

CONFIDENTIAL
(downgraded on 21.3.2014)

Minutes of 1052nd Meeting of the
Town Planning Board held on 28.2.2014

Agenda Item 10

[Closed Meeting]

Consideration of the Draft Cheung Sheung Development Permission Area Plan No. DPA/NE-CS/B
(TPB Paper No. 9560)

[The meeting was conducted in Cantonese.]

7. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

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| Mr C. K. Soh | - District Planning Officer/Shan Tin, Tai Po & North (DPO/STN), PlanD |
| Mr David Ng | - Senior Town Planner/New Plans (STP/NP), PlanD |

8. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

9. With the aid of a powerpoint presentation, Mr. David Ng, STP/NP, briefed Members on the details of the draft Cheung Sheung Development Permission Area (DPA) Plan No. DPA/NE-CS/B as detailed in the Paper and covered the following main points:

Location and Physical Characteristics

- (a) Cheung Sheung (the Area) with a land area of about 18 ha, was located at the centre of the Sai Kung West Country Park, on an upland plateau about 300m above sea level, surrounded by ridges and spurs. The Area

comprised mainly woodlands, streams, freshwater marshlands, abandoned agricultural land and village houses. It was located within the upper indirect water gathering grounds, and was of high landscape value. A pristine stream flowed through the Area from west to east. The Area was a Priority Site for Enhanced Conservation under the New Nature Conservation Policy;

- (b) the Area was rural in character and accessible only by footpaths including the MacLehose Trail connecting to other parts of the Sai Kung Country Parks, and the Cheung Sheung Country Trail leading to Yung Shue O, via the long and steep “Jacob’s Ladder” (“嶂上天梯”);

Need for Statutory Plan

- (c) 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, Country Park enclaves would be either included into Country Parks, or covered by statutory plans;
- (d) the Area was one of the Country Park enclaves identified to be covered by statutory plan. With an ecologically important stream flowing through it from west to east, the Area was of significant ecological and conservation importance. It was rural and natural in character with high landscape value. Any uncontrolled development might affect the ecological, landscape and archaeological value of the Area;
- (e) on 17.2.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating Cheung Sheung as a DPA. The DPA plan was a stopgap measure which provided planning guidance and development control for the Area pending preparation of an Outline Zoning Plan (OZP) and to enable enforcement actions to be taken against any unauthorised

development to safeguard the Area's natural and landscape character;

Object of the Plan

- (f) 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;
- (g) 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 Land Uses

- (h) the Area covered a land area of about 18 ha, and was encircled by the Sai Kung West Country Park. The existing land uses mainly included the following:

Recognised Villages

- (i) the Cheung Sheung Village was the only recognised village in the Area with its village 'environs' ('VE'). It was mainly derelict and deserted, lying mostly in ruins heavily covered by trees and vegetation and not accessible from existing footpaths. The ruins were scattered and isolated, not forming any village clusters. According to the 2011 Population Census, the population in the Area was 10. As advised by the District Lands Office/Tai Po of the

Lands Department, no development/redevelopment proposals, Small House applications, or 10-year forecast of demand for Small House from the concerned Indigenous Inhabitant Representative had been received;

Natural Environment

- (ii) the Area was one of the 12 Priority Sites for Enhanced Conservation under the New Nature Conservation Policy. A number of uncommon plant species, such as *Lobelia alsinoides subsp. hancei* (假半邊蓮) and *Blyxa aubertii* (無尾水箭) were found in the marshes within the Area. The Cheung Sheung Ecologically Important Stream (EIS), about 880m long flowing through the Area, was known to be a major and important breeding ground for the uncommon fish species the *Macropodus hongkongensis* (香港鬥魚), which was of conservation concern. A moderate diversity of dragonflies and butterflies had been recorded in the Area, including some species of conservation interest such as the very rare *Aeromachus pygmaeus* (侏儒鏢弄蝶), *Choaspes benjaminii* (綠弄蝶) and *Choaspes hemixanthus* (半黃綠弄蝶), and the rare *Agriocnemis lacteola* (白腹小蠅) found in the Area. Chinese Pangolin, which was an endangered species, was also recorded;

Cultural Heritage Interest

- (i) there was no record of built heritage and archaeological sites in the Area;

Land Ownership

- (j) about 76.5% of land in the Area was government land, and the remaining 23.5% were private land comprising mainly agricultural land and a small proportion (0.59% of private land or 249m²) of building lots;

Transport and Accessibility

- (k) the Area was currently not served by any vehicular access and was only accessible by footpaths;

Others

- (l) there was a provision store and a large open area on the northern side of the Area, serving as a popular destination to hikers for re-supplies and rest. A camp site was located to the south, just outside the Area along MacLehose Trail. A vacant school was located to the east of the provision store. These premises were all situated on government land;

General Planning Intention

- (m) surrounded by Sai Kung West Country Park and traversed by an ecologically important stream, the Area was part of the wider natural environment of Sai Kung countryside. 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 country parks;

The Land Use Proposals

“Unspecified Use” area (about 18 hectares)

- (n) the entire Area had been designated “Unspecified Use” primarily for giving statutory protection to the Area pending further studies to be undertaken in the preparation of an OZP. 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 streams, 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 be required. This control would help properly regulate and control the existing topography and natural vegetation pending the designation of land use zonings on the OZP;

- (o) the Cheung Sheung Village was the only recognised village in the Area. It was mainly derelict and deserted, and the houses/ruins were not in the form of any village clusters. There were four small and isolated building lots in the Area, which were in a state of ruins overgrown with vegetation. Should these ruins be rebuilt, according to the proposed Notes of the draft DPA Plan, the rebuilding of New Territories Exempted Houses (NTEH), and replacement of an existing domestic building, were always permitted. Furthermore, house development including NTEH could be permitted in areas designated “Unspecified Use” by application to the Board. With such considerations, no specific “Village Type Development” (“V”) zone was proposed for the Area in the proposed DPA Plan. Meanwhile, studies would be carried out to establish the appropriate land use zonings for the Area in the course of the preparation of OZP; and

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, as appropriate. The Tai Po District Council (TPDC) and the Sai Kung North District Rural Committee (SKNRC) would be consulted after the publication of the draft DPA Plan under section 5 of the Ordinance.

10. Members generally agreed that there was an urgent need to better protect the natural scenic character and to avoid disturbance of the ecological interest of the Area. The DPA Plan would provide an interim planning guidance and development control and enable planning enforcement to be taken against any unauthorised development.

11. After deliberation, the Board agreed that:
- (a) the draft Cheung Sheung DPA Plan No. DPA/NE-CS/B (to be renumbered to DPA/NE-CS/1) and its Notes at Appendices I and II of the Paper respectively were suitable for exhibition for public inspection under section 5 of the Ordinance;
 - (b) 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 Cheung Sheung DPA Plan and that the ES should be issued under the name of the Board; and
 - (c) consultation on the draft Cheung Sheung DPA Plan would be conducted for the TPDC and SKNRC separately after its publication under section 5 of the Ordinance.

Agenda Item 11

[Closed Meeting]

Consideration of the Draft Tai Po Kau Development Permission Area Plan No. DPA/NE-TPK/B

(TPB Paper No. 9581)

[The meeting was conducted in Cantonese.]

12. The Chairman invited the representatives of PlanD to brief Members on the Paper.

13. With the aid of a powerpoint presentation, Mr. David Ng, STP/STN, briefed Members on the details of the draft Tai Po Kau Development Permission Area (DPA) Plan No. DPA/NE-TPK/B as detailed in the Paper and covered the following main points:

Location and Physical Characteristics

- (a) the Tai Po Kau DPA (the Area) covered two Country Park enclaves, namely a Site near Ngau Wu Tok and a Site near Tai Po Mei, and was encircled by the Tai Po Kau Nature Reserve nestled between Sha Tin and Tai Po. The Tai Po Kau Nature Reserve was designated as a Special Area in 1977, where long-established forest by plantations with more than 100 different species of trees and supporting diverse fauna and flora were found. The Area was not served by any public roads. The Site near Ngau Wu Tok could be reached by Tai Po Kau Forest Track which was a restricted road mainly for the management of Tai Po Kau Nature Reserve, whilst the Site near Tai Po Mei could only be reached by a footpath from Tai Po Road;

- (b) the Site near Ngau Wu Tok comprised well wooded hill slopes located at the southern fringe of the Tai Po Kau Nature Reserve and was within the upper indirect water gathering ground. The Site near Tai Po Mei was made up of a large and small portion of land surrounded by the vegetated hill slopes at the eastern fringe of the Tai Po Kau Nature Reserve. The large portion was mainly occupied by woodlands, plantation, agricultural land and squatters whilst the small portion was covered by dense woodland;

Need for Statutory Plan

- (c) 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, Country Park enclaves would be either included into Country Parks, or covered by statutory plans;

- (d) the Site near Ngau Wu Tok and the Site near Tai Po Mei were Country Park enclaves that needed to be covered by statutory plan. Encircled by the Tai Po Kau Nature Reserve, the Area was natural in character

comprising mainly of woodlands, shrublands, grasslands, natural streams, agricultural land and squatters and is of high scenic and ecological value. Any uncontrolled development might affect the ecological, landscape and archaeological value of the Area;

- (e) on 17.2.2014, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the sites near Ngau Wu Tok and Tai Po Mei in Tai Po Kau area as a DPA. The DPA Plan was a stop gap measure which provided planning guidance and development control pending preparation of an Outline Zoning Plan (OZP) and to enable enforcement actions to be taken against any unauthorised development to safeguard the Area's natural and landscape character;

Object of the Plan

- (f) 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;
- (g) 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 Land Uses

- (h) the Area covered a land area of about 11.75 ha. The existing land uses mainly included the following:

Natural Environment

- (i) the Area was mainly covered by dense woodland with native trees and plantation. Protected plant species such as *Pavetta hongkongensis* (香港大沙葉), *Cibotium barometz* (金毛狗) and *Ailantus fordii* (常綠臭椿) had been recorded in the woodland within the Area. There were natural stream courses running across the Area where Hong Kong Paradise Fish (*Macropodus hongkongensis* (香港鬥魚)), a fresh water fish of conservation concern and Hong Kong Newt (*Paramesotriton hongkongensis* (香港瘰螈)), a protected animal species was recorded in the stream courses in the Site near Ngau Wu Tok;

Squatter

- (ii) whilst the Site near Ngau Wu Tok was uninhabited, some squatters in ruin or fair conditions were located in the Site near Tai Po Mei. Parcels of active agricultural land could be found near the squatters. There was no recognised village in the Area. According to the 2011 Population Census, the total population of the Area was about 10 persons;

Cultural Heritage Interest

- (i) there was no record of built heritage and archaeological sites in the Area;

Land Ownership

- (j) about 73% of land in the Area was government land, and the remaining 27% were private land comprising mainly agricultural land;

Transport and Accessibility

- (k) the Area was not served by any public roads. The Site near Ngau Wu Tok could be reached by Tai Po Kau Forest Track which was a restricted road mainly for the management of Tai Po Kau Nature Reserve, whilst the Site near Tai Po Mei could only be reached by a footpath from Tai Po Road, where the bus station was situated;

General Planning Intention

- (l) encircled by Tai Po Kau Nature Reserve comprising long established forestry plantation, the Area was of high scenic and ecological value. The general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding nature reserve;

The Land Use Proposals

“Unspecified Use” area (11.75 hectares)

- (m) the Area had high scenic value forming part of the wider natural environment of Tai Po Kau Nature Reserve. This land use designation was primarily intended for giving statutory protection to the Area pending further studies to be undertaken for the preparation of an OZP. 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 streams, 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 be required. This control would help properly regulate and control the existing topography and natural vegetation pending the designation of land use zonings on the OZP; and

Consultation

- (n) 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, as appropriate. The Tai Po District Council (TPDC), Sha Tin District Council (STDC), Tai Po Rural Committee (TPRC) and Sha Tin Rural Committee (STRC) would be consulted separately on the draft DPA Plan after its publication under section 5 of the Ordinance.

14. In response to the Chairman's question, Mr David Ng said that due to the presence of private land, the small portion of land of the Site near Tai Po Mei had not been included into the Country Park boundary.

15. Members generally agreed that there was an urgent need to better protect the natural scenic character and to avoid disturbance of the ecological interest of the Area. The DPA Plan would provide an interim planning guidance and development control and enable planning enforcement to be taken against any unauthorised development.

16. After deliberation, the Board agreed that:

- (a) the draft Tai Po Au DPA Plan No. DPA/NE-TPK/B (to be renumbered to DPA/NE-TPK/1) and its Notes at Appendices I and II of the Paper respectively were suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) 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 Tai Po Kau DPA Plan and that the ES should be issued under the name of the Board;
- (c) consultation on the draft Tai Po Kau DPA Plan would be conducted for TPDC, STDC, TPRC and STRC after its publication under section 5 of the Ordinance.