

# **TOWN PLANNING BOARD**

**TPB PAPER NO. 10242  
FOR CONSIDERATION BY  
THE TOWN PLANNING BOARD ON 10.2.2017**

**CONSIDERATION OF FURTHER REPRESENTATIONS F1 AND F2  
ON THE PROPOSED AMENDMENTS TO THE DRAFT PAK SHA O OUTLINE  
ZONING PLAN NO. S/NE-PSO/1  
ARISING FROM CONSIDERATION OF REPRESENTATIONS AND COMMENTS  
ON THE DRAFT PAK SHA O OUTLINE ZONING PLAN NO. S/NE-PSO/1**

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<b>Subject of Further Representations Relating to the Proposed Amendments</b>	<b>Further Representers</b>
Provide comments on the proposed amendments with concern on the “Village Type Development “ (“V”) zone	Woo Ming Chuan ( <b>F1</b> )
Welcome the proposed amendments with concern on the “V” zone	Karen Kam ( <b>F2</b> )

## **1. INTRODUCTION**

- 1.1 On 4.12.2015, the draft Pak Sha O Outline Zoning Plan No. S/NE-PSO/1 (the draft OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 1,806 valid representations were received. On 5.4.2016, the representations were published for three weeks for public comment and a total of 36 comments on the representations were received.
- 1.2 On 22.7.2016, after consideration of the representations and comments under section 6B(1) of the Ordinance, the Town Planning Board (the Board) decided to partially uphold Representations No. **R516 (part) and R517 to R1807** by amending the Notes of the draft OZP to the effect that any new New Territories Exempted House (NTEH) in the “V” zone would require planning permission from the Board. The Board also considered that the Explanatory Statement (ES) of the draft OZP should be suitably amended to explain the planning intention of “V” zone and the proposed amendments to the draft OZP should be submitted to the Board for agreement prior to gazetting. The relevant Town Planning Board Paper and minutes of meeting are at **Enclosures I and II** respectively.
- 1.3 On 19.8.2016, the Board considered and agreed the following proposed amendments to the draft Pak Sha O OZP No. S/NE-PSO/1:
  - (a) Revision to the Schedule of Uses of the “V” zone by deleting ‘House (NTEH) only) (other than on land designated “V(1)”’, and ‘Eating Place’, ‘Library’, ‘School’ and ‘Shop and Services’ on the ground floor of a NTEH (other than

on land designated “V(1)”) from Column 1, and replacing ‘House (not elsewhere specified)’ by ‘House (NTEH only)’ in Column 2;

- (b) Revision to the planning intention of the “V” zone by indicating that this zone is to preserve the vernacular Hakka village setting of the existing Pak Sha O and Pak Sha O Ha Yeung villages and designate area of land considered suitable for village expansion in harmony with the surroundings, and only selected community uses serving the needs of the villagers and not adversely affecting character of the villages are always permitted;
- (c) Revision to the Remarks of the “V” zone by incorporating restriction on filling of land in the zone and removing exemption of rebuilding works from the restriction on diversion of streams or filling of land/pond; and
- (d) Corresponding revisions to the Covering Notes, Schedule of Uses and/or Remarks of the “Government, Institution or Community” (“G/IC”), “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones.

The ES of the draft OZP concerning “V” and “GB” zones has also been revised accordingly. The relevant Town Planning Board Paper and minutes of meeting are at **Enclosures III and IV** respectively.

- 1.4 On 9.9.2016, the proposed amendments to the draft OZP were exhibited for public inspection under section 6C(2) of the Ordinance. A copy of the Schedule of Proposed Amendments and Proposed Amendments to the Notes and Explanatory Statement of the draft OZP is attached at **Enclosure V**. During the three-week exhibition period, a total of two valid further representations (FRs) were received.
- 1.5 On 16.12.2016, the Board decided that **F3 to F6** (which are submitted by the original representers/commenters) were invalid and should be treated as not having been made under section 6D(1) of the Ordinance<sup>1</sup>. The Board also decided to hear the remaining two valid FRs i.e. **F1 and F2** collectively in one group. This paper is to provide the Board with information for the consideration of the two valid FRs. The submissions of FRs are at **Enclosure VI** and the locations concerned are shown on **Plan FH-1**. A summary of the FRs with the Planning Department (PlanD)’s responses is at **Enclosure VII**.
- 1.6 In accordance with section 6F(3) of the Ordinance, the original representers and commenters who have made representations/comments on which the proposed amendments have been made and the further representers **F1 and F2** have been invited to attend the meeting.

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<sup>1</sup> Pursuant to section 6D(1) of the Ordinance, any person, other than that who has made any representation or comment after the consideration of which the proposed amendments are proposed, may make further representations to the Board in respect of the proposed amendments.

## **2. THE FURTHER REPRESENTATIONS**

- 2.1 The two valid FRs are submitted by individuals. **F1** provides comments on while **F2** welcomes the proposed amendments. Both of them express concerns on the inappropriate designation of the “V” zone, which is separated from the old village in Pak Sha O for village expansion, and **F1** is also concerned about the flooding risk of development therein. Their grounds and/or proposals are summarized as follows:

### ***Inappropriate Designation of “V” Zone***

- 2.2 **F1** considers the designation of the “V” zone inappropriate since the concerned area was previously wetland but degraded by farming activities. Such designation may set an undesirable precedent for future similar cases and does not respect and protect its existing active farmland. **F1** proposes to remove the “V” zone and retain the active farmland. **F2** expresses concerns on the excessive “V” zone as part of it falls outside the village ‘environs’ (‘VE’) and considers any additional development inappropriate in the subject pristine area.

### ***Flooding Risk of the “V” Zone***

- 2.3 **F1** is of the view that development in the separated “V” zone will increase flooding risk.

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

### **The Further Representation Site and Its Surrounding Areas (Plans FH-1 to FH-4)**

- 3.1 The “V” zone of about 0.7 ha in area, is located in Pak Sha O Village separated from the existing village cluster by dense woodland and a 20m buffer distance at its south-western corner. It is predominantly occupied by active agricultural land and shrubby grassland with its majority falling within the ‘VE’.

### **Planning Intention**

- 3.2 The planning intention of the “V” zone is to preserve the vernacular Hakka village setting of the existing Pak Sha O and Pak Sha O Ha Yeung villages and designate area of land considered suitable for village expansion in harmony with the surroundings.

### **Land Administration (Plan FH-4)**

- 3.3 The further representation site mainly comprises private land with some minor portions on Government land.

### **Responses to Grounds/Proposals of Further Representations**

- 3.4 The supportive view of **F2** to the proposed amendments is noted.

- 3.5 The concerns of **F1 and F2** on inappropriate designation and flooding risk of the “V” zone are the same as or similar to those views made in the original representations/comments, which have already been considered by the Board during the hearing and deliberation of the original representations and comments.

### *Designation of “V” Zone*

- 3.6 The Board noted that the heritage value of the vernacular Hakka village setting vis-à-vis the demand for Small House development as well as the need of nature conservation for the Area have been carefully examined in the course of OZP preparation. Land within the ‘VE’ of Pak Sha O comprises the existing village cluster in the central part, active agricultural land in the north, stream courses including the Ecologically Important Stream (EIS) in the north and west, and woodland in the south (**Plans FH-2 and FH-3**). Land available within the “V(1)” zone, which is confined to the core village cluster of Pak Sha O and subject to more stringent planning control, could cater for only two Small Houses while the total demand of Pak Sha O Village is 87 including 38 outstanding Small House application<sup>2</sup>. Taking the above factors into account, an area to the north of Pak Sha O Village is considered suitable for designation as “V” zone for new Small House development. With its majority inside the ‘VE’ and the minor portion adjoining the ‘VE’, the “V” zone is predominantly occupied by active agricultural land and shrubby grassland, and a 20m-wide buffer area in-between the “V” zone and the EIS is provided to protect the EIS from development. It is also separated from the existing village cluster by dense woodland and a 20m buffer distance at the south-western corner away from the old village core. This “V” zone with an area of about 0.7 ha, together with the “V(1)” zone, can provide land equivalent to about 30 Small Houses, which is capable of meeting about 35% of the total Small House demand of 87 houses for Pak Sha O Village<sup>3</sup>.
- 3.7 The boundaries of the “V” zone have been drawn up having regard to the ‘VE’, Small House demand forecast, outstanding Small House application, local topography and site constraints and the high conservation value of the existing village clusters. Only land suitable for Small House development has been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded. The Director of Agriculture, Fisheries and Conservation has no strong view on the “V” zone from the nature conservation perspective.

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<sup>2</sup> According to the latest information provided by the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) for the Pak Sha O Village, the outstanding Small House application for the village is 38 (i.e. one more than the previous figure provided for the Board’s deliberation of the original representations and comments).

<sup>3</sup> This “V” zone, together with the two “V(1)” zones (one in Pak Sha O and another in Pak Sha O Ha Yeung) in the draft OZP can provide land equivalent to about 33 Small Houses, which is capable of meeting about 36% of the total Small House demand of 94 houses for both Pak Sha O and Pak Sha O Ha Yeung Villages including 45 outstanding demand from Small House grant applications received.

- 3.8 Regarding **F1's** concern that designation of the "V" zone which was previously wetland but degraded by farming activities may set an undesirable precedent for future similar cases, the Board noted that excavation works/agricultural rehabilitation to the north of the village cluster at Pak Sha O were carried out before publication of the draft Pak Sha O DPA Plan on 7.12.2012. Up till now, plots of abandoned agricultural land which is under private ownership to the north of the village cluster of Pak Sha O have been rehabilitated for agricultural purpose (**Plan FH-5**).
- 3.9 In view of the above, designation of the "V" zone is considered appropriate. The Board noted that Small House development would be consolidated at suitable location to avoid undesirable disturbance to the natural environment and the historic setting of the existing village cluster of Pak Sha O, thus balancing the needs between conservation and development. Moreover, to avoid possible adverse visual impact to the vernacular Hakka village setting, the Board decided after consideration of the original representations and comments on 22.7.2016 that any new NTEH in the "V" zone (separated from the old village and designated for village expansion) would also require planning permission from the Board. This is also supported by Chief Town Planner/Urban Design & Landscape, Planning Department from the visual impact perspective.

***Flooding Risk of "V" Zone***

- 3.10 In considering the representations and comments concerning adverse environmental impacts of Small House development including the potential flooding risk, the Board noted that there is sufficient control in the current administrative system to ensure that individual Small House development within the "V" zone would not entail unacceptable impacts on the surrounding environment.
- 3.11 As a precautionary measure on potential flooding risk, the Board decided after consideration of the proposed amendments to the draft OZP on 19.8.2016 that land filling activities in the "V" zone including the "V(1)" zone, would also require planning permission from the Board. This is also supported by Chief Engineer/Mainland North, Drainage Services Department from the drainage impact perspective.
- 3.12 As a result of the proposed amendments, any land filling activities in the "V" zone including the "V(1)" zone 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.

- 3.13 The concerns of **F1 and F2** on inappropriate designation and flooding risk of the “V” zone are the same as or similar to those views made in the original representations/comments, which have already been considered by the Board and there is no new planning justification submitted at the stage of further representation. Furthermore, there is neither change in planning circumstances for a departure from the Board’s previous decision in the designation of “V” zone. Taking into account all the relevant planning considerations, expert advices from concerned Government departments and views from relevant stakeholders (including the indigenous villagers, green/concern groups and the general public), it is considered that the proposed amendments could strike a balance among enhancing nature conservation and conserving the heritage value of the Area, as well as meeting the demand of villagers for Small House development.

#### **4. CONSULTATION**

- 4.1 Relevant Government departments have been consulted on the further representations and their comments have been incorporated into the above paragraphs where appropriate.

- (a) Director of Agriculture, Fisheries and Conservation;
- (b) District Lands Officer/Tai Po, Lands Department;
- (c) Chief Engineer/Construction, Water Supplies Department;
- (d) Chief Engineer/Mainland North, Drainage Services Department; and
- (e) Chief Town Planner/Urban Design & Landscape, Planning Department.

- 4.2 The following Government bureaux and departments have no major comment on the further representations:

- (a) Secretary for Education;
- (b) Director of Environmental Protection;
- (c) Chief Engineer/Sewerage Projects, Drainage Services Department;
- (d) Chief Engineer/Drainage Projects, Drainage Services Department;
- (e) Chief Highway Engineer/New Territories East, Highways Department;
- (f) Commissioner for Transport;
- (g) Director of Electrical and Mechanical Services;
- (h) Director of Fire Services;
- (i) Director of Food and Environmental Hygiene;
- (j) Director of Leisure and Cultural Services;
- (k) Director of Leisure and Cultural Services (Antiquities & Monuments Office);
- (l) District Officer (Tai Po), Home Affairs Department;
- (m) Director-General of Communications;
- (n) Head of Geotechnical Engineering Office, Civil Engineering and Development Department;
- (o) Project Manager/New Territories East, Civil Engineering and Development Department;
- (p) Chief Building Surveyor/New Territories West, Buildings Department;
- (q) Government Property Administrator; and
- (r) Chief Town Planner/Central Enforcement & Prosecution, Planning Department.

## **5. PLANNING DEPARTMENT'S VIEWS**

- 5.1. The supportive view of **F2** to the proposed amendments is noted.
- 5.2. Based on the assessments in paragraph 3 above, PlanD does not support **F1** and the remaining part of **F2** and considers that the draft OZP should be amended by the proposed amendments for the following reasons:
  - (a) the designation of the “Village Type Development” (“V”) zone in an area to the north of Pak Sha O Village is considered appropriate, which has balanced the needs for preservation of historic settlement at Pak Sha O and Small House development. The “V” zone boundary has been drawn up having regard to the village ‘environs’, Small House demand forecast, outstanding Small House application, local topography and site constraints. Only land suitable for Small House development has been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded. Any new development of New Territories Exempted Houses within the “V” zone would be subject to planning control through the planning permission system; and
  - (b) planning permission is required for land filling activities in the “V” zone, the purpose of which is to enable the Town Planning Board to consider the potential flooding risk of any proposed development. Each application will be considered on its individual merits.

## **6. DECISION SOUGHT**

The Board is invited to give consideration to the further representations taking into consideration the points raised in the hearing, and decide whether to amend the draft OZP by the proposed amendments or by the proposed amendments as further varied during the hearing.

## **7. FOLLOW-UP ACTION**

- 7.1 Should the Board decide to amend the draft OZP by the proposed amendments or the proposed amendment(s) as further varied, such amendment(s) shall form part of the draft Pak Sha O OZP No. S/NE-PSO/1. In accordance with section 6H of the Ordinance, the draft OZP shall thereafter be read as including the amendment(s). The amendment(s) shall be made available for public inspection until the Chief Executive in Council has made a decision in respect of the draft OZP in question under section 9 of the Ordinance.
- 7.2 Administratively, the Building Authority and relevant Government departments will be informed of the decision of the Board and will be provided with a copy/copies of the amendment(s).



**8. ATTACHMENTS**

<b>Plan FH-1</b>	Location Plan of Further Representations
<b>Plan FH-2</b>	Site Plan and Aerial Photo
<b>Plan FH-3</b>	Site Plan and Site Photos
<b>Plan FH-4</b>	Land Status Plan
<b>Plan FH-5</b>	Agricultural Rehabilitation at Pak Sha O
<b>Enclosure I</b>	TPB Paper No. 10141 for Consideration of Representations and Comments in respect of the Draft Pak Sha O OZP No. S/NE-PSO/1
<b>Enclosure II</b>	Minutes of the TPB Meeting held on 22.7.2016
<b>Enclosure III</b>	TPB Paper No. 10156 for Proposed Amendments to the Draft Pak Sha O OZP No. S/NE-PSO/1 arising from the Consideration of Representations and Comments on the Draft Pak Sha O OZP No. S/NE-PSO/1
<b>Enclosure IV</b>	Minutes of the TPB Meeting held on 19.8.2016
<b>Enclosure V</b>	Schedule of Proposed Amendments, Proposed Amendments to the Notes and Explanatory Statement of the Draft Pak Sha O OZP No. S/NE-PSO/1
<b>Enclosure VI</b>	Further Representations F1 and F2
<b>Enclosure VII</b>	Summary of Valid Further Representations and PlanD's Responses

**PLANNING DEPARTMENT  
FEBRUARY 2017**