

1. The meeting was resumed at 2:30 p.m. on 4.6.2014.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow Chairman

Mr Stanley Y.F. Wong Vice-chairman

Professor S.C. Wong

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Sunny L.K. Ho

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Francis T.K. Ip

Mr Peter K.T. Yuen

Assistant Director (2), Home Affairs Department
Mr Frankie W.P. Chou

Deputy Director of Environmental Protection
Mr C.W. Tse

Director of Lands
Ms Bernadette H.H. Linn

Director of Planning
Mr K.K. Ling

Deliberation
[Closed Meeting]

3. The Chairman extended a welcome to Members and said that the session was to continue the deliberation of the representations and comments in respect of the draft Hoi Ha Outline Zoning Plan (OZP) No. S/NE-HH/1, the draft So Lo Pun OZP No. S/NE-SLP/1 and the draft Pak Lap OZP No. S/SK-PL/1. He said that the general grounds of representations common to all three OZPs raised by the representers/commenters were discussed and deliberated on 20.5.2014. Members' views were summarised below:

- (a) the indigenous villagers' right to build Small Houses should be respected and "Village Type Development" ("V") zones should be designated to cater for the Small House demands;
- (b) New Territories Exempted Houses (NTEHs)/Small Houses should be permitted as of right within the "V" zone unless under very special circumstances;
- (c) the boundaries of the "V" zones were drawn up after considering the village 'environs' ('VE'), local topography, settlement pattern, Small House demand forecast, areas of ecological importance and site-specific characteristics. To minimise the adverse impacts on the natural environment, an incremental approach should be adopted in designating the "V" zones to meet the Small House demands;
- (d) there was sufficient control in the current administrative system to ensure that individual Small House development and septic tank and soakaway (STS) system within the "V" zones would not entail unacceptable impacts on the surrounding environment;
- (e) suitable location for the STS system would be determined through the carrying out of percolation test before construction of the Small House development. The proposed STS system for Small House development within the "V" zones might or might not be accepted by concerned

government departments. There was no guarantee that all land zoned “V” would be suitable for Small House development;

- (f) relevant works departments would keep in view the need for infrastructural works subject to resource availability;
- (g) the provision of ‘Eating Place’ and ‘Shop and Services’ uses on the ground floor of a NTEH within the “V” zones was intended to serve the needs of the villagers;
- (h) there was no strong justification to impose more stringent control on various uses within the “V”, “Conservation Area “ (“CA”), “Coastal Protection Area” (“CPA”), “Green Belt” (“GB”) and “GB(1)” zones;
- (i) there was no government policy on country park enclaves (CPEs) as claimed by some representers. Under the New Nature Conservation Policy, statutory planning had been recognised as one of the tools for protecting sites of high ecological importance. In drawing up the OZPs, due consideration had been given to protecting the ecological and landscape significance of the areas having regard to the wider natural system of the surrounding areas including the country parks;
- (j) the Town Planning Board (the Board) was determined to conserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment;
- (k) the planning context and background of Tai Long Sai Wan should be distinguished from the other CPEs. The judicial review judgment for Tai Long Sai Wan should not be directly applicable to the preparation of the subject OZPs;
- (l) according to the legal advice previously obtained in the context of other statutory plans, the imposition of the planning controls in OZPs would not

be inconsistent with Articles 40 and 105 of the Basic Law;

- (m) the designation of country parks and marine parks was under the jurisdiction of the Country and Marine Parks Authority (CMPA) governed by the Country Parks Ordinance (Cap. 208) and the Marine Parks Ordinance (Cap. 476), which was outside the purview of the Board; and
- (n) a restrictive approach was adopted in the Tai Long Wan OZP in view of the need to conserve the outstanding natural beauty, ecological significance as well as the natural and built environment of Tai Long Wan, in particular the historic villages and the archaeological site.

4. Members noted that the relevant information including TPB Papers and minutes of meeting in respect of the consideration of the draft Tai Long Wan OZP in 2000 and 2001 had been provided to them for information.

5. The Chairman said that the Board should consider all the grounds and proposals of the representers/commenters and decide whether to propose amendments to the OZPs to meet/partially meet the representations. Members then went through the specific grounds and proposals raised by the representers and commenters in respect of the individual draft OZPs.

Draft Hoi Ha OZP No. S/NE-HH/1

Proposed Amendments by Planning Department (PlanD)

6. By referring to Plan H-4 of TPB Paper No. 9644, the Chairman said that in response to some representations, PlanD had proposed some amendments to the draft Hoi Ha OZP No. S/NE-HH/1 with a view to minimising potential adverse impacts on the natural environment including the woodland, wetland, Hoi Ha Stream and Hoi Ha Wan (HHW). The proposed amendments included the rezoning of the relatively undisturbed woodland area in the west of the existing village cluster of Hoi Ha and its adjacent areas from “V” and “GB” to “GB(1)” (i.e. Amendment Items A and B). The proposed “GB(1)”

zone would provide a higher degree of protection to the concerned woodland and wet agricultural land but at the same time allow flexibility for some necessary uses to cater for the needs of local villagers (e.g. 'Burial Ground' and 'Rural Committee'). As a result of these proposed amendments, the size of the "V" zone would be reduced from about 2.6 ha to 1.95 ha and the land available within the "V" zone for Small House development would be reduced from about 1.6 ha to 1.02 ha, which could accommodate about 40 new Small Houses capable of meeting about 43% of the Small House demand forecast of Hoi Ha (i.e. 94).

7. The Chairman continued to say that PlanD also proposed to rezone a piece of Government land (about 0.25 hectare) to the east of the village cluster of Hoi Ha from "CA" to "GB" (i.e. Amendment Item C). The concerned area was relatively flat and mainly covered by small trees, shrubs and grass, and had been identified as a possible location for Small House development where approval by the Board was required.

8. Members were invited to consider whether Amendment Items A, B and C as proposed by PlanD should be accepted.

9. In responses to the Chairman's enquiry, Ms Bernadette H.H. Linn said that during the past three years, no Small House grant application had been approved in Hoi Ha Village, while ten applications were under processing by the Lands Department (LandsD). The figures reflected that the Small House demand of Hoi Ha Village was low, irrespective of the zoning on the draft Hoi Ha OZP.

10. Noting that the area zoned "V" would be reduced under Amendment Item B, the Vice-chairman said that the prospect of approving planning applications for Small House development within the "GB" and "GB(1)" zones might be relevant to the consideration of the proposed amendments. The Chairman said that in general, there was presumption against development within the "GB" zone. Applications for Small House development within the "GB" zone should comply with the relevant criteria and guidelines, and each application would be considered by the Board based on its individual merits. Members also noted that whilst redevelopment of existing NTEH and rebuilding of existing structures were always permitted, new NTEH developments would not be allowed in the

proposed “GB(1)” zone.

11. A Member said that if the size of the “V” zone was reduced, the villagers might consider that their interests had not been sufficiently considered by the Board. Making reference to the planning control in the “V” zone of the Tai Long Wan OZP, i.e. placing ‘NTEH’ under Column 2 of the “V” zone, this Member asked if similar approach might be considered as an alternative to the proposed Amendment Item B. This Member considered that some representers from green groups had already expressed at the hearing that they would have no objection to proposed Small House developments within the “V” zone provided that there was a genuine need. Unlike the “GB” zone, there was no presumption against development within the “V” zone. Thus, as long as the proposed Small House developments complied with the relevant criteria and requirements, there would be a reasonable chance of the Small House applications being approved. This Member also said that such planning control on Small House development was particularly worthy of consideration for the draft Hoi Ha OZP since most of the land within the original “V” zone was allegedly owned by private developers.

12. Mr K.K. Ling said that the imposition of stricter planning control in the “V” zone of the Tai Long Wan OZP was mainly based on the consideration that the well-preserved village settlements in Tai Long Wan were of high heritage value. The integrity of the village setting was still kept intact and undisturbed, and the village clusters in Tai Long and Ham Tin had high group value for preservation. To ensure that new NTEH/Small House development would be in harmony with the existing historical village houses and would not affect the integrity of the existing village setting in Tai Long Wan, planning permission was required for new NTEH developments, and for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “V” zone. The same restrictive approach was also adopted in Pak Sha O where the historic village houses and unique village setting were worthy of preservation.

13. Members noted that there was no historic village of heritage significance in Hoi Ha and there were no exceptional circumstances in the subject CPEs that warranted adopting a more stringent planning control on new NTEH/Small House developments within the “V” zones. Members also noted that landownership should not be a material

planning consideration as ownership could change over time. The key consideration for the proposed rezoning of the area to the west of Hoi Ha Village from “GB” and “V” to “GB(1)” was to give further protection to the existing woodland, wetland and HHW. Keeping the “V” zone and transferring ‘NTEH’ from Column 1 to Column 2 of the “V” zone could not achieve such conservation objective.

14. A Member said that given the ecological significance of HHW Marine Park and the coastal areas, as well as the possible cumulative impact resulted from the village developments in Hoi Ha and Pak Sha O, Amendment Items A and B were considered appropriate. As for Amendment Item C, the area fell partly within a ‘fung shui’ wood and was surrounded by existing secondary woodlands. There were planning applications for NTEH development in proximity to the subject area previously rejected by the Rural and New Town Planning Committee (RNTPC) of the Board. In the light of the above and in order to give added protection to the adjacent Sai Kung West Country Park and HHW Marine Park, the zoning of the subject area should remain as “CA”. By referring to Plan H-6 of TPB paper No. 9644, the Chairman said that as a hybrid option, the southwestern part of the subject area which fell within the ‘fung shui’ wood could be excised from Amendment Item C and remained as “CA”, while the remaining area could be rezoned to “GB”. The Member said that without human disturbance, the subject area could be restored to form part of the woodland habitat. As such, the integrity of the subject area and the surrounding woodland areas should be preserved as a whole. To avoid the proliferation of village development into the subject area, the whole area should remain as “CA”.

15. Another Member said that since NTEH/Small House developments were permissible within the “GB” zone on application to the Board, the effectiveness of the proposed “GB” zone in guarding against future development in the area under Amendment Item C was doubtful. There was also concern on possible developments under the ‘destroy first, build later’ approach. To avoid the proliferation of development into the eastern part of Hoi Ha Village and to avoid fragmentation of the woodland habitats, the proposed Amendment Item C was not supported. The Chairman remarked that the subject area fell outside the boundary of HHW Marine Park and the zoning of the area should be considered in accordance with its conservation value. Any proposed Small

House developments within the proposed “GB” zone should comply with the relevant criteria and guidelines. Each application would be considered by the Board based on its individual merits.

16. A Member said that nature conservation should be the prime objective in the planning for the CPEs and a more stringent planning approach should be adopted. Since any increase in the residing population and visitors would pose additional threats to the natural environment, in particular HHW Marine Park, the area zoned “V” should be minimised. In order to ensure that no insurmountable impact on the natural environment would be caused by the new NTEH/Small House developments, provision of infrastructural facilities to support the new developments and adoption of appropriate measures to improve the management of HHW Marine Park should be considered by the Government.

[Mr Sunny L.K. Ho returned to join the meeting at this point.]

17. The Member who earlier expressed disagreement to Amendment C said that in view of the ecological significance of HHW, the relevant government departments should be requested to consider providing public sewage treatment facilities and to strengthen enforcement actions against unauthorised sewage discharge in the Hoi Ha area. Mr C.W. Tse said that any contravention of the Water Pollution Ordinance would be subject to enforcement by the relevant government departments including the Environmental Protection Department (EPD). Taking into account the resource availability and the relatively small population in Hoi Ha, the provision of public sewage treatment facilities in Hoi Ha would not be accorded with high priority. The water quality of HHW Marine Park was regarded as ‘excellent’ at present, and it would be up to the CMPA to consider whether any additional measures were required to further enhance the water quality of HHW. The Chairman said that the Member’s requests would be conveyed to EPD and the Agriculture, Fisheries and Conservation Department (AFCD) for consideration outside the statutory planning process.

18. A Member said that the protection of HHW Marine Park was of utmost importance. AFCD as the management authority of HHW Marine Park should keep close

monitoring of the water quality, and take appropriate measures to guard against any possible degradation. The provision of a local sewage treatment plant in Hoi Ha should be considered. In respect of the proposed Amendment Item C, this Member said that the subject area was located amidst a woodland area including the ‘fung shui’ wood of Hoi Ha Village. In order to preserve the woodland area in totality, the “CA” zoning of the subject area should be retained.

19. After further discussion, the Chairman summed up Members’ discussion that the proposed Amendment Items A and B to rezone the area to the west of the existing village cluster of Hoi Ha from “GB” and “V” to “GB(1)” respectively were considered appropriate to give added protection to the existing natural environment including the woodland, wetland, Hoi Ha Stream and HHW. An incremental approach should be adopted in the designation of “V” zone to meet the Small House demand in the planning for the CPEs, including Hoi Ha. In respect of Amendment Item C, Members considered that the subject area was located within a larger woodland area which should be preserved as a whole. There was no strong planning justification to rezone the subject area from “CA” to “GB”.

Other Grounds of Representations and Representers’ Proposals

20. Members then went through the other grounds and proposals raised by the representers and commenters in respect of the draft Hoi Ha OZP No. S/NE-HH/1 and noted the following responses:

Inadequacy of “GB” Zone

- (a) important habitats in Hoi Ha such as the mature native woodlands and the riparian zone of Hoi Ha Stream, which could provide suitable habitats supporting a variety of species, were covered with conservation zonings including “CA”, “GB” and “CPA” on the draft Hoi Ha OZP;

Inaccurate and Misleading Information

- (b) the boundary of HHW Marine Park had been drawn making reference to high water mark and the coverage of the Marine Park had taken into

account the ecological characteristics of the shoreline. In this regard, the boundary of the Marine Park was purposely drawn to include the beaches and sand dunes in Hoi Ha for better protection of the coastal ecology. The northern boundary of the draft OZP coincided with the boundary of the Marine Park leaving no gap in between;

- (c) in drafting the OZP, there was more emphasis on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest;
- (d) the cultural heritage features of the Hoi Ha area had been specified in the Explanatory Statement of the draft OZP. The Antiquities and Monument Office of the Leisure and Cultural Services Department would be consulted on any development proposals which might affect the sites and their immediate environs;

Representers' Proposals

Provision of at least 30m from the shore for "CPA"

- (e) the width of the "CPA" zone between Hoi Ha Village and HHW Marine Park ranged from about 25m to 35m. Further extending the "CPA" zone inland would encroach onto the existing village; and

Long-term Plan for Hoi Ha

- (f) the draft OZP was prepared with a view to providing a statutory planning framework to guide the long-term development plan of the area and preserve the rural character and natural environment. During the plan-making and representation consideration processes, the Board had taken account of the public views including input from key stakeholders.

Decision

21. Members agreed to note the supportive views of representations No. R10737 to R10739 and R10742 in respect of the draft Hoi Ha OZP.

22. Members also decided to amend the draft Hoi Ha OZP No. S/NE-HH/1 by rezoning the western part of the “V” zone and the adjoining “GB” zone to “GB(1)” (i.e. Amendment Items A and B) as shown on the plan in Annex VI of TPB Paper No. 9644 to partially meet those Group 2 representations which opposed the excessive size of the “V” zone. In tandem with the proposed amendments to the draft Hoi Ha OZP, the Notes and the Explanatory Statement of the draft OZP should also be revised. PlanD was requested to submit the proposed amendments to the draft Hoi Ha OZP to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

23. Members also decided not to uphold all Group 1 representations and the remaining Group 2 representations, and that no amendment should be made to the draft Hoi Ha OZP to meet the representations. Members then went through the reasons for not upholding the representations and not to amend the draft Hoi Ha OZP to meet the representations as detailed in paragraph 7.3 of TPB Paper No. 9644 and considered that they should be suitably amended.

Representations No. R10737 to R10739 and R10742

24. After further deliberation, the Board decided to note the supportive views of Representations No. R10737 to R10739 and R10742 in respect of the draft Hoi Ha OZP.

Adverse Representations¹

25. After further deliberation, the Board agreed to partially meet Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10750 to R10910, R10922 to R10931 and R10933 in respect of the draft Hoi Ha OZP by rezoning the western part of

¹ The withdrawn/not having been made representations No. R287, R569, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531 were taken out.

the “V” zone and the adjoining “GB” zone to “GB(1)”.

26. After further deliberation, the Board decided not to uphold Representations No. R1 to R798, R10555, R10563, R10565, R10570, R10572, R10573, R10575, R10581, R10731, R10735, R10736, R10740, R10741, R10743 to R10749, R10911 to R10921, R10932 and R10934 and the remaining parts of Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10750 to R10910, R10922 to R10931 and R10933 in respect of the draft Hoi Ha OZP for the following reasons:

Group 1 and Group 2 Representations

(HH-R1 to R10736, HH-R10738 to R10741 and HH-R10743 to R10934)

Designation of “V” Zone

- “(a) there is a need to designate “Village Type Development” (“V”) zone at suitable locations to meet Small House demand of indigenous villagers in Hoi Ha, a recognised village within the Area. The boundaries of the “V” zone for the village have been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. Only land suitable for Small House development has been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded;

- (b) the Small House demand forecast is only one of the factors in drawing up the proposed “V” zones and the forecast is subject to variations over time. An incremental approach for designating the “V” zone for Small House development has been adopted with an aim to confining small house development at suitable locations;

Group 1 Representations

(HH-R1 to R798, HH-R10736, HH-R10740, HH-R10741 and HH-R10743 to

R10749)

Rezoning of the “CA” zone to “V” and “Green Belt” (“GB”)

- (c) the “Conservation Area” (“CA”) zone at the western part of the Area and along the Hoi Ha Road consists of relatively undisturbed, native woodland worthy of preservation. “CA” zone is considered appropriate from nature conservation perspectives;

Rezoning of “CPA” to “V”

- (d) the “Coastal Protection Area” (“CPA”) covers mangroves, mangrove-associated plants and backshore vegetation, and adjoins the Hoi Ha Wan (HHW) Marine Park. A “CPA” zone is required to serve as a buffer between the village area and HHW Marine Park;

Group 2 Representations

(HH-R799 to R10735 and HH-R10750 to R10934)

Environmental Impact on Hoi Ha Wan Marine Park

- (e) conservation zones, including “GB”, “CA” and “CPA” under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment of Hoi Ha and the ecologically linked Sai Kung West Country Park and HHW Marine Park under the statutory planning framework;
- (f) as stated in the Explanatory Statement of the draft Hoi Ha OZP No. S/NE-HH/1, for the protection of the water quality of the HHW Marine Park, the design and construction of on-site septic tank and soakaway (STS) for any development proposals/submissions need to comply with relevant standards and regulations, including Environment Protection Department (EPD)’s Practice Note for Professional Person (ProPECC PN) 5/93 “Drainage Plans subject to Comment by the Environmental

Protection Department”;

- (g) the Lands Department, when processing Small House grant applications, will consult concerned government departments including EPD, the Agriculture, Fisheries and Conservation Department (AFCD) and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The water quality of HHW Marine Park has also been closely monitored by AFCD;

Inadequate and misleading information

- (h) the boundary of HHW Marine Park was drawn making reference to the high water mark and the gazetted boundary of the HHW Marine Park was approved under the Marine Parks Ordinance in 1996. The northern boundary of the draft Hoi Ha OZP coincides with the HHW Marine Park boundary leaving no gap in between;
- (i) in the drawing up of the draft Hoi Ha OZP No. S/NE-HH/1 and its land use proposals, various factors including conservation and natural landscape, ecological significance, landscape character, transportation, infrastructure and utility services have been taken into account. Views and comments have also been sought from stakeholders and relevant government departments. The draft Hoi Ha OZP has not been prepared on the basis of the survey map which is just a map base of the plan only;

Designation of “Comprehensive Development Area” (“CDA”)

- (j) the current proposed zonings for the Hoi Ha area have been drawn up to provide clear planning intention and protection for different localities in accordance with their ecological and landscape significance, and suitability for Small House development. Designation of the Hoi Ha area as “CDA” so as to enforce planning restrictions or protect the environment is not necessary;

Provision of at least 30m from the shore for “CPA” zone

- (k) the “CPA” zoning is considered appropriate from nature conservation point of view to forming a buffer between the village and HHW Marine Park;

Designation of Country Park Enclaves as Country Parks

- (l) designation of the Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which is outside the purview of the Town Planning Board; and

Expanding the Boundary of the “Other Specified Use” annotated “Water Sports Recreation Centre” zone

- (m) there is no strong justification for expanding the boundary of the “Other Specified Use” annotated “Water Sports Recreation Centre” zone. The maintenance or repair of road (including footpath) is always permitted in the “CA” zone under the covering Notes of the draft Hoi Ha OZP No. S/NE-HH/1.”

Draft So Lo Pun OZP No. S/NE-SLP/1

Size of the “V” zone

27. Members noted that many representations and comments submitted by the green groups and concern groups considered that the “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/1 was excessive. The “V” zone should be confined to the existing village structures, building lots and approved Small House sites. On the other hand, the representations and comments submitted by the villagers of So Lo Pun and the rural sector pointed out that the land available within the “V” zone for Small house developments was insufficient to meet the Small House demand and to support the rehabilitation of So Lo

Pun Village. In support of the accuracy of the Small House demand figure, a name list of male indigenous villagers of So Lo Pun was compiled by a villager of So Lo Pun (SLP-R10812/C3669) at the hearing. According to the draft So Lo Pun OZP No. S/NE-SLP/1, the “V” zone had an area of about 4.12 ha with about 3.36 ha of land available for development which could accommodate about 134 new Small Houses capable of meeting about 50% of the Small House demand of So Lo Pun (i.e. 270).

28. By referring to a plan shown on the visualiser, the Chairman said that a “V” zone of about 2.52 ha confining to the existing village settlements as well as their adjoining areas was originally proposed on the draft So Lo Pun OZP No. S/NE-SLP/D which was given preliminary consideration by the Board on 26.4.2013. After consultation with the relevant stakeholders including the North District Council and the Sha Tau Kok District Rural Committee in May 2013 and the government departments concerned, the “V” zone was subsequently enlarged to 4.12 ha on the draft So Lo Pun OZP No. S/NE-SLP/1 by rezoning two areas adjoining the existing village settlements from “GB” to “V”. These two areas included (i) a piece of land at the northeastern part (about 0.65 hectare) contiguous to the existing village cluster and consisted of fallow agricultural land with shrubs and trees (‘the northeastern portion’); and (ii) a stretch of level land in the southwestern part (about 0.99 hectare) which mainly comprised dry and fallow agricultural land and its adjoining gentle slope (‘the southwestern portion’). Members were invited to consider whether the “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/1 was appropriate taking into account the originally proposed “V” zone boundary on the draft So Lo Pun OZP No. S/NE-SLP/D.

29. Noting that there was no outstanding Small House demand in So Lo Pun, Members generally considered that there was no imminent need to designate a “V” zone of 4.12 ha as shown on the draft So Lo Pun OZP No. S/NE-SLP/1 to meet the Small House demand and to facilitate the village rehabilitation proposed by some representers. There was scope to reduce the size of the “V” zone by deducting either the northeastern or the southwestern portion, or both.

30. Noting that the existing population of So Lo Pun was nil and there was no outstanding Small House application, a Member said that the planned population of about

1,000 under the draft OZP No. S/NE-SLP/1 was a drastic increase. Despite that the area zoned “V” could only meet 50% of the Small House demand which was in line with the incremental approach, the total number of new Small House developments, i.e. 134 houses, was considered excessive. The area zoned “V” should be reduced.

31. A Member said that based on the incremental approach, the “V” zone boundary should first be confined to cover mainly the existing village settlements. Should there be a genuine need for Small House developments to meet the Small House demand in the future, flexibility had been provided under the planning application system for Small House developments within the “GB” zone or for rezoning application to expand the “V” zone. Each application would be considered by the Board based on its individual merits.

32. Another Member said that the lowland areas within the “V” zone might not be suitable for Small House developments. As such, the southwestern portion, which comprised mainly former terraced fields and slope areas, should be retained as “V” while the northeastern portion should be reverted to “GB”.

33. Mr K.K. Ling said that consideration should be given to adopting the proposed “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D, which covered the central part of So Lo Pun (‘the central portion’) including mainly the existing village settlement to provide flexibility for villagers to build Small Houses and to minimise the potential environmental impact on inland areas and the low-lying fallow agricultural land.

34. A Member said that in view that the existing population was zero and the Small House forecast demand provided by the villagers had not been verified, there was no imminent need to provide too much land to meet the Small House demand at this stage. As there was at present no vehicular access to the area, an over-expansive “V” zone would result in a significant increase in sea transport and construction activities which would have adverse impacts on the natural environment. This Member added that based on the information available, the genuine need for Small House development had not been demonstrated at this stage. The “V” zone should be confined to the existing village settlements in the central portion where land was still available for Small House development. Upon full development of the “V” zone, further expansion of village

development could be considered in the northeastern and southwestern portions.

35. Another Member said that the naturalness of So Lo Pun was the highest amongst the three subject CPEs. Considering that there was no existing population and there were inadequate infrastructural facilities in So Lo Pun, it was unlikely that there would be a strong demand for Small House development in the short to medium term. Under such circumstances, an incremental approach, with the “V” zone confining to the existing village settlements in the central portion, should be adopted at the present stage. This Member continued to say that both the northeastern and southwestern portions should be reverted to “GB” in view of the naturalness of the areas. Should there be a genuine need for development of Small Houses at a later stage, planning applications for development of NTEH within the “GB” zones could be submitted to the Board for consideration. This Member also said that the Board should be cautious in using the Small House demand forecast figures provided by the villagers at the hearing to delineate the size of the “V” zone because this might create a precedent for other villagers to follow suit.

36. Members noted that there was a general presumption against development within the “GB” zone although individual planning applications for Small House development had been approved by the RNTPC/Board. Mr K.K. Ling said that there was sufficient control of development within “GB” zone as any proposed development should comply with the relevant criteria and guidelines.

37. The Vice-chairman said that based on the present situation, it was unlikely that there would be a strong demand for Small House developments in the short term. Due to the lack of infrastructural facilities, the ultimate population in So Lo Pun might still be low irrespective of the size of the “V” zone. The crux of the issue was to strike a proper balance that could meet the development needs of villagers while at the same time offer adequate protection to the natural environment. Under the current circumstances, it would be more reasonable to confine the “V” zone to the existing village settlements and the adjoining suitable land as a starting point. When a genuine need for Small House development or village rehabilitation was established in the future, expansion of village development onto the adjoining “GB” zones could be considered by the Board based on the circumstances of individual cases.

38. The Chairman remarked that the “V” zone boundary should be delineated taking into account a number of factors including the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance and site-specific characteristics. A decision should be made by the Board after balancing the differing views of the representers. Any proposed amendments to the draft So Lo Pun OZP should be well justified and the Board should be ready to explain its decision to the representers, including both the environmentalists and the villagers, during the consideration of further representations in respect of the draft OZP.

39. A Member said that in view of the close proximity to the “CA” zone, new Small House developments in the northeastern portion would likely entail significant adverse impact on the “CA” zone. A cautious approach should be adopted by confining the “V” zone to the existing village settlements in the central portion. The northeastern and southwestern portions should be rezoned to “GB”.

40. Another Member said that a positive commitment of the Board to protect the natural environment of the CPEs should be expressly stated in the OZPs. Areas of conservation interest should be designated for conservation zonings such as “CA” and “GB”. In view of the lack of infrastructural facilities in So Lo Pun, the “V” zone on the current draft OZP No. S/NE-SLP/1 was considered excessive and would attract unrealistic development expectations from villagers. In order to minimise the potential impact on the natural environment, the “V” zone should first be confined to the existing village settlements and the adjoining suitable land in the central portion. Upon demonstration of a genuine demand for Small House development, further expansion of the “V” zone could be considered through the section 12A planning application mechanism. This Member also said that a similar planning approach should be applied for other CPEs.

41. A Member said that in the light of a lack of infrastructural facilities and no outstanding Small House demand, it was envisaged that there would not be any major changes in So Lo Pun in the near future. Since the current population was zero, based on the incremental approach, it was reasonable to retain only the “V” zone in the central portion. It was also desirable to confine Small House developments in areas adjacent to

the existing village settlements for a more orderly development pattern. The rationale for reducing the area zoned “V” could be explained to the villagers. This Member also said that planning was a continuous process. Should there be a genuine need for village rehabilitation in the future, existing mechanisms were available for amending the OZP to cater for the change in planning circumstances.

42. Another Member said that since many villagers of So Lo Pun were residing overseas, the genuine desire to rehabilitate the village was doubtful.

43. After further discussion, the Chairman summed up Members’ views that based on an incremental approach and in view of the existing zero population and a lack of infrastructural facilities, the proposed “V” zone on the draft So Lo Pun OZP No. S/NE-SLP/D confining mainly to the existing village settlements in the central portion should be adopted, whilst the northeastern and southwestern portions should be rezoned to “GB”. Should there be a genuine need for more Small House developments, flexibility had been provided under the planning application system for Small House developments within the “GB” zone or for rezoning application to expand the “V” zone. Each application would be considered by the Board based on its individual merits taking account of the prevailing planning circumstances.

Other Grounds of Representations and Representers’ Proposals

44. Members then went through the other grounds and proposals raised by the representers and commenters in respect of the draft So Lo Pun OZP No. S/NE-SLP/1 and noted the following responses:

Inadequate Ecological Information

- (a) in drafting the OZP, there was more emphasis on the preservation of habitats with high conservation value rather than records of individual species or specimens of conservation interest;
- (b) important habitats such as mature native woodlands and the riparian zone of So Lo Pun Stream as well as the wetland, which could provide

suitable habitats supporting a variety of species, were covered with conservation zonings including “CA” and “GB”;

Representers’ Proposals

Rezoning the wetland and the adjoining areas including part of the Ecologically Important Stream (EIS) from “CA” and “GB” to “Recreation” (“REC”) and “Agriculture” (“AGR”)

- (c) the concerned area comprising the wetland complex should be retained for conservation purpose while the adjoining natural habitats should be designated as “GB”. There were no concrete recreation proposals submitted by any interested parties so far. Agricultural use was permitted in all zones on the draft OZP. There was no strong justification to rezone the wetland and its adjoining areas from “CA” and “GB” to “REC” and “AGR”;

Rezoning the ex-village school and the adjoining area from “GB” and “CA” to “G/IC”

- (d) since there was presently no population in the area, and the future population might still be low even with the reduced “V” zone as agreed by the Board, there was no requirement for specific government, institution and community facilities at this stage;
- (e) ‘Village Office’ was always permitted in the “V” zone, whilst ‘Village Office’ and ‘Visitor Centre’ were Column 2 uses under the “GB” zone which required planning application from the Board; and

Notes of the rezoning proposals

- (f) there was no detailed information in the written and verbal submissions of the representations to justify the proposed rezoning of various areas to “GB”, “REC”, “G/IC” and “AGR” and the additional uses in these zones

as proposed by the representers.

Decision

45. Members decided to amend the draft So Lo Pun OZP No. S/NE-SLP/1 by rezoning the northeastern and southwestern portions of the “V” zone to “GB” to partially meet those Group 2 representations which opposed the excessive size of the “V” zone. In tandem with the proposed amendments to the draft So Lo Pun OZP, the Explanatory Statement of the draft OZP should also be revised. PlanD was requested to submit the proposed amendments to the draft So Lo Pun OZP to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

46. Members decided not to uphold all Group 1 representations and the remaining Group 2 representations, and that no amendment should be made to the draft So Lo Pun OZP to meet their representations. Members then went through the reasons for not upholding the representations and not to amend the draft So Lo Pun OZP to meet the representations as detailed in paragraph 7.1 of TPB Paper No. 9645 and considered that they should be suitably amended.

Group 1 and Group 2 Representations²

47. After further deliberation, the Board agreed to partially meet Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10818 to R10854 and R10856 to R10858 in respect of the draft So Lo Pun OZP by rezoning the northeastern and southwestern parts of the “V” zone to “GB”.

48. After further deliberation, the Board decided not to uphold Representations No.

² The withdrawn/not having been made representations No. R287, R569, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531 were taken out.

R1 to R798, R10555, R10563, R10565, R10570, R10572, R10573, R10575, R10581, R10731, R10735 to R10817 and R10855 and the remaining parts of Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10818 to R10854 and R10856 to R10858 in respect of the draft So Lo Pun OZP for the following reasons:

Group 1 and Group 2 Representations

(SLP-R1 to R10858)

Designation of “V” Zone

- “(a) there is a need to designate ‘Village Type Development’ (“V”) zone at suitable locations to meet Small House demand of indigenous villagers in So Lo Pun, a recognised village within the Area. The boundaries of the “V” zone for the village have been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. Only land suitable for Small House development has been included in the “V” zone whilst environmentally/ecologically sensitive areas and steep topography have been excluded;
- (b) the Small House demand forecast is only one of the factors in drawing up the proposed “V” zones and the forecast is subject to variations over time. An incremental approach for designating the “V” zone for Small House development has been adopted with an aim to confining Small House development at suitable locations;

Group 1 Representations

(SLP-R1 to R798 and SLP-R10736 to R10817)

Comprehensive proposal to facilitate eco-tourism

- (c) the “Conservation Area” (“CA”) zone primarily covers the wetland

system of So Lo Pun, which includes the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as Ecologically Important Stream (EIS) and the freshwater marsh. These important habitats for a variety of rare and uncommon flora and fauna should be protected. The current “CA” zoning is considered appropriate;

- (d) the wooded areas at the periphery of the Area forms a continuous stretch of well-established vegetation of natural woodlands adjoining the Plover Cove Country Park. The “Green Belt” (“GB”) zone, which provides a buffer between the development and conservation areas or Country Park, is considered appropriate;
- (e) ‘Agricultural Use’ is a Column 1 use which is permitted in all zones;
- (f) according to relevant works departments, there is neither planned/committed access road to be proposed at the Area. Besides, according to the Notes of the draft So Lo Pun OZP, geotechnical works, local public works, road works and such other public works co-ordinated or implemented by government are always permitted;

Group 2 Representations

(SLP-R799 to R10735 and SLP-R10818 to R10858)

Environmental impact on the local habitats and the surrounding areas

- (g) when considering the draft So Lo Pun OZP, the Board have already taken into account all relevant planning considerations, including the advice of the relevant government departments and public views. Conservation zones, including “GB” and “CA” under which there is a general presumption against development, have been designated to cover areas having ecological and landscape significance to protect the natural environment of So Lo Pun and the ecologically linked Plover Cove Country Park under the statutory planning framework. The Lands

Department, when processing Small House grant applications, will consult concerned government departments including the Environmental Protection Department (EPD), the Agriculture, Fisheries and Conservation Department and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. The design and construction of on-site septic tank and soakaway (STS) for any development proposals/submissions need to comply with relevant standards and regulations, such as EPD's Practice Note for Professional Person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department";

Opposition to the "GB" zone

- (h) the upper section of So Lo Pun Stream is not an EIS and the proposed "GB" zone is considered appropriate since the area consists of relatively disturbed, young woodland that has developed from abandoned agricultural land. There is a general presumption against development within the "GB" zone. Any Small House development shall require planning permission from the Board, and each case shall be considered on its individual merits;

Designating the upper section of So Lo Pun Stream and its tributaries, the riparian zones and the adjoining secondary woodland as "CA"

- (i) the upper part of So Lo Pun Stream is not an EIS and it is not appropriate to designate the upper part of the natural stream as "CA" zone;
- (j) for development proposals that may affect natural rivers/streams and the requirement of on-site septic tank system, there is relevant regulatory mechanism including ETWBTC(W) No. 5/2005 and EPD's ProPECC PN 5/93. As such, there is no need to excise the tributaries and their adjoining areas from the "V" zone and to rezone these areas to "CA";

- (k) the wooded areas at the periphery of the Area and a traditional burial ground at the eastern part of the hillslopes in the northern part of the Area form a continuous stretch of well-established vegetation of natural woodlands adjoining the Plover Cove Country Park, which provide a buffer between the development and conservation areas or Country Park. As such, the “GB” zones is considered appropriate;

Rezoning the seagrass bed and the adjoining mangrove from “CA” to “Site of Special Scientific Interest” (“SSSI”)

- (l) there is currently insufficient justification to designate the area concerned as “SSSI”. As such, the “CA” zoning is appropriate; and

Designation of country park enclave as country park

- (m) designation of the Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which is outside the purview of the Town Planning Board.”

Draft Pak Lap OZP No. S/SK-PL/1

Size of the “V” zone

49. The Chairman said that many representations and comments submitted by the green groups and concern groups considered that the “V” zone on the draft Pak Lap OZP No. S/SK-PL/1, which could accommodate 79 Small Houses capable of meeting 100% of the Small House demand of Pak Lap, was excessive. Some representers considered that the “V” zone would set a bad precedent to other CPEs as Pak Lap was an area with a record of suspected ‘destroy first, build later’ approach.

50. Members generally considered that an incremental approach should be adopted in designating the “V” zone to meet the Small House demand of Pak Lap. By referring to Plan H-3 of TPB paper No. 9646, the Chairman said that as in the Hoi Ha and So Lo Pun

OZPs, consideration could be given to confining the “V” zone to the existing village cluster and the adjoining areas on the western side of the stream in Pak Lap.

51. Members noted that there was a stream flowing across the Pak Lap area from north to south into Pak Lap Wan. The area on the eastern side of the stream, which comprised mainly regenerated grassland, could be rezoned from “V” to “AGR”.

52. In response to the enquiry of a Member, the Chairman said that oral submissions as well as Powerpoint and video presentations made by the representers at the hearing could be considered by the Board if they were elaboration of the original written submission of representations.

53. The same Member said that some representers alleged that the flat land on both sides of the stream in Pak Lap was under the ownership of a private developer and had been subject to unauthorised site formation works and vegetation clearance. Designation of “V” zoning for the concerned area would appear to be rewarding such ‘destroy first, build later’ approach. Even if the concerned area was rezoned to “AGR”, the prospect of obtaining planning approval for development would be quite high. In the light of the above, this Member had reservation on designating the concerned area as “V” or “AGR”. Members generally agreed that based on an incremental approach in designating the “V” zone, the size of the “V” zone on the Pak Lap OZP was excessive and should be reduced. Members also noted that NTEH development and any diversion of streams or filling of land/pond within the “AGR” zone required planning permission from the Board. Any deliberate action to destroy the rural and natural environment in the hope that the Board would give planning permission to subsequent development on the site concerned would not be tolerated.

54. The Vice-chairman said that some representers claimed that most of the private land in Pak Lap had been sold off to a private developer and only two representers who were villagers of Pak Lap had attended the hearing. Based on the information available, the demand for Small House development in Pak Lap might not be strong. In accordance with the incremental approach, the “V” zone should be confined to the area situated on the western side of the stream while the area located on the eastern side should be rezoned to

“AGR”. The Chairman remarked that the Board should focus on all the grounds of representations and proposals submitted by the representatives.

55. By referring to the aerial photo on Plan H-3 of TPB Paper No. 9646, Mr K.K. Ling said that based on the incremental approach, consideration should be given to confining the “V” zone to the existing village settlements and the adjoining areas on the western side of the stream. In addition, the “V” zoning of a platform in the northeastern part of the Pak Lap area, where applications for Small House developments had previously been approved by the RNTPC, should also be retained. The area on the eastern side of the stream, which were grassland regenerated from fallow agricultural land, could be rezoned from “V” to “AGR”.

56. Noting that Small House developments close to the stream might entail adverse impact on the water quality of the stream as well as the ecological environment of Pak Lap Wan, a Member asked whether a buffer area should be provided between the stream and the proposed “V” zone. Mr K.K. Ling said that according to current practice, buffer zones would only be considered for rivers and streams which were designated as an EIS or SSSI. As the stream in Pak Lap was not an EIS or SSSI, the control would rest on the approval mechanism of individual Small House land grant applications. To ensure that the arrangement of sewage treatment works of any development proposals would comply with the relevant requirements, the sewage treatment including the STS system of Small House development would be considered by concerned government departments during the processing of Small House applications by LandsD. The design and construction of on-site STS for any development would need to comply with relevant standards and regulations, including EPD’s ProPECC PN 5/93.

57. A Member said that at present there were only a few villagers residing in Pak Lap. Apart from several houses which were still being used for habitation, most of the village houses were either vacant or ruined. As there was no plan or proposal to rehabilitate the village, it was doubtful whether the flat land located to the west of the stream should be retained as “V”. This Member asked how many new Small Houses could be accommodated in the reduced “V” zone on the west bank of the stream. The Secretary said that if the “V” zone was confined to the area to the west of the stream, the

land area of the “V” zone would be reduced from 2.37 ha to about one hectare, with about 0.4 hectare of land available for 18 Small Houses capable of meeting 23% of the Small House demand of Pak Lap (i.e. 79). The Chairman remarked that the “V” zone boundary should be delineated after taken into account a number of factors including the ‘VE’, local topography, settlement pattern, Small House demand forecast, areas of ecological importance and site-specific characteristics. The ‘VE’ of Pak Lap Village covered almost the entire planning scheme area of the Pak Lap OZP and the current “V” zone on the draft OZP was only about 34% of the ‘VE’ of Pak Lap.

58. The same Member said that since the water quality of Pak Lap Wan was exceptionally good, any proposed Small House development close to the coast might have adverse water quality impact on Pak Lap Wan. Members noted that Pak Lap Wan was not a marine park. For protection of the water quality of Pak Lap Wan, the design and construction of on-site STS system of any Small House development needed to comply with relevant standards and regulations, including EPD’s ProPECC PN 5/93.

59. In response to the enquiry of the same Member, Mr K.K. Ling said that the area located to the east of the stream was currently zoned “V” on the draft Pak Lap OZP No. S/SK-PL/1. Should the Board agree to rezone the concerned area to “AGR”, planning permission would be required for NTEH developments. A Member enquired about the rationale for the proposed rezoning of the subject area to “AGR”. Mr K.K. Ling said that the concerned area was fallow agricultural land overgrown with grass and shrubs. While some representers submitted that water ferns were found scattered in the subject area of agricultural land, AFCD advised that the colony was small and its occurrence was subject to site conditions. As such, the ecological value of the subject area did not justify the designation of a conservation zoning such as “CA” or “GB”. The same Member asked if the subject area was suitable for agricultural use. Mr K.K. Ling said that ‘Agricultural Use’ was permitted in all zones on the draft Pak Lap OZP No. S/SK-PL/1. This proposed “AGR” zone was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

60. Ms Bernadette H.H. Linn said that in designating the “V” zone boundary, a number of factors including, amongst others, ‘VE’ and Small House demand forecast should be taken into account. However, by adopting the incremental approach in the subject CPEs, the size of the “V” zone would not be able to fully meet the Small House demand. Moreover, it would appear to the villagers that the ‘VE’ was not fully respected. The merits of the incremental approach should be set out clearly. Mr K.K. Ling said that the incremental approach could guide village expansion around the existing village settlements to achieve a more orderly development pattern, efficient use of land and provision of infrastructures and services. It would also help confining human disturbance to the areas around the existing settlements, thus minimising unnecessary adverse impacts on the natural environment outside the villages.

61. A Member said that in drawing up a statutory plan for a CPE, the majority of the area should be zoned “GB” while specific areas of conservation value and with good potential for agricultural purposes should be designated as “CA” and “AGR” respectively. In order to minimise the adverse impacts on the natural environment including the surrounding country parks, for CPEs with low population and not served by vehicular access and infrastructural facilities, the “V” zone should be confined to the existing village settlements. As for those CPEs which were resided by villagers and served by existing access road, suitable areas around the existing settlements should be identified for village development based on an incremental approach.

62. Another Member agreed and said that the primary planning objective for the CPEs was to conserve and protect the natural environment including the surrounding country parks. While the development needs of indigenous villagers should be recognised, the incremental approach was a pragmatic means for providing proper guidance and control on the scale and extent of village development. A balance between development needs and nature conservation should be struck.

63. A Member asked whether the “AGR” zone in the north-west adjacent to the existing artificial pond would be suitable for village development. Mr K.K. Ling said that the area might not be suitable for Small House development as it was located in close proximity to the country park.

64. After further discussion, the Chairman summed up Members' views that based on an incremental approach, the "V" zone should be reduced and confined to the existing village settlements and the adjoining land in the western side of the stream as well as the platform in the north-eastern part of the Pak Lap area. The land to the east of the stream should be rezoned to "AGR". Should there be a genuine need to cater for the Small House demand, flexibility had been provided under the planning application system for Small House developments within the "AGR" zone or for rezoning application to expand the "V" zone. Each application would be considered by the Board based on individual merits taking account of the prevailing planning circumstances.

Other Grounds of Representations and Representatives' Proposals

65. Members then went through the other grounds and proposals raised by the representers and commenters in respect of the draft Pak Lap OZP No. S/SK-PL/1 and noted the following responses:

Designation of "CA" Zone

- (a) the wooded areas at the periphery of the Pak Lap Area formed a continuous stretch of well-established vegetation with those located in the adjoining Sai Kung East Country Park and were ecologically-linked to the natural habitats therein. The "CA" zone was appropriate to preserve the natural environment and its natural resources;

Designation of "AGR" zone

- (b) the fallow terraced field and ponds had good potential for rehabilitation into agricultural use. The area should be designated as "AGR" to retain and safeguard good quality land/farm/fish ponds for agricultural purpose;

Representers' Proposals

Rezoning of "CA" to "G/IC"

- (c) a site at the southern part of the existing village had been zoned “G/IC” for the provision of a public toilet and a government refuse collection point to serve the needs of the local residents and tourists; and
- (d) the Office of the Communications Authority would keep in view the needs and forward the requests for provision of television and/or radio transmitter installation to the services providers when necessary.

Decision

66. Members agreed to note the supportive views of representation No. R10736 in respect of the draft Pak Lap OZP.

67. Members decided to amend the draft Pak Lap OZP No. S/SK-PL/1 by rezoning the eastern part of the “V” zone along the stream to “AGR” to partially meet those Group 2 representations which opposed the excessive size of the “V” zone. In tandem with the proposed amendments to the draft Pak Lap OZP, the Explanatory Statement of the draft OZP should also be revised. PlanD was requested to submit the proposed amendments to the draft Pak Lap OZP to the Board for agreement prior to the gazetting of the proposed amendments under section 6C(2) of the Ordinance.

68. Members decided not to uphold all Group 1 representations and the remaining Group 2 representations, and that no amendment should be made to the draft Pak Lap OZP to meet their representations. Members then went through the reasons for not upholding the representations and not to amend the draft Pak Lap OZP to meet the representations as detailed in paragraph 7.2 of TPB Paper No. 9646 and considered that they should be suitably amended.

Representation No. R10736

69. After further deliberation, the Board decided to note the supportive views of Representation No. R10736 in respect of the draft Pak Lap OZP.

Adverse Representations³

70. After further deliberation, the Board agreed to partially meet Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10738 to R10770 and R10772 to R10774 in respect of the draft Pak Lap OZP by rezoning the eastern part of the “V” zone along the stream to “AGR”.

71. After further deliberation, the Board decided not to uphold Representations No. R1 to R798, R10555, R10563, R10565, R10570, R10572, R10573, R10575, R10581, R10731, R10735, R10737, R10771 and R10775 and the remaining parts of Representations No. R799 to R10554, R10556 to R10562, R10564, R10566 to R10569, R10571, R10574, R10576 to R10580, R10582 to R10730, R10732 to R10734, R10738 to R10770 and R10772 to R10774 in respect of the draft Pak Lap OZP for the following reasons:

Group 1 and Group 2 Representations

(PL-R1 to R10735 and PL-R10737 to R10775)

Size and Designation of “V” zone

“(a) there is a need to designate “Village Type Development” (“V”) zone at suitable locations to meet Small House demand of indigenous villagers in Pak Lap, a recognised village within the Area. The boundaries of the “V” zone for the village have been drawn up having regard to the village ‘environs’ (‘VE’), local topography, settlement pattern, Small House demand forecast, areas of ecological importance, as well as other site-specific characteristics. Only land suitable for Small House development has been included in the “V” zone whilst

³ The withdrawn/not having been made representations No. R287, R569, R751, R752, R756, R758, R1102, R2547, R2687, R3677, R3764, R3793, R3979, R3984, R4190, R4321, R4368, R4398, R4621, R4642, R4676, R4754, R4963, R4983, R5064, R5093, R5145, R5215, R5234, R5238, R5287, R5433, R5436, R5508, R5576, R5632, R5924, R6021, R6031, R6064, R6126, R6128, R6185, R6229, R6230, R6261, R6307, R6310, R6346, R6349, R6415, R6488, R6534, R6551, R6670, R6689, R6904, R6905, R6934, R6954, R7073, R7110, R7213, R7302, R7322, R7571, R7632, R7642, R7800, R7837, R7903, R7911, R7968, R7981, R8061, R8115, R8232, R8308, R8392, R8479, R8548, R8566, R8637, R8720, R8725, R8736, R8741, R8775, R8955, R8959, R9038, R9083, R9085, R9145, R9270, R9285, R9326, R9330, R9396, R9433, R9542, R9562, R9613, R9962, R10217, R10227, R10330, R10392, R10509 and R10531 were taken out.

environmentally/ecologically sensitive areas and steep topography have been excluded;

- (b) the Small House demand forecast is only one of the factors in drawing up the proposed “V” zones and the forecast is subject to variations over time. An incremental approach for designating the “V” zone for Small House development has been adopted with an aim to confining Small House development at suitable locations;

Environmental Impact on Pak Lap Wan

- (c) for development proposals that may affect rivers/streams and the requirement of on-site septic tank system, there is relevant regulatory mechanism including Environmental, Transport and Works Bureau’s Technical Circular (Works) (ETWBTC(W)) No. 5/2005 and Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC) PN 5/93. Therefore, there is no need to rezone the tributaries and their adjoining areas from the “V” to “CA”;

Group 1 Representations

(PL-R1 to R798 and PL-R10737)

Rezoning from “Conservation Area”(“CA”) to “Green Belt”(“GB”) and “V”

- (d) the “CA” zone at the south-western part of the Area consists of relatively undisturbed, native woodland worthy of preservation. The proposal to rezone the area from “CA” to “GB” and “V” is not favoured from the nature conservation perspective;

Rezoning a piece of land at the southern part of the Pak Lap Village from “CA” to “Government, Institution or Community”(“G/IC”) zone

- (e) the “CA” zone at the southern part of the Area consists of relatively

undisturbed, native woodland worthy of preservation. The proposal to rezone the area to “G/IC” is not favoured from the nature conservation perspective;

Group 2 Representations

(PL-R799 to R10735 and PL-R10738 to R10775)

Exclusion of the stream and its riparian zone from “V” zone

- (f) as advised by the Agriculture, Fisheries and Conservation Department (AFCD), the water course flowing across Pak Lap is largely modified by human activities. For development proposals that may affect natural rivers/streams and the requirement of on-site septic tank system, there is relevant regulatory mechanism including ETWBTC(W) No. 5/2005 and EPD’s ProPECC PN 5/93. As such, there is no need to rezone the stream and its riparian zone from “V” to “CA”;

Rezoning the area with Water Fern from “V” to “CA”

- (g) the green/concern groups propose to rezone the area, where water fern is found, from “V” to “CA”. While water ferns are found scattered in the wet abandoned agricultural land on the eastern side of Pak Lap, AFCD advises that the colony is small and its occurrence is subject to site conditions. The proposed “CA” zone is not justified;

Designation of Country Parks and Country Park Enclave Policy

- (h) designation of the country park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which is outside the purview of the Town Planning Board;

Rezoning “Agriculture” to “CA” or “GB” Zone

- (i) AFCD advises that the fallow terraced field and ponds have good potential for rehabilitation into agricultural use. To ensure that development within the “AGR” zone would not result in adverse environmental impact, the Notes of the OZP has stipulated that diversion of stream, and filling of land/pond within “AGR” zone are subject to the Board’s approval. The “AGR” zone in Pak Lap is prohibited from livestock rearing activities under the Waste Disposal Ordinance. Therefore, it is not anticipated that major organic pollution impact on the stream and Pak Lap Wan will be caused by the non-livestock rearing farming activities. The proposed “CA” or “GB” zone is not justified.”

Other General Comments

72. The Chairman said that R10587 claimed that some points in his submission, i.e. excessive “V” zones based on unproved Small House demand, abuses of Small House Policy, breaches with the CPE policy and the International Convention on Biological Diversity, were not included in the TPB Papers and not addressed with valid reasons and evidence.

73. Members noted that a full set of the written submissions of the representations and comments had been made available for public inspection and provided to Members for reference in the CD-ROM attached to the concerned TPB Papers. R10587’s oral submission covering the said issues had also been heard by the Board. The grounds and proposals of his representations had been addressed in the concerned TPB Papers and/or considered by the Board at the meeting.

Amendments to the OZPs

74. The Chairman requested PlanD to take forward the Board’s decisions and prepare the proposed further amendments to the subject OZPs for the Board’s endorsement prior to gazetting under section 6(C)2 of the Ordinance.

Extension of Time

75. The Chairman said that according to section 8(2) of the Ordinance, the three draft OZPs should be submitted to the Chief Executive in Council (CE in C) for approval on or before 27.8.2014. Since proposed amendments to the three draft OZPs were required, and taking into account the time required for publication of the proposed amendments and processing of further representation, if any, it was unlikely that the plan-making process of the three OZPs could be completed within the 9-month statutory time limit for submission to the CE in C for approval. In view of the above, there was a need to apply to the CE for an extension of the statutory time limit for submission of the three OZPs for approval to allow sufficient time to complete the representation consideration process of the three draft OZPs. Members agreed.

Agenda Item 3

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

76. The Chairman said that at the Metro Planning Committee and the Rural and New Town Planning Committee meetings held on 23.5.2014, the Administration proposed and Members agreed to appoint Ms Ophelia Y.S. Wong as a special advisor to the Town Planning Board Secretariat to assist and represent the Board in handling its works in relation to Judicial Review proceedings. Members noted that the above appointment had taken effect from 28.5.2014.

77. There being no other business, the meeting was closed at 4:25 p.m.

Appendix A
of Minutes of 1057th TPB Meeting

List of representers who have authorised 李耀斌 (S/NE-HH/1-R32, S/NE-SLP/1-R32, S/SK-PL/1-R32) to attend meeting on behalf of them

	Draft OZPs No. S/NE-HH/1, S/NE-SLP/1, and S/SK-PL/1	Name of Representer
1.	R129	傅茂信
2.	R520	楊貴康
3.	R523	李金玲
4.	R524	何偉成
5.	R527	林惠茗
6.	R582	李明
7.	R588	區鳳屏
8.	R598	Mandy Lau
9.	R599	梁偉傑
10.	R604	謝蘭芳
11.	R619	李麗雲
12.	R620	李少彬
13.	R622	劉麗薇
14.	R630	魏立新
15.	R631	李玉蘭
16.	R633	余智強
17.	R634	Agnes Cheung
18.	R674	蔡進華
19.	R757	何英
20.	R792	鄭國輝

List of representers who have authorised Wong Hing Cheung (S/NE-SLP/1-R10812) to attend meeting on behalf of them

	Draft OZP S/NE-SLP/1	Name of Representer
1.	SLP-R10738	黃子揚
2.	SLP-R10755	黃桂華
3.	SLP-R10763	黃冠新
4.	SLP-R10774	Wong Wai Sun
5.	SLP-R10776	Wong Ho Yan
6.	SLP-R10799	Wong Ho Yi Yedda
7.	SLP-R10811	范黃綺嫻
8.	SLP-R10813	黃瑞強

List of representers who have authorised World Wild Fund, Hong Kong (S/NE-HH/1-R10874, S/NE-SLP/1-R10820, S/SK-PL/1-R10738) to attend meeting on behalf of them

	Draft OZPs No. S/NE-HH/1, S/NE-SLP/1, and S/SK-PL/1	Name of Representer
1.	R3271	Yiu Wai Sin
2.	R3722	吳兆文
3.	R3726	Lei Pek Iok
4.	R3737	Leung Ka Po
5.	R3817	鄧遠德
6.	R3822	Wan Yiu Kee
7.	R3900	Judy Kai
8.	R3973	Chan Chung Ming
9.	R4014	Poon Shuk Lai
10.	R4250	Cheung Cho Fai Bartholomew
11.	R4264	李笑蘭
12.	R4601	Kwong Sze Ki
13.	R4725	Maria Fernanda Barros
14.	R4903	Ho Ting
15.	R5204	Chan Ka Lung, Kenith
16.	R5253	Mancy Lau
17.	R5294	Ma Yat Man
18.	R5385	楊淑茹
19.	R5387	林建文
20.	R5399	Martin D Fairbairn
21.	R5402	Katharine Liu
22.	R5647	Cheung Ka Ming
23.	R5715	Leung Yu Fung
24.	R5867	蔡智麟
25.	R5925	Sin Yiu Wai
26.	R6025	Chan Chak Fu
27.	R6138	Verity B Picken

28.	R6239	Peter Roy Kennerley
29.	R6303	Kurt Rafael Verkest
30.	R6401	Lai Yin Mei
31.	R6404	Kiang Hiu Fung
32.	R6457	Lau Chui Wan
33.	R6469	Kwong Kwan Yee
34.	R6531	黃志賢
35.	R6563	洪嘉華
36.	R6569	Wong Chi Foon
37.	R6575	陳慶蓮
38.	R6661	Cherry Graham Ellis
39.	R6663	梁雪嬌
40.	R6703	Caremla Wong
41.	R6754	Cheng Wai Man
42.	R6804	King Lap Pai, Franki
43.	R6824	Maybelle Li
44.	R6851	Ho Yee Lin Eline
45.	R6868	Helen Yip
46.	R6908	Mak Yat Kin
47.	R6916	Poon Carrie
48.	R6973	Dora Chuck
49.	R7010	Lam Pui Yi
50.	R7700	Vincent Lee
51.	R7945	Dick Au
52.	R8070	Ho Sin Wa Sarah
53.	R8116	Sek Chin Ngai
54.	R8136	張秀欣
55.	R8179	黎秋怡
56.	R8183	聶耀昌
57.	R8216	Ip Sze Ching, Stella
58.	R8260	Ho Yau Ho
59.	R8551	盧珮瑜
60.	R8692	王國偉

61.	R9156	Yue Kin Wai
62.	R9447	Yuen Kam Hung
63.	R9457	Leung Suk Chiu
64.	R9503	Shiu Chi Shing
65.	R9575	Moon Fung
66.	R9839	Wong Tsz Fung
67.	R10057	Shin Wai Cheong
68.	R10183	Tse Mei Wah
69.	R10291	Ma Man Fai
70.	R10325	Shum Sui Bing Clare
71.	R10495	Eric Ng YH
72.	S/NE-HH/1- R10889 S/NE-SLP/1-R10840 S/SK-PL/1-R10762	Tang Yuen Tak

List of representers who have authorised Kadoorie Farm & Botanic Garden (S/NE-HH/1-R10883, S/NE-SLP/1-R10821, S/SK-PL/1-R10739) to attend meeting on behalf of them

	Draft OZPs No. S/NE-HH/1, S/NE-SLP/1, and S/SK-PL/1	Name of Representer
1.	R4662	Tan Kit San
2.	R4684	Wong Ming Wai
3.	R10585	Fauna
4.	S/NE-HH/1-R10849, S/NE-SLP/1-R10834, S/SK-PL/1-R10766	王麗賢