

ZONES		地帶
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	G/C	政府、機構或社區
AGRICULTURE	AGR	農業
CONSERVATION AREA	CA	自然保育區
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME	— • —	規劃範圍界線
BOUNDARY OF COUNTRY PARK	— . —	郊野公園界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分率 APPROXIMATE AREA & %			用途
	公頃 HECTARES	%	百分率	
VILLAGE TYPE DEVELOPMENT	0.95	13.97		鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	0.03	0.44		政府、機構或社區
AGRICULTURE	2.39	35.15		農業
CONSERVATION AREA	3.43	50.44		自然保育區
TOTAL PLANNING SCHEME AREA	6.80	100.00		規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分，
現經修訂並按照城市規劃條例第 7 條展示。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND HAVE BEEN AMENDED FOR EXHIBITION UNDER
SECTION 7 OF THE TOWN PLANNING ORDINANCE

草圖編號 S / S K - P L / 1 的修訂
(該圖包含圖則編號 R / S / S K - P L / 1 - A 2 上顯示的修訂)
AMENDMENTS TO DRAFT PLAN No. S / S K - P L / 1 INCORPORATING
THE AMENDMENTS AS SHOWN ON PLAN No. R / S / S K - P L / 1 - A 2

AMENDMENTS EXHIBITED UNDER SECTION 7
OF THE TOWN PLANNING ORDINANCE

按照城市規劃條例第 7 條
展示的修訂

AMENDMENT ITEM A

AMENDMENT ITEM B

(參看附表)
(SEE ATTACHED SCHEDULE)

2 0 2 0 年 4 月 3 日
按照城市規劃條例第 7 條展示的
草圖編號 S / S K - P L / 1 的修訂 (該圖包含圖則編號 R / S / S K - P L / 1 - A 2
上顯示的修訂)
AMENDMENTS TO DRAFT PLAN No. S / S K - P L / 1 INCORPORATING
THE AMENDMENTS AS SHOWN ON PLAN No. R / S / S K - P L / 1 - A 2
EXHIBITED UNDER SECTION 7 OF THE TOWN PLANNING ORDINANCE ON
3 APRIL 2020

Signed Fiona LUNG
SECRETARY
TOWN PLANNING BOARD

龍小玉 簽署
城市規劃委員會秘書

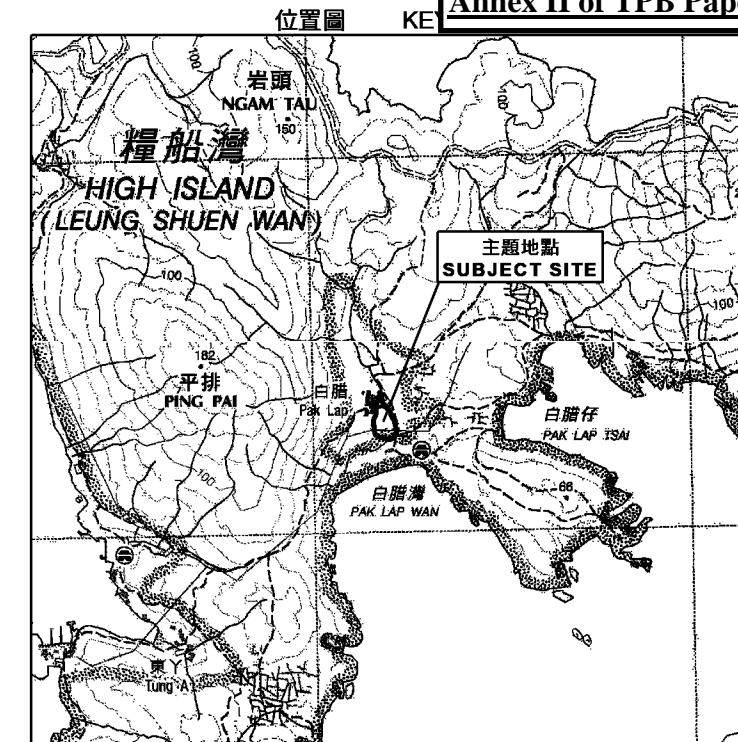
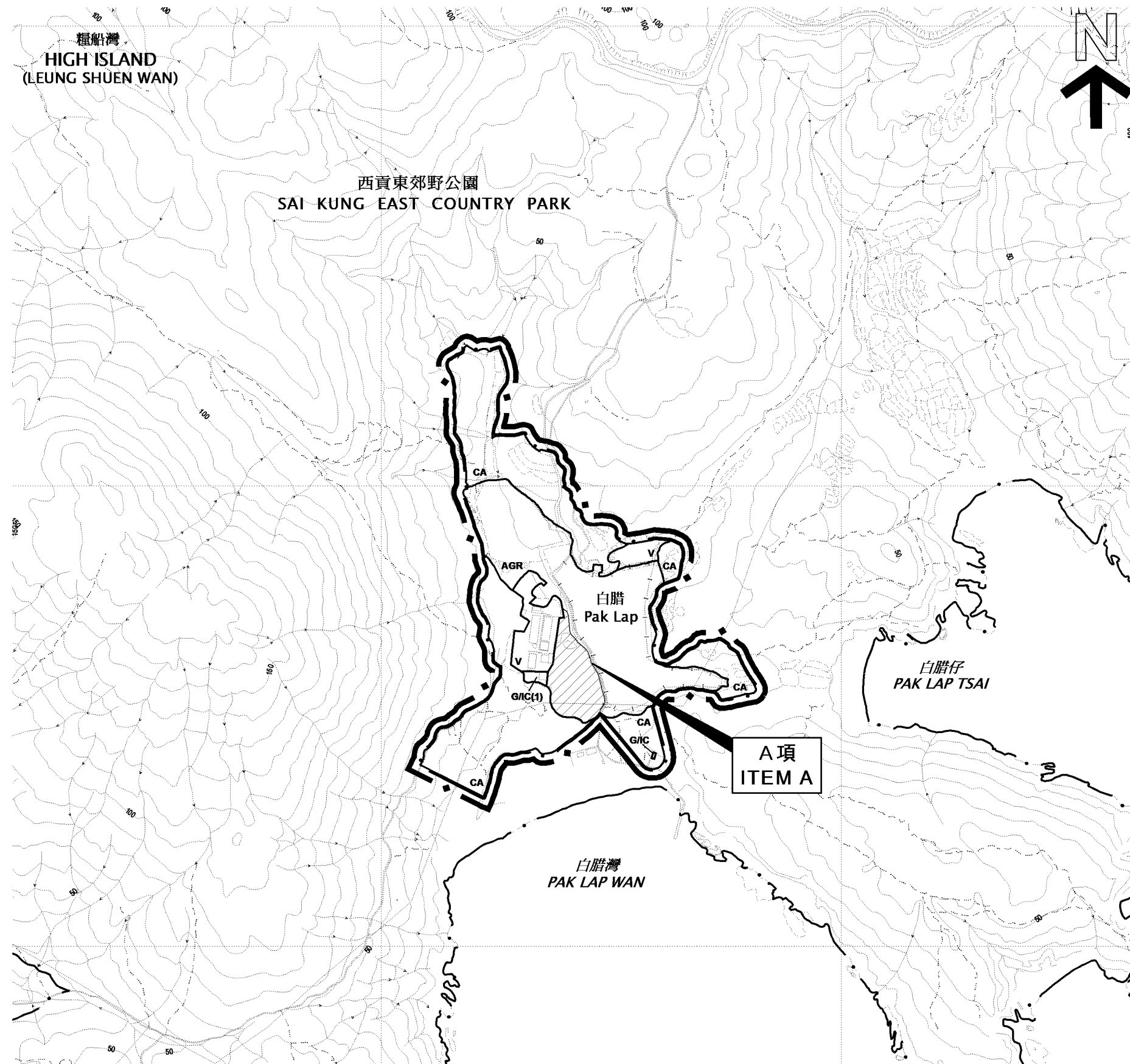
香港城市規劃委員會依據城市規劃條例擬備的白腊分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
PAK LAP - OUTLINE ZONING PLAN

SCALE 1:5000 比例尺

米 METRES 100 0 200 400 600 800 METRES 米

規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER
THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號
PLAN No. S / S K - P L / 3



SCALE 1 : 20 000 比例尺

草圖編號 S/SK-PL/3 的建議修訂
PROPOSED AMENDMENT TO DRAFT PLAN No. S/SK-PL/3

根據城市規劃條例第 6C(2) 條公布的建議修訂
PROPOSED AMENDMENT PUBLISHED UNDER SECTION 6C(2)
OF THE TOWN PLANNING ORDINANCE

A 項 ITEM A
由「鄉村式發展」地帶改劃為「農業」地帶
REZONING FROM "VILLAGE TYPE DEVELOPMENT"
TO "AGRICULTURE"

(參看附表)
(SEE ATTACHED SCHEDULE)

2021年1月22日根據城市規劃條例第6C(2)條公布
對草圖編號 S/SK-PL/3 作出的建議修訂
PROPOSED AMENDMENT TO DRAFT PLAN No. S/SK-PL/3
PUBLISHED UNDER SECTION 6C(2) OF THE TOWN
PLANNING ORDINANCE ON 22 JANUARY 2021

Signed Fiona LUNG 龍小玉 簽署
SECRETARY, TOWN PLANNING BOARD 城市規劃委員會秘書

白腊分區計劃大綱草圖編號 S/SK-PL/3 的建議修訂
PROPOSED AMENDMENT TO DRAFT PAK LAP
OUTLINE ZONING PLAN No. S/SK-PL/3

SCALE 1 : 5 000 比例尺
米 METRES 100 0 100 200 300 400 METRES 米

規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER
THE DIRECTION OF THE TOWN PLANNING BOARD



圖則編號
PLAN No. R/S/SK-PL/3 - A1

**SCHEDULE OF PROPOSED AMENDMENT TO
THE DRAFT PAK LAP OUTLINE ZONING PLAN NO. S/SK-PL/3
MADE BY THE TOWN PLANNING BOARD
UNDER THE TOWN PLANNING ORDINANCE (Chapter 131)**

I. Amendment to Matter shown on the Plan

- Item A – Rezoning of an area to the east of the village cluster at Pak Lap from
 “Village Type Development” to “Agriculture”.

Town Planning Board

22 January 2021

**Proposed Amendments to the Explanatory Statement of
the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/3
in relation to Amendment Plan No. R/S/SK-PL/3-A1**

(This does not form part of the proposed amendment to
the draft Pak Lap Outline Zoning Plan No. S/SK-PL/3)

Paragraphs 7.1.2, 9.1, 9.3 and 9.3.2 of the Explanatory Statement are proposed to be amended:

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.2 Agriculture Potential

The northern parts of the Area which are once the subject of excavation works were previously used for agricultural use. With the cessation of excavation works, the fallow agricultural lands are now overgrown with grass and shrubs and are considered in good quality with good potential for agricultural use. *The central part of the Area comprises vacant land with agricultural infrastructure and possesses potential for rehabilitation for cultivation and other agricultural purposes.*

9. LAND USE ZONINGS

9.1 “Village Type Development” (“V”) : Total Area 0.95 **0.50** ha

9.3 Agriculture (“AGR”) : Total Area 2.39 **2.83** ha

9.3.2 Fallow arable land *and vacant land* with *agricultural infrastructure and* potential for rehabilitation for cultivation and other agricultural purposes is found in the north-western *and central* parts of the Area. They are worthy of preservation from agricultural point of view.

有關《白腊分區計劃大綱草圖編號 S/SK-PL/3》的進一步申述人名單
**List of Further Representatives in respect of
the Draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/3**

進一步申述編號 Further Representation No. (TPB/R/S/SK-PL/3-)	「進一步申述人」名稱 Name of 'Further Representer'
F1	Master Mind Development Limited
F2	劉伯安
F3	何連嬌
F4	劉劍芳
F5	周有嬌
F6	劉天來
F7	林月鄉
F8	麥美華
F9	劉土興
F10	劉王玉英
F11	劉漆發
F12	鄭秀芬
F13	劉伯佑
F14	劉明光
F15	官美玲
F16	劉伯華
F17	Chan Lai Yin
F18	Chen Che Fung
F19	Cheung Ka Mang Joice
F20	Chiu Wah
F21	Chow Wing Hang
F22	Kan Kin Wing
F23	Kwan Chung Wai
F24	Kwok Sau Kuen
F25	Lai Chin Yung
F26	Lee Ka Sing
F27	Leong Hoi Yan
F28	Leung Man Kin

進一步申述編號 Further Representation No. (TPB/R/S/SK-PL/3-)	「進一步申述人」名稱 Name of 'Further Representer'
F29	Leung Wai Lim
F30	Ma Man Yee
F31	Ng Yu Chun Elise
F32	Tang Ching Han
F33	Wai Man Kit
F34	Wong Fung Tai
F35	Wong Lai Yin Natalie
F36	Wong Miu Ting
F37	Chak Kiu
F38	Chan Chi Fai
F39	Chan Fu Shing
F40	Chan Ka Ming
F41	Cheung Lui Lui
F42	Cheung Suk Yee
F43	Chik Chung Leung
F44	Chow Tat Chi
F45	Chu Yin On
F46	Lam Ho Yan
F47	Dorcas Fok
F48	Fan Tsz Chun
F49	Ko U Chong
F50	Kwok Man Kit
F51	Lam Cheuk Kwan
F52	Lau Hang Yee
F53	Law Chun Pan
F54	Lee Wing Kin
F55	Leung Wai Sing
F56	Li Ching Fai
F57	李安寧
F58	Suen Sau Ming
F59	Sung Yuen Shan
F60	Tam Siu Kong Terence
F61	To Wai Lim William
F62	Tong Kit Ping

進一步申述編號 Further Representation No. (TPB/R/S/SK-PL/3-)	「進一步申述人」名稱 Name of 'Further Representer'
F63	Wolfe Ian Brown
F64	Wong Chik Lim
F65	Wong Ho Fung
F66	Wu Jia Ling
F67	Wu Kit Ling
F68	Yeung King Ching
F69	Yu Ying Chee
F70	Yuen Cheuk Kei Edmond
F71	陳志偉
F72	洪志堅
F73	劉志雄
F74	蕭和平
F75	黃國民
F76	Cham Kam Sang
F77	Chong Tung Fai
F78	Ho Sze Wing
F79	Tsang Kwok Chuen
F80	Yuen Chun Keung
F81	Ng Hei Man
F82	Nip Hin Ming
F83	Woo Ming Chuan
F84	Wong Suet Mei
F85	Wong Wan Kei Samuel
F86	Paul Zimmerman

**Summary of Further Representations (FRs) made on the Proposed Amendment to
the Draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/3 and Planning Department's Responses**

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
<p>F1 Master Mind Development Limited</p>	<p>(a) Oppose Amendment Item A and the proposed amendments to the Explanatory Statement of the OZP.</p> <p><u>Grounds of FR</u></p> <p><i>Genuine Need for Small House Development</i></p> <p>(b) Information presented to the Town Planning Board (the Board) so far cannot constitute a comprehensive review on the genuine need for Small House development, and as such, the Board's decision on reducing available land intended and zoned for "Village Type Development" ("V") is both arbitrary and premature. Assumptions on the need for Small House development should be based on a host of considerations including the actual number of eligible indigenous villagers.</p> <p>(c) The Board did not account for whether or not male indigenous villagers would wish to apply for building a Small house beyond the 10-year window. Indigenous villagers have a right to apply for building a Small House under the Small House Policy and the Basic Law without time restriction and regardless of where they are currently residing.</p> <p>(d) In taking the view that the 10-year forecast for Small House</p>	<p>(i) To follow up the judicial review judgment, a review of the genuine need issue has been undertaken for the Board's consideration on 3.3.2020. The best available information relating to the Small House demand, including the updated/past figures on Small House applications and 10-year demand forecasts and its breakdown provided by IIRs starting from 2010, was obtained from the LandsD for consideration by the Board. For the case of Pak Lap, the Board noted that the 10-year demand forecast changes over time, and the IIR did not specify the 10-year demand forecast in his latest reply in 2020. The Board was fully aware that there is no mechanism to verify the figures in the Small House demand forecast provided by the IIRs at the planning stage, whereas the status of the Small House applicant would be verified by the District Lands Officer/Sai Kung (DLO/SK) during the processing of Small House grant application. The Board also considered that the genuine need for Small House development might vary according to different</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>application is unknown, the Board only relied on the information provided to the Lands Department (LandsD) by the Indigenous Inhabitant Representative (IIR), without resorting to any other available measures that could have been taken. The limitations of the standard proforma submitted by the IIR to the LandsD lead to a significant information gap that prevents the Board from making an informed decision. It also appears that the Board has not adopted any measures to verify the information provided by the IIR and blindly relied on the information.</p> <p>(e) Contrary to the Board's view that there is no practical means available to determine the genuine need for Small House development at the planning stage, there are in fact options available to overcome or assist to overcome the information gap. The Board should have taken into account results from its independent investigation and/or expert opinion in coming up with the Proposed Amendment.</p>	<p>circumstances, for example, due to improvement in infrastructure. In this connection, the Board has already sufficiently acquainted itself with the best available information on the genuine need issue as detailed above and reached the conclusion that there is no practical means to determine the genuine need for Small House development at the planning stage. It would be impractical for the Board to conduct and verify a forecast separately on the genuine need for Small House development for individual village. Demand forecast for Small House development was only one of the host of planning factors being considered in the designation of "V" zone. In designating the "V" zones in the Pak Lap OZP and making the Proposed Amendment, the Board has also taken into account all related planning considerations including but not limited to the 'village environs', local topography, existing settlement pattern, approved and outstanding Small House applications, availability of road access and infrastructure, areas of ecological and landscape importance, site specific constraints, as well as the representations and comments on the draft OZP.</p> <p>(ii) The Proposed Amendment would not affect the indigenous villagers' <i>right to apply</i> for building a Small House under the</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
		<p>Small House Policy. Should there be a change in planning circumstances in the future, including the case when land within the reduced “V” zone is insufficient to meet the need for Small House development, alternative land use proposals/planning approvals could be considered by the Board.</p> <p>(iii) On the issue of time and residency restrictions under the Small House Policy, DLO/SK, LandsD advises an overseas indigenous villager applying for Small House Grant on government land has to return to Hong Kong and satisfy the DLO that he has a genuine intention to live in Hong Kong for permanent residence. If the application for Small House Grant is sent from outside of Hong Kong, it would be rejected. There is no time restriction and requirement on residency imposed on applications for free building licence for Small House on private land.</p>
	<p>(f) In response to R4, R5 & R6 that land in the “V” zone has been sold and that the “V” zone may facilitate the abuse of the Small House Policy, the Planning Department (PlanD) has noted that land ownership should not be a material planning consideration. The current landholding does not</p>	<p>(iv) Land ownership is not a material planning consideration on the designation of land use zonings as ownership could change over time.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>preclude villagers from developing Small Houses in the future, nor undermine the real demand for village expansion.</p> <p><i>Rezoning of the Further Representation Site from “V” to “Agriculture” (“AGR”)</i></p> <p>(g) An incremental approach has already been adopted when designating the “V” zone with an aim to confining Small House development to the existing village cluster and the adjoining suitable land and to minimise adverse impact on the natural environment. Recognising that demand for Small House development in the existing ‘village environs’ of Pak Lap can be anticipated, land already intended for village expansion should be preserved. It is inappropriate for PlanD to reduce the “V” zone while acknowledging potential demand for “V” in the future. This uncertainty demonstrates that the Proposed Amendment is not based on a sound planning approach.</p> <p>(h) Given that the vacant land within “V” zone has been cleared and is considered suitable for Small House development, allowing the Further Representation Site (the FR Site) to remain “V” does not deviate from the conservation-oriented approach on Country Park Enclaves.</p>	<p>(v) Having considered the representations and comments on the draft OZP, the Board was of the view that the original “V” zone on the draft OZP, which could accommodate 16 new Small Houses, was excessive. The Board directed that the “V” zone should be confined to the existing village cluster, and reiterated that an incremental approach for designating the “V” zone for Small House development should be adopted in order to minimise the adverse impacts on the natural environment. With the Proposed Amendment, it is estimated that about 0.10ha of land is available within the “V” zone to meet the four outstanding Small House applications. Having considered all relevant planning considerations detailed in response (i) above, expert advice from government departments and the views from stakeholders (including the representers and commenters in relation to the draft OZP), the Proposed Amendment could strike a balance between enhancing nature conservation and meeting the needs for Small House development. Response</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>(i) The rezoning to “AGR” in effect will alter the planning intention of the FR Site and will frustrate future Small House development which is contrary to the said planning intention.</p> <p>(j) The “AGR” zone creates greater administrative and financial burdens and uncertainty for indigenous villagers hoping to implement their Small House rights with the requirement for a s.16 planning approval in addition to application to the LandsD.</p> <p>(k) The Further Representer is a “concerned friend of the village” who seeks holistic preservation of Pak Lap through environmental and cultural stewardship. The Further Representer recognises the importance of village enhancement and ecological conservation, and has a mission of supporting the repair and restoration works in Pak Lap. The “AGR” zone will seriously curtail the Further Representer’s efforts in supporting village growth and achieving comprehensive ecological enhancement.</p> <p>(l) The Proposed Amendment neglects the 300-year history of Pak Lap Village. By restricting the area designated for existing recognised villages and areas of land considered suitable for village expansion, it would significantly and adversely affect Pak Lap Village by curtailing consolidated development, village renewal and villager’s ability to</p>	<p>(ii) above is also relevant.</p> <p>(vi) The Proposed Amendment is considered not incompatible with village development and the proposed rezoning to “AGR” would not affect sustainable growth of the village. There is no justification to demonstrate that the planning intention for agricultural use in the FR Site would be in conflict with village enhancement and environmental conservation.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>improve living standards. Indigenous villagers are in effect being discouraged from returning to their roots and home.</p> <p>(m) The Board has acted unreasonably in providing only one solution with no other alternatives to address the issue of balancing the Small House development and agricultural rehabilitation in Pak Lap.</p>	
	<p><i>Provision of Buffer to the Existing Stream</i></p> <p>(n) The Board's view on the need to provide a buffer between the "V" zone and the stream is unsubstantiated. There is an established approval framework of Small House applications to ensure no adverse environmental impacts. The Board also has discretion in the approval of any major diversion of streams or filling of pond in "V" zone including that to effect a change of use for Small House development under the planning framework. There is no strong evidence demonstrating adverse environmental or ecological impacts as a result of village development as compared with "AGR" use.</p>	<p>(vii) In consideration of the representations and comments on the draft OZP, the Board was well aware that the stream in Pak Lap is not an Ecologically Important Stream (EIS) or Site of Special Scientific Interest (SSSI) and there are current administrative control on the design and construction of Septic Tank and Soakaway (STS) systems. Nonetheless, the Board was of the view that consideration should be given to providing a buffer area between the "V" zone and the stream, having deliberated on the issues such as, inter alias, a careful approach in handling the interface between the "V" zone and the sensitive surroundings, and the conservation of an unpolluted stream. In this regard, the Director of Agriculture, Fisheries and Conservation (DAFC) advises that the Proposed Amendment at the FR Site would reduce the</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
		<p>likelihood of further deterioration of the stream due to village development thereon. The Director of Environmental Protection (DEP) has no comment on the “AGR” zoning for the FR Site provided that the buffer distance requirement from the stream as laid down in Environmental Protection Department’s (EPD’s) Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the EPD” could be met. The rezoning of the FR Site from “V” to “AGR” is appropriate for provision of a buffer to the stream.</p>
	<p><i>Planning Procedure</i></p> <p>(o) The Board has taken a wrong procedural route in allowing only 3 weeks for the public to inspect and to make representation to the Proposed Amendment pursuant to s.6D(2) of the Ordinance. The Proposed Amendment extends well beyond the scope of the “Initial Amendment Items” (i.e. Items A and B of the draft Pak Lap OZP No. S/SK-PL/3) in terms of scope and area affected, and would result in significant changes to the statutory land use zoning framework and planning intentions for Pak Lap. Such material amendment should be subject to the full and proper plan making process. The 3-week commenting period is</p>	<p>(viii) The Board has complied with the statutory procedure in publishing the Proposed Amendment for FR under s.6C(2) (instead of s.6D(2) as claimed in the FR) of the Ordinance. It should be noted that while the “Initial Amendment Items” have already taken immediate statutory effect upon gazettal under s.7 of the Ordinance, the Proposed Amendment, gazetted under s.6C(2) of the Ordinance, has no statutory effect yet. The initiating step behind s.6C(2) publication is s.6B(8) of the Ordinance, which stipulates that proposed amendments to the draft OZP can be made in any one of the following manners: (i) in the manner proposed in the</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>insufficient to allow proper representations. Indigenous villagers affected by the Proposed Amendment had not been notified beforehand and cannot be properly consulted within the time provided. As a matter of fairness, the Proposed Amendment should be allotted at least the same 2-month consultation time as in the case pursuant to s.7 of the Ordinance. Any decision in respect of the Proposed Amendment, if ever reached, will be tainted with procedural irregularity.</p> <p>(p) It must also be noted that the majority of representations made during the two-month public inspection period and comments were not relevant to the “Initial Amendment Items” but rather on unrelated issues. When the Board considered these representations and comments, it did not have a balanced view from all locals who had not submitted any representations in respect of the “Initial Amendment Items” which were minor in nature and not affecting their future rights.</p>	<p>representations; or (ii) in the matter that, in the opinion of the Board, will meet the representations. The Proposed Amendment, which involves reducing areas zoned “V” on the draft OZP, has been made in a manner that in the Board’s opinion would partially meet the 14 representations. The mere fact that the Proposed Amendment involves a more substantial reduction in areas zoned “V” as compared to the Amendment Items under the draft OZP would not justify for a deviation from the required statutory procedure. In any case, the alleged procedural irregularity (i.e. the 3-week period) did not appear to have posed any obstacle for F1 to engage its representatives to prepare a lengthy FR submission to the Board.</p> <p>(ix) It should be noted that any person may make representations and/or comments on representations in accordance to s.6(1) and s.6A(1) of the Ordinance. Any person, other than that who has made any representation or comment after consideration of which the Proposed Amendment is proposed, may also make FR to the Board in respect of the Proposed Amendment under s.6D(1) of the Ordinance. The future rights of the indigenous villagers are the subject of opposing FRs submitted which would be duly heard and considered by the Board.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	(q) The Board has acted unreasonably and arbitrarily in adopting the Proposed Amendment when it has not sufficiently discharged its <i>Tameside</i> duty and there remains substantial doubt as to the basis of the Proposed Amendment.	(x) As a matter of the plan-making process under s.6F of the Ordinance, the Proposed Amendment would be subject to the hearing of FR and the Board's deliberation and decision before the Proposed Amendment may take statutory effect. The due process for considering the merits of the Proposed Amendment has yet to take place at the time of the publication of the Proposed Amendment and hence there is no question of the Board not discharging <i>Tameside</i> duty, not to mention insufficiently discharging that duty.
	<u>Further representer's proposal</u> Not to adopt the Proposed Amendment as part of the draft OZP and the FR Site should remain to be zoned as "V".	(xi) Responses (v) and (vi) above is relevant.
F2 to F16 For the names of further representers, please see Annex II .	(a) Oppose Amendment Item A. <u>Grounds of FR</u> (b) The "AGR" designation lacks common sense and scientific ground. There have never been growth of cash crops in Pak Lap due to the acid and cohesive soil in the area. The villagers in Pak Lap are mostly elderly and there is no labour force for farming. Pak Lap is remote with insufficient	(i) The "AGR" designation under the Proposed Amendment is considered appropriate from agricultural perspective. DAFC advises that the FR Site possesses a potential for agricultural rehabilitation. Agricultural infrastructures such as footpath and water source are available. The FR Site can

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	transport facilities. It is not easy to develop agriculture with economic value.	be used for agricultural activities such as greenhouse farming and plant nurseries. Moreover, according to DAFC's site inspection in April 2019, there were agricultural activities at the FR Site.
	<p>(c) The development rights of villagers of Pak Lap would be fundamentally deprived by the rezoning from "V" to "AGR" in that land reserved for villagers to develop Small House would be further reduced. There is no hotel or restaurant in Pak Lap and the visitors are mainly locals who do not spend much.</p> <p>(d) The older generation of villagers who make a living outside the village are reaching retirement age and they have decided to return to live in the village. The cancellation of the "V" zone would extinguish all hope for the elderly to build a residence in the village. PlanD's practice is unfair to the villagers.</p> <p>(e) The Board must not only take into account the views of green groups and deprive the rights of others. Retaining the "V" zone would not induce adverse ecological impacts. The Board should respect the lawful traditional rights of the</p>	<p>(ii) Response (v) to F1 above is relevant.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	indigenous inhabitants of the New Territories.	
F17 to F36 For the names of further representers, please see Annex II .	<p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of FR</u></p> <p>(b) Among the land use zonings in Pak Lap, “AGR” accounted for 2.39 ha, “CA” for 3.43 ha, but there was only 0.95 ha of land zoned “V”.</p> <p>(c) The “AGR” zone in Pak Lap is not used for farming as there is insufficient water in winter and flooding in summer – a lack of irrigation and stable water source. There is already sufficient land in Pak Lap for agriculture and nature conservation purposes.</p>	<p>(i) Response (i) to F2 to F16 above is relevant.</p>
	<p>(d) The further reduction of “V” to 0.45 ha neglects the genuine need of the villagers for the “V” zone and is detrimental to village development. The “V” zone could generate synergy and sustainable development in that villagers would return to the village bringing a new labour force, developing eco-tourism, striking a balance between environmental, societal and economic needs, and ensuring rational development of</p>	<p>(ii) Responses (v) and (vi) to F1 above are relevant.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	land.	
F37 to F80 For the names of further representers, please see Annex II .	<p>(a) Oppose Amendment Item A.</p> <p><u>Grounds of FR</u></p> <p>(b) In the case where a landowner intends to rezone a land from the lower-valued “AGR” to a higher-valued “V”, the Government would demand the payment of a large sum of premium. On the contrary, when the Board proposes Amendment by rezoning higher-valued “V” to lower-valued “AGR”, there would be no compensation to the landowner. Such practice is unreasonable and unfair. The Government is intruding private land and such act is comparable to the robbery of the citizens’ properties.</p> <p>(c) If the Board could arbitrarily rezone any land from higher-valued zonings to lower-valued zonings, such practice would set an undesirable precedent and would deprive the rights of landowners.</p>	<p>(i) As advised by DLO/SK, LandsD, the private lots at the FR Site are Old Schedule Agricultural Lots held under Block Government Lease where approval from the Government is required for erection of structure thereat. The proposed “AGR” zoning would not affect the permitted use of the land and the rights under the lease.</p>
F81 Ng Hei Man	<p>(a) Oppose Amendment Item A.</p>	

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p><u>Grounds of FR</u></p> <p>(b) While the reduction in the size of “V” is appropriate and in line with the general planning intention, it is a disappointment to zone the FR Site as “AGR”. It is a wrong decision from the beginning to designate a large “AGR” zone as it fails to promote any genuine agricultural activities and offers no protection for the environment. There was land excavation, with turf paved on the remaining “regenerated grassland”.</p>	<p>(i) The designation of “AGR” zone on the OZP had been duly considered by the Board in the previous hearing on the draft Pak Lap OZP No. S/SK-PL/3 and the Board considers that in general the designation of the “AGR” zoning in Pak Lap is appropriate. There is no strong justification for a departure from the Board’s previous decision. To ensure that activities within the “AGR” zone would not result in adverse environmental impact, the Notes of the OZP have stipulated that diversion of stream, and filling of land/pond within “AGR” zone are subject to the Board’s approval. Although land of the FR Site is filled and hard-paved, private lots within the FR Site are Old Schedule Agricultural Lots for agricultural purposes and DAFC advises that it has potential for agricultural rehabilitation.</p>
	<p>(c) Application for Small House is allowed within the “AGR” zone. A study reveals that the approval rate of Small House applications in “AGR” zone remains high at over 60%. It remains doubtful if the proposed “AGR” zone can ensure proper protection of the environment.</p>	<p>(ii) Whilst New Territories Exempted House is a Column 2 use under “AGR” zone, the Board has adopted established criteria to assess and consider each of the applications on their individual merits. The applicants must demonstrate that the proposed Small House under application would not cause adverse environmental, landscape, drainage and sewerage impacts, etc. Any such potential impacts must be mitigated to the satisfaction of relevant government</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>(d) No more land in the OZP, including the FR Site, should be zoned as “AGR”. It was suggested that the “AGR” zone should be zoned as conservation zonings such as “Green Belt (1)” (“GB(1)”) zone, the planning intention whereby is “to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There is a general presumption against development within this zone”. Moreover, Small House development is further restricted in this zone so that the ecological and landscape resource in the area can be protected.</p> <p><u>Further representer’s proposal</u></p> <p>(e) Rezone the FR Site from “AGR” to “GB(1)”.</p>	<p>departments.</p> <p>(iii) According to the advice of DAFC, the FR Site has already been filled and partly paved with concrete, as such, higher conservation zonings such as “CA” or “GB(1)” could not be supported for the FR Site from the nature conservation perspective. Taking into account the considerations as detailed in and response (i) to F2 to F16 and response (i) above, the designation of “AGR” for the FR Site is considered appropriate.</p>
<p>F82 Nip Hin Ming</p>	<p>(a) Conservation zonings such as “Conservation Area” (“CA”) and “GB(1)” should be designated for the FR Site.</p> <p><u>Further representer’s proposal</u></p> <p>(b) Rezoning the FR Site as “CA” or “GB(1)” zones.</p>	<p>(i) Response (iii) to F81 above is relevant.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
<p>F83</p> <p>Woo Ming Chuan</p>	<p>(a) Pak Lap which is encircled by Sai Kung East Country Park (SKECP) supports diverse population of different fauna groups and is ecologically linked to the SKECP. It also supports protected species of ardeids, waterbirds and raptors. High diversity of butterflies (37 species) and birds (55 species) have been recorded in Pak Lap, including two uncommon butterfly species, Bush Hopper <i>Ampittia dioscorides etura</i> (黃斑弄蝶) and Silver Streak Blue <i>Iraota timoleon timoleon</i> (鐵木萊異灰蝶) and 11 bird species of conservation interest.</p> <p>(b) A water fern <i>Ceratopteris thalictroides</i> (水蕨), which is considered to be a “rare and precious plant” due to its special habitat requirement, was found in the wet abandoned fields in Pak Lap but its area of distribution and population size are decreasing.</p> <p>(c) The Board is urged to acknowledge the ecological value of the bird community recorded in Pak Lap, take into consideration of the protection of these associated habitats from any undesirable development and human disturbances, and deter any “destroy first, build later” activities.</p>	<p>(i) The ecological value of Pak Lap and the surrounding areas have been well recognised. The Board well noted and have already duly considered the relevant points in the previous hearing. A conservation-oriented approach has been adopted in drawing up the draft OZP. The grounds raised by F83 to F85 in relation to the ecological value are not related to the Proposed Amendment.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>(d) A conservation-oriented approach should be adopted in the designation of various zones in Pak Lap. The Proposed Amendment by taking an incremental approach is in line with the planning intention of the OZP and the further reduction of the “V” zone is appropriate. The rezoning from “V” to “AGR” would provide greater buffer distance between the section of stream and the existing village cluster.</p>	<p>(ii) The supportive views are noted.</p>
	<p>(e) The Board should pay attention to the inadequacies and potential threats of the “AGR” zoning. The current broad definition of “agricultural uses” is leading to the destruction of cultivable agricultural lands. The land uses permitted under “AGR” zone would pose undesirable environmental and sewerage problems in Pak Lap. It is worrying that the approval rate of Small House applications in “AGR” zone remains high at over 60%. A stricter zoning (such as “GB(1)”) should be adopted. This can avoid house development or incompatible developments that would destroy the natural features in Pak Lap, protect the stream from adverse sewage impacts, and provide stringent development control.</p>	<p>(iii) Responses (ii) and (iii) to F81 above is relevant.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p><u>Further representer's proposal</u></p> <p>(f) Rezoning the FR Site as "GB(1)" zone.</p>	
<p>F84</p> <p>Wong Suet Mei</p>	<p>(a) Pak Lap which is encircled by SKECP supports diverse population of different fauna groups and is ecologically linked to the SKECP. It also supports protected species of ardeids, waterbirds and raptors. High diversity of butterflies (37 species) and birds (55 species) have been recorded in Pak Lap, including two uncommon butterfly species, Bush Hopper <i>Ampittia dioscorides etura</i> (黃斑弄蝶) and Silver Streak Blue <i>Iraota timoleon timoleon</i> (鐵木萊異灰蝶) and 11 bird species of conservation interest.</p> <p>(b) A water fern <i>Ceratopteris thalictroides</i> (水蕨), which is considered to be a "rare and precious plant" due to its special habitat requirement, was found in the wet abandoned fields in Pak Lap but its area of distribution and population size are decreasing. Individuals of this water fern were found in the marsh of the "V" and the "AGR" zones in 2014, but "destroy first, build later" activities also occurred there.</p> <p>(c) The Board should acknowledge the ecological value of the bird community, to take into consideration in the protection of these associated habitats from any development and</p>	<p>(i) Response (i) to F83 above is relevant.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	human disturbances and to deter “destroy first, build later”.	
	(d) The reduction of the “V” zone to safeguard the ecologically sensitive environment in Pak Lap and the intention to provide buffer to the stream from adverse sewage impact are supported.	(ii) The supportive views are noted.
	(e) The “AGR” zone would not provide sufficient protection because land uses permitted under Columns 1 and 2, which include Small House development through planning permission, would pose undesirable environmental problems (including potential sewage impacts) to Pak Lap and the natural habitat connecting with the country park. It is worrying that the approval rate of Small House applications in “AGR” zone remains high at over 60%. The current broad definition of “agricultural uses” is leading to the destruction of cultivable agricultural lands. A stringent zoning should be applied to deter undesirable developments, to allow rehabilitation of the ecosystem, and to truly perform the function of buffering.	(iii) Response (ii) to F81 above is relevant.

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p>(f) The cleared farmland in Pak Lap was previously wet agricultural land distributed with the aforesaid water fern. Unauthorised land excavation/filling activities and drainage works occurred and turned the seasonally wet grassland into dry land. It is unfortunate that this destroyed land was rezoned to “AGR” where houses and recreational developments were allowed under Columns 1 and 2. To avoid the promotion of the “destroy first, develop later” attitudes among landowners in the locality, the Board is urged to revise the current OZP and rezone areas where “destroy first, develop later” had taken place to a stringent zoning.</p>	<p>(iv) New Territories Exempted House and Hobby Farm are Column 2 uses under the “AGR” zone whereby such developments are subject to planning permissions from the Board.</p> <p>(v) Responses (i) and (ii) to F81 above are also relevant.</p>
	<p>(g) The Board is recommended to rezone the “AGR” zone to “GB(1)”/“AGR(2)” zones, where “no redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan”. These zonings are also to avoid houses development or incompatible developments including existing recreational intensive hobby farm practices, and to protect the stream from adverse sewage impacts and provide stringent</p>	<p>(vi) With regards to the proposed “GB(1)” zone, response (iii) to F81 above is relevant.</p> <p>(vii) As for the proposal for the “AGR(2)” zone, New Territories Exempted House and Hobby Farm are Column 2 uses under the “AGR” zone. Applications for such uses will be considered on their own merits. As such, there is sufficient development control under the “AGR” zoning. Response (ii) to F81 above is also relevant.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	development control.	
	(h) The Board shall reiterate the introduction of planning control alone could not fully protect the sites from activities such as unauthorised tree felling and vegetation removal. In order to fully protect the ecological and landscape values, as well as the overall value of the surrounding SKECP, the authority should consider including Pak Lap into the SKECP following detailed assessments and public consultation. It is considered that Pak Lap and surrounding areas are qualified for such purpose given its value in terms of ecology, landscape and build heritage.	(viii) Designation of 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.
	<u>Further representer's proposal</u> (i) Rezone "AGR" zone as "GB(1)" or "AGR(2)" zones.	(ix) Response (iii) to F81 and response (vii) above are relevant.
F85 Wong Wan Kei Samuel	(a) Support Amendment Item A. <u>Grounds of FR</u> (b) Welcome the decision to shrink the area reserved for "V" to only cover the existing settlements.	(i) The supportive views are noted.

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	(c) While understanding that the current condition of the FR Site may not be suitable for zonings such as “GB” or “CA”, there is concern about the effectiveness of reserving the area for “AGR” when the intention is to protect the rural environment and natural beauty of Pak Lap.	(ii) Response (i) to F81 above is relevant.
	(d) There is no existing nor planned public sewerage for the area. Any further increase in recreation or residential developments will first require additional infrastructure. Septic tank is not appropriate given the lack of access and proximity to watercourses. Enhanced control over development is needed to reduce potential pollution source which may impact the stream running through the east of the FR Site to the south of SKECP and Pak Lap Wan.	(iii) The concerns on sewage treatment arrangements and water quality impact of Small Houses were raised by previous representations and comments on the current and the previous draft OZPs. In this regard, the Board is all along satisfied that there is an established mechanism in the current administrative system to ensure that individual Small House development and STS systems would not entail unacceptable impacts on the surrounding environments. As for recreational development which requires planning permission from the Board in both “V” and “AGR” zones, relevant departments would be consulted to ensure the proposed development under application would not pose adverse sewage impact to the surrounding environment. (iv) Response (vii) to F1 above is also relevant.

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	(e) It is observed that there are unauthorised developments (UDs) and paving of land. An enforcement notice was issued on 4.1.2021 because of unauthorised toilets, changing, bathing and storage facilities.	(v) The Planning Authority has been taking planning enforcement actions in Pak Lap against UD's, including the FR Site, as detailed in paragraph 3.1.2 of the main paper.
	(f) Pak Lap is surrounded by the SKECP and has an inseparable relationship in terms of environment and ecology with the country park. There is a need and public expectation to protect these areas and prevent any further destruction to the natural and rural environment.	(vi) Response (i) to F83 above is relevant.
	(g) To ensure the planning intention and protection of Pak Lap is realised and sustained, the Board should review and limit the uses permitted under Columns 1 and 2. <u>Further representer's proposal</u> (h) To review and limit the uses permitted under Columns 1 & 2.	(vii) Responses (i) and (ii) to F81 , and (iv) to F84 above are relevant.
F86 Paul Zimmerman	(a) Support Amendment Item A.	(i) The supportive views are noted.

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	<p><u>Grounds of FR</u></p> <p>(b) Welcome the decision to shrink the area reserved for “V” to only cover the existing settlements.</p>	
	<p>(c) While understanding that the current condition of the FR Site may not be suitable for zonings such as “GB” or “CA”, there is concern about the effectiveness of reserving the area for “AGR” when the intention is to protect the rural environment and natural beauty of Pak Lap.</p>	<p>(ii) Response (i) to F81 above is relevant.</p>
	<p>(d) There is no existing nor planned public sewerage for the area. Any further increase in recreation or residential developments will first require additional infrastructure. Septic tank is not appropriate given the lack of access and proximity to watercourses. Enhanced control over development is needed to reduce potential pollution source which may impact the stream running through the east of the FR Site to the south of SKECP and Pak Lap Wan.</p>	<p>(iii) Response (vii) to F1 and response (iii) to F85 above are relevant.</p>
	<p>(e) It is observed that there are UD's and paving of land. An enforcement notice was issued on 4.1.2021 because of</p>	<p>(iv) Response (v) to F85 above is relevant.</p>

FR No. (TPB/R/S/SK-PL/3-)	Subject of FR	Response to FR
	unauthorised toilets, changing, bathing and storage facilities.	
	<p>(f) To ensure the planning intention and protection of Pak Lap is realised and sustained, the Board should review and limit the uses permitted under Columns 1 and 2.</p> <p><u>Further representer's proposal</u></p> <p>(g) To review and limit the uses permitted under Columns 1 & 2.</p>	<p>(v) Responses (i) and (ii) to F81, and (iv) to F84 above are relevant.</p>