

CONFIDENTIAL

[downgraded on 14.12.2012]

**Minutes of 1024th Meeting of the
Town Planning Board held on 30.11.2012**

Agenda Item 6

[Closed Meeting] [Confidential Item]

Consideration of the Draft Pak Sha O Development Permission Area Plan No. DPA/NE-PSO/B

(TPB Paper No. 9240)

[The meeting was conducted in Cantonese.]

1. The Chairman invited the following representatives from Planning Department (PlanD) to brief Members on the Paper:

Ms. Jacinta Woo - District Planning Officer/Shan Tin, Tai Po and North
(DPO/STN)

Mr. David Ng - Senior Town Planner/New Plans

2. Mr. David Ng informed Members that replacement pages for page 5, Plan 2b and Plan 4g of the TPB Paper have been tabled for Members' reference. With the aid of a Powerpoint presentation, Mr. Ng made the following main points as detailed in the Paper:

- (a) the Pak Sha O area was encircled by Sai Kung West Country Park with Hoi Ha Wan to its further north. It was rural in character comprising mainly fallow agricultural land and low-lying marshes, surrounded on four sides by shrubs and woodland. The area was served by Hoi Ha Road;

- (b) the area covered the recognised villages of Pak Sha O Village and Pak Sha O Ha Yeung as well as the existing Pak Sha O Youth Hostel. There were several interesting historical and cultural heritages in the area, including, the Ho Residence and Ho Ancestral Hall (Grade 1 historic building), the King Siu Sai Kui and Hau Fuk Mun (a Grade 2 historic building being proposed for upgrading to a Grade 1 historic building) and the Immaculate Heart of Mary Chapel (Grade 3 historic building);
- (c) the area fell within the upper indirect water gathering grounds. The Hoi Ha ecologically important stream (EIS), about 1400m in length, was located in the western part of the area. It was one of only two localities in Hong Kong that were known to support the rare fish species *Pseudobagrus trilineatus*. Besides, a Fung Shui Wood, covering an area of about 1.3 ha, was located at the southern side of the Pak Sha O Village. Part of the woodland was densely covered with the protected plant species *Aquilaria sinensis*. An unusually large specimen of *Bischofia javanica* had also been recorded inside the Fung Shui Wood;
- (d) Pak Sha O Village was once a Hakka village. Some of the old village houses had been restored and were currently occupied by a few non-indigenous families;
- (e) according to the District Lands Office/Tai Po, there were 38 outstanding Small House applications for Pak Sha O and 6 outstanding applications for Pak Sha O Ha Yeung. Moreover, the 10-year forecast of demand for Small House for Pak Sha O was 49 houses while the figure for Pak Sha O Ha Yeung was not yet available;

Need for Statutory Plan

- (f) the Area was one of the Country Park ‘enclaves’ announced in the 2010-2011 Policy Address that needed to be covered by statutory plan;

- (g) excavation works had been detected on private lots, causing adverse impact to the landscape character of the Area. There was an urgent need to better protect the natural and landscape character of the Area and to avoid further disturbance to the natural environment;
- (h) on 31.10.2012, under the delegated authority of the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft Development Permission Area (DPA) Plan for Pak Sha O;
- (i) the DPA Plan would provide interim planning guidance and development control pending the preparation of an Outline Zoning Plan (OZP) and would enable enforcement action to be taken against any unauthorized development;

Land Use Proposals

- (j) the draft DPA Plan covered an area of about 33 ha with about 45% of the land under private ownership;
- (k) the general planning intention was to protect the high conservation and landscape value and rural setting of the area which complemented the overall natural environment and landscape beauty of the surrounding Sai Kung West Country Park. The planning intention was also to reflect the existing recognised villages of Pak Sha O and Pak Sha O Ha Yeung;
- (l) about 1.4 ha of land was proposed to be zoned “Village Type Development” (“V”) on the draft DPA Plan. This zoning mainly covered the two recognised villages. The boundaries of the “V” zones were provisionally drawn up having regard to existing village clusters and building structures, approved Small House applications, the village ‘environs’ (‘VE’) and existing site conditions. Areas of difficult terrain, dense and mature vegetation, and ecologically sensitive areas had been excluded;

- (m) the remaining area of 31.6 ha was designated as “Unspecified Use”. 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 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

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

3. The Chairman then invited questions from Members.

4. A Member enquired whether the excavation works that had been carried out was soil tilling or excavation works. In response, Ms. Jacinta Woo said that according to a recent site visit, the site under concern was used for agricultural purposes, which would be regarded as an “existing use” after the DPA Plan was published. In response to Mr. Jimmy C.F. Leung’s enquiry on the excavation works previously found on the site, Ms. Woo said that when a site visit was conducted a few months ago, machinery for the carrying out of excavation works was found on site. However, during a recent site visit, the machinery had been removed and the site was found to be tilled and planted with vegetation.

5. A Member noted an error in paragraph 7.3 of the ES and suggested that the term “2011 By-census” should be replaced by “2011 Census”. The Member further enquired about the status of the existing population in the area. In response, Ms. Jacinta Woo said that the estimated 37 persons who were currently living in the area were not indigenous villagers nor farmers working on the field. They were either retirees or they commute to work outside the area. She added that the ES would be amended as suggested.

6. A Member enquired about the relationship between the boundary of the proposed “V” zone and the Small House demand figures for the two villages. In response, Ms. Jacinta Woo said that the boundary of the “V” zone on the draft DPA Plan had basically included all the existing village houses but had not taken into account the ‘VE’, the outstanding Small House demand or the 10-year forecast demand. This was because the draft DPA Plan was a stop-gap measure to provide interim planning control over the area pending the preparation of an OZP. She said that the exact boundary of the “V” zone to meet the Small House demand would be considered later.

7. In response to a Member’s enquiry, Ms. Woo said that the area covered by the draft DPA Plan was outside the Country Park. The Chairman supplemented that there were land which were surrounded by the Country Parks but, due to historical and administrative reasons, had been excluded from the Country Park boundary. These areas were known as the country park ‘enclaves’. In view of the need to control development in these enclaves, the Government had recently decided either to introduce statutory planning control over these enclaves or to incorporate them into adjoining Country Parks. Hence, a draft DPA Plan was prepared for the enclave at Pak Sha O.

8. Making reference to Plan 2b of the Paper, a Member asked whether the area covered by the draft DPA Plan should be enlarged to include the entire ‘VE’ of the two villages, a few scattered pieces of private land and the streams that were of ecological significance. In response, the Chairman said that the draft DPA Plan should not include any areas that were already covered by the Country Park but should be confined to the ‘enclaves’, i.e. areas that were outside the Country Park. Ms. Jacinta Woo supplemented that as the draft DPA Plan would be replaced by an OZP in three years’

time, further studies on the ecologically important stream, private land ownership patterns and the size of the “V” zone etc. would be conducted by the relevant government departments in due course.

9. After deliberation, the Board agreed that :

- (a) the draft Pak Sha O DPA Plan No. DPA/NE-PSO/B (to be renumbered to DPA/NE-PSO/1) and its Notes at Appendices I and II of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) the Explanatory Statement in Appendix III of the Paper was suitable to serve as an expression of the planning intention and objectives of the Board for the draft Pak Sha O DPA Plan and that the Explanatory Statement should be issued under the name of the Board; and
- (c) consultation with the Tai Po District Council and the Sai Kung North Rural Committee on the draft Pak Sha O DPA Plan should be conducted separately after the publication of the DPA Plan under section 5 of the Ordinance.