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The Conservancy Association

會址：香港九龍青山道 476 號 1 樓 102 室

Add.: Unit 102, 1/F, 476 Castle Peak Road, Kowloon, Hong Kong

電話 Tel.: (852)2728 6781 傳真 Fax.: (852) 2728 5538

13th January 2016

The Secretary
Town Planning Board

By e-mail: tpbpd@pland.gov.hk

Dear Sir/Madam

Comments on Draft Yi O Outline Zoning Plan (OZP) (No: S/I-YO/1)

The Conservancy Association (CA) would OBJECT to the captioned OZP.

1. Genuine agricultural practice in the proposed AGR zone

For the proposed AGR zone encircling Yi O San Tsuen, we have to reiterate that we are doubtful of its effectiveness in protecting agricultural land for genuine agricultural practice. Since nearly the entire AGR zone falls within the VE, this would still create false hope for Small House application which is definitely non-agricultural use. From the past statistics, the approval rate for Small House applications in AGR zone was about 62.5%¹, which is considered high.

Planning Department (PlanD) once stated that “*should there be a genuine need to use the land outside the “V” zone for Small House developments, there is provision in the Notes of the OZP to allow for application for Small House in other zonings...*”². While PlanD reiterated that each application would be considered by the Board on its individual merits, the statement revealed that other zonings, including the proposed AGR zone, could be land reserve for catering Small House demand, with the latest figure of 145.

Therefore, it should be replaced by a more restrictive zoning to highlight its planning

¹ LCQ17: Land reserved for building New Territories small houses (6 Feb 2013)
http://gia.info.gov.hk/general/201302/06/P201302060426_0426_106939.pdf

² See Section 9.10 of TPB Paper No. 9978
http://www.info.gov.hk/tpb/en/papers/TPB/1091-tpb_9978.pdf

intention to prohibit development and ensure genuine agricultural practice in the area. In this case, “House (New Territories Exempted House only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes)” should be removed from Column II, while House (Redevelopment only) should be added in Column II.

The discussion of the Draft Lai Chi Wo OZP had once come across a more restrictive agricultural zoning AGR(2). According to comments from AFCD, this new zoning can be applied to “*agricultural land close to ecologically sensitive habitats so as to ensure their protection*”³. The TPB Paper has already mentioned that Yi O is surrounded by the Lantau North and Lantau South Country Parks with diverse habitats. As such, the agricultural land in Yi O deserves a more restrictive zoning.

A restrictive zoning requiring amendment in the Notes of the statutory plan is not uncommon in some rural areas and CP enclaves. We opine that Planning Department can definitely make suitable changes to suit the needs of individual areas.

2. Habitats within the proposed AGR zone

i. Coastal vegetation and woodland area

CA is concerned about that some areas of the proposed AGR zone might not be suitable for cultivation and other agricultural purposes, with reference to the habitat map attached in the TPB Paper No. 9978. From the map, woodland and coastal vegetation, for example, can be spotted within the proposed AGR zone at Yi O San Tsuen (Figure 1). For the former, Section 7.3 of the TPB Paper No. 9978 has even mentioned that woodlands in the Area provide habitat for Romer’s Tree Frog, and “*also form a continuous stretch of well-established vegetation with those located at the adjacent Lantau North and South Country Parks, which provide foraging and nursery grounds for animals*”. These areas should be zoned as GB and CPA respectively to reflect their planning intention to preserve natural landscape.

For the proposed CPA, DAFC mentioned that “active farming activities are observed in the vicinity of the areas marked “coastal vegetation”. The concerned areas to the north and east of the active farmland, which are mainly private lands, could be rehabilitated for agricultural use...” (Section 4.3(b) of TPB Paper No. 10016). With reference to the photo attached in the Paper, we have to highlight that the area within the coastal vegetation cannot spot any farming activities. The designation of CPA zone also would not violate the right to farm in the subject area. We feel that PlanD has not responded to our request directly and therefore we still consider the designation of CPA in the concerned area is appropriate and necessary.

³ See Section 6.37 of TPB Paper No. 9912

ii. Natural stream

The claim of green groups to conserve the natural stream to the west of Yi O San Tsuen by a conservation zoning along the stream courses and the area adjoining country parks has not been taken into consideration.

We note that some natural streams were not identified as “Ecologically Important Stream” (EIS), but the streams together with the riparian zones were zoned by GB serving as a buffer from nature conservation and landscape perspective. For example, the non-EIS in Ma Tso Lung are protected by GB (Figure 2) due to the presence of Three-banded Box Terrapin which is of conservation importance. Another case is the non-EIS in Chek Keng (Figure 3) flowing along the abandoned land and backshore vegetation in riparian zone and estuary respectively. The condition of the natural stream in Yi O, with abandoned farmland and backshore vegetation within its riparian zone and estuary, as well as the presence of rare freshwater fishes *Metzia lineata* and *Oryzias curvinotus*, is indeed similar to these non-EISs.

We reiterate that the riparian zone currently covered by AGR zone in Yi O should therefore be replaced by a conservation zoning.

Yours faithfully

Ng Hei Man

Assistant Campaign Manager

Figure 1 Woodland (marked in pink) and coastal vegetation (marked in blue) within the proposed AGR zone

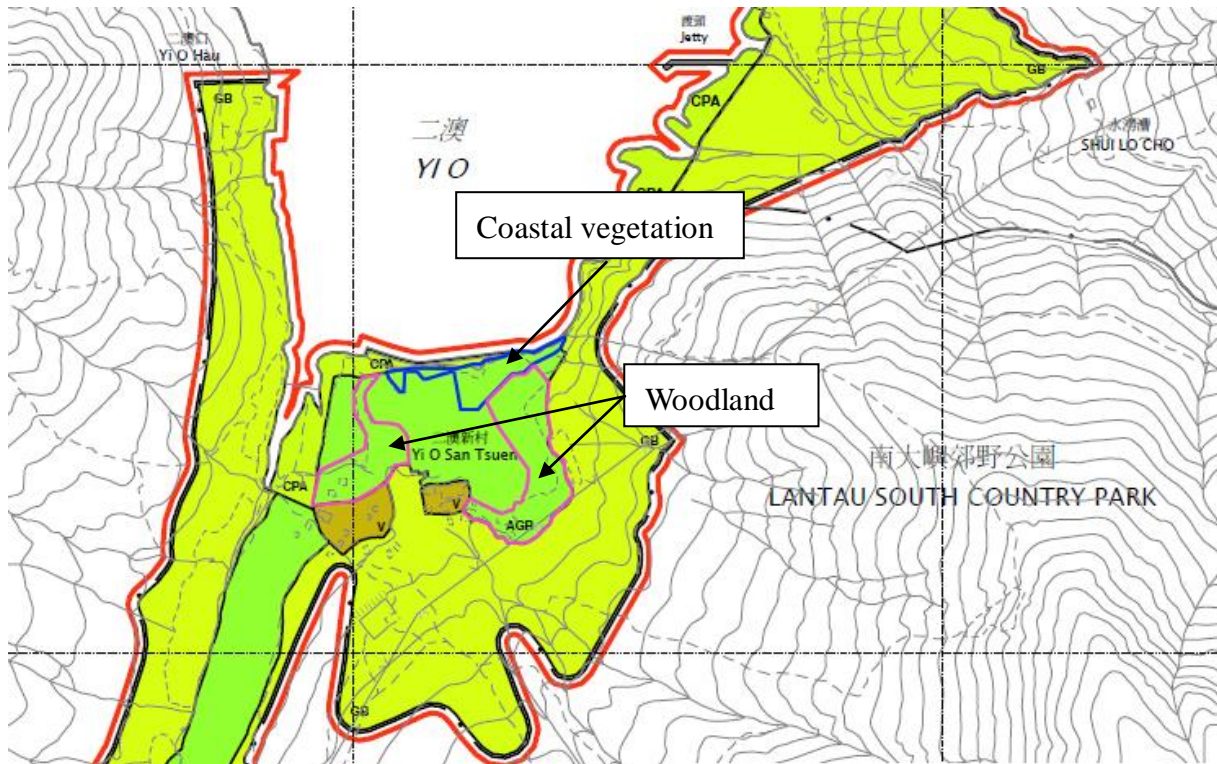


Figure 2 According to TPB Paper No. 9746, because of the persence of Three-banded Box Terrapin which is of conservation importance, a section of Ma Tso Lung stream (marked in light blue) with its riparian zone is zoned as GB

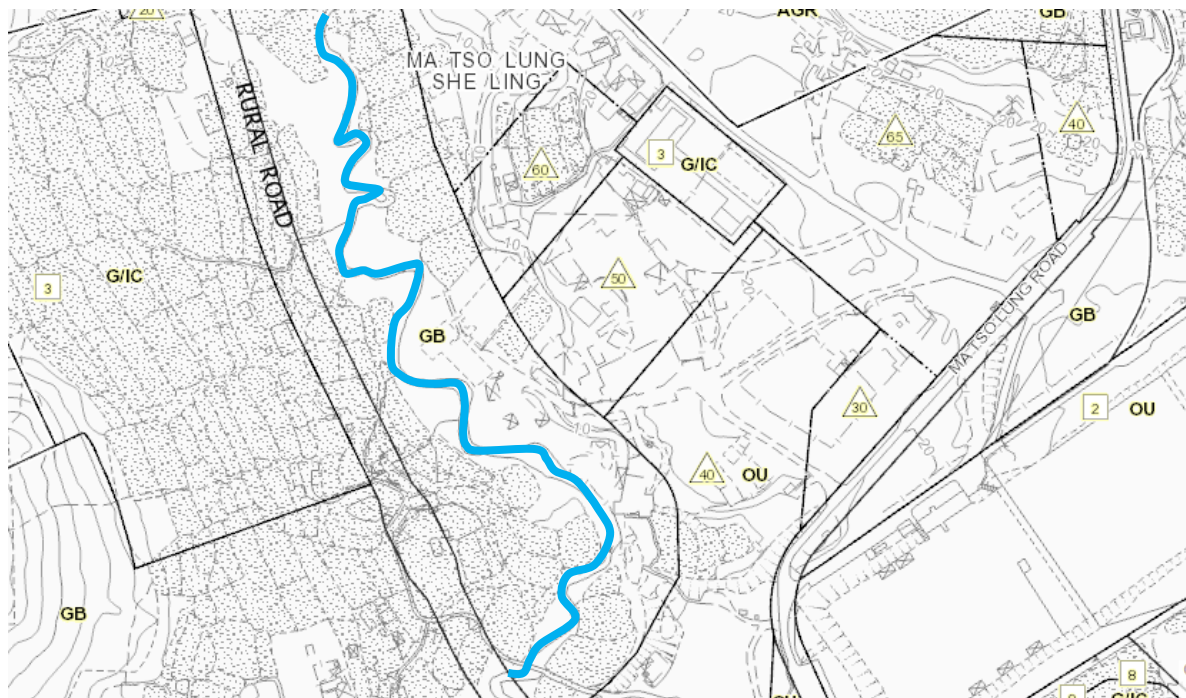


Figure 3 A natural stream (marked in light blue) in Chek Keng, with abandoned land (circled in red) and backshore vegetation (circled in purple) in the riparian zone and estuary respectively

