

TOWN PLANNING BOARD

TPB PAPER NO. 10213
FOR CONSIDERATION BY THE TOWN PLANNING BOARD
ON 2.12.2016

城市規劃委員會文件第 10213 號

考慮日期：2016 年 12 月 2 日

**CONSIDERATION OF FURTHER REPRESENTATIONS
NO. F1 TO F4 ON PROPOSED AMENDMENTS TO THE
DRAFT YI O OUTLINE ZONING PLAN (OZP) NO. S/I-YO/1
ARISING FROM THE CONSIDERATION OF REPRESENTATIONS
AND COMMENTS ON THE OZP**

考慮《二澳分區計劃大綱草圖編號S/I-YO/1》
的進一步申述編號 F1 至 F4
(關於考慮《二澳分區計劃大綱草圖編號S/I-YO/1》的
申述及意見後建議對該圖作出的修訂)

**CONSIDERATION OF FURTHER REPRESENTATIONS
F1 TO F4 ON PROPOSED AMENDMENTS TO THE DRAFT YI O
OUTLINE ZONING PLAN (OZP) NO. S/I-YO/1
ARISING FROM CONSIDERATION OF REPRESENTATIONS AND COMMENTS
ON THE DRAFT YI O OZP NO. S/I-YO/1**

Subject of Further Representations Relating to the Proposed Amendments	Further Representers
Oppose the proposed amendments	Kung Hok Shing, Yi O Village Indigenous Inhabitant Representative (YOIR) (F1)
Support Amendment Item A	Ng Hei Man (F2)
Support Amendment Items A and B within additional comments/ proposal	Woo Ming Chuan (F3)
Make proposal on Amendment Item B	Karen Kam (F4)

1. INTRODUCTION

- 1.1 On 13.11.2015, the draft Yi O Outline Zoning Plan No. S/I-YO/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 20 representations and 1,401 valid comments were received.
- 1.2 On 8.7.2016, after consideration of the representations and comments under section 6B(1) of the Ordinance, the Town Planning Board (the Board) decided to partially uphold Representations No. R11 to R17 by rezoning the woodlands at the western part of Yi O San Tsuen with dense tree clusters from “Agriculture” (“AGR”) to “Green Belt” (“GB”); and suitably reducing the “AGR” zone along the eastern riparian of the stream and rezoning it to “GB”. Various considerations should be taken into account in delineating the zoning boundaries. The relevant Town Planning Board Paper (TPB Paper) and extract of the minutes of the meeting are at **Enclosures I** and **II** respectively.
- 1.3 On 19.8.2016, the Board agreed to the following proposed amendments to the OZP and the relevant TPB Paper and extract of the minutes of the meeting are at **Enclosures III** and **IV** respectively:

Amendment Item A – Rezoning of two sites at the western part of Yi O San Tsuen with dense tree clusters from “AGR” to “GB”.

Amendment Item B – Rezoning of a site at the northern part of the eastern riparian of the stream at Yi O from “AGR” to “GB”.

- 1.4 On 2.9.2016, the proposed amendments were exhibited for public inspection under section 6C(2) of the Ordinance. A copy of the Schedule of Proposed Amendments, Amendment Plan No. R/S/I-YO/1-A1 and Proposed Amendments to the Explanatory Statement of the OZP is attached at **Enclosures Va to Vc**. During the three-week exhibition period, a total of 4 valid further representations (FRs) were received.
- 1.5 On 24.10.2016, the Board decided to hear the 4 valid FRs, i.e. **F1 to F4**, collectively in one group. This Paper is to provide the Board with information for the consideration of the FRs. The submission of the FRs are at **Enclosure VI**. A summary of the FRs and the Planning Department (PlanD)’s responses is at **Enclosure VII**. The location of the FRs is shown on **Plan FH-1**.
- 1.6 The original representers and commenters who have made representations/comments on which the proposed amendments have been made and the further representers **F1 to F4** are invited to the meeting.

2. THE FURTHER REPRESENTATIONS

- 2.1 Among the 4 valid FRs, **F1** is submitted by YOIR who opposes the proposed amendments. **F2 to F4** are submitted by individuals. **F2** supports Amendment Item A. **F3** supports Amendment Items A and B with additional comments/proposals. **F4** has not stated whether she supports or opposes the proposed amendments but make proposal on Amendment Item B. All 4 FRs also provide views not relating to the proposed amendments. Their grounds/proposals are summarised as follows:

Supporting/not opposing the proposed amendments

- 2.2 **F2** considers **Amendment Item A** appropriate.
- 2.3 **F3** supports **Amendment Items A and B** as “GB” zone would provide better protection to the woodland and the brackish marsh in the Yi O area but concerns that the approval rate of Small House applications in “GB” zone was about 57% for the past years. **F3** proposes to rezone the “GB” areas to other conservation zonings such as “GB(1)”, “Coastal Protection Area” (“CPA”) and/or “Conservation Area”(“CA”) to alleviate the small house development pressure.
- 2.4 **F4** considers that the area within **Amendment Item B** covered with brackish-water marsh and reedbeds should be rezoned from “GB” to “CA” as areas with similar wetland habitats in many Country Park Enclaves have already been zoned as “CA”.

Opposing the proposed amendments

- 2.5 **F1** considers that the proposed amendments would deprive the rights of villagers and should be cancelled. The Government should respect the original land uses in Yi O. Land within the village ‘environs’ (‘VE’) is for development of Small Houses and should be zoned “Village Type Development”(“V”). The views from Yi O villagers, the Tai O Rural Committee (TORC) and Islands District Council (IsDC) have been ignored.

Proposals of FRs

- 2.6 The proposals of the FRs relating to the proposed amendments are summarized as follows:

- F1** – To cancel the proposed amendments and to rezone the land within the ‘VE’ (covering Amendment Item A) to “V”
- F3** – To rezone the sites of Amendment Items A and B from “GB” to other conservation zonings such as “GB(1)”, “CPA” and/or “CA”
- F4** – To rezone the site of Amendment Item B from “GB” to “CA”

Other views not directly related to the proposed amendments

- 2.7 There are other views in F1 to F4 not directly related to the proposed amendments, which include planning of road and other infrastructures and redevelopment of pier for Yi O (**F1**), rezoning the woodland in the east vicinity of Yi O San Tsuen from “AGR” to other conservation zoning (**F2 and F3**), prohibiting new house development in “AGR” zone (**F2**), and designating the southern part of the eastern riparian area of the Yi O Stream with conservation zoning (**F4**).

3. PLANNING CONSIDERATIONS AND ASSESSMENTS

The further representation sites and the surrounding areas (Plans FH-1 to FH-4)

- 3.1 The sites under **Amendment Item A** are located at the western side of Yi O San Tsuen. They fall within the ‘VE’ of Yi O. They are covered by dense tree clusters (**Plan FH-3**) and some ruins are found. No farming activity is found.
- 3.2 The site under **Amendment Item B** is located at the northern part of the eastern riparian of the stream at Yi O. It is covered with pond, grass and reed at level around 2mPD to 3mPD (**Plans FH-2 and FH-3**). It falls outside the ‘VE’ of Yi O.

Planning intention

- 3.3 The “GB” zone is primarily intended for defining the limits of development areas by natural features and to preserve the existing natural landscape as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Land administration (Plan FH-2)

- 3.4 The sites under Amendment Item A are mainly government land, except that a private agricultural lot (Lot No. 126) is found. Part of the sites is under Government Land Licence mainly for domestic and agriculture uses. The site under Amendment Item B consists of mainly private agricultural lots.

Responses to grounds/proposals of further representations

- 3.5 The supporting views of **F2 and F3** are noted. The responses to the grounds/proposals of **F1, F3 and F4** relating to the proposed amendments are set out in the following paragraphs.

To rezone sites of Amendment Items A and B to other conservation zonings (F3 and F4)

- 3.6 **F3** proposes to rezone the “GB” sites of Amendment Items A and B (**Plan FH-2**) to other conservation zonings such as “GB(1)”, “CPA” and/or “CA”. **F4** proposes to rezone the site of Amendment Item B from “GB” to “CA”. Similar views have been considered by the Board during the hearing and deliberation of the original representations and comments. Since the sites within Amendment Item A is mainly covered with woodland, and the site of Amendment Item B is mainly covered with pond, grass and reed (**Plan FH-3**), Director of Agriculture, Fisheries and Conservation (DAFC) advises that the “GB” zoning is adequate in protecting the natural habitats concerned. Besides, there is a general presumption against development within “GB” zone. There is no justification for further upgrading the conservation zoning of the sites.
- 3.7 As for **F3**’s concern on the Small House development pressure in “GB” zone, it should be noted that ‘House’ use in “GB” zone requires planning permission from the Board and each application would be considered by the Board based on its individual merits taking account of relevant planning considerations.

The right of villagers and to rezone the sites of Amendment Item A to “V” (F1)

- 3.8 Regarding the concern of **F1** on the right of villagers, it should be noted that private land under Amendment Items A and B is primarily demised for agricultural purpose under the block government lease. There is no building lot within the sites of the proposed amendments. The draft OZP would not leave the land concerned without any meaningful use or economically viable use.
- 3.9 As for the proposal of rezoning the land within the ‘VE’ of Yi O (covering the sites of Amendment Item A) to “V”, this has been considered by the Board during the hearing and deliberation of the original representations and comments. Given there is no outstanding Small House application and the lack of infrastructure facilities in Yi O, an incremental approach has been adopted in designating the “V” zone to achieve a more orderly development pattern, efficient use of land and provision of infrastructures and services. The current

“V” zone boundary is considered appropriate. It would help confine human disturbance to the areas around the existing settlements, thus minimizing unnecessary adverse impacts on the natural environment outside the village. DAFC advises that further expansion of the “V” zone is not supported as there is no information to justify the proposal. Besides, Small House development outside “V” zone could be processed through the planning application system.

- 3.10 Regarding **F1’s** comment that the views from Yi O villagers, TORC and IsDC have been ignored, it should be noted that consultations with locals, TORC and IsDC were conducted during the preparation of the draft OZP and their views were considered by the Board and incorporated as appropriate. YOIR and TORC also submitted representations and their views and proposals were considered by the Board during the hearing of the representation and comments on 8.7.2016.

Views/proposals not related to the proposed amendments (F1 to F4)

- 3.11 As for other views/proposals in **F1 to F4** not directly related to the proposed amendments as mentioned in paragraph 2.7, they are similar to those views made in the original representations/comments, which have already been considered by the Board during the hearing and deliberation of the original representations and comments. The Board has decided not to uphold these views/proposals. The responses to these views are at **Enclosure VII**.

4. CONSULTATION

The following government departments have been consulted on the FRs and their comments have been taken into account in the above paragraphs, where appropriate:

- (a) DAFC;
- (b) Chief Town Planner/Urban Design and Landscape Section, PlanD; and
- (c) District Lands Officer/Islands, Lands Department.

5. PLANNING DEPARTMENT’S VIEWS

- 5.1 The supporting views of **F2 and F3** to the proposed amendments are noted.
- 5.2 Based on the assessments in paragraph 3 above, PlanD does not support the remaining views of **F3** and the views of **F1 and F4**, and considers that the OZP should be amended by the proposed amendments for the following reasons:
- (a) the “GB” zoning for the sites of Amendment Items A and B is appropriate. There is no strong justifications to rezone them to other conservation zonings (**F3 and F4**);
 - (b) ‘House’ use within “GB” zone requires planning permission from the Board and each application would be considered by the Board based on its individual merits taking account of relevant planning considerations (**F3**);

- (c) private land within the “GB” zone of Amendment Items A and B are agricultural lots. The draft OZP would not leave the land concerned without any meaningful use or economically viable use (**F1**);
- (d) an incremental approach has been adopted in designating the “V” zone with an aim to confining Small House development at suitable location. There is no strong justification to rezone all land within ‘VE’ to “V” (**F1**);
- (e) consultations with locals, TORC and IsDC were conducted during the preparation of the draft OZP and their views were considered by the Board and incorporated as appropriate. YOIR and TORC also submitted representations and their views and proposals have been considered by the Board (**F1**); and

Views/proposals not related to the proposed amendments (F1 to F4)

- (f) for the views/proposals that are not directly related to the proposed amendments, they are similar to those views made in the original representations/comments and have already been considered by the Board (**F1 to F4**).

6. DECISION SOUGHT

The Board is invited to give consideration to the FRs taking into consideration the points raised in the hearing, and decide whether to amend the OZP by the proposed amendments (i.e. Amendment Items A and B) or by the proposed amendment(s) as further varied during the hearing.

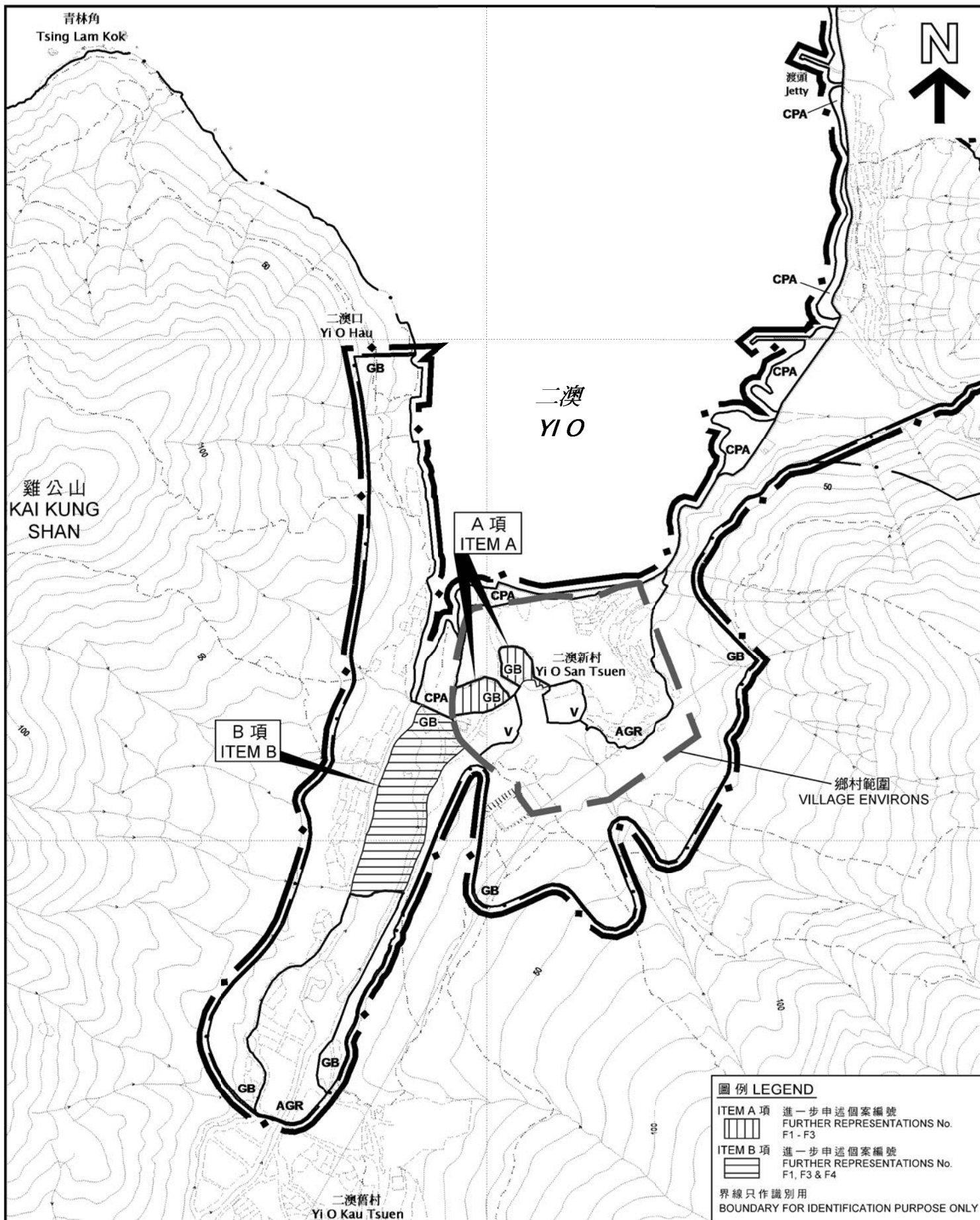
7. FOLLOW-UP ACTION

- 7.1 Should the Board decide to amend the OZP by the proposed amendments or the proposed amendment(s) as further varied, such amendment(s) shall form part of the draft Yi O OZP No. S/I-YO/1. In accordance with section 6H of the Ordinance, the 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 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).

8. ATTACHMENTS

Plan FH-1	Location Plan of Further Representations
Plan FH-2	Site Plan
Plan FH-3	Aerial Photo
Plans FH-4a and 4b	Site Photos
Enclosure I	TPB Paper No. 10130 for consideration of representations and comments made on the draft Yi O OZP No. S/I-YO/1
Enclosure II	Extract of the Minutes of the TPB Meeting held on 8.7.2016
Enclosure III	TPB Paper No. 10159 for proposed amendments to the draft Yi O OZP No. S/I-YO/1 arising from the consideration of representations and comments on the OZP No. S/I-YO/1
Enclosure IV	Extract of the Minutes of the TPB Meeting held on 19.8.2016
Enclosures Va to Vc	Schedule of Proposed Amendment, Amendment Plan and proposed amendments to the Explanatory Statement of the Plan
Enclosure VI	Further Representations F1 to F4
Enclosure VII	Summary of valid further representations and PlanD's responses

**PLANNING DEPARTMENT
DECEMBER 2016**



本摘要圖於2016年11月1日擬備，
所根據的資料為於2015年11月13日
展示的分區計劃大綱草圖編號S/I-YO/1
以及於2016年9月2日展示的
建議修訂圖編號R/S/I-YO/1-A1
EXTRACT PLAN PREPARED ON 1.11.2016
BASED ON OUTLINE ZONING PLAN No.
S/I-YO/1 EXHIBITED ON 13.11.2015 &
PROPOSED AMENDMENT PLAN No.
R/S/I-YO/1-A1 EXHIBITED ON 2.9.2016

位置圖 LOCATION PLAN

就二澳分區計劃大綱草圖編號S/I-YO/1的建議修訂
提出的進一步申述個案編號F1-F4作出考慮
CONSIDERATION OF FURTHER REPRESENTATIONS No. F1 - F4
TO THE PROPOSED AMENDMENTS TO
DRAFT YI O OUTLINE ZONING PLAN No. S/I-YO/1

SCALE 1:5 000 比例尺

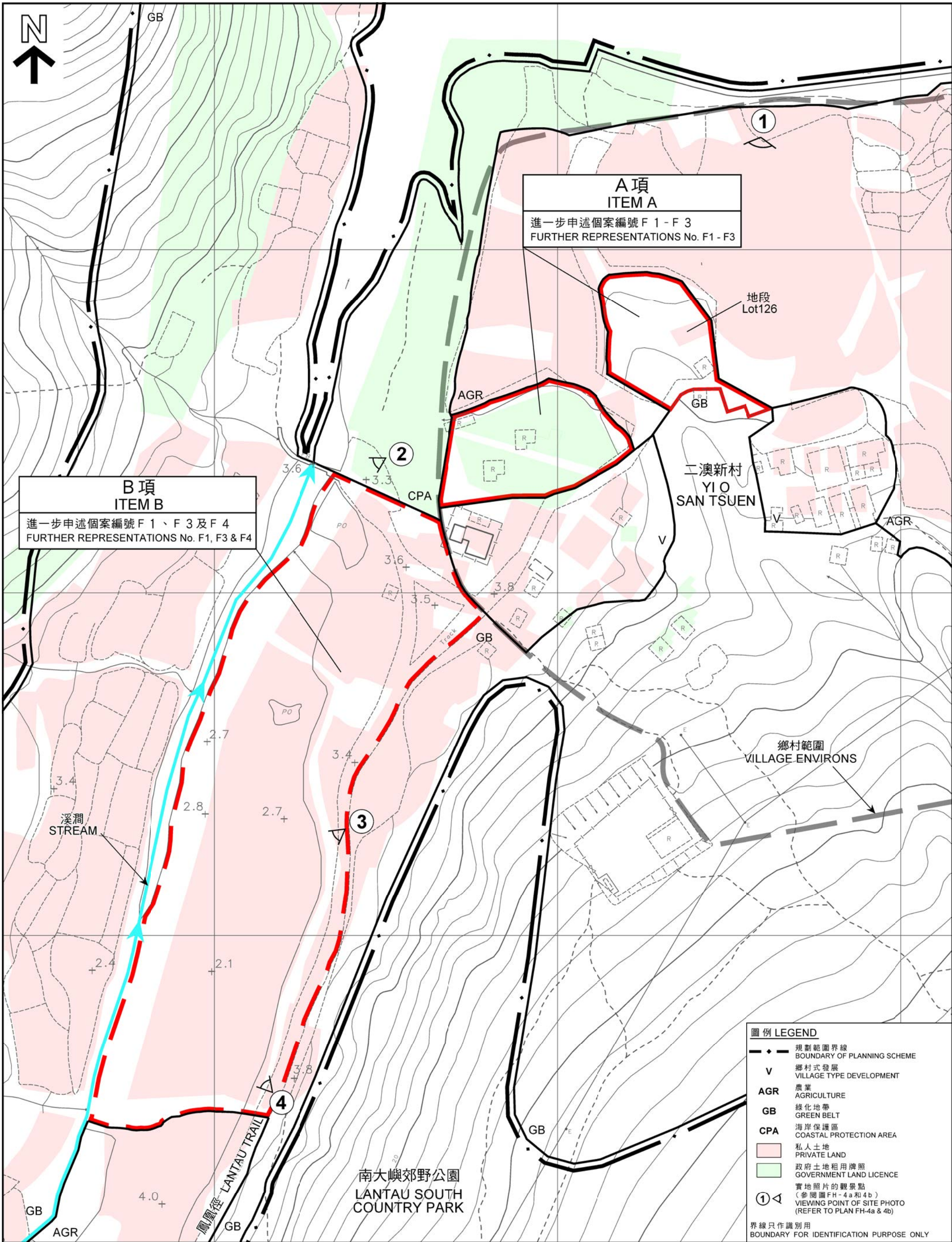
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規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
R/S/I-YO/1 - F1 TO F4

圖 PLAN
FH - 1



本摘要圖於2016年11月3日擬備，
所根據的資料為測量圖編號13-NW-7B和D
EXTRACT PLAN PREPARED ON 3.11.2016
BASED ON SURVEY SHEETS No. 13-NW-7B & D

平面圖 SITE PLAN

就二澳分區計劃大綱草圖編號S/I-YO/1的建議修訂
提出的進一步申述個案編號F1-F4作出考慮
CONSIDERATION OF FURTHER REPRESENTATIONS No. F1 - F4
TO THE PROPOSED AMENDMENTS TO
DRAFT YI O OUTLINE ZONING PLAN No. S/I-YO/1

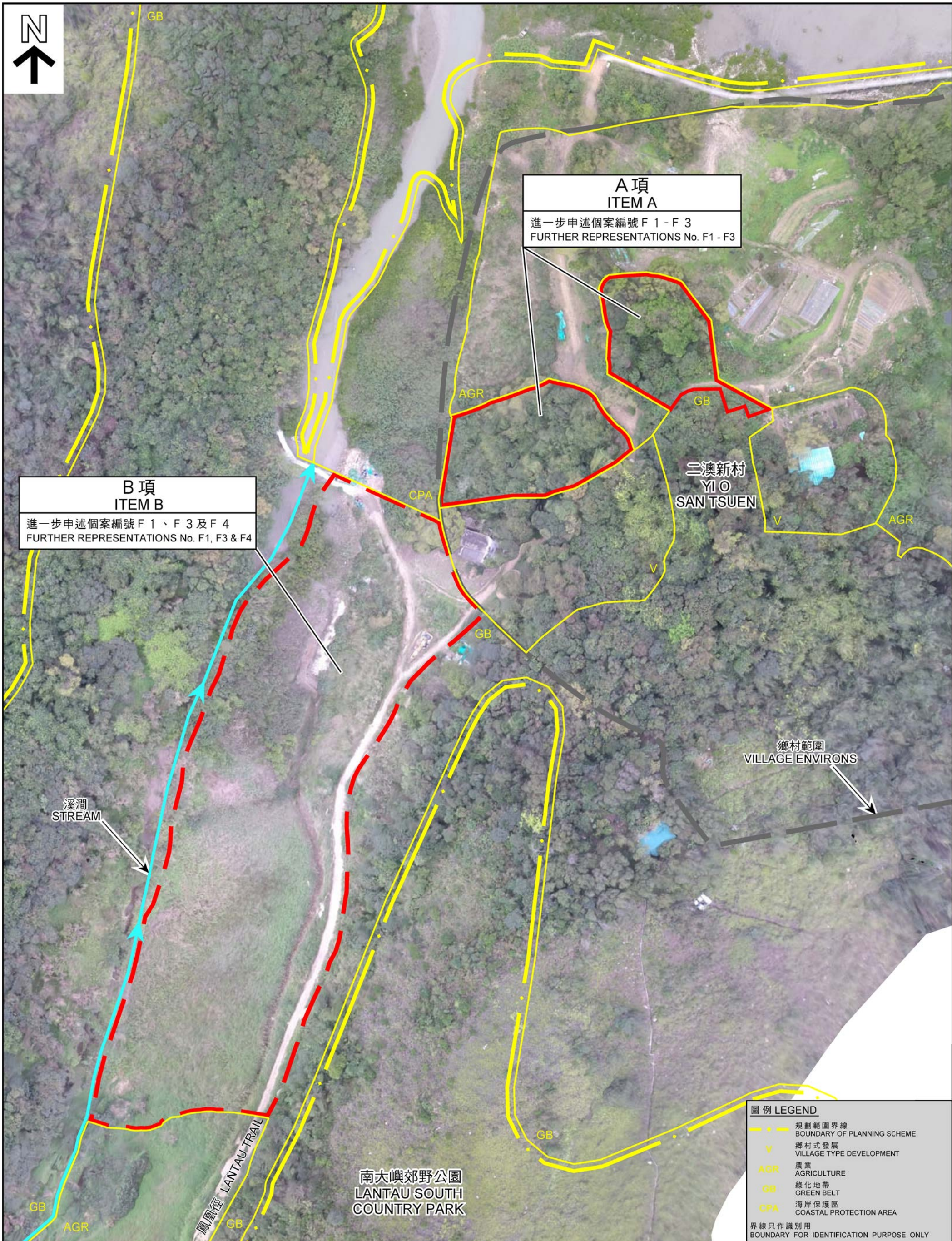
SCALE 1 : 1 000 比例尺

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規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
R/S/I-YO/1 - F1 TO F4

圖 PLAN
FH - 2



本摘要圖於2016年11月1日擬備，
所根據的資料為規劃署資訊系統及
土地供應組於2016年3月18日
擬備的無人駕駛航拍照片
EXTRACT PLAN PREPARED ON 1.11.2016
BASED ON UNMANNED AERIAL VEHICLES
(UAV) PHOTO TAKEN ON 18.3.2016
BY INFORMATION SYSTEMS AND LAND
SUPPLY SECTION, PLANNING DEPARTMENT

航攝照片 AERIAL PHOTO
就二澳分區計劃大綱草圖編號S/I-YO/1的建議修訂
提出的進一步申述個案編號F1-F4作出考慮
CONSIDERATION OF FURTHER REPRESENTATIONS No. F1 - F4
TO THE PROPOSED AMENDMENTS TO
DRAFT YI O OUTLINE ZONING PLAN No. S/I-YO/1

規劃署 PLANNING DEPARTMENT		
參考編號 REFERENCE No.	圖 PLAN	
R/S/I-YO/1 - F1 TO F4	FH - 3	

觀景點 VIEWING POINT 1



實地照片 SITE PHOTO

就二澳分區計劃大綱草圖編號S/I-YO/1的建議修訂
提出的進一步申述個案編號F1-F4作出考慮
CONSIDERATION OF FURTHER REPRESENTATIONS No. F1 - F4
TO THE PROPOSED AMENDMENTS TO
DRAFT YI O OUTLINE ZONING PLAN No. S/I-YO/1

本圖於2016年11月9日擬備，所根據的
資料為攝於2016年3月18日的實地照片
PLAN PREPARED ON 9.11.2016
BASED ON SITE PHOTO TAKEN
ON 18.3.2016

**規劃署
PLANNING
DEPARTMENT**



參考編號
REFERENCE No.
R/S/I-YO/1 - F1 TO F4

**圖 PLAN
FH - 4a**

觀景點 VIEWING POINT 2



觀景點 VIEWING POINT 3



觀景點 VIEWING POINT 4



實地照片 SITE PHOTO

就二澳分區計劃大綱草圖編號S/I-YO/1的建議修訂
提出的進一步申述個案編號F1-F4作出考慮

CONSIDERATION OF FURTHER REPRESENTATIONS No. F1 - F4
TO THE PROPOSED AMENDMENTS TO
DRAFT YI O OUTLINE ZONING PLAN No. S/I-YO/1

本圖於2016年11月3日擬備，所根據的
資料為攝於2016年11月2日的實地照片
PLAN PREPARED ON 3.11.2016
BASED ON SITE PHOTOS TAKEN
ON 2.11.2016

**規劃署
PLANNING
DEPARTMENT**



參考編號
REFERENCE No.
R/S/I-YO/1 - F1 TO F4

**圖 PLAN
FH - 4b**