

TOWN PLANNING BOARD

**TPB PAPER NO.10344
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD ON 20.10.2017**

**CONSIDERATION OF REPRESENTATIONS IN RESPECT OF THE
DRAFT PING CHAU OUTLINE ZONING PLAN NO. S/NE-PC/1**

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Subject of Representation/ Representation Site	Representers (Total: 2,626)
<p>Largely support the planning intention for nature conservation of the Area but with concerns on the adverse environmental impact of Small House developments.</p>	<p><u>Total: 6 (R1 to R6)</u></p> <p><u>Support</u> R5: Association for Geoconservation, Hong Kong (AGHK)</p> <p><u>Oppose</u> R6: Designing Hong Kong Limited (DHKL)</p> <p><u>Provide Views</u> R1: The Hong Kong Bird Watching Society (HKBWS) R2: World Wide Fund for Nature Hong Kong (WWF-HK) R3: Kadoorie Farm and Botanic Garden Corporation (KFBG) R4: Individual</p>
<p>Generally object to insufficient “Village Type Development” (“V”) zones and designation of private land for conservation purposes.</p>	<p><u>Total: 2,620 (R7 to R2626)</u></p> <p><u>Oppose</u> R7: Sai Kung North Rural Committee (SKNRC) R8: Sai Kung North Tung Ping Chau Affairs Committee (SKNTPCAC) R9: Indigenous Inhabitant Representative (IIR) of Ping Chau Sha Tau Village R10: IIR of Ping Chau Chau Tau Village R11: IIR of Ping Chau Nai Tau Village R12: IIR of Ping Chau Tai Tong Village R13: IIR of Ping Chau Chau Mei Village R14 to R2625: Villagers/landowners and individuals</p> <p><u>Provide Views</u> R2626: Individual</p>

Note: The representations and samples of standard letters/emails (**R14 to R2621** are in form of standard representations with similar grounds and proposals) are attached at **Annex I**. A CD-ROM containing names of all representers and their submissions is enclosed at **Annex II** (for TPB Members only). A set of hard copy is also deposited at the Secretariat of the TPB for Members’ inspection.

1. INTRODUCTION

- 1.1 On 24.3.2017, the draft Ping Chau OZP No. S/NE-PC/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 2,626 representations were received. On 7.7.2017, the representations were published for three weeks for public comment and no comment on the representations was received.
- 1.2 On 1.9.2017, the Town Planning Board (the Board) decided to consider the representations collectively in one group. This paper is to provide the Board with information for consideration of the representations 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 to H-3**.
- 1.3 The representers have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. THE REPRESENTATIONS

- 2.1 Among the total 2,626 representations, six representations (**R1 to R6**) are submitted by green/concern groups, namely HKBWS (**R1**), WWF-HK (**R2**), KFBG (**R3**), AGHK (**R5**), DHKL (**R6**) and an individual (**R4**). **R5** supports, **R1 to R4** largely provide views on and **R6** objects to the draft OZP with the major concerns about the adverse environmental impacts of Small House developments and lack of provision of infrastructural facilities, and proposals to better protect the environmentally sensitive areas. The remaining 2,620 representations (**R7 to R2626**) are submitted by SKNRC (**R7**), SKNTPCAC (**R8**) and IIRs of the five recognized villages in Ping Chau Island (the Island) (**R9 to R13**), villagers/landowners and individuals (**R14 to R2626**) generally objecting to, except **R2626** which provides views on the draft OZP, mainly for insufficient "V" zones, no designation of "Agriculture" ("AGR") zone, designation of private land as conservation zones and lack of provision of infrastructural facilities, and putting forward various rezoning proposals and different amendments to the Notes of the draft OZP.

GROUNDINGS AND PROPOSALS OF REPRESENTATIONS

- 2.2 The major grounds and proposals (**Plan H-2**) of the green/concern groups and an individual (**R1 to R6**) (hereinafter referred to as the green/concern group) are summarized below:

Ecological Importance of the Planning Scheme Area (R1 to R4)

- (a) The Planning Scheme Area (the Area) is of high ecological importance and geological interest. **R3 and R4** indicate that the Ping Chau Island is designated as a Site of Special Scientific Interest (SSSI), surrounded by the Plover Cove (Extension) Country Park (PCECP) and Tung Ping Chau Marine Park (TPCMP), and forms part of the Hong Kong UNESCO Global Geopark (HKUGG).
- (b) According to **R1 and R2**, the Island's terrestrial and coastal habitats have attracted a wide range of bird species (including woodland birds, waterbirds, wetland dependent birds, open country birds and raptor species), the HKBWS has recorded 163 species of birds in Ping Chau of which 53 species are of conservation concern from 1993 to

2015, and about half of the passage migrants which pass through Hong Kong have been recorded in Ping Chau, which provides suitable foraging and roosting habitats for these bird species. **R2 to R4** indicate that there are a total of about 21,356 coral colonies with relatively high density and coverage, which are highly sensitive to pollution, and 65 species of hard coral with more than 130 reef-associated fishes and more than 200 species of marine invertebrates have been recorded in the TPCMP. The diverse and undisturbed natural habitats are worthy of protection.

Designation of Conservation Zones (R1 to R4 and R6)

- (c) **R1 and R6** support the “Site of Special Scientific Interest” (“SSSI”) zone along the western coast of the Area.
- (d) Regarding the “Coastal Protection Area” (“CPA”) zone along the eastern coast of the Area, **R6** supports while **R2 to R4** propose to rezone to “SSSI” for better protection of the corals and ecological importance of the Island.
- (e) **R1 to R4** propose to protect all woodlands, shrublands, streams and coastal areas from the development pressure. They propose to rezone those areas largely falling within “Green Belt” (“GB”) zone to “GB(1)” in which ‘New Territories Exempted House (NTEH)’ use is removed from Column 2 or “Conservation Area” (“CA”) zone.

Designation of “V” Zones (R1 to R6)

- (f) **R3 and R4** object to and **R6** opines that there is no justification for any expansion of the “V” zones. **R1 and R2** opine that Small House development would lead to felling of mature trees and affect vegetation in and around the “V” zones, and result in degradation of woodlands and shrublands, and hence would also increase human disturbance to woodland habitats for foraging and roosting of birds. **R1, R2, R5 and R6** consider that since there are no existing or planned sewerage and drainage systems in the Area and desludging trucks cannot access the Area, the septic tank and soakaway (STS) systems are not effective in treatment of sewage, thus the Small House developments or eating places for the increase in population and visitors on the Island would cause adverse and cumulative impacts on the terrestrial and coastal environment and marine ecosystem in the TPCMP and Ping Chau Hoi.
- (g) **R1 to R4** propose to confine “V” zones to existing village clusters, building lots and/or the existing buildings. **R5** considers that any NTEH should only be approved by the concerned Government departments after considering cumulative impact.

Provision of Infrastructural Facilities (R5 and R6)

- (h) There is a lack of infrastructure and public utilities provision for the Island to accommodate potential significant increase in population and weekend visitors and to cope with fires or emergencies, while **R5** considers that the Government should coordinate an overall programme for the infrastructure provision, and **R6** is concerned that such development would cause disturbance to the lifestyle of existing inhabitants and natural environment.

- 2.3 The major grounds and proposals (**Plan H-3**) of the SKNRC, SKNTPCAC, concerned IIRs, villagers/landowners and other individuals (**R7 to R2626**) (hereinafter referred to as the villagers group) are summarized below:

The Draft OZP (R7 and R9 to R2624)

- (a) **R9 to R2624** opine that the draft OZP has not taken into account the historical values and sentiments of the indigenous villagers towards their ancestral land and their basic needs, cannot resolve the livelihood problems in the local community and destroys the traditional living and culture of the villagers in Ping Chau. **R7 and R2624** consider that the draft OZP should be re-planned with a comprehensive study to strike a balance between nature conservation and rights/needs of the villagers.

Designation of “V” Zones (R7 to R2623 and R2626)

- (b) **R7 and R9 to R2621** generally object to insufficient “V” zones which deprives indigenous villagers’ right for building Small Houses, in that only 2.62 ha (about 9.06%) of land within the Area is zoned “V” and land therein is largely occupied by existing village houses, hence land available for new village houses only accounts for less than 0.5% of the total area of the Island. **R10 to R2623** also object to no designation of “V” zone for Ping Chau Nai Tau and no expansion of “V” zones for Ping Chau Chau Tau and Ping Chau Chau Mei.
- (c) **R8** proposes to designate all building lots as “V” zones. **R9** proposes to designate 3ha of land as “V” zone for Ping Chau Sha Tau, **R10, R12 and R13** propose to designate 2.5ha of land as “V” zones for Ping Chau Chau Tau, Ping Chau Tai Tong and Ping Chau Chau Mei respectively and **R11** proposes to designate 6ha of land as “V” zone for Ping Chau Nai Tau (**Plan H-3**)¹.
- (d) **R9 to R2621 and R2626** indicate that most of the village houses on the Island are ruins and in dilapidated condition but there is no policy for restoring/revitalizing village houses nor rural development to improve the housing problem on the Island.

Designation of “Agriculture” (“AGR”) Zone (R8 to R10 and R12 to R2621)

- (e) **R9, R10 and R12 to R2621** object to no designation of “AGR” zone in the Area and **R8** proposes to designate agricultural lots as “AGR” zones.

Designation of Conservation Zones (R8 to R2625)

- (f) **R14 to R2621** object to the designation of 97% of the area on the Island for conservation. Specifically, **R8 and R14 to R2625** object to the designation of private land or land within the ‘VEs’ as “SSSI”, “CPA” and “GB” zones without consent of and compensation to the landowners that would impose development/land use restrictions and infringe their land rights/interests.

¹ Their proposals of “V” zone expansions are also shown on **Drawing H-1** for the whole Area and **Drawing H-2** for individual villages. The areas of the proposed “V” zones however are inconsistent among the text and drawings in their submissions (**Drawings H-1 to H2 and Plan H-3**).

- (g) **R8, R2622 and R2623** are concerned about the restrictions of the draft OZP in particular the “CPA” zone for the existing buildings/structures and associated facilities (such as water tank, vehicle/sampan parking and storage of daily necessities) and their daily activities (such as berthing, boating, snorkeling and diving) along the coastal area. In particular, **R8** objects to the temporary use restriction under paragraph 11 and the definition of “Existing Building” under paragraph 13 of the covering Notes of the draft OZP.
- (h) **R8** proposes to extend the meaning of “Existing Building” to not only cover the building/structure that is physically in existence, but also that shown in new and old plans as well as any historical land registration records.
- (i) **R9, R10, R12 and R13** object to the “GB” zones where there are some inhabited village houses and village core areas forming the village entities. **R8** considers that the designation of “GB” zone would leave the villages abandoned and break the linkage among the villages.
- (j) It is proposed to delete “CPA” or “GB” zone for all building lots, land occupied by structures and agricultural land (**R9, R10, R12 and R13**). For the “CPA” zone, it is proposed to rezone most of the land therein to “V” near the villages, “Other Specified Use” (“OU”) near the public pier, as well as “Recreation” (“REC”)/ “Open Space” (“O”) largely on sandy beaches for recreational uses (**Drawings H-1 to H-2 and Plan H-3**) (**R8 to R13**). Moreover, all the land in “GB” zone should be rezoned to inter alia “V”, “AGR”, “Government, Institution or Community” (“G/IC”), “OU” and “REC”/“O” (**Drawings H-1 to H-2 and Plan H-3**) (**R8 to R13**). Apart from “V”, “AGR”, “G/IC”, “OU”, “REC” and “O” zones, **R14 to R2621** propose to also designate “Residential (Group D)” “R(D)”, “Commercial/Residential” (“C/R”) and “Commercial” (“C”) zones to revitalize the villages but without specifying the proposed rezoning locations.

Designation of “G/IC” or “OU” Zones and Provision of Infrastructural Facilities (R8 to R2623 and R2626)

- (k) **R14 to R2623** object to no designation of “OU” or “G/IC” zone or no land planned for electricity and water supply and sewerage facilities. **R8 to R13 and R2626** consider that there is a lack of infrastructure and public utilities in the Island, which should be provided by the Government to facilitate Small House development and cope with the needs of villagers/visitors.
- (l) In this regard, **R8 to R2621 and R2626** are of the view that more “G/IC” and “OU” zones should be designated or to reserve sufficient land for existing/future provision of facilities including electricity and water supply, reservoir and sewage treatment facilities, etc. **R8** proposes that a 4.5m-wide road should be planned along the coast on the Island to serve the villagers, tourists and Government for daily operations, emergency use and barrier-free access.
- (m) **R8** claims that the provision of infrastructure and public utilities and other supporting facilities should not be prohibited by paragraphs 8 and 9 of the covering Notes of the draft OZP. He proposes to delete paragraphs 8(b) and 9(b) of the covering Notes so that the provision of such facilities will not require planning permission from the Board.

Other Aspects of the Draft OZP (R8 to R2621 and R2626)

- (n) **R8 to R2621 and R2626** object to no designation of “OU” or “REC” zone for tourism related facilities on the draft OZP, which does not reflect the home-stay accommodations and water recreation facilities which have been in existence on the Island for 40 years.
- (o) **R8 to R13 and R2626** consider that Ping Chau should be planned as a tourism destination with adequate land for tourism related and recreational facilities. In this regard, **R8** puts forward a number of proposals including: (i) to designate a certain percentage of land for home-stay accommodations and/or geo-ecological hotels converted from the village houses built with shales or Small Houses in new village extension area; (ii) to amend the Notes for the “V” zone by moving ‘Hotel (Holiday House only)’, ‘Residential Institution’ and ‘Shop and Services’ uses from Column 2 to Column 1 (i.e. always permitted) to facilitate the revitalization of shale village houses and reflect these continuing holiday house uses; and (iii) to extend the meaning of NTEH in paragraph 13 of the covering Notes of the draft OZP to allow guest house or hotel uses on its second and third floors to reflect the actual needs of the Area. **R2626** proposes to add uses which are always permitted in the Notes of suitable land use zonings to facilitate the operation of catering and accommodation businesses.
- (p) **R8** proposes that as ‘Burial Ground’ use is permitted within the Country Park, it should be always permitted under the land use zonings for the Area.

Basic Law and Other Statutes (R8 to R2621)

- (q) **R8** objects to designation of private building lots and agricultural land as “GB” or “CPA” zones as it would contravene to the Basic Law (BL) for protection of private property rights, and paragraphs 3 and 4 of the covering Notes of the draft OZP on the provisions of existing uses and previously permitted uses under an earlier draft or approved plan. It is argued that landowners have rights to freely use their land and houses according to the BL and the Bill of Rights. The private property rights should be protected by the BL and Bill of Rights (**R9 to R2621**).
- (r) The draft OZP and its Notes do not help address the contravention to Articles 29, 36, 39, 40 and 120 of the BL and the Statutes and Operational Guidelines of UNESCO Global Geoparks (**R9 to R98, R106 and R107**).

Local Consultation (R7 to R2621)

- (s) Views of the HYKNT, TPDC, SKNRC, SKNTPCAC, village representatives, villagers and landowners of the five villages in Ping Chau have been disregarded, but should be adopted to make Ping Chau a more desirable place to live and work in, facilitate sustainable village development and sustain the traditional living and culture of the villagers therein (**R7 to R2621**).

Village Houses in the Country Park (R8 to R13)

- (t) It is proposed to designate certain areas including the village houses and facilities near Chau Mei, in Tsau Uk and Ping Chau Nai Tau Village in the Country Park as “V” and “G/IC” zones respectively (**Drawings H-1 to H-2 and Plan H-3**).

3. BACKGROUND

- 3.1 On 14.3.2016, 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 Ping Chau area to replace the Development Permission Area (DPA) Plan first published on 28.3.2014. On 16.12.2016, the Board gave preliminary consideration to the draft Ping Chau OZP No. S/NE-PC/C and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and SKNRC for consultation.
- 3.2 The SKNRC and TPDC were consulted on 3.1.2017 and 11.1.2017 respectively. Two more meetings (one with Hon LUK Chung-hung (Legislative Council Member (LegCo Member)), Mr. TANG Ka-piu (Island District Council Member (DC Member)), and another with Heung Yee Kuk New Territories (HYKNT), and both attended by the Chairman of SKNRC, IIRs and villagers of the five recognized villages in the Ping Chau Island) were conducted to solicit their further views on 12.1.2017 and 6.3.2017 respectively. Eight submissions were received from the LegCo Member, Chairman of the Environment, Housing and Works Committee (EHWC) of TPDC, HYKNT, Chairman of SKNTPCAC and IIRs from January to March 2017. They generally objected to the draft OZP mainly for insufficient “V” zones, designation of private land as conservation zones without any compensation to the landowners that would impose development/land use restrictions and infringe their land rights/interests, lack of infrastructure provision, villagers’ views were not adopted but should be respected, etc. Rezoning of “CPA” and “GB” to inter alia, “V”, “G/IC”, “OU”, “REC”/“O” and “AGR” and different amendments to the Notes of the draft OZP were mainly proposed to respect their land use rights, allow provision of the infrastructural facilities and facilitate tourism development, etc.
- 3.3 A meeting with the green/concern groups, including KFBG, WWF-HK, HKBWS, AGHK and DHKL was conducted on 9.1.2017 and five submissions were received from them subsequently. They largely raised concerns on adverse environmental impacts of Small House developments and/or eating places and lack of infrastructural facilities for the Island. They had different views on individual zonings, in that three supported the “SSSI” zone, one supported the “CPA” zone while two proposed to rezone it to “SSSI” and two proposed to designate the “GB” zone as “GB(1)” or “CA” zone, while two objected to the extent of the “V” zones and proposed to confine them to existing village clusters/building lots.
- 3.4 On 10.3.2017, the Board gave further consideration to the draft OZP together with the views received from the TPDC, SKNRC, LegCo Member, DC Member, HYKNT, SKNTPCAC, IIRs and villagers as well as the green/concern groups. After considering these views, the Board agreed that the draft Ping Chau OZP No. S/NE-PC/C was suitable for exhibition for public inspection. On 24.3.2017, the draft Ping Chau OZP re-numbered as No. S/NE-PC/1 was exhibited for public inspection under section 5 of the Ordinance.

4. LOCAL CONSULTATION

- 4.1 The SKNRC and TPDC were consulted (**Annex IV**) on the gazetted draft Ping Chau OZP No. S/NE-PC/1 on 9.5.2017 and 10.5.2017 respectively. The SKNRC objected to the draft OZP mainly for insufficient “V” zones, restrictions of the “GB” zoning on agricultural activities on the gardens and previous agricultural land of the villagers, lack of infrastructure provision by the Government and not incorporating their views/proposals into the draft OZP. They mainly proposed to expand the “V” zones to the surrounding

areas zoned “GB” in Tai Tong, reserve more land for infrastructure provision, exclude Ping Chau Nai Tau Village and Tsau Uk from the Country Park and incorporate them into the draft OZP. The TPDC respected the opinions of SKNRC and local stakeholders and objected to the draft OZP mainly on the grounds that the draft OZP was not amended to incorporate the villagers’ views and address their needs, the proposed expansion of “V” zone would not adversely affect other parties and designation of villagers’ private land as conservation zones was not fair to them. The Board received a letter dated 12.6.2017 from the Chairman of EHWC of TPDC, expressing the EHWC of TPDC’s objection to the draft OZP reiterating similar views as indicated at TPDC meeting on 10.5.2017 above and requesting the Board to respect the views of the EHWC of TPDC, SKNRC and local stakeholders.

- 4.2 Subsequently, out of those who have provided views in the course of preparation of the draft OZP, SKNRC (**R7**), SKNTPCAC (**R8**) and the IIRs of the five villages in the Ping Chau Island (**R9 to R13**) submitted representations opposing to the draft OZP/designation of conservation zonings and “V” zones, and green/concern groups including HKBWS (**R1**), WWF-HK (**R2**), KFBG (**R3**), AGHK (**R5**) and DHKL (**R6**) also submitted representations supporting/opposing/providing comments on the draft OZP.

5. PLANNING CONSIDERATIONS AND ASSESSMENTS

THE REPRESENTATION SITES AND THEIR SURROUNDING AREAS (Plans H-1 to H-3)

- 5.1 The representation sites cover the whole OZP.

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

- 5.2 The Area is located on Ping Chau Island, covering a total land area of about 28.91 ha (i.e. around 25% of the total land area of the Island) in Mirs Bay, the easternmost outlying island of Hong Kong.
- 5.3 Ping Chau Island was designated as a SSSI in February 1979 for its spectacular rock formations and geological features. About 87 ha of land (i.e. around 75% of the total land area of the Island) covering the prominent and popular geological features was subsequently included in the PCECP in June 1979, which also fell within the HKUGG in 2011. It was surrounded by the TPCMP designated in 2001 for its diverse coral communities and marine ecosystem. The Island is a famous destination for leisure travel and geological studies.
- 5.4 The Area is made up of three portions of land. The major portions at the eastern coast and the northern hilltop of the Island mainly comprise a number of recognized villages and Government, institution or community (GIC) facilities surrounded by woodland and shrubland. At the seashore, sandy beach, rocky area/geological features, coastal plants and a public pier can be found. The western portion is a narrow strip of land made up of outcrops of sedimentary rock with prominent chert layers and different wave-cut platforms.
- 5.5 Ping Chau Chau Mei, Ping Chau Tai Tong, Ping Chau Sha Tau and Ping Chau Chau Tau are the four recognized villages within the Area. Another recognized village Ping Chau Nai Tau at the eastern end of the Island is within the Country Park. The village settlements are now largely abandoned and uninhabited. Most of the village houses have become ruins or

in dilapidated condition, in particular in Chau Mei and Chau Tau. Some village houses in Sha Tau and Tai Tong, however, are in fair to good condition, and there are a few provision stores serving visitors during the public holidays. There are Grade 3 historic buildings worthy of preservation, namely the Tin Hau Temple and Tam Tai Sin Temple in Sha Tau and the Old House in Chau Mei. Based on the 2011 Population Census, the total population of the Area was estimated as about 70.

- 5.6 The Area is accessible by sea with a public pier near Tai Tong. There is only a scheduled ferry service from Ma Liu Shui on weekends and public holidays.

Planning Intention

- 5.7 The general planning intention of the Area is to conserve areas of high geological, conservation and landscape value which complement the overall naturalness and the landscape beauty of the surrounding Country Park. Apart from the environmental and geological considerations, development in the Area is constrained by limited transport and infrastructure 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 V)

- 5.8 The “V” zone is to designate both the existing recognized village 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.
- 5.9 The “G/IC” zone is primarily for the provision of 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.
- 5.10 The “OU” zone is intended for specific development(s) and/or uses, which is annotated “Pier” and covers Tung Ping Chau Public Pier.
- 5.11 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.
- 5.12 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.
- 5.13 The “SSSI” zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes

or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI.

- 5.14 For the “GB”, “CPA” and “SSSI” 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 co-ordinated or implemented by Government in “CPA” and “SSSI” 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

- 5.15 The supportive views of **R5** on the draft OZP, **R1 and R6** on the designation of “SSSI” zone and **R6** on the designation of “CPA” zone are noted.

Ecological Importance of the Area (R1 to R4) and the Draft OZP (R7 and R9 to R2624)

- 5.16 Most of the green/concern group indicate the ecological importance of the Area which is worthy of protection, whilst most of the villagers group opine that the draft OZP has not taken into account the basic needs of indigenous villagers.
- 5.17 The ecological information submitted/mentioned by **R1 to 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 landscape and scenic value with geological resources at the coastal areas 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 high geological, conservation and landscape significance of the Area having regard to the wider natural environment of Ping Chau.
- 5.18 As specified in the Explanatory Statement of the draft OZP, the general planning intention of the Area is to conserve areas of high landscape, scenic and geological values which complement the overall naturalness and the landscape beauty of the surrounding Country Park, as well as to consolidate village development. Apart from the conservation zones, “V”, “G/IC” and “OU” zones have been designated to meet the Small House demand for sustainable village development and reflect the current uses of the existing GIC facilities and public pier. Given that the Area is a Country Park enclave in the Ping Chau Island with various conservation designations, the draft OZP and its general planning intention have already strived to strike a balance between nature conservation and rights/needs of the villagers.

Designation of Conservation Zones (R1 to R4, R6 and R8 to R2625)

- 5.19 As advised by the Agriculture, Fisheries and Conservation Department (AFCD) after the review of the geological significance of the Area, the western coast consists of prominent geological outcrops and hence is zoned “SSSI”, in contrast, the eastern coast mainly comprises sandy beaches intersected by discontinuous sections of flat sedimentary rock stacks straddling the edge of the Area for which the current “CPA” zoning is considered appropriate to protect such geological features (**Plans H-4a, H-4b and H-6**).
- 5.20 The woodland, with some of which regenerated from abandoned agricultural land and comprising not many large mature trees is dominated by common native species with some exotic tree species. Shrubland is largely located near the coastal area, and streams running along hillside valley towards the eastern shore and near the villages are not Ecologically

Important Streams. AFCD considers that “GB” zoning is appropriate to conserve the natural and landscape character of the woodland, shrubland and streams and to provide a buffer between the village type developments and the Country Park.

- 5.21 For the proposal of **R1 to R4** to rezone “GB” to “GB(1)” so as to delete the provision for house development or “CA”. “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 V**). 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.
- 5.22 Out of the total land area of the Ping Chau Island, around 75% was included in the PCECP, which also fell within the HKUGG, and the Area of the draft OZP only covers the remaining 25% (**Plan H-6**). There is no private land in the “SSSI” zone on the draft OZP (**Plan H-5**). The private land in other conservation zones including “CPA” and “GB” is primarily demised for agricultural purpose under Block Government Lease. ‘Agricultural Use (other than Plant Nursery)’ and ‘Agricultural Use’ are in general always permitted in the “CPA” and “GB” zones respectively on the draft OZP. As such, there is no deprivation of the landowners’ rights. Whilst all the existing village clusters of the four villages in the Area are covered by “V” zones, there are a few number of building lots and some structures scattering away from the village clusters mostly isolated amidst hillside woodland/shrubland and in the coastal front in the conservation zones (**Plans H-4a and H-4b**). Besides, if any uses were in existence immediately before the first publication in the Gazette of the draft DPA Plan, such use could continue to exist and no action would be required to make them conform to the OZP. According to the covering Notes of the draft OZP, rebuilding of NTEH and replacement of an existing domestic building by a NTEH are in general always permitted in the “GB” zone, and there are provisions to allow for application for Small House development in the “GB” zone and redevelopment in the “CPA” zone to the Board (**Annex V**). Each application would be considered by the Board based on its individual merits.
- 5.23 The objective of the draft OZP is to indicate the broad land-use zonings for the Area so that development and redevelopment therein can be put under statutory planning control. Paragraph 11 of the covering Notes of the draft OZP makes provisions for application for temporary uses not exceeding three years to provide flexibility to cope with the need for temporary uses. In view of the conservation importance of the “SSSI” and “CPA” zones, temporary uses for open storage and port back-up purposes with significant adverse environmental impacts are prohibited. The covering Notes of the draft OZP primarily follows the Standard Master Schedule of Notes to Statutory Plans for areas previously covered by DPA Plans endorsed by the Board (**Annex V**). Such planning control is in line with the planning intention of the conservation zones while providing flexibility for temporary uses.
- 5.24 The term “Existing Building”, as defined in paragraph 13 of the covering Notes of the draft OZP (**Annex V**), refers to ‘a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government

lease concerned'. The purpose of including the definition is to respect the property right of the owner if the building is physically exist and is lawfully erected. Such definition has been included in the covering Notes of all statutory plans. There is no strong justification to amend the definition of the term as suggested and to deviate from other statutory plans.

Designation of “V” Zones (R1 to R2623 and R2626)

- 5.25 There are two divergent views/proposals, i.e. objection to expansion of the “V” zones versus objection to insufficient “V” zones.
- 5.26 Ping Chau Chau Mei, Ping Chau Tai Tong, Ping Chau Sha Tau and Ping Chau Chau Tau 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. Regarding no designation of “V” zone for Ping Chau Nai Tau Village, it should be noted that the entire ‘VE’ of Ping Chau Nai Tau falls outside the boundary of the draft OZP and within the PCECP where all uses and developments require consent from the Country and Marine Parks Authority (**Plan H-5**). Given the natural environment, its geological, ecological and landscape value coupled with its remote and isolated location, an incremental approach has been adopted for designation of “V” zones for Small House development with an aim to confining 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. The boundaries of the “V” zones have been drawn up around existing village clusters having regard to the ‘VEs’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 5.27 The “V” zones amongst the woodland/shrubland on the hillslopes in Chau Mei, Tai Tong and Chau Tau are confined to the existing village clusters accessible via existing footpaths, excluding a number of mostly isolated building lots scattering away from the existing village clusters (**Plans H-4a and H-4b**). To meet the Small House demand for sustainable village development, only the adjoining areas of the existing village clusters in Tai Tong and Sha Tau are designated for “V” zone expansion in view of their more accessible locations near the public pier (**Plans H-4a and H-4b**). Such “V” zone expansion also excludes some derelict structures on Government land on the shore which are zoned “CPA” to preserve the integrity of the coastal front. AFCD has no adverse comment on the boundary of “V” zones from the nature conservation perspective.
- 5.28 As advised by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) in November 2016 for preliminary consideration of the draft OZP No. S/NE-PC/C, there were 47 outstanding Small House applications for the four recognized villages within the Area and the total of the latest 10-year Small House demand forecasts provided by the respective IIRs was 17,200. As updated by DLO/TP, LandsD in September 2017, the number of the outstanding Small House applications is slightly reduced to 46 for the four recognized villages and the latest 10-year Small House demand forecasts provided by the respective IIRs are adjusted to 8,300 in total. Based on PlanD’s preliminary estimate, land required for meeting the Small House demand of 8,346 is about 208.65 ha (**Table 1**).

Table 1: Small House Demand for the Ping Chau Area in 2017

Village	Small House Demand Figure in August 2017 (New Demand)		‘VE’ Area (‘VE’ Area on 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 (Outstanding Demand in Draft OZP)	10-year Forecast (2017-2026)					
Ping Chau Chau Mei	2 (1)	600	10.06 (4.44)	0.48	15.05	0.38 (15 Small Houses)	2.52%
Ping Chau Tai Tong	34 (23)	2,960	18.64 (4.36)	0.76	74.85	0.63 (25 Small Houses)	0.84%
Ping Chau Sha Tau	8 (8)	1,800	7.9 (6.29)	1.02	45.20	0.63 (25 Small Houses)	1.39%
Ping Chau Chau Tau	2 (2)	2,940	10.65 (4.99)	0.36	73.55	0.31 (12 Small Houses)	0.42%
Total	46 (34)	8,300	47.25 ⁽¹⁾ (20.08) ⁽²⁾	2.62	208.65	1.95 (77 Small Houses)	0.93%

Note:

- (1) Including an area of about 0.94 ha where the ‘VEs’ of Ping Chau Chau Tau and Ping Chau Sha Tau overlap.
(2) Including an area of about 0.85 ha where the ‘VEs’ of Ping Chau Chau Tau and Ping Chau Sha Tau overlap.

5.29 A total of about 2.62 ha of land is covered by “V” zones on the draft OZP, which represents an increase of 0.47 ha in land area as compared with the “V” zones on the DPA Plan (i.e. 2.15 ha). Within the “V” zones, a total of about 1.95 ha of land is available, equivalent to about 77 Small House sites, capable of meeting about 0.93% of the total Small House demand for 8,346 Small Houses (**Table 1**). While the area of the “V” zones could not fully meet the Small House demand, it is sufficient to meet the outstanding demand (i.e. 46 Small Houses). There are provisions for application to the Board for development or redevelopment of Small House outside the “V” zone under the OZP.

5.30 **R9 to R13**’s proposals to expand “V” zones to the surrounding woodland/shrubland with streams in Chau Mei, Tai Tong, Sha Tau, Chau Tau and Au Kung Shan are largely on the upper hillslopes, further away from the public pier and/or adjoining to the Country Park for which “GB” zone is considered appropriate to provide a buffer between the village type developments and the Country Park and conserve the natural and landscape character of the Area. They also propose to expand “V” zones in Chau Mei, Tai Tong, Sha Tau and Nai Tau to the coastal area, which is dominated by sandy beaches with coastal plants intersected by flat sedimentary rock stacks, and should be zoned “CPA” to conserve the natural coastlines and sensitive coastal natural environment (**Plans H-4a and H-4b**).

5.31 According to the covering Notes of the draft OZP (**Annex V**), maintenance, repair or demolition of a building, rebuilding of NTEH, replacement of an existing domestic building in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan by a NTEH are in general always permitted in “V”, “G/IC”, “OU” and “GB” zones. As such, there is no hindrance to restoration of village houses in the Area, except “SSSI” and “CPA” zones, where stricter planning control is necessary for nature conservation.

Environmental Impacts of the Small House Development (R1, R2, R5 and R6)

- 5.32 Regarding the green/concern group's concern about the adverse environmental impacts of the Small House development and/or 'Eating Place', for Small House developments and the food business on the ground floor of a NTEH within the "V" zones, LandsD and Food and Environmental Hygiene Department (FEHD), when processing Small House grant applications and general restaurant/light refreshment restaurant licence applications in accordance with the Public Health and Municipal Services Ordinance respectively, will consult concerned Government departments to ensure that all relevant departments would have adequate opportunity to review and comment on the applications to avoid adverse impacts on the surrounding environment.
- 5.33 As advised by the Environmental Protection Department (EPD), for protection of the water quality, the design and construction of the STS systems for Small House development need to comply with relevant standards and regulations, such as EPD's Practice Note for Professional Persons (ProPECC PN) 5/93 – "Drainage Plans subject to Comment by the Environmental Protection Department". The ProPECC PN 5/93 has stipulated specific requirements to ensure satisfactory performance of the STS system. As the Island is located within the Mirs Bay Water Control Zone, effluent discharge within the Island is subject to the control under the Water Pollution Control Ordinance (Cap. 358). 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", development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities should consult and collate comments from the AFCD and relevant authorities. There is sufficient control in the current administrative and statutory systems to ensure that individual Small House development and 'Eating Place' within the "V" zones would not entail unacceptable impacts on the surrounding environment including the TPCMP.

No Designation of "AGR" Zone (R8 to R10, R12 to R2621)

- 5.34 There is minimal agricultural activity in the Area which is located in a remote and isolated Island with many areas densely covered by trees. Nevertheless, 'Agricultural Use' and 'Agricultural Use (other than Plant Nursery)' are in general always permitted in the "V"/"GB" and "CPA" zones respectively, covering about 89% of the Area, on the draft OZP. As such, farming activities would not be affected despite no designation of "AGR" zone. Regarding R8's proposal to designate agricultural lots as "AGR" zones, the land ownership (i.e. whether it is Government land or private land) should not be the only factor for formulating the land use zone.

Designation of "G/IC" or "OU" Zones and Provision of Infrastructural Facilities (R5, R6, R8 to R2623 and R2626)

- 5.35 Based on the 2011 Population Census, the total population of the Area was estimated to be about 70 persons. There are currently various facilities such as a public pier, a helipad for emergency services, electricity supply generators, raw water supply systems and a footpath network including Ping Chau Country Trail in the Area. District Office (Tai Po), Home Affairs Department (DO(TP), HAD) has provided water tanks to facilitate villagers to store raw water and also improved footpaths and installed some solar lightings. As advised by EPD, there are two pilot projects under planning in the Island, one on water desalination plant and another on solar photovoltaic system for provision of water and electricity respectively to the villagers.

- 5.36 On the draft OZP, the “G/IC” and “OU (Pier)” zones are designated to reflect the current uses of the existing GIC facilities and public pier away from the village clusters which are under Government Land Allocation/lease and/or management of relevant departments. The two wells in Chau Mei and the reservoir and water tank in Chau Tau on Government land, which fall within the “GB” zone on the draft OZP and are proposed to be covered by “G/IC” or “OU” zone by **R8 to R13**, are neither under Government Land Allocation nor management of relevant departments. Nonetheless, no action would be required to make uses in existence immediately before the first publication in the Gazette of the draft DPA Plan conform to the OZP.
- 5.37 The land use zonings on the draft OZP have been prepared in consultation with the relevant departments, which would keep in view the need for provision of other necessary infrastructural facilities subject to technical feasibility and resource availability. Regarding the future infrastructure provision, according to the covering Notes of the draft OZP (**Annex V**), public works coordinated or implemented by the Government, which are generally necessary for provision, maintenance, daily operations and emergency repairs of local facilities for the benefit of the public and/or environmental improvement, are in general always permitted on land falling within the boundaries of the Plan. There are also provisions to allow for application for ‘Public Utility Installation’ (which is always permitted in “G/IC” zone) and ‘Utility Installation for Private Project’ uses in all zones to the Board (**Annex V**). Each application would be considered by the Board based on its individual merits.
- 5.38 For the **R8**’s proposal to delete paragraphs 8(b) and 9(b) of the covering Notes of the draft OZP (**Annex V**), it should be noted that paragraph 8(b) actually allows the provision of public utility and other supporting facilities in the zones other than “SSSI” or “CPA”, and paragraph 9(b) makes provision for the Board to consider the potential adverse impacts of certain public facilities in the “SSSI” and “CPA” zones on application for better protection of such areas.

Other Aspects of the Draft OZP (R8 to R2621 and R2626)

- 5.39 The Area has high landscape and scenic value with geological resources at the coastal areas which should be protected and there are various recreational facilities in the nearby Country Park. As advised by the Tourism Commission, there is no plan for any tourism development in the Island. Nonetheless, it should be noted that if the uses were in existence immediately before the first publication in the Gazette of the draft DPA Plan, no action would be required to make them conform to the OZP. For any proposals of recreational and tourism related facilities supported by relevant technical assessments to demonstrate the feasibility, the Notes for “V”, “G/IC”, “OU” and “GB” zones have allowed flexibility for planning application for such uses (**Annex V**).
- 5.40 Regarding the **R8**’s proposal to move ‘Hotel (Holiday House only)’, ‘Residential Institution’ and ‘Shop and Services’ uses from Column 2 to Column 1 in the Notes of “V” zones (**Annex V**), it should be noted that the planning intention of the “V” zone is to designate both the existing recognized villages and areas of land considered suitable for village expansion. The Schedules of Uses under the Notes of “V” zones primarily follow the Master Schedule of Notes endorsed by the Board. Those proposed uses mentioned by **R8** (except the ‘Shop and Services’ on the ground floor of a NTEH which is always permitted) require planning permission from the Board so that their impacts on the surrounding areas could be assessed and each application will be considered by the Board

based on its individual merits.

- 5.41 Regarding **R8's** proposal to extend the meaning of the term "New Territories Exempted House" as defined in paragraph 13 of the covering Notes of the draft OZP, the term refers to a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121)', which is included in the covering Notes of all rural OZPs. There is no strong justification to amend the definition of the term as proposed.
- 5.42 Regarding the **R8's** proposal to designate 'Burial Ground' as an always permitted use in the Area, it should be noted that the existing graves within the OZP area will not be affected and there is already a permitted Burial Ground within the Country Park. That said, there are provisions to allow for application for 'Burial Ground' in "V" and "GB" zones of the draft OZP. The Schedules of Uses under the Notes primarily follow the Master Schedule of Notes endorsed by the Board. There is no strong justification to amend the Notes of the land use zonings on the draft OZP.

Basic Law and Other Statutes

Private Property Rights (R8 to R2621)

- 5.43 Private property rights in Hong Kong are protected under the BL and there is no such provision in the Hong Kong Bill of Rights Ordinance. It is further provided in the BL that the Government shall compensate for lawful deprivation of property. Based on the draft OZP, the zoning would unlikely constitute "deprivation" of property and requiring payment of compensation. The draft OZP would not affect any landowner's right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use. Besides, insofar as the zoning restrictions pursue the legitimate aim of conserving the existing areas of high landscape, scenic and geological values and the land concerned could be put to "always permitted uses" and uses that may be permitted with or without conditions on application to the Board, it does not appear inconsistent with the protection of property rights under the BL.

Articles 29, 36 and 39 of the Basic Law (R9 to R98, R106 and R107)

- 5.44 With respect to Article 29 of the BL, it is considered that the right to be free from arbitrary or unlawful search of, or intrusion into, one's home or other premises is not engaged in the present context, and even if it is, there is no violation of this Article because any intrusion is neither arbitrary nor unlawful. With respect to Article 36 of the BL, the representers have not put forward any concrete arguments as to how the draft OZP has adversely affected their right to social welfare. In any event, the right under this Article is not absolute and any interference with the representers' right to social welfare can be justified in the circumstances of the case. Article 39 of the BL requires that the rights and freedoms of Hong Kong residents are not restricted unless as prescribed by law, and these restrictions must not contravene the provisions of the Hong Kong Bill of Rights Ordinance. In light of the above, the draft OZP is not inconsistent with Articles 29, 36 and 39 of the BL.

Article 40 of the Basic Law (R9 to R98, R106 and R107)

5.45 There is no express assertion of the right to build Small House under Article 40 of the BL. Assuming the right to build Small Houses comes within the scope of this Article and the draft OZP would adversely affect Small House development in the area concerned, insofar as Small House development was subject to statutory planning controls that may be imposed under the Ordinance before the BL came into force, applying those controls to the area concerned by way of the draft OZP does not appear inconsistent with Article 40 of the BL.

Article 120 of the Basic Law (R9 to R98, R106 and R107)

5.46 The representers do not state how Article 120 of the BL would be contravened. The zoning of land in question by the draft OZP is unlikely to be a violation of Article 120 of the BL because the land in question was subject to the town planning regime under the Ordinance before the establishment of the HKSAR and shall remain subject to the Ordinance after the establishment of the HKSAR.

Statutes and Operational Guidelines of UNESCO Global Geoparks (R9 to R98, R106 and R107)

5.47 The “Statutes and Operational Guidelines of the UNESCO Global Geoparks” concerned is an official document endorsed by the UNESCO Executive Board in 2015 for the establishment, internal rules and operation of the UNESCO Global Geoparks. The HKUGG falls outside the boundary of the draft OZP and these operational guidelines are not directly related to the draft OZP.

Local Consultation (R7 to R2621)

5.48 When formulating the draft OZP, public views, including those from the SKNRC, TPDC, SKNRPCAC, IIRs 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 Country Park Enclave in protecting its high conservation, landscape and geological value, the constraints of its remote and isolated location and infrastructure provisions and the need to consolidate village development adjoining the village clusters 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 received, is itself a public consultation process under the Ordinance. The Board would take into account the relevant planning considerations and the representations received before making a decision.

Village Houses in the Country Park (R8 to R13)

5.49 The village houses and facilities near Chau Mei, in Tsau Uk and Ping Chau Nai Tau Village which are proposed to be zoned “V” and “G/IC” fall outside the boundary of the draft OZP and within the PCECP (**Plan H-3**), where all uses and developments require consent from the Country and Marine Parks Authority. To avoid duplication of statutory authority, the draft OZP only covers the area outside the Country Park.

6. CONSULTATION

- 6.1 Relevant Government departments have been consulted and their comments have been incorporated in the above paragraphs where appropriate.
- 6.2 The following Government bureaux and departments have been consulted and they have no major comment on the representations:
- (a) Chief Building Surveyor/New Territories West, Buildings Department;
 - (b) Chief Highway Engineer/New Territories East, Highways Department;
 - (c) Antiquities and Monuments Office, Director of Leisure and Cultural Services;
 - (d) Director of Leisure and Cultural Services;
 - (e) Director-General of Communications;
 - (f) Government Property Administrator;
 - (g) Project Manager/New Territories East, Civil Engineering and Development Department;
 - (h) Director of Electrical and Mechanical Services;
 - (i) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
 - (j) Director of Fire Services;
 - (k) Chief Engineer/Mainland North, Drainage Services Department;
 - (l) Chief Engineer/Sewerage Projects, Drainage Services Department;
 - (m) Chief Engineer/Drainage Projects, Drainage Services Department;
 - (n) Commissioner for Transport;
 - (o) Secretary for Education;
 - (p) Chief Town Planner/Central Enforcement and Prosecution, Planning Department;
 - (q) Chief Town Planner/Urban Design & Landscape, Planning Department;
 - (r) Director of Marine;
 - (s) Tourism Commission;
 - (t) Marine North, Commissioner of Police; and
 - (u) Government Flying Service.

7. PLANNING DEPARTMENT'S VIEWS

- 7.1 The supportive views of **R5 (part)** on the draft Outline Zoning Plan (OZP) and **R1 and R6 (part)** on designation of "Site of Special Scientific Interest" ("SSSI") zone and **R6 (part)** on designation of the "Coastal Protection Area" ("CPA") zone are noted.
- 7.2 Based on the assessments in Paragraph 5 above and for the following reasons, Planning Department does not support the representations **R2 to R4, R7 to R2626 and the remaining part of R1, R5 and R6** and considers that no amendment should be made to the draft OZP to meet these representations:

Ecological Importance of the Area (R1 to R4), the Draft OZP (R7 and R9 to R2624) and Designation of Conservation Zones (R1 to R4, R6 and R8 to R2625)

- (a) Conservation zones, including "SSSI", "CPA" and "Green Belt" ("GB") under which there is a general presumption against development, have been designated to cover areas having high conservation, landscape and geological value to protect the natural environment of the Area and the ecologically linked Plover Cove (Extension)

Country Park under the statutory planning framework. They are considered appropriate in protecting the natural environment of the Area.

- (b) Given that the Area is a Country Park enclave in the Ping Chau Island with various conservation designations, the draft OZP and its general planning intention have already strived to strike a balance between nature conservation and rights/needs of the villagers.
- (c) The private land in the “CPA” and “GB” zones is primarily demised for agricultural purpose under Block Government Lease and ‘Agricultural Use (other than Plant Nursery)’ and ‘Agricultural Use’ are in general always permitted in these two zones respectively on the draft OZP. There are provisions to allow for application for Small House development in the “GB” zone and redevelopment in the “CPA” zone to the Board.
- (d) The objective of the draft OZP is to indicate the broad land-use zonings for the Area so that development and redevelopment therein can be put under statutory planning control. The planning control of the covering Notes of the draft OZP is in line with the planning intention of the conservation zones while providing flexibility for temporary uses (**R8, R2622 and R2623**).

Designation of “Village Type Development” (“V”) Zones (R1 to R2623 and R2626)

- (e) The “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. There are provisions to allow for application to the Board for development or redevelopment of Small House outside the “V” zone under the OZP.
- (f) There is sufficient control in the current administrative and statutory systems to ensure that individual Small House development and ‘Eating Place’ within the “V” zones would not entail unacceptable impacts on the surrounding environment.

No Designation of “Agriculture” (“AGR”) Zone (R8 to R10, R12 to R2621)

- (g) ‘Agricultural Use’ and ‘Agricultural Use (other than Plant Nursery)’ are in general always permitted in the “V”/“GB” and “CPA” zones respectively, covering about 89% of the Area on the draft OZP. As such, farming activities would not be affected despite no designation of “AGR” zone.

Designation of “Government, Institution or Community” (“G/IC”) or “Other Specified Uses” (“OU”) Zones and Provision of Infrastructural Facilities (R5, R6, R8 to R2623 and R2626)

- (h) According to the covering Notes of the draft OZP, public works coordinated or implemented by the Government are in general always permitted on land falling within the boundaries of the Plan. There are provisions to allow for application for ‘Public Utility Installation’ (which is always permitted in “G/IC” zone) and ‘Utility Installation for Private Project’ uses in all zones on the draft OZP to the Board.

Other Aspects of the Draft OZP (R8 to R2621 and R2626)

- (i) The Notes for “V”, “G/IC”, “OU” and “GB” zones have allowed flexibility for planning application for certain recreational and tourism related facilities.
- (j) The existing graves will not be affected by the draft OZP and there are also provisions to allow for application for ‘Burial Ground’ in “V” and “GB” zones. There is no strong justification to designate ‘Burial Ground’ as an always permitted use in the Area.

Basic Law and Other Statutes (R8 to R2621)

- (k) The draft OZP would not affect any landowner’s right to transfer or assign his/her interest in land, nor would it leave the land concerned without any meaningful use or economically viable use. Insofar as the zoning restrictions pursue the legitimate aim of conserving the existing areas of high landscape, scenic and geological values and the land concerned could be put to “always permitted uses” and uses that may be permitted with or without conditions on application to the Board, it does not appear inconsistent with the protection of property rights under the BL.
- (l) The draft OZP does not appear inconsistent with Articles 29, 36, 39 and 40 of the BL and the zoning of land in question by the draft OZP is unlikely to be a violation of Article 120 of the BL.

Local Consultation (R7 to R2621)

- (m) 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 received in respect of the draft OZP before making a decision.

Village Houses in the Country Park (R8 to R13)

- (n) The village houses and facilities near Chau Mei, in Tsau Uk and Ping Chau Nai Tau Village fall outside the boundary of the draft OZP and within the Plover Cove (Extension) Country Park, where all uses and developments require consent from the Country and Marine Parks Authority. To avoid duplication of statutory authority, the draft OZP only covers the area outside the Country Park.

8. DECISION SOUGHT

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

9. ATTACHMENTS

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|-----------------|--|
| Annex I | Submissions of Representations and Samples of Standard Representations |
| Annex II | CD-ROM containing Names of All Representers and Their Submissions (for |

	Members only)
Annex III	Summary of Representations in respect of the Draft Ping Chau Outline Zoning Plan No. S/NE-PC/1 and Planning Department's Responses
Annex IV	Extract of Minutes of Meeting of Environment, Housing and Works Committee of Tai Po District Council held on 10.5.2017
Annex V	Notes of the Draft Ping Chau Outline Zoning Plan No. S/NE-PC/1
Drawing H-1	Specific Zoning Proposals submitted by SKNTPCAC (R8) and IIRs of Five Villages in the Ping Chau Island (R9 to R13)
Drawing H-2	Specific Zoning Proposals submitted by IIRs of Five Villages in the Ping Chau Island (R9 to R13)
Plan H-1	Location Plan
Plan H-2	Specific Zoning Proposals of Representations R1 to R6
Plans H-3a to H-3d	Specific Zoning Proposals of Representations R7 to R2626
Plans H-4a and H-4b	Development Constraints – Ping Chau
Plan H-5	Land Ownership and Village 'Environs' – Ping Chau
Plan H-6	Aerial Photos – Ping Chau

**PLANNING DEPARTMENT
OCTOBER 2017**