

**TPB PAPER NO. 10274
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 5.5.2017**

**CONSIDERATION OF REPRESENTATIONS
AND COMMENT IN RESPECT OF
THE DRAFT TAI TAN, UK TAU, KO TONG AND KO TONG HA YEUNG
OUTLINE ZONING PLAN NO. S/NE-TT/1**

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Subject of Representation/ Representation Site	Representers (Total: 10)	Commenter Total: 1
Draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Outline Zoning Plan (OZP) No. S/NE-TT/1, mainly on “Green Belt” (“GB”) and “Village Type Development” (“V”) zones	<p><u>Total: 4 (R1 to R4)</u></p> <p><u>Provide Comments</u> R1: The Hong Kong Bird Watching Society (HKBWS) supports the planning intention of the draft OZP R2: World Wide Fund for Nature Hong Kong (WWF-HK) R3: Kadoorie Farm and Botanic Garden Corporation (KFBG) R4: Designing Hong Kong Limited (DHKL) objects to the “V” zones</p>	<p><u>Support R1 to R4</u> C1: Individual</p>
Draft OZP, mainly on “V” and “GB” zones	<p><u>Total: 6 (R5 to R10)</u></p> <p><u>Oppose</u> R5: Resident Representative (RR) of Ko Tong Ha Yeung Village R6: Indigenous Inhabitant Representative (IIR) of Ko Tong Village R7: RR of Ko Tong Village R8: IIR of Ko Tong Ha Yeung Village R9: Resident of Ko Tong</p> <p><u>Provide Comments</u> R10: Resident of Ko Tong</p>	--

1. INTRODUCTION

- 1.1 On 19.8.2016, the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Outline Zoning Plan No. S/NE-TT/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 representations were received. On 18.11.2016, the representations were

published for three weeks for public comment and one comment on the representations was received.

- 1.2 On 24.3.2017, the Town Planning Board (the Board) decided to consider the representations and comment collectively in one group. This paper is to provide the Board with information for consideration of the representations and comment at **Annexes I and II**. A summary of representations with Planning Department (PlanD)'s responses is attached at **Annex III**. Relevant locations are shown on **Plans H-1, H-2 and H-3**.
- 1.3 The representers and commenter have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **THE REPRESENTATIONS**

- 2.1 Among the total 10 representations, four representations (**R1 to R4**) are submitted by green/concern groups, namely HKBWS (**R1**), WWF-HK (**R2**), KFBG (**R3**) and DHKL (**R4**), generally providing comments on the draft OZP. The remaining six representations (**R5 to R10**) are submitted by the IIRs and RRs of the Ko Tong and Ko Tong Ha Yeung Villages and individuals. The IIRs and RRs (**R5 to R8**) object to the draft OZP, **R9** objects to and **R10** expresses concern on the "GB" zone.

GROUND AND PROPOSALS OF REPRESENTATIONS

- 2.2 The major grounds and proposals (**Plan H-2**) of the green/concern groups (**R1 to R4**) are summarized below:
 - (a) **R1 to R4** provide comments on the draft OZP, in that **R1** supports its planning intention and **R4** objects to the "V" zones.

Ecological Importance of the Area (R1, R3 and R4)

- (b) The Area is an enclave surrounded by and ecologically connected to the Sai Kung East and West Country Parks (**R1 and R4**). It comprises various habitats of ecological and conservation importance including mainly secondary woodland (**R1 and R3**), where **R1** has recorded 107 bird species including 24 species of conservation concern such as Ashy Drongo (*Dicrurus leucophaeus* (灰卷尾)), Eurasian Jay (*Garrulus glandarius* (松鴉)) and Brown Fish Owl (*Ketupa zeylonensis* (褐漁鴉)) from 2005 to 2014. The Area should be protected from habitat destruction and development (**R1, R3 and R4**).

Designation of "GB" Zones (R1 and R2)

- (c) To protect the natural habitats of the Area, it is proposed to designate all woodlands, EIS, natural streams/tributaries and 30m riparian zones as "GB(1)" or "CA" zone. Besides, the "GB" zone is vulnerable to the impacts from permissible Small House development, and hence should be rezoned to "GB(1)" or "CA" which only allow application for redevelopment but not new development of Small House.

Designation of "V" Zones (R1 to R4)

- (d) In recent years, disturbances to the natural environment are observed at various locations in the Area including the vegetation clearance/land filling to the northwest of Tai Tan Village, suspected land filling and site formation in an area which was

previously a marsh but turned into a plant nursery to the north of Uk Tau Village, etc (**R1 to R4**). There is a concern on ‘destroy first, build later’ activities (**R1, R3 and R4**). These disturbed areas should be covered by conservation zones instead of “V” zones, and the “V” zone designation for these disturbed areas would set an undesirable precedent for owners to apply similar approach for development zonings on OZPs (**R1 and R2**).

- (e) The construction and operation of Small House development would cause vegetation clearance/habitat loss and potential water pollution (**R1 to R3**). Expansion of the village area would lead to adverse cumulative ecological impacts and damage the ecological integrity of the surrounding Country Parks (**R1**). Therefore, the “V” zones should not encroach onto the woodland habitats and the riparian zones of EIS and natural streams (**R1 to R3**). **R3** proposes to follow the Tai Long Wan OZP approach (i.e. only the existing village areas are covered by “V” zones and ‘House (New Territories Exempted House (NTEH) only)’ in “V” zones requires planning permission).
- (f) **R4** indicates that most of the lots of the Small House grants and planning applications in Tai Tan, Uk Tau and Ko Tong are owned by developers then carved out and transferred to the applicants, which may involve illegal practice. The 10-year Small House demand forecast of Ko Tong Ha Yeung Village is doubtful as over 100 indigenous inhabitants are living overseas. As the claimed genuine demand for Small Houses may not be correct, the “V” zones should therefore be deleted and extensive investigations of the Small House applications on the land owner, land transaction, residence of the applicant, etc should be conducted by LandsD for the Board’s information and consideration to deter the illegal practice.

Incorporation of the Area into the Sai Kung East and West Country Parks (R1)

- (g) **R1** proposes to incorporate the Area into the Sai Kung East and West Country Parks so as to fully protect the ecological and landscape value of the enclave as well as the surrounding Country Parks.

2.3 The major grounds and proposals (**Plan H-3**) of the villagers (**R5 to R10**) are summarized below:

- (a) **R5 to R8** object to the draft OZP, and **R9** objects to and **R10** expresses concern on the “GB” zoning of her/his residence in the eastern part of the Area.

Designation of “V” Zones (R5 to R8)

- (b) **R5 to R8** object to the draft OZP mainly on the ground that insufficient land is reserved for future development by indigenous villagers and propose to re-plan the Ko Tong and Ko Tong Ha Yeung areas.

Designation of “GB” Zones (R9 and R10)

- (c) Both **R9 and R10** are largely concerned about the same lots in the eastern part of the Area as shown on **Plan H-3**. **R9** objects to and **R10** expresses concern on the “GB” zoning of her/his residence mainly on the grounds that **R9** and her family have been living there for 40 years and paid the rates for the concerned lots and **R10** is worried about the implications of the restrictions under the “GB” zone on the locality and his livelihood.

Local Consultation (R5 to R8)

- (d) **R5 to R8** considers that their comments and those of other stakeholders are not incorporated into the draft OZP, and propose to re-conduct the public consultation on the planning of the Ko Tong and Ko Tong Ha Yeung areas.

3. COMMENT ON REPRESENTATIONS

Comment **C1** is submitted by an individual supporting the representations **R1 to R4**, and considers that as the Small House applications in the Area may involve illegal practice, the request for expansion of “V” zones from other representations should not be acceded to.

4. BACKGROUND

- 4.1 On 22.12.2015, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung area to replace the Development Permission Area (DPA) Plan first published on 8.11.2013. On 26.2.2016, the Board gave preliminary consideration to the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yueng OZP No. S/NE-TT/B and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and Sai Kung North Rural Committee (SKNRC) for consultation.
- 4.2 The SKNRC and TPDC were consulted on the draft OZP on 11.3.2016 and 11.5.2016 respectively and 15 submissions were received from the Vice-Chairman of SKNRC, IIRs of the four villages and two indigenous villagers of Ko Tong Village from March to June 2016. They objected to the draft OZP mainly on the grounds that the “V” zones are insufficient to meet the Small House demand of indigenous villagers and designation of private land as “GB” zone with development restriction is unfair to the landowners. They mainly proposed to expand the “V” zones and designate some areas as “AGR” zones.
- 4.3 In March and May 2016, submissions were also received from green/concern groups namely KFBG and HKBWS respectively. They were largely concerned about the designation of “V” zones in Tai Tan and Uk Tau on environmental grounds and proposed to designate the woodland as “CA”, the 30m riparian zones of the EIS and natural streams as “GB(1)” or “CA” and to incorporate the Area into the Sai Kung East and West Country Parks.
- 4.4 On 5.8.2016, the Board gave further consideration to the draft OZP together with the views received from the TPDC, SKNRC, concerned IIRs and indigenous villagers as well as the green/concern groups. After considering these views, the Board agreed that the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung OZP No. S/NE-TT/B was suitable for exhibition for public inspection. On 19.8.2016, the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung OZP re-numbered as No. S/NE-TT/1 was exhibited for public inspection under section 5 of the Ordinance.

5. LOCAL CONSULTATION

- 5.1 The SKNRC and TPDC were consulted on the gazetted draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung OZP No. S/NE-TT/1 on 5.9.2016 and 7.9.2016 respectively. The

SKNRC objected to the draft OZP mainly for insufficient “V” zones and not incorporating their views into the draft OZP. Both the IIR and RR of Ko Tong Village commented that the area situated in between the existing northern village cluster of Ko Tong and Pak Tam Road was for car parking and should not be designated as “V” zone and proposed to expand the “V” zones to the west and north in Ko Tong. The IIR of Ko Tong Ha Yeung indicated that the mentioning of cross-village Small House grant applications as a possible solution to address Small House demand was misleading as it would be difficult for villagers to purchase private land in other villages. TPDC on 7.9.2016 indicated that they respected the opinions of SKNRC and local stakeholders and objected to the draft OZP, and their views on reserving land for Small House development and not designating private land as “GB” zone which deprives their development right should be respected.

- 5.2 Subsequently, the IIRs and RRs of Ko Tong and Ko Tong Ha Yeung Villages (**R5 to R8**) submitted representations opposing to the draft OZP. KFBG (**R3**) and HKBWS (**R1**) also submitted representations providing comments on the draft OZP.

6. PLANNING CONSIDERATIONS AND ASSESSMENT

THE REPRESENTATION SITES AND THEIR SURROUNDING AREAS (Plans H-1, H-2 and H-3)

- 6.1 The representation sites cover the whole OZP.

Planning Scheme Area (Plans H-4 to H-6)

- 6.2 The Planning Scheme Area (the Area), covering a total land area of about 70.79 ha, is surrounded by the Sai Kung East and Sai Kung West Country Parks and fronting Ko Tong Hau in the northeast.
- 6.3 Comprising mainly woodlands, shrublands, fallow agricultural lands, streams, mangroves, backshore vegetation and sandy shore, the Area forms part of the wider natural environment of the Sai Kung countryside. In general, the Area is natural and rural in character and has high landscape and scenic value.
- 6.4 The Area comprises two sub-areas i.e. the main portion bounded by Wong Ma Tei and Wong Chuk Long in the east and the west and a small area at the eastern coast currently occupied by The Jockey Club Wong Shek Water Sports Centre. Pak Tam Road passes through from the south to the northeast leading to Wong Shek Pier and branches off near Ko Tong to Hoi Ha Road running to the further north. Four recognized villages (i.e. Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung) are situated at the foothills to the west and the Civil Aid Service Tai Tan Camp can be found near the end of Pak Tam Road.
- 6.5 In the northern part of the Area, Tai Tan Village comprises three village clusters on the lower slopes along the coastal area of Ko Tong Hau and is flanked by a woodland on the vegetated hillslopes to the northwest. The Tai Tan EIS together with the main stream in the Area (traversing the Area from the southwest to the northeast) flow from the west to the east in the southern part of the village. To the further south of Tai Tan Village is Ko Tong Ha Yeung Village, which is an elongated house cluster sandwiched between a woodland on the vegetated hillslopes on the northwest and Pak Tam Road on the southeast. Along Pak Tam Road to the south is Ko Tong Village which comprises two village clusters surrounded by a flat-topped vegetated knoll partly covered with mature woodland to the north and woodland on vegetated hillslopes to the west, and separated by a stream flowing

along the eastern, western and northern edges of the village cluster in the south. Uk Tau Village is situated in the southern end of the Area near Pak Tam Road and is surrounded mainly by woodlands but an area covered mainly with grasses, nursery plants, shrubs and some trees can be found to the northeast.

- 6.6 All the villages are well-populated and consist of a mixture of traditional one to two-storey pitched-roof houses and modern three-storey village houses. There are some ruins as well as some houses under construction in the villages. All the villages in the Area are served by vehicular access either directly from or via slip road/local access connecting with Pak Tam Road.

Planning Intention

- 6.7 The general planning intention of the Area is to protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Country Parks. Apart from the environmental and ecological considerations, development in the Area is constrained by limited transport and infrastructural provisions. It is also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area.

Individual Zones (Annex IV)

- 6.8 The “V” 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.
- 6.9 The “G/IC” zone is primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 6.10 The “Other Specified Uses” (“OU”) zone is intended for specific development(s) and/or use(s), which is annotated “Pier” and covers the Wong Shek Pier.
- 6.11 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.
- 6.12 The “CA” zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such 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.

- 6.13 The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landforms or areas of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone.
- 6.14 For the “GB”, “CA” and “CPA” zones, any diversion of streams, filling of land/pond or excavation of land shall not be undertaken without the permission from the Board (including public works implemented or co-ordinated by Government in “CA” and “CPA” zones) whilst any diversion of streams or filling of pond in the “V” zone requires planning permission from the Board.

RESPONSES TO GROUNDS AND PROPOSALS OF REPRESENTATIONS

- 6.15 The supportive view of **R1** on the planning intention of the draft OZP is noted.

Ecological Importance of the Area (R1, R3 and R4)

- 6.16 The ecological information submitted/mentioned by **R1, R3 and R4** is noted. The ecological importance of the Area has been taken into account in the course of preparing the OZP. The Area is natural and rural in character and has high conservation, landscape and scenic value which have been an important consideration in drawing up the draft OZP. In formulating the land use zonings of the draft OZP, special attention has been given to protect the ecological and landscape significance of the Area having regard to the wider natural system of the adjoining Sai Kung East and West Country Parks. Agriculture, Fisheries and Conservation Department (AFCD) considers that the conservation zonings in the draft OZP are appropriate from the nature conservation point of view.

Designation of “GB” Zones (R1, R2, R9 and R10)

- 6.17 Regarding the proposals of **R1 and R2** to designate all woodlands, EIS, natural streams/tributaries and 30m riparian zones as “GB(1)” or “CA” zone, it should be noted that the ecologically more sensitive areas including the mature woodland to the northeast of Ko Tong Village and the coastal area primarily consisting of natural coastline with mangroves, marsh, backshore vegetation and sandy shore along the edge of the Area and at the estuarine area along the northern section have been zoned “CA” and “CPA” respectively, whilst the vast areas of woodlands, shrublands, seasonally wet grassland, marsh as well as streams including the Tai Tan EIS and their riparian zones are largely zoned “GB” (**Plan H-4**).
- 6.18 According to the AFCD, the woodlands and shrublands in the Area consist largely of common native species and some of these habitats have been regenerated from abandoned agricultural land. The streams in the Area are largely natural except for some stream bank modifications near the existing villages and their riparian zones are mainly covered by the said woodland or shrubland habitats. AFCD considers that the “GB” zoning in the draft OZP with a general presumption against development is appropriate from the nature conservation point of view.
- 6.19 For the proposal of **R1 and R2** to rezone “GB” to “GB(1)” or “CA”, as mentioned above, “GB” zone is also a conservation zoning with a general presumption against development. ‘House’ is a Column 2 use which requires planning permission from the Board (**Annex IV**). Any potential adverse impact from Small House development on the surrounding

area would be assessed through the planning application system in consultation with departments concerned. Each application will be considered by the Board based on its individual merits taking into account the prevailing planning circumstances, relevant guidelines and relevant departments' comments. Moreover, activities such as diversion of streams, filling of land/pond or excavation of land in "GB" zones that may cause adverse impacts on the natural environment should not be undertaken without permission from the Board. In view of the above, there is no strong justification for the above proposal.

- 6.20 Regarding the concerns of **R9 and R10** about the implications of the "GB" zoning on their residence and locality, the "GB" zone is to provide a buffer between the village type developments and the country parks and conserve the natural and landscape character of the Area. The concerned lots comprise mainly dense vegetation, marsh, pond, a domestic structure and a temporary structure (**Plan H-3**). Those lots are situated away from the village clusters and outside any village 'environs' ('VEs') in the eastern fringe of the Area. The private land in the "GB" zone including the concerned lots are primarily demised for agricultural purpose under Block Government Lease, and 'Agricultural Use' is in general always permitted in the "GB" zone on the draft OZP. According to the covering Notes of the draft OZP, no action is required to make the use of any land or building which was in existence immediately before 8.11.2013 (i.e. the first publication in the Gazette of the notice of the draft DPA Plan) conform to the draft OZP.

Designation of "V" Zones (R1 to R8)

- 6.21 Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung are the recognized villages in the Area. Thus there is a need to designate "V" zones at suitable locations to meet the Small House demand of local villagers. The boundaries of the "V" zones have been drawn up around existing village clusters having regard to the 'VEs', the number of outstanding/approved Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, ecologically sensitive areas, stream courses and burial grounds have been avoided as far as possible.
- 6.22 As updated by the DLO/TP, LandsD (as at March 2017), there are 116 outstanding Small House applications in the Area and the total of the latest 10-year Small House demand forecasts provided and justified by the respective IIRs is 442. Based on PlanD's preliminary estimate, land required for meeting the total Small House demand of 558 is about 13.96 ha (**Table 1**).

Table 1: Small House Demand in the Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Area

Village	Small House Demand Figure in 2013 (During Preparation of the Draft DPA Plan)		Small House Demand Figure in 2017 (New Demand)		"VE" Area (“VE” Area in Draft OZP) (ha)	"V" Zone on Draft OZP (ha)	Required Land to Meet New Demand (ha)	Available Land on Draft OZP to Meet New Demand Figure (ha)	Percentage of the New Demand Met by Available Land (%)
	Outstanding Demand	10-year Forecast (2013-2022)	Outstanding Demand	10-year Forecast					
Tai Tan	10	Nil ⁽¹⁾	32	35 (2017-2026)	5.24 (4.85)	1.43	1.68	0.42 (17 houses)	25%
Uk Tau	46	Nil ⁽¹⁾	42	32 (2016-2025)	3.11 (2.82)	1.07	1.85	0.53 (21 houses)	29%
Ko Tong	18	105	31	200 (2017-2026)	3.56 (3.56)	2.11	5.78	0.79 (32 houses)	14%
Ko Tong Ha Yeung	10	99	11	175 (2017-2026)	2.74 (1.81)	0.79	4.65	0.17 (7 houses)	4%
Total	84	204	116	442	14.65 (13.04)	5.40	13.96	1.91 (77 houses)	14%

Notes:

(1) No 10-year Small House Demand Forecasts were provided by the IIRs of Tai Tan and Uk Tau.

6.23 Given the natural environment, its ecological and landscape values coupled with its potential natural terrain landslide hazards, an incremental approach has been adopted for designation of “V” zones for Small House development with an aim to guiding Small House development at suitable locations around the existing village clusters so as to avoid undesirable disturbances to the natural environment and to achieve a more orderly development pattern, efficient use of land and provision of infrastructure and services. A total of about 5.40 ha of land is covered by “V” zones on the draft OZP, which represents an increase of 2.36 ha in land area as compared with the “V” zones on the DPA Plan (i.e. 3.04 ha).

6.24 Within the proposed “V” zones, a total of about 1.91 ha of land is available, equivalent to about 77 Small House sites, capable of meeting about 14% of the total Small House demand for 558 Small Houses (**Table 1**). While land zoned “V” is insufficient to meet the Small House demand in the Area, as advised by the DLO/TP, LandsD, cross-village applications within the same Heung might be considered under the current land administrative practice. The planning application system provides another measure for the villagers to apply for Small House development outside the “V” zones subject to the Board’s approval.

Proposals of Confining “V” Zones (R1 to R4)

6.25 **R1 to R4** are concerned about designation of the areas subject to disturbances to the natural environment as “V” zones, in particular those to the northwest of Tai Tan Village and the north of Uk Tau Village. In drawing up the “V” zones, consideration has been given to various factors as indicated in paragraph 6.21 above. All the disturbed areas as observed during preparation of the draft OZP are not designated as “V” zones, except an area with signs of vegetation clearance near the northern village cluster in Ko Tong. This area is not subject of any planning enforcement actions and is adjacent to some approved Small House developments, and hence considered suitable and inseparable for inclusion

into “V” zone (**Plans H-2 and H-7a**). As for area to the northwest of Tai Tan Village, it comprises a woodland on hillslope. Land filling/woodland clearance activities are observed and part thereof is subject to an active enforcement case for unauthorized development involving filling of land¹ as advised by the Chief Town Planner/Central Enforcement and Prosecution, PlanD (CTP/CEP, PlanD). This area is zoned “GB” on the draft OZP (**Plans H-2 and H-7b**).

- 6.26 In Uk Tau, the northern part of the “V” zone is not one of the above disturbed areas and mainly on an existing plant nursery with some vegetation. According to the covering Notes of the DPA Plan, provision of plant nursery is always permitted on land falling within the boundaries of the Plan and as advised by the CTP/CEP, PlanD, there is insufficient evidence of unauthorized development in this area. This area is adjoining the existing village cluster, accessible by Pak Tam Road and footpath, with gentle topography and relatively less vegetation, and hence is considered as a suitable location within the ‘VE’ for designation of “V” zone to meet the Small House demand (**Plans H-2 and H-7c**).
- 6.27 Regarding the concerns of **R1 to R3** about encroachment of “V” zones onto the woodland habitats and the riparian zones of EIS and natural streams, the areas reserved for Small House development mainly cover the existing village clusters and their adjoining areas, which reflect the current extent of Small House developments/village accesses, include the areas with approved planning applications for Small House developments, and/or are mainly covered with grasses, shrubs and some trees largely overgrown on abandoned agricultural land or inseparable slopes (**Plan H-4**). It should be noted that the northern “V” zone of Tai Tan is largely kept away from the EIS by about 20m, and the southern “V” zone is mainly to reflect the current extent of Small House developments (**Plan H-7b**), whilst the riparian zones of the EIS and natural streams have been zoned mainly “GB”, “CA” and “CPA” on the draft OZP. AFCD has no adverse comments on the “V” zones from the nature conservation perspective.
- 6.28 Regarding the **R3**’s proposal that the planning control of the Tai Long Wan OZP on development within “V” zone should be followed for the draft OZP, each Country Park enclave should be considered on the circumstances and characteristics of individual areas. The intention of conserving the historic and archaeological value of Tai Long Wan area, which comprises clusters of well-preserved village houses of high heritage value with traditional architecture and layout including graded historic villages and building and falls within the Ham Tin Archaeological Site, is not applicable to the Area. As the planning intention of the “V” zone is to provide land for NTEH and the current “V” zones mainly cover the existing village clusters and their adjoining areas, it is appropriate to put NTEH as an always permitted use under Column 1.

Small House Demand (R4)

- 6.29 **R4** raises concerns about the possible illegal practice in Small House applications and the unjustified Small House demand forecast. According to the DLO/TP, LandsD, Small House applicant is required to expressly warrant that he has never made any arrangements to transfer his right to develop a Small House or his eligibility to apply for a Small House grant. It is against the law to obtain Government approval by deception through false

¹ Enforcement Notice was issued to the concerned landowners on 7.6.2016 requiring the discontinuance of the unauthorized filling of land. Furthermore, Reinstatement Notice was issued to the concerned landowners on 11.10.2016 requiring the reinstatement by 11.1.2017. According to the latest on-site observation, the requirements of the Reinstatement Notice have not yet been complied with, the Planning Authority will consider taking appropriate further actions.

representation or fraud. When processing the Small House grant applications, the records of sale and purchase concerning the land under application at the Land Registry will be examined. If there is any record showing that the applicant is not the sole legal and registered owner as declared, his office will cease to process his application. If concrete evidence of false declaration/misrepresentation/fraud can be identified such as the revelation of the agreement of selling Small House rights, his office will refer the case to the law enforcement departments for investigation and prosecution action (if any).

- 6.30 It should be noted that the Small House demand forecast is only one of the many references in considering the boundary of “V” zone. The forecast is provided by the IIRs to the LandsD and could be subject to changes over time for reasons like aspiration of indigenous villagers currently living outside the village, local and overseas, to move back to the village in the Area in future. DLO/TP, LandsD would verify the status of the Small House applicant at the stage of Small House grant application.

Environmental Impacts of the Small House Development (R1 to R3)

- 6.31 There is sufficient control in the current administrative system to ensure that individual Small House development would not entail unacceptable impacts on the surrounding environment. For the protection of the water quality of the Area, the design and construction of the septic tank and soakaway (STS) systems for Small House development need to comply with relevant standards and regulations, such as Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental Protection Department”. The ProPECC PN 5/93 has stipulated specific requirements (e.g. minimum clearance distance) to ensure satisfactory performance of the STS system. Operation and maintenance practices for septic tank (e.g. desludging practices) are also given in EPD’s “Guidance Notes on Discharges from Village Houses”.
- 6.32 Besides, in accordance with the Environment, Transport and Works Bureau’s Technical Circular (Works) No. 5/2005 “Protection of Natural Streams/Rivers from Adverse Impacts arising from Construction Works”, for development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities should consult and collate comments from the AFCD and relevant authorities.
- 6.33 LandsD, when processing Small House grant applications, will consult concerned Government departments including the EPD, AFCD, Water Supplies Department, Drainage Services Department, Civil Engineering and Development Department (on slope issue), Transport Department, Fire Services Department (on emergency vehicular access issue) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications to avoid adverse impacts of Small House development on the surrounding environment. The applicants would also be required to comply with relevant standards and regulations for development proposals/submissions.

Incorporation of the Area into the Sai Kung East and West Country Parks (R1)

- 6.34 Incorporation of the Area into Country Parks is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap.208) which is outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Parks.

Local Consultation (R5 to R8)

6.35 When formulating the draft OZP, public views, including those from the TPDC, SKNRC, IIRs and RRs of the concerned villages, villagers and other relevant stakeholders such as green/concern groups, had been sought and reported to the Board for preliminary and further considerations before gazetting the draft OZP. With the general planning intention of the Area in protecting its high conservation and landscape value, the constraints of limited transport and infrastructural provisions and the need to consolidate village development in an orderly manner, it is necessary to strike a balance between meeting development needs and enhancing nature conservation in drawing up the OZP. Upon gazettal of the draft OZP, the statutory plan-making process, which involves its exhibition for public inspection and hearing of representations and comments received, is itself a public consultation process under the Ordinance. The Board would take into account the relevant planning considerations and the representations and comments received before making a decision.

RESPONSES TO GROUNDS OF COMMENTS

6.36 **C1** supports the representations **R1 to R4**, and considers that the “V” zones should not be expanded as requested in the remaining representations. The responses in paragraphs 6.15 to 6.19 and 6.21 to 6.34 above are relevant.

7 CONSULTATION

7.1 Relevant Government departments have been consulted and their comments have been incorporated in the above paragraphs where appropriate.

7.2 The following Government bureaux and departments have been consulted and they have no major comment on the representations:

- (a) Secretary for Education;
- (b) Chief Building Surveyor/New Territories West, Buildings Department;
- (c) Chief Highway Engineer/New Territories East, Highways Department;
- (d) Antiquities and Monuments Office, Director of Leisure and Cultural Services;
- (e) Director of Leisure and Cultural Services;
- (f) Director-General of Communications;
- (g) Government Property Administrator;
- (h) Project Manager/New Territories East, Civil Engineering and Development Department;
- (i) Director of Electrical and Mechanical Services;
- (j) Director of Fire Services;
- (k) Director of Social Welfare;
- (l) Chief Engineer/Construction, Water Supplies Department;
- (m) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (n) Chief Engineer/Sewerage Projects, Drainage Services Department;
- (o) Chief Engineer/Drainage Projects, Drainage Services Department;
- (p) Chief Engineer/Mainland North, Drainage Services Department;
- (q) Director of Food and Environmental Hygiene;
- (r) Director of Marine;
- (s) Commissioner for Transport;
- (t) Departmental Secretary, Civil Aid Services;

- (u) District Officer/Tai Po, Home Affairs Department; and
- (v) Chief Town Planner/Urban Design & Landscape, Planning Department.

8. PLANNING DEPARTMENT'S VIEWS

- 8.1 The supportive view of **R1 (part)** on the draft Outline Zoning Plan (OZP) is noted.
- 8.2 Based on the assessments in Paragraph 6 above and for the following reasons, Planning Department does not support the representations **R2 to R10** and the remaining part of **R1** and considers that no amendment should be made to the draft OZP to meet these representations:

Ecological Importance of the Area (R1, R3 and R4)

- (a) Conservation zones, including “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”) and “Green Belt” (“GB”) under which there is a general presumption against development, have been designated to cover areas having high conservation and landscape value to protect the natural environment of the Area and the ecologically linked Sai Kung East and West Country Parks under the statutory planning framework.

Designation of “GB” Zones (R1, R2, R9 and R10)

To Designate All Woodlands, Ecologically Important Stream, Nature Streams/Tributaries and 30m Riparian Zones as “GB(1)” or “CA” Zone and To Rezone “GB” to “GB(1)” or “CA” (R1 and R2)

- (b) Environmentally sensitive areas in the Area are mainly zoned as “CA”, “CPA” and “GB”. All these are conservation zonings with a general presumption against development and are considered appropriate in protecting the natural environment of the Area.

Implications of the “GB” Zoning (R9 and R10)

- (c) Private land in the “GB” zone is primarily demised for agricultural purpose under Block Government Lease and ‘Agricultural Use’ is in general always permitted therein. No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft Development Permission Area Plan conform to the draft OZP.

Designation of “Village Type Development” (“V”) Zones (R1 to R8)

Proposals of Confining “V” Zones (R1 to R4) and Re-planning the Ko Tong and Ko Tong Ha Yeung Areas (R5 to R8)

- (d) “V” zones have been designated at suitable locations to meet Small House demand of indigenous villagers in the Area. The boundaries of the “V” zones have been drawn up having regard to the village ‘environs’, Small House demand, settlement pattern, local topography, areas of ecological importance as well as other site-specific characteristics. The “V” zones are to strike a balance between meeting development needs and enhancing nature conservation. Meanwhile, there are

provisions to allow for application to the Board for development or redevelopment of Small House outside the “V” zone under the OZP.

Small House Demand (R4)

- (e) The Small House demand forecast is only one of the factors in drawing up the “V” zones and the forecast is subject to variations over time.

Environmental Impacts of the Small House Development (R1 to R3)

- (f) There is sufficient control in the current administrative system to ensure that individual Small House development would not entail unacceptable impacts on the surrounding environment.

Incorporation of the Area into the Sai Kung East and West Country Parks (R1)

- (g) Incorporation of the Area into Country Parks is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of Country Parks.

Local Consultation (R5 to R8)

- (h) The Board has considered the views of villagers and other stakeholders in formulating the draft OZP and would take into account the relevant planning considerations and the representations and comment received in respect of the draft OZP before making a decision.

9. DECISION SOUGHT

The Board is invited to give consideration to the representations and comment taking into consideration the points raised in the hearing session, and decide whether to partially uphold/not to uphold the representations.

10. ATTACHMENTS

Annex I	Submissions of Representations (R1 to R10)
Annex II	Submission of Comment on Representations (C1)
Annex III	Summary of Representations and Comment and PlanD’s Responses
Annex IV	Extract of the Notes of “V”, “G/IC”, “OU”, “GB”, “CA” and “CPA” Zones of the Draft Tai Tan, Uk Tau, Ko Tong, Ko Tong Ha Yeung OZP No. S/NE-TT/1
Plan H-1	Location Plan
Plan H-2	Proposals of Representations R1 to R4 and Comment C1
Plan H-3	Proposals of Representations R5 to R10
Plan H-4	Development Constraints – Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung
Plan H-5	Land Ownership and Village ‘Environs’ – Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung

Plan H-6	Aerial Photos –Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung
Plan H-7a	Aerial Photos on the Gazette Date of the Draft DPA Plan and Recent Aerial
to H-7c	Photos for “V” zones in Ko Tong, Tai Tan and Uk Tau

PLANNING DEPARTMENT
May 2017