

TOWN PLANNING BOARD

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**CONSIDERATION OF REPRESENTATIONS AND COMMENTS IN RESPECT OF THE
DRAFT PAK SHA O OUTLINE ZONING PLAN NO. S/NE-PSO/1**

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Group	Subject of Representation/ Representation Site	Representers (Total: 1,806)	Commenters (Total: 36)
A	<u>Object</u> to the draft Pak Sha O Outline Zoning Plan (OZP) No. S/NE-PSO/1 mainly for inadequate “Village Type Development” (“V”) zone	<p><u>Total: 514 (R1 to R349 and R351 to R515)</u></p> <p>R1: Sai Kung North Rural Committee (SKNRC) R2: Village Representative (VR) of Pak Sha O R3: Xinhua Bookstore Xian Jiang Group Ltd R4: 翁盛亨堂司理 of Pak Sha O Ha Yeung R5: 翁盛亨堂成員 of Pak Sha O Ha Yeung</p> <p><i>Individuals:</i> R6 to R349 and R351 to R515</p>	<p><u>Total: 36 (C1 to C36)</u></p> <p>34 comments (C1 to C4 and C7 to C36) <u>object</u> to Group A on proposing more land for “V” zones</p> <p>C1: The Conservancy Association (R519) C2: DHK (R521) C3: KFBG (R518) C7 to C36: Individuals</p> <p>C5 (individual) <u>object</u> to R1 to R5 and R192 on designation of “V” zone at Pak Sha O</p> <p>C6 (individual) <u>object</u> to the “V” zone on the draft OZP</p>
B	<u>Support</u> the general planning intention of the draft OZP but raise concerns on the adverse impacts of the proposed “V” zone or <u>comment</u> on/ <u>object</u> to the draft OZP mainly for environmental and heritage conservation reasons	<p><u>Total: 1,292 (R516 to R1807)</u></p> <p><i>Green/Concern Groups:</i> R516: Green Power R517: World Wide Fund For Nature Hong Kong (WWF-HK) R518: Kadoorie Farm and Botanic Garden Corporation (KFBG) R519: The Conservancy Association R520: The Hong Kong Bird Watching Society (HKBWS) R521: Designing Hong Kong (DHK) R522: Green Sense R523: Friends of Hoi Ha (FOHH) R524: The Professional Commons</p>	<p><u>Total: 31 (C5 and C7 to C36)</u></p> <p>C5 <u>supports</u> the representations R518 to R521, R523 and R526</p> <p>C7 to C36 <u>support</u> the representations R517 to R1807 mainly on environmental and heritage conservation</p>

Group	Subject of Representation/ Representation Site	Representers (Total: 1,806)	Commenters (Total: 36)
		R525: Eco-Education and Resources Centre R526: Kaitak, Centre for Research and Development, Academy of Visual Arts, Hong Kong Baptist University R527: 綠領行動 R532: Friends of Sai Kung <i>Individuals:</i> R528 to R531 and R533 to R1807	

Note: The representations and comments on representations made by green/concern groups, villagers and related organisations in the table as well as samples of some standard letters/e-mails are attached at **Annexes I to II**. A CD-ROM containing names of all representers and commenters as well as their submissions is enclosed at **Annex IV** (for TBP Members only). A set of hard copy is also deposited at the Secretariat of the Board for Members' inspection.

1. INTRODUCTION

1.1 On 4.12.2015, the draft Pak Sha O Outline Zoning Plan No. S/NE-PSO/1 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) (**Plan H-1**). During the two-month exhibition period, a total of 1,806¹ 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 3.6.2016, the Town Planning Board (the Board) decided to consider the representations in two groups:

Group A

- (a) collective hearing of the first group comprising 514 representations (**R1 to R349 and R351 to R515**) submitted by SKNRC, villagers and individuals mainly in relation to the inadequate "V" zone; and

Group B

- (b) collective hearing of the second group comprising 1,292 representations (**R516 to R1807**) and 36 comments (**C1 to C36**) submitted by the green/concern groups and individuals mainly in relation to the environmental and heritage conservation concerns.

1.3 This paper is to provide the Board with information for consideration of all the representations and comments on the representations. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

¹ During the two-month exhibition period, a total of 1,807 representations were received. However, an individual, i.e. **R350**, submitted a letter on 17.6.2016 to the Board stating that he had never made any representation with regard to the Plan (**Annex V**). In view of the above, the number of valid representations should be 1,806 instead of 1,807.

2. REPRESENTATIONS

2.1 The representations could be generally categorised into the following two groups:

Group A

- (a) The representations (**R1 to R349 and R351 to R515**) in **Group A** mainly object to the inadequate “V” zone and the inclusion of building lots within the “Village Type Development (1)” (“V(1)”) zone and “Green Belt” (“GB”) zone, requiring application for planning permission to redevelop the building lots. They propose to expand the “V(1)” zone of Pak Sha O to the adjoining “GB” zone and to rezone various areas at Pak Sha O Ha Yeung from “GB” to “V”.

Group B

- (b) The **Group B** comprises the remaining 1,292 representations (**R516 to R1807**). Whilst **R516** supports the general intention of the draft OZP, the representations in **Group B** mainly object to the “V” and “Agriculture” (“AGR”) zones on environmental and heritage conservation grounds and raise concerns on the suspected abuse of the Small House Policy. They propose to rezone the “V” and “AGR” zone to “GB”, “GB(1)” or “Conservation Area” (“CA”) as well as to designate all environmentally sensitive areas as “GB(1)” and “CA”.

2.2 A summary of representations and Planning Department (PlanD)’s responses is attached at **Annex III** and the locations of the representations’ proposals are shown on **Plans H-2a, H-2b, H-6a, H-6d and H-6g**.

Grounds and Proposals of Representations

Group A

2.3 The major grounds and proposals of representations in **Group A** are summarized below:

Inadequate land within “V” zone in Pak Sha O (**R1, R2 and R4-R6**)

- (a) The proposed “V” zone in Pak Sha O could not satisfy the future demand for Small House development. The south-western part of the proposed “V” zone, which has been set back by 10m to provide a 20m buffer to the existing village² (**Plans H-6a and H-7b**), would further sacrifice the villagers’ right for Small House development for the sake of conservation.

Lack of “V” zone in Pak Sha O Ha Yeung (**R4 and R5**)

- (b) There is currently no “V” zone designated within the village ‘environs’ (‘VE’) of Pak Sha O Ha Yeung. The land within the ‘VE’ has been designated as conservation zonings such as “GB” and “CA”, which has disregarded indigenous villagers’ need for Small House developments.

² On 13.11.2015, the Board agreed that subject to the further setting back of the boundary at the south-western corner of the “V” zone of Pak Sha O by 10m, the draft Pak Sha O OZP was suitable for exhibition for public inspection.

Opposition to designating building lots under “V(1)” and “GB” zones (R1, R3, R7-R349 and R351-R515)

- (c) A number of building lots within the ‘VE’ has been designated as “V(1)” and “GB” zones where planning permission is required for redevelopment of the existing houses, which would deprive land owners’ right to redevelop their properties.

Proposals

Designation of “V” zone

To expand “V(1)” to about 9,640 m² by rezoning the adjacent land currently zoned as “GB” (R2)

- (d) To expand “V(1)” to about 9,640m² by rezoning the adjacent land currently zoned as “GB” with the same development restrictions that planning permission from the Board should be obtained for any proposed house/demolition of or any addition, alteration and modification to or replacement of an existing building (**Item 1 on Drawing H-1 and A-P1 on Plans H-2a and H-6a**).

To designate “V” zone, including about 4,330m² of land and 407 m² of building lots (lots 825A and 825B in DD 290), at Pak Sha O Ha Yeung from “GB” to “V” (R2-R5, R7-R349 and R351-R515)

- (e) **R2, R4 and R5** propose to rezone about 4,330m² of land at Pak Sha O Ha Yeung from “GB” to “V” (**Item 2 on Drawing H-1 and Item 1 on Drawing H-2 and A-P3 on Plans H-2a and H-6d**). **R7 to R349 and R351 to R515** propose to designate “V” zone at Pak Sha O Ha Yeung for Small House development as their Small House applications in Pak Tam Au could be rejected by the villagers therein (**A-P2 on Plan H-2a**).
- (f) **R3** proposes to rezone the building lots at Pak Sha O Ha Yeung and Pak Sha O from “GB” and “V(1)” to “V” whilst **R2, R4 and R5** propose that the building lots (i.e. lots 825A and 825B in DD 290) at Pak Sha O Ha Yeung (about 407m²) should be rezoned from “GB” to “V” to respect land owners’ interest and they consider that redevelopment of houses should not require planning permission (**Item 3 on Drawing H-1 and Item 2 on Drawing H-2 and A-P4 and A-P5 on Plans H-2a, H-6a and H-6d**).

Group B

- 2.4 **R516** supports the general intention of the draft OZP but raises concerns mainly on the adverse environmental impacts of the “V” zone. The remaining representations mainly object to the “V” and “AGR” zones on environmental and heritage conservation grounds. Their major grounds and proposals are summarized as follows:

Unjustified Small House demand forecast (R516-R529, R533, R534, R537, R539-R1601, R1605-R1688, R1706-R1738, R1799, R1801, R1802, R1804 and R1806)

- (a) The Small House demand of the indigenous villagers is doubtful as there is currently no indigenous villagers living in Pak Sha O. Half of the land within the proposed “V” zone is owned by a single developer, and the lots have been carved out and transferred to individuals. There is suspected selling of ‘ding’ right and abuse of the

Small House Policy. As land has been designated in Pak Tam Au for indigenous villagers including those from Pak Sha O to develop Small Houses under the current administrative practice of cross-village application, there are already sufficient land reserved in Sai Kung for genuine Small House applications in the same 'Heung', thus expansion of the "V" zone in Pak Sha O is not necessary.

Adverse environmental impacts from Small House development (R516-R521, R523-R531, R533, R534, R536-R538, R541-R545, R547-R1488, R1491-R1604, R1616-R1705, R1739-R1800, R1803 and R1807)

- (b) The Area is of nature conservation importance as it is rich in ecological and environmental resources. Over 1,000 species of flora and fauna were recorded in Pak Sha O. Pak Sha O valley comprises about 72 species of local concerns including 17 mammals, 35 birds, 7 reptiles and amphibians and 13 dragonflies and butterflies. Besides, Pak Sha O has recorded one third of Hong Kong's total number of bird species as well as is a butterfly hotspot comprising high number of butterfly species and high proportion of "Rare" and "Very Rare" species. The area has high biological diversity and conservation value and should be adequately protected.
- (c) The proposed "V" zone is situated at a flood plain in proximity to an Ecologically Important Stream (EIS) in which Small House development would lead to potential pollution and flooding. There is insufficient transport, parking, emergency vehicular access (EVA), drainage and sewerage infrastructure to support the increasing population in Pak Sha O. Hence, it would result in adverse environmental, ecological, landscape and visual impacts on the surrounding areas, particularly the nearby EIS, freshwater wetland and Hoi Ha Wan (HHW) Marine Park. Besides, construction of infrastructure serving the "V" zone would cause adverse impact on the ecology of the surrounding and cultural heritage of the village. To this end, proper cumulative assessments and independent environment impact assessment (EIA) should be carried out for the proposed land use zonings and reference should be made to the protected and endangered species in the Area and the impact on the adjacent country park, HHW Marine Park and Site of Special Scientific Interest.

Insufficient protection to the historic Hakka Settlement (R517-R521, R523, R526, R528, R529, R532, R534, R537, R539, R541-R545, R547 and R1800)

- (d) Pak Sha O village is a well-preserved traditional Hakka settlement with high architectural and heritage value where graded historic buildings are found. The traditional village setting and the surrounding landscape should be conserved. Though the Hakka village and its individual houses are managed to be protected under the "V(1)" zoning with more stringent planning control, the visual harmony of the Pak Sha O valley will be destroyed by the existence of Small Houses in the proposed "V" zone which would not be compatible with the existing vernacular Hakka village and would destroy the overall aesthetic of the village. The buffer zone including the 'dense woodland' and lawn in-between the "V" and "V(1)" provides no protection to the existing village cluster as the 'dense woodland' is in fact a small cluster of trees and the possibility of planting trees at the lawn to act as buffer is not guaranteed for the lawn involves mainly private land, offering no protection to the overall visual, landscape and historical values of the Hakka settlement (**Plans H-6a and H-7b**).

Concern on 'destroy first, build later' type development (R520, R525, R529 and R541-R545)

- (e) The "V" zone was originally a natural wetland/freshwater marsh with rich ecological value, which was then turned into farmland. There is a concern on 'destroy first, build later' type development by destroying the natural habitat in the name of agricultural rehabilitation. The designation of such agricultural land as "V" zone would set an undesirable precedent rewarding similar activities.

Designation of "AGR" not justified

- (f) The proposed "AGR" zone is currently not covered by any agricultural activities and in which Small House application may be permitted therein under planning application. This would create false hope for developers and local villagers that "AGR" land is a reserve for future village expansion (**R518, R527, R530, R536, R548-R1409, R1478-R1491, R1459-R1573, R1601-1604, R1615 and R1689-R1692**). **R518, R519, R523, R528 to R531, R536 and R538** propose to delete the "AGR" zone or rezone it to "GB(1)" or "CA" (**Drawing H-4 and B-P2 on Plans H-2b and H-6g**).

Proposals

To confine/delete the "V" zone

- (g) It is proposed to confine or rezone the "V" zone to "AGR" or "GB" or "GB(1)" or "CA" so as to protect ecologically highly sensitive habitats from adverse impacts (**R516-R523, R525-R532, R536, R538, R541-R545, R547, R1800 and R1805**) (**Drawings H-3 and H-4 and B-P1a on Plans H-2b and H-6g**). **R535** proposes not to process any Small House applications at Pak Sha O Ha Yeung as it is of historical interest and within water gathering ground (WGG). **R1405** and **R1793** consider that the "V" zone proposed to the north of Pak Sha O village should be relocated to the south of the existing village cluster with a width of 30m (**B-P1c on Plans H-2b and H-6g**).

Designation of environmentally sensitive areas from "GB" to "GB(1)"/"CA" (R516-R518, R520-R523, R528, R530-R532, R536, R538 and R540-R547)

- (h) In order to fully protect the integrity of the natural landscape, the rich biodiversity and the high ecological value of the area, it is proposed to rezone land currently within "GB" zone or all woodland, natural streams (include EIS) and/or their riparian zone and the 20m to 30m-wide buffer on both sides of the river banks to "GB(1)"/"CA" (**Drawing H-4 and B-P3 on Plan H-2b**).

To amend the Notes of the Plan

To control the 'Agricultural Use' in all zones, and the use of fertilizers and irrigation ditches to wet agricultural farmland

- (i) 'Agriculture Use' must be strictly controlled by placing it under Column 2 of the schedules of Notes of all zones (**R523**) and the use of fertilisers must be controlled to protect the streams (**R516, R523, R528 and R529**). As certain sections of the tributaries of the EIS may have been diverged and/or modified as irrigation ditches or converted to wet agricultural farmlands, planning permission should be applied to these irrigation ditches and wet agricultural farmlands in order to maintain the drainage capacity, connectivity and hydrology of the EIS (**R516**).

To delete 'House' or 'Small House' use from Column 1 or Column 2 of the Notes of the "AGR" and/or "GB" zones (R521, R522, R528 and R529)

- (j) Development along the ecologically sensitive areas would put them at risk and hence house and Small house uses should be removed from the Notes of "AGR" and "GB" zones to avoid giving false hope to the villagers and destruction of the area's ecology.

To restrict the built form and new development within "V(1)" zone (R523, R528, R529, R532, R540, R546 and R547)

- (k) For better protection of the existing village cluster, the height of any new building within "V(1)" zone should not exceed the present average height of the existing buildings. The profile and roof pitches of the new buildings should also respect the existing setting. No New Territories Exempted House (NTEH) shall be permitted within the "V(1)" zone and the clause in the covering Notes that replacement of an existing domestic building by a NTEH is always permitted should be deleted.

To control public works implemented or co-ordinated by Government (R516)

- (l) To protect the environment, in particular the EIS and HHW Marine Park, maintenance or repair of roads, watercourse, drain and geotechnical works, local public works, road works, sewerage and drainage work and environmental improvement works and waterworks co-ordinated or implemented by Government which are always permitted in paragraphs 8(c), 8(d) and 9(a)(i) of the covering Notes should be strictly controlled in river channels, river banks, land with dense vegetation, woodlands and "CA" zone.

Designation of the Area as Country Park (R524, R1269, R1319, R1337 and R1406)

- (m) The entire enclave should be integrated into the surrounding Sai Kung West Country Park so as to protect the ecological value of the area as well as the surrounding Country Park.

Other views

- 2.5 Other views/proposals put forth by some of the representers include review of Small House Policy (R6, R522, R1049, R1074, R1108, R1122, R1134, R1146, R1231, R1247, R1267, R1270, R1273, R1276, R1299, R1538, R1668, R1670, R1729, R1730, R1732, R1760 and R1804); preparation of layout plan for the Area (R521); rejection of the Plan until the completion of a full EIA on the potential impact of the proposed land use zonings on Pak Sha O River Valley and Hoi Ha Wan Marine Park (R524); designation of the current village areas of Pak Sha O and Pak Sha O Ha Yeung as historical monuments (R524); release of all relevant information and documents such as impact assessments and the estimate of Small House demand (R522) and the criteria for assessing an application for NTEH and the provision of public land for building houses (R6); and resuming land for agricultural purpose (R1804).

3. COMMENTS ON REPRESENTATIONS

- 3.1 All **36** comments received (**C1 to C36**) are submitted by green/concern groups including the Conservancy Association (**R519**), DHK (**R521**) and KFBG (**R518**) and individuals. **C6** raises objection to the “V” zone on the Plan whilst **C5** supports representations **R518 to R521, R523 and R536** but raises objection to **R1 to R5** and **R192**. The remaining 34 comments (**C1 to C4 and C7 to C36**) oppose to the representations **R1 to R515** mainly on environmental grounds.
- 3.2 The grounds and proposals of the comments are either the same or similar to those of the representations, including adverse environmental impacts of “V” zone, sufficient land has already reserved in Pak Tam Au for Small House development and the need to preserve high ecological and cultural heritage values of the Area.
- 3.3 A summary of comments on representations and PlanD’s views is at **Annex III** and all the submissions are saved in the CD-ROM attached at **Annex IV** for Members’ information.

4. BACKGROUND

- 4.1 On 7.12.2012, the draft Pak Sha O Development Permission Area (DPA) Plan No. DPA/NE-PSO/1 was exhibited for public inspection under section 5 of the Ordinance. During the DPA Plan exhibition period, a total of 41 representations and 20 comments were received. After giving consideration to the representations and comments on 26.7.2013, the Board decided to partially uphold 36 representations by amending the Notes of the DPA Plan so that any NTEH and any demolition of or any addition, alternation and/or modification to or redevelopment of an existing building within the “V” zone would require planning permission from the Board. On 9.8.2013, the proposed amendments to the draft DPA Plan were published under section 6C(2) of the Ordinance. During the statutory exhibition period, a total of four valid further representations were received. After giving consideration to the further representations and the related representations and comments under section 6F(1) of the Ordinance on 4.10.2013, the Board decided not to uphold the further representation and to amend the draft DPA Plan by the proposed amendments. On 7.1.2014, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Pak Sha O DPA Plan, which was subsequently renumbered as DPA/NE-PSO/2 and exhibited for public inspection under section 9(5) of the Ordinance on 17.1.2014.
- 4.2 On 22.5.2015, 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 Pak Sha O area. On 24.7.2015, the Board gave preliminary consideration to the draft Pak Sha O OZP No. S/NE-PSO/B³ and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and SKNRC for consultation.
- 4.3 On 7.8.2015, the consultation paper regarding the draft Pak Sha O OZP No. S/NE-PSO/B was circulated to SKNRC (**Plan H-7a**), which subsequently refused to attend a consultation meeting. The VR of Pak Sha O on 1.9.2015 and SKNRC on 7.9.2015 wrote to TPDC expressing strong objection to the draft OZP mainly on the grounds that the “V” zone was inadequate to meet the Small House demand and the imposition of more planning control within the “V” zone (i.e. any proposed house and any demolition of or any addition, alteration and/or modification to or replacement/redevelopment of an existing

³ The TPB Paper No. 9965 “Draft Pak Sha O OZP No. S/NE-PSO/B - Preliminary Consideration of a New Plan” considered by the Board on 24.7.2015 is available at TPB website.

building require planning permission from the Board) would restrict Small House development. They requested to expand the “V” zone to meet the Small House demand.

- 4.4 On 9.9.2015, the draft OZP was presented to TPDC and the two letters from VR of Pak Sha O and SKNRC mentioned above were also tabled at the same meeting. TPDC noted and respected the views of SKNRC and hence objected to the draft OZP on similar grounds. On 10.9.2015, SKNRC submitted a letter expressing views similar to its letter dated 7.9.2015.
- 4.5 On 14.10.2015, a consultation meeting on the draft OZP with SKNRC and VR of Pak Sha O was conducted. Whilst it was recognised that there was a need to protect the EIS in Pak Sha O in view of its ecological value and to conserve the ambience of the outstanding vernacular Hakka villages and well-preserved historical buildings in the clusters of the two recognized villages, namely Pak Sha O and Pak Sha O Ha Yeung, SKNRC and VR of Pak Sha O strongly considered that the need of local villagers should not be disregarded totally and suitable land should be designated for Small House development in the Area. It was noted that a major part of the proposed “AGR” zone and the adjoining “GB” area (**Plan H-7a**) were located away from the existing village cluster and EIS and there was a dense woodland in between that could act as buffer. Consideration could be given to designate this area as “V” to cater for the Small House development. As the area was well separated from the existing village cluster and EIS, no planning permission should be required from the Board for Small House development.
- 4.6 Meanwhile, a total of nine submissions are received on the draft Pak Sha O OZP No. S/NE-PSO/B from five green/concern groups, namely WWF-HK, HKBWS, FOHH, DHK and KFBG, and four members of the public. In general, they supported in-principle the Board’s recognition of the ecological and cultural heritage values of the Area and the relevant “CA” zone, the confinement of the “V” zone to the existing village clusters and the planning control within the “V” zone. However, they proposed to rezone the environmentally sensitive areas to “GB(1)” or “CA”, rezone the “GB” woodland between the existing village cluster and the buffer area of the EIS to “AGR” and amend the Notes and Explanatory Statement of the Plan in order to impose stricter planning control, including deletion of provision for tall buildings in existing village clusters, removal of ‘House’ in the Notes of “AGR” and “GB” zones, and prohibition of the use of pesticides and fertilisers in the Area.
- 4.7 On 13.11.2015, the Board gave further consideration to the revised draft Pak Sha O OZP No. S/NE-PSO/C⁴ together with the views received from the TPDC and SKNRC, and views from the public including green/concern groups. Subject to the setting back of the boundary at the south-western corner of the “V” zone of Pak Sha O by 10m to allow for a wider buffer to the existing village (**Plan H-7b**), the Board agreed that the revised draft OZP was suitable for exhibition for public inspection. The Board also agreed to advise PlanD to liaise with the local villagers for the possibility of planting trees in the buffer area between the south-western corner of the “V” zone and the existing village under “V(1)” zone, and arranging the future Small Houses in the “V” zone in an orderly manner for more efficient use of land. On 4.12.2015, the draft Pak Sha O OZP No. S/NE-PSO/1 was exhibited for public inspection under section 5 of the Ordinance.

⁴ The TPB Paper No. 10019 “Draft Pak Sha O OZP No. S/NE-PSO/C - Further Consideration of a New Plan” considered by the Board on 13.11.2015 is available at TPB website.

5. LOCAL CONSULTATION

- 5.1 SKNRC was consulted on 6.1.2016 on the gazetted draft Pak Sha O OZP No. S/NE-PSO/1. SKNRC proposed to enlarge the “V(1)” zone of Pak Sha O back to the extent of the previous “V” zone of the DPA plan and rezone the 20m-wide “GB” buffer along the EIS to “AGR” as well as to designate “V” zone for Pak Sha O Ha Yeung. SKNRC also opined that it would be difficult to follow through the Board’s advice on planting trees in between the south-western corner of the “V” zone and the existing village since the land concerned is under private ownership. TPDC on 13.1.2016 indicated that they respected the opinions of SKNRC.
- 5.2 Subsequently, SKNRC (**R1**), the VR of Pak Sha O (**R2**), 翁盛亨堂司理 (**R4**) and 翁盛亨堂成員 (**R5**) of Pak Sha O Ha Yeung submitted representations opposing to the Plan.

6. PLANNING CONSIDERATIONS AND ASSESSMENTS (Plans H-1, H-3 to H-5c)

The Representation sites and their Surrounding Areas

- 6.1 The representation sites cover the whole OZP (**Plan H-1**).
- 6.2 The Planning Scheme Area (the Area), covering a total land area of about 33.27 ha, is located at the northern part of the Sai Kung Peninsula. It is encircled by Sai Kung West Country Park with HHW Marine Park to its further north. The Area falls entirely within the upper indirect WGG (**Plan H-3a**).
- 6.3 The Area is rural in character comprising mainly regenerated woodlands from abandoned agricultural land, dense native woodlands and freshwater marshes. Surrounded by Sai Kung West Country Park, it is situated along the eastern part of a narrow valley in between Mount Hallows and Shek Uk Shan running towards HHW. The central part of the Area mainly comprises low-lying agricultural land, freshwater marshes, shrublands and woodlands that extend towards the fringe of the Area connecting with the well-established vegetation cover of Sai Kung West Country Park (**Plans H-3a and H-5c**).
- 6.4 Agricultural activities were widely undertaken in the whole valley area in the 1960s and 1970s but diminished from the 1980s. Recently, some agricultural land to the north of the village cluster at Pak Sha O has been rehabilitated for active agricultural use. There are stream courses and irrigation systems in the Area running from west to east. The Hoi Ha EIS, about 1.4 km in length, and its tributaries feed the surrounding low-lying agricultural lands and regenerated woodlands and some natural freshwater marshes before flowing into HHW (**Plans H-3a, H-5a, H-5b and H-5c**).
- 6.5 Pak Sha O and Pak Sha O Ha Yeung are the two recognized villages in the Area. According to the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD), the two villages are outstanding vernacular Hakka villages which are well preserved with a number of interesting historical and cultural heritage buildings, including Ho Residence and Ho Ancestral Hall (Grade 1) and Immaculate Heart of Mary Chapel (Grade 3) at Pak Sha O and King Siu Sai Kui and Hau Fuk Mun (proposed Grade 1) at Pak Sha O Ha Yeung. Some nicely restored old village houses with landscape gardens can also be found in these villages (**Plans H-3a and H-3b**).

- 6.6 The Area is accessible by vehicles via Hoi Ha Road connecting to Pak Tam Road, and a number of hiking trails from Pak Tam Chung, some of which are connected to HHW to the further north. Whilst there is no direct vehicular access to the village clusters of Pak Sha O and Pak Sha O Ha Yeung, there is a walking trail off Hoi Ha Road leading to the two villages. Pak Sha O Youth Hostel, which has been operated by Hong Kong Youth Association since 1975, is situated adjacent to Hoi Ha Road (**Plans H-3a and H-4**).

Planning Intention

- 6.7 The general planning intention for the Area is to conserve the high natural landscape and ecological significance of the Area in safeguarding the natural habitat and natural system of the wider area. Apart from environmental and ecological consideration, development in the Area is constrained by limited 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. Since Pak Sha O and Pak Sha O Ha Yeung are outstanding vernacular Hakka villages in the Area and are well-preserved, and that the heritage value of historic buildings partly lies in their original physical environment, the planning intention is also to preserve the existing vernacular Hakka village setting and any change to the existing village setting with possible adverse impact on the heritage value of historic buildings should be avoided.

Individual zones (Annex VI)

- 6.8 The “V” zone is intended primarily to designate both 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. The planning intention of the “V(1)” sub-area is to preserve the existing village setting. 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 than on land designated “V(1)”). Other commercial, community and recreational uses may be permitted on application to the Board.
- 6.9 The “Government, Institution or Community” (“G/IC”) zone is intended primarily for the provision of Government, institution or community 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 “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 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 This “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 For “GB” and “CA” zones, any diversion of stream, 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” zone) whilst for “V” and “AGR” zones, any diversion of streams, or filling of land/pond requires planning permission from the Board.

Responses to Grounds and Proposals of Representations

- 6.14 The supportive view of representation **R516** is noted.

Designation of “V” zone

- 6.15 There are two divergent views on the designation of “V” zone. Representers in **Group A** consider that the “V” zones should be revised or designated as they are not sufficient to meet the Small House demand for the Area. On the other hand, the representers in **Group B** hold the views that the “V” zone should be deleted on environmental and heritage conservation grounds.
- 6.16 Pak Sha O and Pak Sha O Ha Yeung are the two recognized villages in the Area. The two existing core village clusters are outstanding vernacular Hakka villages and are well-preserved with historical buildings, such as Ho Residence and Ho Ancestral Hall (Grade 1) at Pak Sha O and King Siu Sai Kui and Hau Fuk Mun (proposed Grade 1) at Pak Sha O Ha Yeung. As the heritage value of historic buildings partly lies in their original physical environment, any change to the existing vernacular Hakka village setting with possible adverse impact on the heritage value of historic buildings should be avoided. In order to ensure that new houses would be in harmony with the existing historic buildings and would not affect the integrity and ambience of the existing village setting, the designated “V(1)” zone on the Plan have been confined to the two core village clusters of Pak Sha O and Pak Sha O Ha Yeung and subject to more stringent planning control, i.e. any proposed house and any demolition of or any addition, alteration and/or modification to or replacement/redevelopment of an existing building require planning permission from the Board.
- 6.17 In view of the above, **R1, R3, R7 to R349 and R351 to R515**’s opposition to designate building lots under “V(1)” zone and **R3**’s proposal to rezone the building lots within the existing village clusters of Pak Sha O and Pak Sha O Ha Yeung from “V(1)” to “V” without planning control is not supported. Concerning the need to respect landowners’ right for redeveloping their building lots within “V(1)” zone, it should not noted that the purpose of the planning control within “V(1)” is not to restrict their traditional right nor to deprive individual landowners of their development rights, but to enable the Board to consider the potential impacts of individual NTEH development on the existing vernacular Hakka village setting. Each application will be considered on its individual merits. As such, there is also no justification to **R535**’s proposal not to process Small House applications at Pak Sha O Ha Yeung.

- 6.18 Regarding **R1, R2 and R4 to R6**'s concern that land zoned "V" is insufficient to meet the Small House demand in the Area, and the proposals to expand the "V" zone put forth by representatives in **Group A**, it should be noted that during the course of preparing the draft OZP, 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. To conserve the high natural and landscape significance of the Area, it is necessary to avoid areas of dense vegetation, environmentally sensitive areas and stream courses where possible.
- 6.19 The heritage value of the Area vis-à-vis the need for Small House development as well as the need of conservation have been carefully examined in the course of OZP preparation. Land available within the "V(1)" zone of Pak Sha O could cater for only two Small Houses while the total demand is 86 including 37 outstanding demand. In view of the significant shortfall of land for Small House development and in recognition of the need to conserve the ambience of the existing village with significant cultural heritage and landscape values, an area of about 0.7 ha to the north of Pak Sha O village has been designated as "V" zone for new Small House development. The "V" zone, predominantly occupied by active agricultural land and shrubby grassland, is separated from the existing village clusters by dense woodland and a 20m buffer distance at the south-western corner of the "V" zone away from the old village core. To protect the EIS from development, a 20m-wide buffer area in-between the "V" zone and the EIS is proposed (**Plan H-7b**).
- 6.20 Within the "V" zones (i.e. including the "V(1)" sub-area) of Pak Sha O and Pak Sha O Ha Yeung, about 0.85 ha of land (or equivalent to about 33 houses) is available, which is capable of meeting about 36% of the total Small House demand of 93 houses for Pak Sha O and Pak Sha O Ha Yeung including 44 outstanding demand from Small House grant application received (**Table 1**). With the adoption of incremental approach for designation of "V" zone, Small House development would be consolidated at suitable locations to avoid undesirable disturbance to the natural environment and the historic setting of the existing village cluster of Pak Sha O and Pak Sha O Ha Yeung, thus balancing the needs between conservation and development.

Table 1: Supply and Demand for Small House in Pak Sha O and Pak Sha O Ha Yeung

Village	Small House Demand Figure in 2012		Small House Demand Figure in 2016		'VE' Area (ha) ('VE' Area in OZP)	"V" zone on draft OZP (ha)	Required land to meet new demand (ha)	Available Land to meet new demand (ha)	Percentage of the new demand met by available land
	Outstanding Demand	10-year forecast (2012 – 2021)	Outstanding Demand	10-year forecast (2014 – 2023)					
Pak Sha O "V(1)"	38	49*	37*	190*	5.79 (5.30)	0.32	2.15	0.06 (2 houses)	3%
Pak Sha O "V"						0.70		0.70 (28 houses)	32%
Sub-total						1.02		0.76 (30 houses)	35%
Pak Sha O Ha Yeung "V(1)"	6	NA	7	NA	4.86 (3.75)	0.18	0.18	0.09 (3 houses)	50%
Total	44	49	44	190	10.65 (9.05)	1.20	2.33	0.85 (33 houses)	36%

* Since no justification has been provided by the Indigenous Inhabitant Representatives for the substantial increase in the latest 10-year forecast for Pak Sha O. In such circumstances, the updated outstanding demand in 2016 (i.e. 37), and the previous 10-year forecast provided in 2012, (i.e. 49), are adopted in the calculation of the Small House demand for Pak Sha O.

- 6.21 As advised by District Lands Officer/Tai Po (DLO/TP), cross-village applications might be considered under the current land administrative practice on private land only provided there is no local objection to such application. When preparing the OZP for Pak Tam Au, the surplus of land for Small House development within the "V" zone of Pak Tam Au⁵ could help to meet the Small House demand of other villages within the WGG in Sai Kung North, including Pak Sha O and Pak Sha O Ha Yeung by means of cross-village applications. Should there be a genuine need to use the land outside the "V" zone for Small House developments, there is provision for such development under planning application system and each application would be considered by the Board on its individual merits.

Specific Proposals to expand "V" zone

To expand "V(1)" (R2), to rezone building lots at Pak Sha O from "GB" to "V" (R3) and to relocate the proposed "V" zone to the south of Pak Sha O Village (R1405 and R1793)

- 6.22 Regarding **R2**'s proposal to expand "V(1)" to about 9,640m² by rezoning the adjacent land currently zoned as "GB" at the existing village cluster of Pak Sha O with the same planning restrictions, **R3**'s proposal to rezone house lots mainly to the south of the existing village clusters of Pak Sha O from "GB" to "V" without the planning restrictions as well as **R1405** and **R1793**'s proposal to relocate the proposed "V" zone to the south of Pak Sha O village with a wide of 30m, it should be emphasised that the existing buildings within the core village cluster of Pak Sha O village has been designated as "V(1)" with the planning intention to preserve the existing setting of the vernacular Hakka village and the graded historic buildings, namely Ho Residence and Ho Ancestral Hall in the village. The surrounding areas, including the greenery (i.e. gardens and fallow land overgrowth with grass, shrubs and trees) to the south of the existing village cluster and the adjoining woodland serve as a green buffer connecting the village cluster of Pak Sha O ("V(1)") with the mature woodland ("CA") and the Sai Kung West Country Park (**Plans H-6a, H-6b and H-6c**). Hence, the current "GB" zoning for the area is considered appropriate with the intention to provide a green buffer, thereby preserving the natural settings and landscape value of the area and serve as a scenic backdrop of the outstanding vernacular Hakka village. Regarding the proposals to rezone those building lots (including that in Pak Sha O Ha Yeung mentioned in paragraph 6.23), it should be noted that there is provision for application for Small House development in the "GB" zone under the planning permission system. Should the land owners intend to develop their own building lots in future, in general their building entitlements as specified in the relevant lease condition would be respected and each case would be considered by the Board based on its individual merits.

⁵ Small House demand and supply for Pak Tam Au:-

Small House Demand Figure in 2010		Small House Demand Figure in 2016		'VE' area (ha) within OZP	'V' zone on OZP (ha)	Required land to meet new demand (ha)	Available land to meet new demand figure (ha)	Percentage of the new demand met by available land
Outstanding Demand	10 Yr Forecast 2010-2019	Outstanding Demand	10 Yr Forecast 2014-2023					
14	>25*	10*	55*	3.74	2.52	0.88	1.16 (46 houses)	132%

* Since no justification has been provided by the Indigenous Inhabitant Representatives for the substantial increase in the latest 10-year forecast, the updated outstanding demand in 2016 (i.e. 10), and the previous 10-year forecast provided in 2010 (i.e. 25 rather than "over 25"), are adopted as the total Small House demand figures.

To designate “V” zone at Pak Sha O Ha Yeung (R2 to R5, R7-R349 and R351-R515)

- 6.23 **R2 to R5, R7 to R349 and R351 to R515** propose to designate “V” zone, including about 4,330m² of land and 407 m² of building lots (lots 825A and 825B in DD 290), at Pak Sha O Ha Yeung for Small House development. The area concerned comprises abandoned farmland and isolated building lots now overgrown with secondary woodland on the hillside which is contiguous with the Sai Kung West Country Park.
- 6.24 The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objects to the proposals as the Area is identified as having “high” and “high qualified” scenic and rural landscape character. The proposed “V” zones are located at a hillslope covering by natural woodland which is a significant landscape resource serving as a scenic green backdrop of Pak Sha O Ha Yeung. Slope formation work for Small House development may cause adverse impact on the hillslope woodland. The current “GB” zone which provides planning control against undesirable encroachment of village expansion upon the natural streams and adjoining shrubland and secondary woodland thereby preserving the distinctive natural settings and landscape value is considered appropriate. The Agriculture, Fisheries and Conservation Department (AFCD) advises that the areas proposed to be rezoned as “V” are mainly woodland developed from abandoned agricultural land and considers that maintaining the “GB” zonings for these areas is more appropriate. Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO), CEDD) advised that the two specific proposed “V” zones at Pak Sha O Ha Yeung are overlooked by steep natural terrains and may be affected by potential natural terrain landslide hazards. In such cases, H(GEO) does not support the proposals.

Unjustified Small House demand forecast (R516-R529, R533, R534, R537, R539-R1601, R1605-R1688, R1706-R1738, R1799, R1801, R1802, R1804 and R1806)

- 6.25 It should be noted that the Small House demand forecast is only one of the many references in considering the proposed “V” zone. The forecast is provided by the Indigenous Inhabitant Representatives to the Lands Department 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 would verify the status of the Small House applicant at the stage of Small House grant application.
- 6.26 As advised by DLO/TP that the 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 representation or fraud. Criminal prosecution can be initiated if the illegal acts established by the law enforcement departments.

Adverse environmental impacts from Small House development (R516-R521, R523-R531, R533, R534, R536-R538, R541-R545, R547-R1488, R1491-R1604, R1616-R1705, R1739-R1800, R1803 and R1807)

- 6.27 Drainage Services Department (DSD) and Environmental Protection Department (EPD) advise that there is no existing or planned public sewer within the Area. As the Area falls entirely within the upper indirect WGG, there is concern over the potential adverse impact from Small House development. EPD advises that as stated in the Explanatory Statement of the Plan, “for any village type development, it should be demonstrated that the water quality within WGG will not be affected by the proposals and in general, the use of septic

tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments in WGG". Therefore, EPD and Water Supplies Department (WSD) does not normally support new development proposals within WGG unless there should be demonstrably effective means (such as proper waste water treatment plant) to ensure that the proposed development will not cause irreversible damage, unacceptable risks or negative impacts on water environment and water quality.

- 6.28 For protection of the water quality of the Area, including the EIS and other natural streams, 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*", under the current administrative practice, development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the AFCD and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. AFCD considers that the EIS and the "V" zone is separated by "GB" which is a conservation zoning and could serve as a buffer to future Small House development.
- 6.29 LandsD when processing Small House applications will consult concerned departments including EPD, AFCD, Transport Department (TD), DSD, WSD (on proper waste water treatment within WGG), Fire Services Department (FSD) (on EVA issue), Civil Engineering Development Department (CEDD) (on slope issue), AMO (on heritage issue) and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. LandsD would require the applicant to comply with relevant standards and regulations for any development proposals/submissions.
- 6.30 For provision of EVA, DLO/TP advises that as per the information pamphlet on "NTEH – A Guide to Fire Safety Requirements", should the provision of an EVA is impracticable, other fire safety alternatives such as automatic sprinkler system; or fire detection system and hose reel system or fire detection system and fire extinguisher on each floor of the Small House should instead to be provided.
- 6.31 When considering the Plan, the Board have already taken into account all relevant planning considerations, including the public views and advice of the relevant Government departments, including EPD, AFCD, TD, DSD, WSD, FSD, CEDD, AMO and Urban Design & Landscape Section of PlanD etc.

Insufficient protection to the historic Hakka settlements at Pak Sha O village (Plans H-6a, H-6b and H-7b) (R517-R521, R523, R526, R528, R529, R532, R534, R537, R539, R541-R545, R547 and R1800)

- 6.32 With a view to preserving the historic setting of the existing village cluster, a "V" zone, which is predominantly occupied by active agricultural land and shrubby grassland and separated with the existing village cluster by dense woodland and a 20m vegetative buffer at the south-western corner of the "V" zone, has been proposed to the north of the existing village cluster of Pak Sha O village for new Small House developments. The "V" and "V(1)" zones are separated by a woodland and a 20m buffer providing landscape and visual relief to the existing village cluster (**Plans H-6-a, H-6-b and H-7b**). Such arrangement has struck a balance between preservation of historic settlements at Pak Sha O and the housing need of villagers.

Concern on 'Destroy First, Build Later' (R520, R525, R529 and R541-R545)

- 6.33 Agricultural activities were widely undertaken in the whole valley area in 1960s and 1970s but diminished from the 1980s. Excavation works for agricultural rehabilitation to the north of the village cluster at Pak Sha O was 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 (**Plans H-5a to H-5c, H-6g and H-6h**). Land within the 'VE' comprises the existing village clusters of Pak Sha O in the central part, active agricultural land in the north, stream courses including the EIS in the west, and woodland in the south (**Plan H-6g**). In recognition of the need to conserve the ambience of existing village of Pak Sha O as well as the natural environment including the EIS, consideration has been given to designate suitable area currently under active agricultural rehabilitation as a new village cluster for Small House development.

Designation of "AGR" zone not justified (R518, R519, R523, R527-R531, R536, R538, R548-R1409, R1478-R1491, R1459-R1573, R1601-1604, R1615 and R1689-R1692)

- 6.34 Area designated as "AGR" zone is mainly to reflect plots of abandoned agricultural land to the north-eastern part of the Pak Sha O village that have been rehabilitated for agricultural purpose (**Plans H-6g and 6-h**). AFCD advises that the "AGR" zone shares similar characteristics with the active farmland to its northwest and possess potential for agricultural rehabilitation. "AGR" zoning is considered appropriate to facilitate agricultural activities.

Designation of environmentally sensitive areas from "GB" to "GB(1)"/"CA" (R516-R518, R520-R523, R528, R530-R532, R536, R538 and R540-R547)

- 6.35 The ecological value of Pak Sha O and the surrounding areas are well recognised and it has been an important consideration in the drawing up of the draft OZP. As indicated in paragraph 8.1 the Explanatory Statement of the draft OZP, the general planning intention for the Area is to conserve the high natural landscape and ecological significance of the Area in safeguarding the natural habitat and natural system of the wider area. Conservation zones, including "GB" and "CA" under which there is a general presumption against development, have been designated at suitable locations having ecological and landscape significance, including the woodlands, freshwater marshes and natural streams (including EIS), to protect the natural environment of Pak Sha O and the ecologically linked Sai Kung West Country Park under the statutory planning framework. The total land area of these conservation zones is about 30.8 ha representing about 92.6% of the 33.27 ha of land covered by the Plan.
- 6.36 It should be noted that the mature (*fung shui*) woodland at Pak Sha O and the freshwater marsh at Pak Sha O Ha Yeung have been zoned "CA". The areas covering woodland developed from abandoned agricultural land and native woodland on the surrounding hillside, natural streams and their riparian zones and zoned "GB" which is a conservation zoning with a general presumption against development. The proposed "CA" and "GB" zonings are considered appropriate in providing planning protection to the natural environment of the Area.

To amend the Notes of the Plan

To control the 'Agricultural Use' in all zones, the use of fertilizers and irrigation ditches to wet agricultural farmland (R516, R523, R528 and R529)

- 6.37 According to the Notes of the Plan, 'Agricultural Use' within the "V", "AGR" and "GB" zones and 'Agricultural Use (other than Plant Nursery)' within the "CA" zone are Column 1 uses. The AFCD has reservation on transferring 'Agricultural Use' and 'Agricultural Use (other than Plant Nursery)' from Column 1 uses to Column 2 uses from agricultural development point of view as it would impose restrictions on agriculture and discourage agricultural development in the long run. It should be noted that planning permission from the Board is required for any works relating to excavation of land (within the "GB" and "CA" zones), diversion of streams or filling of land/pond (within "V", "AGR", "GB" and "CA" zones), which may cause adverse impacts on the natural environment. Hence, there is no strong justification for imposing more stringent control on 'Agricultural Use' and irrigation ditches for farming activities in the relevant zones.
- 6.38 According to the Waterworks Ordinance (Cap. 102), it empowers the Water Authority to enforce the control of pollution within WGG. According to WSD, the use of pesticide within WGG is not allowed. As for the use of other chemicals including fertilizers, prior approval must be sought from WSD. WSD will continue to monitor the water quality in the area to ensure the safety of raw water for drinking water supply. There should be sufficient safeguards for the protection of the EIS.

To delete 'House' or 'Small House' use from Column 1 or Column 2 of the Notes of the "AGR" and/or "GB" zones (R521, R522, R528 and R529)

- 6.39 The Notes of the "AGR" and "GB" zones primarily follows the Master Schedules of Notes (MSN) agreed by the Board. 'House (NTEH only)' and 'House' are Column 2 uses under the "AGR" and "GB" zones respectively requiring planning permission from the Board. Each application will be considered by the Board based on its individual merits taking into account the prevailing planning circumstances and relevant guidelines. In view of the above, there is no strong justification for the above proposal.

To restrict the built form of new development within "V(1)" zone (R523, R528, R529, R532, R540, R546 and R547)

- 6.40 As for the proposals to restrict the height, profile and roof pitches of new development within "V(1)" zone, it has been stipulated in the Remarks of the Notes of the "V(1)" sub-area and relevant paragraphs of the Explanatory Statement of the Plan that proposed house and any demolition, or addition, alteration and/or modification to or redevelopment of an existing building within existing core village clusters requires planning permission. Each case will be considered on its own merits and the AMO will be consulted prior to any development or redevelopment proposals. The current planning control is considered sufficient to duly protect the setting of the vernacular Hakka village in the Area.

To control public works implemented or co-ordinated by Government (R516)

- 6.41 Flexibility has been provided in the covering Notes of the Plan for local public works, road works, sewerage works, drainage works and environmental improvement works coordinated and implemented by Government, which are generally necessary for provision, maintenance, daily operations and emergency repairs of local facilities such as sidewalks, footpath, handrail, sign boards, planters, manhole, etc., for the benefits of the public and/or

environmental improvement. It would not be in the public interest to impose requirement of planning approval under the Plan for such works as this might cause unnecessary delay to such essential works and adversely affect the public. Besides, according to the Remarks in the Notes of the "CA" zone, development of those specified in Columns 1 and 2 uses or always permitted under the covering Notes, including public works implemented or co-ordinated by Government, involving any diversion of streams, filling of land/pond or excavation of land also require planning permission from the Board so as to better protect the natural environment.

- 6.42 DSD advises that they are charged with the responsibility for building new sewerage works, drainage works and environmental improvement works and carrying out urgent maintenance or remedial works of existing watercourses, nullahs, sewers and drains in an event of emergency for Hong Kong, including the captioned area, in order to safeguard the public from the risk of flooding and health nuisance as and when necessary. The proposals of restricting these public works/maintenance activities are therefore not supported from the public drainage and sewerage point of view. Similarly, relevant works departments, including WSD is of the view that the current provision should be retained so as to protect the rights in carrying out necessary waterworks within the concerned areas. According to Home Affairs Department (HAD), the District Offices (DOs) may carry out small scale improvement works in rural areas, in which HAD or DO staff are required to carefully consider the environmental implications in accordance with relevant legislation and guidelines as well as the comments of concerned departments as necessary. In any case, relevant government departments would be consulted to avoid adverse environmental impacts to carry out projects undertaken by Government departments. Hence, there is no strong justification to support the above proposal.

Designation of the Area as Country Park (R524, R1269, R1319, R1377 and R1406)

- 6.43 Incorporation of the Area into Country Park 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 Park.

Other views

- 6.44 According to AMO, under the current mechanism, Grade 1 historic buildings will serve as a pool of highly valuable heritage buildings for consideration by the Antiquities Authority as to whether some of these may have reached the "high threshold" of monuments for statutory protection under the Antiquities and Monuments Ordinance (Cap. 53). Every year, the Antiquities Authority will, after consultation with the Antiquities Advisory Board and with the approval of the Chief Executive, declare some Grade 1 historic buildings as monuments. Currently, the "Ho Residence and Ho Ancestral Hall" in Pak Sha O has been accorded with a Grade 1 status and become one of the candidates of the pool of highly valuable heritage buildings for consideration of monument declaration in future (**R524**). Preparation of the draft OZP is not a designated project and not subject to the EIA Ordinance (**R524**).
- 6.45 Relevant information of the preparation of the draft OZP, including preliminary and further consideration and the supporting information (**R522**) and the criteria for assessing application for NTEH and relevant guidelines such as TPB PG-NO. 10 "Application for Development within Green Belt Zone under Section 16 of the Ordinance" and Technical Documents "Interim Criteria for Consideration of Application for New Territories

Exempted House/Small House in New Territories (Revised on 7 September 2007)" (**R6**) are available at the Board's website.

- 6.46 The preparation of new village layout plan for village will depend on a number of factors such as implementation prospect of the layout plan, manpower and priority of works within PlanD. Hence, the need for preparation of new village layout for the "V" zone to be covered by the OZP will be reviewed as appropriate in due course (**R521**).
- 6.47 There are other views and requests that are outside the purview of the Board. They should be relayed to relevant government departments for consideration as appropriate (**R6, R522, R1049, R1074, R1108, R1122, R1134, R1146, R1231, R1247, R1267, R1270, R1273, R1276, R1299, R1538, R1668, R1670, R1729, R1730, R1732, R1760 and R1804**).

Responses to Grounds of Comments

- 6.48 All 36 comments (**C1 to C36**) mainly raise objection to **Group A's** proposal of further land to be designated for "V" zone and the views of the comments as highlighted in paragraph 3 are similar to the grounds of representations. The assessments in paragraphs 6.15 to 6.43 above are relevant. Detailed responses to the comments are provided in **Annex III**.

7. CONSULTATION

- 7.1 Relevant government departments have been consulted and their comments have been incorporated in the above paragraphs.
- 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) Director of Food and Hygiene Department;
 - (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) Chief Town Planner/Studies & Research Section, Planning Department;
 - (j) Chief Town Planner/Strategic Planning Section, Planning Department; and
 - (k) Chief Town Planner/Central Enforcement & Prosecution Section, Planning Department

8. PLANNING DEPARTMENT'S VIEWS

- 8.1 The supportive view of **R516** (part) is noted.
- 8.2 Based on the assessments in paragraph 6 above and for the following reasons, PlanD does not support the Representations in both **Group A (R1 to R349 and R351 to R515)** and **Group B (R516 (part) and R517 to R1807)** and considers that no amendment should be made to the Plan to meet those representations:

Designation of the “V” zone

- (a) 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 (**Group A and Group B**).
- (b) The purpose of the planning control within “V(1)” zone to enable the Board to consider the potential impacts of individual NTEH development on the existing vernacular Hakka village setting. Each application will be considered on its individual merits (**R1, R3, R7-R349, R351-R515 and R535**).
- (c) The current “GB” zoning surrounding and to the immediate south of the existing village core of Pak Sha O village is considered appropriate with the intention to provide a green buffer, thereby preserving the outstanding vernacular Hakka village and the natural settings and landscape value of the area (**R2, R3, R1405 and R1793**).
- (d) The “GB” zone at Pak Sha O Ha Yeung provides planning control against undesirable encroachment of village expansion upon the natural environment thereby preserving the distinctive natural settings and landscape value of the Area (**R2 to R5, R7 to R349 and R351 to R515**).

Unjustified Small House demand forecast (**R516-R529, R533, R534, R537, R539-R1601, R1605-R1688, R1706-R1738, R1799, R1801, R1802, R1804 and R1806**)

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

Adverse environmental impacts from Small House development (**R516-R521, R523-R531, R533, R534, R536-R538, R541-R545, R547-R1488, R1491-R1604, R1616-R1705, R1739-R1800, R1803 and R1807**)

- (f) 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.

Insufficient protection to the historic Hakka settlements at Pak Sha O Village (**R517-R521, R523, R526, R528, R529, R532, R534, R537, R539, R541 -R545, R547 and R1800**) and Concern on ‘Destroy First, Build Later’ (**R520, R525, R529 and R541-R545**)

- (g) The “V” zone is proposed to balance the needs between Small House development and preservation of historic settlements at Pak Sha O.

Designation of “AGR” zone not justified (**R518, R519, R523, R527-R531, R536, R538, R548-R1409, R1478-R1491, R1459-R1573, R1601-1604, R1615 and R1689-R1692**)

- (h) The “AGR” zone is considered appropriate to facilitate agricultural rehabilitations.

Designation of environmentally sensitive areas from “GB” to “GB(1)”/“CA” (R516-R518, R520-R523, R528, R530-R532, R536, R538 and R540-R547)

- (i) The woodland developed from abandoned agricultural land and native woodland on the surrounding hillside, natural streams and their riparian zones have been zoned “GB” which is a conservation zoning with a general presumption against development and it is considered appropriate in providing planning protection to the natural environment of the Area.

To control the 'Agricultural Use' in all zones, and the use of fertilizers and irrigation ditches to wet agricultural farmland

- (j) Permission from the Board is required for any works relating to excavation of land (within the “GB” and “CA” zones), and diversion of streams or filling of land/pond (within the “V”, “AGR”, “GB” and “CA” zones). There is no strong justification for imposing more stringent control on ‘Agricultural Use’ (**R523**) and irrigation ditches for farming activities (**R516**) in the relevant zones.
- (k) Prior approval for the use of chemicals including fertilizers must be sought from WSD. There should be sufficient safeguards for the protection of the EIS (**R516, R523, R528 and R529**).

To delete ‘House’ or ‘Small House’ use from Column 1 or Column 2 of the Notes of the “AGR” and/or “GB” zones (R521, R522, R528 and R529)

- (l) ‘House’ use requires planning permission from the Board and each application will be considered by the Board based on its individual merits taking into account of the prevailing planning circumstances, relevant guidelines and relevant departments’ comments. There is no strong justification to impose further restrictions on these zones.

Restriction of the built form of new development within “V(1)” zone (R523, R528, R529, R532, R540, R546 and R547)

- (m) According to the Notes of the “V(1)” zone, proposed house and any demolition, or addition, alteration and/or modification to or replacement/redevelopment an existing building requires planning permission from the Board. Each application would be considered by the Board based on its individual merits. There is no strong justification to impose further restrictions on the “V(1)” zone.

To control public works implemented or co-ordinated by Government (**R516**)

- (n) Flexibility has been provided in the covering Notes of the Plan for public works coordinated and implemented by Government generally necessary for the benefits of the public, emergency repairs and/or environmental improvement. It would not be in the public interest to require government departments to obtain prior planning approval before undertaking these works as this might cause unnecessary delay to such essential works and adversely affect the public. There are administrative mechanisms to ensure that the environmental impacts of such works would be properly addressed.

Designation of the Area as Country Park (R524, R1269, R1319, R1337 and R1406)

- (o) Incorporation of the Area into Country Park 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 Park.

Other views

- (p) The “Ho Residence and Ho Ancestral Hall” in Pak Sha O has been accorded with a Grade 1 status and become one of the candidates of the pool of highly valuable heritage buildings for consideration of monument declaration in future (**R524**). Preparation of the draft OZP is not a designated project and not subject to the EIA Ordinance (**R524**).
- (q) The preparation of new village layout plan for village will depend on a number of factors such as implementation prospect of the layout plan, manpower and priority of works within PlanD. The need for preparation of new village layout for the “V” zone to be covered by the OZP will be reviewed as appropriate in due course (**R521**).
- (r) Relevant information on the preparation of the draft OZP (**R522**) and documents on Small House application including TPB PG-NO. 10 "Application for Development within Green Belt Zone under Section 16 of the Ordinance" and Technical Documents "Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories" (**R6**) are available at the Board’s website.
- (s) Each application would be considered by the Board on its individual merits, taking into account relevant guidelines which can be found at the Board’s website (**R6**).
- (t) Other views and requests are outside the purview of the Board. They should be relayed to relevant government departments for consideration as appropriate (**R6, R522, R1049, R1074, R1108, R1122, R1134, R1146, R1231, R1247, R1267, R1270, R1273, R1276, R1299, R1538, R1668, R1670, R1729, R1730, R1732, R1760 and R1804**).

9. 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.

10. ATTACHMENTS

Annex I	Submissions of representations and samples of standard letters/e-mails
Annex II	Submissions of comments and samples of standard mail
Annex III	Summary of representations and comments and PlanD’s responses
Annex IV	CD-ROM containing names of all representers and commenters as well as their submissions (for Members only)
Annex V	Letter submitted by R350 on 17.6.2016
Annex VI	Extracts of the Notes of the “V”, “G/IC”, “AGR”, “GB” and “CA” zones of the draft Pak Sha O OZP Plan No. S/NE-PSO/1

Drawing H-1	Zoning proposals submitted by the VR of Pak Sha O Village (R2)
Drawing H-2	Zoning proposals submitted by 翁盛亨堂司理 (R4) and 翁盛亨堂成員 of Pak Sha O Ha Yeung (R5)
Drawing H-3	Zoning proposals submitted by Eco-Education and Resources Centre (R525) and other individuals (R541 to R545)
Drawing H-4	Zoning proposals submitted by an individual (R528)
Plan H-1	Location plan
Plan H-2a	Representation proposals in Group A
Plan H-2b	Representation proposals in Group B
Plan H-3a	Development Constraints – Pak Sha O
Plan H-3b	Site photos – Pak Sha O
Plan H-4	Land Ownership and Village ‘Environs’ – Pak Sha O
Plan H-5a	Aerial photos – Pak Sha O in 1961 and 1981
Plan H-5b	Aerial photos – Pak Sha O in 2012
Plan H-5c	Aerial photos – Pak Sha O in 2015
Plan H-6a	Representation proposals in Group A – “V” and “V(1)” zones at Pak Sha O
Plan H-6b	Site photo – Pak Sha O
Plan H-6c	Site photos of Proposals in Group A – Pak Sha O
Plan H-6d	Representation proposals in Group A – Proposed “V” zones at Pak Sha O Ha Yeung
Plan H-6e	Site photo – Pak Sha O Ha Yeung
Plan H-6f	Site photos of Proposals in Group A – Pak Sha O Ha Yeung
Plan H-6g	Representation proposals in Group B – Pak Sha O
Plan H-6h	Site photos – Agricultural Rehabilitation at Pak Sha O
Plan H-7a	Proposed Land Use Zonings in the Draft Pak Sha O OZPs No. S/NE-PSO/B and S/NE-PSO/C
Plan H-7b	Proposed Land Use Zonings in the Draft Pak Sha O OZPs No. S/NE-PSO/C and S/NE-PSO/1