

**CONSIDERATION OF FURTHER REPRESENTATIONS  
ON PROPOSED AMENDMENT TO THE DRAFT SO LO PUN  
OUTLINE ZONING PLAN NO. S/NE-SLP/1  
ARISING FROM CONSIDERATION OF REPRESENTATIONS AND COMMENTS  
ON THE DRAFT SO LO PUN OUTLINE ZONING PLAN NO. S/NE-SLP/1**

Subject of Further Representations	Further Representers
<b>Partly support and partly oppose</b> the proposed Amendment Item A to rezone the two pieces of land at the north-eastern end and south-western end of the “Village Type Development” (“V”) zone to “Green Belt” (“GB”) with additional comments on/ proposed amendments to the draft So Lo Pun Outline Zoning Plan (OZP)	Individuals (F1 to F3)
<b>Oppose</b> the proposed Amendment Item A with additional comments on/ proposed amendments to the draft OZP	Local villagers/individuals (F4 to F20)
	鎖羅盆村委員會 (F21)

## **1. INTRODUCTION**

- 1.1 On 27.9.2013, the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/1 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 10,748 valid representations were received. On 24.1.2014, the representations were published for three weeks for public comment. Upon expiry of the publication period on 14.2.2014, 3,673 comments were received.
- 1.2 After considering the representations and the comments under section 6B(1) of the Ordinance from April to June 2014<sup>1</sup>, the Town Planning Board (the Board), on 4.6.2014, decided to partially uphold **9,863** representations<sup>2</sup> by rezoning the two pieces of land at the north-eastern end and south-western end of the “V” zone to “GB” (i.e. proposed Amendment Item A). The relevant Town Planning Board Paper and minutes of meeting are at **Enclosures I and II** respectively.
- 1.3 On 4.7.2014, the proposed Amendment Item A to the draft OZP was considered and agreed by the Board. The relevant Town Planning Board Paper and minutes of meeting are at **Enclosures III and IV** respectively. On 25.7.2014, the proposed amendment was exhibited for public inspection under section 6C(2) of

<sup>1</sup> The hearing sessions were held on 28.4.2014, 8.5.2014, 12.5.2014 and 19.5.2014, and the deliberation sessions were held on 20.5.2014 and 4.6.2014.

<sup>2</sup> 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R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10818 to R10854 and R10856 to R10858 (*excluding the withdrawn/not having been made representations*).

the Ordinance. A copy each of the Gazette Notice, the Schedule of Proposed Amendment, the Amendment Plan No. R/S/NE-SLP/1-A1 and proposed amendments to the Explanatory Statement of the draft OZP is attached at **Enclosures Va to Vd**. Upon expiry of the three-week exhibition period, a total of 26 further representations were received.

- 1.4 On 29.7.2014, the Chief Executive, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the Chief Executive in Council for approval for a period of six months from 27.8.2014 to 27.2.2015.
- 1.5 Of the 26 further representations received, three (**F1 to F3**) were submitted by individuals, who partly support and partly oppose the proposed Amendment Item A, while 22 (**F4 to F25**) were submitted by 鎖羅盆村委員會(**F21**), 鎖羅盆村村務委員會聯同曾家裘測量師有限公司 (**F24**), a member of Sha Tau Kok District Rural Committee (**F22**), local villagers and individuals, who oppose the proposed amendment. The remaining one further representation (**F26**) does not indicate clearly whether it supports or opposes the proposed Amendment Item A.
- 1.6 On 24.10.2014, the Board decided that **F22 to F26**, who were the original representers or commenters, are invalid and should be treated as not having been made under section 6D(1) of the Ordinance<sup>3</sup>. The Board also decided to hear the valid further representations collectively in one group as they are related to the proposed Amendment Item A. This Paper is to provide the Board with information for the consideration of the 21 valid further representations (**F1 to F21**).
- 1.7 In accordance with section 6F(3) of the Ordinance, all the concerned representers, related commenters and further representers (**F1 to F21**) have been invited to attend the meeting.

## **2. FURTHER REPRESENTATIONS**

- 2.1 Among the 21 valid further representations, one is submitted by 鎖羅盆村委員會(**F21**), two are submitted by villagers of So Lo Pun (**F8 and F11**) while the remaining 18 (**F1 to F7, F9, F10 and F12 to F20**<sup>4</sup>) are submitted by individuals. Three further representations (**F1 to F3**) partly support and partly oppose the proposed Amendment Item A, while the remaining 18 further representations (**F4 to F21**) oppose the proposed amendment. The submission of all the valid further representations is at **Enclosure VII** and the location is shown on **Plan FH-1**. A summary of the valid further representations with the Planning Department (PlanD)'s responses is at **Enclosure VI**.

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<sup>3</sup> Pursuant to 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.

<sup>4</sup> Further representations **F5 to F7** are submitted in a standard email. Further representations **F9 and F16 to F18** are submitted in a form of standard comments, while **F12 to F13 and F20** are submitted in another form of standard comments, and **F8 and F11** consist of these two forms of standard comments.

### **Further Representations opposing to Excessive “V” Zone**

2.2 **F1 to F3** support the reduction of the area of the “V” zone, but opine that it should be further reduced. They share similar views with **F4 to F7** in opposing excessive “V” zone. Their main grounds are summarized as follows<sup>5</sup>:

- (a) It is not clear that the size of the “V” zone under the proposed Amendment Item A is based on proven genuine need for Small Houses (**F2, F4 to F7**);
- (b) 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 by the “V” zones) is applicable to So Lo Pun, thus the strict planning control of the former should also be adopted (**F2 to F7**);
- (c) The current sewage treatment arrangements in villages would not be able to protect the water bodies in and surrounding the Country Park Enclave from man-made pollution (**F2, F3 and F5 to F7**);
- (d) 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 (**F2 and F4**) in consideration of its carrying capacity (**F2**); and
- (e) As Small House developments may be permitted in “GB” zone, it prevents appropriate long term conservation of the existing state of the land and is contrary to the general planning intention for Country Park Enclaves (**F4**). Besides, the “GB” zone does not provide adequate control to protect the woodland in So Lo Pun which provide habitats for many species of conservation concern and its naturalness is considered as the highest among these in the three draft OZP<sup>6</sup> (**F2 and F5 to F7**).

2.3 Accordingly, it is considered that the area of the “V” zone should be reduced substantially (**F1**) or be confined to the existing village settlements, whilst the “GB” should be rezoned to “GB(1)” or “Conservation Area” (“CA”) (**Plan FH-6**) (**F2 to F7**).

### **Further Representations opposing to Insufficient “V” Zone**

2.4 **F8 to F21** hold similar views of opposing the insufficiency of “V” zone and their main grounds are summarized as follows<sup>7</sup>:

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<sup>5</sup> Some of the views and proposed amendments actually refer to the whole draft So Lo Pun OZP rather than specifically to the proposed Amendment A including objection to the village type development in So Lo Pun (**F1**), review of the “GB” zone in So Lo Pun (**F2 to F7**), etc, but are also included for responses pertinent to the proposed Amendment Item A.

<sup>6</sup> including 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.

<sup>7</sup> Some of the views and proposed amendments actually refer to the whole draft So Lo Pun OZP rather than

- (a) The area of “V” zone is insufficient to meet the Small House demand (**F10, F14, F19 and F21**) or for provision of ancillary public facilities for the village (**F8, F11 to F13 and F20**);
  - (b) The zoning of the draft OZP is heavily biased towards the ecological value of the site over the social and economic value of the land and the rights of land owners (**F8, F9, F11, F16 to F18**). Indigenous villagers are eligible and have the right to build Small Houses, and the draft OZP should not be used to deter them from building Small Houses (**F14 and F19**), and their right is protected by Basic Law (**F21**); and
  - (c) Private land should not be zoned “GB” as it limits the land uses permitted (**F15 and F21**).
- 2.5 Further representations **F8, F9, F11 to F13, F19 to F20** propose to expand the “V” zone to cover an area of at least 4.12 ha<sup>8</sup> or in proportion to the Small House demand. Further representations **F8 to F9, F11 to F13 and F15 to F18, F20 and F21** also consider that private land should be zoned for village type development or agricultural use whilst Government land as “CA” or “GB” (**Plan FH-6**).

#### **Other Views Not Directly Related to the Proposed Amendment Item A (F1, F2, F4 to F7 and F21)**

- 2.6 Other views and proposed amendments not directly related to the proposed Amendment Item A include supporting incorporation of So Lo Pun into Country Park (**F1**), proposing amendments to the Notes of the draft OZP for stricter planning control (**F2, F4 to F7**), failures in the hearing process/procedure of the representations and comments in respect of the three draft OZPs<sup>9</sup> (**F4**), objection to “CA” zone (**F21**), etc.

### **3. PLANNING CONSIDERATIONS AND ASSESSMENT**

#### **The Subject Site and Its Surrounding Areas (Plans FH-1 to FH-4)**

- 3.1 The further representation site (the Site) (**Plan FH-1**) comprises two separate pieces of land adjacent to the existing village cluster to its north-eastern end and south-western end in So Lo Pun. The Site, with an area of 1.64 ha, consists of fallow agricultural land covered by grass and shrubs interspersed with trees. Its southwestern part is about 20m distance away from the upper section of the

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specifically to the proposed Amendment A including rezoning of private land and/or Government land in So Lo Pun for specific uses (**F8, F9, F11, F16 to F18, F20 and F21**), objection to designation of private agricultural land for conservation use (**F21**), etc, but are also included for responses pertinent to the proposed Amendment Item A.

<sup>8</sup> i.e. the area of the original “V” zone on the draft OZP.

<sup>9</sup> (including 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 deprived original representers of the opportunity to rebut the new arguments of Government representatives or the Board.

natural stream flowing across the Area. Both pieces of land are surrounded by “V”, “GB” and “CA” zones which mainly cover the So Lo Pun Village, vegetated hillslopes, woodlands and wetland system in the Area.

- 3.2 The “GB” zone mainly includes the vegetated hillslopes which form a continuous stretch of well-established natural woodlands with the adjoining Plover Cove Country Park. It is generally covered by natural vegetation, woodland, hillside shrubland and grassland, fallow agricultural land and small natural streams and provides a buffer between the development and conservation areas or the Country Park. The “V” zone mainly comprises the existing village settlements and the adjoining area suitable for Small House development.

### **Planning Intention**

- 3.3 The planning intention of the “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.
- 3.4 The planning intention of the “V” zone is to designate both existing recognized village and area 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.

### **Land Administration**

- 3.5 The Site involves both Government land and private lots (**Plan FH-5**).

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

#### **Designation of “V” and “GB” Zones (F1 to F7, F8 to F14, F19 to F21)**

- 3.6 The supporting views of further representations **F1 to F3** to the proposed Amendment Item A in reducing the area of the “V” zone are noted. There are two divergent views over the designation of “V” and “GB” zones i.e. opposing excessive “V” zone versus opposing insufficient “V” zone, which were also the major subject matter raised in the original representations and comments, and hence have been considered by the Board. Responses to these divergent views are set out below.
- 3.7 In the course of deliberating the representations and comments concerning the designation of “V” zone, the Board noted that the boundaries of the “V” zone

for the So Lo Pun 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. The Small House demand forecast is only one of the factors in drawing up the proposed “V” zone and the forecast is subject to variations over time, whilst the respective District Lands Office would verify the status of the Small House applicant at the stage of Small House grant application. Regarding the application of the strict planning control of the Tai Long Wan OZP into So Lo Pun, Members of the Board agreed that each Country Park Enclave should be considered on the circumstances and characteristics of individual areas.

- 3.8 In order to minimise the adverse impacts on the natural environment, the Board considered that an incremental approach for designating the “V” zone for Small House development should be adopted with an aim to confining Small House development at suitable locations. Based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities in So Lo Pun, the Board decided to rezone the two pieces of fallow agricultural land at the northeastern end and southwestern end of the “V” zone to “GB” (**Plans FH-1 to 4**).
- 3.9 As a result, the area of the “V” zone is reduced from 4.12 ha to 2.48 ha. With about 1.72 ha of land available in the “V” zone for Small House development (68 Small Houses), about 25% of the Small House demand<sup>10</sup> would be met. The estimation of available land has taken into account the need for the necessary supporting facilities.
- 3.10 Agriculture, Fisheries and Conservation Department (AFCD) considers that the “GB” zone for the two pieces of land at the north-eastern and south-western ends of the original “V” zone is appropriate. Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD also supports the proposed amendment.
- 3.11 The designation of the “GB” zone not only can provide a buffer between the village development and the “CA” (which covers the wetland system of ecological importance), but also protect the existing green areas in this Country Park Enclave. At the same time, this allows flexibility for suitable development to meet community need or for Small House development adjoining to the existing village cluster, if any in future, subject to scrutiny of the Board under the planning application system.
- 3.12 There is neither strong justification nor change in planning circumstances for a departure for the Board’s previous decision. Taking into account all the relevant planning considerations, expert advices from concerned Government departments and views from relevant stakeholders (including both the villagers and green concern groups, as well as the general public), it is considered that the

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<sup>10</sup> According to the latest information provided by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) for the So Lo Pun Village, there is very minor change to the Small House demand figures considered in the Board’s deliberation of the original representations and comments i.e. there is no outstanding Small House application (same as the previous figure) and the 10-year Small House demand forecast is 269 houses (the previous figure is 270 houses).

proposed Amendment Item A could strike a balance between enhancing nature conservation of the Area and meeting the needs of villagers for Small House development.

**Adverse Impacts of Small House Development on Surrounding Environment (F2 to F7)**

- 3.13 The concerns on current sewage treatment arrangements and water quality impact of Small Houses were also raised by many original representations and comments. The Board, in considering these representations and comments, noted that the LandsD, when processing Small House grant applications, will consult concerned Government departments including the Environmental Protection Department (EPD), AFCD and PlanD 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". Members of the Board were of the view that there was sufficient control in the current administrative system to ensure that individual Small House development and STS system within the "V" zone would not entail unacceptable impacts on the surrounding environment.
- 3.14 In response to the further representations, EPD advises that provided that the STS system is built at suitable location in accordance with the prescribed standards and regulations, the attenuation effect should be able to offer adequate protection to the nearby environment.
- 3.15 Regarding the quest for cumulative impact assessment of Small House development, when considering the draft So Lo Pun OZP, the Board has already taken into account all relevant planning considerations, including the expert advice of the relevant Government departments and public views. The relevant Government departments including AFCD, CTP/UD&L of PlanD, EPD, DSD, Water Supplies Department (WSD), etc. had no objection to the "V" zone on the draft OZP.

**Adequacy of the "GB" Zone for Conservation (F2 and F4 to F7) and Proposal to Rezone the Proposed "GB" to "GB(1)" or "CA" (F2 to F7)**

- 3.16 It should be noted that the "GB" zone is a conservation zone, which is in line with the general planning intention of the Area to protect its high conservation and landscape value as well as to consolidate village to avoid undesirable disturbances to the natural environment. In considering the representations and comments casting doubts on the adequacy of the "GB" zone for conservation, the Board was of the view there is a general presumption against development within the "GB" zone, and any Small House development shall require planning permission from the Board, and each case shall be considered on its individual merits. Furthermore, any diversion of streams, filling of land/pond or excavation of land which may cause adverse impacts on the natural environment requires planning permission from the Board.

- 3.17 The Site consists of fallow agricultural land covered by grass and shrubs interspersed with trees. Its southwestern part is away in an about 20m distance from the upper section of the natural stream flowing across the Area (**Plans FH-1 to FH-4**). The “GB” zone for the Site is supported by both AFCD and CTP/UD&L, PlanD.
- 3.18 According to the AFCD, the woodlands in So Lo Pun should be relatively young secondary woodlands. They are not as ecologically important as fung shui woodlands or mature secondary woodlands in the territory. The three protected plant species therein quoted by the relevant further representations are rather widespread in Hong Kong. There is no adequate evidence to substantiate the highest naturalness of the woodlands in So Lo Pun among those in the three draft OZPs<sup>11</sup> as claimed in the relevant further representations.

**Landowners’ Interests and Rights (F8, F9, F11, F14, F16 to F19 and F21)**

- 3.19 All the building lots are covered by “V” zone, in which ‘House (New Territories Exempted House only)’ is always permitted. As for agricultural lots, ‘Agricultural Use’ in general is always permitted on land within the boundary of the draft OZP<sup>12</sup>. Therefore, there is no deprivation of landowners’ rights in using their building and agricultural lots.
- 3.20 Regarding the interests and needs of landowners in So Lo Pun, in the course of deliberating the representations and comments, Members of the Board considered that the indigenous villagers’ right to build Small Houses should be respected and there was a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in So Lo Pun. The “V” zone with an area of about 2.48 ha has been designated for village development.
- 3.21 As regards to the concern on the protection of the indigenous villagers’ rights under the Basic Law, Department of Justice (DoJ) advises that the amended draft OZP would not affect any landowner’s right to transfer or assign his/her interest in land; nor would it leave the land concerned without any meaningful use or any economically viable use; hence there is no ‘deprivation’ of the landowner’s property right. Furthermore, the zoning restrictions pursue the legitimate aim of better planning control and the land concerned could be put to ‘always permitted uses’ and other uses as long as planning approval is obtained. The Amendment is not inconsistent with Articles 6 and 105 of the Basic Law. According to DoJ, there is no concrete evidence on how Small Houses development would be affected in the area; in any event, even assuming there is

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<sup>11</sup> Including 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.

<sup>12</sup> subject to different control of the diversion of streams, filling of land/pond or excavation of land in individual zones as such activities may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. There are “V”, “GB” and “CA” zones on the draft OZP. In the “V” zone, ‘Agricultural Use’ is always permitted, but any diversion of streams or filling of pond requires planning permission. In the “GB” zone, ‘Agricultural Use’ is always permitted, but any diversion of streams, filling of land/pond or excavation of land requires planning permission. In the “CA” zone, ‘Agricultural Use (other than Plant Nursery)’ is always permitted, but any diversion of streams, or filling of land/pond or excavation of land requires planning permission.



a right to build Small Houses by the indigenous villagers, as long as the right have already been qualified by the Ordinance (Cap. 131) by the time the Basic Law came into force, subjecting such a right to the planning controls that may be lawfully imposed pursuant to the Ordinance by way of the amended draft OZP would not be inconsistent with Basic Law 40.

**Private Land should be zoned for Village Type Development or Agricultural Use and/or Government Land should be zoned as “CA” or “GB” (F8 to F9, F11 to F13 and F15 to F18, F20 and F21)**

- 3.22 Designation of the land use zones on the draft OZP including “V” and “GB” is considered appropriate taking into all the relevant planning considerations as elaborated in paragraphs 3.6 to 3.12 above. Land ownership should not be the only factor for formulating the land use zones. Furthermore, as indicated in Para.3.19 above, ‘Agricultural Use’ in general is always permitted on land within the boundary of the draft OZP.

**Other Views Not Directly Related to the Proposed Amendment Item A (F1, F2, F4 to F7 and F21)**

- 3.23 These views are not directly related to the proposed Amendment Item A and are similar to those views made in the original representations/comments, which have been considered by the Board in deliberating the representations and comments. The view on the failures in the representation hearing process/procedure is not relevant to the proposed Amendment Item A.

#### **4. CONSULTATION**

- 4.1 The following Government departments have been consulted on the further representations and their comments have been taken into account in the above paragraphs, where appropriate. In particular, District Officer (North), Home Affairs Department anticipates that more severe protests against the Board’s decision on the proposed amendment would be staged by the villagers of So Lo Pun.

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Chief Town Planner/Urban Design and Landscape Section, Planning Department;
- (c) Director of Environmental Protection;
- (d) District Lands Officer/North, Lands Department;
- (e) District Officer (North), Home Affairs Department; and
- (f) Department of Justice.

- 4.2 The following Government departments have no major comment/nil return on the further representations:

- (a) Chief Engineer/Sewerage Project, Drainage Services Department;
- (b) Chief Engineer/Development (2), Water Supplies Department;
- (c) Head of Geotechnical Engineering Office, Civil Engineering and

- Development Department;
- (d) Project Manager/ New Territories East, Civil Engineering and Development Department;
  - (e) Director of Social Welfare; and
  - (f) Commissioner for Transport;
  - (g) Director of Electrical and Mechanical Services;
  - (h) Director of Food and Environmental Hygiene;
  - (i) Director-General of Communications;
  - (j) Chief Highway Engineer/New Territories East, Highways Department;
  - (k) Director of Marine;
  - (l) Secretary for Education;
  - (m) Chief Engineer/Mainland North, Drainage Services Department;
  - (n) Director of Leisure and Cultural Services;
  - (o) Director of Fire Services; and
  - (p) Chief Engineer/Drainage Project, Drainage Services Department.

## **5. PLANNING DEPARTMENT'S VIEWS**

- 5.1 The supporting views of **F1 to F3 (Part)** to the proposed Amendment Item A of rezoning the two pieces of land at the north-eastern end and south-western end of the “V” zone to “GB” are noted.
- 5.2 Based on the assessments in paragraph 3 above, PlanD does not support the remaining part of Further Representations **F1 to F3, and F4 to F21** and considers that the draft OZP should be amended by the proposed Amendment Item A for the following reasons:

### **Designation of “V” and “GB” Zones (F1 to F7, F8 to F14 and F19 to F21)**

- (a) In order to minimise the adverse impacts on the natural environment, an incremental approach for designating the “V” zone for Small House development should be adopted with an aim to confining Small House development at suitable locations. Based on an incremental approach and in view of the existing zero population, the lack of infrastructural facilities in So Lo Pun and the need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers, the rezoning of the two pieces of land at the northeastern end and southwestern end of the “V” zone to “GB” is considered appropriate.
- (b) The designation of the two pieces of land of the original “V” zone as “GB” is considered appropriate. It not only can provide a buffer between the village development and the “CA”, but also protect the existing green areas in this Country Park Enclave. At the same time, this allows flexibility for suitable development to meet community need or for Small House development adjoining to the existing village cluster, if any in future, subject to scrutiny of the Board under the planning application system.

- (c) Taking into account all the relevant planning considerations, expert advices from concerned Government departments and views from relevant stakeholders, it is considered that the proposed Amendment Item A could strike a balance between enhancing nature conservation of the Area and meeting the needs of villagers for Small House development.

**Adverse Impacts of Small House Development on Surrounding Environment (F2 to F7)**

- (d) The LandsD, when processing Small House grant applications, will consult concerned Government departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. There is sufficient control in the current administrative system to ensure that individual Small House development within the “V” zone would not entail unacceptable impacts on the surrounding environment.

**Adequacy of the “GB” Zone for Conservation (F2 and F4 to F7) and Proposal to Rezone the Proposed “GB” to “GB(1)” or “CA” (F2 to F7)**

- (e) The “GB” zone is a conservation zone with a general presumption against development. In the “GB” zone, any Small House development, diversion of streams, filling of land/pond or excavation of land requires planning permission from the Board. It is considered appropriate and adequate for protection of the Site. There is no strong justification for rezoning the Site to “GB(1)” or “CA”.

**Landowners’ Interests and Rights (F8, F9, F11, F14, F16 to F19 and F21)**

- (f) All the building lots are covered by “V” zone, in which ‘House (New Territories Exempted House only)’ is always permitted. As for agricultural lots, ‘Agricultural Use’ in general is always permitted on land within the boundary of the draft OZP. Therefore, there is no deprivation of landowners’ rights in using their land;
- (g) the indigenous villagers’ right to build Small Houses should be respected and there is a need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers in So Lo Pun;
- (h) According to the legal advice, the imposition of the planning controls in the amended draft OZP would not be inconsistent with Articles 6, 40 and 105 of the Basic Law.

**Private Land should be zoned for Village Type Development or Agricultural Use and/or Government Land should be zoned as “CA” or “GB” (F8 to F9, F11 to F13 and F15 to F18, F20 and F21)**

- (i) Designation of the land use zones on the draft OZP including “V” and “GB” is considered appropriate taking into all the relevant planning considerations. Land ownership should not be the only factor for

formulating the land use zones. Furthermore, 'Agricultural Use' in general is always permitted on land within the boundary of the draft OZP.

**Other Views Referring to the Whole Draft So Lo Pun OZP or Not Directly Related to the Proposed Amendment Item A (F1, F2, F4 to F7 and F21)**

- (j) These views are not directly related to the proposed Amendment Item A and are similar to those views made in the original representations/comments, which have already been considered by the Board. The view on the failures in the representation hearing process/procedure is not relevant to the proposed Amendment Item A.

**6. DECISION SOUGHT**

The Board is invited to give consideration to the further representations taking into consideration the points raised in the hearing, and decide whether to amend the draft OZP by the proposed Amendment Item A or by the proposed amendment(s) as further varied during the hearing.

**7. FOLLOW-UP ACTION**

- 7.1 Should the Board decide to amend the draft OZP by the proposed Amendment Item A or the proposed amendment(s) as further varied, such amendment(s) shall form part of the draft So Lo Pun OZP No. S/NE-SLP/1. In accordance with section 6H of the Ordinance, the draft OZP shall thereafter be read as including the amendment(s). The amendment(s) shall be made available for public inspection until the Chief Executive in Council has made a decision in respect of the draft OZP in question under section 9 of the Ordinance.
- 7.2 Administratively, the Building Authority and relevant Government departments will be informed of the decision of the Board and will be provided with a copy/copies of the amendment(s).

**ATTACHMENTS**

- |                            |   |  |
|----------------------------|---|--|
| <b>Enclosure I</b>         | - | TPB Paper No. 9645 for Consideration of Representations and Comments in respect of the Draft So Lo Pun OZP No. S/NE-SLP/1  |
| <b>Enclosure II</b>        | - | Extract of the Minutes of the TPB Meeting held on 28.4.2014, 8.5.2014, 12.5.2014, 19.5.2014, 20.5.2014 and 4.6.2014  |
| <b>Enclosure III</b>       | - | TPB Paper No. 9680 for Proposed Amendment to the Draft So Lo Pun OZP No. S/NE-SLP/1 arising from the Consideration of Representations and Comments on OZP No. S/NE-SLP/1 |
| <b>Enclosure IV</b>        | - | Extract of the Minutes of the TPB Meeting held on 4.7.2014   |
| <b>Enclosures Va to Vd</b> | - | Gazette Notice, Schedule of Proposed Amendment, Amendment Plan, Proposed Amendments to the Explanatory   |

Statement of the Draft OZP

- Enclosure VI** - Summary of Valid Further Representations and PlanD's Responses
- Enclosure VII** - Submission of Valid Further Representations
- Plan FH-1** - Location Plan
- Plan FH-2** - Aerial Photo
- Plan FH-3** - Site Photo
- Plan FH-4** - Existing Physical Features
- Plan FH-5** - Land Status Plan
- Plan FH-6** - Proposals of Further Representations

**PLANNING DEPARTMENT  
NOVEMBER 2014**