TPB/R/S/NE-HH/1- 10736

西貢北約鄉事委員會
Sai Kung North Rural Committee
新界大埔墟仁興街人和里二號二樓
1/F., 2 Yan Wo Lane, Yan Hing Street, Tai Po Market, N.T., H. K.
Tel: 2656 3621, 2656 4466 Fax: 2656 0146

致： 城市規劃委員會

敬啟者：

海下分區計劃大綱圖規劃事

茲接獲本會屬區鄉村海下村代表來函，祈本會將海下分區計劃大綱圖規劃事之意見代為反映。就有關的建議經詳閱後，認為能反映村民適切的需求。

以民為本的基礎下，有關部門在保育前提下顧及港大市民閒暇使用的康樂設施，在海下設水上活動康樂中心；並考慮將燒烤場地改建為海岸公園遊客中心，滿足市民及部門的需要；但對海下村民在土地實際的需求上卻未加顧及、關注，故本會絕對支持海下村代表及村民之建議，爭取保育與發展兩者取得平衡！

附函附上海下村代表函件副本供參閱。

西貢北約鄉事委員會
主 席 鄧光彩
副主席 梁和平
丞宗雄

二零一三年十一月廿三日

(47)

致西貢北約鄉事委員會,

海下分區計劃大綱圖之規劃事宜

本年 10 月 16 日於西貢北約鄉事會，就海下分區計劃大綱圖之刊憲與規劃署專員會面後，感謝鄉事會主席及各委員的寶貴意見，現海下村村民將相關意見歸納為附件中的建議。(請參閱附件)

現希望貴 會可為相關建議代為向城市規劃委員會加以反映，本村村民感激不已!

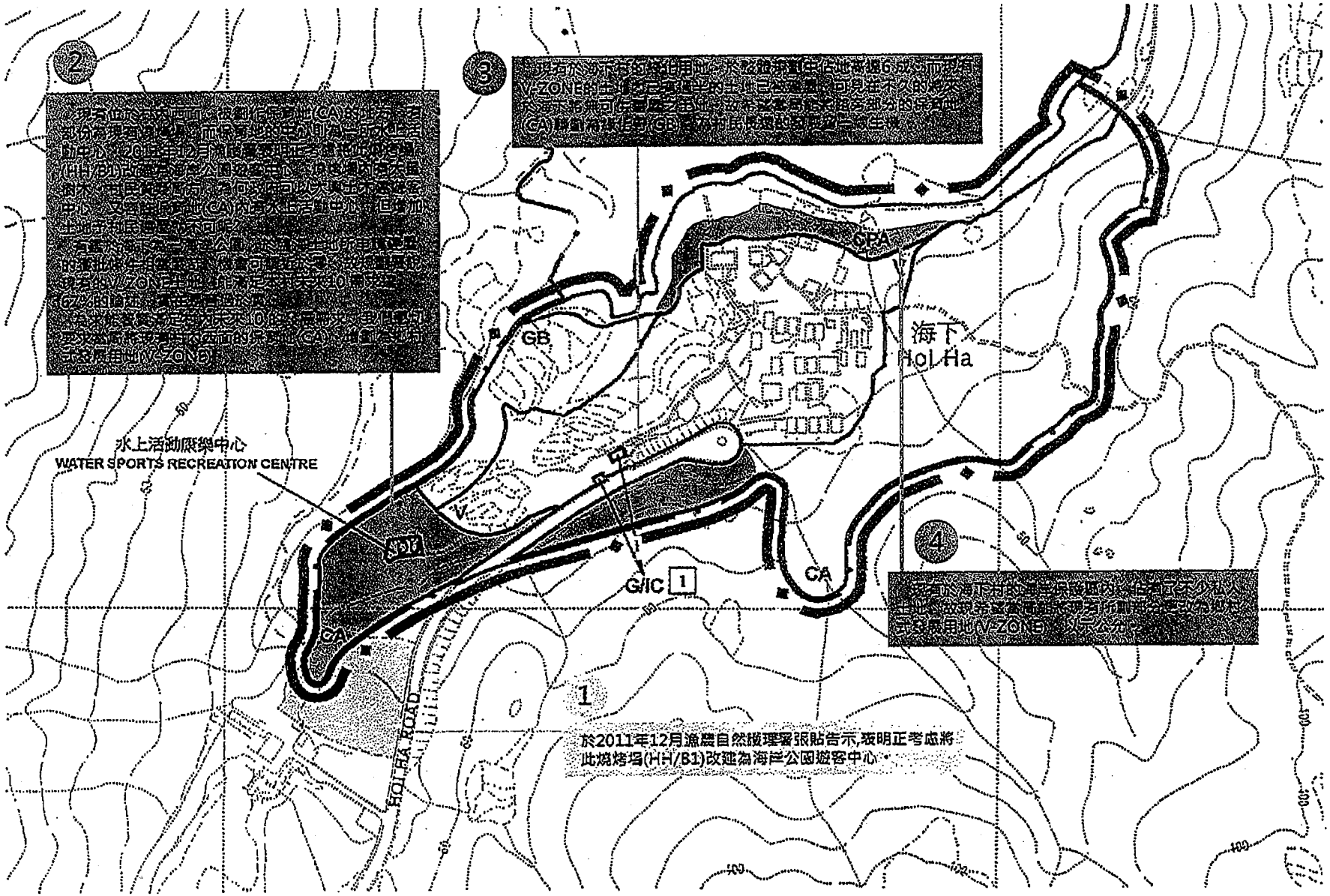
海下村原居民村長

翁煌發先生

簽署: 翁煌發

日期: 2013-11-07

海下村分區計劃大綱圖之意見與具體建議



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tpbpd@pland.gov.hk

寄件者: <[redacted]>
收件者: <tpbpd@pland.gov.hk>
傳送日期: 20/11/2013 下午 05:59
附加檔案: 2013年11月20日 陳家洛 有關城市規劃委員會公佈白腊、鎖羅盆及海下的分區計劃大綱草圖 意見書2.pdf
主旨: 2013年11月20日 陳家洛 有關城市規劃委員會公佈白腊、鎖羅盆及海下的分區計劃大綱草圖 意見書

城規會工作人員,

你好。有關海下、白腊及鎖羅盆分區計劃大綱草圖，公民黨陳家洛議員希望提交意見書。附件爲意見書，煩請查看和處理。

若有任何查詢，請致電[redacted]或電郵至[redacted]聯絡Anthony Ko。

謝謝。

Anthony Ko
議員助理
陳家洛立法會議員辦事處
電話：[redacted]
電郵：[redacted]

S/OZP - (1)

20/11/2013

立法會 Legislative Council
陳家洛議員 Hon Chan Ka Lok Kenneth
公民黨 CIVIC PARTY

有關城市規劃委員會公佈白腊、鎖羅盆及海下的分區計劃大綱草圖

背景

城市規劃委員會(下稱：城規會)於2013年9月公佈白腊、鎖羅盆及海下(下稱：三個地點)的分區計劃大綱草圖，分別把三個地點的部份土地劃作「鄉村式發展」地帶，詳情請參考表一。

表一：三個地點分別被劃作「鄉村式發展」土地的面積

地點	土地面積			人口變化		
	總面積(公頃)	被劃為「鄉村式發展」的土地面積(公頃)	「鄉村式發展」土地佔總面積的百分比	現時人口數目	預計人口數目	變化
白腊	6.8	2.37	34.9%	0 (2006年)	少於50 (2013年)	↑
鎖羅盆	27.68	4.12	14.9%	0	1000	↑
海下	8.45	2.6	30.8%	110	590	+436%

城規會表示，整體規劃的主要意向為「保護該區的高保育和景觀價值」，同時與附近的郊野公園自然美景互相輝映，以及保護自然鄉郊環境及文化遺產，此舉反映特區政府認同三個地點都具一定保育價值。不過，特區政府亦分別於三個地點預留土地應付現有鄉村的需要，供原居民日後的鄉村發展、興建小型屋宇之用。

三個地點的自然環境

三個地點都被視為具保育價值的地帶。以海下為例，香港自然生態論壇曾於本年10月就當地自然生態進行調查，發現超過460物種，部份物種亦具保育價值。詳情請參考表二。

香港中區立法會道一號立法會綜合大樓814室 Room 814, Legislative Council Complex, 1 Legislative Council Road, Central, Hong Kong
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表二：海下物種數據

物種	物種數目	注意事項
植物	180	包括國家二級保護野生植物「沉香」；兩種受林務規例保護的蘭花「高斑葉蘭」和「闊葉沼蘭」。
昆蟲	139	
蜘蛛及其他節肢生物	50	
兩棲類及爬行類	5	包括國家二級保護品種「虎紋蛙」。
魚類	20	
甲殼類	26	
軟體生物	27	
海洋生物	6	
總計	453	

另外，世界自然基金會香港分會表示，白腊部份淡水濕地生長了國家二級保護植物「水蕨」，至於錦龍盆一帶的紅樹林、淡水沼澤、風水林等自然環境蘊藏了大量具保育價值的動植物，包括矮大葉藻、弓背青蹦、食蟹獴等[vii]。

公民黨意見

三個地點中，約15%至35%的土地面積分別被劃為「鄉村式發展」地帶。惟特區政府並未就此提供合理、適當的解釋，令人質疑特區政府推動保育工作的決心。上述規劃方案究竟按甚麼標準和準則為基礎？市民一直被蒙在鼓裡。

就此，公民黨反對三個地點的現行規劃方案，並要求特區政府拿出更多理據和數字。同時，公民黨擔心過度發展將威脅該處的自然生態。特區政府應深切檢討有關土地面積，以免向社會傳遞「一邊納入規劃，一邊縱容破壞」的錯誤訊息。

全港共有77幅「不包括土地」，總面積約2000公頃。鑒於本港城市發展步伐急速，部份「不包括土地」正面臨日漸增加的發展壓力。為保育本港自然生態、改善郊野環境，長遠而言，特區政府應把所有郊野公園「不包括土地」納入郊野公園範圍，使該等土地成為郊野公園一部份，受到《郊野公園條例》保護，以維護本港自然環境。

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審計署署長報告書

2013年10月的審計署署長報告書(第5章 保護郊野公園及特別地區)批評漁農自然護理署對郊野公園和「不包括土地」保護不力、監察不足及規劃不善。針對種種不足之處，公民黨要求特區政府盡快落實報告書的建議，例如：

1) 不少把「不包括土地」納入郊野公園範圍的工作已展開，特區政府應確保該等工作按照預定計劃及時完成；
2) 考慮優先處理一些面對發展壓力的「不包括土地」，及為未展開納入工作的「不包括土地」制訂具體時間表；
3) 密切監察「不包括土地」的情況，尤其在該等地帶進行的不協調發展活動，或任何破壞或有損自然環境的活動；
4) 完善現行巡邏和監察工作的運作模式，同時增撥資源和增加人手，以加強巡視郊野公園和「不包括土地」。

陳家洛

公民黨立法會議員
陳家洛

2013年11月

[i] http://www.info.gov.hk/gia/general/201309/27/P201309260315.htm
[ii] http://www.districtcouncils.gov.hk/sk/doc/en/db_meetings_doc/SK_2013_118_TC.pdf
[iii] http://www.info.gov.hk/gia/general/201309/27/P201309260309.htm
[iv] http://www.districtcouncils.gov.hk/north/doc/tc/committee_meetings_doc/dmwelo/n_dmwelc_2013_032_ch.pdf
[v] http://www.info.gov.hk/gia/general/201309/27/P201309260303.htm
[vi] http://www.districtcouncils.gov.hk/tp/doc/tc/committee_meetings_doc/EHWC/2013/TP_ehwc_2013_039_TC.pdf；http://the-sun.on.cc/cnt/news/20131015/00407_058.html
[vii] 2013年11月18日，明報，A15，環團促減白臘丁屋地面積。

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TPB/R/S/SK-PL/1-



陳偉業(Albert Chan)
[redacted]
25/11/2013 下午 03:25
Please respond to
陳偉業(Albert Chan)
[redacted]

To "tpbpd@pland.gov.hk" <tpbpd@p
"sen@enb.gov.hk" <sen@enb.gov.hk>
cc
bcc
Subject 陳偉業：要求撤回海下分區計劃大綱草圖(草圖編號: S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)並納入郊野公園範圍

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

香港北角渣華道333號北角政府合署15樓
城市規劃委員會
周達明先生

傳真：2877 0245 電話：2231 4826
電郵：tpbpd@pland.gov.hk

電郵、郵寄及傳真文件

周主席：

要求撤回海下分區計劃大綱草圖(草圖編號: S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)並納入郊野公園範圍

就 貴委員會早前公佈的海下分區計劃大綱草圖(草圖編號: S/NE-HH/1) (草圖編號: S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)事宜，本人要求 貴委員會撤回上述三個該分區計劃大綱草圖，並建議當局將海下村、白腊村及鎖羅盤納入郊野公園範圍，以確保海下海岸公園、印洲塘海岸公園及白腊沙灘的的海洋生態不會受到海下村的生活污水威脅。

在政府當局近日公佈的海下分區計劃大綱草圖、白腊分區計劃大綱草圖及鎖羅盤分區計劃大綱草圖中，當局分別將該三區的總規劃人口大幅調升，包括預計海下的總規劃人口為五百九十人，較現時的一百一十人增加五倍，當局又將鎖鑼盤的總規劃人口定為一千人，但目前該區並無人居住。另外，當局又將白腊的總規劃人口定為二百三十人，較現時少於五十人的人口大幅增加四倍。此外， 政府當局將該三個區域的鄉村及毗鄰土地劃為鄉村式發展，而被劃作鄉村式發展的土地面積較民政事務處劃定的村界範圍為大。村民可在鄉村範圍內興建樓高三層的村屋。如獲 貴委員會批准，更可興建食肆、酒店、文娛康樂設施等。

儘管政府當局大幅上調海下、白腊及鎖羅盤的人口，並將大幅土地劃作鄉村式發展用途，但政府當局在作出上述規劃時，卻沒有仔細評估在人口增加的情況下，增加的生活污水對規劃區附近的海洋生態的影響。據本人了解，海下鄰近海下海岸保護區，鎖羅盤則接近印洲塘海岸公園，

而白腊則接近白腊灣。該三個海域均是擁有豐富海洋生態的區域。然而，過去多年來，政府當局均沒有為海下村、鎖羅盤及白腊地區鋪設公共污水渠，因此居民唯有將生活污水積存在民居旁的化糞池。儘管政府當局預計海下、鎖羅盤及白腊規劃區內人口將會大幅增加，但仍拒絕為該等區域鋪設公共污水渠。根據目前的規定，規劃署無須就其規劃方案作出環境評估，因此當局亦沒有交代在人口增加的情況下會否出現污水處理不善的問題， 更沒有評估生活污水對海下海岸公園、印洲塘海岸公園及白腊灣的生態構成的潛在威脅。

由於政府當局在作出上述規劃時，沒有就生活污水對海岸公園生態的影響進行嚴格的環境評估，故本人要求　貴委員會撤回可能對海下海岸公園、印洲塘海岸公園及白腊灣構成嚴重威脅的海下分區計劃大綱草圖、白腊分區計劃大綱草圖以及鎖羅盤分區計劃大綱草圖。本人亦希望　貴委員會能建議政府當局將海下村、白腊及鎖羅盤分別納入西貢郊野公園及船灣郊野公園範圍內，以確保海下海岸公園的海洋生態不會因當局的規劃失誤而受到嚴重威脅。為免將該等區域納入郊野公園範圍後，海下、白腊及鎖羅盤的居民的日常生活受到影響，　貴委員會亦可建議當局修改相關法例，令居民可在村內進行售賣日常用品，集會及公開演說等日常活動。專此函達，佇候示覆。

立法會議員陳偉業　　謹啟

二零一三年十一月二十五日



副本抄送：環境局局長黃錦星 陳偉業海下白腊鎖羅盤.pdf

立法會陳偉業議員辦事處

OFFICE OF ALBERT W. Y. CHAN, LEGISLATIVE COUNCILLOR

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TPB/R/S/SK-PL/1- 10600

香港北角渣華道333號北角政府合署15樓
城市規劃委員會
周達明先生

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電郵、郵寄及傳真文件

周主席：

要求撤回海下分區計劃大綱草圖(草圖編號: S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)並納入郊野公園範圍

就　貴委員會早前公佈的海下分區計劃大綱草圖(草圖編號: S/NE-HH/1) (草圖編號: S/NE-HH/1)、白腊分區計劃大綱草圖(草圖編號：S/SK-PL/1)、鎖羅盤分區計劃大綱草圖(草圖編號：S/NE-SLP/1)事宜，本人要求　貴委員會撤回上述三個該分區計劃大綱草圖，並建議當局將海下村、白腊村及鎖羅盤納入郊野公園範圍，以確保海下海岸公園、印洲塘海岸公園及白腊沙灘的的海洋生態不會受到海下村的生活污水威脅。

在政府當局近日公佈的海下分區計劃大綱草圖、白腊分區計劃大綱草圖及鎖羅盤分區計劃大綱草圖中，當局分別將該三區的總規劃人口大幅調升，包括預計海下的總規劃人口為五百九十人，較現時的一百一十人增加五倍，當局又將鎖鑼盤的總規劃人口定為一千人，但目前該區並無人居住。另外，當局又將白腊的總規劃人口定為二百三十人，較現時少於五十人的人口大幅增加四倍。此外，　政府當局將該三個區域的鄉村及毗鄰土地劃為鄉村式發展，而被劃作鄉村式發展的土地面積較民政事務處劃定的村界範圍為大。村民可在鄉村範圍內興建樓高三層的村屋。如獲　貴委員會批准，更可興建食肆、酒店、文娛康樂設施等。

儘管政府當局大幅上調海下、白腊及鎖羅盤的人口，並將大幅土地劃作鄉村式發展用途，但政府當局在作出上述規劃時，卻沒有仔細評估在人口增加的情況下，增加的生活污水對規劃區附近的海洋生態的影響。據本人了解，海下鄰近海下海岸保護區，鎖羅盤則接近印洲塘海岸公園，而白腊則接近白腊灣。該三個海域均是擁有豐富海洋生態的區域。然而，過去多年來，政府當局均沒有為海下村、鎖羅盤及白腊地區鋪設公共污水渠，因此居民唯有將生活污水積存在民居旁的化糞池。儘管政府當局預計海下、鎖羅盤及白腊規劃區內人口將會大幅增加，但仍拒絕為該等區域鋪設公共污水渠。根據目前的規定，規劃署無須就其規劃方案作出環境評估，因此當局亦沒有交代在人口增加的情況下會否出現污水處理不善的問題，更沒有評估生活污水對海下海岸公園、印洲塘海岸公園及白腊灣的生態構成的潛在威脅。

(58)

荃灣福來邨永康樓地下9A
9A, G/F, Wing Hong House, Fuk Loi Estate, Tsuen Wan, Hong Kong
☎ 24113107
昌 24179985

天水圍天慈邨慈恩樓地下1號B翼
No. 1, G/F, Wing B, Tsz Yan House, Tin Tsz Estate, Tin Shui Wai, Hong Kong
☎ 24459900
昌 24454646

屯門友愛邨愛智樓地下128號
No.128, G/F., Oi Chi House, Yau Oi Estate, Tuen Mun, Hong Kong
☎ 31479096
昌 31479098

中環立法會道1號立法會大樓 1014室
Room 1014, 1 Legislative Council Road, Legislative Council Complex, Central, Hong Kong
☎ 28699653
昌 28699652

由於政府當局在作出上述規劃時，沒有就生活污水對海岸公園生態的影響進行嚴格的環境評估，故本人要求　貴委員會撤回可能對海下海岸公園、印洲塘海岸公園及白腊灣構成嚴重威脅的海下分區計劃大綱草圖、白腊分區計劃大綱草圖以及鎖羅盤分區計劃大綱草圖。本人亦希望　貴委員會能建議政府當局將海下村、白腊及鎖羅盤分別納入西貢郊野公園及船灣郊野公園範圍內，以確保海下海岸公園的海洋生態不會因當局的規劃失誤而受到嚴重威脅。為免將該等區域納入郊野公園範圍後，海下、白腊及鎖羅盤的居民的日常生活受到影響，　貴委員會亦可建議當局修改相關法例，令居民可在村內進行售賣日常用品，集會及公開演說等日常活動。專此函達，佇候示覆。

立法會議員陳偉業　謹啟

二零一三年十一月二十五日

副本抄送：環境局局長黃錦星

TPB/R/S/NE-HH/1- 10902

For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	22.11.2013.

1. The representation should be made to the Town Planning Board (the Board) before the expiry of the specified plan exhibition period. The completed form and supporting documents (if any) should be sent to the Secretary, Town Planning Board, 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.
申述必須於指定的圖則展示期限屆滿前向城市規劃委員會（下稱「委員會」）提出，填妥的表格及支持有關申述的文件（倘有），必須送交香港北角渣華道 333 號北角政府合署 15 樓城市規劃委員會秘書收。

2. Please read the "Town Planning Board Guidelines on Submission and Publication of Representations, Comments on Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at http://www.info.gov.hk/tpb/.
填寫此表格之前，請先細閱有關「根據城市規劃條例提交及公布申述、對申述的意見及進一步申述」的城市規劃委員會規劃指引。這份指引可向委員會秘書處（香港北角渣華道 333 號北角政府合署 15 樓，電話：2231 4810 或 2231 4835）及規劃署的規劃資料查詢處（熱線：2231 5000）（香港北角渣華道 333 號北角政府合署 17 樓及新界沙田上禾輋路 1 號沙田政府合署 14 樓）索取，亦可從委員會的網頁下載（網址：http://www.info.gov.hk/tpb/）。

3. This form can be downloaded from the Board's website, and obtained from the Secretariat of the Board and the Planning Enquiry Counters of the Planning Department. The form should be typed or completed in block letters, preferably in both English and Chinese. The representation may be treated as not having been made if the required information is not provided.
此表格可從委員會的網頁下載，亦可向委員會秘書處及規劃署的規劃資料查詢處索取。提出申述的人士須以打印方式或以正楷填寫表格，填寫的資料宜中英文兼備。倘若未能提供所需資料，則委員會可把有關申述視爲不曾提出論。

1. Person Making This Representation (known as "Representer" hereafter)
提出此宗申述的人士（下稱「申述人」）

Name 姓名 / 名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生 / ~~夫人~~ / ~~小姐~~ / ~~女士~~ / 公司 / 機構*)

胡志偉

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TOWN PLANNING BOARD

2. Authorized Agent (if applicable) 獲授權代理人 (如適用)

Name 姓名 / 名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生 / 夫人 / 小姐 / 女士 / 公司 / 機構*)

3. Details of the Representation
申述詳情

Draft plan to which the representation relates 與申述相關的草圖	
S/NE/HH/1	海下分區計劃大綱草圖

* Delete as appropriate * 請刪去不適用者
Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」

Parts 1, 2 and 3 第 1、第 2 及第 3 部分

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REPRESENTATION RELATING TO DRAFT PLAN UNDER SECTION 6(1) OF THE TOWN PLANNING ORDINANCE (CAP. 131)

根據《城市規劃條例》（第131章）第6(1)條就草圖作出申述

3. Details of the Representation (Continued) (use separate sheet if necessary)
申 述 詳 情 （續）（如 有 需 要，請 另 頁 說 明）

Nature of and reasons for the representation 申述的性質及理由

Subject matters@ 有關事項@	Are you supporting or opposing the subject matter? 你支持還是反對有關事項？	Reasons 理由
建議指定鄉村式發展用地	☐ support 支持 ☑ oppose 反對	見附件1及附件2甲部
建議指定綠化地帶、自然保育區、海岸保護區	☑ support 支持 ☐ oppose 反對	
	☐ support 支持 ☐ oppose 反對	

Any proposed amendments to the draft plan? If yes, please specify the details.
對草圖是否有任何擬議修訂？如有的話，請註明詳情。

見附件1 乙部

@ Please describe the particular matter in the plan to which the representation relates. Where the representation relates to an amendment to a plan, please specify the amendment item number provided in the Schedule of Amendments.
請形容圖則內與申述相關的指定事項。如申述與圖則的修訂有關，請註明在修訂項目附表內的修訂項目編號。

Please fill "NA" for inapplicable item 請在不適用的項目填寫「不適用」
「✓」at the appropriate box 請在適當的方格內加上「✓」號

4. Plans, Drawings and Documents 圖則、繪圖及文件

Please list location plans, sites plans, other relevant plans, drawings and other documents submitted with the representation. For coloured drawings/plans or plans/drawings larger than A3 size, 90 copies each should be provided. For other supplementary documents, e.g. reports on impact assessment, 90 copies each should be submitted.

請列明連同申述一併遞交的位置圖、地盤平面圖、其他相關圖則、繪圖及其他文件。倘有圖則/繪圖爲彩圖或超過A3大小，須一式90份。至於其他補充文件（例如：影響評估報告），則須一式90份。

附件1相關的地段索引圖

5. Signature 簽署

Signature 簽署 .....

胡志偉

Name in Block Letters 姓名（以正楷填寫）

"Representer" /~~Authorized Agent~~*
「申述人」/ ~~獲授權代理人~~ *

立法會議員

Position (if applicable) 職位（如適用）

Professional Qualification(s) 專業資格

Member 會員 / Fellow 資深會員 * of
☐ HKIP ☐ HKIA ☐ HKIS ☐ HKIE ☐ HKILA

Others 其他 .....

on behalf of 代表 .....

Company/Organization Name and Chop (if applicable)
公司 / 機構名稱及蓋章（如適用）

Date 日期 25-11-2013

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this representation will be used by the Secretary of the Board and Government departments for the following purposes:
   (a) the processing of this representation which includes making available the name of the "representer" for public inspection when making available this representation for public inspection; and
   (b) facilitating communication between the "representer" and the Secretary of the Board/Government departments
   in accordance with the provisions of the Town Planning Ordinance and the relevant Town Planning Board Guidelines.
   委員會就這宗申述所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：
   (a) 處理這宗申述，包括公布這宗申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及
   (b) 方便「申述人」與委員會秘書及政府部門之間進行聯絡。
2. The personal data provided by the "representer" in this representation may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.
   「申述人」就這宗申述提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。
3. A "representer" has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.
   根據《個人資料（私隱）條例》（第４８６章）的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址爲香港北角渣華道 333 號北角政府合署 15 樓。

* Delete as appropriate
Please fill "NA" for inapplicable item
「✓」at the appropriate box

* 請刪去不適用者
請在不適用的項目填寫「不適用」
請在適當的方格內加上「✓」號

(This part will not be made available for public inspection)
(這部分不會公開予公眾查閱)

Particulars of "Representer" and Authorized Agent
「申述人」及獲授權代理人的詳細資料

1. "Representer" 「申述人」	
Identity Document/Business Registration Certificate#/Certificate of Incorporation* No. 身分證明文件 / 商業登記證# / 公司註冊證 * 號碼	E742161(7)
Postal Address 通訊地址	香港中區立法會道一號 立法會綜合大樓 9樓 909-914室
Tel. No. 電話號碼 2537 2155	Fax. No. 圖文傳真號碼 2537 4874
E-mail Address 電郵地址	TWK2011@dphk.org
Contact Person 聯絡人 (only for company 只適用於公司) Name 姓名 (Mr./Mrs./Miss/Ms.* 先生 / ~~夫人~~ / ~~小姐~~ / ~~女士~~ *)	鄧惠珠
Position in company 公司職位	不適用

2. Authorized Agent (if applicable) 獲授權代理人 (如適用)	
Identity Document/Business Registration Certificate#/Certificate of Incorporation* No. 身分證明文件 / 商業登記證# / 公司註冊證 * 號碼	
Postal Address 通訊地址	
Tel. No. 電話號碼	Fax. No. 圖文傳真號碼
E-mail Address 電郵地址	
Contact Person 聯絡人 (only for company 只適用於公司) Name 姓名 (Mr./Mrs./Miss/Ms.* 先生 / 夫人 / 小姐 / 女士 *)	
Position in company 公司職位	

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   (b) facilitating communication between the "representer" and the Secretary of the Board/Government departments
   in accordance with the provisions of the Town Planning Ordinance and the relevant Town Planning Board Guidelines.
   委員會就這宗申述所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：
   (a) 處理這宗申述，包括公布這宗申述供公眾查閱，同時公布「申述人」的姓名供公眾查閱；以及
   (b) 方便「申述人」與委員會秘書及政府部門之間進行聯絡。
2. The personal data provided by the "representer" in this representation may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.
   「申述人」就這宗申述提供的個人資料，或亦會向其他人士披露，以作上述第 1 段提及的用途。
3. A "representer" has a right of access and correction with respect to his/her personal data as provided under the Personal Data (Privacy) Ordinance (Cap. 486). Request for personal data access and correction should be addressed to the Secretary of the Board at 15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong.
   根據《個人資料（私隱）條例》（第 4 8 6 章）的規定，「申述人」有權查閱及更正其個人資料。如欲查閱及更正個人資料，應向委員會秘書提出有關要求，其地址爲香港北角渣華道 333 號北角政府合署 15 樓。

Please provide "Certificate of Incorporation No." instead of "Business Registration Certificate No." if the subject is a "limited company".
如單位屬「有限公司」，請提供「公司註冊證號碼」，而不是「商業登記證號碼」。

* Delete as appropriate　　* 請刪去不適用者
Please fill "NA" for inapplicable item　　請在不適用的項目填寫「不適用」

附件 1　就 S/NE-HH/1 海下分區計劃大綱草圖進行的申述

甲部：反對海下分區計劃大綱草圖中(下稱大綱草圖)擬指定作「鄉村式發展」用地原因

1. 根據城市規劃委員會(下稱城規會)文件編號 9430 "Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/D Further Consideration of a New Plan"中的第 5.2 段指出，擬定的 2.6 公頃「地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要供預算供原居村民興建小型屋宇之用。」而擬指定的「鄉村式用地」面積是根據文件 4.1(b)，即大埔地政專員對未來十年原居民對小型屋宇的推算而制訂(預算數目為 94 幢)。

2. 然而，倘若擬定的土地是按上述 9430 號檔所言，是提供予原居民興建小型屋宇之用，那麼擬定的「鄉村式發展」用地的西部範圍（大約是現有海下村認可鄉村範圍及已有建築物以西）的土地(可參閱隨表格提交的附圖 1)業權狀態並不符合興建小型屋宇的要求。根據土地註冊處的紀錄顯示，該範圍內的土地主要為下列五間私人公司持有，包括(可同時參考附圖 1 及附件二)：

   A. 源浩有限公司(Vantix Limited)：為丈量約份第 283 約地段編號 227、245、248、256 及 263 業權持有人。

   B. 華眾有限公司(Sino Joint Limited)：為丈量約份第 283 約地段編號 235、244、250、252、270 及 271 業權持有人。

   C. 東島土地開發有限公司(Eastern Island Land development Co., Limited) 為丈量約份第 283 約地段編號 259、260、262、264、272、276、277、278、280、282、286、287、288、289、290、291、292、310、312、313、314、316、346、348、350、351、352、353、354

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待日後牟利，亦會質疑為何政府會犧牲郊野公園的生態去遷就私人公司的利益，規劃署對此又有何回應？

4. 如果擬指定的「鄉村式土地」並非如規劃署或地政總署所指是預留予原居民興建小型屋宇，那麼城規會委員在考慮批准有關「鄉村式發展」用地前，需要審慎考慮下列觀點：

A. 在保護郊野公園的生態讓公眾繼續享用與明顯預見讓私人發展商賺取利潤之間，政府為何要選擇後者而放棄前者？尤其是已有明顯証據顯示擬指定的土地並不符合原居民興建小型屋宇的條件；

B. 根據申訴專員公署對郊野公園「不包括的土地」的保護措施的報告書[1]顯示，在2000年，當時的規劃地政局曾指出「.... 從自然面貌和生態價值角度來看，「不包括的土地」與毗鄰的郊野公園並無實質分別，因此應該予以保護。該局並指出，經驗顯示法定規劃圖則並非保護「不包括的土地」之最有效方法。」(報告書第24頁) 按照政府提出的原則，城規會委員及政府當局更不應隨意批准指定「鄉村式發展」用地。

C. 城規會委員應注意的是，目前擬指定的「鄉村式發展」用地是按照1905年時期以「集體官契」形式批出，若該地段是指定為農地，有關地段在未經地政總署批准前即不可建屋(一般而言較少機會獲批)。然而，一旦成為「鄉村式發展」用地後，有關發展限制將大為放寬，土地業權人可向地政總署申請更改地契條款以建村屋，或對鄰近郊野公園生態造成不可挽救的破壞。正如規劃署就是否引用法定圖則—「發展審批地區圖」時指出：

[1] http://ofomb.ombudsman.hk/abc/files/DI227.pdf

「「發展審批地區圖」在自然保育方面的成效不及將「不包括的土地」指定為郊野公園，因前者不能遏止可能破壞自然生態環境的行為，例如砍樹（因砍樹並非法定規劃圖則所能限制的活動）。再者，「發展審批地區圖」刊憲時，有關地點上的土地用途即時會成為「現有用途」，可繼續存在，故即使將「不包括的土地」納入「發展審批地區圖」，亦無法規管那些與周圍自然環境不協調的「現有用途」..... 把「不包括的土地」納入郊野公園範圍， 可以顯示政府保護優美自然生態環境以及郊野公園完整性的決心。」(申訴專員公署對郊野公園「不包括的土地」的保護措施的報告書第 5.9、5.11 段)

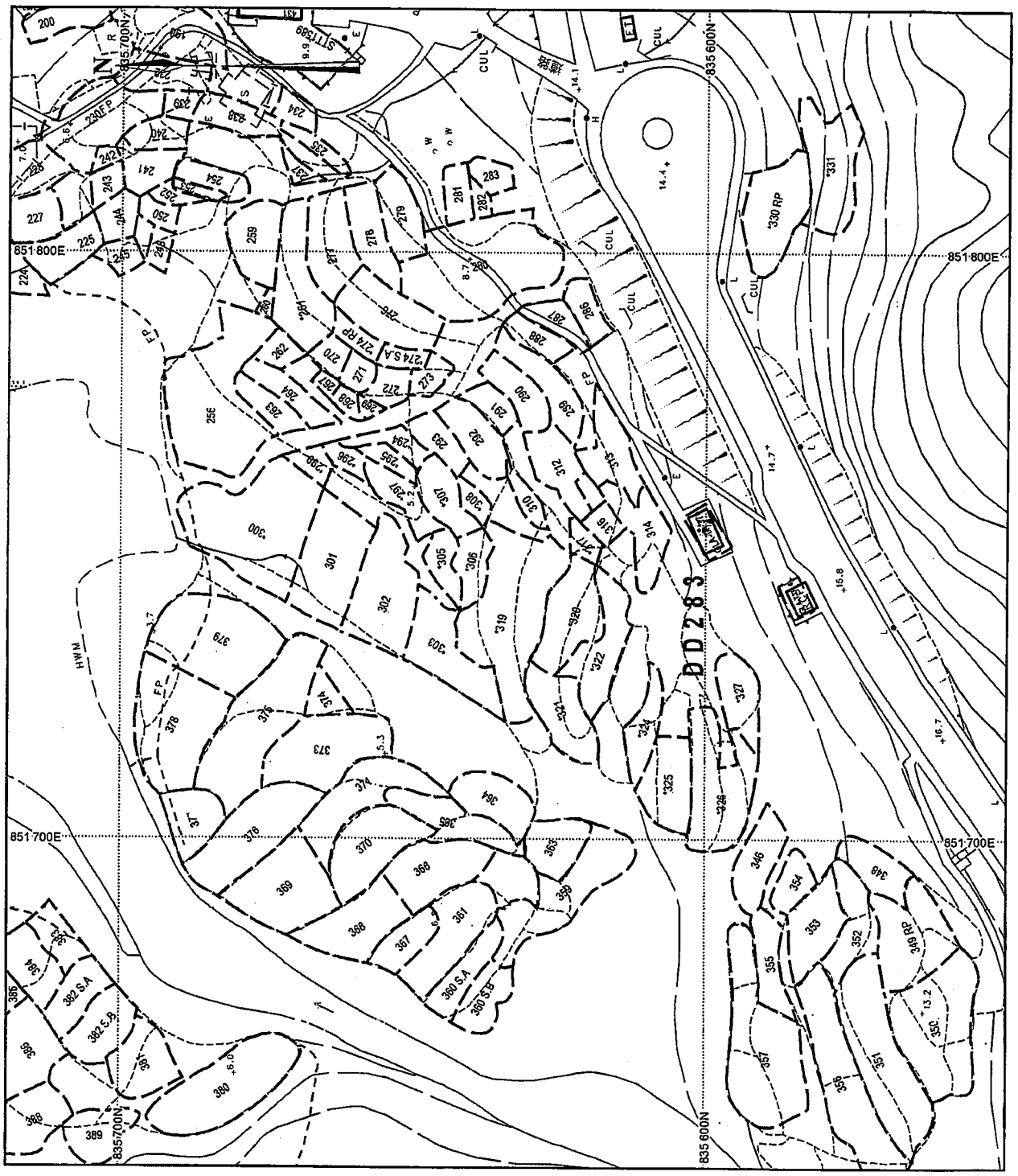
D. 最後是關於指定為「鄉村式發展」與是否影響原居民權益的問題。正如先前指出，既然擬指定土地的業權人已非原居民，那指定「鄉村式發展」與否與原居民權益無關。其次，如果有關權益是指有個別原居民與發展商訂立合約，藉操作丁權及興建小型屋宇圖利(俗稱套丁)是違反現行法例的。城規會委員在考慮時根本無須理會，亦不應變相鼓勵有關行徑。

5. 基於以上原因，本人/本機構反對大綱草圖中建議指定的「鄉村式發展」土地。

乙部　對草圖的擬議修訂

將擬議的 2.6 公頃「鄉村式發展」用地以指定「自然保育區」暫時取代。待漁護署完成制訂郊野公園界線的程式後即撤回有關圖則，並將之納入西貢西郊野公園範圍。

地段索引圖 LOT INDEX PLAN



地政總署測繪處 Survey and Mapping Office, Lands Department

比例尺 SCALE 1 : 1 000

米 metres 10 0 10 20 30 40 50 米 metres

Locality : DD283

Lot Index Plan No. : MH0464112013

District Survey Office : MPC, HK

Date : 18-Nov-2013

Reference No. : 8-NW-5A,8-NW-5B

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免責聲明

本圖則乃地段索引圖的複本，顯示地段界線的大概位置，包括根據政府撥地、臨時政府撥地、短期租約及政府土地租用牌照而臨時佔用土地的位置。臨時佔用土地的情況可憑藉短期通知出現或終止，因此應向有關的分區地政專員核證。本圖則所示的資料必須透過實地測量予以核實。當有更佳或新的地界證據時，地段索引圖可能會被修訂而無須事先通知。

Disclaimer

This plan is a copy of the lot index plan showing the approximate location of lot boundaries, including the temporary occupation of land under Government Land Allocations, Temporary Government Land Allocations, Short Term Tenancies and Government Land Licences. The temporary occupation of land may be created or terminated at short notice and should be confirmed with the District Lands Officer. The information shown on this plan MUST be verified by field survey. The lot index plan may be revised without prior notification as better or new boundary evidence becomes available.

Land Search Information (Hoi Ha)

Lot/Address	Owners Name, Last Transfer Date	Remarks/ Price	Other Information about the owner (if any)
LOT NO. 227 IN D.D. 283 (DD283L 227)	Vantix Limited 源浩有限公司 21/11/2012	**$1,694,800(PT.)**	Register shareholder: Yiu Cheung Yum, Bernard
LOT NO. 235 IN D.D. 283 (DD283L 235)	Sino Joint Limited 華眾有限公司 31/5/2012	**$161,615(PT.)**	Register shareholder: Lau Ming Sum
LOT NO. 244 IN D.D. 283 (DD283L 244)	Sino Joint Limited 華眾有限公司 31/5/2012	$161,615(PT.)	Register shareholder: Lau Ming Sum
LOT NO. 245 IN D.D. 283 (DD283L 245)	Vantix Limited 源浩有限公司 21/11/2012	$1,694,800(PT.)	Register shareholder: Yiu Cheung Yum, Bernard
LOT NO. 248 IN D.D. 283 (DD283L 248)	Vantix Limited	$1,694,800(PT.)	Register shareholder:

	源浩有限公司 21/11/2012		Yiu Cheung Yum, Bernard
LOT NO. 250 IN D.D. 283 (DD283L 250)	Sino Joint Limited 華眾有限公司 31/5/2012	$161,615(PT.)	Register shareholder: Lau Ming Sum
LOT NO. 252 IN D.D. 283 (DD283L 252)	Sino Joint Limited 華眾有限公司 13/12/2012	$679,580	Register shareholder: Lau Ming Sum
LOT NO. 256 IN D.D. 283 (DD283L 256)	Vantix Limited 源浩有限公司 21/11/2012	$1,694,800(PT.)	Register shareholder: Yiu Cheung Yum, Bernard
LOT NO. 259 IN D.D. 283 (DD283L 259)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong

LOT NO. 260 IN D.D. 283 (DD283L 260)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 262 IN D.D. 283 (DD283L 262)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 263 IN D.D. 283 (DD283L 263)	Vantix Limited 源浩有限公司 21/11/2012	$1,694,800(PT.)	Register shareholder: Yiu Cheung Yum, Bernard
LOT NO. 264 IN D.D. 283 (DD283L 264)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong

LOT NO. 268 IN D.D. 283 (DD283L 268)	Xinhua Bookstore Xiang Jiang Group Limited 新華書店湘江集團有限公司 20/8/2008	2,042,976	Register shareholders: Lau Yat Leung Alex, Lau Ming Shum, Ngai Sik Keung
LOT NO. 269 IN D.D. 283 (DD283L 269)	Xinhua Bookstore Xiang Jiang Group Limited 新華書店湘江集團有限公司 20/8/2008	2,042,976	Register shareholders: Lau Yat Leung Alex, Lau Ming Shum, Ngai Sik Keung
LOT NO. 270 IN D.D. 283 (DD283L 270)	Sino Joint Limited 華眾有限公司 31/5/2012	**161,615**	Register shareholder: Lau Ming Sum
LOT NO. 271 IN D.D. 283 (DD283L 271)	Sino Joint Limited 華眾有限公司	679,580	Register shareholder: Lau Ming Sum

	13/12/2012		
LOT NO. 272 IN D.D. 283 (DD283L 272)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
THE REMAINING PORTION OF LOT NO. 274 IN D.D. 283 (DD283L 274 (RP)	Xinhua Bookstore Xiang Jiang Group Limited 新華書店湘江集團有限公司 24/12/2010	1,800,000	Register shareholders: Lau Yat Leung Alex, Lau Ming Shum, Ngai Sik Keung
LOT NO. 276 IN D.D. 283 (DD283L 276)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 277 IN D.D. 283 (DD283L 277)	Eastern Island Land	**13,264,020**	Register shareholders:

	development Co., Limited 東島土地開發有限公司 25/5/2012		Tang Hung Kwong, Lee Yiu Tong
LOT NO. 278 IN D.D. 283 (DD283L 278)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 280 IN D.D. 283 (DD283L 280)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 282 IN D.D. 283 (DD283L 282)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong

LOT NO. 286 IN D.D. 283 (DD283L 286)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 287 IN D.D. 283 (DD283L 287)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 288 IN D.D. 283 (DD283L 288)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 289 IN D.D. 283 (DD283L 289)	Eastern Island Land development Co., Limited 東島土地開發有限公司	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong

	25/5/2012		
LOT NO. 290 IN D.D. 283 (DD283L 290)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 291 IN D.D. 283 (DD283L 291)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 292 IN D.D. 283 (DD283L 292)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 293 IN D.D. 283 (DD283L 293)	Xinhua Bookstore Xiang Jiang Group Limited	**2,042,976**	Register shareholders: Lau Yat Leung Alex,

	新華書店湘江集團有限公司 20/8/2008		Lau Ming Shum, Ngai Sik Keung
LOT NO. 294 IN D.D. 283 (DD283L 294)	Group Rise Investment Development Limited 建興投資發展有限公司 21/11/2012	**6,098,400**	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 295 IN D.D. 283 (DD283L 295)	Group Rise Investment Development Limited 建興投資發展有限公司 21/11/2012	**6,098,400**	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 296 IN D.D. 283 (DD283L 296)	Group Rise Investment Development Limited 建	**6,098,400**	Register shareholders: Lai Kwai Wa,

	興投資發展有限公司 21/11/2012		Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 297 IN D.D. 283 (DD283L 297)	Group Rise Investment Development Limited 建 興投資發展有限公司 21/11/2012	**6,098,400**	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 299 IN D.D. 283 (DD283L 299)	Group Rise Investment Development Limited 建 興投資發展有限公司 21/11/2012	**7,840,800**	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 305 IN D.D. 283 (DD283L 305)	Group Rise Investment Development Limited 建	**6,098,400**	Register shareholders: Lai Kwai Wa,

	興投資發展有限公司 21/11/2012		Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 306 IN D.D. 283 (DD283L 306)	Group Rise Investment Development Limited 建 興投資發展有限公司 21/11/2012	**6,098,400**	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 307 IN D.D. 283 (DD283L 307)	Group Rise Investment Development Limited 建 興投資發展有限公司 21/11/2012	**6,098,400**	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 308 IN D.D. 283 (DD283L 308)	Group Rise Investment Development Limited 建	**6,098,400**	Register shareholders: Lai Kwai Wa,

	興投資發展有限公司 21/11/2012		Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 310 IN D.D. 283 (DD283L 310)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 312 IN D.D. 283 (DD283L 312)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 313 IN D.D. 283 (DD283L 313)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong

LOT NO. 314 IN D.D. 283 (DD283L 314)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 316 IN D.D. 283 (DD283L 316)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	**13,264,020**	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 317 IN D.D. 283 (DD283L 317)	Group Rise Investment Development Limited 建興投資發展有限公司 21/11/2012	6,969,600	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 319 IN D.D. 283 (DD283L 319)	Group Rise Investment Development Limited 建興	7,840,800	Register shareholders: Lai Kwai Wa,

	投資發展有限公司 21/11/2012		Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 320 IN D.D. 283 (DD283L 320)	Group Rise Investment Development Limited建興 投資發展有限公司 21/11/2012	**6,098,400**	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 321 IN D.D. 283 (DD283L 321)	Group Rise Investment Development Limited建興 投資發展有限公司 21/11/2012	6,969,600	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 322 IN D.D. 283 (DD283L 322)	Group Rise Investment Development Limited建興	6,969,600	Register shareholders: Lai Kwai Wa,

	投資發展有限公司 21/11/2012		Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 324 IN D.D. 283 (DD283L 324)	Group Rise Investment Development Limited建興 投資發展有限公司 21/11/2012	6,969,600	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 326 IN D.D. 283 (DD283L 326)	Group Rise Investment Development Limited建興 投資發展有限公司 21/11/2012	6,969,600	Register shareholders: Lai Kwai Wa, Lai Sun Fan, Company Kit Secretarial Services Limited
LOT NO. 346 IN D.D. 283 (DD283L 346)	Eastern Island Land development Co., Limited	2,927,232	Register shareholders: Tang Hung Kwong, Lee

	東島土地開發有限公司 30/8/2013		Yiu Tong
LOT NO. 348 IN D.D. 283 (DD283L 348)	Eastern Island Land development Co., Limited 東島土地開發有限公司 30/8/2013	2,927,232	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 350 IN D.D. 283 (DD283L 350)	Eastern Island Land development Co., Limited 東島土地開發有限公司 30/8/2013	2,927,232	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 351 IN D.D. 283 (DD283L 351)	Eastern Island Land development Co., Limited 東島土地開發有限公司 30/8/2013	2,927,232	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 352 IN D.D. 283 (DD283L 352)	Eastern Island Land	13,264,020	Register shareholders:

	development Co., Limited 東島土地開發有限公司 25/5/2012		Tang Hung Kwong, Lee Yiu Tong
LOT NO. 353 IN D.D. 283 (DD283L 353)	Eastern Island Land development Co., Limited 東島土地開發有限公司 30/8/2013	2,927,232	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 354 IN D.D. 283 (DD283L 354)	Eastern Island Land development Co., Limited 東島土地開發有限公司 25/5/2012	13,264,020	Register shareholders: Tang Hung Kwong, Lee Yiu Tong
LOT NO. 355 IN D.D. 283 (DD283L 355)	Eastern Island Land development Co., Limited 東島土地開發有限公司 30/8/2013	2,927,232	Register shareholders: Tang Hung Kwong, Lee Yiu Tong

民主黃偉賢 元朗區議會(民選議員)
Zachary Wong Wai Yin, Yuen Long District Council Elected Member

TPB/R/S/NE-HH/1-10910

本處檔號：LP-13-1520-150
貴處檔號：

敬啟者：茲得悉政府把西貢郊野公園內77個小區包括白腊、海下及白沙澳等地列入"發展審批地區圖"，要求規劃署就有關土地進行規劃工作，從有關規劃的初步報告可看出政府預留大面積的土地予地產商興建房屋，本人對此表示強烈反對，並促請 貴會捍衛西貢郊野公園獨有而珍貴的生態價值，拒絕發展商於西貢郊野進行任何地產項目的發展。

其中海下灣是一個生態價值極高的地區，有高度的生物多樣性，這是因為海下灣有一個天然屏障，阻擋海水雜質的湧入，使海水較為潔淨，從而提供一個良好的海洋環境，是很多海洋有機生物的居所。在海中，大部分的珊瑚品種可以確定，也是一個潛水熱點。毫無疑問，海下灣一直是香港僅餘珍貴的自然景點。

白腊灣位於西貢半島、萬宜水庫東面海岸，是拍日出、星空景的好地方，白臘灣為天然海灣，左右灘橫數百碼，灣口南向，除強勁東南風及北風外，長期水靜灣美，不少泳客都喜歡到白腊灣感受陽光與海灘，及進行各式水上活動，亦可選擇在沙灘上露營。

白沙澳位於西貢海下附近，面積約二十九公頃，被西貢西郊野公園包圍，有大片淡水濕地和溪流生態環境，是一條具生態價值又保留客家特色的村落。

我們只希望，讓這些彷如世外桃園的地方，能夠繼續保持這份寧靜及生態環境；讓我們和下一代，能夠繼續接觸大自然；讓我們的香港，能夠繼續落實保育的可持續發展。

素仰 貴會以尊重民意為工作原則，請務必為我們及下一代捍衛這片淨土，我們絕不容許極具生態價值及自然環境優美的郊野受到任何人為的破壞，懇請 貴會將這77個小區內的土地納入郊野公園範圍內，並堅決拒絕於西貢郊野公園進行任何地產項目的發展計劃，是荷。

此致
城市規劃委員會主席
周達明先生

元朗區議員：黃偉賢 謹啟

副本：漁農自然護理署署長黃志光先生
二零一三年九月三十日

元朗朗屏邨悅屏樓平台229室 電話：2474 4562 傳真：2479 2947
RM 229 YUET PING HOUSE, LONG PING ESTATE, YUEN LONG 電郵：zwong@dphk.org

行公義 好憐憫 存謙卑的心

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 799
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cc Paul Zimmerman <paul@designinghongkong.com>
bcc

Subject Re: Draft Outline Zoning Plans (S/NE-SLP/1),(S/SK-PL/1),(S/NE-HH/1) – The protection of country parks from development in Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and the other enclaves

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sirs,

We fully support the incorporation of Tai Long Sai Wan, Yuen Tun and Kam Shan into the Country Parks, and we appreciated the expedient implementation of Development Permission Area controls over 25 enclaves.

The enclaves of private land in country parks are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of country parks from incompatible development in the enclaves requires a comprehensive, integrated and co-ordinated approach.

For this reason, and because each of the measure set out below involves one or more of you in varying combinations, this letter is addressed to you both individually and jointly. Please see the letter full version attached.

Best Regards,
Debby Chan
Designing Hong Kong Limited

[redacted]

DHK Submission on enclaves to Government and TPB.pdf

(192)

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Hong Kong, 27 November 2013

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CC: Save Our Country Parks (saveourcountryparks@gmail.com)

The protection of country parks from development in Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and the other enclaves

Dear Mr. Leung, Mr. Wong, Mr. Chun, Mr. Wong, Mr. Ling, Ms. Linn, Mr. Ming, Mr. Tang, Mr. Chow and Members of the Country and Marine Parks Board and Town Planning Board,

We fully support the incorporation of Tai Long Sai Wan, Yuen Tun and Kam Shan into the Country Parks, and we appreciated the expedient implementation of Development Permission Area controls over 25 enclaves.

The enclaves of private land in country parks are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of country parks from incompatible development in the enclaves requires a comprehensive, integrated and co-ordinated approach.

For this reason, and because each of the measure set out below involves one or more of you in varying combinations, this letter is addressed to you both individually and jointly.

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The Government's Promises

The Ombudsman in his September 2011 report noted that Government has been aware of the need to protect Country Parks (CP) against incompatible development in enclaves since 1991.

Following the Tai Long Sai Wan incident, Government published its 'Enclave Policy' on 28 July 2010 setting out follow up actions, including a review of the adequacy of the existing protection against incompatible development which could degrade the integrity, the aesthetic and landscape quality of Country Parks (CP).

In the 2010-11 Policy Address the Chief Executive announced that the Tai Long Sai Wan incident had highlighted the need to take prompt action to regulate land use in CP enclaves to forestall human damage. Private land in enclaves are primarily agriculture lots and the development threat is from village type development (VTD) enabled under the Small House Policy (SHP), and unauthorized developments. To meet conservation and social needs, the Government promised to either include enclaves into CP, or to determine their proper uses through statutory planning.

The Broken Promises

Chapter 5 of Report 61 by the Audit Commission dated 30th October 2013 revealed that the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) secretly decided in October 2010 on 25 enclaves to be incorporated in CP, and statutory plans to be prepared for 27 enclaves, 2 of which would be covered by DPA and then incorporated in CP. (The assumed control measures for each enclave are summarized: http://thehousenews.com/nature/lazy-only-10-of-enclaves-set-to-become-country-park/).

The 77 enclaves identified in 2010 cover an area of 2,067ha. Based on the Audit Commission's report and information available from the Legislative Council and TPB, the 27 enclaves identified for incorporation into CP make up only around 236ha - or about 11%. The enclaves zoned with statutory plans which permit development cover 1,840ha - or about 89%.

This lack of control contradicts the promises made in the Enclave Policy: Only 11% of the enclaves will be subject to scrutiny by the CMPB, and for 89% of the enclaves development can proceed without scrutiny from the CMPB and without any scrutiny by both CMPB and TPB for the V-zones within these enclaves.

Statutory Planning Control Measures Inadequate

In November 2013, having regard to immediate development threats the Planning Department had applied development control to 23 of the 29 or 30 enclaves by way of Development Permission Area (DPA) plans under the Town Planning Ordinance (TPO). DPA plans are being prepared for another 6 or 7. These DPA plans are effective for a period of three years (unless extended for up to one additional year). Unless the enclave is incorporated into CP, the DPA plan will need to be replaced with an Outline Zoning Plan (OZP) and VTD zones will need to be included for enclaves with recognized villages (RVs).

Small Houses are always permitted as of right in V-zones, without scrutiny by the CMPB and TPB, merely by LandsD. VTD is regularly permitted in Green Belt, Agriculture and Recreation zones with approval by TPB. TPB commonly approves small house applications outside the V-zones. Under established guidelines the sprawl of VTD has been allowed to expand beyond V-zones.

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So far, zones for VTD have been drawn up for 20 enclaves. This creates serious doubts over the effectiveness of statutory plans controlling development in enclaves and protecting the country parks, especially as the demand under the Small House Policy is infinite.

In all, the combined VTD permitted in enclaves will increase the demand for transport and traffic infrastructure impacting the integrity of CP areas. New roads and road improvements including urban street lighting will follow, significantly reducing the value of each CP.

VTD also blight the immediate landscape, pollute nearby land and waters, and impact the integrity and enjoyment of surrounding country parks and marine resources. The prevailing SHP lacks planning of village environs which results in chaotic village layouts. There is no provision of public works for site formation, slope stabilization, paths, drainage and sewerage. Neither access nor parking is provided. Individual landowners make their own arrangements including unlawful occupation of government land as they deem necessary.

Strengthening control over development in enclaves

Protecting CP from incompatible development is better achieved by incorporating enclaves in CP. Once incorporated, development is subject to scrutiny by AFCD and the CMPB, and the enclaves would enjoy active management including, among others, habitat and amenity improvements, regular patrols and surveillance, enforcement actions against irregularities and refuse collection. Unfortunately, the AFCD has since 2010 gazetted (only) 3 enclaves for incorporation into CP.

The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. Incorporating enclaves into CP will improve the management of these areas, enhance the conservation and landscape values, and increase the enjoyment and amenity value of CP as a whole.

Incorporating the enclaves into CP gives the CMPB and AFCD control over development and management of the area. The CMPB can assess any use or development of land, including building a small house, on the individual merits taking into account land status, location, nature conservation, landscape and visual impacts, CP users and facilities, and whether the enjoyment and amenities of the country park as whole will be reduced. Incorporating all the enclaves into CPs is the only way to save our country parks!

Protecting the rights of villagers and land owners

Despite claims from the Heung Yee Kuk and village developers that private land rights are not protected when incorporated into CP, there are statutory procedures for compensation of land owners when existing or proposed developments which reduce the amenity and enjoyment of the CP are disallowed. This procedure does not exist when land uses are restricted under statutory plans.

The demand for small houses is infinite and determined without any justified support under the prevailing Small House Policy. The greater majority of applications are abuses of the SHP by applicants who do not and never intend to live in their village. About half sell as soon as houses are built and many have already sold their rights to 3rd parties by signing secret, under the table agreements and power of attorneys, in return for cash payments. The records of land sales transactions in enclaves are indicative of the likelihood of such abuses.

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We call upon the Chief Executive, the Government, AMO, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:

☑ To incorporate all Enclaves into their surrounding CP and to place them under the management and control of the AFCD and oversight of the CMPB;

☑ To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into CP to be completed;

☑ To categorically deny new roads to enclaves currently not serviced by roads;

☑ To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity and recreational values of country parks;

☑ To identify and designate structures with heritage value as monuments/grade 1 to avoid pushing owners to 'King Yin Lei Style Strategies';

☑ To ensure development and infrastructure projects in enclaves are designated projects under the EIAO; and

☑ To subject the decision making by District Lands Offices, Planning Department, AFCD, CMPB and Town Planning Board regarding the development of enclaves to strict oversight and coordination.

Where Outline Zoning Plans are deemed necessary (such as Hoi Ha, Pak Lap and So Lo Pun, for which the DPA plans have expired and ahead of designation as Country Park) we call on the Town Planning Board together with AFCD and PlanD to enhance these plans with strict additional measures of development control to conserve the natural habitat, landscape resources and rural and natural character of the country parks, and to enhance the amenity and recreational values of country parks:

☑ To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only. Future legitimate demand under the SHP, if any, would have to be addressed outside the enclaves and CP. This follows the precedent of the Tai Long Wan Outline Zoning Plan;

☑ To move "houses" and "small houses" from column 1 to column 2 in the Schedule of Notes to ensure that any and all demolition and (re-) development of houses is subject to planning permission;

☑ To create a layout plan for each enclave with consensus from the public including stakeholders;

☑ Any and all slope stabilization, site formation, sewage treatment, drainage, footways, access and parking required should be implemented as public works to control the design and engineering, and to minimize impacts;

☑ To categorically deny the future construction of new roads to enclaves currently not serviced by roads; and

☑ To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

For the following draft Outline Zoning Plans which have been published, we request the following specific changes in addition to the general changes already identified above to protect the Country Parks:

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Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1):

☑ We object to the draft OZP.

☑ The enclave should be fully incorporated into the Plover Cove Country Park given its ecological and landscape values.

☑ We object to the large V-zone for 134 houses and the planned population of 1,000. According to the 2011 census the population at So Lo Pun was "0" and there are no outstanding small house applications. There is no road connection or public sewerage, and the area has a high landscape and ecological value. The V-zone, if any at all, should be limited to existing structures.

☑ The heritage value of existing structures should be recognized and protected.

☑ We object to the Green Belt zone. The upper section of the So Lo Pun Stream and its riparian zone (30 m from each side of the stream) should be covered with Conservation Area zone to protect the high ecological value of the stream and associated wetland.

☑ "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1):

☑ We object to the draft OZP.

☑ Pak Lap should be incorporated into the Sai Kung East Country Park given its ecological and landscape values.

☑ We object to the large V-zone for 79 small houses and the planned population of 230. According to the 2011 census, the population at Pak Lap was less than 50. There is no vehicle access and no public sewerage. The V-zone should be limited to existing structures and approved small house applications only.

☑ Pollutants entering Pak Lap Wan will impact the habitat of the amphioxus (lancelet) – a marine species of high conservation value. The Pak Lap Stream and its riparian zone (30 m from each side of the stream) and the habitat for Water Fern should be covered with Conservation Area.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1):

☑ We object to the draft OZP.

☑ The enclave should be incorporated into the Sai Kung West Country Park given its ecological, landscape and recreational values.

☑ We object to the large V-zone for 63 houses, and the planned population of 590. According to the 2011 census, the population at Hoi Ha was 110 persons. There is no public sewerage and the provision of a private sewerage treatment plant is unrealistic. There have been 7 approved small house applications in the last 18 years. The V-zone should be limited to existing structures and approved small house applications only.

☑ The provision of individual Septic Tank Systems for every house built in the V-zone in accordance with EPD policy has the potential to pollute Hoi Ha Wan, severely damage the marine environment and render the beaches unsafe for public recreation. A public works program for sewerage and other facilities should be mandated as a condition for existing developments and prior to new developments, if any.

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☑ As planning permission for construction of Small Houses in Green Belt is regularly granted, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.

☑ "Barbecue Spot", "Picnic Area", "Public Convenience", "Agricultural Use" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

Pre-draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/B):

☑ We object to the pre-draft OZP.

☑ The enclave should be incorporated into the Sai Kung East Country park given the ecological and landscape values.

☑ The V-zone should be limited to existing structures and approved small house applications.

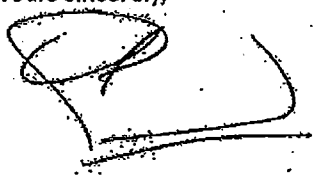
☑ Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesarmid Crab community. We urge for all stream and riparian area to be covered with Conservation Area zoning to protect the environmental value of the area.

☑ Water bodies (e.g., pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Village type development next to these waterbodies and watercourses would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.

☑ There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, Liparis ferruginea. We consider that this marsh should be covered with Conservation Area zone.

We look forward to your comprehensive response and actions to protect the country parks from incompatible development, as set out above.

Yours sincerely,



Paul Zimmerman
CEO
Designing Hong Kong Limited

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TPB/R/S/NE-HH/1-
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Friends of Sai Kung c/o :-

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27th November 2013

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CC: Save Our Country Parks (saveourcountryparks@gmail.com)

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Linn, Ms. Linn, Mr. Ming, Mr. Tang, Mr. Chow and Members of the Country and Marine Parks Board and Town Planning Board,

Re: Outline Zoning Plans of Hoi Ha, Pak Lap, So Lo Pun and Pak Tam Au

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1):
Draft Pak Lap Outline Zoning Plan (S/SK-PL/1):
Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1).

The Friends of Sai Kung is a community group comprising concerned Hong Kong residents numbering over 215 active members and almost 1,000 online members and contributors.

We wish to make the following representation concerning the above.

Background and general observations:

In his Chief Executive Election Manifesto of 2012 Mr. C. Y. Leung stated, inter alia:-

"We will protect our country parks and bodies of land and water with ecological value, and formulate long-term plans for other areas of land available for development."

In his Policy Address in January 2013 the Chief Executive stated, inter alia:-

"146. The Government shares public concern about ecological conservation. To take forward the Convention on Biological Diversity, we will consult the public in 2013 on the formulation of the Biodiversity Strategy and Action Plan for Hong Kong. We will also emphasise conservation of land and marine ecologies in major government policies."

After the scandal involving illegal development by Mr. Simon Lo at Tai Long Wan / Sai Wan in Sai Kung East Country Park in 2010, the Government formulated and published a Country Parks Enclave Policy whereby the Director of AFCD was to evaluate the suitability of village enclaves inside Country Parks for incorporation into Country Parks in order to best protect the Country Parks against incompatible development.

Despite public statements by Government that it would take action against unauthorized development, the development at Tai Long Wan Sai Wan was completed in 2012 and, as far as we are aware, no action has yet been taken against the developer.

The driving force behind development pressure inside the Country Parks is undoubtedly New Territories Exempted Houses (NTEH), otherwise known as the Small House Policy, introduced in 1972 to enable an eligible indigenous male villager resident in his village to apply to build a house for himself and his immediate family *to live in*. Today, almost none of the houses are occupied by the applicant.

The Small House Policy has become almost entirely a vehicle for abuse.

It is well known that Small House Policy development has resulted in chaotic village layouts because of a lack of planning and has been allowed to run completely out of control.

To our certain knowledge almost half the NTEH built are sold to non indigenous persons immediately they are completed. Of all successful NTEH applications the vast majority (over 95%) are made by persons who do not live in their native village and never will. Many do not live in Hong Kong.

A very large proportion of NTEH applications are made by "villagers" who secretly sell their rights to a third party, usually a property development company, before applying to build. This comprises a written agreement and power of attorney giving the developer beneficial title to the house once permission is granted. The applicant is required to make a statutory declaration to the Government that he will not dispose of or agree to dispose of any permission granted to him under the application. Such agreements are illegal. They commit the criminal offence of obtaining a pecuniary advantage by deception, the operative deception being that the application is by and for the benefit of the applicant only. The pecuniary advantage gained by the deception is permission to build a house.

Over the course of the last 3 or so years it has become increasingly evident that, with the exception of only 3 village enclaves so far, the enclave policy has not been, and is not being, implemented. In fact, on the contrary, the enclave policy has been subverted and overturned *in secret, behind the scenes* by the actions of organizations, individuals and business interests all of whom have an interest in bringing about the very evils which the enclave policy was intended to prevent.

The nature of any property development and use of land in enclaves including private land in Country Parks is inextricably linked with the health and viability of the surrounding Country Park.

The golden thread running through planning law is *need*, not demand.

Broken Promises

In October 2010 the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department (PlanD) secretly decided that 25 enclaves would be incorporated into Country Parks and statutory plans were to be prepared for 27 enclaves, 2 of which would be covered by DPA and then incorporated in CP.

The 77 enclaves identified in 2010 cover an area of 2,067 ha. Based on Chapter 5 of the Audit Commission's report 61 dated 30th October 2013 and information available from the Legislative

Council and TPB, the 27 enclaves identified for incorporation into CP make up only around 236 ha - or about 11%. The enclaves zoned with statutory plans which permit development cover 1,840 ha - or about 89%.

This contradicts the promises made in the Enclave Policy: Only 11% of the enclaves will be subject to scrutiny by the CMPB, and for 89% of the enclaves development can proceed without scrutiny from the CMPB and without any scrutiny by both CMPB and TPB for the V-zones within these enclaves.

Statutory planning control measures are inadequate to protect Country Parks from incompatible development.

In November 2013, having regard to immediate development threats the Planning Department had applied development control to 23 of the 29 or 30 enclaves by way of Development Permission Area (DPA) plans under the Town Planning Ordinance (TPO). DPA plans are being prepared for another 6 or 7. These DPA plans are effective for a period of three years (unless extended for up to one additional year). Unless the enclave is incorporated into CP, the DPA plan will need to be replaced with an Outline Zoning Plan (OZP) and VTD zones will need to be included for enclaves with recognized villages (RVs).

Small Houses are always permitted as of right in V-zones, without scrutiny by the CMPB and TPB, merely by Lands Department.

Village House Development (VTD) is regularly permitted in Green Belt, Agriculture and Recreation zones with approval by TPB. TPB commonly approves small house applications outside the V-zones. Under established guidelines the sprawl of VTD has been allowed to expand beyond V-zones. So far, zones for VTD have been drawn up for 20 enclaves. This creates serious doubts over the effectiveness of statutory plans controlling development in enclaves and protecting the country parks, especially as the demand under the Small House Policy is infinite.

In all, the combined VTD permitted in enclaves will increase the demand for transport and traffic infrastructure impacting the integrity of CP areas. New roads and road improvements including urban street lighting will follow, significantly reducing the value of each CP.

VTD also blight the immediate landscape, pollute nearby land and waters, and impact the integrity and enjoyment of surrounding country parks and marine resources. The prevailing SHP lacks planning of village environs which results in chaotic village layouts. There is no provision of public works for site formation, slope stabilization, paths, drainage and sewerage. Neither access nor parking is provided. Individual landowners make their own arrangements including unlawful occupation of government land as they deem necessary.

Protecting Country Parks from incompatible development can only be achieved by incorporating enclaves in Country Parks. Once incorporated, development is subject to scrutiny by AFCD and the CMPB, and the enclaves would enjoy active management including, among others, habitat and amenity improvements, regular patrols and surveillance, enforcement actions against irregularities and refuse collection.

As stated above, the AFCD has since 2010 gazetted (only) 3 enclaves for incorporation into CP. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. Incorporating enclaves into CP will improve the management of these areas, enhance the conservation and landscape values, and increase the enjoyment and amenity value of CP as a whole.

The Heung Yee Kuk and village developers claim that their private land rights are not protected when incorporated into Country Park. This is untrue because there are statutory procedures for compensation of land owners when existing or proposed developments which reduce the amenity and

enjoyment of the CP are disallowed. This procedure does not exist when land uses are restricted under statutory plans.

The demand for small houses is infinite and determined without any justified support under the prevailing Small House Policy. It is unsustainable. When looked at in the light of the fact that a male indigenous villager can acquire in effect a free 3 storey house purely by accident of his birth, it is a gross social injustice against the vast majority of non-indigenous villager Hong Kong citizens, both male and female, whose best hope is that one day they might be able to pay off a mortgage on a shoe box sized flat which they purchased at an inflated price.

The Planning Department has been zoning areas of enclaves as V Zone based upon the estimate of demand by the Village Representatives (VR), who put forward a figure of estimated demand of numbers of houses required in the next 10 years. These estimates are never queried or verified by any Government Department, instead being accepted at face value. Hence the estimate of 197 houses put forward to TPB recently by the VR of Pak Sha O, a village where no indigenous villager has lived for decades.

The Chief Executive, the Government, AMO, CMPB and TPB must agree to take the following actions to protect our Country Parks:

- Incorporate all Enclaves into their surrounding CP and place them under the management and control of the AFCD and oversight of the CMPB;
- Extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into CP to be completed;
- Categorically deny new roads to enclaves currently not serviced by roads;
- Promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity and recreational values of country parks;
- Identify and designate structures with Grade 1 status and prevent owners neglecting or destroying them;
- Ensure development and infrastructure projects in enclaves are designated projects under the EIAO; and to subject the decision making by District Lands Offices, Planning Department, AFCD, CMPB and Town Planning Board regarding the development of enclaves to strict oversight and coordination.
- Where Outline Zoning Plans are deemed necessary (such as Hoi Ha, Pak Lap and So Lo Pun, for which the DPA plans have expired and ahead of designation as Country Park) the Town Planning Board, AFCD and Planning Department must enhance these plans with strict additional measures of development control to conserve the natural habitat, landscape resources and rural and natural character of the country parks, and to enhance their amenity and recreational values;
- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only. Future legitimate demand under the SHP, if any, would have to be addressed outside the enclaves and CP;
- Move "houses" and "small houses" from column 1 to column 2 in the Schedule of Notes to ensure that any and all demolition and (re-) development of houses is subject to planning permission;
- Create a layout plan for each enclave with consensus from the public including stakeholders;

- Any and all slope stabilization, site formation, sewage treatment, drainage, footways, access and parking required should be implemented as public works to control the design and engineering, and to minimize impacts;

- Categorically deny the future construction of new roads to enclaves currently not serviced by roads; and.

- Ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

We request the following specific changes following draft Outline Zoning Plans which have been published, in addition to the general changes already identified above to protect the Country Parks:

1. Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1):

We object to the draft OZP. We adopt and fully endorse the representations made by Friends of Hoi Ha, WWF, Designing Hong Kong and other organizations who oppose the OZP and want Country Park status.

V Zone

The planned V Zone almost entirely consists of private agricultural lots. Land and company searches reveal that 95 % of the planned V Zone lots have been purchased by property development companies for an aggregate of over $40,000,000. This fact was already known to TPB and Planning Department well before the OZP was gazetted.

We ask why is it that the V Zone was placed in exactly the location where Planning Department already knew almost all the land was owned by development companies?

This smacks of collusion between Government and developers behind the scenes and raises the gravest suspicions. This is the grossest form of maladministration.

The enclave should be incorporated into the Sai Kung West Country Park given its ecological, landscape and recreational values.

Population and Sewerage

We object to the large V-zone for 63 houses, and the planned population of 590. According to the 2011 census, the population at Hoi Ha was 110 persons. This is incorrect. In fact, the real population is about half that number. There is no public sewerage and the provision of a private sewerage treatment plant is unrealistic. There have been 7 approved small house applications in the last 18 years. The V-zone should be limited to existing structures and approved small house applications only.

The provision of individual Septic Tank Systems for every house built in the V-zone in accordance with current misleading EPD policy has the potential to pollute Hoi Ha Wan, severely damage the marine environment and render the beaches unsafe for public recreation. A public works program for sewerage and other facilities should be mandated as a condition for existing developments and prior to new developments, if any.

Green Belt

As planning permission for construction of Small Houses in Green Belt is routinely granted in Green Belt, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.

Again the Green Belt consists almost entirely of private agricultural lots about ⅔ of which have been purchased by property development companies.

"Barbecue Spot", "Picnic Area", "Public Convenience", "Agricultural Use" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

2. Draft Pak Lap Outline Zoning Plan (S/SK-PL/1):

We object to the draft OZP. We adopt and and fully endorse the representations made by WWF, Designing Hong Kong and other organizations who oppose the OZP and want Country Park status.

Again, the V Zone has been placed in the very same area where a very large proportion of the private agricultural lots have been purchased by development companies. We ask the same question: how and why is it that the V Zone was placed in exactly the location where Planning Department already knew almost all the land was owned by development companies?

Again, this is the grossest form of maladministration.

Pak Lap should be incorporated into the Sai Kung East Country Park given its ecological and landscape values.

We object to the large V-zone for 79 small houses and the planned population of 230. According to the 2011 census, the population at Pak Lap was less than 50. There is no vehicle access and no public sewerage. The V-zone should be limited to existing structures and approved small house applications only.

Pollutants entering Pak Lap Wan will impact the habitat of the amphioxus (lancelet) – a marine species of high conservation value. The Pak Lap Stream and its riparian zone (30 m from each side of the stream) and the habitat for Water Fern should be covered with Conservation Area.

3. Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1):

This OZP is yet another case of gross maladministration.

We object to the draft OZP. We adopt and and fully endorse the representations made by WWF, Designing Hong Kong and other organizations who oppose the OZP and want Country Park status.

This enclave has been systematically subjected to large scale destruction of vegetation and woodland and is a prime example of "destroy first, develop later," a practice the TPB is on record as being determined to stop. It is time for TPB's actions to match its words.

The enclave should be fully incorporated into the Plover Cove Country Park given its ecological and landscape values.

We object to the large V-zone for 134 houses and the planned population of 1,000. According to the 2011 census the population at So Lo Pun was "0" and there are no outstanding small house applications. This is yet another obvious example of indigenous villagers selling their "Ding" rights to developers.

There is no road connection or public sewerage, and the area has a high landscape and ecological value. The V-zone, if any at all, should be limited to existing structures.

The heritage value of existing structures should be recognized and protected.

We object to the Green Belt zone. The upper section of the So Lo Pun Stream and its riparian zone (30 m from each side of the stream) should be covered with Conservation Area zone to protect the high ecological value of the stream and associated wetland.

"Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes such that these uses require approval from the TPB.

Thank you for your attention.

You may reveal that this representation is made for Friends of Sai Kung.

I do not consent that you disclose my personal data to any 3rd person.

Yours sincerely,

John Wright

Secretary,
Friends of Sai Kung

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1-
TPB/R/S/SK-PL/1- 10544

[redacted]>

27/11/2013 下午 03:28

To "Town Planning Board" <tpbpd@t

cc

bcc

Subject Draft OZP Hoi Ha (S/NE-HH/1); Draft Pak Lap OZP (S/SK-PL/1); Draft So Lo Pun OZP (S/NE-SLP/1)

☒ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear sirs,

I attach Friends of Sai Kung representation concerning the above 3 OZPs.

Please place before the Town Planning Board today.

Kindly note I wish my personal identity and personal data to be confidential, but you may allow Friends of Sai Kung to be identified as the authors of the submission.

Kind regards,

John Wright

Secretary

Friends of Sai Kung

27.11.2013 FSK to TPB Objections to OZP Hoi Ha, Pak Lap, So Lo Pun.doc

(3)

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10545
TPB/R/S/SK-PL/1-

[redacted]

25/11/2013 下午 05:48

To "tpbpd@pland.gov.hk" <tpbpd@pla
"pspl@devb.gov.hk" <pspl@devb.gov.hk>
cc "dafcoffice@afcd.gov.hk" <dafcoffice@afcd.gov.hk>
"sen@enb.gov.hk" <sen@enb.gov.hk>
"dep@epd.gov.hk" <dep@epd.gov.hk>
bcc

Subject RE: S/NE-SLP/1 (Draft So Lo Pun OZP); S/SK-PL/1 (Draft Pak Lap OZP) and S/NE-HH/1 (Draft Hoi Ha OZP)

☒ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Mr. Chow and TPB Members,

As local experts in ecology, biodiversity and conservation, and professoriate staff of the University of Hong Kong, we are writing to provide our professional views on the captioned draft Outline Zoning Plans (OZPs) for So Lo Pun, Pak Lap and Hoi Ha Wan.

Please find attached a jointly signed letter expressing our professional views on the captioned draft OZPs.

Based on our professional judgments and considering the aims and objectives of the international Convention on Biological Diversity, we strongly object to the above draft OZPs. We also consider that any proposal that allows increased development of small houses within Country Park enclaves would be inappropriate and sets a worrying precedent for the future of Hong Kong's cherished Country Park system.

Thank you for your kind attention and consideration. Should you need any further input from us, please do not hesitate to contact me via email at [redacted] or by phone ([redacted]).

With best wishes,
Prof. Kenneth Leung
(On behalf of the other eight ecologists
as shown on the attached letter)

Professor Kenneth Leung
The Swire Institute of Marine Science
School of Biological Sciences
The University of Hong Kong
Tel.: [redacted]
Email: [redacted]

To_Town_Planning_Board_Final_v.pdf

(4)

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香港大學
生物科學學院
香港薄扶林道
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Chairman (Mr. Thomas Chow) and Members
Town Planning Board
HK SAR Government

By Email tpbpd@pland.gov.hk

26 November 2013

Dear Mr. Chow and TPB Members,

RE: S/NE-SLP/1 (Draft So Lo Pun Outline Zoning Plan);
S/SK-PL/1 (Draft Pak Lap Outline Zoning Plan) and
S/NE-HH/1 (Draft Hoi Ha Outline Zoning Plan)

As local experts in ecology, biodiversity and conservation, we are writing to provide our professional views on the captioned draft Outline Zoning Plans (OZPs) for So Lo Pun, Pak Lap and Hoi Ha Wan. **Based on our professional judgments and considering the aims and objectives of the international Convention on Biological Diversity (CBD), we strongly object to the above draft OZPs.** We also consider that any proposal that allows increased development of small houses within Country Park enclaves would be inappropriate and sets a worrying precedent for the future of Hong Kong's cherished Country Park system.

On the one hand, the HK SAR Government has recently embarked on the planning and implementation of the CBD, and in that context is responsible for fostering the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the utilization of genetic resources.

In clear opposition to this principle, however, it is becoming apparent that the HK SAR Government intends to follow the request of the Heung Yee Kuk and allow substantial development zones for small houses within Country Park enclaves. Eventually, there could be as many as 19 such zones with a total area of 320 ha within these enclaves (including the three OZPs captioned above) where over 3,000 small houses could be built. Certainly, there will be cumulative ecological impacts brought about by such development, which could very well exceed the carrying capacity of ecosystems within and around the enclaves. Without careful studies of the carrying capacity and potential cumulative ecological impacts of the future designation of zoning for small houses, it is a very unwise decision to allowing more houses, more people and more vehicles to exist within these ecologically-sensitive areas.

As a specific example, the Hoi Ha Wan Marine Park is the only one of its type in Hong Kong and Southern China, and has very high biodiversity in its intertidal and sub-tidal zones. The intertidal soft shore of Hoi Ha Wan sustains the highest species richness of marine invertebrates among 41 soft shores surveyed within Hong Kong (Leung et al. 2006). According to the Agriculture Fisheries and Conservation Department (AFCD), Hoi Ha Wan is one of the best coral sites in Hong Kong with 64 stony coral species and over 120 coral-associated fish species. Recent surveys, summarized by Wong (2013) have also indicated that the area encompassed by the Hoi Han Wan OZP is enriched with an array of terrestrial flora and fauna on land (e.g., 243 plant species, 139 insect species, 50 arthropod species, and 37 reptile/amphibian species) and in the stream and its associated estuary and wetlands (e.g., 26 fishes, 26 crustaceans and 27 molluscs). The construction of the 60-90 small houses envisaged under the proposed OZP will inevitably destroy or fragment natural habitat and reduce biodiversity either during the construction phase or in its aftermath.

Some simple calculations can highlight the long-term consequences associated with the proposed increase in small houses. For example, if there were three people living in each of the 90 small houses, there would be an additional 270 people living in the community with an associated increase in the number of vehicles and traffic, resulting in various cumulative environmental pressures upon the local ecosystems.

If the small houses are going to use septic tanks and soak-away pits as a means to treat domestic wastewater, this is likely to result in the eventual contamination of the stream and entire coastal area of Hoi Ha Wan. The coastal sediments at Hoi Ha Wan are dominated by sand which cannot effectively adsorb or absorb the organic pollutants, and thus any wastewater would infiltrate through the soil into the stream and the coastal waters, with consequent impacts on the Marine Park. Assuming a generation rate as 100 litres of wastewater discharged per person per day, a population of ~ 300 people in the area covered by the OZP would result in daily generation of ~ 30,000 litres of wastewater resulting in contamination of the stream, wetland and Marine Park of Hoi Ha Wan by faecal bacteria, pathogens, and excess nutrients as well as endocrine disrupting chemicals such as nonylphenols from detergents and drug residues arising from the use of pharmaceutical products by residents. If the TPB approves the draft OZP, then a condition of compulsory use of self-contained chemical toilets and wastewater treatment systems must be imposed to avoid contamination of the soils, stream, wetland and marine environments of Ho Hai Wan.

We do not know how much impact the ecosystems of Hoi Ha Wan, So Lo Pun or Pak Lap can tolerate without an adverse effect, **yet this is the central question that the TPB must be able to answer before approving the proposed OZPs.** We stress that the carrying capacity for individual enclave sites and the overall capacity of all Country Park enclaves must be carefully studied before an informed and responsible decision on land use and small-house numbers can be made. Other issues such as solid waste management, private vehicles and parking areas, public transportation and goods supply also need to be taken into account when considering the desirability of proposed OZPs. It is also important to balance the various public interests rather than favour, without due consideration, the interests of just one sector of our society.

As history reveals, land-uses change and rural development is a major driver of biodiversity loss. As an Asia world city, Hong Kong should embrace the principle of sustainable development and enable our future generations to enjoy the Country Parks, appreciate their wildlife and live harmoniously with our natural heritage. We should not see our Country Parks surrounded by houses and crowded with people and vehicles. It would be shameful if the TPB made an irreversible decision allowing excessive development within Country Park enclaves.

We propose that members of the TPB take account their responsibility to protect nature and our biodiversity for future citizens of Hong Kong and refuse the proposed draft OZPs. It is essential to balance the interests of different sectors of our society and conduct any development in a measured way based on a sound scientific foundation. Only in this way can it truly contribute to Hong Kong's sustainable development.

Thank you for your attention and consideration.

Yours faithfully,

Prof. David Dudgeon | Prof. Kenneth Leung | Prof. Yvonne Sadovy | Prof. Gray A. Williams

Dr. David Baker | Dr. Tim Bonebrake | Dr. Billy Hau | Dr. Leszek Karczmarski

Dr. Vengatesen Thiyagarajan

cc. Secretary, ENB; Director, AFCD; Director, EPD;
Editor, SCMP; Editor, The Standard

Cited References:

Leung, K.M.Y., Lui, K.K.Y., Wai, T.C., Cheung, A.Y.T., Chan, B.K.K., Yau, C. (2006). Study on the Soft Shore in Hoi Ha Wan Marine Park. Final Report to the Agriculture, Fisheries and Conservation Department (AFCD/SQ/2/05), the Government of the Hong Kong Special Administrative Region, P.R. China.

Wong, C.C. [黃志俊] (2013) 香港自不要海下灣建豪宅 保護郊野完整性。主場新聞。

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10578
TPB/R/S/SK-PL/1-

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自然協會成立於1993年，為香港首間提倡情意自然教育與奉行簡樸生活的慈善教育團體，於2007年創辦鄉師自然學校。

Our Ref: L/GC/2013/11/002/

致：城市規劃委員會

有關： 鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)，
白腊分區計劃大綱草圖(S/SK-PL/1)及
海下分區計劃大綱草圖(S/NE-HH/1)發表意見
保育郊野公園「不包括土地」，請港府不要盲目闢地！

2010 年發生西貢大浪西灣慘遭「先破壞、後發展」，令位處於郊野公園範圍的「不包括土地」的保育政策漏洞顯露無遺，當年市民以群眾力量表現愛護香港大自然生態的決心，終逼令政府制定西灣的保育措施，並於上月刊憲修訂，把大浪西灣納入郊野公園範圍內。局方早前就相關修定進行公眾諮詢時，收到 3,200 個市民電郵表示支持，足見香港人守護自然生態及郊野公園的決心。

可惜，其他郊野公園「不包括土地」如海下、白腊及鎖羅盆等，現正面臨發展威脅，政府並未就當地珍貴的天然遺產制定完善的保育措施。 規劃署月前提出將上述三地納入分區計劃大綱圖內，但把鄉村式發展地帶 (Village Zone) 擴大，可興建大面積村屋。 事實上，鎖羅盤及白腊均沒有馬路可達，此三區亦沒有公共污水渠收集生活廢水，我們對政府規劃署建議在這些地區建立大面積鄉村式發展地帶的決定大惑不解。

本會認為規劃署制定鄉村式發展地帶面積時，需考慮三地實際環境及自然生態的承載量。作為關心香港自然環境的一分子，本會認為有必要加強保護力度，故此本會強烈要求政府：

1. 嚴格制定措施保育郊野公園「不包括土地」的自然生態，儘快把具生態保育價值的「不包括土地」納入郊野公園範圍內。

2. 重新審視海下、白腊及鎖羅盆三份分區計劃大綱圖，把鄉村式發展地帶維持在現時可建築地段的範圍內。

保存香港珍貴的自然生態，需配合全面的保育政策，而不能單靠分區計劃大綱圖解決，不必要的大型鄉村式發展更可能令珍貴的自然美景遭受破壞，政府必須立即正視，刻不容緩！

(37)

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隨函附上本會對上述三份分區計劃大綱草圖的建議《郊野公園不包括土地的未來》，請城規會謹慎審視公眾意見，以免「先破壞」寶貴郊野而後不能救亡。

此致
城市規劃委員會

自然協會

綠組

2013 年 11 月 22 日

附件：《郊野公園不包括土地的未來》

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附件：「郊野公園不包括土地」的未來

2010 年在西貢大浪西灣發生的環境破壞事件，令公眾認識到「郊野公園不包括土地」這個新名詞。事件令政府及市民意識到必須好好保護這些不包括土地；其後申訴專員公署及審計署亦作出同樣要求，促請政府相關部門儘快落實保護這些地區。其實，早在 2001 年，同屬「郊野公園不包括土地」，位於大浪西灣 北面的大浪灣也差點被發展破壞，幸好當時的政府規劃署採取果斷行動，將大浪灣超過九成面積透過分區計劃大綱圖規劃成自然保育區，大浪灣才幸免於難。

但除了大浪西灣及大浪灣，本港其實還有很多仍未廣為人知的「郊野公園不包括土地」。最近政府完成了三幅位於新界東北的鎖羅盤，及西貢的白腊及海下的不包括土地的分區計劃大綱草圖，並建議於每區設大面積的鄉村式發展地帶(主要供新界豁免管制屋宇(又稱小型屋宇或丁屋)發展)，其中海下及白腊的鄉村式發展地帶更佔其總面積的三成或以上。事實上，鎖羅盤及白腊均沒有馬路可達，此三區亦沒有公共污水渠收集生活廢水，我們對政府規劃署建議在這些地區建立大面積鄉村式發展地帶的決定大惑不解。更重要的是，這些地區均具有甚高的自然生態及景觀價值，我們極之憂慮這些鄉村式發展於運作及施工期間的潛在影響，會為這些不包括土地及周邊環境帶來永不磨滅的生態與景觀破壞。我們亦特別關注海下的發展，因生態價值極高的海下灣海岸公園可能會受到威脅。

其實小型屋宇(丁屋)政策在社會上已討論多時。思匯政策研究所在 2003 年發表的一份報告，亦一針見血地指出：*小型屋宇政策的主要問題在於其本身的「不可持續性」*[1]。審計署亦在 2002 年就小型屋宇政策可能被濫用的情況撰寫了一份報告[2]。我們認為政府實應儘速嚴正檢討此政策，例如加入限制售予非原屋主親屬、限制村屋範圍擴張或限制村屋在村範圍外興建等的新條款；否則，今天在鎖羅盤，白腊及海下出現的問題，日後將會在其他高保育價值的鄉郊地區(例如其他郊野公園不包括土地)不斷重現。

另外，生物多樣性公約已於 2011 年延伸至香港，特首亦於 2013 年的施政報告提到：*政府認同公眾對生態保育的關注……我們亦會在政府主要決策中，重視陸上及海域的生態保育*。然而，目前規劃署在郊野公園不包括土地的規劃，在生態保育上卻是反其道而行。我們對此情況深表憂慮。

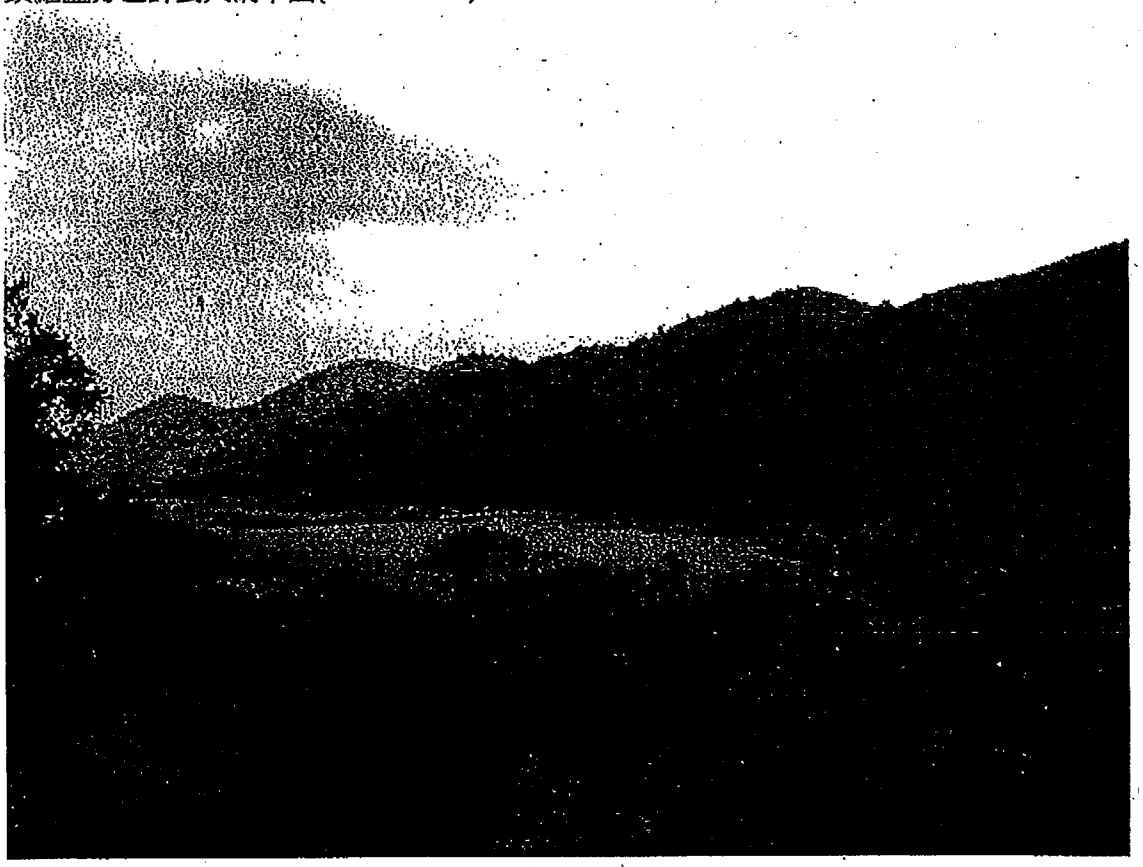
現在，城市規劃委員會(城規會)正收集市民對鎖羅盤，白腊及海下的分區計劃大綱草圖的意見，我們希望 大家能踴躍表態，為自己及下一代捍衛香港的自然環境。請於二〇一三年十一月廿七日(星期三)或之前，將您的意見以電郵遞送至城規會 (tpbpd@pland.gov.hk)，並註明是就鎖羅盤分區計劃大綱草圖 (S/NE-SLP/1)，白腊分區計劃大綱草圖 (S/SK-PL/1)及海下分區計劃大綱草圖 (S/NE-HH/1)發表意見。

以下簡列了鎖羅盤，白腊及海下的分區計劃大綱草圖的問題(與我們的建議)。

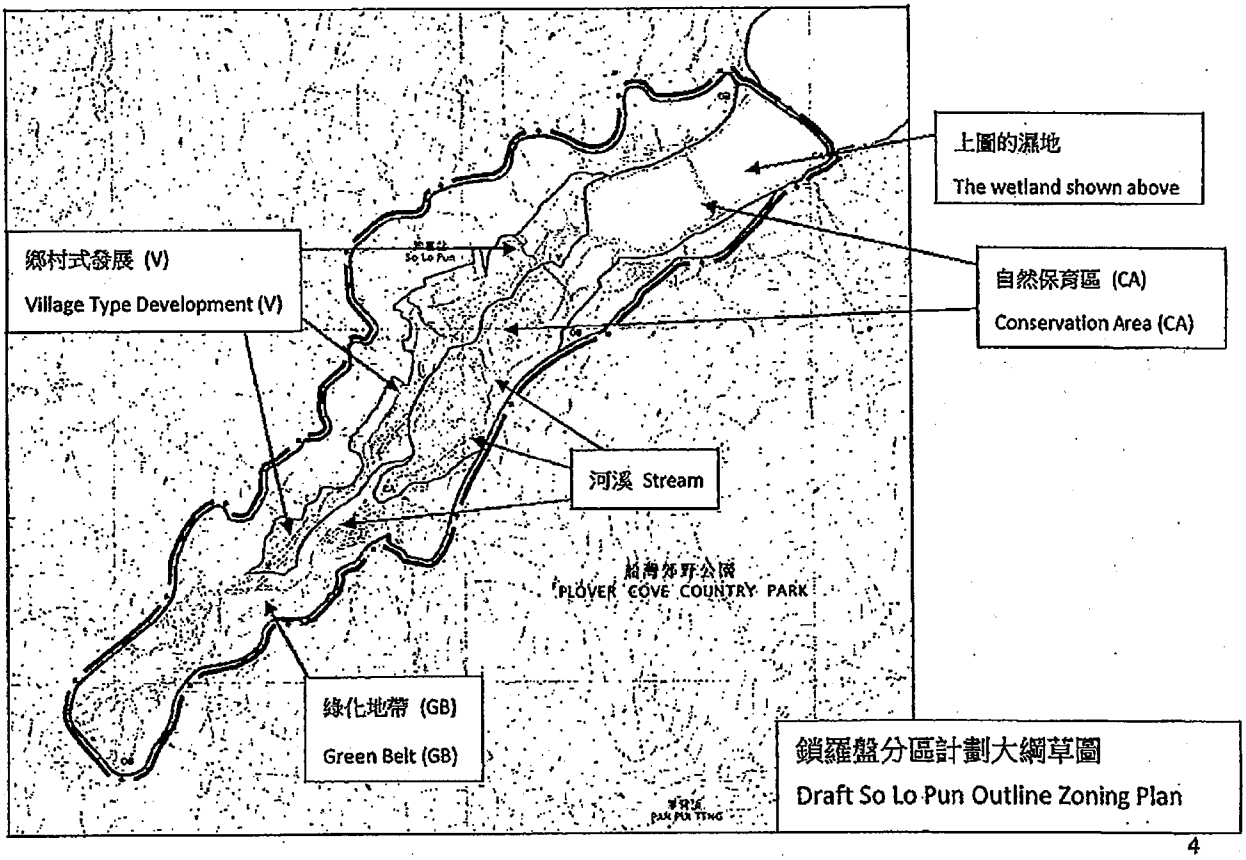
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1 http://www.civic-exchange.org/wp/wp-content/uploads/2003/09/200309_RethinkSmallHouse.pdf
2 http://www.aud.gov.hk/pdf_c/c39ch08.pdf

鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)



你希望這片濕地遭受破壞嗎?



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自然協會成立於1993年，為香港首間提倡倡意自然教育與奉行簡樸生活的慈善教育團體，於2007年創辦鄉師自然學校。

- 根據 2011 年的人口普查，鎖羅盤的人口是「0」。但規劃署現在竟把這長期無人居住的地帶的未來規劃人口定為「1000」人，更建議擴大鄉村式發展地帶，以供建設 134 間村屋(新界豁免管制屋宇或小型屋宇)。

- 鎖羅盤有一片生態價值極高的濕地，內有紅樹林、蘆葦叢及在香港極為稀有的海草床。儘管分區計劃大綱草圖建議把這片濕地劃作自然保育區，那可容納 1000 人的鄉村式發展地帶卻被放在這個生態價值極高的濕地旁邊。

- 現時鎖羅盤沒馬路可達。且建議中的鄉村式發展地帶完全被郊野公園、建議的綠化地帶和建議的自然保育區所包圍。

- 現時鎖羅盤並無公共污水渠。根據《水污染管制條例》，鎖羅盤內與外的水體原則上都不應受到污染。政府必須確保此條例能切實執行。

- 我們要求規劃署就以下問題作出解釋：

  (1) 如何可以在不進入或破壞周圍的綠化地帶、自然保育區或郊野公園的情況下，把用作發展的物資及機器，送到署方建議作鄉村式發展的地帶？

  (2) 政府如何保證鄉村式發展地帶內村屋慣常使用的化糞池設施，在沒有吸糞車能到的情況下，能定期得到清除池內淤泥等的妥善保養，以保持設施能正常運作，而令區內水域不受污染？

- 儘管鎖羅盤溪流的下游及與其相連的濕地被劃定為自然保育區，我們卻對其上游只被劃定為綠化地帶甚表憂慮。根據現行規劃，「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」均為綠化地帶的「經常准許的用途」；向規劃署申請在綠化地帶作村屋發展並獲批准的情況亦屢見不鮮。一切可能在上游產生的污染，必然會順流而下，直接威脅下游的自然保育區。

- 2008 年，鎖羅盤有近 400 棵樹被砍伐；及後於 2011 年，城規會宣稱不會容忍「先破壞，後發展」的行為。然而，現在規劃署卻建議於鎖羅盤設一面積達 4.12 公頃的鄉村式發展地帶。此舉無疑直接鼓勵 「先破壞，後發展」行為，將進一步加劇本港其他地點的生態破壞。香港市民期望規劃署能刻守本分，盡職盡責。

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就鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)的建議：

- 必須大幅縮減鎖羅盤的鄉村式發展地帶面積，並規限於現有村屋範圍(及已獲批的村屋地點)；此外，應將鄉村式發展地帶法定圖則註釋表中的「屋宇(只限新界豁免管制屋宇)」，從表列第一欄(「經常准許的用途」)轉移至表列第二欄 － 這正是2001年規劃署處理大浪灣不包括土地時所採納的做法。

- 應把鎖羅盤溪流上游及與其相連的河岸地帶(即河流兩邊各30米的範圍)劃為自然保育區。

- 把綠化地帶法定圖則註釋表中的「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」從表列的第一欄轉移至第二欄，更嚴格地在鎖羅盤規劃監管這些活動及其污染影響。

- 除了上述建議，其實還有一替代方案能更有效地保護「郊野公園不包括土地」。事實上，在2010年的施政報告中，當時的特首早已要求漁農自然護理署(漁護署)研究將不包括土地納入郊野公園的可能性。

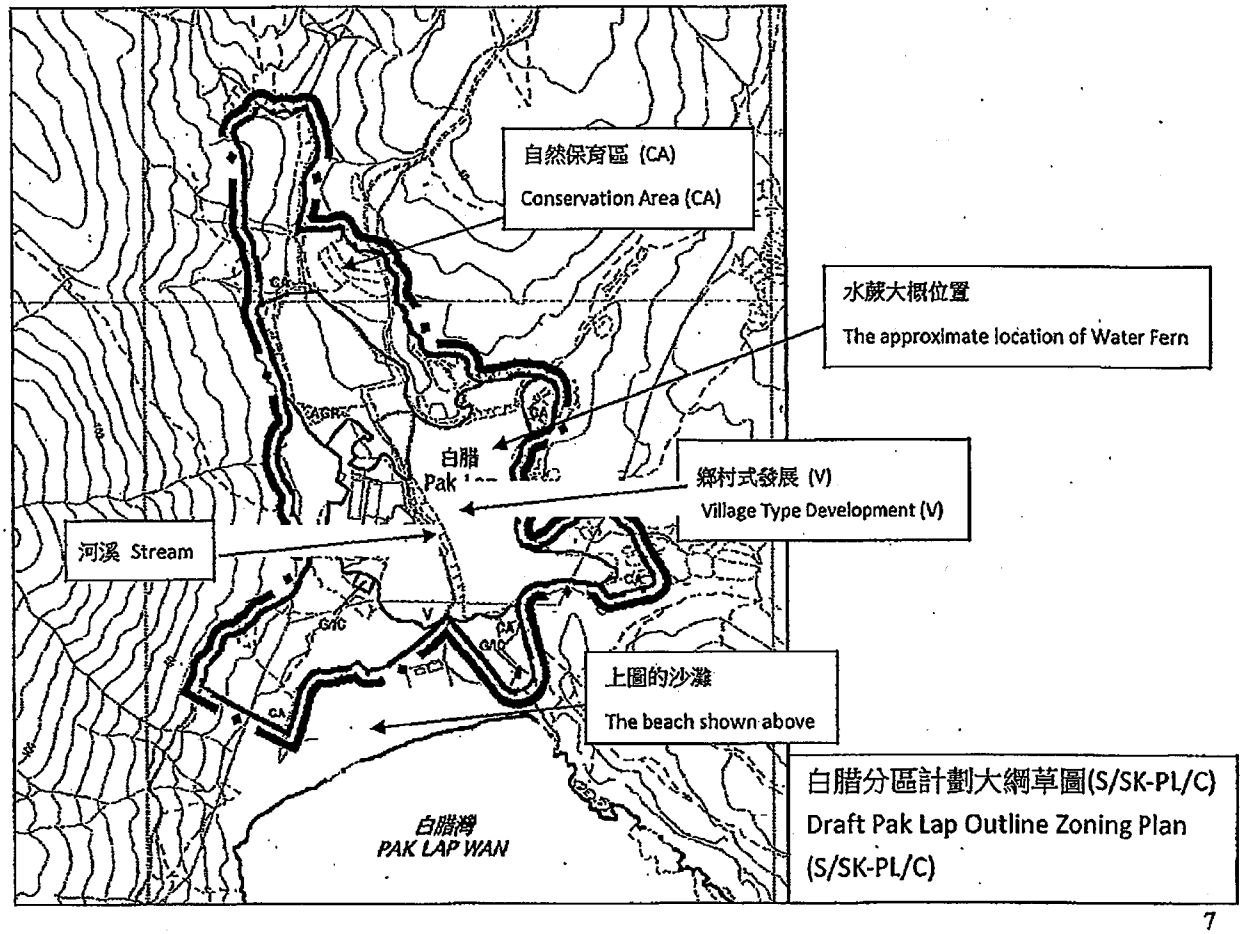
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把鎖羅盤等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啓動規劃程序。

我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

白腊分區計劃大綱草(S/SK-PL/1)



你希望這沙灘遭受污染嗎?



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自然協會成立於1993年，為香港首間提倡情意自然教育與奉行簡樸生活的慈善教育團體，於2007年創辦鄉師自然學校。

- 根據 2011 年的人口普查，白腊的人口不足 50 人。可是，規劃署卻把白腊的未來規劃人口定為 230 人，建議中的鄉村式發展地帶可容納 79 間村屋(新界豁免管制屋宇或小型屋宇)。

- 目前，白腊一片擁有稀有水生植物(水蕨)的生境被規劃作鄉村式發展地帶；另外，與白腊灣(白腊對出的海灣)相連的溪流，亦會被建議的鄉村式發展地帶覆蓋。白腊灣是擁有極高保育價值的文昌魚的重要棲地，任何進入與其相連溪流的污染物，均有機會直接流入白腊灣，嚴重威脅文昌魚棲地。

- 現時白腊沒馬路可達。且建議中的鄉村式發展地帶完全被郊野公園和建議的自然保育區所包圍。

- 現時白腊並無公共污水渠。根據《水污染管制條例》，白腊內與外的水體原則上都不應受到污染。政府必須確保此條例能切實執行。

- 我們要求規劃署就以下問題作出解釋：

  (1) 如何可以在不進入或破壞周圍的自然保育區或郊野公園的情況下，把用作發展的物資及機器，送到署方建議作鄉村式發展的地帶？

  (2) 政府如何保證鄉村式發展地帶內村屋慣常使用的化糞池設施，在沒有吸糞車能到的情況下，能定期得到清除池內淤泥等的妥善保養，以保持設施能正常運作，而令區內水域不受污染？

- 近年，媒體曾屢次揭發於白腊發生的生態破壞事件；於 2011 年，城規會宣稱不會容忍「先破壞，後發展」的行為。現在規劃署卻建議於白腊設一面積達 2.36 公頃的鄉村式發展地帶。此舉無疑直接鼓勵 「先破壞，後發展」行為，將進一步加劇本港其他地點的生態破壞。香港市民期望規劃署能刻守本分，盡職盡責。

對白腊分區計劃大綱草圖(S/SK-PL/1)的建議：

- 必須大幅縮減白腊的鄉村式發展地帶面積，並規限於現有村屋範圍(及已獲批的村屋地點)；此外，應將鄉村式發展地帶法定圖則註釋表中的「屋宇(只限新界豁免管制屋宇)」，從表列第一欄(「經常准許 的用途」)轉移至表列第二欄 — 這正是2001年規劃署處理大浪灣不包括土地時所採納的做法。

- 將水蕨棲地、白腊溪流及與其相連的河岸地帶(即溪流兩邊各30米的範圍)劃為自然保育區。

- 除了上述建議，其實還有一替代方案能更有效地保護「郊野公園不包括土地」。事實上，在2010年的施政報告中，當時的特首早已要求漁農自然護理署(漁護署)研究將不包括土地納入郊野公園的可能性。

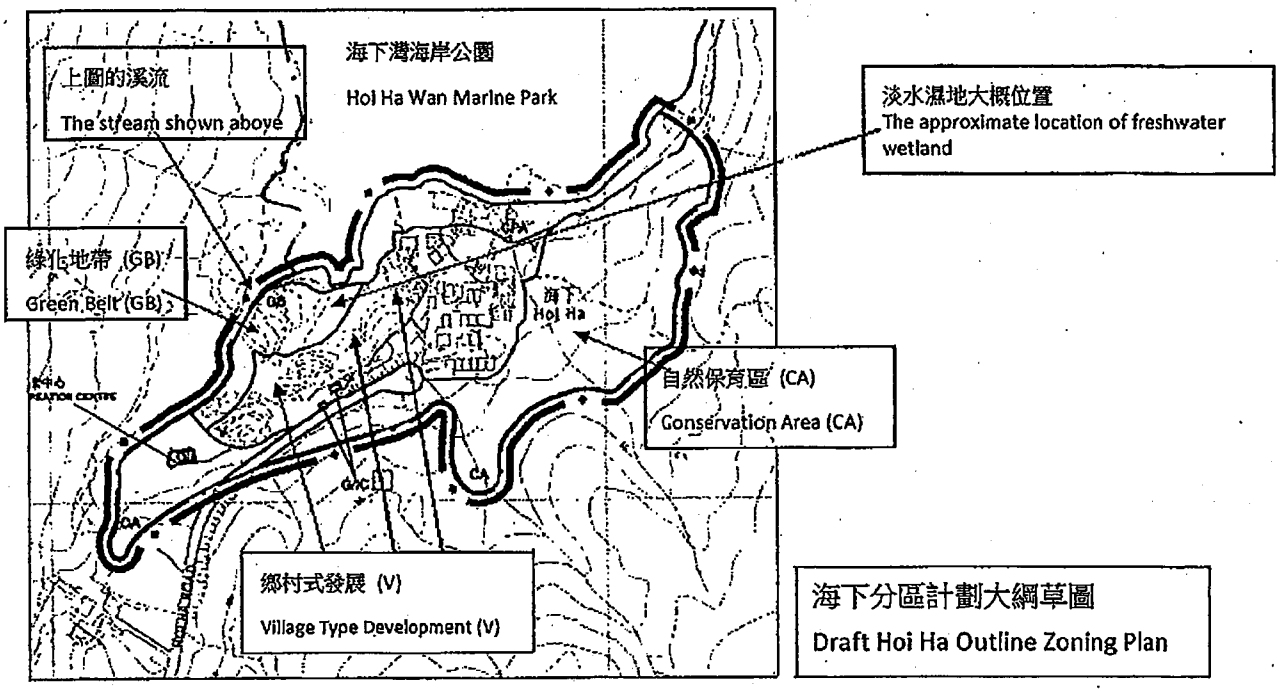
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把白腊等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啓動規劃程序。

我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

海下分區計劃大綱草圖(S/NE-HH/1)



你希望這溪流遭受污染嗎?



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- 根據 2011 年的人口普查，海下的人口為 110 人。可是，規劃署卻把海下的未來規劃人口定為 590 人，建議中的鄉村式發展地帶可容納 63 間村屋(新界豁免管制屋宇或小型屋宇)。

- 規劃署草擬把海下路西面一片與郊野公園融和一體的天然茂密樹林劃為鄉村式發展地帶，我們對規劃署此建議大惑不解。

- 海下灣海岸公園生態價值極高，但規劃署現卻容許海下的鄉村規模進一步擴大，無視此舉對海下珍貴的海洋及陸上生境的潛在影響。

- 我們對海下溪流的河岸及當地一片淡水濕地只被劃為綠化地帶甚表憂慮。根據現行規劃，「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」均為綠化地帶的「經常准許的用途」；向規劃署 申請在綠化地帶作村屋發展並獲批准的情況亦屢見不鮮。一切可能在上游產生的污染，必然會順流而下，嚴重威脅海下灣海岸公園。

對海下分區計劃大綱草圖(S/NE-HH/1)的建議：

- 必須大幅縮減海下的鄉村式發展地帶面積，並規限於現有村屋範圍(及已獲批的村屋地點)；此外，應將鄉村式發展地帶法定圖則註釋表中的「屋宇(只限新界豁免管制屋宇)」，從表列第一欄(「經常准許的用途」)轉移至表列第二欄 — 這正是2001年規劃署處理大浪灣不包括土地時所採納的做法。

- 把與海下溪流相連的河岸地帶(30米範圍)及淡水濕地劃為自然保育區。

- 把綠化地帶法定圖則註釋表中的「燒烤地點」、「野餐地點」、「帳幕營地」及「公廁設施」從表列 的第一欄轉移至第二欄，更嚴格地在海下規劃監管這些活動及其污染影響。

- 除了上述建議，其實還有一替代方案能更有效地保護「郊野公園不包括土地」。事實上，在2010年的施政報告中，當時的特首早已要求漁農自然護理署(漁護署)研究將不包括土地納入郊野公園的可能性。

因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把海下等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啓動規劃程序。

我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

二〇一三年十一月

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聯署人

	姓名	電郵地址	簽署
1	歐麗嫻	[redacted]	
2	區紀稜		
3	鄧偉佳		
4	曾碧玉		
5	王信興		
6	彭婧淳		
7	鄭詠敏		
8	劉永佳		
9	劉文清		
10	曾玉珊		
11	馮崇雄		
12	傅慧娟		
13	馬淦華子		
14	林詠儀		
15	周妙雪		

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聯署人

	姓名	電郵地址	簽署
16	李露儀	[redacted]	
17	梁國榮		
18	何翠娟		
19	李銘儀		
20	李銘揚		
21	梁松		
22	鍾[illegible]永輝		
23	周志弘		
24	周澄晞		
25	周麗琳		
26	郭蕊芹		
27	劉子偉		
28	鄧燕冰		
29	陳朝霞		
30	謝[illegible]傑雄		

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聯署人

	姓名	電郵地址	簽署
31	劉令茵	[redacted]	
32	馮振豪		
33	張海蓮		
34	蔡珊華		
35	葉[illegible]		
36	楊慧		
37	Irene Jackson		
38	Terry Preece		
39	PAUL ANTHONY JACKSON		
40	Agnes Chow		
41	Viola Lee Y. C.		
42			
43			
44			
45			

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10605
TPB/R/S/SK-PL/1-

Lap Pan Chong [redacted]
27/11/2013 下午 10:17

To tpbpd <tpbpd@pland.gov.hk>
dafcoffice@afcd.gov.hk
kkling@pland.gov.hk
cc
bcc
Subject 就海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖提出申述

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

致城市規劃委員會
規劃署署長
漁農自然護理署署長
地政總署署長:

我認爲政府在保護郊野公園「不包括土地」時用錯策略，部門在官僚作風影響之下，在制訂分區計劃大綱圖時不自覺地偏袒新界原居民群體〔及擁有土地的地產商〕，在白腊、海下和鎖羅盤劃出過大的丁屋區，原來打算保護「不包括土地」，結果變成加速破壞，更出現違反常理的規劃結果。

我認爲現時海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖中丁屋區過大，要求城規會拒絕通過目前的白腊、鎖羅盤、海下三張分區計劃大綱圖。

若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，我要求應採用〈大浪灣分區計劃大綱圖〉的做法，維持發展審批地區圖中的鄉村式發展〔丁屋區〕的範圍。

我要求重新制訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，讓政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合。

莊立彬
土地正義聯盟成員
聯絡電話:[redacted]

(64)

TPB/R/S/NE-HH/1-10752

"David NEWBERY" <[redacted]>
26/11/2013 下午 11:11
Please respond to [redacted]

To <tpbpd@pland.gov.hk>
cc
bcc
Subject Draft Hoi Ha OZP - Comments

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If you have received a previous version of this paper, please disregard it – this is the final version.

Dear Sir/Madam

Please find enclosed a paper giving comments on the Draft Hoi Ha Outline Zoning Plan (S/NE-HH/C) from the Friends of Hoi Ha.

I would be grateful if you would acknowledge receipt of this paper.

Yours faithfully

David Newbery
Secretary, friends of Hoi ha

TPB Submission 25 Nov 13.docx Annex 1 - SSSI Boundary 1.docx Annex 2 - TPB SSSI Map.docx
Annex 3 - Marine Park Boundaries.docx Annex 4 - Coastline.docx Annex 5 - Mangroves.docx
Annex 6 - Submerged Agricultural Plots.docx Annex 7 - SCMP Article.docx Annex 8 - V-zone Hydrology.docx
Annex 9 - WWF Letter.docx Annex 10 - PC E.coli.docx Annex 11 - Hoi Ha Bathing Beaches.docx
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25 November 2013

Mr Thomas CHOW
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Dear Mr Chow

DRAFT HOI HA OUTLINE ZONING PLAN: S/NE-HH/C

INTRODUCTION

1. In October 2010, the enclave of Hoi Ha was gazetted as a Development Permission Area (DPA) as plans for a major commercial development of the area had been discovered and aroused considerable negative public reaction. The DPA came to an end in October 2013 and has been replaced by a Draft Outline Zoning Plan (OZP) which will remain in force until the final OZP is constructed.

EXECUTIVE SUMMARY

2. This paper comments on the Draft OZP and will show that the planning processes behind the drawing up of the Plan were critically flawed and did not constitute a proper planning process. Before the final OZP is published, a complete re-think is required, based on accurate and complete information and a holistic view of the impact of any potential building developments at Hoi Ha. Our concerns centre around:

    - The unrealistic estimate of the need for housing.
    - Inadequate and misleading information being presented to the TPB by other Government departments which has prevented the Board from making appropriate conclusions.
    - The use of inaccurate maps which have misled the TPB.
    - Government policies which do not respect the Law.
    - The lack of ecological, hydrological, geological and geo-technical surveys of the land scheduled for development.

- The ignoring of scientific data provided by NGOs and professional environmental consultants.

- The lack of consideration of the cumulative adverse environmental effects of the building of more than 60 houses in and around the village.

- The absence of any consideration of the ability of the existing infrastructure – sewage, roads, parking facilities etc. – to cope with a more than tripling of the size of the village.

- The absence of any proper Landscape assessment of the area or consideration of the degradation of the Landscape which would be caused by the proposed developments.

- The actual ownership of the land comprising the expanded V-zone and Green Belt, which has made the TPB's plans impractical.

3. It was hoped that the DPA process would adequately protect the sensitive environments in and around the village of Hoi Ha; however, this has proved to be a false hope, as the Draft OZP has the potential to cause severe environmental damage and, ultimately, the irreversible degradation of the marine ecosystem in Hoi Ha Wan Marine Park, the closure of the beaches for public recreation and severe damage to the Landscape value of the area, as well as completely overwhelming the existing infrastructure.

4. The DPA/OZP planning process has proven to be incapable of properly protecting the environment in and around our Country and Marine Parks in accordance with the stated Enclave Policy and public interest, and consideration should be given to re-visiting the decision not to incorporate the Hoi Ha enclave into the Country and Marine Parks system.

5. In the meantime, the OZP should be revised to ensure the proper protection of the environment and landscape in and around the Hoi Ha enclave. These revisions should include:

   - The changing of the Green Belt area to Conservation Area.

   - The establishment of a buffer zone in the form of Coastal Protection Area at least 30 metres wide from the landward edge of the beaches.

   - The establishment of a buffer zone in the form of a Conservation Area at least 30 metres wide from the Hoi Ha Stream.

   - The reduction in size of the V-zone to the present Village Cluster, which would meet the actual legitimate need for new village housing in the next 10 years.

PLANNING INTENT OF DPA

6. According to the DPA Plan:

   "The general planning intention of the Area is to protect its high landscape value which complements the overall natural quality and its landscape beauty of the surrounding Sai Kung West Country Park and the Hoi Ha Wan Marine Park."

It is also stated that:

"any large scale and uncontrolled development may affect the natural environs of Hoi Ha and threaten the marine ecology and overall value of the MP and SSSI".

INTERNATIONAL OBLIGATIONS

7. Hong Kong is now a signatory to the Convention on Bio-Diversity which carries with it certain obligations.

- Article 6 of the Convention states that a contracting party shall:

"a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies".

- Article 8, "In-situ Conservation" states that:

"Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

.....

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;"

Thus, the Government has a remit to ensure that areas adjacent to the "protected areas" of Sai Kung Country Park and Hoi Ha Wan Marine Park / SSSI are subject to environmentally sound and sustainable development.

ASSESSMENT OF NEED FOR HOUSING

8. The TPB has worked on the basis that there is a "Requirement" for 94 additional houses at Hoi Ha under the Small House Policy. The present village comprises approximately 30 houses; therefore a more than quadrupling of the size of the village is contemplated. The figure of 94 was obtained by asking the Indigenous Village Representative (who does not live in the village) for his estimate of the "Need" for houses in the next 10 years. The VR came up with the figure of 84, which is likely to be based on the total number of male descendants – "sons of the village" - who exist and who live all over the world. This figure was passed to the District Lands Officer/Tai Po who did not make any comment and then passed to the TPB. The TPB, having admitted that the "Demand" figure of 84 *"has not been verified"* has added another 10 houses to

this demand, without, apparently questioning whether or not this additional 10 was included in the original figure, and has made major planning decisions on the figure of a "Requirement" for 94 houses.

9. The proposed V-zone in the Draft OZP provides for 67% of the demand – approximately 60 houses, which will still involve a tripling in the size of the village. If the proposed Green Belt is also included, then the full figure of 94 could be incorporated within the enclave.

10. In the last 18 years, 7 houses have been constructed under the Small House Policy. None of these houses are occupied by the indigenous villagers who had them built. Of the 30 houses in the village, only 6 are wholly or partly occupied by indigenous villagers. Thus, although the historical **DEMAND** for houses was 7, the actual **NEED** for housing for Indigenous Villagers over the last 18 years was **ZERO**. Of the 7 newly approved applications for NTEHs, only 1 is likely to be (partly) occupied by the applicant.

11. That 94 "sons of the village" and their families should wish to return to the village of Hoi Ha in the next 10 years is completely unbelievable. What has happened to social conditions in the UK, Canada, Australia and Tai Po, where these people live, to make them want to return to a small village in Hong Kong, 16 kilometres from the nearest shop, with no amenities, no schools, no medical facilities, few employment prospects and a rudimentary public transport system?

12. No proof of the figure of 84 has been asked for and none has been given. That a figure given by an individual who has a vested interest in inflating the demand for housing should be accepted without question by the TPB and used as the basis for major planning decisions is **scandalous.**

13. The actual **NEED** for village housing at Hoi Ha under the Small House Policy over the next 10 years is close to **ZERO.** Room for a handful of houses could be found without significantly expanding the existing village footprint; the **NEED** for a hugely expanded V-zone, which would lead to the tripling in size of the village, has not been demonstrated.

14. The TPB's "requirement" for 94 houses is completely fallacious and is not justified. The only driver for the expanded V-zone is to make money for certain Indigenous Villagers who have few connections and little interest in the village, and for developers who wish to present their clients with investment property portfolios. A more realistic estimate of the **NEED** for Small Houses should be evaluated. The present value of 94 is in error by an order of magnitude and a figure of a **maximum of 6 houses** in the next 10 years would be much more realistic, based on the previous rate of house building, knowledge of the village demographics and the number of eligible indigenous villagers who are likely to want to live in the village in this time period. The actual number of legitimate applications will, probably, be much less than even this figure.

MAPPING

Coastline

15. There is a large amount of confusion about actual boundaries along the coastline, particularly directly in front of the old village, to the west of the rocky outcrop which divides the beaches into two areas.

16. The boundary of the Hoi Ha SSSI is incorrectly plotted on TPB maps. The gazetted boundary is shown in Annex 1. The landward boundary of the SSSI is intended to follow the High Tide Mark and to include the rocky area in the centre of the village frontage. However, the boundary shown on the TPB map (Annex 2) shows the boundary to the north of the gazetted area, a considerable distance to the seaward side of the High Tide Mark, and does not include the large triangular area which represents the High Tide Mark of approximately 40 years ago and the rocky outcrop in the centre of the village frontage. When considering the "step back" distances of Septic Tank Systems (discussed later) it is imperative that the boundary of the SSSI is accurately depicted, otherwise, the probability of pollution of the SSSI from adjacent Septic Tank Systems is increased.

17. The AFCD has given various interpretations of their understanding of the actual landward boundary of the Hoi Ha Marine Park. Two different maps have been provided (Annex 3); they are at pains to point out that the maps are for *"indicative purpose only"* – *in litt.* However, in this same letter, they state that *"The marine park covers a wider area to include ecological sensitive spots and habitats, such as the beach, intertidal sand dunes and mud flats along the coastline"*. In further correspondence, AFCD has stated that *"The boundary was drawn by making reference to the high water mark but is not exactly the same as the high water mark"*. In the AFCD publication on Hoi Ha Wan Marine Park, it states that *"The landward boundary follows the high water mark along the coastline"*. The problem is that none of these boundaries are the same – the boundary as shown on the AFCD maps is different from the actual High Tide Mark, which is different from the vegetation boundary as shown on Google Earth projections, which is different from the edge of the beach. The different boundaries are shown at Annex 4. If the Marine Park includes the beaches, then it extends to within 10 metres of the old village walls. This all begs the question of what the boundary of the Marine Park is predicated upon – particularly in a dynamic environment such as a coastline

18. It is accepted that the shoreline is a dynamic system and changes from time to time; therefore, it is difficult to accurately place a permanent High Tide Mark or a permanent beach line on a map. However, all along the front of the village, after a period of severe erosion, there has been some stabilisation by a succession of Mangroves and Associate Mangroves (see Annex 5); however, some areas are still subject to erosion during storms or tidal surges. It is imperative that this Mangrove / Associate Mangrove area is fully protected so as to minimise further erosion.

19. The official Planning Intention of a Coastal Protection Area, as stated in the Draft OZP, is to *"conserve, protect and retain the natural coastlines and the sensitive coastal natural environment.....It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion"*. It is imperative, therefore, that the "coastline" is accurately mapped – both to ensure protection of the marine ecosystem and to ensure that developments do not take place too close to an area of active coastal erosion.

20. The maps used by the TPB do not reflect the effects of coastal erosion over the last 30 years, which took place after large quantities of sand were removed from Hoi Ha Wan for building purposes. In particular, after sand was removed from the bay, the land directly in front of the old village was severely eroded by natural processes. The "Sandy Shore" as shown on the TPB's Draft OZP map bears little resemblance to reality. For instance, the "sandy shore" on the TPB maps extends to the eastern shoreline of the Wan in front of the village – an area which is, in fact, rocks. The TPB maps show agricultural plots of land in front of the old village and give the impression, in the draft OZP, that the CPA covers an area of land more than 30 metres wide at this point. The reality is as shown in Annex 6, where it can be seen that these plots of land no

longer exist and that they are covered with water at High Tide and by beach at other times. In fact, the beach now comes within 10 metres of the walls of the old village. The old village is part of the V-zone in the draft OZP and several planning applications have already been made in this area (and subsequently withdrawn).. Any building on the site of the old village would cause an acute risk of pollution from building activities and subsequent occupation – not least because any septic tanks associated could be as close as 10 metres to the beach, not the more than 35 metres as indicated on the TPB maps.

21. In addition, it is entirely conceivable that future coastal erosion could take place at this point, particularly in the event of a violent typhoon. Therefore, building within 10 metres of the beach would be a hazardous undertaking – particularly, as the stabilising mangroves in front of the building area would almost certainly be chopped down to improve access to the beach (as has happened in front of houses to the west of this area), which would increase the area's vulnerability to erosion. Recent research by the Hong Kong Observatory (Annex 7) warns of the danger of future more violent typhoons and higher sea levels. To propose building in an area within 10 metres of a beach and in an area which has already suffered from severe erosion is completely irresponsible.

22. In order to prevent building activities on the site of the old village which could cause environmental and landscape damage to Hoi Ha Wan and may be vulnerable to coastal erosion, we propose that the Coastal Protection Zone as shown in the draft OZP be enlarged to include the site of the old village. This would not prevent the re-development of the site but would enable the strictest of controls on building to ensure that the development was safe and would not negatively affect the Marine Park.

23. The inaccurate plotting of the coast and beach was brought to the attention of the AFCD by FOHH at least 10 years ago and to the TPB in our submission made in December 2012. Although a correction was made to reflect one of AFCD's interpretations of their Marine Park boundary, the maps are still inaccurate and misrepresent the coastline and beaches in front of the village of Hoi Ha. That TPB continues to use inaccurate maps, despite being informed of this problem a year ago, is serious **mal-administration** and means that the TPB members cannot make decisions based on factual evidence. Before the TPB gazettes the final OZP, it is imperative that proper surveys are made of the coastline, the High Tide Mark and the beaches and that the present coastline is accurately plotted on the maps used by the TPB for planning. Until and unless this is done, the conclusions reached by the TPB will be false and **liable to legal challenge.**

Minor Streams and Hydrology

24. The Hoi Ha enclave has many minor streams channelling water from the surrounding hills and there is a particularly complex hydrology in the proposed V-zone and Green Belt areas. The significant minor streams and some features of the hydrology are shown in Annex 8. Within the proposed V-zone and Green Belt areas there is a network of streams and associated wetlands – this was reported in WWF's paper to the TPB dated 11 September 2012 (Annex 9). The network of small streams flow into a wetland leading to a significant stream that flows directly into Hoi Ha Wan at a position about 30 metres to the east of the main Hoi Ha Stream. It would appear that this hydrological complex is separate from the main Hoi Ha Stream and may be the remnants of farming activities that channelled water away from the main Stream towards agricultural land. There are old concrete water channels in the V-zone area which still carry water. The streams are presently completely clear and unpolluted. Any disturbance by

vegetation clearance and/or building activities will completely disrupt this water complex and has the potential to cause severe pollution of Hoi Ha Wan.

25. The amount of water flowing through the V-Zone and Green Belt areas varies throughout the year and some of the minor rivulets are hard to find in the dry season. Therefore, if the TPB is to carry out its duties properly, it must be presented with hydrological data from the wettest season – it is essential that a full survey be carried out in the period July - August.

26. The draft OZP states that in the V-Zone *"Areas of difficult terrain.....stream courses ....have been avoided as far as possible."* and goes on to say *"As diversion of streams or filling of ponds may cause adverse impacts on the natural environment, permission from the Board is required for such activities"*. It would appear that no survey whatsoever has been made by Government departments and the Head of the Geotechnical Engineering Office of the Civil Engineering and Development Department has no knowledge of the complex hydrology of the area. The maps used by the TPB in its decision-making processes show nothing of this complex of streams, wetlands and ponds – not one stream in the V-Zone and Green Belt areas is shown on the TPB maps. At least 2 streams are marked on the TPB map to the south of the Hoi Ha Road, but these streams are not shown when they emerge from the culverts under the road and into the proposed V-Zone. If the TPB has no knowledge of the hydrology, how can it monitor the adverse environmental impacts of the diversion of streams and filling of ponds which are **inevitable** in this area if it is disturbed, cleared for development of built upon? **If the TPB does not have accurate data it cannot make appropriate decisions.**

SEWAGE

27. The explanatory Statement to the Draft OZP states, in paragraph, 7.2.2 that *"There is no existing sewer or planned public sewer for the Area, and at present, each house is typically served with its own on-site septic tanks and soakaway (STS) system. **Any increase in population, number of visitors to the Area or further recreation/residential developments would require additional facilities in accordance with relevant laws and regulations**"*. Thus, the TPB recognised that there may be a problem with the building of an additional 60+ houses equipped with individual Septic Tank Systems (STS) but, subsequently, avoided the issue when planning the OZP – relegating the problem to a consideration by the LandsD of the compliance with the ProPECC 5/93 for each individual house. Thus, the need for "additional facilities" occasioned by the more than tripling in the size of the village has not been considered. The bypassing of this critical part of the Draft OZP requirements is another instance of **mal-administration** in the drawing up of this plan.

28. **It must be stressed that the discharge of sewage effluent from an additional 60+ houses in accordance with EPD Policy poses a severe threat to the marine life of Hoi Ha Wan Marine Park and could lead to the closure of the beaches at Hoi Ha due to Public Health issues.**

29. Contrary to many people's belief, a Septic Tank System constantly pollutes the environment, not just when improperly constructed or serviced; a STS **is designed to discharge sewage effluent when it is properly working**. All that a STS does is to channel sewage waste into a tank where the solids fall to the bottom and the greases rise to the top; these items are, therefore, trapped by the tank and should be pumped out when the tank becomes blocked with sludge. In the normal operation of a STS, the tank is full of liquid and the liquid sewage flows through the tank and is

discharged – the same volume of fluid which enters a tank is discharged at the other end without any kind of purification other than a basic filtering process.

30. In most developed countries, the effluent from a septic tank then has to be channelled into a "filter bed" – an area about 10 metres square and about 2 metres deep, filled with sand and gravel. The effluent is dispersed onto the top of the bed by perforated pipes and the effluent which emerges from the bottom of the bed has undergone a reasonable amount of purification from bacteria residing in the filter bed. However, filter beds have been seen as impractical in Hong Kong – partly because they, effectively, double the footprint of any house. Therefore, for a NTEH it is acceptable to allow the effluent from a septic tank to flow into a "soakaway"- in reality, a hole full of rubble. The effluent then seeps into the ground where soil bacteria destroy most of the toxic ingredients of the effluent.

31. However, the liquid effluent does not disappear when it enters the ground – the liquid naturally flows downhill and will enter a larger body of water – a stream, the sea or an underground aquifer at some stage. Control of the pollution emanating from STS in Hong Kong is occasioned by stipulating minimum distances between a STS and a sensitive receiver ("step-back" distances) – the greater the distance between a STS and the sensitive receiver, the greater will be the degree of purification.

32. The Laws governing the discharge of effluent in the environment are contained within the Water Pollution Control Ordinance (Cap. 358) and its associated Technical Memorandum on Effluent Standards. There is also a working document – ProPECC 5/93 - - which is a practice note for professional persons. The ProPECC is not "the Law" but it does contain some guidance on "step-back" distances. However, by its own admission, the ProPECC is *"based on experience of the common problems found in the drainage submissions"* and the provisions *"are not meant to be exhaustive"*. The ProPECC goes on to say that *"The EPD generally sets effluent discharge standards with reference to the Technical Memorandum on Effluent Standards"*.

33. The village of Hoi Ha is in an unusual situation in Hong Kong in that it is an inhabited village adjacent to a coastal sea area which is a Site of Special Scientific Interest (SSSI) and has a sea area and beaches which are heavily utilised for recreational activities; therefore, it is not surprising that the ProPECC dos not cover this unique situation and reference must be made to the Technical Memorandum (TM) in order to establish the statutory "step-back" distance from STS to a coastal water which is also a SSSI.

34. Paragraph 4.4.4.3 of the TM states the following in respect of the protection from pollution required by Law for certain areas:

> *"Within the coastal waters are special areas that need specific restrictions. These areas include **bathing beaches, sites of special scientific interest,** marinas and mariculture sites. Paragraph 9.1 lists the restrictions."*
>
> (My emboldening)

Thus, Sites of Special Scientific Interest (SSSIs) are considered to be "special areas" and are in need of "Specific Restrictions", as are "bathing beaches", marinas and mariculture sites.

35. Hoi Ha Wan constitutes Coastal Waters and it is also a SSSI and, thus, is subject to the "Specific Restrictions" detailed in Section 9 of the TM. Paragraph 9.1 of the TM states the Specific Restrictions:

> *"Tables 7, 8, 9a and 9b and 10a and 10b list the standards for effluents in the various groups of coastal waters.* ***Regardless of these standards, the Authority will not allow effluents in certain areas.*** *They are listed below.*
>
> *Prohibited Effluents – COASTAL WATERS*
>
> ***No new effluent will be allowed:***
>
> - ***Within 100m of the boundaries of a gazetted beach*** *in any direction, including rivers, streams and storm water drains;*
> - ***Within 200m of the seaward boundaries of a marine fish culture zone or a site of special scientific interest, and within 100m of the landward boundaries;***
> - *In any typhoon shelter;*
> - *In any marina;*
> - *Within 100m of a seawater intake point"*

(My emboldening)

36. Thus, STS should not be allowed within 100 metres of the High Tide Mark of Hoi Ha Wan, which constitutes the boundary of the SSSI. This limit does not prohibit development within 100 metres of the High Tide Mark, but building design must take account of the limit when designing the sewage disposal systems for any proposed development to ensure that no effluent from any sewage disposal systems are released to the environment either over- or under-ground, within 100 metres of the High Tide Mark.

37. 100 metres does not, necessarily, result in the removal of all harmful pollutants but, for a single house, in isolation, given ideal soil conditions, the pollutant concentrations will be acceptable for discharge into environmentally sensitive waters. However, if the cumulative impact of several houses is taken into consideration or if the soil conditions are less than ideal or the sensitive waters already have a pollutant loading from other sources, then the 100 metres may need to be increased to ensure adequate purification of the sewage effluent.

38. Hoi Ha Wan already has numerous STS situated within 100 metres of its landward boundary and, in addition, receives "Grey Water' from many village houses without it passing through any form of treatment; therefore, Hoi Ha Wan already receives a pollutant loading from the existing village. The ProCommons submission to the TPB "Response to the Draft Outline Zoning Plan for Hoi Ha No S/NE-HH/C" documented readings taken from sites adjacent to the beaches at Hoi Ha; these readings indicate that the waters of Hoi Ha Wan already contain measurable levels of E.coli and other pollutants, which shows that the present village already pollutes Hoi Ha Wan (Annex 10).

39. The waters of Hoi Ha Wan, with its well-documented rare and environmentally sensitive marine life, are particularly worthy of the most rigorous protection. Hoi Ha Wan is home to 64 species of coral which are extremely sensitive to pollution from, not only effluent which causes oxygen depletion but, also, from the toxic effects of non-biodegradable detergents and bleaches. The

beaches of Hoi Ha have not been "Gazetted" because much of the infrastructure associated with a gazetted beach – a shark net, lifeguards, washing and toilet facilities – would be incompatible with the Wan's function as a marine park. However, the beach and waters are used by many thousands of people every year for bathing, snorkelling, SCUBA Diving, kayaking and sailing and it is, certainly, a "bathing beach" (see Annex 11). Therefore, Hoi Ha Wan has every reason to be classified as a "special circumstance" which requires "a more stringent standard".

40. Numerous letters and high level discussions with EPD have revealed that the EPD's **policy** towards the step-back distances required with regard to coastal SSSIs do not accord with the **Law**. Although EPD would impose a 100 metre step-back distance if the beaches at Hoi Ha were gazetted, which is a tacit admission that a minimum100 metre step back distance is required for full purification of sewage effluent, EPD do not recognise the same requirement for Hoi Ha SSSI – a restriction which is clearly and unambiguously stated in the Technical Memorandum, which represents the Law. EPD informed us that the policy is long-standing and that it is not within their remit or expertise to consider its legal status and that the Department of Justice has not informed them that they are incorrect – however, the actual opinion of the DoJ is, apparently, confidential. The Deputy Director of EPD has informed us that it is "natural" that E.coli is found in the waters of Hoi Ha Wan adjacent to the beach. We find it incredible that a senior official in the Environmental Protection Department should find it perfectly acceptable that village sewage effluent contaminates a Marine Park / SSSI and a popular bathing beach, and that EPD sees no problem with a more than tripling of the quantities of this effluent. Thus, EPD is knowingly sanctioning an OZP which it knows will introduce more pollution into Hoi Ha Wan.

41. In addition, the ProPECC and another EPD document, the "Guidance Notes on Discharges from Village Houses" specify that "Percolation Tests" should be carried out in order to ascertain whether the soil conditions in the proposed area are suitable for the installation of a STS. The EPD's **policy** in this regard is that they do not ask applicants for the results of percolation tests – therefore, there is the possibility that STS may be sited in soil and geological conditions which are not suitable.

42. In making its recommendations to the TPB, the EPD should have ascertained whether or not the proposed V-zone and Green Belt areas were suitable for the installation of Septic Tank Systems, so that the TPB could make appropriate planning recommendations for these areas. If the areas are assessed as being unsuitable for Septic Tank installation, then decisions should be made at the planning stage to limit development, change the development area or to specify the "Additional Facilities" required before development commences – it is too late to wait for individual applications to be considered by LandsD after an impractical V-zone has been specified by TPB.

43. The inevitable conclusion from the foregoing is that leaving the question of the control of domestic sewage effluent to the policies of EPD will not ensure that the waters of Hoi Ha will not be polluted by increased levels of sewage effluent. EPD's **POLICY**, which does not follow the **LAW**:

- Disregards the statutory 100 metre step-back distance required between a STS and a coastal SSSI.
- Admits that less than a 100 metre step-back distance will lead to pollution of the beaches.

- Accepts the pollution of a Marine Park and SSSI by sewage effluent as "normal".
- Accepts the pollution of a popular bathing beach by sewage effluent as "normal".
- Sees the continued application of a long-standing **POLICY** as more important than obeying the **LAW**.
- Takes no account of the geology and soil conditions of the proposed V-zone area.
- Takes no account of the cumulative impact of 60+ STS all discharging effluent adjacent to Hoi Ha Wan Marine Park / SSSI and will only consider each and every application separately.

44. Meanwhile, the AFCD has abrogated all responsibility in regard to the potential pollution threat to Hoi Ha Wan and has expressed no interest or concern whatsoever – despite the fact that AFCD is charged with the protection of the Marine Park. The TPB has also gone along with this philosophy and has completely ignored the cumulative effect of tripling the number of STS within the Hoi Ha enclave despite the knowledge that the existing STS are already introducing sewage pollution into Hoi Ha Wan.

45. EDP says that it monitors the waters of Hoi Ha and that the pollution levels are "within limits". However, the Water Sampling Stations are adjacent to the Tolo Channel, and the one nearest to the beaches and the areas which are used for recreational activities is over a kilometre away (Annex 12). The Sampling Stations are all in an area of Hoi Ha Wan which experiences a much higher tidal flow than areas nearer the beach. Therefore, the EPD's sampling regime is incapable of properly monitoring the pollution flowing into Hoi Ha Wan from the village, causing environmental damage and public health concerns in the most widely used areas. Why EPD does not install monitoring stations close to the water areas which are utilised by many thousands of people for recreation and which are closest to the sources of pollution, is unknown.

46. **If no proper consideration of the threat of pollution from an additional 60+ Septic Tanks discharging effluent into Hoi Ha Wan is undertaken, then we are facing a potential ENVIRONMENTAL CATASTROPHE. How is it that NOT ONE Government department has any interest in assessing or mitigating this threat? Who will be responsible if and when the corals and other marine life at Hoi Ha are destroyed and the beaches rendered unfit for use because of Public Health constraints?**

47. In not recognising or assessing the pollution threat from allowing an unlimited number of individual STS to be constructed within 100 metres of Hoi Ha Wan with some, probably, within 10 metres of the beach, the TPB, along with AFCD and EPD are guilty of **mal-administration** at the least and their decisions may be subject to **legal challenge.**

ECOLOGICAL REPORTS

Information from Government Departments

48. In their deliberations, the TPB appear to have taken no account of the ecological reports and species lists compiled by professional ecologists and respected NGOs as detailed in the

December 2012 FOHH paper and other submissions. The only data that has been utilised has come from AFCD. AFCD's data is woefully inadequate and, in particular, no proper survey has been undertaken of the proposed V-zone and Green Belt areas and the Hoi Ha Stream has not been accorded the prominence as a natural resource and environmentally sensitive area that it deserves.

49. As an example of the inadequacy of the AFCD data, Annex13 shows the numbers of various flora and fauna groups recorded by AFCD and NGOs. The AFCD data would appear to be fairly good for flora and fish but completely inadequate for many other faunal groups. For instance:

- The HK Birdwatching Society and others have recorded **97 species of bird** in and around Hoi Ha; **AFCD** has recorded **ONE**. The proposed V-zone and Green Belt areas are particularly rich in bird species due to the diversity of habitats.

- Over **50** species of **butterflies** have been recorded at Hoi Ha, but **AFCD** records only **7**. The proposed V-zone and Green Belt areas are particularly rich in species due to the presence of many flowers and plants used for nectar and as food plants for caterpillars.

- **326 species of moths** were recorded at Hoi Ha by Dr Roger Kendrick, HK's foremost moth expert, including one species which was first described after specimens were trapped at Hoi Ha. **AFCD** has recorded **NONE**.

- Specimens of naturally-occurring *Rhododendron simsii*, a species of conservation significance, are found along the banks of the Hoi Ha Stream but no mention is made in the AFCD's submissions to the TPB, despite this species being protected under Hong Kong Law, Cap. 96

50. AFCD's data can be shown to be inadequate and it would be wrong for the TPB to make planning decisions based on such poor data. That NGO's data and species lists were not considered by the TPB is another case of **mal-administration**.

ACTUAL ECOLOGY OF THE THREATENED AREAS

51. The proposed V-Zone and green Belt have been described in PlanD's Planning Report as *"abandoned farmland"* comprising *"young but disturbed woodland"* and a *"low lying area overgrown with grass and weeds"*. These descriptions are inadequate to describe a complex area with a variety of habitats including closed-canopy woodland, shrubland and marshland, and mask the considerable ecological importance of the Hoi Ha Stream and the proposed V-zone and Green Belt areas.

The Ecological Value of Hoi Ha Stream (Annex 14)

52. Hoi Ha Stream rises near Nam Shan Tung, passes through Pak Sha O and Pak Shao O Ha Yeung and flows into Hoi Ha Wan and the Hoi Ha Marine Park. In the area of Pak Sha O, the stream has been designated an 'Ecologically Important Stream' by AFCD. The good quality of the stream water is a significant element of the conditions that have created and maintained the diverse coral and marine life communities for which the Marine Park was designated in 1996.

Under the Draft OZP, the western side of the Stream is fully protected as it is within the Country Park; however, the eastern side of the Stream is proposed as Green Belt. The section adjacent to the proposed Green Belt zone embodies the following functions considered to be of ecological significance:

- Foraging ground for Brown Fish Owl. The Brown Fish Owl *Ketupa zeylonensis* (Annex 15) occurs in undisturbed freshwater streams and their associated marshes and interface with marine environments. The species requires shallow, slow-flowing water in which to catch their prey items (fish, crabs and shrimps). Lowland streams, together with the estuarine areas where water flow slows down yet depth remains shallow, are critical foraging areas. The Brown Fish Owl is resident in Hong Kong, where its stronghold appears to be the Sai Kung area; it occurs in the Pak Sha O and Hoi Ha area, where it has been recorded for a number of years. Observations during 2012 and 2013 have regularly recorded the species in these areas and birds are occasionally seen over Hoi Ha village (e.g. on 6th February 2012 (R. Lewthwaite pers. comm.). Males have been recorded uttering territorial song at Pak Sha O, and a regular perch, identified by the presence of pellets containing the undigested remains of fish, has been found at Hoi Ha on a rock next to the estuarine area. The similarity of the estuarine area of Hoi Ha Stream to that at Tai Ho Wan, Lantau, where foraging Brown Fish Owls have been recorded for a number of years, is notable, and, together with the presence of a regular perch, strongly indicates that this species forages in the estuarine area of Hoi Ha Stream, immediately adjacent or very close to the proposed Green Belt zone.

- Movement corridor for catadromous species. A record of the Giant Marbled Eel at Pak Sha O (KFBG 2013)[1] indicates that Hoi Ha Stream hosts this catadromous species, which is one that migrates between freshwater natural watercourses and the sea. The Giant Marbled Eel is regarded as of conservation concern by AFCD (2011)[2], is classed as Endangered in the China Species Red List, is a Class II State Key Protected Wildlife Species in China and is regarded by Fellowes *et al.* (2002)[3] as of Global Conservation Concern. It spends a considerable amount of time in streams with natural substrates (large rocks, gravel and sand). In addition, the section of stream next to Hoi Ha enclave also contains two diadromous Goby species (*Stiphodon multisqaumus* and *S. atropurpureus*), both of which are of high conservation importance. The life cycles of these also depend on good linkage between marine and freshwater environments. In order to protect these species, the stream-sea corridor should not be blocked either directly or indirectly (by, for example, disturbance or deterioration in water quality), nor should the stream bed be adversely impacted by any development adjacent to the stream.

- The riparian zone and Three-banded Box Terrapin. Watercourses and their riparian zones are, generally speaking, integrally linked, and the ecological value of the former is very much influenced by what happens in the latter. The riparian zone has a number of functions that guarantee the integrity of the watercourse. Firstly, it acts as a biological filter, minimizing pollutant infiltration into the watercourse via ground water.

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[1] KFBG. 2013. *Ecological and Conservation Importance of Six Sai Kung Country Park Enclaves*. Kadoorie Farm and Botanic Garden, Hong Kong.

[2] AFCD 2011. *Proposed Action Plan for the Conservation of Freshwater Fish in Hong Kong*. NCSC Paper 1/2011. www.epd.gov.hk/epd/english/boards/advisory_council/files/ncsc_paper01_2011.pdf

[3] Fellowes *et al.* 2002. Wild animals to watch: terrestrial and freshwater fauna of conservation concern in Hong Kong. *Mem. HK Nat. Hist. Soc.* 25:123-159.

Secondly, it provides enhanced infiltration of surface run-off, slowing overland flows and allowing water to be more easily absorbed, allowing for groundwater recharge and regulating the volume of water entering rivers, thereby minimizing flood events and scouring of the streambed. Riparian zones also provide wildlife habitat, increased biodiversity and wildlife corridors, enabling aquatic, riparian and terrestrial organisms to move along river systems. They also provide forage for wildlife and, in HK, this is likely to be an important function given the long, winter dry season. The habitats in the riparian area of the proposed GB zone at Hoi Ha comprise secondary woodland, shrubland/grassland and marsh. In regard to Hoi Ha Stream, there are a number of records of the Three-banded Box Terrapin *Cuora trifasciata* (Annex 16), which is regarded by IUCN as Critically Endangered, in the area from Pak Sha O to Hoi Ha (D. Willott pers. comm.). Hong Kong is considered to support the last remaining significant population of this species, which occupies the riparian zone of streams, and can be found some distance from the watercourse itself. Given the mixture of damp woodland and marsh in the proposed GB area, it is quite possible that the turtle utilizes this area.

53. Despite there being no absolute standard regarding a buffer appropriate for the purposes of wildlife habitat conservation, there is some measure of consensus as to a suitable range of buffer widths for different ecological functions. Based on a comprehensive literature review and research of approximately 50 empirical studies, Robins (2002)[4] concluded that for maintenance of general riparian ecosystem function a buffer zone of between 25-200 meters was required, with a general consensus that the minimum acceptable buffer is 30m. That the draft OZP potentially allows construction within 30m of Hoi Ha stream, introduces the potential for adverse ecological impact on a riparian habitat of significant ecological value.

54. Buffers are most effective when they are contiguous, and long, continuous buffer strips should be afforded greater priority than fragmented strips of greater width[5]. Narrow gaps in vegetation along the bank can channelize run-off into the river and effectively negate the effect of surrounding buffers. Seasonal streams, which are a common occurrence in HK, including Hoi Ha, due to the highly seasonal nature of rainfall, can serve as importance sources of sediments and pollutants to a river, and it is important that the integrity of their buffer, and any buffer zone through which they flow, is maintained in a vegetation condition in order to help trap and slow the flow of pollutants.

<u>The Ecological Value of the Proposed V-Zone (Annex 17)</u>

55. The area comprising the proposed V-Zone is mainly an area of dense secondary forest (there is little or no "Primary" forest left in Hong Kong and even the Fung Shui woodlands have been subject to human intervention). The farmlands were abandoned in the 1960's and so the "young" forest is, in fact, far from "young" and is comprised of dense undergrowth, mature shrubs and a considerable number of large trees of numerous types. In addition, the area has a few large trees such as the Chinese Banyan (*Ficus microcarpa*), which is on the eastern edge of the V-zone, some of which may have been in existence before the agriculture was abandoned. Far from being "disturbed", much of the area is extremely difficult to penetrate and the mixture of dense undergrowth and marshy conditions make parts of the area almost impenetrable. The marshy

[4] Robins, J.D. 2002. Stream Setback Technical Memo. Napa County Conservation, Development and Planning Department, USA

[5] Fischer, R.A. and Fischenich, J.C. 2000. Design recommendations for riparian corridors and vegetated buffer strips. U.S. Army Engineer Research and Development Center, Environmental Laboratory. Vicksburg, MS

conditions are confirmed by the presence of plant species such as *Floscopa scandens* (see Annex 17), which is only found in wet conditions close to hillside streams and drainage.

56. Because of the conditions, the V-zone is a challenging area to survey. However, what is clear is that the TPB have been given insufficient data on the ecology (and hydrology, as mentioned earlier) of this area and cannot be expected to make appropriate decisions on the information presented to them by Government departments. The area requires a full and proper ecological survey in order for the TPB to have an informed debate. As the TPB appears to rely on the AFCD to provide them with information on ecology, then this department should be instructed to carry out a full 4-season ecological study of the proposed V-Zone to assess its ecological value and to ascertain whether or not there are flora and/or fauna species of conservation interest. To dismiss the area as expendable because there is insufficient data is not acceptable; nor is it acceptable for the area to be sacrificed because it consists of areas of private "agricultural" land. If private land is assessed as being of ecological importance, then planning controls can be placed on the areas – the ownership of a plot of land is not a 'right" to build. Private land can also be subsumed into Country Park and landowners compensated for any loss of "rights".

57. The TPB should be guided by the "Precautionary Principle", which represents international Best Practice. This Principle states that environmental damage should be assumed to be threatened unless proven otherwise. In a potentially sensitive environmental area, the onus should be to prove that there **will not** be environmental damage, rather than groups such as us having to prove that there **will** be damage.

58. Whilst survey work is carried out on the proposed V-Zone, it is essential that the area be protected from bogus "farming" activities under the "trash first; develop later" philosophy. Farming activities have not been carried out in this area for 50 years. If large-scale clearing and drainage operations are carried out on the pretext of "farming", before a proper assessment of the ecology and hydrology of the area, then severe damage may be caused not only to the area itself but, also, to Hoi Ha Wan, which may be subject to pollution by silt and mud due to surface runoff from the affected areas.

<u>The Ecological Value of the Proposed Green Belt (Annex 18)</u>

59. The Green Belt (GB) area proposed in the Draft OZP lies between the V-zone and Hoi Ha Stream. At its narrowest point, the GB is approximately 17 metres wide, meaning that development in the V zone would be separated from the stream by this distance. Although the draft OZP states that *"There is a general presumption against development in this zone... "*, the Column 1, *"Uses Always Permitted"*, include Agricultural Use, Barbecue Spot, Picnic Area and Tent Camping Ground. The minutes of the 1036th TPB Meeting on 28 June 2013 record a statement that: *"villagers could apply for planning applications within the proposed "GB" zone and each case would be considered by the Board on its individual merits"*. In addition, an un-minuted remark by one of the Board members at the meeting was to the effect that the GB could be seen as a "reservoir" of future building land. There has been much recent talk in the press of the use of Green Belt areas for building and they are increasingly been seen as "expendable".

60. On the other hand, also at the 1036th Meeting, the members were informed that *"the rocky stream ..... considered a type of significant landscape resource of this area and should not be negatively affected"* and that the marshland in the GB was *"a breeding and foraging ground for various fauna and flora, including butterfly and dragonfly species"*. The Green Belt area has

also been poorly surveyed, although a rapid plant survey revealed at least 27 species of marshland plant (see Annex 18), including a large area containing the herb *Geissapis cristata*, a locally rare species (Xing *et al.*, 2000) and a myriad of butterflies, dragonflies, other insects, amphibians and crustaceans (shrimps and crabs) living in the wetland. The TPB cannot make appropriate planning decisions without proper ecological data being presented to them by AFCD – the Green Belt area also requires a proper flora and fauna survey to be carried out by AFCD.

61. The marshland is, by definition, extremely wet and the water flows out of the marsh by a short stream directly into Hoi Ha Wan. At present, this water flow is clear and bright, without any kind of pollution or sediment. Any interference with the hydrology of this area will, inevitably, cause pollution of the stream by silt and the occupation of houses in this area will cause pollution from runoff, household drainage and septic tank effluent. The area should not be seen in isolation – the effects of development in this area on Hoi Ha Wan, which must be protected from adverse pollution, must be added to the ecological and landscape importance of the area in isolation.

62. From the point of view of ecology, the presence of GB zoning alongside Hoi Ha Stream is considered insufficiently robust to protect the integrity of this important watercourse. The potential impacts arising from development of village-type housing in the zone proposed as Green Belt comprise the following:

    - Loss of riparian zone habitat to within 17m of Hoi Ha Stream. This direct loss of habitat will impact fauna using the habitat. Probably the most significant impact would be on the critically endangered Three-banded Box Terrapin and mammals using the riparian corridor, particularly in winter when the latter moves to lower and damper habitats.

    - Secondary impacts of glare, lighting, noise, human encroachment on riparian zone and Hoi Ha Stream. These impacts are likely to be felt most by the Brown Fish Owl, which utilises the lower reaches of the stream for foraging. While its nocturnal habits mean that it is somewhat more tolerant of disturbance than would otherwise be the case, it is likely that the presence of visible and well-lit houses in the GB zone would impose a significant adverse secondary impact in the form of human disturbance, glare or light impacts and noise pollution that, together, could cause the owl to reduce its usage of or abandon the area as a foraging, feeding or resting site. Usage of the area by Three-banded Box Terrapin and mammals will also be reduced.

    - Secondary impacts of pollution on Hoi Ha Stream and the Marine Park. The lack of, at minimum, a 30m-wide corridor increases the likelihood that septic tank soak-away sewage effluent will penetrate the stream via ground water and insufficient infiltration of surface water run-off.

63. It should be noted that the recently-issued Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1 has zoned native secondary woodland surrounding Pak Lap village as Conservation Area. This area of woodland is of a very similar type in terms of nature and location to the area of woodland in part of the proposed Green Belt zone at Hoi Ha. It is difficult to see why the area at Hoi Ha is not considered worthy of Conservation Area zoning, while that at Pak Lap is.

64. Given the above factors, it is self-evident that the marshland area is an inappropriate place to build in terms of geo-technical factors, the ecological and landscape value of the area and the potential negative effects on Hoi Ha Wan. There is no justification to make the area, merely, Green Belt, as, although there is a "presumption" against building, there is no absolute prohibition and any developments in the area would be extremely damaging. The proper designation for the marshland and riparian borders of the Hoi Ha Stream is Conservation Area, which would more accurately denote their importance.

65. It is recommended that the proposed Green Belt zone is re-zoned as Conservation Area in order to implement a strong presumption against development. Furthermore, uses should be limited in order that any development that might potentially impact the stream and its riparian corridor are controlled. Failing this, the use of GB1 zoning should be considered if it provides a stronger presumption against development. There is a precedent for the use of GB1 zoning in the riparian zone of an ecologically important stream (Lin Ma Hang).

LANDSCAPE

66. As pointed out in paragraph 6, the TPB has a remit to consider the Landscape impact of their OZP. However, this aspect of planning has been ignored in the TPB's deliberations. The FOHH submission to the TPB dated December 2012 included a detailed, professional landscape assessment of the Hoi Ha enclave and yet the findings have not been taken into consideration. Any discussion on the subject in the TPB seems to have been on Land **Use**, not Landscape. Just because an area is "abandoned agricultural land" does not mean that it is "degraded" or worthless in Landscape terms. Abandoned farmland can be extremely scenic and beautiful – which is the case at Hoi Ha, where the landscape value of the "Abandoned Farmland" is identical to that of the Fung Shui Forest. At present, as shown by the FOHH report, Hoi Ha has a High Landscape Value and has been assessed as having "High Qualified" value by the Planning Department, with Hoi Ha Wan having "High" landscape value. No consideration whatsoever has been given by the TPB to the potential adverse impacts to the Landscape value of what is best described as an "Area of Outstanding Natural Beauty" – this amounts to **mal-administration.**

67. Annex 19 is a photo-montage of the landscape alteration and resultant visual impact which will be caused by the proposed Draft OZP – with building along the sea front and up the valley to the west of the village in the enlarged V-Zone. It should also be noted that each and every one of these houses, under EPD policy, will discharge sewage effluent into Hoi Ha Wan. The TPB should study these pictures and, in accordance with their statutory duties, after proper consideration, make a statement as to the Landscape impact of the proposed developments.

INFRASTRUCTURE

68. The village of Hoi Ha is served by a road; however, the village is 16 kilometres from the nearest shop and has few amenities. The minibus service is infrequent and only operates during the day. The internet service at Hoi Ha is limited, the electricity supply is intermittent, there is poor mobile phone reception, no free TV and poor radio reception. Most residents own a car, which is the only practical way to travel to and from work – there are few, if any, work opportunities in the village.

69. Car parking space is extremely limited and takes place on Government land, there being no official space for parking. At weekends, visitors' cars swell the vehicle numbers and there are often up to 20 cars illegally parked on the pavements along the Hoi Ha Road, and the roundabout area frequently becomes completely clogged with tour coaches, taxis, private cars, minibuses, and pedestrians (Annex 20). If the village is tripled in size, which is the intent behind the Draft OZP, then the traffic situation will become even more chaotic – there is, simply, no space to park another 100 private cars, which would be the consequence of allowing 60+ houses to be built without improving the infrastructure. In addition, if the OZP policy is extended to other villages in the Country Park, then we will see a massive increase in vehicles using the Country Park roads which will result in more wildlife being killed on the roads, cause congestion and make the roads even more dangerous for hikers and cyclists and inaccessible for residents and emergency services. Again, the cumulative impacts of a tripling the size of the village have not been considered.

70. The Explanatory notes to the Draft OZP state that: *there is no overall programme for the provision of infrastructure within the area"*. A proper planning process that is in the public interest should match development with infrastructure and vice versa. It is, quite simply, irresponsible of the TPB to agree to massive developments in a small village and wash its hands of the potential chaos caused by inadequate infrastructure. The TPB must realise that it is not good enough to consider each and every house in isolation, and consideration must be given to the cumulative impact of sanctioning the construction of, not a series of individual houses, but a large community in a remote area. Other Government departments appear incapable of doing this and so it remains for the TPB to take a holistic approach.

71. A proper planning process should involve an integrated **plan** for the area. The Planning Objectives attached to PlanD's Planning Report contains a requirement: *"To provide a comprehensive planning framework to guide the development on an integrated and co-ordinated basis"*. There has been no co-ordinated approach to the Draft OZP – each Government department has worked in isolation and there has been no holistic view of the impact of the proposed development and, in particular, the cumulative impact of the proposals. "Planning" should involve the drawing up of a "Plan"- this plan should look at all aspects of a proposal and the integration of many different considerations – in the case of Hoi Ha, roads, parking, sewage, tourism, environmental protection, local business, need for housing, emergency vehicle access etc. A plan which accedes to public interest should assess the need for development, address the impacts of any developments and chart a road map of how the plan can be implemented. What TPB has done is to produce a map, and nothing else – this is not "planning" it is a recipe for chaos and, in the case of Hoi Ha, a potential environmental disaster as well.

LAND OWNERSHIP

72. Whilst it is not in the official remit of the TPB to consider land ownership, this issue is of critical importance for the Hoi Ha OZP and TPB members should be informed of the situation. The

proposed V-Zone and Green Belt areas in the Draft OZP consist mainly of private lots of agricultural land originally owned by Indigenous Villagers. However, as Annex 21 (which is reproduced from the ProCommons submission to the TPB "Response to the Draft Outline Zoning Plan for Hoi Ha No S/NE-HH/C") shows, the vast majority of the land has been sold to private developers. This information has been validated by consulting the Government's ISIS land record system. The planning intention of the V-Zone is *"primarily intended for development of Small Houses by indigenous villagers"*. Given that the proposed OZP only provides space for 67% of the "requirement" for houses under the Small House Policy, there would appear to be no room for any commercial developments. The TPB should make a more definitive statement concerning commercial developments - is there provision for commercial developments within the proposed V-Zone, or is the V-zone exclusively for individual Small House applications? The answer to this question might allay some suspicions that the area will be taken over by developers for a large commercial project. The threat of a large commercial development was the spur for the Government to introduce a DPA in the first place and it would be inconsistent for the TPB to sanction precisely such a development.

73. On the other hand, if the plots are designed and required for Indigenous Villagers to build individual Small Houses, then why did the villagers sell the land to developers? In order for an Indigenous Villager to apply for a Small House on a plot of agricultural land, he must show that he has complete and sole ownership of that land. It is hard to see how these criteria can be achieved when the plots of land in the proposed V-Zone are owned by development companies. Once again, we have a contradiction between the stated desire of 94 indigenous villagers to return to live in the village and the fact that the available land is owned by development companies. What legal mechanism does the TPB propose which will enable Small Houses to be built in the V-zone in the manner envisaged by the OZP?

74. Given the above, the suspicion exists that the V-Zone will not be used for its stated purpose and that, by various means, some of them illegal, houses will be built in the V-Zone by developers for private sale and that few, if any, Indigenous Villagers will live in the houses. What assurance can the TPB give that whatever the shape and size of the eventual OZP V-Zone, that no abuse of the Small House Policy will take place and that the intent and letter of the Small House Policy will be strictly enforced?

75. The map of land ownership (Annex 21) also shows that the plots of land in front of the village, which have been inundated by the sea, have also been sold to commercial property developers. Do the beaches and the inundated old agricultural lots form part of the Marine Park; if not, then what is their status? In most western countries, if privately-owned land becomes inundated by the sea due to natural erosion, then ownership of the land passes to the State. Is this the case in Hong Kong? If not, then if the inundated lots and the beaches are not part of the Marine Park, then could applications be made for building in these areas?

PLANNING SAFEGUARDS

76. Whatever the shape and constitution of the final OZP, the "Uses Always Permitted" in the various zoning classifications allow ways in which environmentally sensitive land can be destroyed in ecological terms prior to a change of land use being applied for – the "trash first; develop later" philosophy. In particular, bogus agricultural activities have been used in other parts of Hong Kong to disguise the environmental destruction of areas. **In order to prevent this happening in the Hoi Ha enclave, it is proposed that the following land uses are moved from "Column 1 – Uses Always Permitted" to "Column 2 – Uses requiring the TPB's permission" in the Conservation Area, Coastal Protection Area and Green Belt classifications:**

- Agricultural Use
- Barbecue Spot
- On-Farm Domestic Structure
- Picnic Area
- Public Convenience
- Tent Camping Ground

In addition, "Agricultural Use", should be moved to Column 2 of the Village Type Development definition, so as to prevent "trash first; develop later" activities whilst allowing *bona fide* agricultural activities to take place.

CONCLUSIONS

77. A proper planning process for the Hoi Ha Enclave should have involved a critical analysis of the **NEED FOR DEVELOPMENT**, the collection of data concerning the **PRESENT SITUATION** and a rigorous assessment of the **IMPACT** of any proposals. This process should have resulted in a **PLAN** for the village. In the Hoi Ha Draft OZP, all of these processes were deficient.

The Need for Development

78. The requirement for 94 houses to be built in the Hoi Ha enclave to allow 94 indigenous villagers and their families to "return" to Hoi Ha is completely fallacious. The number is based on an estimate by a single person with a vested interest, has undergone no vetting or audit procedure and has no foundation in reality. There may well be a "desire" to build 94 houses in Hoi Ha but this does not constitute a "need". The sole motivation for the figure of 94 is to allow numerous

indigenous villagers to make considerable amounts of money from the Small House Policy by selling or renting houses built in their name. The 94 houses will not significantly contribute to solving Hong Kong's housing shortage and they will not be providing homes for needy indigenous villagers.

Present Situation

79. Before a planning authority can make intelligent decisions, it must be furnished with accurate and up-to-date information. Although some information given by Government departments is of value, many aspects are incomplete, such as:

- Maps show the coastline incorrectly and do not show many streams and wetlands. .
- Flora and fauna data is incomplete – in particular in the areas covered by the proposed V-zone and Green Belt.
- Hydrological data from the proposed V-zone and Green Belt areas is missing.
- Data from NGOs and environmental professionals has been ignored.

Impact

80. Assessment of the impact of the Draft OZP on the ecology, landscape and infrastructure of the area is absent from the TPB's deliberations. Cumulative impact has been entirely ignored and housing developments will be considered on an individual basis only. Many of the potentially most serious environmental impacts cannot be mitigated at the level of individual applications and should properly have been covered at the planning stage and in a holistic manner. In particular:

- There has been no assessment of the potential environmental impact on Hoi Ha Wan of the siting of 60+ new Septic Tanks within 100 metres of Hoi Ha Wan in an area with unsuitable soil and geological conditions.
- There has been no assessment on the environmental impact of 60+ new houses in close proximity of both Hoi Ha Wan and the Hoi Ha Stream in terms of drainage, physical disturbance and light pollution.
- There has been no assessment of the environmental impact of site formation works in and around the proposed V-zone in an extremely wet area with runoff entering the Hoi Ha Stream and Hoi Ha Wan.
- There has been no landscape assessment to quantify and qualify the impact of a large development on what is an Area of Outstanding Natural Beauty.

- There has been no assessment of the ability of the infrastructure of Hoi Ha to be able to cope with a tripling in the size of the village.

Planning

81. The TPB has not produced a plan for Hoi Ha it has only produced a map, which falls far short of what is required to develop the village in a sustainable and controlled manner. Therefore, the Outline Zoning **PLAN** does not address critical problems which should be addressed before any development takes place:

    - There is no detailed plan for the development area and houses will be placed at random with no co-ordination of access and services.

    - The land ownership situation does not allow development in the way envisaged by the TPB.

    - There are no plans to improve the infrastructure at Hoi Ha in terms of sewage, road access, parking areas or public transport.

SOLUTIONS

82. The best solution to ensure the sustainable and sensible development of the Hoi Ha Enclave would be to incorporate the entire area into the Country and Marine Parks system. This would not deprive the indigenous villagers of their rights and would have the advantage that a formal compensation mechanism exists for any loss of expectation they might suffer. On the other hand, being under the control of the Country and Marine Parks Authority would ensure that the highest standards of environmental protection are afforded to the area – which is what it deserves.

83. Pending re-consideration of Country Park status, the following changes should be made to the Draft OZP:

    - The V-zone should be predicated on a realistic NEED for a maximum of 6 houses, rather than the 94 now proposed.

    - This number of houses could be incorporated within the existing village cluster and there is no need for the large extension of the V-zone to the west of the existing village.

    - The V-zone extension should be re-zoned as Conservation Area or Green Belt 1.

    - The Green Belt should be reclassified as Conservation Area.

    - The old village should be incorporated into the Coastal Protection Area.

- Plans should be drawn up to improve the infrastructure of Hoi Ha to prevent the existing village from polluting Hoi Ha Wan. The village of Hoi Ha should be helped to achieve a non-polluting status to enable the full and proper protection of Hoi Ha Wan.

THE WAY AHEAD

- Friends of Hoi Ha request that they be invited to give a presentation to the TPB when they consider the Hoi Ha OZP.

- In order for the members of the TPB to fully understand the issues at Hoi Ha, it is highly recommended that they collectively or singly arrange a site visit to Hoi Ha to experience the real environment. Please bring wellington boots to access the marshland.

Nicola Newbery

D Newbery

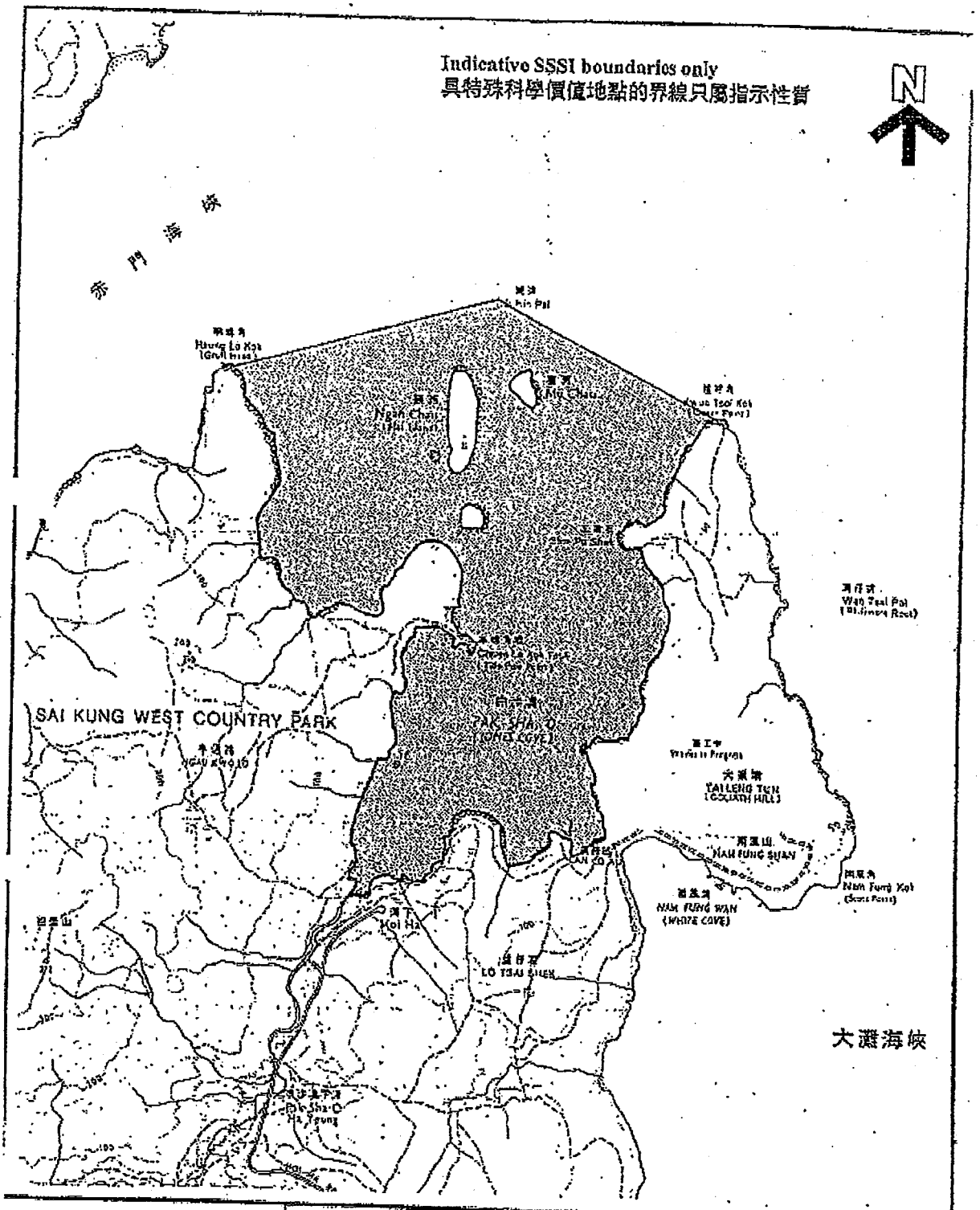
Nicola NEWBERY
Chair, Friends of Hoi Ha

David NEWBERY
Secretary, Friends of Hoi Ha

Encs

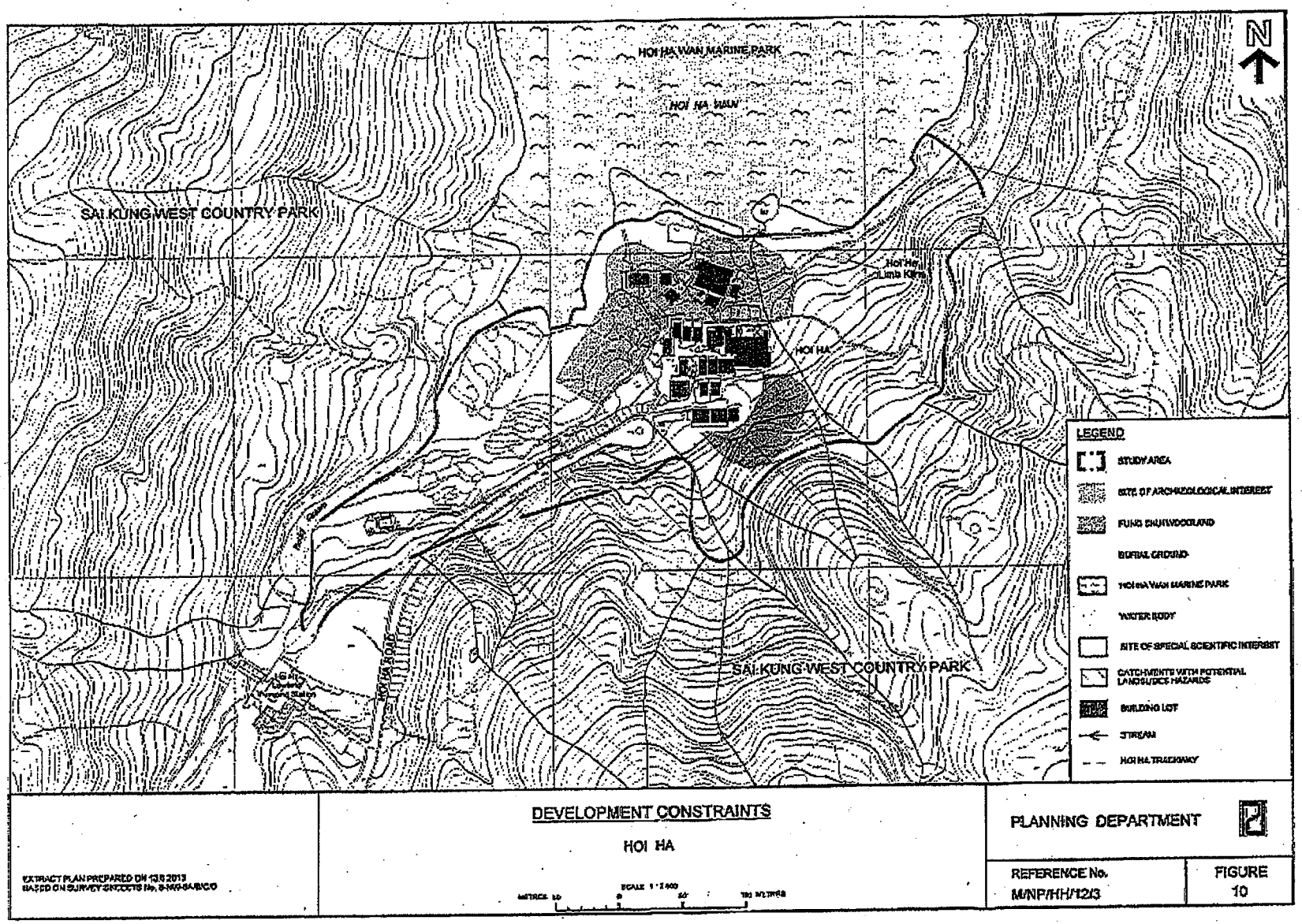
cc: Chief Executive
Secretary for Development
Secretary for the Environment
Director of Lands
Director of Environmental Protection
Director of Agriculture, Fisheries and Conservation
Tai Po District Officer
Antiquities and Monuments Office
Country and Marine Parks Board
LegCo Panel on Environmental Affairs
LegCo Complaints Panel
Hon. Emily LAU, Legislative Councillor
Kadoorie Farm
Swire Institute
WWF Hong Kong
Civic Exchange
Green Power
Friends of the Earth
Conservancy Association
Designing Hong Kong
Friends of Sai Kung
Save Our Country Parks

NNEX 1 – GAZZETTED SSSI BOUNDARY

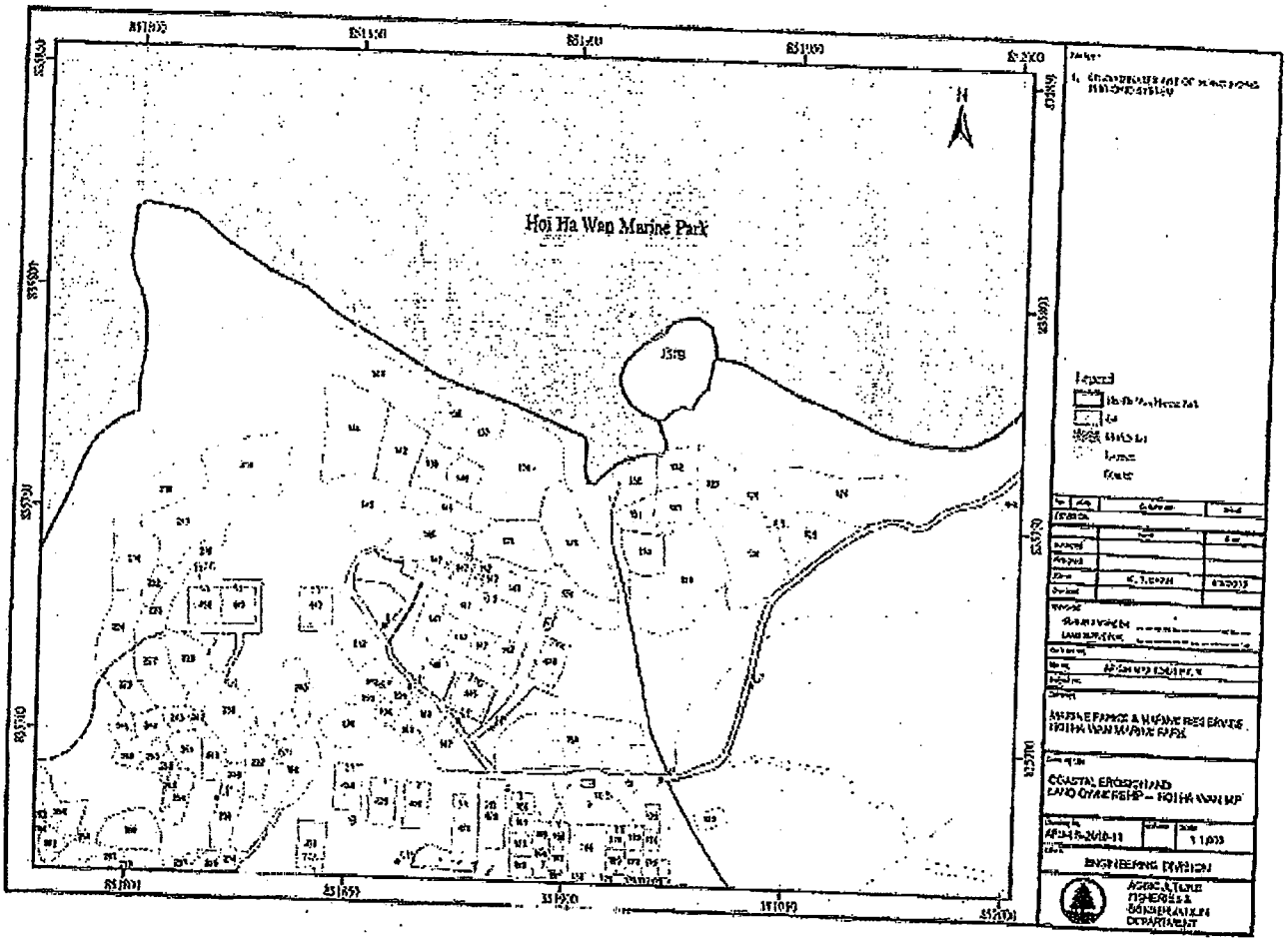


REFERENCE.	SITE OF SPECIAL SCIENTIFIC INTEREST — HOI HA WAN	PLANNING DEPARTMENT
DATE OF DESIGNATION : 5-1-89 BASE PLAN EXTRACTED FROM : HM20C SHEET 4/8 DATE : 30-9-92	SCALE 1 : 20 000 500 0 500 1000m	PLAN No. TPB/M/92/6 · SITE No. 48

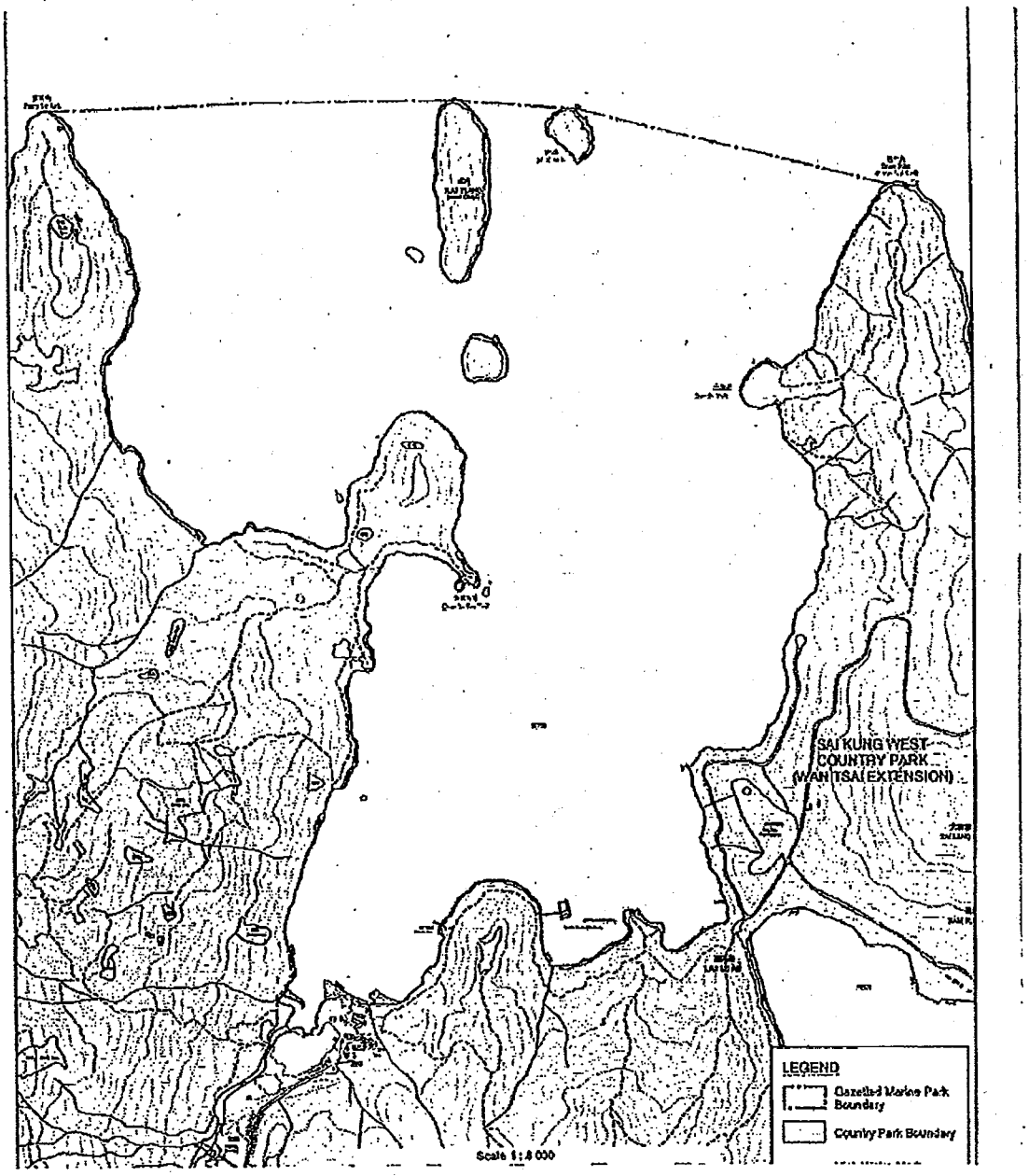
ANNEX 2 – SSSI BOUNDARY ON TPB MAPS



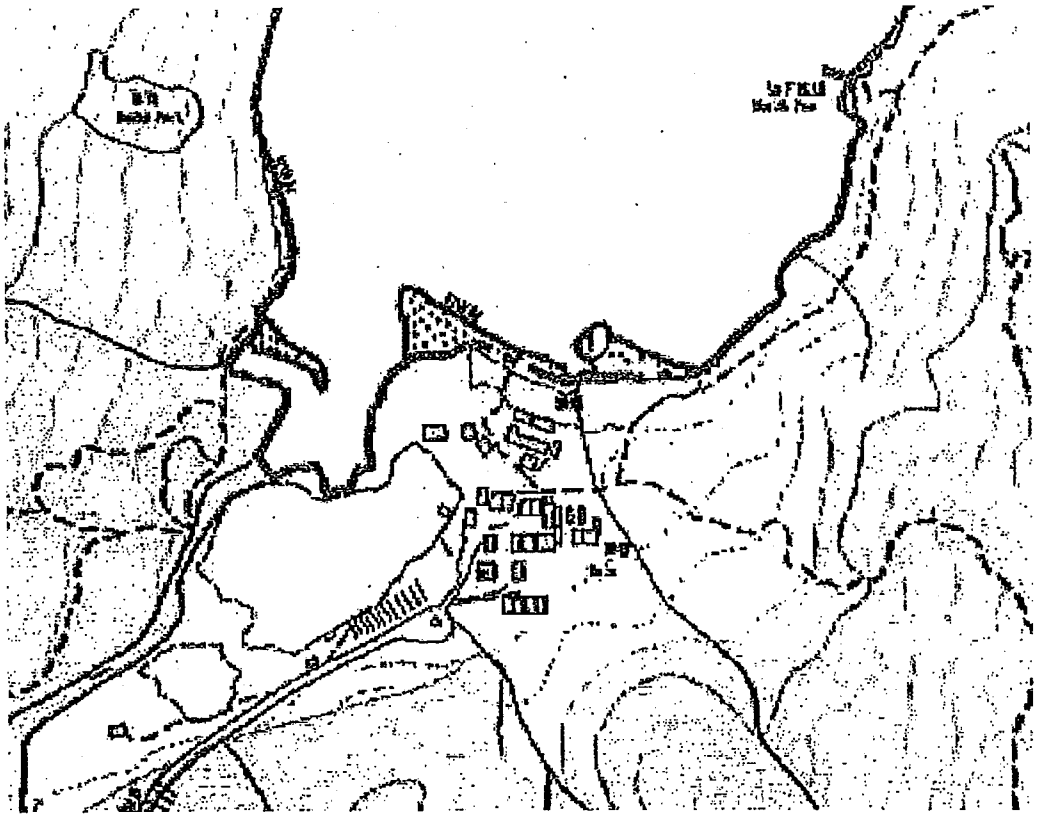
ANNEX 3 – MARINE PARK BOUNDARIES



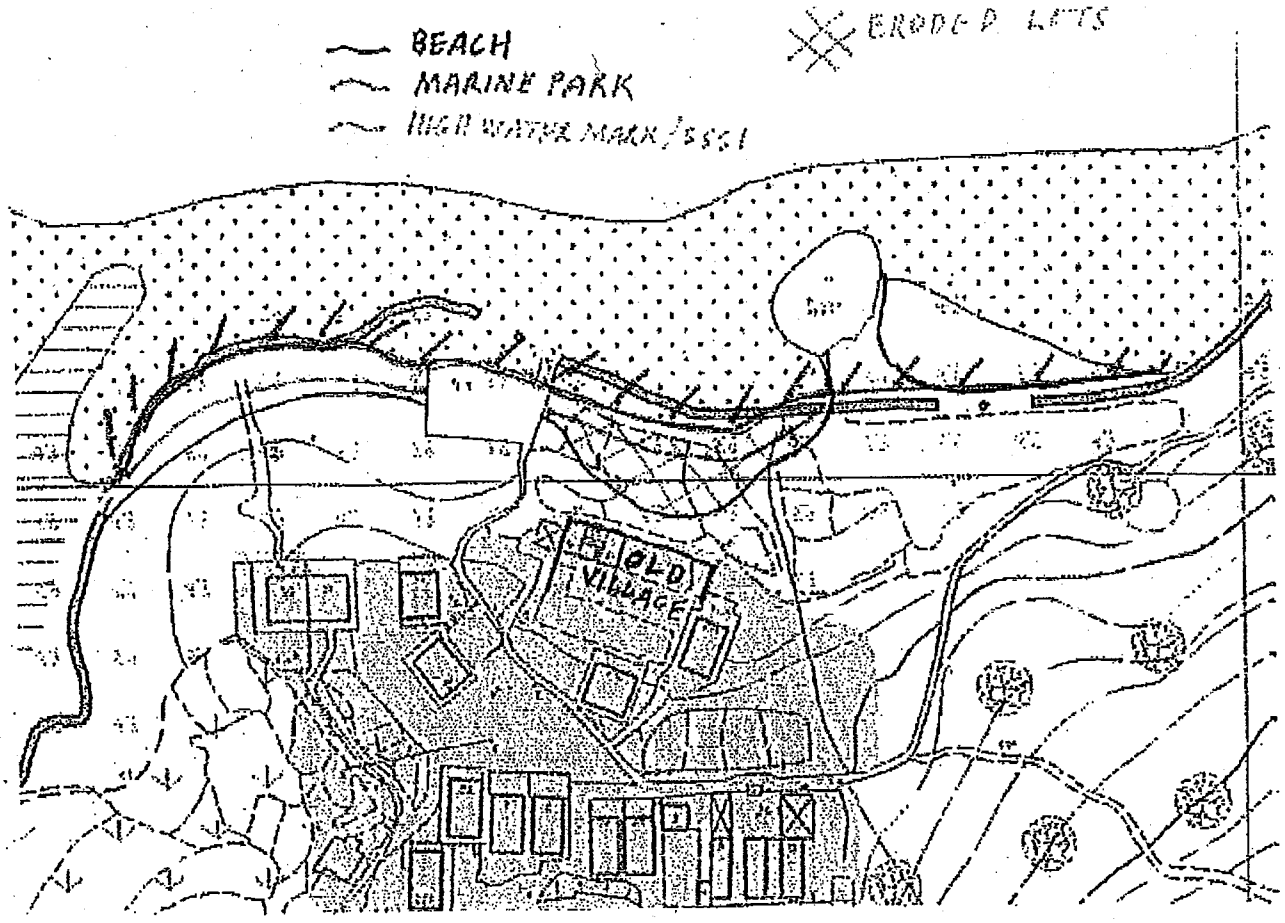
March 2010



October 2010 (See Detail Below)



(ANNEX 4 – COASTLINE MAPPING



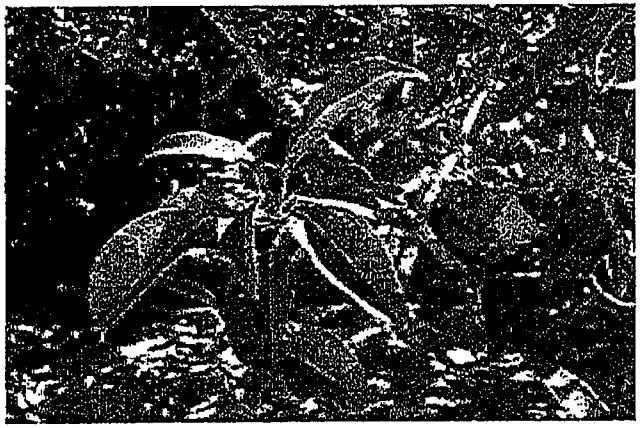
ANNEX 5 – MANGROVES AND MANGROVE ASSOCIATES FOUND ALONG THE HOI HA SEAFRONT

True Mangroves

3 out of the 8 Mangrove Species found in Hong Kong have been identified on or behind the beaches at Hoi Ha – additional species have been found in the estuarine area.



Aegiceras corniculatum

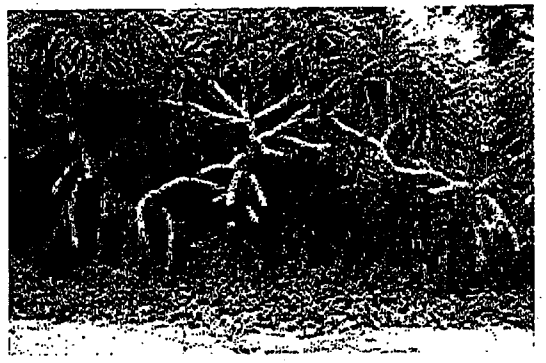


Excoecaria agallocha

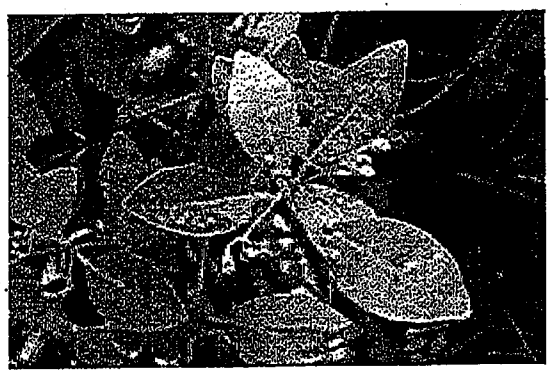


Kandelia obovata

Mangrove Associates 8 out of the 11 Associate Mangrove Species found in Hong Kong have been identified on or behind the beaches at Hoi Ha.



Pandanus tectorius



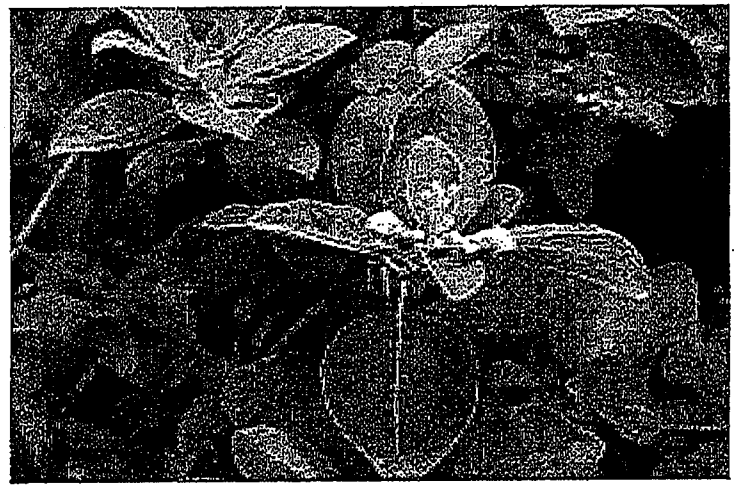
Clerodendrum inerme



Cerbera manghas



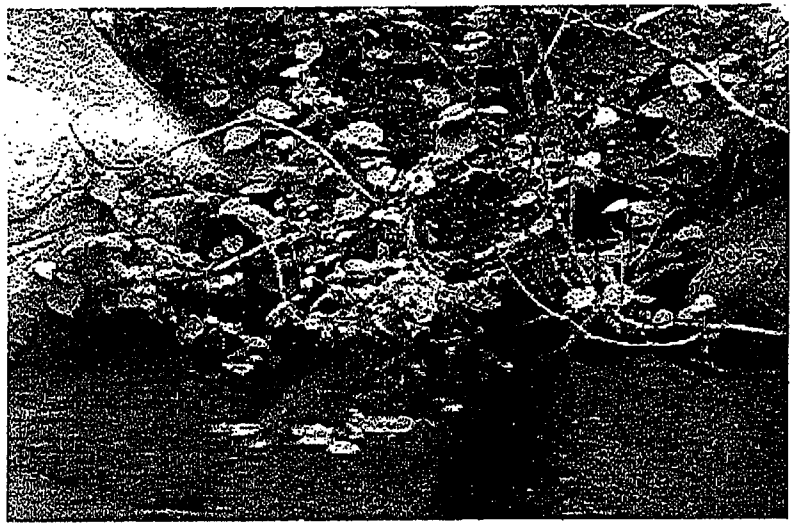
Canavalia maritime



Vitex rotundifolia



Macaranga tanarius

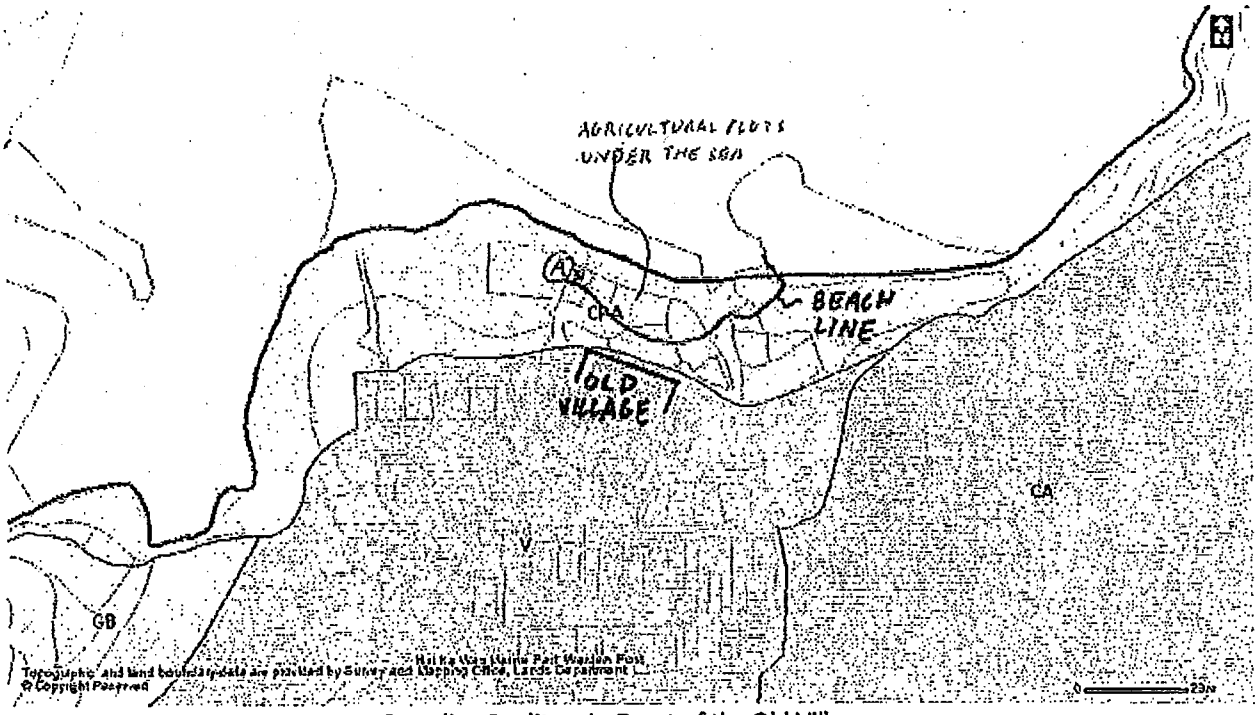


Hibiscus tiliaceus

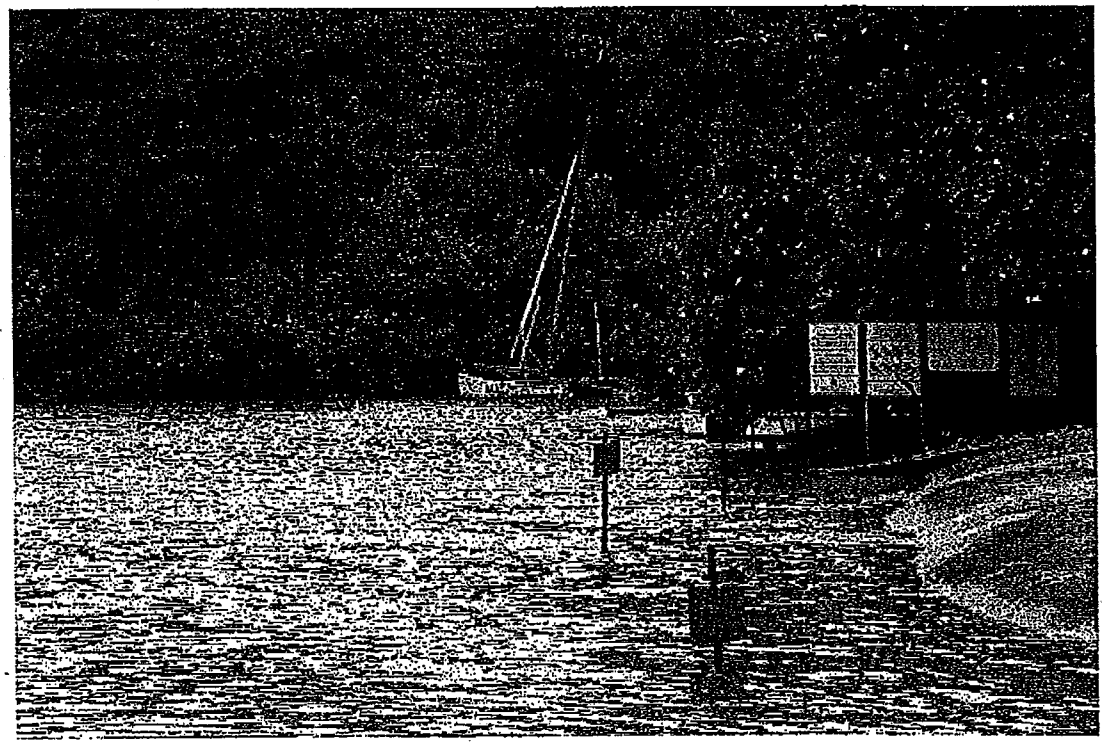


Pandanus austrosinensis

ANNEX 6 – SUBMERGED AGRICULTURAL LOTS



Coastline Reality – in Front of the Old Village.



View of Submerged Agricultural Plots with hard-standing (A) on Map to the Right. It can also be seen that the sea at High Tide comes underneath the Mangrove Belt.



Beach Extending Under the Associate Mangroves, Towards Old Village Walls. This used to be agricultural farmland but is now beach. The far end of the beach in this photograph is within 10 metres of the Old Village walls.



Looking Towards the Hard-Standing with Beach Extending Under the Associate Mangroves. (Note the washed up boat to the left of the photograph). This area is marked as private agricultural plots of land on the TPB map.

ANNEX 7 – SCMP ARTICLE 21 NOVEMBER 2013

South China Morning Post

Observatory warns of increased floods and more powerful typhoons

Thursday, 21 November, 2013, 11:29pm
News › Hong Kong ENVIRONMENT

Ernest Kao ernest.kao@scmp.com

Climate change will also bring an increased risk of flooding as sea levels rise, Observatory says

The city should brace itself for increasingly powerful typhoons and more widespread flooding in the next few decades as the climate warms and sea levels rise, the Hong Kong Observatory has warned.



Sea levels are expected to rise by 40cm on average by the middle of the century as temperatures increase by at least two degrees Celsius, Observatory meteorologists said.

"Hong Kong is like a frog in water that is gradually being brought to the boil; people do not seem to be aware of the long-term effects of climate change," said Observatory assistant director Edwin Lai Sau-tak.

Low-lying flood black spots such as San Tin and Shek Wu Wai in Yuen Long, and areas in Tai Po and North district, would be at higher risk of extreme flooding.

By the end of the century, sea levels are forecast to rise by 80cm and temperatures by between three and six degrees, according to new Observatory data.

Referring to the 2004 Hollywood movie *The Day After Tomorrow*, which portrayed a world suffering disasters brought on by global warming, Lai said: "I think *The Day after Tomorrow* actually happened yesterday."

The Observatory sounded the warning based on an analysis of the latest report issued by the Geneva-based Intergovernmental Panel on Climate Change, (IPCC) a scientific body operating under the auspices of the UN.

Government bodies should take into account the new data and review their risk assessments for infrastructure, buildings and drainage and flood control, the Observatory said.

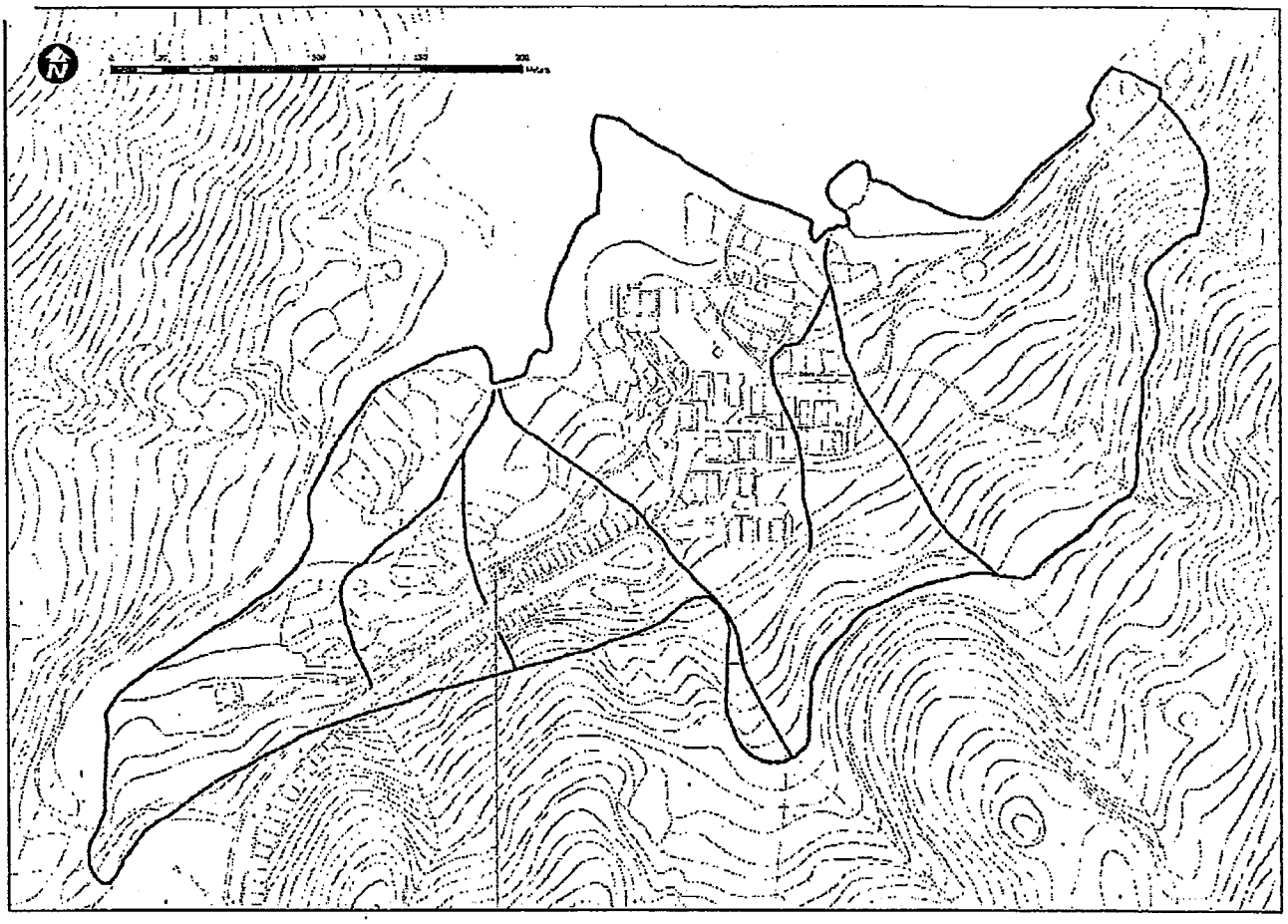
In April, weather officers will cast out to sea new floating sensors to obtain more accurate measurements of storm strength.

The intensity of storms is expected to become much greater, Observatory officials said, although their frequency is not expected to increase significantly.

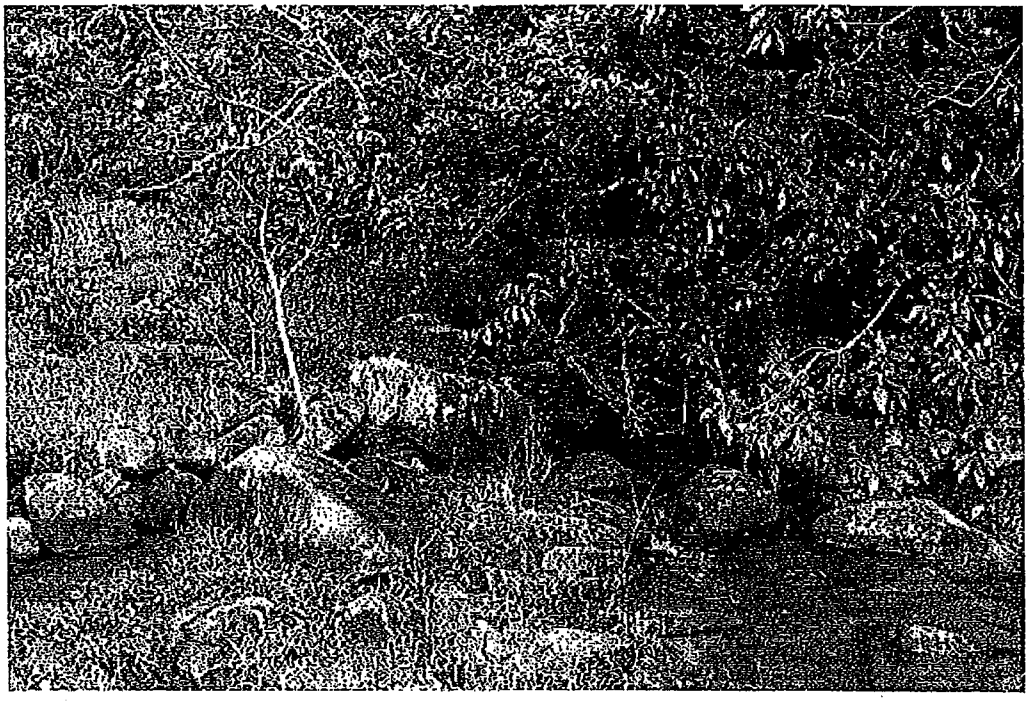
Average daily temperatures in the city have risen 1.2 degrees since 1913, Observatory records show. Mean sea levels in Victoria Harbour have gone up by 29 millimetres per decade since 1954.

The intergovernmental panel released its most comprehensive study on climate change last month. It said there was a 95 per cent chance carbon-intensive human activity had caused the rise in global temperatures in recent decades.

ANNEX 8 – V-ZONE HYDROLOGY



Large Minor Streams



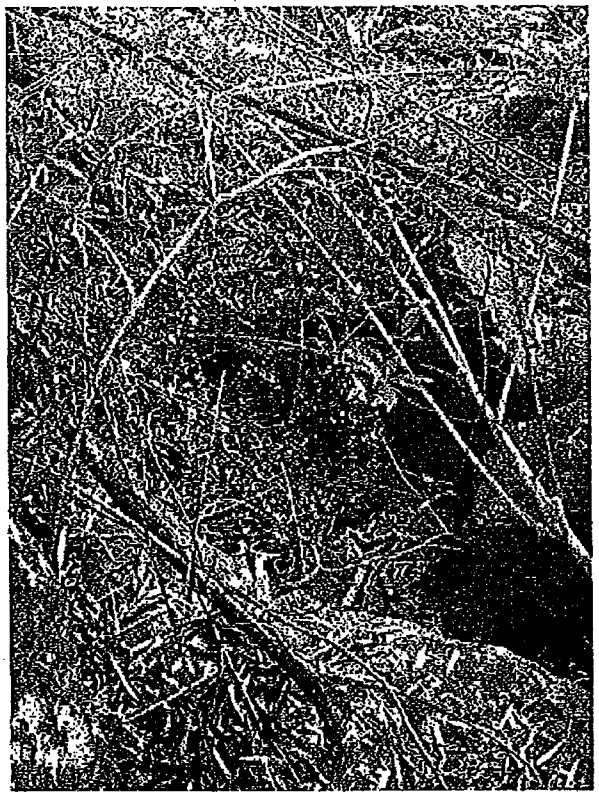
Stream in the proposed Green Belt leading directly into Hoi Ha Wan.



Soil conditions in the middle of the proposed V-Zone extension.



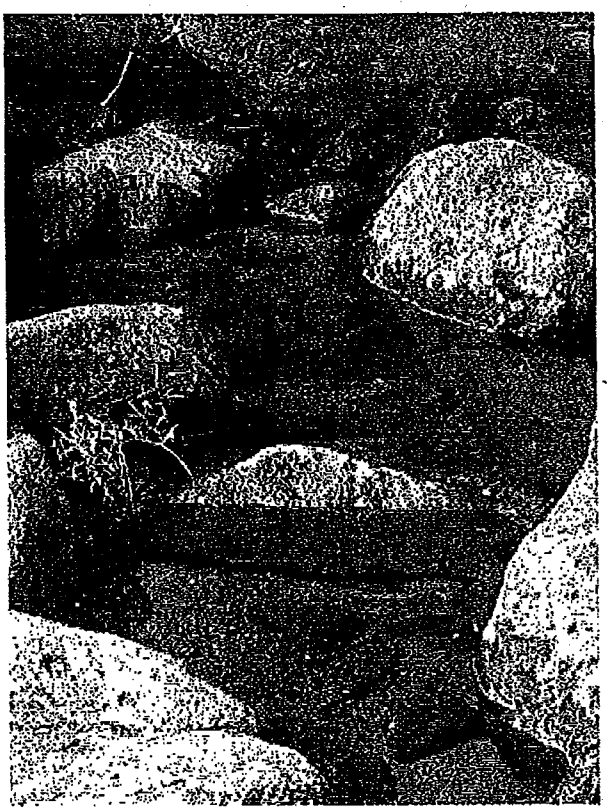
Stream Flowing through the proposed V-Zone extension.



Pond in the proposed V-Zone extension



Marsh Plants in the Proposed V-Zone extension.



Clear and Bright Stream leading out of the proposed V-Zone.



Man-made Water Channels in the proposed V-Zone

ANNEX 9 – WWF LETTER TO TPB 11 SEPTEMBER 2013

WWF for a living planet®

世界自然基金會
香港分會

WWF Hong Kong

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傳真 Fax:+852 2845 2764
wwf@wwf.org.hk
wwf.org.hk

Our Ref.: SHK /LDD 11/10

11 September 2013

Chairman and members
Town Planning Board
15/F North Point Government Offices,
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

Re: Draft Hoi Ha Outline Zoning Plan (OZP)
No. S/NE-HH/C

WWF would like to express our views and serious concerns on the captioned:

Inevitable Water Quality Impact to Hoi Ha Wan Marine Park

- It is important to note that according to the information provided by the Planning Department, there is no existing sewer or planned public sewer for the Area (Section 7.2.3 of the Explanatory Statement). The sewage generated by all new Small Houses, as well as the existing houses, within the proposed "Village Type Development" ("V") zone will only be treated by on-site septic tanks and soakaway (STS) system. Although the design and construction of the STS system should follow relevant standards and regulations, such as the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) 5/93, a STS system can only perform well if it has been properly sited, used, desludged and repaired[1].
- With reference to a 2006 Paper presented to the Legislative Council prepared by the Environmental Protection Department named "Information Note on Policy and Planning of Sewage Infrastructure for Unsewered Villages" (CB(1) 281/06-07(01)),

Patron: The Honourable Dorothy Tang GBM, Chief Executive of the HKSAR
President: Mr. Raymond Sheer
Vice Presidents: The Hon. Sir David Akers-Jones, GBM, KBE, JP; Mr. Hans Michael Jebsen, BBS
Chairman: Mr. Trevor Yang
CEO: Mr. Eric Sidnell
Honorary Auditors: Grant Thornton
Honorary Company Secretary: Baker & McKenzie Limited
Honorary Solicitors: SJV
Honorary Treasurer: HSBC
Registered Charity
(Incorporated With Limited Liability)

Registered Name: World Wide Fund For Nature Hong Kong

the STS systems "*provide only a minimum level of sewage treatment. The effluent from a septic tank still carries very high nutrient, organic and microbiological loads. These can only be effectively attenuated by the soakaway system in circumstances where the ground conditions are suitable and development density is low. Experience shows that some degree of operational failure of village house septic tank and soakaway systems is inevitable and they could therefore cause pollution of the environment and potential health hazards to the villagers or the public in the vicinity.*"[2]

- Drainage Services Department (DSD) also states that the STS systems are often not effective in removing pollutants in the long run because of adequate maintenance and the increase in numbers of septic tanks[3].
- Moreover in the Lung Mei case, the connection rate to public sewers was also considered a critical factor when considering the suitability of Lung Mei for use as a bathing beach in the approved Environmental Impact Assessment (AEIAR-123/2008)[4].

According to AFCD, the number of visitors to Hoi Ha Wan (HHW) Marine Park is increasing while many visitors engage in different activities in the water of the marine park[5]. As such, we consider it is important minimise additional sources of water pollution to the marine park waters.

- HHW has rich diversity of coral species with 64 out of 84 stony coral species recorded in Hong Kong can be found within the area[6]. Corals are the marine sensitive receivers and they are very sensitive to changes in conditions (e.g. salinity, temperature, sediment loads in the water) of the environment. Anthropogenic disturbance such as pollutant and sewage discharge may weaken the corals' health, creating stress to the corals and resulting in an increase in likelihood of invasion by the borers. A Hong Kong study once revealed that the abundance, diversity and

---

[1] EPD. Guidance Notes on Discharges from Village Houses.
http://www.epd.gov.hk/epd/english/environmentinhk/water/guide_ref/files/guide_wpc_dv.pdf
[2] http://www.legco.gov.hk/yr05-06/english/panels/ea/papers/ea0522cb1-281-1-e.pdf
[3] DSD. Port Shelter Sewerage System Stage 2 & Stage 3.
http://www.dsd.gov.hk/EN/Files/our_projects/our_projects/LEAFLET_DSD_ENG_Sept11.pdf
[4] EIA - Development of a Bathing Beach at Lung Mei, Tai Po
http://www.epd.gov.hk/eia/english/alpha/aspd_467.html
[5] http://www.afcd.gov.hk/english/country/cou_vis/cou_vis_mar/cou_vis_mar_des/cou_vis_mar_des_hoi.htm
[6] http://www.afcd.gov.hk/english/country/cou_vis/cou_vis_mar/cou_vis_mar_mon/cou_vis_mar_mon_eco_hhw.html Accessed on 25 March 2011.

growth rate of corals in Tolo Harbour decreased due to the increased attack by the borers caused by the increased amount of polluted waters from development in the area[7]. Given the Hoi Ha Village is immediately adjacent to the HHW Marine Park, we are of grave concern that the coral communities, as well as the associated ecosystem, will be affected by increased pollution loading due to the extensive expansion of small house developments.

- In order to protect the water quality of the HHW Marine Park, the Government should not only rely on the STS systems. A detailed plan on addressing the potential water quality impacts from small house development should be provided with due consideration to the sensitivity of the HHW Marine Park. Before such plan and adequate infrastructures put in place, WWF considers the area of "V" zone should be consolidated to the existing village cluster only.

Cumulative Impacts from Increased Traffic Demand

- Hoi Ha Road via Pak Tam Road is the only road access to Hoi Ha. While both roads are restricted to permit holders only as they are largely within country parks after passing Pak Tam Chung, WWF has serious concerns that the planned populations in Hoi Ha as well as other country park enclaves within Sai Kung East and Sai Kung West Country Parks (e.g. Pak Sha O, Tai Tan, Uk Tau, Ko Tong, Ko Tong Ha Yeung, Pak Tam Au, Pak Tam Chung and Tsak Yue Wu, etc.) will impose significant traffic pressure on these roads within the country parks.
- Increasing road traffic will impose significant risks to wildlife within the protected area while they cross the roads at both day time and night time. The increase in road traffic is also incompatible with the uses and purposes of the country parks.
- WWF also has serious concerns that the increase in numbers of small houses will also trigger the demands in private car parking spaces in villagers within and adjacent to these country park enclaves.
- We considers the Planning Department, together with other relevant departments (e.g. Transports Department and AFCD) should conduct a comprehensive assessment to evaluate and address the cumulative effects of the increased traffic,

[7] Scott PJB & Cope M. 1989. Tolo revisited: a resurvey of the corals in Tolo Harbour and Channel six years and half a million people later. In Proceedings of the Second International Marine Biological Workshop, the Marine Flora and Fauna of Hong Kong and southern China (II), Hong Kong 1986 (B. Morton, ed). Hong Kong University Press, Hong Kong

with an objective to ensure the conservation values and public enjoyment of the country parks will not be affected by the village expansion in all the country park enclaves, particularly the areas within Sai Kung East and Sai Kung West Country Parks.

Our comments on specific zonings of the captioned are as follows:

Proposed "Green Belt" Zone

- The Hoi Ha rocky stream to the west of the Area is downstream of an Ecologically Important Stream (EIS) identified by AFCD at Hoi Ha near Pak Sha O[6]. Since the upstream EIS section and the Hoi Ha downstream section are longitudinally interconnected and aquatic animals, such as the diadromous/migratory fish and mitten crabs (i.e. *Eriocheir japonica*), will migrate upstream or downstream, in order protect the integrity of the stream ecosystem, it is important to ensure the entire stream from headwaters to the estuary, as well as the riparian zones, are adequately protected.
- Within the proposed "Green Belt" ("GB") zone, there is an area of wet abandoned agricultural land (as indicated in Plan 5 of the TPB Paper No. 9368). According to our field observation on May 2012 and Aug 2013, the water source feeding the wet abandoned agricultural land originated from the Hoi Ha rocky stream and a small stream which has not been indicated from the maps prepared by the Planning Department (see Plan 3 of the TPB Paper No. 9368), and the stream eventually drains into the HHW Marine Park (Fig. 1).
- In order to prevent undesirable land uses on the wet abandoned agricultural land and to separate the ecologically sensitive stream from the adverse effects of development, the proposed "Green Belt" area should be zoned as "Conservation Area".

Proposed "Village Type Development" Zone

- WWF considers the undisturbed or relatively undisturbed regenerated secondary forest area to the north of Hoi Ha Road should be zoned as "GB" instead of "V" zone.

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[6] Ecologically Important Streams:
http://www.afcd.gov.hk/english/conservation/con_wet/streams_rivers_hk/Con_NSR/Ecologically_Important_Streams.html

According to our site visit in August 2013, in the proposed village extension area to the north of Hoi Ha Road, apart from a few small patches of area near the existing village and the public toilet were relatively disturbed (Fig. 2), as indicated by the dominance of invasive species *Mikania micrantha*, the majority of the area was undisturbed or relatively undisturbed (Fig. 3).

Zoning this area as "V" zone, with filling of land and excavation of land not requiring the permission from the Town Planning Board, will inevitably result in extensive clearance of this regenerated secondary forest. With reference to aerial photos taken in early 1960s (source from the internet), some tree patches were already present between fields of the agricultural lots in this area. If the trees in those patches have survived, their ages should be over 40 years old. However, the Government has failed to provide any tree survey information on how many young and old trees would be affected in this proposed "V" zone in the forest area.

A seasonal stream was located at the west and the immediate north of this proposed "V" zone (Fig. 4). WWF is of serious concerns that the runoff from site excavation and formation, as well as the paved area in the future, within this proposed "V" zone will drain into this seasonal stream, leading to water pollution in downstream area and the HHW Marine Park.

Zoning this secondary forest area as a typical "V" zone will also degrade the landscape value of the country and marine parks from that of a vegetated area to a concreted one where visitors first approach Hoi Ha.

In order to avoid direct and indirect environmental impacts to the regenerated secondary forest and the nearby natural stream and marine park, and to prevent degradation of the landscape value of the area, WWF considers that the undisturbed or relatively undisturbed forest area should be zoned as "GB". It is also important to note that this regenerated forest area has already formed a contiguous vegetation cover connecting the proposed "CA" at the west.

For the disturbed area within the young forest, any land filling, excavation and site formation work under the proposed "V" zone should require the permission from the Town Planning Board. Moreover, the user schedule of the disturbed area in the proposed "V" zone should be revised by deleting "House (New Territories Exempted House only)" in Column 1 and "House (not elsewhere specified)" in Column 2, and

adding "House" in Column 2, so as to avoid uncontrolled site runoff from entering the nearby seasonal stream and marine park.

Proposed "Coastal Protection Area" & "Conservation Area"

- WWF would like to express our strong support to the proposed "Coastal Protection Area" ("CPA") as it will serve as a buffer between the HHW Marine Park and the village area, while protecting the natural coastline.
- We also strongly support to include the native woodlands on the hillsides behind (east and south) Hoi Ha Village and on the gentle slope at the western of the Area as "Conservation Area" ("CA"), as these woodlands are ecologically linked with the adjacent Sai Kung West Country Park with the presence of species of conservation concern (Section 9.5.2 of the Explanatory Statement).

We would be grateful if our comments can be duly considered by the Board.

Thank you for your attention.

Yours faithfully,

Dr. Michael Lau
Senior Head of Programme
Local Biodiversity and Regional Wetlands

Fig. 1 A small stream located in the proposed "GB" zone adjacent to the wet abandoned agricultural land, with stream flow eventually entering the "CPA" zone and the Hoi Ha Wan Marine Park (photo taken on 28 Aug 2013).

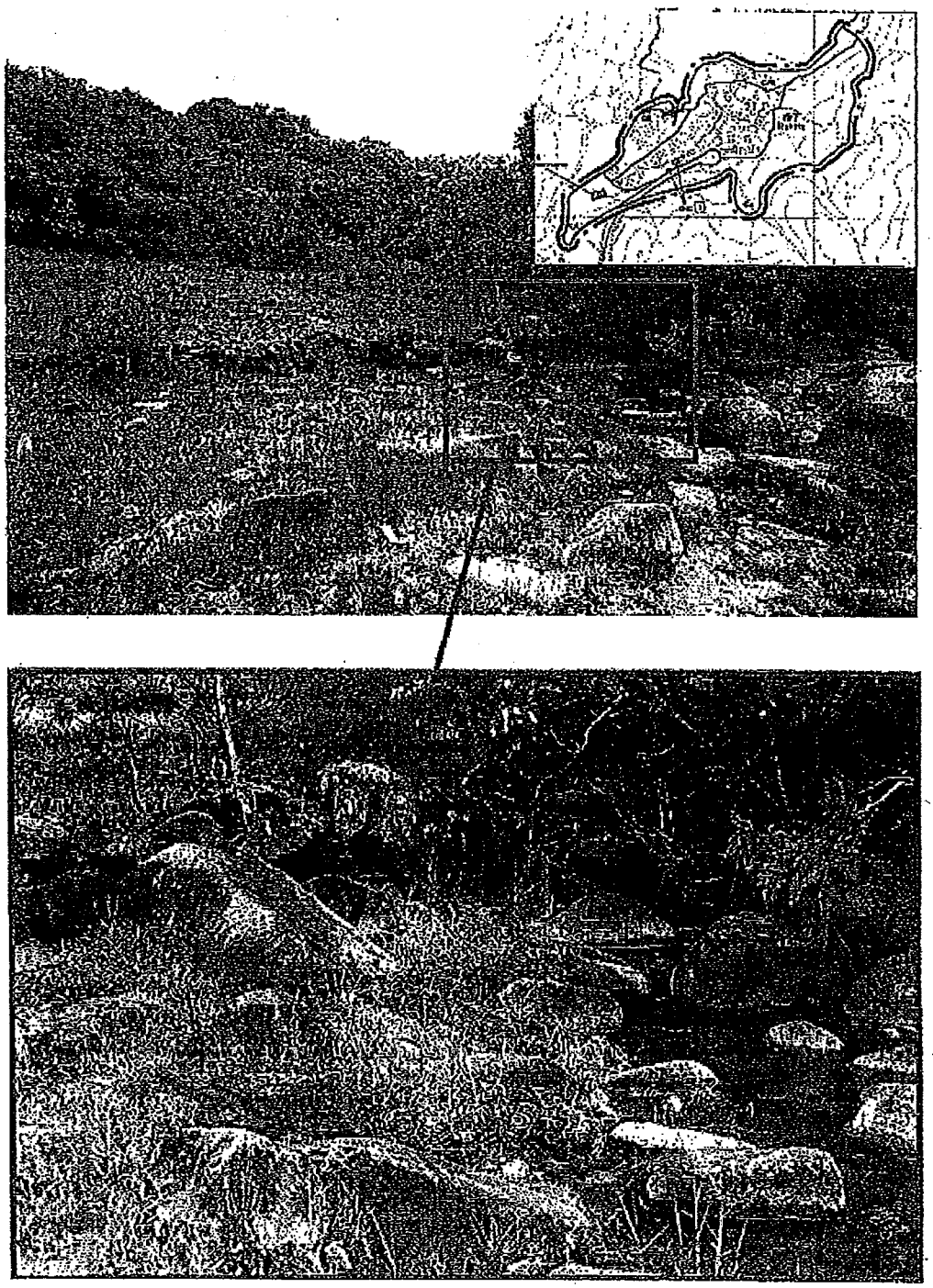


Fig. 2. Some relatively disturbed area in the proposed "V" zone within the secondary young forest area (photo taken on 28 Aug 2013).

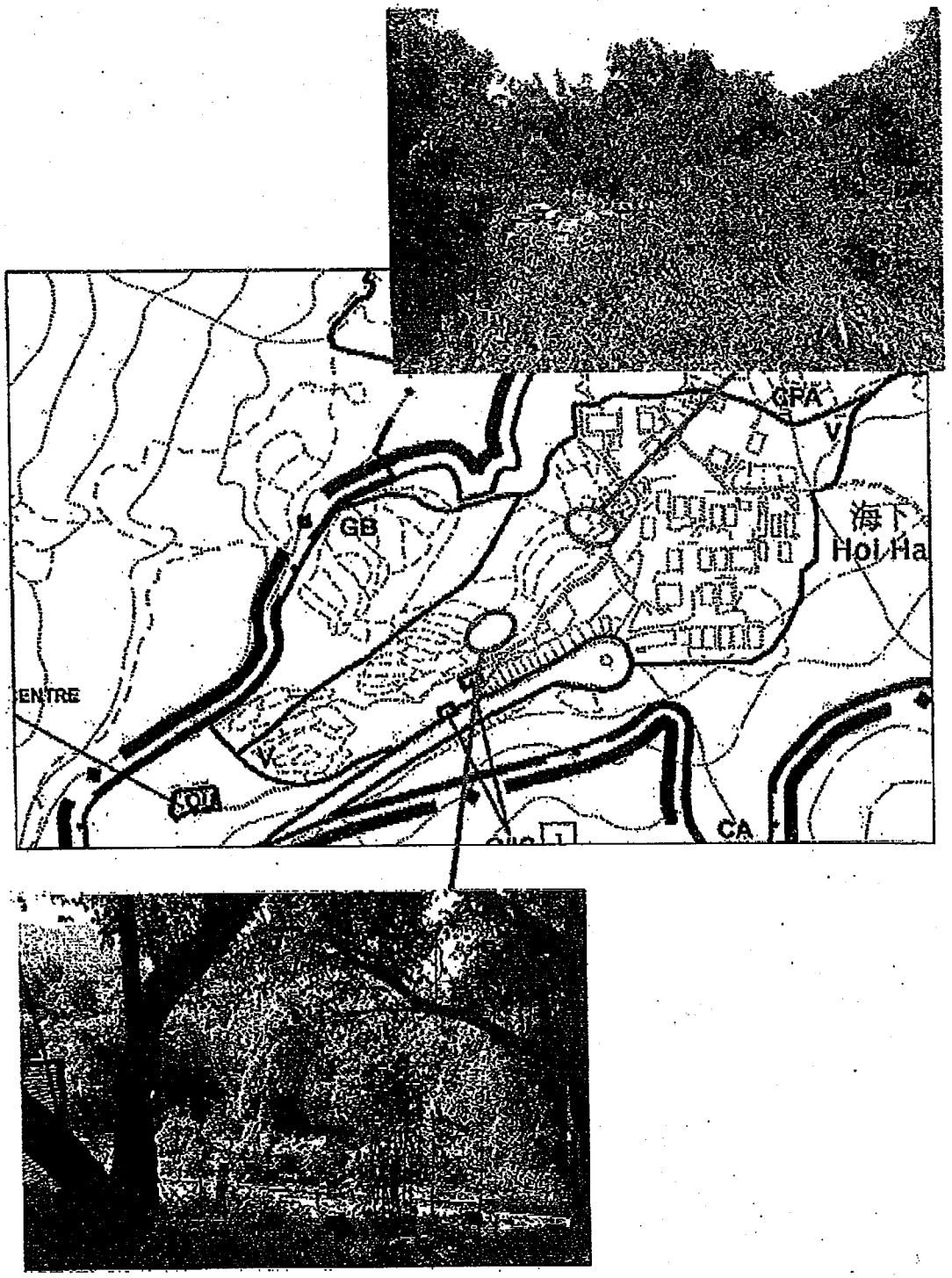


Fig 3. Undisturbed or relatively undisturbed area in the proposed "V" zone within the secondary young forest area (photo taken on 28 Aug 2013).

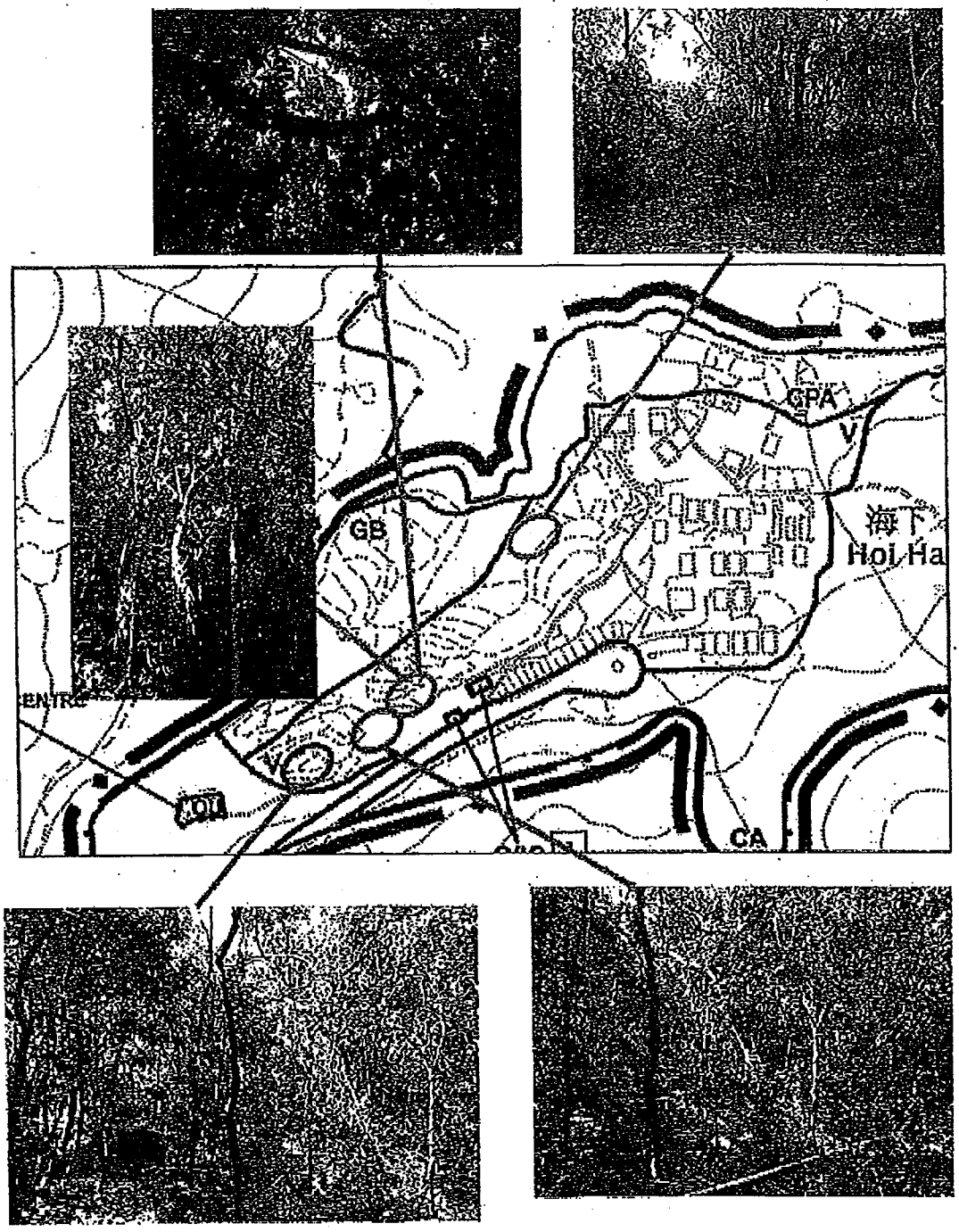
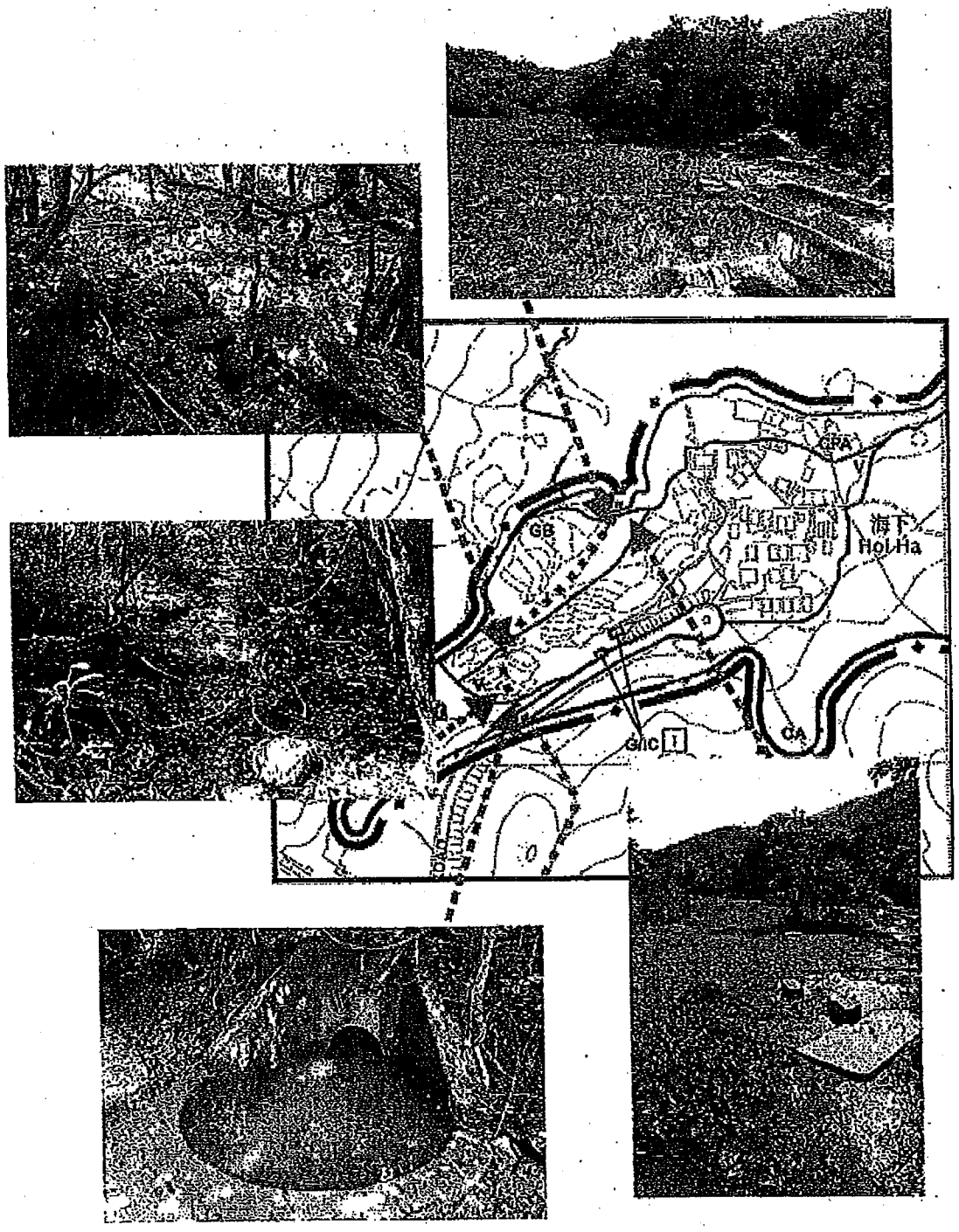


Fig. 4 The approximate location of a seasonal stream at the west and the immediate north of this proposed "V" zone (in blue dotted line) (photo taken on 28 Aug 2013).



ANNEX 10 – E.COLI DATA (Reproduced from ProCommons Report "Response to the Draft Outline Zoning Plan for Hoi No S/NE-HH/C" dated August 2013).

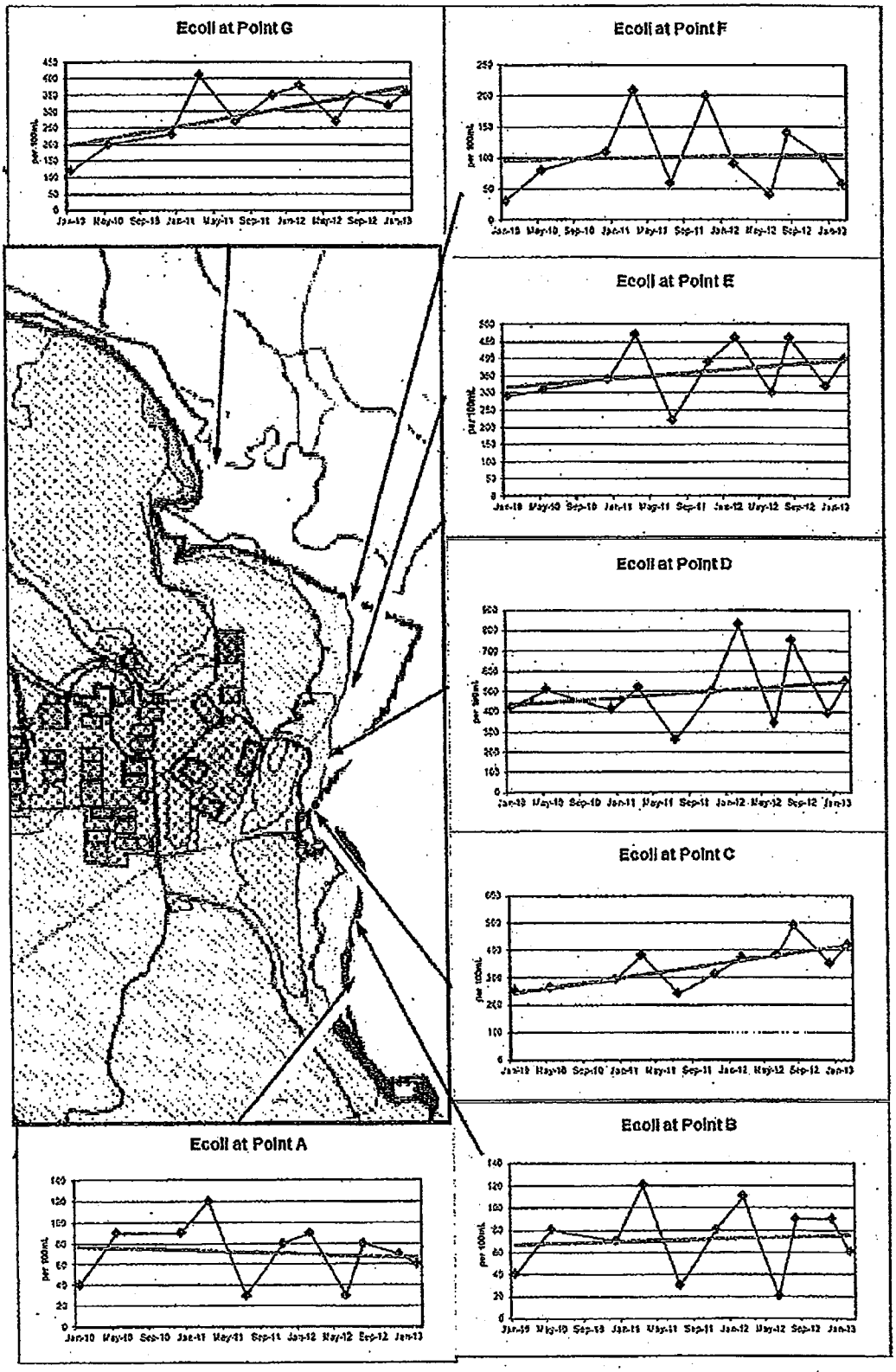
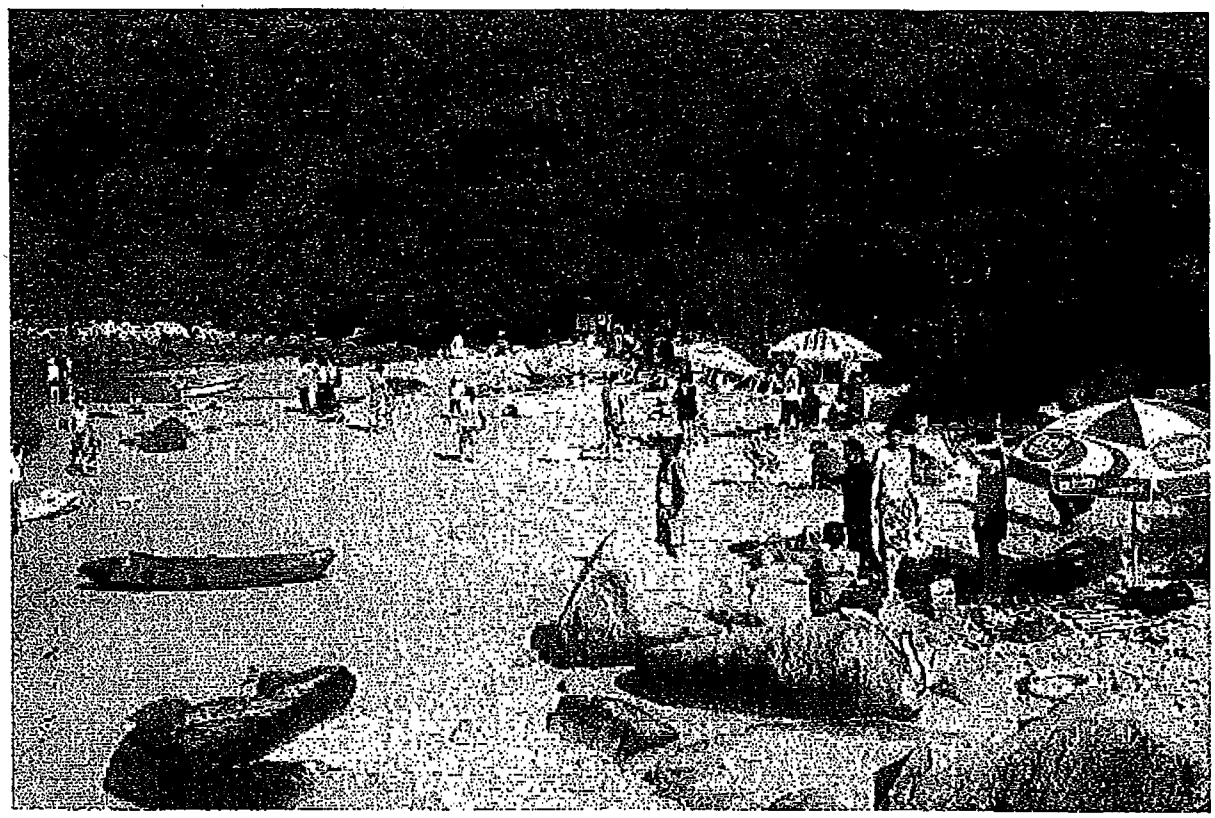


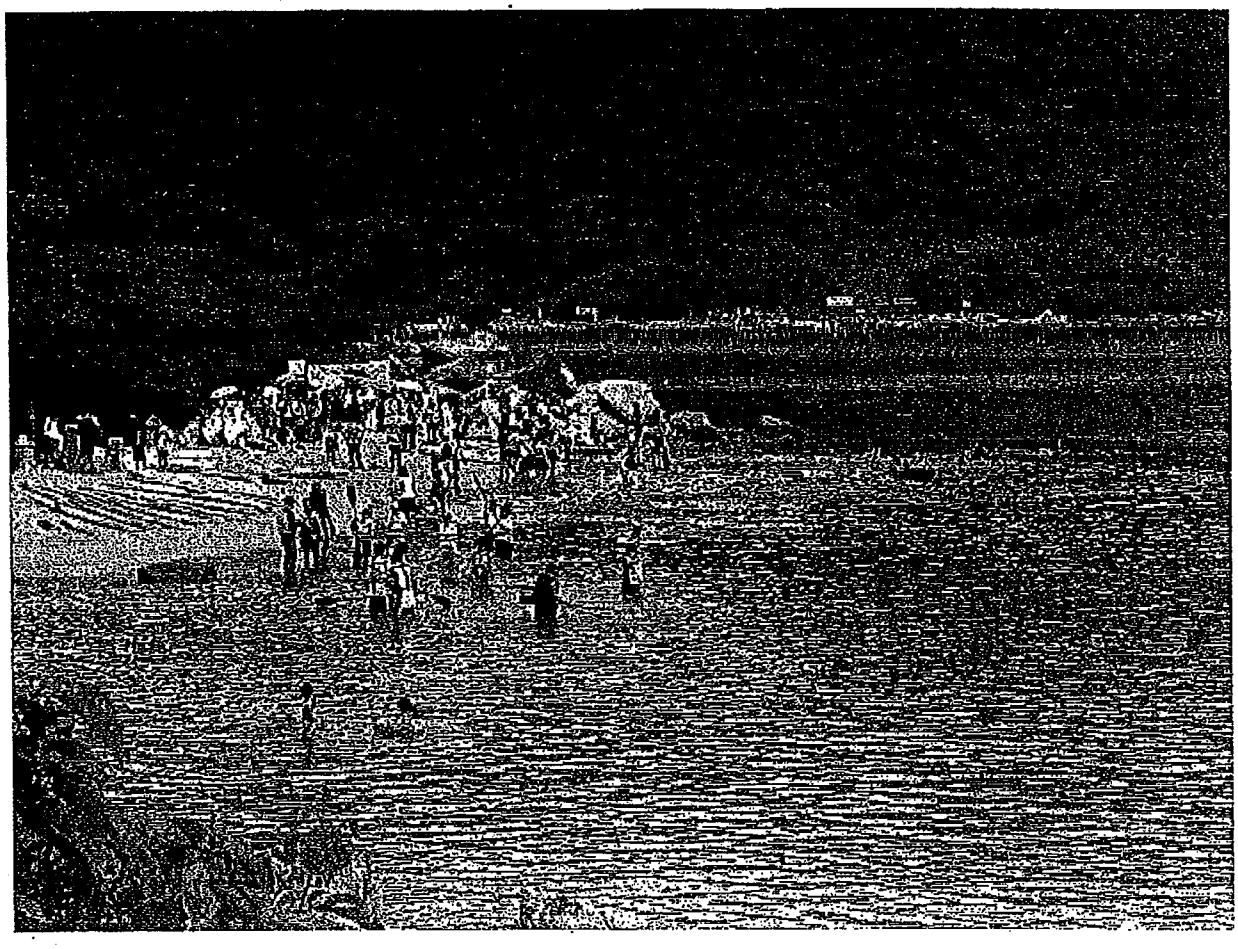
Figure 8.14. The levels of *E. coli* measured at low tide from ground water seepage at the beach

ANNEX 11 – HOI HA BATHING BEACHES

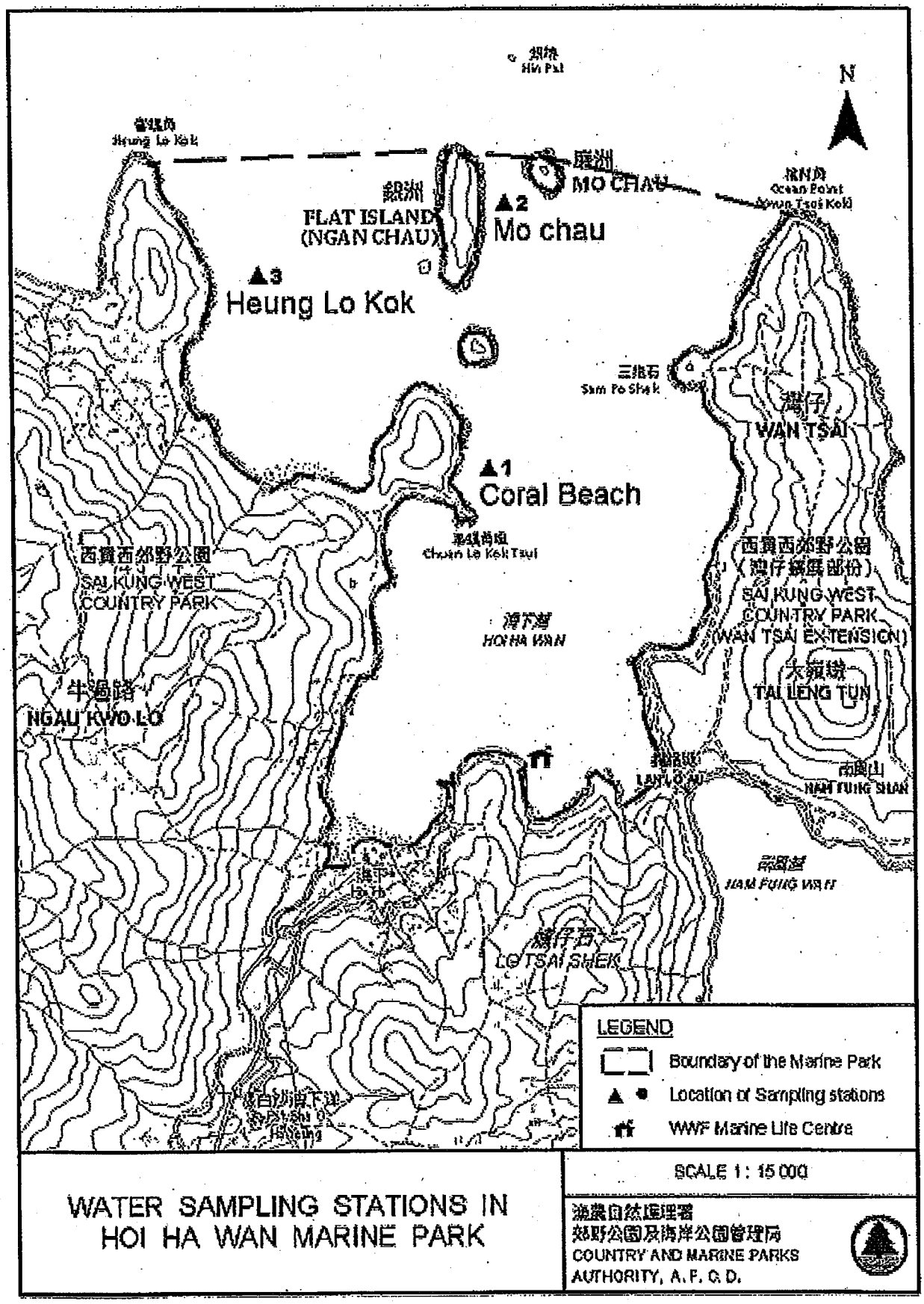








ANNEX 12 – EPD Water Sampling Stations



NNEX 13 – SPECIES RECORDED AT HOI HA

This Table is based on a survey conducted by **HKWildlife** and presented at a Press Conference on 21 November 2013. The Press Release (in Chinese) is reproduced below. Other information has been added from FOHH sources.

Species Recorded by AFC		**Species Recorded by NGOs**	
Flora	**243**	225	(KFBG)
Fish	**26**	20	(HKWildlife)
Insects (Other than Moths & Butterflies)	24	**139**	**(HKWildlife)**
Molluscs	20	**27**	**(HKWildlife)**
Crustaceans	10	**26**	**(HKWildlife)**
Butterflies	7	**50+**	**(James HUI)**
Amphibians & Reptiles	4	**37**	**(AEC via FOHH)**
Birds	1	**97**	**(AEC via FOHH)**
Moths	0	**326**	**(Dr Roger Kendrick)**
Spiders etc.	0	**50**	**(HKWildlife)**
Other Marine Fauna	0	**6**	**(HKWildlife)**
Mammals	0	**11**	**(AEC via FOHH)**

海下灣擬建村屋地　物種豐富具保育價值
諮詢期前齊提反對意見　勿被漁護署誤導

【新聞稿】城市規劃委員會建議在西貢海下灣村落以西一幅2.6公頃的土地，劃爲「鄉村式發展」地帶，將可以興建近百幢村屋。香港自然生態論壇最近在當地進行的一項調查，發現當地物種逾450種，包括8種具保育價值物種。這樣物種豐富而多變的濕地生境，漁農自然護理署絕不能視之爲荒廢和雜草亂生之地，城規會更不可能將之劃作村屋發展用途，破壞海下灣的郊野公園及海岸公園的整體性。

市民請於11月27日海下灣分區計劃大綱草圖公眾諮詢屆滿前，提出反對意見，保育海下灣這片重要濕地。該地鄰近只有30米距離的具特殊科學價值地點紅樹林，和貼近由猴塘溪流入海下灣的一條主流，若大興土木，自然生態勢受破壞。

漁農自然護理署在提交城規會文件中描述現時被規劃爲「鄉村式發展」地帶爲「相對被干擾，荒廢農地只有較年輕樹林，低層長有草本植物和雜草。」(*"…relatively disturbed, young woodland on abandoned agricultural land"., "… a young but disturbed woodland, or on low-lying area overgrown with grass and weeds".*)。然而，根據航空照片記錄，農地應該是在1963-1971年間被荒廢，事隔四五十年，有部份樹木當時已存在，現在保守估計這些樹木都超過五十年。

<u>過去調查記錄</u>

由漁護署全港性生物多樣性調查2002-2013年的數據（附件一及二），抽取海下灣記錄所得，共錄得植物243種，動物85種。另外，私人顧問公司爲海下灣所做的評估報告2012年（附件三），共錄得植物197種，動物277種。嘉道理農場暨植物園2012年在海下灣進行的植物和飛蛾調查報告（附件四），清楚顯示現時的「鄉村式發展」地帶爲次生樹林 (Secondary Forest) 和淡水濕地 (Freshwater Wetland)，該報告指出海下灣共有六類的生境，植物總數達225種，當中有9種具保育價值，飛蛾也有77種記錄。

<u>民間全面生態調查</u>

由於過去的報告覆蓋範圍較大，香港自然生態論壇成員(十多名成員)自發於2013年10月15日(植物調查)和2013年10月19- 20日(動物調查)於現時被劃爲「鄉村式發展」地帶及其附近可能受影響的地帶進行深入的生態攝影記錄調查，發現453個物種，當中x種具保育值價。

<u>植物數據</u>

植物品種一共有180種，包括國家二級保護野生植物土沉香（圖01），屬香港珍稀植物，還有兩種受林務規例保護的蘭花－高斑葉蘭（圖02）及闊葉沼蘭（圖03）。

<u>動物數據</u>

香港陸生生境中以昆蟲的種類和數量最多，調查在十月中旬進行，屬昆蟲季節的淡季或較不活躍的季節，在不足六個小時的記錄時間，仍發現有139種昆蟲品種（圖04）。而蜘蛛和其他節肢類也有50種（圖05）。由於十月已是旱季，兩棲類不太活躍，只記錄了2種－澤蛙和虎紋蛙，當中虎紋蛙（圖06）屬國家二級保護品種；另有3種爬行動物。

水生生物

「鄉村式發展」會直接破壞現時的淡水濕地，相關的化糞及排污設施和因建築活動產生的廢水極有可能影響相鄰的河溪及海下灣海岸公園，而這些地方正正是魚類、甲殼類和軟體動物的覓食和生存地點，故此，我們也在河溪、海邊進行考察。可惜，當日的潮汐比預測（0.7米）還要高，故此，潮間帶的調查受到潮汐限制，未能全面反映這個具特殊科學價值地點的生態價值。

魚類共有20種（圖07），具保育價值的有三種，包括罕見的弓斑多紀鮠（圖08）、雙眼斑砂鰕虎（圖09）和近危品種蜂巢鰕虎（圖10）。

甲殼類如蝦、蟹和藤壺一共有26種，軟體動物包括螺、蝸牛、蛞蝓等，一共有27種。還有其他的海洋生物6種（圖11）。

總結

香港自然生態論壇的調查隊，一共十多人，在不足12小時的調查時間，於海下灣約3公頃的範圍，已可記錄到453個物種，若以合乎環境影響評估標準的要求，在乾濕季進行全面的調查，當地高生態的真正的面目將更能呈現在市民眼前。請市民根據這些數據，在11月27日前，向城規會提出反對批准將當地劃作「鄉村式發展」地帶，作村屋發展用途。有關諮詢文件及電郵地址：

http://www.info.gov.hk/tpb/tc/plan_making/S_NE-HH_1.html

城規會電郵：tpbpd@pland.gov.hk

聯絡人：黃志俊，香港自然生態論壇發言人[redacted]

e-mail:[redacted]

相片及文件： https://www.dropbox.com/sh/dollilf3rw55b45/x8NdC2vjWF

民間全面生態調查記錄：

物種數目	香港自然生態論壇	漁護署提供數據[1,2]	AEC 顧問報告[3]	嘉道理農場報告[4]
植物	180	243	197	225
昆蟲	139	24	121	77
蜘蛛和其他節肢動物	50	—	3	—
兩棲及爬行動物	5	4	37	—
魚類	20	26	8	—
甲殼類	26	10	—	—
軟體動物	27	20	—	—
其他海洋生物	6	—	—	—
哺乳類	—	—	11	—
鳥類	—	1	97	—
總數	453	328	474	302

參考報告：

[3]AEC 2012. Ecological Survey Appraisal Report for DPA Area Hoi Ha, Sai Kung (DPA/NE-HH/2) 48pp.

[4]Kadoorie Farm and Botanic Garden. 2012.. Vegetation and Moth Survey Report – Hoi Ha, Sai Kung, Hong Kong. Kadoorie Farm and Botanic Garden, Hong Kong Special Administrative Region. 34pp.

海下灣受影響範圍的具保育價值物種：

植物	土沉香，牙香樹	國家二級保護野生植物

	高斑葉蘭	受林務規例保護
	闊葉沼蘭	受林務規例保護
	榄藤，過江龍（圖12）	100種香港稀有及珍貴植物之一
兩棲及爬行動物	虎紋蛙	國家二級保護野生動物
魚類	弓斑多紀鮎	罕見物種
	雙眼斑砂鰕虎	曾收錄於IUCN紅色名錄
	蜂巢鰕虎	國際近危物種

生境照片 caption:

WP_20131015_001.jpg 被漁護署評爲草地的生境，實質是淡水濕地。

WP_20131015_002.jpg 有機會被發展影響的天然河溪，河水清徹。

WP_20131015_11_25_16_panorama.jpg 淡水濕地

WP_20131015_11_27_00_panorama.jpg 淡水濕地

WP_20131015_13_40_58_panorama.jpg 河口海邊沙泥灘

WP_20131015_13_42_28_panorama.jpg 河口向海外望

ANNEX 14 – HOI HA STREAM



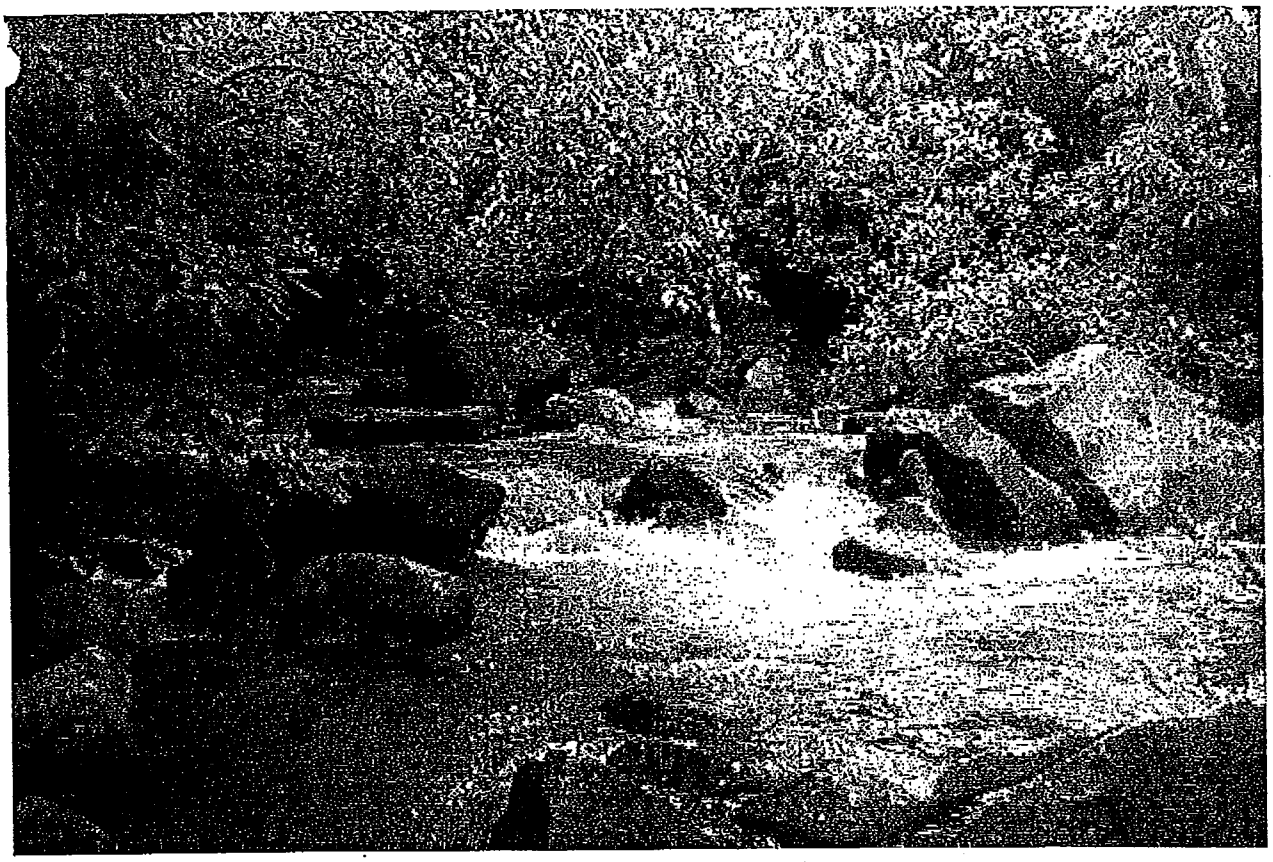


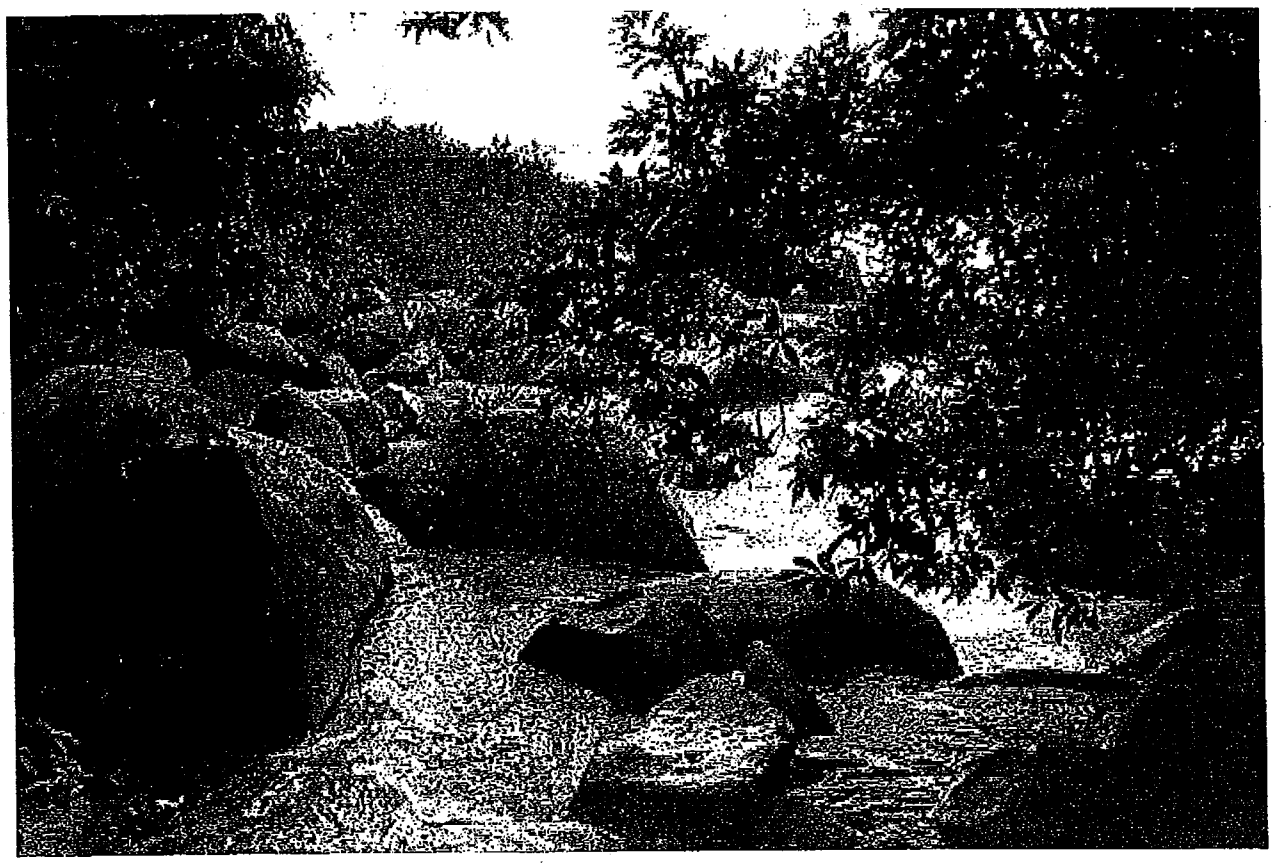


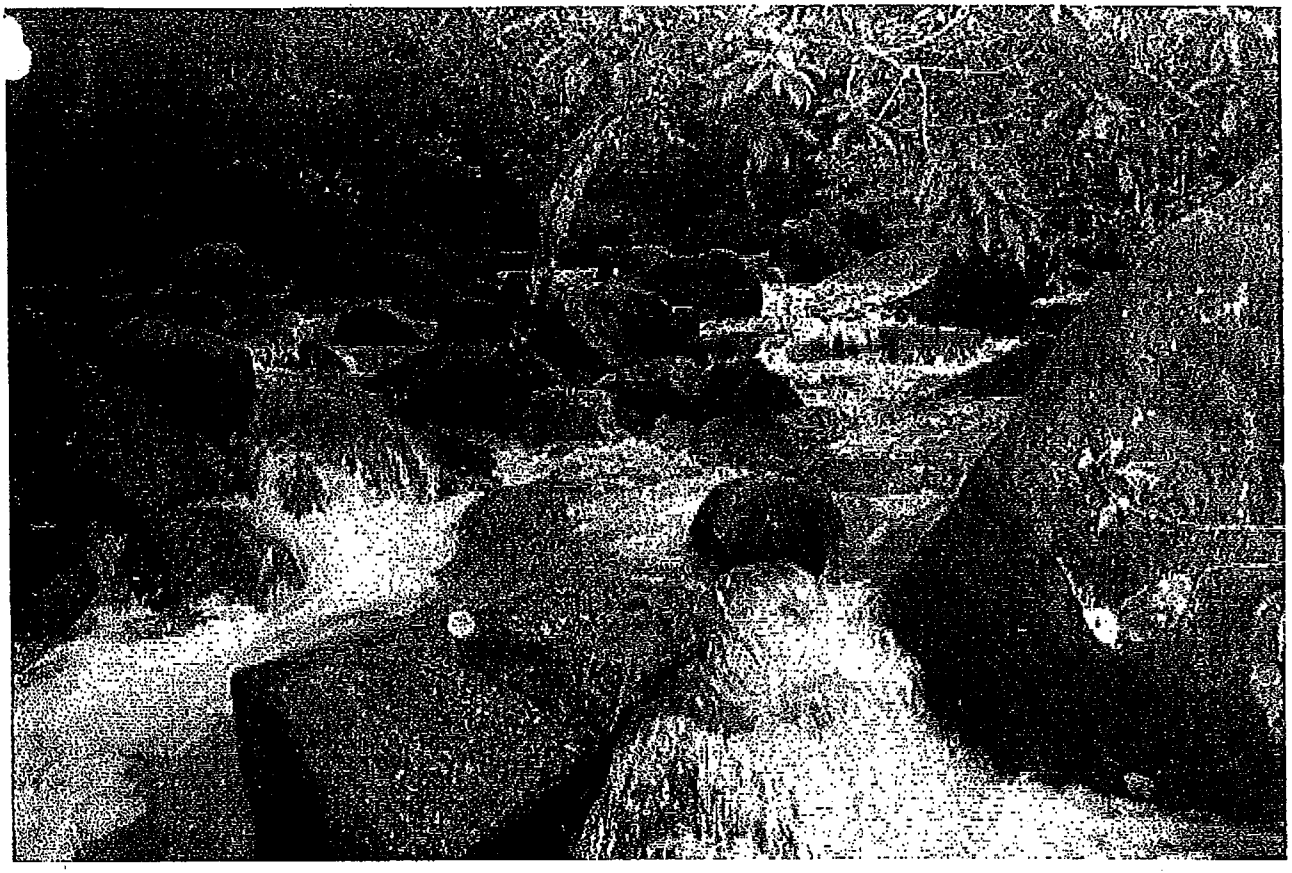




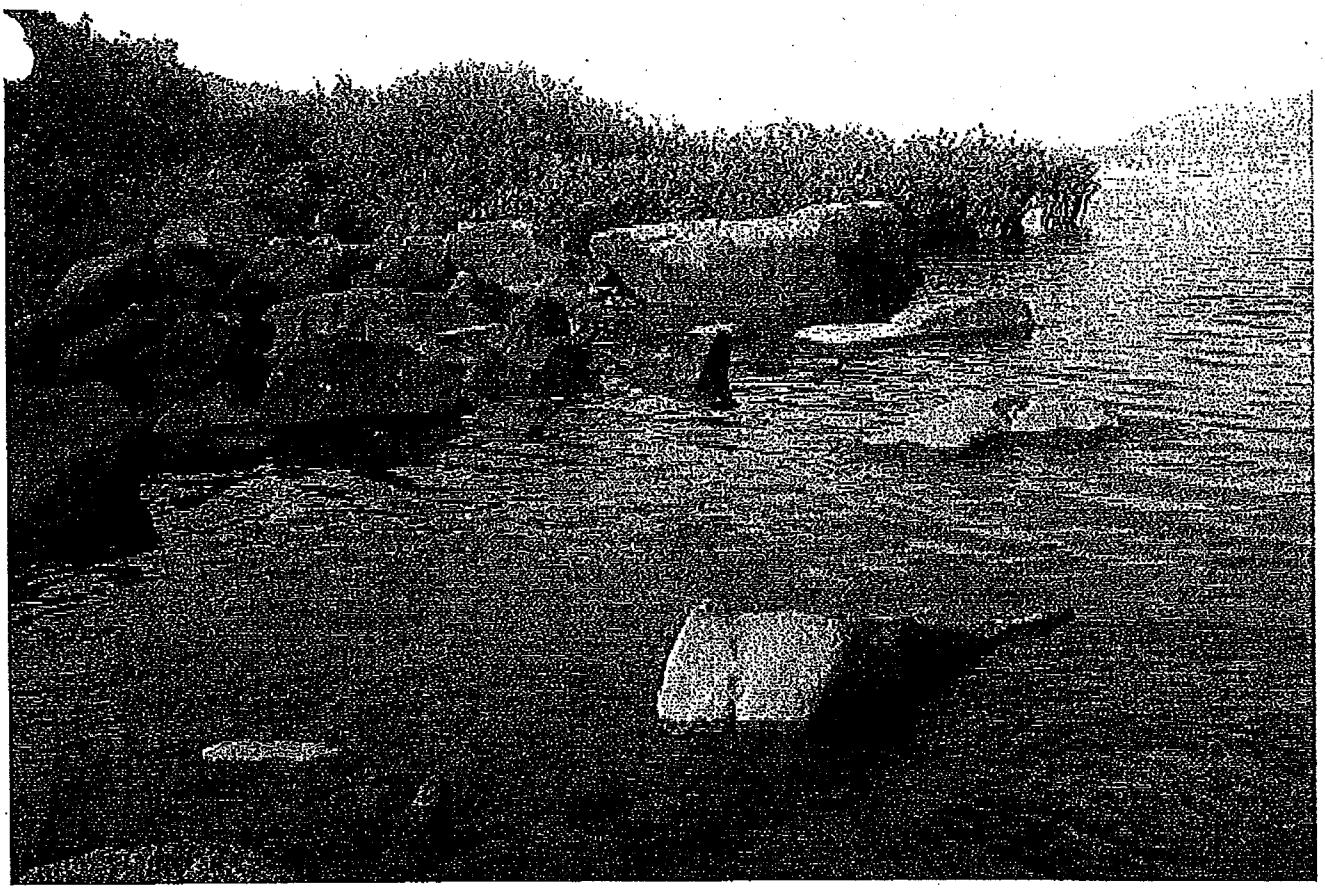












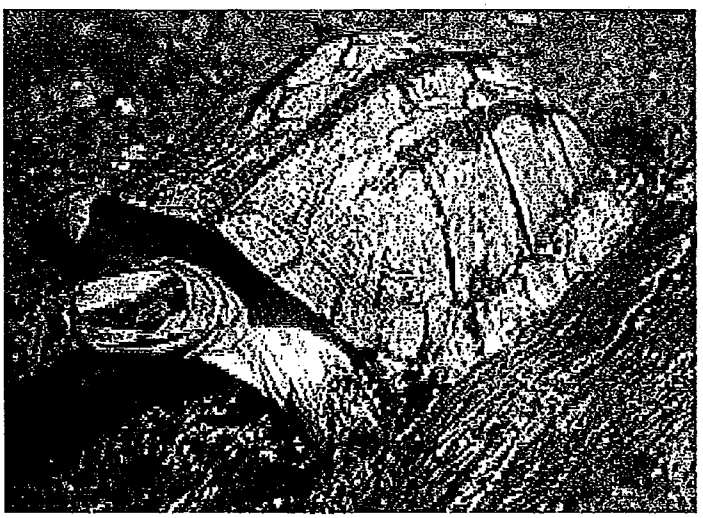


ANNEX 15 – BROWN FISH OWL



Photograph taken along the Hoi Ha Road in May 2013

ANNEX 16 – THREE-BANDED BOX TERRAPIN



Photograph - AFCD

ANNEX 17 – PROPOSED V-ZONE



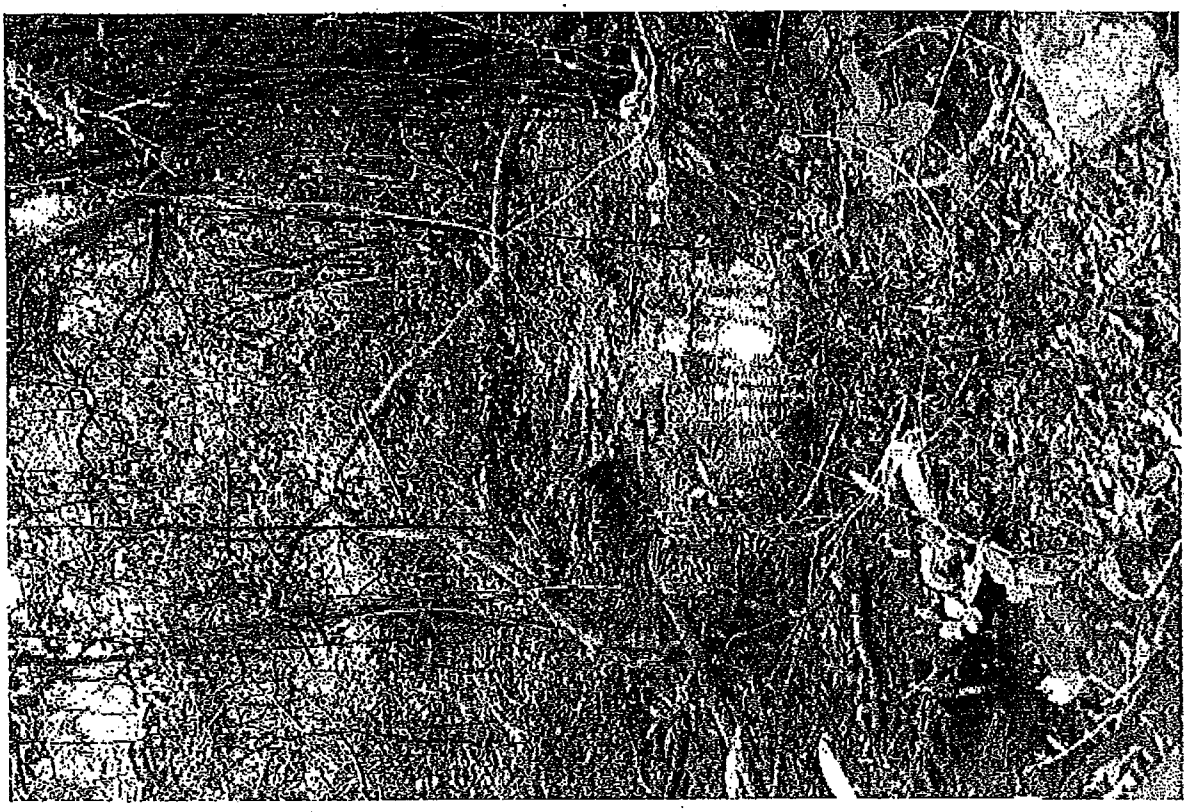




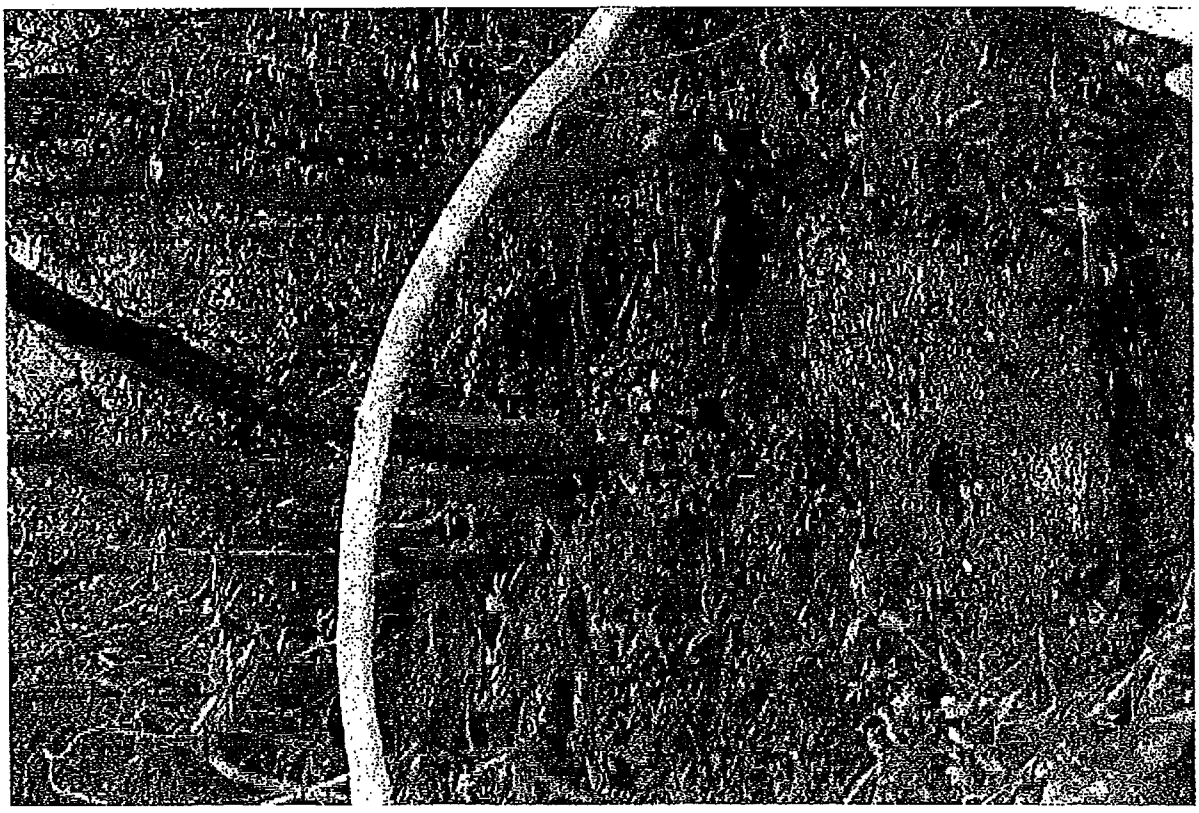


Floscopa scandens

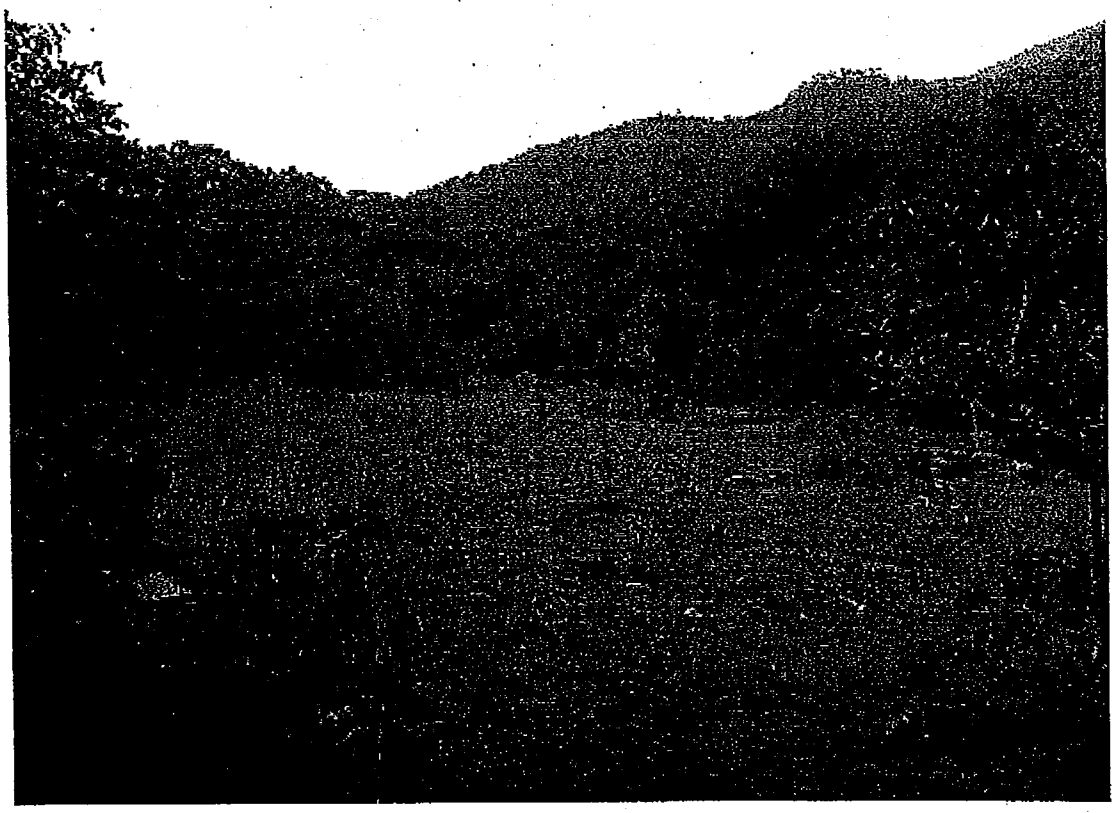








ANNEX 18 – PROPOSED GREEN BELT



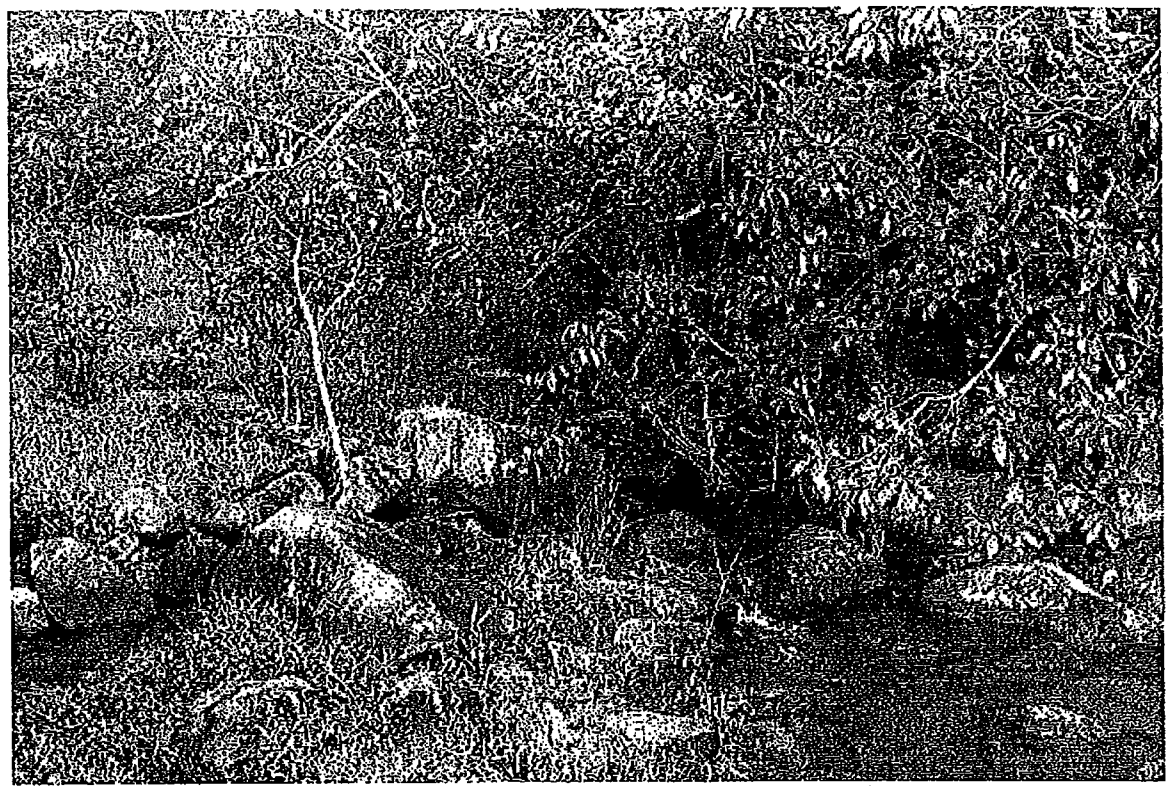




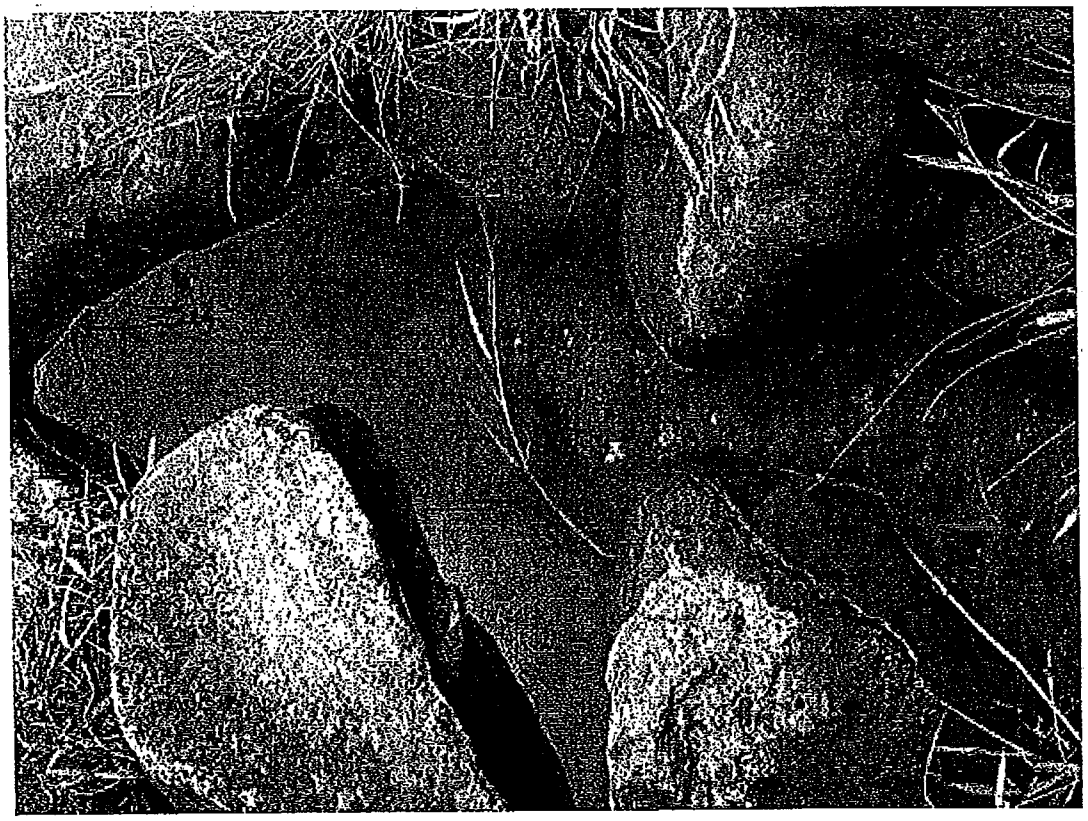


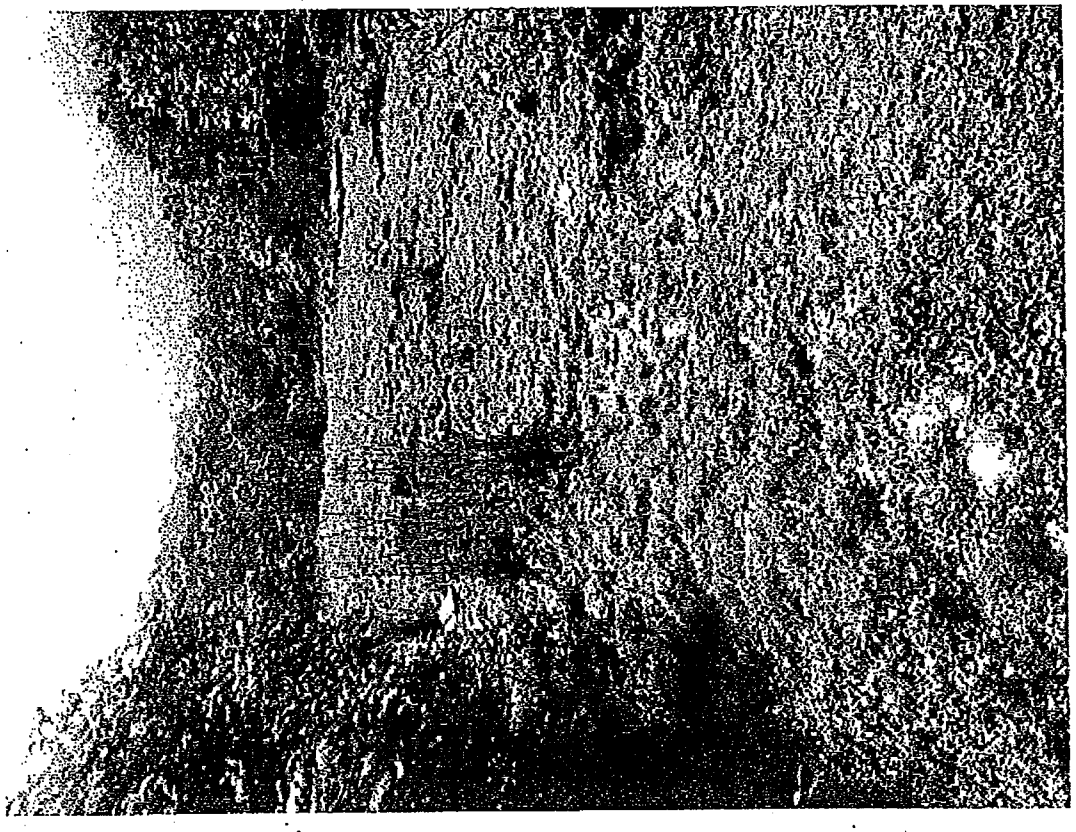


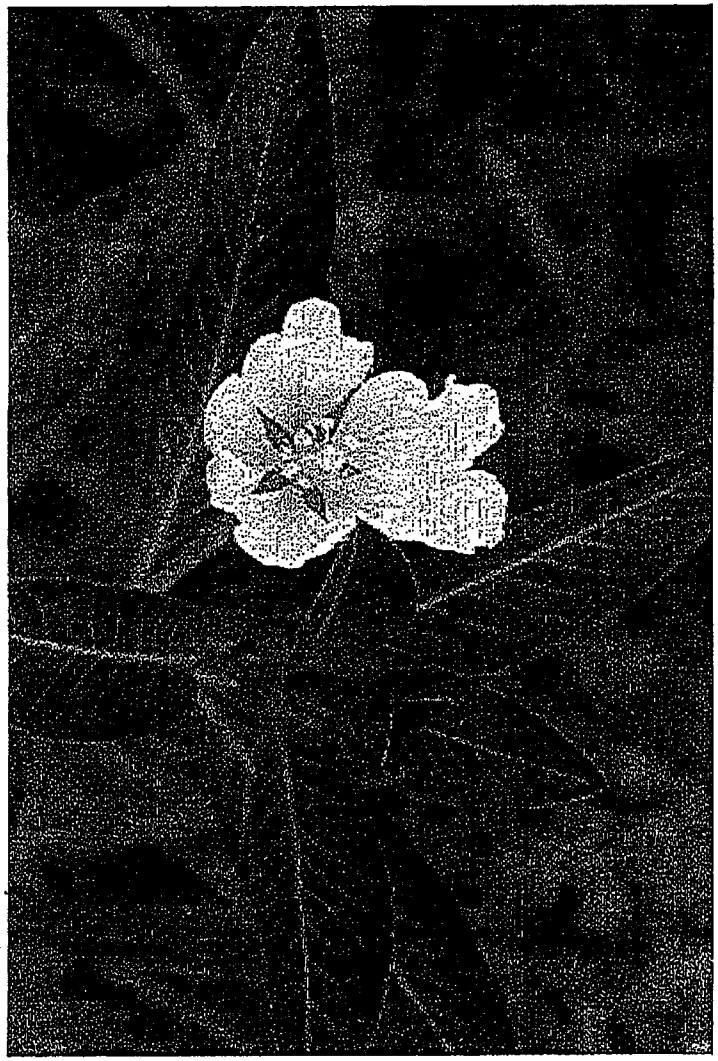








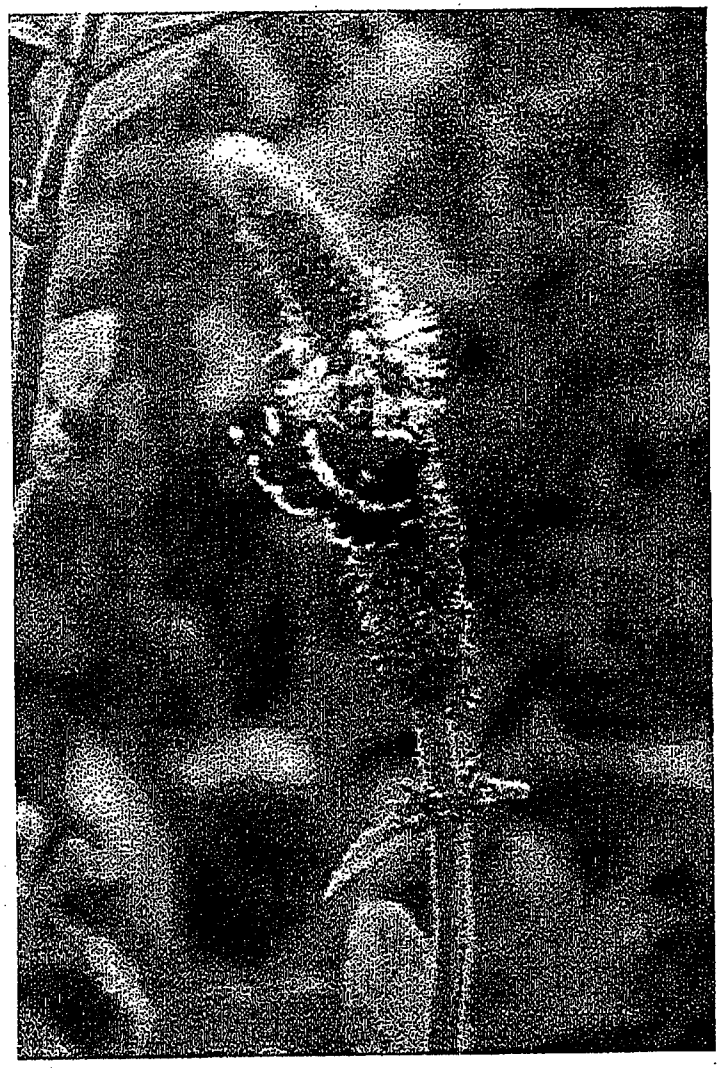




Ludwigia adscendens

Species found in the Green Belt in a 2-Hour Survey

Ageratum conyzoides
Polygonum dichotomum
Melastoma malabathricum
Rotala rotundifolia
Geissapis cristata
Philydrum lanuginosum
Adenostemma lavenia
Eriocaulon sexangulare
Limnophila aromatica
Impatiens chinensis
Sphaerocaryum malaccense
Fuirena umbellata
Isachne globosa
Glochidion hirsutum
Impatiens chinensis
Ipomoea sp.
Lindernia crustacea
Rumex trisetifer
Polygonum dichotomum
Pogostemon auricularius
Ludwigia adscendens
Hygrophila salicifolia
Philydrum lanuginosum
Hypericum japonicum
Palhinhaea cernua
Graphistemma pictum
Floscopa scandens

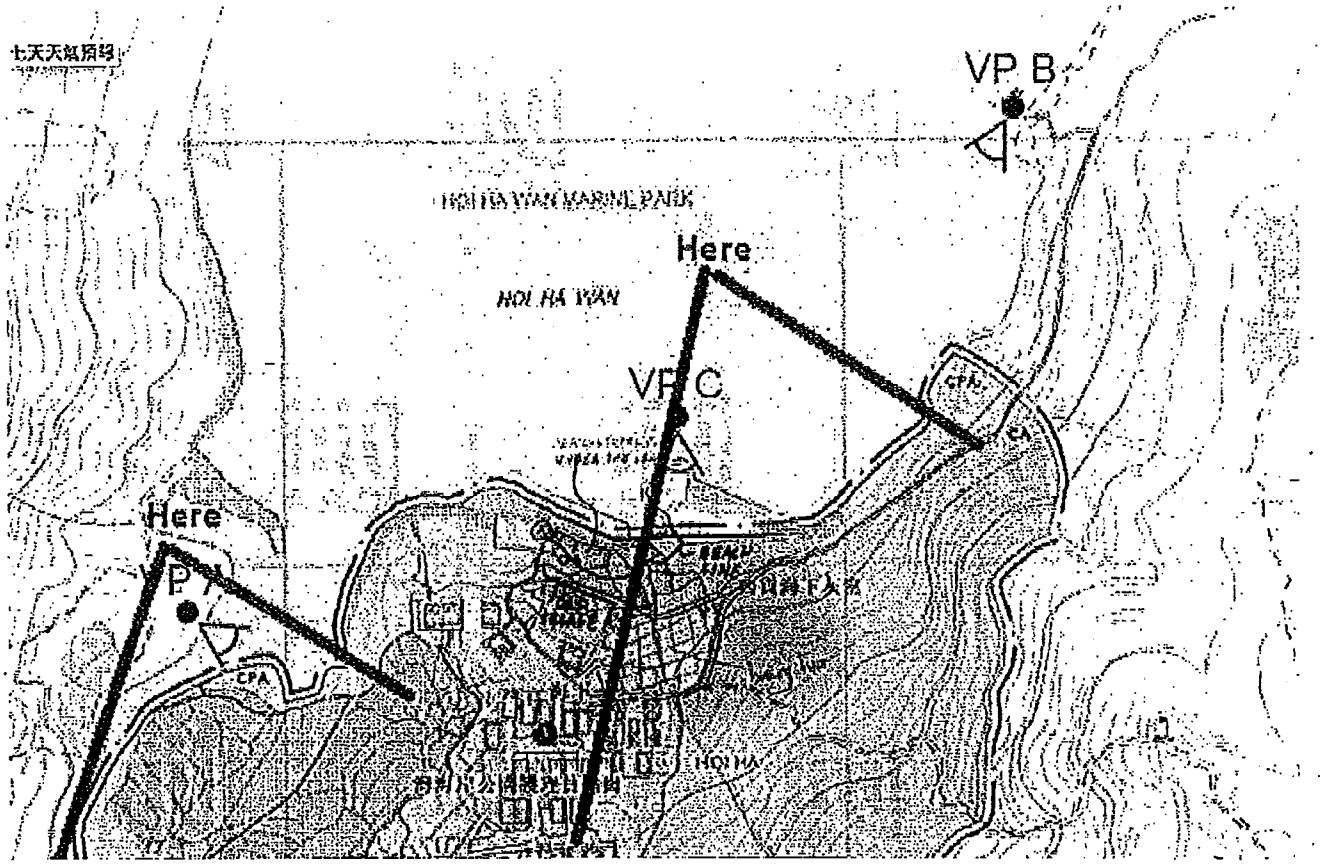


Pogostemon auricularius with *Spoladea recurvalis* moth



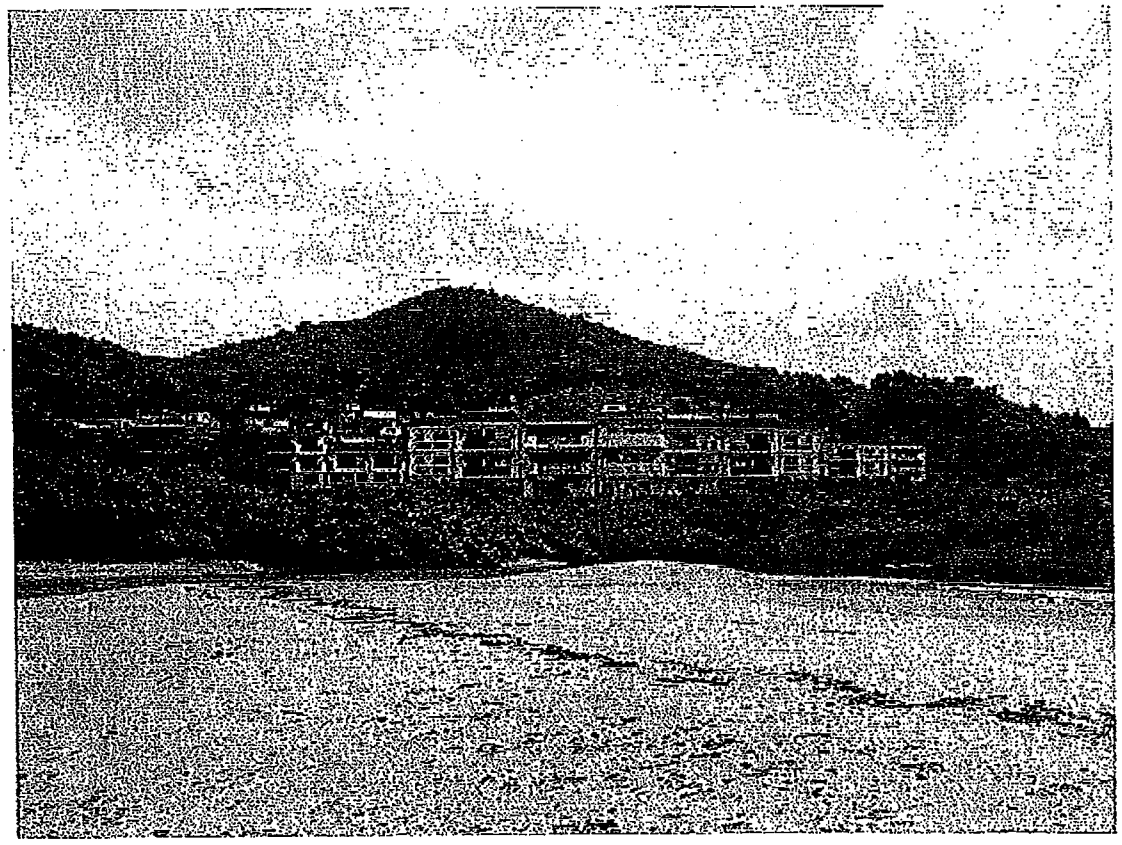
The herb *Geissapis cristata*, a locally rare species (Xing *et al.*, 2000)

ANNEX 19 - PHOTO MONTAGES





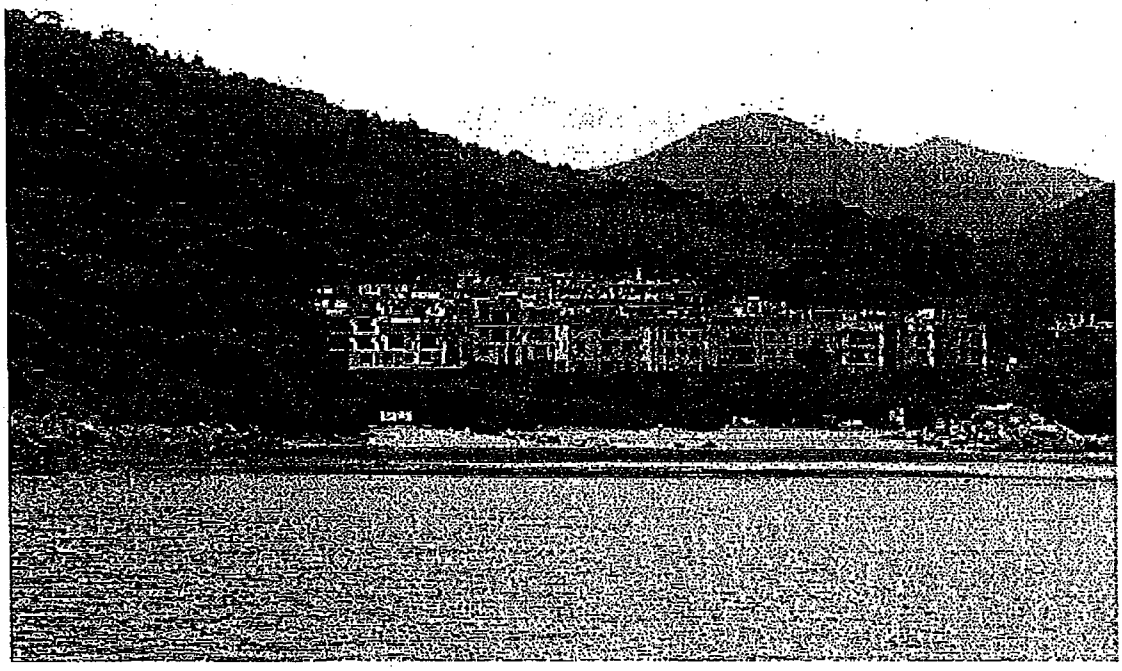
Landscape View of Proposed V-Zone Before Development.



Landscape View of Proposed V-Zone Extension After Development.



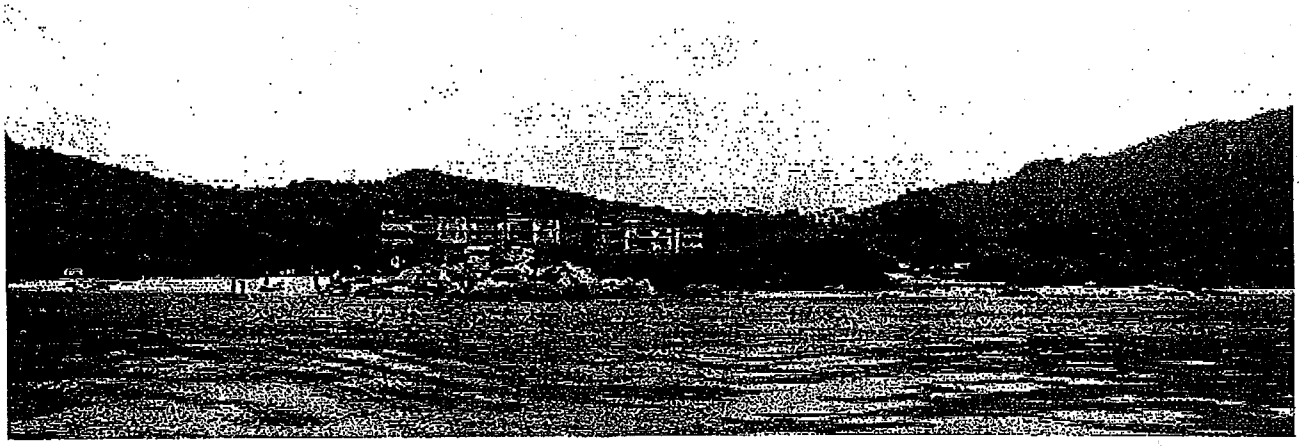
Present Landscape View of the Front of Hoi Ha Village.



Landscape View of Hoi Ha With Development at the Front of the Present Village.

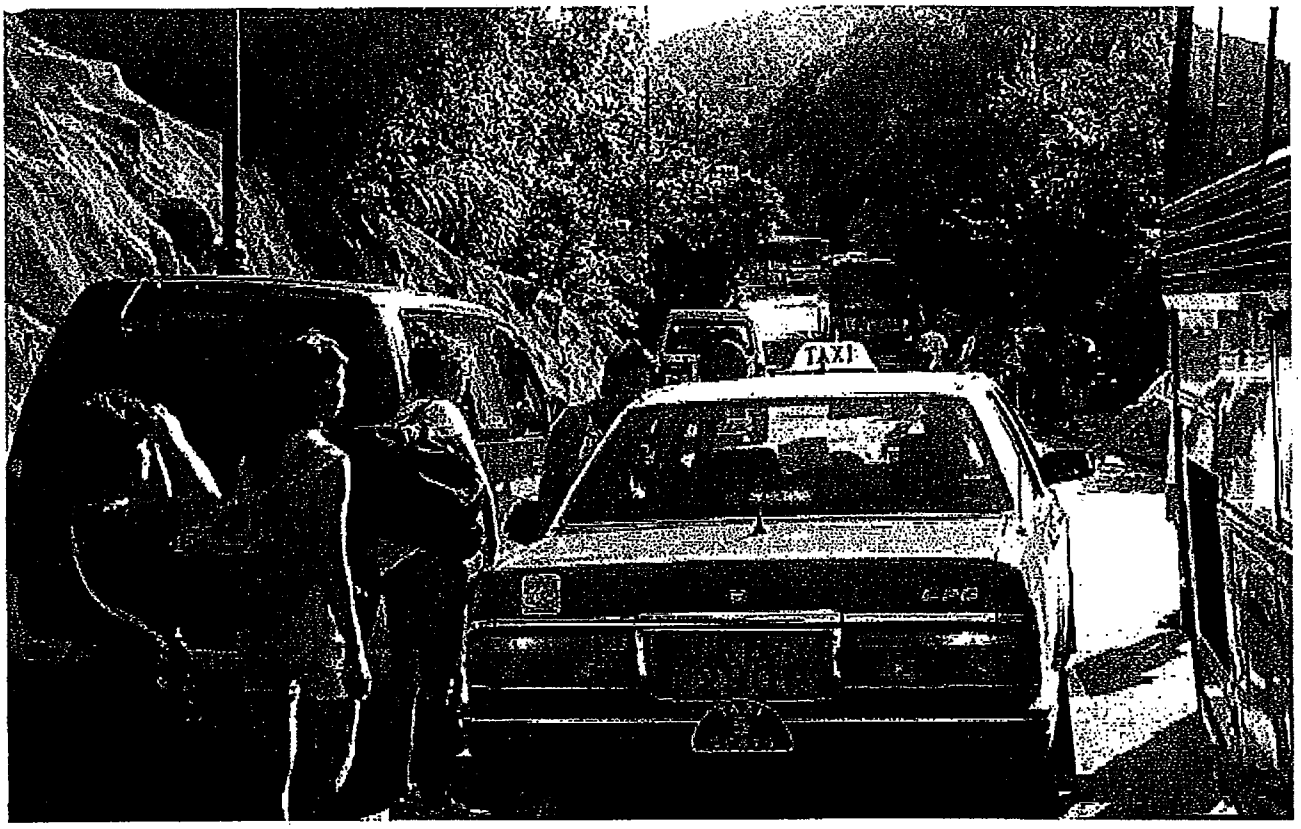


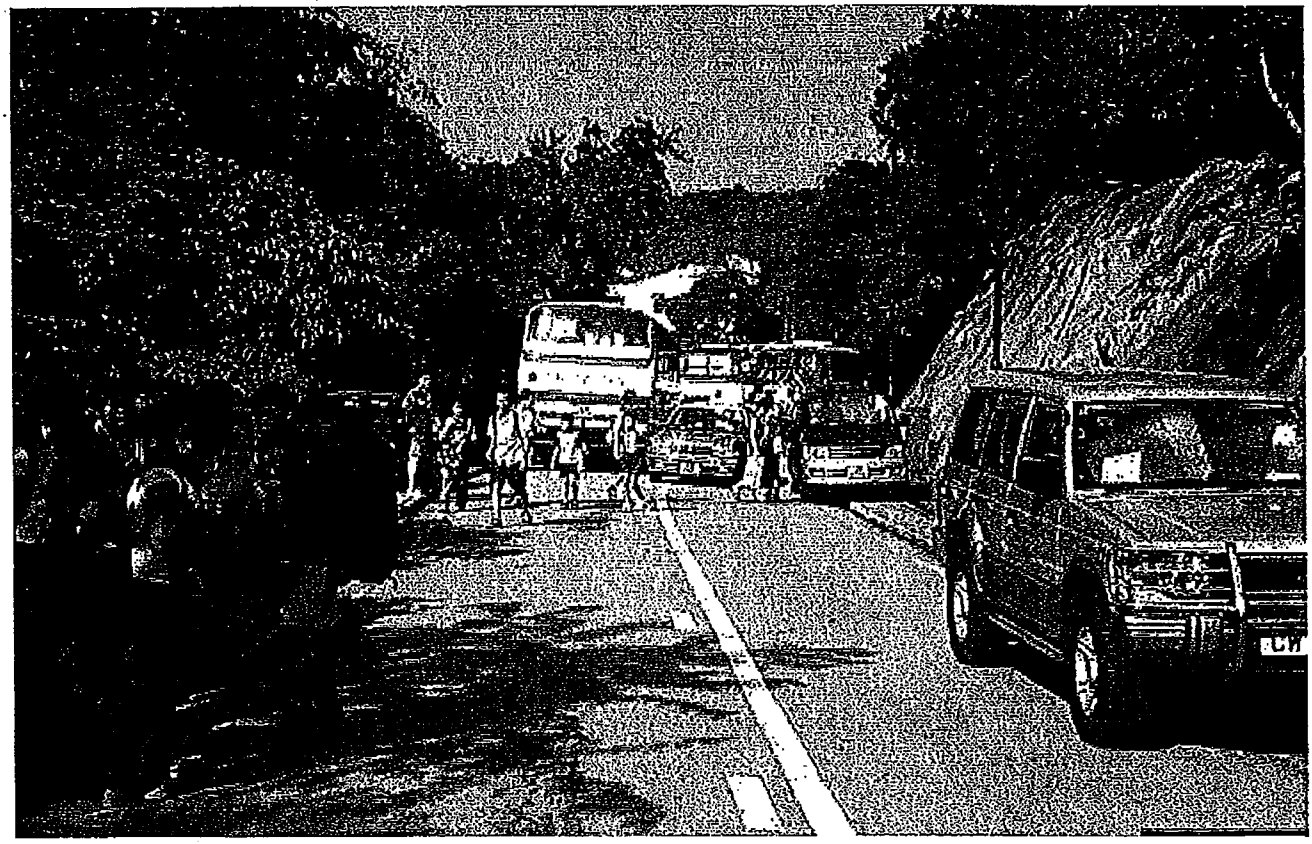
Present-Day View of Hoi Ha From the Marine Park.



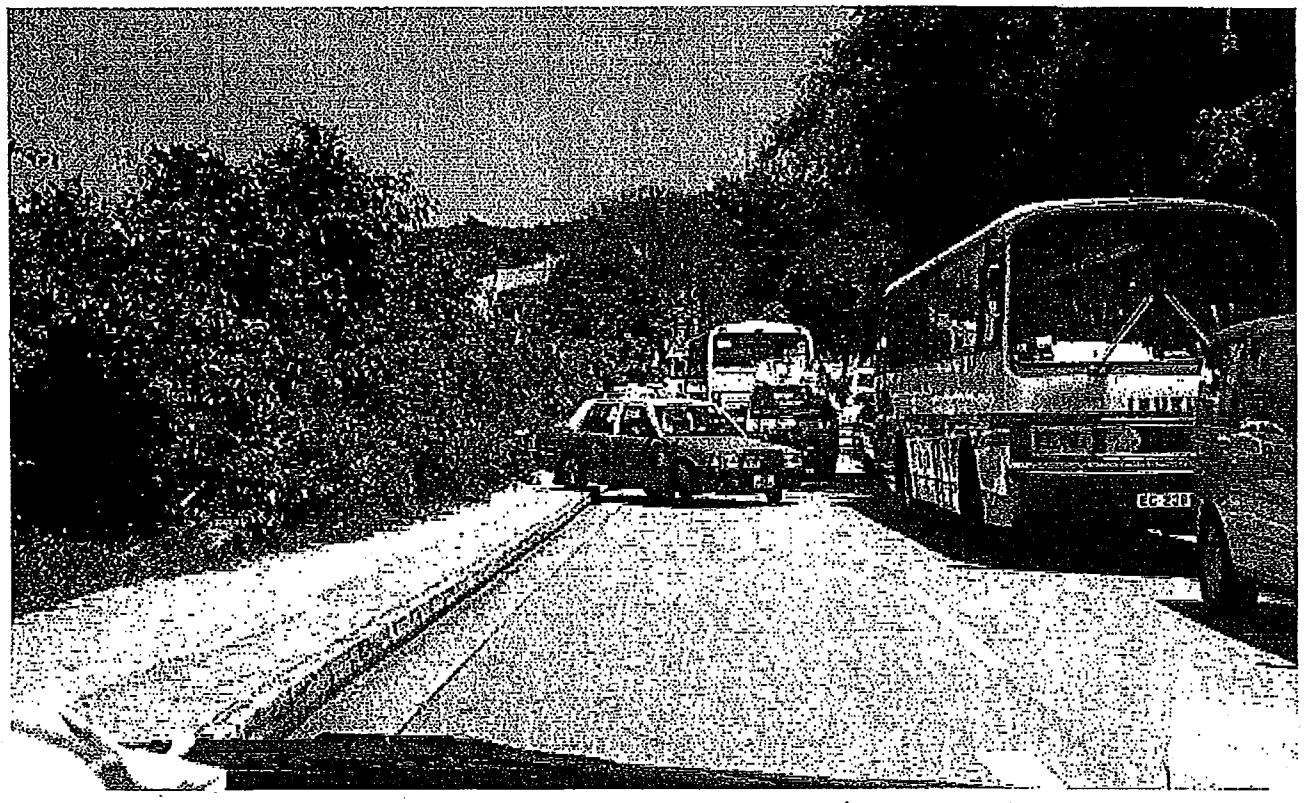
View of Hoi Ha From the Marine Park After Development at the Front of the Village.

INEX 20 – CONGESTION AT HOI HA

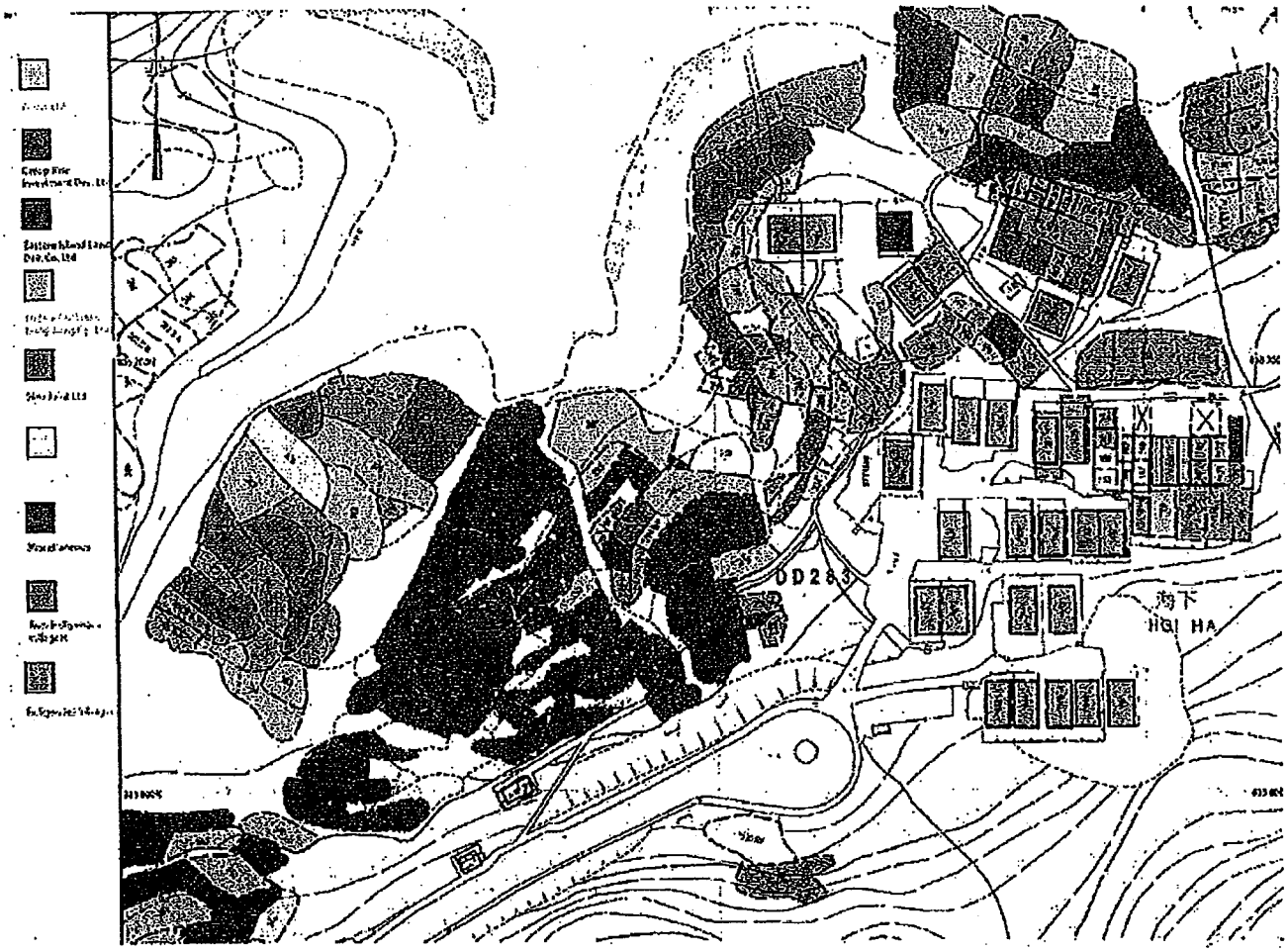








Annex 21 – Land Ownership



Major Land Owners:

Eastern Island Land Development Company Limited

Ever Lucky Development Limited

Group Rise Investment Development Limited

Vantix Limited

Xinhua Bookstore Xiang Jiang Group Limited

Sino Joint Limited

Billion Ease Limited

Certain Holdings Limited

Everluck Development Limited

TPB/R/S/NE-HH/1- 10755

"Roy Ng" <[redacted]
27/11/2013 下午 04:13

To <tpbpd@pland.gov.hk>
cc
bcc
Subject RE: Comments on Outline Zoning Plan (OZP) (No.S/NE-SLP/1, S/SK-HH/1, S/SK-PL/1)

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/Madam,

Please find attached our submission on the captioned.

Yours faithfully,
Ng Hei Man
Assistant Campaign Manager
The Conservancy Association

TPB20131127(So Lo Pun).pdf TPB20131127(Hoi Ha).pdf TPB20131127(Pak Lap).pdf

(12)

長春社 since 1968
The Conservancy Association
會址： 香港九龍青山道 476 號百佳商業中心 1 樓 102 室
Add.: Unit 102, 1/F, Park Building, 476 Castle Peak Road, Kowloon, Hong Kong
電話 Tel.: (852)2728 6781 · 傳真 Fax.: (852) 2728 5538

27th November 2013

Chairman and Members
Town Planning Board

E-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,

Comments on Hoi Ha Outline Zoning Plan (OZP) (No: S/SK-HH/1)

The Conservancy Association (CA) would object to Hoi Ha OZP (No: S/SK-HH/1).

CA reiterates that the general planning intention of this area should complement Sai Kung West Country Park which possesses both high ecological and landscape value. Areas of high conservation value should therefore be protected from encroachment by development, unauthorized work and incompatible use with proper zoning which put conservation as the over-riding planning intention.

CA strongly objects that the proposed "V" zone which is too large in size. Such a large size of "V" zone is not well-justified as we see no initiatives from any departments to evaluate the 10-year forecast on small house demand. We especially worry that the west of "V" zone is now covered by secondary forest with moderate to high ecological value[1]. Site formation and land excavation work are inevitable and all vegetation covers and even species of conservation interest will be cleared. Another expected environmental disturbance would be polluted water generated from small house development. Village houses with septic tank system only would not stop significant sewage problem and then polluted runoff from small house would still be able to flow into adjacent Hoi Ha Wan Marine Park with valuable coral communities.

In such circumstance, the "V" zone in Hoi Ha should be substantially reduced. The west

[1] AEC (2012). Ecological Survey Appraisal Report for DPA Area Hoi Ha, Sai (DPA/NE-HH/2).

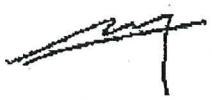
portion of the "V" zone should be replaced by "CA" zone to safeguard the secondary woodland and Hoi Ha Wan.

There is precedent case for Planning Department and Town Planning Board to adopt conservation approach in Country Park enclave. With reference to Tai Long Wan OZP, stringent clauses to control development were once proposed. "*Given that there is an inadequate infrastructural provision and that the provision of additional infrastructure to support future development would be difficult in the Area, the reduction of "V" zones would be more pragmatic and help avoid unnecessary development expectation*" (TPB Paper No.5929). It would also "*minimize the potential threats to the existing landscape quality and heritage value of the Area*" (TPB Paper No.5929). CA suggests strengthening planning control in "V" zone in Hoi Ha OZP by putting "House (New Territories Exempted House only)" into Column 2 rather than Column 1. Any small houses should require planning prior approval from Town Planning Board to ensure no significant adverse impacts to the tranquil environment and integrity of village setting in Hoi Ha.

We also do not support the proposed "GB" zone adjacent to Hoi Ha Stream, although it is claimed to be a buffer between village development and the stream. We are shocked that according to Point 10.9 of TPB Paper No. 9368, Planning Department admits that "*planning application provides another means for the villagers to apply for Small House development within the proposed "GB" zone and each case can be considered by the Board on its individual merits*". It proves that the real planning intention of this "GB" is not conservation-led. With regards to the riparian zone of Hoi Ha Stream which is linked to the Ecologically Important Stream in Pak Sha O, together with the freshwater marsh alongside Hoi Ha Stream, this GB zone should be zoned as "CA" zone to offer better protection to these ecological resources.

To protect high ecological and landscape value of the subject site and also the surrounding Sai Kung West Country Park, CA opines that country park enclaves like Hoi Ha should be included in Country Park.

Yours faithfully,



Ng Hei Man
Assistant Campaign Manager

Patrick Tsui
[redacted]
27/11/2013 下午 05:33

To tpbpd@pland.gov.hk
cc dafcoffice@afcd.gov.hk
bcc
Subject 反對海下分區計劃大綱草圖

TPB/R/S/NE-HH/1- 10866

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致城規會主席鈞鑑：

反對海下分區計劃大綱草圖

海下分區計劃大綱草圖編號: S/NE-HH/1

本會對海下劃入西貢郊野公園及海下海岸公園表示支持，現促請城規會考慮本會的建議。本會應爲海下海岸公園海洋物種豐富，保育是必然的，因此反對城規會的分區計劃大綱容許發展海下。現時的綠化帶、V型地段應擴大並改劃爲保育區及限制至現有村落。

本會作出相對應的建議基於以下因素:

1) 擴大V型地段的理據是基於不真實的建屋需求。

2) 基於城規會引用的地圖如現實並不相乎，V型地段和綠化帶的環境和景觀價值是不完整並存在誤導數據。

3) 興建大批的房屋及化糞池將會大規模污染海洋，殺死海洋生物及沙灘不宜游泳。

4) 海岸線對環境很重要，故此需要保護，海岸保育區的緩衝地帶應最少於海岸線有30米距離。

5) 海下河流環境很重要，故此需要保護，保育區的緩衝地帶應最少有30米闊。

綠領行動 謹啓

附件爲反對海下分區計劃大綱草圖的信件 20131127_marine park_protect_letter.pdf

(152)

綠領行動
GREENERS ACTION

*Website 互聯網網址：*www.greeners-action.org *Email 電郵地址：*info@greeners-action.org *Fax 傳真號碼：*3010 8426
Address 會址: 304,Lei Cheng Uk Shopping Mall, Cheung Sha Wan, Kowloon 九龍長沙灣李鄭屋商場 304 室

綠領行動
九龍長沙灣李鄭屋商場
27/11/2013

城規會主席鈞鑑：

反對海下分區計劃大綱草圖

海下分區計劃大綱草圖編號: S/NE-HH/1

本會對將海下劃入西貢郊野公園及海下海岸公園表示支持，現促請城規會考慮本會的建議。本會應為海下海岸公園海洋物種豐富，保育是必然的，因此反對城規會的分區計劃大綱容許發展海下。現時的綠化帶、V 型地段應擴大並改劃為保育區及限制至現有村落。

本會作出相對應的建議基於以下因素:

1) 擴大 V 型地段的理據是基於不真實的建屋需求。
2) 基於城規會引用的地圖如現實並不相乎，V 型地段和綠化帶的環境和景觀價值是不完整並存在誤導數據。
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4) 海岸線對環境很重要，故此需要保護，海岸保育區的緩衝地帶應最少於海岸線有 30 米距離。
5) 海下河流環境很重要，故此需要保護，保育區的緩衝地帶應最少有 30 米闊。

綠領行動 謹啟

有關「綠領行動」

「綠領行動」(Greeners Action) 原名「綠色學生聯會」，意思是推動青年人成為未來環保領袖，令香港達到一個環保新領域；本會是一個註冊環保組織慈善機構，稅務檔案編號為 91/8885。本會由一班中學生於 1993 年成立，現由一班大學生及不同專業的在職青年義務組成，旨在向社會宣揚、推廣環保訊息，讓更多年青人關注環保問題。

過往的工作包括推行「無膠袋日」，「報紙不要袋」，「小學午膳安排問題運動」，關注廚餘的「有衣食運動」，「碳粉匣及噴墨盒的回收運動」，藉此將有關訊息帶給市民大眾及有關部門，以引起他們的關注。近年，本會積極為中學生舉辦環保活動，提高年青一代的環保意識。過去，本會曾舉辦多年「綠色希望」環保訓練營。本會網頁: www.greeners-action.org

TPB/R/S/NE-HH/1- 10874

"Michael Lau" [redacted]
26/11/2013 下午 04:26

To <tpbpd@pland.gov.hk>
cc "Andrew Chan" <cmchan@wwf.o
"Ellen Shek" <eshek@wwf.org.hk>
"Nicole Wong" <nwong@wwf.org.hk>
bcc
Subject Draft Hoi Ha Outline Zoning Plan (OZP)

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/Madam,

Please find attached our submission on the captioned.

Thank you for your attention.

Yours faithfully,

Michael Lau

Michael Lau, Ph.D.
Senior Head of Programme,
Local Biodiversity and Regional Wetlands
WWF-Hong Kong

Tel: (852) [redacted]
Fax: (852) [redacted]
[redacted]

WWF – SOLUTIONS FOR A LIVING PLANET

This e-mail is empowered by Novell Hoi Ha_draft OZP_WWF_Nov 2013.pdf

(10)

WWF for a living planet®

世界自然基金會
香港分會

WWF-Hong Kong

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Our Ref.: SHK /LDD 11/13

26 November 2013

Chairman and members
Town Planning Board
15/F North Point Government Offices,
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

Re: Draft Hoi Ha Outline Zoning Plan (OZP)
No. S/NE-HH/1

WWF would like to object to the captioned. The underlying reasons and our recommendations are outlined below:

1. General View

WWF opines that the captioned draft Outline Zoning Plan (OZP), which is similar to the draft OZPs for So Lo Pun and Pak Lap, has unreasonably large area of Village Type Development ("V") Zone and its rationale is supposedly based on the 10-year forecast for Small House demand in the village. Hoi Ha and Hoi Ha Wan have a diverse and inter-linked terrestrial, freshwater and marine habitats that support many species of conservation interests. We are worried that such planning based on subjective forecasting without verification will cause irreversible adverse impacts not only to the enclave but also to the integrity of the surrounding Country Park (CP) and Hoi Ha Wan Marine Park.

2. Specific Comments on the proposed "Village Type Development" Zone

Our concerns and specific comments on the proposed "V" zone are as follows:

2.1 Giving green light to private development

According to the land ownership research from Professional Commons, much of the proposed

贊助人： 香港特區行政長官
梁振英先生, GBM,GBS, JP
主 席： 錢子信先生
行政總裁： 蔡志祥先生

義務核數師：香港立信德豪會計師事務所有限公司
義務公司秘書：卓佳秘書商務有限公司
義務法律：孖士打律師行
義務司庫：匯豐銀行
註冊慈善機構

Patron: The Honourable CY Leung, GBM,GBS, JP
Chief Executive of the HKSAR
Chairman: Mr Trevor Yang
CEO: Mr Adam Koo

Honorary Auditors: BDO Limited
Honorary Company Secretary:
McCabe Secretarial Services Limited
Honorary Solicitors: Mayer Brown JSM
Honorary Treasurer: HSBC
Registered Charity
(Incorporated With Limited Liability)

Registered Name: 世界自然(香港)基金會 World Wide Fund For Nature Hong Kong

"V" zone north of Hoi Ha Road is owned by several private developers (Fig. 1). The proposed "V" zoning, if adopted, will be giving a green-light to private property development in this ecologically sensitive enclave. Private residential projects under the disguise of "New Territories exempted house-Small House" in "V" zone will be exempted from ecological assessment during the whole application process. As such, the draft OZP with such a large proposed "V" zone will facilitate private development, rather than to protect enclaves from development threat as originally outlined in Chief Executive 2010 policy address and as recommended by Ombudsman in 2011..

2.2 Inevitable Water Quality Impact to Hoi Ha Wan Marine Park

It is important to note that according to the information provided by the Planning Department, there is no existing sewer or planned public sewer for Hoi Ha[1] . The sewage generated by all new Small Houses within the proposed "V" zone will only be treated by on-site septic tanks and soakaway (STS) system. Although the design and construction of the STS system should follow relevant standards and regulations, such as the Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) 5/93, a STS system can only perform well if it has been properly sited, used, desludged and repaired[2]. Furthermore, with reference to a 2006 Paper presented to the Legislative Council prepared by the EPD named "Information Note on Policy and Planning of Sewage Infrastructure for Unsewered Villages" (CB(1) 281/06-07(01)), the STS systems "*provide only a minimum level of sewage treatment. The effluent from a septic tank still carries very high nutrient, organic and microbiological loads. These can only be effectively attenuated by the soakaway system in circumstances where the ground conditions are suitable and development density is low. Experience shows that some degree of operational failure of village house septic tank and soakaway systems is inevitable and they could therefore cause pollution of the environment and potential health hazards to the villagers or the public in the vicinity.*"[3] Besides, Drainage Services Department (DSD) also states that the STS systems are often not effective in removing pollutants in the long run because of inadequate maintenance and the increase in numbers of septic tanks[4].

According to AFCD, the number of visitors to Hoi Ha Wan (HHW) Marine Park is increasing while many visitors engage in different activities in the marine park[5]. As such, we consider it is

[1] Refer to Section 11 of the Explanatory Statement of the draft Hoi Ha OZP No. S/NE-HH/1
[2] EPD. Guidance Notes on Discharges from Village Houses.
http://www.epd.gov.hk/epd/english/environmentinhk/water/guide_ref/files/guide_wpc_dv.pdf
[3] http://www.legco.gov.hk/yr05-06/english/panels/ea/papers/ea0522cb1-281-1-e.pdf
[4] DSD. Port Shelter Sewerage System Stage 2 & Stage 3.
http://www.dsd.gov.hk/EN/Files/our_projects/our_projects/LEAFLET_DSD_ENG_Sept11.pdf
[5] http://www.afcd.gov.hk/english/country/cou_vis/cou_vis_mar/cou_vis_mar_des/cou_vis_mar_des_hoi.html

important to minimise additional sources of water pollution to the marine park waters. HHW has an exceptionally rich diversity of coral species with 64 out of 84 stony coral species recorded in Hong Kong[6]. Corals are very sensitive to changes in environmental conditions (e.g. salinity, temperature, sediment loads and pollutants in the water). Anthropogenic disturbance such as pollutant and sewage discharge will weaken the coral health condition, create stress to the corals and increase the likelihood of invasion by borers. A Hong Kong study once revealed that the abundance, diversity and growth rate of corals in Tolo Harbour declined due to the increased attack by borers caused by elevated amount of polluted waters from development in the areas[7]. Given the Hoi Ha Village is immediately adjacent to the HHW Marine Park, we are of grave concern that the coral community, as well as the associated ecosystem, will be affected by increased pollution loading due to the future extensive small house development if the proposed "V" zone will be adopted in the OZP.

In fact, the recent report from the Professional Commons has revealed that the level of *E.coli* in the water of the low-tide area has been increasing since Jan 2010, especially near the existing village cluster.[8] This indicates that the water quality of the coastal area of HHW Marine Park is declining due to the waste water from the village cluster. Therefore, WWF considers that the proposed "V" zone is too large and will very likely cause significant additional water quality impacts to the adjacent HHW Marine Park and the coral community therein.

2.3 Unconvincing Small House demand

According to the Explanatory Statement of the Hoi Ha draft OZP, the future population of the area will be about 590 persons and this is the reason for village expansion[9]. It also states that the 10-year forecast of Small House demand from 2011-2020 is estimated to be 94[10]. However, this forecast of Small House demand was provided by the Indigenous Village Representative (VR) while the figure has not been verified by Planning Department[11]. As mentioned above, much of the private land in the proposed "V" zone has been bought up by private developers. WWF is of grave concern that it will eventually become residential developments by private

[6] http://www.afcd.gov.hk/english/country/cou_vis/cou_vis_mar/cou_vis_mar_mon/cou_vis_mar_mon_eco_hhw.html Accessed on 25 March 2011.
[7] Scott PJB & Cope M. 1989. Tolo revisited: a resurvey of the corals in Tolo Harbour and Channel six years and half a million people later. In Proceedings of the Second International Marine Biological Workshop, the Marine Flora and Fauna of Hong Kong and southern China (II), Hong Kong 1986 (B. Morton, ed), Hong Kong University Press, Hong Kong
[8] The Professional Commons. 2013. *Submission to Planning Department – Responses to Draft Outline Zoning Plan for Hoi Ha No. S/NE-HH/C.* Hong Kong, the Professional Commons. 30-32
[9] Refer to Section 6 of the Explanatory Statement of Draft Hoi Ha OZP (No. S/NE-HH/1)
[10] Refer to Section 4.1 of TPB Paper No. 9430
[11] *Ibid*

developers under the disguise of Small Houses which are exempted from ecological assessment during the whole application process.

2.4 Proposed "V" zone to the north of Hoi Ha Road should be zoned as "GB"

WWF considers the undisturbed or relatively undisturbed regenerated secondary forest area to the north of Hoi Ha Road should be zoned as "GB" instead of "V" zone. According to our site visit in August 2013, in the proposed village extension area to the north of Hoi Ha Road, apart from a few small patches of disturbed area near the existing village and the public toilet (Fig. 4), as indicated by the dominance of invasive species *Mikania micrantha*, the majority of the area is undisturbed or relatively undisturbed (Fig. 5). With reference to aerial photos taken in early 60s, some tree patches already existed between agricultural fields in this area. If the trees in those patches persist, their ages should be over 40 years old. However, Planning Department has failed to provide any tree survey information on how many young and old trees would be affected in this proposed "V" zone.

It should also be noted that this regenerated forest area has already formed a contiguous vegetation cover with that in the proposed "CA" at the west. Zoning this secondary forest area as a typical "V" zone will also degrade the landscape value of the area from well vegetated to concrete-dominated where the visitors to the country and marine parks first approaching the Hoi Ha Village.

Moreover, there is a seasonal stream to the west and immediate north of this proposed "V" zone (Fig. 5). The runoff from the anticipated site excavation and formation, as well as the paved area, in the future within this proposed "V" zone will enter this seasonal stream that drains into HHW, leading to increased water pollution in the HHW Marine Park.

Therefore, in order to avoid direct and indirect environmental impacts to the regenerated secondary forest as well as the nearby natural stream and Marine Park, and to prevent degradation of the landscape value of the area, Planning Department should fully investigate the accuracy of population and Small House Demands provided by VR to determine the extent of the "V" zone. WWF urges that Hoi Ha and HHW Marine Park should be protected by reducing the "V" zone in the OZP and the forest area should be re-zoned as "GB" (Fig 2).

3. Specific comments on other zonings:

Our comments on specific zonings of the captioned are as follows:

3.1 Proposed "Green Belt" Zone should be changed to "CA" Zone

The Hoi Ha rocky stream to the west of the Area is downstream of an Ecologically Important Stream (EIS) identified by AFCD near Pak Sha O[12]. The upstream EIS section and the Hoi Ha downstream section are interconnected and aquatic animals, such as the diadromous/migratory fish and mitten crabs (i.e. *Eriocheir japonica*), will migrate up and down the stream. In order to protect the integrity of the stream ecosystem, it is important to ensure the entire stream from headwaters to the estuary, as well as the riparian zones, are adequately protected.

Within the proposed "Green Belt" ("GB") zone, there is an area of wet abandoned agricultural land (as indicated in Plan 5 of the TPB Paper No. 9368). According to our field observation on May 2012 and Aug 2013, the water feeding into the wet abandoned agricultural land originates from the Hoi Ha rocky stream and a small stream not shown in the maps prepared by the Planning Department (see Plan 3 of the TPB Paper No. 9368), while the stream flow was eventually entering the HHW Marine Park (Fig. 3). In order to prevent undesirable land uses on the wet abandoned agricultural land and to separate the ecologically sensitive stream from the adverse effects of development, the proposed "Green Belt" area should be rezoned as "Conservation Area".

3.2 Proposed "Coastal Protection Area" & "Conservation Area"

WWF would like to express our strong support to the proposed "Coastal Protection Area" ("CPA") as it will serve as a buffer between the HHW Marine Park and the village area, while protecting the natural coastline. We also strongly support including the native forests on the hillsides behind (east and south) Hoi Ha Village and on the gentle slope at the western part of the Area as "Conservation Area" ("CA"). These forests form a continuous habitat with those within the adjacent Sai Kung West Country Park and support species of conservation concern (Section 9.5.2 of the Explanatory Statement).

4. Cumulative Impacts from Increased Traffic Demand

While Hoi Ha Road via Pak Tam Road is the only road access to Hoi Ha and both roads are restricted to permit holders only as they are largely within country parks after passing Pak Tam Chung, WWF has serious concerns that the planned populations in Hoi Ha as well as other country park enclaves within Sai Kung East and Sai Kung West Country Parks (e.g. Pak Sha O, Tai Tan, Uk Tau, Ko Tong, Ko Tong Ha Yeung, Pak Tam Au, Pak Tam Chung and Tsak Yue Wu, etc.) will impose substantial traffic pressure on these roads. Increased road traffic will pose

[12] Ecologically Important Streams:
http://www.afcd.gov.hk/english/conservation/con_wet/streams_rivers_hk/Con_NSR/Ecologically_Important_Streams.html

significant risks to wildlife within the CPs when they cross the roads. The anticipated heavy increase in road traffic is also incompatible with the uses and purposes of the country parks.

WWF also has serious concerns that the increase in numbers of small houses will also trigger the demand in private car parking spaces in areas within and adjacent to these country park enclaves. Planning Department, together with other relevant departments (e.g. Transports Department and AFCD) should conduct a comprehensive assessment to evaluate and address the cumulative effects of the increased traffic, with an objective to ensure the conservation values and public enjoyment of the country parks will not be affected by the proposed village expansion in all the country park enclaves, particularly those within Sai Kung East and Sai Kung West Country Parks.

5.Hoi Ha as part of the Sai Kung West Country Park

In September 2011, the Ombudsman recommended that (a) *DevB and EnB should urge their executive departments to, as directed by the Chief Executive, expeditiously prepare statutory plans for those enclaves that are still unprotected or to incorporate them into country parks, **in order to ensure that all enclaves are properly protected***; and (b) *AFCD should consider incorporating private lands that have conservation value into country parks in accordance with the revised CMPB criteria*[13]. In view of the high conservation value of Hoi Ha and the inter-connected Hoi Ha Wan Marine Park, WWF thinks that Hoi Ha should be incorporated into Sai Kung West Country Park as soon as feasible in order to protect the important habitats and valuable species from development threats.

We hope our comments will be duly considered by the Board.

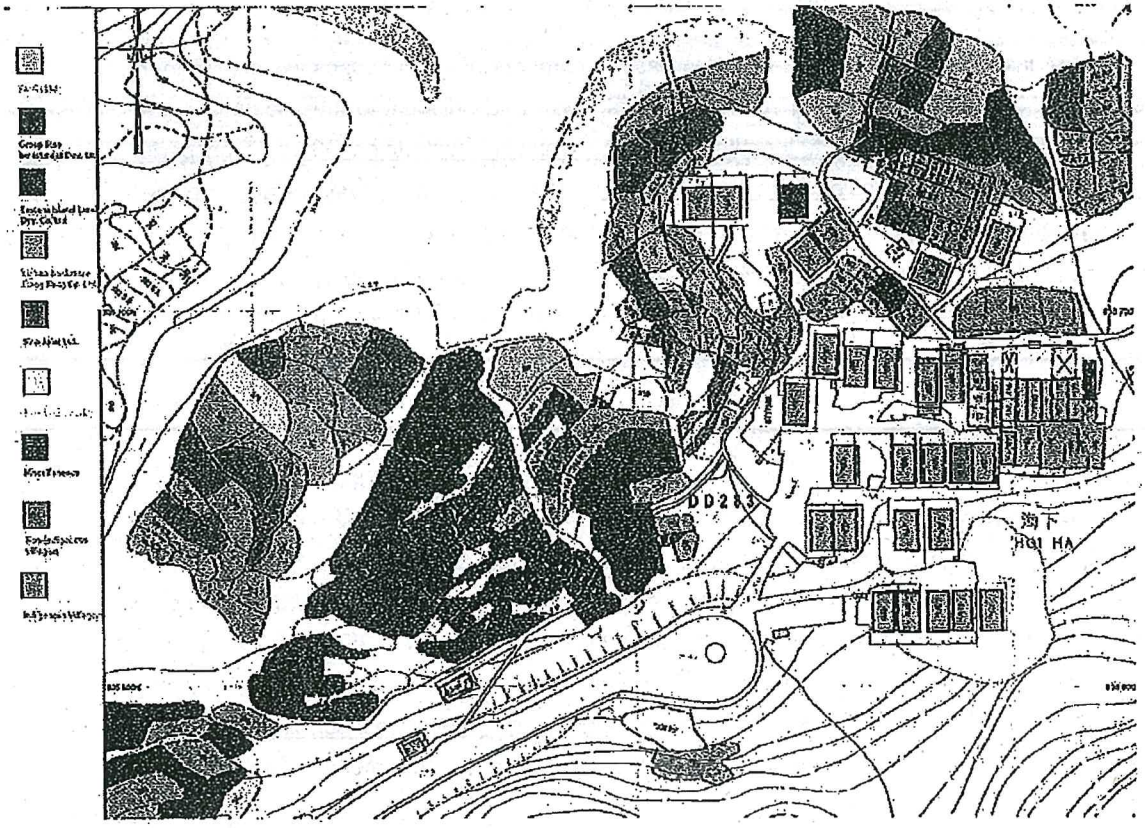
Yours faithfully,



Dr. Michael Lau
Senior Head of Programme
Local Biodiversity and Regional Wetlands

[13] http://www.ombudsman.gov.hk/concluded /2011_09_02.pdf

Fig. 1 Land Ownership in Hoi Ha enclave[14]



[14] The Professional Commons. 2013. *Submission to Planning Department – Responses to Draft Outline Zoning Plan for Hoi Ha No. S/NE-HH/C.* Hong Kong, the Professional Commons. 16

Fig. 2 Recommended zonings to Hoi Ha OZP

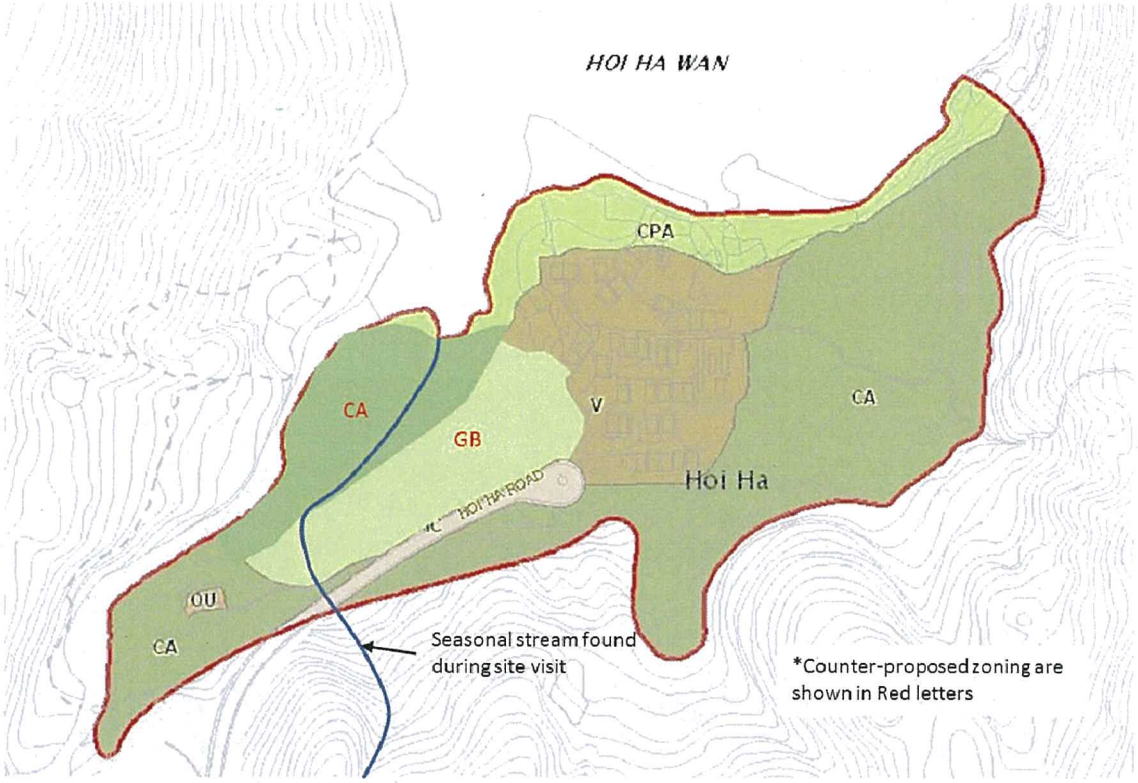


Fig. 3 A small stream located in the proposed "GB" zone adjacent to the wet abandoned agricultural land, that eventually enters the "CPA" zone and drains into the Hoi Ha Wan Marine Park (photo taken on 28 Aug 2013).



Fig. 4. Some relatively disturbed area in the proposed "V" zone within the secondary young forest area (photo taken on 28 Aug 2013).

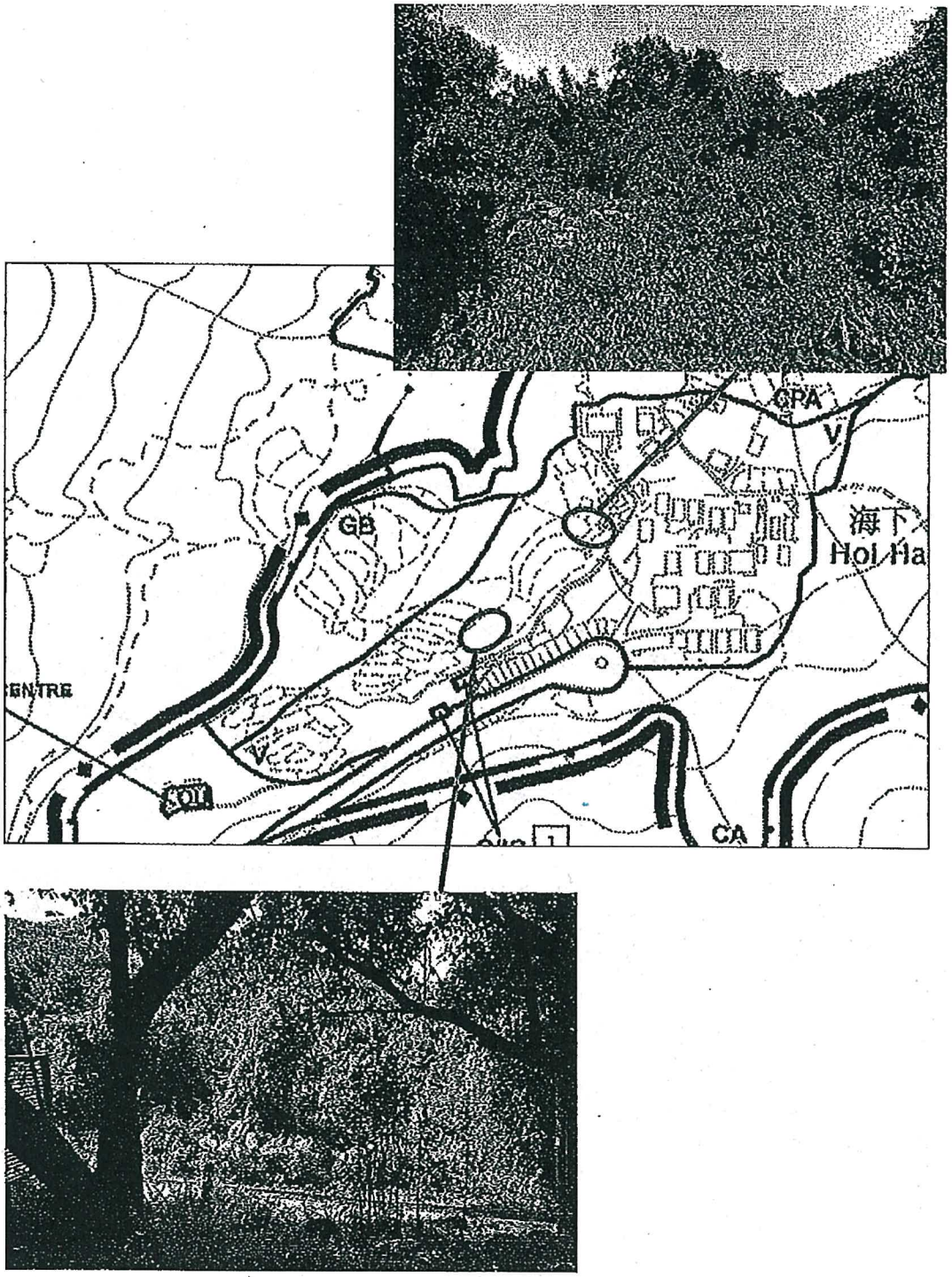


Fig 5. Undisturbed or relatively undisturbed forest in the proposed "V" zone (photo taken on 28 Aug 2013).

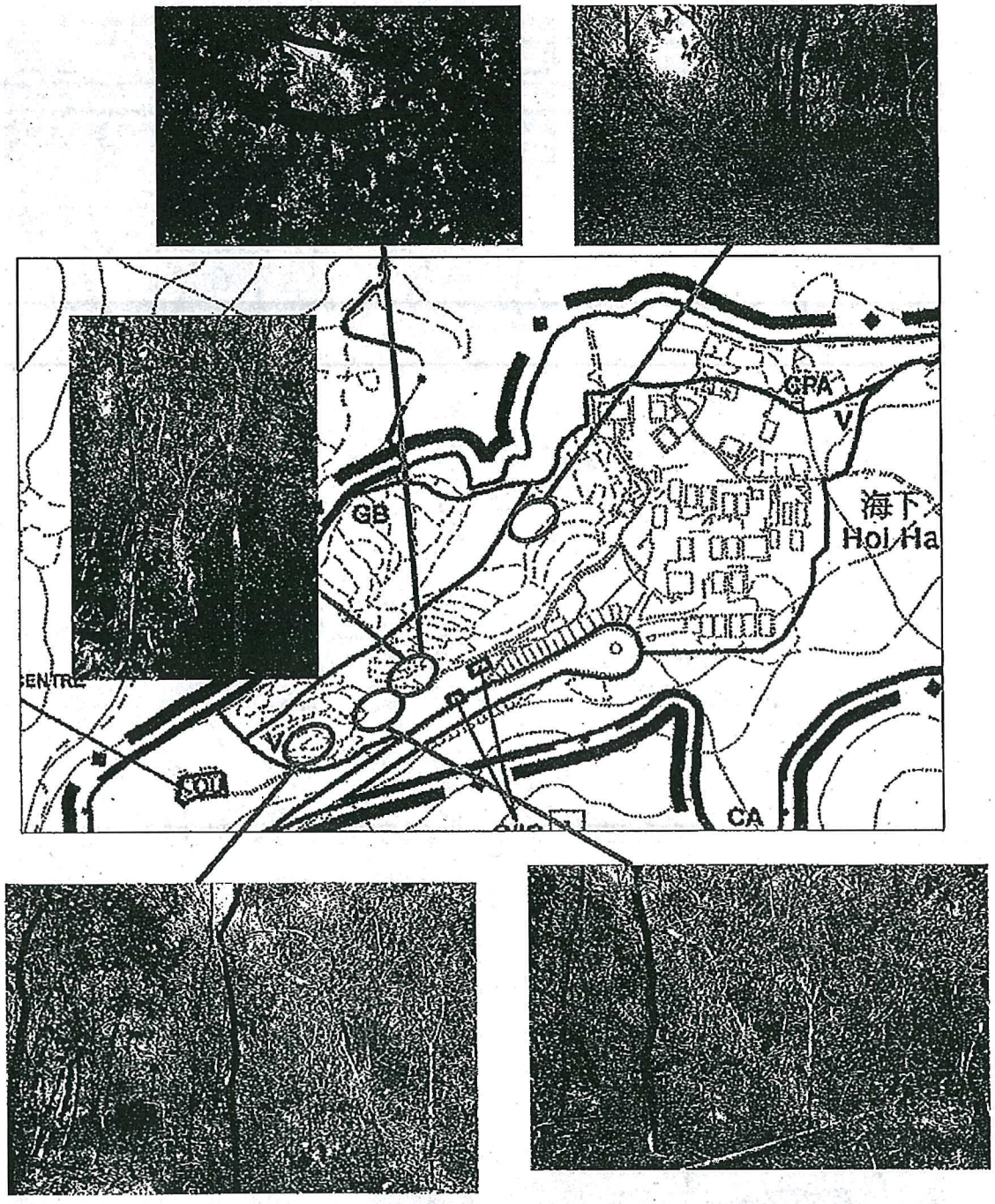


Fig. 6 The approximate location of a seasonal stream to the west and the immediate north of the proposed "V" zone (in blue dotted line) (photo taken on 28 Aug 2013).



公共專業聯盟
The Professional Commons

TPB/R/S/NE-HH/1- 10880

Mr Thomas CHOW, Permanent Secretary for Development (Planning and Lands)
Town Planning Board
15 FL, North Point Government Offices
333 Java Road, North Point, Hong Kong

30 September 2013

Dear Mr Chow,

Response to Draft Outline Zoning Plan for Hoi Ha

On behalf of The Professional Commons, we are writing to request a meeting in response to the Draft Outline Zoning Plan (OZP) published by Planning Department in June 2013. Our recommendations can be summarized as:

- All areas of the current Development Permission Area (the status of the enclave before an OZP is gazetted), except that zoned for the village and its expansion, be integrated into the Country Park;
- That the current village and the suggested village expansion area be subject to further planning restrictions relating to environmental impact when applications for improvement and development are made, both being part of a Comprehensive Development Area;
- That villager owned land in the centre of the village be swapped for land in the extended village zone so that coordinated and properly planned improvement of village facilities can be made, as part of this coordinated effort.

We have recently published the 'Proposals for the Future Planning of Hoi Ha' backed by many other policy and environmental groups in Hong Kong, that all enclaves be integrated in the Country Parks, whilst allowing for legitimate expansion of the village areas and following strict environmental safeguards and proper planning.

We would be grateful if the representatives of The Professional Commons and I might have a meeting with you or your team for further discussion. Should you need any information in the meantime, please contact my Research Officer, Ms Monica Ma at [redacted] or [redacted].

Yours faithfully,

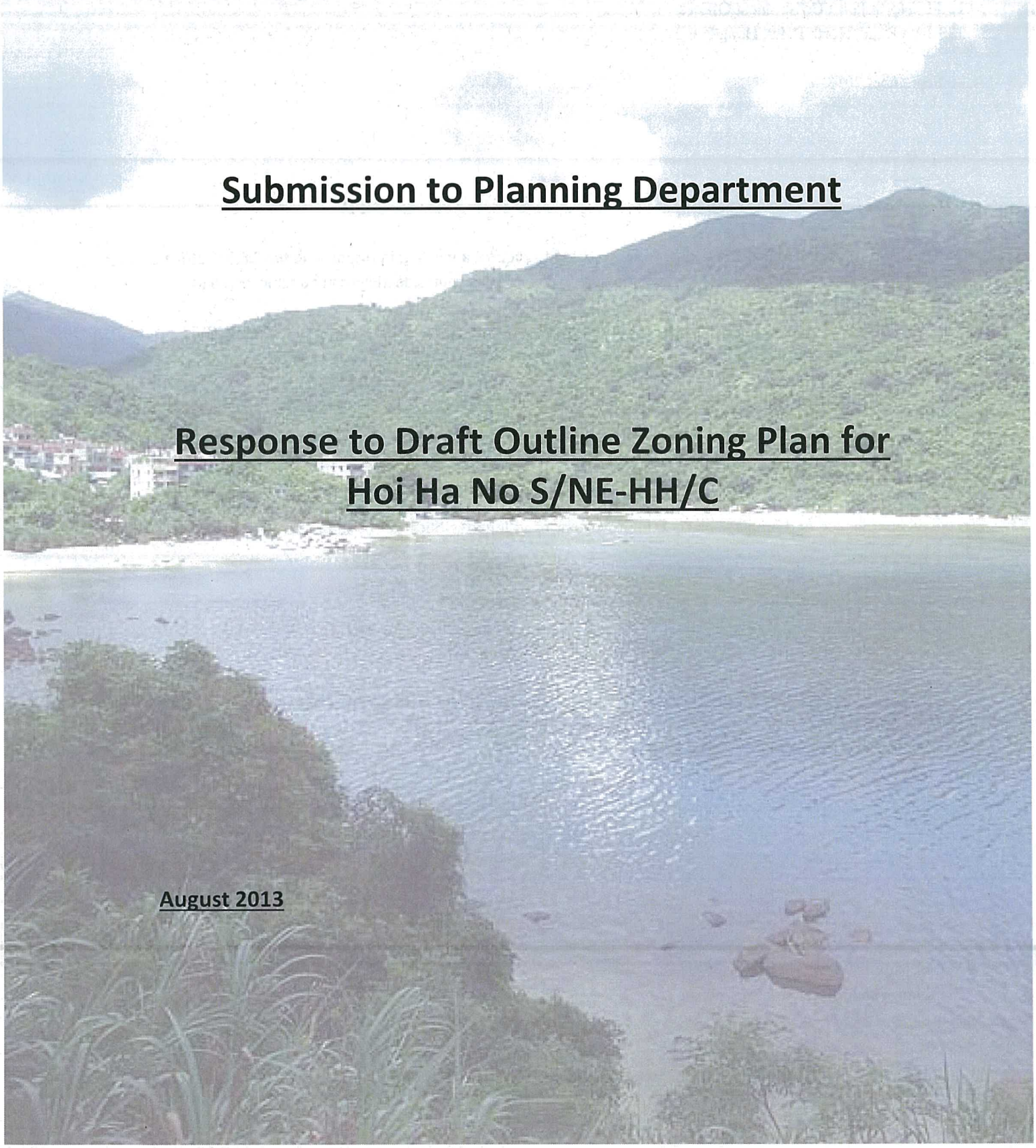
Charles Mok

Charles Mok
Chairman, The Professional Commons

(19)

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TEL : (852)2892 5022 FAX : (852)2923 5123 E-MAIL : info@procommons.org.hk WEBSITE : http://www.procommons.org.hk

公共專業聯盟
The Professional Commons



Submission to Planning Department

Response to Draft Outline Zoning Plan for Hoi Ha No S/NE-HH/C

August 2013

Printed and published by The Professional Commons

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Executive Summary

On 28 June 2013, The Planning Department published its Draft Outline Zoning Plan (OZP) for Hoi Ha. Unfortunately many of the statements made in the Draft OZP do not match with the data collected by Professional Commons members during their studies of the area dating back nearly twenty years, and especially with the results of an intense two year study that has just been completed as part of a report on the integration of Country Park enclaves. This response to the Draft OZP includes much of the data collected over this period.

Section 10 details our recommendations. These can be summarised as:

- All areas of the Development Permission Area (the status of the enclave before an OZP is gazetted), except that zoned for village expansion, be designated as Country Park:
- That the zoned Village area be subject to further planning restrictions relating to environmental impact when applications for development are made;
- That villager owned land in the centre of the village be swapped for land in the extended village zone so that co-ordinated improvement of village facilities can be made.

We note that the draft OZP calls for a 'Balkanisation' of the village by dividing it into a number of different zones, none of which is supported by accurate scientific data, as well as opening it up to massive development by outside developers.

Paul Hodgson
Robin Bradbeer

The Professional Commons

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1. Background

The Professional Commons has been working for some time on a report on the integration and development of village enclaves that are within the Country Parks. Whilst this report was being prepared, on 28 June 2013, The Planning Department published its Draft Outline Zoning Plan (OZP) for Hoi Ha, one of the enclaves in Sai Kung West Country Park that was chosen as one of the two case studies for the report.

Hoi Ha was chosen as a case study as it is one of the more dynamic Country Park village enclaves, as well as being one of the few villages with both a strong indigenous villager presence, thriving eco-tourism/ecological education enterprises, as well as being the stopping point for visitors to Hoi Ha Wan Marine Park. It also has a number of well-established small businesses and the potential for improvement.

Unfortunately many of the statements made in the Draft OZP do not match with the data collected by Professional Commons members during their two year study of the area. This response to the Draft OZP includes much of the data collected over this period as well as that previously analysed by team members over a 20 year period of research.

Consequently some of the proposals made at the end of this submission are very different from those made in the Draft OZP. However, we are confident that the science behind our proposals is more accurate and robust that that used by the Planning Department to justify their proposals to Town Planning Board.

The main report on the future of Country Park enclaves considers the following:

- The question of conservation and/or preservation.
- How to allow the growth of village enclaves without destroying the surrounding protected areas or the aesthetics of the village itself.
- How to cater for the increasing number of local and overseas tourists that are visiting the village enclaves and its environs?
- Deciding what should be allowed and not allowed in terms of improvement and village expansion development.
- How to speed up the integration of the enclaves in to the Country Parks without over-riding the existing consultation procedures.

This report, to be published, recommends that all Country Park enclave areas be zoned as either Village (V zone) or Country Park (CP zone). In other words, all land not designated as V zone will be absorbed into the surrounding Country Park. It also proposes that limited land swaps be arranged so that fragmented land ownership in the villages can be consolidated under government ownership for facilities improvement where necessary. It also proposes that any planned development in the V zones be subject to a revised environmental impact assessment.

Figure 1.1 shows the Draft Outline Zoning Plan for Hoi Ha as proposed by Planning Department in their report to Town Planning Board No S/NE-HH/C. We consider this to be a

flawed plan, mainly because the science that supports it is not correct. There are many factual errors in the draft report. In this submission we do not address these errors individually, but present a correct and holistic assessment of the area so that an alternative OZP can be drawn up, one that fully recognises the uniqueness of the area and its important and sensitive ecological nature, as well as meeting the needs of both the local community and the wider Hong Kong community that not only funds the maintenance of the area to the tune of many millions of dollars each year, but also sustainably enjoy its natural amenities.

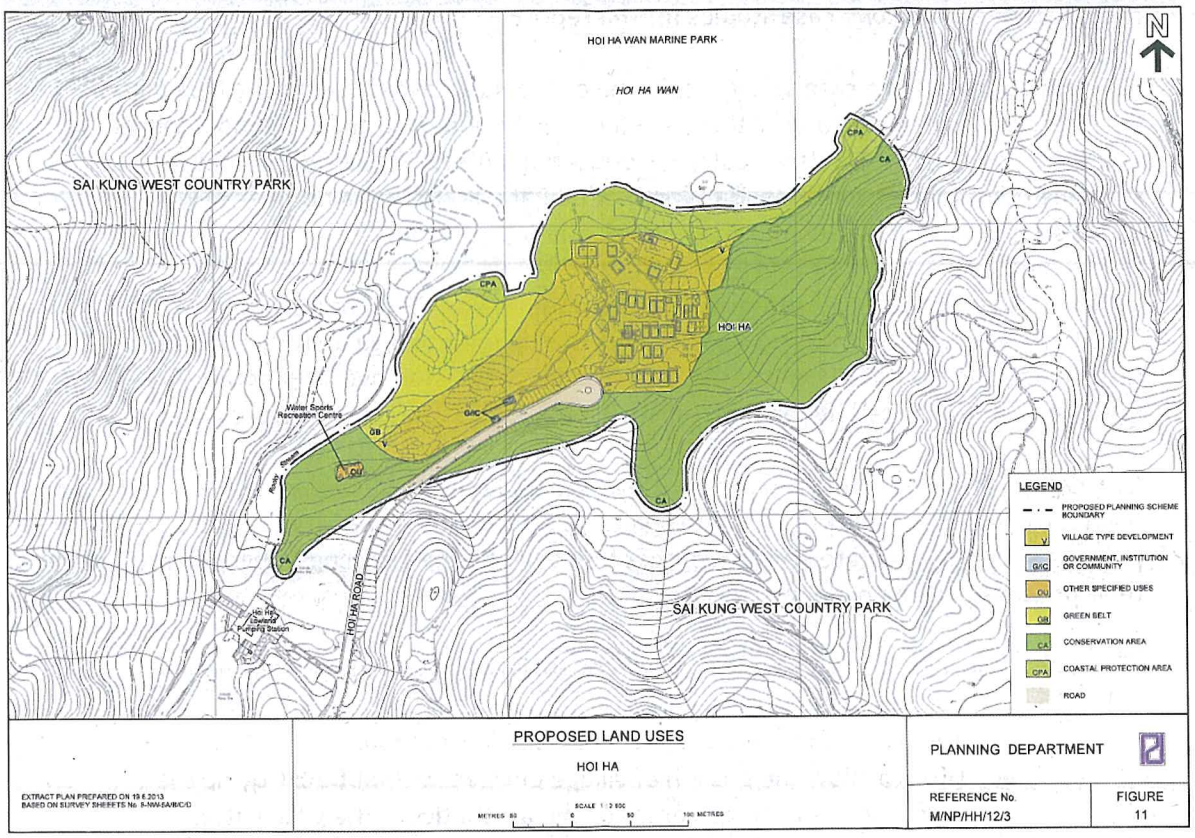


Figure 1.1 The draft Outline Zoning Plan map for Hoi Ha

As some examples of the errors in the draft OZP we highlight here the land usage map, Figure 1.2 below. We have overlaid this with scaled aerial photos of the same area. It can be seen that what Planning Department describe as mangrove in the north-east corner of the village is in fact river, and that what they describe as Fung Shui Forest is at least 1/3 cleared land – abandoned farmland.

The Country Park enclaves are unique and they all have individual needs. For Tai Long Wan the area is of outstanding beauty so the key consideration is the conservation of the landscape. Hoi Ha Wan is a marine area of high conservation value. It stands to reason (and can be shown scientifically) that the terrestrial area bordering it is also of high ecological value. This is especially true for the Pak Sha O River valley interface to the Hoi Ha Marine Park. For a gazetting as a Country Park an area needs to have either a high landscaping or ecological value or both.

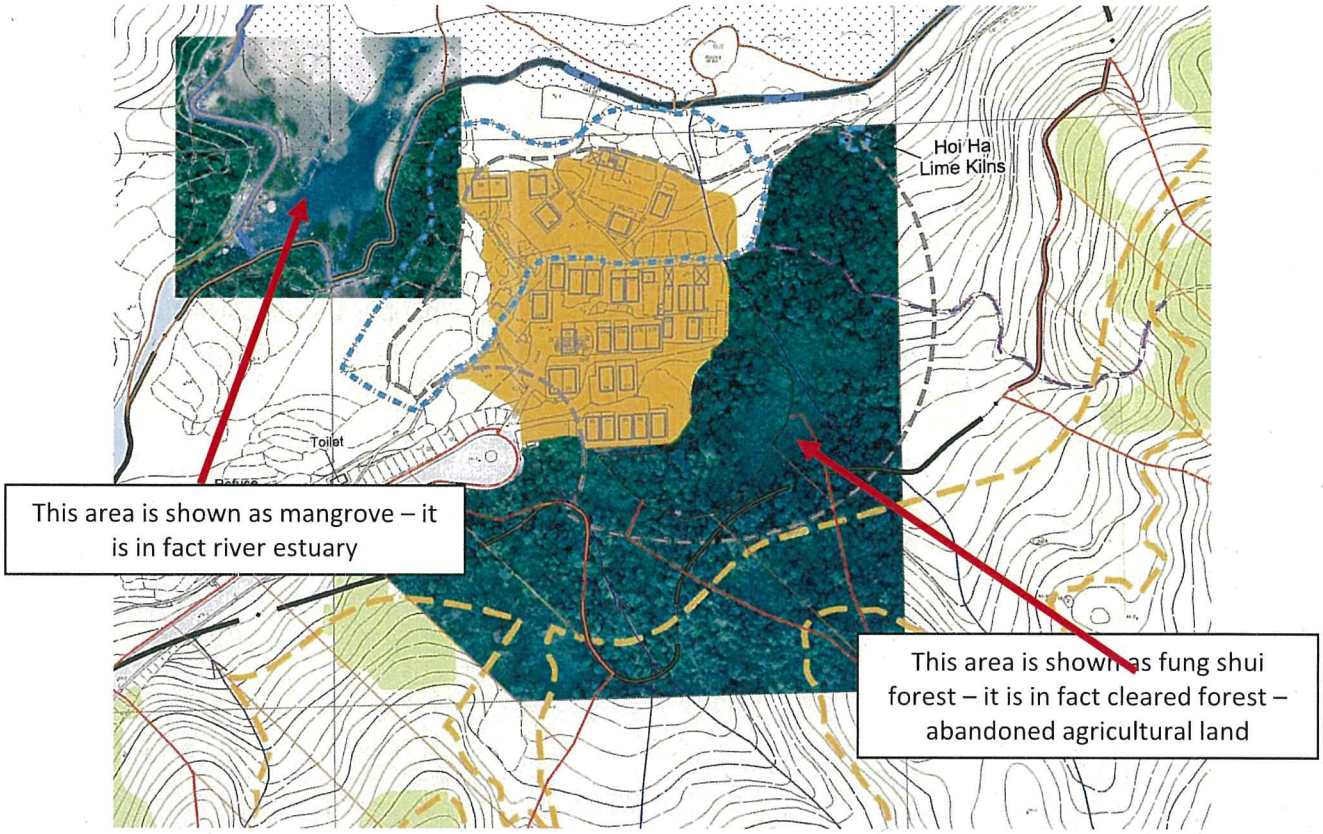


Figure 1.2 Overlay of aerial photos on to the Planning Department Land Usage map showing two major errors.

Pak Sha O is an abandoned village with high antiquities and heritage value, but the Pak Sha O River connection to the Hoi Ha Marine Park illustrates a connectivity that also needs to be considered. A development In the Pak Sha O village, would also impact the Hoi Ha Marine Park. The same is also true for the nearby village of Nam Shan Tung.

Any boundaries need to be carefully considered with regards to fixed assignments in an ever changing ecological area. Shorelines change, sometimes quickly, after a single severe weather event, sometimes slowly over time. Rivers change their banks over time. Rivers also deposit silt at their entrances, in the case of Hoi Ha, this is at the beach lagoon.

As Hong Kong wends its way through a period where its society is going through a "coming of age" process where democracy is being pushed, the action of its government is under increasing scrutiny, demands are being made to solve long outstanding social and structural issues like poverty, housing, etc., it is important that the new generations have the chance of a balanced education. This is a crucial factor to the political and economic survival of Hong Kong. Part of this education has to include nature, conservation, ecology etc. The introduction of Liberal Studies in the local education curricular adds significant value to the argument regarding the need for Country Parks in Hong Kong. The added value of a field trip over a class lecture is common knowledge. The WWF Marine Life Centre, at Hoi Ha, runs primary and secondary school education programmes for local schools. They receive more requests for bookings than they can cater for. There is a dire need for an

infrastructure improvement in the country parks to provide for a new increasing local trend - mainstream education. The provisions for this are either currently stalled or lacking.

A final overall consideration is the reason why the Country parks were established in the first place. These areas were set aside to establish and maintain areas of high ecological and landscaping values but mainly to protect these areas from future development. The basic argument was to allow local people, the basic right of enjoying and experiencing nature and natural places. With the increasing leisure time available to local people it is not surprising to know that there is a growing number of visitors to the country parks in Hong Kong. It is important that this healthy trend continues and is further encouraged.

2. Methodology of the research

This submission is based upon the standard IUCN Agenda 21 approaches to Sustainable Development. A detailed Environmental Impact Assessment has been conducted on the area regarding the current and proposed future activities suggested for Hoi Ha. This study has been carried out by a group of people who are connected to both the indigenous and non-indigenous communities within the village but do not have any investment within this village. This is to avoid conflict of interest and to produce a series of suggestions that contain no bias. The study also is based upon scientific data to allow a foundation to formulate a legal basis for the recommendations.

Hoi Ha is an example of the living, evolving New Territories village because:

- There is a substantial amount of peer reviewed science published on this area.
- Scientific data has been collected in this area by several sources since the late 1980's.
- There is an established tourist industry at this location.
- There is an established, very heavily utilised, marine education facility, bordering this village, run by WWF.
- There is a small contingent of local non-indigenous residents being very vocal about any village activity. They want to preserve the area. They have additionally amassed a reasonably large group of followers (~200) to support their demands.
- The indigenous villagers want to see the village develop in terms of size and economics.
- The village has protected Country Park on three sides, and a Marine Park on one side of its boundary.
- There is a river (by Hong Kong standards) and several streams that run through this enclave. So the hydrology has almost all of the possibilities of Hong Kong; rivers, streams, soaks, sandbars, beaches, rocky shore, etc.
- There are beaches with recreational facilities already in place that have the potential for further development.
- There are building applications for village houses currently pending.
- The current ambience of the village is "Third World" and the infrastructure needs improvement so that the area can reach its full potential as an educational and a sustainable ecological resource.

The research data shown in this submission has been collected under rigorous scientific methodology over a period of at least two years. Students from universities and schools in Hong Kong have been tasked with collecting data supervised by well-known academics and environmental professionals. Where conflict with published data has been found a second assessment by independent groups was made. Only data that is verifiable and replicable is shown. Where similar data has been published in refereed scientific publications and/or

reports from reputable organisations is available, we have cross-referenced our data against this. This follows standard scientific methodology.

3. An overview of the Hoi Ha area

Much has been published about the history of Hoi Ha, the marine Park and its environs. We will not repeat it here. This will only be a short overview to give context to the data that follows.

Hoi Ha village was established around 150 years ago. It was settled by two Hakka clans – the Tongs and the Yungs. The villagers are represented by two *tze tongs*. Until the development of the new towns and emigration to the UK in the 1960s much of the local population was engaged in farming and fishing. From the mid 1960s onwards they village effectively became depopulated by the indigenous villagers, although some remained, and some returned after retiring from their work overseas. Many of the existing houses in the village built under the Government's Small House Policy (SHP) are rented to non-indigenous residents, although a number of indigenous families run small businesses in the area.

The northern most part of the village has some ruined buildings, part of the original village. This area close to the beach has been designated a Site of Archaeological Interest, together with the lime kilns to the north east of the area.

Hoi Ha is at the northern end of the Sai Kung West Country Park. It is strategically located at the estuary of the small Pak Sha O River and Hoi Ha Wan. Its location and the unspoiled surroundings have made it a tourist destination as well as the jumping off point for hikers, campers and divers/water sports. Since the establishment of the Hoi Ha Wan Marine Park, and then the WWF Marine Education Centre, the village has become a centre for environmental and marine education, with many school and university parties visiting the area each day.

Hoi Ha is at the head of the Pak Sha O Valley. This valley is essentially a self-contained ecosystem that feeds into the Marine Park. The valley and the Marine Park should, ecologically, be considered as one whole area when planning, development or improvement is considered. Hoi Ha Village cannot be considered in isolation from its surroundings, and neither can its two adjacent villages of Pak Sha O and Nam Shan Tung, also both Country Park Enclaves – the former now under Development Permission Area (DPA) protection, the latter still unprotected from development and ecological disturbance. We consider that the three enclaves should be considered holistically, and fear that any criteria used to zone Hoi Ha will predicate what is zoned for Pak Sha O and Nam Shan Tung.

The extent of the Pak Sha O River Valley system is shown in Fig 3.1 below. It can be seen clearly that all the watershed rivers and stream feed directly into the Marine Park. Research (Bradbeer, Hodgson et al, 2008) has shown that fresh water springs in the Marine Park itself are fed by the water table supplied from wetlands in Pak Sha O. As will be shown in this report, recent re-instatement of abandoned agricultural land in Pak Sha O is already having an effect on the water quality entering the Marine Park.

A detailed analysis of the land usage, ecology and ownership is given in sections below.

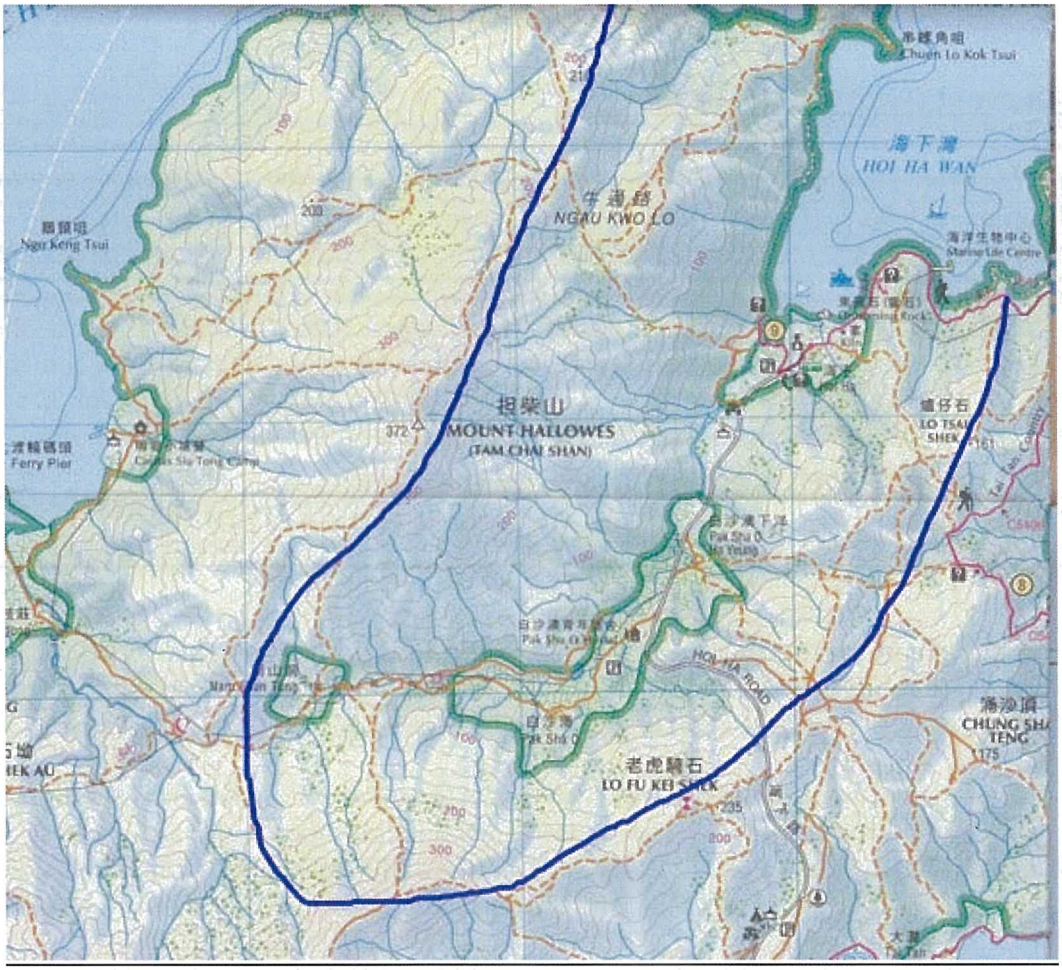


Figure 3.1 The Pak Sha O Valley

4. Laws and Ordinances

Many laws and ordinances apply to the area under discussion. These include the following:

- Land (Miscellaneous Provisions) Ordinance (Cap. 28)

This ordinance, enacted in 1972, makes it illegal for anyone to occupy or remove materials from unleased land without a license, and allow provides control over the excavations in unleased land.

- Waterworks Ordinance (Cap. 102)

This ordinance, enacted in 1974, provides an overview of the duties and powers of the water authority over the use of the waterworks.

- Building Ordinance (Cap. 123)

This ordinance, enacted in 1955, specifies the appointments of professionals to commence work as well as both the specified requirements for building structures and the action taken against buildings that may be dangerous or defective etc.

- Foreshore and Sea-Bed (Reclamations) Ordinance (Cap. 127)

This ordinance, enacted in 1985, specifies the control over reclamations upon the foreshore and sea-bed.

- Town Planning Ordinance (Cap. 131)

This ordinance, enacted in 1950, provides the control over the town planning board, including possible refusal of approved plans.

- Public Health and Municipal Services Ordinance (Cap. 132)

This ordinance, enacted in 1935, provides control over the sanitation and cleanliness within sewers, drains and bathhouses.

- Summary Offences Ordinance (Cap. 228)

This ordinance, enacted in 1932, makes it illegal for marine littering, lion dances with exception from Chief of Executive, and offences relating to vessels, seamen and merchandise.

- Air Pollution Control Ordinance (Cap. 311)

This ordinance, enacted in 1983, regulates the air quality and pollution.

- Water Pollution Control Ordinance (Cap. 358)

This ordinance, enacted in 1980, controls the water quality in water control zones and makes illegal for any persons to pollute the waters of Hong Kong.

- Road Traffic Ordinance (Cap. 374)

This ordinance, enacted in 1982, is a safety ordinance that regulates what vehicles and traffic can do.

- Noise Control Ordinance (Cap. 400)

This ordinance, enacted in 1988, controls the noise level of daily activities and construction sites.

- Dumping at Sea Ordinance (Cap. 466)

This ordinance, enacted in 1995, regulates marine dumping areas, marine pollution control at sea.

- Marine Parks Ordinance (Cap. 476)

This ordinance, enacted in 1995, specifies the duties of the Marine Parks Authority and the functions of the Marine Park Board. Repair works and new developments need approval for the project to proceed.

- Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)

This ordinance is mainly the local implementation of the CITES Convention regarding the trade of endangered species, with reference to requiring a licence to possess endangered species locally.

5. Existing Village Business

Hoi Ha is a relatively flourishing small village, at least compared to most of the other villages in the Sai Kung Country Park. Whereas the others are basically dormitory villages for non-indigenous villagers (NIVs), Hoi Ha has a number of small enterprises centred on its residents, both indigenous (IV) and non-indigenous. Coupled with its popularity and beautiful surroundings, Hoi Ha should be a poster child for ecological and environmental based education and science.

The major business in the village is a small general store cum restaurant run by two IVs. This is the only such business now left in the village. This is down from a total of three restaurants in the past. Although some IVs wish to complement the existing restaurant with another. As can be seen from the tourist loading of the village in peak times (Section 9 below) there is enough potential business to accommodate another food outlet. Unfortunately some antagonism from a few NIVs in the village has stopped this initiative.

There is a small boat/kayak rental business also run by a resident IV from temporary structures near the boat ramp in the middle of the village. This business is very popular with visitors all through the year.

Many residents use their houses for either telecommuting and/or office/workshops, many also focused on ecologically based activities. For example, Oceanway uses a ground floor flat to provide facilities for its diving activities and research work, and Dragonfly one of the houses for its Hoi Ha based outward bound type activities as well as temporary accommodation for its staff. Other businesses include NIRs running dog kennels, carpet cleaning business, engineering consultancy and some other small hobby businesses.

Of course, the major business in the village is the rental of housing to NIVs. Of the 30 houses providing 40 dwellings, only five are occupied by their IV owners. Available Land Department records (2012) show three of the houses and one land lot are owned by NIVs. Thirteen houses and/or lots are owned by companies. In this Hoi Ha is like other Country Park villages. However it being a base for so many enterprises is quite unusual.

There are also a number of voluntary Christian based groups using facilities within the village. The main one occupies a small holiday camp within the DPA higher up Hoi Ha Road from the village, but they do store much of their boating equipment on one of the two beaches within the DPA.

Finally, The World Wide Fund for nature, WWF, is based just outside the village in the WWF HSBC Jockey Club Marine education Centre.

6. Land Use Classification and Usage

6.1 Overview

Landscaping and aesthetics are an important consideration. The Town Planning Department of Hong Kong has adopted a hybrid standard for this purpose, merging the applicable categories from several systems currently in use around the world. It is very important that any detailed landscaping data be collected and presented in the adopted format for clarity and to ensure that the area can fit into the standard established models that already exist in Hong Kong. It is also important that the actual existing land usage also be determined and shown separately.

6.2 Hong Kong's Landscaping Classification System

The area of Hoi Ha Wan is listed as Up-land and Low-land Countryside by the Town Planning Department. The full list of classified landscaping categories is included in Table 6.1. It is interesting to note that there is no protection categories listed, so the status of the land classification is not separated in the Hong Kong Landscaping classification system.

6.3 The Whole of Hong Kong

Figure 6.2 shows the result of the 2005 landscaping study carried out by the Town Planning Department using the classifications shown in Table 6.1.

6.4 Hoi Ha

The Hoi Ha DPA and surrounding area contains Local Level Classifications from all three Regional Level Classification categories. Table 6.3 lists the category classifications applicable to the Hoi Ha and the surrounding areas.

Figure 6.4 is the result of applying these standard classifications for landscaping to the Hoi Ha area at a higher resolution. The data was collected from site visits and the most recent 2012 aerial photograph of the area.

6.5 Existing Land Usage at Hoi Ha Wan.

There is a distinction between the landscape data and the land use data, particularly with regards to the village area. This land has zoned uses, like dwellings, roads and footpaths. Other land uses include car parks, orchards, gardens, storage of boats, tables for the restaurant, outdoor showers, outdoor changing rooms, temporary structures, etc. Some of the buildings have specific uses as well. Typically these are used for refuse collection, public toilets, outdoor activities, etc. Some structures are vacant. This data is very useful when deciding upon future land use for specific areas.

REGIONAL LEVEL	SUB-REGIONAL LEVEL	DISTRICT LEVEL	LOCAL LEVEL
Countryside - R	Upland Countryside - Rh	Peaks - Rh(k)	Grassy peaks and ridges - - Rh(k)1
			Scrub-covered peaks and ridges - Rh(k)2
		Undulating Uplands and Hillsides - Rh(b)	Grassy undulating uplands and hillsides - Rh(b)1
			Scrub-covered undulating uplands and hillsides - Rh(b)2
			Wooded undulating uplands and hillsides - Rh(b)3
		Miscellaneous Uplands - Rh(y)	Boulder field - Rh(y)1
			Former upland agriculture - Rh(y)2
			Badlands - Rh(y)3
		Upland Valleys - Rh(a)	Scrub-covered upland valley - Rh(a)1
			Wooded upland valley - Rh(a)2
	Lowland Countryside - Rl	Lowland Plains - Rl(p)	Plains and isolated hills - Rl(p)1
			Coastal plain farmland - Rl(p)2
			Coastal plain farmland with other uses - Rl(p)3
			Disused coastal plain farmland - Rl(p)4
			Fish ponds - Rl(p)5
			Salt pans - Rl(p)6
		Lowland Valleys - Rl(a)	Lowland valley farmland - Rl(a)1
			Lowland valley farmland with other uses - Rl(a)2
			Scrub-covered lowland valley sides - Rl(a)3
			Wooded lowland valley sides - Rl(a)4
			Lowland valley floor farmland- Rl(a)5
			Lowland valley floor farmland with other uses- Rl(a)6
Development - D	Urban Landscapes - Du	Commercial Urban Landscapes - Du(c)	High-rise commercial urban landscape - Du(c)1
			Medium-rise commercial urban landscape - Du(c)2
			Retail mall - Du(c)3
		Institutional Urban Landscapes - Du(x)	Historic institutional urban landscape - Du(x)1
		Residential Urban Landscapes - Du(r)	High-rise housing estate - Du(r)1
			Intermittent high-rise residential urban landscape - Du(r)2
			Low-rise residential urban landscape - Du(r)3
		Mixed Urban Landscapes - Du(m)	Low-density mixed urban landscape - Du(m)1
			High-density mixed urban landscape - Du(m)2
			Historic mixed urban landscape - Du(m)3
			Reclaimed mixed urban landscape - Du(m)4
		Park Urban Landscapes - Du(o)	Urban park - Du(o)1
		Industrial Urban Landscapes - Du(i)	Warehousing and factories - Du(i)1
			Industrial estate - Du(i)2
		Urban Waterfront Landscapes - Du(w)	Institutional/commercial waterfront - Du(w)1
			High-rise waterfront housing - Du(w)2
			Docklands/container terminal – Du(w)3
			Waterfront park - Du(w)4
			Marina - Du(w)5
			Typhoon shelter - Du(w)6
			Undeveloped and ongoing reclamation - Du(w)7
	Urban Fringe Landscapes - Df	Residential Urban Fringe Landscapes - Df(r)	Low-rise residential suburb - Df(r)1
			Low-rise suburban housing estates- Df(r)2
		Miscellaneous Urban Fringe Landscapes - Df(y)	Mixed urban fringe landscape - Df(y)1
			Transportation corridor - Df(y)2
			Rail depot - Df(y)3
		Institutional Urban Fringe Landscapes - Df(x)	Institutions in vegetated settings - Df(x)1
			Cemetery - Df(x)2
		Waterfront Urban Fringe Landscapes - Df(w)	Airport – Df(w)1
	Rural Fringe Landscapes - Dg	Residential Rural Fringe Landscapes - Dg(r)	Scattered developments and countryside - Dg(r)1
			Resort-type development - Dg(r)2
		Village Landscapes - Dg(v)	Consolidated village – Dg(v)1
			Expanded village - Dg(v)2
			Historic villages and environs - Dg(v)3
			Walled village – Dg(v)4
			Squatter settlement - Dg(v)5
			Waterfront village - Dg(v)6
		Waterfront Rural Fringe Landscapes - Dg(w)	Power station - Dg(w)1
			Ash lagoon - Dg(w)2
		Miscellaneous Rural Fringe Landscapes - Dg(y)	Quarry - Dg(y)1
			Landfill - Dg(y)2
			Military Camp - Dg(y)3
			Golf Course - Dg(y)4
			Reservoir - Dg(y)5
Coasts - C	Natural and Semi-natural Coastlines - Cn	Inter-tidal Coastlines - Cn(t)	Salt marsh - Cn(t)1
			Mud flat - Cn(t)2
			Mangrove - Cn(t)3
			Gei wai – Cn(t)4
		Islands - Cn(d)	Rocky island - Cn(d)1
			Isolated island group - Cn(d)2
		Natural Shorelines - Cn(s)	Cliff - Cn(s)1
			Rocky shoreline – Cn(s)2
			Beach - Cn(s)3
	Coastal Waters - Cw	Urban Coastal Waters - Cw(u)	Urban harbour - Cw(u)1
		Maritime Offshore Waters - Cw(q)	Anchorage - Cw(q)1
			Shipping lane - Cw(q)2
		Miscellaneous Coastal Waters - Cw(y)	Tranquil coastal waters - Cw(y)1
			Fish farm - Cw(y)2

Table 6.1. The Landscape category classifications used in Hong Kong

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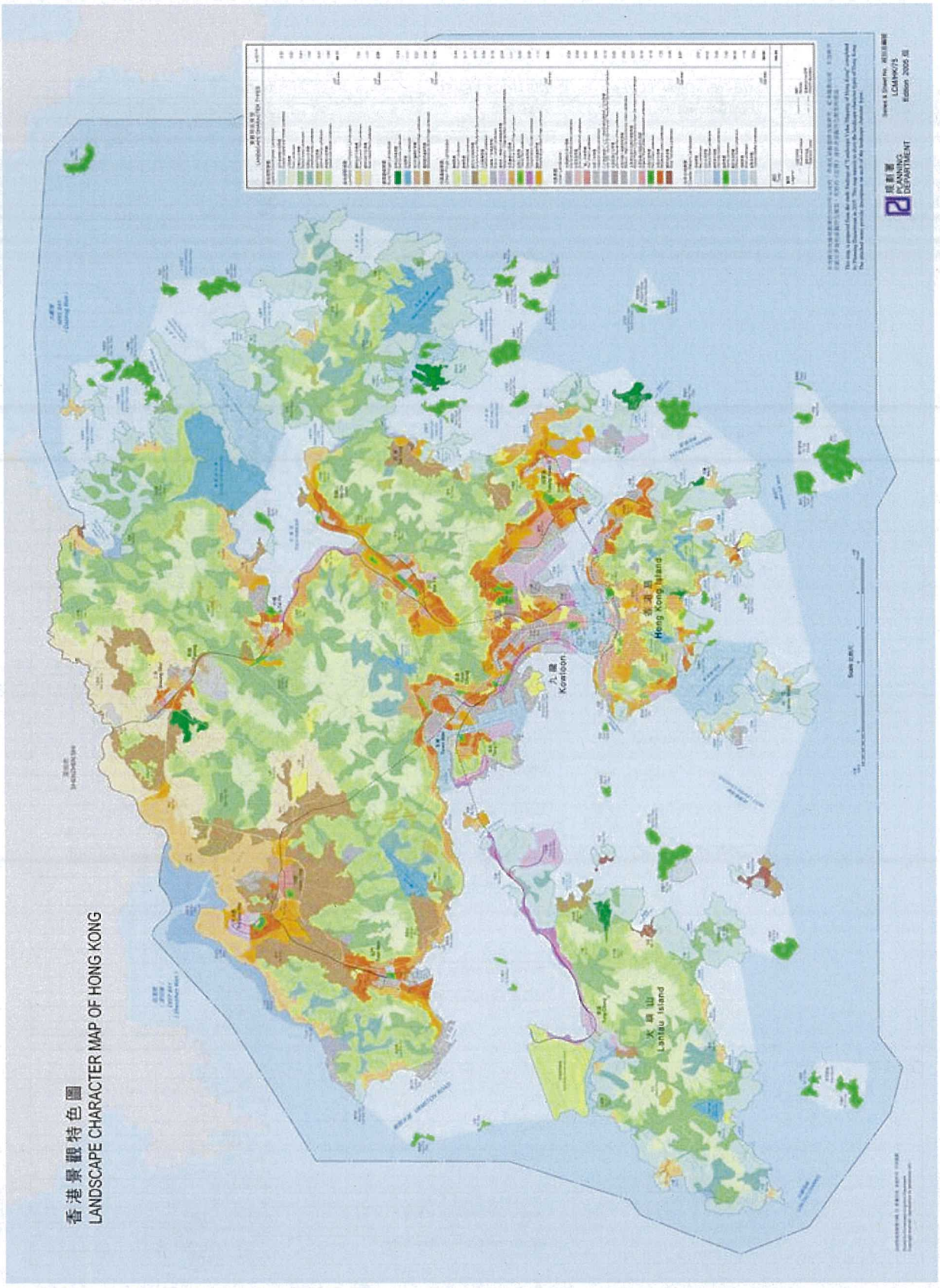


Figure 6.2 The Landscape Character Map of Hong Kong based upon Standard Categories

REGIONAL LEVEL	SUB-REGIONAL LEVEL	DISTRICT LEVEL	LOCAL LEVEL
Countryside - R	Lowland Countryside - Rl	Lowland Planes Rl(p)	Plains and isolated hills - Rl(p)1
			Coastal plain farmland - Rl(p)2
			Coastal plain farmland with other uses - Rl(p)3
			Disused coastal plain farmland - Rl(p)4
		Lowland Valleys Rl(a)	Lowland valley farmland - Rl(a)1
			Lowland valley farmland with other uses - Rl(a)2
			Scrub-covered lowland valley sides - Rl(a)3
			Wooded lowland valley sides - Rl(a)4
			Lowland valley floor farmland - Rl(a)5
			Lowland valley floor farmland with other uses - Rl(a)6
Development - D	Rural Fringe Landscapes - Dg	Residential Rural Fringe Landscapes - D(r)	Scattered Developments and countryside Dg(r)1
		Village Landscapes - Dg(v)	Consolidated Village - Dg(v)1
			Expanded village - Dg(v)2
			Historic villages and environs Dg(v)3
Coasts - C	Natural and semi-natural coastlines - C(n)	Inter-tidal Coastlines - Cn(t)	Mangrove - Cn(t)3
		Natural shorelines - Cn(s)	Rocky shoreline - Cn(s)2
			Beach - Cn(s)3

Table 6.3. Landscaping classifications applicable to the Hoi Ha DPA and environs.

Details of the key fixed existing land use are shown in Figure 6.4 below. This figure also shows the location of the special areas around the village like the Fung Shui Forest and the location of known endangered flora in the enclave.

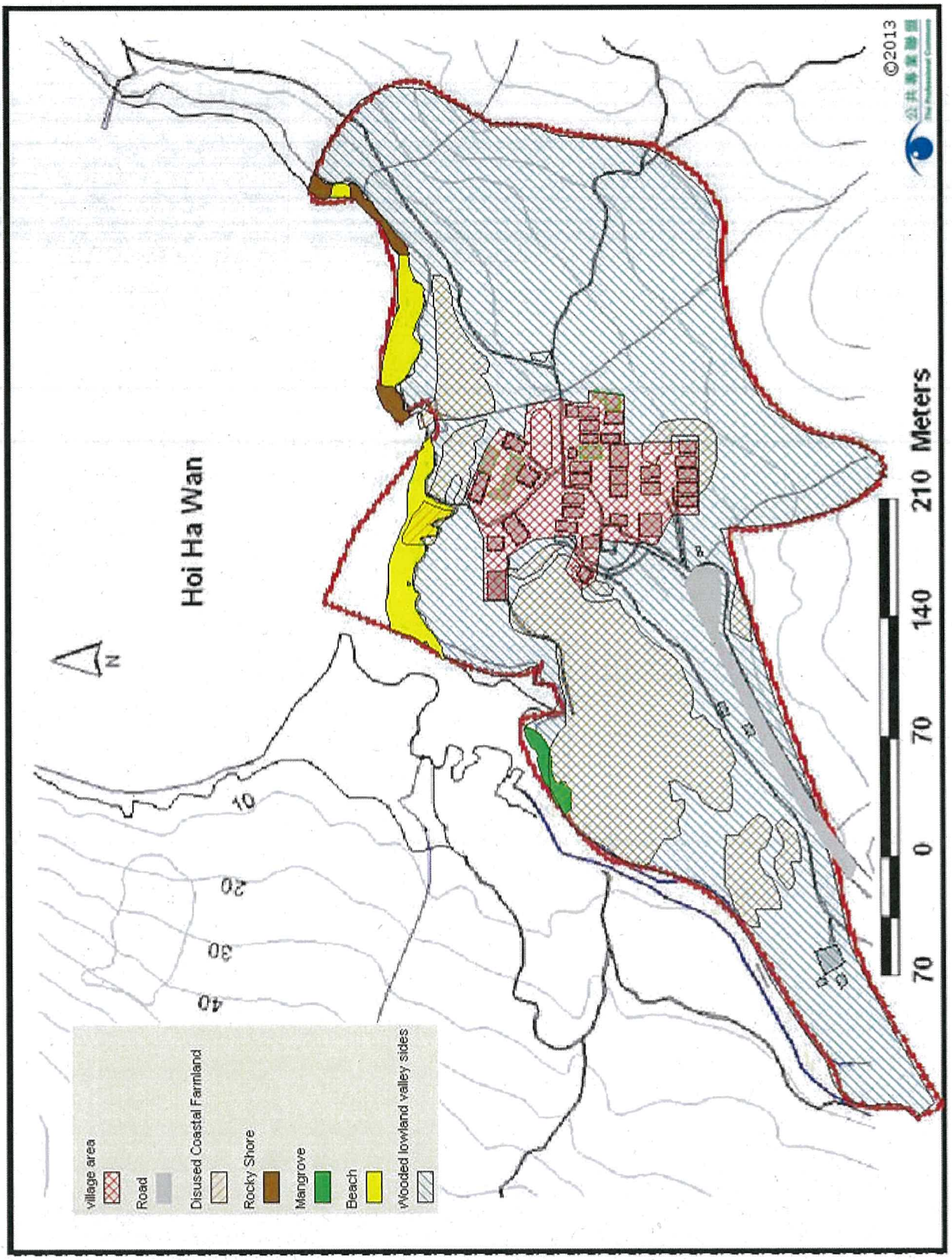


Figure 6.4. The Landscape Character Map of the Hoi Ha area based upon Standard Categories

7. Land ownership

One of the major problems identified is a conflict of interests between those who want to develop an area (usually indigenous residents) with those who want to preserve it (usually non-indigenous residents). Other complications involve the large scale developers trying to take advantage of the increasing number of people wanting to live away from the city. There are also groups who want the area further developed for recreation and education and require proper facilities to do this.

A survey of the Land Registry for the central part of the DPA shows clearly the interests of outside developers in the village. We estimate that 95% of the non Government land outside the current V area is either owned outright, or controlled via Agreement to Sell encumbrances, by five major developers. These are Vantix Ltd., Group Wise Investment Development Ltd., Eastern Island Land Development Co. Ltd., Xinhua Bookshop Xiang Jiang Group Ltd., Sino Joint Ltd., and Ever Luck Development Ltd. The majority of this land is currently abandoned agricultural land and can be cleared for reinstatement at any time by the owners. This is happening in Pak Sha O now. As we will show below, in Hoi Ha much of this abandoned farmland is ecologically highly sensitive. It is imperative that this area be monitored for any attempt to do this.

A similar search through Companies House register of companies shows that at least three of these developers share either the same registered offices or have directors in common. We suspect that all five are connected behind the scenes, especially as lots have been, and continue to be, traded between them.

Some indication of the increasing value of the land can be seen from the rapid increase in price for a group of lots recently traded by developers amongst themselves. Sold by IVs in 2008 for around $600,000, they sold for around $1,800,000 in 2010, then $7,800,000 in 2012.

With more than 300 lots in the DPA it is difficult to understand who owns what. Figure 7.1 is a graphical representation of the lot ownership in the main part of the area. Similar patterns can be seen in the lot ownership outside of the map below.

Comparing the Figure 7.1 with Figure 6.4 shows that some of the developer owned lots are currently beach or under water. However, as shown below, sand accreted from the Pak Sha O River, means that much of the land, that is currently underwater, will be totally uncovered some time in the not too distant future. This will shift the high tide mark further out into the Marine Park area affording this "new" unprotected area no protection from any ecological harmful activities. It is clear that some protection must be given to this area to stop any future development from being carried out there.

We should also consider that much of the land zoned as either Green Belt or Coastal Protection Area in the draft OZP is in fact owned or controlled by developers and is abandoned agricultural land. Reinstatement of this for agriculture is a permitted activity under the relevant ordinances. Thus, there is no adequate protection for these areas in the draft OZP.

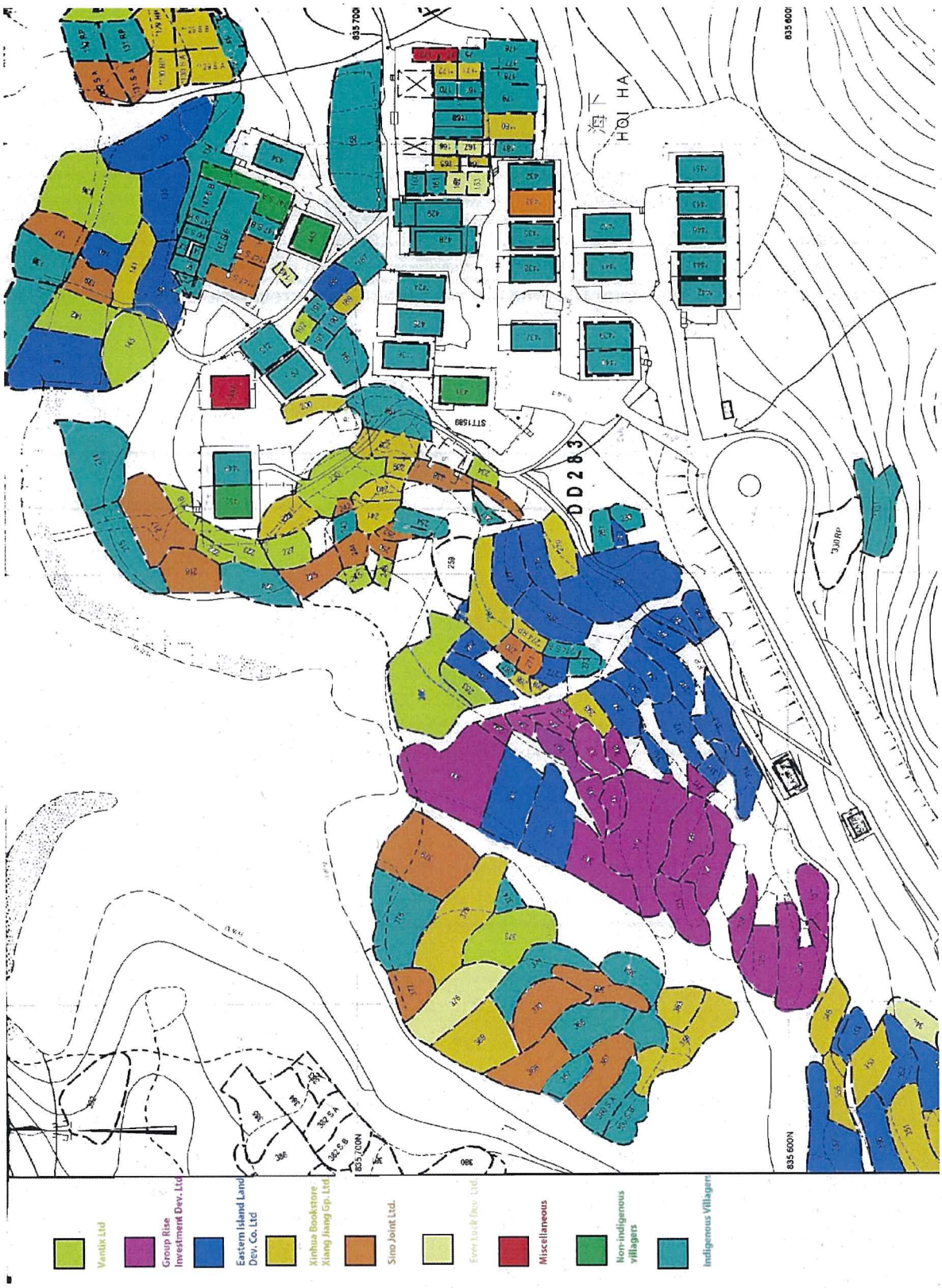


Figure 7.1 Lot ownership for centre of Hoi Ha

8. Ecology

The ecology at Hoi Ha is multifaceted; there are wooded areas, mangrove, coastal forest, estuarine, marine, orchard, farmland, grassland, and beach areas within the DPA or immediately outside it. All of the areas outside the DPA are in the Sai Kung Country Park or the Hoi Ha Wan Marine Park are protected. This report concerns the woodland areas within the DPA zone and the surrounding Sai Kung Country Park area. The land use within the area is shown in Figure 8.1. For the DPA the area breakdown, in terms of square metre is shown in Table 8.2

Area Type	Area (m^2)	Ratio (%)
Forest	61,081	1.6%
Beach	2,131	7.8%
Mangrove	286	1.0%
Coastal Forest	7,046	25.8%
Swamp	713	2.6%
Degraded Forest	870	3.2%
Village	9,191	24.8%
Road	938	24.8%
Fung Shui Forest	2,706	8.3%
	84,962	100.0%

Table 8.2 The size and ratios of the areas within the DPA for Hoi Ha

8.1 Wooded Area

8.1.1 Overview

One important factor regarding the wooded and forested areas of Hoi Ha is the lack of large mature trees. Long before the Second World War, the village had a thriving lime manufacturing facility that burned coral in four kilns (Morton 1992a). Almost all of the trees in the OZP and areas surrounding the village were burnt in these kilns to cater for this industry (Morton 1992a). Furthermore extensive parts of the Pak Sha O river valley, within the OZP, were cleared for agriculture. These activities raise questions concerning the existence of any real primary woodland in any part of the DPA. Aerial photographs of Hoi Ha taken in 1961 show very little wooded area in and around the village (sortie No. :F43/81A/RAF/625). From these early photographs even the survival of the Fung Shui Forest is questionable. Field work carried out in that area did not locate any large mature trees in the area reported to be the Fung Shui Forest of Hoi Ha. The low diversity, small reported size (3177m^2) and even smaller surveyed size (2706m^2) suggest that more work needs to be done to confirm the details and state of this area.

There is substantial re-growth of the forest into the areas that were once cleared for agriculture. It is difficult to distinguish many of these cleared areas given the more than 40 years recovery time. Whilst past records show extensive clearing was carried out within the valley area in the DPA, early aerial photographs clearly show patches of forest that were never cleared (Morton and Ong 1992). Anyhow, the recovery was natural.

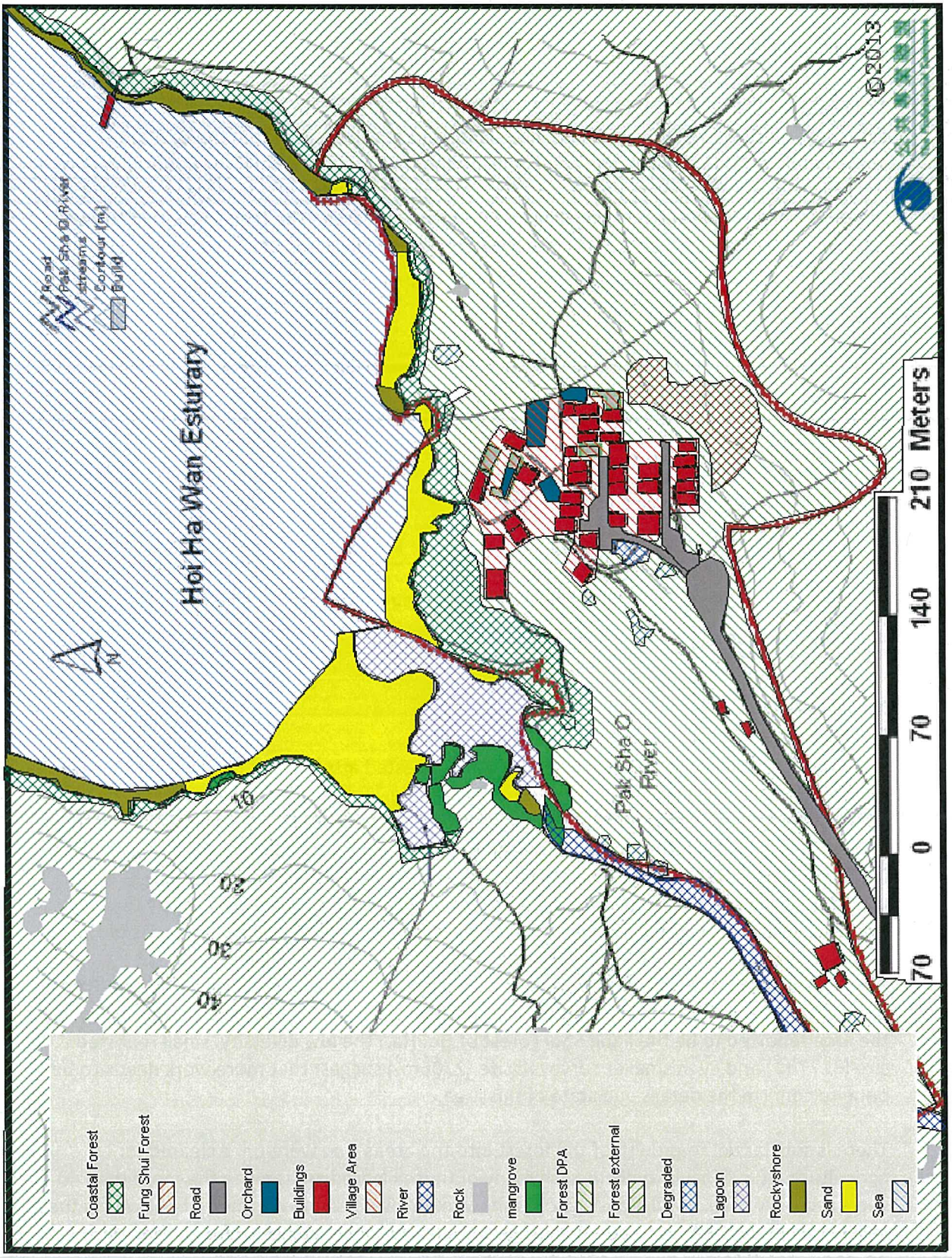


Figure 8.1. The land use in and around the area

In order to determine the quality of the wooded areas within the DPA, standard forest canopy surveys were carried out within the boundary of the DPA and the results were compared with equivalent surveys carried in nearby country park areas. In all 10 numbers of 100m random transect surveys were carried out under the forest canopy in each area. Points of 5m distance were chosen. The results are shown in Table 8.3.

During the forest surveys carried out for this report, it was noted that, as with the surrounding country park area, there is a need to carry out some reforestation work in within the OZP area. Areas identified for this need were areas of the coastal forest along the foreshore in front of the village, the Fung Shui Forest and several degraded areas shown in Figure 8.1. It is important that suitable species and tree density be maintained.

Area	uEinsteins (m-2sec-1)	Standard Error	Standard Deviation	Range
Inside the DPA Area				
Mean Light Flux Density - Under the Canopy	**44.9**	**1.9**	**26.2**	**93.5**
In the Country Park				
Mean Light Flux Density - Under the Canopy	**43.3**	**1.7**	**24.2**	**91.4**

Table 8.3. The result of the Forest Canopy Surveys for Hoi Ha Wan (n=400)

Irrespective of the origin or the age of the forest within the DPA Area, the area is equivalent to the surrounding forest in canopy parameters. This has implications with regards to carbon absorption, aesthetics and general quality. The area's species makeup is complicated, with dominant species decided by macro conditions occurring in the forest floor. A two day survey recorded 96 species of common Hong Kong plants and trees in the DPA.

Of the protected species recorded within both areas, mainly *Aquilaria sinensis, Gnetum luofuense, Neottopteris nidus, Pavetta hongkongensis* and *Sargentodoxa cuneata* were present. These are listed under IUCN, Mainland Chinese or local Hong Kong endangered species protection lists. However, all of the protected species recorded were not along the coast and away from the beach area or rocky shore.

8.2 Mangrove Community

8.2.1 Overview

There has been a lot of controversy regarding the extent of the mangrove community at Hoi Ha. It is very important that all forest areas are correctly described and delineated in order to consider protect and restore them properly. Different forest types have different flora and fauna associated with them. To protect an area of coastal forest/beach forest as a mangrove area is not correct and would not allow proper consideration for the fauna that would and could exist there. Consequently we will take a closer look at the scientific definitions as well as the results of a number of surveys carried out along the coastal area.

In the wildlife surveys carried out in this report, there was an obvious lack of animals recorded around the immediate village area. Key identified reasons include the lack of food and suitable forest habitat. It is possible to mitigate this and make areas more attractive for

specific suitable species to re-occupy these areas. For this to happen, for the forest to be properly protected and any forest improvement to be successful, the forest community must be identified and described correctly.

The definition of a mangrove area is clear and is quoted below verbatim below the expert authority Dr. Peter J. Hogarth in his 2012 book *The biology of Mangroves and Sea grasses* (p2):

"Mangroves are defined as woody trees and shrubs which flourish in mangrove habitats (or mangals), which is almost, but not quite, a tautology. True, or exclusive, mangroves are those which occur only in such habitats or only rarely elsewhere. There is in addition a loosely defined group of species often described as mangrove associates, or non-exclusive mangrove species. These comprise a large number of species typically occurring on the landward margin of the mangal, and often in non-mangal habitats such as rainforest, salt marsh, or lowland fresh water swamps."(Page 2).

"Typical mangrove habitats are periodically inundated by the tides. Mangrove trees therefore grow in soil that is more or less permanently waterlogged, and in water whose salinity fluctuates and, with evaporation may be even higher than that of the open sea." (Page 8).

Mangal areas also have associated plant and animal species associated with it. This can also be used to confirm an area. Again from Dr Peter Hogarth's book:

"A mangrove community is more than just an assemblage of trees physiologically adapted to living in brackish water. Living in, on or around the mangrove trees is a heterogeneous community of organisms, which depend on them for attachment, shelter or nutrients. The mangrove trees may suffer or benefit from their presence. They may be permanent residents or occupy a mangal temporary, either seasonally or for part of their life cycles." (page 71).

This mangrove area is contained within and surrounded by coastal forest that contains tree species typically associated with mangroves like *Hibiscus tiliaceus,* but the forest area is not intertidal, nor is it periodically flooded with salt water and so also contains species that are not associated with mangrove communities as well like *Ficus microcarpa.* Further along the beach at the rocky outcrop that divides the beach, there have been efforts by a local environmental group to change this environs' ecology by planting *Kandelia obovata* mangroves in front of the coastal forest assemblage. This was to make a typical mangrove ecosystem with a back mangrove area out of the existing coastal forest. This type of activity should be discouraged. It is important that the original composition and structure of an ecologically sensitive area in terms of species distribution and spacing between trees should be considered before any restoration work is carried out.

The main mangrove area at Hoi Ha Wan is located in the intertidal mud and sand around the back of a lagoon formed as a result of the Pak Sha O river crossing the beach. This mangrove community consists of five species, *Aegiceras corniculatum, Avicenna marina, Bruguiera gymmorrhiza, Excoecaria agallocha* and *Kandelia obovata.* It is non-zonal and

does not have the usually associated back mangrove area (Chan 1992; Tam 2012); this feature was a key deciding factor to make it SSSI number 48 in 1989. A detailed study of the mangrove area was carried out by K. Y. Chan in 1992 and by Oceanway in 2009 and 2012. The latter two surveys were to look at reinforcing the area with reforestation. The results of these surveys are shown in Table 8.4.

Species / Year	1992	2009	2012
Aegiceras corniculatum	833	831	842
Kandelia obovata	125	129	134
Avicenna marina	1	3	3
Bruguiera gymmorrhiza	83	85	85
Excoecaria agallocha	26	28	28
Unidentified seedlings	0	0	17
Total :	1068	1076	1109

Table 8.4. The number of mangroves near Hoi Ha Village

Note that *Acanthus ilicifolus* of the 1992 survey was identified as *Bruguiera gymmorrhiza in later surveys.*

Four other mangrove areas have been identified within the bay, but these are smaller, e.g. Lan Lo Au. All of the mangrove areas in Hoi Ha fall within the Marine Park Boundary and are thus protected under the Marine Park Ordinance.

8.2.2 Makeup of the Mangrove Community in the DPA

The area of mangrove within the DPA is only 398m^2 (1% of the total area). The number of mangrove trees in the area is shown in Table 8.5.

Species / Year	1992	2009	2012
Aegiceras corniculatum	298	271	306
Kandelia obovata	2	3	3
Avicenna marina	0	0	0
Bruguiera gymmorrhiza	75	85	85
Excoecaria agallocha	5	3	8
Unidentified seedlings	0	0	0
Total :	380	362	402

Table 8.5. The number of mangroves in the DPA at Hoi Ha

8.3 Coastal Forest

8.3.1 Overview

The total Coastal Forest Area also known as Beach Forest (under IUCN guidelines), within the DPA constitutes almost 25% of the total DPA; this is very typical of coastal areas in Hong Kong. It comprises two main assemblages, one associated with rocky shores and another associated with sandy beaches. There were no protected species recorded in a survey of the shoreline extending into and away from Hoi Ha village. The coastal forest community at Hoi Ha is not intertidal and only experiences salt water ingress during severe weather conditions. Large areas do experience periodic flooding by fresh water runoff during heavy rainfall or from the Pak Sha O river overflow.

One tree species is missing from the sandy beach, the she-oak pine *Casuarina equisetifolia*. Most nearby beaches have this species as part of their coastal forest assemblage. It is likely the wood from any such species was used by the village for building in the past. The Coastal Forest assemblage on the west side of the village is quite developed with a significant canopy. Other areas are severely degraded and in need of restoration.

Some of this area is currently being mistakenly referred to as a mangrove area. However, it is not intertidal and lacks the associated indicator species. This is clearly demonstrated by the non-salt tolerant flora species present in the area and the lack of bivalves (Lam and Morton 2004) and gastropods on the root structure of the trees and shrubs of the area. There is also a lack crustacean species associated with Hoi Ha mangroves (Choi 1992) and other nearby mangrove areas. This area does flood during storm surges however the salinity of the water during such occasions is very low indicating that the source of flooding is in fact the river and not the sea. One solitary specimen of the species *Agiceras coniculatus* on the beach and several species of Oligochaeta in the beach sand in this area indicates that the area is being flooded with fresh water (Chan 1992; Erseus 1992).).

We can definitely state that based on the science outlined above, the coastal strip along the beach north of the village is not a mangrove area but is clearly beach/coastal forest.

8.4 Fung Shui Forest

8.4.1 Overview

In Hong Kong, a Fung Shui Forest is an area of forest that was preserved by village settlers for reasons of Fung Shui and good prosperity. These forests are located at the back of the villages, are mature, consist of a dense and tall canopy structure with dense undergrowth. These areas are made up of native shade tolerant old trees and vines. Fruit trees and other useful plants were also planted along the edge to maximize the benefits of these areas. Today, these forests are still seen behind some villages. Hoi Ha is reported as one such village. The Fung Shui Forest at Hoi Ha Wan is quoted as being 3,177m^2 in size (AFCD 2002). Fieldwork carried out as part of this report recorded an area of only 2706m^2 of wooded area within the boundary shown as Fung Shui Forest. This corresponded to recent aerial photograph images of the area. The main characteristic of this forest, dense and tall canopy structure, is also lacking. This suggests that this area of forest may not have survived the wood demands of the lime industry, or it has been degraded in some way over time. The area of Fung Shui Forest takes up 2.2% of the DPA.

Environmental Protection Department records show it has a species richness of only 13 (EPD 2006). Given the size of the area, such species diversity indicates that this area is the same as the surrounding areas of forest. Out of the 116 Fung Shui Forests remaining in Hong Kong, the Hoi Ha Fung Shui Forest is not rated very highly (AFCD 2002). Especially when compared with the Fung Shui Forest at Nam Fung Road, which has a species richness of 156 with an area of 38,346m^2. In reality, the Fung Shui Forest at Hoi Ha is not a protected area, nor does it contain any protected or endangered flora. However, it should be noted that some seedlings have been planted in the area supposed to be Fung Shui Forest. We can only guess who by and for what reason.

8.5 Swamp Areas

8.5.1 Overview

Several small areas within the DPA are waterlogged for most of year. These are all fed from small streams with the largest being supplied water from a small flood plain tributary of the Pak Sha O river. The total area comprises approximately 2.6%, but this increases during times of heavy rain. It is common to see birds, other animals and insects around the edges of these areas during daytime especially the Asian Porcupine (*Hystrix branchyura*), and the common Reeves' Turtle (*Chinemys reevesii*). These areas also provide suitable habitat for species of dragon flies and butterflies to congregate.

8.6 Area Flora

8.6.1 Overview

A list of the flora recorded in the area is in Appendix A. This includes all areas within the DPA (wooded or not) in and around the village. Table 8.6 shows a summary of the different species recorded in Appendix A separated in the main areas within the DPA.

Area Type	Area (m^2)	Plant Species
Forest	61081	149
Beach	2131	7
Mangrove	286	5
Coastal Forest	7046	83
Swamp	713	43
Degraded Forest	870	47
Village	9191	31
Road	938	0
Fung Shui Forest	2706	86

Table 8.6 The number of flora species recorded in the different areas of Hoi Ha

It is important to note that the classifications of primary and secondary forests is not totally applicable to the wooded areas within the DPA. Areas within the farmland area, on the perimeter and edges of the farming plots, were never cleared and therefore still are primary forest. To apply a blanket category of "Secondary Woodland" for this area is, therefore, not correct. Since the farming stopped, most of the once cleared land has naturally re-seeded back to natural forest. This process started fifty years ago. There are many very mature trees in this area. The farmland was originally cleared because of its high productivity value as well as its proximity to the village and water. The fact that it was determined as high productivity places it in a category above normal woodland. The land in the river valley is part of a small but effective flood plain. Hence the lack of indigenous built residences in the past. Flood plains are the most productive botanical areas in the world. This makes there areas very suitable habitats for animals. The botanical productivity equates to a good reliable source of food and water. The animal distribution sighting records for Hoi Ha clearly show this. See Figure 8.10 and 8.11 below for details.

Based on this science, there is nothing special or particular about this area that would not make it suitable for a Country Park Assignment. This is particularly the case given that protected animal species regularly visit the area for food and possibly water. Any human disturbance allowed to occur here would directly impact endangered species.

8.7 The Marine Park

8.7.1 Overview

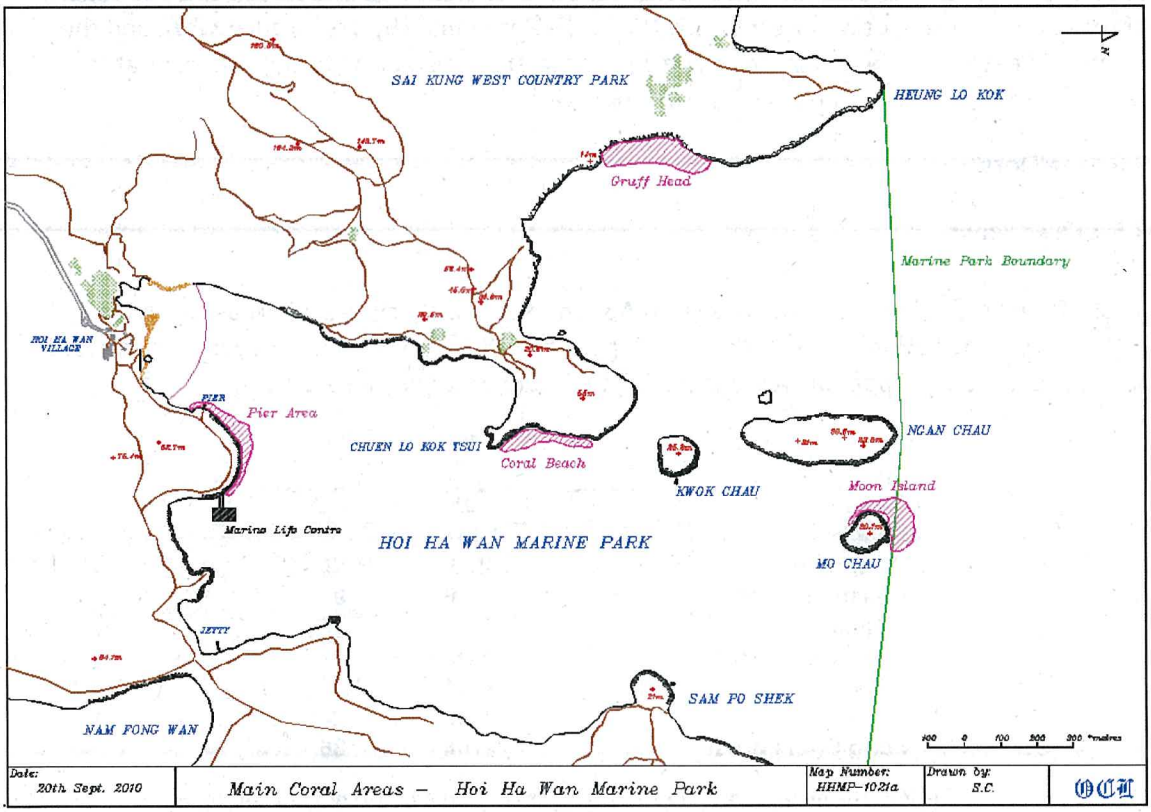


Figure 8.7. Map showing the location of the four main coral areas of Hoi Ha Wan

The Hoi Ha Wan Marine Park is a sheltered bay comprising 260Ha of sea surface area. It is formally known as Site of Special Scientific Interest (SSSI) No. 48 and Marine Park No. 2. Physically, it is located in the Northwest of the Sai Kung Country Park. The bay contains ecologically significant incipient coral areas scattered around its periphery (Cope and Morton 1988; Zou et al. 1992; Oceanway 2002, 2005, 2010, 2013) as well as several undersea areas populated with *Antipathes* spp. There are also several small non-zoned mangrove areas (Chan 1992; Tam 2012) and a small lagoon kept in place by a dynamic beach and a series of sand bars and spits (Morton et al. 1992) directly in front of a small village. Figure 8.7 show the location of the four main coral areas of Hoi Ha Wan. These are Pier Area, Coral Beach, Moon Island and Gruff Head.

The World Wide Fund for Nature runs and maintains an Education Centre in a small bay on the western side of the park. This centre is primarily used for primary and secondary school education with students receiving marine conservation and awareness education. On

average 7,000 students attend this facility each year. It is currently running at maximum student capacity, with a waiting list of schools trying to visit the centre.

The Marine Park area receives impact from the bordering Hoi Ha Village primarily in the form of rubbish and water pollution. The main areas impacted are the beach, coastal and marine area immediately out from the village. We are considering the Marine Park in some detail as any zoning planned for the village area will have a high degree of impact.

8.7.2 Coral Health

The general health of a coral area is a very good indicator of the level of impact in that area. A total of 64 coral species are represented within the park, out of a possible 84 locally recorded species. The hard coral areas in the Hoi Ha Wan Marine Park are classified as "B" class areas. The Coral Beach area has the highest recorded density of coral cover in Hong Kong making this area a local ecologically important area. A total of 64 coral species are represented within the park, out of a possible 84 locally recorded species. Coral Watch has been carried out as a coral health monitoring tool at Hoi Ha Wan since 2005. It follows an ordinate scale of 0 to 5, with 0 (white) representing totally bleached and 5 (dark green) representing no bleaching. Graph bars are scaled to show the combined ordinate Cumulative Average. The Cumulative Average result for Hong Kong corals normally ranges from 3.2 to 4.1, for areas with mediocre areas to the best. Areas with values recorded below 3.2 are considered to be overstressed. Figure 8.8 shows the result of the Coral Watch Surveys of the corals in Hoi Ha Wan.

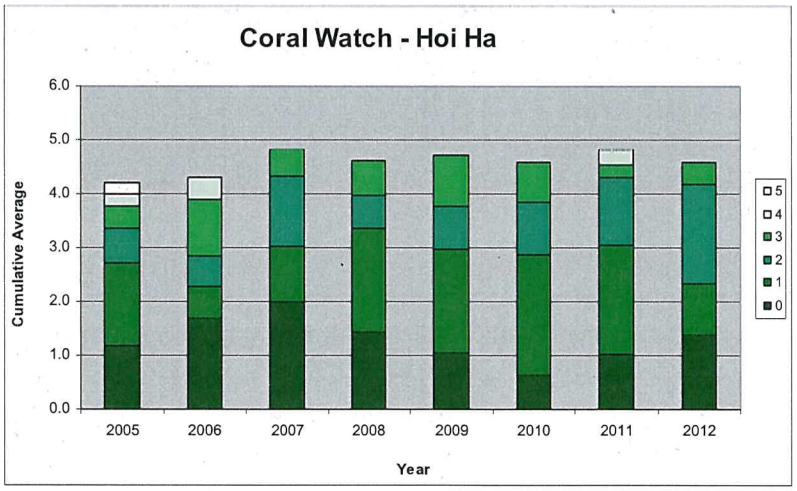


Figure 8.8. Ordinate Coral Health (Coral Watch) for all of the main coral areas at Hoi Ha Wan.

Of the four coral areas within the Marine park, the Pier Coral Area, by virtue of its proximity, is the most likely to be impacted by the Hoi Ha Village. The Coral Watch data for the Pier Area is presented in Figure 8.9. Since 2009, the coral health at the Pier Area has been less than the average for all areas. Furthermore the ratio of unbleached coral at the Pier Area has been less than the average since 2007. The low value in 2005 was due to an abnormal hypoxic event that impacted the whole of Mirs Bay.

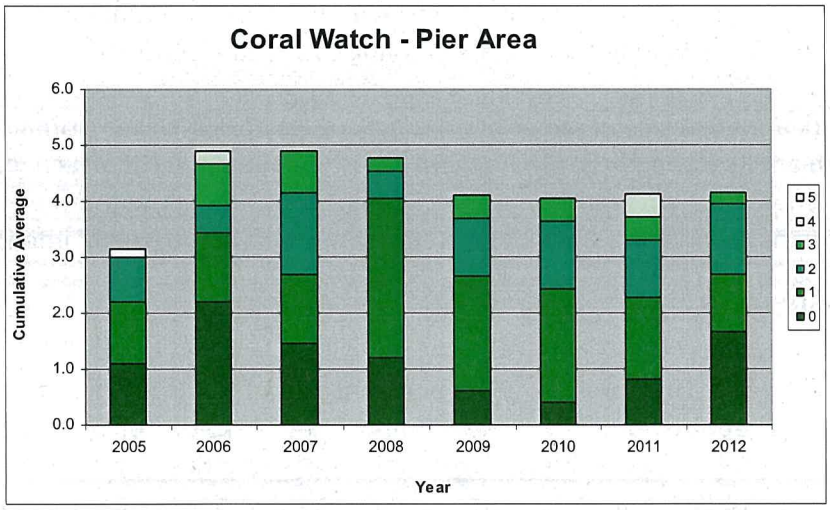


Figure 8.9. The Cumulative Average Value for the Pier Area near Hoi Ha Wan Marine Park.

8.7.3 Anthropologenic coral damage.

All of these coral areas are frequently visited by divers and snorkelers, raising the issue of visitor damage. This in turn relates to acceptable number of people in an area. Almost one third of the visitors to Hoi Ha Village visit the marine park (Table 9.2a). The average anthropologenic damage to the four main coral areas at Hoi Ha Wan are given in Table 8.10.

Area	2010	2011	2012
Pier Area	2.10%	2.00%	2.10%
Gruff Head	2.30%	2.40%	2.20%
Moon Island	2.10%	2.10%	2.00%
Coral Beach	5.10%	4.85%	5.00%

Table 8.10. Measured Anthropologenic coral damage in the 4 main coral areas of Hoi Ha Wan.

These figures are consistent with figures measured in other protected areas in Thailand and Malaysia, some receiving far fewer visitors than the coral areas at Hoi Ha Wan. The higher value at Coral Beach is due to the fragile nature of the dominant species, *Pavona decussata,* at that location, the average yearly coral growth rate over the past eight years has been measured to exceed, match or double these damage figures.

8.7.4 Fish Populations

The reef fish populations within the Marine Park have been increasing over the past two years. This trend was the result of two separate surveys; WWF (Cornish 2009) and Oceanway (Oceanway 2013) The Oceanway data is in Figure 8.11. The number of reef fish recorded has almost doubled year on year.

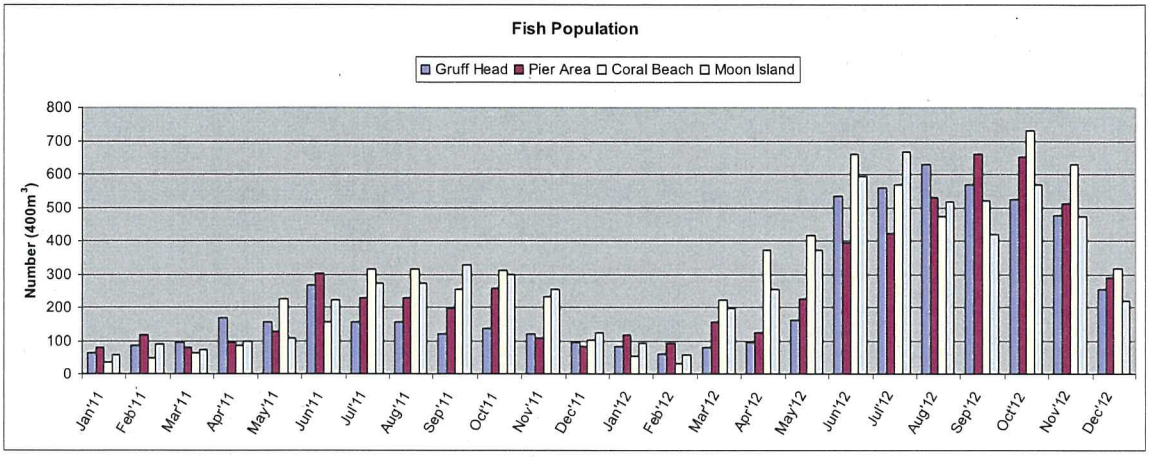


Figure 8.11. The fish population in the four coral areas of Hoi Ha Wan.

It is expected that the population of reef fish will increase further given that there has been a ban on inshore trawling and the number of valid commercial fishing permits for the Hoi Ha Marine Park decreases further. The reef fish populations within the bay indicate general trends about the general ecology of the bay.

8.7.5 Water Quality

The water quality in the Hoi Ha Wan Marine Park is moderate, compared to other areas of Hong Kong. Currently water quality parameters are measured by AFCD on a quarterly basis at three locations. There are several important indicators of pollution by human habitation. One of these is the amount of faecal coliform measured in the water column on the surface and just above the seabed. Typical faecal coliform figures for Hoi Ha Wan are in Figure 8.12. See Figure 8.7 for locations of the measuring locations.

A faecal coliform gradient from the village to the outer regions of the marine park would indicate a strong impact of sewage originating from the village area. During measured peaks and recently this has been the case with regards to the Annual Bottom Faecal Coliform. See Figure 8.2 for details. However it is likely that this issue may also involve pollution in the Pak Sha O River as well.

For Hoi Ha Wan, the Water Quality Objectives set the levels of *E. coli* at a maximum level of 180 per 100mL calculated as the mean for all samples collected from March to October inclusive. This is set by the Water Pollution Control Ordinance (WPCO). From the measured results, the amount was below set limits for most of the time. The peak in the second quarter of 2012 is not explained.

The amount of chloropyll-a in the water column is an indirect indicator of the plant nutrients in the water. An excess of chlorophyll-a indicates an algal bloom that may reduce water clarity and deplete dissolved oxygen levels. The locations of the measurements taken are the same as those measured for Faecal Coliform. The results are in Figure 8.13.

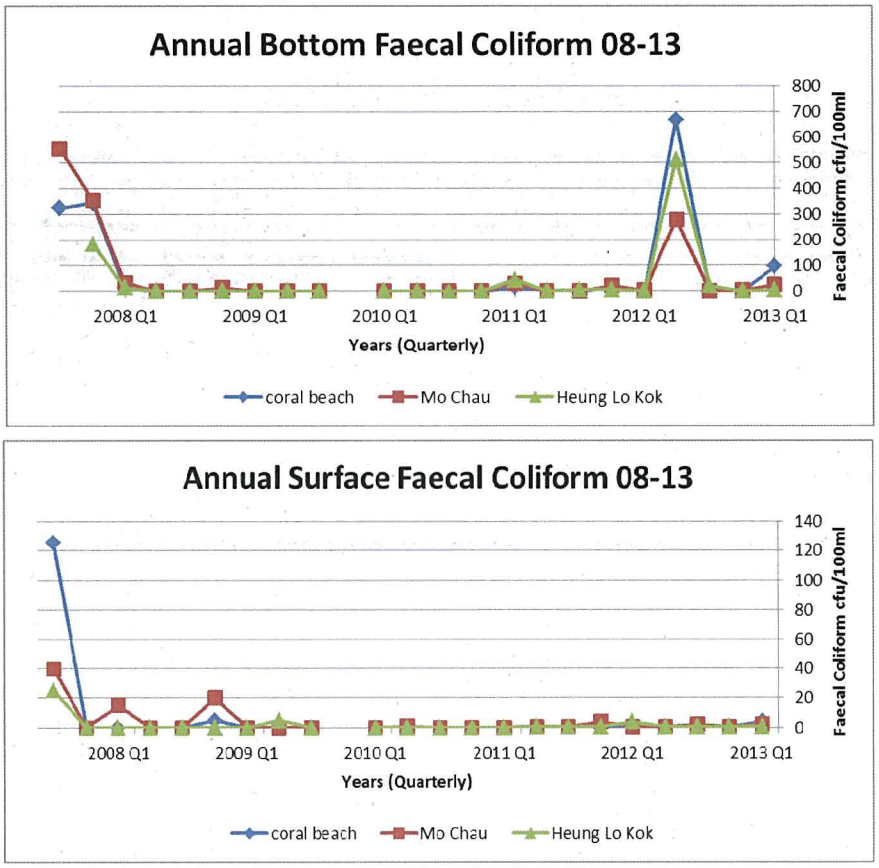
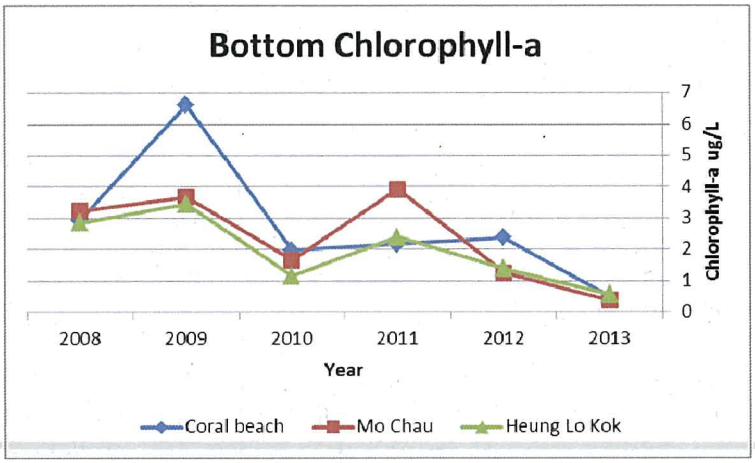


Figure 8.12 Typical faecal coliform parameters of Hoi Ha Wan.

For the values obtained from Hoi Ha we can see that the innermost station at coral beach is shown to be higher than the values measured in other areas; further away from Hoi Ha. It is likely that this indicates a possible pollution source from the village. Typically this pollution originates from agriculture activity and the recent farming activities at Pak Sha O are implicated as a possible source. . However the overall decrease in overall values is suggestive of an overall reduction of the total chlorophyl-a pollution.



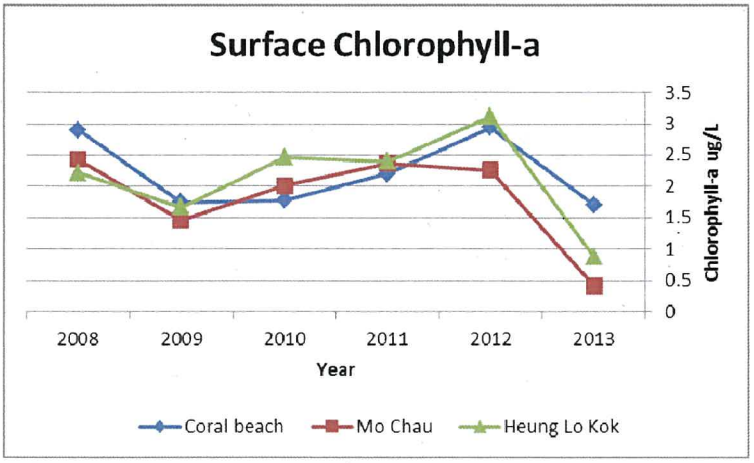


Figure 8.13 Typical chloropyll-a parameters of Hoi Ha Wan.

8.7.6 Identified Pollution Sources

One of the direct impacts on any Marine Protected Area, such as the Hoi Ha Wan Marine Park, is the water pollution entering the area. For Hoi Ha Wan two key potential sources of water pollution have been identified:

- Water pollution from the village (grey, runoff and sewage).
- Water pollution entering Hoi Ha Wan from the Pak Sha O River (total dissolved solids, grey water, sewage).

The influence of the Tolo Channel and the outer marine areas can be separated by considering the concentration gradient of the substance being measured to see the directional flow. There are other sources of anthropologenic pollution but these can be considered as being associated with the *E. coli* being measured. Figures 8.14 indicates a gradient extending out from Coral Beach. Since the nearest settlement to this is Hoi Ha then it is logical to assume that the source is either from the village, the Pak Sha O River or both.

Regarding the *E. coli* data for the beach at Hoi Ha, points C, D and E have the most likely source from the village. The dips are probably due to drops in leakage after septic tank clearing, ground water flushing, or times when residents leave the area for holidays overseas.
International standards put the safe beach levels of *E. coli* at 400 per 100mL of water. Hong Kong Water Quality Standards allocates a maximum average of 180 per 100mL, for multiple testing. The measurements taken at Hoi Ha are single measurements, so it is best to apply international standards for analysis. This is currently exceeded at points C, D & E. The source of the *E. coli* at G is from the river valley and maybe up as far as Pak Sha O, and is just under the 400 limit. An inspection of Pak Sha O revealed several septic tanks within 10m of the river. The building near the existing BBQ area, and the BBQ areas themselves may also be a source of this pollution. But neither has been checked for confirmation of this.

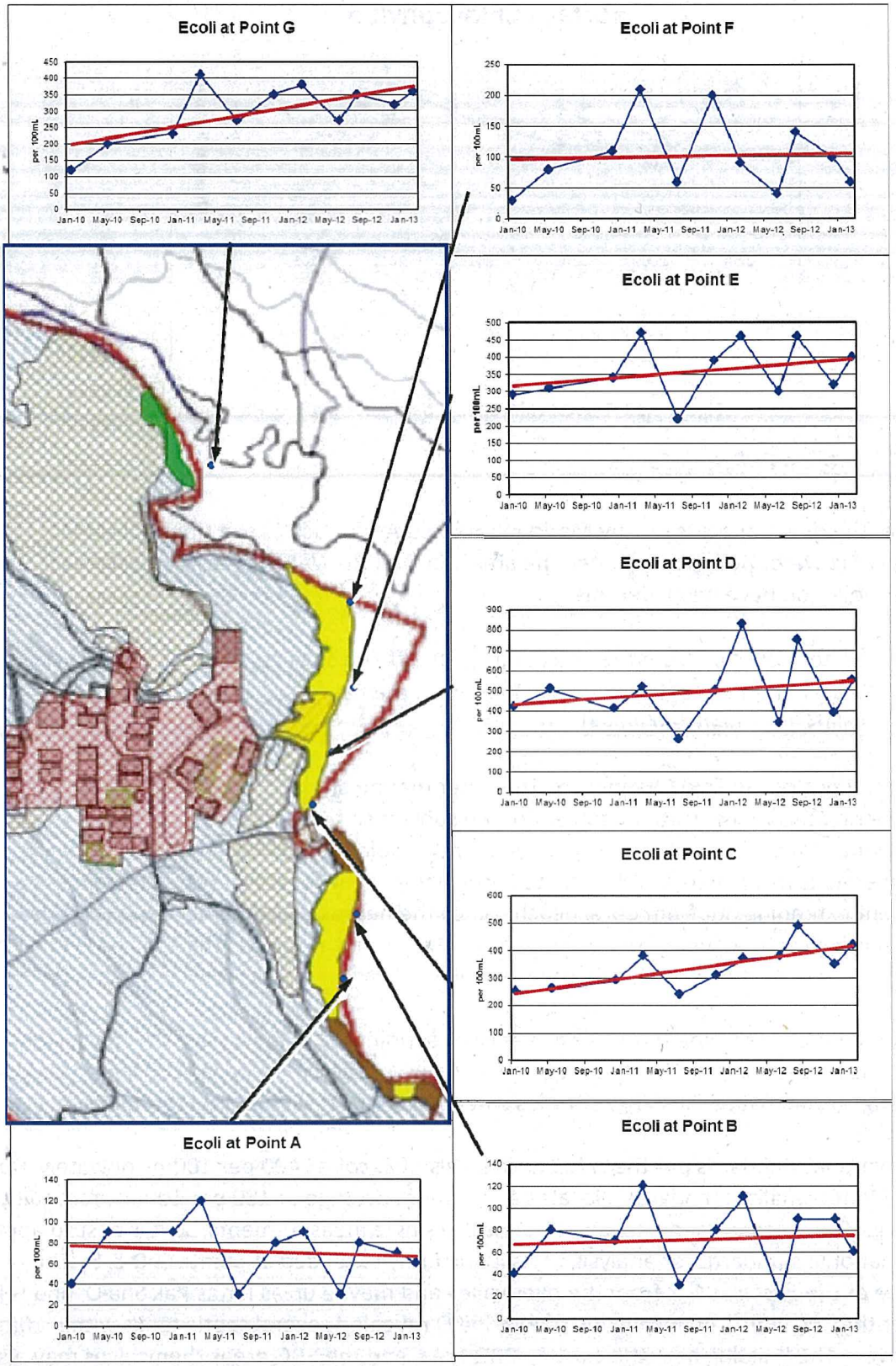


Figure 8.14. The levels of *E. coli* measured at low tide from ground water seepage at the beach

Village houses are designed with wastewater systems that require both water conservation and maintenance to work properly. The systems rely on an anaerobic process (hypoxic) meaning faecal matter and waste water needs to remain inside until bacteria can process it before discharge through an overflow pipe. Household disinfectants like chlorine bleach should not be mixed with any waste water entering a septic tank as this also kills off the bacteria within the tank, effectively rendering the process ineffective for a period of time. Bacteria friendly sterilizes should be used instead. Observations at Hoi Ha suggest that chlorine bleach is being used for household disinfecting.

However, the biggest problem is the seemingly infinite source of available water now available to households. In the past, the limited supply of village water meant that washing machine, and shower use was somewhat restricted. That changed when the Water Supplies Department connected to the houses at Hoi Ha. Now the volume of waste water requiring processing from houses has exceeded the design capacity of the tanks in many cases. The extra water from water from dishwashers, increased daily washing machine loads, even a Jacuzzi means that the septic tank systems overflow before processing more frequently.

With an increase in houses planned for the area, either by the developers or by the SHP, there will be a time when a central sewage system will be practical. Until then there needs to be some sort of revamp using bacterial additives or aerobic conversions for sewage processing to minimize the *E. coli* recorded at the beaches. It is possible that self control regarding the use of water may be sufficient to stop the increasing trends.

8.8 The Beach

8.8.1 Overview

Hoi Ha Wan is a protected bay, opening in a northerly direction into Mirs Bay. The opening faces the coast of Mainland China, some 12km away. The beach at Hoi-Ha is a mobile estuarine beach, typical of other estuarine beaches in Hong Kong. The majority of the movement is a resultant of fluvial flow, wave action and typhoons have much less of an impact on the beach (Morton, and Ong Che 1992). The two islands, Moon Island (Mo Chau) and Flat Island (Ngan Chau) protect the entrance of the bay; they refract waves entering the bay, dissipating most of the wave energy. Tide-Pole Point and the Hoi Ha Pier also protect the main beach from wave energy.

The waves that do enter the bay are reflected from the eastern rocky shore towards the west. This sets up a weak long-shore current flow across the beach, subjecting it to low energy constructional waves, moving material in an east-west direction and the influence of the stream cutting through the sand spit causing fluvial deposition (Morton, and Ong Che 1992). These two forces sustained and maintained the beach at Hoi-Ha in a very mobile fashion. The result of this is the accumulation of sand on the western section of the beach the sand on the western side of the bay the eastern side accumulation is form the sand sediment washed down from the Pak Sha O River. Water data from the river indicate that in 2011 the beach accreted at least 7 cubic meters of sand in 2012 the amount was estimated at 11 cubic meters. Aerial photographs of the beach indicate an increase in the water flow

from the river from 1954 – now. They cannot however, be used to estimate the size and sand movement at the beach mainly because the profile of the sand areas cannot be determined from an aerial photograph. In addition, non-consistent tide and visibility data mean that, only the general shape of the beach is successive years can be determined from this data. The beach has an overall mean particle size of 0.14mm, fairly typical of Hong Kong beaches (Morton, and Ong Che 1992).

There has been a lot of scientific controversy regarding the stabilization role the mangroves and Coastal Forest play in this and some other areas as well. It is known that mangrove and coastal forests reduce water flow energy behind them during periods of high wave action. However such periods are very short at Hoi Ha and the wave action is not that significant. Waves of 9m were recorded at Nine Pins during the passage of Vicente (Chiu-Leung 2013). The corresponding height at Hoi ha was only 2.1m for just over 2 hours. Typhoon Vicente was a statistically once in ten year occurrence. It is therefore doubtful that beach is being shaped by the flora present. The lack of back mangroves (Chan 1992, Tam 2013) also indicate that the normal stabilization via successive flora processes is not occurring along the beach at Hoi Ha. This means that there are other factors controlling the beach structure. Experts suggest that the river plays a far more important role in providing a constant source of sand for beach accretion and the river flow changing the shape of the beach (Morton and Ong Che 1992). This means that the flow rate of the river is a critical factor in determining the shape of the beach. It can be observed from past aerial photographs that the beach underwent two significant shape changes in recent time. One was the building of the road in and the dredging of the bay the 1980s (Chan 1992). It has been accepted that the change caused by the road was due to the increase in water flow caused by the change in surface hydrology brought about by the drainage of the road (Morton 1992). This corresponded to an increase in the rate of water flowing from the river during periods of heavy rain.



Figure 8.15 The beach at Hoi Ha at low tide. (PH 2013)

The result of this is that the hydrology of the river valley is crucial in maintaining the beach. Any changes in the river valley will change the flow rate of the river. If the change is significant, then the lagoon will wash out, the beach will decrease in size, the mangrove community will thin and the ecology of the area will change. It is also highly likely that the current coastal forest area will decrease in size.



Figure 8.16. A photo of the beach area and an aerial photograph showing the accretion material washed down by the Pak Sha O River. (Google Earth 2012)

8.8.2 - Wave Action

Hoi Ha Wan is a protected bay (Morton 1983). Wave data for Mirs Bay was collected during the entire of 2012 by Teledyne ADCP's. This data is shown in Figure 8.17. The northward facing entrance to the bay and the barrier islands excludes much of the wave action present in Mirs Bay, but certain directions will pass the barrier islands. From this data the majority of the wave direction in Mirs Bay is from the west, south-west direction (Yamamoto 2012). Internal reflections from the rocky shore would restrict the wave directional spread to 90 degrees centred on the north direction. Wave data recorded for Mir's Bay in 2012 shows that less than 1% of the time the recorded significant wave height in the 0.3m band originating at an angle that could enter the bay and strike the beach (Figure 8.18). From this data the majority of the wave action in Mirs Bay is mainly from the south-east direction. Hoi Ha Wan is naturally protected from these waves first by Tap Mun (Grass Island) and the Wan Chai Peninsula.

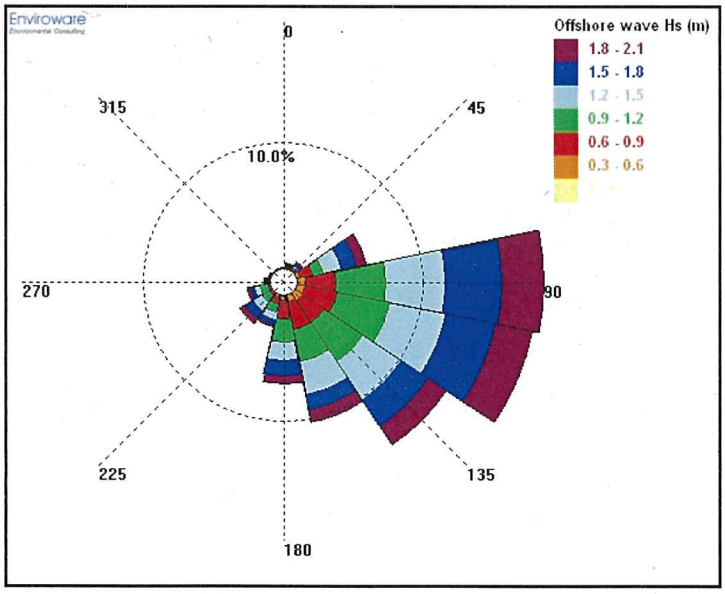


Figure 8.17 The Significant Wave Height Data for Mirs Bay during 2012.

Considering Hoi Ha Wan itself, Table 8.18 contains the data recorded during 2012 for the bay. A maximum significant wave height of 2.18m was measured during a force 10 typhoon. The average wave in the bay is only 1.76 cm. Further analysis of that specific wave spread from 315 to 45 degrees, basically the wave spread that could enter the bay, allows a more detailed analysis and this is shown in Table 8.19.

Description	Value
Average Significant Wave Height	17.63 centimeter
Percentage with Significant Waves >1metre	0.58 %
Total time with Significant Waves >1metre	50.9 Hours
Maximum Significant Wave Height (Hs)	2.18 Metre
Duration of maximum Significant Waves	1.1 Hours
Maximum Significant Wave Period	10.2 Seconds
Average Significant Wave Period	7.0 Seconds

Table 8.18. Significant Wave Height results for Hoi Ha during 2012.

The maximum values were measured during the Typhoon Vicente in June 2012. Whilst these conditions can be considered extreme and occurring once every 10 years (HKO 2011), the result is significant and shows the worst case situation. The maximum significant wave height recorded, excluding the data from Typhoon Vicente, was 1.47m. The duration for this maximum was 3.2 hours.

The function of the waves striking the beach at Hoi Ha is to reconstruct the beach after the rain water runoff has washed some of the sand from the beach to the sand bar immediately in front of the beach. These waves also set up the mild long-shore current that moves the sand washed down by the Pak Sha O River to the eastern beach, increasing the sand at this location.

The wave data for Hoi Ha is shown graphically in Figure 8.19. This clearly shows that for 98.8% of 2012, the wave size in Hoi Ha Wan was less than 0.5m. The bar chart breakdown of the remaining 1.2% of the time details the period of time that the beach is subject to a wave action that can cause impact. Such data is fairly typical of sheltered, protected bays in Hong Kong.

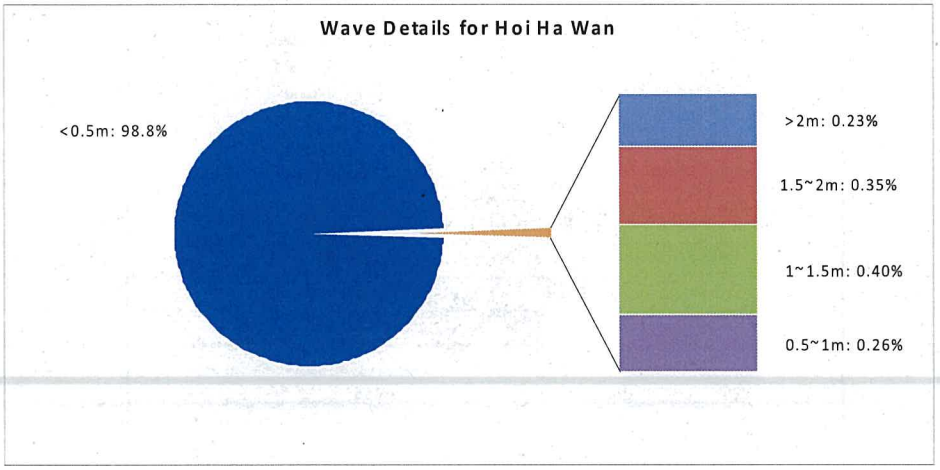


Figure 8.19 General wave data for Hoi Ha Wan (2012)

8.8.2 Tides

Hoi Ha Wan is impacted by normal Hong Kong mixed tides. These are sometimes called micro-tides and are mainly semi-diurnal. This means that there are two high and two low tides a day, with two maximum high and minimum low tide heights each month. The nearest Hong Kong Observatory tide gauge is located 4km east at Kau Lo Wan, in the adjacent Long Harbour area. Tide data is collected every 10 minutes. Long Harbour is a semi-protected bay.

The WWF Hoi Ha Wan Marine Life Centre has a Teledyne OPM tide gauge fitted with all data streamed to the internet as part of the DataBuoy Project. Data is collected every 5 minutes. Typical tide data collected is shown in Figure 8.20. There is a slight time lag in terms of maximum times and heights when compared to more exposed areas of Hong Kong. This is to be expected. Yearly tide gauge summary data for 2012 is shown in Table 8.21 below.

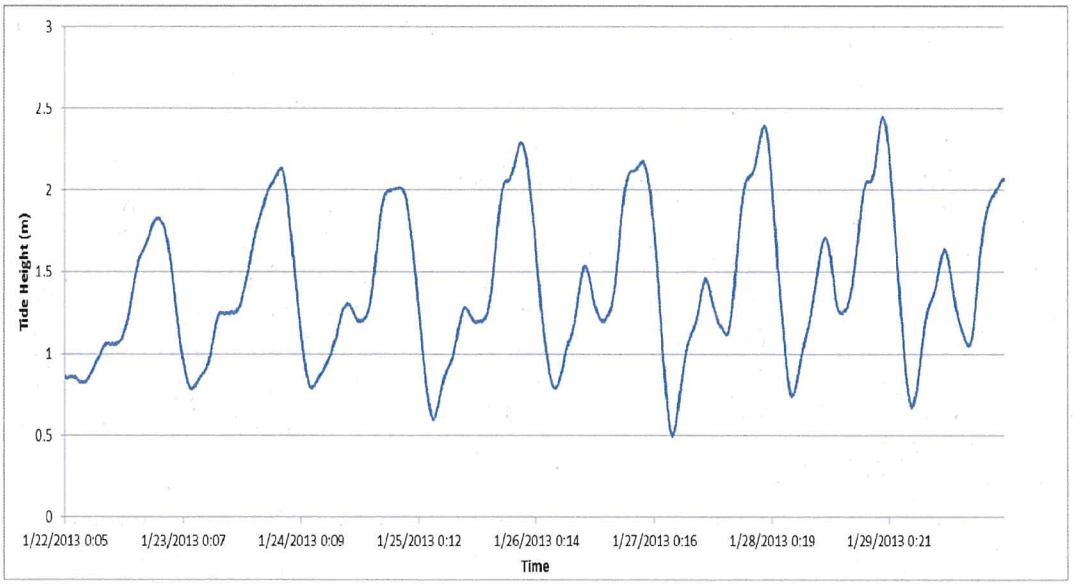


Figure 8.20. Typical tide data for Hoi Ha Wan (22nd ~ 29th January 2013).

Annual Tide data for HHW (2012)

Tide figures (m)	
Max	2.512
Min	0.211
Average	1.323

Tide data during typhoon Vincente in HHW

Tide figures (m)	
Max	2.402
Min	0.516
Average	1.452

Table 8.21 Tide gauge data for Hoi Ha Wan - 2012.

8.8.3 Storm Surges

A storm surge is defined as the increase above the calculated tide in a given area. These phenomena are always associated with a storm, typically a typhoon. During 2012, Typhoon Vicente created the largest storm surge recorded in Hong Kong in 10 years. The tide gauge measured the maximum deviation from the calculated tide height as 1.197m. Figure 8.22 shows a graph of the predicted tide height compared with the measured height. This was

slightly less than the levels measured in other areas of Hong Kong. For example the surge was measured at 1.47m at Shek Pik on Lantau. See Table 8.23 for more locations.

The storm surge data for Hoi Ha suggests that the area receives less impact than many other areas of Hong Kong. This is probably due to the sheltered nature of the bay. The storm surge condition can be exacerbated by high waves. Again the sheltered position of Hoi Ha suggests that the impacts would be far less than other areas like Big Wave Bay for example.

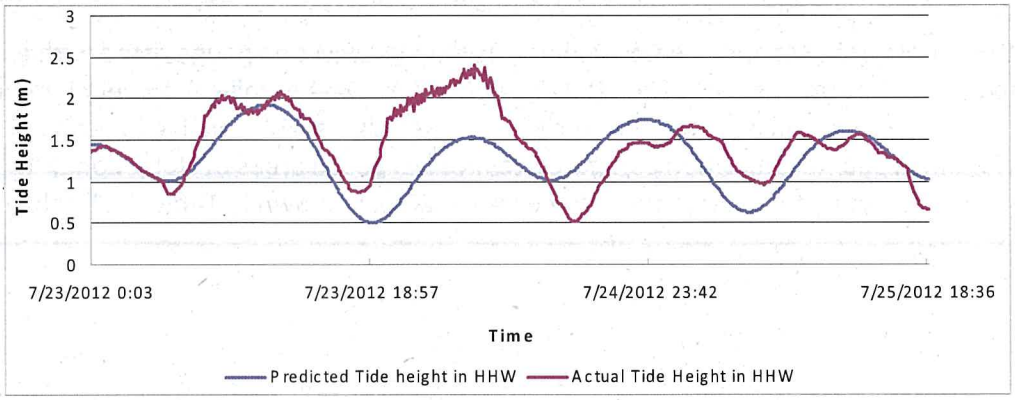


Table 8.22 Typhoon Vicente Storm Surge Data for Hoi Ha Wan - 2012.

Station	Maximum sea level (above chart datum)			Maximum storm surge (above astronomical tide)		
	Height (m)	Date/Month	Time	Height (m)	Date/Month	Time
Shek Pik	3.19	24/7	2:08	1.47	24/7	2:08
Tai Miu Wan	2.78	24/7	1:45	1.19	24/7	1:45

Table 8.23 Typhoon Vicente Storm Surge Data for other areas of Hong Kong - 2012.

8.9 Pak Sha O River

8.9.1 Overview

The Pak Sha O River has a significant impact on the Hoi Ha Wan Marine Park. It is a source of fresh water, sand and pollution. It also is the major architect of the beach on the western side of the village. The hydrology of this system is a balance of forces between the stability of the beach and the energy of the water during and after periods of heavy rains. Typical river water parameters are shown in Figure 8.24.

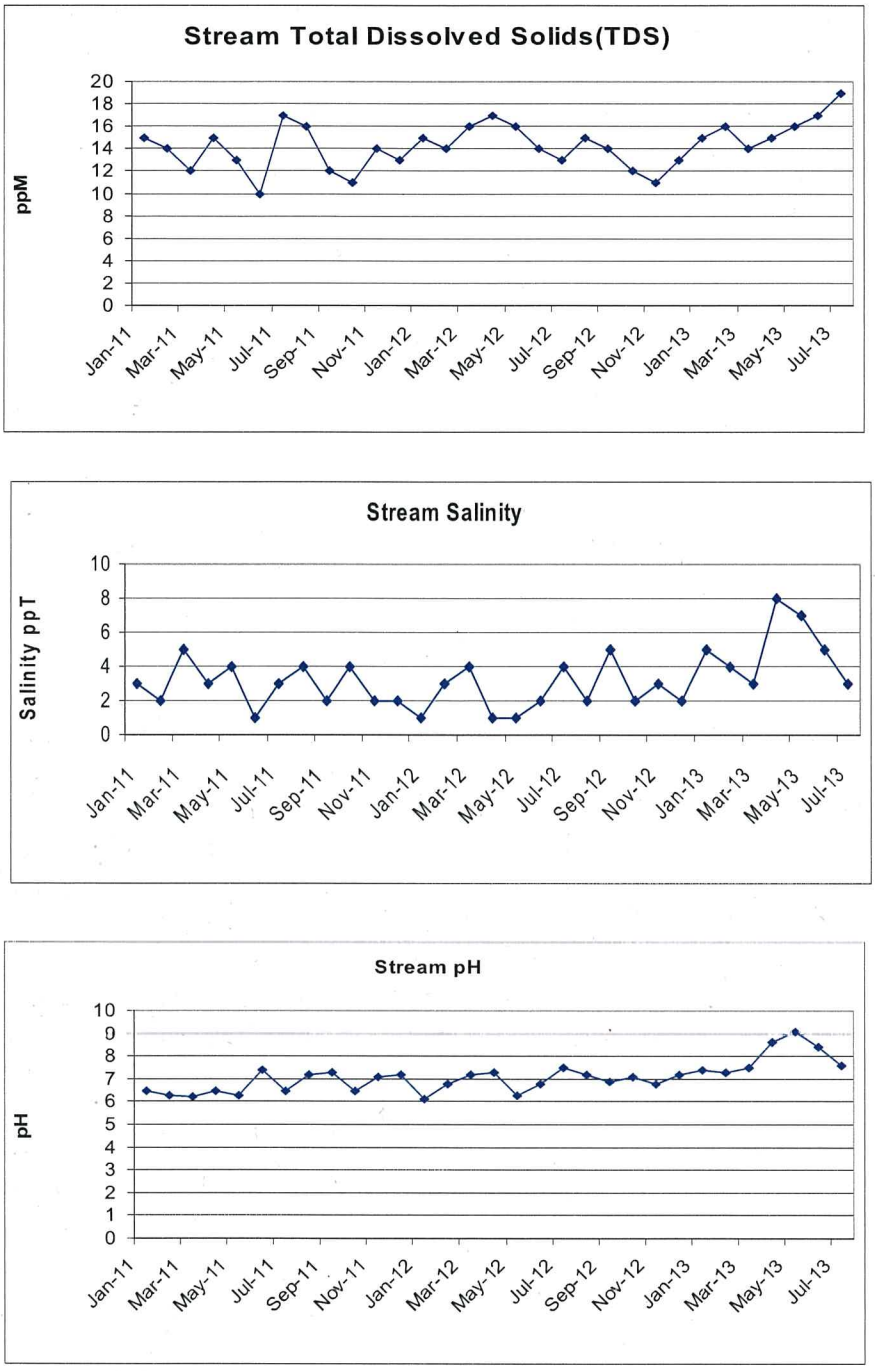


Figure 8.24 Typical water parameters of the Pak Sha O River

Other parameters measured included *E. coli* measured twice every year. Five measurements were recorded and the average determined from the results. This was deemed as being the minimum data needed to pick up a gradual change

The trend line shows an increase from January 2011 of just over 35%.

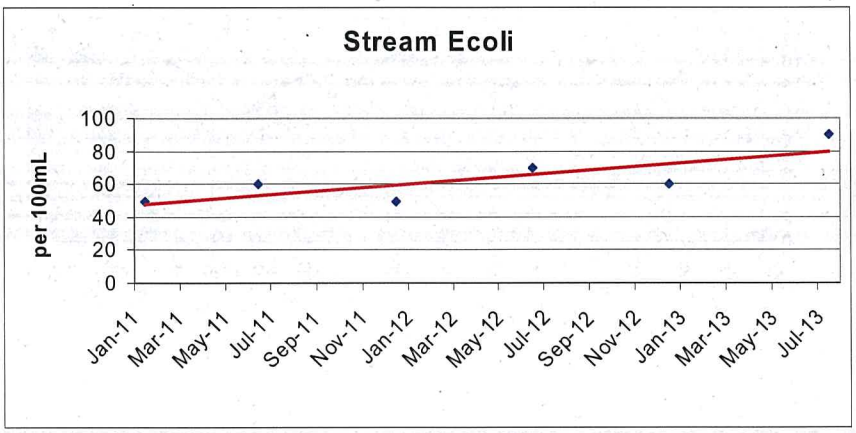


Figure 8.25. The Ecoli results for the Pak Sha O River at the Hoi Ha Estuary

8.10 Animal Encroachment.

8.10.1 Overview

Animals do not recognize boundaries and always utilize areas as they require. For this reason any area proposed as possible receivers for village houses need to consider sites of frequent visitation as well as animal corridors. From 2010 and 2013 a total of 182 camera surveys of two months each were conducted in areas that had shown some evidence of animal visitation. This consisted of scat, ground scratching or food remains. Twenty Doppler Radar movement activated cameras were ever in the field at the same time, and all were fitted with lights for night time recording as well. The units were configured to detect movement within 5m of the units and all units were aimed at the ground with a 10 second recording period and a 5 minute hysteresis set.

The data was divided into 5 categories. The data is shown in Table 8.26, with a breakdown to species level in Table 8.27. All mammals, with the exception of the wild boar (*Sus scrofa*) are protected species in Hong Kong.

Category	Records	Percent (%)
Mammals	265	12.6%
Rodents	694	33.0%
Snakes	8	0.4%
Birds	718	34.1%
Misc	419	19.9%
Total :	**2104**	**100.0%**

Table 8.26 Total results of the camera survey.

This data represents visitation data rather than population data. It is highly likely that repeat records were taken of the same animal. Birds made up the majority of the records. These animals were foraging in front of the cameras.

Protected mammal data were separated from the records. A total of 265 records were extracted. A total of 12 species of mammal were recorded. The majority of the sightings were *Macaca mulatta* with these animals frequently seen foraging around the rubbish bins in the area.

Species	Sightings	Percent (%)
Melogale moschata	33	12.5%
Hystrix brachyura	58	21.9%
Crocidura attenuata	12	4.5%
Niviventer fulvescens	39	14.7%
Macaca mulatta	79	29.8%
Viverricula indica	15	5.7%
Sus scrofa	12	4.5%
Muntiacus muntjak	2	0.8%
Herpestes javanicus	4	1.5%
Prionailurus bengalensis	1	0.4%
Paguma larvata	9	3.4%
Herpestes urva	1	0.4%
Total :	**265**	**100.0%**

Table 8.27 Breakdown of the Mammals recorded by the Camera Survey.

The sightings were concentrated around water sources. Previously, before the back row of houses were constructed, animals were frequently seen around areas near the Fung Shui Forest. The water sources in this area are either filled in to stop mosquito breeding or changes in the hydrology in this area have removed the water. This in turn has led to a shift in the location of animals to the valley of the Pak Sha O river. It is now common to see foraging marks and scat of mammals in the valley area.

Birds and flying animals are also frequently sighted in the area. Bats are probably originating from the nearby disused mines at Pak Sha O.

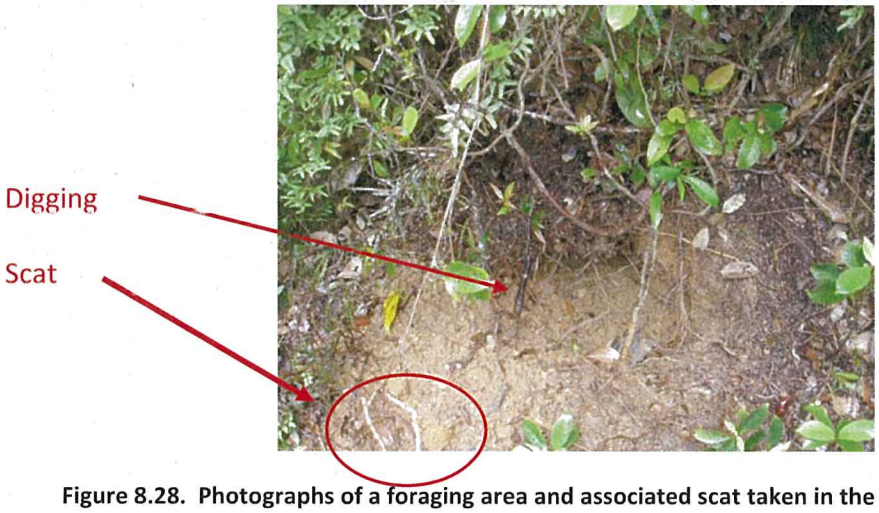


Figure 8.28. Photographs of a foraging area and associated scat taken in the DPA near the stream.

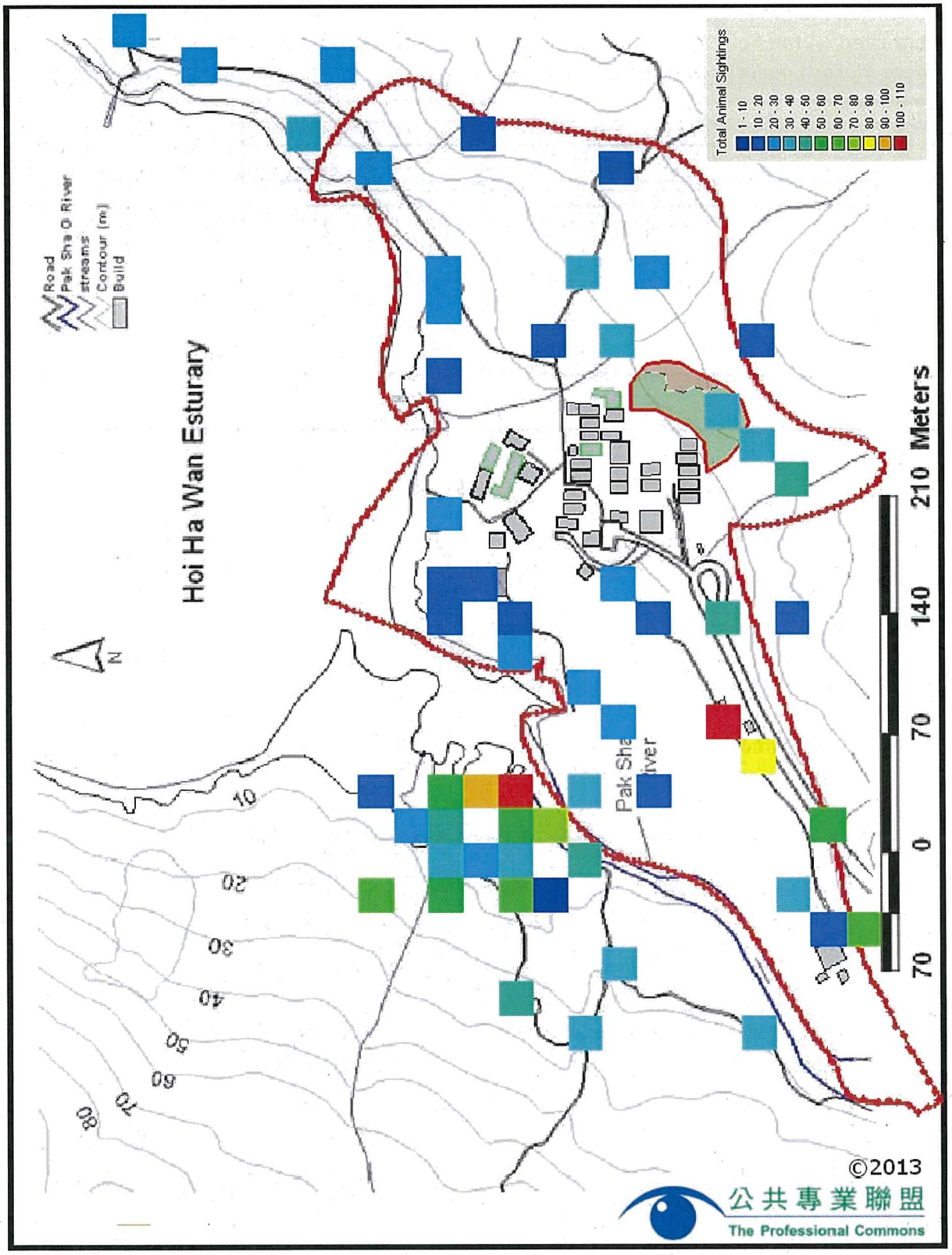


Figure 8.29. Photo records of animals taken over a two month period at Hoi Ha Wan

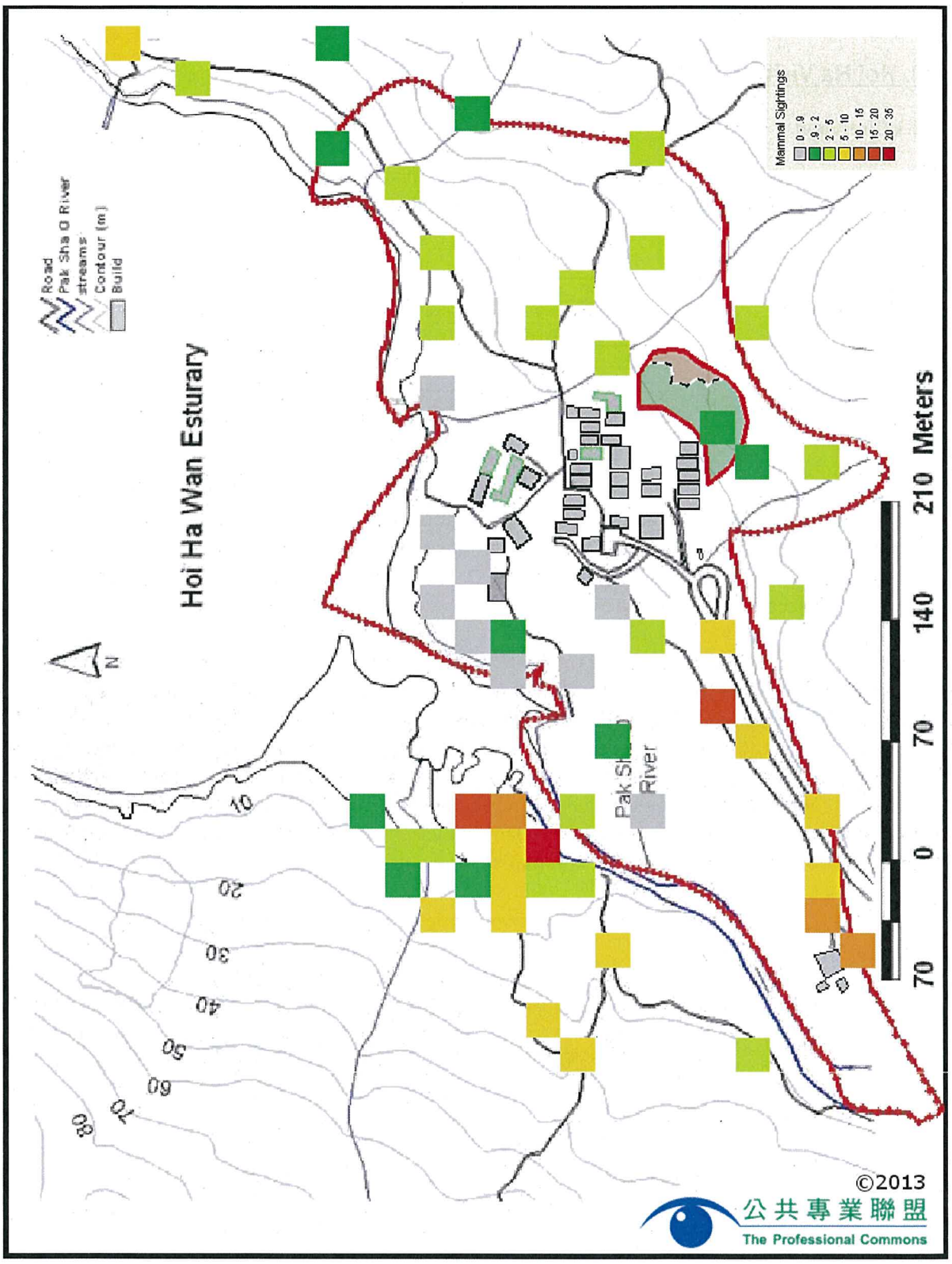


Figure 8.30. Photo records of protected mammals taken over a two month period at Hoi Ha Wan

9. Hoi Ha Visitor Loadings

9.1 Overview

Hoi Ha is a tourist area; visitors are attracted to the village for numerous reasons. Table 9.1 shows a general breakdown based upon statistics collected from 580 people over a week period in July 2012.

Destination	Ratio (%)
Hoi Ha Wan Marine Park	32.0%
Wan Chai Camping Ground	43.0%
Hiking in the area	18.0%
Misc	7.0%
Total :	100.0%

Table 9.1. Visitor intended destination for Hoi Ha Village. (n=980).

AFCD Statistics estimated that approximately 90,000 people visited Hoi Ha in 2012. This figure is based upon many factors and is an indication only. Some of the visitors do not actually enter Hoi Ha Village and have destinations that include the BBQ and camping areas along the Hoi Ha Road, or are visiting Pak Sha O. Others were residents seeking temporary permits for access to the Hoi Ha Road.

There has been considerable concern about acceptable visitor loading for the village. Visitor data has been collected by Doppler Occupancy Meters over a period of 24 months. Ten units were installed for 12 months, with the remaining 10 units installed for multiple periods of 2 months. A total of 91 key facility and resource locations were investigated. Data was divided into two main groups, public holidays (including weekends) and weekdays. Each of these categories was further sub-divided into categories based upon weather. In all cases the period of data used was between 8:00am to 6:00pm. This is the period when the bulk of the visitations occurred. Table 9.2 summarises the data collected.

Area Condition	60min Maximum Average	Daily Average
Holiday Fine Weather	0.481	0.101
Holiday Overcast (>6 Octets)	0.291	0.053
Holiday Wet	0.21	0.036
Holiday temp <20C	0.121	0.012
Totals	0.141	0.051
Weekday Fine Weather	0.266	0.005
Weekday Overcast (>6 Octets)	0.053	0.003
Holiday Wet	0.038	0.005
Weekday temp <20C	0.006	0.001
Totals	0.091	0.004

Table 9.2. Visitor Usage of Infrastructure and Facilities for Hoi Ha Village between 8:00am to 6:00pm.

There are several ways of interpreting this data. The most holistic is perhaps the old notion of Carrying Capacity, and the more applicable to Hoi Ha is the Visitor Impact Assessment

(Ceballos-Lascurain 1996). Using the IUCN specification of an acceptable maximum total average area facility loading not exceeding 0.85 as the sustainable and enjoyable limit, it is clear that most of the Hoi Ha Village areas and facilities are currently underutilized. There are also no exceedances of any of the natural resources in the area. This can be determined by the beach peak usage (~22%) the yearly damage to the nearby coral area, measured as 5%. This figure is less than the growth rate of the coral in the area. Needless to say, there are some hot spots with regards to facilities that may be improved with by adding to, or increasing access to, these resources

The distribution of this fine weather infrastructure and facility loading over the points investigated are in Figure 9.3 (Holiday Period) and Figure 9.4 (Weekday). The facility usage values can be determined from the results and from Figures 9.3 and 9.4. The facilities that can be improved are listed below:

- The toilet facility
- The minibus facility
- The area notice board facility
- The AFCD Centre facility
- The single restaurant facility

It should also be mentioned that when considering the ecological loading of an area, due consideration should also be given to any ecologically sensitive receivers. Hoi Ha Wan was set up to protect the coral and mangrove communities within the bay. Currently the damage, impact and pollution levels associated with visitors to the area do not show exceedances in either area or even an increasing trend as would be expected if the area was overloaded.

In terms of the old carrying capacity figures and notion, the visitors to the area, during the peak times (weekends/holidays with good weather) could increase by about 20% at peak times before maximum limits would be reached. During weekdays, this figure increases to 40% more loading. This report does not suggest that this area be further exploited; however, it is worthwhile to show that the area is currently being underutilized. Needless to say an EIA on the current visitation and its impact on the area would be necessary to determining more detailed information.

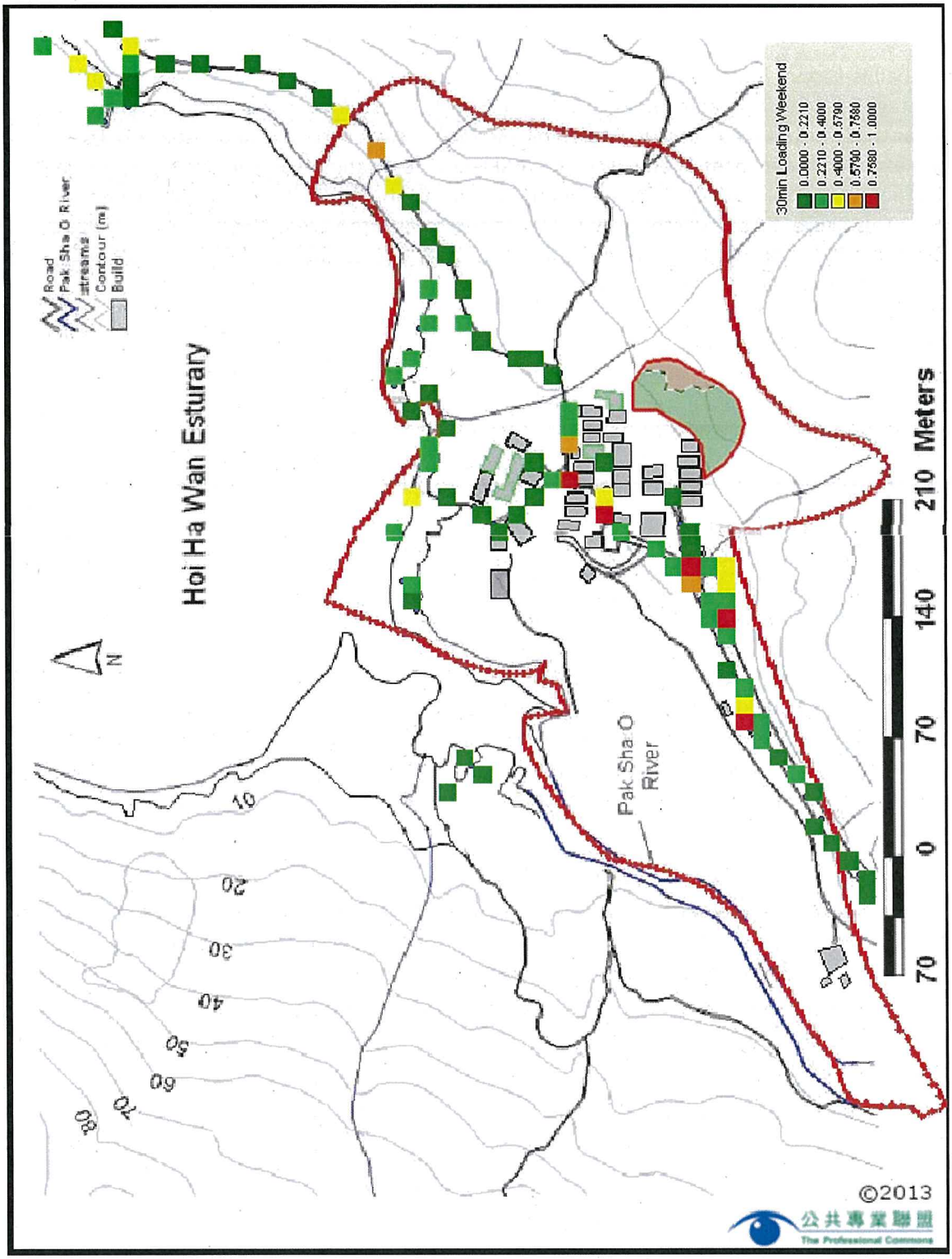


Figure 9.3. 60 Minute Infrastructure and Facility Loading, Fine Holiday, for Hoi Ha Village.

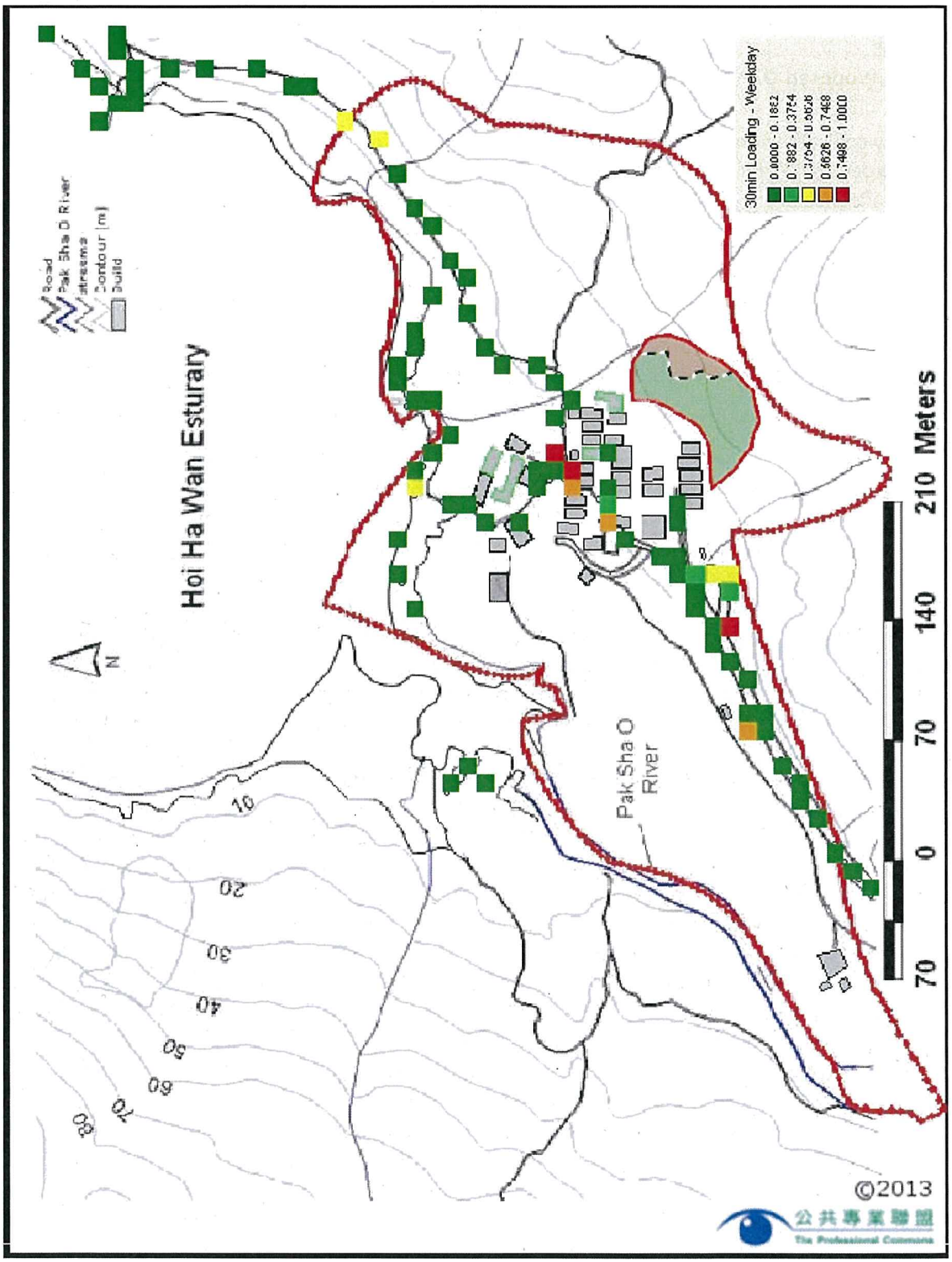


Figure 9.4. 60 Minute Infrastructure and Facility Loading, Fine Weekday, for Hoi Ha Village.

10. Proposals

10.1 Proposed OZP Overview

A key consideration with the future planning and allocation of areas within the DPA is the intended use. There must be a balance established between the preservation, conservation and advance of the village and environs. Hong Kong does not have a lot of areas like Hoi Ha Village so maximum sustainable use needs to be the prime directive of any such recommendation. It is also very important that all aspects of the village and the village needs be considered. This not only includes the landscaping, the aesthetics, but also the livelihood of the residents who rely on the area for income. As well as these considerations, whatever is proposed will have to be a compromise, a balance between the three major issues that must be balanced for a practical and workable result. It therefore must be based upon fact, science, follow local standards and be able to be justified in a court of law.

Property development for profit must be prevented. Any building must be restricted to necessary village expansion by the local resident population only. For the IV residents, this should be by the Small House Policy (SHP). There is no area available in the least sensitive areas for development of IV resident owned land.

Given the data presented, the key deciding factors are the protection of the sensitive habitats in the area and the protection of the marine park. This protection needs to be complete and not subject to the issues that shifting coastlines and whole ecosystems present. It is pointless marking lines on paper without considering ecosystems, macro-ecosystems and habitats. Wildlife corridors are also a key consideration.

Given that reports already submitted clearly show the areas that need protection from an ecological perspective, the landscaping value of the area is basically ensured, since any expansion of the village will be small, given that only the future needs of the village need to be accommodated. Discussions with the IV representatives indicate that it is expected that an area that will accommodate a maximum of 30 additional houses needs to be reserved for this purpose (the figure of 94 quoted in the draft OZP report is clearly a fiction). This will satisfy the needs of SHP applications until 2047 when it is generally accepted that the SHP will expire. This puts a cap on the number of successful applications that can ever be accommodated.

Another key issue is the need to cater for the visitors to this village. Given the increasing leisure time of Hong Kong people, areas like Hoi Ha will become more important. At this time there is an increasing trend towards the area being suitable for education and recreation. Both of these activities can be instilled into this area in a form that is both sustainable and eco-friendly. If this is to be promoted then some support infrastructure needs to be confirmed and expanded as necessary. From the area carrying capacity figures measured so far, the area is currently underutilized as a whole, with some facility bottlenecks that need to be addressed. It should be fairly obvious that the village livelihood issues that exist need to be directed towards sustainable activities. This means that the local residents who are currently deriving their income from the area, need to be given incentive and encouragement to either remain or become environmentally sustainable.

10.1.1 Land usage

Referring to Figure 7.1, the land ownership map above, it is clear that any improvements to the village are made more difficult by the fractured ownership of the land. For example, the village currently has many young children, but there are no facilities for play, other than the car parks or the beach. The owners of one of the larger lots in the centre of the village has, for example, offered the land as a playground/village open area. However this is near impossible to put into practice owing to the fragmented ownership of the land adjacent to it. Similarly, development and improvement of the ruined buildings in the centre of the village is also made more difficult by the fragmented ownership.

We therefore propose that there be a limited land swap, if possible, so that the government resumes the land in the centre of the village so that it can be used for improved facilities. The IV owners would then be given some government land in the expanded V zone area to the south east. The ruined buildings could then be rebuilt in their original style, for example, and used as an Information Centre for the village and the area, maybe even housing an AFCD Wardens Post. Proper shower facilities and toilets could also be accommodated (as long as they are not the usual LSD block houses). However, no co-ordinated improvements in the village can even be contemplated whilst so many different owners have so many different vested interests.

We also support the building of the AFCD Education Centre on part of the under-used barbecue area along the Hoi Ha Road.

Furthermore we also need to consider road access to the village, and the control of cars, buses, minivans etc. At the moment this is also under fragmented jurisdiction, as some of Hoi Ha Road is in Country Park, and thus under AFCD control, and the rest is in the enclave and under Police control. This needs to be regularised so that proper planning and control of access, parking and permits is achieved. Zoning the entire road issues and parking within the Country Park will allow resident AFCD wardens to monitor the area.

10.1.2 Access to the village

One benefit of zoning the area to the south west of the village as Country Park s that negotiating with the owners of the land for alternative footpath access to the village becomes possible. Currently, the original pedestrian access to the village, as shown on all Lands Department maps, is blocked as it traverses privately owned land. When this was owned by the IV residents there was no problem, but since it was sold to outside developers no access has been allowed and the footpath finishes halfway from the road to the village. It is clear for Figures 9.3 and 9.4 that access to the village needs improvement.

10.2 Outline Zoning Plan Proposals

There are two proposed OZP designs. These are shown in Figure 10.0 and 10.1. Each has its merit with regards to the spacing between the houses that may be approved for building in this area. OZP proposal 1 has closer house spacing than OZP Proposal 2. With regards to

the inclusion of SHP areas within the OZP, there would need to be a restructure of the application approval criteria.

The least sensitive area to allow for village expansion is in the south-east area of the DPA. The area includes the remnant Fung Shui Forest area, an area that needs to be preserved, and is woodland. The notion that it is primary woodland is not correct. The whole of the wooded area around the village was cut down for use in making lime. This activity only stopped after the Japanese Invasion of Hong Kong. So great was the demand for wood, it is recorded that the indigenous villagers (Yungs) had to rent more forested hillside land from the Tongs in order to keep the production going (Morton 1992a).

The area fringes, but does not totally occupy on an occasionally used wildlife corridor that extends from the pier along the southern section of the village. This corridor would have to remain. Note that protected species were recorded along the southern edge of the DPA boundary.

To allow the village to expand along the Pak Sha O river valley would be ecologically disastrous to the fauna in the area. A small, but significant population of protected animal species use this area for foraging and are frequent visitors to this area. It is highly likely that the reliable supply of fresh water and the very diverse ecology of the area provides for the needs of these animals. Data suggests that this is the termination of a wildlife corridor so plays a significant role in the life cycle of the animals present in the Pak Sha O River valley area. Note that some of the habitats in the Pak Sha O river valley, and inside the DPA are unique to the area. The flood plain and the permanent marsh area are clear examples of this. The mangrove area on the eastern side of the estuary is not common with the mangrove community on the opposite side of the river. This is in terms of species make-up and structure. Furthermore, the soil substratum in these areas is also very different, with the eastern side comprising of mud and the western area comprising of sand.

The river provides a convenient vehicle for silt and pollution to travel to the Hoi Ha Marine Park. The hydrology of this low lying area would allow for a very short soil hydrological barrier between anthropogenic pollution sources and the river leading straight to the Marine Park. The proposed village expansion area on the southern side of the DPA would present a much greater hydrological barrier to similar sources of pollution provided due consideration was given to the possibility of polluting streams in the area.

Finally, the change in surface run-off rate during periods of heavy rainfall would change the hydrology of the river. Morton and Che (1992) showed that the paved road connecting Hoi Ha Village to the Pak Tam Chung Road impacted the river flow rate and thus changed the shape of the estuary. Currently the mangrove community within the Pak Sha O River estuary relies on the lagoon to control the salinity, water outflow rate and for protection from wave action. An increase in maximum flow rate may remove the lagoon structure and thus cause a severe impact to this community and the shape of the beach.

Typically the law would have to change with regards to SHP being granted in the Country Parks. The key changes include eligibility and a removal of the "1 hectare rule" for EIA requirements. One way would be to include the following criteria:

- IV residents who were given government land grants previously are not eligible.
- IV residents who sold land inherited from relatives are not eligible.
- IV residents who have not resided in the village for a continuous period of 7 years are not eligible.
- IV residents with any property ownership that would be suitable for building a house are not eligible.
- All successful applicants must carry out an EIA with regards to the impacts that a house would have on the land granted to them and their proposed mitigation before building permission can be granted.

Since the process of the SHP is an application process only, and not law, it is possible for the CE to carry out the necessary amendments.

10.3 Proposal Rational

There are several key environmental factors, regarding the DPA, that need to be considered. One key objective here is the conservation of the village and its surrounding areas to give the best possible chance for a modernized but traditional village atmosphere to have a chance and to be encouraged. The alternative would be a drift towards the dead and abandoned villages we see scattered throughout the New Territories. The key factors for the proposed OZP are:

- The protection of a major ecologically sensitive area i.e. the section of the Pak Sha O River valley that falls within the DPA boundary. This area recorded the highest levels of sightings and species diversity of protected animals within the whole area. Furthermore, the data suggest that the wildlife corridor terminates at the opposite estuary. This indicates that an easy animal passage is required.

- There are some scattered endangered plant species recorded in the DPA. Some are seedlings recently planted. An effort should be made to protect these or relocate these to a more suitable location.

- The extended village area contains an intermittent flowing stream as well as some protected species and established trees. The proposed village area was sized to cater for this and to allow for sufficient infrastructure to be installed into the area for successful SHP applicants. The concept here is to avoid the indiscriminate cramming of houses into an area and opt for a more planned approach to the extended village area. Overseas data indicates that clusters of five houses are an appropriate size for minimization of land needed for domestic infrastructure needs.

- The extended village area was also sized to cater for limited land swap for IV resident land that is located in key areas within the village area proper. Hoi Ha Village needs to have some village common areas established. There should also be some restoration of the crumbling masses of falling down rubble that were once proud

traditional village houses. These need to be rebuilt to serve as village facilities, including a possible Marine Park Warden's sub-post.

- The area and possibly the exact position of the Fung Shui Forest is undetermined. It is shown in different places and as different sizes on several of the maps from different authorities. Previous deforestation, mainly as a result of the lime industry, impacted all of the forested areas around the village. The low recorded species richness (13), suggests that this forest is a much degraded forest area as well. Early aerial photographs of the village confirm extensive deforestation with only small clumps of trees at the back of the village. It is highly likely that the Fung Shui Forest of Hoi Ha was mostly cut down. It is expected that it will become a restoration project for the village and/or eco-tourist visitors, once the real boundary and extent is determined. This will not impact the novelty of such an area however, since it was common for villagers, in the past, to plant trees in this area to sustain this special area forest.

- Currently, the village part of the road is in the village area. Inclusion into the country park will allow Country and Marine Park Warden's to police this area in terms of traffic and pedestrian control.

10.4 Suggested procedure for achieving the zoning suggested.

There is a legal and political process involved in carrying out the recommended zoning. There are several considerations to this process that need to be considered.

- The Town Planning Board (TPB) cannot zone Country Park into an area. They can only make a strong recommendation that this be done. The TPB can zone the Village Zone (V-zone) and a Comprehensive Development Area (CDA) as recommended by this report.

- It is the responsibility of the Agriculture, Fisheries and Conservation Department (AFCD) to do the applications for gazettment and present these for further government approval.

- There is some concern regarding the protection of the area whilst this process is occurring. It is possible that the TPB and the AFCD to issue a stay on all building/improvement activities until this is done. This was the case at Tai Long Wan, and to some extent it worked. The success of such hold of work, depends upon public support for the conservation of the area. This is especially true with regard to developers using any interim zoning as an excuse to 'rehabilitate' abandoned agricultural land, this laying waste to a highly sensitive ecological area, as they have done at Pak Sha O.

- There is also the problematic issue of an incomplete OZP if the recommendation of proposing all of the unassigned area, within the OZP, to CP is not deemed as a

proper land use. This should only be a technicality, however since actually there was a recommended zoning.

10.5 Suggested future development of Hoi Ha

Any planning recommendation needs to cater for future use. This report recommends that the area of Hoi Ha and Hoi Ha Wan only be allowed to be exploited in a sustainable way for either recreation, educational, nature-tourism or eco-tourism resource. The current bus loads of local, mainland and overseas tourists should be discouraged, mainly because the area is not set up to cater for them, nor does it have anything to offer them in terms of value for money.

However in order to cater for a future sustainable use future, some key infrastructure is required. This is listed below:

10.5.1 For recreation:

- The old boat ramp needs attention and stabilization.
- The village footpaths need to be made more wheelchair friendly.
- Another mooring buoy needs to be added to the single one in front of the second beach.
- A proper toilet block and changing area needs to built near the main beach at Hoi Ha. This could be in traditional Hakka village house style, or inside one of a restored village house.
- A pathway to the second BBQ site needs to be opened up in front of the existing water works pumping station at Hoi Ha.

10.5.2 For education:

- The long overdue AFCD Education Facility needs to be finalized and construction begun immediately.
- A proper reserve for the Asian porcupine needs to be established near the AFCD Centre.
- A proper set of Educational nature trails needs to be set up to support this facility.

10.5.3 For nature-tourism:

- A planned set of nature trails need suitable for this need. These should extend the whole length of the Pak Sha O River valley
- Training should be provided so that local residents can be informed about the area and they should be encouraged to act as nature tour guides; after all they probably know more about the area than those not born there. This would also encourage further development of locally based, resident run, small eco-tourism based enterprises. (See below).

10.5.4 For eco-tourism:

- A series of proper eco based projects need to be established in this area. These should be supported by the government and run by the local villagers and other green NGOs. Typically such activities as bird watching, rubbish collection, re-forestation of damaged areas, etc.

10.5.5 For village infrastructure:

- An alternative footpath access to the village.
- Additional fire hydrants need to be added to this village.
- A proper waste water system should be designed and installed for this village.
- A more village-centric public transport schedule for the minibus to the village.
- The parking situation at the village, especially during times of peak visitation should be resolved by using half of the road for parallel parking.

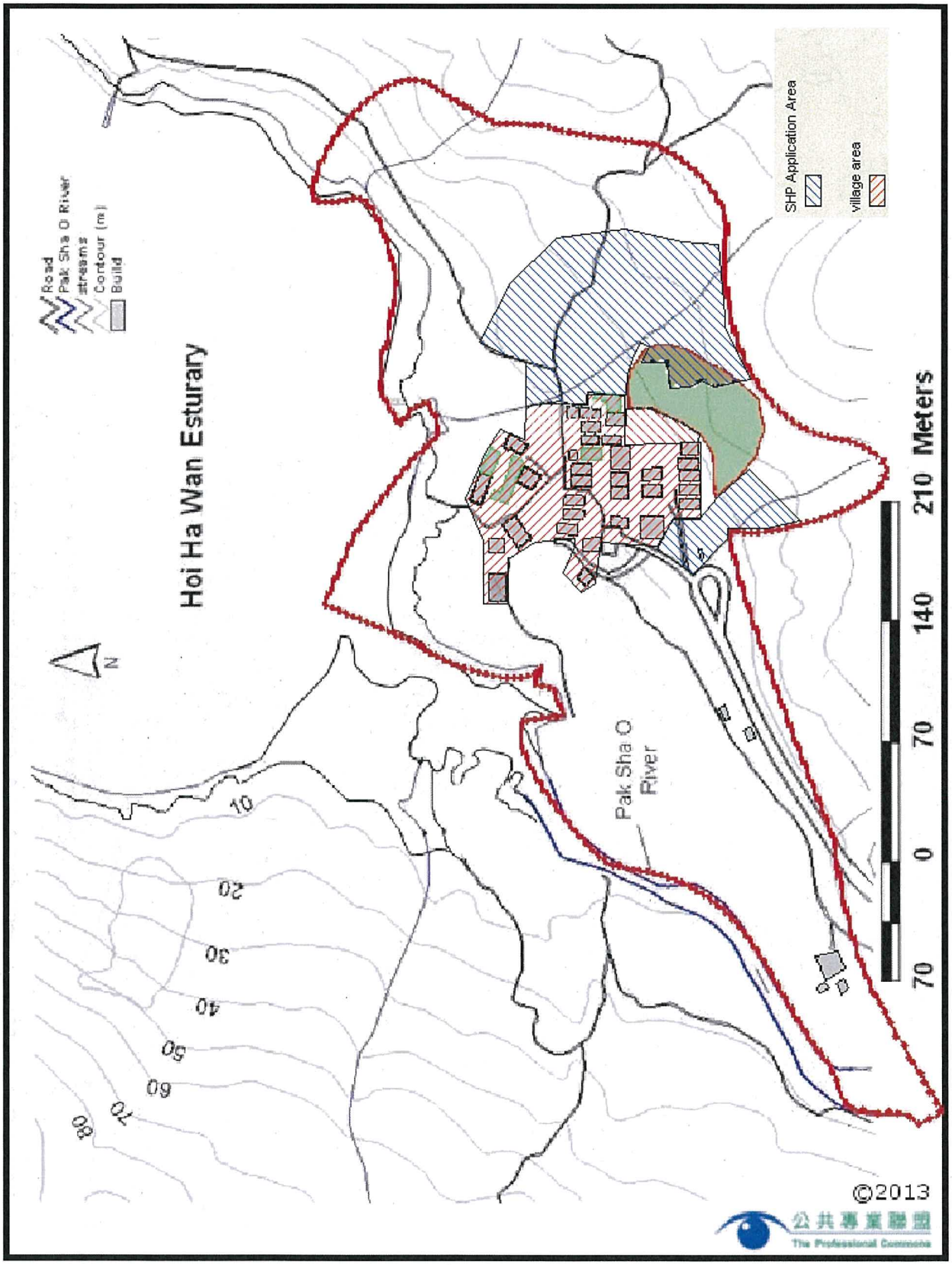


Figure 10.1 OZP proposal #1

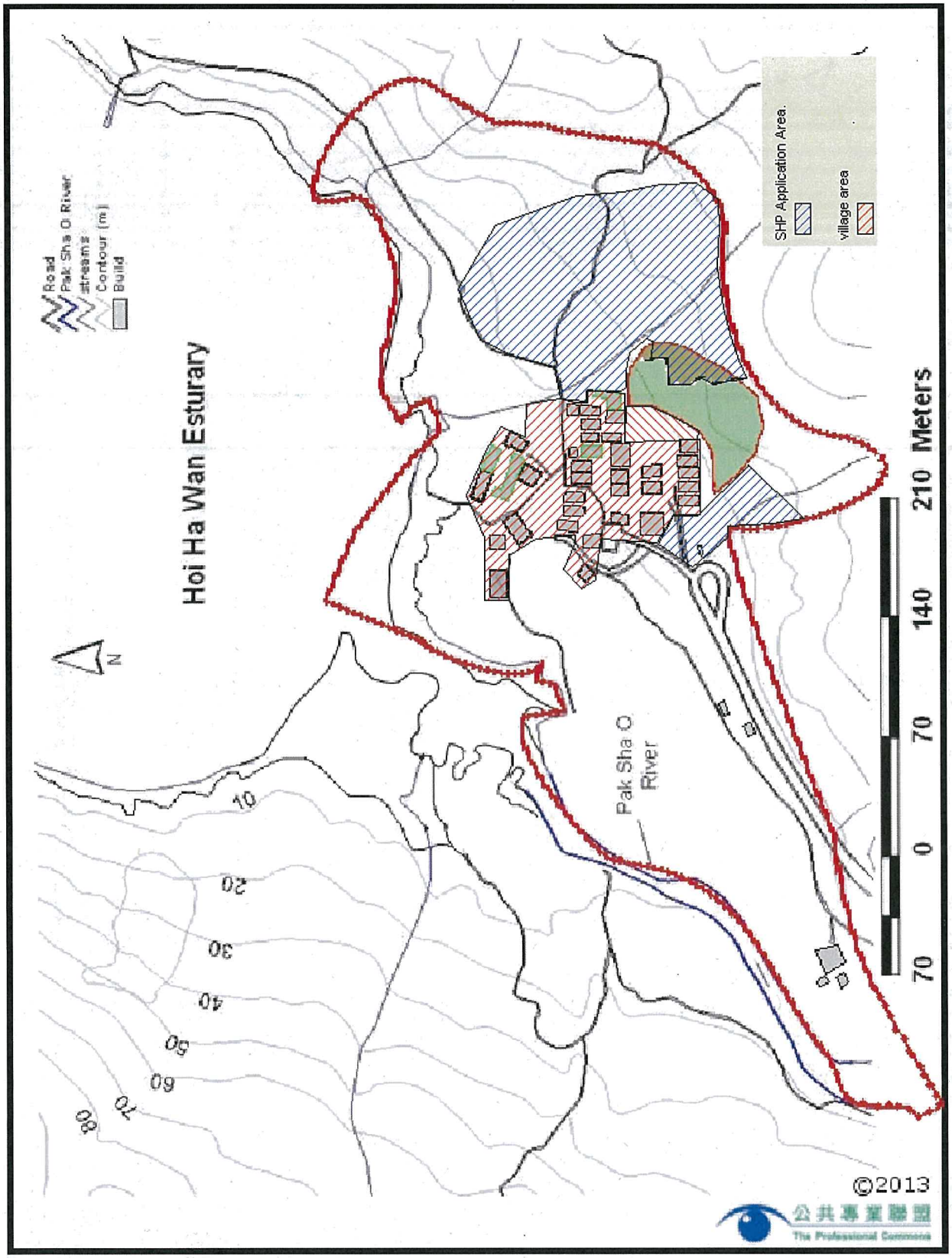


Figure 10.2 OZP Proposal #2

References:

AFCD 2002. The Fung Shui Forests in Hong Kong. Results of the AFCD Working Group. Unpublished Report. Agricultural Fisheries and Conservation Department of the Hong Kong SAR Government. 2002.

Bradbeer, R, Hodgson, P, Ku, K, Lam, K and Yeung, L F, (2008a) "A low-cost, three-dimensional and real-time marine environment monitoring system, Databuoy, with connection to the Internet", Oceans 08 MTS/IEEE Kobe Techno-Ocean-08, Japan, 2008.

Bradbeer, R, Hodgson, P A, Lam, K Y and Ku, K K, (2007) "Establishment of a three dimensional, real-time marine environment monitoring system, DataBuoy™ I, in the Hoi Ha Wan Marine Park, Hong Kong, with connection to the internet", Mechatronics and Machine Vision in Practice, 2007. M2VIP 2007. 14th International Conference on, Hong Kong, PRC, 2007, pp 174-178.

Bradbeer, R, Hodgson P, Ku, K, Lam, K, Yeung, L F and Zhan, C J, (2008b) "Towards a 3-dimensional model of Hoi Ha Wan Marine Park , Hong Kong", Oceans 08 MTS/IEEE Quebec, Canada, 2008.

Ceballos-Lascurain H., 1996. "Tourism, ecotourism, and protected areas". IV World congress on National Parks and Protected Areas, 1996. IUCN Publication.

Chan K. Y. 1992. "The Mangrove Community of Hoi Ha wan, Hong Kong". *Marine flora and Fauna of Hong Kong and Southern China 3*. 2. (1992): Hong Kong University Press. 815-821.

Choi K. C. 1992, "Intertidal Crabs of Hoi Ha Wan". *Marine flora and Fauna of Hong Kong and Southern China 3*. 2. (1992): Hong Kong University Press. 899 - 908.

Cope M. and Morton B. 1988. The Scleractinian Coral Community at Hoi Ha Wan. Hong Kong: *Asian Marine Biology* 5:41-52.

Day, J. H. 1981. The nature, origin and classification of estuaries. In Estuarine Ecology (ed. J. H. Day), Rotterdam: A. A. Balkema.

EPD 2006. "Fung Shui Woods in Hong Kong". Advisory Council on the Environment Nature Conservation Subcommittee. Committee Paper NCSC 9/06.

Erseus C. 1992. "Oligochaeta from Hoi Ha Wan", *Marine flora and Fauna of Hong Kong and Southern China 3*. 2. (1992): Hong Kong University Press. 909 - 917.

Lam, K. and Morton, B. (2004). The oysters of Hong Kong (Bivalvia: Ostreidae and Gryphaeidae). The Raffles Bulletin of Zoology 52(1): 11-28.

Lam, K.. Shin, P. K. S, Bradbeer, R. S. Randall, D. Ku, K. K. Hodgson, P. and Cheung, S. G. (2006) "A comparison of video and point intercept transect methods for monitoring subtropical coral communities", Journal of Experimental Marine Biology and Ecology, Volume 333, Issue 1, Pages 115-128

Lam, K Y, Bradbeer, R, Shin, K S, Ku, K K and Hodgson, P A, (2007) "Application of a real-time underwater surveillance camera in monitoring of fish assemblages on a shallow coral communities in a marine park", Oceans 2007, Canada, 2007, pp 1-7.

Morton B. and Morton J. 1983. *The Seashore Ecology of Hong Kong.* Hong Kong: Hong Kong University Press.

Morton, B. 1992a. "Introduction to Hoi Ha Wan", *Marine flora and Fauna of Hong Kong and Southern China 3*. 2. (1992): Hong Kong University Press. 781-785.

Morton, B, and Che R. O. 1992. "Morphology and sediment dynamics of the sand beach at Hoi Ha Wan.", *Marine flora and Fauna of Hong Kong and Southern China 3*. 2. (1992): Hong Kong University Press. 787-800.

Oceanway 2002. Corals and coral communities of Hong Kong: Ecological values and status 2001-02, Underwater Survey in Coastal Waters of Hong Kong. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2005. Mitigation of Damaged Coral Areas in the Hoi Ha Wan Marine Park at Moon Island and Gruff Head - Technical Report. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2011a. Field Diving Surveys at Hoi Ha Wan. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2011b. Coral Survey, Hoi Ha Wan Month Report – January 2011. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2011c. Coral Survey, Hoi Ha Wan Month Report – February 2011. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2011d. Coral Survey, Hoi Ha Wan Month Report – March 2011. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2011e. Coral Survey, Hoi Ha Wan Month Report – April 2011. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2011f. Coral Survey, Hoi Ha Wan Month Report – May 2011. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2011g. Coral Survey, Hoi Ha Wan Month Report – June 2011. Unpublished document to the Agriculture, Fisheries and Conservation Department of the Hong Kong (SAR) Government. Hong Kong.

Oceanway 2013. Metocean Report for 2012,. Unpublished document to the Civil Engineering Development Department of the Hong Kong (SAR) Government. Hong Kong.

Shea, S. S. 1992. "Benthic Macro invertebrate Community Changes in a Fresh Water-Sea Water Transition at Hoi Ha Wan, Hong Kong". *Marine flora and Fauna of Hong Kong and Southern China 3*. 2. (1992): Hong Kong University Press. 801-814.

Tam F. Y. N., Wong T. S. 2012. *Hong Kong Mangroves*. Hong Kong: City University of Hong Kong Press.

Zou R., Wang Z. 1992; "A Resurvey of the Corals at Hoi Ha wan after Eight Years and the Tai Leng Tun Borrow Area". *Marine flora and Fauna of Hong Kong and Southern China 3*. 2. (1992): Hong Kong University Press. 837-849.

Appendix A - Plant Species Recorded in the Hoi Ha Area

Scientific Name	Chinese Common Name	Growth Form	Distribution and status in HK	Abundance
Abrus mollis	毛相思子	Climber	Restricted	1
Acacia confusa	台灣相思	Tree	Exotic, Common	1
Achyranthes aspera	土牛膝	Herb	Common	1
Acorus gramineus	石菖蒲	Herb	Very common	1
Adiantum flabellulatum	扇葉鐵綫蕨	Herb	Very common	1
Aegiceras corniculatum	桐花樹	Shrub	Commonnn	2
Ageratum conyzoides	藿香薊, 勝紅薊	Herb	Exotic, very common	1
Alangium chinense	八角楓	Tree	Common	2
Albizia lebbeck	大葉合歡	Tree	Exotic, Common	1
Alchornea trewioides	紅背山麻杆	Shrub	Common	1
Alocasia cucullata	尖尾芋	Herb	Restricted	1
Alocasia macrorrhizos	海芋	Herb	Very common	1
Alternanthera philoxeroides	空心蓮子草	Herb	Exotic, Common	1
Antidesma bunius	五月茶, 五味子	Tree	Common	1
Aporusa dioica	銀柴	Tree	Very common	3
Aquilaria sinensis	土沉香	Tree	Common, Protected under Cap. 586	2
Archidendron clypearia	猴耳環	Tree	Common	1
Ardisia crenata	大羅傘	Shrub	Common	1
Ardisia lindleyana	山血丹	Shrub	Common	1
Ardisia quinquegona	羅傘	Small tree	Very common	1
Asclepias curassavica	馬利筋	Herb	Exotic, Common	1
Asparagus cochinchinensis	天門冬	Shrub	Common	1
Atalantia buxifolia	酒瓶筋	Shrub	Common	1
Axonopus compressus	地毯草	Herb	Exotic, Common	1
Bambusa spp.	竹屬	Bamboo	Common	1
Bauhinia championii	缺葉藤	Climber	Common	1
Bauhinia glauca	粉葉羊蹄甲, 羊蹄甲藤	Climber	Very common	3
Blechnum orientale	烏毛蕨	Herb	Very common	1
Breynia fruticosa	黑面神	Shrub	Very common	1
Bridelia tomentosa	土蜜樹	Tree	Very common	2
Brucea javanica	鴨腳子, 苦參子	Tree	Common	1
Byttneria aspera	刺果藤	Climber	Very common	3
Callicarpa kochiana	枇杷葉紫珠	Shrub	Common	1
Canavalia lineata	狹刀豆	Climber	Common	1
Carica papaya	番木瓜	Tree	Exotic, Planted	1
Cayratia corniculata	角花烏蘞莓	Climber	Very common	1
Celtis timorensis	假玉桂, 檉葉朴	Tree	Restricted	1
Centella asiatica	崩大碗	Herb	Very common	1
Centotheca lappacea	假淡竹葉	Herb	Common	1
Cerbera manghas	海芒果	Tree	Common	1
Chrysopogon aciculatus	竹節草, 假雀麥	Herb	Very common	3
Cleistocalyx nervosum	水翁	Tree	Common	3
Clerodendrum inerme	苦郎樹, 假茉莉	Shrub	Common	1
Colocasia esculenta	芋	Herb	Cultivated	1
Commelina diffusa	節節草	Herb	Common	2
Cratoxylum cochinchinense	黃牛木	Tree	Very common	1
Crinum asiaticum var. sinicum	文殊蘭	Herb	Exotic, Common	1
Cyclosorus interruptus	間羽毛蕨	Herb	Common	1
Cyclosorus parasiticus	華南毛蕨	Herb	Very common	1
Cyperus difformis	異型莎草	Herb	Very common	1
Cyperus haspan	畦畔莎草	Herb	Common	1
Cyrtococcum patens	弓果黍	Herb	Very common	1
Dalbergia benthamii	兩粵黃檀	Climber	Common	1
Daphniphyllum calycinum	牛耳楓	Tree	Common	1
Dendrotrophe varians	寄生藤	Parasite	Very common	1
Derris trifoliata	魚藤	Climber	Common	1
Desmodium triflorum	三葉山蚂蝗	Herb	Very common	1
Desmos chinensis	假鷹爪	Climber	Common	2
Dicranopteris pedata	芒萁	Herb	Very common	1
Digitaria ciliaris	升馬唐	Herb	Very common	1
Dimocarpus longan	龍眼, 桂圓	Tree	Exotic, Restricted	1
Dioscorea bulbifera	黃獨	Climber	Common	1
Diploclisia glaucescens	蓪白薇粉防己	Climber	Common	1
Dischidia chinensis	眼鏡蓮, 瓜子金	Climber	Restricted	1
Ehretia longiflora	長花厚殼樹	Tree	Restricted	1
Elaeagnus loureirii	鐵色鹹藤, 羅氏胡頹子	Climber	Common	2
Eleocharis ochrostachys	假荸薺, 假馬蹄	Herb	Restricted	2
Elephantopus scaber	地膽草	Herb	Common	1
Elephantopus tomentosus	白花地膽草	Herb	Common	1
Eleusine indica	牛筋草	Herb	Exotic, very common	1
Eleutherococcus trifoliatus	白簕	Climber	Restricted	1
Emilia sonchifolia	一點紅	Herb	Very common	1
Entada phaseoloides	榼藤	Climber	Very rare	2
Eriocaulon truncatum	頭狀穀精草	Herb	Common	1
Excoecaria agallocha	海漆	Tree	Common	2
Ficus hirta	粗葉榕	Shrub	Common	1

Scientific Name	Chinese Common Name	Growth Form	Distribution and status in HK	Abundance
Ficus hispida	對葉榕	Tree	Very common	2
Ficus microcarpa	細葉榕	Tree	Common	1
Ficus pumila	薜荔	Climber	Very common	1
Ficus pyriformis	舶梨榕	Shrub	Common	1
Ficus tinctoria	斜葉榕	Tree	Restricted	1
Fimbristylis nutans	點頭飄拂草	Herb	Restricted	1
Fimbristylis sieboldii	錢蘚飄拂草	Herb	Common	1
Floscopa scandens	聚花草	Herb	Common	1
Gardenia jasminoides	梔子	Shrub	Common	1
Glochidion eriocarpum	毛果算盤子	Tree	Very common	1
Glochidion hirsutum	厚葉算盤子	Tree	Common	1
Gnetum luofuense	羅浮買麻藤	Climber	Common, IUCN Near Threatened	2
Gymnanthera oblonga	海島藤	Climber	Widely established	1
Gynura bicolor	兩色三七草	Herb	Exotic, Common	1
Hedyotis diffusa	白花蛇舌草	Herb	Very common	1
Hibiscus tiliaceus	黃槿	Tree	Common	4
Hypericum japonicum	地耳草	Herb	Very common	1
Hypserpa nitida	夜花藤	Climber	Very common	1
Ilex asprella	梅葉冬青	Shrub	Very common	1
Impatiens chinensis	華鳳仙	Herb	Common	3
Ipomoea triloba	三裂葉薯	Climber	Exotic, Common	1
Kyllinga brevifolia	短葉水蜈蚣	Herb	Common	1
Kyllinga nemoralis	單穗水蜈蚣	Herb	Very common	1
Kyllinga polyphylla	多根水蜈蚣	Herb	Exotic, Common	1
Lantana camara	馬纓丹	Shrub	Exotic, very common	1
Leucaena leucocephala	銀合歡	Tree	Exotic, very common	1
Ligustrum sinense	山指甲	Shrub	Common	1
Lindernia crustacea	母草	Herb	Restricted	1
Lindernia rotundifolia	泥花草	Herb	Restricted	1
Lindsaea orbiculata	團葉鱗始蕨	Herb	Very common	1
Liriope spicata	山麥冬, 麥門冬	Herb	Very common	1
Litsea glutinosa	潤楠	Tree	Very common	1
Litsea monopetala	假柿木薑子	Tree	Restricted	1
Lonicera macrantha	大花忍冬	Climber	Common	1
Ludwigia adscendens	水龍	Herb	Common	1
Lygodium japonicum	海金沙	Climber	Very common	1
Lygodium scandens	小葉海金沙	Climber	Common	1
Macaranga tanarius var. tomentosa	血桐	Tree	Common	1
Machilus chekiangensis	浙江潤楠	Tree	Very common	1
Maesa perlarius	鱗花酸藤	Shrub	Common	1
Mallotus paniculatus	白楸	Tree	Very common	1
Melastoma malabathricum	野牡丹	Shrub	Common	2
Melastoma sanguineum	毛菍	Shrub	Common	1
Melodinus suaveolens	山橙	Climber	Common	1
Microcos nervosa	破布葉, 布渣葉	Tree	Common	1
Microstegium ciliatum	刚竹	Herb	Very common	1
Mikania micrantha	薇甘菊	Climber	Exotic, very common	1
Mimosa pudica	含羞草	Herb	Exotic, very common	1
Miscanthus sinensis	芒	Herb	Very common	1
Morinda cochinchinensis	大果巴戟	Shrub	Rare	2
Morinda parvifolia	雞眼藤	Shrub	Very common	1
Mussaenda erosa	楠藤	Shrub	Common	2
Musa x paradisiaca	大蕉	Herb	Commonly cultivated	1
Neottopteris nidus	巢蕨	Herb	Restricted, protected under Cap.96	1
Paederia scandens	雞矢藤	Climber	Very common	1
Pandanus austrosinensis	露兜草	Herb	Common	1
Pandanus tectorius	露兜樹	Small tree	Very common	1
Panicum brevifolium	短葉黍	Herb	Very common	1
Panicum dichotomiflorum	水生黍	Herb	Common	2
Paspalum distichum	雙穗雀稗	Herb	Common	2
Pavetta hongkongensis	香港大沙葉	Shrub	Common, Protected under Cap. 96	1
Perilla frutescens	紫蘇	Herb	Restricted	1
Philydrum lanuginosum	田薑	Herb	Common	1
Phoenix loureiroi	刺葵	Shrub	Common	1
Phyllanthus emblica	餘甘子, 油甘子	Tree	Very common	1
Phyllanthus urinaria	葉下珠	Herb	Common	1
Pilea microphylla	小葉冷水花	Herb	Exotic, very common	1
Piper sarmentosum	假蒟	Herb	Restricted	1
Polygonum chinense	火炭母	Herb	Very common	1
Polyspora axillaris	大頭茶	Tree	Very common	1
Pothos chinensis	石柑	Climber	Very common	1
Praxelis clematidea	假臭草	Herb	Exotic, very common	1
Psidium guajava	番石榴	Tree	Exotic, Common	1
Psychotria asiatica	九節	Shrub	Very common	2
Pteris semipinnata	半邊旗	Herb	Very common	2

Scientific Name	Chinese Common Name	Growth Form	Distribution and status in HK	Abundance
Pueraria lobata	野葛	Climber	Very common	2
Pyrrosia adnascens	貼生石韋	Herb	Common	1
Rhaphiolepis indica	車輪梅	Shrub	Very common	1
Rhus hypoleuca	白背鹽膚木	Tree	Common	1
Rhus succedanea	野漆樹	Tree	Common	1
Ricinus communis	蓖麻	Shrub	Exotic, Restricted	1
Rourea microphylla	小葉紅葉藤 紅葉藤	Climber	Common	1
Rubus reflexus	蛇泡筋	Shrub	Very common	1
Ruellia coerulea	蘭花草	Herb	Exotic, Common	1
Sageretia thea	雀梅藤	Shrub	Common	1
Sapium discolor	山烏桕	Tree	Very common	1
Sapium sebiferum	烏桕	Tree	Common	1
Sarcandra glabra	草珊瑚	Shrub	Common	1
Sargentodoxa cuneata	大血藤	Climper	Very rare	1
Schefflera heptaphylla	鵝掌木	Tree	Very common	2
Scolopia chinensis	刺柊	Tree	Common	1
Scutellaria indica	韓信草	Herb	Common	1
Senecio scandens	千里光	Climber	Common	1
Senna alata	翅荚決明	Shrub	Exotic, Common	1
Sida acuta	黃花稔	Shrub	Common	1
Smilax glabra	土茯苓	Shrub	Very common	1
Solanum torvum	水茄	Shrub	Exotic, Common	1
Spermacoce stricta	豐花草	Herb	Restricted	1
Sphaerocaryum malaccense	稗荩	Herb	Common	1
Sphenomeris chinensis	烏韭	Herb	Common	1
Sporobolus fertilis	鼠尾粟	Herb	Very common	1
Stephania longa	千金藤	Climber	Common	1
Sterculia lanceolata	假蘋婆	Tree	Very common	3
Symplocos cochinchinensis var. laurina	黃牛奶樹	Tree	Common	3
Syzygium hancei	紅鱗蒲桃	Tree	Common	1
Syzygium jambos	蒲桃	Tree	Exotic, Common	1
Syzygium levinei	山蒲桃	Tree	Common	1
Tetracera asiatica	錫葉藤	Climber	Very common	3
Tetradium glabrifolium	棟葉吳茱萸	Tree	Common	1
Teucrium viscidum	血見愁 山藿香	Herb	Common	1
Tibouchina semidecandra	巴西野牡丹	Shrub	Exotic, Common	1
Toona rubriflora	紅花香椿	Tree	Restricted	1
Urena lobata	肖梵天花	Shrub	Common	1
Urena procumbens	梵天花	Shrub	Common	1
Utricularia bifida	挖耳草	Herb	Common	1
Uvaria macrophylla	紫玉盤	Climber	Common	1
Vernonia cinerea	夜香牛	Herb	Very common	1
Viburnum odoratissimum	珊瑚樹	Tree	Very common	3
Wikstroemia indica	了哥王	Shrub	Common	1
Zanthoxylum nitidum	兩面針	Shrub	Very common	2

TPB/R/S/NE-HH/1- 10882

Pui Lam Jocelyn HO
[redacted]
27/11/2013 下午 03:17

To Town Planning Board <tpbpd@planc
cc dafcoffice@afcd.gov.hk
dlosk@landsd.gov.hk
dep@epd.gov.hk
bcc
Subject Comments on 3 Draft OZPs - Hoi Ha, Pak Lap, So Lo Pun

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir or Madam,

Please refer to the attachments for the HKBWS's comments on the Draft OZPs for Hoi Ha, So Lo Pun and Pak Lap. -Thank you.

Best regards,

Jocelyn Ho

Senior Conservation Officer
The Hong Kong Bird Watching Society
7C, V Ga Building, 532 Castle Peak Road, Lai Chi Kok, Kowloon, Hong Kong

Tel: (852) 23774387 Fax: (852) 23143687

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HKBWS_Comments_PakLapdraftOZP_20131127.pdf HKBWS_Comments_SoLoPundraftOZP_20131127.pdf

(27)

TPB/R/S/NE-HH/1- 10882

Secretary, Town Planning Board
15/F, North Point Government Offices
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香港觀鳥會
THE HONG KONG BIRD WATCHING SOCIETY
Since 1957 成立

BirdLife INTERNATIONAL PARTNER
國際鳥盟會成員
BirdLife International Partner Designate

27 Nov 2013

Dear Sir/Madam,

Comments on Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/D – Further Consideration of a New Plan

The Hong Kong Bird Watching Society (HKBWS) would like to raise our concerns on the Draft Hoi Ha Outline Zoning Plan (OZP). In the 2010 Policy Address, Donald Tsang promised to include Country Park enclaves into CPs or determine their proper uses through statutory planning in order to meet conservation and social development needs[1]. However, the Draft Hoi Ha OZP does not provide sufficient protection to the natural environment of Hoi Ha and we would like bring your attention to the following concerns:

1. **Impacts to Hoi Ha Wan Marine Park**

1.1 Sewage Discharge

The coastline of Hoi Ha borders the marine waters of the Hoi Ha Wan Marine Park, an area that has been known to be of great ecological interest since the 1980s when it was first recognized as the Hoi Ha Wan Site of Special Scientific Interest (SSSI)[2]. Hoi Ha Wan Marine Park supports a high diversity of corals, 64 species of stony corals and over 120 species of coral associated fishes[3]. Additionally, six species of mangrove plus other marine invertebrates have also been recorded there[3]. Aside from natural resources, seven artificial reefs have been deployed there as part of the Hong Kong Artificial Reef Project[4]. These

[1] Hong Kong SAR Government (2010). Address by the Chief Executive The Honourable Donald Tsang at the legislative Council Meeting on 13 October 2010. Available at: http://www.policyaddress.gov.hk/10-11/eng/p122.html

[2] Planning Department (1995). Register of Sites of Special Scientific Interest. Planning Department of the Hong Kong SAR Government

[3] Agriculture, Fisheries and Conservation Department (2013). Hoi Ha Wan Marine Park – monitoring. AFCD, Hong Kong SAR Government. Available at: http://www.afcd.gov.hk/english/country/cou_vis/cou_vis_mar/cou_vis_mar_mon/cou_vis_mar_mon_eco_hhw.html

[4] Agriculture, Fisheries and Conservation Department (2013). Hong Kong Artificial Reef Project – Hoi Ha Wan. AFCD, Hong Kong SAR Government. Available at: http://www.artificial-reef.net/English/main.htm.

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27

ecological sensitive receivers have been known to be threatened by water pollution and sediments from Tolo Channel dating all the way back to 1989[1]. The change of landuse in Hoi Ha as proposed in the draft OZP would further increase the pollution load into Hoi Ha Wan Marine Park. Small house development in the V zone would allow for 94 more houses to be built, which would heavily increase the amount of nutrient-rich pollutants in Hoi Ha Wan as the sewage from these houses would not be treated at a sewage treatment plant, but instead rely solely on on-site septic tanks and soakaway systems.

1.2 Agriculture Land Use

Due to the close proximity to Hoi Ha Wan Marine Park and the topographic characteristics of Hoi Ha being that surface runoff drains into Hoi Ha Wan, agricultural land use should be kept at minimum to prevent increase of nutrient load in Hoi Ha Wan. Agricultural uses in GB should be removed from Column 1 (always permitted) but instead by only permitted after further considerations of the Town Planning Board (Column 2). We also suggest to remove agriculture uses in CPA and CA zone (refer to Section 4).

We are concerned that the additional sewage discharge and agricultural land uses would adversely impact the marine ecosystem of Hoi Ha Wan Marine Park as corals and the associated reef fishes are sensitive to excess nutrients and turbidity. Deteriorated water quality would result in a lower coverage of hard corals and decline in fish abundance[5].

2 Impacts to Natural Habitats Resulting from Village Zone

The proposed V zone where no small houses currently exist is made up of secondary woodland and disturbed woodland[6]. Some parts of the V zone edge also borders an existing marsh and natural stream (Figure 1). The provision of land for small house developments would not only result in the loss of the woodland habitats, it would also result in human disturbances to the natural stream (Figure 2) and tidal creek which are foraging grounds Brown Fish Owls. Brown Fish Owls are scarce residents in Hong Kong which feed in undisturbed, unpolluted lowland streams and tidal creeks[7]. This species is considered to be of

[5] Reopanichkul, P., Schlacher, T. & Carter, R. W. (2009). Sewage impacts coral reefs at multiple levels of ecological organization. *Marine Pollution Bulletin, 58* 1356-1362.

[6] Asia Ecological Consultants (2012). Ecological Survey Appraisal Report for DPA Area Hoi Ha, Sai Kung

[7] Carey, G.J., Chalmers, M.L., Diskin, D.A., Kennerley, P.R., Leader, P.J., Leven, M.R., Lewthwaite, R.W., Melville, D.S., Turnbull, M. and Young, L. 2001. The Avifauna of Hong Kong.Hong Kong Bird Watching Society. Hong Kong.

Regional Concern[8] and it is also listed under Class II in the List of Wild Animals Under State Protection in China. Their habitat requirements are particular and with the low number of natural stream with undisturbed tidal creeks remaining in Hong Kong, this habitat type in Hoi Ha should be highly protected. The proposed V zone should be restricted to where the existing small house development is located and not encroach natural habitats.

3 **Replace Green Belt Zone with Conservation Area and Coastal Protection Area**

The proposed GB zone should be changed to CPA and CA in order to provide adequate protection to the natural coastline, natural stream, marsh (Figure 3) and the associated woody and shrubby areas. The marsh also supports a very rare plant species, *Gymnanthera oblonga*[6]. Given that the list of permitted uses (Column 1) in GB includes agriculture use, barbecue spot, government use (police reporting center only), tent camping ground and wild animals protection area these habitats of high ecological value would be destroyed.

4 **Amendments to Column 1 of Conservation Area and Coastal Protection Area**

Land uses that could result in direct loss of natural habitat and indirect impacts to Hoi Ha Wan and other natural areas should be either completely removed from the schedule of uses or removed from Column 1 of schedule of uses and moved to Column 2 which requires a permit. As such, we propose agriculture use and on-farm domestic structure to be totally removed from the schedule of uses. Whilst nature trail and wild animals protection area to be moved to Column 2.

5 **Composition of Bird Population at Hoi Ha**

Aside from the existing village, the surrounding natural habitats of Hoi Ha support a diverse populations of birds, 104 species have been recorded at the various habitats of Hoi Ha[9]. Of the total species of birds recorded, 21 are considered to be of conservation interest (Table 1). The significance of the bird composition at Hoi Ha correlates with the naturalness and diversity of different habitat types (natural stream, secondary woodland, marsh and coastal area). Flycatchers, warblers, babblers and thrushes roost and forage at the secondary woodland. Waterbirds including terns, ardeids and kingfishers forage along the coastal area

[8] Fellowes, J.R., Lau, M.W.N., Dudgeon, D., Reels, G.T., Ades, G.W.J., Carey, G.J., Chan, B.P.L., Kendrick, R.C., Lee, K.S., Leven, M.R., Wilson, K.D.P. and Yu, Y.T. 2002. Wild animals to watch: Terrestrial and freshwater fauna of conservation concern in Hong Kong. *Memoirs of the Hong Kong Natural History Society* No. 25, 123-160.

[9] HKBWS internal records and bird species recorded from Asia Ecological Consultants (2012). Ecological Survey Appraisal Report for DPA Area Hoi Ha, Sai Kung

and owls, wagtails and raptors forage in the natural stream. Out of these groups, a number of species are of Local Concern [8] and listed under Class II protection in China (Table 1). We urge the Town Planning Board to acknowledge the ecological value of the bird community and to take into consideration protecting these associated habitats from any development and human disturbances.

6 **Hoi Ha as an Environmentally Sensitive Location Under the EIAO Guidelines**

If we consider the village house development as a whole and apply it to the EIAO guidelines, it qualifies as a schedule 2 designated project under category Q1, "All projects including new access roads, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works partly or wholly in an existing or gazette proposed country park or special area, a conservation area, an existing or gazette proposed marine park or marine reserves, a site of cultural heritage and a site of special scientific interest"[10]. The cumulative impacts of the potential 94 additional small houses need to be assessed properly. The V zone is located less than 500 m from a Marine Park/SSSI, adjacent to the proposed CPA and CA and within the Hoi Ha Site of Archaeological Interest[11] and within 500 m from the Hoi Ha Lime Kiln (which is also considered as a site of archaeological interest) (Figures 1 and 4). We are concerned that the extensive area of V zone would result in adverse environmental impacts to these sensitive receivers nearby. For a sensitive site like Hoi Ha, we urge the Town Planning Board to take into consideration the cumulative impacts (direct and indirect impacts) of such large V zone.

The HKBWS respectfully requests the Town Planning Board to consider our concerns on the draft Hoi Ha OZP. Based on the reasons above, we hope the Town Planning Board will consider to incorporate Hoi Ha as part of the Sai Kung West Country Park.

Yours faithfully,

[10] Environmental Protection Department (2007). A Guide to the Environmental Impact Assessment Ordinance. Hong Kong SAR Government.

[11] Antiquities and Monuments Office (2012). List of Sites of Archaeological Interest in Hong Kong (as at Nov 2012). Hong Kong SAR Government.

Jocelyn Ho
Senior Conservation Officer
Hong Kong Bird Watching Society

cc:
Mr. Alan Wong, Director of Agriculture, Fisheries and Conservation
Mr. Simon Wang, District Lands Officer, Sai Kung
Ms. Anissa Wong, Director of Environmental Protection
Mr. KK Ling, Director of Planning

Figure 1

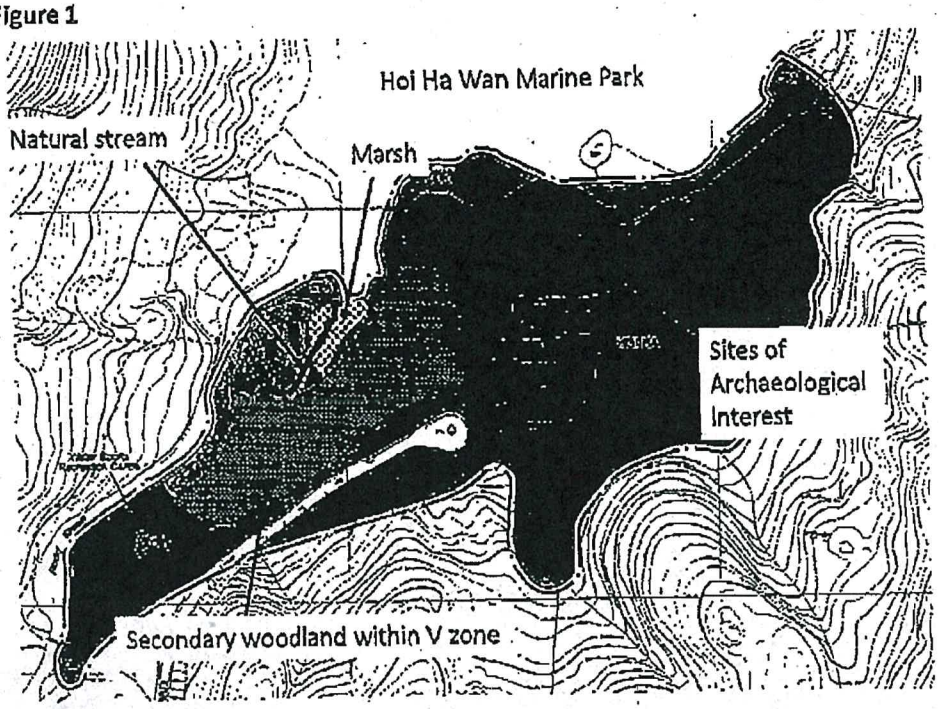


Figure 2 – Natural Stream

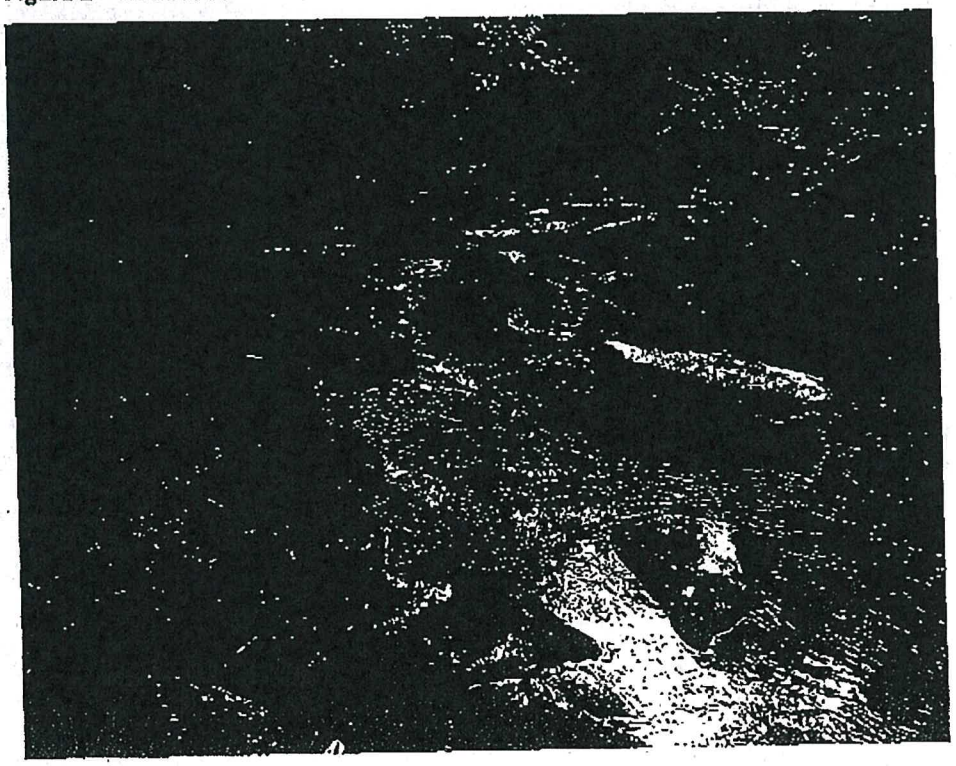


Figure 3 - Marsh



Figure 4 – Lime Kiln at Hol Ha



Table 1 – List of Birds Recorded at Hoi Ha from Internal Records of HKBWS and Ecological Survey Appraisal Report by Asia Ecological Consultants

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Chinese Francolin	*Francolinus pintadeanus*	Common	R	-	-	-	-
Black-crowned Night Heron[9]	*Nycticorax nycticorax*	Common	P	(LC)	-	-	-
Striated Heron[8]	*Butorides striatus*	Uncommon in summer, Scarce in winter	Su	(LC)	-	-	-
Great Egret[9]	*Ardea modesta*	Common	P	PRC (RC)	-	-	-
Pacific Reef Heron[9]	*Egretta sacra*	Uncommon	R	(LC)	Class II	Rare	-
Black Baza[8]	*Aviceda leuphotes*	Uncommon	M,Su	-	Class II	-	-
Black Kite[6][9]	*Milvus migrans*	Common	W,R	(RC)	Class II	-	-
White-bellied Sea Eagle[6][8]	*Haliaeetus leucogaster*	Uncommon	R	(RC)	Class II	-	-
Crested Serpent Eagle[8]	*Spilornis cheela*	Uncommon	R,M	(LC)	Class II	Vulnerable	-
Crested Goshawk[8]	*Accipiter trivirgatus*	Uncommon	R	-	Class II	Rare	-
Besra[8]	*Accipiter virgatus*	Scarce	R	-	Class II	-	-
White-breasted Waterhen[9]	*Amaurornis phoenicurus*	Common	R	-	-	-	-
Eurasian Woodcock	*Scolopax rusticola*	Scarce	W	-	-	-	-
Whimbrel[9]	*Numenius phaeopus*	Common	M	LC	-	-	-
Common Greenshank[9]	*Tringa nebularia*	Abundant	M,W	RC	-	-	-
Red-necked Phalarope[9]	*Phalaropus lobatus*	Common	M	-	-	-	-
Bridled Tern	*Onychoprion anaethetus*	Uncommon	Su,M	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Roseate Tern[9]	*Sterna dougallii*	Uncommon	Su	(LC)	-	-	-
Black-naped Tern[9]	*Sterna sumatrana*	Common	Su	(LC)	-	-	-
Whiskered Tern[9]	*Chlidonias hybrida*	Uncommon	M	-	-	-	-
Oriental Turtle Dove	*Streptopelia orientalis*	Common	W	-	-	-	-
Spotted Dove	*Streptopelia chinensis*	Abundant	R	-	-	-	-
Greater Coucal	*Centropus sinensis*	Common	R	-	Class II	Vulnerable	-
Asian Koel	*Eudynamys scolopacea*	Common	Su,R	-	-	-	-
Large Hawk Cuckoo	*Hierococcyx sparverioides*	Common	Su	-	-	-	-
Hodgson's Hawk Cuckoo	*Hierococcyx nisicolor*	Scarce	SpM	-	-	-	-
Indian Cuckoo	*Cuculus micropterus*	Uncommon	Su	-	-	-	-
Collared Scops Owl[8]	*Otus lettia*	Common	R	-	Class II	-	-
Brown Fish Owl[8]	*Ketupa zeylonensis*	Scarce	R	RC	Class II	-	-
Savanna Nightjar	*Caprimulgus affinis*	Uncommon	Su,?W	-	-	-	-
Pacific Swift	*Apus pacificus*	Common	SpM,Su	(LC)	-	-	-
House Swift	*Apus nipalensis*	Common	R,SpM	-	-	-	-
Oriental Dollarbird	*Eurystomus orientalis*	Uncommon	M	-	-	-	-
White-throated Kingfisher[10]	*Halcyon smyrnensis*	Common	AM,P	(LC)	-	-	-
Common Kingfisher[10]	*Alcedo atthis*	Common	AM,P	-	-	-	-
Ashy Minivet	*Pericrocotus divaricatus*	Uncommon	SpM	-	-	-	-
Scarlet Minivet	*Pericrocotus speciosus*	Common	R	-	-	-	-
Brown Shrike	*Lanius cristatus*	Common	SpM	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Long-tailed Shrike	*Lanius schach*	Common	R	-	-	-	-
Black Drongo	*Dicrurus macrocercus*	Common	M,Su	-	-	-	-
Ashy Drongo	*Dicrurus leucophaeus*	Scarce	W	LC	-	-	-
Hair-crested Drongo	*Dicrurus hottentottus*	Common	M,Su,W	-	-	-	-
Black-naped Monarch	*Hypothymis azurea*	Uncommon	W,M	-	-	-	-
Asian Paradise-Flycatcher	*Terpsiphone paradisi*	Scarce	M	LC	-	-	-
Japanese Paradise-Flycatcher	*Terpsiphone atrocaudata*	Scarce	M	LC	-	-	Near Threatened
Grey Treepie	*Dendrocitta formosae*	Scarce	M,W	LC	-	-	-
Large-billed Crow	*Corvus macrorhynchos*	Common	R	-	-	-	-
Cinereous Tit	*Parus cinereus*	Common	R	-	-	-	-
Red-whiskered Bulbul	*Pycnonotus jocosus*	Abundant	R	-	-	-	-
Chinese Bulbul	*Pycnonotus sinensis*	Abundant	R	-	-	-	-
Sooty-headed Bulbul	*Pycnonotus aurigaster*	Uncommon	R	-	-	-	-
Barn Swallow	*Hirundo rustica*	Abundant	SpM,Su	-	-	-	-
Mountain Tailorbird	*Phyllergates cucullatus*	Uncommon	-	-	-	-	-
Brown-flanked Bush Warbler	*Horornis fortipes*	Uncommon	W	-	-	-	-
Asian Stubtail	*Urosphena squameiceps*	Common	W	-	-	-	-
Dusky Warbler	*Phylloscopus fuscatus*	Common	W	-	-	-	-
Pallas's Leaf Warbler	*Phylloscopus proregulus*	Common	W	-	-	-	-
Yellow-browed Warbler	*Phylloscopus inornatus*	Common	W	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Arctic Warbler	*Phylloscopus borealis*	Common	AM	-	-	-	-
Japanese Leaf Warbler	*Phylloscopus xanthodryas*	Passage migrant	-	-	-	-	-
Pale-legged Leaf Warbler	*Phylloscopus tenellipes*	Uncommon	AM	-	-	-	-
Sakhalin Leaf Warbler	*Phylloscopus borealoides*	Scarce	AM	-	-	-	-
Eastern Crowned Warbler	*Phylloscopus coronatus*	Uncommon	AM	-	-	-	-
Goodson's Leaf Warbler	*Phylloscopus goodsoni*	Uncommon	W	LC	-	-	-
Yellow-bellied Prinia	*Prinia flaviventris*	Common	R	-	-	-	-
Common Tailorbird	*Orthotomus sutorius*	Common	R	-	-	-	-
Streak-breasted Scimitar Babbler	*Pomatorhinus ruficollis*	Common	R	-	-	-	-
Rufous-capped Babbler	*Stachyris ruficeps*	Uncommon	R	LC	-	-	-
Chinese Hwamei	*Garrulax canorus*	Common	R	-	-	-	-
Masked Laughingthrush	*Garrulax perspicillatus*	Abundant	R	-	-	-	-
Greater Necklaced Laughingthrush	*Garrulax pectoralis*	Common	R	-	-	-	-
Black-throated Laughingthrush	*Garrulax chinensis*	Common	R	-	-	-	-
Blue-winged Minla	*Minla cyanouroptera*	Uncommon	R	-	-	-	-
Japanese White-eye	*Zosterops japonicus*	Abundant	R,?W	-	-	-	-
Crested Myna	*Acridotheres cristatellus*	Common	R	-	-	-	-
Black-collared Starling	*Gracupica nigricollis*	Common	R	-	-	-	-
Blue Whistling Thrush	*Myophonus caeruleus*	Common	R	-	-	-	-
White's Thrush	*Zoothera aurea*	Uncommon	W	-	-	-	-
Grey-backed Thrush	*Turdus hortulorum*	Common	W	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Japanese Thrush	*Turdus cardis*	Uncommon	M,W	-	-	-	-
Common Blackbird	*Turdus merula*	Common	W,M	-	-	-	-
Pale Thrush	*Turdus pallidus*	Uncommon	M,W	-	-	-	-
Lesser Shortwing	*Brachypteryx leucophris*	Uncommon	-	LC	-	-	-
Siberian Rubythroat	*Luscinia calliope*	Common	W	-	-	-	-
Rufous-tailed Robin	*Luscinia sibilans*	Uncommon	W,SpM	-	-	-	-
Red-flanked Bluetail	*Tarsiger cyanurus*	Common	W	-	-	-	-
Oriental Magpie Robin	*Copsychus saularis*	Abundant	R	-	-	-	-
Daurian Redstart	*Phoenicurus auroreus*	Common	W	-	-	-	-
Stejneger's Stonechat	*Saxicola stejnegeri*	Common	W,M	-	-	-	-
Asian Brown Flycatcher	*Muscicapa latirostris*	Common	M,W	-	-	-	-
Narcissus Flycatcher	*Ficedula narcissina*	Scarce	SpM	-	-	-	-
Mugimaki Flycatcher	*Ficedula mugimaki*	Uncommon	M,W	-	-	-	-
Verditer Flycatcher	*Eumyias thalassinus*	Scarce	W	-	-	-	-
Hainan Blue Flycatcher	*Cyornis hainanus*	Uncommon	Su	-	-	-	-
Scarlet-backed Flowerpecker	*Dicaeum cruentatum*	Common	R	-	-	-	-
Fork-tailed Sunbird	*Aethopyga christinae*	Common	R	-	-	-	-
Eurasian Tree Sparrow	*Passer montanus*	Abundant	R	-	-	-	-
White-rumped Munia	*Lonchura striata*	Common	R	-	-	-	-
Grey Wagtail	*Motacilla cinerea*	Common	W	-	-	-	-
White Wagtail	*Motacilla alba*	Common	W,R	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Richard's Pipit	*Anthus richardi*	Common	W,R	-	-	-	-
Olive-backed Pipit	*Anthus hodgsoni*	Common	W	-	-	-	-
Chinese Grosbeak	*Eophona migratoria*	Uncommon	M	LC	-	-	-
Tristram's Bunting	*Emberiza tristrami*	Uncommon	W	-	-	-	-

Note:

Species in bold font are of conservation interest

(1) All wild birds are Protected under Wild Animal Protection Ordinance (Cap. 170)

(2) AFCD (2012a). Hong Kong Biodiversity Database

(3) Carey et al. (2001). R=resident; W=winter visitor; Su=summer visitor; M=migrant; Sp=spring; P=present all year, exact composition unknown

(4) Fellowes et al. (2002): GC=Global Concern; LC=Local Concern; RC=Regional Concern; PRC=Potential Regional Concern; PGC: Potential Global Concern. Letters in parentheses indicate that the assessment is on the basis of restrictedness in nesting and/or roosting sites rather than in general occurrence.

(5) List of Wild Animals Under State Protection (promulgated by State Forestry Administration and Ministry of Agriculture on 14 January, 1989). [國家重點保護野生動物名錄(1989年1月14日林業局及農業部發佈施行)]

(6) Zheng, G. M. and Wang, Q. S. (1998).

(7) IUCN (2013). IUCN Red List of Threatened Species. Version 2013.1

(8) Protected under Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)

(9) Wetland-dependent species (including wetland-dependent species and waterbirds)

KFBG EAP <eap@kfbg.org>
27/11/2013 下午 06:23

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mailbox@afcd.gov.hk
bcc

TPB/R/S/NE-HH/1- 10883

Subject KFBG's comments on the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/ Madam,

Attached please see our formal submission regarding the captioned and an executive summary.

Best Regards,
Ecological Advisory Programme
Kadoorie Farm & Botanic Garden
Lam Kam Road, Tai Po, N.T., Hong Kong
http://www.kfbg.org

Please consider the environment before printing this e-mail HH Draft OZP submission 131121 (final).pdf

HH Draft OZP submission ES (final).pdf

135

嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.

(Email: tpbpd@pland.gov.hk)

27th November, 2013 **By email only**

Dear Sir/ Madam,

Executive Summary

KFBG's Comments on the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

We wish to summarise our views and concerns with regard to the captioned subject, as follows:

1. The general public has a right to enjoy the natural landscapes of Hong Kong and the spectacular natural beauty of our Country Parks (CPs) and of our Marine Parks (MPs) – this is an over-riding public interest. To allow the CP Enclaves to be developed in any inappropriate or large-scale manner is going to substantially damage this public interest.

2. We strongly object to the proposed Village Type Development (V) zone. According to the 2011 census, the population at Hoi Ha was 110 but the Planning Department (PlanD) has now stated that the future planned population will be 590 persons.

3. The proposed V zone to the west of Hoi Ha Road is covered with a dense secondary woodland with a plant species of conservation concern (Hong Kong Pavetta). Any future development by the construction of small houses will greatly affect the ecological integrity of the site. In another CP Enclave, Pak Lap, the woodland area with Hong Kong Pavetta has been proposed to be zoned as Conservation Area (CA) by the PlanD. There is inconsistency in the application of the proposed zoning status (CA) used for protection of biodiversity in the planning process for the different CP Enclaves. We cannot discern the logic of this inconsistency by the PlanD and relevant authorities.

4. The proposed V zone is also located next to a freshwater wetland; this wetland is connected with the Hoi Ha Wan MP. We are highly concerned that the proposed V zone will affect this wetland and eventually the Hoi Ha Wan MP.

5. Potential water pollution impacts associated with the construction and operation of Small Houses would significantly threaten Hoi Ha Wan (which is a gazetted MP), which is a habitat for the most well developed and extensive community of corals that currently exists in the north-eastern waters of Hong Kong. We are highly concerned that if development is permitted in the V and Green Belt (GB) zones at Hoi Ha (i.e., along the watercourse), the pristine water quality of Hoi Ha Wan which is absolutely essential for the survival of the coral community will be significantly degraded by potential pollutants and the discharge of domestic effluents entering the watercourse which would eventually affect the marine ecological integrity of Hoi Ha Wan. Indeed, we have observed many cases of polluted water discharge from village areas flowing into nearby watercourses in other areas of Hong Kong.

6. Under the GB zoning system, installations such as "Barbecue Spot", "Picnic Area", "Public Convenience" and "Tent Camping Ground" are "always permitted uses"; planning permission for construction of Small Houses may also be granted after submission of an application to the Town Planning Board (TPB), and this is a quite common occurrence. The freshwater wetland and the riparian zone of the Hoi Ha Stream are proposed to be given a GB zoning status. We are highly concerned that future incompatible activities may trash the wetland area and the riparian zone. In future, pollutants and the domestic wastewater effluents potentially discharged from the households and other incompatible uses may enter the stream or the wetland and will inevitably flow down and affect the Hoi Ha Wan MP. In addition, the freshwater wetland habitat and the riparian zone at Hoi Ha are also of high conservation value and should instead be accorded a CA zoning status.

7. We have observed many incompatible activities in village areas and private barbecue sites with regard to polluted water discharge and illegal car parks that are formed by clearing of surrounding naturally vegetated areas. We are highly concerned that if such human activities appear in the V zone, then, the Coastal Protection Area, GB and surrounding well-vegetated and sensitive habitats will be significantly impacted by these activities which cause environmental damage.

8. We are also highly disappointed by the fact that the commendable holistic and conservative approach which was recommended by the PlanD and adopted by the TPB in the making of the Tai Long Wan Outline Zoning Plan (S/SK-TLW) is not being implemented in the making of the present draft Hoi Ha OZP.

9. We are unable to discern that the Enclave Policy as mentioned in the 2010 Policy Address, the statements of the Ombudsman (in 2011) which recommended that the PlanD better protect the CP Enclaves and the requirement of the Convention on Biological Diversity are being upheld in the

preparation of this Draft Hoi Ha OZP. All these requirements and recommendations are being ignored without taking into account the overriding public interest to better protect our remaining pristine areas of our natural countryside and coastal ecosystems. The land and the sea are intricately connected; Hoi Ha Wan MP is the only coastal bay left with the best developed coral community in the north-eastern waters of Hong Kong, if not, in the whole of the Territorial waters of Hong Kong.

KFBG recommendations to better protect Hoi Ha (as a whole) are as follows:

10. The PlanD and the TPB should seriously consider the right of the general public to enjoy our CPs and not just cater for the minority needs of private development..

11. The PlanD and the TPB should also maintain consistency in adopting and following the holistic and conservation approach that was put in place in 2001 for the Tai Long Wan OZP (which also is a CP Enclave) when making zoning plans for Hoi Ha and all the other CP Enclaves.

12. In line with the approach for the Tai Long Wan area as outlined in the 745th TPB meeting, we wish to draw to the attention of the PlanD and the TPB that **the natural beauty of the Hoi Ha area as a whole should be conserved** and that both the PlanD and the TPB **should also consider the conservation links and ecological integrity of the wider area.** In the special case of Hoi Ha, the MP is a sensitive receiver intimately connected to the terrestrial landscape. Any incompatible activities or developments on the land will ultimately affect both the pristine water quality and the marine ecological communities within the MP. We strongly request that the relevant authorities and the TPB address this particular issue of ecological connectivity between the terrestrial, freshwater aquatic and coastal marine systems at Hoi Ha in their deliberations for the draft Hoi Ha OZP. There is a great richness of underwater marine life concentrated in the Hoi Ha Wan MP and these will bear the brunt of any inappropriate development and polluted wastewater discharge that arises from the land.

13. Given that there is an inadequate infrastructure provision and that the provision of additional infrastructure to support future development would be difficult in this area, we consider that a decrease in the size of the V zone would be a more pragmatic outcome while at the same time avoid unnecessary development expectations.

14. Therefore, we urge that the proposed V zone in Hoi Ha should be greatly reduced, so as to only cover existing village settlement and approved Small House site (if any).

15. The dense woodland to the west of Hoi Ha Road should NOT be covered with the proposed V zone.

16. The riparian area and the wetland should be protected with a zoning status as CA.

17. Under the proposed GB zone, the terms - "Barbecue Spot", "Picnic Area", "Public Convenience" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Uses of the Hoi Ha OZP. This will help to impose stricter planning control on these activities and minimize their pollution impacts in this ecologically pristine area with sensitive receivers.

18. The term - "House (New Territories Exempted House only)" (i.e., Small House, typical village house) should be transferred from Column 1 (where "uses always permitted") to Column 2 in the Schedule of Uses of the V zone under the Hoi Ha OZP; "House (not elsewhere specified)" should be deleted from Column 2 in the Schedule of Uses of the proposed V zone. These would be in line with and consistent with the procedure that was previously adopted and implemented by the PlanD in the OZP for the Tai Long Wan Enclave.

19. Under the proposed V zone, the terms - "Eating Place" and "Shop and Services" should not be uses always permitted on the ground floor of a New Territories Exempted House. This will help to impose stricter planning control on these activities and minimize their water pollution impacts in this ecologically pristine area with highly sensitive marine receivers.

20. As an alternative to all the above considerations, we strongly recommend that the PlanD should change all the V, GB and other non-conservation zonings in the Draft OZPs of CP Enclaves into **'Undetermined'** zone at this point in time, in order to better protect these areas. After the Agriculture, Fisheries and Conservation Department, and, the Country and Marine Parks Board have undertaken comprehensive and detailed ecological assessments; the PlanD could then go through a re-planning process for the remaining areas that are not incorporated into the CP System. We consider that this is the best option under the current circumstances of the legal designation process for protecting all the CP Enclaves.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

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Kadoorie Farm & Botanic Garden Corporation

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Hong Kong.

(Email: tpbpd@pland.gov.hk)

27th November, 2013 **By email only**

Dear Sir/ Madam,

Comments on the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

1. We refer to the Draft Hoi Ha Zoning Plan (OZP) (S/NE-HH/1) and the Town Planning Board (TPB) Paper No. 9430.

2. We consider that we would not be the only organisation to express grave concerns regarding the proposed designation of an unreasonably large (in terms of size and location) "Village Type Development" zone (V zone) in a Country Park (CP) Enclave. The local media (TVB) has recently also produced a very good TV programme to report and highlight this particular problem[1].

3. There are long term potential impacts and consequences associated with the fact that these Enclaves currently lack appropriate public transport systems and appropriate urban infrastructure facilities. Potential future demands for urban amenities and facilities (i.e., carparks, sewerage system) would also be our major concern regarding allowing large residential populations to become established in these rural Enclaves. We are surprised that the authorities have not recognised this basic problem – the larger the population size, the greater the disturbance to the natural countryside.

4. We are highly concerned about the proposed increase in population size (i.e., according to the 2011 Census, the total population of the area was about 110 persons). It is expected that the total planned population of the area would be about 590 persons mainly attributed to the village expansion (information extracted from the TPB Paper No. 9430). We consider that allowing such an enlarged proposed V zone in Hoi Ha, a site without adequate services or infrastructure, to be a decision taken without due critical consideration of existing constraints which will, in future, cause many environmental problems and conflicts. The TPB, Planning Department (PlanD) and other authorities have the responsibility to ensure that such future problems would not arise through appropriate and

[1] http://news.tvb.com/programmes/closerlook/526b3e426db28c903f000000

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careful planning. The proposal for such a big V zone in this remote Enclave is not an act of balancing development rights and nature conservation but instead shows a lack of foresight in taking a holistic view when planning for countryside conservation.

5. Our detailed views and comments are documented below.

6. KFBG concerns regarding potential water pollution impacts caused by an enlarged V zone

6.1 We would like the PlanD and the Board to note the photographs shown in **Figure 1**; we have observed on many occasions that, when village houses have been built next to a watercourse, pipes discharging water/ grey water would appear along the watercourse, causing pollution and threatening aquatic life. We have also seen cases where pipes are suspected to have been directed to U-channels collecting surface runoff, and eventually connected with the nearby watercourse (**Figure 2**). We have also seen wastewater suspected of being directly discharged into a stream from a nearby Small House work site (**Figure 3**). Furthermore, suspected leakage of effluents from an underground septic tank (**Figure 4**) has also been observed polluting the surroundings.

6.2 We would like to draw the attention of the Board, the PlanD and other authorities to this very real potential impact of sullage and sewage effluents that would be a significant environmental issue in the countryside areas of Hong Kong and to consider whether the consequences of the discharge of effluents from domestic wastewaters could actually be resolved by following the existing guidelines (i.e., using the Septic Tank System (STS)). The relevant authorities may state that this is an enforcement problem and not a planning issue and, thus, this factor should not be considered by the Board. However, we strongly feel that it is also the responsibility of the Board (and relevant authorities) to designate a plan that works and take into consideration the consequences of planning decisions according to the conditions of the real world, and, obviously, a conservative but clear-sighted approach is required for the special environmental conditions that exist at Hoi Ha, and in particular, its proximity to a Marine Park (MP), a sensitive receiver with pristine water quality.

6.3 There are already a number of shops providing catering and bathing services for visitors to the Hoi Ha Enclave (e.g., snorkelers visiting the Hoi Ha Wan MP). We have observed cloudy suspensions of waste water (suspected bath water) entering the nearby stream (**Figure 5**). As "Eating Place" and "Shop and Services" are uses always permitted on the ground floor of a New Territories Exempted House (NTEH; also called Small House) as shown in the Notes of the Draft OZP, we are highly concerned that, if the V zone is further increased, the water quality of the Hoi Ha Wan MP will be

significantly affected due to the increased volume of visitors making use of these 'visitor facilities' potentially provided by the operators of Small Houses. If such a scenario takes place, the impact upon the pristine water quality and sedentary underwater marine communities of Hoi Ha Wan MP will become an ecological disaster in-the-making.

6.4 We wish to draw the attention of the PlanD and the Board to **Figure 6**, showing the "eating places" on the ground floor of Small Houses. We are highly concerned that, even if only a few more "eating places" appear in Hoi Ha, in the future, the surrounding sensitive habitats and eventually the Hoi Ha Wan MP would be greatly affected by an increase in the volume of wastewater effluents potentially discharged from Small House catering operations.

7. Other potential impacts associated with the enlarged V zone and the inconsistency between Pak Lap and Hoi Ha Draft OZPs

7.1 In the Draft Pak Lap OZP (S/SK-PL/1), areas covered with young native woodlands containing a plant species of conservation interest (as indicated by the Agriculture, Fisheries and Conservation Department, AFCD) called the Hong Kong Pavetta (*Pavetta hongkongensis*) has been zoned as Conservation Area (CA). The TPB Paper for the Draft Pak Lap OZP explains that these areas should be covered with a CA zoning status mainly because of two reasons: (1) they form a continuous habitat with the surrounding woodland inside the CP, and (2) Hong Kong Pavetta could be found in these areas.

7.2 A local environmental concern group, the Friends of Hoi Ha (FoHH), has carried out a comprehensive ecological study for the Hoi Ha Enclave. They recorded the Hong Kong Pavetta in an area which is now covered with the proposed V zone (see **Figure 7**). The Technical Report by KFBG also recorded this species in the secondary woodland of Hoi Ha[2]. Both ecological studies conclude that the area to the west of Hoi Ha Road is covered with secondary woodland. We note, from Plan 3 of the TPB Paper No. 9430 (also shown as **Figure 8** of this letter), that the area now covered with the proposed V zone to the west of Hoi Ha Road has a dense cover of vegetated woodland which is not separated or isolated from the wooded areas of the surrounding CP – simply speaking, it is indistinguishable from and forms a part of the wooded areas of the CP.

[2] http://www.kfbg.org.hk/content/0/26/1/Vegetation&MothSurvey_2012Sep.pdf

7.3 We summarise the above, as follows:

(a) In Pak Lap, woodlands (contiguous and linked with surrounding CP) with Hong Kong Pavetta, a plant species considered to be of conservation interest, are given a CA zoning status, in which development is usually not permitted by the authorities.

(b) However, in Hoi Ha, the woodlands which are also contiguous and linked with surrounding CP (also with Hong Kong Pavetta) are instead zoned as V, in which no planning permission is required for the construction of Small Houses.

7.4 We are highly confused by the inconsistency in according zoning status to two different areas with similar vegetation habitats; we fail to understand which standards are being applied by the authorities for setting CA zones, and, what criteria are used to determine the need to enlarge the size of the V zones in these CP Enclaves.

7.5 The TPB paper mentions that in the proposed V zone, "*areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.*". This does not seem to be the case for Hoi Ha. We wish to draw the attention of the PlanD and the Board to the photographs as shown in **Figure 9**. The area of the proposed V zone to the west of the Hoi Ha Road is now covered with a dense secondary woodland and it is ecologically connected with the surrounding CA and CP. We would suggest that an experienced botanist would not even be able to distinguish the difference in vegetation cover among the woodlands in the proposed Green Belt (GB), CA, CP and the V zones (i.e., the whole of the area can be considered to be covered with dense secondary woodland). However, for a large part of this woodland, it is proposed to be given a zoning status as a V Zone which means that any future construction of Small Houses will not require any planning permission. The destructive ecological impacts associated with building Small Houses in this woodland area would be: cutting down of forest trees, large scale vegetation clearance, laying of paved areas with concrete; thus, in effect causing direct, permanent and irreversible loss of a well-vegetated natural forest habitat.

7.6 We have previously made comments on many Environmental Impact Assessment (EIA) reports for various development projects submitted under the requirements of the EIA Ordinance. Usually, if secondary woodlands are found within the boundary of a development project, it would not be disturbed and if the woodland is to be affected, the impact or severity of disturbance would usually be considered to be high and, thus, compensatory planting would be required as a minimal mitigation measure. We are completely surprised by the fact that the AFCD seems to consider that a large part of this well vegetated secondary woodland area that is exactly the same and contiguous with the

woodlands within the adjacent CP boundary can be destroyed and utilised for village house development and does not consider that this issue is a problem. **Perhaps another way to phrase the perspective is to ask a rhetorical question and that is – would the relevant government authority be in complete agreement and permit the construction of 63 Small Houses in the exact same kind of dense well-vegetated secondary woodland that lies within the Sai Kung West CP boundary close to the area proposed as a V zone?**

7.7 Clearly, this wooded area to west of the Hoi Ha Road should NOT be given a V zone status. The area should be fully protected with conservation zonings to facilitate effective planning control to enforce and deter haphazard development and inappropriate construction activity. Otherwise, with time, this piece of woodland will simply disappear forever – **a case of permanent ecological destruction enabled by the lack of planning foresight.**

8. A Green Belt is not a good conservation zoning status; a Conservation Area zone is needed for sensitive habitats (e.g., the riparian zone and the wetland)

8.1 The present proposals place the riparian zone of the Hoi Ha Stream and a wetland (location as shown in **Figure 7**) within a proposed GB zone. In a recent site visit conducted in November 2013, we observed that the wetland was still inundated (**Figure 10**), and a locally rare herbaceous plant, *Geissapis cristata*[3] was also recorded (**Figure 10**). According to the AFCD (2008)[4], this plant is restricted to only a few locations in Hong Kong. This wetland receives seepage and surface flow from a nearby small stream (**Figure 10**) and is connected hydrologically with the Hoi Ha Wan MP. Any pollutants entering this wetland will flow into the Hoi Ha Wan MP, and of course, the rare plant will also be affected by any future development activity. This wetland, although covered with a proposed GB zone, is located adjacent to the proposed V zone.

8.2 The Hoi Ha ecological study carried out by FoHH also recorded a rare bird, the Brown Fish Owl *Ketupa zeylonensis,* in the area. This finding is also supported by the KFBG ecological study on six other Sai Kung CP Enclaves[5] which also recorded this species in nearby areas. These data indicates that this species inhabits the region. This species is dependent primarily on streams and wetlands for

[3] Xing, F.W., Ng, S.C. and Chau, L.K.C. 2000. Gymnosperms and angiosperms of Hong Kong. *Memoirs of the Hong Kong Natural History Society* 23, 21-136.

[4] AFCD. 2008. *Flora of Hong Kong Volume 2.* Agriculture, Fisheries and Conservation Department, the Government of the Hong Kong Special Administration Region, Hong Kong.

[5] http://www.kfbg.org.hk/content/84/26/1/2013%20KFBG%20Sai%20Kung%20CP%20enclaves%20report%20(pdf).pdf

feeding and riparian woodland for perching. We are highly concerned that, the expanded V zone to the west of the Hoi Ha Road will impose more impacts, such as light pollution, noise pollution, water pollution and human disturbance to this nocturnal species and its associated habitats.

8.3 The following Table shows the Small House planning application cases within/ partially within a GB zone/ both GB and V zones (e.g., part of the house is built in a GB zone and the other part within a V zone) where KFBG have made comments and submissions during the period from January 2012 to August 2013.

Zoning	No. of approved cases	No. of rejected cases	No. of withdrawn cases	No. of deferred cases	Total no. of cases handled
Within GB zone only	17	19	6	1	43
Within GB & V zones	11	7	0	1	19

8.4 The Table clearly shows that approval for Small House applications within a GB zone is not an "uncommon" practice by the Board. We are highly concerned that the GB zone now within the Enclave, especially the wetland and the riparian area along the main Hoi Ha stream would, at some future time, be utilised for building small houses. This concern is further supported by the statement made in Section 4.1(c) of the TPB Paper No. 9430: "*there is provision under the OZP for planning application for Small House development which would be considered by the Board on individual merits.*" If this happens, the wetland and the riparian zone will be subject to direct, permanent and irreversible impacts by construction activity; and the potential follow-on secondary impacts from domestic wastewater effluents as outlined in Section 5 would also then greatly affect the Hoi Ha Wan MP.

8.5 We wish to draw the attention of the Board and the PlanD to the scene in **Figure 11**. These photographs show a private barbecue site operated commercially in an area zoned "Agriculture" in Ting Kok near Tai Po, which was granted planning permission from the Board. The photographs show that the site is paved with concrete, and highly polluted wastewater is suspected of being discharged from the barbecue area flowing into a nearby wetland which is a Site of Special Scientific Interest.

8.6 We would like to raise the question of whether the barbecue site as shown in **Figure 11** can be operated on the private land lots within the proposed GB zone of Hoi Ha, and whether the operation of this type of "recreational/ leisure centre" would require planning permission, under the circumstances, where "Barbecue Spot" is now proposed to be an always permitted use in the GB zone under the Draft Hoi Ha OZP. The same questions also apply to "Picnic Area", "Tent Camping Ground" and "Public

Convenience", which are also uses always permitted under the notes for the proposed GB zone.

8.7 If similar private "barbecue sites" as shown in **Figure 11** are operated in the Hoi Ha area, at some future period, would the PlanD and the Board not consider that the high volumes of organic and oily wastewater discharged from such operations could be an ecological disaster in-the-making especially if such wastewaters are discharged into the nearby watercourse with the stream flows then carrying the effluents into Hoi Ha Wan?

9. The Expanded V zone would create a major problem in terms of space for the parking of cars in Hoi Ha and, thus, would further threaten surrounding sensitive habitats

9.1 Some of the existing residents in Hoi Ha have already complained and raised the issue that currently there is an acute shortage of parking spaces in the Hoi Ha Village. If the V zone is to be further expanded, they are highly concerned that the problem of space for adequate provision or availability of car-parking spaces would become a major problem in the future. As Hoi Ha is located a fairly long way out in the countryside, any residents of the area would have to own a car if they are to have a convenient means of transport in and out of the area. Any increase in number of residents living in the Hoi Ha area would substantially increase the demand for spaces for parking cars. This then raises a critical question from a town planning perspective – Is there any provision clearly marked out in the Draft OZP for Hoi Ha, in overall planning terms, for the provision of adequate car parking space to address the expected demands for the suggested increase in the residential population from the present 110 to the envisaged 590 persons of the enlarged V zone? If this issue of an acute lack of car parking space has not been considered yet, then would the PlanD and the Board make the necessary amendments to the plans of the Draft OZP for Hoi Ha in order to cater for envisaged boost in demand for car parking areas that is related to the proposed expansion of the residential population in this remote rural locality by a factor of 5 to 590 persons? We have noted that residents in rural villages do attribute blame to Government for inadequate provision of residential car parking spaces during the planning process (**Figure 12**).

9.2 We wish to draw the attention of the Board and the PlanD to **Figure 13**. The photographs show car parks suspected of illegally occupying Government Land that were built next to a village area, and the surrounding coastal vegetation has been trashed with materials used as in-fill to create the car parking area. A complaint has been sent to the Lands Department but other than erecting the standard Government public notice, nothing else seems to have been done to rectify the situation. It is obvious that the damage to the coastal vegetation is permanent. We urge the Board and the PlanD to carefully consider and reflect upon whether the expanded V zone would trigger this kind of environmental destruction problems due to the pressure for a large number of car parking spaces at Hoi Ha in the future.

We would like the authorities to bear in mind that areas within and surrounding Hoi Ha include wetlands, woodlands and mangroves. Furthermore, as much of the surrounding land is also naturally vegetated protected areas within a CP, these well-vegetated and natural landscapes should not be subject to any of the environmentally destructive impacts as illustrated in **Figure 13.**

10. The conservation approach has not been adopted in this Draft Hoi Ha OZP; this is in contradiction to a precedent case – the Tai Long Wan OZP, in which a holistic and conservation approach was adopted by the Planning Department and the Town Planning Board

10.1 Tai Long Wan is a CP Enclave surrounded by the Sai Kung East CP. In 2000, the PlanD proposed a Draft OZP for this site and in the draft plan, a V zone of about 7.9 ha was proposed to cater for the Small House demand of about 370 houses for an estimated population increase to 1000 persons (TPB Paper No. 5689). Although there was a V zone of 7.9 ha (about 15.56% of the total area) in this plan (total area of the site = 50.64 hectares), all other areas within the site including the streams and the riparian zones were covered with a CA zone and the coastal area was a Site of Special Scientific Interest (**Figure 14**). A total of five objections were received by the Board, mainly to express concerns about the size of the proposed V zone and its associated impacts on the environment. According to the 722nd minutes of the Board meeting held on 4th August, 2000, after deliberation, the Board decided to conduct a further consideration (hearing) for the case that was then held on 3rd November, 2000.

10.2 Objectors expressed their concerns in the TPB meeting held on 3rd November, 2000. According to the minutes of the 728th meeting (3rd November 2000), one objector said: "*it was a fallacy to think that 'V' and 'CA' zones could co-exist with one another. The development of village housing, accompanying by the associated transportation and infrastructural networks and the resultant population increase would destroy the natural environment of Tai Long Wan*". KFBG (one of the objectors) at that time also stated that there were some rare plants in the proposed V zones and, thus, that such areas should be protected (e.g., not covered with a V zone). The representative from the AFCD, however, made the following point: "*though the plant species* (mentioned by KFBG) *were rare in Hong Kong, it was not those 'very rare' species which should be of concern*" (extracted from Section 110(a) of the 728th TPB meeting minutes).

[Remarks: The TPB Paper No. 5753 (for consideration by the TPB on 3rd November 2000) mentions that: (1) "*the DAFC* (Director of Agriculture, Fisheries and Conservation) *considers that those 'very rare' species should be of concern and 'rare' species in this sense is not really too rare...the information submitted by the objector* (KFBG) *may not be able to justify the re-zoning of the areas* (from 'V' zone) *to 'CA'*"; (2) The PlanD considered that: (a) "*based on...in particular DACF's comments on the*

ecological value of the objection sites, there is insufficient justification to re-zone the objection sites from 'V' to 'CA'", and (b) "*the designation of 'V' zones is required to meet the Small House demand of the recognized villages in the area*"]

10.3 According to the minutes of the 728th meeting, the PlanD had received over 200 representations asking for the preservation of the natural landscape of Tai Long Wan. After hearing the objections, members of the TPB, in general, considered that: "*there was a conflict between conservation of the natural environment and village development*", and, "*more in-depth research should be carried out by the relevant Government departments so as to provide more information to the Board to substantiate whether Tai Long Wan was worthy of conservation*". Finally, the Board decided to defer the decision on the objections pending further information from the relevant departments.

10.4 Further information was provided by the AFCD on 9th March, 2001. The conclusion was: "*the Tai Long Bay SSSI and the proposed 'CA' zones to the north of Ham Tin have provided the necessary protection to the more important areas from flora conservation point of view in Tai Long Wan area. The remaining area of Tai Long Wan, i.e. the "V" zones, is not a prime area for plant conservation*". This reflects that so far AFCD had reservations on the proposal of turning the proposed V zone into CA zone.

10.5 A TPB meeting was held on 27th April, 2001 for discussing the Draft OZP, and a TPB Paper (No. 5929) was prepared by the PlanD for this meeting. According to this Paper, AFCD still insisted that the proposed V zones in the plan were not the prime area for plant conservation. But the Paper also mentions that during late October/ November 2000, about 300 standard letters against the future village development in the Tai Long Wan area were received by the PlanD, and during November/ December 2000, more than 2000 signatures were collected in support of the preservation of the area; over 900 participants turned up to an event organised by the Conservancy Association and the Friends of Tai Long Wan to arouse public awareness on the issue (i.e., better protection of Tai Long Wan).

10.6 Three options were proposed by the PlanD for the way forward, as mentioned in the TPB Paper No. 5929, for discussion in the TPB meeting. These options and some of the implications (as stated in the Paper) are described below:

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	**Option 2 – Conservation Approach (with a V zone of about 1.9 ha)**	**Option 3 – Inclusion in Country Park**
Intention (stated by PlanD)		
- To strike a balance between nature conservation and the need to meet Small House	- To preserve the natural environment, unspoiled landscape, historic buildings and	- Another alternative to achieve protection of the Area

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	Option 2 – Conservation Approach (with a V zone of about 1.9 ha)	Option 3 – Inclusion in Country Park
demand	the archaeological site with a view to strengthening the protection of the Area from encroachment by developments	
V zone (proposal/ amendment proposed by the PlanD)		
- Drawn up based on the outstanding Small House demand for 370 sites in the next 10 years; upon full development, the estimated population may increase to about 1000.	- **The area of the V zones would be substantially reduced to cover only the existing village settlements and the approved Small Houses.** The estimated population may increase to about 200 under this option. - Deleting 'House (other than New Territories Exempted House (NTEH)') from Column 2 of the User Schedule - Incorporating the following clause in the Remarks: ***'On land zoned "Village Type Development", any demolition of or any addition, alteration and/or modification to an existing building, i.e. a building which was in existence on the date of first publication in the Gazette of the Notice of the draft development permission area plan, requires planning permission of the Town Planning Board.***	N.A.
Implications (stated by PlanD)		
- With the construction of the Small Houses and the subsequent population intake, the undisturbed natural environment of Tai Long Wan would change **There would be expectations from the villagers to improve the infrastructure to support the village development. However, the infrastructural provision has been and would continue to be constrained by the surrounding Country Park areas and physical constraints. Their expectations would therefore unlikely be met.**	- Demand of Small Hosue development on new land would have to be met in Sai Kung 'Heung' outside Tai Long Wan by 'cross-village' applications. - The natural environment and the present landscape setting of Tai Long Wan would be preserved. - This option would provide a higher degree of protection to Tai Long Wan and **would be welcomed by the hikers, green groups and members of the public.** However, strong objections from the local villagers are envisaged as the "V" zone would be further reduced and 'cross-village' Small House	- Strong local objections would be envisaged.

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	Option 2 – Conservation Approach (with a V zone of about 1.9 ha)	Option 3 – Inclusion in Country Park
- Strong objection from green groups, hikers and members of the public is envisaged as this option cannot satisfy their expectations to preserve Tai Long Wan. The local villagers would continue to be dissatisfied with the locations of the "V" zones and the absence of infrastructural provision.	applications are difficult.	

10.7 **The PlanD, eventually, recommended the Board to adopt a conservation approach,** by preserving the existing scale of the villages and the surrounding environment; some of the reasons are reproduced below:

(a) Would help retain the scale and character of the villages and minimize the potential threats to the existing landscape quality and heritage value of the Area

(b) Given that there is an inadequate infrastructural provision and that the provision of additional infrastructure to support future development would be difficult in the Area, the reduction of "V" zones would be more pragmatic and help avoid unnecessary development expectations;

10.8 According to the minutes of the 739th meeting of the TPB held on 27th April, 2001, members' views were diverse, regarding the recommendation from the PlanD. However, the conservation approach as proposed was adopted, i.e., the proposed V zone was reduced from about 7.9 ha to 1.9 ha (Figure 14). Other than the amendments mentioned in the Table in Section 5.6 above, some members also suggested that not only should demolition, addition, alteration and/or modification require planning permission from the Board, in fact, any development of NTEH should also be subject to planning control to ensure that any new development would be compatible with the character of the existing village settlements. To achieve this, 'NTEH' was placed under Column 2 of the 'Notes for the V zone'.

10.9 After further objections (against the decision made by the Board on 27th April, 2001 to turn about 6 ha of the proposed V zone into a CA zone, and various other amendments) were received, a Board meeting was then held on 13th July, 2001 to discuss these objections. These objections were from local land owners and a development company, according to the TPB Papers No. 6000 and 6001. According to the minutes of the 745th TPB meeting (held on 13th July 2001), the Board did not support these objections and decided to maintain its previous decision to propose amendments to the Plan, as

follows:

(a) Greatly reduce the size of the proposed V zone (about 6 ha turned into CA; even land for future Small House demand may need to be sought outside the Tai Long Wan environs);

(b) Transfer 'NTEH' from Column 1 to Column 2 of the 'User Schedule of the Notes for the V zone';

(c) Delete 'House (other than 'NTEH')' from Column 2 of the 'User Schedule of the Notes for the V zone';

(d) Adding a new paragraph to the 'Remarks of the Notes for the V zone' to require planning permission for any demolition, addition, alteration and/or modification to an existing building.

10.10 In addition, two further points were made by the authorities and the TPB in the 745th TPB meeting (held on 13th July 2001):

(a) ***Even though the AFCD advised that the further objection sites were not a prime area for conservation, the natural beauty of the Tai Long Wan area <u>as a whole</u> should be conserved***; and

(b) The Board also stated that: "*apart from the conservation of the Tai Long Bay SSSI, <u>the AFCD should also consider the conservation value of the wider area</u>*".

10.11 This is a holistic approach.

10.12 From the above precedent, we know that:

(a) A holistic and conservation approach for a CP Enclave was adopted by the PlanD and the TPB in the precedent case, taking into account the details of the very special circumstances of these areas;

(b) The PlanD can propose and fully adopt conservation zonings even where the AFCD may have different opinions about the proposed areas;

(c) A proposed V zone could be dramatically reduced in size and scale in the final OZP;

(d) The term - NTEH can be placed in Column 2 of the User Schedule of the Notes for the V zone;

(e) A small V zone would be more pragmatic and help avoid unnecessary development expectations in areas with inadequate infrastructural provision and the provision of additional infrastructure to support future development would be difficult if not almost impossible due to inaccessibility factors and the physical constraints of the location.

11. The public has the right to enjoy natural landscapes and the outstanding beauty of the Country Parks – this is an overriding public interest

11.1 **Figure 15** shows the number of visitors to each CP (2012 data extracted from AFCD records). The Sai Kung CPs had the second highest number of visitors (1,887,800) amongst all the CPs of Hong Kong. **Figure 16** also shows the number of people participating in the recent Trailwalker event in November 2013. All these indicate that the Sai Kung CPs draw a huge number of visitors and are very important for the general public, to relax and enjoy. The CPs exist not just for plants and animals.

11.2 The designation of unnecessary, disproportionate in scale super-sized V zones in CP Enclaves will definitely and significantly affect the general public's enjoyment when visiting CPs (i.e., natural areas will become paved with concrete, places may be fenced-off, with the associated disturbances during both the construction and operation of Small Houses). We urge the Board and the PlanD to not only take the rights of the indigenous villages into concern but to also seriously address the needs of the wider public who in their daily life take to the CPs as respite from the pressures of urban living.

11.3 According to a PlanD study commenced in 2001, Hoi Ha is an area of good landscape condition and high landscape value[6]. We would like to ask the PlanD and the Board – if in allowing an enlarged size of the proposed V zone in Hoi Ha whether this would, at some future time, affect and degrade the landscape condition and value of the site; and also whether this would detract from the landscape condition and value of the surrounding CPs as a whole? We would also urge the Board to carefully consider the detrimental environmental consequences and impacts upon Hoi Ha Wan which has the best developed and representative fringing coral communities in the territorial waters of Hong Kong.

[6] http://www.pland.gov.hk/pland_en/p_study/prog_s/landscape/e_index.htm

12. The Convention on Biological Diversity is NOT being respected by the zonings proposed for Hoi Ha in the Draft OZP

12.1 The Convention on Biological Diversity (CBD) was extended to Hong Kong in 2011 and in the recent 2013 Policy Address, the Chief Executive stated: "*The Government shares public concern about ecological conservation. To take forward the Convention on Biological Diversity, we will consult the public in 2013 on the formulation of the Biodiversity Strategy and Action Plan for Hong Kong. We will also emphasise conservation of land and marine ecologies in major government policies*"[7]. The PlanD, however, is proposing big V zones in CP Enclaves; this is definitely a contradiction of the basic objective of this Convention – to safeguard biodiversity. What is being proposed by the PlanD as zonings in the Draft OZP is actually seriously threatening biodiversity and important habitats of rare species whose occurrence are limited to a few localities in the still un-spoilt places of Hong Kong.

13. Request of the then Chief Executive and the Ombudsman is NOT being respected by the zonings proposed for Hoi Ha in the Draft OZP

13.1 The "Tai Long Sai Wan incident" which happened in mid-2010 generated much public concern, news and commentary in the media[8]. Many people in Hong Kong reacted with great concern to this case and urged the Government to take immediate action to safeguard natural landscapes that did not have any statutory protection (i.e., the CP Enclaves). Subsequently, the then Chief Executive announced in his Policy Address (in October 2010) that the PlanD and the AFCD would protect those Enclaves that were not yet covered by statutory plans according to their local conditions, either by incorporating them into the CP system or through statutory planning control. In September 2011, the Ombudsman also recommended that:

(a) *DevB* (Development Bureau) *and EnB* (Environment Bureau) *should urge their executive departments to, as directed by the Chief Executive, expeditiously prepare statutory plans for those enclaves that are still unprotected or to incorporate them into country parks, in order to ensure that all enclaves are properly protected*; and

(b) *AFCD should consider incorporating private lands that have conservation value into country parks in accordance with the revised CMPB* (Country and Marine Parks Board) *criteria*[9].

[7] http://www.info.gov.hk/gia/general/201301/16/P201301160328.htm

[8] http://www.nshk.org.hk/pdf/c_awards/2010/010.pdf

[9] http://www.ombudsman.hk/concluded/2011_09_02.pdf

13.2 The current proposal of having a V zone of 2.60 ha (30.77% of the total area of 8.45 hectares) in Hoi Ha is definitely a contradiction of point (a) above. This proposal is promoting additional developments that would threaten biodiversity and sensitive habitats rather than proper protection.

13.3 KFBG strongly recommends that the Enclave Policy should be appropriately implemented and that the planning proposals closely abide by the request of the Ombudsman.

13.4 We are aware that the AFCD, and, the CMPB are in the process of investigating the possibility of incorporating some of the Enclaves into the CP system, and that there are plans to assess every Enclave. If the proposal by the PlanD to have big V zones in these Enclaves is agreed to by the TPB and eventually approved by the Chief Executive-in-Council, it would be very difficult for the AFCD and the CMPB to appropriately implement the requirement of the 2010 Enclave Policy and to also comply with the request of the Ombudsman. This will show a complete lack of governance and co-ordination among Government departments, and the request as stated in the Enclave Policy and also by the Ombudsman would not be upheld, which is not a desirable situation.

13.5 In order to allow for sufficient time and leeway for the AFCD and the CMPB to appropriately implement the aforementioned investigative process and procedures, one possible option is to change all the proposed V, GB and other non-conservation zonings in the Enclaves to an "Undetermined" zoning status. After the AFCD and the CMPB have completed their assessments, then only should the PlanD undertakes and goes through a re-planning process for the remaining areas that are not incorporated into the CP System. This would be the most appropriate way to deal with and resolve the conflict between nature conservation and development, under the current circumstances of the legal designation process for protecting all the CP Enclaves. However, this would not be the case if all the CP Enclaves are pre-maturely covered with inappropriate zones under the town planning system even before any kind of proper or comprehensive meaningful assessments of the biodiversity status and conservation values of each and every individual CP Enclave has been determined and properly documented by the relevant conservation authority of Government.

14. Some general questions for consideration by the Planning Department and the Town Planning Board

14.1 The conservation importance of Hoi Ha and surrounding areas are well recognized by Environmental NGOs and the AFCD (although there seems to be doubt as to whether the AFCD are adopting a holistic view in protecting the site).

14.2 In view of all these points, concerns and information as provided in above paragraphs, we would like to ask the PlanD and the TPB to consider the following questions:

(a) Why is the commendable holistic and conservation approach that was set for the Tai Long Wan OZP not being used as a reference or adopted in the planning process for this Hoi Ha OZP (as well as the many other CP Enclaves such as So Lo Pun, Pak Lap, To Kwa Peng and Pak Tam Au)?

(b) Why is the conservation value of the wider area (i.e., the surrounding CP and especially the Hoi Ha Wan MP) not considered in the overall planning of the zoning status for the Hoi Ha Enclave?

(c) Why are important habitats inside the Enclave (e.g., the woodland and the wetland) not protected with appropriate statutory designations, following the requirements as stated in the Convention on Biological Diversity, the 2010 Enclave Policy and the 2011 Ombudsman Report?

(d) Why is a big V zone (planned population 590) considered necessary even though the site was occupied by about 110 persons based on the 2011 census?

(e) The provision of additional infrastructure to support future development would be difficult in the area, due to the physical site constraints and the fact that it is completely surrounded by the hilly terrain of CPs. Why does the PlanD not adopt a more pragmatic approach to help avoid and manage unnecessary and unrealistic development expectations?

(f) In overall town planning terms, has there been any provision for and clearly marked out in the Draft OZP for Hoi Ha, adequate residential car parking spaces to address the expected demand due to the planned increase in the number of residents (from the present 110 to the envisaged 590 persons of the enlarged V zone) in this rural locality remote from schools, shops, jobs and all other urban amenities and needs for daily living?

(g) Furthermore, has there been any provision in the plans for the Draft OZP for Hoi Ha, adequate Public parking spaces for both private cars and commercial vehicles (buses, minivans, taxis and coaches) and a Terminus for public buses and mini-buses to handle the influx of tourists, visitors and day-trippers to Hoi Ha and to the nearby areas of the Sai Kung West CP especially during weekends and public holidays?

(h) Consideration should also be generally given to the questions raised in Sections 7.6, 8.6, 8.7, 9.1 and 11.3.

15. KFBG recommendations for the Draft OZP for Hoi Ha

(a) The PlanD and the TPB should consider the rights of the general public to enjoy the CPs of Hong Kong and not only cater for the needs of private development.

(b) The PlanD and the TPB should do the utmost to emulate the spirit and the processes of the holistic and conservation approach adopted in 2001 for the Tai Long Wan OZP (which is also a CP Enclave) when preparing the zoning plans for Hoi Ha and all other Enclaves.

(c) Following the approach for the Tai Long Wan area as mentioned in the 745th TPB meeting, we wish to stress to the PlanD and the TPB that **the natural beauty of the Hoi Ha area as a whole should be conserved and that the conservation value of the wider area should also be considered in the planning process.**

(d) Given that there is an inadequate existing infrastructure provision and that the provision of additional infrastructure to support future development would be difficult in the area, KFBG suggests that a decrease in the size of the V zone is more pragmatic and can help to manage and avoid unnecessary and unrealistic development expectations.

(e) Therefore, we urge that the proposed V zone in Hoi Ha should be greatly reduced and to cover only the existing village settlement and approved Small House site (if any).

(f) The dense woodland to the west of Hoi Ha Road should NOT be covered with the proposed V zone and should be accorded a CA zoning status.

(g) The riparian area and the wetland should be protected with a CA zone.

(h) Under the proposed GB zone, the terms - "Barbecue Spot", "Picnic Area", "Public Convenience" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the 'Schedule of Uses of the Hoi Ha OZP'. This will help to impose stricter planning control on these activities and their undesirable pollution impacts.

(i) The term - "House (New Territories Exempted House only)" (i.e., Small House, typical village house) should be transferred from Column 1 (where "uses always permitted") to Column 2 in the Schedule of Uses of the V zone under the Hoi Ha OZP; "House (not elsewhere specified)" should be deleted from Column 2 in the Schedule of Uses of the proposed V zone. These would be consistent with the procedure that was previously implemented by the PlanD in the OZP for the Tai Long Wan Enclave.

(j) Under the proposed V zone, the terms - "Eating Place" and "Shop and Services" should not be uses always permitted on the ground floor of a New Territories Exempted House. This will help to impose stricter planning control on these activities and their undesirable pollution impacts.

(k) As an alternative, we strongly recommend that the PlanD should mandate all the V, GB and other non-conservation zonings in the Draft OZPs of the CP Enclaves into '**Undetermined**' zone at this point in time, in order to better protect these areas. After the AFCD and the CMPB have completed their assessments, the PlanD could then go through a re-planning process for the remaining areas that are not incorporated into the CP System. We consider that this is the best option under the current circumstances of the legal designation process for protecting all the CP Enclaves.

15.1 We sincerely hope that the Board to adopt our recommendations as stated above (i.e., following the holistic and conservation approach adopted for the Tai Long Wan OZP). Otherwise, there is a high potential for the ecological integrity of the Hoi Ha Enclave and the surrounding CP and MP to become greatly affected, and thus, despite the original good intentions of planning for conservation of these areas; the preservation of the natural elements within the Enclave would not be accomplished. This would then be contradictory to the requirements of the Enclave Policy and the Ombudsman, and, would not be in keeping with the principles of the Convention on Biological Diversity.

Thank you for your attention.

Yours faithfully,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

cc.: Chief Executive
Legislative Councilors
Country and Marine Parks Board
Town Planning Board Members
Secretary for Development
Secretary for the Environment
Director of Agriculture, Fisheries and Conservation
Director of Planning
Countryside Foundation
Eco-Education & Resources Centre
Save Our Country Parks Campaign

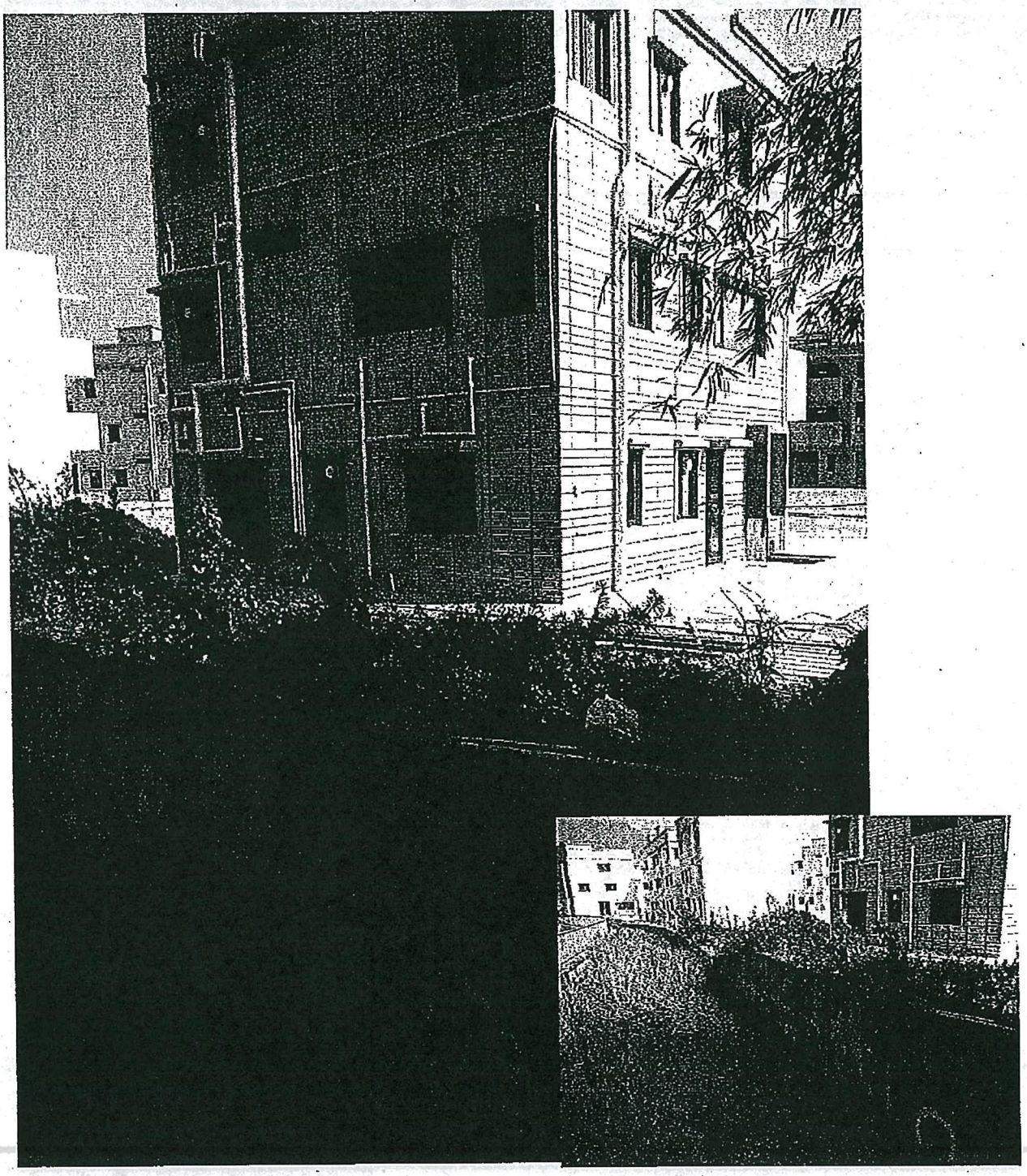
香港新界大埔林錦公路
Lam Kam Road, Tai Po, New Territories, Hong Kong
Email: eap@kfbg.org

Figure 1. Pipes discharging wastewater/ grey water along watercourses next to village areas



香港新界大埔林錦公路
Lam Kam Road, Tai Po, New Territories, Hong Kong
Email: eap@kfbg.org

Figure 2. Pipes from a small house suspected of being connected with a U-channel which is usually for collecting storm water only; water from these pipes may eventually be discharged into a nearby watercourse



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Lam Kam Road, Tai Po, New Territories, Hong Kong
Email: eap@kfbg.org

Figure 3. Polluted water suspected from a nearby small house construction site being discharged into a watercourse

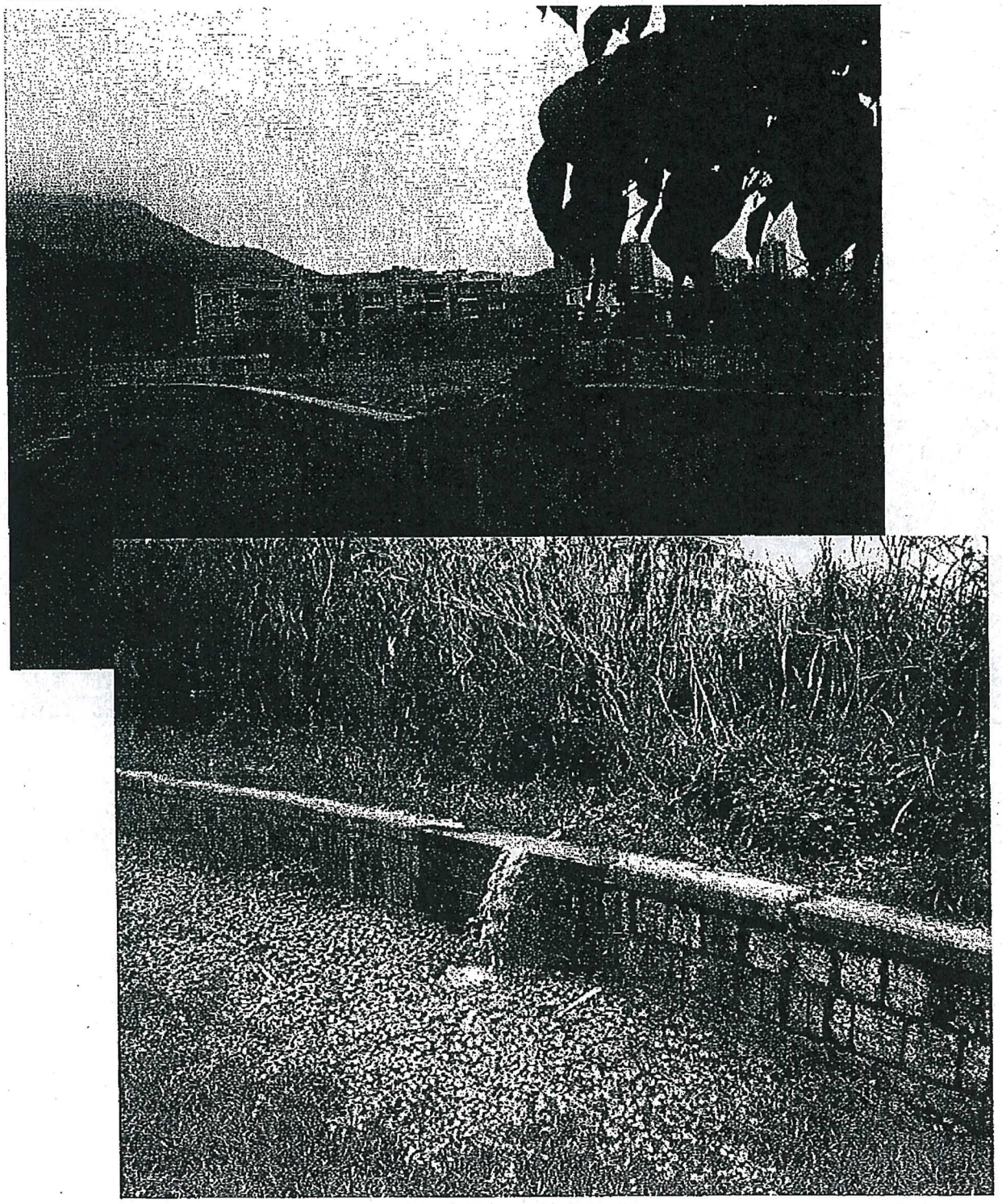


Figure 4. Suspected leakage of sewage from a nearby septic tank

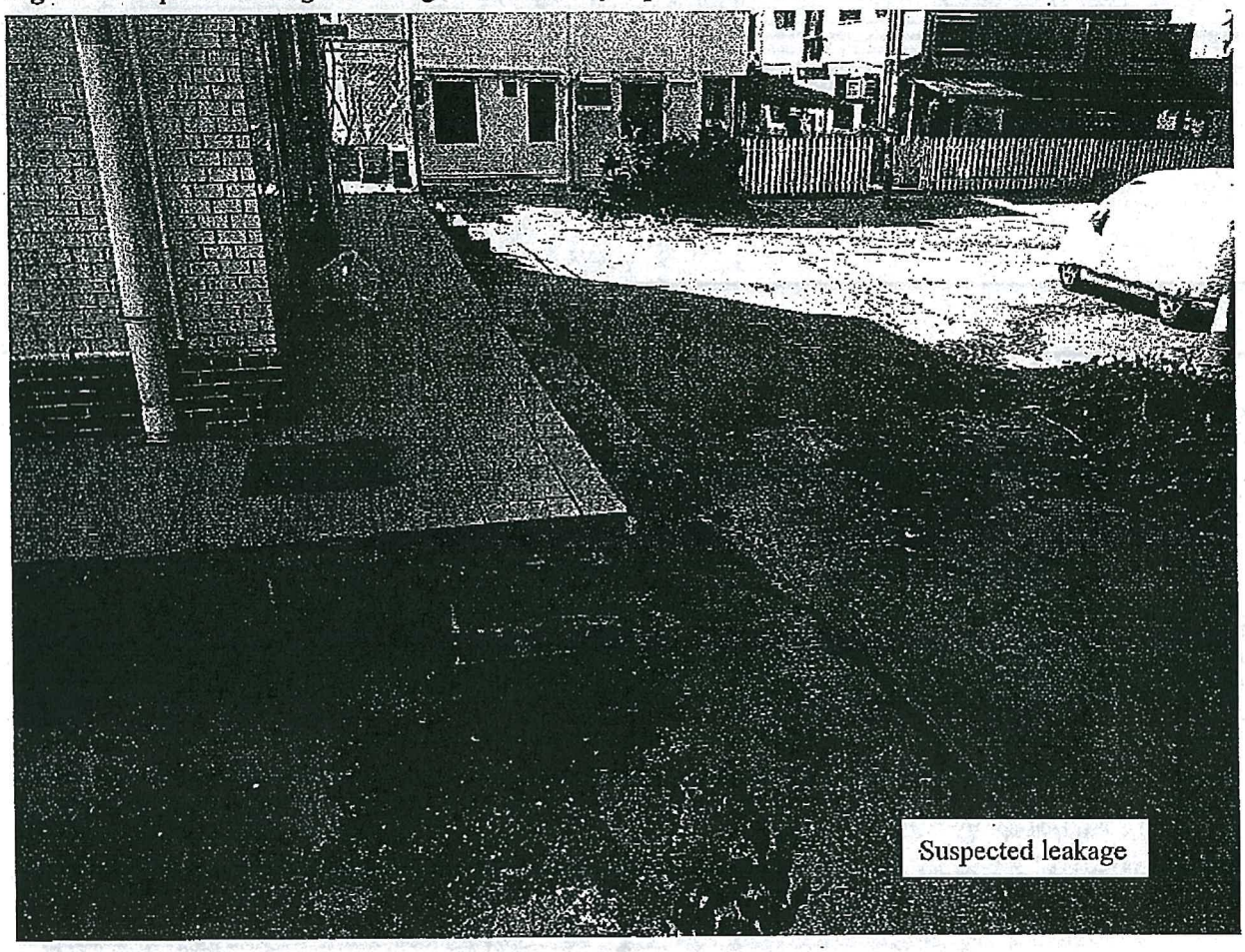


Figure 5. Cloudy wastewater observed in Hoi Ha Stream; suspected discharge from a nearby facility

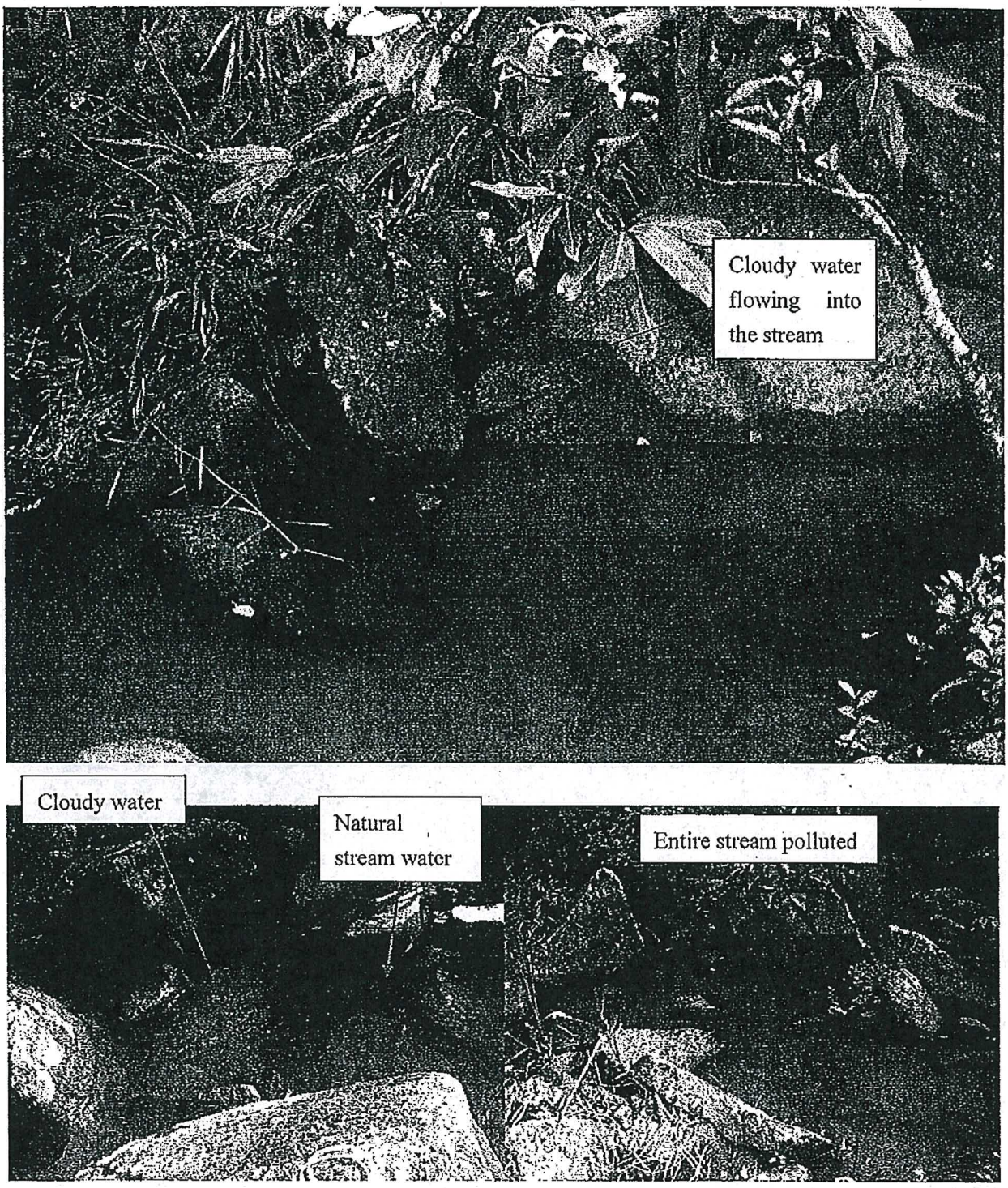


Figure 6. Eating places on the ground floor of Small Houses

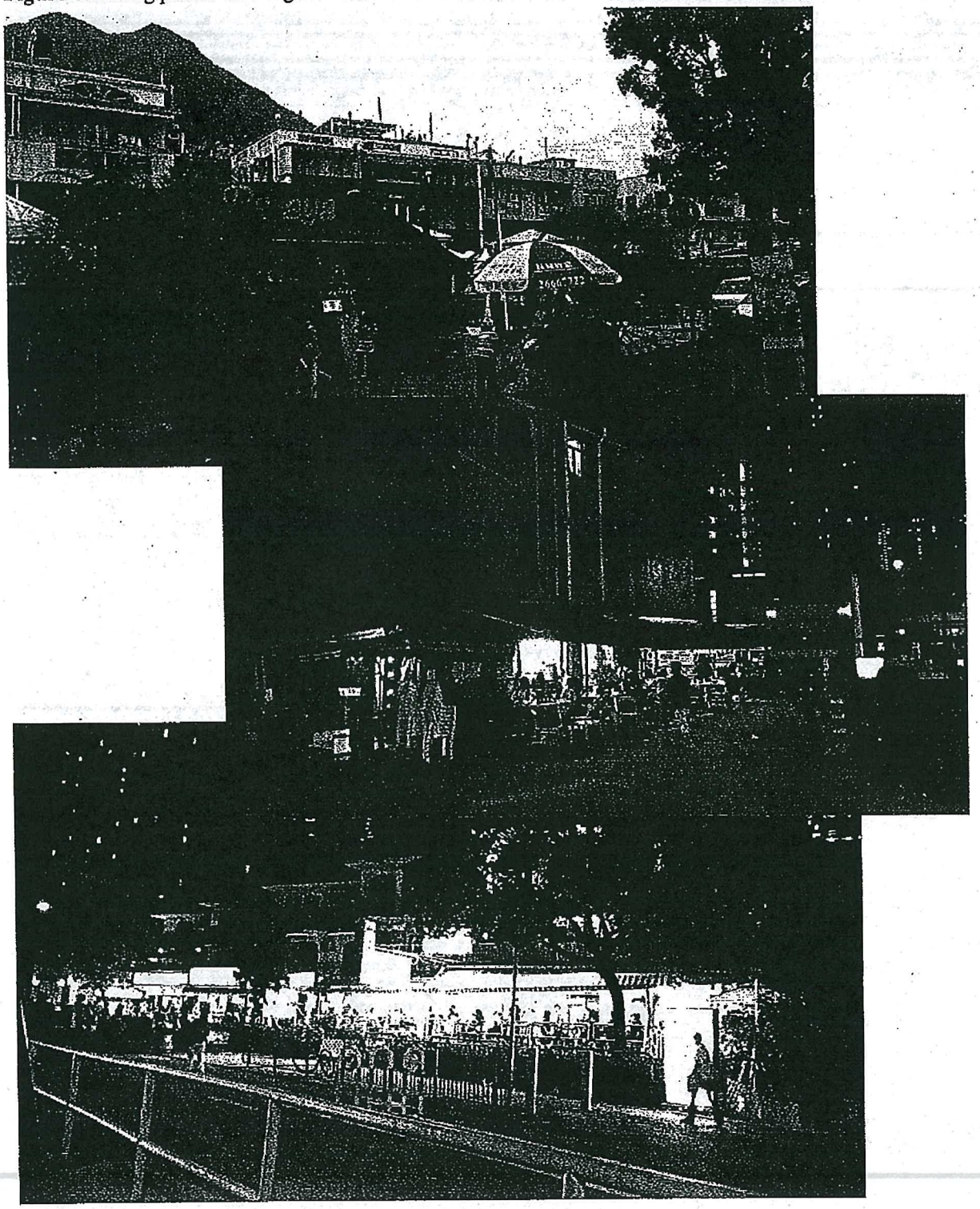


Figure 7. Habitat map of Hoi Ha (top; by Friends of Hoi Ha), and the proposed map of the Hoi Ha OZP (below)

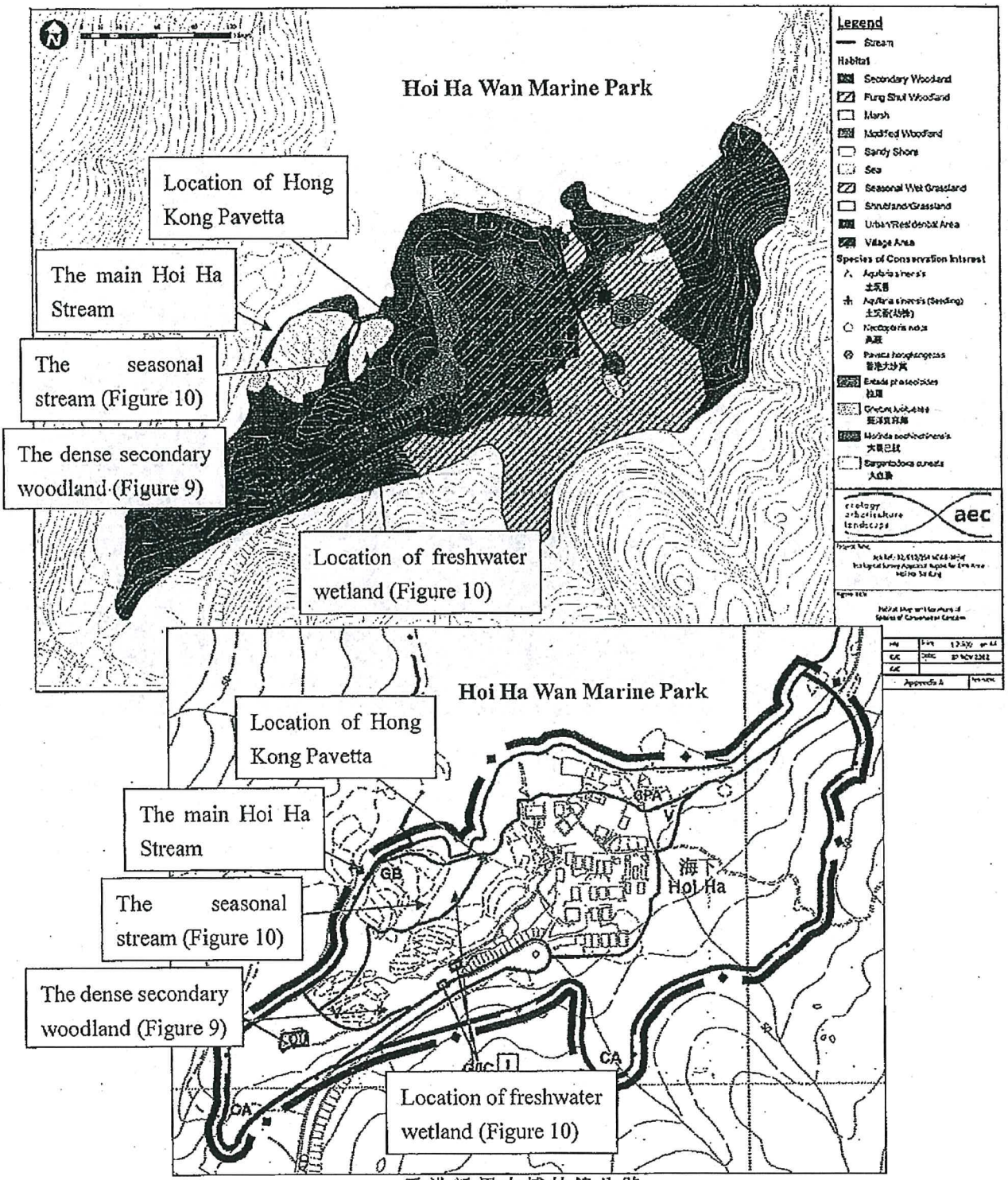


Figure 8. Aerial photograph of Hoi Ha (Plan 3 of the TPB Paper No. 9430)

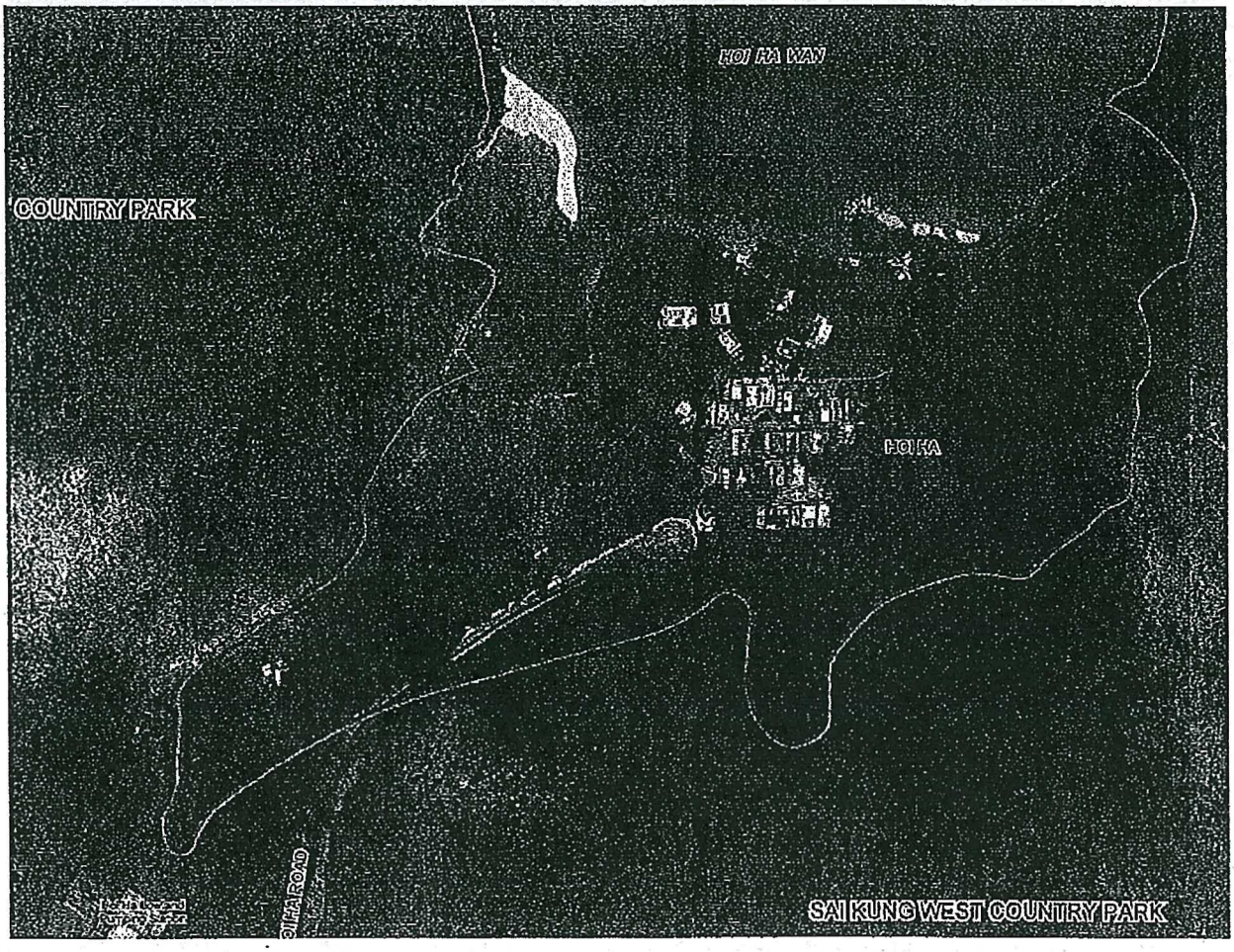


Figure 9. Dense woodland to the west of Hoi Ha Road which is now included under the proposed Village Type Development zone



Figure 10. Freshwater wetland and associated seasonal stream next to the proposed Village Type Development zone which is now included under the proposed Green Belt zone



Figure 11. A barbecue site approved by the Town Planning Board which is located on a land zoned Agriculture (near Ting Kok); areas paved with concrete and suspected to be discharging wastewater polluting the adjacent Site of Special Scientific Interest

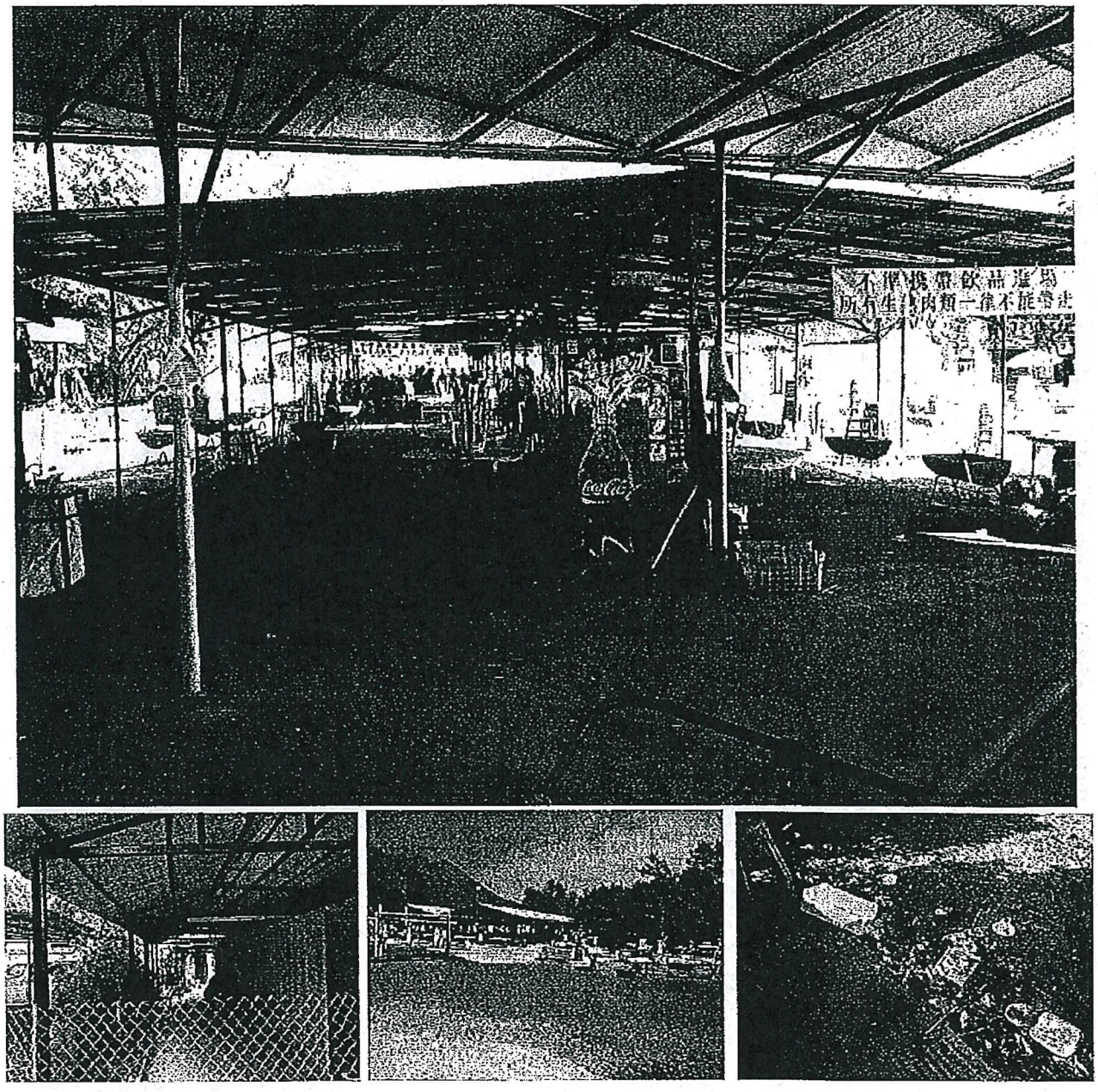
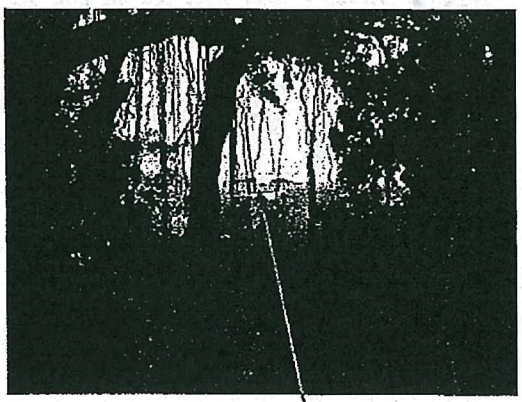


Figure 11. con't







Mangrove SSSI

Figure 12. Banners placed by villagers blaming Government for inadequate provision of residential car parking spaces during the planning process

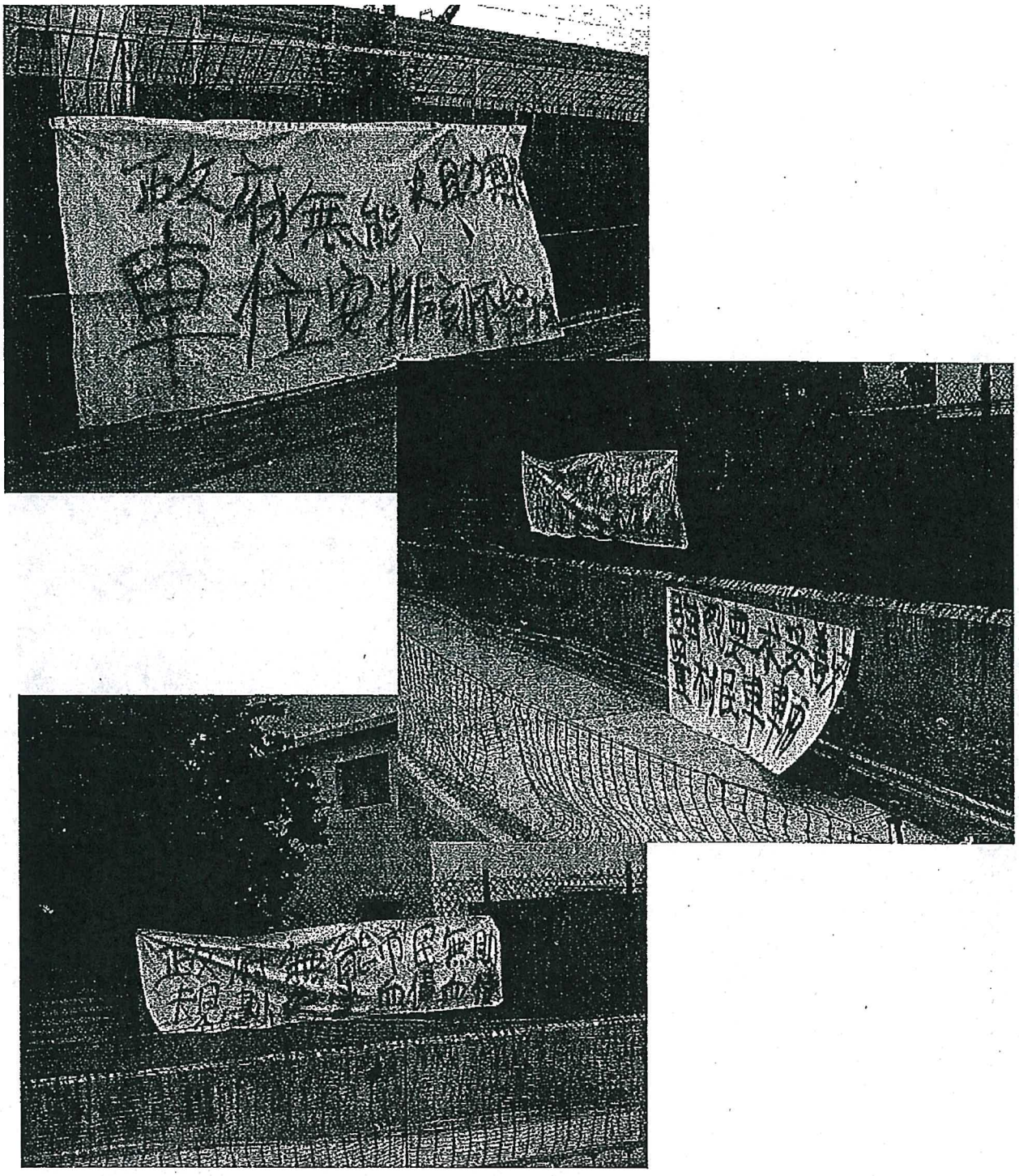


Figure 13. Car parks suspected to be illegally occupying Government Land were built next to a village area where the surrounding coastal vegetation has been trashed by the in-fill of materials used to create the car park

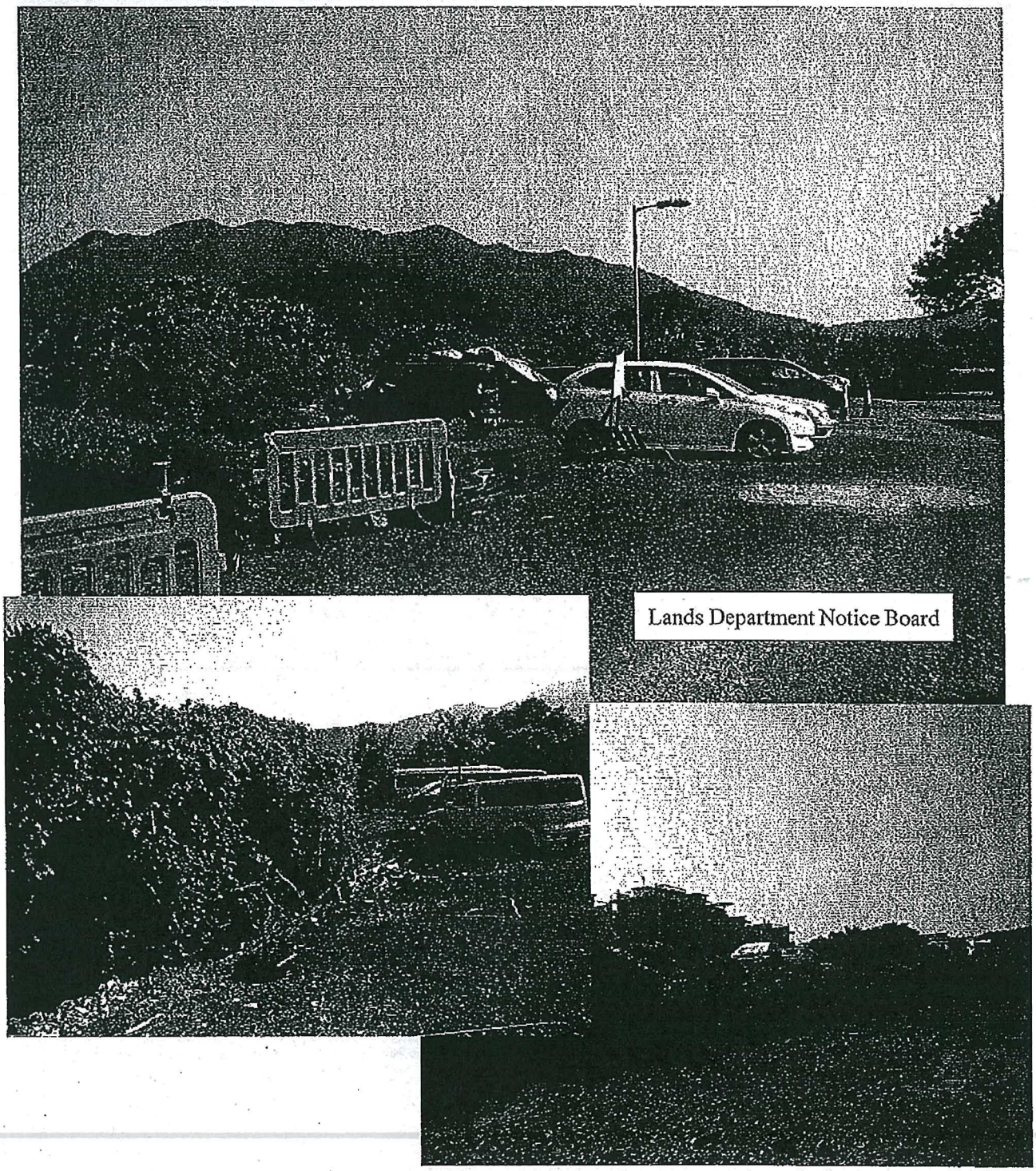


Figure 14. The size of the proposed V zones at Tai Long Wan, a Country Park Enclave was greatly reduced from 7.9 to 1.9 hectares, covering only the existing village settlement and approved small house sites

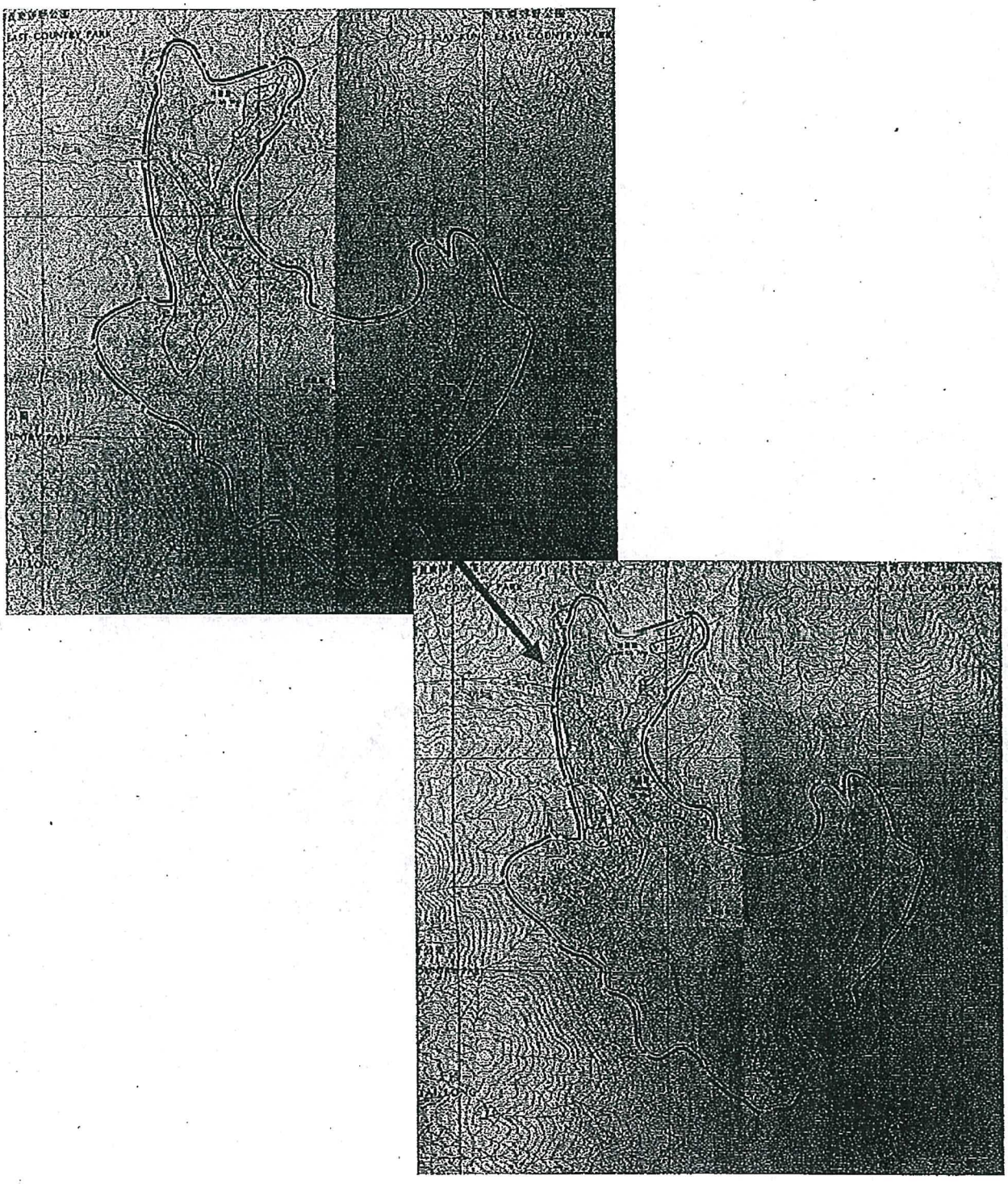


Figure 15. The number of visitors to each Country Park (2012; figure prepared by Local Research Community with data extracted from AFCD records)

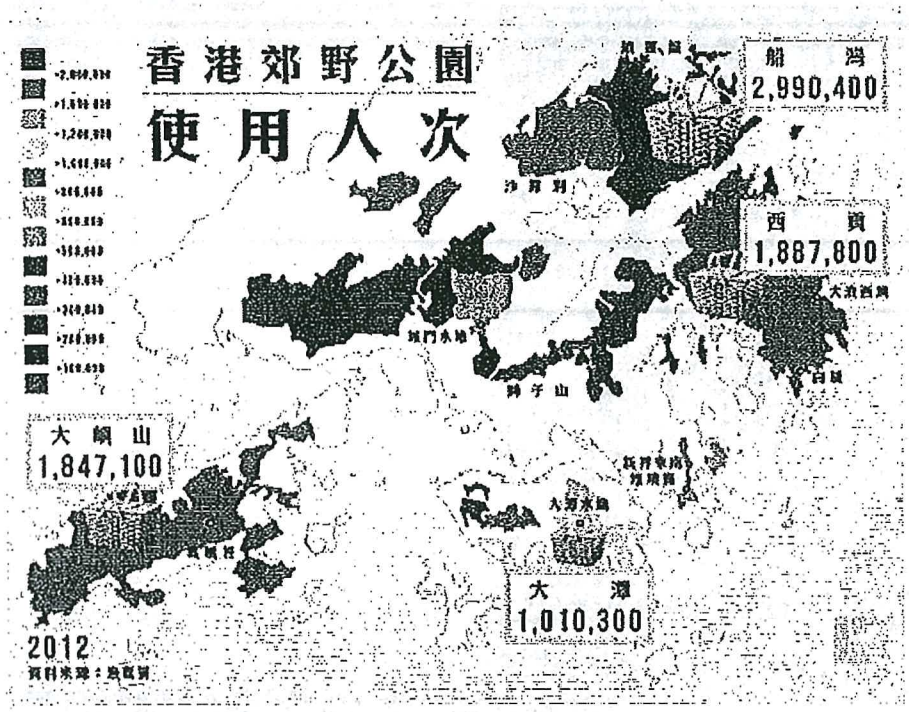
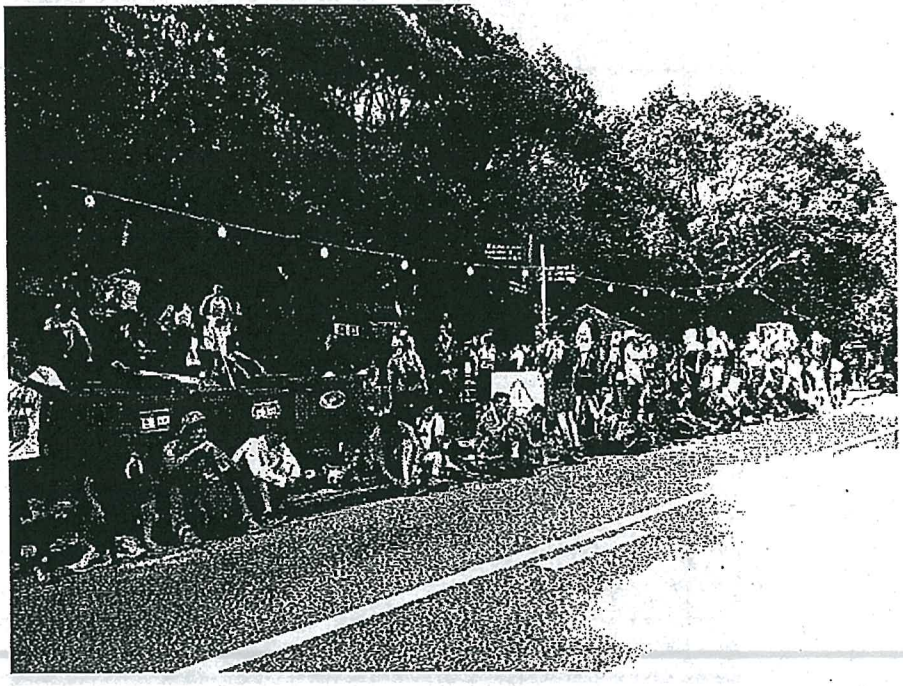


Figure 16. Participants of the 2013 Trailwalker event



TPB/R/S/NE-HH/1- 10884



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cc
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Subject 提交申述 - 海下分區計劃大綱草圖編號 S/NE-HH/1

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

本會認爲圖則中的鄉村式發展地帶面積過大，理由如下：

海下近幾十年一直只有少量村民居住，並無顯著需求要在該處興建小型屋宇自住；而且擬劃作鄉村式發展地帶中可新建屋宇的土地，大部份已被地產發展商購入，該處大部份原居民已不持有土地作興建小型屋宇自住之用。劃出大面積鄉村式發展地帶只會鼓勵大批原居民非法售賣「丁牌」予地產發展商作屋苑式發展，完全違反新界小型屋宇政策原意，亦變相鼓勵違法行爲。

海下被西貢西郊野公園包圍，景色優美怡人，乃著名旅遊和觀賞海洋生物的地方，大量丁屋發展嚴重破壞原有景觀和環境。生態調查亦顯示該處陸上生物多樣性甚高，孕育不少罕有和具保育價值物種，而海下灣更屬海岸公園，乃大量具保育價值海洋生物的棲所。

該處沒有污水處理設施，大量增建小型屋宇意味大量未經處理的生活污水將直接流入海下灣，造成嚴重污染。

海下路的原來設計和規劃亦並非用作大量私家車行駛，這將會對眾多遊人造成不便和危險。

本會建議大幅縮減圖則中的鄉村式發展地帶，並將整個海下地區納入西貢西郊野公園範圍。

香港昆蟲學會
2013年11月26日

(115)

From:+852 30119577 To:28770245 27-Nov-2013 20:21:11

TPB/R/S/NE-HH/1- 10885

環保觸覺 Green Sense
電話：8100 4877
傳真：3011 9577
地址：荃灣郵政信箱 454 號
電郵：info@greens
網頁：www.greensense.org.hk

致 城市規劃委員會：

環保觸覺意見書

有關海下 S/NE-HH/1 分區計劃大綱草圖

反對於海下擴大鄉村式發展範圍

保護海下灣陸上及海岸生態

本會反對於海下 S/NE-HH/1 分區計劃大綱草圖擴大鄉村式發展用地，以廣設被認為是原居民特權的丁屋，這將破壞香港珍貴郊野及生態。詳細意見如下：

海下灣及周邊林地、濕地，生物多樣性相當豐富。根據漁護署的全港性生物多樣性調查 2002—2013 年的數據，抽取海下灣的紀錄，共錄得植物 243 種，動物 85 種。嘉道理農場暨植物園 2012 年在海下灣進行的植物和飛蛾調查報告，清楚顯示現時的「鄉村式發展」地帶為次生樹林 (Secondary Forest) 和淡水濕地 (Freshwater Wetland) ，該報告指出海下灣共有六類的生境，植物總數達 225 種，當中有 9 種具保育價值，飛蛾也有 77 種記錄。

香港自然生態論壇成員（十多名成員）自發於 2013 年 10 月 15 日（植物調查）和 2013 年 10 月 19—20 日（動物調查）於現時被劃為「鄉村式發展」地帶及其附近可能受影響的地帶進行深入的生態攝影記錄調查，發現 453 個物種，當中 8 種具保育價值。

海下灣被劃為海岸公園多年，顯示海岸生態豐富，若周邊被過度發展，這將使港人失去美麗的後花園。政府建議中的草圖，鄉村式發展的面積大增，日後預計的丁屋數量極多，不符合目前環境、生態及大自然風貌，所以城規會應拒絕通過這張分區計劃大綱圖。

政府應參考大浪西灣之規劃，不應再增加鄉村式發展範圍，並應將部份範圍劃入郊野公園；若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展的範圍，不應再增加丁屋。

丁屋是原居民的特權，並不是公平的政策，這政策實在需要在不違反基本法的情況下，盡快檢討。若在分區計劃大綱圖擴大鄉村式發展以廣設丁屋，這等同讓原居民的特權繼續延伸，政府、規劃署及城規會便成了幫兇，這樣荒謬的事，實在不能發生。

(134)

環保觸覺
Green Sense
電話：8100 4877
傳真：3011 9577
地址：荃灣郵政信箱 454 號
電郵：info@greensense.org.hk
網頁：www.greensense.org.hk

本會鄭重要求，海下分區計劃大綱圖應以保護郊野及海岸為首要考慮，所以不應再額外加入鄉村式發展地帶，以免丁屋進一步破壞郊野。

請各城規會委員把關，保護香港的生態及生境，謝謝！

如有查詢或回覆，可致電 8100 4877。

環保觸覺

二零一三年十一月二十七日

Roy Tam
[redacted]
27/11/2013 下午 08:26

To tpbpd@pland.gov.hk
cc
bcc
Subject 環保觸覺意見書 -- 海下灣

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

有關海下 S/NE-HH/1分區計劃大綱圖 GREEN SENSE_海下.pdf

Gary Stokes
[redacted]
27/11/2013 12:45

To tpbpd@pland.gov.hk
cc
bcc
Subject Objection: Draft Hoi Ha Outline Zoning Plan No: S/NE-HH/1

TPB/R/S/NE-HH/1- 10895

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Please cancel the previous submission sent to your office on the 31st Oct 2013 and accept this as our COMPLETE AND FINAL SUBMISSION. Due to size restrictions this is sent from a personal email, any replies to the address attached

HHW Cover Letter.pdf 1. Hoi Ha Full report.docx

Chairman, Town Planning Board,

Representation relating to a Draft Plan under
Section 6(1) of the Town Planning Ordinance (Cap 131)

This is a representation relating to a Draft Plan under Section 6(1) of the Town Planning Ordinance (Cap 131). Please see the details of our submission as follows:

1. Person making the Representation

Mr. Gary Stokes, Senior Operations Director (Asia), Sea Shepherd Conservation Society.

2. Authorized Agent (Not applicable)

3. Details of the Representation

(a) Draft plan to which the representation relates.

Draft Hoi Ha Outline Zoning Plan No: S/NE-HH/1

(b) Nature of and reasons for the representation

Sea Shepherd Conservation Society oppose the Draft Hoi Ha OZP on the following grounds:

1. The Draft Hoi Ha Outline Zoning Plan is a missing critical conservation and ecological information.

2. The coral communities in Hoi Ha Wan are the dominant feature of conservation and ecological significance in the area, yet the Draft Hoi Ha OZP doesn't mention this.

3. The soft shore in Hoi Ha Wan Marine Park has been identified as an ecologically important habitat and the highest ranking soft shore in Hong Kong in terms of biodiversity, yet the Draft Hoi Ha OZP doesn't mention this.

(157)

4. On-site septic tanks and soakaway (STS) systems will not work in Hoi Ha.

5. The underlying geology will not support the use of on-site septic tanks and soakaway (STS) systems to disperse untreated wastewater into the surrounding soil in Hoi Ha, which will lead to irreparable damage being caused to the coral communities in Hoi Ha Wan.

6. The underlying geology will not support the use of on-site septic tanks and soakaway (STS) systems because Hoi Ha village is susceptible to flooding and this will pose an unacceptable health risk, including the possibility of triggering a global pandemic.

7. Excavations undertaken during development will disrupt the geologic continuum in the area, which poses the risk of the coral communities in Hoi Ha Wan being smothered in sediment.

8. An influx of visitors to Hoi Ha Wan poses an unacceptable risk to the marine biodiversity there, yet this has neither been mentioned nor considered in the Draft Hoi Ha OZP.

Supporting evidence for these objections is in the attached report.

(c) Any proposed amendments to the draft plan?

In accordance with Section 6(2) of the Town Planning Ordinance, the failure to recognize or consider these issues are serious omissions and show the Draft Hoi Ha OZP is not fit for purpose. Because all of this information has been omitted from the Draft Hoi Ha OZP, we do not believe the Town Planning Board has been properly briefed on all of the issues of concern and no development should be allowed in Hoi Ha based on the objections we have raised.

4. Particulars of "Representer"

Name: Gary Stokes
On behalf of: Sea Shepherd Conservation Society
Position: Senior Operations Director (Asia)
Tel: [redacted]
Email: [redacted]
Date: 27 November 2013

From: a a <[redacted]
Date: Thu, 31 Oct 2013 02:38:45 -0700
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>
Subject: Sea Shepherds Objections to the Proposed Development at Hoi Ha Wan

Dear Mr Chairman,

FOR YOUR CONSIDERATION:

Please find the below link to our full report showing our objections against the proposed development at Hoi Ha Wan. You have not been given the full information to be able to make an informed decision, and any development in the area will have a devastating effect on the coral communities within the SSSI. Should you have any questions please feel free to contact us directly.

Sea Shepherd Hoi Ha Wan Online Report: http://docdroid.net/5pvo

Best Regards,

Gary Stokes
Senior Operations Director - Asia
Sea Shepherd Conservation Society
Tel: [redacted]

SEA SHEPHERD CONSERVATION SOCIETY

International Chairman
Farley Mowat
Founder
Captain Paul Watson
Board of Directors
Lani Blazier
Marnie Gaede
Anthony Kiedis
Peter Rieman
Bob Talbot
Paul Watson
Persia White
Robert Wintner
Dr. Ben Zuckerman
Board of Advisors
Richard Dean Anderson
Brigitte Bardot
Linda Blair
Jody Boyman
Berkeley Breathed
Dr. Deborah Brosnan
Pierce Brosnan
Paul Brown
The Honorable Ian Campbell
Sebastiano Cossia Castiglioni
David Comarow, ESQ
Sean Connery
James Costa
John Paul DeJoria
Tui De Roy
Isabel Dow
Albert Falco
Linda G. Fisher
Dave Foreman
Hannah Fraser
Marc Gaede
Dr. Birute Galdikas
Mike Galesi
Stephanie Gilmore
Michael Goldschlager
Rutger Hauer
Randall H. Hayes
Herbert Henrich
Dr. Alex Hershaft
Steve Hindi
Basil Hobbs
Dr. Sidney Holt
Dr. Jennifer Hopper
Captain Jet Johnson
Pieter Kroonenburg
Dr. Louise Leakey
Howard Lyman
Rafe Mair
Dr. Joe McGinniss
Dr. Godfrey Merlen
Alex Pacheco
Sean Penn
Grant Pereira
Jacques Perrin
Heidi Prescott
Dave Rastovich
Dr. Tom Regan
Martin Sheen
Sam Simon
Kelly Slater
George Sumner
Barbara Veiga
Geert-Jan Vons
Tom Waes
Oliver Wallasch
Diane Warren
Elora West
Scott West

Chairman, Town Planning Board,

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Section 6(1) of the Town Planning Ordinance (Cap 131)

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(b) Nature of and reasons for the representation

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4. Particulars of "Representer"

Name: Gary Stokes
On behalf of: Sea Shepherd Conservation Society
Position: Senior Operations Director (Asia)
Tel: [redacted]
Email: [redacted]
Date: 27 November 2013

b頁 1 - 1(B)

TPB/R/S/NE-HH/1- 1089

tpbpd@pland.gov.hk

寄件者: [redacted]
收件者: <tpbpd@pland.gov.hk>
副本: [redacted]
傳送日期: 20/11/2013 下午 04:37
主旨: Fw: Sea Shepherds Objections to the Proposed Development at Hoi Ha Wan

---- Forwarded by Patrick CW TSANG/AFCD/HKSARG on 20/11/2013 16:36 ----

From: [redacted]
To: [redacted]
Date: 31/10/2013 17:45
Subject: Sea Shepherds Objections to the Proposed Development at Hoi Ha Wan

Dear Mr Chairman,

FOR YOUR CONSIDERATION:

Please find the below link to our full report showing our objections against the proposed development at Hoi Ha Wan. You have not been given the full information to be able to make an informed decision, and any development in the area will have a devastating effect on the coral communities within the SSSI. Should you have any questions please feel free to contact us directly.

Sea Shepherd Hoi Ha Wan Online Report: http://docdroid.net/5pvo

Best Regards,

Gary Stokes
Senior Operations Director - Asia
Sea Shepherd Conservation Society
Tel: (+852) [redacted]

151

20/11/2013



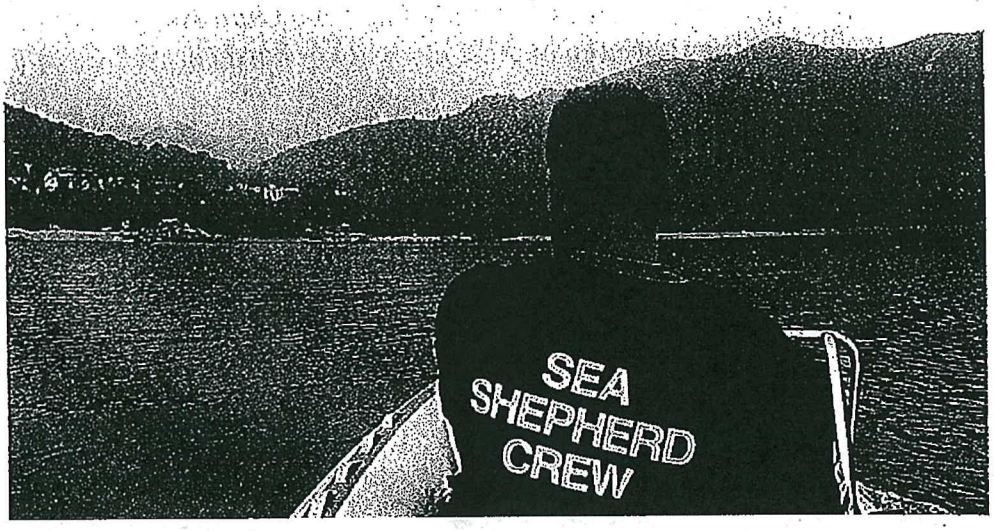
OPERATION: HOI HA

REPORT

1. SEA SHEPHERD CONSERVATION SOCIETY

Established in 1977, Sea Shepherd Conservation Society (SSCS) is an international non-profit, marine wildlife conservation organization. Our mission is to end the destruction of habitat and slaughter of wildlife in the world's oceans in order to conserve and protect ecosystems and species.

Sea Shepherd uses innovative direct-action tactics to investigate, document, and take action when necessary to expose and confront illegal activities on the high seas. By safeguarding the biodiversity of our delicately balanced ocean ecosystems, Sea Shepherd works to ensure their survival for future generations.



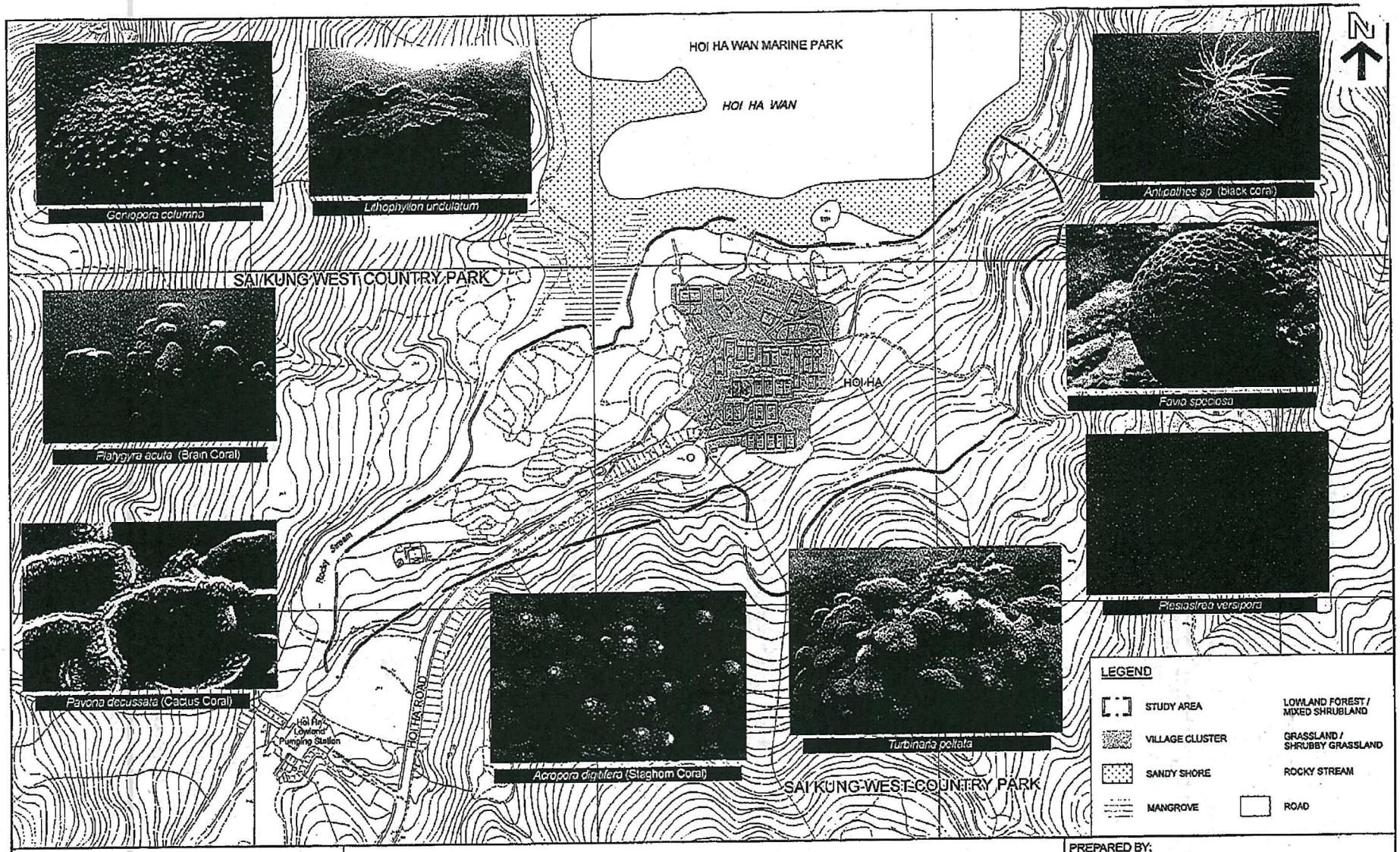
In September 2013, Sea Shepherd sent a small team to Hoi Ha Wan for three days to document the marine life that may be threatened with the proposed development plans.

2. THE THREE ISSUES OF CONCERN RAISED BY SEA SHEPHERD

1. **Marine Ecosystem: no mention is made in the Draft Hoi Ha OZP of any marine species or the threats posed to the coral communities in Hoi Ha Wan Marine Park by the development.**

2. **Pollution; the proposed development will generate wastewater which will have a disastrous effect on coral communities in the Marine Park, because the underlying sediments in the proposed development area are porous and permeable. Two major threats to coral communities are nitrogen and phosphorous, the same two pollutants that will be discharged from the proposed septic tank soak-away systems, then flow untreated into the Marine Park.**

3. **Sedimentation: the excavation or removal of surface vegetation during development will leave the land vulnerable to the elements and any subsequent heavy rains will wash soil and underlying sediments into the Marine Park, which will smother or kill the coral communities.**



Hoi Ha Marine Park has 64 of the 84 species of coral found in Hong Kong waters.

CORAL SPECIES OF CONSERVATION INTEREST IN
HOI HA WAN MARINE PARK
(SITE OF SPECIFIC SCIENTIFIC INTEREST)

SCALE 1 : 2 500
METRES 50 0 50 100 METRES

PREPARED BY:

SEA SHEPHERD CONSERVATION SOCIETY

13TH OCTOBER, 2013



4. POLLUTION

OBJECTION #2

According to the Draft OZP, there is no existing sewer or planned public sewer for the area, and at present, each house is typically served with its own on-site septic tanks and soak-away (STS) system. Any increase in residential developments would require additional facilities, including their own individual STS system, which need to comply with relevant standards and regulations, such as EPD's Practice Note for Professional Person (ProPECC) 5/93.

According to the relevant EPD standards and regulations, this involves dispersing untreated wastewater into the surrounding soil and relying on the soil to remove the polluting material from the wastewater and adequate purification can only be achieved after the wastewater has travelled a fairly long distance through the ground. The relevant standards and regulations also note, pollution would result if a STS is located too near to a beach or a stream.

The problem with this is the underlying sediment in Hoi Ha village comprises porous and highly permeable sedimentary deposits, which are a mixture of alluvium, beach deposits and debris flow deposits. Such deposits are porous and permeable, allowing for rapid drainage, so no matter how far the distance, interstices in these deposits means adequate purification cannot be achieved before the wastewater reaches the sea, and because Hoi Ha village is at the mouth of a watershed, this means all of the pollutants in the wastewater will ultimately be deposited in Hoi Ha Wan Marine Park.

Coral communities are sensitive receivers and the coral communities in Hoi Ha Wan lie downstream from Hoi Ha village. The watershed feeds into these communities. Coral communities thrive in nutrient-poor habitats by containing many species whose complex food chains recycle essential nutrients with great efficiency, making them especially sensitive to any process that disrupts recycling. For example, if wastewater is not properly treated nutrients such as nitrogen and phosphorous in the waste can stimulate prolific growth of algae, which overgrows corals, or form algal mats which prevents new polyps from settling and establishing themselves. Worst still,

POLLUTION - SUPPORTING DATA

In 1989 when the Hoi Ha Wan SSSI was established AFCD identified in the 'Degree of Hazard' – ***"Future development and changes of land use.....may cause water pollution and sedimentation of Hoi Ha Wan."***

Information as at the date of SSSI designation
根據具特殊科學價值地點指定日期時的資料

No. 48 - Hoi Ha Wan

Site

Hoi Ha Wan site is a sheltered bay situated at the northern coastline of Sai Kung Peninsula and covers an area of 278 hectares.

Date of Designation

5 January 1989

Special Scientific Interest

The coral communities of Hong Kong are of interest as they exist close the generally recognized limit for hermatypic (i.e. reef-building) coral growth and are distinct from the reef systems of the Philippines, Tung Sha and Sai Sha. Being a sheltered bay but open to oceanic waters, and not affected critically by pollution, Hoi Ha Wan provides a good environment for the corals to flourish. The species belong to the order Scleractinia that are responsible for the building up of coral reefs. The representative species are Pavona decussata (Agariciidae), Platygyra sinensis (Faviidae) and Porites lobata (Poritidae) which occupy the shallow habitats and Alveopora irregularis (Portitdae) and Stylocoeniella guentheri (Astrocoeniidae) which occupy the deeper habitats, while Cyphastrea spp. (Faviidae) are found throughout the depth range.

Degree of Hazard

The polluted, sediment loaded, waters of Tolo Channel affect the mouth of bay although the main body of the bay has good water quality and sustains coral communities. Future development and changes of land use in Wanchai Borrow Area may cause water pollution and sedimentation of Hoi Ha Wan. Divers and their associated activities may affect the normal development of coral communities.

Recommended Protection Measures

The Agriculture & Fisheries Department should be consulted on any development or reclamation proposals which may affect the site.

Nutrient loading is the amount of nutrient (usually phosphorous or nitrogen) applied to land over a specified time period. If more nutrients are added than can be removed, they can be transferred to ground and surface waters and can cause adverse environmental and health effects.

Nitrogen

Nitrogen can be present in treated domestic wastewater in organic forms such as amino acids and protein, and inorganic forms such as ammonia (NH_3), ammonium ion (NH_4), nitrate (NO_3), and nitrite (NO_2).The forms of nitrogen present depend on the treatment processes employed. About 40% of the nitrogen is usually present as organic nitrogen, with the remainder as ammonia or ammonium ions. Nitrogen is removed through a complex set of processes, which depend on the site factors and the form of nitrogen. Nitrogen removal mechanisms include:

- Vegetation uptake (major removal mechanism)
- Volatilization
- Denitrification
- Soil absorption (limited and reversible)

Nitrate is highly soluble, and if it is not used by vegetation or removed by denitrification, **it can percolate through the soil profile and reach ground and surface waters – an unacceptable situation.**

Of most concern is the pollution risk posed by high nitrate levels. Nitrates are not absorbed, or physically retarded, by the soil, and can therefore travel large distances in soils if they are not used by vegetation. Using soil absorption systems with septic tanks can therefore lead to nitrate pollution of groundwater.

Phosphorus

Phosphorus can be present as orthophosphate, polyphosphate and organic phosphate. The presence of even a small amount of phosphorus can stimulate a large mass of cell growth, so any reduction in the level of phosphorus in wastewater can extend the life of the land application area and reduce the amount of vegetative growth there

5. THREAT OF SEDIMENTATION

 # Objection 3

Hoi Ha Wan lies at the end of a geologic continuum, which starts in the hills above Hoi Ha and passes directly through Hoi Ha village into Hoi Ha Wan. The coral communities lie at the end of this continuum. Development in the area will require excavation and exposure of the topsoil and underlying sediments, causing a disruption to this continuum. Because of the underlying geology, a landslide hazard has been identified as a Geotechnical Constraint in the area, but the Geological Constraint associated with this has not been considered. Because Hong Kong is naturally subject to heavy downpours of rain and extreme weather events, such exposure could lead to a massive single discharge of sediment or prolonged discharges of sediment into Hoi Ha Wan, smothering the coral communities, leading to their degradation or in a worst case scenario, resulting in their total destruction.

Hoi Ha Wan has a documented history of this. In the 1980's, the loss of a coral community was recorded on the eastern shore of Hoi Ha Wan because of soil and sand runoff from the surrounding hills when trees and rocks were removed for reclamation of land at the Ma On Shan new town. In fact, this incident represents a classic case study to show what can go wrong if attention is not paid to risks associated with disrupting the geologic continuum.

If there is a need to conserve the areas of conservation value and protect the ecological significance of the area, no discussion can take place without considering the risks associated with disrupting the geological continuum in the area.

We strongly object to the Draft Hoi Ha OZP on the grounds that no reference has been made to the Geological Constraints associated with disrupting the geological continuum in the area, meaning that threats posed to the coral communities from sediment inundation have not been considered or addressed.

TOLO ADVENTURE CENTRE

TPB/R/S/NE-HH/1- 10912

P.O.BOX 74539 KOWLOON CENTRAL POST OFFICE KOWLOON HONG KONG

九龍中央郵箱74539號 海谷中心

Date: 23 November, 2013

To: The Secretary,
Town Planning Board,
15th Floor, North Point Government Offices,
333 Java Road,
North Point, Hong Kong.

Dear Sirs,

Re: Representation to the Town Planning Board in respect of Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 Objection

1. The Objection:

With respect to the Draft Plan No. S/NE-HH/1 (hereinafter called Draft OZP), we propose to expand the OU zone by addition of three 5 meter belts (Area N, Area E and Area S) per our sketch proposal (please refer to appendix A) on the existing Draft OZP OU Zone.

2. Reasons to Object:

i) The Short Term Tenancy No. 626 (Appendix B) dated 30 June, 1988, Third Schedule item 8 (b) (page 9), item 15 (page 10) and the letter from Lands Department dated 17 July, 2009 (Appendix C), clause 2r #a, requested the protection and maintenance of trees. The Planning Department might not be aware of these and other terms and conditions.

We have the responsibility to upkeep and garden the neighboring area of the Centre. However, the Draft OZP, if not adjusted, will handicap our legitimacy in fulfilling our tenancy obligations. We would repeat its imminence to implore the board to re-consider this extension request. Although the Tendency requirement is a 3-meter belt, actually 3-meter is barely enough for tree growing. The present situation is that most of the trees are growing within a 5-meter area healthily, with the far most ones within a 8-meter belt. And besides the southern side, trees had been planted and are now growing on the northern and eastern side also. These trees are over 30 years old and close to the expected lifespan of the species, they will require close monitoring and upkeeping. It is very difficult for us to just report to the related departments and rely on them to maintain these trees. We had a very bad experience early this year for removal of a hanging collapsed main branch of a tree across the footpath leading to the Centre. Notice was made and message had travelled through 3 departments, the Lands Department, Food and Environmental Hygiene Department and Agriculture and Fisheries and Conservation Department, with lots of communication for more than a month. Finally it was removed by the AFCD, just to help to shorten the process, and we were advised that it should be the job of Lands Department. As we are all unpaid volunteers who have to earn a living, we can hardly spare time to deal with all these government officials in normal working days. Life would be much easier for us to maintain these trees in our time.

(137)

ii) On the southern side of the Centre is a slope that needs maintenance to prevent mud slide and water flooding. There was a concrete drainage built for that purpose (Area S in Appendix A). On the opposite side, the lower northern boundary (Area N) is the main entrance to the building basement. The eastern side is an emergency exit to satisfy the Fire Services regulation (Area E). There will be flooding hazard if the outskirt of the basement is not up-kept regularly.

iii) The only objection to our extension of the OU Zone is from the DAFC. DAFC advised the Board that the area surrounding the Centre consisted of undisturbed native woodland (Town Planning Board Meeting Minutes dated 13 September, 2013, page 94, item (xvii)).

In our memory, when the Centre was firstly built in 1980, its sides were deserted rice paddy fields. When the present building was completed, the Tendency demanded us to maintain a green belt around the Centre. Instead of native tree species, Acacia confuse, Ficus elastic were planted. Within the 5-meter belt there is no undisturbed native woodland. The trees are still growing around the Centre. With a site visit, you can only find very few low lying shrubs in the related area.

During the past three decades, the Centre witnessed the changes in Hoi Ha: the deserted fields of the rice farmers became a vast piece of grassland, which then turned into woodlands of shrubs; corals came and now dying; a quiet village of less than ten active households became foreigner filled residences. The environment with the change of remote deserted village to a Marine Park, remains unchanged. Hoi Ha inspired many, especially youth, with its multi-assets of natural beauty. Hoi Ha Wan remains all the time an ideal sailing training site. We would strive to provide the public a chance to share this Lord build nature which is very scare and precious in this city.

Lam Po Chu

LAM Po Chu
Chairman,
Tolo Adventure Centre
[redacted]

(also on behalf of the following co-signers)

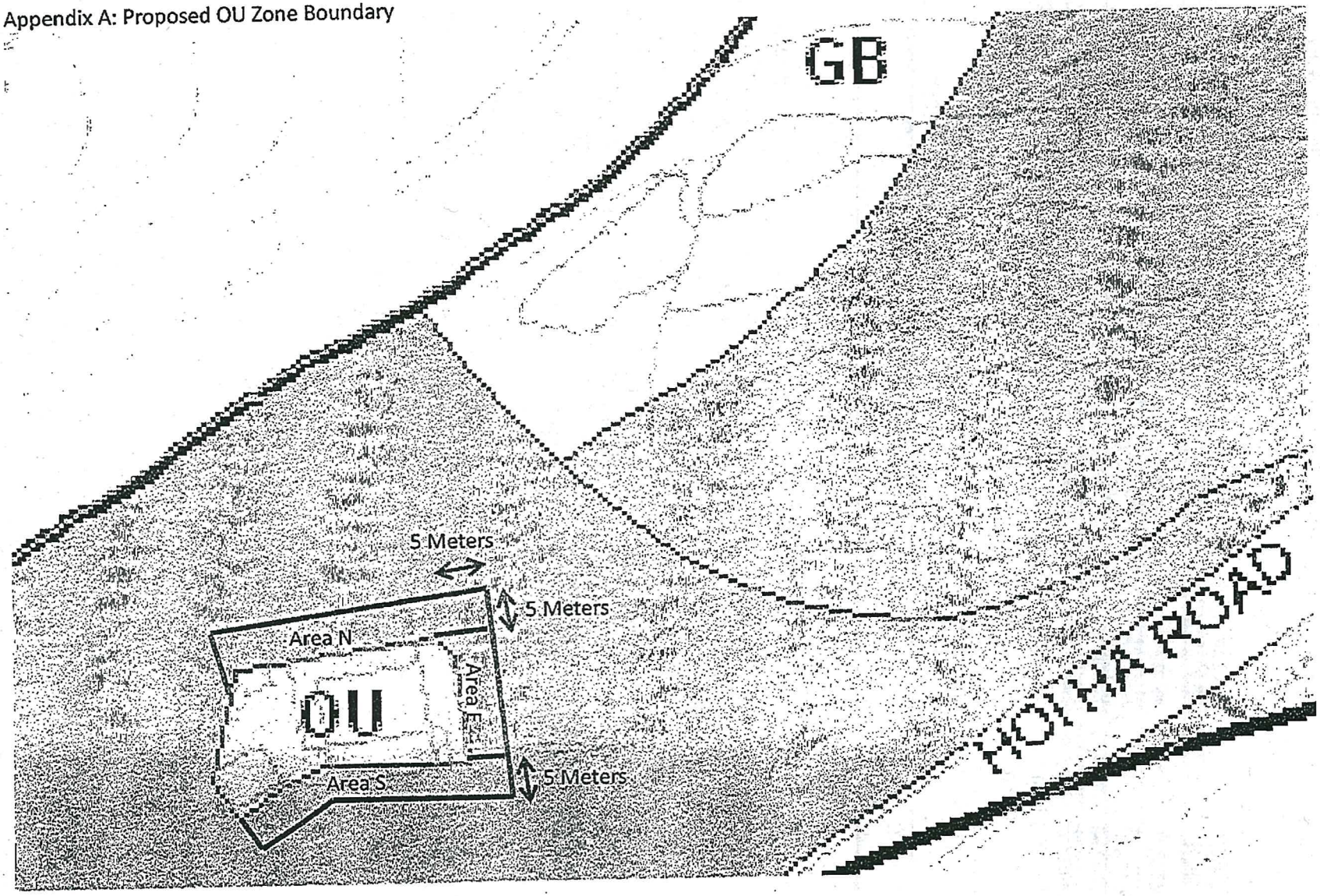
LEE Chi Man	POON Wing Hung	TAO Simon	TANG Yee Mei	CHAN David
LAU Alan	LAU Francessca	LAU Melissa	LAU Cassandra	WONG Ching Yee
CHAN Benny	CHOW Po Kee	SIU Ming Kwong	Mark Gor	CHUNG Lok Lam
LARM Joseph	KWONG Clara	LARM Samuel	LARM Moses	CHAN Tiffany
YUNG Chun Ho	HUI Kwong Yee	CHUNG Aaron	CHAN Yuen Chee	LI Hung Terence
CHAN Becky	CHUNG Chi Hung	COLLIER Michael	LAI Chui Hing	CHUNG Chi Yuen
YEUNG Chick Nam	WONG Mei Fun	LAU Sze Wan Gaby	CHAN Ching Man	CHAN Terry
CHENG Wing Chun	CHOY Yuk Bor	KUNG Che Fu	KWOK Esther	KUNG Anita
GO Oscar	CHENG Anna	TO Wai Kuen	TSE Annie	FUNG Kam
LO Stephen	HUNG Pik Nor	CHU Julius	YEUNG Eric	CHEUNG Ting Hong
CHAN Ying Yam	CHAN Ester	LEE Benny	TSANG Wing Sze	WONG Iris
WONG Pui Yan	CHEUNG Arthur	CHAN Jedi	LEE James	WONG Charles

Web site – http://tac.org.hk

e-mail address: tolo_adventure_centre@yahoo.com.hk

LEE Karen	KWOK Yuk Lin	CHOI Wa Fung	YAU Elsa	SIN Shu Wing
CHEUNG Shirley	LEE Rachel	MAK Ramma	CHAN Wai Yan	WONG Margaret
SUEN Dacita	POON Eric	AUYEUNG Heidi	CHEUNG Chi Pang	CHU Chun Yiu
羅鳳美	林越燕	鄭嘉奇	賴玉春	馮寶儀
柳紫婷	陳就成	盧鑑汶	吳志堅	林晴
謝家文	陳玉潤	吳曼琪	謝思敏	李嘉華
蔣鴻華	廖藹儀	張志誠	張嘉明	張仲紋
文詩慧	吳胤汶	蕭嘉如	周芷翎	李廣灝
潘樂芊	葉琇瑩	阮愛倫	劉振宇	黃頌婷
CHAN Kristin	YEUNG Ka Yan	LI Wai Man	黃嘉俊	LEUNG Yuen Ling
WONG Christine	FOK Wilson	LAU Kam Ching	AU Ka Leung	LEE Yuk Ching
MAK Fanny	YEUNG Wing Kit	CHAN Suet Ting	KONG Venus	NG Chi Hou
WONG Oliva	LUI Kin Chuen	YOONG Po Wah	LEE Hon Chuen	LAU Mui
蕭靄儀	梁國基	龔志輝	郭笑馨	袁羅惠玲
陳偉禧	周惠霞	李富興	孔惠儀	張應坤
盧暖卿	曾淑英	李玉蘭	容朝彥	胡月群
陳劍和	黃麗芳	陳榮有	袁妙嫦	陳荊平
麥加善	楊啟泰	黎穎葭	黎兆光	郭笑慧
梁雋浩	李俊儒	阮健添	侯思敏	WONG Bik Fun
CHAN Ka Him	CHAN Ka Sin	HO Wing Yee	CHAN Oi Ling	FUNG Kam Ping
YU Choi Lin	KUNG Chung Foon	NG Chris	LEE Ken	CHAN Joykie
WAN Roger	MOK Henry	CHENG Ray	WONG Dorcas	CHAN Dickson
YU Andy	LAU Louisa	MAC Mark	LEE Alex	CHOW Raymond
CHAN Oi Hing	WONG Fanny	KWOK Yee Ting	LEUNG Goretti	FUNG Yui Lam
NG Sin Tung	CHENG Wing Chun	LEUNG Man Kit	TANG Ka Chun	WONG Hoi Shuen
WONG Guy Shawn	WONG Long Yin	CHAN Wing Shan	LEE Ka Ying	CHOW Chung Yan
CHAN Jane Sally	YIU Lam Fong	CHAN Hin Ying	FONG Pui Ting	FUNG Hiu Lam
KWAN Wai Man	TSE Sau Yan	TSE Sau Man	YIP Ho Yin	SIN Yat Hei
LO King Yu	LEE Kar Ming, Chris	LEE Ling Kak	LEE Chi Sum	CHAN Kin Sang
FUNG Kam Wah	CHENG Siu Keung	LAU Wing Sheung	LEE Tak Shing	LO Mui Ling
WONG Thomas	CHEUNG Frenda	CHAN Wing Por	LI Yuen Ching	WONG Yue Him
KUNG Chi Kin	LOK Yin King	LEE Chui Lin	LO Hung Leong	WU Zachary Aslan
LIU Wai Wa	WU Chak Sang	LAM Jackie	LI Jack	

Appendix A: Proposed OU Zone Boundary



(a) The Tenant shall not cut away, remove or set back any Government land adjoining the Premises except with the prior written approval of the District Lands Officer who may in his sole discretion give such consent on such terms and conditions as he may see fit.

(b) Where any cutting away, removal or setting back of hillsides or banks or any building up or filling in within the Premises or on any Government land where consent has been given pursuant to Special Condition No. 9(a) hereof, is required for the purpose of or in connection with the formation, levelling or development of the Premises or any part thereof, the Tenant shall construct or bear the cost of the construction of such retaining walls or other support as shall or may then or at any time thereafter be necessary to protect and support such hillsides and banks within the Premises and also any adjacent or adjoining Government or leased land and to obviate and prevent any falling away, landslip or subsidence occurring thereafter, and shall at all times maintain the retaining walls or other support in good and substantial repair and condition. In the event that as a result or arising out of any formation, levelling or development any landslip, subsidence or falling away occurs at any time, whether in or from the hillsides or banks within the Premises or from any adjacent or adjoining Government or leased land, the Tenant shall at his own expense reinstate and make good the same and shall indemnify the Government of Hong Kong (hereinafter referred to as "the Government") from and against all costs, charges, damages, demands and claims whatsoever which shall or may be made, suffered or incurred through or by reason of such landslip, subsidence or falling away. In addition to any other rights or remedies herein provided for breach of any of the conditions hereof the District Lands Officer shall be entitled by a notice in writing to call upon the Tenant to carry out such construction and/or maintenance or to reinstate and make good any falling away, landslip or subsidence, and if the Tenant shall neglect or fail to comply with such notice within the period specified therein the District Lands Officer may forthwith execute and carry out the work and the Tenant shall on demand repay to the Government the cost thereof.

10. The design, disposition and height of any building or buildings to be erected on the said piece or parcel of ground shall be subject to the prior approval in writing of the District Lands Officer and the Director of Agriculture & Fisheries and Project Manager/NT North East and no building works (other than site formation) shall be commenced on the said piece or parcel of ground until such approval shall have been obtained.

11. The Tenant shall submit plans to the Building Authority for approval in respect of any formation work and construction of retaining walls to be carried out within the Premises and such formation and construction works shall if approved be completed to the satisfaction of the Building Authority.

12. The said piece or parcel of ground and all buildings and structures thereon shall be maintained and kept in a neat and clean condition so that the natural amenities thereof are preserved to the satisfaction of the District Lands Officer.

13. The security of the Premises and any goods stored thereon shall be the responsibility of the Tenant.

14. The Tenant shall landscape and plant with trees and shrubs any portion of the said piece or parcel of ground and podium (if any) not built upon and thereafter maintain and keep the same in a clean, neat and tidy condition all to the satisfaction of the District Lands Officer.

15. A belt of trees not less than 3 metres in width, of species to be approved by the Director of Agriculture and Fisheries and Project Manager/NT North East, shall be planted along the southern side of the said piece or parcel of ground.

16. No trees growing on the said piece or parcel of ground or adjacent thereto shall be interfered with or removed without the prior written consent of the District Lands Officer who may in granting consent impose such conditions as to replanting as he may deem appropriate.

17. The Tenant shall have no right of ingress or egress to or from the Premises for the passage of motor vehicles.

18. The Tenant shall at his own expense fence the Premises to the satisfaction of the District Lands Officer.

19. In the event of spoil or debris from the Premises or from other areas affected by any development of the Premises being eroded and washed down on to public lands or roads or into road-culverts, sewers, storm-water drains or nullahs, foreshore or sea bed or other Government properties, the Tenant shall be held responsible and shall pay to the Government on demand the cost of removal of the spoil and debris from or of damage to the public lands or roads or road-culverts, sewers, storm-water drains or nullahs, foreshore or sea bed or other Government properties. The Tenant shall indemnify the Government against all actions, claims and demands arising out of any damage or nuisance to private property caused by such erosion and washing down.

20. No earth, debris, spoil of whatsoever nature, or building materials shall be dumped on any Government land or foreshore or sea bed.

21. The Tenant shall pay to the Government on demand any sum which the District Lands Officer shall certify to be the cost of making good any damage done to adjoining public roads by the Tenant, his contractors or sub-contractors or his or their workmen or vehicles or by any spoil from the Premises.

22. No materials shall be dumped or stored, nor shall any work be carried out within the boundaries of a public road or way without the prior written consent of the District Lands Officer.

23. Any damage or obstruction caused by the Tenant, his servants or agents to any nullah, sewer, storm-water drain, watermain or other Government properties within or adjoining the Premises shall be made good by the Government at the cost of the Tenant, and the amount due in respect thereof shall be paid on demand to the Government by the Tenant.

24. The Tenant shall not permit sewage or refuse water to flow from the Premises onto any adjoining land or allow any decaying, noisome, noxious, excrementitious, or other refuse matter to be deposited on any portion of the Premises and shall have all such matter removed from the Premises or any structure erected thereon in a proper manner.

Appendix C

覆函請註明本署檔號
Please quote Our Reference in response to this

地 政 總 署
大 埔 地 政 處
DISTRICT LANDS OFFICE,
TAI PO
LANDS DEPARTMENT

我們矢志努力不懈，提供盡善盡美的土地行政服務。
We strive to achieve excellence in land administration.

電　話　Tel: 2654 1215
圖文傳真　Fax: 2650 9896
電郵地址　Email: gendlotp@landsd.gov.hk
本署檔號　Our Ref.: ( ) in DLO/TP 468/TAT/62
來函檔號　Your Ref:

新界大埔汀角路一號大埔政府合署一樓
1/F TAI PO GOVERNMENT OFFICES BUILDING,
1 TING KOK ROAD, TAI PO, N.T.
網址 Web Site: www.info.gov.hk/landsd

STT 0626
Tolo Advertive Centre
P.O.Box 74539,
Kowloon Central Post Office

17 July 2009

Dear Sirs,

Letter for Incorporation of Tree Preservation Clause and Tree Maintenance Clause

I refer to your tenancy of the above Government land, which commenced on the day of 30 June 1988 by a Tenancy Agreement dated 30 June 1988 ("the Tenancy Agreement").

I would advise that the Landlord is desirous of amending the Tenancy Agreement with effect from the date of this letter as follows: -

The following Special Conditions shall be deemed to be added to the Tenancy Agreement :

(2q) # (1) No tree growing on the Premises or adjacent thereto shall be removed or interfered with without the prior written consent of the District Lands Officer who may, in granting consent, impose such conditions as to transplanting, compensatory landscaping or replanting as he may deem appropriate.

(2r) # (a) The Tenant shall at his own expense keep and maintain all trees growing on the Premises at the time of signing of this Agreement and trees planted during the existence of this tenancy in a healthy and safe condition to the satisfaction of the Landlord.

(b) Without prejudice to any other rights or powers of the Landlord contained in this Agreement, and the tenant's liabilities under sub-clause(a) hereof, the Tenant shall permit the Landlord, his officers, contractors, workmen or agents at all reasonable times (except in emergency in respect of which the Landlord's decision shall be final and binding on the Tenant) to enter the Premises to inspect the conditions of the trees growing thereon, to give or leave on the Premises notice in writing to require the Tenant to immediately or within a time limit to be specified by the Landlord remove or prune any tree or trees considered to be unhealthy or dangerous (the decision of the Landlord on whether the tree or trees

are unhealthy or dangerous shall be final and binding on the Tenant) or take such other action as required by the Landlord, and the Tenant shall remove or prune the tree or trees or take such other action as required by the Landlord within the time limit to the satisfaction of the Landlord.

(c) In the event of failure of the Tenant to comply with the notice mentioned in sub-clause (b) above, the Landlord may without prejudice to any other rights or powers of the Landlord contained in this Agreement carry out the tree removal or pruning works at the cost of the Tenant and the Tenant shall pay or repay to the Landlord or his duly authorized officer on demand the cost of such works.

* If you agree to the amendments to the Tenancy Agreement as indicated above, please sign/seal the enclosed copy of this letter where indicated in the presence of a witness and return it to me within 28 days from the date of this letter. Upon your acceptance of this letter, the amendments to the Tenancy Agreement as set out above shall be deemed to have been incorporated in the Tenancy Agreement as from the date of this letter. Except as amended as aforesaid, all other terms and conditions contained in the Tenancy Agreement shall remain in full force and effect.

If you are in doubt about the contents of this letter, please contact Mr. SHUM Wing Keung (岑永強先生) at telephone no. 2654 1215 or Mr. LEE Cheuk Yee (李卓義先生) at telephone no. 2654 1379.

Yours faithfully,

(W.K. SHUM)
for District Lands Officer,

Chinese Translation on items marked # and * is attached

"以上# 項及* 項附有中文譯本"

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1-1
TPB/R/S/SK-PL/1-
25 NOV 2013
Town Planning
Board

致城市規劃委員會,

本人丁秀蘭，就城市規劃委員會於近月所刊憲的下列的分區計劃大綱圖則，表示強烈反對。相關圖則包括:

海下分區計劃大綱圖
鎖羅盤分區計劃大綱圖
北潭凹分區計劃大綱圖
土瓜坪分區計劃大綱圖
白腊 分區計劃大綱圖
田夫仔 分區計劃大綱圖
分區計劃大綱圖

本人認為相關圖則，遠遠未能滿足各相關村落的長遠住屋需求與發展。相關反對意見建議可見於附件。有鑒於本人極度關切上述圖則的事態發展，如貴 會將就上述圖則舉行任何聆訊，務請貴 會書面通知本人，讓本人有機會在會上跟各城規會委員再詳抒己見。

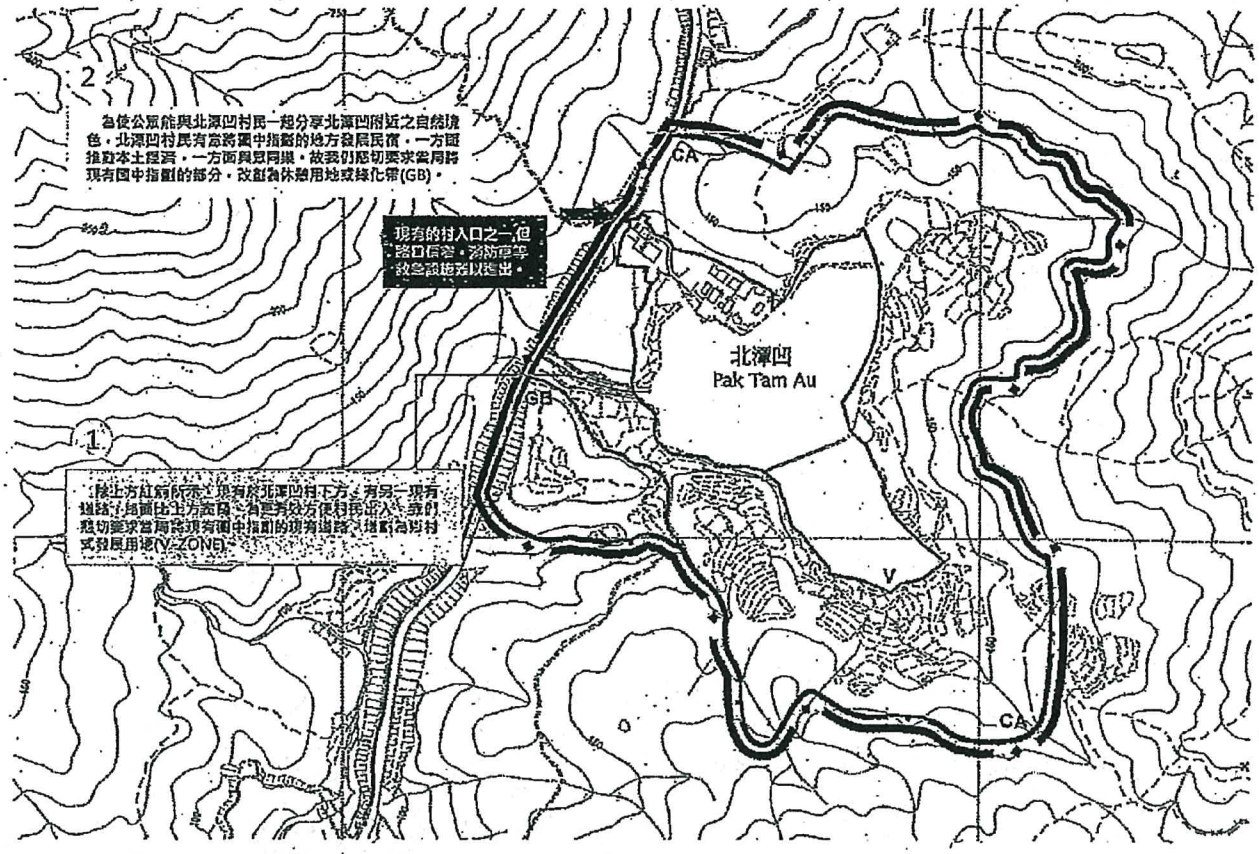
聯絡地址: [redacted]

聯絡電話:

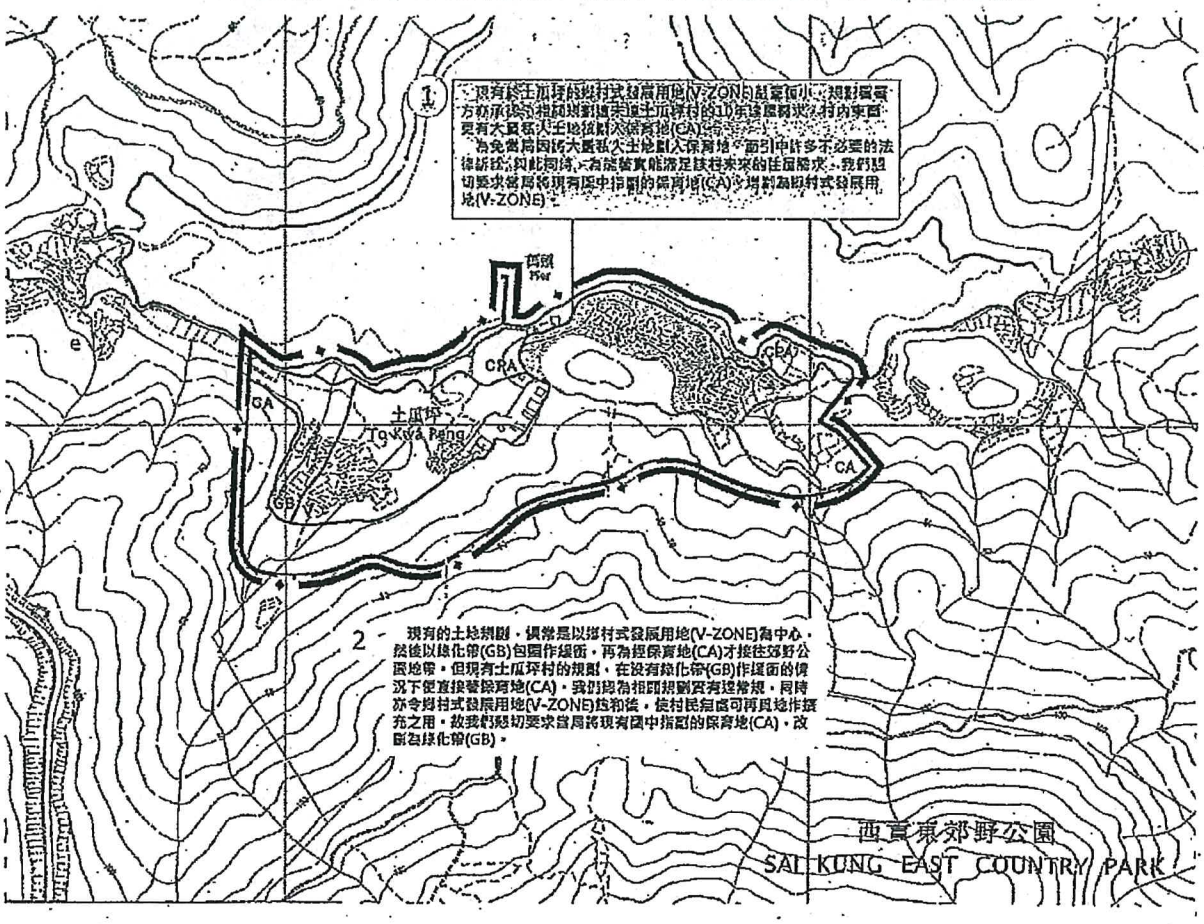
簽署: 丁秀蘭

日期: 22.11.2013

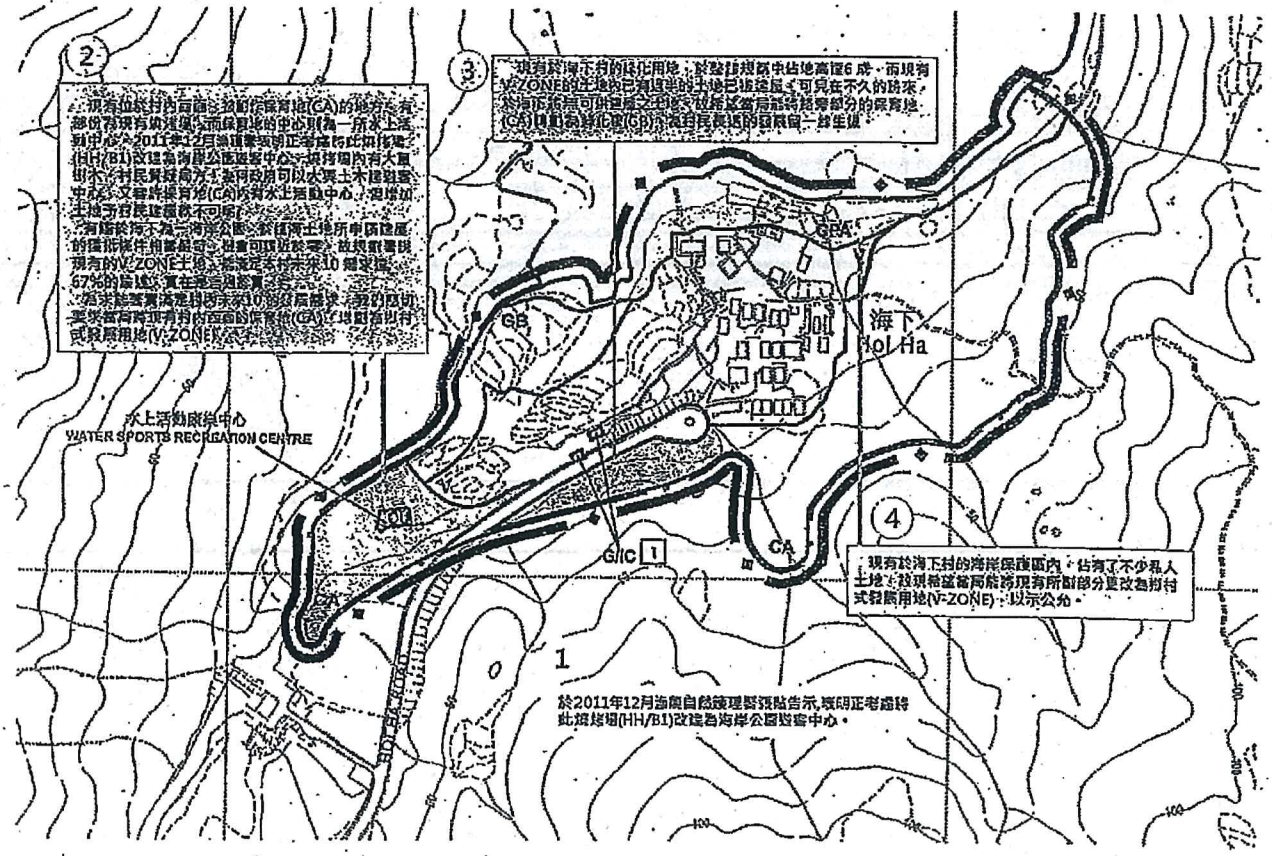
北潭凹分區計劃大綱圖之意見與具體建議



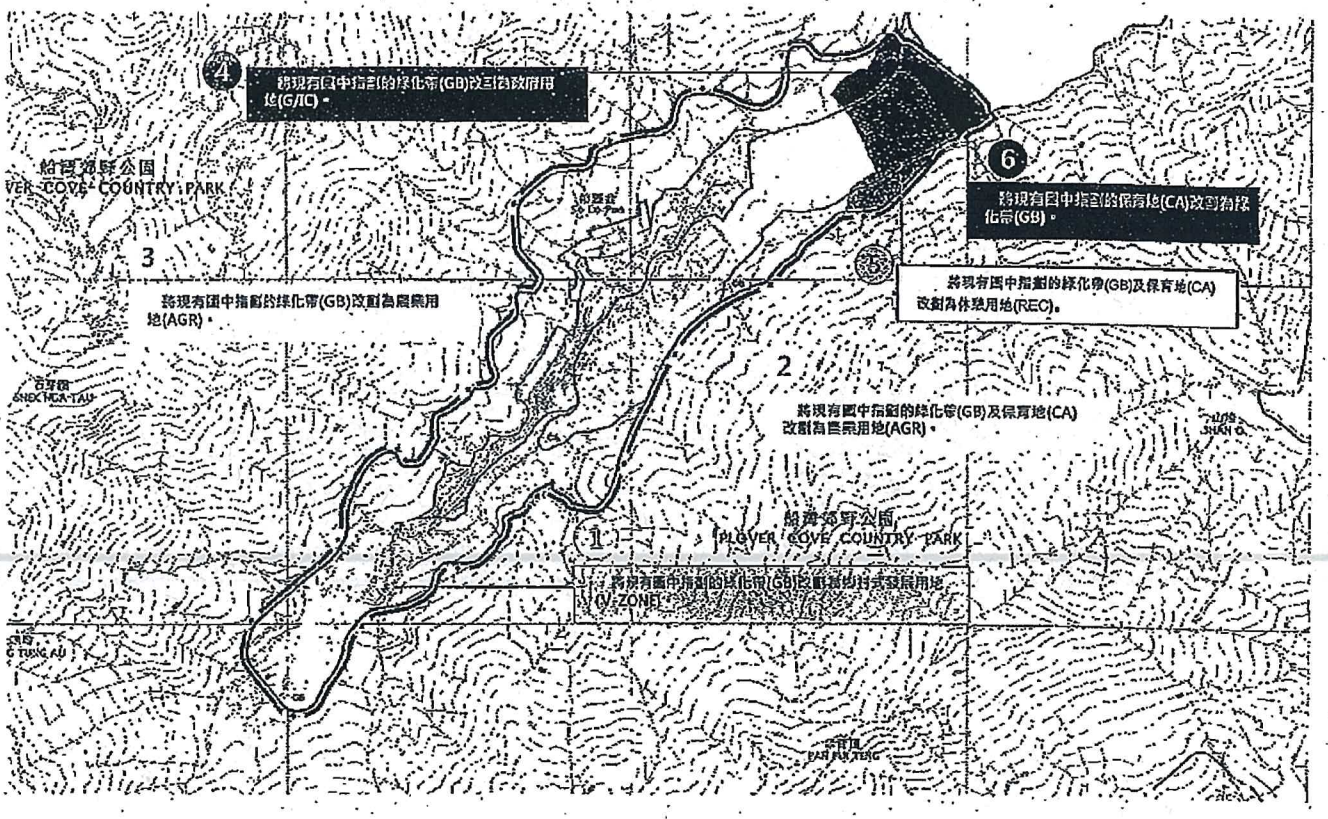
土瓜坪分區計劃大綱圖之意見與具體建議



海下村分區計劃大綱圖之意見與具體建議



鎖羅盤分區計劃大綱圖之意見與具體建議



Annex I-23

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 804
TPB/R/S/SK-PL/1-

Wai Ling Kwok
<[redacted]>
Sent by: [redacted]

23/11/2013 上午 11:35

To ceo@ceo.gov.hk
sen@enb.gov.hk
sdev@devb.gov.hk
cc
bcc
Subject 促請政府保護郊野公園不受肆意發展破壞 [#Wai Ling Kwok]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

---

to:
香港添馬添美道
香港特別行政區行政長官辦公室
香港特別行政區行政長官
梁振英先生
電郵： ceo@ceo.gov.hk

香港添馬添美道2號政府總部東翼16樓
環境局
環境局局長
黃錦星先生
電郵： sen@enb.gov.hk

香港添馬添美道二號政府總部西翼18樓
發展局
發展局局長
陳茂波先生
電郵： sdev@devb.gov.hk

九龍長沙灣道303號長沙灣政府合署7樓
漁農自然護理署
漁農自然護理署署長
黃志光先生
電郵： dafcoffice@afcd.gov.hk

九龍長沙灣道303號長沙灣政府合署5樓
漁農自然護理署
郊野公園及海岸公園委員會主席
鄧兆成先生
電郵：mailbox@afcd.gov.hk

香港北角渣華道333號北角政府合署17樓
規劃署
規劃署署長
凌嘉勤先生
電郵： kkling@pland.gov.hk

香港北角渣華道333號北角政府合署20樓
地政署
地政總署署長
簡張琴女士
電郵：DLoffice@landsd.gov.hk

香港北角渣華道 333 號 北角政府合署 15 樓
城市規劃委員會主席
周達明先生
電郵：tpbpd@pland.gov.hk

副件抄送:
「保衛郊野公園」
Email: saveourcountryparks@gmail.com

(188)

題目：促請政府保護郊野公園不受肆意發展破壞
不要讓發展破壞郊野公園
——保護海下、白腊、鎖羅盆及所有「不包括土地」

敬啓者：

本人謹以此函表達支持保護郊野公園及反對發展「不包括土地」的想法。

「不包括土地」政策

當年政府建設郊野公園，因行政方便，被郊野公園包圍的村莊或私人土地，卻沒有納入郊野公園保護，造成「不包括土地」的處處漏洞，如下陳述。

2010年急速城在西貢大浪西灣悍然流填建區，污染破壞生境。事件令政府及市民經驗意識到需要有切實的行動和政策保護郊野公園內的「不包括土地」，不讓郊野公園的生境受無秩序的排碍式開發所污染或破壞。

其後，申訴專員公署及審計署亦已作出同樣要求。這些「不包括土地」無論地理、生態、地質都與郊野公園緊緊相連，有相當的景觀和康樂價值。據當年的統計，77幅「不包括土地」的面積共約2,067公頃。

可惜，政府現時的實際做法已漸令情況失控：只有11%的不包括土地會劃入郊野公園範圍，其餘89%內的鄉村式用地將會不受郊野公園委員會及城市規劃委員會(城規會)監管，這些地方將來很有可能會被村屋侵蝕。

我們不接受此等荒謬情況，審計署最近的報告質疑漁護署對郊野公園的巡查保護不足，「不包括土地」的保護措施卻後，未能有效保護「不包括土地」和郊野公園。

若想了解更多郊野公園現時面對的威脅，請到《郊野公園的危機：肆意發展「不包括土地」》

A）我們在此要求特首、政府、郊野公園及海岸公園委員會及城規會承諾執行以下措施保護郊野公園：
- 必須將所有「不包括土地」納入所在的郊野公園範圍內，
- 給有更充裕的時間將「不包括土地」納入郊野公園，「發展審批地區圖」的期限應延長一年
- 在郊野公園範圍內，不應興建新的汽車道路以連接「不包括土地」
- 鼓勵私人土地用於提高郊野公園的生態、農業、景觀和康樂價值
- 必須將「不包括土地」內的所有發展和基礎建設項目都列爲「環境影響評估條例」下的指定工程項目
- 地政分區處、規劃署、漁護處、郊野公園及海岸公園委員會及城規會應受立法會獨立委員會監察，其中一名成員必須爲原政公處高級職員

B）多個「不包括土地」如海下、白腊及鎖羅盆的「發展審批地區圖」已到期限，但仍未被劃入郊野公園範圍而需要以「分區計劃大綱草圖」讓政府繼續監察及管理土地規劃。因此，我們要求規劃署及城規會優化分區計劃大綱草圖以真正郊野公園的保護自然環境、天然資源及鄉郊特色：
- 限制「鄉村式發展」用地於現有建築及已批准的小型屋宇申請範圍
- 把「屋宇」及「屋宇（只限新界豁免管制屋宇）」從註釋的第一欄移至第二欄，並確保任何房屋拆遷、重建或興建都必須受規管
- 「不包括土地」及郊野公園的土地不應再用以滿足無止境的住屋需求
- 與市民及相關人士商議，共同設計不包括土地內的設施

我們反對以下法定圖則，並要求各分區計劃大綱草圖應作出以下修訂，以保護郊野公園：

鎖羅盆分區計劃大綱草圖（S/NE-SLP/1）
- 鎖羅盆應完全納入船灣郊野公園。
- 我們反對足以容納134間村屋的「鄉村式發展」規劃，且並不贊成規劃署爲鎖羅盆定立約爲1000人的規劃人口。根據2011年的人口普查，鎖羅盆的人口爲0，亦一直沒有小型屋宇申請。該地具有高景觀和生態價值，沒有汽車道路連接或公共污水收集系統。「鄉村式發展」應限制在現有的建築物。
- 我們反對鎖羅盆河和河岸帶（河岸兩旁30米範圍）的綠化地帶，該河流上游具高生態價值。鎖羅盆河和河岸帶應列爲「自然保育區」以保護河流和下游的「自然保育區」。
- 在綠化地帶下的「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」應從註釋的欄1轉爲欄2，使這些用途受城規會監管。

白腊分區計劃大綱草圖（S/SK-PL/1）
- 白腊應完全納入西貢東郊野公園。
- 我們反對足以容納79間村屋的「鄉村式發展」，且並不贊成規劃署爲白腊定立約爲230人的規劃人口。根據

2011年的人口普查，白腊的人口少於50。該地沒有汽車道路連接或公共污水收集系統。「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。

- 進入白腊湖的污染物會影響高保育價值的物種文昌魚的棲息地。白腊河和河岸帶（（河岸兩旁30米範圍）應列爲「自然保育區」以保護河流；另，在白腊出現的稀有植物水蕨的棲地亦應受「自然保育區」保護。

海下分區計劃大綱草圖（S/NE-HH/1）

- 海下應完全納入西貢西郊野公園。
- 我們反對足以容納63間村屋的「鄉村式發展」，且並不贊成規劃署爲海下定立約爲590人的規劃人口。根據2011年的人口普查，海下的人口只有110人。該地沒有公共污水收集系統，批准發展是不智的。「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。
- 現時村落沒有公共排污系統，所有屋宇均使用低規格的化糞池，極有可能污染海下灣，威脅市民的安全。
- 過去15年已有7間村屋獲准興建。而數據顯示，城規會批准在綠化地帶建屋的情況屢見不鮮。我們反對將海下的河岸區及淡水濕地劃爲綠化地帶，我們極之憂慮人類活動的污染物會破壞河流及海下灣海岸公園的生態。因此海下河岸帶（河旁30米範圍）及淡水濕地應列爲「自然保育區」。
- 在綠化地帶下的「燒烤地點」、「野餐地點」、「公廁設施」和「帳篷營地」應從註釋的欄1轉爲欄2，使這些用途受城規會監管。

初步擬備的土瓜坪及北潭凹分區計劃大綱草圖（S/NE-TKP/B）

- 土瓜坪及北潭凹應完全納入西貢東郊野公園。
- 「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。
- 「綠化地帶」不足以保護土瓜坪西側的河流，人類活動的污染物會破壞河流，對出的紅樹林與海草及瀕臨的海岸保護區；此河及其兩岸亦有很高的相手盤多樣性。因此，此河和其河岸帶（河岸兩旁30米範圍）應列爲「自然保育區」。
- 北潭凹內的水體及淡流有稀有魚類香港鬥魚，這水體及淡流現此鄰接成被「鄉村式發展」地區覆蓋，香港鬥魚族地受到極大威脅。我們認爲這些水體、河流及其周邊三十米範圍應以「自然保育區」保護。
- 現時在北潭凹「鄉村式發展」地區的東北部有一淡水濕地，內有受法例保護且在本地瀕危的銹色羊耳蒜(一種蘭花)。因此，我們認爲這淡水濕地應劃爲「自然保育區」。

其他意見:

根據多個民間團體的調查，包括客道理農場暨植物園及香港自然生態協會等，上述多幅被劃入鄉村式發展的土地的生態價值被嚴重地低估，村民數量卻嚴重被高估，民主黨立法會議員胡志偉更透過查冊發現，有關土地不少業權已出售予發展商，發展將令村落變成豪宅發展項目，而非新界小型屋宇政策的原意，並有可能違反有關法例要求。而且，在欠缺交通及排污設施配套的情況下，當地生態將大受破壞。

2010年前，有23個「不包括土地」已納入「分區計劃大綱圖」，根據土地正義聯盟的研究，以西貢成田灣爲例，當年的規劃沒有擴展現有的村界，同時，餘下的土地亦列入自然保育區及海岸保護區，「鄉村式發展」受到適當的限制，郊野有應得的保護。

2013年，鄂村民居住的鎖羅盆原本的「鄉村式發展」只有2.51公頃，最新的建議圖則卻增加至4.12公頃，增幅高達六成，人口估計數字全由原居民提出，地政總署沒有評估及修正這個需求數字，便把鎖羅盆村2011至2020需要270間丁屋的需求交給規劃署。

雖然規劃署作出了調整，把現時可建丁屋的數量定爲134間，表面看已是大力開弓把原居民需要減半，現實是規劃署鎖羅盆近下未來可再發展的潛力，因爲，按現時的「分區計劃大綱圖」，村後及兩邊有超過15.5公頃的「綠化地帶」，這地帶在未來村民可以輕易向城規會申請更改土地用途，整個鄉村的面積還可以再擴闊。

由於丁屋區過大，本人反對目前規劃：城規會應拒絕通過這三張分區計劃大綱圖；當局應參考「大浪灣規劃」，維持現有鄉村範圍：若以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展（丁屋區）的範圍；然而，更好的保護策略是「鄉村及郊野公園」：重新制訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，要政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合，而非將業權／丁權賣給發展商，令鄉郊變色，新界小型屋宇政策失效。

此致

香港特別行政區行政長官梁振英先生
環境局局長黃錦星先生
發展局局長陳茂波先生
漁農自然護理署署長黃志光先生
郊野公園及海岸公園委員會主席鄧兆成先生
城市規劃委員會主席周達明先生
規劃署署長凌嘉勤先生

Wai Ling Kwok 謹啓

二零一三年十一月

電郵: [redacted]

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Annex I-24

Stella Moone
Sent by: [redacted]

21/11/2013 下午 07:16

To ceo@ceo.gov.hk
sen@enb.gov.hk
sdev@devb.gov.hk

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 1964
TPB/R/S/SK-PL/1-

cc

bcc

Subject Urging the protection of Country Parks from development [#Stella Moone]

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---

to:
Mr Leung Chun Ying
Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
15/F & 16/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
Secretary for Development
18/F, West Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation
Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon
Email: mailbox@afcd.gov.hk

Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
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Email: mailbox@afcd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: tpbpd@pland.gov.hk

Mr. Ling Kar Kan
Director of Planning
Planning Department
17/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: kkling@pland.gov.hk

7001

Ms. Bernadette Linn
Director of Lands
Lands Department
20/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: DLoffice@landsd.gov.hk

CC to:
Save Our Country Parks
Email: saveourcountryparks@gmail.com

Subject:

The protection of country parks from development in Hoi Ha, Pak Lap, So Lo Pun and other enclaves

---

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Ling, Ms. Linn, Mr. Chow, and Members of the Country and Marine Parks Board and Town Planning Board,

The Enclave Policy

At the time the country park was set up, , the villages and private land enclosed within were not listed as part of the country park premises due to the laziness of government to do the administration work. Enclaves are therefore not subject to the projection of the country park. The legacy of such measures gives rise to a series of problems concerning the use of the Enclaves.

After the 2010 Tai Long Sai Wan event, the Government and the public realised that these Enclaves should be better protected; the Ombudsman and the Audit Department also made similar requests afterwards. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks (CP). The 77 enclaves identified in 2010 cover an area of 2,067ha.

However, despite promises to the contrary, only 11% of the enclaves will be subject to scrutiny by the Country and Marine Parks Board (CMPB), and for 89% of the enclaves development can proceed without any scrutiny by either the CMPB or the Town Planning Board (TPB) for the V-zone within these enclaves.

This loophole is utterly ridiculous and unacceptable. A recent report released by the Audit Department also criticizes the Agricultural, Fisheries and Conservation Department of its lax surveying around the country park and the delay of the Enclaves protective measures. The report attributes the insufficient protection to the Enclaves and the country park to these bureaucratic failures.

To know more about the risks of Country Parks, please go to "Country Parks lack protection from development in enclaves"

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:
- To incorporate enclaves into their surrounding CP and to place them under the control of the CMPB
- To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into CP to be completed
- To categorically deny new roads to enclaves currently not serviced by roads
- To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks
- To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.
- To subject District Lands Offices, Planning Department, AFCD, CMPB and Town Planning Board to oversight by an independent committee of Legco, at least one of whose members should be a senior ICAC Officer.

B) Considering that case like Hoi Ha, Pak Lap and So Lo Pun, the DPA plans have expired, fail of time allow for incorporation into CP and OZPs are needed. We call on the Planning Department and Town Planning Board to enhance the draft Outline Zoning Plan with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park:
- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only

- To move "houses" and "small houses" from column 1 to column 2 in the Schedule of Notes to ensure that any and all demolition and (re-) development of houses is subject to planning permission
- No future development under the SHP in the enclaves and CP
- To create a layout plan for each enclave with consensus from the public including stakeholders.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans needed to protect the Country Parks

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)
- The enclave should be fully incorporated into the Plover Cove Country Park.
- We object to the large V-zone for 134 houses and the planned population of 1,000. According to the 2011 census the population at So Lo Pun was "0" and there are no outstanding small house applications. There is no road connection or public sewerage, and the area has a high landscape and ecological value. The V-zone should be limited to existing structures.
- We object to the Green Belt zone. The upper section of the So Lo Pun Stream and its riparian zone (30 m from each side of the stream) should be covered with Conservation Area zone to protect the high ecological value of the stream and associated wetland.
- "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes which needed to seek approval from TPB.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)
- Pak Lap should be incorporated into the Sai Kung East Country Park.
- We object to the large V-zone for 79 small houses and the planned population of 230. According to the 2011 census, the population at Pak Lap was less than 50. There is no vehicle access and no public sewerage. The V-zone should be limited to existing structures and approved small house applications.
- Pollutants entering Pak Lap Wan will impact the habitat of the amphioxus (lancelet) – a marine species of high conservation value. The Pak Lap Stream and its riparian zone (30 m from each side of the stream) and the habitat for Water Fern should be covered with Conservation Area.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)
- The enclave should be incorporated into the Sai Kung West Country Park.
- We object to the large V-zone for 63 houses, and the planned population of 590. According to the 2011 census, the population at Hoi Ha was 110 persons. There is no public sewerage and the provision of a private sewerage treatment plant is unrealistic. There have been 7 approved small house applications in the last 18 years. The V-zone should be limited to existing structures and approved small house applications.
- The provision of individual Septic Tank Systems for every house built in the V-zone in accordance with EPD policy has the potential to pollute Hoi Ha Wan, severely damage the marine environment and render the beaches unsafe for public recreation.
- As planning permission for construction of Small Houses in Green Belt is regularly granted, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.
- "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes which needed to seek approval from TPB.

Pre-draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/B)
- The enclave should be incorporated into the Sai Kung East Country park.
- The V-zone should be limited to existing structures and approved small house applications.
- Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesarmid Crab community. We urge for all stream and riparian area zoning to be changed to Conservation Area to secure the environmental value of the area.
- Water bodies (e.g., pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Now these waterbodies and watercourses are next to or even covered by the Village Type Development zone. This would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.
- There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, Liparis ferruginea. We consider that this marsh should be covered with Conservation Area zone.

Further comments :

Best Regards,
Stella Moone

Email : [redacted]

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Annex I-25

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 3656
TPB/R/S/SK-PL/1-

FAMILY Winnie Poon [redacted]
Sent by: FAMILY Winnie Poon [redacted]
26/11/2013 下午 11:31

To <tpbpd@pland.gov.hk>
cc
bcc
Subject Draft OZP_Pak Lap (S/SK-PL/1), So Lo Pun (S/NE-SLP/1) & I Ha(S/NE-HH/1) Pls protect CP enclaves

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保育郊野公園「不包括土地」，請港府不要盲目闢地！

2010年發生西貢大浪西灣慘遭「先破壞、後發展」，令位處於郊野公園範圍的「不包括土地」的保育政策漏洞顯露無遺，當年市民以群眾力量表現愛護香港大自然生態的決心，終逼令政府制定西灣的保育措施，並於上月刊憲修訂，把大浪西灣納入郊野公園範圍內。局方早前就相關修定進行公眾諮詢時，收到3,200個市民電郵表示支持，足見香港人守護自然生態及郊野公園的決心。

可惜，其他郊野公園「不包括土地」如海下、白腊及鎖羅盆等，現正面臨發展威脅，政府並未就當地珍貴的天然遺產制定完善的保育措施。規劃署月前提出將上述三地納入分區計劃大綱圖內，但把鄉村式發展地帶 (Village Zone) 擴大，可興建大面積村屋。本人認爲規劃署制定鄉村式發展地帶面積時，需考慮三地實際環境及自然生態的承載量。作爲關心香港自然環境的一分子，我認爲有必要加強保護力度，故此本人強烈要求政府：

1. 嚴格制定措施保育郊野公園「不包括土地」的自然生態，儘快把具生態保育價值的「不包括土地」納入郊野公園範圍內。
2. 重新審視海下、白腊及鎖羅盆三份分區計劃大綱圖，把鄉村式發展地帶維持在現時可建築地段的範圍內。

故此，本人現正就上述三幅分區大綱草圖所作出的規劃表示反對〔白腊 (S/SK-PL/1)、鎖羅盆 (S/NE-SLP/1) 及海下(S/NE-HH/1)〕。

保存香港珍貴的自然生態，需配合全面的保育政策，而不能單靠分區計劃大綱圖解決，不必要的大型鄉村式發展更可能令珍貴的自然美景遭受破壞，政府必須立即正視，刻不容緩。

8510

Annex I-26

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 3694
TPB/R/S/SK-PL/1-

Sent by: [redacted]
17/11/2013 上午 05:08

To <tpbpd@pland.gov.hk>
cc
bcc
Subject Draft OZP_Pak Lap (S/SK-PL/1), So Lo Pun (S/NE-SLP/1) & Hoi Ha(S/NE-HH/1) Pls protect CP enclaves

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Protect our Country Park enclaves from unnecessary large-scale development

In 2010, a public outcry occurred after unauthorized land excavation at Tai Long Sai Wan highlighted loopholes in the way in which our Country Park enclaves are protected against development. In the wake of the uproar, Hong Kong citizens successfully influenced decision-makers to incorporate three enclaves, including Tai Long Sai Wan, into the Country Park system. One action which helped influence this was a powerful email submission signed by 3,200 citizens in support of the enclaves' inclusion.

Today, there are still a large number of Country Park enclaves -- including Hoi Ha, Pak Lap and So Lo Pun -- yet to be protected from large-scale development. This situation can easily be resolved by speedily incorporating these enclaves into the Country Park system.

I am deeply concerned to see that the Draft Outline Zoning Plans (OZPs) for the abovementioned Country Park enclaves all include a very large Village Zone, which will allow between 60 and 130 additional houses to be built. It is unlikely that these new houses will represent the true need by local villagers. Such large-scale development will not only have significant environmental impacts on the enclaves themselves but also on the surrounding Country Parks. I sincerely hope that the government will amend these draft plans immediately and provide the appropriate level of protection to these Country Park enclaves.

As a concerned citizen who cares deeply about the integrity of our Country Parks, I am writing to urge the government to increase their conservation efforts by:

1. Ensuring proper protection of Country Park enclaves by incorporating those of high conservation value into existing Country Parks as soon as possible.
2. Amending the three draft Hoi Ha, So Lo Pun and Pak Lap OZPs to limit all Village Zones to existing Building Lots.

Based on these draft OZPs, it is clear that currently the precious and irreplaceable natural heritage contained within our Country Parks and their enclaves is not adequately protected from the potential damage posed by large-scale and unnecessary development.

As such, I hereby urge the government to immediately take all necessary action to provide a higher level of protection to our Country Park system.

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10606
TPB/R/S/SK-PL/1-



"林 晉暘" [redacted]
27/11/2013 下午 10:31
Please respond to
"林 晉暘" [redacted]

To tpbpd@pland.gov.hk
dafcoffice@afcd.gov.hk
kkling@pland.gov.hk
cc
bcc
Subject 就海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖提

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

姓名*: 林晉暘
電郵:*: [redacted]
意見*: 我認爲政府在保護郊野公園「不包括土地」時用錯策略，部門在官僚作風影響之下，在制訂分區計劃大綱圖時不自覺地偏袒新界原居民群體（及擁有土地的地產商），在白腊、海下和鎖羅盤劃出過大的「屋區」原來打算保護「不包括土地」，結果變成加速破壞，更出現違反常理的規劃結果。我認爲現時海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖中「屋區過大」要求城規會拒絕通過目前的白腊、鎖羅盤、海下三張分區計劃大綱圖。若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，我要求應採用《大浪灣分區計劃大綱圖》的做法，維持發展審批地區圖中的鄉村式發展（「丁屋區」）的範圍。我要求重新制訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，讓政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合。
其他意見::

Powered by EmailMeForm

(65)

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10701
TPB/R/S/SK-PL/1-



lo hoiting
[redacted]

27/11/2013 下午 10:21

To "tpbpd@pland.gov.hk" <tpbpd@p
cc
bcc
Subject 保護 海下灣、白腊、鎖羅盤! 不要讓郊野公園因「不包括土地」而受破壞!

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

致城規會

本人反對於以下三張分區計劃大綱圖廣設丁屋，以免破壞珍貴郊野
海下 S/NE-HH/1 白腊 S/SK-PL/1 鎖羅盆 S/NE-SLP/1
我的詳細意見如下：

1. 丁屋的規劃範圍過大及屋宇數量過多，我堅決反對目前規劃，丁屋發展將危害該範圍的樹木及生態，所以城規會應拒絕通過這三張分區計劃大綱圖。
2. 政府應參考大浪西灣之規劃，維持現有鄉村範圍，並將該範圍訂爲郊野公園；若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展（丁屋區）的範圍，不應再增加。
3. 丁屋是原居民的特權，並不是公平的政策，這政策實在需要在不違反基本法的情況下，盡快檢討。若這三張分區計劃大綱圖廣設丁屋，這等同讓原居民的特權繼續延伸，政府、規劃署及城規會便成了幫兇，這樣荒謬的事，實在不能發生。

我在此鄭重要求，這三區的分區計劃大綱圖應以保護郊野爲首要考慮，所以不應再額外加入鄉村地帶，以免丁屋進一步破壞郊野。

市民
羅凱斑
2013.11.27

152

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10722
TPB/R/S/SK-PL/1-

hOWARD wONG
[redacted]
19/11/2013 下午 02:11

To tpbpd@pland.gov.hk
tspd@pland.gov.hk
cc
bcc
Subject 反對城規會最新分區計劃將逾三分一的白腊土地劃作「鄉村式發展土地」
☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

敬啓者：
當局劃出白腊6.8公頃土地中，逾三分之一，做鄉村式發展土地，准許興建丁屋，等於縱容發展商破壞環境行爲。

村屋會引入汽車、排污等問題，妨礙郊野公園和集水區，例如排出之污水會影響海下灣的珊瑚，加上白腊有屬國家二級保護的野生植物水蕨，鎖羅盆則 有本港罕見的食蟹-和豹貓，一旦城規會劃出大幅的鄉村式發展土地，勢必引發骨牌效應，其餘不包括土地均會面臨發展壓力。

要求全部保留白腊、鎖羅盆和海下自然環境！

敬祝鈞安！
香港公民

(172)

~~621~~

致城市規劃委員會,

本人翁先生 (姓名)；就城市規劃委員會於近月所刊憲的下列的分區計劃大綱圖則，表示強烈反對。相關圖則包括:

海下分區計劃大綱圖 S/NE-HH/1
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖

本人認為相關圖則，遠遠未能滿足各相關村落的長遠住屋需求與發展。**相關反對意見建議可見於附件**。有鑒於本人極度關切上述圖則的事態發展，如貴 會將就上述圖則舉行任何聆訊，務請貴 會書面通知本人，讓本人有機會在會上跟各城規會委員再詳抒己見。

聯絡地址: [redacted]

聯絡電話: [redacted]

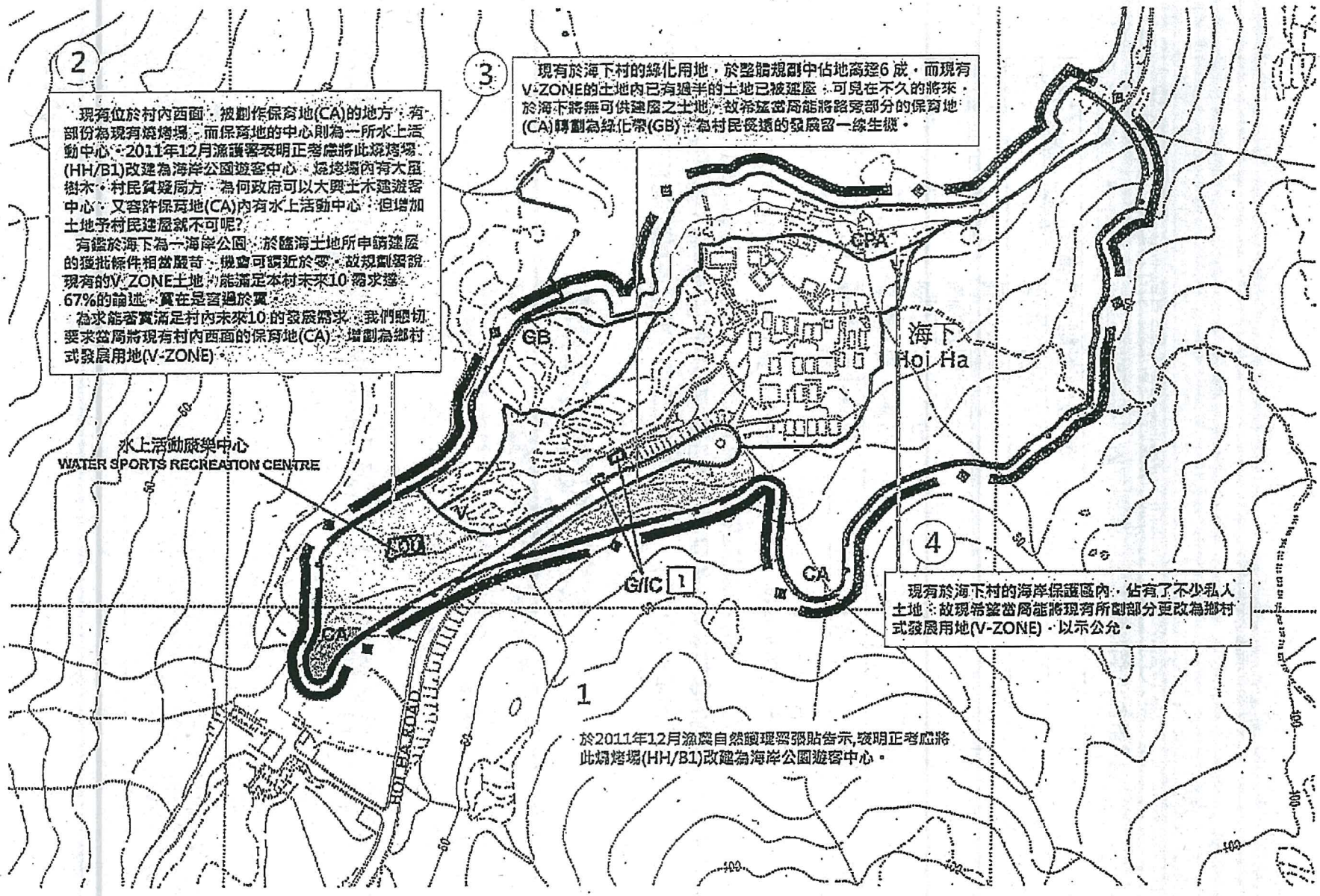
簽署: 翁先生

日期: 26-11-13

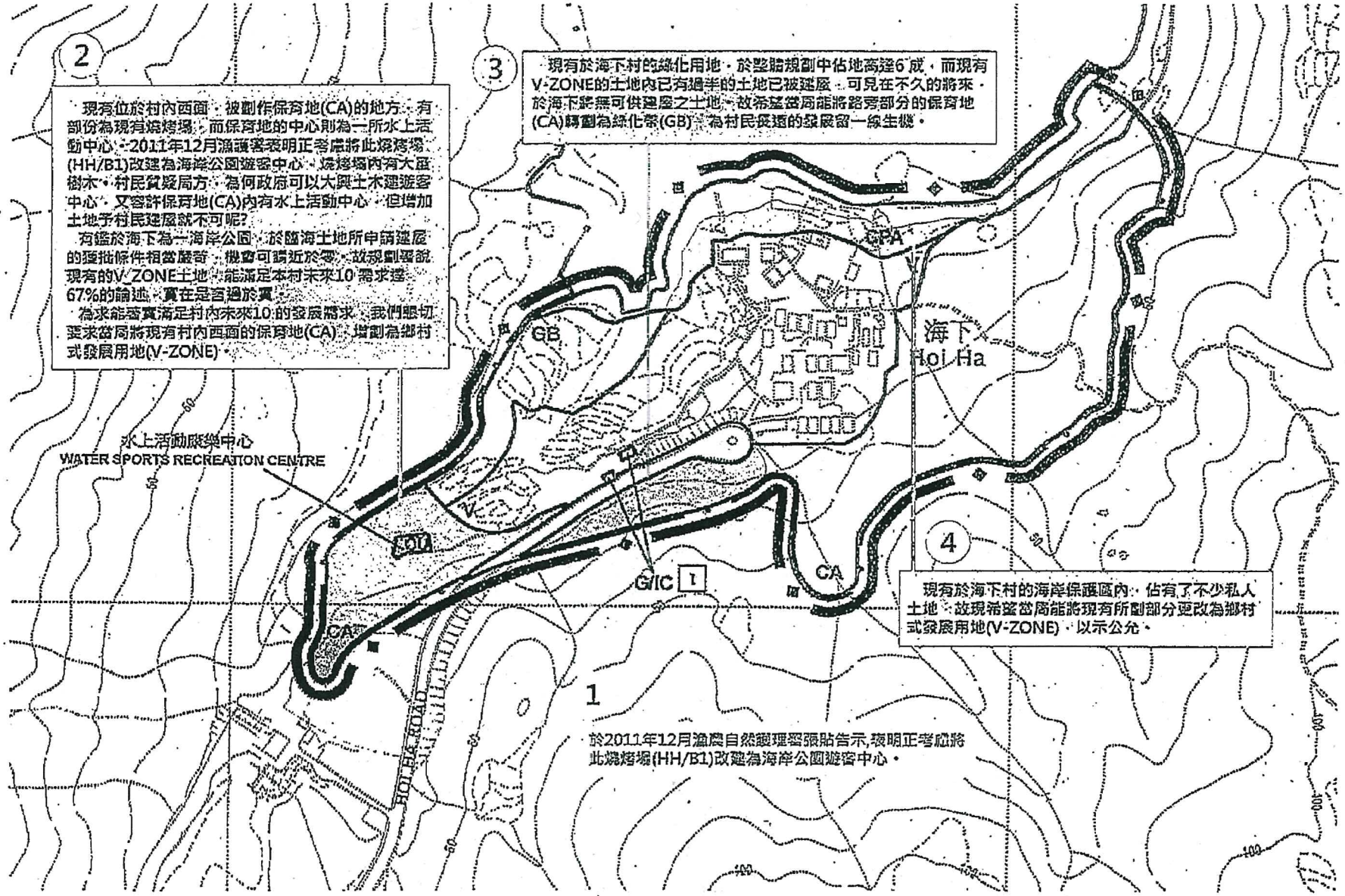
請不要公開本人的通訊地址,電話号碼及電郵地址予公衆查閱.

5800

海下村分區計劃大綱圖之意見與具體建議



海下村分區計劃大綱圖之意見與具體建議



TPB/R/S/NE-HH/1- 10759



"Rogine Leung" [redacted]
20/11/2013 下午 09:25

To <tpbpd@pland.gov.hk>
cc
bcc
Subject LETTER TO TOWN PLANNING BOARD OBJECTING TO HOI HA'S DRAFT OUTLINE ZONING PLAN

☒ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

[redacted]

20 November 2013

Chairman, Town Planning Board

Email address: tpbpd@pland.gov.hk

Dear Sir

Draft Hoi Ha Outline Zoning Plan No: S/NE-HH/1

I am writing in support of the inclusion of the Hoi Ha enclave into Sai Kung Country Park and into Hoi Ha Marine Park and urge the Town Planning Board to suggest this.

In the interim, I support the proper zoning of Hoi Ha Marine Park for conservation, and object to the Town Planning Board's Draft Outline Zoning Plan, which has zoned Hoi Ha for development. Green Belt should be replaced with Conservation Area, the V-zone.should be much-reduced and limited to the existing village cluster, and the draft expanded V-Zone should be rezoned as Conservation Area.

My reasons for objecting are these:

- The requirement for an enlarged V-zone has been based on an unrealistic assessment of the need for housing.
- The Town Planning Board has been given inaccurate maps and incomplete and misleading data on the environmental and landscape value of the V-zone and Green Belt areas.
- The building of a large number of houses equipped with Septic Tanks will pollute Hoi Ha Wan, will kill the marine life and may make the beaches unsafe for bathing.
- The coastline is of environmental importance and needs to be protected by a buffer zone of **Coastal Protection Area** at least 30 metres from the shore.
- The Hoi Ha Stream is of environmental importance and needs to be protected by a buffer zone of **Conservation Area** at least 30 metres wide.

Yours faithfully

Rogine Leung

(32)

Chinie Shum
[redacted]
27/11/2013 下午 10:06

To tpbpd@pland.gov.hk
cc
bcc
Subject 海下分區計劃大綱草圖編號: S/NE-HH/1

TPB/R/S/NE-HH/1-10809

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

SHUM Chin Yung
Shatin Hong Kong
27 Nov 2013

城規會主席鈞鑑：

海下分區計劃大綱草圖編號: S/NE-HH/1
本人支持將海下劃入西貢郊野公園及海下海岸公園，現促請城規會考慮我的建議。

本人支持海下海岸公園以作保育之用，反對城規會的分區計劃大綱容許發展海下。保育區應取締現時的綠化帶，V型地段應減少及限制至現有村落，擴大草圖的V型地段，改劃爲保育區。

本人的後對理由如下：
擴大V型地段的理據是基於不真實的建屋需求。
城規會引用不準確的地圖，V型地段和綠化帶的環境和景觀價值是不完整和誤導的數據。
興建大批的房屋及化糞池會污染海下，將會殺死海洋生物及每沙灘不宜游泳。
海岸線對環境很重要，故此需要保護，海岸保育區的緩衝地帶應最少於海岸線有30米距離。
海下河流環境很重要，故此需要保護，保育區的緩衝地帶應最少有30米闊。

SHUM Chin Yung 謹啓

[redacted]

21 November, 2013

To: The Secretary,
Town Planning Board,
15th Floor, North Point Government Offices,
333 Java Road,
North Point, Hong Kong.

TPB/R/S/NE-HH/1- 10913

Dear Sirs,

Re: Representation to the Town Planning Board in respect of Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1
Objection

1. The Objection:

With respect to the Draft Plan No. S/NE-HH/1(hereinafter called Draft OZP), I propose to expand the OU zone by addition of five 5 meter belts (Area N, Area E and Area S) per attached sketch proposal (Appendix A) on the existing Draft OZP OU Zone.

2. Reasons to Object:

i. The Lands Department pushed the responsibility to upkeep and garden the neighboring area to the Tolo Adventure Centre (the Centre). However, the Draft OZP, if not adjusted, will handicap legitimacy in fulfilling the tenancy obligations.

ii. The remark in Notes of the Draft OZP (page 6) allows relaxation of the Draft OZP on the merits of a development proposal. In view of the development history of the Centre, the Centre had long ago started its contact with the government for exemptions for buildings in Area N, Area E and Area S in Appendix A. I would solicit your Board to settle the issue efficiently, to cut short the almost twenty year application period suffered by The Centre.

iii. On the southern side of the Centre is a slope that needs maintenance to prevent mud slide and water flooding. There was a concrete drainage built for that purpose (Area S in Appendix A). On the opposite – the lower northern boundary (Area N) is the main entrance to the building basement. The East side is an emergency exit to satisfy the Fire Services regulation (Area E). There will be flooding hazard if the outskirt of the basement is not up-kept regularly. Platform leveling and tile covering were employed (Area S in Appendix A). At present, the basement is closed for safety reasons.

iv. The only objection to our extension of the OU Zone is from the Director of Agriculture, Fisheries and Conversation (DFAC). DAFC advised the Board that the area surrounding The Centre consisted of undisturbed native woodland (Town Planning Board Meeting Minutes dated 13 September, 2013, page 94, item (xvii)). To my understanding, when The Centre was firstly built, its sides were deserted rice paddy field. When the present building was completed, the government demanded the Centre to maintain a green belt around The Centre. Instead of native tree species, Acacia confuse, Ficus elastic were planted. The trees can still be located around The Centre building. With a site visit, you can only find other low lying shrubs in the related area.

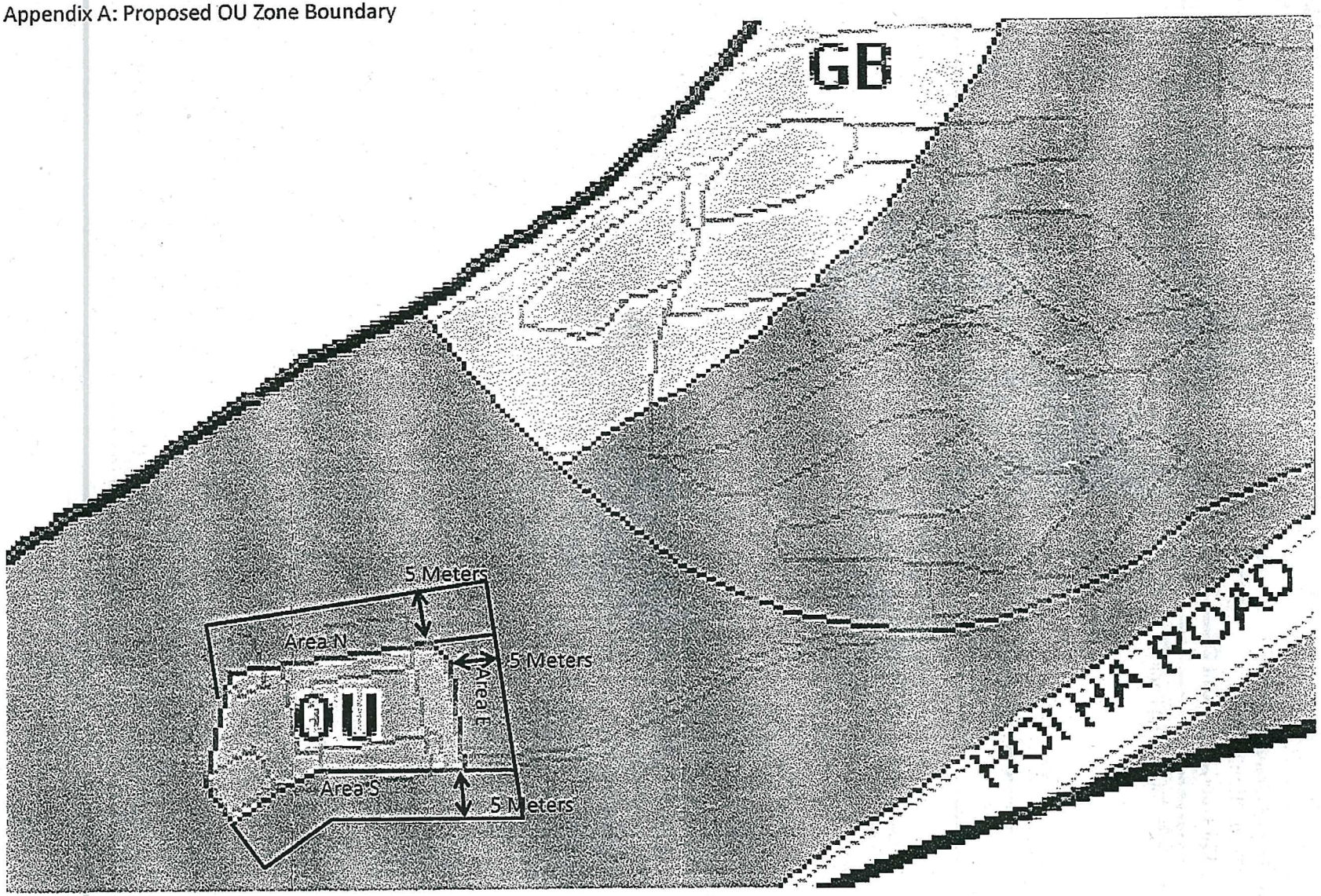
Your honorable resolution would save the effort of the unpaid volunteers of The Centre to repeat past applications and to be exempted from the risk of frustrating bureaucracy again.

Yours faithfully,

Ngai Chiu Chun

(53)

Appendix A: Proposed OU Zone Boundary



b頁 1 - 1(B)

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- C3640
TPB/R/S/SK-PL/1-

tpbpd@pland.gov.hk

寄件者: [redacted]
收件者: "Town Planning Board" <tpbpd@pland.gov.hk>
副本: [redacted]

傳送日期: 14/02/2014 下午 11:42
附加檔案: 14.2.2014 Friends of Sai Kung to TPB comments on representations.doc
主旨: Hoi Ha OZP S/NE-HH/1, Pak Lap OZP S/SK-PL/1, So Lo Pun S/NE-SLP/1, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Dear sir,

Please find attached comments.

Kindly acknowledge receipt and maintain my personal data privacy.

Yours sincerely,

[redacted]

Friends of Sai Kung

all 3-15

Friends of Sai Kung

[redacted]

Mr Leung Chun Ying
Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
15/F & 16/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
Secretary for Development
18/F, West Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation
Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon
Email: mailbox@afcd.gov.hk

Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon
Email: mailbox@afcd.gov.hk

Mr. Ling Kar Kan
Director of Planning
Planning Department
17/F, North Point Government Offices
333 Java Road, North Point, Hong Kong

Email: kkling@pland.gov.hk

Ms. Bernadette Linn
Director of Lands
Lands Department
20/F, North Point Government Offices,
333 Java Road, North Point, Hong Kong.
Email: DLoffice@landsd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: tpbpd@pland.gov.hk

cc: Save Our Country Parks - saveourcountryparks@gmail.com

Hong Kong 14th February 2014

By email only: tpbpd@pland.gov.hk

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

Comments on the zoning of Hoi Ha OZP S/NE-HH/1, Pak Lap OZP S/SK-PL/1, So Lo Pun S/NE-SLP/1, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Further to our letter dated 7th January 2014 we maintain strong objections to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

We urge the protection of the country parks from incompatible development in enclaves in the hope that reason, fairness and correct environmental and ecological principles may yet prevail and that the 2010 Enclave Policy should be honestly and properly observed. At present, the Government Departments responsible for administering the Enclave Policy are not honouring their obligations.

At the time country parks were set up, some remote villages and farmland were excluded.

After the 2010 Tai Long Sai Wan incident, the Government and the public realised that enclaves should be better protected. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks.

The representations received show an overwhelming majority against the OZPs.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree on the following actions to protect our Country Parks:

To incorporate all the Enclaves into their surrounding CP and to place them under the management and control of the AFCD.
To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
To categorically deny new roads to enclaves currently not serviced by roads.
To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.

B) Where Outline Zoning Plans are deemed necessary, we call on the Planning Department and Town Planning Board to enhance the plans with strict control to conserve the natural habitat, landscape resources and rural and natural character of the surrounding country parks:

To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
To move "House (New Territories Exempted House only) " and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.
To move "Agriculture Use" from column 1 to column 2 in the Schedule of Notes in "Village Type Development", "Green Belt", "Conservation Area" and "Coastal Protection Area" to ensure that any and all tree felling, flooding, draining, excavation, land filling, and demolition and (re-) development of structures is subject to planning permission.
No future development under the SHP in the enclaves and CP.
To create a layout plan for each enclave with consensus from the public including stakeholders.
To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

C) We support the objections and proposals in representations on the following statutory plans:

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)
We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)
We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)
We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

D) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)

The enclave should be incorporated into the Sai Kung East Country park given its ecological and landscape value.
The V-zones should be limited to existing structures and approved small house applications.
Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesarmid Crab community. We urge for all stream and riparian area to be covered with Conservation Area zoning to protect the environmental value of the area.
Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Village type development next to these waterbodies and watercourses would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.
There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, Liparis ferruginea. We consider that this marsh should be covered with Conservation Area zone.

Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)

The enclave should be incorporated into the Tai Lam Country park . Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the landscape and conservation values of the surrounding country park.
The area is a gazetted water gathering ground and development will impact the water quality.
The area has established recreational values including war game activities, which could be broadened.
Given the traffic and activities generated by the recreational uses, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks.
Utility and transport services to the area is limited. There is no public fresh and salt water or gas supply, nor are there drainage and sewerage. The road capacity is limited and access is reserved for government services.
Any small house development or the construction of temporary structures will result in chaotic layouts, a blight on the environment, and pollution from the uses impacting the nearby land and waters, impacting the integrity of the country park.
Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the area.
In the meantime, the outline zoning plan should be enhanced with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park and to ensure the water quality and flows.
The Green belt provides inadequate protection and has proven to increase expectations of potential development in the community. We urge for all GB zoning to be changed to Conservation Area zoning with existing developed area and buildings exempted.
No new houses should be permitted and "House" should be removed from column 2 of the proposed extensive Green Belt zone. We are concerned that "House" in column 2 will create the wrong impression that the area is deemed suitable and appropriate for conditional development.
To provide adequate controls, any and all development should be limited to enhancement of the recreational uses, and be subject to CMPB support, and should require section 12A applications to the Town Planning Board for amendment of the plan.

Assessing the extent of V zones on the basis of development pressure and demand

We request that the Village Type Development areas be limited strictly to existing building lots and land for which there are approved small house applications. We urge the Board to study the boundaries in detail.

The TPB paper states that the estimates of indigenous villagers' housing needs in the next 10 years is provided by the District Lands Office. This is untrue. The District Lands Office takes the estimate solely from the Village Representative who makes up an arbitrary figure for the number of houses presumably based upon the total number of indigenous villagers who exist around the world. District Lands Office and other Government Departments never check or attempt to verify the estimate of Village Representatives who have a vested interest in obtaining approval of as many houses as possible without the slightest regard for the well being of the surrounding Country Park. The estimates of future housing "need" are fictitious. It is scandalous that planning policy can be predicated upon such a biased and unverified factor.

The Golden Thread running through all planning law is *need, not demand*, and certainly not greed. Indigenous housing *need* in each of the 4 enclaves is minimal or practically non-existent.

Further objections

We are very concerned over the ongoing impacts of drainage, sewage and traffic (parking) on the local environment and the integrity of the surrounding country park and waters. The OZPs must make appropriate and specific provisions for infrastructure to support these requirements and to control and mitigate their impacts.

We object to zoning for "Unspecified Uses". We urge the Board to zone the remaining land as Conservation Area in recognition of the fact that these lands are an integral part of the country park in which they are situated. Any further development is incompatible with the objectives of the 2010 Enclave Policy and the prevailing Country Park Ordinance, which is the protection of the integrity of the country park, and the protection of all vegetation and wildlife therein.

Whilst we are agreeable to be identified as Friends of Sai Kung, I require that my own identity and personal data be kept confidential and not be disclosed to any third party.

Yours sincerely,

[redacted]

Secretary, Friends of Sai Kung

TPB/R/S/NE-HH/t-
TPB/R/S/NE-SLP/t-
TPB/R/S/SK-PL/t-
C3641

tpbpd@pland.gov.hk

寄件者: "Debby Chan" <[redacted]>
收件者: <ceo@ceo.gov.hk>; <sen@enb.gov.hk>; <sdev@devb.gov.hk>; <mailbox@afcd.gov.hk>; <kkling@pland.gov.hk>; <DLoffice@landsd.gov.hk>; "tpbpd" <tpbpd@pland.gov.hk>
副本: [redacted]; <info@countryparks.hk>
傳送日期: 14/02/2014 下午 06:01
附加檔案: DHK HH PL SLP comment TKP PTA TFT representation_Feb2014.pdf
主旨: Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Feng and Tin Fu Tsai for small house development

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves. Please see the details as attached.

Best Regards,
Debby Chan
Designing Hong Kong Limited
Tel: 3104 3107
Fax: 2187 2305
Unit 7, 5/F, Eastern Harbour Centre, 28 Hoi Chak Street, Quarry Bay, Hong Kong

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Hong Kong, 14 February 2014

Mr Leung Chun Ying
Chief Executive
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
Secretary for Development
Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation Department
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Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Email: mailbox@afcd.gov.hk

Mr. Ling Kar Kan
Director of Planning
Email: kkling@pland.gov.hk

Ms. Bernadette Linn
Director of Lands
Email: DLoffice@landsd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
Email: tpbpd@pland.gov.hk

Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

Unit 7, 5/F, Eastern Harbour Centre, 28 Hoi Chak Street, Quarry Bay,
Tel: +852 3104 3107 Fax: +852 2187 2305

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:

a. To recognize that enclaves of private land in country parks are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of country parks from incompatible development in the enclaves requires a comprehensive, integrated and co-ordinated approach.
b. To recognize that the infinite demand for small houses will allow chaotic village developments to spread deep inside the country parks: The environmental disaster of the small house policy is visible throughout the New Territories including sewage percolating into ground waters, grey water drained into streams, tree felling, illegal road construction, chaotic planning and complete lack of enforcement.
c. Therefore to incorporate enclaves into their surrounding CP. Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the areas, including patrol and strict enforcement over illegal or unauthorized activities.
d. To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
e. To categorically deny new roads to enclaves currently not serviced by roads.
f. To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.
g. To create a layout plan for each enclave in collaboration with stakeholders and concern groups.
h. To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

In the meantime, for any and all statutory plans covering enclaves:

i. To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
j. To move "House (New Territories Exempted House only) " and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.
k. To award the highest possible conservation status including Conservation Area and Coastal Protection Area zoning for all remaining land in the enclaves recognizing not just the local ecological and landscape values, but also the potential impacts of development on the surrounding country and marine parks. 'Green belt' provides inadequate protection and has proven to increase expectations of potential development in the community.
l. To prevent 'Destroy first, build later' we urge the Board to move "Agriculture Use" from column 1 to column 2 in the Schedule of Notes for all the different zoning permitted in the area to ensure that any demolition and (re-) development of structures, and all massive tree felling, flooding, draining, excavation and land filling is subject to planning permission.

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B) We support the objections and proposals in representations on the following statutory plans:

a. Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)

i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.

b. Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)

i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.

c. Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)

i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

a. Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)

i. In addition to the general representations made above:
ii. The enclave should be incorporated into the Sai Kung East Country park given its ecological and landscape value, and the risk of development on the ecological, landscape and recreational value of the surrounding country park and marine resources.
iii. Now the V zone is too large in both areas. The V-zone should be limited to existing structures and approved small house applications.
iv. Green Belt (GB) provides insufficient protection for the stream on the western side of To Kwa Peng and its riparian area. We urge for the stream and riparian area (minimum distance 30 meters) to be covered with 'Conservation Area' zoning.
v. Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with 'Conservation Area' zone.
vi. There is a freshwater marsh on the northeastern side of the 'Village Type Development' zone of Pak Tam Au. It contains a locally endangered and protected Orchid species, Liparis ferruginea. This marsh would be threatened by any and all small house development permitted in the area.

b. Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)

i. In addition to the general representations made above:

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ii. To enhance ecological, landscape and recreation values of the area and the surrounding country park, the enclave should be incorporated into the Tai Lam Country Park. Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the ecological, landscape and recreational values.

iii. Given that traffic and activities generated by the permitted recreational uses may impact the surrounding country park, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks

iv. To remove all 'Village Type Development' zoning and stop granting permission for small house developments. Moreover, any redevelopment of a house should require approval from CMBP, AFCD, WSD and TPB. The area is a gazetted water gathering ground and development will impact the water quality. Environment Protection Department and Water Supplies Department (WSD) expressed their concerns over pollution of water sources if VTD zone is allowed. Moreover, villagers have since threated that they would pollute the water after TLSW has incorporated into Country Parks.

v. The stream and its riparian zone should be zone as "CA" zone to prevent water pollution in case of the expansion of the existing war game site.

vi. The outline zoning plan should be enhanced with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park as a whole and to ensure the water quality and flows.

vii. We urge for all 'Green Belt' zoning to be changed to 'Conservation Area zoning with existing developed area and buildings exempted. And, no new houses should be permitted and "House" should be removed from column 2 of the proposed extensive 'Green Belt' zone.

Thank you for your attention.

Designing Hong Kong
February 2014

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b頁 1 - 1(B)

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- C3657
TPB/R/S/SK-PL/1-

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寄件者: "Chiu Ying Lam" <[redacted]
收件者: <tpbpd@pland.gov.hk>
傳送日期: 14/02/2014 下午 11:56
附加檔案: 20140214 HKCF submission to TPB.doc
主旨: Re: Submission re re Hoi Ha OZP S/NE-HH/1, So Lo Pun OZP S/NE-SLP/1 and Pak Lap OZP S/SK-PL/1

Dear Sir,

Please substitute this attached file for that submitted a couple of minutes ago.

Lam Chiu Ying
Hong Kong Countryside Foundation Ltd

On 14 February 2014 23:47, Chiu Ying Lam <[redacted]> wrote:

> Dear Sir,
>
> The submission of Hong Kong Countryside Foundation Ltd is attached.
>
> Please acknowledge receipt.
>
> Regards
> Lam Chiu Ying
> By direction of the Board
> Hong Kong Countryside Foundation Ltd

The Hong Kong Countryside Foundation
香港鄉郊基金

Mr Thomas Chow
The Chairman
Town Planning Board
15th Floor, North Point Government Offices
333 Java Road, North Point
Hong Kong

14 February 2014

Dear Sir,

Comments onSubmissions to Town Planning Board re Hoi Ha OZP S/NE-HH/1, So Lo Pun OZP S/NE-SLP/1 and Pak Lap OZP S/SK-PL/1.

Breaches of Country Park Enclave Policy have contributed to defective new strategy for excessive V zones in OZP instead of Country Park Extension.

Saving our Country Parks using Hoi Ha and So Lo Pun and Pak Lap as case studies.

1. **Breaches.** These 3 Draft OZPs carry breaches of the Enclave Policy and are fundamentally wrong. Each OZP must be greatly amended to reduce the damage it causes to the nearby Country Park through the provision of hugely expanded V zones in Country Park Enclaves, which subverts the policy objective of the Country Park Enclave Policy which was decided as far back as in October 2010 and subsequently published in May 2011.

2. The Enclave Policy Objective was to protect against "immediate development threats" from "incompatible developments" such as extensive new Small Houses built on agricultural land and near forests and streams, by according priority for protection whilst the Enclaves are assessed for Country Park extension according to principles and criteria. The Audit Commission Report 30th October 2013 Chapter 5 is critical of AFCD's failure to implement the Enclave Policy. The Town Planning Board's endorsement of the three Draft OZPs would prevent AFCD from taking remedial action and flies in the face of the Audit Commission's recommendations.

3. Failure to implement Enclave Policy. Instead of AFCD proceeding to designated more enclaves as country park extensions, the majority of the Enclaves are being processed by Planning Department (Plan D) as DPA for OZP (21 of 27 Enclaves) and with greatly expanded areas of V zone which will cause "immediate development

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threats" on a larger scale, which are the "incompatible uses" to be prevented by the Enclave Policy.

4. The Status Quo must be preserved and the new excessive V zone strategy must stop.

5. Only about 11% of Enclave Land is now planned for Country Park extension under the Enclave Policy. This is the shocking consequence of the Enclave Policy being subverted.

6. In so doing the Development Bureau (DevB)/ Plan D are undermining the integrity of the Country Parks as a whole. It is irrational for DevBand Plan D to have a strategy which conflicts with the Country Parks Enclave Policy of Environment Bureau and AFCD. Town Planning Board should not be placed in the invidious position of deliberating on proposals which involve conflicting Government policy objectives.

7. Even worse, considerable amount of land in the expanded V zones has already been sold to outsiders and development companies. It is irrational and contrary to the public interest for Government to knowingly create incentives for an abuse of the law and policy.

8. The new Strategy will encourage a new wave of Small Houses to inundate the best countryside of Hong Kong, namely the Enclaves surrounded by Country Park, directly contrary to the objectives of the Enclave Policy. This is making a "perverse incentive" contrary to the principles of the Convention on Biological Diversity (CBD).

9. The proposed excessive V zones increase the threats to the ecology, landscape and recreation values of Country Parks. This is in conflict with AFCD key policy enshrined in the Country Parks Ordinance and the Enclave Policy.

10. AFCD needs time to adjust their conduct and actions to meet CBD principles and public expectations of the value of the countryside. AFCD needsto protect the Country Parks as a minimum. The Status Quo needs to be protected so AFCD can catch up with the work needed and make up time for 3 years of delay since the publication of DPAs.

Principles

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11. Special safeguards and conditions are needed to be imposed by TPB and the V zone expansion needs to be stopped until such safeguards are implemented. The draft OZPs need to be amended whilst all Departments, in particular AFCD, discharge their duties under the law and the Enclave Policy. Those OZPs which are now in Draft must be amended to protect the status quo pending assessment by AFCD under the Enclave Policy Criteria published in May 2011.

12. It must be accepted as principle and policy that the Enclave Policy has precedence and priority over the DevB/PlanD excessive V zone and Small House Strategy for Country Parks. The Enclave Policy is a planning policy for the countryside providing a presumption against development in Country Park Enclaves so as to protect the integrity of the Country Parks as a whole.

13. The Policy Addresses of 2010 and 2013 with declarations for protection of our Country Parks, Enclaves, and areas of high conservation value and HKSARG's conservation obligations under the Convention on Biological Diversity must be honoured.

14. PlanD and TPB cannot shirk responsibility for the breaches mentioned above by reciting the usual excuse of "not within the purview of the TPB". This would be irrational. The damage to be caused to the Country Park is caused by the DevB and PlanD and others expanding the V zones and can be prevented by TPB.

Solutions.

15. The Way Forward with Safeguards and conditions could be as follows.

16. Further to the policy and principles for Country Park Enclaves set out above, there should be a freeze on expanding V zones in Country Park Enclaves and V zones limited to existing Building Lots which may have building rights.

17. The 54 Country Park Enclaves need to be assessed or re-assessed whether or not they are suitable Country Park extensions based on the objective of the Enclave Policy. The assessment of suitability of each Enclave must be done with surveys and EIA type reports in a full and transparent manner.

18. For those Enclaves which are deemed suitable for OZP, not CP, the land outside the V zone will be mostly CA to conserve and provide a buffer zone for CP. The precedent is the final OZP for Tai Long Wan in 2001, see OZP (S/SK-TLW/5.

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19. Village Layout Plans are needed now from PlanD for their OZP so that EIA reports can be published on the likely adverse impacts and consequences on the Enclaves themselves and the integrity of the Country Parks as a Whole, in cases where an Enclave is rejected for Country Park extension.

20. The assessment of impacts from OZP must include the impacts on the 13 million per year Country Park visitors. The Town Planning Board must make Country Parks more accessible for the ordinary visitor in future, and not create the conditions for blocking public enjoyment.

21. Management Plans by AFCD and EPD and others to protect the Country Parks against the impacts are needed NOW so that TPB and PlanD can quantify the costs and workloads as part of the compensation and mitigation needed for letting the environmental cancer of Small Houses into the Enclaves.

22. Hoi Ha case study shows inter alia:-

a. Excessive V zone with no proof of indigenous villagers' need,- Theproposed V zone is mostly owned by outsiders or developers and not legally available for IV residences, hence decision is irrational. This is planning for a special vested interest not public interest.

b. Defective and erroneous descriptions and reasoning is used and Ecosystem Approach not used.

c. Breach of Technical Memorandum for Water Pollution Control Ordinance Section 4.4.4.3 and Section 9.1.

d. Omitted all reference to the key Country Park Enclave Policy.

e. High value for Country Park Extension but No assessment of Impact on Country Park and Marine Park as a whole as required under Country Parks Enclave Policy

f. The Hoi Ha case demonstrates that Hoi Ha fits all the criteria for Country Park, and to provide interim protection before AFCD starts assessment the TPB has a duty to limit the V zone to existing building lots and that the proposed GB should be CA, and that building and agricultural use should be Column 2 requiring permission.

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23. So Lo Pun case study shows

a. Excessive V zone with no proof of indigenous villagers' need, but proof that there has been no need or use for about 30 years.

b. The extensive Small Houses are "incompatible uses" identified by the Enclave Policy and the Planning Report shows that such uses are totally out of place for ecological, landscape and recreational reasons. The information shows So Lo Pun is a highly valuable part of the Country Park system and landscape

c. No assessment of impact on Country Park as a whole has been done as required under the Enclave Policy.

24. Pak Lap Case Study shows

a. Excessive V zone for 230 residents when census claimed only 50. These will be "incompatible uses."

b. Impacts on landscape, recreation and ecology values of Country Park as a whole have not been assessed per Enclave Policy.

c. The Planning Intention should be to protect pending Country Park assessment and designation.

d. This also demonstrates that Pak Lap fits all the criteria for Country Park, and to provide interim protection before AFCD starts assessment the TPB has a duty to limit the V zone to existing building lots

e. The Draft is defective, inconsistent, fails to comply with policy and law and must be amended.

25. The Country Park Enclave Policy which was devised to ensure planning appropriate to protecting the integrity of the country park as a whole, must now be followed and implemented as a priority.

Actions

26. Solution is to protect the status quo until the completion of proper and detailed assessment by AFCD of Enclaves under the Enclave Policy criteria published in May 2011.

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27. Protect the countryside by limiting V zone to existing Building Lots, this protects the existing property development rights of the land owners, following the precedent in Tai Long Wan OZP.

28. Follow conservation principles such as the Ecoystem Approach to zone Enclaves based on holistic principles.

29. The TPB is asked to uphold the Enclave Policy in the public interest and amend the draft OZPs to protect the Enclaves and the Country Parks, uphold the law and the rule of law.

30. TPB is asked to

a. request the Planning Department to withdraw other Enclaves from preparation for OZP;

b. preserve the status quo to give the AFCD time to assess Hoi Ha, So Lo Pun, Pak Lap and all other Enclaves under the Enclave Policy and prepare Draft Plans for Country Park Extensions.

c. protect the interest of over 13 million visitors per year who enjoy the current integrity of our Country Park system.

d. ensure Hong Kong honours its international obligations under the Convention on Biological Diversity which was extended to Hong Kong in May 2011 at PRC's request.

Yours sincerely,

林超英

Lam Chiu Ying
By direction of the Board
Hong Kong Countryside Foundation Ltd

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b頁 1 - 2(B)

TPB/R/S/NE-HH/1-C3668

tpbpd@pland.gov.hk

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收件者: <tpbpd@pland.gov.hk>
副本: "Cindy Choi" [redacted]
傳送日期: 14/02/2014 下午 11:16
附加檔案: AGHK letter toTPB Draft OZP No. S_NE-HH_D_14-02-2014.pdf
主旨: Re: Comments on Representation TPB/R/S/NE-HH/1-799 on Draft Hoi Ha Outline Zoning Plan

Dear Secretariat,

Attached our comments on representations TPB/R/S/NE-HH/1-799 for your record.

Best regards,

Cindy Choi
Vice Chairman
Association for Geoconservation, Hong Kong
MP: [redacted]
Email: [redacted]

香港地質保育協會
Association for Geoconservation, Hong Kong

14 February 2014

Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

Comments on Representations TPB/R/S/NE-HH/1-799 on Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/D

Further to the representations of TPB/R/S/NE-HH/1-799, Association for Geoconservation, Hong Kong would like to raise our serious concerns on the Draft Hoi Ha Outline Zoning Plan (OZP). We would like to stress the draft OZP does not provide sufficient protection to the natural environment which would severely threaten the high geological and ecological value of Hoi Ha Wan.

Hoi Ha Wan is an easily accessible outdoor classroom exhibiting clear geological features of collapsed volcanoes, weathering and deposition. The volcanic rocks of Hoi Ha dated back to 140 million years old which are same as the High Island Formation of our Hong Kong Global Geopark of China. The east-west trending fault, lapilli bearing coarse ash tuffs, monzonite intrusion, presence of a lot of minor faults/joints are evidences of a small caldera. In here, one could found plenty of weathering features - especially physical weathering along joints or minor faults to form block disintegration and boulder valleys. The sand spits, sand bars and beaches in the inner bay exemplify the beautiful and representative depositional features. The relatively calm inner bay and peaceful environment offers high aesthetic value. Any project developments will totally destroy the naturalness and coastal features of Hoi Ha Wan.

Ecologically, the Hoi Ha Wan's shoreline, with its band of mangroves and back-mangroves are a vital part of the marine ecosystem. The mangroves provide food and habitat (breeding and nursery grounds) for fish, marine and terrestrial animals, insects including the newly-discovered Mangrove China-Mark Moth and birds. They are essential for our wildlife sanctuaries and reserves of biodiversity. In addition, the mangroves have effectively stabilized the coastline after a period of coastal erosion.

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Rooms 1001 - 1003, 10th Floor, Manulife Provident Funds Place, 345 Nathan Road, Kowloon, Hong Kong
電郵 Email: aghk@rocks.org.hk 網址 Website: www.rocks.org.hk

香港地質遺產保育協會
Association for Geoconservation, Hong Kong

The Hoi Ha Wan Marine Park and SSSI provide protection of the mangroves only upto the High Tide Mark. With the likely increasing development of small houses near the coast, those mangroves and back-mangroves along the coast are likely to suffer damage or removal.

The change of land use in Hoi Ha as proposed in the draft OZP and the uncontrolled agricultural land (under GB Column 1) would further increase the pollution load into Hoi Ha Wan Marine Park. The cumulative effect of these developments poses serious threat to the water and entire ecological environment. Corals and the associated reef fishes are sensitive to excess nutrients and turbidity. Deteriorated water quality would result in a lower coverage of hard corals and decline in fish abundance.

The provision of land for small house developments in the proposed V zone would result in the loss of current secondary woodland as well as an existing marsh and natural stream. The natural stream and tidal creek are foraging grounds of Brown Fish Owls which are of Regional Concern and also listed under Class II in the List of Wild Animals under State Protection in China.

The V zone is located less than 500 m from a Marine Park/SSSI, adjacent to the proposed CPA and CA and within the Hoi Ha Site of Archaeological Interest and within 500 m from the Hoi Ha Lime Kiln (which is also considered as a site of archaeological interest). We are concerned that the extensive area of V zone would result in adverse environmental impacts to these sensitive receivers nearby.

In order to provide adequate protection and conservation of the natural coastline, the geological features of Hoi Ha, natural stream, marsh, the associated woody and shrubby areas and the extensive sensitive receivers, we therefore strongly urge the Town Planning Board to include Hoi Ha into Sai Kung West Country Parks to ensure proper planning control and management for conserving the geological, ecological and cultural heritage of Hoi Ha.

Yours sincerely,

Cindy Choi (as signed)
Vice Chairman
Association for Geoconservation, Hong Kong
Email: [redacted]

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- C1
TPB/R/S/SK-PL/1-

Carol Biddell
[redacted]
Sent by [redacted]

10/02/2014 19:20

To info@countryparks.hk
ceo@ceo.gov.hk
sen@enb.gov.hk
cc
bcc
Subject Protect the Country Parks from the Small House Policy [#Carol Biddell]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Hong Kong, February2014

to:
Mr Leung Chun Ying
Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
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Mr. Paul Chan Mo Po
Secretary for Development
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Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation
Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
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Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
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Mr. Ling Kar Kan
Director of Planning
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Ms. Bernadette Linn
Director of Lands
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Mr. Thomas Chow Tat Ming Chairman and Members of the Town Planning Board 15/F, North Point Government Offices 333 Java Road, North Point, Hong Kong Email: tpbpd@pland.gov.hk

CC to:
Save Our Country Parks
Email: saveourcountryparks@gmail.com

Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

---

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Ling, Ms. Linn, Mr. Chow, and Members of the Country and Marine Parks Board and Town Planning Board,

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves.

At the time country parks were set up, some remote villages and farmland were excluded.

After the 2010 Tai Long Sai Wan incident, the Government and the public realised that enclaves should be better protected. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:
- To incorporate Enclaves into their surrounding CP. Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the area.
- To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
- To categorically deny new roads to enclaves currently not serviced by roads.
- To create a layout plan for each enclave with consensus from the public including stakeholders.
- Development and infrastructure projects in enclaves are designated projects under the EIAO.
- To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.
- To prevent 'destroy first, build later'.
- To move "House (New Territories Exempted House only) " and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.

B) We support the objections and proposals in representations on the following statutory plans:

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)
- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)
- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)
- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

Draft To Kwu Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)
- The enclave should be incorporated into the Sai Kung East Country park to minimize impacts on the ecological and landscape values of the country park.
- The V-zone should be limited to existing structures and approved small house applications.
- Green Belt (GB) provides insufficient protection for the stream on the western side of the area and its riparian area. We urge for the stream and riparian area.(minimum distance 30 meters) to be covered with 'Conservation Area' zoning.
- Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with 'Conservation Area' zone.
- There is a freshwater marsh on the northeastern side of the 'Village Type Development' zone of this enclave. It contains a locally endangered and protected Orchid species, Liparis ferruginea. We consider that this marsh should be threatened by the 'Village Type Development' zoning.

Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)
- To enhance recreation uses and environment, the enclave should be incorporated into the Tai Lam Country Park.
Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the ecological, landscape and recreational values of the country park.

Given the traffic and activities generated by the recreational uses, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks.
- To remove all ' Village Type Development' zoning and stop granting premission for village houses development.
The area is a gazetted water gathering ground and development will impact the water quality.
- The outline zoning plan should be enhanced with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park and to ensure the water quality and flows.
- We urge for all 'Green Belt' zoning to be changed to 'Conservation Area' zoning with existing developed area and buildings exempted. And, no new houses should be permitted and "House" should be removed from column 2 of the proposed extensive 'Green Belt' zone.
The Green belt provides inadequate protection and has proven to increase expectations of potential development in the community and the area is deemed suitable and appropriate for conditional development.

Further comments :

Best Regards,
Carol Biddell

Email : [redacted]

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TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1-
TPB/R/S/SK-PL/1- C2

Hau Justin
Sent by:

10/02/2014 19:39

To info@countryparks.hk
ceo@ceo.gov.hk
sen@enb.gov.hk
cc
bcc
Subject 保衛郊野公園免受小型屋宇政策威脅 [#Hau Justin]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

香港添馬添美道
香港特別行政區行政長官辦公室
香港特別行政區行政長官
梁振英先生
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香港北角渣華道 333 號 北角政府合署 15 樓 城市規劃委員會主席 周達明先生 電郵：tcbpd@pland.gov.hk

副件抄送:
「保衛郊野公園」
Email: saveourcountryparks@gmail.com

保衛郊野公園免受小型屋宇政策威脅

反對規劃指引圖則
——保護海下、白腊、鎖羅盆、北潭凹、土瓜坪及田夫仔不受破壞性村屋發展入侵

敬啓者：

本人謹以此函表達支持保護郊野公園及反對發展「不包括土地」的想法。

在郊野公園成立之時，某些偏遠的村落及農地即使位置公園範圍之內卻沒有納入郊野公園，未有保護，是為「不包括土地」。

2010年魯連城在西貢大浪西灣悍然違規賭墓，事件令政府及市民歷凭意識到需要有切實的行動和政策保護郊野公園內的「不包括土地」。這些「不包括土地」的地理、生態、地質都與郊野公園相連，多年來不受滋擾，造就香港郊野公園世界級的美景及康樂價值。

A）我們在此要求特首、政府、郊野公園及海岸公園委員會與城市規劃委員會承諾採取以下措施保護郊野公園：
- 將「不包括土地」納入所在的郊野公園範圍內，讓漁農自然護理署署長與郊野公園及海岸公園委員會有權共同監察和管理。
- 為有更充足的時間將「不包括土地」納入郊野公園，「發展審批地區圖」的期限應延長一年。
- 限制「鄉村式發展」用地於現有建築及已批准的小型屋宇申請範圍。
- 不應在郊野公園範圍內興建新的汽車道路。
- 「不包括土地」的規劃設計需取得大眾共識。
- 將「不包括土地」內的所有發展和基礎設施項目列為「環境影響評估條例」下的指定工程項目。
- 提供設施以提高郊野公園的生態、農業、景觀和康樂價值。
- 防止「先破壞後發展」。
- 把「屋宇」及「屋宇（只限新界豁免管制屋宇）」從「鄉村式發展」用地註釋的第一欄移至第二欄，以確保任何房屋拆遷、重建或興建都必須得到政府批准。

B）我們支持以下反對意見及其申述中所提的建議：

鎖羅盆分區計劃大綱草圖（S/NE-SLP/1）
- 我們支持申述編號799至10,735及10,818至10,858的反對以及建議。

白腊分區計劃大綱草圖（S/SK-PL/1）
- 我們支持申述編號799至10,735及10,378至10,775的反對以及建議。

海下分區計劃大綱草圖（S/NE-HH/1）
- 我們支持申述編號799至10,735及10,750至10,934的反對以及建議。

C) 我們反對以下分區計劃大綱草圖並提出以下修訂意見：（S / NE - TKP / B）
土瓜坪及北潭凹分區計劃大綱草圖 (S/NE-TKP/1)
- 此「不包括土地」應先全納入西貢東郊野公園，以減低對鄰近郊野公園在生態上及地理上的損害。
- 「鄉村式發展」應限制在現有的建築物及已獲批准的小型屋宇申請地。
「綠化地帶」不足以保護土瓜坪西面的河流及兩旁河岸生境。河流和兩旁河岸30米範圍應列為「自然保育區」
- 北潭凹內的水體及溪流有稀有魚類香港鬥魚。這些水體、河流及其周邊三十米範圍應以「自然保育區」保護。

田夫仔分區計劃大綱草圖 (S/TM-TFT/1)
- 為了優化康樂用地及環境，此「不包括土地」應先全納入大嶼郊野公園。
田夫仔被大嶼郊野公園包圍又鄰近河背水塘及大嶼海水塘，任何發展都會損害其生態、景觀及康樂價值。

康樂用地會帶來更多的人頭活動和汽車，此地應由漁護署監管以比現來經許可的用途及發展，同時能監管附近郊野公園用地的用途。
- 應移除所有「鄉村式發展」用地，並停止批准任何村屋興建。
田夫仔更法定集水區，任何發展亦會污染水源。

- 應加強保育自然生景、土地資源及郊野公園內的鄉郊特色以確保水質。
- 我們要求現有發展區以外的所有土地均由「綠色地帶」改劃為「自然保育區」。同時，應把「屋宇」從「綠色地帶」的規劃註釋移除。
「綠色地帶」提供的保護不足，甚至給予錯誤的印象，誤導人以為這些土地有發展的潛力，可在附帶條件下建屋。

其他意見:

此致

香港特別行政區行政長官梁振英先生
環境局局長黃錦星先生
發展局局長陳茂波先生
漁農自然護理署署長黃志光先生
郊野公園及海岸公園委員會主席鄧定成先生
城市規劃委員會主席周達明先生
規劃署署長凌嘉勤先生

Hau Justin 謹啓

二零一四年二月

[redacted]

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第 1 組申述及規劃署的回應的摘要

第 1 組申述書**(R1 至 R798 及 R10736、R10740、R10741、R10743 至 R10749)**主要由村民、西貢北約鄉事委員會及個別人士提交。他們的申述理據和建議及規劃署的回應撮述如下：

申述要點	規劃署的回應
申述理據	
A. 「鄉村式發展」地帶內沒有足夠的土地	
由於地形上的限制，擬議的「鄉村式發展」地帶內適合發展小型屋宇的土地不足，而且擬議的「鄉村式發展」地帶也不夠大，未能滿足日後小型屋宇的需求。 除須保護海下的環境及在該區提供相關的康樂設施外，亦須充分顧及小型屋宇的發展，務求在保育和發展兩者之間作出平衡。	見城市規劃委員會文件第 5.15 至 5.24 段
建議(繪圖H-1及圖H-1a)	
P1. 把「自然保育區」地帶的西部改劃爲「鄉村式發展」地帶	
該區西部現時劃作「自然保育區」地帶的土地可用作水上活動康樂中心及漁護署建議的海岸公園遊客中心，應把該處改劃爲「鄉村式發展」地帶作小	見城市規劃委員會文件第 5.35(a)段

申述要點	規劃署的回應
型屋宇發展。	
P2. 把「海岸保護區」地帶改劃爲「鄉村式發展」地帶	
擬議的「海岸保護區」地帶內有大量私人土地，應把之改劃爲「鄉村式發展」地帶。	見城市規劃委員會文件第5.35(b)段
P3. 把海下路沿路的「自然保育區」地帶改劃爲「綠化地帶」	
由於「鄉村式發展」地帶內大部分土地現時已有村屋，把現時海下路沿路的部分「自然保育區」地帶改劃爲「綠化地帶」，可讓村民日後有機會提出規劃申請，發展小型屋宇。	見城市規劃委員會文件第5.35(a)段

第 2 組申述及規劃署的回應的摘要

第 2 組申述書**(R799 至 R10735 及 R10750 至 R10934)**由立法會議員、區議員、環保／關注組織、相關團體及個別人士提交。他們的申述理據和建議及規劃署的回應撮述如下：

申述要點	規劃署的回應
申述理據	
B. 劃設「鄉村式發展」地帶	
B1. 小型屋宇需求 小型屋宇的需求無窮無盡，所謂需求數字，並無理據可證，亦未有核實。現行的小型屋宇政策不符合可持續發展的原則，大部分申請都濫用這項政策。當局應對村民真正需要的小型屋宇數目作出更確切的估計，並據之劃設「鄉村式發展」地帶。 每宗小型屋宇申請都必須附有證明文件，證明申請人有需要建屋自住。此外，也應限制祖傳或繼承得來的鄉村土地的轉讓，盡量使小型屋宇仍由原居村民擁有，不會售予外來人圖利。 過去 20 年，海下只興建了七幢新屋宇，近年該區的人口也沒大變。「鄉村式發展」地帶內大部分土地已售予私人發展商，最終會變成地產項目。應縮減「鄉村式發展」地帶的面積，避免人們	見城市規劃委員會文件第 5.25 段

申述要點	規劃署的回應
對發展抱有期望。	
B2. 對林地環境的影響 現有村落以西的擬議鄉村擴展範圍(劃作「鄉村式發展」地帶)被次生林地覆蓋，長有爲數頗多的各種成齡樹，包括「鄉村式發展」地帶西面邊緣的細葉榕和一種具保育價值的植物香港大沙葉。根據世界自然基金會提供的資料，除了現有那條鄉村和公廁附近數小塊長滿入侵性植物薇甘菊的土地已受干擾外，該處大部分地方都未受干擾或相對未受干擾。 發展小型屋宇會令這些林地的生境失去，對該處的天然河流及潮溪更會造成干擾，這些地方是褐魚鴞(本港罕見的物種，在未受干擾和沒有污染的低地河流和潮溪覓食)的覓食地。 漁農自然護理署(下稱「漁護署」)應對擬議「鄉村式發展」地帶內的地方進行全面的四季生態研究，評估這些地方的生態價值，以及應採取「防患未然」原則，也就是說，在確證環境不受影響前，應假設環境要面對受破壞的威脅。 政府在劃設「自然保育區」地帶以維護生物多樣性方面，對於不同的郊野公園「不包括的土	見城市規劃委員會文件第5.15至5.24段

申述要點	規劃署的回應
地」，處理方法並不一致。白腊一些長有香港大沙葉這種具保育價值植物的未成熟原生林地劃爲「自然保育區」地帶，但海下同樣長有香港大沙葉的林地卻劃爲「鄉村式發展」地帶。 爲免影響現有的林地、附近的天然河流和海岸公園的環境，以及防止這些地方的景觀價值下降，應縮減「鄉村式發展」地帶的範圍，並把未受干擾的林地改劃爲「綠化地帶」。	
B3. 對海下灣海岸公園環境的影響 海下灣海岸公園的潮間帶和潮下帶的生物多樣性非常豐富。若按這份草圖的規劃，興建 60 至 90 幢小型屋宇，可預料到在施工期間或之後，必會破壞或割裂天然生境，並會削弱生物多樣性，長此下去，會對當地生態系統的環境構成各種壓力。 化糞池及滲水井系統僅可作程度最低的污水處理，其排出的污水仍然含極大量營養物、有機物和微生物。要有效減少這些物質，地層情況必須合適，而有關地區的發展密度亦要低。若化糞池及滲水井系統保養不足，加上數目增加，長遠來說，往往未能有效清除污染物。	見城市規劃委員會文件第 5.26 至 5.32 段

申述要點	規劃署的回應
海下地區地底表層的沉積物含有透氣和高滲透力的沉澱物(例如沙)，使污水流走得很快。因此，污水雖然經化糞池及滲水井系統處理，但到達大海前仍然淨化得不夠。《專業人士環保事務諮詢委員會專業守則第 5/93 號》沒有涵蓋海下這個獨特的情況。在擬議的「鄉村式發展」地帶內大量設有化糞池及滲水井系統的村屋所排出的污水和廢水，會嚴重威脅海下灣海岸公園的海洋生物。當局沒有針對污水會累積滲透入海下灣海岸公園／「具特殊科學價值地點」這個問題進行地質評估。 海下村的情況在香港較爲特殊。這條村有人居住，位處海灘／鑑定爲「具特殊科學價值地點」的海下灣旁邊，有不少康樂活動進行。因此，當局必須參照根據《水污染管制條例》發出的技術備忘錄，訂定化糞池及滲水井系統與沿岸海域之間的法定後移距離(例如須相距 100 米)，並強制使用以化學劑清理的獨立廁所和廢水處理系統，避免對土壤、河流、濕地和海下灣海洋環境造成污染。	

申述要點	規劃署的回應
B4. 「鄉村式發展」地帶的《註釋》 應對「鄉村式發展」地帶施加更嚴格的規劃管制，規定發展「新界豁免管制屋宇」、「食肆」及「商店及服務行業」，以及對現有建築物進行拆卸、加建、改動及／或修改，都必須先取得規劃許可。	見城市規劃委員會文件第5.33段
B5. 對累積影響的評估 當局沒有調查／評估增建小型屋宇，在環境、排水、景觀及交通各方面會對海下灣有何潛在的累積影響。對於郊野公園「不包括的土地」的用途和可建的小型屋宇的數目，當局應作出有根據及負責任的決定，所以事前必須審慎研究個別「不包括的土地」的承受力和西貢東和西貢西兩個郊野公園所有「不包括的土地」的整體承受力。 當局也沒有定下任何計劃改善基礎設施(例如排污、道路、泊車位及公共交通設施)以配合海下的新發展和該區遊人的需要。當局應擬備鄉村發展藍圖及定出公共工程計劃，改善海下的基礎設施和其他設施，防止現有的鄉村污染海下灣。	見城市規劃委員會文件第5.31及5.32段

申述要點	規劃署的回應
C. 劃設「綠化地帶」是否足夠的問題	
海下河的上游已指定爲「具重要生態價值的河溪」，毗鄰該河下游的擬議「綠化地帶」也具重要的生態價值，所以應劃作「自然保育區」地帶或「海岸保護區」地帶。「綠化地帶」的真正規劃意向可能並非作保育，因爲常有擬在「綠化地帶」發展小型屋宇的申請獲批給規劃許可，日後可能會對濕地及沿河地區造成不能挽救的影響。 據於二零一二年五月及二零一三年八月實地觀察所見，流入那些荒廢濕農地的水來自海下河，另有一條小河在規劃署擬備的地圖中沒有顯示。另據最近實地視察所見，該濕地仍然有水淹浸着，並錄得本港罕見的草本植物雞冠苞覆花。由於該濕地的水文系統與海下灣海岸公園相連，所以任何流入該濕地的污染物都會流進該海岸公園，而日後進行的任何發展，亦會影響上述的罕見植物。 沒有劃出 30 米闊的走廊，化糞池及滲水井排出的污水透過地下水流入海下河的可能性會增加，影響所及，會對該河以至海下灣海岸公園造成污染。 *「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的*	見城市規劃委員會文件第5.33(a)及(b)段、第5.34(a)及(b)段

申述要點	規劃署的回應
「註釋」 爲免有人在申請更改土地用途前破壞環境易受影響的土地的生態(例如假意進行農業活動)，不應容許在「自然保育區」地帶、「海岸保護區」地帶和「綠化地帶」內發展「農業用途」、「農地住用構築物」、「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」，或應把這些用途列於第二欄，規定要向城規會取得規劃許可才能發展。	
D. 資料不全且有誤導成分	
用以劃定「鄉村式發展」地帶和「綠化地帶」及海下灣海岸公園和「具特殊科學價值地點」範圍的資料(包括地圖)內容不全，且含有誤導成分。有關地圖沒有反映過去三十年來海岸侵蝕的作用。當局應使用最新的地圖，以高潮線來準確顯示海灘現時的範圍，以及據之劃設「海岸保護區」地帶。 在擬議的「鄉村式發展」地帶和「綠化地帶」內，有一個河流和相關濕地的網絡。網絡中各小河流向一片濕地，再流向一大河，然後直接流入海下灣。該處的水文系統與海下河分開，當局有必要於七月至八月間進行全面勘查，蒐集潮濕季節的水文數據。 漁護署提供的生態資料並不足	見城市規劃委員會文件第5.34(c)及(d)段

申述要點	規劃署的回應
夠，特別是沒有就擬議的「鄉村式發展」地帶和「綠化地帶」進行妥善的調查，亦未有視海下河爲天然資源及環境易受影響的地方而予以應有的重視。	
E. 把郊野公園「不包括的土地」指定爲郊野公園	
訂立郊野公園「不包括的土地」政策的目的，是要保護「不包括的土地」免因「不協調的發展」(例如在農地及樹林和河流附近發展大量新的小型屋宇)而面臨「即時的發展威脅」。可是，爲「不包括的土地」而制訂的大部分分區計劃大綱圖卻擴展「鄉村式發展」地帶的範圍，使這些土地面臨更大規模的「即時的發展威脅」，這樣不但違反當局所申明的郊野公園「不包括的土地」政策，亦不符國際性的《生物多樣性公約》。 從生態、景觀和康樂的角度而言，郊野公園「不包括的土地」與毗連的郊野公園緊密相連，所以應納入郊野公園範圍，這樣，各項發展便須經郊野公園及海岸公園委員會及漁護署審批，而當局亦會着力管理，包括進行生境及美化市容設施改善工程、定期巡邏和監察，以及採取執法行動對付違規情況。	見城市規劃委員會文件第5.34(e)及(f)段

申述要點	規劃署的回應
建議(圖 H-1a)	
P4. 局限「鄉村式發展」地帶的範圍	
應把「鄉村式發展」地帶的範圍局限於現有構築物所在之處／屋地，而鄉村擴展的範圍亦應規劃在生態價值較低的地區。另應把擬議的「鄉村式發展」地帶的西部改劃爲「自然保育區」地帶或「綠化地帶」，以保護林地及海下灣。	見城市規劃委員會文件第5.15至5.24段
P5. 劃設「綜合發展區」	
應把現有的鄉村及建議的鄉村擴展範圍劃爲「綜合發展區」，並對擬在區內進行改善及發展計劃的申請作出規劃限制，確保對環境的潛在影響得到妥善處理。另可考慮與村民換地，使村中央的土地可騰出來闢設配套設施(例如遊樂場)，而東面及南面的政府土地則可用來發展小型屋宇(**繪圖 H-3**)。	見城市規劃委員會文件第5.35(c)段
P6. 把距離海下河 30 米的範圍劃爲「自然保育區」地帶，作爲緩衝區	
爲把生態易受影響的海下河和海下灣海岸公園與不適當的土地用途／發展分隔開，應把「綠化地帶」改劃爲最少 30 米闊的「自然保育區」地帶，才能保護海下河免受可能發展的小型屋宇的影響(**繪圖 H-2**)。	見城市規劃委員會文件第5.34(a)至(b)段

申述要點	規劃署的回應
P7. 「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方	
「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方，作爲緩衝區，保護海岸線。	見城市規劃委員會文件第5.35(d)段
P8. 把郊野公園「不包括的土地」指定爲郊野公園	
應把海下指定爲郊野公園，以保護生態易受影響的地方，另應把發展審批地區圖的有效期延長最少一年，以便進行所需的程序。在此期間，應把「鄉村式發展」地帶、「綠化地帶」及非保育地帶改劃爲「未決定用途」地帶，以保護該區的天然環境。	見城市規劃委員會文件第5.35(e)段
P9. 擴大「其他指定用途」註明「水上活動康樂中心」地帶	
擴展「其他指定用途」註明「水上活動康樂中心」地帶，把其範圍向北、南和東面加闊五米，以便按照契約條件的規定，護理該中心周邊的植物；以及把連接海下路與海谷中心的行人徑改劃爲「其他指定用途」地帶或「政府、機構或社區」地帶，以方便維修保養該行人徑(**繪圖 H-4**)。	見城市規劃委員會文件第5.35(f)段

《海下分區計劃大綱草圖編號 S/NE-HH/1》
表示反對的申述要點

申述編號 **(TPB/R/S/NE-HH/1)**	申述要點 **[**申述書提出的建議**]** 及規劃署的回應 **(**見附件 **III-1** 及 **III-2)**
第 1 組	
R1 至 R798 及 R10736	A [P1、P2、P3]
R10740 及 R10741	A
R10743 至 R10749	A [P1、P3]
第 2 組	
R799 至 R3655、R10578、R10579 及 R10875	B、C、E [P4、P6、P8]
R3656 至 R10542 及 R10902	B、E [P4、P8]
R10543	B、D、E [P8]
R10544	B、C、E [P4、P8]
R10545 及 R10546	B、D、E
R10547	D [P4、P6]
R10548、R10755 及 R10859 至 R10862	B、C [P4、P6、P8]
R10549、R10552、R10553、R10556 至 R10567、R10569、R10573 至 R10576、R10580、R10581、R10586、R10588 至 R10592、R10722 至 R10732、R10735、R10896、R10903、R10906 至 R10909、R10921 至 R10927 及 R10929 至 R10934	B
R10550	B、C、D [P4、P6、P8]
R10551、R10577、R10600 至 R10604 及 R10734	B [P8]
R10554、R10559、R10568 及 R10593 至 R10599	B、E
R10555	E
R10570 及 R10572	[P8]

申述編號 **(TPB/R/S/NE-HH/1)**	申述要點 **[**申述書提出的建議**]** 及規劃署的回應 **(**見附件 **III-1** 及 **III-2)**
R10571	B、E [P8]
R10582 至 R10584 及 R10585	[P4、P6、P8]
R10587、R10750 至 R10752、R10869 及 R10874	B、C、D、E [P4、P6、P7、P8]
R10605 至 R10721、R10730、R10886	B、E [P4]
R10733 及 R10905	B、D [P8]
R10753、R10884、R10898 及 R10901	B [P4、P8]
R10754	B、C [P4、P7、P8]
R10756、R10758 至 R10855、R10863、R10864、R10866 至 R10868 及 R10871	B、C、D [P4、P6、P7、P8]
R10757	B、D、E [P4、P6、P7、P8]
R10856	B [P4、P7、P8]
R10857、R10858、R10870、R10897、R10899 及 R10910	B [P8]
R10865	B、D [P6、P7、P8]
R10872、R10881、R10891 及 R10900	B [P4]
R10873	B、C [P8]
R10876 至 R10879	B、D、E [P4]
R10880	B、C、D、E [P4、P5、P6、P7、P8]
R10882、R10887、R10888 及 R10889	B、C、D、E [P4、P8]
R10883	B、C、D、E [P4、P6、P8]
R10885	B、D [P4、P8]
R10890	B、D [P4、P7]
R10892、R10893 至 R10895、R10904 及 R10928	B、D
R10911 至 R10920	[P9]

對申述的意見及規劃署的回應的摘要

意見編號	理由	規劃署的回應
C1 至 C3655、C3661、C3663 及 C3669 (合共 3 658 份意見書)	A. 這些意見書主要由環保／關注組織(包括創建香港(**C3641**)、西貢之友 (**C3640**) 及海下之友 (**C3663**))提交。他們表示支持**第 2 組**的申述(即編號 **R799 至 R10735 及 R10750 至 R10934** 的申述)。 B. 他們就海下分區計劃大綱草圖(下稱「草圖」)提出的主要意見及建議如下： <u>劃設「鄉村式發展」地帶</u> 擬議的「鄉村式發展」地帶並非按所評估的真正需要而劃，村代表所提供的小型屋宇需求數字根本未經核實。因此，當局應檢討小型屋宇政策。 <u>對海下灣海岸公園的環境及累積的影響</u> 緩衝區不夠大，未能把擴展了的「鄉村式發展」地帶與「具特殊科學價值地點」的範圍、濕地及重要的河流隔開。「鄉村式發展」地帶劃得過大，而且劃設這樣大的「鄉村式發展」地帶也沒用，因爲海下並沒有公共污水收集系統，而且受環境所限，設置	見城市規劃委員會文件第 5.25 段 見城市規劃委員會文件第 5.26 至 5.32 段

意見編號	理由	規劃署的回應
	私人污水處理廠也不切實際。地帶內眾多村屋所設的化糞池及滲水井系統，會污染海下灣，對村民以至廣大市民的健康可能會造成損害，而郊野公園的生態、景觀和康樂價值受損的可能性亦會增加。因此，當局應擬備鄉村發展藍圖及定出公共工程計劃，以改善海下的基礎設施和其他設施，解決潛在的污染問題。	
	<u>劃設「綠化地帶」是否足夠的問題及把距離海下河 30 米的範圍劃作緩衝區</u> 海下河東邊只劃爲「綠化地帶」。對於擬在「綠化地帶」進行的發展，城市規劃委員會(下稱「城規會」)通常都會批准。海下河東邊的「綠化地帶」一旦獲准進行發展，所造成的污染累積下去，最終會破壞整條河及有多樣化生境的「具特殊科學價值地點」和下游的海岸公園。	見城市規劃委員會文件第 5.34(a)及(b)段
	<u>資料不全且有誤導成分</u> 提交城規會以便其考慮這份草圖的資料欠妥，當中的生態數據有低估的情況、地圖又不準確，景觀及技術評估資料也不完整。	見城市規劃委員會文件第 5.34(c)及(d)段
	<u>把郊野公園「不包括的土地」指定爲郊野公園</u> 應把「不包括的土地」納入附近的郊野公園範圍。因此，應把發展審批發展圖的有效期延長最少	見城市規劃委員會文件第 5.35(e)及(f)段

意見編號	理由	規劃署的回應
	一年，以便當局完成把「不包括的土地」納入郊野公園範圍的程序。 應採用綜合全面和協調統一的方法保護郊野公園，以免「不包括的土地」出現不協調的發展。另應推廣私人土地一些可提升郊野公園的生態、農業、景觀和美化市容價值的用途。另外，應把草圖交予郊野公園及海岸公園委員會評估。此外，郊野公園「不包括的土地」政策必須體現政府在《生物多樣性公約》下應履行的保育責任。可是，爲「不包括的土地」而制訂的大部分分區計劃大綱圖，卻大幅擴展「鄉村式發展」地帶的範圍，使這些土地面臨更大規模的「即時的發展威脅」，違反郊野公園「不包括的土地」政策。	
C3656 至 C3660、C3662、C3664 至 C3668、C3670 至 C3675 (合共 17 份意見書)	這些意見書主要由環保／關注組織(即香港鄉郊基金(**C3657**)和香港地貌岩石保育協會(**C3668**))及個別人士提交。他們並沒有指明其意見與哪項申述有關，但大致反對這份草圖，理由與上述的理由相似。	同上

《註釋》的摘錄(「鄉村式發展」地帶、「其他指定用途」地帶、
「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的部分)

S/NE-HH/1

鄉村式發展

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途 政府用途(只限報案中心、郵政局) 屋宇(只限新界豁免管制屋宇) 農地住用構築物 宗教機構(只限宗祠) 鄉事委員會會所／鄉公所	墓地 食肆 分層住宅 政府垃圾收集站 政府用途(未另有列明者)# 酒店(只限度假屋) 屋宇(未另有列明者) 機構用途(未另有列明者)# 街市 康體文娛場所 私人會所 政府診所 公廁設施 公共車輛總站或車站 公用事業設施裝置# 公眾停車場(貨櫃車除外) 宗教機構(未另有列明者)# 住宿機構# 學校# 商店及服務行業 社會福利設施# 私人發展計劃的公用設施裝置

除以上所列，在新界豁免管制屋宇的地面一層，經常准許的用途亦包括：

食肆
圖書館
學校
商店及服務行業

(請看下頁)

鄉村式發展(續)

規劃意向

此地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要預算供原居村民興建小型屋宇之用。設立此地帶的目的，亦是要把鄉村式發展集中在地帶內，使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經濟效益。在新界豁免管制屋宇的地面一層，有多項配合村民需要和鄉村發展的商業和社區用途列爲經常准許的用途。其他商業、社區和康樂用途，如向城市規劃委員會申請許可，或會獲得批准。

備註

(a) 任何新發展，或任何現有建築物的加建、改動及／或修改，或現有建築物的重建(發展或重建作註有#的用途除外)，不得引致整個發展及／或重建計劃的最高建築物高度超過三層(8.23 米)，或超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的高度，兩者中以數目較大者爲準。

(b) 城市規劃委員會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略爲放寬上文(a)段所述的建築物高度限制。

(c) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道或填塘工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程，以及保養、修葺或翻建工程除外)而進行或繼續進行者。

其他指定用途

只適用於「水上活動康樂中心」

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
度假營 康體文娛場所(只限水上活動／康樂中心)	食肆 政府垃圾收集站 政府用途(未另有列明者) 康體文娛場所(未另有列明者) 私人會所 公眾停車場(貨櫃車除外) 宗教機構 商店及服務行業 社會福利設施 非附屬於指定用途的公用設施裝置

規劃意向

此地帶的規劃意向，是指定土地用於水上活動康樂用途。

備註

(a) 任何現有建築物的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的地積比率、上蓋面積和高度。

(b) 城市規劃委員會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略爲放寬上文(a)段所述的地積比率、上蓋面積和建築物高度限制。

綠化地帶

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途 燒烤地點 政府用途(只限報案中心) 自然保護區 自然教育徑 農地住用構築物 野餐地點 公廁設施 帳幕營地 野生動物保護區	動物寄養所 播音室、電視製作室及／或電影製作室 墓地 靈灰安置所(只限設於宗教機構內或現有靈灰安置所的擴建部分) 火葬場(只限設於宗教機構內或現有火葬場的擴建部分) 郊野學習／教育／遊客中心 政府垃圾收集站 政府用途(未另有列明者) 直升機升降坪 度假營 屋宇(根據《註釋》說明頁准許翻建新界豁免管制屋宇或以新界豁免管制屋宇取代現有住用建築物者除外) 加油站 康體文娛場所 公共車輛總站或車站 公用事業設施裝置 公眾停車場(貨櫃車除外) 雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置 宗教機構 住宿機構 鄉事委員會會所／鄉公所 學校 配水庫 社會福利設施 私人發展計劃的公用設施裝置

(請看下頁)

綠化地帶(續)

規劃意向

此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展，並提供土地作靜態康樂場地。根據一般推定，此地帶不宜進行發展。

備註

在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程，以及保養、修葺或翻建工程除外)而進行或繼續進行者。

S/NE-HH/1

自然保育區

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途(植物苗圃除外) 自然保護區 自然教育徑 農地住用構築物 野生動物保護區	燒烤地點 郊野學習／教育／遊客中心 政府垃圾收集站 政府用途(未另有列明者) 屋宇(只限重建) 公廁設施 公用事業設施裝置 雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置

規劃意向

此地帶的規劃意向，是保護和保存區內現有的天然景觀、生態系統或地形特色，以達到保育目的及作教育和研究用途，並且分隔開易受破壞的天然環境如郊野公園，以免發展項目對這些天然環境造成不良影響。

根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

備註

(a) 任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。

(b) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展而進行或繼續進行者。

S/NE-HH/1

海岸保護區

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途(植物苗圃除外) 自然保護區 自然教育徑 農地住用構築物 野生動物保護區	郊野學習／教育／遊客中心 政府用途 屋宇(只限重建) 公廁設施 公用事業設施裝置 雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置

規劃意向

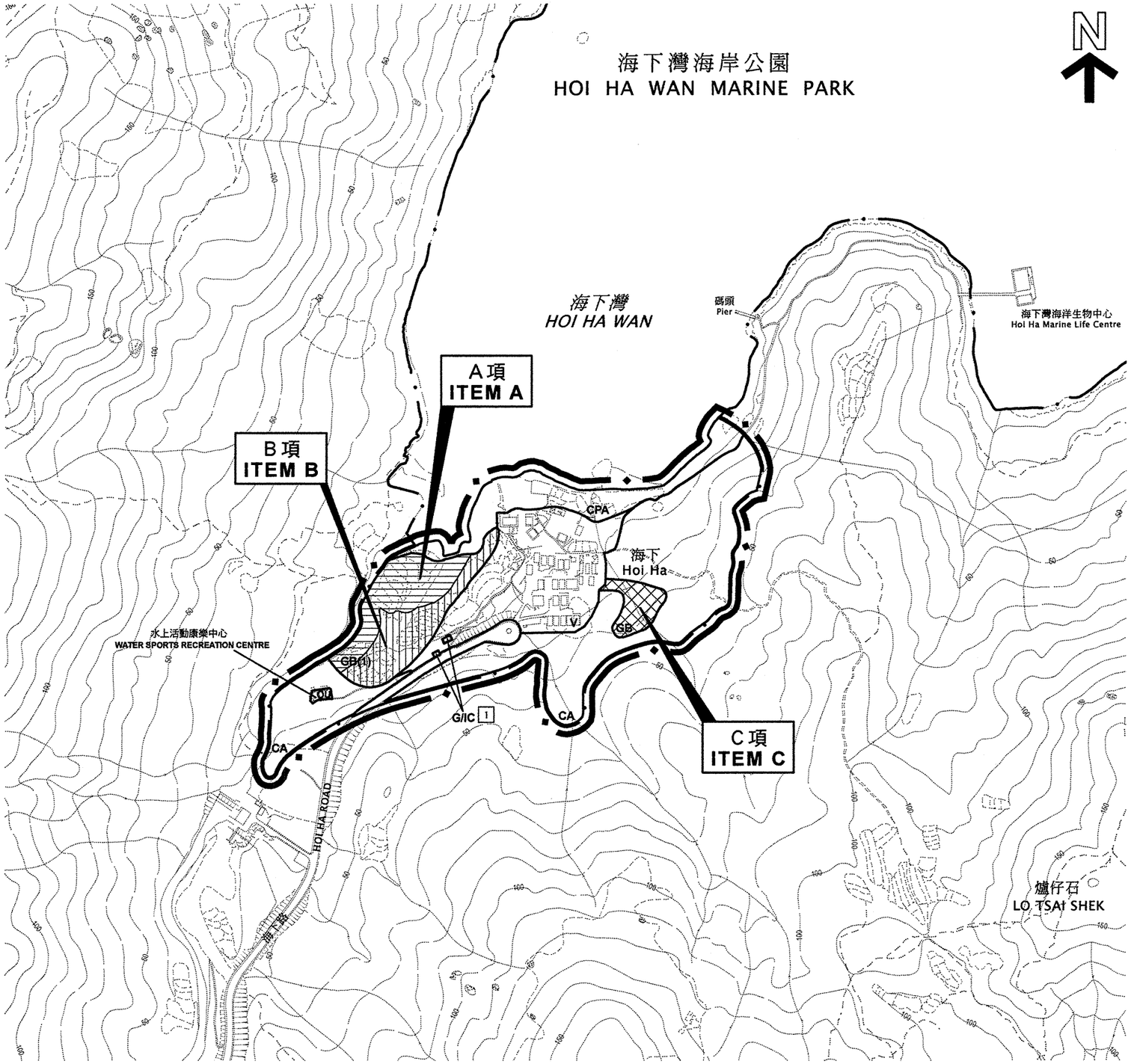
此地帶的規劃意向，是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，包括具吸引力的地質特色、地理形貌，或在景觀、風景或生態方面價值高的地方，而地帶內的建築發展，會維持在最低水平。此地帶亦可涵蓋能作天然保護區的地方，以防護鄰近發展，抵抗海岸侵蝕的作用。

根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

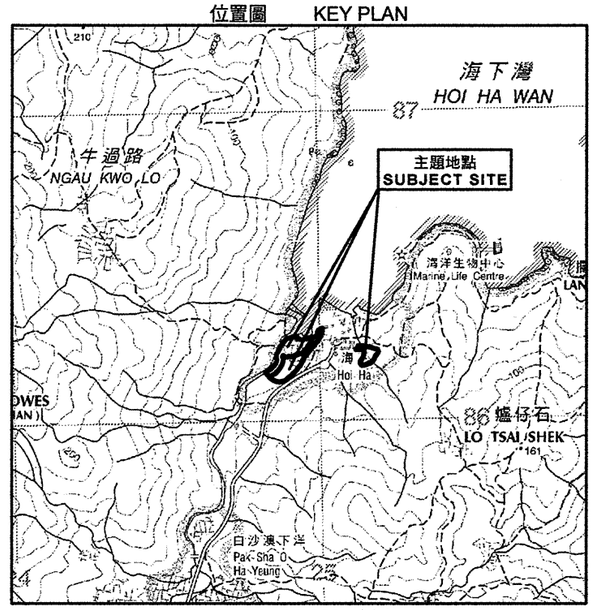
備註

(a) 任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。

(b) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展而進行或繼續進行者。



位置圖 KEY PLAN



SCALE 1 : 20 000 比例尺

草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

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

A項 ITEM A

把「綠化地帶」地帶改劃為「綠化地帶(1)」地帶
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"

B項 ITEM B

把「鄉村式發展」地帶改劃為「綠化地帶(1)」地帶
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"

C項 ITEM C

把「自然保育區」地帶改劃為「綠化地帶」地帶
REZONING FROM "CONSERVATION AREA" TO "GREEN BELT"

夾附的《註釋》屬這份圖則的一部分，
《註釋》的建議修訂已根據城市規劃條例第6C(2)條公布。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND THE PROPOSED AMENDMENTS THERETO HAVE BEEN PUBLISHED
UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

（參看附表）
(SEE ATTACHED SCHEDULE)

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

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/NE-HH/1 - A1

綠化地帶(1)

第一欄	*第二欄*
經常准許的用途	*須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途*
農業用途 *自然保護區* *自然教育徑* *農地住用構築物* *野餐地點* *帳幕營地* *野生動物保護區*	*燒烤地點* *墓地* *郊野學習／教育／遊客中心* *政府垃圾收集站* *政府用途(未另有列明者)* *度假營* *屋宇(只限重建)* *公廁設施* *公用事業設施裝置* *雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置* *鄉事委員會會所／鄉公所* *私人發展計劃的公用設施裝置*

(請看下頁)

綠化地帶(1)(續)

規劃意向

此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。

大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

備註

(a) *任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。*

(b) *在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程，以及保養、修葺或翻建工程除外)而進行或繼續進行者。*

8. 整體規劃意向

8.1 該區的整體規劃意向，是保存該區的自然景觀和保育價值，以及保護該區的自然鄉郊環境及文化遺產，同時預留土地，以供日後海下的原居民鄉村發展小型屋宇之用。

8.2 規劃該區的各個土地用途地帶時，已考慮到要保護該區具生態和景觀價值的地方，包括海下的風水林，該風水林是西貢西郊野公園和海下灣海岸公園更廣大的自然系統的一部分。此外，亦考慮到要劃出土地作日後發展小型屋宇之用。

9. 土地用途地帶

9.1 「鄉村式發展」：總面積 ***1.95*** 公頃

9.1.1 此地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要預算供原居村民興建小型屋宇之用。設立此地帶的目的，亦是要把鄉村式發展集中在地帶內，使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經濟效益。在新界豁免管制屋宇的地面一層，有多項配合村民需要和鄉村發展的商業和社區用途列爲經常准許的用途。其他商業、社區和康樂用途，如向城規會申請許可，或會獲得批准。

9.1.2 海下是認可鄉村，也是該區唯一的認可鄉村。「鄉村式發展」地帶的界線是根據「鄉村範圍」、未處理的小型屋宇申請數目、所預測的小型屋宇需求量、區內地形及用地限制而劃的。地勢崎嶇和草木茂盛的地方、河道和墓地都盡量不劃入此地帶內。

9.1.3 任何新發展，或任何現有建築物的加建、改動及／或修改，或現有建築物的重建，不得引致整個發展及／或重建計劃的最高建築物高度超過三層(8.23 米)，或超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的高度，兩者中以數目較大者爲準。對於要求略爲放寬上述限制的申請，城規會會按個別情況作出考慮，包括用地的限制、建築設計是否有創意，以及規劃上是否有美化區內環境的優點。

9.2.4 爲使特定發展項目在設計上能更靈活，城規會可通過規劃許可審批制度，考慮略爲放寬建築物高度的限制。城規會會按個別申請在規劃上優越之處，作出考慮。

9.3 「其他指定用途(水上活動康樂中心)」：總面積 0.03 公頃

9.3.1 此地帶的規劃意向，主要是反映該區西部的土地的現有用途，即現時位於海下路北面的一個水上活動康樂中心(「海谷中心」)。該中心由一個宗教團體所設，至今已有三十多年，爲青少年提供水上活動訓練設施和夜宿。地政總署表示，根據有關的短期租約，該中心現有兩個構築物，總覆蓋面積約爲 71.5 平方米

9.3.2 下列規劃管制適用於此地帶：

(a) 任何現有建築物的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的地積比率、上蓋面積和高度；以及

(b) 城規會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略爲放寬上文(a)段所述的地積比率、上蓋面積和建築物高度限制。

9.4 「綠化地帶」：總面積 ***0.25*** 公頃

9.4.1 此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展，並提供土地作靜態康樂場地。根據一般推定，此地帶不宜進行發展。

9.4.2 ***「綠化地帶」涵蓋村落東面的一幅政府土地。該幅土地相對平坦，大部分地方長滿草並與現有的村落連成一體。***

9.4.3 根據一般推定，此地帶不宜進行發展。當局會嚴格管制此地帶內的發展。城規會將會參考有關的城規會規劃指引，按個別情況考慮每項發展建議。由於河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。

9.5 「綠化地帶(1)」：總面積 1.3 公頃

9.5.1 此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的

發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

9.5.2 *「綠化地帶(1)」主要涵蓋該村西面及流經該區西面邊界的石澗附近的地區，該處主要是荒廢農地。此外，該林地發現有一種具保育價值的植物香港大沙葉及爲數頗多的各種大樹，包括細葉榕。此外，該林地有部分相對未受干擾，更有一個河流網絡。網絡中各河經該林地流入濕地，然後流入海下灣。「綠化地帶(1)」可作爲鄉村發展項目與該石澗之間的生態緩衝區，有助防止此區重要的景觀資源受到不良的影響。*

9.5.3 *現有屋宇的重建，不得引致整個重建計劃超過在有關發展審批地區圖首次公布該日已經存在的屋宇的地積比率、上蓋面積及高度。*

9.5.4 *由於河道改道、塡土／塡塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。*

9.***6*** 「自然保育區」：總面積 ***3.72*** 公頃

9.***6.***1 此地帶的規劃意向，是保護和保存區內現有的天然景觀、生態系統或地形特色，以達到保育目的及作教育和研究用途，並且分隔開易受破壞的天然環境如郊野公園，以免發展項目對這些天然環境造成不良影響。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

9.***6.***2 「自然保育區」地帶涵蓋海下村東面和南面山坡上的林地，以及該區西端於海下路北面的林地。這些林地頗具天然特色，並與西貢西郊野公園廣闊的綠林在生態上緊密相連，更有各種各樣的受保護植物及有保育價值的動物品種。這些地方的生態資源和生物物種豐富，把之劃作此地帶，是希望能通過嚴格的規劃管制，保護和保存這些資源和物種。

9.***6.***3 在此地帶內山坡的南部有一塊狹長的土地闢作傳統墓地，供該區原居村民安葬先人之用。該墓地已存在多年，屬現有用途。爲尊重當地的習俗及傳統，在此地帶進行殯葬活動，一般可予容忍。

9.***6.***4 在此地帶不准進行新的住宅發展項目。若要重建現有屋宇，必須向城規會提出申請，可能會獲得批准。任何現

有屋宇的重建，不得引致整個重建計劃超過在有關發展審批地區圖首次公布該日已經存在的屋宇的地積比率、上蓋面積及高度。

9.*6*.5 河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響。由於此地帶內的土地具保育價值，因此必須向城規會取得許可，才可進行該等工程。