

CONFIDENTIAL

(downgraded on 7.1.2011)

**Minutes of 432nd Meeting of the
Rural and New Town Planning Committee held on 23.12.2010**

Sha Tin, Tai Po and North District

[Ms. Lisa L.S. Cheng, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), was invited to the meeting at this point.]

Agenda Item 53

[Closed Meeting]

Consideration of the Draft To Kwa Peng and Pak Tam Au
Development Permission Area Plan No. DPA/NE-TKP/A
(RNTPC Paper No. 15/10)

1. Ms. Anna S.Y. Kwong declared an interest in this item as she was the Authorised Person responsible for a residential development project in the To Kwa Peng and Pak Tam Au areas (the Area). The Committee considered the interest direct and agreed that Ms. Kwong should leave the meeting during the discussion and determination on this item.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

2. With the aid of a Powerpoint presentation, Ms. Lisa L.S. Cheng, STP/STN, briefed Members on the details of the draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/A as detailed in the Paper and covered the following main points:

Local and Physical Characteristics

- (a) the DPA Plan covered a total area of about 24.96 ha, comprising two sub-areas of To Kwa Peng (9.77ha) and Pak Tam Au (15.19ha), at the northern

coast of Sai Kung peninsula at about 11 km to the north-east of Sai Kung Town. The To Kwa Peng area was located along the waterfront overlooking Ko Tong Hau off Long Harbour at the north-western edge of the Sai Kung East Country Park. It was accessible by a walking trail off Pak Tam Road or by marine access off a small pier fronting Ko Tong Hau. The Pak Tam Au area was located along Pak Tam Road at the western edge of the Sai Kung East Country Park. The To Kwa Peng and Pak Tam Au areas were rural in character comprising mainly village houses and fallow agricultural land surrounded by shrubs and woodland;

Existing Land Uses

Recognized Village

- (b) To Kwa Peng and Pak Tam Au were recognized villages. To Kwa Peng was basically uninhabited with some ruins and a row of about seven village houses in dilapidated condition, whereas Pak Tam Au comprised a small cluster of about 12 village houses in fair to good conditions;
- (c) according to the District Lands Officer/Tai Po of Lands Department (LandsD), there were currently three redevelopment proposals for New Territories Exempted Houses (NTEHs) in To Kwa Peng and one Short Term Tenancy application for a garden in Pak Tam Au being considered by his office. Currently, LandsD had no record of unauthorized development in the Area;

Agricultural Land

- (d) agricultural land was located mainly to the west of the village houses in To Kwa Peng and pockets of terraced agricultural land were found in the centre of Pak Tam Au. They had been left fallow in both the To Kwa Peng and Pak Tam Au areas;

Woodland/ Shrubland

- (e) except for the stretch of fallow agricultural land with a few houses in the centre, the entire To Kwa Peng area was densely covered by woodland and

shrubs. Similarly, except for the fallow agricultural land in the centre, the remainder of the Pak Tam Au area mainly consisted of natural hill slopes covered by dense woodland and shrubland;

- (f) according to the Agriculture, Fisheries and Conservation Department (AFCD), the wooded areas in the To Kwa Peng and Pak Tam Au areas were ecologically linked to the natural habitats at the Sai Kung East Country Park. To Kwa Peng had been identified as a butterfly hotspot with about one-third of the local species recorded. A total of 96 plant species had been recorded in the Fung Shui Wood behind To Kwa Peng village. While a total of 62 plant species had been recorded in Pak Tam Au, most of the fauna recorded therein were common and widespread species;

Mangrove/ Marsh

- (g) estuarine mangrove and mudflat habitats were found in To Kwa Peng along the coast fronting Ko Tong Hau. According to AFCD, the natural mudflat on the coast was one of the most species-rich sites in Hong Kong with respect to mangrove fauna. Some uncommon species of mangroves and seagrass had been recorded in this mudflat;

Burial Ground

- (h) there were graves located to the south of the hill along the southern boundary of To Kwa Peng and at the small hill at the south-western corner of Pak Tam Au;

Stream Course

- (i) a natural stream was located near the western boundary of the To Kwa Peng area flowing from south to north towards Ko Tong Hau. There was a partially trained stream across the central portion of the Pak Tam Au area from the slope on the east towards the west;

Land Ownership

- (j) the majority of land in the Area (about 70%) was government land. The remaining 30% of private land comprised mainly agricultural lots and a few

building lots with NTEHs in the village areas;

Need for Statutory Plan

- (k) in recent years, there had been excavation, site formation works and suspected unauthorized tree felling activities that had adversely affected the landscape character of the Area. Large-scale and uncontrolled developments might affect the natural environment and the ecological interest of the Area, hence there was an urgent need to prepare a DPA Plan for the Area to facilitate proper planning control and enforcement;
- (l) on 13.12.2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the To Kwa Peng and Pak Tam Au areas as a DPA;

Land Use Proposals

General Planning Intention

- (m) the general planning intention of the Area was to protect its high landscape value which complemented the overall natural quality and the landscape beauty of the surrounding Sai Kung East and Sai Kung West Country Park;

Unspecified Use

- (n) all the land within the Area was designated as 'Unspecified Use' area pending further and additional studies to establish the appropriate uses for the Area. The prime intention was to give statutory protection to the Area subject to further studies. Under this land use designation, apart from 'Agricultural Use' and some uses which were permitted in the covering Notes of the Plan, all uses and developments would require planning permission from the Board. Besides, if diversion of stream, land filling/excavation and pond filling were required for the always permitted uses (except public works implemented and coordinated by the Government), permission from the Board would also be required. This

would help properly regulate and control any development which would pose a threat to the existing topography and natural vegetation;

- (o) the draft DPA Plan for the Area, its Notes and Explanatory Statement (ES) were in Appendices I, II and III of the Paper; and

Consultation

- (p) comments of relevant government bureaux and departments had been incorporated in the draft DPA Plan, its Notes and ES as appropriate. The Tai Po District Council, the Sai Kung North Rural Committee, the District Councillor of the constituency and village representatives of To Kwa Peng and Pak Tam Au would be consulted on the draft DPA Plan after its publication under section 5 of the Ordinance.

3. A Member asked whether the current three redevelopment proposals for NTEHs in To Kwa Peng would be affected by the publication of the draft DPA Plan. Ms. Lisa L.S. Cheng replied that maintenance or repair of a building was always permitted in the covering Notes of the DPA Plan, but redevelopment proposals for NTEHs required planning permission from the Board.

4. In response to this Member's further question, the Secretary said that there were NTEH applications being processed by LandsD, which were located in areas not covered by any statutory plans. In view of the considerable number of cases in the pipeline and to avoid causing inconvenience to the individual villagers, the feasibility of making en-bloc application(s) for these NTEHs to the Board under section 16 of the Ordinance was being investigated in consultation with concerned departments including LandsD.

5. After further deliberation, the Committee decided to agree that :

- (a) the draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/A (to be renumbered to DPA/NE-TKP/1 upon exhibition) and its Notes (Appendices I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

- (b) the Explanatory Statement (ES) (Appendix III of the Paper) was suitable to serve as an expression of the planning intention and objectives of the Town Planning Board (TPB) for the draft To Kwa Peng and Pak Tam Au DPA Plan and that the ES should be issued under the name of the TPB; and
- (c) a briefing on the draft DPA Plan would be conducted for the Tai Po District Council, the Sai Kung North Rural Committee, the District Councillor of the constituency and village representatives of To Kwa Peng and Pak Tam Au after its publication under section 5 of Ordinance.

[The Chairman thanked Ms. Lisa L.S. Cheng, STP/STN, for her attendance to answer Members' enquires. Ms. Cheng left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. K.C. Kan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), was invited to the meeting at this point.]

[Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Agenda Item 54

[Closed Meeting]

Consideration of the Draft Tin Fu Tsai Development Permission Area Plan

No. DPA/TM-TFT/B

(RNTPC Paper No. 16/10)

6. With the aid of a Powerpoint presentation, Mr. K.C. Kan, STP/TMYL, briefed Members on the details of the draft Tin Fu Tsai Development Permission Area (DPA) Plan No. DPA/ TM-TFT/B as detailed in the Paper and covered the following main points:

Local and Physical Characteristics

- (a) the Tin Fu Tsai area (the Area) (about 54.5 ha) was surrounded by vegetated hill slopes of the Tai Lam Country Park. It was accessible through the paved Tai Lam Forest Track and a waterworks access road. The Area was rural and natural in character comprising woodland, shrubland, grassland, land with planted trees, cultivated and fallow farmland, streams and watercourse, and a few village type houses and an ancestral hall. It fell within a gazetted water gathering ground (WGG);

Existing Land Uses

Recognized Village

- (b) Tin Fu Chai was a recognized village. There were a few village type houses of one to three storeys high in good to fair conditions, while the remaining few were generally dilapidated. An ancestral hall was at the western part of the Area;
- (c) according to the District Lands Officer/Tuen Mun of Lands Department, the forecasted 10-year Small House demand as at 2009 was 150. No Small House grants had been issued from 2009 to October 2010. There was no Small House application waiting for processing;

Outdoor Training Centre and War Game Areas

- (d) the south-western part of the Area had generally been used for an outdoor training centre and war game purposes. Some areas in the western part of the Area were also used for war game purposes;

Land with Planted Trees/ Cultivated Land/ Fallow Agricultural Land

- (e) lands with planted trees were mainly found on the gently sloping areas in the eastern, southern and central parts of the Area. There were some cultivated lands near a village house in the southwest. Patches of fallow agricultural land covered with trees, shrubs and grasses were located in the central and southern parts and the north-western periphery of the Area;

Woodland/ Shrubland/ Grassland/ Streams/ Ponds

- (f) trees were at the periphery of the western part of the Area. The higher hill slopes in the northern and north-eastern parts were generally covered by shrubs and grasses, while trees concentrated at the toe of these hill slopes and along the streams flowing down these slopes. These streams converged to a west-flowing branched watercourse near the central and south-western parts of the Area. A few ponds were located near the watercourse at the south-western part of the Area;
- (g) according to the Agriculture, Fisheries and Conservation Department (AFCD), the ecological value of the vegetated and wooded areas and whether there were any particular conservation concerns in the Area needed to be verified by further field surveys;

Cultural Heritage

- (h) the Director of Leisure and Cultural Services (DLCS) advised that there were no archaeological sites or graded/historic buildings in the Area;

Land Ownership

- (i) private land was mainly located at the central, southern, south-western and western parts of the Area, accounting for about 21.08% of the total land area;

Transport and Accessibility

- (j) the Area was accessible through the paved Tai Lam Forest Track which ran through Tai Lam Country Park. It was a restricted vehicular access managed by the AFCD, and local villagers could use the track with permission from the AFCD. The track also formed a section of the MacLehose Trail. In the vicinity, there was a waterworks access road which was a restricted vehicular access constructed and maintained by the Water Authority;

Need for Statutory Plan

- (k) to prevent haphazard developments, protect the water resources within the gazetted WGG, and conserve the rural and natural character of the Area, it

was necessary to prepare a DPA plan to cover the Area to provide planning guidance and development control and to enable enforcement actions to be taken against any unauthorized development;

- (l) on 13.12.2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board), under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Tin Fu Tsai area as a DPA;

Land Use Proposals

General Planning Intention

- (m) the general planning intention for the Area was to prevent haphazard developments and conserve the rural and natural character of the Area lying amid the Tai Lam Country Park;

Unspecified Use

- (n) all the land within the Area was designated as ‘Unspecified Use’ area pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of an Outline Zoning Plan for the Area. Under this land use designation, except for ‘Agricultural Use’ and some uses which were permitted in the covering Notes of the Plan, all uses and developments would require planning permission from the Board. Besides, if diversion of stream, filling of land/pond or excavation of land were required for the always permitted uses (except public works co-ordinated or implemented by the Government), permission from the Board would also be required. This would help properly regulate and control developments and conserve the natural vegetation and streams in the Area;
- (o) the draft DPA Plan for the Area, its Notes and Explanatory Statement (ES) were in Appendices I, II and III of the Paper; and

Consultation

- (p) the Tuen Mun District Council, the Yuen Long District Council and the

Tuen Mun Rural Committee would be consulted on the draft DPA Plan after its publication under section 5 of the Ordinance.

7. A Member asked whether the current camping ground and structures of the outdoor training centre would be regarded as ‘existing uses’ under the DPA Plan, and whether development was allowed in the Area which was within a gazetted WGG. Mr. K.C. Kan said that uses of land or building, which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA Plan, would be considered as ‘existing uses’. Regarding developments within the WGG, paragraph 5.3 of the ES stated that for any use or development within the WGG, impact assessment should be conducted and submitted to the Water Authority to demonstrate that the use or development would have no adverse effects/impacts on the WGG. This Member further asked if the control would also cover the development of NTEHs. Mr. K.C. Kan said that as the Area was designated as ‘Unspecified Use’ area, planning permission from the Board would be required for NTEH development.

8. In response to another Member’s enquiry, Mr. K.C. Kan said that the outdoor training centre was not the subject of any planning application as the area concerned was not currently covered by any statutory plan.

9. After further deliberation, the Committee decided to agree that :

- (a) the draft Tin Fu Tsai Development Permission Area (DPA) Plan No. DPA/TM-TFT/B (to be renumbered to DPA/TM-TFT/1 upon exhibition) and its Notes (Appendices I and II of the Paper) were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) the Explanatory Statement (ES) (Appendix III of the Paper) was suitable to serve as an expression of the planning intention and objectives of the Town Planning Board (TPB) for the draft Tin Fu Tsai DPA Plan and that the ES would be issued under the name of the TPB; and
- (c) the Tuen Mun District Council, the Yuen Long District Council and the

Tuen Mun Rural Committee would be consulted after publication of the draft DPA Plan under section 5 of the Ordinance.

[The Chairman thanked Mr. K.C. Kan, STP/STN, for his attendance to answer Members' enquires. Mr. Kan left the meeting at this point.]