

**CONSIDERATION OF FURTHER REPRESENTATIONS  
ON PROPOSED AMENDMENT TO THE DRAFT PAK LAP  
OUTLINE ZONING PLAN NO. S/SK-PL/1  
ARISING FROM CONSIDERATION OF REPRESENTATIONS AND COMMENTS  
ON PAK LAP OUTLINE ZONING PLAN NO. S/SK-PL/1**

<b>Subject of Further Representations</b>	<b>Further Representers</b>
<b>Partly support and partly oppose</b> the Proposed Amendment Item A (to rezone a section of the existing stream in Pak Lap and the area to its east from “Village Type Development” (“V”) to “Agriculture” (“AGR”) with additional comments on / proposed amendments to the draft Pak Lap Outline Zoning Plan	Individuals ( <b>F1</b> and <b>F3</b> ) <sup>1</sup>
<b>Oppose</b> the Proposed Amendment Item A with additional comments on/ proposed amendments to the draft Pak Lap Outline Zoning Plan	Local villager/individuals ( <b>F4</b> to <b>F11</b> ) <sup>2</sup>

## **1. INTRODUCTION**

- 1.1 On 27.9.2013, the draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 10,665 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, a total of 3,665 valid 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>3</sup>, the Town Planning Board (the Board), on 4.6.2014, decided to partially uphold some representations<sup>4</sup> by rezoning a section of the existing stream in Pak Lap and the area to its east from “V” to “AGR” (i.e. Proposed Amendment Item A). The relevant Town Planning Board Paper and minutes of meeting are at **Enclosures I** and **II** respectively.

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<sup>1</sup> Further representations **F1** to **F3** support the reduction of the area of the “V” zone, but opine that it should be further reduced.

<sup>2</sup> Further representations **F4** to **F7** oppose the “AGR”, propose to rezone the “AGR” to “CA” or other conservation zones. Further representations **F8** to **F11** oppose the “AGR” due to excessive reduction of “V” zone and propose to rezone the “AGR” to “V” zone.

<sup>3</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>4</sup> 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.

- 1.3 On 4.7.2014, the Proposed Amendment Item A to the draft Pak Lap OZP No. S/SK-PL/1 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 Item A to the Plan was exhibited for public inspection under section 6C(2) of the Ordinance. A copy each of the Gazette Notice, the Schedule of Proposed Amendment, the Amendment Plan No. R/S/SK-PL/1-A1 and Proposed Amendments to the Explanatory Statement of the Plan is attached at **Enclosures Va to Vd**. Upon expiry of the three-week exhibition period which ended on 15.8.2014, a total of 12 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 Plan 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 12 further representations received, three (**F1 to F3**) were submitted by individuals, who partly support and partly oppose the Proposed Amendment Item A, while 8 (**F4 to F11**) were submitted by local villager and individuals, who oppose the Proposed Amendment Item A. **F4 to F7** oppose the “AGR”, propose to rezone the “AGR” to “CA” or other conservation zones. **F8 to F11** oppose the “AGR” due to excessive reduction of “V” zone and propose to rezone the “AGR” to “V” zone. The remaining one further representation (**F12**) does not indicate clearly whether it supports or opposes the Proposed Amendment Item A.
- 1.6 Pursuant to section 6D(1) of the Ordinance, any person, other than those who have 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. On 24.10.2014, the Board decided that Further Representation **F12**, who was one of the original representers, is invalid and should be treated as not having been made under section 6D(1) of the Ordinance. The Board also decided to hear the Further Representations **F1 to F11** 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 Further Representations **F1 to F11** (i.e. 11 valid further representations). A summary of the valid further representations with the Planning Department (PlanD)’s responses is at **Enclosure VI** and the submission of the valid further representations is at **Enclosure VII**. The location of the valid further representations is shown on **Plan FH-1**.
- 1.7 In accordance with section 6F(3) of the Ordinance, all the original representers and commenters and the Further Representers **F1 to F11** have been invited to attend the meeting.

## **2. THE FURTHER REPRESENTATIONS**

- 2.1 Among the 11 valid further representations, one is submitted by a local villager

of Pak Lap (**F10**) while the remaining 10 (**F1** to **F9**<sup>5</sup> and **F11**) are submitted by individuals. Three further representations (**F1** to **F3**) partly support and partly oppose the Proposed Amendment Item A, while the remaining 8 further representations (**F4** to **F11**) oppose the Proposed Amendment Item A. **F4** to **F7** oppose the “AGR”, propose to rezone the “AGR” to “CA” or “GB(1)”. **F8** to **F11** oppose the “AGR” as excessive reduction of “V” zone and propose to rezone the “AGR” to “V” zone.

**Further representations opposing to excessive “V” zone and/or expressing concerns on the environmental issues of the area**

2.2 Further representations **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>6</sup>:

- (a) it is not clear whether 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 Pak Lap, 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**); and
- (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**).

**Proposal**

**To further confine “V” zone**

2.3 Various further representations (**F3** to **F5** and **F7**) propose to substantially reduce the “V” zone, whilst **F2** to **F7** propose to further confine the “V” zone to the existing settlement and rezone the area along the stream (at least 10 meters on either side) and/or the grassland/fallow agricultural land for “Conservation Area” (“CA”) or “Green Belt(1)” (“GB(1)”<sup>7</sup>) (**F2** to **F7**) and also propose

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<sup>5</sup> Content of Further representations **F5** to **F7** are basically the same.

<sup>6</sup> Some of the views and proposed amendments actually refer to the whole draft Pak Lap OZP rather than specifically to the proposed Amendment A including objection to the village type development in Pak Lap (**F1**), but are also included for responses pertinent to the proposed Amendment Item A.

<sup>7</sup> “GB(1)”: This zone can be found in the draft Hoi Ha OZP S/NE-HH/1, providing amongst others, that redevelopment of Small House is subject to the Board’s approval whereas development of the Small House is

amendments to the Notes of the Plan for stricter planning control (**F2, F4 to F7**), etc.

Rezoning of the area with water fern as “GB(1)”/“CA”

- 2.4 Various representations propose to rezone the area with water fern as “GB(1)” / “CA” (**F2, F5 to F7**) and also propose amendments to the Notes of the Plan for stricter planning control (**F2, F4 to F7**), etc.

**Further Representations Opposing to Insufficient “V” Zone**

- 2.5 Further representations **F8 to F11** have similar views of opposing insufficient “V” zone, their main grounds are summarized as follows:
- (a) the area of “V” zone is insufficient to meet the Small House demand (**F8 to F11**) or for the provision of ancillary public facilities for the village (**F10**);
  - (b) the planning intention and assessment criteria of the Plan are heavily biased towards the ecological value, without balancing the needs for Small House development and the long term development of Pak Lap (**F10**); and
  - (c) indigenous villagers are eligible and have the right to build Small Houses, reduction in “V” zone would deprive of their right and the accumulative effect arising from the significant reduction of “V” zones in Pak Lap and other OZPs should be noted (**F8**).

Proposal

To expand “V”

- 2.6 Further representation **F10** proposes to restore the “V” zone to the same area as shown in the draft Pak Lap OZP which was gazetted on 27.9.2013, i.e. 2.37 ha. Further representations **F8 to F9** and **F11** do not propose any amendment.

**Other Views Not Directly Related to the Proposed Amendment Item A (F1 to F7)**

- 2.7 Other views and proposed amendments not directly related to the proposed Amendment Item A include supporting incorporation of Pak Lap into Country Park (**F1**), proposing amendments to the Notes of the Plan for stricter planning control and offering general comments on environmental conservation of the area, etc. (**F2, F4 to F7**) and failures in the hearing process/procedure of the representations and comments in respect of the three draft OZPs<sup>8</sup> (**F4**).

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not allowed.

<sup>8</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.

### **3. PLANNING CONSIDERATIONS AND ASSESSMENTS**

#### **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 land contiguous to the existing village cluster to its eastern end in Pak Lap. The Site, with an area of 1.39 ha, consists of the existing stream, fallow agricultural land covered by grass and shrubs, is located at the central part of Pak Lap.

#### **Planning Intention**

- 3.2 As a result of the Proposed Amendment Item A, the Site has been rezoned from “V” to “AGR”, reducing the area of the “V” zone from 2.37 ha to 0.98 ha and increasing the area of the “AGR” zone from 1 ha to 2.39 ha.
- 3.3 The planning intention of the “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 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. The “V” zone mainly comprises the existing village settlements and the adjoining area reserved for Small House development.

#### **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” Zone (F1 to F11)**

- 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” zone i.e. opposing excessive “V” zone versus opposing insufficient “V” zone, which were 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 Pak Lap 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.

- 3.8 Regarding the incorporation of the strict planning control of the Tai Long Wan OZP into Pak Lap, Members of the Board agreed that each Country Park Enclave should be considered on the circumstances and characteristics of individual areas. 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 a lack of infrastructural facilities in Pak Lap, the Board decided to rezone a section of the existing stream in Pak Lap and the area to its east from “V” to “A” (**Plans FH-1 to 4**).
- 3.9 As a result, the area of the “V” zone is reduced from 2.37 ha to 0.98 ha. With about 0.41 ha of land available in the “V” zone for Small House development (18 Small Houses), about 23% of the Small House demand<sup>9</sup> would be met. The estimation of available land has taken into account the need for the necessary supporting facilities.
- 3.10 Both Agriculture, Fisheries and Conservation Department (AFCD) and Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD consider that it is reasonable to rezone this Site from “V” zone to “AGR” to maintain the nature of this area as the Site is grassland/fallow agricultural land. According to the advice from AFCD, the fallow agricultural land is considered with good potential for rehabilitation into agricultural use. As such, the land designated as “AGR” is appropriate.
- 3.11 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 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)**

- 3.12 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

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<sup>9</sup> According to the latest information provided by the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) for the Pak Lap 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 7 outstanding Small House application (same as the previous figure) and the 10-year Small House demand forecast is 70 houses (the previous figure is 72 houses).

(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.

- 3.13 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.
- 3.14 Regarding the request for cumulative impact assessment of Small House development, when considering the draft Pak Lap 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, Drainage Services Department (DSD), Water Supplies Department (WSD), etc. have no objection to the "V" zone on the Plan.

**Proposal to Rezone the Proposed "AGR" to "GB(1)" or "CA" (F2 to F7)**

- 3.15 The area zoned "AGR" was once the subject of excavation works in 2009. The Site consists of fallow agricultural land covered by grass and shrubs. DLO/SK advises that the Site are granted old schedule lot for agricultural purpose which is shown as "cultivation" or "Fallow" on the Lease. AFCD advises that the Site has good potential for rehabilitation into agricultural use and the area should be designated as "AGR" to retain for agricultural purpose. To ensure that activities within "AGR" zone would not result in adverse environmental impact, the Notes of the OZP has stipulated that diversion of stream, and filling of land/pond within "AGR" zone are subject to the Board's approval. The "AGR" zone in Pak Lap is prohibited from livestock rearing activities under the Waste Disposal Ordinance. Therefore, it is not anticipated that major organic pollution on the stream and Pak Lap Wan will be caused by the non-livestock rearing farming activities. Both AFCD and CTP/UD&L of PlanD consider that the "AGR" zone for the Site is appropriate from the agricultural and landscape planning perspectives. On the other hand, AFCD has reservation on rezoning the Site into "CA" in which some agricultural activities such as plant nursery would be restricted.
- 3.16 The further representers propose to rezone the Site, where water fern is found, from "AGR" 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.

**Other Views Not Directly Related to the Proposed Amendments (F1 to F7)**

- 3.17 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.

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) Chief Town Planner/Urban Design and Landscape Section, Planning Department;
- (c) Director of Environmental Protection; and
- (d) District Lands Officer/Sai Kung, Lands Department.

- 4.2 The following Government departments have no major comment 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) Commissioner for Transport;
- (e) Director of Electrical and Mechanical Services;
- (f) Director of Food and Environmental Hygiene;
- (g) Director-General of Communications;
- (h) Chief Highway Engineer/New Territories East, Highways Department;
- (i) Director of Marine;
- (j) Chief Engineer/Mainland South, Drainage Services Department;
- (k) Director of Leisure and Cultural Services;
- (l) Chief Building Surveyor/New Territories East, Buildings Department;
- (m) District Officer (Sai Kung), Home Affairs Department;
- (n) Director of Fire Services; and
- (o) 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 a section of the existing stream in Pak Lap and the area to its east from "V" to "AGR" are noted.



- 5.2 Based on the assessments in paragraph 3 above, PlanD does not support F4 to F11, and the remaining part of Further Representations **F1 to F3** and considers that the Plan should be amended by the Proposed Amendment Item A for the following reasons:

**Designation of “V” zone (F1 to F11)**

- (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 low population, the lack of infrastructural facilities in Pak Lap and the need to designate “V” zone at suitable locations to meet Small House demand of indigenous villagers, the rezoning of the piece of land at the central part of Pak Lap from “V” zone to “AGR” is considered appropriate.
- (b) The designation of the piece of land of the original “V” zone as “AGR” would maintain the nature of this area as the Site is grassland/fallow agricultural land. At the same time, this allows flexibility for suitable development to meet community needs for Small House development adjoining 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.

**Proposal to Rezone the Proposed “GB” to “GB(1)” or “CA” (F2 to F7)**

- (e) It is considered that the “AGR” zone for the Site is appropriate from the agricultural and landscape planning perspectives. In the “AGR” zone, any Small House development, diversion of streams or filling of land/pond requires planning permission from the Board to ensure appropriate and adequate protection of the Site. There is no strong justification for rezoning the Site to “GB(1)” or “CA”.

**Other Views Referring to the Whole Draft Pak Lap OZP or Not Directly Related to the Proposed Amendment Item A (F1 to F7)**

- (f) 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 Plan 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 Plan by the Proposed Amendment Item A or the proposed amendment(s) as further varied, such amendment(s) shall form part of the draft Pak Lap OZP No. S/SK-PL/1. In accordance with section 6H of the Ordinance, the Plan 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 plan 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**

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| <b>Enclosure I</b>         | - | TPB Paper No. 9646 for Consideration of Representations and Comments in respect of the Draft Pak Lap OZP No. S/SK-PL/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. 9681 for Proposed Amendment to the Draft Pak Lap OZP No. S/SK-PL/1 arising from the Consideration of Representations and Comments on OZP No. S/SK-PL/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 Plan   |
| <b>Enclosure VI</b>        | - | Summary of valid further representations   |

- Enclosures VII**            -    Submissions of valid further representations (**F1** to **F11**)
- Plan FH-1**                -    Location Plan of Further Representations
- Plan FH-2**                -    Aerial Photo
- Plan FH-3**                -    Site Photo
- Plan FH-4**                -    Existing Physical Features
- Plan FH-5**                -    Land Status Plan

**PLANNING DEPARTMENT**  
**NOVEMBER 2014**