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副本: 主旨: TPB/R/S/NE-CS/1-1

WOO Ming Chuan < 07日04月2017年星期五 17:56

Town Planning Board

HKBWS's comments on the draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1

20170407_CheungSheung_OZP_HKBWS.pdf

Dear Sir/Madam,

Our submission is attached. Thank you.

Best Regards, WOO Ming Chuan (Ms) Conservation Officer The Hong Kong Bird Watching Society 7C, V Ga Building, 532 Castle Peak Road, Lai Chi Kok, Kowloon, Hong Kong Secretary, Town Planning Board 15/F, North Point Government Offices 333 Java Road, North Point, Hong Kong (E-mail: tpbpd@pland.gov.hk)

By email only

THE

7 April 2017

HONG KONG BIRD WATCHING SOCIETY

香港觀鳥會

Since 1957 成立

Dear Sir/Madam,

Comments on the draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/1

The Hong Kong Bird Watching Society (HKBWS) would like to raise our comments on the draft Cheung Sheung Outline Zoning Plan (OZP) No. S/NE-CS/1.

The general planning intention of the draft Plan is to "protect its high conservation and landscape value which complements the overall naturalness and the landscape beauty of the surrounding Country Park" and "the Area forms an integral part of the natural system of the adjoining Sai Kung West Country Park with various natural habitats including, inter alia, woodland, streams, and freshwater marshes, which should be preserved and protected"1. We support such planning intention of the draft Plan and we urge the Town Planning Board (the Board) that boundaries of conservation zonings in the draft Plan should be delineated to reflect these planning intentions.



The Plan Area is of high conservation value

- 1.1. The Notes of the draft OZP clearly recognizes the Plan Area is of high conservation value². Cheung Sheung is one of the twelve Priority Site for Enhanced Conservation under the New Nature Conservation Policy and it is completely encircled by the Sai Kung West Country Park. There is an Ecologically Important Stream (EIS) in Cheung Sheung as recognized by the Agriculture, Fisheries and Conservation Department (AFCD). The EIS and its associated streams/wetland support a population of the Hong Kong Paradise Fish (Macropodus hongkongensis) which is of "global concern"3. The globally critically endangered Chinese Pangolin (Manis pentadactyla) was also recorded in the Plan Area. We consider that all natural streams (including the EIS) and their riparian zones (Figure 1) should be adequately protected.
- 1.2. Due to the remoteness of the Plan Area and lack of surveying effort, HKBWS has limited bird data for the area. However, it is clear that Cheung Sheung supports a

Section 8.1 of the Explanatory Statement for the draft Plan No. S/NE-CS/1

Sections 5.1, 5.2, 7.1.1, 7.2.1 and 9.3.2 of the Explanatory Statement for the draft Plan No. S/NE-CS/1

population of birds which is rich in diversity and is typical of secondary woodland habitats in Hong Kong. Woodland bird species of "local concern"3, such as Ashy Drongo (Dicrurus leucophaeus), Rufous-capped Babbler (Stachyris ruficeps) Orange-headed Thrush (Geokichla citrina), Lesser Shortwing (Brachypteryx leucophris), Orange-bellied Leafbird (Chloropsis hardwickii) and the nationally vulnerable⁴ Common Emerald Dove (Chalcophaps indica), were found in Cheung Sheung. Woodland raptor species of conservation importance recorded include Crested Serpent Eagle (Spilornis cheela), Crested Goshawk (Accipiter trivirgatus), Japanese Sparrowhawk (Accipiter gularis), Besra (Accipiter virgatus) and Collared Scops Owl (Otus lettia). All raptor species are listed under Class II protection in China⁵, while Crested Serpent Eagle and Crested Goshawk are considered to be "vulnerable" and "rare" in the China Red Data Book respectively4. Other woodland bird species such as Asian Stubtail (Pnoepyga pusilla), Streak-breasted Scimitar Babbler (Pomatorhinus ruficollis), Mountain Bulbul (Ixos mcclellandii), Forest Wagtail (Dendronanthus indicus) and Velvet-fronted Nuthatch (Sitta frontalis) were also recorded. All of the above demonstrate that the woodland habitats in Cheung Sheung (Figure 2) are similar to the woodlands in the surrounding Sai Kung West Country Park, and thus should be adequately protected.

1.3. The presence of buffaloes feeding on grassy vegetation in the abandoned agricultural lands in Cheung Sheung (Figure 3) has allowed the freshwater marshes to be maintained as a wetland habitat. Von Schrenck's Bittern (Ixobrychus eurhythmus), a wetland dependent bird species of "regional concern"³, was also recorded in Cheung Sheung. However, there is not much freshwater wetlands left and such high value ecological habitat only covers 0.44% of Hong Kong⁶, thus all wetland habitats should be adequately protected.

2. Adverse ecological impacts of the "Village Type Development" (V) zone

With reference to the Guidance Notes on Discharges from Village Houses published by the Environmental Protection Department⁷, a Septic Tank System (STS) "can only perform well if it has been <u>properly sited</u>, <u>designed</u>, <u>constructed</u>, <u>used</u>, <u>desludged</u> and <u>repaired when necessary</u>....overflow from septic tank or soakaway pit, or direct

³ 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.

⁴ Zheng, G. M. and Wang, Q. S. (1998). China Red Data Book of Endangered Animals: Aves.

⁵ List of Wild Animals Under State Protection (promulgated by State Forestry Administration and Ministry of Agriculture on 14 January, 1989)

⁶ AFCD Hong Kong Habitats: 0.44% of Hong Kong's habitats are made up of freshwater marsh. Available at: http://www.afcd.gov.hk/english/conservation/hkbiodiversity/habitat/habitat.html

http://www.epd.gov.hk/epd/english/environmentinhk/water/guide_ref/files/guide_wpc_dv.pdf

discharge without passing through a soakaway system, is polluting and should not be permitted". Since there are no public sewer for Cheung Sheung and desludging trucks cannot access the area, we are concerned the septic tanks cannot be properly maintained, and hence the STS itself would become a source of pollution. The Drainage Services Department already recognized the environmental and hygiene problems of STS in various publications^{8,9,10}. Furthermore, the Plan Area is within the upper indirect water gathering ground and the proposed V zone is approximately 20 to 30 metres from an upper tributary of the EIS. We are concerned the water pollution problem generated from the village development would adversely affect the ecologically sensitive streams and the EIS of conservation concern.

3. Our recommendations

- 3.1. The HKBWS considers that an "Ecosystem Approach", which is the primary framework for action under the Convention on Biological Diversity¹¹, should be adopted to protect the various sensitive habitats in the Plan Area. Currently, only the EIS and its riparian zone is protected by "Conservation Area" (CA) zoning, while the upper tributaries of the EIS are only protected by "Green Belt" (GB) zoning (Figure 1). In order to protect the whole river system of the EIS, we consider that all natural streams including their tributaries should be covered by CA zone of 30 metres along both sides of the banks. This buffer zone with conservation zoning is a practical distance that would protect the riparian vegetation and would prevent undesirable pollution from developments.
- 3.2. Given the ecological sensitivity of the Plan Area, the adverse impacts of the V zone and there are no outstanding small house demand, we consider that the V zone should be deleted. In addition, for the past 10 years or so, the approval rate of small house applications in GB zones was over 55%¹². As such, GB zones are vulnerable to small house development. In order to accurately reflect the planning intention of the current OZP, we consider that the whole Plan Area should be covered by CA zoning to protect all woodland, natural streams including the EIS and freshwater marshes while the redevelopment right of the villagers are respected.
- 3.3. The introduction of planning control alone could not fully protect the sites from activities such as unauthorized tree felling and vegetation removal and does not include regular patrol of the Plan Area by staff from Government department. In

⁸ http://www.dsd.gov.hk/SC/Files/publications_publicity/publicity_materials/ leaflets booklets factsheets/Village%20Sewerage.pdf

⁹ http://www.dsd.gov.hk/EN/Files/OpenDay2012/PDF/Sewage_Treatment_07.pdf

¹⁰ http://www.legco.gov.hk/yr13-14/english/fc/pwsc/papers/p14-20e.pdf

¹¹ https://www.cbd.int/ecosystem/

Annex of LegCo Question 17 (6 Feb 2013) - Land reserved for building New Territories small houses. Retrieved from http://gia.info.gov.hk/general/201302/06/P201302060426_0426_106939.pdf

order to fully protect the ecological and landscape values of the site, as well as the overall value of the surrounding Sai Kung West Country Park, the Board and AFCD should consider including Cheung Sheung into the Sai Kung West Country Park following detailed assessments and public consultation. HKBWS believes that the Plan Area and its surrounding areas are qualified for such purpose given its value in terms of ecology, landscape and built heritage.

Thank you for your kind attention and we hope that the Town Planning Board would take our comments into consideration.

Yours faithfully,

Woo Ming Chuan

Conservation Officer

The Hong Kong Bird Watching Society

CC.

Designing Hong Kong Kadoorie Farm and Botanic Garden WWF – Hong Kong

Figure 1. The EIS (top) and natural stream flowing into the EIS (bottom) in Cheung Sheung. The streams are indicated by the blue arrows. Photographs taken in February 2017.





Figure 2. Woodland habitats in the Cheung Sheung area. Photographs taken in February 2017.





Figure 3. The wetland habitats in the Cheung Sheung area which are used by buffaloes. The abandoned farmlands are still wet in the dry season. Photographs taken in February 2017.





tpbnd_

TPB/R/S/NE-CS/1-2

哥什么: 哥性月期: 吃(; 主言:

附件:

Tobi Lau (WWF-HK) < 05日04月2017年基期四 17:08 tpbpd@pland.gov.hk

Draft Cheung Sheung OZP S_NB-CS_B_WWF

Draft Cheung Sheung OZP S_NE-CS_B - Further Consideration of a New Plan.pdf

Dear Sir/Madam,

Please find attached our submission on the captioned. See attached file: Draft Cheung Sheung OZP S_NE-CS_B — Further Consideration of a New Plan

Yours faithfully, Tobi LAU Senior Conservation Officer, Local Biodiversity World Wide Fund For Nature Hong Kong

Registered Name 註冊名稱: World Wide Fund For Nature Hong Kong 世界自然(香港)基金會 (Incorporated in Hong Kong with limited liability by guarantee於香港註冊成立的擔保有限公司)



世界自然基金會 香港分會

香港新界葵涌葵昌路8號 萬奈中心 15 樓 15/F. Manhattan Centre 8 Kwai Cheong Road Kwai Chung, N.T., Hong Kong

WWF-Hong Kong

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

06 Apr 2017

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)

Dear Sir/Madam,

By E-mail ONLY

Re: Draft Cheung Sheung Outline Zoning Plan No. S/NE-CS/B -Further Consideration of a New Plan

WWF support the general planning intention of the captioend draft outline zoning plan which is "...to protect its high conservation and landscape value and the rural settings which complement the overall naturalness and the landscape beauty of the surrounding country parks." However, we view that no "V" zone should be designated and the whole study Area should be zoned "Conservation Area" ("CA"). Our comments and recommendations are as follows:

All streams and riparian area must be protected with "Conservation Area" zone

It is noted that only the ecological important stream (EIS) and its riparian area have been protected with "Conservation Area" zone. Given Cheung Sheung is of significant ecological and conservation importance, we strongly recommend that all the streams as well as their riparian areas should be protected by "Conservation Area" zone. It is because all the streams are ecologically connected. If one tributary and its habitat was disturbed or polluted, it may cause adverse impacts to other tributaries and the species within, and hence, merely zoning the EIS and its riparian area as "Conservation Area" is far from enough to safeguard the stream ecosystem and conserve the wildlife habitat and species. Thus, all the steams and their riparian area, should be designated as "Conservation Area" for maintaining the stream ecosystem's integrity.

together possible...

か起写剤 デスペース保官 明在式先生, GBM GBS, JP

上 塔: 何間盛先生 计效稳捷: 江做智先生

表层核发动:各港立位德季會計劃事房所有限公司 義務公司秘書:臺店就畫服務有限公司 義務計師:在上江建制計 義務可以:展覽組計 紅丽絲為梅萬

Chairman:

The Honourable CY Leung, GBM, GBS, JP Chief Executive of the HKSAR Mr Edward M Ho

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

"Village" zone is not appropriate

We are noted that a "Village" zone had been proposed to allow New Territories Exempted House - Small House to build in the future. Since there are no sewerage and drainage systems in the Area1, we are worried that the ecological important stream (EIS) would be adversely affected by such New Territories exempted house development in the future. We anticipate that the proposed "Village" zone in Cheung Sheung, like many other "Village" zones that built with Small Houses. sewage discharge from houses will be connected to septic tanks and soakaway and this system potentially lead to an increase in polluted surface run-off which will directly enter the natural stream without treatment, which is only 25 meter in average away from the proposed "Village" zone in Cheung Sheung. What is even worse that the stream is connected with the EIS and other tributaries, the discharged may damage the stream ecosystem and pose adverse impacts to all associated wildlife habitats and species. Besides, Cheung Sheung is an upland plateau where only accessible by footpaths. Vehicle is unlikely able to reach the area to conduct desludging work. Please be noted that current Requirements for Village Type Houses" stipulate at page 5 that the minimal requirements for more than one house include "road access for desludging vehicle to within 30m from the septic tank." Furthermore, Cheung Sheung is located within the upper indirect water gathering grounds² and the TPB Paper No. 9497 for the Draft Pak Tam Au OZP had stated that "the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments located in water gathering grounds." As such. we view that there should have no "V" zone in the area.

Sincerely yours,

Tobellow

Tobi Lau (Mr.)

Senior Conservation Officer, Local Biodiversity

² See Section 2.1 of the TPB paper No. 9560

MILA

See Section 7.5.2 of the TPB paper No. 9560



Kitty Tang < 1 10日04月2017年基期— 11:51

tpbpd@pland.gov.hk
DHK's comment on Draft Cheung Sheung Outline Zoning Plan (revised) 20170410 Comment on Draft Cheung Sheung Outline Zoning Plan.pdf

Dear Sir/Madam,

The revised version of our comment on Draft Cheung Sheung Outline Zoning Plan is attached in this email. Sorry for any inconvenience caused.

Yours faithfully, For and on behalf of Designing Hong Kong Limited Kitty Tang

Hong Kong, 10th April 2017 Chairman and Members Town Planning Board 15/F, North Point Government Offices 333 Java Road, North Point, Hong Kong Fax: 2877 0245;

Fax: 2877 0245; Email: tpbpd@pland.gov.hk

Comments on the Draft Cheung Sheung Outline Zoning Plan (No. S/NE-CS/1)

Designing Hong Kong would like to comment on and raise our concerns over the draft Cheung Sheung Outline Zoning Plan.

We do support the general planning intention in this Draft Cheung Sheung Outline Zoning Plan, which aims at protecting the high conservation and landscape values, and complement the overall naturalness and the landscape beauty of the Sai Kung West Country Park.

However, more stringent land use zoning should be adopted in order to ensure adequate protection of the important species and their habitats. We recommend that **whole area of Cheung Sheung** is zoned **"Conservation Area (CA)"** to reflect its ecological importance with the following reasons:

1. High Ecological Value

Under the New Conservation Policy, Cheung Sheung is a priority site for Enhanced Conservation. ¹ A diversity of plants with a number of uncommon species are supported by the upland marshes and a moderate diversity of amphibians and dragonflies are supported by the freshwater habitat within the area. Moreover, the woodland links ecologically to the natural habitats in the Sai Kung West Country Park.

Despite being located deep inside the country park and far away from roads, this area falls outside the Country Park Regulations, and thus lacks patrols, management and maintenance. For this reason, the permitted uses should be strictly limited in order to protect these ecosystems and important habitats, and maintain viable populations of species in nature.

2. Recreational activities should not be allowed

Barbecue and picnics and such activities create waste and fire danger. Such risks are unacceptable in Cheung Sheung Area as the area is difficult to access by maintenance, cleansing and emergency crews.

Cheung Sheung Area is outside the boundary of Sai Kung West Country Park and thus falls outside the responsibility of the Country Parks Authority. However, it is located deep inside and is fully surrounded by the Country Park, and any waste, fire or effluents will immediately impact the surrounding country park. The area is very difficult to access. It is uphill along narrow footpaths and far from roads. The Agricultural, Fisheries and Conservation Department (AFCD) doesn't have the enforcement power to manage and keep the site clean, safe or otherwise maintain order as the Country Park Regulations Ordinance does not apply to this area. However, as the area is small and remote, it is unlikely and inefficient for other government departments to provide services, or to undertake enforcement action.

Therefore, UNLESS the Country Parks Authority takes on management responsibility, all active recreational activities should be dis-allowed

AFCD: List of Priority Site for Enhanced Conservation http://www.afcd.gov.hk/english/conservation/con_nncp/con_nncp_list/con_nncp_list.html



3. Designation of the Area as Country Park

As Cheung Sheung Area is deep into the country park with high conservation value, apart from zoning the whole area as CA, it should be incorporated into Sai Kung West Country Park with the purpose of reflecting the high ecological importance and making sure it is protected and properly maintained by AFCD.

4. No justification for designating "V" zone

Low Small House Demand

With reference to the TPB Paper No.9560 on Consideration of the Draft Cheung Sheung DPA Plan (No. DPA/NE-CS/B) in February 2014 2 , neither outstanding Small House application nor 10 year forecast of Small House demand have been received from Indigenous Inhabitant Representative(IIR) in the past 10 years.

The figure of the 10-year Small House demand is estimated and provided by the IIR of Cheung Sheung Village without substantive evidence. The Lands Department (LandsD) should verify the information before it is put into consideration by the Planning Department (PlanD).

· Low accessibility

Accessibility is severely constrained. The proposed "V" zone is accessible by footpaths only such as MacLehose Trail and Cheung Sheung Country Trail. It poses danger to the future residents to walk up and down to hill every day, especially at night time without any street lights.

Any access in support of village development in Cheung Sheung would have devastating impacts on the surrounding country park. Any demand for improvements would cause significant conflict with nature and landscape conservation objectives.

Limited support services available

There is only one provision store in the area and this is open on weekends only. Basic need items are not available for future residents. This could lead to demands which cause significant conflict with nature and landscape conservation objectives.

Limited infrastructure provisions

No existing or planned public sewer is located in the area. The use of septic tank and soakaway system for sewage treatment and disposal, which are necessary to be installed in Small House, is considered unacceptable means for village development in this area as sewage and foul waters would be discharged into the ground and nearby water gathering ground (WGG).

Here we submit our concerns for your consideration.

Yours,

Designing Hong Kong Limited





Kitty Tang < 10日04月2017年星期—11:21 tpbpd@pland.gov.hk DHK's comment on Draft Cheung Sheung Outline

DHK's comment on Draft Cheung Sheung Outline Zoning Plan 20170410 Comment on Draft Cheung Sheung Outline Zoning Plan.pdf

Dear Sir/Madam,

Our comment on Draft Cheung Sheung Outline Zoning Plan is attached in this email. Thank you for your attention.

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Yours faithfully, For and on behalf of Designing Hong Kong Limited Kitty Tang



Hong Kong, 10th April 2017 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

Comments on the Draft Cheung Sheung Outline Zoning Plan (No. S/NE-CS/B)

Designing Hong Kong would like to comment on and raise our concerns over the draft Cheung Sheung Outline Zoning Plan.

We do support the general planning intention in this Draft Cheung Sheung Outline Zoning Plan, which aims at protecting the high conservation and landscape values, and complement the overall naturalness and the landscape beauty of the Sai Kung West Country Park.

However, more stringent land use zoning should be adopted in order to ensure adequate protection of the important species and their habitats. We recommend that **whole area of Cheung Sheung** is zoned "Conservation Area (CA)" to reflect its ecological importance with the following reasons:

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Despite being located deep inside the country park and far away from roads, this area falls outside the Country Park Regulations, and thus lacks patrols, management and maintenance. For this reason, the permitted uses should be strictly limited in order to protect these ecosystems and important habitats, and maintain viable populations of species in nature.

2. Recreational activities should not be allowed

Barbecue and picnics and such activities create waste and fire danger. Such risks are unacceptable in Cheung Sheung Area as the area is difficult to access by maintenance, cleansing and emergency crews.

Cheung Sheung Area is outside the boundary of Sai Kung West Country Park and thus falls outside the responsibility of the Country Parks Authority. However, it is located deep inside and is fully surrounded by the Country Park, and any waste, fire or effluents will immediately impact the surrounding country park. The area is very difficult to access. It is uphill along narrow footpaths and far from roads. The Agricultural, Fisheries and Conservation Department (AFCD) doesn't have the enforcement power to manage and keep the site clean, safe or otherwise maintain order as the Country Park Regulations Ordinance does not apply to this area. However, as the area is small and remote, it is unlikely and inefficient for other government departments to provide services, or to undertake enforcement action.

Therefore, UNLESS the Country Parks Authority takes on management responsibility, all active recreational activities should be dis-allowed.



3. Designation of the Area as Country Park

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Here we submit our concerns for your consideration.

Yours,

Designing Hong Kong Limited

²Consideration of the Draft Cheung Sheung DPA Plan (No. DPA/NE-CS/B) http://www.info.gov.hk/tpb/en/papers/TPB/1052-tpb_9560.pdf



KFBG EAP 07日04月2017年臺朔五 15:43 pbpd

KFBG's comments on Draft OZPs: S/NE-CS/1 & S/NE-TPK/I

Dear Sir/ Madam,

We have the following comments regarding the captioned:

Draft Cheung Sheung OZP (S/NE-CS/1)

- We do not understand the logic to set up a V zone there. This enclave is so remote and completely surrounded by Country Park (CP).
- It is a Priority Site for Enhanced Conservation under the New Nature Conservation Policy and is located within the upper indirect water gathering ground (WGG).
- It would be difficult to build infrastructures to connect this enclave with the outside world, and in view of its conservation importance and the importance to keep this area clean (e.g., WGG), we query the need to have a V zone inside, even it is small.
- We recommend the whole site should be covered with CA zone.
- Eurthermore, we recommend this enclave should eventually be incorporated into the CP system.

Draft Tai Po Kau OZP (S/NE-TPK/1)

- We would like to reiterate that these three enclaves are within the Tai Po Kau Nature Reserve which is very important to birds and many other wild animals and plants.
- We urge that these three sites should finally be incorporated into the Nature Reserve.
- We also urge the Board to review the necessity of putting House (Redevelopment only) in Column 2 of the CA zone.

Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden



08日04月2017年星期六 2:22 tpbpd S/NE-CS/1 Cheung Sheung OZP

S/NE-CS/1 Cheung Sheung OZP

Dear TPB Members,

I fully support zoning Conservation Area(CA).

This is an mature and wooded area with high ecological value. It hosts a number of wildlife species.

I recommend that the enclave be incorporated into Tai Po Kau Nature Reserve to ensure better protection for valuable wildlife species and important habitats.

Mary Mulvihill

致:城市規劃委員會

嶂上分區計劃大綱草圖編號 S/NE-CS/1

就嶂上分區計劃大綱草圖編號 S/NE-CS/1,經多次申述、討論、爭取,草圖內雖然已劃出 V-Zone 位置,供我村原居民日後興建小型屋宇,但由於只有 0.03 公頃面積,遠遠未能滿足我村原居民日後興建小型屋宇的需求。

上次申述信中之陳述內容【即 2016 年 11 月 13 日草圖編號 S/NE-CS/B】建議,希望將 V-Zone 位置擴大,又或者將現有地契內之屋地位置納入為 V-Zone,而此等屋地位置亦詳列於該信函內。然而,貴署完全沒有回應訴求,只顧著及借助環保團體之勢力,將上次大綱草圖及信函覆印寄回便草草了事,將我等原居民權益置諸不理,並有意圖繼續地打壓下去,完全漠視本村居民期望,漠視原居鄉村之承傳及生存空間。

嶂上是香港其中一條認可鄉村,理應受到政府在一定資源上支援,但無奈地受到忽略,村內設施完全荒廢破落。反觀其他國家或地區,居於偏遠郊區的居民,無論人口多寡,亦得到當地政府的支援,有交通馬路到達,有食水供應,有電力供應,生活所需都一一配合。反之,香港作為國際大都市,資源充足下,政府都沒有盡責照顧好市民,尤以我等偏遠的原居市民,生活條件完全沒有得到保障,是淪為國際笑話的例子,政府此舉,無疑給人感覺,是有意圖將小村落慢慢侵蝕,滅我鄉村,摧毀鄉村傳統文化。

盤古初開,繼往開來,新界原居民鄉村大多數是以務農為生,正因如此, 農民也知道必須要保護環境,才能有務農後之成果,我們村民都尊重環境保育, 亦樂意為環保出力,環境保育固然重要,村民之權益及鄉村傳統文化亦必須尊重, 兩者若然處理得當,延續原居民權益及環境保育亦可並存。

對以上之不合理,我村居民經商議後決定不參與貴署安排的諮詢會議,以表明向政府及貴署作出抗議。

□ 上村代表 黄錦雄 二零一七年三月六日

副本送交: 規劃署署長 新界鄉議局主席 大埔區議會主席 西貢北約鄉事委員會主席 大埔區議會環境、房屋及工程委員會主席

就《嶂上分區計劃大綱草圖編號 S/NE-CS/1》作出的申述及規劃署的回應的摘要

申述編號	申述的理由	規劃署的回應
(TPB/R/S/NE-CS/1)	[申述的建議] (見下文註)	(城規會文件段落編號)
R1	A1	4.11
	B1 · B2 · B4 · B5 · B6 · B7	4.12
A	C	4.14
	D1 · D2	4.17至4.23
	[P1a]	4.13
	[P2]	4.17至4.23
	[P3]	4.26
R2	A1	4.11
	B2 · B7	4.12
	D2 · D3	4.20至4.23
	[P1a]	4.13
	[P2]	4.17至4.23
R3	A1	4.11
	B1 · B2 · B3 · B5 · B7	4.12
	D1 · D2 · D3	4.17至4.23
	[P1a] · [P1b] · [P1c]	4.13、4.15及4.16
	[P3]	4.26
R4	B1 · B2 · B7	4.12
	D1	4.17至4.23
	[P1a]	4.13
	[P3]	4.26
R5	B2 · B5 · B7	4.12
	A2	4.11
	[P3]	4.26
R6	E	4.17至4.19、4.24及4.25
	F	4.27
	[P4]	4.17至4.19、4.24及4.25

註:申述的主要理由及建議,請詳見下文所述城規會文件的相應段落。

R1 至 R5 的主要申述理由及建議的摘要

- 4	主要理由及建議	城規會文件 段落編號		
主要	理由			
A	該分區計劃大綱草圖(下稱「草圖」)的整體規劃意向及「自然保育區」地帶(R1至 R3 及 R5)			
A 1	R1 至 R3 表示支持該草圖的整體規劃意向。	2.2(a)		
A 2	R5 支持在該草圖劃設「自然保育區」地帶。	2.2(a)及(d)		
В	該區具重要生態價值(R1 至 R5)			
В1	嶂上是新自然保育政策下須優先加強保育的地點之 一(R1、R3及R4)。	2.2(b)		
В2	該區四周被西貢西郊野公園完全包圍,具重要生態價值(R1至 R5)。	2.2(b)		
В3	該區的淡水生境育有多種動植物(R3)。	2.2(c)		
В4	區內「具重要生態價值的河溪」及接連的河溪/濕 地育有香港鬥魚這全球關注的物種(R1)。	2.2(c)		
В5	該區的林地生境有多種野生生物棲息,與附近西貢西郊野公園的林地生境相似,而且在生態上相連(R1、R3及R5)。	2.2(c)		
В6	在嶂上可找到豐富種類的典型林地雀鳥(包括灰卷尾、綠翅金鳩和蛇鵰等在保育方面受關注的品種),還有一種倚賴濕地生存、在區域內受關注的雀鳥,以及列為全球極度瀕危物種的穿山甲(R1)。	2.2(c)		
В7	應對天然河溪(包括該條「具重要生態價值的河溪」)和其河岸區、林地和濕地生境提供足夠保護(R1至 R5)。	2.2(c)		
C	劃設「綠化地帶」(R1及 R5)			
	R1 認為,「綠化地帶」易受可容許的小型屋宇發展影響。	2.2(e)		
D	劃設「鄉村式發展」地帶(R1 至 R4)			
D1	該區沒有尚未處理的小型屋宇需求/小型屋宇需求少、交通不便、支援服務和基礎設施有限,實在沒有理由劃設「鄉村式發展」地帶。而該區亦位於上段間接集水區內,進行基礎設施改善工程會受到限制,對周圍的郊野公園造成嚴重破壞及/或有違自然和景觀	2.2(f)		

	主要理由及建議	城規會文件 段落編號
D2	由於該區沒有排污及排水系統,加上收糞車不能到達	2.2(g)
	該區,鄉村發展項目的化糞池及滲水系統所排放的污	
	水會成為污染源頭,對距離「鄉村式發展」地帶約	
	20 至 30 米的天然河溪和「具重要生態價值的河溪」	etation of
	造成不良影響(R1 至 R3)。	
D3	事實上,由於嶂上位於上段間接集水區內,在嶂上的	2.2(g)
	新鄉村發展項目使用化糞池及滲水系統處理和排放污	
	水是不可接受的方法(R2及R3)。	
主要	建議(圖 H-2)	
P 1	劃設「綠化地帶」(R1 至 R4)	10.74年基础10.0000
P1a	為反映草圖的整體規劃意向即保護該區的高保育價	2.2(d)
	值,以及確保天然生境(特別是河溪生態系統的完整)	
	得到足夠保護。R1 至 R4 建議擴展「自然保育區」	
	地帶以涵蓋整區(包括河溪及其河岸範圍,即把「綠	
	化地帶」和「鄉村式發展」地帶改劃為「自然保育	
	區」地帶。	
P1b	R3 認為,由於當局未能在該區根據《郊野公園條	2.2(e)
	例》執行巡邏、管理和維修的工作,因此,區內經常	
	准許的用途應只限於自然保育。	
P1c	該區交通不便,難以進行維修、清潔和緊急救援工	2.2(e)
	作。康樂活動(例如燒烤和野餐)會產生廢物、污水或	
	火災危險,影響周圍的郊野公園(R3)。因此,除非	
	由郊野公園及海岸公園管理局總監負責該區的日常管	
	理,否則不應准許在該區進行康樂活動(R3)。	
P2	劃設「鄉村式發展」地帶(R1 及 R2)	
P2	應刪除「鄉村式發展」地帶(R1及R2)。	2.2(g)
Р3	把該區納入郊野公園的範圍內(R1、R3 至 R5)	
P3	R1、R3 及 R4 建議把該區納入西貢西郊野公園,而	2.2(h)
	R5 則建議把該區納入大埔滘自然護理區,以全面保	
	護這幅「不包括的土地」和周邊郊野公園的生態和景	
	觀價值,以及確保漁農自然護理署妥善管理該區。	

R 6 的主要申述理由及建議的摘要

	主要理由及建議	城規會文件 段落編號	
主要	主要理由		
E	劃設「鄉村式發展」地帶		
	R6 反對草圖,理由主要是「鄉村式發展」地帶只有 0.03 公頃,未能滿足原居村民日後興建小型屋宇的 需求。草圖沒有採納他先前提出擴大「鄉村式發展」 地帶或把屋地劃為「鄉村式發展」地帶的建議,漠視原居村民進行鄉村發展的權益。	2.3(a)	
F	提供基礎設施	E F S	
2	嶂上村缺乏政府提供的基礎設施。村內設施荒廢破落,村民生活條件沒有保障。鄉村和鄉村傳統文化將 會被摧毀。	2.3(b)	
主要	建議(圖 H-2)	8	
P 4	劃設「鄉村式發展」地帶(R6)		
P 4	應在自然保育和原居民的權益之間作出平衡。	2.3(a)	

日 期:2017年3月8日(星期三) 時 間:下午3時至下午6時18分

地 點:大埔區議會會議室

III. 〈鱆上分區計劃大綱草圖編號 S/NE-CS/1〉

(大埔區議會文件 EHW 14/2017號)

- 7. 主席歡迎規劃署高級城市規劃師楊倩女士及城市規劃師蘇美玲女士就是項議程出席會議。
- 8. 楊倩女士介紹上述文件。
- 9. 對於楊女士介紹文件時指西貢北約鄉事委員會("西貢北鄉委會")拒絕接受規劃署就上述大綱草圖所作的諮詢,李耀斌議員強調,罐上村代表及村民認為規劃署代表多次與他們接觸後,仍然沒有接納他們的意見,亦沒有修訂大網草圖,因此才拒絕接受署方的諮詢。他表示,鄉議局最近邀請規劃署助理署長出席會議,討論平洲分區計劃大綱草圖及其他大綱草圖,與會者及居民代表普遍認為有關規劃對他們不公平兼有打壓他們的意圖,因此他本人建議鄉議局去信城規會及規劃署,要求凍結這些大綱草圖,讓來屆政府重新審視有關規劃是否合乎政府施政原則。他建議委員會亦去信政府,要求凍結這些大綱草圖。
- 10. <u>李華光副主席</u>表示,《嶂上分區計劃大綱草圖編號 S/NE-CS/1》內的"鄉村式發展"地帶範圍小,即使居民有地契亦未能建屋,因此他反對該草圖。
- 11. <u>郭永健委員</u>留意到大綱草圖有"B"版及"1"版。他詢問哪個版本為目前及日後生效的圖則。
- 12. <u>陳灶良議員</u>認為該份大綱草圖限制了原居民的發展,無異於強搶民產,做法有欠公允。他不滿城規會一直無視委員會就不同大綱草圖提出的反對意見。 他詢問如委員會去信城規會及規劃署要求凍結有關圖則,有關方面會否重視及 聽取委員會的意見。
- 13. <u>劉志成博士</u>指嶂上村是認可鄉村,該處亦有原居民的村屋及私人土地,規 劃署提供的"鄉村式發展"地帶並不足夠。他續指本委員會、西貢北鄉委會及 村民代表已多次反對嶂上分區計劃大綱草圖。他不理解為何規劃署仍然不願意 修訂該草圖。
- 14. <u>羅曉楓議員</u>詢問,既然各方已提出反對,而嶂上村村民亦對規劃署的諮詢 感到厭倦而拒絕與署方會面,規劃署為何仍要再次諮詢本委員會。他續問規劃 署如何看待本委員會或西貢北鄉委會的反對意見,兩者意見的份量是否與一般

- 15. <u>鄧銘泰議員</u>詢問規劃署如何處理在諮詢過程中收集到的意見。他表示,如該署不接受委員會或其他持分者的反對意見,根本沒有諮詢及討論的需要。
- 16. 楊倩女士就委員的意見綜合回應如下:
 - (i) 規劃署在 2016 年年初開始擬備嶂上分區計劃大網草圖,以取代嶂上發展審批地區圖。2016 年 3 月,西貢北鄉委會安排署方與嶂上村原居民代表在嶂上會面,聽取他們對該區土地用途的意見。同年 4 月,署方收到嶂上村原居民代表提交的意見,他們主要要求在嶂上劃設"鄉村式發展"地帶。署方之後在擬備大綱草圖的過程中考慮了他們的意見,並在〈嶂上分區計劃大綱草圖編號 S/NE-CS/B〉劃設"鄉村式發展"地帶。
 - (ii) 城規會在 2016年 10 月同意規劃署就《嶂上分區計劃大網草圖編號 S/NE-CS/B》諮詢大埔區議會及西賈北鄉委會。規劃署在 2016年 11 月 1日及 11 月 9日分別諮詢西賈北鄉委會及大埔區議會豁下環境、房屋及工程委員會,並於 2017年 1月 20 日將收集到的意見(包括環保組織和政府部門等的意見)一併轉交城規會作進一步考慮。
 - (iii) 城規會考慮由規劃署轉交的意見後,同意將《嶂上分區計劃大綱草 圖編號 S/NE-CS/B》刊憲,當中建議的土地用途地帶並無修訂。2017 年 2 月 10 日,城規會根據《城市規劃條例》("《條例》")將嶂上 分區計劃大綱草圖重新編號為 S/NE-CS/1 並刊憲,這份法定圖則已 正式生效。
 - (iv) 由 2017 年 2 月 10 日起,城規會根據〈條例〉第 5 條展示〈嶂上分區計劃大綱草圖編號 S/NE-CS/1〉,以供公眾查閱,為期兩個月。任何人士如欲對該草圖作出申述或意見,可於相關圖則展示期間直接以書面向城規會提出。城規會會舉行聆訊,以考慮有關申述和意見。提出申述及意見的人均可出席聆訊及在聆訊上陳詞,城規會會決定是否順應有關申述和意見而就該草圖提出修訂建議。
 - (v) 嶂上地區為郊野公園不包括土地,具高生態及景觀價值,因此,規 劃署對保護該區特別關注。署方劃設了適當的保育地帶後,考慮了 鄉村範圍、尚未處理的小型屋宇申請數目、原居民代表預測的十年 小型屋宇需求量、區內地形及用地限制等因素,在嶂上劃設 0.03 公 頃土地作"鄉村式發展"地帶,以滿足該區對小型屋宇的需求。如 村民日後希望在"綠化地帶"內發展小型屋宇,可向城規會提出申 請。

- 17. 李耀斌議員認為最重要的並不是諮詢次數,而是規劃署有沒有接納及回應持分者的意見及訴求。他指持分者已無法忍受署方及城規會一直無視他們的訴求。他擔心政府如今強行通過這些大綱草圖,會迫使村民砍伐私人土地上的樹木,與保護環境的目的背道而馳,得不償失。他認為政府在保護環境之餘亦要保護原居民的私人業權,使他們安居樂業,否則只會加速社會撕裂。他補充,目前"鄉村式發展"地帶周邊的範圍屬"綠化地帶"或"自然保育區",日後成功申請在這些範圍之內建屋的機會極微。他認為規劃署應預留足夠地方作日後發展之用。
- 18. <u>劉志成博士</u>表示,規劃署既然認同嶂上村是認可鄉村,便應接納村民代表的要求,將現有地契內的房屋及土地範圍納入 "鄉村式發展" 地帶內。另外,他認為規劃署不應以村民日後可向城規會申請在 "綠化地帶"內發展小型屋宇為由,而提供僅 0.03 公頃土地作 "鄉村式發展" 用途。
- 19. <u>鄧銘泰議員</u>認為規劃署在擬備大綱草圖時應一併考慮嶂上村將來的人口發展,而非單單以現時的小型屋宇需求量作為準則。他續指,西貢北鄉委會亦多次要求擴大嶂上的"鄉村式發展"地帶。他希望署方慎重考慮該項要求。
- 20. 主席表示,就城規會及規劃署不尊重原居民及持分者的意見,委員會已去信城規會及發展局表達不滿。他指嶂上村代表及西貢北鄉委會主席亦曾去信要求擴大嶂上分區計劃大綱草圖的"鄉村式發展"地帶,但規劃署沒有接納這些要求。他批評政府完全沒有考慮村民將來的發展需要,將保育的政策強行套用在私人土地上。他重申,區議會、鄉議局及鄉事委員會作為民意代表,其意見應得到規劃署及城規會尊重。他同意按李耀斌議員的建議,由委員會去信城規會要求押後一年處理這些大綱草圖的審議。

(會後補註:委員會主席已於 2017年 4月 20 日去信城規會。)

《嶂上分區計劃大綱草圖編號 S/NE CS/1》 有關「鄉村式發展」地帶、「綠化地帶」 及「自然保育區」地帶的《註釋》的摘錄

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 康體文娱場所 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為經常准許的用途。其他商業、社區和康樂用途,如向城市規劃委員會申請許可,或會獲得批准。

備註

- (a) 任何新發展,或任何現有建築物的加建、改動及/或修改,或現有建築物的重建(發展或重建作註有#的用途除外),不得引致整個發展及/或重建計劃的最高建築物高度超過三層(8.23 米),或超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的建築物的高度,兩者中以數目較大者為準。
- (b) 城市規劃委員會如接獲根據《城市規劃條例》第 16 條提出的申請,可按個別發展或重建計劃的情況,考慮略為放寬上文(a)段所述的建築物高度限制。
- (c) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後,如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可,不得進行或繼續進行任何河道改道或填塘工程,包括為改作上文第一欄和第二欄所列的任何用途,或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程,以及保養、修葺或翻建工程除外)而進行或繼續進行者。

綠化地帶

第一欄

經常准許的用途

第二欄

須先向城市規劃委員會申請,可能在有附帶 條件或無附帶條件下獲准的用途

農業用途 燒烤地點 政府用途(只限報案中心) 自然保護區 自然教育徑 農地住用構築物 野會設施 帳幕營地 野生動物保護區

動物寄養所

播音室、電視製作室及/或電影製作室 墓地

靈灰安置所(只限設於宗教機構內或現有靈灰安置所的擴建部分)

火葬場(只限設於宗教機構內或現有 火葬場的擴建部分)

郊野學習/教育/遊客中心

政府垃圾收集站

政府用途(未另有列明者)

直升機升降坪

度假營

屋宇(根據《註釋》說明頁准許翻建 新界豁免管制屋宇或以新界豁免 管制屋宇取代現有住用建築物者 除外)

加油站

康體文娛場所

公共車輛總站或車站

公用事業設施裝置

公眾停車場(貨櫃車除外)

雷達、電訊微波轉發站、電視及/或 廣播電台發射塔裝置

宗教機構

住宿機構

鄉事委員會會所/鄉公所

學校

配水庫

社會福利設施

私人發展計劃的公用設施裝置

(請看下頁)

綠化地帶(續)

規劃意向

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

備註

在有關發展審批地區草圖的公告在憲報首次刊登該日或以後,如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可,不得進行或繼續進行任何河道改道、填土/填塘或挖土工程,包括為改作上文第一欄和第二欄所列的任何用途,或《註釋》說明頁所載的經常准許的用途或發展(由政府統籌或落實的公共工程,以及保養、修葺或翻建工程除外)而進行或繼續進行者。

自然保育區

第一欄

經常准許的用途

第二欄

須先向城市規劃委員會申請,可能在有附帶條件或無附帶條件下獲准的用途

農業用途(植物苗圃除外) 自然保護區 自然教育徑 農地住用構築物 野生動物保護區

郊野學習/教育/遊客中心 政府垃圾收集站 政府用途(未另有列明者) 屋宇(只限重建) 公廁設施 公用事業設施裝置 雷達、電訊微波轉發站、電視及/或 廣播電台發射塔裝置

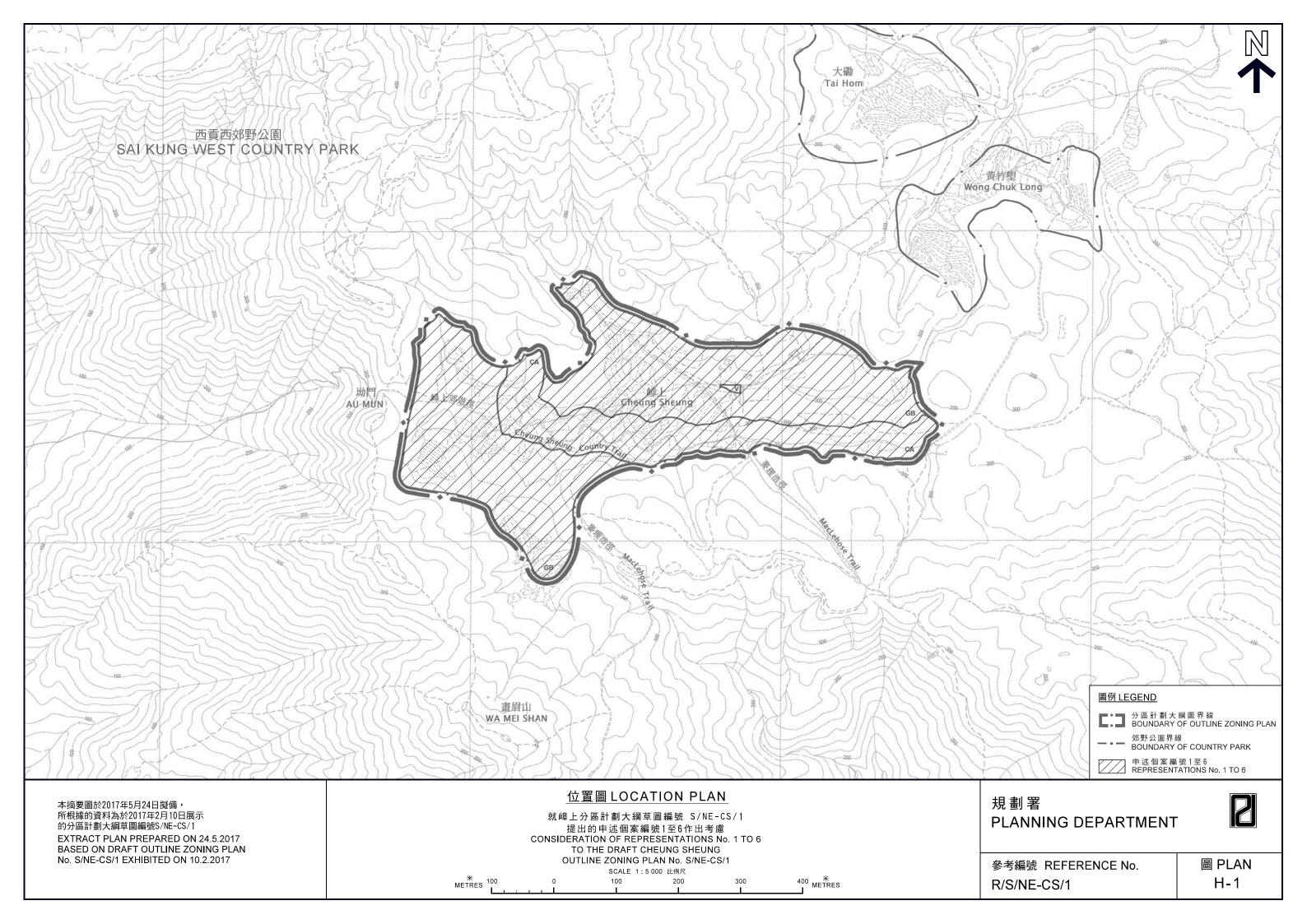
規劃意向

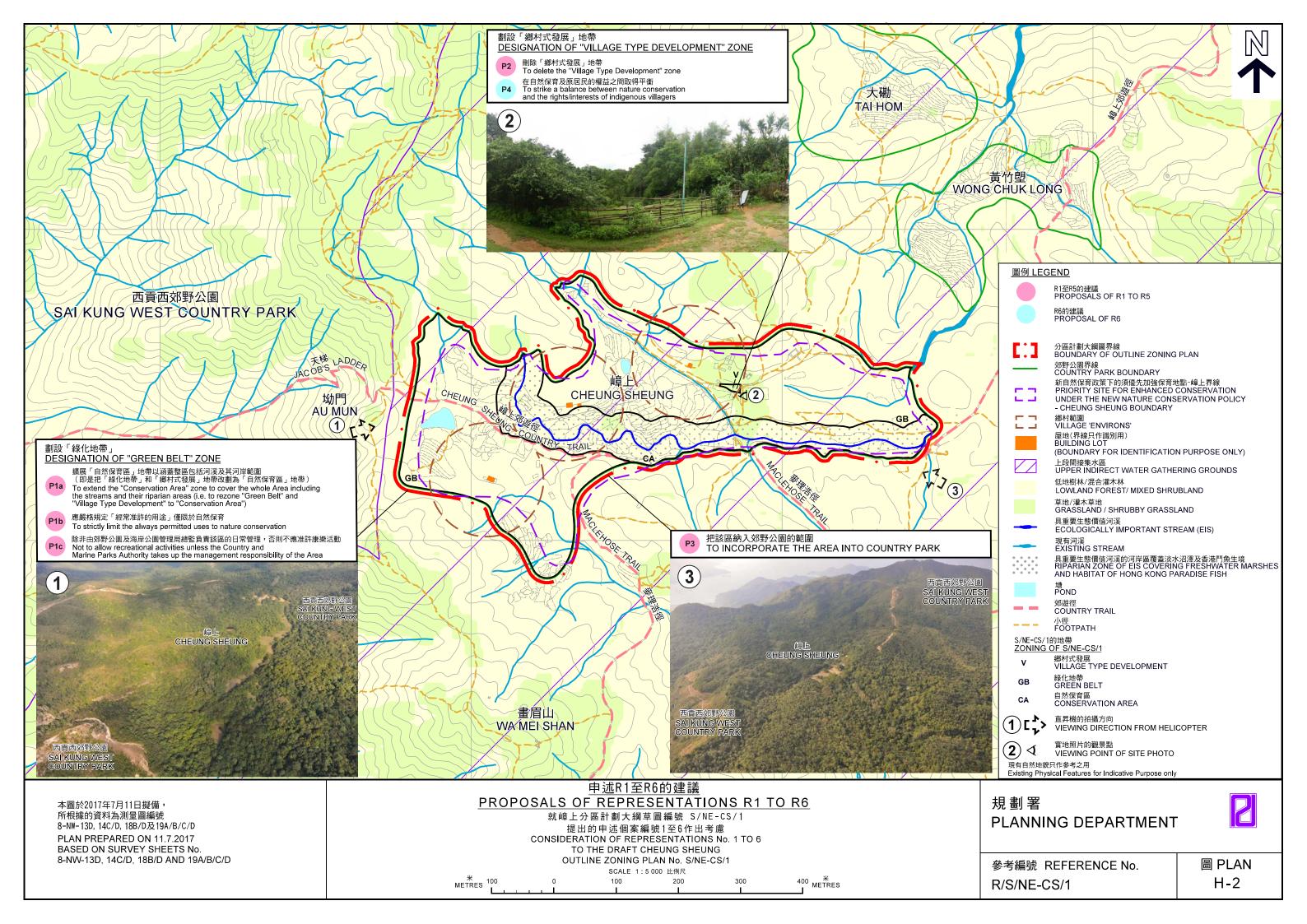
此地帶的規劃意向,是保護和保存區內現有的天然景觀、生態系統或地形特色,以達到保育目的及作教育和研究用途,並且分隔開易受破壞的天然環境如「郊野公園」,以免發展項目對這些天然環境造成不良影響。

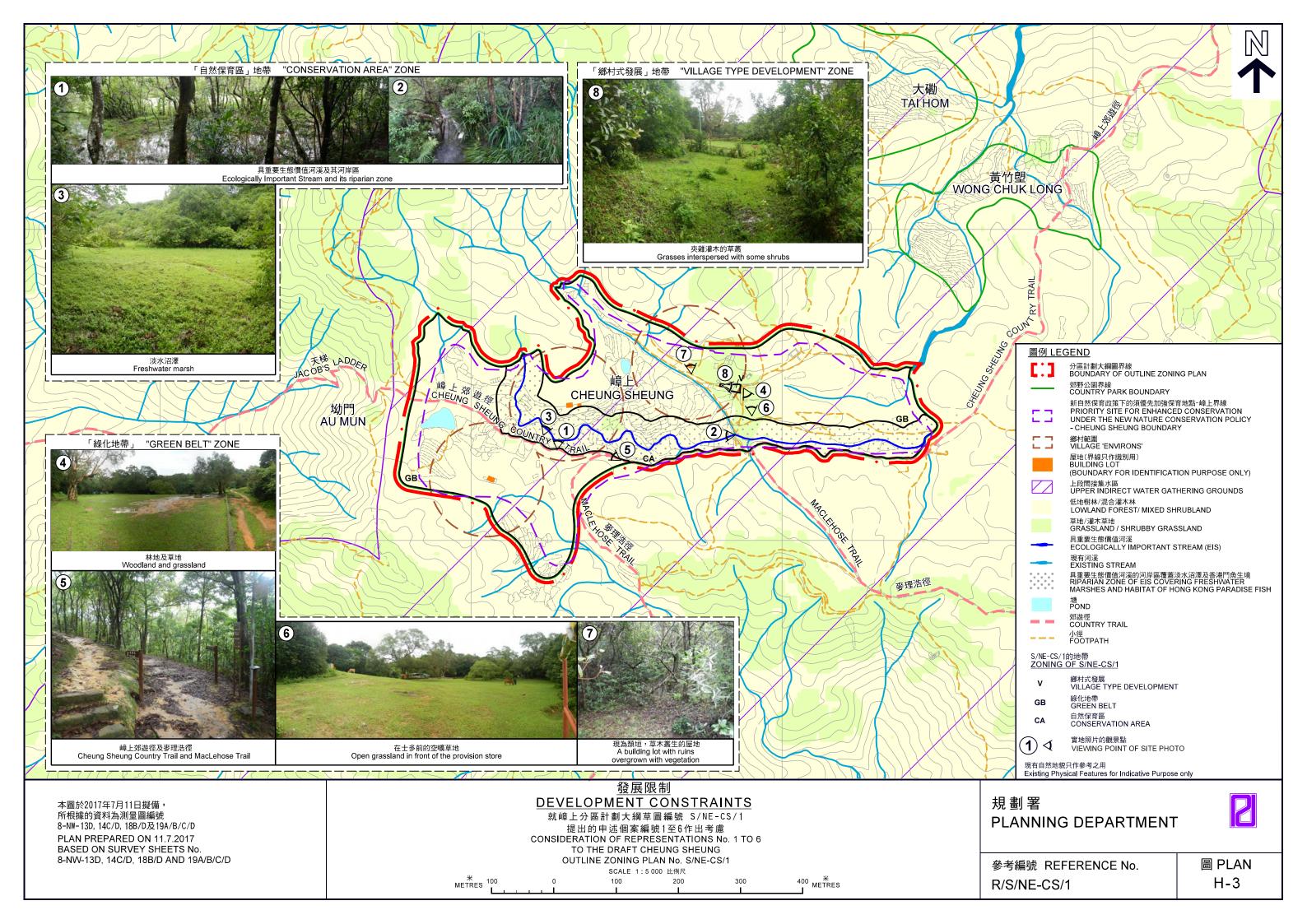
根據一般推定,此地帶不宜進行發展。大體而言,有需要進行以助保存區內現有天然景觀或風景質素的發展,或者絕對基於公眾利益而必須進行的基礎設施項目,才可能會獲得批准。

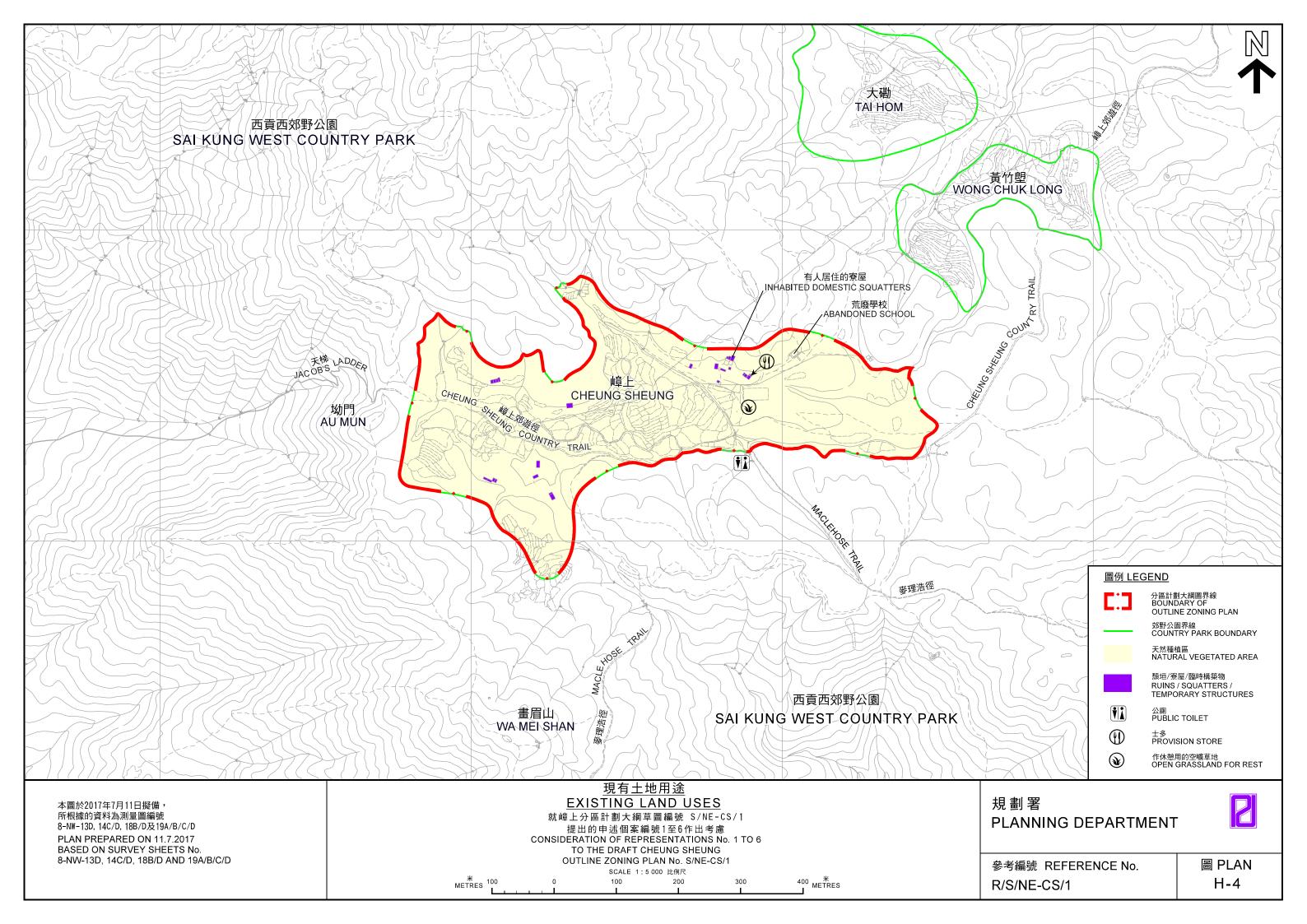
備註

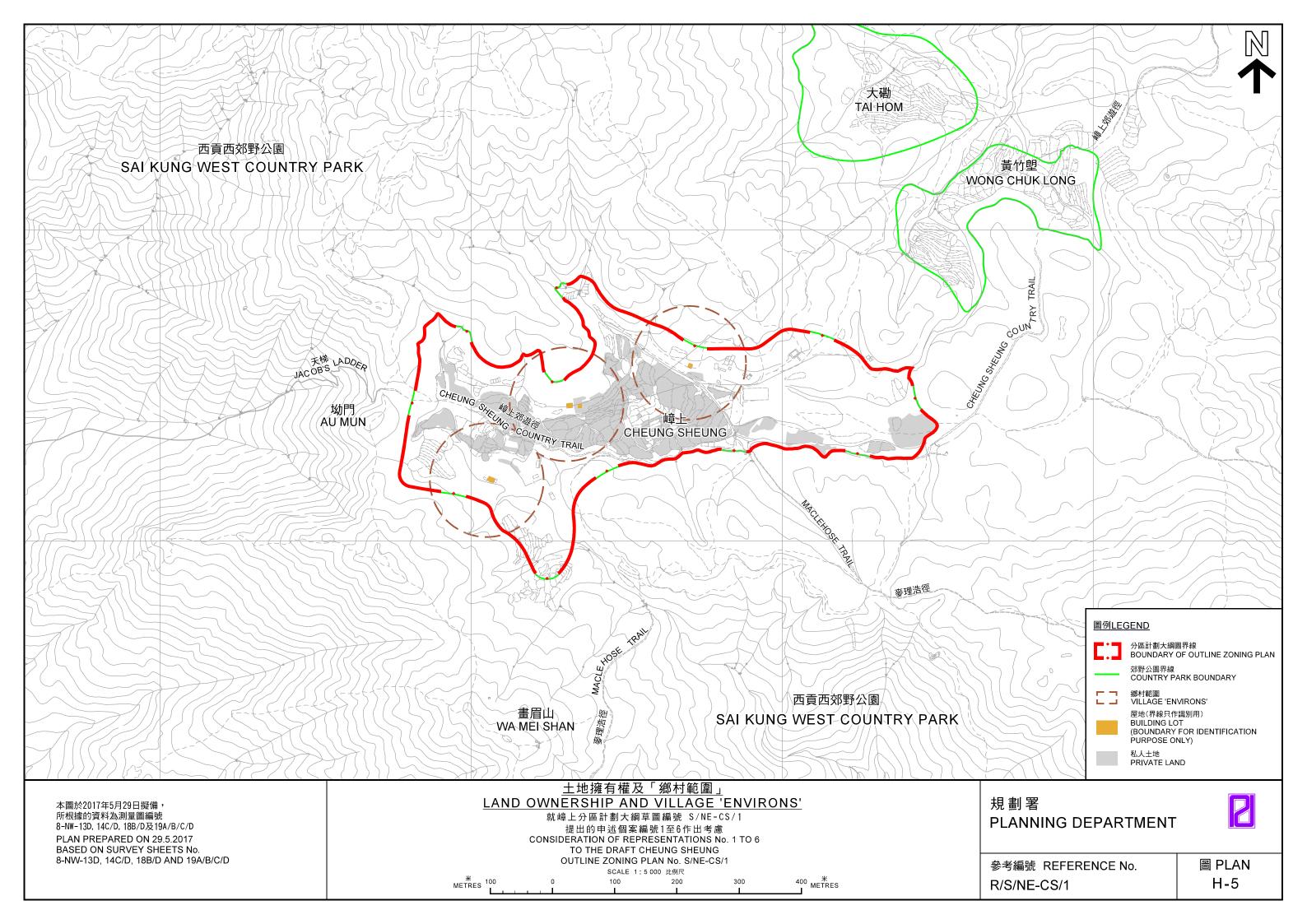
- (a) 任何現有屋宇的重建,包括改動及/或修改,不得引致整個重建計劃 超過在有關發展審批地區草圖的公告在憲報首次刊登該日已經存在的 屋宇的地積比率、上蓋面積和建築物高度。
- (b) 在有關發展審批地區草圖的公告在憲報首次刊登該日或以後,如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可,不得進行或繼續進行任何河道改道、填土/填塘或挖土工程,包括為改作上文第一欄和第二欄所列的任何用途,或《註釋》說明頁所載的經常准許的用途或發展而進行或繼續進行者。

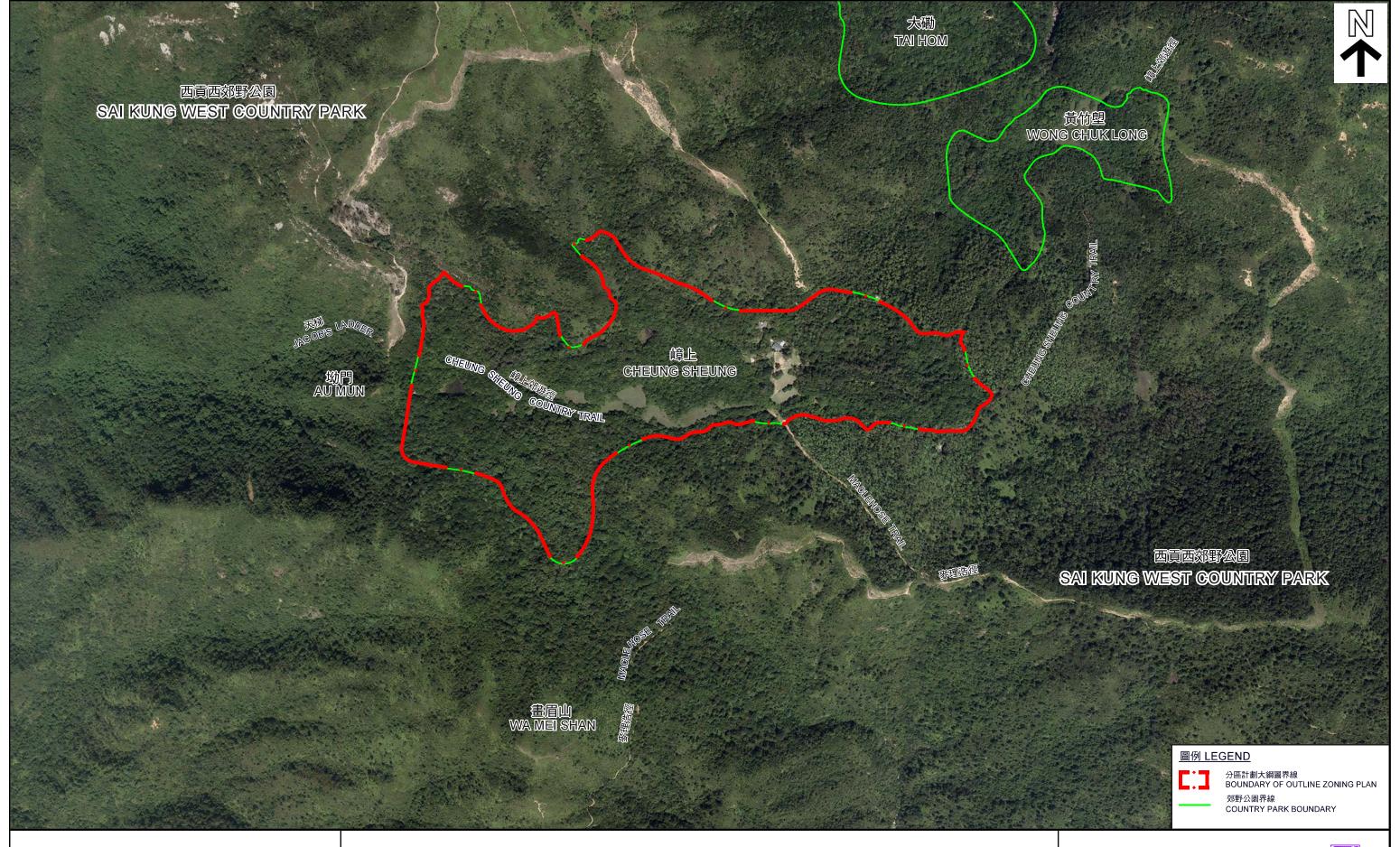












本圖於2017年6月21日擬備,所根據的資料為 地政總署於2016年10月6日拍得的航攝照片編號 E003033C、E003035C及E003037C PLAN PREPARED ON 21.6.2017 BASED ON AERIAL PHOTOS No.E003033C, E003035C& E003037C TAKEN ON 6.10.2016 BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTOS

就嶂上分區計劃大綱草圖編號 S/NE-CS/1 提出的申述個案編號1至6作出考慮 CONSIDERATION OF REPRESENTATIONS No. 1 TO 6 TO THE DRAFT CHEUNG SHEUNG OUTLINE ZONING PLAN No. S/NE-CS/1

規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No. R/S/NE-CS/1 圖 PLAN H-6