would have enlarged the enclave and built roads to the villages. With the demarcation of building lots and agricultural lots, there was a clear mechanism in determining the land uses within the village. The green groups had not argued for the eradication of the village as some representers had claimed. They only considered that the size of the “V” zone was too big. There was enough room for the villagers to develop an eco-village using the existing built-up area. There was no strong reason to allow an additional 134 Small Houses when the existing village settlement was not fully in use. They were of the view that the precedent of the Tai Long Wan OZP should be followed as it allowed the village to continue to thrive while the natural environment was conserved. It represented a “win-win-win” situation for the villagers, the public and the environment. During the preparation of the Tai Long Wan OZP, the villagers also requested for a larger “V” zone. However, after the OZP was published, no applications for Small House development had ever been received by the Board, indicating that the demand for a larger “V” zone had been exaggerated. It should also be noted that the green groups had no objection to the restoration of farming in the village and the use of water from the nearby river for irrigation. If needed, the villagers should seek help from AFCD on the laying of a water pipe for irrigation purposes. Some representers had mentioned the adverse impacts brought about by the hikers and campers, but the fact was that very few of them regularly visited the remote enclaves such as So Lo Pun and Hoi Ha. The adverse impacts brought about by hikers were far less in comparison with those brought about by the addition of 134 new Small Houses in So Lo Pun. It should also be noted that clearance of vegetation had taken place in So Lo Pun. In 2008, the Government had taken prosecution action against those people involved in illegal clearance of vegetation. In 2010, the mangroves on government land were disturbed. Government resources were involved in restoring the mangroves to its original state.

58. Mr Ruy Barretto, S.C. (C2864) said that the Tai Long Wan OZP was a good precedent as it allowed the village to continue to thrive due to the income from the tourism

industry. If the Tai Long Wan precedent was followed, the villagers at So Lo Pun should be able to manage the village and rebuild the village houses whenever they needed to. The “V” zone should only cover the existing built-up area. The areas surrounding the “V” zone should be zoned as “CA” because it could protect the natural areas providing a good surrounding environment for village. There was no reason not to follow the good precedent. As for clearance of vegetation in So Lo Pun, it should be noted that in 2008, 4,000 trees on government and private land had been cut.

59. Ms Debby Chan (C2506 and C2535) said that to conserve a village did not mean that everything in the village would have to remain unchanged. Rather, the objective of conservation was to maintain the ecological, landscape and recreational values of an area. The green groups had no objection to the inclusion of a “V” zone on the OZP for the restoration of the village, but there was no strong reason to have an extended “V” zone with 134 additional Small House developments while the existing village houses remained dilapidated. She had recently met a few young descendants of indigenous villagers from another village. They were born overseas and came to the Hong Kong for the first time. They heard the rumour that the Government was planning something for their village and they came back to see if there would be any economic opportunities for them. Obviously, these young descendants of indigenous villagers had no intention to reside in the village and revive the village lifestyle. An extended “V” zone would only bring a false hope to the villagers that the Government was going to develop the enclaves. As for the concern that illegal loggers had come in and damaged their properties, it was suggested that the area could be incorporated into the country park so that there would be regular patrol by the wardens of AFCD.

60. The Chairman asked why the villagers had requested for an extended “V” zone even though the existing village houses remained dilapidated. Ms Jane Wong said that when the villagers started to think about the restoration of the village in 2008, they did not have a long-term plan. They just wanted to build a few houses and hoped that this would generate enough momentum to attract more villagers to come back and reside in the village. It was only when LandsD asked them for a 10-year Small House forecast that they decided to undertake a survey. It should be noted that the young descendants of indigenous villagers mentioned by Ms Debby Chan did not represent the views of the villagers of So Lo Pun. Many deceased villagers were buried in the village, and this had stimulated a desire in the sons and daughters of



the deceased to return and reside in the village. The proposed development of 134 new Small Houses was a long-term objective that had no concrete implementation schedule, but she was optimistic that they were able to achieve this objective, as many villagers from different parts of the world had expressed a desire to return and reside in the village.

61. In response to a question from a Member, Mr Wong Hing Cheung said that flooding would not occur in the “V” zone as it was located on higher grounds.

62. In response to a question from the same Member, Mr C.K. Soh said that there was no need to obtain planning permission from the Board if a villager wished to rebuild a village house falling within the “V” zone. Mr Wong Hing Cheung said that LandsD had a set of stringent criteria and requirements when processing applications for the rebuilding of existing Small House development, and they had to give up such an application for the reason that they had failed to meet the criteria. The Chairman said that Mr Wong was referring to the land administration system which was different from the planning application system.

63. A Member asked whether the Board had ever approved any application for rezoning a site from “CA” to “V”. In response, the Secretary said that, according to her recollection, there was a section 12A application seeking to rezone a site from “CA” to “V”. The application was approved as the site involved a building lot and the site was located at the fringe of the “CA” zone.

64. Noting that the green groups wanted the enclave to be incorporated into the country park while the villagers wanted to restore the village, a Member asked whether there was a gulf of opinions between the two groups of representers that could not be bridged. Mr Tony Nip said that the large number of representations against the OZP were submitted by members of the public, and therefore it was not right to characterise the situation as a gulf of opinions between the green groups and the villagers. Furthermore, the green groups considered that the best solution under the town planning system was to follow the precedent of the Tai Long Wan OZP which would create a “win-win-win” situation for the villagers, the public and the environment, with the villagers being accorded the top priority. The green groups had never wished for the eradication of the village.

## Hoi Ha

65. The Chairman asked whether the “V” zone in Hoi Ha was too close to the shorelines and whether the water table in the “V” zone in Hoi Ha was so high that septic tanks could not function properly. Referring to a few aerial photographs, Mr C.K. Soh, DPO/STN, said that the “V” zone was on higher grounds and was at some distance away from the shorelines. Areas close to the shorelines were on lower grounds and due to the alluvial deposits, septic tanks in those areas might not function properly. It should be noted that the High Water Mark was close to the outer boundary of the “Coastal Protection Area” (“CPA”) zone, but they were not in complete alignment. This was because the boundary of the “CPA” zone needed to be aligned with that of the HHW Marine Park so that there would be continuous statutory control from Hoi Ha to the HHW Marine Park. Unlike some representers had claimed, the “CPA” zone was not designed to control developments such as septic tanks. Rather, its planning intention was to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment. The regulation of the septic tanks fell within the purview of EPD.

66. In response to a further question from the Chairman, Mr C.K. Soh said that all existing Small Houses were within the boundary of the “V” zone in Hoi Ha.

67. In response to a question from the Chairman, Mr David Newbery said that the inner boundary of the marine park was meaningless as it was actually in the sea. Although the High Water Mark was reasonably accurate, about 50% of the time the water rose above the High Water Mark and washed away the soil. Therefore, the fields which fell within the “CPA” zone no longer existed and were now replaced by a beach with associate mangroves growing on it. As a result, the coastlines pointed out by Mr C.K. Soh were not the actual coastlines and the marine ecosystem was just about 10 metres away from the boundary of the “V” zone.

68. The Chairman asked why Mr David Newbery said previously that there would be Small House developments all over the “GB” zone, given that there was a presumption against development within the zone. In response, Mr Newbery said that he had no confidence in the Board to reject planning applications for Small House development within the “GB” zone. Referring to a table from “Hong Kong Headline Indicators for Biodiversity and Conservation

Report”, Mr Newbery said that out of 131 hectares of planning application sites involving the “GB” zone, 108 hectares of them had been approved by the Board, indicating that there was a high rate of approval for planning applications that involved the “GB” zone.

69. Referring to the table from “Hong Kong Headline Indicators for Biodiversity and Conservation Report”, the Chairman asked what percentage of the applications within the “GB” zone that were approved by the Board in 2013 were for Small House development. Mr David Newbery said that he would need to ask Dr. Roger Kendrick, who was a contributor to the report, for an answer. In any case, the “GB” zone had become a “reservoir of land” for Small House development, and the cumulative impacts of this “reservoir of land” being used up for development would be substantial. As for the concerned area in Hoi Ha, the “GB” zone was not an appropriate zoning as it appeared that the Board had no intention to limit the development of Small Houses within the zone. If the concerned area was intended for conservation, then it should be zoned as “CA” rather than “GB”. It was mentioned in paragraph 5.24 of the TPB Paper No. 9644 that “to cater for future demand for Small Houses, a review has been taken to identify possible locations that might have potential for Small House development”. It was clear that Small House developments would be permitted within the “GB” zone and it was his view that Small Houses would eventually be built all over the “GB” zone.

70. The Chairman said that, according to paragraph 5.24 of the TPB Paper No. 9644, applications for Small House development within the “GB” zone were not precluded and they could be considered by the Board based on their individual merits. He asked whether the term “reservoir of land” mentioned by Mr David Newbery had appeared in the paper. In response, Mr C.K. Soh said the term was not included in the paper.

71. The Secretary said that, according to her record, there were 55 planning applications for Small House development within the “GB” zone in 2013, involving a total area of 3.7 hectares. Among them, 17 applications, involving 1.51 hectares of land, were approved by the Board.

72. In response to a question from the Chairman, Mr Edward Michael (C3657) said that the information in the table from “Hong Kong Headline Indicators for Biodiversity and

Conservation Report” was compiled from the data collected from the Statutory Planning Portal and the minutes of the Board. The Chairman said that, in that case, the information was not the official figures provided by the Board, but only information that was compiled by a non-government organisation based on information it collected from various sources. Mr Edward Michael suggested that more detailed data could be provided to the Board to verify the information in the table. The Chairman said that as the Secretariat of the Board had a comprehensive record of the data, there was no need for Mr Michael to provide more supplementary data to the Board. Mr Michael suggested and the Chairman agreed that the Board could provide the relevant data to him for reference.

73. The Chairman asked whether EPD would be consulted on those Small House applications involving application sites which were not suitable for the proper functioning of septic tanks. In response, Mr C.W. Tse said that for Small House applications in the Hoi Ha area, the applicants would need to engage an Authorised Person to conduct a percolation test and submit the test results to LandsD to demonstrate that the concerned application sites were suitable for the installation of a septic tank. If the percolation test results were not acceptable, the application would likely be rejected by LandsD. LandsD might consult the EPD on whether the percolation test was conducted properly.

#### Pak Lap

74. A Member asked whether any private land in Pak Lap had been bought by private developers. Mr Ivan M.K. Chung, DPO/SKIs, said that about 44% of the village ‘environs’ was private land. According to his record, parts of the “V” zone had been bought by a private company.

75. As Members had no further question to raise, the Chairman thanked the government representatives and the commenters for attending the meeting. They left the meeting at this point.

76. The meeting was adjourned at 7:00 p.m.

[Post-meeting Note: The Secretariat took a look at the genealogy book of Mr Wong Hing Cheung (SLP-C3669) after the meeting and noted his Small House demand forecast for So Lo Pun.]

1. The meeting was resumed at 2:30 p.m. on 20.5.2014.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Dr C.P. Lau

Mr Laurence L.J. Li

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr F.C. Chan

Mr Francis T.K. Ip

Mr Peter K.T. Yuen

Assistant Director (2), Home Affairs Department

Mr Frankie W.P. Chou

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Lands

Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

Deliberation  
[Closed Meeting]

3. The Chairman extended a welcome to Members and said that the session was to deliberate the representations and comments in respect of the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1, the draft So Lo Pun OZP No. S/NE-SLP/1 and the draft Pak Lap OZP No. S/SK-PL/1. He recapped that four hearing sessions were held on 28.4.2014, 8.5.2014, 12.5.2014 and 19.5.2014 to hear the oral submissions from representers/commenters or their representatives in respect of the three draft OZPs. Some 100 representers and 20 commenters and/or their representatives had attended the meeting and 50 of them had made oral submissions in respect of the three OZPs.

4. The Chairman invited Members to consider the representations taking into consideration all written and oral submissions and the materials presented at all sessions of the meeting. Video recordings of all sessions of the meeting had been made available for Members' viewing prior to the deliberation session. He said that the Board should consider all the grounds and proposals of the representers/commenters and decide whether to propose amendments to the OZPs to meet/partially meet the representations. To facilitate the deliberation of the representations and comments, the general grounds of the representers/commenters would be discussed and deliberated first, followed by the specific grounds and proposals in respect of individual OZPs. Members then went through the grounds of the representers and commenters common to all three OZPs.

General Grounds Common to All Three OZPs

*Designation of "Village Type Development" ("V") zones and Small House Demands*

5. The Chairman said that many representations and comments were related to the Small House demand and the designation of "V" zones on the three draft OZPs. On the one hand, some representations, namely the villagers, were of the view that there was insufficient suitable land in the "V" zones for Small House development to satisfy the future demand for Small Houses; and on the other hand, the representations and comments from the green groups considered the "V" zones excessive. In support of the accuracy of the Small House demand figures, the Village Representative (VR) of Hoi Ha (R18) and a



villager of So Lo Pun (SLP-R10812/C3669) had shown to the Board and the Secretariat two name lists of male indigenous villagers of Hoi Ha and So Lo Pun at the meeting held on 28.4.2014 and 19.5.2014 respectively. According to the lists, the Small House demand forecasts for Hoi Ha and So Lo Pun were 97 and 244 respectively. The villager of So Lo Pun claimed that the estimated Small House demand forecast for So Lo Pun had included those villagers residing overseas but the actual figure would be 15 to 20% more as some villagers' names were not yet shown. The green groups opined that the "V" zones were excessive, and were based on unverified figures of Small House demand and without sufficient planning justifications. The excessive "V" zones would facilitate fraud and abuse of the Small House policy. Some representers were also of the view that the size of "V" zones should be reduced to avoid development speculation since majority of land in "V" zones were owned by private developers.

6. The Secretary said that the Small House demand forecast figures provided by R18 and SLP-R10812/ C3669 had included all male villagers of Hoi Ha Village and So Lo Pun Village, and were different from the 10-year Small House demand forecast figures provided by the respective VRs during the preparation of the draft OZPs. She said that the "V" zones on the Hoi Ha, So Lo Pun and Pak Lap OZPs would be able to meet about 68%, 50% and 100% of the Small House forecast demand for the three villages (i.e. 94, 270 and 79) respectively.

7. Members noted that the boundaries of the "V" zones were drawn up after considering the village 'environs' ('VE'), local topography, settlement pattern, Small House demand forecast, areas of ecological importance and site-specific characteristics. An incremental approach for designating "V" zones, i.e. first confining the "V" zone to the existing village settlements and the adjoining suitable land and then expanding outwards upon demonstration of genuine need for Small House developments, had been adopted in the Hoi Ha and So Lo Pun OZPs for a more orderly development pattern, efficient use of land and provision of infrastructures and services.

8. The Vice-chairman opined that the Board should adhere to the established principle in delineating the boundaries of the "V" zones, which had been adopted for other rural OZPs. In view of the need to conserve the natural environment, an incremental

approach in designating the “V” zones to meet the Small House demands was considered appropriate for the country park enclaves (CPEs). Since there was no one living in So Lo Pun at the moment, the size of the “V” zone, which could accommodate about 134 Small House sites for a planned population of about 1,000 persons, appeared to be on the high side and should be reviewed. Members also noted that the size of the “V” zone on the Pak Lap OZP, which could meet 100% of the Small House forecast demand, was not in line with the incremental approach.

[Dr C.P. Lau and Dr. Wilton W.T. Fok returned to join the meeting at this point.]

9. A Member said that in the planning for CPEs, an appropriate balance between nature conservation and village development should be struck. While there was a need to conserve the natural environment, the Small House rights of indigenous villagers should not be deprived of. Nevertheless, the extent of development in the CPEs should be carefully considered, in particular, taking into account that So Lo Pun and Pak Lap were not served by vehicular access and some of the private land in Pak Lap was held by a private company. The Chairman remarked that PlanD had explained in the hearing that landownership could be subject to change and should not be a material planning consideration.

10. After some discussion, the Chairman summed up and said that Members’ views were that the indigenous villagers’ right to build Small Houses and the designation of “V” zones to cater for Small Houses demand were acknowledged. Nevertheless, Small House demand was only one of the factors in considering the boundaries of the “V” zones. With a view to minimising adverse impacts on the natural environment of the CPEs, based on the incremental approach, the “V” zone boundaries should first be confined to suitable land adjoining the existing village settlements. While land was still available within the “V” zones for Small House developments, should there be a genuine need to use the land outside the “V” zones for Small House developments, flexibility had been provided under the planning application system to allow planning applications for “V” zone expansion or for Small House developments in the “Agriculture” (“AGR”) and/or “Green Belt” (“GB”) zones. Each application would be considered by the Board based on its individual merits.

11. In respect of the abuse of the Small House policy alleged by some representers, Members noted that land within the “V” zones was subject to the planning intention of primarily for development of Small Houses by indigenous villagers. The respective District Lands Offices would verify the status of the Small House applicants at the stage of Small House grant applications.

*Septic Tank and Soakaway System (STS) and Water Quality Impact of Small Houses*

12. The Chairman said that concerns had been raised in many representations and comments on the appropriateness and effectiveness of the STS system for village developments in the CPEs and the potential adverse impacts on the water quality of the streams in the Hoi Ha, So Lo Pun and Pak Lap areas and the water-bodies in the surroundings especially Hoi Ha Wan (HHW). Their major grounds were that the STS system could only provide a minimum level of sewage treatment, and was ineffective due to inadequate maintenance and the increase in the number of septic tanks. The proposed “V” zones would lead to a huge increase in future population, but no assessment on the potential cumulative impact of the additional Small Houses had been carried out. Some representers and commenters also considered that adequate purification could not be achieved by the STS system as the underlying surface sediment in the three areas comprised porous and highly permeable deposits. There were also comments that reference should be made to the Technical Memorandum under the Water Pollution Control Ordinance to establish a statutory set back distance from a STS system to the coastal waters of HHW.

13. Members noted that the sewage disposal arrangement including the STS system of Small Houses would be considered by the concerned government departments during the processing of Small House grant applications by the Lands Department (LandsD). The design and construction of on-site STS would need to comply with the relevant standards and regulations at the Small House application stage, including Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the EPD”. In considering whether a site was suitable for septic tank construction for sewage treatment and disposal, a number of site-specific conditions would be taken into account including the percolation

test results, proximity of rivers/streams, depth of ground water table, topography and flooding risks.

*Percolation Test*

14. A Member asked whether the percolation test should be conducted by qualified professional persons. Mr C.W. Tse, Deputy Director of Environmental Protection, said that the percolation test was one of the requirements set out in ProPECC PN 5/93. LandsD would require an Authorised Person (AP) to certify that the design of a septic tank met with the relevant standards and requirements stipulated in ProPECC PN 5/93, including a percolation test. Only an AP was qualified for undertaking the certification process. LandsD, when processing the Small House grant applications, would require the submission of the certified STS proposal to the satisfaction of the concerned government departments. Members noted that APs were professional persons registered under the Buildings Ordinance and any misconduct or negligence by APs would be subject to disciplinary actions.

15. A Member said that since the requirements of ProPECC PN 5/93 were not mandatory, it was doubtful if they were strictly followed by the applicants of Small House developments. Ms Bernadette H.H. Linn, Director of Lands, said that LandsD had been adopting a conservative approach in processing Small House applications. Before approving a Small House grant, LandsD would diligently liaise with the concerned government departments to ensure that all relevant requirements, including the arrangement of sewage treatment and disposal, had been satisfactorily complied with.

16. Another Member said that the subject CPEs fell within districts where alternate underground layers of clay and sand were typically found. As the geological condition would have a bearing on the percolation test result, this Member enquired about the depth requirement of a percolation test. In response, Mr C.W. Tse said that a percolation test should be conducted before the construction of the Small House to ascertain that the ground condition was suitable for construction of a STS system. The depth of conducting a percolation test would depend on the design of individual soakaway system. Generally speaking, a typical soakaway system for Small House development

would be located at a depth of about 1.5m to 2m below ground and occasionally a depth of about 2m to 3m might also be possible.

17. The same Member said that Small Houses built in close proximity to HHW might have adverse environmental impacts on HHW Marine Park. In this regard, the result of previous percolation tests carried out along HHW or at other coastal locations might be a useful reference regarding the soil conditions of the coastal areas. The Secretary said that the coastal areas of Hoi Ha had been designated as “Coastal Protection Area” (“CPA”) which was intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment. As the “V” zone boundary had been aligned with the “CPA” zone, very few, if not none, new Small Houses would be built at the coastline of Hoi Ha. Since Small House developments within the “V” zone did not require planning permission, the percolation test results were not subject to scrutiny by the Board.

18. Mr C.W. Tse said that when making a Small House grant application, the applicant was required to submit, among other information, a STS plan certified by an AP to LandsD for approval before occupation. Although the AP was required to certify that the percolation test had been carried out in accordance with ProPECC PN 5/93 under the STS system proposal, no record of individual percolation test result had been kept by the Government. Mr Tse continued to say that in view of the issues raised by some representers on the percolation test, EPD had discussed with LandsD that the AP-certified percolation test results should be submitted to LandsD for approval before the completion of the Small House development, and subject to scrutiny by the concerned government departments. The revised procedure would help guard against potential abuse of the certification system and further reduce the potential adverse environmental impact of Small House developments.

#### *Design and Maintenance of STS System*

19. A Member said that there was concern that unduly long connection between a Small House and the associated STS system would cause overflowing or percolation of wastewater outside the STS. This Member asked whether there was any statutory or

administrative control regarding the connection distance between a Small House and the STS system. Mr C.W. Tse replied in a negative. Provided that the STS system was constructed in accordance with the prescribed government standards and requirements, the chance of unintended overflowing or leakage of wastewater should be small.

20. A Member said that in order to maintain the efficiency of treatment, periodic maintenance of the STS system would be necessary to remove the sewage sludge that settled in the septic tank. Since So Lo Pun and Pak Lap were not served by vehicular access, the practicality of regular maintenance of the STS systems in those areas was doubtful. Members noted that the operation and maintenance practices for septic tanks were given in EPD's "Guidance Notes on Discharges from Village Houses". Mr C.W. Tse commented that the frequency of maintenance of a STS system mainly depended on the volume of sewage produced and suspended solids to be removed.

21. Mr C.W. Tse said that a STS system serving a few people living in a Small House might not require frequent maintenance, and the effectiveness and efficiency of the STS system would not be affected. As a contrast, STS systems used in schools and restaurants serving a relatively large number of people, would require regular maintenance to maintain their efficiency. In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services. As a matter of fact, STS systems were mainly deployed to serve remote areas without the provision of foul sewers and vehicular access.

#### Effectiveness of STS System

22. A Member asked whether quantitative assessments had been carried out to assess the effectiveness of the STS system in removing pollutants and the impact of the discharge from the STS system on water quality. Another Member asked whether the STS system was effective in removing inorganic chemicals such as detergents and shampoos discharged from the Small Houses and the visitors' facilities. Mr C.W. Tse said the effectiveness of a STS system was not evaluated through quantitative assessments

as a sewage treatment system designed based on chemical and physical principles. Provided that a STS system was built at a suitable location in accordance with the prescribed standards and requirements, when the sewage passed through the soil, the attenuation effect should be able to offer adequate protection to the concerned water-bodies.

23. Mr C.W. Tse continued to say that STS systems had been effective in safeguarding the water quality of HHW Marine Park. There were a number of existing houses and STS systems in Hoi Ha and the quality of the main water-body of HHW Marine Park was measured as 'excellent' by the Agriculture, Fisheries and Conservation Department (AFCD). This showed that the discharges from the existing Small Houses to the main water-body had not resulted in significant impacts, compared to the carrying capacity of the main water-bodies of the Marine Park. Therefore, if served with properly designed and operated STS systems, there was no evidence that Small Houses in the planned "V" zone would result in insurmountable impacts on the water quality of the HHW Marine Park.

24. A Member said that according to a representer, some of the houses near the coast of HHW were currently vacant, and hence the impact of the existing village houses on the water quality of HHW Marine Park might have been underestimated.

25. In response to the enquiry of Mr K.K. Ling, Director of Planning, Mr C.W. Tse said that it was not uncommon that *E. coli* was found in natural streams and coastal areas due to general human and animal activities. Even in areas already served by public sewerage and sewage treatment facilities such as Victoria Harbour and Tolo Harbour, relatively high levels of *E. coli* were common in the coastal waters. Since *E. coli* could only survive for a short period of time in the marine environment, the crux of the matter was whether the water quality of the main water-bodies had been polluted. Mr Tse said that according to his understanding, AFCD was considering more sample-taking points to enhance the monitoring of the water quality within the Marine Park.

#### Cumulative Impact

26. A Member said that in designating land for new Small House developments, the cumulative impact of Small House developments in the subject CPEs and the related catchment areas should be considered. For Hoi Ha, cumulative impact might be resulted from other developments upstream at Pak Sha O. Another Member said that taking into account the potential cumulative impact of the Small House developments and given that the “V” zones in Hoi Ha and Pak Lap were located close to the coastal areas, a precautionary approach should be considered in order to minimise the potential adverse environmental impacts.

27. The Chairman asked whether, assuming a significant increase in the number of new Small House developments to say, 400 houses, there would be unacceptable cumulative impacts on the water quality. Mr C.W. Tse said that a significant increase in the number of Small Houses and STS systems would inevitably generate additional environmental impacts, particularly in areas where the density of the existing Small House developments was already high. On whether the impact would be unacceptable, the determining factor would be the absorption capacity of the soil and the attenuation effect. The percolation test was essential to ascertain whether the soil condition of the concerned area could enable the STS system to function properly for effective treatment and disposal of wastewater. For areas where the density of Small Houses was already too high or the soil condition was not right, any proposed STS system would fail the percolation test. If the percolation test results showed that the soil condition could support a new STS system, the associated environmental impacts would not be insurmountable. Mr Tse also said that there were requirements on the location of STS systems. In general, STS was not permitted in the water gathering grounds in order to avoid pollution of potable water. Moreover, STS would not be allowed at locations in close proximity to rivers, streams and coastal areas to avoid possible pollution of the concerned water-bodies. Based on information available so far, he understood that both EPD and AFCD had no objection to the “V” zones on the three draft OZPs.

[Dr W.K. Yau returned to join the meeting at this point.]

Control of Wastewater Discharge



28. Members generally noted that unauthorised wastewater discharge into the stormwater drain system or directly to the streams and sea would be subject to enforcement action by the concerned government departments. Mr C.W. Tse said that the wastewater, including sewage and sullage from toilets and kitchens, generated from the Small Houses should be discharged into a communal foul sewer, or a STS system if a communal foul sewer was not available in the vicinity. Although pollution associated with improper disposal of wastewater could result in prosecution under the Water Pollution Control Ordinance, there were practical difficulties in investigation and enforcement for some cases.

29. Regarding the representers' concern on the discharge from the shower facilities, Mr C.W. Tse said that the wastewater was passed to a sand filtration pond for percolation into the ground. Under normal circumstances, such arrangement was considered acceptable in environmental terms. The content of non-biodegradable materials in the wastewater should be relatively small at the moment. However, if the usage of shower facilities increased, irregularities in the discharge of wastewater might increase correspondingly. As such, the general human activities, e.g. the large number of tourists visiting the CPEs, especially during the weekends, could generate more pollution threats than the Small Houses.

30. A Member said that the recreational and tourist activities including eating, swimming and showering, were major sources of pollution in the CPEs. As the planning intention of the "V" zone was primarily for the provision of Small House developments, consideration should be given to imposing more stringent control on those activities.

31. Another Member said that the idea of restricting the type of users in the marine parks had previously been considered by the Country and Marine Parks Board. However, such idea was not pursued further considering that the marine parks were public assets that should be enjoyed by members of the public. This Member also said that since the water quality of HHW Marine Park was a prime concern and AFCD had been monitoring the water quality and environmental conditions of the marine parks as the management authority, AFCD should assume a role in controlling the pollution sources in the vicinity.

In addition, the water quality readings of HHW Marine Park should be used as the pollution regulating factors. As such, if the water quality of the Marine Park was found worsened, appropriate control measures could be timely taken to minimise further environmental degradation. Other suitable types of sewage treatment facilities instead of the STS system should also be considered.

32. Members generally agreed that the increase in the number of Small Houses would not have a direct bearing on the number of visitors to the CPEs. AFCD, as the Country and Marine Park Authority (CMPA), should be requested to consider improving the visitors' facilities and strengthening enforcement actions against irregularities in wastewater discharge at Hoi Ha in order to minimise the potential adverse environmental impacts on the Marine Park.

[Dr Wilton W.T. Fok left the meeting at this point.]

*Need for Assessment in Designating the "V" zones*

33. A Member said that some representers and commenters observed that certain areas within the "V" zone of Hoi Ha were wet areas subject to frequent flooding or with relatively high water table. Based on a common sense approach, those wet areas would not be suitable for construction of the STS system. In the absence of detailed information on the geology and ground water conditions of the CPEs, this Member had doubt on the inclusion of those seemingly wet areas in the "V" zones.

34. A Member said that during the preparation of the OZPs, preliminary assessment should be carried out to ascertain whether the proposed "V" zones were suitable for construction of STS systems. This was because if some areas were subsequently found to be unsuitable for construction of STS systems within the "V" zone subsequent to the percolation test, there might be criticisms from the villagers that the land reserved could not be used for Small House developments.

35. Another Member said that the carrying capacity of the environment was a critical factor in considering the extent of development within the CPEs. Not all land

within the “V” zone would be suitable for Small House development. Taking So Lo Pun as an example, since no mature trees were found in the areas previously occupied by terraced fields within the “V” zone, it was possible that those areas had a relatively high water table or porous ground condition and were not suitable for construction of STS systems. The Member also said that the excellent water quality of HHW Marine Park was attributed to the high self-cleansing ability of the existing well-balanced environment. Any additional development might disturb the existing equilibrium and entail adverse impacts on the natural environment. There would also be aspirations from the villagers for provision of infrastructures such as sewers and roads to support the expansion of villages. Since the increase in population and related human activities would likely generate additional adverse impacts on the environment, it would be prudent to conduct a detailed assessment, based on a scientific approach, to examine the carrying capacity of the concerned areas and the suitability of the land zoned “V” for Small House developments with STS systems.

36. Mr C.W. Tse said that some land available within the “V” zones of Hoi Ha and So Lo Pun for new Small House developments was located on the higher grounds away from the lowlands and coastal areas. A proper percolation test could be conducted at the Small House application stage to ascertain whether individual site locations within the “V” zones were suitable for STS systems. Only sites passing the percolation test could support the use of a STS system. The percolation test would be a reliable scientific method to assess the individual site conditions of various locations in the new areas within the “V” zones.

37. Another Member said that while both the environmentalists and the villagers had put forward their own grounds to support their views on the designation of “V” zones, a consistent approach should be adopted by the Board in delineating the “V” zone boundaries in all the CPEs. Under the established practice, the percolation test was an appropriate means to examine the suitability of individual sites for STS systems within the “V” zones on an objective and scientific basis.

[Mr Ivan C.S. Fu left the meeting at this point.]

38. A Member said that land use planning was not an exact science and would inevitably involve judgments and assumptions. Even if a detailed assessment was conducted to examine the suitability of land for Small House developments and STS systems, it was doubtful if its findings could be directly applied to the delineation of the “V” zone boundaries. Although land suitable and unsuitable for STS systems within a proposed “V” zone would be identified upon assessment, it would not be practicable to exclude each individual unsuitable site from the “V” zone. Under such circumstances, the percolation test requirement in the Small House grant application was considered as the most practicable means to determine the suitability of land zoned “V” zone for the construction of STS systems. Under such approach, the actual number of Small Houses that would be built in the “V” zones might be fewer than that estimated by PlanD, and the resultant environmental impact would be less significant. This Member also said that should there be signs showing degradation of water quality in HHW Marine Park, AFCD could raise objection to the Small House development during the departmental circulation stage.

39. Members noted that land use zonings were broad-brush in nature. Whether land falling within a particular land use zone could actually be used for the intended purpose would be subject to other Government requirements. In respect of the suitability of Small House development and associated STS system at a certain location, there was an established control mechanism to examine each case based on its individual merits at the Small House grant application stage. Given that the preparation of OZPs for a number of CPEs was in the pipeline, to carry out detailed assessments on the suitability of “V” zones for Small House developments and STS systems for each OZP would be extremely resource demanding. Moreover, it would be difficult to determine the carrying capacity of an area on a scientific basis.

40. The Secretary said that the boundaries of the “V” zones on the three OZPs had been drawn up having regard to a number of relevant factors. In general, those areas which were considered not suitable for Small House developments had been excluded from the “V” zones during the plan-making process. If the suitability of individual sites for construction of Small Houses and STS systems was to be examined in the planning process, a more restrictive approach had to be adopted at the planning stage under which

any new Small House development and associated STS system should be submitted to the Board for scrutiny. The current practice in designating the “V” zones would have to be revamped, and the Board, instead of LandsD and the concerned government departments, would be responsible for overseeing the acceptability of the construction of STS systems.

41. Another Member said that the concerned government departments including LandsD and EPD were vested with the responsibility to ensure the compliance of any Small House development and STS system with the relevant guidelines and requirements. The current control mechanism was considered adequate to guard against any potential adverse impact on the environment. Since one of the planning intentions of the OZPs was to make provision for future Small House development for the indigenous villagers, the spirit of the Small House policy should be duly respected in the plan-making process. Adopting an over-restrictive approach to confine the “V” zones to the existing village houses was unnecessary.

[Mr Patrick H.T. Lau left the meeting temporarily at this point.]

42. After further discussion, the Chairman summed up Members’ views that planning was about designating suitable land for different land use zones on the statutory plans. For Small House developments within the “V” zones, LandsD, when processing the Small House grant applications, would require the submission of detailed plans and information for consideration by the relevant government departments. On sewage disposal arrangement, the AP of the Small House development should submit the certified STS proposal and percolation test results to the satisfaction of EPD. Sufficient control was already in place to ensure that the Small House development and the STS system would not entail unacceptable environmental impacts on the surroundings. Members also noted that the suitable location for the proposed STS systems would be determined before construction of the Small House developments. Subject to the results of percolation test, the proposed STS systems within the “V” zones might or might not be accepted by the concerned departments. There was no guarantee that all the land within the “V” zones could be used for Small House developments.

[Mr Laurence L.J. Li left the meeting at this point.]

### *Need for Infrastructural Improvement*

43. The Chairman said that some representers and commenters opined that there should be plans to provide or improve the road access, infrastructure and utilities to support the villages and to serve the visitors to the CPEs. There were also views that Village Layout Plans (VLPs) and public works programme should be drawn up to improve the infrastructure and facilities of the CPEs and to prevent the existing villages from polluting the natural environment including the streams and the nearby water-bodies.

44. Members noted that the existing population in the subject areas was low. Relevant works departments would keep in view the need for infrastructure in future subject to resource availability. Flexibility had been provided in the Notes of the OZPs for geotechnical works, local public works and environmental improvement works co-ordinated or implemented by the Government, which were necessary for provision, maintenance, daily operations and emergency repairs of local facilities for the benefit of the public and/or environmental improvement. Members also noted that the preparation of new VLPs for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of the VLPs, manpower and priority of works within PlanD. OZPs with specific land use zonings should be prepared before VLPs could be contemplated.

### *Planning Control*

45. The Chairman said that some representations and comments had requested for the imposition of more stringent planning control, based on the approach adopted in the Tai Long Wan OZP, on the three OZPs. There were also representations and comments which proposed that planning permission should be required for 'Eating Place' and 'Shop and Services' uses in the "V" zones. In addition, some representations and comments argued that, in order to prevent environmentally sensitive land from being disturbed in ecological terms, 'Agricultural Use', 'On-Farm Domestic Structure', 'Barbecue Spot', 'Picnic Area', 'Public Convenience' and 'Tent Camping Ground' should not be allowed or should require planning permission from the Board within the "V", "CA", "CPA", "GB"

and “GB(1)” zones.

*The Tai Long Wan Approach*

46. At the request of the Chairman, the Secretary briefed Members on the background relating to the Tai Long Wan OZP. She said that the draft Tai Long Wan OZP was first published in 2000 and had been subject to objections from both villagers and green groups. After consideration of the objections, the Board agreed to adopt a restrictive approach in Tai Long Wan taking into account the landscape, scenic, ecological, heritage and archaeological values of the area. Under the planning approach for Tai Long Wan, the size of the “V” zones had been delineated to cover only the existing village settlements, and planning permission from the Board was required for NTEH/Small House and for demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “V” zones. Some representers and commenters considered that, in view of the similar characteristics shared by Tai Long Wan and the subject CPEs, the restrictive approach adopted in the Tai Long Wan OZP should be followed. The Secretary said that whether the approach should be adopted for the subject OZPs should be carefully considered, bearing in mind the implications on other CPEs for which OZP preparation work was in progress.

47. A Member said that similar issues regarding the balance between village type development and nature conservation had been discussed and deliberated for the Tai Long Wan OZP. As such, the planning approach adopted in the Tai Long Wan OZP might serve a useful reference for the subject CPEs.

48. Ms Bernadette H.H. Linn said that when making any decision to apply, or otherwise, the restrictive approach for Tai Long Wan to the subject CPEs, the Board should be satisfied that the unique planning background and characteristics of Tai Long Wan warranting the adoption of such an approach were not applicable to the subject CPEs.

49. A Member said that Tai Long Wan and the subject three CPEs shared a common characteristic in that they were coastal areas where distinguished and diverse habitats for flora and fauna, such as the ‘fung shui’ woodlands and secondary woodlands,

could be found. Another Member said that the planning approach for each CPE should be considered based on the circumstances and characteristics of individual areas.

50. Some members noted that there was no government policy to require the “V” zones within CPEs to be confined to the existing village settlements, as in the Tai Long Wan case.

51. Members noted that the planning context and characteristics of Tai Long Wan were different from those of the subject CPEs. Apart from the outstanding natural beauty and unspoiled landscape, there were also well-preserved historic villages and a site of archaeological significance in Tai Long Wan. As it was considered important to conserve both the natural and built environment, a conservation approach was adopted in the Tai Long Wan OZP to preserve the natural environment, unspoiled landscape, historic buildings and the archaeological site in Tai Long Wan. Members agreed that each case should be considered on its own merits.

#### *Notes of the Plan*

52. A Member said that the traditional rights of villagers to live in and sustain their villages should be duly respected. The villages were previously vibrant and self-contained communities. Although most of the villagers had subsequently moved out of the villages in So Lo Pun and Pak Lap, the villagers’ rights to return and live in the villages should not be deprived of. The rights of the indigenous villagers to build Small Houses within the “V” zone should be respected.

53. A Member said that whether ‘Eating Place’ and ‘Shop and Services’ uses should be permitted as of right in the “V” zone of the CPEs was doubtful. Proliferation of restaurants and commercial facilities in the villages might attract more visitors to the areas and pose additional burden on the natural environment. Another Member said that given the special landscape and ecological values of the CPEs, a more stringent approach on imposing control on ‘Eating Place’ use within the “V” zones would be required.

54. Ms Bernadette H.H. Linn said that in general Small House developments were



governed by land instruments permitting 'non-industrial' uses, under which restaurants and shop uses were permitted. Nevertheless, if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD).

55. The Secretary said that 'Eating Place' and 'Shop and Services' uses were Column 2 uses within the "V" zone of the OZPs which required planning permission from the Board. Only those 'Eating Place' and 'Shop and Services' uses located at the ground floor of a NTEH, which were relatively smaller in scale, were permitted as of right.

56. Members noted that NTEH/Small Houses should be permitted as of right within the "V" zone of the CPEs unless under very special circumstances. There was sufficient control in the OZPs that land within "V" zone would be used primarily for Small House development. Members also noted that the provision of eating place and shop and service on the ground floor of a NTEH was intended to serve the needs of the villagers. Apart from imposition of planning control, there were other means such as traffic management to control the number of visitors in the CPEs. Moreover, a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.

[Mr Frankie W.P. Chou left the meeting temporarily at this point.]

57. The Vice-chairman said that agricultural use by nature would not conflict with nature conservation. Farming practices were commonly found in conservation areas and even country parks. It was not necessary to impose more stringent planning control on agricultural use. This view was shared by another Member.

58. A Member said that agricultural activities should be encouraged in the villages in order to sustain the living of villagers and to respect their traditional rights.

59. Members considered that 'Agricultural Use' was permitted in all zones to respect the lease right under the Block Government Lease. It was also a Column 1 use

within the “V” and “CA” zones on the Tai Long Wan OZP. Moreover, AFCD had reservation on moving ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ to Column 2 as it would impose unnecessary restrictions on agriculture and discourage agricultural development in the long run. Planning permission from the Board was required for works relating to the diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to the permitted uses, which might cause adverse impacts on the natural environment.

60. Member considered that, as advised by AFCD, ‘Barbecue Spot’, ‘Picnic Area’, ‘Public Convenience’ and ‘Tent Camping Ground’ might not have significant adverse impacts on sensitive habitats. There was no strong justification for imposing more stringent control on those uses in the concerned land use zones.

#### *Policies for Planning of CPEs*

61. The Chairman said that some representers and commenters considered that the CPE policy objective was to provide better protection of the CPEs than currently existed, while the Government had a duty to implement the International Convention on Biological Diversity (ICBD). However, they were of the view that the objectives of the CPE policy and the ICBD had not been addressed in the draft OZPs.

62. A Member said that in order to better protect the CPEs, priority should be given to conserving the natural environment of the areas.

63. Another Member said that taking into account the unique scenic, landscape and ecological qualities of the CPEs, a cautious approach should be adopted in the consideration of the OZPs.

64. Members noted that there was no such government policy on CPEs. The so-called ‘CPE Policy’ was only administrative measures to either include the CPEs into country parks, or determine their proper uses through statutory planning to meet the conservation and social development needs. Under the New Nature Conservation Policy, statutory town planning had been recognised as one of the tools for protecting sites of high

ecological importance. OZPs should be formulated for those CPEs having regard to the actual situation of the CPEs, including such factors as their conservation values, landscape and aesthetic values, geographical locations, existing scale of human settlements and immediate development pressure to meet conservation and social development needs.

65. A Member said that certain principles in the ICBD were applicable to the preparation of OZPs for the CPEs. In particular, Article 8(E) advocated to ‘promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas’. Since the CPEs were located close to the country parks which were protected areas, the HKSAR as a signatory of the ICBD through China was obliged to observe such principles where appropriate.

66. Members noted that the general planning intention of the OZPs was to conserve the natural landscape and conservation value, to protect its natural and rural character, and to allow for Small House developments by the indigenous villagers of the existing recognised villages. In drawing up the OZPs and their land use proposals, due consideration had been given to the ecological importance of the Hoi Ha, So Lo Pun and Pak Lap areas in the preparation of the OZPs with a view to striking a proper balance between nature conservation and development needs. Attention had been given to protect the ecological and landscape significance of the areas having regard to the wider natural system of the surrounding areas including the country parks. Conservation zones, including “GB”, “CA” and “CPA”, under which there was a general presumption against development, had been designated to cover areas having ecological and landscape significance that warranted protection under the statutory planning framework.

#### *‘Destroy First, Build Later’ Approach*

67. Some representers alleged that illegal tree felling and suspected unauthorised site formation and drainage works were previously found in So Lo Pun and Pak Lap respectively. The ‘destroy first, build later’ approach should not be rewarded with development zoning.

68. A Member said that in response to the arguments put forward by the

representers and commenters, the “V” zoning of land previously subject to suspected unauthorised site formation works in Pak Lap should be reviewed. Members noted that the concerned area in Pak Lap was fallow agricultural land overgrown with grass and shrubs. The zoning of the land would be considered upon deliberation on individual OZPs.

69. After further discussion, the Chairman concluded and Members agreed that the Board was determined to conserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned. To ensure that activities within the “AGR”, “GB” and “CA” zones would not result in adverse environmental impact, the Notes of the OZPs had stipulated that any diversion of stream, and filling of land/pond were subject to the approval by the Board.

#### *Judicial Review for Tai Long Sai Wan Case*

70. Members noted that a few representers and commenters said that the judgment of the judicial review (JR) relating to Tai Long Sai Wan should be taken into account in the preparation of the OZPs. However, Members considered that the planning context and background of Tai Long Sai Wan should be distinguished from the other CPEs. The JR judgment should not be directly applicable to the preparation of the three OZPs as each case should be considered on its merits.

#### *Contravention of Basic Law*

71. As regards the allegation of some representers that designating the private lots for conservation zonings had contravened the Basic Law (BL), Members noted that similar arguments had been raised in the context of other rural OZPs. According to the legal advice previously obtained, insofar as the Small House Policy had already been qualified by the system of OZPs before the Basic Law came into force on 1.7.1997, subject it to planning controls imposed by the draft OZPs would not be inconsistent with BL Article 40. Also, the planning controls imposed by the draft OZPs would not involve any formal expropriation of property, nor would they leave the land concerned without any meaningful

alternative use. As such, they would not constitute ‘deprivation of property’ for the purpose of BL Article 105 requiring payment of compensation.

*Inclusion of CPEs into Country Parks or Marine Parks*

72. The Chairman said that some representers were of the view that land under private ownership should not be included in the country parks, while others proposed that the CPEs should be incorporated into the country parks or marine parks.

73. A Member enquired whether a request should be made to the Country and Marine Parks Board to incorporate Hoi Ha, So Lo Pun and Pak Lap into the country parks. The Chairman remarked that in the 2010-11 Policy Address, the Government undertook to either include the 54 CPEs into country parks, or determine their proper uses through statutory planning. Subsequently, the Government was directed by the Chief Executive in Council to prepare statutory plans to cover about half of the CPEs, including the Hoi Ha, So Lo Pun and Pak Lap areas under the provisions of the Town Planning Ordinance. The directive should be followed by the Board.

74. The Secretary supplemented that preparation of statutory plans and designation of country parks were under two separate regimes. Covering a CPE by a statutory plan would not preclude the inclusion of that area in the country park in the future. Members noted that the designation of country parks and marine parks was under the jurisdiction of the CMPA governed by the Country Parks Ordinance (Cap. 208) and the Marine Parks Ordinance (Cap. 476), which was outside the purview of the Board. According to AFCD, whether a site was suitable for designation as a country park should be assessed against the established principles and criteria, which included conservation value, landscape and aesthetic value, recreation potential, size, proximity to existing country parks, land status and existing land use.

75. The Chairman said that the general issues common to the three OZPs had been deliberated. He suggested that the grounds and proposals of representations and comments in respect of the individual OZPs be discussed in a separate session of deliberation. Members agreed.

76. The meeting was adjourned at 5:10 p.m.

1. The meeting was resumed at 2:30 p.m. on 4.6.2014.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow Chairman

Mr Stanley Y.F. Wong Vice-chairman

Professor S.C. Wong

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Francis T.K. Ip

Mr Peter K.T. Yuen

Assistant Director (2), Home Affairs Department  
Mr Frankie W.P. Chou

Deputy Director of Environmental Protection  
Mr C.W. Tse

Director of Lands  
Ms Bernadette H.H. Linn

Director of Planning  
Mr K.K. Ling

Deliberation  
[Closed Meeting]

3. The Chairman extended a welcome to Members and said that the session was to continue the deliberation of the representations and comments in respect of the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1, the draft So Lo Pun OZP No. S/NE-SLP/1 and the draft Pak Lap OZP No. S/SK-PL/1. He said that the general grounds of representations common to all three OZPs raised by the representers/commenters were discussed and deliberated on 20.5.2014. Members' views were summarised below:

- (a) the indigenous villagers' right to build Small Houses should be respected and "Village Type Development" ("V") zones should be designated to cater for the Small House demands;
- (b) New Territories Exempted Houses (NTEHs)/Small Houses should be permitted as of right within the "V" zone unless under very special circumstances;
- (c) the boundaries of the "V" zones were drawn up after considering the village 'environs' ('VE'), local topography, settlement pattern, Small House demand forecast, areas of ecological importance and site-specific characteristics. To minimise the adverse impacts on the natural environment, an incremental approach should be adopted in designating the "V" zones to meet the Small House demands;
- (d) there was sufficient control in the current administrative system to ensure that individual Small House development and septic tank and soakaway (STS) system within the "V" zones would not entail unacceptable impacts on the surrounding environment;
- (e) suitable location for the STS system would be determined through the carrying out of percolation test before construction of the Small House development. The proposed STS system for Small House development within the "V" zones might or might not be accepted by concerned



government departments. There was no guarantee that all land zoned “V” would be suitable for Small House development;

- (f) relevant works departments would keep in view the need for infrastructural works subject to resource availability;
- (g) the provision of ‘Eating Place’ and ‘Shop and Services’ uses on the ground floor of a NTEH within the “V” zones was intended to serve the needs of the villagers;
- (h) there was no strong justification to impose more stringent control on various uses within the “V”, “Conservation Area “ (“CA”), “Coastal Protection Area” (“CPA”), “Green Belt” (“GB”) and “GB(1)” zones;
- (i) there was no government policy on country park enclaves (CPEs) as claimed by some representers. Under the New Nature Conservation Policy, statutory planning had been recognised as one of the tools for protecting sites of high ecological importance. In drawing up the OZPs, due consideration had been given to protecting the ecological and landscape significance of the areas having regard to the wider natural system of the surrounding areas including the country parks;
- (j) the Town Planning Board (the Board) was determined to conserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment;
- (k) the planning context and background of Tai Long Sai Wan should be distinguished from the other CPEs. The judicial review judgment for Tai Long Sai Wan should not be directly applicable to the preparation of the subject OZPs;
- (l) according to the legal advice previously obtained in the context of other statutory plans, the imposition of the planning controls in OZPs would not

be inconsistent with Articles 40 and 105 of the Basic Law;

- (m) the designation of country parks and marine parks was under the jurisdiction of the Country and Marine Parks Authority (CMPA) governed by the Country Parks Ordinance (Cap. 208) and the Marine Parks Ordinance (Cap. 476), which was outside the purview of the Board; and
- (n) a restrictive approach was adopted in the Tai Long Wan OZP in view of the need to conserve the outstanding natural beauty, ecological significance as well as the natural and built environment of Tai Long Wan, in particular the historic villages and the archaeological site.

4. Members noted that the relevant information including TPB Papers and minutes of meeting in respect of the consideration of the draft Tai Long Wan OZP in 2000 and 2001 had been provided to them for information.

5. The Chairman said that the Board should consider all the grounds and proposals of the representers/commenters and decide whether to propose amendments to the OZPs to meet/partially meet the representations. Members then went through the specific grounds and proposals raised by the representers and commenters in respect of the individual draft OZPs.

#### Draft Hoi Ha OZP No. S/NE-HH/1

#### *Proposed Amendments by Planning Department (PlanD)*

6. By referring to Plan H-4 of TPB Paper No. 9644, the Chairman said that in response to some representations, PlanD had proposed some amendments to the draft Hoi Ha OZP No. S/NE-HH/1 with a view to minimising potential adverse impacts on the natural environment including the woodland, wetland, Hoi Ha Stream and Hoi Ha Wan (HHW). The proposed amendments included the rezoning of the relatively undisturbed woodland area in the west of the existing village cluster of Hoi Ha and its adjacent areas from “V” and “GB” to “GB(1)” (i.e. Amendment Items A and B). The proposed “GB(1)”

zone would provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allow flexibility for some necessary uses to cater for the needs of local villagers (e.g. 'Burial Ground' and 'Rural Committee'). As a result of these proposed amendments, the size of the "V" zone would be reduced from about 2.6 ha to 1.95 ha and the land available within the "V" zone for Small House development would be reduced from about 1.6 ha to 1.02 ha, which could accommodate about 40 new Small Houses capable of meeting about 43% of the Small House demand forecast of Hoi Ha (i.e. 94).

7. The Chairman continued to say that PlanD also proposed to rezone a piece of Government land (about 0.25 hectare) to the east of the village cluster of Hoi Ha from "CA" to "GB" (i.e. Amendment Item C). The concerned area was relatively flat and mainly covered by small trees, shrubs and grass, and had been identified as a possible location for Small House development where approval by the Board was required.

8. Members were invited to consider whether Amendment Items A, B and C as proposed by PlanD should be accepted.

9. In responses to the Chairman's enquiry, Ms Bernadette H.H. Linn said that during the past three years, no Small House grant application had been approved in Hoi Ha Village, while ten applications were under processing by the Lands Department (LandsD). The figures reflected that the Small House demand of Hoi Ha Village was low, irrespective of the zoning on the draft Hoi Ha OZP.

10. Noting that the area zoned "V" would be reduced under Amendment Item B, the Vice-chairman said that the prospect of approving planning applications for Small House development within the "GB" and "GB(1)" zones might be relevant to the consideration of the proposed amendments. The Chairman said that in general, there was presumption against development within the "GB" zone. Applications for Small House development within the "GB" zone should comply with the relevant criteria and guidelines, and each application would be considered by the Board based on its individual merits. Members also noted that whilst redevelopment of existing NTEH and rebuilding of existing structures were always permitted, new NTEH developments would not be allowed in the

proposed “GB(1)” zone.

11. A Member said that if the size of the “V” zone was reduced, the villagers might consider that their interests had not been sufficiently considered by the Board. Making reference to the planning control in the “V” zone of the Tai Long Wan OZP, i.e. placing ‘NTEH’ under Column 2 of the “V” zone, this Member asked if similar approach might be considered as an alternative to the proposed Amendment Item B. This Member considered that some representers from green groups had already expressed at the hearing that they would have no objection to proposed Small House developments within the “V” zone provided that there was a genuine need. Unlike the “GB” zone, there was no presumption against development within the “V” zone. Thus, as long as the proposed Small House developments complied with the relevant criteria and requirements, there would be a reasonable chance of the Small House applications being approved. This Member also said that such planning control on Small House development was particularly worthy of consideration for the draft Hoi Ha OZP since most of the land within the original “V” zone was allegedly owned by private developers.

12. Mr K.K. Ling said that the imposition of stricter planning control in the “V” zone of the Tai Long Wan OZP was mainly based on the consideration that the well-preserved village settlements in Tai Long Wan were of high heritage value. The integrity of the village setting was still kept intact and undisturbed, and the village clusters in Tai Long and Ham Tin had high group value for preservation. To ensure that new NTEH/Small House development would be in harmony with the existing historical village houses and would not affect the integrity of the existing village setting in Tai Long Wan, planning permission was required for new NTEH developments, and for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “V” zone. The same restrictive approach was also adopted in Pak Sha O where the historic village houses and unique village setting were worthy of preservation.

13. Members noted that there was no historic village of heritage significance in Hoi Ha and there were no exceptional circumstances in the subject CPEs that warranted adopting a more stringent planning control on new NTEH/Small House developments within the “V” zones. Members also noted that landownership should not be a material

planning consideration as ownership could change over time. The key consideration for the proposed rezoning of the area to the west of Hoi Ha Village from “GB” and “V” to “GB(1)” was to give further protection to the existing woodland, wetland and HHW. Keeping the “V” zone and transferring ‘NTEH’ from Column 1 to Column 2 of the “V” zone could not achieve such conservation objective.

14. A Member said that given the ecological significance of HHW Marine Park and the coastal areas, as well as the possible cumulative impact resulted from the village developments in Hoi Ha and Pak Sha O, Amendment Items A and B were considered appropriate. As for Amendment Item C, the area fell partly within a ‘fung shui’ wood and was surrounded by existing secondary woodlands. There were planning applications for NTEH development in proximity to the subject area previously rejected by the Rural and New Town Planning Committee (RNTPC) of the Board. In the light of the above and in order to give added protection to the adjacent Sai Kung West Country Park and HHW Marine Park, the zoning of the subject area should remain as “CA”. By referring to Plan H-6 of TPB paper No. 9644, the Chairman said that as a hybrid option, the southwestern part of the subject area which fell within the ‘fung shui’ wood could be excised from Amendment Item C and remained as “CA”, while the remaining area could be rezoned to “GB”. The Member said that without human disturbance, the subject area could be restored to form part of the woodland habitat. As such, the integrity of the subject area and the surrounding woodland areas should be preserved as a whole. To avoid the proliferation of village development into the subject area, the whole area should remain as “CA”.

15. Another Member said that since NTEH/Small House developments were permissible within the “GB” zone on application to the Board, the effectiveness of the proposed “GB” zone in guarding against future development in the area under Amendment Item C was doubtful. There was also concern on possible developments under the ‘destroy first, build later’ approach. To avoid the proliferation of development into the eastern part of Hoi Ha Village and to avoid fragmentation of the woodland habitats, the proposed Amendment Item C was not supported. The Chairman remarked that the subject area fell outside the boundary of HHW Marine Park and the zoning of the area should be considered in accordance with its conversation value. Any proposed Small

House developments within the proposed “GB” zone should comply with the relevant criteria and guidelines. Each application would be considered by the Board based on its individual merits.

16. A Member said that nature conservation should be the prime objective in the planning for the CPEs and a more stringent planning approach should be adopted. Since any increase in the residing population and visitors would pose additional threats to the natural environment, in particular HHW Marine Park, the area zoned “V” should be minimised. In order to ensure that no insurmountable impact on the natural environment would be caused by the new NTEH/Small House developments, provision of infrastructural facilities to support the new developments and adoption of appropriate measures to improve the management of HHW Marine Park should be considered by the Government.

[Mr Sunny L.K. Ho returned to join the meeting at this point.]

17. The Member who earlier expressed disagreement to Amendment C said that in view of the ecological significance of HHW, the relevant government departments should be requested to consider providing public sewage treatment facilities and to strengthen enforcement actions against unauthorised sewage discharge in the Hoi Ha area. Mr C.W. Tse said that any contravention of the Water Pollution Ordinance would be subject to enforcement by the relevant government departments including the Environmental Protection Department (EPD). Taking into account the resource availability and the relatively small population in Hoi Ha, the provision of public sewage treatment facilities in Hoi Ha would not be accorded with high priority. The water quality of HHW Marine Park was regarded as ‘excellent’ at present, and it would be up to the CMPA to consider whether any additional measures were required to further enhance the water quality of HHW. The Chairman said that the Member’s requests would be conveyed to EPD and the Agriculture, Fisheries and Conservation Department (AFCD) for consideration outside the statutory planning process.

18. A Member said that the protection of HHW Marine Park was of utmost importance. AFCD as the management authority of HHW Marine Park should keep close

monitoring of the water quality, and take appropriate measures to guard against any possible degradation. The provision of a local sewage treatment plant in Hoi Ha should be considered. In respect of the proposed Amendment Item C, this Member said that the subject area was located amidst a woodland area including the ‘fung shui’ wood of Hoi Ha Village. In order to preserve the woodland area in totality, the “CA” zoning of the subject area should be retained.

19. After further discussion, the Chairman summed up Members’ discussion that the proposed Amendment Items A and B to rezone the area to the west of the existing village cluster of Hoi Ha from “GB” and “V” to “GB(1)” respectively were considered appropriate to give added protection to the existing natural environment including the woodland, wetland, Hoi Ha Stream and HHW. An incremental approach should be adopted in the designation of “V” zone to meet the Small House demand in the planning for the CPEs, including Hoi Ha. In respect of Amendment Item C, Members considered that the subject area was located within a larger woodland area which should be preserved as a whole. There was no strong planning justification to rezone the subject area from “CA” to “GB”.

#### *Other Grounds of Representations and Representers’ Proposals*

20. Members then went through the other grounds and proposals raised by the representers and commenters in respect of the draft Hoi Ha OZP No. S/NE-HH/1 and noted the following responses:

##### Inadequacy of “GB” Zone

- (a) important habitats in Hoi Ha such as the mature native woodlands and the riparian zone of Hoi Ha Stream, which could provide suitable habitats supporting a variety of species, were covered with conservation zonings including “CA”, “GB” and “CPA” on the draft Hoi Ha OZP;

##### Inaccurate and Misleading Information

- (b) the boundary of HHW Marine Park had been drawn making reference to high water mark and the coverage of the Marine Park had taken into

account the ecological characteristics of the shoreline. In this regard, the boundary of the Marine Park was purposely drawn to include the beaches and sand dunes in Hoi Ha for better protection of the coastal ecology. The northern boundary of the draft OZP coincided with the boundary of the Marine Park leaving no gap in between;

- (c) in drafting the OZP, there was more emphasis on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest;
- (d) the cultural heritage features of the Hoi Ha area had been specified in the Explanatory Statement of the draft OZP. The Antiquities and Monument Office of the Leisure and Cultural Services Department would be consulted on any development proposals which might affect the sites and their immediate environs;

#### Representers' Proposals

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

- (e) the width of the "CPA" zone between Hoi Ha Village and HHW Marine Park ranged from about 25m to 35m. Further extending the "CPA" zone inland would encroach onto the existing village; and

##### *Long-term Plan for Hoi Ha*

- (f) the draft OZP was prepared with a view to providing a statutory planning framework to guide the long-term development plan of the area and preserve the rural character and natural environment. During the plan-making and representation consideration processes, the Board had taken account of the public views including input from key stakeholders.

#### *Decision*



21. Members agreed to note the supportive views of representations No. R10737 to R10739 and R10742 in respect of the draft Hoi Ha OZP.

22. Members also decided to amend the draft Hoi Ha OZP No. S/NE-HH/1 by rezoning the western part of the “V” zone and the adjoining “GB” zone to “GB(1)” (i.e. Amendment Items A and B) as shown on the plan in Annex VI of TPB Paper No. 9644 to partially meet those Group 2 representations which opposed the excessive size of the “V” zone. In tandem with the proposed amendments to the draft Hoi Ha OZP, the Notes and the Explanatory Statement of the draft OZP should also be revised. PlanD was requested to submit the proposed amendments to the draft Hoi Ha OZP to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

23. Members also decided not to uphold all Group 1 representations and the remaining Group 2 representations, and that no amendment should be made to the draft Hoi Ha OZP to meet the representations. Members then went through the reasons for not upholding the representations and not to amend the draft Hoi Ha OZP to meet the representations as detailed in paragraph 7.3 of TPB Paper No. 9644 and considered that they should be suitably amended.

#### Representations No. R10737 to R10739 and R10742

24. After further deliberation, the Board decided to note the supportive views of Representations No. R10737 to R10739 and R10742 in respect of the draft Hoi Ha OZP.

#### Adverse Representations<sup>1</sup>

25. After further deliberation, the Board agreed to partially meet Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10750 to R10910, R10922 to R10931 and R10933 in respect of the draft Hoi Ha OZP by rezoning the western part of

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<sup>1</sup> The withdrawn/not having been made representations No. R287, R569, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531 were taken out.

the “V” zone and the adjoining “GB” zone to “GB(1)”.

26. After further deliberation, the Board decided not to uphold Representations No. R1 to R798, R10555, R10563, R10565, R10570, R10572, R10573, R10575, R10581, R10731, R10735, R10736, R10740, R10741, R10743 to R10749, R10911 to R10921, R10932 and R10934 and the remaining parts of Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10750 to R10910, R10922 to R10931 and R10933 in respect of the draft Hoi Ha OZP for the following reasons:

Group 1 and Group 2 Representations

(HH-R1 to R10736, HH-R10738 to R10741 and HH-R10743 to R10934)

*Designation of “V” Zone*

- “(a) there is a need to designate “Village Type Development” (“V”) zone at suitable locations to meet Small House demand of indigenous villagers in Hoi Ha, a recognised village within the Area. The boundaries of the “V” zone for the village have been drawn up having regard to the village ‘environs’ (‘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;
- (b) the Small House demand forecast is only one of the factors in drawing up the proposed “V” zones and the forecast is subject to variations over time. An incremental approach for designating the “V” zone for Small House development has been adopted with an aim to confining small house development at suitable locations;

Group 1 Representations

(HH-R1 to R798, HH-R10736, HH-R10740, HH-R10741 and HH-R10743 to

R10749)

*Rezoning of the “CA” zone to “V” and “Green Belt” (“GB”)*

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

*Rezoning of “CPA” to “V”*

- (d) the “Coastal Protection Area” (“CPA”) covers mangroves, mangrove-associated plants and backshore vegetation, and adjoins the Hoi Ha Wan (HHW) Marine Park. A “CPA” zone is required to serve as a buffer between the village area and HHW Marine Park;

Group 2 Representations

(HH-R799 to R10735 and HH-R10750 to R10934)

*Environmental Impact on Hoi Ha Wan Marine Park*

- (e) conservation zones, including “GB”, “CA” and “CPA” under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment of Hoi Ha and the ecologically linked Sai Kung West Country Park and HHW Marine Park under the statutory planning framework;
- (f) as stated in the Explanatory Statement of the draft Hoi Ha OZP No. S/NE-HH/1, for the protection of the water quality of the HHW Marine Park, the design and construction of on-site septic tank and soakaway (STS) for any development proposals/submissions need to comply with relevant standards and regulations, including Environment Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental

Protection Department”;

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

*Inadequate and misleading information*

- (h) the boundary of HHW Marine Park was drawn making reference to the high water mark and the gazetted boundary of the HHW Marine Park was approved under the Marine Parks Ordinance in 1996. The northern boundary of the draft Hoi Ha OZP coincides with the HHW Marine Park boundary leaving no gap in between;
- (i) in the drawing up of the draft Hoi Ha OZP No. S/NE-HH/1 and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transportation, infrastructure and utility services have been taken into account. Views and comments have also been sought from stakeholders and relevant government departments. The draft Hoi Ha OZP has not been prepared on the basis of the survey map which is just a map base of the plan only;

*Designation of “Comprehensive Development Area” (“CDA”)*

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

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

- (k) the “CPA” zoning is considered appropriate from nature conservation point of view to forming a buffer between the village and HHW Marine Park;

*Designation of Country Park Enclaves as Country Parks*

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

*Expanding the Boundary of the “Other Specified Use” annotated “Water Sports Recreation Centre” zone*

- (m) there is no strong justification for expanding the boundary of the “Other Specified Use” annotated “Water Sports Recreation Centre” zone. The maintenance or repair of road (including footpath) is always permitted in the “CA” zone under the covering Notes of the draft Hoi Ha OZP No. S/NE-HH/1.”

Draft So Lo Pun OZP No. S/NE-SLP/1

*Size of the “V” zone*

27. Members noted that many representations and comments submitted by the green groups and concern groups considered that the “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/1 was excessive. The “V” zone should be confined to the existing village structures, building lots and approved Small House sites. On the other hand, the representations and comments submitted by the villagers of So Lo Pun and the rural sector pointed out that the land available within the “V” zone for Small house developments was insufficient to meet the Small House demand and to support the rehabilitation of So Lo

Pun Village. In support of the accuracy of the Small House demand figure, a name list of male indigenous villagers of So Lo Pun was compiled by a villager of So Lo Pun (SLP-R10812/C3669) at the hearing. According to the draft So Lo Pun OZP No. S/NE-SLP/1, the “V” zone had an area of about 4.12 ha with about 3.36 ha of land available for development which could accommodate about 134 new Small Houses capable of meeting about 50% of the Small House demand of So Lo Pun (i.e. 270).

28. By referring to a plan shown on the visualiser, the Chairman said that a “V” zone of about 2.52 ha confining to the existing village settlements as well as their adjoining areas was originally proposed on the draft So Lo Pun OZP No. S/NE-SLP/D which was given preliminary consideration by the Board on 26.4.2013. After consultation with the relevant stakeholders including the North District Council and the Sha Tau Kok District Rural Committee in May 2013 and the government departments concerned, the “V” zone was subsequently enlarged to 4.12 ha on the draft So Lo Pun OZP No. S/NE-SLP/1 by rezoning two areas adjoining the existing village settlements from “GB” to “V”. These two areas included (i) a piece of land at the northeastern part (about 0.65 hectare) contiguous to the existing village cluster and consisted of fallow agricultural land with shrubs and trees (‘the northeastern portion’); and (ii) a stretch of level land in the southwestern part (about 0.99 hectare) which mainly comprised dry and fallow agricultural land and its adjoining gentle slope (‘the southwestern portion’). Members were invited to consider whether the “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/1 was appropriate taking into account the originally proposed “V” zone boundary on the draft So Lo Pun OZP No. S/NE-SLP/D.

29. Noting that there was no outstanding Small House demand in So Lo Pun, Members generally considered that there was no imminent need to designate a “V” zone of 4.12 ha as shown on the draft So Lo Pun OZP No. S/NE-SLP/1 to meet the Small House demand and to facilitate the village rehabilitation proposed by some representers. There was scope to reduce the size of the “V” zone by deducting either the northeastern or the southwestern portion, or both.

30. Noting that the existing population of So Lo Pun was nil and there was no outstanding Small House application, a Member said that the planned population of about

1,000 under the draft OZP No. S/NE-SLP/1 was a drastic increase. Despite that the area zoned “V” could only meet 50% of the Small House demand which was in line with the incremental approach, the total number of new Small House developments, i.e. 134 houses, was considered excessive. The area zoned “V” should be reduced.

31. A Member said that based on the incremental approach, the “V” zone boundary should first be confined to cover mainly the existing village settlements. Should there be a genuine need for Small House developments to meet the Small House demand in the future, flexibility had been provided under the planning application system for Small House developments within the “GB” zone or for rezoning application to expand the “V” zone. Each application would be considered by the Board based on its individual merits.

32. Another Member said that the lowland areas within the “V” zone might not be suitable for Small House developments. As such, the southwestern portion, which comprised mainly former terraced fields and slope areas, should be retained as “V” while the northeastern portion should be reverted to “GB”.

33. Mr K.K. Ling said that consideration should be given to adopting the proposed “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D, which covered the central part of So Lo Pun (‘the central portion’) including mainly the existing village settlement to provide flexibility for villagers to build Small Houses and to minimise the potential environmental impact on inland areas and the low-lying fallow agricultural land.

34. A Member said that in view that the existing population was zero and the Small House forecast demand provided by the villagers had not been verified, there was no imminent need to provide too much land to meet the Small House demand at this stage. As there was at present no vehicular access to the area, an over-expansive “V” zone would result in a significant increase in sea transport and construction activities which would have adverse impacts on the natural environment. This Member added that based on the information available, the genuine need for Small House development had not been demonstrated at this stage. The “V” zone should be confined to the existing village settlements in the central portion where land was still available for Small House development. Upon full development of the “V” zone, further expansion of village

development could be considered in the northeastern and southwestern portions.

35. Another Member said that the naturalness of So Lo Pun was the highest amongst the three subject CPEs. Considering that there was no existing population and there were inadequate infrastructural facilities in So Lo Pun, it was unlikely that there would be a strong demand for Small House development in the short to medium term. Under such circumstances, an incremental approach, with the “V” zone confining to the existing village settlements in the central portion, should be adopted at the present stage. This Member continued to say that both the northeastern and southwestern portions should be reverted to “GB” in view of the naturalness of the areas. Should there be a genuine need for development of Small Houses at a later stage, planning applications for development of NTEH within the “GB” zones could be submitted to the Board for consideration. This Member also said that the Board should be cautious in using the Small House demand forecast figures provided by the villagers at the hearing to delineate the size of the “V” zone because this might create a precedent for other villagers to follow suit.

36. Members noted that there was a general presumption against development within the “GB” zone although individual planning applications for Small House development had been approved by the RNTPC/Board. Mr K.K. Ling said that there was sufficient control of development within “GB” zone as any proposed development should comply with the relevant criteria and guidelines.

37. The Vice-chairman said that based on the present situation, it was unlikely that there would be a strong demand for Small House developments in the short term. Due to the lack of infrastructural facilities, the ultimate population in So Lo Pun might still be low irrespective of the size of the “V” zone. The crux of the issue was to strike a proper balance that could meet the development needs of villagers while at the same time offer adequate protection to the natural environment. Under the current circumstances, it would be more reasonable to confine the “V” zone to the existing village settlements and the adjoining suitable land as a starting point. When a genuine need for Small House development or village rehabilitation was established in the future, expansion of village development onto the adjoining “GB” zones could be considered by the Board based on the circumstances of individual cases.



38. The Chairman remarked that the “V” zone boundary should be delineated taking into account a number of factors including the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance and site-specific characteristics. A decision should be made by the Board after balancing the differing views of the representers. Any proposed amendments to the draft So Lo Pun OZP should be well justified and the Board should be ready to explain its decision to the representers, including both the environmentalists and the villagers, during the consideration of further representations in respect of the draft OZP.

39. A Member said that in view of the close proximity to the “CA” zone, new Small House developments in the northeastern portion would likely entail significant adverse impact on the “CA” zone. A cautious approach should be adopted by confining the “V” zone to the existing village settlements in the central portion. The northeastern and southwestern portions should be rezoned to “GB”.

40. Another Member said that a positive commitment of the Board to protect the natural environment of the CPEs should be expressly stated in the OZPs. Areas of conservation interest should be designated for conservation zonings such as “CA” and “GB”. In view of the lack of infrastructural facilities in So Lo Pun, the “V” zone on the current draft OZP No. S/NE-SLP/1 was considered excessive and would attract unrealistic development expectations from villagers. In order to minimise the potential impact on the natural environment, the “V” zone should first be confined to the existing village settlements and the adjoining suitable land in the central portion. Upon demonstration of a genuine demand for Small House development, further expansion of the “V” zone could be considered through the section 12A planning application mechanism. This Member also said that a similar planning approach should be applied for other CPEs.

41. A Member said that in the light of a lack of infrastructural facilities and no outstanding Small House demand, it was envisaged that there would not be any major changes in So Lo Pun in the near future. Since the current population was zero, based on the incremental approach, it was reasonable to retain only the “V” zone in the central portion. It was also desirable to confine Small House developments in areas adjacent to

the existing village settlements for a more orderly development pattern. The rationale for reducing the area zoned “V” could be explained to the villagers. This Member also said that planning was a continuous process. Should there be a genuine need for village rehabilitation in the future, existing mechanisms were available for amending the OZP to cater for the change in planning circumstances.

42. Another Member said that since many villagers of So Lo Pun were residing overseas, the genuine desire to rehabilitate the village was doubtful.

43. After further discussion, the Chairman summed up Members’ views that based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted, whilst the northeastern and southwestern portions should be rezoned to “GB”. Should there be a genuine need for more Small House developments, flexibility had been provided under the planning application system for Small House developments within the “GB” zone or for rezoning application to expand the “V” zone. Each application would be considered by the Board based on its individual merits taking account of the prevailing planning circumstances.

#### *Other Grounds of Representations and Representers’ Proposals*

44. Members then went through the other grounds and proposals raised by the representers and commenters in respect of the draft So Lo Pun OZP No. S/NE-SLP/1 and noted the following responses:

##### Inadequate Ecological Information

- (a) in drafting the OZP, there was more emphasis on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest;
- (b) important habitats such as mature native woodlands and the riparian zone of So Lo Pun Stream as well as the wetland, which could provide

suitable habitats supporting a variety of species, were covered with conservation zonings including “CA” and “GB”;

### Representers’ Proposals

*Rezoning the wetland and the adjoining areas including part of the Ecologically Important Stream (EIS) from “CA” and “GB” to “Recreation” (“REC”) and “Agriculture” (“AGR”)*

- (c) the concerned area comprising the wetland complex should be retained for conservation purpose while the adjoining natural habitats should be designated as “GB”. There were no concrete recreation proposals submitted by any interested parties so far. Agricultural use was permitted in all zones on the draft OZP. There was no strong justification to rezone the wetland and its adjoining areas from “CA” and “GB” to “REC” and “AGR”;

*Rezoning the ex-village school and the adjoining area from “GB” and “CA” to “G/IC”*

- (d) since there was presently no population in the area, and the future population might still be low even with the reduced “V” zone as agreed by the Board, there was no requirement for specific government, institution and community facilities at this stage;
- (e) ‘Village Office’ was always permitted in the “V” zone, whilst ‘Village Office’ and ‘Visitor Centre’ were Column 2 uses under the “GB” zone which required planning application from the Board; and

### *Notes of the rezoning proposals*

- (f) there was no detailed information in the written and verbal submissions of the representations to justify the proposed rezoning of various areas to “GB”, “REC”, “G/IC” and “AGR” and the additional uses in these zones

as proposed by the representers.

### *Decision*

45. Members decided to amend the draft So Lo Pun OZP No. S/NE-SLP/1 by rezoning the northeastern and southwestern portions of the “V” zone to “GB” to partially meet those Group 2 representations which opposed the excessive size of the “V” zone. In tandem with the proposed amendments to the draft So Lo Pun OZP, the Explanatory Statement of the draft OZP should also be revised. PlanD was requested to submit the proposed amendments to the draft So Lo Pun OZP to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

46. Members decided not to uphold all Group 1 representations and the remaining Group 2 representations, and that no amendment should be made to the draft So Lo Pun OZP to meet their representations. Members then went through the reasons for not upholding the representations and not to amend the draft So Lo Pun OZP to meet the representations as detailed in paragraph 7.1 of TPB Paper No. 9645 and considered that they should be suitably amended.

### Group 1 and Group 2 Representations<sup>2</sup>

47. After further deliberation, the Board agreed to partially meet Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10818 to R10854 and R10856 to R10858 in respect of the draft So Lo Pun OZP by rezoning the northeastern and southwestern parts of the “V” zone to “GB”.

48. After further deliberation, the Board decided not to uphold Representations No.

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<sup>2</sup> The withdrawn/not having been made representations No. R287, R569, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531 were taken out.

R1 to R798, R10555, R10563, R10565, R10570, R10572, R10573, R10575, R10581, R10731, R10735 to R10817 and R10855 and the remaining parts of Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10818 to R10854 and R10856 to R10858 in respect of the draft So Lo Pun OZP for the following reasons:

Group 1 and Group 2 Representations

(SLP-R1 to R10858)

*Designation of “V” Zone*

- “(a) there is a need to designate ‘Village Type Development’ (“V”) zone at suitable locations to meet Small House demand of indigenous villagers in So Lo Pun, a recognised village within the Area. The boundaries of the “V” zone for the village have been drawn up having regard to the village ‘environs’ (‘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;
- (b) the Small House demand forecast is only one of the factors in drawing up the proposed “V” zones and the forecast is subject to variations over time. An incremental approach for designating the “V” zone for Small House development has been adopted with an aim to confining Small House development at suitable locations;

Group 1 Representations

(SLP-R1 to R798 and SLP-R10736 to R10817)

*Comprehensive proposal to facilitate eco-tourism*

- (c) the “Conservation Area” (“CA”) zone primarily covers the wetland

system of So Lo Pun, which includes the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as Ecologically Important Stream (EIS) and the freshwater marsh. These important habitats for a variety of rare and uncommon flora and fauna should be protected. The current “CA” zoning is considered appropriate;

- (d) the wooded areas at the periphery of the Area forms a continuous stretch of well-established vegetation of natural woodlands adjoining the Plover Cove Country Park. The “Green Belt” (“GB”) zone, which provides a buffer between the development and conservation areas or Country Park, is considered appropriate;
- (e) ‘Agricultural Use’ is a Column 1 use which is permitted in all zones;
- (f) according to relevant works departments, there is neither planned/committed access road to be proposed at the Area. Besides, according to the Notes of the draft So Lo Pun OZP, geotechnical works, local public works, road works and such other public works co-ordinated or implemented by government are always permitted;

#### Group 2 Representations

(SLP-R799 to R10735 and SLP-R10818 to R10858)

#### *Environmental impact on the local habitats and the surrounding areas*

- (g) when considering the draft So Lo Pun OZP, the Board have already taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Conservation zones, including “GB” and “CA” under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment of So Lo Pun and the ecologically linked Plover Cove Country Park under the statutory planning framework. The Lands

Department, when processing Small House grant applications, will consult concerned government departments including the Environmental Protection Department (EPD), the Agriculture, Fisheries and Conservation Department and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The design and construction of on-site septic tank and soakaway (STS) for any development proposals/submissions need to comply with relevant standards and regulations, such as EPD's Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";

*Opposition to the "GB" zone*

- (h) the upper section of So Lo Pun Stream is not an EIS and the proposed "GB" zone is considered appropriate since the area consists of relatively disturbed, young woodland that has developed from abandoned agricultural land. There is a general presumption against development within the "GB" zone. Any Small House development shall require planning permission from the Board, and each case shall be considered on its individual merits;

*Designating the upper section of So Lo Pun Stream and its tributaries, the riparian zones and the adjoining secondary woodland as "CA"*

- (i) the upper part of So Lo Pun Stream is not an EIS and it is not appropriate to designate the upper part of the natural stream as "CA" zone;
- (j) for development proposals that may affect natural rivers/streams and the requirement of on-site septic tank system, there is relevant regulatory mechanism including ETWBTC(W) No. 5/2005 and EPD's ProPECC PN 5/93. As such, there is no need to excise the tributaries and their adjoining areas from the "V" zone and to rezone these areas to "CA";

- (k) the wooded areas at the periphery of the Area and a traditional burial ground at the eastern part of the hillslopes in the northern part of the Area form a continuous stretch of well-established vegetation of natural woodlands adjoining the Plover Cove Country Park, which provide a buffer between the development and conservation areas or Country Park. As such, the “GB” zones is considered appropriate;

*Rezoning the seagrass bed and the adjoining mangrove from “CA” to “Site of Special Scientific Interest” (“SSSI”)*

- (l) there is currently insufficient justification to designate the area concerned as “SSSI”. As such, the “CA” zoning is appropriate; and

*Designation of country park enclave as country park*

- (m) 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 Town Planning Board.”

Draft Pak Lap OZP No. S/SK-PL/1

*Size of the “V” zone*

49. The Chairman said that many representations and comments submitted by the green groups and concern groups considered that the “V” zone on the draft Pak Lap OZP No. S/SK-PL/1, which could accommodate 79 Small Houses capable of meeting 100% of the Small House demand of Pak Lap, was excessive. Some representers considered that the “V” zone would set a bad precedent to other CPEs as Pak Lap was an area with a record of suspected ‘destroy first, build later’ approach.

50. Members generally considered that an incremental approach should be adopted in designating the “V” zone to meet the Small House demand of Pak Lap. By referring to Plan H-3 of TPB paper No. 9646, the Chairman said that as in the Hoi Ha and So Lo Pun



OZPs, consideration could be given to confining the “V” zone to the existing village cluster and the adjoining areas on the western side of the stream in Pak Lap.

51. Members noted that there was a stream flowing across the Pak Lap area from north to south into Pak Lap Wan. The area on the eastern side of the stream, which comprised mainly regenerated grassland, could be rezoned from “V” to “AGR”.

52. In response to the enquiry of a Member, the Chairman said that oral submissions as well as Powerpoint and video presentations made by the representers at the hearing could be considered by the Board if they were elaboration of the original written submission of representations.

53. The same Member said that some representers alleged that the flat land on both sides of the stream in Pak Lap was under the ownership of a private developer and had been subject to unauthorised site formation works and vegetation clearance. Designation of “V” zoning for the concerned area would appear to be rewarding such ‘destroy first, build later’ approach. Even if the concerned area was rezoned to “AGR”, the prospect of obtaining planning approval for development would be quite high. In the light of the above, this Member had reservation on designating the concerned area as “V” or “AGR”. Members generally agreed that based on an incremental approach in designating the “V” zone, the size of the “V” zone on the Pak Lap OZP was excessive and should be reduced. Members also noted that NTEH development and any diversion of streams or filling of land/pond within the “AGR” zone required planning permission from the Board. Any deliberate action to destroy the rural and natural environment in the hope that the Board would give planning permission to subsequent development on the site concerned would not be tolerated.

54. The Vice-chairman said that some representers claimed that most of the private land in Pak Lap had been sold off to a private developer and only two representers who were villagers of Pak Lap had attended the hearing. Based on the information available, the demand for Small House development in Pak Lap might not be strong. In accordance with the incremental approach, the “V” zone should be confined to the area situated on the western side of the stream while the area located on the eastern side should be rezoned to

“AGR”. The Chairman remarked that the Board should focus on all the grounds of representations and proposals submitted by the representers.

55. By referring to the aerial photo on Plan H-3 of TPB Paper No. 9646, Mr K.K. Ling said that based on the incremental approach, consideration should be given to confining the “V” zone to the existing village settlements and the adjoining areas on the western side of the stream. In addition, the “V” zoning of a platform in the northeastern part of the Pak Lap area, where applications for Small House developments had previously been approved by the RNTPC, should also be retained. The area on the eastern side of the stream, which were grassland regenerated from fallow agricultural land, could be rezoned from “V” to “AGR”.

56. Noting that Small House developments close to the stream might entail adverse impact on the water quality of the stream as well as the ecological environment of Pak Lap Wan, a Member asked whether a buffer area should be provided between the stream and the proposed “V” zone. Mr K.K. Ling said that according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI. As the stream in Pak Lap was not an EIS or SSSI, the control would rest on the approval mechanism of individual Small House land grant applications. To ensure that the arrangement of sewage treatment works of any development proposals would comply with the relevant requirements, the sewage treatment including the STS system of Small House development would be considered by concerned government departments during the processing of Small House applications by LandsD. The design and construction of on-site STS for any development would need to comply with relevant standards and regulations, including EPD’s ProPECC PN 5/93.

57. A Member said that at present there were only a few villagers residing in Pak Lap. Apart from several houses which were still being used for habitation, most of the village houses were either vacant or ruined. As there was no plan or proposal to rehabilitate the village, it was doubtful whether the flat land located to the west of the stream should be retained as “V”. This Member asked how many new Small Houses could be accommodated in the reduced “V” zone on the west bank of the stream. The Secretary said that if the “V” zone was confined to the area to the west of the stream, the

land area of the “V” zone would be reduced from 2.37 ha to about one hectare, with about 0.4 hectare of land available for 18 Small Houses capable of meeting 23% of the Small House demand of Pak Lap (i.e. 79). The Chairman remarked that the “V” zone boundary should be delineated after taken into account a number of factors including the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance and site-specific characteristics. The ‘VE’ of Pak Lap Village covered almost the entire planning scheme area of the Pak Lap OZP and the current “V” zone on the draft OZP was only about 34% of the ‘VE’ of Pak Lap.

58. The same Member said that since the water quality of Pak Lap Wan was exceptionally good, any proposed Small House development close to the coast might have adverse water quality impact on Pak Lap Wan. Members noted that Pak Lap Wan was not a marine park. For protection of the water quality of Pak Lap Wan, the design and construction of on-site STS system of any Small House development needed to comply with relevant standards and regulations, including EPD’s ProPECC PN 5/93.

59. In response to the enquiry of the same Member, Mr K.K. Ling said that the area located to the east of the stream was currently zoned “V” on the draft Pak Lap OZP No. S/SK-PL/1. Should the Board agree to rezone the concerned area to “AGR”, planning permission would be required for NTEH developments. A Member enquired about the rationale for the proposed rezoning of the subject area to “AGR”. Mr K.K. Ling said that the concerned area was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as “CA” or “GB”. The same Member asked if the subject area was suitable for agricultural use. Mr K.K. Ling said that ‘Agricultural Use’ was permitted in all zones on the draft Pak Lap OZP No. S/SK-PL/1. This proposed “AGR” zone was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

60. Ms Bernadette H.H. Linn said that in designating the “V” zone boundary, a number of factors including, amongst others, ‘VE’ and Small House demand forecast should be taken into account. However, by adopting the incremental approach in the subject CPEs, the size of the “V” zone would not be able to fully meet the Small House demand. Moreover, it would appear to the villagers that the ‘VE’ was not fully respected. The merits of the incremental approach should be set out clearly. Mr K.K. Ling said that the incremental approach could guide village expansion around the existing village settlements to achieve a more orderly development pattern, efficient use of land and provision of infrastructures and services. It would also help confining human disturbance to the areas around the existing settlements, thus minimising unnecessary adverse impacts on the natural environment outside the villages.

61. A Member said that in drawing up a statutory plan for a CPE, the majority of the area should be zoned “GB” while specific areas of conservation value and with good potential for agricultural purposes should be designated as “CA” and “AGR” respectively. In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for CPEs with low population and not served by vehicular access and infrastructural facilities, the “V” zone should be confined to the existing village settlements. As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach.

62. Another Member agreed and said that the primary planning objective for the CPEs was to conserve and protect the natural environment including the surrounding country parks. While the development needs of indigenous villagers should be recognised, the incremental approach was a pragmatic means for providing proper guidance and control on the scale and extent of village development. A balance between development needs and nature conservation should be struck.

63. A Member asked whether the “AGR” zone in the north-west adjacent to the existing artificial pond would be suitable for village development. Mr K.K. Ling said that the area might not be suitable for Small House development as it was located in close proximity to the country park.

64. After further discussion, the Chairman summed up Members' views that based on an incremental approach, the "V" zone should be reduced and confined to the existing village settlements and the adjoining land in the western side of the stream as well as the platform in the north-eastern part of the Pak Lap area. The land to the east of the stream should be rezoned to "AGR". Should there be a genuine need to cater for the Small House demand, flexibility had been provided under the planning application system for Small House developments within the "AGR" zone or for rezoning application to expand the "V" zone. Each application would be considered by the Board based on individual merits taking account of the prevailing planning circumstances.

#### *Other Grounds of Representations and Representatives' Proposals*

65. Members then went through the other grounds and proposals raised by the representers and commenters in respect of the draft Pak Lap OZP No. S/SK-PL/1 and noted the following responses:

##### Designation of "CA" Zone

- (a) the wooded areas at the periphery of the Pak Lap Area formed a continuous stretch of well-established vegetation with those located in the adjoining Sai Kung East Country Park and were ecologically-linked to the natural habitats therein. The "CA" zone was appropriate to preserve the natural environment and its natural resources;

##### Designation of "AGR" zone

- (b) the fallow terraced field and ponds had good potential for rehabilitation into agricultural use. The area should be designated as "AGR" to retain and safeguard good quality land/farm/fish ponds for agricultural purpose;

##### Representers' Proposals

##### *Rezoning of "CA" to "G/IC"*

- (c) a site at the southern part of the existing village had been zoned “G/IC” for the provision of a public toilet and a government refuse collection point to serve the needs of the local residents and tourists; and
- (d) the Office of the Communications Authority would keep in view the needs and forward the requests for provision of television and/or radio transmitter installation to the services providers when necessary.

*Decision*

66. Members agreed to note the supportive views of representation No. R10736 in respect of the draft Pak Lap OZP.

67. Members decided to amend the draft Pak Lap OZP No. S/SK-PL/1 by rezoning the eastern part of the “V” zone along the stream to “AGR” to partially meet those Group 2 representations which opposed the excessive size of the “V” zone. In tandem with the proposed amendments to the draft Pak Lap OZP, the Explanatory Statement of the draft OZP should also be revised. PlanD was requested to submit the proposed amendments to the draft Pak Lap OZP to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

68. Members decided not to uphold all Group 1 representations and the remaining Group 2 representations, and that no amendment should be made to the draft Pak Lap OZP to meet their representations. Members then went through the reasons for not upholding the representations and not to amend the draft Pak Lap OZP to meet the representations as detailed in paragraph 7.2 of TPB Paper No. 9646 and considered that they should be suitably amended.

Representation No. R10736

69. After further deliberation, the Board decided to note the supportive views of Representation No. R10736 in respect of the draft Pak Lap OZP.

### Adverse Representations<sup>3</sup>

70. After further deliberation, the Board agreed to partially meet Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10738 to R10770 and R10772 to R10774 in respect of the draft Pak Lap OZP by rezoning the eastern part of the “V” zone along the stream to “AGR”.

71. After further deliberation, the Board decided not to uphold Representations No. R1 to R798, R10555, R10563, R10565, R10570, R10572, R10573, R10575, R10581, R10731, R10735, R10737, R10771 and R10775 and the remaining parts of Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10738 to R10770 and R10772 to R10774 in respect of the draft Pak Lap OZP for the following reasons:

### Group 1 and Group 2 Representations

(PL-R1 to R10735 and PL-R10737 to R10775)

### *Size and Designation of “V” zone*

“(a) there is a need to designate “Village Type Development” (“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 village ‘environs’ (‘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

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<sup>3</sup> The withdrawn/not having been made representations No. R287, R569, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531 were taken out.

environmentally/ecologically sensitive areas and steep topography have been excluded;

- (b) the Small House demand forecast is only one of the factors in drawing up the proposed “V” zones and the forecast is subject to variations over time. An incremental approach for designating the “V” zone for Small House development has been adopted with an aim to confining Small House development at suitable locations;

*Environmental Impact on Pak Lap Wan*

- (c) 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 Representations

(PL-R1 to R798 and PL-R10737)

*Rezoning from “Conservation Area”(“CA”) to “Green Belt”(“GB”) and “V”*

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

*Rezoning a piece of land at the southern part of the Pak Lap Village from “CA” to “Government, Institution or Community”(“G/IC”) zone*

- (e) the “CA” zone at the southern part of the Area consists of relatively



undisturbed, native woodland worthy of preservation. The proposal to rezone the area to “G/IC” is not favoured from the nature conservation perspective;

Group 2 Representations

(PL-R799 to R10735 and PL-R10738 to R10775)

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

- (f) as advised by the Agriculture, Fisheries and Conservation Department (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 ETWBTC(W) No. 5/2005 and EPD’s 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”*

- (g) 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;

*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 Town Planning Board;

*Rezoning “Agriculture” to “CA” or “GB” Zone*

- (i) AFCD advises that the fallow terraced field and ponds have good potential for rehabilitation into agricultural use. To ensure that development within the “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.”

#### Other General Comments

72. The Chairman said that R10587 claimed that some points in his submission, i.e. excessive “V” zones based on unproved Small House demand, abuses of Small House Policy, breaches with the CPE policy and the International Convention on Biological Diversity, were not included in the TPB Papers and not addressed with valid reasons and evidence.

73. Members noted that a full set of the written submissions of the representations and comments had been made available for public inspection and provided to Members for reference in the CD-ROM attached to the concerned TPB Papers. R10587’s oral submission covering the said issues had also been heard by the Board. The grounds and proposals of his representations had been addressed in the concerned TPB Papers and/or considered by the Board at the meeting.

#### Amendments to the OZPs

74. The Chairman requested PlanD to take forward the Board’s decisions and prepare the proposed further amendments to the subject OZPs for the Board’s endorsement prior to gazetting under section 6(C)2 of the Ordinance.

### Extension of Time

75. The Chairman said that according to section 8(2) of the Ordinance, the three draft OZPs should be submitted to the Chief Executive in Council (CE in C) for approval on or before 27.8.2014. Since proposed amendments to the three draft OZPs were required, and taking into account the time required for publication of the proposed amendments and processing of further representation, if any, it was unlikely that the plan-making process of the three OZPs could be completed within the 9-month statutory time limit for submission to the CE in C for approval. In view of the above, there was a need to apply to the CE for an extension of the statutory time limit for submission of the three OZPs for approval to allow sufficient time to complete the representation consideration process of the three draft OZPs. Members agreed.

### **Agenda Item 3**

[Open Meeting]

### Any Other Business

[The meeting was conducted in Cantonese.]

76. The Chairman said that at the Metro Planning Committee and the Rural and New Town Planning Committee meetings held on 23.5.2014, the Administration proposed and Members agreed to appoint Ms Ophelia Y.S. Wong as a special advisor to the Town Planning Board Secretariat to assist and represent the Board in handling its works in relation to Judicial Review proceedings. Members noted that the above appointment had taken effect from 28.5.2014.

77. There being no other business, the meeting was closed at 4:25 p.m.

TPB Paper No. 9679  
For Consideration by  
the Town Planning Board  
on 4.7.2014

**PROPOSED AMENDMENTS TO THE  
DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/1  
ARISING FROM THE CONSIDERATION OF REPRESENTATIONS AND COMMENTS  
ON OUTLINE ZONING PLAN NO. S/NE-HH/1**

**1. Purpose**

This paper is to seek Members' agreement that:

- (a) the proposed amendments to the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1 and its Notes set out at **Annexes I and II** are suitable for publication for public inspection under section 6C(2) of the Town Planning Ordinance (the Ordinance); and
- (b) the revised Explanatory Statement (ES) of the OZP (**Annex III**) is suitable for publication together with the Plan.

**2. Background**

- 2.1 On 27.9.2013, the draft Hoi Ha OZP No. S/NE-HH/1 was exhibited for public inspection under section 5 of the Ordinance. During the plan exhibition period, a total of 10,824 representations and 3,671 comments were received.
- 2.2 After considering the representations and comments in April and May 2014<sup>1</sup>, the Town Planning Board (the Board), on 4.6.2014, decided to partially uphold some representations by revising the boundary of the "Village Type Development" ("V") zone to exclude the western part of the "V" zone and to rezone it and the adjacent "Green Belt" ("GB") to "Green Belt (Group (1))" ("GB(1)") (**Plan Ha-1**). Members also requested Planning Department (PlanD) to submit the proposed amendments to the draft OZP to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

**3. Revision of the Zoning Boundary and Control**

*Revision of the Boundary of the "V" zone (Annex I)*

- 3.1 The relatively undisturbed woodland in the western part of land currently designated as "V" will be rezoned to "GB(1)".
- 3.2 Compared with the draft OZP No. S/NE-HH/1, the area of the "V" zone will be reduced from 2.60 ha to 1.95 ha, with 1.02 ha of land available for Small House development (40 Small Houses) meeting about 43% of the Small House demand<sup>2</sup>.

<sup>1</sup> The hearing dates were on 28.4, 8.5, 12.5 and 19.5.2014.

<sup>2</sup> The Small House demand figure is 94.

More Stringent Planning Control for “GB(1)” (Annex I)

- 3.3 The western part of the area currently zoned “GB” will be rezoned to “GB(1)”. Together with the land area rezoned to “GB(1)” as mentioned in paragraph 3.1, the new “GB(1)” zone will better protect the existing habitat including the woodland, wetland and Hoi Ha Wan. Under the Notes for the “GB(1)” zone, “House (redevelopment only)” is a Column 2 use. Whilst redevelopment of existing New Territories Exempted House (NTEH) and domestic structures may be permitted through the planning application system, no new Small Houses are permitted in this zone.
- 3.4 A table comparing the land use budget of the area covered by the draft Hoi Ha OZP No. S/NE-HH/1 and the proposed amendments to the draft OZP to be exhibited under s.6C(2) is shown below:

Zoning	Draft Hoi Ha OZP No. S/NE-HH/1 (ha / % )		Proposed amendments to the draft OZP to be exhibited under s.6C(2) (ha / % )		Increase / Decrease (ha / %)	
Village Type Development	2.60	30.77%	1.95	23.08%	-0.65	- 25%
Green Belt	0.65	7.69%	N.A.	N.A.	N.A.	N.A
Green Belt (1)	N.A.	N.A.	1.30	15.38%	N.A.	N.A
Conservation Area	3.97	46.98%	3.97	46.98%	no change	no change
Coastal Protection Area	0.98	11.60%	0.98	11.60%	no change	no change
Others (Road, GIC,OU)	0.25	2.96%	0.25	2.96%	no change	no change
Total Planning Area	8.45	100.00%	8.45	100.00%	no change	no change

**4. Proposed Amendments to the Draft Hoi Ha OZP**

4.1 Proposed Amendments to Matter shown on the OZP (Annex I)

- (a) Amendment Item A (about 0.65 ha)  
Rezoning the western part of “V” zone to “GB(1)”.
- (b) Amendment Item B (about 0.65 ha)  
Rezoning the area currently zoned “GB” to “GB(1)”.

4.2 Proposed Amendments to the Notes of the OZP (Annex II)

Addition of “GB(1)” zone into the Schedule of Uses of the Notes and deletion of “GB” zone from the Notes (with proposed amendment highlighted in **bold and**

*italics* and deletion ~~crossed-out~~) are at **Annex II** for Members' consideration.

4.3 Proposed Amendment to the ES of the OZP (Annex III)

The ES of the current draft Hoi Ha OZP No. S/NE-HH/1 has been revised to incorporate the proposed amendments as mentioned in paragraphs 4.1 and 4.2 above. Relevant extracts of the revised ES (with proposed amendment highlighted in ***bold and italics*** and deletion ~~crossed-out~~) are at **Annex III** for Members' consideration.

5. Advice Sought

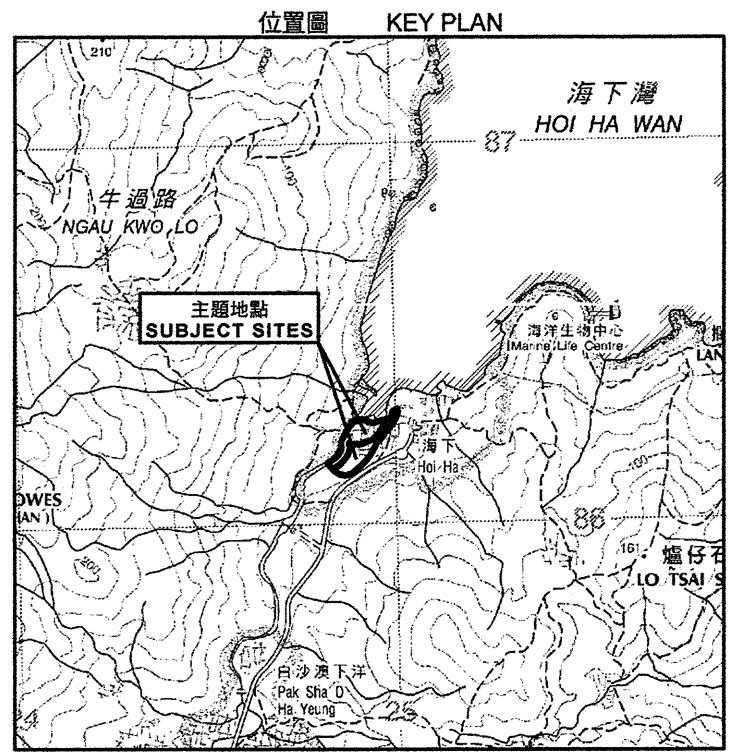
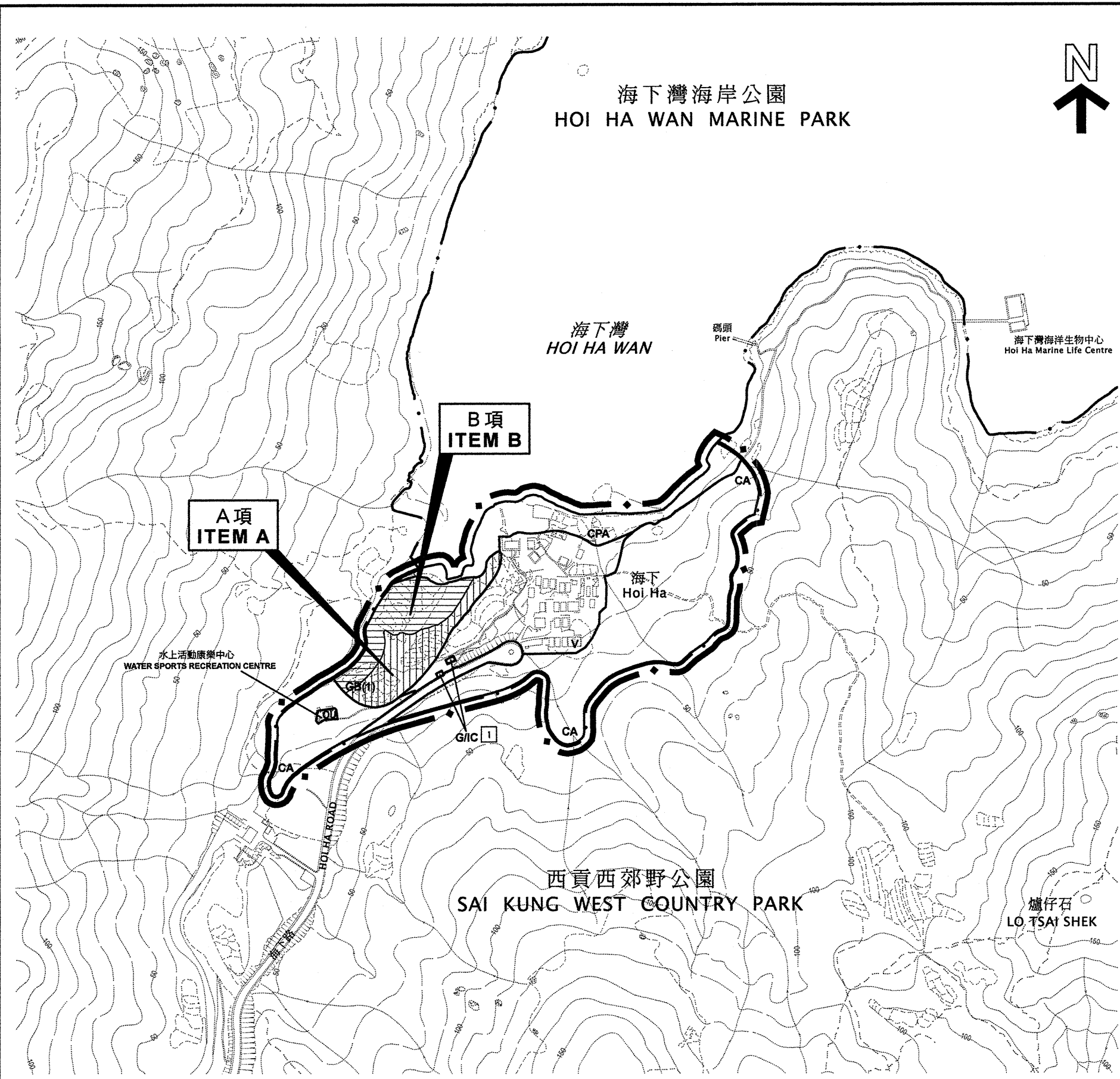
Members are invited to agree that the proposed amendments to the draft Hoi Ha OZP No. S/NE-HH/1 as shown at **Annexes I and II** are suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and the revised ES at **Annex III** is suitable for publication together with the Plan.

Attachments

- Annex I** Proposed Amendments to the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1
- Annex II** Proposed Amendments to the Notes of the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 in relation to Amendment Plan No. R/S/NE-HH/1-A1
- Annex III** Proposed Revision to the Explanatory Statement of the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 in relation to Amendment Plan No. R/S/NE-HH/1-A1 (paragraphs 6, 9.1 and 9.4)
- Plan Ha-1** Rezoning Proposals for the Western Part of the Hoi Ha Area

**PLANNING DEPARTMENT**  
**JULY 2014**





草圖編號 S/NE-HH/1 的建議修訂  
PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

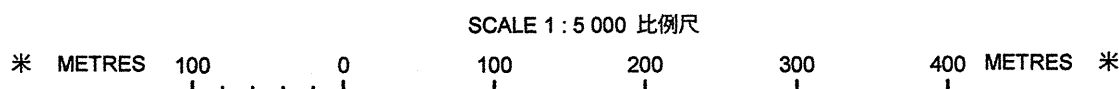
根據城市規劃條例第6C(2)條公布的建議修訂  
PROPOSED AMENDMENTS PUBLISHED UNDER SECTION 6C(2)  
OF THE TOWN PLANNING ORDINANCE

- A 項 ITEM A**  
把「鄉村式發展」地帶改劃為「綠化地帶(1)」  
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"
- B 項 ITEM B**  
把「綠化地帶」改劃為「綠化地帶(1)」  
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"

夾附的《註釋》屬這份圖則的一部分，  
《註釋》的建議修訂已根據城市規劃條例第6C(2)條公布。  
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN  
AND THE PROPOSED AMENDMENTS THERETO HAVE BEEN PUBLISHED  
UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

(參看附表)  
(SEE ATTACHED SCHEDULE)

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂  
PROPOSED AMENDMENTS TO DRAFT HOI HA  
OUTLINE ZONING PLAN No. S/NE-HH/1



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



圖則編號  
PLAN No. R/S/NE-HH/1 - A1

**Proposed Amendments to the Notes of the  
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1.  
in relation to Amendment Plan No. R/S/NE-HH/1 – A1**

The Notes of the “Green Belt” zone are deleted

- 7 -

S/NE-HH/1

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
<p><del>Agricultural Use</del></p> <p><del>Barbecue Spot</del></p> <p><del>Government Use (Police Reporting — Centre only)</del></p> <p><del>Nature Reserve</del></p> <p><del>Nature Trail</del></p> <p><del>On Farm Domestic Structure</del></p> <p><del>Picnic Area</del></p> <p><del>Public Convenience</del></p> <p><del>Tent Camping Ground</del></p> <p><del>Wild Animals Protection Area</del></p>	<p><del>Animal Boarding Establishment</del></p> <p><del>Broadcasting, Television and/or Film — Studio</del></p> <p><del>Burial Ground</del></p> <p><del>Columbarium (within a Religious Institution or extension of existing Columbarium only)</del></p> <p><del>Crematorium (within a Religious Institution or extension of existing Crematorium only)</del></p> <p><del>Field Study/Education/Visitor Centre</del></p> <p><del>Government Refuse Collection Point</del></p> <p><del>Government Use (not elsewhere specified)</del></p> <p><del>Helicopter Landing Pad</del></p> <p><del>Holiday Camp</del></p> <p><del>House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)</del></p> <p><del>Petrol Filling Station</del></p> <p><del>Place of Recreation, Sports or Culture</del></p> <p><del>Public Transport Terminus or Station</del></p> <p><del>Public Utility Installation</del></p> <p><del>Public Vehicle Park — (excluding container vehicle)</del></p> <p><del>Radar, Telecommunications Electronic Microwave Repeater, Television — and/or Radio Transmitter Installation</del></p>

(Please see next page)



GREEN BELT (cont'd)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
	Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for Private Project

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Remarks

Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

**The Notes of the “Green Belt(1)” zone are added**

- 7 -

S/NE-HH/1

**GREEN BELT(1)**

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<b><i>Column 1</i></b>	<b><i>Column 2</i></b>
<b><i>Uses always permitted</i></b>	<b><i>Uses that may be permitted with or without conditions on application to the Town Planning Board</i></b>
<hr/>	
<b><i>Agricultural Use</i></b>	<b><i>Barbecue Spot</i></b>
<b><i>Nature Reserve</i></b>	<b><i>Burial Ground</i></b>
<b><i>Nature Trail</i></b>	<b><i>Field Study/Education/Visitor Centre</i></b>
<b><i>On-Farm Domestic Structure</i></b>	<b><i>Government Refuse Collection Point</i></b>
<b><i>Picnic Area</i></b>	<b><i>Government Use (not elsewhere specified)</i></b>
<b><i>Tent Camping Ground</i></b>	<b><i>Holiday Camp</i></b>
<b><i>Wild Animals Protection Area</i></b>	<b><i>House (Redevelopment Only)</i></b>
	<b><i>Public Convenience</i></b>
	<b><i>Public Utility Installation</i></b>
	<b><i>Radar, Telecommunications Electronic</i></b>
	<b><i>Microwave Repeater, Television</i></b>
	<b><i>and/or Radio Transmitter Installation</i></b>
	<b><i>Rural Committee/Village Office</i></b>
	<b><i>Utility Installation for Private Project</i></b>

***(Please see next page)***

**GREEN BELT(1) (cont'd)**

**Planning Intention**

*The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone.*

*In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.*

**Remarks**

- (a) *No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.*
- (b) *Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.*

**Proposed Amendments to the Explanatory Statement of the  
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1  
in relation to Amendment Plan No. R/S/NE-HH/1 – A1**

**Paragraphs 6, 9.1 and 9.4 of the Explanatory Statement are amended to read:**

- 3 -

S/NE-HH/1

**6. POPULATION**

According to the 2011 Census, the total population of the Area was about 110 persons. It is expected that the total planned population of the area would be about 590 430 persons mainly attributed to village expansion.

**7. OPPORTUNITIES AND CONSTRAINTS**

**7.1 Opportunities**

**7.1.1 Conservation and Natural Landscape**

Amid the SKW Country Park, the Area has high scenic and landscape value which complements the natural landscape of the surrounding SKW Country Park and the HHW Marine Park. The natural landscape and the coastal environment of the Area, as well as the area along the rocky stream on the northwest side, are worthy of conservation and the scale of the village development should be compatible with the rural setting and surrounding landscape. Any expansion of village development into the native woodlands (including the *Fung Shui* woodland) that are ecologically linked to the SKW Country Park and to the coastal environment near the HHW Marine Park is not recommended.

**7.1.2 Tourism Potential**

HHW, with its scenic sea bay, sandy beach, clear water, and coral communities, as well as direct vehicular access, is popular for divers, snorkelers and kayakers, particularly during holidays and weekends. The HHW Nature Trail, used frequently by hikers, traverses the Area from east to west, connecting to other trails and footpaths of the SKW Country Park. Heritage features such as the Hoi Ha Lime Kilns also attract visitors to the Area. The AFCD operates an ecotour service from a Warden Post office within the village, and there is a privately run water recreation/sports centre located in the western part of the Area close to Hoi Ha Road. Kayak rentals, provision stores and shower stands catering to visitors can be found on the beach or within the village. It is expected HHW will remain a popular local tourism destination.

**7.1.3 Transportation**

The Area is accessible by vehicles via Hoi Ha Road, although at present, Pak Tam Road is a restricted road and vehicles entering it have to apply for permits from relevant departments. There is a mini-bus route operating between Hoi Ha and Sai Kung Town Pier. Marine access is available via the pier located in HHW Marine Park along the coast to the northeast of the Area. A trail runs along the coast from west to east.



## 8. GENERAL PLANNING INTENTION

- 8.1 The general planning intention for the Area is to conserve its natural landscape and conservation value, to protect its natural and rural character, its cultural heritage, and to make provision for future Small House development for the indigenous village of Hoi Ha.
- 8.2 In the designation of various zones for the Area, considerations have been given to protect the ecological and landscape significance of the Area, which includes the Hoi Ha *Fung Shui* woodland that forms the wider natural system of the SKW Country Park and the HHW Marine Park. Considerations have also been given to delineate the area for future Small House development.

## 9. LAND-USE ZONINGS

### 9.1 "Village Type Development" ("V") : Total Area ~~2.60~~ 1.95 ha

- 9.1.1 The planning intention of this zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.1.2 Hoi Ha is a recognized village and the only recognized village in the Area. The boundaries of the "V" zone are drawn up having regard to the village 'environs', the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 9.1.3 No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is the greater. Application for minor relaxation of these restrictions would be considered by the Board based on individual merits, taking into account site constraints, innovative architectural design and planning merits that would enhance the amenity of the locality.

- 9.1.4 As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.
- 9.1.5 There is no existing sewer or planned public sewer for the Area, and at present, each house is typically served with its own on-site STS system. In accordance with the Environmental, Transport and Works Bureau's Technical Circular (Works) No. 5/2005, under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the DAFC and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Also, for the protection of the water quality of the HHW Marine Park, the design and construction of on-site STS system 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) 5/93. Accordingly, LandsD when processing Small House grant and applications in close proximity to existing stream courses and the HHW Marine Park, should consult concerned departments including EPD, AFCD and Planning Department (PlanD) to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- 9.1.6 The Head of Geotechnical Engineering Office (GEO) of the Civil Engineering and Development Department advises that the southern part of the proposed "V" zone is in an area close to the natural hillside and may be affected by potential natural terrain landslide hazards. For future development in this area, the developer(s) may be required to carry out a natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.

9.2 "Government, Institution or Community" ("G/IC") : Total Area 0.01 ha

- 9.2.1 The planning intention of this zone is primarily for the provision of GIC facilities serving the needs of the local residents and a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 9.2.2 The main existing GIC facilities under this zone include a single storey permanent flushing toilet and a single storey refuse collection point at the western part of the Area.
- 9.2.3 To preserve the rural and low-rise character of the Area as well as provide spatial and visual relief, development/redevelopment within this zone should be restricted to a maximum building height as stipulated on the Plan (i.e., one storey) or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is greater.



9.2.4 To provide design flexibility for particular development, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each application will be considered on its individual planning merits.

9.3 Other Specified Uses (Water Sports Recreation Centre) ("OU(WSRC)") : Total Area 0.03 ha

9.3.1 This zone is intended primarily to reflect the existing use of the land at the western part of the Area currently occupied by a water sports recreation centre (the "Tolo Adventure Centre") to the north of Hoi Ha Road. The club is operated by a religious organization for over 30 years to provide water sports training facilities and overnight accommodation for teenagers. According to LandsD, there are 2 existing structures on the site under Short Term Tenancy with a total built-over area of about 71.5m<sup>2</sup>.

9.3.2 The following planning controls are applicable to this zone:

- (a) no redevelopment, including alternation and/or modification, of an existing building shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA plan, and
- (b) based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio, site coverage and building height restrictions stated in paragraph (a) above may be considered by the Board on application under section 16 of the Ordinance.

9.4 "Green Belt" ("GB") : Total Area 0.65 ha

9.4.1 ~~The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.~~

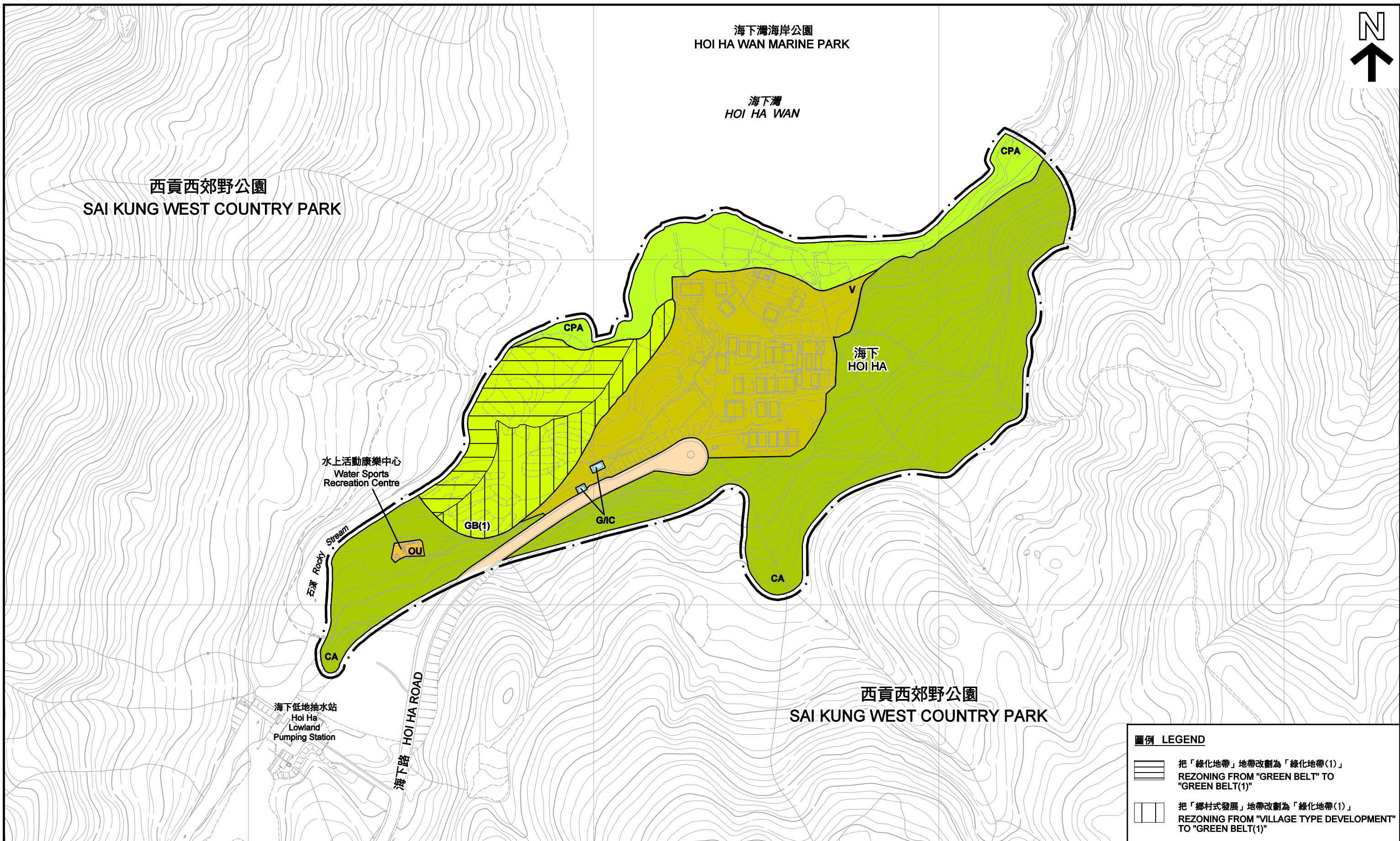
9.4.2 ~~The "GB" covers mainly the area near the rocky stream that flows along the northwestern boundary of the Area, which mainly consists of abandoned agricultural lands either on gentle slope overgrown with trees forming a young but disturbed woodland, or on wet and low-lying areas overgrown with grass and weeds. The "GB" zone would serve as an ecological buffer between village development and the stream, and would help to prevent the significant landscape resource of this area from being negatively affected.~~

~~9.4.3 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines. As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.~~

**9.4 "Green Belt(1)" ("GB(1)") : Total Area 1.30 ha**

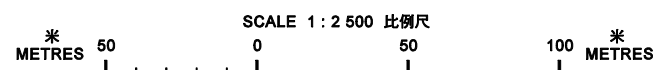
- 9.4.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone. In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.*
- 9.4.2 The "GB(1)" covers mainly the areas to the west of the village and near the rocky stream that flows along the western boundary of the Area, which mainly consists of abandoned agricultural lands now covered by woodland and wetland. A plant species of conservation concern (Hong Kong Pavetta 香港大沙葉) and a considerable number of large trees, including Chinese Banyan, can be found in the woodland. The "GB(1)" zone would serve as an ecological buffer between village development and the stream, and would help to protect the landscape resource of this area. It would also provide flexibility for the Board to consider redevelopment of an existing house through the planning application system.*
- 9.4.3 The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA plan.*
- 9.4.4 As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.*





本摘要圖於2014年6月18日，擬備所根據的資料為  
測量圖編號 8-NW-5A/B/C/D  
EXTRACT PLAN PREPARED ON 18.6.2014  
BASED ON SURVEY SHEETS No.8-NW-5A/B/C/D

在海下西面地區的擬議改劃用途地帶  
REZONING PROPOSALS FOR THE WESTERN PART OF THE HOI HA AREA



規劃署  
PLANNING DEPARTMENT



參考編號 REFERENCE No.  
R/S/NE-HH/1

圖 PLAN  
Ha-1

cultivation and other agricultural purposes. There is no strong planning justification provided in the submission to justify a departure from the planning intention;

- (b) the applicant fails to demonstrate that the proposed development would not pose adverse vehicular and pedestrian traffic impacts and cause environmental nuisances to residents in the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the subject “AGR” zone. The cumulative impacts of approving such similar applications would result in a general degradation to the environment of the area.”

[Professor P.P. Ho left the meeting at this point.]

Sai Kung and Islands & Sha Tin, Tai Po and North Districts

**Agenda Item 5**

[Open Meeting]

Proposed Amendment to the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1 arising from the Consideration of Representations and Comments on Outline Zoning Plan No. S/SK-PL/1 (TPB Paper No. 9681)

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**Agenda Item 6**

[Open Meeting]

Proposed Amendments to the Hoi Ha Outline Zoning Plan No. S/NE-HH/1 arising from the Consideration of Representations and Comments on Outline Zoning Plan No. S/NE-HH/1 (TPB Paper No. 9679)

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**Agenda Item 7**

Proposed Amendment to the So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 arising from

the Consideration of Representations and Comments on Outline Zoning Plan No. S/NE-SLP/1  
(TPB Paper No. 9680)

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[These items were conducted in Cantonese]

108. The Chairman said that the representations and comments for the Pak Lap, Hoi Ha and So Lo Pun Outline Zoning Plans (OZPs) were heard together in April and May 2014. On 4.6.2014, the Town Planning Board (the Board) decided to partially uphold some representations for the three OZPs and proposed some amendments to the three OZPs. Members had requested the Planning Department (PlanD) to submit the proposed amendments to the Board for agreement prior to exhibiting them under section 6C(2) of the Town Planning Ordinance (the Ordinance). The purpose of the meeting was for the Board to consider the proposed amendments to the three OZPs. Members noted the replacement pages for Annex I of both TPB Paper No. 9681 (Pak Lap OZP) and TPB Paper No. 9680 (So Lo Pun OZP).

109. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs) and Mr C.K. Soh, District Planning Officer/Shatin, Tai Po and North (DPO/STN) were invited to the meeting at this point.

110. The Chairman extended a welcome and asked Mr Ivan M.K. Chung and Mr C.K. Soh to brief Members on the Papers.

111. With the aid of a Powerpoint presentation, Mr Chung (DPO/SKIs) made the following main points:

#### Background

- (a) on 27.9.2013, the draft Pak Lap OZP No. S/SK-PL/1, draft Hoi Ha OZP No. S/NE-HH/1 and draft So Lo Pun OZP No. S/NE-SLP/1 were exhibited for public inspection under section 5 of the Ordinance. During the exhibition periods, 10,665 representations and 3,669 comments were received in respect of the Pak Lap OZP; 10,824 representations and 3,671 comments were received in respect of the Hoi

Ha OZP; and 10,748 representations and 3,673 comments were received in respect of the So Lo Pun OZP. The representations and comments for the three OZPs were heard together in April and May 2014. After consideration of the representations and comments, the Board decided to partially uphold some representations to the three OZPs. Members requested PlanD to submit the proposed amendments to the Board for agreement prior to gazetting of the proposed amendments under section 6C(2) of the Ordinance;

Proposed Amendment to the draft Pak Lap OZP No. S/SK-PL/1 (TPB Paper No. 9681)

- (b) on 4.6.2014, the Board decided to partially uphold some representations in respect of the draft Pak Lap OZP and proposed to revise the boundary of the “Village Type Development” (“V”) zone to exclude the eastern part of the “V” zone and to rezone it to “Agriculture” (“AGR”);

Proposed Amendment to Matter Shown on the OZP

- (c) the eastern part of the grassland (about 1.39 ha) currently zoned “V” was proposed to be rezoned “AGR” as shown in Annex I of the Paper;
- (d) compared with the draft OZP No. S/SK-PL/1, the area of the “V” zone would be reduced from 2.37 ha to 0.98 ha, with 0.41ha of land available for Small House development (18 Small Houses) meeting 23% of the Small House demand;

Proposed Amendments to the Explanatory Statement (ES) of the OZP

- (e) the ES of the draft Pak Lap OZP No. S/SK-PL/1 was proposed to be amended to reflect the above proposed amendment as detailed in Annex II of the Paper.

112. The Chairman then invited questions from Members. Members had no

question to raise.

113. After deliberation, Members decided to agree that:

- (a) the proposed amendment to draft Pak Lap OZP No. S/SK-PL/1 as shown in Annex I of the Paper was suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and
- (b) the proposed revision to the ES of the draft Pak Lap OZP No. S/SK-PL/1 in relation to Amendment Plan No. R/S/SK-PL/1-A1 at Annex II of the Paper was suitable for publication together with the Plan.

Proposed Amendments to the draft Hoi Ha OZP No. S/NE-HH/1 (TPB Paper No. 9679)

114. With the aid of a Powerpoint presentation, Mr Soh (DPO/STN) made the following main points:

Background

- (a) on 4.6.2014, the Board decided to partially uphold some representations in respect of the draft Hoi Ha OZP and proposed to revise the boundary of the “V” zone to exclude the western part of the “V” zone and to rezone it and the adjacent “Green Belt” (“GB”) to “GB(1)”;

Proposed Amendments to Matter Shown on the OZP (Annex I of the Paper)

*Revision to Boundary of “V” Zone*

- (b) the relatively undisturbed woodland in the western part of land currently zoned “V” was proposed to be rezoned to “GB(1)” (about 0.65 ha);
- (c) compared with the draft OZP No. S/NE-HH/1, the area of the “V” zone would be reduced from 2.60 ha to 1.95 ha, with 1.02 ha of land available for Small House development (40 Small Houses) meeting about 43% of

the Small House demand;

*More Stringent Planning Control for “GB(1)” zone*

- (d) the western part of the Area (about 0.65 ha), currently zoned “GB”, was proposed to be rezoned “GB(1)” with more stringent planning control. Together with the proposed rezoning mentioned above, the new “GB(1)” zone would provide better protection of the existing habitat including the woodland, wetland and Hoi Ha Wan;
- (e) under the Notes for the “GB(1)” zone, “House (redevelopment only)” was a Column 2 use. Whilst redevelopment of existing New Territories Exempted House (NTEH) and domestic structures might be permitted through the planning application system, no new Small Houses were permitted in this zone;

Proposed Amendments to the Notes of the OZP

- (f) a new set of Notes for the “GB(1)” zone was proposed to be added and the Notes for the “GB” zone was proposed to be deleted as shown in Annex II of the Paper;

Proposed Amendment to the ES of the OZP

- (g) the ES of the draft Hoi Ha OZP No. S/NE-HH/1 was proposed to be revised to incorporate the above proposed amendments as shown in Annex III of the Paper.

115. The Chairman then invited questions from Members. In response to a Member’s question, Mr Soh said that in the representation paper (TPB Paper No. 9644), PlanD had previously proposed to rezone an area in the north eastern part of the planning scheme area from “Conservation Area” (“CA”) to “GB”. As Members considered that the proposed rezoning was inappropriate, that part was retained as “CA”.

116. After deliberation, Members decided to agree that:

- (a) the proposed amendment to draft Hoi Ha OZP No. S/NE-HH/1 and the proposed amendments to the Notes as shown in Annexes I and II of the Paper were suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and
- (b) the proposed revision to the ES of the draft Hoi Ha OZP No. S/NE-HH/1 in relation to Amendment Plan No. R/S/NE-HH/1-A1 at Annex III of the Paper was suitable for publication together with the Plan.

Proposed Amendment to the draft So Lo Pun OZP No. S/NE-SLP/1 (TPB Paper No. 9680)

117. With the aid of a Powerpoint presentation, Mr Soh (DPO/STN) made the following main points:

Background

- (a) on 4.6.2014, the Board decided to partially uphold some representations in respect of the draft So Lo Pun OZP and proposed to rezone two pieces of land at the north-eastern end and south-western end of the “V” zone to “GB”;

Proposed Amendments to Matter Shown on the OZP

- (b) both the north-eastern end and the south-western end of land currently zoned “V” was proposed to be rezoned to “GB” (about 1.64 ha) as shown in Annex I of the Paper;
- (c) compared with the draft OZP No. S/NE-SLP/1, the area of the “V” zone would be reduced from 4.12 ha to 2.48 ha, with 1.72 ha of land available for Small House development (68 Small Houses) meeting about 25% of the Small House demand;

Proposed Amendment to the ES of the OZP

- (d) the ES of the draft So Lo Pun OZP No. S/NE-SLP/1 was proposed to be revised to incorporate the above proposed amendments as shown in Annex II of the Paper;

118. The Chairman then invited questions from Members. Members had no question to raise.

119. After deliberation, Members decided to agree that:

- (a) the proposed amendment to draft So Lo Pun OZP No S/NE-SLP/1 as shown in Annex I of the Paper was suitable for publication for public inspection in accordance with section 6C(2) of the Ordinance; and
- (b) the proposed revision to the ES of the draft So Lo Pun OZP No. S/NE-SLP/1 in relation to Amendment Plan No. R/S/NE-SLP/1-A1 at Annex II of the Paper was suitable for publication together with the Plan.

120. The Chairman thanked the representatives of PlanD and they left the meeting at this point.

Sha Tin, Tai Po and North District

**Agenda Item 8**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TP/546

Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lots 179 S.A ss.6 in D.D. 23, Wai Ha Village, Shuen Wan, Tai Po  
(TPB Paper No. 9647)

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[The meeting was conducted in Cantonese]

121. Mr C.K. Soh, District Planning Officer/Shatin, Tai Po and North, Planning Department (DPO/STN, PlanD) was invited to the meeting at this point.



**TOWN PLANNING ORDINANCE (Chapter 131)**

**PROPOSED AMENDMENTS TO  
THE DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/1**

Pursuant to section 6B(8) of the Town Planning Ordinance (the Ordinance), upon consideration of the representations and comment to the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 (the Plan) under section 6B(1), the Town Planning Board (the Board) has decided to propose amendments to the Plan. The proposed amendments are set out in the Schedule below. The descriptions of the areas affected by the amendments in the Schedule are for general reference only. The exact locations of the areas affected by the proposed amendments are more specifically shown on the Amendment Plan No. R/S/NE-HH/1-A1.

The proposed amendments are available for public inspection during normal office hours at the following locations, and can also be viewed at the Board's website (<http://www.info.gov.hk/tpb/>): –

- (i) the Secretariat of the Town Planning Board, 15th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong;
- (ii) the Planning Enquiry Counter, 17th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong;
- (iii) the Planning Enquiry Counter, 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories;
- (iv) the Sha Tin, Tai Po and North District Planning Office, 13th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories;
- (v) the Tai Po District Office, Ground Floor, Tai Po Government Offices Building, 1 Ting Kok Road, Tai Po, New Territories; and
- (vi) the Sai Kung North Rural Committee, 2 Yan Wo Lane, Yan Hing Street, Tai Po Market, New Territories.

In accordance with section 6D(1) of the Ordinance, any person, other than that who has made any representation or comment after the consideration of which the proposed amendments are proposed, may make further representation to the Board in respect of the proposed amendments. The further representation should be made in writing to the Secretary, Town Planning Board, 15th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong not later than 15

August 2014.

In accordance with section 6D(2) of the Ordinance, a further representation shall indicate –

- (a) the proposed amendment(s) to which the further representation relates;
- (b) whether the further representation is made in support of, or in opposition to, the proposed amendment(s); and
- (c) the reasons for the further representation.

Any person who intends to make further representation is advised to read the ‘Town Planning Board Guidelines on Submission and Publication of Representations, Comments on Representations and Further Representations under the Town Planning Ordinance’ for details. The Guidelines and the sample submission form are available at locations (i) to (iii) above and the Board’s website.

In accordance with section 6D(4) of the Ordinance, any further representation made to the Board under section 6D(1) will be available for public inspection during normal office hours at locations (ii) and (iii) above until the Chief Executive in Council has made a decision in respect of the draft plan in question under section 9.

Statement on Personal Data

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

- (a) the processing of the further representation which includes making available the name of the person making the further representation (hereafter known as ‘further representer’) for public inspection when making available the further representation for public inspection; and
- (b) facilitating communication between the ‘further representer’ and the Secretary of the Board/Government departments

in accordance with the provisions of the Ordinance and the relevant Town Planning Board Guidelines.

**SCHEDULE OF PROPOSED AMENDMENTS TO  
THE DRAFT HOI HA OUTLINE ZONING PLAN NO. S/NE-HH/1  
MADE BY THE TOWN PLANNING BOARD  
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)**

**I. Amendments to Matters shown on the Plan**

- Item A     -     Rezoning of an area to the west of Hoi Ha from “Village Type Development” to “Green Belt(1)” (“GB(1)”).
  
- Item B     -     Rezoning of an area to the east of an existing rocky stream from “Green Belt” (“GB”) to “GB(1)”.

**II. Amendments to the Notes of the Plan**

- (a) Deletion of the Notes for the “GB” zone.
  
- (b) Addition of the Notes for the “GB(1)” zone.

Town Planning Board

25 July 2014

**Proposed Amendments to the Notes of the  
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1  
in relation to Amendment Plan No. R/S/NE-HH/1-A1**

The Notes of the “Green Belt” zone are deleted :

- 7 -

S/NE-HH/1

**GREEN BELT**

<p style="text-align: center;">Column 1 Uses always permitted</p>	<p style="text-align: center;">Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board</p>
<p>Agricultural Use Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area</p>	<p>Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Petrol Filling Station Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation</p>

(Please see next page)

GREEN BELT (cont'd)

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Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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Religious Institution  
Residential Institution  
Rural Committee/Village Office  
School  
Service Reservoir  
Social Welfare Facility  
Utility Installation for Private Project

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Remarks

Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

The Notes of the “Green Belt(1)” zone are added :

- 7 -

S/NE-HH/1

**GREEN BELT(1)**

<i>Column 1</i> <i>Uses always permitted</i>	<i>Column 2</i> <i>Uses that may be permitted with or without conditions on application to the Town Planning Board</i>
<i>Agricultural Use</i>	<i>Barbecue Spot</i>
<i>Nature Reserve</i>	<i>Burial Ground</i>
<i>Nature Trail</i>	<i>Field Study/Education/Visitor Centre</i>
<i>On-Farm Domestic Structure</i>	<i>Government Refuse Collection Point</i>
<i>Picnic Area</i>	<i>Government Use (not elsewhere specified)</i>
<i>Tent Camping Ground</i>	<i>Holiday Camp</i>
<i>Wild Animals Protection Area</i>	<i>House (Redevelopment Only)</i>
	<i>Public Convenience</i>
	<i>Public Utility Installation</i>
	<i>Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation</i>
	<i>Rural Committee/Village Office</i>
	<i>Utility Installation for Private Project</i>

*(Please see next page)*

**GREEN BELT(1) (cont'd)**

**Planning Intention**

*The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone.*

*In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.*

**Remarks**

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.*
- (b) Any diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.*

**Proposed Amendments to the Explanatory Statement of the  
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1  
in relation to Amendment Plan No. R/S/NE-HH/1-A1**

(This does not form part of the proposed amendments to  
the draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1)

Paragraphs 6, 9.1 and 9.4 of the Explanatory Statement are proposed to be amended :

**6. POPULATION**

According to the 2011 Census, the total population of the Area was about 110 persons. It is expected that the total planned population of the area would be about ~~590~~ **430** persons mainly attributed to village expansion.

**9. LAND-USE ZONINGS**

9.1 “Village Type Development” (“V”) : Total Area ~~2.60~~ **1.95** ha

~~9.4 “Green Belt” (“GB”) : Total Area 0.65 ha~~

~~9.4.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.~~

~~9.4.2 The “GB” covers mainly the area near the rocky stream that flows along the northwestern boundary of the Area, which mainly consists of abandoned agricultural lands either on gentle slope overgrown with trees forming a young but disturbed woodland, or on wet and low lying areas overgrown with grass and weeds. The “GB” zone would serve as an ecological buffer between village development and the stream, and would help to prevent the significant landscape resource of this area from being negatively affected.~~

~~9.4.3 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines. As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.~~

9.4 “Green Belt(1)” (“GB(1)”) : Total Area **1.30** ha

*9.4.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone. In general, only developments that are needed to support the conservation of the existing natural landscape, ecological features or scenic quality of the area or are essential*



*infrastructure projects with overriding public interest may be permitted.*

- 9.4.2** *The “GB(1)” covers mainly the areas to the west of the village and near the rocky stream that flows along the western boundary of the Area, which mainly consists of abandoned agricultural lands now covered by woodland and wetland. A plant species of conservation concern (Hong Kong Pavetta 香港大沙葉) and a considerable number of large trees, including Chinese Banyan, can be found in the woodland. The “GB(1)” zone would serve as an ecological buffer between village development and the stream, and would help to protect the landscape resource of this area. It would also provide flexibility for the Board to consider redevelopment of an existing house through the planning application system.*
- 9.4.3** *The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA plan.*
- 9.4.4** *As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.*



**Summary of Further Representations and PlanD's Responses**

Representation Points	PlanD's Responses
<b>Grounds of Representations</b>	
<b>A. Excessive “V” Zone</b>	
<ol style="list-style-type: none"> <li>1. The proposed amendments or the reduction of the area of the “V” zone are supported.</li> <li>2. It is not clear that the size of the “V” zone under proposed Amendment A is based on proven genuine need for Small Houses. The Small House demand figures are unjustified and the size of the “V” zone should commensurate with the actual need of indigenous villagers.</li> <li>3. The planning intention of the Tai Long Wan OZP to primarily conserve the scenic and unspoiled natural environment (in that only the existing village areas are covered under the “V” zones) is applicable to area. Thus the strict planning control of the former should also be adopted.</li> </ol>	<p>TPB Paper paragraphs 3.5 to 3.12</p>
<b>B. Adverse Impacts of Small House Development on Surrounding Environment</b>	
<ol style="list-style-type: none"> <li>1. The current sewage treatment arrangements in villages would not be able to protect the water bodies in and surrounding the area from man-made pollution. In particular, the septic tanks and soakaway (STS) systems of Small House developments would have adverse water quality impact on Hoi Ha Wan Marine Park (HHWMP).</li> <li>2. There is a lack of assessment on the cumulative impacts (such as ecology, landscape, water pollution, etc.) of Small House development on the Country Park Enclave and consideration of its carrying capacity.</li> </ol>	<p>TPB Paper paragraphs 3.13 to 3.15</p>



Representation Points	PlanD's Responses
<b>C. Inadequacy of the “GB(1)” Zone for Conservation</b>	
<p>The “GB(1)” zone is inadequate to protect the local habitats. The majority of the “GB(1)” zone consists of private land owned by property developers. Farming activities, which are always permitted within the “GB(1)” zone, may be designed to destroy anything of ecological interest with an attempt to get favourable consideration for subsequent building development, i.e. ‘destroy first, build later’. Besides, fertilisers and pesticides from farming activities may pollute Hoi Ha Wan (HHW) to the immediate north.</p>	<p>TPB Paper paragraphs 3.5 to 3.12</p>
<b>D. Insufficient “V” Zone</b>	
<p>Oppose the proposed Amendment Item A or the reduction of “V” zone as the reduced “V” zone is insufficient to meet the Small House demand. The reduction of “V” zone is not the right way of balancing conservation and development.</p>	<p>TPB Paper paragraphs 3.5 to 3.12</p>
<b>Proposals of Representations</b>	
<b>P1. Confining “V” Zone</b>	
<p>To substantially reduce the area of the “V” zone or further confine the “V” zone to the existing village settlements and/or to rezone the remaining “V” zone to “GB” or “GB(1)”.</p>	<p>TPB Paper paragraphs 3.5 to 3.12</p>
<b>P2. Expanding “V” Zone</b>	
<p>To expand the “V” zone in order to reserve sufficient land for Small House development.</p>	<p>TPB Paper paragraphs 3.5 to 3.12</p>
<b>P3. Rezoning “GB(1)” to “CPA” or “CA”</b>	
<p>To rezone “GB(1)” to “CPA” or “CA” to enhance protection of the natural environment.</p>	<p>TPB Paper paragraphs 3.5 to 3.12</p>
<b>P4. Amending the boundary of “GB(1)”</b>	
<p>To amend the boundary of the “GB(1)” zone by providing buffer zones in which no Small House and septic tank is allowed with a view to protecting the habitats (at least 30m on both sides of the main streams).</p>	<p>TPB Paper paragraphs 3.5 to 3.12</p>

Representation Points	PlanD's Responses
<b>P5. Amending the Notes of “GB(1)”</b>	
To transfer ‘Agricultural Use’ from Column 1 to Column 2 under the “GB(1)” zone with a view mainly to preventing “destroy first, build later” activities or adverse environmental impacts.	TPB Paper paragraph 3.16
<b>M. Other views not directly related to the proposed amendments</b>	
Other views not directly related to the proposed amendments, include removing ‘Eating Place’ and other polluting uses from Column 1 under the “V” zone; amending the boundaries of “V” and “CPA” zones to widen the buffer zone from the current Spring High Tide; avoiding further Small House developments and provision of septic tanks at the north of the old village houses; re-opening the debate of the Plan or revising the Plan due to inaccurate or misleading information presented to the Board in particular survey map, HWM and boundary of the HHWMP; failures in the hearing process/ procedure of the representations and comments in respect of the three draft OZPs <sup>1</sup> ; incorporating the area into the Country Park; and offering general comments on environmental conservation of the area, etc.	TPB Paper paragraph 3.17

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<sup>1</sup> These views refer to the draft Hoi Ha OZP No. S/NE-HH/1, draft So Lo Pun OZP No. S/NE-SLP/1 and draft Pak Lap OZP No. S/SK-PL/1, such as the deliberation process has deprived original representers of the opportunity to rebut the new arguments of Government representatives or the Board.

**Major Points of Further Representations**

<b>Further Representation No.</b>	<b>Further Representation Points</b>
F1 and F2	A1
F3	A1, P1 and M
F4	A1, A2, A3, B1, B2, P1, P5 and M
F5	A1, A3, B1 and P1
F6	A1 and M
F7 to F20	A1, A2, B1, C, P1, P5 and M
F33	D
F34	D
F35	D and P2
F38	A2, A3, B2, C, P1, P3, P4, P5 and M
F39 to F41	A2, A3, B1, P1 and M
F42	A1, A2, C ,P3 and M
F43	A2, C and M
F44	B1, C and M
F45	P1, P5 and M
F47	P3, P5 and M
F48	B1 and M
F49 to F51	M

## PEMS Further Representation

TPB/R/S/NE-HH/1-F1

就草圖的建議修訂作出進一步申述

Further Representation In Respect of Proposed Amendments to Draft Plan

參考編號

Reference Number:

140730-114617-90858

提交限期

Deadline for submission:

15/08/2014

提交日期及時間

Date and time of submission:

30/07/2014 11:46:17

提出此宗進一步申述的人士

Person Making This Further Representation: 先生 Mr. Tony

與進一步申述相關的草圖

Draft plan to which the further representation relates: S/NE-HH/1

進一步申述詳情

Details of the Further Representation :

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
S/NE-HH/1	支持 Support	I think this is a reasonable method for balance the enviroment and village benefit s.

TPB/R/S/NE-HH/1-F2

就草圖的建議修訂作出進一步申述

Further Representation In Respect of Proposed Amendments to Draft Plan

參考編號

Reference Number:

140730-113125-43285

提交限期

Deadline for submission:

15/08/2014

提交日期及時間

Date and time of submission:

30/07/2014 11:31:25

提出此宗進一步申述的人士

Person Making This Further Representation:

夫人 Mrs. Judy Tsai

與進一步申述相關的草圖

Draft plan to which the further representation relates:

S/NE-HH/1

進一步申述詳情

Details of the Further Representation :

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
S/NE-HH/1	支持 Support	It is because the new suggestion not only protect the natural enviroment, but also can look after the needs of local people.



tpbpd

TPB/R/S/NE-HH/1-F3

寄件者:  
寄件日期:  
收件者:  
主旨:

Tfyipkeith [REDACTED]

06日08月2014年星期三 9:48

tpbpd@pland.gov.hk

鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1 《白腊分區計劃大綱草圖編號S/SK PL/1》

本人反對將白腊、海下及鎖羅盤規劃作丁屋發展，並支持將上述地方劃作郊野公園範圍。若真的劃作丁屋用地亦應大幅削減有關面積以保護香港僅有的自然環境。

Best regards,

Yip Tsz Fai

從我的 iPhone 傳送

(Translation)

TPB/R/S/NE-HH/1-F3

tpbpd

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From: Tfyipkeith XXXXXXXXX  
Date of transmission: 9:48 Wednesday 6.8.2014  
To: tpbpd@pland.gov.hk  
Subject: Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 (Draft Pak Lap  
Outline Zoning Plan No. S/SK-PL/1)

I object to the land zoning for small house development at Pak Lap, Hoi Ha and So Lo Pun and support keeping the above areas as part of the Country Park. Even if land zoning for small house development is really necessary, please substantially cut the proposed size to conserve the only natural environment in Hong Kong.

Best Regards,  
YIP Tsz-fai

Sent from my iphone

tpbpd

TPB/R/S/NE-HH/1-F4

寄件者: Paul Zimmerman  
寄件日期: 15日08月2014年星期五 17:33  
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主旨: Hoi Ha, Pak Lap and So Lo Pun  
附件: PZ Comments on amendments Hoi Ha Pak Lap and So Lo Pun 15 August 2014.pdf

Enclosed please find my comments on the amendment proposed for the draft plans of Hoi Ha, Pak Lap and So Lo Pun

00052

Hong Kong, 15 August 2014

Chairman and Members  
Town Planning Board  
15/F, North Point Government Offices  
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**Re: Hoi Ha (S/NE-HH/1), Pak Lap (S/SK-PL/1) and So Lo Pun (S/NE-SLP/1)**

Dear Sirs,

1. We support the reduction in V-zones and the new conservation zone "Green Belt 1" resulting from proposed amendments of the captioned draft plans in response to earlier representations and comments, namely:
  - a. Hoi Ha amendments: Item A (V to GB1), Item B (G to GB1) and addition of GB1 in the Notes;
  - b. Pak Lap amendment: Item A (V to Agr);
  - c. So Lo Pun amendment: Item A (V to GB).
2. However, we object to the following aspects of the proposed amendments:
  - a. Hoi Ha Item A: The boundary should be expanded to cover a larger part of the V-zone to limit development to the existing village houses.
  - b. Hoi Ha Item A and B: Agriculture uses should be moved to column 2 to enable the Town Planning Board to control the agriculture activities and pollution of Hoi Ha Wan marine park.
  - c. Pak Lap Item A: The boundary should be expanded to cover a larger part of the V-zone to limit development to the existing village houses.
  - d. Pak Lap Item A: At a minimum the area should be zoned for conservation use under GB1, and with Agriculture uses in column 2 for control over pollution of Pak Lap Wan. The current state of the vegetation and forestation is due to man-made destruction and should not be considered a valid reason against conservation zoning.
  - e. Pak Lap Item A: The area along the stream (at least 10 meters either side) should be zoned for conservation uses. The fact that some of the stream has been diverted due to man-made destruction can't be considered a valid reason not to do so.
  - f. So Lo Pun Item A: The boundary should be expanded to cover a larger part of the V-zone to limit development to the existing village houses
  - g. So Lo Pun Item A: At a minimum the area should be zoned for conservation use under GB1, and with Agriculture uses in column 2 for control over pollution of streams and wetland.
3. In addition we note the following changes which should be made to the draft plans:
  - a. Any V-zone proposed by the Planning Department outside the existing village settlement should be rezoned as GB within which Small House development is subject to planning applications. If so, the right of the indigenous villagers would not be extinguished, but there would be a transparent application process which allows evaluation of environmental impacts and prior agreement on mitigation requirements. This would meet the proposed

incremental approach more diligently.

- b. The Hoi Ha draft OZP should recognize the existing high water mark correctly since it has changed permanently, and not permit the development of small house within 30 meters of the high water mark or development of houses on what is now water.
  - c. All GB in the draft plan for So Lo Pun should be zoned GB(1) to reflect the real value of the woodland and the upper section of the local streams.
  - d. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (GB(1)).
  - e. Eating Place (and other polluting uses) should not be "always permitted on the ground floor of a NTEH" in the V zone as the water pollution control ordinance is impossible to enforce effectively.
4. To support the objections above we note the following critical issues regarding the deliberations to date:
- a. The Town Planning Board failed to give due consideration to the cumulative impacts of the NTEH development it will permit in these and the other country park enclaves. It has not accounted for the impacts of the resulting increase in population and economic activity in each country park. It did not consider the carrying capacity and or identify a suitable target population for each park based on assessments of impacts on the ecology and landscape, or made decisions on mitigation measures to protect the ecological and landscape significance of the country park enclaves and surrounding country parks and marine environments.
  - b. Although the Town Planning Board did identify the need for Small House applications submitted to the Lands Department to include not just the Authorized Person's certification of a Percolation Test, but to require the details and results of the Percolation Test itself in addition to the proposal for the design and engineering of the Sewage Treatment System for approval by the Environmental Protection Department (EPD), it did not confirm whether compliance with ProPECC PN 5/93 will effectively and adequately eliminate water pollution. While septic tank and soak-away systems are generally considered inadequate for private developments which meet specific threshold populations, the Board has not considered any population thresholds for village settings. The chosen strategy to wait till tests show that the ground and surface water quality have indeed deteriorated first is a shocking and cavalier approach to protection of the environment in country parks and country park enclaves.
  - c. Other impacts of development and increase in population the Board failed to study, assess, and consider include, among others:
    - i. Increase in traffic from the permitted development will create a demand for roads and transport facilities which will damage surrounding country parks. Once development is permitted it would be illogical to assume that such facilities would not be required or demanded;
    - ii. Sediment run-off from site formation and development on surrounding waters and biodiversity;

- iii. Light pollution of developments, infrastructure facilities and traffic;
  - iv. Tree felling for development and infrastructure facilities;
  - v. Erosion of hill-sides and loss of vegetation for development, infrastructure facilities, site formation, slope stabilization, etc;
  - vi. Increased risk of poaching associated with increase in population;
  - vii. Increased fire risk associated with increase in population and traffic;
  - viii. Littering and waste from construction and municipal waste disposal;
  - ix. And others.
- d. The country park enclaves are outstanding among the final few remaining and unique low-land wetlands in Hong Kong which require due special care and consideration – this special circumstance should be duly considered by the Board in deciding on a stringent restrictive approach towards permitted land uses and development in country park enclaves.
- e. The Country Park Enclave Policy stipulates to protect the enclaves and the surrounding natural environment through existing statutory processes. It has not been shown why the surrounding natural environment of enclaves under consideration are different from Tai Long Sai Wan and Tai Long Wan, why they warrant a less restrictive approach, or why these areas should not be included under the country park ordinance where they can be protected and managed under the country park regulations.
5. Finally we highlight a number of other specific concerns with the deliberations to date on the captioned draft plans:
- a. During the deliberations the TPB may not have had a chance to fully consider and discuss or might not have fully understood all the points made by the Environmental NGOs on 8th May, 2014 and 19th May, 2014 as some points were disregarded, not discussed or misunderstood, as shown by comparing our notes with the meeting minutes.
  - b. Genuine Need for Small Houses: The TPB meeting minutes mentions that the “V” zone should first be confined to the existing village settlements and the adjoining suitable land and then expand outwards upon demonstration of genuine need for Small House (SH) developments<sup>1</sup>. However the size of V zones does not appear to have been delineated based on proven genuine needs. The population in So Lo Pun is zero, and there are no outstanding SH applications. If “villagers” or landowners now living outside would like to resume their living in this long-abandoned village and to revitalize it, a common sense and real incremental approach would be that they make first use of the existing abandoned houses and the land in the existing village settlement. It is inexplicable why an extra piece of vegetated land of 1.72 ha of land is still needed for 68 new SHs to be built under the current proposal; based on the figures above (“zero” population and “zero” outstanding SH application). This piece of land is not incremental (from 0 to 460 persons planned population). Similar concerns apply to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; additional can be built: ca. 40).

<sup>1</sup> [http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb\\_e5.pdf](http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf)

- c. Septic Tank and Soakaway System and Water Quality Impact of Small Houses Environmental NGOs and professors from The University of Hong Kong have demonstrated using field survey results and field observations that the current sewage treatment systems in rural villages does not protect water bodies surrounding Enclaves from man-made pollution. Prof. Brian Morton, an Emeritus Professor of The University of Hong Kong who has studied Hong Kong's marine environment and pollution for more than 30 years and was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the additional NTEH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves.
- d. However, the authorities claim that the current arrangement (e.g., percolation test prior to deciding on the sewage treatment system) would safeguard the water quality. In the meeting minutes, the EPD mentioned that the LandsD, when processing the Small House grant applications, would require the submission of the certified sewage treatment proposals (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments. But it appears that EPD never considered the percolation tests?
- e. The minutes show that LandsD suggests that a "conservative approach" has been adopted in processing SH applications, by the department. If so, we cannot understand why the then Secretary for the Environment, Transport and Works stated in 2005 in her reply to the LegCo had to conclude the following:
- f. Relevant authorities in their proposals to carry out sewerage projects in rural areas also repeatedly stated that the septic tanks and soakaway systems are not reliable:

*"...However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams...to remain unsatisfactory."*<sup>2</sup>

*"In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public."*<sup>3</sup>

*"At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soak away systems). Such facilities might however become ineffective due to their proximity to watercourses<sup>1</sup> or inadequate maintenance. Sewage from such areas has therefore been identified as a source of water pollution to nearby watercourses and the receiving waters of Deep Bay."*<sup>4</sup>

<sup>2</sup> <http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf>

<sup>3</sup> <http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf>

<sup>4</sup> <http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf>

- g. These facts from the Government itself have not been deliberated in the TPB meeting. Authorities in the meeting kept saying that the current sewage arrangement would work, despite evidence showing the opposite. We are highly concerned that TPB members may not have been given a full picture to consider the effect of more NTEH (and STS) in CP Enclaves, and thus might make a decision based on biased information.
- h. We are also shocked to learn that the EPD stated in the meeting the following: *"...In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services."*
- i. This entirely contradicts any and all current practices. Maybe the EPD can provide the name(s) and contacts of contractor(s) which offer a manual cleaning service of septic tanks and soakaway systems and are willing to carry the sludge away using vessels for So Lo Pun and Pak Lap at an affordable fee? The suggestion is entirely unrealistic, irrational and unreasonable. 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by any vehicle.
- j. At the same time "Eating Place" or restaurant is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide "Bed and Breakfast" or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance. If in the future accommodation and restaurants are established in these Enclaves, how can the septic tanks and soakaways be maintained properly in order to prevent them from creating pollution? Has the Board thoroughly considered these conflicts during their deliberations and if so, how did it conclude on these inherent conflicts?
- k. With "Eating Place" always permitted on the ground floor of a SH there will be significant water pollution impacts, as is put forward by some TPB members. But the relevant authorities replied the following: *"if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)"* and *"a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed."* Now this appears irrational. The FEHD's licensing regime has limited control over water pollution other than the presence of a grease trap in a kitchen. The authority to enforce the Water Pollution Control Ordinance (WPCO) is the EPD. The FEHD is not the authority to check whether or not the sewage and drainage systems comply with the relevant ordinance(s). If the "Eating Place" would be intended to serve the needs of the villagers only, as suggested, then this does not reflect the actual situation. The restaurants in country parks are closed except for when there are many visitors. We strongly urge that the "Eating Place" should not be an always permitted use in SHs (ground floor) within Enclaves.
- l. The EPD also suggested that the septic tanks and soakaways are effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as "excellent", and that even in areas already served by public sewerage such as



Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by the ready acceptance of these statements by the Board.

- m. First, it has been demonstrated that the coast of the HHW MP is polluted. This area is not the "main water body" in the central part of the MP where AFCD monitors water quality. The coast is the area though which is frequented by visitors. The water quality of the main water body can't be used to disregard the threat of water pollution at the coast on the health of the visitors. Secondly, waters throughout Hong Kong contain high levels of *E. coli* because of illegal discharges which the EPD and DSD are unable to halt. The highly polluted water discharged from villages along the coast of Ting Kok increase the *E. coli* levels in Tolo Harbour. This same will be the result of development of small houses in unsewered village areas. Moreover, the remote location of the enclaves means that they will unlikely to ever be able to connect to the main sewers. None of these facts appear to have been presented by the EPD to the Board.
- n. The EPD admitted in the deliberations that the enforcement action due to illegal discharge of wastewater can be problematic. But at the same time the authorities are inexplicably confident that there would no water pollution in the Enclaves. Given that there is a known difficulty in controlling discharge of polluted water and the high value (ecological, conservation, landscape, recreational) of the Enclaves, a truly conservative approach would be to confine the V zones to the existing village settlements, in order not to allow potential pollution sources to increase.
- o. The minutes report that Government considers that an over-restrictive approach to confine the V zones to existing village houses (*The Tai Long Wan approach*) would be unnecessary for heritage reasons. But NGOs have asked for such restrictive approach for conservation reasons, and to avoid pollution of surrounding country parks and nearby waters. Objective and scientific data provided by Environmental NGOs and scholars have demonstrated the difficulty in enforcing the law and controlling pollution as admitted by the EPD. Government themselves have shown the pollution status in unsewered areas. Given the sensitive nature of Enclaves and their surrounding CPs, it is highly necessary to implement a restrictive approach. We do not agree that there is "sufficient control" over unacceptable environmental impacts on the surroundings.
- p. The Tai Long Wan approach offers the TPB insight in how Enclaves can and should be planned. We cannot understand what "unique planning background and characteristics" of the Tai Long Wan and Tai Long Sai Wan Enclaves are. We consider that Government would need to elaborate more on the so-called "uniqueness" of Tai Long Wan and Tai Long Sai Wan in relation to the risks of increased development and population in enclaves. Hoi Ha, Pak Lap and So Lo Pun are of greater ecological importance. Hoi Ha Wan is even a MP and has. For Tai long Wan the authorities suggested that the presence of "well-preserved historic villages and a site of archaeological significance" differentiate Tai Long Wan from the three captioned Enclaves. But as stated in the Approved Tai Long Wan OZP<sup>5</sup>, the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the

<sup>5</sup> [http://www.ozp.tpb.gov.hk/pdf/S\\_SK-TLW\\_5\\_e.pdf](http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf)

rural character. It is irrational and unreasonable to highlight the secondary rather than the primary intention, which is to protect the natural environment.

- q. Although we disagree we should note that the argument that the stringent approach of confining the V zone to existing village settlement should not be applied to the three Enclaves as there are no such areas with high heritage value is wrong in fact also: There is an Archaeological Site in the Hoi Ha which will be covered by the proposed V zone. Again, this shows irrational and inconsistent decision making.
- r. We agree with the TPB Member who said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Again here inconsistency and irrational decision making are evident. According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be "disturbed" and "young" by the authorities; but even so, now it is proposed to be largely covered with the Green Belt (1) (GB(1)) zone. At the same time in Pak Lap, the patchy woodlands are covered with Conservation Area (CA) zone. In contrast, the woodland in So Lo Pun, which provide habitats for many species of conservation concern is now proposed to be covered with GB only and SHs are allowed to be built through planning application as GB is generally considered a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes. The logic is lost – So Lo Pun and the best woodland receive the least protection.
- s. The meeting minutes also mention that the upper section of the So Lo Pun Stream is bounded by "disturbed, young" woodland, and thus the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we cannot see that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: "...wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park". What scientific data supports the new description? Or are claims subjective and written to suit pre-agreed zoning outcomes, or made to mislead the Board? Covering the woodland in So Lo Pun with a GB zone only is highly problematic. This decision does not seem to be following the approach of the other two Enclaves nor does it reflect the intrinsic value of the woodland. The zoning should be reviewed.
- t. The Chairman summed up Members' views and concluded: "...based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed "V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted." We cannot understand why the proposed "V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D would now suddenly become the recommended version. There seems to be no evidence based decision making but one based on administrative convenience.
- u. Complete inconsistency appears to be the number of new SHs allowed to be built: So Lo Pun: 68; Ho Ha: 40; Pak Lap: 18. But in So Lo Pun the existing population and its outstanding SH demand are the lowest and both zero.
- v. We agree with a Member's concern that: "Even if the concerned area was rezoned to "AGR" (in Pak Lap), the prospect of obtaining planning approval for development would be quite high." If the Board is truly committed to "agriculture use" only, why does it not ensure long

term agricultural uses with conservative zone like GB(1) or CA in which agriculture uses are permitted? Only by applying such conservation zoning, the intention of reducing the V zone (to avoid the impacts from building and operating SHs) can be achieved in a sustainable manner with clarity for all stakeholders.

- w. Regarding designating a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned that: *"according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI."* We consider that this is wrong and misleading. According to the draft plans for To Kwa Peng and Pak A, the riparian zones of the streams are covered with GB zoning despite the fact that these watercourses are not EIS/ SSSI. Although Pak Lap Wan is not a MP it is an important habitat for a rare species of high conservation concern – amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognized by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and thus the species of concern. We reiterate that, therefore, there should be a buffer zone for the watercourse.
- x. Section 4.1(a) of the TPB Paper No. 9509 (discussing the Tin Fu Tsai Enclave) mentions: *"...the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible (but we doubt that), would collect the sewage from point sources, it would still be necessary to prevent/mitigate water pollution from non-point sources. The effective means to prevent water pollution, in particular from nonpoint sources, is through land use control...."* Why is this principle not applied to Pak Lap? Why the inconsistency?
- y. During the deliberations PlanD stated that: *"the concerned area (i.e., the new AGR zone in Pak Lap) was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as "CA" or "GB".*" If it can not be justified to zone an area with Water Fern CA or even GB, can the Board explain the CA zoning in Pak Lap and the GB zoning in Tin Fu Tsai? In Tin Fu Tsai, a war-game field is now covered with GB.

Herewith we so submit for the Board's consideration.

Yours sincerely

Paul Zimmerman

District Councillor, Pokfulam

507, Eastern Harbour Centre

28 Hoi Chak Street

Quarry Bay, Hong Kong

Cc: Designing Hong Kong Limited

tpbpd

TPB/R/S/NE-HH/1-F5

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主旨: Comments on the Amendments of Hoi Ha, Pak Lap & So Lo Pun draft OZPs  
附件: S\_NE-SLP\_1\_Amendments\_15 Aug 2014.pdf; S\_SK-PL\_1\_Amendments\_15 Aug 2014.pdf; S\_NE-HH\_1\_Amendments\_15 Aug 2014.pdf

Dear Sir/Madam,

Please find my comments in the attached files.

Many thanks,  
Cheryl

00034

15 Aug 2014

**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](mailto:tpbpd@pland.gov.hk))

**By E-mail ONLY**

Dear Sir/Madam,

**Re: Proposed Amendments to the Draft Hoi Ha Outline Zoning Plan**  
**No. S/NE-HH/1**

I would like to express my support to the proposed amendments on the captioned draft Outline Zoning Plan (OZP) which included the followings:

- **Item A:** Rezoning the western part of "Village Type Development" ("V") zone to "Green Belt(1)" ("GB(1)");
- **Item B:** Rezoning the area currently zoned "Green Belt" ("GB") to "GB(1)"; and
- Addition of "GB(1)" zone into the Schedule of Uses of the Notes and deletion of "GB" zone from the Notes.

I welcome the reduction of "V" zone to protect the ecological sensitive areas at Hoi Ha, including the secondary woodlands, wetlands, natural streams and the Ho Hai Wan Marine Park (HHWMP), from future village expansion. I also appreciate rezoning the existing "GB" into "GB(1)" which imposed more stringent development control. It is because no new Small Houses can be built in these ecological sensitive habitats while redevelopment of houses can be subject to Town Planning Board approval. However, I still have grave concern on the boundary of the "V" zone on the captioned draft OZP and should be revised.

**Cumulative impacts of septic tanks of future Small Houses**

Different environmental groups had expressed their concerns on the potential water quality impacts from village house septic tanks and soakaway (STS) systems to the Hoi Ha enclave and Hoi Ha Wan Marine Park during the Town Planning Board meeting on 8 May 2014. Professional in Geology had also pointed out that the geological setting of Hoi Ha covered with alluvial is not suitable for using septic tank to treat domestic sewage. On the

other hand, EPD representative concluded in the deliberation section on 20 May 2014 that *"Therefore, if served with properly designed and operated STS systems, there was no evidence that Small Houses in the planned "V" zone would result in insurmountable impacts on the water quality of the HHW Marine Park."*<sup>1</sup>

However, it has to be noted that EPD had submitted an information note regarding the policy and planning of sewage infrastructure for unsewered village to the Legislative Council Panel on Environmental Affairs by in 2006. The information note stated that *"...Experience shows that some degree of operational failure of village house septic tank and soakaway (STS) systems is inevitable and they could therefore cause pollution of the environment and potential health hazards to the villagers or the public in the vicinity"* (Fig. 1). This reflected that STS systems are not totally safe from generating pollution, in spite of the various regulations to the design and construction of STS systems (such as ProPECC No. 5/93).

Furthermore, Drainage Service Department (DSD) also mentioned the cumulative impact of STS systems that *"With the rise in development density of village houses, the number of septic tanks and quantity of swage discharge continue to increase. This gradually exceeds the natural purification capability of the surrounding soil causing environmental pollution and hygiene problems"* (Fig. 2). It is the main reason considered by DSD to introduce Village Sewerage Programme to unsewered village. However, no representatives from DSD had been invited to the TPB meeting of which DSD should be consulted on the septic tank issues.

To conclude, considering the inevitable pollution and cumulative impacts of STS systems, and the ecological important of Hoi Ha enclave and the HHWMP, **precautionary approach should be adopted by further reducing the "V" zone to existing village houses to protect the sensitive habitats and HHWMP from sewage inevitably generated by future Small Houses.**

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<sup>1</sup> Paragraph 23 of the TPB meeting minute on 20 May 2014

### **Tai Long Wan approach**

During the TPB meeting on 9 May 2014, the environmental groups had proposed to adopt the Tai Long Wan approach in the Hoi Ha, Pak Lap and So Lo Pun to safeguard the ecological sensitive habitats from village encroachment and development by reducing "V" zones to existing houses. In the deliberation section on 4 June 2014, Planning Department mentioned that *"the imposition of stricter planning control in the "V" zone of the Tai Long Wan OZP was mainly based on the consideration that the well-preserved village settlements in Tai Long Wan were of high heritage value"*<sup>2</sup>. However, this statement is not in line with the planning intention of the Tai Long Wan OZP (S/SK-TLW/5), *"the planning intention of the Area is primarily to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character."* The planning intention of Tai Long Wan OZP is also applicable to Hoi Ha, Pak Lap and So Lo Pun which are all of high ecological value. Therefore, the "V" zone of the Hoi Ha OZP should be further reduced to existing houses and building lots to prevent future village encroachment onto sensitive habitats.

Thank you for your attention.

Yours faithfully,

Cheryl Lo

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<sup>2</sup> Paragraph 12 of the TPB meeting minute on 4 June 2014

Fig. 1. Information Note submitted by EPD to LegCo in 2006<sup>3</sup>

CB(1) 281/06-07(01)

For Information

Legislative Council Panel on Environmental Affairs

Information Note on Policy and Planning of  
Sewage Infrastructure for Unsewered Villages

Purpose

In response to a request made by Members at the EA Panel meeting on 22 May 2006, this paper explains the policy and planning in respect of sewage infrastructure for unsewered villages in Hong Kong.

Policy Goals on Village Sewerage

2. The policy goals for the provision of sewage infrastructure to unsewered areas, including villages, are the protection of public health and the attainment of the declared Water Quality Objectives. The latter are set so as to ensure our waters are of a sufficient quality to sustain certain uses which are valued by the community. These include, variously, abstraction for potable supply, swimming, secondary contact recreation, and the ability to sustain healthy aquatic ecosystems.

The Need for Village Sewerage

3. Septic tank and soakaway systems are commonly used for treating the wastewater arising from unsewered village houses. However, they provide only a minimum level of sewage treatment. The effluent from a septic tank still carries very high nutrient, organic and microbiological loads. These can only be effectively attenuated by the soakaway system in circumstances where the ground conditions are suitable and development density is low. Experience shows that some degree of operational failure of village house septic tank and soakaway systems is inevitable and they could therefore cause pollution of the environment and potential health hazards to the villagers or the public in the vicinity.

4. The major benefits of the village sewerage programme include the reduction of risks to public health, reduction in nuisance associated with exposed and stagnant ponding of wastewater, elimination of the deposition of unsightly solids such as food residues and toiletries contained in the wastewater, the removal of insect pests and malodour, and the restoration of balanced ecological conditions

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



Fig. 2. DSD leaflet of Village Sewerage Program<sup>4</sup>



tpbpd

TPB/R/S/NE-HH/1-F6

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主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

12 August 2014

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

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2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.
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Yours sincerely

Maurice Hein

tpbpd

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TPB/R/S/NE-HH/1-F7

寄件者: David NEWBERY [REDACTED]  
寄件日期: 14日08月2014年星期四 16:09  
收件者: tpbpd@pland.gov.hk  
主旨: Comment on Draft Hoi Ha OZP  
附件: TPB - Jacob - 12 Aug 14.docx

Dear Sir/Madam

Please find enclosed comments on the Draft Hoi Ha OZP. (S/NE-HH/1).

Regards

Jacob NEWBERY

00019

Jacob Lee Ho Hin NEWBERY  
21C Hoi Ha Village  
Sai Kung Country Park  
New Territories  
Hong Kong

Tel: [REDACTED]

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12 August 2014

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

Dear Mr Chow

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the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.

- ii. Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.
- iii. The old village contains an unauthorised structure and the ruins of houses which were abandoned in the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.
- iv. Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.
- v. If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.
- vi. In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High Tide Mark need to be re-examined.
- vii. Any building or rebuilding of houses on the privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of

HHW Marine Park and SSSI both during the building processes and subsequent habitation.

b. Green Belt (1) Areas

- i. Whilst the increased protection to the area to the west of the village, in the form of a GB(1) area, is welcome, the designation of this area as “Green Belt” is confusing for many people. The Green Belt principle is not, presently, being seen as one which will safeguard the area against future development and, although the intent of the GB(1) principle may be to avoid development of the areas, the owners of private plots of the land – mainly property developers – may be tempted to “trash” the area in an effort to get the Green Belt designation overturned. If this area is to be conserved and for new building to be prohibited, then, to avoid confusion, it should be designated as Conservation Area, rather than GB(1), to avoid any misunderstanding of the planning intent.
- ii. The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.
- iii. Some of these agricultural plots come within 5 metres of Hoi Ha Wan. At the moment, there are no safeguards to prevent Hoi Ha Wan being polluted by fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

c. V-Zone

The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing “demand” is still based on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to “return” to Hoi Ha – many of

them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual **need** for housing in the village by indigenous villagers, which is minimal.

d. Site of Archaeological Interest

A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by a certified archaeologist.

4. The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not properly consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and statutory planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.
5. International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas"- i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.
6. The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the

fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is **unacceptable** to:

- Allow the bypassing of planning controls in environmentally sensitive areas.
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( In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

7. In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the correct relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary, and all decisions which were based on the erroneous position of the High Tide Mark should be reviewed. The Board should be asked to consider the following amendments to the Draft OZP:

- The incorporation of the old village within the Coastal Protection Area to ensure that statutory planning controls are in place in this environmentally sensitive area.
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Yours sincerely





李浩軒

寄件者: Sp [REDACTED]  
寄件日期: 12日08月2014年星期二 22:20  
收件者: tpbpd@pland.gov.hk  
副本: patrick\_cw\_tsang@afcd.gov.hk  
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

12 August 2014

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Penny

cc Mr Tang, Country and Marine Parks Board, [patrick\\_cw\\_tsang@afcd.gov.hk](mailto:patrick_cw_tsang@afcd.gov.hk)

寄件者: Benson Fung [REDACTED]  
寄件日期: 13日08月2014年星期三 20:47  
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副本: patrick\_cw\_tsang@afcd.gov.hk  
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

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

Email: tpbpd@pland.gov.hk

13 August 2014

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寄件日期: 14日08月2014年星期四 21:16  
收件者: tpbpd@pland.gov.hk  
副本: patrick\_cw\_tsang@afcd.gov.hk  
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Dear Mr Chow

As a Hong Kong resident, regular hiker and scuba diver, I have had many opportunities to appreciate the beauty and fragile biodiversity of Hoi Ha marine park and the surrounding areas. I am therefore very concerned about the following issues:

**HOI HA OUTLINE ZONING PLAN: S/NE-HH/1**

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1), which is now open for comment.
2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.
3. However, there are still serious flaws with the OZP which I would like the TPB to reconsider by re-opening the debate on the Hoi Ha OZP.
  - a. **Width and Nature of the Coastal Protection Area (CPA).**
    - i. The Board decided on the boundary of the V-Zone based on the assumption that the CPA provided a buffer zone of approximately 30 metres between the marine environment of Hoi Ha Wan and the V-zone along its entire length. The Board's decisions were based on the premise that the boundary of the HHW Marine Park is coincident with the High Tide Mark. The maps used by the TPB show agricultural plots of land in the area immediately in front of the old (ruined) village. Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.
    - ii. Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.
    - iii. The old village contains an unauthorised structure and the ruins of houses which were abandoned in

the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.


iv. Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

v. If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.

vi. In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High Tide Mark need to be re-examined.

vii. Potential, privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of HHW Marine Park and SSSI both during the building processes and subsequent habitation.

#### **b. Green Belt (1) Areas**

i.  Ist the increased protection to the area to the west of the village, in the form of a GB(1) area, is welcome, the designation of this area as "Green Belt" is confusing for many people. The Green Belt principle is not, presently, being seen as one which will safeguard the area against future development and, although the express intent of the GB(1) principle is to avoid development of the areas, the owners of private plots of the land – mainly property developers – may be tempted to "trash" the area in an effort to get the Green Belt designation overturned. If this area is to be conserved and for building to be absolutely prohibited, then, to avoid confusion, it should be designated as Conservation Area, rather than GB(1), to avoid any misunderstanding of the planning intent.

ii. The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.

iii. Some of these agricultural plots come within 5 metres of Hoi Ha Wan. At the moment, there are no safeguards to prevent Hoi Ha Wan being polluted by fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

#### **c. V-Zone**

The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing "demand" is still based on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to "return" to Hoi Ha – many of them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual need for housing in the village by indigenous villagers, which is minimal.

#### **d. Site of Archaeological Interest**

A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

4. The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

5. International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas" - i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.

6. The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:

- Allow the bypassing of planning controls in environmentally sensitive areas:
- Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.
- Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.

In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

7. In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary. The Board should be asked to consider the following amendments to the Draft OZP:

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- The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely

Emilie Pavey

寄件者: Trudy Frost  
寄件日期: 15日08月2014年星期五 8:32  
收件者: tpbpd@pland.gov.hk  
主旨: Hoi Ha Zoning:

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Yours sincerely,

Trudy Frost

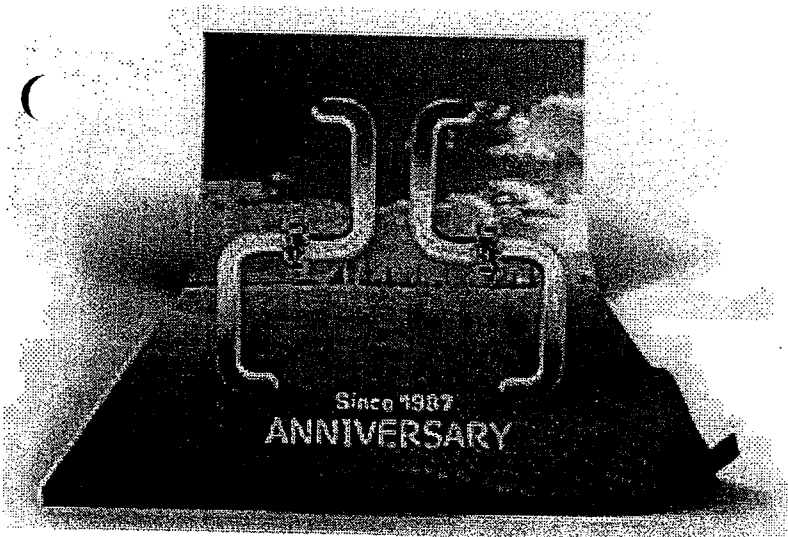
寄件者: Wong Jones [REDACTED]  
寄件日期: 15日08月2014年星期五 10:07  
收件者: tpbpd@pland.gov.hk  
主旨: Support of Friends of Hoi Ha Wan  
附件: Hoi Ha Wan Letter to TPB Aug 14.pdf

Dear Mr. Thomas CHOW,

I write in support of the idea and suggestion from the Friends of Hoi Ha. Please see the letter attached.

Yours sincerely,

**Jones Wong**  
General Manager



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S/C 1111, Metro Loft, 38 Kwai Hei Street,  
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Fax: (852) 2507 3830  
Email: [jonesw@ktil.com](mailto:jonesw@ktil.com)  
Website: [www.ktil.com](http://www.ktil.com)

 please consider the environment before printing this e-mail.

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

Email: tpbpd@pland.gov.hk

12 August 2014

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Yours sincerely,

*James H W Wang*

tpbpd

TPB/R/S/NE-HH/1-F13

寄件者: Eric Lee [REDACTED]  
寄件日期: 15日08月2014年星期五 10:51  
收件者: tpbpd@pland.gov.hk  
主旨: Hoi Ha Outline Zoning Plan  
附件: Letter to TPB Aug 15.pdf

Dear Thomas,

Hope that you will re-examine the Hoi Ha case and hold another meeting to review this project.

Regards,

Eric.  
PADI Master Instructor (MI-494037)  
Travel Consultant

[REDACTED]  
[REDACTED]  
[REDACTED]  
uk Hang,

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Reseller:

Mares, Suunto

00038

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

Email: tpbpd@pland.gov.hk

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d. Site of Archaeological Interest

A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

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- The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely

Eric Lee  
PADI Certified Scuba Diving Instructor (MI-494037)

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寄件日期: 15日08月2014年星期五 13:25  
收件者: tpbpd@pland.gov.hk  
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

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

Email: tpbpd@pland.gov.hk

12 August 2014

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寄件者: Billy Campbell [REDACTED]  
寄件日期: 15日08月2014年星期五 17:38  
收件者: tpbpd@pland.gov.hk  
主旨: Mr Chow, Town Planning Office. RE: Hoi Ha, Appeal  
附件: Mr Thomas Chow, Town Planning Office..doc

For your kind attention. See Attached Letter.

Many thanks.



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

Email: tpbpd@pland.gov.hk

15<sup>th</sup> August 2014

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**Signed:** *W. Campbell.* Hse. 5 Ko Tong Village, Pak Tam Road, SAI KUNG, N.T.

tpbpd

TPB/R/S/NE-HH/1-F16

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寄件日期: 15日08月2014年星期五 17:05  
收件者: 'tpbpd@pland.gov.hk'  
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1  
附件: 201408151701.pdf

Please see attached.

GOZZARD'S FORD LIMITED

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# GOZZARD'S FORD LIMITED

11/F, Club Lusitano, 16 Ice House Street, Central, Hong Kong  
Tel: 2522 2821 / Email: nbinnersley@hotmail.com

12 August 2014

By Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

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

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## GOZZARD'S FORD LIMITED

- ii. Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.
  - iii. The old village contains an unauthorised structure and the ruins of houses which were abandoned in the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.
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  - vi. In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High Tide Mark need to be re-examined.
  - vii. Potential, privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of HHW Marine Park and SSSI both during the building processes and subsequent habitation.
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## GOZZARD'S FORD LIMITED

prohibited, then, to avoid confusion, it should be designated as Conservation Area, rather than GB(1), to avoid any misunderstanding of the planning intent.

- ii. The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.
- iii. Some of these agricultural plots come within 5 metres of Hoi Ha Wan. At the moment, there are no safeguards to prevent Hoi Ha Wan being polluted by fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

### c. V-Zone

The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing "demand" is still based on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to "return" to Hoi Ha — many of them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual need for housing in the village by indigenous villagers, which is minimal.

### d. Site of Archaeological Interest

A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

4. The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on



## GOZZARD'S FORD LIMITED

Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

5. International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas" – i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.
6. The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:
  - Allow the bypassing of planning controls in environmentally sensitive areas.
  - Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.
  - Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.

In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

7. In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary. The Board should be asked to consider the following amendments to the Draft OZP:
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## GOZZARD'S FORD LIMITED

- The placing of "Agricultural Use" into Column 2 of the schedule for GB(1), to ensure that the areas are not trashed and Hoi Ha Wan polluted by large-scale agricultural activities – either genuine or bogus.
- The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours faithfully,



GOZZARD'S FORD LIMITED/DIRECTOR

tpbpd

寄件者: Devon Bovenlander [REDACTED] TPB/R/S/NE-HH/1-F17  
寄件日期: 15日08月2014年星期五 18:04  
收件者: tpbpd@pland.gov.hk  
主旨: Letter to Town Planning Board requesting them to re-examine the facts surrounding Hoi Ha Marine Park and hold another round of talks  
附件: TPB Aug 15.docx

Dear Sirs,

Please see attached and contact the undersigned should you require anything else.

Kind Regards,

Devon

--  
Devon Bovenlander  
[REDACTED]  
[REDACTED]  
[REDACTED]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

00045

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

Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

15th August 2014

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.
2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.
3. However, there are still serious flaws with the OZP which I would like the TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

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metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.

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Yours sincerely,

Devon Bovenlander -

[REDACTED]

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

TPB/R/S/NE-HH/1-F18



Email: tpbpd@pland.gov.hk

12 August 2014

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Yours sincerely

*Ng Y. W. Wong*

Dr. David Y. W. Wong



tpbpd

TPB/R/S/NE-HH/1-F19

寄件者: [REDACTED]  
寄件日期: 15日08月2014年星期五 8:54  
收件者: tpbpd@pland.gov.hk  
主旨: Hoi Ha Wan  
附件: Letter to town planning.rtf

Dear Sir,  
Please see our attached letter concerning the zoning of ho Ha.  
warm regards  
Rachael Footer

00028

- toverridecount0
- Mr Thomas CHOW
- Chairman
- Town Planning Board
- 15/F, North Point Government Offices
- 333 Java Road
- North Point
- Hong Kong
- 
- Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)
- 12 August 2014
- Dear Mr Chow

• HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

- Dear Mr Chow,
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- the TPB reconsider re-opening the debate on HOi Ha OZP in order to correct these over sites.
- •
- Width and Nature of the Coastal Protection Area (CPA).
- The Board decided on the boundary of the V-Zone based on the assumption that the CPA provided a buffer zone of approximately 30 metres between the marine environment of Hoi Ha Wan and the V-zone along its entire length. The Board's decisions were based on the premise that the boundary of the HHW Marine Park is coincident with the High Tide Mark. The maps used by the TPB show agricultural plots of land in the area immediately in front of the old (ruined) village. Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.
- Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.
- The old village contains an unauthorised structure and the ruins of houses which were abandoned in the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.
- Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone

incorporates the old village, houses could be “re-built”, complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

- If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.
- In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High Tide Mark need to be re-examined.
- Potential, privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of HHW Marine Park and SSSI both during the building processes and subsequent habitation.
- Green Belt (1) Areas
- Whilst the increased protection to the area to the west of the village, in the form of a GB(1) area, is welcome, the designation of this area as “Green Belt” is confusing for many people. The Green Belt principle is not, presently, being seen as one which will safeguard the area against future development and, although the express intent of the GB(1) principle is to avoid development of the areas, the owners of private plots of the land – mainly property developers – may be tempted to “trash” the area in an effort to get the Green Belt designation overturned. If this area is to be conserved and for building to be absolutely prohibited, then, to avoid confusion, it should be designated as Conservation Area, rather than GB(1), to avoid any misunderstanding of the planning intent.
- The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.
- Some of these agricultural plots come within 5 metres of Hoi Ha Wan. At the moment, there are no safeguards to prevent Hoi Ha Wan being polluted by



fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

- V-Zone

The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing "demand" is still based on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to "return" to Hoi Ha – many of them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual need for housing in the village by indigenous villagers, which is minimal.

- Site of Archaeological Interest


A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

- The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.
- International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas"- i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with

up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.

- The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:
- Allow the bypassing of planning controls in environmentally sensitive areas.
- Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.
- Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.  
In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.
- In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary. The Board should be asked to consider the following amendments to the Draft OZP:
  - The incorporation of the old village within the Coastal Protection Area to ensure that statutory planning controls are in place in this environmentally sensitive area.
  - The placing of "Agricultural Use" into Column 2 of the schedule for GB(1), to ensure that the areas are not trashed and Hoi Ha Wan polluted by large-scale agricultural activities – either genuine or bogus.
  - The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely  
Rachael and Mark Footer



tpbpd

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TPB/R/S/NE-HH/1-F20

寄件者: [REDACTED]  
寄件日期: 15日08月2014年星期五 9:00  
收件者: tpbpd@pland.gov.hk  
主旨: Hoi a wan  
附件: Letter to town planning.rtf

Dear Mr Chow,  
My name is Charlie Footer and I live in Ho Hai.  
I would like to object to the new zoning plan for our village.  
Please see attached letter.  
regards  
Charlie

00026

- toverridecount0
- Mr Thomas CHOW
- Chairman
- Town Planning Board
- 15/F, North Point Government Offices
- 333 Java Road
- North Point
- Hong Kong

- Email: tpbpd@pland.gov.hk
- 12 August 2014
- Dear Mr Chow

• HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

- Dear Mr Chow,
- I am very concerned about the serious flaws with the OZP and we would request that
- the TPB reconsider re-opening the debate on HOi Ha OZP in order to correct these over sites.
- •
- Width and Nature of the Coastal Protection Area (CPA).
- The Board decided on the boundary of the V-Zone based on the assumption that the CPA provided a buffer zone of approximately 30 metres between the marine environment of Hoi Ha Wan and the V-zone along its entire length. The Board's decisions were based on the premise that the boundary of the HHW Marine Park is coincident with the High Tide Mark. The maps used by the TPB show agricultural plots of land in the area immediately in front of the old (ruined) village. Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.
- Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.
- The old village contains an unauthorised structure and the ruins of houses which were abandoned in the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.
- Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone

incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

- If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.
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fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

- V-Zone

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- The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.
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up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.

- The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:
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  - The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely  
Charlie Footer

TPB/R/S/NE-HH/1-F33

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

- The further representation should be made to the Town Planning Board (the Board) before the expiry of the specified period for making further representation. 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.  
進一步申述必須於指定作出進一步申述的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進一步申述的文件（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樓及新界沙田上禾輦路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 further representation may be treated as not having been made if the required information is not provided.  
此表格可從城市規劃委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出進一步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，則委員會可把有關進一步申述視為不曾提出論。

<b>1. Person Making This Further Representation (known as "Further Representer" hereafter)</b> 作出此宗進一步申述的人士（下稱「進一步申述人」）
Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生/夫人/小姐/女士/公司/機構*)  Lo Man Chi

<b>2. Authorized Agent (if applicable) 獲授權代理人 (如適用)</b>
Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生/夫人/小姐/女士/公司/機構*)  

<b>3. Details of the Further Representation</b> 進一步申述詳情	
Draft plan to which the further representation relates (please specify the draft plan to which the proposed amendments is made) 與進一步申述相關的草圖（請註明建議修訂的草圖）	Draft Hoi Ha Outline Zoning Plan No. S/NE - HH / 1

\* 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」

Parts 1, 2 and 3 第1、第2及第3部分

00048



3. Details of the Further Representation (Continued) (use separate sheet if necessary) 進一步申述詳情(續)(如有需要,請另頁說明)		
Nature of and reasons for the further representation 進一步申述的性質及理由		
Subject matters <sup>②</sup> 有關事項 <sup>②</sup>	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reasons 理由
4.1 (a) Amendment Item A - Rezoning the western part of "V" zone to "GB(1)"	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	The Small House demand is 94. The reduction of "V" zone means that only 43% of the Small House demand is met. This is not deemed to be the right way of balancing conservation and
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	development. Heritage culture is also essential in society. Heritage culture in villages should also be conserved. Conservation does not only mean
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	conservation of the natural environment.
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	

② Please specify the amendment item number provided in the Schedule of Proposed Amendments.  
請註明在修訂項目附表內的建議修訂項目編號。

「✓」 at the appropriate box

請在適當的方格內加上「✓」號

Form No. S6D 表格第 S 6 D 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 further 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.

請列明連同進一步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。

**5. Signature 簽署**Signature  
簽署

*Lo Man Chi*  
LO MAN CHI

"Further Representer" / Authorized Agent\*  
「進一步申述人」/ 獲授權代理人\*

Name in Block Letters 姓名（以正楷填寫）

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

15<sup>th</sup> August, 2014

**Statement on Personal Data 個人資料的聲明**

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

(a) the processing of this further representation which includes making available the name of the "further representer" for public inspection when making available this further representation for public inspection; and

(b) facilitating communication between the "further 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.

城市規劃委員會就這宗進一步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) 處理這宗進一步申述，包括公布這宗進一步申述供公眾查閱，同時公布「進一步申述人」的姓名供公眾查閱；以及

(b) 方便「進一步申述人」與委員會秘書及政府部門之間進行聯絡。

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

「進一步申述人」就這宗進一步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 "further 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，「進一步申述人」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華道333號北角政府合署15樓。

\* 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」

"✓" at the appropriate box

請在適當的方格內加上「✓」號

Parts 4 and 5 第4及第5部分

tpbpd

TPB/R/S/NE-HH/1-F34

寄件者: Suet Ying Kwok [REDACTED]  
寄件日期: 15日08月2014年星期五 22:42  
收件者: tpbpd@pland.gov.hk  
主旨: 進一步申述 (海下分區計劃大綱草圖編號S/NE-HH/1)  
附件: Hoi Ha.pdf

致 城市規劃委員會秘書:

本人就 海下分區計劃大綱草圖編號 S/NE-HH/1 作出進一步申述, 申述內容及表格請看附件, 謝謝!

郭雪影謹啟

00047

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

1. The further representation should be made to the Town Planning Board (the Board) before the expiry of the specified period for making further representation. 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.

進一步申述必須於指定作出進一步申述的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進一步申述的文件（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。

2. 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/>）。

3. 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 further representation may be treated as not having been made if the required information is not provided.

此表格可從城市規劃委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出進一步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，則委員會可把有關進一步申述視為不曾提出論。

1. <b>Person Making This Further Representation (known as "Further Representer" hereafter)</b> 作出此宗進一步申述的人士（下稱「進一步申述人」）
Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生/夫人/小姐/女士/公司/機構*) 郭雪影 Kwok Suet Ying

2. <b>Authorized Agent (if applicable) 獲授權代理人 (如適用)</b>
Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生/夫人/小姐/女士/公司/機構*)

3. <b>Details of the Further Representation</b> 進一步申述詳情
Draft plan to which the further representation relates (please specify the draft plan to which the proposed amendments is made) 與進一步申述相關的草圖（請註明建議修訂的草圖）
S/NE-HH/1 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」

3. Details of the Further Representation (Continued) (use separate sheet if necessary)  
進一步申述詳情 (續) (如有需要, 請另頁說明)

Nature of and reasons for the further representation 進一步申述的性質及理由		
Subject matters <sup>@</sup> 有關事項 <sup>@</sup>	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reasons 理由
4.1(a) (amendment Item A: rezoning the Western part of "V" zone to "GB(1)")	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	不贊成減少 V zone 面積, 因丁屋需求仍 然存在。
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	

<sup>@</sup> Please specify the amendment item number provided in the Schedule of Proposed Amendments.  
請註明在修訂項目附表內的建議修訂項目編號。

"X" at the appropriate box

請在適當的方格內加上 "X" 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 further 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.

請列明連同進一步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。

**5. Signature 簽署**

Signature  
簽署



"Further Representer"/Authorized Agent\*  
「進一步申述人」/獲授權代理人\*

Kuo Sui Ying 郭雪影

Name in Block Letters 姓名（以正楷填寫）

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

15-8-2014

**Statement on Personal Data 個人資料的聲明**

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

- (a) the processing of this further representation which includes making available the name of the "further representer" for public inspection when making available this further representation for public inspection; and
- (b) facilitating communication between the "further 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.

城市規劃委員會就這宗進一步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) 處理這宗進一步申述，包括公布這宗進一步申述供公眾查閱，同時公布「進一步申述人」的姓名供公眾查閱；以及
- (b) 方便「進一步申述人」與委員會秘書及政府部門之間進行聯絡。

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

「進一步申述人」就這宗進一步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 "further 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，「進一步申述人」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華道333號北角政府合署15樓。

\* 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」

「✓」 at the appropriate box

請在適當的方格內加上「✓」號

(Translation)

TPB/R/S/NE-HH/1-F34

tpbpd

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From: Suet Ying Kwok XXXXXXXXX  
Date of transmission: 22:42 Friday 15.8.2014  
To: tpbpd@pland.gov.hk  
Subject: Further representation (Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1)  
Annex: Hoi Ha.pdf

To: Secretariat, Town Planning Board

I am making further representation relating to the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1. Please refer to the enclosed form for the content of representation, thank you!

KWOK Suet-ying

For Official Use Only		Reference No.	
		Date Received	
1. Person Making This Further Representation (known as "Further Representer" hereinafter)			
Name Miss KWOK Suet-ying			
2. Authorized Agent (if applicable)			
3. Details of the Further Representation			
Draft plan to which the further representation relates (please specify the draft plan to which the proposed amendments is made)		Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1	
Nature of and reasons for the further representation			
Subject matter	Are you supporting or opposing the subject matter?	Reasons	
4.1 (a) (Amendment item A: rezoning the western part of "V" zone to "GB(1)")	<input type="checkbox"/> support <input checked="" type="checkbox"/> oppose	Oppose to reducing the size of V-zone because there is still demand for small house.	
	<input type="checkbox"/> support <input type="checkbox"/> oppose		
	<input type="checkbox"/> support <input type="checkbox"/> oppose		
	<input type="checkbox"/> support <input type="checkbox"/> oppose		
4. Plans, Drawings and Documents			
5. Signature			
Signature (signed) (illegible)		"Further Representer" / Authorized Agent*	
Name in Block Letters KWOK Suet-ying		Position (if applicable)	
Professional Qualification(s)			
On behalf of /			
Date		15-8-2014	



TPB/R/S/NE-HH/1-F35

就草圖的建議修訂作出進一步申述

Further Representation In Respect of Proposed Amendments to Draft Plan

參考編號

140815-174751-29691

Reference Number:

提交限期

15/08/2014

Deadline for submission:

提交日期及時間

15/08/2014 17:47:51

Date and time of submission:

提出此宗進一步申述的人士

先生 Mr. 方永健

Person Making This Further Representation:

與進一步申述相關的草圖

S/NE-HH/1

Draft plan to which the further representation relates:

進一步申述詳情

Details of the Further Representation :

相關的建議修訂 Related Proposed Amendments	性質 Nature	理由 Reasons
V-zone減少	反對 Oppose	我只是一條小村落的村民，我的村落就是我的根，我只想留在我的地方與我的家人一起生活。所謂一家團圓，無非即是與家人相聚在一起，共聚天倫鄉村式發展地帶之樂，這亦是我一直的願望。現懇請城規會擴大V Zone，容讓我能在我的根有棲息之所，守護我的村落和我的家族，亦能盡之本份，照料家人，冀盼我的願望不會變成我的奢望。

(Translation)

TPB/R/S/NE-HH/1-F35

Further Representation in Respect of Proposed Amendments to Draft Plan

Reference Number: 140815-174751-29691  
Deadline for submission: 15/08/2014  
Date and time of submission: 15/08/2014 17:47:51  
Person making this further representation: Mr. FONG Wing-kin  
Draft plan to which the further representation relates: S/NE-HH/1

Details of the representation:

Related Proposed Amendments:	Nature	Reasons
Reduction of the V-zone	Oppose	I am just an inhabitant of a small village. My village is my root. I only want to stay at my place and live with my family there. So-called family reunion is about living together with one's family members and spend time with them in a rural village type development zone. This is my long-time wish. I sincerely urge the Town Planning Board to extend the V-zone to allow me to have my home at my rooted place so that I can protect my village and my family and assume my responsibility of taking care of my family members. I hope my wish would not become my wild wish.

tpbpd

TPB/R/S/NE-HH/1-F38 —

寄件者: Mike Kilburn [REDACTED]  
寄件日期: 15日08月2014年星期五 23:58  
收件者: tpbpd@pland.gov.hk  
副本: Ruy Barretto  
主旨: Representation in relation to Hoi Ha, So Lo Pun and Pak Lap draft OZPs  
附件: Hoi Ha, Pak Lap So Lo Pun comments on Amendments to Draft Plan (MK 15 Aug 2014).doc

Dear Sir /Madam

Please find attached my OBJECTION to the captioned OZPs.

Please acknowledge that this submission was received before midnight on 15 August 2014.

Yours sincerely  
EMS Kilburn

00051

Representations on the Town Planning Board Amendments of July 2014 in respect of the draft OZPs for Hoi Ha, Pak Lap and So Lo Pun.

15 August 2014

1. These Comments are made in respect of the decisions of the Town Planning Board on the draft OZPs for Hoi Ha, So Lo Pun and Pak Lap as follows:
  - a. S/NE-SLP/1:
    - i. an area to the northeast and an area to the southwest of So Lo Pun from "Village Type Development" to "Green Belt".
  - b. S/NE-HH/1:
    - i. Rezoning of an area to the west of Hoi Ha from "Village Type Development" to "Green Belt(1)" ("GB(1)").
    - ii. Rezoning of an area to the east of an existing rocky stream from "Green Belt" ("GB") to "GB(1)".
      1. Deletion of the Notes for the "GB" zone.
      2. Addition of the Notes for the "GB(1)" zone.
  - c. S/SK-PL/1:
    - i. Rezoning of a section of the existing stream in Pak Lap and the area to its east from "Village Type Development" to "Agriculture".
2. In each case the decision of the Board is held to be based on failures of process with the administration of the plan-making (including collection, presentation and evaluation of necessary information), in the representation of the views of objectors and deliberations of members by the Chairman, and in the justification and finalisation of the proposals (listed above) made to address earlier representations.
- 3.
4. This failure by the Papers to address the Representations led to observations by several Representors on the 8<sup>th</sup> May 2014 of the **"Air of Unreality"** about the remarks from Plan D who have **not faced up to the reality of the planning and legal defects and the reality of the problems the draft OZP will inevitably cause.** Plan D have roughly paraphrased some of the issues but generally Plan D Papers have not addressed the Representations with **valid reasons or evidence.**
  - a. *Denials by PlanD or Board in Deliberations of 4/6 para 72-73 are not correct.*
  - b. *Hence R10587's tabled document of 19<sup>th</sup> May 2014 is adapted as a convenient method of showing, by use of italics and this Representation, the continuing failures and errors by the Board contained in the Proposed Amendments, Decisions and Deliberations of 20/5 and 4/6/2014.*

5. The Unreality and the Failure to Address the issues was because Plan D have NO valid Answer to the points made on the breaches of Policy, Principles, Precedent, and law which the draft OZPs cause.
  - a. *At this late stage, in Deliberations from which Representors are excluded, the PlanD or Government Representatives or Board have attempted to make up NEW arguments to address the Representations and face up to the reality of the problems the draft OZP will cause.*
  - b. *This process has deprived the original Representors of the opportunity to rebut the arguments of the PlanD/Board. Hence another meeting is needed so past and present Representors can rebut the new points made. A meeting to deal with the arguments is essential as the new arguments are contrary to the evidence, ignore or omit evidence provided by Representors, and contrary to logic, principle and law.*
  - c. *All NGOs and Representors whose evidence may be relevant to the new points raised must be invited to Represent on these Amendments based on new PlanD or Board arguments.*
  - d. *This applies to many errors, such as in the Chairman's Summary in Delib 4/6 para 3, not just the ones highlighted herein. A fair process is needed.*
6. Representors had made detailed submissions focused on expert evidence so Plan D had the chance to consider them in detail but failed to do so or put material of substance in the Paper to deal with the Representations. As such, Representors and Commentors have been **deprived of the materials** which could be used to improve the draft planning.
7. **The Conclusion drawn from the Plan D failure to address the Representations is that the Plan D or Government are unable to justify their draft OZPs in respect of the excessive V zones and the inadequate zonings for conservation.**
  - a. *This situation remains. Representor evidence was authoritative and conclusive but it has been omitted or not considered on key points in the written version of the Deliberations.*
  - b. *Many TPB members therefore made statements supporting conservation policies and principles for the Country Park Enclaves, stating that conservation should be the main objective for the zones, but it is regretted that the eventual Decisions and new arguments advanced leading to the Proposed Amendments contradicts those statements and principles and does not reflect what some Members stated nor the evidence presented by the Representors.*
  - c. *The Chairman's Summary in Delib 4/6 para 3 summarizes the views against the Representors for better conservation, but not those of Members who supported better planning for better conservation.*
  - d. *Hence this Representation to enable the Board to correct the errors and omissions and obtain appropriate Amendments to the Decisions so far.*

- e. *This is important because the new arguments are based on serious errors of fact, principle and law which need to be corrected to prevent bad planning precedents for other Enclaves.*
8. There is thus NO evidence to contradict the evidence of the Representatives in aid of the Amended Plans and Notes put forward on 8<sup>th</sup> May. **The Amendments thus better achieve the Policy objectives, the principles and needs for conservation and the protection of the public interest and public expectation for protection of the Enclaves under policy and law.**
9. **Tabled today are some improvements in respect of the General Planning Intention paragraphs of SLP and PL OZP, these pages should be inserted in substitution of the previous pages. *The 3 sets of NGO Amendments put forward by the NGOs have not been analysed by the Board. For example, no consideration has been given to the improvements to the Explanatory Statements.***
- a. *The Board's Proposed Amendments under this Representation are defective for the same or similar reasons as stated before by R10587 hence his previous points and evidence still apply have to be repeated.*
- b. ***Excessive V zones have been reduced but not minimized. The reduction is a welcome step in the right direction. Although such errors have been reduced in degree, by a process of cutting back some excessive V zones, it has been done (as revealed from the Decisions) because of a need to bow to pressure to meet vested interest demands, not rational reasoning based on evidence, precedent and genuine need for houses by IV. The declared intention of the Proposed Amendments is said to minimize the adverse impacts (20/5 para 10 and 4/6 para 3c) but the Decision has rejected the Tai Long Wan Precedent, which confines the V zones to the existing building lots and which was the practical solution which would have minimized the adverse impacts of the V zones impacts. Hence the Decision is contradicted by the declared intention, showing the Decision to be wrong.***
- c. ***Inappropriate V zones have become GB. This is better than V, but the error has only been reduced in degree, but the Board or PlanD fails as before to consider the evidence for CA which provides more secure and appropriate conservation. GB was chosen because it is only a stop gap pending further small housing demands, thus this Zoning prevents appropriate long term conservation of the existing state of the land. This is bad planning and contrary to the General Planning Intention for Country Park Enclaves.***
- d. ***The Representation herein is relevant to the defective Decisions and the Proposed Amendments which still contribute to provision of excessive V zones despite no evidence of genuine need and inappropriate zoning. For example, only GB which facilitates Small Houses, was decided mostly, when CA was justified by the evidence to meet the General Planning***

*Intention and the Country Parks Enclave Policy Objectives (which were wrongly deemed not to be a Policy, see below).*

10. **Breach or subversion of Country Park Enclave Policy.** Plan D has not addressed this. Town Planning Board must not facilitate such a breach. Policy is to better protect Enclaves but Plan D is planning to permit direct loss, damage, pollution, incompatible housing development, increasing development pressures and threats to Hong Kong's best countryside.
  - a. *The denial of the Policy in Deliberation 20/5 para 64 confirmed and repeated by the Chairman at 4/6 para 3(i), confirms and demonstrates a key erroneous start point contributing to more errors in law and irrational Decisions which are the subject of this Representation. See R10587 27<sup>th</sup> Nov 2013 and 8<sup>th</sup> May 2014 Submission paras 1-21, tabled with references to the Policies the Board/PlanD now denies.*
  - b. *This new argument was NOT raised with the NGOs or R10587 despite 2 Meetings so another meeting is needed to dispose of this error in a fair way.*
  - c. *This major error explains Plan D failure to consider the Policy or its key components in its Papers and explains other cumulative errors in approach and criteria in the Decisions. This proves that the Policy has been subverted by these OZPs. The Board or PlanD, in unrealistic denial, proves this. The Board thus was fundamentally wrong for not following key planning objectives.*
11. **The genuine need for Conservation, Recreation and Landscape protection and Public enjoyment of the countryside** which is connected, not fragmented by development, are proved and supported by the Country Park Enclave Policy and the evidence in the Papers and from the Representors.
  - a. *Such principles and objectives and needs consistent with the General Planning Intention were voiced by some Members but not reflected in the Summaries by the Chairman at 4/6 para3 which only contains arguments against better planning and conservation as his findings.*
  - b. *Nor are such conservation principles reflected in the eventual Decisions, hence the need for another Meeting in an attempt to provide fair decision making in a matter of high public interest.*
12. **The public interest and public expectation in protecting the Country Park Enclaves by conservation as against the Small House Policy** has been upheld by the High Court.
  - a. *Submission 8<sup>th</sup> May 2014 para 18 has the quote from the Judgment. The general principles handed down by the Court are relevant to other Enclaves and the planning context or background for the Tai Long Sai Wan Judicial Review cannot be distinguished as now alleged.*
  - b. *No distinguishing factor is revealed in Deliberation 20/5 para 70 or as repeated and confirmed by the Chairman in 4/6 para3(k). A Meeting is*

*needed so the Board or Plan D can give arguments why the Tai Long Sai Wan Judgment does not guide these cases as they allege. This defence was not raised at the Meetings.*

- c. Does Board or Plan D now allege there is NO public interest or expectation in protecting the Country Park Enclaves of Hoi Ha, So Lo Pun and Pak Lap against the alleged expectation for Small Houses? This is another demonstration that the Decisions are wrong. Public interest is a key requirement under Section 3 of the TPO, and public interest is high, and the Country Park Enclave Policy was supported by past and current Chief Executives Policy Addresses.*
- d. Public interest must be balanced against private vested interests and the balance is governed by conservation as the General Planning Intention and the CPE Policy. See below.*

13. **There is detailed evidence of the conservation, ecosystem, and ecological value of the Enclave areas which require better protection under the CPE Policy. This justifies the Amendments to the OZPs proposed and tabled.** This evidence shows the Plan D drafts are wrong, inadequate, unreasonable and contrary to planning principles and the evidence.

- a. The Representors evidence on ecology, ecosystems and their values was not disputed. It supplemented the common ground on the high value of the landscape and recreation and other Country Park type values contained in the General Planning Intention and the Papers which were deficient in species and habitat and other assessments.*
- b. Now other errors in the Deliberation reasons are revealed, including the refusal to recognize the Country Parks Enclave Policy and the refusal to recognize and consider the relevant public interest in Country Park Enclave conservation and TPO and other key factors .*

14. **Hong Kong is a regional biodiversity hot spot and the Enclaves are a key part of such conservation values.** The evidence of rare or significant species and their sensitive habitats which will be damaged, lost or adversely impacted by the V zones and inadequate zoning comes from Hong Kong's recognized biodiversity experts. This has not been addressed.

- a. Inadequacy of Ecological Information from Plan D or AFCD was proved. Enough evidence to justify CA zoning, especially for streams and riparian areas, was presented by the Representors and not denied by Plan D. Dr Michael Lau's expert presentation was not disputed by Plan D but has not been considered in the Deliberations.*
- b. The failure to do or obtain adequate work and species information by Plan D or relevant departments such as species surveys and hydrological/ drainage surveys is not an excuse to permit bad planning permitting development which will destroy habitat of ecological value without any detailed species assessment. Where the Plan D has inadequate information, (eg ONE bird species for Hoi Ha only) the Precautionary*



*Principle demands erring on the side of caution and commonsense and rejecting the increased V zonings as not being proved to be "suitable locations" for Small Houses etc. Blindly following unreliable PlanD Papers which are proved to be inadequate is wrong and gives rise to bad planning.*

- c. *Delib 4/6 para 44, in particular 44(a) and (b) demonstrates errors contrary to basic conservation assessment principles. To plan for Small Houses into a known biological hotspot on the basis of only a habitat type categorization contributes to unsuitable locations being zoned and is against the evidence, wrong in principle and irrational.*
15. **Cumulative impacts have not been addressed.** The Plan D and DLO rely on their usual mechanism of "incremental approach" which facilitates absence of prior planning and absence of pollution measure instead of sensible pro active planning in advance of pollution and impacts.
- a. *This error in not assessing the cumulative impacts from multiple Small Houses was recognized by several Members but nevertheless the Incremental/Big Jump Approach was continued in the Decisions.*
  - b. *Also, this is a Wait and See approach; zone excessively large V zones and see what happens, is wrong and is the antithesis of planning.*
  - c. *This wait and see approach is a lax approach to assessment whereby there are no or inadequate assessments for suitable locations, sewage, wastewater, carrying capacity, fake farming or site formation, parking and others.*
  - d. *This "wait and see", "lax assessment", "broad brush" approach was then argued as being acceptable because it no longer the duty of PlanD to assess the topography or be "site specific" (Delib 4/6 para 3c), but that it is the duty of Lands D and EPD to deal with the mistakes and consequences, see later.*
  - e. *The Incremental Approach is a misleading misnomer and continues to misrepresent the actual intention, because it is not gradually incremental, it is a big jump approach, to increments in V zones with jumps without evidence of need. Big jumps in numbers and impact makes assessment of cumulative impacts mandatory before zoning can be decided.*
  - f. *The "excessive V zone" approach was recognized NOT to be genuinely incremental but was seen to be a big jump as a result of NGO submissions. This error was however not cured by reducing the big jump. Similarly the less excessive V zone approach in the Proposed Amendments continues in error as it continues to be a big jump, and still a big jump contrary to the evidence of need provided by the Director of Lands. The result is major cumulative impacts which have not been assessed or addressed.*
  - g. *V zones which are "suitable locations" for the big jump in numbers of Small House septic tanks have not been identified. Initially Plan D asserted that the V zones were suitable locations based on the topography and were site specific per 20/5 para 7 and 4/6 para 3(c). All the Decisions still state that V zones are "suitable locations".*

- h. *To the contrary the expert geological and hydrological evidence (Kevin Laurie and David Newbery and HKU experts and others) showed the V zones in a flood plain are generally and in principle NOT suitable locations.*
- i. *The general tenor of the Deliberations eg 20/5 para 22, 27,33-42 shows that EPD now recognize that the flood plain locations in general are not suitable locations for Small Houses septic tanks and suitable locations instead are higher ground provided it meets various standards. Hence EPD now require percolation tests to be done on a house by house basis. In relation to cumulative impacts, the gist of EPD position at para 27 was that a significant increase in Small Houses and Septic tanks would inevitably cause unacceptable impacts depending on factors such as suitable location, density of houses, soil capacity, distance or attenuation, percolation tests and presence of Water Gathering Grounds, streams and the coast.*
- j. *This demonstrates the planning failure to properly inform crucial planning decisions by assessment of such factors. It is bad planning to zone excessively first, do lax or no assessments first, and find errors later. Villagers whose expectations will have been raised by this zoning will be aggrieved when the V zones/suitable locations are again confirmed to be unsuitable for various reasons.*
- k. *The "no guarantee" caveat used in the Delib 20/5 para 42 and repeated by the Chairman 4.6 para 3(e) demonstrates the bad planning inherent in the excessive V zoning first and assessing to find errors later approach. If the Plan D cannot identify a place which is in principle suitable locations then it should say so. If Plan D can positively identify some suitable locations higher up as per EPD advice, it should say so and focus the V zone on that. It is bad planning to zone unsuitable flood plain locations.*
- l. *The cumulative impact of septic tanks and effluent discharge was admitted by some Members but contrary to the evidence the eventual Decisions will permit the pollution to be significantly incremental in line with the excessive increment in V zone under the so called incremental approach. The incremental approach thus facilitates incremental or cumulative pollution.*
- m. *Existing evidence of sea water pollution, near Hoi Ha village, was ignored by the Board.*
- n. *Official monitoring of the "main body" of water far from the village shore of Hoi Ha, hence the water quality was acceptable. The Decision ignored the evidence that water quality near the shore in Hoi Ha was already polluted despite the low permanent population as pointed out by some Board Members.*
- o. *The Decision and defective zonings are thus based on a finding contra to the evidence that "existing mechanisms" prevent more and cumulative pollution despite significantly increased Small Houses and septic tanks.*

16. **Ecosystem approach or holistic approach not followed.** Plan D fail to consider the need to protect connected systems such as the water system so that pollution to the upper part of the hydrological system will not pollute the lower parts and the shore habitats. It is basic to protect the upper parts of a stream, particularly when the streams are short as is the case in Hong Kong and these Enclaves. The Ecosystem or holistic approach has been approved by the High Court in the 2<sup>nd</sup> Sha Lo Tung Judicial Review of 2000 as the principle to be used in considering conservation, especially of stream systems. It is the duty of the Board to follow such principles to protect the upper parts of the So Lo Pun streams and water system.
- a. *This approach was not addressed or considered by the Board for all Enclaves.*
  - b. *This commonsense principle, which is part of the CBD principles, makes enforcement and protection more achievable, but was not followed by Plan D or Board, and no valid reason for not following this approach was given.*
  - c. *Failure to consider agricultural run off if not controlled by Column 2 Planning Control with GB1 or CA zoning protection. Failure to consider evidence of fake farming which enables unauthorized site formation and drainage works to take place, and the need for easily enforceable and effective controls to reduce this documented abuse.*
  - d. *Failure to consider evidence of Small House run off and pollution to streams, nearby and downstream sensitive habitats, complex hydrology, and marine habitat downstream if not controlled by such planning controls.*
  - e. *Failure to consider evidence of increased risk of pollution if not mitigated by protected streams and stream banks with CA and GB1 buffer zones following the standard 30metres at least.*
  - f. *The Rationale that buffer zones are only for EIS is an admission of the evidence that buffers are needed for water pollution, but the Plan D failure to consider the Ecosystem approach has led to the irrational situation that Enclaves which are ecological hotspots (but have no EIS), should be subjected to increased risk via pollution of their water system. This is a breach of Article 8(e) of CBD and basic conservation science. The situation in So Lo Pun whereby the downstream EIS part was protected against Small House pollution by buffer zones but NOT the upper streams, demonstrates the degree of irrationality of the Plan D errors.*
  - g. *These ecosystem errors are linked to the failures caused by the inadequate ecological information noted above and the failure to use the evidence provided by the Representors; hence the Decisions made run contrary to the evidence and are irrational.*
17. **General objectives and Principles for conservation not followed and not addressed.** Hong Kong has a duty to implement the Convention on

Biological Diversity. The draft OZP does not follow the Aichi Targets. The Town Planning Board should not facilitate Hong Kong flying in the face of internationally agreed targets. *Not addressed, a Member requested this but the Chairman's Summaries and Decisions have nothing specific to implement the CBD as it requires. Instead, there are numerous failures to comply with the principles of CBD and the Aichi Targets are set out above.*

18. **No genuine need for excessive V zones proved**, Plan D did not attempt to prove any justification based on need, even though they used the word "need" in the hearing of 8<sup>th</sup> May. Plan D Instead relied entirely on the unverified demand for V zones, which is never a justification in planning law.
  - a. *Several Members stated the principle that "genuine need" for Small Housing was to be proved before more V zones could be zoned, but the Decisions were instead wrongly based on 'the need.. to meet Small House demand' (Decision in 4/6 at para26 for Hoi Ha, para 48 for So Lo Pun, and para 71 for Pak Lap with same wordings), which means the Board bowing to pressures to meet demands from vested interests instead of meeting the public interest need for conservation as per Section 3 of TPO.*
  - b. *The Board continued to place vested interest "demands" ahead of public interest "needs" and was wrong in principle.*
  - c. *The Board reduced their "meeting" of the demands on the wrong principles so the reduced amount of V zone is still without evidence of need and still excessive. The same errors were perpetuated, but to a lesser extent only, but made deliberately after knowing the errors. Hence all the points made before continue to apply.*
  - d. *The Lands D evidence of Ms Bernadette Linn on Hoi Ha in particular 4/6 par 9, made it clear that the identified demand for small houses in all three enclaves was low. This showed that the excessive increments for all the Enclaves were not needed, but the Decisions were against the evidence.*
  - e. *Material new underlying errors were revealed in alleging that the Villagers had so called "rights" to Small Houses, (Delib 20.5 paras 9, 10, and repeated by the Chairman 4/6 para 3(a) (without his dissent) when this is not a Right, it is a licence under the Small House Policy which has already been swept away by the Tai Long Sai Wan Judgment which held there was no expectation, (let alone any right), to Small Houses in Country Park Enclaves when considering a decision to expand the Country Park under the Country Park Enclave Policy. This is closely analogous to a decision to protect the surrounding Country Park and its Enclaves from inappropriate zoning in the Enclaves. (This error was compounded by the Chairman going further wrong by saying the Tai Long Sai Wan Judgement stating the public interest in conservation in Country Park Enclaves as opposed to Small House developments, did not apply.)*
  - f. *This new Rights error is another key error. The Board's error in regarding Small Houses as a "Right", explains the 3 wrong Decisions based on the "need to meet demands" or to meet vested interest pressure,*

*noted above because the Board regarded the demands as equivalent to "Rights".*

- g. This is a serious error in law which will prejudice the Government's ability to find solutions to the Small House Policy and its abuses. This mistake, reinforced by the Chairman, must be corrected comprehensively by Government, hence this Representation and the need for a Meeting to deal with it.*

**19. Zero need proved for some Enclaves.** So Lo Pun has been uninhabited for decades. Existing built areas and existing building lots are already a reasonably generous opportunity to meet the existing need. This follows the Tai Long Wan precedent to respect the existing built up areas as V zone, and as a result, **pragmatic and principled and evidence based decision making was achieved.**

- a. Despite "zero need" proved, the wrongful 'need to meet' unverified demand for "rights" to Small Houses argument prevailed.*
- b. So Lo Pun is an example of continuing excessive V zone. The Board has fallen back to the original 2013 draft before it was doubled in size in response to the vested interest pressures noted above. This shows the V zone areas were not based on need for Small Houses, but instead on unverified demand.*
- c. Cumulative impacts were ignored*
- d. A big jump/increment in V zone size was continued under the misleading "incremental approach" as noted herein.*
- e. The Tai Long Wan Precedent showed that in such cases the V zone should be confined to the existing building lots. This was the position supported by several Members in relation to So Lo Pun, because there was no need 4/6 paras 27-35, and in particular it was generally considered at 4/6 para 29 that there was "no imminent need" to zone so much V zone. However, it eventually was decided that the "starting point" was a big jump to the V zone to add hectares "adjoining the village" for about 68 more Small Houses. Contrary to the position that there was "NO imminent need", there was instead a sudden jump in V zone house sites*
- f. However, for future expansion, genuine need would have to be proved, per Delib 4/6 paras 37 and 43. It is illogical and inconsistent to zone for a big jump for 68 more houses for over 400 more residents when there is NO present need, and only demand proof of genuine need for future applications. It is even more illogical that So Lo Pun, with zero population, gets a much larger jump or increment than Hoi Ha and Pak Lap which have some resident indigenous villagers.*
- g. The Tai Long Wan Precedent solution, the "cautious approach" confining the V zone to the existing building lots is the proper "starting point" to achieve the Chairman's declared intent "to minimize adverse impacts"(4/6 para 3c) but this precedent was not followed partly because it was misrepresented by PlanD and the Chairman as described in Paragraph 23 below,*

- h. *Wrongly the CPE Policy was ignored as not existing, Delib 4/6 para 3(i),*
- i. *Wrongly the independent ecological and ecosystem evidence on the species and need to protect the streams, banks and wet areas was ignored,*
- j. *Wrongly and/or without assessment Plan D did not exclude unsuitable locations for septic tanks, pollution and other cumulative impacts,*
- k. *So that in conclusion, less excessive but still excessive V zones in generally NOT suitable locations, eg flood plain locations were the unreasonable or irrational Decisions in all cases,*
- l. *This will reward the "destroy first build later" approach adopted in So Lo Pun and Pak Lap, see below,*
- m. *And this will facilitate fraud on the Small House Policy in the case of Hoi Ha and Pak Lap where the V zones under the proposed Amendments have been sold to outsiders who cannot legally apply for Small Houses.*
- n. *The cumulative errors shown for example in the Chairman's Summary of findings Delib 4/6 para 3 show the degree of irrationality and error.*

20. In So Lo Pun and Pak Lap trashing or suspected unauthorized site preparation, site formation and drainage works took place and were largely not restored despite some Government intervention. **It is the Town Planning Board Policy to deter those who trash first to develop later.** Right-thinking members of the public will see the excessive zonings for V and GB of partly trashed land as the Board rewarding those who degrade valuable habitats in Enclaves in advance of planning and due authorization. This is bad planning and creates a terrible precedent. Zoning in this way creates a perverse incentive to trash in future knowing the zoning reward will be facilitated in the future. **The Board must not reward trashing with development zoning. GBI or CA is the appropriate zoning, with no buildings,** especially in Enclaves where the habitats may slowly recover from the trashing, given time and protection by zoning and Plan D.

- a. *Toleration of "destroy first build later" in these Enclaves was proved by the evidence of failures to enforce in the absence of Column 2 controls, the known difficulties of detection, the failures to order restoration of damage caused and then finally rewarded with subsequent zoning to GB as exemplified in Pak Lap and So Lo Pun trashing and zoning. The NGO evidence on this breakdown in control was not addressed. This is not a mere allegation as suggested in Delib 20/5 para 67, but is proved in the Plan D Papers. The reason why some of the Enclaves have been brought forward for planning is because of the known threats to the conservation values.*
- b. *Ineffective Planning controls are shown by the Notes for "no filling etc". Without imposing necessary Column 2 controls, or protective zoning such as CA or at least GBI, the current system amounts to official toleration, with hollow declarations of 'No tolerance' by the Board and Plan D at para 69. Hence the assertion elsewhere that Column 2 controls are not necessary is contrary to the evidence.*

- c. *It is plainly necessary. The photographic evidence of destroy first in AG zones from KFBG and various NGOs has not been addressed and has been ignored by the Decisions. Such willful blindness to the consequences of inadequate planning controls is bad planning and unacceptable in the Country Park Enclaves but facilitated by the Decisions.*
  - d. *No valid reason for deficient planning controls causing ineffective control has been given in the Deliberations and the Decisions need to be corrected, hence this Representation.*
  - e. *Relying on the "existing mechanisms" such as Lands D and EPD is known to be doomed to failure like other NT Small House problem areas. The failures of the Small House business as usual approach was not addressed, thus toleration of destroy first and build later will be facilitated by the Board Decisions not to impose basic controls, contrary to the professed intent to deter this abuse. The Decision is thus irrational.*
  - f. *Agriculture which is genuine will be encouraged by the ability to apply for permission under Column 2 of GB1 so that the Board can impose and control with suitable conditions. Under this control, the type of "agriculture" which is akin to site vegetation clearance, site formation and drainage works for development will be deterred and this is the conservation objective to be attained. Examples were given in evidence.*
  - g. *Unless this is done, trees and wetland vegetation will be at imminent risk of being cleared as a pretext for "agriculture". There will then be the usual denials of responsibility as PlanD, LandsD and AFCD and EPD all protest that they could do nothing...Now it is the responsibility of Board Members to put in place controls so the Departments can do their jobs to protect the Enclaves.*
  - h. *The Chairman's summary at 4/6 para 3(j) asserts no tolerance but this is contradicted by para 3(h) in which he asserts no need for better control against such malpractice.*
21. **Bargaining with Vested Interests over V zones is not planning according to law and evidence.** Bargaining processes with Vested Interests demands (in the absence of genuine need and justification) as against conservation is wrong and not a planning process according to law and the evidence. It is not planning or governance according to principle and justification, it is caving in to Vested Interest pressure. **The developer's slogan of "balancing conservation and development" amounts to Government caving in to vested interest demands for land for outside sale. This is contrary to Policy and is wrong in principle in Country Park Enclaves which are to be governed by the CPE Policy which is to prevent incompatible development and pressures and threats in the Enclaves.**
22. **This is not the rule of law.** This causes loss of credibility to the Plan D, the Board and the planning process. This also causes bad planning contrary to the public interest.

- a. *The "bargaining" method for Small House planning (as noted by the media) is still used in the 3 Decisions and must be reversed.*
- b. *It is wrong planning or decision making 'to meet the demands' of vested interests when such demands are not verified and no genuine need is proved and damage to public interest conservation priorities will be caused. **This encourages and rewards undesirable pressure tactics.***
- c. *This encourages big demands hence big increments or jumps in V zones under the misleadingly named "incremental approach".*
- d. *Unverified demands were admitted. The so called Demand Forecasts were also based on unverified material and unreliable and could not be used for ascertaining planning needs. No need was proved. In the case of So Lo Pun no imminent need was proved so there was no reason for a sudden big increment for 68 more Small Houses.*
- e. *The balance for conservation against Small Houses in the Country Park Enclaves is only reached after putting all the relevant factors into the balance such as the Enclave Policy, the law, CBD obligations and principles, the GPI and planning principles, the Tai Long Wan Precedent and the evidence. By regarding some matters as not relevant the Decisions of the Board did not achieve the balance.*
- f. *Instead, the alleged balance for conservation and Small Houses in the Country Park Enclaves was thus un-balanced by being loaded with unverified demands and sudden increments. **The correct balance can be achieved by following the Tai Long Wan Precedent by confining the V zone to the existing building lots. This "cautious approach" is the proper starting point until genuine need is proved.***

**23. The excessive V zones facilitate fraud, and thus Plan D will facilitate fraud and abuse of the Small House Policy.** Land in V zones has been sold to outsider development companies so that development companies cannot legally build Small Houses being planned for the excessive V zones. All of Pak Lap V zone outside the existing built areas has been sold to one developer so this is a particularly blatant example for facilitating future fraud. Much of Hoi Ha proposed excessive V zone has been sold to outsider developers. **The Board has a duty not to create a zone which will enable the facilitation of fraud.**

- a. *The Chairman in Deliberations 20/5 para 9 confirmed an assertion attributed to Plan D, that land ownership is NOT a material planning consideration. In this context Plan D turns a blind eye to the fact that it is zoning land for IV Small Houses which is owned by outsiders when it knows that such Small Houses can only legally be applied for and built as the residences of IVs. In such a situation actual land ownership is a crucial factor. The current outsiders/ development companies who own the proposed V zones in Hoi Ha and Pak Lap have no ability to apply for Small Houses legally.*



- b. *It is irrational for the Board or Plan D to make Decisions on the basis that they must turn a blind eye to outsider/developer ownership in proposed V zones which may facilitate future abuse of the Small House Policy. Land ownership is highly relevant. Why zone outsider owned land for V zone? There is no point, unless the Plan D wants to facilitate future fraud on the Small House Policy.*
  - c. *Had the Members not been misled, a different result which followed the Tai Long Wan Precedent could have been decided. A Meeting is needed to remove this key mistake. Fraud in the use of V zone to the detriment of the public interest is a material planning consideration.*
24. **Bargaining with Vested Interests to facilitate breaches, pollution, fraud is contrary to public interest and not the duty of the Plan D and the Town Planning Board. It is wrong in law.**
25. **Precedent solution** where there are vested interest demands for incompatible housing in Country Park Enclave which is not suitable for private housing is to adopt the Tai Long Wan precedent. This precedent was part of the CPE Policy. At the 8<sup>th</sup> May 2014 hearing the Plan D tried to argue that the TLW case was because of its heritage value but that was shown to be wrong. It is similar to the current Enclaves but some of the 3 Enclaves have even more valuable biodiversity. **No valid reasons for failure to follow precedent by Plan D.** The Board has the solution and duty to use it.
- a. *The Secretary gave “a briefing” on the Tai Long Wan Precedent at a time when the Representors were excluded so Representors were deprived of hearing her version of the case (Delib 20/5 para 46 to 51). If she had significant material to contribute, Plan D should have addressed the matter in the Papers. This behind the scenes briefing is an unfair process and a meeting is required so that the Original Representors can hear and deal with this new material. The full text of her briefing has not been given.*
  - b. *The core conservation precedent of TLW which is relied upon in the CPEs was to protect the surrounding countryside by confining the V zone to the existing building lots. Some Members denied this precedent whereas other Members throughout the Deliberations did support the precedent of confining the V zone to the existing building lots. The Secretary apparently asserted that the “unique” Tai Long Wan precedent was “not applicable to the subject CPEs” but it is not recorded in the Deliberation why she said Tai Long Wan is materially different from the 3 CPEs. The Chairman in his Summary 4/6 para 3(n) found that the rationale for the Tai Long Wan precedent included “in particular the historic villages and historic site.”*
  - c. *The misrepresentation that the Tai Long Wan case was distinguishable because “in particular” it had heritage value was thus repeated despite this error being exposed in the Meeting of 8<sup>th</sup> May 2014 when Plan D*

*first said this, as noted above. This repeated misrepresentation is a major factor in the Decisions.*

- d. *But for this misrepresentation, more Members would have supported the Tai Long Wan precedent which was that the V zones be confined to the existing building lots, especially in the So Lo Pun case, where no present need was proved and the village is uninhabited.*
- e. *The heritage value of the Tai Long Wan houses was only relevant to the need for planning consent for rebuilding heritage houses, like Pak Sha O. Thus the heritage value point has no relevance to the core point or what several Members called the "cautious approach" at 4/6 paras 35-39. The core conservation precedent of TLW was to protect the surrounding countryside by confining the V zone to the existing building lots. In this respect, Tai Long Wan Precedent is the sensible solution or "cautious approach" to protect the countryside from excessive V zones or other zones such as GB which enable Small Houses. No valid reason has been given to show this is wrong.*
- f. *Another Meeting is needed to correct the errors in process and fact which materially contributed to the wrong Decisions under Representation.*

26. **Pollution which will be caused by V zones and Small Houses was not addressed.** Conclusion is that Plan D OZP facilitates more pollution in CP Enclaves and existing Marine Parks and other water bodies. There was no attempt in the Plan D Papers to address the detailed Representations proving that the Geology of alluvium would lead to septic tank pollution and that the flooding of the flood plain would spread the pollution and pathogens causing more health risks as the amount of new sewage effluent increases with the houses. The damage and dangers and effects on the Marine Park and the beaches were not addressed.
- a. ***Big increments in numbers and pollution impact makes assessment of cumulative impacts mandatory.*** *The less excessive increment V zone approach in the Proposed Amendments continues in error as it continues to be a big increment, and still a big jump contrary to the evidence. This still causes great cumulative impacts which have not been assessed or addressed.*
  - b. *V zones which are "suitable locations" for the big jump in Small House septic tanks have not been identified. Initially Plan D asserted that the V zones were suitable locations because they considered "local topography..and site specific characteristics." see, Delib 20/5 para 7 and 4/6 para 3(c). Each of the Decisions state that V zones are "suitable locations" but these Decisions are now proved to be wrong as a result of the evidence of the Representors and others.*
  - c. *To the contrary the expert geological and hydrological evidence (Kevin Laurie, David Newbery and HKU experts and others) showed the V zones*

*in a flood plain topography are generally and in principle NOT suitable locations.*

- d. *As a result of the V zones being proved to be in general NOT suitable locations where they are flood plain locations, the issue of Percolation tests was belatedly brought up in the Hoi Ha Paper only. Percolation tests having to be done one by one during the development stage demonstrates the planning failure to assess so as to reliably inform crucial planning decisions. It is bad planning to zone wrongly first and assess to find errors later. Villagers whose expectations will have been raised by this V zoning will be aggrieved when the V zones/suitable locations are found to be unsuitable for various reasons.*
- e. *The “no guarantee” that V zone is suitable for Small Houses caveat used in the Chairman Summary Delib 4/6 para 3(e) and the admission that “suitable location” for STS (and hence Small Houses/V zone) can only be determined by percolation tests demonstrates the mistakes caused by the lack of prior assessment. However, the Decisions are still based on the V zone being “suitable locations”. The Decisions are thus contrary to the evidence and wrong and contrary to EPD’s position that in general flood plains are not suitable locations for Small Houses and their septic tanks systems, hence they still require suitable locations to be determined for example by percolation testing.*
- f. *Having regard to the flooding and high water table in Hoi Ha, better practice as asserted by some Members requires assessment first to determine whether the V zones were suitable for septic tanks, Delib 20/6 para 33-36. The defence mounted to the V zone mistake is that using a “broad brush” approach is adequate so that ‘zone wrongly first and lax assessment and find errors later’ approach is somehow acceptable planning practice, see Delib 38-41. If the broad brush strokes are so wrong or unreliable so that the zoning is not reliable enough to permit Small Houses, then this demonstrates the need to do proper assessments BEFORE wasting time and paper and raising expectations. This is very far from the “cautious approach” with adequately informed decision making as needed for sensitive areas with wetland hydrology.*
- g. *The Secretary said at para 40 that “In general those areas...not suitable for Small House developments had been excluded from the V zones during the plan making process.” This shows that mistakes were made in the plan making process as the Representatives proved that the V zones in flood plains were “in general” NOT “suitable locations”.*
- h. *If the Plan D cannot identify a V zone which is in general or in principle a suitable location then it should say so. Better NO V zone than a badly planned and polluting V zone. If Plan D can positively identify some*

*suitable locations higher up, as suggested by EPD Mr Tse para 36, it should say so and focus the V zone on that. It is bad planning to V zone the generally unsuitable flood plain locations.*

- i. The fact that assessment for V zoning requires work for Plan D per Delib para 40 is no excuse for failure to do adequate assessments. It is wrong to assert that the Lands D is responsible and is able to remove the problems caused by careless zoning. It is Plan D and the Board which has a responsibility for this bad planning and hence this Representation to allow corrections to be made.*

- 27. **“Existing mechanisms” do not work in V zones.** No evidence that ProPeCC type Septic Tank Systems will prevent pollution, but instead there is good evidence that Septic Tanks will cause pollution. Plan D ignoring the evidence and the obvious. The Plan D assurance is worthless and Plan D and Town Planning Board cannot wash their hands of responsibility in future by saying it will be EPDs problem for the future. It is the Board’s duty to say NO when the V zones will pollute or cause risk of harm to the sensitive areas.
- 28. Plan D cannot deliver on the verbal promise “to ensure” no pollution. The promise is misleading and it is meaningless because it is not Plan D job to prevent pollution, but Plan D will knowingly facilitate the beginning of pollution in the Enclaves by their bad planning.
  - a. The cumulative impact of septic tanks and effluent discharge was admitted by some Members but the eventual Decisions complained of will permit the pollution to incrementally increase so that problems will incrementally worsen and be harder to deal with.*
  - b. Existing evidence of pollution, in Hoi Ha, was ignored by the Decision of the Board.*
  - c. Official monitoring was to water far from the shore of Hoi Ha, hence the water quality was acceptable. It was misleading to rely on this because the Decision ignored the evidence that water quality near shore in Hoi Ha was already polluted and despite the low permanent population as pointed out by some Members.*
  - d. The Decision was thus based on a finding contrary to the evidence, that “existing mechanisms” were adequate, there was no pollution, no risks, and existing mechanisms would prevent more and cumulative pollution.*
  - e. The EPD Mr Tse departed from the standard EPD Guidance on the need for regular emptying of septic tanks, 20/5 para 2021. This requires a tanker pump lorry, hence road access. Presumably he also disregards the standard Health Requirements for Village Type Houses which stipulate that the minimal requirements for more than one house include “road access for desludging vehicle to within 30m from the septic tank.” If these conditions are to be disregarded, then EPD must expect more over*

*flowing septic tanks and disgusting effluent surfacing near Small Houses, streams, sensitive habitats and the sea. This is a vivid example of how "existing mechanisms" can be disregarded, even by officials, and contribute to greater pollution.*

- f. *Existing mechanisms having led to the current failures in assessment and planning, revealed by the Representors, the Plan D suggest using a previously UN-used mechanism, the Percolation tests, which have been so rare that no records exist despite being an existing mechanism for over 20 years. Having regard to the deficiencies exposed, the Chairman issued his "no guarantees" warning.*
- g. *The cautious approach based on the Tai Long Wan Precedent to confine the V zone to the existing building lots, with excessive incremental jumps, will better protect the Country Park Enclaves which is the objective of the Policy.*
- h. *In the Hoi Ha case inadequate surveys have led to a defective Plan which misrepresents the position of the sea and the high tides so that the Coastal Protection Area zone is partially under the sea. One consequence is that the CPA is not wide enough to provide the intended usual minimum buffer to protect the sea from Small House and septic tank pollution percolating or flowing from the adjoining V zone into the sea.*
- i. *The AFCD now confirm this error and this confirms the correctness of the Representors evidence. This evidence was not considered in the Deliberations. Currently some ruined village structures sites are within 10 metres from Spring High Tides and about 18 metres from High Tides, thus if the area continued to be V zone, they could be rebuilt as Small Houses without being subject to any control or Planning controls. Contrary to the assertion that few will be built (20/5 para 17), it is possible 6 Small Houses or 18 flats with associated septic tanks can be built. Even more harmful, para 17 states that "Since Small House developments within the V zone did not require planning permission, the percolation test results would not be subject to scrutiny of the Board." Even worse, being rebuilding these structures would not be regarded as New houses, with even less control*
- j. *Only land which is suitable locations for Small Houses can be zoned as V zone. Obviously no rational Board would decide that land within 18 metres of high tides is suitable for Septic tank sewage discharge and V zone. The Board has a duty to prevent houses, septic tanks and waste water within a few metres of the sea, bathing beach and the nearby SSSI and Marine Park.*
- k. *The solution is for the Board to widen the CPA zone to at least 50m wide from the actual Spring High Tide mark inland so houses and sewage will be at least 50metres of the sea at any point. It would be a breach of the statutory duty of the Board to protect community health if this mistake continued.*

1. *The standard minimum distance for one house and septic tank in ordinary cases would be 30 metres. In this case with rising sea levels each year, stronger storms predicted, the sudden increment in houses and septic tanks, the sensitivity of the habitats and the popularity of the bathing beach all make the 50 metres CPA a minimum necessary limit.*
29. Town Planning Board has a statutory duty to prevent this bad planning. Board cannot bury its head in the sand and **has a statutory duty under Section 3 of the Town Planning Ordinance to deliver planning for the health and safety of the public.** It will be in breach of its duty if it allows zonings which will contribute to endangering the health and safety. There is no excuse as there is no need to cave in to Vested Interests.
30. Plan D and EPD do not address the failure to meet the Technical Memorandum under Water Pollution Control Ordinance which requires new effluent or STS to be a minimum of 100 metres from the Hoi Ha SSSI. This is not a question of legal interpretation, it is because of EPD having a policy of **not applying the Water Pollution Control Ordinance.** Its professed reliance on ProPECC and the inadequate usual mechanisms or administrative measures is a failure to apply the specific law.
31. Town Planning Board has a duty to not facilitate this intended breach of the law by EPD and others in relation to Hoi Ha.
32. By the TPO planning must be **for the benefit of the community (Section 3, TPO).** In the context of these OZP and the prevailing Country Park Enclave Policy this means for the benefit of the public interest in conservation, recreation, landscapes and public enjoyment of the countryside. In this context the excessive promotion of Small House Policy seen by the excessive V zones is NOT the objective of the planning exercise.
  - a. *The Chairman and Plan D having decided that the Tai Long Sai Wan case does not apply, although it states the public interest and expectation for conservation of the Country Park Enclaves, is also bound by a statutory duty to plan for the public interest, for the benefit of the community.*
  - b. *There is no statutory duty to plan mainly for the benefit of vested interests, but this seems to be the main objective, contrary to the General Planning Intention.*
33. How have Plan D gone so wrong and made so many mistakes? How could the houses planned for So Lo Pun be DOUBLED in number from 69 to 134 houses despite Zero residents for decades? How could Plan D zone developer owned land for V zone? **How could the OZPs become so irrational and unreasonable?** *The Proposed Amended OZPs have become irrational and unreasonable because of the numerous errors made, summarized as follows*

- a. *Subvert and not recognize the Country Park Enclave Policy, contradicting the General Planning Intention.*
- b. *Not recognize the paramount public interest in conservation over Small House demands, as per the Tai Long Sai Wan Judgment.*
- c. *Stating wrongly that the IVs have "Rights" to Small Houses and thus wanting to appease a "need to meet demands" instead of wanting to carry out a statutory duty to meet genuine needs.*
- d. *Wrongly decided that outsider ownership of the proposed V zones was not relevant even though zoning the land would facilitate future fraud on the Small House Policy.*
- e. *Adopting sudden large increments, the so called incremental approach when there was no need for enlarged V zones, and failing to follow the cautious approach of confining the V zone to the existing building lots as in the Tai Long Wan Precedent.*
- f. *Misrepresenting the Tai Long Wan precedent so that Members did not follow it.*
- g. *Failed to assess the V zones and thus made mistakes such as deciding that the V zones in flood plains were in general suitable locations when it is now clear and acknowledged by EPD that in general flood plains are not suitable locations for Small Houses and their septic tank systems..*
- h. *Failed to assess species, only relied on habitat types information.*
- i. *Failed to assess and protect ecosystems and connected ecology and hydrology such as stream courses such as at So Lo Pun and Pak Lap. CA zoning and buffers were necessary and omitted.*
- j. *Failed to consider all the evidence from the Representors on existing and probable increased pollution from the cumulative impacts of the excessive V zones in the Proposed Amendments.*
- k. *Failing to consider the evidence that the "existing mechanisms" do not prevent pollution impacts in Country Park Enclaves and similar locations.*
- l. *Failing to consider that the well known undesirable activities which are part of the "destroy first build later" approach can only be deterred and readily enforceable by increased zoning protection such as by Col 2 controls or better zoning such as CA and GB1.*
- m. *Made specific errors in planning each Country Park Enclave contrary to specific evidence.*

34. Why are Plan D unable or unwilling to address the Representations?

35. It is likely that a main reason for the errors is **the overriding wish to appease the Vested Interest demands** by providing excessive V zones far in excess of proved genuine need, plus other zoning such as the degraded GB which offers speculative hope of future development. If this is the case, this is an irrelevant consideration which should be excluded by the Town Planning Board and the Board should decide against planning for excessive V zones. **This irrelevant consideration must not be allowed to overwhelm all other normal**

objections to such planning. The draft OZPs are not rational as a result of the irrelevant consideration of the excessive demands.

36. **Rational and proportionate zoning** to meet "demands" for genuine need of future residences for male indigenous villagers and legal obligations of the Government land leases would be to follow the good precedent of Tai Long Wan which was pragmatic, in accordance with planning principles and good in law.
37. The Amendments tabled generally follow the Tai Long Wan precedent in wording and intention. **This is the solution which has been successful in the past.** *This is the "cautious approach" suggested by various Members as opposed to the lax or careless assessment and excessively incremented approach in the Decisions. Hence Amendments are needed.*
38. By putting items in Column 2 the Board retains control, which is of paramount importance for the sensitive habitats in the Country Park Enclaves.
39. The existing built areas of V zone reflecting past genuine needs is the appropriate zone size to be retained. **If a genuine need is justified in future, the protected land will be available for consideration on a case by case basis.** However, if under these OZPs it were to be zoned in advance of any real need, this is not the "incremental approach", it is a **big jump in size and numbers** which will facilitate sale to outsiders under the current abuse of the Policy.
40. Handing over excessive lands to V zones means DLO will permit Small Houses without public involvement in the process. As the detailed evidence shows, DLO have limited control or enforcement over V zones which **contribute to the notorious pollution, sewage, access, safety and health problems of V zones**, all of which are contrary to the planning objectives under the TPO.
41. The Board's has a duty to decide in the public interest. **In balancing the unverified demands from vested interests versus the policy, evidence, law and genuine needs for conservation, the Board has a duty to protect the public interest and legitimate expectation in conservation of the Country Park Enclaves.** The Government Policy and the Court have recognized that the public expectation for better conservation of the Country Park Enclaves and the Town Planning Board has a solution to achieve this.
42. *Summary of Representations for specific amendments to the Board Proposed Amendments as proposed by Representor.*



43. *As of 11<sup>th</sup> August 2014, clearance of vegetation at the old ruins near the coast of Hoi Ha has started in anticipation of the Board's Decision. Unless the Board accedes to these Representations and further Amendments are made, the Board will be implicated in the destruction of Hoi Ha and other Enclaves.*
44. *Proposed Amendments reducing and removing some V zones are supported insofar as they reflect the consensus of the Representors evidence that there is no genuine need for excessive V zones, they are not in suitable locations and that conservation zoning is the appropriate decision.*
45. *Proposed Amendments to be Amended so the V zones be confined to the existing building lots following the Tai Long Wan Precedent and as supported in principle by several Members of the Board.*
46. *Amend the Proposed GB to CA (or at least GB1 where appropriate) to provide the better protection required under the Policy and as required by the General Planning Intention, the sensitive ecology and habitats against Small House pollution and other impacts as supported by the evidence.*
47. *Proposed Amendments for all Enclaves to be Amended to protect the water courses, streams, wet areas, marshes, forests, mangroves, shore and marine habitats and species from pollution and destruction. Buffer zones of CA (or at least GB1 where appropriate) with no Small Houses and septic tanks to be added by Amendment as required as per the evidence, scientific opinion and standards for such places.*
48. *In particular Amendments to protect by CA (or GB1 as appropriate) at least 30 metres on each side of the main streams identified by the Representors plans and habitats listed.*
49. *Agriculture to be placed in Column 2 so that planning control can prevent further destroy first and build later and render effective the no tolerance approach of the Board.*
50. *For Hoi Ha, the V zone boundary be altered and the CPA be Amended and widened to a minimum of 50metres inland from the current Spring High Tide mark so that a buffer for Small Houses and septic tanks is provided and or planning controls can be imposed.*
51. *The Representor will supplement and amend these Amendments in the Meetings to be held in due course and hopes to address the required improvements to the Plans.*

*EMS Kilburn  
Representor.*

with support in drafting of this Representation from Ruy Barretto SC (8691.rb)

tpbpd

TPB/R/S/NE-HH/1-F39 -

寄件者: Tony Nip [REDACTED]  
寄件日期: 15日08月2014年星期五 19:51  
收件者: tpbpd@pland.gov.hk  
主旨: Comments on Proposed Amendments to the Draft Hoi Ha, Pak Lap and So Lo Pun OZPs  
附件: HH, PL, SLP submission 140815\_TN.pdf

Dear Sir/ Madam,

Attached please see my comments on the captioned.

Best Regards,

Tony Nip

00054

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

(Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk))

15th August, 2014

By email only

Dear Sir/ Madam,

**Comments on the Proposed Amendments to the  
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1  
Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1  
Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1**

1. We refer to the Town Planning Board (TPB) Papers No. 9679, 9680 and 9681, and the deliberations for the plans in the 1057th TPB meeting held on 20th May, 2014 and 4th June, 2014.

2. We consider that, during the deliberations for the aforementioned plans, the TPB might not have fully considered (and discussed) or might not have fully understood all the details of the issues presented by the Environmental NGOs on 8th May and 19th May, 2014. Some important points seem to have been disregarded, not discussed or might have been misunderstood according to the record of the meeting minutes. Thus, the proposed amendments to the draft OZPs were not made under circumstances in which the TPB members fully understood and well aware of the rationale behind the solid proposals made by the Environmental NGOs. We, thus, now wish to provide a further submission in order to pinpoint the shortcomings in the minutes of the meeting and to also provide comments on the proposed amendments.

**Deliberations on 20th May, 2014**

**Genuine Need for Small Houses**

3. The TPB meeting minutes mentions that the "V" zone should, firstly, be confined to the existing village settlements and the adjoining suitable land and then later, expand outwards upon demonstration of genuine need for Small House (SH) developments (i.e., Section 7 of the meeting minutes)<sup>1</sup>. We would like to point out that it is not at all clear that the sizes of the V zones under the proposed amendments are delineated based on the premise of "proven genuine needs". As mentioned on many occasions, for instance, the current population in So Lo Pun is zero, and there is no outstanding SH application for this village. If the "villagers", or landowners, who are now living elsewhere (e.g., overseas) would like to resume living in this long-abandoned derelict village and to revitalise it, a common sense and truly incremental approach is that they should make use of the existing abandoned houses and the available but empty land within the existing village settlement in the first instance. It is not possible to understand why an extra piece of vegetated land of 1.72 hectares still needs to be made available for 68 new SHs to be built in the current proposal, based on the data cited above ("zero" population and "zero" outstanding SH application). The proposal to zone this extra piece of land as "V" is just simply not sound, and not at all an incremental approach (i.e., from 0 to 460 persons (so called planned population)). This very same concern also applies to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; with the additional SHs that can be built: ca. 40).

<sup>1</sup> [http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb\\_e5.pdf](http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf)

## Septic Tank and Soakaway System (STS) and Water Quality Impact of Small Houses

4. Environmental NGOs together with distinguished and knowledgeable professors from The University of Hong Kong presented (using scientific field study results and field observations) that the current sewage treatment arrangements in rural villages would not be, in any way, able to protect the water bodies in and surrounding the Enclaves from man-made pollution (**Appendix 1**). Prof. Brian Morton, a highly distinguished Emeritus Professor with many international scientific accolades of The University of Hong Kong who is the pre-eminent scientific authority on Hong Kong's marine environment and pollution for more than 30 years and who was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which formulated the legislation necessary to develop the MPs (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the impacts of additional SH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves (see **Appendices 2 and 3**).

5. However, with regard to sewage and wastewater disposal, the authorities offered the view that the current arrangements (e.g., percolation test, STS) would be enough to safeguard the water quality of water courses and water bodies. For instance, according to Section 14 of the meeting minutes, EPD mentioned that the LandsD, when processing Small House grant applications, would require the submission of a certified STS proposal (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments and the LandsD would also require an Authorised Person (AP) to certify that the design of a septic tank meets the relevant standards and requirements as stipulated in ProPECC PN 5/93, including a percolation test. APs are professional persons registered under the Buildings Ordinance and any misconduct or negligence by APs would be subject to disciplinary actions.

6. We would like to ask:

- (1) Is it a statutory requirement that the submission of a certified STS proposal by the AP in respect of a small house development must be checked, approved and agreed to by the EPD?
- (2) Can the LandsD/ other relevant department(s) provide any data to show how many SH applications have been rejected mainly/ partially due to the non-compliance with the percolation test requirement, or has there been any such case, so far?

7. We consider that the answers to the above questions are critical to enable the TPB members to understand how robust or effective the current approach is in terms of administration of the certification process for certifying STSs for small house development.

The LandsD as recorded in Section 15 of the meeting minutes mentioned that a "conservative approach" has been adopted in processing SH applications, by the department. If such an approach really exists and if the certification arrangement mentioned in Section 5 above is really effective, we cannot understand why the then Secretary for the Environment, Transport and Works in her reply in 2005 to LegCo stated the following:

*"...However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams...to remain unsatisfactory."*<sup>2</sup>

9. The relevant authorities in their proposals to carry out sewerage projects in rural areas repeatedly stated that STSs are not reliable:

*"In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public."*<sup>3</sup>

*"At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soakaway (STS) systems). Such facilities*

<sup>2</sup> <http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf>

<sup>3</sup> <http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf>

might however become ineffective due to their proximity to watercourses<sup>1</sup> or inadequate maintenance. Sewage from such areas has therefore been identified as a source of water pollution to nearby watercourses and the receiving waters of Deep Bay.<sup>4</sup>

10. According to these salient facts as mentioned by the various Government authorities, we feel that the problems associated with the construction and operation of STSs in countryside settings might not have been thoroughly deliberated in the TPB meeting (according to the meeting minutes), and the authorities just continued to maintain that the current sewage arrangements would work – even when the Government itself has repeatedly admitted and field data simply shows something contrary – STS systems are poorly maintained and ineffective. We are highly concerned that the TPB members might not have given a full picture to be able to critically analyse the effects of having more SH (and STS) in CP Enclaves, and thus, might make decisions based on biased or incomplete information.

11. We are also shocked to learn that the EPD in the meeting stated the following (in Section 21): “...In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services.”

12. Based on the above statement, can the EPD provide the name(s) of the contractor(s) or the number of contractor(s) that would provide a service to clean the STS **manually**, and to carry the sludge away using vessels (e.g., for STSs in So Lo Pun and Pak Lap)? We would also like to mention that 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by vehicle, and “Eating Place”, which can be a restaurant, is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide some “Bed and Breakfast” service or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance (in Section 21). If in the future, these “visitor-friendly facilities” (e.g., Bed and Breakfast) become a standing feature or there are some restaurants (say three to four restaurants) in these Enclaves, how can the STSs for these facilities be maintained properly in order to prevent them from creating pollution? We do not consider that these problematic situations were thoroughly considered during the deliberations and, thus, the making of the proposed amendments might not have taken into account the possible damaging effect of these potential developments (e.g., more restaurants) on the natural environment.

13. We are highly concerned that “Eating Place” is an always permitted use on the ground floor of a SH. Any such operational facility would cause significant water pollution impacts and this is also apparently the concern of a TPB member as indicated in Section 53. But as recorded in Sections 54 and 56, the authorities replied as follows: “if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)” and “a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.” We cannot understand how FEHD can become the department responsible to assess or vet water pollution issues as it is not the authority to enforce the Water Pollution Control Ordinance (WPCO); EPD is the authority. The FEHD mainly handles “environmental hygiene” issues of premises but does not deal with the illegal discharge of polluted wastewaters which would cause environmental pollution to the surroundings. The FEHD is also not the authority to check whether or not the design and specifications of the sewage system have complied with the requirements of relevant ordinance(s) controlling pollution. Furthermore, during the meeting, there was no representative from the FEHD and we are also confused as to why the LandsD, as shown in Section 54, would be the authority to elaborate on this issue as it is neither the main office to control water pollution nor to manage environmental hygiene matters. We consider that the reply could not address the issue at hand and also the fact that there would be difficulties in enforcing the WPCO (as stated by the EPD itself in Section 28). Section 56 also states that “Eating Place” would be intended to serve the needs of the villagers. We consider that this statement does not truly reflect the real world. **Appendix 4** should have shown that many of the restaurants in village houses have been highly commercial operations, serving visitors rather than villagers, and, this is a common phenomenon in many rural villages. We strongly urge that “Eating Place” should NOT be an always permitted use in SHs (ground floor) within Enclaves.

14. The EPD also stated in Sections 23 and 25 that the STS has been effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as “excellent”, and even in areas already

<sup>4</sup> <http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf>

served by public sewerage such as Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by these statements.

15. Firstly, it has already been demonstrated that the coastal shoreline of the HHW MP is polluted, and this is the area (not the “main water body” in the central part of the MP with deep water) which is also frequented by the majority of visitors (see **Appendix 5**). We cannot understand why the EPD used the water quality data collected from the deeper offshore open waters in the main body of the MP to interpret the potential effect of the SHs and associated STSs on the health of the majority of visitors who use the near shore coastal area only. Secondly, we of course know that waters outside some areas with sewers also contain high levels of *E. coli* but the EPD did not mention that these high levels would be contributed by illegal discharges (both in urban and rural areas, see **Appendix 6**), and this is also a common phenomenon in rural areas as repeatedly shown in presentations to the TPB by the Environmental NGOs. For instance, the highly polluted water discharged into the near shore coastline of Ting Kok as shown many times to the TPB would also largely increase the *E. coli* levels in Tolo Harbour. It seems that the EPD did not relate this fact in their interpretation in Section 25 and this might have affected the judgment of the TPB members.

16. Based on the information in the above appendices, we are highly concerned that the captioned Enclaves and their surrounding waters will be greatly affected by the sewage generated by the proposed V zones and the associated activities (e.g., always permitted “Eating Place”). The relevant authorities seem not to have directly addressed all these concerns and worries (i.e., the ineffectiveness of the current sewage system in rural areas as realised by the Government itself, i.e., see Sections 8 and 9 of this letter). The proposed amendments to the zonings of the draft OZPs still do not truly reflect that these concerns by the Environmental NGOs and various scholars have been fully addressed based on all the available information presented and which should have been taken into account. Indeed, the EPD also admitted in Section 28 that enforcement action due to illegal discharge of wastewaters can be problematic and we simply cannot understand why at the same time the authorities would be completely confident that there would not be a significant water pollution issue in the Enclaves under such circumstances. Given that there is a known and practical difficulty in controlling the discharge of polluted water and the value (ecological, conservation, landscape, recreational) of these Enclaves is so high, a conservation approach should be the guiding principle that is best served by confining the V zones to the existing village settlements in order not to allow potential pollution sources (both point and non-point) to increase in these pristine natural areas of countryside.

#### The Tai Long Wan approach

17. Section 41 of the meeting minutes states that an over-restrictive approach to confine the V zones to existing village houses would be unnecessary. However, we would like to mention that based on the objective and scientific data provided by Environmental NGOs and university scholars, the practical difficulties associated with enforcing the law and controlling pollution (as admitted by the EPD), the pollution status in unsewered areas (as mentioned by the Government itself) and also the ecological sensitivity of the Enclaves and their surrounding CPs, the exact opposite is true, and that is – it is highly necessary to confine the V zones. We do not agree with the statement in Section 42 that there would be “sufficient control” on unacceptable environmental impacts on the surroundings which runs counter to the evidence presented by the Environmental NGOs, the university scholars and even by Government, itself, as stated in above paragraphs.

18. Indeed, the Tai Long Wan approach should have provided the TPB with the insight for the planning of the zonings in the CP Enclaves. We cannot understand what the Tai Long Wan Enclave possessed in terms of “unique planning background and characteristics”, as stated in Section 48 by the LandsD. We consider that the LandsD would need to elaborate on the details of the so-called “uniqueness” of Tai Long Wan, as compared to Hoi Ha, Pak Lap and So Lo Pun. In terms of ecological importance, the latter three Enclaves would be of higher significance; they are also surrounded by CPs and also provide recreational space for the public. Hoi Ha Wan is an area of outstanding beauty and with a recognised status as a MP. We note in the meeting minutes that the authorities attempted to use the presence of “well-preserved historic villages and a site of archaeological significance” to differentiate between Tai Long Wan and the three captioned Enclaves. But we would like to reiterate that, as stated in the Approved Tai Long Wan OZP<sup>5</sup>, the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character and not mainly to conserve the historic and archaeological elements there. We cannot understand why the

<sup>5</sup> [http://www.ozp.tpb.gov.hk/pdf/S\\_SK-TLW\\_5\\_e.pdf](http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf)

authorities tended to emphasis the latter but at the same time disregarded the primary intention which is to simply protect the natural environment.

#### Deliberations on 4th June, 2014

19. Section 3(n) of the meeting minutes<sup>6</sup> for the above deliberations misinterprets the intention of the Tai Long Wan OZP; Section 18 of this letter (above) should have provided the actual wordings used in the Explanatory Notes of the OZP and we urge the TPB members to note this. Moreover, because of Section 3(n) of the minutes, we are concerned that the TPB members might have been misinformed and, thus, the plan making decisions might have been erroneous (i.e., not making reference to the appropriate benchmarks set out in a highly relevant precedent case).

20. Regarding the Tai Long Wan approach, the authorities as shown in Sections 12 and 13 of the meeting minutes mentioned that in order to protect the areas of “high heritage value” in Tai Long Wan, a stringent approach was thus adopted (e.g., to confine the V zone to existing village settlement) and the same approach should not be applied to the three Enclaves as there are no such areas with high heritage value. We would like to remind the TPB that as shown in the TPB Paper No. 9430 (for Hoi Ha), there is an Archaeological Site in the Hoi Ha Enclave and the V zone as currently proposed (outside the existing village settlement) is actually covering this site. We cannot understand why, if protecting “cultural heritage” is suddenly such an important issue in the eyes of the authorities, that this Archeological Site is not well protected by the zoning plan from the destructive impacts associated with the development of SHs and that new SHs are allowed to be built within this site. This is simply demonstrating remarkable inconsistency through planning intentions in recognizing and protecting features of archaeological importance in the CP Enclaves.

21. We also note that some TPB members expressed their concerns on the impacts caused by the additional SHs on the water quality of the HHW MP. We would like the TPB to note Sections 4 to 16 of this letter and relevant appendices.

22. According to Section 35 of the meeting minutes, a TPB Member said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Indeed, the Environmental NGOs made the same point during the hearing for the first draft So Lo Pun OZP (see **Appendix 7**). According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be “disturbed” and “young” by the authorities, but even so, it is now proposed to be largely covered with a Green Belt (1) (GB(1)) zone; in Pak Lap, the patchy woodlands are even covered with Conservation Area (CA) zone. In general, no new SH development would be allowed in these two zones. In contrast, the woodlands in So Lo Pun which provide habitats for many species of conservation concern (see **Appendix 7**), is now proposed to be covered with a GB zone only and SHs are allowed to be built through the planning application process. In general, GB has been considered as a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes in order to cater for the “need” of the indigenous villagers. We cannot see any logic here – **the best piece of woodlands receives the least protection status.**

23. Section 48(h) of the meeting minutes also mentions that the upper section of the So Lo Pun Stream is bounded by “disturbed, young” woodland, and thus, the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we do not see any mention that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: “...wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park”. We would like the authorities to provide further scientific information to support the new description outlined in Section 48(h); otherwise, this is only a subjective statement. Overall, we consider that covering the woodland in So Lo Pun with a GB zone is highly problematic; this decision does not seem to following the approach of the other two Enclaves and is not soundly based on the intrinsic values of this mature woodland. **This zoning status should be critically reviewed.**

24. According to Section 43 of the meeting minutes, the Chairman mentioned (after summing up Members’ views): “...based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted.” We cannot understand why the proposed

<sup>6</sup> [http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb\\_e6.pdf](http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e6.pdf)



"V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D would suddenly become the recommended version. Indeed, as mentioned in Section 3 of this letter, we are not convinced that it is an incremental approach (e.g., shooting-up from zero population to 460 persons). The number of new SHs allowed to be built in So Lo Pun, in future, would also be the highest amongst the three Enclaves (So Lo Pun: 68; Hoi Ha: 40; Pak Lap: 18) YET both its existing population and its outstanding SH demand are the lowest (both are zero). Again, we fail to understand the underlying logic here.

25. According to Section 53 of the minutes, a Member expressed his concern that: *"Even if the concerned area was rezoned to "AGR" (in Pak Lap), the prospect of obtaining planning approval for development would be quite high."* We would like to say that this is completely true. We are highly concerned that the new Agriculture (AGR) zone proposed for Pak Lap would finally be filled with many SHs in the future. If "agriculture" use (suddenly) becomes an important element for consideration, why can't a more conservative zoning like GB, GB(1) or CA be applied, anyway, since "agriculture" use is also ALWAYS permitted (in Column 1) for such zones? Only by applying a more conservative zoning can the intention of reducing the V zone (to avoid the destructive environmental impacts from building and operating SHs) be fully achieved.

26. With regard to the designation of a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned in Section 56 that: *"according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI."* We consider that this is wrong in principle and highly misleading. According to the draft plans for To Kwa Peng and Pak A (both are CP Enclaves), the riparian zones of the streams there have been covered with GB and these watercourses are not EIS/ SSSI. Section 58 of the meeting minutes mentions that Pak Lap Wan is not a MP. But we would like to reiterate that it is an important habitat for a rare species of high conservation concern – Amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognised by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and, thus, the species of concern. We, therefore, reiterate that there should be a buffer zone for the watercourse.

27. Section 4.1(a) of the TPB Paper No. 9509 (for the Tin Fu Tsai Enclave) mentions: *"...the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible (but we doubt that), would collect the sewage from point sources, it would still be necessary to prevent/mitigate water pollution from non-point sources. The effective means to prevent water pollution, in particular from nonpoint sources, is through land use control...."*

We consider that this is a very factual statement but we cannot understand why this principle is not applied to Pak Lap. We do not agree with the conclusions made in Sections 71(c) and (f) of the meeting minutes.

28. According to Section 59 of the meeting minutes, the PlanD stated that: *"the concerned area (i.e., the new AGR zone in Pak Lap) was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as "CA" or "GB".*" If an area with Water Fern cannot be justified to be zoned as CA/ GB, we would like the authorities to support their CA zonings in Pak Lap and also the GB zoning in Tin Fu Tsai with justified scientific evidence. In Tin Fu Tsai, fields that are mostly used for war-games are now covered with a GB zoning status.

29. We strongly agree with the statement made by a Member as shown in Section 61 that: *"In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for CPEs (CP Enclaves) with low population and not served by vehicular access and infrastructural facilities, the "V" zone should be confined to the existing village settlements. As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach."* However, we are disappointed to note that this has not been taken forward and clearly set out in the three amended plans.

## Concluding Remarks and Recommendations

30. Based on the above, we are highly concerned that the views of the Environmental NGOs and the university scholars might not have been fully discussed during the meetings. We also see some illogical statements, perhaps based on lack of understanding or misinterpretation in the meeting minutes. As such, we are highly concerned that the proposed amendments were made without entirely making reference to all relevant points. Our counter proposal is as follows (and shown in **Figures 1, 2 and 3**).

31. The V zones of these three enclaves should be confined to the existing village settlements. We do not see any concrete information or tangible evidence provided to prove that the Tai Long Wan precedent cannot be applied to these three enclaves. In order to properly undertake the incremental approach as mentioned by many Members, we propose that the currently proposed V zone outside of the existing village settlement can be zoned as GB. In the GB zone, SHs can still be built through the planning application process and, thus, the rights of the indigenous villagers would not be in any way extinguished. The GB zone, at the same time, can also ensure that any applications that would cause environmental impacts would be fully reviewed by the authorities and be noted by the public. We consider that this is better management for a real incremental approach.

32. The proposed GB in So Lo Pun should be zoned as GB(1)/ CA to reflect the true ecological value of the woodland and, also, the upper section of the stream whose value seems to have been underestimated.

33. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (e.g., GB(1), CA), for reasons as stated above.

34. Eating Place (and other uses that would cause significant pollution) should not be an always permitted use in the V zone (ground floor of SH) as the ordinance to control water pollution cannot be easily enforced in the natural countryside and rural settings.

35. We would like to emphasise that the proposed zonings which we are now recommending in this letter, after considering the views of some TPB members, is a compromise which is not strictly following the approach previously adopted by the TPB for the Tai Long Wan Enclave. In terms of protecting these Enclaves and also their surrounding CPs, we would like to reiterate that indeed the Tai Long Wan precedent is the only correct approach; the amendments as currently proposed by the PlanD are a diluted approach for protection of the ecologically sensitive and valuable habitats in these Enclaves and simply wrong in many principles as stated above, and thus should be rejected.

Thank you for your attention.

Yours faithfully,

Tony Nip  
(Email: [REDACTED])

cc.: TPB Members

**Figure 1.** Proposed zonings for Hoi Ha (our proposed amendment is in blue)

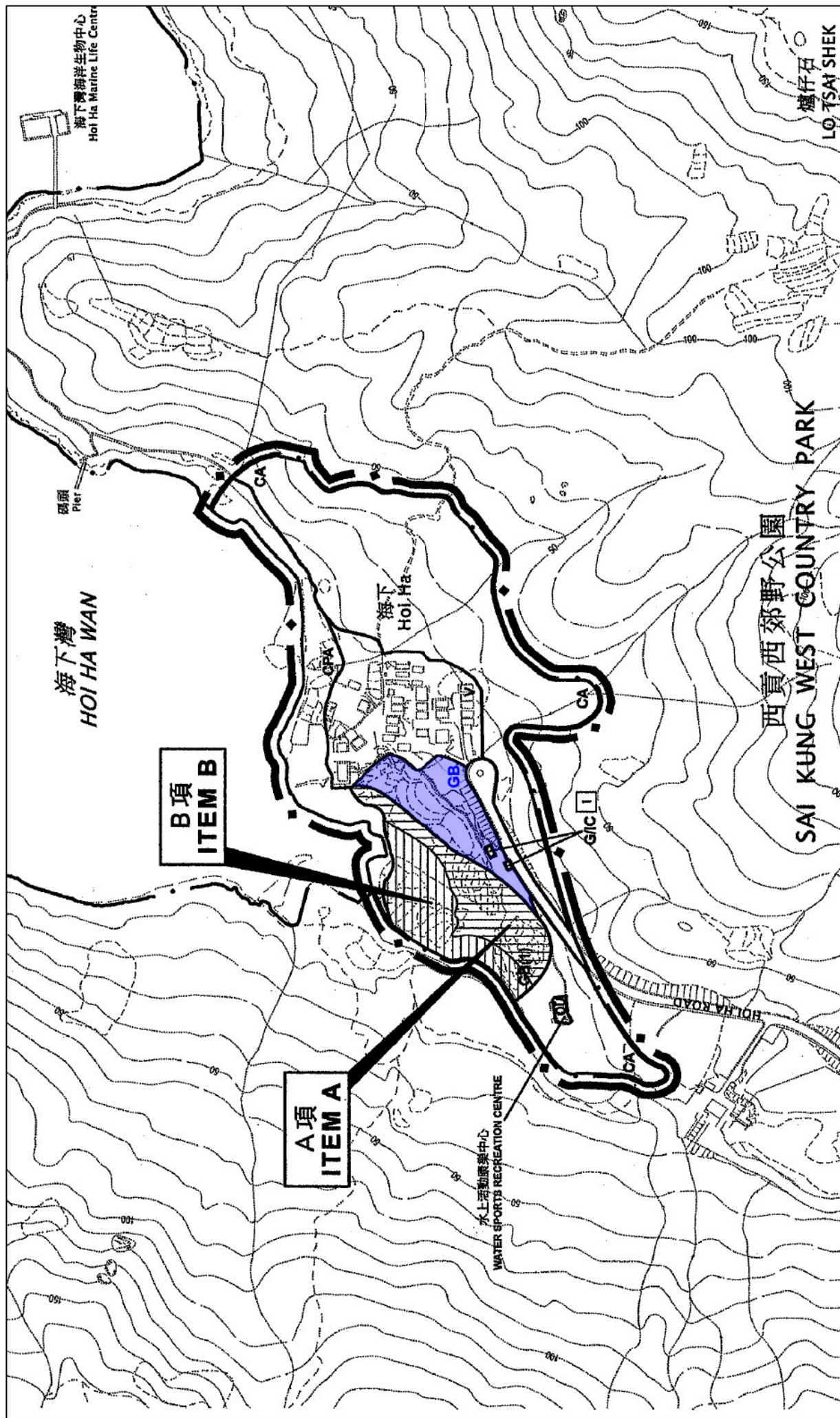
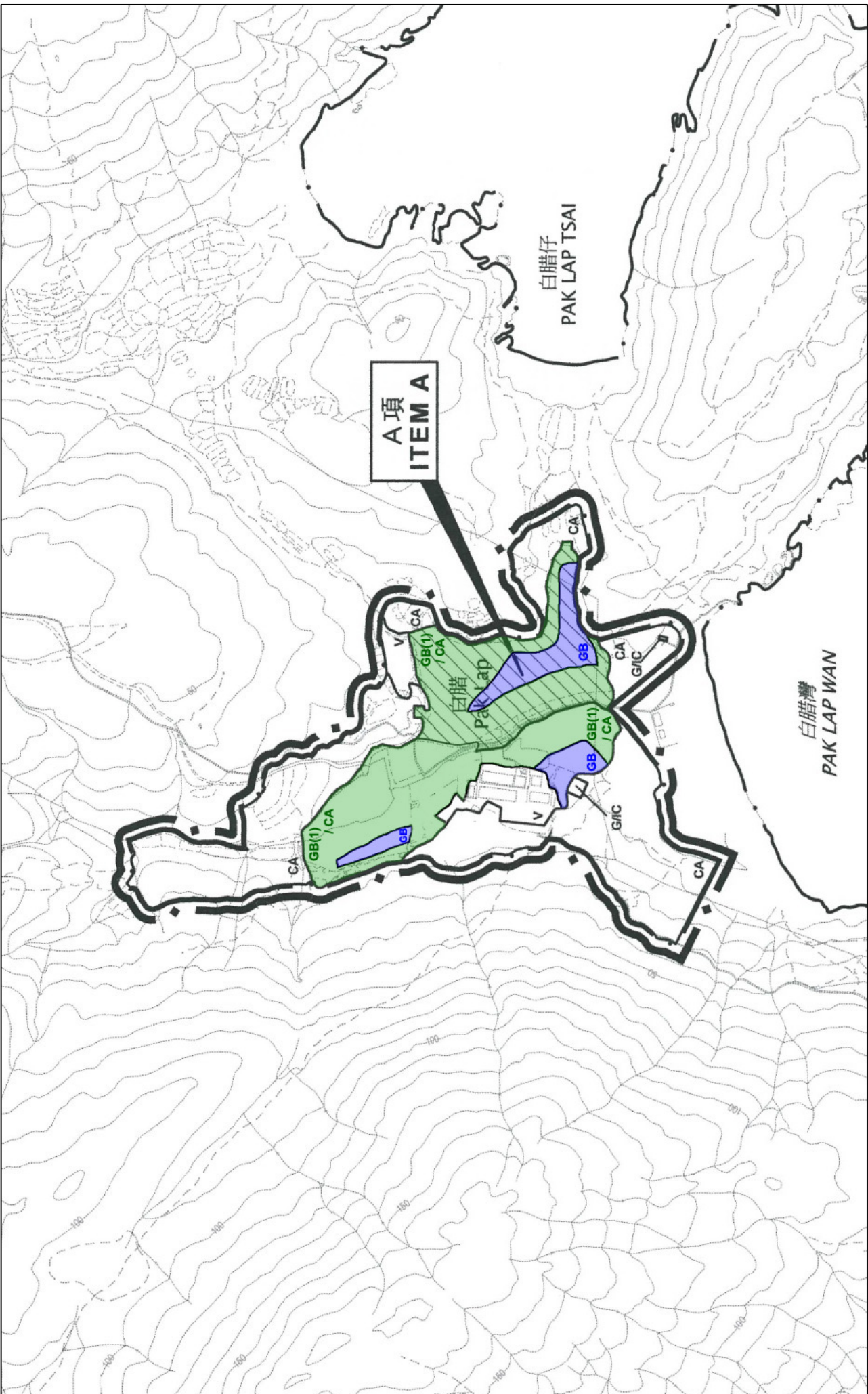


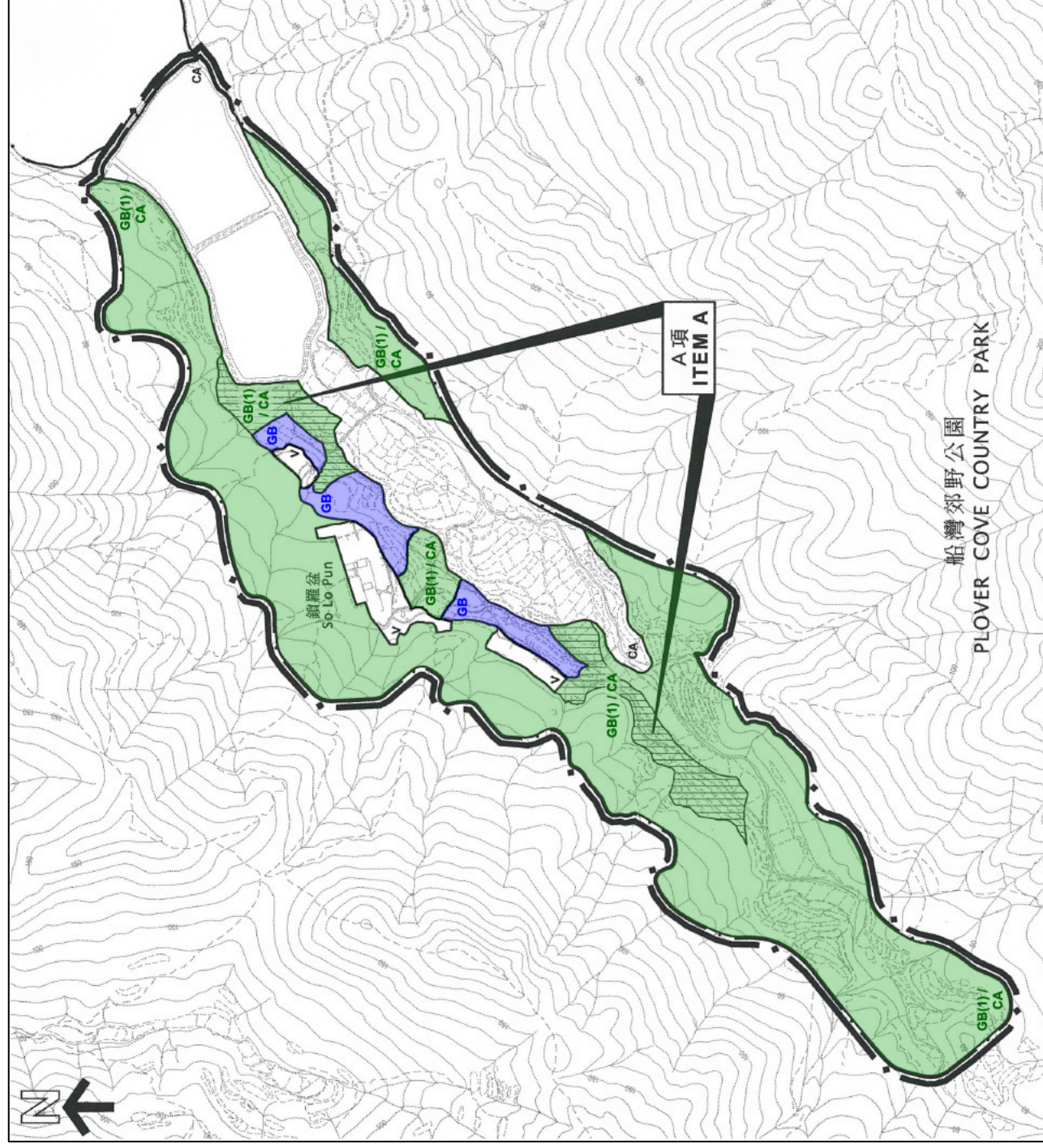


Figure 2. Proposed zonings for Pak Lap (our proposed amendments are in blue and green)





**Figure 3.** Proposed zonings for So Lo Pun (our proposed amendments are in blue and green)



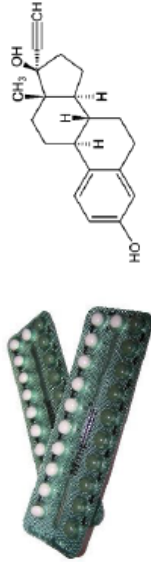
Results (Xu & Leung, unpubl. data)

Mean EDC Concentrations in Various Samples from HHWMP

NP: Nonylphenol, OP: octylphenol, BPA: bisphenol A, E1: estrone, E2: estradiol, and EE2: ethinyl estradiol; TBT: tributyltin, TPT: triphenyltin and OTs: total organotins

Sample	Season/Species	Endocrine Disrupting Chemicals								
		NP	OP	BPA	E1	E2	EE2	TBT	TPT	Total OTs
Water	Summer	<u>188.1</u>	12.7	19.9	0.6	ND	ND	1.8	1.6	4.3
	Winter	13.3	1.3	10.1	ND	ND	ND	ND	0.5	0.8
<hr/>										
Sediment	Summer	<u>278.2</u>	29.5	<u>543.1</u>	7.0	1.3	0.7	3.3	22.2	50.2
	ng/g dry wt Winter	<u>260.1</u>	28.8	<u>476.0</u>	ND	ND	ND	1.7	20.9	46.2
<hr/>										
Marine Organism	Damsel fish	157.7	35.2	94.3	9.6	ND	ND	2.0	<u>59.2</u>	<u>79.9</u>
	Grouper	<u>226.3</u>	40.5	32.5	ND	6.9	ND	4.0	32.2	44.3
	ng/g dry wt Green mussels	169.8	<u>58.8</u>	<u>609.5</u>	10.7	ND	<b>5.4</b>	8.3	<u>153.5</u>	<u>195.7</u>

- Water, sediment and marine organisms in HHWMP were contaminated with synthetic NP, OP, BPA, and organotins.
- At current levels of NP in seawater, some fish species would experience endocrine disruption including sex change in male fish, and reduced fecundity (i.e., fitness).
- Female gastropods would develop imposex if exposed to TBT or TPT at  $\geq 1$  ng/L.
- The green mussels accumulated more EDCs than the fishes; they also accumulated EE2 which is the main active ingredient of **contraceptive pills**.





To: The Chairman, Secretary and Members of the Town Planning Board..

**Hoi Ha<sup>4/</sup>**

Dear Chairman,.,

Please find the attached, which I would appreciate you putting forward, alongside this letter, to the members of the Town Planning Board at its next meeting whereat the new housing developments proposed for Hoi Ha will be discussed...

I was resident in Hong Kong from 1970 to 2004 and am still a permanent resident visiting the University of Hong Kong and my many local friends at least once every year...

You may not know this (time, as I have discovered, being a great amnesiac) but I first put forward the proposal to develop marine parks and reserves in Hong in my book *"The Future of the Hong Kong Seashore"* (1979) and elaborated upon this in *"The Seashore Ecology of Hong Kong"* (1983). Following the advice given to the AFCD by a working group (which I absented myself from to avoid a conflict of interest), I was appointed Chairman of the Marine Parks and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks and Cape d'Aguilar as a marine reserve. Hong Kong's Legislative Council passed this legislation on the 31 May 1995. Subsequently I was appointed Chairman (1995-1999) of another AFCD working group (Marine Parks and Reserves Committee), which recommended that the Country Parks Board be renamed the Country and Marine Parks Board. This was enacted on 10 August 1995 and, subsequently, staff officers within AFCD have themselves, with other citizens, produced additional educational and recreational books and pamphlets and acted as guardians to the natural treasure that is Hoi Ha...

Prior to these and subsequent official actions (1988-2003), I was appointed Chairman of the WWFHK Hoi Ha Wan Committee with the objective to develop the marine park for recreational and educational objectives and to build a Marine Life Education Centre at Hoi Ha Wan. In this context WWFHK raised HK\$38 million and HK\$14.5 million from the Hong Kong Jockey Club and the Hong Kong Shanghai Bank Charitable Trust, respectively, to build the centre. The Hoi Ha Wan Marine Park was designated in 1995 and the Hoi Ha Wan Marine Life Education Centre was opened on 19<sup>th</sup> January 2008. Subsequently, WWF International declared Hoi Ha Wan Marine Park and its Marine Life Education Centre one of the *"100 Gifts to the Earth"* and I wrote a book *"Hoi Ha Wan"* (1992) and the educational materials for the Hoi Ha Marine Life Education Centre and which are still used today. Also today, the centre's educational programmes and its glass-bottomed boat *"Transparency"* are fully booked for school and other visits, at least one year in advance. Their popularity has gone far beyond any perceived notion of success...

I neither remind nor inform you and your committee of the above facts for my own or your edification nor approbation but simply to demonstrate just how important I then believed

and still believe that Hoi Ha Wan is not just ecologically (particularly in terms of its corals and *bonsai* mangroves bordering the sand spit that encloses the periodically and naturally built up and deflated lagoon) but, also, as a natural park for the benefit of the ordinary people of Hong Kong...

I visit Hoi Ha Wan every time I come to Hong Kong and I cannot impress on you and your committee enough just how popular this marine park and its surrounding country park is to the citizens of Hong Kong. I take trips on "*Transparency*" with, typically, the school children of Hong Kong's urban-residents and it is clear to me just how much they enjoy and benefit from the experience that is given to them by the park and its educational facility. If you and your committee members have never done this, I urge you to join a school outing on "*Transparency*" and to see for yourselves not just the corals, but the total environment of the bay and how Hong Kong's children react to their experiences therein...

Researches by my own Ph.D. students, while I was employed by the University of Hong Kong, then identified a declining environment in Hoi Ha Wan especially with regard to water quality that was and probably still is, affecting the resident corals adversely. Further development of the riparian edge of the bay itself would impact adversely the mangroves which, as I identify in the *Marine Pollution Bulletin* editorial attached to this letter, are already being affected by earlier developments and would be more so by any future housing developments. Further developments around Hoi Ha Wan must, inevitably, exacerbate this problem hastening the decline of this unique little ecosystem..

I have seen, read and carefully examined the many documents related to the debates that have been engendered by the proposal to develop Hoi Ha further for housing – which I am convinced is for non-permanent residents. That is, for second homes and holiday accommodations. I am also aware of Hong Kong's lack of affordable housing for its citizens and understand the Hong Kong SAR Government's highly commendable wishes to ameliorate this situation for its citizens. But I personally doubt any village homes at Hoi Ha Wan will contribute in any meaningful way to achieve this...

I am sure that you and the members of your committee will have read, as have I, the proposals for and objections to further developments within Hoi Ha Wan. This letter is not, therefore, an attempt to add further fuel to the discussion, but a direct appeal from a Hong Kong marine scientist who saw the importance of Hoi Ha many decades ago and alongside, many, many, colleagues both within and outside the Hong Kong SAR Government, worked tirelessly to leave some vestige of a natural heritage behind them for the benefit of the ordinary citizens and their children of Hong Kong. Not just this, but the commitment shown by fund-awarding charitable bodies, such as the HSBC Charitable Trust, the Jockey Club and WWFHK (identified above) towards the recreational and educational development of Hoi Ha, should be respected and honoured. We all, as a disparate but united and dedicated assemblage



## Appendix 2. (con't)

of civic-minded residents, anticipated and expected that the Hong Kong SAR Government would honour its commitment to protect and conserve this tiny bay for posterity so that those yet to come would experience what we can see today and did our honest best to protect..

I trust that you, Mr Chairman, and your committee can honour that commitment made so many years ago and come to a decision regarding Hoi Ha, which states that it will not agree to the abrogation of an earlier will, then so strong, to protect that which so many Hong Kong citizens love..

I remain, Sir, your obedient servant..

..

Professor Brian Morton OBE..

Emeritus Professor, ..

The University of Hong Kong..

..

12 August 2014..



Editorial

## Hong Kong's Small House Policy. A land and marine coastline conservation disaster in the making



The focus of the southern Chinese province of Guangdong is the Pearl River (Zhu Jiang) basin and delta, which drains a vast area (some 453,700 km<sup>2</sup>) of southern China. The river is some 100 km wide at the mouth, with the Special Administrative Regions of Macau and Hong Kong flanking the western and eastern banks, respectively. To put the river in perspective, the Pearl is the second largest river in China, after the Yangtze, with an estimated flow of 9500 m<sup>3</sup> second.

Guangdong is not just considered the fertile agricultural rice bowl of China it became, in 2005, the most populous province in the country, registering >79 million permanent residents and >31 million migrants who live in it for at least six months of the year. As of 2012, the province's estimated population of >110 million, was 7.8% of China's total. The provincial capital, Guangzhou (formerly Canton), and its economic powerhouse, Shenzhen, are among the most important cities in China with collective populations alone of >23 million. Guangzhou is the largest city of southern China and the third largest Chinese city. As of 2010, the city's administrative area had a population of 12.8 million, making Guangzhou the most populous southern city. Not established until 1979, when it was no more than a market town situated on the border with the then British colony of Hong Kong, Shenzhen has become one of the largest cities in the Pearl River delta as well as the largest manufacturing base in the world. Today, this Special Economic Zone (SEZ) is the 10th most populous city in China with some 10.4 million residents.

Some estimates place the population surrounding the Pearl River Delta Economic Zone, which can today be referred to as a Mega City – the world's first megalopolis – at 40 million including Shenzhen (>10 million), Dongguan (>8 million), Foshan (>7 million), Jiangmen (>4 million) and Zhongshan (>3 million). In 2008, Guangzhou alone was identified as a Beta World City by the Globalization and World Cities Research Network. If, therefore, Guangzhou itself, sitting at the head of the Pearl's estuary, is included we can estimate a delta-wide urban population of some 150 million people. This does not, however, include either the gambling city of Macau, until 1999 a former Portuguese colony, with a resident population of ~0.5 million (but a much greater transient one) nor, until 1997, the former British colony of Hong Kong which with a population of >7.2 million people (and a transient one of >126 million), is classified as an Alpha + City. With a land area of only 1104 km<sup>2</sup>, the Special Administrative Region of Hong Kong's lack of space has created the world's most vertical city. Kowloon, with a population density of ~44,000 km<sup>2</sup> ranks as one of, if not the, most dense human conurbations ever known.

The Pearl River's delta today, therefore, is probably home to, conservatively, over 160 million people but growth has not yet

ended. Regional goals for 2020 include the development of two or three new cities, the expansion of road, rail, seaport and airport infrastructures and the construction of the 50 km long Hong Kong–Zhuhai–Macau Bridge – across the Pearl currently traversed by thousands of ferries each day.

Since the end of the last ice age, sea levels have risen in southern China by over 10 m (but were even higher in the Early Holocene) so that the Pearl River's delta contains hundreds of little islands (former mountain tops), there being some 235 within Hong Kong's 1650 km<sup>2</sup> territorial waters alone. And, because of the vast amounts of silt deposited by the river, estimated at ~86 million tonnes each year, the estuary's flanks are bordered (or used to be) everywhere by mangrove stands – these lie close to the northern limits of the component species' ranges. These plants, in stabilising the river's flanks, are believed to accumulate up to five centimetres of silt annually, protecting shorelines from rising sea levels and typhoons but also facilitating natural coastal reclamation – a characteristic exploited by early prawn and fish pond farmers.

The Pearl's mangroves have attracted attention for centuries. The famous, some would say infamous, English navigator, explorer, hydrographer, naturalist and one-time buccaneer William Dampier (1651–1715) visited Canton in 1687 and described the coast of St. John's Island, south of Canton, as: 'The skirts or outer part of the island, especially that part of it which borders on the main sea, is woody.' Later, the Swedish explorer and naturalist Pehr Osbeck (1723–1805) spent four months between 1750 and 1752 exploring the Pearl River and collecting from around Canton >600 species of plants, including mangroves, that were taken back to Sweden in time to be described, as type specimens, and published in Linnaeus's *Species plantarum*.

With continuing province-wide development, however, many, but unknown amounts, of the Pearl's fringe of mangroves have been reclaimed artificially. To protect a significant 380-hectare area of the Pearl's mangal and traditional prawn (gei wai) and fish ponds, the then colonial government of Hong Kong declared the seaward area of the north-western coast of Hong Kong, abutting the Shenzhen River (a tributary of the Pearl) to be a Site of Special Scientific Interest (SSSI). Mai Po was officially designated as a Nature Conservation Area in 1975 and a Ramsar site in 1995. This followed the designation by the Chinese Government of a thin strip of mangal opposite Mai Po, at Shenzhen, to be a Mangrove Nature Reserve in 1984.

The impact of the Pearl River to the east of Hong Kong is minimal and unlike the estuarine west, these shores are washed by saline oceanic waters. Nevertheless, the many embayments of this eastern drowned coastline are also fringed by mangroves that



are growing without the Pearl's silt on volcanic boulders, cobbles and sand. They are dwarf in comparison to their Mai Po conspecifics and have a different associated community of plants and animals. In contrast to Mai Po, these little studied *bonsai* trees naturally fringe the shores of much of the Sai Kung East and West Country Parks that make up Hong Kong's eastern New Territories. These parks lie adjacent to each other in the Sai Kung Peninsula and were established in 1978 following enactment of the Country Parks Ordinance (Chapter 203) in 1976, with one of its bays designated as a marine park following the subsequent enactment of the Marine Parks Ordinance (Chapter 476) in 1995. Today, some 40% of Hong Kong's land area comprises country parks and there are four marine parks (and one marine reserve) all designated for the free recreational and educational benefit of the, largely urbanised, people of Hong Kong. I consider this adventure, alongside the rule of law, to be the greatest achievement of the British colonial government of the time.

According to the Hong Kong Gazetteer of 1960, the population of the Sai Kung Peninsula was then about 3000, with an average of 45 persons in each of its 66 villages, many of which, however, had been abandoned. These were first established by, predominantly, Hakka people some 200–300 years ago. Today, the village of Hoi Ha sits at the head of a bay that was designated as a marine park in 1995. The bay is shallow and at its head is a beach some 250 metres long. This beach and shallow offshore sands are highly dynamic, creating a westerly-directed sand spit that is periodically and seasonally broken down during heavy rainfall by the enhanced outflow from a stream which discharges into the bay, but which then eventually reforms. Behind the sand spit is a mangrove-fringed lagoon. This is unique in Hong Kong and the characteristic eastern New Territories mangroves of Hoi Ha and other eastern embayments, serve as a counterpoint to the western silt-burdened Mai Po. Behind Hoi Ha's bay, the pattern of, now, abandoned village paddi-fields are still evident and eminently suitable for building on – as we shall see.

Hoi Ha village was established in 1811, when a group of Hakka settlers, sharing the family name Yung and originating from the Hui-yong district of China, arrived here. The main occupation of the first Yung family settlers of Hoi Ha was agriculture. Valley land was cleared for wet rice farming and vegetable production. By 1890, however, there were still only ten families resident in Hoi Ha with a total population of just 74 people. Some younger villagers had already begun to emigrate. After the Second World War, there was an enhanced exodus of young people and the village's population fell dramatically, as it did throughout the New Territories. Some left to find work in Hong Kong and Kowloon while many others emigrated to Europe, mainly Great Britain, and America.

Today, only a handful of Yung villagers remain and most of the original houses lie abandoned and in a state of decay. Recent years, however, have brought some resurgence in the fortunes of Hoi Ha and its beach and bay, effectively national parks, as they have become popular for many forms of summer recreation. Associated with this, however, have arisen problems, not just at Hoi Ha but elsewhere throughout most of Hong Kong's rural areas and countryside. Hoi Ha village is a country park enclave (a better term might be a tithing). Like other New Territories enclaves, therefore, it is both within but outside the boundary of its enclosing country park and, as such, the Country Parks Ordinance is not applicable to it and the Country and Marine Parks Authority has no jurisdiction over it. Today, some villagers are returning to their ancestral homes as expatriate descendants of their great grandparents and have demanded greater rights to build houses in response to a growing requirement for rented and second-home holiday accommodation. This has led to wide-scale debate and concern in Hong Kong and calls for official action.

The Country and Marine Parks Authority is responsible for enforcing the Regulations of the Country Parks Ordinance and the Marine Parks Ordinance and managing the parks and reserves. The Authority is also Director of the Agriculture, Fisheries and Conservation Department (AFCD) of the Hong Kong SAR Government. The Authority is advised by the Country and Marine Parks Board whose chairman is a non-government official appointed by the Secretary for the Environment. At the policy level, therefore, the Authority is responsible to the Secretary for the Environment. Importantly, however, the Country and Marine Parks Authority has **no** jurisdiction over areas that are not designated as protection areas under the Country Parks Ordinance. Nevertheless, the Government retains control over development via statutory town plans. Any unauthorized development would be subject to control under the Town Planning Ordinance and land lease. For development proposals on land adjacent to country parks, the Authority would be consulted, as appropriate, on their compatibility with the environment of the country and marine parks.

The historical background to this debate and problem lies in a Small House Policy that was introduced into the former Hong Kong Government's portfolio in 1972. The originally laudable objective of the policy was to improve the prevailing low standard of living in the rural areas of the New Territories of Hong Kong. It was created to simplify the demand by indigenous male villagers (but, importantly, wherever born) who, upon reaching the age of 18, to build a house for his own occupancy in his ancestral village. Open to abuse, however, for many decades a blind eye has been turned to the slow but steady increase in village small house numbers, and the then colonial Government also ignored the misogynistic character of this ancestral right. In recent years, however, the consequences of the policy have become out of control and it is now the cause of widespread and illegal developments in rural areas, many of which are contiguous with the country parks and which, because of some village's proximity to the sea, are imposing threats upon the marine parks too.

The Hong Kong SAR Government has stated that no more government land will be provided for small houses in the New Territories as a whole so that when the unused village land runs out, theoretically, development will cease. Today, however, there is unprecedented pressure by villagers and developers, to whom many of the former have already surreptitiously sold their land, to develop their ancestral villages such that they are now crammed with wall-to-wall housing. There are, moreover, schemes afoot to fill those village enclaves that are contiguous with Hong Kong's Country Parks with much larger, tower, developments, incompatible with the aims of the original Ordinance that established them, with no regard for either the environment or the interests of the general public for whom the parks are an extremely popular amenity (over 10 million visitor units each year). The construction of these houses, few of which will actually be occupied by the village applicants, as many are born and resident overseas, will, moreover, cause much environmental damage not just to the land but to the coastal waters they adjoin. It is estimated that the Government's failure, over the decades, to reform the Small House Policy could lead in time to more than 10,000 additional small houses being built within the country park enclaves over the next ten or so years. Such small houses are the most environmentally damaging form of local development because they are virtually un-regulated. There are no construction controls and illegal or temporary roads are built with no drains causing excessive runoff into streams and the sea. Also virtually un-regulated and haphazard is the infrastructure required to service the new houses. Sewage disposal, normally involves un-regulated septic tanks; grey water drainage also goes either into the nearest stream or directly into the sea and, worst-of-all, directly into the waters of the marine parks, notably



Hoi Ha. In effect, the village enclaves lack proper sewage, drainage, refuse collection and other public amenities and are not subject to normal societal regulations.

Opponents of such un-regulated and un-controlled developments argue that the divisive, discriminatory and outdated and unsustainable Small House Policy should be abandoned and that, in the short term, the policy should be amended so that it is no longer applicable to rural areas and enclaves contiguous with the Country and Marine Park's boundaries. This would thereby, halt the accelerating decline in the environmental quality of the parks themselves.

(Temporarily) returning male expatriate descendants of patriarchal Hong Kong village great-grandfathers, with no affinity to their ancestral land or the sea, personify this decline. Their disenfranchised mothers, sisters and daughters have even less kinship. Put simply, such expatriates have no empathy with what was, nor comity for, either Hong Kong's modern urban residents or their needs. And, therefore, if the application of the Small House Policy in the country park enclaves is not extinguished, the male heirs of the present generation will, in turn, demand their rights, and there is no way that the lands and waters, that were set aside in far-sighted manner by a previous government for all to enjoy, will survive.

The root cause of this problem, largely un-recognised, is that each individual sets his or her own mental baseline focussed on how their environment looked in their childhood and youth. I know I do. The next generation, however, sees and accepts as

normal a world that has been changed, usually degraded, even if only in a minute way, by their parents. Over time, therefore, there is a generational and, thus, step-wise acceptance of environmental decline and, as a consequence, lowered ambitions with regard to conserving that which once was, but is now less. And, thereby, there is also no incentive to restore it to its original state. This generational loss of environmental memory means that, over time, degradation simply grows and there are virtually no mechanisms to halt it. Put simply, we progressively and collectively forget what we once had. And the present problem with Hong Kong's Country and Marine Park tithings exactly epitomises this. In the broader picture, moreover, most of the mangroves that fringed the mighty Pearl River's estuarine shores are gone. Mangrove remnants may survive for a while but, one by one, they will disappear as development takes advantage of our collective amnesia, and conservation is concerned, anew, not with protecting what was but with a degraded what is.

Brian Morton

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Appendix 4. Restaurants at the ground floors of village houses (do not seem to be just for villagers)





**Appendix 5.** People swimming at the beach in the Hoi Ha Wan Marine Park





**Appendix 6.** Suspected illegal discharge at Lung Mei, polluting Tolo Harbour



**Appendix 7.** Ecological characteristics of the woodlands in So Lo Pun, Hoi Ha and Pak Lap

	<b>So Lo Pun Woodland</b>	<b>Hoi Ha Woodland</b>	<b>Pak Lap Woodland</b>
Plant Species	KFBG: ca. <b>171</b>	FoHH: ca. 130 KFBG: ca. 114	AFCD: ca. 25 - 121
Protected Plant Species	<ul style="list-style-type: none"> <li>- Spiny Tree-fern</li> <li>- Incense Tree</li> <li>- Lamb of Tartary</li> </ul>	FoHH & KFBG: Hong Kong Pavetta and several others in the Fung Shui Woodland	Hong Kong Pavetta
Ecologically linked with adjacent CP and habitats	Yes	Yes	Yes
Rare Wild Mammal Species	<b>3</b>	1	0
PlanD's Proposed Zonings	<b>GB</b>	<b>CA and GB(1)</b>	<b>CA</b>



tpbpd

TPB/R/S/NE-HH/1-F40

寄件者: Chiu Sein Tuck [REDACTED]  
寄件日期: 15日08月2014年星期五 22:07  
收件者: tpbpd@pland.gov.hk  
主旨: Comments on Proposed Amendments to the Draft Hoi Ha, Pak Lap and So Lo Pun OZPs  
附件: HH, PL, SLP submission 140815\_CST.pdf

Dear Sir/ Madam,

Attached please see my comments on the captioned.

Best Regards,

Chiu Sein Tuck

00055

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

(Email: tpbpd@pland.gov.hk)

15th August, 2014

By email only

Dear Sir/ Madam,

**Comments on the Proposed Amendments to the**  
**Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1**  
**Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1**  
**Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1**

1. We refer to the Town Planning Board (TPB) Papers No. 9679, 9680 and 9681, and the deliberations for the plans in the 1057th TPB meeting held on 20th May, 2014 and 4th June, 2014.

2. We consider that, during the deliberations for the aforementioned plans, the TPB might not have fully considered (and discussed) or might not have fully understood all the details of the issues presented by the Environmental NGOs on 8th May and 19th May, 2014. Some important points seem to have been disregarded, not discussed or might have been misunderstood according to the record of the meeting minutes. Thus, the proposed amendments to the draft OZPs were not made under circumstances in which the TPB members fully understood and well aware of the rationale behind the solid proposals made by the Environmental NGOs. We, thus, now wish to provide a further submission in order to pinpoint the shortcomings in the minutes of the meeting and to also provide comments on the proposed amendments.

**Deliberations on 20th May, 2014**

**Genuine Need for Small Houses**

3. The TPB meeting minutes mentions that the “V” zone should, firstly, be confined to the existing village settlements and the adjoining suitable land and then later, expand outwards upon demonstration of genuine need for Small House (SH) developments (i.e., Section 7 of the meeting minutes)<sup>1</sup>. We would like to point out that it is not at all clear that the sizes of the V zones under the proposed amendments are delineated based on the premise of “**proven genuine needs**”. As mentioned on many occasions, for instance, the current population in So Lo Pun is zero, and there is no outstanding SH application for this village. If the “villagers”, or landowners, who are now living elsewhere (e.g., overseas) would like to resume living in this long-abandoned derelict village and to revitalise it, a common sense and truly incremental approach is that they should make use of the existing abandoned houses and the available but empty land within the existing village settlement in the first instance. It is not possible to understand why an extra piece of vegetated land of 1.72 hectares still needs to be made available for 68 new SHs to be built in the current proposal, based on the data cited above (“zero” population and “zero” outstanding SH application). The proposal to zone this extra piece of land as “V” is just simply not sound, and not at all an incremental approach (i.e., from 0 to 460 persons (so called planned population)). This very same concern also applies to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; with the additional SHs that can be built: ca. 40).

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<sup>1</sup> [http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb\\_e5.pdf](http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf)

4. Environmental NGOs together with distinguished and knowledgeable professors from The University of Hong Kong presented (using scientific field study results and field observations) that the current sewage treatment arrangements in rural villages would not be, in any way, able to protect the water bodies in and surrounding the Enclaves from man-made pollution (**Appendix 1**). Prof. Brian Morton, a highly distinguished Emeritus Professor with many international scientific accolades of The University of Hong Kong who is the pre-eminent scientific authority on Hong Kong's marine environment and pollution for more than 30 years and who was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which formulated the legislation necessary to develop the MPs (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the impacts of additional SH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves (see **Appendices 2 and 3**).

5. However, with regard to sewage and wastewater disposal, the authorities offered the view that the current arrangements (e.g., percolation test, STS) would be enough to safeguard the water quality of water courses and water bodies. For instance, according to Section 14 of the meeting minutes, EPD mentioned that the LandsD, when processing Small House grant applications, would require the submission of a certified STS proposal (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments and the LandsD would also require an Authorised Person (AP) to certify that the design of a septic tank meets the relevant standards and requirements as stipulated in ProPECC PN 5/93, including a percolation test. APs are professional persons registered under the Buildings Ordinance and any misconduct or negligence by APs would be subject to disciplinary actions.

6. We would like to ask:

- (1) Is it a statutory requirement that the submission of a certified STS proposal by the AP in respect of a small house development must be checked, approved and agreed to by the EPD?
- (2) Can the LandsD/ other relevant department(s) provide any data to show how many SH applications have been rejected mainly/ partially due to the non-compliance with the percolation test requirement, or has there been any such case, so far?

7. We consider that the answers to the above questions are critical to enable the TPB members to understand how robust or effective the current approach is in terms of administration of the certification process for certifying STSs for small house development.

8. The LandsD as recorded in Section 15 of the meeting minutes mentioned that a "conservative approach" has been adopted in processing SH applications, by the department. If such an approach really exists and if the certification arrangement mentioned in Section 5 above is really effective, we cannot understand why the then Secretary for the Environment, Transport and Works in her reply in 2005 to LegCo stated the following:

*"...However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams...to remain unsatisfactory."*<sup>2</sup>

9. The relevant authorities in their proposals to carry out sewerage projects in rural areas repeatedly stated that STSs are not reliable:

*"In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public."*<sup>3</sup>

*"At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soakaway (STS) systems). Such facilities*

<sup>2</sup> <http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf>

<sup>3</sup> <http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf>

*might however become ineffective due to their proximity to watercourses<sup>1</sup> or inadequate maintenance. Sewage from such areas has therefore been identified as a source of water pollution to nearby watercourses and the receiving waters of Deep Bay.”<sup>4</sup>*

10. According to these salient facts as mentioned by the various Government authorities, we feel that the problems associated with the construction and operation of STSs in countryside settings might not have been thoroughly deliberated in the TPB meeting (according to the meeting minutes), and the authorities just continued to maintain that the current sewage arrangements would work – even when the Government itself has repeatedly admitted and field data simply shows something contrary – STS systems are poorly maintained and ineffective. We are highly concerned that the TPB members might not have given a full picture to be able to critically analyse the effects of having more SH (and STS) in CP Enclaves, and thus, might make decisions based on biased or incomplete information.

11. We are also shocked to learn that the EPD in the meeting stated the following (in Section 21): “...*In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services.*”

12. Based on the above statement, can the EPD provide the name(s) of the contractor(s) or the number of contractor(s) that would provide a service to clean the STS **manually**, and to carry the sludge away using vessels (e.g., for STSs in So Lo Pun and Pak Lap)? We would also like to mention that 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by vehicle, and “Eating Place”, which can be a restaurant, is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide some “Bed and Breakfast” service or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance (in Section 21). If in the future, these “visitor-friendly facilities” (e.g., Bed and Breakfast) become a standing feature or there are some restaurants (say three to four restaurants) in these Enclaves, how can the STSs for these facilities be maintained properly in order to prevent them from creating pollution? We do not consider that these problematic situations were thoroughly considered during the deliberations and, thus, the making of the proposed amendments might not have taken into account the possible damaging effect of these potential developments (e.g., more restaurants) on the natural environment.

13. We are highly concerned that “Eating Place” is an always permitted use on the ground floor of a SH. Any such operational facility would cause significant water pollution impacts and this is also apparently the concern of a TPB member as indicated in Section 53. But as recorded in Sections 54 and 56, the authorities replied as follows: “*if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)*” and “*a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.*” We cannot understand how FEHD can become the department responsible to assess or vet water pollution issues as it is not the authority to enforce the Water Pollution Control Ordinance (WPCO); EPD is the authority. The FEHD mainly handles “environmental hygiene” issues of premises but does not deal with the illegal discharge of polluted wastewaters which would cause environmental pollution to the surroundings. The FEHD is also not the authority to check whether or not the design and specifications of the sewage system have complied with the requirements of relevant ordinance(s) controlling pollution. Furthermore, during the meeting, there was no representative from the FEHD and we are also confused as to why the LandsD, as shown in Section 54, would be the authority to elaborate on this issue as it is neither the main office to control water pollution nor to manage environmental hygiene matters. We consider that the reply could not address the issue at hand and also the fact that there would be difficulties in enforcing the WPCO (as stated by the EPD itself in Section 28). Section 56 also states that “Eating Place” would be intended to serve the needs of the villagers. We consider that this statement does not truly reflect the real world. **Appendix 4** should have shown that many of the restaurants in village houses have been highly commercial operations, serving visitors rather than villagers, and, this is a common phenomenon in many rural villages. We strongly urge that “Eating Place” should NOT be an always permitted use in SHs (ground floor) within Enclaves.

14. The EPD also stated in Sections 23 and 25 that the STS has been effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as “excellent”, and even in areas already

<sup>4</sup> <http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf>

served by public sewerage such as Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by these statements.

15. Firstly, it has already been demonstrated that the coastal shoreline of the HHW MP is polluted, and this is the area (not the “main water body” in the central part of the MP with deep water) which is also frequented by the majority of visitors (see **Appendix 5**). We cannot understand why the EPD used the water quality data collected from the deeper offshore open waters in the main body of the MP to interpret the potential effect of the SHs and associated STSs on the health of the majority of visitors who use the near shore coastal area only. Secondly, we of course know that waters outside some areas with sewers also contain high levels of *E. coli* but the EPD did not mention that these high levels would be contributed by illegal discharges (both in urban and rural areas, see **Appendix 6**), and this is also a common phenomenon in rural areas as repeatedly shown in presentations to the TPB by the Environmental NGOs. For instance, the highly polluted water discharged into the near shore coastline of Ting Kok as shown many times to the TPB would also largely increase the *E. coli* levels in Tolo Harbour. It seems that the EPD did not relate this fact in their interpretation in Section 25 and this might have affected the judgment of the TPB members.

16. Based on the information in the above appendices, we are highly concerned that the captioned Enclaves and their surrounding waters will be greatly affected by the sewage generated by the proposed V zones and the associated activities (e.g., always permitted “Eating Place”). The relevant authorities seem not to have directly addressed all these concerns and worries (i.e., the ineffectiveness of the current sewage system in rural areas as realised by the Government itself, i.e., see Sections 8 and 9 of this letter). The proposed amendments to the zonings of the draft OZPs still do not truly reflect that these concerns by the Environmental NGOs and various scholars have been fully addressed based on all the available information presented and which should have been taken into account. Indeed, the EPD also admitted in Section 28 that enforcement action due to illegal discharge of wastewaters can be problematic and we simply cannot understand why at the same time the authorities would be completely confident that there would not be a significant water pollution issue in the Enclaves under such circumstances. Given that there is a known and practical difficulty in controlling the discharge of polluted water and the value (ecological, conservation, landscape, recreational) of these Enclaves is so high, a conservation approach should be the guiding principle that is best served by confining the V zones to the existing village settlements in order not to allow potential pollution sources (both point and non-point) to increase in these pristine natural areas of countryside.

#### The Tai Long Wan approach

17. Section 41 of the meeting minutes states that an over-restrictive approach to confine the V zones to existing village houses would be unnecessary. However, we would like to mention that based on the objective and scientific data provided by Environmental NGOs and university scholars, the practical difficulties associated with enforcing the law and controlling pollution (as admitted by the EPD), the pollution status in unsewered areas (as mentioned by the Government itself) and also the ecological sensitivity of the Enclaves and their surrounding CPs, the exact opposite is true, and that is – it is highly necessary to confine the V zones. We do not agree with the statement in Section 42 that there would be “sufficient control” on unacceptable environmental impacts on the surroundings which runs counter to the evidence presented by the Environmental NGOs, the university scholars and even by Government, itself, as stated in above paragraphs.

18. Indeed, the Tai Long Wan approach should have provided the TPB with the insight for the planning of the zonings in the CP Enclaves. We cannot understand what the Tai Long Wan Enclave possessed in terms of “unique planning background and characteristics”, as stated in Section 48 by the LandsD. We consider that the LandsD would need to elaborate on the details of the so-called “uniqueness” of Tai Long Wan, as compared to Hoi Ha, Pak Lap and So Lo Pun. In terms of ecological importance, the latter three Enclaves would be of higher significance; they are also surrounded by CPs and also provide recreational space for the public. Hoi Ha Wan is an area of outstanding beauty and with a recognised status as a MP. We note in the meeting minutes that the authorities attempted to use the presence of “well-preserved historic villages and a site of archaeological significance” to differentiate between Tai Long Wan and the three captioned Enclaves. But we would like to reiterate that, as stated in the Approved Tai Long Wan OZP<sup>5</sup>, the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character and not mainly to conserve the historic and archaeological elements there. We cannot understand why the

<sup>5</sup> [http://www.ozp.tpb.gov.hk/pdf/S\\_SK-TLW\\_5\\_e.pdf](http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf)



authorities tended to emphasize the latter but at the same time disregarded the primary intention which is to simply protect the natural environment.

### Deliberations on 4th June, 2014

19. Section 3(n) of the meeting minutes<sup>6</sup> for the above deliberations misinterprets the intention of the Tai Long Wan OZP; Section 18 of this letter (above) should have provided the actual wordings used in the Explanatory Notes of the OZP and we urge the TPB members to note this. Moreover, because of Section 3(n) of the minutes, we are concerned that the TPB members might have been misinformed and, thus, the plan making decisions might have been erroneous (i.e., not making reference to the appropriate benchmarks set out in a highly relevant precedent case).

20. Regarding the Tai Long Wan approach, the authorities as shown in Sections 12 and 13 of the meeting minutes mentioned that in order to protect the areas of “high heritage value” in Tai Long Wan, a stringent approach was thus adopted (e.g., to confine the V zone to existing village settlement) and the same approach should not be applied to the three Enclaves as there are no such areas with high heritage value. We would like to remind the TPB that as shown in the TPB Paper No. 9430 (for Hoi Ha), there is an Archaeological Site in the Hoi Ha Enclave and the V zone as currently proposed (outside the existing village settlement) is actually covering this site. We cannot understand why, if protecting “cultural heritage” is suddenly such an important issue in the eyes of the authorities, that this Archeological Site is not well protected by the zoning plan from the destructive impacts associated with the development of SHs and that new SHs are allowed to be built within this site. This is simply demonstrating remarkable inconsistency through planning intentions in recognizing and protecting features of archaeological importance in the CP Enclaves.

21. We also note that some TPB members expressed their concerns on the impacts caused by the additional SHs on the water quality of the HHW MP. We would like the TPB to note Sections 4 to 16 of this letter and relevant appendices.

22. According to Section 35 of the meeting minutes, a TPB Member said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Indeed, the Environmental NGOs made the same point during the hearing for the first draft So Lo Pun OZP (see **Appendix 7**). According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be “disturbed” and “young” by the authorities, but even so, it is now proposed to be largely covered with a Green Belt (1) (GB(1)) zone; in Pak Lap, the patchy woodlands are even covered with Conservation Area (CA) zone. In general, no new SH development would be allowed in these two zones. In contrast, the woodlands in So Lo Pun which provide habitats for many species of conservation concern (see **Appendix 7**), is now proposed to be covered with a GB zone only and SHs are allowed to be built through the planning application process. In general, GB has been considered as a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes in order to cater for the “need” of the indigenous villagers. We cannot see any logic here – **the best piece of woodlands receives the least protection status**.

23. Section 48(h) of the meeting minutes also mentions that the upper section of the So Lo Pun Stream is bounded by “disturbed, young” woodland, and thus, the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we do not see any mention that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: “...*wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park*”. We would like the authorities to provide further scientific information to support the new description outlined in Section 48(h); otherwise, this is only a subjective statement. Overall, we consider that covering the woodland in So Lo Pun with a GB zone is highly problematic; this decision does not seem to following the approach of the other two Enclaves and is not soundly based on the intrinsic values of this mature woodland. **This zoning status should be critically reviewed.**

24. According to Section 43 of the meeting minutes, the Chairman mentioned (after summing up Members’ views): “...*based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted.*” We cannot understand why the proposed

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<sup>6</sup> [http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb\\_e6.pdf](http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e6.pdf)

“V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D would suddenly become the recommended version. Indeed, as mentioned in Section 3 of this letter, we are not convinced that it is an incremental approach (e.g., shooting-up from zero population to 460 persons). The number of new SHs allowed to be built in So Lo Pun, in future, would also be the highest amongst the three Enclaves (So Lo Pun: 68; Hoi Ha: 40; Pak Lap: 18) YET both its existing population and its outstanding SH demand are the lowest (both are zero). Again, we fail to understand the underlying logic here.

25. According to Section 53 of the minutes, a Member expressed his concern that: *“Even if the concerned area was rezoned to “AGR” (in Pak Lap), the prospect of obtaining planning approval for development would be quite high.”* We would like to say that this is completely true. We are highly concerned that the new Agriculture (AGR) zone proposed for Pak Lap would finally be filled with many SHs in the future. If “agriculture” use (suddenly) becomes an important element for consideration, why can’t a more conservative zoning like GB, GB(1) or CA be applied, anyway, since “agriculture” use is also ALWAYS permitted (in Column 1) for such zones? Only by applying a more conservative zoning can the intention of reducing the V zone (to avoid the destructive environmental impacts from building and operating SHs) be fully achieved.

26. With regard to the designation of a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned in Section 56 that: *“according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI.”* We consider that this is wrong in principle and highly misleading. According to the draft plans for To Kwa Peng and Pak A (both are CP Enclaves), the riparian zones of the streams there have been covered with GB and these watercourses are not EIS/ SSSI. Section 58 of the meeting minutes mentions that Pak Lap Wan is not a MP. But we would like to reiterate that it is an important habitat for a rare species of high conservation concern – Amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognised by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and, thus, the species of concern. We, therefore, reiterate that there should be a buffer zone for the watercourse.

27. Section 4.1(a) of the TPB Paper No. 9509 (for the Tin Fu Tsai Enclave) mentions: *“...the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible (but we doubt that), would collect the sewage from point sources, **it would still be necessary to prevent/mitigate water pollution from non-point sources. The effective means to prevent water pollution, in particular from nonpoint sources, is through land use control...**”* We consider that this is a very factual statement but we cannot understand why this principle is not applied to Pak Lap. We do not agree with the conclusions made in Sections 71(c) and (f) of the meeting minutes.

28. According to Section 59 of the meeting minutes, the PlanD stated that: *“the concerned area (i.e., the new AGR zone in Pak Lap) was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as “CA” or “GB”.”* If an area with Water Fern cannot be justified to be zoned as CA/ GB, we would like the authorities to support their CA zonings in Pak Lap and also the GB zoning in Tin Fu Tsai with justified scientific evidence. In Tin Fu Tsai, fields that are mostly used for war-games are now covered with a GB zoning status.

29. We strongly agree with the statement made by a Member as shown in Section 61 that: *“In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for CPEs (CP Enclaves) with low population and not served by vehicular access and infrastructural facilities, the “V” zone should be confined to the existing village settlements. As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach.”* However, we are disappointed to note that this has not been taken forward and clearly set out in the three amended plans.

## Concluding Remarks and Recommendations

30. Based on the above, we are highly concerned that the views of the Environmental NGOs and the university scholars might not have been fully discussed during the meetings. We also see some illogical statements, perhaps based on lack of understanding or misinterpretation in the meeting minutes. As such, we are highly concerned that the proposed amendments were made without entirely making reference to all relevant points. Our counter proposal is as follows (and shown in **Figures 1, 2 and 3**).

31. The V zones of these three enclaves should be confined to the existing village settlements. We do not see any concrete information or tangible evidence provided to prove that the Tai Long Wan precedent cannot be applied to these three enclaves. In order to properly undertake the incremental approach as mentioned by many Members, we propose that the currently proposed V zone outside of the existing village settlement can be zoned as GB. In the GB zone, SHs can still be built through the planning application process and, thus, the rights of the indigenous villagers would not be in any way extinguished. The GB zone, at the same time, can also ensure that any applications that would cause environmental impacts would be fully reviewed by the authorities and be noted by the public. We consider that this is better management for a real incremental approach.

32. The proposed GB in So Lo Pun should be zoned as GB(1)/ CA to reflect the true ecological value of the woodland and, also, the upper section of the stream whose value seems to have been underestimated.

33. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (e.g., GB(1), CA), for reasons as stated above.

34. Eating Place (and other uses that would cause significant pollution) should not be an always permitted use in the V zone (ground floor of SH) as the ordinance to control water pollution cannot be easily enforced in the natural countryside and rural settings.

35. We would like to emphasise that the proposed zonings which we are now recommending in this letter, after considering the views of some TPB members, is a compromise which is not strictly following the approach previously adopted by the TPB for the Tai Long Wan Enclave. In terms of protecting these Enclaves and also their surrounding CPs, we would like to reiterate that indeed the Tai Long Wan precedent is the only correct approach; the amendments as currently proposed by the PlanD are a diluted approach for protection of the ecologically sensitive and valuable habitats in these Enclaves and simply wrong in many principles as stated above, and thus should be rejected.

Thank you for your attention.

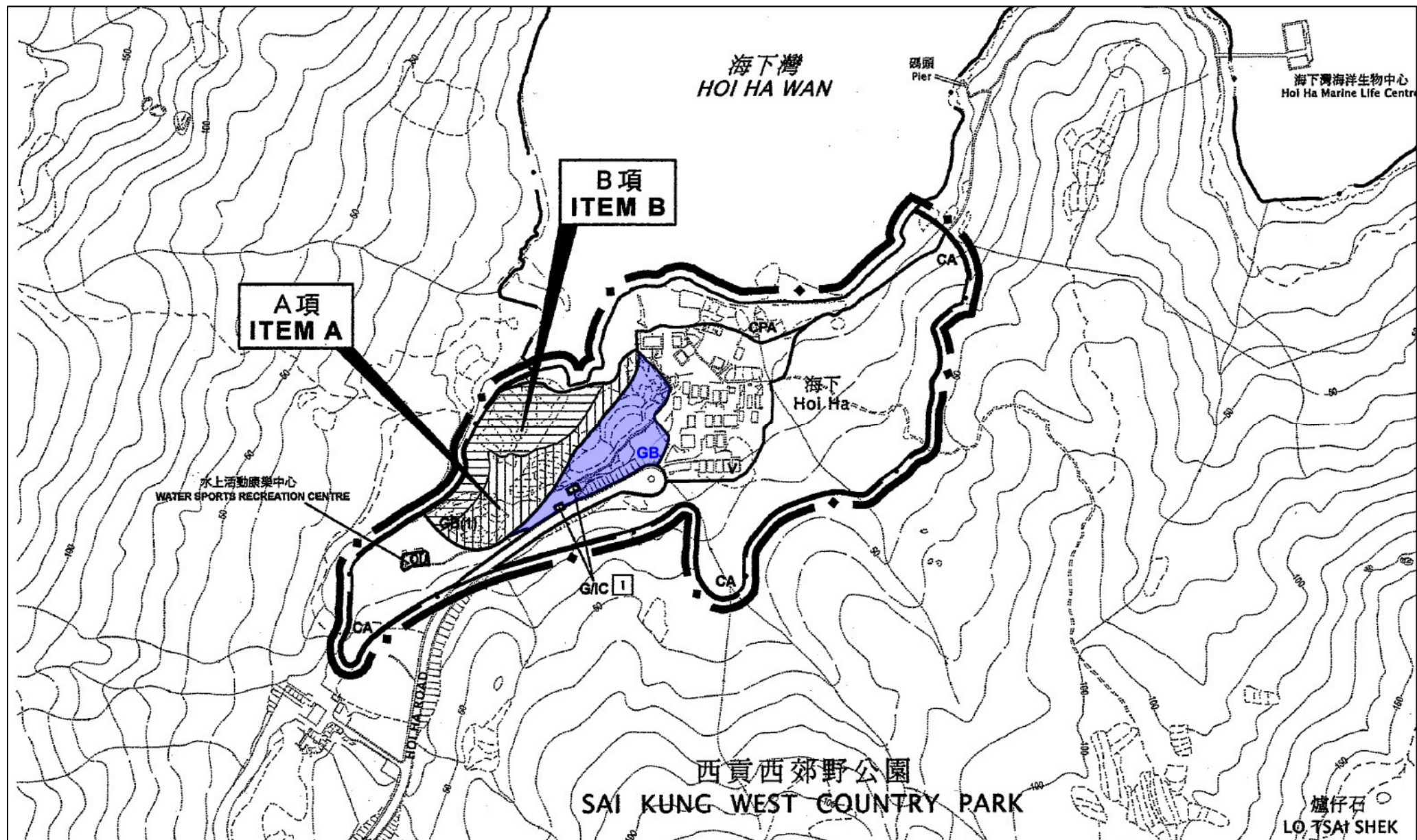
Yours faithfully,

Dr. CHIU Sein Tuck  
(Email: XXXXXXXXXXXX)

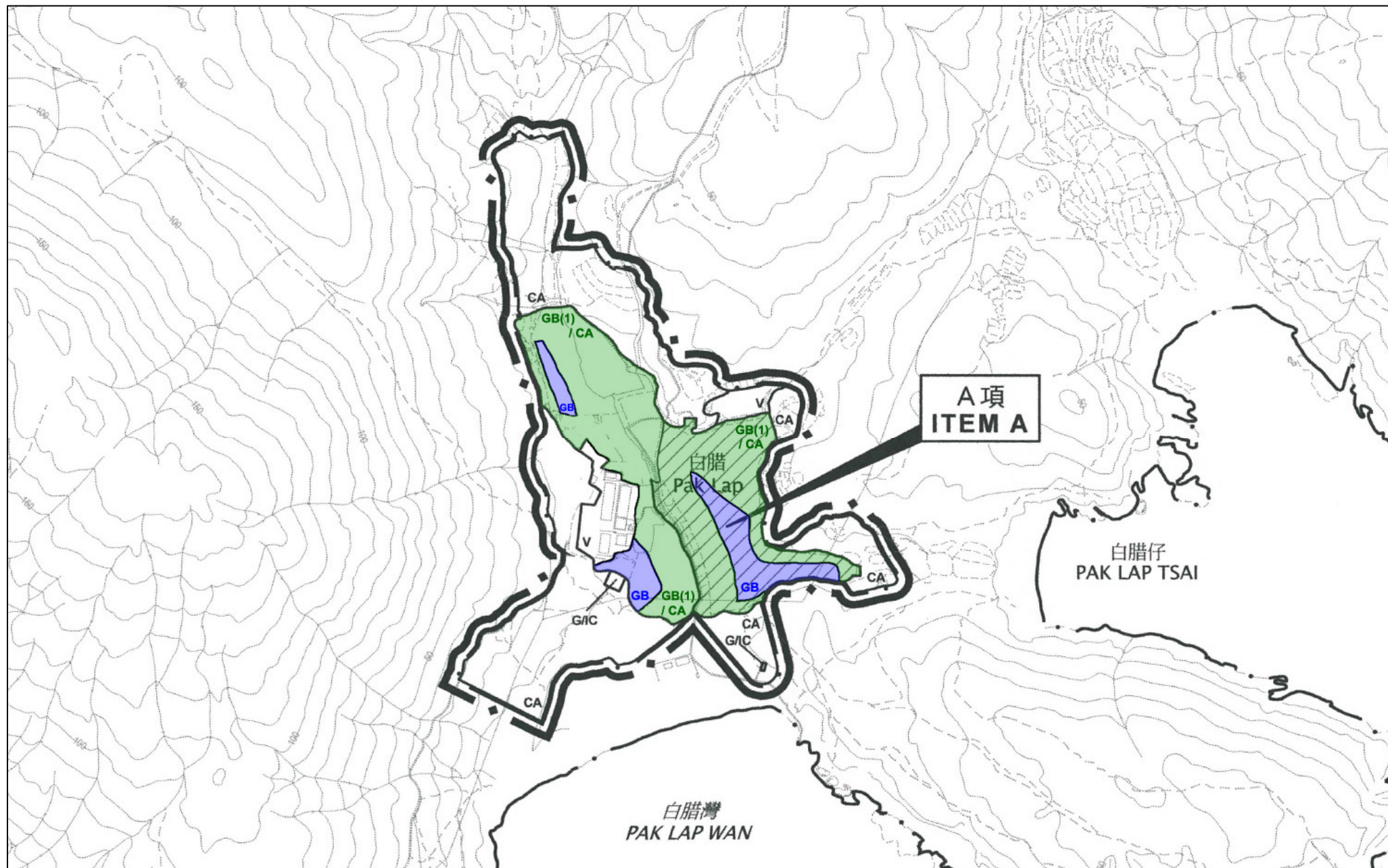
cc.: TPB Members



**Figure 1.** Proposed zonings for Hoi Ha (our proposed amendment is in blue)

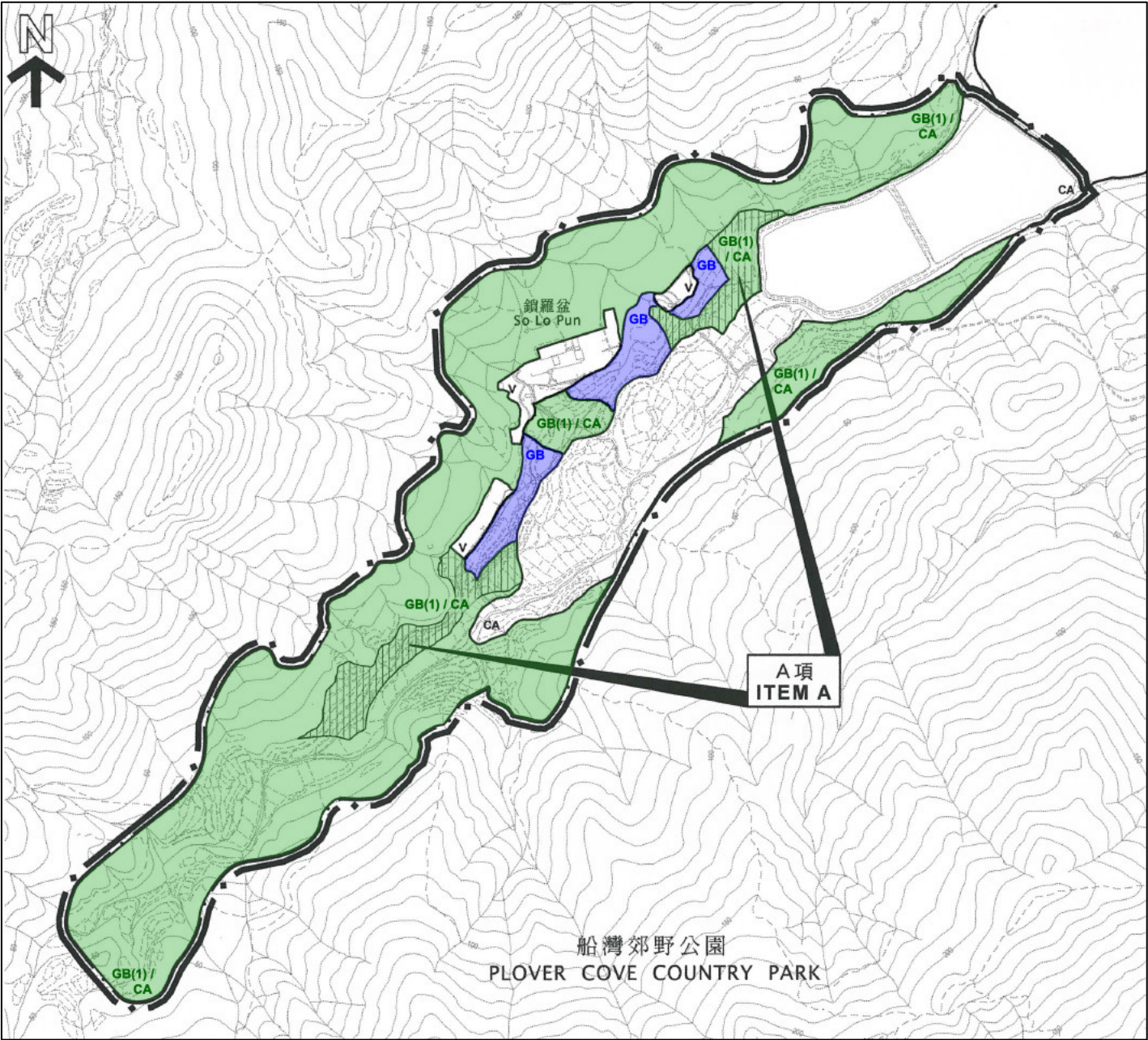


**Figure 2.** Proposed zonings for Pak Lap (our proposed amendments are in blue and green)





**Figure 3.** Proposed zonings for So Lo Pun (our proposed amendments are in blue and green)



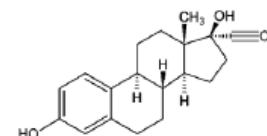
## Results (Xu & Leung, unpubl. data)

### Mean EDC Concentrations in Various Samples from HHWMP

NP: Nonylphenol, OP: octylphenol, BPA: bisphenol A, E1: estrone, E2: estradiol, and EE2: ethinyl estradiol; TBT: tributyltin, TPT: triphenyltin and OTs: total organotins

Sample	Season/Species	Endocrine Disrupting Chemicals								
		NP	OP	BPA	E1	E2	EE2	TBT	TPT	Total OTs
Water ng/L	Summer	<u>188.1</u>	12.7	19.9	0.6	ND	ND	1.8	1.6	4.3
	Winter	13.3	1.3	10.1	ND	ND	ND	ND	0.5	0.8
Sediment ng/g dry wt	Summer	<u>278.2</u>	29.5	<u>543.1</u>	7.0	1.3	0.7	3.3	22.2	50.2
	Winter	<u>260.1</u>	28.8	<u>476.0</u>	ND	ND	ND	1.7	20.9	46.2
Marine Organism ng/g dry wt	Damsel fish	157.7	35.2	94.3	9.6	ND	ND	2.0	<u>59.2</u>	<u>79.9</u>
	Grouper	<u>226.3</u>	40.5	32.5	ND	6.9	ND	4.0	32.2	44.3
	Green mussels	169.8	<u>58.8</u>	<u>609.5</u>	10.7	ND	5.4	8.3	<u>153.5</u>	<u>195.7</u>

- Water, sediment and marine organisms in HHWMP were contaminated with synthetic NP, OP, BPA, and organotins.
- At current levels of NP in seawater, some fish species would experience endocrine disruption including sex change in male fish, and reduced fecundity (i.e., fitness).
- Female gastropods would develop imposex if exposed to TBT or TPT at  $\geq 1$  ng/L.
- The green mussels accumulated more EDCs than the fishes; they also accumulated EE2 which is the main active ingredient of **contraceptive pills**.





To: The Chairman, Secretary and Members of the Town Planning Board..

**Hoi Ha<sup>4/</sup>**

Dear Chairman,..

Please find the attached, which I would appreciate you putting forward, alongside this letter, to the members of the Town Planning Board at its next meeting whereat the new housing developments proposed for Hoi Ha will be discussed...

I was resident in Hong Kong from 1970 to 2004 and am still a permanent resident visiting the University of Hong Kong and my many local friends at least once every year...

You may not know this (time, as I have discovered, being a great amnesiac) but I first put forward the proposal to develop marine parks and reserves in Hong in my book *"The Future of the Hong Kong Seashore"* (1979) and elaborated upon this in *"The Seashore Ecology of Hong Kong"* (1983). Following the advice given to the AFCD by a working group (which I absented myself from to avoid a conflict of interest), I was appointed Chairman of the Marine Parks and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks and Cape d'Aguilar as a marine reserve. Hong Kong's Legislative Council passed this legislation on the 31 May 1995. Subsequently I was appointed Chairman (1995-1999) of another AFCD working group (Marine Parks and Reserves Committee), which recommended that the Country Parks Board be renamed the Country and Marine Parks Board. This was enacted on 10 August 1995 and, subsequently, staff officers within AFCD have themselves, with other citizens, produced additional educational and recreational books and pamphlets and acted as guardians to the natural treasure that is Hoi Ha...

Prior to these and subsequent official actions (1988-2003), I was appointed Chairman of the WWFHK Hoi Ha Wan Committee with the objective to develop the marine park for recreational and educational objectives and to build a Marine Life Education Centre at Hoi Ha Wan. In this context WWFHK raised HK\$38 million and HK\$14.5 million from the Hong Kong Jockey Club and the Hong Kong Shanghai Bank Charitable Trust, respectively, to build the centre. The Hoi Ha Wan Marine Park was designated in 1995 and the Hoi Ha Wan Marine Life Education Centre was opened on 19<sup>th</sup> January 2008. Subsequently, WWF International declared Hoi Ha Wan Marine Park and its Marine Life Education Centre one of the *"100 Gifts to the Earth"* and I wrote a book *"Hoi Ha Wan"* (1992) and the educational materials for the Hoi Ha Marine Life Education Centre and which are still used today. Also today, the centre's educational programmes and its glass-bottomed boat *"Transparency"* are fully booked for school and other visits, at least one year in advance. Their popularity has gone far beyond any perceived notion of success...

I neither remind nor inform you and your committee of the above facts for my own or your edification nor approbation but simply to demonstrate just how important I then believed

and still believe that Hoi Ha Wan is not just ecologically (particularly in terms of its corals and *bonsai* mangroves bordering the sand spit that encloses the periodically and naturally built up and deflated lagoon) but, also, as a natural park for the benefit of the ordinary people of Hong Kong...

I visit Hoi Ha Wan every time I come to Hong Kong and I cannot impress on you and your committee enough just how popular this marine park and its surrounding country park is to the citizens of Hong Kong. I take trips on "*Transparency*" with, typically, the school children of Hong Kong's urban-residents and it is clear to me just how much they enjoy and benefit from the experience that is given to them by the park and its educational facility. If you and your committee members have never done this, I urge you to join a school outing on "*Transparency*" and to see for yourselves not just the corals, but the total environment of the bay and how Hong Kong's children react to their experiences therein...

Researches by my own Ph.D. students, while I was employed by the University of Hong Kong, then identified a declining environment in Hoi Ha Wan especially with regard to water quality that was and probably still is, affecting the resident corals adversely. Further development of the riparian edge of the bay itself would impact adversely the mangroves which, as I identify in the *Marine Pollution Bulletin* editorial attached to this letter, are already being affected by earlier developments and would be more so by any future housing developments. Further developments around Hoi Ha Wan must, inevitably, exacerbate this problem hastening the decline of this unique little ecosystem..

I have seen, read and carefully examined the many documents related to the debates that have been engendered by the proposal to develop Hoi Ha further for housing – which I am convinced is for non-permanent residents. That is, for second homes and holiday accommodations. I am also aware of Hong Kong's lack of affordable housing for its citizens and understand the Hong Kong SAR Government's highly commendable wishes to ameliorate this situation for its citizens. But I personally doubt any village homes at Hoi Ha Wan will contribute in any meaningful way to achieve this...

I am sure that you and the members of your committee will have read, as have I, the proposals for and objections to further developments within Hoi Ha Wan. This letter is not, therefore, an attempt to add further fuel to the discussion, but a direct appeal from a Hong Kong marine scientist who saw the importance of Hoi Ha many decades ago and alongside, many, many, colleagues both within and outside the Hong Kong SAR Government, worked tirelessly to leave some vestige of a natural heritage behind them for the benefit of the ordinary citizens and their children of Hong Kong. Not just this, but the commitment shown by fund-awarding charitable bodies, such as the HSBC Charitable Trust, the Jockey Club and WWFHK (identified above) towards the recreational and educational development of Hoi Ha, should be respected and honoured. We all, as a disparate but united and dedicated assemblage

## Appendix 2. (con't)

of civic-minded residents, anticipated and expected that the Hong Kong SAR Government would honour its commitment to protect and conserve this tiny bay for posterity so that those yet to come would experience what we can see today and did our honest best to protect..

I trust that you, Mr Chairman, and your committee can honour that commitment made so many years ago and come to a decision regarding Hoi Ha, which states that it will not agree to the abrogation of an earlier will, then so strong, to protect that which so many Hong Kong citizens love..

I remain, Sir, your obedient servant..

..

Professor Brian Morton OBE..

Emeritus Professor, ..

The University of Hong Kong..

..

12 August 2014..





Editorial

## Hong Kong's Small House Policy. A land and marine coastline conservation disaster in the making



The focus of the southern Chinese province of Guangdong is the Pearl River (Zhu Jiang) basin and delta, which drains a vast area (some 453,700 km<sup>2</sup>) of southern China. The river is some 100 km wide at the mouth, with the Special Administrative Regions of Macau and Hong Kong flanking the western and eastern banks, respectively. To put the river in perspective, the Pearl is the second largest river in China, after the Yangtze, with an estimated flow of 9500 m<sup>3</sup> second.

Guangdong is not just considered the fertile agricultural rice bowl of China it became, in 2005, the most populous province in the country, registering >79 million permanent residents and >31 million migrants who live in it for at least six months of the year. As of 2012, the province's estimated population of >110 million, was 7.8% of China's total. The provincial capital, Guangzhou (formerly Canton), and its economic powerhouse, Shenzhen, are among the most important cities in China with collective populations alone of >23 million. Guangzhou is the largest city of southern China and the third largest Chinese city. As of 2010, the city's administrative area had a population of 12.8 million, making Guangzhou the most populous southern city. Not established until 1979, when it was no more than a market town situated on the border with the then British colony of Hong Kong, Shenzhen has become one of the largest cities in the Pearl River delta as well as the largest manufacturing base in the world. Today, this Special Economic Zone (SEZ) is the 10th most populous city in China with some 10.4 million residents.

Some estimates place the population surrounding the Pearl River Delta Economic Zone, which can today be referred to as a Mega City – the world's first megalopolis – at 40 million including Shenzhen (>10 million), Dongguan (>8 million), Foshan (>7 million), Jiangmen (>4 million) and Zhongshan (>3 million). In 2008, Guangzhou alone was identified as a Beta World City by the Globalization and World Cities Research Network. If, therefore, Guangzhou itself, sitting at the head of the Pearl's estuary, is included we can estimate a delta-wide urban population of some 150 million people. This does not, however, include either the gambling city of Macau, until 1999 a former Portuguese colony, with a resident population of ~0.5 million (but a much greater transient one) nor, until 1997, the former British colony of Hong Kong which with a population of >7.2 million people (and a transient one of >126 million), is classified as an Alpha+ City. With a land area of only 1104 km<sup>2</sup>, the Special Administrative Region of Hong Kong's lack of space has created the world's most vertical city. Kowloon, with a population density of ~44,000 km<sup>2</sup> ranks as one of, if not the, most dense human conurbations ever known.

The Pearl River's delta today, therefore, is probably home to, conservatively, over 160 million people but growth has not yet

ended. Regional goals for 2020 include the development of two or three new cities, the expansion of road, rail, seaport and airport infrastructures and the construction of the 50 km long Hong Kong–Zhuhai–Macau Bridge – across the Pearl currently traversed by thousands of ferries each day.

Since the end of the last ice age, sea levels have risen in southern China by over 10 m (but were even higher in the Early Holocene) so that the Pearl River's delta contains hundreds of little islands (former mountain tops), there being some 235 within Hong Kong's 1650 km<sup>2</sup> territorial waters alone. And, because of the vast amounts of silt deposited by the river, estimated at ~86 million tonnes each year, the estuary's flanks are bordered (or used to be) everywhere by mangrove stands – these lie close to the northern limits of the component species' ranges. These plants, in stabilising the river's flanks, are believed to accumulate up to five centimetres of silt annually, protecting shorelines from rising sea levels and typhoons but also facilitating natural coastal reclamation – a characteristic exploited by early prawn and fish pond farmers.

The Pearl's mangroves have attracted attention for centuries. The famous, some would say infamous, English navigator, explorer, hydrographer, naturalist and one-time buccaneer William Dampier (1651–1715) visited Canton in 1687 and described the coast of St. John's Island, south of Canton, as: 'The skirts or outer part of the island, especially that part of it which borders on the main sea, is woody.' Later, the Swedish explorer and naturalist Pehr Osbeck (1723–1805) spent four months between 1750 and 1752 exploring the Pearl River and collecting from around Canton >600 species of plants, including mangroves, that were taken back to Sweden in time to be described, as type specimens, and published in Linnaeus's *Species plantarum*.

With continuing province-wide development, however, many, but unknown amounts, of the Pearl's fringe of mangroves have been reclaimed artificially. To protect a significant 380-hectare area of the Pearl's mangal and traditional prawn (gei wai) and fish ponds, the then colonial government of Hong Kong declared the seaward area of the north-western coast of Hong Kong, abutting the Shenzhen River (a tributary of the Pearl) to be a Site of Special Scientific Interest (SSSI). Mai Po was officially designated as a Nature Conservation Area in 1975 and a Ramsar site in 1995. This followed the designation by the Chinese Government of a thin strip of mangal opposite Mai Po, at Shenzhen, to be a Mangrove Nature Reserve in 1984.

The impact of the Pearl River to the east of Hong Kong is minimal and unlike the estuarine west, these shores are washed by saline oceanic waters. Nevertheless, the many embayments of this eastern drowned coastline are also fringed by mangroves that



are growing without the Pearl's silt on volcanic boulders, cobbles and sand. They are dwarf in comparison to their Mai Po conspecifics and have a different associated community of plants and animals. In contrast to Mai Po, these little studied *bonsai* trees naturally fringe the shores of much of the Sai Kung East and West Country Parks that make up Hong Kong's eastern New Territories. These parks lie adjacent to each other in the Sai Kung Peninsula and were established in 1978 following enactment of the Country Parks Ordinance (Chapter 203) in 1976, with one of its bays designated as a marine park following the subsequent enactment of the Marine Parks Ordinance (Chapter 476) in 1995. Today, some 40% of Hong Kong's land area comprises country parks and there are four marine parks (and one marine reserve) all designated for the free recreational and educational benefit of the, largely urbanised, people of Hong Kong. I consider this adventure, alongside the rule of law, to be the greatest achievement of the British colonial government of the time.

According to the Hong Kong Gazetteer of 1960, the population of the Sai Kung Peninsula was then about 3000, with an average of 45 persons in each of its 66 villages, many of which, however, had been abandoned. These were first established by, predominantly, Hakka people some 200–300 years ago. Today, the village of Hoi Ha sits at the head of a bay that was designated as a marine park in 1995. The bay is shallow and at its head is a beach some 250 metres long. This beach and shallow offshore sands are highly dynamic, creating a westerly-directed sand spit that is periodically and seasonally broken down during heavy rainfall by the enhanced outflow from a stream which discharges into the bay, but which then eventually reforms. Behind the sand spit is a mangrove-fringed lagoon. This is unique in Hong Kong and the characteristic eastern New Territories mangroves of Hoi Ha and other eastern embayments, serve as a counterpoint to the western silt-burdened Mai Po. Behind Hoi Ha's bay, the pattern of, now, abandoned village paddi-fields are still evident and eminently suitable for building on – as we shall see.

Hoi Ha village was established in 1811, when a group of Hakka settlers, sharing the family name Yung and originating from the Hui-yong district of China, arrived here. The main occupation of the first Yung family settlers of Hoi Ha was agriculture. Valley land was cleared for wet rice farming and vegetable production. By 1890, however, there were still only ten families resident in Hoi Ha with a total population of just 74 people. Some younger villagers had already begun to emigrate. After the Second World War, there was an enhanced exodus of young people and the village's population fell dramatically, as it did throughout the New Territories. Some left to find work in Hong Kong and Kowloon while many others emigrated to Europe, mainly Great Britain, and America.

Today, only a handful of Yung villagers remain and most of the original houses lie abandoned and in a state of decay. Recent years, however, have brought some resurgence in the fortunes of Hoi Ha and its beach and bay, effectively national parks, as they have become popular for many forms of summer recreation. Associated with this, however, have arisen problems, not just at Hoi Ha but elsewhere throughout most of Hong Kong's rural areas and countryside. Hoi Ha village is a country park enclave (a better term might be a tithing). Like other New Territories enclaves, therefore, it is both within but outside the boundary of its enclosing country park and, as such, the Country Parks Ordinance is not applicable to it and the Country and Marine Parks Authority has no jurisdiction over it. Today, some villagers are returning to their ancestral homes as expatriate descendants of their great grandparents and have demanded greater rights to build houses in response to a growing requirement for rented and second-home holiday accommodation. This has led to wide-scale debate and concern in Hong Kong and calls for official action.

The Country and Marine Parks Authority is responsible for enforcing the Regulations of the Country Parks Ordinance and the Marine Parks Ordinance and managing the parks and reserves. The Authority is also Director of the Agriculture, Fisheries and Conservation Department (AFCD) of the Hong Kong SAR Government. The Authority is advised by the Country and Marine Parks Board whose chairman is a non-government official appointed by the Secretary for the Environment. At the policy level, therefore, the Authority is responsible to the Secretary for the Environment. Importantly, however, the Country and Marine Parks Authority has **no** jurisdiction over areas that are not designated as protection areas under the Country Parks Ordinance. Nevertheless, the Government retains control over development via statutory town plans. Any unauthorized development would be subject to control under the Town Planning Ordinance and land lease. For development proposals on land adjacent to country parks, the Authority would be consulted, as appropriate, on their compatibility with the environment of the country and marine parks.

The historical background to this debate and problem lies in a Small House Policy that was introduced into the former Hong Kong Government's portfolio in 1972. The originally laudable objective of the policy was to improve the prevailing low standard of living in the rural areas of the New Territories of Hong Kong. It was created to simplify the demand by indigenous male villagers (but, importantly, wherever born) who, upon reaching the age of 18, to build a house for his own occupancy in his ancestral village. Open to abuse, however, for many decades a blind eye has been turned to the slow but steady increase in village small house numbers, and the then colonial Government also ignored the misogynistic character of this ancestral right. In recent years, however, the consequences of the policy have become out of control and it is now the cause of widespread and illegal developments in rural areas, many of which are contiguous with the country parks and which, because of some village's proximity to the sea, are imposing threats upon the marine parks too.

The Hong Kong SAR Government has stated that no more government land will be provided for small houses in the New Territories as a whole so that when the unused village land runs out, theoretically, development will cease. Today, however, there is unprecedented pressure by villagers and developers, to whom many of the former have already surreptitiously sold their land, to develop their ancestral villages such that they are now crammed with wall-to-wall housing. There are, moreover, schemes afoot to fill those village enclaves that are contiguous with Hong Kong's Country Parks with much larger, tower, developments, incompatible with the aims of the original Ordinance that established them, with no regard for either the environment or the interests of the general public for whom the parks are an extremely popular amenity (over 10 million visitor units each year). The construction of these houses, few of which will actually be occupied by the village applicants, as many are born and resident overseas, will, moreover, cause much environmental damage not just to the land but to the coastal waters they adjoin. It is estimated that the Government's failure, over the decades, to reform the Small House Policy could lead in time to more than 10,000 additional small houses being built within the country park enclaves over the next ten or so years. Such small houses are the most environmentally damaging form of local development because they are virtually un-regulated. There are no construction controls and illegal or temporary roads are built with no drains causing excessive runoff into streams and the sea. Also virtually un-regulated and haphazard is the infrastructure required to service the new houses. Sewage disposal, normally involves un-regulated septic tanks; grey water drainage also goes either into the nearest stream or directly into the sea and, worst-of-all, directly into the waters of the marine parks, notably



Hoi Ha. In effect, the village enclaves lack proper sewage, drainage, refuse collection and other public amenities and are not subject to normal societal regulations.

Opponents of such un-regulated and un-controlled developments argue that the divisive, discriminatory and outdated and unsustainable Small House Policy should be abandoned and that, in the short term, the policy should be amended so that it is no longer applicable to rural areas and enclaves contiguous with the Country and Marine Park's boundaries. This would thereby, halt the accelerating decline in the environmental quality of the parks themselves.

(Temporarily) returning male expatriate descendants of patriarchal Hong Kong village great-grandfathers, with no affinity to their ancestral land or the sea, personify this decline. Their disenfranchised mothers, sisters and daughters have even less kinship. Put simply, such expatriates have no empathy with what was, nor comity for, either Hong Kong's modern urban residents or their needs. And, therefore, if the application of the Small House Policy in the country park enclaves is not extinguished, the male heirs of the present generation will, in turn, demand their rights, and there is no way that the lands and waters, that were set aside in far-sighted manner by a previous government for all to enjoy, will survive.

The root cause of this problem, largely un-recognised, is that each individual sets his or her own mental baseline focussed on how their environment looked in their childhood and youth. I know I do. The next generation, however, sees and accepts as

normal a world that has been changed, usually degraded, even if only in a minute way, by their parents. Over time, therefore, there is a generational and, thus, step-wise acceptance of environmental decline and, as a consequence, lowered ambitions with regard to conserving that which once was, but is now less. And, thereby, there is also no incentive to restore it to its original state. This generational loss of environmental memory means that, over time, degradation simply grows and there are virtually no mechanisms to halt it. Put simply, we progressively and collectively forget what we once had. And the present problem with Hong Kong's Country and Marine Park tithings exactly epitomises this. In the broader picture, moreover, most of the mangroves that fringed the mighty Pearl River's estuarine shores are gone. Mangrove remnants may survive for a while but, one by one, they will disappear as development takes advantage of our collective amnesia, and conservation is concerned, anew, not with protecting what was but with a degraded what is.

Brian Morton

*School of Biological Sciences, The University of Hong Kong, Hong Kong  
Special Administrative Region*

*E-mail address: [prof\\_bmorton@hotmail.co.uk](mailto:prof_bmorton@hotmail.co.uk)*



**Appendix 4.** Restaurants at the ground floors of village houses (do not seem to be just for villagers)





**Appendix 5.** People swimming at the beach in the Hoi Ha Wan Marine Park





**Appendix 6.** Suspected illegal discharge at Lung Mei, polluting Tolo Harbour



**Appendix 7.** Ecological characteristics of the woodlands in So Lo Pun, Hoi Ha and Pak Lap

	<b>So Lo Pun Woodland</b>	<b>Hoi Ha Woodland</b>	<b>Pak Lap Woodland</b>
Plant Species	KFBG: ca. <b>171</b>	FoHH: ca. 130 KFBG: ca. 114	AFCD: ca. 25 - 121
Protected Plant Species	<ul style="list-style-type: none"> <li>- Spiny Tree-fern</li> <li>- Incense Tree</li> <li>- Lamb of Tartary</li> </ul>	FoHH & KFBG: Hong Kong Pavetta and several others in the Fung Shui Woodland	Hong Kong Pavetta
Ecologically linked with adjacent CP and habitats	Yes	Yes	Yes
Rare Wild Mammal Species	<b>3</b>	1	0
PlanD's Proposed Zonings	<b>GB</b>	<b>CA and GB(1)</b>	<b>CA</b>

tpbpd

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TPB/R/S/NE-HH/1-F41

寄件者: Ming Chuan Woo [REDACTED]  
寄件日期: 15日08月2014年星期五 23:52  
收件者: tpbpd  
主旨: Proposed Amendments to the Draft Hoi Ha, Pak Lap and So Lo Pun OZPs  
附件: HH, PL, SLP submission 140815\_MCW.pdf

Dear Sir/Madam,

My comments regarding the captioned is attached.

Best Regards,  
WOO Ming Chuan (Ms)

00050

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

(Email: tpbpd@pland.gov.hk)

15th August, 2014

By email only

Dear Sir/ Madam,

**Comments on the Proposed Amendments to the**  
**Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1**  
**Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1**  
**Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1**

1. We refer to the Town Planning Board (TPB) Papers No. 9679, 9680 and 9681, and the deliberations for the plans in the 1057th TPB meeting held on 20th May, 2014 and 4th June, 2014.

2. We consider that, during the deliberations for the aforementioned plans, the TPB might not have fully considered (and discussed) or might not have fully understood all the details of the issues presented by the Environmental NGOs on 8th May and 19th May, 2014. Some important points seem to have been disregarded, not discussed or might have been misunderstood according to the record of the meeting minutes. Thus, the proposed amendments to the draft OZPs were not made under circumstances in which the TPB members fully understood and well aware of the rationale behind the solid proposals made by the Environmental NGOs. We, thus, now wish to provide a further submission in order to pinpoint the shortcomings in the minutes of the meeting and to also provide comments on the proposed amendments.

**Deliberations on 20th May, 2014**

**Genuine Need for Small Houses**

3. The TPB meeting minutes mentions that the “V” zone should, firstly, be confined to the existing village settlements and the adjoining suitable land and then later, expand outwards upon demonstration of genuine need for Small House (SH) developments (i.e., Section 7 of the meeting minutes)<sup>1</sup>. We would like to point out that it is not at all clear that the sizes of the V zones under the proposed amendments are delineated based on the premise of “**proven genuine needs**”. As mentioned on many occasions, for instance, the current population in So Lo Pun is zero, and there is no outstanding SH application for this village. If the “villagers”, or landowners, who are now living elsewhere (e.g., overseas) would like to resume living in this long-abandoned derelict village and to revitalise it, a common sense and truly incremental approach is that they should make use of the existing abandoned houses and the available but empty land within the existing village settlement in the first instance. It is not possible to understand why an extra piece of vegetated land of 1.72 hectares still needs to be made available for 68 new SHs to be built in the current proposal, based on the data cited above (“zero” population and “zero” outstanding SH application). The proposal to zone this extra piece of land as “V” is just simply not sound, and not at all an incremental approach (i.e., from 0 to 460 persons (so called planned population)). This very same concern also applies to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; with the additional SHs that can be built: ca. 40).

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<sup>1</sup> [http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb\\_e5.pdf](http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf)



4. Environmental NGOs together with distinguished and knowledgeable professors from The University of Hong Kong presented (using scientific field study results and field observations) that the current sewage treatment arrangements in rural villages would not be, in any way, able to protect the water bodies in and surrounding the Enclaves from man-made pollution (**Appendix 1**). Prof. Brian Morton, a highly distinguished Emeritus Professor with many international scientific accolades of The University of Hong Kong who is the pre-eminent scientific authority on Hong Kong's marine environment and pollution for more than 30 years and who was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which formulated the legislation necessary to develop the MPs (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the impacts of additional SH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves (see **Appendices 2 and 3**).

5. However, with regard to sewage and wastewater disposal, the authorities offered the view that the current arrangements (e.g., percolation test, STS) would be enough to safeguard the water quality of water courses and water bodies. For instance, according to Section 14 of the meeting minutes, EPD mentioned that the LandsD, when processing Small House grant applications, would require the submission of a certified STS proposal (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments and the LandsD would also require an Authorised Person (AP) to certify that the design of a septic tank meets the relevant standards and requirements as stipulated in ProPECC PN 5/93, including a percolation test. APs are professional persons registered under the Buildings Ordinance and any misconduct or negligence by APs would be subject to disciplinary actions.

6. We would like to ask:

- (1) Is it a statutory requirement that the submission of a certified STS proposal by the AP in respect of a small house development must be checked, approved and agreed to by the EPD?
- (2) Can the LandsD/ other relevant department(s) provide any data to show how many SH applications have been rejected mainly/ partially due to the non-compliance with the percolation test requirement, or has there been any such case, so far?

7. We consider that the answers to the above questions are critical to enable the TPB members to understand how robust or effective the current approach is in terms of administration of the certification process for certifying STSs for small house development.

8. The LandsD as recorded in Section 15 of the meeting minutes mentioned that a "conservative approach" has been adopted in processing SH applications, by the department. If such an approach really exists and if the certification arrangement mentioned in Section 5 above is really effective, we cannot understand why the then Secretary for the Environment, Transport and Works in her reply in 2005 to LegCo stated the following:

*"...However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams...to remain unsatisfactory."*<sup>2</sup>

9. The relevant authorities in their proposals to carry out sewerage projects in rural areas repeatedly stated that STSs are not reliable:

*"In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public."*<sup>3</sup>

*"At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soakaway (STS) systems). Such facilities*

<sup>2</sup> <http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf>

<sup>3</sup> <http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf>

*might however become ineffective due to their proximity to watercourses<sup>1</sup> or inadequate maintenance. Sewage from such areas has therefore been identified as a source of water pollution to nearby watercourses and the receiving waters of Deep Bay.”<sup>4</sup>*

10. According to these salient facts as mentioned by the various Government authorities, we feel that the problems associated with the construction and operation of STSs in countryside settings might not have been thoroughly deliberated in the TPB meeting (according to the meeting minutes), and the authorities just continued to maintain that the current sewage arrangements would work – even when the Government itself has repeatedly admitted and field data simply shows something contrary – STS systems are poorly maintained and ineffective. We are highly concerned that the TPB members might not have given a full picture to be able to critically analyse the effects of having more SH (and STS) in CP Enclaves, and thus, might make decisions based on biased or incomplete information.

11. We are also shocked to learn that the EPD in the meeting stated the following (in Section 21): “...*In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services.*”

12. Based on the above statement, can the EPD provide the name(s) of the contractor(s) or the number of contractor(s) that would provide a service to clean the STS **manually**, and to carry the sludge away using vessels (e.g., for STSs in So Lo Pun and Pak Lap)? We would also like to mention that 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by vehicle, and “Eating Place”, which can be a restaurant, is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide some “Bed and Breakfast” service or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance (in Section 21). If in the future, these “visitor-friendly facilities” (e.g., Bed and Breakfast) become a standing feature or there are some restaurants (say three to four restaurants) in these Enclaves, how can the STSs for these facilities be maintained properly in order to prevent them from creating pollution? We do not consider that these problematic situations were thoroughly considered during the deliberations and, thus, the making of the proposed amendments might not have taken into account the possible damaging effect of these potential developments (e.g., more restaurants) on the natural environment.

13. We are highly concerned that “Eating Place” is an always permitted use on the ground floor of a SH. Any such operational facility would cause significant water pollution impacts and this is also apparently the concern of a TPB member as indicated in Section 53. But as recorded in Sections 54 and 56, the authorities replied as follows: “*if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)*” and “*a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.*” We cannot understand how FEHD can become the department responsible to assess or vet water pollution issues as it is not the authority to enforce the Water Pollution Control Ordinance (WPCO); EPD is the authority. The FEHD mainly handles “environmental hygiene” issues of premises but does not deal with the illegal discharge of polluted wastewaters which would cause environmental pollution to the surroundings. The FEHD is also not the authority to check whether or not the design and specifications of the sewage system have complied with the requirements of relevant ordinance(s) controlling pollution. Furthermore, during the meeting, there was no representative from the FEHD and we are also confused as to why the LandsD, as shown in Section 54, would be the authority to elaborate on this issue as it is neither the main office to control water pollution nor to manage environmental hygiene matters. We consider that the reply could not address the issue at hand and also the fact that there would be difficulties in enforcing the WPCO (as stated by the EPD itself in Section 28). Section 56 also states that “Eating Place” would be intended to serve the needs of the villagers. We consider that this statement does not truly reflect the real world. **Appendix 4** should have shown that many of the restaurants in village houses have been highly commercial operations, serving visitors rather than villagers, and, this is a common phenomenon in many rural villages. We strongly urge that “Eating Place” should NOT be an always permitted use in SHs (ground floor) within Enclaves.

14. The EPD also stated in Sections 23 and 25 that the STS has been effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as “excellent”, and even in areas already

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<sup>4</sup> <http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf>

served by public sewerage such as Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by these statements.

15. Firstly, it has already been demonstrated that the coastal shoreline of the HHW MP is polluted, and this is the area (not the “main water body” in the central part of the MP with deep water) which is also frequented by the majority of visitors (see **Appendix 5**). We cannot understand why the EPD used the water quality data collected from the deeper offshore open waters in the main body of the MP to interpret the potential effect of the SHs and associated STSs on the health of the majority of visitors who use the near shore coastal area only. Secondly, we of course know that waters outside some areas with sewers also contain high levels of *E. coli* but the EPD did not mention that these high levels would be contributed by illegal discharges (both in urban and rural areas, see **Appendix 6**), and this is also a common phenomenon in rural areas as repeatedly shown in presentations to the TPB by the Environmental NGOs. For instance, the highly polluted water discharged into the near shore coastline of Ting Kok as shown many times to the TPB would also largely increase the *E. coli* levels in Tolo Harbour. It seems that the EPD did not relate this fact in their interpretation in Section 25 and this might have affected the judgment of the TPB members.

16. Based on the information in the above appendices, we are highly concerned that the captioned Enclaves and their surrounding waters will be greatly affected by the sewage generated by the proposed V zones and the associated activities (e.g., always permitted “Eating Place”). The relevant authorities seem not to have directly addressed all these concerns and worries (i.e., the ineffectiveness of the current sewage system in rural areas as realised by the Government itself, i.e., see Sections 8 and 9 of this letter). The proposed amendments to the zonings of the draft OZPs still do not truly reflect that these concerns by the Environmental NGOs and various scholars have been fully addressed based on all the available information presented and which should have been taken into account. Indeed, the EPD also admitted in Section 28 that enforcement action due to illegal discharge of wastewaters can be problematic and we simply cannot understand why at the same time the authorities would be completely confident that there would not be a significant water pollution issue in the Enclaves under such circumstances. Given that there is a known and practical difficulty in controlling the discharge of polluted water and the value (ecological, conservation, landscape, recreational) of these Enclaves is so high, a conservation approach should be the guiding principle that is best served by confining the V zones to the existing village settlements in order not to allow potential pollution sources (both point and non-point) to increase in these pristine natural areas of countryside.

#### The Tai Long Wan approach

17. Section 41 of the meeting minutes states that an over-restrictive approach to confine the V zones to existing village houses would be unnecessary. However, we would like to mention that based on the objective and scientific data provided by Environmental NGOs and university scholars, the practical difficulties associated with enforcing the law and controlling pollution (as admitted by the EPD), the pollution status in unsewered areas (as mentioned by the Government itself) and also the ecological sensitivity of the Enclaves and their surrounding CPs, the exact opposite is true, and that is – it is highly necessary to confine the V zones. We do not agree with the statement in Section 42 that there would be “sufficient control” on unacceptable environmental impacts on the surroundings which runs counter to the evidence presented by the Environmental NGOs, the university scholars and even by Government, itself, as stated in above paragraphs.

18. Indeed, the Tai Long Wan approach should have provided the TPB with the insight for the planning of the zonings in the CP Enclaves. We cannot understand what the Tai Long Wan Enclave possessed in terms of “unique planning background and characteristics”, as stated in Section 48 by the LandsD. We consider that the LandsD would need to elaborate on the details of the so-called “uniqueness” of Tai Long Wan, as compared to Hoi Ha, Pak Lap and So Lo Pun. In terms of ecological importance, the latter three Enclaves would be of higher significance; they are also surrounded by CPs and also provide recreational space for the public. Hoi Ha Wan is an area of outstanding beauty and with a recognised status as a MP. We note in the meeting minutes that the authorities attempted to use the presence of “well-preserved historic villages and a site of archaeological significance” to differentiate between Tai Long Wan and the three captioned Enclaves. But we would like to reiterate that, as stated in the Approved Tai Long Wan OZP<sup>5</sup>, the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character and not mainly to conserve the historic and archaeological elements there. We cannot understand why the

<sup>5</sup> [http://www.ozp.tpb.gov.hk/pdf/S\\_SK-TLW\\_5\\_e.pdf](http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf)

authorities tended to emphasize the latter but at the same time disregarded the primary intention which is to simply protect the natural environment.

### Deliberations on 4th June, 2014

19. Section 3(n) of the meeting minutes<sup>6</sup> for the above deliberations misinterprets the intention of the Tai Long Wan OZP; Section 18 of this letter (above) should have provided the actual wordings used in the Explanatory Notes of the OZP and we urge the TPB members to note this. Moreover, because of Section 3(n) of the minutes, we are concerned that the TPB members might have been misinformed and, thus, the plan making decisions might have been erroneous (i.e., not making reference to the appropriate benchmarks set out in a highly relevant precedent case).

20. Regarding the Tai Long Wan approach, the authorities as shown in Sections 12 and 13 of the meeting minutes mentioned that in order to protect the areas of “high heritage value” in Tai Long Wan, a stringent approach was thus adopted (e.g., to confine the V zone to existing village settlement) and the same approach should not be applied to the three Enclaves as there are no such areas with high heritage value. We would like to remind the TPB that as shown in the TPB Paper No. 9430 (for Hoi Ha), there is an Archaeological Site in the Hoi Ha Enclave and the V zone as currently proposed (outside the existing village settlement) is actually covering this site. We cannot understand why, if protecting “cultural heritage” is suddenly such an important issue in the eyes of the authorities, that this Archeological Site is not well protected by the zoning plan from the destructive impacts associated with the development of SHs and that new SHs are allowed to be built within this site. This is simply demonstrating remarkable inconsistency through planning intentions in recognizing and protecting features of archaeological importance in the CP Enclaves.

21. We also note that some TPB members expressed their concerns on the impacts caused by the additional SHs on the water quality of the HHW MP. We would like the TPB to note Sections 4 to 16 of this letter and relevant appendices.

22. According to Section 35 of the meeting minutes, a TPB Member said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Indeed, the Environmental NGOs made the same point during the hearing for the first draft So Lo Pun OZP (see **Appendix 7**). According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be “disturbed” and “young” by the authorities, but even so, it is now proposed to be largely covered with a Green Belt (1) (GB(1)) zone; in Pak Lap, the patchy woodlands are even covered with Conservation Area (CA) zone. In general, no new SH development would be allowed in these two zones. In contrast, the woodlands in So Lo Pun which provide habitats for many species of conservation concern (see **Appendix 7**), is now proposed to be covered with a GB zone only and SHs are allowed to be built through the planning application process. In general, GB has been considered as a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes in order to cater for the “need” of the indigenous villagers. We cannot see any logic here – **the best piece of woodlands receives the least protection status**.

23. Section 48(h) of the meeting minutes also mentions that the upper section of the So Lo Pun Stream is bounded by “disturbed, young” woodland, and thus, the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we do not see any mention that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: “...*wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park*”. We would like the authorities to provide further scientific information to support the new description outlined in Section 48(h); otherwise, this is only a subjective statement. Overall, we consider that covering the woodland in So Lo Pun with a GB zone is highly problematic; this decision does not seem to following the approach of the other two Enclaves and is not soundly based on the intrinsic values of this mature woodland. **This zoning status should be critically reviewed.**

24. According to Section 43 of the meeting minutes, the Chairman mentioned (after summing up Members’ views): “...*based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted.*” We cannot understand why the proposed

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<sup>6</sup> [http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb\\_e6.pdf](http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e6.pdf)



“V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D would suddenly become the recommended version. Indeed, as mentioned in Section 3 of this letter, we are not convinced that it is an incremental approach (e.g., shooting-up from zero population to 460 persons). The number of new SHs allowed to be built in So Lo Pun, in future, would also be the highest amongst the three Enclaves (So Lo Pun: 68; Hoi Ha: 40; Pak Lap: 18) YET both its existing population and its outstanding SH demand are the lowest (both are zero). Again, we fail to understand the underlying logic here.

25. According to Section 53 of the minutes, a Member expressed his concern that: *“Even if the concerned area was rezoned to “AGR” (in Pak Lap), the prospect of obtaining planning approval for development would be quite high.”* We would like to say that this is completely true. We are highly concerned that the new Agriculture (AGR) zone proposed for Pak Lap would finally be filled with many SHs in the future. If “agriculture” use (suddenly) becomes an important element for consideration, why can’t a more conservative zoning like GB, GB(1) or CA be applied, anyway, since “agriculture” use is also ALWAYS permitted (in Column 1) for such zones? Only by applying a more conservative zoning can the intention of reducing the V zone (to avoid the destructive environmental impacts from building and operating SHs) be fully achieved.

26. With regard to the designation of a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned in Section 56 that: *“according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI.”* We consider that this is wrong in principle and highly misleading. According to the draft plans for To Kwa Peng and Pak A (both are CP Enclaves), the riparian zones of the streams there have been covered with GB and these watercourses are not EIS/ SSSI. Section 58 of the meeting minutes mentions that Pak Lap Wan is not a MP. But we would like to reiterate that it is an important habitat for a rare species of high conservation concern – Amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognised by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and, thus, the species of concern. We, therefore, reiterate that there should be a buffer zone for the watercourse.

27. Section 4.1(a) of the TPB Paper No. 9509 (for the Tin Fu Tsai Enclave) mentions: *“...the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible (but we doubt that), would collect the sewage from point sources, **it would still be necessary to prevent/mitigate water pollution from non-point sources. The effective means to prevent water pollution, in particular from nonpoint sources, is through land use control...**”* We consider that this is a very factual statement but we cannot understand why this principle is not applied to Pak Lap. We do not agree with the conclusions made in Sections 71(c) and (f) of the meeting minutes.

28. According to Section 59 of the meeting minutes, the PlanD stated that: *“the concerned area (i.e., the new AGR zone in Pak Lap) was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as “CA” or “GB”.”* If an area with Water Fern cannot be justified to be zoned as CA/ GB, we would like the authorities to support their CA zonings in Pak Lap and also the GB zoning in Tin Fu Tsai with justified scientific evidence. In Tin Fu Tsai, fields that are mostly used for war-games are now covered with a GB zoning status.

29. We strongly agree with the statement made by a Member as shown in Section 61 that: *“In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for CPEs (CP Enclaves) with low population and not served by vehicular access and infrastructural facilities, the “V” zone should be confined to the existing village settlements. As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach.”* However, we are disappointed to note that this has not been taken forward and clearly set out in the three amended plans.

## Concluding Remarks and Recommendations

30. Based on the above, we are highly concerned that the views of the Environmental NGOs and the university scholars might not have been fully discussed during the meetings. We also see some illogical statements, perhaps based on lack of understanding or misinterpretation in the meeting minutes. As such, we are highly concerned that the proposed amendments were made without entirely making reference to all relevant points. Our counter proposal is as follows (and shown in **Figures 1, 2 and 3**).

31. The V zones of these three enclaves should be confined to the existing village settlements. We do not see any concrete information or tangible evidence provided to prove that the Tai Long Wan precedent cannot be applied to these three enclaves. In order to properly undertake the incremental approach as mentioned by many Members, we propose that the currently proposed V zone outside of the existing village settlement can be zoned as GB. In the GB zone, SHs can still be built through the planning application process and, thus, the rights of the indigenous villagers would not be in any way extinguished. The GB zone, at the same time, can also ensure that any applications that would cause environmental impacts would be fully reviewed by the authorities and be noted by the public. We consider that this is better management for a real incremental approach.

32. The proposed GB in So Lo Pun should be zoned as GB(1)/ CA to reflect the true ecological value of the woodland and, also, the upper section of the stream whose value seems to have been underestimated.

33. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (e.g., GB(1), CA), for reasons as stated above.

34. Eating Place (and other uses that would cause significant pollution) should not be an always permitted use in the V zone (ground floor of SH) as the ordinance to control water pollution cannot be easily enforced in the natural countryside and rural settings.

35. We would like to emphasise that the proposed zonings which we are now recommending in this letter, after considering the views of some TPB members, is a compromise which is not strictly following the approach previously adopted by the TPB for the Tai Long Wan Enclave. In terms of protecting these Enclaves and also their surrounding CPs, we would like to reiterate that indeed the Tai Long Wan precedent is the only correct approach; the amendments as currently proposed by the PlanD are a diluted approach for protection of the ecologically sensitive and valuable habitats in these Enclaves and simply wrong in many principles as stated above, and thus should be rejected.

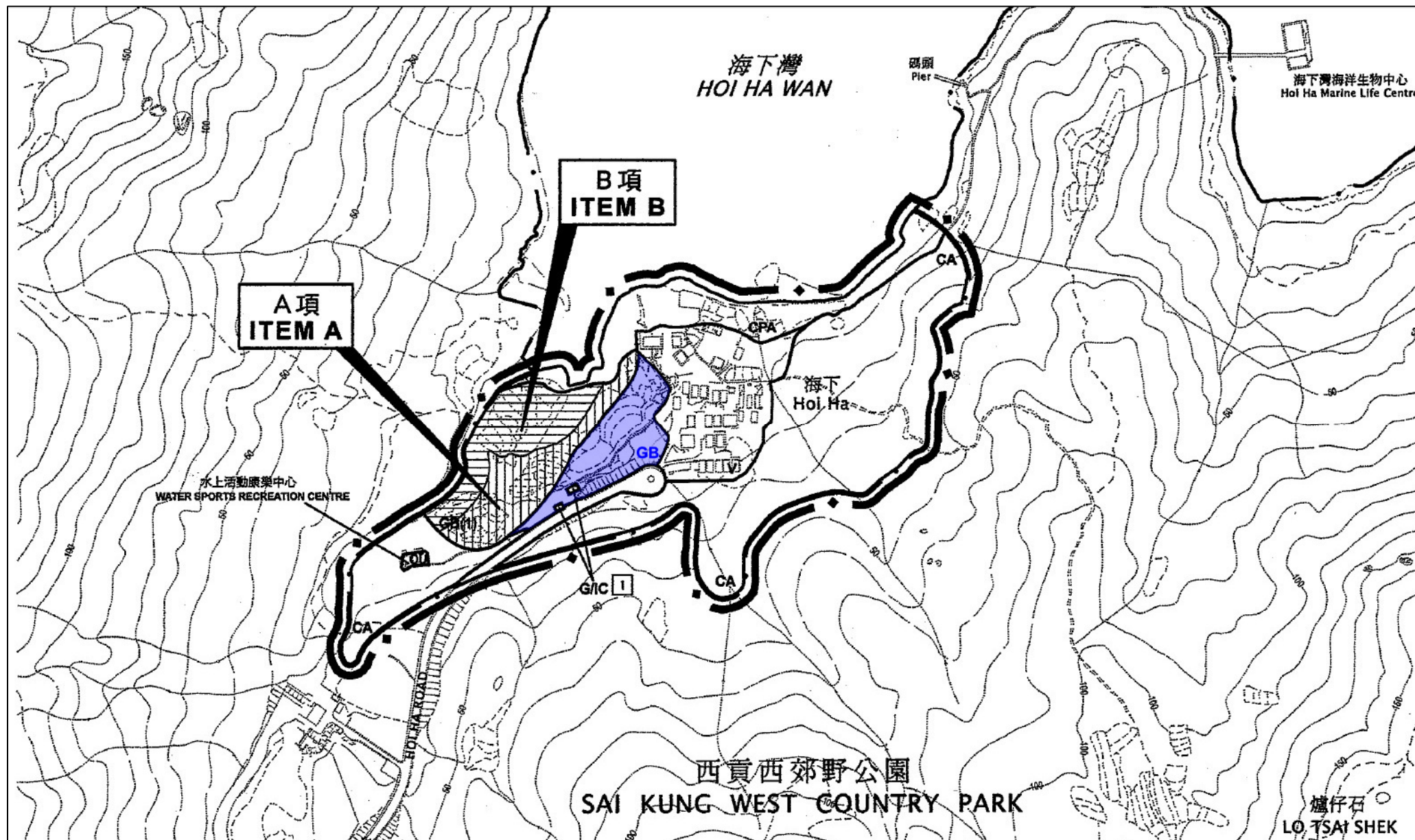
Thank you for your attention.

Yours faithfully,

Ms. WOO Ming Chuan  
(Email:XXXXXXXXX)

cc.: TPB Members

**Figure 1.** Proposed zonings for Hoi Ha (our proposed amendment is in blue)





**Figure 2.** Proposed zonings for Pak Lap (our proposed amendments are in blue and green)

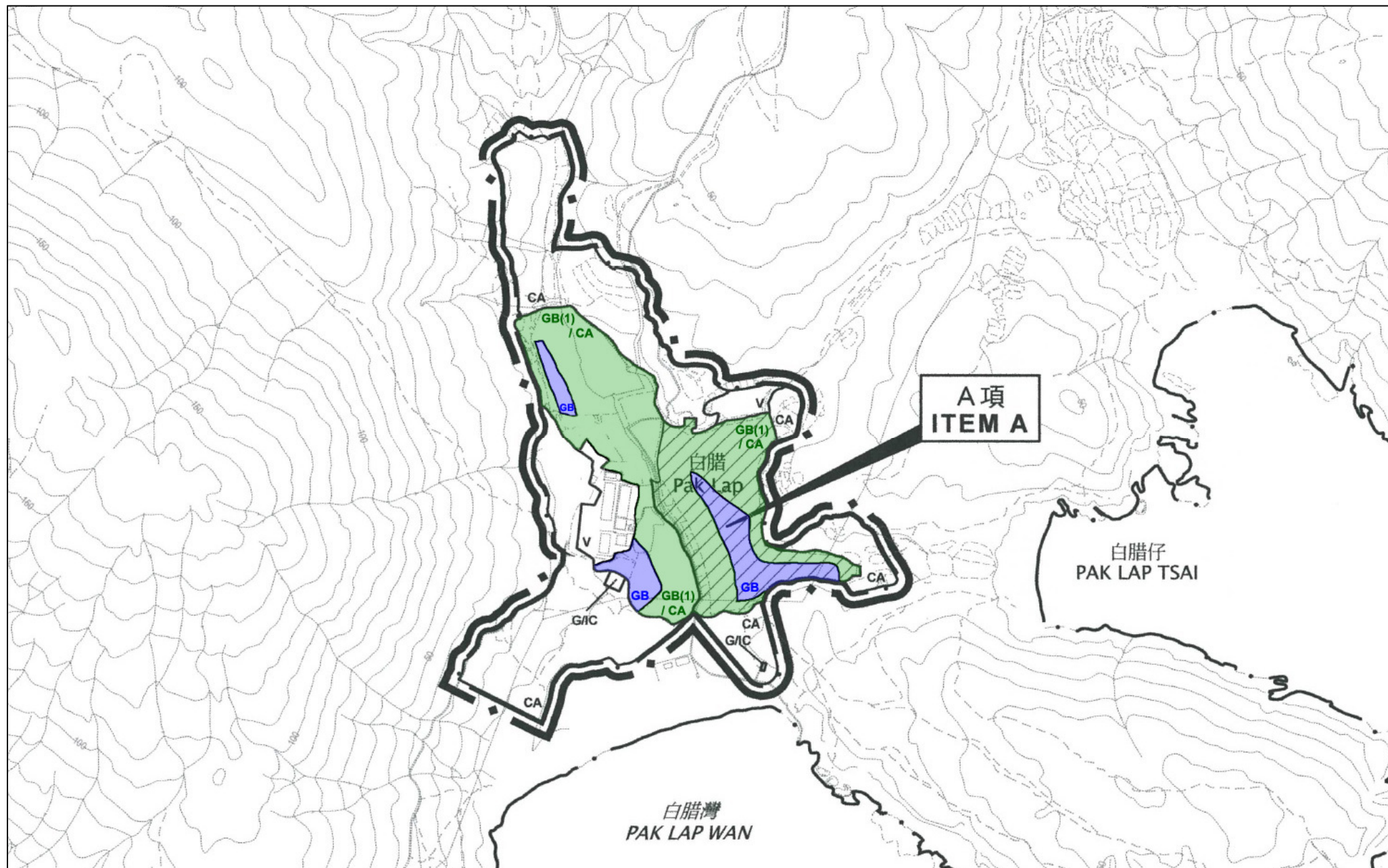
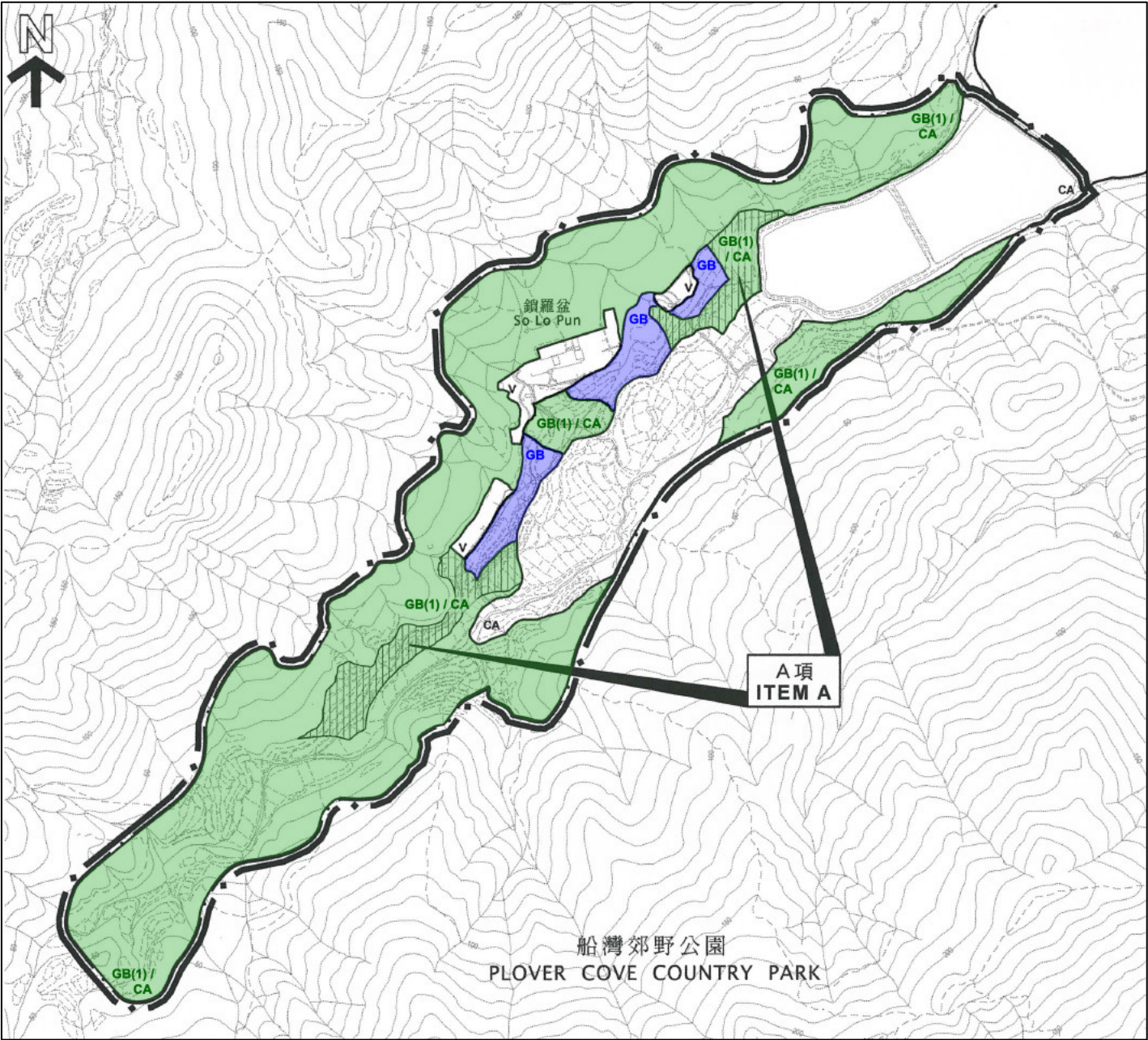




Figure 3. Proposed zonings for So Lo Pun (our proposed amendments are in blue and green)



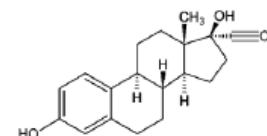
## Results (Xu & Leung, unpubl. data)

### Mean EDC Concentrations in Various Samples from HHWMP

NP: Nonylphenol, OP: octylphenol, BPA: bisphenol A, E1: estrone, E2: estradiol, and EE2: ethinyl estradiol; TBT: tributyltin, TPT: triphenyltin and OTs: total organotins

Sample	Season/Species	Endocrine Disrupting Chemicals								
		NP	OP	BPA	E1	E2	EE2	TBT	TPT	Total OTs
Water ng/L	Summer	<u>188.1</u>	12.7	19.9	0.6	ND	ND	1.8	1.6	4.3
	Winter	13.3	1.3	10.1	ND	ND	ND	ND	0.5	0.8
Sediment ng/g dry wt	Summer	<u>278.2</u>	29.5	<u>543.1</u>	7.0	1.3	0.7	3.3	22.2	50.2
	Winter	<u>260.1</u>	28.8	<u>476.0</u>	ND	ND	ND	1.7	20.9	46.2
Marine Organism ng/g dry wt	Damsel fish	157.7	35.2	94.3	9.6	ND	ND	2.0	<u>59.2</u>	<u>79.9</u>
	Grouper	<u>226.3</u>	40.5	32.5	ND	6.9	ND	4.0	32.2	44.3
	Green mussels	169.8	<u>58.8</u>	<u>609.5</u>	10.7	ND	5.4	8.3	<u>153.5</u>	<u>195.7</u>

- Water, sediment and marine organisms in HHWMP were contaminated with synthetic NP, OP, BPA, and organotins.
- At current levels of NP in seawater, some fish species would experience endocrine disruption including sex change in male fish, and reduced fecundity (i.e., fitness).
- Female gastropods would develop imposex if exposed to TBT or TPT at  $\geq 1$  ng/L.
- The green mussels accumulated more EDCs than the fishes; they also accumulated EE2 which is the main active ingredient of **contraceptive pills**.





To: The Chairman, Secretary and Members of the Town Planning Board..

**Hoi Ha<sup>4/</sup>**

Dear Chairman,..

Please find the attached, which I would appreciate you putting forward, alongside this letter, to the members of the Town Planning Board at its next meeting whereat the new housing developments proposed for Hoi Ha will be discussed...

I was resident in Hong Kong from 1970 to 2004 and am still a permanent resident visiting the University of Hong Kong and my many local friends at least once every year...

You may not know this (time, as I have discovered, being a great amnesiac) but I first put forward the proposal to develop marine parks and reserves in Hong in my book *"The Future of the Hong Kong Seashore"* (1979) and elaborated upon this in *"The Seashore Ecology of Hong Kong"* (1983). Following the advice given to the AFCD by a working group (which I absented myself from to avoid a conflict of interest), I was appointed Chairman of the Marine Parks and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks and Cape d'Aguilar as a marine reserve. Hong Kong's Legislative Council passed this legislation on the 31 May 1995. Subsequently I was appointed Chairman (1995-1999) of another AFCD working group (Marine Parks and Reserves Committee), which recommended that the Country Parks Board be renamed the Country and Marine Parks Board. This was enacted on 10 August 1995 and, subsequently, staff officers within AFCD have themselves, with other citizens, produced additional educational and recreational books and pamphlets and acted as guardians to the natural treasure that is Hoi Ha...

Prior to these and subsequent official actions (1988-2003), I was appointed Chairman of the WWFHK Hoi Ha Wan Committee with the objective to develop the marine park for recreational and educational objectives and to build a Marine Life Education Centre at Hoi Ha Wan. In this context WWFHK raised HK\$38 million and HK\$14.5 million from the Hong Kong Jockey Club and the Hong Kong Shanghai Bank Charitable Trust, respectively, to build the centre. The Hoi Ha Wan Marine Park was designated in 1995 and the Hoi Ha Wan Marine Life Education Centre was opened on 19<sup>th</sup> January 2008. Subsequently, WWF International declared Hoi Ha Wan Marine Park and its Marine Life Education Centre one of the *"100 Gifts to the Earth"* and I wrote a book *"Hoi Ha Wan"* (1992) and the educational materials for the Hoi Ha Marine Life Education Centre and which are still used today. Also today, the centre's educational programmes and its glass-bottomed boat *"Transparency"* are fully booked for school and other visits, at least one year in advance. Their popularity has gone far beyond any perceived notion of success...

I neither remind nor inform you and your committee of the above facts for my own or your edification nor approbation but simply to demonstrate just how important I then believed

and still believe that Hoi Ha Wan is not just ecologically (particularly in terms of its corals and *bonsai* mangroves bordering the sand spit that encloses the periodically and naturally built up and deflated lagoon) but, also, as a natural park for the benefit of the ordinary people of Hong Kong...

I visit Hoi Ha Wan every time I come to Hong Kong and I cannot impress on you and your committee enough just how popular this marine park and its surrounding country park is to the citizens of Hong Kong. I take trips on "*Transparency*" with, typically, the school children of Hong Kong's urban-residents and it is clear to me just how much they enjoy and benefit from the experience that is given to them by the park and its educational facility. If you and your committee members have never done this, I urge you to join a school outing on "*Transparency*" and to see for yourselves not just the corals, but the total environment of the bay and how Hong Kong's children react to their experiences therein...

Researches by my own Ph.D. students, while I was employed by the University of Hong Kong, then identified a declining environment in Hoi Ha Wan especially with regard to water quality that was and probably still is, affecting the resident corals adversely. Further development of the riparian edge of the bay itself would impact adversely the mangroves which, as I identify in the *Marine Pollution Bulletin* editorial attached to this letter, are already being affected by earlier developments and would be more so by any future housing developments. Further developments around Hoi Ha Wan must, inevitably, exacerbate this problem hastening the decline of this unique little ecosystem..

I have seen, read and carefully examined the many documents related to the debates that have been engendered by the proposal to develop Hoi Ha further for housing – which I am convinced is for non-permanent residents. That is, for second homes and holiday accommodations. I am also aware of Hong Kong's lack of affordable housing for its citizens and understand the Hong Kong SAR Government's highly commendable wishes to ameliorate this situation for its citizens. But I personally doubt any village homes at Hoi Ha Wan will contribute in any meaningful way to achieve this...

I am sure that you and the members of your committee will have read, as have I, the proposals for and objections to further developments within Hoi Ha Wan. This letter is not, therefore, an attempt to add further fuel to the discussion, but a direct appeal from a Hong Kong marine scientist who saw the importance of Hoi Ha many decades ago and alongside, many, many, colleagues both within and outside the Hong Kong SAR Government, worked tirelessly to leave some vestige of a natural heritage behind them for the benefit of the ordinary citizens and their children of Hong Kong. Not just this, but the commitment shown by fund-awarding charitable bodies, such as the HSBC Charitable Trust, the Jockey Club and WWFHK (identified above) towards the recreational and educational development of Hoi Ha, should be respected and honoured. We all, as a disparate but united and dedicated assemblage

## Appendix 2. (con't)

of civic-minded residents, anticipated and expected that the Hong Kong SAR Government would honour its commitment to protect and conserve this tiny bay for posterity so that those yet to come would experience what we can see today and did our honest best to protect..

I trust that you, Mr Chairman, and your committee can honour that commitment made so many years ago and come to a decision regarding Hoi Ha, which states that it will not agree to the abrogation of an earlier will, then so strong, to protect that which so many Hong Kong citizens love..

I remain, Sir, your obedient servant..

..

Professor Brian Morton OBE..

Emeritus Professor,..

The University of Hong Kong..

..

12 August 2014..





Editorial

## Hong Kong's Small House Policy. A land and marine coastline conservation disaster in the making



The focus of the southern Chinese province of Guangdong is the Pearl River (Zhu Jiang) basin and delta, which drains a vast area (some 453,700 km<sup>2</sup>) of southern China. The river is some 100 km wide at the mouth, with the Special Administrative Regions of Macau and Hong Kong flanking the western and eastern banks, respectively. To put the river in perspective, the Pearl is the second largest river in China, after the Yangtze, with an estimated flow of 9500 m<sup>3</sup> second.

Guangdong is not just considered the fertile agricultural rice bowl of China it became, in 2005, the most populous province in the country, registering >79 million permanent residents and >31 million migrants who live in it for at least six months of the year. As of 2012, the province's estimated population of >110 million, was 7.8% of China's total. The provincial capital, Guangzhou (formerly Canton), and its economic powerhouse, Shenzhen, are among the most important cities in China with collective populations alone of >23 million. Guangzhou is the largest city of southern China and the third largest Chinese city. As of 2010, the city's administrative area had a population of 12.8 million, making Guangzhou the most populous southern city. Not established until 1979, when it was no more than a market town situated on the border with the then British colony of Hong Kong, Shenzhen has become one of the largest cities in the Pearl River delta as well as the largest manufacturing base in the world. Today, this Special Economic Zone (SEZ) is the 10th most populous city in China with some 10.4 million residents.

Some estimates place the population surrounding the Pearl River Delta Economic Zone, which can today be referred to as a Mega City – the world's first megalopolis – at 40 million including Shenzhen (>10 million), Dongguan (>8 million), Foshan (>7 million), Jiangmen (>4 million) and Zhongshan (>3 million). In 2008, Guangzhou alone was identified as a Beta World City by the Globalization and World Cities Research Network. If, therefore, Guangzhou itself, sitting at the head of the Pearl's estuary, is included we can estimate a delta-wide urban population of some 150 million people. This does not, however, include either the gambling city of Macau, until 1999 a former Portuguese colony, with a resident population of ~0.5 million (but a much greater transient one) nor, until 1997, the former British colony of Hong Kong which with a population of >7.2 million people (and a transient one of >126 million), is classified as an Alpha+ City. With a land area of only 1104 km<sup>2</sup>, the Special Administrative Region of Hong Kong's lack of space has created the world's most vertical city. Kowloon, with a population density of ~44,000 km<sup>2</sup> ranks as one of, if not the, most dense human conurbations ever known.

The Pearl River's delta today, therefore, is probably home to, conservatively, over 160 million people but growth has not yet

ended. Regional goals for 2020 include the development of two or three new cities, the expansion of road, rail, seaport and airport infrastructures and the construction of the 50 km long Hong Kong–Zhuhai–Macau Bridge – across the Pearl currently traversed by thousands of ferries each day.

Since the end of the last ice age, sea levels have risen in southern China by over 10 m (but were even higher in the Early Holocene) so that the Pearl River's delta contains hundreds of little islands (former mountain tops), there being some 235 within Hong Kong's 1650 km<sup>2</sup> territorial waters alone. And, because of the vast amounts of silt deposited by the river, estimated at ~86 million tonnes each year, the estuary's flanks are bordered (or used to be) everywhere by mangrove stands – these lie close to the northern limits of the component species' ranges. These plants, in stabilising the river's flanks, are believed to accumulate up to five centimetres of silt annually, protecting shorelines from rising sea levels and typhoons but also facilitating natural coastal reclamation – a characteristic exploited by early prawn and fish pond farmers.

The Pearl's mangroves have attracted attention for centuries. The famous, some would say infamous, English navigator, explorer, hydrographer, naturalist and one-time buccaneer William Dampier (1651–1715) visited Canton in 1687 and described the coast of St. John's Island, south of Canton, as: 'The skirts or outer part of the island, especially that part of it which borders on the main sea, is woody.' Later, the Swedish explorer and naturalist Pehr Osbeck (1723–1805) spent four months between 1750 and 1752 exploring the Pearl River and collecting from around Canton >600 species of plants, including mangroves, that were taken back to Sweden in time to be described, as type specimens, and published in Linnaeus's *Species plantarum*.

With continuing province-wide development, however, many, but unknown amounts, of the Pearl's fringe of mangroves have been reclaimed artificially. To protect a significant 380-hectare area of the Pearl's mangal and traditional prawn (gei wai) and fish ponds, the then colonial government of Hong Kong declared the seaward area of the north-western coast of Hong Kong, abutting the Shenzhen River (a tributary of the Pearl) to be a Site of Special Scientific Interest (SSSI). Mai Po was officially designated as a Nature Conservation Area in 1975 and a Ramsar site in 1995. This followed the designation by the Chinese Government of a thin strip of mangal opposite Mai Po, at Shenzhen, to be a Mangrove Nature Reserve in 1984.

The impact of the Pearl River to the east of Hong Kong is minimal and unlike the estuarine west, these shores are washed by saline oceanic waters. Nevertheless, the many embayments of this eastern drowned coastline are also fringed by mangroves that



are growing without the Pearl's silt on volcanic boulders, cobbles and sand. They are dwarf in comparison to their Mai Po conspecifics and have a different associated community of plants and animals. In contrast to Mai Po, these little studied *bonsai* trees naturally fringe the shores of much of the Sai Kung East and West Country Parks that make up Hong Kong's eastern New Territories. These parks lie adjacent to each other in the Sai Kung Peninsula and were established in 1978 following enactment of the Country Parks Ordinance (Chapter 203) in 1976, with one of its bays designated as a marine park following the subsequent enactment of the Marine Parks Ordinance (Chapter 476) in 1995. Today, some 40% of Hong Kong's land area comprises country parks and there are four marine parks (and one marine reserve) all designated for the free recreational and educational benefit of the, largely urbanised, people of Hong Kong. I consider this adventure, alongside the rule of law, to be the greatest achievement of the British colonial government of the time.

According to the Hong Kong Gazetteer of 1960, the population of the Sai Kung Peninsula was then about 3000, with an average of 45 persons in each of its 66 villages, many of which, however, had been abandoned. These were first established by, predominantly, Hakka people some 200–300 years ago. Today, the village of Hoi Ha sits at the head of a bay that was designated as a marine park in 1995. The bay is shallow and at its head is a beach some 250 metres long. This beach and shallow offshore sands are highly dynamic, creating a westerly-directed sand spit that is periodically and seasonally broken down during heavy rainfall by the enhanced outflow from a stream which discharges into the bay, but which then eventually reforms. Behind the sand spit is a mangrove-fringed lagoon. This is unique in Hong Kong and the characteristic eastern New Territories mangroves of Hoi Ha and other eastern embayments, serve as a counterpoint to the western silt-burdened Mai Po. Behind Hoi Ha's bay, the pattern of, now, abandoned village paddi-fields are still evident and eminently suitable for building on – as we shall see.

Hoi Ha village was established in 1811, when a group of Hakka settlers, sharing the family name Yung and originating from the Hui-yong district of China, arrived here. The main occupation of the first Yung family settlers of Hoi Ha was agriculture. Valley land was cleared for wet rice farming and vegetable production. By 1890, however, there were still only ten families resident in Hoi Ha with a total population of just 74 people. Some younger villagers had already begun to emigrate. After the Second World War, there was an enhanced exodus of young people and the village's population fell dramatically, as it did throughout the New Territories. Some left to find work in Hong Kong and Kowloon while many others emigrated to Europe, mainly Great Britain, and America.

Today, only a handful of Yung villagers remain and most of the original houses lie abandoned and in a state of decay. Recent years, however, have brought some resurgence in the fortunes of Hoi Ha and its beach and bay, effectively national parks, as they have become popular for many forms of summer recreation. Associated with this, however, have arisen problems, not just at Hoi Ha but elsewhere throughout most of Hong Kong's rural areas and countryside. Hoi Ha village is a country park enclave (a better term might be a tithing). Like other New Territories enclaves, therefore, it is both within but outside the boundary of its enclosing country park and, as such, the Country Parks Ordinance is not applicable to it and the Country and Marine Parks Authority has no jurisdiction over it. Today, some villagers are returning to their ancestral homes as expatriate descendants of their great grandparents and have demanded greater rights to build houses in response to a growing requirement for rented and second-home holiday accommodation. This has led to wide-scale debate and concern in Hong Kong and calls for official action.

The Country and Marine Parks Authority is responsible for enforcing the Regulations of the Country Parks Ordinance and the Marine Parks Ordinance and managing the parks and reserves. The Authority is also Director of the Agriculture, Fisheries and Conservation Department (AFCD) of the Hong Kong SAR Government. The Authority is advised by the Country and Marine Parks Board whose chairman is a non-government official appointed by the Secretary for the Environment. At the policy level, therefore, the Authority is responsible to the Secretary for the Environment. Importantly, however, the Country and Marine Parks Authority has **no** jurisdiction over areas that are not designated as protection areas under the Country Parks Ordinance. Nevertheless, the Government retains control over development via statutory town plans. Any unauthorized development would be subject to control under the Town Planning Ordinance and land lease. For development proposals on land adjacent to country parks, the Authority would be consulted, as appropriate, on their compatibility with the environment of the country and marine parks.

The historical background to this debate and problem lies in a Small House Policy that was introduced into the former Hong Kong Government's portfolio in 1972. The originally laudable objective of the policy was to improve the prevailing low standard of living in the rural areas of the New Territories of Hong Kong. It was created to simplify the demand by indigenous male villagers (but, importantly, wherever born) who, upon reaching the age of 18, to build a house for his own occupancy in his ancestral village. Open to abuse, however, for many decades a blind eye has been turned to the slow but steady increase in village small house numbers, and the then colonial Government also ignored the misogynistic character of this ancestral right. In recent years, however, the consequences of the policy have become out of control and it is now the cause of widespread and illegal developments in rural areas, many of which are contiguous with the country parks and which, because of some village's proximity to the sea, are imposing threats upon the marine parks too.

The Hong Kong SAR Government has stated that no more government land will be provided for small houses in the New Territories as a whole so that when the unused village land runs out, theoretically, development will cease. Today, however, there is unprecedented pressure by villagers and developers, to whom many of the former have already surreptitiously sold their land, to develop their ancestral villages such that they are now crammed with wall-to-wall housing. There are, moreover, schemes afoot to fill those village enclaves that are contiguous with Hong Kong's Country Parks with much larger, tower, developments, incompatible with the aims of the original Ordinance that established them, with no regard for either the environment or the interests of the general public for whom the parks are an extremely popular amenity (over 10 million visitor units each year). The construction of these houses, few of which will actually be occupied by the village applicants, as many are born and resident overseas, will, moreover, cause much environmental damage not just to the land but to the coastal waters they adjoin. It is estimated that the Government's failure, over the decades, to reform the Small House Policy could lead in time to more than 10,000 additional small houses being built within the country park enclaves over the next ten or so years. Such small houses are the most environmentally damaging form of local development because they are virtually un-regulated. There are no construction controls and illegal or temporary roads are built with no drains causing excessive runoff into streams and the sea. Also virtually un-regulated and haphazard is the infrastructure required to service the new houses. Sewage disposal, normally involves un-regulated septic tanks; grey water drainage also goes either into the nearest stream or directly into the sea and, worst-of-all, directly into the waters of the marine parks, notably



Hoi Ha. In effect, the village enclaves lack proper sewage, drainage, refuse collection and other public amenities and are not subject to normal societal regulations.

Opponents of such un-regulated and un-controlled developments argue that the divisive, discriminatory and outdated and unsustainable Small House Policy should be abandoned and that, in the short term, the policy should be amended so that it is no longer applicable to rural areas and enclaves contiguous with the Country and Marine Park's boundaries. This would thereby, halt the accelerating decline in the environmental quality of the parks themselves.

(Temporarily) returning male expatriate descendants of patriarchal Hong Kong village great-grandfathers, with no affinity to their ancestral land or the sea, personify this decline. Their disenfranchised mothers, sisters and daughters have even less kinship. Put simply, such expatriates have no empathy with what was, nor comity for, either Hong Kong's modern urban residents or their needs. And, therefore, if the application of the Small House Policy in the country park enclaves is not extinguished, the male heirs of the present generation will, in turn, demand their rights, and there is no way that the lands and waters, that were set aside in far-sighted manner by a previous government for all to enjoy, will survive.

The root cause of this problem, largely un-recognised, is that each individual sets his or her own mental baseline focussed on how their environment looked in their childhood and youth. I know I do. The next generation, however, sees and accepts as

normal a world that has been changed, usually degraded, even if only in a minute way, by their parents. Over time, therefore, there is a generational and, thus, step-wise acceptance of environmental decline and, as a consequence, lowered ambitions with regard to conserving that which once was, but is now less. And, thereby, there is also no incentive to restore it to its original state. This generational loss of environmental memory means that, over time, degradation simply grows and there are virtually no mechanisms to halt it. Put simply, we progressively and collectively forget what we once had. And the present problem with Hong Kong's Country and Marine Park tithings exactly epitomises this. In the broader picture, moreover, most of the mangroves that fringed the mighty Pearl River's estuarine shores are gone. Mangrove remnants may survive for a while but, one by one, they will disappear as development takes advantage of our collective amnesia, and conservation is concerned, anew, not with protecting what was but with a degraded what is.

Brian Morton

*School of Biological Sciences, The University of Hong Kong, Hong Kong  
Special Administrative Region*

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**Appendix 4.** Restaurants at the ground floors of village houses (do not seem to be just for villagers)





**Appendix 5.** People swimming at the beach in the Hoi Ha Wan Marine Park





**Appendix 6.** Suspected illegal discharge at Lung Mei, polluting Tolo Harbour



**Appendix 7.** Ecological characteristics of the woodlands in So Lo Pun, Hoi Ha and Pak Lap

	<b>So Lo Pun Woodland</b>	<b>Hoi Ha Woodland</b>	<b>Pak Lap Woodland</b>
Plant Species	KFBG: ca. <b>171</b>	FoHH: ca. 130 KFBG: ca. 114	AFCD: ca. 25 - 121
Protected Plant Species	<ul style="list-style-type: none"> <li>- Spiny Tree-fern</li> <li>- Incense Tree</li> <li>- Lamb of Tartary</li> </ul>	FoHH & KFBG: Hong Kong Pavetta and several others in the Fung Shui Woodland	Hong Kong Pavetta
Ecologically linked with adjacent CP and habitats	Yes	Yes	Yes
Rare Wild Mammal Species	<b>3</b>	1	0
PlanD's Proposed Zonings	<b>GB</b>	<b>CA and GB(1)</b>	<b>CA</b>

Christopher E. Tilbe

2014-08-15

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

Dear Mr. Chow,

**RE: TPB PAPER NO. 9679 ON HOI HA OUTLINE ZONING PLAN: S/NE-HH/1**

I am a resident of Hoi Ha and a permanent resident of the Hong Kong SAR where I have built my business and made as my permanent home similar to the practise of many Hong Kong people who have emigrated overseas to make countries such as Canada, the United States, etc. as their home. In doing so, I bring with me a high regard for the value of environmental preservation and also an understanding of good clean government that listens and acts to its citizens future needs.

I am approaching the Hoi Ha issue not from any particular side as I respect the law and the cultural beliefs of the local people while at the same time I believe in striking a balance with preserving the environment. Although as a Hong Konger I believe I have equal rights as any ethnic Chinese permanent resident here as they do in my country of origin, this is still their native land that I have decided to make my home in and so I will therefore try and adapt to their way of life.

Having not previously provided any comment on the Outline Zoning Plan (OZP), I would like to take this opportunity to share my formal opinion on the matter as it relates to Town Planning Board (TPB) Paper 9679 and the amendments to the Hoi Ha OZP. In this regard, I am happy to see that there have been reductions to the land allocated for the unrealistically high Small House Demand. However, I still have my concerns as follows:

1. A designation of the area that was previously allocated to V-Zone to Greenbelt 1 in the West does not afford any additional protection to it from development. It instead only delays it.
2. Much of Hoi Ha has been designated by the government's Antiquities and Monuments Office as a Site of Archaeological Interest. Therefore, archaeological surveys are supposed to be carried out by an archaeologist as part of a request to build.
3. Information provided to the TPB by the Agriculture, Fisheries, and Conservation Department (AFCD) and the Lands Department in relation to the High Water Mark and discussed on May 20<sup>th</sup>, 2014 and June 4<sup>th</sup>, 2014 in the presence of the Director of Lands who was present on both days was inaccurately presented by the AFCD who based their information on outdated/inaccurate data from the Lands Department. As a result, any decision that included the High Water Mark as a contributing factor must be deemed invalid and must be re-examined. Instead it should be based on the AFCD's most recent mapping dated June 6<sup>th</sup>, 2014 that is based on Lands Department Surveys dated May 14<sup>th</sup>, 2014.

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4. The allocated Small House Demand figure of 94 and the current provision of 40 Small Houses is clearly unjustifiable. Based on the current "take-up" of indigenous villagers in Hoi Ha of Small Houses and the current growth rate of the village over the last 20 years, it is clear that a need of 94 or even 40 houses is fraudulent and excessive.

## 1: Designation of Greenbelt 1

You cannot ignore the general practise in Hong Kong of areas that were previously designated as Greenbelt were later cleared for farming as per their permitted use and then will later be developed by having the Greenbelt designation overturned. All we have to do is look at Pak Sha O as a precedent. Such a designation only delays development. It does not provide any protection at all. The reality is it just provides "hope" to both sides with the final outcome eventually being development.

Farming in such areas currently is not be subject to any kind of controls. Given the area that has now been re-designated as Greenbelt 1 to the West of the village consists almost entirely of privately owned land that is now owned by property developers, any kind of farming will be large scale. Since some of the plots come within 5 meters of Hoi Ha Wan, any pollutants from fertilizers and pesticides will have a guaranteed adverse affect on the health of the Hoi Ha estuary and Marine Park.

- Can you guarantee such land will not be bulldozed, farmed, and developed in the future? If yes, please explain how you will guarantee this.
- Can you demonstrate that all plots in the new Greenbelt 1 area have not already been sold to development companies?
- For any transfers of ownership that have taken place, can you demonstrate that they have been conducted legally?
- How will you guarantee that Hoi Ha Wan will not become polluted directly from agricultural chemical runoff?
- If the intention is to protect the area that is now designated as Greenbelt 1, why does the TPB not just designate it Coastal Protection Area (CPA) or Conservation Area (CA)? That would be the clearest approach for all parties involved.

## 2: Site of Archaeological Interest

As much of Hoi Ha is designated as a Site of Archaeological Interest, archaeological surveys must be conducted by an archaeologist before any development is made. In particular, the problem relates to New Territories Exempt Houses (NTEH) that are considered rebuilds and not required to comply with the same procedures as newly developed houses. As a result, without any safeguards archaeological value and understanding our own history will be permanently lost.

- Can you demonstrate that in the past archaeological surveys were conducted for any new or rebuild development in Hoi Ha?
- How will you prevent any development new or as a rebuild in the final expanded V-Zone will not be built without the area in question being examined first as part of an archaeological survey?

### 3: High Water Mark

Previous TPB planning was based on the assumption that the current designated CPA provided a sufficient buffer zone of approximately 30 m between the marine park and the village zone. This assumed the boundary of the Hoi Ha Wan Marine Park was consistent with the High Tide Mark. The maps used indicated agricultural plots of land in the area directly in front of the old village. However, the most recent land surveys indicate the agricultural plots are now underwater and the newly surveyed High Tide Mark no longer matches the boundary of Hoi Ha Wan Marine Park and now comes within 18 m of the old village walls which have been used to identify the boundary of the proposed Village Zone at the front of the village. Moreover, this is as close as 10 m to the sandy beach where bathers enjoy their weekends in the summer. Please refer to Exhibit A.

According to the current law, the old ruins of the village houses in this area may be rebuilt exempt from normal development standards and therefore are not required by law to have percolation tests conducted. Yet, this is the most fragile area that could greatly affect the health of the swimmers at the shore and the health of the most accessible coral communities located only 200 m away.

- Given the TPB's planning was based on inaccurate information, will you now hold the process and return to re-evaluate the realities of the situation in Hoi Ha?
- Will you reduce the North side of the village zone adjacent to the marine park to coincide with the most recent land surveys and comply with the law?

### 4: Small House Demand

Although I might disagree with the Small House Policy especially in its fairness to the majority of Hong Kong people who have no such rights in addition to it being a sexist policy, I do accept the law and I do accept genuine usage of the policy. However, it is clear throughout Hong Kong that the majority of applications are purely financially motivated so that the applicant can obtain land for free to build a house and sell or rent out to someone else. We all know including yourself and your committee that the Small House Policy is not being utilised for the genuine return of indigenous villagers to their home villages in Hong Kong and it is being abused substantially.

- Can you guarantee that the 40 houses that land is currently being allocated for will be lived in by the indigenous villager applicant and will not end up being rented or sold to others immediately upon the project completion?
- Can you demonstrate the % take-up of houses built under the Small House Policy to date by the indigenous villager applicants themselves and are indeed actually still living in such houses with the exception of those who have sadly passed away?
- Can you demonstrate the % take-up of houses built in Hoi Ha under the Small House Policy and are currently being lived in by the indigenous villager applicants themselves?
- Can you guarantee that the 40 male indigenous villager descendants that your currently plan is for and who are currently not living in Hoi Ha will indeed move back and live in the village during the next 20 years following the completion of their future small house?
- Can you demonstrate the growth model that has been utilised for determining the need for 94 houses in Hoi Ha?

You and I both know as well as everyone else that cares about this matter that the true issue of Hoi Ha is about the value of profits vs. the value of the environment. It is not about 94 indigenous families who live overseas and intend to move back to Hong Kong and reside in Hoi Ha.

Nobody can argue that this will happen. Take the last house built in Hoi Ha that was completed last year as an example. I do not see an indigenous villager living there. I have seen a foreign couple as with almost every house in Hoi Ha. Where are the indigenous villagers that should be living in these houses that were built under the Small House Policy?

This argument is about saving one of the last bastions of natural beauty in Hong Kong. It is about saving what are perhaps the best coral communities in all of China. Hundreds of people visit this marine park and swim in the waters every weekend during the summer. By allowing septic tanks to be placed in a sloping marshland that is permanently wet all year round adjacent to the Hoi Ha Stream and estuary that makes up your allocated V-Zone to the West and allowing septic tanks to be placed within 18 m of the High Tide mark on the North side, you are setting up Hoi Ha to become a biohazard to the thousands of Hong Kong people who swim in the waters every year.

I urge you to please do the right thing for the future of the Hong Kong people and do not allow any more building and septic tanks at the North side of the village and convert the newly designated Green Belt 1 area to CPA and/or CA. For all those indigenous villagers affected, provide them with a land swap from the government's land bank.

I am afraid that if my questions cannot be answered sufficiently, I will be forced to direct my questions through other mechanisms provided by the government in order to obtain sufficient answers.



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Sincerely,

  
Christopher E. Tilbe

Director

INSPIRE SOURCING LIMITED

RECEIVED

15 AUG 2014

Town Planning  
Board

SSSI (Hoi Ha Wan)

CPA Boundary

HWM (as at May 2014)

Hoi Ha Wan Marine Park

CPA Boundary

83100 83150 83200 83250 83300 83350 83400 83450 83500 83550

83500 83510 83520 83530 83540 83550

寄件者: Andrew Davy-Hou [REDACTED]  
寄件日期: 14日08月2014年星期四 8:07  
收件者: tpbpd@pland.gov.hk  
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Dear Mr Chow

I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment. What is difficult for any member of the public, who has visited Hoi Ha, is to understand why the various government departments are in denial as to the correct boundary of the HHW Marine Park. One only has to look at the sea-scape to see what is shown on present maps as farm land is, and has been for some years, under the water. Witnessing a high tide it is obvious that the 30 metres buffer zone that the CPA is supposed to provide between the sea and the start of the Village does not exist.

This, coupled with the government's continued insistence on the need for village houses for the return of 40+ indigenous sons, with no proof whatsoever that this is necessary, is a very worrying sign.

The designation of GB is completely insufficient to protect the land from "destroy first build later". Pak Sha O is presently being trashed in such a way and if GB is applied in parts of Hoi Ha, the resulting silt, and chemicals that will be sprayed onto the land will end up in the Bay doing untold damage to the corals and fouling the water so that it is unfit for the many thousands of visitors who come to Hoi Ha each year.

One hopes that everything is above board when it comes to the decisions being made on the future of Hoi Ha, but with the recent cases in the press of high ranking governmental officials buying land in the New Territories, it is feared that the reason the government refuses to update the maps in Hoi Ha and insists that 40+ (presently absent "sons of the village") will return to build village houses is that certain officials are working with developers to make as much money out of Hoi Ha as possible with absolutely no regard for the environment and the damage such development will do to the Marine Park, which is also an SSSI.

Cheers,  
Andrew

**Andrew Davy-Hou**

Director

Sydney Property Management Pty Ltd

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收件者:  
主旨:

Daniel Chan [REDACTED]  
15日08月2014年星期五 14:27  
tpbpd@pland.gov.hk  
COMMENTS ON HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

TPB/R/S/NE-HH/1-F44

Dear Sir/Madam,

With reference to the captioned, I have the following comments for TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

a. Width and Nature of the Coastal Protection Area (CPA).

The Board decided on the boundary of the V-Zone based on the assumption that the CPA provided a buffer zone of approximately 30 metres between the marine environment of Hoi Ha Wan and the V-zone along its entire length. The Board's decisions were based on the premise that the boundary of the HHW Marine Park is coincident with the High Tide Mark. The maps used by the TPB show agricultural plots of land in the area immediately in front of the old (ruined) village. Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.

Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.

In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High

Tide Mark need to be re-examined. Potential, privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of HHW Marine Park and SSSI both during the building processes and subsequent habitation.

b. Green Belt (1) Areas

The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.

The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:

- Allow the bypassing of planning controls in environmentally sensitive areas.
- Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.
- Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.

In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary.

Regards

Daniel Chan

寄件者: Cheryl Wong [REDACTED]  
寄件日期: 15日08月2014年星期五 17:10  
收件者: tpbpd@pland.gov.hk  
主旨: Hoi Ha OZP

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

Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)  
15 August 2014

Dear Mr Chow,

I fully support the need to reconvene to consider the Hoi Ha OZP.

The beautiful areas of Hong Kong and the New Territories are too rapidly being destroyed and soon there will be very little left for our young people to enjoy and appreciate.

We need these areas to keep our spirits alive. There is much land elsewhere to provide the necessary homes that are so badly needed. We can no longer afford to destroy any more areas of outstanding beauty.

1. In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary. The Board should be asked to consider the following amendments to the Draft OZP:
  - The incorporation of the old village within the Coastal Protection Area to ensure that statutory planning controls are in place in this environmentally sensitive area.
  - The placing of "Agricultural Use" into Column 2 of the schedule for GB(1), to ensure that the areas are not trashed and Hoi Ha Wan polluted by large-scale agricultural activities – either genuine or bogus.
  - The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely

Cheryl and Jack Wong Yat Tung

tpbpd

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TPB/R/S/NE-HH/1-F47

寄件者: Nicola NEWBERY [REDACTED]  
寄件日期: 15日08月2014年星期五 23:45  
收件者: tpbpd@pland.gov.hk  
副本: David Edward Newbery  
主旨: LETTER FROM AMY NEWBERY FOR THE ATTENTION OF THE TOWN PLANNING BOARD  
REGARDING HOI HA - HOI HA OUTLINE ZONING PLAN: S/NE-HH/1  
附件: Amy's letter TPB 15 8 14.docx

Dear Mr Chow

Please find attached herewith a letter for the Town Planning Board concerning the Hoi Ha Outline Zoning Plan for consideration by the Board.

Yours sincerely

Nicola Newbery

00035



tpbpd

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寄件者: Nicola NEWBERY [REDACTED]  
寄件日期: 15日08月2014年星期五 23:47  
收件者: tpbpd@pland.gov.hk  
主旨: LETTER FROM AMY NEWBERY FOR THE ATTENTION OF THE TOWN PLANNING BOARD  
REGARDING HOI HA - HOI HA OUTLINE ZONING PLAN: S/NE-HH/1  
附件: Amy's letter TPB 15 8 14.docx

Dear Mr Chow

Please find attached herewith a letter for the Town Planning Board from my daughter Amy concerning the Hoi Ha Outline Zoning Plan for consideration by the Board.

Yours sincerely

Nicola Newbery

00036

Amy Mei NEWBERY



Email address:



15 August 2014

Mr Thomas Chow  
Chairman  
Town Planning Board

Email: tpbpd@pland.gov.hk

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.
2. I have lived with my family at Hoi Ha throughout my entire life. I am now studying Environmental Sciences. I cannot believe that the Town Planning Board is planning on zoning Hoi Ha for environmentally-damaging development, and not for conservation of a valuable recreational and environmental resource. Hoi Ha is surrounded on 3 sides by Country Park and on the 4<sup>th</sup> by Marine Park – it is a **BIODIVERSITY HOTSPOT** – we have greater coral coverage than the Caribbean and have many rare species, some of which are endemic to Hoi Ha and found nowhere else in the world. Have you completely taken leave of your senses?
3. I do not believe a proper planning process has taken place – otherwise you would now be zoning for conservation. There are 3 particular areas to which I would draw your attention:

3.1 The Town Planning Board is not using accurate, detailed maps – as you would have spotted had the Board carried out a thorough site visit. Did the Board visit Hoi Ha at all? It would appear not. Had you seen an accurate, detailed Site Map, you might have drawn totally different conclusions and zoned for conservation, with farming placed in Column 2. Can you please request the Planning Department to provide the Board with a **detailed Site Map with a scale of either 1:100 (one to a hundred) or 1:200 (one to two hundred)** showing:

- The High Tide Mark
- The Spring High Tide Mark
- The Beaches
- Mangroves
- Permanent streams
- Seasonal streams
- Permanent marshes
- Seasonal marshes
- Forest

The fact you have not been referring to any detailed maps in your deliberations invalidates the zoning plan that the Board has drawn up. You cannot possibly debate and decide on the correct zonings, columns and buffer zones to protect sensitive areas and prevent pollution and destruction without this detailed information. The map you have been using is inaccurate and too general for your purposes. AFCD has told my father that the High Tide Mark is in a different place to that told to the Town Planning Board. **Please reconvene the talks once you have an up-to-date, detailed Site Map.**

3.2 Why are you not promoting environmental, organic farming at Hoi Ha? I cannot believe that you have decided to remove all planning controls alongside a Marine Park / SSSI. Please place Agriculture in Column 2, where it rightly belongs, and control the chemicals and fertilisers being used in the Hoi Ha Valley. The Green Belt stops just 5 metres short of the sea – where is the 25 m CPA buffer? Please insert such a buffer, which should be at least 30 metres wide, and preferably 50. I have just returned from holiday in Brittany in France where their Government has banned all building within 250 metres of the coastline. Why is Hong Kong so behind the times? Mangroves on one side of the Hoi Ha coastal path are protected by the CPA. Mangroves on the opposite side are not, even though they are only 5 metres away from the sea, and can be cleared for bogus farming by developers who will trash the ecological value of the area then apply for a change of land use – something I witness every weekend when I walk my dogs up the valley at Pak Sha O which has been bought up by the same developer who is buying up Hoi Ha. We all know that Green Belt is temporary. The Valley should be Conservation Area, and permanently so. Had you used a proper Site Map, you might have drawn a different conclusion about Green Belt and Column 2.

3.3 Why have you included the extensive Hoi Ha Archaeological Site (AS) in a large V-zone? Can you please ask the Antiquities and Monuments Office to provide you with detailed maps of these sites? Had you been in possession of their detailed maps, you might have reached different conclusions about the V-zone and might not have agreed to remove all planning constraints for rebuilding on the site of the old walled village of boulder cottages which is well within the AS. Why have you removed all planning constraints when the Antiquities and Monuments Office have stipulated that an Archaeological Impact Assessment should be carried out and attached to requests for planning permission? How can you possibly allow this archaeological site to be built all over without any planning control whatsoever? The Hoi Ha Archaeological Site has been found to have artefacts from the Neolithic Period, the Sui, Tang and Five Dynasties and from the Ming and Qing Dynasties. Why are you endorsing their destruction? Are you aware that on Monday of this week, 11 August, a developer appeared on the site of the old village with a team of contractors armed with chainsaws who have totally cleared part of this site, ready to lay foundations? Why is this happening? Why are you destroying our Heritage through poor planning? The walls of the old village are only 10 metres from the beach – why on earth are you allowing one-storey cottages with no sanitation to be replaced by 3-storey NTEHs with polluting septic tanks? How can you possibly agree to having no planning controls whatsoever? Please place the old village within the Coastal Protection Area so that there are planning controls which will ensure that any septic tanks will be far enough away from the sea and will require percolation tests to stop pollution and require Archaeological Impact Assessments.

4. I call upon you to exercise better control of the Town Planning process and zone for conservation and heritage, and stop pandering to greedy developers who couldn't give a damn about Hoi Ha's Ecology or Heritage – which actually belong to the people of Hong Kong – it is our collective birth-right. Please re-open the planning talks for Hoi Ha, and, instead of the Board being fobbed off with half-truths and inaccurate information from Government Departments, let's have a proper planning process based on an accurate Site Map which shows not only the streams, marshlands, forests, mangroves and beaches of Hoi Ha, but also the large area of Archaeological Interest. I am sure that

if the members of the Board were to be given the proper information, that they would reach very different conclusions on the future of my home village.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amy Mei Newbery', with a stylized, cursive script.

Amy Mei Newbery (Miss)

Annex 1 – Site of old village cleared by developer on Monday 11 August 2014

Annex 2 – Map showing extent of Hoi Ha Site of Archaeological Interest

## ANNEX ONE



Western side of the old walled village of Hoi Ha – the site of a line of 3 terraced houses, adjacent to a central courtyard, cleared by a developer on Monday 11 August 2014, ready for the foundations to be dug of NTEHs planned to be built about 20 metres away from the beach.

## Hoi Ha 海下



Approximate area of archaeological interest  
具考古研究價值的大致範圍  
8-NW-5B

Note the large Archaeological Site within the red borders



寄件者: Cynthia Yau [REDACTED]  
寄件日期: 15日08月2014年星期五 23:59  
收件者: Mr. Thomas Chow  
副本: patrick\_cw\_tsang@afcd.gov.hk  
主旨: Hoi Ha Outline Zoning Plan

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

15 August 2014

Re: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Dear Mr. Chow

I am a marine biologist and specialist fisheries consultant, but I was a Faculty staff member in the School of Biological Sciences, The University of Hong Kong until three years ago. I am writing to express my grave concerns over the Draft Outline Zoning Plan for Hoi Ha and the potential for serious adverse impacts on the ecologically valuable coral communities in Hoi Ha Wan. I have previously conducted research into hard corals from Hong Kong and have successfully established a Coral Farm at the Swire Institute of Marine Sciences (SWIMS). I therefore speak from a position of having first-hand knowledge of the environmental requirements of local corals, and I do not believe such a proposed scale of small house development at Hoi Ha has been properly assessed in terms of impact on the bay's marine ecology.

I believe there is some disagreement about the width and nature of the Coastal Protection Area (CPA), but irrespective of the distance between the buffer zone and the boundary of the Marine Park, any construction works will eventually lead to runoff into the bay, especially via the stream. Such runoff will carry significant loads of sediment as a result of excavations and the removal of terrestrial vegetation. A higher sediment load will cause severe stress to the hard corals (i.e. scleractinian corals), for which Hoi Ha Wan is famed and the reason it was gazetted as a marine park. Scleractinian corals generally have poor sediment-clearing abilities and mostly rely on the secretion of mucus to trap any settled sediment on their surfaces, which are then carried away by water currents. Excessive mucus production, as is the case of continued high sediment loads, will lead to a decline in coral health and eventually to death.

At present, the area of abandoned fields bordering the coastal edge of Hoi Ha acts as a barrier to trap sediment from washing off the land into the sea. However, in the last two years, because of the very heavy rainfall we have been experiencing, the stream has carried a great deal of sediment and terrestrial leaf litter into the shallow parts of the bay, in some instances producing hypoxic (low oxygen) conditions that are not healthy for any marine life except for bacteria. From personal observations on the state of hard corals in Hoi Ha Wan (in particular the corals near the pier), I believe they are already showing signs of stress and deteriorating health.

The provision of Septic Tank Systems alone, and in the absence of any percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach is contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance. If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park by sewage effluent. Water quality in the Marine Park will inevitably decline and all marine life will be affected.

I strongly urge that stringent controls are in place to prevent increased sediment discharge and sewage pollution of Hoi Ha Wan. If measures are not in place to prevent such impacts from occurring in the first place, then no amount of mitigation or compensation afterwards will help the corals and other marine species in the area, or restore the ecosystem to its current state.

Hoi Ha Wan Marine Park is a precious resource for the local population, harbouring the highest percentage cover of corals in Hong Kong as well as a myriad of marine animals. It should be the star attraction of marine conservation and be promoted as a shining example of integrated coastal management, sustainable development, and eco-education. This is not what is happening. I do object to the latest Draft Outline Zoning Plan and the allowance of septic tanks for the proposed village houses. Should the houses be built, they must be connected to a proper sewerage system to undergo sewage treatment and the effluent must not be discharged into Hoi Ha Wan in any way

Yours sincerely,

Dr. Cynthia Yau

(Honorary Assistant Professor, The University of Hong Kong)



tpbpd

TPB/R/S/NE-HH/1-F49

寄件者: Wrote Ga [REDACTED]  
寄件日期: 15日08月2014年星期五 16:18  
收件者: tpbpd@pland.gov.hk  
主旨: Hoi Ha OZP

Mr Thomas Chow,  
Chairman,  
Town Planning Board  
Hong Kong.

via email : [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

Dear Sir,

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

I have the following brief comment on this draft OZP.

1 There are a number of anomalies in the data shown in this document, and I consider that an accurate map should be used as the basis for all planning proposals.

2 As you will know, an up-to-date map can be prepared by the Survey and Mapping Office of the Lands Department.

3 Based on accurate maps and data, a revised OZP should be prepared, and revised proposals should be circulated for comment before any irrevocable decisions are made.

Sincerely,

Gordon Andreassend MBEFNZISFHKISMRICTS  
Chartered Land Surveyor.

00032

寄件者: Peter Halliday  
寄件日期: 15日08月2014年星期五 11:48  
收件者: tpbpd@pland.gov.hk  
主旨: Hoi Ha Wan  
重要性: 高

Attention: Mr. Thomas Chow, Chairman, Town Planning Board

Sir,

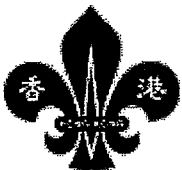
You have a very difficult job as Chair of the TPB – mediating/arbitrating, and so on, but may I bother you on zoning issues relating to Hoi Ha Wan in Sai Kung, please?

I have lived in Hong Kong for most of my life. I was a career police officer and served for several years in the Marine Police. As such we patrolled the numerous bays and islands, including Hoi Ha. Hong Kong was and remains a supremely beautiful region.

I know not the details of the current zoning exercise and I certainly would not presume to counsel you on the issues. May I simply say that the creation of Hong Kong's country parks those years ago was an inspired initiative and one which has served Hong Kong so well, and is the envy of many countries worldwide. In my humble opinion the more intact and pristine the country parks remain, the better for Hong Kong's future.

Kindest personal regards,

Peter



**Peter Halliday (夏禮德)** | Scout Association of Hong Kong |

Hong Kong Scout Centre | Scout Path |  
Tsim Sha Tsui | Hong Kong SAR |  
P: (852) 2694 9858 | Mobile: (852) [REDACTED] | Fax: (852) 2606 0213 |  
Website: [www.scout.org.hk](http://www.scout.org.hk) | Skype: peterhalliday |

00033

tpbpd

TPB/R/S/NE-HH/1-F51

寄件者: Harry Chan [REDACTED]  
寄件日期: 13日08月2014年星期三 12:52  
收件者: tpbpd@pland.gov.hk  
主旨: Re: Small house development in Hoi Ha,

Dear Mr Chow.

My name is Chan Tin Ming (Harry). Will be 62 years old soon. I have been hiking, swimming, snorkeling and diving in Hoi Ha for many years. It is such a beautiful marine and country parks. And it's always a big surprise to all my overseas friends, their family and friends that we have such lovely Sai Kung back garden only an hour away from the concrete city.

And most of them are willing to stay in for extra days to enjoy the beauty nature here.

Personally I think the invisible income both from tourism and locals are far more important environmentally and economically for tourist industry. For example, scuba diving, snorkeling, hiking and so on.

On the other hand, I have notice many more retired person like myself and more senior citizens (age 70+) hiking more apart from many younger generation. It will be a great health issue which will help save our tax payer a lot of national health expenses now and in future.

Therefore, I hope you will reconsider and re-examine the opportunity cost in point of view from our tourist income, health issue with increasing aging population and stress released for many hard working people from all industrial sections plus serious pollution issue.

Thank you for your kind attention.

Kind regards,

Harry Chan