

曾家裘測量師有限公司

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

THOMAS TSANG SURVEYORS LIMITED

Surveyors, Property and Management Consultants

2013年11月27日

貴會檔案編號：

本會檔案編號：TT/N/FS/175/10

城市規劃委員會秘書，  
香港北角渣華道333號  
北角政府合署15樓

尊敬的秘書先生/女士：

鎖羅盆分區計劃大綱草圖編號：S/NE-SLP/1

按照《城市規劃條例》第6(1)條及第6(2)條，鎖羅盆村村務委員會聯同曾家裘測量師有限公司（下稱“村委會”）提交附件申述書和修訂建議。

鎖羅盆村盆地三面被船灣郊野公園擁抱，另一面連接吉澳海，村民要求規劃這裡成為綠色宜人居住的模範小區，為新界東北發展，帶來經濟新動力，使香港市民多一個好去處。

曾家裘

註冊專業測量師

2013年11月27日

副本：鎖羅盆村村務委員會（主席：黃冠明村長）

沙頭角區鄉事委員會主席：李冠洪主席

北區區議會主席：蘇西智議員 SBS, MH

新界鄉議局主席、立法局議員：劉皇發太平紳士, GBM, GBS, JP.

新界西貢普通道70號地下 G/F., 70 Po Tung Road, Sai Kung, N.T.

Tel : 2791 1138

Fax : 2791 4092

E-mail : thomas@tts.biz.com.hk

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## 鎖羅盆分區計劃大綱草圖編號：S/NE-SLP/1

按照《城市規劃條例》第 6(1)條及第 6(2)條，鎖羅盆村村務委員會聯同曾家榮測量師有限公司（下稱“村委會”）提出以下申述：

### A. 申述有關大綱草圖內的特定事項

事項一：鄉村式發展

事項二：綠化地帶

事項三：自然保育區

事項四：提出有必需的其他分區規劃

### B. 申述的性質及理由

#### 1：前言

村委會曾就政府規劃鎖羅盆村事，先後提交以下意見書

(1) 於 2010 年 11 月 25 日就《鎖羅盆發展審批地區計草圖，編號：

DPA/NE-SLP 的修訂，作出申述。

(2) 於 2010 年 11 月 29 日提交進一步文件

(3) 於 2011 年 4 月 8 日出席城規會就申述及有關意見進行聆訊。

#### 2.：目的

就城市規劃委員會於 9 月 27 日擬備的《鎖羅盆分區計劃大綱草圖編號：S/NE-SLP/1》，村委會認為大綱草圖仍有很多不足之處，所擬議的三種土地用途地帶，與村民提出的訴求有極大的差距。除了私人土地權益受損外，擬備大綱草圖亦未能造福新界東北，開拓未來十年香港發展的機遇，有改善的必要，所以作出書面申述，並且希望當局在規劃公共工程和預留土地作各類用途時，可以反思和填補這方面的空白。

#### 3.：規劃區綜覽

3.1 該區所涵蓋的總面積約為 27.68 公頃，當中近半的土地（48.18%）是鎖羅盆村祖先於 1898 年與當時港英政府根據集體官契（Block Crown Lease）條款下簽署批給原居民的土地，除污染行業外，無限制地用作住屋（House）或農業（Agriculture）之用。又根據中英聯合聲明，批地年期在沒有更改集體官契下，地租每年改為收取差餉估值百份之三，續批土地至 2047 年 6 月 30 日（下稱〈私人土地〉）。村民認識到根據大綱草圖的註釋(2)：「在進行這份《註釋》所載的用途或發展（包括經常准許及可獲批給許可的用途或發展）時，必須同時遵守一切有

關的法例、政府土地契約條款的規定，以及任可其他適用的政府規定。

3.2 該區 27.68 公頃全屬鎖羅盆村的原村落範圍 (Village Environs)，明清時代已在這裡開墾立村，村民強悍善戰力抗海盜襲擊，靠捕魚耕種，生活自給自足。1945 年第二次世界大戰期間，該區和附近的山林地帶是中華兒女抗日英雄的所在地之一。1950 年代，沙頭角區部份列入禁區，鎖羅盆村的村民生活大受影響。1960 年代中期，村民相繼離開，除散居上水，粉嶺和大埔外，大部份精壯的年青人移居歐洲，美洲，或東南亞等地。1997 年隨著香港回歸中國，大部份移居海外的村民，成年男丁有 300 多人，帶著知識，財富和濃烈純潔愛國家，愛鄉土之情，手牽手，心連心，決心返回久別了的沙頭角鎖羅盆村，進行復村運動，並要將鎖羅盆村的獨特歷史作為香港歷史鮮為人知的一面，陳現出來。

3.3 1978 年 4 月及 1979 年 6 月港英政府成立的郊野公園管理委員會，尊重歷史和集體官契私人土地，沒有將鎖羅盆村落範圍納入船灣郊野公園或船灣郊野公園 (擴建) 內。該區東北面向吉澳海，村前建有小碼頭及防波堤，是當年透過嘉道理鄉村發展基金提供材料贊助，由村民建造而成。目前是北區民政事務處/區議會轄下的小型鄉郊工程工作小組負責日常維修。

#### 4. 發展機會及限制

##### 發展機會

4.1 顧名思義，鎖羅盆是一個盆地，二面高山，一面下海，該區被自然美景的船灣郊野公園三面包圍，另一面(東北面)則俯覽優美的吉澳海。大綱草圖規劃應該有制約地和秩序地將郊野景色融合於認可的鎖羅盆村，配合宜人居住的生態鄉村發展。

4.2 區內經歷四百年的開墾耕作，雖然經歷戰亂，棄村等動蕩的四十年，土地曾經大力開發的痕跡仍瀝瀝在目，回流故鄉的村民士族，枝茂葉繁，達三百多人，區內規劃應以人為本，配合復村的勢頭。

4.3 自從 1997 香港回歸以來，村民已自發地陸續回港，有在休耕農地上清理雜草和種植果樹，有申請水電公共設施和重建祖墳，修葺舊居等，並成立村委會，聯絡海外僑領，統籌復村和復耕等事宜，靜待政府部門多方配合，規劃公共工程，完善水陸接駁交通網絡，務求在十年內回復鎖羅盆村昔日的光彩。

##### 發展限制

4.3 現時該區發展受制於有限的交通和基礎設施，對外交通方面主要靠海路接

駁沙頭角墟碼頭，全程僅十五分鐘。這裡海上交通並不繁忙，有很大空間可以發展。至於基礎設施方面，區內有充足的水源，中華電力公司正提供電力的接駁工程，可收微波電訊。區內交通仍靠沿有的行人路連接碼頭及防波堤，由於旅遊人流很多，已不勝負荷，村路有重新修葺和擴闊的必要。這也是重建舊屋，鄉村發展，復耕和確保旅遊人士安全到訪該區的首要任務。

#### 4.4 土力限制

舊村屋多位於該區的北面，鄰近政府的山坡，可能會發生山泥傾瀉，政府土力工程處有責任進行天然山坡災害研究，採取適當的消滅災害措施，鄉村發展區亦應規劃遠離危險斜坡，保障住民的安全。

#### 4.5 生態價值

政府魚護署鑑定一條由西南至東北的天然河溪，具重要生態價值，也是村民生活用水和復耕的重要組成部份，疏導河道，保持流水暢順，免致泛濫，淹蓋良田，至為重要。村民在河口旁下游建有兩個漁塘，並設有放水閘，作為調節海潮流水，頗具江南特色，可見前輩村民的智慧，復耕漁塘，養魚泛舟，荷塘月色，令人絲絲陶醉。

由於海床與良田之間有一度闊 4 米多的防波堤，是遊人欣賞新界東香港地質公園住來荔枝窩、鎖羅盤等沿海村落必經之地，現時河口的紅樹林/泥灘海草，水蕨或弓背青鱗魚仔等受海堤影響，生長並非茂盛，生態環境效益存疑。

### 5. 規劃意向

綜合而言，整體規劃意向是：

- (1) 以人為本，愛護自然環境，有條理發展宜人居住的生態鄉村；
- (2) 提供方便村民利用區內獨特盆地的環境和地利，為建設廿一世紀綠色家園的藍圖；及
- (3) 配合香港東北區域發展策略，推動本土經濟，方便市民生態旅遊；並協助村民復村就業，安享晚年。

### 6. 土地用途地帶

就大綱草圖所建議的三種土地用途地帶規劃，村委會並不同意，並有以下的回應：

## 6.1 鄉村式發展

鎮羅盆村是該區唯一的鄉村，鄉村範圍基本上即該區的絕大部份。大綱草圖只撥出總面積 4.12 公頃 (佔 14.88%) 供鄉村式發展，減除原有村屋、道路、斜坡，不能滿足或預留足夠土地供村民在其鄉村範圍私人土地上興建 300 座小型屋宇的申請。

6.1.2 區內原有舊屋座落於北面緊貼陡峭的天然山坡，舊屋大多破舊，細小和業權繼承需時，如要進行天然山坡災害研究和採取適當的消滅災害措施，重建費用會相當昂貴，由於山坡涉及政府土地，村委會正建議政府土力工程處盡快進行斜坡鞏固工程，確保住民的安全。

6.1.3 我們同意把鄉村發展集中起來，但應將地勢崎嶇，河道和墓地都盡量不劃入此地帶內，提出改善建議鄉村式發展集中在區內的中上游盆地，總面積不少於 7.15 公頃，使發展模式有序有理和經濟效益，落實村民回鄉，十年建村的需要。

6.1.4 我們對於大綱草圖沒有計劃在區內闢建道路網，令發展難行，比行蜀道更難。特區政府在回歸以來，邊區逐漸解禁，乃政經所需，沒有回應村委會復村的訴求，實欠村民一個公道！村委會強力要求正視擬備大綱草圖的基本目的，《說明書》第 3.1 段：「政府在規劃公共工程和預留土地作各類用途時，會以這些詳細圖則作為依據」。修定大綱草圖時，填補這個遺漏。

## 6.2 綠化地帶

6.2.1 我們認為大綱草圖提出利用天然地理環境作為市區和近郊的發展區的界限，以抑制市區範圍的擴展，基本上不適用於該區的實際情況。查該區三面被船灣郊野公園包圍，盆地內經幾百年的開墾，是本港少有著名的梯田。擬備的綠化地帶總面積 15.5 公頃，超乎實際需要。

6.2.2 村委會提出應將該地帶面積大規模縮減，應尊重政府土地契約將私人農地劃出，促進復耕和有規模的農業發展，規劃綠化地帶應利用天然地理環境，包括天然河道，和草木茂盛的山坡，提供靜態康樂場地為目的。

## 6.3 自然保育區

6.3.1 大綱草圖規劃出總面積 8.05 公頃土地為自然保育區，但區內的私人土地及其用途是根據集體官契而確定，土地(包括地上及地下)都是村民的私有財產，有足夠的理由支持這些經長年累月開墾的土地，不應也不適合用作自然保育區。

6.3.2 正如前文所解說：政府魚護署鑑定一條由西南至東北的天然河溪，具重

要生態價值。也是村民生活用水和復耕的重要組成部份，疏導河道，保持流水暢順，免致泛濫，淹蓋良田，至為重要。村民在河口旁下游建有兩個漁塘，並設有放水閘，作為調節海潮流水，頗具江南特色，可見前輩村民的智慧，復耕漁塘，養魚泛舟，荷塘月色，令人絲絲陶醉。

6.3.3 再者，海岸與漁塘/良田之間有一度闊4米多的防坡堤，是遊人欣賞新界東香港地質公園往來荔枝窩、鎖羅盤等沿海村落必經之地。現時河口的紅樹林/泥灘海草，水蕨或弓背青鱗魚仔等受海堤阻隔影響，生長並非茂盛，物種並不多，生態環境效益存疑。《說明書》所提到的水蕨，矮大葉藻海草，褐扁顛蝠，班灰蜻蜓和弓背青鱗等物種，村民表示在鄰近的廣闊無人的古澳海灣淺灘，也可常見，並非稀有。

6.3.4 如要達到保育及作教育和農業研究用途，或分隔開易受破壞的天然環境如外圍的船灣郊野公園等，村委會表示充其量可分別按地形特色，生態系統，或支持本土經濟發展等優次需要原則，分別規劃為鄉村式發展，農業，綠化地帶或康樂用地等。這樣，一來確保毗鄰郊野公園建成宜人居住的生態鄉村發展是安全的；二來也可供應土地，加快興建為香港新界東北區域發展旅遊所需的基礎設施。

6.3.5 基於上述理由和根據政府土地契約條款的規定，農田和漁塘應回復舊貌，實事求是，無必要訂立「自然保育區」。

#### 建議其他土地用途地帶

村委會於2010年11月提交城規會修訂〈鎖羅盆發展審批地區草圖〉編號DPA/NE-SLP/1的建議書時，詳盡解釋該區非指定用途土地可規劃多種用途；包括政府/機構或社區，鄉村式發展，綠化地帶，康樂，農業和道路等。對於大綱草圖擬備的三類土地地帶，特別是自然保育區，村委會覺得不可接受，現補充建議意見如下：

#### 6.4 道路

6.4.1 區內的道路網雖然簡陋，已經存在超過百年的歷史，村民雖然一度離開，該區仍是喜愛鄉郊旅遊人士常到的地方，為方便復村，重建舊屋，運輸建材，居民和日漸增多的旅遊人士的安全。村委會要求大綱草圖上應規劃出道路，由防波堤起至鄉村式發展地帶如附圖所顯示，道路設有照明路燈，闊度為不少於2.5米，適合郵差，警察，消防救護和村民小型鄉村電動摩托車行駛。

6.4.2 城規會二零一一年五月六日覆函鎖羅盆村委員會時表示規劃署備悉有關改善該區現存的古道和郊樂徑及增闊/擴闊行人徑的建議，並會把建議轉達相關的局/部門考慮。

6.4.3 村委會重申大綱草圖應包括規劃公共工程,例如區內道路網和預留土地作多類用途,法定圖則才有意義。村委會亦會要求北區民政事務處/區議會轄下的鄉郊小型工程應撥款興建和跟進監督,早日完成道路改善擴闊工程。

## 6.5 農業

6.5.1 該區為一盆地,陽光充沛,水源充足,中下游有開墾的良田土地和漁塘及上游有連綿的梯田,適合特色的耕作,漁場,和飼養乳牛,山羊等畜牧業,傳統上村屋旁邊是耕地,村委會建議大綱草圖上應規劃出農業用地毗鄰鄉村式發展用地,並請求漁護署大力協助推動支持區內綠色有機漁農業發展。

## 6.6 康樂

6.6.1 村委會認為該區可利用自然環境進行低密度的康樂發展,這地帶涵蓋東北面的土地,是鎖羅盆村民早年開拓私人土地的漁塘,和鄰近可復耕的農田,有休憩,觀賞,攝影,和釣魚等價值。魚塘必須經常清理,以免淤塞,造成泛濫。

6.6.2 該區頗受遠足人士歡迎,近年更常見越野單車和爬山隊訓練活動等在區內進行,但由於區內配套設施有待改善,擬備大綱草圖正好是契機。

## 6.7 政府/機構或社區

6.7.1 該區在村前原有的校址<啟明學校>是鎖羅盆村民集體回憶一個重要組成部份,有紀錄顯示,校園在 60 年代起已開放給遊人歇息休憩。村民亦已籌集資金,準備在原地興建村公所和遊客中心,講述村民四百年來在該區建村,離村和回流等動人故事。

6.7.2 為應付該區十年發展的宏願和方便遊人,村委會建議劃出土地興建直升機升降坪,碼頭輔助場,垃圾收集站,公廁設施,告示板,民安救傷站等基礎設施。

## C. 建議對有關草圖作出的修訂

- 一：改善鄉村式發展區的劃分
- 二：改善綠化地帶的劃分
- 三：取消自然保育區
- 四：建議加入其他土地用途地帶

道路

農業

康樂  
政府/機構或社區

D. 總結

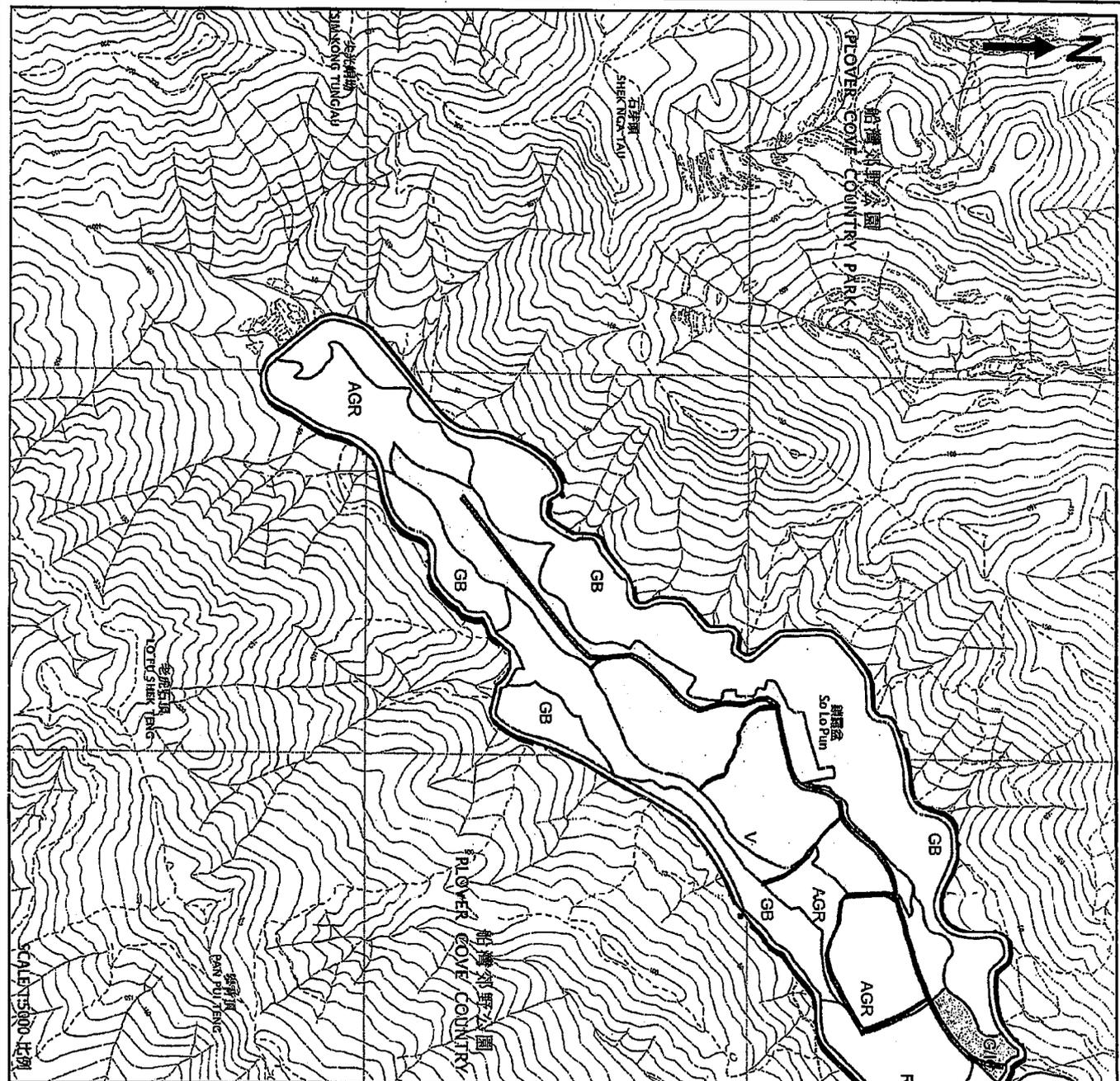
1. 我們得悉，沙頭角區鄉事委員會在廣泛諮詢沙頭角村民的意見，認為港英政府過往施行的隔離政策，嚴重扭曲本邊區的發展，資源大大投放市區，完全忽略本區原居民生活的訴求，歷時超過半個世紀。
2. 1997 年香港回歸中國，中港互動，交往日趨頻繁，邊境亦逐步開放，原居民才得以回歸故里，善用自己的土地，建設自己的家園，尋求安居樂業，絕對有節有理。
3. 村委會今次提交的建議，已充份考慮社會各方的意見，除絕不接受將久經開拓的私人土地（見附 IV- 私人土地分佈圖）在區內列入自然保育區（CA）外，其它就規划意向和土地用途地帶等已作出積極的回應：包括道路網絡、綠化地帶、康樂地帶、政府/機構或社區用地、農業和鄉村式發展，就保護自然環境，生態河流和居民生活及郊遊人士的安全和渴求等各方面取得平衡，逐步發展區內 27.68 公頃土地，為未來十年製定一個適合廿一世紀綠色家園的藍圖，將郊野怡人景色融合於鎖羅盆村，締造一個不一樣宜人居住的生態鄉村發展，配合毗鄰郊野公園，讓廣大香港市民也可到訪和受惠。
4. 鎖羅盆村在過去一個世紀，經歷不比尋常的歷史，彰顯民族大義；其獨特之處在新界原居民村落也少見。從中日戰爭，國共相爭，村民被迫四散，到 97 香港回歸，邊界禁區解禁，村民集體回流，鎖羅盆村就是一個活的本土歷史；是香港人的傳奇。大綱草圖擬備時，若從方便村民復村的大方向出發，地盡其利，人盡其才，配合新界東北區域發展的契機，攪活地方經濟，增加就業，如此，製法定鎖羅盆分區計劃大綱圖才有意義。

羅盆村村務委員會  
曾家榮測量師有限公司

2013 年 11 月 26 日

附件

- 附件 I - 鎖羅盤分區計劃大綱草圖編號 S/NE-SLP/1
- 附件 II - 建議修定鎖羅盤分區計劃大綱草圖 編號：SLPVC-TTS/SLP/1
- 附件 III - 建議各土地用途表
- 附件 IV - 大綱草圖內私人土地分佈圖



**鎖羅盆村村務委員會**

THOMAS TSANG SURVEYORS LIMITED  
 Surveyors, Property and Management Consultants  
 Tel: 2781 1188 Fax: 2791 4092

Date: 26/11/2013  
 File Ref: TTINF5172/10  
 Plan No.: SLPVC-TSISL2/1

**建議修定鎖羅盆分區計劃大綱草圖**

**土地用途及面積一覽表**  
**SCHEDULE OF USES AND AREAS**

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
Agriculture	6.54	23.65	農業地帶
Green Belt	11.75	42.50	綠化地帶
Government, Institution or Community	0.46	1.74	政府、機構或社區
Recreation	1.75	6.31	康樂地帶
Village Type Development	7.15	25.8	鄉村式發展
<b>TOTAL PLANNING SCHEME AREA</b>	<b>27.69</b>	<b>100.00</b>	<b>總規劃範圍面積</b>

**圖例 NOTATION**

**PROPOSED ZONES**

- AGR Agriculture 農業地帶
- GB Green Belt 綠化地帶
- GI Government, Institution or Community 政府、機構或社區
- REC Recreation 康樂地帶
- V Village Type Development 鄉村式發展

**MISCELLANEOUS**

- Boundary of Planning Scheme 其他
- Boundary of Proposed Zoning Scheme 建議修訂界線



鎖羅盆村村務委員會  
建議修定鎖羅盆分區計劃大綱草圖 —  
SLPVC-TTS/SLP/1

土地用途表

鄉村式發展

綠化地帶

農業

康樂

政府、機構或社區

鄉村式發展

第一類  
經常准許的用途

農業用途  
政府用途(只限警察中心、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

第二類  
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准許的用途

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  
政府診所  
公厕設施  
公共車輛總站或車站  
公用專業設施裝置#  
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為經常准許的用途。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為準。
- (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，考慮略為放寬上文(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數日或以後，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，包括為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。

綠化地帶

建議版本

第一欄  
經常准許的用途

- 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
- 農地住用建築物
- 野餐地點
- 公廁設施
- 帳幕營地
- 野生動物保護區
- 墓地

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准許的用途

- 動物寄養所
- 播音室、電視製作室及／或電影製作室
- 骨灰安置所(只限設於宗教機構內或現有骨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
- 網球場
- 分層住宅
- 高爾夫球場
- 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
- 公用專業設施裝置
- 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
- 動物園

(請看下頁)

### 規劃意向

此地帶的規劃意向，主要是利用天然地理環境作為市區和近郊的發展區的界限，以抑制市區範圍的擴展，並提供土地作靜觀娛樂場地。根據一般推定，此地帶不宜進行發展。

### 備註

在這份發展審批地區草圖的公告在憲報刊登該日或以後，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，包括為改作上文第一欄和第二欄所列的任何用途，或（註釋）說明其所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。

# 農業

建議版本

## 第一欄 經常准許的用途

農業用途  
政府用途(只限警察中心/警崗)  
農地住用構築物  
公園設施  
宗教機構(只限宗祠)  
鄉事委員會會所/鄉公所

## 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

動物寄養所  
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)  
屋宇(只限新界豁免管制屋宇，根據(註釋)說明其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)  
野營地點  
康體文娛場所(只限騎術學校、休閒農場)  
公用專業設施裝置  
宗教機構(未另有列明者)  
學校  
私人發展計劃的公用設施裝置

## 規劃意向

此地帶的規劃意向，主要是保存和保護良好的農地/農場，以便作農業用途。設立此地帶的目的，亦是要保存在復耕及作其他農業用途方面具有良好潛力的休耕農地。

## 備註

在這份發展審批地區草圖的公告在憲報刊登該日或以後，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土/填塘工程，包括為改作上文第一欄和第二欄所列的任何用途，或(註釋)說明其所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。這限制並不適用於政府部門事先以書面指示特別要求進行的填土工程，或為下面所列目的而進行的填土工程：

- (i) 為耕種而鋪上厚度不超過 1.2 米的泥土；或
- (ii) 建造已事先獲地政總署發給批准書的任何農用構築物。

第一欄  
經常准許的用途

- 農業用途
- 燒烤地點
- 郊野學習 / 教育 / 遊客中心
- 政府用途(只限報案中心/警崗)
- 度假營
- 農地住用構築物
- 野營地點
- 康體文娛場所
- 公廁設施
- 鄉事委員會會所 / 辦公所
- 帳幕營地
- 室內康樂中心
- 公園及花園
- 小食亭
- 划艇中心
- 政府垃圾收集站
- 船隻停泊處
- 碼頭
- 直升機升降坪
- 水族館
- 植物公園
- 海上活動中心
- 學校
- 酒樓餐廳
- 零售商店

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

- 動物寄養所
- 播音室、電視製作室及 / 或電影製作室
- 食肆
- 分層住宅
- 高爾夫球場

政府用途(未另有列明者)

- 酒店
- 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)
- 娛樂場所
- 私人會所
- 公用事業設施裝置
- 公眾停車場(貨櫃車除外)
- 宗教機構
- 住宿機構
- 商店及服務行業
- 主題公園
- 私人發展計劃的公用設施裝置
- 動物園

(請看下頁)

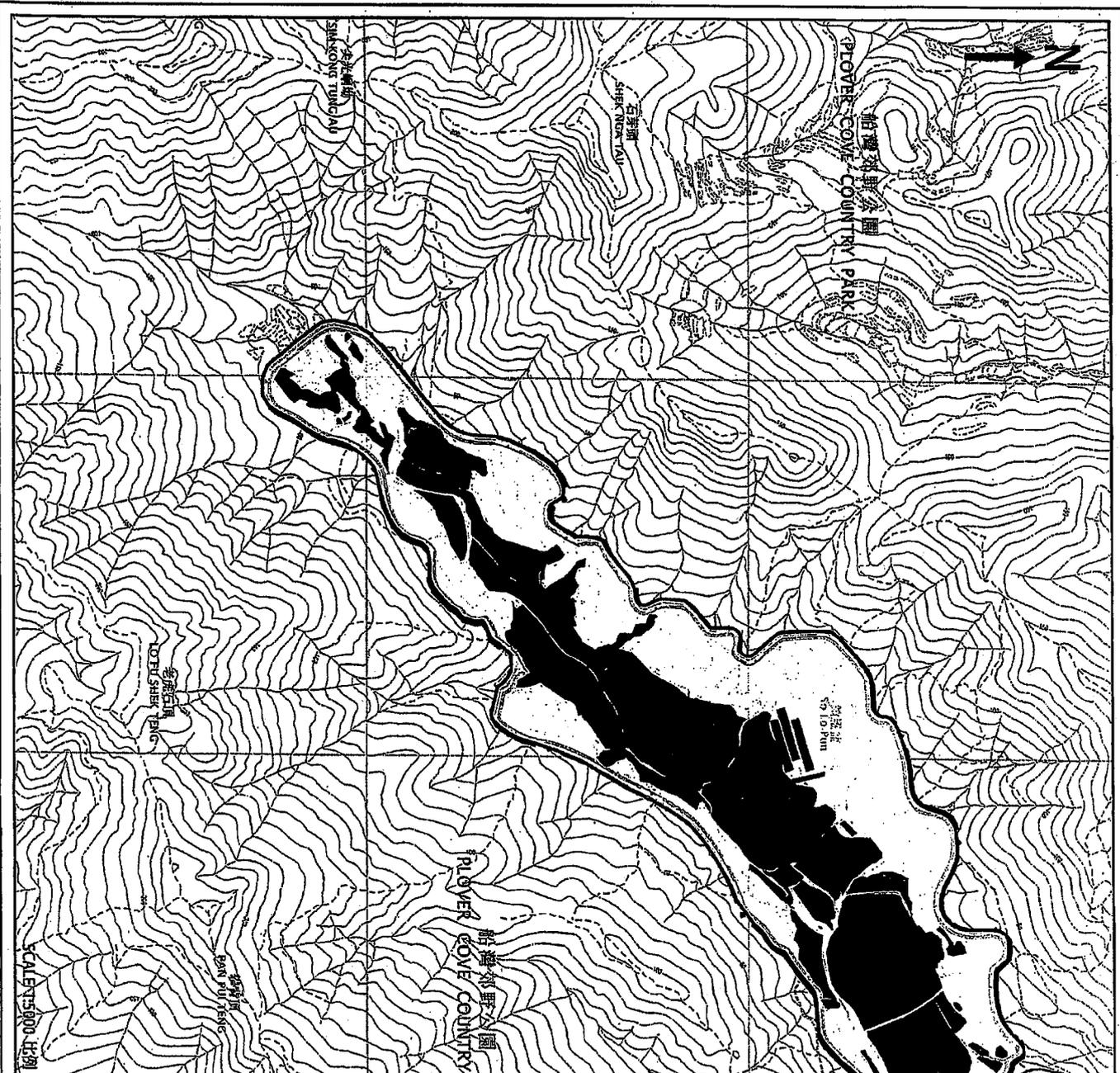


## 政府/機構或社區

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
救護站	銀行
食堂	快餐店
診所／分科診療所	紀念花園
熟食中心	直升機升降坪
教育機構	公眾娛樂場所
展覽或會議廳	私人會所
消防局	雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置
政府垃圾收集站	垃圾處理裝置
政府用途(未另有列明者)	住宿機構
室內康樂中心	酒樓餐廳
街市	零售商店
公園及花園	服務行業
康體文娛場所	污水抽水站
植物苗圃	員工宿舍
運動場	私人發展計劃的公用設施裝置
報案中心／警崗	貨倉／倉庫
警署	抽水站
郵政局	
公廁	
公共圖書館	
公共車輛總站或車站	
公用事業設施裝置	
公眾停車場	
宗教機構	
鄉事委員會會所／鄉公所	
學校	
配水庫	
神龕	
社會福利設施	

## 規劃意向

此地帶的規劃意向，主要是提供政府、機構或社區設施，以配合當地居民及／或該地區、區域，以至全港的需要；以及是供應土地予政府、提供社區所需社會服務的機構和其他機構，以供用於與其工作直接有關或互相配合的用途。



圖例  
NOTATION

Boundary of Planning Scheme

Private Land

Government Land

私人土地與政府土地及面積一覽表  
SCHEDULE OF USES AND AREAS

私人土地  
政府土地

USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
Private Land	13.34	48.19	私人土地
Government Land	14.34	51.82	政府土地
TOTAL PLANNING SCHEME AREA	27.68	100.00	規劃範圍總面積

鎖羅盆分區計劃大綱草圖  
內私人土地分佈圖

鎖羅盆村村務委員會


 曾家榮測量師有限公司  
 THOMAS TSANG SURVEYORS LIMITED  
 Surveyors, Property and Management Consultants  
 Tel: 2781 1188 Fax: 2781 4882

Date: 26/11/2013  
 File Ref: TTMF/S175/10  
 Plan No.: SLPWC-TTS/S1P/1

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

- 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甸道333號北角政府合署15樓城市規劃委員會秘書收。
- 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「提交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例指引。這份指引可向委員會秘書處（香港北角渣甸道333號北角政府合署15樓，電話：2231 4810或2231 4835）及規劃處的規劃資料查詢處（熱線：2231 5000）（香港北角渣甸道333號北角政府合署17樓及新界沙田禾輋路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/>）。
- 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處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為不會提出論。

1. Person Making This Representation (known as "Representor" 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\*)



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	鎖鑲盆分區計劃大綱 草圖 S/NE-SLP/1
--	----------------------------

\* 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」

15

**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
自然保育區 CA.	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	百分之九十以上屬私人土地, 剝奪業權人權益, 封殺村民出路。
綠化地帶	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	覆蓋私人農地, 應改為農地 AGR.
	<input type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
Any proposed amendments to the draft plan? If yes, please specify the details. 對草圖是否有任何建議修訂? 如有的話, 請註明詳情。 <p style="text-align: center; font-size: 1.2em;">建議所有私人農地改為 AGR (農地)。</p>		

② 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特定事項。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。倘有圖則繪圖為彩圖或超過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。

**5. Signature 簽署**



區角頭沙  
會員委員會  
(界新)

Signature 簽署 \_\_\_\_\_ "Representer"/Authorized Agent  
「申述人」/獲授權代理人

Name in Block Letters 姓名（以正楷填寫） \_\_\_\_\_ Position (if applicable) 職位（如適用） \_\_\_\_\_

Professional Qualification(s) 專業資格 \_\_\_\_\_ Member 會員 / Fellow 資深會員 \* of  
 HKJP  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 \_\_\_\_\_

**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例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。其地址為香港北角匯華道333號北角政府合署15樓。

\* 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」  
 "✓" at the appropriate box 請在適當的方格內加上「✓」號



b頁 1 - 1(B)

TPB/R/S/NE-HH/1-  
TPB/R/S/NE-SLP/1- 10543  
TPB/R/S/SK-PL/1-

[tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

寄件者: [REDACTED]  
收件者: <[tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)>  
傳送日期: 2013年11月20日 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。附件為意見書，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]

30LP - (1)

20/11/2013



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% <sup>1</sup>

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有一定保育價值。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450物種，部份物種亦具保育價值。詳情請參考表二。



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「蘭葉沼蘭」。
昆蟲	139	
蜘蛛及其他節肢生物	50	
兩棲類及爬行類	6	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」。至於鑽螺盆、當地的紅樹林、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，包括矮大葉蕨、弓背青龍、食蟹蟻等<sup>10</sup>。

### 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。



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

<sup>1</sup> <http://www.info.gov.hk/gia/general/201309/27/P201309260315.htm>  
<sup>2</sup> [http://www.districtcouncils.gov.hk/sk/doc/en/db\\_meetings\\_doc/SK\\_2013\\_118\\_TC.pdf](http://www.districtcouncils.gov.hk/sk/doc/en/db_meetings_doc/SK_2013_118_TC.pdf)  
<sup>3</sup> <http://www.info.gov.hk/gia/general/201309/27/P201309260309.htm>

[http://www.districtcouncils.gov.hk/horih/doc/fo/committee\\_meetings\\_doc/dmweld/n\\_dmwelo\\_2013\\_082\\_ch.pdf](http://www.districtcouncils.gov.hk/horih/doc/fo/committee_meetings_doc/dmweld/n_dmwelo_2013_082_ch.pdf)

<sup>4</sup> <http://www.info.gov.hk/gia/general/201309/27/P201309260309.htm>

[http://www.districtcouncils.gov.hk/tp/doc/fo/committee\\_meetings\\_doc/EHWC/2013/TP\\_shwc\\_2013\\_089\\_TC.pdf](http://www.districtcouncils.gov.hk/tp/doc/fo/committee_meetings_doc/EHWC/2013/TP_shwc_2013_089_TC.pdf) | [http://the-sun.on.com/news/20131016/00407\\_058.html](http://the-sun.on.com/news/20131016/00407_058.html)

<sup>5</sup> 2013年11月18日，明報，A15，環團促減白腊丁屋地面積。

TPB/R/S/NE-HH/1-  
 TPB/R/S/NE-SLP/1- 10600  
 TPB/R/S/SK-PL/1-



陳偉業(Albert Chan)

To "tpbpd@pland.gov.hk" <tpbpd@p  
 "sen@enb.gov.hk" <sen@enb.gov.hk>

cc

bcc

25/11/2013 下午 03:25

Please respond to  
 陳偉業(Albert Chan)

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，當局又將鎖羅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环境評估，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

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

TPB/R/S/NE-HH/1-  
TPB/R/S/NE-SLP/1-  
TPB/R/S/SK-PL/1-10600

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-III/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，當局又將鎖羅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。

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荃灣福來邨永康樓地下9A

9A, G/F, Wing Hong House, Fuk Loi Estate, Tsuen Wan, Hong Kong

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

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

中環立法會道1號立法會大樓 1014室

Room 1014, 11 Legislative Council Road, Legislative Council Complex, Central, Hong Kong

☎ 24113107

☎ 24179985

☎ 24459900

☎ 24454646

☎ 31479096

☎ 31479098

☎ 28699653

☎ 28600652

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环境評估，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在受到影響， 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-SLP/1- 10825

For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	26.11.2013

- 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。
- 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/>）。
- 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為不曾提出論。

1. <b>Person Making This Representation (known as "Representer" hereafter)</b> 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

2. <b>Authorized Agent (if applicable) 獲授權代理人 (如適用)</b>
Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organization* 先生/夫人/小姐/女士/公司/機構*)  RECEIVED 2013 NOV 26 A 11:13 TOWN PLANNING BOARD

3. <b>Details of the Representation</b> 申述詳情	
Draft plan to which the representation relates 與申述相關的草圖  S/NE-SLP/1	鑲羅盆分區計劃大綱草圖

\* 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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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 <sup>②</sup> 有關事項 <sup>②</sup>	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 4.12公頃 鄉村式發展	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	見附件1 甲部
建議指定 綠化地帶 自然保育區	<input checked="" type="checkbox"/> support 支持 <input type="checkbox"/> oppose 反對	
	<input type="checkbox"/> support 支持 <input type="checkbox"/> 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		

② 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**

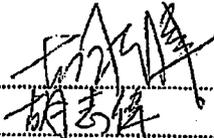
Please list location plans, sites plans, other relevant plans, drawings and other documents submitted with the representation. For coloured drawings/plans or plans/drawings larger than A3 size, 90 copies each should be provided. For other supplementary documents, e.g. reports on impact assessment, 90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

不適用

**5. Signature 簽署**

Signature  
簽署



"Representer" / Authorized Agent\*

「申述人」/ 獲授權代理人\*

立法會議員

Name in Block Letters 姓名（以正楷填寫）

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**

- 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:
  - 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
  - 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：

  - 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
  - 方便「申述人」與委員會秘書及政府部門之間進行聯絡。
- 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。
- 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，其地址為香港北角渣甸道 333 號北角政府合署 15 樓。

\* 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」

「✓」 at the appropriate box

請在適當的方格內加上「✓」號

附件 1 就 S/NE-SLP/1 鎖羅盆分區計劃大綱草圖進行的申述

反對鎖羅盆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 9423 “Further Consideration of the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/E”中的第 5.1 段指出，擬定的 4.12 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」面積是根據地政專員按鎖羅盆村代表對未來 10 年該村對小型屋宇的需求而制訂(即 270 幢)。
2. 然而，根據規劃署及地政總署提供的資訊，鎖羅盆村在過去一段長時期及現有均沒有原居民提出興建新的小型屋宇申請。在此原則下，規劃署及地政總署需要向公眾及城規會委員進一步解釋，在缺乏行車道路連接以及沒有電力、排污、食水供應等基礎公共設施的情況下，為何仍批准 4.12 公頃的「鄉村式發展」用地？有關的規劃是依據那些標準？尤其是在原本建議的 S/NE-SLP/D 的計劃中，原先建議指定的「鄉村式發展」用地只有 2.52 公頃，即只包括現有建築物及廢棄村屋及周邊土地，規劃署及地政總署有必要清楚解釋，增加 1.6 公頃「鄉村式發展」用地的原因；
3. 根據 9423 號文件 Annex IV，曾有城規會委員在會上提問關於未來 10 年該地的小型屋宇需求是如何得出；然而政府的回覆是未能核證有關數據，只按過往做法依照鄉村代表提供的數據而制訂。參照鎖羅盆現有的狀況(包括現有常住居民為 0)及所有規劃文件後，公眾的印象是規劃的標準兒戲，甚至是違反一般政策程序。尤其是政府本

身亦同意，鎖羅盆在香港地質資源分佈圖(Landscape Value Mapping of Hong Kong)中被評為具高價值地段，亦有一條具有重要生態價值的河溪，亦不建議進行大規模的發展。政府如何解釋興建接近 300 座小型樓宇仍不屬於大規模發展？

4. 根據實地考察，鎖羅盆大部份的村屋已經荒廢多年，可見是村民自願選擇離開村落到其他地區生活。另外，如果政策是為了方便原居民復修現有村屋，即使將其納入郊野公園亦可復修，根本無需要靠指定「鄉村式發展」用地去規管；
5. 在考慮批准有關「鄉村式發展」用地前，城規會委員需要審慎考慮下列觀點：
  - A. 基於鎖羅盆與周邊的郊野公園(印洲塘海岸公園、荔枝窩特別地區、船灣郊野公園)的生態有密切連繫，加上鎖羅盆過去及現在均沒有新建小型屋宇的申請，委員是否有需要批准大面積的「鄉村式發展」用地？
  - 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<sup>1</sup>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

<sup>1</sup> <http://ofomb.ombudsman.hk/abc/files/DI227.pdf>

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，這將對鄰近郊野公園生態造成不可挽救的破壞。正如 2000 年規劃地政局就是否引用法定圖則—「發展審批地區圖」規管「不包括土地」時指出：

「『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）

6. 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。正如上述段落已提出，現時定居村民為 0 的數字已反映，是居民因應村落的環境（例如缺乏道路連接）而自行放棄定居，而政府已表明未有計劃進行大型公共工程以改變村落現況。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。
7. 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 4.12 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序後即撤回有關圖則，並將之納入  
船灣郊野公園範圍。

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TPB/R/S/NE-SLP/1- 799  
TPB/R/S/SK-PL/1-



Debby Chan  
<debby@designinghongkong.com>  
Sent by: debby.ckl@gmail.com

27/11/2013 下午 05:20

To ceo@ceo.gov.hk  
sen@enb.gov.hk  
sdev@devb.gov.hk  
mailbox@afcd.gov.hk  
kkling@pland.gov.hk  
DLOffice@landsd.gov.hk  
amo@lcsd.gov.hk  
tpbpd <tpbpd@pland.gov.hk>  
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



DHK Submission on enclaves to Government and TPB.pdf

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Hong Kong, 27 November 2013

Mr Leung Chun Ying  
Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Tamar, Hong Kong  
Email: [ceo@ceo.gov.hk](mailto: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](mailto: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](mailto: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](mailto:mailbox@afcd.gov.hk)

Mr. Ling Kar Kar  
Director of Planning  
Planning Department  
17/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
Email: [kkling@pland.gov.hk](mailto: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](mailto:DLOffice@landsd.gov.hk)

Unit 7, 5/F, Eastern Harbour Centre,  
28 Hoi Chak Street, Quarry Bay,  
Tel: +852 3104 2765  
Fax: +852 2187 2305

創建  
**Designing HongKong**  
香港.com

Tom Ming  
Executive Secretary  
Antiquities and Monuments Office (AMO)  
136 Nathan Road, Tsim Sha Tsui  
Kowloon, Hong Kong  
E-mail: [amo@lcsd.gov.hk](mailto:amo@lcsd.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](mailto: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: [tobpd@pland.gov.hk](mailto:tobpd@pland.gov.hk)

CC: Save Our Country Parks ([saveourcountryparks@gmail.com](mailto: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. Chan, 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.

Unit 7, 5/F, Eastern Harbour Centre,  
28 Hoi Chak Street, Quarry Bay,  
Tel: +852 3104 2765  
Fax: +852 2187 2305

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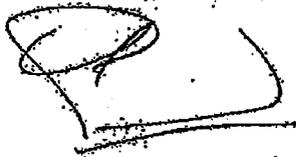
- As planning permission for construction of Small Houses in Green Belt is regularly granted, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.
- "Barbecue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

Unit 7, 5/F, Eastern Harbour Centre,  
28 Hoi Chak Street, Quarry Bay,  
Tel: +852 3104 2765  
Fax: +852 2187 2305

27-NOV-2013 18:08 From:

To: 28770245

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

Friends of Sai Kung c/o :-


**PACIFIC  
CHAMBERS**

901 Dina House  
11 Duddell Street, Central  
Hong Kong  
Tel: 2521 5544  
Fax: 2524 5912  
Email: johnwright@netvigator.com

27<sup>th</sup> November 2013

Mr Leung Chun Ying  
Chief Executive  
Hong Kong Special Administrative  
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. 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

Tom Ming  
Executive Secretary  
Antiquities and Monuments Office (AMO)  
136 Nathan Road, Tsim Sha Tsui  
Kowloon, Hong Kong  
E-mail: amo@lcsd.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. 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)

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 TFB 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 TFB 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 3/4 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 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 (Jancelet) – 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 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 3<sup>rd</sup> person.

Yours sincerely,



John Wright

Secretary,  
Friends of Sai Kung



27/11/2013 下午 03:28

To "Town Planning Board" <tpbpd@i

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

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

10524

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-



25/11/2013 下午 05:48

To "tpbpd@pland.gov.hk" <tpbpd@pl<br>"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



SCHOOL OF BIOLOGICAL SCIENCES  
THE UNIVERSITY OF HONG KONG

Kadoorie Biological Sciences Building, Pokfulam Road, Hong Kong  
Tel: (852) 2299 0800 Fax: (852) 2559 9114  
Email: biosch@hku.hk (852) 2857 4672  
Website: <http://www.hku.hk/biosch>

香港大學  
生物科學學院  
香港薄扶林道  
嘉道理生物科學大樓

Chairman (Mr. Thomas Chow) and Members  
Town Planning Board  
HK SAR Government

By Email [tpbpd@pland.gov.hk](mailto: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 Ha 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 Thiagarajan



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-

會址：屯門新墟井頭上村87A

網址：<http://www.gaiass.org>

電郵：[gaia@gaiass.org](mailto:gaia@gaiass.org)

電話：26132773 傳真：26184008

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！



會址：屯門新墟井頭上村87A  
網址：<http://www.gaiass.org>  
電郵：[gaia@gaiass.org](mailto:gaia@gaiass.org)  
電話：26132773 傳真：26184008

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。

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。

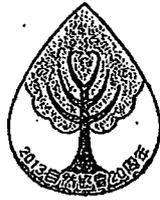
此致  
城市規劃委員會

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》



會址：屯門新墟井頭上村87A  
網址：<http://www.gaiass.org>  
電郵：[gaia@gaiass.org](mailto:gaia@gaiass.org)  
電話：26132773 傳真：26184008

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。

#### 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」<sup>1</sup>。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<sup>2</sup>。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](mailto: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)。

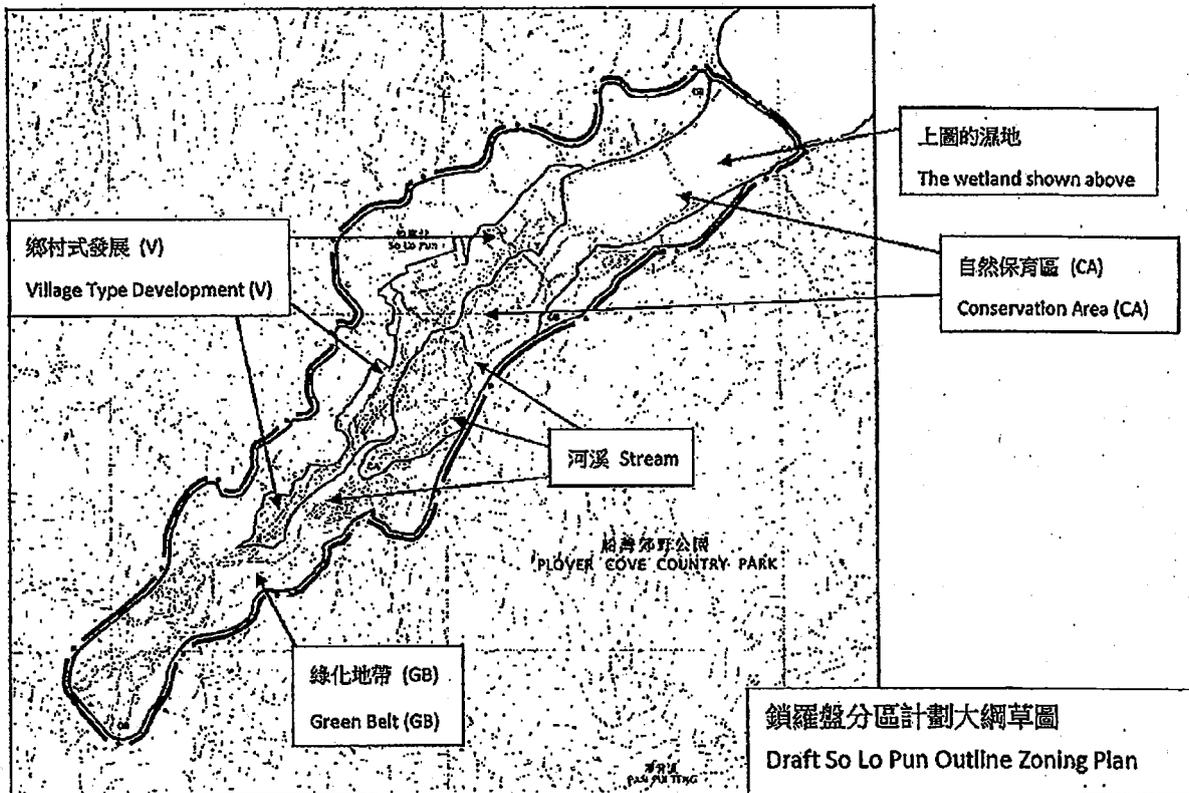
<sup>1</sup> [http://www.civic-exchange.org/wp/wp-content/uploads/2003/09/200309\\_RethinkSmallHouse.pdf](http://www.civic-exchange.org/wp/wp-content/uploads/2003/09/200309_RethinkSmallHouse.pdf)

<sup>2</sup> <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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電郵：[gaia@gaiass.org](mailto:gaia@gaiass.org)  
電話：26132773 傳真：26184008

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，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。

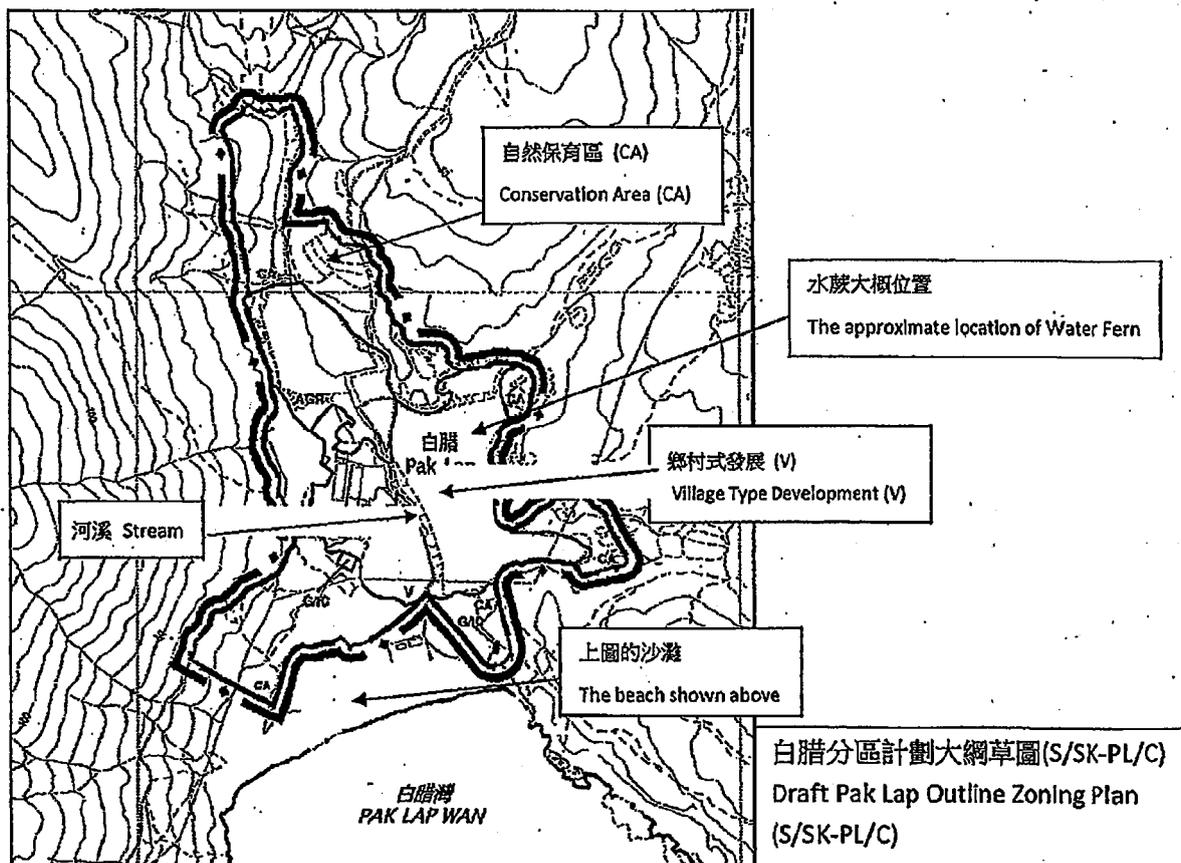
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把鎖羅盤等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啟動規劃程序。

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」。

白腊分区计划大纲草(S/SK-PL/1)



你希望這沙灘遭受污染嗎?





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- 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。

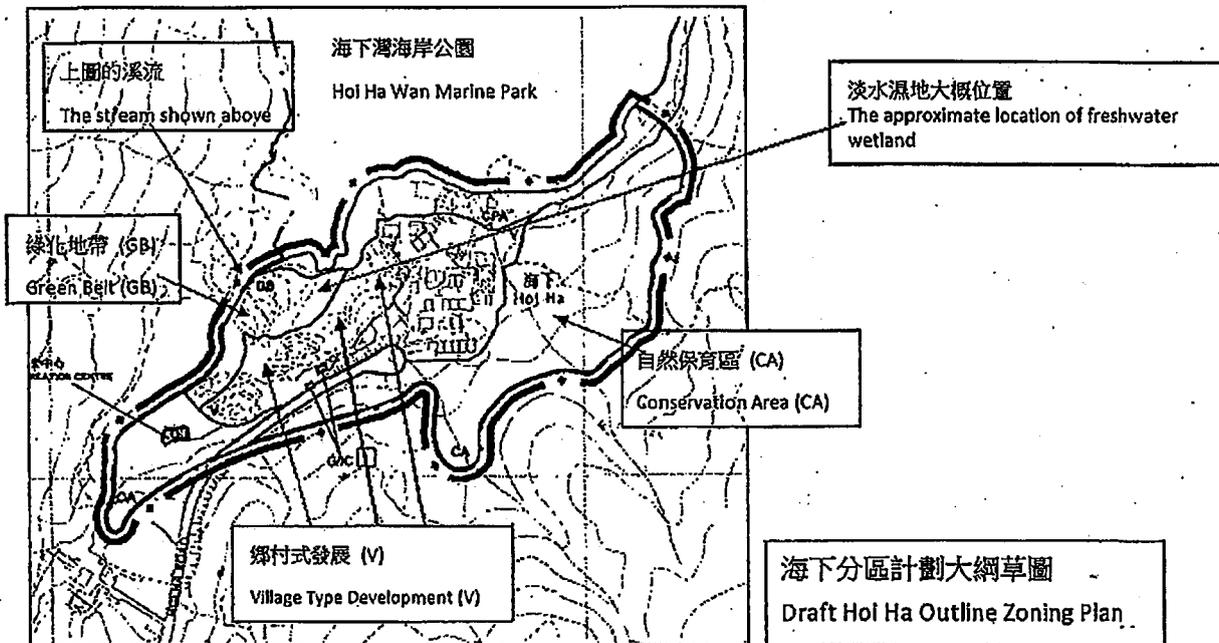
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把白腊等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啟動規劃程序。

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啟動規劃程序。

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

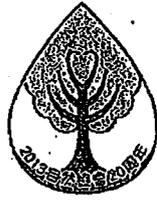
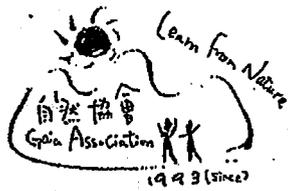


會址：屯門新墟井頭上村87A  
 網址：<http://www.gaiass.org>  
 電郵：[gaia@gaiass.org](mailto:gaia@gaiass.org)  
 電話：26132773 傳真：26184008

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。

聯署人

	姓名	電郵地址	簽署
1	歐麗穎	[Redacted]	
2	區紀德	[Redacted]	
3	鄧偉佳	[Redacted]	
4	曾碧玉	[Redacted]	
5	王信興	[Redacted]	
6	彭靖淳	[Redacted]	
7	鄭淑敏	[Redacted]	
8	劉永佳	[Redacted]	
9	劉文清	[Redacted]	
10	常玉珊	[Redacted]	
11	馮忠雄	[Redacted]	
12	傅慧娟	[Redacted]	
13	馬潔莉	[Redacted]	
14	林詠儀	[Redacted]	
15	周妙宜	[Redacted]	



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 網址：<http://www.gaiass.org>  
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聯署人

姓名	電郵地址	簽署
16 李露儀		[Signature]
17 梁國榮		[Signature]
18 何翠娟		[Signature]
19 李敏儀		[Signature]
20 李銘揚		[Signature]
21 梁松		[Signature]
22 <del>鍾志強</del> 鍾志強		[Signature]
23 周志強		[Signature]
24 周澤皓		[Signature]
25 周曉琳		[Signature]
26 鄧芷萍		[Signature]
27 鄧偉傑		[Signature]
28 鄧燕冰		[Signature]
29 陳朝霞		[Signature]
30 謝傑雄		[Signature]

溫晝  
 沐  
 來賓  
 天  
 sky  
 Kevok  
 Andy  
 七月三日

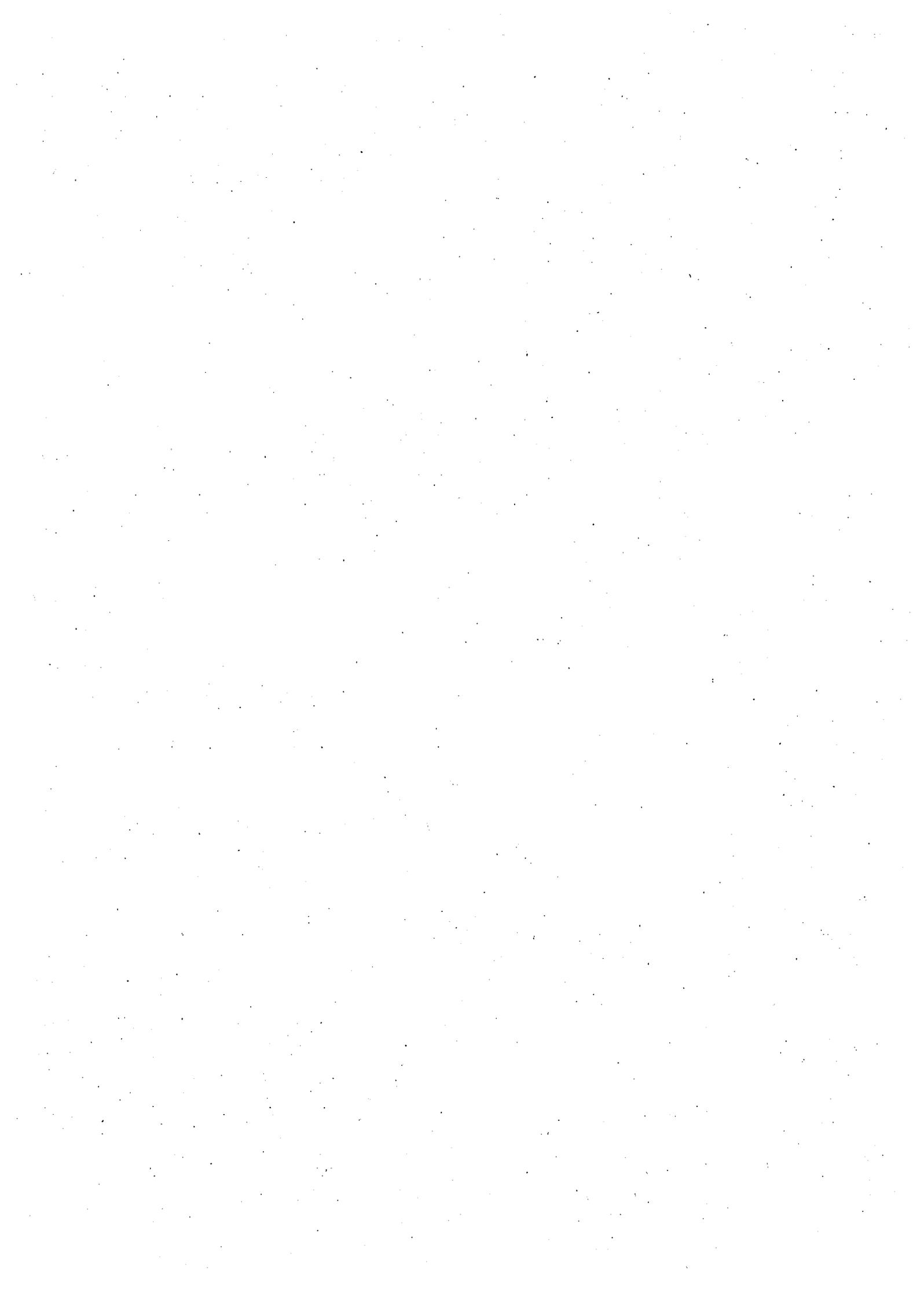


會址：屯門新墟井頭上村87A  
 網址：<http://www.gaiass.org>  
 電郵：[gaia@gaiass.org](mailto:gaia@gaiass.org)  
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聯署人

	姓名	電郵地址	簽署
31	劉令茵		
32	馮振豪		
33	鍾淑蓮		
34	蔡珊茹		
35	葉淑屏		
36	褚慧		
37	Inene Jackson		
38	Terry Preece		
39	PAUL ANTHONY JACKSON		
40	Agnes Choy		
41	Viola L66 Y. C.		
42			
43			
44			
45			





Lap Pan Chong

27/11/2013 下午 10:17

To lpbpd <lpbpd@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

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

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]



TPB/R/S/NE-SLP/1-10818



Roy Tam  
27/11/2013 下午 04:01

To tbbpd@pland.gov.hk  
cc  
bcc  
Subject 意見書：鎮羅盤分區計劃大綱圖

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來自：環保觸覺

  
鎮羅盤.pdf



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

致 城市規劃委員會：

## 環保觸覺意見書

有關 S/NE-SLP/1 鎖羅盆分區計劃大綱草圖

### 反對擴大鄉村式發展範圍

本會反對於 S/NE-SLP/1 鎖羅盆分區計劃大綱草圖擴大鄉村式發展，破壞香港珍貴郊野及生態。詳細意見如下：

草圖陳述的鄉村式發展的規劃範圍過大及屋宇數量過多，不符合目前環境，該處的預計的丁屋發展位置，鄰近自然保育區，將危害該範圍的樹木及生態，所以城規會應拒絕通過這張分區計劃大綱圖。

鎖羅盆現時的居住人口為零，也沒有足夠配套以供將來遷入的人口。如規劃署資料所言，總規劃人口以擴展鄉村式發展達至一千人，而附近未有水電及道路配合，恐怕鄰近的自然保育區及綠化地帶也會遭日後的發展配套而被破壞。

政府應參考大浪西灣之規劃，維持現有鄉村範圍而不再增加，並將該範圍訂為郊野公園；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。

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張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。

本會鄭重要求，海下（S/NE-HH/1）、（白腊 S/SK-PL/1）及鎖羅盆三區的分區計劃大綱圖應以保護郊野為首要考慮，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！

環保觸覺

二零一三年十一月二十七日

TPB/R/S/NE-SLP/1- 10819



Pui Lam Jocelyn HO

27/11/2013 下午 03:17

To Town Planning Board <tpbpd@planning.gov.hk>

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

Tel: (852) 23774387 Fax: (852) 23143687 HKBWS\_Comments\_HoiHadraftOZP\_20131127.pdf

HKBWS\_Comments\_PakLapdraftOZP\_20131127.pdf HKBWS\_Comments\_SoLoPundraftOZP\_20131127.pdf

2

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



香港觀鳥會  
THE  
HONG  
KONG  
BIRD  
WATCHING  
SOCIETY  
Since 1957 成立

27 Nov 2013

Dear Sir/Madam,

**Comments on Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/E – Further  
Consideration of a New Plan**

The Hong Kong Bird Watching Society (HKBWS) would like to raise our concerns on the Draft So Lo Pun Outline Zoning Plan (OZP). In the 2010 Policy Address, Donald Tsang promised to include Country Park enclaves into Country Parks (CPs) or determine their proper uses through statutory planning in order to meet conservation and social development needs<sup>1</sup>. However, as the Draft So Lo Pun OZP does not provide sufficient protection to the established high ecological value of So Lo Pun we propose that So Lo Pun to be designated as part of the Plover Clove Country Park. Please note our concerns as follows:



國際鳥盟伴級員  
BirdLife International  
Partner Designate

**1. Propose Village Zone is too Large and Impractical and Places Private Development Interest ahead of Public Interest**

The Draft OZP provides a Village (V) zone for up to 134 small house developments, however the conditions of So Lo Pun suggests that it is not suitable for village development for various reasons. Currently, So Lo Pun has been abandoned by villagers<sup>2</sup> and there are no outstanding small house applications<sup>3</sup>. There is a lack vehicular road access, water supply and sewage treatment facilities and there are no future plans to build them just as stated in the Town Planning Board Paper (the Paper), and findings from the "Study on the Enhancement of Sha Tau Kok Rural Township and Surrounding Areas"<sup>4</sup>. Access to So Lo Pun solely relies on boat-access or by foot from either Wu Kau Tang or Kuk Po both of which are highly

<sup>1</sup> 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>

<sup>2</sup> Designing Hong Kong (2013). Press Release - The destruction of Plover Clove Country Park approved by the Town Planning Board.

<sup>3</sup> Town Planning Board (2013). Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/E Further Consideration of a New Plan. The Government of Hong Kong SAR.

<sup>4</sup> Planning Department (2013). Study on the Enhancement of Sha Tau Kok Rural Township and Surrounding Areas. Available at: [http://www.pland.gov.hk/pland/en/p\\_study/prog\\_s/sha\\_tau\\_kok/eng/index.html](http://www.pland.gov.hk/pland/en/p_study/prog_s/sha_tau_kok/eng/index.html)

地址：香港九龍荔枝角壽山道532號偉基大廈7樓C室  
Address: 7C, V Ga Building, 532 Castle Peak Road,  
Lai Chi Kok, Kowloon, Hong Kong

電話Tel.No.:2377 4387  
傳真Fax.No.:2314 3687  
電郵E-mail:hkbws@hkbws.org.hk

inconvenient. Based on these reasons, the provision of land for 134 small house developments is unreasonable. The Planning Department should provide justifications for proposing such large-scale development areas in a location that is a) worthy of the highest degree of ecological protection b) entirely unsuitable for expanded village style development owing to the remote location and lack of appropriate infrastructure c) creates a false expectation in favour of residential development d) fails to adopt the ecosystem approach. It is the duty of the Planning Department to take into consideration the local conditions and development constraints in the process of land use planning<sup>5</sup>, the Planning Department has failed to do so with the provision of such large V zone.

## 2. Composition of Bird Population at So Lo Pun

The last record of Crested Kingfisher was at obtained from So Lo Pun back in 2009. This scarce and very localized resident and winter visitor is dependent on natural stream habitats surrounded by wooded areas<sup>6</sup>, the undisturbed Ecologically Important Stream (EIS) surrounded by wooded area at So Lo Pun provide suitable habitat for this scarce species. The mangroves and reedbed near the shore of Kat O Hoi provides foraging opportunities for waterbirds, especially ardeids. Table 1 provides a list of bird species recorded at So Lo Pun.

## 3. Seahorse at Kat O Hoi

It is the duty of the Agriculture, Fisheries and Conservation Department (AFCD) to advise on potential adverse ecological impacts resulting from the land use of the Draft OZP and to conserve our natural environmental and safeguard ecological integrity<sup>7</sup>. Thus, the AFCD should acknowledge the seahorse *Hippocampus kuda* at Kat O Hoi<sup>8</sup> (Figure 1). This species is listed as Vulnerable under the IUCN, threatened by not only exploitation for Chinese medicine but also by habitat degradation and pollution especially in Hong Kong<sup>9</sup>. The sensitive species would be impacted by water pollution from the village houses as discussed in the sections below.

<sup>5</sup> Planning Department (2010). Hong Kong Planning Standards and Guidelines – Chapter 1 Introduction. The Government of Hong Kong SAR.

<sup>6</sup> Allcock J., Welch G., Carey G. and Chow G. (2012). Hong Kong Bird Report 2009-10. Hong Kong Bird Watching Society.

<sup>7</sup> Agriculture, Fisheries and Conservation Department (2013). About Us: Vision and Mission. The Government of Hong Kong SAR. Available at: [http://www.afcd.gov.hk/english/aboutus/vision\\_mission/abt\\_vision\\_mission.html](http://www.afcd.gov.hk/english/aboutus/vision_mission/abt_vision_mission.html)

<sup>8</sup> Eco-education and Resource Centre (2012). Hong Kong's First Systematic Survey of Pipefish and Seahorses.

<sup>9</sup> International Union for Conservation of Nature (2013). The IUCN Redlist of Threatened Speies – *Hippocampus kuda*. Available at [www.iucnlist.org/details/100750](http://www.iucnlist.org/details/100750).

#### **4. Indirect Impacts to Ecologically Important Stream from Village Zone**

Seasonal streams form the tributaries of the EIS. One of which is surrounded by the proposed V zone where agricultural uses are always allowed (Figures 1 and 2). The development of small houses and the associated change of land use will increase the pollution load runoff into the tributaries and eventually into the EIS. The recorded population of fish species *Oryzias curvnotus* as well as other sensitive habitats and species downstream (seagrass bed, marsh and seahorse) would be impacted by water pollution. There are few unpolluted natural low-land streams remaining in Hong Kong, all measures to protect the EIS and its tributaries should be taken, this includes the provision of a sufficient buffer area (~20m) to protect any existing riparian vegetation. It is the Planning Department's duty to retain these significant ecological attributes and to control adjoining uses to minimize adverse impacts on conservation zones<sup>10</sup>.

#### **5. Sewage Pollution from Septic Tanks**

The underlying geology will not support the use of on-site septic tanks and soakaway systems to disperse untreated wastewater into the surrounding soil in So Lo Pun. Pollution will not be filtered as proposed, and the discharge of untreated wastewater into the environment will lead to irreparable damage being caused to the EIS, Freshwater Marsh and marine environment at So Lo Pun. Environmental Protection Department (EPD) has long adopted an interpretation on soakaway pits that is fundamentally flawed and may be subject to legal challenge. This interpretation facilitates the building of housing that depends on soakaway pits for approval in ecologically sensitive areas and thereby EPD fails in its duty to protect the environment that is implicit in its name.

#### **6. Reasons Why So Lo Pun is not Designated as Part of the Country Park**

The undisturbed nature along with the topographic characteristics of So Lo Pun has led to it become high in both landscape and ecological value. As stated in the Paper, "according to the DAFC, the suitability of the So Lo Pun enclave for country park designation would be assessed in due course by drawing reference to criteria such as conservation value, landscape and aesthetic value, recreation potential, and existing scale of human settlement. Views of the Country and Marine Parks Board will also be sought in the process." And although it is understood that the designation of the area as Country Park is under the

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<sup>10</sup> Planning Department (2010). Hong Kong Planning Standards and Guidelines – Chapter 10 Conservation. The Government of Hong Kong SAR.

jurisdiction of the Country and Marine Parks Authority under the Country Parks Ordinance (Cap. 208) and not by the Town Planning Board, there is still no valid argument as to why an area with such high value cannot be designated as part of the Plover Clove Country Park. A number of ecological sensitive receivers including the EIS, seagrass bed, mangroves, reedbeds, marsh<sup>3</sup> and mammals species of conservation interest (Crab-eating Mongoose *Herpestes urva* and Yellow-bellied Weasel *Mustela kathiah*) have been identified<sup>11</sup>. The seagrass is also considered to be of high ecological value due to its rarity and restrictedness in Hong Kong<sup>11</sup>. Although it is acknowledged that these areas have been proposed to be zoned as Conservation Area (CA), CA zoning provide limited protection to development and habitat destruction. One of the evidence being that under the list of permitted land under the schedule of uses allows for land use that could require vegetation clearance, like agricultural use. The appropriateness of CP designation should be prioritized first and considered by the AFCD and CMPB on the basis of the precautionary principle. We urge the AFCD and the CMPB provide justifications as to why So Lo Pun is not proposed as be designated as part of the Country Park.

The HKBWS respectfully requests the Town Planning Board to consider our concerns on the draft So Lo Pun OZP. Based on the reasons above, we hope the Town Planning Board will consider to incorporate So Lo Pun as part of the Plover Clove Country Park.

Yours faithfully,



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

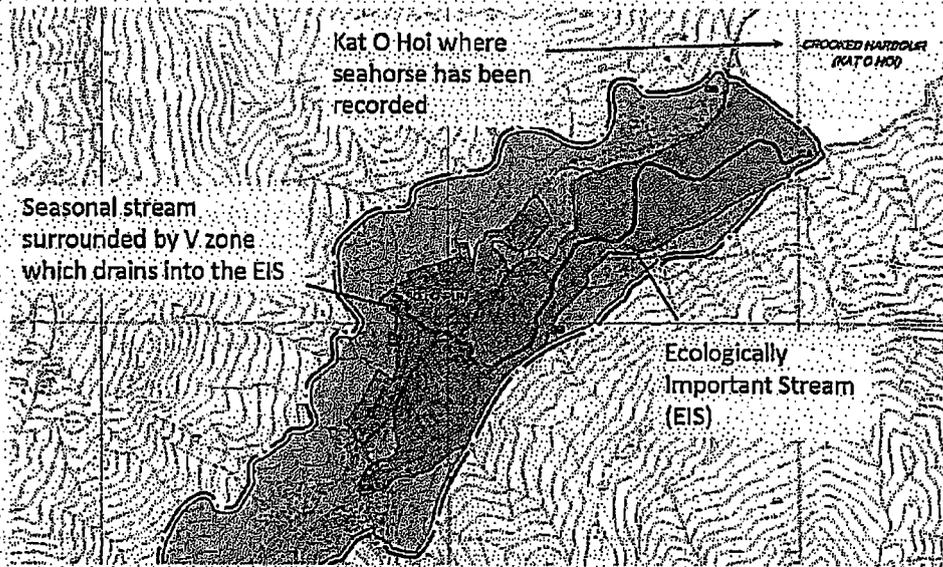
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<sup>11</sup> Kadoorie Farm and Botanic Garden (2003). A Pilot Biodiversity Study of the eastern Frontier Closed Area and North East New Territories, Hong Kong, June-December 2003.

**Ms. Anissa Wong, Director of Environmental Protection**

**Mr. KK Ling, Director of Planning**

**Figure 1**



**Figure 2 – Ecologically Important Stream**

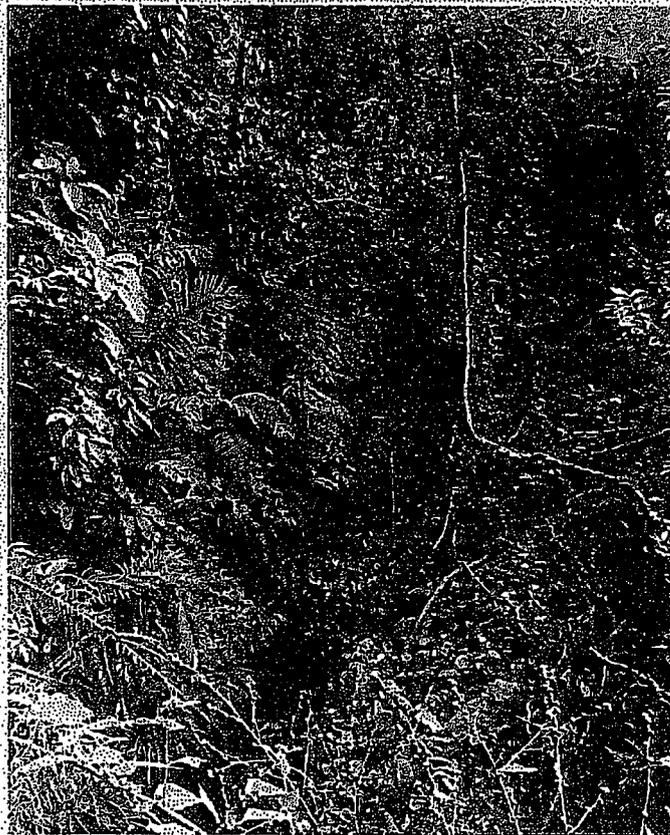


Table 1 – List of Birds Recorded at So Lo Pun

Common Name <sup>(1)</sup>	Scientific Name	Distribution in Hong Kong <sup>(2)</sup>	Principal Status <sup>(3)</sup>	Level of Concern <sup>(4)</sup>	Protection Status in China <sup>(5)</sup>	China Red Data Book <sup>(6)</sup>
Chinese Francolin	<i>Francolinus pintadeanus</i>	Common	R	-	-	-
Black-crowned Night Heron <sup>(6)</sup>	<i>Nycticorax nycticorax</i>	Common	P	(LC)	-	-
Grey Heron <sup>(6)</sup>	<i>Ardea cinerea</i>	Common	W	PRC	-	-
Great Egret <sup>(6)</sup>	<i>Ardea modesta</i>	Common	P	PRC (RG)	-	-
Little Egret <sup>(6)</sup>	<i>Egretta garzetta</i>	Common	P	PRC (RG)	-	-
Western Osprey <sup>(7)(8)</sup>	<i>Pandion haliaetus</i>	Common	W	RC	-	Rare
Black Kite <sup>(7)(8)</sup>	<i>Milvus migrans</i>	Common	W,R	(RC)	Class II	-
Crested Serpent Eagle <sup>(7)</sup>	<i>Spilornis cheela</i>	Uncommon	R,M	(LC)	Class II	Vulnerable
Common Sandpiper <sup>(6)</sup>	<i>Actitis hypoleucos</i>	Common	M,W	-	-	-
Oriental Turtle Dove	<i>Streptopelia orientalis</i>	Common	W	-	-	-
Common Emerald Dove	<i>Chalcophaps indica</i>	Scarce	R	-	-	Vulnerable
Plainive Cuckoo	<i>Cacomantis merulinus</i>	Uncommon	Su	-	-	-
Oriental Cuckoo	<i>Cuculus optatus</i>	Scarce	M	-	-	-
Pacific Swift	<i>Apus pacificus</i>	Common	Spm,Su	(LC)	-	-
Black-capped Kingfisher <sup>(6)</sup>	<i>Halcyon pileata</i>	Common	AM,W	(LC)	-	-
Crested Kingfisher	<i>Megaceryle jugubis</i>	Scarce	R,?W	RC	-	-
Grey-chinned Minivet	<i>Pericrocotus solaris</i>	Common	R,W	LC	-	-
Scarlet Minivet	<i>Pericrocotus speciosus</i>	Common	R	-	-	-
Brown Shrike	<i>Lanius cristatus</i>	Common	Spm	-	-	-
Hair-crested Drongo	<i>Dicrurus hottentotus</i>	Common	M,Su,W	-	-	-

Common Name <sup>(1)</sup>	Scientific Name	Distribution in Hong Kong <sup>(2)</sup>	Principal Status <sup>(3)</sup>	Level of Concern <sup>(4)</sup>	Protection Status in China <sup>(5)</sup>	China Red Data Book <sup>(6)</sup>
Grey Treepie	<i>Dendrociitta formosae</i>	Scarce	M,W	LC	-	-
Cinereous Tit	<i>Parus cinereus</i>	Common	R	-	-	-
Red-whiskered Bulbul	<i>Pycnonotus jocosus</i>	Abundant	R	-	-	-
Chinese Bulbul	<i>Pycnonotus sinensis</i>	Abundant	R	-	-	-
Chestnut Bulbul	<i>Hemixos castanonotus</i>	Common	R,W	-	-	-
Pygmy Wren-babbler	<i>Proopyga pusilla</i>	Rare	-	-	-	-
Asian Stubtail	<i>Urosphena squameiceps</i>	Common	W	-	-	-
Dusky Warbler	<i>Phylloscopus fuscatus</i>	Common	W	-	-	-
Pallas's Leaf Warbler	<i>Phylloscopus proregulus</i>	Common	W	-	-	-
Yellow-browed Warbler	<i>Phylloscopus inornatus</i>	Common	W	-	-	-
Arctic Warbler	<i>Phylloscopus borealis</i>	Common	AM	-	-	-
Chinese Hwamei	<i>Garrulax canorus</i>	Common	R	-	-	-
Masked Laughingthrush	<i>Garrulax perspicillatus</i>	Abundant	R	-	-	-
Greater Necklaced Laughingthrush	<i>Garrulax pectoralis</i>	Common	R	-	-	-
Japanese White-eye	<i>Zosterops japonicus</i>	Abundant	R,W	-	-	-
Grey-backed Thrush	<i>Turdus hortulorum</i>	Common	W	-	-	-
Daurian Redstart	<i>Phoenicurus auroreus</i>	Common	W	-	-	-
Verditer Flycatcher	<i>Eumyias thalassinus</i>	Scarce	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) Protected under Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)

(8) Wetland-dependent species (including wetland-dependent species and waterbirds)

TPB/R/S/NE-SLP/1- 10820



"Andrew Chan"

26/11/2013 下午 02:07

To <pbpd@pland.gov.hk>

cc: "Michael Lau" <mlau@wwf.org.hk>

"Tony Hung" <thung@wwf.org.hk>

"Tobi Lau" <tlau@wwf.org.hk>

bcc

Subject So Lo Pun\_draft OZP\_WWF\_Nov 2013

Urgent  Return receipt  Sign  Encrypt

Dear Sir/Madam,

Please find attached our submission on the captioned.

Thank you for your attention.

Yours faithfully,

Andrew Chan  
Assistant Conservation Officer, Local Biodiversity  
WWF-Hong Kong  
15/F, Manhattan Centre,  
8 Kwai Cheong Road,  
Kwai Chung, New Territories  
Tel: (852) [redacted]  
Fax: (852) 2845 2764  
Website: www.wwf.org.hk

WWF Hong Kong works to ensure a better environment for present and future generations in Hong Kong (See attached file: So Lo Pun\_draft OZP\_WWF\_Nov 2013)



So Lo Pun\_draft OZP\_WWF\_Nov 2013.pdf



WWF® for a living planet®

世界自然基金會  
香港分會

WWF-Hong Kong

香港新界葵涌葵昌路8號  
萬業中心15樓  
15/F, Manhattan Centre,  
8 Kwai Cheong Road,  
Hong Kong

電話 Tel: +852 2526 1011  
傳真 Fax: +852 2845 2764  
wwf@wwf.org.hk  
wwf.org.hk

Our Ref.: SHK/LDD 10/13  
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](mailto:tpbpd@pland.gov.hk))

By E-mail ONLY

Dear Sir/Madam,

**Re: Draft So Lo Pun Outline Zoning Plan (OZP)  
No. S/NE-SLP/1**

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

**1. General view**

WWF opines that the captioned draft Outline Zoning Plan (OZP), which is similar to other draft OZPs for Hoi Hai and Pak Lap, has unreasonably large area of Village Type Development ("V") Zone with its rationale supposedly based on the 10-year forecast for Small House demand in the village. We are worried that such planning based on subjective forecasting without any validation will cause irreversible adverse impacts not only on the enclave but also on the surrounding Country Park (CP) and marine environment.

So Lo Pun is an area of high ecological value. Three mammal species of conservation concern have been recorded in So Lo Pun: greater bamboo bat (*Tylonycteris robustula*), yellow-bellied weasel (*Mustela kathiah*) and crab-eating mongoose (*Herpestes urva*). The wetlands in So Lo Pun are diverse and consist of freshwater streams (including one Ecologically Important Stream, EIS), marshes, mangroves and sea grass (*Zostera japonica*) bed and have high ecological value, supporting Mangrove Skimmer *Ortheirum poecilops* and rice fish *Oryzias curvinotus*. The So Lo Pun village has been abandoned for decades and currently there are no one living there.

負責人：香港特区政府  
梁振英先生, CBM, GBS, JP  
主席：楊子信先生  
行政總裁：廖永明先生

總幹事：世界自然基金會(香港)有限公司  
總公司地址：香港德輔道中111號  
總行地址：干諾道中  
分行地址：匯豐銀行  
柱石商務樓

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

Honorary Auditor: 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

Its remoteness and lack of vehicular access mean there have been very limited human disturbance except the destructive activities in 2008. We are worried that the ecological values of So Lo Pun and the adjacent CP and marine environment would be affected by inappropriate "V" zoning.

## **2. Undesirable precedent for "Destroy First" approach in Country Park enclave**

The proposed "V" zone expansion located at the south-western part of the area was subjected to extensive tree felling in 2008 before the gazettal of the Development Permission Area (DPA) Plan in 2010 (Fig.1). In the draft OZP plan, the destroyed forest area is zoned as "V" zone probably because it now has low ecological value. However, giving a "V" zone to an area that suffers from deliberate destruction will set a dangerous precedent to other country park enclaves. This might encourage "destroy first" approach to lower the ecological value of the area before the gazettal of DPA Plan in order to get zonings favourable to development in the future Outline Zoning Plan.

## **3. Direct Ecological Impacts**

According to the current draft OZP, some tributaries which support Big-headed Frog<sup>1</sup> are included in "V" zone. This frog is a local concern species and some of its habitats in So Lo Pun have already been destroyed in the 2008 incident. In addition, the freshwater marshes where rice fish and water fern occur<sup>2</sup> are located in close proximity to the proposed "V" zone. Rice fish is regarded by AFCD as species of conservation concerns<sup>3</sup> while water fern is a protected plant in China under State Protection (Category II). WWF is concerned that these important habitats and species will be affected by the future village development. As such, WWF considers that the proposed "V" zone should be significantly reduced. Also, the existing tributaries, together with their riparian zones, in the "V" zone should be re-zoned to "Conservation Area" to provide adequate protection to these ecologically important species and habitats from future development and excavation.

## **4. Indirect impacts from village septic tanks & soakaway (STS) system on aquatic and marine environment**

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 So Lo Pun<sup>4</sup>. The sewage generated by all new Small Houses within the proposed "V" zone will only be treated by on-site septic tanks and

<sup>1</sup> Refer to Appendix V of TPB paper No. 9423

<sup>2</sup> Refer to Section 7.2.3 of Explanatory Statement of draft So Lo Pun OZP No. S/NE-SLP/1

<sup>3</sup> [http://www.afcd.gov.hk/english/conservation/hkbiodiversity/database/popup\\_record.asp?id=3674&lang=en](http://www.afcd.gov.hk/english/conservation/hkbiodiversity/database/popup_record.asp?id=3674&lang=en)

<sup>4</sup> Refer to Section 7.2.6 of the Explanatory Statement of the draft So Lo Pun OZP No. S/NE-SLP/1

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<sup>5</sup>. 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."<sup>6</sup> Considering So Lo Pun is a very remote area without any vehicular access, it is highly doubtful that the STS system can be regularly desludged to maintain its normal operation. According to the draft OZP, up to 134 new small houses will be built in So Lo Pun. Such a high density of STS system upstream and close to surface waters such as streams, marshes and the sea will not allow sufficient purification of the effluent and will become a source of nitrate pollution. In addition, 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<sup>7</sup>.

The freshwater marshes, the streams and mangroves in So Lo Pun are important habitats for species of conservation concerns, e.g. rice fish, mangrove skimmer and sea grass *Zostera japonica*. Also, the Crooked Harbour outside So Lo Pun is within the Mirs Bay Water Control Zone (WCZ)<sup>8</sup> and So Lo Pun is located about 1 km away from the western section of Yan Chau Tong Marine Park and 1.5km away from the Ap Chau Fish Culture Zone (FCZ)<sup>9</sup>. Considering the cumulative impacts to water quality from the likely increasing numbers of STS systems in the area, and difficulties in maintaining STS system in So Lo Pun due to geographical constraint, the "V" zone should be minimized so as to protect the water quality of ecologically sensitive habitats at So Lo Pun and the adjacent Crooked Harbour.

<sup>5</sup> EPD, Guidance Notes on Discharges from Village Houses.

[http://www.epd.gov.hk/epd/english/environment/inhk/water/guide\\_re/files/guide\\_wpc\\_dv.pdf](http://www.epd.gov.hk/epd/english/environment/inhk/water/guide_re/files/guide_wpc_dv.pdf)

<sup>6</sup> <http://www.lecco.gov.hk/vr05-06/english/panels/ea/papers/ea0522cb1-281-1-e.pdf>

<sup>7</sup> DSD, Port Shelter Sewerage System Stage 2 & Stage 3.

[http://www.dsd.gov.hk/EN/Files/our\\_projects/our\\_projects/LEAFLET\\_DSD\\_ENG\\_Sep11.pdf](http://www.dsd.gov.hk/EN/Files/our_projects/our_projects/LEAFLET_DSD_ENG_Sep11.pdf)

<sup>8</sup> EPD, 2012. *Marine Water Quality in Hong Kong in 2012*. EPD, HKSAR, pp. 9

<sup>9</sup> [http://www.afcd.gov.hk/english/fisheries/fish\\_aqu/fish\\_aqu\\_mpa/files/FCZ\\_map\\_web2Oct2013.jpg](http://www.afcd.gov.hk/english/fisheries/fish_aqu/fish_aqu_mpa/files/FCZ_map_web2Oct2013.jpg)

#### **5. Unconvincing Small House demand**

According to the Explanatory Statement of the So Lo Pun draft OZP, the future population of the area will be about 1,000 persons attributed for village expansion<sup>10</sup>. However, WWF doubts the validity of this population estimate as So Lo Pun is very remote and not served by any vehicular access and lack basic infrastructures.

Besides, it is also stated that the 10-year forecast of Small House demand from 2011-2020 is estimated as 270. During the Town Planning Board meeting on 9 Aug 2013, representative from Sha Tin, Tai Po & North District Planning Office (DPO/STN) explained that the 10-year forecast of Small House demand was provided by the Indigenous Village Representative (VR) while the figure has not been verified by PlanD. Therefore, PlanD should investigate the accuracy of population and Small House Demands provided by VR to determine the extent of the "V" zone.

#### **5. Incorporating So Lo Pun into the Plover Cove Country Park**

In October 2010, the Chief Executive stated in the Policy Address 2010-11 that *"To meeting conservation and social development needs, the Government will either include them (country park enclaves) into country parks, or determine their proper uses through statutory planning... as soon as possible"*.<sup>11</sup> In Sept 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.* WWF urges that these should be followed and So Lo Pun should be incorporated into Plover Cove Country Park (PCCP) as soon as feasible to protect valuable species and important habitats from potential development threats.

#### **6. Specific comments on the proposed zonings:**

We understand that it will take some time for So Lo Pun to be incorporated into CP. Before that can happen, our specific comments on the proposed zonings are as follows (Please also refer to Fig. 3):

##### **6.1 The stream, tributaries and riparian zones should be zoned as "Conservation Area"**

In order to adequately protect streams and their riparian habitats from future development and excavation, WWF recommends that the areas adjoining the whole section of So Lo Pun stream

<sup>10</sup> Refer to Section 6 of the Explanatory Statement of Draft So Lo Pun OZP (No. S/NE-SLP/1)

<sup>11</sup> The Policy Address 2010-11 <http://www.policyaddress.gov.hk/10-11/eng/p122.html>

should be zoned as "Conservation Area" ("CA") to conserve the habitats and species associated with the stream. We also opine that a 30m of buffer area on both sides of the stream and its tributaries should be zoned as "CA" in order to prevent any development on the riparian zone from imposing adverse impacts to the stream and tributaries.

**6.2 Woodland area should be zoned as "CA"**

The secondary woodlands surrounding the village and along the stream forms a continuous stretch of well-established vegetation and ecologically links to the adjacent PCCP. Some rare or protected plant species, e.g. *Aquilaria sinensis* and *Cibotium barometz*, can be found in the woodlands. Also, some mammals of conservation interests, such as Crab-eating mongoose and Yellow-bellied weasel, prefers woodlands near streams. As such, we recommends that all the secondary woodland areas should be zoned as "CA".

**6.3 "V" zone to be restricted to the existing building lot**

WWF urges that So Lo Pun should be protected by restricting the "V" zone in the draft OZP plan to the existing building lot. The remaining proposed "V" zone, including the area where environmental destruction activities were carried out in 2008, should be designated as "Undetermined" zone (Fig 3) to ensure future small house applications, if there are any, in this zone will go to the Town Planning Board for permission and there will be a public consultation process.

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

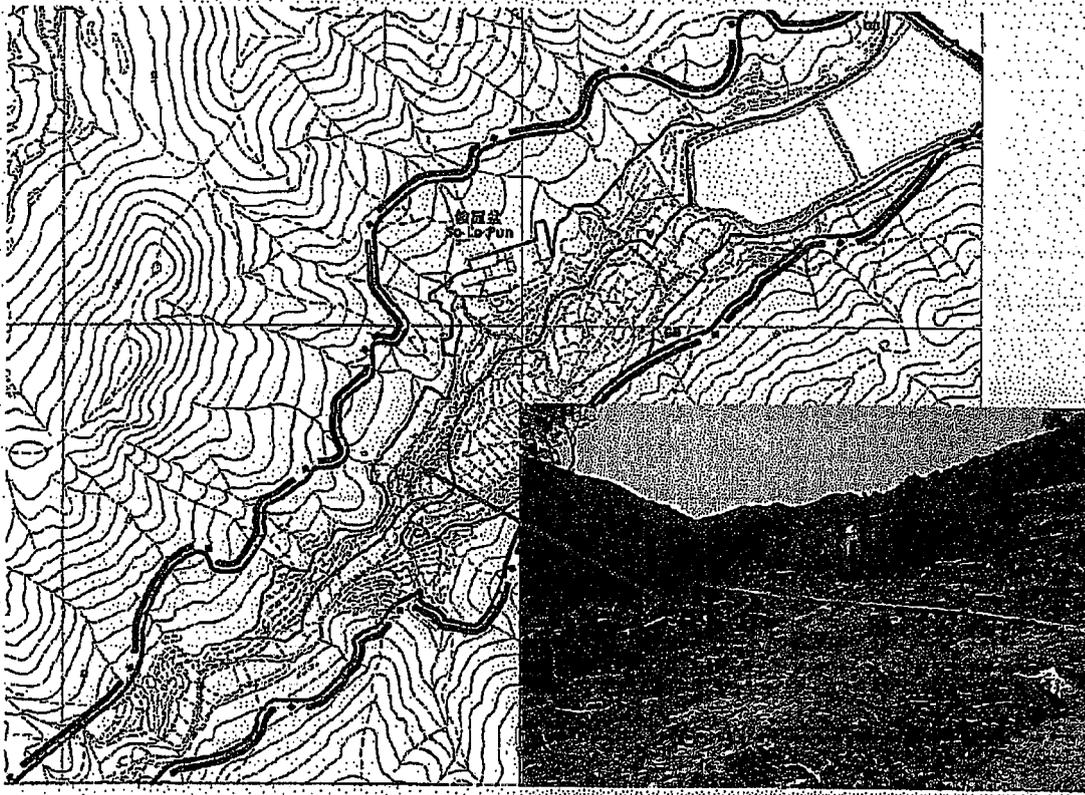
Thank you for your attention.

Yours faithfully,

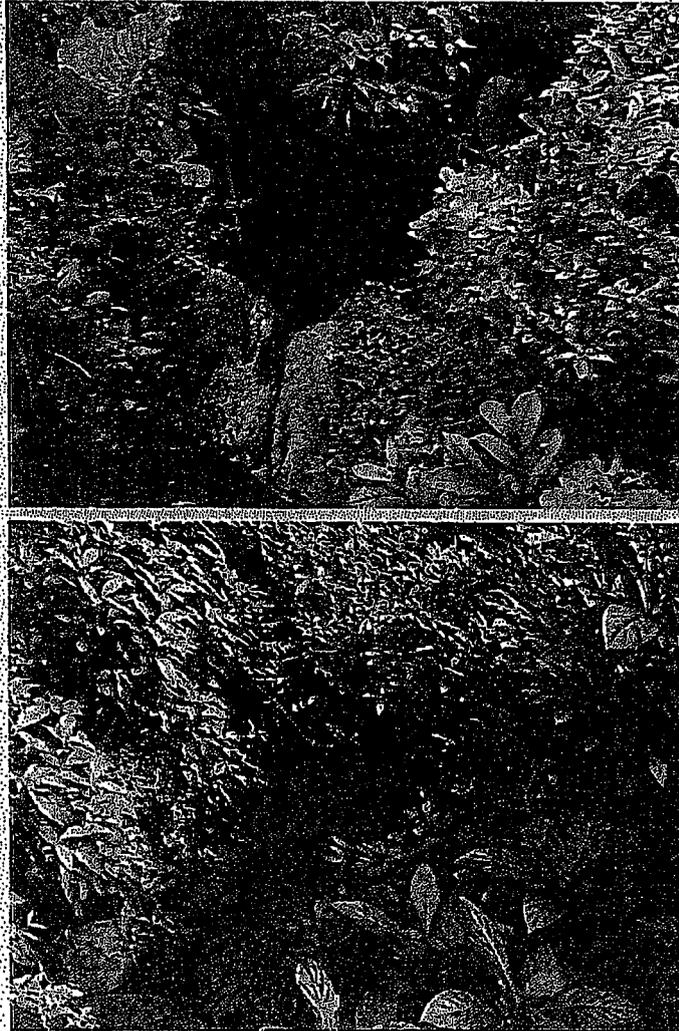


Andrew Chan  
Assistant Conservation Officer, Local Biodiversity

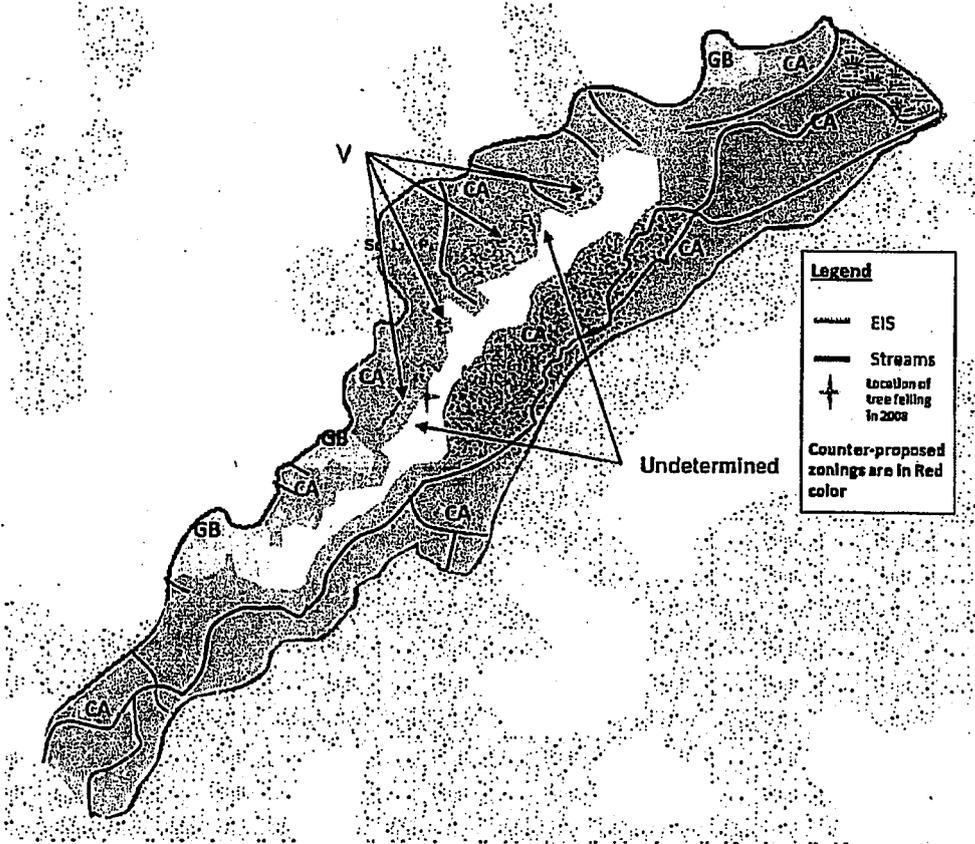
**Fig. 1 Massive tree felling in 2008 (Area in front of village house are zoned as "V" zone in the draft OZP) (Photo taken on 13 May 2008)**



**Fig. 2 Streams & tributaries Inside the proposed "V" zone (Photos taken on 9 Sept 2013)**

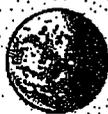


**Fig. 3 Counter-proposed zonings in So Lo Pun<sup>12</sup>**



<sup>12</sup> Location of streams & EIS make reference to site visit on 9 Sept 2013, Plan No.2 and Figure A of Appendix V of TPB paper No. 9423





KFBG EAP <eap@kfbg.org>

27/11/2013 下午 06:15

To: enquire@pland.gov.hk  
kkling@pland.gov.hk  
pspl@devb.gov.hk  
oyswong@pland.gov.hk  
dchyeung@pland.gov.hk  
mw/klj@pland.gov.hk  
tpbpd <tpbpd@pland.gov.hk>

cc: ceo@ceo.gov.hk  
sdev@devb.gov.hk  
mailbox@afcd.gov.hk

bcc:

Subject: KFBG's comments on the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1

Urgent  Return receipt  Sign  Encrypt

TPB/R/S/NE-SLP/1- 10821

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 SLP Draft OZP submission 131127 (final).pdf



SLP Draft OZP submission ES (final).pdf



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](mailto:tpbpd@pland.gov.hk))

27th November, 2013

By email only

Dear Sir/ Madam,

Executive Summary

KFBG's Comments on the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1

1. The general public has the right to enjoy the nature of Hong Kong and the Country Parks (CPs) – this is an overriding public interest. Allowing CP Enclaves to be developed on a large-scale is going to damage this public interest.
2. We strongly object to the proposed Village Type Development (V) zone. According to the 2011 census, the population at So Lo Pun was “ZERO”. No one has lived there for a long time BUT the Planning Department (PlanD) has now stated that the future planned population will be 1000 persons.
3. There is a wetland mosaic of very high ecological value at So Lo Pun (consisting of mangroves, reedbeds and seagrass beds; seagrass communities are extremely rare in Hong Kong). Although it is proposed to protect this wetland mosaic with a “Conservation Area” (CA) zoning, the V zone which can accommodate 1000 persons will be located next to this wetland area of high ecological importance.
4. Potential water pollution impacts associated with the construction and operation of Small Houses would significantly threaten this proposed CA zone. The original good intentions of the plan would not be upheld. We also object to the designation of V zone covering the tributaries of the stream system which connects with the proposed CA.
5. Potential impacts associated with the proposed V zone would also significantly affect other species of conservation concern in the area; for instance, the light pollution caused by the village



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Kadoorie Farm & Botanic Garden Corporation

houses would affect the Greater Bamboo Bat, which is a protected species of conservation concern inhabiting the area.

6. Under the "Green Belt" (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 submitting an application to the Town Planning Board (TPB), and this is quite a common occurrence. Although the lower section of the So Lo Pun Stream and the wetland linked to it are covered with a CA zone, the upstream section of the stream is only given a GB zone. We are highly concerned that pollutants and the future effluents potentially discharged from the households and other incompatible uses entering the upstream section will inevitably flow down and affect the downstream CA zone. Indeed, the upper section of the stream is also of high conservation value, based on our data and literature.

7. We have seen a lot of illegal activities in village areas and private barbecue sites, most relating to polluted water discharge. We are highly concerned that if these activities appear in the V zone and the GB at So Lo Pun (e.g., the upper stream section), the proposed CA zone downstream will be significantly impacted. The original intention of the CA will not be upheld.

8. We are also highly disappointed by the fact that the holistic and conservation approach, which was recommended by the PlanD and adopted by the TPB during the development of the Tai Long Wan Outline Zoning Plan (S/SK-TLW), is not followed in the present Draft So Lo Pun OZP.

9. Many trees were illegally felled in So Lo Pun in 2008. In 2011, the TPB said that any "Destroy First, Build Later" activities would not be tolerated. However, the PlanD is now proposing an enlarged V zone of 4.12 hectares at So Lo Pun. The PlanD's position will encourage "Destroy First, Build Later" activities, so as to remove ecologically important species from sites, elsewhere in Hong Kong. There is an expectation from the Hong Kong public that the PlanD will act in a responsible manner.

10. Now the proposed V zone is surrounded by the proposed GB, CA and the CP; we are very concerned that these areas will be impacted during the transportation of construction materials and machines.

11. It is not clear that the Enclave Policy described in the 2010 policy address, the request of the Ombudsman (in 2011) which asked the PlanD to better protect CP enclaves, the recommendation stated in a report prepared by the PlanD for some of the CP enclaves (including So Lo Pun) and the



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Kadoorie Farm & Botanic Garden Corporation

requirement of the Convention on Biological Diversity, are being upheld based on the Draft So Lo Pun OZP. Requirements and recommendations are being ignored without good reason (e.g., overriding public interest).

**Our recommendations to better protect So Lo Pun are as follows:**

12. The PlanD and the Board should seriously consider the right of the general public to enjoy CPs, not only to cater for the needs of private development.

13. The PlanD and the TPB should strictly follow the holistic and conservation approach adopted in 2001 for the Tai Long Wan OZP (which is a CP enclave) in making the zoning plans for So Lo Pun and other CP enclaves. Holistic planning is standard international practice.

14. Following the approach for the Tai Long Wan enclave as mentioned in the 745th TPB meeting, we remind the PlanD and the TPB that the natural beauty of the So Lo Pun area as a whole should be conserved; the PlanD and the Board should also take into consideration the conservation value of the wider area.

15. 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, we consider that a decrease in the size of the V zone is more pragmatic and can help avoid unnecessary development expectations.

16. Therefore, we urge that the proposed V zone in So Lo Pun should be greatly reduced, only to cover existing village settlement and approved Small House site (if any); the proposed expansion of the V zone should be omitted.

17. The upper section of the main stream and its riparian zone should be covered with CA zone.

18. 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 So Lo Pun OZP. This will help to impose stricter planning control on these activities and their pollution impacts.

19. The seasonal streams (e.g., the one shown in Plan 5 of the TPB Paper) should be excluded from the V zone; these streams and their riparian zones should be covered with conservation zonings.



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Kadoorie Farm & Botanic Garden Corporation

20. 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 So Lo Pun 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.

21. 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 pollution impacts.

22. As an alternative to all points above, we strongly recommend that the PlanD designates 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 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 of the CP Enclaves.

Ecological Advisory Programme  
Kadoorie Farm and Botanic Garden



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](mailto:tpbpd@pland.gov.hk))

27th November, 2013

By email only

Dear Sir/ Madam,

**Comments on the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1**

1. We refer to the Draft So Lo Pun Outline Zoning Plan (OZP) (S/NE-SLP/1) and the Town Planning Board (TPB) Paper No. 9423. We are seriously concerned by the Planning Department (PlanD)'s proposal to further increase the size of the Village Type Development zone (V zone; from 2.52 ha to 4.12 ha (an increase of 63.49%); total site area: 27.68 ha), and we are also extremely disappointed that most of our recommendations have not been considered valid as described in the aforementioned TPB paper. We strongly object to the expansion of the V zone (and also the size of the V zone), the designation of Green Belt (GB) zone along the riparian zone of the upper stream section and also the designation of V zone covering the tributaries of the stream system which connects with the proposed Conservation Area (CA).

2. We consider that we are not the only members of the public to express grave concerns regarding designating unreasonable (e.g., in terms of size and location) V zones in Country Park (CP) Enclaves, and we are also puzzled about the further expansion of the V zones, despite the fact that the population at the location was "0", based on the 2011 census. TVB has produced a very good TV documentary recently to report the problem<sup>1</sup>. We feel there will be a public backlash greater than what occurred with the Tai Long Sai Wan incident once the wider public is aware of what Government is planning.

3. Potential secondary impacts associated with the fact that these Enclaves are lacking appropriate transportation (i.e., thus there would be requests for roads) and appropriate infrastructures (e.g., sewer) have been so far our major concerns regarding allowing large populations to be established in these Enclaves. We are surprised that the authorities have not recognised the basic problem – the larger the population size, the greater the disturbance to the natural countryside. We are also very

<sup>1</sup> <http://news.tvb.com/programmes/closerlook/526b3e426db28c903f000000>



嘉道理農場暨植物園公司  
Kadoorie Farm & Botanic Garden Corporation

disappointed regarding the response from government connected to the justification of the predicted population size (i.e., planned population is 1000; but the population, based on the 2011 census, was 0, and there is no outstanding Small House demand). Overall, we consider that allowing such a large V zone in So Lo Pun, a completely isolated site, is a big mistake, which seems to be aimed at upsetting those in the community that are concerned about our natural environment and will no doubt cause significant future problems and conflicts. The Board, the PlanD and other authorities have the responsibility to ensure that these future problems do not arise, through appropriate and careful planning. Permitting the presence of such a large V zone in this isolated Enclave is not an act of balancing development right and nature conservation, but showing poor governance and lack of holistic view, also underestimating community sentiment.

4. Our detailed views and comments are documented below.

5. **Hydrological condition of So Lo Pun and our concerns regarding potential effects of water pollution**

5.1 The northeastern part of So Lo Pun is considered to be of high conservation value by the Agriculture, Fisheries and Conservation Department (AFCD) mainly because it contains a wetland mosaic consisting of mangrove, seagrass bed, an Ecologically Important Stream (EIS; designated by the AFCD) and other marshy areas; this mosaic supports many aquatic species of conservation concern such as seagrass *Loxostoma japonica*, Mangrove Skimmer *Orthetrum poecilops* and Rice Fish *Oryzias latipes* as mentioned by the AFCD. Therefore it has been proposed to be designated as a CA zone. We would like to point out that this zone and associated aquatic organisms are all highly vulnerable to water pollution.

5.2 Figure 1 shows a water gate controlling the movement of water (both stream water and seawater) in and out of the So Lo Pun area. The presence of this gate, and also the bunds inside, make the wetland mosaic of So Lo Pun largely lentic (Figure 1); thus pollutants entering this water body will easily accumulate and be hard to wash away by water current. We are highly concerned that the presence of the large V zone, which is now adjacent to this wetland complex, will seriously threaten this area; potential impacts include: construction runoff, sewage, greywater, garbage, polluted surface runoff, etc. It could be argued that these problems can be solved by following existing guidelines (e.g., using Septic Tank Systems, STSs); however, please see below.

5.3 We would like the PlanD and the Board to look at photographs shown in Figure 2; we have observed on many occasions that, when village houses have been built next to a watercourse, pipes



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discharging water/ grey water would appear along the watercourse, causing pollution, and threatening wildlife – this is fact. 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 3). We have also seen wastewater suspected of being discharged into a stream from a nearby Small House work site (Figure 4). We have even noted suspected leakage from underground septic tanks (Figure 5), polluting the surroundings. These potentially illegal additions are often overlooked and future prosecution for illegal polluting is usually complicated.

5.4 Indeed, if 134 houses are to be built – assuming all are fitted with STSs, then, the cumulative effect of numerous STSs discharging effluent into ground conditions with a high water table adjacent to a natural stream and a marsh may well overload the capacity of the soil to achieve any meaningful purification, and, the saturated substrata will mean that the biological breakdown of pollutants will be by anaerobic bacteria, which is a much slower process than if the percolation was through dry soil with aerobic bacteria. This may lead to a situation where, essentially, raw sewage effluent will be flowing and become deposited into the nearby natural stream, and eventually the wetland complex in the CA.

5.5 We would like the Board, the PlanD and other authorities to realise this significant potential impact and not to assume that the sewage problem can always be solved by following existing guidelines (i.e., using the STS). We would like the Board, the PlanD and other authorities to recognise the reality. The authority may consider that the waste issue is an enforcement problem and not a planning concern; thus this should not be considered by the Board. However, we strongly consider that this is also the responsibility of the Board (and relevant authorities) to designate a plan according to the situation of the real world, and obviously a cautious and conservative approach is required for So Lo Pun (and other CP Enclaves).

6. Other impacts associated with the Large V zone – human disturbance, light pollution, vegetation clearance

6.1 Besides the effluent problems that could greatly affect nearby sensitive habitats (such as the wetland complex identified and documented by the AFCD), we also notice that, as usual, “Eating Place” is an use 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 would like you to look at Figure 6, showing the “eating places” on the ground floor of Small Houses. We are concerned that, even if only one or two “eating places” appear in So Lo Pun in the future, the nearby wetland complex (e.g., the CA zone) and the stream (e.g., tributaries) would be greatly affected by potential water pollution, light pollution and human disturbance.



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6.2 Greater Bamboo Bat *Tylonycteris robustula* is one of the species of conservation concern considered to inhabit So Lo Pun by the AFCD. It is an insectivorous bat and of course, like most other bats, is nocturnal. This is the only location so far recognised for this species in Hong Kong. A recent study has shown that street lighting can affect the flight path of bats as they tend to avoid well-lit areas in order to reduce the predation risk they would face<sup>2</sup>. Some researchers even suspect the introduction of road lighting changes the competitive balance of two bat species with similar feeding habits, in which the species that forages under the street lamps may potentially outcompete the bat species which avoids the lights<sup>3</sup>. Every winter in November and December the wildlife rescue centre at Kadoorie Farm and Botanic Garden (KFBG) receives species of bats and birds that have been found on the ground or inside buildings. They are often delivered to the rescue centre in concussed condition suggesting they have received trauma from a collision. Although difficult to prove, it is thought that the collisions are the result of disorientation due to a combination of excess sky lighting and presence of many reflective buildings. The big V zone of course will generate high light intensity, and we are concerned that the Greater Bamboo Bat, which is a rare local species, will be affected.

6.3 The V zone extension at the northeastern part would now be adjoining the pond in the CA zone, with no buffer between. We are highly concerned that this pond, which is in a CA zone considered to be of high conservation concern by the AFCD, would be negatively affected by the potential environmental impacts as described in the paragraphs above (including Section 5). The V extension at the southwestern side also encroaches the riparian zone and the aforementioned concerns (e.g., in Section 5) are also valid in this location. Indeed, both extensions, as shown in Plans 7 and 9 of the TPB Paper No. 9423, are covered with many trees and vegetation. Allowing Small Houses to be built in these places will definitely lead to more vegetation clearance and tree felling, and of course this will cause more ecological impacts (direct loss of wildlife habitats) and further threaten the ecological integrity of the CA and the entire site.

7. **Green Belt is not an appropriate conservation zoning; Conservation Area zone is required for sensitive habitats (e.g., the upper section of the stream and its riparian zones)**

7.1 Please see below the Table showing the Small House planning application cases within GB/ both GB and V zones (e.g., half of the site in GB and half of the site in V zone) that we have commented

<sup>2</sup> Stone, E.L., Jones, G. and Harris, S. 2009. Street lighting disturbs commuting bats. *Current Biology*, 19(13), 1123-1127.

<sup>3</sup> Arlettaz, R., Godat, S. and Meyer, H. 2000. Competition for food by expanding pipistrelle bat populations (*Pipistrellus pipistrellus*) might contribute to the decline of lesser horseshoe bats (*Rhinolophus hipposideros*). *Biological Conservation*, 93, 55-60.



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on between 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

7.2 From the Table above, you can see that approving Small House applications within GB is not an “uncommon” practice by the Board; we are concerned that the GB zone now within the Enclave, especially the riparian area along the upper section of the main stream, will be utilised for building Small Houses – it will be seen by villagers as an additional land bank. This concern is further deepened by the statement made in Section 4.1(m) of the TPB Paper No. 9423: “There is provision under the OZP for planning application for Small House development in “GB” zone which would be considered by Board on individual merit.”

7.3 Section 4.1(t) of the TPB Paper No. 9423 documents our recommendation of turning the proposed GB zone along the riparian area (of the upper section of the main stream) into CA; but we can see that this request was turned down because “...only the downstream part of which is identified by the AFCD as an ‘EIS’ (Ecologically Important Stream) due to the presence of a healthy and natural population of *Oryzias curvnotu* (*Oryzias curvnotus*) and this part of the stream forms part of the wetland complex in the Area which has been proposed for “CA” zone. As DAFC advises that the upper parts of the stream is yet to be justified as ‘EIS’ which requires further investigation, it is not appropriate to designate the upper part of the natural stream as “CA” zone.” We would say that this statement shows that the AFCD has not paid reference to our KFBG Frontier Closed Area (FCA) report published in 2004, and that the precautionary principle under the Convention on Biological Diversity (CBD) is not being adhered to regarding protection of sensitive ecosystems.

7.4 We had, in our formal submission to the Board on 29 November 2010 for the So Lo Pun Development Permission Area (DPA) plan, introduced the KFBG FCA Report which documents the conservation importance of So Lo Pun<sup>4</sup>. We also submitted informally an Ecological Note containing additional information to the PlanD and the AFCD on 31 December 2012, in order to provide the authorities more evidence regarding the ecological importance of the entire stream system, their riparian

<sup>4</sup> Kadoorie Farm and Botanic Garden. 2004. *A Pilot Biodiversity Study of the Eastern Frontier Closed Area and North East New Territories, Hong Kong, June-December 2003*. Kadoorie Farm and Botanic Garden Publication Series No.1. Kadoorie Farm and Botanic Garden, Hong Kong Special Administrative Region. (available online at: <http://www.kfbg.org.hk/content/56/17/1/FCA%20report%20final.pdf>)



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zones and other habitats. While we are pleased to see that some sensitive habitats have been covered with a CA zone (i.e., the marsh and the pond), we urge that the CA zone should be extended to the upper section of the stream, its riparian zones and other tributaries also.

7.5 The KFBG FCA Report documents that a Big-headed Frog (*Limnonectes fujianensis*) could be found in the stream. We have consulted the surveyor who did the survey and he mentioned that it was found in the upper middle section, which is now covered by the proposed GB. We have also mentioned in our Ecological Note that a Chinese Bull Frog (*Hoplobatrachus chinensis*) was found in the stream middle section during a recent site visit. Both species are considered to be of Conservation Concern by the AFCD<sup>5</sup>, and both utilise the riparian zone and the stream. As stated in the KFBG FCA Report, Crab-eating Mongoose (*Herpestes urva*) was also found at So Lo Pun. This locally restricted mammal species, which is also considered to be of conservation concern by local scholars<sup>6</sup> and also AFCD<sup>7</sup>, would utilise the whole stream course and also the riparian zones<sup>8</sup>. Chan (2001)<sup>9</sup> reported that Japanese Eel (*Anguilla japonica*) could be found in the stream at So Lo Pun. This species can utilise the middle section of the stream and it is believed to be threatened by unsustainable harvesting globally<sup>10</sup>; in Hong Kong it appears in low abundance in the wild.

7.6 Section 7.5 above documents the ecological and hence the conservation importance of the middle and upper sections of the main stream, and also the riparian zone, in the area. We urge the Board to acknowledge the fact that not only the lower section, which is an EIS, is of importance but also the middle and upper sections, which are ecologically and directly linked with the EIS, are also of high conservation value.

7.7 In addition, by combining the concerns outlined in Section 5 above (and shown in relevant Figures) and also the approved small house cases as shown in the Table at Section 7.1, we are deeply

<sup>5</sup> [http://www.epd.gov.hk/epd/english/boards/advisory\\_council/files/nesc\\_paper04\\_2009.pdf](http://www.epd.gov.hk/epd/english/boards/advisory_council/files/nesc_paper04_2009.pdf)

<sup>6</sup> 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* 25:117-123.

<sup>7</sup> [http://www.afcd.gov.hk/chi/conservation/hkbiodiversity/speciesgroup/speciesgroup\\_mammals.html#key](http://www.afcd.gov.hk/chi/conservation/hkbiodiversity/speciesgroup/speciesgroup_mammals.html#key)

<sup>8</sup> Shek, C.T. 2006. *A Field Guide to the Terrestrial Mammals of Hong Kong*. Agriculture, Fisheries and Conservation Department, Hong Kong Special Administrative Region.

<sup>9</sup> Chan, P. L. 2001. *Sustainability and biodiversity: the impact, alternative design and prospects of restoration of channelized lowland streams in Hong Kong*. Unpublished Ph.D thesis. The University of Hong Kong, Hong Kong.

<sup>10</sup> <http://www.traffic.org/home/2012/10/26/traffic-and-alibabacom-work-together-to-prevent-illegal-expo.html>

concerned that the upper and middle sections of the So Lo Pun stream would be significantly affected by future possible Small House construction and operation and thus eventually the EIS section downstream and also the important wetland within the proposed CA zone would be impacted.

7.8 The statement made by the AFCD (shown in Section 7.3) lacks a holistic view of the stream system. In order to better protect the proposed CA zone and the EIS, the contiguous upper and middle sections, including the riparian zone, should also be appropriately protected (e.g., no incompatible development that would highly likely cause pollution should be allowed); we do not consider that GB can provide enough protection and that is why we urge that this area should be covered with CA zoning.

7.9 We have in our previous submission to the TPB requested transferring “Barbecue Spot”, “Picnic Area” and “Tent Camping Ground” from Column 1 to Column 2 in the Schedule of Uses of GB. Section 4.1(u) of the TPB paper states that: *“Noting that ‘Barbecue Spot’ and ‘Picnic Area’ are facilities operated by the Government and exclude sites that are privately owned and/or commercially operated and ‘Tent Camping Ground’ refers to any place open to the public where tents are put only for temporary lodging for recreational or training purpose, DAFC (Director of Agriculture, Fisheries and Conservation) advises that adverse impacts from such uses onto the subject ‘GB’ zone should not be significant and he has no strong views on keeping these uses in Column 1 of the subject ‘GB’ zone.”*

7.10 We would like the Board and the PlanD to look at Figure 7. This figure shows a private barbecue site operated commercially in an area zoned “Agriculture” in Tai Po, which received planning permission from the Board. The photos show that the site is paved with concrete, and highly polluted water was suspected to be discharged from the barbecue area to a nearby wetland, which is also a Site of Special Scientific Interest.

7.11 We would like to ask the PlanD whether or not such a barbecue site as illustrated in Figure 7 could be operated on the private land within the proposed GB of So Lo Pun, and whether or not this kind of operation needs planning permission, under the circumstance that now “Barbecue Spot” is proposed to be an always permitted use in the GB under the Draft So Lo Pun OZP. The same questions also apply to “Picnic Area”, “Tent Camping Ground” and “Public Convenience”, which are also uses always permitted under GB.

7.12 We would like to remind the PlanD and the Board that if the private “barbecue site” such as shown in Figure 7 is to be operated in the So Lo Pun area; the stream, the CA, the entire site and the surrounding CP would be seriously impacted.



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8. Conservation approach is not adopted in this Draft So Lo Pun OZP; this is contrary 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

8.1 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 (for about 370 houses, estimated population would increase to 1000; according to 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 ha), all other areas within the site, including the streams and the riparian zones, were covered with CA and the coastal area was an SSSI (Figure 8). 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 further consideration (hearing) for the case (held on 3rd November 2000).

8.2 Objectors expressed their concerns in the TPB meeting held on 3rd November 2000. According to the minutes of the 728th meeting held on 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 moment commented that there were some rare plants in the proposed V zones and thus these areas should be protected (e.g., not covered with V zone). A representative of 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 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 rezoning of the areas (from ‘V’ zone) to ‘CA’”*; 2. PlanD considered that: (a) *“based on...in particular DACF’s comments on the ecological value of the objection sites, there is insufficient justification to rezone 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.”*]

8.3 According to the minutes of the 728th meeting, the PlanD had received over 200 representations asking for preservation of the natural landscape of Tai Long Wan. After hearing the objections, the TPB members in general considered that: *“there was a conflict between conservation of*



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*natural environment and village development*", and, *"more in-depth research should be carried out by 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 departments.

8.4 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 reservation on the proposal of turning the proposed V zone into CA zone.

8.5 A TPB meeting was held on 27th April 2001 to discuss 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 in an event organised by the Conservancy Association and the Friends of Tai Long Wan which was aimed to arouse the public awareness on the issue (i.e., better protection of Tai Long Wan).

8.6 Three options were then proposed by the PlanD for the way forward, as mentioned in the TPB Paper No. 5929, for discussion in the TPB. 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 demand	- To preserve the natural environment, unspoiled landscape, historic buildings and the archaeological site with a view to strengthening the protection of the Area from encroachment by developments	- Another alternative to achieve protection of the Area
V zone (proposal/ amendment proposed by the PlanD)		
- Drawn up based on the outstanding Small House demand for 370 sites in the next	- The area of the V zones would be substantially reduced to cover only the existing village	N.A.



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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
<p>10 years; upon full development, the estimated population may increase to about 1000.</p>	<p>settlements and the approved Small Houses. The estimated population may increase to about 200 under this option.</p> <ul style="list-style-type: none"> <li>- Deleting 'House (other than NTEH)' from Column 2 of the User Schedule</li> <li>- Incorporating the following clause in the Remarks: <i>'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.'</i></li> </ul>	
Implications (stated by PlanD)		
<ul style="list-style-type: none"> <li>- With the construction of the Small Houses and the subsequent population intake, <u>the undisturbed natural environment of Tai Long Wan would change.</u></li> <li>- 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.</li> <li>- 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</li> </ul>	<ul style="list-style-type: none"> <li>- Demand of Small House development on new land would have to be met in Sai Kung 'Heung' outside Tai Long Wan by 'cross-village' applications.</li> <li>- The natural environment and the present landscape setting of Tai Long Wan would be preserved.</li> <li>- 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 applications are difficult.</li> </ul>	<ul style="list-style-type: none"> <li>- Strong local objections would be envisaged.</li> </ul>



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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
absence of infrastructural provision.		

8.7 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 mentioned 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;

8.8 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 proposed by the PlanD was adopted finally; the proposed V zone was reduced from about 7.9 ha to 1.9 ha. Also, besides the amendments mentioned in the table in Section 5.6 above, some members also suggested that not only demolition, addition, alteration and/or modification should require planning permission from the Board, 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 put under Column 2 of the Notes for the V zone.

8.9 Afterwards, further objections (against the decision made by the Board on 27th April 2001 to turn about 6 ha of V zone into CA zone, and other amendments) were received by the Board, and a Board meeting was also 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, these objections were not supported by the PlanD; 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 (Figure 8) (about 6 ha turned into CA; even land for future Small House demand may need to be sought outside Tai Long Wan)



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- (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

8.10 Also, in the 745th TPB meeting held on 13th July 2001, two points were made by the authorities and the TPB:

- (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 as a whole should be conserved;* and
- (b) The Board also stated that: "*apart from the conservation of the Tai Long Bay SSSI, the AFCD should also consider the conservation value of the wider area*".

8.11 This is a holistic approach which is now an international standard and is directed under the Convention on Biological Diversity (CBD).

8.12 From the above precedent, we know that:

- (a) A holistic and conservation approach for a CP Enclave was once adopted by the PlanD and the TPB
- (b) PlanD can propose conservation zonings, even if the AFCD does not fully support the proposal
- (c) V zone could be dramatically reduced
- (d) NTEH could be placed in Column 2 in the Schedule of Uses of the Notes for V zone
- (e) A small V zone would be more pragmatic and help avoid unnecessary development



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expectations in areas with inadequate infrastructural provision and that the provision of additional infrastructure to support future development would and should be difficult

9. **“Destroy First, Build Later” approach would not be tolerated by the TPB – is this still the case?**

9.1 The Government announced in a press release the first half of the captioned in 2011<sup>11</sup>.

9.2 In 2008, about 400 trees were felled in So Lo Pun (some 200 on Government land) and this was a widely publicised case<sup>12</sup>; AFCD even issued a summons to the Chairman of the So Lo Pun Village<sup>13</sup>.

9.3 We would like to ask whether or not the PlanD and the Board would consider that proposing a big V zone in So Lo Pun would shake the confidence of the public regarding the announcement of the Government made in the aforementioned press release.

9.4 According to the press release, a spokesman for the TPB said: “The Board is determined to conserve the rural and natural environment and will not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the site concerned.”<sup>11</sup>

9.5 We urge the PlanD and the Board to thoroughly consider and investigate previous ‘destroy first’ actions, with relevant authorities.

10. **The public has the right to enjoy nature and the Country Parks – this is an overriding public interest**

10.1 **Figure 9** shows the number of visitors to each CP in 2012 (data from AFCD). Plover Cove CP had the highest number of visitors (2,990,400), among all other CPs. **Figure 10** also shows the recent Trailwalker event in November 2013. These figures support the fact that CPs are very important to the general public, for recreation and their open accessible natural areas, as well as for plant and animal conservation.

<sup>11</sup> <http://www.info.gov.hk/gia/general/201107/04/P201107040255.htm>

<sup>12</sup> <http://hk.apple.nextmedia.com/news/art/20080707/11318432>

<sup>13</sup> [http://www.legco.gov.hk/yr08-09/english/panels/ea/ea\\_cft/papers/ea\\_cft0630eb1-2086-7-e.pdf](http://www.legco.gov.hk/yr08-09/english/panels/ea/ea_cft/papers/ea_cft0630eb1-2086-7-e.pdf)



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10.2 Designating unnecessary, disproportionate and oversized V zones in CP Enclaves will significantly affect the enjoyment of the general public visiting CPs (i.e., areas will be paved with concrete, and may be fenced, disturbance will be created during both construction and operation of Small Houses). We urge that the Board and the PlanD not only consider the rights of the indigenous people seriously but also sincerely consider the actual needs and expectations of the wider public.

10.3 According to a PlanD study commenced in 2001, So Lo Pun is an area of good landscape condition and high landscape value<sup>14</sup>. We would like the PlanD and also the Board to look at some photomontages at Figure 11 which simulate the possible future outlook of the site, with the proposed V zone fully occupied with Small Houses.

10.4 It would be useful to determine whether the PlanD and the Board are fully aware of the consequences resulting from allowing the currently proposed V zone in So Lo Pun – how it would affect the landscape condition and value of the site, and the resulting effect on the landscape condition and value of the surrounding CP as a whole.

## 11. Convention on Biological Diversity is NOT being respected

11.1 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”*<sup>15</sup>. The PlanD, however, is proposing large V zones in CP Enclaves; this is definitely contradictory to the basic objective of this Convention – to safeguard biodiversity. What the PlanD is proposing is actually seriously threatening biodiversity and important habitats.

## 12. Request of the then Chief Executive and the Ombudsman is NOT being respected

12.1 We consider that the PlanD and the Board are aware of the “Tai Long Sai Wan incident” which happened in mid-2010 and generated much public concern, news and commentary in the media<sup>16</sup>. Many people in Hong Kong reacted with great concern to this case and urged the Government to take

<sup>14</sup> [http://www.pland.gov.hk/pland\\_cn/p\\_study/prog\\_s/landscape/e\\_index.htm](http://www.pland.gov.hk/pland_cn/p_study/prog_s/landscape/e_index.htm)

<sup>15</sup> <http://www.info.gov.hk/gia/general/201301/16/P201301160328.htm>

<sup>16</sup> [http://www.nshk.org.hk/pdf/c\\_awards/2010\\_010.pdf](http://www.nshk.org.hk/pdf/c_awards/2010_010.pdf)



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immediate action to safeguard natural landscapes that did not have any statutory protection (CP Enclaves). Subsequently, the then Chief Executive announced in his Policy Address (in October 2010) that the PlanD and the AFCD would protect the CP Enclaves that were not yet covered by statutory plans according to their local conditions, either by incorporating them into the CPs 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*<sup>17</sup>.

12.2 The current proposal of having a V zone of 4.12 ha (14.88% of the total area) in So Lo Pun (total area only 27.68 ha) is definitely contradictory to pt.(a) above. This proposal is promoting additional developments that would threaten biodiversity and sensitive habitats, not proper protection – this is development in a totally unsuitable location.

12.3 We urge that the Enclave Policy as stated in 2010 should be appropriately implemented and the request of the Ombudsman should be followed.

12.4 We know that the AFCD and the CMPB are now investigating the possibility of incorporating some of the Enclaves into the CPs, and they will assess every Enclave. If the proposal by the PlanD to have large V zones in these Enclaves is agreed by the TPB and finally 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 also the request of the Ombudsman. This will show a complete lack of governance and coordination among Government departments, and the request stated in the Enclave Policy and also by the Ombudsman will also not be upheld. This is NOT desirable.

12.5 In order to let the AFCD and the CMPB to appropriately implement the aforementioned investigation, another possible option is to turn all the V, GB and other non-conservation zonings in the Enclaves to “Undetermined” zone; after the AFCD and the CMPB have completed their assessments,

<sup>17</sup> [http://www.ombudsman.hk/concluded/2011\\_09\\_02.pdf](http://www.ombudsman.hk/concluded/2011_09_02.pdf)



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the PlanD could then go through a re-planning process for the remaining areas that are not incorporated into the CP System. This should be the most appropriate way to deal with the conflict between nature conservation and development, under the current circumstances of the legal designation process for protecting all the CP Enclaves. But this is not the case now.

**13. Recommendations from the Planning Department's Study "Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas" are not being followed**

13.1 The PlanD completed the captioned Study (the STK Study) in 2013, and So Lo Pun was included. This Study recommended that the majority of the So Lo Pun area should be preserved, and the development proposal included only mobile toilet and information boards. This reflects that the PlanD did realise the conservation value of the site. The current proposal of designating a large V zone in the Draft OZP shows that the recommendations in the STK Study are being completely ignored.

**14. Will incidents reported at Pak Lap occur in So Lo Pun?**

14.1 Pak Lap is CP Enclave and is completely surrounded by the Sai Kung East CP. In 2011, some members of the public reported that the site was being destroyed and Green Power even recorded that a large barge was used to transport excavators and vehicles which passed through the Pak Lap beach (within CP; Figure 12)<sup>18</sup>.

14.2 Now in So Lo Pun the proposed V zone is completely surrounded by CP, CA and GB. Can the PlanD and the Board members imagine how building materials and apparatus would be transported to the site? Would the CA, GB and even the surrounding CP be affected when the future developers need to transport heavy materials into the V zone?

**15. Questions to ask the PlanD and the TPB**

15.1 The conservation importance of So Lo Pun is well recognized by Environmental NGOs and the AFCD, although the AFCD is not adopting a holistic view in protecting the site. Appendix A summarises the ecological data and species of conservation concern found in So Lo Pun (based on the KFBG FCA Study in 2004, the information in the TPB Paper and also the KFBG Ecological Note). Indeed, we consider that So Lo Pun would have a much higher ecological and conservation value than Tai Long Wan.

<sup>18</sup> [http://www.greenpower.org.hk/html/eng/job\\_concern\\_01.shtml](http://www.greenpower.org.hk/html/eng/job_concern_01.shtml)



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15.2 In view of all the arguments, concerns and information provided in above paragraphs, we would like to ask the PlanD and the TPB the following questions:

- (a) Why is the holistic and conservation approach in the Tai Long Wan OZP not adopted in the So Lo Pun OZP (and many other CP Enclaves such as Pak Lap, Hoi Ha, To Kwa Peng and Pak Tam Au)?
- (b) Why is the conservation value of the wider area (the surrounding CP and the proposed CA) not considered, looking at the holistic effects that development might create rather than considering a narrow view?
- (c) Why are important habitats inside the Enclave not appropriately protected, following the requirement documented in the CBD, the 2010 Enclave Policy and the 2011 Ombudsman Report?
- (d) Why is the PlanD not following the recommendations documented in their own report (STK Study)?
- (e) Why is such a large V zone (planned population 1000; 134 Small Houses could be built) considered necessary, even though the site was not occupied based on 2011 census and the present outstanding Small House demand is 0?
- (f) Provision of additional infrastructure to support future development would be difficult in the area, due to site constraints and the fact that it is surrounded by CP. Why the PlanD cannot adopt a more pragmatic approach to help avoid unnecessary development expectations – and resulting anger in the community?
- (g) Questions in Sections 7.11, 9.3, 10.4 and 14.2 are also valid.

16. **KFBC recommendations for the Draft OZP for So Lo Pun**

- (a) The PlanD and the Board should seriously consider the right of the general public to enjoy CPs, not only to cater for the need of private development by a minority.
- (b) The PlanD and the TPB should strictly follow the holistic and conservation approach adopted in 2001 for the Tai Long Wan OZP (which is a CP Enclave) in developing the zoning plans for



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So Lo Pun and other CP Enclaves.

- (c) Following the approach for the Tai Long Wan Enclave as mentioned in the 745th TPB meeting, we remind the PlanD and the TPB that the natural beauty of the So Lo Pun area as a whole should be conserved; the PlanD and the Board should also consider the conservation value of the wider area.
- (d) 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, we consider that a decrease in the size of the V zone is more pragmatic and can help avoid unnecessary development expectations.
- (e) Therefore, we urge that the proposed V zone in So Lo Pun should be greatly reduced, only to cover existing village settlement and approved Small House site (if any); the proposed expansion of the V zone should not be entertained.
- (f) The upper section of the main stream and its riparian zone should be covered by CA zone.
- (g) 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 So Lo Pun OZP. This will help to impose stricter planning control on these activities and their pollution impacts.
- (h) The seasonal streams (e.g., the one shown in Plan 5 of the TPB Paper) should be excluded from the V zone; these streams and their riparian zones should be covered with conservation zonings.
- (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 So Lo Pun OZP; "House (not elsewhere specified)" should be deleted from Column 2 in the Schedule of Uses of the proposed V zone. This 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



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will help to impose stricter planning control on these activities and their pollution impacts.

- (k) As an alternative to all the above, 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 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.

16.1 We sincerely urge that the Board adopts our recommendations stated above (i.e., following the holistic and conservation approach adopted for the Tai Long Wan OZP). Otherwise, the integrity of the So Lo Pun Enclave and also the surrounding CP will be greatly affected and the original good intention of the plan and other conservation areas aimed at preserving nature within the Enclave would not be upheld. This will then be contradictory to the requirement of the Enclave Policy, the request of the Ombudsman, the recommendation in the report prepared by the PlanD and also the requirements under the guidance of the CBD.

Thank you for your attention.

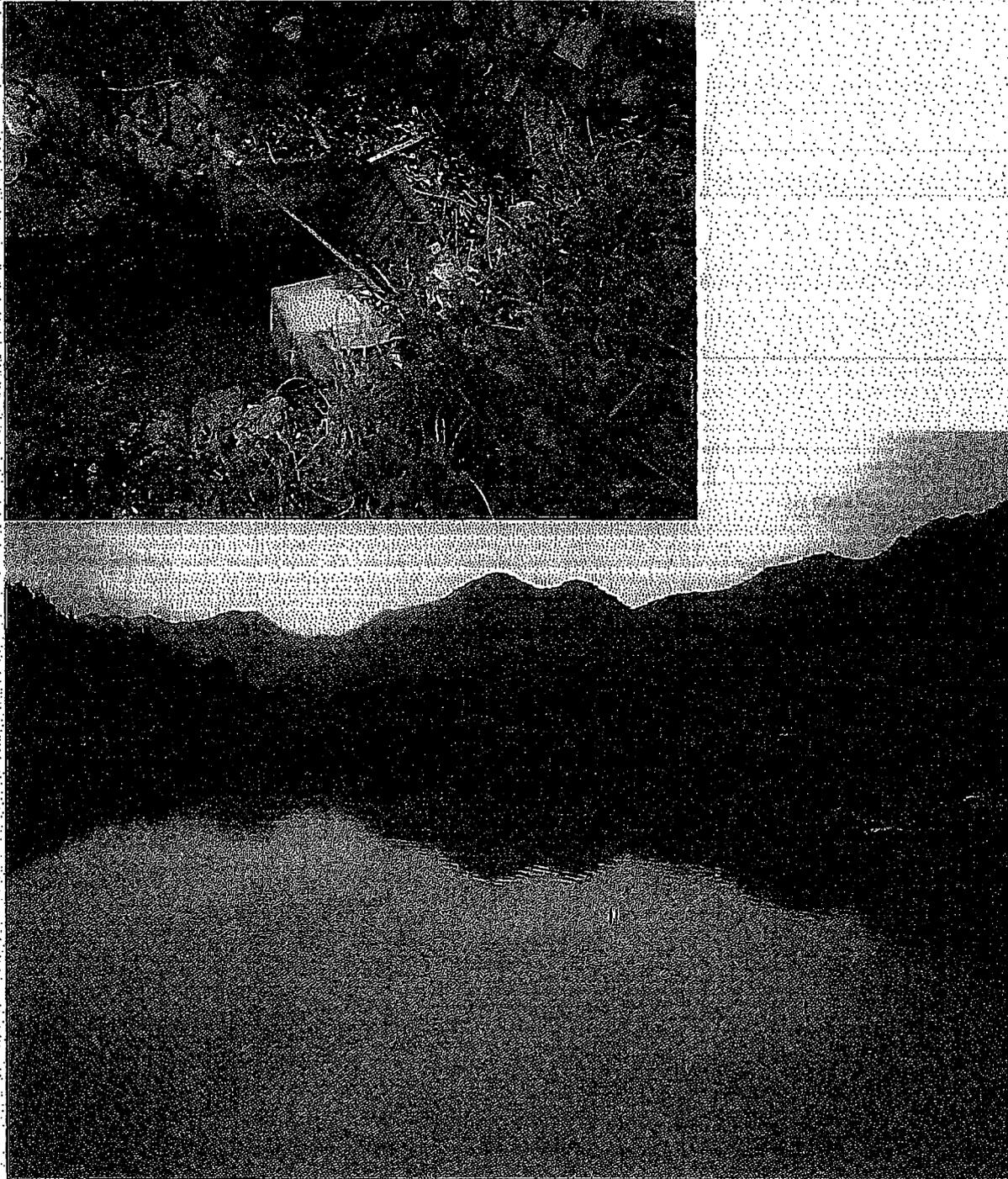
Yours faithfully,

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  
Lain Kam Road, Tai Po, New Territories, Hong Kong  
Email: eap@kfbg.org

Figure 1. Water gate controlling the movement of water in and out of the So Lo Pun area, and the lentic condition of the So Lo Pun wetland



香港新界大埔林湖公路  
Lam Kam Road, Tai Po, New Territories, Hong Kong  
Email: eap@kfbg.org

Figure 2. Pipes discharging water/ grey water which appear along watercourses next to village areas

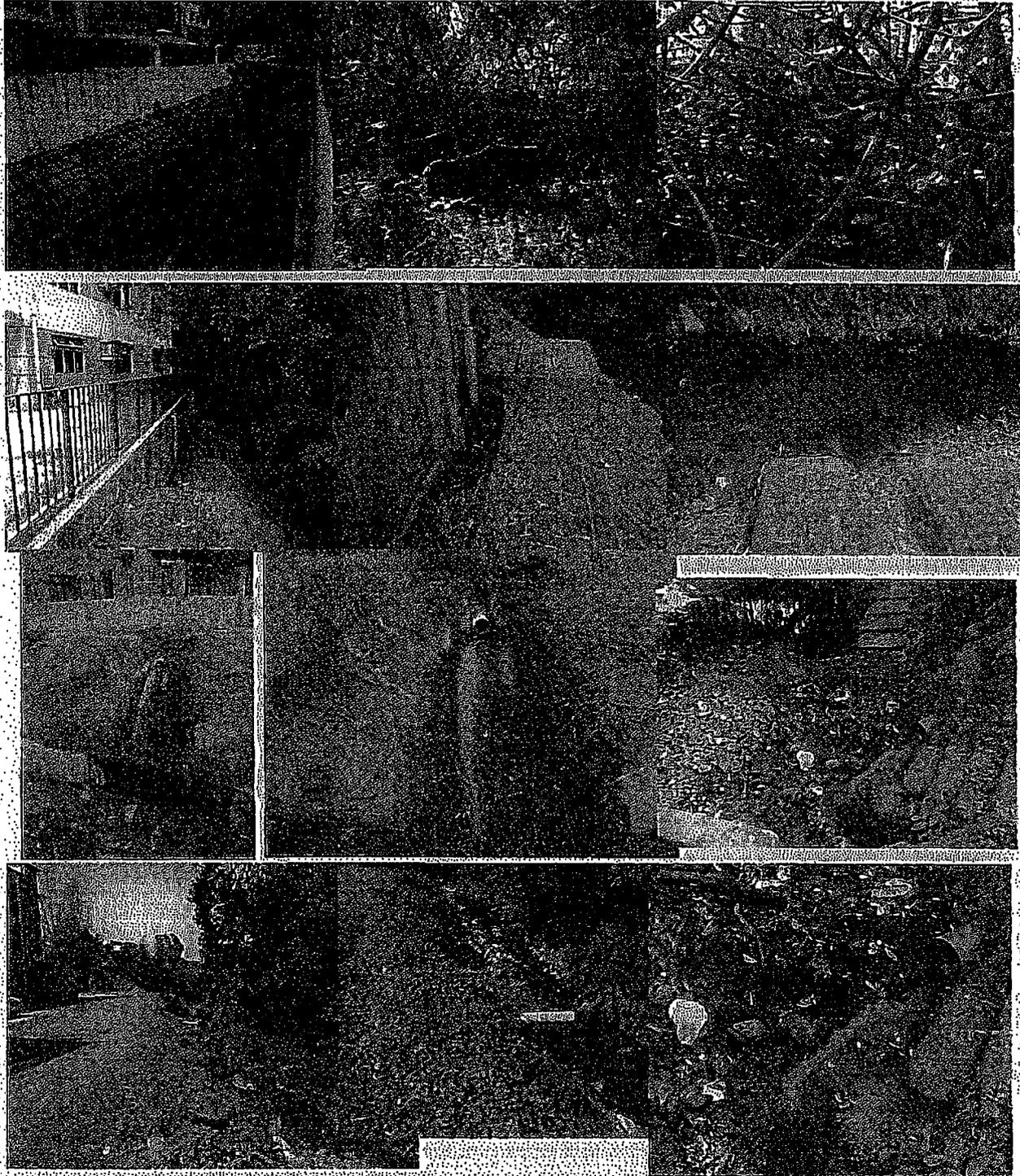
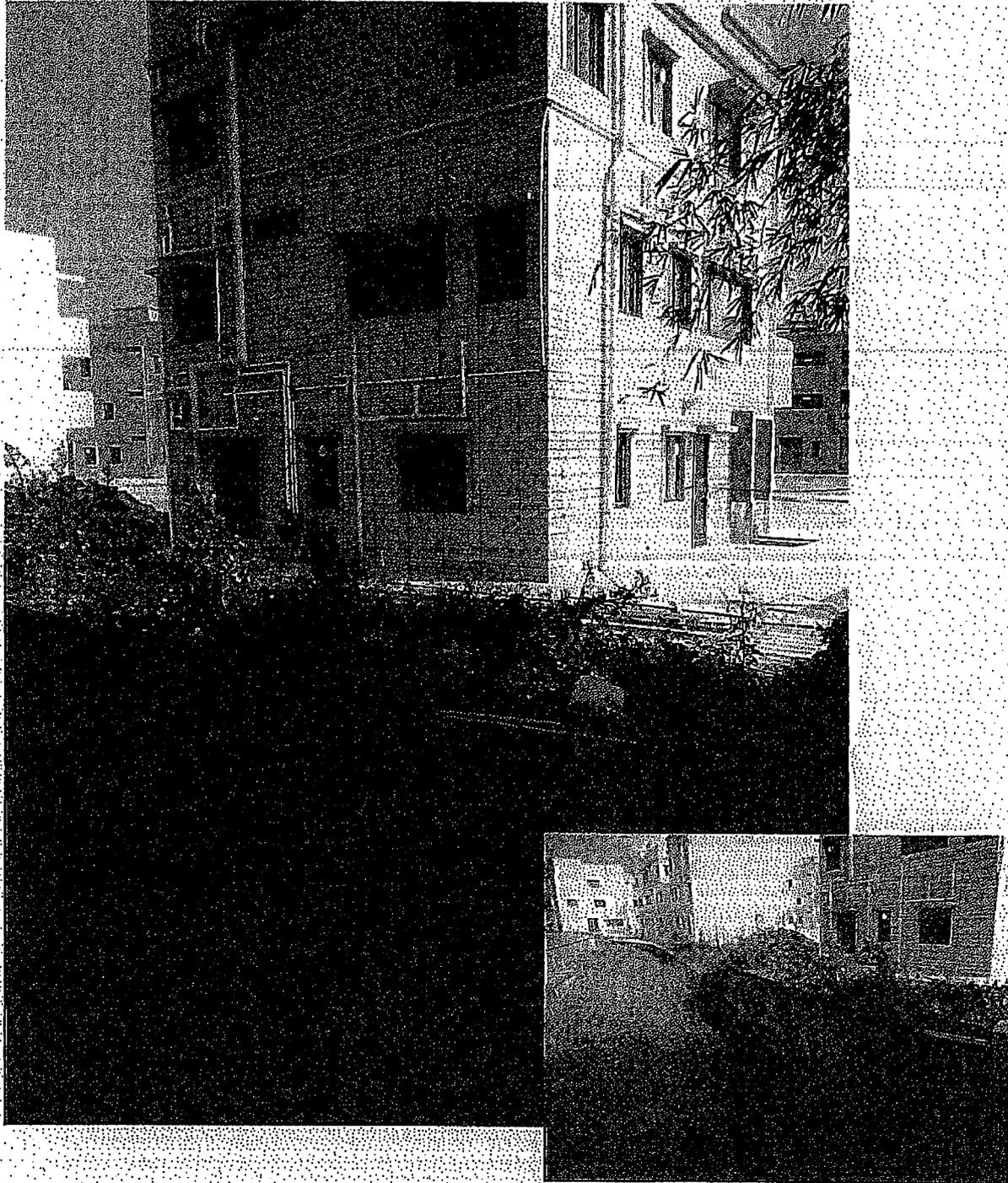


Figure 3. Pipes from a small house suspected to be connecting with a U-channel that collects storm water only; water from these pipes may eventually be discharged into a nearby watercourse



香港新界大埔林錦公路  
Lam Kam Road, Tai Po, New Territories, Hong Kong  
Email: eap@kfbg.org

**Figure 4. Polluted water suspected to be discharged from a nearby small house site into a watercourse**

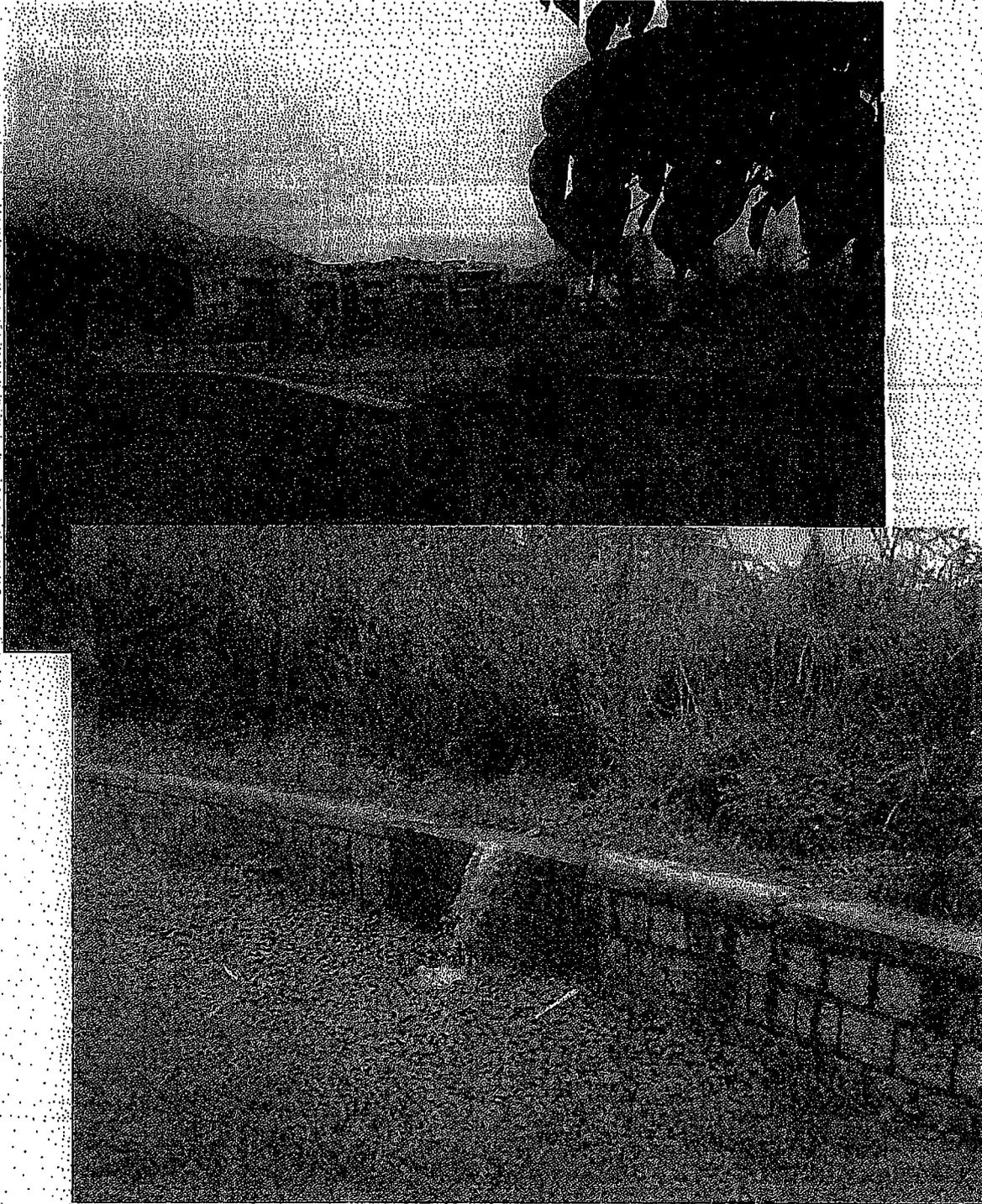


Figure 5: Suspected leakage from a nearby septic tank

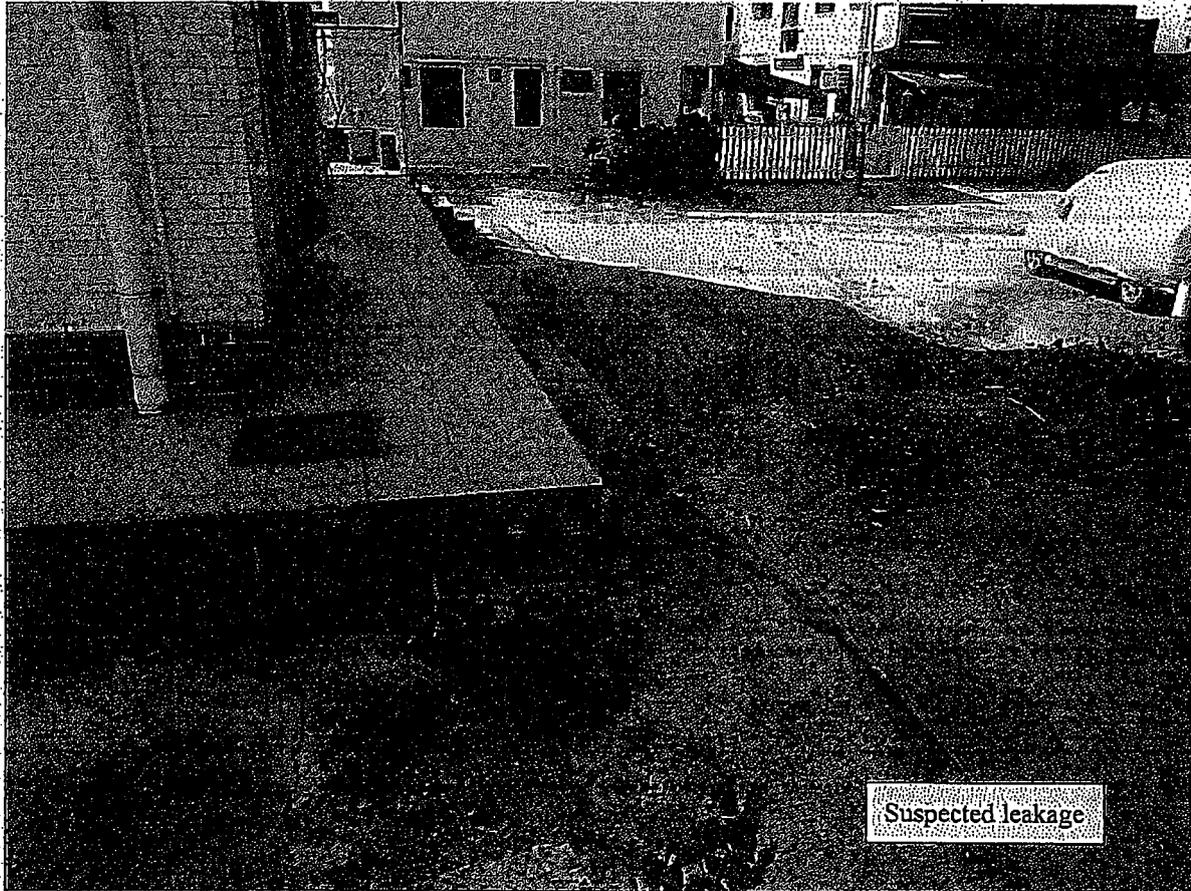
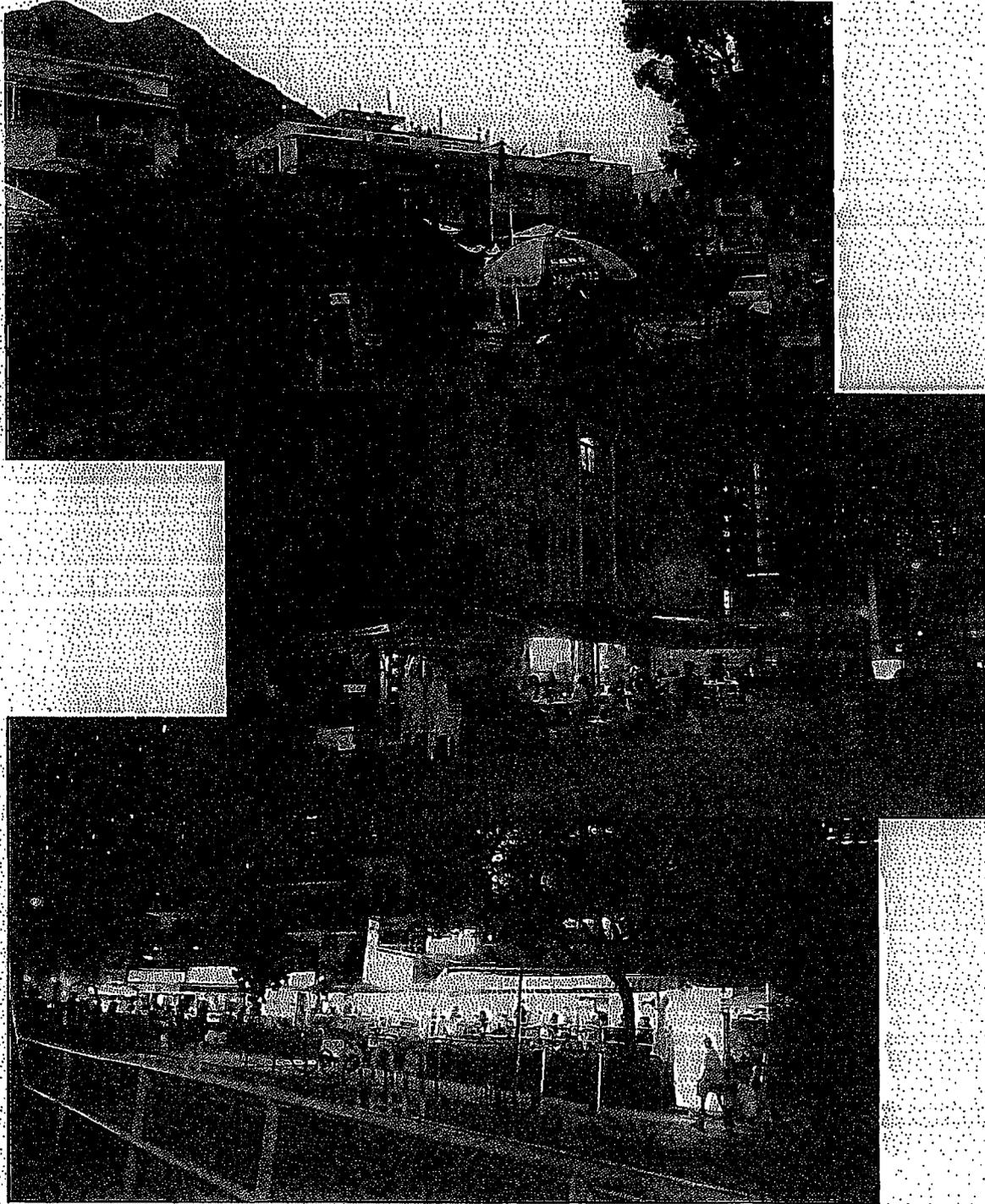


Figure 6. Eating places on the ground floor of Small Houses



香港新界大埔林錦公路  
Lam Kam Road, Tai Po, New Territories, Hong Kong  
Email: eap@kfbg.org

Figure 7. A barbecue site approved by the Board which is located on a land zoned Agriculture; areas paved and grey water suspected from the site heavily polluting the surroundings.

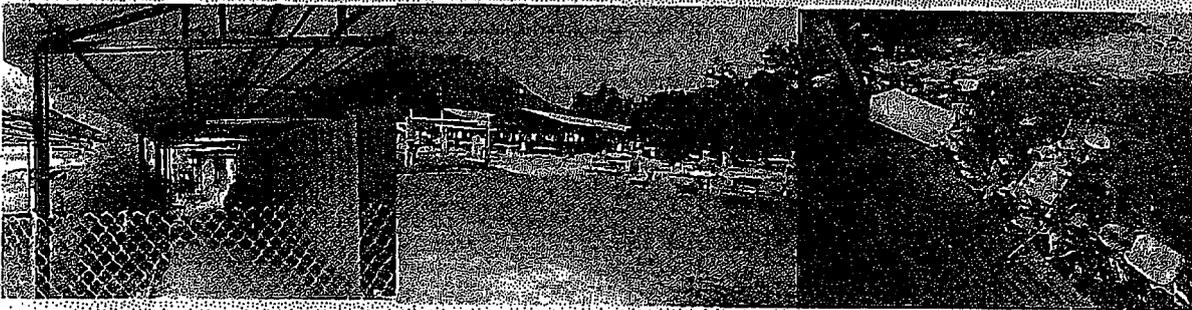
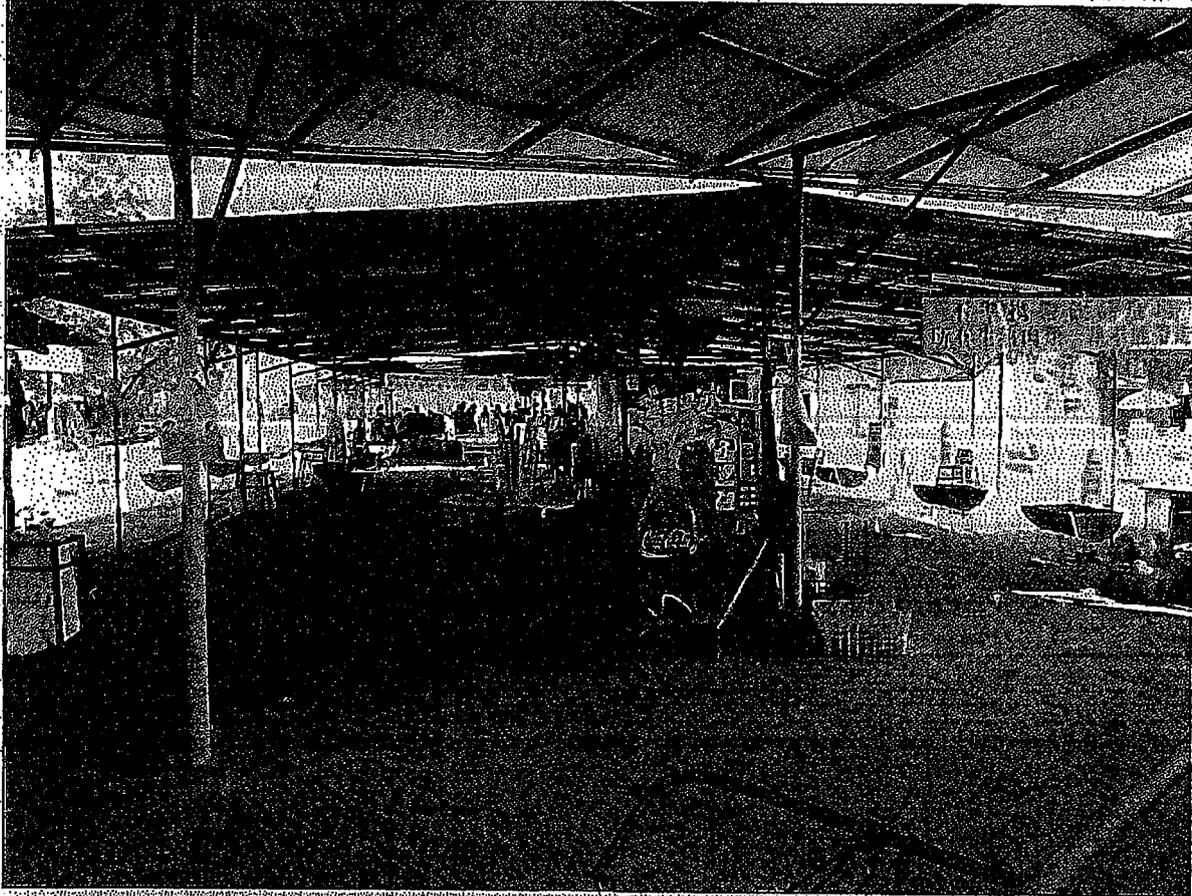


Figure 7. con't



Mangrove SSSI

Figure 8. The proposed V zones at Tai Long Wan, a CP Enclave were greatly reduced from 7.9 ha to 1.9 ha, covering only existing village settlement and approved small house sites.

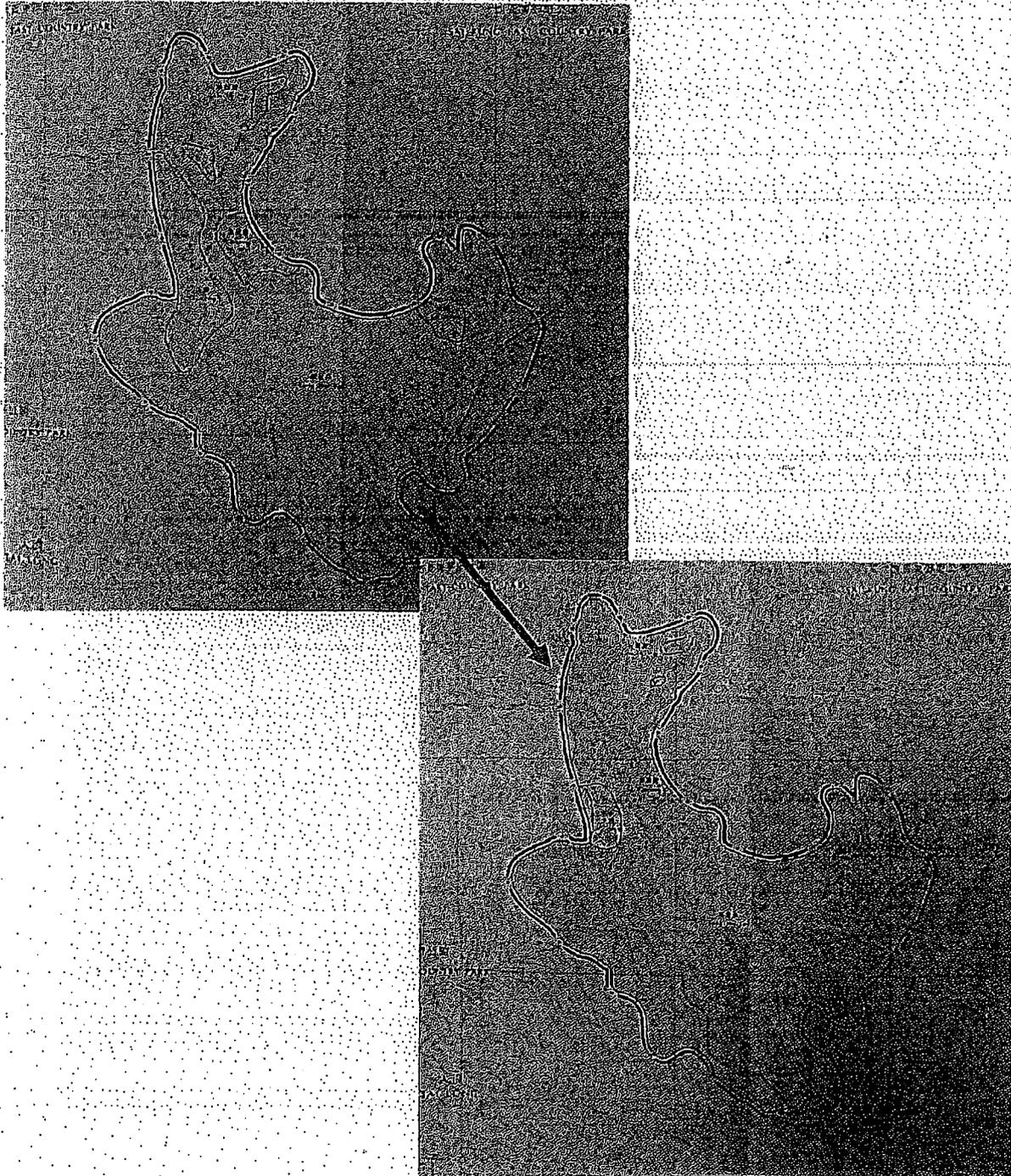
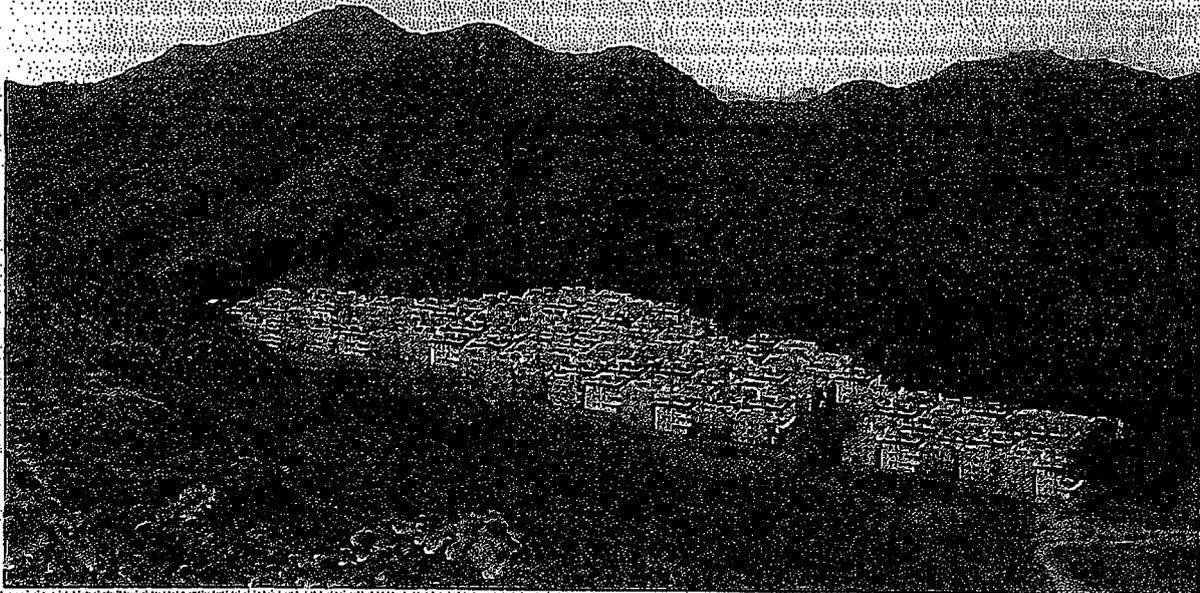
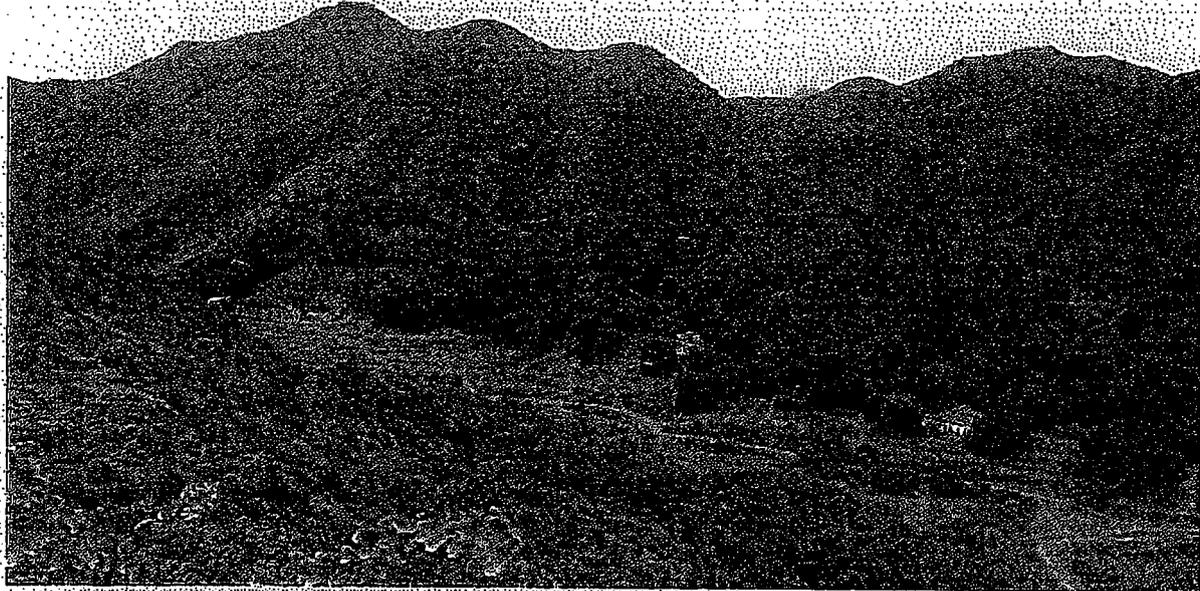




Figure 11. Simulated possible future outlook of the site before (above) and after (below) the proposed V zone is fully occupied with Small Houses







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Kadoorie Farm & Botanic Garden Corporation

Appendix A. Species of conservation concern found in So Lo Pun

Scientific Name	Common Names	Suitable habitat(s) within So Lo Pun
<b>Plant</b>		
<i>Alsophila spinulosa</i>	Spiny Tree-fern 刺秒蕨	Woodland (found in another survey)
<i>Aquilaria sinensis</i>	Incense Tree 土沉香	Woodland
<i>Ceratopteris thalictroides</i>	Water Fern 水蕨	Freshwater marsh and along the stream
<i>Cibotium barometz</i>	Lamb of Tartary 金毛狗	Woodland
<i>Goodyera procera</i>	Tall Rattlesnake-plantain 高斑葉蘭	Along watercourses (all orchids are protected in Hong Kong)
<i>Phymatodes longissima</i>	A kind of fern 多羽瘤蕨	Along the main stream
<i>Zostera japonica</i>	Dwarf Eel Grass 矮大葉藻	Intertidal area within the proposed CA
A total of 244 vascular plant species (excluding Orchidaceae), including 31 fern species, two gymnosperm species and 211 flowering plant species were recorded in So Lo Pun according to the KFBG FCA study.		
<b>Dragonfly</b>		
<i>Orthetrum poecilops</i>	Mangrove Skimmer 斑灰蜻	Intertidal area within the proposed CA and the stream
<b>Fish</b>		
<i>Anguilla japonica</i>	Japanese Eel 日本鰻鱺	Intertidal area within the proposed CA and the stream
<i>Oryzias curvinotus</i>	Rice Fish 弓背青鱗	Intertidal area within the proposed CA, the marsh and the stream
<i>Takifugu ocellatus</i>	Orange Peacock Puffer Fish 弓斑多紀魷	Intertidal area within the proposed CA and the stream
A total of 11 native fish species could be found in So Lo Pun, based on data from Chan (2001) and also the Ecological Note.		
<b>Amphibian</b>		
<i>Limnodynastes fujianensis</i>	Big-headed Frog 大頭蛙	The upper section of the stream and the riparian zone
<i>Hoplobatrachus chinensis</i>	Chinese Bull Frog 虎紋蛙	The stream and the riparian zone
<b>Bird</b>		
<i>Accipiter trivirgatus</i>	Crested Goshawk 鳳頭鷹	Woodland
<i>Centropus sinensis</i>	Greater Coucal 褐翅鴉鶻	Woodland and shrubland
<i>Ceryle lugubris</i>	Crested Kingfisher 冠魚狗	Woodland fringe and the wetland mosaic
<i>Chalcophaps indica</i>	Emerald Dove 綠翅金鳩	Woodland
<i>Dendrociitta formosae</i>	Grey Treepie 灰樹鵲	Woodland
<i>Egretta alba</i>	Great Egret 大白鷺	The wetland mosaic
<i>Pandion haliaetus</i>	Osprey 鵟	Woodland and wetland
<i>Spilornis cheela</i>	Crested Serpent Eagle 蛇鵟	Woodland and wetland
The KFBG FCA report recorded a total of 33 bird species in So Lo Pun (only two surveys).		
<b>Mammal</b>		
<i>Herpestes urva</i>	Crab-eating Mongoose 食蟹獾	The stream, the riparian zone, the marsh, the intertidal area and the woodland
<i>Mustela kathiah</i>	Yellow-bellied Weasel 黃腹鼬	Woodland
<i>Tylonycteris robustula</i>	Greater Bamboo Bat 褐扁頭蝠	Woodland and the wetland mosaic





"Roy Ng" <roy@cahk.org.hk>  
27/11/2013 下午 04:13

To <tpbpd@pland.gov.hk>  
cc  
bcc

TPB/R/S/NE-SLP/1- 10822

Subject RE: Comments on Outline Zoning Plan (OZP) (No.S/NE-SLP/1,  
S/SK-HH/1, S/SK-PL/1)

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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



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

27<sup>th</sup> November 2013

Chairman and Members  
Town Planning Board

E-mail: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

Dear Sir/Madam,

Comments on So Lo Pun Outline Zoning Plan (OZP) (No: S/NE-SLP/1)

The Conservancy Association (CA) would object to So Lo Pun OZP (No: S/NE-SLP/1).

So Lo Pun is such a site of high ecological and landscape importance that require careful planning. CA urges that the area should be protected by conservation zonings, including woodland area, estuarine mangrove, mudflat, blackish marsh, floodplain, So Lo Pun Ecologically Important Stream.

CA strongly objects that the proposed "V" zone is further enlarged as compared with the previous draft OZP. Such a large size of "V" zone is not well-justified as we see no initiatives from any departments to evaluate the validity of 10-year forecast on small house demand when the existing population is just zero. Besides, So Lo Pun currently lacks proper vehicular access and public sewerage system large and putting tremendous village population in such an isolated site would create disastrous impact to the environment. We especially worry that part of the "V" zone at southwest is located close to the existing watercourse and encroach the riparian zone. Village houses with septic tank system only would not stop significant sewage problem and the upper and middle part of the stream would then be highly exposed to grey water from small houses in future. Hence we suggest that the "V" zone in So Lo Pun should be substantially reduced.

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 proposed because "*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). Various amendments in "V" zone, such as putting "House (New Territories Exempted House only)" into Column 2 rather than Column 1, and adding details in Remarks of the Notes for the "V" zone to require planning permission for any demolition, addition, alteration and/or modification to an existing building, can be proposed in the "V" zone of So Lo Pun OZP to ensure no significant adverse impacts to the tranquil environment and integrity of village setting in So Lo Pun.

The seagrass bed in So Lo Pun serves high ecological importance as it has only been found at six locations in Hong Kong<sup>1</sup>. With reference to excavation works before the implementation of DPA in So Lo Pun, however, we are of grave concern that it would still be vulnerable to site formation work in attempt to fulfill so-called "agricultural use". Previous research had once proposed to designate seagrass together with the adjacent mangrove community as Site of Special Scientific Interest (SSSI)<sup>2</sup>, and we hope that Planning Department would take this into consideration to replace the proposed "CA" zone which regards "agricultural use" as "always permitted".

To protect high ecological and landscape value of the subject site and also the surrounding Plover Cove Country Park, CA opines that country park enclaves like So Lo Pun should be included in Country Park.

Yours faithfully,



Ng Hei Man  
Assistant Campaign Manager

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<sup>1</sup> Wong, C., Lau, M., Ades, G., Chan, B., & Ng, S.C. (2003). A Pilot Biodiversity Study of the eastern Frontier Closed Area and North East New Territories, June-December 2003

<sup>2</sup> Kadoorie Farm and Botanic Garden (2004). *A Pilot Biodiversity Study of the eastern Frontier Closed Area and North East New Territories, Hong Kong, June-December 2003*. Kadoorie Farm and Botanic Garden Publication Series No.1. Kadoorie Farm and Botanic Garden, Hong Kong Special Administrative Region.





Michelle Cheung  
<michelle@erc.org.hk>  
Sent by:

27/11/2013 下午 02:20

To tpbpd@pland.gov.hk

TPB/R/S/NE-SLP/1- 10823

cc lkcheng <lkcheng@greenpower.org.hk>

bcc

Subject Eco-Education & Resources Centre: Draft So Lo Pun OZP  
S/NE-SLP/1

Urgent  Return receipt  Sign  Encrypt

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Dear Sir/Madam,

Please find the self-explanatory letter.  
Thanks.

Yours faithfully,  
Michelle Cheung

--

Michelle Cheung, PhD,  
Science Manager,  
Eco-Education & Resources Centre,  
Tel: +852 6072 9094  
Email: [michelle@erc.org.hk](mailto:michelle@erc.org.hk)



Website: [www.erc.org.hk](http://www.erc.org.hk) So Lo Pun OZP.pdf

**BY POST AND E-MAIL**

The Secretary,  
Town Planning Board,  
15th Floor, North Point Government Offices,  
333 Java Road,  
North Point, Hong Kong  
(E-mail: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk))

27 November, 2013

Dear Sir/ Madam,

**TOWN PLANNING ORDINANCE (Chapter 131)  
DRAFT SO LO PUN OUTLINE ZONING PLAN NO. S/NE-SLP/1**

1. Eco-Education & Resources Centre would like to comment on the above-captioned draft So Lo Pun Outline Zoning Plan (OZP).
2. We support the General Planning Intention of the Explanatory Statement that So Lo Pun enclave should be carefully planned and protected so as to preserve the high ecological and natural landscape value.
3. However, we have grave concerns on the adverse impacts, including deterioration of river and marine water quality and incompatible developments, brought about by Village Type Development (V) for So Lo Pun and associated sheltered bay (the Bay hereafter).
4. We consider that the draft OZP has not taken into account of the presence of species of conservation value in planning scheme area and the Bay, including: Seahorse *Hippocampus kuda*, Pipefish *Syngnathus schlegeli*, rice fish *Oryzias curvinotus* and Seagrass *Zostera japonica*.
5. We are concerned that the "V" zone will adversely affect the water quality of the stream and the Bay in So Lo Pun which is of high ecological value. Currently, the area is not served by public



**生態教育及資源中心**  
Eco-Education & Resources Centre

Society Registration No.: CP/LIC/SO/19/26284

Flat D1, 11/F., Block D, Tuen Mun Industrial Centre, 2 San Ping Circuit, Tuen Mun.

Tel : 26972029

Email : [erc.org.hk@gmail.com](mailto:erc.org.hk@gmail.com)

Website : [www.erc.org.hk](http://www.erc.org.hk)

sewer, the sewage from any new small houses will be treated only by on-site septic tanks and soakaway system and the sewage generated will pollute the existing stream course and the bay.

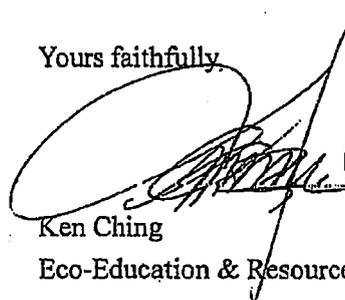
5.1 Also, residential development neighbouring to natural streams will trigger river training works which cause even more environmental damages to the natural environment of So Lo Pun. We support the Remarks to control diversion of streams under the "V", "GB" and "CA" zones

5.2 Moreover, we urge the TPB to rezone the stream courses and its riparian areas (i.e. at least 30 m buffer from both sides of the stream course) to other conservation zonings such as Conservation Area (CA) or Green Belt (GB) in order to avoid water pollution and physical damages to the stream and Pak Lap Wan.

Should you have any inquiries or need further information, please contact me (T: 2697 2029; Email: [erc.org.hk@gmail.com](mailto:erc.org.hk@gmail.com)).

Thank you for your kind attention.

Yours faithfully,

  
Ken Ching  
Eco-Education & Resources Centre



生態教育及資源中心  
Eco-Education & Resources Centre

Society Registration No.: CP/LIC/SO/19/26284  
Flat D1, 11/F., Block D, Tuen Mun Industrial Centre, 2 San Ping Circuit, Tuen Mun.  
Tel : 26972029      Email : [erc.org.hk@gmail.com](mailto:erc.org.hk@gmail.com)      Website : [www.erc.org.hk](http://www.erc.org.hk)





"David NEWBERY"

27/11/2013 下午 04:59

Please respond to

To <lpbpd@pland.gov.hk>  
cc <sdev@devb.gov.hk>  
<sen@enb.gov.hk>  
<DLOffice@landsd.gov.hk>  
bcc

TPB/R/S/NE-SLP/1- 10824

Subject Draft So Lo Pun OZP - Comment

Urgent  Return receipt  Sign  Encrypt

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Dear Sir/Madam

Please find enclosed comments on the Draft So Lo Pun OZP by Friends of Hoi Ha.

Yours faithfully

David NEWBERY



Secretary, Friends of Hoi Ha So Lo Pun TPB 26 Nov 13.docx

**FRIENDS OF HOI HA**  
PO Box 51  
Sai Kung Post Office  
New Territories  
HONG KONG



Tel: (+852) 2791 6449  
Fax: (+852) 2791 6454  
Email:  
newbs@netvigator.com

26 November 2013

Mr Thomas CHOW  
Chairman  
Town Planning Board  
15/F, North Point Government Offices  
333 Java Road  
North Point  
Hong Kong

Dear Mr Chow

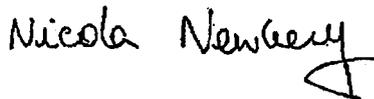
DRAFT SO LO PUN OUTLINE ZONING PLAN (S/NE-SLP/1)

1. In October 2010, the enclave of So Lo Pun was gazetted as a Development Permission Area (DPA). 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.
2. FOHH strongly objects to the Draft OZP, as promulgated by the TPB, for the following reasons:
  - The "Requirement" for 134 new houses under the Small House Policy has been based on an estimate given by the Village representative. No check or audit of this figure has been carried out by the TPB. At present, the resident population is zero – the village has been abandoned for decades. The chances that 134 "sons of the village" and their families wish to "return" (many of them have never, actually, lived in the village) to live at So Lo Pun - a remote village with no road access, no amenities and no employment possibilities – is, simply, unbelievable. That major planning decisions are being based on this totally bogus figure is **gross mal-administration**.
  - It is, probably, no coincidence that the majority of land in the proposed V-Zone has already been bought by development companies. If the V-Zone is to be primarily used for the legitimate building of houses under the Small House Policy, how is this to be achieved, when the land has already been sold to developers?
  - So Lo Pun has no sewage facilities and there are no plans to improve the situation. Therefore, any new houses built at So Lo Pun will be furnished with Septic Tank Systems and soakaway pits. These rudimentary sewage treatment facilities will, inevitably, lead to sewage pollution of the marshlands, water courses and nearby streams which contain species of conservation interest. Septic tank systems pollute water courses even when they are functioning correctly; however, given the remoteness

of the village, it is unlikely that STS will be properly maintained and serviced and so the risk of pollution is greatly increased. The polluted water will then enter the sea, close to Yan Chau Tong Marine Park which has mangroves, seagrass and other sensitive marine life nearby, as well as mariculture sites. Any significant development at So Lo Pun should take account of the need to properly treat sewage before it is discharged into the environment. To this end, the basic requirements of the ProPECC are inadequate due to the sensitivity of the environment, the remoteness of the location and the cumulative effects of the effluent discharges from numerous houses.

- The area has already been subject to environmental destruction under a “trash first; develop later” philosophy. The Government claims that it opposes these actions; therefore, the OZP should be an opportunity to show that “trash first; develop later” actions will not work and that the area destroyed some years ago should be fully restored at the developer’s expense and then given the highest level of environmental protection. Otherwise, the Government’s promises to discourage “trash first; develop later” are nothing but hot air.
  - The area has a significant Landscape value as a remote, abandoned village within a Country Park. Any significant developments in the village – particularly of “standard” NTEHs - would severely damage the landscape value of the area. Landscape has not been considered by the TPB in the drawing up of the Draft OZP but should have formed part of the planning process under the DPA designation. This, again, represents mal-administration by the TPB.
3. The So Lo Pun Stream and its riparian zone as well as the lesser streams and the marshland are all important ecological habitats with species of conservation interest and require protection. A 30 metre area each side of the So Lo Pu stream and its tributaries should be re-classified as **Conservation Area** in order to give them the protection they require. In addition, the secondary woodlands surrounding the village contain rare and protected plant species, such as *Aquilaria sinensis* and *Cibotium barometz* and should also be zoned as **Conservation Area**. In summary, the **V-Zone** should be restricted to the existing building lots and the rest of the area made **Conservation Area**.
  4. In the meantime, in order to prevent the destruction of the areas zoned as **Conservation Area** by trashing activities masquerading as “farming”, we believe that the following uses specified in the “Always Allowed” Column 1 of the schedule, be changed to Column 2 – uses requiring the permission of the TPB:
    - Agricultural Use
    - On-farm Domestic Structure
  5. We fully support the findings and conclusions of the letters sent to you by WWF Hong Kong, Friends of Sai Kung, Designing Hong Kong and others who have objected to the Draft OZP and agree that the best long-term solution for So Lo Pun would be to incorporate the enclave within

the adjoining Country Park so as, firstly, to properly protect this environmentally sensitive area and, secondly, to take advantage of the formal compensation programme which would be available to Indigenous Villagers suffering from a loss of expectation due to Country Park incorporation. Pending any re-consideration of the enclave for integration into the Country Park, the OZP should be amended so as to give the area the protection it deserves.



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



Gary Stokes  
 <gary@oceaniclove.com>  
 27/11/2013 12:50

To "tpbpd@pland.gov.hk" <tpbpd@  
 cc TPB/R/S/NE-SLP/1- 10327  
 bcc  
 Subject Objection: Draft So Lo Pun Outline Zoning Plan No: S/NE-SLP/1  
 Urgent  Return receipt  Sign  Encrypt

Chairman, Town Planning Board,

**Representation relating to 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 So Lo Pun Outline Zoning Plan No: S/NE-SLP/1

**(b) Nature of and reasons for the representation**

Sea Shepherd Conservation Society oppose the Draft So Lo Pun OZP on the following grounds:

1. The use of on-site septic tanks and soakaway (STS) systems will not work in So Lo Pun.
2. The underlying geology in So Lo Pun will not support the use of on-site septic tanks and soakaway (STS) systems to disperse untreated wastewater into the surrounding soil, which will lead to irreparable damage being caused to the Ecologically Important Stream (EIS) in So Lo Pun.
3. The underlying geology in So Lo Pun will not support the use of on-site septic tanks and soakaway (STS) systems because So Lo Pun is susceptible to alluvial flooding and this will pose an unacceptable health risk, including the possibility of triggering a global pandemic.
4. Excavations undertaken during development in So Lo Pun will disrupt the geologic continuum in the area, which poses the risk of the Ecologically Important Stream (EIS) in So Lo Pun being smothered in sediment.
5. There are plans to promote "eco-tourism" in So Lo Pun, but an influx of visitors to So Lo Pun poses an unacceptable risk to the marine biodiversity there, yet this has not been mentioned or considered in the Draft So Lo Pun 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 So Lo Pun OZP is not fit for purpose. Because all of this information has been omitted from the Draft So Lo Pun 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 So Lo Pun 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: [gary@seashepherd.org.au](mailto:gary@seashepherd.org.au)

Date: 27 November 2013

**Due to size restrictions this is sent from a personal email, any replies to the address attached**



So Lo Pun Cover Letter.pdf 1. So Lo Pun full report.docx

# SEA SHEPHERD CONSERVATION SOCIETY



International Chairman  
Farley Mowat

Founder  
Captain Paul Watson

Board of Directors

Lani Blezier  
Marnie Gaede  
Anthony Kledis  
Peter Rleman  
Bob Talbot  
Paul Watson  
Persia White  
Robert Wintner  
Dr. Ben Zuckerman

Board of Advisors

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Brightie Bardot  
Linda Blair  
Jody Boyman  
Berkeley Braathed  
Dr. Deborah Brosnan  
Pierce Brosnan  
Paul Brown  
The Honorable Ian Campbell  
Sebastiano Costa 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 Gaidikas

Mike Galest

Stephanie Gilmora

Michael Goldschlager

Rutger Hauer

Randall H. Heyes

Herbert Henrich

Dr. Alex Harshaf

Svea 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 Merlan

Alex Pacheco

Sean Penn

Grant Pereira

Jacques Perrin

Heldi Prescott

Dave Rastovich

Dr. Tom Regan

Martin Sheen

Sam Simon

Kelly Slater

George Sumner

Barbara Vaiga

Gaert-Jan Vons

Tom Waes

Oliver Wallasch

Diane Warren

Elena West

Scott West

Chairman, Town Planning Board,

## Representation relating to Draft Plan under Section 6(1) of the Town Planning Ordinance (Cap 131)

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### 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 So Lo Pun Outline Zoning Plan No: S/NE-SLP/1

#### (b) Nature of and reasons for the representation

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2. The underlying geology in So Lo Pun will not support the use of on-site septic tanks and soakaway (STS) systems to disperse untreated wastewater into the surrounding soil, which will lead to irreparable damage being caused to the Ecologically Important Stream (EIS) in So Lo Pun.
3. The underlying geology in So Lo Pun will not support the use of on-site septic tanks and soakaway (STS) systems because So Lo Pun is susceptible to alluvial flooding and this will pose an unacceptable health risk, including the possibility of triggering a global pandemic.
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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: [gary@seashepherd.org.au](mailto:gary@seashepherd.org.au)  
Date: 27 November 2013



YIU Vor  
<yiuvor@hkentsoc.org>  
24/11/2013 下午 11:13

To tpbpd@pland.gov.hk  
cc  
bcc

TPB/R/S/NE-SLP/1- 10842

Subject 提交申述 - 鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1

Urgent  Return receipt  Sign  Encrypt

本會認為圖則中的鄉村式發展地帶沒有必要，理由如下：

鎖羅盤已數十年沒有村民居住，原居民及其後代大多早已在海外長期定居，並無需求要在該處興建小型屋宇自住，劃出大面積鄉村式發展地帶只會鼓勵大批定居海外的原居民非法售賣「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。

鎖羅盤近期出現破壞生態環境的工程，在這情況下劃出大片鄉村式發展地帶等於獎賞「先破壞，後申請發展」行爲，違反規劃政策精神，並不可取。

鎖羅盤河谷被生態敏感的船灣郊野公園包圍，不宜作土地開發用途，特別是涉及道路連接、水電供應、排污處理的房屋興建；生態調查亦顯示該處生境多樣性甚高，孕育不少具保育價値物種。

本會建議刪除圖則中的鄉村式發展地帶，並將整個鎖羅盤河谷納入船灣郊野公園範圍。

香港昆蟲學會  
2013年11月24日



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,

本人丁秀園，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

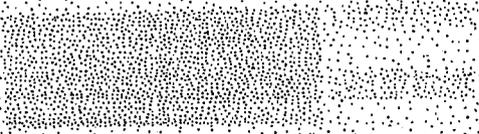
本人認為相關圖則，遠遠未能滿足各相關村落的長遠住屋需求與發展。相關反對意見建議可見於附件。有鑒於本人極度關切上述圖則的事態發展，如貴會將就上述圖則舉行任何聆訊，務請貴會書面通知本人，讓本人有機會在會上跟各城規會委員再詳抒己見。

聯絡地址:

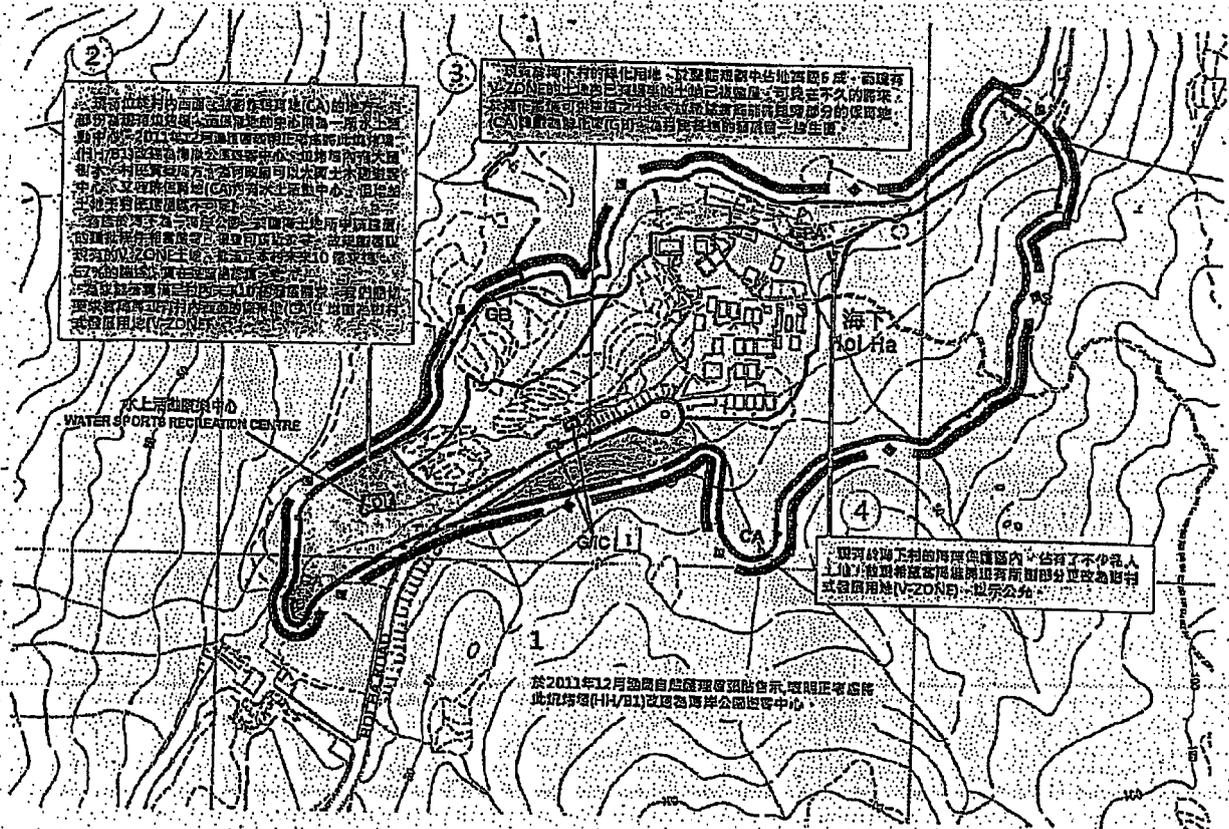
聯絡電話:

簽署: 丁秀園

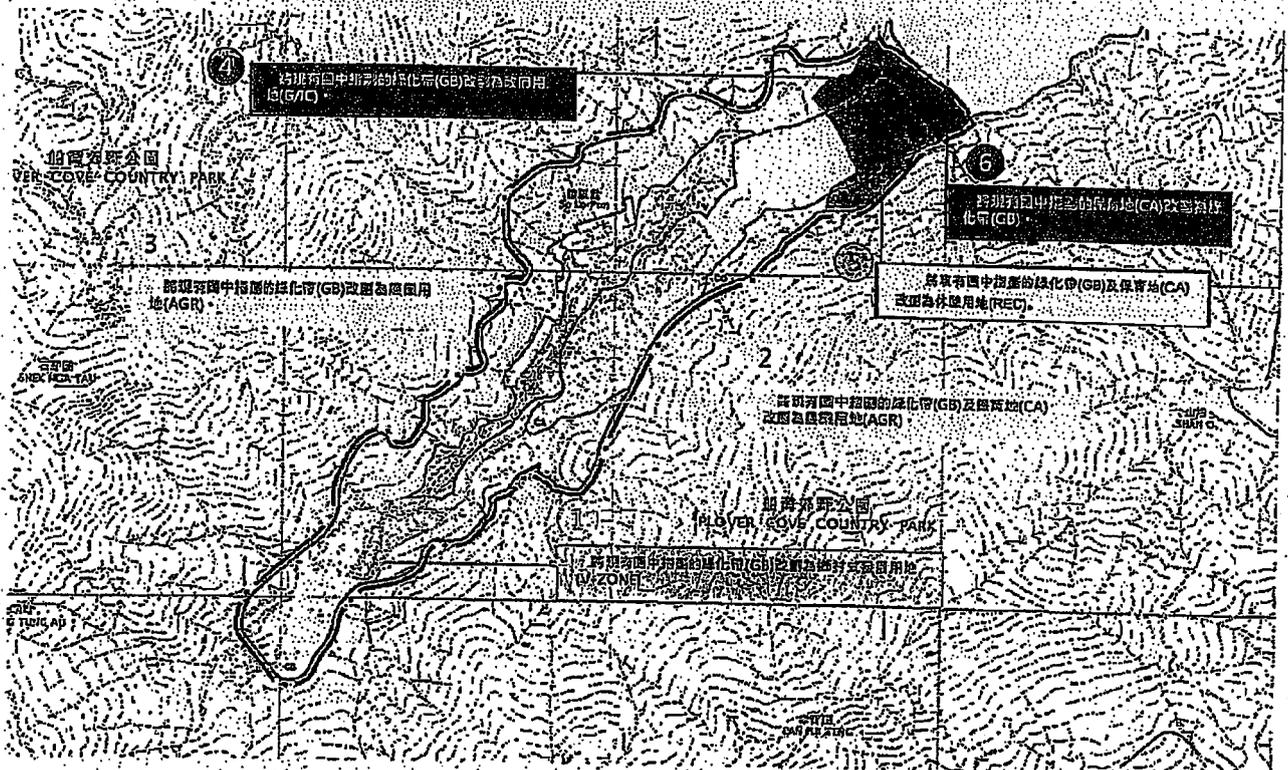
日期: 22.11.2013



## 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







Wai Ling Kwok

Sent by: [redacted]

23/11/2013 上午 11:35

To: ceo@seo.gov.hk  
sen@shd.gov.hk  
sdcw@devd.gov.hk

cc: [redacted]

Subject: 促請政府保護郊野公園不受持續發展威脅 (Wai Ling Kwok)

Urgent  Return receipt  Sign  Encrypt

TPBR/SINE-SHK-  
TPBR/SINE-SLPM-804  
TPBR/SISK-PLM

To: 香港漁農漁護署  
香港特別行政區行政委員會辦公室  
香港特別行政區行政委員  
梁振英先生  
電郵: ceo@seo.gov.hk

香港漁農漁護署郊野科副策劃116樓  
環境副局長  
吳錦星先生  
電郵: sen@shd.gov.hk

香港漁農漁護署二號政府總部西翼181樓  
發展副局長  
陳國強先生  
電郵: sdev@shd.gov.hk

九龍沙田區303號沙田政府合署7樓  
漁農自然護理署  
漁護處處長  
鄭志光先生  
電郵: daloffice@fd.gov.hk

九龍沙田區303號沙田政府合署5樓  
漁農自然護理署  
郊野公園及海岸公園委員會主席  
鄧達威先生  
電郵: malbox@sand.gov.hk

香港北角道333號北角政府合署17樓  
規劃署  
規劃署署長  
凌達勁先生  
電郵: kaling@pland.gov.hk

香港北角道333號北角政府合署20樓  
規劃署  
規劃署副署長  
曾國強先生  
電郵: D1office@pland.gov.hk

香港北角道333號 北角政府合署 15樓  
城市規劃委員會主席  
周焯華先生  
電郵: pbycd@pland.gov.hk

附件抄送:  
「香港郊野公園」  
Email: savsourcontytpark@gmail.com

項目: 促請政府保護郊野公園不受持續發展威脅

不要將此項建議郊野公園「不包括土地」

收啟者:

本人謹以此項建議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，被劃入郊野公園範圍的村莊私人土地，卻沒有列入郊野公園保護，造成「不包括土地」的現象隨附，進行發展。

2010年香港政府在西貢大澳西面自然護理地區，因染疫發生疫，事件令政府及市民更覺郊野公園應有切實行動和預防保護郊野公園內的「不包括土地」，不讓郊野公園的生態環境受到威脅和破壞。

其後，中西傳媒亦已作出問題報導，這些「不包括土地」的範圍共約2,067公頃。

可惜，政府現時的做法已將令情況失控：只有11%的不包括土地會劃入郊野公園範圍，其餘89%的不包括土地將會不受郊野公園委員會及城市規劃委員會(後兩者)監管，這些地方將來很有可能發展成市區。

我們不設想其發展情況，審計署最近的報告更清楚指出郊野公園的監管不足，「不包括土地」的保護措施薄弱，未能有效保護「不包括土地」和郊野公園。

若這了解更多郊野公園面對的威脅，請閱《郊野公園的危機：監管發展「不包括土地」》。

A) 我們在建議書中，政府、郊野公園及海岸公園委員會及發展局有承諾執行以下措施保護郊野公園：

- 必須將所有「不包括土地」納入郊野公園範圍內。
- 所有更改用途的申請，「不包括土地」的發展權應在一年內，在郊野公園範圍內，不得興建任何新發展。
- 限制私人土地用途，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設施項目自設別項「環境影響評估報告」下的指定工程項目。
- 此外，郊野公園、郊野公園及海岸公園委員會及發展局應設立發展局發展諮詢委員會，其中一名委員必須是區政公署高級官員。

B) 多個「不包括土地」，如游水、白樹及綠樹等的「發展禁地地區」，已劃入郊野公園範圍，但仍未被劃入郊野公園範圍而需要以「外圍計劃」管理，或政府應加強發展及管理土地政策。因此，我們要求發展局及地政總署應優化外圍計劃大綱圖以真正郊野公園的保護自然環境、天然資源及康樂特色。

- 限制「新形式發展」用於發展現有發展及已批准的「外圍計劃」中的相關發展。
- 「不包括土地」及「屋宇」(只限郊野公園或發展局)從其發展第一階段至第二個，並確保任何發展計劃、發展或興建發展必須受監管。
- 「不包括土地」及郊野公園的土地不應再用以違反其用途的住屋需求。
- 與市民及相關人士商榷，共同監督「不包括土地」的發展。

我們反對以下決定期間，並要求各分區計劃大綱圖作出以下修訂，以保護郊野公園：

- 發展局分區計劃大綱圖( S/NK-SL/P1 )  
- 劃入發展禁地地區，且不得發展任何發展項目。
- 我們反對以容納230個村莊的「鄉村式發展」，亦一直沒有列入郊野公園。該地具有高自然及生態價值，沒有修訂發展禁地公共污水收集氣管，「鄉村式發展」應限制在郊野公園範圍內。
- 我們反對發展郊野公園的「自然保育區」，以保護郊野公園的「自然保育區」。
- 在美化地帶下的「郊野地帶」、「野草地」和「公園設施」和「綠草地」應作郊野公園管理，使這些用途受郊野公園監管。

白樹分區計劃大綱圖( S/NK-P11 )

- 白樹區全部私人發展郊野公園。
- 我們反對以容納79個村莊的「鄉村式發展」，且不得發展任何發展項目。

2011年的人口普查，白鵝洲的人口少於50，牠也沒有管理建設綠地公園的水收集系統。「鄉村式發展」區與傳統

海下村區村大綱範圍 (S/N/E-HH/1)

海下村區完全納入西貢高級綠地公園。  
- 我們區對足以容納3間村區的「鄉村式發展」，且並不與政府對海下區其他590人的組別人口。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，批准建設是不智的。「鄉村式發展」區

初步擬備的土瓜灣及北灣四分區村大綱範圍 (S/N/E-TH/1B)

「鄉村式發展」不足以保護土瓜灣西面的河底，人類活動的污染亦會破壞河底。土瓜灣的河底村大綱範圍的兩岸保護區；此河及其兩岸亦有相當的用戶屬多用途性，因此，此河和其兩岸(灣岸線旁30米範圍)應劃為「自然保育區」。  
- 北灣內的水體及溪流有極高數量的香港門魚，這水體及溪流應全部建設成「鄉村式發展」地區保護區，香港門魚將

其他意見

根據多個民間團體的調查，包括綠地聯盟、香港自然生態聯盟等，上述多條被劃入鄉村式發展的土地的生態價值極高，應劃為自然保育區。村民投訴被劃入鄉村式發展的土地，民主黨立法會議員胡志偉更要求該區劃為「自然保育區」，而不少鄉民已

2013年，鄉村式發展佔地僅佔原來的「鄉村式發展」只有2.5%公頃，最新的建議圖則增加至412公頃，增加香港

由於土瓜灣區大，本人反對目前的規劃；綠地聯盟拒絕區議會三區分區村大綱範圍；當局應參考「大坑灣規劃」，維持鄉村式發展(丁屋區)的範圍；然而，更合理的發展應該是「鄉村式發展」劃入保護區「不包括土地」的範圍，即「不包括土地」內的村區應劃入新劃入的「鄉村式發展」，而村區應劃入「鄉村式發展」，而村區應劃入「鄉村式發展」，而村區應劃入「鄉村式發展」。

- 香港特別行政區行政長官梁振英先生
環境發展及規劃委員會主席
環境發展及規劃委員會副主席
環境發展及規劃委員會委員
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環境發展及規劃委員會委員
環境發展及規劃委員會委員

Wai Ling Kwok 區啟



Stella Moore  
sen@devb.gov.hk  
2/1/2013 7:47:07 AM

To: ceo@ceo.gov.hk  
sen@amb.gov.hk  
sdev@devb.gov.hk  
cc: TPB/RS/INE-SL/P1-1964  
TPB/RS/SK-PL/1-

Subject: Urging the protection of Country Parks from development  
#Stella Moore  
 Urgent  Return receipt  Sign  Encrypt

cc: Mr. Leung Chun Yung  
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 Tin Mei Avenue, Tamar, Hong Kong  
Email: sen@amb.gov.hk

Mr. Paul Chan Mo Po  
Secretary for Development  
18/F, West Wing, Central Government Offices  
2 Tin 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@fcd.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@fcd.gov.hk

Mr. Thomas Crow Tak Ming  
Chairman and Members of the Town Planning Board  
15/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
Email: tpbd@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: klling@pland.gov.hk

Ms. Bernadette Lim  
Director of Lands  
Lands Department  
20/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
Email: D.Lim@pland.gov.hk

CC to:  
Sue Our Country Parks  
Email: sueourcountryparks@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. Tang, Mr. Ling, Ms. Lim, Mr. Crow, 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 protection 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 Counsellor 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 69% 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 criticises 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 are 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 CPA 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 EMO
  - To subject District Lands Offices, Planning Department, APCCD, CMPB and Town Planning Board to oversight by an independent committee of Legco, at least one of whose members should be a senior KCAC Officer.

B) Considering that case like HoI Ha, Pak Lap and So Lo Pun, the CPA plans have expired, fall 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

- 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 endaves 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/MC-SL/P/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 Areas", "Public Conveniences", 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/MC-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 (lancoley) – 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 Hot Ha Outline Zoning Plan (S/MC-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 Hot 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 Hot 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 Hot Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hot Ha Wan Marine Park and SSSI.
- "Barbecue Spot", "Picnic Areas", "Public Conveniences", 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 To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/MC-TK/P/2)**

- 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 Sessmid 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 Mooren

Email : [REDACTED]

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FAMILY Winnie Poon

Sent by: FAMILY Winnie Poon

26/11/2013 下午 11:31

To <hpoo@hnd.gov.hk>

cc

bcc

Subject: Draft OZP Pak Lap (S/SK-PL/1), So Lo Pun (S/NE-SLP/1) & 1

Ha(S/NE-HH/1) P/s protect CP envelopes  
 Urgent  Return receipt  Sign  Encrypt

TPB/RS/NE-HH/1-  
TPB/RS/NE-SLP/1- 3656  
TPB/RS/SK-PL/1-

## 保育郊野公園「不包括土地」，請港府不要盲目關地！

2010年發生西貢大澳西灣慘遭「先破壞、後發展」，令位處於郊野公園範圍的「不包括土地」的保育政綱瀕瀕崩潰無遺，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，把大澳西灣納入郊野公園範圍內。局方早前就相關修訂進行公眾諮詢時，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、白腊及鑽羅盆等，現正面臨發展威脅，政府並未就當地珍貴的自然遺產制定完善的保育措施。規劃署月前提出將上述三地的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。本人認為規劃署制定鄉村式發展地帶面額時，需考慮三地實際環境及自然生態的承擔量。作為關心香港自然環境的一分子，我認為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、白腊及鑽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)、鑽羅盆 (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，不必變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。



TPB/RS/INE-HH/1-  
TPB/RS/INE-SL/P/1- 3694  
TPB/RS/SK-P/1-



Sent by: [Redacted]  
17/11/2013 14:45:08

To: <tpbxk@pband.gov.hk>  
cc  
bcc  
Subject: Draft OZP Pak Lap (SSK-P/L/1), So Lo Pun (SNE-SL/P/1) & Hoi Ha (SNE-HH/1) Pts protect CR 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 these 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 above-mentioned 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-



"林晉賜"  
[Redacted]  
27/11/2013 下午 10:31  
Please respond to  
"林晉賜"  
[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: 林晉賜

電郵: [Redacted]

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（及擁有該地的地產商）。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。

其他意見:

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TPB/R/S/NE-HH/1-  
TPB/R/S/NE-SLP/1- 10701  
TPB/R/S/SK-PL/1-



lo hoiling  
[Redacted]  
27/11/2013 下午 10:21

To "lpbpd@pland.gov.hk" <lpbpd@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，並將該範圍訂為郊野公園；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為首要考慮，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  
羅凱珽  
2013.11.27



TPB/R/S/NE-HH/1-  
TPB/R/S/NE-SLP/1- 10722  
TPB/R/S/SK-PL/1-



HOWARD WONG

19/11/2013 下午 02:11

To tbbpd@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

敬啟者：

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、鎖羅盆和海上自然環境！

敬祝鈞安！  
香港公民

(172)

621



TPB/R/S/NE-SLP/1- 10748

For Official Use Only 請勿填寫此欄	Reference No. 檔案編號	
	Date Received 收到日期	23.11.2013

- 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內向城市規劃委員會（下稱「委員會」）提出。填妥的表格及支持有關申述的文件（如有），必須送交香港北角渣甸道333號北角政府合署15樓城市規劃委員會秘書處。
- 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/tmb/>.  
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（香港北角渣甸道333號北角政府合署15樓 - 電話：2231 4810或2231 4835）及規劃處的規劃資料查詢處（熱線：2231 5000）（香港北角渣甸道333號北角政府合署17樓及新界沙田上禾輦路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/tmb/>）。
- 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處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為不會提出論。

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*)  WONG WAH KUEN 黃華娟

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-SLP/1

\* 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

46

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 <sup>②</sup> 有關事項 <sup>②</sup>	Are you supporting or opposing the subject matter? 你支持還是反對有關事項?	Reasons 理由
鄉村式發展	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	<p>首先很歡迎規劃處因應村民的反對聲音,對鄉村式發展區的面積增加了1.6公頃。</p> <p>但這並不能滿足我村村民的要求,我們有很多村民散居各地,是因為鎮羅盆村一直以來都被政府所遺棄,沒有任何基礎設施,例如公路,水電,街燈等,故此我們才遷移到其他地方居住。但我們並沒有放棄我們祖先辛苦建立的家鄉。這幾年以來都出錢出力,清理本村四週環境,回復本村的舊貌,也得到很多郊遊人士的贊賞。</p> <p>所以貴會(城市規劃委員會)應履行責任對本村作出城市的規劃,讓我們有條生路,活化我村,而不是只作出規管。</p>
綠化地帶	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	<p>在這地帶中有近35%以上的土地是我們村民祖先辛苦開墾得來的梯田。到處都是我們祖先辛勞的足跡,見證了我村這三四百年來的歷史,如果就這麼讓它回復自然,等於消滅了我村,我村梯田處處,村屋行行的景像也一齊被郊野公園吞嚥了,那有同郊野公園互相輝映的景像呢?</p> <p>但我們不會放棄,復村是我們村民的心願。</p>
自然保育區	<input type="checkbox"/> support 支持 <input checked="" type="checkbox"/> oppose 反對	<p>這個地區有95%以上的土地都是我們私人的農地,這樣就翻他成為保育區,等於充共了我們的私人土地。謀殺了一條有三四百年的鄉村。</p> <p>私產公用,公理何在!</p> <p>你們的私人財產又可否拿出來和公眾分享呢?</p> <p>我們只要求農地歸農地,屋地歸屋地,回復我村的舊貌。</p>
<p>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。</p> <p>我們的建議很簡單,私人的地方就是“農地歸農地,屋地歸屋地”,其他公地可以規劃為“綠化地帶”或“自然保育區”,但要留一條活路給我村,讓我村有生存空間,不然的話一條有三四百年歷史的鄉村,就被你們活活的規管死了!</p> <p>鎮羅盆村原居民</p>		

② 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

b頁 1 - 1(B)

tpbpd@pland.gov.hk

TPB/R/S/NE-SLP/1- 10828

寄件者: "Lori Pickail" [REDACTED]  
 收件者: <tpbpd@pland.gov.hk>  
 傳送日期: 18/11/2013 下午 02:51  
 主旨: I just signed "HK Town Planning Board: Reject the Proposal for Development at Pak Lap or So Lo Pun based on these objections."

Dear Secretary,

I just signed Gary Stokes's petition "HK Town Planning Board: Reject the Proposal for Development at Pak Lap or So Lo Pun based on these objections." on Change.org.

Reject the Proposal for Development at Pak Lap or So Lo Pun based on these objections. Objections to the Draft Pak Lap Outline Zoning Plan and Draft So Lo Pun Outline Zoning Plan. Chairman and members of the Town Planning Board, In accordance with Section 6 (1) of the Town Planning Ordinance, I object to the Draft Pak Lap Outline Zoning Plan (S/SK-PL/1) and Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1) on the grounds laid out below: According to the Minutes of 1032nd Meeting of the Town Planning Board held on 26.4.2013, at Para 82, it is stated: "The Chairman said that on sewerage concern, the use of septic tanks for sewage treatment purpose in Small House developments was common and acceptable" This statement is factually wrong. The use of septic tanks for sewage treatment purpose in Small House developments, as proposed in the Draft Outline Zoning Plans is not acceptable, and this statement was made because the Town Planning Board have not been briefed about the Geological Constraints associated with allowing the use of on-site septic tanks and soakaway (STS) systems in Pak Lap or So Lo Pun. The problem is the underlying surface sediment in Pak Lap comprises porous and highly permeable deposits, which are a mixture of alluvium and beach deposits, while the underlying surface sediment in So Lo Pun similarly comprises porous and highly permeable deposits, which are a mixture of terraced alluvium, debris flow deposits and estuarine and intertidal deposits. Such superficial sedimentary deposits allow 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. Because of this, the discharge of untreated wastewater into Pak Lap Wan will threaten the populations of amphioxus in the bay, whilst the discharge of untreated wastewater into the environment at So Lo Pun will lead to irreparable damage being caused to the Ecologically Important Stream, Freshwater Marsh and Marine Environment at that location. In accordance with Section 6(2) of the Town Planning Ordinance, the failure to recognize or consider these geological constraints are fatal omissions and show the Draft Pak Lap Outline Zoning Plan and Draft So Lo Pun Outline Zoning Plan are not fit for purpose. I do not believe the Town Planning Board has been properly briefed on all of the issues of concern at Pak Lap or So Lo Pun and no development should be allowed based on the objections I have raised.

Sincerely,

Lori Pickail ringwood, New Jersey.

There are now 3 signatures on this petition. Read reasons why people are signing, and respond to Gary Stokes by clicking here:

<http://www.change.org/en-GB/petitions/hk-town-planning-board-reject-the-proposal-for-development-at-pak-lap-or-so-lo-pun-based-on-these-objections/responses/new?response=006ff8d2aec6>



115

18/11/2013

tpbpd@pland.gov.hk

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寄件者: <patrick\_cw\_tsang@afcd.gov.hk>  
收件者: <tpbpd@pland.gov.hk>; <alan\_lk\_chan@afcd.gov.hk>  
傳送日期: 20/11/2013 下午 04:43  
主旨: Fw: I just signed "HK Town Planning Board: Reject the Proposal for Development at Pak Lap or So Lo Pun based on these objections."

— Forwarded by Patrick CWT SANG/AFCD/HKSARG on 20/11/2013 16:42 —

From: Lori Pickail [REDACTED]  
To: patrick\_cw\_tsang@afcd.gov.hk  
Date: 18/11/2013 14:52  
Subject: I just signed "HK Town Planning Board: Reject the Proposal for Development at Pak Lap or So Lo Pun based on these objections."

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Dear Chairman,

I just signed Gary Stokes's petition "[HK Town Planning Board: Reject the Proposal for Development at Pak Lap or So Lo Pun based on these objections.](#)" on Change.org.

Reject the Proposal for Development at Pak Lap or So Lo Pun based on these objections. Objections to the Draft Pak Lap Outline Zoning Plan and Draft So Lo Pun Outline Zoning Plan. Chairman and members of the Town Planning Board, In accordance with Section 6 (1) of the Town Planning Ordinance, I object to the Draft Pak Lap Outline Zoning Plan (S/SK-PL/1) and Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1) on the grounds laid out below: According to the Minutes of 1032nd Meeting of the Town Planning Board held on 26.4.2013, at Para 82, it is stated: "The Chairman said that on sewerage concern, the use of septic tanks for sewage treatment purpose in Small House developments was common and acceptable" This statement is factually wrong. The use of septic tanks for sewage treatment purpose in Small House developments, as proposed in the Draft Outline Zoning Plans is not acceptable, and this statement was made because the Town Planning Board have not been briefed about the Geological Constraints associated with allowing the use of on-site septic tanks and soakaway (STS) systems in Pak Lap or So Lo Pun. The problem is the underlying surface sediment in Pak Lap comprises porous and highly permeable deposits, which are a mixture of alluvium and beach deposits, while the underlying surface sediment in So Lo Pun similarly comprises porous and highly permeable deposits, which are a mixture of terraced alluvium, debris flow deposits and estuarine and intertidal deposits. Such superficial sedimentary deposits allow 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. Because of this, the discharge of untreated wastewater into Pak Lap Wan will threaten the populations of amphioxus in the bay, whilst the discharge of untreated wastewater into the environment at So Lo Pun will lead to irreparable damage being caused to the Ecologically Important Stream, Freshwater Marsh and Marine Environment at that location. In accordance with Section 6(2) of the Town Planning Ordinance, the failure to recognize or consider these geological constraints are fatal omissions and show the Draft Pak Lap Outline Zoning Plan and Draft So Lo Pun Outline Zoning Plan are not fit for purpose. I do not believe the Town Planning Board has been properly briefed on all of the issues of concern at Pak Lap or So Lo Pun and no development should be allowed based on the objections I have raised.

Sincerely,  
Lori Pickail ringwood, New Jersey

115

b頁 2 - 2(B)

There are now 3 signatures on this petition. Read reasons why people are signing, and respond to Gary Stokes by clicking here:

<http://www.change.org/en-GB/petitions/hk-town-planning-board-reject-the-proposal-for-development-at-pak-lap-or-so-lo-pun-based-on-these-objections/responses/new?response=66c4c19b0c65>

20/11/2013



b頁 1 - 1(B)

TPB/R/S/INE-HH/-  
TPB/R/S/INE-SLP/- C3640  
TPB/R/S/SK-PL/-

tpbd@pland.gov.hk

寄件者:  
收件者:  
副本:

"Town Planning Board" <tpbd@pland.gov.hk>

14/02/2014 下午 11:42

14.2.2014 Friends of Sai Kung to TPB comments on representations.doc  
附加檔案:  
主旨: Hoi Ha OZF SNE-HH/, Pak Lap OZF SISK-PL/, So Lo Pun SINE-SLP/, Pak Tam Au, To Kwa Peng (SNE-  
TKP/B) and Tin Pui Tsai

Dear sir,

Please find attached comments.

Kindly acknowledge receipt and maintain my personal data privacy.

Yours sincerely,

[Redacted Signature]

Friends of Sai Kung

# Friends of Sai Kung

[Redacted Address]

Mr Leung Chun Ying  
Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Tamar, Hong Kong  
Email: [ceo@seo.gov.hk](mailto:ceo@seo.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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:tpbpd@pland.gov.hk)

cc: Save Our Country Parks - [saveourcountryparks@email.com](mailto:saveourcountryparks@email.com)

Hong Kong 14<sup>th</sup> February 2014

By email only: [tpbpd@pland.gov.hk](mailto: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/A, Pak Lap OZP S/SK-PL/A, So Lo

Pun S/NE-SLP/A, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Further to our letter dated 7<sup>th</sup> 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 BIAO.

C) We support the objections and proposals in representations on the following  
statutory plans:

*Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/A)*

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/A)*

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/A)*

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/A)*

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 Sesamoid 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-TF71)*

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,

Secretary, Friends of Sai Kung



inbpd@pland.gov.hk

寄件者: "Debby Chan" <csen@enb.gov.hk>; <sdev@devb.gov.hk>; <mailto:afcd@afcd.gov.hk>; <zdling@pland.gov.hk>; <DLOffice@landsd.gov.hk>; "tpbd" <tpbd@pland.gov.hk>

副本: 14/02/2014 下午 06:01  
傳發日期: DHK HH PL SLP comment TKP PTA TPT representation\_Feb2014.pdf  
附加檔案: 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,

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  
Email: mailbox@afcd.gov.hk

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: kklng@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: tpbd@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,

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 DFC 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.

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 Ho Hai 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)

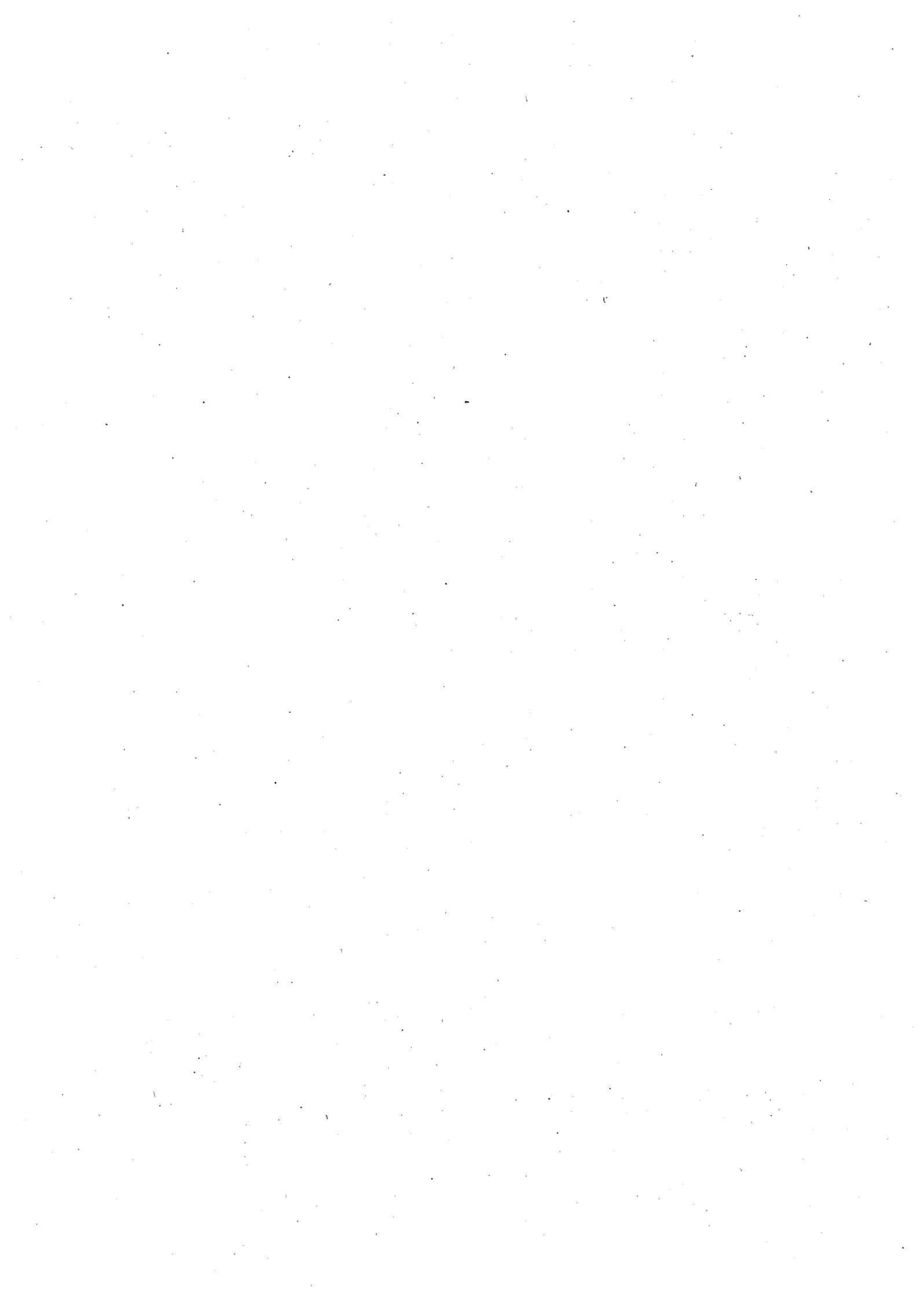
- i. In addition to the general representations made above:

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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 threatened that they would pollute the water after TISW 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



tpbpd@pland.gov.hk

寄件者: "Chiu Ying Lam" <[redacted]>  
收件者: <tpbpd@pland.gov.hk>  
日期: 14/02/2014 下午 11:56  
附件名稱: 20140214 HKCF submission to TPB.doc  
主旨: Re: Submission re Hoi Ha OZP S/NE-HH/A, So Lo Pun OZP S/NE-SLP/A and Pak Lap OZP S/SK-PL/A

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  
15<sup>th</sup> Floor, North Point Government Offices  
333 Java Road, North Point  
Hong Kong

14 February 2014

Dear Sir,

Comments on Submissions to Town Planning Board re Hoi Ha OZP S/NE-HH/A, So Lo Pun OZP S/NE-SLP/A and Pak Lap OZP S/SK-PL/A.

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 whils: the Enclaves are assessed for Country Park extension according to principles and criteria. The Audit Commission Report 30<sup>th</sup> 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 files in the face of the Audit Commission's recommendations.
3. Failure to implement Enclave Policy. Instead of AFCD proceeding to designate 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

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 needs to 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

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.
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 IS/SK-TLW/2.

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:-
- Excessive V zone with no proof of Indigenous villagers' need. The proposed 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.
  - Defective and erroneous descriptions and reasoning is used and Ecosystem Approach not used.
  - Breach of Technical Memorandum for Water Pollution Control Ordinance Section 4.4.4.3 and Section 9.1.
  - Omitted all reference to the key Country Park Enclave Policy.
  - 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
  - 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.

23. So Lo Pun case study shows
- Excessive V zone with no proof of indigenous villagers' need, but proof that there has been no need or use for about 30 years.
  - 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
  - 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
- Excessive V zone for 250 residents when census claimed only 50. These will be "incompatible uses."
  - Impacts on landscape, recreation and ecology values of Country Park as a whole have not been assessed per Enclave Policy.
  - The Planning Intention should be to protect pending Country Park assessment and designation.
  - 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
  - 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.

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 Ecosystem 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 Hol 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,



Lam Chiu Ying  
By direction of the Board  
Hong Kong Countryside Foundation Ltd

TPB/R/S/NE-HH/H-  
TPB/R/S/NE-SLP/H-  
TPB/R/S/SK-PL/H-  
C1

To info@countryparks.hk  
cc@cep.gov.hk  
sen@emb.gov.hk

cc  
bcc  
10/02/2014 19:20

Subject Protect the Country Parks from the Small House Policy #Carol Biddell

Urgent  Return receipt  Sign  Encrypt

Carol Biddell  
Sent by [redacted]



Hong Kong, February 2014

to: Mr. Leung Chun Ying  
Chief Executive  
Hong Kong Special Administrative Region  
People's Republic of China  
Tamar, Hong Kong  
Email: ceo@cep.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@emb.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@aafcd.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@aafcd.gov.hk

Mr. Ling Kar Ken  
Director of Planning  
Department  
17/F, North Point Government Offices  
333 Java Road, North Point, Hong Kong  
Email: xlding@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: DOffice@landstd.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 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 CPA 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/H)

- 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/H)

- 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/H)

- 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:

101

**Draft To Kwa Ping and Pak Tam Au Outline Zoning Plan (SYNE-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/TIN-TF/1)**

- To enhance recreation uses and environment, the enclave should be incorporated into the Tai Lam Country Park.
- Enclaved by Tai Lam Country Park and close to Ho Pul 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 permission 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 : 

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其他派員:

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麥美娟先生  
郊野公園及海岸公園委員會主席鄧永成先生  
城市規劃委員會主席簡建明先生  
獲選署長梁潔敏先生

Hau Justin 謹啟

二零一四年二月

電話: [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 至 R10817)主要由村民及相關團體提交。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>A. 「鄉村式發展」地帶內沒有足夠的土地</b>	
擬議的「鄉村式發展」地帶未能滿足日後發展小型屋宇的需求，而且礙於地形上的限制，可用作發展小型屋宇的土地亦不足夠。	見城市規劃委員會文件第 5.12(a)至(e)段
<b>建議 (繪圖 H-1 及圖 H-1 a)</b>	
<b>P1. 擴展「鄉村式發展」地帶的範圍</b>	
應把「鄉村式發展」地帶的範圍擴展至毗鄰劃為「自然保育區」地帶及「綠化地帶」的河谷中游和上游的地方。擴展後的「鄉村式發展」地帶，面積應不少於 7.15 公頃，亦不應涵蓋陡坡、河流及墓地。	同上
<b>P2. 促進生態旅遊發展的整全方案</b>	
為促進生態旅遊的發展，建議改劃「自然保育區」地帶及部分「綠化地帶」的用途，並劃定道路所在的地方。有關的建	見城市規劃委員會文件第 5.14(a)至(f)段

申述要點	規劃署的回應
<p>議如下：</p> <p>(i) 把濕地連同防波堤旁邊一段「具重要生態價值的河溪」由「自然保育區」地帶改劃為「綠化地帶」。</p> <p>(ii) 把濕地及旁邊的地方由「自然保育區」地帶及「綠化地帶」改劃為「康樂」地帶，以便發展低密度康樂用途，包括郊野學習／教育／遊客中心，推廣生態旅遊。</p> <p>(iii) 把學校舊址及旁邊的地方由「自然保育區」地帶及「綠化地帶」改劃為「政府、機構或社區」地帶，以便發展鄉公所及遊客中心。</p> <p>(iv) 把池塘及毗連擬議「鄉村式發展」地帶的多個地方（包括梯田）由「自然保育區」地帶及「綠化地帶」改劃為「農業」地帶，以作農業用途，例如休閒農業。</p> <p>(v) 因應上述改劃建議，為「鄉村式發展」地帶、「綠化地帶」、「康樂」地帶、「政府、機構或社區」地帶及「農業」地帶擬備了一套新的《註釋》</p>	

申述要點	規劃署的回應
<p>(附件 VI)。</p> <p>(vi) 在分區計劃大綱圖上，把現有的行人徑及旁邊由防波堤至擬議的「鄉村式發展」地帶至少闊 2.5 米的地方顯示為「道路」。</p>	

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 R10818 至 R10858)主要由立法會議員和環保／關注組織提交。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>B. 劃設「鄉村式發展」地帶</b>	
<b><u>B1. 小型屋宇需求</u></b>	見城市規劃委員會文件第 5.12(e)段
<p>擬議的「鄉村式發展」地帶佔地約 4.12 公頃，面積實在太大，而且會興建 134 幢屋宇，規劃人口達 1 000。根據二零一一年人口普查的資料，鎖羅盆的人口為 0，該區亦沒有尚待處理的小型屋宇申請。政府應提出理據，說明為何要劃設這樣大的「鄉村式發展」地帶。</p> <p>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。</p> <p>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</p>	

申述要點	規劃署的回應
<p>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。</p>	
<p><u>B2. 對區內生境和周邊地區環境的影響</u></p> <p>發展鎖羅盆地區，對區內食蟹獐和豹貓的生境會有負面影響。「鄉村式發展」地帶固然過大，來自地帶內小型屋宇的強光更會影響本地稀有的褐扁顛蝠。</p> <p>鎖羅盆沒有公共污水收集系統，區內小型屋宇的污水只可由原地設置的化糞池及滲水井系統處理。此外，該區沒有道路可達，如何能妥善維修保養化糞池及滲水井系統，令人存疑。污染物最終會流入附近的水體，污染環境。</p> <p>鎖羅盆地底表層的沉積物含有透氣和高滲透力的沉澱物，使污水流走得極快。因此，污水雖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。當局沒有針對污水會累積滲透入附近地區這個問題進行地質評估。</p> <p>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</p>	<p>見城市規劃委員會文件第5.12(f)至(j)段</p>

申述要點	規劃署的回應
<p>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。</p> <p>鎖羅盆外的吉澳海位於大鵬灣水質管制區內，與印洲塘海岸公園和鴨洲魚類養殖區非常接近，前者相距約 1 公里，後者相距約 1.5 公里，因此，鎖羅盆擬議的「鄉村式發展」地帶內的化糞池及滲水井系統對水質的影響累積下去，會污染鎖羅盆生態易受影響的生境及附近易受影響的地區，包括印洲塘海岸公園。</p>	
<p><u>B3. 「鄉村式發展」地帶的《註釋》</u></p> <p>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。</p>	<p>見城市規劃委員會文件第 5.12(k)段</p>
<p><u>B4. 對累積影響的評估</u></p> <p>當局沒有調查／評估增建小型屋宇，在環境、排水、景觀及</p>	<p>見城市規劃委員會文件第 5.12(1)及(m)段</p>

申述要點	規劃署的回應
<p>交通各方面會對該區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」的承受力和郊野公園所有「不包括的土地」的整體承受力。</p> <p>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)以配合鎖羅盤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，改善鎖羅盤的基礎設施和其他設施，防止現有的鄉村污染該區。</p>	
<p><b>C. 劃設「綠化地帶」是否足夠的問題</b></p>	
<p>鎖羅盤河的下流已鑑定為「具重要生態價值的河溪」，毗鄰該河上游的「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。「綠化地帶」的真正規劃意向可能並非作保育，因為常有擬在「綠化地帶」發展小型屋宇的申請獲批給規劃許可，日後可能會對該濕地及河岸區造成不能挽救的影響。</p>	<p>見城市規劃委員會文件第5.13(a)至(c)段</p>

申述要點	規劃署的回應
<p><u>「綠化地帶」及「自然保育區」地帶的《註釋》</u></p> <p>為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。</p>	<p>見城市規劃委員會文件第 5.12(k)段</p>
<p><b>D. 生態資料</b></p>	
<p>環保／關注組織提交的申述書載有生態資料,證明該區的保育價值,有關資料的要點撮述如下:</p> <p>(i) 嘉道理農場暨植物園公司的一項研究曾在鎖羅盆錄得共 244 種維管束植物(其中 7 種具保育價值)、1 種具保育價值的蜻蜓、11 種本地魚(其中 3 種具保育價值)、2 種兩棲類動物及 3 種具保育價值的哺乳類動物。</p> <p>(ii) 香港觀鳥會等組織曾在鎖羅盆及附近一帶錄得 38 種雀鳥,當中 10 種具保育價值,包括綠翅金鳩、灰樹鵲和冠魚狗。另外,</p>	<p>備悉。另見城市規劃委員會文件第 5.13(a)段</p>

申述要點	規劃署的回應
<p>在擬議「鄉村式發展」地帶附近的淡水沼澤可找到水蕨，這種植物在中國內地列為「國家二級保護」植物；此外，該處也曾錄得青鱗這種具保育價值的魚。</p> <p>(iii) 在吉澳海可找到管海馬，這個獲國際自然保護聯盟列為易危的物種，現正受到村屋造成的水污染威脅。</p>	
<b>E. 把郊野公園「不包括的土地」指定為郊野公園</b>	
<p>訂立郊野公園「不包括的土地」政策的目的是，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，為「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》。</p> <p>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</p>	見城市規劃委員會文件第5.13(d)及(e)段

申述要點	規劃署的回應
<p>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。</p>	
<p><b>建議(繪圖 H-2 及圖 H-1 a)</b></p>	
<p><b>P3. 局限「鄉村式發展」地帶的範圍</b></p>	
<p>應把「鄉村式發展」地帶的範圍局限於現有的鄉村構築物所在之處／屋地(現有已成頽垣的屋宇四周的 20 米範圍內)和已獲批准興建小型屋宇的地點。</p>	<p>見城市規劃委員會文件第 5.12(a)至(e)段</p>
<p><b>P4. 把鎖羅盆河的上游和支流、沿河地區和毗連的次生林地劃為「自然保育區」地帶</b></p>	
<p>為加強保護鑑定為「具重要生態價值的河溪」的鎖羅盆河下游，應把該河的上游和支流、沿河地區連該河兩岸作為緩衝區的最少 30 米範圍內的地方，以及毗連的林地，由「鄉村式發展」地帶和「綠化地帶」改劃為「自然保育區」地帶。</p>	<p>見城市規劃委員會文件第 5.12(g)至(i)段</p>
<p><b>P5. 把海草床及毗連的紅樹林由「自然保育區」地帶改劃為「具特殊科學價值地點」地帶</b></p>	

申述要點	規劃署的回應
把海草床及旁邊的紅樹羣落由「自然保育區」地帶改劃為「具特殊科學價值地點」地帶。	見城市規劃委員會文件第5.14(j)段
<b>P6. 把郊野公園「不包括的土地」指定為郊野公園</b>	
應把鎖羅盆指定為郊野公園，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限最少一年，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」及非保育地帶改劃為「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5.14(k)段

《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》  
申述要點

申述編號 (TPB/R/S/NE-SLP/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)]
<b>第 1 組</b>	
R1 至 R798、R10736、R10739、R10740、R10741 及 R10748 至 10817	A [P1、P2]
R10737、R10738 及 R10742 至 10747	A [P2]
<b>第 2 組</b>	
R799 至 R3655、R10824、R10833、R10835 及 R10836	B、C、E [P3、P4、P6]
R3656 至 R10542 及 R10847	B、E [P3、P6]
R10543 及 R10819	B、D [P3、P6]
R10544 及 R10545	B、D、E [P3、P6]
R10546、R10845	B、E
R10547 及 R10732	E [P3]
R10548、R10569、R10825、R10853 及 R10854	B [P3、P6]
R10549、R10553 至 R10555、R10558 至 R10568、R10572 至 R10576、R10580、R10581、R10728、R10729、R10735、R10851、R10855 及 R10856	B
R10550、R10578 及 R10579	B、C、E [P3、P6]
R10551、R10552、R10556、R10557、R10588 至 R10727、R10730、R10731、R10826、R10828 至 R10832、R10846、R10849、R10850 及 R10858	B [P3]
R10570	[P6]
R10571、R10577、R10733、R10734、R10842 至 R10844、R10852、R10853 及 R10857	B [P6]
R10582、R10583 至 R10585 及 R10837 至 R10839	B、C [P3、P4、P6]

申述編號 (TPB/R/S/NE-SLP/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)
R10587	B、D、E [P3、P4、P6]
R10818	B、D [P3]
R10820 及 R10821	B、D [P3、P4、P6]
R10822 及 R10856	B [P3、P5]
R10823 及 R10827	B、D
R10834	B、C、D、E [P3、P4、P6]
R10840 及 R10841	B、D [P6]
R10848	B、E [P3]

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
<p><b>第 1 組</b> <b>C3669 至</b> <b>C3676</b></p> <p>(合共 8 份意見書)</p>	<p>這些意見書由原居村民及個別人士提交。他們表示支持 <b>R1 至 R798</b> 及 <b>R10736 至 R10817</b> 的申述，因為這些申述尊重村民及其私人財產，對保存具歷史價值的鄉村十分重要。他們反對 <b>R799 至 R10735</b> 及 <b>R10818 至 R10858</b> 的申述，因為這些申述不尊重村民的私人產權。由於目前監管鄉村發展的規例已足夠，因此無須按環保份子的建議再加其他規例。</p>	<p>見城市規劃委員會文件第 5.12(a)至(e)段</p>
<p><b>第 2 組</b> <b>C1 至 C3655、</b> <b>C3661 及</b> <b>C3677</b></p> <p>(合共 3 669 份意見書)</p>	<p>A. 這些意見書主要由環保／關注組織(包括西貢之友(C3640)、創建香港(C3641))及個別人士提交。他們表示支持申述書編號 <b>R799 至 R10735</b> 及 <b>R10818 至 R10858</b> 提出的反對意見和建議。</p> <p>B. 他們就鎖羅盆分區計劃大綱草圖(下稱「草圖」)所提出的主要意見及建議如下：</p> <p><u>劃設「鄉村式發展」地帶</u> 「鄉村式發展」地帶面積過大，並沒有證據證明有此需要，因為村代表所提供的小型屋宇需求數字根本未經核實，而該區現時亦沒有人口。另</p>	<p>見城市規劃委員會文件第 5.12(a)至(j)段</p>

<p><b>C3656 至 C3660， C3662 至 C3668</b></p>	<p>外，主要的濕地與擴展了的「鄉村式發展」地帶之間並沒有緩衝區相隔。「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，因為村屋所設的化糞池及滲水井系統會造成很大的排污問題，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。最重要的是，當局應檢討小型屋宇政策。</p> <p><u>劃設「綠化地帶」是否足夠的問題</u></p> <p>鎖羅盆河的上游及樹林只劃為「綠化地帶」。對於擬在「綠化地帶」進行的發展，城市規劃委員會通常都會批准。這些「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濕地。</p> <p><u>把郊野公園「不包括的土地」指定為郊野公園</u></p> <p>應把「不包括的土地」納入附近的郊野公園範圍。因此，應把發展審批地區圖的有效期限延長最少一年，以便當局完成把「不包括的土地」納入郊野公園範圍的程序。</p> <p>這些意見書由環保／關注組織(即香港鄉郊基金(C3657))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，理由與上述的相似。</p>	<p>見城市規劃委員會文件第 5.13(a)至(c)段</p> <p>見城市規劃委員會文件第 5.13(d)及(e)段</p> <p>同上</p>
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《註釋》的摘錄(「鄉村式發展」地帶、「綠化地帶」及「自然保育區」地帶的部分)

S/NE-SLP/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 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為經常准許的用途。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為準。
- (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，考慮略為放寬上文(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，包括為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。

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為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，包括為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。

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	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，包括為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。



建議版本

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 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為經常准許的用途。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為準。
- (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，考慮略為放寬上文(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，包括為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。

## 綠化地帶

第一欄  
經常准許的用途

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  
野營地點  
公廁設施  
帳幕營地  
野生動物保護區  
墓地

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

動物寄養所  
播音室、電視製作室及／或電影製作室  
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  
練靶場  
分層住宅  
高爾夫球場  
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  
公用專業設施裝置  
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  
動物園

(請看下頁)

### 規 劃 意 向

此地帶的規划意向，主要是利用天然地理環境作為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

在這份發展審批地區草圖的公告在憲報刊登該日或以後，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，包括為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。

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
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農業用途  
政府用途(只限報案中心/警崗)  
農地住用構築物  
公廁設施  
宗教機構(只限宗祠)  
鄉事委員會會所/鄉公所

動物寄養所  
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)  
屋宇(只限新界豁免管制屋宇，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)  
野餐地點  
康體文娛場所(只限騎術學校、  
休閒農場)  
公用事業設施裝置  
宗教機構(未另有列明者)  
學校  
私人發展計劃的公用設施裝置

規劃意向

此地帶的規劃意向，主要是保存和保護良好的農地/農場，以便作農業用途。設立此地帶的目的，亦是要保存在復耕及作其他農業用途方面具有良好潛力的休耕農地。

備註

在這份發展審批地區草圖的公告在憲報刊登該日或以後，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土/填塘工程，包括為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。這限制並不適用於政府部門事先以書面指示特別要求進行的填土工程，或為下面所列目的而進行的填土工程：

- (i) 為耕種而鋪上厚度不超過 1.2 米的泥土；或
- (ii) 建造已事先獲地政總署發給批准書的任何農用構築物。



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  
郊野學習／教育／遊客中心  
政府用途(只限報案中心／警崗)  
度假營  
農地住用構築物  
野餐地點  
康體文娛場所  
公廁設施  
鄉事委員會會所／鄉公所  
帳幕營地  
  
室內康樂中心  
公園及花園  
小食亭  
划艇中心  
政府垃圾收集站  
船隻停泊處  
碼頭  
直升機升降坪  
水族館  
植物公園  
海上活動中心  
學校  
酒樓餐廳  
零售商店

動物寄養所  
播音室、電視製作室及／或電影製作室  
食肆  
分層住宅  
高爾夫球場

政府用途(未另有列明者)

酒店  
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)

娛樂場所  
私人會所  
公用事業設施裝置  
公眾停車場(貨櫃車除外)  
宗教機構  
住宿機構  
商店及服務行業  
主題公園  
私人發展計劃的公用設施裝置  
動物園

(請看下頁)

### 規劃意向

該地帶的規劃意向，主要是進行康樂發展，為市民提供所需設施，從而促進動靜及／或靜態康樂活動和旅遊／生態旅遊的發展。康樂發展的配套用途，如申請規劃許可，或會獲得批准。

### 備註

- (a) 任何住宅發展(新界豁免管制屋宇除外)不得引致整個發展計劃的最高地積比率超過 0.2 倍及最高建築物高度超過兩層。
- (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，考慮略為放寬上文(a)段所述有關地積比率/建築物高度的限制。
- (c) 在這份發展審批地區草圖的公告在憲報刊登該日或以後，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，包括為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。

## 政府/機構或社區

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
救護站	銀行
食堂	快餐店
診療所／分科診療所	紀念花園
熟食中心	直升機升降坪
教育機構	公眾娛樂場所
展覽或會議廳	私人會所
消防局	雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置
政府垃圾收集站	垃圾處理裝置
政府用途(未另有列明者)	住宿機構
室內康樂中心	酒樓餐廳
街市	零售商店
公園及花園	服務行業
康體文娛場所	污水抽水站
植物苗圃	員工宿舍
運動場	私人發展計劃的公用設施裝置
報案中心／警崗	貨倉／倉庫
警署	抽水站
郵政局	
公廁	
公共圖書館	
公共車輛總站或車站	
公用專業設施裝置	
公眾停車場	
宗教機構	
鄉事委員會會所／鄉公所	
學校	
配水庫	
神龕	
社會福利設施	

規劃意向

此地帶的規劃意向，主要是提供政府、機構或社區設施，以配合當地居民及／或該地區、區域，以至全港的需要；以及是供應土地予政府、提供社區所需社會服務的機構和其他機構，以供用於與其工作直接有關或互相配合的用途。

