

CONFIDENTIAL
[downgraded on 4.5.4012]

**Minutes of 1009th Meeting of the
Town Planning Board held on 13.4.2012**

Sha Tin, Tai Po and North District

Agenda Item 7

[Confidential Item. Closed Meeting]

Consideration of the Draft Chek Keng Development Permission Area Plan

No. DPA/NE-CK/C

(TPB Paper No. 9068

[The meeting was conducted in Cantonese.]

1. The Chairman invited Mr. Edward Lo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. David Y.M Ng, Senior Town Planner (STP)/New Plans to brief Members on the Paper.

2. With the aid of a Powerpoint presentation, Mr. David Y.M. Ng, STP/New Plans, made the following main points:

Location and Existing Land Uses

- a) Chek Keng (the Area) was located at Chek Keng Hau, one of the sea bays along the northern coast of the Sai Kung East Country Park. The Chek Keng Village, the only recognized village in the Area, was now largely abandoned and located in the middle of the Area, facing north towards the sea. The Area contained abandoned village houses, woodlands, shrublands, grasslands, wetlands, mangroves, streams, and fallow agricultural land. The coastal area contained mudflat stretches and a variety of marine life. It was rural in nature and was a popular hiking area with scenic views;

Need for Statutory Plan

- b) the Chief Executive in the 2010-2011 Policy Address had acknowledged the need to regulate land use of the Country Park

enclaves to forestall human damage. To meet conservation and social development needs, these Country Park enclaves would be either included into Country Parks, or covered by statutory plans;

- c) the Area was one of the Country Park enclaves that needed to be covered by statutory plan. At present, the Area was rural and natural in character. There was an urgent need to better protect the natural scenic character and avoid disturbance of the ecological interest of the Area. The DPA plan was to provide planning guidance and development control pending the preparation of an Outline Zoning Plan (OZP) and to enable enforcement actions to be taken against any unauthorized development;
- d) on 14.7.2011, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft plan designating the Chek Keng as DPA;

Object of the Plan

- e) the object of the draft DPA plan was to delineate the extent of the Area and to set out the types of developments and uses which were permitted at all times and such types of development and uses that might be permitted with or without conditions on application to the Board within the boundaries of the Area;
- f) the draft DPA plan was to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an OZP. The draft DPA plan would be replaced by an OZP within three years;

The Plan Area

Existing Situation

- g) Chek Keng with an area of about 34.74 ha was located at Chek Keng Hau and surrounded by the Sai Kung East Country Park on the other sides;
- h) the Chek Keng Village was the only recognized village in the Area and was now largely abandoned;
- i) the woodland and shrubland mainly concentrated in the peripheral hill-slopes while the coastal area contained mudflat stretches, mangroves and a variety of marine life with fallow agricultural land around the estuarine area;
- j) the Holy Family Chapel at Chek Keng was a proposed Grade 2 historic building within the Area. Upon publication of a DPA plan, the Antiquities and Monuments Office of the Leisure and Cultural Services Department and the Commissioner for Heritage's Office of the Development Bureau would be consulted on any development, redevelopment or rezoning proposals which might affect the historic site and its immediate environs;
- k) Chek Keng was not served by any road and was only accessible by walking trails, including the popular Maclehorse Trail which connected it with Pak Tam Road to the west, and Tai Long Wan, High Island Reservoir and Pak Tam Chung to its east and south. Chek Keng was also accessible by boats from the nearby Wong Shek, or from the more distant Ma Liu Shui, Tai Po. Part of the Maclehorse Trail was within the Area. It was a popular hiking trail and should be maintained for free public access and preserved from developments in the future;

The Chek Keng DPA Plan

- l) the general planning intention of the Area was to protect its high conservation and landscape value and the rural settings which complemented the overall naturalness and the landscape beauty of the

surrounding Sai Kung East Country Park. The planning intention was also to reflect the existing recognized village of Chek Keng;

- m) the draft DPA plan was to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an OZP. The draft DPA plan would be replaced by an OZP within three years;

Land Use Proposals

- n) “Village Type Development” (“V”) (about 2.24 ha)
 - i) land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern and efficient use of land;
 - ii) the recognized village within the Area was Chek Keng. The boundaries of “V” zones were drawn up provisionally around existing clusters having regard to existing village clusters and building structures, approved Small House applications and existing site conditions. Areas of difficult terrain, dense vegetation, burial grounds, ecologically sensitive areas and stream courses had been avoided where possible. The boundaries of the “V” zone would be further reviewed and defined during the preparation of OZP to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation value, the environment, infrastructure, landscape character, etc.;
 - iii) as diversion of streams or filling of pond might cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board was required for such activity;

- o) “Unspecified Use” (“U”) (about 32.50 ha)
 - i) the Area had high scenic value forming part of the wider natural environment of Sai Kung East Country Park. The land use designation was primarily intended for giving statutory protection to the Area subject to further studies. Under this land use designation, apart from the ‘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 the public works implemented and coordinated by the Government), permission from the Board would be required. This control would help properly regulate and control the existing topography and natural vegetation;

Consultation

- p) the draft DPA Plan together with the Notes, and Explanatory Statement (ES) had been circulated to the relevant government bureaux and departments for comments. Comments received had been incorporated into the draft DPA plan, its Notes or ES as appropriate; and
- q) the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) had not been consulted due to the confidential nature of the plan. However, the TPDC and SKNRC would be consulted separately on the draft DPA Plan after its publication under section 5 of the Ordinance.

[Professor P.P. Ho, Mr. Clarence W.C. Leung and Dr. C.P. Lau left the meeting at this point.]

3. The Chairman then invited questions from Members. A Member referred to Plan 2d and enquired about the approved small house at the southwestern corner of the proposed “V” zone. Mr. David Y.M. Ng replied that according to the information provided by the DLO/TP, the concerned Small House application was approved in November 2008, but had not yet been built. According to DLO/TP, there were 19 outstanding Small House applications in the Area whilst the 10-year forecast of demand for Small House was not available since 2007.

4. In response to another Member’s enquiry on the boundary of the DPA Plan, Mr. David Y.M. Ng responded that the DPA Plan covered mainly the Chek Keng which fell outside the Sai Kung East Country Park. Cheng Keng was one of the Country Park enclaves which were sites that were surrounded by or were adjacent to the country parks, but were not part of the country parks. The Tai Long Sai Wan incident had revealed that private land in the Country Park enclaves were facing increasing development pressure and there was an urgent need to take prompt action to regulate land use in the vicinity of Country Parks to forestall human damage. The Policy Address 2010-2011 had stated that the Government would either include these Country Park enclaves into Country Parks, or determine their proper uses through statutory planning. Over the past two years, a total of 12 DPA plans covering 17 of Country Park enclaves had been prepared and exhibited for public inspection to provide planning guidance and development control and to enable enforcement actions to be taken against any unauthorized development.

5. In response to a Member’s enquiry on how to draw up the “V” zone, Mr. David Y.M. Ng said that the boundaries of “V” zone were drawn up provisionally having regard to existing village clusters and building structures, approved Small House applications and existing site conditions. The boundaries would be further reviewed and defined during the preparation of OZP to take account of the results of relevant assessments/studies on various aspects and comments from concerned government departments such as Agriculture, Fisheries and Conservation Department.

6. Another Member asked about the delineation of the planning scheme boundary on waterfront. Mr. David Y.M. Ng said that it was the Board's practice that the plan boundary on the waterfront should follow the high water mark. This Member enquired whether the Small House development at the proposed "V" zone would have any adverse environmental impacts on the mangroves at the adjoining coastal area. Another Member pointed out that the concerned area should be a shallow beach (淺灘) without mangrove.

7. The Vice-Chairman welcomed the preparation of the DPA plan to provide planning guidance and to facilitate development control within the Area during the period required for the formulation of an OZP. As there were still a number of Country Park enclaves, a proactive approach should be taken to prepare DPAs to prevent the environmentally sensitive areas from being disturbed. PlanD should prioritize the preparation of DPA Plans taking account of the development pressure and availability of manpower resources. The Chairman said that relevant government bureaux had reviewed the situation and agreed that there was a need to either include all the Country Park enclaves into Country Parks, or determine their proper uses through statutory planning. A higher priority had been accorded to those Country Park enclaves which were subject to development threats.

[Mr. Laurence L.J Li left the meeting at this point.]

8. After deliberation, the Board:

- (a) agreed that the draft Chek Keng DPA Plan No. DPA/NE-CK/C (to be renumbered to DPA/NE-CK/1) and its Notes at Appendix II of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) agreed that the Explanatory Statement (ES) at Appendix III of the Paper was suitable to serve as an expression of the planning intention and objectives of the Board for the draft Chek Keng DPA Plan and that the ES should be issued under the name of the Board; and

- (c) agreed that consultation on the draft Chek Keng DPA Plan would be conducted for the TPDC and SKNRC separately after its publication under section 5 of the Ordinance.

Agenda Item 8

[Confidential Item. Closed Meeting]

Consideration of the Draft Yung Shue O Development Permission Area Plan No. DPA/NE-YSO/C
(TPB Paper No. 9068)

[The meeting was conducted in Cantonese.]

9. The Chairman invited Mr. Edward Lo, District Planning Officer/Shai Tin, Tai Po and North (DPO/STN), and Mr. David Y.M Ng, Senior Town Planner (STP)/New Plans to brief Members on the Paper.
10. With the aid of a Powerpoint presentation, Mr. David Y.M. Ng, STP/New Plans, made the following main points:

Location and Existing Land Uses

- a) Yung Shue O (the Area) was located at the western end of the Sai Kung Peninsula, with the Sai Kung West Country Park to the north, east and south, and the Three Fathoms Cove lying to its west. The Area was rural and natural in character comprising mainly woodlands, shrublands, grasslands, mangroves, streams, fallow agricultural lands and inhabited village. The Area was a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. The natural habitats including the woodland and the stream provided a good habitat for butterflies and over half of the local butterfly species were recorded at the Area;

Need for Statutory Plan

- b) the Chief Executive in the 2010-2011 Policy Address had acknowledged the need to regulate land use of the Country Park enclaves to forestall human damage. To meet conservation and social development needs, these Country Park enclaves would be either included into Country Parks, or covered by statutory plans;
- c) the Area was one of the Country Park enclaves that needed to be covered by statutory plan. At present, the Area was rural and natural in character comprising mainly village houses, grassland, shrubland, woodland, fallow agricultural land, mangroves and stream courses and was of high scenic value with vehicular access. To prevent haphazard developments 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 pending preparation of an Outline Zoning Plan (OZP) and to enable enforcement actions to be taken against any unauthorized development to safeguard the Area's natural and landscape character;
- d) on 14.7.2011, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft plan designating Yung Shue O as DPA;

Object of the Plan

- e) the object of the draft DPA plan was to delineate the extent of the Area and to set out the types of developments and uses which were permitted at all times and such types of development and uses that might be permitted with or without conditions on application to the Board within the boundaries of the Area;
- f) the draft DPA plan was to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the

formulation of an OZP. The draft DPA plan would be replaced by an OZP within three years;

The Plan Area

Existing Situation

- g) Yung Shue O with an area of about 33.72 ha was located at the western end of the Sai Kung Peninsula, with the Sai Kung West Country Park to its north, east and south, and the Three Fathoms Cove lying to its west;
- h) Yung Shue O Village was a recognized village and village houses were concentrated at the eastern part of the Area, which was well populated with some newly constructed village houses;
- i) large tracts of fallow agricultural land overgrown with vegetation were found in the central part of the Area. At the western-most part of the Area, estuarines, mangroves and marshes were found along the coastal area. An ecologically important stream flowing from an east-westward direction lied in the southern part of the Area. The natural habitats including the woodland and the stream provided a good habitat for butterflies and over half of the local butterfly species were recorded at the Area;
- j) the western part of the Area in the vicinity of the stream and close to the coastal area mainly comprised some fallow agricultural land covered with some trees, shrubs and grasses. Some of this part had currently been occupied by some war-game fields;
- k) the Area was accessible mainly by a paved single-lane vehicular access road branching off from Sai Sha Road and by the hiking trails leading from Cheung Sheung, Pak Tam Chung and Sham Chung. The access to Yung Shue O was mainly a restricted road as it was largely located within the Sai Kung West Country Park and was also under the maintenance of Water Supplies Department;

The Yung Shue O DPA Plan

- l) the general planning intention of the Area was to protect its high landscape value and rural settings which complemented the overall naturalness and the landscape beauty of the surrounding country park. The planning intention was also to reflect the existing recognized village of Yung Shue O;
- m) the draft DPA plan was to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an OZP. The draft DPA plan would be replaced by an OZP within three years;

Land Use Proposals

- n) “Village Type Development” (“V”) (about 2.87 ha)
 - i) land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also intended to concentrate village type development within this zone for a more orderly development pattern and efficient use of land;
 - ii) the recognized village within the Area was Yung Shue O. The boundaries of “V” zone were drawn up provisionally around existing clusters having regard to existing village clusters and building structures, approved Small House applications and existing site conditions. Areas of difficult terrain, dense and mature vegetation, and ecologically sensitive areas were not included. The boundaries of the “V” zone would be further reviewed and defined during the preparation of OZP to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation value, the environment, infrastructure, landscape character, etc;

- iii) as diversion of streams or filling of pond might cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board was required for such activity;
- o) “Unspecified Use” (“U”) (about 30.85 ha)
 - i) the Area had high scenic value forming part of the wider natural environment of Sai Kung West Country Park. This land use designation was primarily intended for giving statutory protection to the Area subject to further studies. Under this land use designation, apart from the ‘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 the public works implemented and coordinated by the Government), permission from the Board would be required. This control would help properly regulate and control the existing topography and natural vegetation;

Consultation

- p) the draft DPA Plan together with the Notes, and Explanatory Statement (ES) had been circulated to the relevant government bureaux and departments for comments. Comments received had been incorporated into the draft DPA plan, its Notes or ES as appropriate; and
- q) the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) had not been consulted due to the confidential nature of the plan. However, the TPDC and SKNRC would be consulted separately on the draft DPA Plan after its publication under section 5 of the Ordinance.

11. The Chairman then invited questions from Members. A Member said that Yung Shue O was a Priority Site for Enhanced Conservation under the New Nature Conservation Policy. This Member asked whether proposed development and uses in relation to management agreements (MA) with landowners and public-private partnership (PPP) under the New Conservation Policy required planning permission from the Board. The Chairman replied that the Notes of the OZP showed the types of uses or development which were always permitted within the Area and other uses for which planning permission from the Board should be sought. In considering the planning application, the Board would take into account all relevant considerations including comments from relevant government bureaux and departments, and the public.

12. A Member enquired whether the 12 Priority Sites for Enhanced Conservation under the New Nature Conservation Policy had been covered by statutory town plans. The Secretary said that she had no such information at hand and that the information would be provided for Members' information after the meeting.

[Post-meeting note : Amongst the 12 Priority Sites for Enhanced Conservation under the New Nature Conservation Policy, ten Priority Sites (except Tai Ho and Cheung Sheung) had already been covered by statutory town plans.]

13. The same Member asked whether the general planning intention of the Area as stipulated in the DPA Plan, i.e. to protect its high landscape value and rural settings, would be changed when the DPA Plan was replaced by an OZP in three years' time. The Chairman replied that in the preparation of OZP, the general planning intention and the land use zonings for the Area would be comprehensively reviewed subject to a more detailed analysis of the land use pattern, infrastructural provisions and local need. Comments from relevant stakeholders and government bureaux and departments would also be sought.

14. Another Member noted that there was an ecologically important stream in the eastern part of the Area. This Member asked whether the stream should be designated as "Site of Special Scientific Interest" ("SSSI") on the DPA Plan. Mr.

David Y.M. Ng replied that according to the advice from Director of Agriculture, Fisheries and Conservation, the concerned stream was an ecologically important stream but was yet to be designated as SSSI.

15. A Member noted that the Planning Scheme Area boundary on the waterfront basically followed the high water mark level which was subject to change. This Member asked if an open-ended planning scheme boundary, i.e. the natural coastlines could be adopted as the boundary for the Plan. The Chairman said that the open-ended approach might lead to uncertainty and hence arguments. The Secretary said that the TPB was empowered under the Town Planning Ordinance to exercise statutory planning control over the existing and future land areas. Legal advice had previously been sought on the method of delineation of the boundaries for the planning scheme area on the waterfront. Relevant information would be provided for Members' information after the meeting. The Secretary said that it was the Board's conventional approach to follow the high water mark as the zoning boundary along the waterfront.

[Post-meeting note : Department of Justice had previously advised that the method of delineation of the planning scheme boundary/area was a matter of presentation and there was no specific legal requirement for such delineation. However, for the sake of clarity, the close-ended approach was better than the open-ended approach in setting out the planning scheme boundary/area.]

16. After deliberation, the Board:

- (a) agreed that the draft Yung Shue O DPA Plan No. DPA/NE-YSO/C (to be renumbered to DPA/NE-YSO/1) and its Notes at Appendix II of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) agreed that the Explanatory Statement (ES) at Appendix III of the Paper was suitable to serve as an expression of the planning intention and objectives of the Board for the draft

Yung Shue O DPA Plan and that the ES should be issued under the name of the Board; and

- (c) agreed that consultation on the draft Yung Shue O DPA Plan would be conducted for the TPDC and SKNRC separately after its publication under section 5 of the Ordinance.