城市規劃委員會文件第 **9644** 號
考慮日期：**2014** 年 **4** 月 **28** 日

考慮有關《海下分區計劃大綱草圖編號 S/NE-HH/1》的申述及意見

《海下分區計劃大綱草圖編號 S/NE-HH/1》
考慮申述編號 1 至 10934

申述內容／申述地點	申述人	提意見人
大致支持海下分區計劃大綱草圖(下稱「草圖」)	**總數：4** *個別人士* **R10737 至 R10739 及 R10742**	
大致反對這份草圖，理由包括「鄉村式發展」地帶的面積不足	**總數：808** *村代表及相關團體：* **R10736**：西貢北約鄉事委員會 *個別人士：* **R1 至 R798 、 R10740 、 R10741、R10743 至 R10749**	
大致反對這份草圖，理由包括「鄉村式發展」地帶的面積過大	**總數：10 122** *立法會議員：* **R10543**：陳家洛議員 **R10600**：陳偉業議員 **R10902**：胡志偉議員 *元朗區議員：* **R10910**：黃偉賢先生 *環保／關注組織及相關團體：* **R799**：創建香港 **R10544**：西貢之友 **R10545**：香港大學九名生態學家 **R10578**：自然協會	**總數：3 675** **支持申述書有關「鄉村式發展」地帶面積過大的反對意見(3 658)** *環保／關注組織及相關團體：* **C3640**：西貢之友 **C3641**：創建香港 **C3642**：海下之友 *個別人士／其他團體：* **C1 至 C3639 、**

申述內容／申述地點	申述人	提意見人
	R10605：土地正義聯盟 **R10752**：海下之友 **R10755**：長春社 **R10866**：綠領行動 **R10874**：世界自然基金會香港分會 **R10880**：公共專業聯盟 **R10882**：香港觀鳥會 **R10883**：嘉道理農場暨植物園公司 **R10884**：香港昆蟲學會 **R10885**：環保觸覺 **R10895**：Sea Shepherd Conservation Society **R10912**：海谷中心 *個別人士／其他團體：* **R800 至 R10542、R10546 至 R10577、R10579 至 R10599、R10601 至 R10604、R10606 至 R10735、R10750、R10751、R10753、R10754、R10756 至 R10865、R10867 至 R10873、R10875 至 R10879、R10881、R10886 至 R10894、R10896 至 R10901、R10903 至 R10911、R10913 至 R10934**	**C3643 至 C3655、C3661、C3663 及 C3669** **<u>反對這份草圖(17)</u>** *環保／關注組織及相關團體：* **C3657**：香港鄉郊基金 **C3668**：香港地貌岩石保育協會 *個別人士／其他團體：* **C3656、C3658 至 C3660、C3662、C3664 至 C3667、C3670 至 C3675**
總計	**10 934**	**3 675**

註： 上表所列由立法會議員、區議員、環保／關注組織、村民、相關團體及個別人士提交的申述書和對申述的意見書，以及一些同款的信／電郵的樣本夾附

於**附件 I-1 至 I-33 及附件 II-1 至 II-6**。載列所有申述人及提意見人名稱[1]及他們的申述書和意見書的光碟夾附於**附件 IX(**只提供予城規會委員)。

1. 引言

1.1 二零一三年九月二十七日，城市規劃委員會(下稱「城規會」)根據《城市規劃條例》(下稱「條例」)第 5 條展示《海下分區計劃大綱草圖編號 S/NE-HH/1》，以供公眾查閱。在爲期兩個月的展示期內，共收到 10 934 份申述書。城規會其後公布申述書的內容，爲期三個星期，其間收到 3 675 份意見書。

1.2 二零一四年三月二十八日，城規會決定把申述及意見分爲兩組考慮：

第 1 組

(a) 一併聆訊第 1 組由西貢北約鄉事委員會、村民及個別人士提交的 812 份申述書(**R1 至 R798 及 R10736 至 R10749**)的申述，內容是關於草圖上劃作「鄉村式發展」地帶的土地不足以滿足發展小型屋宇的需求；以及

第 2 組

(b) 一併聆訊第 2 組由立法會議員、區議員、環保／關注組織、相關團體及個別人士提交的 10 122 份申述書(**R799 至 R10735 及 R10750 至 R10934**)的申述及 3 675 份意見書(**C1 至 C3675**)的意見，內容主要是關於「鄉村式發展」地帶的面積過大、發展小型屋宇可能帶來環境問題，影響林地的生境和海下灣海岸公園的海洋生物，以及該區整體的保育問題。

1.3 本文件旨在提供資料，以便城規會考慮這些申述和意見。城規會已根據條例第 6B(3)條，邀請申述人及提意見人出席會議。

[1] 所有申述人及提意見人的名稱載於城規會的網站，網址爲：http://www.info.gov.hk/tpb/tc/plan_making/S_NE-HH_1.html

2. 申述

2.1 四份由個別人士提交的申述書(**R10737 至 R10739 及 R10742**)支持這份草圖劃出土地作小型屋宇發展，以及不把該區納入郊野公園範圍。其餘的申述書(10 930 份)則反對這份草圖，有關意見大致可分爲兩組。

第 1 組

(a) 第 1 組有 808 份申述書(**R1 至 R798 及 R10736、R10740、R10741、R10743 至 R10749**)，主要由西貢北約鄉事委員會、村民及個別人士提交。他們表示「鄉村式發展」地帶的土地不足以應付發展小型屋宇的需求。他們建議把海下路沿路和海下村西面「自然保育區」地帶內的地方及部分的「海岸保護區」地帶改劃爲「鄉村式發展」地帶。

第 2 組

(b) 第 2 組有 10 122 份申述書(**R799 至 R10735 及 R10750 至 R10934**)，主要由立法會議員、區議員、環保／關注組織、團體及個別人士提交。他們主要反對擬議的「鄉村式發展」地帶，理由是此地帶是根據未經核實的小型屋宇需求量而劃，有關數字根本並非實際數字，而且劃設擬議的「鄉村式發展」地帶，會導致林地的生境失去，同時嚴重威脅海下灣海岸公園的海洋生物。因此，他們建議把「鄉村式發展」地帶的範圍盡量縮小，只局限於現有村落，並把騰出來的地方改劃爲「綠化地帶」或「自然保育區」地帶。另外，又建議把有荒置濕農地的擬議「綠化地帶」改劃爲「自然保育區」地帶，以防止出現不適當的土地用途，同時把生態易受影響的海下河與會造成負面影響的發展分隔開。他們亦認爲當局應把郊野公園「不包括的土地」納入郊野公園範圍，以加強對這些土地的發展的管制。

(c) 此外，有 10 份申述書(**R10911 至 R10920**)反對爲海谷中心所劃的「其他指定用途」註明「水上活動康樂

中心」地帶，建議擴大此地帶，把其範圍向北、南和東面加闊五米。

2.2 所提交的申述書很多都是內容相似的同款電郵／信，這些電郵／信的樣本連同西貢北約鄉事委員會、立法會議員、區議員、環保／關注組織及團體所提交的申述書夾附於**附件 I-1 至 I-33**。整套申述書貯存在**附件 IX** 的光碟，以供委員參閱。申述書所指的地點在**圖 H-1a** 顯示。城規會秘書處備有一套申述書的印本，以供委員查閱。**第 1 組**和**第 2 組**的申述及規劃署的回應的摘要，以及表示反對的申述要點分別載於**附件 III-1、III-2 及 III-3**。

申述理據

表示支持的申述

2.3 由四名個別人士提交的申述書**(R10737 至 R10739 及 R10742)**提出的主要理據撮述如下：

(a) 天然環境固然要保護，但也要尊重原居村民興建小型屋宇的權利及土地擁有人的權利。

(b) 該區大部分土地屬私人擁有，不應納入郊野公園範圍。

(c) 小型屋宇需求殷切，因此支持劃設「鄉村式發展」地帶以應所需。

2.4 **第 1 組**也有申述書表示支持這份草圖，認爲有照顧當地村民的需要，而**第 2 組**則有申述書表示支持劃設擬議的「海岸保護區」地帶，認爲劃設此地帶既可保護天然海岸線，也可作爲海下灣海岸公園和鄉村地區之間的緩衝區，另外，也有申述書表示支持把海下村後方(東面和南面)的山坡及該區西部的緩坡上的原生林地劃爲「自然保育區」地帶。

表示反對的申述

2.5 **第 1 組**申述書提出的理據撮述如下：

「鄉村式發展」地帶內沒有足夠的土地

(a) 由於地形上的限制，擬議的「鄉村式發展」地帶內適合發展小型屋宇的土地不足，而擬議的「鄉村式發展」地帶也不夠大，未能滿足日後小型屋宇的需求。

(b) 除須保護海下的環境及在該區提供相關的康樂設施外，亦須充分顧及小型屋宇的發展，務求在保育和發展兩者之間作出平衡。

2.6 **第 2 組**申述書提出的理據撮述如下：

劃設「鄉村式發展」地帶

小型屋宇需求

(a) 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。

(b) 每宗小型屋宇申請都必須附有證明文件，證明申請人有需要建屋自住。此外，也應限制祖傳或繼承得來的鄉村土地的轉讓，盡量使小型屋宇仍由原居村民擁有，不會售予外來人圖利。

(c) 過去 20 年，海下只興建了七幢新屋宇，近年該區的人口也沒大變。「鄉村式發展」地帶內大部分土地已售予私人發展商，最終會變成地產項目。應縮減「鄉村式發展」地帶的面積，避免人們對發展抱有期望。

*對林地環境的影響(**圖 H-1a**)*

(d) 現有村落以西的擬議鄉村擴展範圍(劃作「鄉村式發展」地帶)被次生林地覆蓋，長有爲數頗多的各種成齡樹，包括「鄉村式發展」地帶西面邊緣的細葉榕和一種具保育價值的植物香港大沙葉。根據世界自然基金會提供的資料，除了現有那條鄉村和公廁附近數小塊長滿入侵性植物薇甘菊的土地已受干擾外，該處大部分地方都未受干擾或相對未受干擾。

(e) 發展小型屋宇會令這些林地的生境失去，對該處的天然河流及潮溪更會造成干擾，這些地方是褐魚鴞(本港罕見的物種，在未受干擾和沒有污染的低地河流和潮溪覓食)的覓食地。

(f) 漁農自然護理署(下稱「漁護署」)應對擬議「鄉村式發展」地帶內的地方進行全面的四季生態研究，評估這些地方的生態價值，以及應採取「防患未然」原則，也就是說，在確證環境不受影響前，應假設環境要面對受破壞的威脅。

(g) 政府在劃設「自然保育區」地帶以維護生物多樣性方面，對於不同的郊野公園「不包括的土地」，處理方法並不一致。白腊一些長有香港大沙葉這種具保育價值植物的未成熟原生林地劃爲「自然保育區」地帶，但海下同樣長有香港大沙葉的林地卻劃爲「鄉村式發展」地帶。

(h) 爲免影響現有的林地、附近的天然河流和海岸公園的環境，以及防止這些地方的景觀價值下降，應縮減「鄉村式發展」地帶的範圍，並把未受干擾的林地改劃爲「綠化地帶」。

對海下灣海岸公園環境的影響

(i) 海下灣海岸公園的潮間帶和潮下帶的生物多樣性非常豐富。若按這份草圖的規劃，興建 60 至 90 幢小型屋宇，可預料到在施工期間或之後，必會破壞或割裂天然生境，並會削弱生物多樣性，長此下去，會對當地生態系統的環境構成各種壓力。

(j) 化糞池及滲水井系統僅可作程度最低的污水處理，其排出的污水仍然含極大量營養物、有機物和微生物。要有效減少這些物質，地層情況必須合適，而有關地區的發展密度亦要低。若化糞池及滲水井系統保養不足，加上數目增加，長遠來說，往往未能有效清除污染物。

(k) 海下地區地底表層的沉積物含有透氣和高滲透力的沉澱物(例如沙)，使污水流走得很快。因此，污水雖然經化糞池及滲水井系統處理，但到達大海前仍然淨化得不夠。《專業人士環保事務諮詢委員會專業守則第5/93號》沒有涵蓋海下這個獨特的情況。在擬議的「鄉村式發展」地帶內大量設有化糞池及滲水井系統的村屋所排出的污水和廢水，會嚴重威脅海下灣海岸公園的海洋生物。當局沒有針對污水會累積滲透入海下灣海岸公園／「具特殊科學價值地點」這個問題進行地質評估。

(l) 海下村的情況在香港較爲特殊。這條村有人居住，位處海灘／鑑定爲「具特殊科學價值地點」的海下灣旁邊，有不少康樂活動進行。因此，當局必須參照根據《水污染管制條例》發出的技術備忘錄，訂定化糞池及滲水井系統與沿岸海域之間的法定後移距離(例如須相距100米)，並強制使用以化學劑清理的獨立廁所和廢水處理系統，避免對土壤、河流、濕地和海下灣海洋環境造成污染。

「鄉村式發展」地帶的《註釋》

(m) 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。

對累積影響的評估

(n) 當局沒有調查／評估增建小型屋宇，在環境、排水、景觀及交通各方面會對海下灣有何潛在的累積影響。對於郊野公園「不包括的土地」的用途和可建的小型屋宇數目，當局應作出有根據及負責任的決定，所以事前必須審慎研究個別「不包括的土地」的承受力和西貢東和西貢西兩個郊野公園所有「不包括的土地」的整體承受力。

(o) 當局也沒有定下任何計劃改善基礎設施(例如排污、道路、泊車位及公共交通設施)以配合海下的新發展和該區遊人的需要。當局應擬備鄉村發展藍圖及定出公共

工程計劃，改善海下的基礎設施和其他設施，防止現有的鄉村污染海下灣。

劃設「綠化地帶」是否足夠的問題

(p) 海下河的上游已指定爲「具重要生態價值的河溪」。由於毗鄰該河下游的擬議「綠化地帶」也具重要的生態價值[2]，所以應劃作「自然保育區」地帶或「海岸保護區」地帶。「綠化地帶」的真正規劃意向可能並非作保育，因爲常有擬在「綠化地帶」發展小型屋宇的申請獲批給規劃許可，日後可能會對濕地及沿河地區造成不能挽救的影響。

(q) 據於二零一二年五月及二零一三年八月實地觀察所見，流入那些荒廢濕農地的水來自海下河，另有一條小河在規劃署擬備的地圖中沒有顯示。另據最近實地視察所見，該濕地仍然有水淹浸着，並錄得本港罕見的草本植物雞冠苞覆花。由於該濕地的水文系統與海下灣海岸公園相連，所以任何流入該濕地的污染物都會流進該海岸公園，而日後進行的任何發展，亦會影響上述的罕見植物。

(r) 沒有劃出 30 米闊的走廊，化糞池及滲水井排出的污水透過地下水流入海下河的可能性會增加，影響所及，會對該河以至海下灣海岸公園造成污染。

「綠化地帶」、「自然保育區」地帶和「海岸保護區」地帶的《註釋》

(s) 爲免有人在申請更改土地用途前破壞環境易受影響的土地的生態(例如假意進行農業活動)，不應容許在「自然保育區」地帶、「海岸保護區」地帶和「綠化地帶」內發展「農業用途」、「農地住用構築物」、「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」，或應把這些用途列於第二欄，規定要向城規會取得規劃許可才能發展。

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[2] 該處是褐魚鴞的覓食地，也是降海迴游物種(即遷棲於淡水天然水道及海洋之間的物種)的往來走廊；沿河地區有三線閉殼龜(金錢龜、金頭龜、紅肚龜)，另海下河兩岸有具保育價值的野生紅杜鵑。

資料不全且有誤導成分

(t) 用以劃定「鄉村式發展」地帶和「綠化地帶」及海下灣海岸公園和「具特殊科學價值地點」範圍的資料(包括地圖)內容不全，且含有誤導成分。有關地圖沒有反映過去三十年來海岸侵蝕的作用。當局應使用最新的地圖，以高潮線來準確顯示海灘現時的範圍，以及據之劃設「海岸保護區」地帶。

(u) 在擬議的「鄉村式發展」地帶和「綠化地帶」內，有一個河流和相關濕地的網絡。網絡中各小河流向一片濕地，再流向一大河，然後直接流入海下灣。該處的水文系統與海下河分開，當局有必要於七月至八月間進行全面勘查，蒐集潮濕季節的水文數據。

(v) 漁護署提供的生態資料並不足夠，特別是沒有就擬議的「鄉村式發展」地帶和「綠化地帶」進行妥善的調查，亦未有視海下河爲天然資源及環境易受影響的地方而予以應有的重視[3]。

把郊野公園「不包括的土地」指定爲郊野公園

(w) 訂立郊野公園「不包括的土地」政策的目的，是要保護「不包括的土地」免因「不協調的發展」(例如在農地及樹林和河流附近發展大量新的小型屋宇)而面臨「即時的發展威脅」。可是，爲「不包括的土地」而制訂的大部分分區計劃大綱圖卻擴展「鄉村式發展」地帶的範圍，使這些土地面臨大規模的「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》。

(x) 從生態、景觀和康樂的角度而言，郊野公園「不包括的土地」與毗連的郊野公園緊密相連，所以應納入郊野公園範圍，這樣，各項發展便須經郊野公園及海岸公園委員會及漁護署審批，而當局亦會着力管理，包

[3] 香港觀鳥會等組織曾在海下及附近一帶錄得97種雀鳥。此外，海下也曾錄得超過50種蝴蝶和326種蛾，其中一種蛾更是海下首次錄得的品種。海下河兩岸也發現有具保育價值的野生紅杜鵑。另有調查找到超過450個物種，包括8個具保育價值的物種(180個植物品種(包括土沉香)、139個昆蟲品種、50個節肢類品種、2個兩棲類品種及3個爬蟲類品種)。

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。

建議

第 1 組

2.7 **第 1 組**申述書提出的建議主要是關於擴大「鄉村式發展」地帶，撮述如下(**繪圖 H-1 及圖 H-1a**)：

(a) 該區西部現時劃作「自然保育區」地帶的土地可用作水上活動康樂中心及漁護署建議的海岸公園遊客中心，應把該處改劃爲「鄉村式發展」地帶作小型屋宇發展。

(b) 擬議的「海岸保護區」地帶內有大量私人土地，應把之改劃爲「鄉村式發展」地帶。

(c) 由於「鄉村式發展」地帶內大部分土地現時已有村屋，把現時海下路沿路的部分「自然保育區」地帶改劃爲「綠化地帶」，可讓村民日後有機會提出規劃申請，發展小型屋宇。

第 2 組

2.8 **第 2 組**申述書提出的建議主要是關於局限「鄉村式發展」地帶的範圍，以及爲海下河及海下灣海岸公園劃設緩衝區，撮述如下(**圖 H-1a**)：

(a) 應把「鄉村式發展」地帶的範圍局限於現有構築物所在之處／屋地，而鄉村擴展的範圍亦應規劃在生態價值較低的地區。另應把擬議的「鄉村式發展」地帶的西部改劃爲「自然保育區」地帶或「綠化地帶」，以保護林地及海下灣。

(b) 應把現有的鄉村及建議的鄉村擴展範圍劃爲「綜合發展區」地帶，並對擬在地帶內進行改善及發展計劃的申請作出規劃限制，確保對環境的潛在影響得到妥善

處理。另可考慮與村民換地，使村中央的土地可騰出來闢設配套設施(例如遊樂場)，而東面及南面的政府土地則可用來發展小型屋宇(**繪圖 H-3**)。

(c) 爲把生態易受影響的海下河及海下灣海岸公園與不適當的土地用途／發展分隔開，應把「綠化地帶」改劃爲最少 30 米闊的「自然保育區」地帶，才能保護海下河免受可能發展的小型屋宇的影響(**繪圖 H-2**)；而「海岸保護區」地帶的範圍亦應涵蓋距離岸邊至少 30 米的地方，作爲緩衝區，保護海岸線。

(d) 應把海下指定爲郊野公園，以保護生態易受影響的地方，另應把發展審批地區圖的有效期延長最少一年，以便進行所需的程序。在此期間，應把「鄉村式發展」地帶、「綠化地帶」及非保育地帶改劃爲「未決定用途」地帶，以保護該區的天然環境。

2.9 由海谷中心及個別人士提交的 **R10911 至 R10920** 申述書所載的建議是關於擴展「其他指定用途」註明「水上活動康樂中心」地帶，把其範圍向北、南和東面加闊五米，以便按照契約條件的規定，護理該中心周邊的植物；以及把連接海下路與海谷中心的行人徑改劃爲「其他指定用途」地帶或「政府、機構或社區」地帶，以方便維修保養該行人徑(**繪圖 H-4**)。

3. 對申述的意見

3.1 在所收到的 3675 份意見書中，有 3658 份(**C1 至 C3655、C3661、C3663 及 C3669**)由環保／關注組織及個別人士提交，其中包括創建香港(**C3641**)、西貢之友(**C3640**)及海下之友(**C3663**)。他們表示支持第 2 組申述書所提出的反對意見和建議，理由與該組申述書所述的相似。

3.2 其餘 17 份意見書(**C3656 至 C3660、C3662、C3664 至 C3668 及 C3670 至 C3674**)由環保／關注組織(即香港鄉郊基金(**C3657**)和香港地貌岩石保育協會(**C3668**))及個別人士提交。他們並沒有指明其意見與哪項申述有關，但大致反對這份草圖。

3.3 對申述的意見及規劃署的回應的摘要載於**附件 IV**，而所有經提交的意見書則貯存於**附件 IX** 的光碟，以供委員參閱。

4. 背景(圖 H-1、H-2 及 H-3)

擬備海下發展審批地區圖

4.1 二零一零年九月一日，發展局局長行使行政長官所授予的權力，根據條例第 3(1)(b)條指示城規會爲海下地區擬備一份發展審批地區圖。

4.2 二零一零年九月三十日，城規會根據條例第 5 條，展示《海下發展審批地區草圖編號 DPA/NE-HH/1》，以供公眾查閱。在草圖展示期內，收到合共 18 份申述書。二零一零年十二月十日，城規會公布申述書的內容，讓公眾提出意見。在公布期的首三個星期內，並無收到意見書。城規會於二零一一年四月八日考慮 18 份申述書的內容後，決定不順應有關申述及不建議修訂發展審批地區草圖。

4.3 二零一一年十月四日，行政長官會同行政會議根據條例第 9(1)(a)條核准海下發展審批地區草圖，核准圖其後重新編號爲 DPA/NE-HH/2。二零一一年十月十四日，城規會根據條例第 9(5)條，展示《海下發展審批地區核准圖編號 DPA/NE-HH/2》，以供公眾查閱。

擬備海下分區計劃大綱圖

4.4 二零一三年一月十一日，發展局局長行使行政長官所授予的權力，根據條例第 3(1)(a)條指示城規會擬備涵蓋海下地區的分區計劃大綱圖。二零一三年六月二十八日，城規會初步考慮海下分區計劃大綱草圖，同意要微調「鄉村式發展」地帶的界線，才適宜把這份草圖提交大埔區議會和西貢北約鄉事委員會進行諮詢。微調界線的原則包括要把荒廢的濕農地剔出「鄉村式發展」地帶；要有一個距離海下河 20 米的緩衝區；以及要依地形上的景物及稻田的界線而劃定。二零一三年七月十二日，城規會備悉海下分區計劃大綱草圖上經修訂的「鄉村式發展」地帶的界線。

4.5 規劃署於二零一三年七月諮詢大埔區議會及西貢北約鄉事委員會。雖然他們表示讚賞當局回應他們所關注的問題，在分區計劃大綱草圖上劃設了「鄉村式發展」地帶，但認爲地帶的面積不足以應付未來的需求，因爲地帶內的土地只能應付未來 10 年 68%左右的小型屋宇需求，而且地帶內可作小型屋宇發展的政府土地太少。爲應付未來 10 年的小型屋宇需求，有關的村代表建議把「鄉村式發展」地帶的範圍向西擴展，涵蓋目前建議劃爲「自然保育區」地帶的地方。

4.6 規劃署於二零一三年八月與村民／居民會面，另外亦收到嘉道理農場暨植物園公司、區內關注組織[4]及個別人士的意見。村民擔心擬議用作擴展「鄉村式發展」地帶的土地大部分屬發展商所有，未必可以供他們興建小型屋宇。環保／關注組織及居民則支持劃設「自然保育區」地帶及「海岸保護區」地帶，但認爲「鄉村式發展」地帶的面積太大，「綠化地帶」日後亦很可能會進行發展，所以「鄉村式發展」地帶的範圍應局限在現有村落，並應把海下指定爲郊野公園。

4.7 二零一三年九月十三日，規劃署把海下分區計劃大綱草圖連同從大埔區議會、西貢北約鄉事委員會、村民、環保／關注組織及市民所收到的意見，提交城規會以作進一步考慮。城規會備悉有關的意見，並同意這份分區計劃大綱草圖適宜展示予公眾查閱。二零一三年九月二十七日，城規會根據條例第 5 條，展示《海下分區計劃大綱草圖編號 S/NE-HH/1》，以供公眾查閱。二零一三年十月及十一月，規劃署諮詢西貢北約鄉事委員會及大埔區議會，兩會大致反對這份分區計劃大綱草圖，並認爲政府漠視當地村民的訴求及私人土地擁有人的權利，又認爲政府應設置公共污水渠或公共污水收集系統，以配合當地村民所需。

4.8 西貢北約鄉事委員會**(R10736)**其後提交了申述書，表示反對這份計劃大綱草圖。

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[4] 區內關注組織包括海下之友及海下灣行動小組。

5. 規劃考慮因素及評估

申述地點及周邊地區(圖 H-1、H-2 及 H-3)

5.1 申述地點遍及草圖整個規劃區(**圖 H-1a**)。

規劃區

5.2 規劃區(下稱「該區」)所涵蓋的總面積約爲 8.45 公頃，位於西貢半島北岸，可乘車經海下路前往。海下三面被西貢西郊野公園包圍，餘下的北面則向着景色怡人的海下灣。海下灣是指定的海岸公園，亦是「具特殊科學價值地點」。該區的西北面邊界毗連一條大石澗。該區的界線在草圖上以粗虛線顯示(**圖 H-1**)。

5.3 該區主要有林地、村屋、沙灘及休耕農地。位於該區中部的海下村是該區唯一的認可鄉村，建有大約 30 幢屋宇和兩座祠堂。當中有部分屋宇的地面一層開設了士多。漁護署的海下灣海岸公園護理員站崗設於其中一幢屋宇的地面一層，於周末爲遊客舉辦導賞團。根據二零一一年人口普查的資料，該區的總人口約爲 110。

5.4 漁護署署長表示，在該區及毗連的西貢西郊野公園所錄得的動植物多屬到處可見的普通品種。雖然該區陸上生境的生物多樣性不算特別豐富，但位於海下村後方(東面和南面)的山坡及該區西端緩坡上的原生林地，卻頗具天然特色，並與西貢西郊野公園廣闊的綠林在生態上緊密相連。有記錄顯示這些林地有土沉香、香港大沙葉和巢蕨等受保護的植物，東部的林地更有罕見的植物品種，包括大果巴戟和大血藤。記錄亦顯示，該區或附近一帶有若干具保育價值的動物品種，包括黑斑陀弄蝶(僅在西貢發現的罕有蝴蝶品種)、金裳鳳蝶(具保育價值的罕有蝴蝶品種)和裳鳳蝶(不常見的受保護蝴蝶品種)，以及穿山甲(分布範圍有限的瀕危受保護動物)。

5.5 該區西部介乎西端的原生林地與海下村之間的地方大都是荒廢農地，這些農地有些位於緩坡上，坡上是一片已受干擾的未成熟林地；有些則位於低窪地，長滿雜草。海下路由西向東到海下村的村口止，北邊沿路有一個私營水上活動／康樂

中心(海谷中心)、一個公廁和一個垃圾收集站。該水上活動／康樂中心由一個非牟利的宗教團體營辦，至今已設立超過三十年。該中心用地以短期租約形式批租。

5.6 「海下具考古研究價值地點」、海下古徑及海下石灰窰是區內的文物古蹟，出土的文物有史前的陶器碎片，以及唐代、明代和清代時期的石器及陶瓷碎片。海下石灰窰揭示了香港其中一種最古老的工業，當時人們用蠔殼或珊瑚骨來提煉石灰，作爲建材及用於農業。這個曾經在海下灣地區很興盛的工業反映了區內珊瑚羣落的歷史和壽命。以石塊鋪築的海下古徑的起點在海下村，原先是連接鄰近各村的通道。

規劃意向

5.7 該區的整體規劃意向，是保存該區的自然景觀和保育價值，以及保護該區的自然鄉郊環境及文化遺產，同時預留土地，以供日後海下的原居民鄉村發展小型屋宇之用。

5.8 「鄉村式發展」地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要預算供原居村民興建小型屋宇之用。設立此地帶的目的，亦是要把鄉村式發展集中在地帶內，使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經濟效益。在新界豁免管制屋宇的地面一層，有多項配合村民需要和鄉村發展的商業和社區用途列爲經常准許的用途**(附件 V)**。

5.9 「其他指定用途」註明「水上活動康樂中心」地帶的規劃意向，是反映該區西部的土地的現有用途，即現時位於海下路北面的一個水上活動康樂中心(「海谷中心」)**(附件 V)**。

5.10 「綠化地帶」的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展，並提供土地作靜態康樂場地。根據一般推定，此地帶不宜進行發展**(附件 V)**。

5.11 「自然保育區」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，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。**(附件 V)**。

5.12 「海岸保護區」地帶的規劃意向，是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，包括具吸引力的地質特色、地理形貌，或在景觀、風景或生態方面價值高的地方，而地帶內的建築發展，會維持在最低水平。此地帶亦可涵蓋能作天然保護區的地方，以防護鄰近發展，抵抗海岸侵蝕的作用。根據一般推定，此地帶不宜進行發展**(附件 V)**。

5.13 在「綠化地帶」、「自然保育區」地帶和「海岸保護區」地帶內，如未取得城規會的許可，不得進行任何河道改道、填土／填塘或挖土工程；而在「鄉村式發展」地帶內，任何河道改道或填塘工程必須取得城規會的許可才可進行**(附件 V)**。

對申述理據及申述人的建議的回應

<u>表示支持的申述</u>

5.14 備悉表示支持的四份申述書**(R10737 至 R10739 及 R10742)**的意見。

<u>表示反對的申述</u>

<u>劃設「鄉村式發展」地帶</u>

5.15 關於「鄉村式發展」地帶的界線，當地村民、西貢北約鄉事委員會及大埔區議會認爲劃作「鄉村式發展」地帶的土地不足以應付小型屋宇需求。另一方面，環保／關注組織及不少個別人士則認爲「鄉村式發展」地帶的範圍太大，特別是被林地覆蓋的西部，因爲有關範圍是根據未經核實的小型屋宇需求量而劃，有關數字根本不是實際數字，而且劃設這樣大的「鄉村式發展」地帶，並未有顧及林地的高生態價值，以及對海下灣海岸公園環境的潛在負面影響。

5.16 在擬備這份草圖及各土地用途建議時，已特別關注到要保護該區具重要生態和景觀價值的地方，亦考慮過西貢西郊野公

園和海下灣海岸公園更廣大的自然系統。規劃署經徵詢相關的政府部門(包括漁護署及規劃署總城市規劃師／城市設計及園境)的意見後，已劃設保育地帶，即「自然保育區」地帶、「海岸保護區」地帶及「綠化地帶」，涵蓋具重要生態及景觀價值而須通過法定規劃大綱予以保護的地方(例如原生林地、天然海岸線及石澗)。這三個保育地帶佔地合共約 5.6 公頃，佔這份草圖所涵蓋的土地(8.45 公頃)約 66%。

5.17 不過，該區有一條認可鄉村海下村。爲應付當地原居村民對小型屋宇的需求，在劃出須予保育的地方後，實有必要在合適的地點劃設「鄉村式發展」地帶。「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的。所預測的小型屋宇需求量僅是考慮擬議的「鄉村式發展」地帶時所參考的眾多資料之一。

5.18 當局明白由原居民代表向地政總署提供的小型屋宇需求預測數字，或會隨時間及基於不同理由而轉變，例如人口的變化(出生／死亡)，以及現時居於村外(包括本地及海外)的原居村民日後是否希望回海下居住。當局採用了逐步增加的方式，藉此把小型屋宇的發展局限在現有村落毗鄰適當的地點。這份草圖所劃的「鄉村式發展」地帶，其面積約有 2.6 公頃，較海下村的「鄉村範圍」(約 2.92 公頃)小約 11%，可提供土地興建約 64 幢屋宇，滿足日後約 68%的需求(**表 1**)。

表 1

二零一二年的小型屋宇需求數字		**「鄉村範圍」的面積 (公頃)**	**草圖上「鄉村式發展」地帶的面積 (公頃)**	**應付需求 (94 幢屋宇)所需的土地 (公頃)**	**可供應付需求的土地 (公頃)**	**可供使用的土地所能應付的需求的百分比(%)**
尚未處理的申請涉及的的需求	**預測未來 10 年的需求 (二零一三至二二年)**					
15[5](10)	84	2.92	2.60	2.35	1.60 (64 幢屋宇)	68

[5] 這15宗申請中，有五宗已獲城規會批給規劃許可。

5.19 申述人，特別是環保／關注組織，蒐集了大量支持其申述的資料[6]，以證明擬議「鄉村式發展」地帶的西部是未受干擾的次生林地，有爲數頗多的成齡樹及具保育價值的植物品種，而且與毗連的「自然保育區」地帶及「綠化地帶」的生態緊密相連。「鄉村式發展」地帶西部邊緣更發現有一組成齡樹，包括細葉榕，另外，該地帶還有一種具保育價值的植物香港大沙葉。因此，他們認爲該林地應剔出擬議的「鄉村式發展」地帶，劃作保育地帶，例如「自然保育區」地帶及「綠化地帶」，加以保護。

5.20 根據漁護署提供的資料，擬議「鄉村式發展」地帶西部的林地長滿樹木。這些樹木是在荒廢農地上經自然更替再生出來。與海下東面、南面及西端那些與郊野公園範圍內的林地連成一體的成熟林地相比，這片在「鄉村式發展」地帶內的林地由於鄰近現有的鄉村，所以在某程度上相對未成熟及已受干擾。

5.21 規劃署審視過最新的證據，另根據漁護署的意見，認爲申述人提出的某些建議有可取之處。爲盡量減少對現有天然環境(包括濕地及海下灣)的負面影響，可考慮順應這些申述的部分內容，修訂「鄉村式發展」地帶的界線，剔出當中西部相對未受干擾且有具保育價值植物品種的林地，並把之連同毗鄰的「綠化地帶」改劃爲「綠化地帶(1)」(**圖 H-5 及 H-6**)。

5.22 建議劃設「綠化地帶(1)」，是爲了對有關的林地及濕農地作出更高程度的保護，同時提供彈性，使地帶內可發展一些必要的用途(例如「墓地」及「鄉事委員會會所／鄉公所」)，以配合當地村民的需要。在此地帶內，只有那些有需要進行以助保存區內現有天然景觀、生態特色或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。另外，在此地帶內，只可以重建現有的新界豁免管制屋宇及翻建現有的構築物，不得發展新的小型屋宇。

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[6] 「鄉村式發展」地帶西部有爲數頗多的各種成齡樹，包括西部邊緣的細葉榕、一種具保育價值的植物香港大沙葉、相對未受干擾的林地及一個連接「綠化地帶」的濕地的河流網絡。

漁護署認爲，從自然保育的角度而言，把有關的林地及濕地劃爲「綠化地帶(1)」，做法恰當(**圖 H-4、H-5 及 H-6**)。

5.23 修訂後的「鄉村式發展」地帶，土地面積會由 2.6 公頃縮減至 1.95 公頃，約可興建 40 幢新的小型屋宇，能滿足 43%的小型屋宇需求(**表 2**)，而原來的「鄉村式發展」地帶則能滿足 68%的小型屋宇需求(**表 1**)。

表 2

二零一二年的小型屋宇需求數字		「鄉村範圍」的面積 (公頃)	草圖上「鄉村式發展」地帶的面積 (公頃)	應付需求 (94 幢屋宇) 所需的土地 (公頃)	可供應付需求的土地 (公頃)	可供使用的土地所能應付的需求的百分比(%)
尚未處理的申請涉及的需求	預測未來 10 年的需求 (二零一三至二二年)					
15[7](10)	84	2.92	1.95	2.35	1.02 (40 幢屋宇)	43

5.24 爲應付日後的小型屋宇需求，規劃署檢視了該區的土地，期能找到有潛力作小型屋宇發展的合適地點。經徵詢漁護署的意見後，規劃署在村落的東面物色到一幅政府土地。該幅土地相對平坦，大部分地方長滿小樹、灌木及草，面積約爲 0.25 公頃，建議把之由「自然保育區」地帶改劃爲「綠化地帶」，以反映其現時的景觀特色。「綠化地帶」內並非不可以發展小型屋宇，如提出申請，城規會可按個別情況作出考慮(**圖 H-4、H-5、H-6 及附件 VI**)。

小型屋宇需求

5.25 如上文第 5.17 及 5.18 段所述，所預測的小型屋宇需求量僅是考慮擬議的「鄉村式發展」地帶時所參考的眾多資料之一。雖然在規劃階段並無機制可核實有關數字的依據，但相

[7] 這15宗申請中，有五宗已獲城規會批給規劃許可。

關地區的地政專員審批小型屋宇申請時，會核實小型屋宇申請人的身分。

對海下灣海岸公園環境的影響

5.26 海下灣的生態價值是眾所公認的，亦是擬備這份草圖一個重要的考慮因素。正如這份草圖的《說明書》第 7.1.1 段所述，「該區風景優美，景觀價值高，與周遭西貢西郊野公園和海下灣海岸公園的自然美景互相輝映。該區的天然景致與海岸環境及西北面石澗沿岸的地方均值得保育，而鄉村發展的規模亦應與這種鄉郊格局和四周景致互相配合。因此，不建議鄉村發展的範圍擴展至與西貢西郊野公園生態緊密相連的原生林地及海下灣海岸公園附近的海岸」。當局已劃設根據一般推定不宜進行發展的保育地帶，包括「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶，涵蓋具重要生態及景觀價值的地方，務求通過法定規劃大綱，保護海下的天然環境，以及與其生態緊密相連的西貢西郊野公園和海下灣海岸公園。

5.27 由於該區現時沒有污水渠，當局亦未有計劃爲該區鋪設公共污水渠，因此在「鄉村式發展」地帶發展的小型屋宇須使用原地設置的化糞池及滲水井系統排污。在地政總署處理小型屋宇的申請時，相關部門(包括環境保護署(下稱「環保署」)、渠務署、水務署、漁護署及規劃署)會考慮小型屋宇的排污(包括化糞池及滲水井系統)問題。排污工程的安排須符合相關政府部門的規定。

5.28 正如這份草圖的《說明書》第 9.1.5 段所述，根據現行做法及環境運輸及工務局技術通告(工務)第 5/2005 號的規定，如發展計劃／方案可能影響天然溪澗／河流，負責批核和處理發展計劃的當局須徵詢和收集漁護署和相關當局的意見。根據《香港規劃標準與準則》第九章第 5.2.8 節，在人口少的鄉郊地區使用化糞池這一方法處理和排放污水是准許的。爲保護海下灣海岸公園的水質，發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，例如環保署的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護署評核的排水渠工

程計劃」。環保署的《村屋污水排放指南》亦有載述如何操作和維修保養化糞池(例如清除淤泥的方法)。

5.29 據環保署表示，在決定某地點是否適合建造化糞池處理和排放污水時，須考慮該地點特有的情況，如滲濾試驗結果、是否接近河流／溪澗、地下水位的深度、地形及洪泛風險等。這些關於個別地點特有情況的資料是非常重要的，尤其有些情況是，即使同一地點，泥土特性(例如泥土結構)也有很大差異。滲濾試驗是《專業人士環保事務諮詢委員會專業守則第 5/93 號》所訂明的其中一項規定。認可人士必須按規定進行試驗，以確定泥土的吸收力，從而定出化糞池可達的負荷量。這項試驗可讓相關各方確定泥土的情況是否合適，能讓化糞池妥善運作，有效處理和排放污水。因此，在評估擬議的化糞池及滲水井系統是否可以接受時，會考慮海下個別地點的特有情況。

5.30 該《專業人士環保事務諮詢委員會專業守則》亦訂有一些關於化糞池的設計標準，包括泥土滲濾試驗、化糞池與特定水體(如地下水位、河溪、海灘等)之間相隔的距離，以及建築物之間相隔的距離。這些規定有助鑑定何種地層狀況適宜建造化糞池，並在一定程度上限制了屋宇的密度。環保署的《村屋污水排放指南》亦有載述如何操作和維修保養化糞池(例如清除淤泥的方法)。

5.31 城規會審議這份草圖時，已考慮所有相關的規劃因素，包括相關政府部門和公眾的意見。對於擬議的「鄉村式發展」地帶，運輸署和路政署曾從交通運輸基礎設施的角度考慮，但都沒有提出問題。

5.32 地政總署在處理小型屋宇申請時，會諮詢相關的部門，包括環保署、漁護署、運輸署、渠務署、水務署、消防處(關於緊急車輛通道的問題)、土木工程拓展署(關於斜坡問題)及規劃署，確保所有相關部門都有充分機會覆檢申請，並就申請提出意見。漁護署亦一直有密切監察海下灣海岸公園的水質。至於發展計劃／方案的原地化糞池系統，地政總署會規定申請人要符合相關的標準與規例，例如《專業人士環保事務諮詢委員會專業守則第 5/93 號》。

草圖的《註釋》

5.33 由於「鄉村式發展」地帶的規劃意向是提供土地作興建新界豁免管制屋宇之用，所以把新界豁免管制屋宇列於此地帶的土地用途表第一欄，做法恰當。至於申述人所提出的其他改動，

(a) 從農業發展的角度而言，漁護署對有關把各保育地帶的土地用途表中的「農業用途」和「農地住用構築物」改列於第二欄的建議[8]有所保留，因爲這樣會對農業有所限制，長遠來說，會窒礙農業發展。此外，漁護署表示，任何涉及河道改道、填土／填塘或挖土的工程，如可能對天然環境有負面影響，均須取得城規會的許可才能進行。考慮到上述的因素，漁護署同意並無有力的理據要對相關地帶的土地用途表第一欄用途施加更嚴格的管制。

(b) 「燒烤地點」和「野餐地點」是指由政府營運的設施，不包括私人擁有及／或商營的地點；「公廁設施」是指符合《公眾衞生及市政條例》(132 章)第 2 條的涵義的廁所，以及由政府保養、管理和監管並提供予公眾使用的浴室；「帳幕營地」則是指供公眾紮營作臨時宿處以便作康樂或訓練用途的地方，而此設施也是由政府指定的。漁護署認爲，在這些設施進行的活動未必對易受影響的生境有很大的負面影響，因此並無有力的理據要把「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的土地用途表中這些用途列於第二欄。

(c) 地政總署處理小型屋宇的申請及有關「食肆」和「商店及服務行業」的申請時，會徵詢相關部門的意見，確保所有相關的部門均有充分機會覆檢申請，並就申請提出意見。此外，根據《公眾衞生及市政條例》(第 132 章)的規定，倘在處所內經營食物業，必須向食物環境衞生署申領食物業牌照。該署會確定有關處所符合所訂明的衞生標準、建築物結構安全規定、消防安

[8] 一些申述人建議從所有地帶的土地用途表刪去有關用途。

全規定、契約條件和規劃限制，才發出牌照。因此，並無有力的理據要把「鄉村式發展」地帶的土地用途表中的「新界豁免管制屋宇」、「食肆」和「商店及服務行業」列於第二欄。

5.34 對**第 2 組**申述書提出的其他個別理據的回應撮述如下：

劃設「綠化地帶」是否足夠的問題及把距離海下河 30 米的範圍劃爲緩衝區

(a) 在規劃署草擬這份草圖時，漁護署提出的意見着眼於保存保育價值高的生境，多於個別具保育價值的物種的記錄。重要的生境如原生的成熟林地及海下河沿河地區，爲多個物種提供合適的棲息和生長地，這些地方都已劃爲保育地帶。這些生境普遍育有多樣具保育價值的物種。

(b) 漁護署認爲，把有關土地劃爲擬議的「綠化地帶」是恰當的，因爲該處的林地是由荒廢農地演變而成的未成熟林地，而且相對已受干擾，而該處的石澗亦非「具重要生態價值的河溪」。不過，爲盡量減低對現有的天然環境(包括濕地和海下河)可能造成的負面影響，可考慮順應申述的部分內容，把「綠化地帶」改劃爲「綠化地帶(1)」，這樣既可提升對有關濕地的保護程度，同時可提供彈性，使地帶內能發展一些必要的用途，配合當地村民所需。漁護署認爲，從自然保育的角度而言，把「綠化地帶」改劃爲擬議的「綠化地帶(1)」，做法恰當，因爲新的「綠化地帶(1)」與林地可合成一個更廣闊的緩衝區，分隔開鄉村、海下灣海岸公園和海下河(**圖 H-4、H-5 及 H-6**)。

資料不全且有誤導成分

(c) 據漁農署表示，海下灣海岸公園的界線是參照但並非依足高水位線而劃的，而在劃定該海岸公園的範圍時，亦考慮了海岸線的生態特點。爲加強保護海岸的生態，特把海下的海灘和沙丘劃入該海岸公園的範圍。海下灣海岸公園經刊憲的界線於一九九六年根據

《海岸公園條例》獲批准，此後一直沒有改變。這份草圖所涵蓋的地區，其北面的界線與海下灣海岸公園的界線吻合，兩者之間並無空隙。

(d) 在擬備這份草圖及各土地用途建議時，已考慮各方面的因素，包括保育及自然景觀、生態價值、景觀特色、交通、基礎設施和公用事業設施，亦已徵詢各持份者和相關政府部門的看法和意見。這份草圖並非依據測量圖來擬備，只是採用其地圖數據而已。

把郊野公園「不包括的土地」指定爲郊野公園

(e) 《二零一零至一一年度施政報告》宣布，政府承諾把其餘 54 幅「不包括的土地」劃入郊野公園範圍，或透過法定規劃程序確立合適用途，以照顧保育和社會發展需要。由法定圖則保護的郊野公園「不包括的土地」，其整體規劃意向是保存區內的自然景觀和保育價值，以及保護區內的自然鄉郊環境，同時容許現有認可鄉村的原居村民在區內發展小型屋宇。

(f) 根據《郊野公園條例》(第 208 章)，把某地方指定爲郊野公園，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責。

5.35 對於申述書提出的建議，回應如下：

第 1 組

把「自然保育區」地帶改劃爲「鄉村式發展」地帶及「綠化地帶」

(a) 據漁護署表示，擬設的海下灣海岸公園遊客中心位於西貢西郊野公園的範圍內，但在這份草圖的涵蓋範圍外。該區西部和海下路沿路的「自然保育區」地帶有相對未受干擾而值得保存的原生林地，這片林地與毗連的西貢西郊野公園延綿相連。漁護署表示，從自然保育的角度而言，劃設該「自然保育區」地帶，做法恰當。

把「海岸保護區」地帶改劃爲「鄉村式發展」地帶

(b) 「海岸保護區」地帶[9]所涵蓋的地方有紅樹林、與紅樹林伴生的植物和後灘植物，毗鄰就是海下灣海岸公園。劃設該「海岸保護區」地帶是必要的，可以此地帶作爲緩衝區，分隔開鄉村地區和海下灣海岸公園。

第 2 組

劃設「綜合發展區」地帶

(c) 在擬備這份草圖的過程中，城規會已就劃設「綜合發展區」地帶的建議進行詳細的討論。現時建議在該區劃設的用途地帶，是根據各不同地點在生態和景觀上的價值及其是否適宜作小型屋宇發展而劃的，目的是提供清晰的規劃意向及作出保護。爲加強規劃限制或保護環境而把鄉村地區劃作「綜合發展區」地帶，做法並不恰當。

「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方

(d) 漁護署表示，從自然保育的角度而言，所劃的「海岸保護區」地帶已經恰當，可發揮緩衝作用，隔開鄉村與海下灣海岸公園。若把「海岸保護區」地帶的範圍進一步向內陸擴展，便會侵進現有的鄉村。

把郊野公園「不包括的土地」指定爲郊野公園

(e) 根據《郊野公園條例》(第 208 章)，應否把某塊郊野公園「不包括的土地」納入郊野公園範圍，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責。

[9] 海下村與海下灣海岸公園之間的「海岸保護區」地帶的闊度由25米至35米不等。

擴大「其他指定用途」註明「水上活動康樂中心」地帶的範圍

(f) 據大埔地政專員表示，根據海谷中心的短期租約[10]，有關的三米規定是指短期租約所涉範圍內的樹木。因此，以租約的規定爲由而要求把該中心的用地範圍擴大，並不合理。至於改劃通往該用地的行人徑的用途以方便進行保養和修葺這一建議，大埔地政專員表示，該行人徑位於有關的短期租約所涉範圍外，而且不能確定作出擬議的修訂後，如何能方便保養該行人徑。應注意的是，據這份草圖的《註釋》說明頁所載，在「自然保育區」地帶內，道路(包括行人徑)的保養或修葺工程是經常准許的。

對意見的理據的回應

5.36 在所收到的 3 675 份意見書當中，有 3 658 份(**C1 至 C3655、C3661、C3663 及 C3669**)表示支持 **R799 至 R10735 及 R10750 至 R10934** 提出的反對意見和建議，其餘 17 份(**C3656 至 C3660、C3662、C3664 至 C3668 及 C3670 至 C3674**)則沒有表明其意見與哪項申述有關，但表示反對這份草圖。這些意見書提出的主要理據及規劃署的回應載於**附件 IV**，有關理據與申述書所述的相似。

6. 諮詢

6.1 規劃署曾諮詢相關的政府部門，這些部門的意見已收錄在上文。

6.2 規劃署曾諮詢政府下列各局和部門，這些局和部門對各項申述並無重大意見：

(a) 水務署總工程師／發展(2)；
(b) 屋宇署總屋宇測量師／新界西；
(c) 路政署總工程師／新界東；
(d) 渠務署總工程師／污水工程；

[10] 「須在所述的那幅或那部分土地的南面闢設一條不少於三米闊的植樹帶，而所栽種的樹木品種須經漁護署署長及新界東拓展處處長批准」。

(e) 機電工程署署長；
(f) 康樂及文化事務署署長；
(g) 大埔民政事務專員；
(h) 政府產業署署長；以及
(i) 規劃署總城市規劃師／中央執行管制及檢控。

7. **規劃署的意見**

表示支持的申述

7.1 規劃署備悉 **R10737 至 R10739 及 R10742** 表示支持的意見。

表示反對的申述

7.2 基於上文第 5 段所作的評估，規劃署不反對編號 **R799 至 R10735 及 R10750 至 R10934** 的申述的部分內容，並認爲應順應這些申述的部分內容修訂這份草圖，把「鄉村式發展」地帶西部及毗連的「綠化地帶」改劃爲「綠化地帶(1)」，以及把毗連該「鄉村式發展」地帶的「自然保育區」地帶東部改劃爲「綠化地帶」。有關的修訂在**附件 V** 的圖則顯示。另外，爲配合擬對草圖作出的這些修訂，亦建議對草圖的《註釋》及《說明書》作出修訂。有關修訂載於**附件 VI 及附件 VII**。

7.3 規劃署不支持編號 **R1 至 R798 及 R10736、R10740、R10741、R10743 至 R10749** 的申述，亦不接納編號 **R799 至 R10735 及 R10750 至 R10934** 的申述餘下部分的內容，理由如下：

第 1 組及第 2 組

劃設「鄉村式發展」地帶

(a) 爲應付該區的認可鄉村海下村的原居村民對小型屋宇的需求，已在合適的地點劃設「鄉村式發展」地帶。該村的「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋

宇需求量、具有重要生態價值的地方及其他環境特點而劃的。

(b) 所預測的小型屋宇需求量僅是劃設擬議的「鄉村式發展」地帶時所考慮的因素之一，預測數字會隨時間而轉變。當局採用了逐步增加的方式劃設「鄉村式發展」地帶作小型屋宇發展，藉此把小型屋宇發展局限在適當的地點。

第 1 組

<u>把「自然保育區」地帶改劃爲「鄉村式發展」地帶及「綠化地帶」</u>

(c) 該區西部及海下路沿路的「自然保育區」地帶有相對未受干擾而值得保存的原生林地。從自然保育的角度而言，把該處劃爲「自然保育區」地帶是恰當的。

<u>把「海岸保護區」地帶改劃爲「鄉村式發展」地帶</u>

(d) 「海岸保護區」地帶所涵蓋的地方有紅樹林、與紅樹林伴生的植物和後灘植物，毗鄰就是海下灣海岸公園。劃設「海岸保護區」地帶是有必要的，可以此地帶作爲緩衝區，分隔開鄉村地區和海下灣海岸公園。

第 2 組

<u>對海下灣海岸公園環境的影響</u>

(e) 當局已劃設根據一般推定不宜進行發展的保育地帶，包括「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶，涵蓋具重要生態及景觀價值的地方，務求通過法定規劃大綱，保護海下的天然環境，以及與其生態緊密相連的西貢西郊野公園和海下灣海岸公園。

(f) 正如這份草圖的《說明書》所述，爲保護海下灣海岸公園的水質，發展計劃／方案的原地化糞池及滲水井

系統的設計和建造必須符合相關的標準與規例，例如環保署的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護署評核的排水渠工程計劃」。

(g) 地政總署在處理小型屋宇批地及申請時，會諮詢相關的部門，包括環保署、漁護署及規劃署，確保所有相關部門都有充分機會覆檢申請，並就申請提出意見。漁護署亦一直有密切監察海下灣海岸公園的水質。

資料不全且有誤導成分

(h) 海下灣海岸公園的界線是參照高水位線而劃的，而海下灣海岸公園經刊憲的界線於一九九六年根據《海岸公園條例》獲批准。這份草圖所涵蓋的地區，其北面的界線與海下灣海岸公園的界線吻合，兩者之間並無空隙。

(i) 在擬備這份草圖及各土地用途建議時，已考慮過各方面的因素，包括保育及自然景觀、生態價值、景觀特色、交通、基礎設施和公用事業設施，亦已徵詢各持份者和相關政府部門的看法和意見。這份草圖並非依據測量圖來擬備。

劃設「綜合發展區」地帶

(j) 現時建議在該區劃設的用途地帶，是根據各不同地點在生態和景觀上的價值及其是否適宜作小型屋宇發展而劃的，目的是提供清晰的規劃意向及作出保護。要加強規劃限制或保護環境，並無必要把該區劃作「綜合發展區」地帶。

「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方

(k) 從自然保育的角度而言，所劃的「海岸保護區」地帶已經恰當，可發揮緩衝作用，隔開鄉村與海下灣海岸公園。

把郊野公園「不包括的土地」指定爲郊野公園

(l) 根據《郊野公園條例》(第 208 章)，把某地方指定爲郊野公園，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責。

擴大「其他指定用途」註明「水上活動康樂中心」地帶的範圍

(m) 沒有有力的理據要擴大「其他指定用途」註明「水上活動康樂中心」地帶的範圍。應注意的是，據這份草圖的《註釋》說明頁所載，在「自然保育區」地帶內，道路(包括行人徑)的保養或修葺工程是經常准許的。

8. 請求作出決定

8.1 請城規會審議各項申述和意見時，亦考慮在聆訊上提出的論點，然後決定建議／不建議順應申述的內容／部分內容修訂這份草圖。

8.2 倘城規會決定建議順應申述的部分內容修訂這份草圖，亦請同意載於上文第 7.2 段及分別載於**附件 VI、VII 及 VIII** 有關根據條例第 6B(8)條建議對這份草圖作出的修訂及因應有關修訂而對草圖《說明書》作出的修訂，然後根據條例第 6C(2)條展示草圖，讓公眾查閱。

9. 附件

附件 I-1 至 I-33	立法會議員、區議員、環保／關注組織、村民及相關團體的申述書及一些屬同款的信／電郵的申述書的樣本
附件 II-1 至 II-6	環保／關注組織對申述的意見書及一些屬同款的信／電郵的意見書的樣本
附件 III-1	第 1 組申述及規劃署的回應的摘要
附件 III-2	第 2 組申述及規劃署的回應的摘要
附件 III-3	表示反對的申述要點
附件 IV	對申述的意見及規劃署的回應的摘要

附件 V	《註釋》的摘錄(「鄉村式發展」地帶、「其他指定用途」註明「水上活動康樂中心」地帶、「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的部分)
附件 VI	加入海下分區計劃大綱草圖的修訂
附件 VII	建議對草圖《註釋》作出的修訂
附件 VIII	建議對草圖《說明書》作出的修訂
附件 IX	載列所有申述人及提意見人名稱及他們的申述書和意見書的光碟(只提供予城規會委員)
繪圖 H-1	第 1 組的 R1 至 R798 提交的繪圖
繪圖 H-2	第 2 組的世界自然基金會香港分會(R10874)提交的繪圖
繪圖 H-3	第 2 組的公共專業聯盟(R10880)提交的繪圖
繪圖 H-4	第 2 組的海谷中心(R10911)提交的繪圖
圖 H-1	位置圖
圖 H-1a	申述建議
圖 H-2	發展限制
圖 H-3	航攝照片
圖 H-4	建議對海下分區計劃大綱草圖作出的修訂
圖 H-5	擬議修訂所涉地點的平面圖
圖 H-6	擬議修訂所涉地點的航攝照片

規劃署
二零一四年四月

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

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

致： 城市規劃委員會

敬啟者：

海下分區計劃大綱圖規劃事

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

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

附函附上海下村代表函件副本供參閱。

西貢北約鄉事委員會
主 席 鄧光彩
副主席 梁和平
丞宗雄

二零一三年十一月廿三日

(47)

致西貢北約鄉事委員會,

海下分區計劃大綱圖之規劃事宜

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

現希望貴 會可為相關建議代為向城市規劃委員會加以反映，本村村民感激不已!

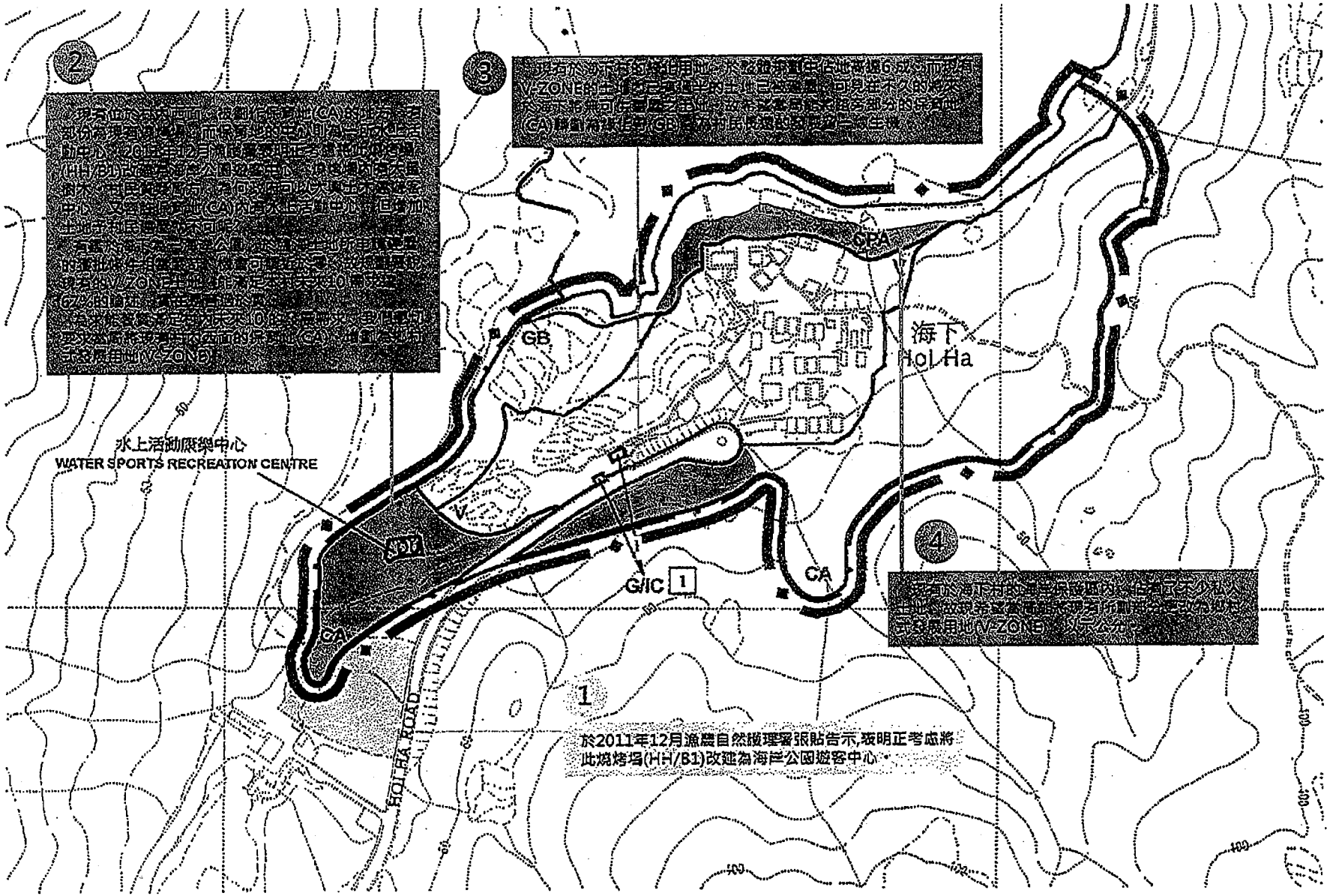
海下村原居民村長

翁煌發先生

簽署: 翁煌發

日期: 2013-11-07

海下村分區計劃大綱圖之意見與具體建議



b頁 1 - 1(B)

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

tpbpd@pland.gov.hk

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

城規會工作人員,

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

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

謝謝。

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

S/OZP - (1)

20/11/2013

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

有關城市規劃委員會公佈白腊、鎖羅盆及海下的分區計劃大綱草圖

背景

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

表一：三個地點分別被劃作「鄉村式發展」土地的面積

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

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

三個地點的自然環境

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

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表二：海下物種數據

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

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

公民黨意見

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

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

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

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審計署署長報告書

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

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

陳家洛

公民黨立法會議員
陳家洛

2013年11月

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

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



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

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

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

香港北角渣華道333號北角政府合署15樓
城市規劃委員會
周達明先生

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

電郵、郵寄及傳真文件

周主席：

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

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

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

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

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

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

立法會議員陳偉業　　謹啟

二零一三年十一月二十五日



副本抄送：環境局局長黃錦星 陳偉業海下白腊鎖羅盤.pdf

立法會陳偉業議員辦事處

OFFICE OF ALBERT W. Y. CHAN, LEGISLATIVE COUNCILLOR

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

香港北角渣華道333號北角政府合署15樓
城市規劃委員會
周達明先生

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

電郵、郵寄及傳真文件

周主席：

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

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

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

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

(58)

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

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No. 1, G/F, Wing B, Tsz Yan House, Tin Tsz Estate, Tin Shui Wai, Hong Kong
☎ 24459900
昌 24454646

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

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

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

立法會議員陳偉業　謹啟

二零一三年十一月二十五日

副本抄送：環境局局長黃錦星

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

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

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

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

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

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

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

胡志偉

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TOWN PLANNING BOARD

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

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

3. Details of the Representation
申述詳情

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

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

Parts 1, 2 and 3 第 1、第 2 及第 3 部分

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

根據《城市規劃條例》（第131章）第6(1)條就草圖作出申述

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

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

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

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

見附件1 乙部

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

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

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

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

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

附件1相關的地段索引圖

5. Signature 簽署

Signature 簽署 .....

胡志偉

Name in Block Letters 姓名（以正楷填寫）

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

立法會議員

Position (if applicable) 職位（如適用）

Professional Qualification(s) 專業資格

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

Others 其他 .....

on behalf of 代表 .....

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

Date 日期 25-11-2013

Statement on Personal Data 個人資料的聲明

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

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

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

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

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

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

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

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

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

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

附件 1　就 S/NE-HH/1 海下分區計劃大綱草圖進行的申述

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

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

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

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

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

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

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

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

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

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

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

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

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

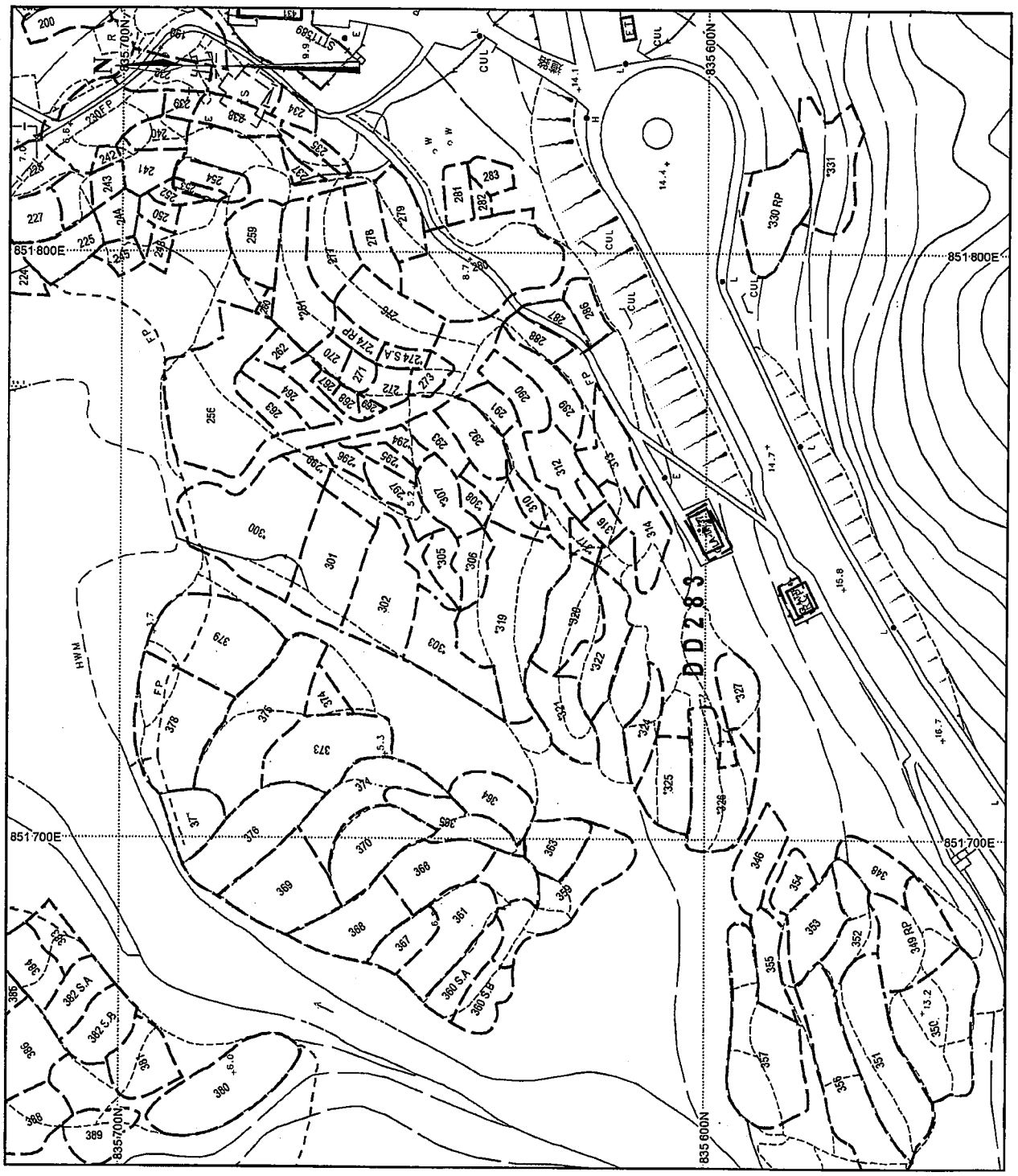
D. 最後是關於指定為「鄉村式發展」與是否影響原居民權益的問題。正如先前指出，既然擬指定土地的業權人已非原居民，那指定「鄉村式發展」與否與原居民權益無關。其次，如果有關權益是指有個別原居民與發展商訂立合約，藉操作丁權及興建小型屋宇圖利(俗稱套丁)是違反現行法例的。城規會委員在考慮時根本無須理會，亦不應變相鼓勵有關行徑。

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

乙部　對草圖的擬議修訂

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

地段索引圖 LOT INDEX PLAN



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

比例尺 SCALE 1 : 1 000

米 metres 10 0 10 20 30 40 50 米 metres

Locality : DD283

Lot Index Plan No. : MH0464112013

District Survey Office : MPC, HK

Date : 18-Nov-2013

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

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免責聲明

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

Disclaimer

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

Land Search Information (Hoi Ha)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

本處檔號：LP-13-1520-150
貴處檔號：

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

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

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

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

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

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

此致
城市規劃委員會主席
周達明先生

元朗區議員：黃偉賢 謹啟

副本：漁農自然護理署署長黃志光先生
二零一三年九月三十日

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

行公義 好憐憫 存謙卑的心

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

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

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sirs,

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

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

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

Best Regards,
Debby Chan
Designing Hong Kong Limited

[redacted]

DHK Submission on enclaves to Government and TPB.pdf

(192)

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Hong Kong, 27 November 2013

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

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

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

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

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

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

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The Government's Promises

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

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

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

The Broken Promises

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

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

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

Statutory Planning Control Measures Inadequate

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

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

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

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

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

Strengthening control over development in enclaves

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

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

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

Protecting the rights of villagers and land owners

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☑ We object to the draft OZP.

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

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

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

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

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

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

☑ We object to the draft OZP.

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

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

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

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

☑ We object to the draft OZP.

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

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

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

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

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

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

☑ We object to the pre-draft OZP.

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

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

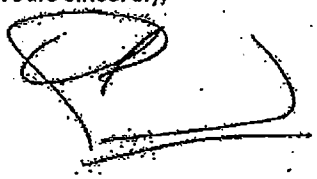
☑ Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesarmid Crab community. We urge for all stream and riparian area to be covered with Conservation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

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

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

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

Yours sincerely,



Paul Zimmerman
CEO
Designing Hong Kong Limited

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

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27th November 2013

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

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

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

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

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

We wish to make the following representation concerning the above.

Background and general observations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Broken Promises

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V Zone

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

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

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

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

Population and Sewerage

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

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

Green Belt

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

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

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

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

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

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

Again, this is the grossest form of maladministration.

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

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

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

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

This OZP is yet another case of gross maladministration.

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

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

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

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

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

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

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

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

Thank you for your attention.

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

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

Yours sincerely,

John Wright

Secretary,
Friends of Sai Kung

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

[redacted]>

27/11/2013 下午 03:28

To "Town Planning Board" <tpbpd@t

cc

bcc

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

☒ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear sirs,

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

Please place before the Town Planning Board today.

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

Kind regards,

John Wright

Secretary

Friends of Sai Kung

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

(3)

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

[redacted]

25/11/2013 下午 05:48

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

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

☒ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Mr. Chow and TPB Members,

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

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

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

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

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

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

To_Town_Planning_Board_Final_v.pdf

(4)

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香港大學
生物科學學院
香港薄扶林道
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

26 November 2013

Dear Mr. Chow and TPB Members,

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

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

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

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

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

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

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

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

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

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

Thank you for your attention and consideration.

Yours faithfully,

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

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

Dr. Vengatesen Thiyagarajan

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

Cited References:

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

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

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

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

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

致：城市規劃委員會

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

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

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

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

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

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

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

(37)

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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》

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自然協會成立於1993年，為香港首間提倡倩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」*[1]。審計署亦在 2002 年就小型屋宇政策可能被濫用的情況撰寫了一份報告[2]。我們認為政府實應儘速嚴正檢討此政策，例如加入限制售予非原屋主親屬、限制村屋範圍擴張或限制村屋在村範圍外興建等的新條款；否則，今天在鎖羅盤，白腊及海下出現的問題，日後將會在其他高保育價值的鄉郊地區(例如其他郊野公園不包括土地)不斷重現。

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

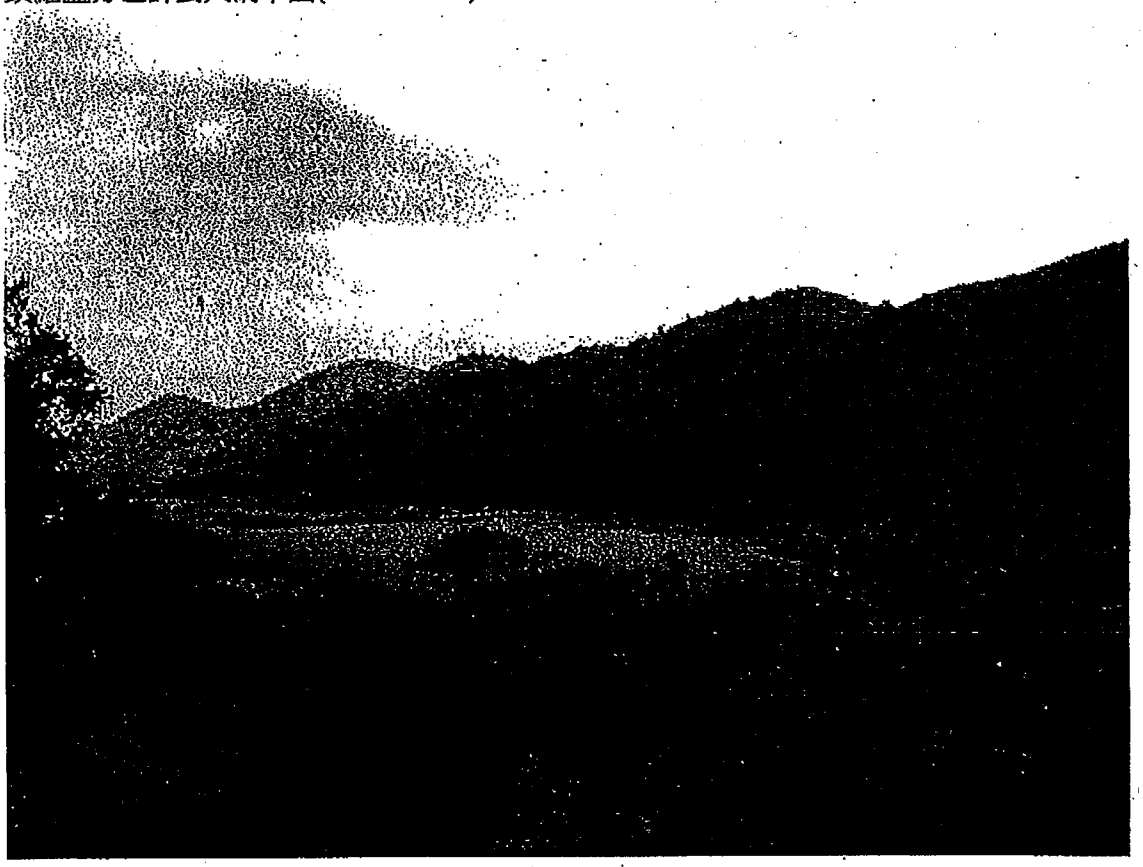
現在，城市規劃委員會(城規會)正收集市民對鎖羅盤，白腊及海下的分區計劃大綱草圖的意見，我們希望 大家能踴躍表態，為自己及下一代捍衛香港的自然環境。請於二〇一三年十一月廿七日(星期三)或之前，將您的意見以電郵遞送至城規會 (tpbpd@pland.gov.hk)，並註明是就鎖羅盤分區計劃大綱草圖 (S/NE-SLP/1)，白腊分區計劃大綱草圖 (S/SK-PL/1)及海下分區計劃大綱草圖 (S/NE-HH/1)發表意見。

以下簡列了鎖羅盤，白腊及海下的分區計劃大綱草圖的問題(與我們的建議)。

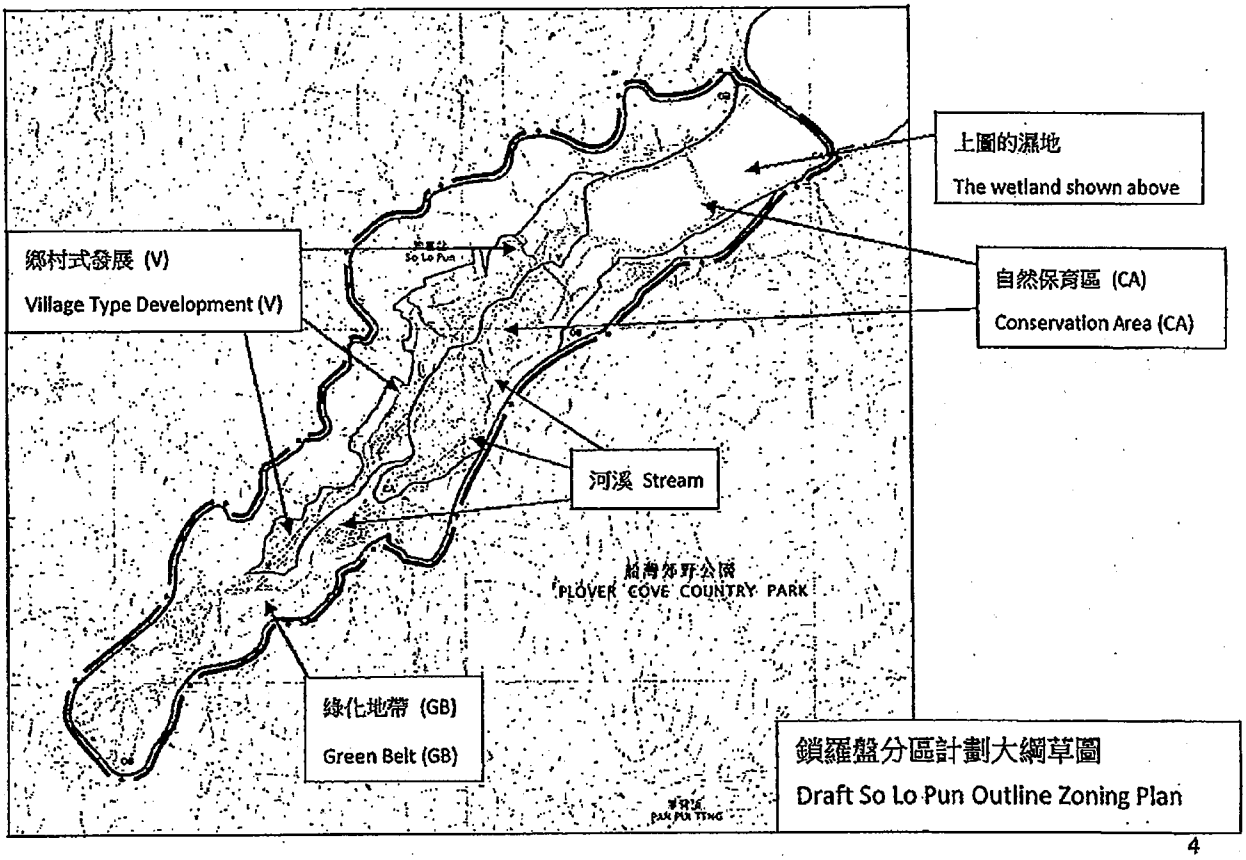
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1 http://www.civic-exchange.org/wp/wp-content/uploads/2003/09/200309_RethinkSmallHouse.pdf
2 http://www.aud.gov.hk/pdf_c/c39ch08.pdf

鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)



你希望這片濕地遭受破壞嗎?



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

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

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

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

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

- 我們要求規劃署就以下問題作出解釋：

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

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

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

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

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就鎖羅盤分區計劃大綱草圖(S/NE-SLP/1)的建議：

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

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

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

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

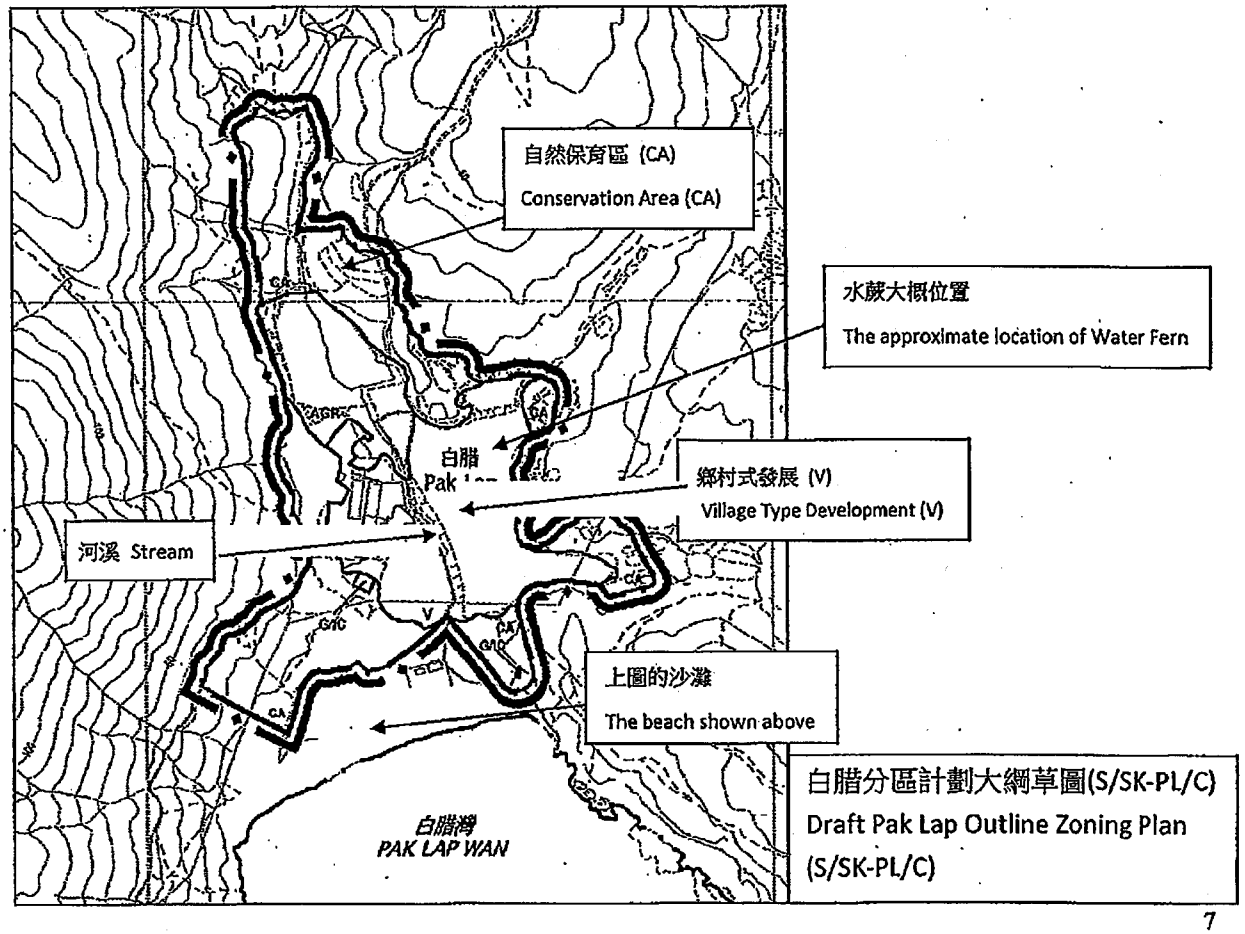
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把鎖羅盤等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啓動規劃程序。

我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

白腊分區計劃大綱草(S/SK-PL/1)



你希望這沙灘遭受污染嗎?



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

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

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

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

- 我們要求規劃署就以下問題作出解釋：

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

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

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

對白腊分區計劃大綱草圖(S/SK-PL/1)的建議：

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

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

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

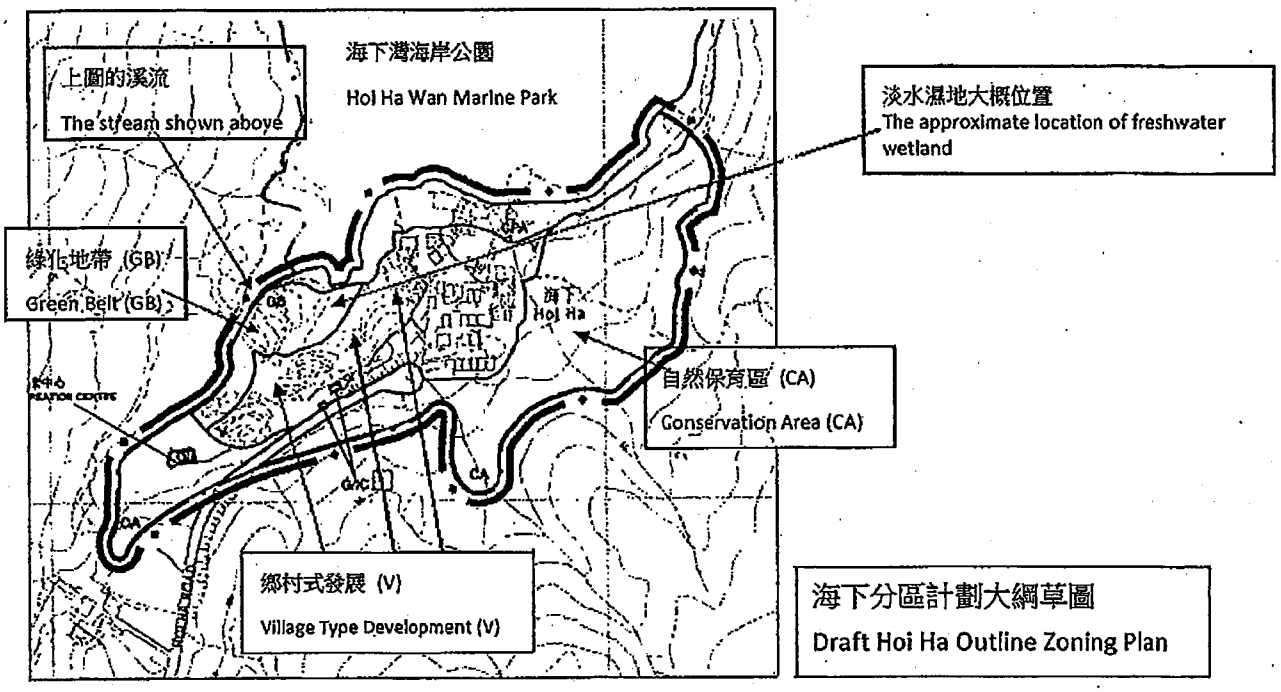
因此，在漁護署的研究結果發表之前，我們強烈建議規劃署把白腊等「郊野公園不包括土地」的鄉村式發展地帶、綠化地帶及其他非保育地區以「未決定用途」地帶覆蓋。待漁護署完成研究後，規劃署可為沒被納入郊野公園的地帶重新啓動規劃程序。

我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

海下分區計劃大綱草圖(S/NE-HH/1)



你希望這溪流遭受污染嗎?



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

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

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

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

對海下分區計劃大綱草圖(S/NE-HH/1)的建議：

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

- 把與海下溪流相連的河岸地帶(30米範圍)及淡水濕地劃為自然保育區。

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

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

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

我們認為在目前法制下，此替代方案能最有效保護「郊野公園不包括土地」。

二〇一三年十一月

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聯署人

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

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聯署人

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

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聯署人

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

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

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

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

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

致城市規劃委員會
規劃署署長
漁農自然護理署署長
地政總署署長:

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

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

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

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

莊立彬
土地正義聯盟成員
聯絡電話:[redacted]

(64)

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

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

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

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

Dear Sir/Madam

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

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

Yours faithfully

David Newbery
Secretary, friends of Hoi ha

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

Mr Thomas CHOW
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Dear Mr Chow

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

INTRODUCTION

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING INTENT OF DPA

6. According to the DPA Plan:

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

It is also stated that:

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

INTERNATIONAL OBLIGATIONS

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

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

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

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

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

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

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

.....

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

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

ASSESSMENT OF NEED FOR HOUSING

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

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

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

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

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

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

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

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

MAPPING

Coastline

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

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

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

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

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

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

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

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

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

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

Minor Streams and Hydrology

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

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

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

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

SEWAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

(My emboldening)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ECOLOGICAL REPORTS

Information from Government Departments

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

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

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

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

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

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

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

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

ACTUAL ECOLOGY OF THE THREATENED AREAS

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

The Ecological Value of Hoi Ha Stream (Annex 14)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LANDSCAPE

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

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

INFRASTRUCTURE

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

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

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

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

LAND OWNERSHIP

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

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

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

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

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

PLANNING SAFEGUARDS

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

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

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

CONCLUSIONS

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

The Need for Development

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

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

Present Situation

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

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

Impact

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

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

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

Planning

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

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

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

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

SOLUTIONS

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

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

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

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

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

    - The Green Belt should be reclassified as Conservation Area.

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

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

THE WAY AHEAD

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

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

Nicola Newbery

D Newbery

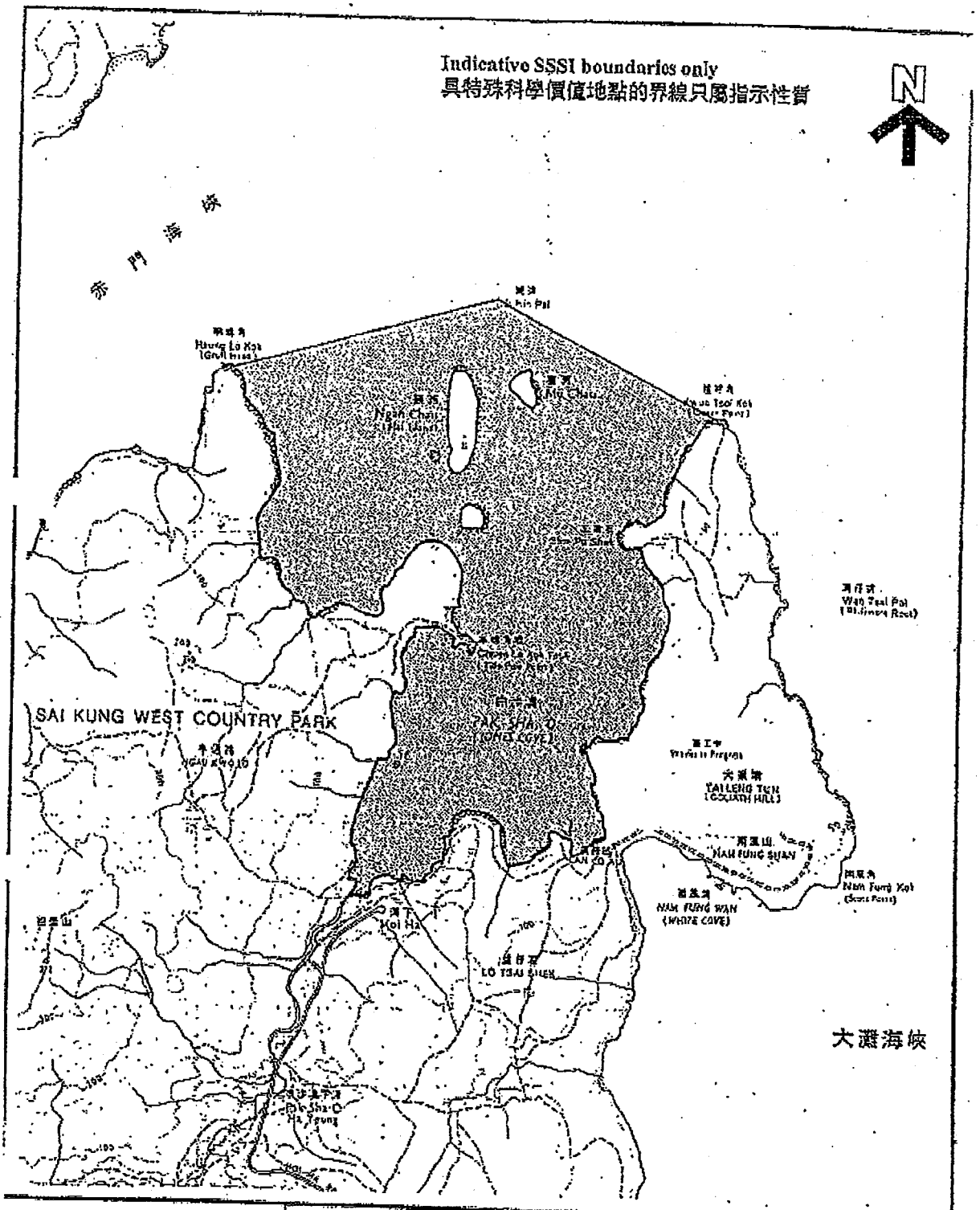
Nicola NEWBERY
Chair, Friends of Hoi Ha

David NEWBERY
Secretary, Friends of Hoi Ha

Encs

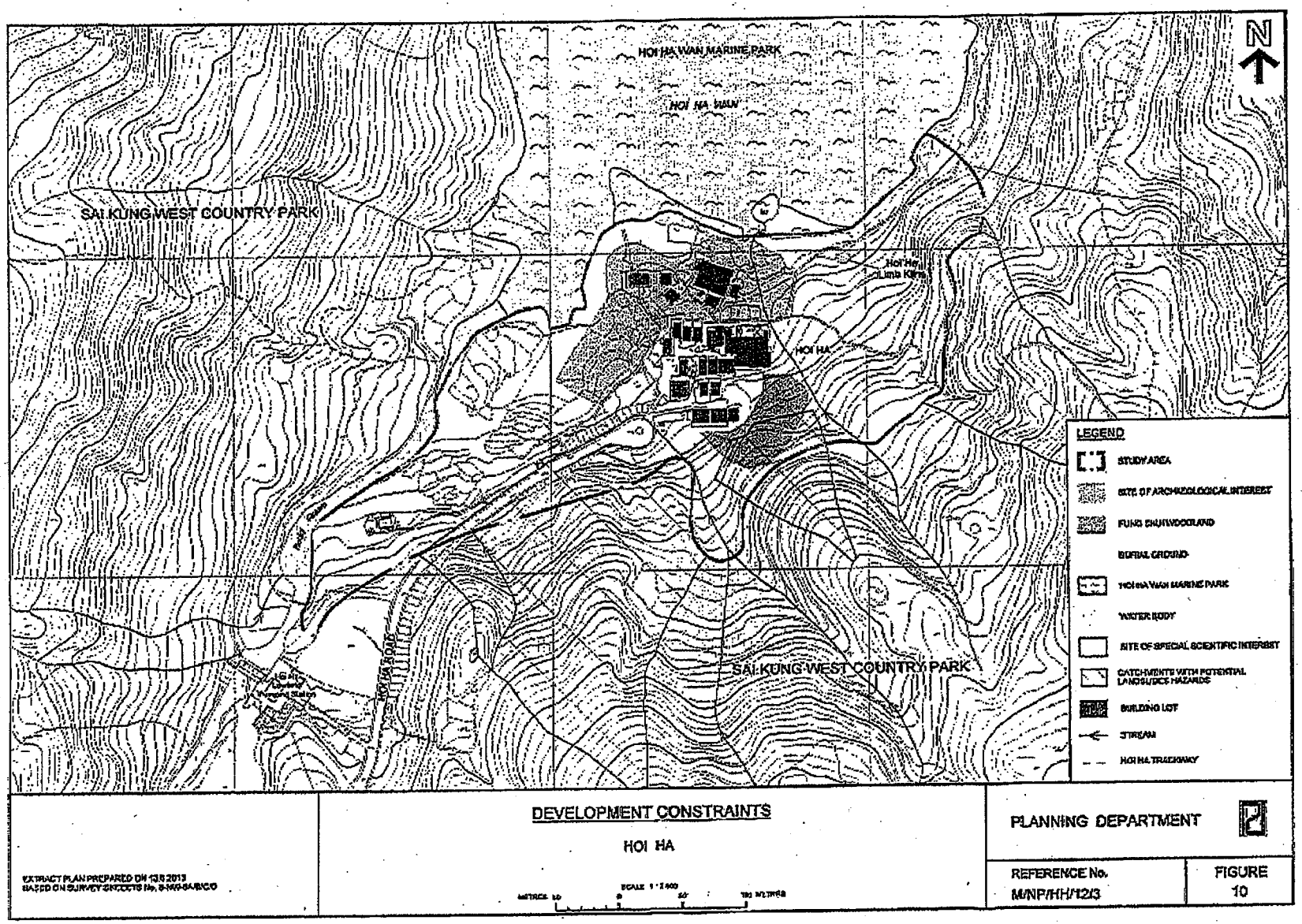
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Secretary for Development
Secretary for the Environment
Director of Lands
Director of Environmental Protection
Director of Agriculture, Fisheries and Conservation
Tai Po District Officer
Antiquities and Monuments Office
Country and Marine Parks Board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

NNEX 1 – GAZZETTED SSSI BOUNDARY

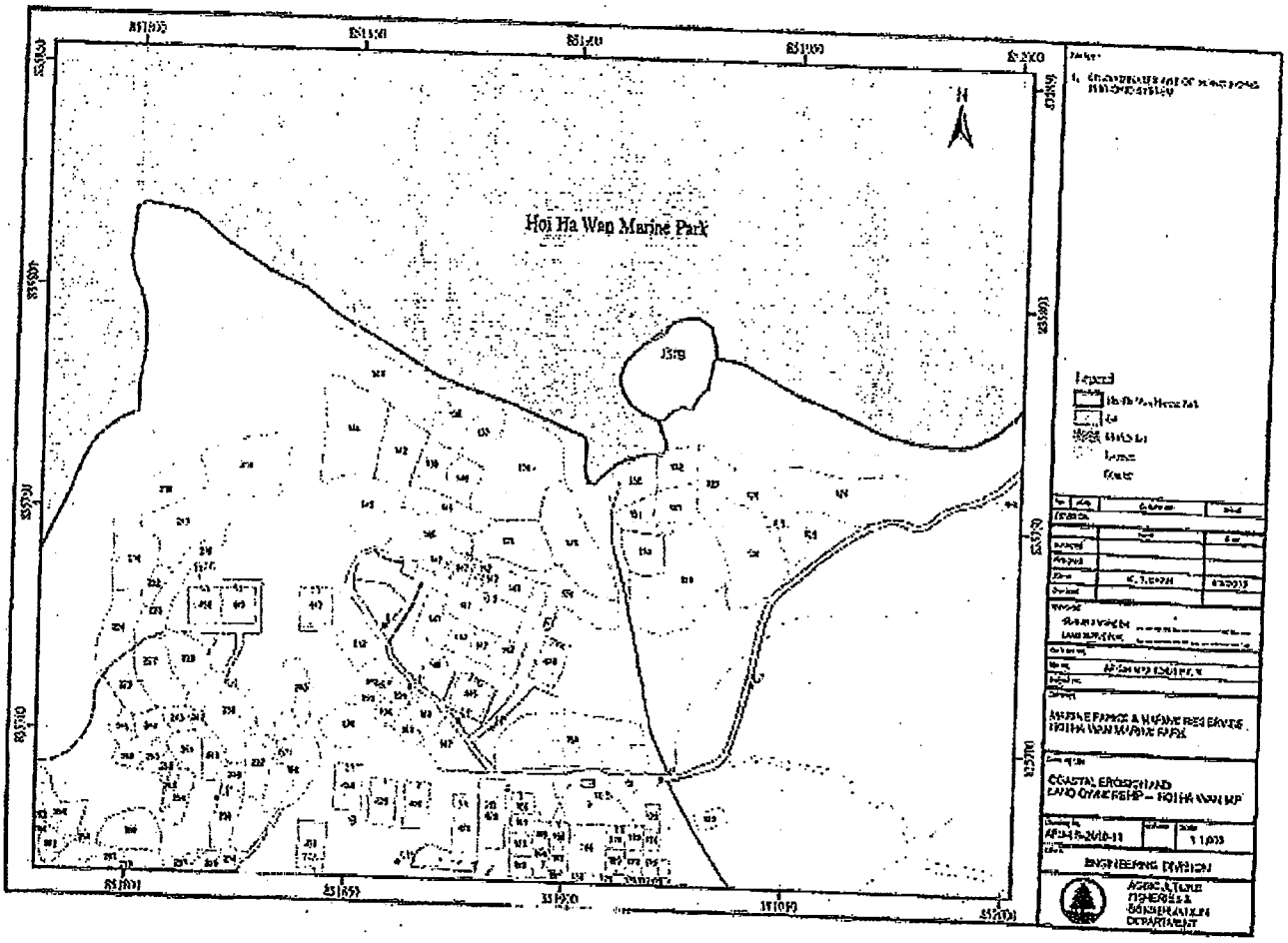


REFERENCE.	SITE OF SPECIAL SCIENTIFIC INTEREST — HOI HA WAN	PLANNING DEPARTMENT
DATE OF DESIGNATION : 5-1-89 BASE PLAN EXTRACTED FROM : HM20C SHEET 4/8 DATE : 30-9-92	SCALE 1 : 20 000 500 0 500 1000m	PLAN No. TPB/M/92/6 · SITE No. 48

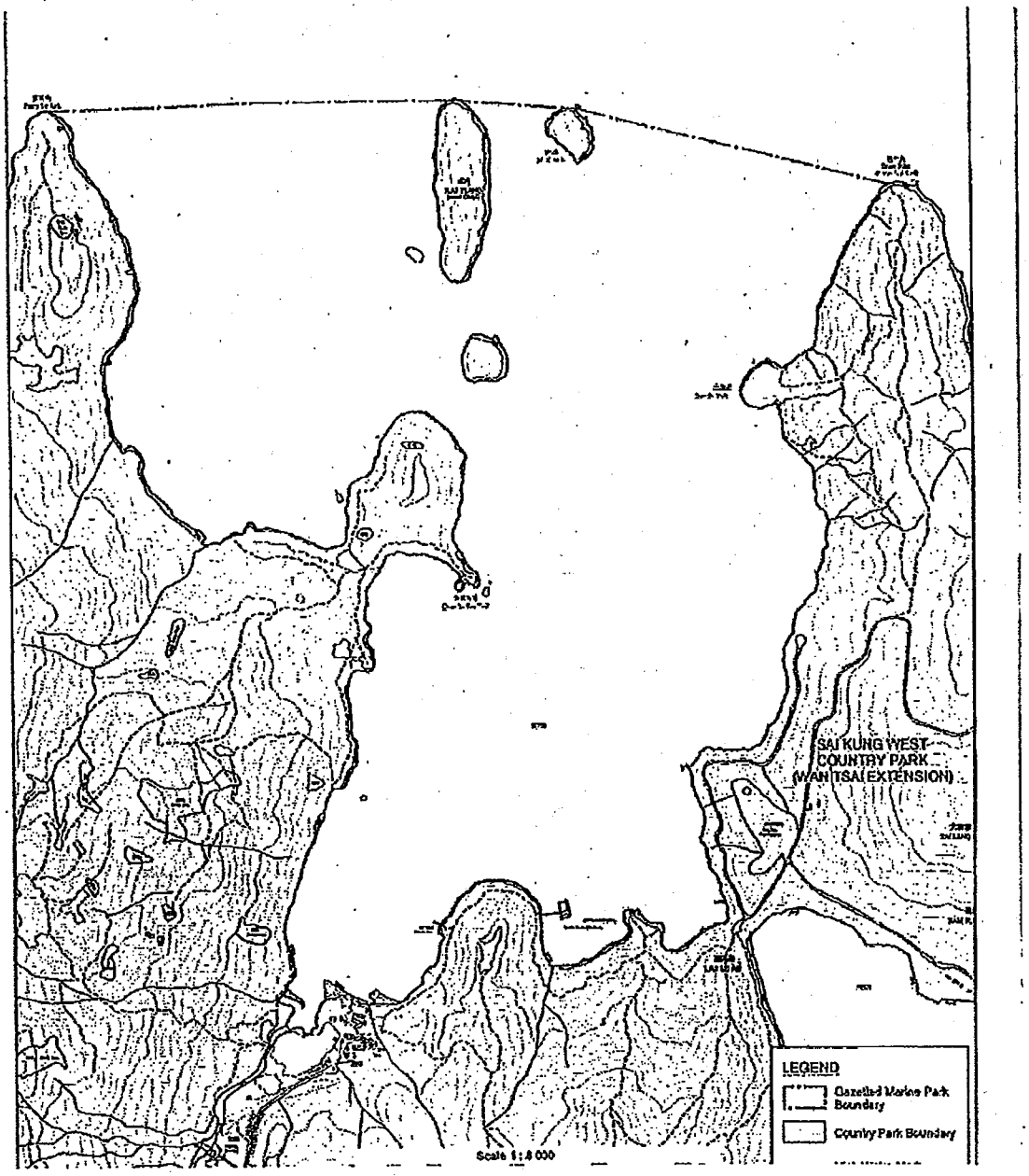
ANNEX 2 – SSSI BOUNDARY ON TPB MAPS



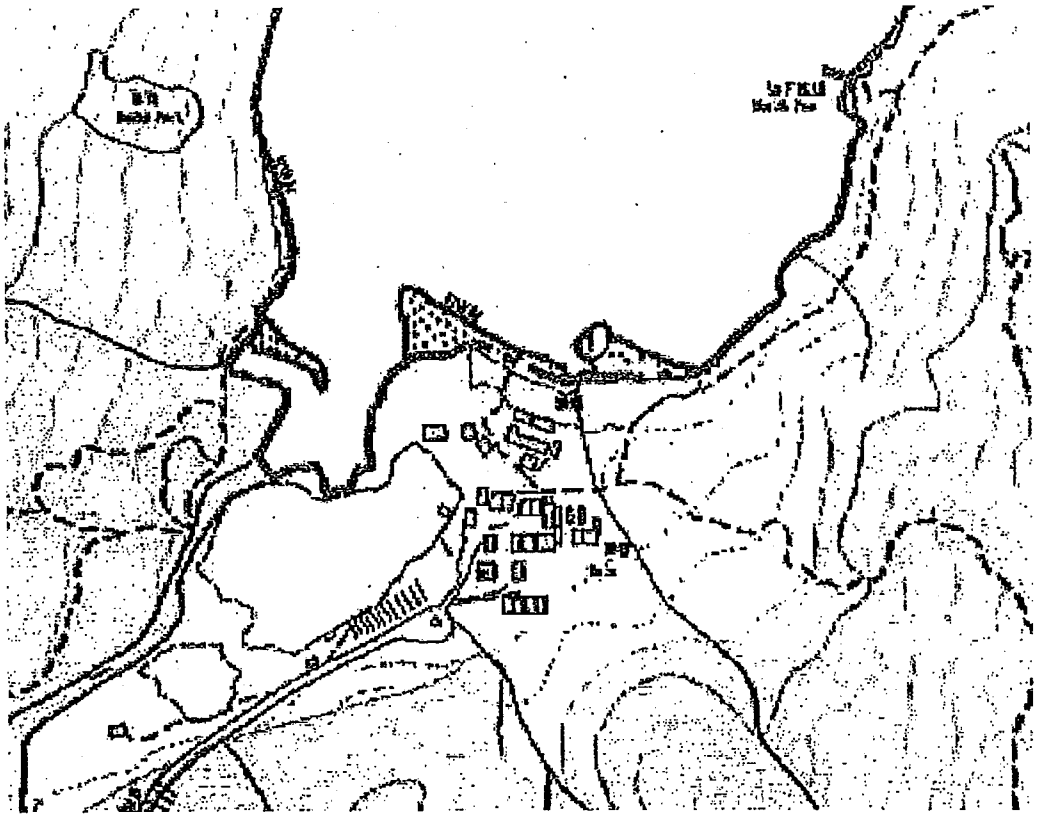
ANNEX 3 – MARINE PARK BOUNDARIES



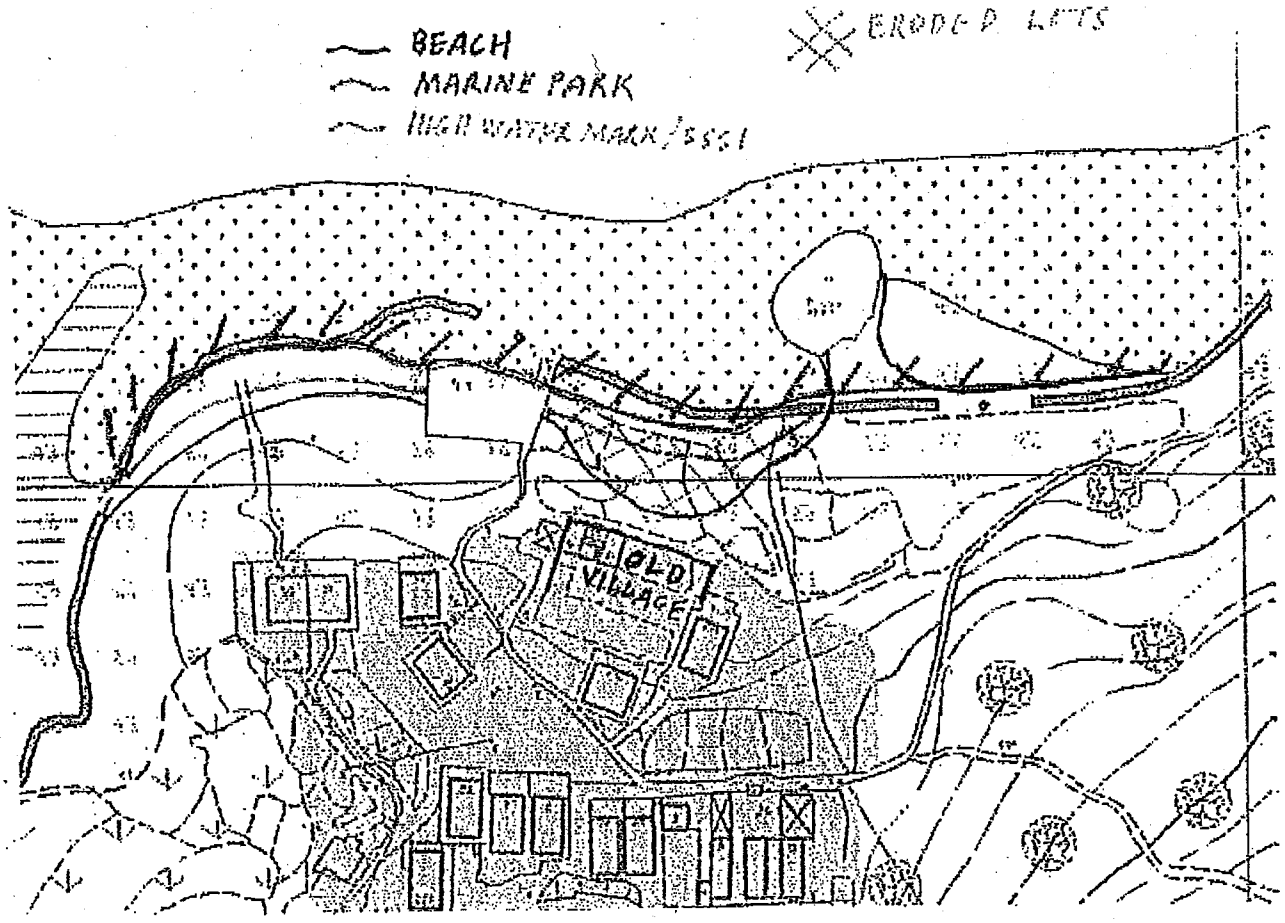
March 2010



October 2010 (See Detail Below)



(ANNEX 4 – COASTLINE MAPPING



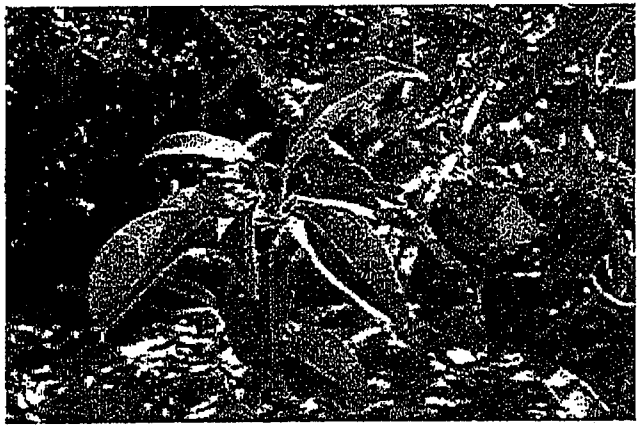
ANNEX 5 – MANGROVES AND MANGROVE ASSOCIATES FOUND ALONG THE HOI HA SEAFRONT

True Mangroves

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



Aegiceras corniculatum

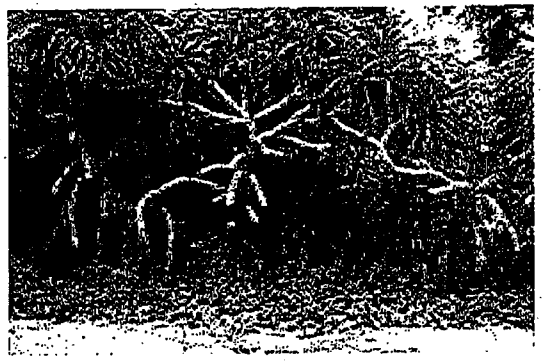


Excoecaria agallocha

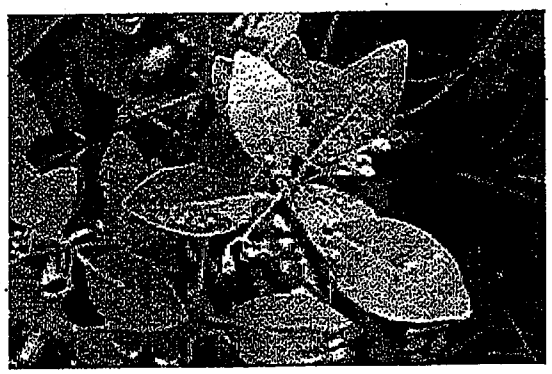


Kandelia obovata

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



Pandanus tectorius



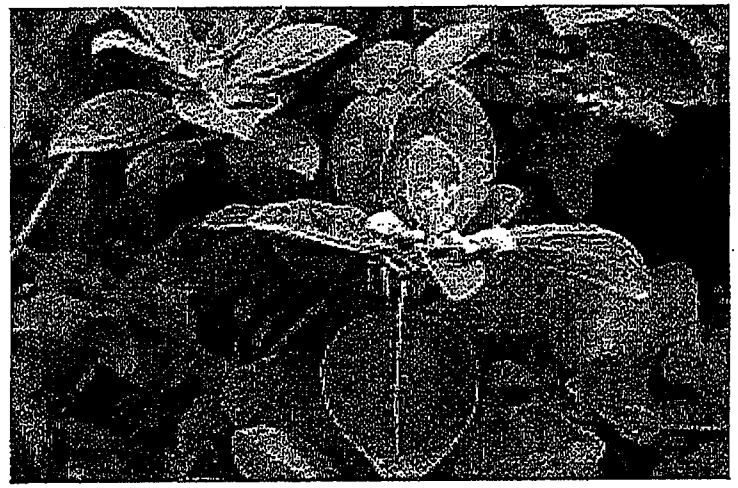
Clerodendrum inerme



Cerbera manghas



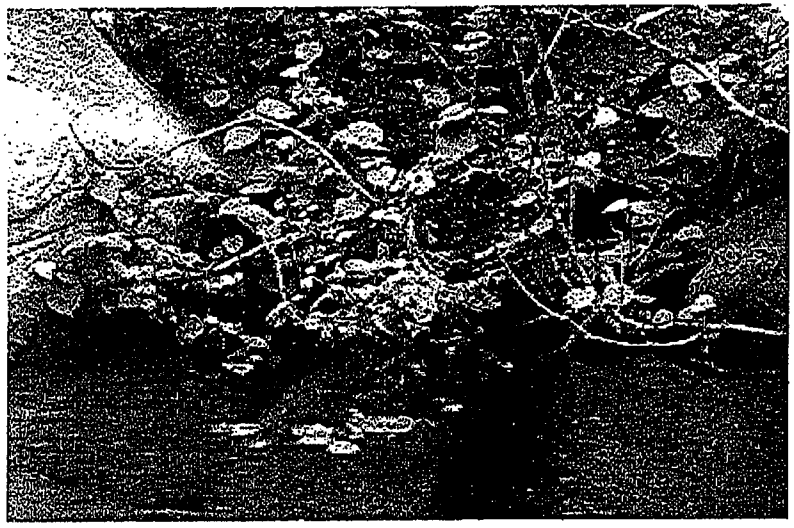
Canavalia maritime



Vitex rotundifolia



Macaranga tanarius

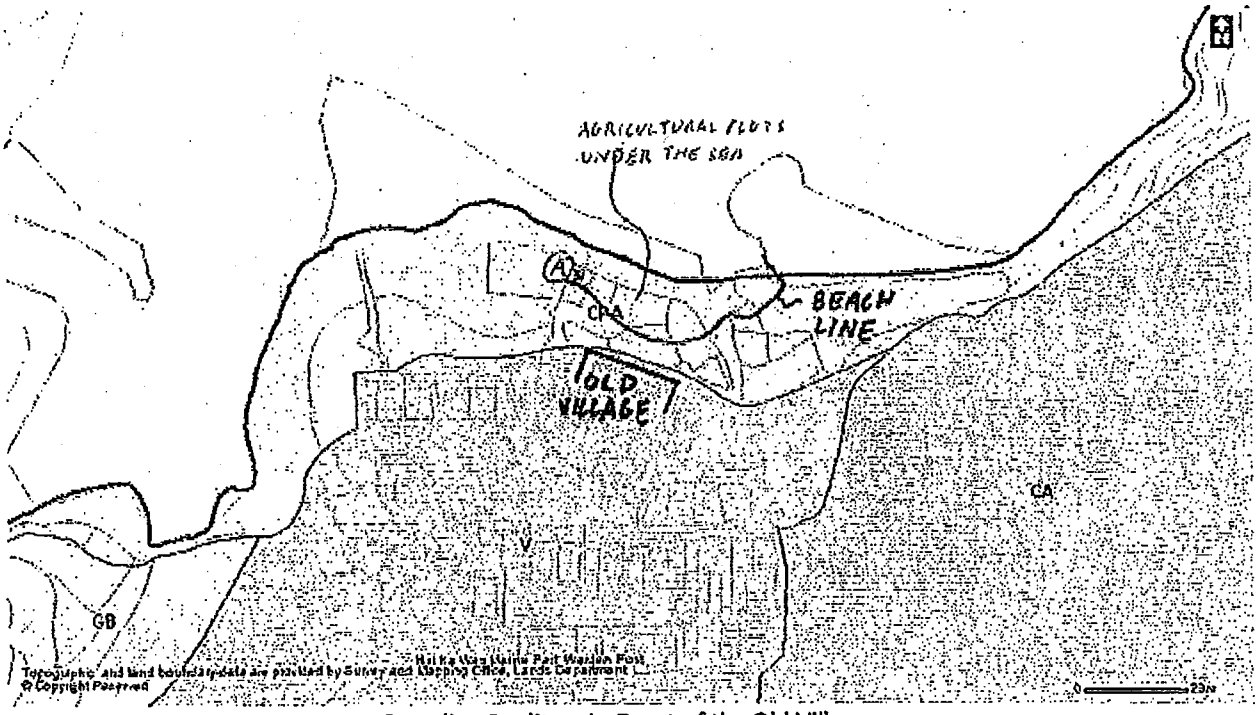


Hibiscus tiliaceus

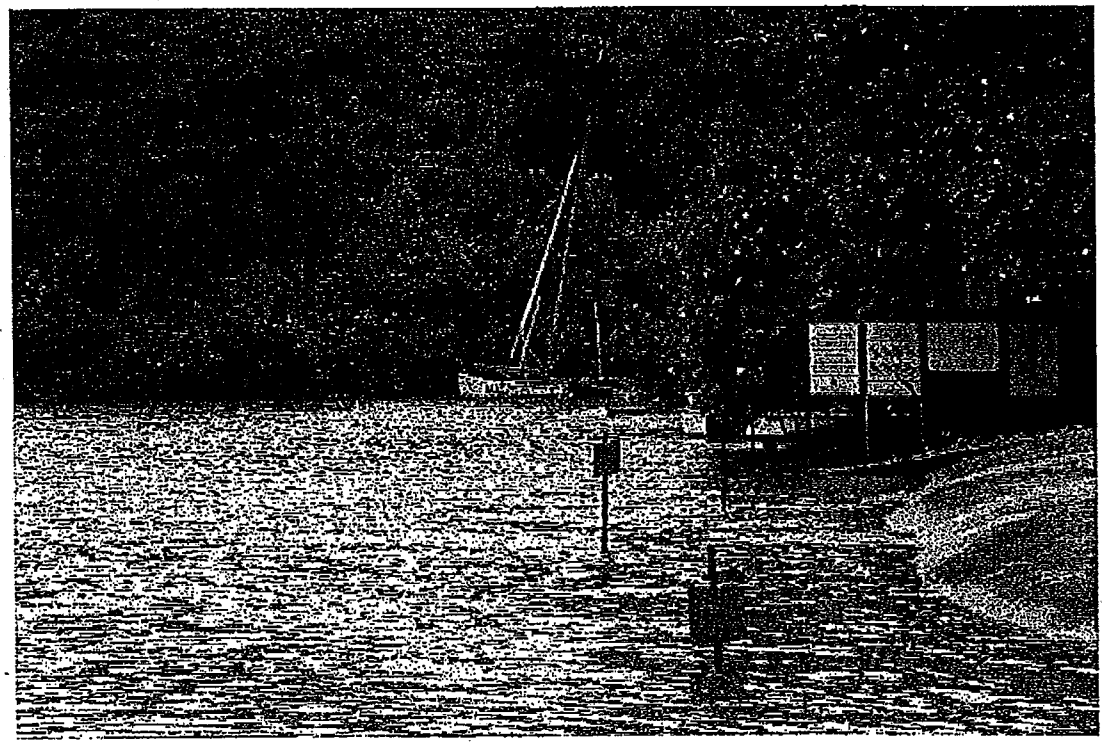


Pandanus austrosinensis

ANNEX 6 – SUBMERGED AGRICULTURAL LOTS



Coastline Reality – in Front of the Old Village.



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



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



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

ANNEX 7 – SCMP ARTICLE 21 NOVEMBER 2013

South China Morning Post

Observatory warns of increased floods and more powerful typhoons

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

Ernest Kao ernest.kao@scmp.com

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

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



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

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

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

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

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

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

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

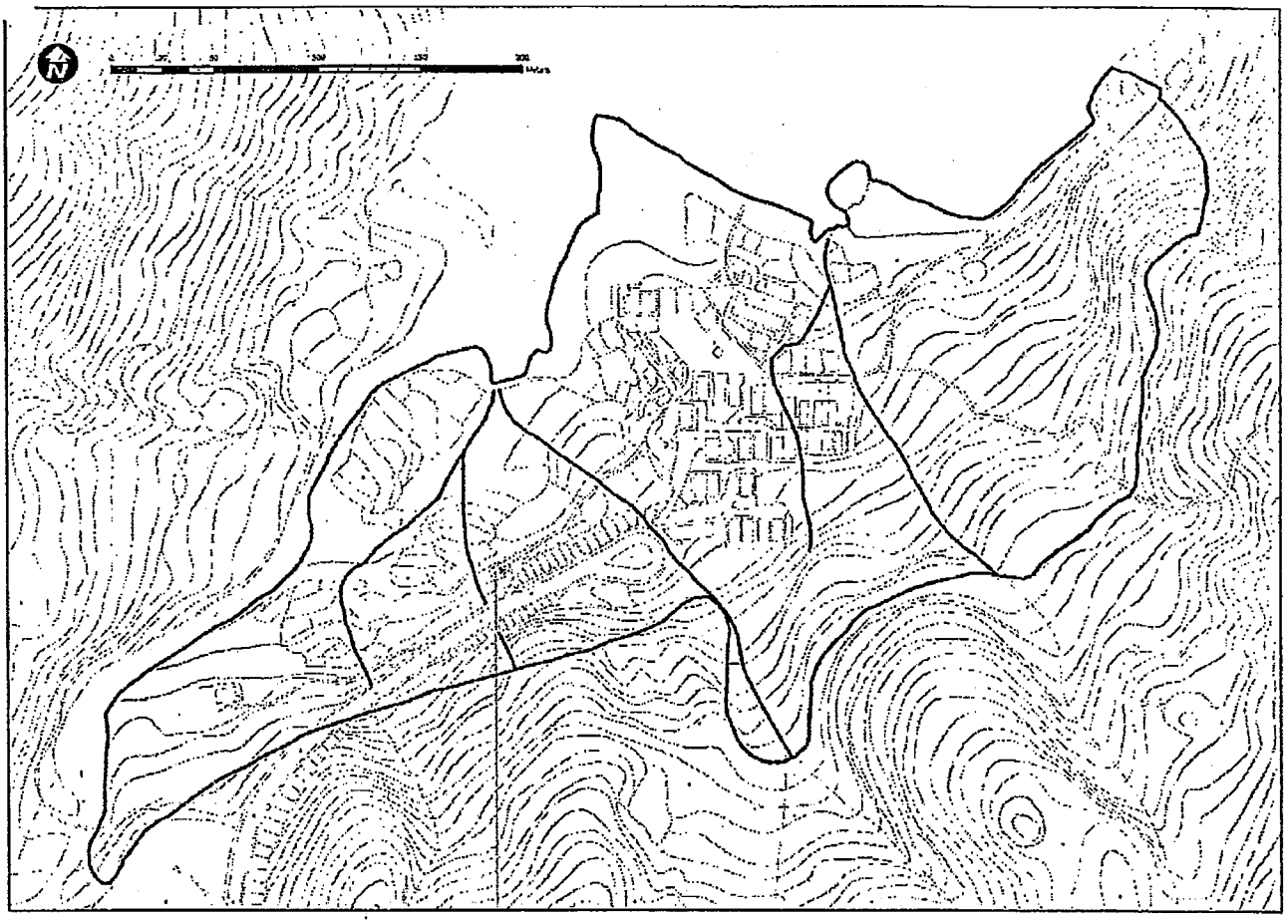
In April, weather officers will cast out to sea new floating sensors to obtain more accurate measurements of storm strength.

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

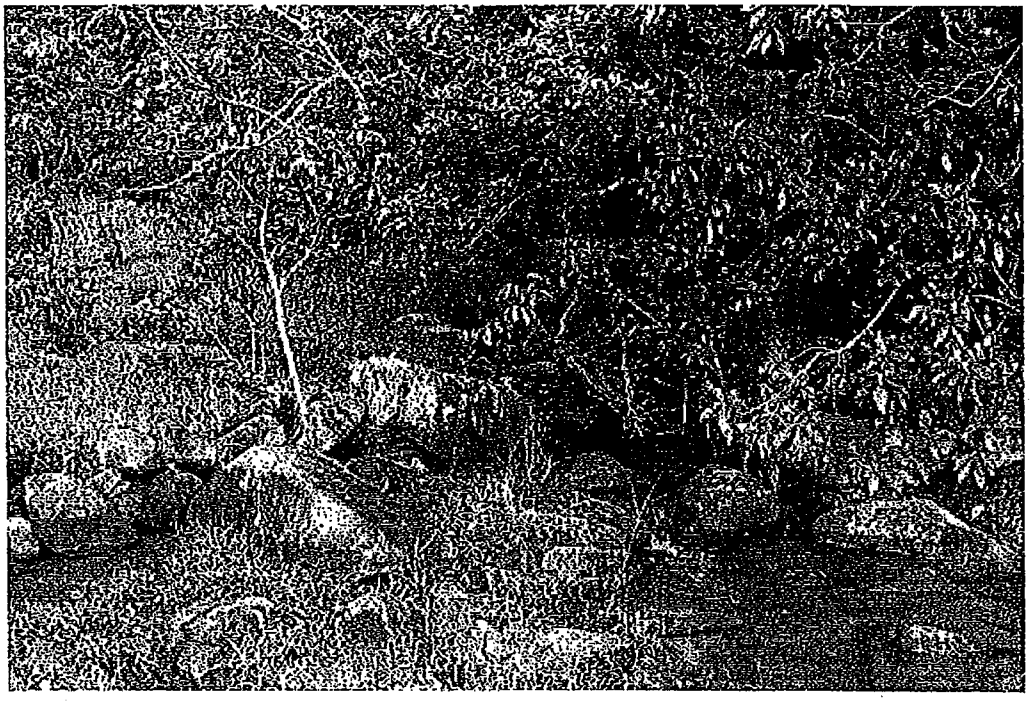
Average daily temperatures in the city have risen 1.2 degrees since 1913, Observatory records show. Mean sea levels in Victoria Harbour have gone up by 29 millimetres per decade since 1954.

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

ANNEX 8 – V-ZONE HYDROLOGY



Large Minor Streams



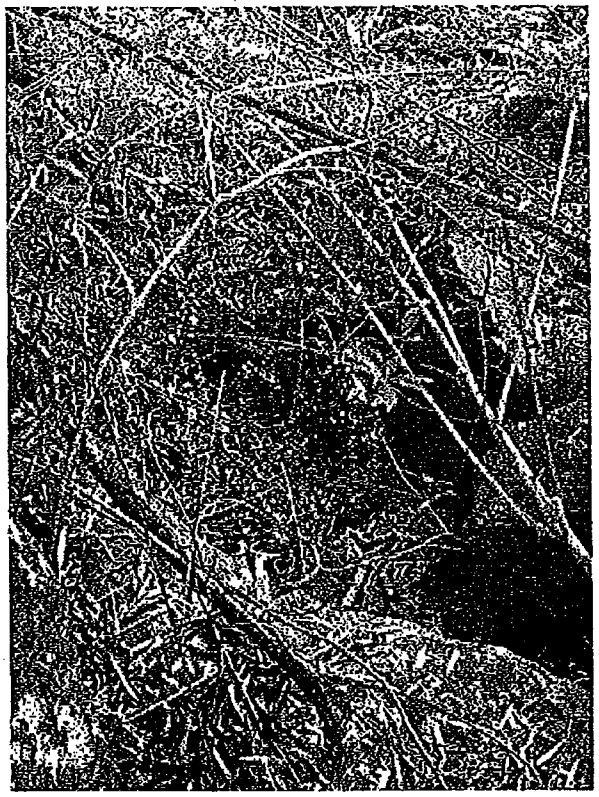
Stream in the proposed Green Belt leading directly into Hoi Ha Wan.



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



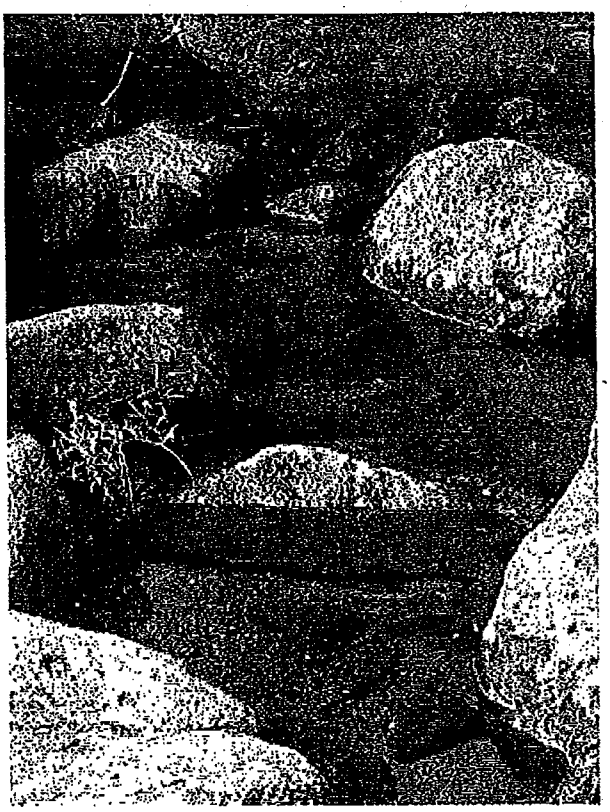
Stream Flowing through the proposed V-Zone extension.



Pond in the proposed V-Zone extension



Marsh Plants in the Proposed V-Zone extension.



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



Man-made Water Channels in the proposed V-Zone

ANNEX 9 – WWF LETTER TO TPB 11 SEPTEMBER 2013

WWF for a living planet®

世界自然基金會
香港分會

WWF Hong Kong

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Central, Hong Kong

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

Our Ref.: SHK /LDD 11/10

11 September 2013

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

By E-mail ONLY

Dear Sir/Madam,

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

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

Inevitable Water Quality Impact to Hoi Ha Wan Marine Park

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

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

Registered Name: World Wide Fund For Nature Hong Kong

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

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

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

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

---

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

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

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

Cumulative Impacts from Increased Traffic Demand

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

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

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

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

Proposed "Green Belt" Zone

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

Proposed "Village Type Development" Zone

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

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

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

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

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

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

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

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

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

Proposed "Coastal Protection Area" & "Conservation Area"

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

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

Thank you for your attention.

Yours faithfully,

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

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

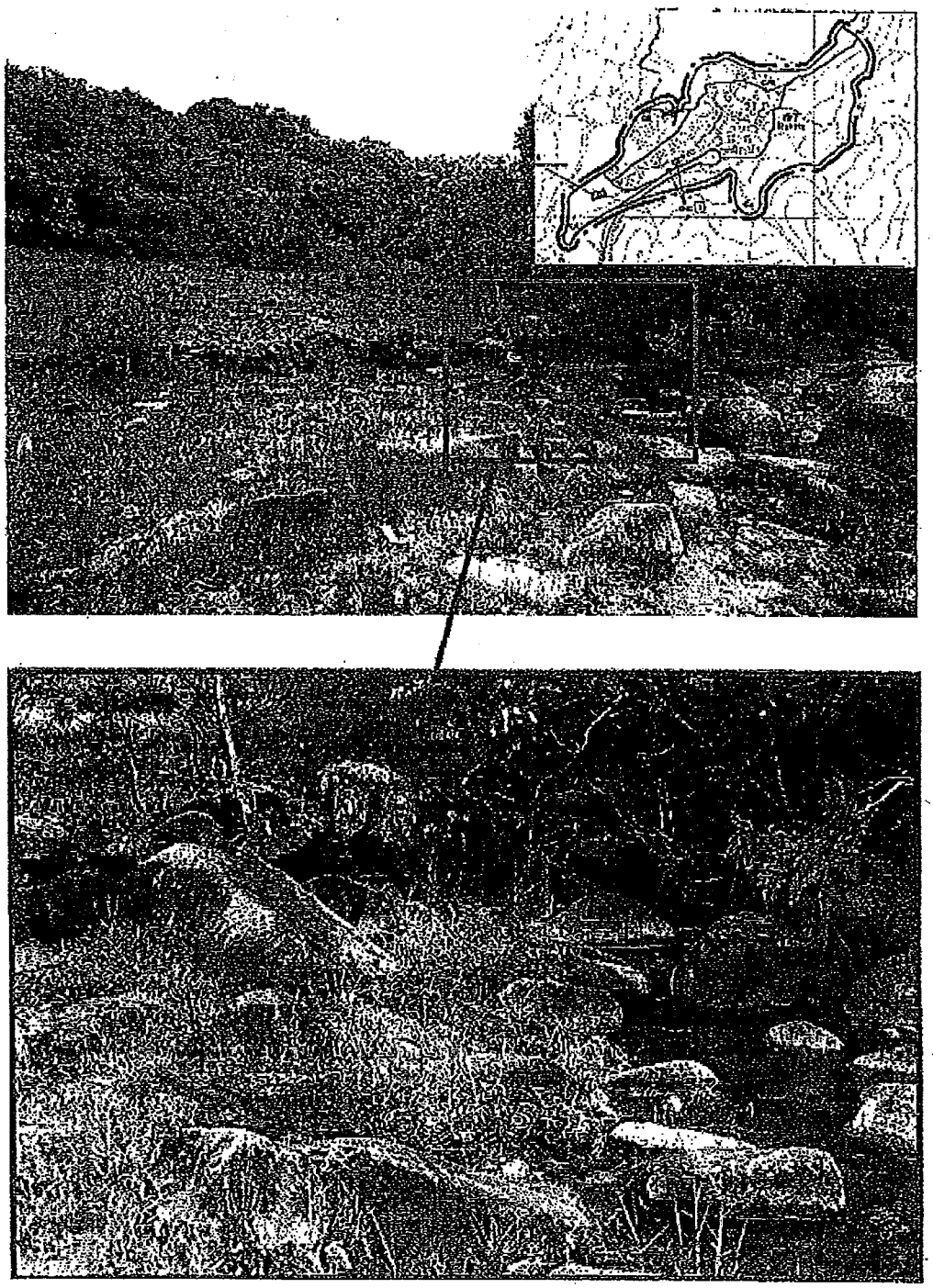


Fig. 2. Some relatively disturbed area in the proposed "V" zone within the secondary young forest area (photo taken on 28 Aug 2013).

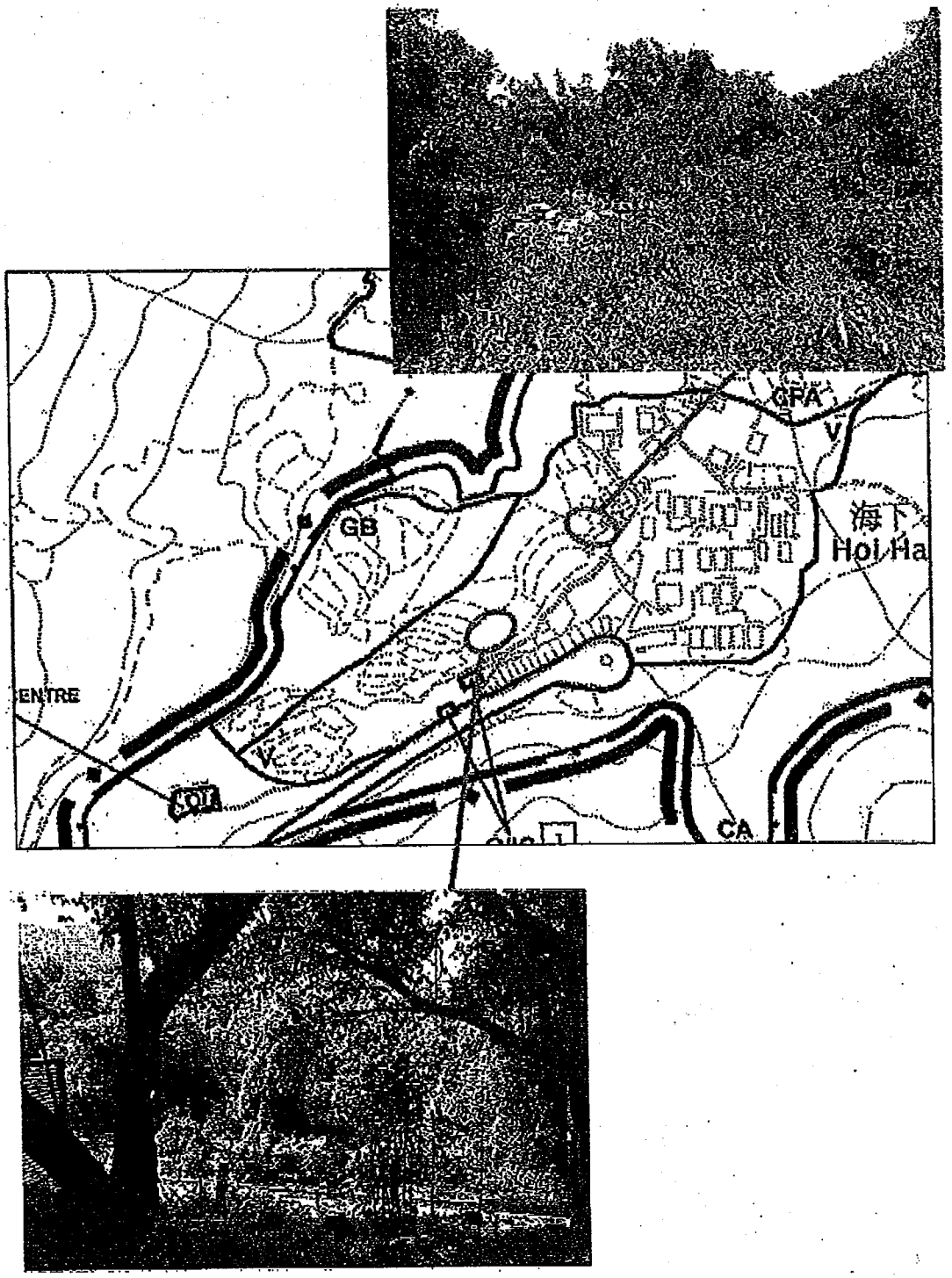


Fig 3. Undisturbed or relatively undisturbed area in the proposed "V" zone within the secondary young forest area (photo taken on 28 Aug 2013).

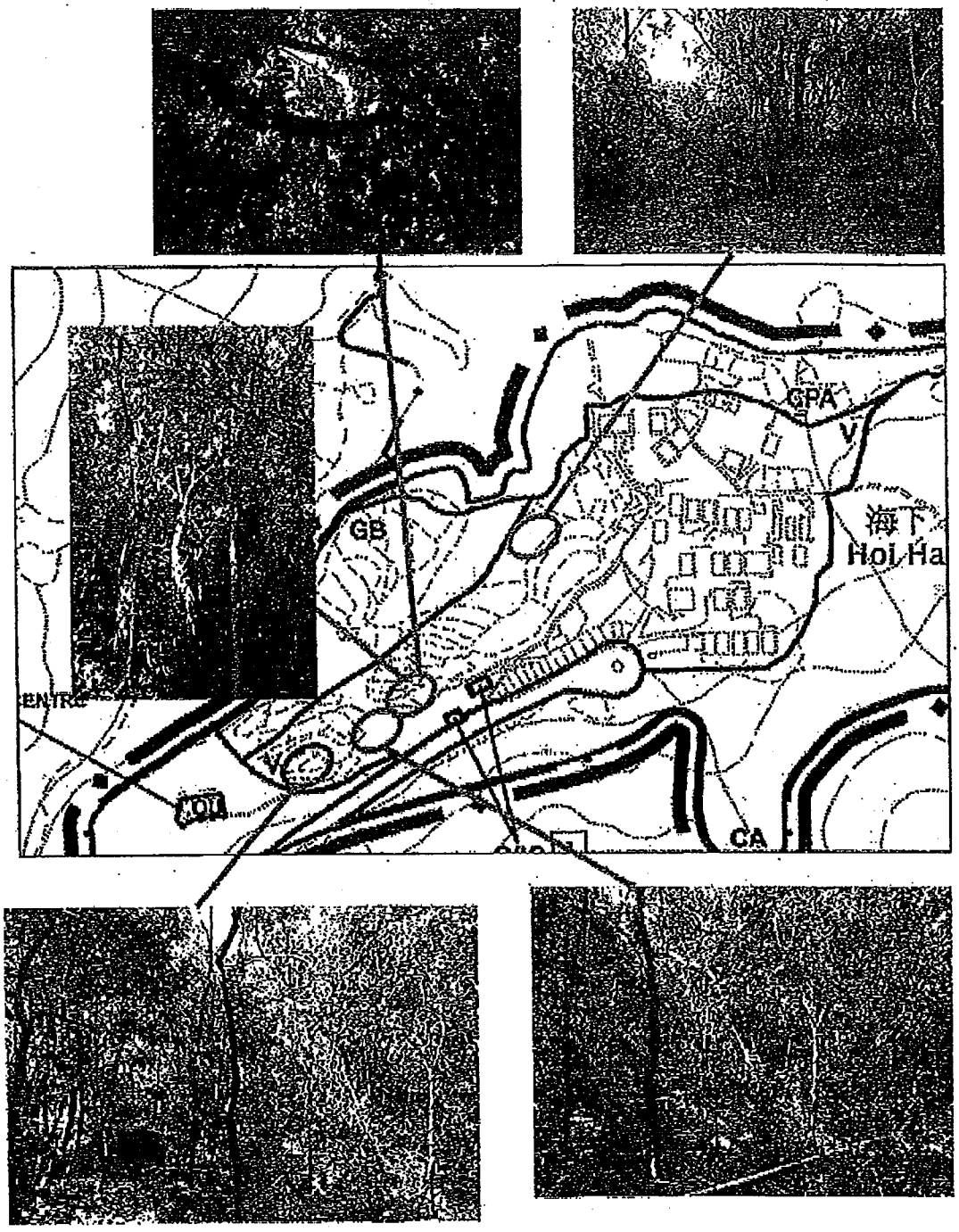
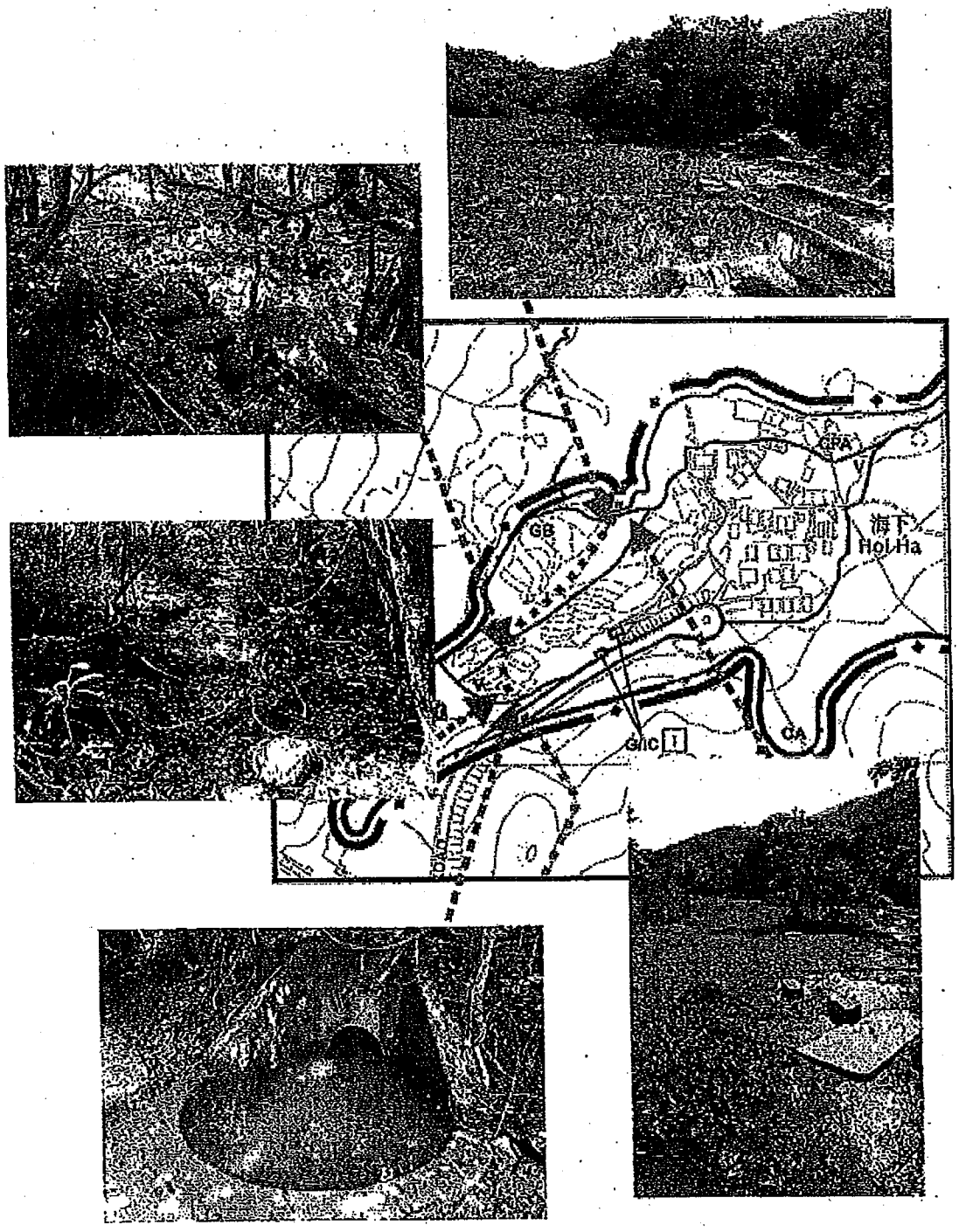


Fig. 4 The approximate location of a seasonal stream at the west and the immediate north of this proposed "V" zone (in blue dotted line) (photo taken on 28 Aug 2013).



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

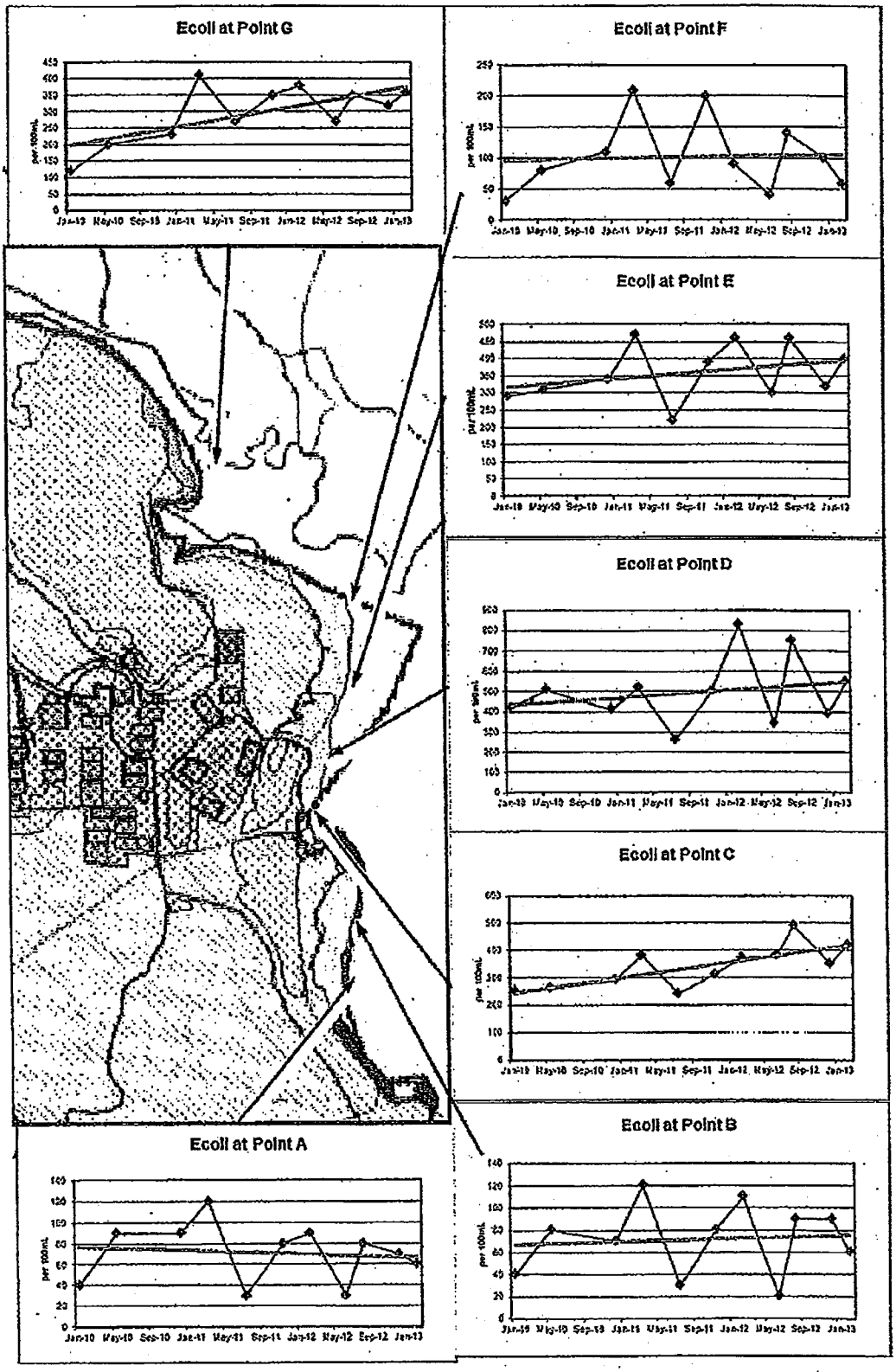
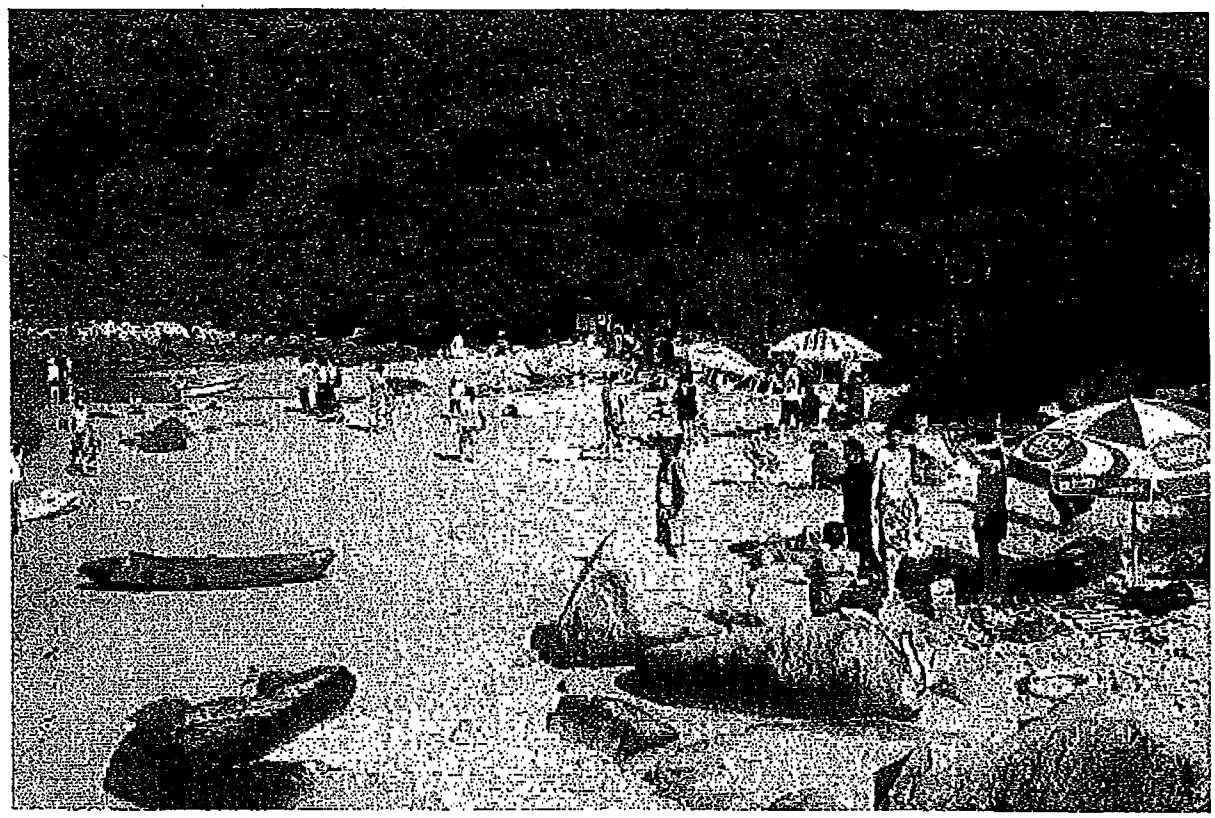


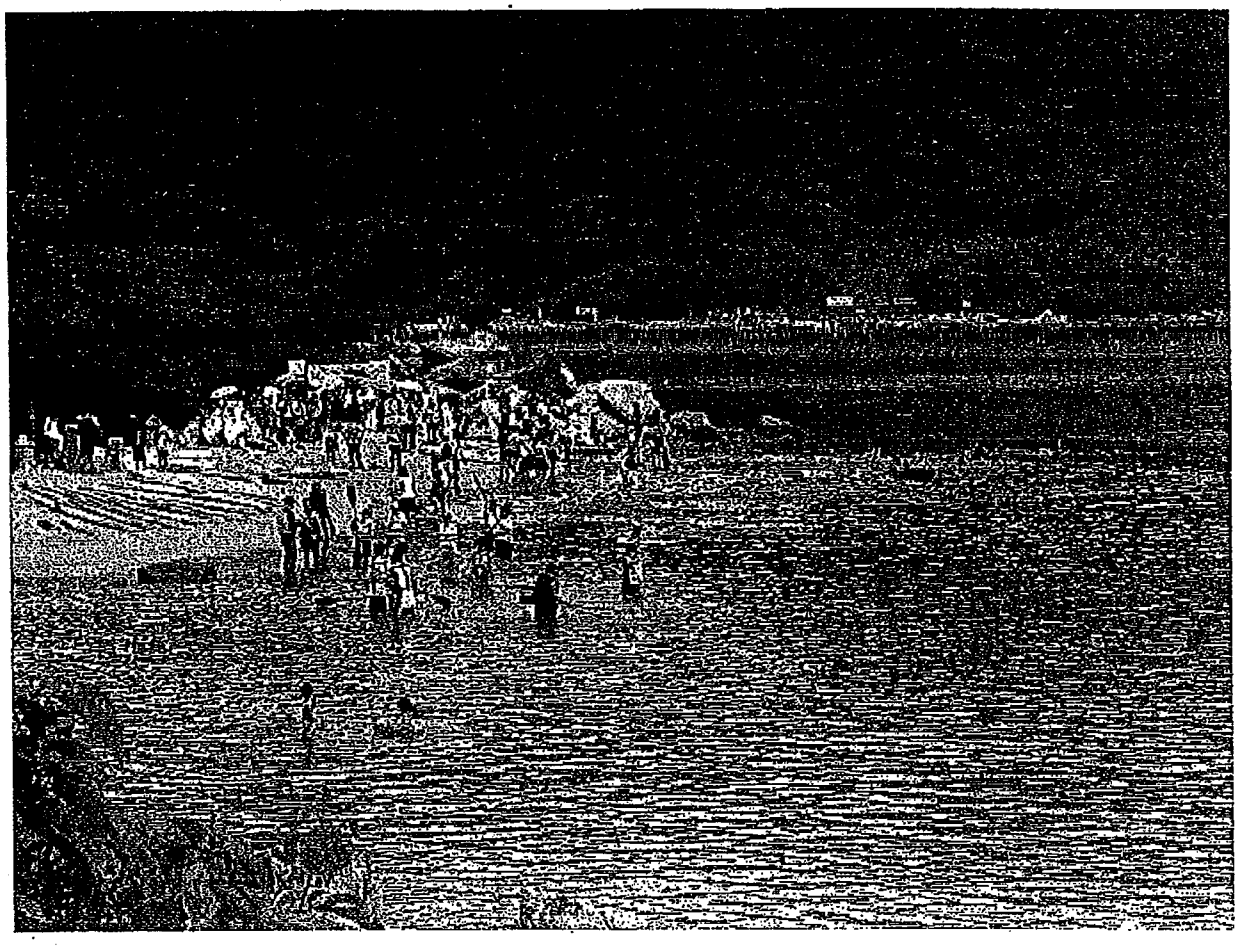
Figure 8.14. The levels of *E. coli* measured at low tide from ground water seepage at the beach

ANNEX 11 – HOI HA BATHING BEACHES

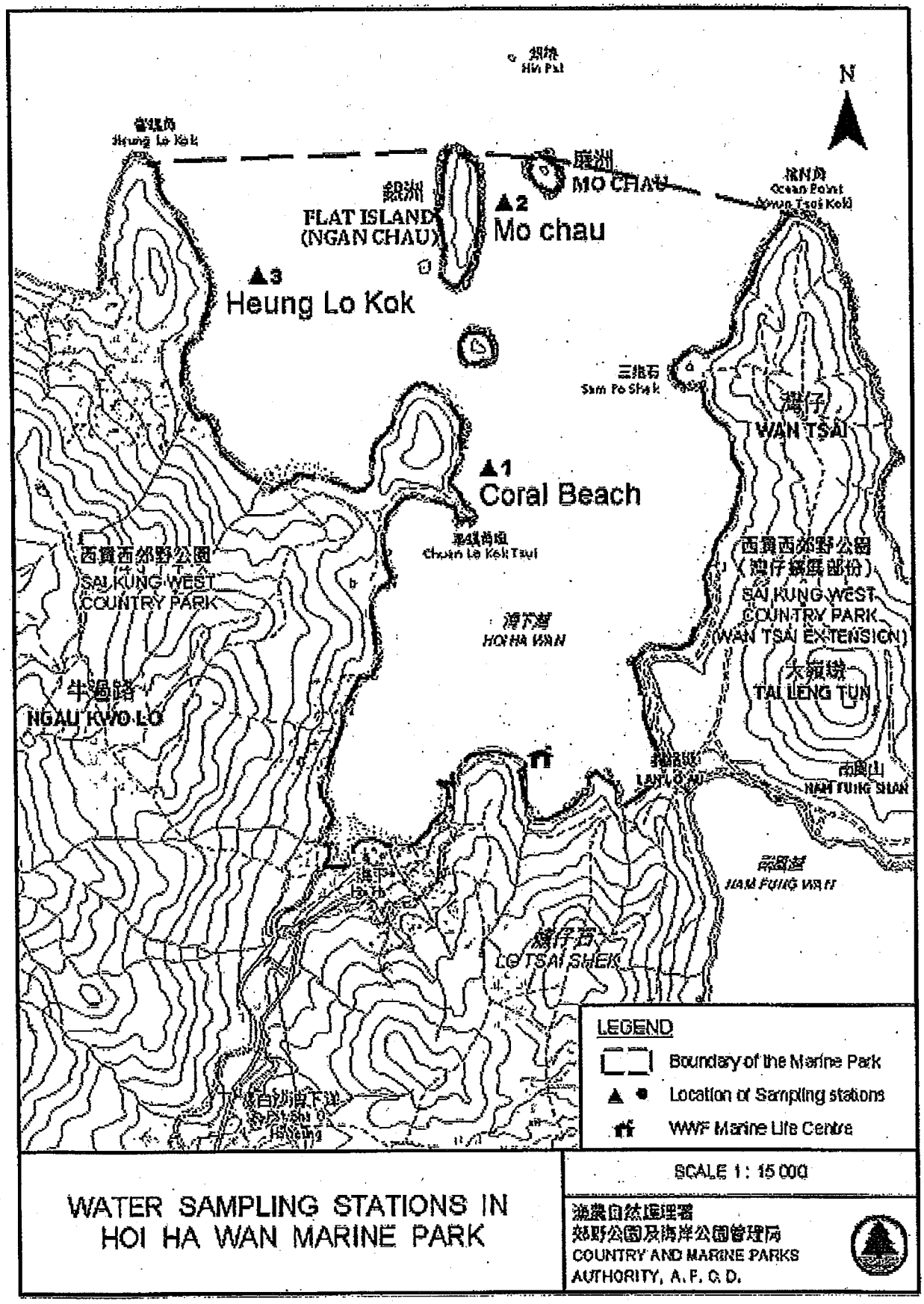








ANNEX 12 – EPD Water Sampling Stations



NNEX 13 – SPECIES RECORDED AT HOI HA

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

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

海下灣擬建村屋地　物種豐富具保育價值
諮詢期前齊提反對意見　勿被漁護署誤導

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

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

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

<u>過去調查記錄</u>

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

<u>民間全面生態調查</u>

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

<u>植物數據</u>

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

<u>動物數據</u>

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

水生生物

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

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

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

總結

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

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

城規會電郵：tpbpd@pland.gov.hk

聯絡人：黃志俊，香港自然生態論壇發言人[redacted]

e-mail:[redacted]

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

民間全面生態調查記錄：

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

參考報告：

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

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

海下灣受影響範圍的具保育價值物種：

植物	土沉香，牙香樹	國家二級保護野生植物

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

生境照片 caption:

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

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

WP_20131015_11_25_16_panorama.jpg 淡水濕地

WP_20131015_11_27_00_panorama.jpg 淡水濕地

WP_20131015_13_40_58_panorama.jpg 河口海邊沙泥灘

WP_20131015_13_42_28_panorama.jpg 河口向海外望

ANNEX 14 – HOI HA STREAM



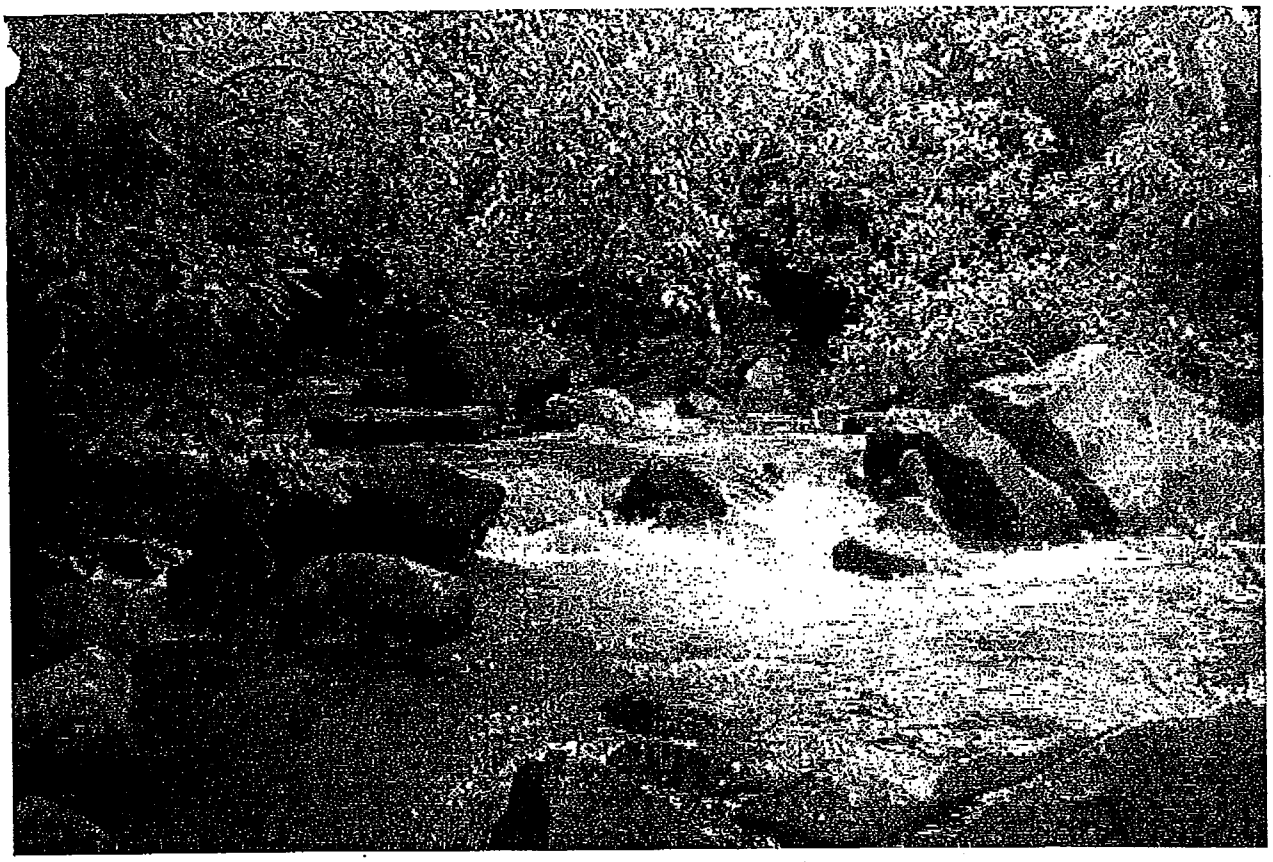


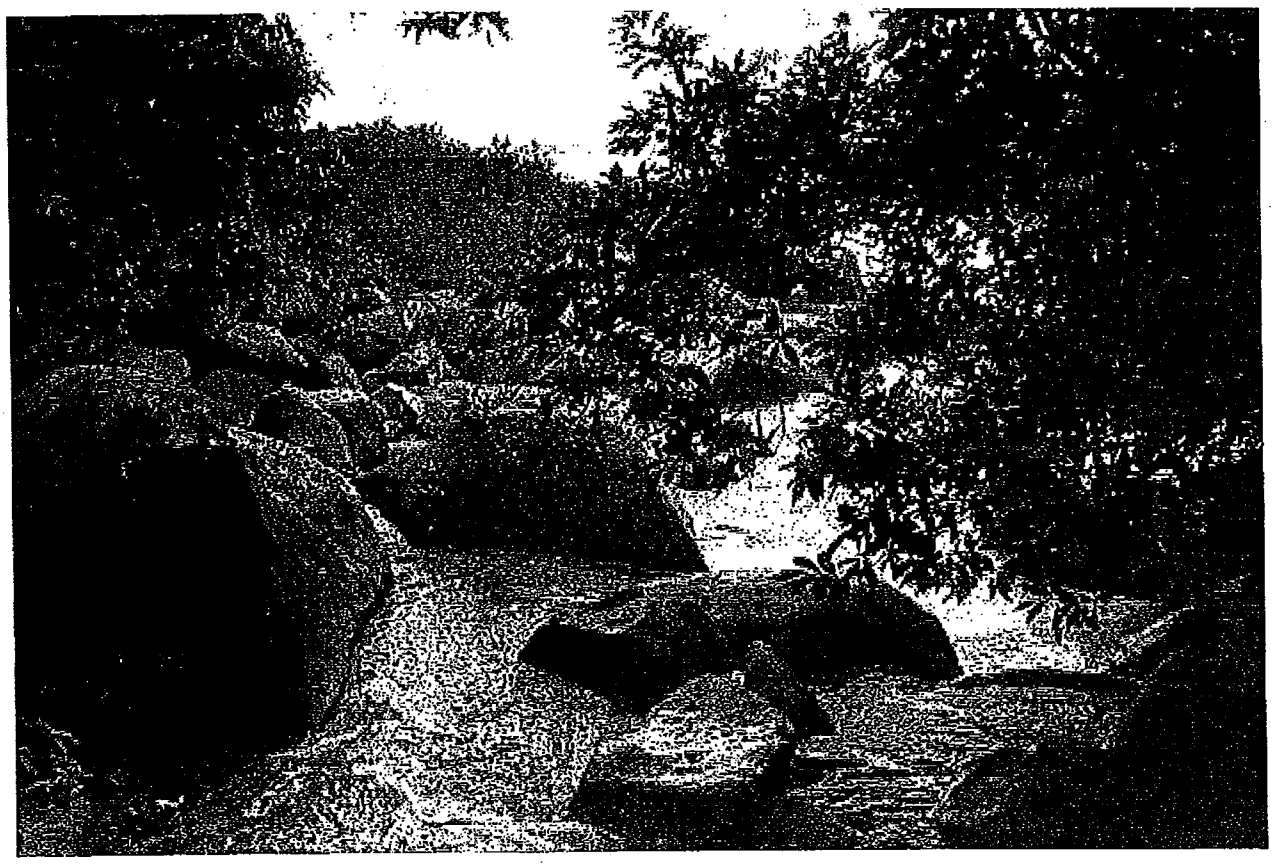


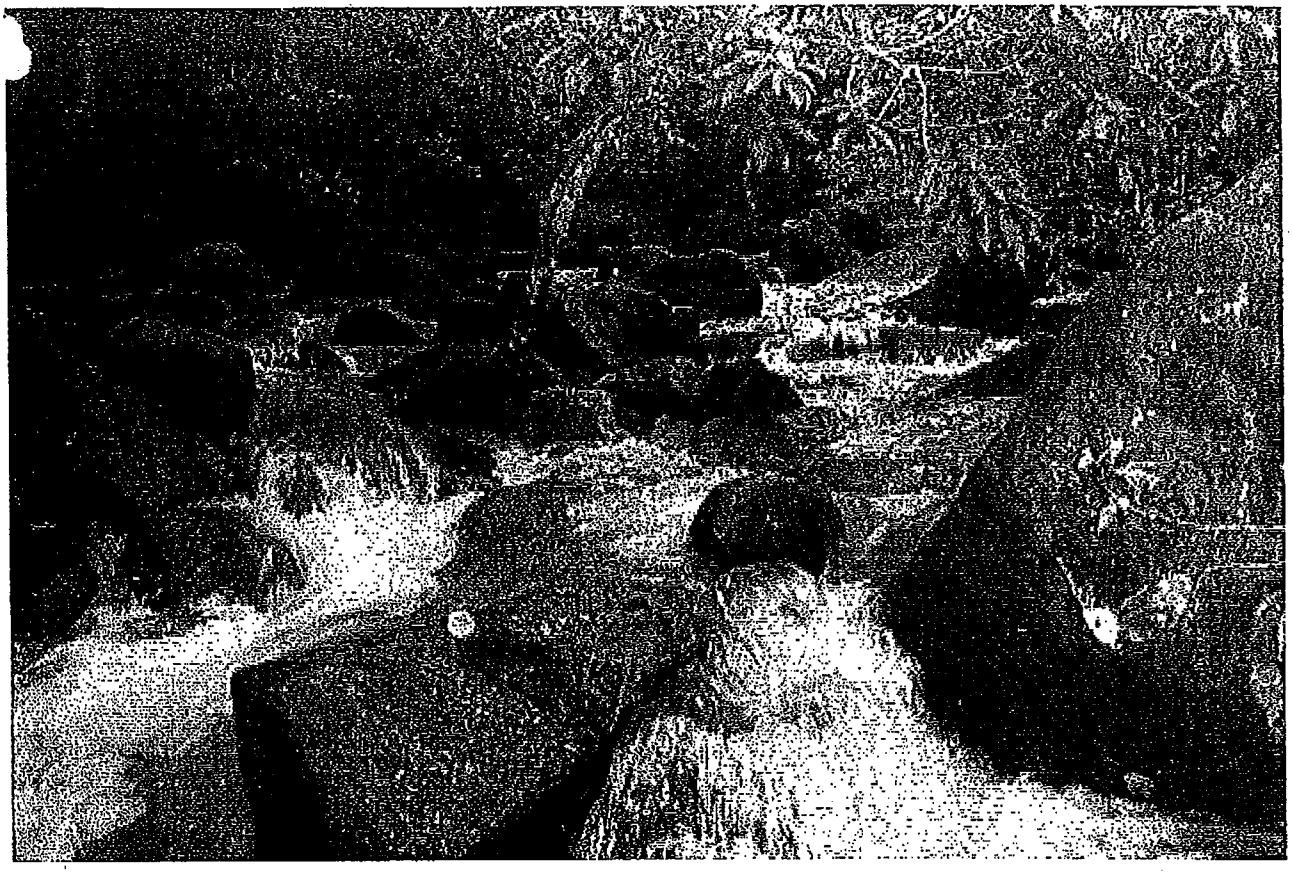




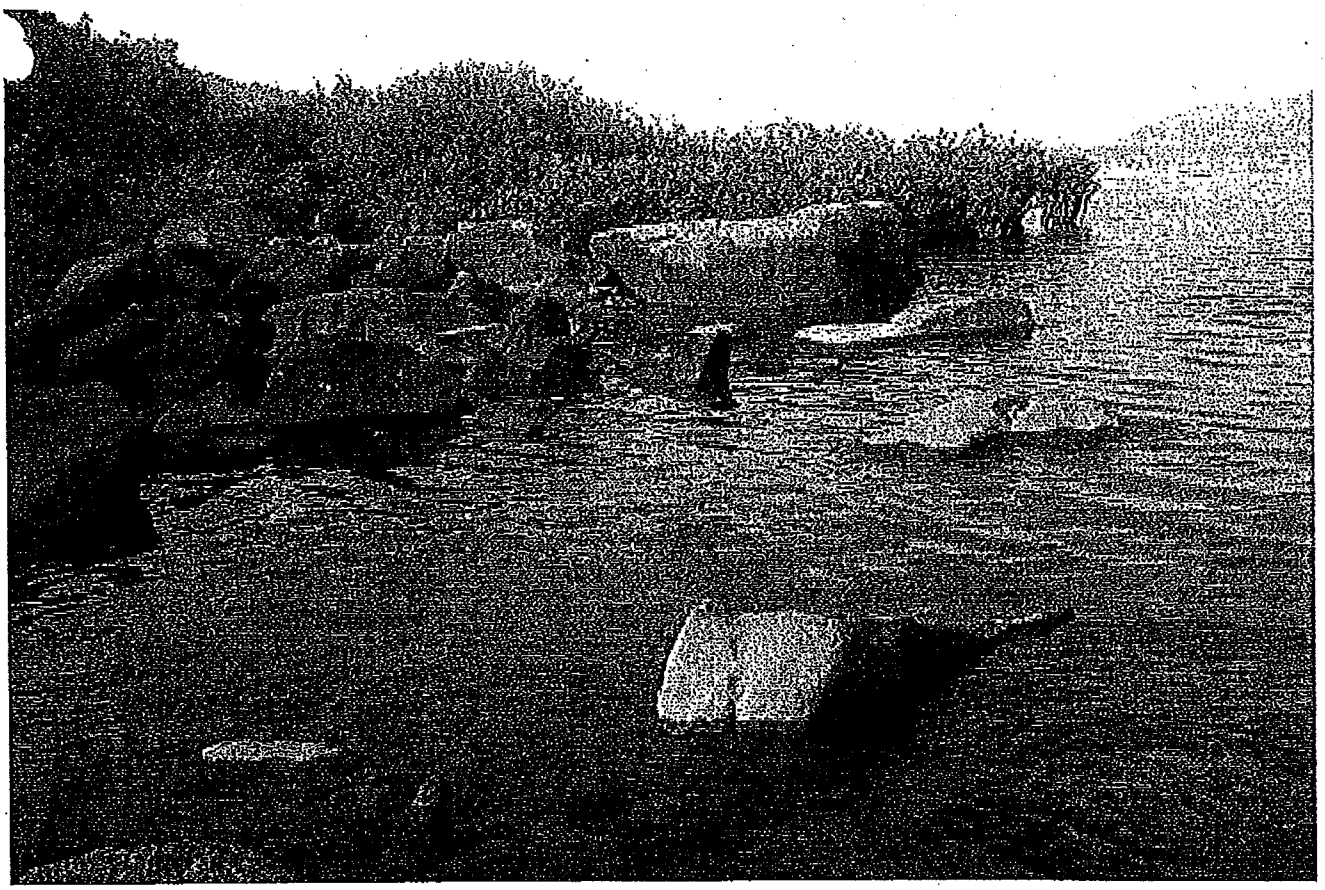












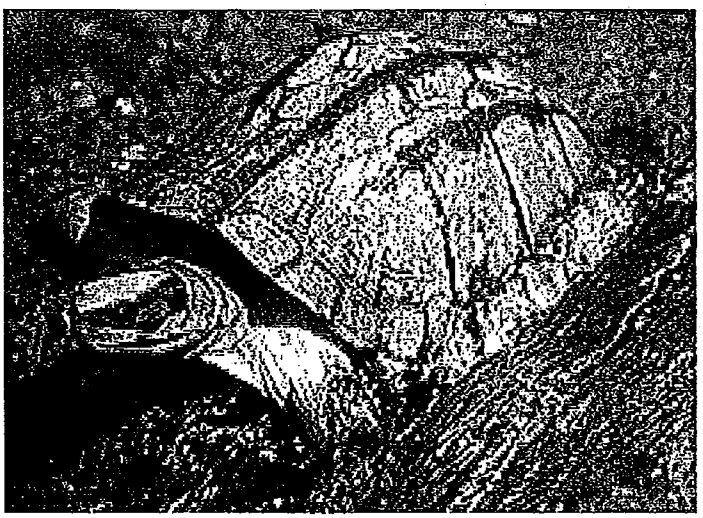


ANNEX 15 – BROWN FISH OWL



Photograph taken along the Hoi Ha Road in May 2013

ANNEX 16 – THREE-BANDED BOX TERRAPIN



Photograph - AFCD

ANNEX 17 – PROPOSED V-ZONE



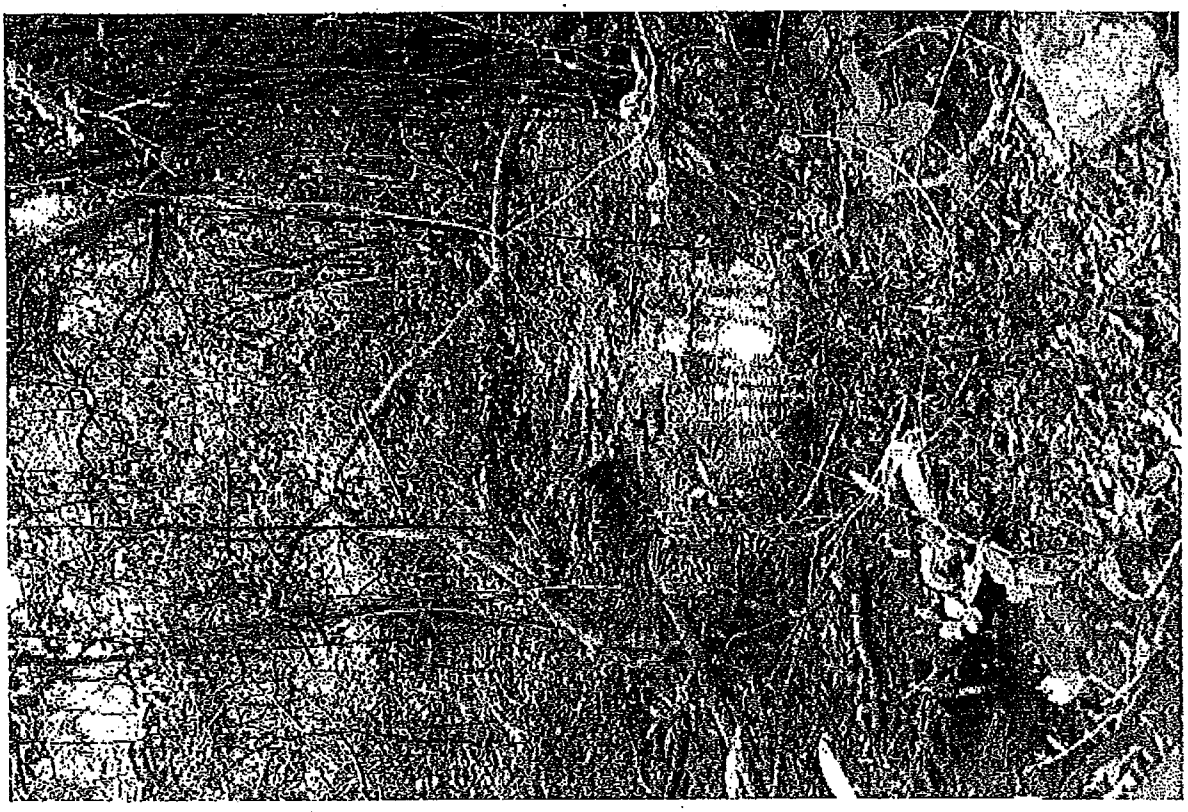




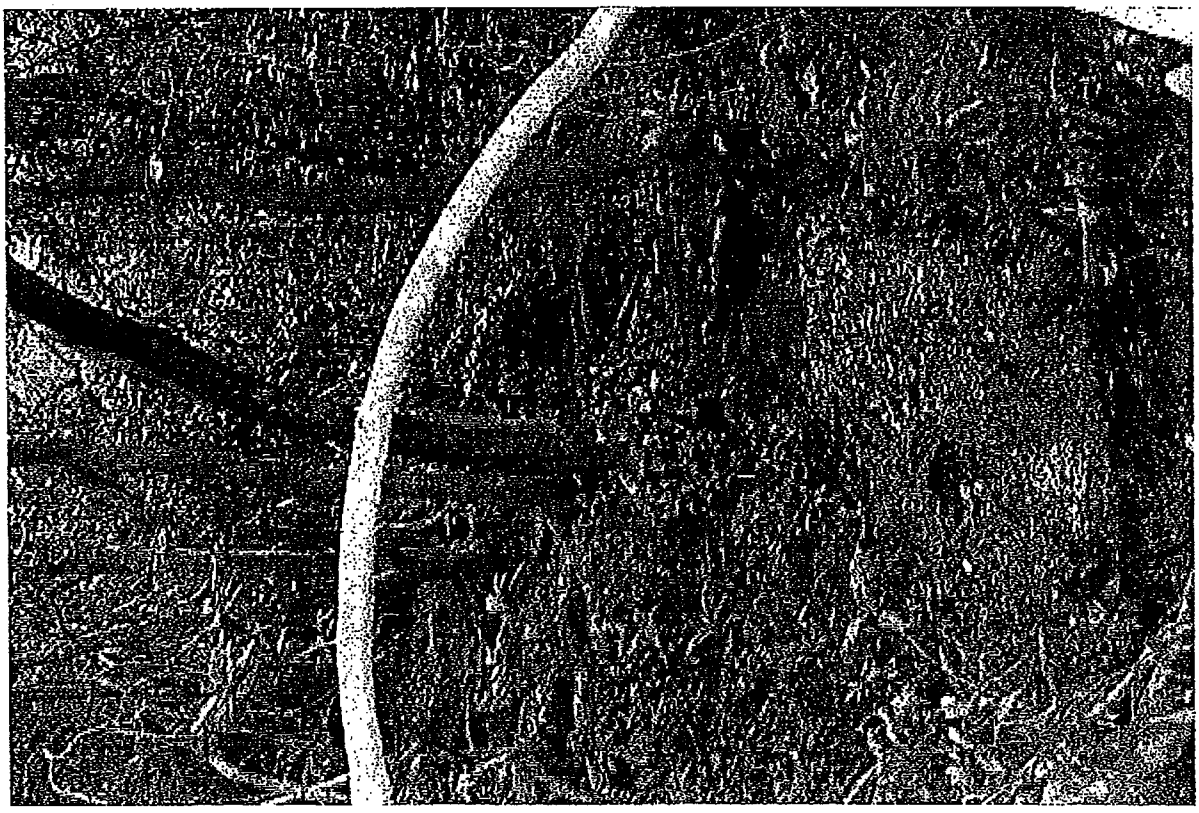


Floscopa scandens

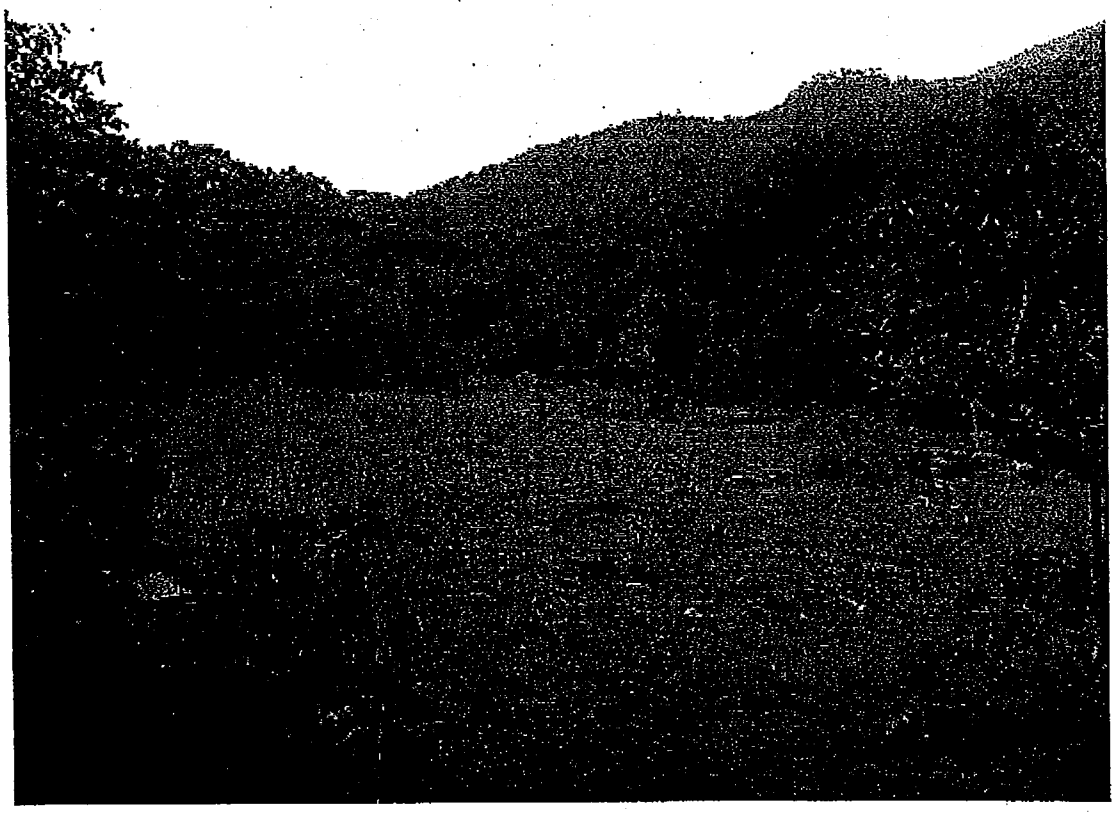








ANNEX 18 – PROPOSED GREEN BELT



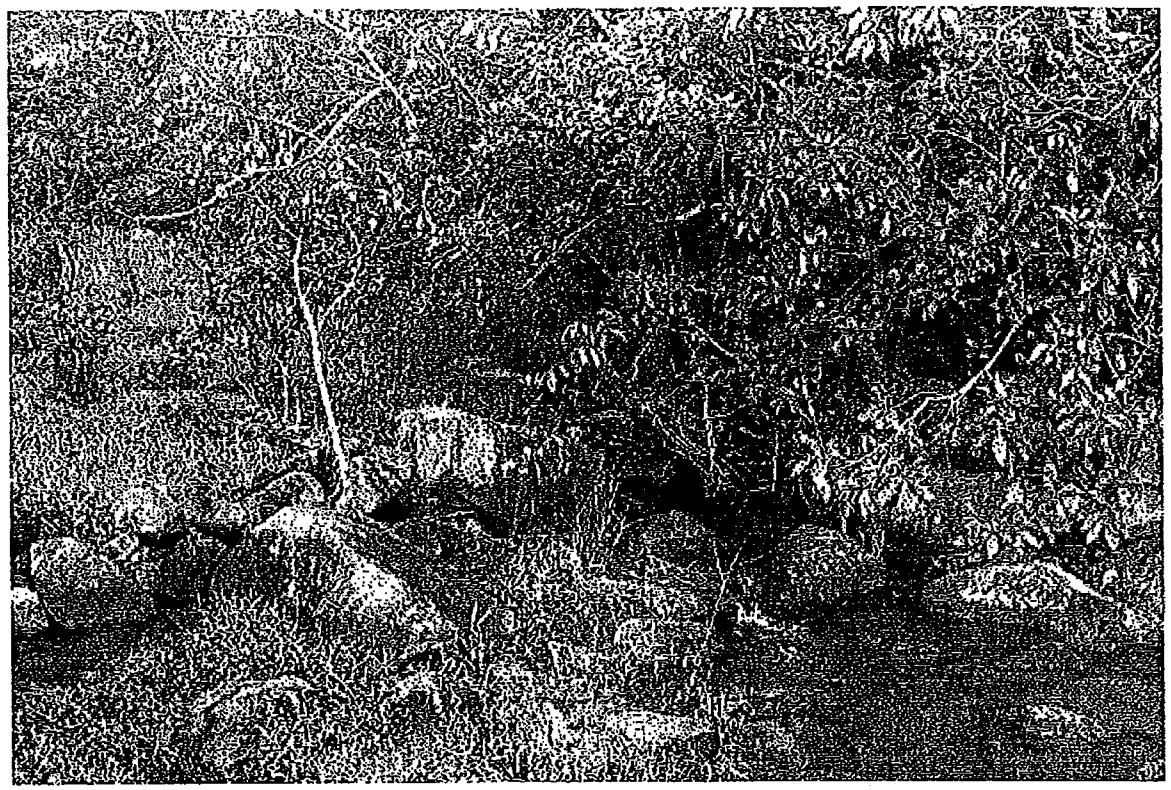




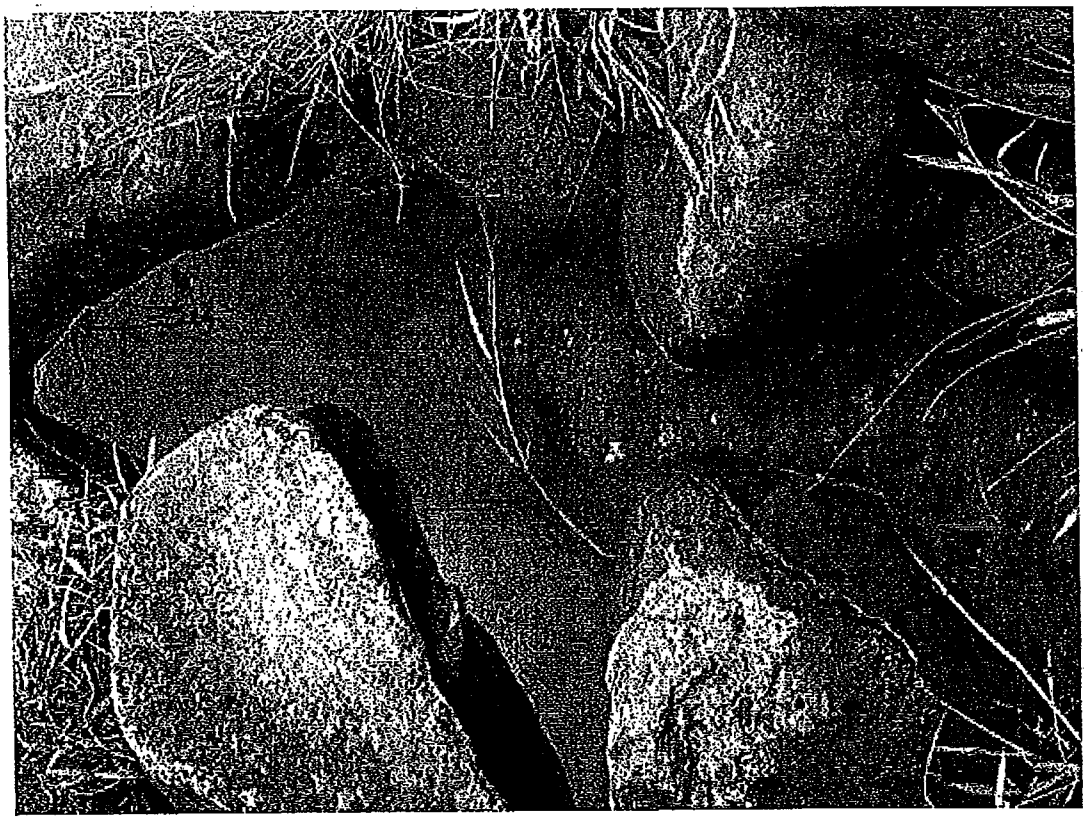


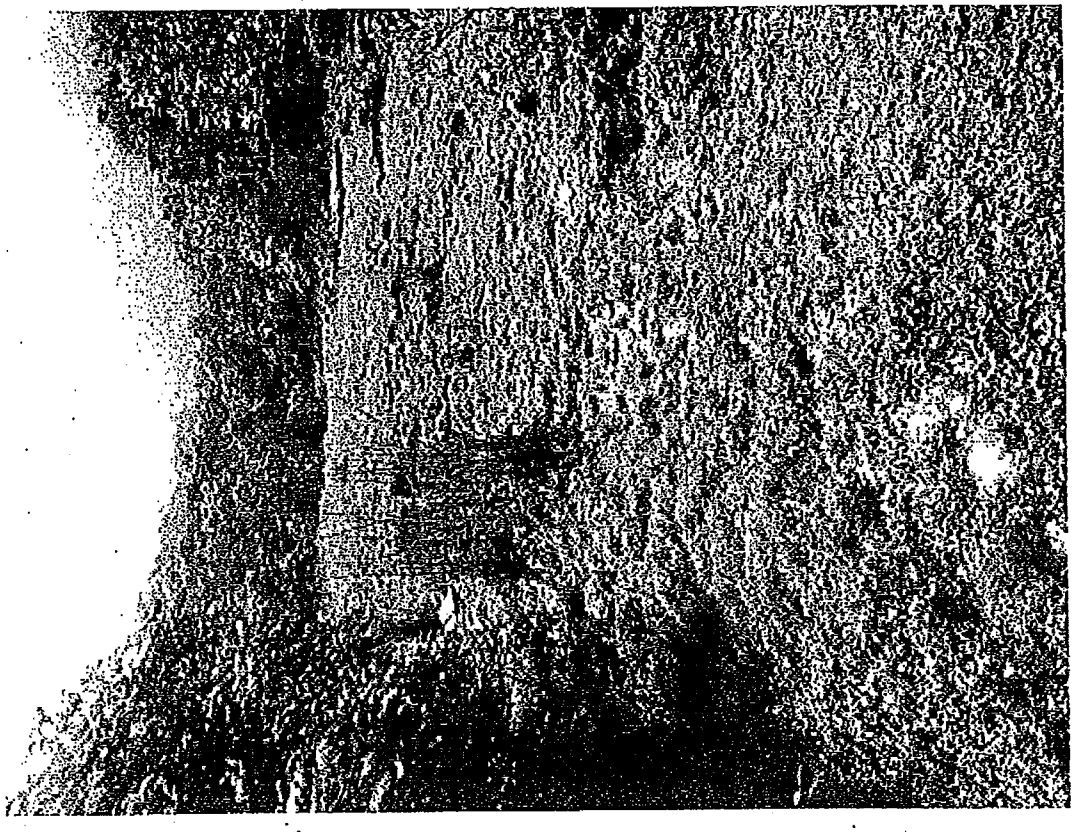


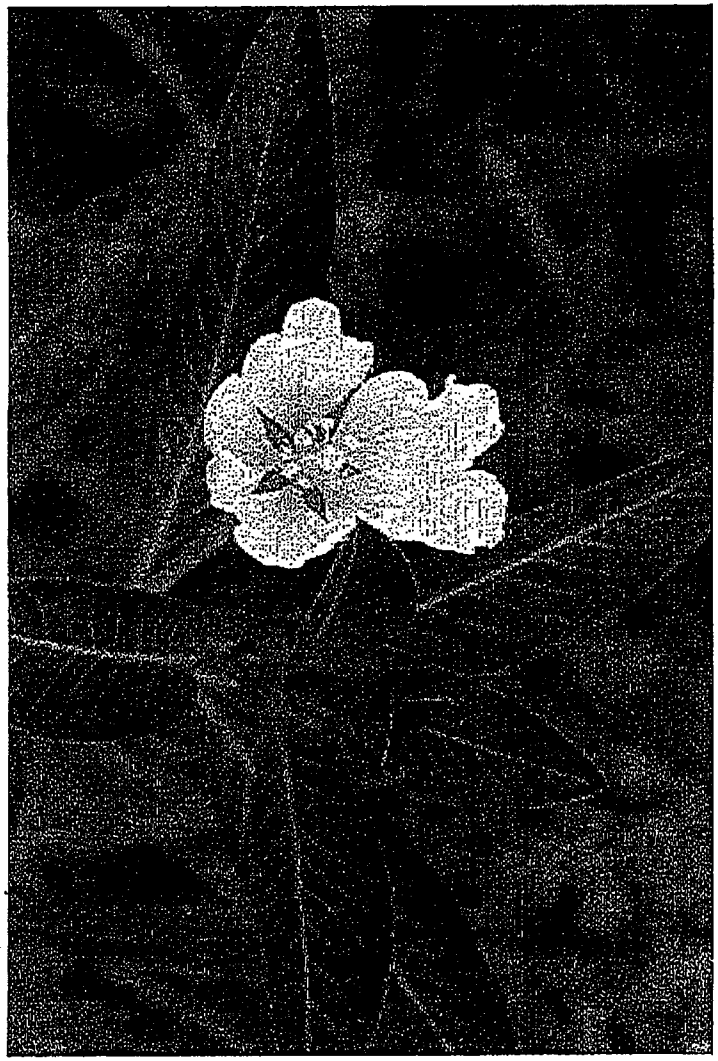








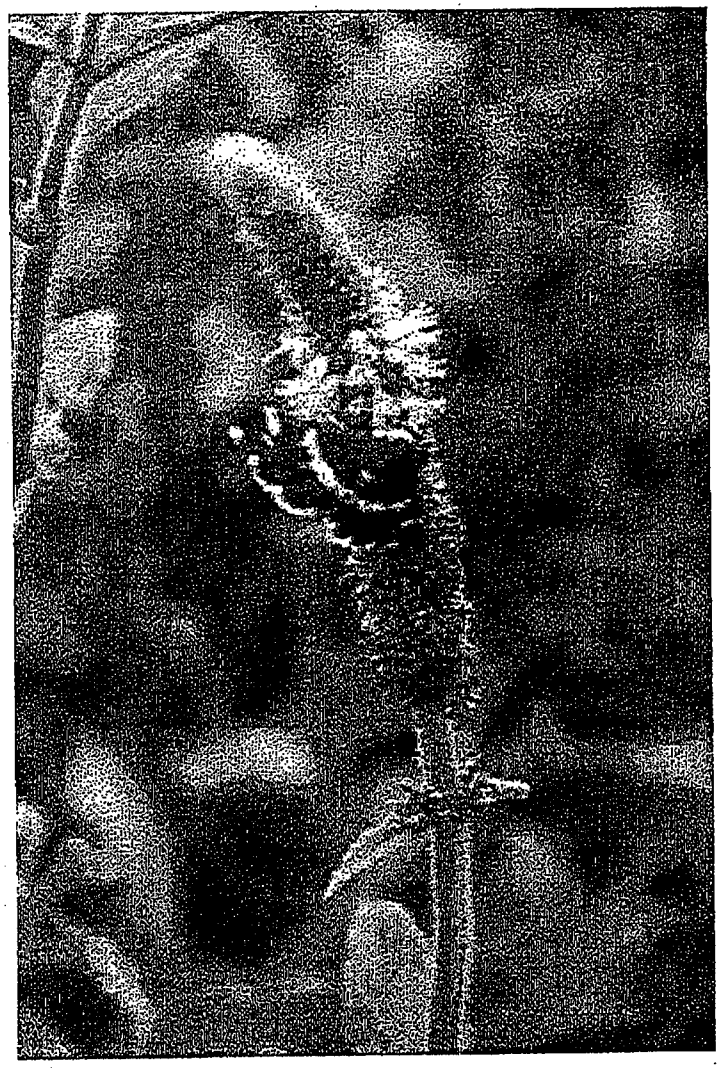




Ludwigia adscendens

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

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

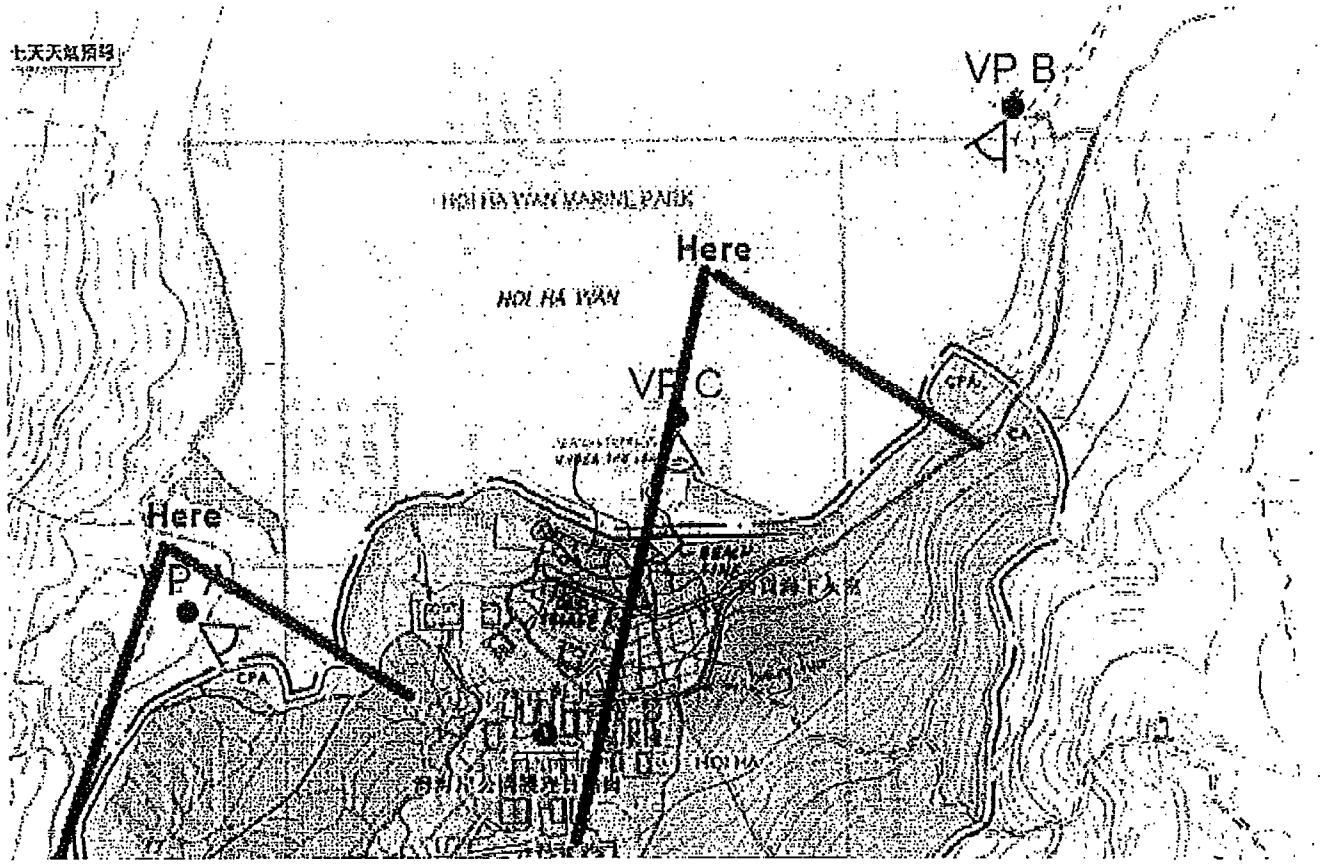


Pogostemon auricularius with *Spoladea recurvalis* moth



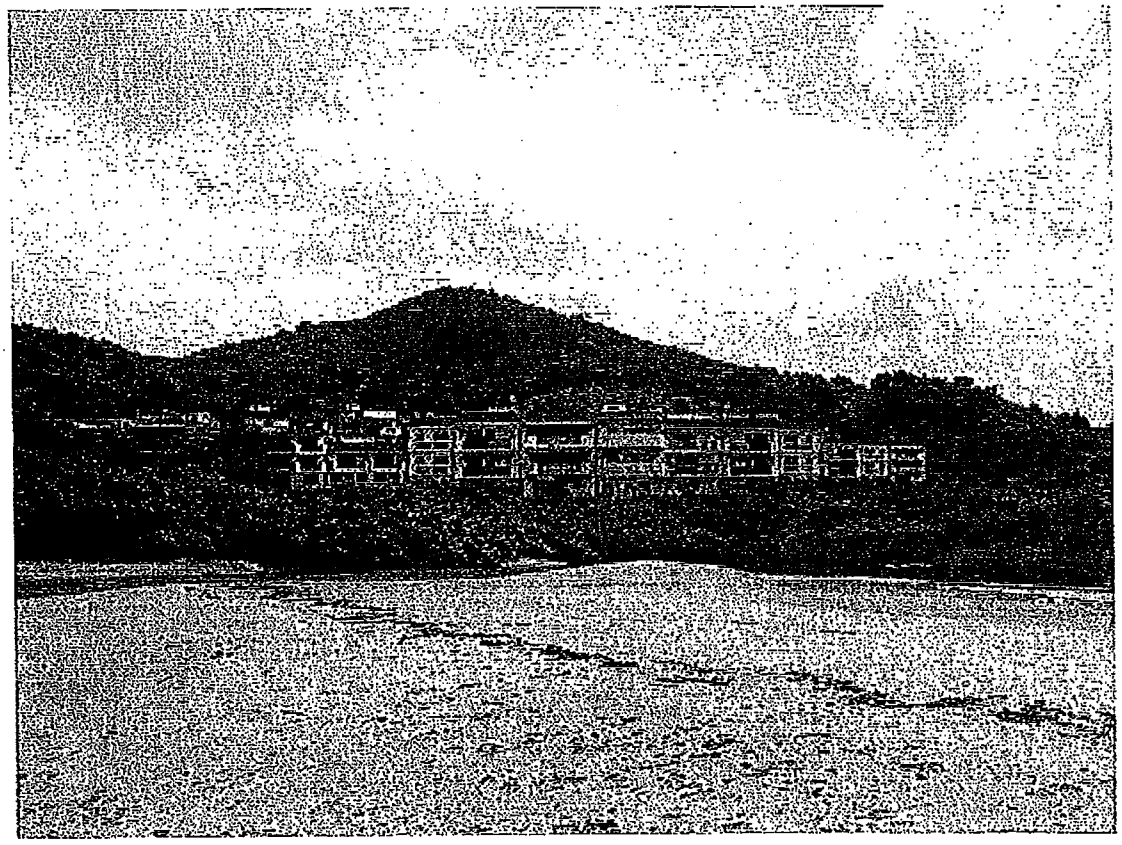
The herb *Geissapis cristata*, a locally rare species (Xing *et al.*, 2000)

ANNEX 19 - PHOTO MONTAGES





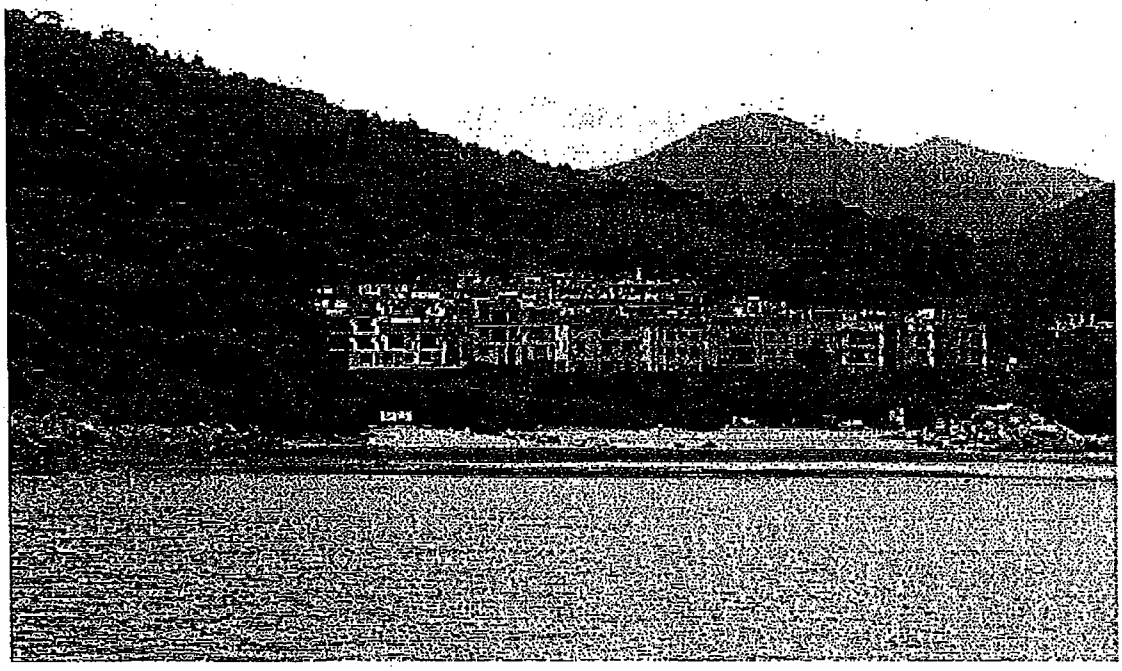
Landscape View of Proposed V-Zone Before Development.



Landscape View of Proposed V-Zone Extension After Development.



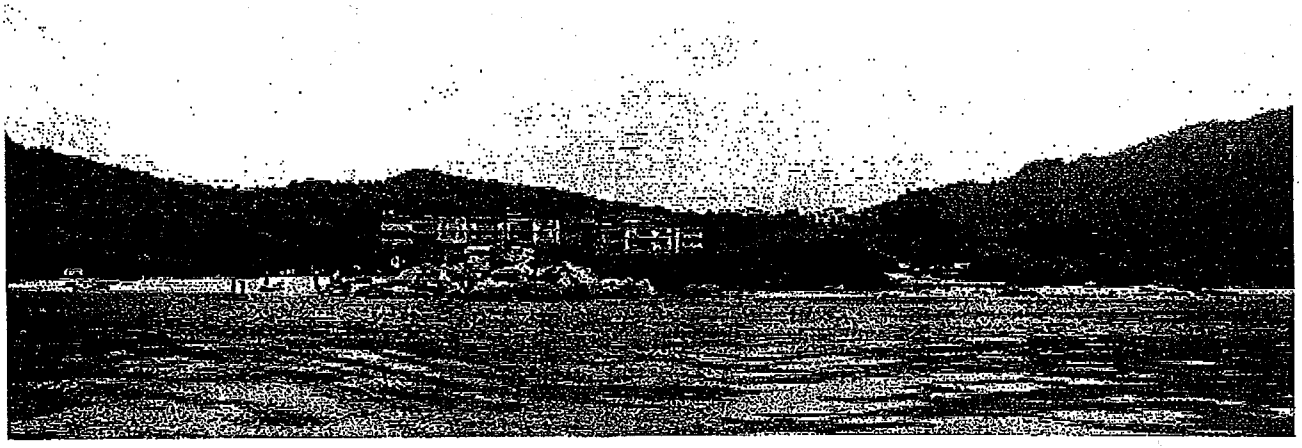
Present Landscape View of the Front of Hoi Ha Village.



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

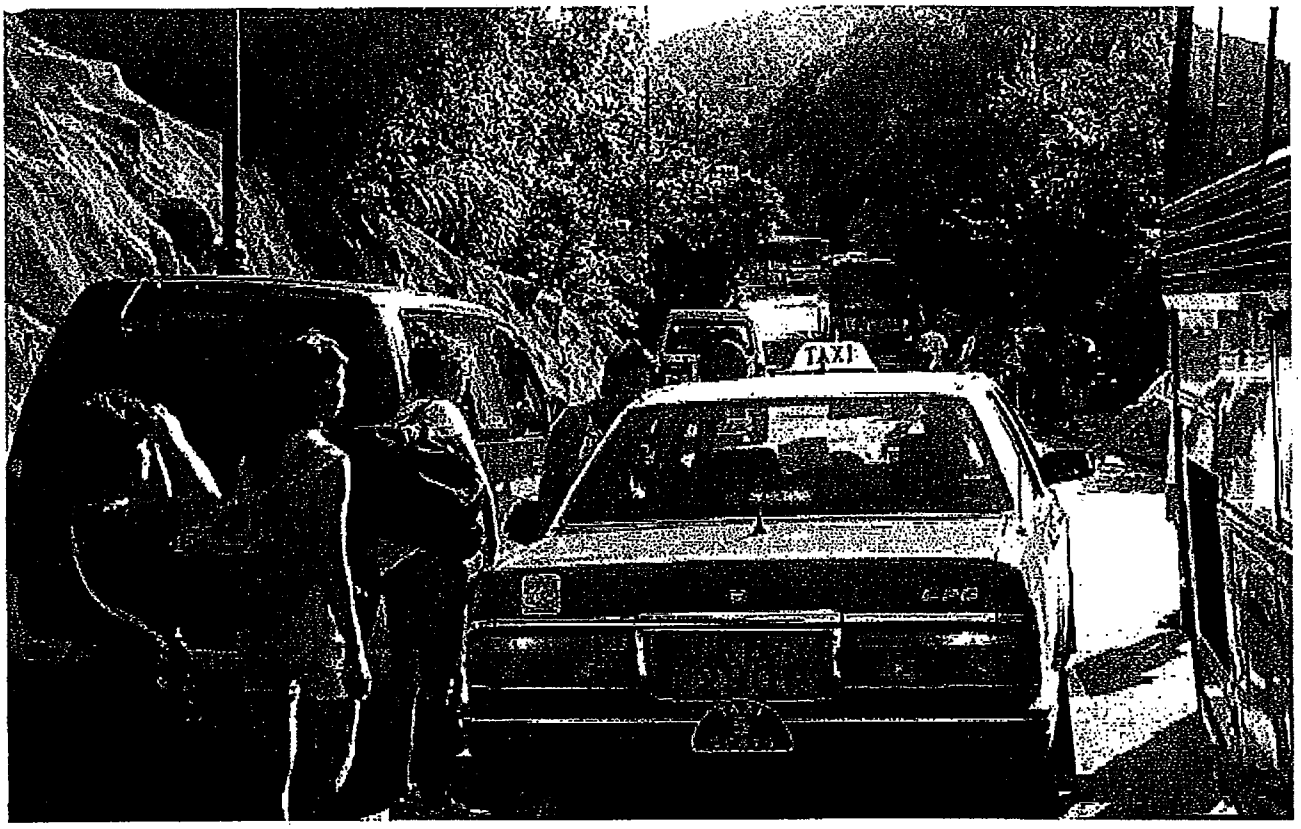


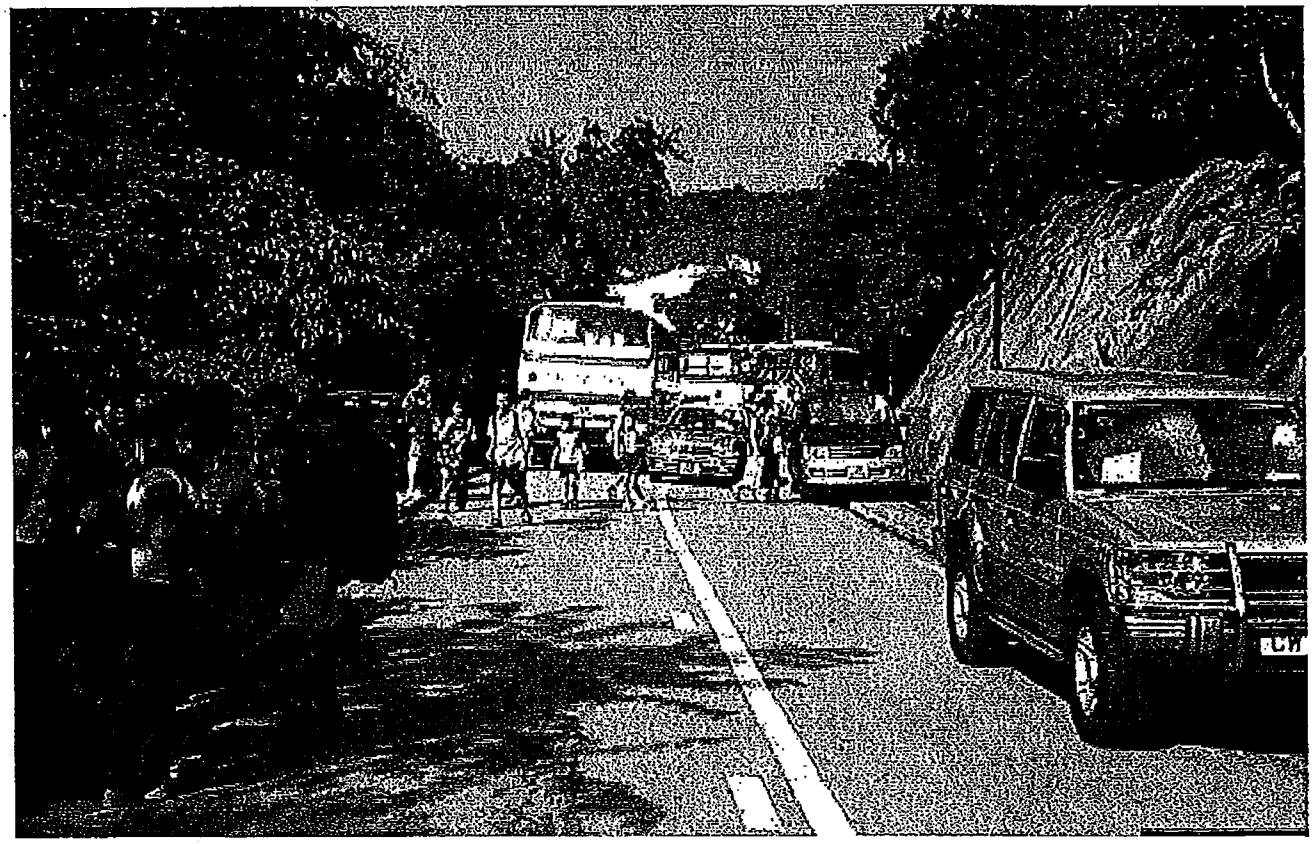
Present-Day View of Hoi Ha From the Marine Park.



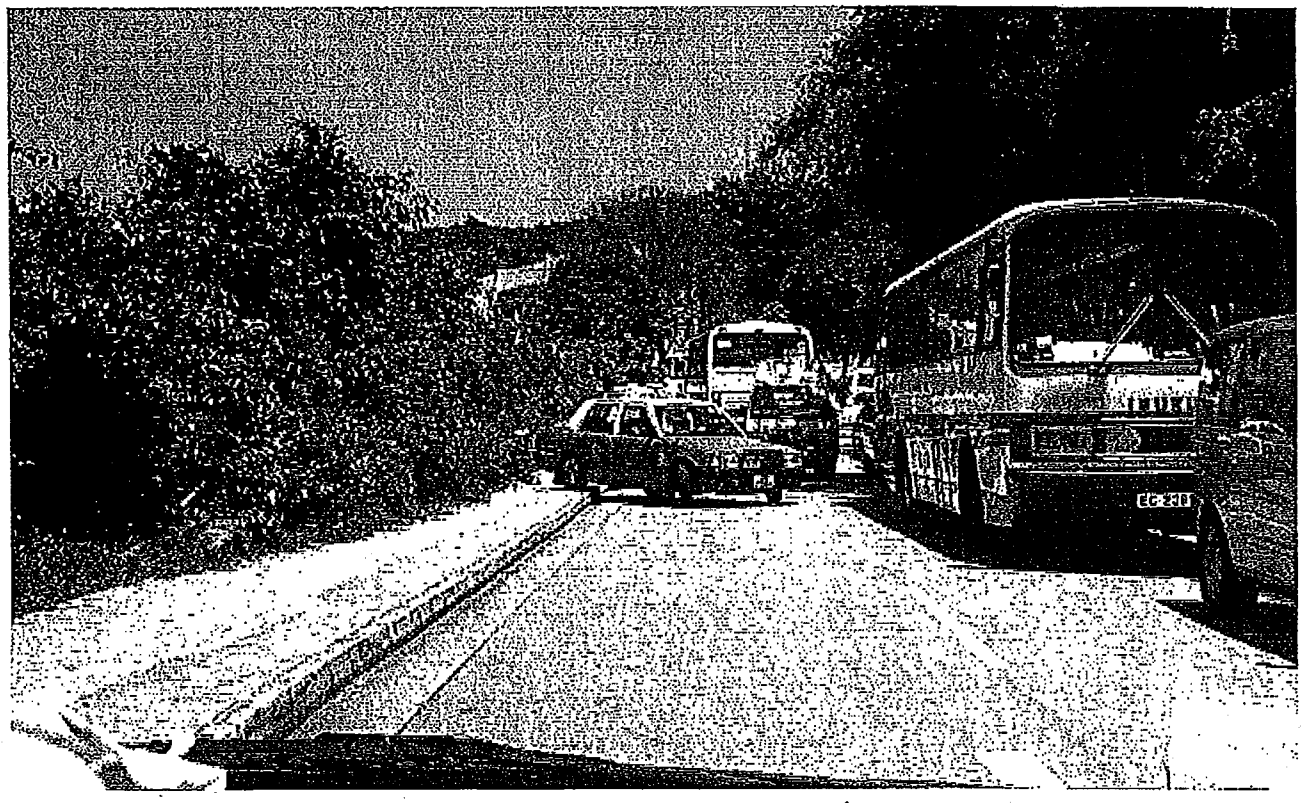
View of Hoi Ha From the Marine Park After Development at the Front of the Village.

INEX 20 – CONGESTION AT HOI HA

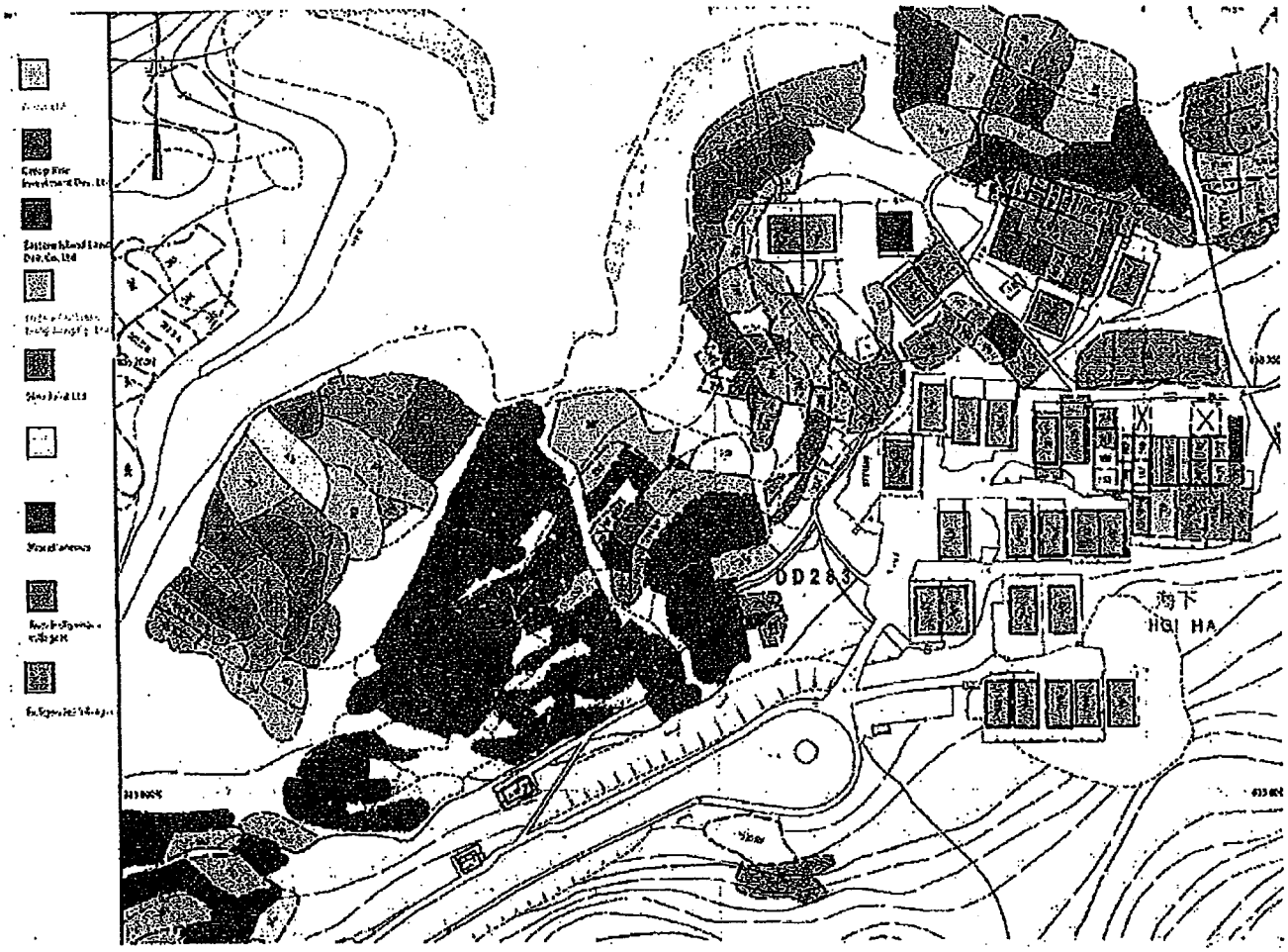








Annex 21 – Land Ownership



Major Land Owners:

Eastern Island Land Development Company Limited

Ever Lucky Development Limited

Group Rise Investment Development Limited

Vantix Limited

Xinhua Bookstore Xiang Jiang Group Limited

Sino Joint Limited

Billion Ease Limited

Certain Holdings Limited

Everluck Development Limited

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

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

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

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/Madam,

Please find attached our submission on the captioned.

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

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

(12)

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

27th November 2013

Chairman and Members
Town Planning Board

E-mail: tpbpd@pland.gov.hk

Dear Sir/Madam,

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

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

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

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

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

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

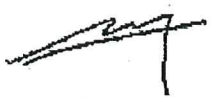
portion of the "V" zone should be replaced by "CA" zone to safeguard the secondary woodland and Hoi Ha Wan.

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

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

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

Yours faithfully,



Ng Hei Man
Assistant Campaign Manager

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

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

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

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

致城規會主席鈞鑑：

反對海下分區計劃大綱草圖

海下分區計劃大綱草圖編號: S/NE-HH/1

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

本會作出相對應的建議基於以下因素:

1) 擴大V型地段的理據是基於不真實的建屋需求。

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

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

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

5) 海下河流環境很重要，故此需要保護，保育區的緩衝地帶應最少有30米闊。

綠領行動 謹啓

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

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綠領行動
GREENERS ACTION

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

綠領行動
九龍長沙灣李鄭屋商場
27/11/2013

城規會主席鈞鑑：

反對海下分區計劃大綱草圖

海下分區計劃大綱草圖編號: S/NE-HH/1

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5) 海下河流環境很重要，故此需要保護，保育區的緩衝地帶應最少有 30 米闊。

綠領行動 謹啟

有關「綠領行動」

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

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

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

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

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

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/Madam,

Please find attached our submission on the captioned.

Thank you for your attention.

Yours faithfully,

Michael Lau

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

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

WWF – SOLUTIONS FOR A LIVING PLANET

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

(10)

WWF for a living planet®

世界自然基金會
香港分會

WWF-Hong Kong

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Our Ref.: SHK /LDD 11/13

26 November 2013

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

By E-mail ONLY

Dear Sir/Madam,

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

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

1. General View

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

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

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

2.1 Giving green light to private development

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

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

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

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

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

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

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

2.2 Inevitable Water Quality Impact to Hoi Ha Wan Marine Park

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

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

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

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

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

2.3 Unconvincing Small House demand

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

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

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

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

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

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

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

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

3. Specific comments on other zonings:

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

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

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

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

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

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

4. Cumulative Impacts from Increased Traffic Demand

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

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

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

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

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

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

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

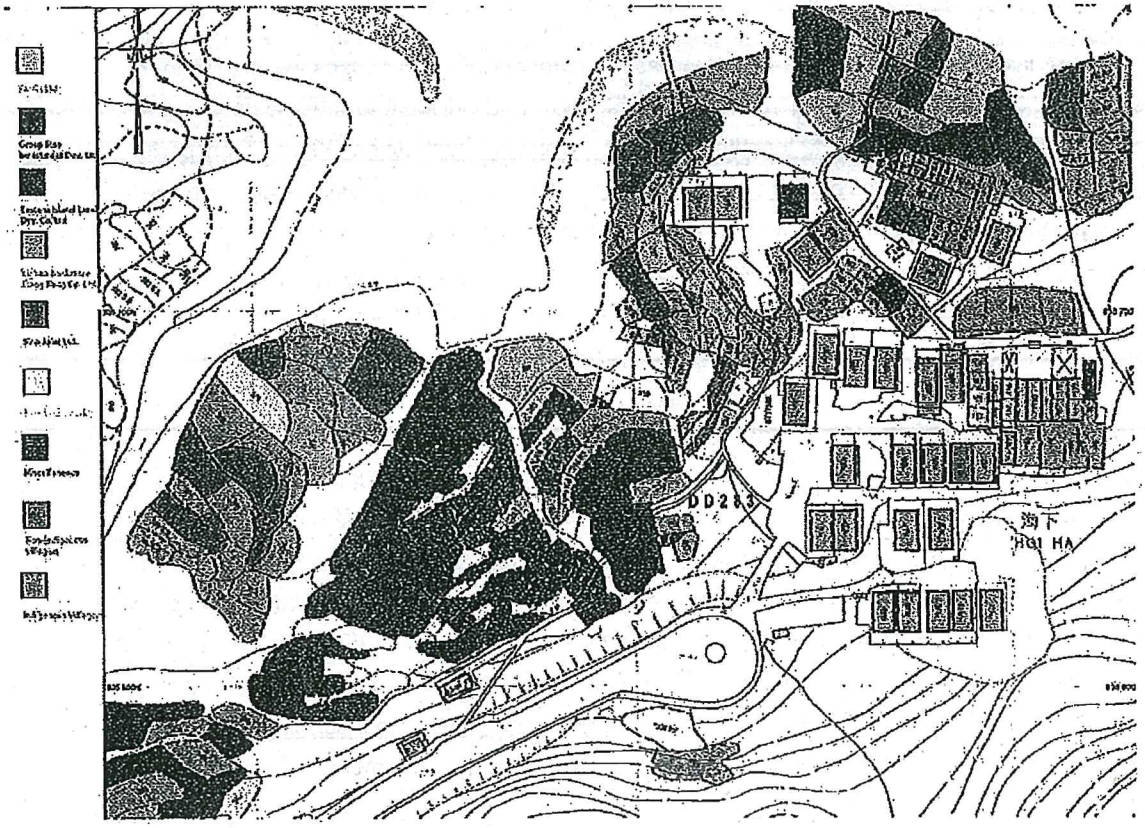
Yours faithfully,



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

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

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



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

Fig. 2 Recommended zonings to Hoi Ha OZP

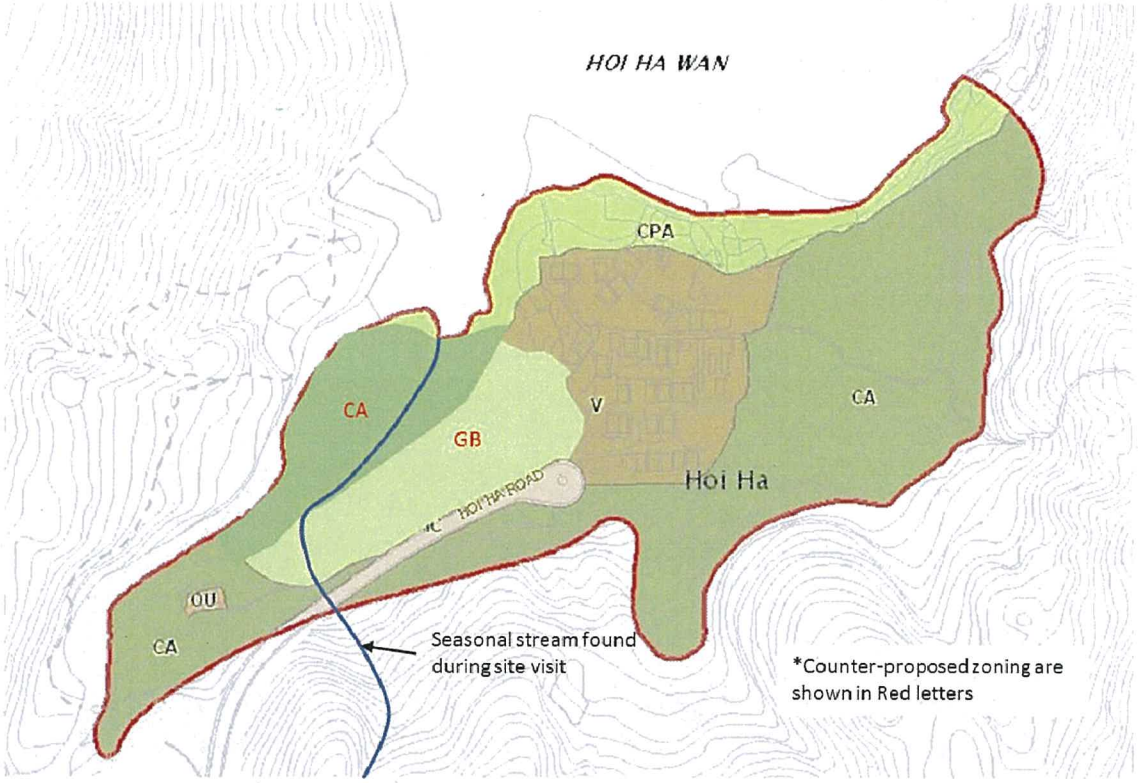


Fig. 3 A small stream located in the proposed "GB" zone adjacent to the wet abandoned agricultural land, that eventually enters the "CPA" zone and drains into the Hoi Ha Wan Marine Park (photo taken on 28 Aug 2013).



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

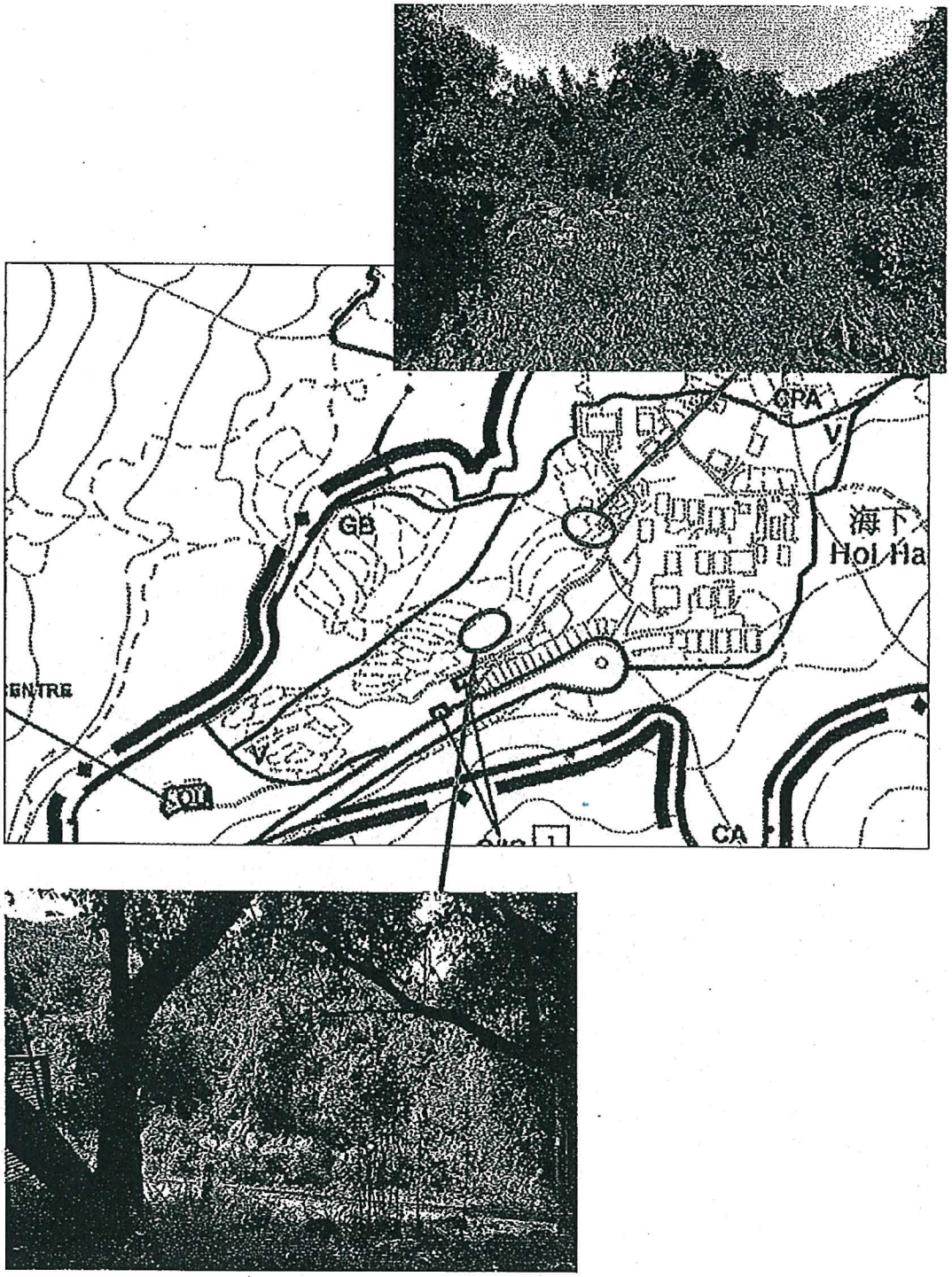


Fig 5. Undisturbed or relatively undisturbed forest in the proposed "V" zone (photo taken on 28 Aug 2013).

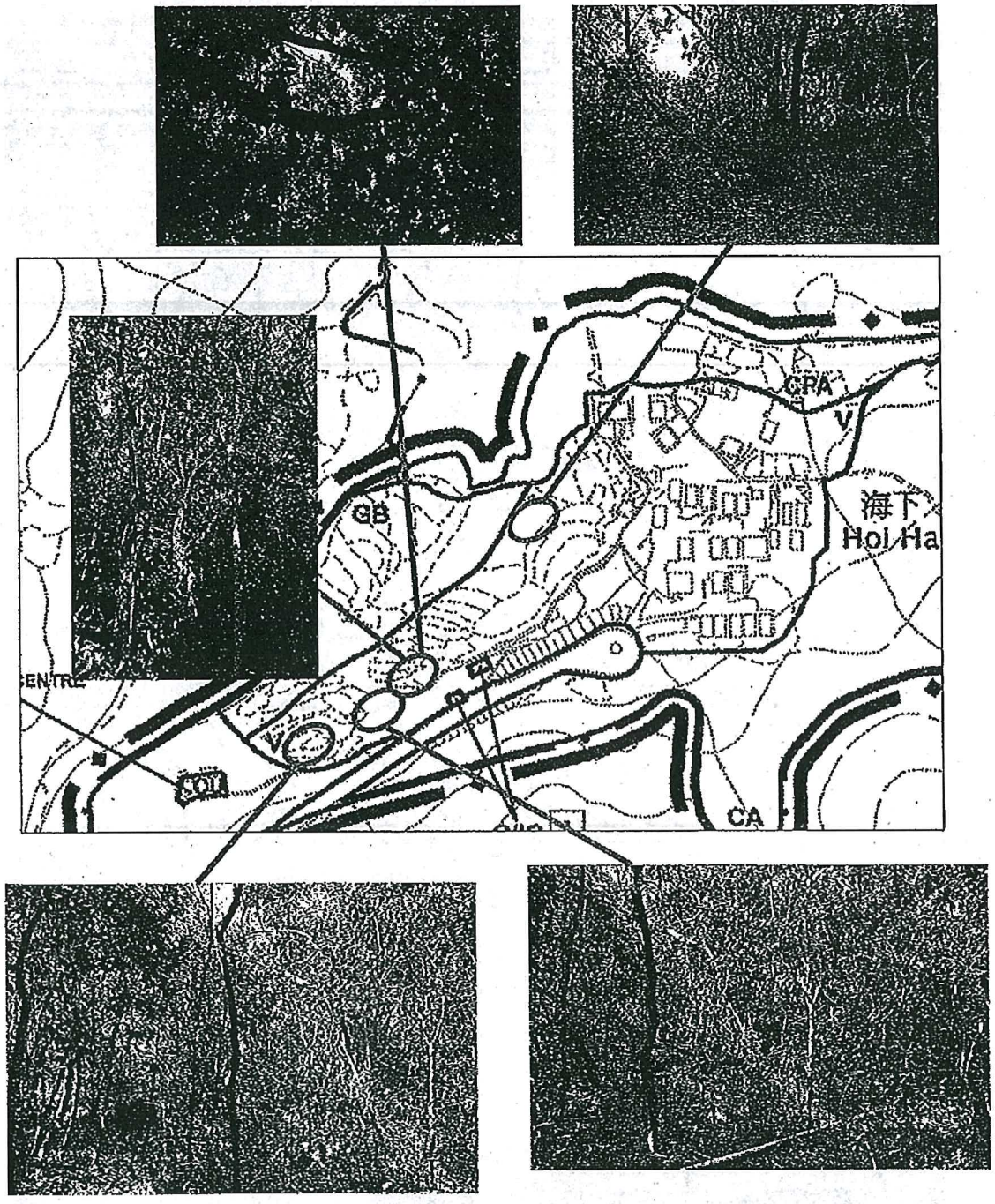


Fig. 6 The approximate location of a seasonal stream to the west and the immediate north of the proposed "V" zone (in blue dotted line) (photo taken on 28 Aug 2013).



公共專業聯盟
The Professional Commons

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

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

30 September 2013

Dear Mr Chow,

Response to Draft Outline Zoning Plan for Hoi Ha

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

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

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

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

Yours faithfully,

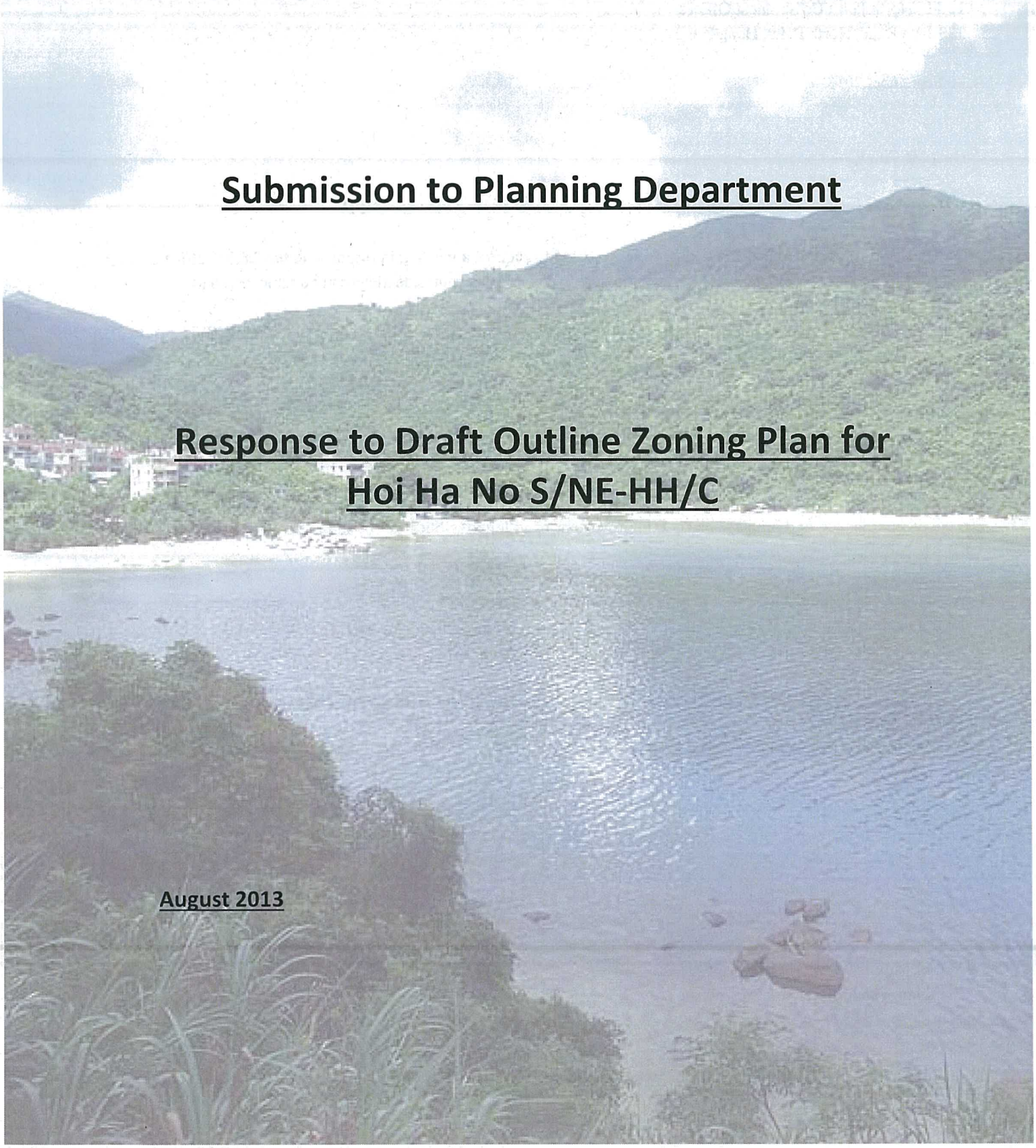
Charles Mok

Charles Mok
Chairman, The Professional Commons

(19)

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公共專業聯盟
The Professional Commons



Submission to Planning Department

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

August 2013

Printed and published by The Professional Commons

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Executive Summary

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

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

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

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

Paul Hodgson
Robin Bradbeer

The Professional Commons

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1. Background

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

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

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

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

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

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

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

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

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

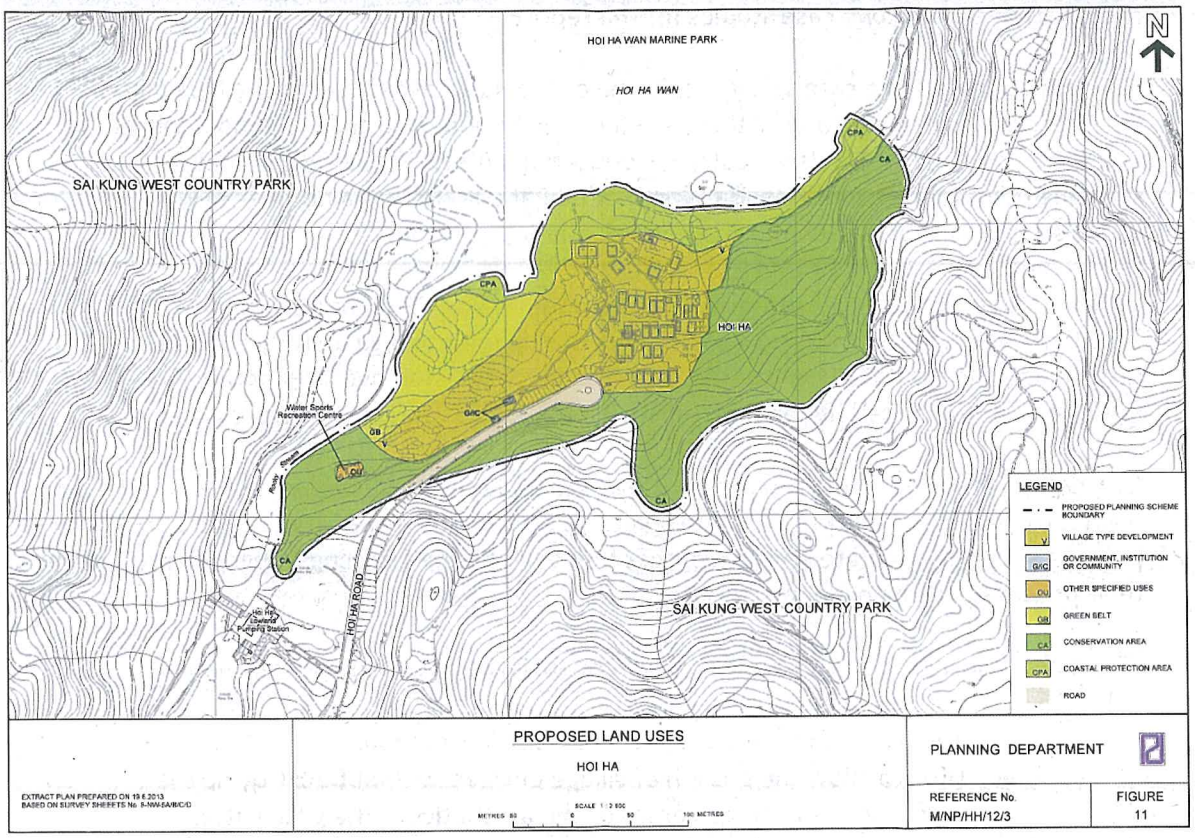


Figure 1.1 The draft Outline Zoning Plan map for Hoi Ha

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

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

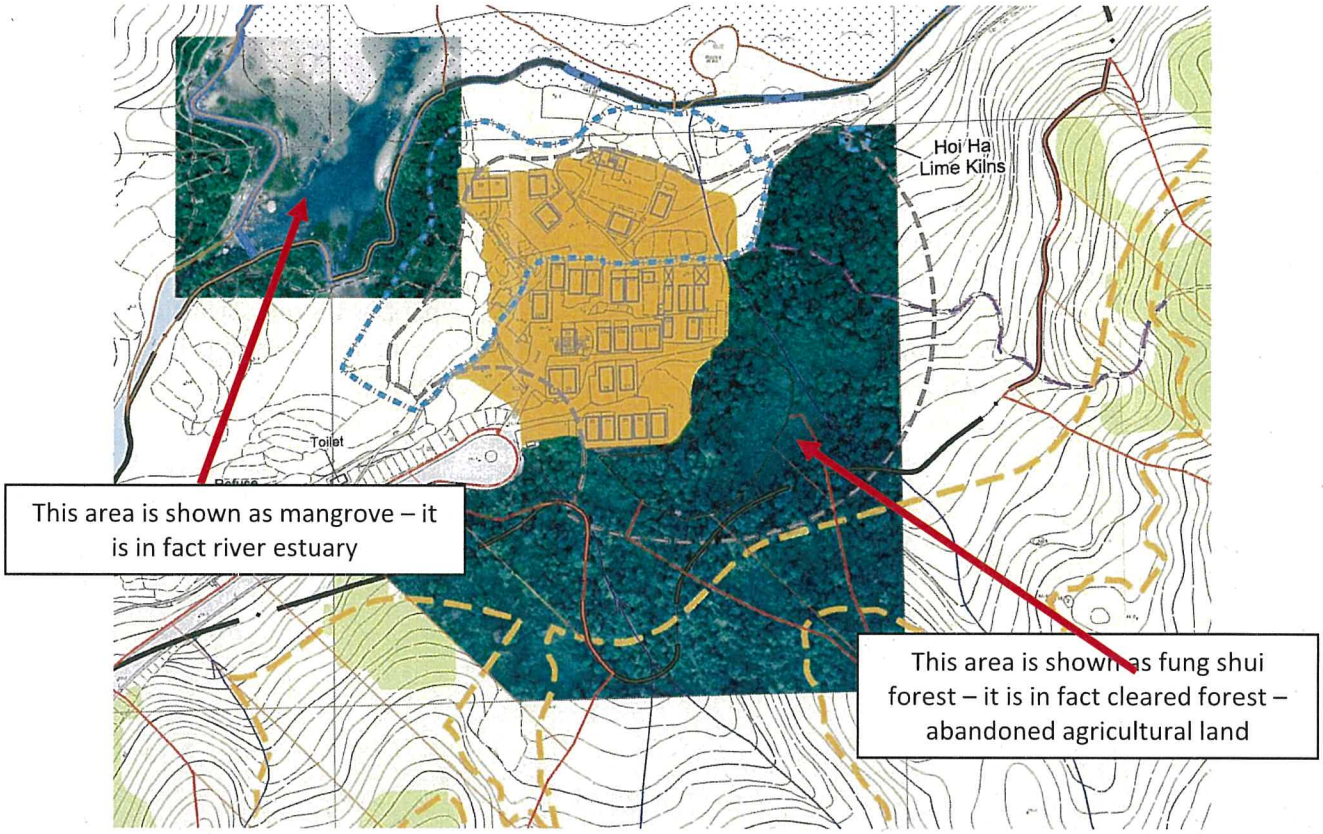


Figure 1.2 Overlay of aerial photos on to the Planning Department Land Usage map showing two major errors.

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

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

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

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

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

2. Methodology of the research

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

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

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

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

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

3. An overview of the Hoi Ha area

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

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

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

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

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

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

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

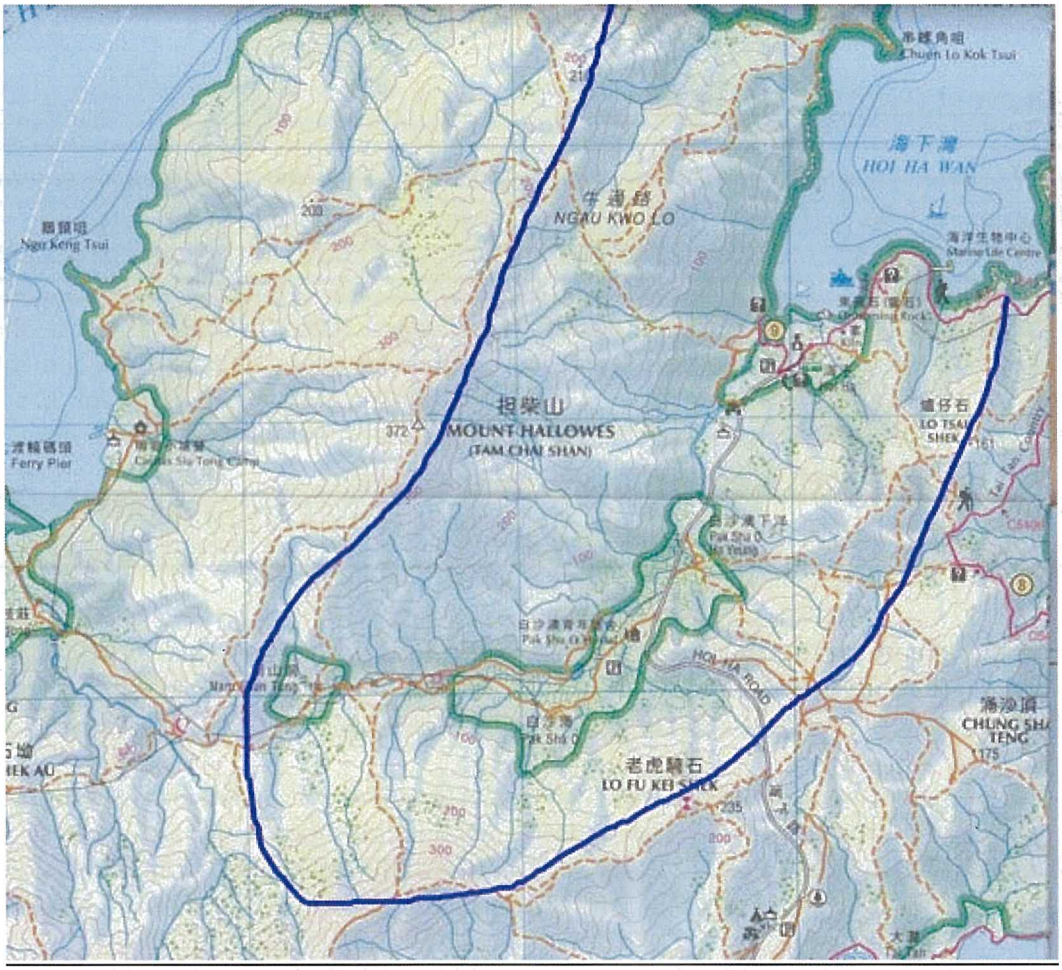


Figure 3.1 The Pak Sha O Valley

4. Laws and Ordinances

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

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

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

- Waterworks Ordinance (Cap. 102)

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

- Building Ordinance (Cap. 123)

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

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

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

- Town Planning Ordinance (Cap. 131)

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

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

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

- Summary Offences Ordinance (Cap. 228)

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

- Air Pollution Control Ordinance (Cap. 311)

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

- Water Pollution Control Ordinance (Cap. 358)

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

- Road Traffic Ordinance (Cap. 374)

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

- Noise Control Ordinance (Cap. 400)

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

- Dumping at Sea Ordinance (Cap. 466)

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

- Marine Parks Ordinance (Cap. 476)

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

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

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

5. Existing Village Business

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

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

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

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

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

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

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

6. Land Use Classification and Usage

6.1 Overview

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

6.2 Hong Kong's Landscaping Classification System

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

6.3 The Whole of Hong Kong

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

6.4 Hoi Ha

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

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

6.5 Existing Land Usage at Hoi Ha Wan.

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

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

Table 6.1. The Landscape category classifications used in Hong Kong

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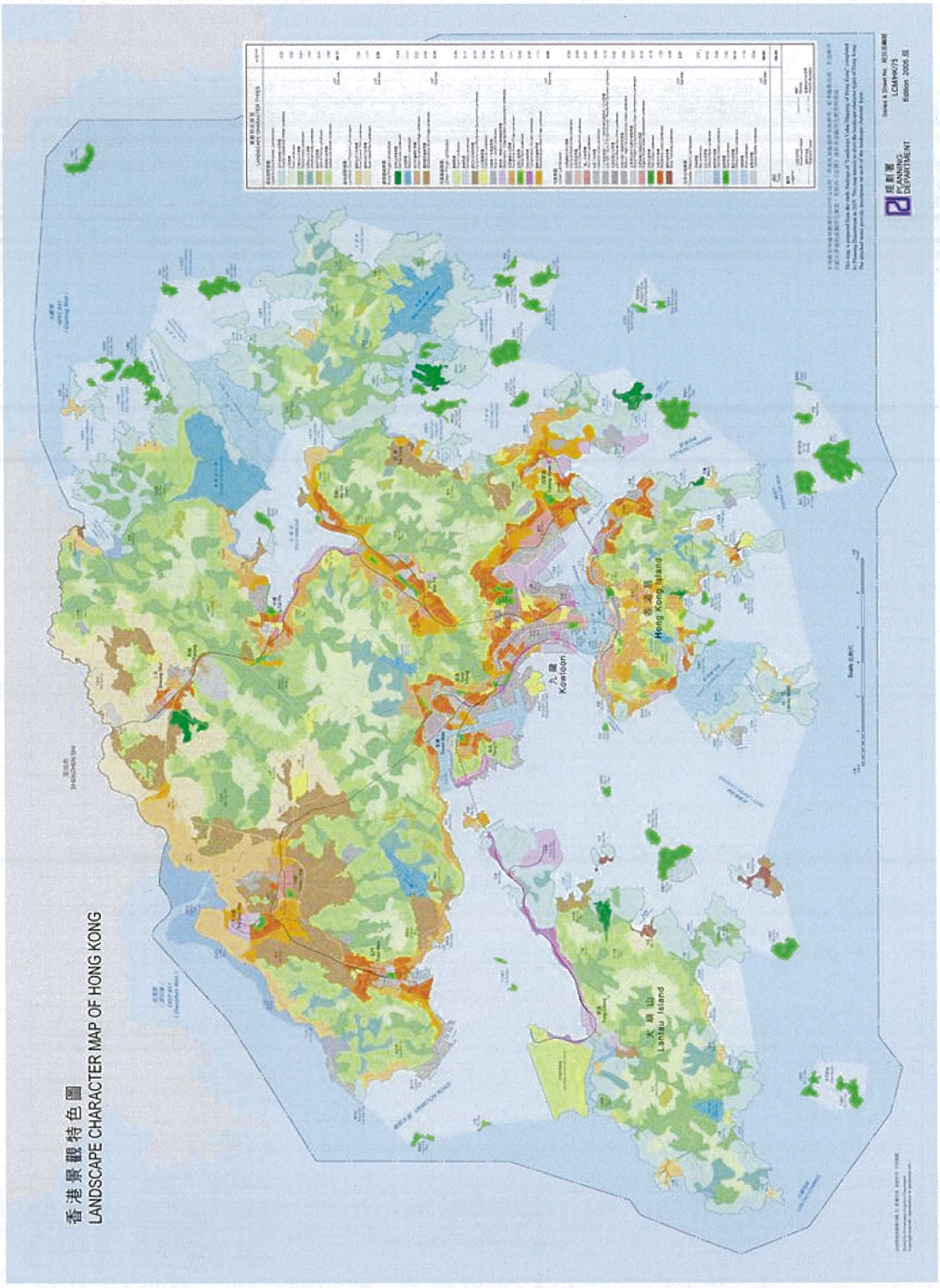


Figure 6.2 The Landscape Character Map of Hong Kong based upon Standard Categories

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

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

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

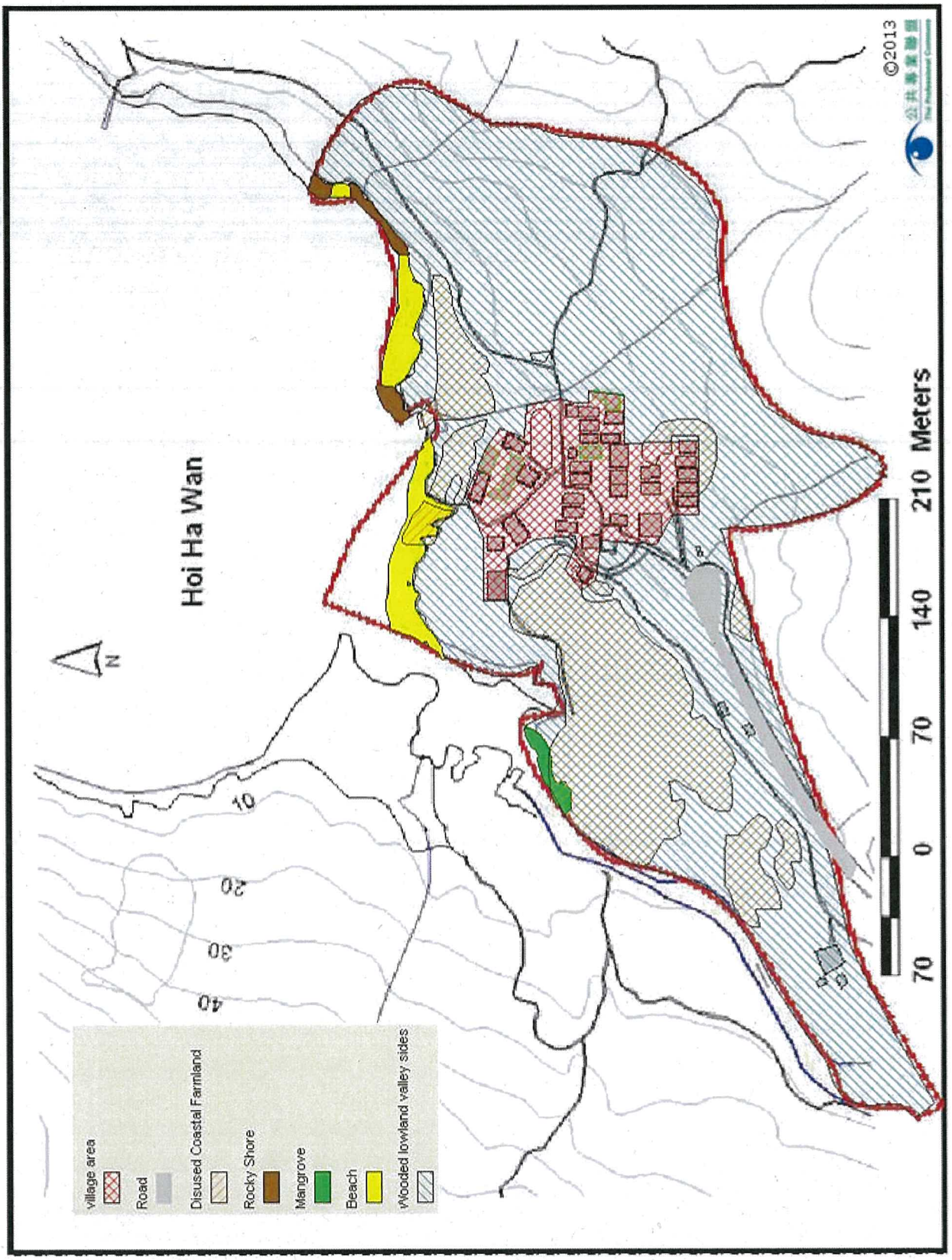


Figure 6.4. The Landscape Character Map of the Hoi Ha area based upon Standard Categories

7. Land ownership

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

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

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

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

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

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

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

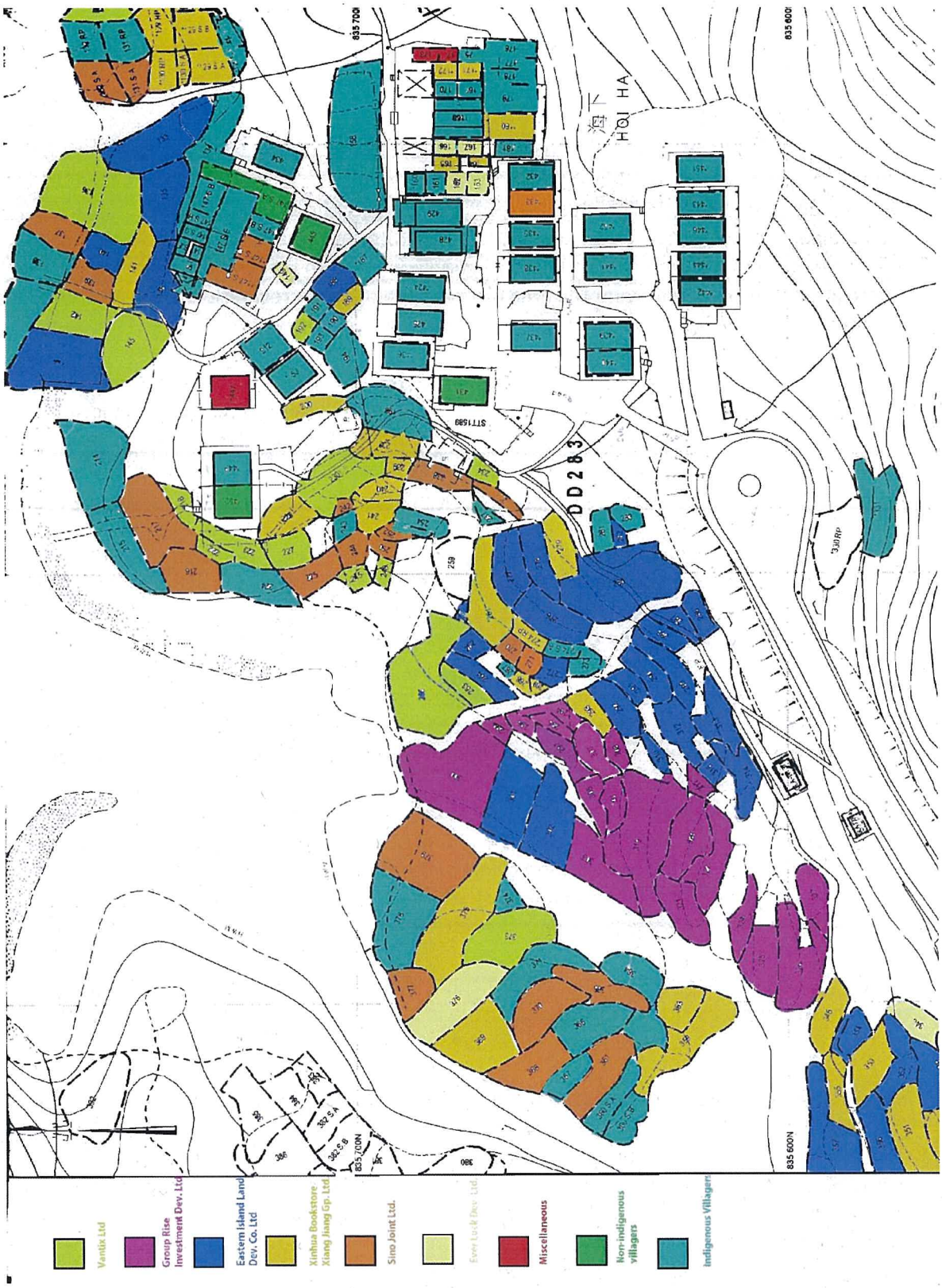


Figure 7.1 Lot ownership for centre of Hoi Ha

8. Ecology

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

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

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

8.1 Wooded Area

8.1.1 Overview

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

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

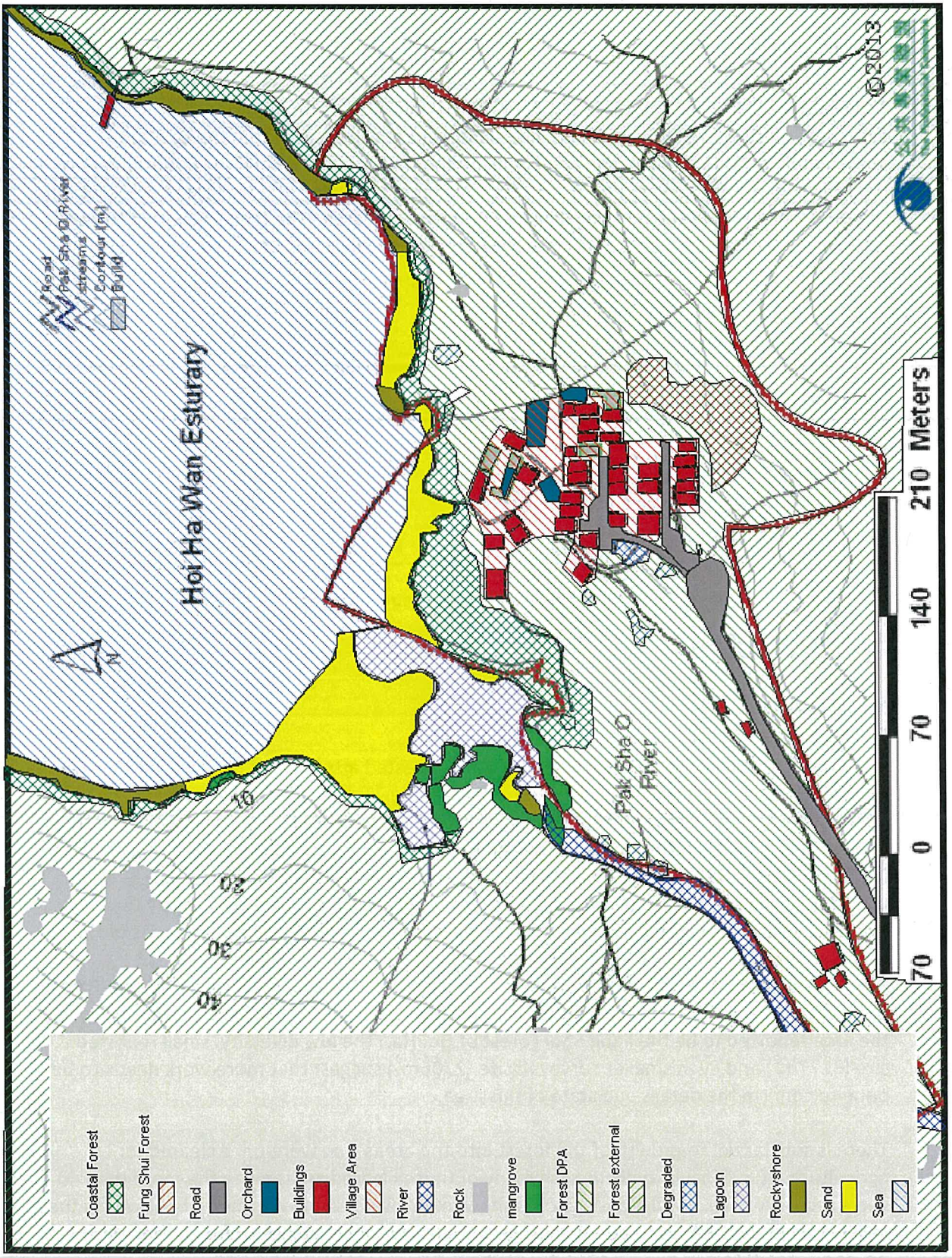


Figure 8.1. The land use in and around the area

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

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

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

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

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

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

8.2 Mangrove Community

8.2.1 Overview

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

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

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

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

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

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

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

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

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

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

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

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

Table 8.4. The number of mangroves near Hoi Ha Village

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

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

8.2.2 Makeup of the Mangrove Community in the DPA

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

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

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

8.3 Coastal Forest

8.3.1 Overview

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

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

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

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

8.4 Fung Shui Forest

8.4.1 Overview

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

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

8.5 Swamp Areas

8.5.1 Overview

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

8.6 Area Flora

8.6.1 Overview

A list of the flora recorded in the area is in Appendix A. This includes all areas within the DPA (wooded or not) in and around the village. Table 8.6 shows a summary of the different species recorded in Appendix A separated in the main areas within the DPA.

Area Type	Area (m^2)	Plant Species
Forest	61081	149
Beach	2131	7
Mangrove	286	5
Coastal Forest	7046	83
Swamp	713	43
Degraded Forest	870	47
Village	9191	31
Road	938	0
Fung Shui Forest	2706	86

Table 8.6 The number of flora species recorded in the different areas of Hoi Ha

It is important to note that the classifications of primary and secondary forests is not totally applicable to the wooded areas within the DPA. Areas within the farmland area, on the perimeter and edges of the farming plots, were never cleared and therefore still are primary forest. To apply a blanket category of "Secondary Woodland" for this area is, therefore, not correct. Since the farming stopped, most of the once cleared land has naturally re-seeded back to natural forest. This process started fifty years ago. There are many very mature trees in this area. The farmland was originally cleared because of its high productivity value as well as its proximity to the village and water. The fact that it was determined as high productivity places it in a category above normal woodland. The land in the river valley is part of a small but effective flood plain. Hence the lack of indigenous built residences in the past. Flood plains are the most productive botanical areas in the world. This makes there areas very suitable habitats for animals. The botanical productivity equates to a good reliable source of food and water. The animal distribution sighting records for Hoi Ha clearly show this. See Figure 8.10 and 8.11 below for details.

Based on this science, there is nothing special or particular about this area that would not make it suitable for a Country Park Assignment. This is particularly the case given that protected animal species regularly visit the area for food and possibly water. Any human disturbance allowed to occur here would directly impact endangered species.

8.7 The Marine Park

8.7.1 Overview

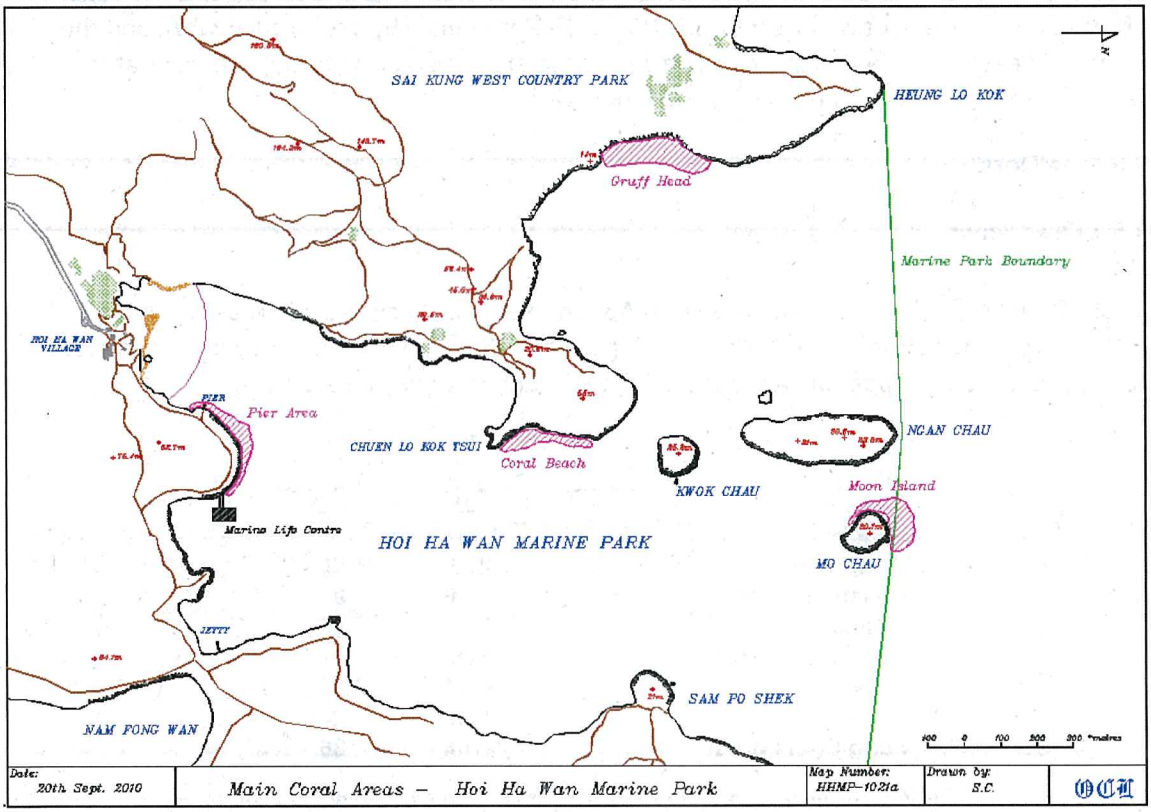


Figure 8.7. Map showing the location of the four main coral areas of Hoi Ha Wan

The Hoi Ha Wan Marine Park is a sheltered bay comprising 260Ha of sea surface area. It is formally known as Site of Special Scientific Interest (SSSI) No. 48 and Marine Park No. 2. Physically, it is located in the Northwest of the Sai Kung Country Park. The bay contains ecologically significant incipient coral areas scattered around its periphery (Cope and Morton 1988; Zou et al. 1992; Oceanway 2002, 2005, 2010, 2013) as well as several undersea areas populated with *Antipathes* spp. There are also several small non-zoned mangrove areas (Chan 1992; Tam 2012) and a small lagoon kept in place by a dynamic beach and a series of sand bars and spits (Morton et al. 1992) directly in front of a small village. Figure 8.7 show the location of the four main coral areas of Hoi Ha Wan. These are Pier Area, Coral Beach, Moon Island and Gruff Head.

The World Wide Fund for Nature runs and maintains an Education Centre in a small bay on the western side of the park. This centre is primarily used for primary and secondary school education with students receiving marine conservation and awareness education. On

average 7,000 students attend this facility each year. It is currently running at maximum student capacity, with a waiting list of schools trying to visit the centre.

The Marine Park area receives impact from the bordering Hoi Ha Village primarily in the form of rubbish and water pollution. The main areas impacted are the beach, coastal and marine area immediately out from the village. We are considering the Marine Park in some detail as any zoning planned for the village area will have a high degree of impact.

8.7.2 Coral Health

The general health of a coral area is a very good indicator of the level of impact in that area. A total of 64 coral species are represented within the park, out of a possible 84 locally recorded species. The hard coral areas in the Hoi Ha Wan Marine Park are classified as "B" class areas. The Coral Beach area has the highest recorded density of coral cover in Hong Kong making this area a local ecologically important area. A total of 64 coral species are represented within the park, out of a possible 84 locally recorded species. Coral Watch has been carried out as a coral health monitoring tool at Hoi Ha Wan since 2005. It follows an ordinate scale of 0 to 5, with 0 (white) representing totally bleached and 5 (dark green) representing no bleaching. Graph bars are scaled to show the combined ordinate Cumulative Average. The Cumulative Average result for Hong Kong corals normally ranges from 3.2 to 4.1, for areas with mediocre areas to the best. Areas with values recorded below 3.2 are considered to be overstressed. Figure 8.8 shows the result of the Coral Watch Surveys of the corals in Hoi Ha Wan.

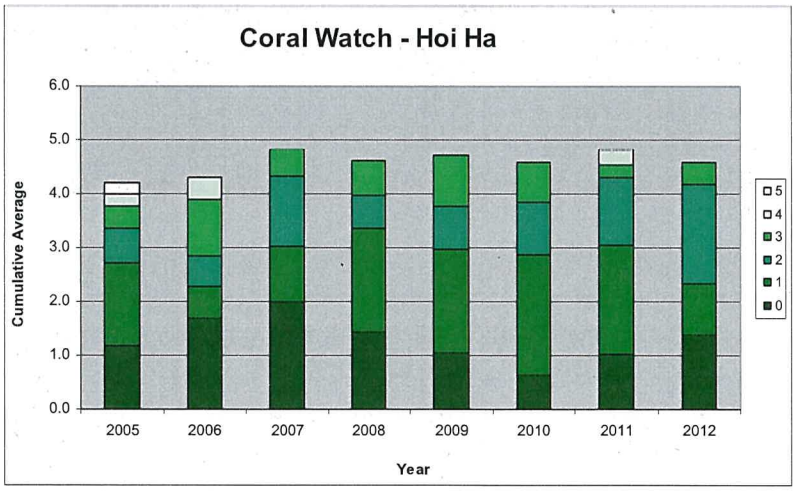


Figure 8.8. Ordinate Coral Health (Coral Watch) for all of the main coral areas at Hoi Ha Wan.

Of the four coral areas within the Marine park, the Pier Coral Area, by virtue of its proximity, is the most likely to be impacted by the Hoi Ha Village. The Coral Watch data for the Pier Area is presented in Figure 8.9. Since 2009, the coral health at the Pier Area has been less than the average for all areas. Furthermore the ratio of unbleached coral at the Pier Area has been less than the average since 2007. The low value in 2005 was due to an abnormal hypoxic event that impacted the whole of Mirs Bay.

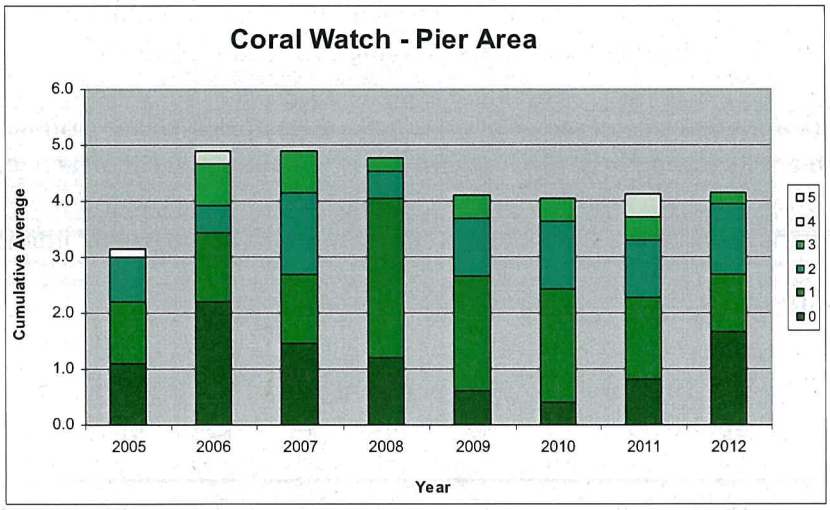


Figure 8.9. The Cumulative Average Value for the Pier Area near Hoi Ha Wan Marine Park.

8.7.3 Anthropologenic coral damage.

All of these coral areas are frequently visited by divers and snorkelers, raising the issue of visitor damage. This in turn relates to acceptable number of people in an area. Almost one third of the visitors to Hoi Ha Village visit the marine park (Table 9.2a). The average anthropologenic damage to the four main coral areas at Hoi Ha Wan are given in Table 8.10.

Area	2010	2011	2012
Pier Area	2.10%	2.00%	2.10%
Gruff Head	2.30%	2.40%	2.20%
Moon Island	2.10%	2.10%	2.00%
Coral Beach	5.10%	4.85%	5.00%

Table 8.10. Measured Anthropologenic coral damage in the 4 main coral areas of Hoi Ha Wan.

These figures are consistent with figures measured in other protected areas in Thailand and Malaysia, some receiving far fewer visitors than the coral areas at Hoi Ha Wan. The higher value at Coral Beach is due to the fragile nature of the dominant species, *Pavona decussata,* at that location, the average yearly coral growth rate over the past eight years has been measured to exceed, match or double these damage figures.

8.7.4 Fish Populations

The reef fish populations within the Marine Park have been increasing over the past two years. This trend was the result of two separate surveys; WWF (Cornish 2009) and Oceanway (Oceanway 2013) The Oceanway data is in Figure 8.11. The number of reef fish recorded has almost doubled year on year.

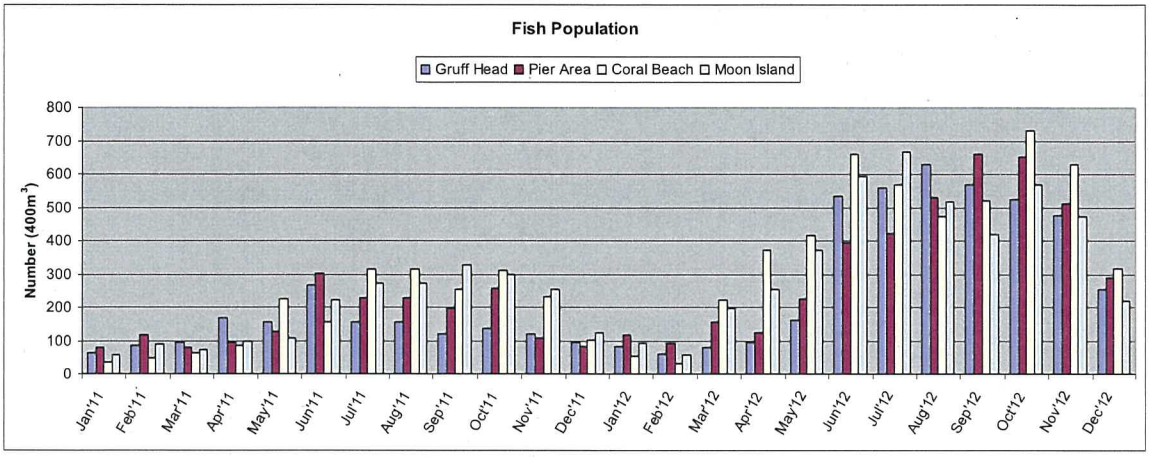


Figure 8.11. The fish population in the four coral areas of Hoi Ha Wan.

It is expected that the population of reef fish will increase further given that there has been a ban on inshore trawling and the number of valid commercial fishing permits for the Hoi Ha Marine Park decreases further. The reef fish populations within the bay indicate general trends about the general ecology of the bay.

8.7.5 Water Quality

The water quality in the Hoi Ha Wan Marine Park is moderate, compared to other areas of Hong Kong. Currently water quality parameters are measured by AFCD on a quarterly basis at three locations. There are several important indicators of pollution by human habitation. One of these is the amount of faecal coliform measured in the water column on the surface and just above the seabed. Typical faecal coliform figures for Hoi Ha Wan are in Figure 8.12. See Figure 8.7 for locations of the measuring locations.

A faecal coliform gradient from the village to the outer regions of the marine park would indicate a strong impact of sewage originating from the village area. During measured peaks and recently this has been the case with regards to the Annual Bottom Faecal Coliform. See Figure 8.2 for details. However it is likely that this issue may also involve pollution in the Pak Sha O River as well.

For Hoi Ha Wan, the Water Quality Objectives set the levels of *E. coli* at a maximum level of 180 per 100mL calculated as the mean for all samples collected from March to October inclusive. This is set by the Water Pollution Control Ordinance (WPCO). From the measured results, the amount was below set limits for most of the time. The peak in the second quarter of 2012 is not explained.

The amount of chloropyll-a in the water column is an indirect indicator of the plant nutrients in the water. An excess of chlorophyll-a indicates an algal bloom that may reduce water clarity and deplete dissolved oxygen levels. The locations of the measurements taken are the same as those measured for Faecal Coliform. The results are in Figure 8.13.

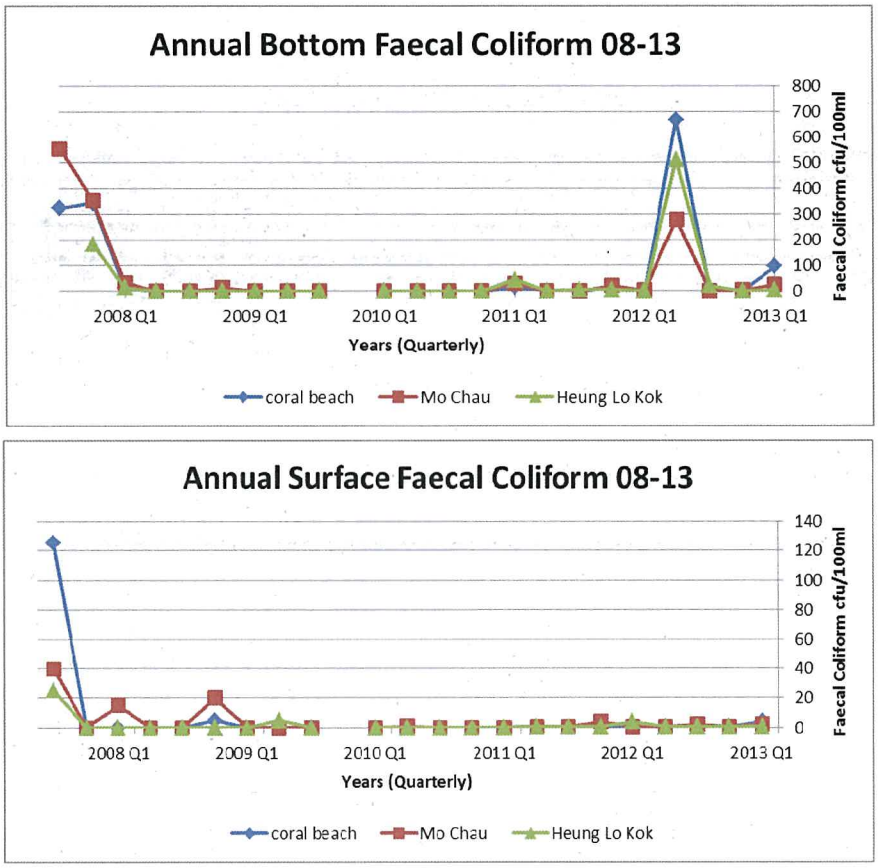
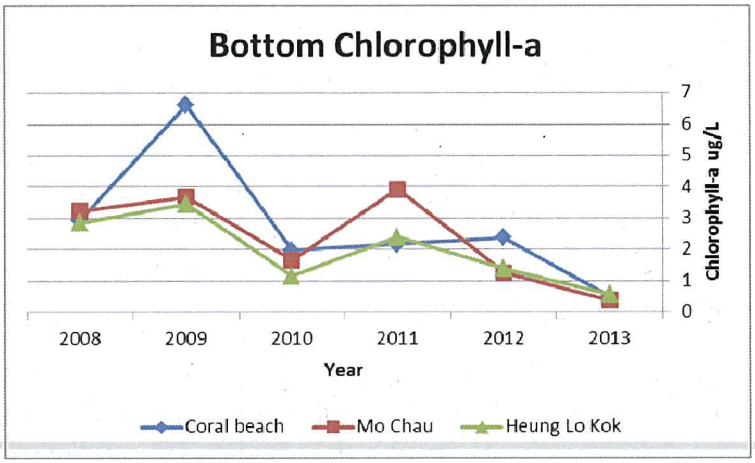


Figure 8.12 Typical faecal coliform parameters of Hoi Ha Wan.

For the values obtained from Hoi Ha we can see that the innermost station at coral beach is shown to be higher than the values measured in other areas; further away from Hoi Ha. It is likely that this indicates a possible pollution source from the village. Typically this pollution originates from agriculture activity and the recent farming activities at Pak Sha O are implicated as a possible source. . However the overall decrease in overall values is suggestive of an overall reduction of the total chlorophyl-a pollution.



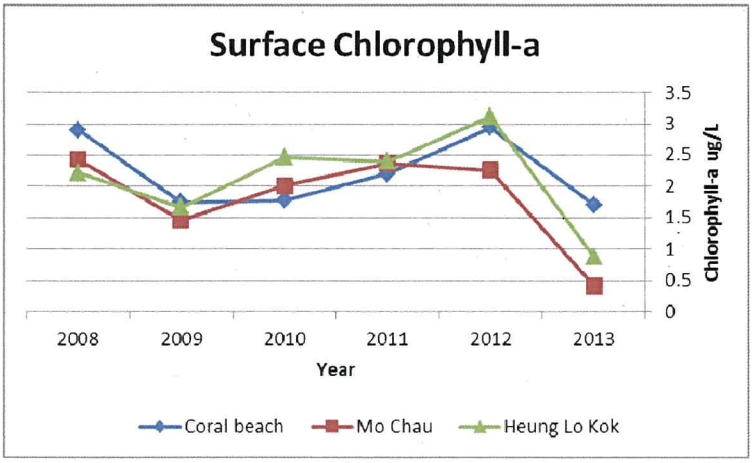


Figure 8.13 Typical chloropyll-a parameters of Hoi Ha Wan.

8.7.6 Identified Pollution Sources

One of the direct impacts on any Marine Protected Area, such as the Hoi Ha Wan Marine Park, is the water pollution entering the area. For Hoi Ha Wan two key potential sources of water pollution have been identified:

- Water pollution from the village (grey, runoff and sewage).
- Water pollution entering Hoi Ha Wan from the Pak Sha O River (total dissolved solids, grey water, sewage).

The influence of the Tolo Channel and the outer marine areas can be separated by considering the concentration gradient of the substance being measured to see the directional flow. There are other sources of anthropologenic pollution but these can be considered as being associated with the *E. coli* being measured. Figures 8.14 indicates a gradient extending out from Coral Beach. Since the nearest settlement to this is Hoi Ha then it is logical to assume that the source is either from the village, the Pak Sha O River or both.

Regarding the *E. coli* data for the beach at Hoi Ha, points C, D and E have the most likely source from the village. The dips are probably due to drops in leakage after septic tank clearing, ground water flushing, or times when residents leave the area for holidays overseas.
International standards put the safe beach levels of *E. coli* at 400 per 100mL of water. Hong Kong Water Quality Standards allocates a maximum average of 180 per 100mL, for multiple testing. The measurements taken at Hoi Ha are single measurements, so it is best to apply international standards for analysis. This is currently exceeded at points C, D & E. The source of the *E. coli* at G is from the river valley and maybe up as far as Pak Sha O, and is just under the 400 limit. An inspection of Pak Sha O revealed several septic tanks within 10m of the river. The building near the existing BBQ area, and the BBQ areas themselves may also be a source of this pollution. But neither has been checked for confirmation of this.

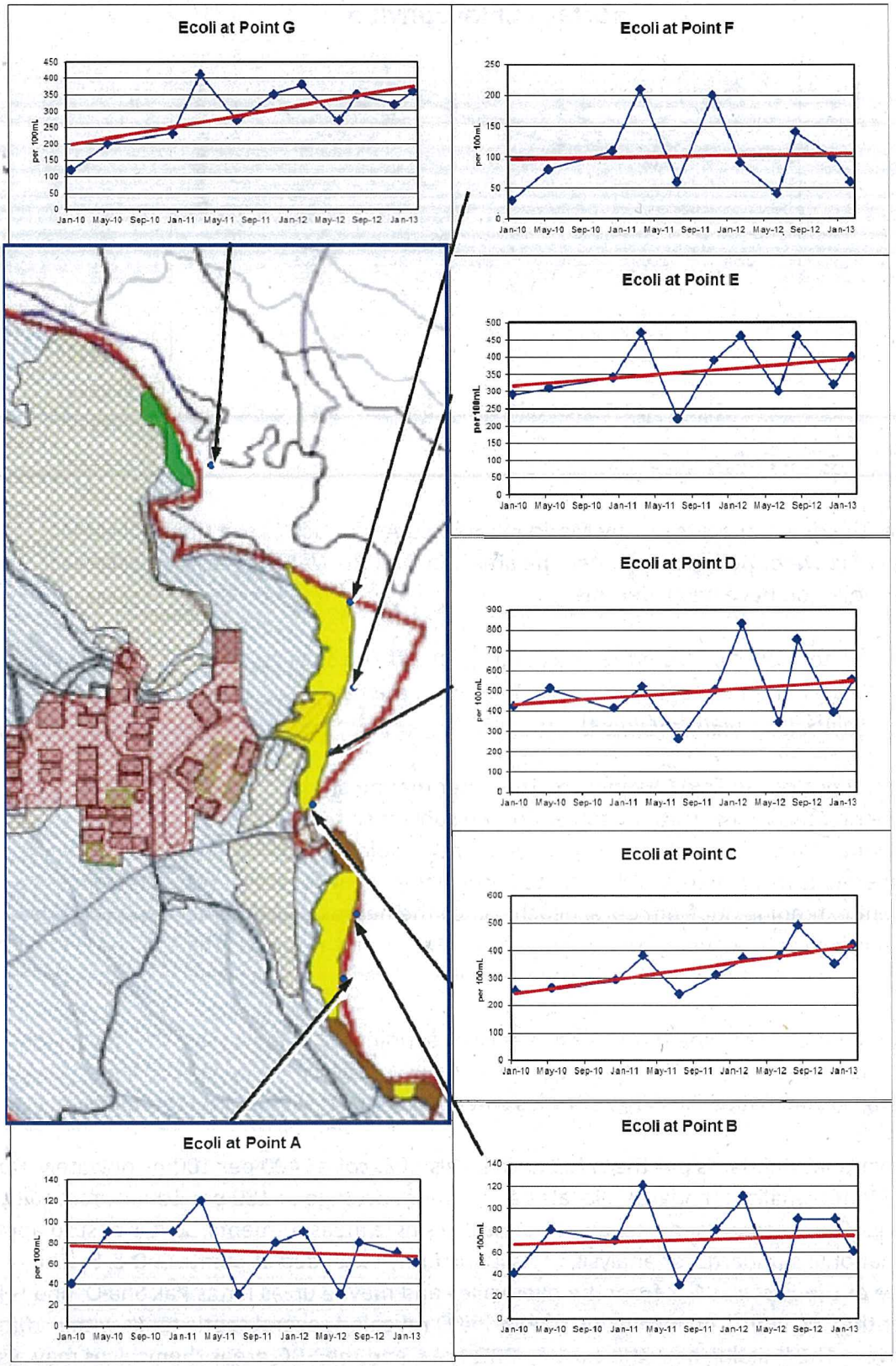


Figure 8.14. The levels of *E. coli* measured at low tide from ground water seepage at the beach

Village houses are designed with wastewater systems that require both water conservation and maintenance to work properly. The systems rely on an anaerobic process (hypoxic) meaning faecal matter and waste water needs to remain inside until bacteria can process it before discharge through an overflow pipe. Household disinfectants like chlorine bleach should not be mixed with any waste water entering a septic tank as this also kills off the bacteria within the tank, effectively rendering the process ineffective for a period of time. Bacteria friendly sterilizes should be used instead. Observations at Hoi Ha suggest that chlorine bleach is being used for household disinfecting.

However, the biggest problem is the seemingly infinite source of available water now available to households. In the past, the limited supply of village water meant that washing machine, and shower use was somewhat restricted. That changed when the Water Supplies Department connected to the houses at Hoi Ha. Now the volume of waste water requiring processing from houses has exceeded the design capacity of the tanks in many cases. The extra water from water from dishwashers, increased daily washing machine loads, even a Jacuzzi means that the septic tank systems overflow before processing more frequently.

With an increase in houses planned for the area, either by the developers or by the SHP, there will be a time when a central sewage system will be practical. Until then there needs to be some sort of revamp using bacterial additives or aerobic conversions for sewage processing to minimize the *E. coli* recorded at the beaches. It is possible that self control regarding the use of water may be sufficient to stop the increasing trends.

8.8 The Beach

8.8.1 Overview

Hoi Ha Wan is a protected bay, opening in a northerly direction into Mirs Bay. The opening faces the coast of Mainland China, some 12km away. The beach at Hoi-Ha is a mobile estuarine beach, typical of other estuarine beaches in Hong Kong. The majority of the movement is a resultant of fluvial flow, wave action and typhoons have much less of an impact on the beach (Morton, and Ong Che 1992). The two islands, Moon Island (Mo Chau) and Flat Island (Ngan Chau) protect the entrance of the bay; they refract waves entering the bay, dissipating most of the wave energy. Tide-Pole Point and the Hoi Ha Pier also protect the main beach from wave energy.

The waves that do enter the bay are reflected from the eastern rocky shore towards the west. This sets up a weak long-shore current flow across the beach, subjecting it to low energy constructional waves, moving material in an east-west direction and the influence of the stream cutting through the sand spit causing fluvial deposition (Morton, and Ong Che 1992). These two forces sustained and maintained the beach at Hoi-Ha in a very mobile fashion. The result of this is the accumulation of sand on the western section of the beach the sand on the western side of the bay the eastern side accumulation is form the sand sediment washed down from the Pak Sha O River. Water data from the river indicate that in 2011 the beach accreted at least 7 cubic meters of sand in 2012 the amount was estimated at 11 cubic meters. Aerial photographs of the beach indicate an increase in the water flow

from the river from 1954 – now. They cannot however, be used to estimate the size and sand movement at the beach mainly because the profile of the sand areas cannot be determined from an aerial photograph. In addition, non-consistent tide and visibility data mean that, only the general shape of the beach is successive years can be determined from this data. The beach has an overall mean particle size of 0.14mm, fairly typical of Hong Kong beaches (Morton, and Ong Che 1992).

There has been a lot of scientific controversy regarding the stabilization role the mangroves and Coastal Forest play in this and some other areas as well. It is known that mangrove and coastal forests reduce water flow energy behind them during periods of high wave action. However such periods are very short at Hoi Ha and the wave action is not that significant. Waves of 9m were recorded at Nine Pins during the passage of Vicente (Chiu-Leung 2013). The corresponding height at Hoi ha was only 2.1m for just over 2 hours. Typhoon Vicente was a statistically once in ten year occurrence. It is therefore doubtful that beach is being shaped by the flora present. The lack of back mangroves (Chan 1992, Tam 2013) also indicate that the normal stabilization via successive flora processes is not occurring along the beach at Hoi Ha. This means that there are other factors controlling the beach structure. Experts suggest that the river plays a far more important role in providing a constant source of sand for beach accretion and the river flow changing the shape of the beach (Morton and Ong Che 1992). This means that the flow rate of the river is a critical factor in determining the shape of the beach. It can be observed from past aerial photographs that the beach underwent two significant shape changes in recent time. One was the building of the road in and the dredging of the bay the 1980s (Chan 1992). It has been accepted that the change caused by the road was due to the increase in water flow caused by the change in surface hydrology brought about by the drainage of the road (Morton 1992). This corresponded to an increase in the rate of water flowing from the river during periods of heavy rain.



Figure 8.15 The beach at Hoi Ha at low tide. (PH 2013)

The result of this is that the hydrology of the river valley is crucial in maintaining the beach. Any changes in the river valley will change the flow rate of the river. If the change is significant, then the lagoon will wash out, the beach will decrease in size, the mangrove community will thin and the ecology of the area will change. It is also highly likely that the current coastal forest area will decrease in size.



Figure 8.16. A photo of the beach area and an aerial photograph showing the accretion material washed down by the Pak Sha O River. (Google Earth 2012)

8.8.2 - Wave Action

Hoi Ha Wan is a protected bay (Morton 1983). Wave data for Mirs Bay was collected during the entire of 2012 by Teledyne ADCP's. This data is shown in Figure 8.17. The northward facing entrance to the bay and the barrier islands excludes much of the wave action present in Mirs Bay, but certain directions will pass the barrier islands. From this data the majority of the wave direction in Mirs Bay is from the west, south-west direction (Yamamoto 2012). Internal reflections from the rocky shore would restrict the wave directional spread to 90 degrees centred on the north direction. Wave data recorded for Mir's Bay in 2012 shows that less than 1% of the time the recorded significant wave height in the 0.3m band originating at an angle that could enter the bay and strike the beach (Figure 8.18). From this data the majority of the wave action in Mirs Bay is mainly from the south-east direction. Hoi Ha Wan is naturally protected from these waves first by Tap Mun (Grass Island) and the Wan Chai Peninsula.

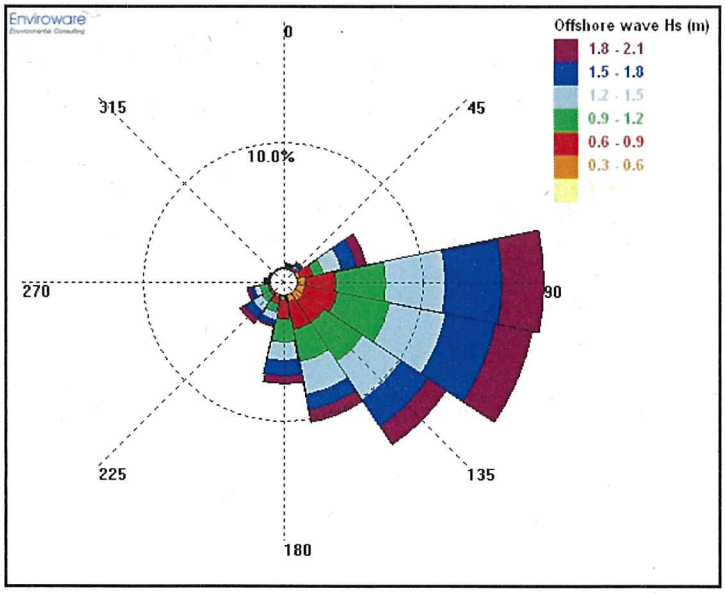


Figure 8.17 The Significant Wave Height Data for Mirs Bay during 2012.

Considering Hoi Ha Wan itself, Table 8.18 contains the data recorded during 2012 for the bay. A maximum significant wave height of 2.18m was measured during a force 10 typhoon. The average wave in the bay is only 1.76 cm. Further analysis of that specific wave spread from 315 to 45 degrees, basically the wave spread that could enter the bay, allows a more detailed analysis and this is shown in Table 8.19.

Description	Value
Average Significant Wave Height	17.63 centimeter
Percentage with Significant Waves >1metre	0.58 %
Total time with Significant Waves >1metre	50.9 Hours
Maximum Significant Wave Height (Hs)	2.18 Metre
Duration of maximum Significant Waves	1.1 Hours
Maximum Significant Wave Period	10.2 Seconds
Average Significant Wave Period	7.0 Seconds

Table 8.18. Significant Wave Height results for Hoi Ha during 2012.

The maximum values were measured during the Typhoon Vicente in June 2012. Whilst these conditions can be considered extreme and occurring once every 10 years (HKO 2011), the result is significant and shows the worst case situation. The maximum significant wave height recorded, excluding the data from Typhoon Vicente, was 1.47m. The duration for this maximum was 3.2 hours.

The function of the waves striking the beach at Hoi Ha is to reconstruct the beach after the rain water runoff has washed some of the sand from the beach to the sand bar immediately in front of the beach. These waves also set up the mild long-shore current that moves the sand washed down by the Pak Sha O River to the eastern beach, increasing the sand at this location.

The wave data for Hoi Ha is shown graphically in Figure 8.19. This clearly shows that for 98.8% of 2012, the wave size in Hoi Ha Wan was less than 0.5m. The bar chart breakdown of the remaining 1.2% of the time details the period of time that the beach is subject to a wave action that can cause impact. Such data is fairly typical of sheltered, protected bays in Hong Kong.

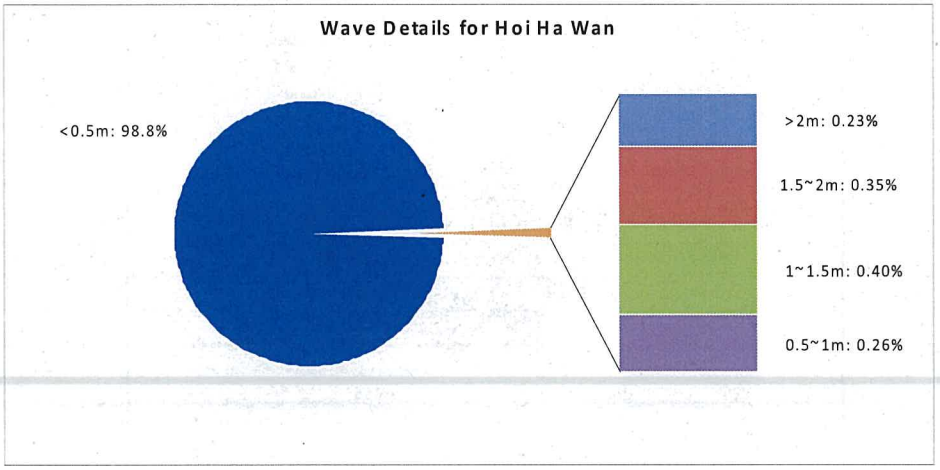


Figure 8.19 General wave data for Hoi Ha Wan (2012)

8.8.2 Tides

Hoi Ha Wan is impacted by normal Hong Kong mixed tides. These are sometimes called micro-tides and are mainly semi-diurnal. This means that there are two high and two low tides a day, with two maximum high and minimum low tide heights each month. The nearest Hong Kong Observatory tide gauge is located 4km east at Kau Lo Wan, in the adjacent Long Harbour area. Tide data is collected every 10 minutes. Long Harbour is a semi-protected bay.

The WWF Hoi Ha Wan Marine Life Centre has a Teledyne OPM tide gauge fitted with all data streamed to the internet as part of the DataBuoy Project. Data is collected every 5 minutes. Typical tide data collected is shown in Figure 8.20. There is a slight time lag in terms of maximum times and heights when compared to more exposed areas of Hong Kong. This is to be expected. Yearly tide gauge summary data for 2012 is shown in Table 8.21 below.

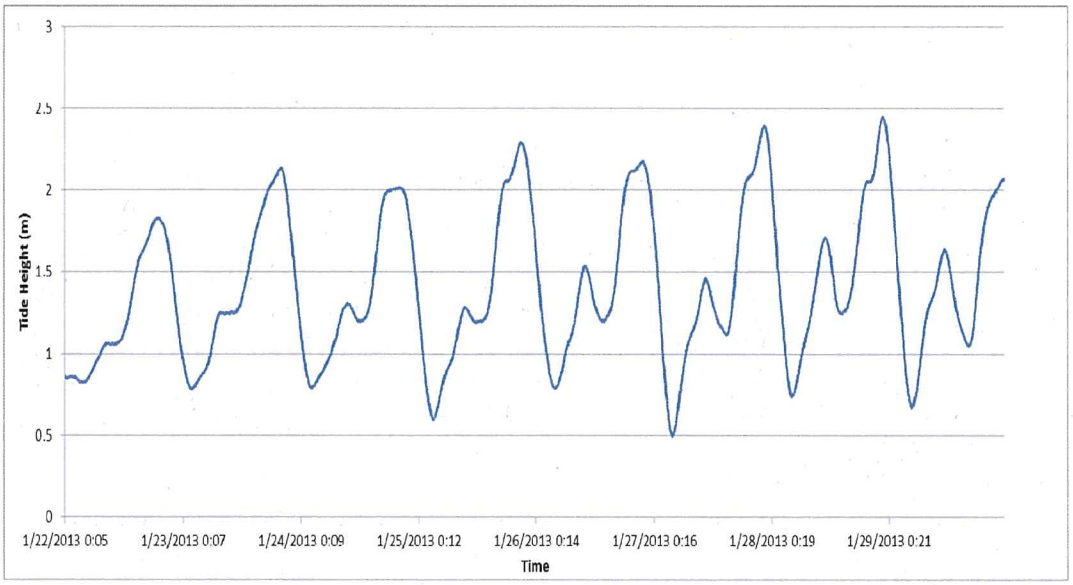


Figure 8.20. Typical tide data for Hoi Ha Wan (22nd ~ 29th January 2013).

Annual Tide data for HHW (2012)

Tide figures (m)	
Max	2.512
Min	0.211
Average	1.323

Tide data during typhoon Vincente in HHW

Tide figures (m)	
Max	2.402
Min	0.516
Average	1.452

Table 8.21 Tide gauge data for Hoi Ha Wan - 2012.

8.8.3 Storm Surges

A storm surge is defined as the increase above the calculated tide in a given area. These phenomena are always associated with a storm, typically a typhoon. During 2012, Typhoon Vicente created the largest storm surge recorded in Hong Kong in 10 years. The tide gauge measured the maximum deviation from the calculated tide height as 1.197m. Figure 8.22 shows a graph of the predicted tide height compared with the measured height. This was

slightly less than the levels measured in other areas of Hong Kong. For example the surge was measured at 1.47m at Shek Pik on Lantau. See Table 8.23 for more locations.

The storm surge data for Hoi Ha suggests that the area receives less impact than many other areas of Hong Kong. This is probably due to the sheltered nature of the bay. The storm surge condition can be exacerbated by high waves. Again the sheltered position of Hoi Ha suggests that the impacts would be far less than other areas like Big Wave Bay for example.

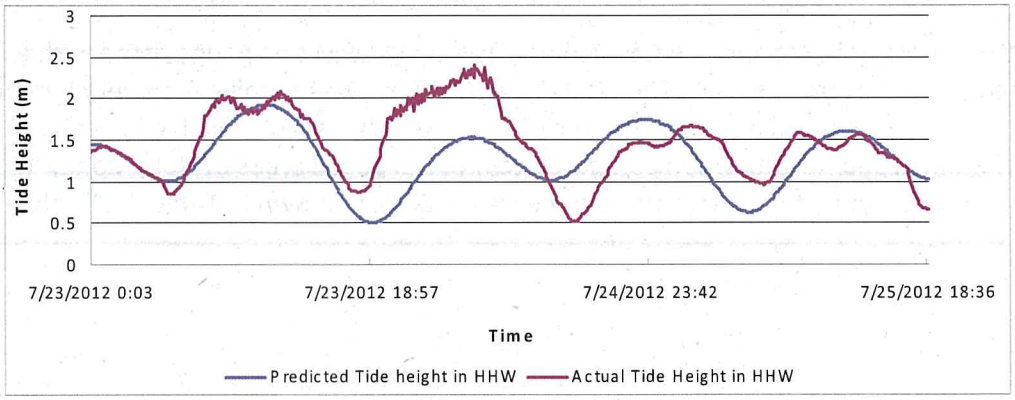


Table 8.22 Typhoon Vicente Storm Surge Data for Hoi Ha Wan - 2012.

Station	Maximum sea level (above chart datum)			Maximum storm surge (above astronomical tide)		
	Height (m)	Date/Month	Time	Height (m)	Date/Month	Time
Shek Pik	3.19	24/7	2:08	1.47	24/7	2:08
Tai Miu Wan	2.78	24/7	1:45	1.19	24/7	1:45

Table 8.23 Typhoon Vicente Storm Surge Data for other areas of Hong Kong - 2012.

8.9 Pak Sha O River

8.9.1 Overview

The Pak Sha O River has a significant impact on the Hoi Ha Wan Marine Park. It is a source of fresh water, sand and pollution. It also is the major architect of the beach on the western side of the village. The hydrology of this system is a balance of forces between the stability of the beach and the energy of the water during and after periods of heavy rains. Typical river water parameters are shown in Figure 8.24.

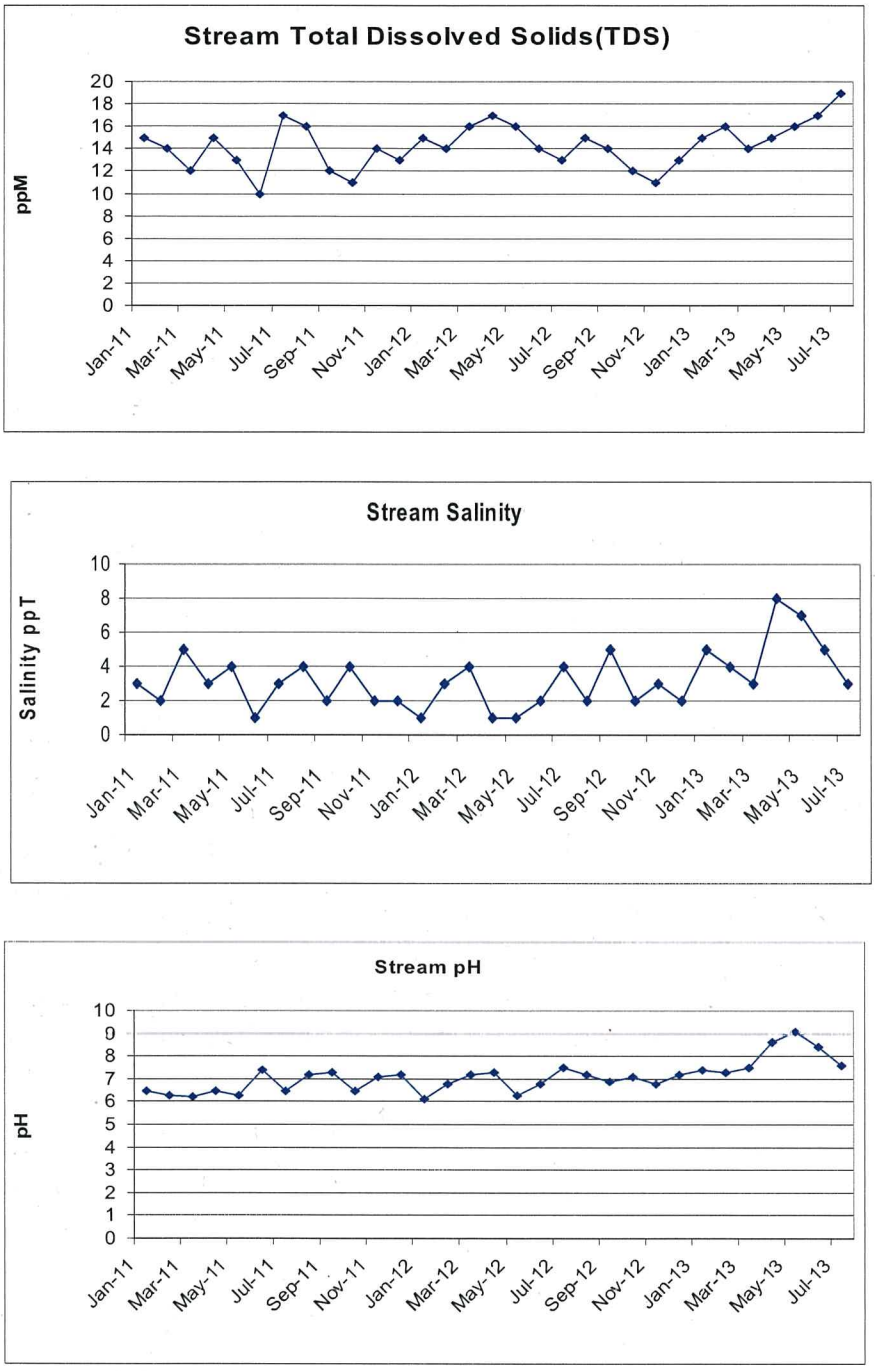


Figure 8.24 Typical water parameters of the Pak Sha O River

Other parameters measured included *E. coli* measured twice every year. Five measurements were recorded and the average determined from the results. This was deemed as being the minimum data needed to pick up a gradual change

The trend line shows an increase from January 2011 of just over 35%.

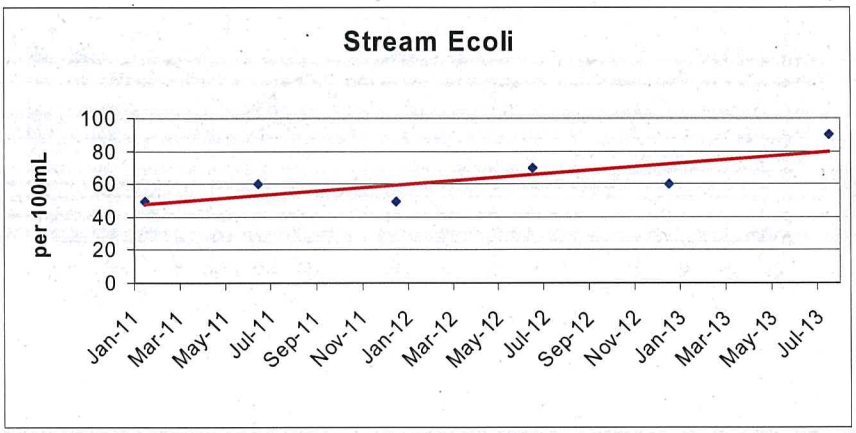


Figure 8.25. The Ecoli results for the Pak Sha O River at the Hoi Ha Estuary

8.10 Animal Encroachment.

8.10.1 Overview

Animals do not recognize boundaries and always utilize areas as they require. For this reason any area proposed as possible receivers for village houses need to consider sites of frequent visitation as well as animal corridors. From 2010 and 2013 a total of 182 camera surveys of two months each were conducted in areas that had shown some evidence of animal visitation. This consisted of scat, ground scratching or food remains. Twenty Doppler Radar movement activated cameras were ever in the field at the same time, and all were fitted with lights for night time recording as well. The units were configured to detect movement within 5m of the units and all units were aimed at the ground with a 10 second recording period and a 5 minute hysteresis set.

The data was divided into 5 categories. The data is shown in Table 8.26, with a breakdown to species level in Table 8.27. All mammals, with the exception of the wild boar (*Sus scrofa*) are protected species in Hong Kong.

Category	Records	Percent (%)
Mammals	265	12.6%
Rodents	694	33.0%
Snakes	8	0.4%
Birds	718	34.1%
Misc	419	19.9%
Total :	**2104**	**100.0%**

Table 8.26 Total results of the camera survey.

This data represents visitation data rather than population data. It is highly likely that repeat records were taken of the same animal. Birds made up the majority of the records. These animals were foraging in front of the cameras.

Protected mammal data were separated from the records. A total of 265 records were extracted. A total of 12 species of mammal were recorded. The majority of the sightings were *Macaca mulatta* with these animals frequently seen foraging around the rubbish bins in the area.

Species	Sightings	Percent (%)
Melogale moschata	33	12.5%
Hystrix brachyura	58	21.9%
Crocidura attenuata	12	4.5%
Niviventer fulvescens	39	14.7%
Macaca mulatta	79	29.8%
Viverricula indica	15	5.7%
Sus scrofa	12	4.5%
Muntiacus muntjak	2	0.8%
Herpestes javanicus	4	1.5%
Prionailurus bengalensis	1	0.4%
Paguma larvata	9	3.4%
Herpestes urva	1	0.4%
Total :	**265**	**100.0%**

Table 8.27 Breakdown of the Mammals recorded by the Camera Survey.

The sightings were concentrated around water sources. Previously, before the back row of houses were constructed, animals were frequently seen around areas near the Fung Shui Forest. The water sources in this area are either filled in to stop mosquito breeding or changes in the hydrology in this area have removed the water. This in turn has led to a shift in the location of animals to the valley of the Pak Sha O river. It is now common to see foraging marks and scat of mammals in the valley area.

Birds and flying animals are also frequently sighted in the area. Bats are probably originating from the nearby disused mines at Pak Sha O.

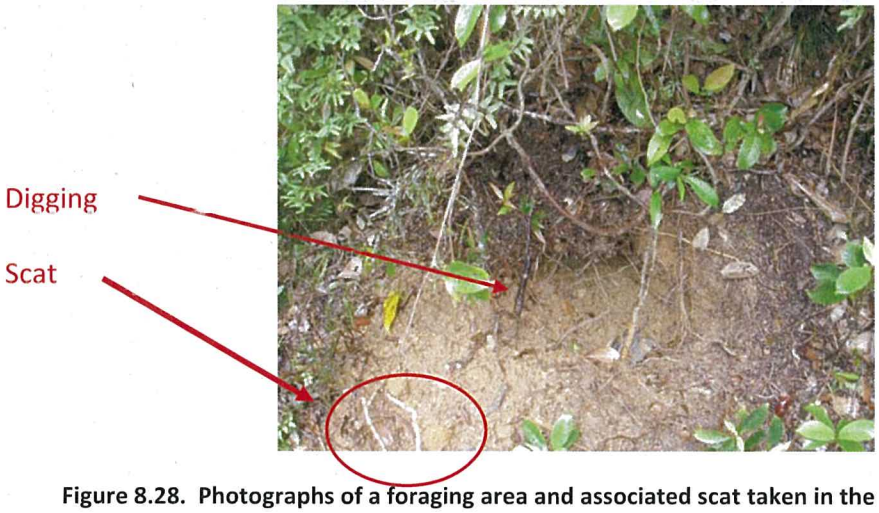


Figure 8.28. Photographs of a foraging area and associated scat taken in the DPA near the stream.

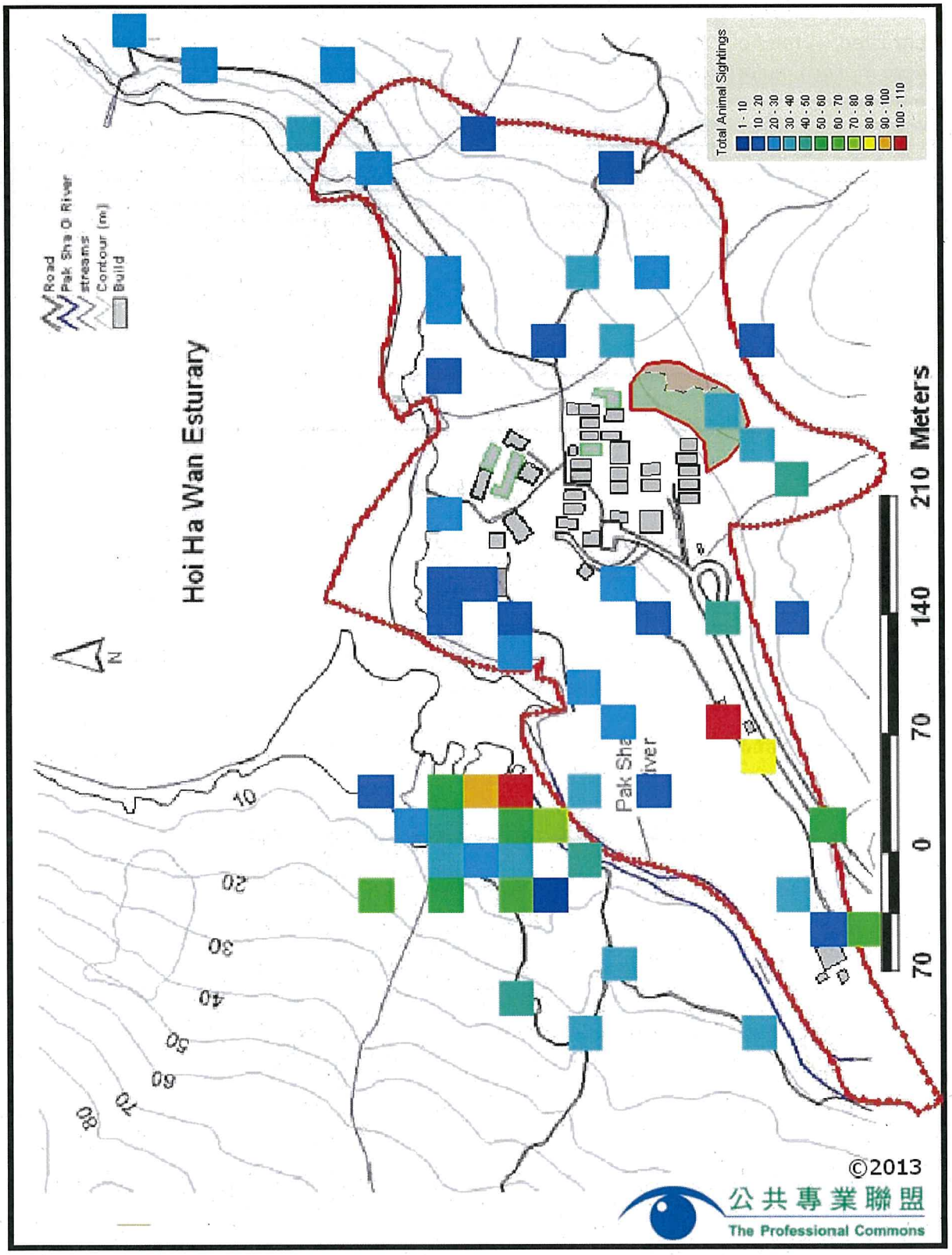


Figure 8.29. Photo records of animals taken over a two month period at Hoi Ha Wan

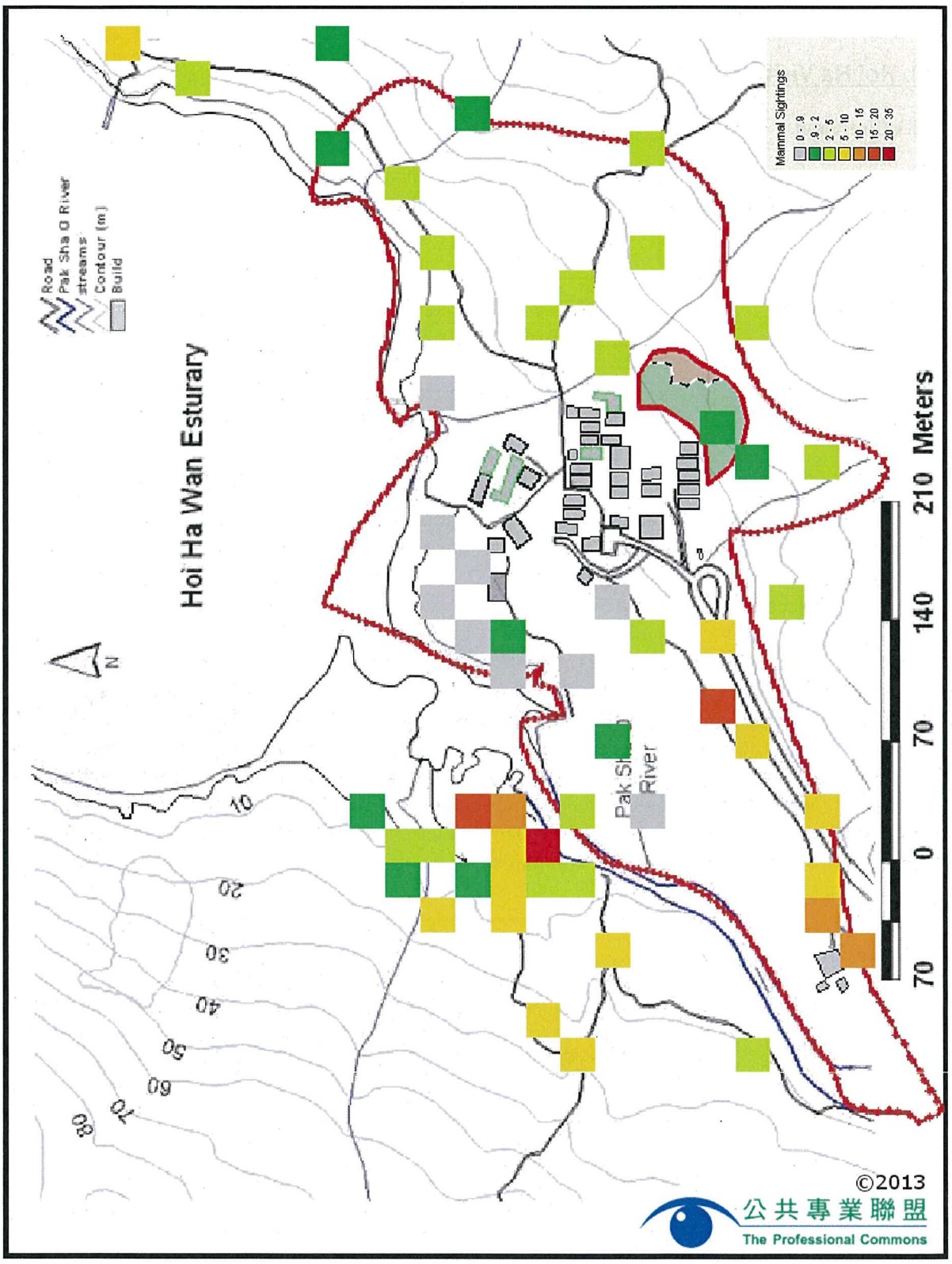


Figure 8.30. Photo records of protected mammals taken over a two month period at Hoi Ha Wan

9. Hoi Ha Visitor Loadings

9.1 Overview

Hoi Ha is a tourist area; visitors are attracted to the village for numerous reasons. Table 9.1 shows a general breakdown based upon statistics collected from 580 people over a week period in July 2012.

Destination	Ratio (%)
Hoi Ha Wan Marine Park	32.0%
Wan Chai Camping Ground	43.0%
Hiking in the area	18.0%
Misc	7.0%
Total :	100.0%

Table 9.1. Visitor intended destination for Hoi Ha Village. (n=980).

AFCD Statistics estimated that approximately 90,000 people visited Hoi Ha in 2012. This figure is based upon many factors and is an indication only. Some of the visitors do not actually enter Hoi Ha Village and have destinations that include the BBQ and camping areas along the Hoi Ha Road, or are visiting Pak Sha O. Others were residents seeking temporary permits for access to the Hoi Ha Road.

There has been considerable concern about acceptable visitor loading for the village. Visitor data has been collected by Doppler Occupancy Meters over a period of 24 months. Ten units were installed for 12 months, with the remaining 10 units installed for multiple periods of 2 months. A total of 91 key facility and resource locations were investigated. Data was divided into two main groups, public holidays (including weekends) and weekdays. Each of these categories was further sub-divided into categories based upon weather. In all cases the period of data used was between 8:00am to 6:00pm. This is the period when the bulk of the visitations occurred. Table 9.2 summarises the data collected.

Area Condition	60min Maximum Average	Daily Average
Holiday Fine Weather	0.481	0.101
Holiday Overcast (>6 Octets)	0.291	0.053
Holiday Wet	0.21	0.036
Holiday temp <20C	0.121	0.012
Totals	0.141	0.051
Weekday Fine Weather	0.266	0.005
Weekday Overcast (>6 Octets)	0.053	0.003
Holiday Wet	0.038	0.005
Weekday temp <20C	0.006	0.001
Totals	0.091	0.004

Table 9.2. Visitor Usage of Infrastructure and Facilities for Hoi Ha Village between 8:00am to 6:00pm.

There are several ways of interpreting this data. The most holistic is perhaps the old notion of Carrying Capacity, and the more applicable to Hoi Ha is the Visitor Impact Assessment

(Ceballos-Lascurain 1996). Using the IUCN specification of an acceptable maximum total average area facility loading not exceeding 0.85 as the sustainable and enjoyable limit, it is clear that most of the Hoi Ha Village areas and facilities are currently underutilized. There are also no exceedances of any of the natural resources in the area. This can be determined by the beach peak usage (~22%) the yearly damage to the nearby coral area, measured as 5%. This figure is less than the growth rate of the coral in the area. Needless to say, there are some hot spots with regards to facilities that may be improved with by adding to, or increasing access to, these resources

The distribution of this fine weather infrastructure and facility loading over the points investigated are in Figure 9.3 (Holiday Period) and Figure 9.4 (Weekday). The facility usage values can be determined from the results and from Figures 9.3 and 9.4. The facilities that can be improved are listed below:

- The toilet facility
- The minibus facility
- The area notice board facility
- The AFCD Centre facility
- The single restaurant facility

It should also be mentioned that when considering the ecological loading of an area, due consideration should also be given to any ecologically sensitive receivers. Hoi Ha Wan was set up to protect the coral and mangrove communities within the bay. Currently the damage, impact and pollution levels associated with visitors to the area do not show exceedances in either area or even an increasing trend as would be expected if the area was overloaded.

In terms of the old carrying capacity figures and notion, the visitors to the area, during the peak times (weekends/holidays with good weather) could increase by about 20% at peak times before maximum limits would be reached. During weekdays, this figure increases to 40% more loading. This report does not suggest that this area be further exploited; however, it is worthwhile to show that the area is currently being underutilized. Needless to say an EIA on the current visitation and its impact on the area would be necessary to determining more detailed information.

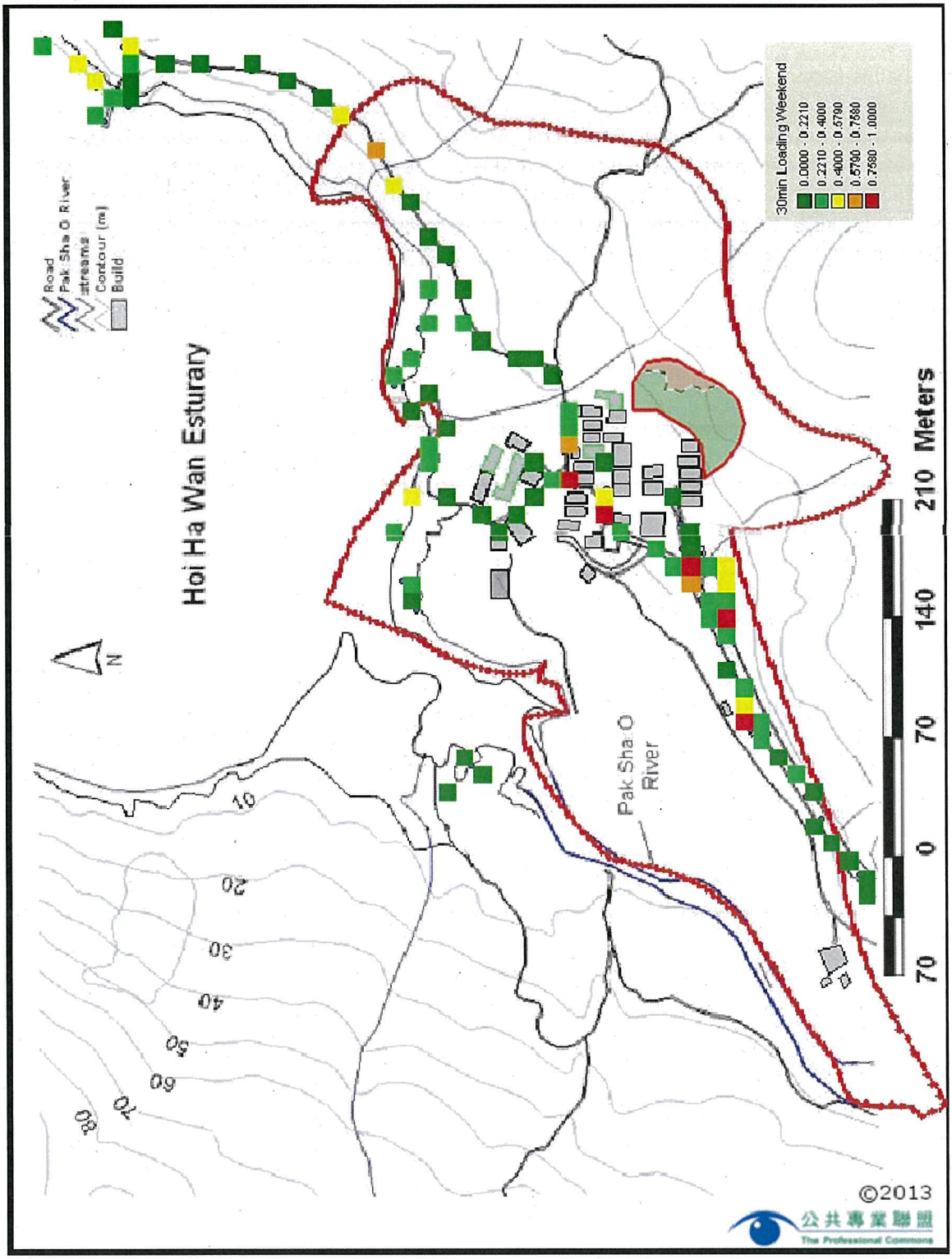


Figure 9.3. 60 Minute Infrastructure and Facility Loading, Fine Holiday, for Hoi Ha Village.

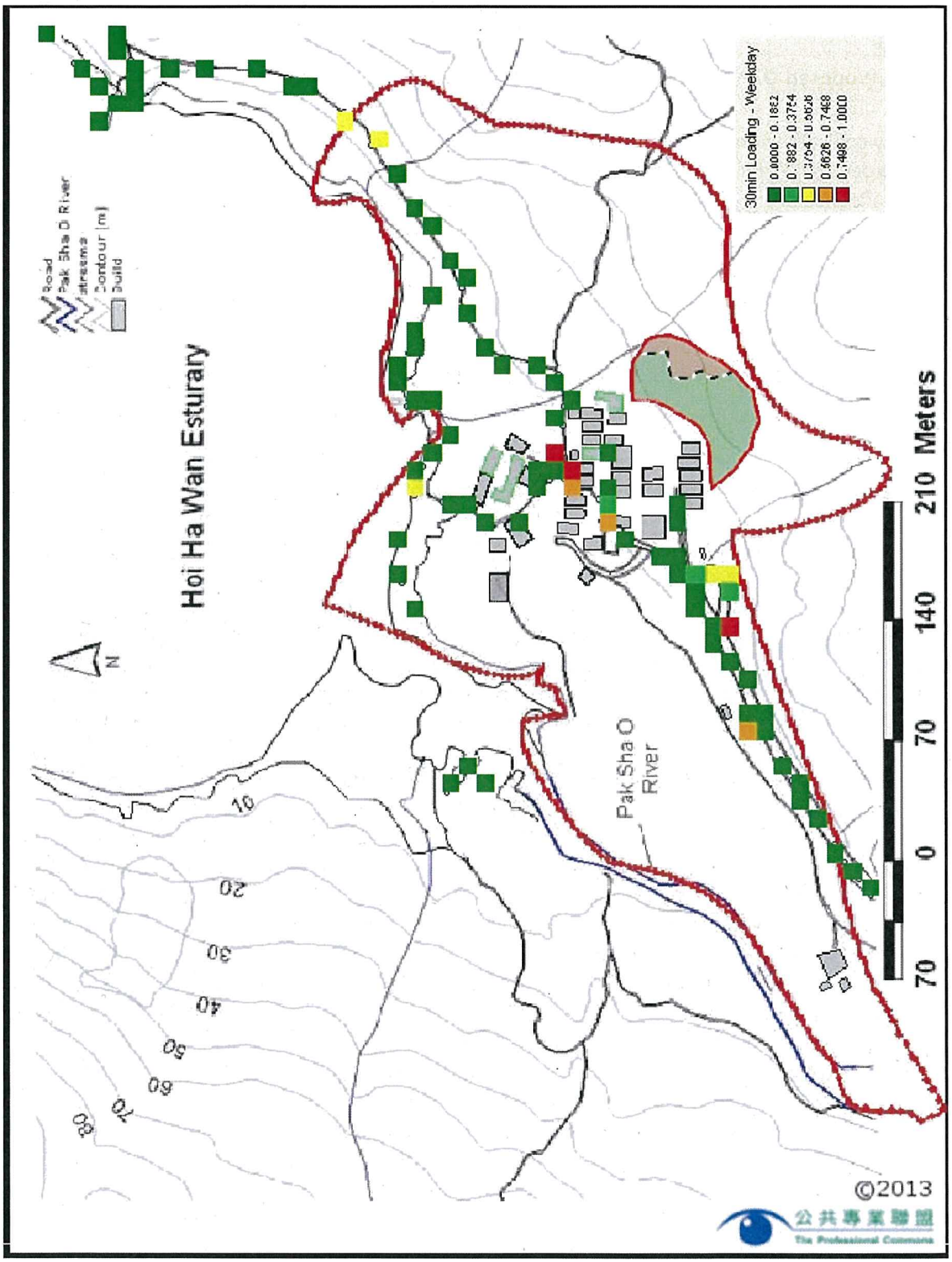


Figure 9.4. 60 Minute Infrastructure and Facility Loading, Fine Weekday, for Hoi Ha Village.

10. Proposals

10.1 Proposed OZP Overview

A key consideration with the future planning and allocation of areas within the DPA is the intended use. There must be a balance established between the preservation, conservation and advance of the village and environs. Hong Kong does not have a lot of areas like Hoi Ha Village so maximum sustainable use needs to be the prime directive of any such recommendation. It is also very important that all aspects of the village and the village needs be considered. This not only includes the landscaping, the aesthetics, but also the livelihood of the residents who rely on the area for income. As well as these considerations, whatever is proposed will have to be a compromise, a balance between the three major issues that must be balanced for a practical and workable result. It therefore must be based upon fact, science, follow local standards and be able to be justified in a court of law.

Property development for profit must be prevented. Any building must be restricted to necessary village expansion by the local resident population only. For the IV residents, this should be by the Small House Policy (SHP). There is no area available in the least sensitive areas for development of IV resident owned land.

Given the data presented, the key deciding factors are the protection of the sensitive habitats in the area and the protection of the marine park. This protection needs to be complete and not subject to the issues that shifting coastlines and whole ecosystems present. It is pointless marking lines on paper without considering ecosystems, macro-ecosystems and habitats. Wildlife corridors are also a key consideration.

Given that reports already submitted clearly show the areas that need protection from an ecological perspective, the landscaping value of the area is basically ensured, since any expansion of the village will be small, given that only the future needs of the village need to be accommodated. Discussions with the IV representatives indicate that it is expected that an area that will accommodate a maximum of 30 additional houses needs to be reserved for this purpose (the figure of 94 quoted in the draft OZP report is clearly a fiction). This will satisfy the needs of SHP applications until 2047 when it is generally accepted that the SHP will expire. This puts a cap on the number of successful applications that can ever be accommodated.

Another key issue is the need to cater for the visitors to this village. Given the increasing leisure time of Hong Kong people, areas like Hoi Ha will become more important. At this time there is an increasing trend towards the area being suitable for education and recreation. Both of these activities can be instilled into this area in a form that is both sustainable and eco-friendly. If this is to be promoted then some support infrastructure needs to be confirmed and expanded as necessary. From the area carrying capacity figures measured so far, the area is currently underutilized as a whole, with some facility bottlenecks that need to be addressed. It should be fairly obvious that the village livelihood issues that exist need to be directed towards sustainable activities. This means that the local residents who are currently deriving their income from the area, need to be given incentive and encouragement to either remain or become environmentally sustainable.

10.1.1 Land usage

Referring to Figure 7.1, the land ownership map above, it is clear that any improvements to the village are made more difficult by the fractured ownership of the land. For example, the village currently has many young children, but there are no facilities for play, other than the car parks or the beach. The owners of one of the larger lots in the centre of the village has, for example, offered the land as a playground/village open area. However this is near impossible to put into practice owing to the fragmented ownership of the land adjacent to it. Similarly, development and improvement of the ruined buildings in the centre of the village is also made more difficult by the fragmented ownership.

We therefore propose that there be a limited land swap, if possible, so that the government resumes the land in the centre of the village so that it can be used for improved facilities. The IV owners would then be given some government land in the expanded V zone area to the south east. The ruined buildings could then be rebuilt in their original style, for example, and used as an Information Centre for the village and the area, maybe even housing an AFCD Wardens Post. Proper shower facilities and toilets could also be accommodated (as long as they are not the usual LSD block houses). However, no co-ordinated improvements in the village can even be contemplated whilst so many different owners have so many different vested interests.

We also support the building of the AFCD Education Centre on part of the under-used barbecue area along the Hoi Ha Road.

Furthermore we also need to consider road access to the village, and the control of cars, buses, minivans etc. At the moment this is also under fragmented jurisdiction, as some of Hoi Ha Road is in Country Park, and thus under AFCD control, and the rest is in the enclave and under Police control. This needs to be regularised so that proper planning and control of access, parking and permits is achieved. Zoning the entire road issues and parking within the Country Park will allow resident AFCD wardens to monitor the area.

10.1.2 Access to the village

One benefit of zoning the area to the south west of the village as Country Park s that negotiating with the owners of the land for alternative footpath access to the village becomes possible. Currently, the original pedestrian access to the village, as shown on all Lands Department maps, is blocked as it traverses privately owned land. When this was owned by the IV residents there was no problem, but since it was sold to outside developers no access has been allowed and the footpath finishes halfway from the road to the village. It is clear for Figures 9.3 and 9.4 that access to the village needs improvement.

10.2 Outline Zoning Plan Proposals

There are two proposed OZP designs. These are shown in Figure 10.0 and 10.1. Each has its merit with regards to the spacing between the houses that may be approved for building in this area. OZP proposal 1 has closer house spacing than OZP Proposal 2. With regards to

the inclusion of SHP areas within the OZP, there would need to be a restructure of the application approval criteria.

The least sensitive area to allow for village expansion is in the south-east area of the DPA. The area includes the remnant Fung Shui Forest area, an area that needs to be preserved, and is woodland. The notion that it is primary woodland is not correct. The whole of the wooded area around the village was cut down for use in making lime. This activity only stopped after the Japanese Invasion of Hong Kong. So great was the demand for wood, it is recorded that the indigenous villagers (Yungs) had to rent more forested hillside land from the Tongs in order to keep the production going (Morton 1992a).

The area fringes, but does not totally occupy on an occasionally used wildlife corridor that extends from the pier along the southern section of the village. This corridor would have to remain. Note that protected species were recorded along the southern edge of the DPA boundary.

To allow the village to expand along the Pak Sha O river valley would be ecologically disastrous to the fauna in the area. A small, but significant population of protected animal species use this area for foraging and are frequent visitors to this area. It is highly likely that the reliable supply of fresh water and the very diverse ecology of the area provides for the needs of these animals. Data suggests that this is the termination of a wildlife corridor so plays a significant role in the life cycle of the animals present in the Pak Sha O River valley area. Note that some of the habitats in the Pak Sha O river valley, and inside the DPA are unique to the area. The flood plain and the permanent marsh area are clear examples of this. The mangrove area on the eastern side of the estuary is not common with the mangrove community on the opposite side of the river. This is in terms of species make-up and structure. Furthermore, the soil substratum in these areas is also very different, with the eastern side comprising of mud and the western area comprising of sand.

The river provides a convenient vehicle for silt and pollution to travel to the Hoi Ha Marine Park. The hydrology of this low lying area would allow for a very short soil hydrological barrier between anthropogenic pollution sources and the river leading straight to the Marine Park. The proposed village expansion area on the southern side of the DPA would present a much greater hydrological barrier to similar sources of pollution provided due consideration was given to the possibility of polluting streams in the area.

Finally, the change in surface run-off rate during periods of heavy rainfall would change the hydrology of the river. Morton and Che (1992) showed that the paved road connecting Hoi Ha Village to the Pak Tam Chung Road impacted the river flow rate and thus changed the shape of the estuary. Currently the mangrove community within the Pak Sha O River estuary relies on the lagoon to control the salinity, water outflow rate and for protection from wave action. An increase in maximum flow rate may remove the lagoon structure and thus cause a severe impact to this community and the shape of the beach.

Typically the law would have to change with regards to SHP being granted in the Country Parks. The key changes include eligibility and a removal of the "1 hectare rule" for EIA requirements. One way would be to include the following criteria:

- IV residents who were given government land grants previously are not eligible.
- IV residents who sold land inherited from relatives are not eligible.
- IV residents who have not resided in the village for a continuous period of 7 years are not eligible.
- IV residents with any property ownership that would be suitable for building a house are not eligible.
- All successful applicants must carry out an EIA with regards to the impacts that a house would have on the land granted to them and their proposed mitigation before building permission can be granted.

Since the process of the SHP is an application process only, and not law, it is possible for the CE to carry out the necessary amendments.

10.3 Proposal Rational

There are several key environmental factors, regarding the DPA, that need to be considered. One key objective here is the conservation of the village and its surrounding areas to give the best possible chance for a modernized but traditional village atmosphere to have a chance and to be encouraged. The alternative would be a drift towards the dead and abandoned villages we see scattered throughout the New Territories. The key factors for the proposed OZP are:

- The protection of a major ecologically sensitive area i.e. the section of the Pak Sha O River valley that falls within the DPA boundary. This area recorded the highest levels of sightings and species diversity of protected animals within the whole area. Furthermore, the data suggest that the wildlife corridor terminates at the opposite estuary. This indicates that an easy animal passage is required.

- There are some scattered endangered plant species recorded in the DPA. Some are seedlings recently planted. An effort should be made to protect these or relocate these to a more suitable location.

- The extended village area contains an intermittent flowing stream as well as some protected species and established trees. The proposed village area was sized to cater for this and to allow for sufficient infrastructure to be installed into the area for successful SHP applicants. The concept here is to avoid the indiscriminate cramming of houses into an area and opt for a more planned approach to the extended village area. Overseas data indicates that clusters of five houses are an appropriate size for minimization of land needed for domestic infrastructure needs.

- The extended village area was also sized to cater for limited land swap for IV resident land that is located in key areas within the village area proper. Hoi Ha Village needs to have some village common areas established. There should also be some restoration of the crumbling masses of falling down rubble that were once proud

traditional village houses. These need to be rebuilt to serve as village facilities, including a possible Marine Park Warden's sub-post.

- The area and possibly the exact position of the Fung Shui Forest is undetermined. It is shown in different places and as different sizes on several of the maps from different authorities. Previous deforestation, mainly as a result of the lime industry, impacted all of the forested areas around the village. The low recorded species richness (13), suggests that this forest is a much degraded forest area as well. Early aerial photographs of the village confirm extensive deforestation with only small clumps of trees at the back of the village. It is highly likely that the Fung Shui Forest of Hoi Ha was mostly cut down. It is expected that it will become a restoration project for the village and/or eco-tourist visitors, once the real boundary and extent is determined. This will not impact the novelty of such an area however, since it was common for villagers, in the past, to plant trees in this area to sustain this special area forest.

- Currently, the village part of the road is in the village area. Inclusion into the country park will allow Country and Marine Park Warden's to police this area in terms of traffic and pedestrian control.

10.4 Suggested procedure for achieving the zoning suggested.

There is a legal and political process involved in carrying out the recommended zoning. There are several considerations to this process that need to be considered.

- The Town Planning Board (TPB) cannot zone Country Park into an area. They can only make a strong recommendation that this be done. The TPB can zone the Village Zone (V-zone) and a Comprehensive Development Area (CDA) as recommended by this report.

- It is the responsibility of the Agriculture, Fisheries and Conservation Department (AFCD) to do the applications for gazettment and present these for further government approval.

- There is some concern regarding the protection of the area whilst this process is occurring. It is possible that the TPB and the AFCD to issue a stay on all building/improvement activities until this is done. This was the case at Tai Long Wan, and to some extent it worked. The success of such hold of work, depends upon public support for the conservation of the area. This is especially true with regard to developers using any interim zoning as an excuse to 'rehabilitate' abandoned agricultural land, this laying waste to a highly sensitive ecological area, as they have done at Pak Sha O.

- There is also the problematic issue of an incomplete OZP if the recommendation of proposing all of the unassigned area, within the OZP, to CP is not deemed as a

proper land use. This should only be a technicality, however since actually there was a recommended zoning.

10.5 Suggested future development of Hoi Ha

Any planning recommendation needs to cater for future use. This report recommends that the area of Hoi Ha and Hoi Ha Wan only be allowed to be exploited in a sustainable way for either recreation, educational, nature-tourism or eco-tourism resource. The current bus loads of local, mainland and overseas tourists should be discouraged, mainly because the area is not set up to cater for them, nor does it have anything to offer them in terms of value for money.

However in order to cater for a future sustainable use future, some key infrastructure is required. This is listed below:

10.5.1 For recreation:

- The old boat ramp needs attention and stabilization.
- The village footpaths need to be made more wheelchair friendly.
- Another mooring buoy needs to be added to the single one in front of the second beach.
- A proper toilet block and changing area needs to built near the main beach at Hoi Ha. This could be in traditional Hakka village house style, or inside one of a restored village house.
- A pathway to the second BBQ site needs to be opened up in front of the existing water works pumping station at Hoi Ha.

10.5.2 For education:

- The long overdue AFCD Education Facility needs to be finalized and construction begun immediately.
- A proper reserve for the Asian porcupine needs to be established near the AFCD Centre.
- A proper set of Educational nature trails needs to be set up to support this facility.

10.5.3 For nature-tourism:

- A planned set of nature trails need suitable for this need. These should extend the whole length of the Pak Sha O River valley
- Training should be provided so that local residents can be informed about the area and they should be encouraged to act as nature tour guides; after all they probably know more about the area than those not born there. This would also encourage further development of locally based, resident run, small eco-tourism based enterprises. (See below).

10.5.4 For eco-tourism:

- A series of proper eco based projects need to be established in this area. These should be supported by the government and run by the local villagers and other green NGOs. Typically such activities as bird watching, rubbish collection, re-forestation of damaged areas, etc.

10.5.5 For village infrastructure:

- An alternative footpath access to the village.
- Additional fire hydrants need to be added to this village.
- A proper waste water system should be designed and installed for this village.
- A more village-centric public transport schedule for the minibus to the village.
- The parking situation at the village, especially during times of peak visitation should be resolved by using half of the road for parallel parking.

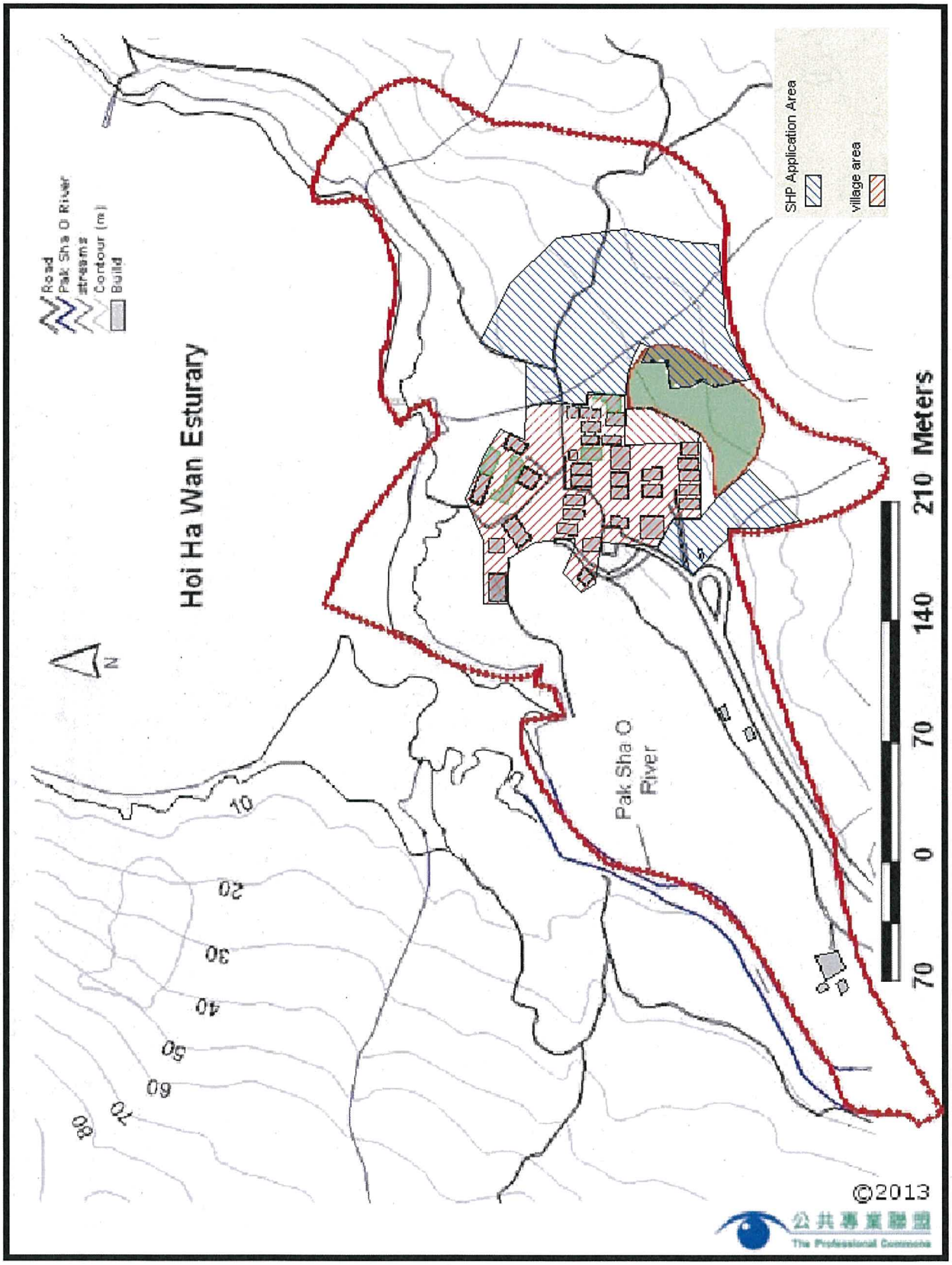


Figure 10.1 OZP proposal #1

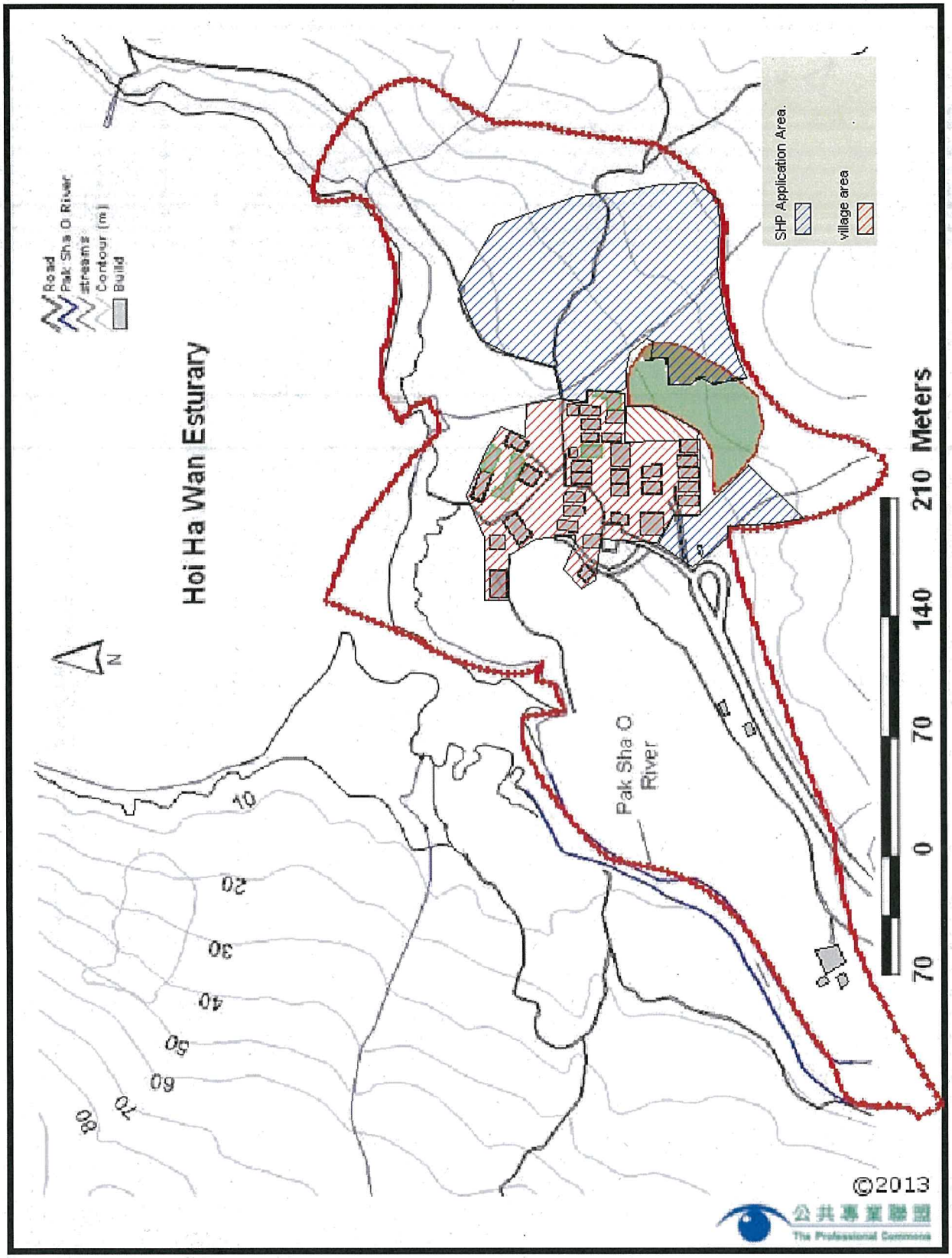


Figure 10.2 OZP Proposal #2

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Appendix A - Plant Species Recorded in the Hoi Ha Area

Scientific Name	Chinese Common Name	Growth Form	Distribution and status in HK	Abundance
Abrus mollis	毛相思子	Climber	Restricted	1
Acacia confusa	台灣相思	Tree	Exotic, Common	1
Achyranthes aspera	土牛膝	Herb	Common	1
Acorus gramineus	石菖蒲	Herb	Very common	1
Adiantum flabellulatum	扇葉鐵綫蕨	Herb	Very common	1
Aegiceras corniculatum	桐花樹	Shrub	Commonnn	2
Ageratum conyzoides	藿香薊, 勝紅薊	Herb	Exotic, very common	1
Alangium chinense	八角楓	Tree	Common	2
Albizia lebbeck	大葉合歡	Tree	Exotic, Common	1
Alchornea trewioides	紅背山麻杆	Shrub	Common	1
Alocasia cucullata	尖尾芋	Herb	Restricted	1
Alocasia macrorrhizos	海芋	Herb	Very common	1
Alternanthera philoxeroides	空心蓮子草	Herb	Exotic, Common	1
Antidesma bunius	五月茶, 五味子	Tree	Common	1
Aporusa dioica	銀柴	Tree	Very common	3
Aquilaria sinensis	土沉香	Tree	Common, Protected under Cap. 586	2
Archidendron clypearia	猴耳環	Tree	Common	1
Ardisia crenata	大羅傘	Shrub	Common	1
Ardisia lindleyana	山血丹	Shrub	Common	1
Ardisia quinquegona	羅傘	Small tree	Very common	1
Asclepias curassavica	馬利筋	Herb	Exotic, Common	1
Asparagus cochinchinensis	天門冬	Shrub	Common	1
Atalantia buxifolia	酒瓶筋	Shrub	Common	1
Axonopus compressus	地毯草	Herb	Exotic, Common	1
Bambusa spp.	竹屬	Bamboo	Common	1
Bauhinia championii	缺葉藤	Climber	Common	1
Bauhinia glauca	粉葉羊蹄甲, 羊蹄甲藤	Climber	Very common	3
Blechnum orientale	烏毛蕨	Herb	Very common	1
Breynia fruticosa	黑面神	Shrub	Very common	1
Bridelia tomentosa	土蜜樹	Tree	Very common	2
Brucea javanica	鴨腳子, 苦參子	Tree	Common	1
Byttneria aspera	刺果藤	Climber	Very common	3
Callicarpa kochiana	枇杷葉紫珠	Shrub	Common	1
Canavalia lineata	狹刀豆	Climber	Common	1
Carica papaya	番木瓜	Tree	Exotic, Planted	1
Cayratia corniculata	角花烏蘞莓	Climber	Very common	1
Celtis timorensis	假玉桂, 檉葉朴	Tree	Restricted	1
Centella asiatica	崩大碗	Herb	Very common	1
Centotheca lappacea	假淡竹葉	Herb	Common	1
Cerbera manghas	海芒果	Tree	Common	1
Chrysopogon aciculatus	竹節草, 假雀麥	Herb	Very common	3
Cleistocalyx nervosum	水翁	Tree	Common	3
Clerodendrum inerme	苦郎樹, 假茉莉	Shrub	Common	1
Colocasia esculenta	芋	Herb	Cultivated	1
Commelina diffusa	節節草	Herb	Common	2
Cratoxylum cochinchinense	黃牛木	Tree	Very common	1
Crinum asiaticum var. sinicum	文殊蘭	Herb	Exotic, Common	1
Cyclosorus interruptus	間羽毛蕨	Herb	Common	1
Cyclosorus parasiticus	華南毛蕨	Herb	Very common	1
Cyperus difformis	異型莎草	Herb	Very common	1
Cyperus haspan	畦畔莎草	Herb	Common	1
Cyrtococcum patens	弓果黍	Herb	Very common	1
Dalbergia benthamii	兩粵黃檀	Climber	Common	1
Daphniphyllum calycinum	牛耳楓	Tree	Common	1
Dendrotrophe varians	寄生藤	Parasite	Very common	1
Derris trifoliata	魚藤	Climber	Common	1
Desmodium triflorum	三葉山蚂蝗	Herb	Very common	1
Desmos chinensis	假鷹爪	Climber	Common	2
Dicranopteris pedata	芒萁	Herb	Very common	1
Digitaria ciliaris	升馬唐	Herb	Very common	1
Dimocarpus longan	龍眼, 桂圓	Tree	Exotic, Restricted	1
Dioscorea bulbifera	黃獨	Climber	Common	1
Diploclisia glaucescens	蓪白薇粉防己	Climber	Common	1
Dischidia chinensis	眼鏡蓮, 瓜子金	Climber	Restricted	1
Ehretia longiflora	長花厚殼樹	Tree	Restricted	1
Elaeagnus loureirii	鐵色鹹藤, 羅氏胡頹子	Climber	Common	2
Eleocharis ochrostachys	假荸薺, 假馬蹄	Herb	Restricted	2
Elephantopus scaber	地膽草	Herb	Common	1
Elephantopus tomentosus	白花地膽草	Herb	Common	1
Eleusine indica	牛筋草	Herb	Exotic, very common	1
Eleutherococcus trifoliatus	白簕	Climber	Restricted	1
Emilia sonchifolia	一點紅	Herb	Very common	1
Entada phaseoloides	榼藤	Climber	Very rare	2
Eriocaulon truncatum	頭狀穀精草	Herb	Common	1
Excoecaria agallocha	海漆	Tree	Common	2
Ficus hirta	粗葉榕	Shrub	Common	1

Scientific Name	Chinese Common Name	Growth Form	Distribution and status in HK	Abundance
Ficus hispida	對葉榕	Tree	Very common	2
Ficus microcarpa	細葉榕	Tree	Common	1
Ficus pumila	薜荔	Climber	Very common	1
Ficus pyriformis	舶梨榕	Shrub	Common	1
Ficus tinctoria	斜葉榕	Tree	Restricted	1
Fimbristylis nutans	點頭飄拂草	Herb	Restricted	1
Fimbristylis sieboldii	錢蘚飄拂草	Herb	Common	1
Floscopa scandens	聚花草	Herb	Common	1
Gardenia jasminoides	梔子	Shrub	Common	1
Glochidion eriocarpum	毛果算盤子	Tree	Very common	1
Glochidion hirsutum	厚葉算盤子	Tree	Common	1
Gnetum luofuense	羅浮買麻藤	Climber	Common, IUCN Near Threatened	2
Gymnanthera oblonga	海島藤	Climber	Widely established	1
Gynura bicolor	兩色三七草	Herb	Exotic, Common	1
Hedyotis diffusa	白花蛇舌草	Herb	Very common	1
Hibiscus tiliaceus	黃槿	Tree	Common	4
Hypericum japonicum	地耳草	Herb	Very common	1
Hypserpa nitida	夜花藤	Climber	Very common	1
Ilex asprella	梅葉冬青	Shrub	Very common	1
Impatiens chinensis	華鳳仙	Herb	Common	3
Ipomoea triloba	三裂葉薯	Climber	Exotic, Common	1
Kyllinga brevifolia	短葉水蜈蚣	Herb	Common	1
Kyllinga nemoralis	單穗水蜈蚣	Herb	Very common	1
Kyllinga polyphylla	多根水蜈蚣	Herb	Exotic, Common	1
Lantana camara	馬纓丹	Shrub	Exotic, very common	1
Leucaena leucocephala	銀合歡	Tree	Exotic, very common	1
Ligustrum sinense	山指甲	Shrub	Common	1
Lindernia crustacea	母草	Herb	Restricted	1
Lindernia rotundifolia	泥花草	Herb	Restricted	1
Lindsaea orbiculata	團葉鱗始蕨	Herb	Very common	1
Liriope spicata	山麥冬, 麥門冬	Herb	Very common	1
Litsea glutinosa	潤楠	Tree	Very common	1
Litsea monopetala	假柿木薑子	Tree	Restricted	1
Lonicera macrantha	大花忍冬	Climber	Common	1
Ludwigia adscendens	水龍	Herb	Common	1
Lygodium japonicum	海金沙	Climber	Very common	1
Lygodium scandens	小葉海金沙	Climber	Common	1
Macaranga tanarius var. tomentosa	血桐	Tree	Common	1
Machilus chekiangensis	浙江潤楠	Tree	Very common	1
Maesa perlarius	鱗花酸藤	Shrub	Common	1
Mallotus paniculatus	白楸	Tree	Very common	1
Melastoma malabathricum	野牡丹	Shrub	Common	2
Melastoma sanguineum	毛菍	Shrub	Common	1
Melodinus suaveolens	山橙	Climber	Common	1
Microcos nervosa	破布葉, 布渣葉	Tree	Common	1
Microstegium ciliatum	刚竹	Herb	Very common	1
Mikania micrantha	薇甘菊	Climber	Exotic, very common	1
Mimosa pudica	含羞草	Herb	Exotic, very common	1
Miscanthus sinensis	芒	Herb	Very common	1
Morinda cochinchinensis	大果巴戟	Shrub	Rare	2
Morinda parvifolia	雞眼藤	Shrub	Very common	1
Mussaenda erosa	楠藤	Shrub	Common	2
Musa x paradisiaca	大蕉	Herb	Commonly cultivated	1
Neottopteris nidus	巢蕨	Herb	Restricted, protected under Cap.96	1
Paederia scandens	雞矢藤	Climber	Very common	1
Pandanus austrosinensis	露兜草	Herb	Common	1
Pandanus tectorius	露兜樹	Small tree	Very common	1
Panicum brevifolium	短葉黍	Herb	Very common	1
Panicum dichotomiflorum	水生黍	Herb	Common	2
Paspalum distichum	雙穗雀稗	Herb	Common	2
Pavetta hongkongensis	香港大沙葉	Shrub	Common, Protected under Cap. 96	1
Perilla frutescens	紫蘇	Herb	Restricted	1
Philydrum lanuginosum	田薑	Herb	Common	1
Phoenix loureiroi	刺葵	Shrub	Common	1
Phyllanthus emblica	餘甘子, 油甘子	Tree	Very common	1
Phyllanthus urinaria	葉下珠	Herb	Common	1
Pilea microphylla	小葉冷水花	Herb	Exotic, very common	1
Piper sarmentosum	假蒟	Herb	Restricted	1
Polygonum chinense	火炭母	Herb	Very common	1
Polyspora axillaris	大頭茶	Tree	Very common	1
Pothos chinensis	石柑	Climber	Very common	1
Praxelis clematidea	假臭草	Herb	Exotic, very common	1
Psidium guajava	番石榴	Tree	Exotic, Common	1
Psychotria asiatica	九節	Shrub	Very common	2
Pteris semipinnata	半邊旗	Herb	Very common	2

Scientific Name	Chinese Common Name	Growth Form	Distribution and status in HK	Abundance
Pueraria lobata	野葛	Climber	Very common	2
Pyrrosia adnascens	貼生石韋	Herb	Common	1
Rhaphiolepis indica	車輪梅	Shrub	Very common	1
Rhus hypoleuca	白背鹽膚木	Tree	Common	1
Rhus succedanea	野漆樹	Tree	Common	1
Ricinus communis	蓖麻	Shrub	Exotic, Restricted	1
Rourea microphylla	小葉紅葉藤 紅葉藤	Climber	Common	1
Rubus reflexus	蛇泡筋	Shrub	Very common	1
Ruellia coerulea	蘭花草	Herb	Exotic, Common	1
Sageretia thea	雀梅藤	Shrub	Common	1
Sapium discolor	山烏桕	Tree	Very common	1
Sapium sebiferum	烏桕	Tree	Common	1
Sarcandra glabra	草珊瑚	Shrub	Common	1
Sargentodoxa cuneata	大血藤	Climper	Very rare	1
Schefflera heptaphylla	鵝掌木	Tree	Very common	2
Scolopia chinensis	刺柊	Tree	Common	1
Scutellaria indica	韓信草	Herb	Common	1
Senecio scandens	千里光	Climber	Common	1
Senna alata	翅荚決明	Shrub	Exotic, Common	1
Sida acuta	黃花稔	Shrub	Common	1
Smilax glabra	土茯苓	Shrub	Very common	1
Solanum torvum	水茄	Shrub	Exotic, Common	1
Spermacoce stricta	豐花草	Herb	Restricted	1
Sphaerocaryum malaccense	稗荩	Herb	Common	1
Sphenomeris chinensis	烏韭	Herb	Common	1
Sporobolus fertilis	鼠尾粟	Herb	Very common	1
Stephania longa	千金藤	Climber	Common	1
Sterculia lanceolata	假蘋婆	Tree	Very common	3
Symplocos cochinchinensis var. laurina	黃牛奶樹	Tree	Common	3
Syzygium hancei	紅鱗蒲桃	Tree	Common	1
Syzygium jambos	蒲桃	Tree	Exotic, Common	1
Syzygium levinei	山蒲桃	Tree	Common	1
Tetracera asiatica	錫葉藤	Climber	Very common	3
Tetradium glabrifolium	棟葉吳茱萸	Tree	Common	1
Teucrium viscidum	血見愁 山藿香	Herb	Common	1
Tibouchina semidecandra	巴西野牡丹	Shrub	Exotic, Common	1
Toona rubriflora	紅花香椿	Tree	Restricted	1
Urena lobata	肖梵天花	Shrub	Common	1
Urena procumbens	梵天花	Shrub	Common	1
Utricularia bifida	挖耳草	Herb	Common	1
Uvaria macrophylla	紫玉盤	Climber	Common	1
Vernonia cinerea	夜香牛	Herb	Very common	1
Viburnum odoratissimum	珊瑚樹	Tree	Very common	3
Wikstroemia indica	了哥王	Shrub	Common	1
Zanthoxylum nitidum	兩面針	Shrub	Very common	2

TPB/R/S/NE-HH/1- 10882

Pui Lam Jocelyn HO
[redacted]
27/11/2013 下午 03:17

To Town Planning Board <tpbpd@planc
cc dafcoffice@afcd.gov.hk
dlosk@landsd.gov.hk
dep@epd.gov.hk
bcc
Subject Comments on 3 Draft OZPs - Hoi Ha, Pak Lap, So Lo Pun

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir or Madam,

Please refer to the attachments for the HKBWS's comments on the Draft OZPs for Hoi Ha, So Lo Pun and Pak Lap. -Thank you.

Best regards,

Jocelyn Ho

Senior Conservation Officer
The Hong Kong Bird Watching Society
7C, V Ga Building, 532 Castle Peak Road, Lai Chi Kok, Kowloon, Hong Kong

Tel: (852) 23774387 Fax: (852) 23143687

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HKBWS_Comments_PakLapdraftOZP_20131127.pdf HKBWS_Comments_SoLoPundraftOZP_20131127.pdf

(27)

TPB/R/S/NE-HH/1- 10882

Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
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香港觀鳥會
THE HONG KONG BIRD WATCHING SOCIETY
Since 1957 成立

BirdLife INTERNATIONAL PARTNER
國際鳥盟會成員
BirdLife International Partner Designate

27 Nov 2013

Dear Sir/Madam,

Comments on Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/D – Further Consideration of a New Plan

The Hong Kong Bird Watching Society (HKBWS) would like to raise our concerns on the Draft Hoi Ha Outline Zoning Plan (OZP). In the 2010 Policy Address, Donald Tsang promised to include Country Park enclaves into CPs or determine their proper uses through statutory planning in order to meet conservation and social development needs[1]. However, the Draft Hoi Ha OZP does not provide sufficient protection to the natural environment of Hoi Ha and we would like bring your attention to the following concerns:

1. **Impacts to Hoi Ha Wan Marine Park**

1.1 Sewage Discharge

The coastline of Hoi Ha borders the marine waters of the Hoi Ha Wan Marine Park, an area that has been known to be of great ecological interest since the 1980s when it was first recognized as the Hoi Ha Wan Site of Special Scientific Interest (SSSI)[2]. Hoi Ha Wan Marine Park supports a high diversity of corals, 64 species of stony corals and over 120 species of coral associated fishes[3]. Additionally, six species of mangrove plus other marine invertebrates have also been recorded there[3]. Aside from natural resources, seven artificial reefs have been deployed there as part of the Hong Kong Artificial Reef Project[4]. These

[1] Hong Kong SAR Government (2010). Address by the Chief Executive The Honourable Donald Tsang at the legislative Council Meeting on 13 October 2010. Available at: http://www.policyaddress.gov.hk/10-11/eng/p122.html

[2] Planning Department (1995). Register of Sites of Special Scientific Interest. Planning Department of the Hong Kong SAR Government

[3] Agriculture, Fisheries and Conservation Department (2013). Hoi Ha Wan Marine Park – monitoring. AFCD, Hong Kong SAR Government. Available at: http://www.afcd.gov.hk/english/country/cou_vis/cou_vis_mar/cou_vis_mar_mon/cou_vis_mar_mon_eco_hhw.html

[4] Agriculture, Fisheries and Conservation Department (2013). Hong Kong Artificial Reef Project – Hoi Ha Wan. AFCD, Hong Kong SAR Government. Available at: http://www.artificial-reef.net/English/main.htm.

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27

ecological sensitive receivers have been known to be threatened by water pollution and sediments from Tolo Channel dating all the way back to 1989[1]. The change of landuse in Hoi Ha as proposed in the draft OZP would further increase the pollution load into Hoi Ha Wan Marine Park. Small house development in the V zone would allow for 94 more houses to be built, which would heavily increase the amount of nutrient-rich pollutants in Hoi Ha Wan as the sewage from these houses would not be treated at a sewage treatment plant, but instead rely solely on on-site septic tanks and soakaway systems.

1.2 Agriculture Land Use

Due to the close proximity to Hoi Ha Wan Marine Park and the topographic characteristics of Hoi Ha being that surface runoff drains into Hoi Ha Wan, agricultural land use should be kept at minimum to prevent increase of nutrient load in Hoi Ha Wan. Agricultural uses in GB should be removed from Column 1 (always permitted) but instead by only permitted after further considerations of the Town Planning Board (Column 2). We also suggest to remove agriculture uses in CPA and CA zone (refer to Section 4).

We are concerned that the additional sewage discharge and agricultural land uses would adversely impact the marine ecosystem of Hoi Ha Wan Marine Park as corals and the associated reef fishes are sensitive to excess nutrients and turbidity. Deteriorated water quality would result in a lower coverage of hard corals and decline in fish abundance[5].

2 Impacts to Natural Habitats Resulting from Village Zone

The proposed V zone where no small houses currently exist is made up of secondary woodland and disturbed woodland[6]. Some parts of the V zone edge also borders an existing marsh and natural stream (Figure 1). The provision of land for small house developments would not only result in the loss of the woodland habitats, it would also result in human disturbances to the natural stream (Figure 2) and tidal creek which are foraging grounds Brown Fish Owls. Brown Fish Owls are scarce residents in Hong Kong which feed in undisturbed, unpolluted lowland streams and tidal creeks[7]. This species is considered to be of

[5] Reopanichkul, P., Schlacher, T. & Carter, R. W. (2009). Sewage impacts coral reefs at multiple levels of ecological organization. *Marine Pollution Bulletin, 58* 1356-1362.

[6] Asia Ecological Consultants (2012). Ecological Survey Appraisal Report for DPA Area Hoi Ha, Sai Kung

[7] Carey, G.J., Chalmers, M.L., Diskin, D.A., Kennerley, P.R., Leader, P.J., Leven, M.R., Lewthwaite, R.W., Melville, D.S., Turnbull, M. and Young, L. 2001. The Avifauna of Hong Kong.Hong Kong Bird Watching Society. Hong Kong.

Regional Concern[8] and it is also listed under Class II in the List of Wild Animals Under State Protection in China. Their habitat requirements are particular and with the low number of natural stream with undisturbed tidal creeks remaining in Hong Kong, this habitat type in Hoi Ha should be highly protected. The proposed V zone should be restricted to where the existing small house development is located and not encroach natural habitats.

3 **Replace Green Belt Zone with Conservation Area and Coastal Protection Area**

The proposed GB zone should be changed to CPA and CA in order to provide adequate protection to the natural coastline, natural stream, marsh (Figure 3) and the associated woody and shrubby areas. The marsh also supports a very rare plant species, *Gymnanthera oblonga*[6]. Given that the list of permitted uses (Column 1) in GB includes agriculture use, barbecue spot, government use (police reporting center only), tent camping ground and wild animals protection area these habitats of high ecological value would be destroyed.

4 **Amendments to Column 1 of Conservation Area and Coastal Protection Area**

Land uses that could result in direct loss of natural habitat and indirect impacts to Hoi Ha Wan and other natural areas should be either completely removed from the schedule of uses or removed from Column 1 of schedule of uses and moved to Column 2 which requires a permit. As such, we propose agriculture use and on-farm domestic structure to be totally removed from the schedule of uses. Whilst nature trail and wild animals protection area to be moved to Column 2.

5 **Composition of Bird Population at Hoi Ha**

Aside from the existing village, the surrounding natural habitats of Hoi Ha support a diverse populations of birds, 104 species have been recorded at the various habitats of Hoi Ha[9]. Of the total species of birds recorded, 21 are considered to be of conservation interest (Table 1). The significance of the bird composition at Hoi Ha correlates with the naturalness and diversity of different habitat types (natural stream, secondary woodland, marsh and coastal area). Flycatchers, warblers, babblers and thrushes roost and forage at the secondary woodland. Waterbirds including terns, ardeids and kingfishers forage along the coastal area

[8] Fellowes, J.R., Lau, M.W.N., Dudgeon, D., Reels, G.T., Ades, G.W.J., Carey, G.J., Chan, B.P.L., Kendrick, R.C., Lee, K.S., Leven, M.R., Wilson, K.D.P. and Yu, Y.T. 2002. Wild animals to watch: Terrestrial and freshwater fauna of conservation concern in Hong Kong. *Memoirs of the Hong Kong Natural History Society* No. 25, 123-160.

[9] HKBWS internal records and bird species recorded from Asia Ecological Consultants (2012). Ecological Survey Appraisal Report for DPA Area Hoi Ha, Sai Kung

and owls, wagtails and raptors forage in the natural stream. Out of these groups, a number of species are of Local Concern [8] and listed under Class II protection in China (Table 1). We urge the Town Planning Board to acknowledge the ecological value of the bird community and to take into consideration protecting these associated habitats from any development and human disturbances.

6 **Hoi Ha as an Environmentally Sensitive Location Under the EIAO Guidelines**

If we consider the village house development as a whole and apply it to the EIAO guidelines, it qualifies as a schedule 2 designated project under category Q1, "All projects including new access roads, railways, sewers, sewage treatment facilities, earthworks, dredging works and other building works partly or wholly in an existing or gazette proposed country park or special area, a conservation area, an existing or gazette proposed marine park or marine reserves, a site of cultural heritage and a site of special scientific interest"[10]. The cumulative impacts of the potential 94 additional small houses need to be assessed properly. The V zone is located less than 500 m from a Marine Park/SSSI, adjacent to the proposed CPA and CA and within the Hoi Ha Site of Archaeological Interest[11] and within 500 m from the Hoi Ha Lime Kiln (which is also considered as a site of archaeological interest) (Figures 1 and 4). We are concerned that the extensive area of V zone would result in adverse environmental impacts to these sensitive receivers nearby. For a sensitive site like Hoi Ha, we urge the Town Planning Board to take into consideration the cumulative impacts (direct and indirect impacts) of such large V zone.

The HKBWS respectfully requests the Town Planning Board to consider our concerns on the draft Hoi Ha OZP. Based on the reasons above, we hope the Town Planning Board will consider to incorporate Hoi Ha as part of the Sai Kung West Country Park.

Yours faithfully,

[10] Environmental Protection Department (2007). A Guide to the Environmental Impact Assessment Ordinance. Hong Kong SAR Government.

[11] Antiquities and Monuments Office (2012). List of Sites of Archaeological Interest in Hong Kong (as at Nov 2012). Hong Kong SAR Government.

Jocelyn Ho
Senior Conservation Officer
Hong Kong Bird Watching Society

cc:
Mr. Alan Wong, Director of Agriculture, Fisheries and Conservation
Mr. Simon Wang, District Lands Officer, Sai Kung
Ms. Anissa Wong, Director of Environmental Protection
Mr. KK Ling, Director of Planning

Figure 1

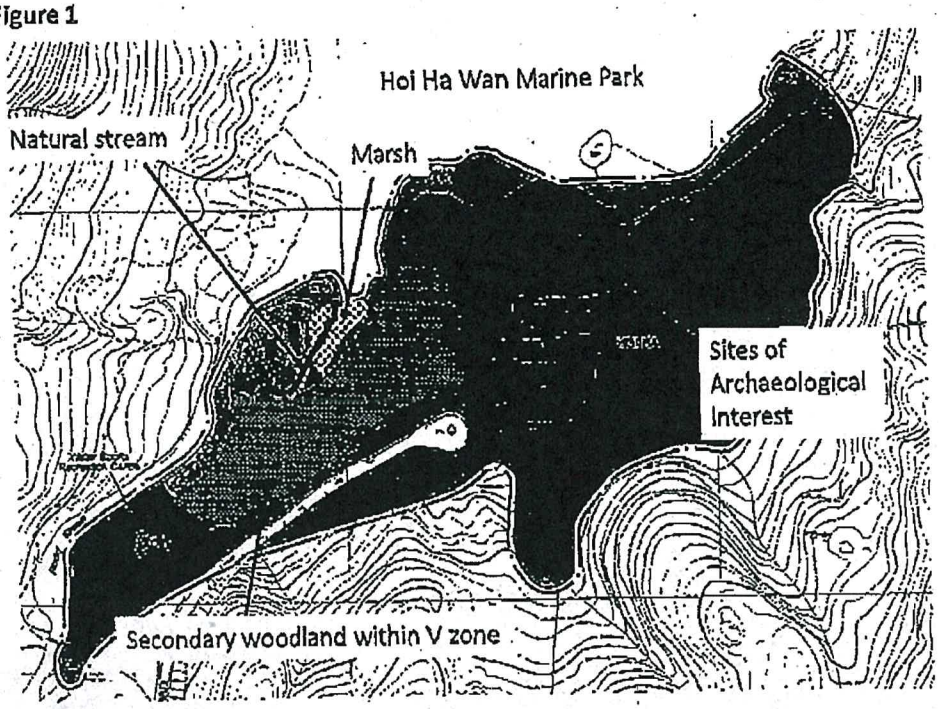


Figure 2 – Natural Stream

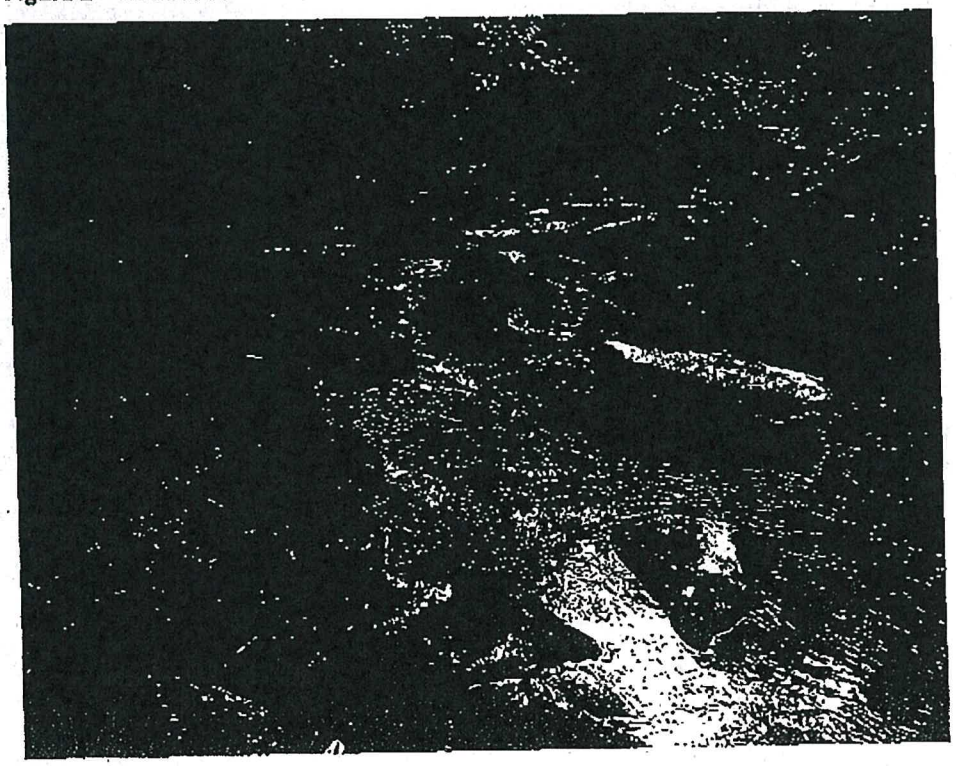


Figure 3 - Marsh



Figure 4 – Lime Kiln at Hol Ha



Table 1 – List of Birds Recorded at Hoi Ha from Internal Records of HKBWS and Ecological Survey Appraisal Report by Asia Ecological Consultants

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Chinese Francolin	*Francolinus pintadeanus*	Common	R	-	-	-	-
Black-crowned Night Heron[9]	*Nycticorax nycticorax*	Common	P	(LC)	-	-	-
Striated Heron[8]	*Butorides striatus*	Uncommon in summer, Scarce in winter	Su	(LC)	-	-	-
Great Egret[9]	*Ardea modesta*	Common	P	PRC (RC)	-	-	-
Pacific Reef Heron[9]	*Egretta sacra*	Uncommon	R	(LC)	Class II	Rare	-
Black Baza[8]	*Aviceda leuphotes*	Uncommon	M,Su	-	Class II	-	-
Black Kite[6][9]	*Milvus migrans*	Common	W,R	(RC)	Class II	-	-
White-bellied Sea Eagle[6][8]	*Haliaeetus leucogaster*	Uncommon	R	(RC)	Class II	-	-
Crested Serpent Eagle[8]	*Spilornis cheela*	Uncommon	R,M	(LC)	Class II	Vulnerable	-
Crested Goshawk[8]	*Accipiter trivirgatus*	Uncommon	R	-	Class II	Rare	-
Besra[8]	*Accipiter virgatus*	Scarce	R	-	Class II	-	-
White-breasted Waterhen[9]	*Amaurornis phoenicurus*	Common	R	-	-	-	-
Eurasian Woodcock	*Scolopax rusticola*	Scarce	W	-	-	-	-
Whimbrel[9]	*Numenius phaeopus*	Common	M	LC	-	-	-
Common Greenshank[9]	*Tringa nebularia*	Abundant	M,W	RC	-	-	-
Red-necked Phalarope[9]	*Phalaropus lobatus*	Common	M	-	-	-	-
Bridled Tern	*Onychoprion anaethetus*	Uncommon	Su,M	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Roseate Tern[9]	*Sterna dougallii*	Uncommon	Su	(LC)	-	-	-
Black-naped Tern[9]	*Sterna sumatrana*	Common	Su	(LC)	-	-	-
Whiskered Tern[9]	*Chlidonias hybrida*	Uncommon	M	-	-	-	-
Oriental Turtle Dove	*Streptopelia orientalis*	Common	W	-	-	-	-
Spotted Dove	*Streptopelia chinensis*	Abundant	R	-	-	-	-
Greater Coucal	*Centropus sinensis*	Common	R	-	Class II	Vulnerable	-
Asian Koel	*Eudynamys scolopacea*	Common	Su,R	-	-	-	-
Large Hawk Cuckoo	*Hierococcyx sparverioides*	Common	Su	-	-	-	-
Hodgson's Hawk Cuckoo	*Hierococcyx nisicolor*	Scarce	SpM	-	-	-	-
Indian Cuckoo	*Cuculus micropterus*	Uncommon	Su	-	-	-	-
Collared Scops Owl[8]	*Otus lettia*	Common	R	-	Class II	-	-
Brown Fish Owl[8]	*Ketupa zeylonensis*	Scarce	R	RC	Class II	-	-
Savanna Nightjar	*Caprimulgus affinis*	Uncommon	Su,?W	-	-	-	-
Pacific Swift	*Apus pacificus*	Common	SpM,Su	(LC)	-	-	-
House Swift	*Apus nipalensis*	Common	R,SpM	-	-	-	-
Oriental Dollarbird	*Eurystomus orientalis*	Uncommon	M	-	-	-	-
White-throated Kingfisher[10]	*Halcyon smyrnensis*	Common	AM,P	(LC)	-	-	-
Common Kingfisher[10]	*Alcedo atthis*	Common	AM,P	-	-	-	-
Ashy Minivet	*Pericrocotus divaricatus*	Uncommon	SpM	-	-	-	-
Scarlet Minivet	*Pericrocotus speciosus*	Common	R	-	-	-	-
Brown Shrike	*Lanius cristatus*	Common	SpM	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Long-tailed Shrike	*Lanius schach*	Common	R	-	-	-	-
Black Drongo	*Dicrurus macrocercus*	Common	M,Su	-	-	-	-
Ashy Drongo	*Dicrurus leucophaeus*	Scarce	W	LC	-	-	-
Hair-crested Drongo	*Dicrurus hottentottus*	Common	M,Su,W	-	-	-	-
Black-naped Monarch	*Hypothymis azurea*	Uncommon	W,M	-	-	-	-
Asian Paradise-Flycatcher	*Terpsiphone paradisi*	Scarce	M	LC	-	-	-
Japanese Paradise-Flycatcher	*Terpsiphone atrocaudata*	Scarce	M	LC	-	-	Near Threatened
Grey Treepie	*Dendrocitta formosae*	Scarce	M,W	LC	-	-	-
Large-billed Crow	*Corvus macrorhynchos*	Common	R	-	-	-	-
Cinereous Tit	*Parus cinereus*	Common	R	-	-	-	-
Red-whiskered Bulbul	*Pycnonotus jocosus*	Abundant	R	-	-	-	-
Chinese Bulbul	*Pycnonotus sinensis*	Abundant	R	-	-	-	-
Sooty-headed Bulbul	*Pycnonotus aurigaster*	Uncommon	R	-	-	-	-
Barn Swallow	*Hirundo rustica*	Abundant	SpM,Su	-	-	-	-
Mountain Tailorbird	*Phyllergates cucullatus*	Uncommon	-	-	-	-	-
Brown-flanked Bush Warbler	*Horornis fortipes*	Uncommon	W	-	-	-	-
Asian Stubtail	*Urosphena squameiceps*	Common	W	-	-	-	-
Dusky Warbler	*Phylloscopus fuscatus*	Common	W	-	-	-	-
Pallas's Leaf Warbler	*Phylloscopus proregulus*	Common	W	-	-	-	-
Yellow-browed Warbler	*Phylloscopus inornatus*	Common	W	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Arctic Warbler	*Phylloscopus borealis*	Common	AM	-	-	-	-
Japanese Leaf Warbler	*Phylloscopus xanthodryas*	Passage migrant	-	-	-	-	-
Pale-legged Leaf Warbler	*Phylloscopus tenellipes*	Uncommon	AM	-	-	-	-
Sakhalin Leaf Warbler	*Phylloscopus borealoides*	Scarce	AM	-	-	-	-
Eastern Crowned Warbler	*Phylloscopus coronatus*	Uncommon	AM	-	-	-	-
Goodson's Leaf Warbler	*Phylloscopus goodsoni*	Uncommon	W	LC	-	-	-
Yellow-bellied Prinia	*Prinia flaviventris*	Common	R	-	-	-	-
Common Tailorbird	*Orthotomus sutorius*	Common	R	-	-	-	-
Streak-breasted Scimitar Babbler	*Pomatorhinus ruficollis*	Common	R	-	-	-	-
Rufous-capped Babbler	*Stachyris ruficeps*	Uncommon	R	LC	-	-	-
Chinese Hwamei	*Garrulax canorus*	Common	R	-	-	-	-
Masked Laughingthrush	*Garrulax perspicillatus*	Abundant	R	-	-	-	-
Greater Necklaced Laughingthrush	*Garrulax pectoralis*	Common	R	-	-	-	-
Black-throated Laughingthrush	*Garrulax chinensis*	Common	R	-	-	-	-
Blue-winged Minla	*Minla cyanouroptera*	Uncommon	R	-	-	-	-
Japanese White-eye	*Zosterops japonicus*	Abundant	R,?W	-	-	-	-
Crested Myna	*Acridotheres cristatellus*	Common	R	-	-	-	-
Black-collared Starling	*Gracupica nigricollis*	Common	R	-	-	-	-
Blue Whistling Thrush	*Myophonus caeruleus*	Common	R	-	-	-	-
White's Thrush	*Zoothera aurea*	Uncommon	W	-	-	-	-
Grey-backed Thrush	*Turdus hortulorum*	Common	W	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Japanese Thrush	*Turdus cardis*	Uncommon	M,W	-	-	-	-
Common Blackbird	*Turdus merula*	Common	W,M	-	-	-	-
Pale Thrush	*Turdus pallidus*	Uncommon	M,W	-	-	-	-
Lesser Shortwing	*Brachypteryx leucophris*	Uncommon	-	LC	-	-	-
Siberian Rubythroat	*Luscinia calliope*	Common	W	-	-	-	-
Rufous-tailed Robin	*Luscinia sibilans*	Uncommon	W,SpM	-	-	-	-
Red-flanked Bluetail	*Tarsiger cyanurus*	Common	W	-	-	-	-
Oriental Magpie Robin	*Copsychus saularis*	Abundant	R	-	-	-	-
Daurian Redstart	*Phoenicurus auroreus*	Common	W	-	-	-	-
Stejneger's Stonechat	*Saxicola stejnegeri*	Common	W,M	-	-	-	-
Asian Brown Flycatcher	*Muscicapa latirostris*	Common	M,W	-	-	-	-
Narcissus Flycatcher	*Ficedula narcissina*	Scarce	SpM	-	-	-	-
Mugimaki Flycatcher	*Ficedula mugimaki*	Uncommon	M,W	-	-	-	-
Verditer Flycatcher	*Eumyias thalassinus*	Scarce	W	-	-	-	-
Hainan Blue Flycatcher	*Cyornis hainanus*	Uncommon	Su	-	-	-	-
Scarlet-backed Flowerpecker	*Dicaeum cruentatum*	Common	R	-	-	-	-
Fork-tailed Sunbird	*Aethopyga christinae*	Common	R	-	-	-	-
Eurasian Tree Sparrow	*Passer montanus*	Abundant	R	-	-	-	-
White-rumped Munia	*Lonchura striata*	Common	R	-	-	-	-
Grey Wagtail	*Motacilla cinerea*	Common	W	-	-	-	-
White Wagtail	*Motacilla alba*	Common	W,R	-	-	-	-

Common Name[1]	Scientific Name	Distribution in Hong Kong[2]	Principal Status[3]	Level of Concern[4]	Protection Status in China[5]	China Red Data Book[6]	IUCN Red List (Version 2013.1)[7]
Richard's Pipit	*Anthus richardi*	Common	W,R	-	-	-	-
Olive-backed Pipit	*Anthus hodgsoni*	Common	W	-	-	-	-
Chinese Grosbeak	*Eophona migratoria*	Uncommon	M	LC	-	-	-
Tristram's Bunting	*Emberiza tristrami*	Uncommon	W	-	-	-	-

Note:

Species in bold font are of conservation interest

(1) All wild birds are Protected under Wild Animal Protection Ordinance (Cap. 170)

(2) AFCD (2012a). Hong Kong Biodiversity Database

(3) Carey et al. (2001). R=resident; W=winter visitor; Su=summer visitor; M=migrant; Sp=spring; P=present all year, exact composition unknown

(4) Fellowes et al. (2002): GC=Global Concern; LC=Local Concern; RC=Regional Concern; PRC=Potential Regional Concern; PGC: Potential Global Concern. Letters in parentheses indicate that the assessment is on the basis of restrictedness in nesting and/or roosting sites rather than in general occurrence.

(5) List of Wild Animals Under State Protection (promulgated by State Forestry Administration and Ministry of Agriculture on 14 January, 1989). [國家重點保護野生動物名錄(1989年1月14日林業局及農業部發佈施行)]

(6) Zheng, G. M. and Wang, Q. S. (1998).

(7) IUCN (2013). IUCN Red List of Threatened Species. Version 2013.1

(8) Protected under Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586)

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

KFBG EAP <eap@kfbg.org>
27/11/2013 下午 06:23

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TPB/R/S/NE-HH/1- 10883

Subject KFBG's comments on the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Dear Sir/ Madam,

Attached please see our formal submission regarding the captioned and an executive summary.

Best Regards,
Ecological Advisory Programme
Kadoorie Farm & Botanic Garden
Lam Kam Road, Tai Po, N.T., Hong Kong
http://www.kfbg.org

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135

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

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.

(Email: tpbpd@pland.gov.hk)

27th November, 2013 **By email only**

Dear Sir/ Madam,

Executive Summary

KFBG's Comments on the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

We wish to summarise our views and concerns with regard to the captioned subject, as follows:

1. The general public has a right to enjoy the natural landscapes of Hong Kong and the spectacular natural beauty of our Country Parks (CPs) and of our Marine Parks (MPs) – this is an over-riding public interest. To allow the CP Enclaves to be developed in any inappropriate or large-scale manner is going to substantially damage this public interest.

2. We strongly object to the proposed Village Type Development (V) zone. According to the 2011 census, the population at Hoi Ha was 110 but the Planning Department (PlanD) has now stated that the future planned population will be 590 persons.

3. The proposed V zone to the west of Hoi Ha Road is covered with a dense secondary woodland with a plant species of conservation concern (Hong Kong Pavetta). Any future development by the construction of small houses will greatly affect the ecological integrity of the site. In another CP Enclave, Pak Lap, the woodland area with Hong Kong Pavetta has been proposed to be zoned as Conservation Area (CA) by the PlanD. There is inconsistency in the application of the proposed zoning status (CA) used for protection of biodiversity in the planning process for the different CP Enclaves. We cannot discern the logic of this inconsistency by the PlanD and relevant authorities.

4. The proposed V zone is also located next to a freshwater wetland; this wetland is connected with the Hoi Ha Wan MP. We are highly concerned that the proposed V zone will affect this wetland and eventually the Hoi Ha Wan MP.

5. Potential water pollution impacts associated with the construction and operation of Small Houses would significantly threaten Hoi Ha Wan (which is a gazetted MP), which is a habitat for the most well developed and extensive community of corals that currently exists in the north-eastern waters of Hong Kong. We are highly concerned that if development is permitted in the V and Green Belt (GB) zones at Hoi Ha (i.e., along the watercourse), the pristine water quality of Hoi Ha Wan which is absolutely essential for the survival of the coral community will be significantly degraded by potential pollutants and the discharge of domestic effluents entering the watercourse which would eventually affect the marine ecological integrity of Hoi Ha Wan. Indeed, we have observed many cases of polluted water discharge from village areas flowing into nearby watercourses in other areas of Hong Kong.

6. Under the GB zoning system, installations such as "Barbecue Spot", "Picnic Area", "Public Convenience" and "Tent Camping Ground" are "always permitted uses"; planning permission for construction of Small Houses may also be granted after submission of an application to the Town Planning Board (TPB), and this is a quite common occurrence. The freshwater wetland and the riparian zone of the Hoi Ha Stream are proposed to be given a GB zoning status. We are highly concerned that future incompatible activities may trash the wetland area and the riparian zone. In future, pollutants and the domestic wastewater effluents potentially discharged from the households and other incompatible uses may enter the stream or the wetland and will inevitably flow down and affect the Hoi Ha Wan MP. In addition, the freshwater wetland habitat and the riparian zone at Hoi Ha are also of high conservation value and should instead be accorded a CA zoning status.

7. We have observed many incompatible activities in village areas and private barbecue sites with regard to polluted water discharge and illegal car parks that are formed by clearing of surrounding naturally vegetated areas. We are highly concerned that if such human activities appear in the V zone, then, the Coastal Protection Area, GB and surrounding well-vegetated and sensitive habitats will be significantly impacted by these activities which cause environmental damage.

8. We are also highly disappointed by the fact that the commendable holistic and conservative approach which was recommended by the PlanD and adopted by the TPB in the making of the Tai Long Wan Outline Zoning Plan (S/SK-TLW) is not being implemented in the making of the present draft Hoi Ha OZP.

9. We are unable to discern that the Enclave Policy as mentioned in the 2010 Policy Address, the statements of the Ombudsman (in 2011) which recommended that the PlanD better protect the CP Enclaves and the requirement of the Convention on Biological Diversity are being upheld in the

preparation of this Draft Hoi Ha OZP. All these requirements and recommendations are being ignored without taking into account the overriding public interest to better protect our remaining pristine areas of our natural countryside and coastal ecosystems. The land and the sea are intricately connected; Hoi Ha Wan MP is the only coastal bay left with the best developed coral community in the north-eastern waters of Hong Kong, if not, in the whole of the Territorial waters of Hong Kong.

KFBG recommendations to better protect Hoi Ha (as a whole) are as follows:

10. The PlanD and the TPB should seriously consider the right of the general public to enjoy our CPs and not just cater for the minority needs of private development..

11. The PlanD and the TPB should also maintain consistency in adopting and following the holistic and conservation approach that was put in place in 2001 for the Tai Long Wan OZP (which also is a CP Enclave) when making zoning plans for Hoi Ha and all the other CP Enclaves.

12. In line with the approach for the Tai Long Wan area as outlined in the 745th TPB meeting, we wish to draw to the attention of the PlanD and the TPB that **the natural beauty of the Hoi Ha area as a whole should be conserved** and that both the PlanD and the TPB **should also consider the conservation links and ecological integrity of the wider area.** In the special case of Hoi Ha, the MP is a sensitive receiver intimately connected to the terrestrial landscape. Any incompatible activities or developments on the land will ultimately affect both the pristine water quality and the marine ecological communities within the MP. We strongly request that the relevant authorities and the TPB address this particular issue of ecological connectivity between the terrestrial, freshwater aquatic and coastal marine systems at Hoi Ha in their deliberations for the draft Hoi Ha OZP. There is a great richness of underwater marine life concentrated in the Hoi Ha Wan MP and these will bear the brunt of any inappropriate development and polluted wastewater discharge that arises from the land.

13. Given that there is an inadequate infrastructure provision and that the provision of additional infrastructure to support future development would be difficult in this area, we consider that a decrease in the size of the V zone would be a more pragmatic outcome while at the same time avoid unnecessary development expectations.

14. Therefore, we urge that the proposed V zone in Hoi Ha should be greatly reduced, so as to only cover existing village settlement and approved Small House site (if any).

15. The dense woodland to the west of Hoi Ha Road should NOT be covered with the proposed V zone.

16. The riparian area and the wetland should be protected with a zoning status as CA.

17. Under the proposed GB zone, the terms - "Barbecue Spot", "Picnic Area", "Public Convenience" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Uses of the Hoi Ha OZP. This will help to impose stricter planning control on these activities and minimize their pollution impacts in this ecologically pristine area with sensitive receivers.

18. The term - "House (New Territories Exempted House only)" (i.e., Small House, typical village house) should be transferred from Column 1 (where "uses always permitted") to Column 2 in the Schedule of Uses of the V zone under the Hoi Ha OZP; "House (not elsewhere specified)" should be deleted from Column 2 in the Schedule of Uses of the proposed V zone. These would be in line with and consistent with the procedure that was previously adopted and implemented by the PlanD in the OZP for the Tai Long Wan Enclave.

19. Under the proposed V zone, the terms - "Eating Place" and "Shop and Services" should not be uses always permitted on the ground floor of a New Territories Exempted House. This will help to impose stricter planning control on these activities and minimize their water pollution impacts in this ecologically pristine area with highly sensitive marine receivers.

20. As an alternative to all the above considerations, we strongly recommend that the PlanD should change all the V, GB and other non-conservation zonings in the Draft OZPs of CP Enclaves into **'Undetermined'** zone at this point in time, in order to better protect these areas. After the Agriculture, Fisheries and Conservation Department, and, the Country and Marine Parks Board have undertaken comprehensive and detailed ecological assessments; the PlanD could then go through a re-planning process for the remaining areas that are not incorporated into the CP System. We consider that this is the best option under the current circumstances of the legal designation process for protecting all the CP Enclaves.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

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Kadoorie Farm & Botanic Garden Corporation

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Hong Kong.

(Email: tpbpd@pland.gov.hk)

27th November, 2013 **By email only**

Dear Sir/ Madam,

Comments on the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

1. We refer to the Draft Hoi Ha Zoning Plan (OZP) (S/NE-HH/1) and the Town Planning Board (TPB) Paper No. 9430.

2. We consider that we would not be the only organisation to express grave concerns regarding the proposed designation of an unreasonably large (in terms of size and location) "Village Type Development" zone (V zone) in a Country Park (CP) Enclave. The local media (TVB) has recently also produced a very good TV programme to report and highlight this particular problem[1].

3. There are long term potential impacts and consequences associated with the fact that these Enclaves currently lack appropriate public transport systems and appropriate urban infrastructure facilities. Potential future demands for urban amenities and facilities (i.e., carparks, sewerage system) would also be our major concern regarding allowing large residential populations to become established in these rural Enclaves. We are surprised that the authorities have not recognised this basic problem – the larger the population size, the greater the disturbance to the natural countryside.

4. We are highly concerned about the proposed increase in population size (i.e., according to the 2011 Census, the total population of the area was about 110 persons). It is expected that the total planned population of the area would be about 590 persons mainly attributed to the village expansion (information extracted from the TPB Paper No. 9430). We consider that allowing such an enlarged proposed V zone in Hoi Ha, a site without adequate services or infrastructure, to be a decision taken without due critical consideration of existing constraints which will, in future, cause many environmental problems and conflicts. The TPB, Planning Department (PlanD) and other authorities have the responsibility to ensure that such future problems would not arise through appropriate and

[1] http://news.tvb.com/programmes/closerlook/526b3e426db28c903f000000

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careful planning. The proposal for such a big V zone in this remote Enclave is not an act of balancing development rights and nature conservation but instead shows a lack of foresight in taking a holistic view when planning for countryside conservation.

5. Our detailed views and comments are documented below.

6. KFBG concerns regarding potential water pollution impacts caused by an enlarged V zone

6.1 We would like the PlanD and the Board to note the photographs shown in **Figure 1**; we have observed on many occasions that, when village houses have been built next to a watercourse, pipes discharging water/ grey water would appear along the watercourse, causing pollution and threatening aquatic life. We have also seen cases where pipes are suspected to have been directed to U-channels collecting surface runoff, and eventually connected with the nearby watercourse (**Figure 2**). We have also seen wastewater suspected of being directly discharged into a stream from a nearby Small House work site (**Figure 3**). Furthermore, suspected leakage of effluents from an underground septic tank (**Figure 4**) has also been observed polluting the surroundings.

6.2 We would like to draw the attention of the Board, the PlanD and other authorities to this very real potential impact of sullage and sewage effluents that would be a significant environmental issue in the countryside areas of Hong Kong and to consider whether the consequences of the discharge of effluents from domestic wastewaters could actually be resolved by following the existing guidelines (i.e., using the Septic Tank System (STS)). The relevant authorities may state that this is an enforcement problem and not a planning issue and, thus, this factor should not be considered by the Board. However, we strongly feel that it is also the responsibility of the Board (and relevant authorities) to designate a plan that works and take into consideration the consequences of planning decisions according to the conditions of the real world, and, obviously, a conservative but clear-sighted approach is required for the special environmental conditions that exist at Hoi Ha, and in particular, its proximity to a Marine Park (MP), a sensitive receiver with pristine water quality.

6.3 There are already a number of shops providing catering and bathing services for visitors to the Hoi Ha Enclave (e.g., snorkelers visiting the Hoi Ha Wan MP). We have observed cloudy suspensions of waste water (suspected bath water) entering the nearby stream (**Figure 5**). As "Eating Place" and "Shop and Services" are uses always permitted on the ground floor of a New Territories Exempted House (NTEH; also called Small House) as shown in the Notes of the Draft OZP, we are highly concerned that, if the V zone is further increased, the water quality of the Hoi Ha Wan MP will be

significantly affected due to the increased volume of visitors making use of these 'visitor facilities' potentially provided by the operators of Small Houses. If such a scenario takes place, the impact upon the pristine water quality and sedentary underwater marine communities of Hoi Ha Wan MP will become an ecological disaster in-the-making.

6.4 We wish to draw the attention of the PlanD and the Board to **Figure 6**, showing the "eating places" on the ground floor of Small Houses. We are highly concerned that, even if only a few more "eating places" appear in Hoi Ha, in the future, the surrounding sensitive habitats and eventually the Hoi Ha Wan MP would be greatly affected by an increase in the volume of wastewater effluents potentially discharged from Small House catering operations.

7. Other potential impacts associated with the enlarged V zone and the inconsistency between Pak Lap and Hoi Ha Draft OZPs

7.1 In the Draft Pak Lap OZP (S/SK-PL/1), areas covered with young native woodlands containing a plant species of conservation interest (as indicated by the Agriculture, Fisheries and Conservation Department, AFCD) called the Hong Kong Pavetta (*Pavetta hongkongensis*) has been zoned as Conservation Area (CA). The TPB Paper for the Draft Pak Lap OZP explains that these areas should be covered with a CA zoning status mainly because of two reasons: (1) they form a continuous habitat with the surrounding woodland inside the CP, and (2) Hong Kong Pavetta could be found in these areas.

7.2 A local environmental concern group, the Friends of Hoi Ha (FoHH), has carried out a comprehensive ecological study for the Hoi Ha Enclave. They recorded the Hong Kong Pavetta in an area which is now covered with the proposed V zone (see **Figure 7**). The Technical Report by KFBG also recorded this species in the secondary woodland of Hoi Ha[2]. Both ecological studies conclude that the area to the west of Hoi Ha Road is covered with secondary woodland. We note, from Plan 3 of the TPB Paper No. 9430 (also shown as **Figure 8** of this letter), that the area now covered with the proposed V zone to the west of Hoi Ha Road has a dense cover of vegetated woodland which is not separated or isolated from the wooded areas of the surrounding CP – simply speaking, it is indistinguishable from and forms a part of the wooded areas of the CP.

[2] http://www.kfbg.org.hk/content/0/26/1/Vegetation&MothSurvey_2012Sep.pdf

7.3 We summarise the above, as follows:

(a) In Pak Lap, woodlands (contiguous and linked with surrounding CP) with Hong Kong Pavetta, a plant species considered to be of conservation interest, are given a CA zoning status, in which development is usually not permitted by the authorities.

(b) However, in Hoi Ha, the woodlands which are also contiguous and linked with surrounding CP (also with Hong Kong Pavetta) are instead zoned as V, in which no planning permission is required for the construction of Small Houses.

7.4 We are highly confused by the inconsistency in according zoning status to two different areas with similar vegetation habitats; we fail to understand which standards are being applied by the authorities for setting CA zones, and, what criteria are used to determine the need to enlarge the size of the V zones in these CP Enclaves.

7.5 The TPB paper mentions that in the proposed V zone, "*areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.*". This does not seem to be the case for Hoi Ha. We wish to draw the attention of the PlanD and the Board to the photographs as shown in **Figure 9**. The area of the proposed V zone to the west of the Hoi Ha Road is now covered with a dense secondary woodland and it is ecologically connected with the surrounding CA and CP. We would suggest that an experienced botanist would not even be able to distinguish the difference in vegetation cover among the woodlands in the proposed Green Belt (GB), CA, CP and the V zones (i.e., the whole of the area can be considered to be covered with dense secondary woodland). However, for a large part of this woodland, it is proposed to be given a zoning status as a V Zone which means that any future construction of Small Houses will not require any planning permission. The destructive ecological impacts associated with building Small Houses in this woodland area would be: cutting down of forest trees, large scale vegetation clearance, laying of paved areas with concrete; thus, in effect causing direct, permanent and irreversible loss of a well-vegetated natural forest habitat.

7.6 We have previously made comments on many Environmental Impact Assessment (EIA) reports for various development projects submitted under the requirements of the EIA Ordinance. Usually, if secondary woodlands are found within the boundary of a development project, it would not be disturbed and if the woodland is to be affected, the impact or severity of disturbance would usually be considered to be high and, thus, compensatory planting would be required as a minimal mitigation measure. We are completely surprised by the fact that the AFCD seems to consider that a large part of this well vegetated secondary woodland area that is exactly the same and contiguous with the

woodlands within the adjacent CP boundary can be destroyed and utilised for village house development and does not consider that this issue is a problem. **Perhaps another way to phrase the perspective is to ask a rhetorical question and that is – would the relevant government authority be in complete agreement and permit the construction of 63 Small Houses in the exact same kind of dense well-vegetated secondary woodland that lies within the Sai Kung West CP boundary close to the area proposed as a V zone?**

7.7 Clearly, this wooded area to west of the Hoi Ha Road should NOT be given a V zone status. The area should be fully protected with conservation zonings to facilitate effective planning control to enforce and deter haphazard development and inappropriate construction activity. Otherwise, with time, this piece of woodland will simply disappear forever – **a case of permanent ecological destruction enabled by the lack of planning foresight.**

8. A Green Belt is not a good conservation zoning status; a Conservation Area zone is needed for sensitive habitats (e.g., the riparian zone and the wetland)

8.1 The present proposals place the riparian zone of the Hoi Ha Stream and a wetland (location as shown in **Figure 7**) within a proposed GB zone. In a recent site visit conducted in November 2013, we observed that the wetland was still inundated (**Figure 10**), and a locally rare herbaceous plant, *Geissapis cristata*[3] was also recorded (**Figure 10**). According to the AFCD (2008)[4], this plant is restricted to only a few locations in Hong Kong. This wetland receives seepage and surface flow from a nearby small stream (**Figure 10**) and is connected hydrologically with the Hoi Ha Wan MP. Any pollutants entering this wetland will flow into the Hoi Ha Wan MP, and of course, the rare plant will also be affected by any future development activity. This wetland, although covered with a proposed GB zone, is located adjacent to the proposed V zone.

8.2 The Hoi Ha ecological study carried out by FoHH also recorded a rare bird, the Brown Fish Owl *Ketupa zeylonensis,* in the area. This finding is also supported by the KFBG ecological study on six other Sai Kung CP Enclaves[5] which also recorded this species in nearby areas. These data indicates that this species inhabits the region. This species is dependent primarily on streams and wetlands for

[3] Xing, F.W., Ng, S.C. and Chau, L.K.C. 2000. Gymnosperms and angiosperms of Hong Kong. *Memoirs of the Hong Kong Natural History Society* 23, 21-136.

[4] AFCD. 2008. *Flora of Hong Kong Volume 2.* Agriculture, Fisheries and Conservation Department, the Government of the Hong Kong Special Administration Region, Hong Kong.

[5] http://www.kfbg.org.hk/content/84/26/1/2013%20KFBG%20Sai%20Kung%20CP%20enclaves%20report%20(pdf).pdf

feeding and riparian woodland for perching. We are highly concerned that, the expanded V zone to the west of the Hoi Ha Road will impose more impacts, such as light pollution, noise pollution, water pollution and human disturbance to this nocturnal species and its associated habitats.

8.3 The following Table shows the Small House planning application cases within/ partially within a GB zone/ both GB and V zones (e.g., part of the house is built in a GB zone and the other part within a V zone) where KFBG have made comments and submissions during the period from January 2012 to August 2013.

Zoning	No. of approved cases	No. of rejected cases	No. of withdrawn cases	No. of deferred cases	Total no. of cases handled
Within GB zone only	17	19	6	1	43
Within GB & V zones	11	7	0	1	19

8.4 The Table clearly shows that approval for Small House applications within a GB zone is not an "uncommon" practice by the Board. We are highly concerned that the GB zone now within the Enclave, especially the wetland and the riparian area along the main Hoi Ha stream would, at some future time, be utilised for building small houses. This concern is further supported by the statement made in Section 4.1(c) of the TPB Paper No. 9430: "*there is provision under the OZP for planning application for Small House development which would be considered by the Board on individual merits.*" If this happens, the wetland and the riparian zone will be subject to direct, permanent and irreversible impacts by construction activity; and the potential follow-on secondary impacts from domestic wastewater effluents as outlined in Section 5 would also then greatly affect the Hoi Ha Wan MP.

8.5 We wish to draw the attention of the Board and the PlanD to the scene in **Figure 11**. These photographs show a private barbecue site operated commercially in an area zoned "Agriculture" in Ting Kok near Tai Po, which was granted planning permission from the Board. The photographs show that the site is paved with concrete, and highly polluted wastewater is suspected of being discharged from the barbecue area flowing into a nearby wetland which is a Site of Special Scientific Interest.

8.6 We would like to raise the question of whether the barbecue site as shown in **Figure 11** can be operated on the private land lots within the proposed GB zone of Hoi Ha, and whether the operation of this type of "recreational/ leisure centre" would require planning permission, under the circumstances, where "Barbecue Spot" is now proposed to be an always permitted use in the GB zone under the Draft Hoi Ha OZP. The same questions also apply to "Picnic Area", "Tent Camping Ground" and "Public

Convenience", which are also uses always permitted under the notes for the proposed GB zone.

8.7 If similar private "barbecue sites" as shown in **Figure 11** are operated in the Hoi Ha area, at some future period, would the PlanD and the Board not consider that the high volumes of organic and oily wastewater discharged from such operations could be an ecological disaster in-the-making especially if such wastewaters are discharged into the nearby watercourse with the stream flows then carrying the effluents into Hoi Ha Wan?

9. The Expanded V zone would create a major problem in terms of space for the parking of cars in Hoi Ha and, thus, would further threaten surrounding sensitive habitats

9.1 Some of the existing residents in Hoi Ha have already complained and raised the issue that currently there is an acute shortage of parking spaces in the Hoi Ha Village. If the V zone is to be further expanded, they are highly concerned that the problem of space for adequate provision or availability of car-parking spaces would become a major problem in the future. As Hoi Ha is located a fairly long way out in the countryside, any residents of the area would have to own a car if they are to have a convenient means of transport in and out of the area. Any increase in number of residents living in the Hoi Ha area would substantially increase the demand for spaces for parking cars. This then raises a critical question from a town planning perspective – Is there any provision clearly marked out in the Draft OZP for Hoi Ha, in overall planning terms, for the provision of adequate car parking space to address the expected demands for the suggested increase in the residential population from the present 110 to the envisaged 590 persons of the enlarged V zone? If this issue of an acute lack of car parking space has not been considered yet, then would the PlanD and the Board make the necessary amendments to the plans of the Draft OZP for Hoi Ha in order to cater for envisaged boost in demand for car parking areas that is related to the proposed expansion of the residential population in this remote rural locality by a factor of 5 to 590 persons? We have noted that residents in rural villages do attribute blame to Government for inadequate provision of residential car parking spaces during the planning process (**Figure 12**).

9.2 We wish to draw the attention of the Board and the PlanD to **Figure 13**. The photographs show car parks suspected of illegally occupying Government Land that were built next to a village area, and the surrounding coastal vegetation has been trashed with materials used as in-fill to create the car parking area. A complaint has been sent to the Lands Department but other than erecting the standard Government public notice, nothing else seems to have been done to rectify the situation. It is obvious that the damage to the coastal vegetation is permanent. We urge the Board and the PlanD to carefully consider and reflect upon whether the expanded V zone would trigger this kind of environmental destruction problems due to the pressure for a large number of car parking spaces at Hoi Ha in the future.

We would like the authorities to bear in mind that areas within and surrounding Hoi Ha include wetlands, woodlands and mangroves. Furthermore, as much of the surrounding land is also naturally vegetated protected areas within a CP, these well-vegetated and natural landscapes should not be subject to any of the environmentally destructive impacts as illustrated in **Figure 13.**

10. The conservation approach has not been adopted in this Draft Hoi Ha OZP; this is in contradiction to a precedent case – the Tai Long Wan OZP, in which a holistic and conservation approach was adopted by the Planning Department and the Town Planning Board

10.1 Tai Long Wan is a CP Enclave surrounded by the Sai Kung East CP. In 2000, the PlanD proposed a Draft OZP for this site and in the draft plan, a V zone of about 7.9 ha was proposed to cater for the Small House demand of about 370 houses for an estimated population increase to 1000 persons (TPB Paper No. 5689). Although there was a V zone of 7.9 ha (about 15.56% of the total area) in this plan (total area of the site = 50.64 hectares), all other areas within the site including the streams and the riparian zones were covered with a CA zone and the coastal area was a Site of Special Scientific Interest (**Figure 14**). A total of five objections were received by the Board, mainly to express concerns about the size of the proposed V zone and its associated impacts on the environment. According to the 722nd minutes of the Board meeting held on 4th August, 2000, after deliberation, the Board decided to conduct a further consideration (hearing) for the case that was then held on 3rd November, 2000.

10.2 Objectors expressed their concerns in the TPB meeting held on 3rd November, 2000. According to the minutes of the 728th meeting (3rd November 2000), one objector said: "*it was a fallacy to think that 'V' and 'CA' zones could co-exist with one another. The development of village housing, accompanying by the associated transportation and infrastructural networks and the resultant population increase would destroy the natural environment of Tai Long Wan*". KFBG (one of the objectors) at that time also stated that there were some rare plants in the proposed V zones and, thus, that such areas should be protected (e.g., not covered with a V zone). The representative from the AFCD, however, made the following point: "*though the plant species* (mentioned by KFBG) *were rare in Hong Kong, it was not those 'very rare' species which should be of concern*" (extracted from Section 110(a) of the 728th TPB meeting minutes).

[Remarks: The TPB Paper No. 5753 (for consideration by the TPB on 3rd November 2000) mentions that: (1) "*the DAFC* (Director of Agriculture, Fisheries and Conservation) *considers that those 'very rare' species should be of concern and 'rare' species in this sense is not really too rare...the information submitted by the objector* (KFBG) *may not be able to justify the re-zoning of the areas* (from 'V' zone) *to 'CA'*"; (2) The PlanD considered that: (a) "*based on...in particular DACF's comments on the*

ecological value of the objection sites, there is insufficient justification to re-zone the objection sites from 'V' to 'CA'", and (b) "*the designation of 'V' zones is required to meet the Small House demand of the recognized villages in the area*"]

10.3 According to the minutes of the 728th meeting, the PlanD had received over 200 representations asking for the preservation of the natural landscape of Tai Long Wan. After hearing the objections, members of the TPB, in general, considered that: "*there was a conflict between conservation of the natural environment and village development*", and, "*more in-depth research should be carried out by the relevant Government departments so as to provide more information to the Board to substantiate whether Tai Long Wan was worthy of conservation*". Finally, the Board decided to defer the decision on the objections pending further information from the relevant departments.

10.4 Further information was provided by the AFCD on 9th March, 2001. The conclusion was: "*the Tai Long Bay SSSI and the proposed 'CA' zones to the north of Ham Tin have provided the necessary protection to the more important areas from flora conservation point of view in Tai Long Wan area. The remaining area of Tai Long Wan, i.e. the "V" zones, is not a prime area for plant conservation*". This reflects that so far AFCD had reservations on the proposal of turning the proposed V zone into CA zone.

10.5 A TPB meeting was held on 27th April, 2001 for discussing the Draft OZP, and a TPB Paper (No. 5929) was prepared by the PlanD for this meeting. According to this Paper, AFCD still insisted that the proposed V zones in the plan were not the prime area for plant conservation. But the Paper also mentions that during late October/ November 2000, about 300 standard letters against the future village development in the Tai Long Wan area were received by the PlanD, and during November/ December 2000, more than 2000 signatures were collected in support of the preservation of the area; over 900 participants turned up to an event organised by the Conservancy Association and the Friends of Tai Long Wan to arouse public awareness on the issue (i.e., better protection of Tai Long Wan).

10.6 Three options were proposed by the PlanD for the way forward, as mentioned in the TPB Paper No. 5929, for discussion in the TPB meeting. These options and some of the implications (as stated in the Paper) are described below:

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	**Option 2 – Conservation Approach (with a V zone of about 1.9 ha)**	**Option 3 – Inclusion in Country Park**
Intention (stated by PlanD)		
- To strike a balance between nature conservation and the need to meet Small House	- To preserve the natural environment, unspoiled landscape, historic buildings and	- Another alternative to achieve protection of the Area

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	Option 2 – Conservation Approach (with a V zone of about 1.9 ha)	Option 3 – Inclusion in Country Park
demand	the archaeological site with a view to strengthening the protection of the Area from encroachment by developments	
V zone (proposal/ amendment proposed by the PlanD)		
- Drawn up based on the outstanding Small House demand for 370 sites in the next 10 years; upon full development, the estimated population may increase to about 1000.	- **The area of the V zones would be substantially reduced to cover only the existing village settlements and the approved Small Houses.** The estimated population may increase to about 200 under this option. - Deleting 'House (other than New Territories Exempted House (NTEH)') from Column 2 of the User Schedule - Incorporating the following clause in the Remarks: ***'On land zoned "Village Type Development", any demolition of or any addition, alteration and/or modification to an existing building, i.e. a building which was in existence on the date of first publication in the Gazette of the Notice of the draft development permission area plan, requires planning permission of the Town Planning Board.***	N.A.
Implications (stated by PlanD)		
- With the construction of the Small Houses and the subsequent population intake, the undisturbed natural environment of Tai Long Wan would change **There would be expectations from the villagers to improve the infrastructure to support the village development. However, the infrastructural provision has been and would continue to be constrained by the surrounding Country Park areas and physical constraints. Their expectations would therefore unlikely be met.**	- Demand of Small Hosue development on new land would have to be met in Sai Kung 'Heung' outside Tai Long Wan by 'cross-village' applications. - The natural environment and the present landscape setting of Tai Long Wan would be preserved. - This option would provide a higher degree of protection to Tai Long Wan and **would be welcomed by the hikers, green groups and members of the public.** However, strong objections from the local villagers are envisaged as the "V" zone would be further reduced and 'cross-village' Small House	- Strong local objections would be envisaged.

Option 1 – the proposed OZP (with a V zone of about 7.9 ha)	Option 2 – Conservation Approach (with a V zone of about 1.9 ha)	Option 3 – Inclusion in Country Park
- Strong objection from green groups, hikers and members of the public is envisaged as this option cannot satisfy their expectations to preserve Tai Long Wan. The local villagers would continue to be dissatisfied with the locations of the "V" zones and the absence of infrastructural provision.	applications are difficult.	

10.7 **The PlanD, eventually, recommended the Board to adopt a conservation approach,** by preserving the existing scale of the villages and the surrounding environment; some of the reasons are reproduced below:

(a) Would help retain the scale and character of the villages and minimize the potential threats to the existing landscape quality and heritage value of the Area

(b) Given that there is an inadequate infrastructural provision and that the provision of additional infrastructure to support future development would be difficult in the Area, the reduction of "V" zones would be more pragmatic and help avoid unnecessary development expectations;

10.8 According to the minutes of the 739th meeting of the TPB held on 27th April, 2001, members' views were diverse, regarding the recommendation from the PlanD. However, the conservation approach as proposed was adopted, i.e., the proposed V zone was reduced from about 7.9 ha to 1.9 ha (Figure 14). Other than the amendments mentioned in the Table in Section 5.6 above, some members also suggested that not only should demolition, addition, alteration and/or modification require planning permission from the Board, in fact, any development of NTEH should also be subject to planning control to ensure that any new development would be compatible with the character of the existing village settlements. To achieve this, 'NTEH' was placed under Column 2 of the 'Notes for the V zone'.

10.9 After further objections (against the decision made by the Board on 27th April, 2001 to turn about 6 ha of the proposed V zone into a CA zone, and various other amendments) were received, a Board meeting was then held on 13th July, 2001 to discuss these objections. These objections were from local land owners and a development company, according to the TPB Papers No. 6000 and 6001. According to the minutes of the 745th TPB meeting (held on 13th July 2001), the Board did not support these objections and decided to maintain its previous decision to propose amendments to the Plan, as

follows:

(a) Greatly reduce the size of the proposed V zone (about 6 ha turned into CA; even land for future Small House demand may need to be sought outside the Tai Long Wan environs);

(b) Transfer 'NTEH' from Column 1 to Column 2 of the 'User Schedule of the Notes for the V zone';

(c) Delete 'House (other than 'NTEH')' from Column 2 of the 'User Schedule of the Notes for the V zone';

(d) Adding a new paragraph to the 'Remarks of the Notes for the V zone' to require planning permission for any demolition, addition, alteration and/or modification to an existing building.

10.10 In addition, two further points were made by the authorities and the TPB in the 745th TPB meeting (held on 13th July 2001):

(a) ***Even though the AFCD advised that the further objection sites were not a prime area for conservation, the natural beauty of the Tai Long Wan area <u>as a whole</u> should be conserved***; and

(b) The Board also stated that: "*apart from the conservation of the Tai Long Bay SSSI, <u>the AFCD should also consider the conservation value of the wider area</u>*".

10.11 This is a holistic approach.

10.12 From the above precedent, we know that:

(a) A holistic and conservation approach for a CP Enclave was adopted by the PlanD and the TPB in the precedent case, taking into account the details of the very special circumstances of these areas;

(b) The PlanD can propose and fully adopt conservation zonings even where the AFCD may have different opinions about the proposed areas;

(c) A proposed V zone could be dramatically reduced in size and scale in the final OZP;

(d) The term - NTEH can be placed in Column 2 of the User Schedule of the Notes for the V zone;

(e) A small V zone would be more pragmatic and help avoid unnecessary development expectations in areas with inadequate infrastructural provision and the provision of additional infrastructure to support future development would be difficult if not almost impossible due to inaccessibility factors and the physical constraints of the location.

11. The public has the right to enjoy natural landscapes and the outstanding beauty of the Country Parks – this is an overriding public interest

11.1 **Figure 15** shows the number of visitors to each CP (2012 data extracted from AFCD records). The Sai Kung CPs had the second highest number of visitors (1,887,800) amongst all the CPs of Hong Kong. **Figure 16** also shows the number of people participating in the recent Trailwalker event in November 2013. All these indicate that the Sai Kung CPs draw a huge number of visitors and are very important for the general public, to relax and enjoy. The CPs exist not just for plants and animals.

11.2 The designation of unnecessary, disproportionate in scale super-sized V zones in CP Enclaves will definitely and significantly affect the general public's enjoyment when visiting CPs (i.e., natural areas will become paved with concrete, places may be fenced-off, with the associated disturbances during both the construction and operation of Small Houses). We urge the Board and the PlanD to not only take the rights of the indigenous villages into concern but to also seriously address the needs of the wider public who in their daily life take to the CPs as respite from the pressures of urban living.

11.3 According to a PlanD study commenced in 2001, Hoi Ha is an area of good landscape condition and high landscape value[6]. We would like to ask the PlanD and the Board – if in allowing an enlarged size of the proposed V zone in Hoi Ha whether this would, at some future time, affect and degrade the landscape condition and value of the site; and also whether this would detract from the landscape condition and value of the surrounding CPs as a whole? We would also urge the Board to carefully consider the detrimental environmental consequences and impacts upon Hoi Ha Wan which has the best developed and representative fringing coral communities in the territorial waters of Hong Kong.

[6] http://www.pland.gov.hk/pland_en/p_study/prog_s/landscape/e_index.htm

12. The Convention on Biological Diversity is NOT being respected by the zonings proposed for Hoi Ha in the Draft OZP

12.1 The Convention on Biological Diversity (CBD) was extended to Hong Kong in 2011 and in the recent 2013 Policy Address, the Chief Executive stated: "*The Government shares public concern about ecological conservation. To take forward the Convention on Biological Diversity, we will consult the public in 2013 on the formulation of the Biodiversity Strategy and Action Plan for Hong Kong. We will also emphasise conservation of land and marine ecologies in major government policies*"[7]. The PlanD, however, is proposing big V zones in CP Enclaves; this is definitely a contradiction of the basic objective of this Convention – to safeguard biodiversity. What is being proposed by the PlanD as zonings in the Draft OZP is actually seriously threatening biodiversity and important habitats of rare species whose occurrence are limited to a few localities in the still un-spoilt places of Hong Kong.

13. Request of the then Chief Executive and the Ombudsman is NOT being respected by the zonings proposed for Hoi Ha in the Draft OZP

13.1 The "Tai Long Sai Wan incident" which happened in mid-2010 generated much public concern, news and commentary in the media[8]. Many people in Hong Kong reacted with great concern to this case and urged the Government to take immediate action to safeguard natural landscapes that did not have any statutory protection (i.e., the CP Enclaves). Subsequently, the then Chief Executive announced in his Policy Address (in October 2010) that the PlanD and the AFCD would protect those Enclaves that were not yet covered by statutory plans according to their local conditions, either by incorporating them into the CP system or through statutory planning control. In September 2011, the Ombudsman also recommended that:

(a) *DevB* (Development Bureau) *and EnB* (Environment Bureau) *should urge their executive departments to, as directed by the Chief Executive, expeditiously prepare statutory plans for those enclaves that are still unprotected or to incorporate them into country parks, in order to ensure that all enclaves are properly protected*; and

(b) *AFCD should consider incorporating private lands that have conservation value into country parks in accordance with the revised CMPB* (Country and Marine Parks Board) *criteria*[9].

[7] http://www.info.gov.hk/gia/general/201301/16/P201301160328.htm

[8] http://www.nshk.org.hk/pdf/c_awards/2010/010.pdf

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

13.2 The current proposal of having a V zone of 2.60 ha (30.77% of the total area of 8.45 hectares) in Hoi Ha is definitely a contradiction of point (a) above. This proposal is promoting additional developments that would threaten biodiversity and sensitive habitats rather than proper protection.

13.3 KFBG strongly recommends that the Enclave Policy should be appropriately implemented and that the planning proposals closely abide by the request of the Ombudsman.

13.4 We are aware that the AFCD, and, the CMPB are in the process of investigating the possibility of incorporating some of the Enclaves into the CP system, and that there are plans to assess every Enclave. If the proposal by the PlanD to have big V zones in these Enclaves is agreed to by the TPB and eventually approved by the Chief Executive-in-Council, it would be very difficult for the AFCD and the CMPB to appropriately implement the requirement of the 2010 Enclave Policy and to also comply with the request of the Ombudsman. This will show a complete lack of governance and co-ordination among Government departments, and the request as stated in the Enclave Policy and also by the Ombudsman would not be upheld, which is not a desirable situation.

13.5 In order to allow for sufficient time and leeway for the AFCD and the CMPB to appropriately implement the aforementioned investigative process and procedures, one possible option is to change all the proposed V, GB and other non-conservation zonings in the Enclaves to an "Undetermined" zoning status. After the AFCD and the CMPB have completed their assessments, then only should the PlanD undertakes and goes through a re-planning process for the remaining areas that are not incorporated into the CP System. This would be the most appropriate way to deal with and resolve the conflict between nature conservation and development, under the current circumstances of the legal designation process for protecting all the CP Enclaves. However, this would not be the case if all the CP Enclaves are pre-maturely covered with inappropriate zones under the town planning system even before any kind of proper or comprehensive meaningful assessments of the biodiversity status and conservation values of each and every individual CP Enclave has been determined and properly documented by the relevant conservation authority of Government.

14. Some general questions for consideration by the Planning Department and the Town Planning Board

14.1 The conservation importance of Hoi Ha and surrounding areas are well recognized by Environmental NGOs and the AFCD (although there seems to be doubt as to whether the AFCD are adopting a holistic view in protecting the site).

14.2 In view of all these points, concerns and information as provided in above paragraphs, we would like to ask the PlanD and the TPB to consider the following questions:

(a) Why is the commendable holistic and conservation approach that was set for the Tai Long Wan OZP not being used as a reference or adopted in the planning process for this Hoi Ha OZP (as well as the many other CP Enclaves such as So Lo Pun, Pak Lap, To Kwa Peng and Pak Tam Au)?

(b) Why is the conservation value of the wider area (i.e., the surrounding CP and especially the Hoi Ha Wan MP) not considered in the overall planning of the zoning status for the Hoi Ha Enclave?

(c) Why are important habitats inside the Enclave (e.g., the woodland and the wetland) not protected with appropriate statutory designations, following the requirements as stated in the Convention on Biological Diversity, the 2010 Enclave Policy and the 2011 Ombudsman Report?

(d) Why is a big V zone (planned population 590) considered necessary even though the site was occupied by about 110 persons based on the 2011 census?

(e) The provision of additional infrastructure to support future development would be difficult in the area, due to the physical site constraints and the fact that it is completely surrounded by the hilly terrain of CPs. Why does the PlanD not adopt a more pragmatic approach to help avoid and manage unnecessary and unrealistic development expectations?

(f) In overall town planning terms, has there been any provision for and clearly marked out in the Draft OZP for Hoi Ha, adequate residential car parking spaces to address the expected demand due to the planned increase in the number of residents (from the present 110 to the envisaged 590 persons of the enlarged V zone) in this rural locality remote from schools, shops, jobs and all other urban amenities and needs for daily living?

(g) Furthermore, has there been any provision in the plans for the Draft OZP for Hoi Ha, adequate Public parking spaces for both private cars and commercial vehicles (buses, minivans, taxis and coaches) and a Terminus for public buses and mini-buses to handle the influx of tourists, visitors and day-trippers to Hoi Ha and to the nearby areas of the Sai Kung West CP especially during weekends and public holidays?

(h) Consideration should also be generally given to the questions raised in Sections 7.6, 8.6, 8.7, 9.1 and 11.3.

15. KFBG recommendations for the Draft OZP for Hoi Ha

(a) The PlanD and the TPB should consider the rights of the general public to enjoy the CPs of Hong Kong and not only cater for the needs of private development.

(b) The PlanD and the TPB should do the utmost to emulate the spirit and the processes of the holistic and conservation approach adopted in 2001 for the Tai Long Wan OZP (which is also a CP Enclave) when preparing the zoning plans for Hoi Ha and all other Enclaves.

(c) Following the approach for the Tai Long Wan area as mentioned in the 745th TPB meeting, we wish to stress to the PlanD and the TPB that **the natural beauty of the Hoi Ha area as a whole should be conserved and that the conservation value of the wider area should also be considered in the planning process.**

(d) Given that there is an inadequate existing infrastructure provision and that the provision of additional infrastructure to support future development would be difficult in the area, KFBG suggests that a decrease in the size of the V zone is more pragmatic and can help to manage and avoid unnecessary and unrealistic development expectations.

(e) Therefore, we urge that the proposed V zone in Hoi Ha should be greatly reduced and to cover only the existing village settlement and approved Small House site (if any).

(f) The dense woodland to the west of Hoi Ha Road should NOT be covered with the proposed V zone and should be accorded a CA zoning status.

(g) The riparian area and the wetland should be protected with a CA zone.

(h) Under the proposed GB zone, the terms - "Barbecue Spot", "Picnic Area", "Public Convenience" and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the 'Schedule of Uses of the Hoi Ha OZP'. This will help to impose stricter planning control on these activities and their undesirable pollution impacts.

(i) The term - "House (New Territories Exempted House only)" (i.e., Small House, typical village house) should be transferred from Column 1 (where "uses always permitted") to Column 2 in the Schedule of Uses of the V zone under the Hoi Ha OZP; "House (not elsewhere specified)" should be deleted from Column 2 in the Schedule of Uses of the proposed V zone. These would be consistent with the procedure that was previously implemented by the PlanD in the OZP for the Tai Long Wan Enclave.

(j) Under the proposed V zone, the terms - "Eating Place" and "Shop and Services" should not be uses always permitted on the ground floor of a New Territories Exempted House. This will help to impose stricter planning control on these activities and their undesirable pollution impacts.

(k) As an alternative, we strongly recommend that the PlanD should mandate all the V, GB and other non-conservation zonings in the Draft OZPs of the CP Enclaves into '**Undetermined**' zone at this point in time, in order to better protect these areas. After the AFCD and the CMPB have completed their assessments, the PlanD could then go through a re-planning process for the remaining areas that are not incorporated into the CP System. We consider that this is the best option under the current circumstances of the legal designation process for protecting all the CP Enclaves.

15.1 We sincerely hope that the Board to adopt our recommendations as stated above (i.e., following the holistic and conservation approach adopted for the Tai Long Wan OZP). Otherwise, there is a high potential for the ecological integrity of the Hoi Ha Enclave and the surrounding CP and MP to become greatly affected, and thus, despite the original good intentions of planning for conservation of these areas; the preservation of the natural elements within the Enclave would not be accomplished. This would then be contradictory to the requirements of the Enclave Policy and the Ombudsman, and, would not be in keeping with the principles of the Convention on Biological Diversity.

Thank you for your attention.

Yours faithfully,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

cc.: Chief Executive
Legislative Councilors
Country and Marine Parks Board
Town Planning Board Members
Secretary for Development
Secretary for the Environment
Director of Agriculture, Fisheries and Conservation
Director of Planning
Countryside Foundation
Eco-Education & Resources Centre
Save Our Country Parks Campaign

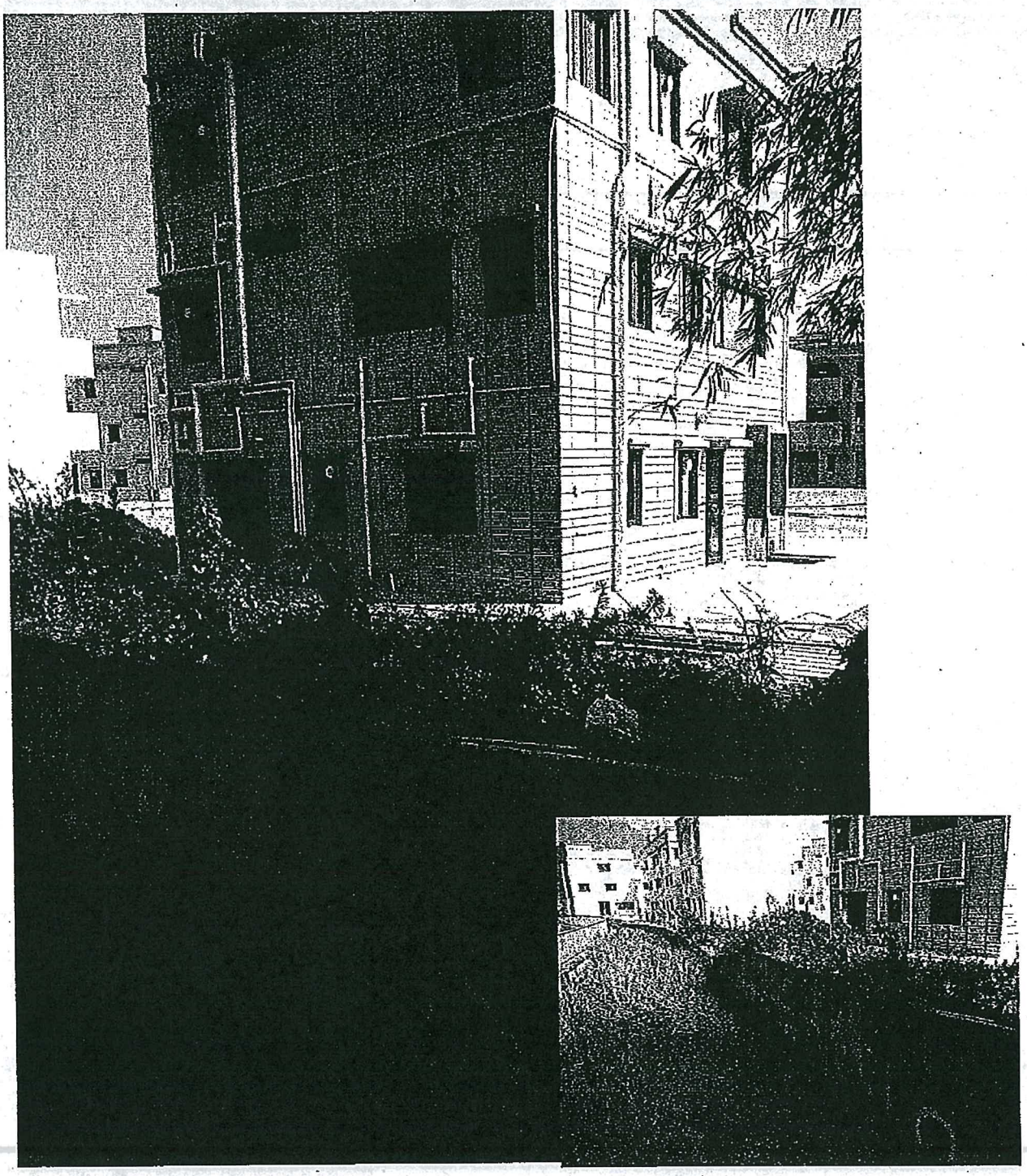
香港新界大埔林錦公路
Lam Kam Road, Tai Po, New Territories, Hong Kong
Email: eap@kfbg.org

Figure 1. Pipes discharging wastewater/ grey water along watercourses next to village areas



香港新界大埔林錦公路
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Email: eap@kfbg.org

Figure 2. Pipes from a small house suspected of being connected with a U-channel which is usually for collecting storm water only; water from these pipes may eventually be discharged into a nearby watercourse



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

Figure 3. Polluted water suspected from a nearby small house construction site being discharged into a watercourse

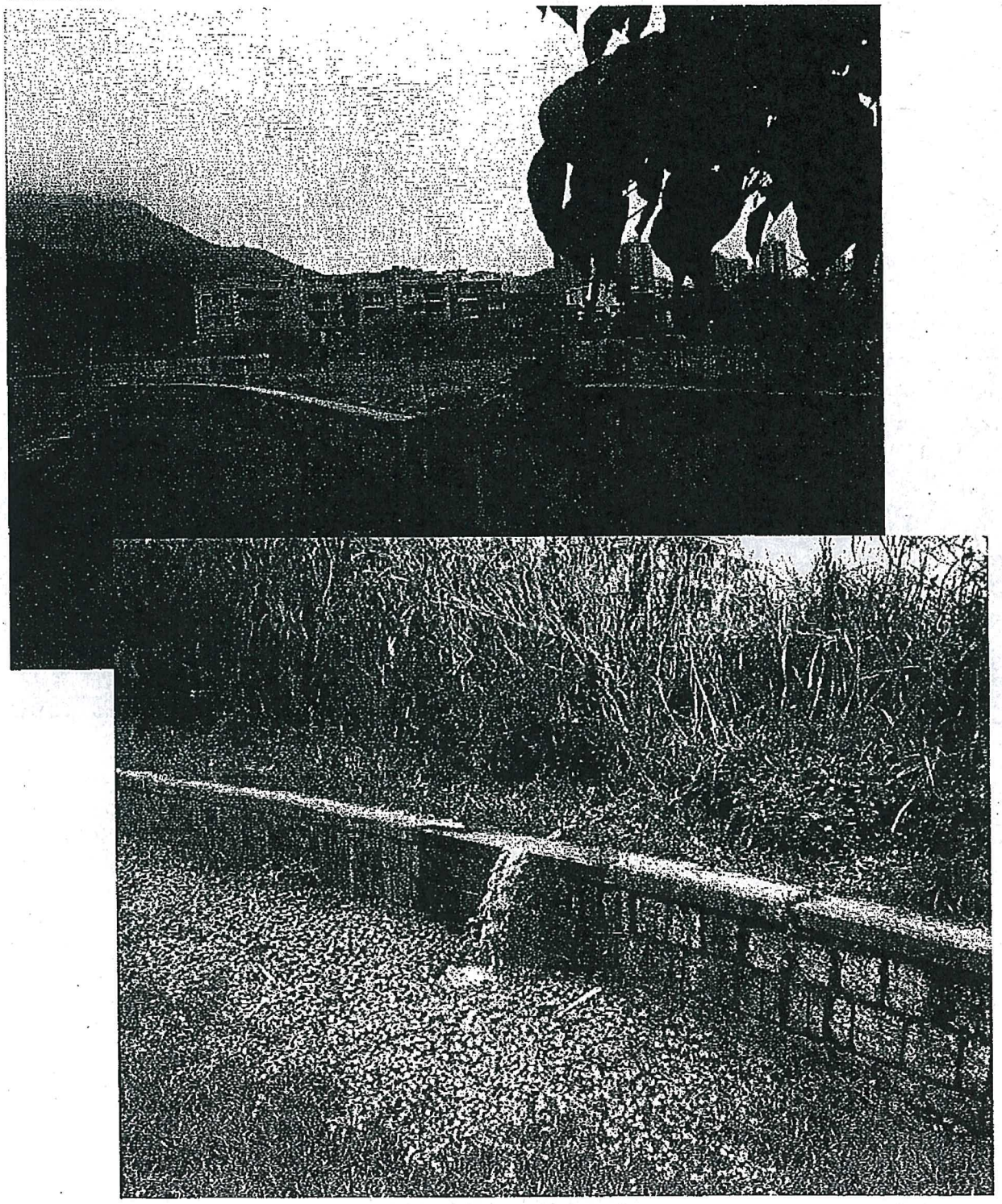


Figure 4. Suspected leakage of sewage from a nearby septic tank

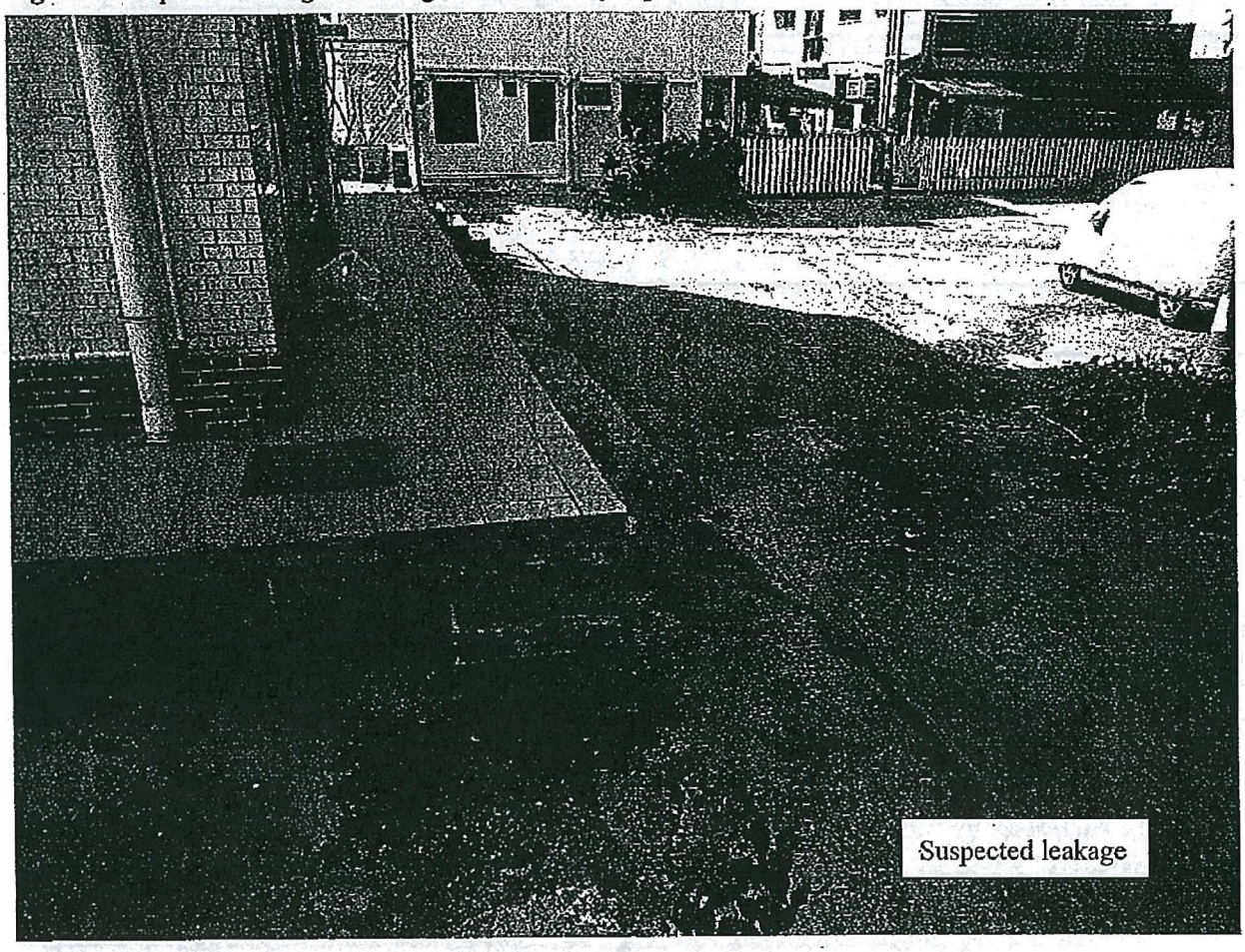


Figure 5. Cloudy wastewater observed in Hoi Ha Stream; suspected discharge from a nearby facility

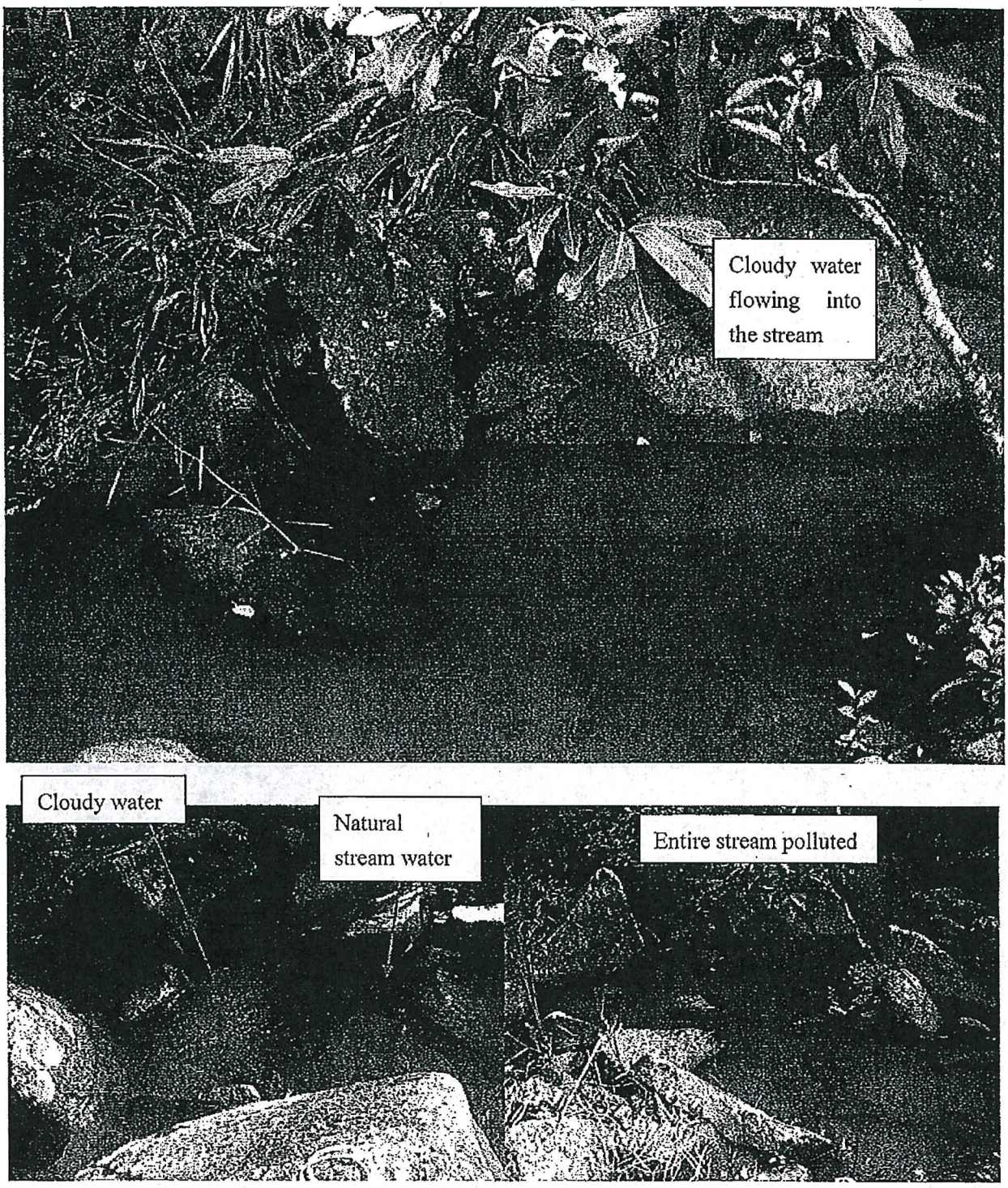


Figure 6. Eating places on the ground floor of Small Houses

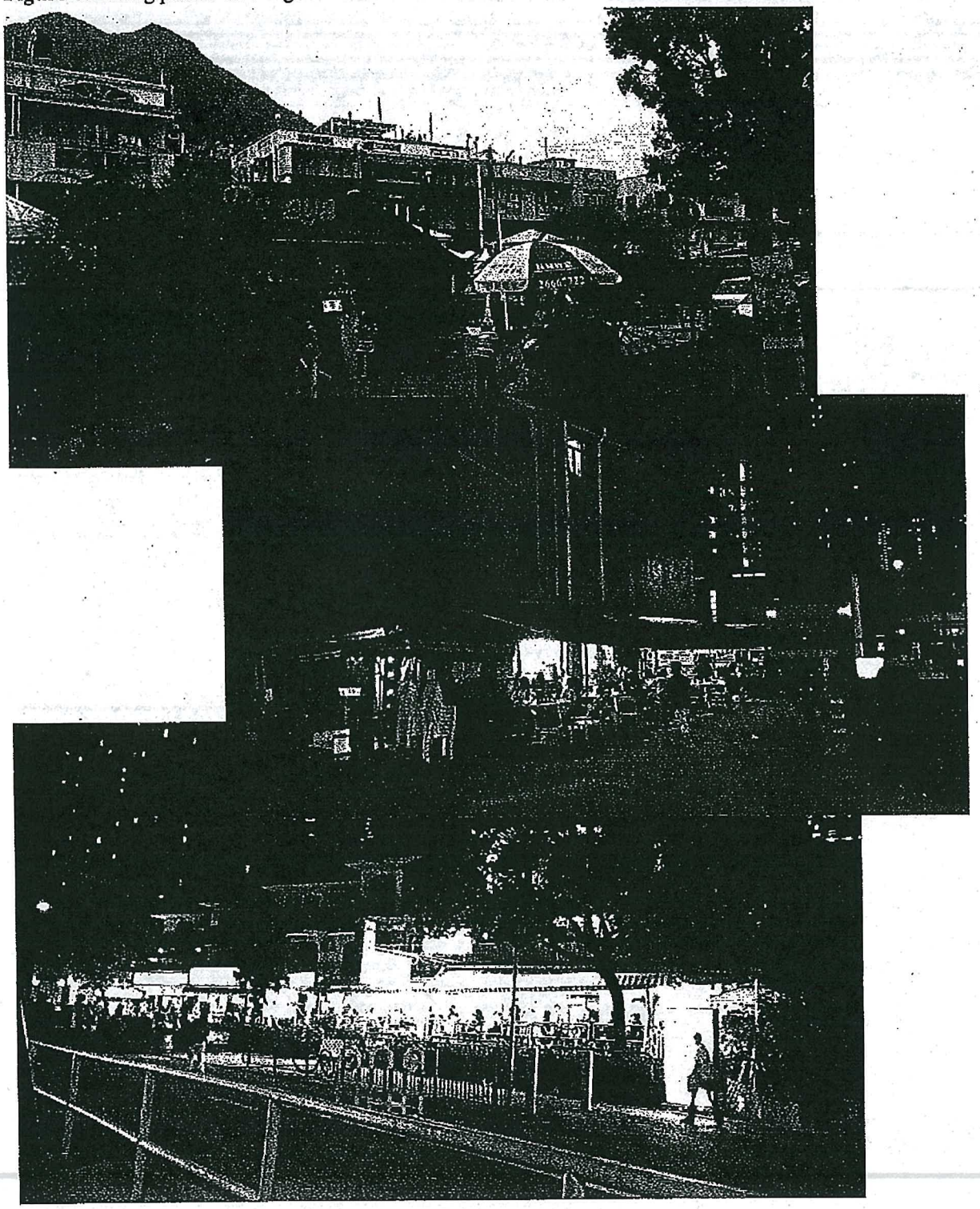


Figure 7. Habitat map of Hoi Ha (top; by Friends of Hoi Ha), and the proposed map of the Hoi Ha OZP (below)

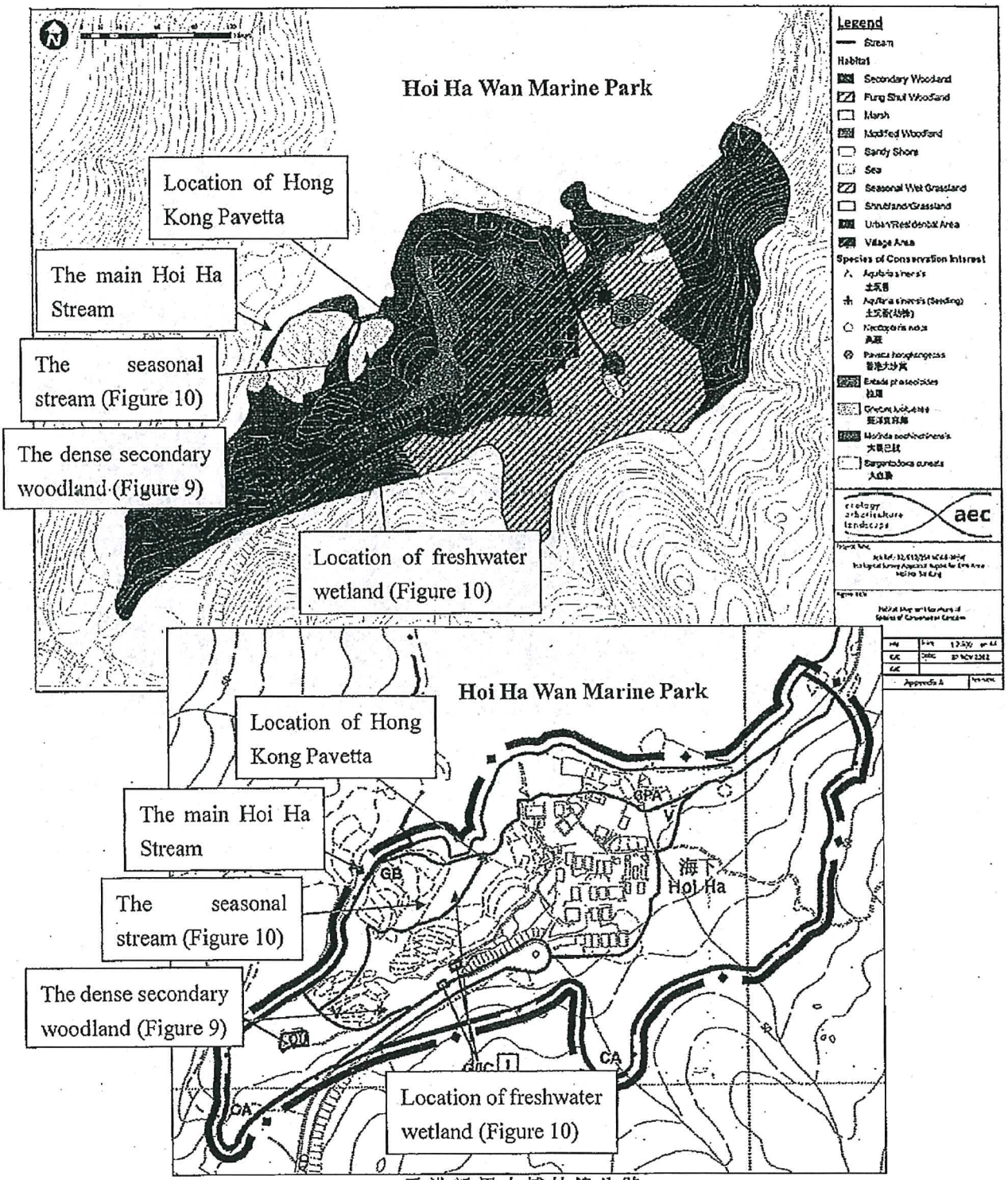


Figure 8. Aerial photograph of Hoi Ha (Plan 3 of the TPB Paper No. 9430)

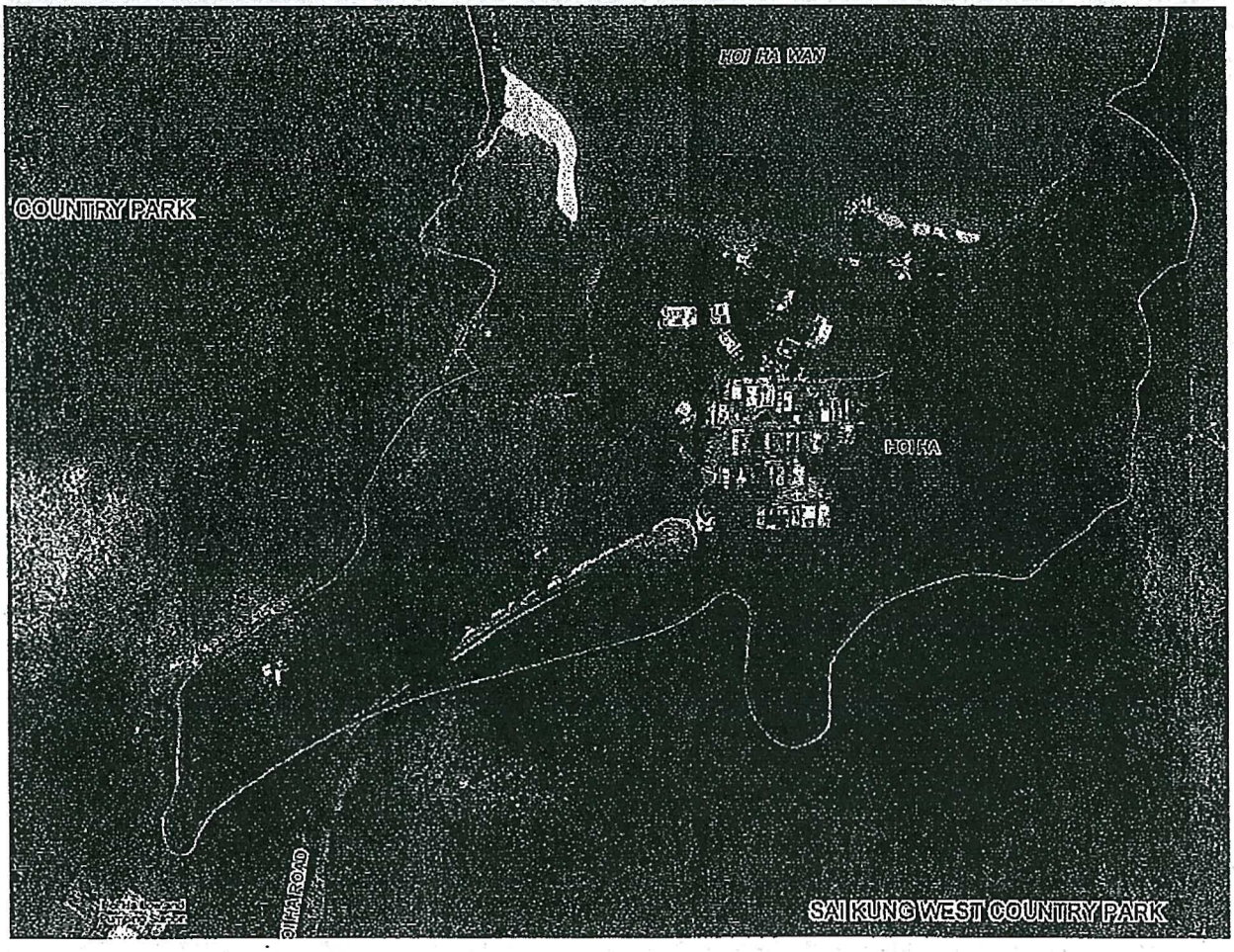


Figure 9. Dense woodland to the west of Hoi Ha Road which is now included under the proposed Village Type Development zone



Figure 10. Freshwater wetland and associated seasonal stream next to the proposed Village Type Development zone which is now included under the proposed Green Belt zone



Figure 11. A barbecue site approved by the Town Planning Board which is located on a land zoned Agriculture (near Ting Kok); areas paved with concrete and suspected to be discharging wastewater polluting the adjacent Site of Special Scientific Interest

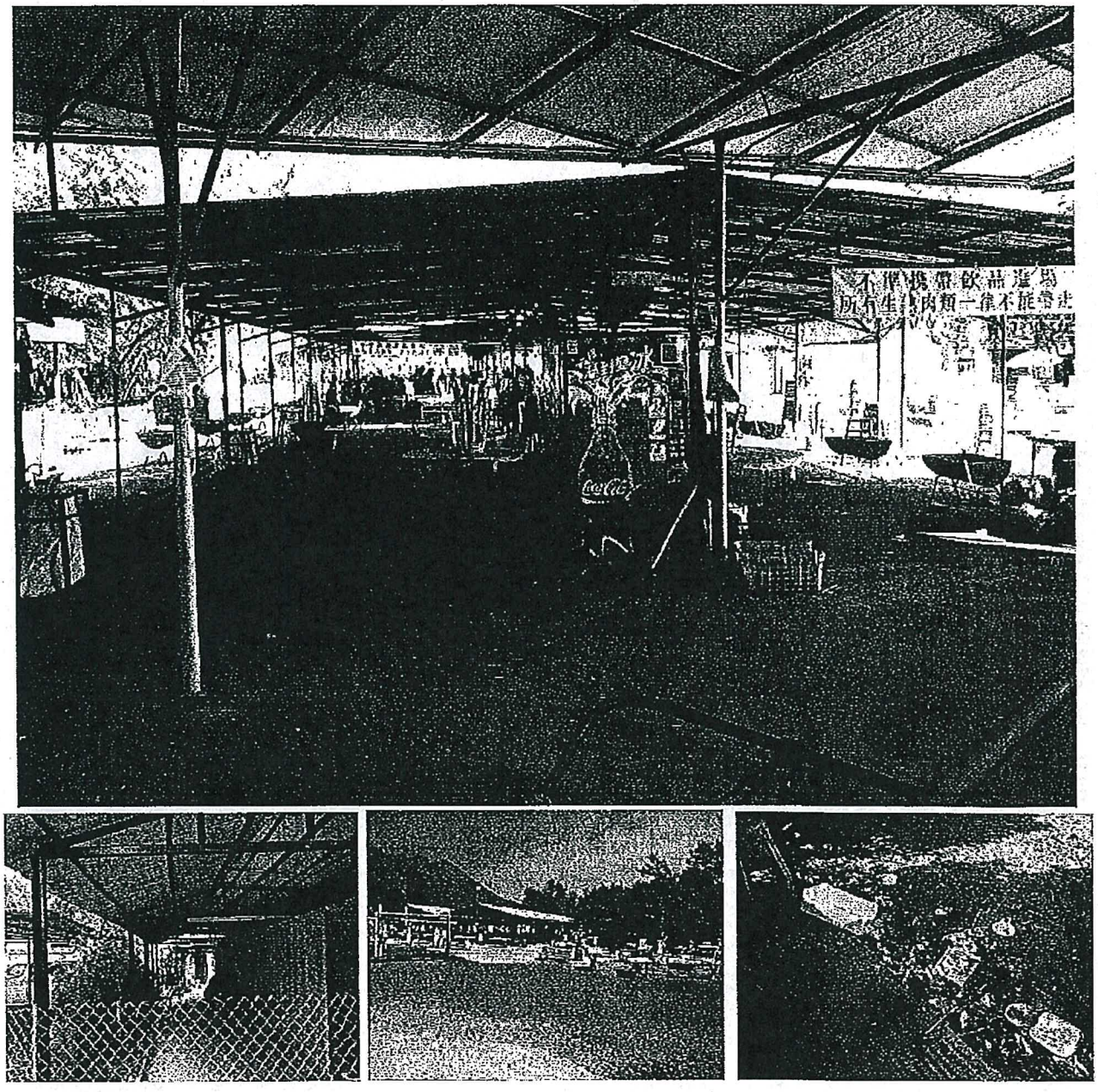
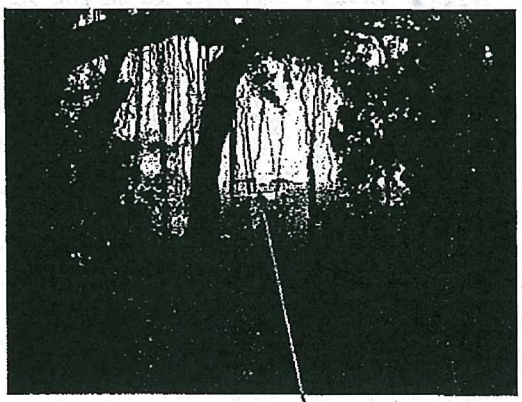


Figure 11. con't







Mangrove SSSI

Figure 12. Banners placed by villagers blaming Government for inadequate provision of residential car parking spaces during the planning process

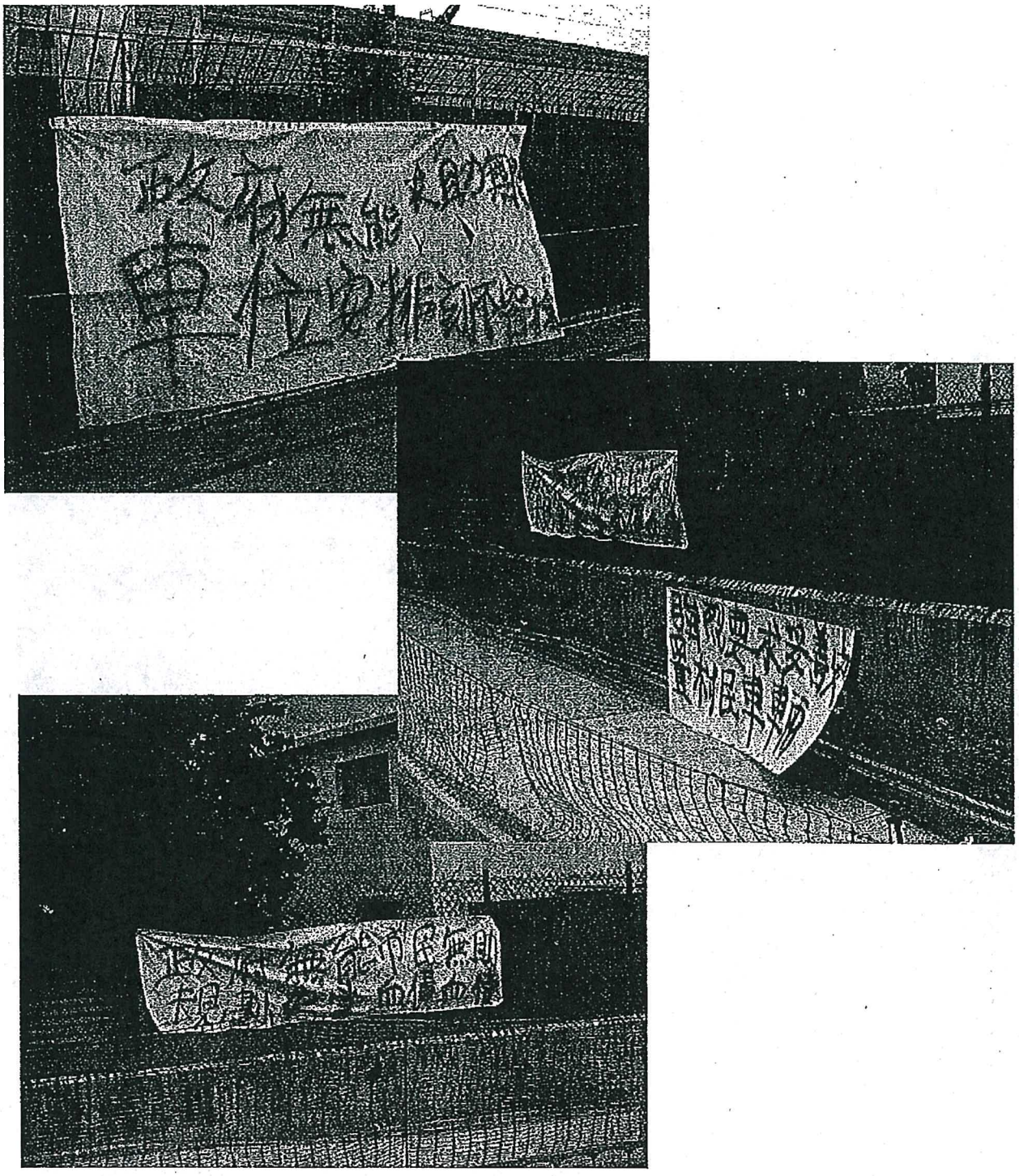


Figure 13. Car parks suspected to be illegally occupying Government Land were built next to a village area where the surrounding coastal vegetation has been trashed by the in-fill of materials used to create the car park

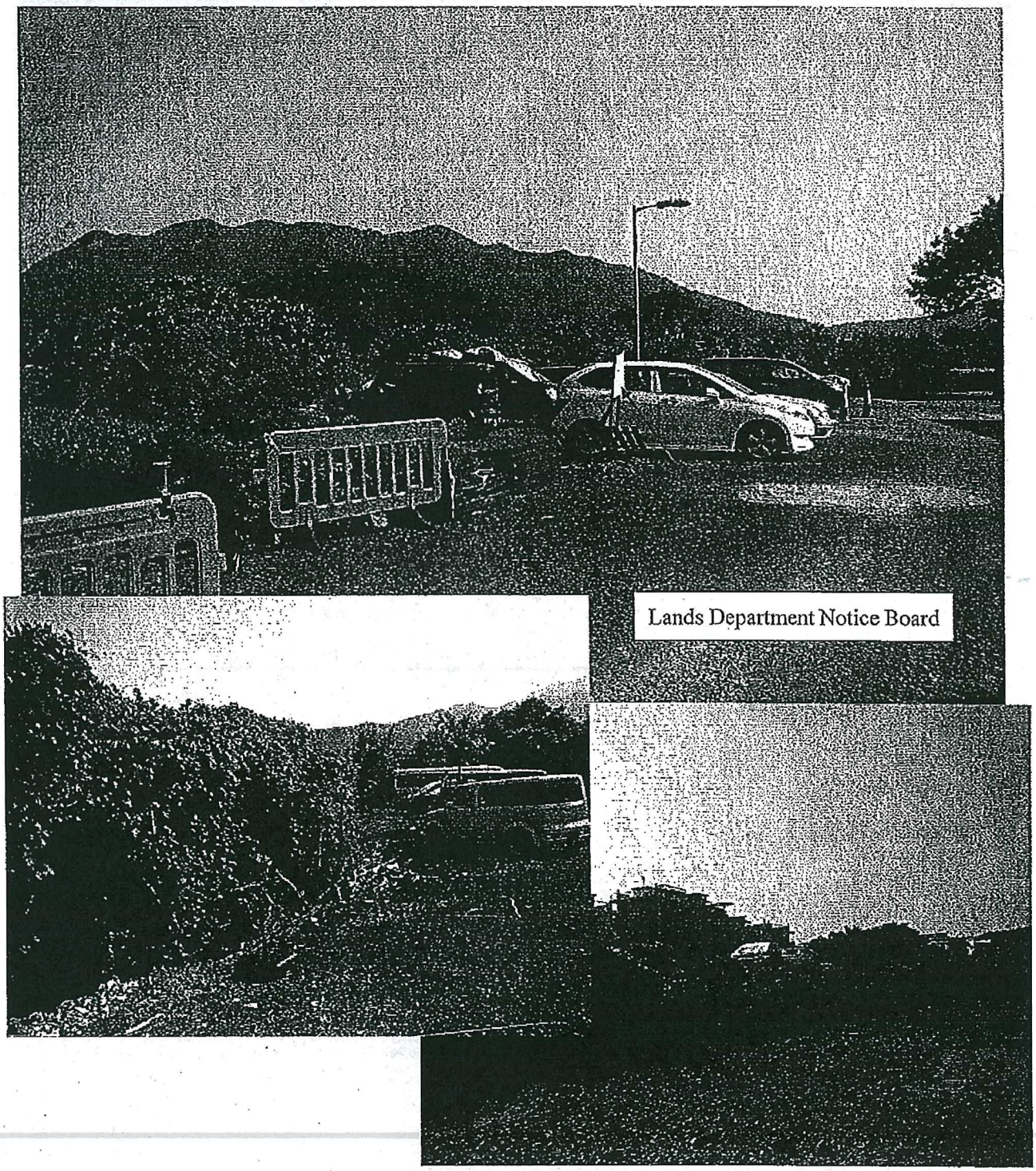


Figure 14. The size of the proposed V zones at Tai Long Wan, a Country Park Enclave was greatly reduced from 7.9 to 1.9 hectares, covering only the existing village settlement and approved small house sites

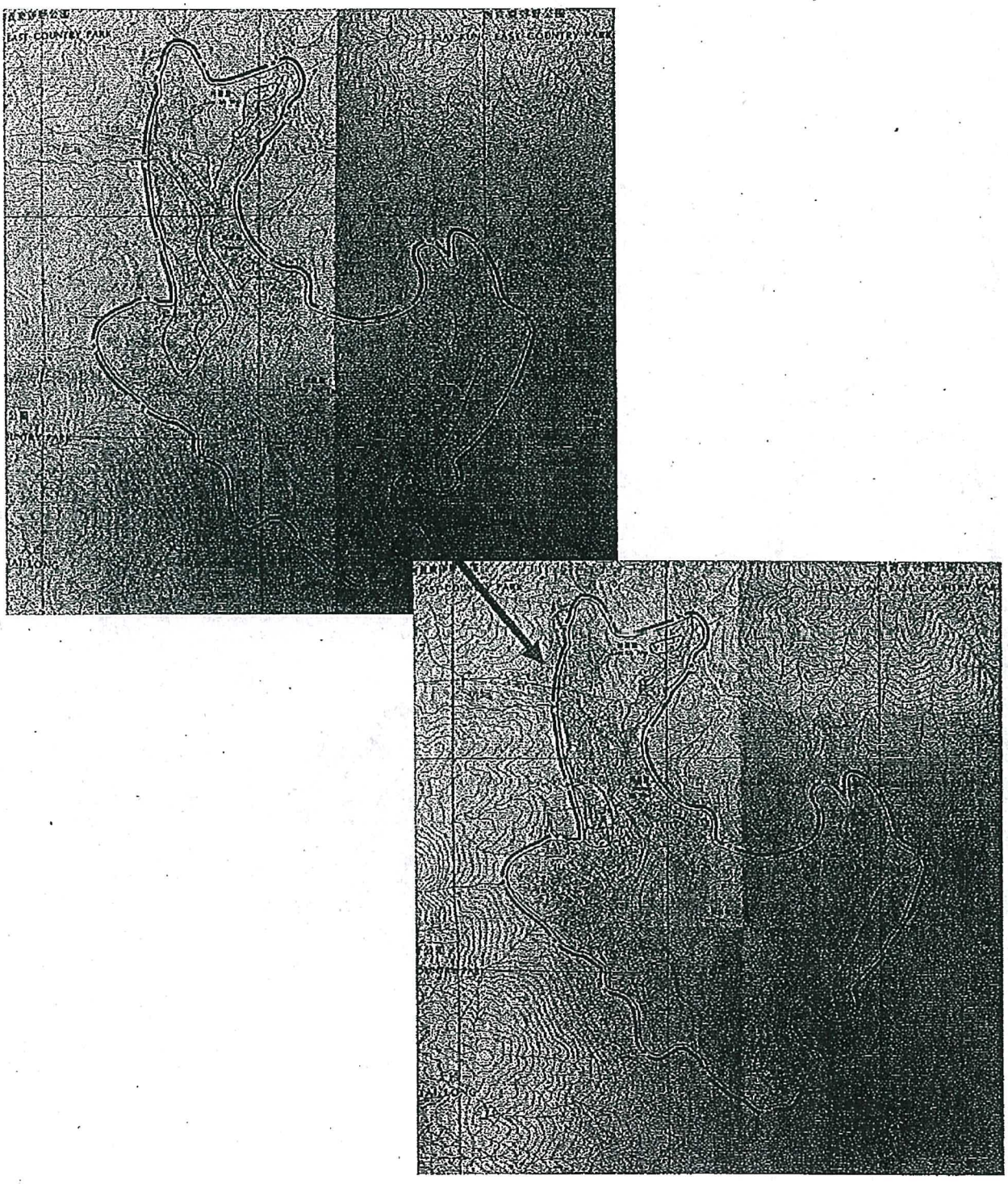


Figure 15. The number of visitors to each Country Park (2012; figure prepared by Local Research Community with data extracted from AFCD records)

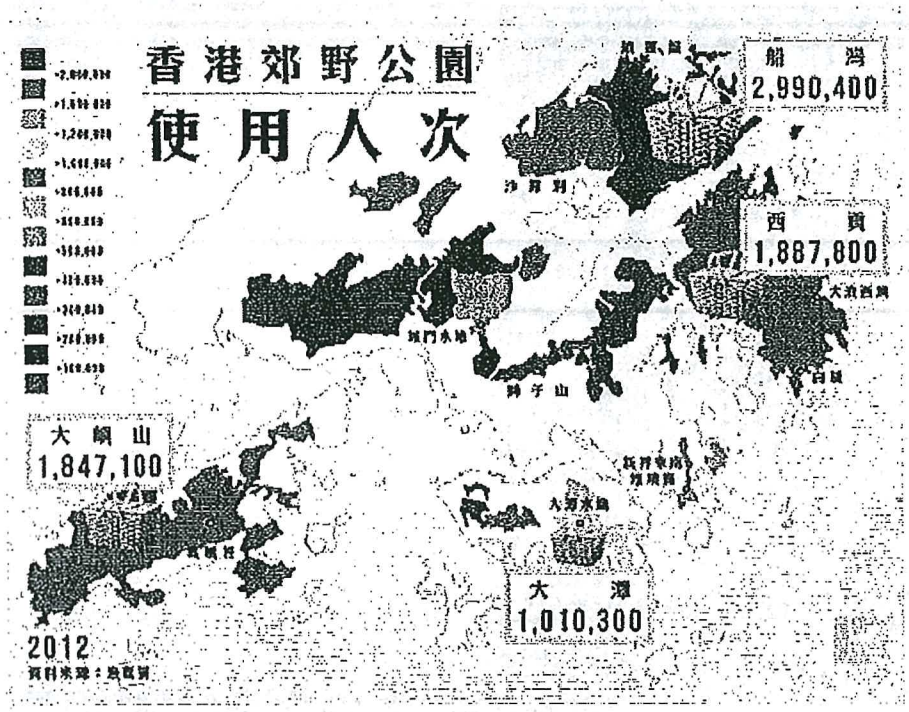
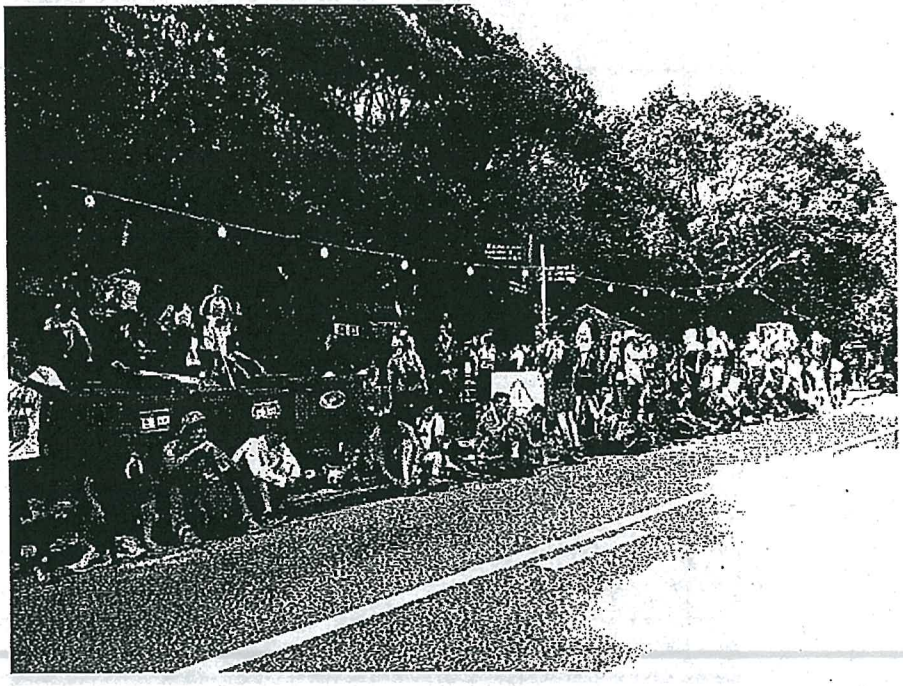


Figure 16. Participants of the 2013 Trailwalker event



TPB/R/S/NE-HH/1- 10884



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26/11/2013 下午 11:41

To tpbpd@pland.gov.hk
cc
bcc
Subject 提交申述 - 海下分區計劃大綱草圖編號 S/NE-HH/1

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

本會認爲圖則中的鄉村式發展地帶面積過大，理由如下：

海下近幾十年一直只有少量村民居住，並無顯著需求要在該處興建小型屋宇自住；而且擬劃作鄉村式發展地帶中可新建屋宇的土地，大部份已被地產發展商購入，該處大部份原居民已不持有土地作興建小型屋宇自住之用。劃出大面積鄉村式發展地帶只會鼓勵大批原居民非法售賣「丁牌」予地產發展商作屋苑式發展，完全違反新界小型屋宇政策原意，亦變相鼓勵違法行爲。

海下被西貢西郊野公園包圍，景色優美怡人，乃著名旅遊和觀賞海洋生物的地方，大量丁屋發展嚴重破壞原有景觀和環境。生態調查亦顯示該處陸上生物多樣性甚高，孕育不少罕有和具保育價值物種，而海下灣更屬海岸公園，乃大量具保育價值海洋生物的棲所。

該處沒有污水處理設施，大量增建小型屋宇意味大量未經處理的生活污水將直接流入海下灣，造成嚴重污染。

海下路的原來設計和規劃亦並非用作大量私家車行駛，這將會對眾多遊人造成不便和危險。

本會建議大幅縮減圖則中的鄉村式發展地帶，並將整個海下地區納入西貢西郊野公園範圍。

香港昆蟲學會
2013年11月26日

(115)

From:+852 30119577 To:28770245 27-Nov-2013 20:21:11

TPB/R/S/NE-HH/1- 10885

環保觸覺 Green Sense
電話：8100 4877
傳真：3011 9577
地址：荃灣郵政信箱 454 號
電郵：info@greens
網頁：www.greensense.org.hk

致 城市規劃委員會：

環保觸覺意見書

有關海下 S/NE-HH/1 分區計劃大綱草圖

反對於海下擴大鄉村式發展範圍

保護海下灣陸上及海岸生態

本會反對於海下 S/NE-HH/1 分區計劃大綱草圖擴大鄉村式發展用地，以廣設被認為是原居民特權的丁屋，這將破壞香港珍貴郊野及生態。詳細意見如下：

海下灣及周邊林地、濕地，生物多樣性相當豐富。根據漁護署的全港性生物多樣性調查 2002—2013 年的數據，抽取海下灣的紀錄，共錄得植物 243 種，動物 85 種。嘉道理農場暨植物園 2012 年在海下灣進行的植物和飛蛾調查報告，清楚顯示現時的「鄉村式發展」地帶為次生樹林 (Secondary Forest) 和淡水濕地 (Freshwater Wetland) ，該報告指出海下灣共有六類的生境，植物總數達 225 種，當中有 9 種具保育價值，飛蛾也有 77 種記錄。

香港自然生態論壇成員（十多名成員）自發於 2013 年 10 月 15 日（植物調查）和 2013 年 10 月 19—20 日（動物調查）於現時被劃為「鄉村式發展」地帶及其附近可能受影響的地帶進行深入的生態攝影記錄調查，發現 453 個物種，當中 8 種具保育價值。

海下灣被劃為海岸公園多年，顯示海岸生態豐富，若周邊被過度發展，這將使港人失去美麗的後花園。政府建議中的草圖，鄉村式發展的面積大增，日後預計的丁屋數量極多，不符合目前環境、生態及大自然風貌，所以城規會應拒絕通過這張分區計劃大綱圖。

政府應參考大浪西灣之規劃，不應再增加鄉村式發展範圍，並應將部份範圍劃入郊野公園；若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展的範圍，不應再增加丁屋。

丁屋是原居民的特權，並不是公平的政策，這政策實在需要在不違反基本法的情況下，盡快檢討。若在分區計劃大綱圖擴大鄉村式發展以廣設丁屋，這等同讓原居民的特權繼續延伸，政府、規劃署及城規會便成了幫兇，這樣荒謬的事，實在不能發生。

(134)

環保觸覺
Green Sense
電話：8100 4877
傳真：3011 9577
地址：荃灣郵政信箱 454 號
電郵：info@greensense.org.hk
網頁：www.greensense.org.hk

本會鄭重要求，海下分區計劃大綱圖應以保護郊野及海岸為首要考慮，所以不應再額外加入鄉村式發展地帶，以免丁屋進一步破壞郊野。

請各城規會委員把關，保護香港的生態及生境，謝謝！

如有查詢或回覆，可致電 8100 4877。

環保觸覺

二零一三年十一月二十七日

Roy Tam
[redacted]
27/11/2013 下午 08:26

To tpbpd@pland.gov.hk
cc
bcc
Subject 環保觸覺意見書 -- 海下灣

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

有關海下 S/NE-HH/1分區計劃大綱圖 GREEN SENSE_海下.pdf

Gary Stokes
[redacted]
27/11/2013 12:45

To tpbpd@pland.gov.hk
cc
bcc
Subject Objection: Draft Hoi Ha Outline Zoning Plan No: S/NE-HH/1

TPB/R/S/NE-HH/1- 10895

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Please cancel the previous submission sent to your office on the 31st Oct 2013 and accept this as our COMPLETE AND FINAL SUBMISSION. Due to size restrictions this is sent from a personal email, any replies to the address attached

HHW Cover Letter.pdf 1. Hoi Ha Full report.docx

Chairman, Town Planning Board,

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

This is a representation relating to a Draft Plan under Section 6(1) of the Town Planning Ordinance (Cap 131). Please see the details of our submission as follows:

1. Person making the Representation

Mr. Gary Stokes, Senior Operations Director (Asia), Sea Shepherd Conservation Society.

2. Authorized Agent (Not applicable)

3. Details of the Representation

(a) Draft plan to which the representation relates.

Draft Hoi Ha Outline Zoning Plan No: S/NE-HH/1

(b) Nature of and reasons for the representation

Sea Shepherd Conservation Society oppose the Draft Hoi Ha OZP on the following grounds:

1. The Draft Hoi Ha Outline Zoning Plan is a missing critical conservation and ecological information.

2. The coral communities in Hoi Ha Wan are the dominant feature of conservation and ecological significance in the area, yet the Draft Hoi Ha OZP doesn't mention this.

3. The soft shore in Hoi Ha Wan Marine Park has been identified as an ecologically important habitat and the highest ranking soft shore in Hong Kong in terms of biodiversity, yet the Draft Hoi Ha OZP doesn't mention this.

(157)

4. On-site septic tanks and soakaway (STS) systems will not work in Hoi Ha.

5. The underlying geology will not support the use of on-site septic tanks and soakaway (STS) systems to disperse untreated wastewater into the surrounding soil in Hoi Ha, which will lead to irreparable damage being caused to the coral communities in Hoi Ha Wan.

6. The underlying geology will not support the use of on-site septic tanks and soakaway (STS) systems because Hoi Ha village is susceptible to flooding and this will pose an unacceptable health risk, including the possibility of triggering a global pandemic.

7. Excavations undertaken during development will disrupt the geologic continuum in the area, which poses the risk of the coral communities in Hoi Ha Wan being smothered in sediment.

8. An influx of visitors to Hoi Ha Wan poses an unacceptable risk to the marine biodiversity there, yet this has neither been mentioned nor considered in the Draft Hoi Ha OZP.

Supporting evidence for these objections is in the attached report.

(c) Any proposed amendments to the draft plan?

In accordance with Section 6(2) of the Town Planning Ordinance, the failure to recognize or consider these issues are serious omissions and show the Draft Hoi Ha OZP is not fit for purpose. Because all of this information has been omitted from the Draft Hoi Ha OZP, we do not believe the Town Planning Board has been properly briefed on all of the issues of concern and no development should be allowed in Hoi Ha based on the objections we have raised.

4. Particulars of "Representer"

Name: Gary Stokes
On behalf of: Sea Shepherd Conservation Society
Position: Senior Operations Director (Asia)
Tel: [redacted]
Email: [redacted]
Date: 27 November 2013

From: a a <[redacted]
Date: Thu, 31 Oct 2013 02:38:45 -0700
To: "tpbpd@pland.gov.hk" <tpbpd@pland.gov.hk>
Subject: Sea Shepherds Objections to the Proposed Development at Hoi Ha Wan

Dear Mr Chairman,

FOR YOUR CONSIDERATION:

Please find the below link to our full report showing our objections against the proposed development at Hoi Ha Wan. You have not been given the full information to be able to make an informed decision, and any development in the area will have a devastating effect on the coral communities within the SSSI. Should you have any questions please feel free to contact us directly.

Sea Shepherd Hoi Ha Wan Online Report: http://docdroid.net/5pvo

Best Regards,

Gary Stokes
Senior Operations Director - Asia
Sea Shepherd Conservation Society
Tel: [redacted]

SEA SHEPHERD CONSERVATION SOCIETY

International Chairman
Farley Mowat
Founder
Captain Paul Watson
Board of Directors
Lani Blazier
Marnie Gaede
Anthony Kiedis
Peter Rieman
Bob Talbot
Paul Watson
Persia White
Robert Wintner
Dr. Ben Zuckerman
Board of Advisors
Richard Dean Anderson
Brigitte Bardot
Linda Blair
Jody Boyman
Berkeley Breathed
Dr. Deborah Brosnan
Pierce Brosnan
Paul Brown
The Honorable Ian Campbell
Sebastiano Cossia Castiglioni
David Comarow, ESQ
Sean Connery
James Costa
John Paul DeJoria
Tui De Roy
Isabel Dow
Albert Falco
Linda G. Fisher
Dave Foreman
Hannah Fraser
Marc Gaede
Dr. Birute Galdikas
Mike Galesi
Stephanie Gilmore
Michael Goldschlager
Rutger Hauer
Randall H. Hayes
Herbert Henrich
Dr. Alex Hershaft
Steve Hindi
Basil Hobbs
Dr. Sidney Holt
Dr. Jennifer Hopper
Captain Jet Johnson
Pieter Kroonenburg
Dr. Louise Leakey
Howard Lyman
Rafe Mair
Dr. Joe McGinniss
Dr. Godfrey Merlen
Alex Pacheco
Sean Penn
Grant Pereira
Jacques Perrin
Heidi Prescott
Dave Rastovich
Dr. Tom Regan
Martin Sheen
Sam Simon
Kelly Slater
George Sumner
Barbara Veiga
Geert-Jan Vons
Tom Waes
Oliver Wallasch
Diane Warren
Elora West
Scott West

Chairman, Town Planning Board,

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4. Particulars of "Representer"

Name: Gary Stokes
On behalf of: Sea Shepherd Conservation Society
Position: Senior Operations Director (Asia)
Tel: [redacted]
Email: [redacted]
Date: 27 November 2013

b頁 1 - 1(B)

TPB/R/S/NE-HH/1- 1089

tpbpd@pland.gov.hk

寄件者: [redacted]
收件者: <tpbpd@pland.gov.hk>
副本: [redacted]
傳送日期: 20/11/2013 下午 04:37
主旨: Fw: Sea Shepherds Objections to the Proposed Development at Hoi Ha Wan

---- Forwarded by Patrick CW TSANG/AFCD/HKSARG on 20/11/2013 16:36 ----

From: [redacted]
To: [redacted]
Date: 31/10/2013 17:45
Subject: Sea Shepherds Objections to the Proposed Development at Hoi Ha Wan

Dear Mr Chairman,

FOR YOUR CONSIDERATION:

Please find the below link to our full report showing our objections against the proposed development at Hoi Ha Wan. You have not been given the full information to be able to make an informed decision, and any development in the area will have a devastating effect on the coral communities within the SSSI. Should you have any questions please feel free to contact us directly.

Sea Shepherd Hoi Ha Wan Online Report: http://docdroid.net/5pvo

Best Regards,

Gary Stokes
Senior Operations Director - Asia
Sea Shepherd Conservation Society
Tel: (+852) [redacted]

151

20/11/2013



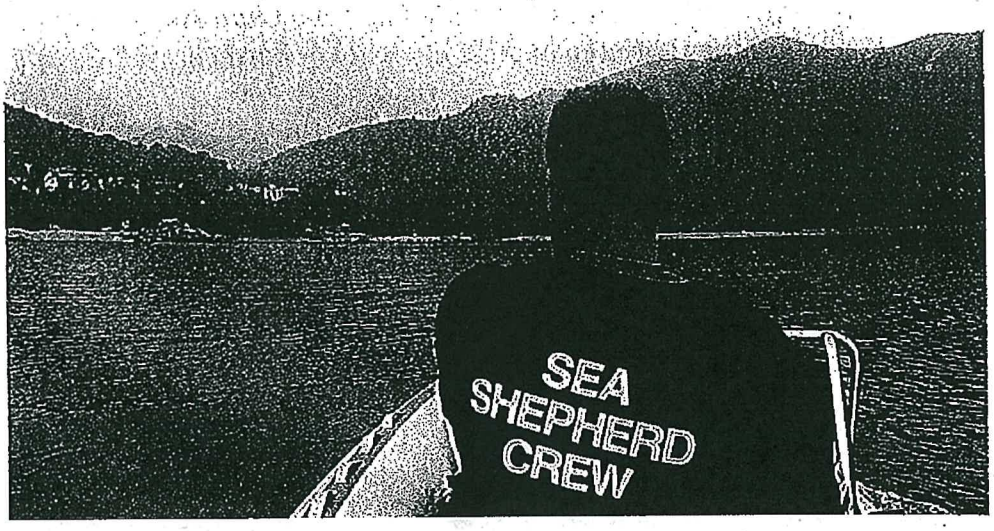
OPERATION: HOI HA

REPORT

1. SEA SHEPHERD CONSERVATION SOCIETY

Established in 1977, Sea Shepherd Conservation Society (SSCS) is an international non-profit, marine wildlife conservation organization. Our mission is to end the destruction of habitat and slaughter of wildlife in the world's oceans in order to conserve and protect ecosystems and species.

Sea Shepherd uses innovative direct-action tactics to investigate, document, and take action when necessary to expose and confront illegal activities on the high seas. By safeguarding the biodiversity of our delicately balanced ocean ecosystems, Sea Shepherd works to ensure their survival for future generations.



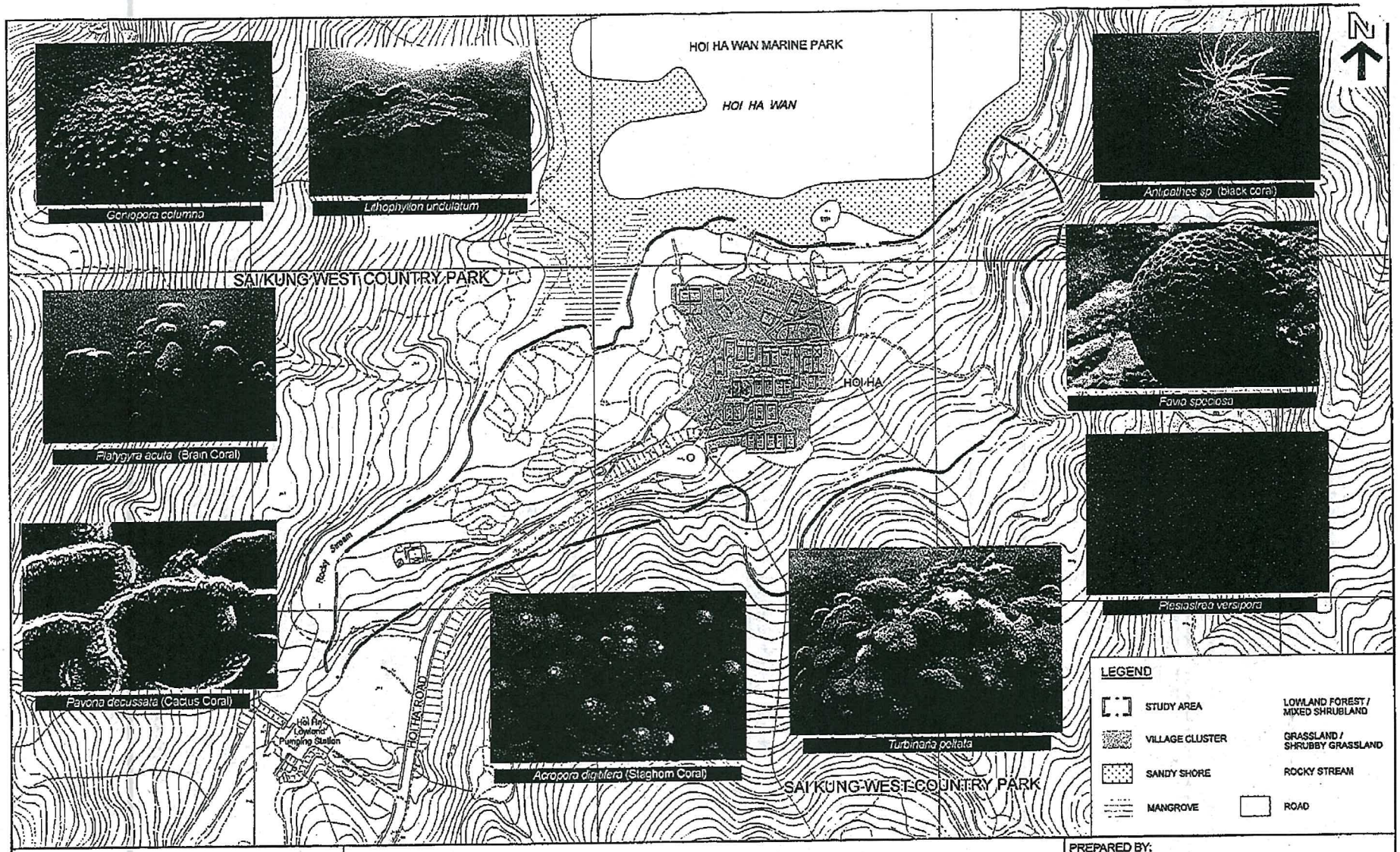
In September 2013, Sea Shepherd sent a small team to Hoi Ha Wan for three days to document the marine life that may be threatened with the proposed development plans.

2. THE THREE ISSUES OF CONCERN RAISED BY SEA SHEPHERD

1. **Marine Ecosystem: no mention is made in the Draft Hoi Ha OZP of any marine species or the threats posed to the coral communities in Hoi Ha Wan Marine Park by the development.**

2. **Pollution; the proposed development will generate wastewater which will have a disastrous effect on coral communities in the Marine Park, because the underlying sediments in the proposed development area are porous and permeable. Two major threats to coral communities are nitrogen and phosphorous, the same two pollutants that will be discharged from the proposed septic tank soak-away systems, then flow untreated into the Marine Park.**

3. **Sedimentation: the excavation or removal of surface vegetation during development will leave the land vulnerable to the elements and any subsequent heavy rains will wash soil and underlying sediments into the Marine Park, which will smother or kill the coral communities.**



Hoi Ha Marine Park has 64 of the 84 species of coral found in Hong Kong waters.

CORAL SPECIES OF CONSERVATION INTEREST IN
HOI HA WAN MARINE PARK
(SITE OF SPECIFIC SCIENTIFIC INTEREST)

SCALE 1 : 2 500
METRES 50 0 50 100 METRES

PREPARED BY:

SEA SHEPHERD CONSERVATION SOCIETY

13TH OCTOBER, 2013



4. POLLUTION

OBJECTION #2

According to the Draft OZP, there is no existing sewer or planned public sewer for the area, and at present, each house is typically served with its own on-site septic tanks and soak-away (STS) system. Any increase in residential developments would require additional facilities, including their own individual STS system, which need to comply with relevant standards and regulations, such as EPD's Practice Note for Professional Person (ProPECC) 5/93.

According to the relevant EPD standards and regulations, this involves dispersing untreated wastewater into the surrounding soil and relying on the soil to remove the polluting material from the wastewater and adequate purification can only be achieved after the wastewater has travelled a fairly long distance through the ground. The relevant standards and regulations also note, pollution would result if a STS is located too near to a beach or a stream.

The problem with this is the underlying sediment in Hoi Ha village comprises porous and highly permeable sedimentary deposits, which are a mixture of alluvium, beach deposits and debris flow deposits. Such deposits are porous and permeable, allowing for rapid drainage, so no matter how far the distance, interstices in these deposits means adequate purification cannot be achieved before the wastewater reaches the sea, and because Hoi Ha village is at the mouth of a watershed, this means all of the pollutants in the wastewater will ultimately be deposited in Hoi Ha Wan Marine Park.

Coral communities are sensitive receivers and the coral communities in Hoi Ha Wan lie downstream from Hoi Ha village. The watershed feeds into these communities. Coral communities thrive in nutrient-poor habitats by containing many species whose complex food chains recycle essential nutrients with great efficiency, making them especially sensitive to any process that disrupts recycling. For example, if wastewater is not properly treated nutrients such as nitrogen and phosphorous in the waste can stimulate prolific growth of algae, which overgrows corals, or form algal mats which prevents new polyps from settling and establishing themselves. Worst still,

POLLUTION - SUPPORTING DATA

In 1989 when the Hoi Ha Wan SSSI was established AFCD identified in the 'Degree of Hazard' – ***"Future development and changes of land use.....may cause water pollution and sedimentation of Hoi Ha Wan."***

Information as at the date of SSSI designation
根據具特殊科學價值地點指定日期時的資料

No. 48 - Hoi Ha Wan

Site

Hoi Ha Wan site is a sheltered bay situated at the northern coastline of Sai Kung Peninsula and covers an area of 278 hectares.

Date of Designation

5 January 1989

Special Scientific Interest

The coral communities of Hong Kong are of interest as they exist close the generally recognized limit for hermatypic (i.e. reef-building) coral growth and are distinct from the reef systems of the Philippines, Tung Sha and Sai Sha. Being a sheltered bay but open to oceanic waters, and not affected critically by pollution, Hoi Ha Wan provides a good environment for the corals to flourish. The species belong to the order Scleractinia that are responsible for the building up of coral reefs. The representative species are Pavona decussata (Agariciidae), Platygyra sinensis (Faviidae) and Porites lobata (Poritidae) which occupy the shallow habitats and Alveopora irregularis (Portitdae) and Stylocoeniella guentheri (Astrocoeniidae) which occupy the deeper habitats, while Cyphastrea spp. (Faviidae) are found throughout the depth range.

Degree of Hazard

The polluted, sediment loaded, waters of Tolo Channel affect the mouth of bay although the main body of the bay has good water quality and sustains coral communities. Future development and changes of land use in Wanchai Borrow Area may cause water pollution and sedimentation of Hoi Ha Wan. Divers and their associated activities may affect the normal development of coral communities.

Recommended Protection Measures

The Agriculture & Fisheries Department should be consulted on any development or reclamation proposals which may affect the site.

Nutrient loading is the amount of nutrient (usually phosphorous or nitrogen) applied to land over a specified time period. If more nutrients are added than can be removed, they can be transferred to ground and surface waters and can cause adverse environmental and health effects.

Nitrogen

Nitrogen can be present in treated domestic wastewater in organic forms such as amino acids and protein, and inorganic forms such as ammonia (NH_3), ammonium ion (NH_4), nitrate (NO_3), and nitrite (NO_2).The forms of nitrogen present depend on the treatment processes employed. About 40% of the nitrogen is usually present as organic nitrogen, with the remainder as ammonia or ammonium ions. Nitrogen is removed through a complex set of processes, which depend on the site factors and the form of nitrogen. Nitrogen removal mechanisms include:

- Vegetation uptake (major removal mechanism)
- Volatilization
- Denitrification
- Soil absorption (limited and reversible)

Nitrate is highly soluble, and if it is not used by vegetation or removed by denitrification, **it can percolate through the soil profile and reach ground and surface waters – an unacceptable situation.**

Of most concern is the pollution risk posed by high nitrate levels. Nitrates are not absorbed, or physically retarded, by the soil, and can therefore travel large distances in soils if they are not used by vegetation. Using soil absorption systems with septic tanks can therefore lead to nitrate pollution of groundwater.

Phosphorus

Phosphorus can be present as orthophosphate, polyphosphate and organic phosphate. The presence of even a small amount of phosphorus can stimulate a large mass of cell growth, so any reduction in the level of phosphorus in wastewater can extend the life of the land application area and reduce the amount of vegetative growth there

5. THREAT OF SEDIMENTATION

Objection 3

Hoi Ha Wan lies at the end of a geologic continuum, which starts in the hills above Hoi Ha and passes directly through Hoi Ha village into Hoi Ha Wan. The coral communities lie at the end of this continuum. Development in the area will require excavation and exposure of the topsoil and underlying sediments, causing a disruption to this continuum. Because of the underlying geology, a landslide hazard has been identified as a Geotechnical Constraint in the area, but the Geological Constraint associated with this has not been considered. Because Hong Kong is naturally subject to heavy downpours of rain and extreme weather events, such exposure could lead to a massive single discharge of sediment or prolonged discharges of sediment into Hoi Ha Wan, smothering the coral communities, leading to their degradation or in a worst case scenario, resulting in their total destruction.

Hoi Ha Wan has a documented history of this. In the 1980's, the loss of a coral community was recorded on the eastern shore of Hoi Ha Wan because of soil and sand runoff from the surrounding hills when trees and rocks were removed for reclamation of land at the Ma On Shan new town. In fact, this incident represents a classic case study to show what can go wrong if attention is not paid to risks associated with disrupting the geologic continuum.

If there is a need to conserve the areas of conservation value and protect the ecological significance of the area, no discussion can take place without considering the risks associated with disrupting the geological continuum in the area.

We strongly object to the Draft Hoi Ha OZP on the grounds that no reference has been made to the Geological Constraints associated with disrupting the geological continuum in the area, meaning that threats posed to the coral communities from sediment inundation have not been considered or addressed.

TOLO ADVENTURE CENTRE

TPB/R/S/NE-HH/1- 10912

P.O.BOX 74539 KOWLOON CENTRAL POST OFFICE KOWLOON HONG KONG

九龍中央郵箱74539號 海谷中心

Date: 23 November, 2013

To: The Secretary,
Town Planning Board,
15th Floor, North Point Government Offices,
333 Java Road,
North Point, Hong Kong.

Dear Sirs,

Re: Representation to the Town Planning Board in respect of Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 Objection

1. The Objection:

With respect to the Draft Plan No. S/NE-HH/1 (hereinafter called Draft OZP), we propose to expand the OU zone by addition of three 5 meter belts (Area N, Area E and Area S) per our sketch proposal (please refer to appendix A) on the existing Draft OZP OU Zone.

2. Reasons to Object:

i) The Short Term Tenancy No. 626 (Appendix B) dated 30 June, 1988, Third Schedule item 8 (b) (page 9), item 15 (page 10) and the letter from Lands Department dated 17 July, 2009 (Appendix C), clause 2r #a, requested the protection and maintenance of trees. The Planning Department might not be aware of these and other terms and conditions.

We have the responsibility to upkeep and garden the neighboring area of the Centre. However, the Draft OZP, if not adjusted, will handicap our legitimacy in fulfilling our tenancy obligations. We would repeat its imminence to implore the board to re-consider this extension request. Although the Tendency requirement is a 3-meter belt, actually 3-meter is barely enough for tree growing. The present situation is that most of the trees are growing within a 5-meter area healthily, with the far most ones within a 8-meter belt. And besides the southern side, trees had been planted and are now growing on the northern and eastern side also. These trees are over 30 years old and close to the expected lifespan of the species, they will require close monitoring and upkeeping. It is very difficult for us to just report to the related departments and rely on them to maintain these trees. We had a very bad experience early this year for removal of a hanging collapsed main branch of a tree across the footpath leading to the Centre. Notice was made and message had travelled through 3 departments, the Lands Department, Food and Environmental Hygiene Department and Agriculture and Fisheries and Conservation Department, with lots of communication for more than a month. Finally it was removed by the AFCD, just to help to shorten the process, and we were advised that it should be the job of Lands Department. As we are all unpaid volunteers who have to earn a living, we can hardly spare time to deal with all these government officials in normal working days. Life would be much easier for us to maintain these trees in our time.

(137)

ii) On the southern side of the Centre is a slope that needs maintenance to prevent mud slide and water flooding. There was a concrete drainage built for that purpose (Area S in Appendix A). On the opposite side, the lower northern boundary (Area N) is the main entrance to the building basement. The eastern side is an emergency exit to satisfy the Fire Services regulation (Area E). There will be flooding hazard if the outskirt of the basement is not up-kept regularly.

iii) The only objection to our extension of the OU Zone is from the DAFC. DAFC advised the Board that the area surrounding the Centre consisted of undisturbed native woodland (Town Planning Board Meeting Minutes dated 13 September, 2013, page 94, item (xvii)).

In our memory, when the Centre was firstly built in 1980, its sides were deserted rice paddy fields. When the present building was completed, the Tendency demanded us to maintain a green belt around the Centre. Instead of native tree species, Acacia confuse, Ficus elastic were planted. Within the 5-meter belt there is no undisturbed native woodland. The trees are still growing around the Centre. With a site visit, you can only find very few low lying shrubs in the related area.

During the past three decades, the Centre witnessed the changes in Hoi Ha: the deserted fields of the rice farmers became a vast piece of grassland, which then turned into woodlands of shrubs; corals came and now dying; a quiet village of less than ten active households became foreigner filled residences. The environment with the change of remote deserted village to a Marine Park, remains unchanged. Hoi Ha inspired many, especially youth, with its multi-assets of natural beauty. Hoi Ha Wan remains all the time an ideal sailing training site. We would strive to provide the public a chance to share this Lord build nature which is very scare and precious in this city.

Lam Po Chu

LAM Po Chu
Chairman,
Tolo Adventure Centre
[redacted]

(also on behalf of the following co-signers)

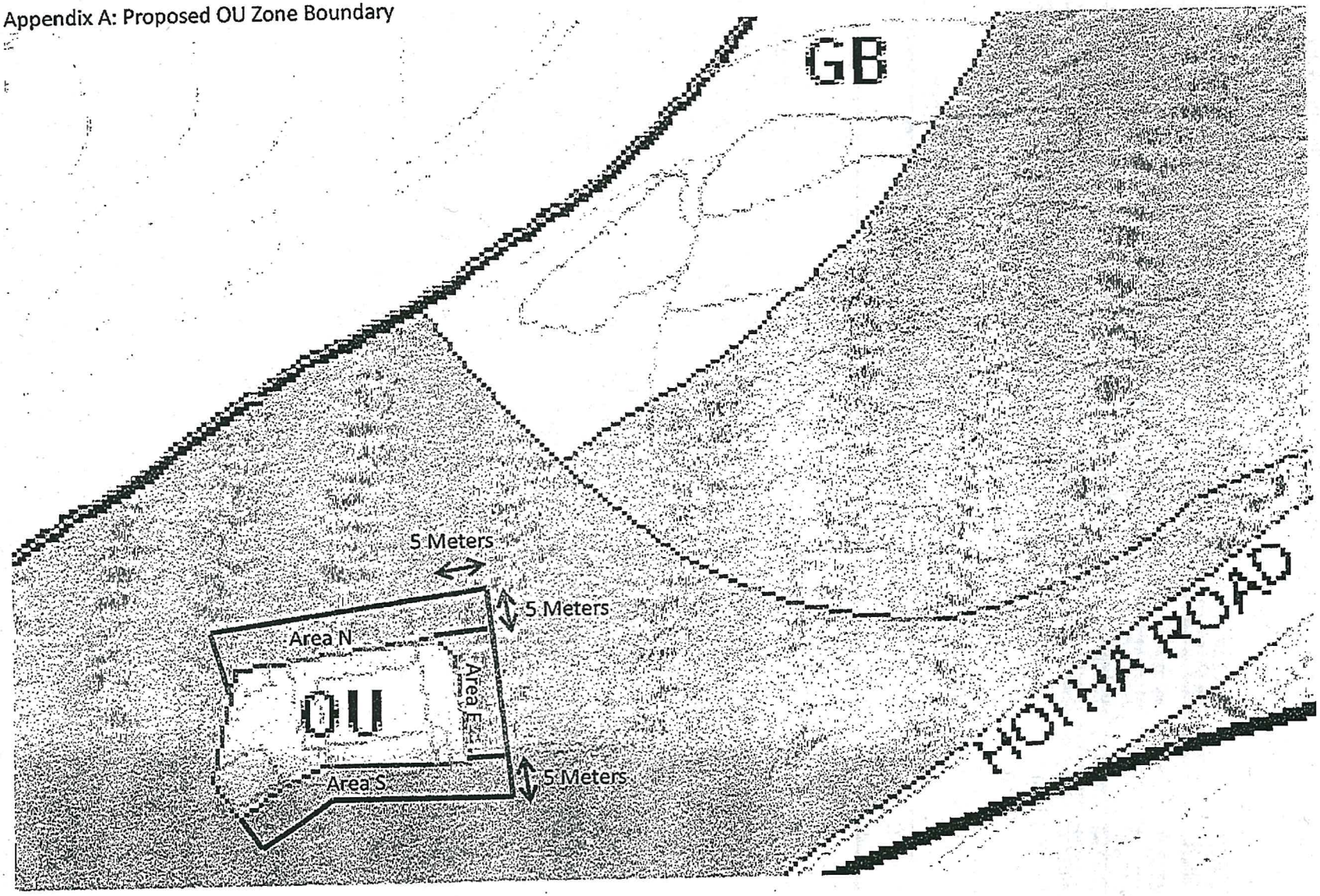
LEE Chi Man	POON Wing Hung	TAO Simon	TANG Yee Mei	CHAN David
LAU Alan	LAU Francessca	LAU Melissa	LAU Cassandra	WONG Ching Yee
CHAN Benny	CHOW Po Kee	SIU Ming Kwong	Mark Gor	CHUNG Lok Lam
LARM Joseph	KWONG Clara	LARM Samuel	LARM Moses	CHAN Tiffany
YUNG Chun Ho	HUI Kwong Yee	CHUNG Aaron	CHAN Yuen Chee	LI Hung Terence
CHAN Becky	CHUNG Chi Hung	COLLIER Michael	LAI Chui Hing	CHUNG Chi Yuen
YEUNG Chick Nam	WONG Mei Fun	LAU Sze Wan Gaby	CHAN Ching Man	CHAN Terry
CHENG Wing Chun	CHOY Yuk Bor	KUNG Che Fu	KWOK Esther	KUNG Anita
GO Oscar	CHENG Anna	TO Wai Kuen	TSE Annie	FUNG Kam
LO Stephen	HUNG Pik Nor	CHU Julius	YEUNG Eric	CHEUNG Ting Hong
CHAN Ying Yam	CHAN Ester	LEE Benny	TSANG Wing Sze	WONG Iris
WONG Pui Yan	CHEUNG Arthur	CHAN Jedi	LEE James	WONG Charles

Web site – http://tac.org.hk

e-mail address: tolo_adventure_centre@yahoo.com.hk

LEE Karen	KWOK Yuk Lin	CHOI Wa Fung	YAU Elsa	SIN Shu Wing
CHEUNG Shirley	LEE Rachel	MAK Ramma	CHAN Wai Yan	WONG Margaret
SUEN Dacita	POON Eric	AUYEUNG Heidi	CHEUNG Chi Pang	CHU Chun Yiu
羅鳳美	林越燕	鄭嘉奇	賴玉春	馮寶儀
柳紫婷	陳就成	盧鑑汶	吳志堅	林晴
謝家文	陳玉潤	吳曼琪	謝思敏	李嘉華
蔣鴻華	廖藹儀	張志誠	張嘉明	張仲紋
文詩慧	吳胤汶	蕭嘉如	周芷翎	李廣灝
潘樂芊	葉琇瑩	阮愛倫	劉振宇	黃頌婷
CHAN Kristin	YEUNG Ka Yan	LI Wai Man	黃嘉俊	LEUNG Yuen Ling
WONG Christine	FOK Wilson	LAU Kam Ching	AU Ka Leung	LEE Yuk Ching
MAK Fanny	YEUNG Wing Kit	CHAN Suet Ting	KONG Venus	NG Chi Hou
WONG Oliva	LUI Kin Chuen	YOONG Po Wah	LEE Hon Chuen	LAU Mui
蕭靄儀	梁國基	龔志輝	郭笑馨	袁羅惠玲
陳偉禧	周惠霞	李富興	孔惠儀	張應坤
盧暖卿	曾淑英	李玉蘭	容朝彥	胡月群
陳劍和	黃麗芳	陳榮有	袁妙嫦	陳荊平
麥加善	楊啟泰	黎穎葭	黎兆光	郭笑慧
梁雋浩	李俊儒	阮健添	侯思敏	WONG Bik Fun
CHAN Ka Him	CHAN Ka Sin	HO Wing Yee	CHAN Oi Ling	FUNG Kam Ping
YU Choi Lin	KUNG Chung Foon	NG Chris	LEE Ken	CHAN Joykie
WAN Roger	MOK Henry	CHENG Ray	WONG Dorcas	CHAN Dickson
YU Andy	LAU Louisa	MAC Mark	LEE Alex	CHOW Raymond
CHAN Oi Hing	WONG Fanny	KWOK Yee Ting	LEUNG Goretti	FUNG Yui Lam
NG Sin Tung	CHENG Wing Chun	LEUNG Man Kit	TANG Ka Chun	WONG Hoi Shuen
WONG Guy Shawn	WONG Long Yin	CHAN Wing Shan	LEE Ka Ying	CHOW Chung Yan
CHAN Jane Sally	YIU Lam Fong	CHAN Hin Ying	FONG Pui Ting	FUNG Hiu Lam
KWAN Wai Man	TSE Sau Yan	TSE Sau Man	YIP Ho Yin	SIN Yat Hei
LO King Yu	LEE Kar Ming, Chris	LEE Ling Kak	LEE Chi Sum	CHAN Kin Sang
FUNG Kam Wah	CHENG Siu Keung	LAU Wing Sheung	LEE Tak Shing	LO Mui Ling
WONG Thomas	CHEUNG Frenda	CHAN Wing Por	LI Yuen Ching	WONG Yue Him
KUNG Chi Kin	LOK Yin King	LEE Chui Lin	LO Hung Leong	WU Zachary Aslan
LIU Wai Wa	WU Chak Sang	LAM Jackie	LI Jack	

Appendix A: Proposed OU Zone Boundary



(a) The Tenant shall not cut away, remove or set back any Government land adjoining the Premises except with the prior written approval of the District Lands Officer who may in his sole discretion give such consent on such terms and conditions as he may see fit.

(b) Where any cutting away, removal or setting back of hillsides or banks or any building up or filling in within the Premises or on any Government land where consent has been given pursuant to Special Condition No. 9(a) hereof, is required for the purpose of or in connection with the formation, levelling or development of the Premises or any part thereof, the Tenant shall construct or bear the cost of the construction of such retaining walls or other support as shall or may then or at any time thereafter be necessary to protect and support such hillsides and banks within the Premises and also any adjacent or adjoining Government or leased land and to obviate and prevent any falling away, landslip or subsidence occurring thereafter, and shall at all times maintain the retaining walls or other support in good and substantial repair and condition. In the event that as a result or arising out of any formation, levelling or development any landslip, subsidence or falling away occurs at any time, whether in or from the hillsides or banks within the Premises or from any adjacent or adjoining Government or leased land, the Tenant shall at his own expense reinstate and make good the same and shall indemnify the Government of Hong Kong (hereinafter referred to as "the Government") from and against all costs, charges, damages, demands and claims whatsoever which shall or may be made, suffered or incurred through or by reason of such landslip, subsidence or falling away. In addition to any other rights or remedies herein provided for breach of any of the conditions hereof the District Lands Officer shall be entitled by a notice in writing to call upon the Tenant to carry out such construction and/or maintenance or to reinstate and make good any falling away, landslip or subsidence, and if the Tenant shall neglect or fail to comply with such notice within the period specified therein the District Lands Officer may forthwith execute and carry out the work and the Tenant shall on demand repay to the Government the cost thereof.

10. The design, disposition and height of any building or buildings to be erected on the said piece or parcel of ground shall be subject to the prior approval in writing of the District Lands Officer and the Director of Agriculture & Fisheries and Project Manager/NT North East and no building works (other than site formation) shall be commenced on the said piece or parcel of ground until such approval shall have been obtained.

11. The Tenant shall submit plans to the Building Authority for approval in respect of any formation work and construction of retaining walls to be carried out within the Premises and such formation and construction works shall if approved be completed to the satisfaction of the Building Authority.

12. The said piece or parcel of ground and all buildings and structures thereon shall be maintained and kept in a neat and clean condition so that the natural amenities thereof are preserved to the satisfaction of the District Lands Officer.

13. The security of the Premises and any goods stored thereon shall be the responsibility of the Tenant.

14. The Tenant shall landscape and plant with trees and shrubs any portion of the said piece or parcel of ground and podium (if any) not built upon and thereafter maintain and keep the same in a clean, neat and tidy condition all to the satisfaction of the District Lands Officer.

15. A belt of trees not less than 3 metres in width, of species to be approved by the Director of Agriculture and Fisheries and Project Manager/NT North East, shall be planted along the southern side of the said piece or parcel of ground.

16. No trees growing on the said piece or parcel of ground or adjacent thereto shall be interfered with or removed without the prior written consent of the District Lands Officer who may in granting consent impose such conditions as to replanting as he may deem appropriate.

17. The Tenant shall have no right of ingress or egress to or from the Premises for the passage of motor vehicles.

18. The Tenant shall at his own expense fence the Premises to the satisfaction of the District Lands Officer.

19. In the event of spoil or debris from the Premises or from other areas affected by any development of the Premises being eroded and washed down on to public lands or roads or into road-culverts, sewers, storm-water drains or nullahs, foreshore or sea bed or other Government properties, the Tenant shall be held responsible and shall pay to the Government on demand the cost of removal of the spoil and debris from or of damage to the public lands or roads or road-culverts, sewers, storm-water drains or nullahs, foreshore or sea bed or other Government properties. The Tenant shall indemnify the Government against all actions, claims and demands arising out of any damage or nuisance to private property caused by such erosion and washing down.

20. No earth, debris, spoil of whatsoever nature, or building materials shall be dumped on any Government land or foreshore or sea bed.

21. The Tenant shall pay to the Government on demand any sum which the District Lands Officer shall certify to be the cost of making good any damage done to adjoining public roads by the Tenant, his contractors or sub-contractors or his or their workmen or vehicles or by any spoil from the Premises.

22. No materials shall be dumped or stored, nor shall any work be carried out within the boundaries of a public road or way without the prior written consent of the District Lands Officer.

23. Any damage or obstruction caused by the Tenant, his servants or agents to any nullah, sewer, storm-water drain, watermain or other Government properties within or adjoining the Premises shall be made good by the Government at the cost of the Tenant, and the amount due in respect thereof shall be paid on demand to the Government by the Tenant.

24. The Tenant shall not permit sewage or refuse water to flow from the Premises onto any adjoining land or allow any decaying, noisome, noxious, excrementitious, or other refuse matter to be deposited on any portion of the Premises and shall have all such matter removed from the Premises or any structure erected thereon in a proper manner.

Appendix C

覆函請註明本署檔號
Please quote Our Reference in response to this

地 政 總 署
大 埔 地 政 處
DISTRICT LANDS OFFICE,
TAI PO
LANDS DEPARTMENT

我們矢志努力不懈，提供盡善盡美的土地行政服務。
We strive to achieve excellence in land administration.

電　話　Tel: 2654 1215
圖文傳真　Fax: 2650 9896
電郵地址　Email: gendlotp@landsd.gov.hk
本署檔號　Our Ref.: ( ) in DLO/TP 468/TAT/62
來函檔號　Your Ref:

新界大埔汀角路一號大埔政府合署一樓
1/F TAI PO GOVERNMENT OFFICES BUILDING,
1 TING KOK ROAD, TAI PO, N.T.
網址 Web Site: www.info.gov.hk/landsd

STT 0626
Tolo Advertive Centre
P.O.Box 74539,
Kowloon Central Post Office

17 July 2009

Dear Sirs,

Letter for Incorporation of Tree Preservation Clause and Tree Maintenance Clause

I refer to your tenancy of the above Government land, which commenced on the day of 30 June 1988 by a Tenancy Agreement dated 30 June 1988 ("the Tenancy Agreement").

I would advise that the Landlord is desirous of amending the Tenancy Agreement with effect from the date of this letter as follows: -

The following Special Conditions shall be deemed to be added to the Tenancy Agreement :

(2q) # (1) No tree growing on the Premises or adjacent thereto shall be removed or interfered with without the prior written consent of the District Lands Officer who may, in granting consent, impose such conditions as to transplanting, compensatory landscaping or replanting as he may deem appropriate.

(2r) # (a) The Tenant shall at his own expense keep and maintain all trees growing on the Premises at the time of signing of this Agreement and trees planted during the existence of this tenancy in a healthy and safe condition to the satisfaction of the Landlord.

(b) Without prejudice to any other rights or powers of the Landlord contained in this Agreement, and the tenant's liabilities under sub-clause(a) hereof, the Tenant shall permit the Landlord, his officers, contractors, workmen or agents at all reasonable times (except in emergency in respect of which the Landlord's decision shall be final and binding on the Tenant) to enter the Premises to inspect the conditions of the trees growing thereon, to give or leave on the Premises notice in writing to require the Tenant to immediately or within a time limit to be specified by the Landlord remove or prune any tree or trees considered to be unhealthy or dangerous (the decision of the Landlord on whether the tree or trees

are unhealthy or dangerous shall be final and binding on the Tenant) or take such other action as required by the Landlord, and the Tenant shall remove or prune the tree or trees or take such other action as required by the Landlord within the time limit to the satisfaction of the Landlord.

(c) In the event of failure of the Tenant to comply with the notice mentioned in sub-clause (b) above, the Landlord may without prejudice to any other rights or powers of the Landlord contained in this Agreement carry out the tree removal or pruning works at the cost of the Tenant and the Tenant shall pay or repay to the Landlord or his duly authorized officer on demand the cost of such works.

* If you agree to the amendments to the Tenancy Agreement as indicated above, please sign/seal the enclosed copy of this letter where indicated in the presence of a witness and return it to me within 28 days from the date of this letter. Upon your acceptance of this letter, the amendments to the Tenancy Agreement as set out above shall be deemed to have been incorporated in the Tenancy Agreement as from the date of this letter. Except as amended as aforesaid, all other terms and conditions contained in the Tenancy Agreement shall remain in full force and effect.

If you are in doubt about the contents of this letter, please contact Mr. SHUM Wing Keung (岑永強先生) at telephone no. 2654 1215 or Mr. LEE Cheuk Yee (李卓義先生) at telephone no. 2654 1379.

Yours faithfully,

(W.K. SHUM)
for District Lands Officer,

Chinese Translation on items marked # and * is attached

"以上# 項及* 項附有中文譯本"

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1-1
TPB/R/S/SK-PL/1-
25 NOV 2013
Town Planning
Board

致城市規劃委員會,

本人丁秀蘭，就城市規劃委員會於近月所刊憲的下列的分區計劃大綱圖則，表示強烈反對。相關圖則包括:

海下分區計劃大綱圖
鎖羅盤分區計劃大綱圖
北潭凹分區計劃大綱圖
土瓜坪分區計劃大綱圖
白腊 分區計劃大綱圖
田夫仔 分區計劃大綱圖
分區計劃大綱圖

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

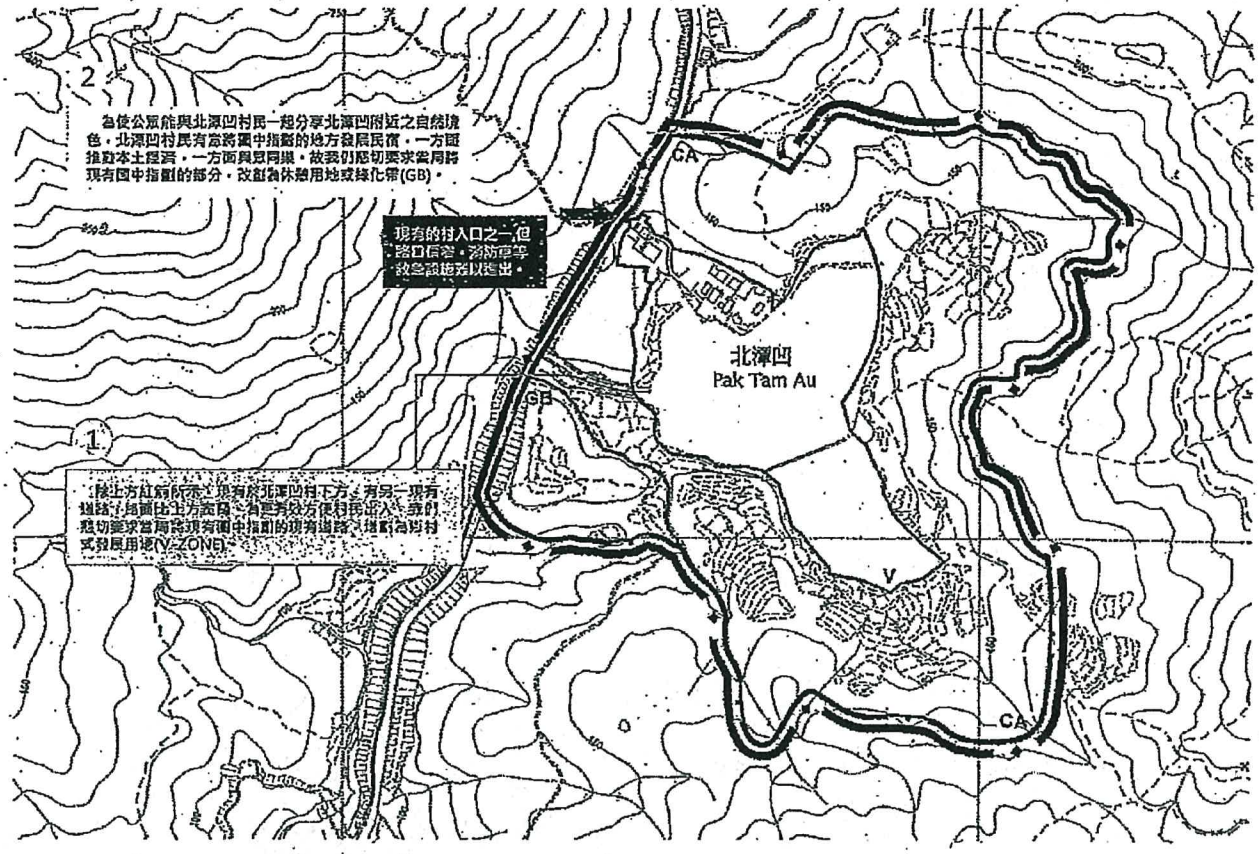
聯絡地址: [redacted]

聯絡電話:

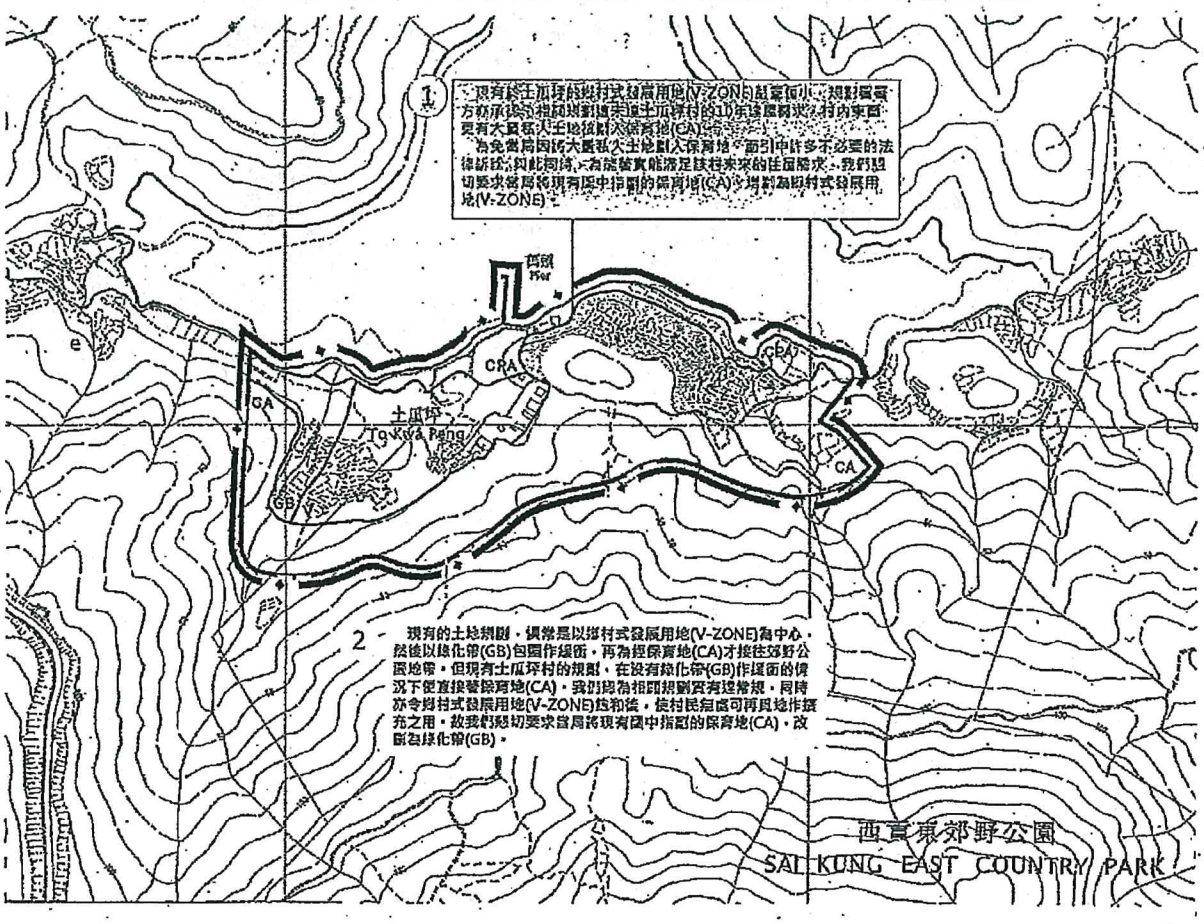
簽署: 丁秀蘭

日期: 22.11.2013

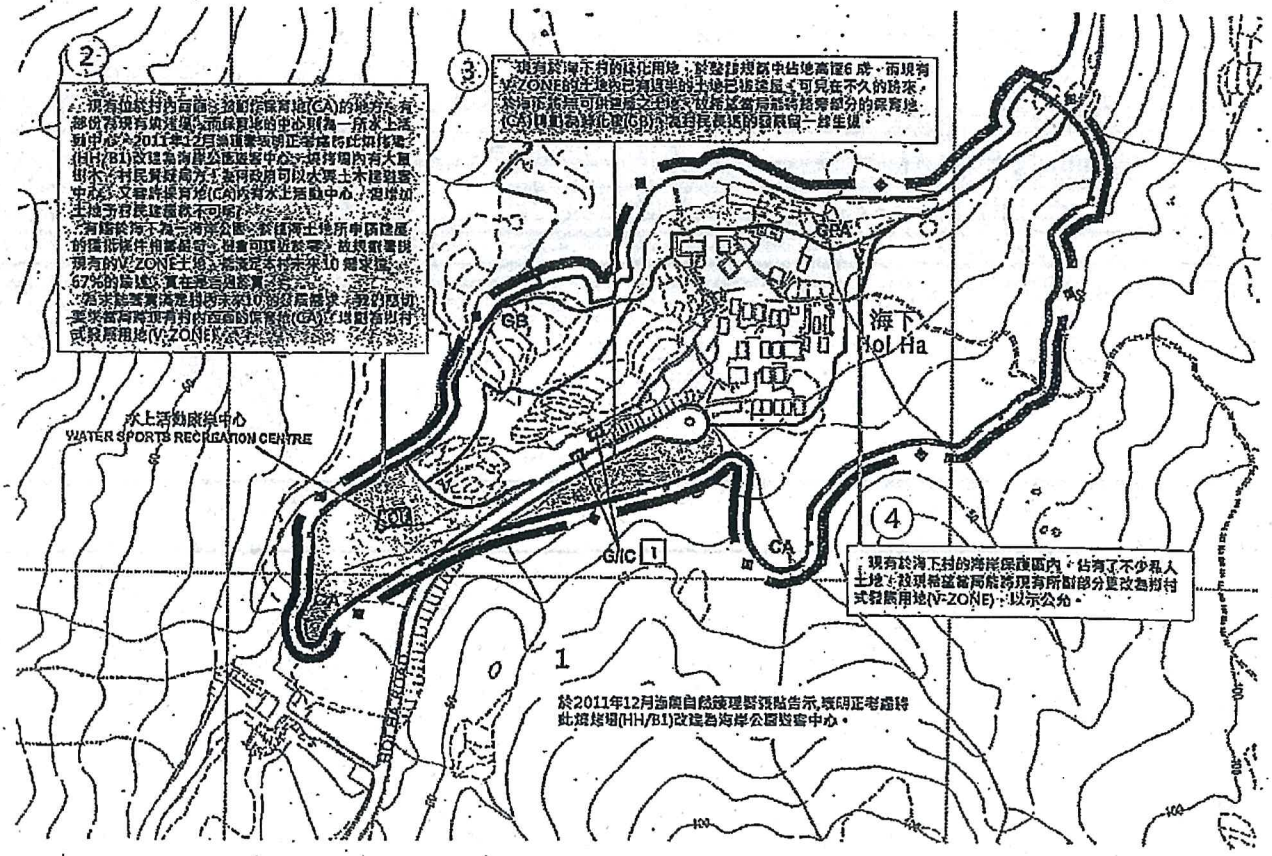
北潭凹分區計劃大綱圖之意見與具體建議



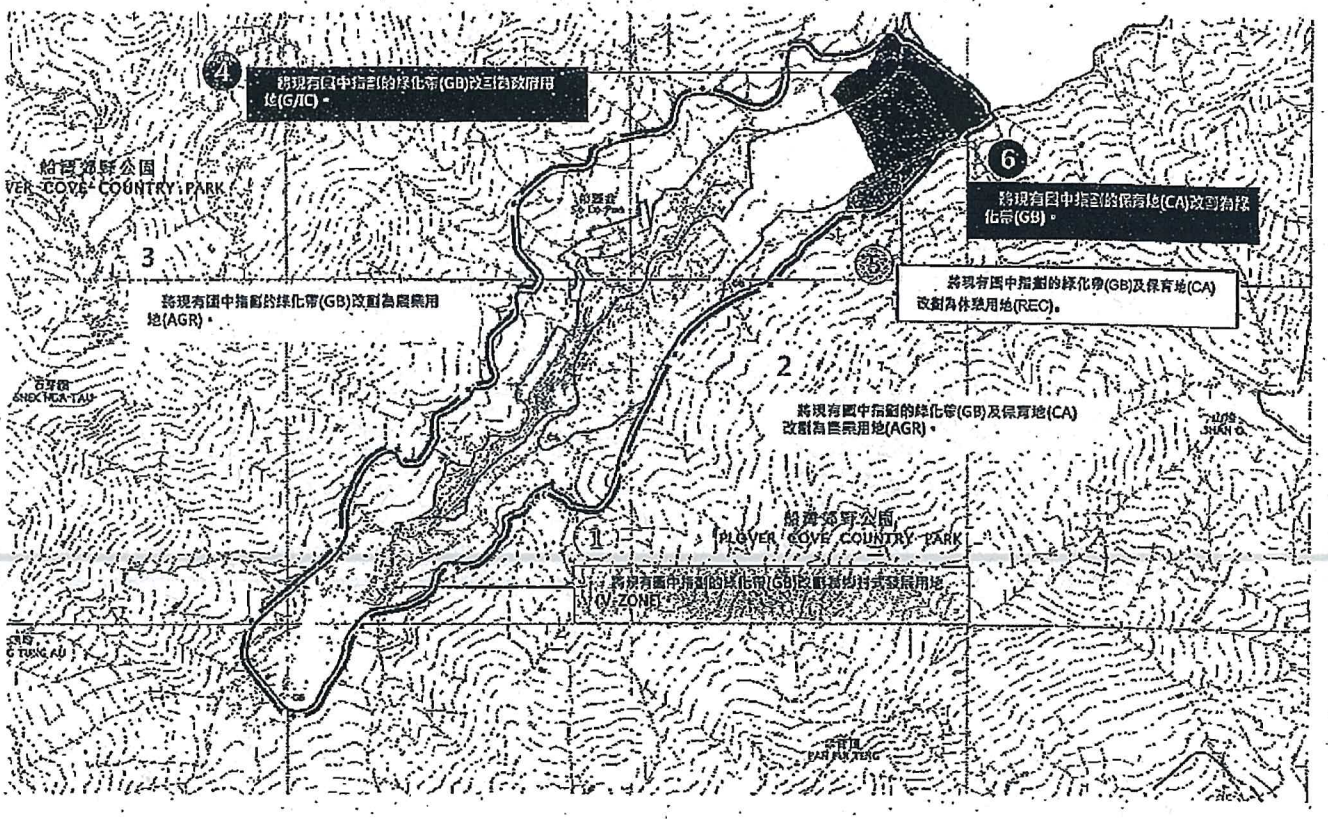
土瓜坪分區計劃大綱圖之意見與具體建議



海下村分區計劃大綱圖之意見與具體建議



鎖羅盤分區計劃大綱圖之意見與具體建議



Annex I-23

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 804
TPB/R/S/SK-PL/1-

Wai Ling Kwok
<[redacted]>
Sent by: [redacted]

23/11/2013 上午 11:35

To ceo@ceo.gov.hk
sen@enb.gov.hk
sdev@devb.gov.hk
cc
bcc
Subject 促請政府保護郊野公園不受肆意發展破壞 [#Wai Ling Kwok]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

---

to:
香港添馬添美道
香港特別行政區行政長官辦公室
香港特別行政區行政長官
梁振英先生
電郵： ceo@ceo.gov.hk

香港添馬添美道2號政府總部東翼16樓
環境局
環境局局長
黃錦星先生
電郵： sen@enb.gov.hk

香港添馬添美道二號政府總部西翼18樓
發展局
發展局局長
陳茂波先生
電郵： sdev@devb.gov.hk

九龍長沙灣道303號長沙灣政府合署7樓
漁農自然護理署
漁農自然護理署署長
黃志光先生
電郵： dafcoffice@afcd.gov.hk

九龍長沙灣道303號長沙灣政府合署5樓
漁農自然護理署
郊野公園及海岸公園委員會主席
鄧兆成先生
電郵：mailbox@afcd.gov.hk

香港北角渣華道333號北角政府合署17樓
規劃署
規劃署署長
凌嘉勤先生
電郵： kkling@pland.gov.hk

香港北角渣華道333號北角政府合署20樓
地政署
地政總署署長
簡張琴女士
電郵：DLoffice@landsd.gov.hk

香港北角渣華道 333 號 北角政府合署 15 樓
城市規劃委員會主席
周達明先生
電郵：tpbpd@pland.gov.hk

副件抄送:
「保衛郊野公園」
Email: saveourcountryparks@gmail.com

(188)

題目：促請政府保護郊野公園不受肆意發展破壞
不要讓發展破壞郊野公園
——保護海下、白腊、鎖羅盆及所有「不包括土地」

敬啓者：

本人謹以此函表達支持保護郊野公園及反對發展「不包括土地」的想法。

「不包括土地」政策

當年政府建設郊野公園，因行政方便，被郊野公園包圍的村莊或私人土地，卻沒有納入郊野公園保護，造成「不包括土地」的處處漏洞，如下陳述。

2010年急速城在西貢大浪西灣悍然流填建區，污染破壞生境。事件令政府及市民經驗意識到需要有切實的行動和政策保護郊野公園內的「不包括土地」，不讓郊野公園的生境受無秩序的排碍式開發所污染或破壞。

其後，申訴專員公署及審計署亦已作出同樣要求。這些「不包括土地」無論地理、生態、地質都與郊野公園緊緊相連，有相當的景觀和康樂價值。據當年的統計，77幅「不包括土地」的面積共約2,067公頃。

可惜，政府現時的實際做法已漸令情況失控：只有11%的不包括土地會劃入郊野公園範圍，其餘89%內的鄉村式用地將會不受郊野公園委員會及城市規劃委員會(城規會)監管，這些地方將來很有可能會被村屋侵蝕。

我們不接受此等荒謬情況，審計署最近的報告質疑漁護署對郊野公園的巡查保護不足，「不包括土地」的保護措施卻後，未能有效保護「不包括土地」和郊野公園。

若想了解更多郊野公園現時面對的威脅，請到《郊野公園的危機：肆意發展「不包括土地」》

A）我們在此要求特首、政府、郊野公園及海岸公園委員會及城規會承諾執行以下措施保護郊野公園：
- 必須將所有「不包括土地」納入所在的郊野公園範圍內，
- 給有更充裕的時間將「不包括土地」納入郊野公園，「發展審批地區圖」的期限應延長一年
- 在郊野公園範圍內，不應興建新的汽車道路以連接「不包括土地」
- 鼓勵私人土地用於提高郊野公園的生態、農業、景觀和康樂價值
- 必須將「不包括土地」內的所有發展和基礎建設項目都列爲「環境影響評估條例」下的指定工程項目
- 地政分區處、規劃署、漁護處、郊野公園及海岸公園委員會及城規會應受立法會獨立委員會監察，其中一名成員必須爲原政公處高級職員

B）多個「不包括土地」如海下、白腊及鎖羅盆的「發展審批地區圖」已到期限，但仍未被劃入郊野公園範圍而需要以「分區計劃大綱草圖」讓政府繼續監察及管理土地規劃。因此，我們要求規劃署及城規會優化分區計劃大綱草圖以真正郊野公園的保護自然環境、天然資源及鄉郊特色：
- 限制「鄉村式發展」用地於現有建築及已批准的小型屋宇申請範圍
- 把「屋宇」及「屋宇（只限新界豁免管制屋宇）」從註釋的第一欄移至第二欄，並確保任何房屋拆遷、重建或興建都必須受規管
- 「不包括土地」及郊野公園的土地不應再用以滿足無止境的住屋需求
- 與市民及相關人士商議，共同設計不包括土地內的設施

我們反對以下法定圖則，並要求各分區計劃大綱草圖應作出以下修訂，以保護郊野公園：

鎖羅盆分區計劃大綱草圖（S/NE-SLP/1）
- 鎖羅盆應完全納入船灣郊野公園。
- 我們反對足以容納134間村屋的「鄉村式發展」規劃，且並不贊成規劃署爲鎖羅盆定立約爲1000人的規劃人口。根據2011年的人口普查，鎖羅盆的人口爲0，亦一直沒有小型屋宇申請。該地具有高景觀和生態價值，沒有汽車道路連接或公共污水收集系統。「鄉村式發展」應限制在現有的建築物。
- 我們反對鎖羅盆河和河岸帶（河岸兩旁30米範圍）的綠化地帶，該河流上游具高生態價值。鎖羅盆河和河岸帶應列爲「自然保育區」以保護河流和下游的「自然保育區」。
- 在綠化地帶下的「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」應從註釋的欄1轉爲欄2，使這些用途受城規會監管。

白腊分區計劃大綱草圖（S/SK-PL/1）
- 白腊應完全納入西貢東郊野公園。
- 我們反對足以容納79間村屋的「鄉村式發展」，且並不贊成規劃署爲白腊定立約爲230人的規劃人口。根據

2011年的人口普查，白腊的人口少於50。該地沒有汽車道路連接或公共污水收集系統。「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。

- 進入白腊湖的污染物會影響高保育價值的物種文昌魚的棲息地。白腊河和河岸帶（（河岸兩旁30米範圍）應列爲「自然保育區」以保護河流；另，在白腊出現的稀有植物水蕨的棲地亦應受「自然保育區」保護。

海下分區計劃大綱草圖（S/NE-HH/1）

- 海下應完全納入西貢西郊野公園。
- 我們反對足以容納63間村屋的「鄉村式發展」，且並不贊成規劃署爲海下定立約爲590人的規劃人口。根據2011年的人口普查，海下的人口只有110人。該地沒有公共污水收集系統，批准發展是不智的。「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。
- 現時村落沒有公共排污系統，所有屋宇均使用低規格的化糞池，極有可能污染海下灣，威脅市民的安全。
- 過去15年已有7間村屋獲准興建。而數據顯示，城規會批准在綠化地帶建屋的情況屢見不鮮。我們反對將海下的河岸區及淡水濕地劃爲綠化地帶，我們極之憂慮人類活動的污染物會破壞河流及海下灣海岸公園的生態。因此海下河岸帶（河旁30米範圍）及淡水濕地應列爲「自然保育區」。
- 在綠化地帶下的「燒烤地點」、「野餐地點」、「公廁設施」和「帳篷營地」應從註釋的欄1轉爲欄2，使這些用途受城規會監管。

初步擬備的土瓜坪及北潭凹分區計劃大綱草圖（S/NE-TKP/B）

- 土瓜坪及北潭凹應完全納入西貢東郊野公園。
- 「鄉村式發展」應限制在現有的建築物及已經批准的小型屋宇申請地。
- 「綠化地帶」不足以保護土瓜坪西側的河流，人類活動的污染物會破壞河流，對出的紅樹林與海草及瀕臨的海岸保護區；此河及其兩岸亦有很高的相手盤多樣性。因此，此河和其河岸帶（河岸兩旁30米範圍）應列爲「自然保育區」。
- 北潭凹內的水體及淡流有稀有魚類香港鬥魚，這水體及淡流現此鄰接成被「鄉村式發展」地區覆蓋，香港鬥魚族地受到極大威脅。我們認爲這些水體、河流及其周邊三十米範圍應以「自然保育區」保護。
- 現時在北潭凹「鄉村式發展」地區的東北部有一淡水濕地，內有受法例保護且在本地瀕危的銹色羊耳蒜(一種蘭花)。因此，我們認爲這淡水濕地應劃爲「自然保育區」。

其他意見:

根據多個民間團體的調查，包括客道理農場暨植物園及香港自然生態協會等，上述多幅被劃入鄉村式發展的土地的生態價值被嚴重地低估，村民數量卻嚴重被高估，民主黨立法會議員胡志偉更透過查冊發現，有關土地不少業權已出售予發展商，發展將令村落變成豪宅發展項目，而非新界小型屋宇政策的原意，並有可能違反有關法例要求。而且，在欠缺交通及排污設施配套的情況下，當地生態將大受破壞。

2010年前，有23個「不包括土地」已納入「分區計劃大綱圖」，根據土地正義聯盟的研究，以西貢成田灣爲例，當年的規劃沒有擴展現有的村界，同時，餘下的土地亦列入自然保育區及海岸保護區，「鄉村式發展」受到適當的限制，郊野有應得的保護。

2013年，鄂村民居住的鎖羅盆原本的「鄉村式發展」只有2.51公頃，最新的建議圖則卻增加至4.12公頃，增幅高達六成，人口估計數字全由原居民提出，地政總署沒有評估及修正這個需求數字，便把鎖羅盆村2011至2020需要270間丁屋的需求交給規劃署。

雖然規劃署作出了調整，把現時可建丁屋的數量定爲134間，表面看已是大力開弓把原居民需要減半，現實是規劃署鎖羅盆近下未來可再發展的潛力，因爲，按現時的「分區計劃大綱圖」，村後及兩邊有超過15.5公頃的「綠化地帶」，這地帶在未來村民可以輕易向城規會申請更改土地用途，整個鄉村的面積還可以再擴闊。

由於丁屋區過大，本人反對目前規劃：城規會應拒絕通過這三張分區計劃大綱圖；當局應參考「大浪灣規劃」，維持現有鄉村範圍：若以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展（丁屋區）的範圍；然而，更好的保護策略是「鄉村及郊野公園」：重新制訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，要政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合，而非將業權／丁權賣給發展商，令鄉郊變色，新界小型屋宇政策失效。

此致

香港特別行政區行政長官梁振英先生
環境局局長黃錦星先生
發展局局長陳茂波先生
漁農自然護理署署長黃志光先生
郊野公園及海岸公園委員會主席鄧兆成先生
城市規劃委員會主席周達明先生
規劃署署長凌嘉勤先生

Wai Ling Kwok 謹啓

二零一三年十一月

電郵: [redacted]

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Annex I-24

Stella Moone
Sent by: [redacted]

21/11/2013 下午 07:16

To ceo@ceo.gov.hk
sen@enb.gov.hk
sdev@devb.gov.hk

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 1964
TPB/R/S/SK-PL/1-

cc

bcc

Subject Urging the protection of Country Parks from development [#Stella Moone]

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---

to:
Mr Leung Chun Ying
Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
15/F & 16/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
Secretary for Development
18/F, West Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation
Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon
Email: mailbox@afcd.gov.hk

Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
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Email: mailbox@afcd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: tpbpd@pland.gov.hk

Mr. Ling Kar Kan
Director of Planning
Planning Department
17/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: kkling@pland.gov.hk

7001

Ms. Bernadette Linn
Director of Lands
Lands Department
20/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: DLoffice@landsd.gov.hk

CC to:
Save Our Country Parks
Email: saveourcountryparks@gmail.com

Subject:

The protection of country parks from development in Hoi Ha, Pak Lap, So Lo Pun and other enclaves

---

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Ling, Ms. Linn, Mr. Chow, and Members of the Country and Marine Parks Board and Town Planning Board,

The Enclave Policy

At the time the country park was set up, , the villages and private land enclosed within were not listed as part of the country park premises due to the laziness of government to do the administration work. Enclaves are therefore not subject to the projection of the country park. The legacy of such measures gives rise to a series of problems concerning the use of the Enclaves.

After the 2010 Tai Long Sai Wan event, the Government and the public realised that these Enclaves should be better protected; the Ombudsman and the Audit Department also made similar requests afterwards. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks (CP). The 77 enclaves identified in 2010 cover an area of 2,067ha.

However, despite promises to the contrary, only 11% of the enclaves will be subject to scrutiny by the Country and Marine Parks Board (CMPB), and for 89% of the enclaves development can proceed without any scrutiny by either the CMPB or the Town Planning Board (TPB) for the V-zone within these enclaves.

This loophole is utterly ridiculous and unacceptable. A recent report released by the Audit Department also criticizes the Agricultural, Fisheries and Conservation Department of its lax surveying around the country park and the delay of the Enclaves protective measures. The report attributes the insufficient protection to the Enclaves and the country park to these bureaucratic failures.

To know more about the risks of Country Parks, please go to "Country Parks lack protection from development in enclaves"

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:
- To incorporate enclaves into their surrounding CP and to place them under the control of the CMPB
- To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into CP to be completed
- To categorically deny new roads to enclaves currently not serviced by roads
- To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks
- To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.
- To subject District Lands Offices, Planning Department, AFCD, CMPB and Town Planning Board to oversight by an independent committee of Legco, at least one of whose members should be a senior ICAC Officer.

B) Considering that case like Hoi Ha, Pak Lap and So Lo Pun, the DPA plans have expired, fail of time allow for incorporation into CP and OZPs are needed. We call on the Planning Department and Town Planning Board to enhance the draft Outline Zoning Plan with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park:
- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only

- To move "houses" and "small houses" from column 1 to column 2 in the Schedule of Notes to ensure that any and all demolition and (re-) development of houses is subject to planning permission
- No future development under the SHP in the enclaves and CP
- To create a layout plan for each enclave with consensus from the public including stakeholders.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans needed to protect the Country Parks

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)
- The enclave should be fully incorporated into the Plover Cove Country Park.
- We object to the large V-zone for 134 houses and the planned population of 1,000. According to the 2011 census the population at So Lo Pun was "0" and there are no outstanding small house applications. There is no road connection or public sewerage, and the area has a high landscape and ecological value. The V-zone should be limited to existing structures.
- We object to the Green Belt zone. The upper section of the So Lo Pun Stream and its riparian zone (30 m from each side of the stream) should be covered with Conservation Area zone to protect the high ecological value of the stream and associated wetland.
- "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes which needed to seek approval from TPB.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)
- Pak Lap should be incorporated into the Sai Kung East Country Park.
- We object to the large V-zone for 79 small houses and the planned population of 230. According to the 2011 census, the population at Pak Lap was less than 50. There is no vehicle access and no public sewerage. The V-zone should be limited to existing structures and approved small house applications.
- Pollutants entering Pak Lap Wan will impact the habitat of the amphioxus (lancelet) – a marine species of high conservation value. The Pak Lap Stream and its riparian zone (30 m from each side of the stream) and the habitat for Water Fern should be covered with Conservation Area.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)
- The enclave should be incorporated into the Sai Kung West Country Park.
- We object to the large V-zone for 63 houses, and the planned population of 590. According to the 2011 census, the population at Hoi Ha was 110 persons. There is no public sewerage and the provision of a private sewerage treatment plant is unrealistic. There have been 7 approved small house applications in the last 18 years. The V-zone should be limited to existing structures and approved small house applications.
- The provision of individual Septic Tank Systems for every house built in the V-zone in accordance with EPD policy has the potential to pollute Hoi Ha Wan, severely damage the marine environment and render the beaches unsafe for public recreation.
- As planning permission for construction of Small Houses in Green Belt is regularly granted, we object to the Green Belt zoning of the riparian area of the Hoi Ha Stream. Pollutants by permitted activities will affect the ecological value of the stream and Hoi Ha Wan Marine Park and SSSI.
- "Barbecue Spot", "Picnic Area", "Public Convenience", Agricultural Use and "Tent Camping Ground" should be transferred from Column 1 to Column 2 in the Schedule of Notes which needed to seek approval from TPB.

Pre-draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/B)
- The enclave should be incorporated into the Sai Kung East Country park.
- The V-zone should be limited to existing structures and approved small house applications.
- Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesarmid Crab community. We urge for all stream and riparian area zoning to be changed to Conservation Area to secure the environmental value of the area.
- Water bodies (e.g., pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Now these waterbodies and watercourses are next to or even covered by the Village Type Development zone. This would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.
- There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, Liparis ferruginea. We consider that this marsh should be covered with Conservation Area zone.

Further comments :

Best Regards,
Stella Moone

Email : [redacted]

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Annex I-25

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 3656
TPB/R/S/SK-PL/1-

FAMILY Winnie Poon [redacted]
Sent by: FAMILY Winnie Poon [redacted]
26/11/2013 下午 11:31

To <tpbpd@pland.gov.hk>
cc
bcc
Subject Draft OZP_Pak Lap (S/SK-PL/1), So Lo Pun (S/NE-SLP/1) & I Ha(S/NE-HH/1) Pls protect CP enclaves

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保育郊野公園「不包括土地」，請港府不要盲目闢地！

2010年發生西貢大浪西灣慘遭「先破壞、後發展」，令位處於郊野公園範圍的「不包括土地」的保育政策漏洞顯露無遺，當年市民以群眾力量表現愛護香港大自然生態的決心，終逼令政府制定西灣的保育措施，並於上月刊憲修訂，把大浪西灣納入郊野公園範圍內。局方早前就相關修定進行公眾諮詢時，收到3,200個市民電郵表示支持，足見香港人守護自然生態及郊野公園的決心。

可惜，其他郊野公園「不包括土地」如海下、白腊及鎖羅盆等，現正面臨發展威脅，政府並未就當地珍貴的天然遺產制定完善的保育措施。規劃署月前提出將上述三地納入分區計劃大綱圖內，但把鄉村式發展地帶 (Village Zone) 擴大，可興建大面積村屋。本人認爲規劃署制定鄉村式發展地帶面積時，需考慮三地實際環境及自然生態的承載量。作爲關心香港自然環境的一分子，我認爲有必要加強保護力度，故此本人強烈要求政府：

1. 嚴格制定措施保育郊野公園「不包括土地」的自然生態，儘快把具生態保育價值的「不包括土地」納入郊野公園範圍內。
2. 重新審視海下、白腊及鎖羅盆三份分區計劃大綱圖，把鄉村式發展地帶維持在現時可建築地段的範圍內。

故此，本人現正就上述三幅分區大綱草圖所作出的規劃表示反對〔白腊 (S/SK-PL/1)、鎖羅盆 (S/NE-SLP/1) 及海下(S/NE-HH/1)〕。

保存香港珍貴的自然生態，需配合全面的保育政策，而不能單靠分區計劃大綱圖解決，不必要的大型鄉村式發展更可能令珍貴的自然美景遭受破壞，政府必須立即正視，刻不容緩。

8510

Annex I-26

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 3694
TPB/R/S/SK-PL/1-

Sent by: [redacted]
17/11/2013 上午 05:08

To <tpbpd@pland.gov.hk>
cc
bcc
Subject Draft OZP_Pak Lap (S/SK-PL/1), So Lo Pun (S/NE-SLP/1) & Hoi Ha(S/NE-HH/1) Pls protect CP enclaves

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Protect our Country Park enclaves from unnecessary large-scale development

In 2010, a public outcry occurred after unauthorized land excavation at Tai Long Sai Wan highlighted loopholes in the way in which our Country Park enclaves are protected against development. In the wake of the uproar, Hong Kong citizens successfully influenced decision-makers to incorporate three enclaves, including Tai Long Sai Wan, into the Country Park system. One action which helped influence this was a powerful email submission signed by 3,200 citizens in support of the enclaves' inclusion.

Today, there are still a large number of Country Park enclaves -- including Hoi Ha, Pak Lap and So Lo Pun -- yet to be protected from large-scale development. This situation can easily be resolved by speedily incorporating these enclaves into the Country Park system.

I am deeply concerned to see that the Draft Outline Zoning Plans (OZPs) for the abovementioned Country Park enclaves all include a very large Village Zone, which will allow between 60 and 130 additional houses to be built. It is unlikely that these new houses will represent the true need by local villagers. Such large-scale development will not only have significant environmental impacts on the enclaves themselves but also on the surrounding Country Parks. I sincerely hope that the government will amend these draft plans immediately and provide the appropriate level of protection to these Country Park enclaves.

As a concerned citizen who cares deeply about the integrity of our Country Parks, I am writing to urge the government to increase their conservation efforts by:

1. Ensuring proper protection of Country Park enclaves by incorporating those of high conservation value into existing Country Parks as soon as possible.
2. Amending the three draft Hoi Ha, So Lo Pun and Pak Lap OZPs to limit all Village Zones to existing Building Lots.

Based on these draft OZPs, it is clear that currently the precious and irreplaceable natural heritage contained within our Country Parks and their enclaves is not adequately protected from the potential damage posed by large-scale and unnecessary development.

As such, I hereby urge the government to immediately take all necessary action to provide a higher level of protection to our Country Park system.

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10606
TPB/R/S/SK-PL/1-



"林 晉暘" [redacted]
27/11/2013 下午 10:31
Please respond to
"林 晉暘" [redacted]

To tpbpd@pland.gov.hk
dafcoffice@afcd.gov.hk
kkling@pland.gov.hk
cc
bcc
Subject 就海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖提

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

姓名*: 林晉暘
電郵:*: [redacted]
意見*: 我認爲政府在保護郊野公園「不包括土地」時用錯策略，部門在官僚作風影響之下，在制訂分區計劃大綱圖時不自覺地偏袒新界原居民群體（及擁有土地的地產商），在白腊、海下和鎖羅盤劃出過大的「屋區」原來打算保護「不包括土地」，結果變成加速破壞，更出現違反常理的規劃結果。我認爲現時海下(S/NE-HH/1)、鎖羅盆(S/NE-SLP/1)及白腊(S/SK-PL/1)的草圖中「屋區過大」要求城規會拒絕通過目前的白腊、鎖羅盤、海下三張分區計劃大綱圖。若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，我要求應採用《大浪灣分區計劃大綱圖》的做法，維持發展審批地區圖中的鄉村式發展（「丁屋區」）的範圍。我要求重新制訂保護「不包括土地」的策略，將「不包括土地」內的村落劃入新設立的「鄉村及郊野公園」，讓政府在加強發展限制的同時，向打算復鄉的村民提供更多支援，令復鄉能夠和生態環境相配合。
其他意見::

Powered by EmailMeForm

(65)

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10701
TPB/R/S/SK-PL/1-



lo hoiting
[redacted]

27/11/2013 下午 10:21

To "tpbpd@pland.gov.hk" <tpbpd@p
cc
bcc
Subject 保護 海下灣、白腊、鎖羅盤! 不要讓郊野公園因「不包括土地」而受破壞!

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

致城規會

本人反對於以下三張分區計劃大綱圖廣設丁屋，以免破壞珍貴郊野
海下 S/NE-HH/1 白腊 S/SK-PL/1 鎖羅盆 S/NE-SLP/1
我的詳細意見如下：

1. 丁屋的規劃範圍過大及屋宇數量過多，我堅決反對目前規劃，丁屋發展將危害該範圍的樹木及生態，所以城規會應拒絕通過這三張分區計劃大綱圖。
2. 政府應參考大浪西灣之規劃，維持現有鄉村範圍，並將該範圍訂爲郊野公園；若果政府仍打算以分區計劃大綱圖的形式保護「不包括土地」，應該考慮採用《大浪灣分區計劃大綱圖》的做法，維持鄉村式發展（丁屋區）的範圍，不應再增加。
3. 丁屋是原居民的特權，並不是公平的政策，這政策實在需要在不違反基本法的情況下，盡快檢討。若這三張分區計劃大綱圖廣設丁屋，這等同讓原居民的特權繼續延伸，政府、規劃署及城規會便成了幫兇，這樣荒謬的事，實在不能發生。

我在此鄭重要求，這三區的分區計劃大綱圖應以保護郊野爲首要考慮，所以不應再額外加入鄉村地帶，以免丁屋進一步破壞郊野。

市民
羅凱斑
2013.11.27

152

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- 10722
TPB/R/S/SK-PL/1-

hOWARD wONG
[redacted]
19/11/2013 下午 02:11

To tpbpd@pland.gov.hk
tspd@pland.gov.hk
cc
bcc
Subject 反對城規會最新分區計劃將逾三分一的白腊土地劃作「鄉村式發展土地」
☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

敬啓者：
當局劃出白腊6.8公頃土地中，逾三分之一，做鄉村式發展土地，准許興建丁屋，等於縱容發展商破壞環境行爲。

村屋會引入汽車、排污等問題，妨礙郊野公園和集水區，例如排出之污水會影響海下灣的珊瑚，加上白腊有屬國家二級保護的野生植物水蕨，鎖羅盆則 有本港罕見的食蟹-和豹貓，一旦城規會劃出大幅的鄉村式發展土地，勢必引發骨牌效應，其餘不包括土地均會面臨發展壓力。

要求全部保留白腊、鎖羅盆和海下自然環境！

敬祝鈞安！
香港公民

(172)

~~621~~

致城市規劃委員會,

本人翁先生 (姓名)；就城市規劃委員會於近月所刊憲的下列的分區計劃大綱圖則，表示強烈反對。相關圖則包括:

海下分區計劃大綱圖 S/NE-HH/1
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖
分區計劃大綱圖

本人認為相關圖則，遠遠未能滿足各相關村落的長遠住屋需求與發展。**相關反對意見建議可見於附件**。有鑒於本人極度關切上述圖則的事態發展，如貴 會將就上述圖則舉行任何聆訊，務請貴 會書面通知本人，讓本人有機會在會上跟各城規會委員再詳抒己見。

聯絡地址: [redacted]

聯絡電話: [redacted]

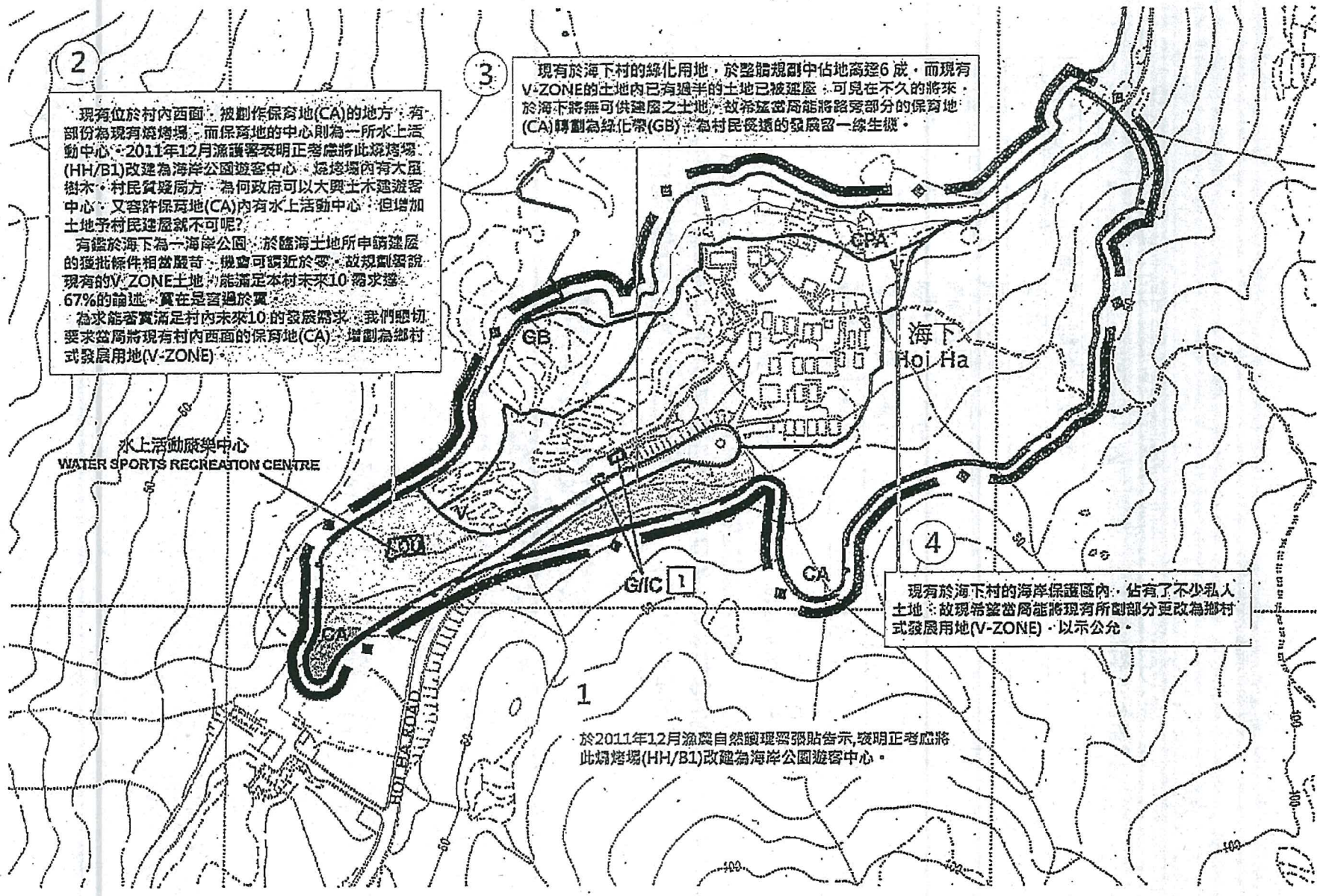
簽署: 翁先生

日期: 26-11-13

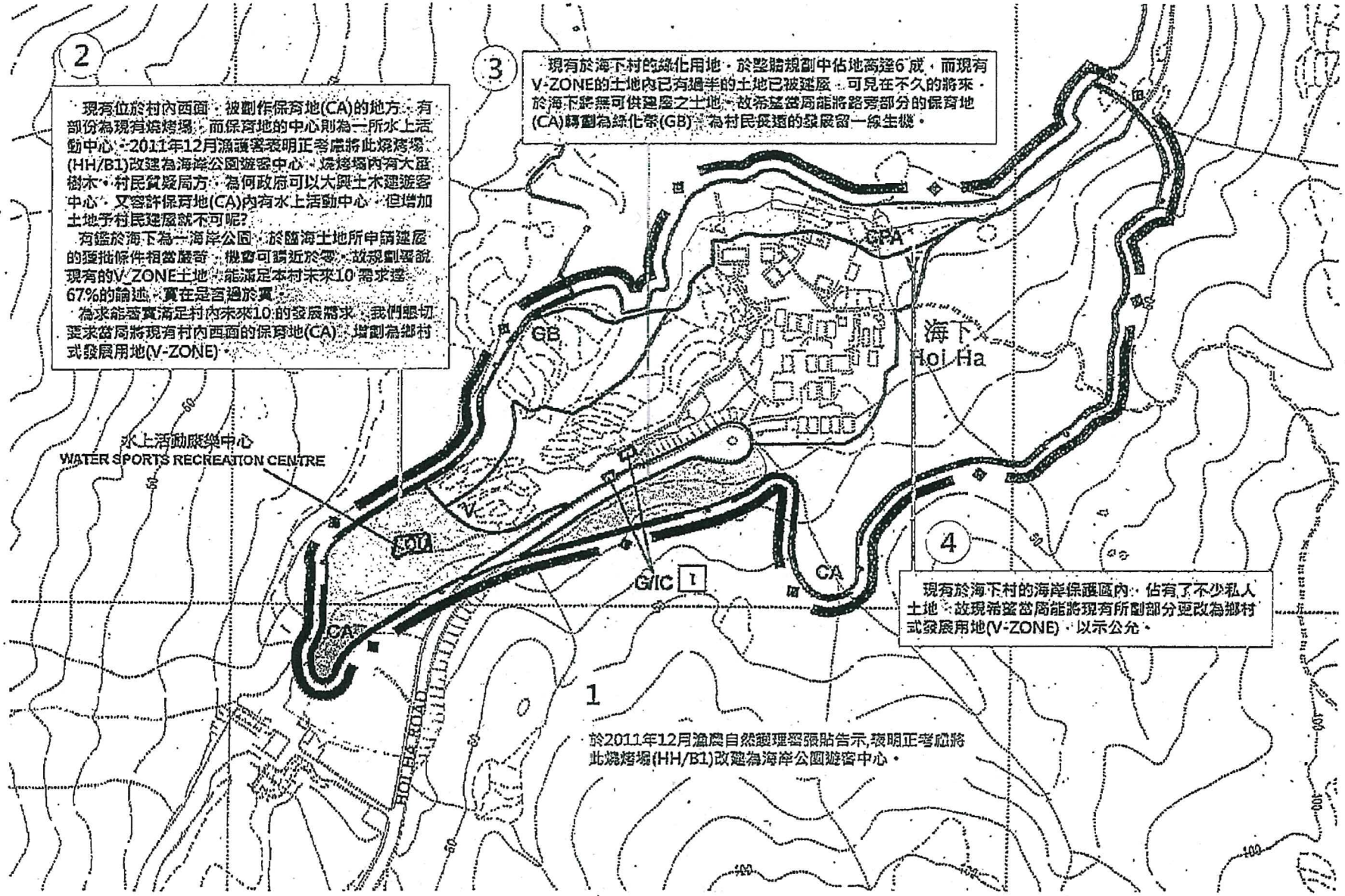
請不要公開本人的通訊地址,電話号碼及電郵地址予公衆查閱.

5800

海下村分區計劃大綱圖之意見與具體建議



海下村分區計劃大綱圖之意見與具體建議



TPB/R/S/NE-HH/1- 10759



"Rogine Leung" [redacted]
20/11/2013 下午 09:25

To <tpbpd@pland.gov.hk>
cc
bcc
Subject LETTER TO TOWN PLANNING BOARD OBJECTING TO HOI HA'S DRAFT OUTLINE ZONING PLAN

☒ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

[redacted]

20 November 2013

Chairman, Town Planning Board

Email address: tpbpd@pland.gov.hk

Dear Sir

Draft Hoi Ha Outline Zoning Plan No: S/NE-HH/1

I am writing in support of the inclusion of the Hoi Ha enclave into Sai Kung Country Park and into Hoi Ha Marine Park and urge the Town Planning Board to suggest this.

In the interim, I support the proper zoning of Hoi Ha Marine Park for conservation, and object to the Town Planning Board's Draft Outline Zoning Plan, which has zoned Hoi Ha for development. Green Belt should be replaced with Conservation Area, the V-zone.should be much-reduced and limited to the existing village cluster, and the draft expanded V-Zone should be rezoned as Conservation Area.

My reasons for objecting are these:

- The requirement for an enlarged V-zone has been based on an unrealistic assessment of the need for housing.
- The Town Planning Board has been given inaccurate maps and incomplete and misleading data on the environmental and landscape value of the V-zone and Green Belt areas.
- The building of a large number of houses equipped with Septic Tanks will pollute Hoi Ha Wan, will kill the marine life and may make the beaches unsafe for bathing.
- The coastline is of environmental importance and needs to be protected by a buffer zone of **Coastal Protection Area** at least 30 metres from the shore.
- The Hoi Ha Stream is of environmental importance and needs to be protected by a buffer zone of **Conservation Area** at least 30 metres wide.

Yours faithfully

Rogine Leung

(32)

Chinie Shum
[redacted]
27/11/2013 下午 10:06

To tpbpd@pland.gov.hk
cc
bcc
Subject 海下分區計劃大綱草圖編號: S/NE-HH/1

TPB/R/S/NE-HH/1-10809

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

SHUM Chin Yung
Shatin Hong Kong
27 Nov 2013

城規會主席鈞鑑：

海下分區計劃大綱草圖編號: S/NE-HH/1
本人支持將海下劃入西貢郊野公園及海下海岸公園，現促請城規會考慮我的建議。

本人支持海下海岸公園以作保育之用，反對城規會的分區計劃大綱容許發展海下。保育區應取締現時的綠化帶，V型地段應減少及限制至現有村落，擴大草圖的V型地段，改劃爲保育區。

本人的後對理由如下：
擴大V型地段的理據是基於不真實的建屋需求。
城規會引用不準確的地圖，V型地段和綠化帶的環境和景觀價值是不完整和誤導的數據。
興建大批的房屋及化糞池會污染海下，將會殺死海洋生物及每沙灘不宜游泳。
海岸線對環境很重要，故此需要保護，海岸保育區的緩衝地帶應最少於海岸線有30米距離。
海下河流環境很重要，故此需要保護，保育區的緩衝地帶應最少有30米闊。

SHUM Chin Yung 謹啓

[redacted]

21 November, 2013

To: The Secretary,
Town Planning Board,
15th Floor, North Point Government Offices,
333 Java Road,
North Point, Hong Kong.

TPB/R/S/NE-HH/1- 10913

Dear Sirs,

Re: Representation to the Town Planning Board in respect of Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1
Objection

1. The Objection:

With respect to the Draft Plan No. S/NE-HH/1(hereinafter called Draft OZP), I propose to expand the OU zone by addition of five 5 meter belts (Area N, Area E and Area S) per attached sketch proposal (Appendix A) on the existing Draft OZP OU Zone.

2. Reasons to Object:

i. The Lands Department pushed the responsibility to upkeep and garden the neighboring area to the Tolo Adventure Centre (the Centre). However, the Draft OZP, if not adjusted, will handicap legitimacy in fulfilling the tenancy obligations.

ii. The remark in Notes of the Draft OZP (page 6) allows relaxation of the Draft OZP on the merits of a development proposal. In view of the development history of the Centre, the Centre had long ago started its contact with the government for exemptions for buildings in Area N, Area E and Area S in Appendix A. I would solicit your Board to settle the issue efficiently, to cut short the almost twenty year application period suffered by The Centre.

iii. On the southern side of the Centre is a slope that needs maintenance to prevent mud slide and water flooding. There was a concrete drainage built for that purpose (Area S in Appendix A). On the opposite – the lower northern boundary (Area N) is the main entrance to the building basement. The East side is an emergency exit to satisfy the Fire Services regulation (Area E). There will be flooding hazard if the outskirt of the basement is not up-kept regularly. Platform leveling and tile covering were employed (Area S in Appendix A). At present, the basement is closed for safety reasons.

iv. The only objection to our extension of the OU Zone is from the Director of Agriculture, Fisheries and Conversation (DFAC). DAFC advised the Board that the area surrounding The Centre consisted of undisturbed native woodland (Town Planning Board Meeting Minutes dated 13 September, 2013, page 94, item (xvii)). To my understanding, when The Centre was firstly built, its sides were deserted rice paddy field. When the present building was completed, the government demanded the Centre to maintain a green belt around The Centre. Instead of native tree species, Acacia confuse, Ficus elastic were planted. The trees can still be located around The Centre building. With a site visit, you can only find other low lying shrubs in the related area.

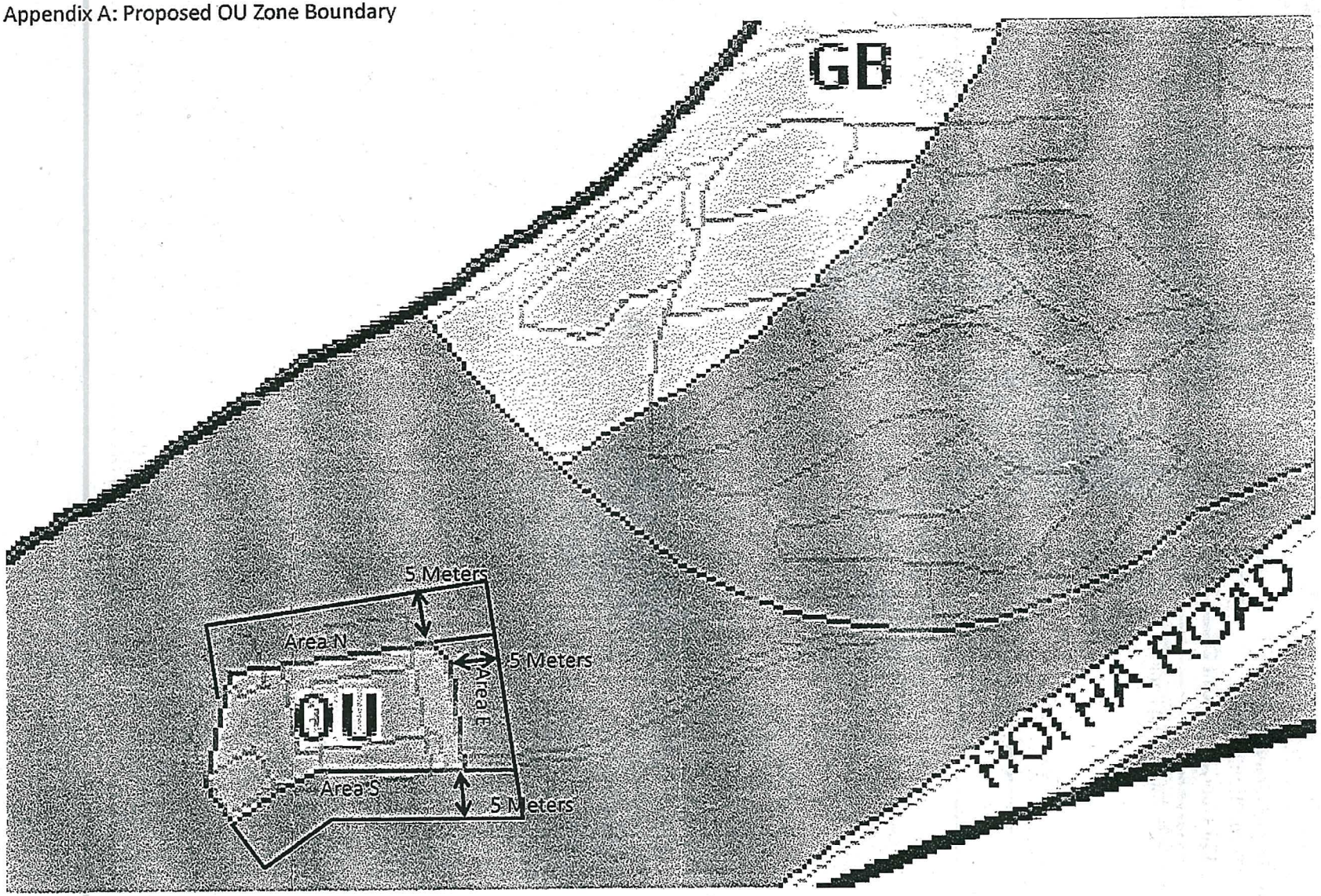
Your honorable resolution would save the effort of the unpaid volunteers of The Centre to repeat past applications and to be exempted from the risk of frustrating bureaucracy again.

Yours faithfully,

Ngai Chiu Chun

(53)

Appendix A: Proposed OU Zone Boundary



b頁 1 - 1(B)

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- C3640
TPB/R/S/SK-PL/1-

tpbpd@pland.gov.hk

寄件者: [redacted]
收件者: "Town Planning Board" <tpbpd@pland.gov.hk>
副本: [redacted]

傳送日期: 14/02/2014 下午 11:42
附加檔案: 14.2.2014 Friends of Sai Kung to TPB comments on representations.doc
主旨: Hoi Ha OZP S/NE-HH/1, Pak Lap OZP S/SK-PL/1, So Lo Pun S/NE-SLP/1, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Dear sir,

Please find attached comments.

Kindly acknowledge receipt and maintain my personal data privacy.

Yours sincerely,

[redacted]

Friends of Sai Kung

all 3-15

Friends of Sai Kung

[redacted]

Mr Leung Chun Ying
Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
15/F & 16/F, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
Secretary for Development
18/F, West Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong
Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation
Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon
Email: mailbox@afcd.gov.hk

Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
303 Cheung Sha Wan Road, Kowloon
Email: mailbox@afcd.gov.hk

Mr. Ling Kar Kan
Director of Planning
Planning Department
17/F, North Point Government Offices
333 Java Road, North Point, Hong Kong

Email: kkling@pland.gov.hk

Ms. Bernadette Linn
Director of Lands
Lands Department
20/F, North Point Government Offices,
333 Java Road, North Point, Hong Kong.
Email: DLoffice@landsd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email: tpbpd@pland.gov.hk

cc: Save Our Country Parks - saveourcountryparks@gmail.com

Hong Kong 14th February 2014

By email only: tpbpd@pland.gov.hk

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

Comments on the zoning of Hoi Ha OZP S/NE-HH/1, Pak Lap OZP S/SK-PL/1, So Lo Pun S/NE-SLP/1, Pak Tam Au, To Kwa Peng (S/NE-TKP/B) and Tin Fu Tsai

Further to our letter dated 7th January 2014 we maintain strong objections to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

We urge the protection of the country parks from incompatible development in enclaves in the hope that reason, fairness and correct environmental and ecological principles may yet prevail and that the 2010 Enclave Policy should be honestly and properly observed. At present, the Government Departments responsible for administering the Enclave Policy are not honouring their obligations.

At the time country parks were set up, some remote villages and farmland were excluded.

After the 2010 Tai Long Sai Wan incident, the Government and the public realised that enclaves should be better protected. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks.

The representations received show an overwhelming majority against the OZPs.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree on the following actions to protect our Country Parks:

To incorporate all the Enclaves into their surrounding CP and to place them under the management and control of the AFCD.
To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
To categorically deny new roads to enclaves currently not serviced by roads.
To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.

B) Where Outline Zoning Plans are deemed necessary, we call on the Planning Department and Town Planning Board to enhance the plans with strict control to conserve the natural habitat, landscape resources and rural and natural character of the surrounding country parks:

To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
To move "House (New Territories Exempted House only) " and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.
To move "Agriculture Use" from column 1 to column 2 in the Schedule of Notes in "Village Type Development", "Green Belt", "Conservation Area" and "Coastal Protection Area" to ensure that any and all tree felling, flooding, draining, excavation, land filling, and demolition and (re-) development of structures is subject to planning permission.
No future development under the SHP in the enclaves and CP.
To create a layout plan for each enclave with consensus from the public including stakeholders.
To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

C) We support the objections and proposals in representations on the following statutory plans:

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)
We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)
We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)
We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

D) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)

The enclave should be incorporated into the Sai Kung East Country park given its ecological and landscape value.
The V-zones should be limited to existing structures and approved small house applications.
Green Belt (GB) provides insufficient protection for the stream running to the proposed Coastal Protection Area zone on the western side of the area. This stream and its riparian zones also support a diverse Sesarmid Crab community. We urge for all stream and riparian area to be covered with Conservation Area zoning to protect the environmental value of the area.
Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. Village type development next to these waterbodies and watercourses would seriously threaten the habitats for this species. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with Conservation Area zone.
There is a freshwater marsh on the northeastern side of the Village Type Development zone of this enclave. It contains a locally endangered and protected Orchid species, Liparis ferruginea. We consider that this marsh should be covered with Conservation Area zone.

Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)

The enclave should be incorporated into the Tai Lam Country park . Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the landscape and conservation values of the surrounding country park.
The area is a gazetted water gathering ground and development will impact the water quality.
The area has established recreational values including war game activities, which could be broadened.
Given the traffic and activities generated by the recreational uses, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks.
Utility and transport services to the area is limited. There is no public fresh and salt water or gas supply, nor are there drainage and sewerage. The road capacity is limited and access is reserved for government services.
Any small house development or the construction of temporary structures will result in chaotic layouts, a blight on the environment, and pollution from the uses impacting the nearby land and waters, impacting the integrity of the country park.
Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the area.
In the meantime, the outline zoning plan should be enhanced with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park and to ensure the water quality and flows.
The Green belt provides inadequate protection and has proven to increase expectations of potential development in the community. We urge for all GB zoning to be changed to Conservation Area zoning with existing developed area and buildings exempted.
No new houses should be permitted and "House" should be removed from column 2 of the proposed extensive Green Belt zone. We are concerned that "House" in column 2 will create the wrong impression that the area is deemed suitable and appropriate for conditional development.
To provide adequate controls, any and all development should be limited to enhancement of the recreational uses, and be subject to CMPB support, and should require section 12A applications to the Town Planning Board for amendment of the plan.

Assessing the extent of V zones on the basis of development pressure and demand

We request that the Village Type Development areas be limited strictly to existing building lots and land for which there are approved small house applications. We urge the Board to study the boundaries in detail.

The TPB paper states that the estimates of indigenous villagers' housing needs in the next 10 years is provided by the District Lands Office. This is untrue. The District Lands Office takes the estimate solely from the Village Representative who makes up an arbitrary figure for the number of houses presumably based upon the total number of indigenous villagers who exist around the world. District Lands Office and other Government Departments never check or attempt to verify the estimate of Village Representatives who have a vested interest in obtaining approval of as many houses as possible without the slightest regard for the well being of the surrounding Country Park. The estimates of future housing "need" are fictitious. It is scandalous that planning policy can be predicated upon such a biased and unverified factor.

The Golden Thread running through all planning law is *need, not demand*, and certainly not greed. Indigenous housing *need* in each of the 4 enclaves is minimal or practically non-existent.

Further objections

We are very concerned over the ongoing impacts of drainage, sewage and traffic (parking) on the local environment and the integrity of the surrounding country park and waters. The OZPs must make appropriate and specific provisions for infrastructure to support these requirements and to control and mitigate their impacts.

We object to zoning for "Unspecified Uses". We urge the Board to zone the remaining land as Conservation Area in recognition of the fact that these lands are an integral part of the country park in which they are situated. Any further development is incompatible with the objectives of the 2010 Enclave Policy and the prevailing Country Park Ordinance, which is the protection of the integrity of the country park, and the protection of all vegetation and wildlife therein.

Whilst we are agreeable to be identified as Friends of Sai Kung, I require that my own identity and personal data be kept confidential and not be disclosed to any third party.

Yours sincerely,

[redacted]

Secretary, Friends of Sai Kung

TPB/R/S/NE-HH/t-
TPB/R/S/NE-SLP/t-
TPB/R/S/SK-PL/t-
C3641

tpbpd@pland.gov.hk

寄件者: "Debby Chan" <[redacted]>
收件者: <ceo@ceo.gov.hk>; <sen@enb.gov.hk>; <sdev@devb.gov.hk>; <mailbox@afcd.gov.hk>; <kkling@pland.gov.hk>; <DLoffice@landsd.gov.hk>; "tpbpd" <tpbpd@pland.gov.hk>
副本: [redacted]; <info@countryparks.hk>
傳送日期: 14/02/2014 下午 06:01
附加檔案: DHK HH PL SLP comment TKP PTA TFT representation_Feb2014.pdf
主旨: Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Feng and Tin Fu Tsai for small house development

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves. Please see the details as attached.

Best Regards,
Debby Chan
Designing Hong Kong Limited
Tel: 3104 3107
Fax: 2187 2305
Unit 7, 5/F, Eastern Harbour Centre, 28 Hoi Chak Street, Quarry Bay, Hong Kong

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Hong Kong, 14 February 2014

Mr Leung Chun Ying
Chief Executive
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
Email: sen@enb.gov.hk

Mr. Paul Chan Mo Po
Secretary for Development
Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation Department
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Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Email: mailbox@afcd.gov.hk

Mr. Ling Kar Kan
Director of Planning
Email: kkling@pland.gov.hk

Ms. Bernadette Linn
Director of Lands
Email: DLoffice@landsd.gov.hk

Mr. Thomas Chow Tat Ming
Chairman and Members of the Town Planning Board
Email: tpbpd@pland.gov.hk

Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Chow, Mr. Ling, Ms. Linn and Members of the Country and Marine Parks Board and Town Planning Board,

Unit 7, 5/F, Eastern Harbour Centre, 28 Hoi Chak Street, Quarry Bay,
Tel: +852 3104 3107 Fax: +852 2187 2305

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:

a. To recognize that enclaves of private land in country parks are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of country parks from incompatible development in the enclaves requires a comprehensive, integrated and co-ordinated approach.
b. To recognize that the infinite demand for small houses will allow chaotic village developments to spread deep inside the country parks: The environmental disaster of the small house policy is visible throughout the New Territories including sewage percolating into ground waters, grey water drained into streams, tree felling, illegal road construction, chaotic planning and complete lack of enforcement.
c. Therefore to incorporate enclaves into their surrounding CP. Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the areas, including patrol and strict enforcement over illegal or unauthorized activities.
d. To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
e. To categorically deny new roads to enclaves currently not serviced by roads.
f. To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.
g. To create a layout plan for each enclave in collaboration with stakeholders and concern groups.
h. To ensure development and infrastructure projects in enclaves are designated projects under the EIAO.

In the meantime, for any and all statutory plans covering enclaves:

i. To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
j. To move "House (New Territories Exempted House only) " and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.
k. To award the highest possible conservation status including Conservation Area and Coastal Protection Area zoning for all remaining land in the enclaves recognizing not just the local ecological and landscape values, but also the potential impacts of development on the surrounding country and marine parks. 'Green belt' provides inadequate protection and has proven to increase expectations of potential development in the community.
l. To prevent 'Destroy first, build later' we urge the Board to move "Agriculture Use" from column 1 to column 2 in the Schedule of Notes for all the different zoning permitted in the area to ensure that any demolition and (re-) development of structures, and all massive tree felling, flooding, draining, excavation and land filling is subject to planning permission.

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B) We support the objections and proposals in representations on the following statutory plans:

a. Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)

i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.

b. Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)

i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.

c. Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)

i. We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

a. Draft To Kwa Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)

i. In addition to the general representations made above:
ii. The enclave should be incorporated into the Sai Kung East Country park given its ecological and landscape value, and the risk of development on the ecological, landscape and recreational value of the surrounding country park and marine resources.
iii. Now the V zone is too large in both areas. The V-zone should be limited to existing structures and approved small house applications.
iv. Green Belt (GB) provides insufficient protection for the stream on the western side of To Kwa Peng and its riparian area. We urge for the stream and riparian area (minimum distance 30 meters) to be covered with 'Conservation Area' zoning.
v. Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with 'Conservation Area' zone.
vi. There is a freshwater marsh on the northeastern side of the 'Village Type Development' zone of Pak Tam Au. It contains a locally endangered and protected Orchid species, Liparis ferruginea. This marsh would be threatened by any and all small house development permitted in the area.

b. Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)

i. In addition to the general representations made above:

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ii. To enhance ecological, landscape and recreation values of the area and the surrounding country park, the enclave should be incorporated into the Tai Lam Country Park. Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the ecological, landscape and recreational values.

iii. Given that traffic and activities generated by the permitted recreational uses may impact the surrounding country park, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks

iv. To remove all 'Village Type Development' zoning and stop granting permission for small house developments. Moreover, any redevelopment of a house should require approval from CMBP, AFCD, WSD and TPB. The area is a gazetted water gathering ground and development will impact the water quality. Environment Protection Department and Water Supplies Department (WSD) expressed their concerns over pollution of water sources if VTD zone is allowed. Moreover, villagers have since threated that they would pollute the water after TLSW has incorporated into Country Parks.

v. The stream and its riparian zone should be zone as "CA" zone to prevent water pollution in case of the expansion of the existing war game site.

vi. The outline zoning plan should be enhanced with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park as a whole and to ensure the water quality and flows.

vii. We urge for all 'Green Belt' zoning to be changed to 'Conservation Area zoning with existing developed area and buildings exempted. And, no new houses should be permitted and "House" should be removed from column 2 of the proposed extensive 'Green Belt' zone.

Thank you for your attention.

Designing Hong Kong
February 2014

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b頁 1 - 1(B)

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- C3657
TPB/R/S/SK-PL/1-

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寄件者: "Chiu Ying Lam" <[redacted]
收件者: <tpbpd@pland.gov.hk>
傳送日期: 14/02/2014 下午 11:56
附加檔案: 20140214 HKCF submission to TPB.doc
主旨: Re: Submission re re Hoi Ha OZP S/NE-HH/1, So Lo Pun OZP S/NE-SLP/1 and Pak Lap OZP S/SK-PL/1

Dear Sir,

Please substitute this attached file for that submitted a couple of minutes ago.

Lam Chiu Ying
Hong Kong Countryside Foundation Ltd

On 14 February 2014 23:47, Chiu Ying Lam <[redacted]> wrote:

> Dear Sir,
>
> The submission of Hong Kong Countryside Foundation Ltd is attached.
>
> Please acknowledge receipt.
>
> Regards
> Lam Chiu Ying
> By direction of the Board
> Hong Kong Countryside Foundation Ltd

The Hong Kong Countryside Foundation
香港鄉郊基金

Mr Thomas Chow
The Chairman
Town Planning Board
15th Floor, North Point Government Offices
333 Java Road, North Point
Hong Kong

14 February 2014

Dear Sir,

Comments onSubmissions to Town Planning Board re Hoi Ha OZP S/NE-HH/1, So Lo Pun OZP S/NE-SLP/1 and Pak Lap OZP S/SK-PL/1.

Breaches of Country Park Enclave Policy have contributed to defective new strategy for excessive V zones in OZP instead of Country Park Extension.

Saving our Country Parks using Hoi Ha and So Lo Pun and Pak Lap as case studies.

1. **Breaches.** These 3 Draft OZPs carry breaches of the Enclave Policy and are fundamentally wrong. Each OZP must be greatly amended to reduce the damage it causes to the nearby Country Park through the provision of hugely expanded V zones in Country Park Enclaves, which subverts the policy objective of the Country Park Enclave Policy which was decided as far back as in October 2010 and subsequently published in May 2011.

2. The Enclave Policy Objective was to protect against "immediate development threats" from "incompatible developments" such as extensive new Small Houses built on agricultural land and near forests and streams, by according priority for protection whilst the Enclaves are assessed for Country Park extension according to principles and criteria. The Audit Commission Report 30th October 2013 Chapter 5 is critical of AFCD's failure to implement the Enclave Policy. The Town Planning Board's endorsement of the three Draft OZPs would prevent AFCD from taking remedial action and flies in the face of the Audit Commission's recommendations.

3. Failure to implement Enclave Policy. Instead of AFCD proceeding to designated more enclaves as country park extensions, the majority of the Enclaves are being processed by Planning Department (Plan D) as DPA for OZP (21 of 27 Enclaves) and with greatly expanded areas of V zone which will cause "immediate development

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threats" on a larger scale, which are the "incompatible uses" to be prevented by the Enclave Policy.

4. The Status Quo must be preserved and the new excessive V zone strategy must stop.

5. Only about 11% of Enclave Land is now planned for Country Park extension under the Enclave Policy. This is the shocking consequence of the Enclave Policy being subverted.

6. In so doing the Development Bureau (DevB)/ Plan D are undermining the integrity of the Country Parks as a whole. It is irrational for DevBand Plan D to have a strategy which conflicts with the Country Parks Enclave Policy of Environment Bureau and AFCD. Town Planning Board should not be placed in the invidious position of deliberating on proposals which involve conflicting Government policy objectives.

7. Even worse, considerable amount of land in the expanded V zones has already been sold to outsiders and development companies. It is irrational and contrary to the public interest for Government to knowingly create incentives for an abuse of the law and policy.

8. The new Strategy will encourage a new wave of Small Houses to inundate the best countryside of Hong Kong, namely the Enclaves surrounded by Country Park, directly contrary to the objectives of the Enclave Policy. This is making a "perverse incentive" contrary to the principles of the Convention on Biological Diversity (CBD).

9. The proposed excessive V zones increase the threats to the ecology, landscape and recreation values of Country Parks. This is in conflict with AFCD key policy enshrined in the Country Parks Ordinance and the Enclave Policy.

10. AFCD needs time to adjust their conduct and actions to meet CBD principles and public expectations of the value of the countryside. AFCD needsto protect the Country Parks as a minimum. The Status Quo needs to be protected so AFCD can catch up with the work needed and make up time for 3 years of delay since the publication of DPAs.

Principles

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11. Special safeguards and conditions are needed to be imposed by TPB and the V zone expansion needs to be stopped until such safeguards are implemented. The draft OZPs need to be amended whilst all Departments, in particular AFCD, discharge their duties under the law and the Enclave Policy. Those OZPs which are now in Draft must be amended to protect the status quo pending assessment by AFCD under the Enclave Policy Criteria published in May 2011.

12. It must be accepted as principle and policy that the Enclave Policy has precedence and priority over the DevB/PlanD excessive V zone and Small House Strategy for Country Parks. The Enclave Policy is a planning policy for the countryside providing a presumption against development in Country Park Enclaves so as to protect the integrity of the Country Parks as a whole.

13. The Policy Addresses of 2010 and 2013 with declarations for protection of our Country Parks, Enclaves, and areas of high conservation value and HKSARG's conservation obligations under the Convention on Biological Diversity must be honoured.

14. PlanD and TPB cannot shirk responsibility for the breaches mentioned above by reciting the usual excuse of "not within the purview of the TPB". This would be irrational. The damage to be caused to the Country Park is caused by the DevB and PlanD and others expanding the V zones and can be prevented by TPB.

Solutions.

15. The Way Forward with Safeguards and conditions could be as follows.

16. Further to the policy and principles for Country Park Enclaves set out above, there should be a freeze on expanding V zones in Country Park Enclaves and V zones limited to existing Building Lots which may have building rights.

17. The 54 Country Park Enclaves need to be assessed or re-assessed whether or not they are suitable Country Park extensions based on the objective of the Enclave Policy. The assessment of suitability of each Enclave must be done with surveys and EIA type reports in a full and transparent manner.

18. For those Enclaves which are deemed suitable for OZP, not CP, the land outside the V zone will be mostly CA to conserve and provide a buffer zone for CP. The precedent is the final OZP for Tai Long Wan in 2001, see OZP (S/SK-TLW/5.

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19. Village Layout Plans are needed now from PlanD for their OZP so that EIA reports can be published on the likely adverse impacts and consequences on the Enclaves themselves and the integrity of the Country Parks as a Whole, in cases where an Enclave is rejected for Country Park extension.

20. The assessment of impacts from OZP must include the impacts on the 13 million per year Country Park visitors. The Town Planning Board must make Country Parks more accessible for the ordinary visitor in future, and not create the conditions for blocking public enjoyment.

21. Management Plans by AFCD and EPD and others to protect the Country Parks against the impacts are needed NOW so that TPB and PlanD can quantify the costs and workloads as part of the compensation and mitigation needed for letting the environmental cancer of Small Houses into the Enclaves.

22. Hoi Ha case study shows inter alia:-

a. Excessive V zone with no proof of indigenous villagers' need,- Theproposed V zone is mostly owned by outsiders or developers and not legally available for IV residences, hence decision is irrational. This is planning for a special vested interest not public interest.

b. Defective and erroneous descriptions and reasoning is used and Ecosystem Approach not used.

c. Breach of Technical Memorandum for Water Pollution Control Ordinance Section 4.4.4.3 and Section 9.1.

d. Omitted all reference to the key Country Park Enclave Policy.

e. High value for Country Park Extension but No assessment of Impact on Country Park and Marine Park as a whole as required under Country Parks Enclave Policy

f. The Hoi Ha case demonstrates that Hoi Ha fits all the criteria for Country Park, and to provide interim protection before AFCD starts assessment the TPB has a duty to limit the V zone to existing building lots and that the proposed GB should be CA, and that building and agricultural use should be Column 2 requiring permission.

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23. So Lo Pun case study shows

a. Excessive V zone with no proof of indigenous villagers' need, but proof that there has been no need or use for about 30 years.

b. The extensive Small Houses are "incompatible uses" identified by the Enclave Policy and the Planning Report shows that such uses are totally out of place for ecological, landscape and recreational reasons. The information shows So Lo Pun is a highly valuable part of the Country Park system and landscape

c. No assessment of impact on Country Park as a whole has been done as required under the Enclave Policy.

24. Pak Lap Case Study shows

a. Excessive V zone for 230 residents when census claimed only 50. These will be "incompatible uses."

b. Impacts on landscape, recreation and ecology values of Country Park as a whole have not been assessed per Enclave Policy.

c. The Planning Intention should be to protect pending Country Park assessment and designation.

d. This also demonstrates that Pak Lap fits all the criteria for Country Park, and to provide interim protection before AFCD starts assessment the TPB has a duty to limit the V zone to existing building lots

e. The Draft is defective, inconsistent, fails to comply with policy and law and must be amended.

25. The Country Park Enclave Policy which was devised to ensure planning appropriate to protecting the integrity of the country park as a whole, must now be followed and implemented as a priority.

Actions

26. Solution is to protect the status quo until the completion of proper and detailed assessment by AFCD of Enclaves under the Enclave Policy criteria published in May 2011.

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27. Protect the countryside by limiting V zone to existing Building Lots, this protects the existing property development rights of the land owners, following the precedent in Tai Long Wan OZP.

28. Follow conservation principles such as the Ecoystem Approach to zone Enclaves based on holistic principles.

29. The TPB is asked to uphold the Enclave Policy in the public interest and amend the draft OZPs to protect the Enclaves and the Country Parks, uphold the law and the rule of law.

30. TPB is asked to

a. request the Planning Department to withdraw other Enclaves from preparation for OZP;

b. preserve the status quo to give the AFCD time to assess Hoi Ha, So Lo Pun, Pak Lap and all other Enclaves under the Enclave Policy and prepare Draft Plans for Country Park Extensions.

c. protect the interest of over 13 million visitors per year who enjoy the current integrity of our Country Park system.

d. ensure Hong Kong honours its international obligations under the Convention on Biological Diversity which was extended to Hong Kong in May 2011 at PRC's request.

Yours sincerely,

林超英

Lam Chiu Ying
By direction of the Board
Hong Kong Countryside Foundation Ltd

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b頁 1 - 2(B)

TPB/R/S/NE-HH/1-C3668

tpbpd@pland.gov.hk

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收件者: <tpbpd@pland.gov.hk>
副本: "Cindy Choi" [redacted]
傳送日期: 14/02/2014 下午 11:16
附加檔案: AGHK letter toTPB Draft OZP No. S_NE-HH_D_14-02-2014.pdf
主旨: Re: Comments on Representation TPB/R/S/NE-HH/1-799 on Draft Hoi Ha Outline Zoning Plan

Dear Secretariat,

Attached our comments on representations TPB/R/S/NE-HH/1-799 for your record.

Best regards,

Cindy Choi
Vice Chairman
Association for Geoconservation, Hong Kong
MP: [redacted]
Email: [redacted]

香港地質保育協會
Association for Geoconservation, Hong Kong

14 February 2014

Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

Comments on Representations TPB/R/S/NE-HH/1-799 on Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/D

Further to the representations of TPB/R/S/NE-HH/1-799, Association for Geoconservation, Hong Kong would like to raise our serious concerns on the Draft Hoi Ha Outline Zoning Plan (OZP). We would like to stress the draft OZP does not provide sufficient protection to the natural environment which would severely threaten the high geological and ecological value of Hoi Ha Wan.

Hoi Ha Wan is an easily accessible outdoor classroom exhibiting clear geological features of collapsed volcanoes, weathering and deposition. The volcanic rocks of Hoi Ha dated back to 140 million years old which are same as the High Island Formation of our Hong Kong Global Geopark of China. The east-west trending fault, lapilli bearing coarse ash tuffs, monzonite intrusion, presence of a lot of minor faults/joints are evidences of a small caldera. In here, one could found plenty of weathering features - especially physical weathering along joints or minor faults to form block disintegration and boulder valleys. The sand spits, sand bars and beaches in the inner bay exemplify the beautiful and representative depositional features. The relatively calm inner bay and peaceful environment offers high aesthetic value. Any project developments will totally destroy the naturalness and coastal features of Hoi Ha Wan.

Ecologically, the Hoi Ha Wan's shoreline, with its band of mangroves and back-mangroves are a vital part of the marine ecosystem. The mangroves provide food and habitat (breeding and nursery grounds) for fish, marine and terrestrial animals, insects including the newly-discovered Mangrove China-Mark Moth and birds. They are essential for our wildlife sanctuaries and reserves of biodiversity. In addition, the mangroves have effectively stabilized the coastline after a period of coastal erosion.

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Rooms 1001 - 1003, 10th Floor, Manulife Provident Funds Place, 345 Nathan Road, Kowloon, Hong Kong
電郵 Email: aghk@rocks.org.hk 網址 Website: www.rocks.org.hk

香港地質遺產保育協會
Association for Geoconservation, Hong Kong

The Hoi Ha Wan Marine Park and SSSI provide protection of the mangroves only upto the High Tide Mark. With the likely increasing development of small houses near the coast, those mangroves and back-mangroves along the coast are likely to suffer damage or removal.

The change of land use in Hoi Ha as proposed in the draft OZP and the uncontrolled agricultural land (under GB Column 1) would further increase the pollution load into Hoi Ha Wan Marine Park. The cumulative effect of these developments poses serious threat to the water and entire ecological environment. Corals and the associated reef fishes are sensitive to excess nutrients and turbidity. Deteriorated water quality would result in a lower coverage of hard corals and decline in fish abundance.

The provision of land for small house developments in the proposed V zone would result in the loss of current secondary woodland as well as an existing marsh and natural stream. The natural stream and tidal creek are foraging grounds of Brown Fish Owls which are of Regional Concern and also listed under Class II in the List of Wild Animals under State Protection in China.

The V zone is located less than 500 m from a Marine Park/SSSI, adjacent to the proposed CPA and CA and within the Hoi Ha Site of Archaeological Interest and within 500 m from the Hoi Ha Lime Kiln (which is also considered as a site of archaeological interest). We are concerned that the extensive area of V zone would result in adverse environmental impacts to these sensitive receivers nearby.

In order to provide adequate protection and conservation of the natural coastline, the geological features of Hoi Ha, natural stream, marsh, the associated woody and shrubby areas and the extensive sensitive receivers, we therefore strongly urge the Town Planning Board to include Hoi Ha into Sai Kung West Country Parks to ensure proper planning control and management for conserving the geological, ecological and cultural heritage of Hoi Ha.

Yours sincerely,

Cindy Choi (as signed)
Vice Chairman
Association for Geoconservation, Hong Kong
Email: [redacted]

TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1- C1
TPB/R/S/SK-PL/1-

Carol Biddell
[redacted]
Sent by [redacted]

10/02/2014 19:20

To info@countryparks.hk
ceo@ceo.gov.hk
sen@enb.gov.hk
cc
bcc
Subject Protect the Country Parks from the Small House Policy [#Carol Biddell]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

Hong Kong, February2014

to:
Mr Leung Chun Ying
Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Tamar, Hong Kong
Email: ceo@ceo.gov.hk

Mr. Wong Kam Sing
Secretary for the Environment
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Mr. Paul Chan Mo Po
Secretary for Development
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Email: sdev@devb.gov.hk

Mr. Alan Wong Chi Kong
Director of Agriculture, Fisheries and Conservation
Country and Marine Parks Authority
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
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Mr. Tang King Shing
Chairman and Members of the Country and Marine Parks Board
Agriculture, Fisheries and Conservation Department
5-8/F Cheung Sha Wan Government Offices,
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Mr. Ling Kar Kan
Director of Planning
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Ms. Bernadette Linn
Director of Lands
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Mr. Thomas Chow Tat Ming Chairman and Members of the Town Planning Board 15/F, North Point Government Offices 333 Java Road, North Point, Hong Kong Email: tpbpd@pland.gov.hk

CC to:
Save Our Country Parks
Email: saveourcountryparks@gmail.com

Object to the zoning of Hoi Ha, Pak Lap, So Lo Pun, Pak Tam Au, To Kwa Peng and Tin Fu Tsai for small house development

---

Dear Mr. Leung, Mr. Wong, Mr. Chan, Mr. Wong, Mr. Tang, Mr. Ling, Ms. Linn, Mr. Chow, and Members of the Country and Marine Parks Board and Town Planning Board,

This letter addresses you individually and jointly on the protection of the country parks from incompatible development in enclaves.

At the time country parks were set up, some remote villages and farmland were excluded.

After the 2010 Tai Long Sai Wan incident, the Government and the public realised that enclaves should be better protected. The enclaves are physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding Country Parks.

A) We call upon the Chief Executive, the Government, CMPB and TPB to agree individually and jointly on the following actions to protect our Country Parks:
- To incorporate Enclaves into their surrounding CP. Incorporating the enclaves into the country park gives the DAFC together with the CMPB control over development and management of the area.
- To extend the DPA plans for at least one additional year to allow the process of incorporation of enclaves into Country Parks to be completed.
- To limit the areas zoned for VTD to existing built structures plus a reserve for approved small house applications only.
- To categorically deny new roads to enclaves currently not serviced by roads.
- To create a layout plan for each enclave with consensus from the public including stakeholders.
- Development and infrastructure projects in enclaves are designated projects under the EIAO.
- To promote and facilitate uses of private land which enhance the ecology, agriculture, landscape and amenity value of country parks.
- To prevent 'destroy first, build later'.
- To move "House (New Territories Exempted House only) " and "House" from column 1 to column 2 in the Schedule of Notes in "Village Type Development" zone to ensure that any and all demolition and (re-) development of houses is subject to planning permission.

B) We support the objections and proposals in representations on the following statutory plans:

Draft So Lo Pun Outline Zoning Plan (S/NE-SLP/1)
- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,818-10,858.

Draft Pak Lap Outline Zoning Plan (S/SK-PL/1)
- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,738-10,775.

Draft Hoi Ha Outline Zoning Plan (S/NE-HH/1)
- We endorse the objections and proposals set out in representations numbered 799-10,735 and 10,750-10,934.

C) We object to the following statutory plans and propose various changes to the Outline Zoning Plans to protect the Country Parks:

Draft To Kwu Peng and Pak Tam Au Outline Zoning Plan (S/NE-TKP/1)
- The enclave should be incorporated into the Sai Kung East Country park to minimize impacts on the ecological and landscape values of the country park.
- The V-zone should be limited to existing structures and approved small house applications.
- Green Belt (GB) provides insufficient protection for the stream on the western side of the area and its riparian area. We urge for the stream and riparian area.(minimum distance 30 meters) to be covered with 'Conservation Area' zoning.
- Water bodies (e.g. pools) and watercourses at Pak Tam Au provide habitats for the rare Hong Kong Paradise Fish, a species of high conservation concern. We consider that these habitats and their surroundings (minimum distance 30 m) should be covered with 'Conservation Area' zone.
- There is a freshwater marsh on the northeastern side of the 'Village Type Development' zone of this enclave. It contains a locally endangered and protected Orchid species, Liparis ferruginea. We consider that this marsh should be threatened by the 'Village Type Development' zoning.

Draft Tin Fu Tsai Outline Zoning Plan (S/TM-TFT/1)
- To enhance recreation uses and environment, the enclave should be incorporated into the Tai Lam Country Park.
Encircled by Tai Lam Country Park and close to Ho Pui Irrigation Reservoir and Tai Lam Chung Reservoir, any development will impact the ecological, landscape and recreational values of the country park.

Given the traffic and activities generated by the recreational uses, increased management of the area is required by the AFCD to control unauthorized uses of the area, and to control and manage the impacts of the uses on the surrounding country parks.
- To remove all ' Village Type Development' zoning and stop granting premission for village houses development.
The area is a gazetted water gathering ground and development will impact the water quality.
- The outline zoning plan should be enhanced with strict additional measures of control to conserve the natural habitat, landscape resources and rural and natural character of the country park and to ensure the water quality and flows.
- We urge for all 'Green Belt' zoning to be changed to 'Conservation Area' zoning with existing developed area and buildings exempted. And, no new houses should be permitted and "House" should be removed from column 2 of the proposed extensive 'Green Belt' zone.
The Green belt provides inadequate protection and has proven to increase expectations of potential development in the community and the area is deemed suitable and appropriate for conditional development.

Further comments :

Best Regards,
Carol Biddell

Email : [redacted]

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TPB/R/S/NE-HH/1-
TPB/R/S/NE-SLP/1-
TPB/R/S/SK-PL/1- C2

Hau Justin
Sent by:

10/02/2014 19:39

To info@countryparks.hk
ceo@ceo.gov.hk
sen@enb.gov.hk
cc
bcc
Subject 保衛郊野公園免受小型屋宇政策威脅 [#Hau Justin]

☐ Urgent ☐ Return receipt ☐ Sign ☐ Encrypt

香港添馬添美道
香港特別行政區行政長官辦公室
香港特別行政區行政長官
梁振英先生
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香港北角渣華道 333 號 北角政府合署 15 樓 城市規劃委員會主席 周達明先生 電郵：tcbpd@pland.gov.hk

副件抄送:
「保衛郊野公園」
Email: saveourcountryparks@gmail.com

保衛郊野公園免受小型屋宇政策威脅

反對規劃指引圖則
——保護海下、白腊、鎖羅盆、北潭凹、土瓜坪及田夫仔不受破壞性村屋發展入侵

敬啓者：

本人謹以此函表達支持保護郊野公園及反對發展「不包括土地」的想法。

在郊野公園成立之時，某些偏遠的村落及農地即使位置公園範圍之內卻沒有納入郊野公園，未有保護，是為「不包括土地」。

2010年魯連城在西貢大浪西灣悍然違規賭墓，事件令政府及市民歷凭意識到需要有切實的行動和政策保護郊野公園內的「不包括土地」。這些「不包括土地」的地理、生態、地質都與郊野公園相連，多年來不受滋擾，造就香港郊野公園世界級的美景及康樂價值。

A）我們在此要求特首、政府、郊野公園及海岸公園委員會與城市規劃委員會承諾採取以下措施保護郊野公園：
- 將「不包括土地」納入所在的郊野公園範圍內，讓漁農自然護理署署長與郊野公園及海岸公園委員會有權共同監察和管理。
- 為有更充足的時間將「不包括土地」納入郊野公園，「發展審批地區圖」的期限應延長一年。
- 限制「鄉村式發展」用地於現有建築及已批准的小型屋宇申請範圍。
- 不應在郊野公園範圍內興建新的汽車道路。
- 「不包括土地」的規劃設計需取得大眾共識。
- 將「不包括土地」內的所有發展和基礎設施項目列為「環境影響評估條例」下的指定工程項目。
- 提供設施以提高郊野公園的生態、農業、景觀和康樂價值。
- 防止「先破壞後發展」。
- 把「屋宇」及「屋宇（只限新界豁免管制屋宇）」從「鄉村式發展」用地註釋的第一欄移至第二欄，以確保任何房屋拆遷、重建或興建都必須得到政府批准。

B）我們支持以下反對意見及其申述中所提的建議：

鎖羅盆分區計劃大綱草圖（S/NE-SLP/1）
- 我們支持申述編號799至10,735及10,818至10,858的反對以及建議。

白腊分區計劃大綱草圖（S/SK-PL/1）
- 我們支持申述編號799至10,735及10,378至10,775的反對以及建議。

海下分區計劃大綱草圖（S/NE-HH/1）
- 我們支持申述編號799至10,735及10,750至10,934的反對以及建議。

C) 我們反對以下分區計劃大綱草圖並提出以下修訂意見：（S / NE - TKP / B）
土瓜坪及北潭凹分區計劃大綱草圖 (S/NE-TKP/1)
- 此「不包括土地」應先全納入西貢東郊野公園，以減低對鄰近郊野公園在生態上及地理上的損害。
- 「鄉村式發展」應限制在現有的建築物及已獲批准的小型屋宇申請地。
「綠化地帶」不足以保護土瓜坪西面的河流及兩旁河岸生境。河流和兩旁河岸30米範圍應列為「自然保育區」
- 北潭凹內的水體及溪流有稀有魚類香港鬥魚。這些水體、河流及其周邊三十米範圍應以「自然保育區」保護。

田夫仔分區計劃大綱草圖 (S/TM-TFT/1)
- 為了優化康樂用地及環境，此「不包括土地」應先全納入大嶼郊野公園。
田夫仔被大嶼郊野公園包圍又鄰近河背水塘及大嶼海水塘，任何發展都會損害其生態、景觀及康樂價值。

康樂用地會帶來更多的人頭活動和汽車，此地應由漁護署監管以比現來經許可的用途及發展，同時能監管附近郊野公園用地的用途。
- 應移除所有「鄉村式發展」用地，並停止批准任何村屋興建。
田夫仔更法定集水區，任何發展亦會污染水源。

- 應加強保育自然生景、土地資源及郊野公園內的鄉郊特色以確保水質。
- 我們要求現有發展區以外的所有土地均由「綠色地帶」改劃為「自然保育區」。同時，應把「屋宇」從「綠色地帶」的規劃註釋移除。
「綠色地帶」提供的保護不足，甚至給予錯誤的印象，誤導人以為這些土地有發展的潛力，可在附帶條件下建屋。

其他意見:

此致

香港特別行政區行政長官梁振英先生
環境局局長黃錦星先生
發展局局長陳茂波先生
漁農自然護理署署長黃志光先生
郊野公園及海岸公園委員會主席鄧定成先生
城市規劃委員會主席周達明先生
規劃署署長凌嘉勤先生

Hau Justin 謹啓

二零一四年二月

[redacted]

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第 1 組申述及規劃署的回應的摘要

第 1 組申述書**(R1 至 R798 及 R10736、R10740、R10741、R10743 至 R10749)**主要由村民、西貢北約鄉事委員會及個別人士提交。他們的申述理據和建議及規劃署的回應撮述如下：

申述要點	規劃署的回應
申述理據	
A. 「鄉村式發展」地帶內沒有足夠的土地	
由於地形上的限制，擬議的「鄉村式發展」地帶內適合發展小型屋宇的土地不足，而且擬議的「鄉村式發展」地帶也不夠大，未能滿足日後小型屋宇的需求。 除須保護海下的環境及在該區提供相關的康樂設施外，亦須充分顧及小型屋宇的發展，務求在保育和發展兩者之間作出平衡。	見城市規劃委員會文件第 5.15 至 5.24 段
建議(繪圖H-1及圖H-1a)	
P1. 把「自然保育區」地帶的西部改劃爲「鄉村式發展」地帶	
該區西部現時劃作「自然保育區」地帶的土地可用作水上活動康樂中心及漁護署建議的海岸公園遊客中心，應把該處改劃爲「鄉村式發展」地帶作小	見城市規劃委員會文件第 5.35(a)段

申述要點	規劃署的回應
型屋宇發展。	
P2. 把「海岸保護區」地帶改劃爲「鄉村式發展」地帶	
擬議的「海岸保護區」地帶內有大量私人土地，應把之改劃爲「鄉村式發展」地帶。	見城市規劃委員會文件第5.35(b)段
P3. 把海下路沿路的「自然保育區」地帶改劃爲「綠化地帶」	
由於「鄉村式發展」地帶內大部分土地現時已有村屋，把現時海下路沿路的部分「自然保育區」地帶改劃爲「綠化地帶」，可讓村民日後有機會提出規劃申請，發展小型屋宇。	見城市規劃委員會文件第5.35(a)段

第 2 組申述及規劃署的回應的摘要

第 2 組申述書**(R799 至 R10735 及 R10750 至 R10934)**由立法會議員、區議員、環保／關注組織、相關團體及個別人士提交。他們的申述理據和建議及規劃署的回應撮述如下：

申述要點	規劃署的回應
申述理據	
B. 劃設「鄉村式發展」地帶	
B1. 小型屋宇需求 小型屋宇的需求無窮無盡，所謂需求數字，並無理據可證，亦未有核實。現行的小型屋宇政策不符合可持續發展的原則，大部分申請都濫用這項政策。當局應對村民真正需要的小型屋宇數目作出更確切的估計，並據之劃設「鄉村式發展」地帶。 每宗小型屋宇申請都必須附有證明文件，證明申請人有需要建屋自住。此外，也應限制祖傳或繼承得來的鄉村土地的轉讓，盡量使小型屋宇仍由原居村民擁有，不會售予外來人圖利。 過去 20 年，海下只興建了七幢新屋宇，近年該區的人口也沒大變。「鄉村式發展」地帶內大部分土地已售予私人發展商，最終會變成地產項目。應縮減「鄉村式發展」地帶的面積，避免人們	見城市規劃委員會文件第 5.25 段

申述要點	規劃署的回應
對發展抱有期望。	
B2. 對林地環境的影響 現有村落以西的擬議鄉村擴展範圍(劃作「鄉村式發展」地帶)被次生林地覆蓋，長有爲數頗多的各種成齡樹，包括「鄉村式發展」地帶西面邊緣的細葉榕和一種具保育價值的植物香港大沙葉。根據世界自然基金會提供的資料，除了現有那條鄉村和公廁附近數小塊長滿入侵性植物薇甘菊的土地已受干擾外，該處大部分地方都未受干擾或相對未受干擾。 發展小型屋宇會令這些林地的生境失去，對該處的天然河流及潮溪更會造成干擾，這些地方是褐魚鴞(本港罕見的物種，在未受干擾和沒有污染的低地河流和潮溪覓食)的覓食地。 漁農自然護理署(下稱「漁護署」)應對擬議「鄉村式發展」地帶內的地方進行全面的四季生態研究，評估這些地方的生態價值，以及應採取「防患未然」原則，也就是說，在確證環境不受影響前，應假設環境要面對受破壞的威脅。 政府在劃設「自然保育區」地帶以維護生物多樣性方面，對於不同的郊野公園「不包括的土	見城市規劃委員會文件第5.15至5.24段

申述要點	規劃署的回應
地」，處理方法並不一致。白腊一些長有香港大沙葉這種具保育價值植物的未成熟原生林地劃爲「自然保育區」地帶，但海下同樣長有香港大沙葉的林地卻劃爲「鄉村式發展」地帶。 爲免影響現有的林地、附近的天然河流和海岸公園的環境，以及防止這些地方的景觀價值下降，應縮減「鄉村式發展」地帶的範圍，並把未受干擾的林地改劃爲「綠化地帶」。	
B3. 對海下灣海岸公園環境的影響 海下灣海岸公園的潮間帶和潮下帶的生物多樣性非常豐富。若按這份草圖的規劃，興建 60 至 90 幢小型屋宇，可預料到在施工期間或之後，必會破壞或割裂天然生境，並會削弱生物多樣性，長此下去，會對當地生態系統的環境構成各種壓力。 化糞池及滲水井系統僅可作程度最低的污水處理，其排出的污水仍然含極大量營養物、有機物和微生物。要有效減少這些物質，地層情況必須合適，而有關地區的發展密度亦要低。若化糞池及滲水井系統保養不足，加上數目增加，長遠來說，往往未能有效清除污染物。	見城市規劃委員會文件第 5.26 至 5.32 段

申述要點	規劃署的回應
海下地區地底表層的沉積物含有透氣和高滲透力的沉澱物(例如沙)，使污水流走得很快。因此，污水雖然經化糞池及滲水井系統處理，但到達大海前仍然淨化得不夠。《專業人士環保事務諮詢委員會專業守則第 5/93 號》沒有涵蓋海下這個獨特的情況。在擬議的「鄉村式發展」地帶內大量設有化糞池及滲水井系統的村屋所排出的污水和廢水，會嚴重威脅海下灣海岸公園的海洋生物。當局沒有針對污水會累積滲透入海下灣海岸公園／「具特殊科學價值地點」這個問題進行地質評估。 海下村的情況在香港較爲特殊。這條村有人居住，位處海灘／鑑定爲「具特殊科學價值地點」的海下灣旁邊，有不少康樂活動進行。因此，當局必須參照根據《水污染管制條例》發出的技術備忘錄，訂定化糞池及滲水井系統與沿岸海域之間的法定後移距離(例如須相距 100 米)，並強制使用以化學劑清理的獨立廁所和廢水處理系統，避免對土壤、河流、濕地和海下灣海洋環境造成污染。	

申述要點	規劃署的回應
B4. 「鄉村式發展」地帶的《註釋》 應對「鄉村式發展」地帶施加更嚴格的規劃管制，規定發展「新界豁免管制屋宇」、「食肆」及「商店及服務行業」，以及對現有建築物進行拆卸、加建、改動及／或修改，都必須先取得規劃許可。	見城市規劃委員會文件第5.33段
B5. 對累積影響的評估 當局沒有調查／評估增建小型屋宇，在環境、排水、景觀及交通各方面會對海下灣有何潛在的累積影響。對於郊野公園「不包括的土地」的用途和可建的小型屋宇的數目，當局應作出有根據及負責任的決定，所以事前必須審慎研究個別「不包括的土地」的承受力和西貢東和西貢西兩個郊野公園所有「不包括的土地」的整體承受力。 當局也沒有定下任何計劃改善基礎設施(例如排污、道路、泊車位及公共交通設施)以配合海下的新發展和該區遊人的需要。當局應擬備鄉村發展藍圖及定出公共工程計劃，改善海下的基礎設施和其他設施，防止現有的鄉村污染海下灣。	見城市規劃委員會文件第5.31及5.32段

申述要點	規劃署的回應
C. 劃設「綠化地帶」是否足夠的問題	
海下河的上游已指定爲「具重要生態價值的河溪」，毗鄰該河下游的擬議「綠化地帶」也具重要的生態價值，所以應劃作「自然保育區」地帶或「海岸保護區」地帶。「綠化地帶」的真正規劃意向可能並非作保育，因爲常有擬在「綠化地帶」發展小型屋宇的申請獲批給規劃許可，日後可能會對濕地及沿河地區造成不能挽救的影響。 據於二零一二年五月及二零一三年八月實地觀察所見，流入那些荒廢濕農地的水來自海下河，另有一條小河在規劃署擬備的地圖中沒有顯示。另據最近實地視察所見，該濕地仍然有水淹浸着，並錄得本港罕見的草本植物雞冠苞覆花。由於該濕地的水文系統與海下灣海岸公園相連，所以任何流入該濕地的污染物都會流進該海岸公園，而日後進行的任何發展，亦會影響上述的罕見植物。 沒有劃出 30 米闊的走廊，化糞池及滲水井排出的污水透過地下水流入海下河的可能性會增加，影響所及，會對該河以至海下灣海岸公園造成污染。 *「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的*	見城市規劃委員會文件第5.33(a)及(b)段、第5.34(a)及(b)段

申述要點	規劃署的回應
「註釋」 爲免有人在申請更改土地用途前破壞環境易受影響的土地的生態(例如假意進行農業活動)，不應容許在「自然保育區」地帶、「海岸保護區」地帶和「綠化地帶」內發展「農業用途」、「農地住用構築物」、「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」，或應把這些用途列於第二欄，規定要向城規會取得規劃許可才能發展。	
D. 資料不全且有誤導成分	
用以劃定「鄉村式發展」地帶和「綠化地帶」及海下灣海岸公園和「具特殊科學價值地點」範圍的資料(包括地圖)內容不全，且含有誤導成分。有關地圖沒有反映過去三十年來海岸侵蝕的作用。當局應使用最新的地圖，以高潮線來準確顯示海灘現時的範圍，以及據之劃設「海岸保護區」地帶。 在擬議的「鄉村式發展」地帶和「綠化地帶」內，有一個河流和相關濕地的網絡。網絡中各小河流向一片濕地，再流向一大河，然後直接流入海下灣。該處的水文系統與海下河分開，當局有必要於七月至八月間進行全面勘查，蒐集潮濕季節的水文數據。 漁護署提供的生態資料並不足	見城市規劃委員會文件第5.34(c)及(d)段

申述要點	規劃署的回應
夠，特別是沒有就擬議的「鄉村式發展」地帶和「綠化地帶」進行妥善的調查，亦未有視海下河爲天然資源及環境易受影響的地方而予以應有的重視。	
E. 把郊野公園「不包括的土地」指定爲郊野公園	
訂立郊野公園「不包括的土地」政策的目的，是要保護「不包括的土地」免因「不協調的發展」(例如在農地及樹林和河流附近發展大量新的小型屋宇)而面臨「即時的發展威脅」。可是，爲「不包括的土地」而制訂的大部分分區計劃大綱圖卻擴展「鄉村式發展」地帶的範圍，使這些土地面臨更大規模的「即時的發展威脅」，這樣不但違反當局所申明的郊野公園「不包括的土地」政策，亦不符國際性的《生物多樣性公約》。 從生態、景觀和康樂的角度而言，郊野公園「不包括的土地」與毗連的郊野公園緊密相連，所以應納入郊野公園範圍，這樣，各項發展便須經郊野公園及海岸公園委員會及漁護署審批，而當局亦會着力管理，包括進行生境及美化市容設施改善工程、定期巡邏和監察，以及採取執法行動對付違規情況。	見城市規劃委員會文件第5.34(e)及(f)段

申述要點	規劃署的回應
建議(圖 H-1a)	
P4. 局限「鄉村式發展」地帶的範圍	
應把「鄉村式發展」地帶的範圍局限於現有構築物所在之處／屋地，而鄉村擴展的範圍亦應規劃在生態價值較低的地區。另應把擬議的「鄉村式發展」地帶的西部改劃爲「自然保育區」地帶或「綠化地帶」，以保護林地及海下灣。	見城市規劃委員會文件第5.15至5.24段
P5. 劃設「綜合發展區」	
應把現有的鄉村及建議的鄉村擴展範圍劃爲「綜合發展區」，並對擬在區內進行改善及發展計劃的申請作出規劃限制，確保對環境的潛在影響得到妥善處理。另可考慮與村民換地，使村中央的土地可騰出來闢設配套設施(例如遊樂場)，而東面及南面的政府土地則可用來發展小型屋宇(**繪圖 H-3**)。	見城市規劃委員會文件第5.35(c)段
P6. 把距離海下河 30 米的範圍劃爲「自然保育區」地帶，作爲緩衝區	
爲把生態易受影響的海下河和海下灣海岸公園與不適當的土地用途／發展分隔開，應把「綠化地帶」改劃爲最少 30 米闊的「自然保育區」地帶，才能保護海下河免受可能發展的小型屋宇的影響(**繪圖 H-2**)。	見城市規劃委員會文件第5.34(a)至(b)段

申述要點	規劃署的回應
P7. 「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方	
「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方，作爲緩衝區，保護海岸線。	見城市規劃委員會文件第5.35(d)段
P8. 把郊野公園「不包括的土地」指定爲郊野公園	
應把海下指定爲郊野公園，以保護生態易受影響的地方，另應把發展審批地區圖的有效期延長最少一年，以便進行所需的程序。在此期間，應把「鄉村式發展」地帶、「綠化地帶」及非保育地帶改劃爲「未決定用途」地帶，以保護該區的天然環境。	見城市規劃委員會文件第5.35(e)段
P9. 擴大「其他指定用途」註明「水上活動康樂中心」地帶	
擴展「其他指定用途」註明「水上活動康樂中心」地帶，把其範圍向北、南和東面加闊五米，以便按照契約條件的規定，護理該中心周邊的植物；以及把連接海下路與海谷中心的行人徑改劃爲「其他指定用途」地帶或「政府、機構或社區」地帶，以方便維修保養該行人徑(**繪圖 H-4**)。	見城市規劃委員會文件第5.35(f)段

《海下分區計劃大綱草圖編號 S/NE-HH/1》
表示反對的申述要點

申述編號 **(TPB/R/S/NE-HH/1)**	申述要點 **[**申述書提出的建議**]** 及規劃署的回應 **(**見附件 **III-1** 及 **III-2)**
第 1 組	
R1 至 R798 及 R10736	A [P1、P2、P3]
R10740 及 R10741	A
R10743 至 R10749	A [P1、P3]
第 2 組	
R799 至 R3655、R10578、R10579 及 R10875	B、C、E [P4、P6、P8]
R3656 至 R10542 及 R10902	B、E [P4、P8]
R10543	B、D、E [P8]
R10544	B、C、E [P4、P8]
R10545 及 R10546	B、D、E
R10547	D [P4、P6]
R10548、R10755 及 R10859 至 R10862	B、C [P4、P6、P8]
R10549、R10552、R10553、R10556 至 R10567、R10569、R10573 至 R10576、R10580、R10581、R10586、R10588 至 R10592、R10722 至 R10732、R10735、R10896、R10903、R10906 至 R10909、R10921 至 R10927 及 R10929 至 R10934	B
R10550	B、C、D [P4、P6、P8]
R10551、R10577、R10600 至 R10604 及 R10734	B [P8]
R10554、R10559、R10568 及 R10593 至 R10599	B、E
R10555	E
R10570 及 R10572	[P8]

申述編號 **(TPB/R/S/NE-HH/1)**	申述要點 **[**申述書提出的建議**]** 及規劃署的回應 **(**見附件 **III-1** 及 **III-2)**
R10571	B、E [P8]
R10582 至 R10584 及 R10585	[P4、P6、P8]
R10587、R10750 至 R10752、R10869 及 R10874	B、C、D、E [P4、P6、P7、P8]
R10605 至 R10721、R10730、R10886	B、E [P4]
R10733 及 R10905	B、D [P8]
R10753、R10884、R10898 及 R10901	B [P4、P8]
R10754	B、C [P4、P7、P8]
R10756、R10758 至 R10855、R10863、R10864、R10866 至 R10868 及 R10871	B、C、D [P4、P6、P7、P8]
R10757	B、D、E [P4、P6、P7、P8]
R10856	B [P4、P7、P8]
R10857、R10858、R10870、R10897、R10899 及 R10910	B [P8]
R10865	B、D [P6、P7、P8]
R10872、R10881、R10891 及 R10900	B [P4]
R10873	B、C [P8]
R10876 至 R10879	B、D、E [P4]
R10880	B、C、D、E [P4、P5、P6、P7、P8]
R10882、R10887、R10888 及 R10889	B、C、D、E [P4、P8]
R10883	B、C、D、E [P4、P6、P8]
R10885	B、D [P4、P8]
R10890	B、D [P4、P7]
R10892、R10893 至 R10895、R10904 及 R10928	B、D
R10911 至 R10920	[P9]

對申述的意見及規劃署的回應的摘要

意見編號	理由	規劃署的回應
C1 至 C3655、C3661、C3663 及 C3669 (合共 3 658 份意見書)	A. 這些意見書主要由環保／關注組織(包括創建香港(**C3641**)、西貢之友 (**C3640**) 及海下之友 (**C3663**))提交。他們表示支持**第 2 組**的申述(即編號 **R799 至 R10735 及 R10750 至 R10934** 的申述)。 B. 他們就海下分區計劃大綱草圖(下稱「草圖」)提出的主要意見及建議如下： <u>劃設「鄉村式發展」地帶</u> 擬議的「鄉村式發展」地帶並非按所評估的真正需要而劃，村代表所提供的小型屋宇需求數字根本未經核實。因此，當局應檢討小型屋宇政策。 <u>對海下灣海岸公園的環境及累積的影響</u> 緩衝區不夠大，未能把擴展了的「鄉村式發展」地帶與「具特殊科學價值地點」的範圍、濕地及重要的河流隔開。「鄉村式發展」地帶劃得過大，而且劃設這樣大的「鄉村式發展」地帶也沒用，因爲海下並沒有公共污水收集系統，而且受環境所限，設置	見城市規劃委員會文件第 5.25 段 見城市規劃委員會文件第 5.26 至 5.32 段

意見編號	理由	規劃署的回應
	私人污水處理廠也不切實際。地帶內眾多村屋所設的化糞池及滲水井系統，會污染海下灣，對村民以至廣大市民的健康可能會造成損害，而郊野公園的生態、景觀和康樂價值受損的可能性亦會增加。因此，當局應擬備鄉村發展藍圖及定出公共工程計劃，以改善海下的基礎設施和其他設施，解決潛在的污染問題。	
	<u>劃設「綠化地帶」是否足夠的問題及把距離海下河 30 米的範圍劃作緩衝區</u> 海下河東邊只劃爲「綠化地帶」。對於擬在「綠化地帶」進行的發展，城市規劃委員會(下稱「城規會」)通常都會批准。海下河東邊的「綠化地帶」一旦獲准進行發展，所造成的污染累積下去，最終會破壞整條河及有多樣化生境的「具特殊科學價值地點」和下游的海岸公園。	見城市規劃委員會文件第 5.34(a)及(b)段
	<u>資料不全且有誤導成分</u> 提交城規會以便其考慮這份草圖的資料欠妥，當中的生態數據有低估的情況、地圖又不準確，景觀及技術評估資料也不完整。	見城市規劃委員會文件第 5.34(c)及(d)段
	<u>把郊野公園「不包括的土地」指定爲郊野公園</u> 應把「不包括的土地」納入附近的郊野公園範圍。因此，應把發展審批發展圖的有效期延長最少	見城市規劃委員會文件第 5.35(e)及(f)段

意見編號	理由	規劃署的回應
	一年，以便當局完成把「不包括的土地」納入郊野公園範圍的程序。 應採用綜合全面和協調統一的方法保護郊野公園，以免「不包括的土地」出現不協調的發展。另應推廣私人土地一些可提升郊野公園的生態、農業、景觀和美化市容價值的用途。另外，應把草圖交予郊野公園及海岸公園委員會評估。此外，郊野公園「不包括的土地」政策必須體現政府在《生物多樣性公約》下應履行的保育責任。可是，爲「不包括的土地」而制訂的大部分分區計劃大綱圖，卻大幅擴展「鄉村式發展」地帶的範圍，使這些土地面臨更大規模的「即時的發展威脅」，違反郊野公園「不包括的土地」政策。	
C3656 至 C3660、C3662、C3664 至 C3668、C3670 至 C3675 (合共 17 份意見書)	這些意見書主要由環保／關注組織(即香港鄉郊基金(**C3657**)和香港地貌岩石保育協會(**C3668**))及個別人士提交。他們並沒有指明其意見與哪項申述有關，但大致反對這份草圖，理由與上述的理由相似。	同上

《註釋》的摘錄(「鄉村式發展」地帶、「其他指定用途」地帶、
「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的部分)

S/NE-HH/1

鄉村式發展

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途 政府用途(只限報案中心、郵政局) 屋宇(只限新界豁免管制屋宇) 農地住用構築物 宗教機構(只限宗祠) 鄉事委員會會所／鄉公所	墓地 食肆 分層住宅 政府垃圾收集站 政府用途(未另有列明者)# 酒店(只限度假屋) 屋宇(未另有列明者) 機構用途(未另有列明者)# 街市 康體文娛場所 私人會所 政府診所 公廁設施 公共車輛總站或車站 公用事業設施裝置# 公眾停車場(貨櫃車除外) 宗教機構(未另有列明者)# 住宿機構# 學校# 商店及服務行業 社會福利設施# 私人發展計劃的公用設施裝置

除以上所列，在新界豁免管制屋宇的地面一層，經常准許的用途亦包括：

食肆
圖書館
學校
商店及服務行業

(請看下頁)

鄉村式發展(續)

規劃意向

此地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要預算供原居村民興建小型屋宇之用。設立此地帶的目的，亦是要把鄉村式發展集中在地帶內，使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經濟效益。在新界豁免管制屋宇的地面一層，有多項配合村民需要和鄉村發展的商業和社區用途列爲經常准許的用途。其他商業、社區和康樂用途，如向城市規劃委員會申請許可，或會獲得批准。

備註

(a) 任何新發展，或任何現有建築物的加建、改動及／或修改，或現有建築物的重建(發展或重建作註有#的用途除外)，不得引致整個發展及／或重建計劃的最高建築物高度超過三層(8.23 米)，或超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的高度，兩者中以數目較大者爲準。

(b) 城市規劃委員會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略爲放寬上文(a)段所述的建築物高度限制。

(c) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道或填塘工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程，以及保養、修葺或翻建工程除外)而進行或繼續進行者。

其他指定用途

只適用於「水上活動康樂中心」

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
度假營 康體文娛場所(只限水上活動／康樂中心)	食肆 政府垃圾收集站 政府用途(未另有列明者) 康體文娛場所(未另有列明者) 私人會所 公眾停車場(貨櫃車除外) 宗教機構 商店及服務行業 社會福利設施 非附屬於指定用途的公用設施裝置

規劃意向

此地帶的規劃意向，是指定土地用於水上活動康樂用途。

備註

(a) 任何現有建築物的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的地積比率、上蓋面積和高度。

(b) 城市規劃委員會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略爲放寬上文(a)段所述的地積比率、上蓋面積和建築物高度限制。

綠化地帶

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途 燒烤地點 政府用途(只限報案中心) 自然保護區 自然教育徑 農地住用構築物 野餐地點 公廁設施 帳幕營地 野生動物保護區	動物寄養所 播音室、電視製作室及／或電影製作室 墓地 靈灰安置所(只限設於宗教機構內或現有靈灰安置所的擴建部分) 火葬場(只限設於宗教機構內或現有火葬場的擴建部分) 郊野學習／教育／遊客中心 政府垃圾收集站 政府用途(未另有列明者) 直升機升降坪 度假營 屋宇(根據《註釋》說明頁准許翻建新界豁免管制屋宇或以新界豁免管制屋宇取代現有住用建築物者除外) 加油站 康體文娛場所 公共車輛總站或車站 公用事業設施裝置 公眾停車場(貨櫃車除外) 雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置 宗教機構 住宿機構 鄉事委員會會所／鄉公所 學校 配水庫 社會福利設施 私人發展計劃的公用設施裝置

(請看下頁)

綠化地帶(續)

規劃意向

此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展，並提供土地作靜態康樂場地。根據一般推定，此地帶不宜進行發展。

備註

在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程，以及保養、修葺或翻建工程除外)而進行或繼續進行者。

S/NE-HH/1

自然保育區

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途(植物苗圃除外) 自然保護區 自然教育徑 農地住用構築物 野生動物保護區	燒烤地點 郊野學習／教育／遊客中心 政府垃圾收集站 政府用途(未另有列明者) 屋宇(只限重建) 公廁設施 公用事業設施裝置 雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置

規劃意向

此地帶的規劃意向，是保護和保存區內現有的天然景觀、生態系統或地形特色，以達到保育目的及作教育和研究用途，並且分隔開易受破壞的天然環境如郊野公園，以免發展項目對這些天然環境造成不良影響。

根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

備註

(a) 任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。

(b) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展而進行或繼續進行者。

S/NE-HH/1

海岸保護區

第一欄 經常准許的用途	第二欄 須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途
農業用途(植物苗圃除外) 自然保護區 自然教育徑 農地住用構築物 野生動物保護區	郊野學習／教育／遊客中心 政府用途 屋宇(只限重建) 公廁設施 公用事業設施裝置 雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置

規劃意向

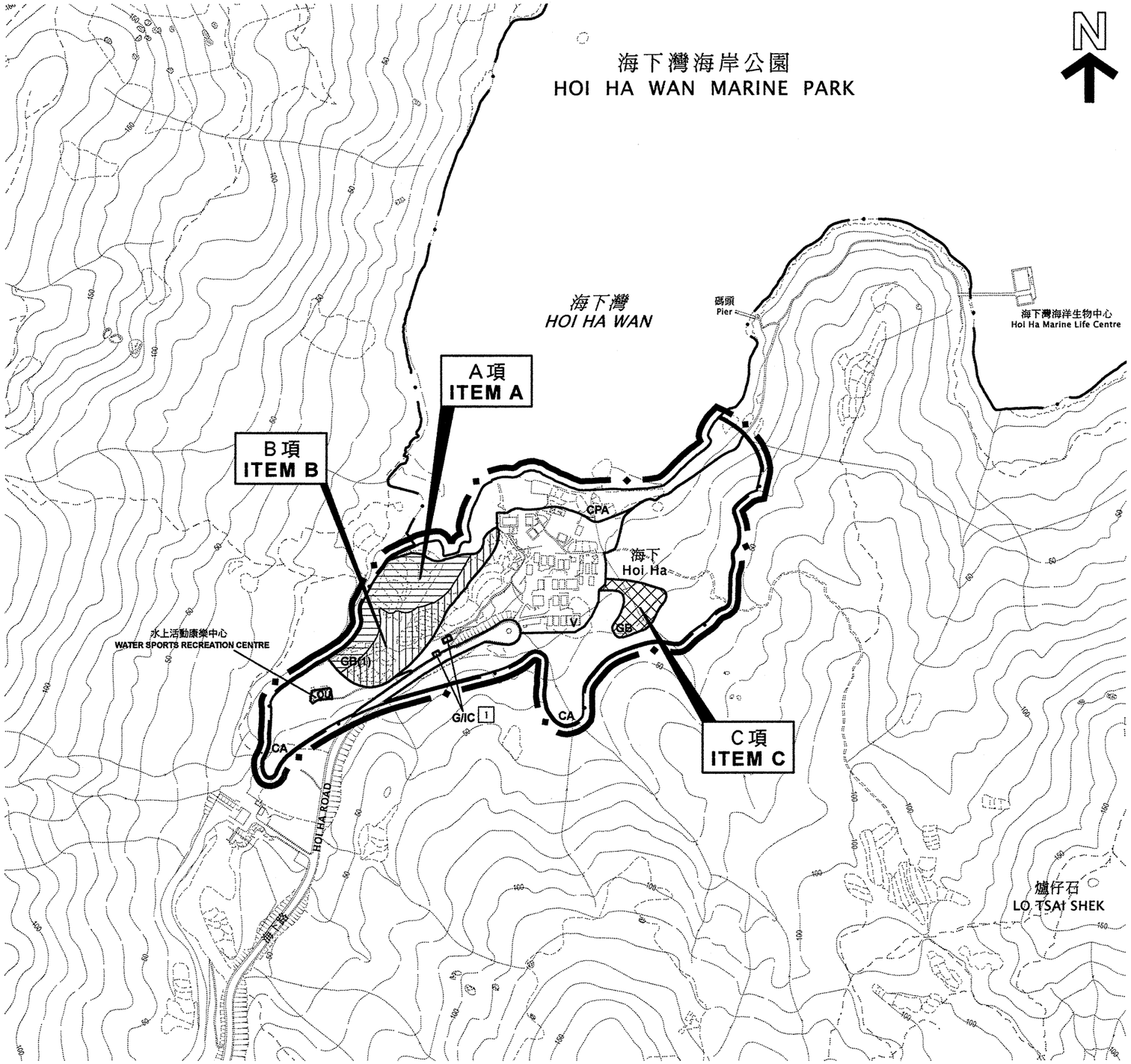
此地帶的規劃意向，是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，包括具吸引力的地質特色、地理形貌，或在景觀、風景或生態方面價值高的地方，而地帶內的建築發展，會維持在最低水平。此地帶亦可涵蓋能作天然保護區的地方，以防護鄰近發展，抵抗海岸侵蝕的作用。

根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

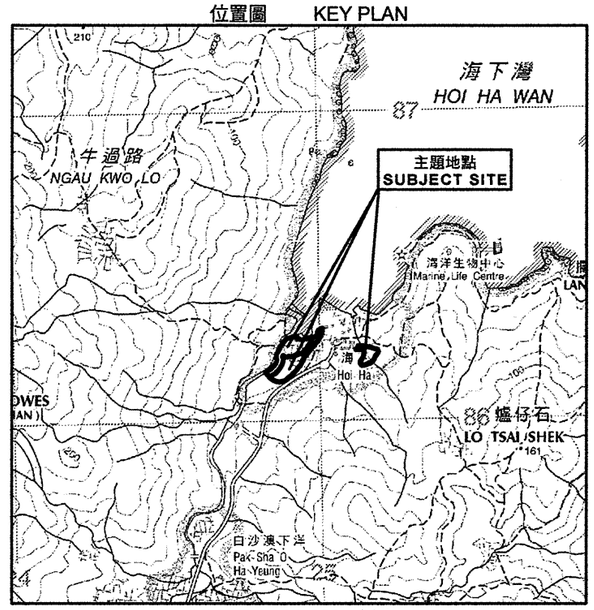
備註

(a) 任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。

(b) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展而進行或繼續進行者。



位置圖 KEY PLAN



SCALE 1 : 20 000 比例尺

草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

根據城市規劃條例第6C(2)條公布的建議修訂
PROPOSED AMENDMENTS PUBLISHED UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

A項 ITEM A

把「綠化地帶」地帶改劃為「綠化地帶(1)」地帶
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"

B項 ITEM B

把「鄉村式發展」地帶改劃為「綠化地帶(1)」地帶
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"

C項 ITEM C

把「自然保育區」地帶改劃為「綠化地帶」地帶
REZONING FROM "CONSERVATION AREA" TO "GREEN BELT"

夾附的《註釋》屬這份圖則的一部分，
《註釋》的建議修訂已根據城市規劃條例第6C(2)條公布。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND THE PROPOSED AMENDMENTS THERETO HAVE BEEN PUBLISHED
UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

（參看附表）
(SEE ATTACHED SCHEDULE)

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 5 000 比例尺

米 METRES 100 0 100 200 300 400 METRES 米

規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號 PLAN No. R/S/NE-HH/1 - A1

綠化地帶(1)

第一欄	*第二欄*
經常准許的用途	*須先向城市規劃委員會申請，可能在有附帶條件或無附帶條件下獲准的用途*
農業用途 *自然保護區* *自然教育徑* *農地住用構築物* *野餐地點* *帳幕營地* *野生動物保護區*	*燒烤地點* *墓地* *郊野學習／教育／遊客中心* *政府垃圾收集站* *政府用途(未另有列明者)* *度假營* *屋宇(只限重建)* *公廁設施* *公用事業設施裝置* *雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置* *鄉事委員會會所／鄉公所* *私人發展計劃的公用設施裝置*

(請看下頁)

綠化地帶(1)(續)

規劃意向

此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。

大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

備註

(a) *任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。*

(b) *在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括爲改作上文第一欄和第二欄所列的任何用途，或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程，以及保養、修葺或翻建工程除外)而進行或繼續進行者。*

8. 整體規劃意向

8.1 該區的整體規劃意向，是保存該區的自然景觀和保育價值，以及保護該區的自然鄉郊環境及文化遺產，同時預留土地，以供日後海下的原居民鄉村發展小型屋宇之用。

8.2 規劃該區的各個土地用途地帶時，已考慮到要保護該區具生態和景觀價值的地方，包括海下的風水林，該風水林是西貢西郊野公園和海下灣海岸公園更廣大的自然系統的一部分。此外，亦考慮到要劃出土地作日後發展小型屋宇之用。

9. 土地用途地帶

9.1 「鄉村式發展」：總面積 ***1.95*** 公頃

9.1.1 此地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要預算供原居村民興建小型屋宇之用。設立此地帶的目的，亦是要把鄉村式發展集中在地帶內，使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經濟效益。在新界豁免管制屋宇的地面一層，有多項配合村民需要和鄉村發展的商業和社區用途列爲經常准許的用途。其他商業、社區和康樂用途，如向城規會申請許可，或會獲得批准。

9.1.2 海下是認可鄉村，也是該區唯一的認可鄉村。「鄉村式發展」地帶的界線是根據「鄉村範圍」、未處理的小型屋宇申請數目、所預測的小型屋宇需求量、區內地形及用地限制而劃的。地勢崎嶇和草木茂盛的地方、河道和墓地都盡量不劃入此地帶內。

9.1.3 任何新發展，或任何現有建築物的加建、改動及／或修改，或現有建築物的重建，不得引致整個發展及／或重建計劃的最高建築物高度超過三層(8.23 米)，或超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的高度，兩者中以數目較大者爲準。對於要求略爲放寬上述限制的申請，城規會會按個別情況作出考慮，包括用地的限制、建築設計是否有創意，以及規劃上是否有美化區內環境的優點。

9.2.4 爲使特定發展項目在設計上能更靈活，城規會可通過規劃許可審批制度，考慮略爲放寬建築物高度的限制。城規會會按個別申請在規劃上優越之處，作出考慮。

9.3 「其他指定用途(水上活動康樂中心)」：總面積 0.03 公頃

9.3.1 此地帶的規劃意向，主要是反映該區西部的土地的現有用途，即現時位於海下路北面的一個水上活動康樂中心(「海谷中心」)。該中心由一個宗教團體所設，至今已有三十多年，爲青少年提供水上活動訓練設施和夜宿。地政總署表示，根據有關的短期租約，該中心現有兩個構築物，總覆蓋面積約爲 71.5 平方米

9.3.2 下列規劃管制適用於此地帶：

(a) 任何現有建築物的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的地積比率、上蓋面積和高度；以及

(b) 城規會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略爲放寬上文(a)段所述的地積比率、上蓋面積和建築物高度限制。

9.4 「綠化地帶」：總面積 ***0.25*** 公頃

9.4.1 此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展，並提供土地作靜態康樂場地。根據一般推定，此地帶不宜進行發展。

9.4.2 ***「綠化地帶」涵蓋村落東面的一幅政府土地。該幅土地相對平坦，大部分地方長滿草並與現有的村落連成一體。***

9.4.3 根據一般推定，此地帶不宜進行發展。當局會嚴格管制此地帶內的發展。城規會將會參考有關的城規會規劃指引，按個別情況考慮每項發展建議。由於河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。

9.5 「綠化地帶(1)」：總面積 1.3 公頃

9.5.1 此地帶的規劃意向，主要是利用天然地理環境作爲市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的

發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

9.5.2 *「綠化地帶(1)」主要涵蓋該村西面及流經該區西面邊界的石澗附近的地區，該處主要是荒廢農地。此外，該林地發現有一種具保育價值的植物香港大沙葉及爲數頗多的各種大樹，包括細葉榕。此外，該林地有部分相對未受干擾，更有一個河流網絡。網絡中各河經該林地流入濕地，然後流入海下灣。「綠化地帶(1)」可作爲鄉村發展項目與該石澗之間的生態緩衝區，有助防止此區重要的景觀資源受到不良的影響。*

9.5.3 *現有屋宇的重建，不得引致整個重建計劃超過在有關發展審批地區圖首次公布該日已經存在的屋宇的地積比率、上蓋面積及高度。*

9.5.4 *由於河道改道、塡土／塡塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。*

9.***6*** 「自然保育區」：總面積 ***3.72*** 公頃

9.***6.***1 此地帶的規劃意向，是保護和保存區內現有的天然景觀、生態系統或地形特色，以達到保育目的及作教育和研究用途，並且分隔開易受破壞的天然環境如郊野公園，以免發展項目對這些天然環境造成不良影響。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

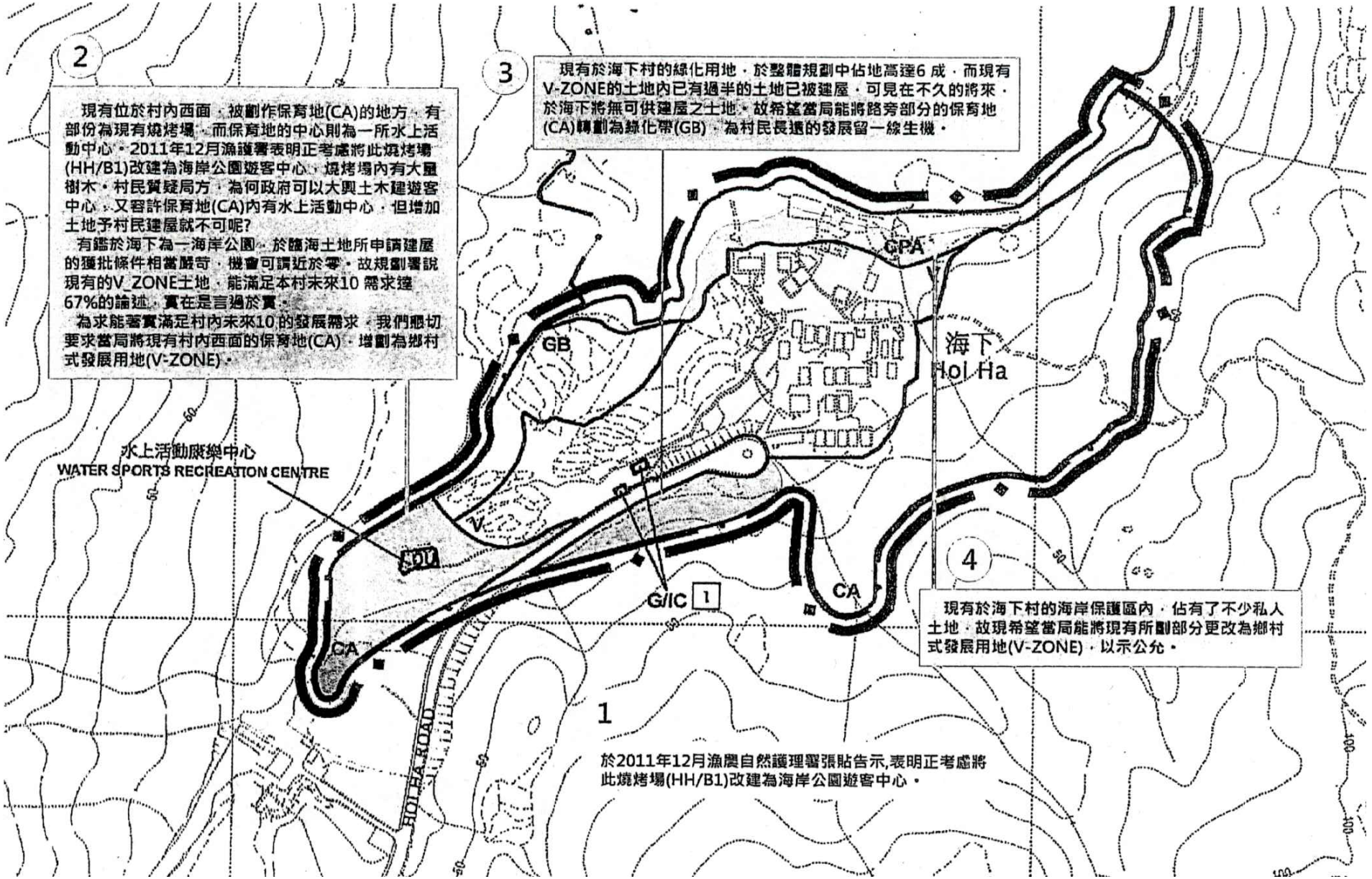
9.***6.***2 「自然保育區」地帶涵蓋海下村東面和南面山坡上的林地，以及該區西端於海下路北面的林地。這些林地頗具天然特色，並與西貢西郊野公園廣闊的綠林在生態上緊密相連，更有各種各樣的受保護植物及有保育價值的動物品種。這些地方的生態資源和生物物種豐富，把之劃作此地帶，是希望能通過嚴格的規劃管制，保護和保存這些資源和物種。

9.***6.***3 在此地帶內山坡的南部有一塊狹長的土地闢作傳統墓地，供該區原居村民安葬先人之用。該墓地已存在多年，屬現有用途。爲尊重當地的習俗及傳統，在此地帶進行殯葬活動，一般可予容忍。

9.***6.***4 在此地帶不准進行新的住宅發展項目。若要重建現有屋宇，必須向城規會提出申請，可能會獲得批准。任何現

有屋宇的重建，不得引致整個重建計劃超過在有關發展審批地區圖首次公布該日已經存在的屋宇的地積比率、上蓋面積及高度。

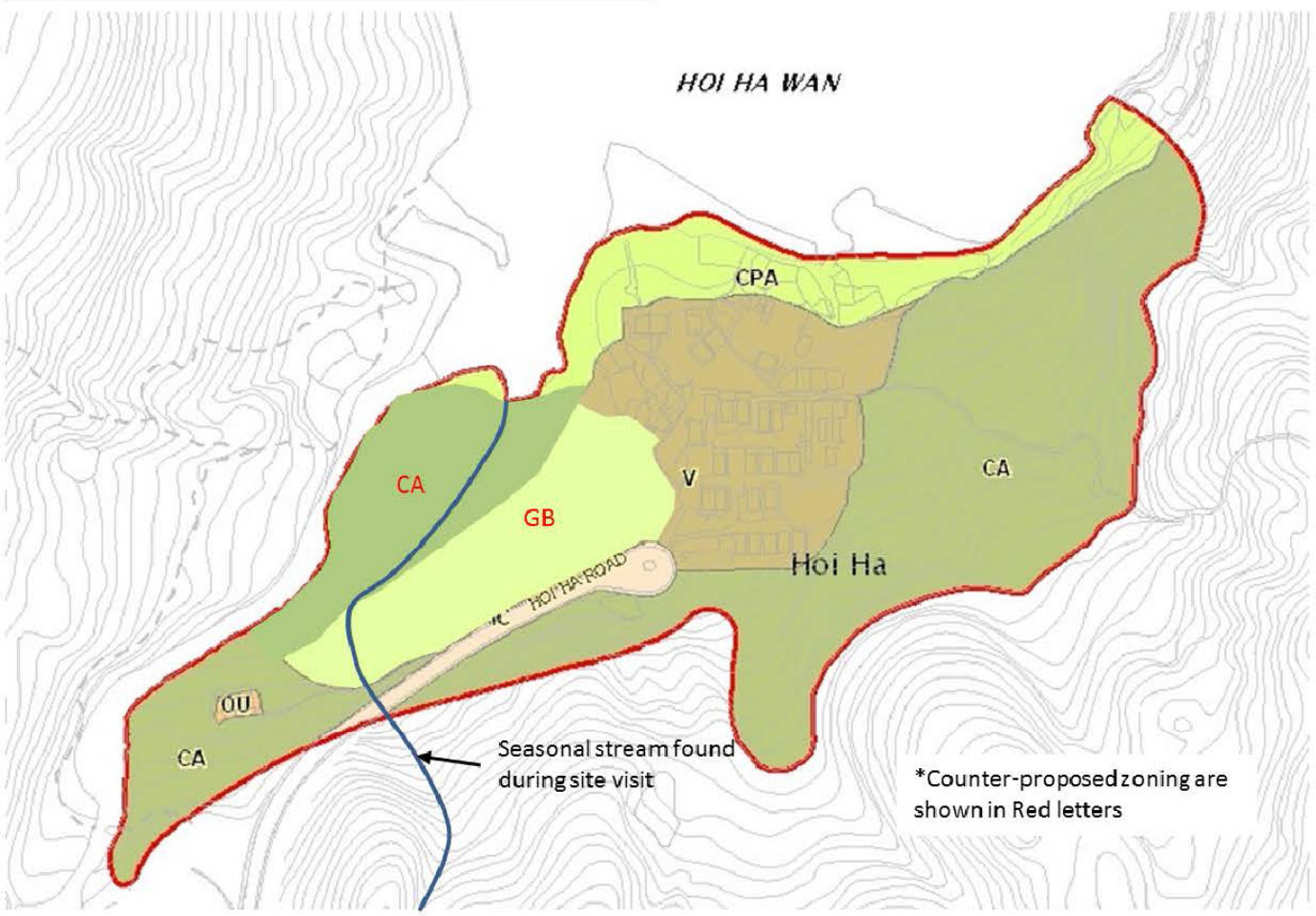
9.*6*.5 河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響。由於此地帶內的土地具保育價值，因此必須向城規會取得許可，才可進行該等工程。



R1至R798所提供的建議
PROPOSED ZONING PROVIDED BY R1 TO R798

參考編號 REFERENCE No. R/S/NE-HH/1-1 to 10934	繪圖 DRAWING H-1

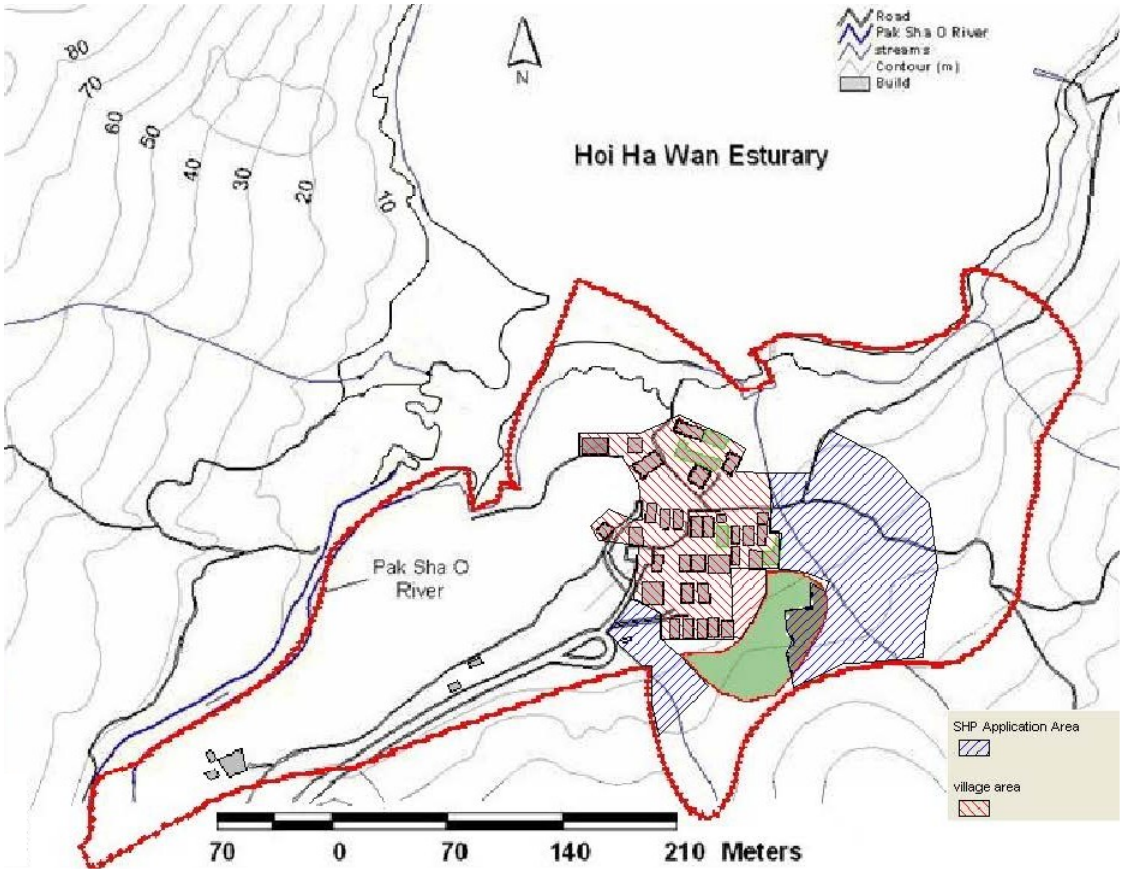
(來源 Source : R1 to R798)



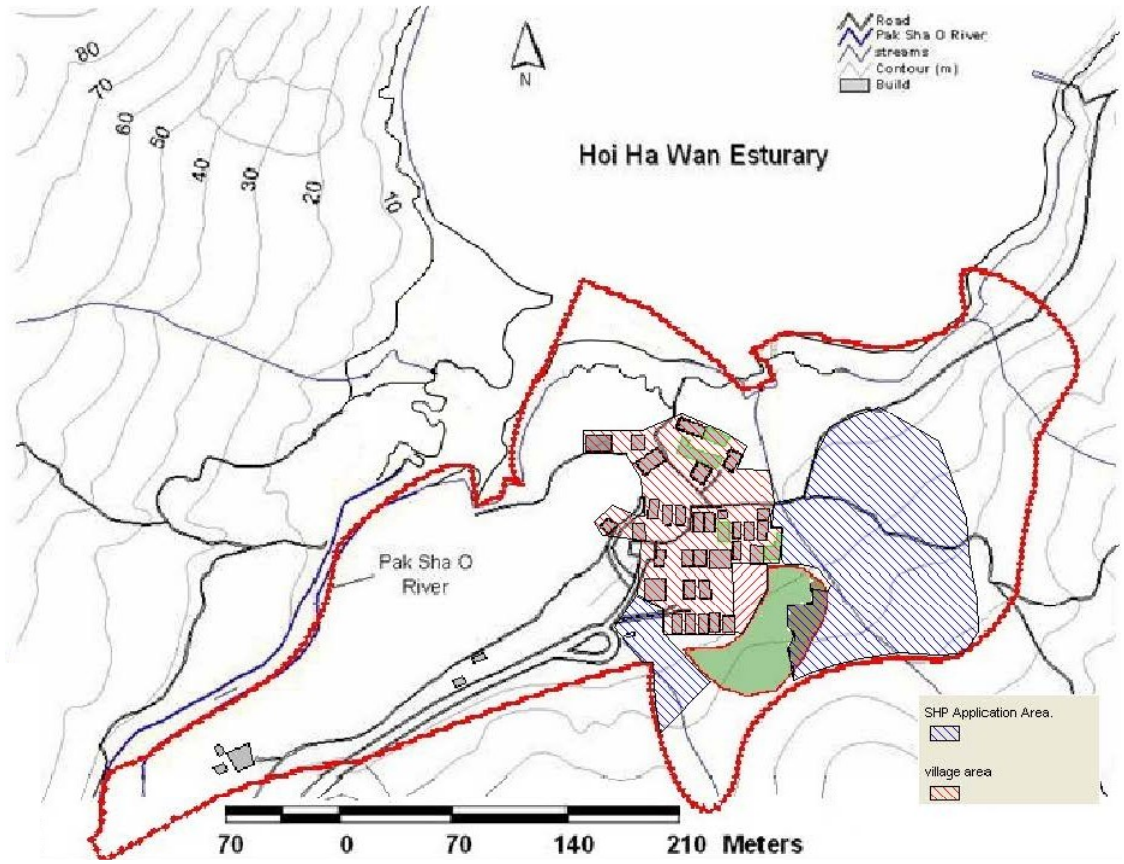
R10874所提供的建議
PROPOSALS PROVIDED BY R10874

參考編號 REFERENCE No. R/S/NE-HH/1-1 to 10934	繪圖 DRAWING H-2

(來源 Source : R10874)
(世界自然基金會香港分會)
(WORLD WIDE FUND FOR NATURE HONG KONG)



建議 PROPOSAL 1

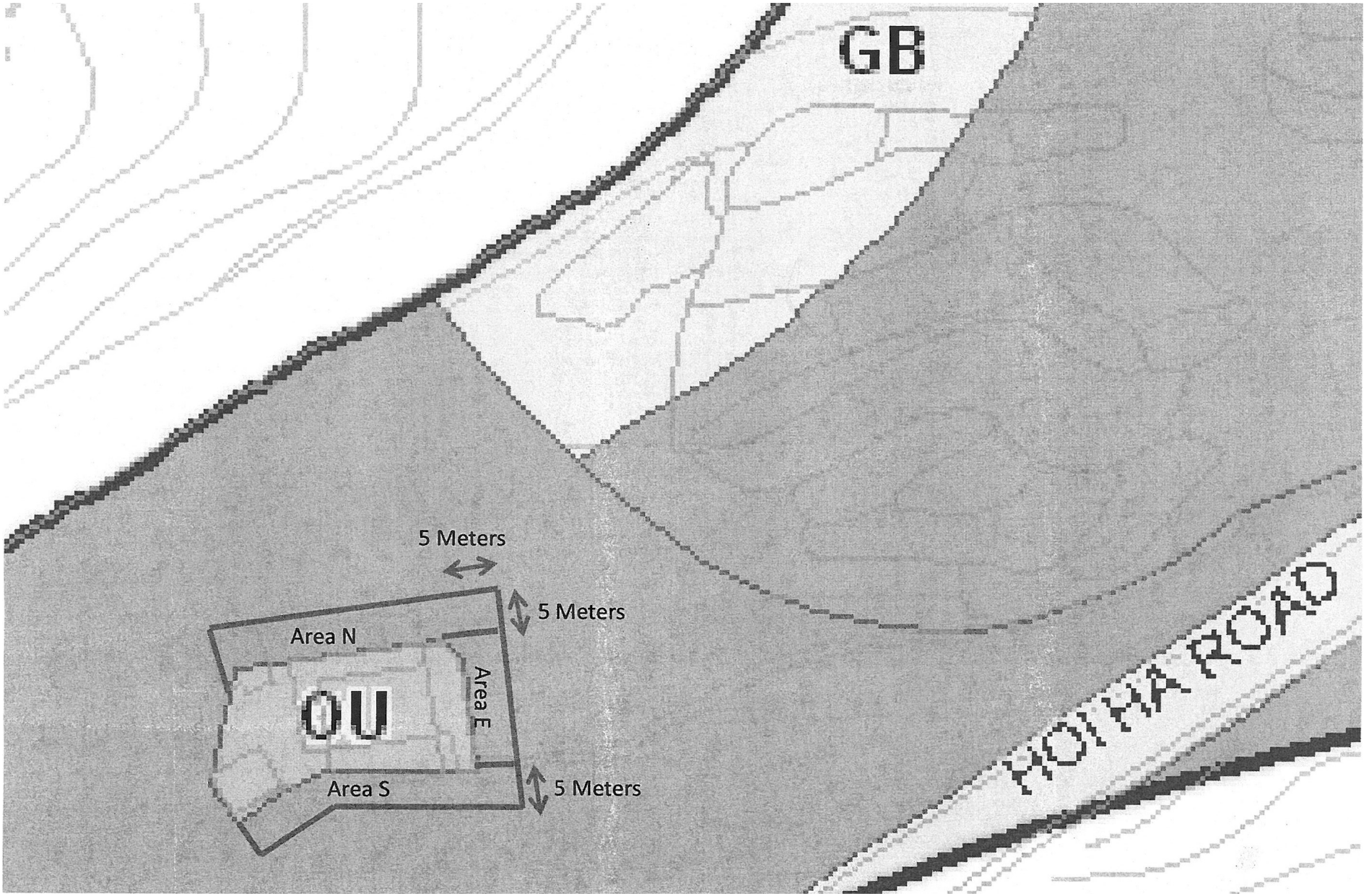


建議 PROPOSAL 2

R10880所提供的建議
PROPOSALS PROVIDED BY R10880

參考編號 REFERENCE No. R/S/NE-HH/1-1 to 10934	繪圖 DRAWING H-3

(來源 Source : R10880)
（公共事業聯盟）
(THE PROFESSIONAL COMMONS)



R10911所提供的擬議「其他指定用途」地帶界線
PROPOSED BOUNDARY OF "OU" ZONE PROVIDED BY R10911

參考編號 REFERENCE No. R/S/NE-HH/1-1 to 10934	繪圖 DRAWING H-4

(來源 Source : R10911)
(海谷中心)
(TOLO ADVENTURE CENTRE)

N

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

碼頭
Pier

海下灣海洋生物中心
Hoi Ha Marine Life Centre

欄路坳
LAN LO AU

CPA

V

海下
Hoi Ha

GB

水上活動康樂中心
WATER SPORTS RECREATION CENTRE

SOU

G/IC 1

CA

CA

HOI HA ROAD

海下路

爐仔石
LO TSAI SHEK

圖例 LEGEND

申述個案編號1至10934
REPRESENTATIONS No. 1 TO 10934

規劃範圍界線
BOUNDARY OF PLANNING SCHEME

本摘要圖於2014年4月11日擬備，所根據的資料
為於2013年9月27日展示的海下分區計劃大綱草圖編號 S/NE-HH/1
EXTRACT PLAN PREPARED ON 11.4.2014
BASED ON THE DRAFT HOI HA OUTLINE ZONING PLAN
No. S/NE-HH/1 EXHIBITED ON 27.9.2013

位置圖 LOCATION PLAN

就海下分區計劃大綱草圖編號 S/NE-HH/1
提出的申述個案編號1至10934作出考慮

CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

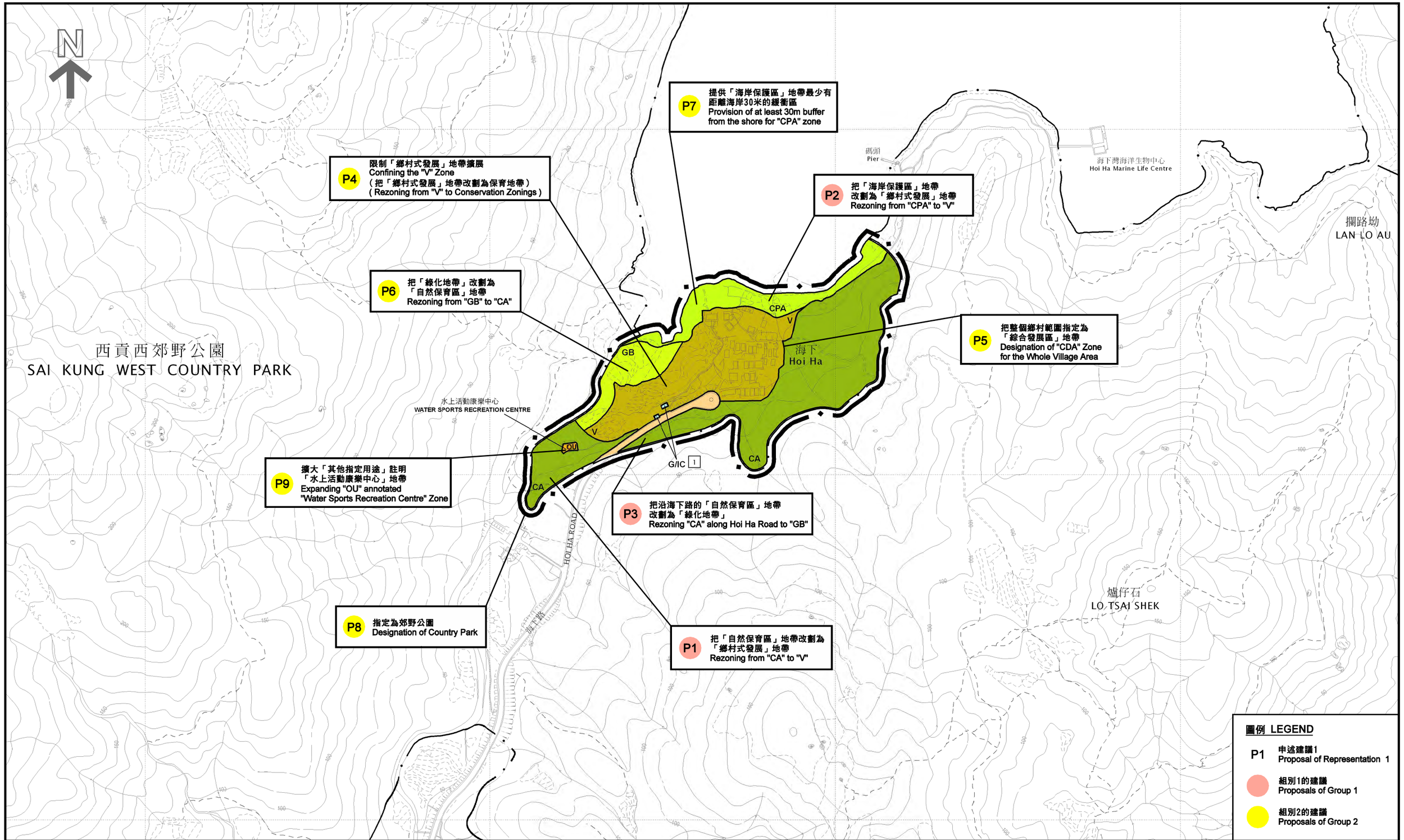
SCALE 1 : 5 000 比例尺

米 METRES 100 0 100 200 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-1



本摘要圖於2014年4月17日擬備，所根據的資料
為於2013年9月27日展示的海下分區計劃大綱草圖編號 S/NE-HH/1
EXTRACT PLAN PREPARED ON 17.4.2014
BASED ON THE DRAFT HOI HA OUTLINE ZONING PLAN
No. S/NE-HH/1 EXHIBITED ON 27.9.2013

申述建議 PROPOSALS OF REPRESENTATIONS

就海下分區計劃大綱草圖編號 S/NE-HH/1
提出的申述個案編號1至10934作出考慮

CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 5 000 比例尺
米 METRES 100 0 100 200 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-1a

海下灣海岸公園
HOI HA WAN MARINE PARK

海下灣
HOI HA WAN

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

海下石灰窯
Hoi Ha
Lime Kilns

海下村
Hoi Ha
Tsuen

海下
HOI HA

Rocky Stream
石溪

海下低地抽水站
Hoi Ha
Lowland
Pumping Station

HOI HA ROAD
海下路

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

N

圖例 LEGEND

- 規劃範圍界線 BOUNDARY OF PLANNING SCHEME
- 鄉村範圍 VILLAGE 'ENVIRONS'
- 具考古價值的地點 SITE OF ARCHAEOLOGICAL INTEREST
- 風水林地 FUNG SHUI WOODLAND
- 墓地 BURIAL GROUND
- 郊野公園 COUNTRY PARK
- 具特殊科學價值地點 CATCHMENTS WITH POTENTIAL LANDSLIDES HAZARDS
- 私人土地 PRIVATE LAND
- 現有河溪 EXISTING STREAM
- 海下古徑 HOI HA TRACKWAY

本摘要圖於2014年4月16日擬備，所根據的資料
為測量圖編號 8-NW-5A/B/C/D
EXTRACT PLAN PREPARED ON 16.4.2014
BASED ON SURVEY SHEEETS No. 8-NW-5A/B/C/D

海下分區計劃大綱草圖的發展限制
DEVELOPMENT CONSTRAINTS OF THE DRAFT HOI HA OUTLINE ZONING PLAN

就海下分區計劃大綱草圖編號 S/NE-HH/1
提出的申述個案編號1至10934作出考慮
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 2 500 比例尺

METRES 50 0 50 100 METRES

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-2



本摘要圖於2014年4月11日擬備，
所根據的資料為地政總署於2012年5月10日
拍得的航攝照片編號 CW97133-35

EXTRACT PLAN PREPARED ON 11.4.2014
BASED ON AERIAL PHOTOS No. CW97133-35
TAKEN ON 10.5.2012 BY LANDS DEPARTMENT

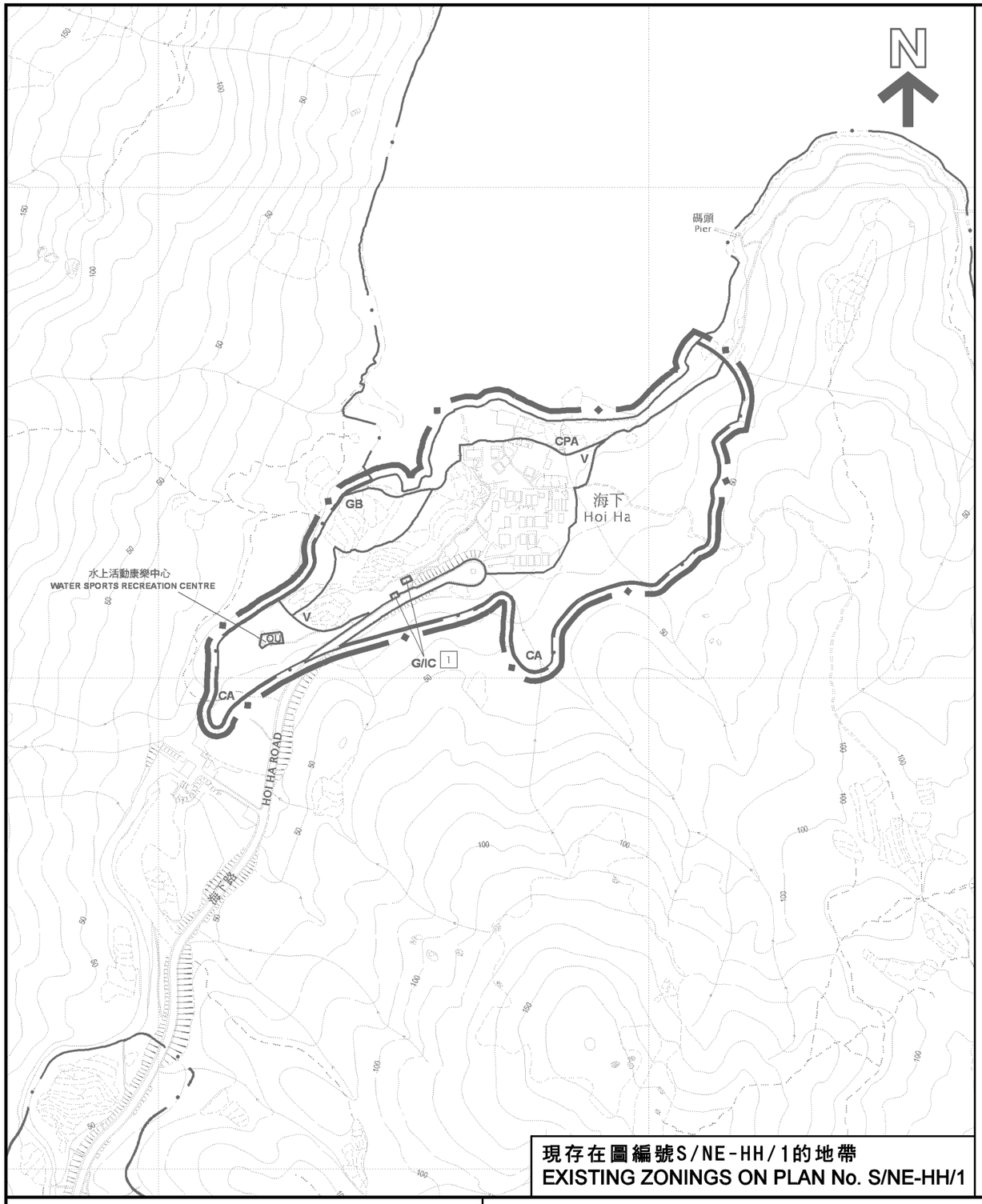
航攝照片 AERIAL PHOTO

就海下分區計劃大綱草圖編號 S/NE-HH/1
提出的申述個案編號1至10934作出考慮
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

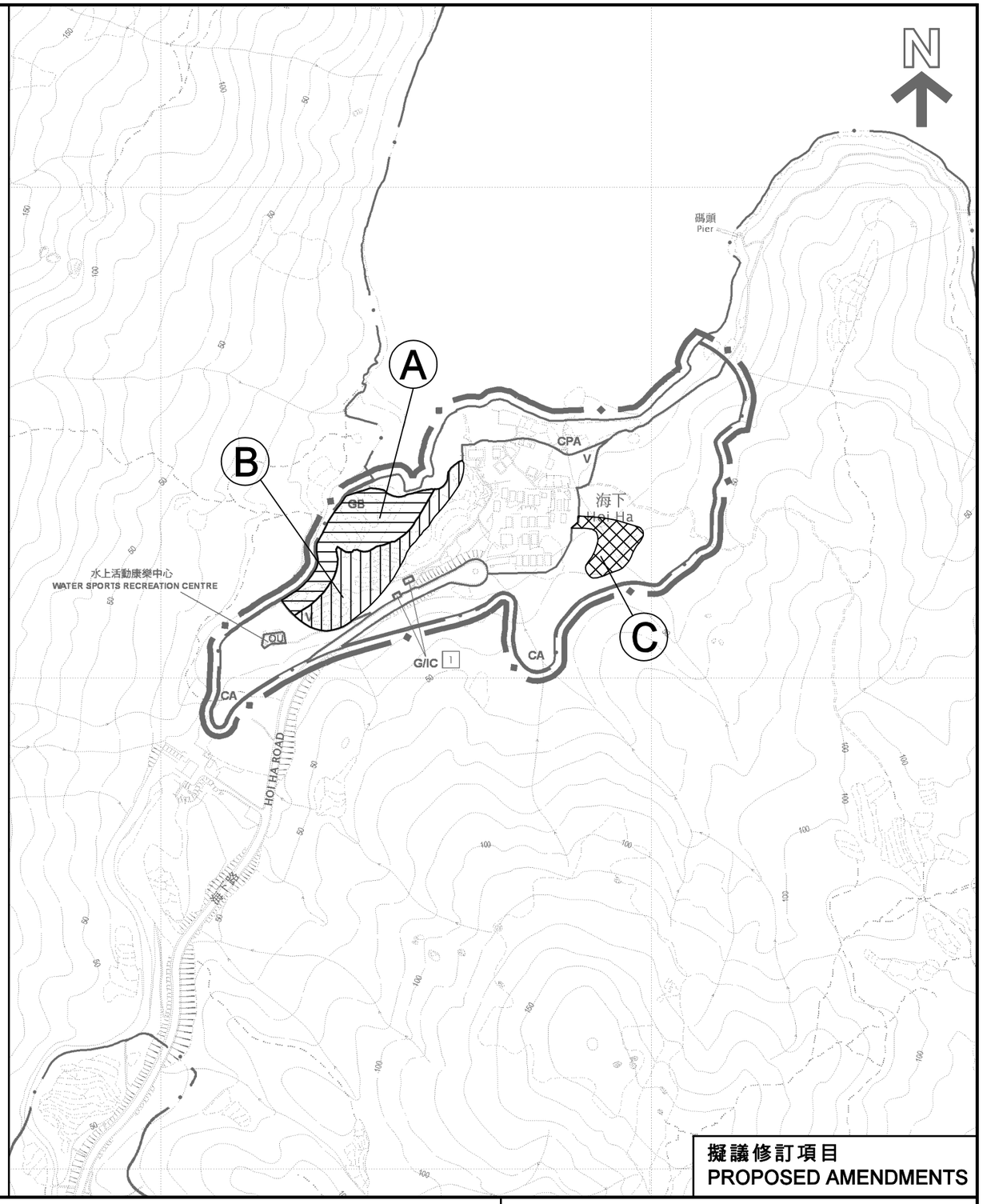
規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-3



現存在圖編號S/NE-HH/1的地帶
EXISTING ZONINGS ON PLAN No. S/NE-HH/1



擬議修訂項目
PROPOSED AMENDMENTS

本摘要圖於2014年4月16日擬備，所根據的資料
為於2013年9月27日展示的海下分區計劃大綱草圖編號 S/NE-HH/1
EXTRACT PLAN PREPARED ON 16.4.2014
BASED ON THE DRAFT HOI HA OUTLINE ZONING PLAN
No. S/NE-HH/1 EXHIBITED ON 27.9.2013

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

就海下分區計劃大綱草圖編號 S/NE-HH/1提出的申述個案編號1至10934作出考慮
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934 TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 5 000 比例尺
米 METRES 100 0 100 200 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-4

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

海下灣海岸公園
HOI HA WAN
MARINE PARK

CPA

GB(1)

CA

GB

V

G/IC

OU

海下
HOI HA

HOI HA ROAD
海下路

海下灣海岸公園
護理員站崗
Hoi Ha Wan
Marine Park
Warden Post

Ou Wan Nature Centre
鴨灣中心

N

圖例 LEGEND

把「綠化地帶」地帶改劃為「綠化地帶(1)」地帶
REZONE "GB" to "GB(1)"

把「鄉村式發展」地帶改劃為「綠化地帶(1)」地帶
REZONE "V" to "GB(1)"

把「自然保育區」地帶改劃為「綠化地帶」地帶
REZONE "CA" TO "GB"

鄉村範圍
VILLAGE 'ENVIRONS'

風水林
FUNG SHUI WOODLAND

V 鄉村式發展
VILLAGE TYPE DEVELOPMENT

G/IC 政府、機構或社區
GOVERNMENT, INSTITUTION OR COMMUNITY

OU 其他指定用途
OTHER SPECIFIED USES

GB 綠化地帶
GREEN BELT

CA 自然保育區
CONSERVATION AREA

CPA 海岸保護區
COASTAL PROTECTION AREA

本摘要圖於2014年4月16日擬備，所根據的資料
為測量圖編號 8-NW-5A/B
EXTRACT PLAN PREPARED ON 16.4.2014
BASED ON SURVEY SHEEETS No. 8-NW-5A/B

平面圖 - 建議修訂
SITE PLAN - PROPOSED AMENDMENTS

就海下分區計劃大綱草圖編號 S/NE-HH/1
提出的申述個案編號1至10934作出考慮
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 1 000 比例尺
METRES 20 0 20 40 METRES

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-5

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

海下灣海岸公園
HOI HA WAN
MARINE PARK

CPA

GB

CPA

GB

海下
HOI HA

V

G/IC

GB(1)

CA

HOI HA ROAD

海下路

CA

OU

CA

N

圖例 LEGEND

鄉村範圍
VILLAGE 'ENVIRONS'

風水林
FUNG SHUI WOODLAND

V	鄉村式發展 VILLAGE TYPE DEVELOPMENT
G/IC	政府、機構或社區 GOVERNMENT, INSTITUTION OR COMMUNITY
OU	其他指定用途 OTHER SPECIFIED USES
GB	綠化地帶 GREEN BELT
CA	自然保育區 CONSERVATION AREA
CPA	海岸保護區 COASTAL PROTECTION AREA

本圖於2014年4月16日擬備，所根據的資料為地政總署
於2012年5月10日拍得的航攝照片編號CW97133-35
EXTRACT PLAN PREPARED ON 16.4.2014
BASED ON AERIAL PHOTOS No. CW97133-35
TAKEN ON 10.5.2012 BY LANDS DEPARTMENT

航攝照片 - 建議修訂
AERIAL PHOTO - PROPOSED AMENDMENTS

就海下分區計劃大綱草圖編號 S/NE-HH/1
提出的申述個案編號1至10934作出考慮
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-6

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

海下灣海岸公園
HOI HA WAN
MARINE PARK

CPA

GB

CPA

GB

海下
HOI HA

V

G/IC

GB(1)

CA

HOI HA ROAD

海下路

CA

OU

CA

N

圖例 LEGEND

鄉村範圍
VILLAGE 'ENVIRONS'

風水林
FUNG SHUI WOODLAND

V	鄉村式發展 VILLAGE TYPE DEVELOPMENT
G/IC	政府、機構或社區 GOVERNMENT, INSTITUTION OR COMMUNITY
OU	其他指定用途 OTHER SPECIFIED USES
GB	綠化地帶 GREEN BELT
CA	自然保育區 CONSERVATION AREA
CPA	海岸保護區 COASTAL PROTECTION AREA

本圖於2014年4月16日擬備，所根據的資料為地政總署
於2012年5月10日拍得的航攝照片編號CW97133-35
EXTRACT PLAN PREPARED ON 16.4.2014
BASED ON AERIAL PHOTOS No. CW97133-35
TAKEN ON 10.5.2012 BY LANDS DEPARTMENT

航攝照片 - 建議修訂
AERIAL PHOTO - PROPOSED AMENDMENTS

就海下分區計劃大綱草圖編號 S/NE-HH/1
提出的申述個案編號1至10934作出考慮
CONSIDERATION OF REPRESENTATIONS No. 1 TO 10934
TO THE DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1-1 to 10934

圖 PLAN
H-6

二零一四年四月二十八日、五月八日、五月十二日、五月十九日、五月二十日及六月四日舉行的城市規劃委員會第 1057 次會議記錄

出席者

發展局常任秘書長(規劃及地政) 周達明先生	主席
黃遠輝先生	副主席
黃仕進教授	
陸觀豪先生	
何培斌教授	
許智文教授	
劉智鵬博士	
劉文君女士	
梁宏正先生	
李律仁先生	
馬詠璋女士	
邱榮光博士	
鄒桂昌教授	
張孝威先生	
霍偉棟博士	

符展成先生

何立基先生

黃令衡先生

黎慧雯女士

林光祺先生

劉興達先生

李美辰女士

梁慶豐先生

邱浩波先生

陳福祥先生

葉德江先生

雷賢達先生

楊偉誠先生

袁家達先生

民政事務總署助理署長(2)
許國新先生／曹榮平先生

環境保護署副署長
謝展寰先生

地政總署署長／地政總署副署長(一般事務)
甯漢豪女士／林潤棠先生

規劃署署長
凌嘉勤先生

規劃署副署長／地區　　秘書
黃婉霜女士(二零一四年四月二十八日、五月八日、五月十二日、五月十九日及五月二十日會議)
李啟榮先生(二零一四年六月四日會議)

因事缺席

陳祖楹女士

陳建強醫生

運輸及房屋局首席助理秘書長(運輸)
王明慧女士

列席者

規劃署助理署長／委員會
區潔英女士(二零一四年四月二十八日、五月八日、五月十二日、五月十九日及五月二十日會議)
龍小玉女士(二零一四年六月四日會議)

總城市規劃師／城市規劃委員會
任雅薇女士(二零一四年四月二十八日及五月八日上午會議、二零一四年五月十二日及五月十九日下午會議，以及二零一四年五月二十日及六月四日會議)
顧建康先生(二零一四年四月二十八日及五月八日下午會議，以及二零一四年五月十二日及五月十九日上午會議)

高級城市規劃師／城市規劃委員會
區晞凡先生(二零一四年四月二十八日上午會議，以及二零一四年五月二十日及六月四日會議)
鄭達昌先生(二零一四年四月二十八日下午會議)

鄭韻瑩女士(二零一四年五月八日上午會議)
胡明儀女士(二零一四年五月八日下午會議)
丁雪儀女士(二零一四年五月十二日上午會議)
何盛田先生(二零一四年五月十二日下午會議)
李健成先生(二零一四年五月十九日上午會議)

城市規劃師／城市規劃委員會
梁偉翔先生(二零一四年五月十九日下午會議)

1. 下列委員及秘書出席了二零一四年四月二十八日上午的會議：

周達明先生	主席
黃遠輝先生	副主席
黃仕進教授	
陸觀豪先生	
許智文教授	
劉智鵬博士	
劉文君女士	
馬詠璋女士	
鄒桂昌教授	
何立基先生	
黃令衡先生	
黎慧雯女士	
林光祺先生	
邱浩波先生	
陳福祥先生	
葉德江先生	
雷賢達先生	

環境保護署副署長
謝展寧先生

地政總署署長
甯漢豪女士

規劃署署長
凌嘉勤先生

議程項目 1

[公開會議]

續議事項

[會議以廣東話進行。]

1. 秘書報告並無續議事項。

沙田、大埔及北區及
西貢及離島區

議程項目 2

[公開會議(限於簡介和提問部分)]

考慮有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、
《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及
《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述及意見
(城市規劃委員會文件第 9644、9645 及 9646 號)

[會議以廣東話及英語進行。]

《海下分區計劃大綱草圖編號 S/NE-HH/1》

第一組

申述

R1 至 R798 及 R10736 至 R10749

《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》

第一組

申述

R1 至 R798 及 R10736 至 R10817

意見

C3669 至 C3676

《白腊分區計劃大綱草圖編號 S/SK-PL/1》

第一組

申述

R1 至 R798、R10736 及 R10737

簡介和提問部分

2. 秘書應主席的要求扼要講述會議的安排，並表示會議暫定分四日舉行，分別是二零一四年四月二十八日、五月八日、五月十二日及五月十九日。每日會議都會邀請已登記的申述人及提意見人作口頭陳述，而口頭陳述部分完成後會有答問環節。由於已給予申述人及提意見人足夠時間的通知，邀請他們出席會議，因此，委員同意在那些表示不會出席會議或沒有回覆的申述人和提意見人缺席的情況下就有關申述進行聆訊。

3. 以下規劃署、漁農自然護理署(下稱「漁護署」)的代表、申述人及他們的代表此時獲邀到席上：

蘇震國先生	－	規劃署沙田、大埔及北區規劃專員
鍾文傑先生	－	規劃署西貢及離島規劃專員
吳育民先生	－	規劃署高級城市規劃師／新圖規劃
麥黃潔芳女士	－	規劃署高級城市規劃師／西貢
周燕薇女士	－	規劃署城市規劃師／西貢
何秉皓先生	－	漁護署高級自然護理主任(南區)
張國偉先生	－	漁護署高級自然護理主任(北)
陳乃觀先生	－	漁護署高級海岸公園主任
張家盛先生	－	漁護署郊野公園主任(特別職務)

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述

R18－翁煌發

翁煌發先生 － 申述人

翁月明先生　　－ 申述人的代表

R25－鄭國輝
鄭國輝先生　　－ 申述人

R28－陳祖旺
陳祖旺先生　　－ 申述人

R32－李耀斌
(請參閱附錄 A 所載授權 R32 為代表的申述人名單。)

李耀斌先生　　－ 申述人及申述人的代表
鍾天生先生　　] 申述人的代表
鍾建明先生　　]

R133－黃來生
黃來生先生　　－ 申述人
江煌帶先生　　－ 申述人的代表

R136－曾漢平
曾漢平先生　　－ 申述人
張丁嬌女士　　] 申述人的代表
邱秀華女士　　]
謝玉興女士　　]
謝天送先生　　]

R299－曾玉安
曾玉安先生　　－ 申述人

R300－李國安
李國安先生　　－ 申述人

R429－楊進賢
楊進賢先生　　－ 申述人

R511－温丁仁
温丁仁先生　　－ 申述人

R521－陳惠珍
鄭景恒先生　　－ 申述人的代表

R524－何偉成
何偉成先生　　－ 申述人

R582－李明
李明先生　　－ 申述人
李耀斌先生　　－ 申述人的代表

R594－梁和平
梁和平先生　　－ 申述人

R599－梁偉傑
梁偉傑先生　　－ 申述人
李耀斌先生　　－ 申述人的代表

R674－蔡進華
蔡進華先生　　－ 申述人
李耀斌先生　　－ 申述人的代表

R795－李雲開
李雲開先生　　－ 申述人

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》的申述

HH-R10738－伍嘉敏
伍嘉敏女士　　－ 申述人
王希哲先生　　－ 申述人的代表

HH-R10740－翁育明
翁育明先生　　－ 申述人
李耀斌先生　　－ 申述人的代表

HH-R10742－劉峰
劉峰先生　　－ 申述人

HH-R10743 – 翁天生

翁天生先生 – 申述人

HH-R10746 – 翁清雲

翁清雲先生 – 申述人

梁和平先生 – 申述人的代表

有關《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的申述

SLP-R10736 – 鎖羅盆村村務委員會聯同曾家裘測量師有限公司

曾家裘先生] 申述人的代表

林子畦先生]

葉生先生]

SLP-R10737 – 范富財(蛤塘村原居民村代表)

范富財先生 – 申述人

SLP-R10740 – 曾玉安

曾玉安先生 – 申述人

SLP-R10742 – 張文然(鳳坑村原居民村代表)

曾國強先生 – 申述人的代表

SLP-R10743 – 楊玉峰(谷埔村原居民村代表)

楊玉峰先生 – 申述人

SLP-R10744 – 鄭馬福(谷埔村原居民村代表)

宋煌貴先生 – 申述人的代表

SLP-R10745 – 黃國麟(鹽灶下原居民村代表)

黃國麟先生 – 申述人

SLP-R10746 – 曾瑞文(牛屎湖村代表)

曾瑞文先生 – 申述人

SLP-R10747－沙田角區鄉事委員會
李冠洪先生　　－ 申述人的代表

SLP-R10762－黃富、黃冠英
黃富先生　　－ 申述人

SLP-R10812－黃慶祥
(*請參閱附錄 A 所載授權黃慶祥為代表的申述人名單。*)

黃慶祥先生　　－ 申述人及申述人的代表

SLP-R10781－黃桂寧
黃桂寧先生　　－ 申述人

SLP-R10790－黃瑞清
黃瑞清女士　　－ 申述人

SLP-R10791－黃瑞冰
黃瑞冰女士　　－ 申述人

SLP-R10793－黃瑞芬
黃瑞芬女士　　－ 申述人
Wong Yau Man先生　－ 申述人的代表

SLP-R10794－黃瑞婷
黃瑞婷女士　　－ 申述人

有關《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述

PL-R10736－劉成
江智祥先生　　] 申述人的代表
蘇志偉先生　　]
張嘉銘先生　　]
David Staunton先生　]

PL-R10737－西貢白腊村各原居民
劉伯安先生　　] 申述人的代表
陳煌先生　　]

劉火安先生]

4. 主席表示歡迎上述各人到席，並解釋聆訊的程序。他表示會議會按「為考慮有關《海下分區計劃大綱草圖編號S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1》及《白腊分區計劃大綱草圖編號S/SK-PL/1》的申述及意見所舉行的會議——出席會議的程序須知」(下稱「會議程序須知」)進行。會議程序須知在會議前已發給各申述人／提意見人。他特別強調以下要點：

(a) 由於收到大量申述書及意見書，而且有一百多名申述人／提意見人表示會親身或授權代表出席聆訊，因此有需要限制口頭陳述的時間；

(b) 就每份相關的分區計劃大綱圖，每名申述人／提意見人會有10分鐘發言時間。不過，為了配合申述人／提意見人的情況，會議會作出彈性的安排，容許獲授權代表累積發言時間，也容許與其他申述人／提意見人互換獲分配的時間及要求延長口頭陳述的時間；

(c) 口頭陳述應只限於涉及曾以書面申述／意見的形式向城市規劃委員會(下稱「城規會」)提交的申述／意見的理由(即在有關的分區計劃大綱圖的展示期／有關申述的公布期內提交的申述／意見的理由)；以及

(d) 為確保會議順利及有效率地進行，主席可要求申述人／提意見人不得不必要地重覆其他人在同一個會議上陳述過的相同論點。申述人／提意見人應避免宣讀或重覆已提交的書面申述／意見所陳述的內容，因為有關的書面申述／意見已交予委員考慮。

5. 主席表示，除非獲延長發言時間，否則每次陳述限時10分鐘。在申述人及申述人代表獲分配的10分鐘完結前兩分鐘，以及在10分鐘發言時間完結時，會有儀器提醒申述人及申述人的代表。

6. 主席表示，規劃署的代表會首先獲邀就這三份分區計劃大綱草圖作出簡介，接着申述人／獲授權代表才會獲邀作口頭陳述。口頭陳述結束後會有答問環節，委員可直接向與會者發問。午膳時間大約是下午十二時四十五分至二時。如有需要，上午會有一次小休，下午則有一至兩次小休。他繼而請規劃署的代表向委員簡介有關海下分區計劃大綱草圖、鎖羅盆分區計劃大綱草圖及白腊分區計劃大綱草圖的申述及意見。

無效的申述及意見

7. 沙田、大埔及北區規劃專員蘇震國先生借助投影片作出簡介。他告知委員，如城市規劃委員會文件所述，在草圖展示期內原本收到的有關這三份分區計劃大綱草圖的申述書及意見書的總數如下：

分區計劃大綱圖	申述書的數目	意見書的數目
海下	10 934	3 675
鎖羅盆	10 858	3 677
白腊	10 775	3 669

8. 蘇震國先生表示，有 109 名申述人及四名提意見人其後去信城規會，表示要撤回申述書或表示不曾提交有關的申述書，另有兩份申述書的內容相同，由同一人提交[1]。因此，有效的申述書及意見書的總數如下：

[1] 剔除了撤回／視為不曾作出的申述及意見，即申述編號 R287、R751、R752、R756、R758、R1102、R2547、R2687、R3677、R3764、R3793、R3979、R3984、R4190、R4321、R4368、R4398、R4621、R4642、R4676、R4754、R4963、R4983、R5064、R5093、R5145、R5215、R5234、R5238、R5287、R5433、R5436、R5508、R5576、R5632、R5924、R6021、R6031、R6064、R6126、R6128、R6185、R6229、R6230、R6261、R6307、R6310、R6346、R6349、R6415、R6488、R6534、R6551、R6670、R6689、R6904、R6905、R6934、R6954、R7073、R7110、R7213、R7302、R7322、R7571、R7632、R7642、R7800、R7837、R7903、R7911、R7968、R7981、R8061、R8115、R8232、R8308、R8392、R8479、R8548、R8566、R8637、R8720、R8725、R8736、R8741、R8775、R8955、R8959、R9038、R9083、R9085、R9145、R9270、R9285、R9326、R9330、R9396、R9433、R9542、R9562、R9613、R9962、R10217、R10227、R10330、R10392、R10509 及 R10531，以及意見編號 C631、C1060、C1472 及 C3063。R32 及 R569 內容相同，因此剔除了後者。

分區計劃大綱圖	有效申述書的數目	有效意見書的數目
海下	10 824	3 671
鎖羅盆	10 748	3 673
白腊	10 665	3 665

海下分區計劃大綱圖

9. 蘇震國先生借助投影片，按城市規劃委員會文件第9644號詳載的內容簡介海下分區計劃大綱草圖，要點如下：

背景

(a) 二零一三年九月二十七日，城規會根據《城市規劃條例》(下稱「條例」)第5條展示《海下分區計劃大綱草圖編號S/NE-HH/1》，以供公眾查閱，結果共收到10 824份有效的申述書及3 671份有效的意見書；

申述

(b) 有四份由個別人士提交的申述書(R10737至R10739及R10742)支持海下分區計劃大綱草圖劃出土地作小型屋宇發展，以及不把海下納入郊野公園範圍。除此以外，其餘全部10 820份申述書均反對這份草圖，有關意見大致可分為兩組：

(i) 第1組有803份申述書，主要由西貢北約鄉事委員會、村民及個別人士提交。他們表示「鄉村式發展」地帶的土地不足以應付發展小型屋宇的需求；以及

(ii) 第2組有10 017份申述書，由立法會議員、區議員、環保／關注組織、團體及個別人士提交。他們主要反對擬議的「鄉村式發展」地帶，理由是此地帶是根據未經核實的

小型屋宇需求量而劃，有關數字根本並非實際數字，而且劃設擬議的「鄉村式發展」地帶，會導致林地的生境失去，同時嚴重威脅海下灣海岸公園的海洋生物；

表示支持的申述書提出的理據(R10737 至 R10739 及 R10742)

(c) 表示支持的申述書提出的主要理據詳載於城市規劃委員會文件第 9644 號第 2.3 及 2.4 段，撮述如下：

(i) 天然環境固然要保護，但也要尊重原居村民興建小型屋宇的權利及土地擁有人的權利；

(ii) 該區大部分土地屬私人擁有，不應納入郊野公園範圍；以及

(iii) 小型屋宇需求殷切，因此支持劃設「鄉村式發展」地帶以應所需；

(d) 第 1 組也有申述書表示支持海下分區計劃大綱草圖，認為有照顧當地村民的需要，而第 2 組則有申述書表示支持劃設擬議的「海岸保護區」地帶，認為劃設此地帶既可保護天然海岸線，也可作為海下灣海岸公園和鄉村地區之間的緩衝區，另外，也有申述書表示支持把海下村後方(東面和南面)的山坡及該區西部的緩坡上的原生林地劃為「自然保育區」地帶；

表示反對的申述書提出的理據

(e) 第 1 組申述書所提出的理據詳載於城市規劃委員會文件第 9644 號第 2.5 段，撮述如下：

「鄉村式發展」地帶內沒有足夠的土地

(i) 由於地形上的限制，「鄉村式發展」地帶內適合發展小型屋宇的土地不足，而擬議的「鄉村式發展」地帶也不夠大，未能滿足日後小型屋宇的需求；以及

(ii) 除須保護海下的環境及在該區提供相關的康樂設施外，亦須充分顧及小型屋宇的發展，務求在保育和發展兩者之間作出平衡；

[劉文君女士此時到席。]

(f) 第 2 組申述書提出的理據詳載於城市規劃委員會文件第 9644 號第 2.6 段，撮述如下：

劃設「鄉村式發展」地帶

小型屋宇需求

(i) 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；

(ii) 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；

(iii) 過去 20 年，海下只興建了七幢新屋宇，近年該區的人口也沒大變。「鄉村式發展」地帶內大部分土地已售予私人發展商，最終會變成地產項目。應縮減「鄉村式發展」地帶的面積，避免人們對發展抱有期望；

對林地環境的影響

(iv) 現有村落以西的擬議鄉村擴展範圍被次生林地覆蓋，長有為數頗多的各種成齡樹，包括細葉榕和一種具保育價值的植物香港大沙葉。該處大部分地方都未受干擾或相對未受干擾；

(v) 發展小型屋宇會令這些林地的生境失去，對該處的天然河流及潮溪更會造成干擾，這些地方是褐魚鴞的覓食地；

(vi) 漁護署應對擬議「鄉村式發展」地帶內的地方進行全面的四季生態研究，評估這些地方的生態價值，以及應採取「防患未然」原則，也就是說，在確證環境不受影響前，應假設環境要面對受破壞的威脅；

(vii) 政府在劃設「自然保育區」地帶以維護生物多樣性方面，對於不同的郊野公園「不包括的土地」，處理方法並不一致。白腊一些長有香港大沙葉的未成熟原生林地劃為「自然保育區」地帶，但海下同樣的林地卻劃為「鄉村式發展」地帶；

(viii) 為免影響現有的林地、附近的天然河流和海下灣海岸公園的環境，以及防止這些地方的景觀價值下降，應縮減「鄉村式發展」地帶的範圍，並把未受干擾的林地改劃為「綠化地帶」；

對海下灣海岸公園環境的影響

(ix) 海下灣海岸公園的潮間帶和潮下帶的生物多樣性非常豐富。若按海下分區計劃大綱草圖的規劃，興建60至90幢新的小型屋宇，必會破壞或割裂天然生境，並會削弱生物多樣性，長此下去，會對當地生態系統的環境構成壓力；

(x) 化糞池及滲水井系統僅可作程度最低的污水處理，其排出的污水仍然含極大量營養物、有機物和微生物。要有效減少這些物質，地層情況必須合適，而有關地區的發展密度亦要低。若化糞池及滲水井系統保養不足，加上數目增加，長遠來說，往往未能有效清除污染物；

(xi) 海下地區地底表層的沉積物含有透氣和高滲透力的沉澱物，使污水流走得很快。污水雖然經化糞池及滲水井系統處理，但到達大海前仍然淨化得不夠。環境保護署(下稱「環保署」)的《專業人士環保事務諮詢委員會專業守則第 5/93 號》沒有涵蓋海下這個獨特的情況。在「鄉村式發展」地帶內大量設有化糞池及滲水井系統的村屋所排出的污水和廢水，會嚴重威脅海下灣海岸公園的海洋生物。當局沒有針對污水會累積滲透入海下灣海岸公園／「具特殊科學價值地點」這個問題進行地質評估；

(xii) 海下村有人居住，位處海灘／鑑定為「具特殊科學價值地點」的海下灣旁邊，有不少康樂活動進行。當局必須參照根據《水污染管制條例》發出的技術備忘錄，訂定化糞池及滲水井系統與沿岸海域之間的法定後移距離(例如須相距 100 米)，並強制使用以化學劑清理的獨立廁所和廢水處理系統，避免對土壤、河流、濕地和海下灣海洋環境造成污染；

「鄉村式發展」地帶的《註釋》

(xiii) 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」用途，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；

對累積影響的評估

(xiv) 當局沒有調查／評估增建小型屋宇，在環境、排水、景觀及交通各方面會對海下灣有何潛在的累積影響。對於郊野公園「不包括的土地」的用途和可建的小型屋宇數目，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

力及西貢東和西貢西兩個郊野公園所有「不包括的土地」的整體承受力；

(xv) 當局沒有定下任何計劃改善基礎設施(例如排污、道路、泊車位及公共交通設施)以配合海下的新發展和該區遊人的需要。當局應擬備鄉村發展藍圖及定出公共工程計劃，改善海下的基礎設施和其他設施，防止現有的鄉村污染該區及海下灣；

劃設「綠化地帶」是否足夠的問題

(xvi) 海下河的上游已指定為「具重要生態價值的河溪」。由於毗鄰該河下游的「綠化地帶」也具重要的生態價值，所以應劃作「自然保育區」地帶或「海岸保護區」地帶。「綠化地帶」的真正規劃意向可能並非作保育，因為常有發展小型屋宇的申請獲批給規劃許可，可能會對濕地及沿河地區造成不能挽救的影響;

(xvii) 據於二零一二年五月及二零一三年八月實地觀察所見，流入那些荒廢濕農地的水來自海下河，另有一條小河在規劃署擬備的地圖中沒有顯示。另據最近實地視察所見，該濕地仍然有水淹浸着，並錄得本港罕見的草本植物雞冠苞覆花。由於該濕地的水文系統與海下灣海岸公園相連，所以任何流入該濕地的污染物都會流進該海岸公園，而日後進行的任何發展，亦會影響上述的罕見植物；

(xviii) 沒有劃出 30 米闊的地方作緩衝區，化糞池及滲水井系統排出的污水透過地下水流入海下河的可能性會增加，影響所及，會對該河以至海下灣海岸公園造成污染；

「綠化地帶」、「自然保育區」地帶和「海岸保護區」地帶的《註釋》

(xix) 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、「海岸保護區」地帶和「綠化地帶」內發展「農業用途」、「農地住用構築物」、「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」，或應把這些用途列於第二欄，規定要向城規會取得規劃許可才能發展；

資料不全且有誤導成分

(xx) 用以劃定「鄉村式發展」地帶和「綠化地帶」及海下灣海岸公園和「具特殊科學價值地點」範圍的資料(包括地圖)內容不全，且含有誤導成分。有關地圖沒有反映過去三十年來海岸侵蝕的作用。當局應使用最新的地圖，以高潮線來準確顯示海灘現時的範圍，以及據之劃設「海岸保護區」地帶；

(xxi) 在「鄉村式發展」地帶和「綠化地帶」內，有一個河流和相關濕地的網絡。網絡中各小河流向一片濕地，再流向一大河，然後直接流入海下灣。該處的水文系統與海下河分開，當局須於七月至八月間進行全面勘查，蒐集潮濕季節的水文數據；

(xxii) 漁護署提供的生態資料並不足夠，特別是沒有就「鄉村式發展」地帶和「綠化地帶」進行妥善的調查，亦未有視海下河為天然資源及環境易受影響的地方而予以應有的重視；

把郊野公園「不包括的土地」指定為郊野公園

(xxiii) 訂立郊野公園「不包括的土地」政策的目的，是要保護「不包括的土地」免因「不協調的發展」(例如在農地及樹林和河流附近發

展大量新的小型屋宇)而面臨「即時的發展威脅」。可是，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》；以及

(xxiv) 從生態、景觀和康樂的角度而言，郊野公園「不包括的土地」與毗連的郊野公園緊密相連，所以應納入郊野公園範圍，這樣，各項發展便須經郊野公園及海岸公園委員會及漁護署審批，而當局亦會着力管理，包括進行生境及美化市容設施改善工程、定期巡邏和監察，以及採取執法行動對付違規情況；

申述人的建議

(g) 第 1 組申述書提出的建議詳載於城市規劃委員會文件第 9644 號第 2.7 段，撮述如下：

(i) 該區西部現時劃作「自然保育區」地帶的土地可用作水上活動康樂中心及漁護署建議的海岸公園遊客中心，應把該處改劃為「鄉村式發展」地帶作小型屋宇發展；

(ii) 「海岸保護區」地帶內有大量私人土地，應把之改劃為「鄉村式發展」地帶；以及

(iii) 由於「鄉村式發展」地帶內大部分土地現時已有村屋，把現時海下路沿路的部分「自然保育區」地帶改劃為「綠化地帶」，可讓村民有機會提出規劃申請，發展小型屋宇；

(h) 第 2 組申述書提出的建議詳載於城市規劃委員會文件第 9644 號第 2.8 段，撮述如下：

(i) 應把「鄉村式發展」地帶的範圍局限於現有構築物所在之處／屋地，而鄉村擴展的範圍亦應規劃在生態價值較低的地區。另應把「鄉村式發展」地帶的西部改劃為「自然保育區」地帶或「綠化地帶」，以保護林地及海下灣；

(ii) 應把現有的鄉村及建議的鄉村擴展範圍劃為「綜合發展區」地帶，並對擬在地帶內進行改善及發展計劃的申請作出規劃限制，確保對環境的潛在影響得到妥善處理。另可考慮與村民換地，使村中央的土地可騰出來闢設配套設施(例如遊樂場)，而東面及南面的政府土地則可用來發展小型屋宇；

(iii) 為把生態易受影響的海下河及海下灣海岸公園與不適當的土地用途／發展分隔開，應把「綠化地帶」改劃為最少 30 米闊的「自然保育區」地帶，才能保護海下河免受可能發展的小型屋宇的影響；而「海岸保護區」地帶的範圍亦應涵蓋距離岸邊至少 30 米的地方，作為緩衝區，保護海岸線；以及

(iv) 應把海下指定為郊野公園，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延長最少一年，以便進行所需的程序。在此期間，應把「鄉村式發展」地帶、「綠化地帶」及非保育地帶改劃為「未決定用途」地帶，以保護該區的天然環境；

(i) 由海谷中心及個別人士提交的 R10911 至 R10920 申述書所載的建議是關於擴展「其他指定用途」註明「水上活動康樂中心」地帶，把其範圍向北、南和東面加闊五米，以便按照契約條件的規定，護理該中心周邊的植物；以及把連接海下路與海谷中心的行人徑改劃為「其他指定用途」地帶或「政府、機構或社區」地帶，以方便維修保養該行人徑；

意見

(j) 在所收到的 3 671 份意見書中，有 3 654 份(C1 至 C3655、C3661、C3663 及 C3669)由環保／關注組織及個別人士提交，其中包括創建香港(C3641)、西貢之友(C3640)及海下之友(C3663)。他們表示支持第 2 組申述書所提出的申述和建議，理由與該組申述書所述的相似；

(k) 其餘 17 份意見書(C3656 至 C3660、C3662、C3664 至 C3668 及 C3670 至 C3675)由環保／關注組織(即香港鄉郊基金(C3657)和香港地貌岩石保育協會(C3668))及個別人士提交。他們並沒有指明其意見與哪項申述有關，但大致反對海下分區計劃大綱草圖；

規劃考慮因素及評估

申述地點及周邊地區

(l) 申述地點遍及海下分區計劃大綱草圖整個規劃區；

(m) 海下的規劃區(下稱「海下地區」)所涵蓋的總面積約為 8.45 公頃，位於西貢半島北岸，可乘車經海下路前往。海下三面被西貢西郊野公園包圍，餘下的北面則向着景色宜人的海下灣。海下灣是指定的海岸公園，亦是「具特殊科學價值地點」。海下地區的西北面邊界毗連一條大石澗；

(n) 海下地區主要有林地、村屋、沙灘及休耕農地。位於該區中部的海下村是該區唯一的認可鄉村，建有大約 30 幢屋宇和兩座祠堂。當中有部分屋宇的地面一層開設了地區士多。漁護署的海下灣海岸公園護理員站崗設於其中一幢屋宇的地面一層，於周末為遊客舉辦導賞團。根據二零一一年人口普查的資料，海下地區的總人口約為 110；

規劃意向

(o) 海下地區的整體規劃意向，是保存該區的自然景觀和保育價值，以及保護該區的自然鄉郊環境及文化遺產，同時預留土地，以供日後海下的原居民鄉村發展小型屋宇之用；

(p) 「綠化地帶」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；

(q) 「自然保育區」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，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；

(r) 「海岸保護區」地帶的規劃意向，是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境，包括具吸引力的地質特色、地理形貌，或在景觀、風景或生態方面價值高的地方，而地帶內的建築發展，會維持在最低水平。此地帶亦可涵蓋能作天然保護區的地方，以防護鄰近發展，抵抗海岸侵蝕的作用。根據一般推定，此地帶不宜進行發展；

(s) 「鄉村式發展」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；

(t) 「其他指定用途」註明「水上活動康樂中心」地帶的規劃意向，是反映海下地區西部的土地的現有用途，即現時位於海下路北面的一個水上活動康樂中心(「海谷中心」)；

諮詢

(u) 二零一三年一月十一日，發展局局長行使行政長官所授予的權力，根據條例第 3(1)(a)條指示城規會擬備涵蓋海下地區的分區計劃大綱圖。二零一三年六月二十八日，城規會初步考慮海下分區計劃大綱草圖，同意適宜把這份草圖提交大埔區議會和西貢北約鄉事委員會進行諮詢；

(v) 規劃署於二零一三年七月諮詢大埔區議會及西貢北約鄉事委員會。他們認為「鄉村式發展」地帶的面積不足以應付未來的需求，因為地帶內的土地只能應付未來 10 年約 67%的小型屋宇需求，而且地帶內可作小型屋宇發展的政府土地太少。村代表建議把「鄉村式發展」地帶的範圍向西擴展，涵蓋目前劃為「自然保育區」地帶的部分地方；

(w) 規劃署於二零一三年八月與村民／居民會面，另外亦收到嘉道理農場暨植物園公司、區內關注組織及個別人士的意見。村民擔心擬議用作擴展「鄉村式發展」地帶的土地大部分屬發展商所有，未必可以供他們興建小型屋宇。環保／關注組織及居民則支持劃設「自然保育區」地帶及「海岸保護區」地帶，但認為「鄉村式發展」地帶的面積太大，「綠化地帶」日後亦很可能會進行發展。他們認為「鄉村式發展」地帶的範圍應局限在現有村落，並應把海下指定為郊野公園；

(x) 二零一三年九月十三日，規劃署把海下分區計劃大綱草圖連同從大埔區議會、西貢北約鄉事委員會、村民、環保／關注組織及市民所收到的意見，提交城規會以作進一步考慮。城規會備悉有關的意見，並同意海下分區計劃大綱草圖適宜展示予公眾查閱。二零一三年九月二十七日，城規會根據條例第 5 條，展示《海下分區計劃大綱草圖編號 S/NE-HH/1》，以供公眾查閱；

(y) 二零一三年十月和十一月，規劃署分別諮詢西貢北約鄉事委員會及大埔區議會，兩會大致反對海下分區計劃大綱草圖，並認為政府漠視當地村民的訴求及私人土地擁有人的權利，又認為政府應設置公共污水渠或公共污水收集系統，以配合當地村民所需；

對申述理據及申述人的建議的回應

(z) 備悉表示支持的四份申述書(R10737 至 R10739 及 R10742)的意見；

[黃令衡先生此時暫時離席。]

(aa) 對表示反對的申述書提出的理據的回應詳載於城市規劃委員會文件第 9644 號第 5.15 至 5.34 段，撮述如下：

劃設「鄉村式發展」地帶

(i) 在擬備這份分區計劃大綱草圖及各土地用途建議時，已特別關注到要保護海下地區具重要生態和景觀價值的地方，亦考慮過西貢西郊野公園和海下灣海岸公園更廣大的自然系統。規劃署經徵詢相關的政府部門的意見後，已劃設保育地帶，即「自然保育區」地帶、「海岸保護區」地帶及「綠化地帶」，涵蓋具重要生態及景觀價值而須通過法定規劃制度予以保護的地方(例如原生林地、天然海岸線及石澗)。這三個保育地帶佔地合共約 5.6 公頃，佔海下分區計劃大綱草圖所涵蓋的土地約 66%；

(ii) 為應付當地村民對小型屋宇的需求，在劃出須予保育的地方後，實有必要在合適的地點劃設「鄉村式發展」地帶。「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需

求量、具有重要生態價值的地方及其他環境特點而劃的。所預測的小型屋宇需求量僅是考慮擬議的「鄉村式發展」地帶時所參考的眾多資料之一；

(iii) 由原居民代表向地政總署提供的小型屋宇需求預測數字，或會隨時間而轉變。當局採用了逐步增加的方式劃設「鄉村式發展」地帶作小型屋宇發展，藉此把小型屋宇的發展局限在現有村落毗鄰適當的地點。海下分區計劃大綱草圖所劃的「鄉村式發展」地帶，其面積約有 2.6 公頃，較海下村的「鄉村範圍」(約 2.92 公頃)小約 11%，可提供土地興建約 64 幢小型屋宇，滿足約 68%的尚未處理的需求和未來 10 年的預測需求(94 幢小型屋宇)；

對林地環境的影響

(iv) 申述人，特別是環保／關注組織，蒐集了大量支持其申述的資料，以證明「鄉村式發展」地帶的西部是未受干擾的次生林地，有為數頗多的成齡樹及具保育價值的植物品種，而且與毗連的「自然保育區」地帶及「綠化地帶」的生態緊密相連。「鄉村式發展」地帶的西緣更發現有一組成齡樹，包括細葉榕，另外，該地帶還有一種具保育價值的植物香港大沙葉。因此，他們認為該林地應剔出「鄉村式發展」地帶，劃作保育地帶，例如「自然保育區」地帶及「綠化地帶」，加以保護；

(v) 規劃署審視過最新的證據，另根據漁護署的意見，認為申述人提出的某些建議有可取之處。為盡量減少對現有天然環境(包括濕地及海下灣)的負面影響，可考慮順應這些申述的部分內容，修訂「鄉村式發展」地帶的範圍，剔出當中西部相對未受干擾且有具保育

價值植物品種的林地，並把之連同毗鄰的「綠化地帶」改劃為「綠化地帶(1)」；

(vi) 建議劃設「綠化地帶(1)」，是為了對有關的林地及濕農地作出更高程度的保護，同時提供彈性，使地帶內可發展一些必要的用途(例如「墓地」及「鄉事委員會會所／鄉公所」)，以配合當地村民的需要。在此地帶內，只有那些有需要進行以助保存區內現有天然景觀、生態特色或風景質素的發展，或者基於重大公眾利益而必須進行的基礎設施項目，才可能會獲得批准。另外，在「綠化地帶(1)」內，只可以重建現有的新界豁免管制屋宇及翻建現有的構築物，不得發展新的小型屋宇。漁護署認為，從自然保育的角度而言，把有關的林地及濕地劃為「綠化地帶(1)」，做法恰當；

(vii) 修訂後的「鄉村式發展」地帶，土地面積會由 2.6 公頃縮減至 1.95 公頃，約可興建 40 幢新的小型屋宇，能滿足 43%的預測小型屋宇需求，而原來的「鄉村式發展」地帶則能滿足 68%的小型屋宇需求；

(viii) 為應付日後的小型屋宇需求，規劃署檢視了該區的土地，期能找到有潛力作小型屋宇發展的合適地點。經徵詢漁護署的意見後，規劃署在村落的東面物色到一幅政府土地。該幅土地相對平坦，大部分地方長滿小樹、灌木及草，面積約為 0.25 公頃，建議把之由「自然保育區」地帶改劃為「綠化地帶」，以反映其現時的景觀特色。「綠化地帶」內並非不可以發展小型屋宇，如提出申請，城規會可按個別情況作出考慮；

小型屋宇需求

(ix) 所預測的小型屋宇需求量僅是考慮劃設「鄉村式發展」地帶時所參考的眾多資料之一。

雖然在規劃階段並無機制可核實有關數字，但相關地區的地政專員審批小型屋宇申請時，會核實小型屋宇申請人的身分；

對海下灣海岸公園環境的影響

(x) 海下灣的生態價值是眾所公認的，亦是擬備海下分區計劃大綱草圖一個重要的考慮因素。當局已劃設根據一般推定不宜進行發展的保育地帶，包括「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶，涵蓋具重要生態及景觀價值的地方，務求通過法定規劃制度，保護海下的天然環境，以及與其生態緊密相連的西貢西郊野公園和海下灣海岸公園；

(xi) 在地政總署處理有關批建小型屋宇的申請時，相關部門(包括環保署、渠務署、水務署、漁護署及規劃署)會考慮小型屋宇的排污(包括化糞池及滲水井系統)問題。排污工程的安排須符合相關政府部門的規定；

(xii) 正如海下分區計劃大綱草圖的《說明書》所述，根據現行做法及環境運輸及工務局技術通告(工務)第 5/2005 號的規定，如發展計劃／方案可能影響天然溪澗／河流，負責批核和處理發展計劃的當局須徵詢和收集漁護署和相關當局的意見。根據《香港規劃標準與準則》第九章，在人口少的鄉郊地區使用化糞池這一方法處理和排放污水是准許的。為保護海下灣海岸公園的水質，發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，包括環保署的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護署評核的排水渠工程計劃」。環保署的《村屋污水排放指南》亦有載述如何操作和維修保養化糞池(例如清除淤泥的方法)；

(xiii) 據環保署表示，在決定某地點是否適合建造化糞池處理和排放污水時，須考慮該地點特有的情況，如滲濾試驗結果、是否接近河流／溪澗、地下水位的深度、地形及洪泛風險。這些關於個別地點特有情況的資料是非常重要的，尤其有些情況是，即使同一地點，泥土特性(例如泥土結構)也有很大差異。滲濾試驗是《專業人士環保事務諮詢委員會專業守則第 5/93 號》所訂明的其中一項規定。認可人士必須按規定進行試驗，以確定泥土的吸收力，從而定出化糞池可達的負荷量。這項試驗可讓相關各方確定泥土的情況是否合適，能讓化糞池妥善運作，有效處理和排放污水。在評估擬議的化糞池及滲水井系統是否可以接受時，會考慮海下個別地點的特有情況；

(xiv) 該《專業人士環保事務諮詢委員會專業守則第 5/93 號》亦訂有一些關於化糞池的設計標準，包括泥土滲濾試驗、化糞池與特定水體(如地下水位、河溪、海灘等)之間相隔的距離，以及建築物之間相隔的距離。這些規定有助鑑定何種地層狀況適宜建造化糞池，並在一定程度上限制了屋宇的密度；

累積影響的評估

(xv) 城規會審議海下分區計劃大綱草圖時，已考慮所有相關的規劃因素，包括相關政府部門和公眾的意見。對於擬議的「鄉村式發展」地帶，運輸署和路政署曾從交通運輸基礎設施的角度考慮，但都沒有提出疑問；

(xvi) 地政總署在處理有關批建小型屋宇的申請時，會諮詢相關的部門，確保所有相關部門都有充分機會覆檢申請，並就申請提出意見。漁護署一直有密切監察海下灣海岸公園的水質；

草圖的《註釋》

(xvii) 由於「鄉村式發展」地帶的規劃意向是提供土地作興建新界豁免管制屋宇之用，所以把新界豁免管制屋宇列於此地帶的土地用途表第一欄，做法恰當；

(xviii) 從農業發展的角度而言，漁護署對有關把各保育地帶的土地用途表中的「農業用途」和「農地住用構築物」改列於第二欄的建議有所保留，因為這樣會對農業有所限制，長遠來說，會窒礙農業發展。任何涉及河道改道、填土／填塘或挖土的工程，如可能對天然環境有負面影響，均須取得城規會的規劃許可才能進行。考慮到上述的因素，漁護署認為並無有力的理據要對相關地帶的土地用途表第一欄用途施加更嚴格的管制；

(xix) 「燒烤地點」和「野餐地點」是指由政府營運的設施，不包括私人擁有及／或商營的地點；「公廁設施」是指符合《公眾衞生及市政條例》(132 章)的涵義的廁所，以及由政府保養、管理和監管並提供予公眾使用的浴室；「帳幕營地」則是指供公眾紮營作臨時宿處以便作康樂或訓練用途的地方，而此設施也是由政府指定的。漁護署認為，這些用途未必對易受影響的生境有很大的負面影響，因此並無有力的理據要把「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的土地用途中這些用途列於第二欄；

(xx) 地政總署處理小型屋宇的申請時，會徵詢相關部門的意見，確保所有相關的部門均有充分機會覆檢申請，並就申請提出意見。倘在處所內經營食物業，必須向食物環境衞生署(下稱「食環署」)申領食物業牌照。因此，並無有力的理據要把「鄉村式發展」地帶的

土地用途表中的「新界豁免管制屋宇」、「食肆」和「商店及服務行業」列於第二欄；

劃設「綠化地帶」是否足夠的問題

(xxi) 漁護署提出的意見着眼於保存保育價值高的生境，多於個別具保育價值的物種的記錄。重要的生境如原生的成熟林地及海下河沿河地區，為多個物種提供合適的棲息和生長地，這些地方都已劃為保育地帶。這些生境普遍育有多樣具保育價值的物種；

(xxii) 漁護署認為，把有關土地劃為「綠化地帶」是恰當的，因為該處的林地是由荒廢農地演變而成的未成熟林地，而且相對已受干擾，而該處的石澗亦非「具重要生態價值的河溪」。不過，為盡量減低對現有的天然環境(包括濕地和海下河)可能造成的負面影響，可考慮順應申述的部分內容，把「綠化地帶」改劃為「綠化地帶(1)」。漁護署認為，從自然保育的角度而言，把「綠化地帶」改劃為擬議的「綠化地帶(1)」，做法恰當，因為新的「綠化地帶(1)」與林地可合成一個更廣闊的緩衝區，分隔開鄉村、海下灣海岸公園和海下河；

資料不全且有誤導成分

(xxiii) 海下灣海岸公園的界線是參照高水位線而劃的，而在劃定該海岸公園的範圍時，亦考慮了海岸線的生態特點。為加強保護海岸的生態，特把海下的海灘和沙丘劃入海下灣海岸公園的範圍。海下灣海岸公園經刊憲的界線於一九九六年根據《海岸公園條例》獲批准，此後一直沒有改變。海下分區計劃大綱草圖所涵蓋的地區，其北面的界線與海下灣海岸公園的界線吻合，兩者之間並無空隙；

(xxiv) 在擬備這份分區計劃大綱草圖及各土地用途建議時，已考慮各方面的因素，包括保育及自然景觀、生態價值、景觀特色、交通、基礎設施和公用事業設施，亦已徵詢各持份者和相關政府部門的看法和意見。這份分區計劃大綱草圖並非依據測量圖來擬備，只是採用其地圖數據而已；

把郊野公園「不包括的土地」指定為郊野公園

(xxv) 《二零一零至一一年度施政報告》宣布，政府承諾把其餘 54 幅郊野公園「不包括的土地」劃入郊野公園範圍，或透過法定規劃程序確立合適用途，以照顧保育和社會發展需要。由法定圖則保護的郊野公園「不包括的土地」，其整體規劃意向是保存區內的自然景觀和保育價值，以及保護區內的自然鄉郊環境，同時容許現有認可鄉村的原居村民在區內發展小型屋宇；以及

(xxvi) 根據《郊野公園條例》(第 208 章)，把某地方指定為郊野公園，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；

(bb) 對申述書提出的建議的回應詳載於城市規劃委員會文件第 9644 號第 5.35 段，撮述如下：

第 1 組

<u>把「自然保育區」地帶改劃為「鄉村式發展」地帶及「綠化地帶」</u>

(i) 擬設的海下灣海岸公園遊客中心位於西貢西郊野公園的範圍內，但在這份分區計劃大綱草圖的涵蓋範圍外。海下地區西部和海下路沿路的「自然保育區」地帶有相對未受干擾而值得保存的原生林地，這片林地與毗連的西貢西郊野公園延綿相連。從自然保育的角

度而言，劃設該「自然保育區」地帶，做法恰當；

把「海岸保護區」地帶改劃為「鄉村式發展」地帶

(ii) 「海岸保護區」地帶所涵蓋的地方有紅樹林、與紅樹林伴生的植物和後灘植物，毗鄰就是海下灣海岸公園。劃設該「海岸保護區」地帶是必要的，可以此地帶作為緩衝區，分隔開鄉村地區和海下灣海岸公園；

第 2 組

劃設「綜合發展區」地帶

(iii) 在擬備這份分區計劃大綱草圖的過程中，城規會已就劃設「綜合發展區」地帶的建議進行詳細的討論。現時在海下地區劃設的用途地帶，是根據各不同地點在生態和景觀上的價值及其是否適宜作小型屋宇發展而劃的，目的是提供清晰的規劃意向及作出保護。為加強規劃限制或保護環境而把鄉村地區劃作「綜合發展區」地帶，做法並不恰當；

「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方

(iv) 海下村與海下灣海岸公園之間的「海岸保護區」地帶的闊度由 25 米至 35 米不等。如此劃設該「海岸保護區」地帶，做法恰當，可發揮緩衝作用，隔開鄉村與海下灣海岸公園。若把「海岸保護區」地帶的範圍進一步向內陸擴展，便會侵進現有的鄉村；

把郊野公園「不包括的土地」指定為郊野公園

(v) 根據《郊野公園條例》(第 208 章)，應否把某塊郊野公園「不包括的土地」納入郊野公園範圍，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；

擴大「其他指定用途」註明「水上活動康樂中心」地帶的範圍

(vi) 海谷中心的短期租約是規定須在租約涵蓋範圍內有關用地的南面闢設一條不少於三米闊的植樹帶。因此，以租約有規定為由而要求把該中心的用地範圍擴大，並不合理；以及

(vii) 該行人徑位於有關的短期租約涵蓋的範圍外，而且不能確定作出擬議的修訂後，如何能方便保養該行人徑。據這份分區計劃大綱草圖的《註釋》說明頁所載，在「自然保育區」地帶內，道路(包括行人徑)的保養或修葺工程是經常准許的；

對意見的理據的回應

(cc) 意見書提出的主要理據及對這些理據的回應載於城市規劃委員會文件第 9644 號附件 IV。有關的理據和回應與上文概述的那些表示反對的申述書提出的理據和有關回應相似；以及

規劃署的意見

(dd) 規劃署對各項申述的意見如下：

表示支持的申述

(i) 備悉 R10737 至 R10739 及 R10742 表示支持的意見；

表示反對的申述

(ii) 不反對申述編號 R799 至 R10735 及 R10750 至 R10934 的部分內容，並認為應順應這些申述的部分內容修訂海下分區計劃大綱草圖，把「鄉村式發展」地帶西部及毗連的「綠化地帶」改劃為「綠化地帶(1)」，以及把毗連該「鄉村式發展」地帶

的「自然保育區」地帶東部改劃為「綠化地帶。有關的修訂在城市規劃委員會文件第9644號附件VI顯示。另外，為配合擬對海下分區計劃大綱草圖作出的這些修訂，亦建議對這份草圖的《註釋》及《說明書》作出修訂。有關修訂載於城市規劃委員會文件第9644號附件VII及附件VIII；以及

(iii) 不支持申述編號R1至R798及R10736、R10740、R10741、R10743至R10749及申述編號R799至R10735及R10750至R10934的餘下部分內容，並認為不應順應這些申述修訂海下分區計劃大綱草圖。

鎖羅盆分區計劃大綱圖

10. 委員備悉，城市規劃委員會文件第9645號的一頁替代頁(圖H-1a)已提交席上。蘇震國先生借助投影片，按城市規劃委員會文件第9645號詳載的內容簡介鎖羅盆分區計劃大綱草圖，要點如下：

背景

(a) 二零一三年九月二十七日，城規會根據條例第5條展示《鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1》，以供公眾查閱。結果共收到10 748份有效的申述書和3 673份意見書；

申述

(b) 所有申述書都反對鎖羅盆分區計劃大綱草圖，有關意見大致可分為兩組：

(i) 第1組有875份申述書(R1至R798及R10736至R10817)，由村民和相關團體及其他個別人士提交。他們主要反對「鄉村式發展」地帶，認為面積不足以應付發展小型

屋宇的需求，並反對把大量私人土地劃入「自然保育區」地帶；以及

(ii) 第2組有9873份申述書(R799至R10735及R10818至R10858)，由立法會議員、環保／關注組織及個別人士提交。他們主要反對「鄉村式發展」地帶，認為面積過大，理由是此地帶是根據未經核實的小型屋宇需求量而劃，有關數字根本並非實際數字，而且興建小型屋宇會嚴重威脅該區的重要生境及物種；

申述的理據

(c) 第1組申述書提出的理據詳載於城市規劃委員會文件第9645號第2.3段，撮述如下：

「鄉村式發展」地帶內沒有足夠的土地

(i) 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；

[黃令衡先生此時返回席上。]

(d) 第2組申述書提出的理據詳載於城市規劃委員會文件第9645號第2.4段，撮述如下：

劃設「鄉村式發展」地帶

小型屋宇需求

(i) 「鄉村式發展」地帶的面積約為4.12公頃，會興建134幢屋宇，規劃人口達1 000，實在太大。根據二零一一年人口普查的資料，鎖羅盆的人口為零，該區亦沒有尚待處理的小型屋宇申請。應提出理據，說明為何要劃設這樣大的「鄉村式發展」地帶；

(ii) 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；

(iii) 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；

對區內生境和周邊地區環境的影響

(iv) 發展鎖羅盆地區，對區內食蟹獴和豹貓的生境會有負面影響。來自小型屋宇的光線更會影響本地罕見的褐扁顱蝠；

(v) 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。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。污染物會流入附近的水體，污染環境；

(vi) 化糞池及滲水井系統僅可作程度最低的污水處理，其排出的污水仍然含極大量營養物、有機物和微生物。要有效減少這些物質，地層情況必須合適，而有關地區的發展密度亦要低。若化糞池及滲水井系統保養不足，加上數目增加，長遠來說，往往未能有效清除污染物；

(vii) 鎖羅盆地底表層的沉積物含有透氣和高滲透力的沉澱物，使污水流走得很快。污水雖然經化糞池及滲水井系統處理，但到達大海前仍淨化得不夠。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；

(viii) 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，因此，鎖羅盆的「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；

「鄉村式發展」地帶的《註釋》

(ix) 應施加更嚴格的規劃管制，規定在「鄉村式發展」地帶內發展「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；

對累積影響的評估

(x) 當局沒有調查／評估增建小型屋宇，在環境、排水、景觀及交通各方面會對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；

(xi) 當局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)以配合鎖羅盆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，改善鎖羅盆的基礎設施和其他設施，防止現有的鄉村污染該區；

劃設「綠化地帶」是否足夠的問題

(xii) 鎖羅盆河的下游已鑑定為「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，日後可能會對濕地及沿河地區造成不能挽救的影響；

「綠化地帶」及「自然保育區」地帶的《註釋》

(xiii) 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；

生態資料

(xiv) 鎖羅盆曾錄得共 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；

(xv) 鎖羅盆及附近一帶曾錄得 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，在「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，該處也曾錄得青鱂這種具保育價值的魚；

(xvi) 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；

把郊野公園「不包括的土地」指定為郊野公園

(xvii) 訂立郊野公園「不包括的土地」政策的目的，是要保護「不包括的土地」免因「不協調的發展」(例如在農地及樹林和河流附近發展大量新的小型屋宇)而面臨「即時的發展威脅」。可是，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》；以及

(xviii) 從生態、景觀和康樂的角度而言，郊野公園「不包括的土地」與毗連的郊野公園緊密相連，所以應納入郊野公園範圍，這樣，各項發展便須經郊野公園及海岸公園委員會及漁護署審批，而當局亦會着力管理，包括進行生境及美化市容設施改善工程、定期巡邏和監察，以及採取執法行動對付違規情況；

申述人的建議

(e) 第 1 組申述書提出的建議詳載於城市規劃委員會文件第 9645 號第 2.5 段，撮述如下：

(i) 應把「鄉村式發展」地帶的範圍擴展至涵蓋毗鄰劃為「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、河流或墓地；以及

(ii) 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。有關的建議如下：

- 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」；

- 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；

- 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；

- 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，例如休閒耕作；

- 因應上述改劃建議，申述人為「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》。該套《註釋》載於城市規劃委員會文件第 9645 號附件 VI；以及

- 在鎖羅盆分區計劃大綱圖上，把現有的行人徑及旁邊由防波堤至「鄉村式發展」地帶至少闊 2.5 米的地方顯示為「道路」；

(f) 第 2 組申述書提出的建議詳載於城市規劃委員會文件第 9645 號第 2.6 段，撮述如下：

(i) 應把「鄉村式發展」地帶的範圍局限於現有構築物所在之處／屋地(現有已成頹垣的屋宇四周的 20 米範圍內)和已獲批准興建小型屋宇的地點；

(ii) 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，應把該河的上游及支流、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；

(iii) 把海草床連旁邊的紅樹羣落由「自然保育區」地帶改劃為「具特殊科學價值地點」地帶；以及

(iv) 應把鎖羅盆指定為郊野公園，以保護該區生態易受影響的地方，另應把發展審批地區圖的有效期延長最少一年，以便進行所需的程序。在此期間，可把「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；

意見

(g) 在所收到的 3 673 份意見書中，有八份(C3669 至 C3676)由村民及個別人士提交，表示支持第 1 組的申述，理由與該組申述書所述的相似。對於第 2 組申述書有關「鄉村式發展」地帶面積過大的反對意見，他們則表示反對；

(h) 其餘 3 665 份意見書由環保組織／關注組織(包括西貢之友(C3640)、創建香港(C3641)和香港鄉郊基金(C3657))及個別人士提交，他們提出的意見與第 2 組申述書所述的相似。在這些意見書中，共有 3 653 份(C1 至 C3655、C3661 及 C3677)表示支持第 2 組的申述，而其餘 12 份意見書(C3656 至 C3660 及 C3662 至 C3668)並沒有指明其意見與哪項申述有關，但表示反對這份鎖羅盆分區計劃大綱草圖；

規劃考慮因素及評估

申述地點及周邊地區

(i) 申述地點遍及鎖羅盆分區計劃大綱草圖整個規劃區；

(j) 鎖羅盆的規劃區(下稱「鎖羅盆地區」)所涵蓋的土地總面積約為 27.68 公頃，三面被船灣郊野公園包圍，東北面向着吉澳海優美的海岸線；

(k) 鎖羅盆村是該區唯一的認可鄉村，現時大致無人居住。該村的發展範圍主要集中在該區北部的山坡下段，大部分村屋已成頹垣，只餘下數幢高一至兩層的村屋，都是殘破及空置的；

(l) 鎖羅盆地區的南面、西面及北面主要被林地及灌木林覆蓋。山坡上的林地與附近船灣郊野公園的茂密草木連成一片，與附近郊野公園的自然美景互相輝映。位於山坡下段及低地的休耕農地大部分長滿雜草及灌木。該區中部的平地上有一些由荒廢的濕農田變成的淡水沼澤。該區靠海一面沿吉澳海海岸有河口紅樹林／泥灘生境，河口紅樹林西南面則是一個周圍長有蘆葦的池塘。有一條天然河溪由西南至東北方向穿過鎖羅盆地區，下游部分為「具重要生態價值的河溪」；

(m) 根據二零一一年人口普查的資料，鎖羅盆地區的總人口約為 110；

規劃意向

(n) 鎖羅盆地區的整體規劃意向是保護該區的高保育和景觀價值，使其能與附近船灣郊野公園的整體自然美境互相輝映。除環境和生態方面的因素要考慮外，鎖羅盆地區的發展還受制於有限的交通和基礎設施。該區的規劃意向亦是要把鄉村發展集中起來，以免對該區的天然環境造成不應有的干擾，以及令區內有限的基礎設施不勝負荷；

(o) 「綠化地帶」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；

(p) 「自然保育區」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，例如郊野公園，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；

(q) 「鄉村式發展」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；

諮詢

(r) 二零一三年一月十一日，發展局局長行使行政長官所授予的權力，根據條例第 3(1)(a)條指示城規會擬備涵蓋鎖羅盆地區的分區計劃大綱圖。二零一三年四月二十六日，城規會初步考慮鎖羅盆分區計劃大綱草圖，同意這份草圖適宜提交北區區議會和沙頭角區鄉事委員會進行諮詢；

(s) 規劃署於二零一三年五月諮詢北區區議會和沙頭角區鄉事委員會。兩會強烈反對「自然保育區」地帶的規劃，因為所涉土地大都是村民的私人土地。此外，該區只有約 9%的土地劃為「鄉村式發展」地帶，未能滿足小型屋宇的需求。這樣規劃「鄉村式發展」地帶會滅村，並剝奪私人土地擁有人的權利。這份分區計劃大綱草圖只劃設了「自然保育區」地帶、「綠化地帶」和「鄉村式發展」地帶，似乎不足以滿足村民復村的期望。當局應同時兼顧保育和土地擁用人的發展權，使兩者之間可以作出平衡，所以這份草圖應加入「農業」地帶、「康樂」地帶和「政府、機構或社區」地帶；

(t) 規劃署亦收到環保組織(包括創建香港、世界自然基金會香港分會、長春社和嘉道理農場暨植物園公司)

的意見。這些組織大致支持這份分區計劃大綱草圖，因為鎖羅盆多個具重要保育價值的地方都已劃為保育地帶；

(u) 考慮到各方對這份分區計劃大綱草圖意見分歧，特別是擬議的「鄉村式發展」地帶和「自然保育區」地帶，規劃署進一步徵詢相關部門(包括漁護署)的意見後，修訂了鎖羅盆地區的土地用途地帶規劃。具重要生態價值的濕地綜合區和周邊的天然林地(內有植物茂生的山坡和一條天然大河)建議繼續劃為「自然保育區」地帶和「綠化地帶」；另有約 1.6 公頃的土地(包括該區東北部一幅土地和西南部一幅狹長平地)則由「綠化地帶」改劃為「鄉村式發展」地帶(「鄉村式發展」地帶的總面積因此而由約 2.52 公頃增至約 4.12 公頃)；

(v) 二零一三年八月九日，規劃署把加入了有關擴展「鄉村式發展」地帶的建議的鎖羅盆分區計劃大綱草圖連同從北區區議會、沙頭角區鄉事委員會、村民和環保／關注組織所收到的意見，提交城規會以作進一步考慮。城規會備悉有關的意見，並同意該經修訂的鎖羅盆分區計劃大綱草圖適宜展示予公眾查閱。二零一三年九月二十七日，城規會根據條例第 5 條展示《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》，以供公眾查閱；

(w) 二零一三年九月和十月，規劃署分別諮詢北區區議會和沙頭角區鄉事委員會。兩會都強烈反對劃設「自然保育區」地帶，因為所涉土地大都是村民的私人土地，並認為當局應提供配合該村需要的相關基礎設施；

<u>對申述的理據和申述人的建議的回應</u>

(x) 對申述書提出的理據的回應詳載於城市規劃委員會文件第 9645 號第 5.12 和 5.13 段，撮述如下：

劃設「鄉村式發展」地帶

(i) 有關的濕地系統(即有紅樹林和海草床的潮間帶生境、蘆葦池、一條鑑定為「具重要生態價值的河溪」的天然河流及淡水沼澤等)具重要的生態價值，曾錄得多種魚和若干具保育價值的物種。把鎖羅盆濕地綜合區劃為「自然保育區」地帶是恰當的，可保護和保存這些地方豐富的生態資源和生物物種。另外，周邊的林區及一片傳統墓地則劃作「綠化地帶」，作為有發展的地方與自然保育區或郊野公園之間的緩衝區；

(ii) 不計那些環境易受影響而劃為「自然保育區」地帶及「綠化地帶」的地方，其餘現時劃為「鄉村式發展」地帶的地方主要都是現有村落及毗鄰由荒廢農地演變而成的一些相對已受干擾的未成熟林地及長了灌木的草地，這些地方都適宜作鄉村發展；

(iii) 「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的；

(iv) 當局採用了逐步增加的方式劃設「鄉村式發展」地帶作小型屋宇發展，藉此把小型屋宇的發展局限在現有村落毗鄰適當的地點。鎖羅盆分區計劃大綱草圖所劃的「鄉村式發展」地帶，其面積約有 4.12 公頃，較鎖羅盆村的「鄉村範圍」(約 5.58 公頃)小約 26%，可建約 134 幢屋宇。佔所預測的未來 10 年小型屋宇需求量(270 幢屋宇)約 50%；

小型屋宇需求

(v) 所預測的小型屋宇需求量僅是考慮擬議的「鄉村式發展」地帶時所參考的眾多資料之

一，有關的預測數字由原居民代表向地政總署提供，或會隨時間及基於不同理由而轉變，例如人口變化(出生／死亡)，以及現時居於村外(包括本地及海外)的原居村民日後是否希望回鎖羅盆居住。雖然在規劃階段並無機制可核實有關數字，但相關地區的地政專員審批小型屋宇申請時，會核實小型屋宇申請人的身分；

對區內生境及周邊地區環境的影響

(vi) 鎖羅盆及周邊地區的生態價值是眾所公認的，亦是擬備鎖羅盆分區計劃大綱草圖時一個重要的考慮因素。當局已在該區適當的地點劃設根據一般推定不宜進行發展的保育地帶，包括「綠化地帶」和「自然保育區」地帶，務求通過法定規劃制度，保護鎖羅盆的天然環境，以及與其生態緊密相連的船灣郊野公園及周邊地區；

(vii) 在地政總署處理有關批建小型屋宇的申請時，相關部門(包括環保署、渠務署、水務署、漁護署及規劃署)會考慮小型屋宇的排污(包括化糞池及滲水井系統)問題。排污工程的安排須符合相關政府部門的規定；

(viii) 正如鎖羅盆分區計劃大綱草圖的《說明書》所述，根據現行做法及環境運輸及工務局技術通告(工務)第 5/2005 號的規定，如發展計劃／方案可能影響天然溪澗／河流，負責批核／處理發展計劃的當局須徵詢和收集漁護署和相關當局的意見。根據《香港規劃標準與準則》第九章，在人口少的鄉郊地區使用化糞池這一方法處理和排放污水是准許的。為保護該區的水質，發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，包括環保署的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護

署評核的排水渠工程計劃」。環保署的《村屋污水排放指南》亦有載述如何操作和維修保養化糞池(例如清除淤泥的方法)；

(ix) 據環保署表示，在決定某地點是否適合建造化糞池處理和排放污水時，須考慮該地點特有的情況，如滲濾試驗結果、是否接近河流／溪澗、地下水位的深度、地形及洪泛風險等。這些關於個別地點特有情況的資料是非常重要的，尤其有些情況是，即使同一地點，泥土特性(例如泥土結構)也有很大差異。滲濾試驗是《專業人士環保事務諮詢委員會專業守則第 5/93 號》所訂明的其中一項規定。認可人士必須按規定進行試驗，以確定泥土的吸收力，從而定出化糞池可達的負荷量。這項試驗可讓相關各方確定泥土的情況是否合適，能讓化糞池妥善運作，有效處理和排放污水。因此，在評估擬議的化糞池及滲水井系統是否可以接受時，會考慮鎖羅盆個別地點的特有情況；

(x) 《專業人士環保事務諮詢委員會專業守則第 5/93 號》亦訂有一些關於化糞池的設計標準，包括泥土滲濾試驗、化糞池與特定水體(如地下水位、河溪、海灘等)之間相隔的距離，以及建築物之間相隔的距離。這些規定有助鑑定何種地層狀況適合建造化糞池，並在一定程度上限制了屋宇的密度；

對累積影響的評估

(xi) 城規會審議鎖羅盆分區計劃大綱草圖時，已考慮所有相關的規劃因素，包括相關政府部門和公眾的意見。對於擬議的「鄉村式發展」地帶，運輸署和路政署曾從交通運輸基礎設施的角度考慮，但都沒有提出疑問；

(xii) 地政總署在處理有關批建小型屋宇申請時，會諮詢相關政府部門，確保所有相關部門都有充分機會覆檢申請，並就申請提出意見；

草圖的《註釋》

(xiii) 由於「鄉村式發展」地帶的規劃意向是提供土地作興建新界豁免管制屋宇之用，所以把新界豁免管制屋宇列於此地帶的土地用途表第一欄，做法恰當；

(xiv) 從農業發展的角度而言，漁護署對有關把各保育地帶的土地用途表中的「農業用途」和「農地住用構築物」改列於第二欄的建議有所保留，因為這樣會對農業有所限制，長遠來說，會窒礙農業發展。此外，漁護署表示，任何涉及河道改道、填土／填塘或挖土的工程，如可能對天然環境有負面影響，均須取得城規會的規劃許可才能進行。考慮到上述因素，漁護署認為並無有力的理據要對相關地帶的土地用途表第一欄用途施加更嚴格的管制；

(xv) 「燒烤地點」和「野餐地點」是指由政府營運的設施，不包括私人擁有及／或商營的地點；「公廁設施」是指符合《公眾衞生及市政條例》(132 章)的涵義的廁所，以及由政府保養、管理和監管並提供予公眾使用的浴室；「帳幕營地」是指供公眾紮營作臨時宿處以便作康樂或訓練用途的地方，而此設施也是政府所指定的。漁護署認為，在這些設施進行的活動未必對易受影響的生境有很大的負面影響，因此並無有力的理據要把「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶的土地用途表中這些用途列於第二欄；

(xvi) 地政總署處理小型屋宇申請時，會徵詢相關部門的意見，確保所有相關的部門均有充分機會覆檢申請，並就申請提出意見。此外，倘在處所內經營食物業，則須向食環署申領食物業牌照。因此，並無有力的理據要把「鄉村式發展」地帶的土地用途表中的「新界豁免管制屋宇」、「食肆」和「商店及服務行業」列於第二欄；

劃設「綠化地帶」是否足夠的問題

(xvii) 漁護署提出的意見着眼於保存保育價值高的生境，多於個別具保育價值的物種的記錄。重要的生境如原生的成熟林地及鎖羅盆河沿河地區和濕地，為多個物種提供合適的棲息和生長地，這些地方都已劃為保育地帶。這些生境普遍育有多樣具保育價值的物種；

(xviii) 漁護署認為，把有關土地劃為「綠化地帶」是恰當的，因為該處的林地是由荒廢農地演變而成的未成熟林地，而且相對已受干擾，而鎖羅盆河的上游亦非「具重要生態價值的河溪」；

(xix) 「綠化地帶」是自然保育地帶，根據一般推定，不宜進行發展。在此地帶內發展小型屋宇，必須取得城規會的規劃許可。規劃署會諮詢相關部門，確保擬議的發展在環境、生態和景觀等方面，不會對附近地區(包括鎖羅盆河和濕地)造成負面影響；

把郊野公園「不包括的土地」指定為郊野公園

(xx) 《二零一零至一一年度施政報告》宣布，政府承諾把其餘 54 幅郊野公園「不包括的土地」劃入郊野公園範圍，或透過法定規劃程序確立合適用途，以照顧保育和社會發展需要。由法定圖則保護的郊野公園「不包括的

土地」，其整體規劃意向是保存區內的自然景觀和保育價值，以及保護區內的自然鄉郊環境，同時容許現有認可鄉村的原居村民在區內發展小型屋宇；以及

(xxi) 根據《郊野公園條例》(第208章)，把某地方指定為郊野公園，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責。

(y) 對申述書提出的建議的回應詳載於城市規劃委員會文件第9645號第5.14段，撮述如下：

第1組

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」

(i) 防波堤旁邊建議改劃為「綠化地帶」的地方是鎖羅盆濕地系統的一部分，具有重要的生態價值。該處有一段「具重要生態價值的河溪」流經，也有濕地和紅樹林等。現時把該處劃為「自然保育區」地帶，做法恰當；

把濕地／池塘及旁邊包括一段「具重要生態價值的河溪」的地方由「自然保育區」地帶及「綠化地帶」改劃為「康樂」地帶及「農業」地帶

(ii) 該狹長的平地有部分為濕地綜合區，該部分應繼續劃作保育，而毗鄰的天然生境，則應劃為「綠化地帶」。當局至今沒有收到任何有關發展康樂用途的具體建議。因此，並無有力的理據要把該片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。在所有這些地帶內，農業用途都是列於第一欄的用途，無須取得城規會的規劃許可；

把村校舊址及旁邊的地方由「綠化地帶」及「自然保育區」地帶改劃為「政府、機構或社區」地帶

(iii) 該區現時沒有人口，全面發展後總人口亦只有約 1 000，故目前並無需要闢設特定的政府、機構或社區設施；

(iv) 在「鄉村式發展」地帶內，「鄉公所」是經常准許的用途。至於在「綠化地帶」內發展鄉公所及遊客中心，可向城規會申請，城規會將按個別情況作出考慮；

改劃建議所涉地帶的《註釋》

(v) 申述書並沒有詳細的資料，說明建議把有關地點改劃為「綠化地帶」、「康樂」地帶、「政府、機構或社區」地帶及「農業」地帶的理據。這些地帶的《註釋》應以城規會同意的《法定圖則註釋總表》為依據，申述人並未提供資料，說明要在「綠化地帶」、「康樂」地帶、「政府、機構或社區」地帶及「農業」地帶加入其建議的用途的理據；

在分區計劃大綱圖上劃定顯示為「道路」的地方

(vi) 當局未有提出在鎖羅盆地區興建通道的計劃／承諾。根據鎖羅盆分區計劃大綱草圖的《註釋》，由政府統籌或落實的土力工程、地區小工程、道路工程及其他公共工程都是經常准許的；

第 2 組

把鎖羅盆河的上游和支流、沿河地區及毗連的次生林地劃為「自然保育區」地帶

(vii) 據漁護署表示，有一條天然河流由西南至東北方向穿過鎖羅盆地區。該河的下游部分是該區濕地綜合區的一部分，獲鑑定為「具重要生態價值的河溪」。此河段已劃為「自然保育區」地帶。不過，該河的上游部分並未鑑定為「具重要生態價值的河溪」，而是否

也應鑑定為「具重要生態價值的河溪」，尚要進一步研究。因此，把這條天然河流的上游部分劃為「自然保育區」地帶並不恰當；

(viii) 對於可能影響天然河流／溪澗的發展計劃及關於原地化糞池系統的規定，現時已有相關的規管機制(包括環境運輸及工務局技術通告(工務)第 5/2005 號及環保署的《專業人士環保事務諮詢委員會專業守則第 5/93 號》)作出規管；

(ix) 沿河地區及毗連的林地在這份分區計劃大綱草圖上劃作「鄉村式發展」地帶及「綠化地帶」。這片林地除了在村落附近適宜作鄉村擴展之用的那部分外，其餘部分與附近船灣郊野公園內天然林地的茂密草木連成一片，劃作「綠化地帶」，做法恰當，可對上游地區及這片林地作出規劃管制和保護；

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

(x) 支持有關劃設保育地帶以保護海草床和紅樹林的建議。不過，現有的理據不足以支持把這些地方指定為「具特殊科學價值地點」，而漁護署亦沒有計劃把這些地方指定為「具特殊科學價值地點」；以及

把郊野公園「不包括的土地」指定為郊野公園

(xi) 根據《郊野公園條例》(第 208 章)，是否把特定的郊野公園「不包括的土地」納入郊野公園範圍，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；

對意見的理據的回應

(z) 意見書提出的主要理據及對這些理據的回應載於城市規劃委員會文件第 9645 號附件 IV。有關的理據

和回應與上文概述的那些表示反對的申述書提出的理據和有關回應相似；以及

規劃署的意見

(aa) 不支持第 1 組及第 2 組申述，並認為不應順應這些申述修訂鎖羅盆分區計劃大綱草圖。

白腊分區計劃大綱圖

11. 麥黃潔芳女士借助投影片，按城市規劃委員會文件第 9646 號詳載的內容簡介白腊分區計劃大綱草圖，要點如下：

背景

(a) 二零一三年九月二十七日，城規會根據條例第 5 條展示《白腊分區計劃大綱草圖編號 S/SK-PL/1》，以供公眾查閱，結果共收到 10 665 份有效的申述書及 3 665 份有效的意見書；

申述

(b) 除了一份由一名當地村民提交的申述書(R10736)表示支持白腊分區計劃大綱草圖外，其餘所有申述書均反對這份草圖，有關意見大致可分為兩組：

(i) 第 1 組有 795 份申述書(R1 至 R798 及 R10737)，由個別人士和村民提交，他們主要反對「鄉村式發展」地帶，認為地帶內的土地不足應付發展小型屋宇的需求；以及

(ii) 第 2 組有 9 870 份申述書(R799 至 R10735 及 R10738 至 R10775)，由立法會議員、一名區議員、環保／關注組織及個別人士提交。他們主要反對「鄉村式發展」地帶，認為面積過大，理由是此地帶是根據未經核實的小型屋宇需求量而劃，有關數字

根本並非實際數字。由於「鄉村式發展」地帶 40%的土地由私人發展公司擁有，而這些公司都有「先破壞，後建設」的不良記錄，因此他們憂慮「鄉村式發展」地帶過大，會立下不良先例，助長私人發展；

表示支持的申述書提出的理據(R10736)

(c) 表示支持的申述書提出的主要理據詳載於城市規劃委員會文件第 9646 號第 2.3 段，撮述如下：

(i) 支持白腊分區計劃大綱草圖，因為這份草圖可促進白腊村的發展。天然環境固然要保護，但也要尊重原居村民興建小型屋宇的權利和土地擁有人的權利；以及

(ii) 有必要為白腊闢設車路，這對白腊的日後發展至為重要；

表示反對的申述書提出的理據

(d) 第 1 組表示反對的申述書(R1 至 R798 及 R10737)提出的主要理據詳載於城市規劃委員會文件第 9646 號第 2.4 段，撮述如下：

「鄉村式發展」地帶的面積

(i) 所劃的「鄉村式發展」地帶未能滿足小型屋宇的需求及配合日後鄉村的發展。有關當局沒有考慮過構成整條村布局的歷史文化及風水。原居民所住的舊村昔日曾面向西南面的「白虎山」，由於風水欠佳，所有男性成年人未滿 40 歲就去世。因此，整條村遷到現址，以避厄運。另外，「鄉村式發展」地帶形狀不規則，浪費了可發展的地方，有些村民亦沒有私人土地興建小型屋宇，因此實有必要把「鄉村式發展」地帶擴展至現有鄉村的西南部，涵蓋地帶內的政府土地；

基礎設施不足

(ii) 白腊地區沒有道路及基礎設施和公用事業設施，例如公廁、電視及／或廣播電台發射塔裝置等。當局應提供這些設施；

劃設「自然保育區」地帶

(iii) 相關的部門(包括漁護署)既沒有進行任何諮詢工作，也沒有闡述其保育意向，評估報告亦欠奉；以及

「農業」地帶的可行性

(iv) 在郊野公園範圍內使用車輛及農車受到限制。由於沒有復耕計劃，當地村民擔心劃設「農業」地帶，會限制他們發展小型屋宇的機會；

(e) 第 2 組表示反對的申述書(R799 至 R10735 及 R10738 至 R10775)提出的理據詳載於城市規劃委員會文件第 9646 號第 2.5 段，撮述如下：

「鄉村式發展」地帶的面積及規劃

小型屋宇需求

(i) 「鄉村式發展」地帶佔地約 2.37 公頃，實在太大，更會建 79 幢屋宇，但根據二零一一年人口普查的資料，白腊的人口不足 50。當局應提出理據說明為何要劃設如此大的「鄉村式發展」地帶；

(ii) 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；

(iii) 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；

(iv) 「鄉村式發展」地帶內大部分土地已售予私人發展商，申述人擔心這些土地最終會被私人發展商用來發展住宅項目；

(v) 劃設「鄉村式發展」地帶，會立下不良先例，影響其他郊野公園「不包括的土地」，因為白腊這個地區過去已經懷疑有人圖以「先破壞，後建設」的手法進行發展；

對天然生境的影響

(vi) 白腊(特別是其次生林地)育有多種不同的動物，在生態上與環繞該區的西貢東郊野公園緊密相連。白腊曾錄得多種蝴蝶(37 種)及雀鳥(55 種)；

(vii) 白腊灣是文昌魚的生長地。該區的一條河曾發現中華花龜及虎皮蛙；

(viii) 在「鄉村式發展」地帶內的濕潤荒田可找到一些水蕨(在中國內地列為二級保護植物)，若有人提出發展小型屋宇，這種植物會受到影響；

(ix) 發展住宅可能要闢建道路，這樣會進一步破壞自然環境。使用萬宜路的車輛增加，亦會污染萬宜水庫的集水區；

(x) 發展小型屋宇可能會帶來污染物，這些污染物會大大降低下游郊野公園區環境的質素，影響到白腊灣生態的完整；

對白腊灣環境的影響

(xi) 白腊沒有公共污水收集系統。小型屋宇的污水只可由原地設置的化糞池和滲水井系統處理。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。污染物會流入附近的水體，污染環境；

(xii) 化糞池及滲水井系統僅可作程度最低的污水處理，其排出的污水仍然含極大量營養物、有機物和微生物。要有效減少這些物質，地層情況必須合適，而有關地區的發展密度亦要低。此外，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；

(xiii) 白腊地底表層的沉積物含有透氣和高滲透力的沉澱物，使污水流走得很快。到達大海前淨化得不夠，後果是污水會累積滲透入附近地區；

對累積影響的評估

(xiv) 當局沒有調查／評估增建小型屋宇，在環境、排水、景觀及交通各方面會對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；

(xv) 當局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)以配合白腊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，改善白腊的基礎設施和其他設施，防止現有的鄉村污染該區；

草圖的《註釋》

(xvi) 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「鄉

村式發展」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；

(xvii) 應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；

把郊野公園「不包括的土地」指定為郊野公園

(xviii) 訂立郊野公園「不包括的土地」政策的目的，是要保護「不包括的土地」免因「不協調的發展」(例如在農地及樹林和河流附近發展大量新的小型屋宇)而面臨「即時的發展威脅」。可是，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》；以及

(xix) 從生態、景觀和康樂的角度而言，郊野公園「不包括的土地」與毗連的郊野公園緊密相連，所以應納入郊野公園範圍，這樣，各項發展便須經郊野公園及海岸公園委員會及漁護署審批，而當局亦會着力管理，包括進行生境及美化市容設施改善工程、定期巡邏和監察，以及採取執法行動對付違規情況；

<u>申述人的建議</u>

(f) 第 1 組申述書提出的建議詳載於城市規劃委員會文件第 9646 號第 2.6 段，撮述如下：

(i) 把現有的白腊村的西南部由「自然保育區」地帶改劃為「綠化地帶」及「鄉村式發展」地帶，以便擴展該村；以及

(ii) 把白腊南部的一塊土地由「自然保育區」地帶改劃為「政府、機構或社區」地帶，以便設置公廁及電視及／或廣播電台發射塔裝置；

(g) 第 2 組申述書提出的建議詳載於城市規劃委員會文件第 9646 號第 2.7 段，撮述如下：

(i) 應把「鄉村式發展」地帶的範圍局限在現有的鄉村地區，並把此地帶的面積縮減三分之二。另應只准在現有河流西面的地方發展，東面的地方則應改劃為「自然保育區」地帶；

(ii) 「鄉村式發展」地帶被一條流向白腊灣的河一分為二，小型屋宇的建築工程和排出的污水可能會影響該河。因此，應劃設緩衝區，把該河與「鄉村式發展」地帶內的小型屋宇發展分隔開，並應把該河和沿河地區改劃為「自然保育區」地帶。設置化糞池及滲水井系統的位置須距離水道最少 30 米；

(iii) 「鄉村式發展」地帶內的濕潤荒田有零星的水蕨生長，建議把這些荒田由「鄉村式發展」地帶改劃為「自然保育區」地帶；

(iv) 應把白腊指定為郊野公園，以保護該區生態易受影響的地方，另應把發展審批地區圖的有效期延長最少一年，以便進行所需的程序。在此期間，應把「鄉村式發展」地帶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；以及

(v) 「農業」地帶所在之處是未成熟的植林區，亦有一個人工池塘。該處的水文系統與流進白腊灣的河相連，進行農業活動所產生的地面徑流會使該河及白腊灣的有機物含量增加。因此，建議把該處由「農業」地帶改劃為「自然保育區」地帶或「綠化地帶」，防止水質變差；

意見

(h) 在所收到的 3 665 份意見書中，有 3 655 份(C1 至 C3656 及 C3661 至 C3663)主要由環保／關注組織及個別人士提交。他們表示支持第 2 組的申述，理由是「鄉村式發展」地帶面積過大，會增加郊野公園的生態、景觀和康樂價值受損的可能性；

(i) 其餘 10 份意見書(C3657 至 C3660 及 C3664 至 C3669)則沒有表明其意見與哪項申述有關，但表示反對白腊分區計劃大綱草圖，並認為「鄉村式發展」地帶面積過大；

規劃考慮因素及評估

申述地點及周邊地區

(j) 申述地點遍及白腊分區計劃大綱草圖整個規劃區；

(k) 白腊的規劃區(下稱「白腊地區」)所涵蓋的總面積約為 6.8 公頃，位於西貢半島南岸，距西貢市中心東南面約 9.5 公里，三面被西貢東郊野公園包圍，其東面、北面及西面都是連綿山嶺。白腊地區區南面有優美的海岸線，包括白腊灣海灘，該處亦已被劃為西貢東郊野公園的一部分；

(l) 白腊地區富有鄉郊田園特色，主要有村屋、灌木叢、林地、草地、休耕農地及河道。白腊是白腊地區唯一的認可鄉村，村屋大多高兩至三層，主要的村屋羣位於白腊地區中部。這些村屋大多空置，只

有部分仍然有人居住。白腊地區的東部及北部是休耕農地，現時已演化成草地。有一條河由北向南穿過白腊地區流入白腊灣。在該區北面較遠處是萬宜水庫；

規劃意向

(m) 白腊地區的整體規劃意向，是保護區內具有高自然景觀價值的地方及自然鄉郊環境，使這些地方能與附近西貢東郊野公園的整體自然美境互相輝映；同時預留土地，以供日後白腊的原居村民發展小型屋宇之用；

(n) 「自然保育區」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，例如郊野公園，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；

(o) 「農業」地帶的規劃意向，主要是保存和保護良好的農地／農場／魚塘，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；

(p) 「鄉村式發展」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；

(q) 「政府、機構或社區」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；

諮詢

(r) 二零一三年一月十一日，發展局局長行使行政長官所授予的權力，根據條例第 3(1)(a)條指示城規會擬備涵蓋白腊地區的分區計劃大綱圖。二零一三年四月二十六日，城規會初步考慮白腊分區計劃大綱草圖，同意這份草圖適宜提交西貢區議會和西貢鄉事委員會進行諮詢；

(s) 規劃署分別於二零一三年四月三十日和五月七日諮詢西貢鄉事委員會和西貢區議會。西貢區議會要求擴大「鄉村式發展」地帶的範圍作鄉村式發展，以及在白腊地區闢設車輛通道。西貢鄉事委員會反對這份分區計劃大綱草圖，因為所劃的用途地帶會影響村民的發展權。白腊村的村代表提交了反建議，提出把現時白腊村西北部和西南部由「自然保育區」地帶改劃為「綠化地帶」和「鄉村式發展」地帶，以利便鄉村擴展。當地村民亦建議把白腊南部的一塊土地由「自然保育區」地帶改劃為「政府、機構或社區」地帶，以闢設公廁和電視及／或廣播電台發射塔裝置；

(t) 環保／關注組織則支持劃設「自然保育區」地帶，但認為「鄉村式發展」地帶過大。他們認為，除劃設細小的「鄉村式發展」地帶以容納現有的鄉村外，應把整個白腊指定為郊野公園。由於有一條河的部分河段在「鄉村式發展」地帶內，小型屋宇的建築工程和排出的污水可能會影響該河。因此，在「鄉村式發展」地帶內的那部分河段及沿河地區應改劃為「自然保育區」地帶；

(u) 二零一三年九月十三日，規劃署把白腊分區計劃大綱草圖連同從西貢區議會、西貢鄉事委員會、環保／關注組織所收到的意見和其他公眾意見，提交城規會以作進一步考慮。城規會備悉有關的意見，並同意白腊分區計劃大綱草圖適宜展示予公眾查閱。二零一三年九月二十七日，城規會根據條例第 5

條，展示《白腊分區計劃大綱草圖編號S/SK-PL/1》，以供公眾查閱；

對申述的理據及申述人的建議的回應

(v) 備悉表示支持的申述(R10736)；

(w) 對申述的理據及申述人的建議的回應詳載於城市規劃委員會文件第9646號第5.14段，撮述如下：

「鄉村式發展」地帶的面積及規劃

(i) 在擬備這份分區計劃大綱草圖及各土地用途建議時，已特別關注到要保護白腊區具重要生態和景觀價值的地方，亦考慮過西貢東郊野公園更廣大的自然系統；

(ii) 為應付原居村民對小型屋宇的需求，有必要在合適的地點劃設「鄉村式發展」地帶。「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的，只有適合發展小型屋宇的土地才劃入此地帶，而環境／生態易受影響的地方及地形陡峭的地方不會包括在內。在擬備這份分區計劃大綱草圖的過程中，是考慮過相關持份者(包括西貢區議會、西貢鄉事委員會、村民及環保／關注組織)及政府部門的看法和意見，才劃定「鄉村式發展」地帶的界線；

(iii) 白腊的中部和北部是休耕農地，現長滿雜草和灌木。由於白腊中部的草地平坦，又接近現有鄉村，面積亦夠大，有足夠土地興建尚未處理的申請和預測未來10年所需的小型屋宇，因此是劃作「鄉村式發展」地帶的理想地點。白腊中部這塊預留作應付未來10年小型屋宇預測需求的草地(1.81公頃)，連

同現有鄉村和獲准發展小型屋宇及新界豁免管制屋宇的土地(0.56 公頃)，合共有 2.37 公頃的土地劃為「鄉村式發展」地帶；

(iv) 所預測的小型屋宇需求量僅是劃設「鄉村式發展」地帶時所考慮的眾多因素之一，有關的預測數字由原居民代表向地政總署提供，或會隨時間而轉變。雖然在規劃階段並無機制可核實有關數字的真確性，但相關地區的地政專員審批小型屋宇申請時，會核實小型屋宇申請人的身分。這份分區計劃大綱草圖現時所劃的「鄉村式發展」地帶佔地約 2.37 公頃，只是白腊「鄉村範圍」(6.85 公頃)面積的 34%；

(v) 「鄉村式發展」地帶內的土地，不論是私人擁有還是政府土地，其規劃意向皆主要是供原居村民興建小型屋宇之用。在此地帶內，雖然「屋宇」(只限新界豁免管制屋宇)是經常准許的用途，但「分層住宅」及「屋宇」(未另有列明者)則須取得城規會的規劃許可。因此，這份分區計劃大綱草圖已作出足夠的管制，使「鄉村式發展」地帶內的土地皆用作發展小型屋宇；

對白腊灣環境的影響

(vi) 在地政總署處理小型屋宇的申請時，相關部門(包括環保署、渠務署、水務署、漁護署及規劃署)會考慮小型屋宇的排污(包括化糞池及滲水井系統)問題。排污工程的安排須符合相關政府部門的規定；

(vii) 正如這份白腊分區計劃大綱草圖的《說明書》所述，根據現行做法及環境運輸及工務局技術通告(工務)第 5/2005 號的規定，如發展計劃／方案可能影響天然溪澗／河流，負責批核和處理發展計劃的當局須徵詢和收集漁護署和相關當局的意見。根據《香港規

劃標準與準則》第九章，在人口少的鄉郊地區使用化糞池這一方法處理和排放污水是准許的。為保護白腊灣的水質，發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，例如環保署的《專業人士環保事務諮詢委員會專業守則第5/93號》－「須經環境保護署評核的排水渠工程計劃」。環保署的《村屋污水排放指南》亦有載述如何操作和維修保養化糞池(例如清除淤泥的方法)；

(viii) 據環保署表示，在決定某地點是否適合建造化糞池處理和排放污水時，須考慮該地點特有的情況，如滲濾試驗結果、是否接近河流／溪澗、地下水位的深度、地形及洪泛風險等。這些關於個別地點特有情況的資料是非常重要的，尤其有些情況是，即使同一地點，泥土特性(例如泥土結構)也有很大差異。滲濾試驗是《專業人士環保事務諮詢委員會專業守則第5/93號》所訂明的其中一項規定。認可人士必須按規定進行試驗，以確定泥土的吸收力，從而定出化糞池可達的負荷量。這項試驗可讓相關各方確定泥土的情況是否合適，能讓化糞池妥善運作，有效處理和排放污水。在評估擬議的化糞池及滲水井系統是否可以接受時，會考慮白腊個別地點的特有情況；

(ix) 《專業人士環保事務諮詢委員會專業守則第5/93號》亦訂有一些關於化糞池的設計標準，包括泥土滲濾試驗、化糞池與特定水體(如地下水位、河溪、海灘等)之間相隔的距離，以及建築物之間相隔的距離。這些規定有助鑑定何種地層狀況適宜建造化糞池，並在一定程度上限制了屋宇的密度；

對累積影響的評估

(x) 城規會審議白腊分區計劃大綱草圖時，已考慮所有相關的規劃因素，包括相關政府部門和公眾的意見。對於「鄉村式發展」地帶，運輸署和路政署曾從交通運輸基礎設施的角度考慮，但都沒有提出疑問；

(xi) 地政總署在處理有關批建小型屋宇的申請時，會諮詢相關的部門，確保所有相關部門都有充分機會覆檢申請，並就申請提出意見；

草圖的《註釋》

(xii) 由於「鄉村式發展」地帶的規劃意向是提供土地作興建新界豁免管制屋宇之用，所以把新界豁免管制屋宇列於此地帶的土地用途表第一欄，做法恰當；

(xiii) 從農業的角度而言，漁護署對有關把土地用途表中的「農業用途」和「農地住用構築物」改列於「鄉村式發展」地帶和「自然保育區」地帶的土地用途表第二欄的建議有所保留，因為這樣會對農業有所限制，長遠來說，會窒礙農業發展。任何涉及河道改道、填土／填塘或挖土的工程，如可能對天然環境有負面影響，均須取得城規會的規劃許可才能進行。漁護署考慮上述因素後，認為並無有力的理據要對相關地帶的土地用途表第一欄用途施加更嚴格的管制；

(xiv) 「燒烤地點」和「野餐地點」是指由政府營運的設施，不包括私人擁有及／或商營的地點；「公廁設施」是指符合《公眾衞生及市政條例》(132 章)的涵義的廁所，以及由政府保養、管理和監管並提供予公眾使用的浴室；「帳幕營地」則是指供公眾紮營作臨時宿處以便作康樂或訓練用途的地方，而此設

施也是由政府指定的。漁護署認為，這些用途未必對易受影響的生境有很大的負面影響，因此並無有力的理據，要把這些用途改列於相關地帶的土地用途表第二欄；

(xv) 地政總署處理小型屋宇的申請時，會徵詢相關部門的意見，確保所有相關的部門均有充分機會覆檢申請，並就申請提出意見。倘在處所內經營食物業，必須向食物環境衞生署申領食物業牌照。因此，並無有力的理據要把「鄉村式發展」地帶的土地用途表中的「新界豁免管制屋宇」、「食肆」和「商店及服務行業」列於第二欄；

基礎設施不足

(xvi) 根據二零一一年人口普查的資料，白腊地區的總人口不足 50。目前白腊地區有食水供應，亦有電力供應和電話服務。相關的工務部門會一直留意該區未來在基礎設施方面的需要，並會視乎有否資源而提供所需設施。此外，這份白腊分區計劃大綱草圖的《註釋》亦提供了彈性，使政府統籌或落實的土力工程、地區小工程及環境改善工程可以進行。這些工程一般是為提供、保養、日常運作和緊急修理地區設施而必須進行的工程，目的是為公眾的利益及／或改善環境；

把郊野公園「不包括的土地」指定為郊野公園

(xvii) 《二零一零至一一年度施政報告》宣布，政府承諾把其餘 54 幅「不包括的土地」劃入郊野公園範圍，或透過法定規劃程序確立合適用途，以照顧保育和社會發展需要。由法定圖則保護的郊野公園「不包括的土地」，其整體規劃意向是保存區內的自然景觀和保育價值，以及保護區內的自然鄉郊環境，同

時容許現有認可鄉村的原居村民在區內發展小型屋宇；

(xviii) 根據《郊野公園條例》(第 208 章)，把某地方指定為郊野公園，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；以及

(xix) 漁護署表示，該署有一套既定的原則和準則評估某個地點是否適合指定為郊野公園，有關的原則和準則包括該地點的保育價值、景觀及其優美程度、發展康樂用途的潛力、面積、是否接近現有的郊野公園、土地類別及現有土地用途。總監若建議把某個地點指定為郊野公園，亦會就建議徵詢郊野公園及海岸公園委員會的意見；

(x) 對申述書提出的建議的回應詳載於城市規劃委員會文件第 9646 號第 5.14 段，撮述如下：

第 1 組

把「自然保育區」地帶改劃為「鄉村式發展」地帶及「綠化地帶」

(i) 漁護署表示，白腊外圍的林區有相對不受干擾的原生林地，林中有多種植物(包括受保護的品種)生長。關於改劃為「綠化地帶」的建議，漁護署表示，所涉的林地環境質素相若，而擬議的「綠化地帶」及「自然保育區」地帶兩處的林地實際上延綿相連，與毗連的西貢東郊野公園融為一體，所以在生態上，實在沒有充分理據對兩處的林地作出不同的處理。為保護這片原生林地，也使鄉村地區與周邊的西貢東郊野公園之間繼續有一緩衝區，從自然保育的角度而言，漁護署不支持把這片林地改劃作擬議的用途地帶；

把白腊村南部的一塊土地由「自然保育區」地帶改劃為「政府、機構或社區」地帶

(ii) 通訊事務管理局辦公室會一直留意有關的需要，有需要時會把有關要求轉達提供有關服務的機構。至於設置公廁的要求，現有鄉村南部有一塊用地已劃為「政府、機構或社區」地帶，以便設置公廁及一個政府垃圾收集站，配合當地居民及遊人的需要；

第 2 組

把「鄉村式發展」地帶的範圍局限在現有的鄉村地區

(iii) 上文第 9(w)(i)至(iv)段所述有關對申述的理據的回應亦適用；

把該河及沿河地區改劃為「自然保育區」地帶

(iv) 上文第 9(w)(vi)至(ix)段所述有關對申述的理據的回應亦適用；

把有水蕨的地方由「鄉村式發展」地帶改劃為「自然保育區」地帶

(v) 雖然白腊東面的濕潤荒田發現有零星的水蕨，但漁護署認為數目不多，而這種植物是否出現，視乎環境狀況而定。因此，沒有理據要把這些地方劃為「自然保育區」地帶；

把郊野公園「不包括的土地」指定為郊野公園

(vi) 應否把某塊郊野公園「不包括的土地」納入郊野公園範圍，根據《郊野公園條例》(第208章)，乃屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；

把「農業」地帶改劃為「自然保育區」地帶或「綠化地帶」

(vii) 漁護署表示，這些休耕梯田及池塘有良好潛力恢復作農業用途，故應劃為「農業」地帶，這樣才可保存和保護優質的農地／農場

／魚塘作農業用途。為確保在「農業」地帶內進行的活動不會對環境造成負面影響，這份分區計劃大綱草圖的《註釋》已訂明，在「農業」地帶內進行河道改道及填土／填塘工程，必須取得城規會的規劃許可；以及

(viii) 根據《廢物處置條例》的規定，白腊的「農業」地帶內禁止飼養禽畜。至於與飼養禽畜無關的農業活動，預料不會造成嚴重的有機物污染問題，影響河流及白腊灣；

對意見的理據的回應

(y) 意見書提出的主要理據及對這些理據的回應載於城市規劃委員會文件第 9646 號附件 IV。有關理據和回應與上文概述的那些申述書提出的理據和有關回應相似；以及

規劃署的意見

(z) 規劃署對申述的意見是：

表示支持的申述

(i) 備悉 R10736 表示支持的意見；以及

表示反對的申述

(ii) 不支持第 1 組及第 2 組申述，並認為不應順應這些申述修訂白腊分區計劃大綱草圖。

[會議小休五分鐘。]

12. 主席請那些就全部三份分區計劃大綱草圖作出申述的申述人及其代表闡述他們的申述內容。

R18－翁煌發

13. 翁煌發先生作出陳述，要點如下：

(a) 他是海下村的村代表；

(b) 他歡迎當局為海下擬備分區計劃大綱草圖，因為良好的規劃可使鄉村得以擴展，環境得到改善，亦可使發展與保育之間取得平衡；

(c) 村民一直以客觀合理的方式表達他們的觀點和訴求。不過，對於其他申述人質疑小型屋宇需求數字的準確性，他們感到受屈；

(d) 小型屋宇需求數字是考慮如何規劃法定圖則上的「鄉村式發展」地帶時必需的資料。為證明海下的小型屋宇需求數字準確無誤，他擬備了一份載列了海下男性原居村民人數和相關資料(包括他們的宗族、姓名、香港身份證號碼和電話號碼)的名單。該名單已呈交席上，供城規會和規劃署參閱。從該名單可見，扣除那些已離世和已行使其丁權的村民後，最新的小型屋宇未來需求數字為 97 幢。因此，為擬備海下分區計劃大綱草圖而提供的小型屋宇需求預測數字(84 幢)並沒有如其他申述人所指被誇大，反而是被低估；

(e) 根據在二零一三年九月二十七日展示的《海下分區計劃大綱草圖編號 S/NE-HH/1》，海下約有 2.6 公頃土地劃作「鄉村式發展」地帶，較該區的「鄉村範圍」的面積(約 2.92 公頃)少 11%。雖然「鄉村式發展」地帶的面積只能滿足約 68%的小型屋宇總需求，但考慮到區內污水處理設施不足，而且有需要保育區內的林地，因此村民認為這個建議尚可接受；

(f) 根據城市規劃委員會文件第 9644 號的圖 H-4 所示的規劃署最新建議，「鄉村式發展」地帶的西部會改劃為「綠化地帶(1)」，若然作此改劃，「鄉村

式發展」地帶的面積便會減至約 1.95 公頃，只能容納約 40 幢小型屋宇，滿足約 43%的小型屋宇需求。不單如此，村民更不能提出規劃申請，要求在「綠化地帶(1)」興建新的小型屋宇。有鑑於此，海下的村民強烈反對規劃署這項最新的建議；

(g) 由於海下分區計劃大綱草圖上劃作「鄉村式發展」地帶的土地不足，村民之間就會因為發展小型屋宇的土地問題而發生糾紛，令村裏不再和諧融洽；

(h) 村民對自然保育一直採取理智和合理的態度。他們不反對把成齡林地和「鄉村範圍」內一些起伏不平的土地劃為「綠化地帶」，也接受把海下村以西的地方作鄉村擴展之用，即使該處較「鄉村範圍」為小。可是，環保組織卻把該處指為「次生林地」，而規劃署的最新建議更提出把該處由「鄉村式發展」地帶改劃為「綠化地帶(1)」。他質疑環保組織有否提供足夠的資料和理據來證明該處確有高的保育價值。據實地觀察所見，該處主要是雜草叢生、滿布瓦礫的荒置農地。如果政府認為保護保育價值不高的林地較村民的發展需要更重要，實在對村民極不公平；

(i) 原居村民一直都是良好市民，他們遵循政府的規定，為所興建的小型屋宇設置化糞池及滲水井系統這類設施處理污水。可是，環保組織仍指排污有問題，會影響環境，並以此為理由而要求限制鄉村的發展。其實，海下村民一直有促請政府為他們提供公共污水處理設施，最近該村更有一名私人土地擁有人主動提出騰出其土地用來興建該村的污水處理系統。村民希望該村日後的發展不會再受到污水處理問題所掣肘；以及

(j) 海下的村民建議繼續把現有村落以西的地方劃為「鄉村式發展」地帶，或在該處劃設新的「鄉村式發展(1)」地帶，並把「屋宇(只限設有不屬化糞池和滲水井系統的污水處理裝置的新界豁免管制屋

宇)」而不是「屋宇(只限新界豁免管制屋宇)」列為第一欄用途。

[R18 的實際發言時間：19 分鐘]

R28－陳祖旺

14. 陳祖旺先生作出陳述，要點如下：

(a) 城規會過去拒絕了多宗要求在「綠化地帶」興建小型屋宇的規劃申請。「自然保育區」地帶和「綠化地帶」無止境的擴展會對房屋用地供應造成負面影響。單位供應短缺可能引起社會動盪，在五十和六十年代發生的暴動就是例子；

(b) 自然保育是公眾的事，進行這方面的工作時應對所有持份者公平。若自然保育影響到私人產權，就應考慮推出一些措施，向土地擁有人作出補償，例如換地或提供現金補償，否則有違《基本法》；

[劉智鵬博士此時暫時離席。]

(c) 在內地，九寨溝國家地質公園的原住民獲給予在該國家地質公園內的居所作為補償，而土地被收回作發展的農民亦會獲政府發放補償。香港的情況卻比內地差。如果私人土地被劃為保育地帶，土地擁有人不會獲得任何形式的補償；

(d) 當年政府為興建廣深港高速鐵路香港段，都有向菜園村的非原居村民作出補償，可是，對於土地被劃作保育地帶而受影響的合法土地擁有人和原居村民，政府卻不作任何補償，實在有欠公允；以及

(e) 如有需要，他會向中國政府表達其意見。

[R28 的實際發言時間：11 分鐘]

R32 – 李耀斌

15. 李耀斌先生作出陳述，要點如下：

(a) 載有他口頭陳述內容的信件已提交席上；

(b) 有大量申述書指「鄉村式發展」地帶的面積過大，主要是因為發展審批地區圖上沒有標示「鄉村範圍」，令人以為有關的鄉村很小，甚或不存在。正因為這個原因，所以在當局公布這三份分區計劃大綱草圖時，人們才會對「鄉村式發展」地帶的面積有如此強烈的反應。在制訂發展審批地區圖的過程中，須充分考慮「鄉村範圍」的界線；

(c) 有些申述人指部分郊野公園「不包括的土地」現時的人口為零或很少，但規劃人口卻大幅上升，這說法對村民不公平，亦有誤導公眾之嫌。以鎖羅盆為例，過往村內曾有一百多幢屋宇。不過，自從當局要興建水塘而把河道改道及把部分地方指定為郊野公園後，村內的農業活動便式微，甚至闢設道路也不行。村民在村內無以為生，便陸續搬走，出外謀生或就學，及後大多數村民搬走後，鄉村便荒廢；

(d) 原居村民有很強烈的歸屬感，為了他們的下一代，他們很期望自己的鄉村得以持續發展。雖然村內沒有人居住，但並不表示原居村民不打算復村。分區計劃大綱草圖須顧及復村因素；

(e) 政府應考慮提供合適的配套設施，藉此保育和修復鄉村，令村民可以回村居住。開闢道路和復耕十分重要，後者更可加強食物鏈和生物多樣性，有利於自然環境；

(f) 郊野公園「不包括的土地」合起來的面積比郊野公園還小，把這些土地納入郊野公園的範圍，不見得有很大好處；

(g) R18 擬備了海下合資格可享丁權的村民的名單。由名單可見，村代表向政府提供的小型屋宇需求數字準確無誤，且有證據支持；

(h) 原居村民只會按其需要和能力申請批建小型屋宇。海下有些村民沒有行使其丁權便離世，而在過去 20 年，只有少數村民曾申請或獲批建小型屋宇。至於沒有車路可達的鎖羅盆和白腊，獲批准興建小型屋宇的申請數目更少。關於村民濫用小型屋宇政策的說法根本不成立；

(i) 根據 R18 擬備的名單，海下村小型屋宇的實際需求量是 97 幢。不過，在《海下分區計劃大綱草圖編號 S/NE-HH/1》所劃設的「鄉村式發展」地帶內，可供發展小型屋宇的土地卻只有 1.6 公頃(約相等於 64 幢小型屋宇)。按此數字計，「鄉村式發展」地帶應擴大約 1 公頃，才能滿足小型屋宇的實際需求；

(j) 規劃署的最新建議是把海下村以西的地方由「鄉村式發展」地帶改劃為「綠化地帶(1)」，這其實是限制鄉村發展的幌子。另外，建議把海下村以東的地方由「自然保育區」地帶改劃為「綠化地帶」，亦沒有好處，因為根本不能保證在擬議的這個「綠化地帶」內發展小型屋宇必定會獲得批准。規劃署這些最新的建議會令海下「鄉村式發展」地帶的面積進一步縮減，所以村民強烈反對；

(k) 在九十年代中期當局劃設海下灣海岸公園之前，海下的村民已表明十分擔心這樣會對鄉村發展造成負面影響。經政府官員再解釋，表明海下灣海岸公園會局限於水域範圍，不會影響村民的日常生活和鄉村發展，村民才撤回反對劃設海岸公園的意見。當局如今以海下灣海岸公園可能會被污染為理由而限制海下的鄉村發展，實在十分荒謬；

(l) 政府有責任為村民提供公共污水收集和處理設施。為盡量減低對海下灣可能造成的影響，政府應考慮在海下闢設不損環境的污水處理設施；以及

(m) 城規會就這三份分區計劃大綱草圖作出決定時，須考慮村民的需要。

[R32 的實際發言時間：17 分鐘]

[劉智鵬博士此時返回席上。]

R594 — 梁和平

16. 梁和平先生作出陳述，要點如下：

(a) 政府規劃「綠化地帶」時，似乎有雙重標準。一方面，政府不斷檢視「綠化地帶」，務求增加房屋用地的供應，但另一方面，規劃署卻建議擴大海下分區計劃大綱草圖上劃作「綠化地帶」的地方。根據經驗，涉及在「綠化地帶」內發展小型屋宇的規劃申請，獲得批准的機會十分渺茫；

(b) 鄉議局和西貢北約鄉事委員會是經過詳細討論才接納有關《海下分區計劃大綱草圖編號 S/NE-HH/1》各土地用途地帶的建議。可是，規劃署最新的建議卻在毫無理據下提出縮減海下村的「鄉村式發展」地帶。他身為西貢北約鄉事委員會副主席，有責任向城規會反映該會的意見；

(c) 環保組織以對環境造成影響、交通擠塞、污染河流和海岸線、鄉村過於密集及人口不足為理由，阻止鄉村發展，並不合理。村民十分認同土地是珍貴資源，應以具效率和成效的方式加以善用。以他的鄉村為例，在政府和村民的共同努力下，鄉村是可以井然有序地發展的；

(d) 海下村民一直很珍惜該村，亦致力保護自然環境，令海下的美景得以保存。不過，可作鄉村發展的土

地不足，導致擠迫和環境問題。因此，當局應提供足夠的地方作鄉村發展；

(e) 按現有人口和尚未處理的小型屋宇申請數目來決定「鄉村式發展」地帶的面積，並不恰當。鄉村的歷史、發展需要和可否持續發展亦須予以考慮；以及

(f) 居於海下村的外籍人士現正享受村內充裕的空間，當他們的利益受損，便會反對該村作任何進一步發展。

[R594 的實際發言時間：10 分鐘]

R795 — 李雲開

17. 李雲開先生作出陳述，要點如下：

(a) 他是東平洲的原居村民，也是西貢北約鄉事委員會的委員。他體會海下、鎖羅盆和白腊村民的感受，因爲東平洲也面對着相同的問題；

(b) 「環保」一詞說得漂亮，但卻未能保證村民有良好的居住環境。既然村民承諾保護天然環境，他們的權益亦應受到保護；

(c) 沒有人想自己的土地被劃作保育，因爲其土地權益會因此而被剝奪。鄉村的規劃應配合村民的需要。政府應提供足夠的配套設施(如道路)，令村民得以生活下去。可是，政府卻沒有做任何工作，以改善村民的居住環境或促進鄉村發展。「愛國、愛港、愛市民」的口號純屬空談；

(d) 土地是村民的珍貴資產。在香港，把村民的土地劃作保育卻不給予他們任何補償或好處，做法並不合理。即使在內地，政府若收地，受影響的村民也會獲補償；

(e) 對村民的土地用途施加嚴格的規劃管制，是剝奪村民的權利，可能有違《基本法》第四十一條；

(f) 劃為「鄉村式發展」地帶的地方已縮減，而在海下村以東擬議的「綠化地帶」發展小型屋宇亦不保證會獲批准；以及

(g) 發展與保育之間的平衡點不應傾向後者。在規劃的過程中，對村民的文化和生活應有適當的尊重。

[R795 的實際發言時間：9 分鐘]

18. 主席繼而請那些就海下分區計劃大綱草圖作出申述的申述人及其代表闡述他們的申述內容，但各申述人及其代表表示他們不會在會上作出口頭陳述。

19. 主席繼而請那些就鎖羅盆分區計劃大綱草圖作出申述的申述人及其代表闡述他們的申述內容。

SLP-R10736－鎖羅盆村村務委員會聯同曾家裘測量師有限公司

20. 曾家裘先生借助投影片作出陳述，要點如下：

(a) 由於鎖羅盆的地理環境獨特，所以村民打算採用「環保村」的概念，一方面按人們的需要保育自然環境，一方面以可持續發展的方式有序地發展鎖羅盆村。村民亦打算配合新界東北發展策略，推展生態旅遊、促進當地經濟及活化鎖羅盆村；

(b) 從六十年代拍攝的一張照片可見，鎖羅盆昔日曾是一條繁盛的鄉村，有許多常耕稻田，村民超過 300 人。自從當局把沙頭角劃為禁區，限制人們進出鎖羅盆村後，村民的日常生活便受到影響，於是開始陸續遷走，往市區甚或海外生活。據估計，現時有超過 300 名鎖羅盆村的村民居於海外。這些村民都非常渴望返回鎖羅盆居住，修復該村。他們亦希望向他人展示原居村民的獨有歷史和生活體驗；

(c) 鎖羅盆的私人土地集中在山谷，全部屬村民及其家人所有；

(d) 鎖羅盆的村民有三項修訂鎖羅盆分區計劃大綱草圖的主要建議，分別是擴大「鄉村式發展」地帶；把「自然保育區」地帶部分地方改劃為「鄉村式發展」地帶、「康樂」地帶、「農業」地帶及「綠化地帶」；以及把一個劃作「綠化地帶」的地方改劃為「政府、機構或社區」地帶；

(e) 鎖羅盆分區計劃大綱草圖所劃設的「鄉村式發展」地帶接近山谷北部的天然斜坡和現有村屋。那些天然斜坡水土流失，並不穩固，存在危險，所以「鄉村式發展」地帶內有部分地方不適合作鄉村發展，其餘的地方則只可興建約 80 幢小型屋宇。因此，建議把「鄉村式發展」地帶向南擴展至涵蓋「自然保育區」地帶內部分地方。這樣，劃為「鄉村式發展」地帶的地方便會由 4.12 公頃增至 7.15 公頃，可興建約 188 幢新的小型屋宇；

(f) 相比之下，鎖羅盆分區計劃大綱草圖所劃設的「自然保育區」地帶面積更大，佔地達 8.05 公頃，更涵蓋多幅私人土地。不過，觀乎鎖羅盆的生態環境，劃設如此大的「自然保育區」地帶根本不合理。鎖羅盆那條「具重要生態價值的河溪」是村民食水和灌溉用水的主要來源。該河有魚塘及水閘調控水流，以防水浸及河水流入農田。此外，「自然保育區」地帶內的生態已受到位於東北面河口的防波堤干擾。由於該防波堤是出入鎖羅盆及荔枝窩的主要通道，也是遊客及遠足人士的熱門遊覽路線的一部分，附近一帶可見的動植物種類並不豐富，也非罕見。建議把東北部「自然保育區」地帶的部分地方改劃為「康樂」地帶及「綠化地帶」，以便發展低密度康樂用途，推廣生態旅遊。此外，亦建議把毗連擬議「鄉村式發展」地帶的一些農地和一個池塘由「自然保育區」地帶和「綠化地帶」改劃為「農業」地帶，以反映這些現有用途，同時促進農業用途(例如休閒耕作)的發展；

(g) 為促進生態旅遊的發展及改善村民的居住環境，建議把鎖羅盆東北部啓明學校的舊址由「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、遊客中心及其他政府設施。啓明學校舊址是村民的集體回憶，適宜將之改用作遊客／教育中心，向港人展示鎖羅盆的歷史；

(h) 連接防波堤與「鄉村式發展」地帶的通道在分區計劃大綱圖上應顯示為「道路」；以及

(i) 期望城規會接納上述建議，以滿足村民的需要和訴求。

[SLP-R10736 的實際發言時間：12 分鐘]

SLP-R10737－范富財(蛤塘村原居民村代表)

21. 范富財先生作出陳述，要點如下：

(a) 政府不應為了保育大自然而徵用鄉村的私人土地。鄉村應有足夠的土地供村民為後代進行發展，否則，或會再發生像五六十年代那樣的反政府暴動；

(b) 其實，許多現有的自然景物是人為作用下逐漸形成的。政府制訂政策時應以人的需要為本，原居村民既為主要持份者，他們的意見在規劃郊野公園「不包括的土地」的過程中理應得到尊重；以及

(c) 應把政府資源用於改善偏遠鄉村的生活條件，好讓村民，包括那些現時僑居海外的村民，能夠回村定居。

[SLP-R10737 的實際發言時間：4 分鐘]

SLP-R10740－曾玉安

22. 曾玉安先生作出陳述，要點如下：

(a) 他是沙頭角梅子林村的村代表，也是沙頭角區鄉事委員會委員和北區區議會轄下地區小型工程及環境改善委員會的增選委員；

(b) 有意見認為政府政策一直側重自然保育，遏抑鄉村發展。城規會應把村民視為主要持份者，在規劃郊野公園「不包括的土地」的過程中適當考慮他們的需要；

(c) 香港社會的道德標準每況愈下，社會上也出現過由於政府政策不公平而影響社會和諧的情況；

(d) 與元朗、大埔和西貢那些建有許多小型屋宇的鄉村不同，鎖羅盆這類鄉村位置偏遠，出入不便，而且缺乏基礎設施和公用事業設施，原居村民要行使他們的丁權或者回村定居都十分困難。政府應考慮開放沙頭角禁區，並採用環保的交通運輸設施為這些鄉村服務，這樣村民的生活環境才能維持下去；

(e) 海下村的村代表作了很好的示範，他擬備了一份海下男性原居村民的名單，證明該村對小型屋宇的需求。城規會大可要求其他鄉村效法，這樣便可減少針對小型屋宇需求數字的爭論；

(f) 郊野公園「不包括的土地」範圍內的私人土地多是農地，不應無條件地劃作保育。這些「不包括的土地」是當年政府有意不納入郊野公園範圍內，目的是為了讓村民的生活方式和鄉村發展可持續下去；

(g) 鎖羅盆地區的水位向來靠一個水閘調節，但水閘約在 40 年前損毀，農田因為海水倒灌而變成休耕地，後來漸有一些值得保育的動植物生長。若這些休耕農田重新用作農耕，那些植物就可能要清除，這樣，這些地方便會失去保育價值。因此，把私人土地劃為「自然保育區」地帶其實是毫無意義的；

(h) 政府把 12 幅土地劃為「須優先加強保育地點」後，由於當中九成以上的土地都屬私人擁有，所以

這些土地在保育或發展方面一直未見有進展。何東花園被拆是另一例，證明保育私人物業在香港行不通；

(i) 村民普遍珍惜自然景物，對於把政府土地劃作保育並無異議。事實上，在保育荔枝窩方面，漁護署和村民已建立了緊密的合作關係；以及

(j) 村民的私人產業不應被用來達成自然保育的目標，原居村民的需要理應得到照顧。

[SLP-R10740 的實際發言時間：9 分鐘]

SLP-R10744－鄭馬福(谷埔村原居民村代表)

23. 申述人的代表宋煌貴先生作出陳述，要點如下：

(a) 鎖羅盆的情況與谷埔、榕樹凹和鳳坑相似。谷埔劃為「鄉村式發展」地帶的地方主要是現有村落，該地帶內僅可多建兩幢新屋，但僑居海外的谷埔村民卻多達 2 000 人以上；

(b) 雖然在谷埔那條「具重要生態價值的河溪」旁邊有私人農地和屋地，但沒有村民獲得政府的補償。政府應停止向公眾發放訊息，指私人土地一旦劃作保育便會獲得補償；

(c) 沙頭角地區日後的發展應以沙田新市鎮的模式為藍本，通過收地填海，再以鐵路接駁，該區實可提供大量土地用作建屋，滿足香港市民的住屋需要；以及

(d) 礙於缺乏交通配套和基礎設施，在沙頭角區劃設保育地帶根本不能有效推動生態旅遊的發展。

[SLP-R10744 的實際發言時間：4 分鐘]

SLP-R10747－沙頭角區鄉事委員會

24. 申述人的代表李冠洪先生作出陳述，要點如下：

(a) 沙頭角區鄉事委員會反對鎖羅盆分區計劃大綱草圖；

(b) 大浪西灣事件後，政府建議把部分郊野公園「不包括的土地」納入郊野公園範圍，其他的「不包括的土地」則為其擬備法定圖則。他們反對把這些郊野公園「不包括的土地」納入郊野公園範圍，因為政府在七十年代劃設郊野公園時，曾承諾不把現有鄉村劃入郊野公園範圍；

(c) 對郊野公園「不包括的土地」施加法定規劃管制，並不能解決新界的發展問題。施加規劃管制往往會剝奪私人土地擁有人的產權。當局應充分尊重鄉村傳統及私人產權；

(d) 村民其實比環保份子更「環保」，因為耕種對環境有利；

(e) 凍結鄉村發展，不但無助於保存自然環境，更會分化社會上對立兩方。假如鄉郊地區真如環保份子主張那樣，不得作進一步發展，相關的村民及土地擁有人或會採取激進的行動，例如不准外人進入大浪西灣各村；

(f) 當局須在發展與自然保育兩者之間作出適當的平衡。台灣阿里山是個很好的例子，該處既是自然保護區，又是聞名的生態旅遊景點；以及

(g) 當局在規劃過程中應考慮村民的意見。

[SLP-R10747 的實際發言時間：8 分鐘]

[黃仕進教授及甯漢豪女士此時暫時離席。]

SLP-R10762－黃富、黃冠英

25. 黃富先生作出陳述，要點如下：

(a) 任何發展均須有道路、基礎設施及公用事業設施配合。假如不在鎖羅盆闢設道路及公用事業設施，鎖羅盆分區計劃大綱草圖只會淪為不能落實的假計劃；

(b) 城規會應就一些事實及問題作出清楚的解釋。鎖羅盆並無河流，只有小溪及小溝。況且，這些小溝附近劃為「鄉村式發展」地帶的地方並不適宜發展小型屋宇，因為這些地方容易被山上沖下來的洪水淹浸；

(c) 他不同意 R10736 的代表所提出的建議，認為其意見不能代表鎖羅盆村民；

(d) 沒有足夠證據證明鎖羅盆真如某些申述人所說，具有那麼重要的生態價值。他隨世界自然基金會的人員進行實地視察時，並沒有看到受保護的動植物品種；

(e) 他曾經嘗試在鎖羅盆復耕，但終告失敗，因為農作物都被動物吃掉；以及

(f) 政府從未曾對村民提供幫助。政府應為該村闢設道路及公用事業設施。

[SLP-R10762 的實際發言時間：12 分鐘]

26. 會議於下午 12 時 50 分休會午膳。

27. 會議於二零一四年四月二十八日下午二時十五分恢復進行。

28. 下列委員和秘書出席了恢復進行的會議：

周達明先生	主席
黃遠輝先生	副主席
陸觀豪先生	
劉智鵬博士	
邱榮光博士	
鄒桂昌教授	
何立基先生	
葉德江先生	
雷賢達先生	
楊偉誠先生	
地政總署副署長(一般事務) 林潤棠先生	
環境保護署副署長(1) 謝展寰先生	
規劃署署長 凌嘉勤先生	

簡介和提問部分
[公開會議]

29. 以下規劃署、漁農自然護理署(下稱「漁護署」)、申述人及其代表此時獲邀到席上：

蘇震國先生	－	規劃署沙田、大埔及北區規劃專員
吳育民先生	－	規劃署高級城市規劃師／新圖規劃
鍾文傑先生	－	規劃署西貢及離島規劃專員
麥黃潔芳女士	－	規劃署高級城市規劃師／西貢
周燕薇女士	－	規劃署城市規劃師／西貢
何秉皓先生	－	漁護署高級自然護理主任(南區)
張國偉先生	－	漁護署高級自然護理主任(北區)
陳乃觀先生	－	漁護署高級海岸公園主任
張家盛先生	－	漁護署郊野公園主任(特別職務)

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述

R18－翁煌發

翁月明先生	－	申述人的代表

R32－李耀斌

李耀斌先生	－	申述人
鍾天生先生	]	申述人的代表
鍾建明先生	]	

R299 – 曾玉安
曾玉安先生

R599 – 梁偉傑
R674 – 蔡進華
李耀斌先生 – 申述人的代表

R429 – 楊進賢
楊進賢先生 – 申述人

R795 – 李雲開
李雲開先生 – 申述人

有關《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的申述

SLP-R10736 – 鎖羅盤村村務委員會聯同曾家裘測量師有限公司
曾家裘先生] 申述人的代表
林子畦先生]
葉生先生]

SLP-R10740 – 曾玉安
曾玉安先生 – 申述人

SLP-R10762 – 黃富
黃富先生 – 申述人

SLP-R10812 – 黃慶祥
(請參閱附錄 A 所載授權黃慶祥為代表的申述人名單。)
黃慶祥先生 – 申述人及申述人的代表

SLP-R10781 – 黃桂寧
黃桂寧先生 – 申述人

SLP-R10790 – 黃瑞清
黃瑞清女士 – 申述人

SLP-R10791－黃瑞冰
黃瑞冰女士　　－　申述人

SLP-R10793－黃瑞芬
Wong Yau Man先生　　－　申述人的代表

SLP-R10794－黃瑞婷
黃瑞婷女士

有關《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述

PL-R10736－劉成
江智祥先生　　]　申述人的代表
蘇志偉先生　　]
張嘉銘先生　　]
David Stanton先生　]

PL-R10737－西貢白腊村各原居民
劉伯安先生　　]　申述人的代表
陳煌先生　　]
劉火安先生　　]

30. 主席請申述人和其代表闡述他們有關鎖羅盆分區計劃大綱草圖的申述內容。

R10812－黃慶祥
R10738－黃子揚
R10755－黃桂華
R10763－黃冠新
R10774－Wong Wai Sun
R10776－Wong Ho Yan
R10799－Wong Ho Yi, Yedda
R10811－范黃綺嫻
R10813－黃瑞强

31. 黃慶祥先生說，他本人既是申述人，也是一些身份為鎖羅盆村村民的申述人的代表。他接着讀出黃瑞強(R10813)的

信。黃瑞強本人未能出席會議，但要求向城規會傳達他的意見。該信主要是指改劃鎖羅盆村的私人土地有違《基本法》，雖然村內的屋宇無人居住，但村民未曾離棄該村，更打算將來重建該村。

32. 接着，黃慶祥先生借助投影片作出進一步陳述，要點如下：

(a) 鎖羅盆分區計劃大綱草圖把私人土地改劃作「自然保育區」地帶有違《基本法》，因為《基本法》訂明，新界原居村民的傳統及權益必須得到保護；

[劉智鵬博士此時返回席上。]

(b) 鎖羅盆村在四百多年前由村民的祖先建立，現已是第 11 代。六七十年代，市區迅速發展，加上鄉郊地區缺乏基建和設施配套，於是有大批村民離村。雖然鎖羅盆村的房屋殘破失修，但大部分村民仍希望基礎設施有所改善，可以重建該村；

(c) 鎖羅盆村一直遭到政府不公平對待，近年甚至連標示鎖羅盆村的方向指示牌也移除了，令許多人(例如遠足人士)不知道有鎖羅盆村；

(d) 二零一三年八月，城規會考慮鎖羅盆分區計劃大綱草圖，當時有電視節目和報章報道指鎖羅盆村「鄉村式發展」地帶由約兩頃擴大至四公頃以上，又指該村已向城規會申請建造 134 幢村屋，但這些報道失實，因為「鄉村式發展」地帶的大小是以村屋的預測需求量為據，而村民也沒有向城規會提交過申請。截止二零一四年，鎖羅盆村有 269 名男丁，都沒有向政府申建小型屋宇，不過，以上述人口計，小型屋宇的預測需求量是正確的；

[雷賢達先生此時暫時離席。]

(e) 改劃土地以保存郊野公園和自然環境，固然得到環保份子支持，但此舉並沒有考慮村民的需要；

(f) 雖然鎖羅盆村現已荒廢，但不表示村民已離棄該村，可任由政府改劃他們的土地作保育。事實上，村民每年都會回村清理植物、裝飾房屋，以保持梯田和村屋的原貌。清理植物的工作必須定期進行，那些梯田才不會植物蔓生；

[陸觀豪先生此時暫時離席。]

(g) 該「具重要生態價值的河溪」近河口的一段自六十年代起已不存在，因為當時有人堵塞河口來建魚塘，但那個魚塘現已荒棄。經過改動的河道在規劃署擬備的圖則上以藍色標示。該河段既不存在，把之劃作「自然保育區」地帶以保存該「具重要生態價值的河溪」，根本毫無意義。此外，「綠化地帶」和「自然保育區」地帶的規劃意向亦有問題值得商榷；

(h) 「綠化地帶」的規劃意向是要定下市區發展的界限，以抑制市區範圍的擴展，但鎖羅盆村不近市區，劃設「綠化地帶」未免多餘。至於「自然保育區」地帶，限制很多，令村民不能清理私人土地的植物，保持鎖羅盆村的景貌，也使村民無法把私人土地作任何有意義的用途，有如土地被充公一樣。一旦劃設「自然保育區」地帶，村內便會再度變成植物蔓生，原有的鄉村環境從此消失。政府應尊重村民的權利；以及

[陸觀豪先生此時返回席上。]

(i) 城規會的職責應是規劃市區而非鄉郊。鎖羅盆村不會因為這份草圖而得益，舉例說，政府並沒有為該村闢設道路。所作規劃不是為了鎖羅盆村，只是對私人土地的使用施加種種限制而已。

[R10812 的實際發言時間：約 60 分鐘]

R10781－黃桂寧

33. 黃桂寧女士作出陳述，要點如下：

(a) 她想提出的論點，黃慶祥先生(R10812)已述及；以及

(b) 城規會對所有考慮因素都應同等重視，不應偏重自然環境的保育。鎖羅盆村的土地屬私人擁有，改劃這些土地以作保育，實際上限制了這些土地的使用，使村民無法把之作任何有意義的用途，這樣做實是不對。

[R10781 的實際發言時間：約 1 分鐘]

R10793－黃瑞芬

34. Wong Yau Man先生作出陳述，要點如下：

(a) 他想提出的大部分論點，其他申述人已述及；以及

(b) 第二次世界大戰期間，鎖羅盆村的村民對香港作出了很大貢獻。作為回報，城規會應尊重村民的權益，不應把他們的私人土地改劃為與保育有關的用途地帶，此舉會限制鎖羅盆村的發展，如沒有進一步發展，鎖羅盆村將會沒落，其歷史亦會被遺忘。

[R10793 的實際發言時間：約 1 分鐘]

35. 主席繼而請那些就白腊分區計劃大綱草圖作出申述的申述人的代表闡述他們的申述內容。

R10736－劉成

36. 江智祥先生表示曾進行白腊的生態評估，定出該區的土地用途模式。他繼而請 David Stanton 先生向城規會簡介生態評估的結果。

37. David Stanton先生作出陳述，要點如下：

(a) 在白腊分區計劃大綱草圖上，所有天然生境(即次生林地和灌木林)都沒有劃入發展地帶，而劃作發展的地方，其生態價值亦有限。只有水蕨這種具重要保育價值的植物可能會受發展影響。不過，在發展地帶內的水蕨可輕易移植到別處；

(b) 這項生態評估與漁護署所進行的生態評估，兩者結果一致；以及

(c) 採納和落實這份分區計劃大綱圖，不會對白腊及毗鄰地區的生態價值造成任何嚴重的負面影響。

38. 江智祥先生接着作出陳述，要點如下：

(a) 考慮到白腊的生態價值評估，白腊分區計劃大綱草圖上各個用途地帶的面積和比例皆可接受；

(b) 發展白腊時須實施合適的緩解措施，特別是在「鄉村式發展」地帶內，村屋的位置必須遠離河岸，化糞池的設置亦須符合《專業人士環保事務諮詢委員會專業守則第 5/93 號》的規定，以確保不會對白腊天然河流的水質造成任何負面影響。發展村屋時，應盡可能保留「鄉村式發展」地帶內現存的樹木；

(c) 由於白腊村的「鄉村式發展」地帶內只准興建 8.23 米高的新界豁免管制屋宇，而且該地帶的位置低於西貢萬宜路，因此這些屋宇不會對附近地區造成任何負面的視覺影響。白腊村西面一個地方將會指定作興建垃圾收集站和公廁之用，而白腊村和西貢萬宜路之間亦會闢設闊約 1.2 米的斜路，以配合這兩項設施；以及

(d) 對於規劃署悉心擬備白腊分區計劃大綱草圖，他表示讚賞。

[R10736 的實際發言時間：約 11 分鐘]

39. 政府的代表、申述人及其代表陳述完畢，主席於是請委員提問。

40. 副主席表示代表 R10736 的曾家裘先生已在上午的會議就鎖羅盆村的規劃作出陳述。不過，黃富先生其後指出，曾家裘先生僅代表一名鎖羅盆村村民。副主席要求曾家裘先生澄清他是否獲鎖羅盆村村務委員會授權，並提供更多有關其提出的鎖羅盆計劃的詳細資料。

41. 曾家裘先生作出澄清，表示他獲授權代表鎖羅盆村村務委員會，並且一直就該村的規劃建議與規劃署及沙頭角區鄉事委員會聯絡。雖然他不是鎖羅盆村村民，但一直為他們免費提供服務，協助他們發展該村，希望向下一代展現新界獨特的鄉村發展。他建議把山腳的「自然保育區」地帶一部分的地方改劃為「鄉村式發展」地帶，以發展更多村屋。按其建議，可容納約 188 幢屋宇，而分區發展大綱圖上所劃的「鄉村式發展」地帶，則僅可容納約 80 幢屋宇。他又建議闢設 2.5 米闊的道路網，供零排放車輛運送貨物及日用品入村。此外，亦建議劃設一個細小的「政府、機會或社區」地帶，以闢設更多政府、機會或社區設施(例如遊客中心)，以活化該村。

42. 副主席再向黃慶祥先生了解授權曾家裘先生一事。黃慶祥先生回應說，曾家裘先生僅代表村代表，其計劃亦只反映部分村民的意向，不過，鄉事委員會也歡迎曾先生的計劃。曾先生澄清，村代表曾在提交城規會的申述書上簽署。

43. 一名委員提出以下問題：

(a) 鎖羅盆分區計劃大綱草圖所訂的限制會否隨規劃署人員或城規會委員的變動而改變？

(b) 黃慶祥先生指「自然保育區」地帶內那條「具重要生態價值的河溪」的走線有差異，此問題對「自然保育區」地帶有沒有任何影響？

(c) 就該村進行規劃，誰是主要的持份者？考慮他們的意見時，各者應佔多大比重？

44. 蘇震國先生作出澄清，表示鎖羅盆分區計劃大綱草圖所訂明的發展限制全都是法定規劃管制，並不取決於個人，亦不受規劃署人員或城規會委員的變動影響。蘇震國先生亦表明，規劃署已就該「具重要生態價值的河溪」有問題的那一段的走線諮詢漁護署。該河段為紅樹林及蘆葦池所覆蓋，其走線在分區計劃大綱圖上顯示，以說明指定為「具重要生態價值的河溪」的河段，而現有的河道則在該河段的北部及南部顯示。由於「自然保育區」地帶涵蓋的地方圍繞着該「具重要生態價值的河溪」以往及現時的走線，所以河道會得到適當的保護。

45. 曾玉安先生回應說，主要的持份者是指直接受決定影響的那些人。就鎖羅盆分區計劃大綱草圖而言，那些私人土地被劃作保育的土地擁有人就是主要持份者，當局應首先考慮他們的意見。城規會審議有關鎖羅盆分區計劃大綱草圖的申述時，對於主要持份者及其他／次要持份者(例如並不直接受影響而僅發表意見者)，應考慮給予不同的比重。

46. 一名委員指出有部分申述人想重建鎖羅盆村，有部分則建議在該區進行其他發展。雖然分區計劃大綱草圖設法作出平衡，兼顧發展及保育環境兩方面的需要，但問題是究竟哪種發展才是最適合。他亦詢問假如鎖羅盆村得以重建，村民會否搬回，以及他們在村裏會如何謀生。

47. 曾玉安先生回應說，他作為沙頭角區鄉事委員會委員及北區區議員，認為不應把村民的私人土地劃作保育，剝奪他們的發展權利。他表示，假如村民的土地被劃為「鄉村式發展」地帶，他們可考慮所有相關的因素，然後選擇是否進行發展。不過，他們有些權利會被奪去，因為這個用途地帶限制了他們的土地作某些用途。至於「自然保育區」地帶，雖然農業用途在此地帶內是准許的，但在此地帶內不可能耕種，因為河口附近的土地並不適宜作農業用途，那即是說，在「自然保育區」地帶內，村民根本用不到他們的土地。至於重建鎖羅盆村的問題，黃慶祥先生表示，村民希望回復鎖羅盆村的面貌，以展現該村昔日的模樣及他們祖先建立該村的成果。關於發展鎖羅盆村這一點，他認為曾家裘先生提出的計劃需要長時間才能落

實。假如該計劃能夠落實，他會歡迎。他促請政府改善該村對外的交通，讓更多人可以前來遊覽觀賞。曾家裘先生補充說，另外提出的那個鎖羅盆村布局設計，是經村民多番討論而構思出來，希望可以兼顧村民的發展需要及自然保育，在兩者之間作出平衡。

48. 一名委員表示，鎖羅盆分區計劃大綱草圖已設法在發展及自然保育兩者之間作出平衡，並維持鎖羅盆現有的吸引力。倘闢設更多設施及改善交通，就會吸引大量遊客，令該區失去吸引力。

49. 黃慶祥先生及曾玉安先生回應說，他們認為把私人土地劃為「自然保育區」地帶並不恰當。黃先生重申，最恰當的做法是把屋地劃為「鄉村式發展」地帶，以作鄉村發展，以及把農地劃為「農業」地帶。假如把私人土地劃作保育，例如把之劃為「自然保育區」地帶，村民便不能使用他們的土地，那些梯田亦會很快變成植物蔓生。曾家裘先生補充說，其建議有助村民重建鎖羅盆村，長遠來說亦可以為該村提供進一步發展的機會。黃慶祥先生表示，由於河道泛濫，劃為「自然保育區」地帶的地方現已變成沼澤，而歸根究柢，都是相關政府部門未有盡責治理好天然水道之故。

50. 由於出席這節會議的申述人及其代表全都陳述完畢，而委員也再無問題要提出，主席多謝申述人、他們的代表及政府的代表出席聆訊。他們各人此時離席。

51. 會議於下午四時休會。

1. 會議於二零一四年五月八日上午九時十分恢復進行。

2. 下列委員及秘書出席了恢復進行的會議：

周達明先生	主席
黃遠輝先生	副主席
陸觀豪先生	
黃仕進教授	
許智文教授	
劉智鵬博士	
馬詠璋女士	
鄒桂昌教授	
霍偉棟博士	
何立基先生	
黃令衡先生	
黎慧雯女士	
林光祺先生	
梁慶豐先生	
邱浩波先生	
葉德江先生	
地政總署署長 甯漢豪女士	

民政事務總署助理署長(2)
許國新先生

環境保護署副署長
謝展寰先生

規劃署署長
凌嘉勤先生

《海下分區計劃大綱草圖編號 S/NE-HH/1》

第 2 組

申述

R799 至 R10735 及 R10750 至 R10934

意見

C1 至 C3675

《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》

第 2 組

申述

R799 至 R10735 及 R10818 至 R10858

意見

C1 至 C3668 及 C3677

《白腊分區計劃大綱草圖編號 S/SK-PL/1》

第 2 組

申述

R799 至 R10735 及 R10738 至 R10775

意見

C1 至 C3669

簡介和提問部分

[公開會議]

3. 以下政府的代表此時獲邀到席上：

蘇震國先生	—	規劃署沙田、大埔及北區規劃專員
吳育民先生	—	規劃署高級城市規劃師／新圖規劃
鍾文傑先生	—	規劃署西貢及離島規劃專員
周燕薇女士	—	規劃署城市規劃師／西貢
何秉皓先生	—	漁農自然護理署(下稱「漁護署」) 高級自然護理主任(南區)

張國偉先生 － 漁護署高級自然護理主任(北)

陳乃觀先生 － 漁護署高級海岸公園主任

張家盛先生 － 漁護署郊野公園主任(特別職務)

4. 以下申述人或其代表此時獲邀到席上：

R799－創建香港
司馬文先生] 申述人的代表
陳嘉琳女士]

HH-R10874、SLP-R10820、PL-10738－世界自然基金會香港分會
(請參閱附錄 A 所載授權世界自然基金會香港分會為代表的申述人名單。)

劉惠寧先生] 申述人的代表
陳頌鳴先生]
劉兆強先生]

HH-R10883、SLP-R10821、PL-10739－嘉道理農場暨植物園公司
(請參閱附錄 A 所載授權嘉道理農場暨植物園公司為代表的申述人名單。)

聶衍銘先生] 申述人的代表
趙善德先生]
胡明川女士]
Gary Ades先生]
Andy Brown先生]

R10587－白理桃資深大律師
白理桃先生 － 申述人

R10543－陳家洛
陳家洛先生 － 申述人

HH-R10902、SLP-R10825、PL-R10747－胡志偉
胡志偉先生　　－ 申述人

R1980－Martin Williams
Martin Williams先生 － 申述人

R6591－李碧茜
李碧茜女士　　－ 申述人

R6401－Lai Yin Mei
陳嘉俊先生　　－ 申述人的代表

5. 主席表示歡迎上述各人到席，並解釋聆訊的程序。他表示會議會按「為考慮有關《海下分區計劃大綱草圖編號S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1》及《白腊分區計劃大綱草圖編號S/SK-PL/1》的申述及意見所舉行的會議——出席會議的程序須知」(下稱「會議程序須知」)進行。會議程序須知在會議前已發給各申述人／提意見人。他特別強調以下要點：

(a) 由於收到大量申述書及意見書，而且有一百多名申述人／提意見人表示會親身或授權代表出席聆訊，因此有需要限制口頭陳述的時間；

(b) 就每份相關的分區計劃大綱圖，每名申述人／提意見人會有10分鐘發言時間。不過，為了配合申述人／提意見人的情況，會議會作出彈性的安排，容許獲授權代表累積發言時間，也容許與其他申述人／提意見人互換獲分配的時間及要求延長口頭陳述的時間；

(c) 口頭陳述應只限於涉及曾以書面申述／意見的形式向城市規劃委員會(下稱「城規會」)提交的申述／意見的理由(即在有關的分區計劃大綱圖的展示期／有關申述的公布期內提交的申述／意見的理由)；以及

(d) 為確保會議順利及有效率地進行，主席可要求申述人／提意見人不得不必要地重覆其他人在同一個會議上陳述過的相同論點。申述人／提意見人應避免宣讀或重覆已提交的書面申述／意見所陳述的內容，因為有關的書面申述／意見已交予委員考慮。

6. 主席表示，除非獲延長發言時間，否則每次陳述限時10分鐘。在申述人及申述人代表獲分配的10分鐘完結前兩分鐘，以及在10分鐘發言時間完結時，會有儀器提醒申述人及申述人的代表。

7. 委員備悉申述人提交席上的擬議時間表，內容包括將作口頭陳述者的姓名、陳述的內容及預計陳述所需的時間。

8. 主席表示，規劃署的代表會首先獲邀就這三份分區計劃大綱草圖作出簡介，接着申述人／獲授權代表才會獲邀作陳述，發言次序以擬議時間表所定的為據。到了下午的會議，當所有與會者陳述完畢後，會有答問環節，委員可直接向與會者發問。午膳時間大約是下午十二時四十五分至二時。如有需要，上午會有一次小休，下午則有一至兩次小休。他繼而請規劃署的代表向委員簡介有關海下分區計劃大綱草圖、鎖羅盆分區計劃大綱草圖及白腊分區計劃大綱草圖的申述及意見。

9. 沙田、大埔及北區規劃專員蘇震國先生及西貢及離島規劃專員鍾文傑先生借助投影片，複述在二零一四年四月二十八日的會議上所作簡介的內容，有關內容記錄在該日會議的會議記錄第9至11段。

[簡介期間，霍偉棟博士到席，葉德江先生、馬詠璋女士及甯漢豪女士返回席上，黎慧雯女士則暫時離席。]

10. 主席繼而請申述人及其代表闡述申述的內容。

<u>R799－創建香港</u>

11. 司馬文先生借助投影片作出陳述，要點如下：

引言

(a) 他是創建香港的行政總裁、生物多樣性策略及行動計劃成員、Focus Group on Terrestrial Habitat Identification, Protection and Management 主席、海濱事務委員會成員，以及區議員；

(b) 城規會目前要決擇的是容許以逐步增加的方式在郊野公園「不包括的土地」進行發展，抑或向土地擁有人發出明確的訊息，表明要保育郊野公園；

(c) 保衞郊野公園聯盟(下稱「聯盟」)大約於 15 年前大浪灣事件後成立，成員差不多包括香港所有環保組織，並廣獲市民、郊野公園遊客、遠足人士及立法會議員等支持。聯盟亦走入社羣，包括諮詢村民及鄉議局；

(d) 當局收到超過 10 000 份有關這三份分區計劃大綱圖的申述書，表示強烈反對把郊野公園「不包括的土地」內的農地劃為「鄉村式發展」地帶，讓人們可以發展新的小型屋宇。這些申述的主要理據包括劃設「鄉村式發展」地帶會助長欺騙及破壞的行為；按小型屋宇政策而發展的項目與郊野公園格格不入；以及不應出賣香港人的天然遺產。根據《城市規劃條例》(下稱「條例」)，只有「自然保育區」地帶才能對土地作出合理的保護，使之免受不協調的發展及惡意破壞生態的行為所影響，亦只有《郊野公園條例》可在管理上作出管制，因為漁護署有護理員巡邏郊野公園；

(e) 雖然地政總署會把小型屋宇申請的資料分送相關的部門傳閱，讓他們提出意見，小型屋宇發展亦須遵守環境保護署的專業人士作業備考《專業人士環保事務諮詢委員會專業守則》，但小型屋宇的發展事實上卻雜亂無章，引致排水、排污、伐樹及違例築路等很多問題，造成不良的影響；

(f) 他展示了兩張圖則，比較蠔涌在一九九零年和二零一四年的情況。該區劃設了「鄉村式發展」地帶後，這些年來小型屋宇發展項目所佔的面積便大幅增加。當局不應讓同樣的情況在其他郊野公園「不包括的土地」出現；

(g) 從生態、景觀價值及康樂價值方面而言，郊野公園「不包括的土地」是郊野公園不可或缺的一部分，郊野公園和郊野公園「不包括的土地」之間亦無明確的分界。事實上，這三份分區計劃大綱圖的《說明書》也分別註明，海下、白腊及鎖羅盆分別是西貢西郊野公園和海下灣海岸公園、西貢東郊野公園，以及船灣郊野公園不可或缺的一部分。鎖羅盆分區計劃大綱圖的《說明書》更註明，任何發展如可能影響該區的鄉郊特色和生態易受影響的地方，一概不建議進行，以及為了盡量使發展不至侵進該區易受影響的地方，影響環境，不應在該區進行大規模的發展；

[此時，許國新先生暫時離席，黎慧雯女士返回席上。]

郊野公園及郊野公園「不包括的土地」的歷史

(h) 當局在一九六六年進行了一項名為「香港郊野保育」的前期研究。該項研究的報告指出，鄉村零星四散，是當局在初步規劃郊野公園系統時必須小心考慮的問題。該報告亦指出，把鄉村納入郊野公園中卻期望這些鄉村維持不變是不可能的事，因為這些鄉村總會發展，範圍亦會擴大，因此必須要築建道路，應付新增人口所需。投放資源在一個最終會逐漸被破壞的郊野公園系統上，意義不大；

(i) 到了一九七七年左右，當局大約用了三年把本港40%的地方納入《郊野公園條例》的管轄範圍。在2 500公頃的私人土地中，有500公頃沒有經濟活動的，都被納入郊野公園，另約有2 000公頃有農業活動及少量屋宇的，則繼續留在郊野公園「不包括的土地」內。在這三份分區計劃大綱圖所涵蓋的

地區內，現有的鄉村(即梅子林、蛤塘、荔枝窩及鳳坑)現時僅有數幢屋宇；

(j) 涉及這三份分區計劃大綱圖的郊野公園「不包括的土地」內的私人土地，主要位於的船灣郊野公園及西貢郊野公園。農業活動與附近的郊野公園協調，但容許小型屋宇及鄉村逐步增加和擴大，則會產生問題；

(k) 二零一一年的申訴專員報告指出，政府於一九九一年便開始在政策層面討論保護郊野公園「不包括的土地」的問題，但卻未有推行有關政策。二零一零年大浪西灣事件後，政府確定要推行保護郊野公園「不包括的土地」的政策，並決定由漁護署把 54 幅郊野公園「不包括的土地」中 25 幅面積較小者納入郊野公園(佔郊野公園「不包括的土地」內土地總面積的 10%)。該 25 幅面積較小的郊野公園「不包括的土地」主要為政府土地，並無發展小型屋宇的壓力。其他的郊野公園「不包括的土地」則會按條例納入法定圖則。規劃署迅速展示了多份發展審批地區圖，以便對那些面臨即時發展威脅的郊野公園「不包括的土地」施加規劃管制；

(l) 若要達到保育自然的目的，條例不及《郊野公園條例》那麼有效。二零一三年立法會有關把大浪西灣「不包括的土地」納入西貢東郊野公園的文件寫明，規劃署或城規會不會投放資源改善生態環境和康樂設施。不過，根據《郊野公園條例》，政府會視有關土地為郊野公園的一部分予以管理，並會改善當中的配套設施、進行巡邏及採取執法行動。根據《郊野公園條例》的條文，土地擁有人如感到受屈，可向政府申索補償；

<u>城規會應保留規劃管制權</u>

(m) 城規會把分區計劃大綱圖上大面積的土地劃為「鄉村式發展」地帶，就是把其對發展的管制權交予地政總署，但該署現時卻未能有效管制小型屋宇發

展。雖然小型屋宇申請的資料會分送相關的政府部門傳閱，讓他們提出意見，村民理論上亦須遵守《專業人士環保事務諮詢委員會專業守則》，但排污及污水造成影響的情況在很多現有鄉村都很普遍，有些情況更要由政府動用公帑翻新鄉村的排污系統；

(n) 城規會應保留其對郊野公園「不包括的土地」內的發展的管制權。聯盟強烈反對把郊野公園內的農地劃作小型屋宇發展，因為現有的鄉村的情況已清楚證明，小型屋宇發展會造成環境問題；

(o) 海下、白腊及鎖羅盆全都被郊野公園包圍，城規會應對這些地方作出與大浪灣相同的管制。根據大浪灣發展審批地區圖／分區計劃大綱圖的《說明書》，該區的規劃意向是，根據一般推定，該區內不宜進行發展，惟現有鄉村地區，將會予以保留。既然城規會沒有在大浪灣劃設新的「鄉村式發展」地帶或擴大該地帶的範圍，就應以相同的方法處理這三份分區計劃大綱圖。以這三份分區計劃大綱圖所劃設的「鄉村式發展」地帶來看，估計西貢東及西貢西兩個郊野公園的人口會增加約五倍，船灣郊野公園的人口則會增加約 20 倍；

(p) 創建香港及聯盟曾向當局提出問題，包括累積影響、郊野公園的承受力、當局有否就可能在郊野公園發展的小型屋宇對環境、視覺、排污、排水、基礎設施及交通造成的影響進行評估，以及交通設施的需求。漁護署表示，該署並不負責進行這些影響評估，亦沒有相關的資料。在明知沒有進行累積影響評估及欠缺有關累積影響的資料的情況下，城規會不應容許鄉村在郊野公園逐步擴展；

(q) 對於擬議的「鄉村式發展」地帶，運輸署及路政署並沒有從交通及交通基建的角度提出任何問題，因為該區並無道路、公共小輪／街渡服務，亦不能接達公共道路。不過，村民會胡亂興建違例道路通往自己的村屋，還會在公共道路違例泊車。此外，漁

護署會發出許可證(每幢屋宇最多六張)，准許車輛進入郊野公園「不包括的土地」的道路。假如當局容許郊野公園「不包括的土地」內的人口增長，就有壓力要在郊野公園興建新路，興建「白腊路」就是一例；

(r) 我們的郊野公園景色優美，提供了廣闊的康樂場地，應該予以保護。聯盟建議當局參照大浪灣的例子，特別是要把「新界豁免管制屋宇」改為第二欄用途，並把「屋宇(新界豁免管制屋宇除外)」從「鄉村式發展」地帶的土地用途表刪除。此外，應把「鄉村式發展」地帶的範圍縮減至只覆蓋現有村落所在之處及已獲批准的小型屋宇申請的建屋地點；同時應劃設「自然保育區」地帶而不是「綠化地帶(1)」，對不協調的發展及惡意破壞生態的行為作出管制。另外，還要規定任何現有建築物的拆卸、加建、改動及／或修改均須取得規劃許可。他促請城規會就這三份分區計劃大綱圖作出決定，保護海下、白腊及鎖羅盆。

[R799 的實際發言時間：29 分鐘]

[黃仕進教授此時離席。]

[會議此時小休五分鐘。]

HH-R10874、SLP-R10820、PL-R10738－世界自然基金會香港分會

12. 劉惠寧博士借助投影片作出陳述，要點如下：

(a) 他是世界自然基金會香港分會的高級項目主管，負責本地生物多樣性及區域性濕地方面的工作，也是生物多樣性策略及行動計劃督導委員會成員、陸地生物多樣性工作小組成員、提升意識、建立主流及可持續利用工作小組成員、狀況和趨勢與紅色名錄專題小組的共同負責人、國際保護自然聯盟的物種保存專員辦事處轄下的 Tortoise and Freshwater Turtle

Specialist Group Steering Committee and Red List Authority 成員，以及 Amphibian Specialist Group and Red List Authority 成員；

(b) 香港位於世界 25 個生物多樣性熱點之一的「中緬生物多樣性熱點」範圍內，也是該熱點的生物多樣性重點地區，須優先保育的程度高；

郊野公園「不包括的土地」的生態價值

(c) 郊野公園系統是保持豐富生物多樣性的關鍵所在。香港有約四成土地劃作郊野公園，範圍涵蓋不少次生林、灌木林、草地和山間的河溪；

(d) 不過，郊野公園系統裏有許多土地未有納入其範圍。劃作郊野公園的地方主要是為保護分水嶺而納入郊野公園範圍，以確保供水穩定。昔日礙於區內的反對聲音，當局並沒有把現有鄉村的私人土地和相關農地劃入郊野公園範圍。正因如此，香港大學在二零零四年所作的研究顯示，有許多具重要生態價值的地方，例如淡水濕地、荒廢農地和位於低地的風水林，一直沒有納入郊野公園範圍；

(e) 大部分低地生境如林村谷、元朗谷和錦田谷已作發展，仍留在郊野公園「不包括的土地」內的沼澤和低地河溪都有高保育價值。重要的低地生境在香港十分稀有。舉例說，漁護署在二零零八年進行的一項研究的數據顯示，淡水／鹹淡水濕地、天然水道和海草床分別只佔全港具高生態價值的生境的總面積的 0.44%、0.52%和 0.01%；

(f) 郊野公園及其「不包括的土地」範圍的分界並不分明，兩者在生態上一脈相承，從保育和景觀價值來說，「不包括的土地」更是補足了郊野公園，而且許多野生生物是同時依賴郊野公園及其「不包括的土地」的生境而生活，例如生活在樹林的食蟹獴就是以河溪裏的蟹為食物；

(g) 淡水沼澤有獨特的野生生物羣落，是郊野公園系統內多種為數不多的瀕危物種的生長和棲息地，例如僅在香港和華南海岸可見的香港鬥魚和長於沼澤的鏽色羊耳蒜這種本地瀕危蘭花；

(h) 坡度平緩而河床屬砂質的河溪同樣具重要生態價值。這些河溪是幾種不常見的蜻蜓(如只在香港和廣東出沒的伊中偽蜻)的繁殖地，也是僅在香港和廣東海岸可見的香港瘰螈等兩棲類動物的重要生長和棲息地；

(i) 郊野公園「不包括的土地」內也有直流大海的天然河溪，這些暢流無阻的河溪對菲律賓枝牙鰕虎這種本地瀕危迴游魚和本地罕有的褐漁鴞十分重要；

<u>郊野公園「不包括的土地」正被摧毀和受到威脅</u>

(j) 世界自然基金會香港分會的「郊野公園『不包括土地』調查報告」指出，香港 77 幅「不包括的土地」中，有 12 幅已遭大規模破壞，而當中有 10 個地方被破壞，是與私人發展商的利益有關。鎖羅盆和白腊都是已遭嚴重破壞的「不包括的土地」；

(k) 二零一零年發生大浪西灣事件後，政府決意保護郊野公園「不包括的土地」，把這類土地納入郊野公園或法定規劃管制範圍。不過，自二零一零年至今，已再有四幅分別位於白沙澳、黃竹洋、老鼠田和二澳的「不包括的土地」受破壞，當中位於二澳的那幅雖然在受破壞後很快便由當局以發展審批地區圖涵蓋，但私人土地上的植物已被剷除；

(l) 最近期受破壞的「不包括的土地」位於老鼠田。有私人發展公司在二零一零至一三年間在該處購入大量私人土地，單在二零一三年，就剷平了約 2.3 公頃的土地，對成熟次生林、淡水沼澤和一段天然河溪造成破壞。從航攝照片可清楚見到，受破壞的地方正是該私人發展公司所擁有的土地。可是，至目前為止，只有地政總署採取了行動，把穿過政府土

地那條非法路徑的路口圍封。規劃署方面，由於在「農業」地帶內清除植物是不受限制的，所以該署無法採取執管行動；

(m) 當局必須實行更嚴厲的規劃管制，例如劃設「自然保育區」地帶，才能保護具重要生態價值的生境，只有這樣，才可打消人們對發展的期望，減少出現破壞生態行為的機會。當局應按大浪灣分區計劃大綱圖這一先例進行規劃，而更長遠來說，應把保育價值高的郊野公園「不包括的土地」納入郊野公園範圍。城規會不應把新近受破壞的土地劃作「鄉村式發展」地帶，嘉獎破壞生態的行為，否則，只會鼓勵更多人在其他郊野公園「不包括的土地」進行破壞；以及

(n) 《生物多樣性公約》在二零一一年開始適用於香港，政府現正制訂《生物多樣性策略及行動計劃》，因此，政府有責任保護具重要生態價值的郊野公園「不包括的土地」。

[HH-R10874、SLP-R10820、PL-R10738 的實際發言時間：21 分鐘]

<u>HH-R10883、SLP-R10821 及 PL-R10739－嘉道理農場暨植物園公司</u>

13. 聶衍銘先生借助投影片作出陳述，要點如下：

(a) 他曾以生態學家的身分擔任私人顧問和為漁護署工作，現時是嘉道理農場暨植物園公司的高級生態學家。他是制訂《生物多樣性策略及行動計劃》專題小組的成員，亦提供關於「具重要生態價值的河溪」的意見；

(b) 大浪灣的用途地帶規劃是一個很好的先例。大浪灣完全被西貢東郊野公園包圍，在二零零零年四月刊憲的那份原來的分區計劃大綱圖上，規劃區有 7.9 公頃土地(約佔 16%)劃為「鄉村式發展」地帶，佔

計可建 370 幢小型屋宇，容納 1 000 人口。穿過規劃區的那條河雖只有南部一段其後列為「具重要生態價值的河溪」，但整條河及沿岸的地方都劃為「自然保育區」地帶。至於林區，亦是全部劃為「自然保育區」地帶，而不是「綠化地帶(1)」；

(c) 關於大浪灣分區計劃大綱圖，城規會收到五份反對書，表示「鄉村式發展」地帶太大。其中一名反對者指出，「鄉村式發展」地帶和「自然保育區」地帶可以共存這一想法有謬誤。發展村屋會使人口增加，因此需要增加交通設施和基礎設施，令自然環境受到破壞；

(d) 城規會就反對書的意見進行聆訊後，認為相關的政府部門應進行更深入的研究，然後向城規會提供更多資料，證明是否值得保育大浪灣；

(e) 當時，漁護署認為反對者所指在該區找到的動植物只是「稀有」而不是「十分稀有」的種類，因此未必有理由要把劃為「鄉村式發展」地帶的地方改劃為「自然保育區」地帶。漁護署亦認為，把「大浪灣具特殊科學價值地點」劃為「具特殊科學價值地點」地帶，以及把鹹田北面的地方劃為「自然保育區」地帶，已為大浪灣這些較重要的地方提供所需的保護；

(f) 另一方面，民間積極發起行動，促請政府保護大浪灣。二零零零年十一／十二月間，民間收集到超過 2 000 個簽名，支持保護大浪灣。此外，長春社和大浪灣之友也舉辦了一項活動，希望提高公眾對保護大浪灣的意識，該項活動有超過 900 人參加；

(g) 規劃署提出了三個改劃方案，讓城規會進一步考慮反對書的意見。第一個方案是保留佔地 7.9 公頃的「鄉村式發展」地帶，但指出這個方案不符公眾的期望；第二個方案是把「鄉村式發展」地帶的面積由 7.9 公頃縮減至 1.9 公頃，只包括現有的鄉村民居所在的地方和已批准的小型屋宇發展地點；第三

個方案是把大浪灣納入郊野公園範圍，但這並非城規會的職權範圍；

(h) 規劃署建議採用第二個方案，理由是大浪灣現有的景觀和文物價值所受到的潛在威脅可減至最少。另外，該區基礎設施不足，而且難以增建更多基礎設施，因此，縮減「鄉村式發展」地帶的面積是較為務實的做法，並可免人們對發展產生不必要的期望；

(i) 城規會考慮過以上的建議後，決定建議對大浪灣分區計劃大綱圖作出以下的修訂：

(i) 採用第二個方案，把「鄉村式發展」地帶的面積縮減至只包括現有鄉村民居所在的地方和已批准的小型屋宇發展地點，估計可容納的人口為 200。城規會亦認為或須在大浪灣以外的地方物色土地以應付日後的小型屋宇需求。因此，城規會認為沒有責任確保一條村的小型屋宇需求全部都可以由該村範圍內現有的土地來應付；

(ii) 刪去「鄉村式發展」地帶《註釋》中土地用途表第二欄的「屋宇(新界豁免管制屋宇除外)」；

(iii) 在「鄉村式發展」地帶《註釋》的「備註」中加入一新段，說明任何現有建築物的拆卸、加建、改動及／或修改，都須取得規劃許可。白沙澳的「鄉村式發展」地帶的「備註」有相似的條文；以及

(iv) 把「鄉村式發展」地帶《註釋》中土地用途表第一欄的「新界豁免管制屋宇」改列於第二欄，使興建新界豁免管制屋宇亦須取得規劃許可。作此修訂是城規會在會議上所作的決定，並不是規劃署原有建議的一部分；

(j) 城規會亦指出，雖然有個別地點未必是最值得保育的地方，但也要通盤考慮整體的情況，才能全面保護大浪灣的天然美景。除了「大浪灣具特殊科學價值地點」外，附近的郊野公園亦具有同等重要的保育價值；

(k) 後來城規會收到土地擁有人和發展公司的進一步反對書，表示反對上述的改劃建議。不過，城規會決定不接納所有這些進一步反對書的意見；

(l) 大浪灣的規劃意向很清楚，就是保護該區的自然環境，凡會破壞這些自然環境的發展和不協調的用途，當局應予以禁止。根據一般推定，該區內不宜進行發展，惟現有鄉村地區，將會予以保留；

(m) 自從分區計劃大綱圖作出上述的修訂後，該區並沒有小型屋宇申請或發展小型屋宇的規劃申請；以及

(n) 分區計劃大綱圖所作出的限制並沒有如一些反對者所說那樣會「滅村」。事實上，居於大浪灣的村民仍生活得很好，更可以依賴假日遠足人士和遊客生意維持生計；市民大眾亦仍然觀賞到大浪灣壯麗的自然景貌，而當地的自然環境亦得以保存。由大浪灣這個先例可見，村民、市民大眾和大自然三者都得益。

[HH-R10883、SLP-R10821 及 PL-R10739 的實際發言時間：13 分鐘]

<u>R10587－白理桃資深大律師</u>

14. 白理桃先生問及他於二零一三年十一月二十七日提交的申述書是否有夾附在文件內。主席回答說，所有申述書(包括白理桃先生的申述書)的副本已送交各委員。白理桃先生繼而根據已提交席上題為「Country Park Enclaves and their better protection as required by policy, using better statutory planning and eventual designation as country park」的文件，作出陳述，要點如下：

(a) 城規會的職責是依循政府的政策，藉劃設適當的土地用途地帶以保護郊野公園「不包括的土地」，以及在郊野公園「不包括的土地」最終劃為郊野公園之前，對其作出保護。這些土地需要有更佳的規劃管制。關於他們建議對這三份分區計劃大綱圖作出的各項修訂，其他講者稍後會詳加解說。城規會公布的這三份分區計劃大綱圖把「鄉村式發展」地帶劃得這樣大，是權宜之舉，目的是迎合一些人，維護其既有利益，根本違背事實、原則和法律；

(b) 根據條例第 3 條，城規會須為社區的福祉、衞生、安全和一般福利作出規劃，因此，城規會有法定職責照顧公眾利益。這三份分區計劃大綱圖把「鄉村式發展」地帶劃得這樣大，似是要維護私人既有利益，而不是保障公眾利益；

(c) 正如先前所解釋，大浪灣是個具約束力的先例，證明規劃工作可做得更好，亦是個遏止發展期望的務實解決方法。前任行政長官公布了保護郊野公園「不包括的土地」的政策，而城規會亦公布了政策，對付「先破壞，後建設」的行為。可是，這三份分區計劃大綱圖卻似乎奉「先任由破壞，後再作獎勵」為原則，做法與政策背道而馳，實是錯誤和不智；

(d) 小型屋宇申請制度被人濫用，大部分小型屋宇最終都賣給了發展商，根本不是村民自用。發展商在「鄉村式發展」地帶內已擁有大量土地，再擴展「鄉村式發展」地帶，只會令日後更易利用小型屋宇申請制度詐騙；

(e) 這三份分區計劃大綱圖不符合郊野公園「不包括的土地」政策的要求。城規會只說劃設郊野公園不屬其職權範圍，不肯施加任何可以影響郊野公園「不包括的土地」的規劃管制，這樣是不對的。市民大眾期望政府會加強保護郊野公園「不包括的土地」，使自然環境不至受損，影響他們享受這些環

境。當局收到 10 000 份反對這三份分區計劃大綱圖的意見書，可見市民大眾確有此訴求；

(f) 郊野公園「不包括的土地」政策得到法律支持。二零一三年大浪西灣一案，高等法院裁定，保護郊區涉及公眾利益，也是公眾的期望，所以有合法理由要把大浪西灣指定為郊野公園。市民大眾期望加強保護郊野公園及郊野公園「不包括的土地」，這一點應較所謂的發展權或既有利益來得重要；

(g) 至於鎖羅盆的情況，有關的背景資料已在提交席上的文件中載述。雖然二零一三年四月的規劃報告指出要訂下全面的規劃大綱保護鎖羅盆超凡的自然景觀和生態價值，但其後公布的鎖羅盆分區計劃大綱圖卻不見有任何關於這方面的規劃目標。區內大量土地劃為可以准許發展小型屋宇的「綠化地帶」；另外，「鄉村式發展」地帶也擴大至可容納 134 幢屋宇，供 1 000 人居住。因估算小型屋宇需求倍升，區內人口會由基線的 0 飆升至 1 000。其實，所謂需求，只是憑空而說，根本並非經核實的真正需要。當局應以現時鄉村民居的人口，即人口為零，作為基線；

(h) 政府聲稱發展應以逐步增加的方式進行，卻沒有考慮發展所帶來的累積影響。政府又指現有的機制可解決發展所帶來的影響，但這些所謂的現有機制不是不存在、不足夠，就是因為疏於執法而成效不彰。如讓郊野公園「不包括的土地」內有「鄉村式發展」地帶，勢必會破壞郊野公園的心臟地帶；

(i) 眾所周知，來自化糞池的徑流會污染河道。化糞池問題一直是法律訴訟的爭論點，但環保署未能應對訴訟者提出的法律論點，反而繼續表示會按照《專業人士環保事務諮詢委員會專業守則》行事，並沒有採取行動執行《水污染管制條例》及該條例的技術備忘錄的規定；

(j) 當局以前沒有執行進行泥土滲濾試驗的規定，如今則訂明這是在海下發展小型屋宇的一項規定。不過，以為泥土滲濾試驗已足以解決化糞池的問題及其累積影響，未免不設實際；

(k) 鎖羅盆河各河段的水文和生態系統一脈相承，單單保護該河的下游並不合理。基於防患未然的原則及生態系統的情況，城規會應確保整條河都得到保護；

(l) 關於他們建議對這三份分區計劃大綱圖作出的各項修訂，已提交席上，其他講者稍後陳述時會詳加解說。簡而言之，他們建議作出的修訂有一些共通原則，就是把樹林和濕地劃為「自然保育區」地帶、把現有的鄉村地區劃為「鄉村式發展」地帶，以及把鄉村附近已受破壞的地區劃為「綠化地帶(1)」。這些改劃建議是以大浪灣和白沙澳這兩個成功先例為依據，可使郊野公園「不包括的土地」得到很好的保護。

[R10587的實際發言時間：22分鐘]

[許智文教授此時暫時離席。]

<u>R10543－陳家洛</u>

15. 陳家洛先生作出陳述，要點如下：

(a) 立法會曾數次討論郊野公園「不包括的土地」的政策，議員普遍的共識是郊野公園「不包括的土地」應納入郊野公園的範圍。一些原居村民可能說把郊野公園「不包括的土地」納入郊野公園的範圍，會影響他們的私有財產權，違反了《基本法》，但政府已重申現時有機制解決村民擔心財產權受到影響的問題。聯盟認為所有郊野公園「不包括的土地」應納入郊野公園的範圍，以加強保護自然生態；

(b) 他對規劃署劃定「鄉村式發展」地帶的界線時所採用的小型屋宇需求數據有保留和疑問。根據推算，這三份分區計劃大綱圖所涉地區的人口俱會增加，鎖羅盆會由 0 增至 1 000；海下會由 110 增至 590；白腊則由二零零六年的 0 增至目前少於 50，未來會增至 230；

(c) 據有關海下分區計劃大綱圖的城市規劃委員會文件第 5.25 段所述，在規劃階段並無機制核實小型屋宇的需求數字是否有根據。該些數字由村代表提供，並無客觀依據。這根本是政府與村民之間進行談判的「交易」，亦是一個政治決定；

(d) 「鄉村式發展」地帶的界線不應根據「未經核實」的數據來劃定，以鎖羅盆為例，目前沒有小型屋宇申請。日後如要發展小型屋宇，應按每宗申請的情況作出考慮。城規會應該十分清楚小型屋宇發展背後所涉及的商業利益和地產發展商的既得利益；

(e) 根據他在大埔鄉村地區居住的個人經驗，現有的小型屋宇申請制度明顯遭濫用。人們先把土地破壞後才提出小型屋宇申請，這種做法司空見慣，但沒有特定的政府部門能夠針對這類違規活動採取有效的執法行動。因此，城規會不應依賴未經核實的不可靠數據來把大量土地劃為「鄉村式發展」地帶；

(f) 其中一個例子是一宗要求在西貢白水碗開設有機農場的規劃申請經城規會覆核後獲批准，但該有機農場最終以商業形式營運，更興建了一個私人碼頭，方便人們從西貢前來。城規會應根據可靠的證據作出決定，不然就會出現像這宗個案那樣的濫用情況，造成預料不到的破壞；以及

(g) 城規會應確保郊野公園「不包括的土地」獲得充分保護，否則會受到不能逆轉的破壞。城規會如作出錯誤的決定，可能會破壞海下的珊瑚，以及鎖羅盆和白腊的自然環境。一般來說，具生態價值的地區應劃為「自然保育區」地帶，令該地帶獲得最佳保

護；「鄉村式發展」地帶的範圍只應局限於現有鄉村民居所在的地方，而日後的小型屋宇申請亦應按每宗申請的情況作出評估。他促請城規會在保育郊野公園和郊野公園「不包括的土地」方面應作出正確的決定，保障公眾利益。

[R10543 的實際發言時間：15 分鐘]

HH-10902、SLP-R10825、PL-R10747－胡志偉

16. 胡志偉先生作出陳述，要點如下：

(a) 小型屋宇政策旨在提供地方，讓村民可建屋居住。不過，就白腊的情況來說，該村所有私人土地都已賣給單一發展商。這表示村民自願放棄建屋自住的權利。由此可見，城規會如果仍把大量土地劃為「鄉村式發展」地帶，只會令該發展商得益，並把非法轉讓／出售興建小型屋宇的權利(「套丁」)這類行為合法化；

(b) 至於鎖羅盆的情況，現有的人口為零，該區現時亦已有五十多幢村屋。根據現有的機制，村民如有真正的需要，可申請修復／重建／翻建這些村屋自住。不過，村民沒有提出這類申請，所以沒有理由要把額外大約 4.5 公頃的土地劃為「鄉村式發展」地帶。海下的情況相若，村民已於二零一零年把他們的私人土地賣給發展商；

(c) 一些村民聲稱他們的權利被剝削。不過，村民擁有的私人土地原是作農業用途。劃設「鄉村式發展」地帶，只應是滿足村民居住的真正需要，不應是滿足他們想買賣丁權這一要求；以及

(d) 他反對這三份分區計劃大綱圖。現有的機制已容許該五十多幢現有村屋翻建，所以沒有需要把更多土地劃為「鄉村式發展」地帶。

[HH-10902、SLP-R10825、PL-R10747 的實際發言時間：10 分鐘]

[馬詠璋女士此時暫時離席。]

R1980 – Martin Williams

17. Martin Williams 先生借助投影片及短片作出陳述，要點如下：

(a) 問題的關鍵是發展商的利益，並不是原居村民的利益；

(b) 海下天然景色優美，海岸公園有很多珊瑚，即使是非常接近行人徑的地方亦然。為下一代着想，應把海下指定為郊野公園，予以保護；

(c) 根據漁護署的資料，劃作村屋發展的土地為農地。不過，從短片所見，該區是景色優美的次生林，有很多樹木，包括老榕樹。該處的沼澤亦有多種野生生物。應把此區劃為「自然保育區」地帶，不准耕作，因為土地一旦有農業活動，便涉及既得利益，可能引來「先破壞、後建設」的行為；

(d) 劃作發展小型屋宇的地方亦太接近海岸線。天然海岸線已移向內陸，以前在測量圖上顯示為農地的地方，如今在潮漲時都已被海水覆蓋。換言之，即使所建屋宇與以前記錄的海岸線的距離為 30 米，實際上是在海岸線旁邊；

(e) 地圖上亦未有記錄該區的一條天然河道。海下是亞洲最重要的珊瑚區之一，該河一旦受污染，必會破壞海下的珊瑚；

(f) 至於白沙澳，原居村民已離開，大部分的私人土地已被一名發展商(新華書店的擁有人)購下。在該處進行任何發展，得益的是該發展商，不是原居村民；

(g) 研究證明，保護郊野，將之開放予市民，對市民的身心健康非常重要。香港人生活忙碌，郊野更是他們舒展身心的好去處。事實上，有越來越多香港人在周末前往郊野公園；

(h) 以開普敦為例，當地有一些鄉村保存得很好，文物及自然景觀都能保存，村內更是生氣勃勃。可惜，香港的郊野並沒有策略性的規劃，或許，這項工作應由城規會來負責。現有的鄉村應該保存，讓其在自然的環境中發展。此外，亦不應容許發展商在郊野公園「不包括的土地」發展大型房屋項目。長洲就有這樣一個大型房屋發展項目，落成後，大部分單位一直無人居住；

[R1980 的實際發言時間：10 分鐘]

[劉智鵬博士此時暫時離席。]

<u>R6591－李碧茜</u>

18. 李碧茜女士作出陳述，要點如下：

(a) 她周末大多數在郊野公園度過。郊野公園範圍大，又靠近市中心，是香港的瑰寶，應予保存。這三份分區計劃大綱圖涵蓋的地區全部靠近郊野公園，是生態易受影響的地區。區內村民的住屋需要固然要照顧，但亦須保育郊野公園的自然環境，以求取平衡；

(b) 香港的郊區是香港人以至海外遊客參與遠足或馬拉松活動的重要康樂資源，故郊野公園應受保護，此事涉及重大公眾利益；

(c) 這三份分區計劃大綱圖涵蓋的地區現時交通十分不便。鎖羅盆只能徒步前往，白腊只能從西貢萬宜路步行前往，海下則只能經海下路前往，該路更限制車輛出入。若准許在這三份分區計劃大綱圖涵蓋的

地區進行發展，便須考慮如何闢設道路基礎設施及其他交通設施，應付日後遷入的居民的需求；以及

(d) 她對所推算的小型屋宇需求量有懷疑。過去十年，她在鎖羅盆從未見過任何新的屋宇，也未見過有人居住，所以她難以理解為何預測該區未來十年需要二百多幢屋宇。城規會把更多土地劃作發展村屋前，應小心考慮有關數字是否可信。

[R6591 的實際發言時間：5 分鐘]

[此時，甯漢豪女士和何立基先生暫時離席，馬詠璋女士返回席上。]

R6401 — Lai Yin Mei

19. 陳嘉俊先生作出陳述，要點如下：

(a) 他定期去郊野公園和海岸公園。個別原居村民如有真正住屋需要，可准其建屋。不過，眾所周知，這三份分區計劃大綱圖涵蓋的地區內的私人土地，大多已被私人發展商購入作大型項目發展；

(b) 郊區範圍大，又靠近市區，是香港的瑰寶。越來越多人去郊野公園進行康樂活動。自二零零三年起，政府一直推廣以香港自然資產和文物景點為賣點的本地旅遊團。香港旅遊發展局亦一直向海外遊客推介香港這些優美的戶外地方。我們郊野公園的自然美景，海外媒體已有報道，本地和海外遊客亦大表讚賞；以及

(c) 城規會決定把更多土地劃作鄉村式發展前，應考慮私人利益與香港的公眾利益，應以何者為先。

[R6401 的實際發言時間：6 分鐘]

20. 在上午的會議發言的與會者已陳述完畢，主席多謝他們協調彼此的發言次序，令會議可順利進行。

21. 會議於下午十二時三十分休會午膳。

22. 會議於二零一四年五月八日下午二時十分恢復進行。

23. 下列委員和秘書出席了恢復進行的會議：

周達明先生 主席

黃遠輝先生 副主席

陸觀豪先生

邱榮光博士

鄒桂昌教授

張孝威先生

符展成先生

何立基先生

林光祺先生

梁慶豐先生

葉德江先生

環境保護署副署長
謝展寧先生

地政總署署長／地政總署副署長(一般事務)
甯漢豪女士／林潤棠先生

規劃署署長
凌嘉勤先生

簡介和提問部分
[公開會議]

24. 以下政府部門的代表、申述人及其代表此時獲邀到席上：

蘇震國先生	—	規劃署沙田、大埔及北區規劃專員
吳育民先生	—	規劃署高級城市規劃師／新圖規劃
鍾文傑先生	—	規劃署西貢及離島規劃專員
周燕薇女士	—	規劃署城市規劃師／西貢
何秉皓先生	—	漁農自然護理署(下稱「漁護署」)高級自然護理主任(南區)
張國偉先生	—	漁護署高級自然護理主任(北)
陳乃觀先生	—	漁護署高級海岸公園主任
張家盛先生	—	漁護署郊野公園主任(特別職務)

R10909 — Kevin Laurie
HH-R10895、SLP-R10827 及 PL-10745 — Sea Shepherd Conservation Society
Kevin Laurie先生 — 申述人及申述人的代表

HH-R10883、SLP-R10821及PL-R10739 — 嘉道理農場暨植物園公司
(請參閱附錄A所載授權嘉道理農場暨植物園公司為代表的申述人名單。)
聶衍銘先生]
趙善德先生]
胡明川女士] 申述人的代表
Gary Ades先生]
Andy Brown先生]

R2474 – John Wright
R10544 – 西貢之友
John Wright先生 – 申述人及申述人的代表

SLP-R10823 – 生態教育及資源中心
R6138 – Verity B Picken
PL-R10740 – 綠色和平
張瑪珊女士 – 申述人的代表

HH-R10882、SLP-10819、PL-10743 – 香港觀鳥會
Jocelyn Ho女士 – 申述人的代表

R1990 – Denis Leung
Yeung Man Yau先生 – 申述人的代表

HH-R10755、SLP-R10822、PL-10741 – 長春社
吳希文先生 – 申述人的代表

R799 – 創建香港
司馬文先生] 申述人的代表
陳嘉琳女士]

HH-R10874、SLP-10822、PL-10741 –
世界自然基金會香港分會
(請參閱附錄 A 所載授權世界自然基金會香港分會為代表的申述人名單。)
Michael Lau先生]
劉惠寧先生] 申述人的代表
陳頌鳴先生]
劉兆強先生]

R10587 – 白理桃
白理桃先生 – 申述人

25. 主席表示歡迎上述各人到席，繼而請申述人和其代表闡述他們的申述內容。

R10909 – Kevin Laurie
HH-R10895、SLP-R10827 及 PL-10745 – Sea Shepherd Conservation Society

26. Kevin Laurie先生借助投影片作出陳述，要點如下：

(a) 他是地質學家出身，一直任職考古學家，曾在香港擔任警務人員30年，現已退休。他現時是澳洲國立恐龍博物館的科學顧問及獨立海洋生態學家，專門研究香港及東南亞的馬蹄蟹。他亦是香港生物多樣性策略及行動計劃海洋生物多樣性工作小組的成員，就人類對海洋環境的影響提供意見；

地質上的限制

(b) 在海下、白腊及鎖羅盆發展村屋，有地質上的限制。這三個地區位於河谷下層的洪氾平原，地底有沖積層，容易出現地下水水浸。基於這些地區的地質環境，城規會不應批准在這三份分區計劃大綱圖上劃設「鄉村式發展」地帶；

(c) 沖積層是鬆散、分選性良好至中等的礫石、沙、粉土及黏土，這些物質在山上侵蝕而來，被河流帶到山下，堆積在河床。沖積層大多出現在河谷的下游地區。由於沖積層透水，所以水可暢通無阻地穿過，甚至向上下流動及從旁流過。沖積層的水位會隨地下水水位、降雨率及海平面的影響或升或降，因此有沖積層的河谷容易出現水浸，變成洪氾平原；

(d) 地質測量圖有助規劃師及工程師找出一個地方是否有地質風險，是合乎成本效益的控制風險方法。地質測量圖顯示岩石的分布情況，是規劃土地用途的主要資料來源。不運用地質圖，或不了解一個地方的地質，可能會對土地用途帶來各種負面影響，例如地下水污染；

(e) 由政府出版的《香港地質調查》有助規劃師及城規會作出有根據的決定。該些地質圖顯示沉積物的所在(包括沉積物的年齡及種類)及沉積物的截視圖。從該些地質測量圖所見，海下分區計劃大綱圖上的擬議「鄉村式發展」地帶就在混雜沖積層、海灘沉積物及泥石流沉積物的地方之上；白腊分區計劃大綱圖上的擬議「鄉村式發展」地帶在混雜沖積層及海灘沉積物的地方之上；而鎖羅盆分區計劃大綱圖上的擬議「鄉村式發展」地帶則在混雜梯狀沖積層、泥石流沉積物及海口和潮間沉積物的地方之上。由於有沖積層的緣故，所以洪氾平原容易出現水浸；

(f) 根據環境保護署(下稱「環保署」)的《村屋污水排放指南》，化糞池及滲水井系統包括化糞池、滲水井系統及周圍的泥土。這些泥土就是污水最終滲入的地方。滲水井系統會排放未經處理的廢水至周圍的泥土，依賴泥土除去污染物質。廢水滲入泥土後，必須經過一段相當長的路程才能達至足夠的淨化，最後才到達大海。不過，在這三份分區計劃大綱圖涵蓋的範圍內，廢水卻可暢通無阻且快速地流過沖積層，在到達大海前不能達至足夠的淨化；

(g) 上述環保署的指南亦訂明，暴風雨時容易泛濫或地下水位高的地方不適宜設置化糞池。海下、白腊及鎖羅盆屬容易泛濫的地方。根據渠務署二零零一至零二年度的年報，香港不時有暴雨，新界發生嚴重水浸。水浸可發生於新界北部的天然洪氾平原和低窪地區，即海下、白腊及鎖羅盆所在之處。這三個地區曾出現水浸，從照片可見地下水位高時的情況。假如化糞池及滲水井系統設於地下水位高或容易出現水浸的地方，化糞物質便會溢流至鄰近地區；

[符展成先生此時返回席上。]

對生物多樣性的威脅

(h) 當局把海下指定為「具特殊科學價值地點」時，已知道發展會帶來的威脅(即污染及淤積)，並認為日後的發展及改變灣仔採泥區的土地用途可能會污染海下灣的水質，令該處出現淤積的情況。當時曾有建議，在擬備可能會影響「海下具特殊科學價值地點」的填海計劃時，應諮詢漁護署，但該署卻未有對海下的發展威脅提出意見；

(i) 化糞池及滲水井系統可產生污染物，包括由水傳播並影響人體健康的病原體；會增加養分的氮及磷；殺害野生生物的有毒化學物；以及會大大改變魚類性別的內分泌干擾物；

(j) 為發展村屋而在洪氾平原區清理土地，會把沉積區變為侵蝕區。此外，暴雨期間，來自建築地盤的徑流會把浮游沉積物帶入溪澗及河流甚至大海。這是個舉世公認十分嚴重的問題。以海下灣東岸的珊瑚羣落為例，其之所以會消失，便是由於馬鞍山填海取地，需要移除附近山坡的樹木及岩石，令土壤及泥沙流入該處；

(k) 海下、白腊及鎖羅盆的擬議發展項目位處洪氾平原，整個河谷的地面水、地下水及河流相通，合成一體的系統。在河谷的下游地區進行發展，會把該處由沉積區變為侵蝕區，造成淤積的情況及污染。這三份分區計劃大綱圖涵蓋的地區各為河谷系統的一部分，不應分開考慮；

(l) 根據漁護署在二零零六年委聘顧問進行的海下灣海岸公園軟岸研究，海下灣有具高生態價值的軟岸羣落。就生態多樣性而言，該軟岸羣落是本港最重要的軟岸羣落。不過，化糞池及滲水井系統產生的有毒化學物及內分泌干擾物會影響該區的軟岸羣落。海下灣亦是本港其中一處具豐富生物多樣性的「寶地」，淤積的情況及氮／磷會威脅該處的珊瑚羣落；

(m) 白腊灣曾發現文昌魚。文昌魚屬活化石，是國家重點保護物種之一。根據漁護署網站及研究的資料，文昌魚具有獨特及高度的保育價值。污水及廢水造成的淤積情況及產生的內分泌干擾物，將會對文昌魚造成不良影響，後者更會影響魚類性別的正常發展；

(n) 鎖羅盆河是「具重要生態價值的河溪」，淤積情況及氮／磷(肥料的主要成份)會改變該河的生態平衡。舉例來說，鎖羅盆的海草床很易受淤積情況、氮／磷及有毒化學物所影響；

[張孝威先生此時到席。]

對人類健康的威脅

(o) 根據美國政府一份報告，在沖積層地區設置化糞池及滲水井系統，對人類健康構成威脅。在一九九五年就有超過 400 人感染與受污染地下水相關的腸胃炎；另曾有多個州出現病毒，引發大量腸胃炎病症；而且高地下水位或不合適的地質環境可把致病細菌及病毒帶入地下水；

(p) 據本港的微生物學家表示，H7N9 禽流感可經人類糞便傳播。此外，根據美國新聞網站 Science Daily 二零一三年的報道，抗藥性細菌遍布赫遜河，而溪澗及河流亦發現有依賴防菌產品生長的抗藥性細菌，污水處理廠也有超級細菌繁殖；

[邱榮光博士此時返回席上。]

(q) 人們在下游地區及海灘活動，例如挖蜆及學生進行實地考察，已不再安全；以及

(r) 總括而言，城規會並未獲告知有關地質、對濕地環境的影響、淤積及污染的威脅、海下重要的珊瑚及軟岸羣落、文昌魚是具保育價值的物種，以及公共衞生的威脅等資料；

(s) 根據《城市規劃條例》第 3 條，城規會的主要職能是促進社區的衞生、安全、便利及一般福利。城規會有責任保障社區的衞生、安全及福利；以及

(t) 城規會應看看各項證據，拒絕接納這三份分區計劃大綱圖內所有涉及在洪氾平原使用化糞池及滲水井系統的小型屋宇發展計劃。

[R10909 的實際發言時間：30 分鐘]

HH-R10883、SLP-R10821 及 PL-R10739－嘉道理農場暨植物園公司

27. 聶衍銘先生借助投影片作出陳述，要點如下：

(a) 他會講述兩個個案的研究，一個是龍尾，一個是馬灣新村，證明小型屋宇數目增加可對一個地區的水質造成嚴重的影響；

個案研究 1－龍尾

(b) 雖然龍尾已設有公共污水渠和污水處理設施，但根據環保署在二零零零至一三年間收集所得的數據，自從一九九八年開始有越來越多小型屋宇在龍尾興建之後，龍尾泳灘的水質便變得極差(按大腸桿菌的數量計)；

(c) 從一些實地照片所見，有食肆(在小型屋宇的地面一層是經常准許的用途)及小型屋宇的建築工程和之後的使用產生污水，排放到龍尾的出水口；

(d) 由於往往難以找出哪幢屋宇或哪家食肆非法排放污水，因此要執行《水污染管制條例》，十分困難。況且，那些非法鋪設的地下喉管往往有混凝土遮蓋着；

個案研究 2－東涌馬灣新村

(e) 馬灣新村在一九九八年因發展東涌新市鎮而建。有關的「鄉村式發展」地帶在一條河旁邊，被林地包圍，情況與郊野公園「不包括的土地」相似；

(f) 村內現時約有 120 幢小型屋宇。早年興建的小型屋宇(約 44 幢)有接駁公共污水渠，其餘的則使用化糞池及滲水井系統。村內開設了三四家食肆；

(g) 根據環保署的數據，二零一零至一三年，附近一條河的大腸桿菌和糞大腸菌羣的含量分別約為每百毫升有 18 000 至 39 000 個和每百毫升有 54 000 至 120 000 個，而氨的含量為每公升有 1.4 毫克，遠遠超出水質指標，水質與天水圍明渠、元朗明渠和屯門河一樣差，而且較城門河更差。如圖表所示，隨着一九九八至二零一一年間小型屋宇的數目大升，污染情況變得更嚴重；

(h) 從實地照片所見，受到嚴重污染的水從穿過各小型屋宇的 U 型排水渠經出水口排放到附近那條河。家居污水和食肆所排出的廢水也產生可能會造成污染的物質，雨水渠出口又常被用來排放污水。河邊的野生青蛙死亡率高，證明河水污染的情況嚴重；

(i) 馬灣新村是在環保署專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》實施後興建的。不過，實際上沒有人遵從當中的規定，那些規則亦不可行。這不只是環境的問題，也是規劃的問題；以及

(j) 根據規劃署的最新建議，海下會有 40 幢新建的小型屋宇，而現有的小型屋宇則有 30 幢；白腊會有 79 幢新建的小型屋宇，而鎖羅盆則會有 134 幢。海下和白腊現時的人口分別為 110 和少於 50，而預期海下、白腊和鎖羅盆的人口將分別達 393、230 和 1 000。這些日後發展的小型屋宇將會對這三個地區的水質造成嚴重的影響。

[HH-R10883、SLP-R10821 及 PL-R10739 的實際發言時間：18 分鐘]

[陸觀豪先生此時暫時離席。]

R2474 – John Wright
R10544 – 西貢之友

28. John Wright先生借助投影片作出陳述，要點如下：

(a) 他住在香港已 31 年，是執業大律師，也是西貢之友的主席。他會從土地問題和法律方面作陳述；

(b) 「鄉村式發展」地帶位於「鄉村範圍」內，是供合資格的男性成年原居村民興建新界豁免管制屋宇(小型屋宇)的地方。小型屋宇政策在一九七二年開始實施，讓原居村民可一生一次申請在其所屬鄉村內的合適地點興建一幢小型屋宇自用；

(c) 合資格的男性成年原居村民可申請在他本人擁有的私人土地建屋，若他沒有私人土地，則可向政府申請批地，興建一幢小型屋宇。非原居村民及其他各方(例如發展商和發展公司)都不得申請在「鄉村式發展」地帶內興建小型屋宇；

(d) 任何人都可買賣「鄉村式發展」地帶內的私人土地。在許多郊野公園「不包括的土地」範圍內，發展公司已向原居村民購入大量私人土地。海下和白腊的原居村民亦已把大部分私人土地售予發展商。目前，海下的「鄉村式發展」地帶有 95%的私人土地分別由九家公司持有，而白腊的「鄉村式發展」地帶的大部分土地則由一家公司持有。不過，這些公司沒有資格申請興建小型屋宇；

(e) 發展公司購入「鄉村式發展」地帶內的土地，用作興建小型屋宇，建成後出售或出租給外人和非原居民的人。發展公司會待建屋許可批出後，才會向原居村民全數支付買地的款項；

(f) 發展商可利用各種違法的法律手段，務求在「鄉村式發展」地帶內興建小型屋宇。發展商可簽立法律協議，把土地的合法業權轉讓給一名原居村民，由他申請建屋許可。其後，該名村民可簽署秘密協議，把該塊地和該幢小型屋宇的實益所有權轉讓給發展商，並同時簽立信託文件、授權書和以發展商作為受益人的遺囑，而該名原居村民則可從發展商收取現金、一幢屋／一個住宅單位或其他一些利益作為回報；

(g) 上述這些法律手段是違法的，因為申請書是蓄意作出的失實陳述，向政府謊報小型屋宇的申請人申請許可，是興建一幢小型屋宇自用。已有多宗訴訟案件的判辭證實了這一點。以民事上訴案件 2001 年第 20 號為例，案中有一名發展商與一名原居村民訂立了發展計劃，按該計劃，(i)發展商會提供土地，並承擔興建一幢小型屋宇的建築費及其他費用；(ii)由該名村民向府申請免費建屋牌照，以興建該幢小型屋宇；以及(iii)該名村民在該塊地或該幢將要興建的小型屋宇上並無利益。該名村民亦簽立了以發展商為獲授權人的授權書以及委任該發展商為唯一執行人的遺囑，把該塊地遺贈給該名發展商；

(h) 在上述的上訴案件判辭中，法庭認為：

(i) 有關協議是不合法的，其目的是作出失實陳述，指該名村民是真正的擁有人，務求發展商獲得小型屋宇政策本來只給予個別原居村民而發展商不能取得的建屋牌照，以優惠條件建屋；

(ii) 該名村民對政府所說的是，他本人就是他根據小型屋宇政策所提出的批建申請所涉土地的合法實益擁有人。基於制訂小型屋宇政策的目的，若一名原居村民以純粹代名人的身分保有該塊地，他通常不合資格申建小型屋宇；

(iii) 該等小型屋宇建成後，會屬於土地擁有人或發展商，而非申請人。換言之，申請人不會是建成的屋宇的擁有人；以及

(iv) 基於公共政策的理由，明顯不能強制履行該份契約，因為若要按契約的條款執行契約，必會涉及宣誓作出虛假聲明和向政府作出失實陳述；

(i) 鎖羅盆有二百多幅私人土地由黃氏宗族的後人擁有，不過，那些原居村民有可能會與發展商訂立發展計劃，讓發展商獲得小型屋宇政策本來只給予個別原居村民而發展商不能取得的建屋牌照，以優惠條件建屋；

(j) 原居村民和發展商若訂立違法計劃，根據《盜竊罪條例》(第 210 章)第 16A(1)條，或會干犯刑事罪行；以及

(k) 違法的計劃極為常見，在新界鄉村和郊野公園「不包括的土地」十分普遍。現時一個丁權的售價約為港幣 450 000 元。凡牽涉入違法計劃的各方都要負上刑事法律責任。

[R2474 的實際發言時間：16 分鐘]

[何立基先生此時返回席上。]

HH-R10883、SLP-R10821 及 PL-R10739－嘉道理農場暨植物園公司

29. 聶衍銘先生借助投影片繼續作出陳述，要點如下：

(a) 雖然規劃署表示這三份分區計劃大綱草圖已有足夠的管制，因爲「鄉村式發展」地帶的土地只會用作發展小型屋宇，但一些研究個案顯示，事實並非如此；

個案研究 1 — 汀角

(b) 在一九九五年至二零零六年期間，有多宗涉及在汀角的「鄉村式發展」地帶及「綠化地帶」發展小型屋宇的規劃申請獲城規會批准。以一宗在二零零六年四月七日獲城規會批准的申請(申請編號：A/NE-TK/204)為例，該宗申請提出興建 37 幢小型屋宇供原居村民居住但結果那些小型屋宇卻成爲豪宅。二零一三年，每幢屋宇的售價高達港幣 1,400 萬元左右；

個案研究 2 — 八鄉

(c) 在二零零一年至零六年期間，有多宗涉及在八鄉闢設停車場的規劃申請獲城規會批准。在「鄉村式發展」地帶發展小型屋宇，是無須提出規劃申請的。結果，在八鄉興建的小型屋宇同樣成為豪宅，每幢售價約達港幣 1,050 萬元。假設首期支付樓價三成(港幣 315 萬元)，以還款期 25 年計，每月按揭供款便約達港幣 34,855 元。不過，二零一二年香港家庭住戶每月入息中位數只有港幣 20,700 元。由此可見，那些屋宇根本不是原居村民及普羅市民可以負擔的；

(d) 發展商為圖利而把小型屋宇建成豪宅，是偏離了小型屋宇政策的原意。該政策原本的目的是要滿足原居村民的住屋需要。當局實有必要檢討小型屋宇政策；

(e) 未來擬在海下、白腊和鎖羅盆興建的新小型屋宇數目分別為 40 幢、79 幢及 134 幢，這個數量是以村代表提供的小型屋宇需求預測數字為據。從這些屋宇可得的收益總值分別為港幣 4 億元、7.9 億元及 13.4 億元。不過，鎖羅盆的村代表卻告知傳媒，鎖羅盆未來的人口有 1 000 只是猜估出來；

(f) 二零零八年，有人在鎖羅盆村大範圍砍伐樹木。當時鎖羅盆村村務委員會主席告知傳媒，砍伐樹木是

要活化該村，此舉不單可滿足原居村民後代的需要，同時亦可開發該處的發展潛力。倘政府批准填土，該處便可興建 40 幢類似在愉景灣所見的豪宅。從村民最近提交的圖則所見，擬建的 188 幢屋宇涵蓋鎖羅盆整個山谷；

(g) 白腊的村代表也告知傳媒，所預測的未來 10 年小型屋宇需求日後未必會全部出現。此外，原居村民會與發展商合作發展小型屋宇，而究竟會否把小型屋宇賣給發展商，由村民自行決定。雖然地政總署表示發展商與原居村民之間任何有關發展小型屋宇的秘密交易都是違反小型屋宇申請的規則，但實際上卻難以查證；

(h) 二零一零年，有日本發展商計劃在海下發展豪宅。事件顯示原居村民把丁權賣給發展商這種有違小型屋宇政策原意的做法非常普遍；

(i) 東丫村(另一郊野公園「不包括的土地」)的村代表告知傳媒，他誇大了小型屋宇需求預測數字，這是因為政府不會同意全數給予村民所要求的土地，所以他開出一個較大的數目，期望討價還價後，最終可獲得多些土地。所謂小型屋宇需求預測數字，根本毫無意義；

(j) 傳媒的資料顯示，興建一幢小型屋宇的純利超過港幣 600 萬元。發展小型屋宇已成爲房地產投資項目，而非滿足原居村民的真正住屋需要；以及

(k) 除了保育地帶外，分區計劃大綱圖現時所劃的其他用途地帶未能充分保護天然環境和生境。金錢的誘因實在太大，只會引來更多人破壞環境。當局不應任由發展商為了賺錢而侵損自然遺產及公眾利益。

30. 聶衍銘先生及陳嘉琳女士繼而播出一套六分鐘的短片，該短片是剪輯自兩套關於海下、白腊和鎖羅盆的記錄片，內有相關的村代表、地政總署前助理署長及海下之友的訪問片段。

[休會五分鐘。]

[林潤棠先生此時離席。]

31. 聶衍銘先生借助投影片，繼續作出關於海下的陳述，要點如下：

(a) 海下三面被西貢西郊野公園包圍，餘下的一面則向着景色宜人的海下灣。海下灣是指定的海岸公園，亦是「具特殊科學價值地點」。該區風景優美，景觀價值高，與周遭西貢西郊野公園和海下灣海岸公園的自然美景互相輝映。該區也具很高的生態價值；

(b) 他強烈反對海下分區計劃大綱圖，因為該圖所劃的「鄉村式發展」地帶涵蓋茂密林地和河流，又在濕地旁邊，其範圍更侵進了海岸公園；

(c) 所有林地、濕地和季節性河流都應劃為「自然保育區」地帶，加以保護；而「鄉村式發展」地帶亦應遠離濕地。那些濕地和河流的水文系統和生態都與海岸公園相連，而濕地內還有一種罕見的濕地草本植物雞冠苞覆花；

(d) 規劃署考慮過申述的內容後，建議把原來的「綠化地帶」和「鄉村式發展」地帶其中一部分改劃為「綠化地帶(1)」，並把原來的「自然保育區」地帶其中一部分改劃為「綠化地帶」(新的「綠化地帶」)。不過，兩項改劃建議都有問題；

(e) 首先，就保育的作用而言，「綠化地帶(1)」與「自然保育區」地帶極為不同。根據《環境影響評估條例》(下稱「《環評條例》」)，在「自然保育區」地帶內或附近進行治河及雜項工程，須進行環境影響評估(下稱「環評」)，但在「綠化地帶」和「綠化地帶(1)」內則無須進行。另外，根據分區計劃大綱圖的《註釋》，在「綠化地帶(1)」內，「農業用途」是第一欄用途，而在「自然保育區」

地帶內，「農業用途(植物苗圃除外)」則是第一欄用途，即是在「自然保育區」地帶內，植物苗圃是不獲准許的用途。此外，在「綠化地帶(1)」內，「度假營」是第二欄用途，但在「自然保育區」地帶則不然。從一些西貢屋頭的郊野公園「不包括的土地」照片所見，該處有一大片土地被人清理，闢作所謂的「植物苗圃」，但只種有幾棵樹。同樣，在「海岸保護區」地帶內亦有一個獲批准發展的度假營地進行了大型建築工程；

(f) 其次，該原為「自然保育區」地帶的新「綠化地帶」，其範圍侵進了漁農署認可的風水林。據規劃署表示，分區計劃大綱圖有條文規定可提出在新「綠化地帶」內發展小型屋宇的規劃申請。規劃署徵詢漁護署的意見後認為，「綠化地帶」內的土地相對平坦，大部分地方為小樹、灌木和綠草所覆蓋，故該「綠化地帶」的規劃意向是反映現時的景觀特色。不過，從等量線圖和實地照片所見，該新的「綠化地帶」其實位於一個地勢傾斜的地方，又有林木覆蓋，更有河流穿過。一直以來，漁護署和環保組織都認為該處是個未受干擾的風水林，林內更有罕見的生態環境和植物品種。當局建議把部分的地方由「自然保育區」地帶改劃為「綠化地帶」，並不合理；

(g) 第三，「鄉村式發展」地帶的面積雖然縮減了，但仍然太大，對海下灣海岸公園會有負面影響。海下灣是個被包圍的海灣，位於另一個被包圍的海灣大鵬灣內。該處的水流強度不足以沖走小型屋宇排出的廢水。根據環保署收集所得的數據顯示，貝澳和銀鑛灣那些情況相若的被包圍海灣，其水質都是普通至欠佳，原因就是受到小型屋宇的廢水所污染；

(h) 海下灣是海岸公園，在水上康樂活動地區內，亦是個非常熱門的泳灘，但並非憲報公布的泳灘。不過，在海下灣附近數個地點量度到的大腸桿菌數量已超出憲報公布泳灘的水質指標。從實地照片所見，康樂活動現有的淋浴設施、食肆的營運和村內

的洗車活動全都產生廢水，污染了附近的河流和海水；

(i) 正如先前所述的東涌馬灣新村的個案研究顯示，由於小型屋宇的數目增加，附近河流的水質變得很差。同一情況會在日後海下灣出現。根據城規會會議有關田夫仔分區計劃大綱草圖的記錄，環境保護署副署長曾表示化糞池不能過濾所有大腸桿菌。海下將興建40幢新的小型屋宇，再加上現有的30幢小型屋宇，化糞池會增多40個，屆時，海下灣海岸公園的大腸桿菌數量必定會增加，影響有大量珊瑚生長的地方；

(j) 興建了新的小型屋宇後，對泊車位的需求亦會增加，有人或會把車輛非法停泊在「海岸保護區」地帶和「綠化地帶(1)」的政府土地，影響自然環境；

(k) 海下分區計劃大綱圖應依照大浪灣郊野公園「不包括的土地」的通盤規劃方式，即把具保育價值和緩衝作用的地方劃為「自然保育區」地帶；縮減「鄉村式發展」地帶，只涵蓋現有的鄉村民居；把「鄉村式發展」地帶的土地用途表中的「新界豁免管制屋宇」用途從第一欄改移去第二欄；刪除「鄉村式發展」地帶的土地用途表中的「屋宇(新界豁免管制屋宇除外)」用途；以及規定新界豁免管制屋宇的拆卸、加建、改建及／或改動工程必須取得規劃許可才可進行；

(l) 城規會應加強保護海下的郊野公園「不包括的土地」。小型屋宇由40幢突然增至70幢並非逐步增加的方式。他建議：

(i) 「鄉村式發展」地帶的範圍應只局限於現有的鄉村民居或已批准興建小型屋宇的地點；

(ii) 原來的「綠化地帶」和擬議劃為「綠化地帶(1)」的大部分地方(涵蓋淡水濕地和與郊野

公園在生態上緊密相連的次生林地)應改劃為「自然保育區」地帶；

(iii) 擬議「綠化地帶(1)」有部分(涵蓋現有鄉村民居附近的經改動林地)可予保留；以及

(iv) 擬議的「綠化地帶」(涵蓋與郊野公園在生態上緊密相連的風水林)應還原為「自然保育區」地帶。

32. 聶衍銘先生借助投影片繼續作出關於白腊的陳述，要點如下：

(a) 白腊位於西貢東郊野公園，風景優美，是進行康樂活動的熱門地點。白腊灣被視為「香港的馬爾代夫」，以往有很多濕地，但到了二零零九年左右，有人築路、大規模清除林地和植物，又建造人工池塘，破壞了該處的自然環境和濕地。二零一一年，該處再次受到大規模破壞，傳媒亦有廣泛報道。錄影片段顯示有人用躉船把挖土機和推土機運到白腊灣，用以清理該地；

(b) 根據一個本土研究社所編製的白腊土地歷史記錄，有一家發展公司在一九九三至九六年間向村民買入白腊的土地。到了一九九九至二零零一年間，規劃署就新界東南進行策略檢討，當時該發展公司的其中一名東主趁着規劃署進行公眾諮詢，建議政府把西貢發展作生態旅遊和教育用途，同時放寬發展限制並與當地人合作發展。二零零四至零七年間，該名東主成為西貢區議會轄下一個委員會的委員，要求政府修復白腊的碼頭。二零零七至零九年間，有人在白腊村進行大規模的挖土和清除植物行動。二零一零年三月，一家由該名東主擔任教育總監的教育機構向發展局求助，要求在白腊開辦一所國際學校。二零一零年九月，憲報公布白腊發展審批地區圖。同年十月，政府拒絕這項在白腊開辦國際學校的建議，理由是擬建的學校與周邊環境不協調；

(c) 在白腊進行的非法活動包括砍伐樹木、非法佔用政府土地、築路、挖土、填土和把河道改道。這些活動違反相關的各項條例，例如《林區及郊區條例》、《郊野公園條例》、《土地(雜項條文)條例》、《城市規劃條例》和《廢物處置條例》；

(d) 白腊的生態價值高，有多種雀鳥出沒，根據記錄，當中有些更是稀有品種。此外，區內還餘下片片長有水蕨的濕地。水蕨收錄在漁護署的《香港稀有及珍貴植物》一書內，在中國內地更列為「國家二級保護」的野生植物。白腊有水蕨覆蓋的範圍並不小，面積大約相當於兩個半籃球場。水蕨的生長取決於環境狀況，並不適宜移植。把該區劃為「鄉村式發展」地帶以發展小型屋宇，這些剩下的濕地便會完全消失；

(e) 香港教育學院科學學系在二零零四年向漁護署提交了一份報告，建議把白腊灣闢作海岸公園／海岸保護區。白腊灣的魚類品種多樣化，也是馬尾藻的生長地，加上所見的物種和生境獨特，生態價值高；

(f) 香港城市大學生物及化學系曾於二零零六年進行「香港文昌魚的生態及生物學研究」，認為白腊灣是文昌魚的重要生長地。文昌魚已在地球上存在五億年，堪稱活化石。這種魚要在水質極佳的環境中才能生長。該項研究顯示，以白腊灣的海水所含的懸浮固體、氨和大腸桿菌的數量計，水質可算極佳，近乎無污染，是香港四個文昌魚數量極多的地方之一；

(g) 在「鄉村式發展」地帶內發展的小型屋宇會污染水質，對白腊灣造成嚴重的影響。正如先前所述的東涌馬灣新村個案的研究所示，小型屋宇的數量增加，有更多污水由化糞池排出，會令附近河道的水質變得極差。白腊日後也會出現同樣的情況，「鄉村式發展」地帶內的小型屋宇所產生的污水和污染物全都會排入河流和白腊灣；

(h) 當局不應任由白腊和白腊灣因為分區計劃大綱圖所劃設的用途地帶不當而受到影響。如果城規會通過分區計劃大綱圖，擬建的海岸公園和白腊的活化石文昌魚都會消失；

(i) 城規會在二零一一年七月四日的新聞公報中表示不會容忍任何「先破壞，後建設」的行為。不過，現時的白腊分區計劃大綱圖卻採取「先任由破壞，後再作獎勵」的做法。發展商破壞自然環境，然後在「鄉村式發展」地帶內興建小型屋宇，可享有龐大的金錢利益。因此，他促請城規會遵守承諾，不要容忍任何「先破壞、後建設」的行為；

(j) 現時在白腊劃設「鄉村式發展」地帶，會助長欺詐活動和濫用小型屋宇政策的行為。「鄉村式發展」地帶內大部分的土地都是由一家發展公司所擁有。白腊的村代表也承認誇大了小型屋宇的需求量，而且可能會與發展商合作發展小型屋宇，這樣違背了政府要預留土地以供日後白腊的原居村民發展小型屋宇這個規劃意向；

(k) 城規會考慮大浪灣分區計劃大綱圖時，基於大浪灣的基礎設施不足，故同意縮減「鄉村式發展」地帶的面積，認為這樣更切合實際的情況，亦有助避免人們對發展有不必要的期望。即使當時漁護署表示進一步反對意見所指的地點並非最值得保育的地方，城規會仍認為應保護大浪灣整體的天然美景，而漁護署亦應考慮更大地區的保育價值。既然如此，白腊分區計劃大綱圖亦應如大浪灣分區計劃大綱圖那樣，採用通盤規劃的方法；

(l) 城規會應為白腊和白腊灣的郊野公園「不包括的土地」提供更佳的保護。白腊灣是泳灘，而且擬闢為海岸公園。突然增建 79 幢小型屋宇並非逐步增加的方式，故建議：

(i) 把「鄉村式發展」地帶的範圍局限於現有的鄉村民居所在之處或已獲批准興建小型屋宇的地點；

(ii) 繼續把在生態上與郊野公園緊密相連的次生林劃為「自然保育區」地帶；

(iii) 把餘下的水蕨生長地和河流的河岸帶(連河流本身)由「鄉村式發展」地帶改劃為「自然保育區」地帶；以及

(iv) 把草地和受破壞後重生而成的灌木叢／草地由「農業」地帶和「鄉村式發展」地帶改劃為「綠化地帶(1)」，以免造成「先任由破壞，後再作獎勵」的情況。

[會議小休三分鐘。]

[邱榮光博士此時暫時離席。]

33. 聶衍銘先生借助投影片繼續就鎖羅盆的情況作出陳述，要點如下：

(a) 有記錄顯示，鎖羅盆在六十年代曾有一些鄉村民居，當時的人口約為 170。自八十年代始，該村的農地便一直荒廢，到二零零七年，這些鄉村民居消失，土地變成草木叢生。二零零八年，有人在區內砍伐並焚燒大片林木，摧毀了原有的茂密林地。當時傳媒報道指此為天然生境的災難，不過，鎖羅盆村的村務委員會主席卻向傳媒表示，砍樹復村可為日後在鎖羅盆發展好像愉景灣和黃金海岸那樣的蠔吧和度假別墅鋪路；

(b) 二零零八年，鎖羅盆約有 400 棵樹被砍掉，當中有一些是在政府土地。當時漁護署向鎖羅盆村的村務委員會主席(被告人)發出傳票，但律政司檢控人員決定不提證供起訴，被告人因而脫罪；

(c) 二零一零年，鎖羅盆遭受更多破壞，有些紅樹林和林地被毀掉，而政府土地亦有非法挖土活動，結果要由地政總署進行修復。同年，政府把鎖羅盆發展審批地區圖刊憲，以遏止進一步的破壞活動。城規會亦在二零一一年承諾不會姑息任何「先破壞，後建設」的活動。可是，現在這份鎖羅盆分區計劃大綱圖卻顯示，城規會是在「先任由破壞，後再作獎勵」，竟把受破壞的林地劃作「鄉村式發展」地帶；

(d) 鎖羅盆地區的生態價值十分高，有濕地、海草床、紅樹林、林地、河溪和河谷。區內曾錄得 244 個維管植物品種(例如刺桫欏、土沉香、水蕨、金毛狗、矮大葉藻)，以及其他一些稀有物種，包括蜻蜓(例如斑灰蜻)、魚類(例如日本鰻鱲、青鱂魚和弓斑多紀魨)、兩棲類動物(例如大頭蛙)、鳥類(例如冠魚狗)和哺乳類動物(例如食蟹獴、筆尾獴和褐扁顱蝠)；

(e) 現時鎖羅盆分區計劃大綱圖所作的規劃，對自然環境會有負面影響，不單會造成嚴重的水污染、河道渠化、光害和屏障效應問題，也會令生境割裂，並帶來人為干擾，使植物被剷除；

(f) 正如先前講述的東涌馬灣新村個案研究所示，發展小型屋宇會造成水污染。按建議，鎖羅盆的「鄉村式發展」地帶內將興建 134 幢小型屋宇，所以將來也會出現同樣的情況；

(g) 現時所劃的「鄉村式發展」地帶就在濕地旁邊，隨各支流而來的污染物全部會流入主河，再流進濕地，結果會令該處稀有的水生物種死亡，而污染物和垃圾，因為不會被波浪帶走，所以會在紅樹木和海草生長的地方堆積下來；

(h) 日本鰻鱲在香港的分布範圍極為有限，只在七個地點可見其蹤影。鑑於在鎖羅盆找到日本鰻鱲的範圍

大，所以申述人原已建議把鎖羅盆劃為「具特殊科學價值地點」地帶；

(i) 鎖羅盆有一條季節性河流穿過「鄉村式發展」地帶。日後村民發展小型屋宇，考慮到有洪泛威脅，很可能會築渠治河，可是，由於這樣做不算是把河流改道，所以規劃署不能採取執管行動；

(j) 日後發展小型屋宇，「鄉村式發展」地帶內的植物必會被清除，不過，該地帶毗鄰就是「綠化地帶」，有一片在生態上與郊野公園緊密連繫的林地，實在不能保證村民不會連該「綠化地帶」的植物也一併清除；

(k) 規劃署規劃這三份分區計劃大綱圖涵蓋的地區內的林地的用途地帶時，取態不一。雖然三區的林地在生態上都與毗鄰的郊野公園緊密連繫，而且都有受保護的植物品種及／或稀有的野生哺乳類動物品種，但白腊的林地和海下大部分林地劃作「自然保育區」地帶，鎖羅盆的林地卻只劃作「綠化地帶」。鎖羅盆的林地有 171 種植物(白腊有 25 至 121 種，海下有 114 至 130 種)、三個受保護植物品種(白腊有一個，海下有幾個)、三個稀有的野生哺乳類動物品種(海下有一個，白腊沒有)。鎖羅盆的林地的生態價值高，應把之劃作「自然保育區」地帶；

(l) 把鎖羅盆河上游劃作「綠化地帶」，保護不足夠，將來流入該河上游的所有污染物亦會影響該河已指定為「具重要生態價值的河溪」的下游和濕地。根據漁護署的資料，該河上游最近發現有青鏘魚出沒，該署現正考慮把該河段也指定為「具重要生態價值的河溪」；

(m) 鎖羅盆如有任何新發展，都會嚴重影響該區現有的稀有哺乳類動物，包括豹貓、褐扁顱蝠、黃腹鼬和食蟹獴，尤其是鎖羅盆是香港唯一發現有褐扁顱蝠

的地方，而黃腹鼬和食蟹獴亦只見於新界東北，包括鎖羅盆；

(n) 在「鄉村式發展」地帶內發展的小型屋宇會造成光害，也會影響在夜間活動的動物，例如褐扁顱蝠；

(o) 小型屋宇發展會構成屏障效應，使生態系統中的生境割裂，影響動物的生活。另外，區內人口增加，亦會帶來嚴重的人為干擾和噪音；

(p) 將來小型屋宇的建築廢料會在附近的濕地傾倒，但從錦田和白腊先前一些個案所見，即使規劃署發出恢復原狀通知書，也於事無補，修復後的人工草地畢竟與原有的濕地有別；

(q) 當局建議把該區人口定為 1 000，所根據的是鎖羅盆的村代表猜估出來的未來小型屋宇需求數字。擬議的 134 幢小型屋宇永不能滿足土地擁有人的需求。若鎖羅盆分區計劃大綱圖獲得核准，將成為一個經典研究個案，說明鄉村發展可如何摧毀生態熱點；

(r) 根據鎖羅盆分區計劃大綱圖，該區的整體規劃意向是保護該區的高保育和景觀價值，使其能與附近船灣郊野公園的整體自然美境互相輝映，因此，不建議在該區進行任何可能會影響該區鄉郊風貌和生態易受影響地區的發展。另外，也不應在該區進行大規模發展，以盡量減少侵擾易受影響的環境，並保障和加強保育生態。可是，在鎖羅盆分區計劃大綱圖所劃的「鄉村式發展」地帶內興建 134 幢小型屋宇，正正是違反了上述的規劃原則；

(s) 當局制訂鎖羅盆分區計劃大綱圖時，應如規劃大浪灣的土地用途那樣，通盤考慮各種規劃因素；以及

(t) 城規會應更好地保護鎖羅盆的郊野公園「不包括的土地」。突然加建 134 幢小型屋宇，使人口多添

1 000 人，並不是所謂的逐步增加的發展方式，故建議：

(i) 把「鄉村式發展」地帶的範圍局限在現有的鄉村民居所在的地方或已獲批准發展小型屋宇的地點；

(ii) 把所有淡水濕地、蘆葦叢、海草床、紅樹林和河流的河岸帶(連河流本身)由「鄉村式發展」地帶及「綠化地帶」改劃作「自然保育區」地帶；

(iii) 繼續把那些與郊野公園在生態上緊密連繫的次生林和風水林劃為「自然保育區」地帶；以及

(iv) 把那些毀掉後再生的草地由「鄉村式發展」地帶改劃作「綠化地帶(1)」(以免變成是「先任由破壞，後再作獎勵」)。

[HH-R10883、SLP-R10821 和 PL-R10739 的實際發言時間：87 分鐘]

SLP-R10823－生態教育及資源中心
R6138－Verity B Picken
PL-R10740－綠色和平

34. 張瑪珊女士作出陳述，要點如下：

(a) 城規會決定批准在郊野公園「不包括的土地」進行更多鄉村式發展時，須考慮有關發展對額外基礎設施的需求，以及對附近地區可能造成的影響；以及

(b) 現時北潭涌設有關閘，限制了人車進入海下和白腊，若要進入閘後的地方，必須先取得許可證。海下和白腊兩份分區計劃大綱圖所劃的「鄉村式發展」地帶內可發展超過 100 幢小型屋宇，這些新建小型屋宇的居民日後會要求加設基礎設施，包括道

路和污水收集系統，可能因此而要擴闊通往海下和白腊的道路。如果人口急增而要開放北潭涌關閘，情況會更加惡劣，勢將進一步影響其他郊野公園「不包括的土地」，包括白沙澳、大灘、高塘和下洋，因為現時進入這些地區的人車也受北潭涌關閘限制。

[SLP-R10823、R6138 及 PL-R10740 的實際發言時間：3 分鐘]

[甯漢豪女士此時返回席上。]

HH-R10882、SLP-R10819 及 PL-R10743－香港觀鳥會

35. Jocelyn Ho女士借助投影片作出陳述，要點如下：

(a) 雀鳥是顯示生物多樣性的有效指標，因為不同種類的雀鳥對生境都有獨特的要求，對環境轉變亦十分敏感；

(b) 海下有多樣化的生境，經顧問鑑定的天然生境有八種之多。根據香港觀鳥會的記錄，海下曾發現水鳥、海鳥、林鳥、猛禽和開闊地帶鳥類，可見海下的海岸線、林地和濕地情況很好。海下的褐魚鴞數目穩定，因為牠們喜歡未受干擾和沒有污染的低地河流和潮溪。除海下外，褐魚鴞只在其他六個地點出現，包括大灘、榕樹澳、北潭涌和貝澳的「具重要生態價值的河溪」；

(c) 白腊亦曾錄得水鳥、陸棲鳥類、林鳥和猛禽出沒，由此亦可見白腊的林地和濕地情況很好；

(d) 鎖羅盤同樣可看到水鳥、林鳥、猛禽和河畔雀鳥，當中更包括在區域內屬稀有品種的冠魚狗。冠魚狗亦喜歡在有天然河流的不受干擾林地棲息；以及

(e) 香港觀鳥會要求城規會留意該會所提供的那些證明海下、白腊和鎖羅盤重要性的科學證據，並按《香

港規劃標準與準則》第十章「自然保育及文物保護的原則」作出規劃，以及接納「保衞郊野公園」聯盟就這三份分區計劃大綱圖提出的改劃建議。

[HH-R10882、SLP-R10819 及 PL-R10743 的實際發言時間：4 分鐘]

R1990—Denis Leung

36. Yeung Man Yau先生作出陳述，要點如下：

(a) 他來自綠色和平，他同意「保衞郊野公園」聯盟作出的申述；

(b) 《施政報告》關於「保育」的部分曾提及要保護郊野公園「不包括的土地」。因此，郊野公園「不包括的土地」的規劃管制必須作出規限，才能達致保育的目的，防止不必要的發展；以及

(c) 他促請城規會接納「保衞郊野公園」聯盟就這三份分區計劃大綱圖提出的改劃建議。

[R1990 的實際發言時間：2 分鐘]

HH-R10755、SLP-R10822 及 PL-R10741—長春社

37. 吳希文先生作出陳述，要點如下：

(a) 鎖羅盤、海下和白腊的生態和景觀價值極高。分區計劃大綱圖應以保育郊野公園「不包括的土地」為重點。劃設面積過大的「鄉村式發展」地帶，會令村民誤以爲郊野公園「不包括的土地」適合作大規模的發展，而當局亦會增設基礎設施配合這些發展；

(b) 這三份分區計劃大綱圖應採用大浪灣的處理方式。長春社早於二零零一年已參與民間保護大浪灣的運動。扼要而言，當局應作出通盤規劃，並把重點放

於保育方面，同時應大幅縮減「鄉村式發展」地帶的面積，以及把新界豁免管制屋宇改列為第二欄用途，規定必須取得城規會的規劃許可才能發展；以及

(c) 縮減「鄉村式發展」地帶的面積，會減低村民對在郊野公園「不包括的土地」進行大規模發展的期望。事實上，很多私人土地已賣給發展商，村民根本並非真正有需要發展小型屋宇。如規定發展新界豁免管制屋宇必須取得規劃許可，城規會便可繼續作出管制，以確保新的發展與鄉村格局和附近環境協調，而公眾亦有機會就有關在郊野公園「不包括的土地」發展新界豁免管制屋宇的規劃申請提出意見。

[HH-R10755、SLP-R10822 及 PL-R10741 的實際發言時間：5 分鐘]

R2474 – John Wright
R10544 – 西貢之友

38. John Wright 先生作出陳述，要點如下：

(a) 假如城規會通過這三份分區計劃大綱圖，就等於通過在郊野公園內破壞法治。假如准許發展，便會永遠失去郊野公園的天然美景；

(b) 在郊野公園進行這樣規模的發展是前所未見的。這三份分區計劃大綱圖會令村屋的數量增加四至五倍。當局批准在鎖羅盆興建 134 幢屋宇，但該處現時既無人居住，亦無路可達；以及

(c) 城規會守護的是無價的公共遺產，不應通過這三份只會對發展商有好處的分區計劃大綱圖。

[R2474 的實際發言時間：2 分鐘]

R799－創建香港

39. 司馬文先生借助投影片作出陳述，要點如下：

(a) 城規會不單要就鎖羅盆的規劃作出決定，更要連同船灣郊野公園一併作出全盤的規劃。城規會若容許該區的人口由300增加至13 000，實在不可接受；

(b) 負責管理郊野公園的漁護署向城規會表示，從保育的角度而言，擬劃作「鄉村式發展」地帶的土地並不是那麼有價值。不過，人口增加，便得增加供水、排污、道路及緊急通路這些基礎設施。要在郊野公園內闢設此等基礎設施，根本並不可能；

(c) 當局未有評估對郊野公園造成的累積影響。沒有關於累積影響的資料，城規會絕不可作出決定，這樣是不可接受和不智之舉；

(d) 現行的小型屋宇政策及申請制度並不能有效地管控小型屋宇發展所造成的影響。依賴《專業人士環保事務諮詢委員會專業守則》，顯然只會造成現有鄉村常見的排污及污染問題。城規會必須面對現實，考慮在郊野公園「不包括的土地」劃設大片「鄉村式發展」地帶的真正影響；以及

(e) 城規會應依照處理大浪灣個案的手法，相應地修改這三份分區計劃大綱圖，為三區的郊野公園「不包括的土地」提供更佳的保護。

[R799的實際發言時間：5分鐘]

HH-R10874、SLP-R10822及PL-R10741－世界自然基金會香港分會

40. 劉惠寧先生借助投影片作出陳述，要點如下：

(a) 他從事自然保育工作已有一段長時間。在 12 幅已被破壞的郊野公園「不包括的土地」之中，他到過其中 11 幅，當時這些土地尚未被破壞。二零一零年發生大浪西灣事件後，人們希望當局可加強保護這些「不包括的土地」。於是，不單《施政報告》提出了保護這些「不包括的土地」的政策，漁護署亦修訂了該署的政策，以便把私人土地納入郊野公園範圍。不過，二零一零年至今，已再有四幅「不包括的土地」遭破壞；

(b) 圍繞鎖羅盆、海下及白腊的郊野公園及海岸線的保育價值極高，這三份分區計劃大綱圖劃設大片「鄉村式發展」地帶，做法並不恰當，因為所涉及的土地，有些已由私人發展商購下，亦有些在數年前才被破壞；以及

(c) 城規會就這三份分區計劃大綱圖作出決定時，有責任保護這些郊野公園「不包括的土地」。

[HH-R10874、SLP-R10822 及 PL-R10741 的實際發言時間：2 分鐘]

<u>R10587－白理桃</u>

41. 白理桃先生借助投影片作出陳述，要點如下：

建議對三份分區計劃大綱圖作出的修訂

(a) 非政府機構提出對這三份分區計劃大綱圖作出的修訂反映了有關地點的情況和在會議上所陳述的科學證據。提出有關的修訂，主要目的是保存郊野公園「不包括的土地」的生態價值，以防止小型屋宇的發展對這些土地造成負面影響；

(b) 概括來說，建議作出的修訂包括把河流和林地改劃為「自然保育區」地帶、把「鄉村式發展」地帶的範圍局限於現有的鄉村民居，以及把已受破壞的地方劃為「綠化地帶(1)」；

(c) 另建議修訂這三份分區計劃大綱圖的《註釋》，包括依照處理大浪灣分區計劃大綱圖時的立場修訂規劃意向的字眼、刪去「鄉村式發展」地帶的土地用途表中的「公共交通交匯處」和「公眾停車場」等用途、對「鄉村式發展」地帶內的發展施加更嚴格的規劃管制，以及修訂「綠化地帶(1)」的《註釋》，訂明不准進行新的發展；

(d) 此外，應修訂《說明書》，使之更為清晰，並更詳盡地說明關於保育的規劃意向，而當中第 8.1 段(這段在提交席上的文件中建議刪去)應予保留；

(e) 所公布的分區計劃大綱圖關於海下的規劃意向有不足之處，並沒有提到該區的海岸公園；

城規會有責任加強保護郊野公園「不包括的土地」

(f) 這三份分區計劃大綱圖的土地用途地帶規劃不切實際，而且沒有處理重要的問題。非政府機構所提出的修訂已提供解決方案，而且這些方案與政府的郊野公園「不包括的土地」政策、環境局的政策、香港在《生物多樣性公約》下要盡的國際義務、規劃原則、有關法例和處理大浪灣的方式一致；

(g) 城規會不能只推說這方面的事宜不由其負責。城規會有責任落實郊野公園「不包括的土地」政策，加強保護這些「不包括的土地」和郊野公園。考慮到公眾利益，城規會應以處理大浪灣的方式，修訂這三份分區計劃大綱圖；

(h) 向發展壓力屈服並非不偏不倚的決定，當局有必要認清鄉村式發展會造成污染這個問題。專業人士環保事務諮詢委員會並非防止污染的有效措施。劃為「鄉村式發展」地帶的土地最終會售給發展商，可見村民根本沒有真正需要興建小型屋宇自用，而且為準備發展而在有關地點非法進行的各項工程會破壞環境。須注意的是，郊野公園涉及 1 300 萬名遊客的公眾利益。香港的郊野公園是全球其中一個顯

示生物多樣性的熱點，政府有政策保護郊野公園「不包括的土地」，而且香港在《生物多樣性公約》下有應盡的義務。城規會有責任維持規劃管制，不應把責任推給其他部門／團體；

(i) 關於申述人提出的事宜，當局並未有給予城規會任何回應。例如 Kevin Laurie 先生提供了詳盡的科學證據，這些證據更得到香港大學的教授和專家認同，但有關文件卻沒有回應。既然政府提供的證據不足，城規會就應依賴環保組織的專家在會議上提供的證據；

(j) 城規會在處理大浪灣的個案時採用了通盤規劃及顧全生態系統的方法。漁護署在沙羅洞的第二次司法覆核案中也主張採用顧全生態系統的方法來保護沙羅洞。城規會應採用同樣的方法處理這三塊郊野公園「不包括的土地」，這樣才是務實和良好的規劃，亦有良好的生態意識，也符合防患未然的原則；以及

(k) 小型屋宇的需求並不真實，但對郊野公園「不包括的土地」造成破壞的風險卻是真實和可以想像的。城規會有責任作出合法和理性的規劃，並應依據相關的原則、政策、先例、法律和證據作出決定。

[R10587 的實際發言時間：9 分鐘]

<u>HH-R10883、SLP-R10821 及 PL-R10739－嘉道理農場暨植物園公司</u>

42. 聶衍銘先生借助投影片作出陳述，要點如下：

(o) 倘採用通盤規劃及顧全生態系統的方法，規劃制度其實可保護郊野公園「不包括的土地」。城規會在考慮大浪灣的個案時，知道該處並無現成的基礎設施，日後如要在郊野公園闢設這些設施會很困難。因此，唯一務實的路向，是縮減「鄉村式發展」地帶，此舉亦可減低人們對日後發展的期望。當時城

規會亦認為漁護署應從更宏觀的角度考慮郊野公園「不包括的土地」的價值；

(p) 城規會應以四個簡單直接的方法修訂分區計劃大綱圖，即把「鄉村式發展」地帶的範圍縮減至只包括現有鄉村民居所在的地方和已批准興建小型屋宇的地點；把「鄉村式發展」地帶的土地用途表第一欄的「新界豁免管制屋宇」改列於第二欄；刪去「鄉村式發展」地帶的土地用途表中的「屋宇(新界豁免管制屋宇除外)」用途；以及規定任何現有建築物的拆卸、加建、改動及／或修改，都須取得規劃許可；

(q) 由於白腊、鎖羅盆及海下面臨被破壞的危機，所以三者是首批納入發展審批地區圖的郊野公園「不包括的土地」。公布這三地的發展審批地區圖時的共識是對其作出保護，可是，所公布的三份分區計劃大綱圖卻似乎在獎勵作出破壞的行為，有違當初擬備三份發展審批地區圖的原意、郊野公園「不包括的土地」政策和《生物多樣性公約》，也不符相關的申訴專員報告及審計報告的要求；

(r) 這三份分區計劃大綱圖的「鄉村式發展」地帶分別會令海下、白腊及鎖羅盆增加 40、79 及 134 幢小型屋宇(雖然鎖羅盆現時無人居住)。當局必須堅守原則，施加嚴格的規劃管制以保護這三塊郊野公園「不包括的土地」，否則會為日後其他郊野公園「不包括的土地」的分區計劃大綱圖立下不良先例，引發大量的鄉村發展及破壞；

(s) 為了興建落成後未必有人入住的豪宅而清除郊野公園「不包括的土地」內的濕地／林地，並不符合公眾利益。倘劃為「鄉村式發展」地帶的土地已被或最終會被發展商購下，不是用來應付村民真正的住屋需要，這樣並不符合公眾利益。真正合乎公眾利益的做法是保存郊野公園及郊野公園「不包括的土地」的天然環境，讓香港人可在這些地方進行康樂／消閒活動，滿足他們這方面的需要。事實上，法

院就大浪西灣個案所作裁決已肯定了把大浪西灣納入郊野公園範圍以作保護，是符合公眾利益的做法。

43. 趙善德先生借助投影片作出陳述，要點如下：

(a) 規劃郊野公園「不包括的土地」時，應遵照「三個尊重」的原則，即尊重傳統權利、尊重大自然及尊重公眾利益。處理大浪灣的方式便做到這三點，應採用之，才能達到雙贏；

(b) 應尊重原居村民興建小型屋宇自用的傳統權利。假如他們能證明有真正的需要，可批准他們在郊野公園興建小型屋宇的申請及為興建小型屋宇而提出的改劃申請。逐一個案考慮，然後才決定是否批給許可，才真正是逐步增加的方式，這樣比一次過把大片土地劃作「鄉村式發展」地帶的方法好得多；以及

(c) 應尊重大自然。雖然小型屋宇使用化糞池及滲水井系統，但污水只是滲到附近其他野生物種賴以生存的生境。因此，發展小型屋宇無可避免會影響水質及破壞生物多樣性，所造成的影響是永久及無法挽回的。

44. 聶衍銘先生補充說，城規會先前曾批准涉及在「自然保育區」地帶(例如企嶺下老圍)發展小型屋宇而提出的改劃申請，甚至涉及濕地保育區及濕地緩衝區的申請，只要申請人能證明有真正的住屋需要，也予批准。只有逐一個案考慮，然後才決定是否批給許可，才真正是逐步增加的方式。

[HH-R10883、SLP-R10821 及 PL-R10739 的實際發言時間：12 分鐘]

45. 編排在這節會議作出陳述的所有申述人及其代表陳述完畢，主席於是請委員提問。

污水處理問題

46. 一名委員詢問如何防止一些申述人聲稱發展小型屋宇所造成的污水處理問題。沙田、大埔及北區規劃專員蘇震國先生回答說，分區計劃大綱圖所涉的三個地區現時沒有污水渠，當局亦未有計劃為這三區鋪設公共污水渠。要處置小型屋宇的污水，須使用原地設置的化糞池及滲水井系統。在地政總署處理小型屋宇的申請時，相關部門(包括環保署、渠務署、水務署、漁護署及規劃署)會考慮小型屋宇的排污問題。排污設施的設計及安排須符合相關政府部門的規定。

47. 蘇震國先生又解釋，根據環境運輸及工務局技術通告(工務)第 5/2005 號的規定，如發展計劃／方案可能影響天然溪澗／河流，負責批核和處理發展計劃的當局須徵詢和收集相關部門(包括漁護署)的意見。根據《香港規劃標準與準則》，在人口少的鄉郊地區使用化糞池這一方法處理和排放污水是准許的。為保護這三區的水質，發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，例如環保署的《專業人士環保事務諮詢委員會專業守則第 5/93 號》。環保署的《村屋污水排放指南》亦有載述如何操作和維修保養化糞池(例如清除淤泥的方法)。

48. 由於有部分申述人關注水污染的問題，主席詢問如何可防止非法把廢水排入雨水渠的情況。蘇震國先生說，化糞池及滲水井系統是用來處置由小型屋宇排出的廢水，而雨水管則用作排走雨水，兩個系統應分隔開。環保署副署長謝展寰先生補充說，根據《水污染管制條例》，把家居廢水或商業廢水排入雨水管而造成污染屬犯罪行為，環保署會對之採取執法行動。

地質限制

49. 一名申述人指分區計劃大綱圖所涉及的三個地區都被沖積土覆蓋，擔心這樣的地質並不適宜使用化糞池。蘇震國先生說，據環保署表示，在決定某地點是否適合建造化糞池處理和排放污水時，須考慮該地點特有的情況，例如滲濾試驗結果、是否接近河流／溪澗、地下水位的深度、地形及洪氾風險等。這些關於個別地點特有情況的資料是非常重要的，尤其有些情況是，即使同一地點，泥土特性(例如泥土結構)也有很大差

異。滲濾試驗是《專業人士環保事務諮詢委員會專業守則第5/93號》所訂明的其中一項規定。認可人士必須按規定進行試驗，以確定泥土的吸收力，從而定出化糞池可達的負荷量。這項試驗可讓相關各方確定泥土的情況是否合適，能讓化糞池妥善運作，有效處理和排放污水。因此，在評估擬議的化糞池及滲水井系統是否可以接受時，會考慮這三區的特有情況。除了滲濾試驗之外，《專業人士環保事務諮詢委員會專業守則第5/93號》亦訂有一些關於化糞池的設計標準，包括化糞池與特定水體(如地下水位、河溪、海灘等)之間相隔的距離，以及建築物之間相隔的距離。這些規定有助鑑定何種地層狀況適宜建造化糞池，並在一定程度上限制了屋宇的密度。

50. Kevin Laurie先生說，在洪氾平原建造化糞池及滲水井系統並不可行。根據環保署的指引，化糞池及滲水井系統不應在地下水位高及暴風雨期間容易發生洪氾情況的地方使用。因此，以這三區的情況而言，滲濾試驗並不適用，亦毫不相干。

51. 一名委員詢問這三份分區計劃大綱圖的「鄉村式發展」地帶有百分之幾的地方是在沖積土層上。Kevin Laurie先生說，所有「鄉村式發展」地帶都在洪氾平原的河谷中，地底是沖積土層，所以容易發生洪氾情況。這名委員說，海下灣的「鄉村式發展」地帶位於升高了的沙積泳灘上。Kevin Laurie先生回應說，即使海下灣及鎖羅盆在升高了的泳灘上，其位置始終是在河谷底部，地底依然是沖積土層。這名委員又指洪氾平原的沖積土層深度不一。Kevin Laurie先生回應說，雖然這些沖積土層可能深度不一，但始終是相連，會造成洪氾情況。

擬備分區計劃大綱圖的規劃原則

52. 兩名委員詢問擬備這三份涵蓋郊野公園「不包括的土地」的分區計劃大綱圖有甚麼規劃原則，而政府又有甚麼政策保護郊野公園「不包括的土地」。他們其中一人並指郊野公園「不包括的土地」在《郊野公園條例》下並非「受保護區」。蘇震國先生說，正如這三份分區計劃大綱圖的《說明書》所述，這三區的整體規劃意向是要保存自然景觀和保育價值，以及保護自然鄉郊環境，同時預留土地，以供原居民鄉村日後發展小型屋宇之用。在劃設各個土地用途地帶時，規劃署考慮到漁護署及其他相關部門的意見，已特別留意要把那些具重要生

態和景觀價值而不適合發展的地方劃作「自然保育區」地帶、「海岸保護區」地帶和「綠化地帶」，加以保護。不計那些環境易受影響而劃為「自然保育區」地帶、「海岸保護區」地帶和「綠化地帶」的地方，規劃署只考慮餘下的地方是否適合發展。這個做法符合政府要保護郊野公園「不包括的土地」的自然環境和具生態價值生境的既定政策。

劃設「鄉村式發展」地帶

53. 一名委員指出這三份分區計劃大綱圖上現時劃為「鄉村式發展」地帶的土地無法滿足未來的小型屋宇需求(包括尚未處理的需求和未來10年的預測需求)，並詢問劃設「鄉村式發展」地帶的依據。蘇震國先生表示「鄉村式發展」地帶的界線是考慮過若干因素而劃的，包括「鄉村範圍」、該區地形、現有民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點。小型屋宇需求預測數字由村代表向地政總署提供，僅是劃設「鄉村式發展」地帶時所考慮的眾多因素之一。只有適合發展小型屋宇的土地才劃入此地帶，而環境／生態易受影響的地方及地形陡峭的地方不會包括在內。由於村代表提供的小型屋宇需求數字可能隨時間而轉變，當局採用了逐步增加的方式劃設「鄉村式發展」地帶發展小型屋宇，「鄉村式發展」地帶內的土地面積不會一開始就完全滿足小型屋宇用地需求，目的是把這類發展局限在現有村落旁邊適當的地點。

54. 這名委員又詢問以什麼準則來釐定一開始要滿足多少小型屋宇需求。蘇震國先生表示，以鎖羅盆的情況而言，根據村代表提供的原本小型屋宇需求預測數字，要興建約270幢小型屋宇才能應付未來的需求。不過，在評估所有相關的規劃考慮因素後，規劃署認為如果要不影響環境／生態易受影響的地方，可用的合適土地就只可興建134幢小型屋宇。「鄉村式發展」地帶的面積是平衡過保育和發展兩者需要後而定的。在劃設「鄉村式發展」地帶時，亦已徵詢各持份者(包括相關區議會、鄉事委員會、村民、環保／關注組織)及政府部門的看法和意見。

55. 另一名委員得知鎖羅盆的村代表曾向傳媒表示，他向地政總署提供的預測人口(1 000人)只是猜估出來的數字。這名

委員詢問規劃署擬備鎖羅盆分區計劃大綱圖時是否知道此事。蘇震國先生稱，鎖羅盆現時沒有人居住，而1 000人這數字是根據分區計劃大綱圖的「鄉村式發展」地帶內可興建的新小型屋宇數目(134幢)計算出來。

改善基礎設施

56. 一名委員關注是否有需要提供新的基礎設施配合「鄉村式發展」地帶內未來的小型屋宇發展。蘇震國先生回應說，城規會審議這三份分區計劃大綱草圖時，已考慮所有相關的規劃因素，包括相關政府部門和公眾的意見。對於「鄉村式發展」地帶，運輸署和路政署曾從交通運輸基礎設施的角度考慮，但都沒有提出問題。現時當局並無計劃為這三區發展新運輸基礎設施。未來的居民將依賴行人徑和水路運輸等現有的設施。其他如供水和供電等基礎設施也沒有問題。相關的工務部門將密切留意日後對基礎設施的需要，如資源許可，便會提供有關設施。

生態資料

57. 一名委員詢問規劃署是否有就申述人在聆訊上陳述的生態資料徵詢漁護署的意見。蘇震國先生表示，在草圖展示期內，申述人曾在其提交的申述書中提供過該些生態資料，當時規劃署已把資料分送各相關政府部門(包括漁護署)傳閱，請他們提出意見。大體上，當局對有關稀有物種的生態資料並無反對意見。不過，漁護署認為其中一些稀有物種在郊野公園也能找到，不局限於所指的各個在分區計劃大綱圖範圍內的地點。Kevin Laurie先生明確表示，他陳述的生態資料全摘錄自科學報告和漁護署網站，均真實無誤。

河流的土地用途地帶規劃

58. 一名委員詢問為何分區計劃大綱圖把同一條河的不同河段劃作不同的土地用途地帶。蘇震國先生表示，規劃署擬備分區計劃大綱草圖時，漁護署提出的意見較着重保護具高保育價值的生境，而並非具保育價值的個別物種或樣本的記錄。就鎖羅盆而言，重要的生境，例如成熟天然林地和濕地系統(包括紅樹林、海草床、蘆葦池、「具重要生態價值的河溪」和淡水沼

澤)提供合適的生境，孕育多類物種，因此這些地方劃為「自然保育區」地帶。鎖羅盆河的上游並非「具重要生態價值的河溪」，而且該處的未成熟林地和灌木林是由荒廢農地演變而成，並沒有特殊的生態價值，無須劃為「自然保育區」地帶。因此，漁護署認為該處適宜劃作「綠化地帶」。他表示，根據一般推定，「綠化地帶」不宜進行發展，若要發展小型屋宇，必須取得城規會的規劃許可。

土地業權

59. 一名委員指出，據一名申述人所說，白腊分區計劃大綱圖的「鄉村式發展」地帶內的土地大部分由一家發展公司擁有，故詢問規劃署在劃設「鄉村式發展」地帶時有否考慮這一點。西貢及離島規劃專員鍾文傑先生回答說，規劃署知道有土地屬私人所有，但土地業權會隨市況而變，因此劃設「鄉村式發展」地帶時，土地業權並非一項重大的規劃考慮因素。「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的。他補充說，在考慮白腊分區計劃大綱圖時，城規會曾再檢視所收到的有關白腊發展審批地區圖的申述。此外，規劃署亦曾就分區計劃大綱草圖諮詢有關的區議會、鄉事委員會、區內村民和環保／關注組織，並在分區計劃大綱草圖刊憲前，把他們的意見向城規會匯報。

60. 對於委員和規劃署的意見，司馬文先生作出回應，要點如下：

(a) 根據海下分區計劃大綱圖，如獲得城規會的規劃許可，便可在「綠化地帶」發展小型屋宇，可見設立此地帶並非純為保護環境；

(b) 從申述人所提供的證據可見，雖然《專業人士環保事務諮詢委員會專業守則》已沿用多年，但小型屋宇發展不斷增加的地區，水質仍然繼續惡化。該專業守則只有助減少污染，不能防止污染。郊野公園「不包括的土地」應該是零污染。單靠村民興建中央污水處理系統排污，根本不設實際，而日後建成

的小型屋宇與公共污水收集系統亦距離太遠，難以接駁該系統；

(c) 規劃署忽略了日後小型屋宇的發展對毗鄰具高生態和保育價值的地方(例如濕地)的影響；

(d) 小型屋宇需求預測數字並不真確，不代表原居村民的實際需要。村民只是利用「鄉村式發展」地帶的土地來圖利；

(e) 郊野公園「不包括的土地」並非如「具特殊科學價值地點」或郊野公園一樣是受保護區，亦正是這個原因，政府才要考慮其他方法以保護這些土地免被破壞。這亦是政府須承擔的責任。政府應履行承諾，保護這些地方；

(f) 發展小型屋宇對郊野公園「不包括的土地」的影響有別於其他鄉郊地區(例如八鄉)。這些不包括的土地毗鄰船灣郊野公園和西貢西郊野公園，政府須予以保護；

(g) 城規會把白腊大部分由一個發展商以單一業權擁有的私人土地劃為「鄉村式發展」地帶，將會受到批評，因為日後這些土地並不會由村民所使用；

(h) 城規會在這三份分區計劃大綱圖上劃設「鄉村式發展」地帶，卻沒有任何計劃闢設新的基礎設施以配合日後的發展需要，做法既不合理，亦不負責任；以及

(i) 城規會應保護這些郊野公園「不包括的土地」內非常獨特的低地生境。這些珍貴生境曾發現稀有的雀鳥品種，不應遭到破壞。

61. 白理桃先生作出補充，要點如下：

(a) 規劃必須依據原則及政策進行，不是可以討價還價的事，這樣並不科學。城規會不應爲發展商的利益

而進行規劃。在規劃郊野公園「不包括的土地」時，應採用大浪灣的處理方法；

(b) 城規會劃設「鄉村式發展」地帶供小型屋宇發展之用，卻又沒有提供新的基礎設施以作配合，是不負責任的做法；

(c) 環境局訂有政策保護郊野公園「不包括的土地」，但這三份分區計劃大綱圖卻沒有參考；

(d) 申述人已向城規會提供了明確的證據，指出按這三份分區計劃大綱圖的建議規劃土地用途地帶，會污染及破壞三區的天然生境。《專業人士環保事務諮詢委員會專業守則》有不足之處，而且無法執行；以及

(e) 城規會應根據《城市規劃條例》及國際原則作出規劃，保障公眾利益。

62. 聶衍銘先生借助投影片再作補充，要點如下：

(a) 正如剪報上所述，城規會在二零一零年爲海下、白腊和鎖羅盆擬備發展審批地區圖，得到公眾和傳媒支持。這三區都不屬「受保護區」，亦正是這個原因，城規會才須對這三區施加法定管制，使其免受破壞。可是，容許在這三份分區計劃大綱圖劃為「鄉村式發展」地帶的地方進行擬議的小型屋宇發展，會破壞天然環境，有違當初擬備發展審批地區圖以保護這三區的原意，而這樣亦非規劃署所說的逐步增加做法；

(b) 公眾的意見非常清晰，反對劃設那些「鄉村式發展」地帶的申述書大約有 30 000 份，但支持的則只有 3 000 份；

(c) 河流的各個河段在生態上是連為一體的，河中的魚可以從上游游到下游。就大浪灣的個案而言，該區的分區計劃大綱圖是採用通盤規劃及顧全生態系統

的方式來劃定河流的用途地帶。整條河及沿岸的地方都劃為「自然保育區」地帶，加以保護，並不是依賴任何「具重要生態價值的河溪」系統的評級。因此，現在把鎖羅盆及海下的河流的不同河段劃作不同地帶，實在毫無理由可言。香港的河流又小又短，應作單一系統看待；

(d) 規劃署和漁護署表示，所錄得的稀有物種並非只有這三塊「不包括的土地」範圍內某些生境中才有，也在其他地方生長及棲息。這個說法完全錯誤。鎖羅盆的海草床，在香港整個海岸線就只有七個地點才有，而褐扁顱蝠亦是鎖羅盆獨有。在白腊灣發現的文昌魚也同樣只在香港的四個海灣才找到。這些動植物全部都具有很高的生態價值，值得作出高度的保護；

(e) 這三塊郊野公園「不包括的土地」的交通十分不便，實在無理由不規劃任何新的基礎設施(例如道路、排污系統及緊急車輛通道)，以配合日後「鄉村式發展」地帶內的小型屋宇發展；以及

(f) 現有的小型屋宇發展引致廢水和污染問題，可見《專業人士環保事務諮詢委員會專業守則》根本毫無效用。實際上，當局處理小型屋宇申請時，未必經常諮詢環保署。地政總署也可根據內部指引批准一些申請，無須經環保署同意。

63. 主席提醒申述人及提意見人答問環節是讓委員提問。在這個環節，申述人及提意見人應只就規劃署所述論點作出回應，不要重複之前陳述過的內容。

諮詢過程

64. 副主席留意到，在發展審批地區圖憲刊後，規劃署曾為擬備分區計劃大綱圖而諮詢相關的持份者，包括區議會、鄉事委員會、村代表及環保組織，可是，分區計劃大綱圖的土地用途地帶建議卻仍未能達到環保組織和村民的期望。由於日後還

要為其他郊野公園「不包括的土地」擬訂更多分區計劃大綱圖，他詢問規劃署，諮詢過程是否有可改善的地方。

65. 蘇震國先生說，把發展審批地區圖刊憲是權宜措施，目的是使城規會的執管權能擴展至郊野公園「不包括的土地」，使這些土地免受進一步破壞，同時讓城規會有時間擬備分區計劃大綱圖，訂定詳細的土地用途地帶。規劃署在制訂圖則的過程中，是考慮過政府部門、相關持份者和相關各方的意見，然後才劃定適當的土地用途地帶，以保護這些土地，務求能同時兼顧保育和村民發展小型屋宇的需要，在兩者之間作出平衡。在城規會考慮分區計劃大綱草圖時，規劃署亦向委員講述了持份者和相關各方的意見。至於在草圖展示期間收到的申述和意見，規劃署亦有考慮，並把之提交城規會考慮。

大浪灣的處理方式

66. 司馬文先生詢問當局何以不按大浪灣分區計劃大綱圖的方式處理這三份分區計劃大綱圖。據一份審計報告所述，規劃署和漁護署曾於二零一零年十月開會，制訂須予法定保護的郊野公園「不包括的土地」名單。他認同政府決定制止發展以防這些土地受破壞，做法正確。不過，到制訂分區計劃大綱圖時，除了要依從小型屋宇政策外，並沒有清晰指示讓規劃署知道應如何保護這些土地。另外，據一份立法會文件所述，當局曾於二零一一年七月和十一月與鄉議局舉行了兩次會議，但由於會議記錄沒有公開，所以不能肯定該兩次會議是否關於政府改變政策，在這些地區提供土地發展新的小型屋宇，做法有別於二零零四年大浪灣的處理方式。他促請城規會依從郊野公園「不包括的土地」政策，保護這三塊「不包括的土地」，防止出現不協調的發展和污染。

67. 主席要求規劃署澄清是否確如司馬文先生所稱，擬備這三份分區計劃大綱圖時唯一的指示是要依從小型屋宇政策。蘇震國先生說，小型屋宇政策並不是擬備這三塊郊野公園「不包括的土地」的分區計劃大綱圖的出發點。擬備這三份分區計劃大綱圖時，首要考慮的反而是保護這些土地的重要生態和景觀價值。不過，也有考慮要為日後小型屋宇發展提供土地，照顧原居村民所需。

68. 一名委員要求規劃署確切證明大浪灣的小型屋宇發展是否只局限在現有的鄉村地區內。鍾文傑先生說，大浪灣分區計劃大綱圖劃定的「鄉村式發展」地帶是要反映大浪灣現有認可鄉村的範圍，任何發展或現有小型屋宇的重建，都要取得城規會的規劃許可才可進行。他又表示，大浪灣的舊村屋極具文物價值，尤其是鹹田村和大浪村均屬一級歷史村落。正如大浪灣分區計劃大綱圖(在實物投影機上展示)的《說明書》第 8.1.2 和 8.1.3 段所述，為了保護大浪灣的自然景物和文化遺物，並盡量減輕人們的活動對易受破壞的寧靜環境造成的滋擾，「鄉村式發展」地帶只涵蓋現有的鄉村地區。大浪灣分區計劃大綱圖的《說明書》亦訂明，若要提出任何會影響具歷史價值地點的發展或重建建議，必須盡早徵詢古物古蹟辦事處的意見。

69. 司馬文先生以大浪灣分區計劃大綱圖的《說明書》第 7.1 段(在實物投影機上展示)作說明，表示大浪灣地區的規劃意向主要是保育具生態價值的景物、自然景觀和鄉郊風貌，藉此保護未受破壞的優美自然環境，而保存大浪灣地區的歷史和考古價值是次要的規劃意向。他又借助一些照片作說明，指位於這三個分區計劃大綱圖涵蓋的地區內的鄉村，例如梅子林、蛤塘和荔枝窩，其環境與大浪灣那些村落無異。

70. 白理桃先生和應說，大浪灣的規劃意向是保護具生態價值的生境和自然景觀，並非僅是保護文物。城規會有責任依照大浪灣的處理方式規劃這三個分區計劃大綱圖涵蓋的地區。

71. 劉惠寧先生補充說，大浪灣是一個很好的先例。當年擬備大浪灣分區計劃大綱圖時，環保組織和村民的意見亦是對立。當年村民對發展小型屋宇的需求殷切，不過，他懷疑過去 10 年間到底有多少原居村民確實在區內興建了小型屋宇。他認為，既然海下、白腊和鎖羅盆日後的土地狀況不變，也不會闢設新的基礎設施，當局假設這三區的小型屋宇發展會急增，實在不合理。

72. 由於委員再無提問，主席多謝所有申述人、申述人的代表和政府部門的代表出席會議。

73. 會議於晚上七時十分休會。

1. 會議於二零一四年五月十二日上午九時十五分恢復進行。

2. 下列委員及秘書出席了恢復進行的會議：

周達明先生	主席
黃遠輝先生	副主席
陸觀豪先生	
劉智鵬博士	
梁宏正先生	
馬詠璋女士	
邱榮光博士	
鄒桂昌教授	
張孝威先生	
符展成先生	
何立基先生	
林光祺先生	
劉興達先生	
李美辰女士	
梁慶豐先生	
邱浩波先生	

陳福祥先生

袁家達先生

環境保護署副署長(1)
謝展寰先生

民政事務總署總工程師(工程)
曹榮平先生

規劃署署長
凌嘉勤先生

申報利益

3. 副主席黃遠輝先生告知委員，在上次二零一四年五月八日的會議中，其中一名申述人展示了「保衞郊野公園」聯盟的投影片。由於地球之友是該聯盟的其中一名成員，而他是地球之友董事局的其中一名成員，他想就此申報利益，並表示地球之友本身並無就現在考慮的這三份分區計劃大綱圖提交申述書。委員表示備悉此事。

簡介和提問部分
[公開會議]

4. 以下規劃署及漁農自然護理署(下稱「漁護署」)的代表和申述人及其代表此時獲邀到席上：

蘇震國先生	—	規劃署沙田、大埔及北區規劃專員
鍾文傑先生	—	規劃署西貢及離島規劃專員
吳育民先生	—	規劃署高級城市規劃師／新圖規劃

周燕薇女士	－	規劃署城市規劃師／西貢
何秉皓先生	－	漁護署高級自然護理主任(南區)
張國偉先生	－	漁護署高級自然護理主任(北)
陳乃觀先生	－	漁護署高級海岸公園主任
張家盛先生	－	漁護署郊野公園主任(特別職務)

R883 － Hoi Yee Chan
HH-R10869 － Ann Davy-Hou
HH-R10904 － 侯翰生

侯翰生先生	－	申述人及申述人的代表

R6283 － 黎凱玲

黎凱玲女士	－	申述人

R10545 － 梁美儀、David Dudgeon、Yvonne Sadovy、Gray A. Williams、David Baker、Tim Bonebrake、侯智恆、Leszek Karezmarski、Vengatesen Thiyagarajan

梁美儀教授	]	
David Dudgeon 教授	]	
Gray A. Williams 教授	]	申述人
David Baker 博士	]	
Tim Bonebrake 博士	]	
侯智恆博士	]	
Vengatesen Thiyagarajan 博士	]	

R10588 － Mercedes Vazquez

Mercedes Vazquez 女士	－	申述人

R10589 － 劉威倫

劉威倫先生	－	申述人

R10641 – 譚國新

譚國新先生 – 申述人

HH-R10871、SLP-R10848 及 PL-R10751 – 鄭杏芬

鄭杏芬女士 – 申述人

HH-R10885、SLP-R10818 及 PL-R10742 – 環保觸覺

何嘉寶女士 – 申述人的代表

HH-R10897、SLP-R10854 及 PL-R10772 – 何嘉寶

何嘉寶女士 – 申述人

HH-R10769 – Judith Mackay

HH-R10786 – John Mackay

John Mackay 醫生 – 申述人及申述人的代表

HH-R10803 – Stephen Ortmann

Stephen Ortmann 先生 – 申述人

HH-R10836 及 PL-R10750 – 趙國章

趙國章先生 – 申述人

HH-R10863 – David O'Dwyer

HH-R10864 – 李偉新

李偉新先生 – 申述人及申述人的代表

HH-R10870 – Robin Bradbeer

HH-R10880 – 公共專業聯盟

Robin Bradbeer 女士 – 申述人及申述人的代表

Paul Hodgson 先生] 申述人的代表

吳永輝先生]

HH-R10905 – Lam Chiu Ying

何沛琳女士 – 申述人的代表

HH-R10912 – 海谷中心

林寶珠女士 – 申述人的代表

5. 主席表示歡迎上述各人到席，並解釋聆訊的程序。他表示會議會按「為考慮有關《海下分區計劃大綱草圖編號S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1》及《白腊分區計劃大綱草圖編號S/SK-PL/1》的申述及意見所舉行的會議——出席會議的程序須知」(下稱「會議程序須知」)進行。會議程序須知在會議前已發給各申述人／提意見人。他特別強調以下要點：

(a) 由於收到大量申述書及意見書，而且有一百多名申述人／提意見人表示會親身或授權代表出席聆訊，因此有需要限制口頭陳述的時間；

(b) 就每份相關的分區計劃大綱圖，每名申述人／提意見人會有10分鐘發言時間。不過，為了配合申述人／提意見人的情況，會議會作出彈性的安排，容許獲授權代表累積發言時間，也容許與其他申述人／提意見人互換獲分配的時間及要求延長口頭陳述的時間；

(c) 口頭陳述應只限於涉及曾以書面申述／意見的形式向城市規劃委員會(下稱「城規會」)提交的申述／意見的理由(即在有關的分區計劃大綱圖的展示期／有關申述的公布期內提交的申述／意見的理由)；以及

(d) 為確保會議順利及有效率地進行，主席可要求申述人／提意見人不得不必要地重覆其他人在同一個會議上陳述過的相同論點。申述人／提意見人應避免宣讀或重覆已提交的書面申述／意見所陳述的內容，因為有關的書面申述／意見已交予委員考慮。

6. 主席表示，除非獲延長發言時間，否則每次陳述限時10分鐘。在申述人及申述人代表獲分配的10分鐘完結前兩分鐘，以及在10分鐘發言時間完結時，會有儀器提醒申述人及申述人的代表。

7. 主席表示，規劃署的代表會首先獲邀就這三份分區計劃大綱草圖作出簡介，接着申述人／獲授權代表才會獲邀作口頭

陳述。口頭陳述完畢後會有答問環節，委員可直接向與會者發問。午膳時間大約是下午十二時四十五分至二時。如有需要，上午會有一次小休，下午則有一至兩次小休。他繼而請規劃署的代表向委員簡介有關海下分區計劃大綱草圖、鎖羅盆分區計劃大綱草圖及白腊分區計劃大綱草圖的申述及意見。

8. 沙田、大埔及北區規劃專員蘇震國先生及西貢及離島規劃專員鍾文傑先生借助投影片，複述在二零一四年四月二十八日的會議上所作簡介的內容，有關內容記錄在二零一四年四月二十八日會議的會議記錄第 9 至 11 段。

[簡介期間，謝展寰先生、梁慶豐先生、馬詠璋女士及邱榮光博士返回席上，梁宏正先生及李美辰女士到席，曹榮平先生暫時離席。]

9. 主席繼而請申述人及其代表闡述申述的內容。主席表示，所作陳述應只限於闡述書面申述的內容，而為確保會議順利及有效率地進行，他可要求申述人或其代表不得不必要地重覆其他人在同一個會議上陳述過的相同論點。

10. 林寶珠女士(HH-R10912)及 John Mackay 醫生(HH-R10786)要求在午膳時間前作出陳述。主席詢問其他出席者的意見，他們均不反對，因此接納他們二人的要求。

<u>R883 – Hoi Yee Chan</u>
<u>HH-R10869 – Ann Davy-Hou</u>
<u>HH-R10904 – 侯翰生</u>

11. 侯翰生先生作出陳述，要點如下：

(a) 政府以往的政策目標，是保護和改善郊野公園範圍的環境，現在卻對政策作出極大的改變，容許在郊野公園「不包括的土地」進行發展；

(b) 小型屋宇政策的目標，是協助原居村民發展小型屋宇，申請建屋牌照的土地應以申請人的名義註冊。不過，海下和鎖羅盆的「鄉村式發展」地帶內有很

多農地都賣給了發展商。這種做法與小型屋宇政策的目標不符；

(c) 政府誤導廣大市民，令他們相信有需要發展郊野公園「不包括的土地」，才能解決本港房屋用地不足的問題。郊野公園「不包括的土地」大部分都沒有道路或公共交通工具到達，而且缺乏基本的基礎設施，難以為遷入的人口提供合適的居所。另外，「鄉村式發展」地帶只准興建三層高的房屋，無法滿足廣大市民的房屋需求。

(d) 海下、鎖羅盆和白腊風景優美且近海，發展商很可能會在這些地方興建附有私人花園的豪宅。這些住宅發展項目與小型屋宇政策不符，而且只能令一小撮人受惠；

(e) 他特別指出最近大浪西灣司法覆核個案的裁決以下幾點：

(i) 發展郊野公園「不包括的土地」可能損害郊野公園整體的美觀、景觀價值，以及其完整性；

(ii) 個人或團體的期望須與公眾利益和需要作出平衡；以及

(iii) 把「不包括的土地」納入法定圖則不能完全達到保育目的；以及

(f) 他促請城規會考慮根據這宗司法覆核個案的裁決，把海下、鎖羅盆、白腊以及其他郊野公園「不包括的土地」納入郊野公園的範圍。

[HH-R10904 的實際發言時間：12 分鐘]

<u>R6283－黎凱玲</u>

12. 黎凱玲女士借助投影片作出陳述，要點如下：

(a) 她是普通市民，反對任何會破壞海下的發展計劃；

(b) 《南無妙法蓮華經》指出，「我觀一切，普皆平等」。人類和其他眾生一樣擁有生存的權利。破壞一種生物的生境，實際上就會破壞地球的整體系統；

(c) 從多份關於三份分區計劃大綱圖的申述書可見，市民大眾都決意要保護郊野公園免被侵佔。為了廣大市民的利益，應同時保護郊野公園和「不包括的土地」，不應容許在這些地方進行發展；

(d) 海下有河流、林地、濕地和荒廢農地，而海下灣海岸公園則是「具特殊科學價值地點」，該處所見的珊瑚品種超過 64 種，兩者皆具有重要的生態價值。當局應把海下和海下灣納入郊野公園和海岸公園的範圍，讓這些地方獲得漁護署適當保護，供市民享用；

(e) 政府應遵守國際《生物多樣性公約》的原則，保護郊野公園「不包括的土地」，加強其可持續性；

(f) 目前的全球碳排放量比一個世紀前增加了約一半。破壞城市的自然景觀和環境，可能會導致城市走向滅亡，有損當地動植物物種的多樣性，其中一些更具有重要的科學和醫學價值。對郊野公園「不包括的土地」的環境和珍貴的生境所造成的破壞，是不可挽回的；

(g) 大部分原居村民都把丁權售予發展商，所以政府應廢除小型屋宇政策。此外，小型屋宇需求無窮無盡，將會對自然環境造成不良影響。海下的地質以沙質沉積物為主，小型屋宇的化糞池與海下灣之間相距只 30 米，並不足以防止海下灣的海水受污染。如准許發展小型屋宇，兩者之間最少要相距 100 米，才能減少污染的影響；以及

(h) 淡水生境既罕有又珍貴，對水文循環和食物鏈相當重要，應得到適當保護。因此，她支持世界自然基金會香港分會、嘉道理農場暨植物園公司和海下之友提交的建議，當中清楚列明小心保護海下的動植物、景觀和水文系統的需要。

[R6283 的實際發言時間：12 分鐘]

R10545 – 梁美儀、David Dudgeon、Yvonne Sadovy、Gray A. Williams、David Baker、Tim Bonebrake、侯智恒、Leszek Karezmarski、Vengatesen Thiyagarajan

13. David Dudgeon 教授首先介紹他的同事，指他們都是生態學家或海洋生態學家，然後表示他們的陳述會以村屋發展對這三份分區計劃大綱圖所涵蓋地區的陸地生態和濕地生態所造成的影響為主，再利用有關海下的數據加以說明。他接着作出陳述，要點如下：

(a) 支持規劃署作出建議的修訂以減少海下分區計劃大綱圖內准許興建村屋的數目。不過，現時海下已有30 幢村屋，在此「不包括的土地」進行發展令區內村屋的數量增加，會對海岸公園構成風險。生態易受影響的海岸公園，其保育價值高，是香港市民下一代的重要教育資源；

(b) 環保組織在二零一四年五月八日的聆訊上所陳述的資料，正好表達了科學界的共識，那就是這些「不包括的土地」十分重要，若根據現時分區計劃大綱圖的土地用途建議進行發展，可能會對生態造成種種影響；

(c) 政府正在擬備香港的生物多樣性策略及行動計劃，在現階段公布郊野公園「不包括的土地」的分區計劃大綱圖，肯定會破壞這些地方的環境，有損其生物多樣性；

(d) 環保組織提出加強保護這些具重要生態價值地區的建議，其理據充分，把郊野公園「不包括的土地」

納入郊野公園的範圍，一如大浪西灣的做法那樣才可以更有效保護這些「不包括的土地」。

(e) 必須考慮郊野公園的連繫，特別是沿河一帶土地之間的連繫。從生態的角度而言，把獲漁護署列為「具重要生態價值的河溪」的鎖羅盆河下游劃為「自然保育區」地帶，上游卻劃為「綠化地帶」，並不合理；以及

(f) 淡水濕地是香港現時生態最易受影響的生境，也是現行郊野公園體系中最被忽略的生境。海下和鎖羅盆的淡水濕地大體上仍完整無損，實有迫切需要加以保護，才能保護香港生物的多樣性。分區計劃大綱圖必須考慮這些淡水濕地的重要性。

14. David Baker 博士借助顯示海下灣珊瑚羣落的錄影片段作出陳述，要點如下：

(a) 他是科學家，也是珊瑚生態及品種多樣性的專家。他代表因發展郊野公園「不包括的土地」而面臨多種威脅的近岸珊瑚發言；

(b) 在區內進行發展是一大難題，因為既涉及原居村民的權利，又要顧及市民對可負擔房屋日益殷切的需求，而且我們有責任根據《生物多樣性公約》保護本地物種的多樣性；

(c) 他的研究顯示，香港的珊瑚相當特別，能夠在變化極大且嚴重污染的環境下生存。海岸公園的珊瑚數量多，品種多樣化，所以格外特殊，值得悉力保育。如容許在郊野公園「不包括的土地」進行發展，海下灣海岸公園其中幾個重要的海洋生物羣落就會受到嚴重影響；

(d) 海下的珊瑚羣落種類豐富，絢麗多姿，市民前往參觀探索相當方便。珊瑚礁提供一個結構十分複雜的生境，是地球上最多樣化的生態系統，孕育着多種對人類具有商業或文化價值的稚魚和貝介類海產。

珊瑚能夠通過吸收海浪和暴風雨的能量，以及減少海岸侵蝕，保護海岸線。珊瑚能夠促進旅遊和經濟增長。最近剛剛發現，珊瑚也蘊藏着豐富的遺傳資源和化學資源。因此，必須保持珊瑚羣落健康生長；

(e) 沿海地區發展迅速，令世界各地的珊瑚和賴以生存的生物羣落持續減少。香港也出現同樣情況，其中南丫島深灣豐富多樣的珊瑚羣落就因九十年代末的污染問題而消失。據漁護署表示，香港的珊瑚覆蓋範圍在兩年間由64%跌至5%；

(f) 二零一四年四月，他記錄了東平洲約有三成的「天堂」珊瑚死亡，其中有些已有二百多年的歷史。東平洲只有4%的珊瑚健康狀況良好，海下卻有超過11%的珊瑚健康生長，可見珊瑚在某程度上獲海下的環境保護；

(g) 海下被劃作海岸公園，而且接近郊野公園，位置特殊，不但可提供多一重保護，更形成了一個比較原始的生態系統。淡水範圍(包括河流和濕地)接近原始，能夠減少沉積和污水污染對珊瑚所造成的影響；以及

(h) 海下是香港保護珊瑚的最重要地方，應禁止在區內作進一步發展。

15. 梁美儀博士借助投影片作出陳述，要點如下：

(a) 漁護署曾委託顧問對海下灣海岸公園軟岸動物的生態及其多樣性進行研究，結果發現二零零五年至零六年間，海下灣海岸公園的軟岸海洋動物的多樣性，是香港所有軟岸中最高的；

(b) 流向海下灣的河流對海下的生態系統發揮了重要作用；

(c) 人類活動所產生的未經處理污水可能經雨水排放系統和河流流入海下灣海岸公園，對該公園造成污染。海下的地質以沙質沉積物為主，令化糞池不能有效處理海下村的廢水；

(d) 擬進行建築工程的地點會令鋪設混凝土的地面範圍增加，受污染物污染的地面徑流就無法滲入泥土過濾，因而對河流和海下灣海岸公園的生態系統造成更大的影響；

(e) 二零一三年七月和二零一四年一月進行的抽樣調查結果顯示，海下灣海岸公園的海水、沉積物和海洋生物已被排放的廢水所含的糞便和各種內分泌干擾化學物污染，而這些廢水有可能來自海下村；

(f) 鑑於海下的地質以沙質沉積物為主，加上鄰近河流和海下灣海岸公園，利用化糞池及滲水井系統處理海下村的廢水並不恰當。如果海下村興建更多小型屋宇及有更多居民居住，海下灣的水污染問題很可能會惡化，累積影響所及，會對海下灣海岸公園珍貴的海洋生物多樣性和獨特的海洋生態系統造成負面影響；以及

(g) 為了保護海下灣海岸公園的水質及維護其生態系統的完整，應實行「零排放」管理政策，嚴禁廢水排入雨水排放系統，同時應裝設更有效的廢水處理系統，取代傳統沿用的化糞池。

[R10545 的實際發言時間：30 分鐘]

[會議小休 10 分鐘。]

[此時，陳福祥先生返回席上，梁宏正先生和馬詠璋女士暫時離席。]

R10588 – Mercedes Vazquez

16. Mercedes Vazquez 女士作出陳述，要點如下：

(a) 她和丈夫是白腊一個客家原居鄉村社區的一分子；

(b) 他們二人強烈反對在分區計劃大綱圖所涵蓋的地區內炒賣土地，並認為應捍衞原居村民在祖傳的土地上建屋的權利。保護郊野公園「不包括的土地」並非純粹為了原居村民的利益，也是為市民大眾維護這些地區的生活、文化和自然遺產；

(c) 這些地區有許多土地和物業已由非原居村民擁有，使社區意識強的原居村民能在這些地區建屋的機會減少。不應容許非原居村民在這些地區擁有土地或房屋；

(d) 現時有旅行社在這些郊野公園「不包括的土地」舉辦活動，亦有原居村民在這些土地進行填魚塘、砍樹和興建私人花園等非法活動，政府應嚴加管制和執法，並規定區內只准進行有機農業和真正可持續的旅遊業發展；

(e) 至於白腊地區，他們相信，只要在特定情況下進行發展，讓原居村民建屋並不會破壞環境，相反，可更好地保護環境。另外，不應准許原居村民把房屋賣給白腊其他非原居村民，以免土地炒賣活動持續；以及

(f) 這些地區的污染問題並非單由房屋發展造成，他們亦相信可應用科技改善化糞池的效能，避免污水滲漏，污染區內的河流或海洋。科學工作者應與政府合作負起責任，在人為發展和自然環境之間作出平衡。

[R10588 的實際發言時間：5 分鐘]

<u>R10589－劉威倫</u>

17. 劉威倫先生作出陳述，要點如下：

(a) 他是白腊村的原居村民；

(b) 據他本人及其他原居民申請發展小型屋宇的經驗，在白腊興建小型屋宇所涉及的過程不但冗長，也充斥着官僚作風；

(c) 白腊社區發展興旺，且原居村民過往不曾對區內環境造成廣泛破壞；以及

(d) 他強烈反對發展商在白腊地區炒賣土地，並認為應適當維持原居村民的傳統權益。村民都有能力保護環境，因為他們在意自己的土地，也尊重區內的歷史和文化遺產。

[R10589 的實際發言時間：3 分鐘]

18. 按早前大家同意的安排，主席此時請林寶珠女士(HH-R10912)作出陳述。

HH-R10912 – 海谷中心

19. 林寶珠女士作出陳述，要點如下：

(a) 她是海谷中心主席，代表 224 名在申述書簽署的會員發言；

(b) 海谷中心是非牟利志願團體，主要組織戶外活動供市民參加，亦和學校、教會、青年中心和社區中心等合辦活動。中心由義工營運，加上租金廉宜，所以運作成本不高，可經營三十多年；

(c) 她澄清說，建議把三塊五米闊的狹長土地納入海谷中心的「其他指定用途」註明「水上活動康樂中心」地帶的範圍，並非為擴大中心的面積，而是讓中心可繼續護理這些地方現有的樹。中心當年按短期租約的規定，種下那些樹，並一直護理至今；

(d) 由於海谷中心現有的構築物和短期租約所涉範圍的南面邊界之間的地方狹窄，有些地方甚至不足三米闊，故中心一向認為租約規定的植樹帶是指短期租

約所涉範圍旁邊的地方，自一九八一年起便在那裏種樹，而地政總署一直沒有釐清這些植樹帶的位置，甚至一九八八年續租時也沒有；

(e) 從城市規劃委員會文件第 9644 號得知，大埔地政專員表示，租約規定的三米闊植樹帶位於短期租約所涉範圍內，因此，海谷中心提出的建議並不合理。這是她首次意識到政府和中心之間對植樹帶位置的詮釋有差別；

(f) 在現有構築物旁邊三米闊的地方種樹有實際困難，因為建築物會阻隔陽光，影響樹木生長。另外，樹根也可能影響現有建築物的穩定；

(g) 把三塊五米闊的土地納入該「其他指定用途」地帶並非為了擴充海谷中心，而是作為中心和「自然保護區」地帶之間的緩衝區，如能妥為管理，這個緩衝區有助減輕蚊患、蜜蜂和蛇對中心使用者的影響；

(h) 海谷中心擔憂現有這些樹納入為「自然保護區」地帶的一部分後的管理和護理問題，因為屆時中心再也無法繼續護理工作。若相關政府部門未能適時妥為護理這些樹，尤其是在風季，或會影響中心使用者的安全；以及

(i) 劃出一個五米闊的緩衝區有利保存現有的這些樹。若城規會同意有關建議，海谷中心保證會妥善護理這些樹。

[HH-R10912 的實際發言時間：7 分鐘]

HH-R10769 – Judith Mackay
HH-R10786 – John Mackay

20. John Mackay 醫生作出陳述，要點如下：

(a) 他居於西貢區已經超過 40 年，是世界自然基金會香港分會、地球之友和海下之友的成員；

(b) 當他初遷入大埔仔村時，該村所在的山谷一片翠綠，景色美麗。不過，該山谷已漸漸被大型住宅發展項目所取代；以及

(c) 他強烈反對在海下地區進行任何大規模的發展。

[HH-R10769 的實際發言時間：2 分鐘]

R10641 – 譚國新

21. 譚國新先生作出陳述，要點如下：

(a) 政府的郊野公園「不包括的土地」政策旨在防止有人在這些地區進行雜亂無章和不協調的發展。城規會的工作是要確保香港的所有發展井然有序，協調配合；

(b) 從現有的人口和過去人口增長的趨勢來看，實在令人懷疑原居村民所提供的這三塊郊野公園「不包括的土地」的小型屋宇預測需求數字是否真確；

(c) 原居村民所提供的小型屋宇需求預測數字未經核實，按此劃定這三份分區計劃大綱圖的「鄉村式發展」地帶的範圍，做法並不合理；

(d) 海下地區約有 2.6 公頃土地劃為「鄉村式發展」地帶，以應付日後的小型屋宇需求。不過，過去 20 年海下只興建了七幢新屋宇。按此記錄看來，原居村民要增建 60 至 90 幢小型屋宇將需時約 200 年。因此，現時所劃設的「鄉村式發展」地帶面積實在太大，況且未來小型屋宇的預測需求數字根本未經核實；

(e) 海下灣海岸公園已受到現有小型屋宇所排出的污水所污染，再興建多 10 倍的小型屋宇，會使海下灣

的污染情況進一步惡化。小型屋宇以化糞池和滲水井系統排污，不能解決污染問題；

(f) 有意遷回海下地區居住的原居村民，如其現有屋宇已殘破不堪，應先翻建這些屋宇。如他們日後能證明有真正需要於區內發展新的小型屋宇，當局方可批准有關發展；

[此時，馬詠璋女士返回席上，劉興達先生到席，劉智鵬博士暫時離席。]

(g) 海下現時的人口只有大約 110，如按 2%這個自然出生率計算，區內的人口要數百年時間才會增加 10 倍。因此，現時沒有需要在海下預留更多土地劃作「鄉村式發展」地帶；

(h) 鎖羅盆的交通相當不便，又沒有任何基礎設施配套，居於該處的人必須自給自足。該處現時無人居住，但當局卻建議把 4.12 公頃的土地劃為「鄉村式發展」地帶，以提供土地興建 134 幢小型屋宇，容納 1 000 名居民。如此面積的「鄉村式發展」地帶未免太大，政府應提出理據，說明為何要在分區計劃大綱圖上劃設面積如此大的「鄉村式發展」地帶；

(i) 根據二零一一年人口普查的資料，白腊的人口為 50，但根據最近一個電視節目的報道，白腊只住了一戶人家。既然白腊的人口日漸減少，規劃署實在沒有理由要把 2.37 公頃的土地劃為「鄉村式發展」地帶，以供興建 79 幢小型屋宇；

(j) 當局只應容許當地的村民在這些地區發展小型屋宇，並應實施類似「港人港地」的政策，以確保只有原居村民之間方可買賣小型屋宇，不能轉賣給發展商。如果原居村民繼續把他們的土地和丁權售予其他人或發展商，那麼對增加小型屋宇用地的需求便會了無止境；以及

(k) 除非原居村民能證明有真正的住屋需要，否則無須在這些地區預留更多土地劃作「鄉村式發展」地帶，以供發展小型屋宇。他促請城規會在這次的聆訊過程中自行作出判斷。

[R10641 的實際發言時間：16 分鐘]

HH-R10871、SLP-R10848、PL-R10751－鄭杏芬
HH-R10836、PL-R10750－趙國章

22. 鄭杏芬女士要求主席批准她與丈夫一起作出陳述，並表示合共需時約 40 至 45 分鐘。主席同意她的要求。

23. 鄭女士作出陳述，要點如下：

(a) 她反對在郊野公園「不包括的土地」進行任何發展，因為這些發展會破壞具有高保育和生態價值的自然環境，而且所造成的破壞是不可挽回的；

(b) 一九七二年頒布的小型屋宇政策，其原本的目標是尊重原居村民發展小型屋宇的權利，當局應貫徹此目標，不應容許原居村民把小型屋宇轉讓予非原居村民；

(c) 小型屋宇政策應符合集體官契和其他相關法例的規定。不過，集體官契所夾附的那些清楚劃定原有鄉村界線的丈量約份地圖已經遺失；

24. 趙國章先生借助實物投影機作出陳述，要點如下：

(a) 他與妻子退休後在四年前買下元朗一幢舊的小型屋宇。由於地政總署、屋宇署、規劃署、運輸署、消防署等有關政府部門未有採取所需的執法行動，確保小型屋宇的規劃按集體官契原本的規定妥善落實，結果他們和同村的鄰居都成為了小型屋宇政策的苦主；

(b) 集體官契訂明了把農地轉為建築用地的申請程序，並規定要有公共道路連接村落及在村內提供通道，為實施小型屋宇政策奠定了法律基礎。不過，那些向原居村民買入大量土地的發展商，很少會提供所需的鄉村通道，有些甚至故意堵塞現有的鄉村通道；

(c) 丈量約份地圖是一九零五年左右殖民地政府委派印度籍測量隊繪製的真確農地測量圖，以供鑑辨集體官契的批約地段、進行批租和田土轉易之用。舊批地段的界線、田基(在集體官契稱為公共地役權)的定線，以及一八九八年之前已存在的原有鄉村的位置，都在那些丈量約份地圖上清楚劃定。昔日公共交通服務尚未普及，集體官契規定要提供公共地役權，是為了讓當地村民出入該區的不同地方不會受阻。今時今日，一如大浪西灣的情況，個別地段的擁有人把現有的鄉村通道封閉，違反了集體官契的規定。但是，有關部門卻沒有採取任何執法行動；

(d) 不少真確的丈量約份地圖都已經遺失，所以私人土地測量師和律師可靈活劃定地段的位置。雖然過去政府曾經負責核實建議地段界線的準確性，但於一九九六年頒布《土地測量條例》(第 473 章)後，私人土地測量師卻能夠在不受地政監督監察下自行進行土地測量。這樣可能會導致濫用現有的制度，因為一些私人土地測量師在擬備地段分界圖時，可能會嘗試通過納入鄰接的田基，修訂原有的地段界線。田基消失，集體官契規定的公共地役權也會隨之喪失；

(e) 地政總署沒有充分理由不利用最新的技術復原正本丈量約份地圖，以提供合法真確的測量記錄，有效進行土地管理和田土轉易；

(f) 由於集體官契在《城市規劃條例》頒布前就已經存在，所以現時這些地方的「鄉村式發展」地帶的規劃亦應考慮集體官契的條文，尤其是關於準確地段界線和提供鄉村通道的條文；以及

(g) 根據現有機制，城規會在郊野公園「不包括的土地」內劃設「鄉村式發展」地帶後，地政總署便須批准地帶內的小型屋宇申請。因此，城規會在劃設這些地方的「鄉村式發展」地帶前，必須先確定個別地段根據集體官契在法律上是否可進行小型屋宇發展。

25. 主席提醒申述人在作出陳述時應盡量簡潔，論點應與申述內容有關。

26. 鄭杏芬女士作出陳述，要點如下：

(a) 《城市規劃條例》的目的是促進社區的衞生、安全、便利及一般福利。郊野公園「不包括的土地」的生態和保育價值高，應加以保護，讓廣大市民享用，不應容許作無限度的小型屋宇發展，況且本港其他地方仍有土地可應付房屋需求。此外，保護郊野公園「不包括的土地」的自然景色和景觀，亦可促進香港的旅遊業發展；

(b) 在這些郊野公園「不包括的土地」劃設「鄉村式發展」地帶，應有技術評估支持，證明小型屋宇發展不會對交通、環境、排水、排污等方面造成負面影響。此外，當局亦應考慮《建築物(規劃)規例》(第123F章)有關提供緊急車輛通道的規定；

(c) 申訴專員現正就當局對新界豁免管制屋宇的消防安全措施作出的規管進行直接調查，在調查工作完成前，當局應暫停在這些郊野公園「不包括的土地」劃設「鄉村式發展」地帶；以及

[邱浩波先生此時離席。]

(d) 轉讓小型屋宇自一九八四年起已無須再取得政府批准。有些小型屋宇按照私人土地測量師在不受有關政府部門監察下劃分的不準確地段界線興建圍牆，令原有的鄉村通道受阻。有關部門應加強執法，糾正這些違例情況；

27. 趙國章先生繼續作出陳述，要點如下：

(a) 把丁權轉讓予發展商和非原居村民，違反了小型屋宇政策的原意。發展商通過原居村民轉讓丁權，在海下、鎖羅盆和白腊三個地區發展小型屋宇，實屬訛騙行為；以及

(b) 在三個問題(即丈量約份地圖遺失、申訴專員就新界豁免管制屋宇的消防安全措施進行的調查工作未有結果，以及原居村民把丁權非法轉讓予發展商)未得到完滿解決之前，城規會不應在這三塊郊野公園「不包括的土地」的分區計劃大綱圖上劃設任何「鄉村式發展」地帶。

[HH-R10871、SLP-R10848、PL-R10751及HH-R-10836、PL-R10750的實際發言時間：47分鐘]

28. 會議於下午十二時四十五分休會午膳。

29. 會議於二零一四年五月十二日下午二時十五分恢復進行。

30. 下列委員和秘書出席了恢復進行的會議：

周達明先生	主席
黃遠輝先生	副主席
陸觀豪先生	
張孝威先生	
符展成先生	
何立基先生	
劉興達先生	

李美辰女士

梁慶豐先生

陳福祥先生

袁家達先生

環境保護署副署長
謝展寰先生

規劃署署長
凌嘉勤先生

簡介和提問部分
[公開會議]

31. 以下政府的代表獲邀到席上：

蘇震國先生	—	規劃署沙田、大埔及北區規劃專員
鍾文傑先生	—	規劃署西貢及離島規劃專員
吳育民先生	—	規劃署高級城市規劃師／新圖規劃
周燕薇女士	—	規劃署城市規劃師／西貢
何秉皓先生	—	漁農自然護理署(下稱「漁護署」) 高級自然護理主任(南區)
張國偉先生	—	漁護署高級自然護理主任(北)
陳乃觀先生	—	漁護署高級海岸公園主任
張家盛先生	—	漁護署郊野公園主任(特別職務)

32. 以下申述人及其代表獲邀到席上：

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述

HH-R10885、SLP-R10818、PL-R10742－環保觸覺
HH-R10897、SLP-R10854、PL-R10772－何嘉寶女士
何嘉寶女士 － 申述人及申述人的代表

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》的申述

HH-R10803－Stephen Ortmann先生
Stephen Ortmann先生 － 申述人

HH-R10863－David O'Dwyer
HH-R10864－李偉新
李偉新先生 － 申述人及申述人的代表

HH-R10870－Robin Bradbeer
HH-R10880－公共專業聯盟
Robin Bradbeer女士)
Paul Hodgson先生) 申述人及申述人的代表
吳永輝先生)

HH-R10905－Lam Chiu Ying
何沛琳女士 － 申述人的代表

33. 主席表示歡迎上述各人到席，並請申述人和其代表繼續作出口頭陳述。

HH-R10885、SLP-R10818、PL-R10742－環保觸覺
HH-R10897、SLP-R10854、PL-R10772－何嘉寶女士

34. 何嘉寶女士借助投影片作出陳述，要點如下：

(a) 申述人反對擴展白腊分區計劃大綱圖的「鄉村式發展」地帶，並認為應在環境保育、當地社區與鄉村發展三者之間作出適當的平衡；

(b) 反對擴展鎖羅盆分區計劃大綱圖的「鄉村式發展」地帶，因為範圍太大。預計的人口由 0 增至 1 000 並無實據支持；

(c) 反對擴展海下分區計劃大綱圖的「鄉村式發展」地帶，並認為應加強保護海下灣的生態；

(d) 劃設與保育相關的地帶(包括「綠化地帶」、「自然保育區」地帶、「海岸保護區」地帶及「郊野公園」)對保護自然環境的成效令人存疑。現時有條文訂明，如要在劃為「綠化地帶」的地方發展小型屋宇項目，可提出規劃申請，讓城規會考慮，此做法有違保育及保護環境的原則；

(e) 質疑發展小型屋宇的目的究竟是為了解決區內村民的住屋問題，還是要使他們可以發展地產謀利；

[符展成先生此時返回席上。]

(f) 應把「不包括的土地」納入郊野公園範圍；

(g) 城規會應審慎考慮申述人及提意見人表達的意見，不應理所當然地接納規劃署的建議；

(h) 制訂發展審批地區圖的目的，應是為了保育及保護郊區的生態及自然環境；

(i) 政府建議藉發展「綠化地帶」及郊野公園範圍內的土地來解決現時的房屋問題，實在太過短視。規劃土地用途應有長遠的目光，顧及未來；

(j) 政府考慮任何在鄉郊地區進行的發展時，應確保有關的發展符合所有相關的法例及指引，以杜絕化糞

池及污水污染環境的可能性。政府亦應採取行動，制止「先破壞，後建設」的行為；以及

(k) 城規會應擔當把關者的角色，保護香港的生態及天然生境。

[HH-R10897、SLP-R10854 及 PL-R10772 的實際發言時間：10 分鐘]

HH-R10803－Stephen Ortmann

35. Stephen Ortmann先生借助投影片作出陳述，要點如下：

(a) 在郊野公園發展小型屋宇，會對郊野公園造成不良影響，應盡量避免。香港的郊野公園可以讓人遠離市區的煩囂和污染，是個獨特的地方；

(b) 郊野公園為香港帶來特殊價值，使香港比上海和新加坡等沒有面積相若或如此交通方便的郊區的其他大城市，更加優勝；

(c) 郊野公園是為了防止市區範圍擴展而設的。擴大「不包括的土地」範圍內的「鄉村式發展」地帶，違背當初劃設郊野公園的目的；

(d) 郊野公園的作用不只是保育大自然，該處也是進行康樂活動之地，讓市民可享受和探索大自然。有研究指出，有 84%的人表示去過郊野公園後壓力減少，另有 52%則表示頭痛減輕。如果當局容許大規模增建房屋，郊野公園優美寧靜的環境就會消失；以及

(e) 若在這三份分區計劃大綱圖涵蓋的地區發展更多小型屋宇，交通量會增加，加劇噪音和空氣污染。

[HH-R10803的實際發言時間：6 分鐘]

HH-R10863－David O'Dwyer

HH-R10864－李偉新

36. 李偉新先生借助投影片作出陳述，要點如下：

(a) 申述人反對海下分區計劃大綱圖；

(b) 二零零七年成立的 Living Seas Hong Kong(勃勃海洋)是一個以香港為基地的慈善組織，宗旨是推動香港推行策略性海洋保育項目及政策，以助改善香港的獨特海洋生態系統；

(c) 設立海下灣海岸公園，是為了活化香港的海洋資源及保護珍貴的生境；

(d) 海下灣海岸公園是香港珊瑚覆蓋率和密度最高的地方，十分重要。該公園更獲《海岸公園條例》特選為保護區，同時是「具特殊科學價值地點」；

(e) 雖然當局設立海岸公園以優化香港的海洋資源，但由於商業捕魚活動仍可進行，所以未達成效，而且即使已禁止拖網捕魚，海洋資源仍無法復原。海岸公園得不到足夠的保護，若人口增加，擅自開採海洋資源的情況只會加劇，更加不受控制；

(f) 不支持分區計劃大綱圖，因為建議的人口增長會對基礎設施構成壓力，破壞海下的海岸公園和陸地生態。污染加劇會破壞海下灣海岸公園、「具特殊科學價值地點」和海洋生物；

(g) 海下村沒有公共污水渠，闢設私人污水處理廠又不切實可行，「鄉村式發展」地帶內小型屋宇所建的個別化糞池將會對海下灣海岸公園造成污染。海下灣海岸公園水域的大腸桿菌含量已經相當高，若容許在河流旁邊進行大型發展，徑流直接流入海岸公園，實在令人無法接受；

(h) 規劃署在草擬分區計劃大綱圖時，並無考慮污水和徑流所造成的污染對海下灣海岸公園構成的威脅；

(i) 過去 20 年，海下只建了七幢新的小型屋宇，實無理由要大幅擴大「鄉村式發展」地帶；

(j) 海下現有的資源是屬於全港市民的，所以該區的發展計劃應與原居民鄉村的真正需要相符，而為了下一代，也應積極保護海岸公園；以及

(k) 申述人是教練，帶過很多人到海下潛水，該處是個潛水的好地方。不過，區內的非法捕魚活動越來越多，若人口增加三倍，情況只會惡化，而尚未有有效解決方法的排污問題，亦會更加嚴重。

[HH-R10864的實際發言時間：11 分鐘]

HH-R10870－Robin Bradbeer
HH-R10880－公共專業聯盟

37. 吳永輝先生作出陳述，要點如下：

(a) 公共專業聯盟提交的報告是根據 Robin Bradbeer女士和 Paul Hodgson先生過去 23 年在海下地區所作的研究和監察工作而撰寫的；

(b) 珊瑚很脆弱，很容易因為生境有變化而受損；

(c) 公共專業聯盟主席莫乃光議員認為，只要政府申請的資源是用於尋求專家協助以保存海下的珊瑚，該聯盟都會支持有關申請；

38. Robin Bradbeer女士借助投影片作出陳述，要點如下：

(a) 公共專業聯盟的報告由學者及專業人士擬備，並經第三方專業人士獨立審核後才提交，內容有法律為據，亦有適當的數據和堅實的科學論據支持；

(b) 城規會收到多於 30 000 份申述書，可見公眾對郊野公園的未來十分關注；

(c) 環境十分重要，必須保持動力和穩定，這個世界才能生生不息，一旦改變，便會影響生態機制，使物種滅絕；

(d) 為擬備隨申述書提交的報告，他們收集了過去23年的數據，再用兩年時間深入研究海下地區，另外，也收集了主要持份者的意見。公共專業聯盟就海下提出的建議已顧及所有持份者的意見，十分務實；

(e) 一開始就防止環境災害發生，總比在災害發生後補救來得容易；以及

(f) 城規會應給予「不包括的土地」最大的保護，以免影響周邊的「具特殊科學價值地點」、郊野公園和海岸公園，也應緩解現有「不包括的土地」對周邊受保護地區的影響、保護村內屬文化遺產的地方、照顧並保護原居村民的權益、為海下村未來的需要作規劃，以及考慮香港市民的權益，因為他們需要郊野公園，也希望能進入郊野公園。

39. Paul Hodgson先生借助投影片作出陳述，要點如下：

(a) 當局把郊野公園和海岸公園列為具有特殊景觀、生態或地質價值的地方，根據香港法律給予最高程度的保護，郊野公園和海岸公園內所有動植物都在保護之列。因此，在「不包括的土地」內劃設任何用途地帶都要合乎法律的規定；

(b) 由於「不包括的土地」周邊是郊野公園、海岸公園和「具特殊科學價值地點」，所以必須考慮在海下進行發展是否會連帶影響到這些地方；

(c) 擬議的分區計劃大綱圖會使區內的鄉村不斷擴展；

(d) 區內的那條河流入海下灣海岸公園，會對該公園造成影響。先前的分析顯示，早在一九八零年興建海下路時，該河的水文系統已受影響。由於河水沿海

下路的路旁而流，該河沉積物聚積地點的範圍不斷移位和變化。根據目前的研究，該河沉積物聚積地點的範圍已迫近海下灣的珊瑚，只要範圍再移4.2%，那些珊瑚便會被沉積物淹沒，窒息而死。清走植被，在地面鋪上水泥，以及進行其他建築工程，都會影響該河的水文系統，因此，這些活動必須遠離該河和洪泛平原；

(e) 「不包括的土地」內現時有不同品種的受保護動物聚居，地點與主要鄉村區有一些距離。有關研究顯示，河口的紅樹林是野生生物主要的最終聚居點，該處有各種受保護動物聚居和覓食；

(f) 有關研究發現，海下有自來水供應後，該處村屋所用的化糞池的容量已不足以處理所產生的廢水量，以致化糞池中的廢水溢漏，使海下灣海岸公園水域的大腸桿菌含量增加。即使海下的泥土的導水性適合使用化糞池，仍須設置容量夠大的化糞池，以貯存和處理家居廢水，解決廢水溢漏的問題；

(g) 另一方法是考慮為海下的村屋羣設置耗氧處理系統，取代現有的化糞池系統。廢水經耗氧處理系統處理後，污染程度遠較化糞池溢漏的廢水為低；

(h) 在海下發展新村屋的地點應盡量遠離該河和海岸線為宜；

(i) 海下灣海岸公園的水域最近發現含有氯，使該海岸公園的海兔消失。此事顯示即使是提供自來水這類基本設施，也可對環境造成意想不到的負面影響；

(j) 現時建議用作擴展鄉村的地方是一個平原，上次暴雨期間發生過水浸。該處並不適宜作鄉村式發展，因為村屋所用的化糞池每逢暴雨便會滿溢，未經處理的污水會流進海下灣海岸公園；

(k) 制訂分區計劃大綱圖時並無小心考慮區內的文化遺產，儘管確認了區內的文化遺產，卻又把具文化價值的地點分割，劃入不同的用途地帶；

(l) 雖然根據小型屋宇政策的規定，必須照顧地區人士和原居村民的權益，但有關規定也應實事求是。該區過去 20 年只有七幢小型屋宇建成，但未來 10 年的小型屋宇預測需求量卻達 84 幢之多，根本沒有根據；

(m) 分區計劃大綱圖現時並沒有明文規定可在海下地區發展商業性質的康樂設施。區內的商戶(例如現有那間獨木舟租賃店)屬「現有用途」，才可繼續經營。若原居村民不得在區內營商，便不能留在村內謀生；

(n) 擬議鄉村擴展區內的大部分土地已屬發展商所有，劃設「鄉村式發展」地帶不會惠及當地村民。小型屋宇數目若只略為增加，海下或尚可承受，但若如私人發展商所想那樣大幅增加，則海下灣海岸公園必定無法承受；

(o) 雖然每年有 30 000 人到訪海下，但村內只有一間餐廳，亦沒有公厠／沖身／更衣室設施供他們使用。可是，分區計劃大綱圖並沒有針對該區欠缺社區設施的問題作出規劃。政府應在現有的鄉村覓地闢設所需的設施，供訪客使用；

(p) 應發揮海下在教育方面的作用，所以建議漁護署開設一個教育中心，取代世界自然基金會香港分會現設的中心；以及

(q) 由於現時根據《城市規劃條例》劃設的那些與保育有關的地帶，如「海岸保護區」、「自然保育區」和「綠化地帶」都未能配合海下的需要，因此，應把此「不包括的土地」完全納入郊野公園範圍；又或把適用於擴展鄉村的土地劃作「綜合發展區」地帶，並擬備規劃大綱作為發展指引，而「不包括的

土地」內餘下的地方則劃作「自然保育區」地帶，最終目標是把之納入郊野公園。

40. 吳永輝先生總結陳述內容，要點如下：

(a) 海下的情況特殊，所以有必要闢設「綜合發展區」地帶，以管制該區的鄉村發展；

(b) 分區計劃大綱草圖未能配合該區的發展需要，所以有必要就該區進行環境影響評估，以確定真正的發展需要，以及進行發展所帶來的影響；

(c) 大浪灣個案的處理方式得到公眾大力支持，可供借鑑；以及

(d) 城規會若批准現在這樣的分區計劃大綱草圖，或會受到法律挑戰。

[HH-R10870和 HH-R10880的實際發言時間：32分鐘]

HH-R10905－Lam Chiu Ying

41. 何沛琳女士讀出 Lam Chiu Ying 先生(HH-R10905)的一份聲明，要點如下：

(a) 《二零一零至一一年度施政報告》宣布，為保護郊野公園「不包括的土地」免受進一步破壞，政府會把「不包括的土地」納入法定圖則，或劃入郊野公園範圍；

(b) 政府其後在一份呈交立法會的文件中列出把「不包括的土地」納入法定圖則的準則，包括要考慮郊野公園「不包括的土地」是否容易到達、即時面對的發展威脅、保育價值、景觀價值、地理位置和現有民居的規模等各項因素；

(c) 城規會受政府現行的政策約束，有責任落實此政策；

(d) 雖然根據漁護署的生態評估，海下地區只曾發現一種雀鳥，但海下之友所委託的顧問卻發現該處有50種雀鳥，香港觀鳥會更錄得100種之多。由於漁護署的生態評估未能反映真實的情況，城規會有可能會作出錯誤的決定，而有關決定或會受到法律挑戰；以及

(e) 政府聲稱在「不包括的土地」進行發展不會影響郊野公園，實情卻是相反，建議在這三塊「不包括的土地」劃設的「鄉村式發展」地帶達此規模，一定會影響附近郊野公園的景觀及功能。

[HH-R10905的實際發言時間：4分鐘]

42. 出席這節會議的申述人及其代表陳述完畢，主席於是請委員提問。

43. 主席詢問為何漁護署及環保組織的調查所點算到的雀鳥種類會有不同。何秉皓先生(漁護署)作出澄清，表示漁護署並沒有專門就海下進行任何生態調查。漁護署應海下之友的要求，提供了該署現有的一些取自從前記錄的資料。關於該區發現有一種雀鳥的記錄，其實該種雀鳥是該署過往進行其他調查時偶然錄得的，並不是進行了雀鳥調查而錄得只有一種雀鳥。

44. 一名委員詢問有沒有較化糞池更能有效減少大腸桿菌含量的污水處理系統。謝展寰先生回應說，從技術角度而言，是有較化糞池更有效的污水處理系統的，市面上亦有組合式小型污水處理設施。不過，使用化糞池處理污水的做法不單在香港鄉郊地區，在世界各地不同地方也十分普遍。

45. 謝展寰先生留意到有些申述人基於泥土狀況及水浸風險，擔心海下地區未必適合使用化糞池。關於這一問題，謝展寰先生表示，任何人如欲興建小型屋宇，均須向地政總署提出申請。擬設化糞池的設計及位置須由認可人士認證，以確定符合《專業人士環保事務諮詢委員會專業守則》的規定。有關的規定包括必須在有關地點進行滲濾試驗，以確定泥土適合使用化糞池。小型屋宇發展計劃必須通過滲濾試驗，環境保護署(下稱「環保署」)才會支持。假如有關地點未能通過滲濾試驗，認

可人士便須考慮改用其他污水處理系統。謝展寰先生回應主席的問題時說，滲濾試驗須在設計階段(即在興建小型屋宇前)進行。此外，假如化糞池沒有妥善維修保養或操作，環保署可向化糞池的擁有人採取執法行動，要求他們糾正有關的情況並妥善維修保養化糞池。

46. 李偉新先生(HH-R10864)回應主席的問題時說，海下過去20年只興建了七幢小型屋宇，但該區未來10年的小型屋宇需求預測數字卻為84幢，令人質疑此預測數字是否確是真正需要的數量。

47. 由於有些申述人指有人使用戶外水龍頭洗澡，擔心化學物會隨地面徑流流入海岸公園，主席遂詢問可否對此類活動採取執法行動。謝展寰先生回應說，假如有人經常進行此類活動並造成污染，當局可採取檢控行動。不過，當在海邊一帶居住的人口或前往海邊的人有所增加，沿海一帶的水質自然會受到影響，即使採取執法或檢控行動，也不能杜絕有關的影響。

48. 一名委員詢問哪一個部門負責採取執法行動對付非法接駁雨水渠的情況，以及當中牽涉甚麼困難。謝展寰先生回應說，屋宇署及環保署均可採取執法行動，視乎觸犯的是哪些規例而定，但大部分的執法個案都是由環保署處理，而該署收到的有關投訴亦較多。至於採取執法行動時遇到的困難，主要是如何察覺到非法接駁的情況及找出犯案人士。雖然不是每宗個案的問題都能妥為處理，但新界河流的水質整體上一直有改善，證明水質監察計劃整體上是有成效的。他亦指出，由於鎖羅盆及白腊現時無人居住，所以水質甚佳，假如人口開始增加，水質就會變差，不過污染的程度應可控制在容許的範圍內。

49. 一名委員指這三塊「不包括的土地」過去曾住了不少人，但當時的珊瑚卻未受影響，遂詢問假如容許這些地方的人口如高峰期那麼多，情況是否可以接受。吳永輝先生(HH-R10880)回應說，人們的生活方式已改變，所以即使人口相同，人們所造成的影響也不可同日而語。人們現今使用水務署供應的自來水，而不是河水，產生的廢水因而大增。此外，日常用品(例如洗頭水)中的化學物亦大增。Paul Hodgson先生(HH-R10880)補充說，從前的事物比較天然，食水沒有加入氯

氣，耕種時亦不使用肥料，生態環境健康得多，既無拖網捕魚，亦沒有填海，令沉積物堆積在珊瑚上。Robin Bradbeer 女士(HH-R10880)補充說，比起在沙灘附近發展的屋宇，在山上更高處興建的屋宇對海下灣海岸公園的影響較少。不過，分區計劃大綱草圖上劃作鄉村擴展之用的地方卻十分接近沙灘，實在不可接受。蘇震國先生表示，除了小型屋宇發展項目的數量外，人們的活動對海下灣海岸公園所造成的影響，亦取決於前往該區的遊客的多寡。一些申述人指海岸公園水域的化學物在夏天大增，原因就在於此。

50. 一名委員詢問持份者是在制訂圖則過程中的哪個時候提供小型屋宇需求數字的。蘇震國先生回應說，原居村民代表每年都會向有關的地政處提供未來 10 年的小型屋宇需求預測數字。規劃署在擬備「不包括的土地」的分區計劃大綱圖時，會考慮未處理的小型屋宇申請、最新的未來 10 年小型屋宇需求預測數字及其他相關因素，然後才劃定「鄉村式發展」地帶。鍾文傑先生補充說，在擬備白腊的分區計劃大綱圖時，規劃署曾要求地政處更新未來 10 年小型屋宇需求預測數字。在城規會同意分區計劃大綱草圖的初稿後，規劃署亦曾諮詢區議會、鄉事委員會及區內村民的意見，然後才公布分區計劃大綱圖。

51. 由於委員再無問題要提出，主席多謝政府的代表、申述人及其代表出席會議。他們各人此時離席。

52. 會議於下午三時五十五分休會。

1. 會議於二零一四年五月十九日上午九時十分恢復進行。

2. 下列委員及秘書出席了恢復進行的會議：

周達明先生	主席
黃遠輝先生	副主席
陸觀豪先生	
黃仕進教授	
何培斌教授	
劉智鵬博士	
劉文君女士	
梁宏正先生	
馬詠璋女士	
邱榮光博士	
鄒桂昌教授	
張孝威先生	
何立基先生	
黎慧雯女士	
林光祺先生	
李美辰女士	
葉德江先生	

袁家達先生

地政總署副署長(一般事務)
林潤棠先生

環境保護署副署長
謝展寰先生

民政事務總署助理署長(2)
曹榮平先生

規劃署署長
凌嘉勤先生

簡介和提問部分
[公開會議]

3. 以下規劃署及漁農自然護理署(下稱「漁護署」)的代表、申述人及其代表和提意見人及其代表此時獲邀到席上：

蘇震國先生	規劃署沙田、大埔及北區規劃專員
吳育民先生	規劃署高級城市規劃師／新圖規劃
鍾文傑先生	規劃署西貢及離島規劃專員
周燕薇女士	規劃署城市規劃師／西貢
何秉皓先生	漁護署高級自然護理主任(南區)
張國偉先生	漁護署高級自然護理主任(北)
陳乃觀先生	漁護署高級海岸公園主任
張家盛先生	漁護署郊野公園主任(特別職務)

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述

R2342－Stefan Behr-Heyder
HH-R10750－Nicola Newbery
Nicola Newbery太太　　申述人及申述人的代表

R9907－Andy Cornish
Andy Cornish博士　　申述人

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的意見

C263－Ronald Taylor
Ronald Taylor先生　　提意見人

C274－Rosalind Kep
Jo Wilson太太　　提意見人的代表

C643－劉素
劉素女士　　提意見人

C1018－Stefan Behr-Heyder
C1057－Christian Hirth
C2529－Karina O'Carroll
Nicola Newbery太太　　提意見人的代表

C1638－黃宇祺
C1787－Nikki Suen
嘉道理農場暨植物園公司　　提意見人的代表
聶衍銘先生

C2864－白理桃資深大律師
白理桃先生　　提意見人

C3645－David Newbery
David Newbery先生　　提意見人

C3657－香港鄉郊基金
Edward Michael Southern Kilburn先生　　提意見人的代表

有關《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的意見

SLP-C3669－黃慶祥
SLP-C3673－黃瑞强
SLP-C3675－Margaret Wong
SLP-C3676－黃春榮
SLP-C3677－Wong So Chun
黃慶祥先生　　提意見人及提意見人的代表

SLP-C3670－黃佑民
黃佑民先生　　提意見人

SLP-C3672－黃素珍
黃素珍女士　　提意見人

4. 主席表示歡迎上述各人到席，並解釋聆訊的程序。他表示會議會按「為考慮有關《海下分區計劃大綱草圖編號S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述及意見所舉行的會議——出席會議的程序須知」(下稱「會議程序須知」)進行。會議程序須知在會議前已發給各申述人／提意見人。他特別強調以下要點：

(a) 由於收到大量申述書及意見書，而且有一百多名申述人／提意見人表示會親身或授權代表出席聆訊，因此有需要限制口頭陳述的時間；

(b) 就每份分區計劃大綱圖，每名申述人／提意見人會有 10 分鐘發言時間。不過，為了配合申述人／提意見人的情況，會議會作出彈性的安排，容許獲授

權代表累積發言時間、也容許與其他申述人／提意見人互換獲分配的時間，以及／或要求延長口頭陳述的時間；

(c) 口頭陳述應只限於涉及曾以書面申述／意見的形式向城市規劃委員會(下稱「城規會」)提交的申述／意見的理由(即在有關的分區計劃大綱圖的展示期／有關申述的公布期內提交的申述／意見的理由)；以及

(d) 為確保會議順利及有效率地進行，主席可要求申述人／提意見人不得不必要地重覆其他人在同一個會議上陳述過的相同論點。申述人／提意見人應避免宣讀或重覆已提交的書面申述／意見所陳述的內容，因為有關的書面申述／意見已交予委員考慮。

[謝展寧先生此時返回席上。]

5. 主席表示，除非獲延長發言時間，否則每次陳述限時10分鐘。在申述人／提意見人及其代表獲分配的10分鐘完結前兩分鐘，以及在10分鐘發言時間完結時，會有儀器提醒申述人／提意見人及其代表。

6. 主席表示，規劃署的代表會獲邀就這三份分區計劃大綱草圖作出簡介，接着申述人／獲授權代表才會獲邀作口頭陳述。口頭陳述完畢後會有答問環節，委員可直接向與會者發問。答問環節結束後，提意見人／獲授權代表會獲邀作口頭陳述，才會進行另一個答問環節。午膳時間大約是下午十二時四十五分至二時。如有需要，上午會有一次小休，下午則有一至兩次小休。

[李美辰女士及梁宏正先生此時返回席上。]

7. 主席繼而請規劃署沙田、大埔及北區規劃專員蘇震國先生向委員簡介有關《海下分區計劃大綱草圖編號S/NE-HH/1》及《鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1》的申述及意見。蘇先生借助投影片，複述在二

零一四年四月二十八日的會議上所作簡介的內容，有關內容記錄在該日會議的會議記錄第 9 及 10 段。

[此時，陸觀豪先生及張孝威先生暫時離席，林光祺先生及劉文君女士返回席上。]

8. 蘇先生作出簡介後，主席繼而請規劃署西貢及離島規劃專員鍾文傑先生向委員簡介有關《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述及意見。鍾先生借助投影片，複述在二零一四年四月二十八日的會議上所作簡介的內容，有關內容記錄在該日會議的會議記錄第 11 段。

[張孝威先生此時返回席上。]

9. 主席繼而請申述人及其代表闡述申述的內容。

R2342－Stefan Behr-Heyder
HH-R10750－Nicola Newbery

10. Nicola Newbery太太借助投影片作出陳述，要點如下：

(a) 她於一九六六年第一次來港，20 年前移居香港，曾學習環境影響評估方面的知識，並於二零零三年創立海下之友；

(b) 過去幾年，新界自然景觀的變化相當大，郊野公園和海岸公園的其餘地方都面臨發展威脅；

(c) 海下的自然景色優美迷人，是個熱門的旅遊景點和考察地點，每年吸引 96 000 人次的遊客到來游泳、浮潛、划獨木舟、深潛、划艇和研究生態學。海下於一九八九年被列為「具特殊科學價值地點」，並於一九九六年成為海岸公園。海下有 64 種石珊瑚，亦曾發現白腹海鵰和鶚等受保護雀鳥，以及易危的黃海馬。另外，每逢冬天會有一種受保護的海鳥鸕鷀經該區來港過冬。海下的河谷和海岸公園都是生物多樣性熱點。海下有各種天然的環境，為野生動物提供珍貴的棲息之所，包括：

(i) 紅樹林——是一種紅樹林蛾科生物狹翅水螟世上唯一的棲息之所，該處的花卉更為木蜂和鹿蛾提供花蜜；

(ii) 沼澤地——範圍始於海岸，有大量淡水蝦，而且長滿了吸引蜻蜓和草蜢等昆蟲的沼澤植物。這些沼澤有的是季節性沼澤，在海下分區計劃大綱草圖上劃為「鄉村式發展」地帶。海下的季節性沼澤有青蛙和數百種蛾，包括屬於夜蛾科的眉目夜蛾；

(iii) 河流——流經海下的林地和沼澤進入大海。海下河主流的兩岸草木茂生，但河的一邊是郊野公園，另一邊卻劃為「鄉村式發展」地帶，令人費解。主流中有稀有的魚類和雀鳥，河中也有蟹棲息，河岸一帶則發現有受保護的蘭花。另一條與海下河主流並行的河流有魚、蝦和蟹棲息；

(iv) 林地——被當局稱為荒廢農地，位於谷地的沼澤後面，已有 50 年的歷史。該處的榕樹等冠軍樹與原生的附生植物和諧共存，枯樹則有多孔菌生長。海下的東部有一個風水林，該風水林是相對未受干擾的成熟林地，長滿茂密的高樹和藤本植物，包括受保護品種土沉香；另有多種動物，計有印度麂、豪豬、豹貓、野豬、蛇、猴子、甲蟲和螞蟻。這片林地生態價值高，對維持生物多樣性十分重要。最近有建議把這片林地劃為「綠化地帶」，作為建築用地儲備。這片林地一旦有部分被清除，其餘部分不可能不受影響；以及

(v) 冠層疏落的灌木叢——有數百種蝴蝶棲息；

(d) 漁護署提供的生態數據欠周全。雖然漁護署的植物和魚類數據可以接受，但關於在海下發現的蝴蝶、雀鳥、蛾和蜘蛛品種數目，該署和非政府機構(包括

香港自然生態、海下之友、嘉道理農場暨植物園公司和香港觀鳥會)的數據有很大出入。政府對非政府機構的生態數據視若無睹。漁護署沒有提供所需數據，以供城規會作出規劃決定；

(e) 海下正面臨環境災害。如果當局容許在林地進行發展，林中的樹木就會被砍伐，令河谷的一切消失殆盡。林地有助保持海洋清潔，促進珊瑚健康生長，所以林地消失，會令海下灣海岸公園步向滅亡。小型屋宇政策將會令海下成為歷史遺蹟；以及

(f) 應維護海下的生境和生物多樣性。要拯救海岸公園，必須保護林地的樹木免受砍伐、河流免被改道，以及沼澤地免被排乾。現有鄉村可作小型屋宇發展的地方足夠有餘，因此，所作的發展應局限於現有鄉村。應把海下的風水林和有水淹浸着的濕地以及海岸區分別劃為「自然保育區」地帶及「海岸保護區」地帶，另應把「農業」用途列於第二欄，以杜絕「先破壞，後建設」的行為。

[R2342及 HH-R10750的實際發言時間：21分鐘]

<u>R9907－ Andy Cornish</u>

11. Andy Cornish博士借助投影片作出陳述，要點如下：

(a) 他是海洋生態學家，自一九九五年起已研究海下珊瑚魚羣落。現時提出的海下土地用途建議會對海下的珊瑚羣落造成很大的威脅；

(b) 本港錄得的石珊瑚品種有 84 個，較加勒比海的還要多。不過，本港的珊瑚羣落受自然環境問題所累，包括每年的溫差大，以及海水含鹽量低和欠清澈等，所以無法形成真珊瑚礁；

(c) 此外，人為的問題(例如污染)，也使吐露港內港的珊瑚數量大減；

(d) 海下的珊瑚羣落為數似是不少，但其實很脆弱，而且由於需要光線才能生長，因此生長範圍只局限於海面以下三至四米的一小處地方。海下的珊瑚亦受到生物侵蝕，其中青口和海膽就會在珊瑚上鑽洞。青衣本是海膽的天敵，但本港過度捕捉青衣，結果是這種魚劇減，海膽則激增，使珊瑚羣落受到破壞；

(e) 有些魚類需要活珊瑚方可生存，而且珊瑚羣落是一些魚類(例如鯛魚和斑)的重要哺育場。珊瑚繼續存活，有助支持商業性質的漁業發展；以及

(f) 累及珊瑚羣落的另一個自然環境問題是全球暖化。全球暖化下，珊瑚礁系統可能會於本世紀中葉至末期或之前滅絕。為防情況惡化，必須有另一個污水處置系統控制排放入海岸公園的污染物數量，否則，應禁止在海岸公園進行任何商業性質的捕魚活動，以及限制海下的發展。若然有超過 40 幢村屋使用化糞池處置污水，勢必對海下的珊瑚羣落造成直接的威脅。

[R9907的實際發言時間：10分鐘]

12. 政府的代表、申述人及一名申述人的代表陳述完畢，主席於是請委員提問。

13. 兩名委員詢問林地及沼澤內會否有土地劃為「鄉村式發展」地帶，以及政府部門對於在「鄉村式發展」地帶設置化糞池有沒有意見。蘇震國先生回答說，擬議「鄉村式發展」地帶的西部是相對未受干擾的林地，長有成齡樹及具保育價值的植物。據漁護署表示，這片林地原為荒廢農地，經自然更替，樹木再生。規劃署檢視過最新的資料及參考過漁護署的意見後，認為可考慮修訂「鄉村式發展」地帶的範圍，剔出地帶內西部這片相對未受干擾的林地，並把該處及旁邊的「綠化地帶」改劃為「綠化地帶(1)」，以盡量減輕對現有生境可能造成的負面影響。劃設擬議的這個「綠化地帶(1)」，可提升對這片林地及濕農地的保護程度。與此同時，可考慮把村落以東一塊大部分地方均為小樹、灌木及草所覆蓋的政府土地由「自然保育區」

地帶改劃為「綠化地帶」，以反映該塊土地現時的景觀特色。如要在此「綠化地帶」發展小型屋宇，可提出申請，城規會會按個別情況作出考慮。

[馬詠璋女士此時暫時離席。]

14. 至於使用化糞池及滲水井系統的問題，蘇震國先生表示，發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，例如環境保護署(下稱「環保署」)的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護署評核的排水渠工程計劃」。該《專業人士環保事務諮詢委員會專業守則》亦訂有一些關於化糞池的設計標準，包括泥土滲濾試驗的規定，這些規定有助鑑定何種地層狀況適宜建造化糞池。據環保署表示，在決定某地點是否適合建造化糞池時，須考慮該地點特有的情況，包括是否接近河流／溪澗、地下水位的深度及洪氾風險等。規劃署在擬備分區計劃大綱圖時，已考慮這些因素。

15. 一名委員詢問「鄉村式發展」地帶最北端的邊界與沙灘相距多遠、海下現有多少屋宇，以及這些屋宇是否使用化糞池。蘇震國先生回應說，「鄉村式發展」地帶的北面是「海岸保護區」地帶，涵蓋沙灘及其他海岸景物，而「鄉村式發展」地帶最北端的邊界與該「海岸保護區」地帶面向海岸公園的最北端邊界相距約 25 至 40 米不等。海下現時約有 30 幢屋宇，全都設有化糞池。這些屋宇的化糞池是根據建屋時當局的規定而建造，所以其設計或會各有不同。在《專業人士環保事務諮詢委員會專業守則》頒布前建造的化糞池未必符合現時的標準。

16. 一名委員留意到海下在過去 17 年只有七幢小型屋宇獲得批准，但所估計的小型屋宇需求量卻是 94 幢，遂詢問此數字以甚麼為根據。蘇先生表示，此估計數字由地政總署提供，當中包括尚未處理的申請所涉及的 10 幢和預測未來 10 年需求的 84 幢小型屋宇。要發展這 94 幢小型屋宇，需要約 2.35 公頃的土地。由於「鄉村式發展」地帶修訂後可供使用的土地縮減至 1.02 公頃，所以地帶內僅可興建約 40 幢小型屋宇。另一名委員詢問「鄉村式發展」地帶內曾否有小型屋宇申請遭拒絕。蘇先生借助實物投影機上的一幅圖則作說明，表示遭拒絕的個

案所涉的地點全都在海下的「鄉村式發展」地帶外，但在「鄉村範圍」內。

17. 一名委員指出，申述人強調必須全方位審視生態系統，包括河流、沼澤地、內海範圍及外海範圍，認為這樣很重要，因為只要環境有部分改變，其餘部分也受影響。此外，申述人亦認為進行發展必定會破壞環境。這名委員詢問政府是否認同申述人的看法。主席及另一名委員亦詢問有沒有水質測試或標準可顯示按建議在海下發展更多小型屋宇，在環境方面可以接受。蘇震國先生回應說，海下是涵蓋海下中心區及附近的郊野公園和海岸公園的更大生態系統不可或缺的一部分，這點是沒有爭議的。規劃署擬備分區計劃大綱圖時，已劃設「自然保育區」地帶及「海岸保護區」地帶，以保護生態及保育價值高的地方，例如林地及海岸區。其後，由於收集到更多資料，規劃署更建議把海下村西面具保育價值的林地及濕地改劃為「綠化地帶(1)」，以加強保護。此外，為確保區內的鄉村式發展不會對海岸公園造成不能接受的影響，環保署及漁護署亦實行水質監察計劃，長期密切留意海岸公園的水質。地政總署亦會把小型屋宇申請資料分送相關的政府部門(包括漁護署、環保署及規劃署)傳閱，徵詢他們的意見。申請人必須證明擬議的發展符合相關政府部門的規定，其申請才會獲得批準。在海下進行鄉村式發展，其中一項規定是必須進行擬設化糞池及滲水井系統的滲濾試驗。因此，雖然分區計劃大綱圖預留了土地供發展40幢小型屋宇，但並不表示小型屋宇申請必定會獲地政總署批准。

[劉智鵬博士此時暫時離席。]

18. 漁護署高級海岸公園主任陳乃觀先生補充說，海下灣海岸公園具有重要生態價值。申述人所述有關該海岸公園的重要性及其與周邊環境的關係的資料大致正確。漁護署認同在該區進行任何發展，均不應對該海岸公園的水質及生態造成負面影響，而污水的排放亦須符合相關的法例規定。在規劃署把海下分區計劃大綱草圖分送各部門傳閱以徵詢他們的意見時，漁護署已向該署提出了意見。漁護署現於海下灣海岸公園設有三個離岸監察站，這三個監察站自一九九八年起便一直監察着該海岸公園的水質及珊瑚的生態狀況。據長期以來監察該海岸公園珊瑚區附近水質的結果顯示，該處的水質整體上屬良好。漁護署及環保署會繼續監察海下灣海岸公園的水質。

19. 一名委員留意到漁護署提供的生態數據與非政府組織所提供的有差異，遂詢問非政府組織的生態調查結果會否改變漁護署對該區的保育價值的看法。漁護署高級自然護理主任(南區)何秉皓先生回應說，漁護署在規劃署擬備分區計劃大綱圖時提出的意見着眼於保存保育價值高的生境，多於個別具保育價值的物種的記錄。重要的生境，例如天然林地、河岸區及濕地，可為多個物種提供合適的生境，已劃作保育地帶。按建議把有關林地由「鄉村式發展」地帶及「綠化地帶」改劃為「綠化地帶(1)」後，海下劃作保育地帶的地方所佔的比率會由68%增至74%。

[邱榮光博士此時返回席上。]

20. Andy Cornish博士回應主席的問題時說，據他所知，當局並無就擬議的「鄉村式發展」地帶會否對海下灣海岸公園的水質造成不能接受的影響進行研究。委員應考慮應否進行影響評估，以證明在這個環境易受影響的地區使用化糞池是可以接受的。

21. 主席詢問 Andy Cornish 博士，既然海下村在某程度上對該區做成污染，他會否認為為了海下灣珊瑚羣落着想，應把整條海下村遷往他處。Andy Cornish 博士回應說，更合適的做法不是把該村遷往他處，而是把全部村屋接駁至一個主污水收集系統，使這些村屋不再依賴化糞池排污。目前是有工程上的方法可解決村屋日後的排污問題的。David Newbery 先生補充說，由於污染問題，最理想的做法當然是把該村遷往他處，但此法實際上不可行。由於現時村屋的數目不多，所以污染問題尚不算嚴重。不過，假如村屋的數目倍增甚至增加得更多，問題就會加劇。

[劉文君女士此時暫時離席。]

22. 一名委員詢問當局有否進行水質模擬研究，以確定海下灣的水質是否符合相關的法例或根據《環境影響評估條例》所發出的技術備忘錄所訂的規定，以及當局會否考慮採用生物處理污水系統。蘇震國先生說，假如有關地點的特質或泥土結構並不適合使用化糞池及滲水井系統，在技術上來說還有其他選擇，例如郊野公園公廁所使用的生物處理及過濾系統。環保署

副署長謝展寰先生補充說，環保署負責監控海下的水質。關於個別地點是否適宜使用化糞池及滲水井系統的問題，環保署是有和地政總署討論的。地政總署處理小型屋宇申請時，會規定申請人進行滲濾試驗，有關結果亦須予認證，以確定申請地點的泥土狀況適宜使用化糞池及滲水井系統。若未能通過測試，有關的小型屋宇申請或會遭拒絕。至於水質評估的問題，其實漁護署一直監察着海下灣海岸公園的水質。雖然海下現時約有40幢小型屋宇，但海下海岸公園主要水體的水質一直甚佳，亦無證據顯示小型屋宇數目增加會對該海岸公園主要水體的水質造成很大的負面影響。如有任何人士未有妥善維修保養化糞池，環保署可採取執法行動。技術上，小型屋宇可採用其他污水處理技術，但有關技術會較昂貴。陳乃觀先生補充說，漁護署會繼續監察海下灣的水質，並把有關的數據送交環保署解讀，以便作出跟進行動。

23. 一名委員留意到有關的風水林是客家氏族承傳的遺產的一部分，遂詢問當局會否考慮繼續把該風水林的相關部分(規劃署建議改劃為「綠化地帶」的部分)劃為「自然保育區」地帶，讓該片林地可以從以前的干擾中恢復過來，從而保存其完整性，不然，日後一旦有小型屋宇在該部分林地發展，就會令該片林地割裂。蘇震國先生回應說，擬議的「綠化地帶」及該風水林有些地方重疊，不過，基於現有的景觀特點，把該林地受干擾的部分劃為「綠化地帶」，做法恰當。如有人根據《城市規劃條例》第16條申請在該「綠化地帶」發展小型屋宇，城規會可按個別情況作出考慮，但涉及砍伐樹木的申請，則不建議批給許可。

24. 一名委員表示，小型屋宇政策是為應付原居村民的住屋需要而推行，但海下亦有非原居村民居住，遂詢問：(a)現時居於海下的原居村民及非原居村民數目；(b)興建海下路的原來目的；以及(c)每年有96 000人次前往海下對海下灣水質的影響。關於小型屋宇政策，地政總署副署長林潤棠先生表示，只有原居村民才可提出小型屋宇申請，而且申請人必須遵守相關政府部門的規定，地政總署才會批准其申請。小型屋宇批建方式方面，可以發出建屋牌照，又或以私人協約方式批地，而根據兩者所建的小型屋宇分別有五年及永久不得轉讓的限制。如擬在不得轉讓限制期內轉讓小型屋宇，必須取得地政總署的批准，才可取消限制及須繳付地價。因此，小型屋宇轉讓後，屋

主可以是非原居村民。對於這名委員問到海下路、海下的遊客及居於海下的原居村民數目的問題，蘇震國先生回應說，海下路是為了一項供水設施而不是特別為發展該區而建。遊客進行水上活動，難免對海水造成一些污染，不過，漁護署提供的數據顯示，海下灣整體的水質良好。至於居於海下的原居村民數目，目前沒有確實的數字，但據悉該區有很多非原居民。

[劉文君女士此時返回席上。]

25. 關於原居村民及非原居村民的數目，Nicola Newbery 女士補充說，海下有 30 幢屋宇。非原居村民的數目較原居村民為多，比例約為 5 比 1，而在過往七年興建的屋宇中，沒有一幢是由原居村民居住。至於遊客的影響，她說在人多的日子，海面會有泡沫，這是遊客使用無法進行生物降解的清潔劑所造成。漁護署沒有監察近岸的水質，所以才說海水沒有污染。至於海下路，乃八十年代興建萬宜水庫時所建，當時是通往一個抽水站的通道。

[會議小休五分鐘。]

[此時，陸觀豪先生返回席上，梁宏正先生離席，劉文君女士及曹榮平先生暫時離席。]

26. 主席請提意見人及其代表闡述意見的內容。

<u>C263－Ronald Taylor</u>

27. Ronald Taylor先生借助投影片作出陳述，要點如下：

(a) 他 40 年來都有在香港的郊野公園遠足，很享受這項活動；

(b) 海下、鎖羅盆及白腊被郊野公園環繞，區內鄉村大小有任何改變，都會影響毗鄰這些郊野公園，所以必須有一個緩衝區，以保護這些郊野公園，防止鄉村式發展對其造成負面影響。雖然這三份分區計劃大綱圖已在「鄉村式發展」地帶周圍劃設「自然保

育區」地帶，但這樣仍不足以發揮適當的緩衝區作用，保護郊野公園；

(c) 根據《郊野公園條例》，漁農自然護理署署長(下稱「漁護署署長」)作為郊野公園及海岸公園管理局總監，其一項職責是就郊野公園及特別地區採取他認爲需要的措施，以推廣這些地方的使用及發展，以作康樂及旅遊用途，同時保護這些地方的植物和野生生物；

(d) 就海下的情況而言，在「鄉村式發展」地帶內進行發展，便有更多車輛出入穿越郊野公園的海下路，村民出入令交通量增加，不利於郊野公園的使用者。海下的農地，不論是用作耕種的，還是任之回歸大自然的，都可發揮緩衝作用，分隔開「鄉村式發展」地帶與郊野公園，故不應用之作發展，令郊野公園的價值降低；

(e) 指海下的規劃人口會達 590，實有誤導成分，因爲該區二零一一年的人口僅有 110，而且過去 18 年只有七幢小型屋宇獲批准，其中多幢更不是原居村民入住，可見小型屋宇政策已被濫用，原意盡失；

(f) 至於鎖羅盆，該區二零一一年並無人居住，卻竟然要興建小型屋宇應付多達 1 000 人口的需求，實在令人難以置信。鎖羅盆既無通道又無公共污水收集系統，而且食水供應有限。倘要在該區闢設此等基礎設施，會對郊野公園造成負面影響，而且更有一個危機，那就是在該區發展的項目最終會被廢棄，變成一個礙眼的地方，就像芝麻灣半島現有的住宅發展項目一樣。如果劃設擬議的「鄉村式發展」地帶是在該區開拓商業度假區的第一步，就更加毫無理由要設立一個大至可建 134 幢屋宇的「鄉村式發展」地帶。如要發展，應局限在現有的構築物；

(g) 白腊方面，該區四周都被郊野公園圍繞，倘要闢設通道或基礎設施，這些通道和設施都必定要穿過郊野公園，這樣肯定會影響郊野公園的價值。該區的

規劃人口為230，是二零一一年所報稱的五倍，令人懷疑此規劃人口數字是否周末商業度假區的遊客人數。政府早前才成功制止一名發展商在白腊以「先破壞，後建設」的手法進行發展，實無理由再讓該發展商或後來者在白腊進行發展，損害附近的郊野公園；以及

(h) 把這三塊「不包括的土地」全部納入相關的郊野公園範圍，才是有效的措施，可制止發展商的「先破壞，後建設」行為。

[C263的實際發言時間：14分鐘]

C274 – Rosalind Kep

28. Jo Wilson太太借助投影片作出陳述，要點如下：

(a) 她是活在南丫的主席，此組織自二零零九年開始一直致力爭取改善南丫的環境和設施；

(b) 雖然海下和南丫位於香港的兩端，但兩者有共通點。與大家分享南丫的經歷會很有用，因為海下如果得不到保護和關注，可能會步南丫的後塵，面對南丫同一的情況；

(c) 南丫景致迷人，修復後的前石礦場成了自然生態公園，南丫的南部更是秀麗非凡。南丫如海下一樣，都面對着很大的發展壓力，有發展商財團在南丫購入了七處地方，現正為發展計劃申請規劃許可；

(d) 新界鄉郊地區的土地一派破落之象，缺乏生產力，原因是有人囤地，以及政府為防其土地被闢作未經許可的用途而把之圍封，使土地荒廢。另外，雜亂的小型屋宇發展和缺乏適當規劃的設施，也是成因。此外，公共設施，不論是在市區還是鄉郊地區的，都是根據標準的設計和程序建造。凡此種種皆令居民和遊客在某些情況下無法享有清潔和安全的居住環境，更別說對大自然的各種明顯威脅；

(e) 海下既有紅樹林，又有珊瑚，與南丫一樣，具重要的生態價值。不過，當局是否有能力保護該處的生態，則有很大疑問。該區給人的整體印象是一處被忽略的地方。本港具重要生態價值的地方，例如南丫的盧氏小樹蛙和綠海龜棲息地，不是變成廢物傾卸場，就是全年關閉，沒有作教育用途或為當地創造就業機會；

(f) 規劃失敗，使很多地方(例如海灘)淪為傾卸廢物的地方，加上欠缺有效的措施，培養人們對環境的責任感，改變他們的習慣，亦使問題惡化。現時土地管理及廢物處置的標準都非常低；

(g) 曾有一名城市規劃師向當局介紹有何方法引進社區回收設施和發展南丫的海濱，使當地的天然景物得以保留和優化。可是，當局沒有理會其建議，反而支持在當地採用混凝土填海，破壞天然海岸；以及

(h) 二十年前，不理會可持續發展的問題，尚算可以接受，但如今環境已差至不能再忽視這個問題。她請委員到海下、鎖羅盆和白腊看看這些地區如何受到威脅或因規劃程序過時而受害，然後才就這些「不包括的土地」的未來作出決定。只依標準設計和程序而不往有關地方看看便作出決定，有欠穩當。

[C274的實際發言時間：12分鐘]

<u>C643－劉素</u>

29. 劉素女士作出陳述，要點如下：

(a) 雖然於西灣事件中，政府在保護郊野公園「不包括的土地」方面取得進展，但現時分區計劃大綱圖提出的發展計劃忽視有關地區的保育需要，卻是倒退之舉。城規會應深思熟慮，然後才決定這些地區的土地用途，以重拾市民的信任；

(b) 小型屋宇政策存在漏洞和根本的缺陷。在決定如何以有限的土地資源應付無止境的小型屋宇需求之前，這項政策的實施必須符合可持續發展的原則。況且，有關地區的小型屋宇需求預測數字是否真確，令人懷疑。對於小型屋宇的問題，必須從全局着眼，不能以斬件方式處理；

(c) 郊野公園是為了保育而設，其生態應得到保護，不應受損；

(d) 目前供港食水約七至八成從內地輸入，為保障本港食水供應，保護郊野公園及其不包括的土地的自然環境非常重要；以及

(e) 任何發展都不應損害後代的福祉。從實物投影機上展示的衞星圖象可見，過去幾年深港兩地的景觀出現了很大變化。不應為了進行當前的發展計劃而犧牲後代享受自然環境的權利。

[C643的實際發言時間：8分鐘]

C1018－Stefan Behr-Heyder
C1057－Christian Hirth
C2529－Karina O'Carroll

30. Nicola Newbery太太借助投影片作出陳述，要點如下：

(a) 海下是被郊野公園和海岸公園圍繞的「不包括的土地」，也是「具特殊科學價值地點」，區內的「鄉村式發展」地帶亦座落於「具考古價值地點」。該區出土的文物可追溯至石器時代；

(b) 海下是生物多樣性熱點，有多種生境，包括海灘、紅樹林、潮間區和海洋，是各種動植物、魚類、雀鳥和昆蟲的棲息地。區內一些稀有品種的動植物是海下獨有，在香港或世界其他地方都找不到；

(c) 海下的海底世界更是絢麗繽紛，保護這種自然環境，符合廣大市民的利益。

把林地劃為「自然保育區」地帶

(d) 海下的河谷和山坡都有林地。海下河的主流經由這些林地流入大海。五十年前，海下河的主流與海下路之間的地方曾經是稻田，及至七十年代村民移居外國後，這些稻田就回歸大自然。這些地方現已成為林地，並劃為「鄉村式發展」地帶。海下路迴旋處附近有另一條河，但規劃署沒有在其擬備的規劃圖上標示；

(e) 海下有季節性和永久性沼澤地，有大量野生生物棲息，這些沼澤地的水流往海灘，再流入大海；

(f) 當局現建議把劃為「自然保育區」地帶的風水林改劃為「綠化地帶」。作此改劃並不能保護該處的自然生境，做法並不合理。該風水林的樹木沒有一棵受干擾，而且整片林地難以穿透。林中冠層疏落的灌木叢乃天然形成，因為有石床，那裏的巨石令樹木無法在其上生長；

(g) 把海下劃作發展，並在該區劃設「綠化地帶」作未來的建築用地，違反了香港簽署的《生物多樣性公約》。該公約訂明應保護毗連海岸公園和郊野公園等受保護地區的土地，以免受到發展破壞；

把「農業用途」列於第二欄

(h) 發展商的手法通常是先破壞任何有生態價值的東西，然後才進行發展。他們會先剷平林地、清除當中的植物、排乾沼澤的水及把河流改道，設立臨時農場或果菜園，然後就申請在這片已經毫無生態價值的受破壞土地上進行建築；

(i) 海下的珊瑚覆蓋率特高，原因是該區的海水清潔，不受污染，而海水能保持清潔，實有賴林地和沼澤地。剷除林地、把河流改道、排乾沼澤地的水，河谷就會露出土層，下雨時這些泥土會被雨水沖走，

帶入大海，導致珊瑚死亡。另外，農業活動使用的殺蟲劑、除草劑和肥料也會被沖走，帶入沼澤地、河流，再流入大海，導致海中的生物死亡；

(j) 應把「農業用途」列於《註釋》第二欄。海下不再有任何農地。以前曾闢作農地的地方已經在七十年代村民移居英國後回歸大自然，而河谷亦變回不同的生境，包括有 50 年歷史的林地、沼澤地和冠層疏落的灌木叢。把「農業用途」列於第二欄不會令該區不能進行農業活動，因為只要向城規會申請，仍可進行農業活動；

小型屋宇發展不當

(k) 對海岸公園的最大威脅，不再是捕魚活動，而是濫用小型屋宇政策和把土地改劃作發展；

(l) 海下沒有緊急車輛通道和停車處，區內的鄉村式發展根本沒有城市規劃可言，所建的村屋並不符合建築物規例，產生的廢水不受監控亦未經處理，就直接流入雨水渠，再流入大海。在人多的日子，海下的海面會有泡沫漂浮，是遊客帶同狗隻在海中游泳後使用清潔劑和洗髮露沖身造成；

(m) 用作發展小型屋宇的河谷是個有水淹浸的洪氾平原，每逢雨季，河流就會滿溢，淹浸兩岸，為沼澤地的水生植物提供生境；

(n) 使用化糞池排污並不環保。洪氾地區不適宜建築或設置化糞池。「鄉村式發展」地帶的水位高，暴雨期間容易水浸；

(o) 若使用化糞池，漂白劑、不能被生物分解的清潔劑、大腸桿菌和內分泌干擾化學物就會排放至沼澤、河流和大海，有毒廢物亦會於湖泊積聚，河流、沼澤地和潮間區的生物就會死亡或受損，內分泌干擾化學物則會干擾海岸公園魚類的性別變化。新增的化糞池產生的廢物，會對紅樹林和海洋生物造成負面影響；以及

(p) 海下是香港其中一個水質最清潔的地區，因為附近的林地和河流令海洋生物(包括紅樹林和珊瑚)保持健康良好。該處是熱門的旅遊景點和考察地點。為了保護海下的環境，至少應把之劃為「自然保育區」地帶或「海岸保護區」地帶。當局應保衞海下，造福下一代。

[C1018、C1057及C2529的實際發言時間：30分鐘]

31. 會議於下午一時休會午膳。

32. 會議於二零一四年五月十九日下午二時三十分恢復進行。

33. 下列委員和秘書出席了恢復進行的會議：

周達明先生	主席
黃遠輝先生	副主席
黃仕進教授	
陸觀豪先生	
鄒桂昌教授	
張孝威先生	
符展成先生	
何立基先生	
劉興達先生	
陳福祥先生	
葉德江先生	
袁家達先生	

環境保護署副署長
謝展寰先生

地政總署署長
甯漢豪女士

規劃署署長
凌嘉勤先生

簡介和提問部分
[公開會議]

34. 以下規劃署及漁農自然護理署(下稱「漁護署」)的代表、提意見人及其代表此時獲邀到席上：

蘇震國先生	－	規劃署沙田、大埔及北區規劃專員
鍾文傑先生	－	規劃署西貢及離島規劃專員
吳育民先生	－	規劃署高級城市規劃師／新圖規劃
麥黃潔芳女士	－	規劃署高級城市規劃師／西貢
周燕薇女士	－	規劃署城市規劃師／西貢
何秉皓先生	－	漁護署高級自然護理主任(南區)
張國偉先生	－	漁護署高級自然護理主任(北區)
陳乃觀先生	－	漁護署高級海岸公園主任
張家盛先生	－	漁護署郊野公園主任(特別職務)

有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的意見

C1638－黃宇祺

C1787 – Nikki Suen
嘉道理農場暨植物園公司 – 提意見人的代表
聶衍銘先生

C2506 – Damian Ryan
C2535 – Renia Lopez
創建香港 – 提意見人的代表
陳嘉琳女士

C2864 – 白理桃資深大律師
白理桃資深大律師 – 提意見人

C3645 – David Newbery 先生
David Newbery 先生 – 提意見人

C3657 – 香港鄉郊基金
Edward Michael 先生 – 提意見人的代表
Southern Kilburn

有關《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的意見

SLP-C3669 – 黃慶祥
SLP-C3673 – 黃瑞強
SLP-C3675 – Margaret Wong
SLP-C3676 – 黃春榮
SLP-C3677 – Wong So Chun
黃慶祥先生 – 提意見人及提意見人的代表

SLP-C3670 – 黃佑民
黃佑民先生 – 提意見人

SLP-C3672 – 黃素珍
黃素珍女士 – 提意見人

35. 主席表示歡迎上述各人到席，並請提意見人及其代表闡述他們的意見內容。為使會議有效率地進行，主席要求提意見

人及其代表不得不必要地長篇大論重覆先前申述人／提意見人陳述過的相同論點。

C1638－黃宇祺
C1787－Nikki Suen

36. 嘉道理農場暨植物園公司聶衍銘先生借助投影片作出陳述，要點如下：

(a) 他建議委員可參閱他在二零一四年五月八日的聆訊上代表嘉道理農場暨植物園公司(HH-R10883、SLP-R10821 及 PL-R10739)以投影片陳述的內容，尤其是關於小型屋宇政策問題、土地業權問題(即海下和白腊的「鄉村式發展」地帶內大部分土地都由發展公司擁有)、這三塊郊野公園「不包括的土地」錄得的稀有物種(例如白腊灣的活化石(文昌魚)、鎖羅盆的海草床)，以及城規會採取「先破壞，後獎勵」的不可取做法的內容；

[陸觀豪先生此時返回席上。]

(b) 海下、白腊和鎖羅盆這三塊郊野公園「不包括的土地」都與水息息相關。海下灣現為海岸公園，白腊灣則有活化石，擬闢作海岸公園，而鎖羅盆則有淡水濕地、紅樹林、蘆葦叢和海草床，附近就是印洲塘海岸公園；

(c) 上次在二零一四年五月八日所作陳述提及的大埔龍尾和大嶼山馬灣新村兩個個案研究顯示，小型屋宇發展所產生的廢水和污染物非法排入附近的河流和大海；

(d) 馬灣新村現有 76 幢小型屋宇使用化糞池系統，村內開設了三四家食肆。根據環境保護署(下稱「環保署」)的數據，二零一零至一三年，附近河流的大腸桿菌和糞大腸菌羣的含量分別約為每百毫升有 18 000 至 39 000 個和每百毫升有 54 000 至 120 000 個，而氨的含量為每公升有 1.4 毫克，水

質與天水圍明渠、元朗明渠和屯門河一樣差，而且較城門河更差。隨着一九九八至二零一一年間小型屋宇的數目大升，污染情況變得更嚴重。有村民非法建造地下排水管接駁到附近的河流，把廢水排入河中。這種情況在附近鄉村屢見不鮮；

(e) 一名地質學家在上次聆訊上表示，海下、白腊和鎖羅盆位處洪氾平原，使用化糞池及滲水井系統並不可行；

(f) 香港大學七名教授曾對海下灣的大腸桿菌含量進行研究，結果發現海下灣沿岸的水域已經受到嚴重污染，更發現有內分泌干擾化學物。污染是人們的活動造成；

(g) 海下現有 30 幢小型屋宇。根據分區計劃大綱圖，將來還會興建 40 幢新的小型屋宇，而白腊和鎖羅盆也分別會興建 79 幢和 134 幢新的小型屋宇。小型屋宇的數目增加，會嚴重影響水質；

(h) 環保署專業人士作業備考《專業人士環保事務諮詢委員會專業守則》和現有的執法機制未能防止「鄉村式發展」地帶出現污染，也沒有保護該地帶的水質。規劃署無法確保「鄉村式發展」地帶附近的生態系統不受污染。規劃署沒有在有關的城市規劃委員會文件中直接回應申述書所提出的問題；

(i) 化糞池及滲水井系統是水污染的源頭，並不是鄉村地區污水問題的解決方法。這點從以下政府在立法會及其委員會會議上作出的不同陳述可見：

(i) 河流污染(二零零五年一月二十六日)：當時的環境運輸及工務局局長表示，「由於本地河溪的流速普遍相當慢，河流的自淨能力偏低，而河溪的周邊不斷發展，人口持續增加，加上很多私人的化糞池系統欠缺維修保養，所以有部分河溪的水質…… 仍然未如理想」；

[謝展寧先生此時返回席上。]

(ii) 元朗及錦田的污水收集系統及污水排放設施(二零零五年十二月)：當時的環境運輸及工務局表示，「鄉村污水收集系統是政府鋪設污水收集系統計劃的一部分，目的是改善新界未有公共污水設施地區鄉村範圍的環境和衞生條件。在這些地區，村屋多以化糞池及滲水井系統處理污水。這些系統易受運作和保養問題影響，因而容易造成環境污染，並可能危害村民或附近公眾人士的健康」；以及

(iii) 元朗及錦田污水收集系統和林村谷污水收集系統(二零一二年五月二十八日)：環保署和渠務署表示，「目前，元朗和錦田部分鄉村地方所排放的污水一般經由私人原地設置的污水處理設施(如化糞池及滲水井系統)處理和排放。然而，此類處理設施或會因接近水道或維修保養不足而未能有效地去除污染物。從這些地方排出的污水因而被認為是影響鄰近水道和后海灣受納水體水質的一個污染源頭。除非在這些地方建造污水設施，以妥善的方式收集和處理污水，否則上述情況將難以改善。化糞池及滲水井系統的運作原理，是讓污水滲過砂礫自然濾去污染物。然而，倘若化糞池及滲水井系統所在地點的地下水位高，例如非常接近水道的位置，此類系統便因滲濾率下降而無法發揮效用。化糞池及滲水井系統維修保養不足，會影響系統清除污染物的成效，甚至可能會引致污水溢出」。

[陳福祥先生此時返回席上。]

(j) 根據環保署的《村屋污水排放指南》，化糞池及滲水井系統的使用者須檢查和維修該系統，並經常清除淤泥。因此，定期清除淤泥對化糞池的維修保養

相當重要。不過，很多郊野公園「不包括的土地」(包括鎖羅盆和白腊)都沒有道路接達，吸糞車未能駛入。海下即使有通路接達，吸糞車也無法清除該處所有村屋的淤泥，因此，村屋的衞生規定根本沒有執行；

(k) 根據環保署的同一份指南，暴風雨時容易水浸的地方或地下水位高的地方，都不適宜設置化糞池及滲水井系統。不過，海下、白腊和鎖羅盆長年地下水位高企，即使旱季也是如此。這三區也位處河谷，暴風雨時容易水浸。從近期在暴雨期間拍得的一些照片所見，海下出現洪水溢流；

(l) 總括來說，沒有證據支持規劃署提出在這三塊郊野公園「不包括的土地」的「鄉村式發展」地帶裝設多個新化糞池及滲水井系統以解決水污染問題的建議，因為這三區現時並無亦未有計劃鋪設污水渠，在可見將來都無法提供污水渠或為化糞池及滲水井系統進行妥善維修保養。這三塊郊野公園「不包括的土地」都有極易受影響的水生生態系統，相當容易受到水污染，而且郊野公園有太多遊客。現時分區計劃大綱圖的規劃只會對郊野公園造成污染。另一方面，如果政府認為這三區不應使用化糞池及滲水井系統，應在分區計劃大綱圖上清楚訂明；

(m) 雖然由環保署採取執法行動也算是對付未經許可排放污水情況的措施之一，但以下四宗真實個案顯示，執法後水污染情況仍然持續：

(i) 個案 1——錦田河的污染：在二零一零年一月二十一日播映的一個電視節目以錦田河為例子，探討河流污染問題。錦田河一條支流疑受到一間食品工場排出的污水嚴重污染，但該工場不承認。在二零零九年給立法會的答覆中，環保署表示自二零零六年開始，該署就新界西北涉及食品工場的水污染個案進行了 211 次實地視察，以及 81 次夜間視察，但只成功就六宗個案提出檢控。一名居

民表示，即使包括渠務署、環保署、漁護署、地政總署和規劃署在內的七至八個部門共 20 多人聯合進行實地視察，環保署仍是束手無策，政府至今仍未能解決水污染的問題。從二零一四年拍攝的照片所見，該條支流的污染情況仍然相當嚴重，未見有很大改善；

(ii) 個案 2——雙魚河的污染：《蘋果日報》於二零零五年五月二十二日報道，雙魚河的水污染問題嚴重影響上水一條鄉村的農戶生計。農戶向環保署及漁護署申訴，但情況依舊。農戶表示他們所要求的只是潔淨的河水，又指環保署的執法行動成效不彰。環保署則回應說，過去 17 個月已進行了約 69 次實地視察，並發出了四封警告信，惟視察期間，有關工場並沒有排出污水，而且收集所得的污水樣本中的污染物並無超出法定標準，所以未能提出檢控；

(iii) 個案 3——港島一條河流的污染：《蘋果日報》於二零一三年六月二日報道，香港大學一名碩士研究生發現她其中一個河流採樣地點受到污染。因情況持續，她遂向環保署報告。該名研究生亦聯絡嘉道理農場暨植物園公司負責生態諮詢計劃的人員，與該公司一起向環保署跟進此個案。環保署到附近的建築地盤／裝修地點進行了幾次實地視察，也發出了一些警告信，但沒有人因造成水污染而直接遭檢控。最後，該名研究生唯有放棄這個受到嚴重污染、不宜再作研究的採樣地點；以及

(iv) 個案 4——深水灣河流的污染：二零零九年，該條具重要生態價值的河流被發現受到嚴重污染。該處附近有一個建築地盤。他立即向環保署投訴。環保署迅速採取行動，但調查後沒有檢控任何人，因為視察期間，並

無發現附近的建築地盤有泥水排入河道。二零一零、一二及一三年他又再發現該河受到污染，每次發現後都向環保署報告。雖然環保署迅速採取行動進行調查，但沒有檢控任何人；

(n) 關於根據《水污染管制條例》採取執法行動對付河流污染問題方面，前環境運輸及工務局局長曾於二零零五年一月二十六日在立法會表示「……至於在控制污染的執法行動方面，環保署的前線執法人員確實遇到不少困難，主要是由於在現行法律原則及法例規定下，執法人員必須收集有效的污水樣本作為檢控的證據，惟非法排污往往在數分鐘內便完成，要當場捉拿違法者及取證十分困難，導致檢控的確有困難」。雖然有人投訴，當局亦盡力處理，但污染問題始終無法防止，仍然持續不斷。解決污染問題的最佳方法，是減少或杜絕污染郊野公園「不包括的土地」的源頭；

(o) 這三份分區計劃大綱圖所劃設的擬議「鄉村式發展」地帶會影響周邊的「綠化地帶」和「自然保育區」地帶、下游地區，甚至分區計劃大綱圖範圍外的郊野公園。鎖羅盆有河道和濕地，白腊的「鄉村式發展」地帶亦覆蓋一條河流，而海下灣則是海岸公園，有多條河道。單單監察化糞池及滲水井系統的成效和這些郊野公園「不包括的土地」的污染情況，不能解決問題，因為有些問題未必即時浮現。只要村民有權在「鄉村式發展」地帶內發展小型屋宇，就不可能停止小型屋宇的發展，即無法消除這個主要的污染源頭；

(p) 鄉郊及新市鎮規劃小組委員會曾在二零一一年七月八日考慮一宗擬在粉嶺嶺皮村的「農業」地帶興建11幢小型屋宇的申請(編號 A/NE-LYT/437)，當時環保署和漁護署都不支持該宗申請。環保署表示，倘擬議的發展項目涉及的小型屋宇數目不超過10幢，該署會容忍該項目使用化糞池及滲水井系統，作為未有公共污水渠可供使用時的臨時排污措

施。然而，這個擬議發展項目卻涉及 11 幢小型屋宇，規模較大，造成污染的風險較高。因此，環保署不會容忍此項目使用化糞池及滲水井系統。不過，一名委員詢問要是擬建的 11 幢小型屋宇分開申請，環保署會否容忍這些屋宇使用化糞池，環保署只隨意作答。委員繼而認為要是分開提出興建小型屋宇的申請會獲得批准，那麼該 11 幢小型屋宇的申請亦應獲得批准。從這個事例可以預知城規會不能保證海下預備興建的 40 幢小型屋宇不會逐一甚至一次過獲批准；

(q) 過去幾年，環保組織對於在邊境禁區和新界東北等鄉郊地區的擬議發展一直作出妥協。如今政府又建議發展大嶼山和元朗南，有些郊野公園「不包括的土地」的擬發展地區更在郊野公園的外圍，甚至中間，環保組織實在不能再讓步；

[副主席此時返回席上。]

(r) 他想知道城規會會否繼續採取逐步增加的發展方式，容許在郊野公園「不包括的土地」進行發展。舉例來說，要是村民要求 1 000 塊小型屋宇用地，城規會是否就會給他們 500 塊。雖然城規會可能會辯說所預留的鄉村地區是根據真正合資格的男性原居村民名單的需求而劃的，但以大浪灣的個案而言，即使村民已向城規會提供合資格村民名單，城規會劃設的「鄉村式發展」地帶仍然只覆蓋現有的鄉村地區；以及

(s) 總括而言，這三份分區計劃大綱圖劃設的「鄉村式發展」地帶都不合理，理由包括專家提供的科學證據可以證明此地帶的範圍不恰當；環保署的數據顯示單單一幢小型屋宇就能令河流的水質大大變差；當局沒有充分考慮有關地點的地質和水位；《專業人士環保事務諮詢委員會專業守則》、現有的執法機制和建議的監察措施，都未能有效防止水污染；以及這樣規劃「鄉村式發展」地帶，與主流民意相悖，也不符合先前大浪灣的做法。須留意的是，當

初擬備海下、鎖羅盆和白腊三區的發展審批地區圖，是因為幾年前這三區發現有砍伐樹木、清除植物等破壞活動，所以有必要作出法定的規劃管制，制止情況惡化。他希望城規會能遵守承諾，不要姑息任何「先破壞，後建設」的行為，也不要無視曾經提出的證據和公眾的意見而批准這三份分區計劃大綱圖。

37. 主席表示，在二零一四年四月二十八日、五月八日及五月十二日舉行有關考慮這三份分區計劃大綱圖的申述的首三節聆訊的錄影短片，當中包括聶衍銘先生上次在二零一四年五月八日的聆訊上代表嘉道理農場暨植物園公司(HH-R10883、SLP-R10821 及 PL-R10739)作出陳述的過程，已分發給委員，以作參考。

[C1638及C1787的實際發言時間：36分鐘]

C2506－Damian Ryan
C2535－Renia Lopez

38. 創建香港陳嘉琳女士借助投影片作出陳述，要點如下：

(a) 創建香港支持對這三份分區計劃大綱草圖作出聶衍銘先生於二零一四年五月八日所建議的修訂；

(b) 政府在一九九一年已確認有需要保護郊野公園「不包括的土地」免受發展所影響。二零一零年發生的大浪西灣事件揭露了有 54 幅郊野公園「不包括的土地」即使是實質上、生態上、康樂上和景觀上都屬郊野公園的一部分，卻仍未受到保護，因為這些土地既未納入郊野公園範圍，亦未有法定規劃圖則涵蓋。這些郊野公園「不包括的土地」最初並沒有指定為郊野公園，因為這些地方有活躍的農業活動和極少居民；

(c) 政府一再確切表明有需要保護景觀、生態和美學價值高的郊野公園「不包括的土地」，包括要把「不包括的土地」納入郊野公園範圍。大浪灣是西貢東

郊野公園的「不包括的土地」，於二零零四年劃入分區計劃大綱圖，而根據一般推定，除現有的鄉村地區要保留外，區內不准進行發展。該區的分區計劃大綱圖清楚訂明，「為了保護大浪灣的自然景物和文化遺物，以及盡量減輕人們的活動對易受破壞的寧靜環境造成的滋擾，「鄉村式發展」地帶只涵蓋現有鄉村地區。當局日後只能在大浪灣以外的地區覓地，應付原居村民根據小型屋宇政策提出興建小型屋宇的要求」；

(d) 到了二零一零年，在全部 77 幅郊野公園「不包括的土地」中，已有 23 幅有分區計劃大綱圖涵蓋。至於餘下的 54 幅郊野公園「不包括的土地」，規劃署已為當中大浪西灣、海下、鎖羅盆和白腊等擬備了發展審批地區圖，以應付這四區面對的即時發展威脅。不過，三年後，儘管漁護署和郊野公園及海岸公園委員會主張保護這些郊野公園「不包括的土地」，卻只有被漁護署和環保署形容為生態價值不太高但景觀和美學價值高的大浪西灣納入郊野公園範圍，而海下、鎖羅盆和白腊則未被納入。其實海下、鎖羅盆和白腊的生態價值遠比大浪西灣為高，而其康樂價值亦與大浪西灣相若，所以這三區也應納入郊野公園範圍，以加強保護；

(e) 他們發現政府自二零一一年起便與鄉議局進行秘密會議，就保護郊野公園「不包括的土地」的擬議措施與鄉議局溝通，並徵詢他們的意見。其後，漁護署告知公眾，基於郊野公園「不包括的土地」的現有土地用途和發展潛力，這些土地與附近的郊野公園地區不相協調。自此，政府的政策亦由保護郊野公園「不包括的土地」轉為容許在這些土地進行發展。二零一四年，他們更發現漁護署並未就郊野公園及郊野公園「不包括的土地」人口增加所帶來的累積影響進行任何評估。漁護署總是回應說該署並非負責郊野公園「不包括的土地」的發展事宜。不過，據二零一三年審計署署長報告書所述，漁護署應負責就將納入郊野公園範圍的「不包括的土地」的數目進行初步評估，以及就適合納入郊野公園範

圍的「不包括的土地」進行詳細評估，但漁護署什麼也沒做過；

(f) 若根據這三份分區計劃大綱圖容許在海下、鎖羅盆和白腊三區發展小型屋宇，並使用化糞池及滲水井系統和建造新的通路，這三區的生態價值便會大大降低。屆時，漁護署就可依據已降低的生態價值進行評估，然後作出結論，指這三區不適宜納入郊野公園範圍。據悉，漁護署至今只就那些未有分區計劃大綱圖涵蓋的郊野公園「不包括的土地」進行保育、景觀、美學和康樂方面的價值進行評估；以及

(g) 在郊野公園「不包括的土地」發展小型屋宇，就會有居民遷入，造成不同的影響，包括破壞生境、造成水污染、帶來道路和交通設施的需求、砍伐樹木、植物流失、侵蝕山坡、造成光污染、構成火警危險和偷獵危險，以及產生廢物。在 54 幅尚待處理的郊野公園「不包括的土地」中，海下、鎖羅盆和白腊是首三幅已擬備分區計劃大綱圖的郊野公園「不包括的土地」。若這三份分區計劃大綱圖及其後將擬備的分區計劃大綱圖容許發展大量小型屋宇，漁護署便應評估所帶來的累積影響。郊野公園的價值在於其範圍廣大，連綿不斷。在郊野公園「不包括的土地」進行發展的影響不能與郊野公園分開研究。

[C2506及C2535的實際發言時間：15分鐘]

<u>C2864－白理桃資深大律師</u>

39. 白理桃資深大律師於席上提交一份文件以闡釋其意見，供委員參考。他陳述的要點如下：

(a) 規劃署相關文件的內容不切實，未能處理有關的申述就規劃和法律方面的不足之處所提出的實際問題，以及分區計劃大綱草圖會導致的問題。規劃署只粗略地用另一些字眼交代了部分問題，但文件大體上沒有提出有力的理由或證據來處理有關的申

述，因為對於那些指分區計劃大綱草圖違反政策、原則、先例和法律的論點，規劃署根本無法應對。分區計劃大綱草圖劃設的「鄉村式發展」地帶過大，劃作保育地帶的土地卻不足，對此，不論是規劃署還是政府都未能作出合理的解釋；

[劉興達先生此時返回席上。]

(b) 他在二零一四年五月八日的聆訊上已向城規會呈上修訂這三份分區計劃大綱圖的建議，現再在席上呈上鎖羅盆和白腊兩份分區計劃大綱圖中有關整體規劃意向的段落的修訂建議，以修訂和取代先前呈上的文件的相關部分；

(c) 規劃署縱使不理會有否違反或推翻郊野公園「不包括的土地」政策，也不應任由違反此政策的情況出現。郊野公園「不包括的土地」政策是要加強保護「不包括的土地」，但規劃署所作的規劃卻令香港優美的郊野直接流失、受破壞和污染、出現不協調的房屋發展，以及受到更大的發展壓力和威脅。香港的郊野應予保育，亦應作康樂用途，景觀更要受到保護，以供公眾享用，不應被發展所割裂，這些真正需要是郊野公園「不包括的土地」政策所支持的；

(d) 保護郊野公園「不包括的土地」免受小型屋宇發展破壞，合乎公眾利益，也是市民的期望。最近高等法院處理西灣郊野公園個案的方法就符合了公眾利益和市民的期望，因為高等法院判定小型屋宇在某些方面應受到局限，而在「不包括的土地」範圍內亦不是如一些說法所指有興建小型屋宇的一般權利；

(e) 香港是區域生物多樣性熱點，而在這方面的保育價值中，「不包括的土地」是重要的一環。香港在區域上和國際上都有責任保護「不包括的土地」範圍內易受影響的生境，使當中稀有和重要的物種免受發展所威脅，亦有責任執行《生物多樣性公約》。

不過，分區計劃大綱圖沒有依循國際協定的愛知生物多樣性目標。倘城規會現在作出錯誤的決定，任由當局錯下去，日後要負上責任；

(f) 分區計劃大綱圖沒有處理累積影響的問題，規劃方法亦沒有顧全生態系統或作通盤考慮。明智的規劃或防患未然的做法是未雨綢繆，預測問題，加以防範，分區計劃大綱圖卻完全不依此法而行。政府似乎只是想等到很遲的階段，看看污染造成什麼後果才算，但屆時環境已受累積影響，無論做什麼也再無意義；

(g) 主席問到既然海下現有的村屋造成污染，應否把海下村遷走。關於這個問題，小型屋宇絕對會造成污染，把該村遷走，未嘗不是合常理的解決方法。主席提出此問題，可見分區計劃大綱圖如果批准一次過分別在海下和鎖羅盆發展全部 40 幢及 134 幢小型屋宇，的確可以造成此情況。其實，只要不把「不包括的土地」劃作小型屋宇發展，便可在源頭杜絕污染問題；

(h) 這三份分區計劃大綱圖劃設的「鄉村式發展」地帶過大，究竟真正需要為何，根本無以為證。規劃署劃設這樣大的「鄉村式發展」地帶，所根據的並不是實際需要，而是對「鄉村式發展」地帶的需求，但所謂需求，根本未經核實，依規劃法例來說，絕對不是理據。鎖羅盆數十年來都沒有人居住，根本沒有真正需要發展小型屋宇。把現時已建屋的地方和屋地劃為「鄉村式發展」地帶，已是合理的基線，足可應付現時的需要。在先前大浪灣的個案中，亦只有現時已建屋的地方才劃為「鄉村式發展」地帶。規劃署應按照先前這個務實、合乎原則和以事實為據的決定而行。在缺乏真正需要和理據的情況下，與既得利益者就「鄉村式發展」地帶討價還價，並不是按法律和證據而進行規劃。郊野公園「不包括的土地」政策是要保護「不包括的土地」免受不協調的發展所破壞，而不是向既得利益

者施加的壓力屈服，若然，會有損規劃署、城規會和規劃程序的公信力；

(i) 「鄉村式發展」地帶劃得過大，會助長詐騙行為，不符公眾利益。「鄉村式發展」地帶內規劃作小型屋宇發展的土地，並非屬於村民，而是由村外人的發展公司擁有。規劃署已經助長了詐騙及濫用小型屋宇政策的行為，城規會就更加不要劃設一個會助長詐騙行為的地帶；

(j) 先前大浪灣的個案中，「鄉村式發展」地帶的範圍局限在現時已建屋的地方。這方法也應適用於這三份分區計劃大綱圖，那樣就不會因為既得利益者的需求而劃設過大的「鄉村式發展」地帶。雖然規劃署在二零一四年五月八日那節聆訊中辯稱大浪灣有文物價值，情況有所不同，但這說法是錯誤的。大浪灣的情況與現在這三幅郊野公園「不包括的土地」相似，後者的生物多樣性價值甚至更高。大浪灣個案的處理方法確實行得通，實無任何合理理由不依；

(k) 「鄉村式發展」地帶和小型屋宇會造成污染，但此問題沒有得到處理。申述書已提供詳盡資料，證明屋宇數目增多，排出的污水量增加，化糞池的污水會透過由沖積物形成的地層造成污染；而洪氾平原一旦氾濫，更會令污染物和病原體擴散，危害健康。可是，從規劃署的文件所見，當局並沒有嘗試處理這問題，而對於海岸公園和海灘所受到的影響，亦同樣沒有處理。他曾在多個環保及保育組織擔任職務，據他的經驗，他知道現行的執法機制在「鄉村式發展」地帶幾乎行不通。「鄉村式發展」地帶有諸多問題，但規劃署和城規會仍然劃設此地帶，說其他部門會解決那些問題，這樣做實是不負責任；

(l) 規劃署的工作是防止污染，但該署所作的規劃欠佳，反而是故意為人們開路，讓他們可以污染「不包括的土地」。根據《城市規劃條例》第 3 條，城

規會有法定職責作出規劃，促進公眾衞生和安全。倘城規會批准劃設會危及公眾衞生和安全的地帶，便是違反其職責。雖然「鄉村式發展」地帶的化糞池及滲水井系統會造成污染和健康風險，但村民會辯說是規劃署、環保署和《專業人士環保事務諮詢委員會專業守則》容許他們使用這些系統的；

(m) 《水污染管制條例》訂明要符合的技術備忘錄規定，新的污水或化糞池及滲水井系統須與海下「具特殊科學價值地點」相距至少100米，但規劃署和環保署沒有處理不符合這規定的情況。這是因為環保署有政策訂明可以不應用《水污染管制條例》，但這不是法律詮釋的問題。環保署明言依賴《專業人士環保事務諮詢委員會專業守則》以及有不足之處的慣用機制或行政措施辦事，顯示該署未有應用此特定的法例。在處理海下的情況方面，城規會有責任不讓環保署及其他人違反法律；

(n) 根據《城市規劃條例》，規劃應是為了促進社會的福祉而進行。在這三份分區計劃大綱圖所涉及的情況和現行的郊野公園「不包括的土地」政策下，這三份分區計劃大綱圖所作的規劃應是為了公眾利益，包括保育、作康樂用途、保護景觀和讓公眾享受郊野環境。向小型屋宇政策傾斜，劃設過大的「鄉村式發展」地帶，不應是規劃的目標；

(o) 規劃署為何會擬出這樣不理性和不合理的分區計劃大綱圖，把已賣給發展商的土地劃為「鄉村式發展」，面積更如此大，以及該署為何無法及不願意處理申述提出的問題，主要的原因是該署面對既得利益者的需求，希望作出安撫，所以便劃設這樣大的「鄉村式發展」地帶(面積遠超可證明的真正需要)，以及其他地帶，例如把已被破壞的土地劃為「綠化地帶」，讓村民有望日後可作投機性發展。城規會不應把此一無關重要的因素視為重於反對作此規劃的意見。先前大浪灣個案的處理方法務實可行，並符合規劃原則和法律，當局應依照有關的方法，劃設合理、合比例而又符合地契訂明的法律責

任的地帶，以應付日後男性原居村民真正的住屋需要；

(p) 他在席上呈上的有關分區計劃大綱圖的修訂建議，所用字眼和所述意向大體上依照先前大浪灣的個案，城規會應予以採納。把有關的用途列於分區計劃大綱圖《註釋》第二欄，城規會仍可繼續管制該等用途，這樣對於保護郊野公園「不包括的土地」範圍內易受破壞的生境，至為重要。「鄉村式發展」地帶內現時已建屋的地方，其面積可反映過往真正的需要，故這些地方才適合劃為「鄉村式發展」地帶。倘日後能證明有真正的需要，可逐一個案考慮，以決定可否把受保護的土地劃作其他用途。如果未確定真正的需要，分區計劃大綱圖就把大片土地劃為「鄉村式發展」地帶，使此地帶的面積和屋宇的數目驟增，會促使村民把屋宇轉售給村外人，形成濫用小型屋宇政策的情況；

(q) 把郊野公園「不包括的土地」範圍內太多土地劃作「鄉村式發展」地帶，意味着小型屋宇的發展可以在公眾無法參與意見的情況下獲地政總署批准。有證據顯示，地政總署在「鄉村式發展」地帶的管制或執法能力有限，導致此地帶出現污染、排污、出入交通、安全及衞生等種種問題，情況之差，人盡皆知，這樣實有違《城市規劃條例》所訂明的規劃目的；

(r) 城規會的決定應以公眾利益為依歸。城規會考慮既得利益者未經核實的需求之餘，更應考慮政策、證據、法律和保育的真正需要，然後作出衡量，而過程中，城規會有責任維護公眾利益，以及回應公眾想保育郊野公園「不包括的土地」這個合理期望。至於應該怎樣做才行，他已向城規會提出相關建議；

(s) 要保護郊野公園「不包括的土地」範圍內具重要生態價值的地方，唯一的有效方法是把這些土地劃為「自然保育區」地帶，而不是「綠化地帶」。雖然

根據推定，「綠化地帶」不宜進行發展，但規劃署把「綠化地帶」視為土地儲備庫，目的是為日後的鄉村發展提供土地。把有關地方劃作「綠化地帶」只會助長更多小型屋宇的發展，並不能保護這些地方。大浪灣分區計劃大綱圖的土地用途地帶規劃簡單合理，這三份分區計劃大綱圖應依從；以及

(t) 為這三幅「不包括的土地」擬備分區計劃大綱圖只是權宜措施，作用是暫時保護這些土地免受發展所影響，政府最終應把這三幅「不包括的土地」指定為郊野公園。對於大浪西灣「不包括的土地」，政府就是這樣做，最終把之指定為郊野公園。只有把「不包括的土地」指定為郊野公園，才能充分保護、妥善管理和主動保育這些土地，因為規劃制度根本不足以保護這些土地。城規會的職責是根據《城市規劃條例》盡力保護這些「不包括的土地」，直至有一日這些土地都納入《郊野公園條例》和《海岸公園條例》的規管範圍為止。

[C2864 的實際發言時間：36 分鐘]

40. 主席表示，白理桃資深大律師(C2864)可能誤解了他在關於申述的問答環節中所提出的問題，因為他從沒有建議搬遷海下那條村，他只是問到應否搬遷海下現有的鄉村民居，因為有一些申述人認為無論有多少污染物流入海岸公園都不能接受，但事實上，海下現有的民居已造成污染。主席表示他提出此問題，既不是作出干預，也不是建議遷村。白理桃資深大律師(C2864)回應說，沒有人建議搬遷現有那條村，但如有污染情況，影響最小的解決方法就是分區計劃大綱圖不建議在海下興建四十多幢屋宇。

41. 主席接着請 David Newbery 先生(C3645)作出口頭陳述。主席提醒與會者，這個環節是讓提意見人及其代表闡釋提意見人的意見書的內容，他們應就其他已作出的申述提出意見，而不是補充他們以申述人身分向城規會表達過的意見。

C3645 – David Newbery 先生

42. David Newbery先生借助投影片作出陳述，要點如下：

(a) 他代表海下之友；

(b) 原先那份《海下分區計劃大綱草圖編號S/NE-HH/1》的「鄉村式發展」地帶有問題。從規劃署建議對該分區計劃大綱圖作出的修訂所見，雖然修訂後的「鄉村式發展」地帶好一點，但該圖仍有大問題，包括所劃的海岸線和描繪的水文情況不正確；對農業用途缺乏管制；沒有交代建議劃設的「綠化地帶(1)」究竟是作發展還是保育；排污方面會有影響；新建議的「綠化地帶」範圍不妥；以及界定住屋需求的方法有問題。不過，這些問題均可解決；

(c) 規劃署有關海下的文件所示的海岸線不正確。有一份圖則把介乎海岸公園邊界與「鄉村式發展」地帶邊界之間的「海岸保護區」地帶內的一個地方標示為「田」，但從實地照片所見，該處其實並不是「田」，而是海灘連伴生的紅樹林。規劃署的圖則令人以為屋宇21A與海邊最少相距40米，但在中潮時，兩者的距離實際不足20米；

[甯漢豪女士此時返回席上。]

(d) 規劃署的圖則顯示的海岸公園邊界遠及大海，那位置既不是漲潮水位，亦不是海灘線，顯然是隨意劃定的。七十年代，海岸還未受到侵蝕，海下村與海邊的確相距約40至50米，但時至今日，在中潮水位時，海灘與破落的舊村圍牆相距只不過是10米左右；

(e) 規劃署曾認同「海岸保護區」地帶最少要闊25米。雖然該署的圖則顯示舊村前面的「海岸保護區」地帶闊30米，但該地帶實際上只闊10米，因為海岸侵蝕令海陸之間的分界有變。因此，「海岸保護區」地帶的範圍要侵進現有鄉村的覆蓋範圍。「海岸保護區」地帶只有10米闊，既不足以防止

建築工程造成污染，又不能避免侵蝕的情況持續下去。因此，應把舊村劃入「海岸保護區」地帶，這樣不單可制止該區所有的建築活動，還可確保建築工程不會對海下灣造成污染及令海岸再受到侵蝕；

(f) 根據一份顯示海下現有河流及沼澤等地方的水文情況的圖則，原本建議的「鄉村式發展」地帶的西部(規劃署建議把當中部分地方改劃為「綠化地帶(1)」)位於地下水位甚高之處，並不宜興建屋宇；

(g) 在「海岸保護區」地帶、「自然保育區」地帶及「綠化地帶」內的私人土地是可以發展農業用途的。事實上，「綠化地帶(1)」內 95%的土地都屬發展商所有，令人質疑是否真的有人會在這些地方耕種，或是他們只是藉詞耕種來破壞某個地方，然後提出發展申請。假耕作(如白沙澳揭示的情況)會破壞林地，令林地和沼澤地枯乾。擬議「綠化地帶(1)」內的林地及沼澤地現有的水文系統能有效過濾徑流，令流入海下灣的水變得清潔，對海下灣的存活十分重要。假如任由農業活動不受控制地進行，樹木便會遭砍伐，令泥土外露，而外露的泥土會被沖下海下灣，令粉土覆蓋珊瑚及其他海洋生物，導致海洋生物死亡。農業活動亦會使用肥料及農藥，這些污染物會被沖下海下灣，導致紅潮及海水脫氧的情況，毒害海洋生物；

(h) 建議把海下分區計劃大綱圖「自然保育區」地帶、「海岸保護區」地帶、「綠化地帶」及「綠化地帶(1)」《註釋》中第一欄的「農業用途」改列於第二欄。此舉並非針對那些符合可持續發展原則的小規模有機環保農業活動，而是要防止這些地帶內的土地被假的農業活動所破壞。真正的農戶可向城規會申請許可進行不損環境(特別是不會污染海下灣)的農業活動；

(i) 擬議「綠化地帶(1)」的意向欠清晰。規劃署曾認同漁護署的生態評估有謬誤及不足之處，以及非政府組織提供的數據有其優點(即數據是正確的)。規

劃署表示，劃設「綠化地帶(1)」是為了保育，但市民卻認為「綠化地帶」其實為配合政府近期的政策而設，目的是預留土地供日後建屋之用。假如人們認為「綠化地帶(1)」可供日後發展之用，土地擁有人(即發展商)便會破壞該區，摧毀其生態價值。假如規劃署真的有意保育該區，就應該把之劃為「自然保育區」地帶；

(j) 海下沒有正式的污水收集系統，所有屋宇均用化糞池及滲水井系統排污。這類系統的設計是把污水排入泥土，由泥土中的細菌淨化。化糞池及滲水井系統與承受水域相距越遠，淨化的效果就越好。海下的海灘附近發現有大腸桿菌及內分泌干擾物，數量達可量度的水平。這些污染物只可能來自海下那些在環保署政策下獲發牌照的化糞池及滲水井系統；

(k) 環保署有關流出物標準的技術備忘錄訂明，海岸水域內的泳灘及「具特殊科學價值地點」屬特別地區，有特定的限制，不得有新的流出物排入憲報公布的泳灘的界線 100 米範圍內及「具特殊科學價值地點」的向海界線的 200 米範圍內和向陸地界線的 100 米範圍內。不過，環保署的政策卻未有考慮法例這項規定，竟准許在「具特殊科學價值地點」的 30 米範圍內設置化糞池及滲水井系統，而不是法定的 100 米範圍外，這樣便無法防止海下現有的化糞池及滲水井系統所排出的污水流入海下灣。分區計劃大綱圖更讓海下化糞池及滲水井系統的數目進一步增加一倍以上，不但危害公眾健康及摧毀海洋生物，亦違反環保法例；

(l) 擬議的「鄉村式發展」地帶的地下水位高，又有多條河流，有部分地方被水淹浸，不宜設置化糞池。應加長化糞池及滲水井系統與承受水域之間的距離，讓淨化效果可達理想水平。現有的化糞池及滲水井系統已經污染海下灣，可是，分區計劃大綱圖仍准許加建 40 幢新的屋宇，當中大部分更在海下灣 100 米範圍內。假如作出規劃時用了資料有誤的地圖，設置化糞池的位置便可能在舊村，距離海灘

10 米甚或不足 10 米。大部分「鄉村式發展」地帶內泥土的水文系統難以有效處理污水。恰當的規劃程序應評估污水增加對水文系統所造成的累積影響。污水增加可導致的後果包括海水的大腸桿菌含量增加，令海灘危害健康；海下灣的營養物增加，導致水中的含氧量下降，損害海洋生物；以及水中的清潔劑及無法進行生物降解的清潔劑含量增加，毒害海洋生物，特別是珊瑚。海下灣是保育地區，亦是進行康樂活動的好去處，倘遭破壞，對環境會是一場大災難；

(m) 環保署在海下灣設有三個污染監察站，最接近的一個距離海灘超過一公里，該處經常有由赤門而來的海水沖刷。雖然環保署指海下灣現時沒有污染問題，但海下灣內灣的沖刷次數甚低，旱季時尤然，以致污染物未能快速沖走。河口近日更形成了一個湖，污染物被困住而積聚起來；

(n) 海下全面發展後，便不再是一條小村。長遠而言，設置一個一個的化糞池及滲水井系統不能保護海下灣。為解決水污染問題，除非已有長遠的排污方法，例如已鋪設污水管系統，又或興建了一組區內環保污水處理設施，有關措施同時可處理現有屋宇的污水，否則不應再批准進行房屋發展；

(o) 他奇怪規劃署為何會在建議對海下分區計劃大綱圖作出的修訂中，把「鄉村式發展」地帶東面的地方由「自然保育區」地帶改劃為「綠化地帶」。事實上，擬議的「綠化地帶」並不是漁護署所說的平地，而是遍布大石，難以前往，更是一片未曾開墾的天然成熟林地，以及一個成熟獨特又未經勘查的生態系統。把該處劃為「綠化地帶」只是為了預留可建屋的土地供日後發展之用。漁護署未有提供任何有關該處生態的科學數據。事實上，該處有一條很重要的河流，河水流入海下灣。該處更有部分地方被漁護署劃為風水林。劃設「綠化地帶」應是為了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，而不是為了在「自然保育區」地帶的中央建島；

(p) 海下的「鄉村式發展」地帶是規劃署根據村代表提供的小型屋宇需求數字(84 幢)加上現正處理的申請所涉及的小型屋宇數量(10 幢)而劃設的。究竟 84 幢這個需求數字是世界各地可能合資格的原居村民的總數，抑或是村民所擁有的私人土地可興建的屋宇數目，根本不得而知，因為此數字沒有經過任何覆核、考證或審查。東丫的村代表曾向報章承認，他向政府提供的是一個粗略估計的數字，他所要求的較實際所需為多。規劃署實無理由根據村代表隨意提供的數字來劃設分區計劃大綱圖的「鄉村式發展」地帶；

(q) 海下在過去 18 年興建了七幢新的屋宇，但沒有一幢是由原居村民居住。因此，根據小型屋宇政策，海下過去 18 年所需要的屋宇數目應是 0，而未來 10 年也不大可能會有 94 名男性村民回海下居住及工作。所規劃的小型屋宇無助於解決本港房屋短缺的問題，亦不會成為原居村民的居所，得益的只會是發展商、物業投機者及不在該村居住的原居村民；

(r) 政府只諮詢過原居村民，但他們大部分都不在該村居住，只對如何能從小型屋宇政策中取利感興趣。政府沒有徵詢海下居民對分區計劃大綱圖的意見。事實上，超過四分之三的居民曾去信鄉事委員會，表示鄉事委員會所發表的意見並不代表居於海下的村民的意見。鄉事委員會向那些居民回覆說，鄉事委員會的主要職能是保障原居村民的權利，特別是他們興建村屋的權利。小型屋宇政策給予男性原居村民申請在海下興建小型屋宇的權利，至於他們在哪裏居住，則無關重要；

(s) 假如城規會接納鄉事委員會有關原居村民興建小型屋宇的資格與其是否打算居於該屋宇無關這個觀點及村代表所稱的住屋需求，便會為其他郊野公園

「不包括的土地」立下不良先例，引發並無打算在新界鄉村居住的原居村民提出建屋申請，令這類申請不絕；

(t) 當局應考慮主要持份者(包括海下村的居民、真正有需要居於該村的原居村民、村內營商者、旅遊業內人士、辦學機構、環保組織及喜愛海下和海下灣的遊客)的意見，為海下作出長遠的規劃；以及

(u) 應修訂分區計劃大綱圖，包括正確地勾劃海岸線和描繪水文情況，以及擴大「海岸保護區」地帶，以確保海灘與「鄉村式發展」地帶最少隔開25米作為屏障；把「農業用途」列於「自然保育區」地帶、「海岸保護區」地帶及「綠化地帶」的第二欄，規定如要發展農業活動，必須取得城規會的規劃許可；禁止在海灘100米或河流30米範圍內設置化糞池；取消建議在「鄉村式發展」地帶東面的地方劃設的新「綠化地帶」，並把之還原為「自然保育區」地帶；把擬議的「綠化地帶(1)」改劃為「自然保護區」地帶；把擬議「鄉村式發展」地帶西面的地方及擬議「自然保護區」地帶東面的地方劃為「綠化地帶(1)」，作為緩衝區；根據小型屋宇政策按所估算的實際住屋需要而不是村代表的索求來規劃「鄉村式發展」地帶；以及清楚說明小型屋宇政策的原意並據之執行這項政策，規定原居村民申請興建的小型屋宇必須真的是自住。

[C3645的實際發言時間：33分鐘]

[會議小休五分鐘。]

[張孝威先生、劉興達先生及凌嘉勤先生此時暫時離席。]

<u>C3657－香港鄉郊基金</u>

43. Edward Michael先生作出陳述，要點如下：

(a) 城規會應根據充分的證據作出決定。如果證據不夠充分，不足以支持某一行動，便應依從現有的政策和做法。城規會亦有責任作出符合公眾利益的決定，而何謂符合公眾利益，「不包括的土地」政策、規劃政策、《香港規劃標準與準則》、立法會就大浪西灣個案所作的決定、法院和《城市規劃條例》大致上已作出界定；

[劉興達先生此時返回席上。]

(b) 不符公眾利益的，就是私人利益，包括以產權掩飾的發展需要或發展期望。不過，產權只賦予持有人權利向政府提出所需申請，過程仍須遵守香港法例，而且不一定會獲得批准。至於小型屋宇發展方面，能從小型屋宇政策得益的往往不是村民，最大得益者反而是買下村民土地的私人發展商。城規會有必要區分公眾利益與私人利益，不應為了少數公司的私利而犧牲公眾利益；

(c) 作出決定時，城規會應準確評估有關地區的土地用途。嘉道理農場暨植物園公司和其他環保組織所作的研究顯示，鎖羅盆是保育價值最高的地方，約有30年無人居住。城規會要更改該區現有的土地用途，就必須提出充分有力的理據和證據；

[凌嘉勤先生此時返回席上。]

(d) 城規會致力杜絕「先破壞，後建設」的行為，足見其非常重視鄉村地區現有的土地用途。鎖羅盆、海下和白腊都具有高保育、生態和景觀價值。城規會要容許不符合現有土地用途的情況，就必須提出充分有力的理據和證據。從這個角度而言，除了「自然保育區」外，這三區不應劃設任何其他地帶；

(e) 政府經常以施加規劃許可附帶條件已經可以有效減少發展的不良影響這一點，作為容許進行發展的論據。不過，此論據正正違背了防患未然的原則，根

據該原則，若損害範圍和程度不明，根本不應造成損害；

(f) 根據《香港生物多樣性及保育重點指標報告》的列表，涉及「綠化地帶」的規劃申請，其所涉土地的總面積由二零一二年的 36 公頃，躍升至二零一三年的 131 公頃，其中約 108 公頃獲得城規會批准進行發展。這數字顯示「綠化地帶」實際上已變成發展地帶，繼續把之稱為「綠化地帶」，實有誤導之嫌；

[張孝威先生此時返回席上。]

(g) 沒有證據顯示「綠化地帶」會受到保護，可免受發展破壞，也沒有證據顯示所有污水收集設施都可防止無用的污水流入大海。相反，有大量證據顯示「農業用途」涉及的活動會降低土地的生態價值；

(h) 土地的生態價值一旦降低，復原的機會極微。執法行動和檢控並非保護郊野公園「不包括的土地」生態價值的有效機制；

(i) 不應容許產生污水的「農業用途」和發展有當然權利在「綠化地帶」進行。城規會有責任按照規劃申請程序考慮這些發展的申請；以及

(j) 沒有必要在規劃意向是自然保育的地區「作出平衡」。當局必須平衡兼顧的是保育這方面的公眾利益，而非私人的經濟利益。「不包括的土地」的規劃絕非環保份子與村民之戰。村民可以在現有的屋地興建屋宇，其利益已受到保障。「不包括的土地」政策不應是用來保障一些村民要求的額外產權。

[C3657的實際發言時間：10 分鐘]

SLP-C3669－黃慶祥
SLP-C3673－黃瑞強

SLP-C3675 – Margaret Wong
SLP-C3676 – 黃春榮
SLP-C3677 – Wong So Chun

44. 黃慶祥先生作出陳述，要點如下：

(a) 他代表鎖羅盆鄉村委員會，另有四名村民亦授權他代為發言；

(b) 黃瑞強先生(SLP-C3673)的意見撮述如下：

(i) 許多香港人被傳媒誤導，以為鄉村式發展對生態和鄉郊環境會有負面影響，也有些立法會或區議員、政府部門、環保分子和環保組織表示反對在鎖羅盆進行鄉村式發展，這對屬於少數的村民不公平；

(ii) 郊野公園及海岸公園管理局總監僅把政府土地納入郊野公園範圍，而鄉村四周 300 呎範圍內的土地則通常不納入在郊野公園內，由此可見，郊野公園政策的原意也是容許鄉村擴大的，反而分區計劃大綱圖卻是用作摧毀鎖羅盆的法定工具；

(iii) 修復鎖羅盆，在村內興建鄉公所和遊客中心，並不會影響鎖羅盆地區的生態和景觀價值，反而是遠足和露營人士在鄉郊隨處便溺，污染鎖羅盆地區；

(iv) 鎖羅盆村已存在數百年，是新界北部唯一的認可鄉村，也是客家遺址，村內布局與周邊的鄉郊地方和諧協調。村民若無權使用土地，便會一無所有；該村和那裏的文物遺址一旦受破壞，就會永遠消失；以及

(v) 政府保育環境之餘，也要保護原居村民的權利，從中作出平衡，這樣才可令社會更和諧

穩定。政府應支持復村，並開發該區在旅遊方面的發展潛力；

(c) 有些立法會議員(例如陳家洛議員)和一些環保組織曾質疑何以現時無人居住的鎖羅盆的規劃人口會達1 000 人。須注意的是，此規劃人口數字並非由鎖羅盆村代表上報，他只是在回應政府查問資料時，勉強表示過要有 134 幢小型屋宇才能應付該村男性原居村民所需;

(d) 沒有人會那麼容易放棄祖輩留下的遺產。根據《基本法》第四十條，新界原居民的合法傳統權益應受政府保障；

(e) 鎖羅盆村已有三百多年歷史，郊野公園系統卻只是在七十年代才開始實行，所以說該村侵入郊野公園的地方是錯誤的，況且村民有權申請發展小型屋宇，也有責任保護自己的鄉村;

(f) 鎖羅盆村為郊野公園所包圍，沒有道路接達市區，村民迫不得已要暫別鄉村。自二零零七年起，他們已嘗試修復該村以求回復原貌。祖輩寫下的認祖詩教誨後代要敬重祖先，顯示他們有復村的使命。正因如此，即使該村有 95%的土地屬私人土地，村民也未有賣地圖利。若環保組織試圖令政府沒收村民的土地，讓他們一班環保份子得享自然環境，未免對村民不公道；

(g) 村民並非反對保育大自然，甚至認為也許值得為保育大自然而捨棄自己的土地。不過，事實卻是那些申述人和提意見人大部分都住在市區，盡享現代城市生活的好處，閒時才會到鄉郊一遊，村民根本不值得為這樣自私的行為而作出犧牲；

(h) 把分區計劃大綱圖刊憲這種做法無以保護自然環境，唯一能有效保育環境的方法就是實際改善環境。舉例說，近年，有一些非法伐樹活動引致土壤侵蝕頻生，令向該村供水的水塘淤塞。村民分別在

二零一一年、一三年和一四年進行疏浚水塘工程，讓水可再次流到村裏。那些伐樹的人也損壞了一些村屋，因此，村民要住在村裏才能保護家園。另外，由於沒有人挖走河中的沉積物，近年經常發生洪氾情況，政府應負起責任管理該河；

(i) 從前曾有一條河流經鎖羅盆，到七十年代，有村民在該河上游建了一個池塘，該河自此消失，所以鎖羅盆並沒有「具重要生態價值的河溪」；

[鄒桂昌教授此時返回席上。]

(j) 不少私人土地已劃作「綠化地帶」，當中有些是梯田。村民一直有清理這些梯田上的植物，望能把之修復，但他不肯定這些梯田劃作「綠化地帶」後，村民是否仍可進行修復工作；

(k) 村民沒打算在村內進行新的發展，所以不應把復村視為「先破壞，後建設」的行為；以及

(l) 若鎖羅盆如立法會議員胡志偉建議那樣納入郊野公園範圍，就等同沒收私人財產作公用。

[SLP-C3669、SLP-C3673、SLP-C3675、SLP-C3676及SLP-C3677的實際發言時間：30分鐘]

[甯漢豪女士此時暫時離席。]

SLP-C3670－黃佑民

45. 黃佑民先生作出陳述，要點如下：

(a) 他在鎖羅盆出生，是真真正正的原居村民；

(b) 規劃署在毫無充分的證據下擬備鎖羅盆的草圖。鎖羅盆村的族譜顯示，該村建村至今已有14代，最興盛時期曾住了過百戶人家。五十年代，村內興建了一所學校，有幾十名學生，政府亦支持該村擴

展。雖然當時該村有很多居民，但他們都能夠與大自然和諧共處。一直到河流無人管理，田地荒廢，那些稀有的動物和魚類才開始消失；

(c) 雖然村民的權利受到《基本法》保障，但政府現在卻決定把該村劃入法定圖則，限制該村的發展。其實政府應該鼓勵村民發展該村和復耕；

(d) 村內和附近一帶的垃圾，是來自市區的遠足人士和遊客製造的，但環保組織卻不設法阻止他們污染環境；

(e) 村民不會放棄，他日道路和其他通訊基礎設施建成，村民就會回村居住；以及

(f) 建議把私人土地劃為「農業」地帶，以保護天然環境。希望政府能夠保存客家歷史和文化，讓村民將來對社會作出貢獻。

[SLP-C3670的實際發言時間：10分鐘]

SLP-C3672－黃素珍

46. 黃素珍女士作出陳述，要點如下：

(a) 她是鎖羅盆原居村民第11代的子孫，也是其家族第167代的傳人；

(b) 鎖羅盆村是認可鄉村，在英國接管新界前已經存在。英國殖民地政府承認該村，並為該村興建小徑、遊樂場、渡頭和水塘。警察當時亦與村民保持良好的關係。七十年代，政府建立郊野公園系統，把村內的私人土地保留為「不包括的土地」；

[張孝威先生此時暫時離席。]

(c) 可惜政府沒有為該村築路或供電。為了生計，許多村民唯有離村到市區謀生。根據二零一一年人口普

查的資料，該村無人居住，現時也沒有尚未處理的小型屋宇申請。不過，鎖羅盆村宗族不斷開枝散葉，子孫已經遍布世界各地。他們不少都堅持每年回鄉祭祖，參加慶典。村民於二零零八年自發清理村內的雜草，最近更重修舊墳。村民都希望有朝一日，能夠復村；

(d) 不是鎖羅盆的村民想侵奪郊野公園，而是郊野公園將要吞沒鎖羅盆村。環保組織想盡辦法滅村，比當年的英國殖民地政府和侵華日軍更加可怕。村民一直致力保護該村，從來沒有把私人土地賣給私人發展商圖利。環保組織指控村民與自然保育為敵，所作所為並不文明；

(e) 香港是法治社會，但在輿論壓力下，城規會沒有遵守相關法律。根據《基本法》第六條，香港特別行政區依法保護私有財產權，而根據《基本法》第一百零五條，香港特別行政區依法保護私人和法人財產的取得、使用、處置和繼承的權利，以及依法徵用私人和法人財產時被徵用財產的所有人得到補償的權利。不過，分區計劃大綱圖把私人土地劃為「自然保育區」地帶和「綠化地帶」，剝奪村民的產權，違反了這些法律；

(f) 「農業用途」和「農地住用構築物」是「自然保育區」地帶和「綠化地帶」內經常准許的用途。不過，據城市規劃委員會文件第 9645 號第 5.12(k)(i)段所說，漁護署表示這些地帶內任何涉及河道改道、填土／填塘或挖土的工程，如可能對天然環境有負面影響，均須取得城規會的規劃許可才能進行。須留意的是，要把田地和魚塘復原，就需要進行河道改道、填土／填塘或挖土的工程。說什麼「農業用途」是這些地帶經常准許的用途，是沒有意思的；

[甯漢豪女士此時返回席上。]

(g) 城市規劃應以人為本，而非以動植物為本。既然村民打算復村，政府就應該給予支持和協助。「鄉村式發展」地帶不應只有小型屋宇和污水處理設施，亦應有基本的基礎設施和服務，例如道路、水電供應、公眾安全和電訊服務；

(h) 以往新界和市區都有許多鄉村發展造成環境破壞的例子。鄉村發展未如理想的主要原因，就是政府指引不足，監察不力，加上不少村民和發展商的環保意識差。對於鎖羅盆，政府應採用新發展方針，把該處打造成生態村，配合其打算把沙頭角地區發展作生態旅遊和文化旅遊景點的計劃。只有採用這個新方針，才能促進人們與大自然和諧並存，並照顧到村民的私人產權，更可活化該村，同時保護天然環境；以及

(i) 以這個新方針進行發展，城規會的角色不只是規劃和管制，而是給予指引，以助復村及使該區發展為旅遊景點。

[SLP-C3672的實際發言時間：12分鐘]

47. 各人陳述完畢，主席於是請委員提問。

鎖羅盆

48. 副主席要求黃慶祥先生(SLP-C3669)提供更多資料，說明何以預測鎖羅盆未來10年的小型屋宇需求量為270幢。黃慶祥先生表示，村代表是應地政總署的要求而提供未來10年的小型屋宇預測數字的。截至二零一三年，鎖羅盆的男性原居村民有270人，其中69人在本港居住，201人在海外居住。270幢這個預測數字是未提交小型屋宇發展申請的18歲以上男性原居村民數目(233人)與未來10年將滿18歲的男性原居村民數目(37人)的總和。據他所知，鎖羅盆的村民從來沒有向地政總署提交過小型屋宇發展申請，所以該村的男性原居村民數目與未來10年的小型屋宇預測數字相同。

49. 主席詢問現時在鎖羅盆以外地方居住的男性原居村民是否全部真的打算申請批建小型屋宇。黃慶祥先生回應說，這些村民有權申請批建小型屋宇，所以他們估計未來10年的小型屋宇需求量時，並無假設這些村民會放棄這權利。

50. 副主席詢問黃慶祥先生是否有未來10年預測數字所包括的所有男性原居村民的名單。黃慶祥先生在實物投影機上展示一個列出族中不同支系的原居村民數目表，並表示可收集大部分村民的相關數據。不過，有些村民已與村務委員會失去聯絡，所以他在已知男性原居村民數目之上再加15至20%，讓那些失去聯絡的村民仍能保留申請發展小型屋宇的權利。270幢這個預測數字已包括這補加的15至20%人數。

51. 副主席繼而詢問為何表中所列的18歲以上男性原居村民數目是228，而向地政總署提供的相應數目卻是233。黃慶祥先生回應說，表中所列的是二零一二年的數字，向地政總署提供的則是二零一三年的數字。

52. 副主席詢問黃佑民先生(SLP-C3670)所提及的族譜是否載有所有男性原居村民的姓名。黃佑民先生表示，族譜在兩年前曾經更新，所以族譜的資料應與黃慶祥先生的展示的列表吻合。

53. 副主席詢問可否提供族譜副本供城規會參閱。黃慶祥先生婉拒，表示要城規會保證族譜所載的資料不會外洩，才會提供副本，因為要防止其他人利用族譜的資料，冒認原居村民申請興建小型屋宇。主席建議秘書處在會議後可以看看該族譜。黃慶祥先生表示同意。

54. 一名委員詢問鎖羅盆復村有何困難。黃佑民先生回應說，最主要的困難是鎖羅盆沒有道路和配套服務，難以迅速展開復村計劃。黃慶祥先生補充說，復村的目的並非要吸引大量村民回村居住，而是希望回復鄉村的原貌。村務委員會於二零零七年成立以來，籌得港幣八十多萬元的捐款，用作清理無用的植被和進行其他有關工程，致力恢復鄉村昔日之美。

[張孝威先生此時返回席上。]

55. 一名委員詢問有否進行任何調查，收集村民是否願意回村居住的意見。黃慶祥先生回應說，鎖羅盆如果有道路和配套服務，很多村民都願意回村居住。他在多次與村民閒談後得出此印象。

56. 一名委員詢問如果村民要返回市區謀生，怎可能復村。黃慶祥先生表示很多村民都願意住在村裏，因為能夠重拾不少美好的童年回憶。黃素珍女士表示，即使復村，很多村民都不會在鎖羅盆村定居，可能只會在周末、放假或節日才回村短住，種種花草、養養禽畜和耕一下田。村民也有計劃進行有機耕種，甚至重闢魚塘。可以說村民想以現代方式重過鄉村生活。不過，他們沒有打算在村內興建食肆或商場。

57. 一名委員詢問要是村裏無人居住，有沒有可能進行保育。聶衍銘先生(C1638)表示，擁有私人土地的業權並不代表擁有這些土地的發展權。政府的原意不是讓郊野公園「不包括的土地」內的鄉村不斷擴大，否則政府早已擴大「不包括的土地」的範圍及興建道路通往鄉村。屋地和農地的界線已劃分，村內土地的用途有明確的機制來釐定。環保組織並非如一些申述人所說那樣主張滅村。只是認為「鄉村式發展」地帶太大，現有已建屋的地方已足夠讓村民發展生態鄉村；而且現有的鄉村民居還未盡用，容許增建 134 幢小型屋宇，實在說不通。他們認為應依照大浪灣分區計劃大綱圖這個先例，讓鄉村繼續蓬勃發展，同時保護天然環境。這正是村民、廣大市民和環境三贏的局面。城規會擬備大浪灣分區計劃大綱圖期間，也有村民要求擴大「鄉村式發展」地帶的範圍。不過，在那份分區計劃大綱圖公布後，城規會卻沒有收到任何小型屋宇發展申請，顯示擴大「鄉村式發展」地帶範圍的需求被誇大。另須留意的是，環保組織不反對在該村復耕及在附近河流取水作灌溉之用。如有需要，村民應請漁護署協助鋪設灌溉水管。有些申述人提到遠足和露營人士帶來負面影響，但實際上他們極少會定期到鎖羅盆和海下這些偏遠的「不包括的土地」。遠足人士的負面影響，遠遠少於在鎖羅盆增建 134 幢新小型屋宇的影響。另須留意的是，曾經有人清除鎖羅盆的植被。二零零八年，政府對非法清除植被的人士提出檢控。二零一零年，政府土地的紅樹林受到干擾。政府要用公帑把紅樹林回復原狀。

58. 白理桃資深大律師(C2864)表示，大浪灣分區計劃大綱圖讓大浪灣村能從遊客生意賺取收入，繼續蓬勃發展，是一個好好的先例。要是按照大浪灣的先例，鎖羅盆的村民應該能夠管理該村及在有需要時翻建村屋。「鄉村式發展」地帶只應涵蓋現時已建屋的地方。「鄉村式發展」地帶附近的地方應劃為「自然保育區」地帶，因為這樣可以保護那裏天然的地方，使鄉村周圍有優美的環境。這樣一個好好的先例也不依據，實在於理不合。關於鎖羅盆的植被遭清除，須留意於二零零八年，政府和私人土地有 4 000 棵樹被伐掉。

59. 陳嘉琳女士(C2506 及 C2535)表示，保育鄉村並不代表村內所有事物都不能改動。更確切地說，保育的目標是保持區內的生態、景觀和康樂價值。環保組織不反對在分區計劃大綱圖上加入「鄉村式發展」地帶以作復村之用，但現有村屋仍然殘破失修，卻要擴大「鄉村式發展」地帶以增建 134 幢小型屋宇，這實在說不通。她最近見過幾個年青人，他們都是另一條村原居村民在外國出生的後代，首次回港。他們聽到政府正為其村作出規劃的傳聞，便回港看看究竟有沒有經濟機會。顯然，這些原居村民的後代根本沒有打算回村定居，與村民重過鄉村生活。擴大「鄉村式發展」地帶只令村民有錯誤的期望，以為政府將會發展「不包括的土地」。至於非法伐樹的人入村破壞村民財產的問題，建議把該區納入郊野公園的範圍，這樣漁護署的護理員便會定期巡邏。

60. 主席詢問為何現有村屋仍然殘破失修，村民卻要求擴大「鄉村式發展」地帶。黃素珍女士表示，二零零八年村民開始想復村時並無長遠的計劃，只想興建幾幢屋宇，希望這樣足以吸引更多村民回村居住。一直到地政總署要求他們提供未來 10 年的小型屋宇預測數字，他們才決定進行調查。須留意的是，陳嘉琳女士提及的原居村民後代並不代表鎖羅盆村民的意見。很多已離世的村民都安葬在村裏，激發了他們的子女回村居住之心。發展擬議的 134 幢新小型屋宇只是一個長遠的目標，未有具體落實發展的時間表，但她對於實現此目標感到樂觀，因為很多來自世界各地的村民都表示有意回村居住。

61. 黃慶祥先生回應一名委員的問題，表示「鄉村式發展」地帶位於較高處，所以不會出現水浸。

62. 蘇震國先生回應這名委員的問題，表示村民如想翻建「鄉村式發展」地帶內的村屋是無須取得城規會的規劃許可的。黃慶祥先生表示，地政總署審批翻建現有小型屋宇的申請，是有一套嚴格的準則和要求的，他們未能達到有關準則，所以無奈放棄申請。主席表示，黃先生所指的是與規劃申請制度不同的地政制度。

63. 一名委員詢問城規會曾否批准任何涉及「自然保育區」地帶改劃為「鄉村式發展」地帶的申請。秘書回應說，她記得曾經有一宗第 12A 條申請要求把一幅用地由「自然保育區」地帶改劃為「鄉村式發展」地帶，但申請地點涉及屋地，又位於「自然保育區」地帶邊緣，所以才獲得批准。

64. 一名委員注意到環保組織希望把「不包括的土地」納入郊野公園範圍，但村民則想復村，故詢問兩方申述人的意見是否存在無法消除的鴻溝。聶衍銘先生表示，多份反對分區計劃大綱圖的申述書都是由公眾人士提交的，所以把情況形容為環保組織與村民的意見出現鴻溝，並不正確。另外，環保組織認為城市規劃制度下的最佳解決方法，就是依照大浪灣分區計劃大綱圖的先例，締造村民、廣大市民和環境三贏的局面，而這三方更以村民為先，可見環保組織從來都沒有想過滅村。

<u>海下</u>

65. 主席問到海下的「鄉村式發展」地帶是否太接近海岸線，以及此地帶的地下水位是否過高，以致化糞池不能妥善運作。規劃署沙田、大埔及北區規劃專員蘇震國先生以幾張航攝照片作說明，表示「鄉村式發展」地帶位於較高位置，而且與海岸線相隔一段距離。鄰近海岸線的地方位於較低位置，加上地層是沖積土，故在這些地方設置的化糞池或許未能妥善運作。須注意的是，高水位線接近「海岸保護區」地帶的外邊界，但兩者非完全一致，因為「海岸保護區」地帶的界線須與海下灣海岸公園的界線吻合，法定管制範圍才能由海下一直伸延至海下灣海岸公園。「海岸保護區」地帶並非如一些申述人所說是設計來管制發展的，例如設置化糞池。此地帶的規劃意向其實是要保育、保護及保留天然海岸線及易受破壞的海岸自然環境。至於化糞池，是由環保署負責規管。

66. 蘇震國先生回應主席另一問題，表示現有的小型屋宇全都位於海下的「鄉村式發展」地帶範圍內。

67. David Newbery 先生回應主席的問題，表示海岸公園實際上位於海中，所以劃定內邊界並無意義。雖然高水位線尚算準確，但約有一半時間水位會升高至高水位線之上，沖走泥土。因此，「海岸保護區」地帶內的田現已不存在，變成了海灘連伴生的紅樹林。因此，蘇震國先生所指的海岸線並非實際的海岸線。海洋生態系統與「鄉村式發展」地帶的界線其實只相距約 10 米。

68. 主席詢問 David Newbery先生，既然根據一般推定，「綠化地帶」內不宜進行發展，為何他早前卻說整個「綠化地帶」都會有小型屋宇發展。David Newbery 先生回應說，他對城規會沒信心，不認為城規會會拒絕在「綠化地帶」興建小型屋宇的規劃申請。David Newbery 先生以「香港生物多樣性及保育重點指標報告」中的列表作說明，表示規劃申請涉及的「綠化地帶」土地有 131 公頃，而當中獲批准的申請涉及的「綠化地帶」土地有 108 公頃，可見涉及「綠化地帶」的規劃申請獲批准的比率頗高。

69. 主席提到「香港生物多樣性及保育重點指標報告」中的列表，詢問二零一三年獲城規會批准的那些涉及「綠化地帶」的申請中，有多少百分比是作小型屋宇發展的。David Newbery 先生表示，他要問 Roger Kendrick 博士，即該報告的撰稿人，才能回答這個問題。無論如何，「綠化地帶」已成為小型屋宇發展的「土地儲備庫」，若耗盡這「土地儲備庫」的土地作發展，累積影響可以極大。海下方面，將有關地方劃作「綠化地帶」並不適當，因為城規會看來無意限制地帶內的小型屋宇發展。如有意保育有關地方，就應把之劃為「自然保育區」地帶而非「綠化地帶」。城市規劃委員會文件第 9644 號第 5.24 段提到，「為應付日後的小型屋宇需求，規劃署檢視了該區的土地，期能找到有潛力作小型屋宇發展的合適地點」。顯然，「綠化地帶」內的小型屋宇發展都會獲批准，所以他認為最終整個「綠化地帶」都會建有小型屋宇。

70. 主席表示，據城市規劃委員會文件第 9644 號第 5.24 段所述，「綠化地帶」內並非不可以發展小型屋宇，如提出申

請，城規會可按個別情況作出考慮。他詢問文件中是否有 David Newbery 先生提及的「土地儲備庫」一詞。蘇震國先生答稱，文件中沒有此用詞。

71. 秘書稱，根據她的記錄，二零一三年有 55 宗擬在「綠化地帶」內興建小型屋宇的規劃申請，涉及的土地總面積為 3.7 公頃，當中有 17 宗申請(涉及 1.51 公頃土地)獲城規會批准。

72. Edward Michael先生(C3657)回應主席的問題，表示「香港生物多樣性及保育重點指標報告」中列表的資料是根據從法定規劃綜合網站和城規會的會議記錄所取得的數據而整理出來。主席說，那即是說列表中的資料並非城規會提供的正式數字，只是一個非政府機構根據從不同來源取得的資料整理出來。Edward Michael 先生表示可向城規會提供更詳細數據，印證列表中的資料。主席表示，城規會秘書處已有相關數據的詳盡記錄，因此 Edward Michael先生不必提供更多補充數據。Edward Michael 先生建議可由城規會向他提供相關數據作參考。主席同意。

73. 主席詢問，如果小型屋宇申請涉及的地點不合適，令化糞池不能妥善運作，當局會否就此諮詢環保署。謝展寰先生回應說，申請在海下地區興建小型屋宇，申請人須委聘認可人士進行滲濾試驗，然後將試驗結果提交地政總署，證明申請地點適宜設置化糞池。如滲濾試驗結果不獲接納，地政總署有可能拒絕申請。地政總署可能會諮詢環保署，確定進行滲濾試驗的過程是否恰當。

<u>白腊</u>

74. 一名委員問到白腊是否有私人土地被私人發展商收購。西貢及離島規劃專員鍾文傑先生表示，白腊「鄉村範圍」內的土地約有 44%為私人土地。根據他的記錄，該區「鄉村式發展」地帶內部分土地已被一家私人公司收購。

75. 由於委員再沒有問題要提出，主席多謝政府的代表及提意見人出席會議。他們各人此時離席。

76. 會議於下午七時休會。

[會後備註：秘書處於會後看過黃慶祥先生(SLP-C3669)的族譜，備悉其對鎖羅盆的小型屋宇需求所作預測。]

1. 會議於二零一四年五月二十日下午二時三十分恢復進行。

2. 下列委員和秘書出席了恢復進行的會議：

周達明先生	主席
黃遠輝先生	副主席
黃仕進教授	
劉智鵬博士	
李律仁先生	
馬詠璋女士	
邱榮光博士	
鄒桂昌教授	
霍偉棟博士	
符展成先生	
何立基先生	
黎慧雯女士	
林光祺先生	
劉興達先生	
陳福祥先生	
葉德江先生	

袁家達先生

民政事務總署助理署長(2)
曹榮平先生

環境保護署副署長
謝展寰先生

地政總署署長
甯漢豪女士

規劃署署長
凌嘉勤先生

商議部分

[閉門會議]

3. 主席表示歡迎委員到席，並表示此節會議是要商議有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述及意見。他表示先前已在二零一四年四月二十八日、五月八日、五月十二日及五月十九日舉行了四場聆訊，聽取了這三份分區計劃大綱草圖的申述人／提意見人或其代表的口頭陳述。會議約有 100 名申述人及 20 名提意見人及／或其代表出席，當中 50 人就這三份分區計劃大綱圖作出口頭陳述。

4. 主席請委員審議有關申述時考慮所有書面及口頭陳述內容，以及在各節會議上呈上的資料。各節會議的錄影片段已在商議部分開始前準備好，讓委員觀看。他表示，城規會應考慮申述人／提意見人的所有理據及建議，然後決定是否建議順應申述的內容／部分內容修訂這三份分區計劃大綱圖。為方便商議這些申述及意見，會議會先討論及商議申述人／提意見人的一般理據，然後是他們所提出關於個別分區計劃大綱圖的理據及建議。主席說罷，委員便審閱申述人及提意見人所提出關於這三份分區計劃大綱圖的共同理據。

關於這三份分區計劃大綱圖的一般共同理據

劃設「鄉村式發展」地帶及小型屋宇需求

5. 主席表示，很多申述及意見都是與小型屋宇需求及這三份分區計劃大綱草圖所劃設的「鄉村式發展」地帶有關。一方面，有些申述(即村民的申述)認為「鄉村式發展」地帶內沒有足夠的合適土地作小型屋宇發展以應付日後的小型屋宇需求；另一方面，環保組織的申述及意見則認為「鄉村式發展」地帶過大。為證明小型屋宇需求數字準確無誤，海下的村代表(R18)及一名鎖羅盆的村民(SLP-R10812/C3669)分別在二零一四年四月二十八日及五月十九日的會議上向城規會及秘書處出示海下及鎖羅盆的男性原居村民名單。根據名單，所預測的海下及鎖羅盆的小型屋宇需求量分別是 97 幢及 244 幢。該名鎖羅盆村民聲稱，鎖羅盆的小型屋宇需求預測數字包括居於海

外的村民人數，但實際的數字應再多 15 至 20%，因為名單上未有顯示一些村民的名字。環保組織則認為「鄉村式發展」地帶過大，而且是根據未經核實的小型屋宇需求數字而劃，沒有足夠的規劃理據支持。「鄉村式發展」地帶過大，會助長詐騙和濫用小型屋宇政策的行為。有些申述人也認為應縮減「鄉村式發展」地帶的面積，以免有人作投機性的發展，因為「鄉村式發展」地帶內的大部分土地都已屬私人發展商所有。

6. 秘書表示，R18 及 SLP-R10812/C3669 提供的小型屋宇需求預測數字包括海下村及鎖羅盆村的所有男性村民人數，與規劃署擬備分區計劃大綱草圖時，相關村代表提供的未來 10 年小型屋宇需求預測數字並不相同。她表示，海下、鎖羅盆及白腊三份分區計劃大綱圖的「鄉村式發展」地帶分別可應付這三條鄉村小型屋宇預測需求的大約 68%、50%及 100%，即可建 94 幢、270 幢及 79 幢小型屋宇。

7. 委員備悉，「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的。海下及鎖羅盆的分區計劃大綱圖採用逐步增加的方式劃設「鄉村式發展」地帶，即是先把「鄉村式發展」地帶的範圍局限在現有的鄉村民居所在之處及毗鄰的合適土地，之後若證明有真正需要發展小型屋宇，才把範圍向外擴展。這方式會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。

8. 副主席認為「鄉村式發展」地帶的劃界有既定的原則，其他鄉郊地區的分區計劃大綱圖也採用，城規會應堅守。由於有需要保護自然環境，因此在郊野公園「不包括的土地」採用逐漸增加的方式劃設「鄉村式發展」地帶以應付小型屋宇需求，做法恰當。鎖羅盆現時無人居住，但於該區劃設的「鄉村式發展」地帶，其面積卻可提供大約 134 幅小型屋宇用地，容納約 1 000 規劃人口，似乎偏大，應予檢討。委員亦得悉白腊分區計劃大綱圖「鄉村式發展」地帶的面積可應付所預測的十成小型屋宇需求，並不符合逐漸增加的規劃方式。

[劉智鵬博士及霍偉棟博士此時返回席上。]

9. 一名委員表示，規劃郊野公園「不包括的土地」時，應同時兼顧自然保育和鄉村發展，從中作出平衡。自然環境固然要保護，但亦不應剝奪原居村民興建小型屋宇的權利。不過，在郊野公園「不包括的土地」進行的發展，其範圍應多大，必須小心考慮，特別是鎖羅盆及白腊沒有車路可達，而且白腊有些私人土地已由私人公司持有。主席表示，規劃署已在聆訊中解釋，土地業權可以變動，因此在規劃方面不應是重要的考慮因素。

10. 經過一輪討論後，主席作出總結，表示委員的意見是認同原居村民有權興建小型屋宇，而當局亦有必要劃設「鄉村式發展」地帶以應付小型屋宇的需求。不過，小型屋宇需求只是考慮「鄉村式發展」地帶範圍大小時的其中一項因素。為盡量減低對郊野公園「不包括的土地」的自然環境的負面影響，「鄉村式發展」地帶的範圍應按照逐步增加的方式來規劃，先局限在現有的鄉村民居所在之處及毗鄰的合適土地。即使「鄉村式發展」地帶內仍有土地可以發展小型屋宇，如有真正的需要使用「鄉村式發展」地帶外的土地發展小型屋宇，規劃申請制度也留有彈性，容許提出規劃申請把「鄉村式發展」地帶擴展或在「農業」地帶及／或「綠化地帶」內發展小型屋宇。城規會會根據每宗申請的個別情況作出考慮。

11. 至於部分申述人指有人濫用小型屋宇政策，委員備悉「鄉村式發展」地帶內土地的用途須符合此地帶的規劃意向，即主要預算供原居村民興建小型屋宇之用。相關的地政處審批小型屋宇的申請時會核實小型屋宇申請人的身分。

小型屋宇的化糞池及滲水井系統和對水質的影響

12. 主席表示，很多申述書和意見都關注郊野公園「不包括的土地」內鄉村式發展項目使用的化糞池及滲水井系統是否合適和有效，以及對海下、鎖羅盆和白腊三區的河流以及附近的水體，特別是海下灣的水質造成的潛在負面影響。這些申述和意見的主要理據是，化糞池及滲水井系統僅可作程度最低的污水處理，而且往往因保養不足和數目增加而未能達到理想的效果。劃設擬議的「鄉村式發展」地帶後，未來人口將會大增，但當局並無就小型屋宇數目增加所帶來的潛在累積影響進行評估。有些申述人和提意見人亦認為，這三區地底表層的沉積物

含有透氣和高滲透力的沉澱物，所以污水雖然經化糞池及滲水井系統處理，但仍淨化得不夠。另有意見認為，當局必須參照《水污染管制條例》訂明要符合的技術備忘錄，訂定化糞池及滲水井系統與海下灣沿岸海域之間的法定後移距離。

13. 委員備悉在地政總署處理有關批建小型屋宇的申請時，相關政府部門會考慮小型屋宇的排污安排，包括化糞池及滲水井系統。原地化糞池及滲水井系統的設計和建造必須在小型屋宇申請階段符合相關的標準與規例，包括環境保護署(下稱「環保署」)的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護署評核的排水渠工程計劃」。在決定某地點是否適合建造化糞池處理和排放污水時，會考慮該地點特有的情況，如滲濾試驗結果、是否接近河流／溪澗、地下水位的深度、地形及洪氾風險。

滲濾試驗

14. 一名委員詢問滲濾試驗是否應該由合資格專業人士進行。環保署副署長謝展寰先生表示，滲濾試驗是《專業人士環保事務諮詢委員會專業守則第 5/93 號》所訂明的其中一項規定。地政總署會要求認可人士認證化糞池的設計符合《專業人士環保事務諮詢委員會專業守則第 5/93 號》所訂明的相關標準與規定，包括進行滲濾試驗。只有認可人士才合資格進行認證。地政總署在處理有關批建小型屋宇的申請時，會要求提交令有關政府部門滿意的經認證化糞池及滲水井方案。委員備悉認可人士是根據《建築物條例》註冊的專業人士，若其行為不當或疏忽，可遭受紀律處分。

15. 一名委員表示《專業人士環保事務諮詢委員會專業守則第 5/93 號》的規定並非強制性，小型屋宇發展項目的申請人會否嚴格遵守，令人存疑。地政總署署長甯漢豪女士表示，地政總署一直嚴謹處理小型屋宇申請。該署會與有關的政府部門緊密聯絡，確保有關申請完全符合所有相關的規定，包括處理和排放污水的安排，才會批建小型屋宇。

16. 另一名委員表示，這三塊郊野公園「不包括的土地」都位於通常地層是泥砂相間的地區。由於地質狀況會影響滲濾試驗結果，這名委員詢問滲濾試驗的深度要求。謝展寰先生回應

說，滲濾試驗必須在興建小型屋宇前進行，以確定地層狀況適合建造化糞池及滲水井系統。進行滲濾試驗的深度會視乎個別滲水井系統的設計而定。一般來說，小型屋宇發展項目的典型滲水井系統會設於地底約 1.5 至 2 米深的地方，但有時深度也有可能達 2 至 3 米。

17. 這名委員表示，在接近海下灣的地方興建小型屋宇，或會對海下灣海岸公園的環境有負面影響。因此，以往在海下灣沿岸或其他沿海地點所作滲濾試驗的結果，或可作為沿海地區泥土狀況的有用參考資料。秘書表示，海下的沿海地區已劃為「海岸保護區」地帶，其規劃意向是保育、保護和保留天然海岸線，以及易受影響的天然海岸環境。「鄉村式發展」地帶的界線是配合「海岸保護區」地帶而劃的，所以在海下的海岸線不會興建新的小型屋宇，就算有，也少之又少。在「鄉村式發展」地帶內發展小型屋宇不用取得規劃許可，所以滲濾試驗結果也無須經城規會審核。

18. 謝展寰先生表示，在提出有關批建小型屋宇的申請時，申請人須提交多項資料予地政總署批核，其中包括一份獲認可人士認證的化糞池及滲水井系統設計圖，之後小型屋宇方可入伙。雖然認可人士須證明滲濾試驗已根據化糞池及滲水井系統方案按《專業人士環保事務諮詢委員會專業守則第 5/93 號》進行，但政府沒有保存個別滲濾試驗結果的記錄。謝先生續說，因應一些申述人提出的滲濾試驗問題，環保署與地政總署討論後，決定規定在小型屋宇發展完成前，經認可人士認證的滲濾試驗結果必須提交地政總署批核，並須經相關政府部門審閱。程序修訂後，可防止認證制度被濫用，進一步減少小型屋宇發展對環境的潛在負面影響。

化糞池及滲水井系統的設計和維修保養

19. 一名委員說，有人擔心小型屋宇與相關的化糞池及滲水井系統之間的接駁喉管所經的路程過長，廢水會在系統以外的地方外溢或滲漏。這名委員遂詢問小型屋宇與化糞池及滲水井系統之間的接駁距離是否有納入法定或行政管制範圍。謝展寰先生回答說並無這樣的管制，不過，只要按政府既定的標準和規定建造化糞池及滲水井系統，發生廢水外溢或滲漏意外的機會應該不大。

20. 一名委員說，化糞池及滲水井系統須定期維修保養，清除沉澱在化糞池的污水淤泥，才能維持處理污水的效率。由於鎖羅盆和白腊都沒有車路可達，要定期維修保養這兩區的化糞池及滲水井系統是否實際可行，令人存疑。委員備悉環保署的《村屋污水排放指南》有載述如何操作和維修保養化糞池。謝展寰先生表示，維修保養此系統的次數主要視乎產生的污水量和要清除的懸浮固體物質數量而定。

21. 謝展寰先生說，若化糞池及滲水井系統僅處理一幢只住有幾個人的小型屋宇的污水，未必要經常維修保養，而效用和效率也不會受影響；反而人數較多的學校和餐廳使用的化糞池及滲水井系統，由於處理的污水量較多，所以要定期維修保養，才能維持效率。一般而言，小型屋宇所用系統的維修保養工序包括曝氣、清洗和去除不能消減的固體物質。這些工序無須使用大量人力，所以未必要有車路才可進行，而且有商營承辦商可提供維修保養服務。事實上，化糞池及滲水井系統主要在沒有污水渠和車路的偏遠地區才會使用。

化糞池及滲水井系統的效用

22. 一名委員問到，是否有採用定量評估方法評估化糞池及滲水井系統清除污染物的效果，以及此系統排出的污水對水質的影響。另一名委員則詢問此系統能否有效清除小型屋宇和遊客設施排出的無機化學物，例如清潔劑和洗髮劑。謝展寰先生說，污水處理系統是按化學和物理的原理來設計，所以化糞池及滲水井系統清除污染物的效果並非用定量評估方法評估。只要此系統是按既定的標準和規定在合適的地點興建，當污水穿過泥土時，污染物會有所減少，此作用應可足以保護相關的水體。

23. 謝展寰先生續說，化糞池及滲水井系統一直能有效保護海下灣海岸公園的水質。海下現時有一些村屋和化糞池及滲水井系統，但海下灣海岸公園主水體的水質經漁農自然護理署(下稱「漁護署」)量度後獲評為「極佳」，這反映出以該海岸公園主水體的承受能力而言，那些小型屋宇現時排放至主水體的污水未曾造成嚴重影響。由此可見，小型屋宇若設有設計得宜和操作穩妥的化糞池及滲水井系統，沒有證據顯示在規劃作「鄉

村式發展」地帶的地方興建小型屋宇會對海下灣海岸公園水質造成無法克服的影響。

24. 一名委員說，據一名申述人所述，海下灣海岸附近有一些屋宇現時空置，當局可能會低估了現有的村屋對海下灣海岸公園水質的影響。

25. 謝展寰先生回應規劃署署長凌嘉勤先生的問題，表示由於人類和動物的一般活動，天然河流和沿海地區發現有大腸桿菌並非不普遍，甚至在設有公共污水收集和污水處理設施的地方，例如維多利亞港和吐露港，沿海水域也常發現數量不少的大腸桿菌。大腸桿菌在海洋環境裏始終只能生存一段短時間，所以問題的關鍵是主水體的水質是否受到污染。謝先生說，據他了解，漁護署正考慮增加抽樣地點，以加強監察該海岸公園的水質。

累積影響

26. 一名委員表示，把土地劃作發展新的小型屋宇時，應考慮對這三塊郊野公園「不包括的土地」和有關集水區有何累積的影響。海下方面，累積影響可能是上游白沙澳的其他發展所造成。另一名委員表示，考慮到小型屋宇發展的潛在累積影響，加上海下和白腊的「鄉村式發展」地帶接近海岸區，應考慮以「防患未然」為原則，盡量減低對環境可能造成的負面影響。

27. 主席詢問假設新建的小型屋宇數目大增至例如400幢，對水質的累積影響會否無法接受。謝展寰先生表示，小型屋宇和化糞池及滲水井系統數目若大增，難免會對環境帶來更多影響，而對於現有小型屋宇發展密度已經很高的地方，影響特別大。至於影響程度是否無法接受，則取決於泥土的吸收力和其在減少污染物方面所發揮的作用。滲濾試驗必須進行，以確定有關地方的泥土情況是否能讓化糞池及滲水井系統妥善運作，有效處理和排放污水。在小型屋宇密度已經過高或泥土情況不合適的地方，所有擬議的化糞池及滲水井系統都不會通過滲濾試驗。要是滲濾試驗結果顯示泥土情況合適，能建造新的化糞池及滲水井系統，則連帶的環境影響就不會無法克服。謝先生也表示，化糞池及滲水井系統的位置是有規定的。一般來說，

集水區內不得建造化糞池及滲水井系統，以免污染食水。另外，接近河流、溪澗和沿海地區的地點也不得建造化糞池及滲水井系統，以免可能對這些水體造成污染。根據至今所得到的資料，他知悉環保署和漁護署都不反對這三份分區計劃大綱草圖的「鄉村式發展」地帶。

[邱榮光博士此時返回席上。]

廢水排放管制

28. 委員大致備悉，凡未經許可而把廢水排入雨水渠系統或直接排入河流和大海，相關政府部門都會採取執法行動對付。謝展寰先生表示，小型屋宇產生的廢水(包括廁所和廚房的污水和淤泥水)應排入公用污水渠；若附近沒有公用污水渠，則應排入化糞池及滲水井系統。雖然若有廢水處理不當而造成污染的情況出現，當局可根據《水污染管制條例》作出檢控，但有些情況下，要調查和執法，實際上並非易事。

29. 有申述人關注淋浴設備排放污水的問題。謝展寰先生表示，廢水會經過沙濾池滲入附近地層。在正常的情況下，這安排在環境上可以接受，而目前廢水中不能進行生物降解的物質的含量應該不多。不過，若然有更多人使用淋浴設備，違規排放廢水的情況可能隨之增加。因此，人們一般的活動(例如大量遊客到郊野公園「不包括的土地」遊覽，特別是周末期間)造成的污染問題，可能比小型屋宇還多。

30. 一名委員表示，用餐、游泳和淋浴等康樂和旅遊活動，都是郊野公園「不包括的土地」受污染的主要成因。「鄉村式發展」地帶的規劃意向，主要是提供土地作小型屋宇發展，所以應考慮對這些活動施加更嚴格的管制。

31. 另一名委員表示，郊野公園及海岸公園委員會以前曾考慮限定某類人士才可使用海岸公園。不過，考慮到海岸公園屬於公共資產，應讓公眾人士享用，所以該委員會沒有就此做法再作跟進。這名委員又表示，海下灣海岸公園的水質是首要關注的事項，漁護署作為管理當局，一直監察着海岸公園的水質和環境狀況，所以應由該署負責監控附近一帶的污染源頭。此外，應以海下灣海岸公園的水質讀數作為管制污染的系數。這

樣，一旦發現海岸公園的水質變差，即可及時採取適當的管制措施，盡量防止環境再惡化下去。除化糞池及滲水井系統外，亦應考慮有何其他合適的污水處理設施。

32. 委員大致同意，小型屋宇數目增加不會直接影響郊野公園「不包括的土地」的遊客數目。另應要求作為郊野公園及海岸公園管理局的漁護署考慮改善遊客設施，加強執法，對付海下違規排放廢水的情況，以盡量減少對海岸公園的環境造成的潛在負面影響。

[霍偉棟博士此時離席。]

劃設「鄉村式發展」地帶時須否作評估

33. 一名委員說，一些申述人及提意見人發現海下的「鄉村式發展」地帶內有些地方是經常出現洪氾情況或地下水位相對較高的濕地。按照常理，那些濕地並不適合建造化糞池及滲水井系統。由於沒有關於郊野公園「不包括的土地」的地質及地下水狀況的詳細資料，這名委員懷疑應否把那些看似是濕地的地方劃入「鄉村式發展」地帶。

34. 一名委員說，在擬備分區計劃大綱圖時，應進行初步評估，以確定擬議的「鄉村式發展」地帶是否適合建造化糞池及滲水井系統。這是由於若進行滲濾試驗後才發現「鄉村式發展」地帶內一些地方不適合建造化糞池及滲水井系統，可能會惹來村民批評，指預留的土地根本不可用作發展小型屋宇。

35. 另一名委員說，要決定郊野公園「不包括的土地」內發展的範圍應多大，環境的承受能力是一個重要的考慮因素。「鄉村式發展」地帶內並非所有土地均適合發展小型屋宇。以鎖羅盆為例，由於「鄉村式發展」地帶內先前是梯田的地方並沒有成齡樹，那些地方的地下水位可能相對較高，又或可能屬多孔滲水的地質，並不適合建造化糞池及滲水井系統。這名委員亦表示，海下灣海岸公園的水質優越，是由於現有環境平衡，令大自然有效發揮了自我潔淨的作用。若有任何新增的發展，可能會擾亂現有的平衡狀態，對自然環境帶來不良影響，而村民亦會期望當局闢設污水渠和道路等基礎設施，作爲擴展鄉村的配套。隨着人口增加，有更多人類活動，很可能會對環

境帶來更多不良影響。為審慎起見，應以科學方法進行詳細的評估，研究有關地方的承受能力，以及劃作「鄉村式發展」地帶的地方是否適合發展設有化糞池及滲水井系統的小型屋宇。

36. 謝展寰先生說，海下及鎖羅盆的「鄉村式發展」地帶內有些可供興建新小型屋宇的地方，位於較高的位置，遠離低地及海岸區。在小型屋宇申請階段可進行適當的滲濾試驗，確定「鄉村式發展」地帶內個別地點的位置是否適合建造化糞池及滲水井系統。只有通過滲濾試驗的地點才可建造化糞池及滲水井系統。要評估「鄉村式發展」地帶內各個新發展地方個別地點的狀況，滲濾試驗是可靠的科學方法。

37. 另一名委員說，雖然環保人士及村民雙方都提出理據，以支持他們對劃設「鄉村式發展」地帶的觀點，但城規會為所有郊野公園「不包括的土地」劃設「鄉村式發展」地帶的界線時，應採取一致的方法。根據既定的做法，滲濾試驗既客觀又科學，是研究「鄉村式發展」地帶內個別地點是否適合建造化糞池及滲水井系統的適當方法。

[符展成先生此時離席。]

38. 一名委員說，土地用途規劃並非只講求絕對科學，當中不免涉及判斷與假設。即使進行了詳細的評估，研究有關土地是否適合發展小型屋宇和設置化糞池及滲水井系統，評估結果是否就可直接應用於劃設「鄉村式發展」地帶的界線仍存有疑問。雖然評估後會找出擬議的「鄉村式發展」地帶內哪些地點適合還是不適合建造化糞池及滲水井系統，但要把「鄉村式發展」地帶中每個不適合的地點都剔除並不可行。因此，規定要在申請批建小型屋宇的階段進行滲濾試驗，是決定「鄉村式發展」地帶內的土地是否適合建造化糞池及滲水井系統的最可行方法。採用這個做法，在「鄉村式發展」地帶內興建的小型屋宇實際數目可能會較規劃署估計的為少，但對環境的影響則沒有那麼大。這名委員亦表示，若有跡象顯示海下灣海岸公園的水質轉差，漁護署可在諮詢部門的階段，反對有關的小型屋宇申請。

39. 委員知悉土地用途地帶只是籠統的規劃，在某一用途地帶內的土地能否確實用作原定的用途，還要視乎是否符合其他

政府部門的規定。究竟某個地點是否適合發展小型屋宇和設置附連的化糞池及滲水井系統，是有既定的機制規管，當局審批小型屋宇申請時，會按每宗申請的個別情況作出研究。由於當局目前正為若干郊野公園「不包括的土地」擬備分區計劃大綱圖，若要就每份分區計劃大綱圖進行詳細的評估，以決定「鄉村式發展」地帶是否適合發展小型屋宇和設置化糞池及滲水井系統，會耗費極大量資源，而且，要以科學的方法決定一個地方的承受能力，也很困難。

40. 秘書表示，這三份分區計劃大綱圖的「鄉村式發展」地帶的界線，是考慮過若干相關因素才劃定的。一般而言，在制訂圖則的過程中，那些不適合發展小型屋宇的地方不會劃入「鄉村式發展」地帶。若在規劃的過程中須研究個別地點是否適合興建小型屋宇和設置化糞池及滲水井系統，則規劃階段的處理方法就要作出更多限制，規定任何新建小型屋宇和設置化糞池及滲水井系統的申請都須提交城規會審批。這樣，現時劃設「鄉村式發展」地帶的方法便須修改，由城規會(而非地政總署及相關的政府部門)負責監察建造化糞池及滲水井系統是否可接受。

41. 另一名委員說，相關的政府部門(包括地政總署及環保署)有責任確保興建小型屋宇和設置化糞池及滲水井系統的申請符合相關的指引和規定。現行的監管機制已足以防止有關的發展對環境造成潛在的負面影響。由於分區計劃大綱圖的其中一個規劃意向是預留土地供原居村民日後發展小型屋宇之用，因此在制訂圖則的過程中，應絕對尊重小型屋宇政策的精神。施加過多的規限，把「鄉村式發展」地帶的範圍局限在現有村屋所在之處，並非必要。

[劉興達先生此時暫時離席。]

42. 經進一步商討後，主席總結各委員的意見，表示規劃就是以法定圖則把合適的土地劃作不同的用途地帶。關於「鄉村式發展」地帶內的小型屋宇發展，地政總署在處理小型屋宇批建申請時，會要求申請人提交詳細的圖則和資料，供相關的政府部門考慮。關於排污方面的安排，負責小型屋宇發展的認可人士須提交令環保署滿意的經認證化糞池及滲水井系統建議及滲濾試驗結果。目前已有足夠的監管，確保發展小型屋宇的發

展和化糞池及滲水井系統不會對周邊地區的環境造成不可接受的影響。委員亦備悉擬議化糞池及滲水井系統的合適位置會在興建小型屋宇前決定。擬在「鄉村式發展」地帶內設置的化糞池及滲水井系統會不會獲相關的部門接受，視乎滲濾試驗的結果而定。當局不保證「鄉村式發展」地帶內的所有土地都可發展小型屋宇。

[李律仁先生此時離席。]

基礎設施須否改善

43. 主席表示，有些申述人和提意見人認為應計劃興建或改善道路、基礎設施及公用事業設施，配合鄉村所需及服務這三塊郊野公園「不包括的土地」的遊客。另有意見認為當局應擬備鄉村發展藍圖及定出公共工程計劃，改善這三塊郊野公園「不包括的土地」的基礎設施和其他設施，防止現有的鄉村污染天然環境，包括河流和附近水體。

44. 委員備悉這三區現時人口很少，相關的工務部門會一直留意未來在基礎設施方面的需要，並會視乎有否資源而提供所需設施。這三份分區計劃大綱圖的《註釋》亦提供了彈性，使政府統籌或落實的土力工程、地區小工程及環境改善工程可以進行。這些工程一般是為提供、保養、日常運作和緊急修理地區設施而必須進行的工程，目的是為公眾的利益及／或改善環境。委員亦備悉，是否要為現有分區計劃大綱圖涵蓋的鄉村擬備新的鄉村發展藍圖，要視乎若干因素而定，例如能落實鄉村發展藍圖的機會、規劃署的人手和工作的緩急優次。必須待日後擬備分區計劃大綱圖，劃定明確的土地用途地帶，然後才能考慮擬備鄉村發展藍圖。

規劃管制

45. 主席表示，有些申述和意見要求這三份分區計劃大綱圖根據大浪灣分區計劃大綱圖的做法，施加更嚴格的規劃管制。另有申述和意見建議，在「鄉村式發展」地帶內經營「食肆」及「商店及服務行業」，必須先取得規劃許可。此外，有些申述和意見認為，為免環境易受影響的土地的生態被干擾，不應容許在「鄉村式發展」地帶、「自然保育區」地帶、「海岸保

護區」地帶、「綠化地帶」和「綠化地帶(1)」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」，或應規定這些用途要向城規會取得規劃許可才能發展。

大浪灣的處理方法

46. 秘書應主席的要求向委員簡述一些關於大浪灣分區計劃大綱圖的背景資料。她說大浪灣分區計劃大綱草圖於二零零零年首次公布，當時村民和環保組織都提出了反對意見。考慮他們的反對意見以及該區的景觀、風景、生態、文物和考古價值後，城規會同意對大浪灣採取限制較多的做法。根據大浪灣的規劃方法，「鄉村式發展」地帶範圍僅涵蓋現有的鄉村民居，要在「鄉村式發展」地帶內興建新界豁免管制屋宇／小型屋宇，以及對現有建築物進行拆卸或加建、改動及／或修改，或重建現有建築物，都必須先向城規會取得規劃許可。有些申述人和提意見人認為，大浪灣與這三塊郊野公園「不包括的土地」有不少共通點，所以這三份分區計劃大綱圖應跟從大浪灣分區計劃大綱圖採取限制較多的做法。秘書表示，這三份分區計劃大綱圖應否採取同一做法，必須小心考慮，因為這樣做會對其他正在擬備分區計劃大綱圖的郊野公園「不包括的土地」有影響。

47. 一名委員表示，處理大浪灣分區計劃大綱圖時也曾經討論及商議過關於鄉村式發展與自然保育兩者如何平衡的類似問題。因此，規劃這三塊郊野公園「不包括的土地」時，大浪灣分區計劃大綱圖的規劃方法可以是有用的參考。

48. 甯漢豪女士表示，大浪灣限制較多的做法是否適用於這三塊郊野公園「不包括的土地」，城規會的決定應視乎其是否信納大浪灣的規劃背景和特色獨特，所以可以採用此法，但這三塊郊野公園「不包括的土地」則不適用。

49. 一名委員表示，大浪灣與這三塊郊野公園「不包括的土地」都有一個共通點，就是位於沿海地區，有優越及多元化的動植物生境，例如風水林和次生林。另一名委員表示，如何規劃郊野公園「不包括的土地」，應根據其各自的情況和特色考慮。

50. 有些委員備悉，政府政策沒有規定郊野公園「不包括的土地」的「鄉村式發展」地帶範圍要如大浪灣那樣局限在現有的鄉村民居。

51. 委員備悉，大浪灣的規劃環境和特色與這三塊郊野公園「不包括的土地」不同。除了優美的天然景色和未受破壞的景觀之外，大浪灣也有妥善保存的歷史村落和一個具考古價值地點。由於保護該區的天然和已建設環境同樣重要，所以大浪灣分區計劃大綱圖採取了保育的做法，保護該區的天然環境、未受破壞的景觀、歷史建築物和考古地點。委員同意每宗個案都應按其個別情況作出考慮。

草圖的《註釋》

52. 一名委員表示，應絕對尊重村民在其村居住和延續其村的傳統權利。有關的鄉村以前都是充滿活力、自給自足的鄉村，雖然後來鎖羅盆村和白腊村大部分村民都遷走，但也不應剝奪他們回村居住的權利。原居村民有權在「鄉村式發展」地帶興建小型屋宇，應尊重他們此一權利。

53. 一名委員表示質疑應否把「食肆」及「商店及服務行業」列為有當然權利獲准在郊野公園「不包括的土地」的「鄉村式發展」地帶發展的用途，因為村內食肆及商業設施一旦激增，可能會吸引更多遊客，加重天然環境的負擔。另一名委員表示，郊野公園「不包括的土地」別具景觀和生態價值，必須更嚴格管制「鄉村式發展」地帶內的「食肆」用途。

54. 甯漢豪女士表示，小型屋宇發展一般受准許作「非工業」用途的土地文書規管，有關文書准許在小型屋宇經營食肆和商店。不過，如要在小型屋宇經營食物業，經營者必須向食物環境衞生署(下稱「食環署」)申領食物業牌照。

55. 秘書表示，「食肆」及「商店及服務行業」用途在分區計劃大綱圖的「鄉村式發展」地帶列於第二欄，要向城規會取得規劃許可才能發展。只有設於新界豁免管制屋宇的地面一層的較小規模「食肆」及「商店及服務行業」用途，才有當然權利獲得批准。

56. 委員備悉，除非情況非常特殊，否則新界豁免管制屋宇／小型屋宇在郊野公園「不包括的土地」的「鄉村式發展」地帶內應有當然權利獲得批准。這三份分區計劃大綱圖已作出足夠的管制，使「鄉村式發展」地帶內的土地皆主要用作發展小型屋宇。委員亦備悉，容許在新界豁免管制屋宇的地面一層經營食肆及商店及服務行業，是為了配合村民的需要。除施加規劃管制外，還有其他方法可控制郊野公園「不包括的土地」的遊客數目，例如交通管理。此外，要經營食物業，必須向食環署申領牌照。該署會確定有關處所符合所訂明的衞生標準、建築物結構安全規定、消防安全規定、契約條件和規劃限制，才發出牌照。

[曹榮平先生此時暫時離席。]

57. 副主席表示，農業用途本質上與自然保育並無抵觸。保育地區甚至郊野公園都經常有人耕種，實無必要對農業用途施加更嚴格的規劃管制。另一名委員也表示認同。

58. 一名委員表示，應鼓勵在鄉村進行農業活動，讓村民能夠維持生計，並應尊重他們的傳統權利。

59. 委員認為，所有地帶都准許作「農業用途」，以尊重集體政府租契的租權。在大浪灣分區計劃大綱圖上，這用途也列於「鄉村式發展」地帶和「自然保育區」地帶的第一欄。此外，漁護署對於把「農業用途」和「農地住用構築物」改列於第二欄有所保留，因為這樣會對農業構成不必要的限制，長遠不利農業發展。河道改道、填土／填塘或挖土工程(包括為改作准許的用途而進行者)可能對天然環境有負面影響，必須取得城規會的規劃許可才可進行。

60. 委員認為，正如漁護署所說，「燒烤地點」、「野餐地點」、「公廁設施」和「帳幕營地」未必對易受影響的生境有很大的負面影響，因此並無有力的理據要對有關土地用途地帶的這些用途施加更嚴格的管制。

規劃郊野公園「不包括的土地」的政策

61. 主席表示，一些申述人及提意見人認為訂立郊野公園「不包括的土地」政策的目的，是要對「不包括的土地」作出比現在更好的保護，而政府則有責任執行《生物多樣性公約》。可是，他們認為分區計劃大綱草圖並沒有按照郊野公園「不包括的土地」政策的目的和該公約而行。

62. 一名委員表示，為了對郊野公園「不包括的土地」作出更好的保護，首要工作應是保育有關地區的自然環境。

63. 另一名委員表示，這三幅郊野公園「不包括的土地」的風景、景觀和生態獨特，考慮分區計劃大綱圖時應該審慎。

64. 委員備悉政府並沒有郊野公園「不包括的土地」的政策，所謂「郊野公園『不包括的土地』政策」，只是行政措施，把郊野公園「不包括的土地」納入郊野公園範圍，或透過法定規劃程序確立合適用途，以照顧保育和社會發展需要。在新自然保育政策下，制定法定的規劃圖則被視為保護生態價值非常重要的地點的其中一種工具。制訂郊野公園「不包括的土地」的分區計劃大綱圖時，應考慮這些土地的實際情況，包括一些因素如這些土地的保育價值、景觀及優美程度、地理位置、民居的現有規模和即時的發展壓力等，確保能同時兼顧保育和社會發展需要。

65. 一名委員表示，《生物多樣性公約》有某些原則適用於郊野公園「不包括的土地」的分區計劃大綱圖，特別是當中第8(E)條，此條提倡「在保護區域的鄰接地區促進無害環境的持久發展以謀增進這些地區的保護」。郊野公園「不包括的土地」接近屬於受保護區域的郊野公園，香港特別行政區作為該公約的締約者(因中國是締約國)，實有責任遵守公約中適用於香港的原則。

66. 委員備悉這三份分區計劃大綱圖的整體規劃意向，是保存自然景觀和保育價值，以及保護自然鄉郊環境，同時容許現有認可鄉村的原居民鄉村發展小型屋宇。在擬備這三份分區計劃大綱圖及各土地用途建議時，當局已充分考慮如何保護海下、鎖羅盆和白腊地區的重要生態價值，務求在自然保育和發

展需要兩者之間作出適當的平衡；同時也顧及到周邊地區(包括郊野公園)更廣大的自然系統，所以已着意保護這些地區的重要生態和景觀價值。分區計劃大綱圖已劃設根據一般推定不宜發展的保育地帶，包括「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶，涵蓋具重要生態及景觀價值而須通過法定規劃制度予以保護的地方。

「先破壞，後建設」的行為

67. 一些申述人聲稱，鎖羅盆和白腊先前曾分別發現有非法伐樹及懷疑違例進行地盤平整和排水工程的情況。當局不應劃設發展地帶，獎勵「先破壞，後建設」的行為。

68. 對於申述人和提意見人這方面的論據，一名委員表示當局應檢討應否把白腊先前懷疑有人違例進行地盤平整工程的土地劃為「鄉村式發展」地帶，以作回應。委員備悉所指的那些在白腊的土地是長滿雜草和灌木的休耕農地。關於該些土地所劃作的用途地帶，留待逐一討論這三份分區計劃大綱圖時考慮。

69. 經進一步討論後，主席作出總結，表示城規會決意要保育鄉郊自然環境，不會姑息任何蓄意破壞鄉郊自然環境以圖博取城規會從寬考慮隨後在有關地點的發展的行為。為確保在「農業」地帶、「綠化地帶」和「自然保育區」地帶內進行的活動不會對環境造成負面影響，分區計劃大綱圖的《註釋》已訂明，任何河道改道及填土／填塘工程都必須取得城規會的許可才可進行。委員同意主席所作的總結。

大浪西灣個案的司法覆核

70. 委員備悉有數名申述人和提意見人表示，擬備分區計劃大綱圖時應考慮大浪西灣個案司法覆核的裁決。不過，委員認為大浪西灣的規劃環境和背景應與其他郊野公園「不包括的土地」的區分開來。而擬備這三份分區計劃大綱圖時，也不應直接套用該個案的司法覆核裁決，因為每宗個案應按其個別情況考慮。

違反《基本法》

71. 關於一些申述人指稱，把私人地段劃為保育地帶乃違反《基本法》，委員備悉在擬備其他鄉郊地區的分區計劃大綱圖時也有人提出類似的論據。根據先前所得的法律意見，只要在一九九七年七月一日《基本法》生效前，分區計劃大綱圖制度已限定了小型屋宇政策下的權益，如今透過分區計劃大綱草圖對該等權益施加規劃管制，也就不違反《基本法》第四十條。此外，分區計劃大綱草圖施加規劃管制，並不涉及正式徵用財產，亦不會令相關的土地不可用作任何其他有意義的用途，故不算是《基本法》第一百零五條所謂的「徵用」財產而須支付補償。

把郊野公園「不包括的土地」納入郊野公園或海岸公園範圍

72. 主席表示，有些申述人認為不應把私人擁有的土地納入郊野公園範圍，但其他申述人則建議把郊野公園「不包括的土地」納入郊野公園或海岸公園範圍。

73. 一名委員詢問應否要求郊野公園及海岸公園委員會將海下、鎖羅盆及白腊納入郊野公園範圍。主席表示，在《二零一零至一一年施政報告》中，政府承諾將 54 幅郊野公園「不包括的土地」納入郊野公園範圍，或透過法定規劃程序確立合適用途。其後，行政長官會同行政會議指示政府根據《城市規劃條例》擬備法定圖則涵蓋約半數郊野公園「不包括的土地」，包括海下、鎖羅盆及白腊地區，因此，城規會必須按指示而行。

74. 秘書補充說，擬備法定圖則和把某地方指定郊野公園是按兩個不同的制度進行。把郊野公園「不包括的土地」納入法定圖則，並不表示有關土地日後不會納入郊野公園範圍。委員備悉，根據《郊野公園條例》及《海岸公園條例》，指定某地方為郊野公園和海岸公園屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責。漁護署表示，決定某個地點是否適合指定為郊野公園，須按照一套既定的原則和準則進行評估，包括該地點的保育價值、景觀價值及優美程度、發展康樂用途的潛力、面積、與現有郊野公園有多近、土地類別及現有土地用途。

75. 主席表示，關於這三份分區計劃大綱圖的一般共同事項已商議過，他建議留待另一節會議才商議個別分區計劃大綱圖的申述及意見所提出的理據和建議。委員表示同意。

76. 會議於下午五時十分休會。

1. 會議於二零一四年六月四日下午二時三十分恢復進行。

2. 下列委員和秘書出席了恢復進行的會議：

周達明先生 主席

黃遠輝先生 副主席

黃仕進教授

馬詠璋女士

邱榮光博士

鄒桂昌教授

何立基先生

黎慧雯女士

林光祺先生

劉興達先生

葉德江先生

袁家達先生

民政事務總署助理署長(2)
許國新先生

環境保護署副署長
謝展寰先生

地政總署署長
甯漢豪女士

規劃署署長
凌嘉勤先生

商議部分

[閉門會議]

3. 主席歡迎各委員到席，表示這一節會議將繼續商議有關《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述和意見。他說，二零一四年五月二十日，委員已討論並商議過申請人／提意見人就這三份分區計劃大綱圖提出的一般共同申述理據，委員的意見撮述如下：

(a) 應尊重原居村民興建小型屋宇的權利，並劃設「鄉村式發展」地帶以應付他們對小型屋宇的需求；

(b) 除非情況非常特殊，否則在「鄉村式發展」地帶內興建新界豁免管制屋宇／小型屋宇應有當然權利獲得批准；

(c) 「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的。當局須採用逐步增加的方式劃設「鄉村式發展」地帶以應付小型屋宇需求，務求盡量減少對自然環境造成的負面影響；

(d) 目前的行政制度已有足夠的管制，確保「鄉村式發展」地帶內個別小型屋宇發展及化糞池和滲水井系統對周邊環境不會造成不可接受的負面影響；

(e) 應在興建小型屋宇前進行滲濾試驗，以決定設置化糞池和滲水井系統的合適位置。擬在「鄉村式發展」地帶內設置的小型屋宇化糞池和滲水井系統可能會或者不會獲相關政府部門接受。政府不保證「鄉村式發展」地帶內所有土地都適合發展小型屋宇；

(f) 相關的工務部門會一直留意在基礎設施方面的需要，並會視乎有否資源而提供所需設施；

(g) 容許在新界轄免管制屋宇的地面一層經營「食肆」和「商店及服務行業」，是為了配合村民的需要；

(h) 沒有有力的理據要對「鄉村式發展」地帶、「自然保育區」地帶、「海岸保護區」地帶、「綠化地帶」和「綠化(1)地帶」內各種用途施加更嚴格的管制；

(i) 政府並無一些申述人所說的郊野公園「不包括的土地」政策。在新自然保育政策下，制訂法定圖則被視為保護生態價值非常重要的地點的其中一種工具。在擬備這三份分區計劃大綱圖時，當局已顧及到周邊地區(包括郊野公園)更廣大的自然系統，充分考慮如何保護這些地區的重要生態和景觀價值；

(j) 城市規劃委員會(下稱「城規會」)決意要保育鄉郊自然環境，不會姑息任何蓄意破壞鄉郊自然環境的行為；

(k) 大浪西灣的規劃環境和背景應與其他郊野公園「不包括的土地」的區分開來，而擬備這三份分區計劃大綱圖時，也不應直接套用大浪西灣個案的司法覆核裁決；

(l) 根據先前擬備其他法定圖則時所取得的法律意見，透過分區計劃大綱圖施加規劃管制，並不違反《基本法》第四十和一百零五條；

(m) 根據《郊野公園條例》(第 208 章)和《海岸公園條例》(第 476 章)，指定某地方為郊野公園或海岸公園屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；以及

(n) 大浪灣分區計劃大綱圖採取較多限制的做法，是鑑於有需要保存大浪灣優美的天然景色、重要的生態價值，以及天然和已建設的環境，尤其是該區的歷史村落和考古地點。

4. 委員備悉相關的資料，包括二零零零和零一年關於考慮大浪灣分區計劃大綱草圖的城規會文件和會議記錄，已提供予他們參閱。

5. 主席說，城規會應考慮申述人／提意見人的所有理據和建議，然後決定是否建議順應申述的內容／部分內容修訂這三份分區計劃大綱圖。委員繼而審閱申述人和提意見人所提出關於個別分區計劃大綱草圖的理據和建議。

《海下分區計劃大綱草圖編號 S/NE-HH/1》

規劃署建議作出的修訂

6. 主席以城市規劃委員會文件第 9644 號的圖 H-4 作說明，表示為回應一些申述，規劃署建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》作出一些修訂，以盡量減輕對自然環境(包括林地、濕地、海下河及海下灣)可能造成的負面影響。建議作出的修訂包括把海下現有村落以西相對未受干擾的林地及旁邊的地方由「鄉村式發展」地帶及「綠化地帶」改劃為「綠化地帶(1)」(即修訂項目 A 及 B)。劃設建議的這個「綠化地帶(1)」，可提升對這片林地及濕農地的保護程度，同時可提供彈性，使一些必要的用途(例如「墓地」及「鄉事委員會」)可以發展，滿足區內村民的需要。作出這些建議的修訂後，「鄉村式發展」地帶的面積會由約 2.6 公頃縮減至約 1.95 公頃，而地帶內可供發展小型屋宇的土地亦會因此而由約 1.6 公頃縮減至約 1.02 公頃，可容納約 40 幢新的小型屋宇，滿足海下約 43%的小型屋宇預測需求(即 94 幢)。

7. 主席續說，規劃署亦建議把海下村落以東的一塊政府土地(約 0.25 公頃)由「自然保育區」地帶改劃為「綠化地帶」(即修訂項目 C)。該處相對平坦，大部分地方均為小樹、灌木及草所覆蓋，規劃署認為該處可發展小型屋宇，惟必須取得城規會的許可。

8. 主席請委員考慮應否接納規劃署所建議的修訂項目 A、B 及 C。

9. 甯漢豪女士回應主席的問題，表示過去三年海下村並無小型屋宇批建申請獲批准，而現在則有10宗申請正由地政總署處理。此數字反映出不論海下分區計劃大綱草圖所劃的土地用途地帶為何，海下村對小型屋宇的需求其實甚低。

10. 鑑於作出修訂項目B後，「鄉村式發展」地帶的土地會有所縮減，副主席表示考慮修訂建議時，可能要考慮在「綠化地帶」及「綠化地帶(1)」發展小型屋宇的規劃申請獲批准的機會。主席表示，根據一般推定，「綠化地帶」內不宜進行發展。如要申請在「綠化地帶」內發展小型屋宇，必須符合相關的準則與指引，城規會會按每宗申請的個別情況作出考慮。委員亦備悉，在「綠化地帶(1)」內，重建現有的新界豁免管制屋宇及翻建現有的構築物是經常准許的，但發展新的新界豁免管制屋宇則不然。

11. 一名委員表示，假如縮減「鄉村式發展」地帶的面積，村民可能會認為城規會未有充分考慮他們的利益。這名委員提到大浪灣分區計劃大綱圖的「鄉村式發展」地帶所施加的規劃管制(即把「新界豁免管制屋宇」列於「鄉村式發展」地帶的第二欄)，詢問可否以類似的做法代替建議修訂項目B。這名委員認為，有些來自環保組織的申述人已在聆訊中表示，只要有真正需要，他們不反對在「鄉村式發展」地帶內作擬議的小型屋宇發展。有別於「綠化地帶」，「鄉村式發展」地帶並非推定不宜進行發展。因此，只要擬議的小型屋宇發展符合相關的準則與規定，小型屋宇申請獲批准的機會應不低。這名委員亦表示，由於有說法指原有的「鄉村式發展」地帶內大部分土地都屬私人發展商所有，所以更值得考慮在海下分區計劃大綱草圖對小型屋宇發展施加這樣的規劃管制。

12. 凌嘉勤先生表示，在大浪灣分區計劃大綱圖的「鄉村式發展」地帶施加較嚴格的規劃管制，主要是因為考慮到大浪灣的鄉村保存得相當完好，是價值高的古蹟文物。該區的鄉村布局仍保持完整，未受干擾，而大浪及鹹田的村屋的整體保存價值亦高。為確保新發展的新界豁免管制屋宇／小型屋宇與現有具歷史價值的村屋協調，不會影響大浪灣現有鄉村布局的完整性，如要在「鄉村式發展」地帶內發展新的新界豁免管制屋宇，以及在任何現有建築物進行拆卸或加建、改動及／或修改，或重建現有建築物，都必須先取得規劃許可。白沙澳的村

屋具歷史價值，鄉村布局別樹一幟，值得保存，所以亦同樣施加了限制較多的規劃管制。

13. 委員備悉海下並無具重要文物價值及歷史價值的鄉村，有關的郊野公園「不包括的土地」亦無特殊的情況要對「鄉村式發展」地帶內新發展的新界豁免管制屋宇／小型屋宇作出更嚴格的規劃管制。委員亦備悉土地業權不應是重要的規劃考慮因素，因為業權會隨時間而變動。建議把海下村以西的地方由「綠化地帶」及「鄉村式發展」地帶改劃為「「綠化地帶(1)」，主要的考慮因素是要進一步保護現有的林地、濕地及海下灣。把該處繼續劃為「鄉村式發展」地帶及把「新界豁免管制屋宇」由「鄉村式發展」地帶的第一欄改列第二欄，並不能達到這個保育目的。

14. 一名委員認為海下灣海岸公園及沿海地區生態價值高，加上海下及白沙澳的鄉村發展可能會造成累積影響，所以修訂項目 A 及 B 是恰當的。至於修訂項目 C，有關地點有部分位於風水林，四周現時為次生林；另外，先前又曾有涉及在有關地點附近發展新界豁免管制屋宇的規劃申請遭城規會轄下的鄉郊及新市鎮規劃小組委員會(下稱「小組委員會」)拒絕。基於這些原因，以及為了加強保護旁邊的西貢西郊野公園及海下灣海岸公園，應繼續把有關地點劃為「自然保育區」地帶。主席以城市規劃委員會文件第 9644 號的圖 H-6 作說明，表示可以有一個混合方案，就是把有關地點西南部風水林內的部分剔出修訂項目 C，繼續把之劃為「自然保育區」地帶，餘下的部分則改劃為「綠化地帶」。這名委員表示，倘沒有人為干擾，有關地點應可回復為林地生境的一部分，而這樣就可全面保存有關地點與周邊林區的完整性。為免鄉村的發展擴散至有關地點，應把整個地點繼續劃為「自然保育區」地帶。

15. 另一名委員表示，由於向城規會提出申請，可能可以在「綠化地帶」內發展新界豁免管制屋宇／小型屋宇，令人懷疑根據修訂項目 C 劃設擬議的「綠化地帶」，能否有效防止人們日後在有關地點進行發展。此外，亦有申述人關注可能會有人以「先破壞，後建設」的手法進行發展。為免發展擴散至海下村東部及防止林地的生境割裂，這名委員不支持建議修訂項目 C。主席表示，有關地點位於海下灣海岸公園範圍外，考慮該處應劃作何種用途地帶時，要根據其保育價值。如要在擬議的

「綠化地帶」內發展小型屋宇，必須符合相關的準則與指引，城規會會按每宗申請的個別情況作出考慮。

16. 一名委員表示，規劃郊野公園「不包括的土地」，首要目標是保育大自然，因此應採取更嚴格的規劃方法。由於居住人口及遊客增多會對自然環境(特別是海下灣海岸公園)構成更大威脅，因此劃作「鄉村式發展」地帶的地方應盡可能少。為確保新發展的新界豁免管制屋宇／小型屋宇不會對自然環境造成無法克服的影響，政府應考慮闢設配合新發展的基礎設施及採取適當的措施，改善海下灣海岸公園的管理。

[何立基先生此時返回席上。]

17. 早前表示不同意修訂項目 C 的那名委員表示，由於海下灣具重要的生態價值，因此應要求相關的政府部門考慮在海下地區闢設公共污水設施及加強執法，對付非法排放污水的情況。謝展寰先生表示，如有違反《水污染管制條例》的情況，相關的政府部門，包括環境保護署(下稱「環保署」)，會採取執法行動。由於資源問題，加上海下的人口相對較少，所以在海下闢設公共污水處理設施不會是優先要做的工作。海下灣海岸公園現時的水質被評為「極佳」，至於應否規定要採取額外的措施以進一步改善海下灣的水質，就要由郊野公園及海岸公園管理局總監考慮。主席表示會把委員的要求傳達環保署及漁農自然護理署(下稱「漁護署」)，讓其循法定規劃程序以外的其他程序作出考慮。

18. 一名委員表示，保護海下灣海岸公園至為重要。漁護署是管理海下灣海岸公園的部門，應密切監察該處的水質，並採取適當的措施，防止水質變差。在海下設置地區污水處理設施值得考慮。至於建議的修訂項目 C，這名委員表示，有關地點位於一個林區的中央，而海下村的風水林就在其中。為全面保存整個林區，應把有關地點繼續劃為「自然保育區」地帶。

19. 經過進一步討論後，主席總結委員討論的內容，表示分別按修訂項目 A 及 B 的建議，把海下現有村落以西的地方由「綠化地帶」及「鄉村式發展」地帶改劃為「綠化地帶(1)」，可加強保護現有的自然環境，包括林地、濕地、海下河及海下灣，做法恰當；另外，規劃郊野公園「不包括的土地」(包括海

下)時，應採用逐步增加的方式劃設「鄉村式發展」地帶，以應付小型屋宇的需求。至於修訂項目 C，委員認為有關地點位於一個較大的林區中，而整個林區應全面保護，所以規劃上實無有力的理據要把之由「自然保育區」地帶改劃為「綠化地帶」。

其他申述的理據及申述人的建議

20. 委員繼而審閱申述人及提意見人所提出有關《海下分區計劃大綱草圖編號 S/NE-HH/1》的其他理據和建議，並備悉以下回應：

劃設的「綠化地帶」並不足夠

(a) 海下重要的生境如原生的成熟林地及海下河沿河地區，為多個物種提供合適的棲息和生長地，這些地方在海下分區計劃大綱草圖上都已劃為保育地帶，包括「自然保育區」地帶、「綠化地帶」及「海岸保護區」地帶；

資料不全且有誤導成分

(b) 海下灣海岸公園的界線是參照高水位線而劃的，而在劃定該海岸公園的範圍時，亦考慮了海岸線的生態特點。為加強保護海岸的生態，特把海下的海灘和沙丘劃入該海岸公園的範圍。這份分區計劃大綱草圖所涵蓋的地區，其北面的界線與海下灣海岸公園的界線吻合，兩者之間並無空隙；

(c) 在擬備這份分區計劃大綱圖時，規劃署着眼於保存保育價值高的生境，多於個別具保育價值的物種的記錄；

(d) 這份分區計劃大綱草圖的《說明書》已具體說明海下地區的文化遺產。如有任何發展計劃可能會影響那些文化遺址及其周邊環境，會徵詢康樂及文化事務署轄下古物古蹟辦事處的意見；

申述人的建議

「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方

(e) 海下村與海下灣海岸公園之間的「海岸保護區」地帶的闊度由 25 米至 35 米不等。若把「海岸保護區」地帶的範圍進一步向內陸擴展，便會侵進現有的鄉村；以及

為海下制訂長遠的圖則

(f) 擬備這份分區計劃大綱草圖旨在提供法定規劃大綱，為該區的長遠發展計劃提供指引，並保護鄉郊特色及自然環境。城規會在制訂圖則及審議申述的過程中已考慮公眾的意見，包括主要持份者的意見。

決定

21. 委員同意備悉申述編號 R10737 至 R10739 及 R10742 表示支持海下分區計劃大綱草圖的意見。

22. 委員亦決定順應第 2 組申述表示反對把「鄉村式發展」地帶劃得太大的部分內容，修訂《海下分區計劃大綱草圖編號 S/NE-HH/1》，把「鄉村式發展」地帶的西部及毗鄰的「綠化地帶」改劃為「綠化地帶(1)」(修訂項目 A 及 B)(如城市規劃委員會文件第 9644 號附件 VI 的圖則所示)；而因應建議對海下分區計劃大綱草圖作出的有關修訂，亦決定修訂該草圖的《註釋》及《說明書》；此外，亦要求規劃署把有關海下分區計劃大綱草圖的修訂建議提交城規會，待城規會同意後根據條例第 6C(2)條刊憲。

23. 委員亦決定不接納第 1 組的所有申述及第 2 組的餘下申述，以及不應順應這些申述的內容修訂海下分區計劃大綱草圖。委員繼而審閱詳載於城市規劃委員會文件第 9644 號第 7.3 段各項不接納這些申述及不順應這些申述的內容修訂海下分區計劃大綱草圖的理由，並認為有關的理由應作適當修訂。

申述編號 R10737 至 R10739 及 R10742

24. 經進一步商議後，城規會決定備悉申述編號 R10737 至 R10739 及 R10742 關於海下分區計劃大綱草圖的支持意見。

表示反對的申述[1]

25. 經進一步商議後，城規會同意順應申述編號 R799 至 R10554、R10556 至 R10562、R10564、R10566 至 R10569、R10571、R10574、R10576 至 R10580、R10582 至 R10730、R10732 至 R10734、R10750 至 R10910、R10922 至 R10931 及 R10933 關於海下分區計劃大綱草圖的部分申述內容，把「鄉村式發展」地帶西部及毗連的「綠化地帶」改劃為「綠化地帶(1)」。

26. 經進一步商議後，城規會決定不接納申述編號 R1 至 R798、R10555、R10563、R10565、R10570、R10572、R10573、R10575、R10581、R10731、R10735、R10736、R10740、R10741、R10743 至 R10749、R10911 至 R10921、R10932 及 R10934 關於海下分區計劃大綱草圖的申述，以及申述編號 R799 至 R10554、R10556 至 R10562、R10564、R10566 至 R10569、R10571、R10574、R10576 至 R10580、R10582 至 R10730、

[1] 剔除了撤回／視為不曾作出的申述編號R287、R569、R751、R752、R756、R758、R1102、R2547、R2687、R3677、R3764、R3793、R3979、R3984、R4190、R4321、R4368、R4398、R4621、R4642、R4676、R4754、R4963、R4983、R5064、R5093、R5145、R5215、R5234、R5238、R5287、R5433、R5436、R5508、R5576、R5632、R5924、R6021、R6031、R6064、R6126、R6128、R6185、R6229、R6230、R6261、R6307、R6310、R6346、R6349、R6415、R6488、R6534、R6551、R6670、R6689、R6904、R6905、R6934、R6954、R7073、R7110、R7213、R7302、R7322、R7571、R7632、R7642、R7800、R7837、R7903、R7911、R7968、R7981、R8061、R8115、R8232、R8308、R8392、R8479、R8548、R8566、R8637、R8720、R8725、R8736、R8741、R8775、R8955、R8959、R9038、R9083、R9085、R9145、R9270、R9285、R9326、R9330、R9396、R9433、R9542、R9562、R9613、R9962、R10217、R10227、R10330、R10392、R10509及R10531。

R10732 至 R10734、R10750 至 R10910、R10922 至 R10931 及 R10933 關於該圖的其餘部分申述內容，理由如下：

第 1 組和第 2 組的申述
(HH-R1 至 R10736、HH-R10738 至 R10741 及 HH-R10743 至 R10934)

劃設「鄉村式發展」地帶

「(a) 為應付該區的認可鄉村海下的原居村民對小型屋宇的需求，實有必要在合適的地點劃設「鄉村式發展」地帶。該村的「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的，只有適合發展小型屋宇的土地才劃入此地帶，而環境／生態易受影響的地方及地形陡峭的地方不會包括在內；

(b) 所預測的小型屋宇需求量僅是劃設擬議的「鄉村式發展」地帶時所考慮的因素之一，預測數字會隨時間而轉變。當局採用了逐步增加的方式劃設「鄉村式發展」地帶作小型屋宇發展，藉此把小型屋宇發展局限在適當的地點；

第 1 組的申述
(HH-R1 至 R798、HH-R10736、HH-R10740、HH-R10741 及 HH-R10743 至 R10749)

把「自然保育區」地帶改劃為「鄉村式發展」地帶及「綠化地帶」

(c) 該區西部及海下路沿路的「自然保育區」地帶有相對未受干擾而值得保存的原生林地。從自然保育的角度而言，把該處劃為「自然保育區」地帶是恰當的；

把「海岸保護區」地帶改劃為「鄉村式發展」地帶

(d) 「海岸保護區」地帶所涵蓋的地方有紅樹林、與紅樹林伴生的植物和後灘植物，毗鄰就是海下灣海岸公園。劃設「海岸保護區」地帶是有必要的，可以此地帶作為緩衝區，分隔開鄉村地區和海下灣海岸公園；

第 2 組的申述
(HH-R799 至 R10735 及 HH-R10750 至 R10934)

對海下灣海岸公園環境的影響

(e) 當局已劃設根據一般推定不宜進行發展的保育地帶，包括「綠化地帶」、「自然保育區」地帶及「海岸保護區」地帶，涵蓋具重要生態及景觀價值的地方，務求通過法定規劃大綱，保護海下的天然環境，以及與其生態緊密相連的西貢西郊野公園和海下灣海岸公園；

(f) 正如《海下分區計劃大綱草圖編號 S/NE-HH/1》的《說明書》所述，為保護海下灣海岸公園的水質，發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，包括環境保護署(下稱「環保署」)的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護署評核的排水渠工程計劃」；

(g) 地政總署在處理建造小型屋宇的申請時，會諮詢相關的政府部門，包括環保署、漁農自然護理署(下稱「漁護署」)及規劃署，確保所有相關部門都有充分機會覆檢申請，並就申請提出意見。漁護署亦一直有密切監察海下灣海岸公園的水質；

資料不全且有誤導成分

(h) 海下灣海岸公園的界線是參照高水位線而劃的，而海下灣海岸公園經刊憲的界線於一九九六年根據

《海岸公園條例》獲批准。海下分區計劃大綱草圖所涵蓋的地區，其北面的界線與海下灣海岸公園的界線吻合，兩者之間並無空隙；

(i) 在擬備《海下分區計劃大綱草圖編號 S/NE-HH/1》及各土地用途建議時，已考慮各方面的因素，包括保育及自然景觀、生態價值、景觀特色、交通、基礎設施和公用事業設施，亦已徵詢各持份者和相關政府部門的看法和意見。海下分區計劃大綱草圖並非依據測量圖來擬備，只是採用其地圖數據而已；

劃設「綜合發展區」地帶

(j) 現時建議在海下地區劃設的用途地帶，是根據各不同地點在生態和景觀上的價值及其是否適宜作小型屋宇發展而劃的，目的是提供清晰的規劃意向及作出保護。要加強規劃限制或保護環境，並無必要把海下地區劃作「綜合發展區」地帶；

「海岸保護區」地帶的範圍應涵蓋距離岸邊至少 30 米的地方

(k) 從自然保育的角度而言，所劃的「海岸保護區」地帶已經恰當，可發揮緩衝作用，隔開鄉村與海下灣海岸公園；

把郊野公園「不包括的土地」指定為郊野公園

(l) 根據《郊野公園條例》(第 208 章)，把某地方指定為郊野公園，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；以及

擴大「其他指定用途」註明「水上活動康樂中心」地帶的範圍

(m) 沒有有力的理據要擴大「其他指定用途」註明「水上活動康樂中心」地帶的範圍。據《海下分區計劃大綱草圖編號 S/NE-HH/1》的《註釋》說明頁所

載，在「自然保育區」地帶內，道路(包括行人徑)的保養或修葺工程是經常准許的。」

《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》

「鄉村式發展」地帶的面積大小

27. 委員備悉，很多由環保及關注組織提交的申述書和意見書均認為《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的「鄉村式發展」地帶過大，其範圍應局限在現有的鄉村構築物所在之處、屋地和已批准興建小型屋宇的地點。不過，另一方面，由鎖羅盆村民和鄉事界提交的申述和意見則指出，「鄉村式發展」地帶內可供發展小型屋宇的土地不足以應付小型屋宇的需求及配合鎖羅盆村的復村計劃。一名鎖羅盆村村民(SLP-R10812/C3669)在聆訊上出示了一份該村男性原居村民的名單，以示小型屋宇需求數字正確無誤。根據《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》，鎖羅盆的「鄉村式發展」地帶佔地約 4.12 公頃，當中約 3.36 公頃可供發展，興建約 134 幢新的小型屋宇，滿足到鎖羅盆約五成的小型屋宇需求(即 270 幢)。

28. 主席以實物投影機上所示的一幅圖則作說明，表示《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/D》原先建議的「鄉村式發展」地帶佔地約 2.52 公頃，範圍局限在現有的鄉村民居及毗鄰的地方，該圖於二零一三年四月二十六日提交城規會作初步考慮。規劃署於二零一三年五月諮詢過相關的持份者(包括北區區議會和沙頭角區鄉事委員會)及有關的政府部門後，所擬備的《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》把現有的鄉村民居毗鄰兩個地方由「綠化地帶」改劃為「鄉村式發展」地帶，於是「鄉村式發展」地帶擴大至 4.12 公頃。這兩個地方包括(i)東北部一幅緊接現有村落的土地(約 0.65 公頃)，該處是長有灌木和樹木的休耕農地(下稱「東北部分」)；以及(ii)西南部一幅狹長平地(約 0.99 公頃)，該處主要是休耕的乾農地，另外還包括毗連該處的緩坡(下稱「西南部分」)。主席請委員參看《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/D》原先建議的「鄉村式發展」地帶的範圍，然後考慮《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的「鄉村式發展」地帶的範圍是否恰當。

29. 委員備悉鎖羅盆沒有尚未處理的小型屋宇申請，因此普遍認為沒有迫切需要劃設一個如《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》所示面積達 4.12 公頃的「鄉村式發展」地帶，以應付小型屋宇的需求及配合一些申述人所提出的復村計劃。「鄉村式發展」地帶有縮小的必要，而減去的可以是東北部分或西南部分，或兩者同時減去。

30. 一名委員表示，鎖羅盆現時沒有人口，亦沒有尚未處理的小型屋宇申請，但《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》卻把規劃人口定為 1 000 左右，增長未免過劇。雖然該區劃作「鄉村式發展」地帶的土地只可滿足五成的小型屋宇需求，符合逐步增加的做法，但增建的新小型屋宇總數達 134 幢，實在過多，故應縮小該區的「鄉村式發展」地帶。

31. 一名委員表示，按照逐步增加的做法，「鄉村式發展」地帶的範圍應先主要局限在現有的鄉村民居。倘日後真正有需要發展小型屋宇以應付小型屋宇的需求，規劃申請制度已提供彈性，容許提出在「綠化地帶」發展小型屋宇的申請或旨在擴大「鄉村式發展」地帶的改劃申請。城規會會按每宗申請的個別情況作出考慮。

32. 另一名委員表示，「鄉村式發展」地帶內的低地未必適合發展小型屋宇。因此，西南部分，亦即主要是舊有梯田和斜坡的那部分地方，應繼續劃為「鄉村式發展」地帶，而東北部分則應還原為「綠化地帶」。

33. 凌嘉勤先生表示，應考慮採納《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/D》所建議的「鄉村式發展」地帶，該地帶的範圍涵蓋鎖羅盆的中部(下稱「中部」)，主要包括現有的鄉村民居，以提供彈性，讓村民可以興建小型屋宇，並盡量減少對內陸地方和低窪休耕農地可能造成的環境影響。

34. 一名委員表示，鎖羅盆現時的人口是零，村民提供的小型屋宇預測需求數字又未經核實，所以現階段沒有迫切需要提供太多土地以應付小型屋宇的需求。由於該區現時沒有車路可達，如把「鄉村式發展」地帶擴展得太大，海上交通和建築工程會大增，對自然環境會有負面影響。這名委員又說，根據現

有的資料，該區現階段未見有真正需要發展小型屋宇。因此，「鄉村式發展」地帶的範圍應局限在中部現有的鄉村民居，該些民居所在之處仍有土地可發展小型屋宇。待日後「鄉村式發展」地帶全面發展後，可考慮把鄉村進一步擴展至東北部分和西南部分。

35. 另一名委員表示，在這三幅郊野公園「不包括的土地」中，鎖羅盆最具自然風貌。該區現時沒有人口，基礎設施又不足，在中短期內對小型屋宇發展的需求應該不會很大。因此，現階段應按照逐步增加的做法，把「鄉村式發展」地帶的範圍局限在中部現有的鄉村民居。這名委員續說，東北部分和西南部分的環境天然，兩者都應還原為「綠化地帶」。倘日後真正有需要發展小型屋宇，村民可提交規劃申請，要求在「綠化地帶」內發展新界豁免管制屋宇，讓城規會考慮。這名委員又表示，城規會若使用村民在聆訊上提供的小型屋宇需求預測數字來劃定「鄉村式發展」地帶的面積，務必小心審慎，因為可能會成為先例，令其他村民仿效。

36. 委員備悉，雖然「綠化地帶」內有個別小型屋宇發展的規劃申請獲得小組委員會／城規會批准，但根據一般推定，此地帶是不宜進行發展的。凌嘉勤先生表示，建議在「綠化地帶」內進行的任何發展均須符合相關的準則和指引，因此對於此地帶內的發展應已有足夠的管制。

37. 副主席表示，以鎖羅盆目前的情況來看，該區短期內對小型屋宇發展的需求應該不會很大。由於缺乏基礎設施，所以不論「鄉村式發展」地帶有多大，該區的人口最終也可能很少。問題的關鍵在於如何作出適當的平衡，一方面照顧到村民的發展需要，另一方面又能對自然環境作出足夠的保護。在目前的情況下，較合理的做法應是把「鄉村式發展」地帶的範圍局限在現有的鄉村民居和毗鄰的合適土地，作為起步點。倘日後確定有真正需要發展小型屋宇或復村，城規會可按個別個案的情況考慮讓鄉村發展的範圍擴展至毗鄰的「綠化地帶」。

38. 主席表示，劃定「鄉村式發展」地帶的界線時，必須考慮若干因素，包括「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點。城規會應平衡申述人的不同意見，然後才作出決

定。無論建議對鎖羅盆分區計劃大綱草圖作出任何修訂，都必須有充分的理據支持，而城規會亦應準備在考慮這份分區計劃大綱草圖的進一步申述時，向申述人(包括環保人士和村民)解釋其決定。

39. 一名委員表示，在東北部分發展的小型屋宇會十分接近「自然保育區」地帶，可能會對該地帶造成嚴重的負面影響。為審慎起見，應把「鄉村式發展」地帶的範圍局限在中部現有的鄉村民居，而東北部分和西南部分則改劃為「綠化地帶」。

40. 另一名委員表示，分區計劃大綱圖應清楚說明城規會積極保護郊野公園「不包括的土地」自然環境的決心。凡是具保育價值的地方都應劃為保育地帶，例如「自然保育區」地帶和「綠化地帶」。鎖羅盆缺乏基礎設施，現時分區計劃大綱草圖編號 S/NE-SLP/1 所劃設的「鄉村式發展」地帶未免過大，會令村民對發展產生不切實際的期望。為盡量減低對自然環境可能造成的影響，應先把「鄉村式發展」地帶的範圍局限在中部現有的鄉村民居和毗鄰的合適土地。若日後證明真正有需要發展小型屋宇，村民可提出第 12A 條規劃申請，要求進一步擴展「鄉村式發展」地帶，讓城規會考慮。這名委員並表示，其他郊野公園「不包括的土地」亦應採取類似的規劃方法。

41. 一名委員表示，鎖羅盆缺乏基礎設施，亦沒有尚未處理的小型屋宇申請，預料短期內不會有重大改變。由於該區現時的人口為零，按照逐步增加的做法，只保留中部的「鄉村式發展」地帶，應該合理；而把小型屋宇的發展局限在現有的鄉村民居一帶，發展模式會更有條理，做法亦恰當。當局可向村民解釋縮小「鄉村式發展」地帶的理念。這名委員又說，規劃是一個持續的過程，倘日後真正有需要復村，可通過現有的機制修訂分區計劃大綱圖，以配合規劃情況的轉變。

42. 另一名委員表示，鎖羅盆很多村民已移居海外，是否確有需要復村，令人存疑。

43. 經進一步的討論後，主席總結委員的意見，表示因為採用逐步增加的做法，加上鎖羅盆現時的人口為零，區內又缺乏基礎設施，因此應採納《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/D》的建議，把「鄉村式發展」地帶的範圍主要局

限在中部現有的鄉村民居，而東北部分和西南部分則改劃為「綠化地帶」。倘真正有需要發展更多小型屋宇，規劃申請制度已提供彈性，容許提出在「綠化地帶」發展小型屋宇的申請或旨在擴大「鄉村式發展」地帶的改劃申請。城規會會考慮提出申請時的規劃情況，按每宗申請的個別情況作出考慮。

其他申述的理據和申述人的建議

44. 委員繼而審閱申述人和提意見人所提出有關《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的其他理據和建議，並備悉以下回應：

生態資料不足

(a) 在草擬這份分區計劃大綱圖時，規劃署着眼於保存保育價值高的生境，多於個別具保育價值的物種的記錄；

(b) 鎖羅盆重要的生境如原生的成熟林地及鎖羅盆河沿河地區和濕地，為多個物種提供合適的棲息和生長地，這些地方都已劃為保育地帶，包括「自然保育區」地帶和「綠化地帶」；

申述人的建議

把濕地及旁邊包括一段「具重要生態價值的河溪」的地方由「自然保育區」地帶及「綠化地帶」改劃為「康樂」地帶及「農業」地帶

(c) 那涵蓋濕地綜合區的地方應繼續劃作保育，而旁邊的天然生境，則應劃為「綠化地帶」。當局至今沒有收到任何有關發展康樂用途的具體建議，而且在這份分區計劃大綱圖上，農業用途在所有地帶均是准許的。因此，並無有力的理據要把該片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」地帶及「農業」地帶；

把村校舊址及旁邊的地方由「綠化地帶」及「自然保育區」地帶改劃為「政府、機構或社區」地帶

(d) 該區現時沒有人口，即使經城規會同意縮小「鄉村式發展」地帶，未來人口可能仍少，故目前並無需要闢設特定的政府、機構及社區設施；

(e) 在「鄉村式發展」地帶內，「鄉公所」是經常准許的用途，而「鄉公所」和「遊客中心」在「綠化地帶」內則屬於第二欄用途，必須取得城規會的規劃許可；以及

改劃建議所涉地帶的《註釋》

(f) 申述書和就申述作出的口頭陳述都沒有提供詳細的資料，說明為何建議把所述的不同地點改劃為「綠化地帶」、「康樂」地帶、「政府、機構或社區」地帶及「農業」地帶，以及為何要在這些地帶加入申述人建議的用途；

決定

45. 委員決定順應第 2 組申述表示反對把「鄉村式發展」地帶劃得太大的部分內容，修訂《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》，把「鄉村式發展」地帶的東北部和西南部改劃為「綠化地帶」；而因應建議對鎖羅盆分區計劃大綱草圖作出的有關修訂，亦決定修訂該草圖的《說明書》；此外，亦要求規劃署把有關鎖羅盆分區計劃大綱草圖的修訂建議提交城規會，待城規會同意後根據條例第 6C(2)條刊憲。

46. 委員決定不接納第 1 組的所有申述和第 2 組的餘下申述，以及不應順應這些申述的內容修訂鎖羅盆分區計劃大綱草圖。委員繼而審閱詳載於城市規劃委員會文件第 9645 號第 7.1 段各項不接納這些申述及不順應這些申述的內容修訂鎖羅盆分區計劃大綱草圖的理由，並認為有關的理由應作適當修訂。

第1組及第2組的申述[2]

47. 經進一步商議後，委員同意順應申述編號R799至R10554、R10556至R10562、R10564、R10566至R10569、R10571、R10574、R10576至R10580、R10582至R10730、R10732至R10734、R10818至R10854及R10856至R10858關於鎖羅盆分區計劃大綱草圖的部分申述內容，把「鄉村式發展」地帶的東北部及西南部改劃為「綠化地帶」。

48. 經進一步商議後，城規會決定不接納申述編號R1至R798、R10555、R10563、R10565、R10570、R10572、R10573、R10575、R10581、R10731、R10735至R10817及R10855關於鎖羅盆分區計劃大綱草圖的申述，以及申述編號R799至R10554、R10556至R10562、R10564、R10566至R10569、R10571、R10574、R10576至R10580、R10582至R10730、R10732至R10734、R10818至R10854及R10856至R10858關於該圖的其餘部分申述內容，理由如下：

[2] 剔除了撤回／視為不曾作出的申述編號R287、R569、R751、R752、R756、R758、R1102、R2547、R2687、R3677、R3764、R3793、R3979、R3984、R4190、R4321、R4368、R4398、R4621、R4642、R4676、R4754、R4963、R4983、R5064、R5093、R5145、R5215、R5234、R5238、R5287、R5433、R5436、R5508、R5576、R5632、R5924、R6021、R6031、R6064、R6126、R6128、R6185、R6229、R6230、R6261、R6307、R6310、R6346、R6349、R6415、R6488、R6534、R6551、R6670、R6689、R6904、R6905、R6934、R6954、R7073、R7110、R7213、R7302、R7322、R7571、R7632、R7642、R7800、R7837、R7903、R7911、R7968、R7981、R8061、R8115、R8232、R8308、R8392、R8479、R8548、R8566、R8637、R8720、R8725、R8736、R8741、R8775、R8955、R8959、R9038、R9083、R9085、R9145、R9270、R9285、R9326、R9330、R9396、R9433、R9542、R9562、R9613、R9962、R10217、R10227、R10330、R10392、R10509及R10531。

第 1 組及第 2 組的申述
(SLP-R1 至 R10858)

劃設「鄉村式發展」地帶

「(a) 為應付該區的認可鄉村鎖羅盆的原居村民對小型屋宇的需求，實有必要在合適的地點劃設「鄉村式發展」地帶。該村的「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的，只有適合發展小型屋宇的土地才劃入此地帶，而環境／生態易受影響的地方及地形陡峭的地方不會包括在內；

(b) 所預測的小型屋宇需求量僅是劃設擬議的「鄉村式發展」地帶時所考慮的因素之一，預測數字會隨時間而轉變。當局採用了逐步增加的方式劃設「鄉村式發展」地帶作小型屋宇發展，藉此把小型屋宇發展局限在適當的地點；

第 1 組的申述
(SLP-R1 至 R798 及 SLP-R10736 至 R10817)

促進生態旅遊發展的整全方案

(c) 「自然保育區」地帶主要涵蓋鎖羅盆的濕地系統，該濕地系統包括有紅樹林和海草床的潮間帶生境、蘆葦池、鑑定為「具重要生態價值的河溪」的天然河流及淡水沼澤。這些地方是多種稀有及不常見的動植物的重要棲息及生長地，故必須加以保護。現時把這些地方劃為「自然保育區」地帶，做法恰當；

(d) 該區周邊的林區與附近船灣郊野公園內天然林地的茂密草木連成一片。劃設「綠化地帶」，可以作為有發展的地方與自然保育區或郊野公園之間的緩衝區，做法恰當；

(e) 「農業用途」屬第一欄用途，在所有地帶均是准許的；

(f) 據相關的工務部門表示，當局未有提出在該區興建通道的計劃／承諾。此外，根據鎖羅盆分區計劃大綱草圖的《註釋》，由政府統籌或落實的土力工程、地區小工程、道路工程及其他公共工程都是經常准許的；

第 2 組的申述
(SLP-R799 至 R10735 及 SLP-R10818 至 R10858)

對區內生境和周邊地區環境的影響

(g) 城規會審議鎖羅盆分區計劃大綱草圖時，已考慮所有相關的規劃因素，包括相關政府部門和公眾的意見。當局已劃設根據一般推定不宜進行發展的保育地帶，包括「綠化地帶」及「自然保育區」地帶，涵蓋具重要生態及景觀價值的地方，務求通過法定規劃大綱，保護鎖羅盆的天然環境，以及與其生態緊密相連的船灣郊野公園。地政總署在處理建造小型屋宇的申請時，會諮詢相關的政府部門，包括環境保護署(下稱「環保署」)、漁農自然護理署及規劃署，確保所有相關部門都有充分機會覆檢申請，並就申請提出意見。發展計劃／方案的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，例如環保署的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》－「須經環境保護署評核的排水渠工程計劃」；

反對劃設「綠化地帶」

(h) 鎖羅盆河的上游並非「具重要生態價值的河溪」，把有關土地劃為擬議的「綠化地帶」是恰當的，因為該處的林地是一片由荒廢農地演變而成的未成熟林地，而且相對已受干擾。根據一般推定，「綠化地帶」不宜進行發展。在此地帶內發展小型屋宇，

必須取得城規會的規劃許可。城規會會按每宗個案的個別情況作出考慮；

把鎖羅盆河的上游和支流、沿河地區及毗連的次生林地劃為「自然保育區」地帶

(i) 鎖羅盆河的上游並非「具重要生態價值的河溪」，把這條天然河流的上游部分劃為「自然保育區」地帶並不恰當；

(j) 對於可能影響天然河流／溪澗的發展計劃及關於原地化糞池系統的規定，現時已有相關的規管機制(包括環境運輸及工務局技術通告(工務)第 5/2005 號及環保署的《專業人士環保事務諮詢委員會專業守則第 5/93 號》)作出規管。因此，無須把有關的支流及旁邊的地方剔出「鄉村式發展」地帶及改劃為「自然保育區」地帶；

(k) 該區周邊的林區及北部山坡東部一片傳統墓地，與附近船灣郊野公園內天然林地的茂密草木連成一片，可以作為有發展的地方與自然保育區或郊野公園之間的緩衝區。因此，把這些地方劃為「綠化地帶」，做法恰當；

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

(l) 現有的理據不足以支持把這些地方指定為「具特殊科學價值地點」。因此，把這些地方劃為「自然保育區」地帶，做法恰當；以及

把郊野公園「不包括的土地」指定為郊野公園

(m) 根據《郊野公園條例》(第 208 章)，把某個地方指定為「郊野公園」，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責。」

《白腊分區計劃大綱草圖編號 S/SK-PL/1》

「鄉村式發展」地帶的面積大小

49. 主席表示，《白腊分區計劃大綱草圖編號 S/SK-PL/1》上的「鄉村式發展」地帶可興建 79 幢小型屋宇，滿足到白腊十成的小型屋宇需求，但很多由環保／關注組織提交的申述書和意見書都認為這個地帶過大。有些申述人認為，劃設「鄉村式發展」地帶，會立下不良先例，影響其他郊野公園「不包括的土地」，因為白腊這個地區懷疑曾有人以「先破壞，後建設」的手法進行發展。

50. 委員大致認為應採用逐步增加的方式劃設「鄉村式發展」地帶，應付白腊的小型屋宇需求。主席以城市規劃委員會文件第 9646 號的圖 H-3 作說明，表示一如海下和鎖羅盆這兩份分區計劃大綱圖，可考慮把白腊「鄉村式發展」地帶的範圍局限在該區那條河西面現有的村落和毗鄰的地方。

51. 委員備悉，有一條河由北向南穿過白腊地區流入白腊灣。該河東面主要是再生的草地，可由「鄉村式發展」地帶改劃為「農業」地帶。

52. 主席回應一名委員的查詢，表示如果申述人在聆訊上作出的口頭陳述，以及借助投影片和錄影片段講述的資料，是闡述原本申述書的內容，城規會可加以考慮。

53. 這名委員表示，有些申述人指稱，白腊河兩旁的平地由一個私人發展商擁有，一直有人在該處違例進行地盤平整工程和清除植被。把該處劃為「鄉村式發展」地帶，似乎是鼓勵這種「先破壞，後建設」的行為。即使把該處改劃為「農業」地帶，能取得規劃許可進行發展的可能性也頗高。有鑑於此，這名委員對把該處劃為「鄉村式發展」地帶或「農業」地帶有所保留。委員大致同意，根據以逐步增加的方式劃設「鄉村式發展」地帶的做法，白腊分區計劃大綱圖的「鄉村式發展」地帶面積未免過大，應該縮小。委員亦備悉，要在「農業」地帶興建新界豁免管制屋宇和進行河道改道或填土／填塘工程，必須取得城規會的規劃許可。任何人如蓄意破壞鄉郊和天然環境以

圖博取城規會向其日後在有關地點進行的發展給予規劃許可，城規會絕不會姑息。

54. 副主席表示，有些申述人聲稱，白腊大部分私人土地都已賣給一個私人發展商，只有兩名身為白腊村民的申述人出席聆訊。根據所得資料，在白腊興建小型屋宇的需求未必很大。按照逐步增加的做法，應把白腊「鄉村式發展」地帶的範圍局限在該區那條河西面的地方，而該河東面的地方則改劃為「農業」地帶。主席指出，城規會應聚焦於申述人的各項申述理據和建議方面。

55. 凌嘉勤先生以城市規劃委員會文件第 9646 號的圖 H-3 的航攝照片作說明，表示按照逐步增加的做法，應考慮把白腊「鄉村式發展」地帶的範圍局限在該區那條河西面現有的鄉村民居和毗鄰的地方。另應繼續把白腊地區東北部那個平台繼續劃為「鄉村式發展」地帶。該處一些涉及發展小型屋宇的申請已獲小組委員會批准。至於該河東面的地方，是由休耕農地演化而再生的草地，可由「鄉村式發展」地帶改劃為「農業」地帶。

56. 一名委員指出，在該河附近發展小型屋宇，可能會對該河的水質及白腊灣的生態環境有負面影響，遂詢問該河與擬議的「鄉村式發展」地帶之間是否應有一個緩衝區。凌嘉勤先生表示，根據現行做法，只有指定為「具重要生態價值的河溪」或「具特殊科學價值地點」的河溪，才會考慮劃設緩衝區。白腊那條河並非「具重要生態價值的河溪」，也非「具特殊科學價值地點」，所以必須通過審批個別小型屋宇批建申請，才能對之施加管制。為確保發展方案的污水處理設施安排符合相關的規定，在地政總署處理小型屋宇申請時，相關政府部門會考慮有關的小型屋宇發展項目的污水處理問題，包括化糞池及滲水井系統。發展項目的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，包括環保署的《專業人士環保事務諮詢委員會專業守則第 5/93 號》。

57. 一名委員表示，現時白腊只有少數村民居住，區內的村屋大多空置或已損毀，只有幾幢仍然有人居住，而村民也沒有復村的計劃或方案，故質疑應否把該河西面的平地繼續劃作「鄉村式發展」地帶。這名委員又問，把「鄉村式發展」地帶

縮小後，該河西岸能興建多少幢新小型屋宇。秘書表示，如果把「鄉村式發展」地帶的範圍局限在該河西面的地方，其土地面積就會由 2.37 公頃減至約一公頃，其中約 0.4 公頃可興建 18 幢小型屋宇，滿足到白腊 23%的小型屋宇需求(即 79 幢)。主席指出，「鄉村式發展」地帶的界線是考慮過若干因素而劃，包括「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點。白腊村的「鄉村範圍」差不多涵蓋白腊分區計劃大綱圖的整個規劃區，而分區計劃大綱草圖現時所劃的「鄉村式發展」地帶則只佔白腊「鄉村範圍」約 34%。

58. 這名委員表示，白腊灣的水質極佳，在沿海地區興建任何擬議的小型屋宇，都可能對白腊灣的水質有負面影響。委員備悉，白腊灣並非海岸公園。為保護白腊灣的水質，小型屋宇發展項目的原地化糞池及滲水井系統的設計和建造必須符合相關的標準與規例，包括環保署的《專業人士環保事務諮詢委員會專業守則第 5/93 號》。

59. 凌嘉勤先生回應這名委員的查詢，表示該河東面的地方現時在《白腊分區計劃大綱草圖編號 S/SK-PL/1》上劃為「鄉村式發展」地帶。若城規會同意把該處改劃為「農業」地帶，日後在該處興建新界豁免管制屋宇就必須取得規劃許可。一名委員詢問有何理據要建議把該處改劃為「農業」地帶。凌嘉勤先生表示，該處是休耕農地，長滿雜草和灌木。雖然有些申述人指該處的農地發現有零星的水蕨，但漁護署認為數目不多，而這種植物是否出現，視乎環境狀況而定。因此，該處的生態價值並不足以支持把之劃為「自然保育區」地帶或「綠化地帶」等保育地帶。這名委員又問，該處是否適合作農業用途。凌嘉勤先生表示，在《白腊分區計劃大綱草圖編號 S/SK-PL/1》上，「農業用途」在所有地帶均是准許的。此擬議「農業」地帶的規劃意向，主要是保存和保護良好的農地／農場／魚塘，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。

60. 甯漢豪女士表示，在劃設「鄉村式發展」地帶的界線時，應考慮若干因素，其中包括「鄉村範圍」及所預測的小型屋宇需求量。不過，因為這三塊郊野公園「不包括的土地」的「鄉村式發展」地帶是採用逐步增加的方式規劃，所以面積無

法滿足全部小型屋宇需求，村民會因為這樣而覺得當局沒有完全尊重「鄉村範圍」。因此，應清楚說明逐步增加方式的可取之處。凌嘉勤先生表示，逐步增加的方式可支配現有鄉村民居周圍的鄉村擴展，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；此外，也有助把人為滋擾的範圍局限在現有民居一帶，從而盡量減少對村外天然環境造成的不必要負面影響。

61. 一名委員表示，在擬備郊野公園「不包括的土地」的法定圖則時，應把大部分地方劃為「綠化地帶」，而個別具保育價值和有良好潛力作農業用途的地方則應分別劃為「自然保育區」地帶和「農業」地帶。有些郊野公園「不包括的土地」人口較少，而且沒有車路和基礎設施，為盡量減低對這些土地的天然環境(包括附近的郊野公園)的負面影響，應把「鄉村式發展」地帶的範圍局限在現有的鄉村民居。至於有村民居住並有道路可達的郊野公園「不包括的土地」，則應在現有民居附近物色合適的地方作鄉村發展，但須採用逐步增加的方式規劃。

62. 另一名委員同意並表示，郊野公園「不包括的土地」的主要規劃目的，是保育和保護天然環境，包括附近的郊野公園。原居村民的發展需要固然須正視，但逐步增加是務實的做法，能適當支配和管制鄉村發展的規模與範圍。發展需要與自然保育兩者都應兼顧，作出平衡。

63. 一名委員詢問，西北面現有人工池塘旁邊的「農業」地帶會否適合作鄉村發展。凌嘉勤先生表示，該處鄰近郊野公園，未必適合興建小型屋宇。

64. 經進一步討論後，主席總結委員的意見，表示按照逐步增加的方式，應把白腊「鄉村式發展」地帶的範圍縮小，局限在該區那條河西面現有的鄉村民居和毗鄰的土地，以及東北部那個平台，而該河東面的土地則改劃為「農業」地帶。要是真正有需要應付小型屋宇需求，規劃申請制度已提供了彈性，容許提出在「農業」地帶發展小型屋宇的申請，或旨在擴大「鄉村式發展」地帶的改劃申請。城規會會考慮提出申請時的規劃情況，按每宗申請的個別情況作出考慮。

其他申述的理據和申述人的建議

65. 委員繼而審閱申述人和提意見人所提出有關《白腊分區計劃大綱草圖編號 S/SK-PL/1》的其他理據和建議，並備悉以下回應：

劃設「自然保育區」地帶

(a) 位於白腊地區外圍的林區與毗鄰的西貢東郊野公園的茂密草木連成一片，並與該處的天然生境在生態上緊密相連，因此，把之劃為「自然保育區」地帶，以保護天然環境及其天然資源，做法恰當；

劃設「農業」地帶

(b) 區內的休耕梯田及池塘有良好潛力恢復作農業用途，故應劃為「農業」地帶，這樣才可保存和保護優質的農地／農場／魚塘作農業用途；

申述人的建議

把「自然保育區」地帶改劃為「政府、機構或社區」地帶

(c) 現有鄉村南部有一塊用地已劃為「政府、機構或社區」地帶，以便設置公廁及政府垃圾收集站，配合當地居民及遊人的需要；以及

(d) 通訊事務管理局辦公室會一直留意設置電視及／或廣播電台發射塔裝置的需要，有需要時會把這項要求轉達提供有關服務的機構。

決定

66. 委員同意備悉申述編號 R10736 表示支持白腊分區計劃大綱草圖的意見。

67. 委員決定順應第 2 組申述表示反對把「鄉村式發展」地帶劃得過大的部分內容，修訂《白腊分區計劃大綱草圖編號 S/SK-PL/1》，把「鄉村式發展」地帶東部沿河的地方改劃作「農業」地帶；而因應建議對白腊分區計劃大綱草圖作出的有關修訂，亦決定修訂該草圖的《說明書》；此外，亦要求規劃署把有關白腊分區計劃大綱草圖的修訂建議提交城規會，待城規會同意後根據條例第 6C(2)條刊憲。

68. 委員決定不接納第 1 組的所有申述及第 2 組的餘下申述，以及不應順應這些申述的內容修訂白腊分區計劃大綱草圖。委員繼而審閱詳載於城市規劃委員會文件第 9646 號第 7.2 段各項不接納這些申述及不順應這些申述的內容修訂白腊分區計劃大綱草圖的理由，並認為有關的理由應作適當修訂。

申述編號 R10736

69. 經進一步商議後，城規會決定備悉申述編號 R10736 關於白腊分區計劃大綱草圖的支持意見。

表示反對的申述[3]

70. 經進一步商議後，城規會同意順應申述編號 R799 至 R10554、R10556 至 R10562、R10564、R10566 至

[3] 剔除了撤回／視為不曾作出的申述編號 R287、R569、R751、R752、R756、R758、R1102、R2547、R2687、R3677、R3764、R3793、R3979、R3984、R4190、R4321、R4368、R4398、R4621、R4642、R4676、R4754、R4963、R4983、R5064、R5093、R5145、R5215、R5234、R5238、R5287、R5433、R5436、R5508、R5576、R5632、R5924、R6021、R6031、R6064、R6126、R6128、R6185、R6229、R6230、R6261、R6307、R6310、R6346、R6349、R6415、R6488、R6534、R6551、R6670、R6689、R6904、R6905、R6934、R6954、R7073、R7110、R7213、R7302、R7322、R7571、R7632、R7642、R7800、R7837、R7903、R7911、R7968、R7981、R8061、R8115、R8232、R8308、R8392、R8479、R8548、R8566、R8637、R8720、R8725、R8736、R8741、R8775、R8955、R8959、R9038、R9083、R9085、R9145、R9270、R9285、R9326、R9330、R9396、R9433、R9542、R9562、R9613、R9962、R10217、R10227、R10330、R10392、R10509 及 R10531。

R10569、R10571、R10574、R10576至R10580、R10582至R10730、R10732至R10734、R10738至R10770及R10772至R10774關於白腊分區計劃大綱草圖的部分申述內容，把沿河的「鄉村式發展」地帶的東部改劃為「農業」地帶。

71. 經進一步商議後，城規會決定不接納申述編號R1至R798、R10555、R10563、R10565、R10570、R10572、R10573、R10575、R10581、R10731、R10735、R10737、R10771及R10775關於白腊分區計劃大綱草圖的申述，以及申述編號R799至R10554、R10556至R10562、R10564、R10566至R10569、R10571、R10574、R10576至R10580、R10582至R10730、R10732至R10734、R10738至R10770及R10772至R10774關於該圖的其餘部分申述內容，理由如下：

第1組及第2組的申述
(PL-R1至R10735及PL-R10737至R10775)

「鄉村式發展」地帶的面積及劃設

「(a) 為應付該區的認可鄉村白腊的原居村民對小型屋宇的需求，實有必要在合適的地點劃設「鄉村式發展」地帶。該村的「鄉村式發展」地帶的界線是考慮過「鄉村範圍」、該區地形、民居的分布模式、所預測的小型屋宇需求量、具有重要生態價值的地方及其他環境特點而劃的，只有適合發展小型屋宇的土地才劃入此地帶，而環境／生態易受影響的地方及地形陡峭的地方不會包括在內；

(b) 所預測的小型屋宇需求量僅是劃設擬議的「鄉村式發展」地帶時所考慮的因素之一，預測數字會隨時間而轉變。當局採用了逐步增加的方式劃設「鄉村式發展」地帶作小型屋宇發展，藉此把小型屋宇發展局限在適當的地點；

對白腊灣環境的影響

(c) 對於可能影響河流／溪澗的發展計劃及關於原地化糞池系統的規定，現時已有相關的規管機制(包括環境運輸及工務局技術通告(工務)第 5/2005 號及環境保護署(下稱「環保署」)的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第 5/93 號》)作出規管。因此，無須把有關的支流及旁邊的地方由「鄉村式發展」地帶改劃為「自然保育區」地帶；

第 1 組的申述
(PL-R1 至 R798 及 PL-R10737)

把「自然保育區」地帶改劃為「綠化地帶」及「鄉村式發展」地帶

(d) 該區西南部的「自然保育區」地帶有相對未受干擾而值得保存的原生林地。從自然保育的角度而言，關於把該處由「自然保育區」地帶改劃為「綠化地帶」及「鄉村式發展」地帶的建議不值得支持；

把白腊村南部的一塊土地由「自然保育區」地帶改劃為「政府、機構或社區」地帶

(e) 該區南部的「自然保育區」地帶有相對未受干擾而值得保存的原生林地。從自然保育的角度而言，關於把該處改劃為「政府、機構或社區」地帶的建議不值得支持；

第 2 組的申述
(PL-R799 至 R10735 及 PL-R10738 至 R10775)

把有關的河流及沿河地區剔出「鄉村式發展」地帶

(f) 據漁農自然護理署(下稱「漁護署」)表示，穿過白腊那條水道大部分已因人類活動而有所改動。對於可能影響天然河流／溪澗的發展計劃及關於原地化

糞池系統的規定，現時已有相關的規管機制(包括環境運輸及工務局技術通告(工務)第 5/2005 號及環保署的《專業人士環保事務諮詢委員會專業守則第 5/93 號》)作出規管。因此，無須把該河及沿河地區由「鄉村式發展」地帶改劃為「自然保育區」地帶；

把有水蕨的地方由「鄉村式發展」地帶改劃為「自然保育區」地帶

(g) 環保／關注組織建議把發現有水蕨的地方由「鄉村式發展」地帶改劃為「自然保育區」地帶。雖然白腊東面的濕潤荒田發現有零星的水蕨，但漁護署認為數目不多，而這種植物是否出現，視乎環境狀況而定。因此，沒有理據要把這些地方劃為「自然保育區」地帶；

把郊野公園「不包括的土地」指定為郊野公園

(h) 根據《郊野公園條例》(第 208 章)，把某地方指定為郊野公園，屬於郊野公園及海岸公園管理局總監的職權範圍，不由城規會負責；

把「農業」地帶改劃為「自然保育區」地帶或「綠化地帶」

(i) 漁護署表示，有關的休耕梯田及池塘有良好潛力恢復作農業用途。為確保在「農業」地帶內進行的發展不會對環境造成負面影響，這份分區計劃大綱圖的《註釋》已訂明，在「農業」地帶內進行河道改道及填土／填塘工程，必須取得城規會的許可。根據《廢物處置條例》的規定，白腊的「農業」地帶內禁止飼養禽畜。至於與飼養禽畜無關的農業活動，預料不會造成嚴重的有機物污染問題，影響河流及白腊灣。因此，沒有理據要把這些地方劃為「自然保育區」地帶或「綠化地帶」。」

其他一般意見

72. 主席表示，R10587聲稱城市規劃委員會文件未有包括其申述書內的一些觀點，即「鄉村式發展」地帶根據未經證實的小型屋宇需求數字而劃，面積過大；小型屋宇政策被濫用；以及違反郊野公園「不包括的土地」政策及《生物多樣性公約》。對於這些問題，文件未有提出合理的理由和證據回應。

73. 委員得悉，規劃署備有整套申述書及意見書供市民查閱，亦已把申述書及意見書貯存在光碟，夾附於相關的城規會文件供委員參閱。城規會亦已聆聽R10587就有關問題所作的口頭陳述，其申述書中提出的理據和建議已載於相關的城規會文件及／或在會議上獲城規會考慮。

修訂分區計劃大綱圖

74. 主席要求規劃署執行城規會的決定，擬備相關的分區計劃大綱圖的進一步修訂建議並提交城規會通過，然後根據條例第6(C)2條刊憲。

延長期限

75. 主席表示，根據條例第8(2)條，這三份分區計劃大綱草圖須於二零一四年八月二十七日或以前呈交行政長官會同行政會議核准。由於要對這三份分區計劃大綱草圖作出擬議的修訂，而公布擬議修訂及處理進一步申述(如有者)亦需要一段時間，因此不大可能趕及在九個月的法定期限內完成這三份分區計劃大綱圖的制訂程序，然後呈交行政長官會同行政會議核准。有見及此，城規會有必要向行政長官提出申請，把呈交這三份分區計劃大綱圖予行政長官會同行政會議核准的法定期限延長，以便有足夠時間完成這三份分區計劃大綱圖相關申述的審議程序。委員表示同意。

議程項目 3

[公開會議]

其他事項

[會議以廣東話進行]

76. 主席表示，在二零一四年五月二十三日舉行的都會規劃小組委員會及鄉郊及新市鎮規劃小組委員會會議上，當局建議而委員亦同意委任黃婉霜女士為城規會秘書處的特別顧問，協助及代表城規會處理關於司法覆核訴訟的工作。委員備悉此項委任安排由二零一四年五月二十八日起生效。

77. 餘無別事，會議於下午四時二十五分結束。

授權李耀斌 (S/NE-HH/1-R32, S/NE-SLP/1-R32, S/SK-PL/1-R32) 作為代表出席會議的申述人名單

	分區計劃大綱草圖編號 S/NE-HH/1, S/NE-SLP/1, and S/SK-PL/1	申述人名稱
1.	R129	傅茂信
2.	R520	楊貴康
3.	R523	李金玲
4.	R524	何偉成
5.	R527	林惠茗
6.	R582	李明
7.	R588	區鳳屏
8.	R598	Mandy Lau
9.	R599	梁偉傑
10.	R604	謝蘭芳
11.	R619	李麗雲
12.	R620	李少彬
13.	R622	劉麗薇
14.	R630	魏立新
15.	R631	李玉蘭
16.	R633	余智強
17.	R634	Agnes Cheung
18.	R674	蔡進華
19.	R757	何英
20.	R792	鄭國輝

授權黃慶祥(S/NE-SLP/1-R10812)作為代表出席會議的申述人名單

	分區計劃大綱草圖編號 S/NE-SLP/1	申述人名稱
1.	SLP-R10738	黃子揚
2.	SLP-R10755	黃桂華
3.	SLP-R10763	黃冠新
4.	SLP-R10774	Wong Wai Sun
5.	SLP-R10776	Wong Ho Yan
6.	SLP-R10799	Wong Ho Yi Yedda
7.	SLP-R10811	范黃綺嫻
8.	SLP-R10813	黃瑞強

授權世界自然基金會香港分會(S/NE-HH/1-R10874, S/NE-SLP/1-R10820, S/SK-PL/1-R10738)作為代表出席會議的申述人名單

	分區計劃大綱草圖編號 S/NE-HH/1, S/NE-SLP/1, and S/SK-PL/1	申述人名稱
1.	R3271	Yiu Wai Sin
2.	R3722	吳兆文
3.	R3726	Lei Pek Iok
4.	R3737	Leung Ka Po
5.	R3817	鄧遠德
6.	R3822	Wan Yiu Kee
7.	R3900	Judy Kai
8.	R3973	Chan Chung Ming
9.	R4014	Poon Shuk Lai
10.	R4250	Cheung Cho Fai Bartholomew
11.	R4264	李笑蘭
12.	R4601	Kwong Sze Ki
13.	R4725	Maria Fernanda Barros
14.	R4903	Ho Ting
15.	R5204	Chan Ka Lung, Kenith
16.	R5253	Mancy Lau
17.	R5294	Ma Yat Man
18.	R5385	楊淑茹
19.	R5387	林建文
20.	R5399	Martin D Fairbairn
21.	R5402	Katharine Liu
22.	R5647	Cheung Ka Ming
23.	R5715	Leung Yu Fung
24.	R5867	蔡智麟
25.	R5925	Sin Yiu Wai
26.	R6025	Chan Chak Fu
27.	R6138	Verity B Picken
28.	R6239	Peter Roy Kennerley
29.	R6303	Kurt Rafael Verkest
30.	R6401	Lai Yin Mei
31.	R6404	Kiang Hiu Fung
32.	R6457	Lau Chui Wan
33.	R6469	Kwong Kwan Yee
34.	R6531	黃志賢

35.	R6563	洪嘉華
36.	R6569	Wong Chi Foon
37.	R6575	陳慶蓮
38.	R6661	Cherry Graham Ellis
39.	R6663	梁雪嬌
40.	R6703	Caremla Wong
41.	R6754	Cheng Wai Man
42.	R6804	King Lap Pai, Franki
43.	R6824	Maybelle Li
44.	R6851	Ho Yee Lin Eline
45.	R6868	Helen Yip
46.	R6908	Mak Yat Kin
47.	R6916	Poon Carrie
48.	R6973	Dora Chuck
49.	R7010	Lam Pui Yi
50.	R7700	Vincent Lee
51.	R7945	Dick Au
52.	R8070	Ho Sin Wa Sarah
53.	R8116	Sek Chin Ngai
54.	R8136	張秀欣
55.	R8179	黎秋怡
56.	R8183	聶耀昌
57.	R8216	Ip Sze Ching, Stella
58.	R8260	Ho Yau Ho
59.	R8551	盧珮瑜
60.	R8692	王國偉
61.	R9156	Yue Kin Wai
62.	R9447	Yuen Kam Hung
63.	R9457	Leung Suk Chiu
64.	R9503	Shiu Chi Shing
65.	R9575	Moon Fung
66.	R9839	Wong Tsz Fung
67.	R10057	Shin Wai Cheong
68.	R10183	Tse Mei Wah
69.	R10291	Ma Man Fai
70.	R10325	Shum Sui Bing Clare
71.	R10495	Eric Ng YH
72.	S/NE-HH/1- R10889 S/NE-SLP/1-R10840 S/SK-PL/1-R10762	Tang Yuen Tak

授權嘉道里農場暨植物園公司(S/NE-HH/1-R10883, S/NE-SLP/1-R10821, S/SK-PL/1-R10739)作為代表出席會議的申述人名單

	分區計劃大綱草圖編號 S/NE-HH/1, S/NE-SLP/1, and S/SK-PL/1	申述人名稱
1.	R4662	Tan Kit San
2.	R4684	Wong Ming Wai
3.	R10585	Fauna
4.	S/NE-HH/1-R10849, S/NE-SLP/1-R10834, S/SK-PL/1-R10766	王麗賢

附錄 III

城市規劃委員會文件第 9679 號
考慮日期：2014 年 7 月 4 日

在考慮《海下分區計劃大綱草圖編號 S/NE-HH/1》的申述及意見後建議對該草圖作出的修訂

城市規劃委員會文件第 9679 號
考慮日期：2014 年 7 月 4 日

在考慮《海下分區計劃大綱草圖編號 S/NE-HH/1》的申述及意見後建議對該草圖作出的修訂

1. 引言

此文件旨在徵求委員同意：

(a) 分別載於**附件 I 和 II** 的《海下分區計劃大綱草圖編號 S/NE-HH/1》及其《註釋》的各項建議修訂適宜根據《城市規劃條例》(下稱「條例」)第 6C(2)條公布，供公眾查閱；以及

(b) 載於**附件 III** 的分區計劃大綱草圖的經修訂《說明書》適宜連同草圖一併公布。

2. 背景

2.1 二零一三年九月二十七日，城市規劃委員會(下稱「城規會」)根據條例第 5 條展示《海下分區計劃大綱草圖編號 S/NE-HH/1》，以供公眾查閱。在草圖展示期內，共收到 10 824 份申述書及 3 671 份意見書。

2.2 城規會在二零一四年四月及五月[1]考慮有關的申述及意見後，於二零一四年六月四日決定接納一些申述的部分內容，修訂「鄉村式發展」地帶的範圍，剔出該地帶的西部並把之及毗鄰的「綠化地帶」改劃為「綠化地帶(1)」(**圖 Ha-1**)。委員亦要求規劃署把有關分區計劃大綱草圖的修訂建議提交城規會，待城規會同意後根據條例第 6C(2)條刊憲。

3. 修訂土地用途地帶的範圍及管制

修訂「鄉村式發展」地帶的範圍(**附件 I**)

3.1 把現時劃為「鄉村式發展」地帶的土地西部那片相對未受干擾的林地改劃為「綠化地帶(1)」。

[1] 聆訊日期為二零一四年四月二十八日、五月八日、五月十二日及五月十九日。

3.2 與分區計劃大綱草圖 S/NE-HH/1 相比，「鄉村式發展」地帶的面積會由 2.60 公頃縮減至 1.95 公頃，當中 1.02 公頃的土地可發展小型屋宇(40 幢)，滿足到約 43%的小型屋宇需求[2]。

對「綠化地帶(1)」作出更嚴格的規劃管制(**附件 I**)

3.3 該區西部現時劃為「綠化地帶」的地方會改劃為「綠化地帶(1)」。連同上文第 3.1 段所述將改劃為「綠化地帶(1)」那塊土地的面積，新的「綠化地帶(1)」可對現有的生境(包括林地、濕地及海下灣)作出更佳的保護。根據「綠化地帶(1)」的《註釋》，「屋宇(只限重建)」屬於第二欄用途。如要重建現有的新界豁免管制屋宇及住用構築物，可通過規劃申請制度提出申請，或會獲得批准，惟此地帶內不得發展新的小型屋宇。

3.4 下表是《海下分區計劃大綱草圖編號 S/NE-HH/1》所涵蓋地區的土地用途預算與該草圖作出將根據條例第 6C(2)條展示的建議修訂後的土地用途預算的比較：

地帶	**《海下分區計劃大綱草圖編號 S/NE-HH/1》(公頃／%)**		**將根據條例第 6C(2)條展示的該分區計劃大綱草圖的建議修訂(公頃／%)**		**增加／減少(公頃／%)**	
鄉村式發展	2.60	30.77%	1.95	23.08%	-0.65	-25%
綠化地帶	0.65	7.69%	不適用	不適用	不適用	不適用
綠化地帶(1)	不適用	不適用	1.30	15.38%	不適用	不適用
自然保育區	3.97	46.98%	3.97	46.98%	不變	不變
海岸保護區	0.98	11.60%	0.98	11.60%	不變	不變
其他(道路、政府、機構或社區、其他指定用途)	0.25	2.96%	0.25	2.96%	不變	不變
總規劃面積	8.45	100.00%	8.45	100.00%	不變	不變

[2] 小型屋宇需求數字為94幢。

4. 建議對海下分區計劃大綱草圖作出的修訂

4.1 建議就分區計劃大綱圖所顯示的事項作出的修訂(**附件 I**)

(a) 修訂項目 A(約 0.65 公頃)
把「鄉村式發展」地帶的西部改劃為「綠化地帶(1)」。

(b) 修訂項目 B(約 0.65 公頃)
把現時劃為「綠化地帶」的地方改劃為「綠化地帶(1)」。

4.2 建議對分區計劃大綱圖的《註釋》作出的修訂(**附件 II**)

在《註釋》的土地用途表加入「「綠化地帶(1)」，同時刪除《註釋》中的「綠化地帶」(建議的修訂以***粗斜體字***顯示，刪去的部分以刪除線劃去)。相關的修訂建議載於**附件 II**，供委員考慮。

4.3 建議對分區計劃大綱圖的《說明書》作出的修訂(**附件 III**)

修訂現行的《海下分區計劃大綱草圖編號 S/NE-HH/1》的《說明書》，加入上文第 4.1 及 4.2 段所述的建議修訂。經修訂的《說明書》(建議的修訂以***粗斜體字***顯示，刪去的部分以刪除線劃去)相關部分的摘錄載於**附件 III**，供委員考慮。

5. 徵詢意見

請委員同意**附件 I 和 II** 分別所示的《海下分區計劃大綱草圖編號 S/NE-HH/1》的各項建議修訂適宜根據條例第 6C(2)條公布，供公眾查閱；以及載於**附件 III** 的經修訂《說明書》適宜連同草圖一併公布。

附件

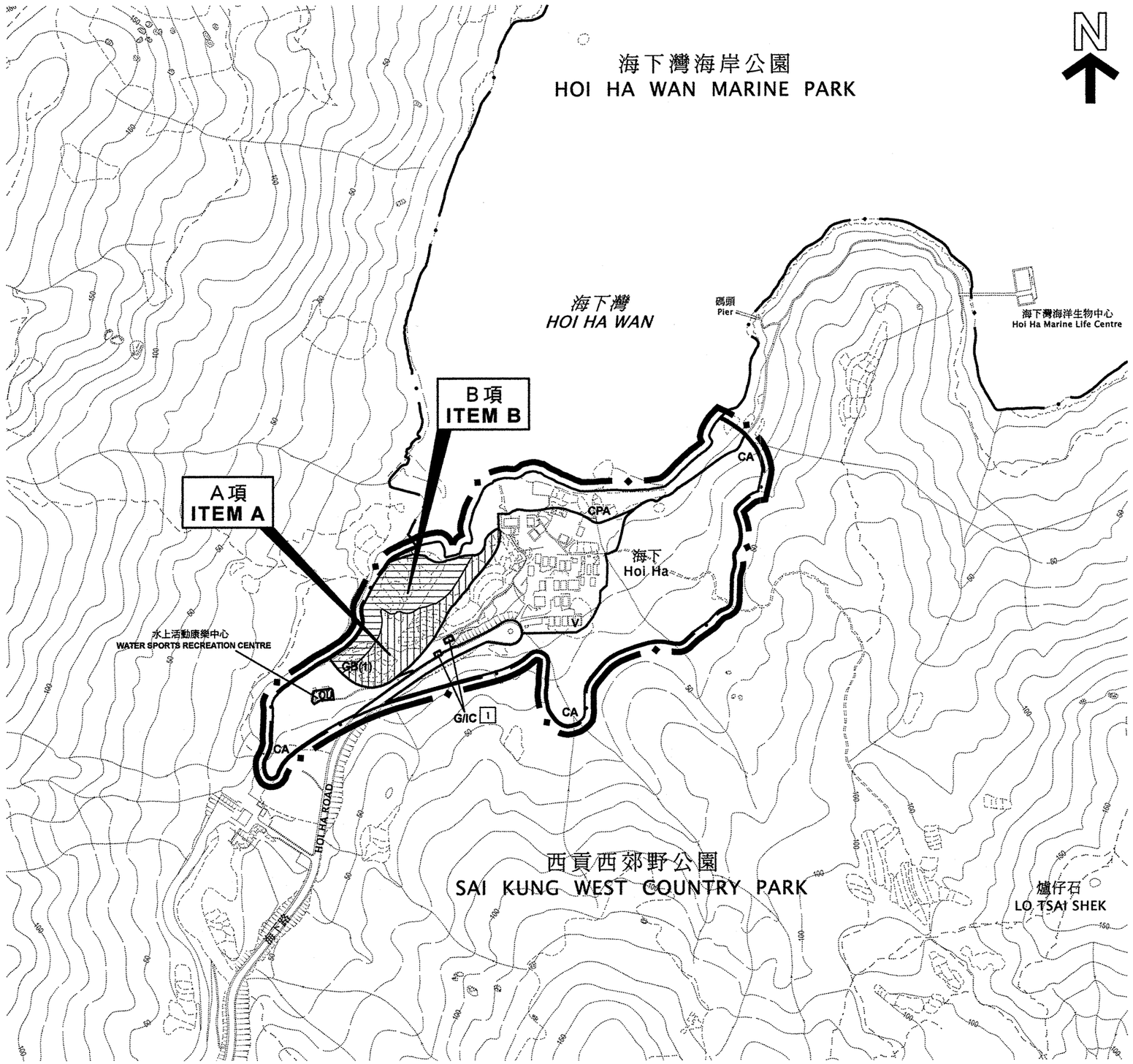
附件 I 建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》作出的修訂

附件 II 建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》的《註釋》作出的修訂(關於修訂圖則編號 R/S/NE-HH/1-A1)

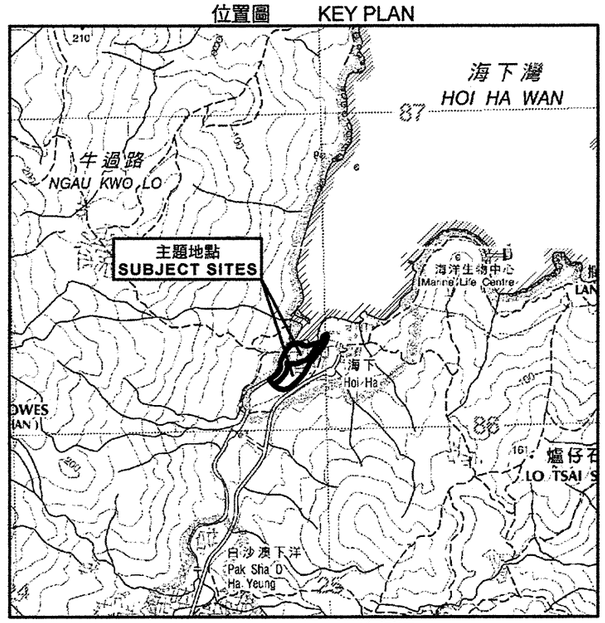
附件 III 建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》的《說明書》作出的修訂(關於修訂圖則編號 R/S/NE-HH/1-A1)(第 6、9.1 及 9.4 段)

圖 Ha-1 海下地區西部的改劃建議

規劃署
二零一四年七月



位置圖 KEY PLAN



SCALE 1 : 20 000 比例尺

草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

根據城市規劃條例第6C(2)條公布的建議修訂
PROPOSED AMENDMENTS PUBLISHED UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

A項 ITEM A

把「鄉村式發展」地帶改劃為「綠化地帶(1)」
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"

B項 ITEM B

把「綠化地帶」改劃為「綠化地帶(1)」
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"

夾附的《註釋》屬這份圖則的一部分，
《註釋》的建議修訂已根據城市規劃條例第6C(2)條公布。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN
AND THE PROPOSED AMENDMENTS THERETO HAVE BEEN PUBLISHED
UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

（參看附表）
(SEE ATTACHED SCHEDULE)

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 5 000 比例尺

米 METRES 100 0 100 200 300 400 METRES 米

規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號 PLAN No. R/S/NE-HH/1 - A1

就修訂圖則編號 R/S/NE-HH/1-A1 而建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》的《註釋》作出的修訂

刪去「綠化地帶」的《註釋》

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。

綠化地帶(1)

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 *自然保護區* *自然教育徑* *農地住用構築物* *野餐地點* *帳幕營地* *野生動物保護區*	*燒烤地點* *墓地* *郊野學習／教育／遊客中心* *政府垃圾收集站* *政府用途(未另有列明者)* *度假營* *屋宇(只限重建)* *公廁設施* *公用事業設施裝置* *雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置* *鄉事委員會會所／鄉公所* *私人發展計劃的公用設施裝置*

(請看下頁)

綠化地帶(1)(續)

規劃意向

此地帶的規劃意向，主要是利用天然地理環境作為市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。

大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

備註

(a) *任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。*

(b) *在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括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。*

就修訂圖則編號 R/S/NE-HH/1-A1 而建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》的《說明書》作出的修訂

《說明書》第 6、9.1 及 9.4 段修訂如下：

6. 人口

根據二零一一年人口普查的資料，該區的總人口約為 110，但總規劃人口預計約為 ~~590~~ ***430***，主要是由於鄉村擴展。

7. **發展機會及限制**

7.1 發展機會

7.1.1 保育及天然景觀

該區位處西貢西郊野公園當中，風景優美，景觀價值高，與周遭西貢西郊野公園和海下灣海岸公園的自然美景互相輝映。該區的天然景致與海岸環境及西北面石澗沿岸的地方均值得保育，而鄉村發展的規模亦應與這種鄉郊格局和四周景致互相配合。因此，不建議鄉村發展的範圍擴展至與西貢西郊野公園生態緊密相連的原生林地(包括風水林)及海下灣海岸公園附近的海岸。

7.1.2 旅遊發展潛力

海下灣有優美的海灣、沙灘、清澈的海水和珊瑚羣落，又有車路直達，是進行潛水、徒手潛水和獨木舟活動的熱門地點，每逢假日和周末，前往該處進行這些活動的人尤多。常有遠足人士足跡的海下灣自然教育徑貫穿該區東西兩邊，亦接達西貢西郊野公園的其他步行徑和行人徑。該區的海下石灰窰等文物古蹟也吸引不少遊客。漁護署於海下村內所設的護理員站崗有提供生態導賞服務，而該區西部海下路附近也有一個私營水上活動／康樂中心。海灘上或村內有獨木舟出租，亦有士多和淋浴台，為遊客服務。因此，預期海下灣仍然會是本地旅遊的熱門地點。

7.1.3 交通運輸

該區可乘車經海下路前往，但目前北潭路是受限制道路，要駕車進入該路，必須向有關部門申請許可證。現時有小巴來往海下與西貢市碼頭。該區東北面海岸的海下灣海岸公園設有碼頭，可從該處經水路前往海下。該區沿海亦有步行徑，由西伸延到東，與周邊郊野公園的步行徑連接。

8. 整體規劃意向

8.1 該區的整體規劃意向，是保存該區的自然景觀和保育價值，以及保護該區的自然鄉郊環境及文化遺產，同時預留土地，以供日後海下的原居民鄉村發展小型屋宇之用。

8.2 規劃該區的各個土地用途地帶時，已考慮到要保護該區具生態和景觀價值的地方，包括海下的風水林，該風水林是西貢西郊野公園和海下灣海岸公園更廣大的自然系統的一部分。此外，亦考慮到要劃出土地作日後發展小型屋宇之用。

9. 土地用途地帶

9.1 「鄉村式發展」：總面積 ~~2.60~~ ***1.95*** 公頃

9.1.1 此地帶的規劃意向，是就現有的認可鄉村和適宜作鄉村擴展的土地劃定界線。地帶內的土地，主要預算供原居村民興建小型屋宇之用。設立此地帶的目的，亦是要把鄉村式發展集中在地帶內，使發展模式較具條理，而在土地運用及基礎設施和服務的提供方面，較具經濟效益。在新界豁免管制屋宇的地面一層，有多項配合村民需要和鄉村發展的商業和社區用途列為經常准許的用途。其他商業、社區和康樂用途，如向城規會申請許可，或會獲得批准。

9.1.2 海下是認可鄉村，也是該區唯一的認可鄉村。「鄉村式發展」地帶的界線是根據「鄉村範圍」、未處理的小型屋宇申請數目、所預測的小型屋宇需求量、區內地形及用地限制而劃的。地勢崎嶇和草木茂盛的地方、河道和墓地都盡量不劃入此地帶內。

9.1.3 任何新發展，或任何現有建築物的加建、改動及／或修改，或現有建築物的重建，不得引致整個發展及／或重建計劃的最高建築物高度超過三層(8.23 米)，或超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的高度，兩者中以數目較大者為準。對於要求略為放寬上述限制的申請，城規會會按個別情況作出考慮，包括用地的限制、建築設計是否有創意，以及規劃上是否有美化區內環境的優點。

9.1.4 由於河道改道或填塘工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。

9.1.5 該區現時沒有污水渠，當局亦未有計劃為該區鋪設公共污水渠。目前，每幢屋宇都是使用原地自設的化糞池和滲水井系統。根據環境運輸及工務局技術通告(工務)第5/2005號的規定，在現行的行政安排下，如發展計劃／方案可能影響天然溪澗／河流，負責批核和處理發展計劃的當局須在各個發展階段徵詢和收集漁護署署長和相關當局的意見，如可能的話，應在給予許可時加入他們提出的相關意見／建議，作為附帶條件。此外，為保護海下灣海岸公園的水質，發展計劃／方案的原地化糞池和滲水井系統的設計和建造必須符合相關的標準與規例，例如環境保護署(下稱「環保署」)的專業人士作業備考《專業人士環保事務諮詢委員會專業守則第5/93號》。因此，地政總署在處理貼近現有河道及海下灣海岸公園的小型屋宇批地及申請時，必須諮詢相關的部門，包括環保署、漁護署及規劃署，以確保所有相關的部門均有充分機會覆檢申請並就申請提出意見。

9.1.6 土木工程拓展署土力工程處處長表示，擬議的「鄉村式發展」地帶的南部接近天然山坡，這些山坡可能會發生山泥傾瀉，構成危險。日後在該區進行發展，發展商可能須進行天然山坡災害研究，並按情況所需，採取適當的消減災害措施，作為發展項目的一部分。

9.2 <u>「政府、機構或社區」</u>：總面積0.01公頃

9.2.1 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。

9.2.2 劃入地帶內的現有政府、機構或社區設施主要包括該區西部一個單層的永久沖水廁所和一個單層的垃圾收集站。

9.2.3 為了保護該區的鄉郊環境，並保持區內建築物都是低矮這個特色，同時予人視覺和空間上的紓緩，在此地帶內，發展／重建項目的最高建築物高度須以該圖所訂明的高度為限(即一層)，或不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。

9.2.4 為使特定發展項目在設計上能更靈活，城規會可通過規劃許可審批制度，考慮略為放寬建築物高度的限制。城規會會按個別申請在規劃上優越之處，作出考慮。

9.3 「其他指定用途(水上活動康樂中心)」：總面積 0.03 公頃

9.3.1 此地帶的規劃意向，主要是反映該區西部的土地的現有用途，即現時位於海下路北面的一個水上活動康樂中心(「海谷中心」)。該中心由一個宗教團體所設，至今已有三十多年，為青少年提供水上活動訓練設施和夜宿。地政總署表示，根據有關的短期租約，該中心現有兩個構築物，總覆蓋面積約為 71.5 平方米

9.3.2 下列規劃管制適用於此地帶：

(a) 任何現有建築物的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的地積比率、上蓋面積和高度；以及

(b) 城規會如接獲根據《城市規劃條例》第 16 條提出的申請，可按個別發展或重建計劃的情況，考慮略為放寬上文(a)段所述的地積比率、上蓋面積和建築物高度限制。

~~9.4 「綠化地帶」：總面積 0.65 公頃~~

~~9.4.1 此地帶的規劃意向，主要是利用天然地理環境作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。~~

~~9.4.2 「綠化地帶」主要涵蓋流經該區西北面邊界的石澗附近的地區，該處主要是荒廢農地，這些農地有些位於緩坡上，坡上是一片已受干擾的未成熟林地；有些則位於濕潤的低窪地，長滿雜草。「綠化地帶」可作為鄉村發展項目與該石澗之間的生態緩衝區，有助防止此區重要的景觀資源受到不良的影響。~~

~~9.4.3 根據一般推定，此地帶不宜進行發展。當局會嚴格管制此地帶內的發展。城規會將會參考有關的城規會規劃指引，按個別情況考慮每項發展建議。由於河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。~~

9.4 「綠化地帶(1)」：總面積 1.30 公頃

9.4.1 此地帶的規劃意向，主要是利用天然地理環境作為市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的發展，或

者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

9.4.2 *「綠化地帶(1)」主要涵蓋海下村西面及流經該區西面邊界的石澗附近的地方。這些地方主要是荒廢農地，現時被林地及濕地覆蓋。該林地有香港大沙葉這種具保育價值的植物，以及為數眾多的大樹，包括細葉榕。「綠化地帶(1)」可作為鄉村發展項目與該石澗之間的生態緩衝區，有助保護此區的景觀資源，亦可提供彈性，讓城規會對通過規劃申請制度提出重建該處現有一幢屋宇的申請作出考慮。*

9.4.3 *任何現有屋宇的重建，不得引致整個重建計劃超過在有關發展審批地區草圖首次公布該日已經存在的屋宇的地積比率、上蓋面積及高度。*

9.4.4 *由於河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。*

海下灣海岸公園
HOI HA WAN MARINE PARK

海下灣
HOI HA WAN

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

N

CPA

V

CPA

海下
HOI HA

水上活動康樂中心
Water Sports
Recreation Centre

GB(1)

G/IC

OU

石澗 Rocky Stream

CA

CA

海下低地抽水站
Hoi Ha
Lowland
Pumping Station

海下路 HOI HA ROAD

西貢西郊野公園
SAI KUNG WEST COUNTRY PARK

圖例 LEGEND

把「綠化地帶」地帶改劃為「綠化地帶(1)」
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"

把「鄉村式發展」地帶改劃為「綠化地帶(1)」
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"

本摘要圖於2014年6月18日，擬備所根據的資料為
測量圖編號 8-NW-5A/B/C/D

EXTRACT PLAN PREPARED ON 18.6.2014
BASED ON SURVEY SHEETS No.8-NW-5A/B/C/D

在海下西面地區的擬議改劃用途地帶
REZONING PROPOSALS FOR THE WESTERN PART OF THE HOI HA AREA

SCALE 1 : 2 500 比例尺

米 METRES 50 0 50 100 米 METRES

規劃署
PLANNING DEPARTMENT

參考編號 REFERENCE No.
R/S/NE-HH/1

圖 PLAN
Ha-1

城市規劃委員會於 2014 年 7 月 4 日第 1062 次會議記錄的摘錄

西貢及離島區及沙田、大埔及北區

議程項目 5

[公開會議]

考慮有關《白腊分區計劃大綱草圖編號 S/SK-PL/1》的申述和意見後建議對該分區計劃大綱草圖作出的修訂
(城市規劃委員會文件第 9681 號)

議程項目 6

[公開會議]

考慮有關《海下分區計劃大綱草圖編號 S/NE-HH/1》的申述和意見後建議對該分區計劃大綱草圖作出的修訂
(城市規劃委員會文件第 9679 號)

議程項目 7

考慮有關《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的申述和意見後建議對該分區計劃大綱草圖作出的修訂
(城市規劃委員會文件第 9680 號)

[關於這些議項的會議以廣東話進行]

108. 主席表示，城市規劃委員會(下稱「城規會」)於二零一四年四月和五月就有關白腊、海下和鎖羅盆三份分區計劃大綱圖的申述和意見一併進行了聆訊。二零一四年六月四日，城規會決定接納有關這三份分區計劃大綱圖的一些申述的部分內容，建議對這三份分區計劃大綱圖作出一些修訂。委員要求規劃署把修訂建議提交城規會，待城規會同意後根據《城市規劃條例》(下稱「條例」)第 6C(2)條展示。這次會議的目的是讓城規會就建議對這三份分區計劃大綱圖所作的修訂作出考慮。委員備悉，城市規劃委員會文件第 9681 號(關於白腊分區計劃大綱圖)和城市規劃委員會文件第 9680 號(關於鎖羅盆分區計劃大綱圖)兩份文件的附件 I 均有替代頁。

109. 西貢及離島規劃專員鍾文傑先生和沙田、大埔及北區規劃專員蘇震國先生此時獲邀到席上。

110. 主席歡迎他們二人到席，並請鍾文傑先生和蘇震國先生向委員簡介文件的內容。

111. 西貢及離島規劃專員鍾文傑先生借助投影片作出簡介，要點如下：

背景

(a) 二零一三年九月二十七日，城規會根據條例第 5 條展示《白腊分區計劃大綱草圖編號 S/SK-PL/1》、《海下分區計劃大綱草圖編號 S/NE-HH/1》及《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》，以供公眾查閱。在展示期內，關於白腊分區計劃大綱圖，城規會收到 10 665 份申述書和 3 669 份意見書，海下分區計劃大綱圖收到 10 824 份申述書和 3 671 份意見書，而鎖羅盆分區計劃大綱圖則收到 10 748 份申述書和 3 673 份意見書。城規會於二零一四年四月和五月就這些有關這三份分區計劃大綱圖的申述和意見一併進行了聆訊。城規會考慮過這些申述和意見後，決定接納有關這三份分區計劃大綱圖的一些申述的部分內容。委員要求規劃署把修訂建議提交城規會，待城規會同意後根據條例第 6C(2)條刊憲；

建議對《白腊分區計劃大綱草圖編號 S/SK-PL/1》作出的修訂(城市規劃委員會文件第 9681 號)

(b) 二零一四年六月四日，城規會決定接納有關白腊分區計劃大綱草圖的一些申述的部分內容，建議修訂「鄉村式發展」地帶的範圍，把該地帶東部的地方剔出並改劃為「農業」地帶；

建議對分區計劃大綱圖所顯示的事項作出的修訂

(c) 如文件的附件 I 所示，建議把現時劃為「鄉村式發展」地帶的草地的東部(約 1.39 公頃)改劃為「農業」地帶；

(d) 與分區計劃大綱草圖編號 S/SK-PL/1 相比，「鄉村式發展」地帶的面積會由 2.37 公頃縮減至 0.98 公頃，當中 0.41 公頃的土地可發展小型屋宇(18 幢)，滿足到 23%的小型屋宇需求；

建議對分區計劃大綱圖的《說明書》作出的修訂

(e) 建議修訂《白腊分區計劃大綱草圖編號 S/SK-PL/1》的《說明書》，以反映詳載於文件附件 II 的上述建議修訂。

112. 主席接着請委員提問。委員沒有提出問題。

113. 經商議後，委員決定同意：

(a) 文件的附件 I 所示建議對《白腊分區計劃大綱草圖編號 S/SK-PL/1》作出的修訂，適宜根據條例第 6C(2)條公布，供公眾查閱；以及

(b) 文件的附件 II 所載按修訂圖則編號 R/S/SK-PL/1-A1 而建議對《白腊分區計劃大綱草圖編號 S/SK-PL/1》的《說明書》作出的修訂，適宜與該草圖一併公布。

建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》作出的修訂(城市規劃委員會文件第 9679 號)

114. 沙田、大埔及北區規劃專員蘇先生借助投影片作出簡介，要點如下：

背景

(a) 二零一四年六月四日，城規會決定接納有關海下分區計劃大綱草圖的一些申述的部分內容，建議修訂「鄉村式發展」地帶的範圍，把該地帶西部的地方剔出並連同旁邊的「綠化地帶」改劃為「綠化地帶(1)」；

建議對分區計劃大綱圖所顯示的事項作出的修訂(文件的附件 I)

修訂「鄉村式發展」地帶的範圍

(b) 建議把現時劃為「鄉村式發展」地帶的土地西部那片相對未受干擾的林地改劃為「綠化地帶(1)」(約0.65 公頃)；

(c) 與分區計劃大綱草圖編號 S/NE-HH/1 相比，「鄉村式發展」地帶的面積會由 2.60 公頃縮減至 1.95 公頃，當中 1.02 公頃的土地可發展小型屋宇(40幢)，滿足到 43%的小型屋宇需求；

對「綠化地帶(1)」作出更嚴格的規劃管制

(d) 建議把該區西部現時劃為「綠化地帶」的地方(約0.65 公頃)改劃為「綠化地帶(1)」，以作出更嚴格的規劃管制。連同上述改劃建議，新的「綠化地帶(1)」可對現有的生境(包括林地、濕地和海下灣)作出更佳的保護；

(e) 根據「綠化地帶(1)」的《註釋》，「屋宇(只限重建)」屬於第二欄用途。如要重建現有的新界豁免管制屋宇和住用構築物，可通過規劃申請制度提出申請，或會獲得批准，惟此地帶內不得發展新的小型屋宇；

建議對分區計劃大綱圖的《註釋》作出的修訂

(f) 如文件的附件 II 所示，建議加入新的「綠化地帶(1)」的《註釋》，並刪除「綠化地帶」的《註釋》；

建議對分區計劃大綱圖的《說明書》作出的修訂

(g) 如文件的附件 III 所示，建議修訂《海下分區計劃大綱草圖編號 S/NE-HH/1》的《說明書》，加入上述建議的修訂。

115. 主席接着請委員提問。蘇先生回應一名委員的問題，表示在申述文件(城市規劃委員會文件第 9644 號)中，規劃署原先建議把規劃區東北部的地方由「自然保育區」地帶改劃為「綠化地帶」，但委員認為這項改劃建議並不恰當，所以該處繼續劃為「自然保育區」地帶。

116. 經商議後，委員決定同意：

(a) 文件的附件 I 和 II 分別所示建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》及其《註釋》作出的修訂，適宜根據條例第 6C(2)條公布，供公眾查閱；以及

(b) 文件的附件 III 所載按修訂圖則編號 R/S/NE-HH/1-A1 而建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》的《說明書》作出的修訂，適宜連同該草圖一併公布。

建議對《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》作出的修訂(城市規劃委員會文件第 9680 號)

117. 沙田、大埔及北區規劃專員蘇先生借助投影片作出簡介，要點如下：

背景

(a) 二零一四年六月四日，城規會決定接納有關鎖羅盆分區計劃大綱草圖的一些申述的部分內容，建議把兩塊分別在「鄉村式發展」地帶的東北端及西南端的土地改劃為「綠化地帶」；

建議對分區計劃大綱圖所顯示的事項作出的修訂

(b) 如文件的附件 I 所示，建議把現時劃為「鄉村式發展」地帶的土地東北端及西南端的地方改劃為「綠化地帶」(約 1.64 公頃)；

(c) 與分區計劃大綱草圖編號 S/NE-SLP/1 相比，「鄉村式發展」地帶的面積會由 4.12 公頃縮減至 2.48 公頃，當中 1.72 公頃的土地可發展小型屋宇(68 幢)，滿足到 25%的小型屋宇需求；

建議對分區計劃大綱圖的《說明書》作出的修訂

(d) 如文件的附件 II 所示，建議修訂《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的《說明書》，加入上述的建議修訂；

118. 主席接着請委員提問。委員沒有提出問題。

119. 經商議後，委員決定同意：

(a) 文件的附件 I 所示建議對《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》作出的修訂，適宜根據條例第 6C(2)條公布，供公眾查閱；以及

(b) 文件的附件 II 所載按修訂圖則編號 R/S/NE-SLP/1-A1 而建議對《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》的《說明書》作出的修訂，適宜連同該草圖一併公布。

120. 主席多謝規劃署的代表出席會議。他們此時離席。

城市規劃條例(第 131 章)

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂

城市規劃委員會(下稱「委員會」)在根據《城市規劃條例》(下稱「條例」)第 6B(1)條考慮就《海下分區計劃大綱草圖編號 S/NE-HH/1》所作出的申述及意見後，已依據第 6B(8)條決定建議修訂上述圖則。建議的修訂載於下面的附表。附表內對受有關修訂影響的地點的描述僅供一般參考，修訂圖則編號 R/S/NE-HH/1-A1 則較具體地顯示受影響地點的確實位置。

建議的修訂可於委員會的網頁(http://www.info.gov.hk/tpb/)瀏覽，並會於正常辦公時間內在下列地點供公眾查閱：－

(i) 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處；

(ii) 香港北角渣華道 333 號北角政府合署 17 樓規劃資料查詢處；

(iii) 新界沙田上禾輋路 1 號沙田政府合署 14 樓規劃資料查詢處；

(iv) 新界沙田上禾輋路 1 號沙田政府合署 13 樓沙田、大埔及北區規劃處；

(v) 新界大埔汀角路 1 號大埔政府合署地下大埔民政事務處；及

(vi) 新界大埔墟仁興街人和里 2 號西貢北約鄉事委員會。

按照條例第 6D(1)條，任何人(但如建議的修訂是在考慮該人作出的任何申述或提出的任何意見後建議的，則該人除外)可就建議的修訂向委員會作出進一步申述。進一步申述須以書面作出，並須不遲於 2014 年 8 月 15 日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。

按照條例第 6D(2)條，進一步申述須示明－

(a) 該進一步申述所關乎的建議修訂；

(b) 該進一步申述是爲支持還是反對建議的修訂而作出的；及

(c) 該進一步申述的理由。

任何打算作出進一步申述的人宜詳閱「城市規劃委員會規劃指引：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」。上述指引及有關表格樣本可於上述地點(i)至(iii)索取，亦可從委員會的網頁下載。

按照條例第 6D(4)條，任何根據條例第 6D(1)條向委員會作出的進一步申述，會於正常辦公時間內在上述地點(ii)及(iii)供公眾查閱，直至行政長官會同行政會議根據條例第 9 條就有關的草圖作出決定爲止。

個人資料的聲明

委員會就每宗進一步申述所收到的個人資料會交給委員會秘書及政府部門，以根據條例及相關的城市規劃委員會規劃指引的規定作下列用途:

(a) 處理有關進一步申述，包括公布進一步申述供公眾查閱，同時公布「進一步申述人」的姓名供公眾查閱；以及

(b) 方便「進一步申述人」與委員會秘書／政府部門之間進行聯絡。

城市規劃委員會根據城市規劃條例(第 131 章)
對海下分區計劃大綱草圖編號 S/NE-HH/1
所作修訂項目附表

I. **就圖則所顯示的事項作出的修訂項目**

A 項 － 把海下西面的一片土地由「鄉村式發展」地帶改劃爲「綠化地帶(1)」。

B 項 － 把一條現有石澗東面的一片土地由「綠化地帶」改劃爲「綠化地帶(1)」。

II. **就圖則《註釋》作出的修訂項目**

(a) 刪去「綠化地帶」的《註釋》。

(b) 加入「綠化地帶(1)」的《註釋》。

城市規劃委員會

2014 年 7 月 25 日

就修訂圖則編號 R/S/NE-HH/1-A1 而
建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》的
《註釋》作出的修訂

刪去「綠化地帶」的《註釋》：

~~S/NE-HH/1~~

~~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。

加入「綠化地帶(1)」的《註釋》：

S/NE-HH/1

綠化地帶(1)

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 *自然保護區* *自然教育徑* *農地住用構築物* *野餐地點* *帳幕營地* *野生動物保護區*	*燒烤地點* *墓地* *郊野學習／教育／遊客中心* *政府垃圾收集站* *政府用途(未另有列明者)* *度假營* *屋宇(只限重建)* *公廁設施* *公用事業設施裝置* *雷達、電訊微波轉發站、電視及／或廣播電台發射塔裝置* *鄉事委員會會所／鄉公所* *私人發展計劃的公用設施裝置*

(請看下頁)

綠化地帶(1)(續)

規劃意向

此地帶的規劃意向，主要是利用天然地理環境作為市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。

大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

備註

(a) *任何現有屋宇的重建，包括改動及／或修改，不得引致整個重建計劃超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的屋宇的地積比率、上蓋面積和高度。*

(b) *在有關發展審批地區草圖的公告在憲報首次刊登該日或以後，如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可，不得進行或繼續進行任何河道改道、填土／填塘或挖土工程，包括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。*

就修訂圖則編號 R/S/NE-HH/1-A1 而
建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》的
《說明書》作出的修訂

(此修訂不構成建議對《海下分區計劃大綱草圖編號 S/NE-HH/1》所作修訂的一部分)

建議對《說明書》第 6、9.1 及 9.4 段作出以下修訂：

6. 人口

根據二零一一年人口普查的資料，該區的總人口約為 110，但總規劃人口預計約為 ~~590~~ ***430***，主要是由於鄉村擴展。

9. **土地用途地帶**

9.1 「鄉村式發展」：總面積 ~~2.60~~ ***1.95*** 公頃

~~9.4 「綠化地帶」：總面積 0.65 公頃~~

~~9.4.1 此地帶的規劃意向，主要是利用天然地理環境作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。~~

~~9.4.2 「綠化地帶」主要涵蓋流經該區西北面邊界的石澗附近的地區，該處主要是荒廢農地，這些農地有些位於緩坡上，坡上是一片已受干擾的未成熟林地；有些則位於濕潤的低窪地，長滿雜草。「綠化地帶」可作為鄉村發展項目與該石澗之間的生態緩衝區，有助防止此區重要的景觀資源受到不良的影響。~~

~~9.4.3 根據一般推定，此地帶不宜進行發展。當局會嚴格管制此地帶內的發展。城規會將會參考有關的城規會規劃指引，按個別情況考慮每項發展建議。由於河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。~~

9.4 「綠化地帶(1)」：總面積 1.30 公頃

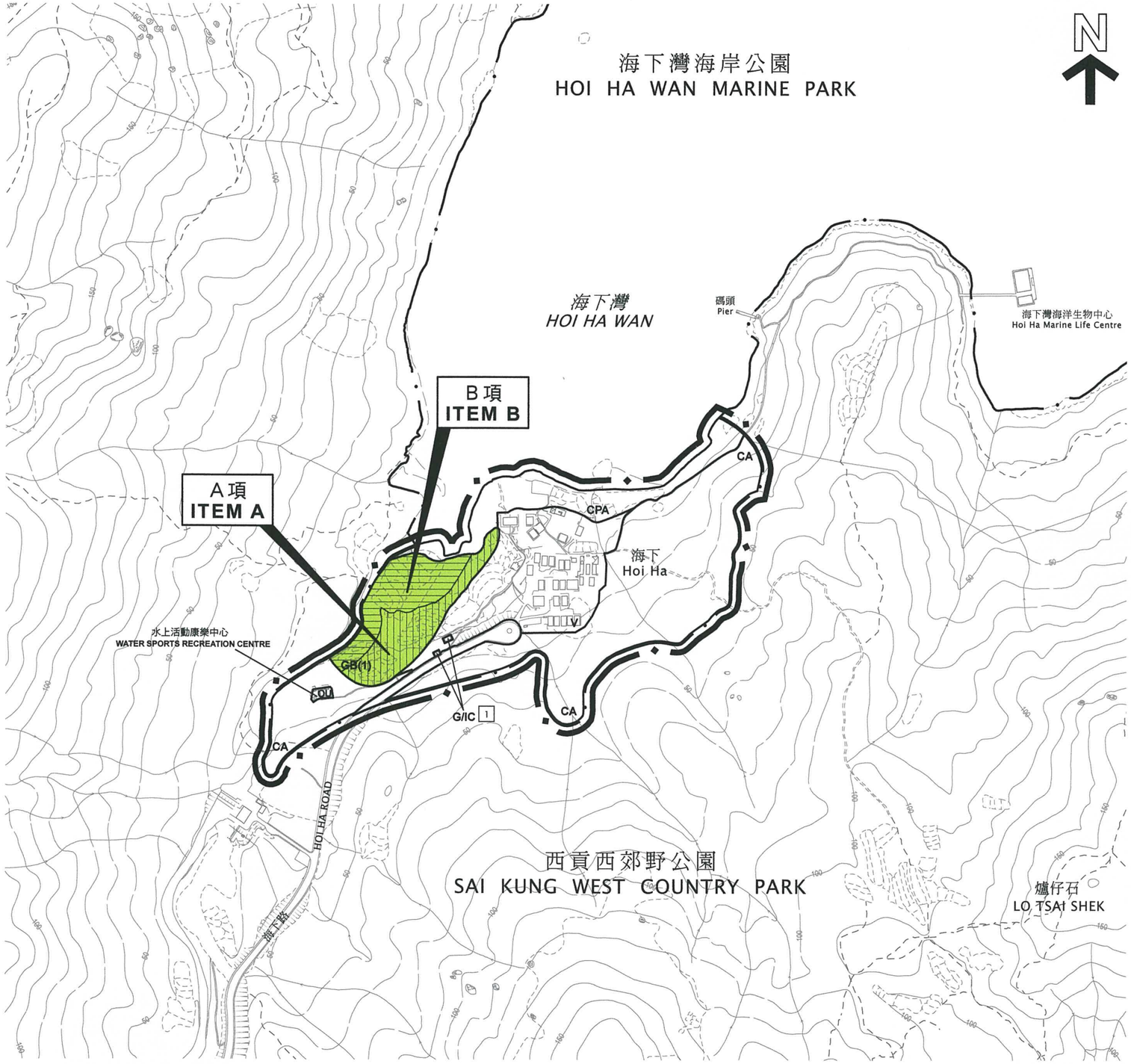
9.4.1 此地帶的規劃意向，主要是利用天然地理環境作為市區和近郊的發展區的界限，以抑制市區範圍的擴展。根據一般推定，此地帶不宜進行發展。大體而言，有需要進行以助保存區內現有天然景觀、生態特色或風景質素的

發展，或者絕對基於公眾利益而必須進行的基礎設施項目，才可能會獲得批准。

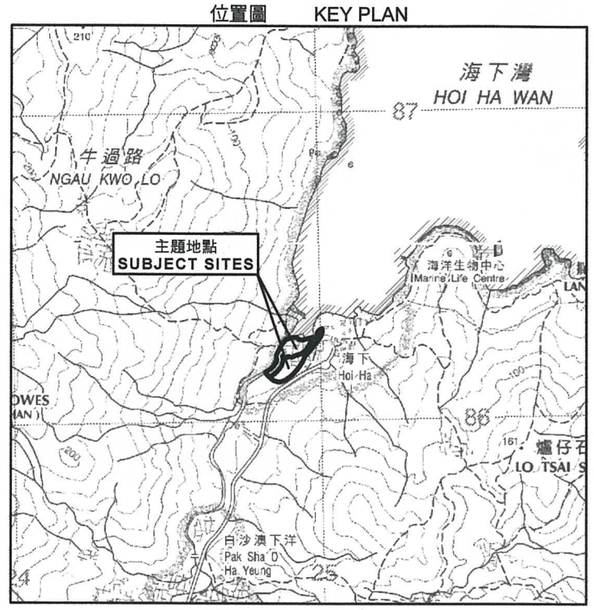
9.4.2 *「綠化地帶(1)」主要涵蓋海下村西面及流經該區西面邊界的石澗附近的地方。這些地方主要是荒廢農地，現時被林地及濕地覆蓋。該林地有香港大沙葉這種具保育價值的植物，以及為數眾多的大樹，包括細葉榕。「綠化地帶(1)」可作為鄉村發展項目與該石澗之間的生態緩衝區，有助保護此區的景觀資源，亦可提供彈性，讓城規會對通過規劃申請制度提出重建該處現有屋宇的申請作出考慮。*

9.4.3 *任何現有屋宇的重建，不得引致整個重建計劃超過在有關發展審批地區草圖首次公布該日已經存在的屋宇的地積比率、上蓋面積及高度。*

9.4.4 *由於河道改道、填土／填塘或挖土工程可能會對鄰近地方的排水情況及自然環境造成不良影響，因此必須向城規會取得許可，才可進行該等工程。*



位置圖 KEY PLAN



SCALE 1 : 20 000 比例尺

草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1

根據城市規劃條例第6C(2)條公布的建議修訂
PROPOSED AMENDMENTS PUBLISHED UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

A項 ITEM A

由「鄉村式發展」地帶改劃為「綠化地帶(1)」
REZONING FROM "VILLAGE TYPE DEVELOPMENT" TO "GREEN BELT(1)"

B項 ITEM B

由「綠化地帶」地帶改劃為「綠化地帶(1)」
REZONING FROM "GREEN BELT" TO "GREEN BELT(1)"

夾附的《註釋》屬這份圖則的一部分，
《註釋》的建議修訂已根據城市規劃條例第6C(2)條公布。
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN AND THE PROPOSED AMENDMENTS THERETO HAVE BEEN PUBLISHED UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE

（參看附表）
(SEE ATTACHED SCHEDULE)

2014年7月25日根據城市規劃條例第6C(2)條公布對草圖編號 S/NE-HH/1 作出的建議修訂
PROPOSED AMENDMENTS TO DRAFT PLAN No. S/NE-HH/1 PUBLISHED UNDER SECTION 6C(2) OF THE TOWN PLANNING ORDINANCE ON 25 JULY 2014

Signed Raymond LEE 李啟榮 簽署
SECRETARY, TOWN PLANNING BOARD 城市規劃委員會秘書

海下分區計劃大綱草圖編號 S/NE-HH/1 的建議修訂
PROPOSED AMENDMENTS TO DRAFT HOI HA OUTLINE ZONING PLAN No. S/NE-HH/1

SCALE 1 : 5 000 比例尺

米 METRES 100 0 100 200 300 400 METRES 米

規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號 PLAN No. R/S/NE-HH/1 - A1

附錄 VI

進一步申述及規劃署的回應的摘要

申述的論點	規劃署的回應
申述的理據	
A. 「鄉村式發展」地帶過大	
1. 支持作出建議的修訂或縮減「鄉村式發展」地帶的面積。 2. 不清楚建議的修訂項目 A 所涉「鄉村式發展」地帶的面積是否根據經證實的真正小型屋宇需要而劃定。有關的小型屋宇需求數字沒有根據，「鄉村式發展」地帶的面積應與原居村民的實際需要相配。 3. 大浪灣分區計劃大綱圖的規劃意向主要是保護未受破壞的優美自然環境(「鄉村式發展」地帶只涵蓋現有鄉村地區)。此規劃意向應適用於海下，因此，該區應實施大浪灣那樣嚴格的規劃管制。	城市規劃委員會文件第 3.5 至 3.12 段
B. 小型屋宇發展對周邊環境的負面影響	
1. 區內鄉村現時的污水處理安排無法保護區內及周邊的水體免受人們污染，尤其是小型屋宇發展項目的化糞池及滲水井系統，對海下灣海岸公園的水質會有負面影響。 2. 沒有評估小型屋宇發展對郊野公園「不包括的土地」的生態、景觀及水污染等方面的累積影響，也沒有考慮郊野公園「不包括的土地」的承受力。	城市規劃委員會文件第 3.13 至 3.15 段

申述的論點	規劃署的回應
C. 劃設「綠化地帶(1)」是否足以達到保育目的的問題	
劃設「綠化地帶(1)」不足以保護區內的生境。「綠化地帶(1)」內大部分是地產發展商持有的私人土地。農業活動既為此地帶內經常准許的活動，可能會有人藉此破壞任何具生態價值的事物，以圖博取當局從優考慮其隨後的建築發展，也就是圖以「先破壞，後建設」的手法來發展。另外，農業活動所用的肥料及農藥可能污染北鄰的海下灣。	城市規劃委員會文件第 3.5 至 3.12 段
D. 「鄉村式發展」地帶不夠大	
反對建議的修訂項目 A 或縮減「鄉村式發展」地帶的面積，因為縮減後的「鄉村式發展」地帶不足以應付小型屋宇的需求。縮減「鄉村式發展」地帶的面積不是一個能平衡保育和發展的正確方法。	城市規劃委員會文件第 3.5 至 3.12 段
申述的建議	
P1. 局限「鄉村式發展」地帶的範圍	
大幅縮減「鄉村式發展」地帶的面積，或把此地帶的範圍局限在現有的鄉村民居，以及／或把餘下的「鄉村式發展」地帶改劃作「綠化地帶」或「綠化地帶(1)」。	城市規劃委員會文件第 3.5 至 3.12 段
P2. 擴大「鄉村式發展」地帶	
擴大「鄉村式發展」地帶，以便預留足夠的土地用作發展小型屋宇。	城市規劃委員會文件第 3.5 至 3.12 段
P3. 把「綠化地帶(1)」改劃作「海岸保護區」地帶或「自然保育區」地帶	
把「綠化地帶(1)」改劃作「海岸保護區」地帶或「自然保育區」地帶，加強對自然環境的保護。	城市規劃委員會文件第 3.5 至 3.12 段

申述的論點	規劃署的回應
P4. 修訂「綠化地帶(1)」的範圍	
修訂「綠化地帶(1)」的範圍，以此地帶作為緩衝帶，緩衝帶內不得興建小型屋宇和化糞池，藉此保護區內主要河流兩岸至少30米範圍內的生境。	城市規劃委員會文件第3.5至3.12段
P5. 修訂「綠化地帶(1)」的《註釋》	
把「綠化地帶(1)」的《註譯》中第一欄的「農業用途」改列於第二欄，以防止「先破壞，後建設」的活動或對環境造成負面影響。	城市規劃委員會文件第3.16段
M. 與建議的修訂沒有直接關係的其他意見	
與建議的修訂沒有直接關係的其他意見包括刪除「鄉村式發展」地帶的《註釋》中第一欄的「食肆」及其他會造成污染的用途；修訂「鄉村式發展」地帶和「海岸保護區」地帶的範圍，以擴闊緩衝帶，拉遠與現時大潮高水位的距離；避免在舊村屋羣以北的地方再發展小型屋宇，也不應在該處再闢設化糞池；呈交城規會的資料不確或有誤導成分，尤其是測量圖、高水位線和海下灣海岸公園界線的資料，故應重新就草圖進行辯論，或修改草圖；關於三份分區計劃大綱圖[1]的申述和意見的聆訊過程／程序沒有成效；把該區納入郊野公園範圍；以及就該區的環境保育問題提出一般意見等。	城市規劃委員會文件第3.17段

[1] 所指的三份分區計劃大綱圖是《海下分區計劃大綱草圖編號 S/NE-HH/1》、《鎖羅盆分區計劃大綱草圖編號 S/NE-SLP/1》及《白腊分區計劃大綱草圖編號 S/SK-PL/1》，而問題包括商議過程中剝奪原來的申述人的機會，沒有讓他們反駁政府的代表或城規會提出的新論據。

進一步申述的主要論點

進一步申述的編號	進一步申述的論點
F1 及 F2	A1
F3	A1、P1 及 M
F4	A1、A2、A3、B1、B2、P1、P5 及 M
F5	A1、A3、B1 及 P1
F6	A1 及 M
F7 至 F20	A1、A2、B1、C、P1、P5 及 M
F33	D
F34	D
F35	D 及 P2
F38	A2、A3、B2、C、P1、P3、P4、P5 及 M
F39 至 F41	A2、A3、B1、P1 及 M
F42	A1、A2、C、P3 及 M
F43	A2、C 及 M
F44	B1、C 及 M
F45	P1、P5 及 M
F47	P3、P5 及 M
F48	B1 及 M
F49 至 F51	M

TPB/R/S/NE-HH/1-F1

就草圖的建議修訂作出進一步申述
Further Representation In Respect of Proposed Amendments to Draft Plan

參考編號
Reference Number: 140730-114617-90858

提交限期
Deadline for submission: 15/08/2014

提交日期及時間
Date and time of submission: 30/07/2014 11:46:17

提出此宗進一步申述的人士
Person Making This Further Representation: 先生 Mr. Tony

與進一步申述相關的草圖
Draft plan to which the further representation relates: S/NE-HH/1

進一步申述詳情
Details of the Further Representation :

相關的建議修訂 **Related Proposed Amendments**	性質 **Nature**	理由 **Reasons**
S/NE-HH/1	支持 Support	I think this is a reasonable method for balance the enviroment and village benefits.

TPB/R/S/NE-HH/1-F2

就草圖的建議修訂作出進一步申述
Further Representation In Respect of Proposed Amendments to Draft Plan

參考編號
Reference Number: 140730-113125-43285

提交限期
Deadline for submission: 15/08/2014

提交日期及時間
Date and time of submission: 30/07/2014 11:31:25

提出此宗進一步申述的人士
Person Making This Further Representation: 夫人 Mrs. Judy Tsai

與進一步申述相關的草圖
Draft plan to which the further representation relates: S/NE-HH/1

進一步申述詳情
Details of the Further Representation :

相關的建議修訂 **Related Proposed Amendments**	性質 **Nature**	理由 **Reasons**
S/NE-HH/1	支持 Support	It is because the new suggestion not only protect the natural enviroment,but also ca n look after the needs of local people.

(2)

tpbpd

TPB/R/S/NE-HH/1-F3

寄件者: Tfyipkeith [redacted]
寄件日期: 06日08月2014年星期三 9:48
收件者: tpbpd@pland.gov.hk
主旨: 鎖羅盆分區計劃大綱草圖編號S/NE-SLP/1 《白腊分區計劃大綱草圖編號S/SK PL/1》

本人反對將白腊、海下及鎖羅盤規劃作丁屋發展，並支持將上述地方劃作郊野公園範圍。若真的劃作丁屋用地亦應大幅削減有關面積以保護香港僅有的自然環境。

Best regards,
Yip Tsz Fai

從我的 iPhone 傳送

(Translation)

TPB/R/S/NE-HH/1-F3

tpbpd

From:	Tfyipkeith XXXXXXXX
Date of transmission:	9:48 Wednesday 6.8.2014
To:	tpbpd@pland.gov.hk
Subject:	Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 (Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1)

I object to the land zoning for small house development at Pak Lap, Hoi Ha and So Lo Pun and support keeping the above areas as part of the Country Park. Even if land zoning for small house development is really necessary, please substantially cut the proposed size to conserve the only natural environment in Hong Kong.

Best Regards,
YIP Tsz-fai

Sent from my iphone

tpbpd

TPB/R/S/NE-HH/1-F4

寄件者: Paul Zimmerman [redacted]
寄件日期: 15日08月2014年星期五 17:33
收件者: tpbpd@pland.gov.hk
副本: Debby Chan
主旨: Hoi Ha, Pak Lap and So Lo Pun
附件: PZ Comments on amendments Hoi Ha Pak Lap and So Lo Pun 15 August 2014.pdf

Enclosed please find my comments on the amendment proposed for the draft plans of Hoi Ha, Pak Lap and So Lo Pun

[redacted]

Hong Kong, 15 August 2014

Chairman and Members
Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Fax: 2877 0245
Email: tpbpd@pland.gov.hk

Re: Hoi Ha (S/NE-HH/1), Pak Lap (S/SK-PL/1) and So Lo Pun (S/NE-SLP/1)

Dear Sirs,

1. We support the reduction in V-zones and the new conservation zone "Green Belt 1" resulting from proposed amendments of the captioned draft plans in response to earlier representations and comments, namely:

    a. Hoi Ha amendments: Item A (V to GB1), Item B (G to GB1) and addition of GB1 in the Notes;
    b. Pak Lap amendment: Item A (V to Agr);
    c. So Lo Pun amendment: Item A (V to GB).

2. However, we object to the following aspects of the proposed amendments:

    a. Hoi Ha Item A: The boundary should be expanded to cover a larger part of the V-zone to limit development to the existing village houses.
    b. Hoi Ha Item A and B: Agriculture uses should be moved to column 2 to enable the Town Planning Board to control the agriculture activities and pollution of Hoi Ha Wan marine park.
    c. Pak Lap Item A: The boundary should be expanded to cover a larger part of the V-zone to limit development to the existing village houses.
    d. Pak Lap Item A: At a minimum the area should be zoned for conservation use under GB1, and with Agriculture uses in column 2 for control over pollution of Pak Lap Wan. The current state of the vegetation and forestation is due to man-made destruction and should not be considered a valid reason against conservation zoning.
    e. Pak Lap Item A: The area along the stream (at least 10 meters either side) should be zoned for conservation uses. The fact that some of the stream has been diverted due to man-made destruction can't be considered a valid reason not to do so.
    f. So Lo Pun Item A: The boundary should be expanded to cover a larger part of the V-zone to limit development to the existing village houses
    g. So Lo Pun Item A: At a minimum the area should be zoned for conservation use under GB1, and with Agriculture uses in column 2 for control over pollution of streams and wetland.

3. In addition we note the following changes which should be made to the draft plans:

    a. Any V-zone proposed by the Planning Department outside the existing village settlement should be rezoned as GB within which Small House development is subject to planning applications. If so, the right of the indigenous villagers would not be extinguished, but there would be a transparent application process which allows evaluation of environmental impacts and prior agreement on mitigation requirements. This would meet the proposed

incremental approach more diligently.

b. The Hoi Ha draft OZP should recognize the existing high water mark correctly since it has changed permanently, and not permit the development of small house within 30 meters of the high water mark or development of houses on what is now water.

c. All GB in the draft plan for So Lo Pun should be zoned GB(1) to reflect the real value of the woodland and the upper section of the local streams.

d. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (GB(1)).

e. Eating Place (and other polluting uses) should not be "always permitted on the ground floor of a NTEH" in the V zone as the water pollution control ordinance is impossible to enforce effectively.

4. To support the objections above we note the following critical issues regarding the deliberations to date:

a. The Town Planning Board failed to give due consideration to the cumulative impacts of the NTEH development it will permit in these and the other country park enclaves. It has not accounted for the impacts of the resulting increase in population and economic activity in each country park. It did not consider the carrying capacity and or identify a suitable target population for each park based on assessments of impacts on the ecology and landscape, or made decisions on mitigation measures to protect the ecological and landscape significance of the country park enclaves and surrounding country parks and marine environments.

b. Although the Town Planning Board did identify the need for Small House applications submitted to the Lands Department to include not just the Authorized Person's certification of a Percolation Test, but to require the details and results of the Percolation Test itself in addition to the proposal for the design and engineering of the Sewage Treatment System for approval by the Environmental Protection Department (EPD), it did not confirm whether compliance with ProPECC PN 5/93 will effectively and adequately eliminate water pollution. While septic tank and soak-away systems are generally considered inadequate for private developments which meet specific threshold populations, the Board has not considered any population thresholds for village settings. The chosen strategy to wait till tests show that the ground and surface water quality have indeed deteriorated first is a shocking and cavalier approach to protection of the environment in country parks and country park enclaves.

c. Other impacts of development and increase in population the Board failed to study, assess, and consider include, among others:

i. Increase in traffic from the permitted development will create a demand for roads and transport facilities which will damage surrounding country parks. Once development is permitted it would be illogical to assume that such facilities would not be required or demanded;
ii. Sediment run-off from site formation and development on surrounding waters and biodiversity;

iii. Light pollution of developments, infrastructure facilities and traffic;
iv. Tree felling for development and infrastructure facilities;
v. Erosion of hill-sides and loss of vegetation for development, infrastructure facilities, site formation, slope stabilization, etc;
vi. Increased risk of poaching associated with increase in population;
vii. Increased fire risk associated with increase in population and traffic;
viii. Littering and waste from construction and municipal waste disposal;
ix. And others.

d. The country park enclaves are outstanding among the final few remaining and unique low-land wetlands in Hong Kong which require due special care and consideration – this special circumstance should be duly considered by the Board in deciding on a stringent restrictive approach towards permitted land uses and development in country park enclaves.

e. The Country Park Enclave Policy stipulates to protect the enclaves and the surrounding natural environment through existing statutory processes. It has not been shown why the surrounding natural environment of enclaves under consideration are different from Tai Long Sai Wan and Tai Long Wan, why they warrant a less restrictive approach, or why these areas should not be included under the country park ordinance where they can be protected and managed under the country park regulations.

5. Finally we highlight a number of other specific concerns with the deliberations to date on the captioned draft plans:

a. During the deliberations the TPB may not have had a chance to fully consider and discuss or might not have fully understood all the points made by the Environmental NGOs on 8th May, 2014 and 19th May, 2014 as some points were disregarded, not discussed or misunderstood, as shown by comparing our notes with the meeting minutes.

b. *Genuine Need for Small Houses:* The TPB meeting minutes mentions that the "V" zone should first be confined to the existing village settlements and the adjoining suitable land and then expand outwards upon demonstration of genuine need for Small House (SH) developments[1]. However the size of V zones does not appear to have been delineated based on proven genuine needs. The population in So Lo Pun is zero, and there are no outstanding SH applications. If "villagers" or landowners now living outside would like to resume their living in this long-abandoned village and to revitalize it, a common sense and real incremental approach would be that they make first use of the existing abandoned houses and the land in the existing village settlement. It is inexplicable why an extra piece of vegetated land of 1.72 ha of land is still needed for 68 new SHs to be built under the current proposal; based on the figures above ("zero" population and "zero" outstanding SH application). This piece of land is not incremental (from 0 to 460 persons planned population). Similar concerns apply to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; additional can be built: ca. 40).

[1] http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf

c. *Septic Tank and Soakaway System and Water Quality Impact of Small Houses* Environmental NGOs and professors from The University of Hong Kong have demonstrated using field survey results and field observations that the current sewage treatment systems in rural villages does not protect water bodies surrounding Enclaves from man-made pollution. Prof. Brian Morton, an Emeritus Professor of The University of Hong Kong who has studied Hong Kong's marine environment and pollution for more than 30 years and was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the additional NTEH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves.

d. However, the authorities claim that the current arrangement (e.g., percolation test prior to deciding on the sewage treatment system) would safeguard the water quality. In the meeting minutes, the EPD mentioned that the LandsD, when processing the Small House grant applications, would require the submission of the certified sewage treatment proposals (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments. But it appears that EPD never considered the percolation tests?

e. The minutes show that LandsD suggests that a "conservative approach" has been adopted in processing SH applications, by the department. If so, we cannot understand why the then Secretary for the Environment, Transport and Works stated in 2005 in her reply to the LegCo had to conclude the following:

"...However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams...to remain unsatisfactory."[2]

f. Relevant authorities in their proposals to carry out sewerage projects in rural areas also repeatedly stated that the septic tanks and soakaway systems are not reliable:

"In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public."[3]

"At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soak away systems). Such facilities might however become ineffective due to their proximity to watercourses[1] *or inadequate maintenance. Sewage from such areas has therefore been identified as* ***a source of water pollution*** *to nearby watercourses and the receiving waters of Deep Bay."*[4]

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[2] http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf
[3] http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf
[4] http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf

g. These facts from the Government itself have not been deliberated in the TPB meeting. Authorities in the meeting kept saying that the current sewage arrangement would work, despite evidence showing the opposite. We are highly concerned that TPB members may not have been given a full picture to consider the effect of more NTEH (and STS) in CP Enclaves, and thus might make a decision based on biased information.

h. We are also shocked to learn that the EPD stated in the meeting the following: "*...In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services.*"

i. This entirely contradicts any and all current practices. Maybe the EPD can provide the name(s) and contacts of contractor(s) which offer a manual cleaning service of septic tanks and soakaway systems and are willing to carry the sludge away using vessels for So Lo Pun and Pak Lap at an affordable fee? The suggestion is entirely unrealistic, irrational and unreasonable. 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by any vehicle.

j. At the same time "Eating Place" or restaurant is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide "Bed and Breakfast" or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance. If in the future accommodation and restaurants are established in these Enclaves, how can the septic tanks and soakaways be maintained properly in order to prevent them from creating pollution? Has the Board thoroughly considered these conflicts during their deliberations and if so, how did it conclude on these inherent conflicts?

k. With "Eating Place" always permitted on the ground floor of a SH there will be significant water pollution impacts, as is put forward by some TPB members. But the relevant authorities replied the following: "*if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)*" and "*a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.*" Now this appears irrational. The FEHD's licensing regime has limited control over water pollution other than the presence of a grease trap in a kitchen. The authority to enforce the Water Pollution Control Ordinance (WPCO) is the EPD. The FEHD is not the authority to check whether or not the sewage and drainage systems comply with the relevant ordinance(s). If the "Eating Place" would be intended to serve the needs of the villagers only, as suggested, than this does not reflect the actual situation. The restaurants in country parks are closed except for when there are many visitors. We strongly urge that the "Eating Place" should not be an always permitted use in SHs (ground floor) within Enclaves.

l. The EPD also suggested that the septic tanks and soakaways are effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as "excellent", and that even in areas already served by public sewerage such as

Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by the ready acceptance of these statements by the Board.

m. First, it has been demonstrated that the coast of the HHW MP is polluted. This area is not the "main water body" in the central part of the MP where AFCD monitors water quality. The coast is the area though which is frequented by visitors. The water quality of the main water body can't be used to disregard the threat of water pollution at the coast on the health of the visitors. Secondly, waters throughout Hong Kong contain high levels of *E. coli because of* illegal discharges which the EPD and DSD are unable to halt. The highly polluted water discharged from villages along the coast of Ting Kok increase the *E. coli* levels in Tolo Harbour. This same will be the result of development of small houses in unsewered village areas. Moreover, the remote location of the enclaves means that they will unlikely to ever be able to connect to the main sewers. None of these facts appear to have been presented by the EPD to the Board.

n. The EPD admitted in the deliberations that the enforcement action due to illegal discharge of wastewater can be problematic. But at the same time the authorities are inexplicably confident that there would no water pollution in the Enclaves. Given that there is a known difficulty in controlling discharge of polluted water and the high value (ecological, conservation, landscape, recreational) of the Enclaves, a truly conservative approach would be to confine the V zones to the existing village settlements, in order not to allow potential pollution sources to increase.

o. The minutes report that Government considers that an over-restrictive approach to confine the V zones to existing village houses (*The Tai Long Wan approach)* would be unnecessary for heritage reasons. But NGOs have asked for such restrictive approach for conservation reasons, and to avoid pollution of surrounding country parks and nearby waters. Objective and scientific data provided by Environmental NGOs and scholars have demonstrated the difficulty in enforcing the law and controlling pollution as admitted by the EPD. Government themselves have shown the pollution status in unsewered areas. Given the sensitive nature of Enclaves and their surrounding CPs, it is highly necessary to implement a restrictive approach. We do not agree that there is "sufficient control" over unacceptable environmental impacts on the surroundings.

p. The Tai Long Wan approach offers the TPB insight in how Enclaves can and should be planned. We cannot understand what "unique planning background and characteristics" of the Tai Long Wan and Tai Long Sai Wan Enclaves are. We consider that Government would need to elaborate more on the so-called "uniqueness" of Tai Long Wan and Tai Long Sai Wan in relation to the risks of increased development and population in enclaves. Hoi Ha, Pak Lap and So Lo Pun are of greater ecological importance. Hoi Ha Wan is even a MP and has. For Tai long Wan the authorities suggested that the presence of "well-preserved historic villages and a site of archaeological significance" differentiate Tai Long Wan from the three captioned Enclaves. But as stated in the Approved Tai Long Wan OZP[5], the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the

[5] http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf

rural character. It is irrational and unreasonable to highlight the secondary rather than the primary intention, which is to protect the natural environment.

q. Although we disagree we should note that the argument that the stringent approach of confining the V zone to existing village settlement should not be applied to the three Enclaves as there are no such areas with high heritage value is wrong in fact also: There is an Archaeological Site in the Hoi Ha which will be covered by the proposed V zone. Again, this shows irrational and inconsistent decision making.

r. We agree with the TPB Member who said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Again here inconsistency and irrational decision making are evident. According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be "disturbed" and "young" by the authorities; but even so, now it is proposed to be largely covered with the Green Belt (1) (GB(1)) zone. At the same time in Pak Lap, the patchy woodlands are covered with Conservation Area (CA) zone. In contrast, the woodland in So Lo Pun, which provide habitats for many species of conservation concern is now proposed to be covered with GB only and SHs are allowed to be built through planning application as GB is generally considered a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes. The logic is lost – So Lo Pun and the best woodland receive the least protection.

s. The meeting minutes also mention that the upper section of the So Lo Pun Stream is bounded by "disturbed, young" woodland, and thus the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we cannot see that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: "*...wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park*". What scientific data supports the new description? Or are claims subjective and written to suit pre-agreed zoning outcomes, or made to mislead the Board? Covering the woodland in So Lo Pun with a GB zone only is highly problematic. This decision does not seem to be following the approach of the other two Enclaves nor does it reflect the intrinsic value of the woodland. The zoning should be reviewed.

t. The Chairman summed up Members' views and concluded: "*...based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed "V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted.*" We cannot understand why the proposed "V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D would now suddenly become the recommended version. There seems to be no evidence based decision making but one based on administrative convenience.

u. Complete inconsistency appears to be the number of new SHs allowed to be built: So Lo Pun: 68; Ho Ha: 40; Pak Lap: 18. But in So Lo Pun the existing population and its outstanding SH demand are the lowest and both zero.

v. We agree with a Member's concern that: "*Even if the concerned area was rezoned to "AGR"* (in Pak Lap)*, the prospect of obtaining planning approval for development would be quite high.*" If the Board is truly committed to "agriculture use" only, why does it not ensure long

term agricultural uses with conservative zone like GB(1) or CA in which agriculture uses are permitted? Only by applying such conservation zoning, the intention of reducing the V zone (to avoid the impacts from building and operating SHs) can be achieved in a sustainable manner with clarity for all stakeholders.

w. Regarding designating a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned that: *"according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI."* We consider that this is wrong and misleading. According the draft plans for To Kwa Peng and Pak A, the riparian zones of the streams are covered with GB zoning despite the fact that these watercourses are not EIS/ SSSI. Although Pak Lap Wan is not a MP it is an important habitat for a rare species of high conservation concern – amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognized by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and thus the species of concern. We reiterate that, therefore, there should be a buffer zone for the watercourse.

x. Section 4.1(a) of the TPB Paper No. 9509 (discussing the Tin Fu Tsai Enclave) mentions: *"...the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible* (but we doubt that), *would collect the sewage from point sources, it would still be necessary to prevent/mitigate water pollution from non-point sources. <u>The effective means to prevent water pollution</u>, in particular from nonpoint sources, <u>is through land use control</u>...."* Why is this principle not applied to Pak Lap? Why the inconsistency?

y. During the deliberations PlanD stated that: *"the concerned area (i.e., the new AGR zone in Pak Lap) was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as "CA" or "GB"."* If it can not be justified to zone an area with Water Fern CA or even GB, can the Board explain the CA zoning in Pak Lap and the GB zoning in Tin Fu Tsai? In Tin Fu Tsai, a war-game field is now covered with GB.

Herewith we so submit for the Board's consideration.

Yours sincerely
Paul Zimmerman
District Councillor, Pokfulam
507, Eastern Harbour Centre
28 Hoi Chak Street
Quarry Bay, Hong Kong
Cc: Designing Hong Kong Limited

tpbpd

TPB/R/S/NE-HH/1-F5

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寄件日期: 15日08月2014年星期五 17:29
收件者: tpbpd@pland.gov.hk
主旨: Comments on the Amendments of Hoi Ha, Pak Lap & So Lo Pun draft OZPs
附件: S_NE-SLP_1_Amendments_15 Aug 2014.pdf; S_SK-PL_1_Amendments_15 Aug 2014.pdf; S_NE-HH_1_Amendments_15 Aug 2014.pdf

Dear Sir/Madam,

Please find my comments in the attached files.

Many thanks,
Cheryl

00034

15 Aug 2014

Chairman and members
Town Planning Board
15/F North Point Government Offices,
333 Java Road, North Point, Hong Kong
(E-mail: tpbpd@pland.gov.hk)

By E-mail ONLY

Dear Sir/Madam,

Re: Proposed Amendments to the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

I would like to express my support to the proposed amendments on the captioned draft Outline Zoning Plan (OZP) which included the followings:

- Item A: Rezoning the western part of "Village Type Development" ("V") zone to "Green Belt(1)" ("GB(1)");
- Item B: Rezoning the area currently zoned "Green Belt" ("GB") to "GB(1)"; and
- Addition of "GB(1)" zone into the Schedule of Uses of the Notes and deletion of "GB" zone from the Notes.

I welcome the reduction of "V" zone to protect the ecological sensitive areas at Hoi Ha, including the secondary woodlands, wetlands, natural streams and the Ho Hai Wan Marine Park (HHWMP), from future village expansion. I also appreciate rezoning the existing "GB" into "GB(1)" which imposed more stringent development control. It is because no new Small Houses can be built in these ecological sensitive habitats while redevelopment of houses can be subject to Town Planning Board approval. However, I still have grave concern on the boundary of the "V" zone on the captioned draft OZP and should be revised.

Cumulative impacts of septic tanks of future Small Houses

Different environmental groups had expressed their concerns on the potential water quality impacts from village house septic tanks and soakaway (STS) systems to the Hoi Ha enclave and Hoi Ha Wan Marine Park during the Town Planning Board meeting on 8 May 2014. Professional in Geology had also pointed out that the geological setting of Hoi Ha covered with alluvial is not suitable for using septic tank to treat domestic sewage. On the

other hand, EPD representative concluded in the deliberation section on 20 May 2014 that "*Therefore, if served with properly designed and operated STS systems, there was no evidence that Small Houses in the planned "V" zone would result in insurmountable impacts on the water quality of the HHW Marine Park.*"[1]

However, it has to be noted that EPD had submitted an information note regarding the policy and planning of sewage infrastructure for unsewered village to the Legislative Council Panel on Environmental Affairs by in 2006. The information note stated that "*...Experience shows that some degree of operational failure of village house septic tank and soakaway (STS) 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*" (Fig. 1). This reflected that STS systems are not totally safe from generating pollution, in spite of the various regulations to the design and construction of STS systems (such as ProPECC No. 5/93).

Furthermore, Drainage Service Department (DSD) also mentioned the cumulative impact of STS systems that "*With the rise in development density of village houses, the number of septic tanks and quantity of swage discharge continue to increase. This gradually exceeds the natural purification capability of the surrounding soil causing environmental pollution and hygiene problems*" (Fig. 2). It is the main reason considered by DSD to introduce Village Sewerage Programme to unsewered village. However, no representatives from DSD had been invited to the TPB meeting of which DSD should be consulted on the septic tank issues.

To conclude, considering the inevitable pollution and cumulative impacts of STS systems, and the ecological important of Hoi Ha enclave and the HHWMP, **precautionary approach should be adopted by further reducing the "V" zone to existing village houses to protect the sensitive habitats and HHWMP from sewage inevitably generated by future Small Houses.**

[1] Paragraph 23 of the TPB meeting minute on 20 May 2014

Tai Long Wan approach

During the TPB meeting on 9 May 2014, the environmental groups had proposed to adopt the Tai Long Wan approach in the Hoi Ha, Pak Lap and So Lo Pun to safeguard the ecological sensitive habitats from village encroachment and development by reducing "V" zones to existing houses. In the deliberation section on 4 June 2014, Planning Department mentioned that "*the imposition of stricter planning control in the "V" zone of the Tai Long Wan OZP was mainly based on the consideration that the well-preserved village settlements in Tai Long Wan were of high heritage value*"[2]. However, this statement is not in line with the planning intention of the Tai Long Wan OZP (S/SK-TLW/5), "*the planning intention of the Area is primarily to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character.*" **The planning intention of Tai Long Wan OZP is also applicable to Hoi Ha, Pak Lap and So Lo Pun which are all of high ecological value. Therefore, the "V" zone of the Hoi Ha OZP should be further reduced to existing houses and building lots to prevent future village encroachment onto sensitive habitats.**

Thank you for your attention.

Yours faithfully,

Cheryl Lo

[2] Paragraph 12 of the TPB meeting minute on 4 June 2014

Fig. 1. Information Note submitted by EPD to LegCo in 2006[3]

CB(1) 281/06-07(01)

For Information

Legislative Council Panel on Environmental Affairs

Information Note on Policy and Planning of
Sewage Infrastructure for Unsewered Villages

Purpose

In response to a request made by Members at the EA Panel meeting on 22 May 2006, this paper explains the policy and planning in respect of sewage infrastructure for unsewered villages in Hong Kong.

Policy Goals on Village Sewerage

2. The policy goals for the provision of sewage infrastructure to unsewered areas, including villages, are the protection of public health and the attainment of the declared Water Quality Objectives. The latter are set so as to ensure our waters are of a sufficient quality to sustain certain uses which are valued by the community. These include, variously, abstraction for potable supply, swimming, secondary contact recreation, and the ability to sustain healthy aquatic ecosystems.

The Need for Village Sewerage

3. Septic tank and soakaway systems are commonly used for treating the wastewater arising from unsewered village houses. However, they 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.

4. The major benefits of the village sewerage programme include the reduction of risks to public health, reduction in nuisance associated with exposed and stagnant ponding of wastewater, elimination of the deposition of unsightly solids such as food residues and toiletries contained in the wastewater, the removal of insect pests and malodour, and the restoration of balanced ecological conditions

[3] http://www.legco.gov.hk/yr05-06/english/panels/ea/papers/ea0522cb1-281-1-e.pdf

Fig. 2. DSD leaflet of Village Sewerage Program[4]



4 http://www.dsd.gov.hk/SC/Files/publications_publicity/publicity_materials/leaflets_booklets_factsheets/Village%20Sewerage.pdf

tpbpd

TPB/R/S/NE-HH/1-F6

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主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

12 August 2014

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.

2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.

3. However, there are still serious flaws with the OZP which I would like the TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

Yours sincerely

Maurice Hein

(12)

tpbpd

TPB/R/S/NE-HH/1-F7

寄件者: David NEWBERY [redacted]
寄件日期: 14日08月2014年星期四 16:09
收件者: tpbpd@pland.gov.hk
主旨: Comment on Draft Hoi Ha OZP
附件: TPB - Jacob - 12 Aug 14.docx

Dear Sir/Madam

Please find enclosed comments on the Draft Hoi Ha OZP (S/NE-HH/1).

Regards

Jacob NEWBERY

00019

Jacob Lee Ho Hin NEWBERY
21C Hoi Ha Village
Sai Kung Country Park
New Territories
Hong Kong

Tel: [redacted]

Email: [redacted]

12 August 2014

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.

2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.

3. However, there are still serious flaws with the OZP which I would like the TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

   a. Width and Nature of the Coastal Protection Area (CPA).

      i. The Board decided on the boundary of the V-Zone based on the assumption that the CPA provided a buffer zone of approximately 30 metres between the marine environment of Hoi Ha Wan and the V-zone along its entire length. The Board's decisions were based on the premise that the boundary of the HHW Marine Park is coincident with the High Tide Mark. The maps used by the TPB show agricultural plots of land in the area immediately in front of the old (ruined) village. Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with

the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.

ii. Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.

iii. The old village contains an unauthorised structure and the ruins of houses which were abandoned in the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.

iv. Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

v. If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.

vi. In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High Tide Mark need to be re-examined.

vii. Any building or rebuilding of houses on the privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of

HHW Marine Park and SSSI both during the building processes and subsequent habitation.

b. Green Belt (1) Areas

i. Whilst the increased protection to the area to the west of the village, in the form of a GB(1) area, is welcome, the designation of this area as "Green Belt" is confusing for many people. The Green Belt principle is not, presently, being seen as one which will safeguard the area against future development and, although the intent of the GB(1) principle may be to avoid development of the areas, the owners of private plots of the land – mainly property developers – may be tempted to "trash" the area in an effort to get the Green Belt designation overturned. If this area is to be conserved and for new building to be prohibited, then, to avoid confusion, it should be designated as Conservation Area, rather than GB(1), to avoid any misunderstanding of the planning intent.

ii. The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.

iii. Some of these agricultural plots come within 5 metres of Hoi Ha Wan. At the moment, there are no safeguards to prevent Hoi Ha Wan being polluted by fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

c. V-Zone

The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing "demand" is still based on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to "return" to Hoi Ha – many of

them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual **need** for housing in the village by indigenous villagers, which is minimal.

d. Site of Archaeological Interest

A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by a certified archaeologist.

4. The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not properly consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and statutory planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

5. International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas"- i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.

6. The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the

fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is **unacceptable** to:

- Allow the bypassing of planning controls in environmentally sensitive areas.

- Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.

- Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.

In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

7. In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the correct relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary, and all decisions which were based on the erroneous position of the High Tide Mark should be reviewed. The Board should be asked to consider the following amendments to the Draft OZP:

- The incorporation of the old village within the Coastal Protection Area to ensure that statutory planning controls are in place in this environmentally sensitive area.

- The placing of "Agricultural Use" into Column 2 of the schedule for GB(1), to ensure that the areas are not trashed and Hoi Ha Wan polluted by large-scale agricultural activities – either genuine or bogus.

- The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely



李浩軒

tpbpd

TPB/R/S/NE-HH/1-F8

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主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

12 August 2014

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.

2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.

3. However, there are still serious flaws with the OZP which I would like the TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

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ii. Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.

iii. The old village contains an unauthorised structure and the ruins of houses which were abandoned in the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.

iv. Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

(7)

v. If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.

vi. In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High Tide Mark need to be re-examined.

vii. Potential, privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of HHW Marine Park and SSSI both during the building processes and subsequent habitation.

b. Green Belt (1) Areas

i. Whilst the increased protection to the area to the west of the village, in the form of a GB(1) area, is welcome, the designation of this area as "Green Belt" is confusing for many people. The Green Belt principle is not, presently, being seen as one which will safeguard the area against future development and, although the express intent of the GB(1) principle is to avoid development of the areas, the owners of private plots of the land – mainly property developers – may be tempted to "trash" the area in an effort to get the Green Belt designation overturned. If this area is to be conserved and for building to be absolutely prohibited, then, to avoid confusion, it should be designated as Conservation Area, rather than GB(1), to avoid any misunderstanding of the planning intent.

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planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

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Yours sincerely

Penny

cc Mr Tang, Country and Marine Parks Board, patrick_cw_tsang@afcd.gov.hk

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寄件日期: 13日08月2014年星期三 20:47
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主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Email: tpbpd@pland.gov.hk

13 August 2014

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Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.

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the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.

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Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

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Yours sincerely,
Bon Fung

cc Mr Tang, Country and Marine Parks Board, patrick_cw_tsang@afcd.gov.hk

寄件者: Emilie [redacted]
寄件日期: 14日08月2014年星期四 21:16
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副本: patrick_cw_tsang@afcd.gov.hk
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Dear Mr Chow

As a Hong Kong resident, regular hiker and scuba diver, I have had many opportunities to appreciate the beauty and fragile biodiversity of Hoi Ha marine park and the surrounding areas. I am therefore very concerned about the following issues:

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Emilie Pavey

寄件者: Trudy Frost [redacted]
寄件日期: 15日08月2014年星期五 8:32
收件者: tpbpd@pland.gov.hk
主旨: Hoi Ha Zoning:

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Yours sincerely,

Trudy Frost

tpbpd

TPB/R/S/NE-HH/1-F12

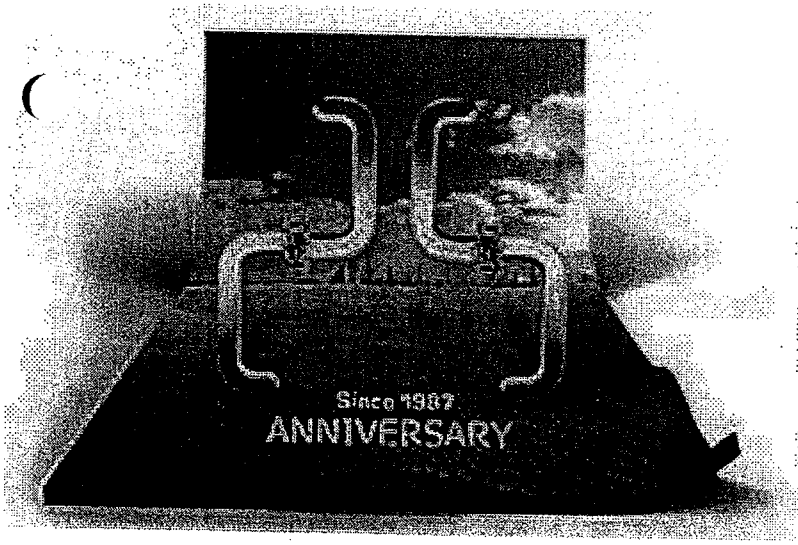
寄件者: Wong Jones [redacted]
寄件日期: 15日08月2014年星期五 10:07
收件者: tpbpd@pland.gov.hk
主旨: Support of Friends of Hoi Ha Wan
附件: Hoi Ha Wan Letter to TPB Aug 14.pdf

Dear Mr. Thomas CHOW,

I write in support of the idea and suggestion from the Friends of Hoi Ha. Please see the letter attached.

Yours sincerely,

Jones Wong
General Manager



Experience
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the Difference

KEYTECH

Su[illegible] 1111, Metro Loft, 38 Kwai Hei Street,
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Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Email: tpbpd@pland.gov.hk

12 August 2014

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Yours sincerely,

Jones H W Wong

tpbpd

TPB/R/S/NE-HH/1-F13

寄件者: Eric Lee [[redacted]]
寄件日期: 15日08月2014年星期五 10:51
收件者: tpbpd@pland.gov.hk
主旨: Hoi Ha Outline Zoning Plan
附件: Letter to TPB Aug 15.pdf

Dear Thomas,

Hope that you will re-examine the Hoi Ha case and hold another meeting to review this project.

Regards,

Eric.
PADI Master Instructor (MI-494037)
Travel Consultant

[redacted]uk Hang,

[redacted]

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Reseller:
Mares, Suunto

00038

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Email: tpbpd@pland.gov.hk

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Eric Lee
PADI Certified Scuba Diving Instructor (MI-494037)

tpbpd

TPB/R/S/NE-HH/1-F14

寄件者: cthui [redacted]
寄件日期: 15日08月2014年星期五 13:25
收件者: tpbpd@pland.gov.hk
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

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ii. The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.

iii. Some of these agricultural plots come within 5 metres of Hoi Ha Wan. At the moment, there are no safeguards to prevent Hoi Ha Wan being polluted by fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

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The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing "demand" is still based on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to "return" to Hoi Ha – many of them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual need for housing in the village by indigenous villagers, which is minimal.

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A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

4. The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

5. International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas" - i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.

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7. In summary, the TPB should be re-convened to consider the Hoi Ha OZP.

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- The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely

Hui Chun Tung

tpbpd

TPB/R/S/NE-HH/1-F15

寄件者: Billy Campbell [redacted]
寄件日期: 15日08月2014年星期五 17:38
收件者: tpbpd@pland.gov.hk
主旨: Mr Chow, Town Planning Office. RE: Hoi Ha, Appeal
附件: Mr Thomas Chow, Town Planning Office..doc

For your kind attention. See Attached Letter.

Many thanks.

00043

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point, Hong Kong

Email: tpbpd@pland.gov.hk

15th August 2014

Dear Mr Chow

RE: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.

2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.

3. However, there are still serious flaws with the OZP which I would like the TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

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Yours sincerely,

Signed: ***W. Campbell.*** Hse. 5 Ko Tong Village, Pak Tam Road, **SAI KUNG**, N.T.

tpbpd

TPB/R/S/NE-HH/1-F16

寄件者: Binnersley, Nigel [redacted]
寄件日期: 15日08月2014年星期五 17:05
收件者: 'tpbpd@pland.gov.hk'
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1
附件: 201408151701.pdf

Please see attached.

GOZZARD'S FORD LIMITED

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GOZZARD'S FORD LIMITED

11/F, Club Lusitano, 16 Ice House Street, Central, Hong Kong
Tel: 2522 2821 / Email: nbinnersley@hotmail.com

12 August 2014

By Email: tpbpd@pland.gov.hk

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Dear Mr Chow

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Yours faithfully,



GOZZARD'S FORD LIMITED/DIRECTOR

tpbpd

TPB/R/S/NE-HH/1-F17

寄件者: Devon Bovenlander [redacted]
寄件日期: 15日08月2014年星期五 18:04
收件者: tpbpd@pland.gov.hk
主旨: Letter to Town Planning Board requesting them to re-examine the facts surrounding Hoi Ha Marine Park and hold another round of talks
附件: TPB Aug 15.docx

Dear Sirs,

Please see attached and contact the undersigned should you require anything else.

Kind Regards,

Devon

--
Devon Bovenlander
[redacted]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

00045

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Email: tpbpd@pland.gov.hk

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The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing "demand" is still based

on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to "return" to Hoi Ha – many of them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual **need** for housing in the village by indigenous villagers, which is minimal.

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A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

4. The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

5. International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas"- i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with up to 6 NTEHs – 18 flats – without any form of planning control, is

irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.

6. The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:

- Allow the bypassing of planning controls in environmentally sensitive areas.

- Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.

- Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.

In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

7. In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary. The Board should be asked to consider the following amendments to the Draft OZP:

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- The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely,

Devon Bovenlander - [redacted]

TPB/R/S/NE-HH/1-F18

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Email: tpbpd@pland.gov.hk

RECEIVED
15 AUG 2014
Town Planning Board

12 August 2014

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.

2. I support the amendments which decrease the area of the V-zone and afford greater protection to the areas to the west of the village than was the case with the original plan. I also support the existence of the Conservation Area to the east of the village.

3. However, there are still serious flaws with the OZP which I would like the TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

   a. Width and Nature of the Coastal Protection Area (CPA).

      i. The Board decided on the boundary of the V-Zone based on the assumption that the CPA provided a buffer zone of approximately 30 metres between the marine environment of Hoi Ha Wan and the V-zone along its entire length. The Board's decisions were based on the premise that the boundary of the HHW Marine Park is coincident with the High Tide Mark. The maps used by the TPB show agricultural plots of land in the area immediately in front of the old (ruined) village. Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.

      ii. Furthermore, the contemporary beach and the highest reach of the tide, at Spring High Tide, come within 10 metres of the proposed V-Zone in front of the old village.

      iii. The old village contains an unauthorised structure and the ruins of houses which were abandoned in the 1960s and which are owned by private interests, including development companies. These old houses did not utilise septic tanks and the village was served, before abandonment, by communal facilities in the

centre of the village. The old village was abandoned before a period of severe coastal erosion and was, at the time of abandonment, some 50-60 metres away from the High Tide Mark.

iv. Within a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

v. If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.

vi. In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High Tide Mark need to be re-examined.

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b. <u>Green Belt (1) Areas</u>

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Yours sincerely

Wong

Dr. David Y. W. Wong [redacted]

tpbpd

TPB/R/S/NE-HH/1-F19

寄件者: [redacted]
寄件日期: 15日08月2014年星期五 8:54
收件者: tpbpd@pland.gov.hk
主旨: Hoi Ha Wan
附件: Letter to town planning.rtf

Dear Sir,
Please see our attached letter concerning the zoning of ho Ha.
warm regards
Rachael Footer

00028

- toverridecount0
- Mr Thomas CHOW
- Chairman
- Town Planning Board
- 15/F, North Point Government Offices
- 333 Java Road
- North Point
- Hong Kong
-
- Email: tpbpd@pland.gov.hk
- 12 August 2014
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Yours sincerely
Rachael and Mark Footer

[redacted]

tpbpd

TPB/R/S/NE-HH/1-F20

寄件者: [redacted]
寄件日期: 15日08月2014年星期五 9:00
收件者: tpbpd@pland.gov.hk
主旨: Hoi a wan
附件: Letter to town planning.rtf

Dear Mr Chow,
My name is Charlie Footer and I live in Ho Hai.
I would like to object to the new zoning plan for our village.
Please see attached letter.
regards
Charlie

00026

- toverridecount0
- Mr Thomas CHOW
- Chairman
- Town Planning Board
- 15/F, North Point Government Offices
- 333 Java Road
- North Point
- Hong Kong
-
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fertilisers and pesticides used on the land adjacent to the sea. What planning measures will prevent Hoi Ha Wan from being polluted directly by runoff from agricultural chemicals used on the plots adjacent to the sea and, indirectly, by agricultural pollution entering the main Hoi Ha stream and the many other water courses in the area which flow into Hoi Ha Wan?

- V-Zone

  The previous V-Zone has been reduced in size from the first draft of the Hoi Ha OZP. However, the assessment of the indigenous housing "demand" is still based on a totally fallacious and un-audited figure. Even with the reduced size of the V-Zone, it is totally unrealistic to expect that 40+ indigenous villagers will want to "return" to Hoi Ha – many of them have never lived in the village and have no intention of doing so. By persisting in designating a large area for development, tripling the size of the existing village, the TPB is opening the door for purely commercial developments which will be applied for in the name of absentee indigenous villagers but built, managed and sold by property speculators. The Small House Policy was never designed to be a vehicle for property speculation and the size of the V-Zone should be restricted to a size commensurate with the actual **need** for housing in the village by indigenous villagers, which is minimal.

- Site of Archaeological Interest

  A large proportion of the V-Zone and, in particular, the old village, lies within the Hoi Ha Area of Archaeological Interest, as designated by the Antiquities and Monuments Office. Developments within this area should, as stipulated by the AMO, be subject to an Archaeological Impact Assessment as part of the planning process. However, the rebuilding of houses on the site of the old village, which is likely to be one of the richest sources of archaeological artefacts, will not be subject to any planning process which would incorporate an archaeological assessment by an archaeologist.

- The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

- International Best Practice suggests that the only acceptable level of pollutants reaching the sea at Hoi Ha should be zero. The zero tolerance of pollution would also be in line with Hong Kong's commitments under the Convention on Bio-Diversity to ensure "sound and sustainable" planning practices in "areas adjacent to protected areas"- i.e. strict planning processes should be put in place to cover the Hoi Ha enclave in order to protect Hoi Ha Wan. Allowing the "rebuilding" of ruins in the old village and their substitution with

up to 6 NTEHs – 18 flats – without any form of planning control, is irresponsible and runs the risk of the contamination of Hoi Ha Wan with sewage and other domestic pollutants. The planning processes behind the Draft Hoi Ha OZP are neither sound nor sustainable.

- The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:

- Allow the bypassing of planning controls in environmentally sensitive areas.

- Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.

- Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.

  In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

- In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary. The Board should be asked to consider the following amendments to the Draft OZP:

- The incorporation of the old village within the Coastal Protection Area to ensure that statutory planning controls are in place in this environmentally sensitive area.

- The placing of "Agricultural Use" into Column 2 of the schedule for GB(1), to ensure that the areas are not trashed and Hoi Ha Wan polluted by large-scale agricultural activities – either genuine or bogus.

- The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours sincerely
Charlie Footer

TPB/R/S/NE-HH/1-F33

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	Date Received 收到日期	

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2. Please read the "Town Planning Board Guidelines on Submission and Publication of Representations, Comments on Representations and Further Representations" before you fill in this form. The Guidelines can be obtained from the Secretariat of the Board (15/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong - Tel.: 2231 4810 or 2231 4835) and the Planning Enquiry Counters of the Planning Department (Hotline: 2231 5000) (17/F., North Point Government Offices, 333 Java Road, North Point, Hong Kong and 14/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories), or downloaded from the Board's website at http://www.info.gov.hk/tpb/.
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1. Person Making This Further Representation (known as "Further Representer" hereafter)
作出此宗進一步申述的人士（下稱「進一步申述人」）

Name 姓名/名稱 (~~Mr./Mrs.~~/Miss/~~Ms./Company/Organization*~~ 先生/夫人/小姐/女士/公司/機構*)

Lo Man Chi

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 Further Representation
進一步申述詳情

Draft plan to which the further representation relates (please specify the draft plan to which the proposed amendments is made) 與進一步申述相關的草圖（請註明建議修訂的草圖）	Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/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

00048

Form No. S6D 表格第S 6 D號

3. Details of the Further Representation (Continued) (use separate sheet if necessary)
進一步申述詳情（續）（如有需要，請另頁說明）

Nature of and reasons for the further representation 進一步申述的性質及理由

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
4.1 (a) Amendment Item A – Rezoning the western part of "V" zone to "GB(1)"	☐ support 支持 ☑ oppose 反對	The Small House demand is 94. The reduction of "V" zone means that only 43% of the Small House demand is met. This is not deemed to be the right way of balancing conservation and development. Heritage culture is also essential in society. Heritage culture in villages should also be conserved. Conservation does not only mean conservation of the natural environment.
	☐ support 支持 ☐ oppose 反對	
	☐ support 支持 ☐ oppose 反對	
	☐ support 支持 ☐ oppose 反對	

@ Please specify the amendment item number provided in the Schedule of Proposed Amendments.
請註明在修訂項目附表內的建議修訂項目編號。

「✓」at the appropriate box 請在適當的方格內加上「✓」號

Form No. S6D 表格第S 6 D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 further 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.
請列明連同進一步申述一併遞交的位置圖、地盤平面圖、其他相關圖則、繪圖及其他文件。倘有圖則/繪圖爲彩圖或超過A3大小，須一式90份。至於其他補充文件（例如：影響評估報告），則須一式90份。

.....

.....

.....

5. Signature 簽署

Signature 簽署 Lo Man Chi

LO MAN CHI

Name in Block Letters 姓名（以正楷填寫）

"Further Representer" /~~Authorized Agent~~*
「進一步申述人」/ ~~獲授權代理人~~ *

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 15th August 2014

Statement on Personal Data 個人資料的聲明

1. The personal data submitted to the Board in this further representation will be used by the Secretary of the Board and Government departments for the following purposes:

   (a) the processing of this further representation which includes making available the name of the "further representer" for public inspection when making available this further representation for public inspection; and
   (b) facilitating communication between the "further 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.

   城市規劃委員會就這宗進一步申述所收到的個人資料會交給委員會秘書及政府部門，以根據《城市規劃條例》及相關的城市規劃委員會規劃指引的規定作以下用途：

   (a) 處理這宗進一步申述，包括公布這宗進一步申述供公眾查閱，同時公布「進一步申述人」的姓名供公眾查閱；以及
   (b) 方便「進一步申述人」與委員會秘書及政府部門之間進行聯絡。

2. The personal data provided by the "further representer" in this further representation may also be disclosed to other persons for the purposes mentioned in paragraph 1 above.
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* Delete as appropriate
Please fill "NA" for inapplicable item
"✓" at the appropriate box

* 請刪去不適用者
請在不適用的項目填寫「不適用」
請在適當的方格內加上「✓」號

Parts 4 and 5 第4及第5部分

tpbpd

TPB/R/S/NE-HH/1-F34

寄件者: Suet Ying Kwok [redacted]
寄件日期: 15日08月2014年星期五 22:42
收件者: tpbpd@pland.gov.hk
主旨: 進一步申述（海下分區計劃大綱草圖編號S/NE-HH/1）
附件: Hoi Ha.pdf

致 城市規劃委員會秘書:

本人就 海下分區計劃大綱草圖編號 S/NE-HH/1 作出進一步申述, 申述內容及表格請看附件,謝謝!

郭雪影謹啟

00047

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	Date Received 收到日期	

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1. Person Making This Further Representation (known as "Further Representer" hereafter)
作出此宗進一步申述的人士（下稱「進一步申述人」）

Name 姓名/名稱 (Mr./Mrs./Miss/Ms./Company/Organization* ~~先生/夫人/小姐/女士/公司/機構*~~)

郭雪影 Kwok Suet Ying

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 Further Representation
進一步申述詳情

Draft plan to which the further representation relates (please specify the draft plan to which the proposed amendments is made) 與進一步申述相關的草圖（請註明建議修訂的草圖）	S/NE-HH/1 海下分區計劃大綱草圖

* Delete as appropriate　　* 請刪去不適用者
Please fill "NA" for inapplicable item　請在不適用的項目填寫「不適用」

3. Details of the Further Representation (Continued) (use separate sheet if necessary)
進一步申述詳情（續）（如有需要，請另頁說明）

Nature of and reasons for the further representation 進一步申述的性質及理由

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
4.1(a) (amendment Item A: rezoning the Western part of "V" zone to "GB(1)"	☐ support 支持 ☑ oppose 反對	不贊成減少 V zone 面積，因 T 座需求仍然存在。
	☐ support 支持 ☐ oppose 反對	
	☐ support 支持 ☐ oppose 反對	
	☐ support 支持 ☐ oppose 反對	

@ Please specify the amendment item number provided in the Schedule of Proposed Amendments.
請註明在修訂項目附表內的建議修訂項目編號。

「✓」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

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5. Signature 簽署

Signature 簽署 .....

"Further Representer"/Authorized Agent* 「進一步申述人」/獲授權代理人*

Kwok Suet Ying 郭雪影

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 15-8-2014

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   in accordance with the provisions of the Town Planning Ordinance and the relevant Town Planning Board Guidelines.

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* Delete as appropriate
Please fill "NA" for inapplicable item
「✓」at the appropriate box

* 請刪去不適用者
請在不適用的項目填寫「不適用」
請在適當的方格內加上「✓」號

(Translation)

TPB/R/S/NE-HH/1-F34

tpbpd

From:	Suet Ying Kwok XXXXXXXX
Date of transmission:	22:42 Friday 15.8.2014
To:	tpbpd@pland.gov.hk
Subject:	Further representation (Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1)
Annex:	Hoi Ha.pdf

To: Secretariat, Town Planning Board

I am making further representation relating to the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1. Please refer to the enclosed form for the content of representation, thank you!

KWOK Suet-ying

Form No. S6D

For Official Use Only	Reference No.	
	Date Received	

1. Person Making This Further Representation (known as "Further Representer" hereinafter)

Name

Miss KWOK Suet-ying

2. Authorized Agent (if applicable)

3. Details of the Further Representation

Draft plan to which the further representation relates (please specify the draft plan to which the proposed amendments is made)	Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1

Nature of and reasons for the further representation

Subject matter	Are you supporting or opposing the subject matter?	Reasons
4.1 (a) (Amendment item A: rezoning the western part of "V" zone to "GB(1)"	☐ support ☑ oppose	Oppose to reducing the size of V-zone because there is still demand for small house.
	☐ support ☐ oppose	
	☐ support ☐ oppose	
	☐ support ☐ oppose	

4. Plans, Drawings and Documents

5. Signature

Signature (signed) (illegible) "Further Representer" / Authorized Agent*

Name in Block Letters KWOK Suet-ying Position (if applicable)

Professional Qualification(s)

On behalf of /

Date 15-8-2014

TPB/R/S/NE-HH/1-F35

就草圖的建議修訂作出進一步申述
Further Representation In Respect of Proposed Amendments to Draft Plan

參考編號
Reference Number: 140815-174751-29691

提交限期
Deadline for submission: 15/08/2014

提交日期及時間
Date and time of submission: 15/08/2014 17:47:51

提出此宗進一步申述的人士
Person Making This Further Representation: 先生 Mr. 方永健

與進一步申述相關的草圖
Draft plan to which the further representation relates: S/NE-HH/1

進一步申述詳情
Details of the Further Representation :

相關的建議修訂 **Related Proposed Amendments**	性質 **Nature**	理由 **Reasons**
V-zone減少	反對 Oppose	我只是一條小村落的村民，我的村落就是我的根，我只想留在我的地方與我的家人一起生活。所謂一家團圓，無非即是與家人相聚在一起，共聚天倫鄉村式發展地帶之樂，這亦是我一直的願望。現懇請城規會擴大V Zone，容讓我能在我的根有棲息之所，守護我的村落和我的家族，亦能盡之本份，照料家人，冀盼我的願望不會變成我的奢望。

(56)

(Translation)

TPB/R/S/NE-HH/1-F35

Further Representation in Respect of Proposed Amendments to Draft Plan

Reference Number:	140815-174751-29691
Deadline for submission:	15/08/2014
Date and time of submission:	15/08/2014 17:47:51
Person making this further representation:	Mr. FONG Wing-kin
Draft plan to which the further representation relates:	S/NE-HH/1

Details of the representation:

Related Proposed Amendments:	Nature	Reasons
Reduction of the V-zone	Oppose	I am just an inhabitant of a small village. My village is my root. I only want to stay at my place and live with my family there. So-called family reunion is about living together with one's family members and spend time with them in a rural village type development zone. This is my long-time wish. I sincerely urge the Town Planning Board to extend the V-zone to allow me to have my home at my rooted place so that I can protect my village and my family and assume my responsibility of taking care of my family members. I hope my wish would not become my wild wish.

tpbpd

TPB/R/S/NE-HH/1-F38

寄件者: Mike Kilburn [redacted]
寄件日期: 15日08月2014年星期五 23:58
收件者: tpbpd@pland.gov.hk
副本: Ruy Barretto
主旨: Representation in relation to Hoi Ha, So Lo Pun and Pak Lap draft OZPs
附件: Hoi Ha, Pak Lap So Lo Pun comments on Amendments to Draft Plan (MK 15 Aug 2014).doc

Dear Sir /Madam

Please find attached my OBJECTION to the captioned OZPs.

Please acknowledge that this submission was received before midnight on 15 August 2014.

Yours sincerely
EMS Kilburn

00051

Representations on the Town Planning Board Amendments of July 2014 in respect of the draft OZPs for Hoi Ha, Pak Lap and So Lo Pun.

15 August 2014

1. These Comments are made in respect of the decisions of the Town Planning Board on the draft OZPs for Hoi Ha, So Lo Pun and Pak Lap as follows:
   a. S/NE-SLP/1:
      i. an area to the northeast and an area to the southwest of So Lo Pun from "Village Type Development" to "Green Belt".
   b. S/NE-HH/1:
      i. Rezoning of an area to the west of Hoi Ha from "Village Type Development" to "Green Belt(1)" ("GB(1)").
      ii. Rezoning of an area to the east of an existing rocky stream from "Green Belt" ("GB") to "GB(1)".
         1. Deletion of the Notes for the "GB" zone.
         2. Addition of the Notes for the "GB(1)" zone.
   c. S/SK-PL/1:
      i. Rezoning of a section of the existing stream in Pak Lap and the area to its east from "Village Type Development" to "Agriculture".
2. In each case the decision of the Board is held to be based on failures of process with the administration of the plan-making (including collection, presentation and evaluation of necessary information), in the representation of the views of objectors and deliberations of members by the Chairman, and in the justification and finalisation of the proposals (listed above) made to address earlier representations.
3.
4. This failure by the Papers to address the Representations led to observations by several Representors on the 8th May 2014 of **the "Air of Unreality"** about the remarks from Plan D who have **not faced up to the reality of the planning and legal defects and the reality of the problems the draft OZP will inevitably cause.** Plan D have roughly paraphrased some of the issues but generally **Plan D Papers have not addressed the Representations with valid reasons or evidence.**

   a. *Denials by PlanD or Board in Deliberations of 4/6 para 72-73 are not correct.*
   b. ***Hence R10587's tabled document of 19th May 2014 is adapted as a convenient method of showing, by use of italics and this Representation, the continuing failures and errors by the Board contained in the Proposed Amendments, Decisions and Deliberations of 20/5 and 4/6/2014.***

5. The Unreality and the Failure to Address the issues was **because Plan D have NO valid Answer** to the points made on the breaches of Policy, Principles, Precedent, and law which the draft OZPs cause.
   a. *At this late stage, in Deliberations from which Representors are excluded, the PlanD or Government Representativies or Board have attempted to* ***make up NEW arguments*** *to address the Representations and face up to the reality of the problems the draft OZP will cause.*
   b. ***This process has deprived the original Representors of the opportunity to rebut the arguments of the PlanD/Board.*** *Hence another meeting is needed so past and present Representors can rebut the new points made. A meeting to deal with the arguments is essential as the new arguments are contrary to the evidence, ignore or omit evidence provided by Representors, and contrary to logic, principle and law.*
   c. ***All NGOs and Representors whose evidence may be relevant to the new points raised must be invited to Represent on these Amendments based on new PlanD or Board arguments.***
   d. *This applies to many errors, such as in the Chairman's Summary in Delib 4/6 para 3, not just the ones highlighted herein. A fair process is needed.*

6. Representors had made detailed submissions focused on expert evidence so Plan D had the chance to consider them in detail but failed to do so or put material of substance in the Paper to deal with the Representations. As such, Representors and Commentors have been **deprived of the materials** which could be used to improve the draft planning.

7. **The Conclusion drawn from the Plan D failure to address the Representations is that the Plan D or Government are unable to justify their draft OZPs in respect of the excessive V zones and the inadequate zonings for conservation.**

   a. *This situation remains. Representor evidence was authoritative and conclusive but it has been omitted or not considered on key points in the written version of the Deliberations.*
   b. *Many TPB members therefore made statements supporting conservation policies and principles for the Country Park Enclaves, stating that conservation should be the main objective for the zones, but it is regretted that the eventual Decisions and new arguments advanced leading to the Proposed Amendments contradicts those statements and principles and does not reflect what some Members stated nor the evidence presented by the Representors.*
   c. *The Chairman's Summary in Delib 4/6 para 3 summarizes the views against the Representors for better conservation, but not those of Members who supported better planning for better conservation.*
   d. ***Hence this Representation to enable the Board to correct the errors and omissions and obtain appropriate Amendments to the Decisions so far.***

e. *This is important because the new arguments are based on serious errors of fact, principle and law which need to be corrected to prevent bad planning precedents for other Enclaves.*

8. There is thus NO evidence to contradict the evidence of the Representors in aid of the Amended Plans and Notes put forward on 8th May. **The Amendments thus better achieve the Policy objectives,** the principles and needs for conservation and the protection of the public interest and public expectation for protection of the Enclaves under policy and law.

9. **Tabled today are some improvements** in respect of the General Planning Intention paragraphs of SLP and PL OZP, these pages should be inserted in substitution of the previous pages. *The 3 sets of NGO Amendments put forward by the NGOs have not been analysed by the Board. For example, no consideration has been given to the improvements to the Explanatory Statements.*

a. *The Board's Proposed Amendments under this Representation are defective for the same or similar reasons as stated before by R10587 hence his previous points and evidence still apply have to be repeated.*
b. ***Excessive V zones have been reduced but not minimized.*** *The reduction is a welcome step in the right direction. Although such errors have been reduced in degree, by a process of cutting back some excessive V zones, it has been done (as revealed from the Decisions) because of a need to bow to pressure to meet vested interest demands, not rational reasoning based on evidence, precedent and genuine need for houses by IV. The declared intention of the Proposed Amendments is said* ***to minimize the adverse impacts (20/5 para 10 and 4/6 para 3c)*** *but the Decision has rejected the Tai Long Wan Precedent, which confines the V zones to the existing building lots and which was the practical solution which would have minimized the adverse impacts of the V zones impacts.* ***Hence the Decision is contradicted by the declared intention, showing the Decision to be wrong.***
c. ***Inappropriate V zones have become GB.*** *This is better than V, but the error has only been reduced in degree, but the Board or PlanD fails as before to consider the evidence for CA which provides more secure and appropriate conservation . GB was chosen because it is only a stop gap pending further small housing demands, thus this Zoning prevents appropriate long term conservation of the existing state of the land. This is bad planning and contrary to the General Planning Intention for Country Park Enclaves.*
d. ***The Representation herein is relevant to the defective Decisions and the Proposed Amendments which still contribute to provision of excessive V zones despite no evidence of genuine need and inappropriate zoning.*** *For example, only GB which facilitates Small Houses, was decided mostly, when CA was justified by the evidence to meet the General Planning*

Intention and the Country Parks Enclave Policy Objectives (which were wrongly deemed not to be a Policy, see below).

10. **Breach or subversion of Country Park Enclave Policy.** Plan D has not addressed this. Town Planning Board must not facilitate such a breach. Policy is to better protect Enclaves but Plan D is planning to permit direct loss, damage, pollution, incompatible housing development, increasing development pressures and threats to Hong Kong's best countryside.
    a. *The denial of the Policy in Deliberation 20/5 para 64 confirmed and repeated by the Chairman at 4/6 para 3(i), confirms and demonstrates a key erroneous start point contributing to more errors in law and irrational Decisions which are the subject of this Representation. See R10587 27th Nov 2013 and 8th May 2014 Submission paras 1-21, tabled with references to the Policies the Board/PlanD now denies.*
    b. *This new argument was NOT raised with the NGOs or R10587 despite 2 Meetings so another meeting is needed to dispose of this error in a fair way.*
    c. *This major error explains Plan D failure to consider the Policy or its key components in its Papers and explains other cumulative errors in approach and criteria in the Decisions. This proves that the Policy has been subverted by these OZPs. The Board or PlanD, in unrealistic denial, proves this. The Board thus was fundamentally wrong for not following key planning objectives.*

11. **The genuine need for Conservation, Recreation and Landscape protection and Public enjoyment of the countryside** which is connected, not fragmented by development, are proved and supported by the Country Park Enclave Policy and the evidence in the Papers and from the Representors.
    a. *Such principles and objectives and needs consistent with the General Planning Intention were voiced by some Members but not reflected in the Summaries by the Chairman at 4/6 para3 which* ***only contains arguments against better planning and conservation as his findings.***
    b. *Nor are such conservation principles reflected in the eventual Decisions, hence the need for another Meeting in an attempt to provide fair decision making in a matter of high public interest.*

12. **The public interest and public expectation in protecting the Country Park Enclaves by conservation as against the Small House Policy has been upheld by the High Court.**

    a. *Submission 8th May 2014 para 18 has the quote from the Judgment. The general principles handed down by the Court are relevant to other Enclaves and the planning context or background for the Tai Long Sai Wan Judicial Review cannot be distinguished as now alleged.*
    b. *No distinguishing factor is revealed in Deliberation 20/5 para 70 or as repeated and confirmed by the Chairman in 4/6 para3(k). A Meeting is*

needed so the Board or Plan D can give arguments why the Tai Long Sai Wan Judgment does not guide these cases as they allege. This defence was not raised at the Meetings.

c. ***Does Board or Plan D now allege there is NO public interest or expectation in protecting the Country Park Enclaves of Hoi Ha, So Lo Pun and Pak Lap against the alleged expectation for Small Houses?*** *This is another demonstration that the Decisions are wrong. Public interest is a key requirement under Section 3 of the TPO, and public interest is high, and the Country Park Enclave Policy was supported by past and current Chief Executives Policy Addresses.*

d. *Public interest must be balanced against private vested interests and the balance is governed by conservation as the General Planning Intention and the CPE Policy. See below.*

13. **There is detailed evidence** of the conservation, ecosystem, and ecological value of the Enclave areas which require better protection under the CPE Policy. **This justifies the Amendments to the OZPs proposed and tabled.** This evidence shows the Plan D drafts are wrong, inadequate, unreasonable and contrary to planning principles and the evidence.

a. *The Representors evidence on ecology, ecosystems and their values was not disputed. It supplemented the common ground on the high value of the landscape and recreation and other Country Park type values contained in the General Planning Intention and the Papers which were deficient in species and habitat and other assessments.*

b. *Now other errors in the Deliberation reasons are revealed, including the refusal to recognize the Country Parks Enclave Policy and the refusal to recognize and consider the relevant public interest in Country Park Enclave conservation and TPO and other key factors .*

14. Hong Kong is a regional biodiversity hot spot and **the Enclaves are a key part of such conservation values.** The evidence of rare or significant species and their sensitive habitats which will be damaged, lost or adversely impacted by the V zones and inadequate zoning comes from Hong Kong's recognized biodiversity experts. This has not been addressed.

a. ***Inadequacy of Ecological Information*** *from Plan D or AFCD was proved. Enough evidence to justify CA zoning, especially for streams and riparian areas, was presented by the Representors and not denied by Plan D. Dr Michael Lau's expert presentation was not disputed by Plan D but has not been considered in the Deliberations.*

b. *The failure to do or obtain adequate work and species information by Plan D or relevant departments such as species surveys and hydrological/ drainage surveys is not an excuse to permit bad planning permitting development which will destroy habitat of ecological value without any detailed species assessment. Where the Plan D has inadequate information, (eg ONE bird species for Hoi Ha only) the Precautionary*

Principle demands erring on the side of caution and commonsense and rejecting the increased V zonings as not being proved to be "suitable locations" for Small Houses etc. Blindly following unreliable PlanD Papers which are proved to be inadequate is wrong and gives rise to bad planning.

c. ***Delib 4/6 para 44, in particular 44(a) and (b) demonstrates errors contrary to basic conservation assessment principles.*** *To plan for Small Houses into a known biological hotspot on the basis of only a habitat type categorization contributes to unsuitable locations being zoned and is against the evidence, wrong in principle and irrational.*

15. **Cumulative impacts have not been addressed.** The Plan D and DLO rely on their usual mechanism of "incremental approach" which facilitates absence of prior planning and absence of pollution measure instead of sensible pro active planning in advance of pollution and impacts.

a. ***This error in not assessing the cumulative impacts from multiple Small Houses was recognized by several Members but nevertheless the Incremental/Big Jump Approach was continued in the Decisions.***

b. *Also, this is a* ***Wait and See approach; zone excessively large V zones and see what happens,*** *is wrong and is the antithesis of planning.*

c. *This wait and see approach* ***is a lax approach to assessment*** *whereby there are no or inadequate assessments for suitable locations, sewage, wastewater, carrying capacity, fake farming or site formation, parking and others.*

d. *This "wait and see", "lax assessment", "broad brush" approach was then argued as being acceptable because it no longer the duty of PlanD to assess the topography or be "site specific" (Delib 4/6 para 3c), but that it is the duty of Lands D and EPD to deal with the mistakes and consequences, see later.*

e. *The Incremental Approach is a misleading misnomer and continues to misrepresent the actual intention, because it is not gradually incremental, it is a big jump approach, to increments in V zones with jumps without evidence of need.* ***Big jumps in numbers and impact makes assessment of cumulative impacts mandatory before zoning can be decided.***

f. *The "excessive V zone" approach was recognized NOT to be genuinely incremental but was seen to be a big jump as a result of NGO submissions. This error was however not cured by reducing the big jump. Similarly the less excessive V zone approach in the Proposed Amendments continues in error as it continues to be a big jump, and still a big jump contrary to the evidence of need provided by the Director of Lands.* ***The result is major cumulative impacts which have not been assessed or addressed.***

g. *V zones which are "suitable locations" for the big jump in numbers of Small House septic tanks have not been identified. Initially Plan D asserted that the V zones were suitable locations based on the topography and were site specific per 20/5 para 7 and 4/6 para 3(c). All the Decisions still state that V zones are "suitable locations".*

h. *To the contrary the expert geological and hydrological evidence (Kevin Laurie and David Newbery and HKU experts and others) showed the V zones in a flood plain are generally and in principle NOT suitable locations.*

i. *The general tenor of the Deliberations eg 20/5 para 22, 27,33-42 shows that EPD now recognize that the flood plain locations in general are not suitable locations for Small Houses septic tanks and suitable locations instead are higher ground provided it meets various standards. Hence EPD now require percolation tests to be done on a house by house basis.* ***In relation to cumulative impacts, the gist of EPD position at para 27 was that a significant increase in Small Houses and Septic tanks would inevitably cause unacceptable impacts depending on factors*** *such as suitable location, density of houses, soil capacity, distance or attenuation, percolation tests and presence of Water Gathering Grounds, streams and the coast.*

j. ***This demonstrates the planning failure to properly inform crucial planning decisions by assessment of such factors.*** *It is bad planning to zone excessively first, do lax or no assessments first, and find errors later. Villagers whose expectations will have been raised by this zoning will be aggrieved when the V zones/suitable locations are again confirmed to be unsuitable for various reasons.*

k. *The "no guarantee" caveat used in the Delib 20/5 para 42 and repeated by the Chairman 4.6 para 3(e) demonstrates the bad planning inherent in the excessive V zoning first and assessing to find errors later approach. If the Plan D cannot identify a place which is in principle suitable locations then it should say so. If Plan D can positively identify some suitable locations higher up as per EPD advice, it should say so and focus the V zone on that. It is bad planning to zone unsuitable flood plain locations.*

l. *The cumulative impact of septic tanks and effluent discharge was admitted by some Members but contrary to the evidence the eventual Decisions will permit the pollution to be significantly incremental in line with the excessive increment in V zone under the so called incremental approach.* ***The incremental approach thus facilitates incremental or cumulative pollution.***

m. *Existing evidence of sea water pollution, near Hoi Ha village, was ignored by the Board.*

n. *Official monitoring of the "main body" of water far from the village shore of Hoi Ha, hence the water quality was acceptable. The Decision ignored the evidence that water quality near the shore in Hoi Ha was already polluted despite the low permanent population as pointed out by some Board Members.*

o. *The Decision and defective zonings are thus based on a finding contra to the evidence that " existing mechanisms" prevent more and cumulative pollution despite significantly increased Small Houses and septic tanks.*

16. **Ecosystem approach or holistic approach not followed.** Plan D fail to consider the need to protect connected systems such as the water system so that pollution to the upper part of the hydrological system will not pollute the lower parts and the shore habitats. It is basic to protect the upper parts of a stream, particularly when the streams are short as is the case in Hong Kong and these Enclaves. **The Ecosystem or holistic approach has been approved by the High Court in the 2nd Sha Lo Tung Judicial Review of 2000 as the principle to be used in considering conservation, especially of stream systems. It is the duty of the Board to follow such principles to protect the upper parts of the So Lo Pun streams and water system.**

a. *This approach was not addressed or considered by the Board for all Enclaves.*
b. *This commonsense principle, which is part of the CBD principles, makes enforcement and protection more achievable, but was not followed by Plan D or Board, and no valid reason for not following this approach was given.*
c. *Failure to consider agricultural run off if not controlled by Column 2 Planning Control with GB1 or CA zoning protection. Failure to consider evidence of fake farming which enables unauthorized site formation and drainage works to take place, and the need for easily enforceable and effective controls to reduce this documented abuse.*
d. *Failure to consider evidence of Small House run off and pollution to streams, nearby and downstream sensitive habitats, complex hydrology, and marine habitat downstream if not controlled by such planning controls.*
e. *Failure to consider evidence of increased risk of pollution if not mitigated by protected streams and stream banks with CA and GB1 buffer zones following the standard 30metres at least.*
f. *The Rationale that buffer zones are only for EIS is an admission of the evidence that buffers are needed for water pollution, but the Plan D failure to consider the Ecosystem approach has led to the irrational situation that Enclaves which are ecological hotspots (but have no EIS), should be subjected to increased risk via pollution of their water system. This is a breach of Article 8(e) of CBD and basic conservation science. The situation in So Lo Pun whereby the downstream EIS part was protected against Small House pollution by buffer zones but NOT the upper streams, demonstrates the degree of irrationality of the Plan D errors.*
g. *These ecosystem errors are linked to the failures caused by the inadequate ecological information noted above and the failure to use the evidence provided by the Representors; hence the Decisions made run contrary to the evidence and are irrational.*

17. **General objectives and Principles for conservation not followed and not addressed.** Hong Kong has a duty to implement the Convention on

Biological Diversity. The draft OZP does not follow the Aichi Targets. The Town Planning Board should not facilitate Hong Kong flying in the face of internationally agreed targets. *Not addressed, a Member requested this but the Chairman's Summaries and Decisions have nothing specific to implement the CBD as it requires. Instead, there are numerous failures to comply with the principles of CBD and the Aichi Targets are set out above.*

18. **No genuine need for excessive V zones proved**, Plan D did not attempt to prove any justification based on need, even though they used the word "need" in the hearing of 8th May. Plan D Instead relied entirely on the unverified demand for V zones, which is never a justification in planning law.

a. *Several Members stated the principle that "genuine need" for Small Housing was to be proved before more V zones could be zoned, but the Decisions were instead wrongly based on* ***'the need.. to meet Small House demand'*** *(Decision in 4/6 at para26 for Hoi Ha, para 48 for So Lo Pun, and para 71 for Pak Lap with same wordings), which means the Board bowing to pressures to meet demands from vested interests instead of meeting the public interest need for conservation as per Section 3 of TPO.*
b. *The Board continued to place vested interest "demands" ahead of public interest "needs" and was wrong in principle.*
c. *The Board reduced their" meeting" of the demands on the wrong principles so the reduced amount of V zone is still without evidence of need and still excessive. The same errors were perpetuated, but to a lesser extent only, but made deliberately after knowing the errors. Hence all the points made before continue to apply.*
d. *The Lands D evidence of Ms Bernadette Linn on Hoi Ha in particular 4/6 par 9, made it clear that* ***the identified demand for small houses in all three enclaves was low.*** *This showed that the excessive increments for all the Enclaves were not needed, but the Decisions were against the evidence.*
e. ***Material new underlying errors were revealed in alleging that the Villagers had so called "rights"*** *to Small Houses, (Delib 20.5 paras 9, 10, and repeated by the Chairman 4/6 para 3(a) (without his dissent) when this is not a Right, it is a licence under the Small House Policy which has already been swept away by the Tai Long Sai Wan Judgment which held there was no expectation,(let alone any right), to Small Houses in Country Park Enclaves when considering a decision to expand the Country Park under the Country Park Enclave Policy. This is closely analogous to a decision to protect the surrounding Country Park and its Enclaves from inappropriate zoning in the Enclaves. (This error was compounded by the Chairman going further wrong by saying the Tai Long Sai Wan Judgement stating the public interest in conservation in Country Park Enclaves as opposed to Small House developments, did not apply.)*
f. *This new Rights error is another key error. The Board's error in regarding Small Houses as a "Right", explains the 3 wrong Decisions based on the "need to meet demands" or to meet vested interest pressure,*

noted above because the Board regarded the demands as equivalent to "Rights".

g. *This is a serious error in law which will prejudice the Government's ability to find solutions to the Small House Policy and its abuses. This mistake, reinforced by the Chairman, must be corrected comprehensively by Government, hence this Representation and the need for a Meeting to deal with it.*

19. **Zero need proved for some Enclaves.** So Lo Pun has been uninhabited for decades. Existing built areas and existing building lots are already a reasonably generous opportunity to meet the existing need. This follows the Tai Long Wan precedent to respect the existing built up areas as V zone, and as a result, **pragmatic and principled and evidence based decision making was achieved.**

a. *Despite "zero need" proved, the wrongful 'need to meet' unverified demand for "rights" to Small Houses argument prevailed.*

b. ***So Lo Pun is an example of continuing excessive V zone.*** *The Board has fallen back to the original 2013 draft before it was doubled in size in response to the vested interest pressures noted above. This shows the V zone areas were not based on need for Small Houses, but instead on unverified demand.*

c. *Cumulative impacts were ignored*

d. *A big jump/increment in V zone size was continued under the misleading "incremental approach" as noted herein.*

e. *The Tai Long Wan Precedent showed that in such cases the V zone should be confined to the existing building lots. This was the position supported by several Members in relation to So Lo Pun, because there was no need 4/6 paras 27-35, and in particular it was generally considered at 4/6 para 29 that there was "no imminent need" to zone so much V zone.* ***However, it eventually was decided that the "starting point" was a big jump to the V zone to add hectares "adjoining the village" for about 68 more Small Houses. Contrary to the position that there was "NO imminent need", there was instead a sudden jump in V zone house sites***

f. *However, for future expansion, genuine need would have to be proved, per Delib 4/6 paras 37 and 43. It is illogical and inconsistent to zone for a big jump for 68 more houses for over 400 more residents when there is NO present need, and only demand proof of genuine need for future applications. It is even more illogical that So Lo Pun, with zero population, gets a much larger jump or increment than Hoi Ha and Pak Lap which have some resident indigenous villagers.*

g. ***The Tai Long Wan Precedent solution, the "cautious approach" confining the V zone to the existing building lots is the proper "starting point" to achieve the Chairman's declared intent "to minimize adverse impacts"(4/6 para 3c) but this precedent was not followed partly because it was misrepresented by PlanD and the Chairman as described in Paragraph 23 below,***

h. *Wrongly the CPE Policy was ignored as not existing, Delib 4/6 para 3(i),*
i. *Wrongly the independent ecological and ecosystem evidence on the species and need to protect the streams, banks and wet areas was ignored,*
j. *Wrongly and/or without assessment Plan D did not exclude unsuitable locations for septic tanks, pollution and other cumulative impacts,*
k. *So that in conclusion, less excessive but still excessive V zones in generally NOT suitable locations, eg flood plain locations were the unreasonable or irrational Decisions in all cases,*
l. *This will reward the "destroy first build later" approach adopted in So Lo Pun and Pak Lap, see below,*
m. *And this will facilitate fraud on the Small House Policy in the case of Hoi Ha and Pak Lap where the V zones under the proposed Amendments have been sold to outsiders who cannot legally apply for Small Houses.*
n. *The cumulative errors shown for example in the Chairman's Summary of findings Delib 4/6 para 3 show the degree of irrationality and error.*

20. In So Lo Pun and Pak Lap trashing or suspected unauthorized site preparation, site formation and drainage works took place and were largely not restored despite some Government intervention. **It is the Town Planning Board Policy to deter those who trash first to develop later.** Right-thinking members of the public will see the excessive zonings for V and GB of partly trashed land as the Board rewarding those who degrade valuable habitats in Enclaves in advance of planning and due authorization. This is bad planning and creates a terrible precedent. Zoning in this way creates a perverse incentive to trash in future knowing the zoning reward will be facilitated in the future. **The Board must not reward trashing with development zoning. GBI or CA is the appropriate zoning, with no buildings,** especially in Enclaves where the habitats may slowly recover from the trashing, given time and protection by zoning and Plan D.

a. ***Toleration of "destroy first build later" in these Enclaves was proved*** *by the evidence of failures to enforce in the absence of Column 2 controls, the known difficulties of detection, the failures to order restoration of damage caused and then finally rewarded with subsequent zoning to GB as exemplified in Pak Lap and So Lo Pun trashing and zoning. The NGO evidence on this breakdown in control was not addressed. This is not a mere allegation as suggested in Delib 20/5 para 67, but is proved in the Plan D Papers. The reason why some of the Enclaves have been brought forward for planning is because of the known threats to the conservation values.*
b. ***Ineffective Planning controls*** *are shown by the Notes for "no filling etc". Without imposing necessary Column 2 controls, or protective zoning such as CA or at least GB1, the current system amounts to official toleration, with hollow declarations of 'No tolerance' by the Board and Plan D at para 69. Hence the assertion elsewhere that Column 2 controls are not necessary is contrary to the evidence.*

c. *It is plainly necessary. The photographic evidence of destroy first in AG zones from KFBG and various NGOs has not been addressed and has been ignored by the Decisions. Such willful blindness to the consequences of inadequate planning controls is bad planning and unacceptable in the Country Park Enclaves but facilitated by the Decisions.*

d. *No valid reason for deficient planning controls causing ineffective control has been given in the Deliberations and the Decisions need to be corrected, hence this Representation.*

e. ***Relying on the "existing mechanisms" such as Lands D and EPD is known to be doomed to failure like other NT Small House problem areas.*** *The failures of the Small House business as usual approach was not addressed, thus toleration of destroy first and build later will be facilitated by the Board Decisions not to impose basic controls, contrary to the professed intent to deter this abuse. The Decision is thus irrational.*

f. *Agriculture which is genuine will be encouraged by the ability to apply for permission under Column 2 of GB1 so that the Board can impose and control with suitable conditions.* ***Under this control, the type of "agriculture" which is akin to site vegetation clearance, site formation and drainage works for development will be deterred and this is the conservation objective to be attained.*** *Examples were given in evidence.*

g. *Unless this is done, trees and wetland vegetation will be at imminent risk of being cleared as a pretext for "agriculture". There will then be the usual denials of responsibility as PlanD, LandsD and AFCD and EPD all protest that they could do nothing...****Now it is the responsibility of Board Members to put in place controls so the Departments can do their jobs to protect the Enclaves.***

h. *The Chairman's summary at 4/6 para 3(j) asserts no tolerance but this is contradicted by para 3(h) in which he asserts no need for better control against such malpractice.*

21. **Bargaining with Vested Interests over V zones is not planning according to law and evidence.** Bargaining processes with Vested Interests demands (in the absence of genuine need and justification) as against conservation is wrong and not a planning process according to law and the evidence. It is not planning or governance according to principle and justification, it is caving in to Vested Interest pressure. **The developer's slogan of "balancing conservation and development"** amounts to Government caving in to vested interest demands for land for outside sale. **This is contrary to Policy and is wrong in principle in Country Park Enclaves which are to be governed by the CPE Policy which is to prevent incompatible development and pressures and threats in the Enclaves.**

22. **This is not the rule of law.** This causes loss of credibility to the Plan D, the Board and the planning process. This also causes bad planning contrary to the public interest.

a. *The "bargaining" method for Small House planning (as noted by the media) is still used in the 3 Decisions and must be reversed.*
b. *It is wrong planning or decision making 'to meet the demands' of vested interests when such demands are not verified and no genuine need is proved and damage to public interest conservation priorities will be caused.* ***This encourages and rewards undesirable pressure tactics.***
c. *This encourages big demands hence big increments or jumps in V zones under the misleadingly named "incremental approach".*
d. *Unverified demands were admitted. The so called Demand Forecasts were also based on unverified material and unreliable and could not be used for ascertaining planning needs. No need was proved. In the case of So Lo Pun no imminent need was proved so there was no reason for a sudden big increment for 68 more Small Houses.*
e. *The balance for conservation against Small Houses in the Country Park Enclaves is only reached after putting all the relevant factors into the balance such as the Enclave Policy, the law, CBD obligations and principles, the GPI and planning principles, the Tai Long Wan Precedent and the evidence. By regarding some matters as not relevant the Decisions of the Board did not achieve the balance.*
f. *Instead, the alleged balance for conservation and Small Houses in the Country Park Enclaves was thus un-balanced by being loaded with unverified demands and sudden increments.* ***The correct balance can be achieved by following the Tai Long Wan Precedent by confining the V zone to the existing building lots. This "cautious approach" is the proper starting point until genuine need is proved.***

23. **The excessive V zones facilitate fraud, and thus Plan D will facilitate fraud and abuse of the Small House Policy.** Land in V zones has been sold to outsider development companies so that development companies cannot legally build Small Houses being planned for the excessive V zones. All of Pak Lap V zone outside the existing built areas has been sold to one developer so this is a particularly blatant example for facilitating future fraud. Much of Hoi Ha proposed excessive V zone has been sold to outsider developers. **The Board has a duty not to create a zone which will enable the facilitation of fraud.**

a. *The Chairman in Deliberations 20/5 para 9 confirmed an assertion attributed to Plan D, that land ownership is NOT a material planning consideration. In this context* ***Plan D turns a blind eye to the fact that it is zoning land for IV Small Houses which is owned by outsiders when it knows that such Small Houses can only legally be applied for and built as the residences of IVs. In such a situation actual land ownership is a crucial factor.*** *The current outsiders/ development companies who own the proposed V zones in Hoi Ha and Pak Lap have no ability to apply for Small Houses legally.*

b. *It is irrational for the Board or Plan D to make Decisions on the basis that they must turn a blind eye to outsider/developer ownership in proposed V zones which may facilitate future abuse of the Small House Policy. Land ownership is highly relevant.* ***Why zone outsider owned land for V zone? There is no point, unless the Plan D wants to facilitate future fraud on the Small House Policy.***

c. *Had the Members not been misled, a different result which followed the Tai Long Wan Precedent could have been decided. A Meeting is needed to remove this key mistake.* ***Fraud in the use of V zone to the detriment of the public interest is a material planning consideration.***

24. **Bargaining with Vested Interests to facilitate breaches, pollution, fraud is contrary to public interest and not the duty of the Plan D and the Town Planning Board. It is wrong in law.**

25. **Precedent solution** where there are vested interest demands for incompatible housing in Country Park Enclave which is not suitable for private housing is to adopt the Tai Long Wan precedent. This precedent was part of the CPE Policy. At the 8th May 2014 hearing the Plan D tried to argue that the TLW case was because of its heritage value but that was shown to be wrong. It is similar to the current Enclaves but some of the 3 Enclaves have even more valuable biodiversity. **No valid reasons for failure to follow precedent by Plan D.** The Board has the solution and duty to use it.

a. ***The Secretary gave "a briefing" on the Tai Long Wan Precedent at a time when the Representors were excluded so Representors were deprived of hearing her version of the case*** *(Delib 20/5 para 46 to 51). If she had significant material to contribute, Plan D should have addressed the matter in the Papers.* ***This behind the scenes briefing is an unfair process*** *and a meeting is required so that the Original Representors can hear and deal with this new material. The full text of her briefing has not been given.*

b. ***The core conservation precedent of TLW which is relied upon in the CPEs was to protect the surrounding countryside by confining the V zone to the existing building lots.*** *Some Members denied this precedent whereas other Members throughout the Deliberations did support the precedent of confining the V zone to the existing building lots. The Secretary apparently asserted that the " unique" Tai Long Wan precedent was "not applicable to the subject CPEs" but it is not recorded in the Deliberation why she said Tai Long Wan is materially different from the 3 CPEs. The Chairman in his Summary 4/6 para 3(n) found that the rationale for the Tai Long Wan precedent included "in particular the historic villages and historic site."*

c. ***The misrepresentation that the Tai Long Wan case was distinguishable because "in particular" it had heritage value was thus repeated despite this error being exposed in the Meeting of 8th May 2014 when Plan D***

first said this, as noted above. *This repeated misrepresentation is a major factor in the Decisions.*

d. *But for this misrepresentation, more Members would have supported the Tai Long Wan precedent which was that the V zones be confined to the existing building lots, especially in the So Lo Pun case, where no present need was proved and the village is uninhabited.*

e. *The heritage value of the Tai Long Wan houses was only relevant to the need for planning consent for rebuilding heritage houses, like Pak Sha O. Thus the heritage value point has no relevance to the core point or what several Members called the "cautious approach" at 4/6 paras 35-39.* ***The core conservation precedent of TLW was to protect the surrounding countryside by confining the V zone to the existing building lots. In this respect, Tai Long Wan Precedent is the sensible solution or "cautious approach" to protect the countryside from execessive V zones or other zones such as GB which enable Small Houses. No valid reason has been given to show this is wrong.***

f. *Another Meeting is needed to correct the errors in process and fact which materially contributed to the wrong Decisions under Representation.*

26. **Pollution which will be caused by V zones and Small Houses was not addressed.** Conclusion is that Plan D OZP facilitates more pollution in CP Enclaves and existing Marine Parks and other water bodies. There was no attempt in the Plan D Papers to address the detailed Representations proving that the Geology of alluvium would lead to septic tank pollution and that the flooding of the flood plain would spread the pollution and pathogens causing more health risks as the amount of new sewage effluent increases with the houses. The damage and dangers and effects on the Marine Park and the beaches were not addressed.

a. ***Big increments in numbers and pollution impact makes assessment of cumulative impacts mandatory.*** *The less excessive increment V zone approach in the Proposed Amendments continues in error as it continues to be a big increment, and still a big jump contrary to the evidence.* ***This still causes great cumulative impacts which have not been assessed or addressed.***

b. *V zones which are "suitable locations" for the big jump in Small House septic tanks have not been identified. Initially Plan D asserted that the V zones were suitable locations because they considered* ***"local topography..and site specific characteristics."*** *see, Delib 20/5 para 7 and 4/6 para 3(c). Each of the Decisions state that V zones are "suitable locations" but these Decisions are now proved to be wrong as a result of the evidence of the Representors and others.*

c. *To the contrary the expert geological and hydrological evidence (Kevin Laurie, David Newbery and HKU experts and others) showed* ***the V zones***

in a flood plain topography are generally and in principle NOT suitable locations.

d. *As a result of the V zones being proved to be in general NOT suitable locations where they are flood plain locations, the issue of Percolation tests was belatedly brought up in the Hoi Ha Paper only. Percolation tests having to be done one by one during the development stage demonstrates the planning failure to assess so as to reliably inform crucial planning decisions. It is bad planning to zone wrongly first and assess to find errors later. Villagers whose expectations will have been raised by this V zoning will be aggrieved when the V zones/suitable locations are found to be unsuitable for various reasons.*

e. ***The "no guarantee"*** *that V zone is suitable for Small Houses caveat used in the Chairman Summary Delib 4/6 para 3(e) and the admission that "suitable location" for STS (and hence Small Houses/V zone) can only be determined by percolation tests demonstrates the mistakes caused by the lack of prior assessment.* ***However, the Decisions are still based on the V zone being "suitable locations". The Decisions are thus contrary to the evidence and wrong and contrary to EPD's position that in general flood plains are not suitable locations for Small Houses and their septic tanks systems, hence they still require suitable locations to be determined for example by percolation testing.***

f. *Having regard to the flooding and high water table in Hoi Ha, better practice as asserted by some Members requires assessment first to determine whether the V zones were suitable for septic tanks, Delib 20/6 para 33-36. The defence mounted to the V zone mistake is that using a "broad brush" approach is adequate so that 'zone wrongly first and lax assessment and find errors later' approach is somehow acceptable planning practice, see Delib 38-41. If the broad brush strokes are so wrong or unreliable so that the zoning is not reliable enough to permit Small Houses, then this demonstrates the need to do proper assessments BEFORE wasting time and paper and raising expectations. This is very far from the "cautious approach" with adequately informed decision making as needed for sensitive areas with wetland hydrology.*

g. *The Secretary said at para 40 that "In general those areas...not suitable for Small House developments had been excluded from the V zones during the plan making process." This shows that mistakes were made in the plan making process as the Representors proved that the V zones in flood plains were* ***" in general" NOT " suitable locations".***

h. *If the Plan D cannot identify a V zone which is in general or in principle a suitable location then it should say so. Better NO V zone than a badly planned and polluting V zone. If Plan D can positively identify some*

suitable locations higher up, as suggested by EPD Mr Tse para 36, it should say so and focus the V zone on that. It is bad planning to V zone the generally unsuitable flood plain locations.

i. ***The fact that assessment for V zoning requires work for Plan D per Delib para 40 is no excuse for failure to do adequate assessments. It is wrong to assert that the Lands D is responsible and is able to remove the problems caused by careless zoning. It is Plan D and the Board which has a responsibility for this bad planning and hence this Representation to allow corrections to be made.***

27. **"Existing mechanisms" do not work in V zones.** No evidence that ProPeCC type Septic Tank Systems will prevent pollution, but instead there is good evidence that Septic Tanks will cause pollution. Plan D ignoring the evidence and the obvious. The Plan D assurance is worthless and Plan D and Town Planning Board cannot wash their hands of responsibility in future by saying it will be EPDs problem for the future. It is the Board's duty to say NO when the V zones will pollute or cause risk of harm to the sensitive areas.

28. Plan D cannot deliver on the verbal promise "to ensure" no pollution. The promise is misleading and it is meaningless because it is not Plan D job to prevent pollution, but Plan D will knowingly facilitate the beginning of pollution in the Enclaves by their bad planning.

a. *The cumulative impact of septic tanks and effluent discharge was admitted by some Members but the eventual Decisions complained of will permit the pollution to incrementally increase so that problems will incrementally worsen and be harder to deal with.*
b. *Existing evidence of pollution, in Hoi Ha, was ignored by the Decision of the Board.*
c. *Official monitoring was to water far from the shore of Hoi Ha, hence the water quality was acceptable.* ***It was misleading to rely on this because the Decision ignored the evidence that water quality near shore in Hoi Ha was already polluted and despite the low permanent population as pointed out by some Members.***
d. *The Decision was thus based on a finding contrary to the evidence, that "existing mechanisms" were adequate, there was no pollution, no risks, and existing mechanisms would prevent more and cumulative pollution.*
e. ***The EPD Mr Tse departed from the standard EPD Guidance*** *on the need for regular emptying of septic tanks, 20/5 para 2021. This requires a tanker pump lorry, hence road access. Presumably he also disregards the standard* ***Health Requirements for Village Type Houses*** *which stipulate that the minimal requirements for more than one house include* ***"road access for desludging vehicle to within 30m from the septic tank."*** *If these conditions are to be disregarded, then EPD must expect more over*

flowing septic tanks and disgusting effluent surfacing near Small Houses, streams, sensitive habitats and the sea. ***This is a vivid example of how "existing mechanisms" can be disregarded, even by officials, and contribute to greater pollution.***

f. *Existing mechanisms having led to the current failures in assessment and planning, revealed by the Representors, the Plan D suggest using a previously UN-used mechanism, the Percolation tests, which have been so rare that no records exist despite being an existing mechanism for over 20 years. Having regard to the deficiencies exposed, the Chairman issued his "no guarantees" warning.*

g. *The cautious approach based on the Tai Long Wan Precedent to confine the V zone to the existing building lots, with excessive incremental jumps, will better protect the Country Park Enclaves which is the objective of the Policy.*

h. ***In the Hoi Ha case inadequate surveys have led to a defective Plan which misrepresents the position of the sea and the high tides so that the Coastal Protection Area zone is partially under the sea.*** *One consequence is that* ***the CPA is not wide enough to provide the intended usual minimum buffer*** *to protect the sea from Small House and septic tank pollution percolating or flowing from the adjoining V zone into the sea.*

i. *The AFCD now confirm this error and this confirms the correctness of the Representors evidence. This evidence was not considered in the Deliberations. Currently some ruined village structures sites are within 10 metres from Spring High Tides and about 18 metres from High Tides, thus if the area continued to be V zone, they could be rebuilt as Small Houses without being subject to any control or Planning controls. Contrary to the assertion that few will be built (20/5 para 17), it is possible 6 Small Houses or 18 flats with associated septic tanks can be built. Even more harmful, para 17stats that "Since Small House developments within the V zone did not require planning permission, the percolation test results would not be subject to scrutiny of the Board." Even worse, being rebuilding these structures would not be regarded as New houses, with even less control*

j. *Only land which is suitable locations for Small Houses can be zoned as V zone. Obviously no rational Board would decide that land within 18 metres of high tides is suitable for Septic tank sewage discharge and V zone. The Board has a duty to prevent houses, septic tanks and waste water within a few metres of the sea, bathing beach and the nearby SSSI and Marine Park.*

k. *The solution is for the Board to widen the CPA zone to at least 50m wide from the actual Spring High Tide mark inland so houses and sewage will be at least 50metres of the sea at any point. It would be a breach of the statutory duty of the Board to protect community health if this mistake continued.*

l. *The standard minimum distance for one house and septic tank in ordinary cases would be 30 metres. In this case with rising sea levels each year, stronger storms predicted, the sudden increment in houses and septic tanks, the sensitivity of the habitats and the popularity of the bathing beach all make the 50 metres CPA a minimum necessary limit.*

29. Town Planning Board has a statutory duty to prevent this bad planning. Board cannot bury its head in the sand and **has a statutory duty under Section 3 of the Town Planning Ordinance to deliver planning for the health and safety of the public.** It will be in breach of its duty if it allows zonings which will contribute to endangering the health and safety. There is no excuse as there is no need to cave in to Vested Interests.

30. Plan D and EPD do not address the failure to meet the Technical Memorandum under Water Pollution Control Ordinance which requires new effluent or STS to be a minimum of 100 metres from the Hoi Ha SSSI. This is not a question of legal interpretation, **it is because of EPD having a policy of not applying the Water Pollution Control Ordinance. Its professed reliance on ProPECC and the inadequate usual mechanisms or administrative measures is a failure to apply the specific law.**

31. Town Planning Board has a duty to not facilitate this intended breach of the law by EPD and others in relation to Hoi Ha.

32. By the TPO planning must be **for the benefit of the community** ***(Section 3, TPO).*** In the context of these OZP and the prevailing Country Park Enclave Policy this means for the benefit of the public interest in conservation, recreation, landscapes and public enjoyment of the countryside. In this context the excessive promotion of Small House Policy seen by the excessive V zones is NOT the objective of the planning exercise.

a. *The Chairman and Plan D having decided that the Tai Long Sai Wan case does not apply, although it states the public interest and expectation for conservation of the Country Park Enclaves, is also bound by a statutory duty to plan for the public interest, for the benefit of the community.*
b. *There is no statutory duty to plan mainly for the benefit of vested interests, but this seems to be the main objective, contrary to the General Planning Intention.*

33. How have Plan D gone so wrong and made so many mistakes? How could the houses planned for So Lo Pun be DOUBLED in number from 69 to 134 houses despite Zero residents for decades? How could Plan D zone developer owned land for V zone? **How could the OZPs become so irrational and unreasonable?** *The Proposed Amended OZPs have become irrational and unreasonable because of the numerous errors made, summarized as follows*

a. *Subvert and not recognize the Country Park Enclave Policy, contradicting the General Planning Intention.*
b. *Not recognize the paramount public interest in conservation over Small House demands, as per the Tai Long Sai Wan Judgment.*
c. *Stating wrongly that the IVs have "Rights" to Small Houses and thus wanting to appease a "need to meet demands" instead of wanting to carry out a statutory duty to meet genuine needs.*
d. *Wrongly decided that outsider ownership of the proposed V zones was not relevant even though zoning the land would facilitate future fraud on the Small House Policy.*
e. *Adopting sudden large increments, the so called incremental approach when there was no need for enlarged V zones, and failing to follow the cautious approach of confining the V zone to the existing building lots as in the Tai Long Wan Precedent.*
f. *Misrepresenting the Tai Long Wan precedent so that Members did not follow it.*
g. *Failed to assess the V zones and thus made mistakes such as deciding that the V zones in flood plains were in general suitable locations when it is now clear and acknowledged by EPD that in general flood plains are not suitable locations for Small Houses and their septic tank systems..*
h. *Failed to assess species, only relied on habitat types information.*
i. *Failed to assess and protect ecosystems and connected ecology and hydrology such as stream courses such as at So Lo Pun and Pak Lap. CA zoning and buffers were necessary and omitted.*
j. *Failed to consider all the evidence from the Representors on existing and probable increased pollution from the cumulative impacts of the excessive V zones in the Proposed Amendments.*
k. *Failing to consider the evidence that the "existing mechanisms" do not prevent pollution impacts in Country Park Enclaves and similar locations.*
l. *Failing to consider that the well known undesirable activities which are part of the " destroy first build later" approach can only be deterred and readily enforceable by increased zoning protection such as by Col 2 controls or better zoning such as CA and GB1.*
m. *Made specific errors in planning each Country Park Enclave contrary to specific evidence.*

34. Why are Plan D unable or unwilling to address the Representations?

35. It is likely that a main reason for the errors is **the overriding wish to appease the Vested Interest demands** by providing excessive V zones far in excess of proved genuine need, plus other zoning such as the degraded GB which offers speculative hope of future development. If this is the case, this is an irrelevant consideration which should be excluded by the Town Planning Board and the Board should decide against planning for excessive V zones. **This irrelevant consideration must not be allowed to overwhelm all other normal**

objections to such planning. The draft OZPs are not rational as a result of the irrelevant consideration of the excessive demands.

36. **Rational and proportionate zoning** to meet "demands" for genuine need of future residences for male indigenous villagers and legal obligations of the Government land leases would be to **follow the good precedent of Tai Long Wan which was pragmatic, in accordance with planning principles and good in law.**

37. The Amendments tabled generally follow the Tai Long Wan precedent in wording and intention. **This is the solution which has been successful in the past.** *This is the " cautious approach" suggested by various Members as opposed to the lax or careless assessment and excessively incremented approach in the Decisions. Hence Amendments are needed.*

38. **By putting items in Column 2 the Board retains control, which is of paramount importance for the sensitive habitats in the Country Park Enclaves.**

39. The existing built areas of V zone reflecting past genuine needs is the appropriate zone size to be retained. **If a genuine need is justified in future, the protected land will be available for consideration on a case by case basis.** However, if under these OZPs it were to be zoned in advance of any real need, this is not the "incremental approach", it **is a big jump in size and numbers** which will facilitate sale to outsiders under the current abuse of the Policy.

40. Handing over excessive lands to V zones means DLO will permit Small Houses without public involvement in the process. As the detailed evidence shows, DLO have limited control or enforcement over **V zones which contribute to the notorious pollution, sewage, access, safety and health problems of V zones**, all of which are contrary to the planning objectives under the TPO.

41. The Board's has a duty to decide in the public interest. **In balancing the unverified demands from vested interests versus the policy, evidence, law and genuine needs for conservation, the Board has a duty to protect the public interest and legitimate expectation in conservation of the Country Park Enclaves.** The Government Policy and the Court have recognized that the public expectation for better conservation of the Country Park Enclaves and the Town Planning Board has a solution to achieve this.

42. ***Summary of Representations for specific amendments to the Board Proposed Amendments as proposed by Representor.***

43. *As of 11th August 2014, clearance of vegetation at the old ruins near the coast of Hoi Ha has started in anticipation of the Board's Decision. Unless the Board accedes to these Representations and further Amendments are made, the Board will be implicated in the destruction of Hoi Ha and other Enclaves.*

44. *Proposed Amendments reducing and removing some V zones are supported insofar as they reflect the consensus of the Representors evidence that there is no genuine need for excessive V zones, they are not in suitable locations and that conservation zoning is the appropriate decision.*

45. *Proposed Amendments to be Amended so the V zones be confined to the existing building lots following the Tai Long Wan Precedent and as supported in principle by several Members of the Board.*

46. *Amend the Proposed GB to CA (or at least GB1 where appropriate) to provide the better protection required under the Policy and as required by the General Planning Intention, the sensitive ecology and habitats against Small House pollution and other impacts as supported by the evidence.*

47. *Proposed Amendments for all Enclaves to be Amended to protect the water courses, streams, wet areas, marshes, forests, mangroves, shore and marine habitats and species from pollution and destruction. Buffer zones of CA (or at least GB1 where appropriate) with no Small Houses and septic tanks to be added by Amendment as required as per the evidence, scientific opinion and standards for such places.*

48. *In particular Amendments to protect by CA (or GB1 as appropriate) at least 30 metres on each side of the main streams identified by the Representors plans and habitats listed.*

49. *Agriculture to be placed in Column 2 so that planning control can prevent further destroy first and build later and render effective the no tolerance approach of the Board.*

50. *For Hoi Ha, the V zone boundary be altered and the CPA be Amended and widened to a minimum of 50metres inland from the current Spring High Tide mark so that a buffer for Small Houses and septic tanks is provided and or planning controls can be imposed.*

51. *The Representor will supplement and amend these Amendments in the Meetings to be held in due course and hopes to address the required improvements to the Plans.*

EMS Kilburn
Representor.

with support in drafting of this Representation from Ruy Barretto SC (8691.rb)

tpbpd

TPB/R/S/NE-HH/1-F39

寄件者: Tony Nip [redacted]
寄件日期: 15日08月2014年星期五 19:51
收件者: tpbpd@pland.gov.hk
主旨: Comments on Proposed Amendments to the Draft Hoi Ha, Pak Lap and So Lo Pun OZPs
附件: HH, PL, SLP submission 140815_TN.pdf

Dear Sir/ Madam,

Attached please see my comments on the captioned.

Best Regards,

Tony Nip

00054

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.

(Email: tpbpd@pland.gov.hk)

15th August, 2014 **By email only**

Dear Sir/ Madam,

Comments on the Proposed Amendments to the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1 Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1 Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1

1. We refer to the Town Planning Board (TPB) Papers No. 9679, 9680 and 9681, and the deliberations for the plans in the 1057th TPB meeting held on 20th May, 2014 and 4th June, 2014.

2. We consider that, during the deliberations for the aforementioned plans, the TPB might not have fully considered (and discussed) or might not have fully understood all the details of the issues presented by the Environmental NGOs on 8th May and 19th May, 2014. Some important points seem to have been disregarded, not discussed or might have been misunderstood according to the record of the meeting minutes. Thus, the proposed amendments to the draft OZPs were not made under circumstances in which the TPB members fully understood and well aware of the rationale behind the solid proposals made by the Environmental NGOs. We, thus, now wish to provide a further submission in order to pinpoint the shortcomings in the minutes of the meeting and to also provide comments on the proposed amendments.

Deliberations on 20th May, 2014

Genuine Need for Small Houses

3. The TPB meeting minutes mentions that the "V" zone should, firstly, be confined to the existing village settlements and the adjoining suitable land and then later, expand outwards upon demonstration of genuine need for Small House (SH) developments (i.e., Section 7 of the meeting minutes)[1]. We would like to point out that it is not at all clear that the sizes of the V zones under the proposed amendments are delineated based on the premise of **"proven genuine needs"**. As mentioned on many occasions, for instance, the current population in So Lo Pun is zero, and there is no outstanding SH application for this village. If the "villagers", or landowners, who are now living elsewhere (e.g., overseas) would like to resume living in this long-abandoned derelict village and to revitalise it, a common sense and truly incremental approach is that they should make use of the existing abandoned houses and the available but empty land within the existing village settlement in the first instance. It is not possible to understand why an extra piece of vegetated land of 1.72 hectares still needs to be made available for 68 new SHs to be built in the current proposal, based on the data cited above ("zero" population and "zero" outstanding SH application). The proposal to zone this extra piece of land as "V" is just simply not sound, and not at all an incremental approach (i.e., from 0 to 460 persons (so called planned population)). This very same concern also applies to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; with the additional SHs that can be built: ca. 40).

[1] http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf

Septic Tank and Soakaway System (STS) and Water Quality Impact of Small Houses

4. Environmental NGOs together with distinguished and knowledgeable professors from The University of Hong Kong presented (using scientific field study results and field observations) that the current sewage treatment arrangements in rural villages would not be, in any way, able to protect the water bodies in and surrounding the Enclaves from man-made pollution (**Appendix 1**). Prof. Brian Morton, a highly distinguished Emeritus Professor with many international scientific accolades of The University of Hong Kong who is the pre-eminent scientific authority on Hong Kong's marine environment and pollution for more than 30 years and who was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which formulated the legislation necessary to develop the MPs (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the impacts of additional SH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves (see **Appendices 2** and **3**).

5. However, with regard to sewage and wastewater disposal, the authorities offered the view that the current arrangements (e.g., percolation test, STS) would be enough to safeguard the water quality of water courses and water bodies. For instance, according to Section 14 of the meeting minutes, EPD mentioned that the LandsD, when processing Small House grant applications, would require the submission of a certified STS proposal (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments and the LandsD would also require an Authorised Person (AP) to certify that the design of a septic tank meets the relevant standards and requirements as stipulated in ProPECC PN 5/93, including a percolation test. APs are professional persons registered under the Buildings Ordinance and any misconduct or negligence by APs would be subject to disciplinary actions.

6. We would like to ask:

(1) Is it a statutory requirement that the submission of a certified STS proposal by the AP in respect of a small house development must be checked, approved and agreed to by the EPD?

(2) Can the LandsD/ other relevant department(s) provide any data to show how many SH applications have been rejected mainly/ partially due to the non-compliance with the percolation test requirement, or has there been any such case, so far?

7. We consider that the answers to the above questions are critical to enable the TPB members to understand how robust or effective the current approach is in terms of administration of the certification process for certifying STSs for small house development.

The LandsD as recorded in Section 15 of the meeting minutes mentioned that a "conservative approach" has been adopted in processing SH applications, by the department. If such an approach really exists and if the certification arrangement mentioned in Section 5 above is really effective, we cannot understand why the then Secretary for the Environment, Transport and Works in her reply in 2005 to LegCo stated the following:

"*...However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams...to remain unsatisfactory.*"[2]

9. The relevant authorities in their proposals to carry out sewerage projects in rural areas repeatedly stated that STSs are not reliable:

"*In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public.*"[3]

"*At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soakaway (STS) systems). Such facilities*

[2] http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf
[3] http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf

might however become ineffective due to their proximity to watercourses[1] *or inadequate maintenance. Sewage from such areas has therefore been identified as a source of water pollution to nearby watercourses and the receiving waters of Deep Bay."*[4]

10. According to these salient facts as mentioned by the various Government authorities, we feel that the problems associated with the construction and operation of STSs in countryside settings might not have been thoroughly deliberated in the TPB meeting (according to the meeting minutes), and the authorities just continued to maintain that the current sewage arrangements would work – even when the Government itself has repeatedly admitted and field data simply shows something contrary – STS systems are poorly maintained and ineffective. We are highly concerned that the TPB members might not have given a full picture to be able to critically analyse the effects of having more SH (and STS) in CP Enclaves, and thus, might make decisions based on biased or incomplete information.

11. We are also shocked to learn that the EPD in the meeting stated the following (in Section 21): "*...In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services.*"

12. Based on the above statement, can the EPD provide the name(s) of the contractor(s) or the number of contractor(s) that would provide a service to clean the STS **manually,** and to carry the sludge away using vessels (e.g., for STSs in So Lo Pun and Pak Lap)? We would also like to mention that 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by vehicle, and "Eating Place", which can be a restaurant, is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide some "Bed and Breakfast" service or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance (in Section 21). If in the future, these "visitor-friendly facilities" (e.g., Bed and Breakfast) become a standing feature or there are some restaurants (say three to four restaurants) in these Enclaves, how can the STSs for these facilities be maintained properly in order to prevent them from creating pollution? We do not consider that these problematic situations were thoroughly considered during the deliberations and, thus, the making of the proposed amendments might not have taken into account the possible damaging effect of these potential developments (e.g., more restaurants) on the natural environment.

13. We are highly concerned that "Eating Place" is an always permitted use on the ground floor of a SH. Any such operational facility would cause significant water pollution impacts and this is also apparently the concern of a TPB member as indicated in Section 53. But as recorded in Sections 54 and 56, the authorities replied as follows: "*if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)*" and "*a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.*" We cannot understand how FEHD can become the department responsible to assess or vet water pollution issues as it is not the authority to enforce the Water Pollution Control Ordinance (WPCO); EPD is the authority. The FEHD mainly handles "environmental hygiene" issues of premises but does not deal with the illegal discharge of polluted wastewaters which would cause environmental pollution to the surroundings. The FEHD is also not the authority to check whether or not the design and specifications of the sewage system have complied with the requirements of relevant ordinance(s) controlling pollution. Furthermore, during the meeting, there was no representative from the FEHD and we are also confused as to why the LandsD, as shown in Section 54, would be the authority to elaborate on this issue as it is neither the main office to control water pollution nor to manage environmental hygiene matters. We consider that the reply could not address the issue at hand and also the fact that there would be difficulties in enforcing the WPCO (as stated by the EPD itself in Section 28). Section 56 also states that "Eating Place" would be intended to serve the needs of the villagers. We consider that this statement does not truly reflect the real world. **Appendix 4** should have shown that many of the restaurants in village houses have been highly commercial operations, serving visitors rather than villagers, and, this is a common phenomenon in many rural villages. We strongly urge that "Eating Place" should NOT be an always permitted use in SHs (ground floor) within Enclaves.

14. The EPD also stated in Sections 23 and 25 that the STS has been effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as "excellent", and even in areas already

[4] http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf

served by public sewerage such as Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by these statements.

15. Firstly, it has already been demonstrated that the coastal shoreline of the HHW MP is polluted, and this is the area (not the "main water body" in the central part of the MP with deep water) which is also frequented by the majority of visitors (see **Appendix 5**). We cannot understand why the EPD used the water quality data collected from the deeper offshore open waters in the main body of the MP to interpret the potential effect of the SHs and associated STSs on the health of the majority of visitors who use the near shore coastal area only. Secondly, we of course know that waters outside some areas with sewers also contain high levels of *E. coli* but the EPD did not mention that these high levels would be contributed by illegal discharges (both in urban and rural areas, see **Appendix 6**), and this is also a common phenomenon in rural areas as repeatedly shown in presentations to the TPB by the Environmental NGOs. For instance, the highly polluted water discharged into the near shore coastline of Ting Kok as shown many times to the TPB would also largely increase the *E. coli* levels in Tolo Harbour. It seems that the EPD did not relate this fact in their interpretation in Section 25 and this might have affected the judgment of the TPB members.

16. Based on the information in the above appendices, we are highly concerned that the captioned Enclaves and their surrounding waters will be greatly affected by the sewage generated by the proposed V zones and the associated activities (e.g., always permitted "Eating Place"). The relevant authorities seem not to have directly addressed all these concerns and worries (i.e., the ineffectiveness of the current sewage system in rural areas as realised by the Government itself, i.e., see Sections 8 and 9 of this letter). The proposed amendments to the zonings of the draft OZPs still do not truly reflect that these concerns by the Environmental NGOs and various scholars have been fully addressed based on all the available information presented and which should have been taken into account. Indeed, the EPD also admitted in Section 28 that enforcement action due to illegal discharge of wastewaters can be problematic and we simply cannot understand why at the same time the authorities would be completely confident that there would not be a significant water pollution issue in the Enclaves under such circumstances. Given that there is a known and practical difficulty in controlling the discharge of polluted water and the value (ecological, conservation, landscape, recreational) of these Enclaves is so high, a conservation approach should be the guiding principle that is best served by confining the V zones to the existing village settlements in order not to allow potential pollution sources (both point and non-point) to increase in these pristine natural areas of countryside.

The Tai Long Wan approach

17. Section 41 of the meeting minutes states that an over-restrictive approach to confine the V zones to existing village houses would be unnecessary. However, we would like to mention that based on the objective and scientific data provided by Environmental NGOs and university scholars, the practical difficulties associated with enforcing the law and controlling pollution (as admitted by the EPD), the pollution status in unsewered areas (as mentioned by the Government itself) and also the ecological sensitivity of the Enclaves and their surrounding CPs, the exact opposite is true, and that is – it is highly necessary to confine the V zones. We do not agree with the statement in Section 42 that there would be "sufficient control" on unacceptable environmental impacts on the surroundings which runs counter to the evidence presented by the Environmental NGOs, the university scholars and even by Government, itself, as stated in above paragraphs.

18. Indeed, the Tai Long Wan approach should have provided the TPB with the insight for the planning of the zonings in the CP Enclaves. We cannot understand what the Tai Long Wan Enclave possessed in terms of "unique planning background and characteristics", as stated in Section 48 by the LandsD. We consider that the LandsD would need to elaborate on the details of the so-called "uniqueness" of Tai Long Wan, as compared to Hoi Ha, Pak Lap and So Lo Pun. In terms of ecological importance, the latter three Enclaves would be of higher significance; they are also surrounded by CPs and also provide recreational space for the public. Hoi Ha Wan is an area of outstanding beauty and with a recognised status as a MP. We note in the meeting minutes that the authorities attempted to use the presence of "well-preserved historic villages and a site of archaeological significance" to differentiate between Tai Long Wan and the three captioned Enclaves. But we would like to reiterate that, as stated in the Approved Tai Long Wan OZP[5], the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character and not mainly to conserve the historic and archaeological elements there. We cannot understand why the

[5] http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf

authorities tended to emphasis the latter but at the same time disregarded the primary intention which is to simply protect the natural environment.

Deliberations on 4th June, 2014

19. Section 3(n) of the meeting minutes[6] for the above deliberations misinterprets the intention of the Tai Long Wan OZP; Section 18 of this letter (above) should have provided the actual wordings used in the Explanatory Notes of the OZP and we urge the TPB members to note this. Moreover, because of Section 3(n) of the minutes, we are concerned that the TPB members might have been misinformed and, thus, the plan making decisions might have been erroneous (i.e., not making reference to the appropriate benchmarks set out in a highly relevant precedent case).

20. Regarding the Tai Long Wan approach, the authorities as shown in Sections 12 and 13 of the meeting minutes mentioned that in order to protect the areas of "high heritage value" in Tai Long Wan, a stringent approach was thus adopted (e.g., to confine the V zone to existing village settlement) and the same approach should not be applied to the three Enclaves as there are no such areas with high heritage value. We would like to remind the TPB that as shown in the TPB Paper No. 9430 (for Hoi Ha), there is an Archaeological Site in the Hoi Ha Enclave and the V zone as currently proposed (outside the existing village settlement) is actually covering this site. We cannot understand why, if protecting "cultural heritage" is suddenly such an important issue in the eyes of the authorities, that this Archeological Site is not well protected by the zoning plan from the destructive impacts associated with the development of SHs and that new SHs are allowed to be built within this site. This is simply demonstrating remarkable inconsistency through planning intentions in recognizing and protecting features of archaeological importance in the CP Enclaves.

21. We also note that some TPB members expressed their concerns on the impacts caused by the additional SHs on the water quality of the HHW MP. We would like the TPB to note Sections 4 to 16 of this letter and relevant appendices.

22. According to Section 35 of the meeting minutes, a TPB Member said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Indeed, the Environmental NGOs made the same point during the hearing for the first draft So Lo Pun OZP (see **Appendix 7**). According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be "disturbed" and "young" by the authorities, but even so, it is now proposed to be largely covered with a Green Belt (1) (GB(1)) zone; in Pak Lap, the patchy woodlands are even covered with Conservation Area (CA) zone. In general, no new SH development would be allowed in these two zones. In contrast, the woodlands in So Lo Pun which provide habitats for many species of conservation concern (see **Appendix 7**), is now proposed to be covered with a GB zone only and SHs are allowed to be built through the planning application process. In general, GB has been considered as a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes in order to cater for the "need" of the indigenous villagers. We cannot see any logic here – **the best piece of woodlands receives the least protection status.**

23. Section 48(h) of the meeting minutes also mentions that the upper section of the So Lo Pun Stream is bounded by "disturbed, young" woodland, and thus, the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we do not see any mention that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: "*...wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park*". We would like the authorities to provide further scientific information to support the new description outlined in Section 48(h); otherwise, this is only a subjective statement. Overall, we consider that covering the woodland in So Lo Pun with a GB zone is highly problematic; this decision does not seem to following the approach of the other two Enclaves and is not soundly based on the intrinsic values of this mature woodland. **This zoning status should be critically reviewed.**

24. According to Section 43 of the meeting minutes, the Chairman mentioned (after summing up Members' views): "*...based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed "V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted.*" We cannot understand why the proposed

[6] http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e6.pdf

"V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D would suddenly become the recommended version. Indeed, as mentioned in Section 3 of this letter, we are not convinced that it is an incremental approach (e.g., shooting-up from zero population to 460 persons). The number of new SHs allowed to be built in So Lo Pun, in future, would also be the highest amongst the three Enclaves (So Lo Pun: 68; Hoi Ha: 40; Pak Lap: 18) YET both its existing population and its outstanding SH demand are the lowest (both are zero). Again, we fail to understand the underlying logic here.

25. According to Section 53 of the minutes, a Member expressed his concern that: "*Even if the concerned area was rezoned to "AGR"* (in Pak Lap), *the prospect of obtaining planning approval for development would be quite high.*" We would like to say that this is completely true. We are highly concerned that the new Agriculture (AGR) zone proposed for Pak Lap would finally be filled with many SHs in the future. If "agriculture" use (suddenly) becomes an important element for consideration, why can't a more conservative zoning like GB, GB(1) or CA be applied, anyway, since "agriculture" use is also ALWAYS permitted (in Column 1) for such zones? Only by applying a more conservative zoning can the intention of reducing the V zone (to avoid the destructive environmental impacts from building and operating SHs) be fully achieved.

26. With regard to the designation of a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned in Section 56 that: "*according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI.*" We consider that this is wrong in principle and highly misleading. According to the draft plans for To Kwa Peng and Pak A (both are CP Enclaves), the riparian zones of the streams there have been covered with GB and these watercourses are not EIS/ SSSI. Section 58 of the meeting minutes mentions that Pak Lap Wan is not a MP. But we would like to reiterate that it is an important habitat for a rare species of high conservation concern – Amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognised by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and, thus, the species of concern. We, therefore, reiterate that there should be a buffer zone for the watercourse.

27. Section 4.1(a) of the TPB Paper No. 9509 (for the Tin Fu Tsai Enclave) mentions: "*...the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible* (but we doubt that), *would collect the sewage from point sources,* ***it would still be necessary to prevent/mitigate water pollution from non-point sources. The effective means to prevent water pollution, in particular from nonpoint sources, is through land use control....***" We consider that this is a very factual statement but we cannot understand why this principle is not applied to Pak Lap. We do not agree with the conclusions made in Sections 71(c) and (f) of the meeting minutes.

28. According to Section 59 of the meeting minutes, the PlanD stated that: "*the concerned area* (i.e., the new AGR zone in Pak Lap) *was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as "CA" or "GB".*" If an area with Water Fern cannot be justified to be zoned as CA/ GB, we would like the authorities to support their CA zonings in Pak Lap and also the GB zoning in Tin Fu Tsai with justified scientific evidence. In Tin Fu Tsai, fields that are mostly used for war-games are now covered with a GB zoning status.

29. We strongly agree with the statement made by a Member as shown in Section 61 that: "*In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for CPEs* (CP Enclaves) *with low population and not served by vehicular access and infrastructural facilities, the "V" zone should be confined to the existing village settlements. As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach.*" However, we are disappointed to note that this has not been taken forward and clearly set out in the three amended plans.

Concluding Remarks and Recommendations

30. Based on the above, we are highly concerned that the views of the Environmental NGOs and the university scholars might not have been fully discussed during the meetings. We also see some illogical statements, perhaps based on lack of understanding or misinterpretation in the meeting minutes. As such, we are highly concerned that the proposed amendments were made without entirely making reference to all relevant points. Our counter proposal is as follows (and shown in **Figures 1, 2 and 3**).

31. The V zones of these three enclaves should be confined to the existing village settlements. We do not see any concrete information or tangible evidence provided to prove that the Tai Long Wan precedent cannot be applied to these three enclaves. In order to properly undertake the incremental approach as mentioned by many Members, we propose that the currently proposed V zone outside of the existing village settlement can be zoned as GB. In the GB zone, SHs can still be built through the planning application process and, thus, the rights of the indigenous villagers would not be in any way extinguished. The GB zone, at the same time, can also ensure that any applications that would cause environmental impacts would be fully reviewed by the authorities and be noted by the public. We consider that this is better management for a real incremental approach.

32. The proposed GB in So Lo Pun should be zoned as GB(1)/ CA to reflect the true ecological value of the woodland and, also, the upper section of the stream whose value seems to have been underestimated.

33. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (e.g., GB(1), CA), for reasons as stated above.

34. Eating Place (and other uses that would cause significant pollution) should not be an always permitted use in the V zone (ground floor of SH) as the ordinance to control water pollution cannot be easily enforced in the natural countryside and rural settings.

35. We would like to emphasise that the proposed zonings which we are now recommending in this letter, after considering the views of some TPB members, is a compromise which is not strictly following the approach previously adopted by the TPB for the Tai Long Wan Enclave. In terms of protecting these Enclaves and also their surrounding CPs, we would like to reiterate that indeed the Tai Long Wan precedent is the only correct approach; the amendments as currently proposed by the PlanD are a diluted approach for protection of the ecologically sensitive and valuable habitats in these Enclaves and simply wrong in many principles as stated above, and thus should be rejected.

Thank you for your attention.

Yours faithfully,

Tony Nip
(Email: [redacted])

cc.: TPB Members

Figure 1. Proposed zonings for Hoi Ha (our proposed amendment is in blue)

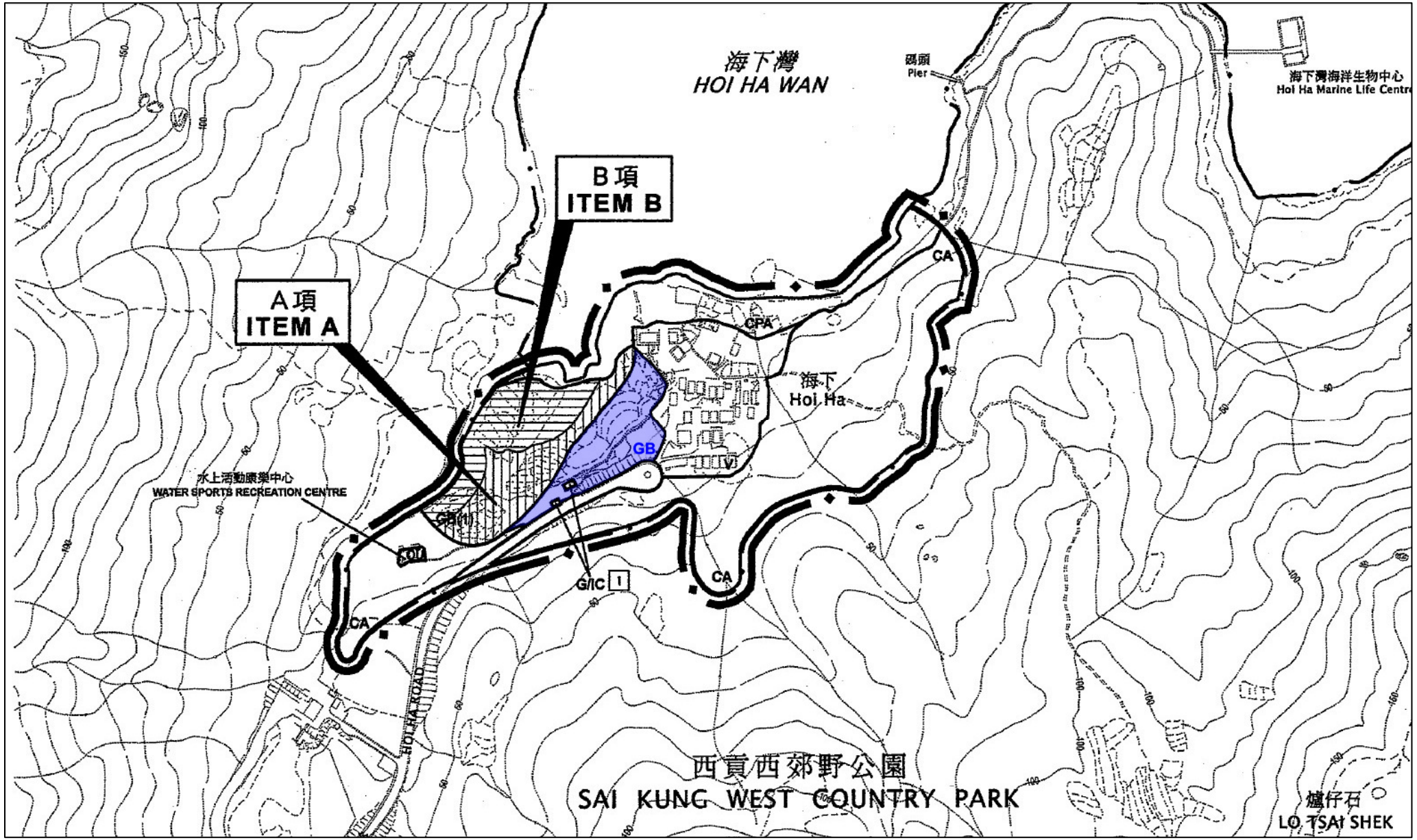


Figure 2. Proposed zonings for Pak Lap (our proposed amendments are in blue and green)

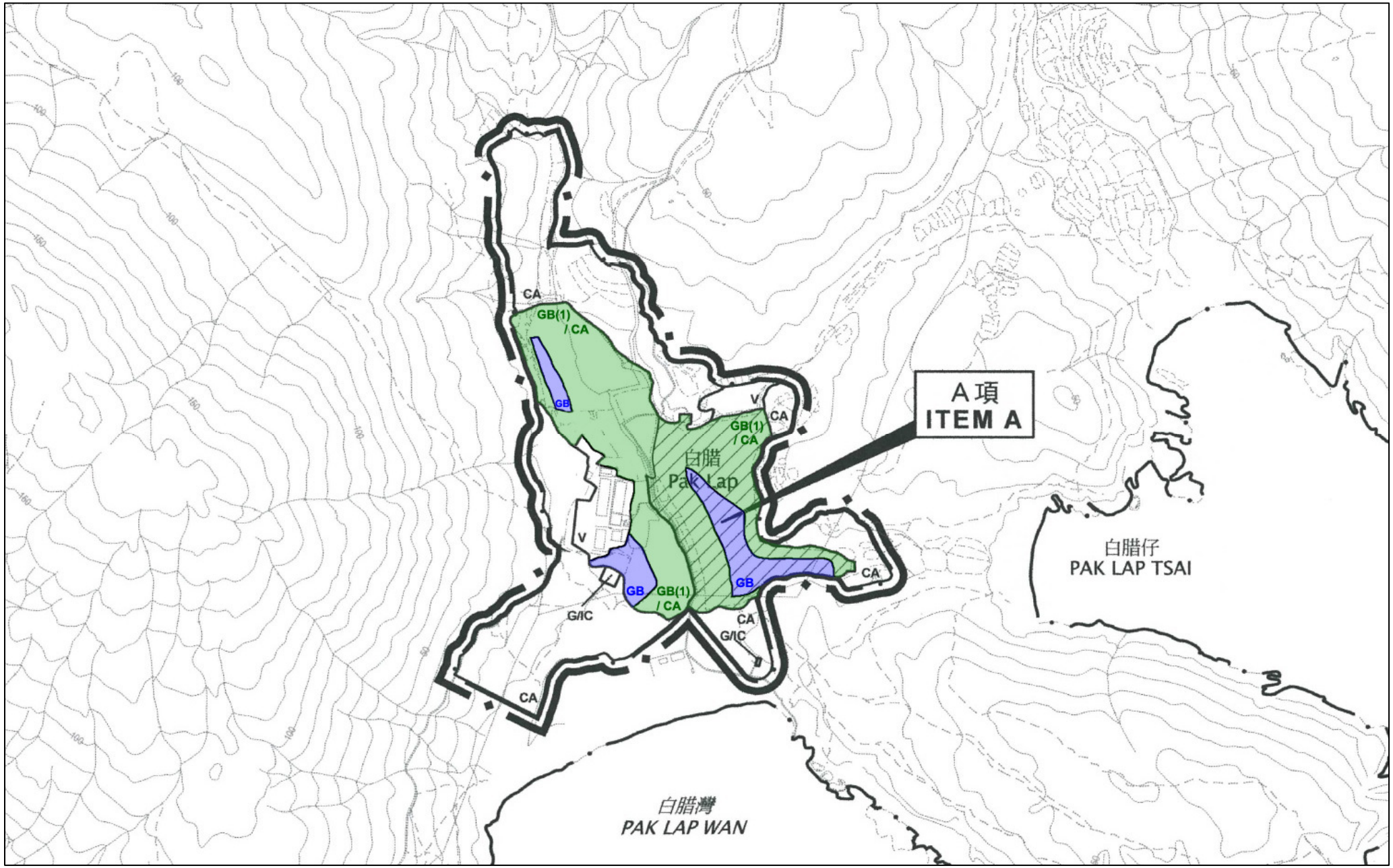
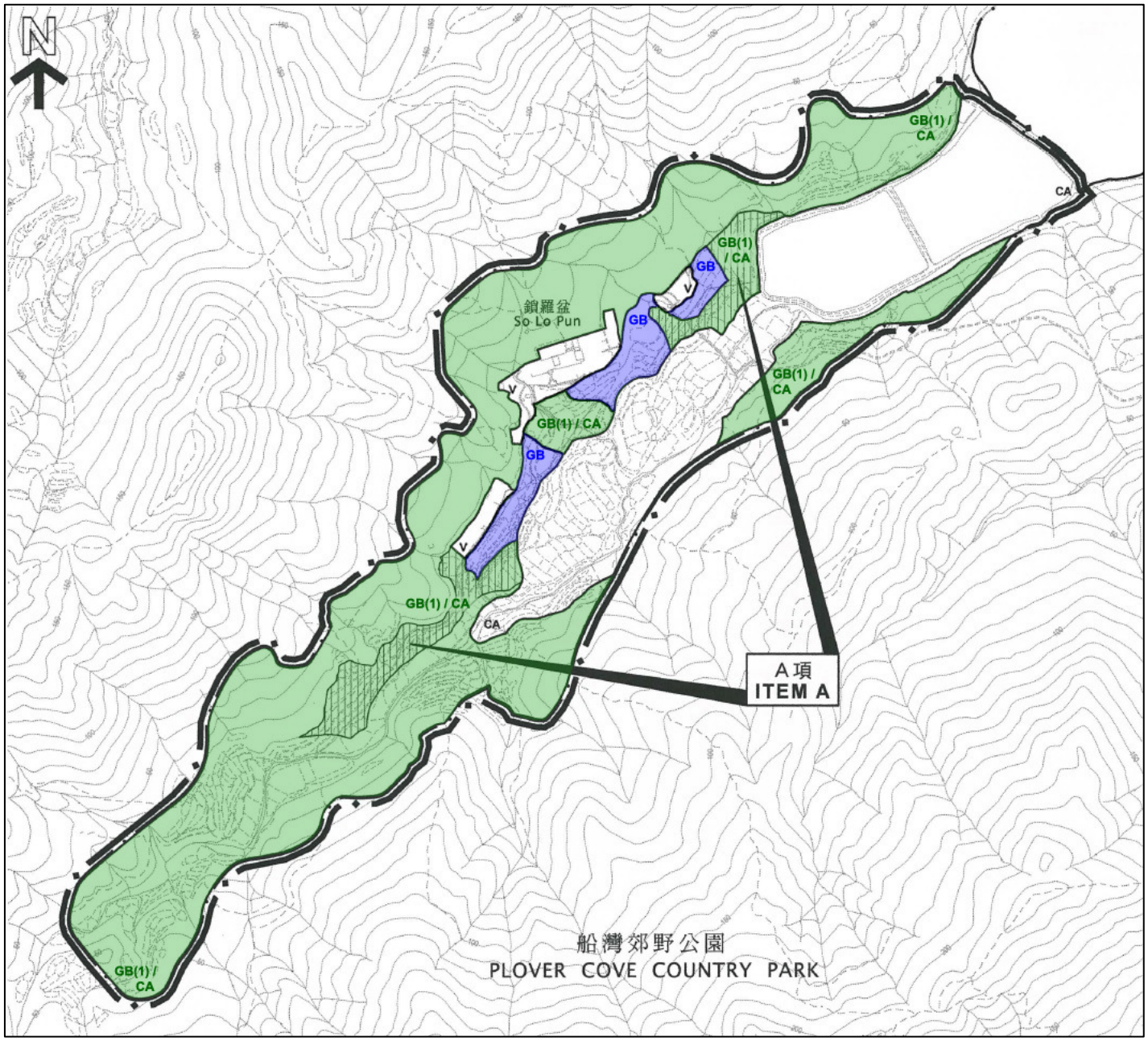


Figure 3. Proposed zonings for So Lo Pun (our proposed amendments are in blue and green)



Appendix 1. Presentation by the Professors from The University of Hong Kong showing the man-made pollution along the coast of Hoi Ha Wan

Results (Xu & Leung, unpubl. data)

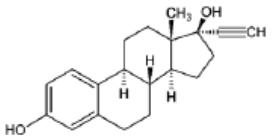
Mean EDC Concentrations in Various Samples from HHWMP

NP: Nonylphenol, OP: octylphenol, BPA: bisphenol A, E1: estrone, E2: estradiol, and EE2: ethinyl estradiol; TBT: tributyltin, TPT: triphenyltin and OTs: total organotins

		Endocrine Disrupting Chemicals								
Sample	Season/Species	NP	OP	BPA	E1	E2	EE2	TBT	TPT	Total OTs
Water	Summar	188.1	12.7	19.9	0.6	ND	ND	1.8	1.6	4.3
ng/L	Winter	13.3	1.3	10.1	ND	ND	ND	ND	0.5	0.8
Sediment	Summer	278.2	29.5	543.1	7.0	1.3	0.7	3.3	22.2	50.2
ng/g dry wt	Winter	260.1	28.8	476.0	ND	ND	ND	1.7	20.9	46.2
Marine	Damsel fish	157.7	35.2	94.3	9.6	ND	ND	2.0	59.2	79.9
Organism	Grouper	226.3	40.5	32.5	ND	6.9	ND	4.0	32.2	44.3
ng/g dry wt	Green mussels	169.8	58.8	609.5	10.7	ND	5.4	8.3	153.5	195.7

- Water, sediment and marine organisms in HHWMP were contaminated with synthetic NP, OP, BPA, and organotins.
- At current levels of NP in seawater, some fish species would experience endocrine disruption including sex change in male fish, and reduced fecundity (i.e., fitness).
- Female gastropods would develop imposex if exposed to TBT or TPT at ≥ 1 ng/L.
- The green mussels accumulated more EDCs than the fishes; they also accumulated EE2 which is the main active ingredient of contraceptive pills.





Appendix 2. Letter to be submitted by Professor Brian Morton for Hoi Ha

To: The Chairman, Secretary and Members of the Town Planning Board.

Hoi Ha

Dear Chairman,

Please find the attached, which I would appreciate you putting forward, alongside this letter, to the members of the Town Planning Board at its next meeting whereat the new housing developments proposed for Hoi Ha will be discussed.

I was resident in Hong Kong from 1970 to 2004 and am still a permanent resident visiting the University of Hong Kong and my many local friends at least once every year.

You may not know this (time, as I have discovered, being a great amnesiac) but I first put forward the proposal to develop marine parks and reserves in Hong in my book "*The Future of the Hong Kong Seashore*" (1979) and elaborated upon this in "*The Seashore Ecology of Hong Kong*" (1983). Following the advice given to the AFCD by a working group (which I absented myself from to avoid a conflict of interest), I was appointed Chairman of the Marine Parks and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks and Cape d'Aguilar as a marine reserve. Hong Kong's Legislative Council passed this legislation on the 31 May 1995. Subsequently I was appointed Chairman (1995-1999) of another AFCD working group (Marine Parks and Reserves Committee), which recommended that the Country Parks Board be renamed the Country and Marine Parks Board. This was enacted on 10 August 1995 and, subsequently, staff officers within AFCD have themselves, with other citizens, produced additional educational and recreational books and pamphlets and acted as guardians to the natural treasure that is Hoi Ha.

Prior to these and subsequent official actions (1988-2003), I was appointed Chairman of the WWFHK Hoi Ha Wan Committee with the objective to develop the marine park for recreational and educational objectives and to build a Marine Life Education Centre at Hoi Ha Wan. In this context WWFHK raised HK$38 million and HK$14.5 million from the Hong Kong Jockey Club and the Hong Kong Shanghai Bank Charitable Trust, respectively, to build the centre. The Hoi Ha Wan Marine Park was designated in 1995 and the Hoi Ha Wan Marine Life Education Centre was opened on 19th January 2008. Subsequently, WWF International declared Hoi Ha Wan Marine Park and its Marine Life Education Centre one of the "*100 Gifts to the Earth*" and I wrote a book "*Hoi Ha Wan*" (1992) and the educational materials for the Hoi Ha Marine Life Education Centre and which are still used today. Also today, the centre's educational programmes and its glass-bottomed boat "*Transparency*" are fully booked for school and other visits, at least one year in advance. Their popularity has gone far beyond any perceived notion of success.

I neither remind nor inform you and your committee of the above facts for my own or your edification nor approbation but simply to demonstrate just how important I then believed

Appendix 2. (con't)

and still believe that Hoi Ha Wan is not just ecologically (particularly in terms of its corals and *bonsai* mangroves bordering the sand spit that encloses the periodically and naturally built up and deflated lagoon) but, also, as a natural park for the benefit of the ordinary people of Hong Kong..

I visit Hoi Ha Wan every time I come to Hong Kong and I cannot impress on you and your committee enough just how popular this marine park and its surrounding country park is to the citizens of Hong Kong. I take trips on "*Transparency*" with, typically, the school children of Hong Kong's urban-residents and it is clear to me just how much they enjoy and benefit from the experience that is given to them by the park and its educational facility. If you and your committee members have never done this, I urge you to join a school outing on "*Transparency*" and to see for yourselves not just the corals, but the total environment of the bay and how Hong Kong's children react to their experiences therein..

Researches by my own Ph.D. students, while I was employed by the University of Hong Kong, then identified a declining environment in Hoi Ha Wan especially with regard to water quality that was and probably still is, affecting the resident corals adversely. Further development of the riparian edge of the bay itself would impact adversely the mangroves which, as I identify in the *Marine Pollution Bulletin* editorial attached to this letter, are already being affected by earlier developments and would be more so by any future housing developments. Further developments around Hoi Ha Wan must, inevitably, exacerbate this problem hastening the decline of this unique little ecosystem..

I have seen, read and carefully examined the many documents related to the debates that have been engendered by the proposal to develop Hoi Ha further for housing – which I am convinced is for non-permanent residents. That is, for second homes and holiday accommodations. I am also aware of Hong Kong's lack of affordable housing for its citizens and understand the Hong Kong SAR Government's highly commendable wishes to ameliorate this situation for its citizens. But I personally doubt any village homes at Hoi Ha Wan will contribute in any meaningful way to achieve this..

I am sure that you and the members of your committee will have read, as have I, the proposals for and objections to further developments within Hoi Ha Wan. This letter is not, therefore, an attempt to add further fuel to the discussion, but a direct appeal from a Hong Kong marine scientist who saw the importance of Hoi Ha many decades ago and alongside, many, many, colleagues both within and outside the Hong Kong SAR Government, worked tirelessly to leave some vestige of a natural heritage behind them for the benefit of the ordinary citizens and their children of Hong Kong. Not just this, but the commitment shown by fund-awarding charitable bodies, such as the HSBC Charitable Trust, the Jockey Club and WWFHK (identified above) towards the recreational and educational development of Hoi Ha, should be respected and honoured. We all, as a disparate but united and dedicated assemblage

Appendix 2. (con't)

of civic-minded residents, anticipated and expected that the Hong Kong SAR Government would honour its commitment to protect and conserve this tiny bay for posterity so that those yet to come would experience what we can see today and did our honest best to protect..

I trust that you, Mr Chairman, and your committee can honour that commitment made so many years ago and come to a decision regarding Hoi Ha, which states that it will not agree to the abrogation of an earlier will, then so strong, to protect that which so many Hong Kong citizens love..

I remain, Sir, your obedient servant..

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Professor Brian Morton OBE..

Emeritus Professor,..

The University of Hong Kong..

.

12 August 2014..

Appendix 3. Scientific paper written by Professor Brian Morton regarding Small House Policy and its potential impacts

Marine Pollution Bulletin 85 (2014) 1–3

Contents lists available at ScienceDirect

Marine Pollution Bulletin

journal homepage: www.elsevier.com/locate/marpolbul

Editorial

Hong Kong's Small House Policy. A land and marine coastline conservation disaster in the making

The focus of the southern Chinese province of Guangdong is the Pearl River (Zhu Jiang) basin and delta, which drains a vast area (some 453,700 km^2) of southern China. The river is some 100 km wide at the mouth, with the Special Administrative Regions of Macau and Hong Kong flanking the western and eastern banks, respectively. To put the river in perspective, the Pearl is the second largest river in China, after the Yangtze, with an estimated flow of 9500 m^3 second.

Guangdong is not just considered the fertile agricultural rice bowl of China it became, in 2005, the most populous province in the country, registering >79 million permanent residents and >31 million migrants who live in it for at least six months of the year. As of 2012, the province's estimated population of >110 million, was 7.8% of China's total. The provincial capital, Guangzhou (formerly Canton), and its economic powerhouse, Shenzhen, are among the most important cities in China with collective populations alone of >23 million. Guangzhou is the largest city of southern China and the third largest Chinese city. As of 2010, the city's administrative area had a population of 12.8 million, making Guangzhou the most populous southern city. Not established until 1979, when it was no more than a market town situated on the border with the then British colony of Hong Kong, Shenzhen has become one of the largest cities in the Pearl River delta as well as the largest manufacturing base in the world. Today, this Special Economic Zone (SEZ) is the 10th most populous city in China with some 10.4 million residents.

Some estimates place the population surrounding the Pearl River Delta Economic Zone, which can today be referred to as a Mega City – the world's first megalopolis – at 40 million including Shenzhen (>10 million), Dongguan (>8 million), Foshan (>7 million), Jiangmen (>4 million) and Zhongshan (>3 million). In 2008, Guangzhou alone was identified as a Beta World City by the Globalization and World Cities Research Network. If, therefore, Guangzhou itself, sitting at the head of the Pearl's estuary, is included we can estimate a delta-wide urban population of some 150 million people. This does not, however, include either the gambling city of Macau, until 1999 a former Portuguese colony, with a resident population of ~0.5 million (but a much greater transient one) nor, until 1997, the former British colony of Hong Kong, which with a population of >7.2 million people (and a transient one of >126 million), is classified as an Alpha + City. With a land area of only 1104 km^2, the Special Administrative Region of Hong Kong's lack of space has created the world's most vertical city. Kowloon, with a population density of ~44,000 km^2 ranks as one of, if not the, most dense human conurbations ever known.

The Pearl River's delta today, therefore, is probably home to, conservatively, over 160 million people but growth has not yet ended. Regional goals for 2020 include the development of two or three new cities, the expansion of road, rail, seaport and airport infrastructures and the construction of the 50 km long Hong Kong–Zhuhai–Macau Bridge – across the Pearl currently traversed by thousands of ferries each day.

Since the end of the last ice age, sea levels have risen in southern China by over 10 m (but were even higher in the Early Holocene) so that the Pearl River's delta contains hundreds of little islands (former mountain tops), there being some 235 within Hong Kong's 1650 km^2 territorial waters alone. And, because of the vast amounts of silt deposited by the river, estimated at ~86 million tonnes each year, the estuary's flanks are bordered (or used to be) everywhere by mangrove stands – these lie close to the northern limits of the component species' ranges. These plants, in stabilising the river's flanks, are believed to accumulate up to five centimetres of silt annually, protecting shorelines from rising sea levels and typhoons but also facilitating natural coastal reclamation – a characteristic exploited by early prawn and fish pond farmers.

The Pearl's mangroves have attracted attention for centuries. The famous, some would say infamous, English navigator, explorer, hydrographer, naturalist and one-time buccaneer William Dampier (1651–1715) visited Canton in 1687 and described the coast of St. John's Island, south of Canton, as: '*The skirts or outer part of the island, especially that part of it which borders on the main sea, is woody.*' Later, the Swedish explorer and naturalist Pehr Osbeck (1723–1805) spent four months between 1750 and 1752 exploring the Pearl River and collecting from around Canton >600 species of plants, including mangroves, that were taken back to Sweden in time to be described, as type specimens, and published in Linnaeus's *Species plantarum*.

With continuing province-wide development, however, many, but unknown amounts, of the Pearl's fringe of mangroves have been reclaimed artificially. To protect a significant 380-hectare area of the Pearl's mangal and traditional prawn (*gei wai*) and fish ponds, the then colonial government of Hong Kong declared the seaward area of the north-western coast of Hong Kong, abutting the Shenzhen River (a tributary of the Pearl) to be a Site of Special Scientific Interest (SSSI). Mai Po was officially designated as a Nature Conservation Area in 1975 and a Ramsar site in 1995. This followed the designation by the Chinese Government of a thin strip of mangal opposite Mai Po, at Shenzhen, to be a Mangrove Nature Reserve in 1984.

The impact of the Pearl River to the east of Hong Kong is minimal and unlike the estuarine west, these shores are washed by saline oceanic waters. Nevertheless, the many embayments of this eastern drowned coastline are also fringed by mangroves that

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Appendix 3. (con't)

are growing without the Pearl's silt on volcanic boulders, cobbles and sand. They are dwarf in comparison to their Mai Po conspecifics and have a different associated community of plants and animals. In contrast to Mai Po, these little studied *bonsai* trees naturally fringe the shores of much of the Sai Kung East and West Country Parks that make up Hong Kong's eastern New Territories. These parks lie adjacent to each other in the Sai Kung Peninsula and were established in 1978 following enactment of the Country Parks Ordinance (Chapter 203) in 1976, with one of its bays designated as a marine park following the subsequent enactment of the Marine Parks Ordinance (Chapter 476) in 1995. Today, some 40% of Hong Kong's land area comprises country parks and there are four marine parks (and one marine reserve) all designated for the free recreational and educational benefit of the, largely urbanised, people of Hong Kong. I consider this adventure, alongside the rule of law, to be the greatest achievement of the British colonial government of the time.

According to the Hong Kong Gazetteer of 1960, the population of the Sai Kung Peninsula was then about 3000, with an average of 45 persons in each of its 66 villages, many of which, however, had been abandoned. These were first established by, predominantly, Hakka people some 200–300 years ago. Today, the village of Hoi Ha sits at the head of a bay that was designated as a marine park in 1995. The bay is shallow and at its head is a beach some 250 metres long. This beach and shallow offshore sands are highly dynamic, creating a westerly-directed sand spit that is periodically and seasonally broken down during heavy rainfall by the enhanced outflow from a stream which discharges into the bay, but which then eventually reforms. Behind the sand spit is a mangrove-fringed lagoon. This is unique in Hong Kong and the characteristic eastern New Territories mangroves of Hoi Ha and other eastern embayments, serve as a counterpoint to the western silt-burdened Mai Po. Behind Hoi Ha's bay, the pattern of, now, abandoned village paddi-fields are still evident and eminently suitable for building on – as we shall see.

Hoi Ha village was established in 1811, when a group of Hakka settlers, sharing the family name Yung and originating from the Hui-yong district of China, arrived here. The main occupation of the first Yung family settlers of Hoi Ha was agriculture. Valley land was cleared for wet rice farming and vegetable production. By 1890, however, there were still only ten families resident in Hoi Ha with a total population of just 74 people. Some younger villagers had already begun to emigrate. After the Second World War, there was an enhanced exodus of young people and the village's population fell dramatically, as it did throughout the New Territories. Some left to find work in Hong Kong and Kowloon while many others emigrated to Europe, mainly Great Britain, and America.

Today, only a handful of Yung villagers remain and most of the original houses lie abandoned and in a state of decay. Recent years, however, have brought some resurgence in the fortunes of Hoi Ha and its beach and bay, effectively national parks, as they have become popular for many forms of summer recreation. Associated with this, however, have arisen problems, not just at Hoi Ha but elsewhere throughout most of Hong Kong's rural areas and countryside. Hoi Ha village is a country park enclave (a better term might be a tithing.). Like other New Territories enclaves, therefore, it is both within but outside the boundary of its enclosing country park and, as such, the Country Parks Ordinance is not applicable to it and the Country and Marine Parks Authority has no jurisdiction over it. Today, some villagers are returning to their ancestral homes as expatriate descendants of their great grandparents and have demanded greater rights to build houses in response to a growing requirement for rented and second-home holiday accommodation. This has led to wide-scale debate and concern in Hong Kong and calls for official action.

The Country and Marine Parks Authority is responsible for enforcing the Regulations of the Country Parks Ordinance and the Marine Parks Ordinance and managing the parks and reserves. The Authority is also Director of the Agriculture, Fisheries and Conservation Department (AFCD) of the Hong Kong SAR Government. The Authority is advised by the Country and Marine Parks Board whose chairman is a non-government official appointed by the Secretary for the Environment. At the policy level, therefore, the Authority is responsible to the Secretary for the Environment. Importantly, however, the Country and Marine Parks Authority has **no** jurisdiction over areas that are not designated as protection areas under the Country Parks Ordinance. Nevertheless, the Government retains control over development *via* statutory town plans. Any unauthorized development would be subject to control under the Town Planning Ordinance and land lease. For development proposals on land adjacent to country parks, the Authority would be consulted, as appropriate, on their compatibility with the environment of the country and marine parks.

The historical background to this debate and problem lies in a Small House Policy that was introduced into the former Hong Kong Government's portfolio in 1972. The originally laudable objective of the policy was to improve the prevailing low standard of living in the rural areas of the New Territories of Hong Kong. It was created to simplify the demand by indigenous male villagers (but, importantly, wherever born) who, upon reaching the age of 18, to build a house for his own occupancy in his ancestral village. Open to abuse, however, for many decades a blind eye has been turned to the slow but steady increase in village small house numbers, and the then colonial Government also ignored the misogynistic character of this ancestral right. In recent years, however, the consequences of the policy have become out of control and it is now the cause of widespread and illegal developments in rural areas, many of which are contiguous with the country parks and which, because of some village's proximity to the sea, are imposing threats upon the marine parks too.

The Hong Kong SAR Government has stated that no more government land will be provided for small houses in the New Territories as a whole so that when the unused village land runs out, theoretically, development will cease. Today, however, there is unprecedented pressure by villagers and developers, to whom many of the former have already surreptitiously sold their land, to develop their ancestral villages such that they are now crammed with wall-to-wall housing. There are, moreover, schemes afoot to fill those village enclaves that are contiguous with Hong Kong's Country Parks with much larger, tower, developments, incompatible with the aims of the original Ordinance that established them, with no regard for either the environment or the interests of the general public for whom the parks are an extremely popular amenity (over 10 million visitor units each year). The construction of these houses, few of which will actually be occupied by the village applicants, as many are born and resident overseas, will, moreover, cause much environmental damage not just to the land but to the coastal waters they adjoin. It is estimated that the Government's failure, over the decades, to reform the Small House Policy could lead in time to more than 10,000 additional small houses being built within the country park enclaves over the next ten or so years. Such small houses are the most environmentally damaging form of local development because they are virtually un-regulated. There are no construction controls and illegal or temporary roads are built with no drains causing excessive runoff into streams and the sea. Also virtually un-regulated and haphazard is the infrastructure required to service the new houses. Sewage disposal, normally involves un-regulated septic tanks; grey water drainage also goes either into the nearest stream or directly into the sea and, worst-of-all, directly into the waters of the marine parks, notably

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Hoi Ha. In effect, the village enclaves lack proper sewage, drainage, refuse collection and other public amenities and are not subject to normal societal regulations.

Opponents of such un-regulated and un-controlled developments argue that the divisive, discriminatory and outdated and unsustainable Small House Policy should be abandoned and that, in the short term, the policy should be amended so that it is no longer applicable to rural areas and enclaves contiguous with the Country and Marine Park's boundaries. This would thereby, halt the accelerating decline in the environmental quality of the parks themselves.

(Temporarily) returning male expatriate descendants of patriarchal Hong Kong village great-grandfathers, with no affinity to their ancestral land or the sea, personify this decline. Their disenfranchised mothers, sisters and daughters have even less kinship. Put simply, such expatriates have no empathy with what was, nor comity for, either Hong Kong's modern urban residents or their needs. And, therefore, if the application of the Small House Policy in the country park enclaves is not extinguished, the male heirs of the present generation will, in turn, demand their rights, and there is no way that the lands and waters, that were set aside in far-sighted manner by a previous government for all to enjoy, will survive.

The root cause of this problem, largely un-recognised, is that each individual sets his or her own mental baseline focussed on how their environment looked in their childhood and youth. I know I do. The next generation, however, sees and accepts as normal a world that has been changed, usually degraded, even if only in a minute way, by their parents. Over time, therefore, there is a generational and, thus, step-wise acceptance of environmental decline and, as a consequence, lowered ambitions with regard to conserving that which once was, but is now less. And, thereby, there is also no incentive to restore it to its original state. This generational loss of environmental memory means that, over time, degradation simply grows and there are virtually no mechanisms to halt it. Put simply, we progressively and collectively forget what we once had. And the present problem with Hong Kong's Country and Marine Park tithings exactly epitomises this. In the broader picture, moreover, most of the mangroves that fringed the mighty Pearl River's estuarine shores are gone. Mangrove remnants may survive for a while but, one by one, they will disappear as development takes advantage of our collective amnesia, and conservation is concerned, anew, not with protecting what was but with a degraded what is.

Brian Morton
School of Biological Sciences, The University of Hong Kong, Hong Kong Special Administrative Region
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Appendix 4. Restaurants at the ground floors of village houses (do not seem to be just for villagers)









Appendix 5. People swimming at the beach in the Hoi Ha Wan Marine Park







Appendix 6. Suspected illegal discharge at Lung Mei, polluting Tolo Harbour









Appendix 7. Ecological characteristics of the woodlands in So Lo Pun, Hoi Ha and Pak Lap

	So Lo Pun Woodland	**Hoi Ha Woodland**	**Pak Lap Woodland**
Plant Species	KFBG: ca. **171**	FoHH: ca. 130 KFBG: ca. 114	AFCD: ca. 25 - 121
Protected Plant Species	- Spiny Tree-fern - Incense Tree - Lamb of Tartary	FoHH & KFBG: Hong Kong Pavetta and several others in the Fung Shui Woodland	Hong Kong Pavetta
Ecologically linked with adjacent CP and habitats	Yes	Yes	Yes
Rare Wild Mammal Species	**3**	1	0
PlanD's Proposed Zonings	**GB**	**CA and GB(1)**	**CA**

tpbpd

TPB/R/S/NE-HH/1-F40

寄件者: Chiu Sein Tuck [redacted]
寄件日期: 15日08月2014年星期五 22:07
收件者: tpbpd@pland.gov.hk
主旨: Comments on Proposed Amendments to the Draft Hoi Ha, Pak Lap and So Lo Pun OZPs
附件: HH, PL, SLP submission 140815_CST.pdf

Dear Sir/ Madam,

Attached please see my comments on the captioned.

Best Regards,

Chiu Sein Tuck

00055

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.

(Email: tpbpd@pland.gov.hk)

15th August, 2014 **By email only**

Dear Sir/ Madam,

Comments on the Proposed Amendments to the
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1
Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1
Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1

1. We refer to the Town Planning Board (TPB) Papers No. 9679, 9680 and 9681, and the deliberations for the plans in the 1057th TPB meeting held on 20th May, 2014 and 4th June, 2014.

2. We consider that, during the deliberations for the aforementioned plans, the TPB might not have fully considered (and discussed) or might not have fully understood all the details of the issues presented by the Environmental NGOs on 8th May and 19th May, 2014. Some important points seem to have been disregarded, not discussed or might have been misunderstood according to the record of the meeting minutes. Thus, the proposed amendments to the draft OZPs were not made under circumstances in which the TPB members fully understood and well aware of the rationale behind the solid proposals made by the Environmental NGOs. We, thus, now wish to provide a further submission in order to pinpoint the shortcomings in the minutes of the meeting and to also provide comments on the proposed amendments.

Deliberations on 20th May, 2014

Genuine Need for Small Houses

3. The TPB meeting minutes mentions that the "V" zone should, firstly, be confined to the existing village settlements and the adjoining suitable land and then later, expand outwards upon demonstration of genuine need for Small House (SH) developments (i.e., Section 7 of the meeting minutes)[1]. We would like to point out that it is not at all clear that the sizes of the V zones under the proposed amendments are delineated based on the premise of "**proven genuine needs"**. As mentioned on many occasions, for instance, the current population in So Lo Pun is zero, and there is no outstanding SH application for this village. If the "villagers", or landowners, who are now living elsewhere (e.g., overseas) would like to resume living in this long-abandoned derelict village and to revitalise it, a common sense and truly incremental approach is that they should make use of the existing abandoned houses and the available but empty land within the existing village settlement in the first instance. It is not possible to understand why an extra piece of vegetated land of 1.72 hectares still needs to be made available for 68 new SHs to be built in the current proposal, based on the data cited above ("zero" population and "zero" outstanding SH application). The proposal to zone this extra piece of land as "V" is just simply not sound, and not at all an incremental approach (i.e., from 0 to 460 persons (so called planned population)). This very same concern also applies to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; with the additional SHs that can be built: ca. 40).

[1] http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf

Septic Tank and Soakaway System (STS) and Water Quality Impact of Small Houses

4. Environmental NGOs together with distinguished and knowledgeable professors from The University of Hong Kong presented (using scientific field study results and field observations) that the current sewage treatment arrangements in rural villages would not be, in any way, able to protect the water bodies in and surrounding the Enclaves from man-made pollution (**Appendix 1**). Prof. Brian Morton, a highly distinguished Emeritus Professor with many international scientific accolades of The University of Hong Kong who is the pre-eminent scientific authority on Hong Kong's marine environment and pollution for more than 30 years and who was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which formulated the legislation necessary to develop the MPs (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the impacts of additional SH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves (see **Appendices 2** and **3**).

5. However, with regard to sewage and wastewater disposal, the authorities offered the view that the current arrangements (e.g., percolation test, STS) would be enough to safeguard the water quality of water courses and water bodies. For instance, according to Section 14 of the meeting minutes, EPD mentioned that the LandsD, when processing Small House grant applications, would require the submission of a certified STS proposal (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments and the LandsD would also require an Authorised Person (AP) to certify that the design of a septic tank meets the relevant standards and requirements as stipulated in ProPECC PN 5/93, including a percolation test. APs are professional persons registered under the Buildings Ordinance and any misconduct or negligence by APs would be subject to disciplinary actions.

6. We would like to ask:

(1) Is it a statutory requirement that the submission of a certified STS proposal by the AP in respect of a small house development must be checked, approved and agreed to by the EPD?

(2) Can the LandsD/ other relevant department(s) provide any data to show how many SH applications have been rejected mainly/ partially due to the non-compliance with the percolation test requirement, or has there been any such case, so far?

7. We consider that the answers to the above questions are critical to enable the TPB members to understand how robust or effective the current approach is in terms of administration of the certification process for certifying STSs for small house development.

8. The LandsD as recorded in Section 15 of the meeting minutes mentioned that a "conservative approach" has been adopted in processing SH applications, by the department. If such an approach really exists and if the certification arrangement mentioned in Section 5 above is really effective, we cannot understand why the then Secretary for the Environment, Transport and Works in her reply in 2005 to LegCo stated the following:

"*…However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams…to remain unsatisfactory.*"[2]

9. The relevant authorities in their proposals to carry out sewerage projects in rural areas repeatedly stated that STSs are not reliable:

"*In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public.*"[3]

"*At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soakaway (STS) systems). Such facilities*

[2] http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf
[3] http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf

might however become ineffective due to their proximity to watercourses[1] *or inadequate maintenance. Sewage from such areas has therefore been identified as* ***a source of water pollution*** *to nearby watercourses and the receiving waters of Deep Bay.*"[4]

10. According to these salient facts as mentioned by the various Government authorities, we feel that the problems associated with the construction and operation of STSs in countryside settings might not have been thoroughly deliberated in the TPB meeting (according to the meeting minutes), and the authorities just continued to maintain that the current sewage arrangements would work – even when the Government itself has repeatedly admitted and field data simply shows something contrary – STS systems are poorly maintained and ineffective. We are highly concerned that the TPB members might not have given a full picture to be able to critically analyse the effects of having more SH (and STS) in CP Enclaves, and thus, might make decisions based on biased or incomplete information.

11. We are also shocked to learn that the EPD in the meeting stated the following (in Section 21): "*…In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services.*"

12. Based on the above statement, can the EPD provide the name(s) of the contractor(s) or the number of contractor(s) that would provide a service to clean the STS **manually,** and to carry the sludge away using vessels (e.g., for STSs in So Lo Pun and Pak Lap)? We would also like to mention that 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by vehicle, and "Eating Place", which can be a restaurant, is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide some "Bed and Breakfast" service or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance (in Section 21). If in the future, these "visitor-friendly facilities" (e.g., Bed and Breakfast) become a standing feature or there are some restaurants (say three to four restaurants) in these Enclaves, how can the STSs for these facilities be maintained properly in order to prevent them from creating pollution? We do not consider that these problematic situations were thoroughly considered during the deliberations and, thus, the making of the proposed amendments might not have taken into account the possible damaging effect of these potential developments (e.g., more restaurants) on the natural environment.

13. We are highly concerned that "Eating Place" is an always permitted use on the ground floor of a SH. Any such operational facility would cause significant water pollution impacts and this is also apparently the concern of a TPB member as indicated in Section 53. But as recorded in Sections 54 and 56, the authorities replied as follows: "*if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)*" and "*a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.*" We cannot understand how FEHD can become the department responsible to assess or vet water pollution issues as it is not the authority to enforce the Water Pollution Control Ordinance (WPCO); EPD is the authority. The FEHD mainly handles "environmental hygiene" issues of premises but does not deal with the illegal discharge of polluted wastewaters which would cause environmental pollution to the surroundings. The FEHD is also not the authority to check whether or not the design and specifications of the sewage system have complied with the requirements of relevant ordinance(s) controlling pollution. Furthermore, during the meeting, there was no representative from the FEHD and we are also confused as to why the LandsD, as shown in Section 54, would be the authority to elaborate on this issue as it is neither the main office to control water pollution nor to manage environmental hygiene matters. We consider that the reply could not address the issue at hand and also the fact that there would be difficulties in enforcing the WPCO (as stated by the EPD itself in Section 28). Section 56 also states that "Eating Place" would be intended to serve the needs of the villagers. We consider that this statement does not truly reflect the real world. **Appendix 4** should have shown that many of the restaurants in village houses have been highly commercial operations, serving visitors rather than villagers, and, this is a common phenomenon in many rural villages. We strongly urge that "Eating Place" should NOT be an always permitted use in SHs (ground floor) within Enclaves.

14. The EPD also stated in Sections 23 and 25 that the STS has been effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as "excellent", and even in areas already

[4] http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf

served by public sewerage such as Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by these statements.

15. Firstly, it has already been demonstrated that the coastal shoreline of the HHW MP is polluted, and this is the area (not the "main water body" in the central part of the MP with deep water) which is also frequented by the majority of visitors (see **Appendix 5**). We cannot understand why the EPD used the water quality data collected from the deeper offshore open waters in the main body of the MP to interpret the potential effect of the SHs and associated STSs on the health of the majority of visitors who use the near shore coastal area only. Secondly, we of course know that waters outside some areas with sewers also contain high levels of *E. coli* but the EPD did not mention that these high levels would be contributed by illegal discharges (both in urban and rural areas, see **Appendix 6**), and this is also a common phenomenon in rural areas as repeatedly shown in presentations to the TPB by the Environmental NGOs. For instance, the highly polluted water discharged into the near shore coastline of Ting Kok as shown many times to the TPB would also largely increase the *E. coli* levels in Tolo Harbour. It seems that the EPD did not relate this fact in their interpretation in Section 25 and this might have affected the judgment of the TPB members.

16. Based on the information in the above appendices, we are highly concerned that the captioned Enclaves and their surrounding waters will be greatly affected by the sewage generated by the proposed V zones and the associated activities (e.g., always permitted "Eating Place"). The relevant authorities seem not to have directly addressed all these concerns and worries (i.e., the ineffectiveness of the current sewage system in rural areas as realised by the Government itself, i.e., see Sections 8 and 9 of this letter). The proposed amendments to the zonings of the draft OZPs still do not truly reflect that these concerns by the Environmental NGOs and various scholars have been fully addressed based on all the available information presented and which should have been taken into account. Indeed, the EPD also admitted in Section 28 that enforcement action due to illegal discharge of wastewaters can be problematic and we simply cannot understand why at the same time the authorities would be completely confident that there would not be a significant water pollution issue in the Enclaves under such circumstances. Given that there is a known and practical difficulty in controlling the discharge of polluted water and the value (ecological, conservation, landscape, recreational) of these Enclaves is so high, a conservation approach should be the guiding principle that is best served by confining the V zones to the existing village settlements in order not to allow potential pollution sources (both point and non-point) to increase in these pristine natural areas of countryside.

The Tai Long Wan approach

17. Section 41 of the meeting minutes states that an over-restrictive approach to confine the V zones to existing village houses would be unnecessary. However, we would like to mention that based on the objective and scientific data provided by Environmental NGOs and university scholars, the practical difficulties associated with enforcing the law and controlling pollution (as admitted by the EPD), the pollution status in unsewered areas (as mentioned by the Government itself) and also the ecological sensitivity of the Enclaves and their surrounding CPs, the exact opposite is true, and that is – it is highly necessary to confine the V zones. We do not agree with the statement in Section 42 that there would be "sufficient control" on unacceptable environmental impacts on the surroundings which runs counter to the evidence presented by the Environmental NGOs, the university scholars and even by Government, itself, as stated in above paragraphs.

18. Indeed, the Tai Long Wan approach should have provided the TPB with the insight for the planning of the zonings in the CP Enclaves. We cannot understand what the Tai Long Wan Enclave possessed in terms of "unique planning background and characteristics", as stated in Section 48 by the LandsD. We consider that the LandsD would need to elaborate on the details of the so-called "uniqueness" of Tai Long Wan, as compared to Hoi Ha, Pak Lap and So Lo Pun. In terms of ecological importance, the latter three Enclaves would be of higher significance; they are also surrounded by CPs and also provide recreational space for the public. Hoi Ha Wan is an area of outstanding beauty and with a recognised status as a MP. We note in the meeting minutes that the authorities attempted to use the presence of "well-preserved historic villages and a site of archaeological significance" to differentiate between Tai Long Wan and the three captioned Enclaves. But we would like to reiterate that, as stated in the Approved Tai Long Wan OZP[5], the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character and not mainly to conserve the historic and archaeological elements there. We cannot understand why the

[5] http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf

authorities tended to emphasis the latter but at the same time disregarded the primary intention which is to simply protect the natural environment.

Deliberations on 4th June, 2014

19. Section 3(n) of the meeting minutes[6] for the above deliberations misinterprets the intention of the Tai Long Wan OZP; Section 18 of this letter (above) should have provided the actual wordings used in the Explanatory Notes of the OZP and we urge the TPB members to note this. Moreover, because of Section 3(n) of the minutes, we are concerned that the TPB members might have been misinformed and, thus, the plan making decisions might have been erroneous (i.e., not making reference to the appropriate benchmarks set out in a highly relevant precedent case).

20. Regarding the Tai Long Wan approach, the authorities as shown in Sections 12 and 13 of the meeting minutes mentioned that in order to protect the areas of "high heritage value" in Tai Long Wan, a stringent approach was thus adopted (e.g., to confine the V zone to existing village settlement) and the same approach should not be applied to the three Enclaves as there are no such areas with high heritage value. We would like to remind the TPB that as shown in the TPB Paper No. 9430 (for Hoi Ha), there is an Archaeological Site in the Hoi Ha Enclave and the V zone as currently proposed (outside the existing village settlement) is actually covering this site. We cannot understand why, if protecting "cultural heritage" is suddenly such an important issue in the eyes of the authorities, that this Archeological Site is not well protected by the zoning plan from the destructive impacts associated with the development of SHs and that new SHs are allowed to be built within this site. This is simply demonstrating remarkable inconsistency through planning intentions in recognizing and protecting features of archaeological importance in the CP Enclaves.

21. We also note that some TPB members expressed their concerns on the impacts caused by the additional SHs on the water quality of the HHW MP. We would like the TPB to note Sections 4 to 16 of this letter and relevant appendices.

22. According to Section 35 of the meeting minutes, a TPB Member said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Indeed, the Environmental NGOs made the same point during the hearing for the first draft So Lo Pun OZP (see **Appendix 7**). According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be "disturbed" and "young" by the authorities, but even so, it is now proposed to be largely covered with a Green Belt (1) (GB(1)) zone; in Pak Lap, the patchy woodlands are even covered with Conservation Area (CA) zone. In general, no new SH development would be allowed in these two zones. In contrast, the woodlands in So Lo Pun which provide habitats for many species of conservation concern (see **Appendix 7**), is now proposed to be covered with a GB zone only and SHs are allowed to be built through the planning application process. In general, GB has been considered as a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes in order to cater for the "need" of the indigenous villagers. We cannot see any logic here – **the best piece of woodlands receives the least protection status**.

23. Section 48(h) of the meeting minutes also mentions that the upper section of the So Lo Pun Stream is bounded by "disturbed, young" woodland, and thus, the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we do not see any mention that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: "…*wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park*". We would like the authorities to provide further scientific information to support the new description outlined in Section 48(h); otherwise, this is only a subjective statement. Overall, we consider that covering the woodland in So Lo Pun with a GB zone is highly problematic; this decision does not seem to following the approach of the other two Enclaves and is not soundly based on the intrinsic values of this mature woodland. **This zoning status should be critically reviewed.**

24. According to Section 43 of the meeting minutes, the Chairman mentioned (after summing up Members' views): "…*based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed "V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted.*" We cannot understand why the proposed

[6] http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e6.pdf

"V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D would suddenly become the recommended version. Indeed, as mentioned in Section 3 of this letter, we are not convinced that it is an incremental approach (e.g., shooting-up from zero population to 460 persons). The number of new SHs allowed to be built in So Lo Pun, in future, would also be the highest amongst the three Enclaves (So Lo Pun: 68; Hoi Ha: 40; Pak Lap: 18) YET both its existing population and its outstanding SH demand are the lowest (both are zero). Again, we fail to understand the underlying logic here.

25. According to Section 53 of the minutes, a Member expressed his concern that: "*Even if the concerned area was rezoned to "AGR"* (in Pak Lap)*, the prospect of obtaining planning approval for development would be quite high.*" We would like to say that this is completely true. We are highly concerned that the new Agriculture (AGR) zone proposed for Pak Lap would finally be filled with many SHs in the future. If "agriculture" use (suddenly) becomes an important element for consideration, why can't a more conservative zoning like GB, GB(1) or CA be applied, anyway, since "agriculture" use is also ALWAYS permitted (in Column 1) for such zones? Only by applying a more conservative zoning can the intention of reducing the V zone (to avoid the destructive environmental impacts from building and operating SHs) be fully achieved.

26. With regard to the designation of a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned in Section 56 that: "*according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI.*" We consider that this is wrong in principle and highly misleading. According to the draft plans for To Kwa Peng and Pak A (both are CP Enclaves), the riparian zones of the streams there have been covered with GB and these watercourses are not EIS/ SSSI. Section 58 of the meeting minutes mentions that Pak Lap Wan is not a MP. But we would like to reiterate that it is an important habitat for a rare species of high conservation concern – Amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognised by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and, thus, the species of concern. We, therefore, reiterate that there should be a buffer zone for the watercourse.

27. Section 4.1(a) of the TPB Paper No. 9509 (for the Tin Fu Tsai Enclave) mentions: "*…the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible* (but we doubt that)*, would collect the sewage from point sources,* ***it would still be necessary to prevent/mitigate water pollution from non-point sources. <u>The effective means to prevent water pollution</u>, in particular from nonpoint sources, <u>is through land use control</u>….*"
We consider that this is a very factual statement but we cannot understand why this principle is not applied to Pak Lap. We do not agree with the conclusions made in Sections 71(c) and (f) of the meeting minutes.

28. According to Section 59 of the meeting minutes, the PlanD stated that: "*the concerned area* (i.e., the new AGR zone in Pak Lap) *was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as "CA" or "GB".*" If an area with Water Fern cannot be justified to be zoned as CA/ GB, we would like the authorities to support their CA zonings in Pak Lap and also the GB zoning in Tin Fu Tsai with justified scientific evidence. In Tin Fu Tsai, fields that are mostly used for war-games are now covered with a GB zoning status.

29. We strongly agree with the statement made by a Member as shown in Section 61 that: "*In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for <u>CPEs</u>* (<u>CP Enclaves</u>) *<u>with low population and not served by vehicular access and infrastructural facilities, the "V" zone should be confined to the existing village settlements.</u> As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach.*" However, we are disappointed to note that this has not been taken forward and clearly set out in the three amended plans.

Concluding Remarks and Recommendations

30. Based on the above, we are highly concerned that the views of the Environmental NGOs and the university scholars might not have been fully discussed during the meetings. We also see some illogical statements, perhaps based on lack of understanding or misinterpretation in the meeting minutes. As such, we are highly concerned that the proposed amendments were made without entirely making reference to all relevant points. Our counter proposal is as follows (and shown in **Figures 1**, **2** and **3**).

31. The V zones of these three enclaves should be confined to the existing village settlements. We do not see any concrete information or tangible evidence provided to prove that the Tai Long Wan precedent cannot be applied to these three enclaves. In order to properly undertake the incremental approach as mentioned by many Members, we propose that the currently proposed V zone outside of the existing village settlement can be zoned as GB. In the GB zone, SHs can still be built through the planning application process and, thus, the rights of the indigenous villagers would not be in any way extinguished. The GB zone, at the same time, can also ensure that any applications that would cause environmental impacts would be fully reviewed by the authorities and be noted by the public. We consider that this is better management for a real incremental approach.

32. The proposed GB in So Lo Pun should be zoned as GB(1)/ CA to reflect the true ecological value of the woodland and, also, the upper section of the stream whose value seems to have been underestimated.

33. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (e.g., GB(1), CA), for reasons as stated above.

34. Eating Place (and other uses that would cause significant pollution) should not be an always permitted use in the V zone (ground floor of SH) as the ordinance to control water pollution cannot be easily enforced in the natural countryside and rural settings.

35. We would like to emphasise that the proposed zonings which we are now recommending in this letter, after considering the views of some TPB members, is a compromise which is not strictly following the approach previously adopted by the TPB for the Tai Long Wan Enclave. In terms of protecting these Enclaves and also their surrounding CPs, we would like to reiterate that indeed the Tai Long Wan precedent is the only correct approach; the amendments as currently proposed by the PlanD are a diluted approach for protection of the ecologically sensitive and valuable habitats in these Enclaves and simply wrong in many principles as stated above, and thus should be rejected.

Thank you for your attention.

Yours faithfully,

Dr. CHIU Sein Tuck
(Email: XXXXXXXXXX)

cc.: TPB Members

Figure 1. Proposed zonings for Hoi Ha (our proposed amendment is in blue)

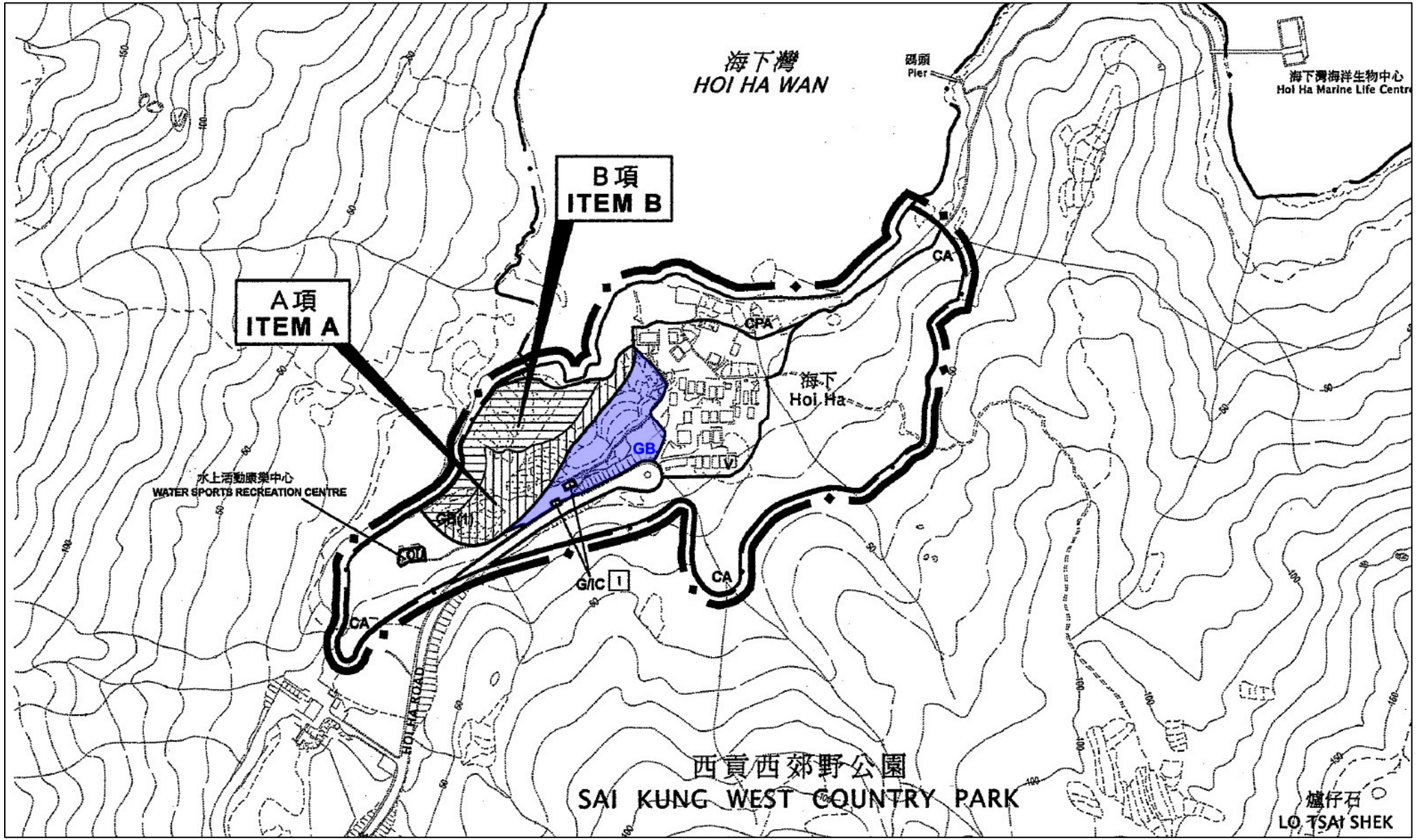


Figure 2. Proposed zonings for Pak Lap (our proposed amendments are in blue and green)

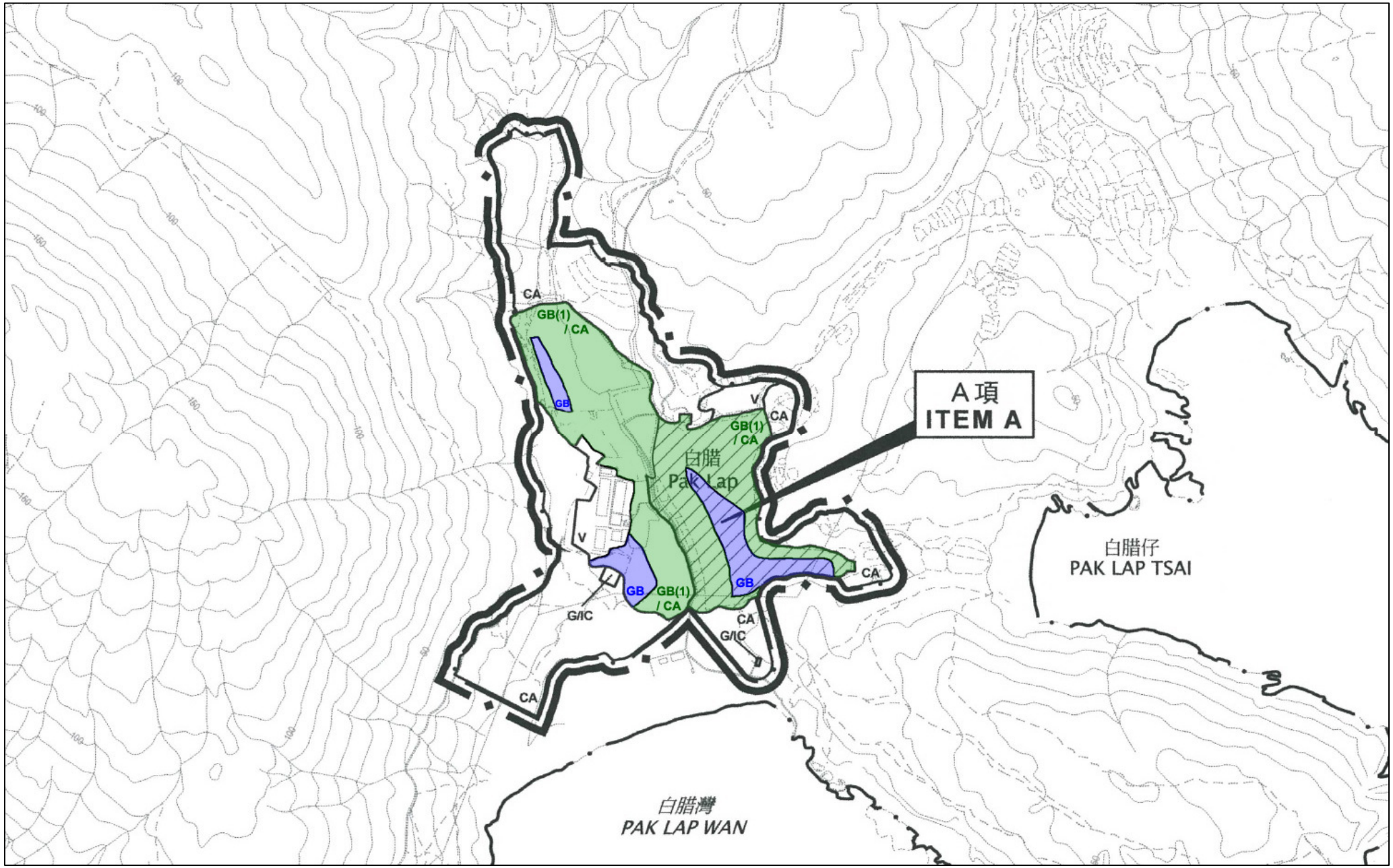
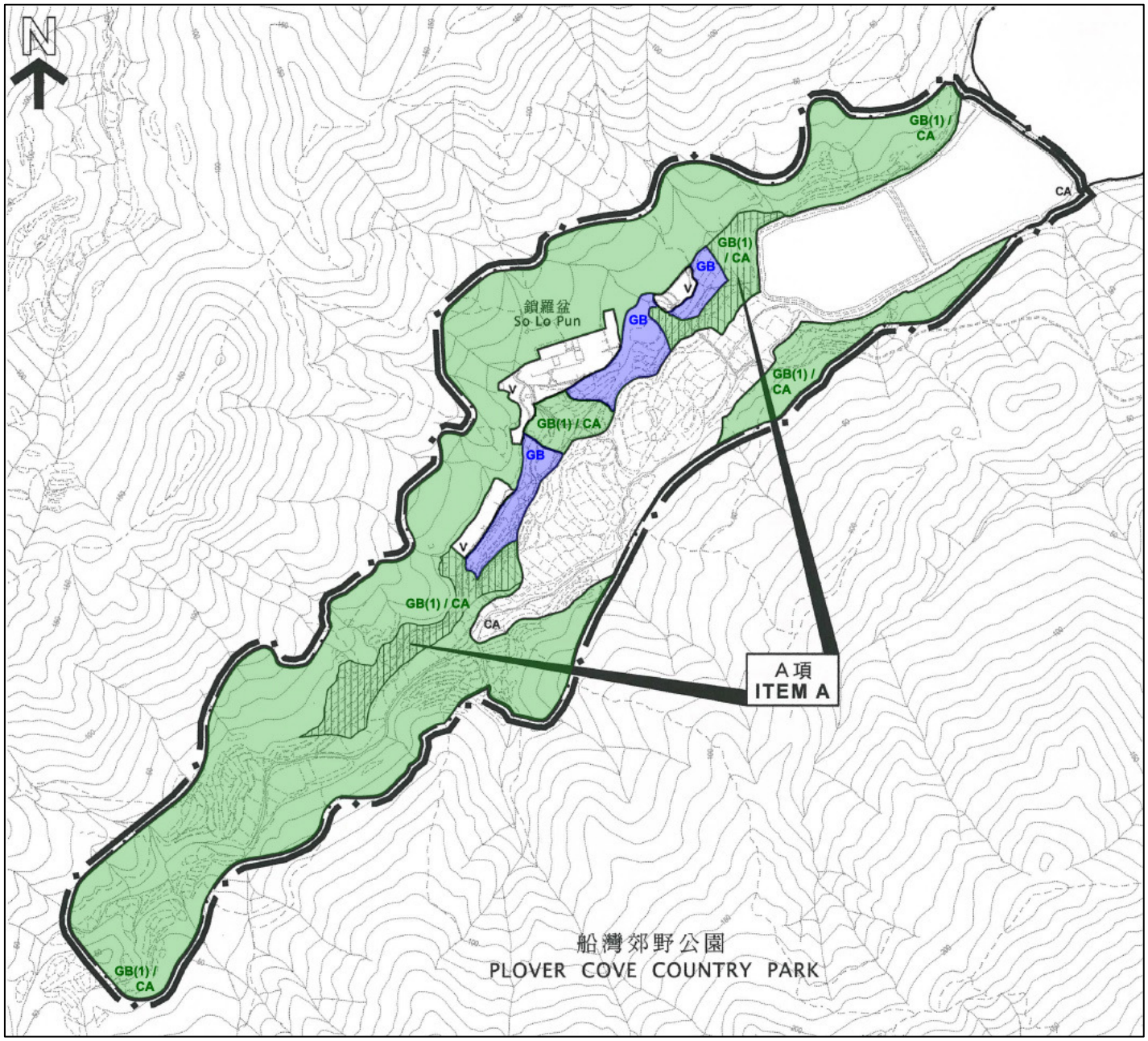


Figure 3. Proposed zonings for So Lo Pun (our proposed amendments are in blue and green)



Appendix 1. Presentation by the Professors from The University of Hong Kong showing the man-made pollution along the coast of Hoi Ha Wan

Results (Xu & Leung, unpubl. data)

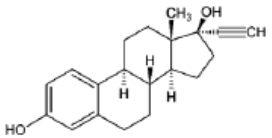
Mean EDC Concentrations in Various Samples from HHWMP

NP: Nonylphenol, OP: octylphenol, BPA: bisphenol A, E1: estrone, E2: estradiol, and EE2: ethinyl estradiol; TBT: tributyltin, TPT: triphenyltin and OTs: total organotins

		Endocrine Disrupting Chemicals								
Sample	Season/Species	NP	OP	BPA	E1	E2	EE2	TBT	TPT	Total OTs
Water	Summar	188.1	12.7	19.9	0.6	ND	ND	1.8	1.6	4.3
ng/L	Winter	13.3	1.3	10.1	ND	ND	ND	ND	0.5	0.8
Sediment	Summer	278.2	29.5	543.1	7.0	1.3	0.7	3.3	22.2	50.2
ng/g dry wt	Winter	260.1	28.8	476.0	ND	ND	ND	1.7	20.9	46.2
Marine	Damsel fish	157.7	35.2	94.3	9.6	ND	ND	2.0	59.2	79.9
Organism	Grouper	226.3	40.5	32.5	ND	6.9	ND	4.0	32.2	44.3
ng/g dry wt	Green mussels	169.8	58.8	609.5	10.7	ND	5.4	8.3	153.5	195.7

- Water, sediment and marine organisms in HHWMP were contaminated with synthetic NP, OP, BPA, and organotins.
- At current levels of NP in seawater, some fish species would experience endocrine disruption including sex change in male fish, and reduced fecundity (i.e., fitness).
- Female gastropods would develop imposex if exposed to TBT or TPT at ≥ 1 ng/L.
- The green mussels accumulated more EDCs than the fishes; they also accumulated EE2 which is the main active ingredient of contraceptive pills.





Appendix 2. Letter to be submitted by Professor Brian Morton for Hoi Ha

To: The Chairman, Secretary and Members of the Town Planning Board.

Hoi Ha

Dear Chairman,

Please find the attached, which I would appreciate you putting forward, alongside this letter, to the members of the Town Planning Board at its next meeting whereat the new housing developments proposed for Hoi Ha will be discussed.

I was resident in Hong Kong from 1970 to 2004 and am still a permanent resident visiting the University of Hong Kong and my many local friends at least once every year.

You may not know this (time, as I have discovered, being a great amnesiac) but I first put forward the proposal to develop marine parks and reserves in Hong in my book "*The Future of the Hong Kong Seashore*" (1979) and elaborated upon this in "*The Seashore Ecology of Hong Kong*" (1983). Following the advice given to the AFCD by a working group (which I absented myself from to avoid a conflict of interest), I was appointed Chairman of the Marine Parks and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks and Cape d'Aguilar as a marine reserve. Hong Kong's Legislative Council passed this legislation on the 31 May 1995. Subsequently I was appointed Chairman (1995-1999) of another AFCD working group (Marine Parks and Reserves Committee), which recommended that the Country Parks Board be renamed the Country and Marine Parks Board. This was enacted on 10 August 1995 and, subsequently, staff officers within AFCD have themselves, with other citizens, produced additional educational and recreational books and pamphlets and acted as guardians to the natural treasure that is Hoi Ha.

Prior to these and subsequent official actions (1988-2003), I was appointed Chairman of the WWFHK Hoi Ha Wan Committee with the objective to develop the marine park for recreational and educational objectives and to build a Marine Life Education Centre at Hoi Ha Wan. In this context WWFHK raised HK$38 million and HK$14.5 million from the Hong Kong Jockey Club and the Hong Kong Shanghai Bank Charitable Trust, respectively, to build the centre. The Hoi Ha Wan Marine Park was designated in 1995 and the Hoi Ha Wan Marine Life Education Centre was opened on 19th January 2008. Subsequently, WWF International declared Hoi Ha Wan Marine Park and its Marine Life Education Centre one of the "*100 Gifts to the Earth*" and I wrote a book "*Hoi Ha Wan*" (1992) and the educational materials for the Hoi Ha Marine Life Education Centre and which are still used today. Also today, the centre's educational programmes and its glass-bottomed boat "*Transparency*" are fully booked for school and other visits, at least one year in advance. Their popularity has gone far beyond any perceived notion of success.

I neither remind nor inform you and your committee of the above facts for my own or your edification nor approbation but simply to demonstrate just how important I then believed

Appendix 2. (con't)

and still believe that Hoi Ha Wan is not just ecologically (particularly in terms of its corals and *bonsai* mangroves bordering the sand spit that encloses the periodically and naturally built up and deflated lagoon) but, also, as a natural park for the benefit of the ordinary people of Hong Kong..

I visit Hoi Ha Wan every time I come to Hong Kong and I cannot impress on you and your committee enough just how popular this marine park and its surrounding country park is to the citizens of Hong Kong. I take trips on "*Transparency*" with, typically, the school children of Hong Kong's urban-residents and it is clear to me just how much they enjoy and benefit from the experience that is given to them by the park and its educational facility. If you and your committee members have never done this, I urge you to join a school outing on "*Transparency*" and to see for yourselves not just the corals, but the total environment of the bay and how Hong Kong's children react to their experiences therein..

Researches by my own Ph.D. students, while I was employed by the University of Hong Kong, then identified a declining environment in Hoi Ha Wan especially with regard to water quality that was and probably still is, affecting the resident corals adversely. Further development of the riparian edge of the bay itself would impact adversely the mangroves which, as I identify in the *Marine Pollution Bulletin* editorial attached to this letter, are already being affected by earlier developments and would be more so by any future housing developments. Further developments around Hoi Ha Wan must, inevitably, exacerbate this problem hastening the decline of this unique little ecosystem..

I have seen, read and carefully examined the many documents related to the debates that have been engendered by the proposal to develop Hoi Ha further for housing – which I am convinced is for non-permanent residents. That is, for second homes and holiday accommodations. I am also aware of Hong Kong's lack of affordable housing for its citizens and understand the Hong Kong SAR Government's highly commendable wishes to ameliorate this situation for its citizens. But I personally doubt any village homes at Hoi Ha Wan will contribute in any meaningful way to achieve this..

I am sure that you and the members of your committee will have read, as have I, the proposals for and objections to further developments within Hoi Ha Wan. This letter is not, therefore, an attempt to add further fuel to the discussion, but a direct appeal from a Hong Kong marine scientist who saw the importance of Hoi Ha many decades ago and alongside, many, many, colleagues both within and outside the Hong Kong SAR Government, worked tirelessly to leave some vestige of a natural heritage behind them for the benefit of the ordinary citizens and their children of Hong Kong. Not just this, but the commitment shown by fund-awarding charitable bodies, such as the HSBC Charitable Trust, the Jockey Club and WWFHK (identified above) towards the recreational and educational development of Hoi Ha, should be respected and honoured. We all, as a disparate but united and dedicated assemblage

Appendix 2. (con't)

of civic-minded residents, anticipated and expected that the Hong Kong SAR Government would honour its commitment to protect and conserve this tiny bay for posterity so that those yet to come would experience what we can see today and did our honest best to protect..

I trust that you, Mr Chairman, and your committee can honour that commitment made so many years ago and come to a decision regarding Hoi Ha, which states that it will not agree to the abrogation of an earlier will, then so strong, to protect that which so many Hong Kong citizens love..

I remain, Sir, your obedient servant..

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Professor Brian Morton OBE..

Emeritus Professor,..

The University of Hong Kong..

.

12 August 2014..

Appendix 3. Scientific paper written by Professor Brian Morton regarding Small House Policy and its potential impacts

Marine Pollution Bulletin 85 (2014) 1–3

Contents lists available at ScienceDirect

Marine Pollution Bulletin

journal homepage: www.elsevier.com/locate/marpolbul

Editorial

Hong Kong's Small House Policy. A land and marine coastline conservation disaster in the making

The focus of the southern Chinese province of Guangdong is the Pearl River (Zhu Jiang) basin and delta, which drains a vast area (some 453,700 km^2) of southern China. The river is some 100 km wide at the mouth, with the Special Administrative Regions of Macau and Hong Kong flanking the western and eastern banks, respectively. To put the river in perspective, the Pearl is the second largest river in China, after the Yangtze, with an estimated flow of 9500 m^3 second.

Guangdong is not just considered the fertile agricultural rice bowl of China it became, in 2005, the most populous province in the country, registering >79 million permanent residents and >31 million migrants who live in it for at least six months of the year. As of 2012, the province's estimated population of >110 million, was 7.8% of China's total. The provincial capital, Guangzhou (formerly Canton), and its economic powerhouse, Shenzhen, are among the most important cities in China with collective populations alone of >23 million. Guangzhou is the largest city of southern China and the third largest Chinese city. As of 2010, the city's administrative area had a population of 12.8 million, making Guangzhou the most populous southern city. Not established until 1979, when it was no more than a market town situated on the border with the then British colony of Hong Kong, Shenzhen has become one of the largest cities in the Pearl River delta as well as the largest manufacturing base in the world. Today, this Special Economic Zone (SEZ) is the 10th most populous city in China with some 10.4 million residents.

Some estimates place the population surrounding the Pearl River Delta Economic Zone, which can today be referred to as a Mega City – the world's first megalopolis – at 40 million including Shenzhen (>10 million), Dongguan (>8 million), Foshan (>7 million), Jiangmen (>4 million) and Zhongshan (>3 million). In 2008, Guangzhou alone was identified as a Beta World City by the Globalization and World Cities Research Network. If, therefore, Guangzhou itself, sitting at the head of the Pearl's estuary, is included we can estimate a delta-wide urban population of some 150 million people. This does not, however, include either the gambling city of Macau, until 1999 a former Portuguese colony, with a resident population of ~0.5 million (but a much greater transient one) nor, until 1997, the former British colony of Hong Kong, which with a population of >7.2 million people (and a transient one of >126 million), is classified as an Alpha + City. With a land area of only 1104 km^2, the Special Administrative Region of Hong Kong's lack of space has created the world's most vertical city. Kowloon, with a population density of ~44,000 km^2 ranks as one of, if not the, most dense human conurbations ever known.

The Pearl River's delta today, therefore, is probably home to, conservatively, over 160 million people but growth has not yet ended. Regional goals for 2020 include the development of two or three new cities, the expansion of road, rail, seaport and airport infrastructures and the construction of the 50 km long Hong Kong–Zhuhai–Macau Bridge – across the Pearl currently traversed by thousands of ferries each day.

Since the end of the last ice age, sea levels have risen in southern China by over 10 m (but were even higher in the Early Holocene) so that the Pearl River's delta contains hundreds of little islands (former mountain tops), there being some 235 within Hong Kong's 1650 km^2 territorial waters alone. And, because of the vast amounts of silt deposited by the river, estimated at ~86 million tonnes each year, the estuary's flanks are bordered (or used to be) everywhere by mangrove stands – these lie close to the northern limits of the component species' ranges. These plants, in stabilising the river's flanks, are believed to accumulate up to five centimetres of silt annually, protecting shorelines from rising sea levels and typhoons but also facilitating natural coastal reclamation – a characteristic exploited by early prawn and fish pond farmers.

The Pearl's mangroves have attracted attention for centuries. The famous, some would say infamous, English navigator, explorer, hydrographer, naturalist and one-time buccaneer William Dampier (1651–1715) visited Canton in 1687 and described the coast of St. John's Island, south of Canton, as: '*The skirts or outer part of the island, especially that part of it which borders on the main sea, is woody.*' Later, the Swedish explorer and naturalist Pehr Osbeck (1723–1805) spent four months between 1750 and 1752 exploring the Pearl River and collecting from around Canton >600 species of plants, including mangroves, that were taken back to Sweden in time to be described, as type specimens, and published in Linnaeus's *Species plantarum*.

With continuing province-wide development, however, many, but unknown amounts, of the Pearl's fringe of mangroves have been reclaimed artificially. To protect a significant 380-hectare area of the Pearl's mangal and traditional prawn (*gei wai*) and fish ponds, the then colonial government of Hong Kong declared the seaward area of the north-western coast of Hong Kong, abutting the Shenzhen River (a tributary of the Pearl) to be a Site of Special Scientific Interest (SSSI). Mai Po was officially designated as a Nature Conservation Area in 1975 and a Ramsar site in 1995. This followed the designation by the Chinese Government of a thin strip of mangal opposite Mai Po, at Shenzhen, to be a Mangrove Nature Reserve in 1984.

The impact of the Pearl River to the east of Hong Kong is minimal and unlike the estuarine west, these shores are washed by saline oceanic waters. Nevertheless, the many embayments of this eastern drowned coastline are also fringed by mangroves that

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Appendix 3. (con't)

are growing without the Pearl's silt on volcanic boulders, cobbles and sand. They are dwarf in comparison to their Mai Po conspecifics and have a different associated community of plants and animals. In contrast to Mai Po, these little studied *bonsai* trees naturally fringe the shores of much of the Sai Kung East and West Country Parks that make up Hong Kong's eastern New Territories. These parks lie adjacent to each other in the Sai Kung Peninsula and were established in 1978 following enactment of the Country Parks Ordinance (Chapter 203) in 1976, with one of its bays designated as a marine park following the subsequent enactment of the Marine Parks Ordinance (Chapter 476) in 1995. Today, some 40% of Hong Kong's land area comprises country parks and there are four marine parks (and one marine reserve) all designated for the free recreational and educational benefit of the, largely urbanised, people of Hong Kong. I consider this adventure, alongside the rule of law, to be the greatest achievement of the British colonial government of the time.

According to the Hong Kong Gazetteer of 1960, the population of the Sai Kung Peninsula was then about 3000, with an average of 45 persons in each of its 66 villages, many of which, however, had been abandoned. These were first established by, predominantly, Hakka people some 200–300 years ago. Today, the village of Hoi Ha sits at the head of a bay that was designated as a marine park in 1995. The bay is shallow and at its head is a beach some 250 metres long. This beach and shallow offshore sands are highly dynamic, creating a westerly-directed sand spit that is periodically and seasonally broken down during heavy rainfall by the enhanced outflow from a stream which discharges into the bay, but which then eventually reforms. Behind the sand spit is a mangrove-fringed lagoon. This is unique in Hong Kong and the characteristic eastern New Territories mangroves of Hoi Ha and other eastern embayments, serve as a counterpoint to the western silt-burdened Mai Po. Behind Hoi Ha's bay, the pattern of, now, abandoned village paddi-fields are still evident and eminently suitable for building on – as we shall see.

Hoi Ha village was established in 1811, when a group of Hakka settlers, sharing the family name Yung and originating from the Hui-yong district of China, arrived here. The main occupation of the first Yung family settlers of Hoi Ha was agriculture. Valley land was cleared for wet rice farming and vegetable production. By 1890, however, there were still only ten families resident in Hoi Ha with a total population of just 74 people. Some younger villagers had already begun to emigrate. After the Second World War, there was an enhanced exodus of young people and the village's population fell dramatically, as it did throughout the New Territories. Some left to find work in Hong Kong and Kowloon while many others emigrated to Europe, mainly Great Britain, and America.

Today, only a handful of Yung villagers remain and most of the original houses lie abandoned and in a state of decay. Recent years, however, have brought some resurgence in the fortunes of Hoi Ha and its beach and bay, effectively national parks, as they have become popular for many forms of summer recreation. Associated with this, however, have arisen problems, not just at Hoi Ha but elsewhere throughout most of Hong Kong's rural areas and countryside. Hoi Ha village is a country park enclave (a better term might be a tithing.). Like other New Territories enclaves, therefore, it is both within but outside the boundary of its enclosing country park and, as such, the Country Parks Ordinance is not applicable to it and the Country and Marine Parks Authority has no jurisdiction over it. Today, some villagers are returning to their ancestral homes as expatriate descendants of their great grandparents and have demanded greater rights to build houses in response to a growing requirement for rented and second-home holiday accommodation. This has led to wide-scale debate and concern in Hong Kong and calls for official action.

The Country and Marine Parks Authority is responsible for enforcing the Regulations of the Country Parks Ordinance and the Marine Parks Ordinance and managing the parks and reserves. The Authority is also Director of the Agriculture, Fisheries and Conservation Department (AFCD) of the Hong Kong SAR Government. The Authority is advised by the Country and Marine Parks Board whose chairman is a non-government official appointed by the Secretary for the Environment. At the policy level, therefore, the Authority is responsible to the Secretary for the Environment. Importantly, however, the Country and Marine Parks Authority has **no** jurisdiction over areas that are not designated as protection areas under the Country Parks Ordinance. Nevertheless, the Government retains control over development *via* statutory town plans. Any unauthorized development would be subject to control under the Town Planning Ordinance and land lease. For development proposals on land adjacent to country parks, the Authority would be consulted, as appropriate, on their compatibility with the environment of the country and marine parks.

The historical background to this debate and problem lies in a Small House Policy that was introduced into the former Hong Kong Government's portfolio in 1972. The originally laudable objective of the policy was to improve the prevailing low standard of living in the rural areas of the New Territories of Hong Kong. It was created to simplify the demand by indigenous male villagers (but, importantly, wherever born) who, upon reaching the age of 18, to build a house for his own occupancy in his ancestral village. Open to abuse, however, for many decades a blind eye has been turned to the slow but steady increase in village small house numbers, and the then colonial Government also ignored the misogynistic character of this ancestral right. In recent years, however, the consequences of the policy have become out of control and it is now the cause of widespread and illegal developments in rural areas, many of which are contiguous with the country parks and which, because of some village's proximity to the sea, are imposing threats upon the marine parks too.

The Hong Kong SAR Government has stated that no more government land will be provided for small houses in the New Territories as a whole so that when the unused village land runs out, theoretically, development will cease. Today, however, there is unprecedented pressure by villagers and developers, to whom many of the former have already surreptitiously sold their land, to develop their ancestral villages such that they are now crammed with wall-to-wall housing. There are, moreover, schemes afoot to fill those village enclaves that are contiguous with Hong Kong's Country Parks with much larger, tower, developments, incompatible with the aims of the original Ordinance that established them, with no regard for either the environment or the interests of the general public for whom the parks are an extremely popular amenity (over 10 million visitor units each year). The construction of these houses, few of which will actually be occupied by the village applicants, as many are born and resident overseas, will, moreover, cause much environmental damage not just to the land but to the coastal waters they adjoin. It is estimated that the Government's failure, over the decades, to reform the Small House Policy could lead in time to more than 10,000 additional small houses being built within the country park enclaves over the next ten or so years. Such small houses are the most environmentally damaging form of local development because they are virtually un-regulated. There are no construction controls and illegal or temporary roads are built with no drains causing excessive runoff into streams and the sea. Also virtually un-regulated and haphazard is the infrastructure required to service the new houses. Sewage disposal, normally involves un-regulated septic tanks; grey water drainage also goes either into the nearest stream or directly into the sea and, worst-of-all, directly into the waters of the marine parks, notably

Appendix 3. (con't)

Hoi Ha. In effect, the village enclaves lack proper sewage, drainage, refuse collection and other public amenities and are not subject to normal societal regulations.

Opponents of such un-regulated and un-controlled developments argue that the divisive, discriminatory and outdated and unsustainable Small House Policy should be abandoned and that, in the short term, the policy should be amended so that it is no longer applicable to rural areas and enclaves contiguous with the Country and Marine Park's boundaries. This would thereby, halt the accelerating decline in the environmental quality of the parks themselves.

(Temporarily) returning male expatriate descendants of patriarchal Hong Kong village great-grandfathers, with no affinity to their ancestral land or the sea, personify this decline. Their disenfranchised mothers, sisters and daughters have even less kinship. Put simply, such expatriates have no empathy with what was, nor comity for, either Hong Kong's modern urban residents or their needs. And, therefore, if the application of the Small House Policy in the country park enclaves is not extinguished, the male heirs of the present generation will, in turn, demand their rights, and there is no way that the lands and waters, that were set aside in far-sighted manner by a previous government for all to enjoy, will survive.

The root cause of this problem, largely un-recognised, is that each individual sets his or her own mental baseline focussed on how their environment looked in their childhood and youth. I know I do. The next generation, however, sees and accepts as normal a world that has been changed, usually degraded, even if only in a minute way, by their parents. Over time, therefore, there is a generational and, thus, step-wise acceptance of environmental decline and, as a consequence, lowered ambitions with regard to conserving that which once was, but is now less. And, thereby, there is also no incentive to restore it to its original state. This generational loss of environmental memory means that, over time, degradation simply grows and there are virtually no mechanisms to halt it. Put simply, we progressively and collectively forget what we once had. And the present problem with Hong Kong's Country and Marine Park tithings exactly epitomises this. In the broader picture, moreover, most of the mangroves that fringed the mighty Pearl River's estuarine shores are gone. Mangrove remnants may survive for a while but, one by one, they will disappear as development takes advantage of our collective amnesia, and conservation is concerned, anew, not with protecting what was but with a degraded what is.

Brian Morton
School of Biological Sciences, The University of Hong Kong, Hong Kong Special Administrative Region
E-mail address: prof_bmorton@hotmail.co.uk

Appendix 4. Restaurants at the ground floors of village houses (do not seem to be just for villagers)









Appendix 5. People swimming at the beach in the Hoi Ha Wan Marine Park







Appendix 6. Suspected illegal discharge at Lung Mei, polluting Tolo Harbour









Appendix 7. Ecological characteristics of the woodlands in So Lo Pun, Hoi Ha and Pak Lap

	So Lo Pun Woodland	**Hoi Ha Woodland**	**Pak Lap Woodland**
Plant Species	KFBG: ca. **171**	FoHH: ca. 130 KFBG: ca. 114	AFCD: ca. 25 - 121
Protected Plant Species	- Spiny Tree-fern - Incense Tree - Lamb of Tartary	FoHH & KFBG: Hong Kong Pavetta and several others in the Fung Shui Woodland	Hong Kong Pavetta
Ecologically linked with adjacent CP and habitats	Yes	Yes	Yes
Rare Wild Mammal Species	**3**	1	0
PlanD's Proposed Zonings	**GB**	**CA and GB(1)**	**CA**

tpbpd

TPB/R/S/NE-HH/1-F41

寄件者: Ming Chuan Woo [redacted]
寄件日期: 15日08月2014年星期五 23:52
收件者: tpbpd
主旨: Proposed Amendments to the Draft Hoi Ha, Pak Lap and So Lo Pun OZPs
附件: HH, PL, SLP submission 140815_MCW.pdf

Dear Sir/Madam,

My comments regarding the captioned is attached.

Best Regards,
WOO Ming Chuan (Ms)

00050

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.

(Email: tpbpd@pland.gov.hk)

15th August, 2014 **By email only**

Dear Sir/ Madam,

Comments on the Proposed Amendments to the
Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1
Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1
Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1

1. We refer to the Town Planning Board (TPB) Papers No. 9679, 9680 and 9681, and the deliberations for the plans in the 1057th TPB meeting held on 20th May, 2014 and 4th June, 2014.

2. We consider that, during the deliberations for the aforementioned plans, the TPB might not have fully considered (and discussed) or might not have fully understood all the details of the issues presented by the Environmental NGOs on 8th May and 19th May, 2014. Some important points seem to have been disregarded, not discussed or might have been misunderstood according to the record of the meeting minutes. Thus, the proposed amendments to the draft OZPs were not made under circumstances in which the TPB members fully understood and well aware of the rationale behind the solid proposals made by the Environmental NGOs. We, thus, now wish to provide a further submission in order to pinpoint the shortcomings in the minutes of the meeting and to also provide comments on the proposed amendments.

Deliberations on 20th May, 2014

Genuine Need for Small Houses

3. The TPB meeting minutes mentions that the "V" zone should, firstly, be confined to the existing village settlements and the adjoining suitable land and then later, expand outwards upon demonstration of genuine need for Small House (SH) developments (i.e., Section 7 of the meeting minutes)[1]. We would like to point out that it is not at all clear that the sizes of the V zones under the proposed amendments are delineated based on the premise of "**proven genuine needs"**. As mentioned on many occasions, for instance, the current population in So Lo Pun is zero, and there is no outstanding SH application for this village. If the "villagers", or landowners, who are now living elsewhere (e.g., overseas) would like to resume living in this long-abandoned derelict village and to revitalise it, a common sense and truly incremental approach is that they should make use of the existing abandoned houses and the available but empty land within the existing village settlement in the first instance. It is not possible to understand why an extra piece of vegetated land of 1.72 hectares still needs to be made available for 68 new SHs to be built in the current proposal, based on the data cited above ("zero" population and "zero" outstanding SH application). The proposal to zone this extra piece of land as "V" is just simply not sound, and not at all an incremental approach (i.e., from 0 to 460 persons (so called planned population)). This very same concern also applies to Hoi Ha and Pak Lap. For instance, in Hoi Ha, the number of SHs will be doubled under the current amendment (i.e., existing SH number: ca. 33; with the additional SHs that can be built: ca. 40).

[1] http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e5.pdf

Septic Tank and Soakaway System (STS) and Water Quality Impact of Small Houses

4. Environmental NGOs together with distinguished and knowledgeable professors from The University of Hong Kong presented (using scientific field study results and field observations) that the current sewage treatment arrangements in rural villages would not be, in any way, able to protect the water bodies in and surrounding the Enclaves from man-made pollution (**Appendix 1**). Prof. Brian Morton, a highly distinguished Emeritus Professor with many international scientific accolades of The University of Hong Kong who is the pre-eminent scientific authority on Hong Kong's marine environment and pollution for more than 30 years and who was appointed in the 1990s as the Chairman of the Marine Parks (MP) and Reserves Working Group of the AFCD which formulated the legislation necessary to develop the MPs (including Hoi Ha Wan (HHW)), has also expressed his deep concerns on the impacts of additional SH development in the Hoi Ha Enclave and other coastal Country Park (CP) Enclaves (see **Appendices 2** and **3**).

5. However, with regard to sewage and wastewater disposal, the authorities offered the view that the current arrangements (e.g., percolation test, STS) would be enough to safeguard the water quality of water courses and water bodies. For instance, according to Section 14 of the meeting minutes, EPD mentioned that the LandsD, when processing Small House grant applications, would require the submission of a certified STS proposal (based on ProPECC PN 5/93) to the satisfaction of the concerned government departments and the LandsD would also require an Authorised Person (AP) to certify that the design of a septic tank meets the relevant standards and requirements as stipulated in ProPECC PN 5/93, including a percolation test. APs are professional persons registered under the Buildings Ordinance and any misconduct or negligence by APs would be subject to disciplinary actions.

6. We would like to ask:

(1) Is it a statutory requirement that the submission of a certified STS proposal by the AP in respect of a small house development must be checked, approved and agreed to by the EPD?

(2) Can the LandsD/ other relevant department(s) provide any data to show how many SH applications have been rejected mainly/ partially due to the non-compliance with the percolation test requirement, or has there been any such case, so far?

7. We consider that the answers to the above questions are critical to enable the TPB members to understand how robust or effective the current approach is in terms of administration of the certification process for certifying STSs for small house development.

8. The LandsD as recorded in Section 15 of the meeting minutes mentioned that a "conservative approach" has been adopted in processing SH applications, by the department. If such an approach really exists and if the certification arrangement mentioned in Section 5 above is really effective, we cannot understand why the then Secretary for the Environment, Transport and Works in her reply in 2005 to LegCo stated the following:

"*…However, as the base flow of local rivers and streams is generally small, their assimilative capacity is therefore low. This, coupled with the continued development and hence population growth in the river catchments, as well as the lack of maintenance of many private septic tank systems, has caused the water quality of some rivers and streams…to remain unsatisfactory.*"[2]

9. The relevant authorities in their proposals to carry out sewerage projects in rural areas repeatedly stated that STSs are not reliable:

"*In the unsewered areas, village houses usually use septic tank and soakaway systems for their sewage disposal. These systems are susceptible to operation and maintenance problems which could easily cause pollution of the environment and pose potential health hazards to the villagers or the nearby public.*"[3]

"*At present, sewage from a number of village areas in Yuen Long and Kam Tin is often treated and disposed of by means of private on-site treatment facilities (such as septic tanks and soakaway (STS) systems). Such facilities*

[2] http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0126ti-translate-e.pdf
[3] http://www.legco.gov.hk/yr05-06/english/fc/pwsc/papers/pi05-19e.pdf

might however become ineffective due to their proximity to watercourses[1] *or inadequate maintenance. Sewage from such areas has therefore been identified as* ***a source of water pollution*** *to nearby watercourses and the receiving waters of Deep Bay.*"[4]

10. According to these salient facts as mentioned by the various Government authorities, we feel that the problems associated with the construction and operation of STSs in countryside settings might not have been thoroughly deliberated in the TPB meeting (according to the meeting minutes), and the authorities just continued to maintain that the current sewage arrangements would work – even when the Government itself has repeatedly admitted and field data simply shows something contrary – STS systems are poorly maintained and ineffective. We are highly concerned that the TPB members might not have given a full picture to be able to critically analyse the effects of having more SH (and STS) in CP Enclaves, and thus, might make decisions based on biased or incomplete information.

11. We are also shocked to learn that the EPD in the meeting stated the following (in Section 21): "*…In general, for Small Houses, the maintenance works involved aeration, washing and removal of irreducible solids, which were not very labour-intensive and would not necessarily require vehicular access. Commercial contractors were also available to provide maintenance services.*"

12. Based on the above statement, can the EPD provide the name(s) of the contractor(s) or the number of contractor(s) that would provide a service to clean the STS **manually,** and to carry the sludge away using vessels (e.g., for STSs in So Lo Pun and Pak Lap)? We would also like to mention that 68 new SHs can be built, under the proposed amendment, in So Lo Pun, which is not accessible by vehicle, and "Eating Place", which can be a restaurant, is an always permitted use on the ground floor of a SH. There are also views that the SHs in the Enclaves can be used to provide some "Bed and Breakfast" service or accommodation for visitors. But the EPD also admitted that STSs for restaurants would require regular maintenance (in Section 21). If in the future, these "visitor-friendly facilities" (e.g., Bed and Breakfast) become a standing feature or there are some restaurants (say three to four restaurants) in these Enclaves, how can the STSs for these facilities be maintained properly in order to prevent them from creating pollution? We do not consider that these problematic situations were thoroughly considered during the deliberations and, thus, the making of the proposed amendments might not have taken into account the possible damaging effect of these potential developments (e.g., more restaurants) on the natural environment.

13. We are highly concerned that "Eating Place" is an always permitted use on the ground floor of a SH. Any such operational facility would cause significant water pollution impacts and this is also apparently the concern of a TPB member as indicated in Section 53. But as recorded in Sections 54 and 56, the authorities replied as follows: "*if a food business was to be carried out on site, the operator had to apply for a food business licence issued by the Food and Environmental Hygiene Department (FEHD)*" and "*a licence was required to be obtained from FEHD for carrying out a food business. Licence would only be issued to a food business if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions were confirmed.*" We cannot understand how FEHD can become the department responsible to assess or vet water pollution issues as it is not the authority to enforce the Water Pollution Control Ordinance (WPCO); EPD is the authority. The FEHD mainly handles "environmental hygiene" issues of premises but does not deal with the illegal discharge of polluted wastewaters which would cause environmental pollution to the surroundings. The FEHD is also not the authority to check whether or not the design and specifications of the sewage system have complied with the requirements of relevant ordinance(s) controlling pollution. Furthermore, during the meeting, there was no representative from the FEHD and we are also confused as to why the LandsD, as shown in Section 54, would be the authority to elaborate on this issue as it is neither the main office to control water pollution nor to manage environmental hygiene matters. We consider that the reply could not address the issue at hand and also the fact that there would be difficulties in enforcing the WPCO (as stated by the EPD itself in Section 28). Section 56 also states that "Eating Place" would be intended to serve the needs of the villagers. We consider that this statement does not truly reflect the real world. **Appendix 4** should have shown that many of the restaurants in village houses have been highly commercial operations, serving visitors rather than villagers, and, this is a common phenomenon in many rural villages. We strongly urge that "Eating Place" should NOT be an always permitted use in SHs (ground floor) within Enclaves.

14. The EPD also stated in Sections 23 and 25 that the STS has been effective in safeguarding the water quality of HHW MP and the quality of the main body of the MP has been measured as "excellent", and even in areas already

[4] http://www.legco.gov.hk/yr11-12/english/panels/ea/papers/ea0528cb1-1949-3-e.pdf

served by public sewerage such as Victoria Harbour and Tolo Harbour, relatively high levels of *E.coli* were common in the coastal areas. We are, again, shocked by these statements.

15. Firstly, it has already been demonstrated that the coastal shoreline of the HHW MP is polluted, and this is the area (not the "main water body" in the central part of the MP with deep water) which is also frequented by the majority of visitors (see **Appendix 5**). We cannot understand why the EPD used the water quality data collected from the deeper offshore open waters in the main body of the MP to interpret the potential effect of the SHs and associated STSs on the health of the majority of visitors who use the near shore coastal area only. Secondly, we of course know that waters outside some areas with sewers also contain high levels of *E. coli* but the EPD did not mention that these high levels would be contributed by illegal discharges (both in urban and rural areas, see **Appendix 6**), and this is also a common phenomenon in rural areas as repeatedly shown in presentations to the TPB by the Environmental NGOs. For instance, the highly polluted water discharged into the near shore coastline of Ting Kok as shown many times to the TPB would also largely increase the *E. coli* levels in Tolo Harbour. It seems that the EPD did not relate this fact in their interpretation in Section 25 and this might have affected the judgment of the TPB members.

16. Based on the information in the above appendices, we are highly concerned that the captioned Enclaves and their surrounding waters will be greatly affected by the sewage generated by the proposed V zones and the associated activities (e.g., always permitted "Eating Place"). The relevant authorities seem not to have directly addressed all these concerns and worries (i.e., the ineffectiveness of the current sewage system in rural areas as realised by the Government itself, i.e., see Sections 8 and 9 of this letter). The proposed amendments to the zonings of the draft OZPs still do not truly reflect that these concerns by the Environmental NGOs and various scholars have been fully addressed based on all the available information presented and which should have been taken into account. Indeed, the EPD also admitted in Section 28 that enforcement action due to illegal discharge of wastewaters can be problematic and we simply cannot understand why at the same time the authorities would be completely confident that there would not be a significant water pollution issue in the Enclaves under such circumstances. Given that there is a known and practical difficulty in controlling the discharge of polluted water and the value (ecological, conservation, landscape, recreational) of these Enclaves is so high, a conservation approach should be the guiding principle that is best served by confining the V zones to the existing village settlements in order not to allow potential pollution sources (both point and non-point) to increase in these pristine natural areas of countryside.

The Tai Long Wan approach

17. Section 41 of the meeting minutes states that an over-restrictive approach to confine the V zones to existing village houses would be unnecessary. However, we would like to mention that based on the objective and scientific data provided by Environmental NGOs and university scholars, the practical difficulties associated with enforcing the law and controlling pollution (as admitted by the EPD), the pollution status in unsewered areas (as mentioned by the Government itself) and also the ecological sensitivity of the Enclaves and their surrounding CPs, the exact opposite is true, and that is – it is highly necessary to confine the V zones. We do not agree with the statement in Section 42 that there would be "sufficient control" on unacceptable environmental impacts on the surroundings which runs counter to the evidence presented by the Environmental NGOs, the university scholars and even by Government, itself, as stated in above paragraphs.

18. Indeed, the Tai Long Wan approach should have provided the TPB with the insight for the planning of the zonings in the CP Enclaves. We cannot understand what the Tai Long Wan Enclave possessed in terms of "unique planning background and characteristics", as stated in Section 48 by the LandsD. We consider that the LandsD would need to elaborate on the details of the so-called "uniqueness" of Tai Long Wan, as compared to Hoi Ha, Pak Lap and So Lo Pun. In terms of ecological importance, the latter three Enclaves would be of higher significance; they are also surrounded by CPs and also provide recreational space for the public. Hoi Ha Wan is an area of outstanding beauty and with a recognised status as a MP. We note in the meeting minutes that the authorities attempted to use the presence of "well-preserved historic villages and a site of archaeological significance" to differentiate between Tai Long Wan and the three captioned Enclaves. But we would like to reiterate that, as stated in the Approved Tai Long Wan OZP[5], the planning intention of the plan is **primarily** to conserve the scenic and unspoiled natural environment by protecting features of ecological significance, the natural landscape and the rural character and not mainly to conserve the historic and archaeological elements there. We cannot understand why the

[5] http://www.ozp.tpb.gov.hk/pdf/S_SK-TLW_5_e.pdf

authorities tended to emphasis the latter but at the same time disregarded the primary intention which is to simply protect the natural environment.

Deliberations on 4th June, 2014

19. Section 3(n) of the meeting minutes[6] for the above deliberations misinterprets the intention of the Tai Long Wan OZP; Section 18 of this letter (above) should have provided the actual wordings used in the Explanatory Notes of the OZP and we urge the TPB members to note this. Moreover, because of Section 3(n) of the minutes, we are concerned that the TPB members might have been misinformed and, thus, the plan making decisions might have been erroneous (i.e., not making reference to the appropriate benchmarks set out in a highly relevant precedent case).

20. Regarding the Tai Long Wan approach, the authorities as shown in Sections 12 and 13 of the meeting minutes mentioned that in order to protect the areas of "high heritage value" in Tai Long Wan, a stringent approach was thus adopted (e.g., to confine the V zone to existing village settlement) and the same approach should not be applied to the three Enclaves as there are no such areas with high heritage value. We would like to remind the TPB that as shown in the TPB Paper No. 9430 (for Hoi Ha), there is an Archaeological Site in the Hoi Ha Enclave and the V zone as currently proposed (outside the existing village settlement) is actually covering this site. We cannot understand why, if protecting "cultural heritage" is suddenly such an important issue in the eyes of the authorities, that this Archeological Site is not well protected by the zoning plan from the destructive impacts associated with the development of SHs and that new SHs are allowed to be built within this site. This is simply demonstrating remarkable inconsistency through planning intentions in recognizing and protecting features of archaeological importance in the CP Enclaves.

21. We also note that some TPB members expressed their concerns on the impacts caused by the additional SHs on the water quality of the HHW MP. We would like the TPB to note Sections 4 to 16 of this letter and relevant appendices.

22. According to Section 35 of the meeting minutes, a TPB Member said that the naturalness of So Lo Pun would be the highest amongst the three subject CP Enclaves. Indeed, the Environmental NGOs made the same point during the hearing for the first draft So Lo Pun OZP (see **Appendix 7**). According to the TPB Paper No. 9430, the woodland to the west of the existing Hoi Ha village is considered to be "disturbed" and "young" by the authorities, but even so, it is now proposed to be largely covered with a Green Belt (1) (GB(1)) zone; in Pak Lap, the patchy woodlands are even covered with Conservation Area (CA) zone. In general, no new SH development would be allowed in these two zones. In contrast, the woodlands in So Lo Pun which provide habitats for many species of conservation concern (see **Appendix 7**), is now proposed to be covered with a GB zone only and SHs are allowed to be built through the planning application process. In general, GB has been considered as a potential reserve for new SH sites as repeatedly mentioned in the TPB Papers and meeting minutes in order to cater for the "need" of the indigenous villagers. We cannot see any logic here – **the best piece of woodlands receives the least protection status**.

23. Section 48(h) of the meeting minutes also mentions that the upper section of the So Lo Pun Stream is bounded by "disturbed, young" woodland, and thus, the proposed GB zone is sound. However, throughout an earlier TPB Paper regarding the So Lo Pun Enclave (No. 9423), we do not see any mention that the woodland there has been considered to be disturbed and/ or young; the description used in the TPB Paper No. 9423 is as follows: "…*wooded areas, which form a continuous stretch of well-established vegetation of the natural woodlands adjoining the Plover Cove Country Park*". We would like the authorities to provide further scientific information to support the new description outlined in Section 48(h); otherwise, this is only a subjective statement. Overall, we consider that covering the woodland in So Lo Pun with a GB zone is highly problematic; this decision does not seem to following the approach of the other two Enclaves and is not soundly based on the intrinsic values of this mature woodland. **This zoning status should be critically reviewed.**

24. According to Section 43 of the meeting minutes, the Chairman mentioned (after summing up Members' views): "…*based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed "V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted.*" We cannot understand why the proposed

[6] http://www.info.gov.hk/tpb/en/meetings/TPB/Minutes/m1057tpb_e6.pdf

"V" zone on the draft So Lo Pun OZP No. S/NE-SLP/D would suddenly become the recommended version. Indeed, as mentioned in Section 3 of this letter, we are not convinced that it is an incremental approach (e.g., shooting-up from zero population to 460 persons). The number of new SHs allowed to be built in So Lo Pun, in future, would also be the highest amongst the three Enclaves (So Lo Pun: 68; Hoi Ha: 40; Pak Lap: 18) YET both its existing population and its outstanding SH demand are the lowest (both are zero). Again, we fail to understand the underlying logic here.

25. According to Section 53 of the minutes, a Member expressed his concern that: "*Even if the concerned area was rezoned to "AGR"* (in Pak Lap)*, the prospect of obtaining planning approval for development would be quite high.*" We would like to say that this is completely true. We are highly concerned that the new Agriculture (AGR) zone proposed for Pak Lap would finally be filled with many SHs in the future. If "agriculture" use (suddenly) becomes an important element for consideration, why can't a more conservative zoning like GB, GB(1) or CA be applied, anyway, since "agriculture" use is also ALWAYS permitted (in Column 1) for such zones? Only by applying a more conservative zoning can the intention of reducing the V zone (to avoid the destructive environmental impacts from building and operating SHs) be fully achieved.

26. With regard to the designation of a buffer zone along the watercourse in the middle of Pak Lap, the PlanD mentioned in Section 56 that: "*according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI.*" We consider that this is wrong in principle and highly misleading. According to the draft plans for To Kwa Peng and Pak A (both are CP Enclaves), the riparian zones of the streams there have been covered with GB and these watercourses are not EIS/ SSSI. Section 58 of the meeting minutes mentions that Pak Lap Wan is not a MP. But we would like to reiterate that it is an important habitat for a rare species of high conservation concern – Amphioxus, and it has been proposed to be designated as a MP by scholars from The City University of Hong Kong. The importance of Pak Lap Wan is also recognised by the AFCD (at least one study has been completed by the AFCD). In view of the connectivity between Pak Lap Wan and the watercourse within Pak Lap, we are highly concerned that pollutants potentially entering the watercourse (as shown in the appendices mentioned above) would affect the sea and, thus, the species of concern. We, therefore, reiterate that there should be a buffer zone for the watercourse.

27. Section 4.1(a) of the TPB Paper No. 9509 (for the Tin Fu Tsai Enclave) mentions: "*…the Water Supplies Department (WSD) has advised that ...The risk of water pollution would arise from 2 types of sources: (i) point sources, i.e. discharge of sewage from new village type developments/houses; and (ii) non-point sources, i.e. activities of inhabitants of the new village type developments at Tin Fu Tsai (which include the activities outside village type houses). While public sewerage, if technically feasible* (but we doubt that)*, would collect the sewage from point sources,* ***it would still be necessary to prevent/mitigate water pollution from non-point sources. <u>The effective means to prevent water pollution</u>, in particular from nonpoint sources, <u>is through land use control</u>….*"
We consider that this is a very factual statement but we cannot understand why this principle is not applied to Pak Lap. We do not agree with the conclusions made in Sections 71(c) and (f) of the meeting minutes.

28. According to Section 59 of the meeting minutes, the PlanD stated that: "*the concerned area* (i.e., the new AGR zone in Pak Lap) *was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as "CA" or "GB".*" If an area with Water Fern cannot be justified to be zoned as CA/ GB, we would like the authorities to support their CA zonings in Pak Lap and also the GB zoning in Tin Fu Tsai with justified scientific evidence. In Tin Fu Tsai, fields that are mostly used for war-games are now covered with a GB zoning status.

29. We strongly agree with the statement made by a Member as shown in Section 61 that: "*In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for <u>CPEs</u>* (<u>CP Enclaves</u>) *<u>with low population and not served by vehicular access and infrastructural facilities, the "V" zone should be confined to the existing village settlements.</u> As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach.*" However, we are disappointed to note that this has not been taken forward and clearly set out in the three amended plans.

Concluding Remarks and Recommendations

30. Based on the above, we are highly concerned that the views of the Environmental NGOs and the university scholars might not have been fully discussed during the meetings. We also see some illogical statements, perhaps based on lack of understanding or misinterpretation in the meeting minutes. As such, we are highly concerned that the proposed amendments were made without entirely making reference to all relevant points. Our counter proposal is as follows (and shown in **Figures 1**, **2** and **3**).

31. The V zones of these three enclaves should be confined to the existing village settlements. We do not see any concrete information or tangible evidence provided to prove that the Tai Long Wan precedent cannot be applied to these three enclaves. In order to properly undertake the incremental approach as mentioned by many Members, we propose that the currently proposed V zone outside of the existing village settlement can be zoned as GB. In the GB zone, SHs can still be built through the planning application process and, thus, the rights of the indigenous villagers would not be in any way extinguished. The GB zone, at the same time, can also ensure that any applications that would cause environmental impacts would be fully reviewed by the authorities and be noted by the public. We consider that this is better management for a real incremental approach.

32. The proposed GB in So Lo Pun should be zoned as GB(1)/ CA to reflect the true ecological value of the woodland and, also, the upper section of the stream whose value seems to have been underestimated.

33. The riparian zone of the watercourse in the middle of the Pak Lap Enclave and the area with Water Fern should be protected by conservation zonings (e.g., GB(1), CA), for reasons as stated above.

34. Eating Place (and other uses that would cause significant pollution) should not be an always permitted use in the V zone (ground floor of SH) as the ordinance to control water pollution cannot be easily enforced in the natural countryside and rural settings.

35. We would like to emphasise that the proposed zonings which we are now recommending in this letter, after considering the views of some TPB members, is a compromise which is not strictly following the approach previously adopted by the TPB for the Tai Long Wan Enclave. In terms of protecting these Enclaves and also their surrounding CPs, we would like to reiterate that indeed the Tai Long Wan precedent is the only correct approach; the amendments as currently proposed by the PlanD are a diluted approach for protection of the ecologically sensitive and valuable habitats in these Enclaves and simply wrong in many principles as stated above, and thus should be rejected.

Thank you for your attention.

Yours faithfully,

Ms. WOO Ming Chuan
(Email:XXXXXXXXX)

cc.: TPB Members

Figure 1. Proposed zonings for Hoi Ha (our proposed amendment is in blue)

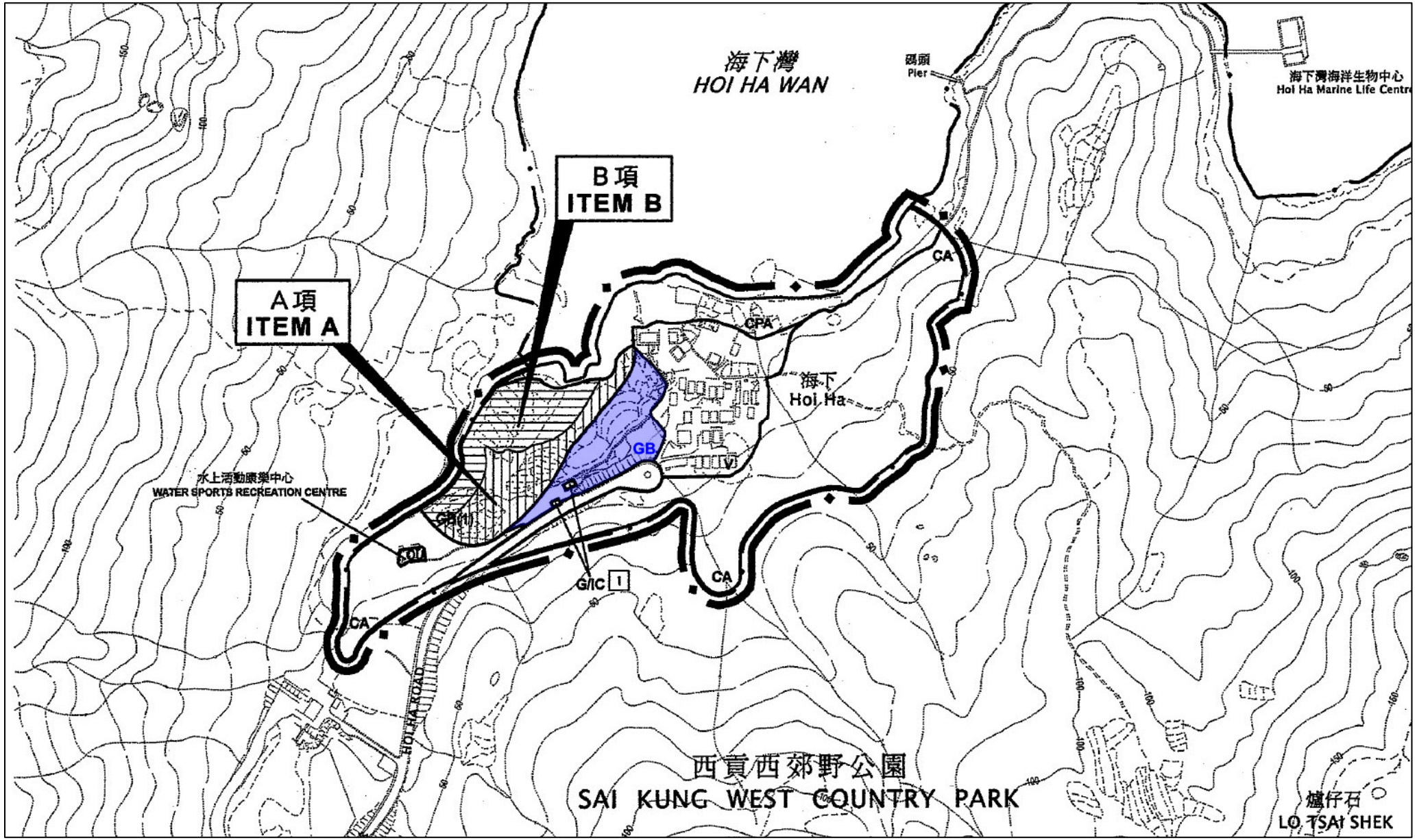


Figure 2. Proposed zonings for Pak Lap (our proposed amendments are in blue and green)

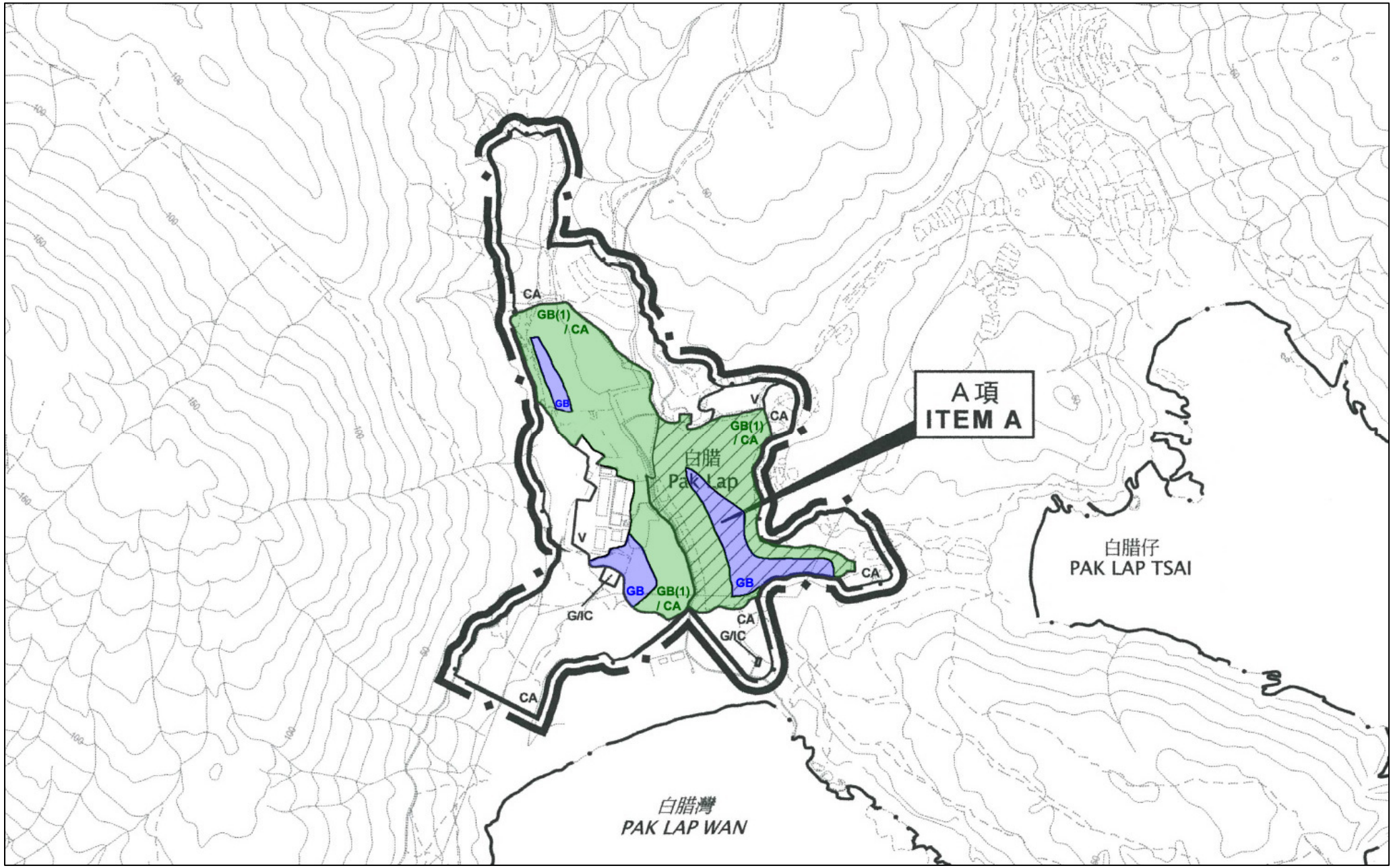
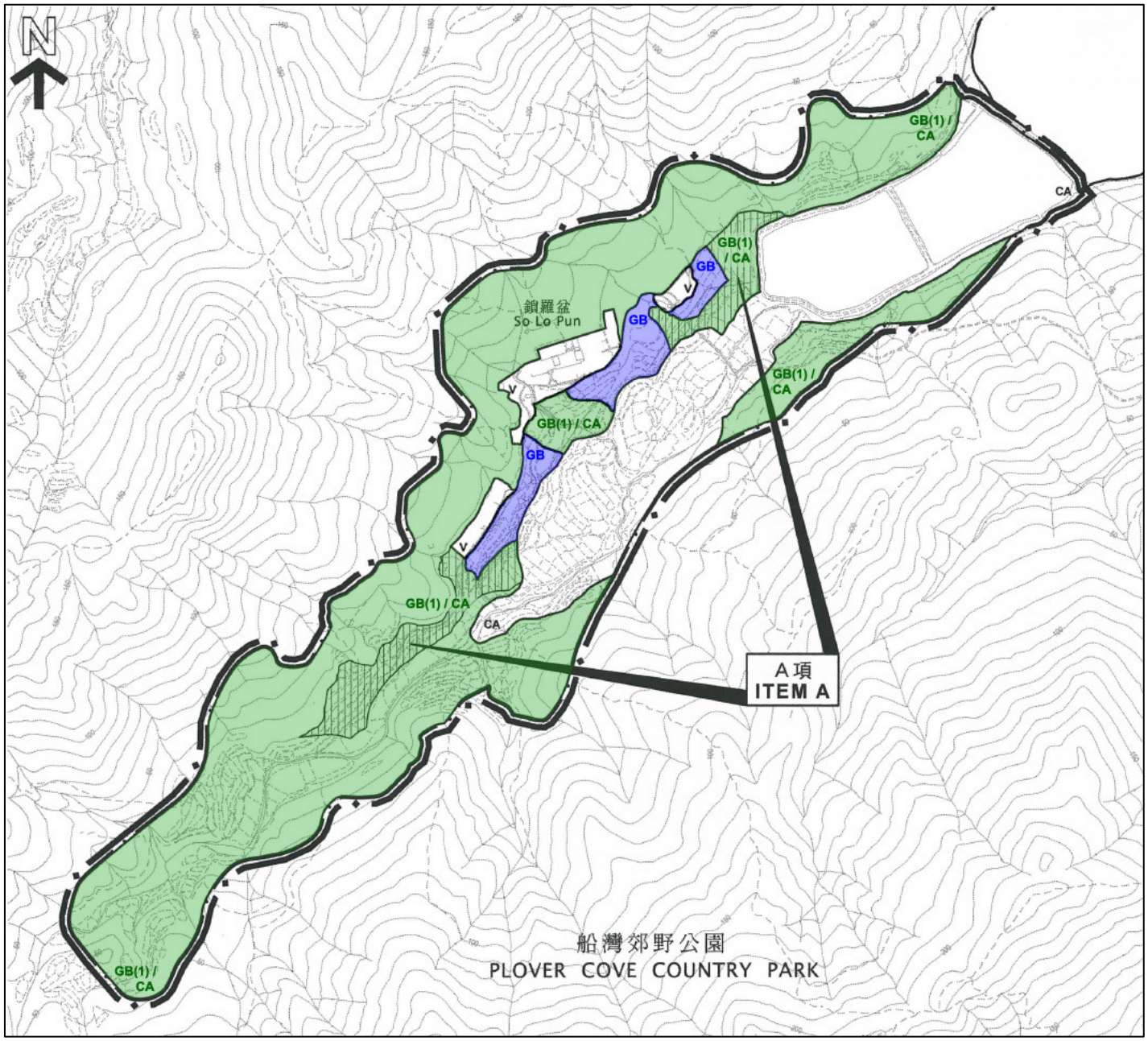


Figure 3. Proposed zonings for So Lo Pun (our proposed amendments are in blue and green)



Appendix 1. Presentation by the Professors from The University of Hong Kong showing the man-made pollution along the coast of Hoi Ha Wan

Results (Xu & Leung, unpubl. data)

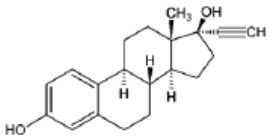
Mean EDC Concentrations in Various Samples from HHWMP

NP: Nonylphenol, OP: octylphenol, BPA: bisphenol A, E1: estrone, E2: estradiol, and EE2: ethinyl estradiol; TBT: tributyltin, TPT: triphenyltin and OTs: total organotins

		Endocrine Disrupting Chemicals								
Sample	Season/Species	NP	OP	BPA	E1	E2	EE2	TBT	TPT	Total OTs
Water	Summar	188.1	12.7	19.9	0.6	ND	ND	1.8	1.6	4.3
ng/L	Winter	13.3	1.3	10.1	ND	ND	ND	ND	0.5	0.8
Sediment	Summer	278.2	29.5	543.1	7.0	1.3	0.7	3.3	22.2	50.2
ng/g dry wt	Winter	260.1	28.8	476.0	ND	ND	ND	1.7	20.9	46.2
Marine	Damsel fish	157.7	35.2	94.3	9.6	ND	ND	2.0	59.2	79.9
Organism	Grouper	226.3	40.5	32.5	ND	6.9	ND	4.0	32.2	44.3
ng/g dry wt	Green mussels	169.8	58.8	609.5	10.7	ND	5.4	8.3	153.5	195.7

- Water, sediment and marine organisms in HHWMP were contaminated with synthetic NP, OP, BPA, and organotins.
- At current levels of NP in seawater, some fish species would experience endocrine disruption including sex change in male fish, and reduced fecundity (i.e., fitness).
- Female gastropods would develop imposex if exposed to TBT or TPT at ≥ 1 ng/L.
- The green mussels accumulated more EDCs than the fishes; they also accumulated EE2 which is the main active ingredient of contraceptive pills.





Appendix 2. Letter to be submitted by Professor Brian Morton for Hoi Ha

To: The Chairman, Secretary and Members of the Town Planning Board.

Hoi Ha

Dear Chairman,

Please find the attached, which I would appreciate you putting forward, alongside this letter, to the members of the Town Planning Board at its next meeting whereat the new housing developments proposed for Hoi Ha will be discussed.

I was resident in Hong Kong from 1970 to 2004 and am still a permanent resident visiting the University of Hong Kong and my many local friends at least once every year.

You may not know this (time, as I have discovered, being a great amnesiac) but I first put forward the proposal to develop marine parks and reserves in Hong in my book "*The Future of the Hong Kong Seashore*" (1979) and elaborated upon this in "*The Seashore Ecology of Hong Kong*" (1983). Following the advice given to the AFCD by a working group (which I absented myself from to avoid a conflict of interest), I was appointed Chairman of the Marine Parks and Reserves Working Group of the AFCD which developed the legislation necessary to develop the marine parks and Cape d'Aguilar as a marine reserve. Hong Kong's Legislative Council passed this legislation on the 31 May 1995. Subsequently I was appointed Chairman (1995-1999) of another AFCD working group (Marine Parks and Reserves Committee), which recommended that the Country Parks Board be renamed the Country and Marine Parks Board. This was enacted on 10 August 1995 and, subsequently, staff officers within AFCD have themselves, with other citizens, produced additional educational and recreational books and pamphlets and acted as guardians to the natural treasure that is Hoi Ha.

Prior to these and subsequent official actions (1988-2003), I was appointed Chairman of the WWFHK Hoi Ha Wan Committee with the objective to develop the marine park for recreational and educational objectives and to build a Marine Life Education Centre at Hoi Ha Wan. In this context WWFHK raised HK$38 million and HK$14.5 million from the Hong Kong Jockey Club and the Hong Kong Shanghai Bank Charitable Trust, respectively, to build the centre. The Hoi Ha Wan Marine Park was designated in 1995 and the Hoi Ha Wan Marine Life Education Centre was opened on 19th January 2008. Subsequently, WWF International declared Hoi Ha Wan Marine Park and its Marine Life Education Centre one of the "*100 Gifts to the Earth*" and I wrote a book "*Hoi Ha Wan*" (1992) and the educational materials for the Hoi Ha Marine Life Education Centre and which are still used today. Also today, the centre's educational programmes and its glass-bottomed boat "*Transparency*" are fully booked for school and other visits, at least one year in advance. Their popularity has gone far beyond any perceived notion of success.

I neither remind nor inform you and your committee of the above facts for my own or your edification nor approbation but simply to demonstrate just how important I then believed

Appendix 2. (con't)

and still believe that Hoi Ha Wan is not just ecologically (particularly in terms of its corals and *bonsai* mangroves bordering the sand spit that encloses the periodically and naturally built up and deflated lagoon) but, also, as a natural park for the benefit of the ordinary people of Hong Kong..

I visit Hoi Ha Wan every time I come to Hong Kong and I cannot impress on you and your committee enough just how popular this marine park and its surrounding country park is to the citizens of Hong Kong. I take trips on "*Transparency*" with, typically, the school children of Hong Kong's urban-residents and it is clear to me just how much they enjoy and benefit from the experience that is given to them by the park and its educational facility. If you and your committee members have never done this, I urge you to join a school outing on "*Transparency*" and to see for yourselves not just the corals, but the total environment of the bay and how Hong Kong's children react to their experiences therein..

Researches by my own Ph.D. students, while I was employed by the University of Hong Kong, then identified a declining environment in Hoi Ha Wan especially with regard to water quality that was and probably still is, affecting the resident corals adversely. Further development of the riparian edge of the bay itself would impact adversely the mangroves which, as I identify in the *Marine Pollution Bulletin* editorial attached to this letter, are already being affected by earlier developments and would be more so by any future housing developments. Further developments around Hoi Ha Wan must, inevitably, exacerbate this problem hastening the decline of this unique little ecosystem..

I have seen, read and carefully examined the many documents related to the debates that have been engendered by the proposal to develop Hoi Ha further for housing – which I am convinced is for non-permanent residents. That is, for second homes and holiday accommodations. I am also aware of Hong Kong's lack of affordable housing for its citizens and understand the Hong Kong SAR Government's highly commendable wishes to ameliorate this situation for its citizens. But I personally doubt any village homes at Hoi Ha Wan will contribute in any meaningful way to achieve this..

I am sure that you and the members of your committee will have read, as have I, the proposals for and objections to further developments within Hoi Ha Wan. This letter is not, therefore, an attempt to add further fuel to the discussion, but a direct appeal from a Hong Kong marine scientist who saw the importance of Hoi Ha many decades ago and alongside, many, many, colleagues both within and outside the Hong Kong SAR Government, worked tirelessly to leave some vestige of a natural heritage behind them for the benefit of the ordinary citizens and their children of Hong Kong. Not just this, but the commitment shown by fund-awarding charitable bodies, such as the HSBC Charitable Trust, the Jockey Club and WWFHK (identified above) towards the recreational and educational development of Hoi Ha, should be respected and honoured. We all, as a disparate but united and dedicated assemblage

Appendix 2. (con't)

of civic-minded residents, anticipated and expected that the Hong Kong SAR Government would honour its commitment to protect and conserve this tiny bay for posterity so that those yet to come would experience what we can see today and did our honest best to protect..

I trust that you, Mr Chairman, and your committee can honour that commitment made so many years ago and come to a decision regarding Hoi Ha, which states that it will not agree to the abrogation of an earlier will, then so strong, to protect that which so many Hong Kong citizens love..

I remain, Sir, your obedient servant..

.

Professor Brian Morton OBE..

Emeritus Professor,..

The University of Hong Kong..

.

12 August 2014..

Appendix 3. Scientific paper written by Professor Brian Morton regarding Small House Policy and its potential impacts

Marine Pollution Bulletin 85 (2014) 1–3

Contents lists available at ScienceDirect

Marine Pollution Bulletin

journal homepage: www.elsevier.com/locate/marpolbul

Editorial

Hong Kong's Small House Policy. A land and marine coastline conservation disaster in the making

The focus of the southern Chinese province of Guangdong is the Pearl River (Zhu Jiang) basin and delta, which drains a vast area (some 453,700 km^2) of southern China. The river is some 100 km wide at the mouth, with the Special Administrative Regions of Macau and Hong Kong flanking the western and eastern banks, respectively. To put the river in perspective, the Pearl is the second largest river in China, after the Yangtze, with an estimated flow of 9500 m^3 second.

Guangdong is not just considered the fertile agricultural rice bowl of China it became, in 2005, the most populous province in the country, registering >79 million permanent residents and >31 million migrants who live in it for at least six months of the year. As of 2012, the province's estimated population of >110 million, was 7.8% of China's total. The provincial capital, Guangzhou (formerly Canton), and its economic powerhouse, Shenzhen, are among the most important cities in China with collective populations alone of >23 million. Guangzhou is the largest city of southern China and the third largest Chinese city. As of 2010, the city's administrative area had a population of 12.8 million, making Guangzhou the most populous southern city. Not established until 1979, when it was no more than a market town situated on the border with the then British colony of Hong Kong, Shenzhen has become one of the largest cities in the Pearl River delta as well as the largest manufacturing base in the world. Today, this Special Economic Zone (SEZ) is the 10th most populous city in China with some 10.4 million residents.

Some estimates place the population surrounding the Pearl River Delta Economic Zone, which can today be referred to as a Mega City – the world's first megalopolis – at 40 million including Shenzhen (>10 million), Dongguan (>8 million), Foshan (>7 million), Jiangmen (>4 million) and Zhongshan (>3 million). In 2008, Guangzhou alone was identified as a Beta World City by the Globalization and World Cities Research Network. If, therefore, Guangzhou itself, sitting at the head of the Pearl's estuary, is included we can estimate a delta-wide urban population of some 150 million people. This does not, however, include either the gambling city of Macau, until 1999 a former Portuguese colony, with a resident population of ~0.5 million (but a much greater transient one) nor, until 1997, the former British colony of Hong Kong, which with a population of >7.2 million people (and a transient one of >126 million), is classified as an Alpha + City. With a land area of only 1104 km^2, the Special Administrative Region of Hong Kong's lack of space has created the world's most vertical city. Kowloon, with a population density of ~44,000 km^2 ranks as one of, if not the, most dense human conurbations ever known.

The Pearl River's delta today, therefore, is probably home to, conservatively, over 160 million people but growth has not yet ended. Regional goals for 2020 include the development of two or three new cities, the expansion of road, rail, seaport and airport infrastructures and the construction of the 50 km long Hong Kong–Zhuhai–Macau Bridge – across the Pearl currently traversed by thousands of ferries each day.

Since the end of the last ice age, sea levels have risen in southern China by over 10 m (but were even higher in the Early Holocene) so that the Pearl River's delta contains hundreds of little islands (former mountain tops), there being some 235 within Hong Kong's 1650 km^2 territorial waters alone. And, because of the vast amounts of silt deposited by the river, estimated at ~86 million tonnes each year, the estuary's flanks are bordered (or used to be) everywhere by mangrove stands – these lie close to the northern limits of the component species' ranges. These plants, in stabilising the river's flanks, are believed to accumulate up to five centimetres of silt annually, protecting shorelines from rising sea levels and typhoons but also facilitating natural coastal reclamation – a characteristic exploited by early prawn and fish pond farmers.

The Pearl's mangroves have attracted attention for centuries. The famous, some would say infamous, English navigator, explorer, hydrographer, naturalist and one-time buccaneer William Dampier (1651–1715) visited Canton in 1687 and described the coast of St. John's Island, south of Canton, as: '*The skirts or outer part of the island, especially that part of it which borders on the main sea, is woody.*' Later, the Swedish explorer and naturalist Pehr Osbeck (1723–1805) spent four months between 1750 and 1752 exploring the Pearl River and collecting from around Canton >600 species of plants, including mangroves, that were taken back to Sweden in time to be described, as type specimens, and published in Linnaeus's *Species plantarum*.

With continuing province-wide development, however, many, but unknown amounts, of the Pearl's fringe of mangroves have been reclaimed artificially. To protect a significant 380-hectare area of the Pearl's mangal and traditional prawn (*gei wai*) and fish ponds, the then colonial government of Hong Kong declared the seaward area of the north-western coast of Hong Kong, abutting the Shenzhen River (a tributary of the Pearl) to be a Site of Special Scientific Interest (SSSI). Mai Po was officially designated as a Nature Conservation Area in 1975 and a Ramsar site in 1995. This followed the designation by the Chinese Government of a thin strip of mangal opposite Mai Po, at Shenzhen, to be a Mangrove Nature Reserve in 1984.

The impact of the Pearl River to the east of Hong Kong is minimal and unlike the estuarine west, these shores are washed by saline oceanic waters. Nevertheless, the many embayments of this eastern drowned coastline are also fringed by mangroves that

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Appendix 3. (con't)

are growing without the Pearl's silt on volcanic boulders, cobbles and sand. They are dwarf in comparison to their Mai Po conspecifics and have a different associated community of plants and animals. In contrast to Mai Po, these little studied *bonsai* trees naturally fringe the shores of much of the Sai Kung East and West Country Parks that make up Hong Kong's eastern New Territories. These parks lie adjacent to each other in the Sai Kung Peninsula and were established in 1978 following enactment of the Country Parks Ordinance (Chapter 203) in 1976, with one of its bays designated as a marine park following the subsequent enactment of the Marine Parks Ordinance (Chapter 476) in 1995. Today, some 40% of Hong Kong's land area comprises country parks and there are four marine parks (and one marine reserve) all designated for the free recreational and educational benefit of the, largely urbanised, people of Hong Kong. I consider this adventure, alongside the rule of law, to be the greatest achievement of the British colonial government of the time.

According to the Hong Kong Gazetteer of 1960, the population of the Sai Kung Peninsula was then about 3000, with an average of 45 persons in each of its 66 villages, many of which, however, had been abandoned. These were first established by, predominantly, Hakka people some 200–300 years ago. Today, the village of Hoi Ha sits at the head of a bay that was designated as a marine park in 1995. The bay is shallow and at its head is a beach some 250 metres long. This beach and shallow offshore sands are highly dynamic, creating a westerly-directed sand spit that is periodically and seasonally broken down during heavy rainfall by the enhanced outflow from a stream which discharges into the bay, but which then eventually reforms. Behind the sand spit is a mangrove-fringed lagoon. This is unique in Hong Kong and the characteristic eastern New Territories mangroves of Hoi Ha and other eastern embayments, serve as a counterpoint to the western silt-burdened Mai Po. Behind Hoi Ha's bay, the pattern of, now, abandoned village paddi-fields are still evident and eminently suitable for building on – as we shall see.

Hoi Ha village was established in 1811, when a group of Hakka settlers, sharing the family name Yung and originating from the Hui-yong district of China, arrived here. The main occupation of the first Yung family settlers of Hoi Ha was agriculture. Valley land was cleared for wet rice farming and vegetable production. By 1890, however, there were still only ten families resident in Hoi Ha with a total population of just 74 people. Some younger villagers had already begun to emigrate. After the Second World War, there was an enhanced exodus of young people and the village's population fell dramatically, as it did throughout the New Territories. Some left to find work in Hong Kong and Kowloon while many others emigrated to Europe, mainly Great Britain, and America.

Today, only a handful of Yung villagers remain and most of the original houses lie abandoned and in a state of decay. Recent years, however, have brought some resurgence in the fortunes of Hoi Ha and its beach and bay, effectively national parks, as they have become popular for many forms of summer recreation. Associated with this, however, have arisen problems, not just at Hoi Ha but elsewhere throughout most of Hong Kong's rural areas and countryside. Hoi Ha village is a country park enclave (a better term might be a tithing.). Like other New Territories enclaves, therefore, it is both within but outside the boundary of its enclosing country park and, as such, the Country Parks Ordinance is not applicable to it and the Country and Marine Parks Authority has no jurisdiction over it. Today, some villagers are returning to their ancestral homes as expatriate descendants of their great grandparents and have demanded greater rights to build houses in response to a growing requirement for rented and second-home holiday accommodation. This has led to wide-scale debate and concern in Hong Kong and calls for official action.

The Country and Marine Parks Authority is responsible for enforcing the Regulations of the Country Parks Ordinance and the Marine Parks Ordinance and managing the parks and reserves. The Authority is also Director of the Agriculture, Fisheries and Conservation Department (AFCD) of the Hong Kong SAR Government. The Authority is advised by the Country and Marine Parks Board whose chairman is a non-government official appointed by the Secretary for the Environment. At the policy level, therefore, the Authority is responsible to the Secretary for the Environment. Importantly, however, the Country and Marine Parks Authority has **no** jurisdiction over areas that are not designated as protection areas under the Country Parks Ordinance. Nevertheless, the Government retains control over development *via* statutory town plans. Any unauthorized development would be subject to control under the Town Planning Ordinance and land lease. For development proposals on land adjacent to country parks, the Authority would be consulted, as appropriate, on their compatibility with the environment of the country and marine parks.

The historical background to this debate and problem lies in a Small House Policy that was introduced into the former Hong Kong Government's portfolio in 1972. The originally laudable objective of the policy was to improve the prevailing low standard of living in the rural areas of the New Territories of Hong Kong. It was created to simplify the demand by indigenous male villagers (but, importantly, wherever born) who, upon reaching the age of 18, to build a house for his own occupancy in his ancestral village. Open to abuse, however, for many decades a blind eye has been turned to the slow but steady increase in village small house numbers, and the then colonial Government also ignored the misogynistic character of this ancestral right. In recent years, however, the consequences of the policy have become out of control and it is now the cause of widespread and illegal developments in rural areas, many of which are contiguous with the country parks and which, because of some village's proximity to the sea, are imposing threats upon the marine parks too.

The Hong Kong SAR Government has stated that no more government land will be provided for small houses in the New Territories as a whole so that when the unused village land runs out, theoretically, development will cease. Today, however, there is unprecedented pressure by villagers and developers, to whom many of the former have already surreptitiously sold their land, to develop their ancestral villages such that they are now crammed with wall-to-wall housing. There are, moreover, schemes afoot to fill those village enclaves that are contiguous with Hong Kong's Country Parks with much larger, tower, developments, incompatible with the aims of the original Ordinance that established them, with no regard for either the environment or the interests of the general public for whom the parks are an extremely popular amenity (over 10 million visitor units each year). The construction of these houses, few of which will actually be occupied by the village applicants, as many are born and resident overseas, will, moreover, cause much environmental damage not just to the land but to the coastal waters they adjoin. It is estimated that the Government's failure, over the decades, to reform the Small House Policy could lead in time to more than 10,000 additional small houses being built within the country park enclaves over the next ten or so years. Such small houses are the most environmentally damaging form of local development because they are virtually un-regulated. There are no construction controls and illegal or temporary roads are built with no drains causing excessive runoff into streams and the sea. Also virtually un-regulated and haphazard is the infrastructure required to service the new houses. Sewage disposal, normally involves un-regulated septic tanks; grey water drainage also goes either into the nearest stream or directly into the sea and, worst-of-all, directly into the waters of the marine parks, notably

Appendix 3. (con't)

Hoi Ha. In effect, the village enclaves lack proper sewage, drainage, refuse collection and other public amenities and are not subject to normal societal regulations.

Opponents of such un-regulated and un-controlled developments argue that the divisive, discriminatory and outdated and unsustainable Small House Policy should be abandoned and that, in the short term, the policy should be amended so that it is no longer applicable to rural areas and enclaves contiguous with the Country and Marine Park's boundaries. This would thereby, halt the accelerating decline in the environmental quality of the parks themselves.

(Temporarily) returning male expatriate descendants of patriarchal Hong Kong village great-grandfathers, with no affinity to their ancestral land or the sea, personify this decline. Their disenfranchised mothers, sisters and daughters have even less kinship. Put simply, such expatriates have no empathy with what was, nor comity for, either Hong Kong's modern urban residents or their needs. And, therefore, if the application of the Small House Policy in the country park enclaves is not extinguished, the male heirs of the present generation will, in turn, demand their rights, and there is no way that the lands and waters, that were set aside in far-sighted manner by a previous government for all to enjoy, will survive.

The root cause of this problem, largely un-recognised, is that each individual sets his or her own mental baseline focussed on how their environment looked in their childhood and youth. I know I do. The next generation, however, sees and accepts as normal a world that has been changed, usually degraded, even if only in a minute way, by their parents. Over time, therefore, there is a generational and, thus, step-wise acceptance of environmental decline and, as a consequence, lowered ambitions with regard to conserving that which once was, but is now less. And, thereby, there is also no incentive to restore it to its original state. This generational loss of environmental memory means that, over time, degradation simply grows and there are virtually no mechanisms to halt it. Put simply, we progressively and collectively forget what we once had. And the present problem with Hong Kong's Country and Marine Park tithings exactly epitomises this. In the broader picture, moreover, most of the mangroves that fringed the mighty Pearl River's estuarine shores are gone. Mangrove remnants may survive for a while but, one by one, they will disappear as development takes advantage of our collective amnesia, and conservation is concerned, anew, not with protecting what was but with a degraded what is.

Brian Morton
School of Biological Sciences, The University of Hong Kong, Hong Kong Special Administrative Region
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Appendix 4. Restaurants at the ground floors of village houses (do not seem to be just for villagers)









Appendix 5. People swimming at the beach in the Hoi Ha Wan Marine Park







Appendix 6. Suspected illegal discharge at Lung Mei, polluting Tolo Harbour









Appendix 7. Ecological characteristics of the woodlands in So Lo Pun, Hoi Ha and Pak Lap

	So Lo Pun Woodland	**Hoi Ha Woodland**	**Pak Lap Woodland**
Plant Species	KFBG: ca. **171**	FoHH: ca. 130 KFBG: ca. 114	AFCD: ca. 25 - 121
Protected Plant Species	- Spiny Tree-fern - Incense Tree - Lamb of Tartary	FoHH & KFBG: Hong Kong Pavetta and several others in the Fung Shui Woodland	Hong Kong Pavetta
Ecologically linked with adjacent CP and habitats	Yes	Yes	Yes
Rare Wild Mammal Species	**3**	1	0
PlanD's Proposed Zonings	**GB**	**CA and GB(1)**	**CA**

Christopher E. Tilbe
[redacted]

2014-08-15

Mr Thomas Chow
Chairman
Town Planning Board
15/F North Point Government Offices
333 Java Road
North Point, Hong Kong

ear Mr. Chow,

RE: TPB PAPER NO. 9679 ON HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

I am a resident of Hoi Ha and a permanent resident of the Hong Kong SAR where I have built my business and made as my permanent home similar to the practise of many Hong Kong people who have emigrated overseas to make countries such as Canada, the United States, etc. as their home. In doing so, I bring with me a high regard for the value of environmental preservation and also an understanding of good clean government that listens and acts to its citizens future needs.

I am approaching the Hoi Ha issue not from any particular side as I respect the law and the cultural beliefs of the local people while at the same time I believe in striking a balance with preserving the environment. Although as a Hong Konger I believe I have equal rights as any ethnic Chinese permanent resident here as they do in my country of origin, this is still their native land that I have decided to make my home in and so I will therefore try and adapt to their way of life.

Having not previously provided any comment on the Outline Zoning Plan (OZP), I would ke to take this opportunity to share my formal opinion on the matter as it relates to Town Planning oard (TPB) Paper 9679 and the amendments to the Hoi Ha OZP. In this regard, I am happy to see that there have been reductions to the land allocated for the unrealistically high Small House Demand. However, I still have my concerns as follows:

1. A designation of the area that was previously allocated to V-Zone to Greenbelt 1 in the West does not afford any additional protection to it from development. It instead only delays it.
2. Much of Hoi Ha has been designated by the government's Antiquities and Monuments Office as a Site of Archaeological Interest. Therefore, archaeological surveys are supposed to be carried out by an archaeologist as part of a request to build.
3. Information provided to the TPB by the Agriculture, Fisheries, and Conservation Department (AFCD) and the Lands Department in relation to the High Water Mark and discussed on May 20th, 2014 and June 4th, 2014 in the presence of the Director of Lands who was present on both days was inaccurately presented by the AFCD who based their information on outdated/inaccurate data from the Lands Department. As a result, any decision that included the High Water Mark as a contributing factor must be deemed invalid and must be re-examined. Instead it should be based on the AFCD's most recent mapping dated June 6th, 2014 that is based on Lands Department Surveys dated May 14th, 2014.

(46)

4. The allocated Small House Demand figure of 94 and the current provision of 40 Small Houses is clearly unjustifiable. Based on the current "take-up" of indigenous villagers in Hoi Ha of Small Houses and the current growth rate of the village over the last 20 years, it is clear that a need of 94 or even 40 houses is fraudulent and excessive.

1: Designation of Greenbelt 1

You cannot ignore the general practise in Hong Kong of areas that were previously designated as Greenbelt were later cleared for farming as per their permitted use and then will later be developed by having the Greenbelt designation overturned. All we have to do is look at Pak Sha O as a precedent. Such a designation only delays development. It does not provide any protection at all. The reality is it just provides "hope" to both sides with the final outcome eventually being development.

Farming in such areas currently is not be subject to any kind of controls. Given the area that has now been re-designated as Greenbelt 1 to the West of the village consists almost entirely of privately owned land that is now owned by property developers, any kind of farming will be large scale. Since some of the plots come within 5 meters of Hoi Ha Wan, any pollutants from fertilizers and pesticides will have a guaranteed adverse affect on the health of the Hoi Ha estuary and Marine Park.

- Can you guarantee such land will not be bulldozed, farmed, and developed in the future? If yes, please explain how you will guarantee this.
- Can you demonstrate that all plots in the new Greenbelt 1 area have not already been sold to development companies?
- For any transfers of ownership that have taken place, can you demonstrate that they have been conducted legally?
- How will you guarantee that Hoi Ha Wan will not become polluted directly from agricultural chemical runoff?
- If the intention is to protect the area that is now designated as Greenbelt 1, why does the TPB not just designate it Coastal Protection Area (CPA) or Conservation Area (CA)? That would be the clearest approach for all parties involved.

2: Site of Archaeological Interest

As much of Hoi Ha is designated as a Site of Archaeological Interest, archaeological surveys must be conducted by an archaeologist before any development is made. In particular, the problem relates to New Territories Exempt Houses (NTEH) that are considered rebuilds and not required to comply with the same procedures as newly developed houses. As a result, without any safeguards archaeological value and understanding our own history will be permanently lost.

- Can you demonstrate that in the past archaeological surveys were conducted for any new or rebuild development in Hoi Ha?
- How will you prevent any development new or as a rebuild in the final expanded V-Zone will not be built without the area in question being examined first as part of an archaeological survey?

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香港，新界，火炭，坳背灣街45-47號，喜利佳工業大廈，9字樓L室

3: High Water Mark

Previous TPB planning was based on the assumption that the current designated CPA provided a sufficient buffer zone of approximately 30 m between the marine park and the village zone. This assumed the boundary of the Hoi Ha Wan Marine Park was consistent with the High Tide Mark. The maps used indicated agricultural plots of land in the area directly in front of the old village. However, the most recent land surveys indicate the agricultural plots are now underwater and the newly surveyed High Tide Mark no longer matches the boundary of Hoi Ha Wan Marine Park and now comes within 18 m of the old village walls which have been used to identify the boundary of the proposed Village Zone at the front of the village. Moreover, this is as close as 10 m to the sandy beach where bathers enjoy their weekends in the summer. Please refer to Exhibit A.

According to the current law, the old ruins of the village houses in this area may be rebuilt exempt from normal development standards and therefore are not required by law to have percolation tests conducted. Yet, this is the most fragile area that could greatly affect the health of the swimmers at the shore and the health of the most accessible coral communities located only 200 m away.

- Given the TPB's planning was based on inaccurate information, will you now hold the process and return to re-evaluate the realities of the situation in Hoi Ha?
- Will you reduce the North side of the village zone adjacent to the marine park to coincide with the most recent land surveys and comply with the law?

4: Small House Demand

Although I might disagree with the Small House Policy especially in its fairness to the majority of Hong Kong people who have no such rights in addition to it being a sexist policy, I do accept the law and I do accept genuine usage of the policy. However, it is clear throughout Hong Kong that the majority of applications are purely financially motivated so that the applicant can obtain land for free to build a house and sell or rent out to someone else. We all know including yourself and your committee that the Small House Policy is not being utilised for the genuine return of indigenous villagers to their home villages in Hong Kong and it is being abused substantially.

- Can you guarantee that the 40 houses that land is currently being allocated for will be lived in by the indigenous villager applicant and will not end up being rented or sold to others immediately upon the project completion?
- Can you demonstrate the % take-up of houses built under the Small House Policy to date by the indigenous villager applicants themselves and are indeed actually still living in such houses with the exception of those who have sadly passed away?
- Can you demonstrate the % take-up of houses built in Hoi Ha under the Small House Policy and are currently being lived in by the indigenous villager applicants themselves?
- Can you guarantee that the 40 male indigenous villager descendents that your currently plan is for and who are currently not living in Hoi Ha will indeed move back and live in the village during the next 20 years following the completion of their future small house?
- Can you demonstrate the growth model that has been utilised for determining the need for 94 houses in Hoi Ha?

You and I both know as well as everyone else that cares about this matter that the true issue of Hoi Ha is about the value of profits vs. the value of the environment. It is not about 94 indigenous families who live overseas and intend to move back to Hong Kong and reside in Hoi Ha.

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Nobody can argue that this will happen. Take the last house built in Hoi Ha that was completed last year as an example. I do not see an indigenous villager living there. I have seen a foreign couple as with almost every house in Hoi Ha. Where are the indigenous villagers that should be living in these houses that were built under the Small House Policy?

This argument is about saving one of the last bastions of natural beauty in Hong Kong. It is about saving what are perhaps the best coral communities in all of China. Hundreds of people visit this marine park and swim in the waters every weekend during the summer. By allowing septic tanks to be placed in a sloping marshland that is permanently wet all year round adjacent to the Hoi Ha Stream and estuary that makes up your allocated V-Zone to the West and allowing septic tanks to be placed within 18 m of the High Tide mark on the North side, you are setting up Hoi Ha to become a biohazard to the thousands of Hong Kong people who swim in the waters every year.

I urge you to please do the right thing for the future of the Hong Kong people and do not allow any more building and septic tanks at the North side of the village and convert the newly designated Green Belt 1 area to CPA and/or CA. For all those indigenous villagers affected, provide them with a land swap from the government's land bank.

I am afraid that if my questions cannot be answered sufficiently, I will be forced to direct my questions through other mechanisms provided by the government in order to obtain sufficient answers.

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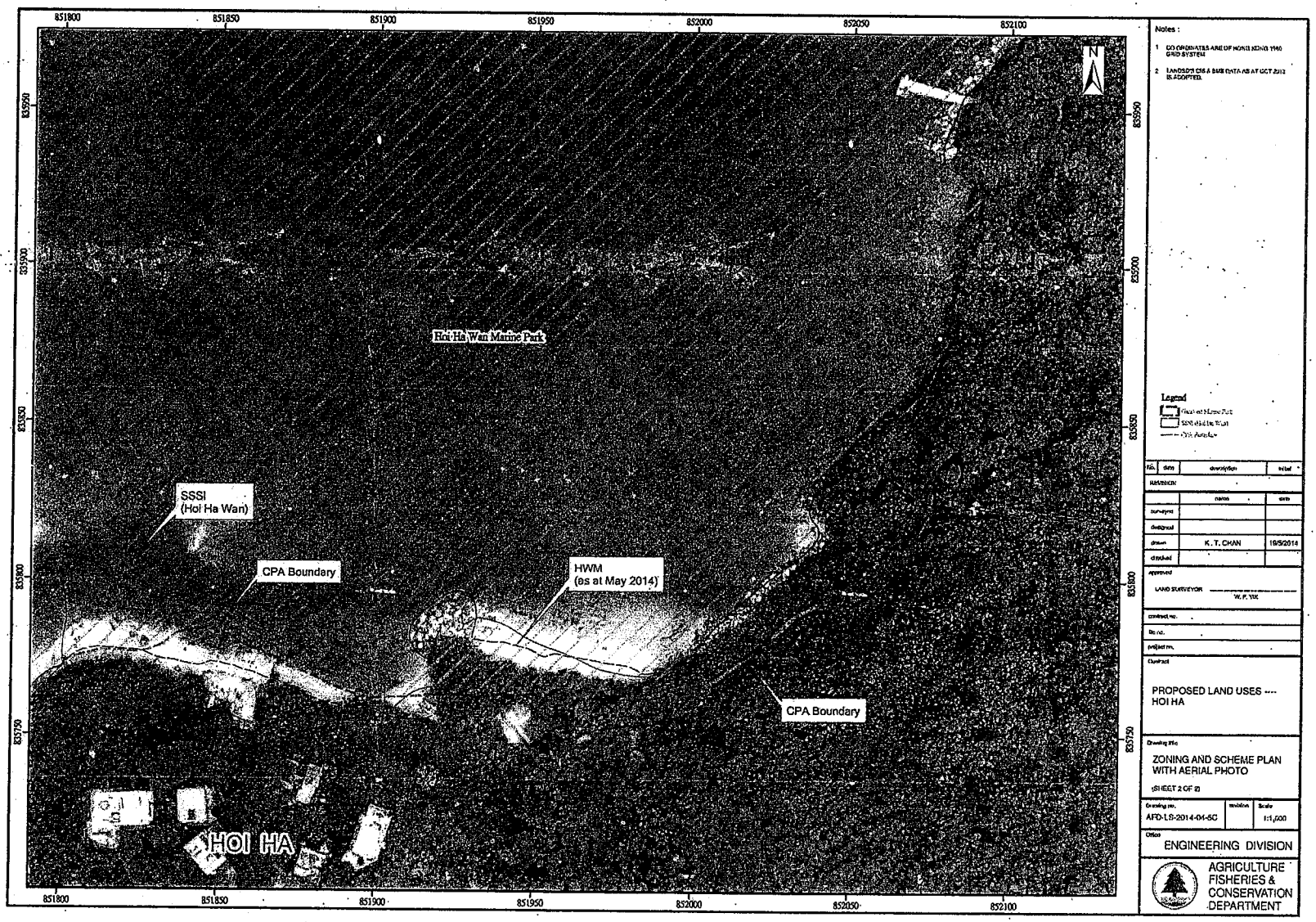
Sincerely,

Christopher E. Tilbe
Director
INSPIRE SOURCING LIMITED

RECEIVED
15 AUG 2014
Town Planning Board

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EXHIBIT A


851800
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835800
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N
Hoi Ha Wan Marine Park
SSSI
(Hoi Ha Wan)
CPA Boundary
HWM
(as at May 2014)
CPA Boundary
HOI HA
Notes :
1 CO-ORDINATES ARE OF HONG KONG 1980 GRID SYSTEM
2 LANDLOT CAD & BASE DATA AS AT OCT 2013 IS ADOPTED
Legend
PROPOSED LAND USES ---- HOI HA
ZONING AND SCHEME PLAN WITH AERIAL PHOTO
SHEET 2 OF 2
AFD-LS-2014-04-SC
1:1,500
ENGINEERING DIVISION
AGRICULTURE FISHERIES & CONSERVATION DEPARTMENT

tpbpd

TPB/R/S/NE-HH/1-F43

寄件者: Andrew Davy-Hou [redacted]
寄件日期: 14日08月2014年星期四 8:07
收件者: tpbpd@pland.gov.hk
主旨: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Dear Mr Chow

I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment. What is difficult for any member of the public, who has visited Hoi Ha, is to understand why the various government departments are in denial as to the correct boundary of the HHW Marine Park. One only has to look at the sea-scape to see what is shown on present maps as farm land is, and has been for some years, under the water. Witnessing a high tide it is obvious that the 30 metres buffer zone that the CPA is supposed to provide between the sea and the start of the Village does not exist.

This, coupled with the government's continued insistence on the need for village houses for the return of 40+ indigenous sons, with no proof whatsoever that this is necessary, is a very worrying sign.

The designation of GB is completely insufficient to protect the land from "destroy first build later". Pak Sha O is presently being trashed in such a way and if GB is applied in parts of Hoi Ha, the resulting silt, and chemicals that will be sprayed onto the land will end up in the Bay doing untold damage to the corals and fouling the water so that it is unfit for the many thousands of visitors who come to Hoi Ha each year.

One hopes that everything is above board when it comes to the decisions being made on the future of Hoi Ha, but with the recent cases in the press of high ranking governmental officials buying land in the New Territories, it is feared that the reason the government refuses to update the maps in Hoi Ha and insists that 40+ (presently absent "sons of the village") will return to build village houses is that certain officials are working with developers to make as much money out of Hoi Ha as possible with absolutely no regard for the environment and the damage such development will do to the Marine Park, which is also an SSSI.

Cheers,
Andrew

Andrew Davy-Hou
Director
Sydney Property Management Pty Ltd
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P: 02 9299 0555 I F: 02 9299 0588 I M: 0405 488 949 I E: andrew@sydprop.com.au

(14)

tpbpd

TPB/R/S/NE-HH/1-F44

寄件者: Daniel Chan [redacted]
寄件日期: 15日08月2014年星期五 14:27
收件者: tpbpd@pland.gov.hk
主旨: COMMENTS ON HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Dear Sir/Madam,

With reference to the captioned, I have the following comments for TPB to reconsider by re-opening the debate on the Hoi Ha OZP.

a. Width and Nature of the Coastal Protection Area (CPA).

The Board decided on the boundary of the V-Zone based on the assumption that the CPA provided a buffer zone of approximately 30 metres between the marine environment of Hoi Ha Wan and the V-zone along its entire length. The Board's decisions were based on the premise that the boundary of the HHW Marine Park is coincident with the High Tide Mark. The maps used by the TPB show agricultural plots of land in the area immediately in front of the old (ruined) village. Recent Government surveys have shown that this is not the case; the agricultural plots have been inundated by the sea and the re-surveyed High Tide Mark does not coincide with the Marine Park boundary. The newly-surveyed High Tide Mark, dated May 2014, has been recently depicted on an AFCD satellite photo, which shows the High Tide Mark approximately 6 metres to the landward side of the boundary of the Marine Park, coming within 18 metres of the old village walls which mark the boundary of the proposed V-Zone in front of the old village.

ithin a designated V-Zone, houses can be "re-built", provided they conform to NTEH dimensions, without planning permission. Therefore, if the V-Zone incorporates the old village, houses could be "re-built", complete with adjacent Septic Tank Systems, without the need for percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach and closest extent of the Spring High Tides – contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance.

If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park and SSSI by sewage effluent.

In light of the most recent surveys of the area, the TPB needs to be provided with up-to-date and detailed maps of the shoreline at Hoi Ha, which accurately depict the High Water Mark, the beachline and the boundaries of the Marine Park and SSSI, so that proper planning decisions can be made which will not lead to pollution of the beach and sea by sewage effluent. Any decisions which were based on the assumed position of the High

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Tide Mark need to be re-examined. Potential, privately-owned building plots adjacent to Hoi Ha Wan must be subject to planning processes and controls to prevent pollution of HHW Marine Park and SSSI both during the building processes and subsequent habitation.

b. Green Belt (1) Areas

The majority of the areas being proposed for GB(1) consist of privately-owned agricultural land. Most of this land is now owned by property developers, having been sold to the developers by the original indigenous villagers. At present, farming in these areas will not be subject to any form of control. Given that large areas of land are owned by a single entity, it is likely that any farming will be relatively large-scale, rather than individual farmers on small plots of land. Farming activities may be genuine, or they may be designed to destroy anything of ecological interest in the area as a precursor to asking for the GB(1) designation to be changed to allow building.

The decision-making processes which led to the drawing up of the Draft Hoi Ha OZP were based on false assumptions and did not consider the potential impact of the Plan on Hoi Ha Wan Marine Park / SSSI and its associated beaches – Hoi Ha Wan and its environs are one of Hong Kong's most precious environmental and recreational resources. The TPB should be asked to re-consider the Hoi Ha OZP in the light of the new surveys which have been made of the coastline, and planning controls should be put in place at this stage to prevent sewage and agricultural pollutants from reaching Hoi Ha Wan. In particular, the TPB must have access to accurate, detailed and up-to-date maps in order to make proper decisions.

The proposed OZP carries the risk that Hoi Ha Wan could be killed both as an environmental resource and as a place for recreation by a mixture of pollutants which will seriously disrupt the fragile marine ecosystem and make the water unfit for human activities. The safeguards to prevent this should be put in place at this stage. It is unacceptable to:

- Allow the bypassing of planning controls in environmentally sensitive areas.
- Delegate planning controls in sensitive areas to the consideration of individual applications, where the processes are incapable of assessing the cumulative impacts of the building of numerous new houses.
- Allow unrestricted agricultural activities which may have the prime objective of destroying anything of ecological interest in order to facilitate re-zoning of the land for building.

In particular, building in areas directly adjacent to the beach and the sea should be subject to statutory planning controls.

In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary.

Regards

Daniel Chan

tpbpd

TPB/R/S/NE-HH/1-F45

寄件者: Cheryl Wong [redacted]
寄件日期: 15日08月2014年星期五 17:10
收件者: tpbpd@pland.gov.hk
主旨: Hoi Ha OZP

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

Email: tpbpd@pland.gov.hk
15 August 2014

Dear Mr Chow,

I fully support the need to reconvene to consider the Hoi Ha OZP.
The beautiful areas of Hong Kong and the New Territories are too rapidly being destroyed and soon there will be very little left for our young people to enjoy and appreciate.
We need these areas to keep our spirits alive.There is much land elsewhere to provide the neccessary homes that are so badly needed.We can no longer afford to destroy any more areas of outstanding beauty.

1. In summary, the TPB should be re-convened to consider the Hoi Ha OZP. The Board should be provided with up-to-date and accurate maps of the contemporary shoreline, showing the relationship between the Marine Park Boundary, the High Tide Mark, the Beach Line and the old village boundary. The Board should be asked to consider the following amendments to the Draft OZP:

   - The incorporation of the old village within the Coastal Protection Area to ensure that statutory planning controls are in place in this environmentally sensitive area.
   - The placing of "Agricultural Use" into Column 2 of the schedule for GB(1), to ensure that the areas are not trashed and Hoi Ha Wan polluted by large-scale agricultural activities – either genuine or bogus.
   - The further reduction in size of the V-Zone to reflect the genuine need for housing by indigenous villagers.

Yours simcerely

Cheryl and Jack Wong Yat Tung

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tpbpd

TPB/R/S/NE-HH/1-F47

寄件者: Nicola NEWBERY [redacted]
寄件日期: 15日08月2014年星期五 23:45
收件者: tpbpd@pland.gov.hk
副本: David Edward Newbery
主旨: LETTER FROM AMY NEWBERY FOR THE ATTENTION OF THE TOWN PLANNING BOARD REGARDING HOI HA - HOI HA OUTLINE ZONING PLAN: S/NE-HH/1
附件: Amy's letter TPB 15 8 14.docx

Dear Mr Chow

Please find attached herewith a letter for the Town Planning Board concerning the Hoi Ha Outline Zoning Plan for consideration by the Board.

Yours sincerely

Nicola Newbery

00035

tpbpd

寄件者: Nicola NEWBERY [redacted]
寄件日期: 15日08月2014年星期五 23:47
收件者: tpbpd@pland.gov.hk
主旨: LETTER FROM AMY NEWBERY FOR THE ATTENTION OF THE TOWN PLANNING BOARD REGARDING HOI HA - HOI HA OUTLINE ZONING PLAN: S/NE-HH/1
附件: Amy's letter TPB 15 8 14.docx

Dear Mr Chow

Please find attached herewith a letter for the Town Planning Board from my daughter Amy concerning the Hoi Ha Outline Zoning Plan for consideration by the Board.

Yours sincerely

Nicola Newbery

00036

Amy Mei NEWBERY

[redacted]

Email address: [redacted]

15 August 2014

Mr Thomas Chow
Chairman
Town Planning Board

Email: tpbpd@pland.gov.hk

Dear Mr Chow

HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

1. I refer to the amended Draft Outline Zoning (OZP) plan for Hoi Ha (S/NE-HH/1, which is now open for comment.

2. I have lived with my family at Hoi Ha throughout my entire life. I am now studying Environmental Sciences. I cannot believe that the Town Planning Board is planning on zoning Hoi Ha for environmentally-damaging development, and not for conservation of a valuable recreational and environmental resource. Hoi Ha is surrounded on 3 sides by Country Park and on the 4th by Marine Park – it is a **BIODIVERSITY HOTSPOT –** we have greater coral coverage than the Caribbean and have many rare species, some of which are endemic to Hoi Ha and found nowhere else in the world. Have you completely taken leave of your senses?

3. I do not believe a proper planning process has taken place – otherwise you would now be zoning for conservation. There are 3 particular areas to which I would draw your attention:

   3.1 The Town Planning Board is not using accurate, detailed maps – as you would have spotted had the Board carried out a thorough site visit. Did the Board visit Hoi Ha at all? It would appear not. Had you seen an accurate, detailed Site Map, you might have drawn totally different conclusions and zoned for conservation, with farming placed in Column 2. Can you please request the Planning Department to provide the Board with a **detailed Site Map with a scale of either 1:100 (one to a hundred) or 1:200 (one to two hundred)** showing:

   - The High Tide Mark
   - The Spring High Tide Mark
   - The Beaches
   - Mangroves
   - Permanent streams
   - Seasonal streams
   - Permanent marshes
   - Seasonal marshes
   - Forest

The fact you have not been referring to any detailed maps in your deliberations invalidates the zoning plan that the Board has drawn up. You cannot possibly debate and decide on the correct zonings, columns and buffer zones to protect sensitive areas and prevent pollution and destruction without this detailed information. The map you have been using is inaccurate and too general for your purposes. AFCD has told my father that the High Tide Mark is in a different place to that told to the Town Planning Board. **Please reconvene the talks once you have an up-to-date, detailed Site Map.**

3.2 Why are you not promoting environmental, organic farming at Hoi Ha? I cannot believe that you have decided to remove all planning controls alongside a Marine Park / SSSI. Please place Agriculture in Column 2, where it rightly belongs, and control the chemicals and fertilisers being used in the Hoi Ha Valley. The Green Belt stops just 5 metres short of the sea – where is the 25 m CPA buffer? Please insert such a buffer, which should be at least 30 metres wide, and preferably 50. I have just returned from holiday in Brittany in France where their Government has banned all building within 250 metres of the coastline. Why is Hong Kong so behind the times? Mangroves on one side of the Hoi Ha coastal path are protected by the CPA. Mangroves on the opposite side are not, even though they are only 5 metres away from the sea, and can be cleared for bogus farming by developers who will trash the ecological value of the area then apply for a change of land use – something I witness every weekend when I walk my dogs up the valley at Pak Sha O which has been bought up by the same developer who is buying up Hoi Ha. We all know that Green Belt is temporary. The Valley should be Conservation Area, and permanently so. Had you used a proper Site Map, you might have drawn a different conclusion about Green Belt and Column 2.

3.3 Why have you included the extensive Hoi Ha Archaeological Site (AS) in a large V-zone? Can you please ask the Antiquities and Monuments Office to provide you with detailed maps of these sites? Had you been in possession of their detailed maps, you might have reached different conclusions about the V-zone and might not have agreed to remove all planning constraints for rebuilding on the site of the old walled village of boulder cottages which is well within the AS. Why have you removed all planning constraints when the Antiquities and Monuments Office have stipulated that an Archaeological Impact Assessment should be carried out and attached to requests for planning permission? How can you possibly allow this archaeological site to be built all over without any planning control whatsoever? The Hoi Ha Archaeological Site has been found to have artefacts from the Neolithic Period, the Sui, Tang and Five Dynasties and from the Ming and Qing Dynasties. Why are you endorsing their destruction? Are you aware that on Monday of this week, 11 August, a developer appeared on the site of the old village with a team of contractors armed with chainsaws who have totally cleared part of this site, ready to lay foundations? Why is this happening? Why are you destroying our Heritage through poor planning? The walls of the old village are only 10 metres from the beach – why on earth are you allowing one-storey cottages with no sanitation to be replaced by 3-storey NTEHs with polluting septic tanks? How can you possibly agree to having no planning controls whatsoever? Please place the old village within the Coastal Protection Area so that there are planning controls which will ensure that any septic tanks will be far enough away from the sea and will require percolation tests to stop pollution and require Archaeological Impact Assessments.

4. I call upon you to exercise better control of the Town Planning process and zone for conservation and heritage, and stop pandering to greedy developers who couldn't give a damn about Hoi Ha's Ecology or Heritage – which actually belong to the people of Hong Kong – it is our collective birth-right. Please re-open the planning talks for Hoi Ha, and, instead of the Board being fobbed off with half-truths and inaccurate information from Government Departments, let's have a proper planning process based on an accurate Site Map which shows not only the streams, marshlands, forests, mangroves and beaches of Hoi Ha, but also the large area of Archaeological Interest. I am sure that

if the members of the Board were to be given the proper information, that they would reach very different conclusions on the future of my home village.

Yours sincerely



Amy Mei Newbery (Miss)

Annex 1 – Site of old village cleared by developer on Monday 11 August 2014

Annex 2 – Map showing extent of Hoi Ha Site of Archaeological Interest

ANNEX ONE

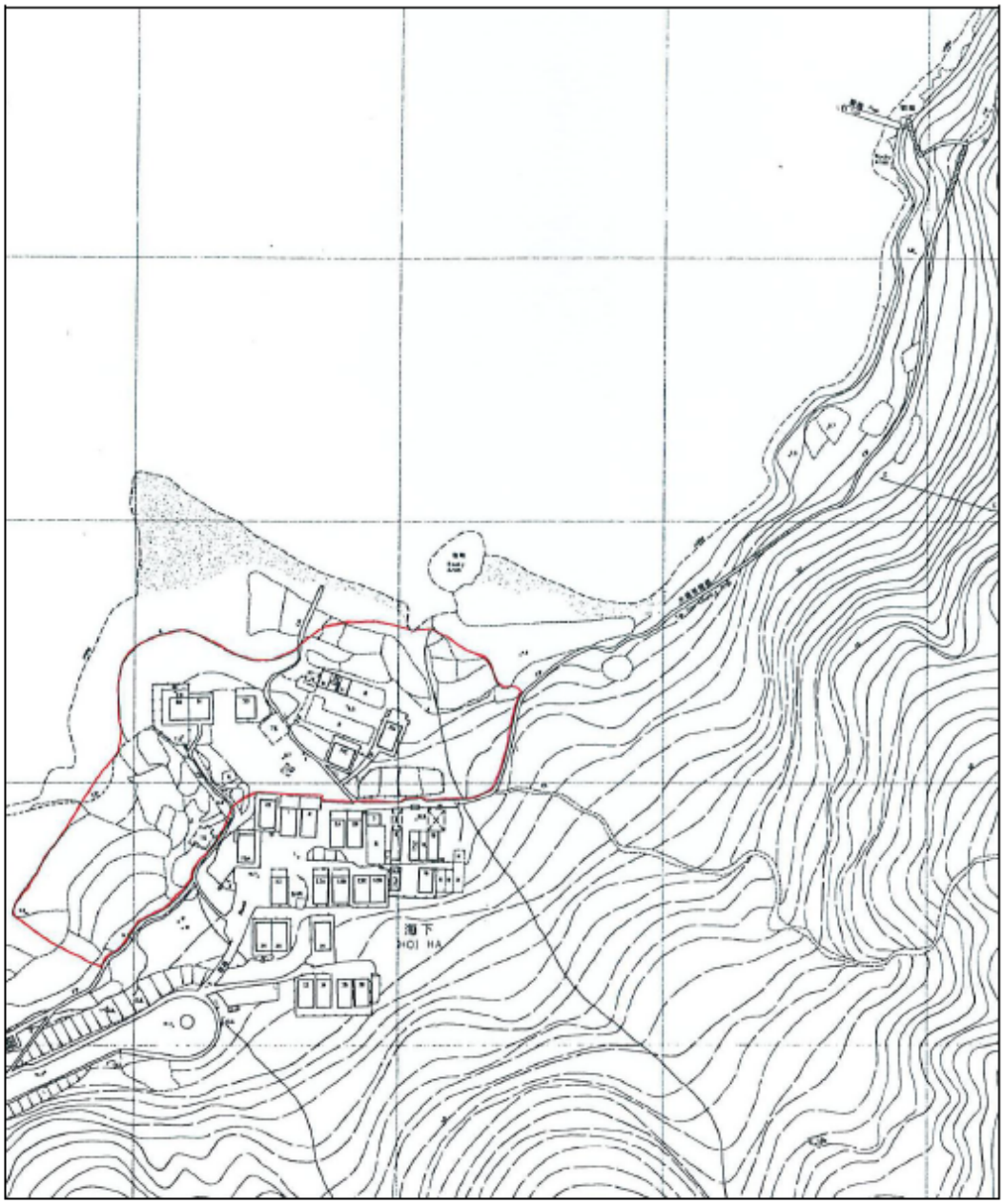


Western side of the old walled village of Hoi Ha – the site of a line of 3 terraced houses, adjacent to a central courtyard, cleared by a developer on Monday 11 August 2014, ready for the foundations to be dug of NTEHs planned to be built about 20 metres away from the beach.

List of Sites of Archaeological Interest in Hong Kong
香港具考古研究價值的地點

只作識別用
FOR IDENTIFICATION PURPOSES ONLY

Hoi Ha
海下



Approximate area of archaeological interest
具考古研究價值的大致範圍
8-NW-5B

Note the large Archaeological Site within the red borders

tpbpd

TPB/R/S/NE-HH/1-F48

寄件者: Cynthia Yau [redacted]
寄件日期: 15日08月2014年星期五 23:59
收件者: Mr. Thomas Chow
副本: patrick_cw_tsang@afcd.gov.hk
主旨: Hoi Ha Outline Zoning Plan

Mr Thomas CHOW
Chairman
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point
Hong Kong

15 August 2014

Re: HOI HA OUTLINE ZONING PLAN: S/NE-HH/1

Dear Mr. Chow

I am a marine biologist and specialist fisheries consultant, but I was a Faculty staff member in the School of Biological Sciences, The University of Hong Kong until three years ago. I am writing to express my grave concerns over the Draft Outline Zoning Plan for Hoi Ha and the potential for serious adverse impacts on the ecologically valuable coral communities in Hoi Ha Wan. I have previously conducted research into hard corals from Hong Kong and have successfully established a Coral Farm at the Swire Institute of Marine Sciences (SWIMS). I therefore speak from a position of having first-hand knowledge of the environmental requirements of local corals, and I do not believe such a proposed scale of small house development at Hoi Ha has been properly assessed in terms of impact on the bay's marine ecology.

I believe there is some disagreement about the width and nature of the Coastal Protection Area (CPA), but irrespective of the distance between the buffer zone and the boundary of the Marine Park, any construction works will eventually lead to runoff into the bay, especially via the stream. Such runoff will carry significant loads of sediment as a result of excavations and the removal of terrestrial vegetation. A higher sediment load will cause severe stress to the hard corals (i.e. scleractinian corals), for which Hoi Ha Wan is famed and the reason it was designated as a marine park. Scleractinian corals generally have poor sediment-clearing abilities and mostly rely on the secretion of mucus to trap any settled sediment on their surfaces, which are then carried away by water currents. Excessive mucus production, as is the case of continued high sediment loads, will lead to a decline in coral health and eventually to death.

At present, the area of abandoned fields bordering the coastal edge of Hoi Ha acts as a barrier to trap sediment from washing off the land into the sea. However, in the last two years, because of the very heavy rainfall we have been experiencing, the stream has carried a great deal of sediment and terrestrial leaf litter into the shallow parts of the bay, in some instances producing hypoxic (low oxygen) conditions that are not healthy for any marine life except for bacteria. From personal observations on the state of hard corals in Hoi Ha Wan (in particular the corals near the pier), I believe they are already showing signs of stress and deteriorating health.

The provision of Septic Tank Systems alone, and in the absence of any percolation tests (as stipulated in ProPECC 5/93), as close as 18 metres to the High Tide Mark and as close as 10 metres to the beach is contrary to the provisions of ProPECC 5/93 and the Water Pollution Control Ordinance. If the V-Zone is gazetted as per the latest Draft Plan, no planning process will prevent the siting of septic tanks too close to the beach and sea, which will lead, inevitably, to the pollution of Hoi Ha Wan Marine Park by sewage effluent. Water quality in the Marine Park will inevitably decline and all marine life will be affected.

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I strongly urge that stringent controls are in place to prevent increased sediment discharge and sewage pollution of Hoi Ha Wan. If measures are not in place to prevent such impacts from occurring in the first place, then no amount of mitigation or compensation afterwards will help the corals and other marine species in the area, or restore the ecosystem to its current state.

Hoi Ha Wan Marine Park is a precious resource for the local population, harbouring the highest percentage cover of corals in Hong Kong as well as a myriad of marine animals. It should be the star attraction of marine conservation and be promoted as a shining example of integrated coastal management, sustainable development, and eco-education. This is not what is happening. I do object to the latest Draft Outline Zoning Plan and the allowance of septic tanks for the proposed village houses. Should the houses be built, they must be connected to a proper sewerage system to undergo sewage treatment and the effluent must not be discharged into Hoi Ha Wan in any way

Yours sincerely,

Dr. Cynthia Yau

(Honorary Assistant Professor, The University of Hong Kong)

tpbpd

TPB/R/S/NE-HH/1-F49

寄件者: Wrote Ga[redacted]]
寄件日期: 15日08月2014年星期五 16:18
收件者: tpbpd@pland.gov.hk
主旨: Hoi Ha OZP

Mr Thomas Chow,
Chairman,
Town Planning Board
Hong Kong.

via email : tpbpd@pland.gov.hk

Dear Sir,

Hoi Ha Outline Zoning Plan : S/NE - HH/1

I have the following brief comment on this draft OZP.

1 There are a number of anomalies in the data shown in this document, andI consider that an accurate map should be used as the basis for all planning proposals.

2 As you will know, an up-to-date map can be prepared by the Survey and Mapping Office of the Lands Department.

3 Based on accurate maps and data, a revised OZP should be prepared, and revised proposals should be circulated for comment before any irrevocable decisions are made.

Sincerely,

Gordon Andreassend MBEFNZISFHKISMRICS
Chartered Land Surveyor.

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TPB/R/S/NE-HH/1-F50

寄件者: Peter Halliday [redacted]
寄件日期: 15日08月2014年星期五 11:48
收件者: tpbpd@pland.gov.hk
主旨: Hoi Ha Wan

重要性: 高

Attention: Mr. Thomas Chow, Chairman, Town Planning Board

Sir,

You have a very difficult job as Chair of the TPB – mediating/arbitrating, and so on, but may I bother you on zoning issues relating to Hoi Ha Wan in Sai Kung, please?

I have lived in Hong Kong for most of my life. I was a career police officer and served for several years in the Marine Police. As such we patrolled the numerous bays and islands, including Hoi Ha. Hong Kong was and remains a supremely beautiful region.

I know not the details of the current zoning exercise and I certainly would not presume to counsel you on the issues. May I simply say that the creation of Hong Kong's country parks those years ago was an inspired initiative and one which has served Hong Kong so well, and is the envy of many countries worldwide. In my humble opinion the more intact and pristine the country parks remain, the better for Hong Kong's future.

Kindest personal regards,

Peter

Peter Halliday (夏禮德) | Scout Association of Hong Kong |

Hong Kong Scout Centre | Scout Path |
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TPB/R/S/NE-HH/1-F51

寄件者: Harry Chan [redacted]
寄件日期: 13日08月2014年星期三 12:52
收件者: tpbpd@pland.gov.hk
主旨: Re: Small house development in Hoi Ha,

Dear Mr Chow.

My name is Chan Tin Ming (Harry). Will be 62 years old soon. I have been hiking, swimming, snorkeling and diving in Hoi Ha for many years. It is such a beautiful marine and country parks. And it's always a big surprise to all my overseas friends, their family and friends that we have such lovely Sai Kung back garden only an hour away from the concrete city.
And most of them are willing to stay in for extra days to enjoy the beauty nature here.
Personally I think the invisible income both from tourism and locals are far more important environmentally and economically for tourist industry. For example, scuba diving, snorkeling, hiking and so on.
On the other hand, I have notice many more retired person like myself and more senior citizens (age 70+) hiking more apart from many younger generation. It will be a great health issue which will help save our tax payer a lot of national health expenses now and in future.

Therefore, I hope you will reconsider and re-examine the opportunity cost in point of view from our tourist income, health issue with increasing aging population and stress released for many hard working people from all industrial sections plus serious pollution issue.

Thank you for your kind attention.
Kind regards,
Harry Chan