TPB/R/S/NE-CS/1-1

寄件者:

WOO Ming Chuan <

寄 期:

07日04月2017年星期五 17:56

收仵者:

Town Planning Board

副本:

TUWN TRAINING DOG

主旨:

HKBWS's comments on the draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1

20170407\_CheungSheung\_OZP\_HKBWS.pdf

Dear Sir/Madam,

Our submission is attached. Thank you.

Best Regards, WOO Ming Chuan (Ms) Conservation Officer

The Hong Kong Bird Watching Society

7C, V Ga Building, 532 Castle Peak Road, Lai Chi Kok, Kowloon, Hong Kong

Secretary, Town Planning Board 15/F, North Point Government Offices 333 Java Road, North Point, Hong Kong (E-mail: tpbpd@pland.gov.hk)



By email only

7 April 2017

香港觀鳥會

THE HONG

KONG BIRD

WATCHING SOCIETY

Since 1957 成立

Dear Sir/Madam,

#### Comments on the draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1

The Hong Kong Bird Watching Society (HKBWS) would like to raise our comments on the draft Cheung Sheung Outline Zoning Plan (OZP) No. S/NE-CS/1.

The general planning intention of the draft Plan is to "protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Country Park" and "the Area forms an integral part of the natural system of the adjoining Sai Kung West Country Park with various natural habitats including, inter alia, woodland, streams, and freshwater marshes, which should be preserved and protected"1. We support such planning intention of the draft Plan and we urge the Town Planning Board (the Board) that boundaries of conservation zonings in the draft Plan should be delineated to reflect these planning intentions.



#### The Plan Area is of high conservation value

- 1.1. The Notes of the draft OZP clearly recognizes the Plan Area is of high conservation value<sup>2</sup>. Cheung Sheung is one of the twelve Priority Site for Enhanced Conservation under the New Nature Conservation Policy and it is completely encircled by the Sai Kung West Country Park. There is an Ecologically Important Stream (EIS) in Cheung Sheung as recognized by the Agriculture, Fisheries and Conservation Department (AFCD). The EIS and its associated streams/wetland support a population of the Hong Kong Paradise Fish (Macropodus hongkongensis) which is of "global concern"3. The globally critically endangered Chinese Pangolin (Manis pentadactyla) was also recorded in the Plan Area. We consider that all natural streams (including the EIS) and their riparian zones (Figure 1) should be adequately protected.
- 1.2. Due to the remoteness of the Plan Area and lack of surveying effort, HKBWS has limited bird data for the area. However, it is clear that Cheung Sheung supports a

<sup>&</sup>lt;sup>1</sup> Section 8.1 of the Explanatory Statement for the draft Plan No. S/NE-CS/1

Sections 5.1, 5.2, 7.1.1, 7.2.1 and 9.3.2 of the Explanatory Statement for the draft Plan No. S/NE-CS/

population of birds which is rich in diversity and is typical of secondary woodland habitats in Hong Kong. Woodland bird species of "local concern"<sup>3</sup>, such as Ashy Drongo (Dicrurus leucophaeus), Rufous-capped Babbler (Stachyris ruficeps) Orange-headed Thrush (Geokichla citrina), Lesser Shortwing (Brachypteryx leucophris), Orange-bellied Leafbird (Chloropsis hardwickii) and the nationally vulnerable<sup>4</sup> Common Emerald Dove (Chalcophaps indica), were found in Cheung Sheung. Woodland raptor species of conservation importance recorded include Crested Serpent Eagle (Spilornis cheela), Crested Goshawk (Accipiter trivirgatus), Japanese Sparrowhawk (Accipiter gularis), Besra (Accipiter virgatus) and Collared Scops Owl (Otus lettia). All raptor species are listed under Class II protection in China<sup>5</sup>, while Crested Serpent Eagle and Crested Goshawk are considered to be "vulnerable" and "rare" in the China Red Data Book respectively<sup>4</sup>. Other woodland bird species such as Asian Stubtail (Pnoepyga pusilla), Streak-breasted Scimitar Babbler (Pomatorhinus ruficollis), Mountain Bulbul (Ixos mcclellandii), Forest Wagtail (Dendronanthus indicus) and Velvet-fronted Nuthatch (Sitta frontalis) were also recorded. All of the above demonstrate that the woodland habitats in Cheung Sheung (Figure 2) are similar to the woodlands in the surrounding Sai Kung West Country Park, and thus should be adequately protected.

1.3. The presence of buffaloes feeding on grassy vegetation in the abandoned agricultural lands in Cheung Sheung (Figure 3) has allowed the freshwater marshes to be maintained as a wetland habitat. Von Schrenck's Bittern (*Ixobrychus eurhythmus*), a wetland dependent bird species of "regional concern"<sup>3</sup>, was also recorded in Cheung Sheung. However, there is not much freshwater wetlands left and such high value ecological habitat only covers 0.44% of Hong Kong<sup>6</sup>, thus <u>all wetland habitats should be adequately protected</u>.

#### 2. Adverse ecological impacts of the "Village Type Development" (V) zone

With reference to the Guidance Notes on Discharges from Village Houses published by the Environmental Protection Department<sup>7</sup>, a Septic Tank System (STS) "can only perform well if it has been properly sited, designed, constructed, used, desludged and repaired when necessary....overflow from septic tank or soakaway pit, or direct

<sup>&</sup>lt;sup>3</sup> Fellowes, J.R., Lau, M.W.N., Dudgeon, D., Reels, G.T., Ades, G.W.J., Carey, G.J., Chan, B.P.L., Kendrick, R.C., Lee, K.S., Leven, M.R., Wilson, K.D.P. and Yu, Y.T. (2002). Wild animals to watch: Terrestrial and freshwater fauna of conservation concern in Hong Kong. *Memoirs of the Hong Kong Natural History Society* No. 25, 123-160.

<sup>&</sup>lt;sup>4</sup> Zheng, G. M. and Wang, Q. S. (1998). *China Red Data Book of Endangered Animals: Aves.* 

<sup>&</sup>lt;sup>5</sup> List of Wild Animals Under State Protection (promulgated by State Forestry Administration and Ministry of Agriculture on 14 January, 1989)

<sup>&</sup>lt;sup>6</sup> AFCD Hong Kong Habitats: 0.44% of Hong Kong's habitats are made up of freshwater marsh. Available at: <a href="http://www.afcd.gov.hk/english/conservation/hkbiodiversity/habitat.html">http://www.afcd.gov.hk/english/conservation/hkbiodiversity/habitat.html</a>

http://www.epd.gov.hk/epd/english/environmentinhk/water/guide\_ref/files/guide\_wpc\_dv.pdf

discharge without passing through a soakaway system, is <u>polluting</u> and should not be permitted". Since there are no public sewer for Cheung Sheung and desludging trucks cannot access the area, we are concerned the septic tanks cannot be properly maintained, and hence the <u>STS itself would become a source of pollution</u>. The Drainage Services Department already recognized the environmental and hygiene problems of STS in various publications<sup>8,9,10</sup>. Furthermore, the Plan Area is within the upper indirect water gathering ground and the proposed V zone is approximately 20 to 30 metres from an upper tributary of the EIS. We are concerned the <u>water pollution problem generated from the village development would adversely affect the ecologically sensitive streams and the EIS of conservation concern.</u>

#### 3. Our recommendations

- 3.1. The HKBWS considers that an "Ecosystem Approach", which is the primary framework for action under the Convention on Biological Diversity<sup>11</sup>, should be adopted to protect the various sensitive habitats in the Plan Area. Currently, only the EIS and its riparian zone is protected by "Conservation Area" (CA) zoning, while the upper tributaries of the EIS are only protected by "Green Belt" (GB) zoning (Figure 1). In order to protect the whole river system of the EIS, we consider that all natural streams including their tributaries should be covered by CA zone of 30 metres along both sides of the banks. This buffer zone with conservation zoning is a practical distance that would protect the riparian vegetation and would prevent undesirable pollution from developments.
- 3.2. Given the ecological sensitivity of the Plan Area, the adverse impacts of the V zone and there are no outstanding small house demand, we consider that the V zone should be deleted. In addition, for the past 10 years or so, the approval rate of small house applications in GB zones was over 55%<sup>12</sup>. As such, GB zones are vulnerable to small house development. In order to accurately reflect the planning intention of the current OZP, we consider that the whole Plan Area should be covered by CA zoning to protect all woodland, natural streams including the EIS and freshwater marshes while the redevelopment right of the villagers are respected.
- 3.3. The introduction of planning control alone could not fully protect the sites from activities such as unauthorized tree felling and vegetation removal and does not include regular patrol of the Plan Area by staff from Government department. In

<sup>\*</sup> http://www.dsd.gov.hk/SC/Files/publications\_publicity/publicity\_materials/leaflets\_booklets\_factsheets/Village%20Sewerage.pdf

<sup>9</sup> http://www.dsd.gov.hk/EN/Files/OpenDay2012/PDF/Sewage\_Treatment\_07.pdf

<sup>10</sup> http://www.legco.gov.hk/yr13-14/english/fc/pwsc/papers/p14-20e.pdf

<sup>11</sup> https://www.cbd.int/ecosystem/

Annex of LegCo Question 17 (6 Feb 2013) - Land reserved for building New Territories small houses. Retrieved from http://gia.info.gov.hk/general/201302/06/P201302060426\_0426\_106939.pdf

order to fully protect the ecological and landscape values of the site, as well as the overall value of the surrounding Sai Kung West Country Park, the Board and AFCD should consider including Cheung Sheung into the Sai Kung West Country Park following detailed assessments and public consultation. HKBWS believes that the Plan Area and its surrounding areas are qualified for such purpose given its value in terms of ecology, landscape and built heritage.

Thank you for your kind attention and we hope that the Town Planning Board would take our comments into consideration.

Yours faithfully,

Woo Ming Chuan

Conservation Officer

The Hong Kong Bird Watching Society

CC.

Designing Hong Kong Kadoorie Farm and Botanic Garden WWF – Hong Kong

**Figure 1.** The EIS (top) and natural stream flowing into the EIS (bottom) in Cheung Sheung. The streams are indicated by the blue arrows. Photographs taken in February 2017.





Figure 2. Woodland habitats in the Cheung Sheung area. Photographs taken in February 2017.





**Figure 3**. The wetland habitats in the Cheung Sheung area which are used by buffaloes. The abandoned farmlands are still wet in the dry season. Photographs taken in February 2017.





寄作一: 寄作日期: 以 : 主旨: 附件: Tobi Lau (WWF-HK) < 06日04月2017年星期四 17:08 tpbpd@pland.gov.hk

Draft Cheung Sheung OZP S\_NE-CS\_B\_WWF

Draft Cheung Sheung OZP S\_NE-CS\_B - Further Consideration of a New Plan.pdf

Dear Sir/Madam,

Please find attached our submission on the captioned. See attached file: Draft Cheung Sheung OZP S\_NE-CS\_B — Further Consideration of a New Plan

Yours faithfully, Tobi LAU Senior Conservation Officer, Local Biodiversity World Wide Fund For Nature Hong Kong



Registered Name 註冊名稱: World Wide Fund For Nature Hong Kong 世界自然(香港)基金會 (Incorporated in Hong Kong with limited liability by guarantee於香港註冊成立的擔保有限公司)



#### 世界自然基金會 香港分會

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香港新界葵涌葵昌路8號 15/F. Manhattan Centre 8 Kwai Cheong Road Kwai Chung, N.T., Hong Kong

#### **WWF-Hong Kong**

電話 Tel: +852 2526 1011 傳真 Fax:+852 2845 2764 wwf@wwf.org.hk wwf.org.hk

06 Apr 2017

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)

By E-mail ONLY

Dear Sir/Madam.

#### Re: Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B – Further Consideration of a New Plan

WWF support the general planning intention of the captioend draft outline zoning plan which is "...to protect its high conservation and landscape value and the rural settings which complement the overall naturalness and the landscape beauty of the surrounding country parks." However, we view that no "V" zone should be designated and the whole study Area should be zoned "Conservation Area" ("CA"). Our comments and recommendations are as follows:

#### All streams and riparian area must be protected with "Conservation Area" zone

It is noted that only the ecological important stream (EIS) and its riparian area have 1. been protected with "Conservation Area" zone. Given Cheung Sheung is of significant ecological and conservation importance, we strongly recommend that all the streams as well as their riparian areas should be protected by "Conservation Area" zone. It is because all the streams are ecologically connected. If one tributary and its habitat was disturbed or polluted, it may cause adverse impacts to other tributaries and the species within, and hence, merely zoning the EIS and its riparian area as "Conservation Area" is far from enough to safeguard the stream ecosystem and conserve the wildlife habitat and species. Thus, all the steams and their riparian area, should be designated as "Conservation Area" for maintaining the stream ecosystem's integrity.

together possible...

贊助人:

香港特別行政協行政長官

梁振美先生, GBM, GBS, JP 何間望先生 1: 博: 行政總裁: 江偉智先生

義務核數師:香港立信德聯會計師事務所有限公司 義務公司秘書:嘉信秘書服務有限公司 義務律師: 行士打律師行 義務司郎: 版豐銀行

注册慈善機構

Patron:

The Honourable CY Leung, GBM, GBS, JP Chief Executive of the HKSAR Chairman: Mr Edward M. Ho Mr Peter Comthwaite

Honorary Auditors: BDO Limited Honorary Company Secretary: McCabe Secretarial Services Limited Honorary Solicitors: Mayer Brown JSM Honorary Treasurer: HSBC Registered Charity (Incorporated With Limited Liability)

#### "Village" zone is not appropriate

We are noted that a "Village" zone had been proposed to allow New Territories Exempted House - Small House to build in the future. Since there are no sewerage and drainage systems in the Area<sup>1</sup>, we are worried that the ecological important stream (EIS) would be adversely affected by such New Territories exempted house development in the future. We anticipate that the proposed "Village" zone in Cheung Sheung, like many other "Village" zones that built with Small Houses, sewage discharge from houses will be connected to septic tanks and soakaway and this system potentially lead to an increase in polluted surface run-off which will directly enter the natural stream without treatment, which is only 25 meter in average away from the proposed "Village" zone in Cheung Sheung. What is even worse that the stream is connected with the EIS and other tributaries, the discharged may damage the stream ecosystem and pose adverse impacts to all associated wildlife habitats and species. Besides, Cheung Sheung is an upland plateau where only accessible by footpaths. Vehicle is unlikely able to reach the area to conduct desludging work. Please be noted that current Requirements for Village Type Houses" stipulate at page 5 that the minimal requirements for more than one house include "road access for desludging vehicle to within 30m from the septic tank." Furthermore, Cheung Sheung is located within the upper indirect water gathering grounds<sup>2</sup> and the TPB Paper No. 9497 for the Draft Pak Tam Au OZP had stated that "the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments located in water gathering grounds." As such, we view that there should have no "V" zone in the area.

Sincerely yours,

Tobilow

Tobi Lau (Mr.)
Senior Conservation Officer, Local Biodiversity

<sup>&</sup>lt;sup>1</sup> See Section 7.5.2 of the TPB paper No. 9560 <sup>2</sup> See Section 2.1 of the TPB paper No. 9560

附件:

寄传者: 道 〕期: 收古者: 主旨: Kitty Tang <1

10日04月2017年星期一11:51

tpbpd@pland.gov.hk

DHK's comment on Draft Cheung Sheung Outline Zoning Plan (revised) 20170410 Comment on Draft Cheung Sheung Outline Zoning Plan.pdf

Dear Sir/Madam,

The revised version of our comment on Draft Cheung Sheung Outline Zoning Plan is attached in this email. Sorry for any inconvenience caused.

Yours faithfully, For and on behalf of Designing Hong Kong Limited Kitty Tang Hong Kong, 10<sup>th</sup> April 2017 Chairman and Members Town Planning Board 15/F, North Point Government Offices 333 Java Road, North Point, Hong Kong

Fax: 2877 0245;

Email: tpbpd@pland.gov.hk

#### Comments on the Draft Cheung Sheung Outline Zoning Plan (No. S/NE-CS/1)

Designing Hong Kong would like to comment on and raise our concerns over the draft Cheung Sheung Outline Zoning Plan.

We do support the general planning intention in this Draft Cheung Sheung Outline Zoning Plan, which aims at protecting the high conservation and landscape values, and complement the overall naturalness and the landscape beauty of the Sai Kung West Country Park.

However, more stringent land use zoning should be adopted in order to ensure adequate protection of the important species and their habitats. We recommend that **whole area of Cheung Sheung** is zoned **"Conservation Area (CA)"** to reflect its ecological importance with the following reasons:

#### 1. High Ecological Value

Under the New Conservation Policy, Cheung Sheung is a priority site for Enhanced Conservation. <sup>1</sup> A diversity of plants with a number of uncommon species are supported by the upland marshes and a moderate diversity of amphibians and dragonflies are supported by the freshwater habitat within the area. Moreover, the woodland links ecologically to the natural habitats in the Sai Kung West Country Park.

Despite being located deep inside the country park and far away from roads, this area falls outside the Country Park Regulations, and thus lacks patrols, management and maintenance. For this reason, the permitted uses should be strictly limited in order to protect these ecosystems and important habitats, and maintain viable populations of species in nature.

#### 2. Recreational activities should not be allowed

Barbecue and picnics and such activities create waste and fire danger. Such risks are unacceptable in Cheung Sheung Area as the area is difficult to access by maintenance, cleansing and emergency crews.

Cheung Sheung Area is outside the boundary of Sai Kung West Country Park and thus falls outside the responsibility of the Country Parks Authority. However, it is located deep inside and is fully surrounded by the Country Park, and any waste, fire or effluents will immediately impact the surrounding country park. The area is very difficult to access. It is uphill along narrow footpaths and far from roads. The Agricultural, Fisheries and Conservation Department (AFCD) doesn't have the enforcement power to manage and keep the site clean, safe or otherwise maintain order as the Country Park Regulations Ordinance does not apply to this area. However, as the area is small and remote, it is unlikely and inefficient for other government departments to provide services, or to undertake enforcement action.

Therefore, UNLESS the Country Parks Authority takes on management responsibility, all active recreational activities should be dis-allowed.



#### 3. Designation of the Area as Country Park

As Cheung Sheung Area is deep into the country park with high conservation value, apart from zoning the whole area as CA, it should be incorporated into Sai Kung West Country Park with the purpose of reflecting the high ecological importance and making sure it is protected and properly maintained by AFCD.

#### 4. No justification for designating "V" zone

#### Low Small House Demand

With reference to the TPB Paper No.9560 on Consideration of the Draft Cheung Sheung DPA Plan (No. DPA/NE-CS/B) in February 2014<sup>2</sup>, neither outstanding Small House application nor 10 year forecast of Small House demand have been received from Indigenous Inhabitant Representative(IIR) in the past 10 years.

The figure of the 10-year Small House demand is estimated and provided by the IIR of Cheung Sheung Village without substantive evidence. The Lands Department (LandsD) should verify the information before it is put into consideration by the Planning Department (PlanD).

#### Low accessibility

Accessibility is severely constrained. The proposed "V" zone is accessible by footpaths only such as MacLehose Trail and Cheung Sheung Country Trail. It poses danger to the future residents to walk up and down to hill every day, especially at night time without any street lights.

Any access in support of village development in Cheung Sheung would have devastating impacts on the surrounding country park. Any demand for improvements would cause significant conflict with nature and landscape conservation objectives.

#### Limited support services available

There is only one provision store in the area and this is open on weekends only. Basic need items are not available for future residents. This could lead to demands which cause significant conflict with nature and landscape conservation objectives.

#### Limited infrastructure provisions

No existing or planned public sewer is located in the area. The use of septic tank and soakaway system for sewage treatment and disposal, which are necessary to be installed in Small House, is considered unacceptable means for village development in this area as sewage and foul waters would be discharged into the ground and nearby water gathering ground (WGG).

Here we submit our concerns for your consideration.

Yours,

**Designing Hong Kong Limited** 





Kitty Tang < 10日04月2017年臺期— 11:21

tpbpd@pland.gov.hk

DHK's comment on Draft Cheung Sheung Outline Zoning Plan 20170410 Comment on Draft Cheung Sheung Outline Zoning Plan.pdf

Dear Sir/Madam,

Our comment on Draft Cheung Sheung Outline Zoning Plan is attached in this email. Thank you for your attention.

Yours faithfully, For and on behalf of Designing Hong Kong Limited Kitty Tang



Hong Kong, 10th April 2017 Chairman and Members Town Planning Board 15/F, North Point Government Offices 333 Java Road, North Point, Hong Kong

Fax: 2877 0245;

Email: tpbpd@pland.gov.hk

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Here we submit our concerns for your consideration.

Yours,

**Designing Hong Kong Limited** 



KFBG EAP 07日04月2017年 基期五 15:43 tpbpd

KFBG's comments on Draft OZPs: S/NE-CS/1 & S/NE-TPK/1

Dear Sir/ Madam,

We have the following comments regarding the captioned:

#### Draft Cheung Sheung OZP (S/NE-CS/1)

- We do not understand the logic to set up a V zone there. This enclave is so remote and completely surrounded by Country Park (CP).
- It is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy and is located within the upper indirect water gathering ground (WGG).
- It would be difficult to build infrastructures to connect this enclave with the outside world, and in view of its conservation importance and the importance to keep this area clean (e.g., WGG), we query the need to have a V zone inside, even it is small.
- We recommend the whole site should be covered with CA zone.
- Furthermore, we recommend this enclave should eventually be incorporated into the CP system.

#### Draft Tai Po Kau OZP (S/NE-TPK/1)

- We would like to reiterate that these three enclaves are within the Tai Po Kau Nature Reserve which is very important to birds and many other wild animals and plants.
- We urge that these three sites should finally be incorporated into the Nature Reserve.
- We also urge the Board to review the necessity of putting House (Redevelopment only) in Column 2 of the CA zone.

Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden



08日04月2017年星期六 2:22 tpbpd S/NE-CS/1 Cheung Sheung OZP

S/NE-CS/1 Cheung Sheung OZP

Dear TPB Members,

I fully support zoning Conservation Area(CA).

This is an mature and wooded area with high ecological value. It hosts a number of wildlife species.

I recommend that the enclave be incorporated into Tai Po Kau Nature Reserve to ensure better protection for valuable wildlife species and important habitats.

Mary Mulvihill

致:城市規劃委員會

#### 嶂上分區計劃大綱草圖編號 S/NE-CS/1

就嶂上分區計劃大綱草圖編號 S/NE-CS/1,經多次申述、討論、爭取,草圖內雖然已劃出 V-Zone 位置,供我村原居民日後興建小型屋宇,但由於只有 0.03公頃面積,遠遠未能滿足我村原居民日後興建小型屋宇的需求。

上次申述信中之陳述內容【即 2016 年 11 月 13 日草圖編號 S/NE-CS/B】建議,希望將 V-Zone 位置擴大,又或者將現有地契內之屋地位置納入為 V-Zone,而此等屋地位置亦詳列於該信函內。然而,貴署完全沒有回應訴求,只顧著及借助環保團體之勢力,將上次大綱草圖及信函覆印寄回便草草了事,將我等原居民權益置諸不理,並有意圖繼續地打壓下去,完全漠視本村居民期望,漠視原居鄉村之承傳及生存空間。

嶂上是香港其中一條認可鄉村,理應受到政府在一定資源上支援,但無奈地受到忽略,村內設施完全荒廢破落。反觀其他國家或地區,居於偏遠郊區的居民,無論人口多寡,亦得到當地政府的支援,有交通馬路到達,有食水供應,有電力供應,生活所需都一一配合。反之,香港作為國際大都市,資源充足下,政府都沒有盡責照顧好市民,尤以我等偏遠的原居市民,生活條件完全沒有得到保障,是淪為國際笑話的例子,政府此舉,無疑給人感覺,是有意圖將小村落慢慢侵蝕,滅我鄉村,摧毀鄉村傳統文化。

盤古初開,繼往開來,新界原居民鄉村大多數是以務農為生,正因如此,農民也知道必須要保護環境,才能有務農後之成果,我們村民都尊重環境保育,亦樂意為環保出力,環境保育固然重要,村民之權益及鄉村傳統文化亦必須尊重,兩者若然處理得當,延續原居民權益及環境保育亦可並存。

對以上之不合理,我村居民經商議後決定不參與貴署安排的諮詢會議,以表明向政府及貴署作出抗議。

嶂上村代表 黄錦雄 □零一七年三月六日

副本送交: 規劃署署長 新界鄉議局主席 大埔區議會主席 西貢北約鄉事委員會主席 大埔區議會環境、房屋及工程委員會主席

### Summary of Representations in respect of the Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1 and Planning Department's Responses

Representation No.	<b>Grounds of Representations</b>	PlanD's Responses
(TPB/R/S/NE-CS/1)	[Proposals of Representations]	(TPB Paper Paragraph No.)
	(See Notes Below)	
R1	A1	4.11
	B1, B2, B4, B5, B6, B7	4.12
	C	4.14
	D1, D2	4.17 to 4.23
	[P1a]	4.13
	[P2]	4.17 to 4.23
	[P3]	4.26
R2	A1	4.11
	B2, B7	4.12
	D2, D3	4.20 to 4.23
	[P1a]	4.13
	[P2]	4.17 to 4.23
R3	A1	4.11
	B1, B2, B3, B5, B7	4.12
	D1, D2, D3	4.17 to 4.23
	[P1a], [P1b], [P1c]	4.13, 4.15 and 4.16
	[P3]	4.26
<b>R4</b>	B1, B2, B7	4.12
	D1	4.17 to 4.23
	[P1a]	4.13
	[P3]	4.26
R5	B2, B5, B7	4.12
	A2	4.11
	[P3]	4.26
R6	Е	4.17 to 4.19, 4.24 and 4.25
	F	4.27
	[P4]	4.17 to 4.19, 4.24 and 4.25

Notes: For details of the major grounds and proposals of the representations, please refer to the corresponding paragraphs of the TPB Paper listed below.

**Summary of Major Grounds and Proposals of Representations R1 to R5** 

	Major Grounds and Proposals  Major Grounds and Proposals	TPB Paper			
		Paragraph No.			
	Major Grounds				
A	General Planning Intention and "Conservation Area" ("CA") zone of t Zoning Plan (OZP) (R1 to R3 and R5)				
A1	<b>R1 to R3</b> support the general planning intention of the draft OZP.	2.2(a)			
A2	<b>R5</b> supports the designation of "CA" zone on the draft OZP.	2.2(a) and (d)			
В	Ecological Importance of the Area (R1 to R5)				
B1	Cheung Sheung is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy ( <b>R1, R3 and R4</b> ).	2.2(b)			
B2	Completely encircled by the Sai Kung West Country Park (SKWCP), the Area is of high ecological importance ( <b>R1 to R5</b> ).	2.2(b)			
В3	The freshwater habitat in the Area supports a diversity of flora and fauna species ( <b>R3</b> ).	2.2(c)			
B4	The Ecologically Important Stream (EIS) and its associated streams/wetland support a population of Hong Kong Paradise Fish ( <i>Macropodus hongkongensis</i> (香港鬥魚)), which is of global concern ( <b>R1</b> ).	2.2(c)			
B5	The woodland habitats in the Area supporting a number of wildlife species are similar and ecologically linked to those in the surrounding SKWCP (R1, R3 and R5).	2.2(c)			
B6	A rich diversity of typical woodland bird species including those of conservation concern such as Ashy Drongo ( <i>Dicrurus leucophaeus</i> (灰卷尾)), Common Emerald Dove ( <i>Chalcophaps indica</i> (綠翅金鳩)) and Crested Serpent Eagle ( <i>Spilornis cheela</i> (蛇鵑)), etc, a wetland dependent bird species of regional concern and the globally critically endangered Chinese Pangolin ( <i>Manis pentadactyla</i> (穿山甲)) were found in Cheung Sheung ( <b>R1</b> ).	2.2(c)			
В7	The natural streams (including the EIS) and their riparian zones, the woodland and wetland habitats should be adequately protected (R1 to R5).	2.2(c)			
C	Designation of "Green Belt" ("GB") Zone (R1 and R5)				
	<b>R1</b> opines that the "GB" zone is vulnerable to the impacts from permissible Small House development.	2.2(e)			
D	Designation of "Village Type Development" ("V") Zone (R1 to R4)				
D1	There is no justification for designating "V" zone because of the no outstanding Small House demand/low Small House demand, low accessibility, limited supporting services and infrastructure provisions in the Area. The Area is also located within the upper indirect water gathering ground (WGG) and infrastructural improvements would be subject to constraints, causing devastating impacts on the surrounding Country Park and/or conflict with the nature and landscape conservation objectives (R1, R3 and R4).	2.2(f)			
D2	Since there are no sewerage and drainage systems in the Area and desludging trucks cannot access the Area, the sewage discharge from the septic tank and soakaway (STS) system of the village development would become a source of pollution, which would adversely affect the natural stream in a distance of about 20m to 30m away from the "V" zone as well as the EIS ( <b>R1 to R3</b> ).	2.2(g)			

Major Grounds and Proposals		TPB Paper Paragraph No.
D3	In fact, the use of STS system for sewage treatment and disposal is considered an unacceptable means for new village development in Cheung Sheung as it falls within the upper indirect WGG (R2 and R3).	2.2(g)
Maj	or Proposals (Plan H-2)	
P1	Designation of "GB" Zone (R1 to R4)	
P1a	In order to reflect the general planning intention of the draft OZP for protecting the high conservation value of the Area and ensure adequate protection of the natural habitats in particular the integrity of stream ecosystem, <b>R1 to R4</b> propose to extend the "CA" zone to cover the whole Area including the streams and their riparian areas (i.e. to rezone "GB" and "V" to "CA").	2.2(d)
P1b	<b>R3</b> considers that as the Area lacks patrols, management and maintenance under the Country Parks Ordinance, the always permitted uses therein should hence be strictly limited to nature conservation.	2.2(e)
P1c	emergency, and recreational activities (such as barbecue and picnic) would create waste, effluent or fire danger and hence impacts on the surrounding Country Park ( <b>R3</b> ). Therefore, recreational activities should not be allowed unless the Country and Marine Parks Authority takes up the management responsibility of the Area ( <b>R3</b> ).	2.2(e)
P2	Designation of "V" Zone (R1 and R2)	
P2	The "V" zone should be deleted (R1 and R2).	2.2(g)
P3	Incorporation of the Area into Country Park (R1, R3 to R5)	
P3	<b>R1, R3 and R4</b> propose to incorporate the Area into the SKWCP while <b>R5</b> proposes to incorporate the Area into the Tai Po Kau Nature Reserve so as to fully protect the ecological and landscape values of the enclave as well as the surrounding Country Park and ensure proper maintenance by Agriculture, Fisheries and Conservation Department.	2.2(h)

Summary of Major Grounds and Proposals of Representation R6

	Major Grounds and Proposals	TPB Paper Paragraph No.
Ma	jor Grounds	
E	Designation of "V" Zone	
	<b>R6</b> objects to the draft OZP mainly on the grounds that the "V" zone, with an area of only 0.03 ha, is insufficient to meet the demand of the indigenous villagers for Small House developments in future. His previous proposal to expand the "V" zone or designate the building lots as "V" zones are not incorporated into the draft OZP, thereby the rights/interests of indigenous villagers for village development have been disregarded.	2.3(a)
F	Provision of Infrastructural Facilities	
	There is a lack of infrastructure provision for the Cheung Sheung Village by the Government. The facilities in the village are dilapidated and there is no assurance on living conditions. This will destroy the village and its traditional culture.	2.3(b)

Major Grounds and Proposals		TPB Paper Paragraph No.
Major Proposal (Plan H-2)		
P4 Designation of "V" Zone (R6)		
P4 A balance should be struck between nature conservation rights/interests of indigenous villagers.	and the	2.3(a)

#### (修訂版) 大埔區議會 環境、房屋及工程委員會 2017年第二次會議記錄

日 期:2017年3月8日(星期三) 時 間:下午3時至下午6時18分

地 點:大埔區議會會議室

III. 《暲上分區計劃大綱草圖編號 S/NE-CS/1》

(大埔區議會文件 EHW 14/2017號)

- 7. 主席歡迎規劃署高級城市規劃師楊倩女士及城市規劃師蘇美玲女士就是項議程出席會議。
- 8. 楊倩女士介紹上述文件。
- 9. 對於楊女士介紹文件時指西貢北約鄉事委員會("西貢北鄉委會")拒絕接受規劃署就上述大綱草圖所作的諮詢,李耀斌議員強調,嶂上村代表及村民認為規劃署代表多次與他們接觸後,仍然沒有接納他們的意見,亦沒有修訂大綱草圖,因此才拒絕接受署方的諮詢。他表示,鄉議局最近邀請規劃署即理署長出席會議,討論平洲分區計劃大綱草圖及其他大綱草圖,與會者及居民代表普遍認為有關規劃對他們不公平兼有打壓他們的意圖,因此他本人建議鄉議局去信城規會及規劃署,要求凍結這些大綱草圖。
- 10. <u>李華光副主席</u>表示,《嶂上分區計劃大綱草圖編號 S/NE-CS/1》內的"鄉村式發展"地帶範圍小,即使居民有地契亦未能建屋,因此他反對該草圖。
- 11. <u>郭永健委員</u>留意到大綱草圖有 "B" 版及 "1" 版。他詢問哪個版本為目前 及日後生效的圖則。
- 12. 陳灶良議員認為該份大綱草圖限制了原居民的發展,無異於強搶民產,做法有欠公允。他不滿城規會一直無視委員會就不同大綱草圖提出的反對意見。他詢問如委員會去信城規會及規劃署要求凍結有關圖則,有關方面會否重視及聽取委員會的意見。
- 13. <u>劉志成博士</u>指嶂上村是認可鄉村,該處亦有原居民的村屋及私人土地,規劃署提供的"鄉村式發展"地帶並不足夠。他續指本委員會、西貢北鄉委會及村民代表已多次反對嶂上分區計劃大綱草圖。他不理解為何規劃署仍然不願意修訂該草圖。
- 14. <u>羅曉楓議員</u>詢問,既然各方已提出反對,而嶂上村村民亦對規劃署的諮詢 感到厭倦而拒絕與署方會面,規劃署為何仍要再次諮詢本委員會。他續問規劃 署如何看待本委員會或西貢北鄉委會的反對意見,兩者意見的份量是否與一般

市民相同。

15. <u>鄧銘泰議員</u>詢問規劃署如何處理在諮詢過程中收集到的意見。他表示,如該署不接受委員會或其他持分者的反對意見,根本沒有諮詢及討論的需要。

#### 16. 楊倩女士就委員的意見綜合回應如下:

- (i) 規劃署在 2016 年年初開始擬備嶂上分區計劃大綱草圖,以取代嶂上發展審批地區圖。2016 年 3 月,西貢北鄉委會安排署方與嶂上村原居民代表在嶂上會面,聽取他們對該區土地用途的意見。同年 4 月,署方收到嶂上村原居民代表提交的意見,他們主要要求在嶂上劃設"鄉村式發展"地帶。署方之後在擬備大綱草圖的過程中考慮了他們的意見,並在《嶂上分區計劃大綱草圖編號 S/NE-CS/B》劃設"鄉村式發展"地帶。
- (ii) 城規會在 2016 年 10 月同意規劃署就《嶂上分區計劃大綱草圖編號 S/NE-CS/B》諮詢大埔區議會及西貢北鄉委會。規劃署在 2016 年 11 月 1 日及 11 月 9 日分別諮詢西貢北鄉委會及大埔區議會豁下環境、房屋及工程委員會,並於 2017 年 1 月 20 日將收集到的意見(包括環保組織和政府部門等的意見)一併轉交城規會作進一步考慮。
- (iii) 城規會考慮由規劃署轉交的意見後,同意將《嶂上分區計劃大綱草圖編號 S/NE-CS/B》刊憲,當中建議的土地用途地帶並無修訂。2017年2月10日,城規會根據《城市規劃條例》("《條例》")將嶂上分區計劃大綱草圖重新編號為 S/NE-CS/1 並刊憲,這份法定圖則已正式生效。
- (iv) 由 2017 年 2 月 10 日起,城規會根據《條例》第 5 條展示《嶂上分區計劃大綱草圖編號 S/NE-CS/1》,以供公眾查閱,為期兩個月。任何人士如欲對該草圖作出申述或意見,可於相關圖則展示期間直接以書面向城規會提出。城規會會舉行聆訊,以考慮有關申述和意見。提出申述及意見的人均可出席聆訊及在聆訊上陳詞,城規會會決定是否順應有關申述和意見而就該草圖提出修訂建議。
- (v) 罐上地區為郊野公園不包括土地,具高生態及景觀價值,因此,規 劃署對保護該區特別關注。署方劃設了適當的保育地帶後,考慮了 鄉村範圍、尚未處理的小型屋宇申請數目、原居民代表預測的十年 小型屋宇需求量、區內地形及用地限制等因素,在嶂上劃設 0.03 公 頃土地作"鄉村式發展"地帶,以滿足該區對小型屋宇的需求。如 村民日後希望在"綠化地帶"內發展小型屋宇,可向城規會提出申 請。

- 17. 李耀斌議員認為最重要的並不是諮詢次數,而是規劃署有沒有接納及回應持分者的意見及訴求。他指持分者已無法忍受署方及城規會一直無視他們的訴求。他擔心政府如今強行通過這些大綱草圖,會迫使村民砍伐私人土地上的樹木,與保護環境的目的背道而馳,得不償失。他認為政府在保護環境之餘亦要保護原居民的私人業權,使他們安居樂業,否則只會加速社會撕裂。他補充,目前"鄉村式發展"地帶周邊的範圍屬"綠化地帶"或"自然保育區",日後成功申請在這些範圍之內建屋的機會極微。他認為規劃署應預留足夠地方作日後發展之用。
- 18. <u>劉志成博士</u>表示,規劃署既然認同嶂上村是認可鄉村,便應接納村民代表的要求,將現有地契內的房屋及土地範圍納入 "鄉村式發展" 地帶內。另外,他認為規劃署不應以村民日後可向城規會申請在"綠化地帶"內發展小型屋宇為由,而提供僅 0.03 公頃土地作 "鄉村式發展"用途。
- 19. <u>鄧銘泰議員</u>認為規劃署在擬備大綱草圖時應一併考慮嶂上村將來的人口發展,而非單單以現時的小型屋宇需求量作為準則。他續指,西貢北鄉委會亦多次要求擴大嶂上的"鄉村式發展"地帶。他希望署方慎重考慮該項要求。
- 20. 主席表示,就城規會及規劃署不尊重原居民及持分者的意見,委員會已去信城規會及發展局表達不滿。他指嶂上村代表及西貢北鄉委會主席亦曾去信要求擴大嶂上分區計劃大綱草圖的"鄉村式發展"地帶,但規劃署沒有接納這些要求。他批評政府完全沒有考慮村民將來的發展需要,將保育的政策強行套用在私人土地上。他重申,區議會、鄉議局及鄉事委員會作為民意代表,其意見應得到規劃署及城規會尊重。他同意按李耀斌議員的建議,由委員會去信城規會要求押後一年處理這些大綱草圖的審議。

(會後補註:委員會主席已於 2017年 4月 20 日去信城規會。)

### Extract of the Notes of "V", "GB" and "CA" Zones of the Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1

#### 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)

S/NE-CS/1

#### <u>VILLAGE TYPE DEVELOPMENT</u> (Cont'd)

#### <u>Planning Intention</u>

The planning intention of this zone is to designate both the 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.

#### 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

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

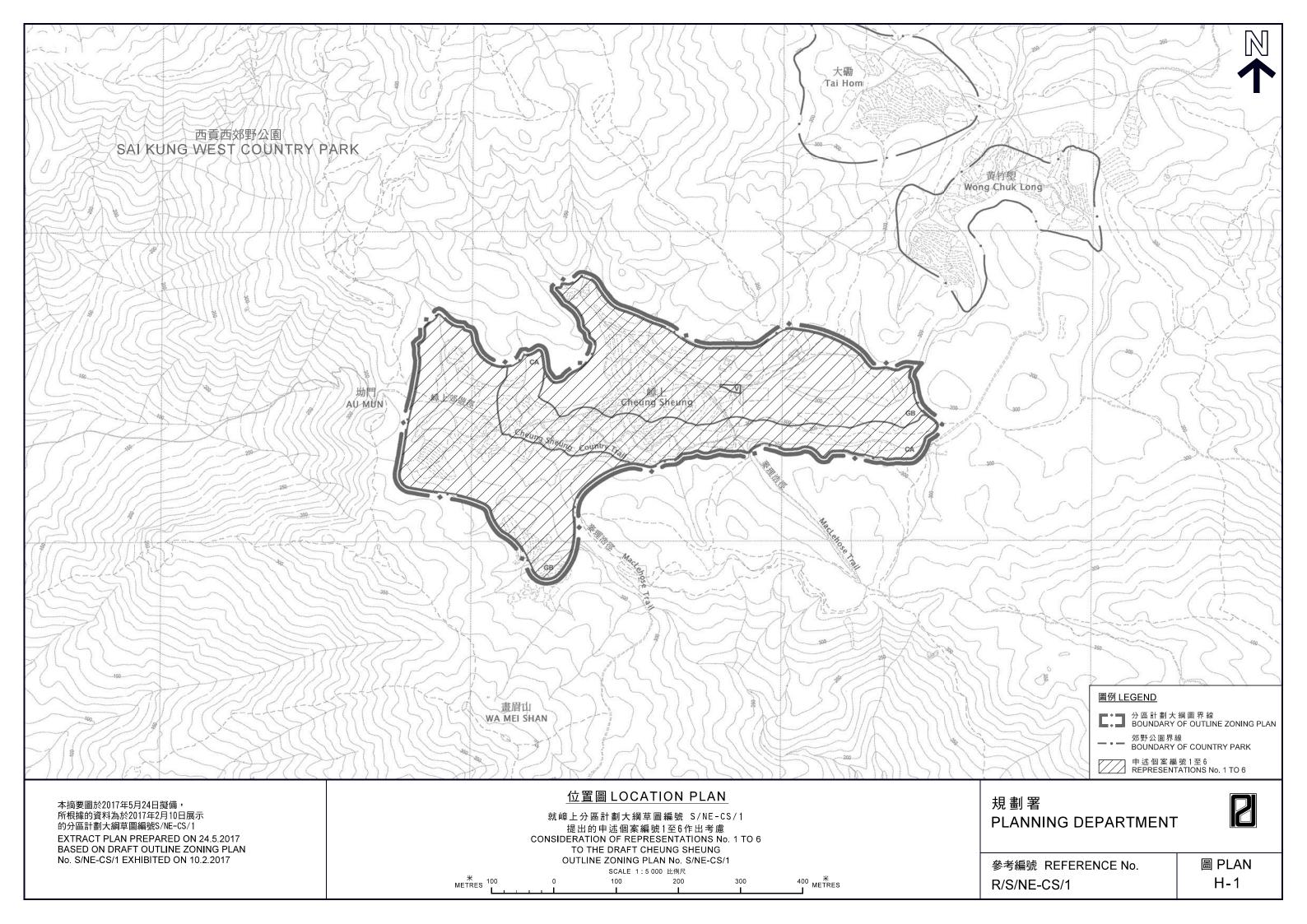
#### **Planning Intention**

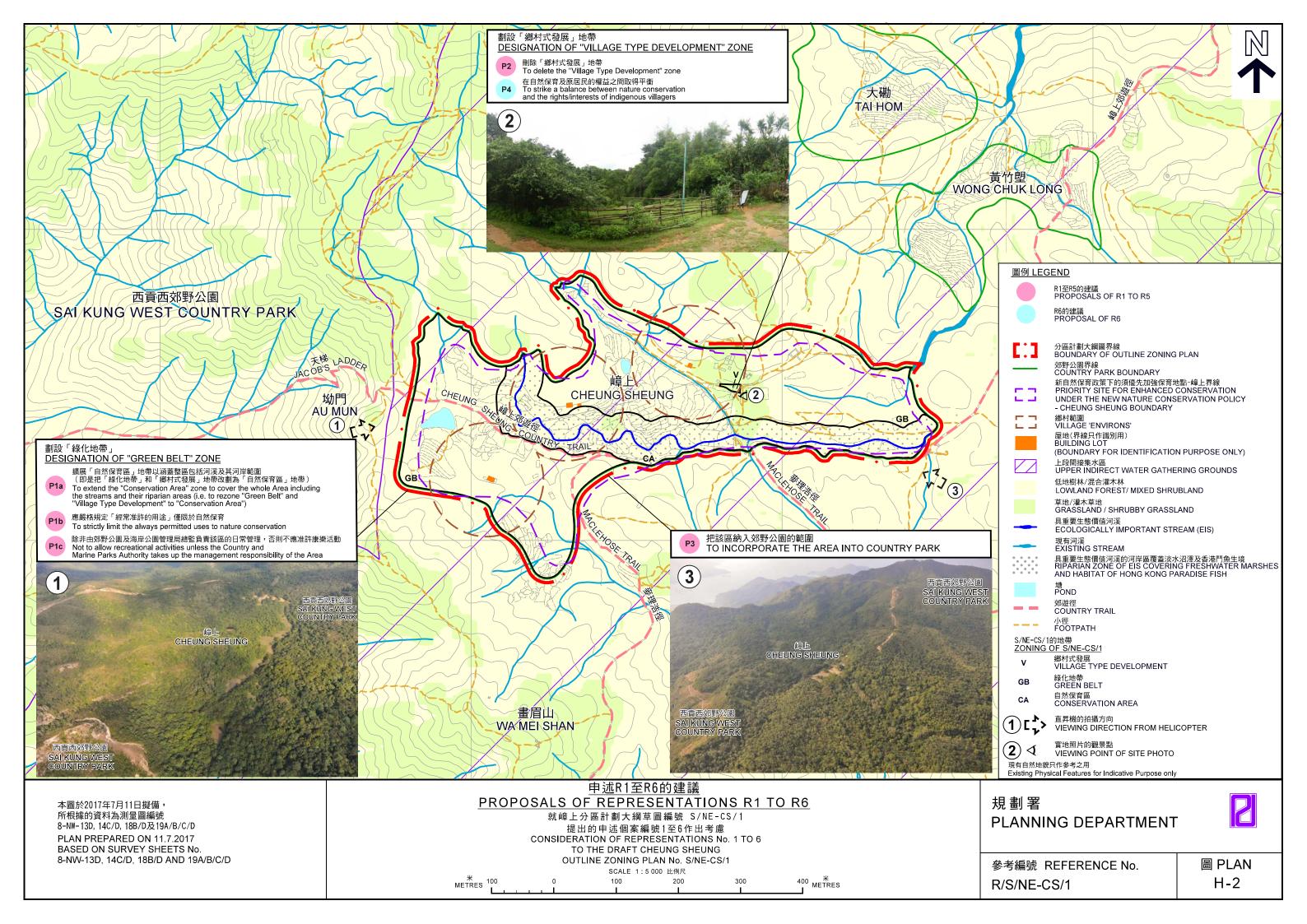
This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development.

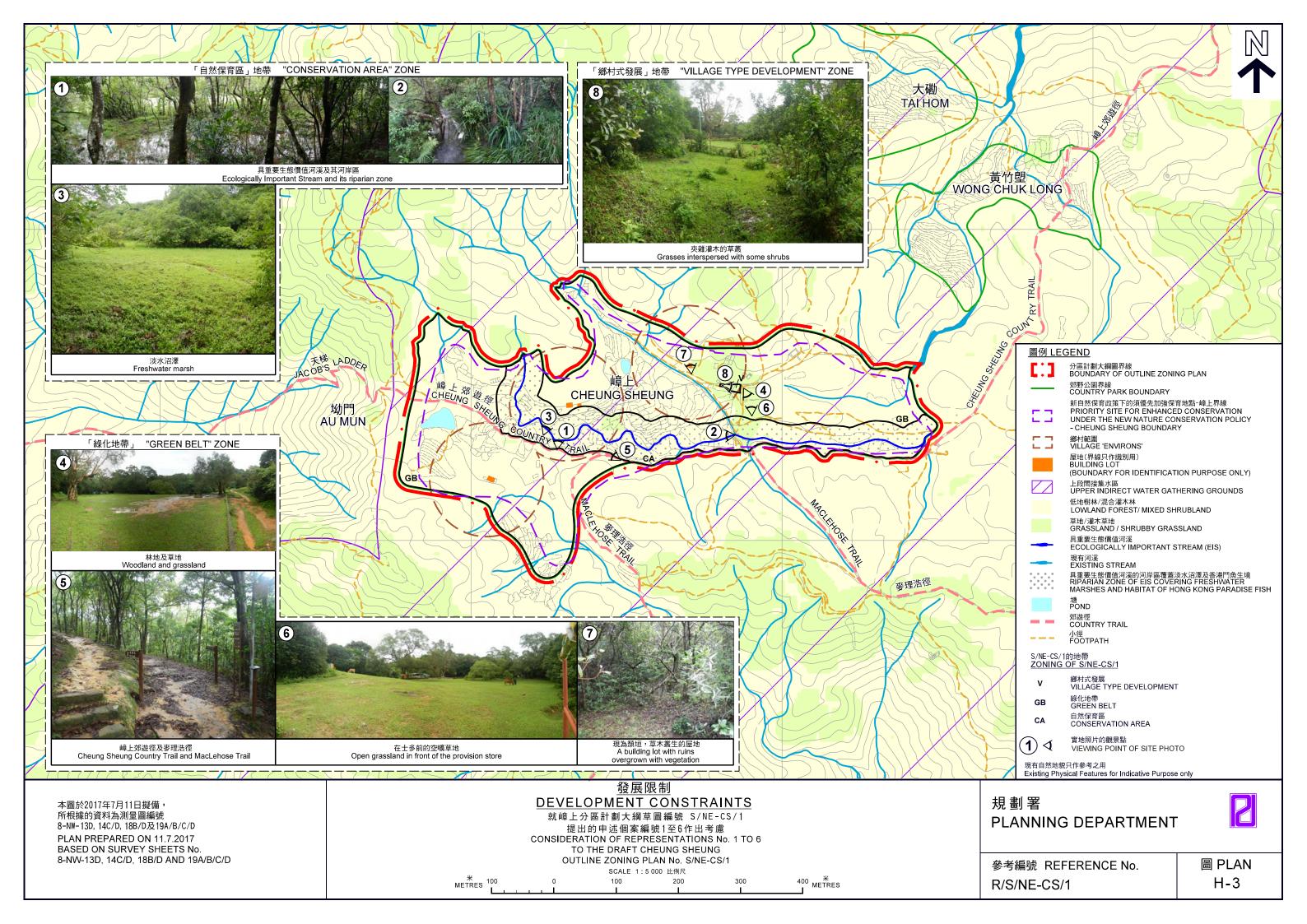
There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

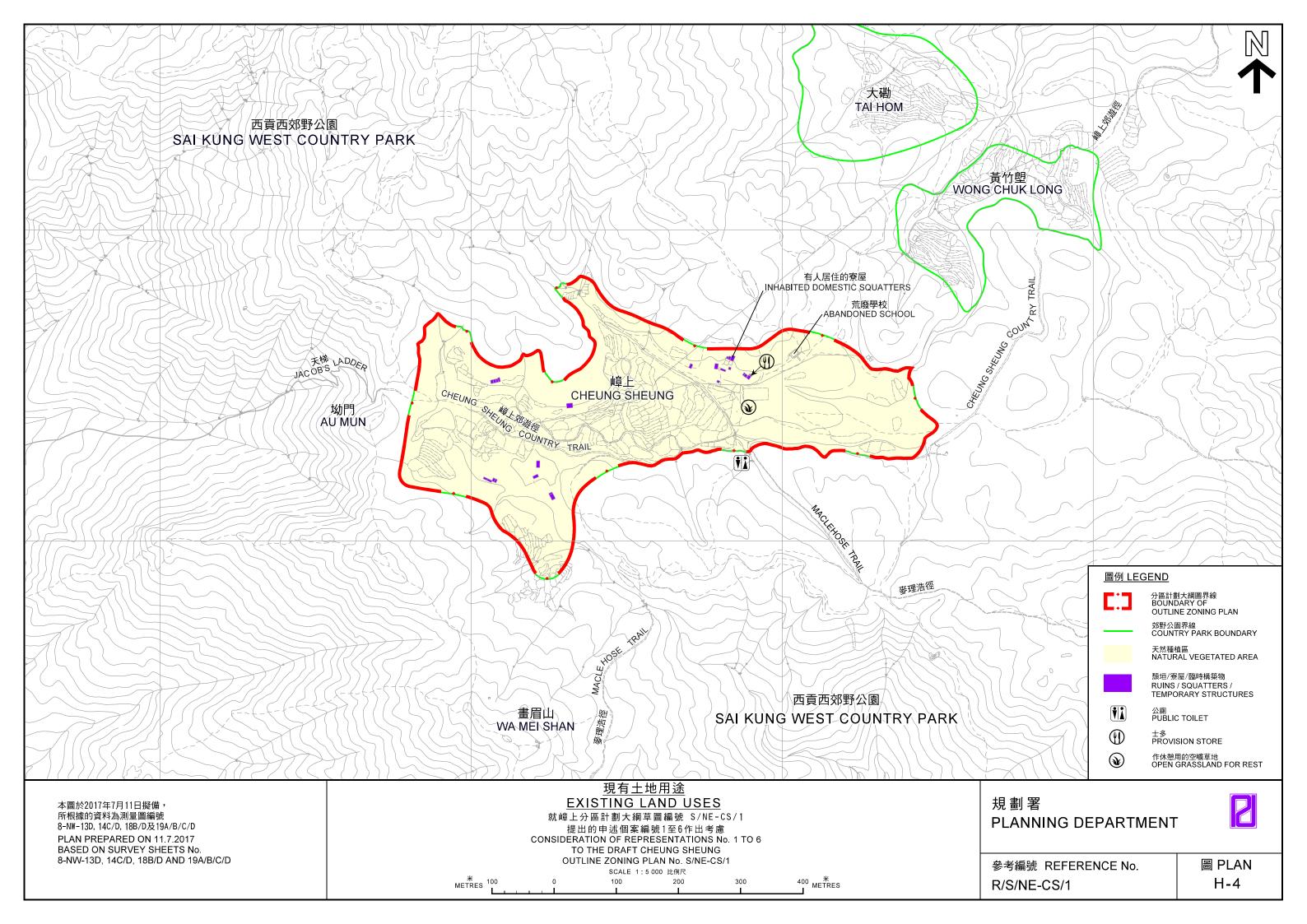
#### Remarks

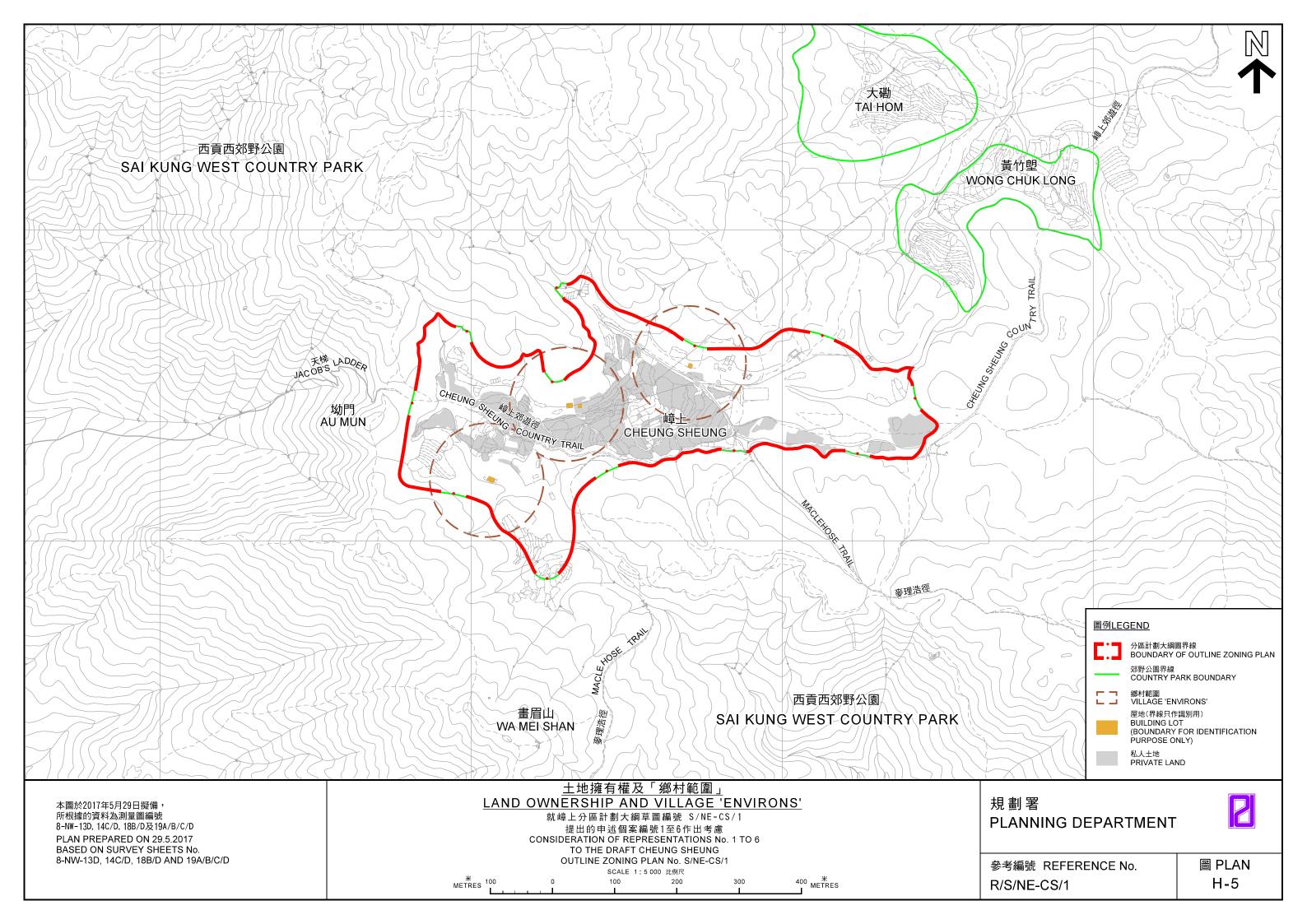
- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development 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.

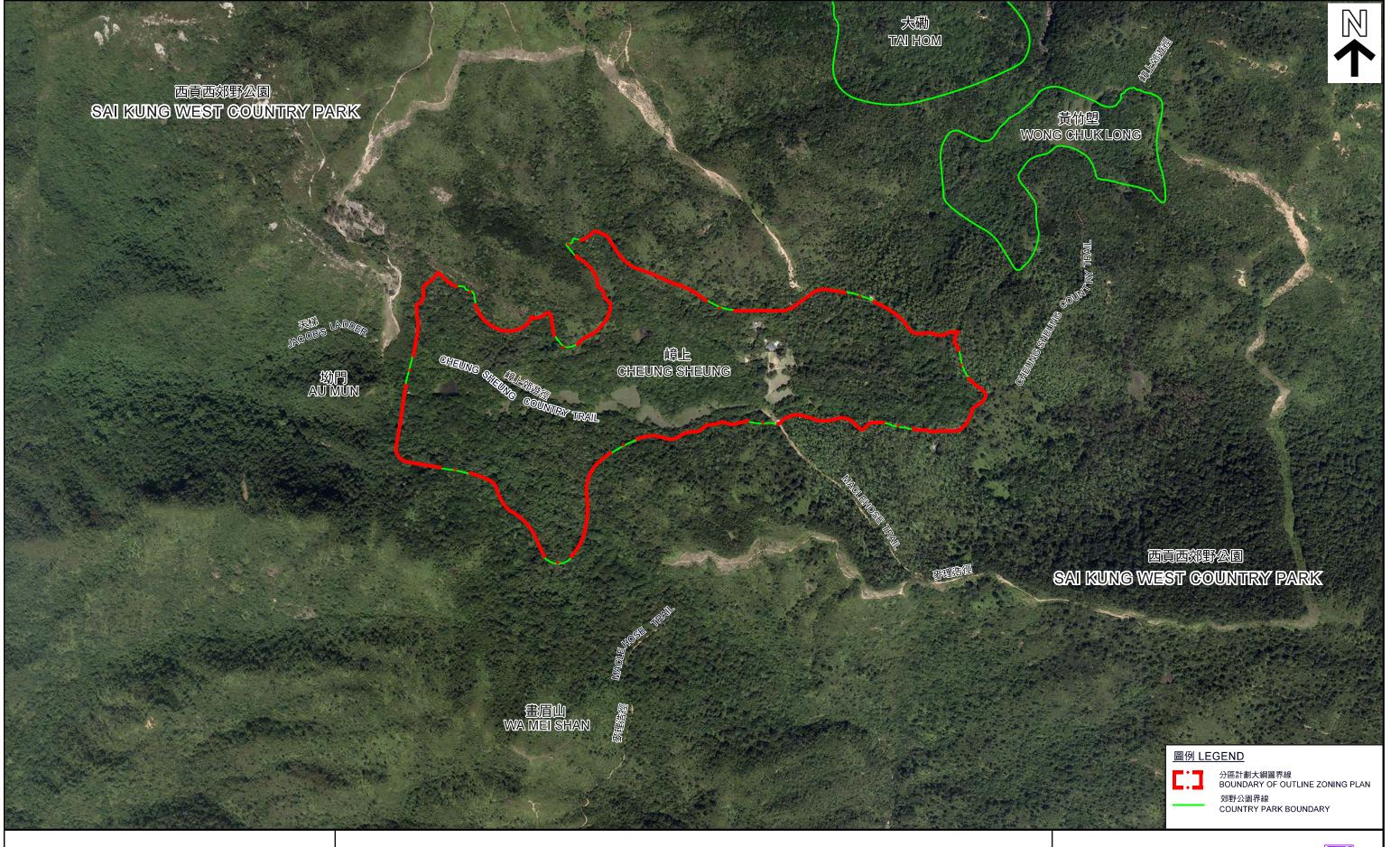












本圖於2017年6月21日擬備,所根據的資料為 地政總署於2016年10月6日拍得的航攝照片編號 E003033C、E003035C及E003037C PLAN PREPARED ON 21.6.2017 BASED ON AERIAL PHOTOS No.E003033C, E003035C& E003037C TAKEN ON 6.10.2016 BY LANDS DEPARTMENT

#### 航攝照片 AERIAL PHOTOS

就嶂上分區計劃大綱草圖編號 S/NE-CS/1 提出的申述個案編號1至6作出考慮 CONSIDERATION OF REPRESENTATIONS No. 1 TO 6 TO THE DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN No. S/NE-CS/1

#### 規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. R/S/NE-CS/1 圖 PLAN H-6