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The Conservancy Association

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4th February 2016

Chairman and Members

Town Planning Board

E-mail: tpbpd@pland.gov.hk

Dear Sir/Madam

Comments on Pak Sha O Draft Outline Zoning Plan (OZP) (No: S/NE-PSO/1)

The Conservancy Association (CA) would object to Pak Sha O Draft Outline Zoning Plan (OZP) (No: S/NE-PSO/1).

1. Genuine need of small house

CA strongly suspects that the small house demand presented by Village Representative (VR) is NOT genuine. Within the proposed V zone, at least 50% of land lots have been sold to the developer named Xinhua Bookstore Xiang Jiang Group Limited (Figure 1). It is hard to say that many villagers will really be back and resettle in Pak Sha O.

In mid-2012, the developer acquired nearly 60% of land within the proposed V zone. Records from The Land Registry show that the developer divided a significant portion of the land in the proposed V zone into separate lots in mid-2012 (Figure 3). These were transferred to various individuals surnamed Ho, Yip, Wong (Figure 4), and so on. Coincidentally, 14 small house applications involve these land lots (Figure 5). The above is similar to the common practice of transferring the beneficial rights to the “dings” to a developer who constructs small houses for profit-making purposes rather than for the use by the indigenous villagers (the applicants).

We do not agree that the proposed V zone is designated to satisfy genuine need. It therefore should be deleted from the OZP.

2. Alternative to secure small house demand

According to TPB paper No. 10019, additional land has already secured in Pak Tam Au, Sai Kung, to cater small house demand of villages within water gathering ground, including Pak Sha O¹. During the discussion of To Kwa Peng/Pak Tam Au OZP dated 14th April 2015, the VR stated that “*he had accepted cross-village SH applications from the ex-VR and the current VR of Pak Sha O Village*”².

One of the commenters also mentioned the following points:

*“Pak Tam Au Village would accept cross-village SH applications, and the village had so far accepted at least 5 cross-village SH applications from Pak Sha O Village”*³.

*“Villagers from villages within WGG, particularly Pak Sha O and Pak Sha O Ha Yeung, would welcome the surplus “V” zone in Pak Tam Au under the OZP to accommodate cross-village SH applications...”*⁴

While we understand that the indigenous villagers might raise objection if they did not support cross-village application in their own village, the above prove that this concern has been solved and make cross-village application feasible.

At that time, TPB has decided to keep the size of V zone in Pak Tam Au unchanged. Within this V zone, 46 houses can be built, and even calculating the new demand (i.e. 25 according to 10-year forecast) in Pak Tam Au, there is still surplus space for cross-village application from Pak Sha O. Any justified small house demand in Pak Sha O should therefore be transferred to the V zone in Pak Tam Au.

3. Potential impacts triggered by village expansion

Expansion of V zone in Pak Sha O would lead to potential environmental impacts in adjacent Pak Sha O environment which is Sai Kung West Country Park with ecological and aesthetic importance.

3.1 Environmental damage by additional transport supporting facilities

One of the concerns is the increasing demand of spaces for parking cars. Even the government might not necessarily provide adequate parking spaces, many rural villages would simply trash the site by removing vegetation cover and fill the site with concrete to create “private”

¹ Section 4.1(g), TPB Paper No. 10019

² Section 11(a), Minutes of the 1083rd Meeting of the Town Planning Board held on 14.4.2015

³ Section 12(a), Minutes of the 1083rd Meeting of the Town Planning Board held on 14.4.2015

⁴ Section 34, Minutes of the 1083rd Meeting of the Town Planning Board held on 14.4.2015

car parking space. What we can also envisage is that, since there is currently no vehicular access to Pak Sha O, cars might illegally park in Hoi Ha Road.

Another concern is that there is no proper access arrangement to Pak Sha O. In view of this, CA wishes to refer to the example of a Section 16 application in To Kwa Peng A/DPA/NE-TKP/4. While Planning Department had no objections to this planning application, several members have once expressed the following concerns in the TPB meeting:

*“a member opined that the sites were not suitable for Small House developments in view of their remoteness and the lack of infrastructure provision, in particular vehicular access, which would render it difficult to meet the daily and emergency needs of the future residents”*⁵

*“A Member considered that the application should not be supported as the sites were not suitable for Small House developments given their remoteness and the lack of a proper access. It took at least 30 minutes to walk from the application site to reach Pak Tam Road. Upgrading the access would affect the Sai Kung East Country Park...This Member said that the relevant Government departments should have considered the access and environmental problems in approving the applications for the 16 Small Houses in the District Lands Office Conference”*⁶

This planning application was finally rejected by TPB on 22nd July 2011. One of the reasons was that *“the sites were remote. The applicant failed to demonstrate that proper access arrangement could be provided for the proposed Small Houses”*.

The situation of Pak Sha O is somehow similar to To Kwa Peng. Both villages can be accessible by merely a narrow footpath with no proper vehicular access. Any upgrade or widening work of the existing footpath would unavoidably pose adverse ecological and landscape impact on Country Park.

3.2 Sewerage

In response to the potential sewerage impact caused by increasing small houses in Pak Sha O, it is stated that *“there should be demonstrably effective means (such as proper waste water treatment plant) to ensure that the effluent water quality is acceptable to concerned government departments”*⁷. Septic tank and soakaway systems for sewage treatment and disposal would not be considered. However, the risk of water pollution arise from non-point

⁵ Section 84, Minutes of 445th Meeting of the Rural and New Town Planning Committee held on 22.7.2011

⁶ Section 86, Minutes of 445th Meeting of the Rural and New Town Planning Committee held on 22.7.2011

⁷ Section 4.1(h), TPB Paper No. 10019

source (increase in human activities within the new village area) has still not been tackled in full. This should not be under-estimated as the Hoi Ha EIS lies close to the proposed V zone. As any potential adverse impacts from non-point source cannot be assessed again through planning application system, finally the EIS would be prone to water pollution.

Hoi Ha Wan Marine Park at the estuary should be another potential sensitive receiver left without assessment in this OZP. The recent decline in corals in Hoi Ha Wan acts as an alert that more massive village expansion in this catchment would cause additional pressure on the already stressed marine ecology of Hoi Ha Wan Marine Park.

To be in line with the planning intention of Pak Sha O OZP (i.e. to conserve the high natural landscape and ecological significance of the Area in safeguarding the natural habitat and natural system of the wider area), CA opines that both Planning Department and TPB could act as a gatekeeper in earlier planning stage by preventing large-scale village expansion in ecologically-sensitive areas like Pak Sha O.

4. Implication on village expansion in AGR zone

Regarding the proposed AGR zone, we are in grave concern that it would only result in promoting small house application rather than genuine, sustainable farming practice. Indeed, most of the AGR zone is in Village Environ (Figure 6). Given the approval rate of over 60%⁸ for houses in AGR zone, it appears as if another land reserve for small house. This AGR zone should be deleted to kill the false hope of the developers and villagers.

5. Visual impact

We do not agree with the preliminary discussion in TPB meeting dated 13th November 2015 that the proposed V zone has considered potential visual impacts posed on the historic Pak Sha O village. The so-called “a dense woodland” that can act as a buffer between the existing village and the proposed V zone⁹ simply neglects other visually sensitive receivers. When we view the proposed V zone from the walking trail leading to the village (Figure 7) and the hiking trail linking Lo Fu Kei Shek and Shek Uk Shan (Figure 8), we think that the small house development is HIGHLY INCOMPATIBLE with the Country Park and pose significant visual impact on the area. To protect the village setting, TPB should not confine to the discussion to how wide the setback of the proposed V zone from the village cluster but consider the rural character and tranquil environment of Pak Sha O as a whole.

Referring to the case of Tai Long Wan OZP, there is precedent case for Planning Department

⁸ LCQ17: Land reserved for building New Territories small houses (6 Feb 2013)
http://gia.info.gov.hk/general/201302/06/P201302060426_0426_106939.pdf

⁹ Section 3.3, TPB Paper No. 10019

and TPB to adopt a conservation approach in planning Country Park enclave in view of the natural setting. The planning intention would be “*to preserve the natural environment, unspoiled landscape, historic buildings and the archaeological site with a view to strengthening the protection of the Area from encroachment by developments*”. While more restrictive clauses had been included in the V zone, the size of V zone had been substantially reduced to include existing structure. There is also implication that any new small house demands have to be met in Sai Kung “Heung” outside Tai Long Wan by cross-village applications. The above arrangement would help “*minimize the potential threats to the existing landscape quality and heritage value of the Area*” (TPB Paper No.5929).

The Planning Report of Pak Sha O has already outlined the landscape character of Pak Sha O. Pak Sha O is an outstanding, well-preserved vernacular Hakka village with graded historic buildings, such as Ho Residence, Ho Ancestral Hall (both in Grade 1), Immaculate Heart of Mary Chapel (Grade 3). It is also classified as of high quality landscape value of an enclosed, tranquil and coherent landscape character, according to the “*Landscape Value Mapping of Hong Kong (2005)*”¹⁰. Other important landscape resources include the woodlands, Hoi Ha EIS and its tributaries, low-lying freshwater marshes, and so on. The conservation approach adopted in Tai Long Wan, therefore, is applicable in Pak Sha O. We understand that currently the proposed V(1) zone aims at preserving the existing village setting, so what more effort needed now is to cut the V zone to avoid unnecessary development expectation in the area.

6. Flood risk

From the OZP, the proposed V zone is mostly encircled by the EIS. The proposed plan has not taken into consideration the threat of flooding for future residents during rainstorms.

Yours faithfully

Ng Hei Man

Assistant Campaign Manager

¹⁰ Section 3.3.4, Planning Report of Pak Sha O

Figure 1 The latest land ownership in the proposed V zone (checked in December 2015)

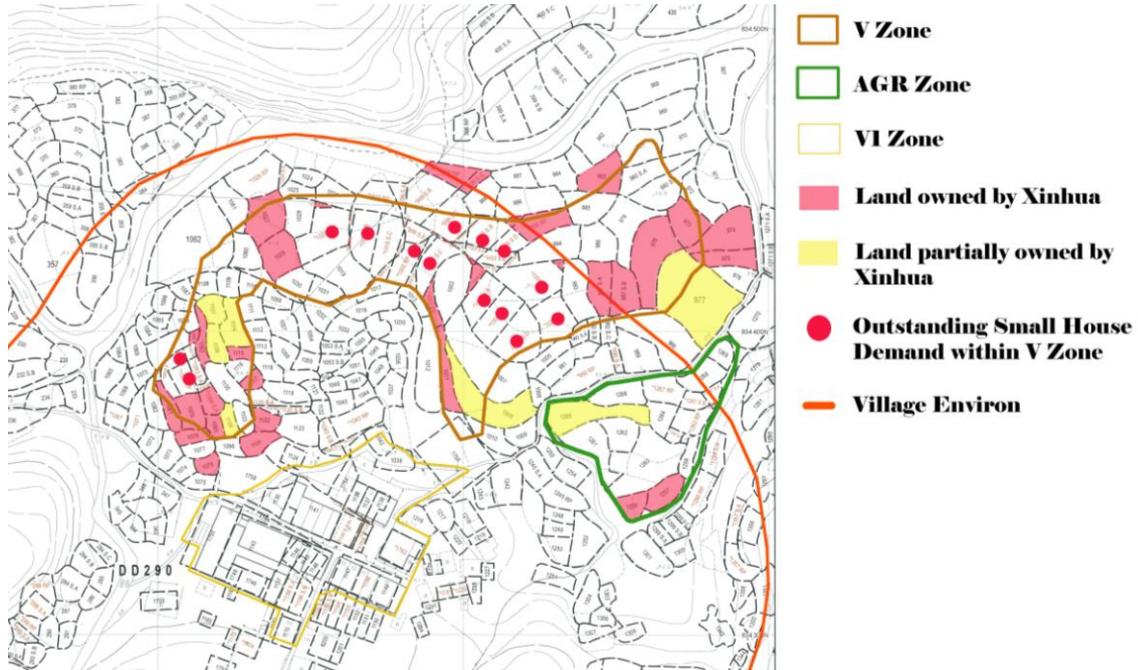


Figure 2 Land ownership in the proposed V zone in mid-2012

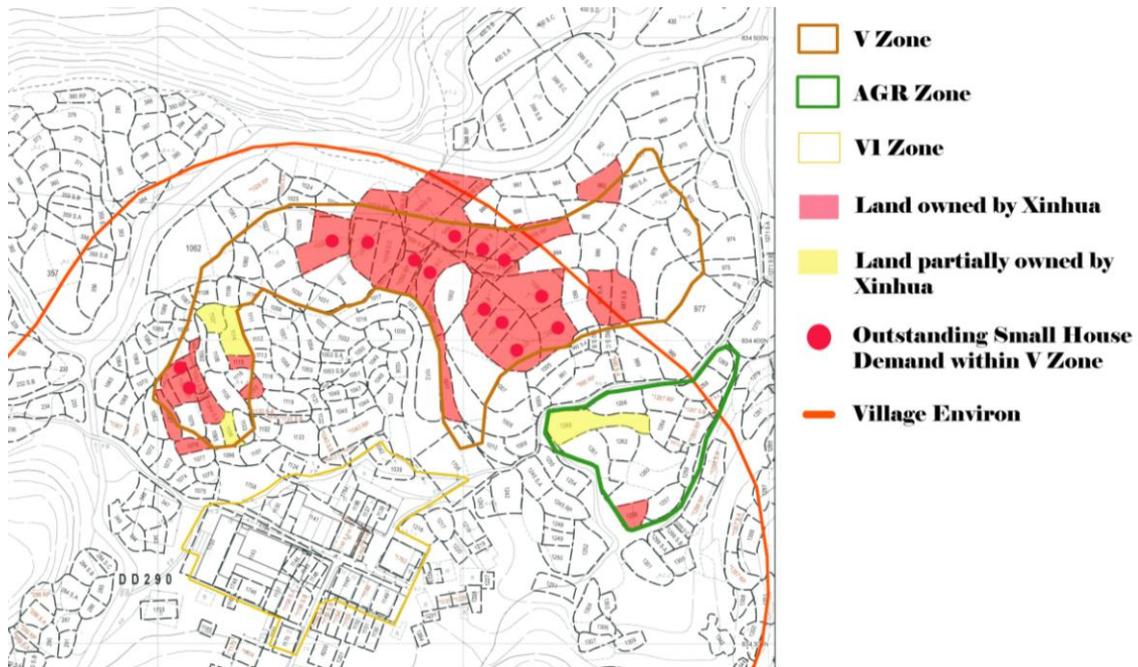


Figure 3 The Deed Poll by the developer dated 23rd May 2012. 11 (marked in red) out of 18 lots applied were within the proposed V zone

Premises affected by the Instrument 受文書影響的處所	
Property Reference Number 物業參考編號	
(1)C5919099	(2)C6621192
(8)C1858426	(9)C1857831
(15)C4879694	(16)C1859015
(3)C1857871	(4)C1857910
(10)C1857897	(11)C1857926
(17)C1859210	(18)C1859469
(5)C1858076	(6)C1858369
(12)C1857882	(13)C1858007
(7)C5769788	(14)C1858023
Lot Number(s) 地段編號	
(1)	LOT NO. 288 IN D.D. 290 be divided into :- - Section A of Lot No.288 in Demarcation District No.290 - The Remaining Portion of Lot No.288 in Demarcation District No.290
(2)	LOT NO. 289 IN D.D. 290 be divided into :- - Section A of Lot No.289 in Demarcation District No.290 - The Remaining Portion of Lot No.289 in Demarcation District No.290
(3)	THE REMAINING PORTION OF LOT NO. 999 IN D.D. 290 be divided into :- - Section A of Lot No.999 in Demarcation District No.290 - Section B of Lot No.999 in Demarcation District No.290 - Section C of Lot No.999 in Demarcation District No.290 - Section D of Lot No.999 in Demarcation District No.290 - Section E of Lot No.999 in Demarcation District No.290 - Section F of Lot No.999 in Demarcation District No.290 - Section G of Lot No.999 in Demarcation District No.290 - Section H of Lot No.999 in Demarcation District No.290 - The Remaining Portion of Lot No.999 in Demarcation District No.290
(4)	LOT NO. 1003 IN D.D. 290 be divided into :- - Section A of Lot No.1003 in Demarcation District No.290 - Section B of Lot No.1003 in Demarcation District No.290 - Section C of Lot No.1003 in Demarcation District No.290 - The Remaining Portion of Lot No.1003 in Demarcation District No.290
(5)	THE REMAINING PORTION OF LOT NO. 1026 IN D.D. 290 be divided into :- - Section A of Lot No.1026 in Demarcation District No.290 - The Remaining Portion of Lot No.1026 in Demarcation District No.290
(6)	LOT NO. 1080 IN D.D. 290 be divided into :- - Section A of Lot No.1080 in Demarcation District No.290 - The Remaining Portion of Lot No.1080 in Demarcation District No.290
(7)	LOT NO. 1093 IN D.D. 290 be divided into :- - Section A of Lot No.1093 in Demarcation District No.290 - The Remaining Portion of Lot No.1093 in Demarcation District No.290
(8)	LOT NO. 1094 IN D.D. 290 be divided into :- - Section A of Lot No.1094 in Demarcation District No.290 - The Remaining Portion of Lot No.1094 in Demarcation District No.290
(9)	LOT NO. 995 IN D.D. 290 be divided into :- - Section A of Lot No.995 in Demarcation District No.290 - Section B of Lot No.995 in Demarcation District No.290 - Section C of Lot No.995 in Demarcation District No.290 - Section D of Lot No.995 in Demarcation District No.290 - The Remaining Portion of Lot No.995 in Demarcation District No.290
(10)	LOT NO. 1001 IN D.D. 290 be divided into :- - Section A of Lot No.1001 in Demarcation District No.290 - Section B of Lot No.1001 in Demarcation District No.290 - Section C of Lot No.1001 in Demarcation District No.290 - The Remaining Portion of Lot No.1001 in Demarcation District No.290

Figure 3 (Con't)

Lot Number(s) 地段編號	
(11)	LOT NO. 1004 IN D.D. 290 be divided into :- - Section A of Lot No.1004 in Demarcation District No.290 - Section B of Lot No.1004 in Demarcation District No.290 - Section C of Lot No.1004 in Demarcation District No.290 - Section D of Lot No.1004 in Demarcation District No.290 - Section E of Lot No.1004 in Demarcation District No.290 - Section F of Lot No.1004 in Demarcation District No.290 - Section G of Lot No.1004 in Demarcation District No.290 - The Remaining Portion of Lot No.1004 in Demarcation District No.290
(12)	LOT NO. 1000 IN D.D. 290 be divided into :- - Section A of Lot No.1000 in Demarcation District No.290 - Section B of Lot No.1000 in Demarcation District No.290 - The Remaining Portion of Lot No.1000 in Demarcation District No.290
(13)	THE REMAINING PORTION OF LOT NO. 1018 IN D.D. 290 be divided into :- - Section A of Lot No.1018 in Demarcation District No.290 - Section B of Lot No.1018 in Demarcation District No.290 - Section C of Lot No.1018 in Demarcation District No.290 - Section D of Lot No.1018 in Demarcation District No.290 - The Remaining Portion of Lot No.1018 in Demarcation District No.290
(14)	LOT NO. 1020 IN D.D. 290 be divided into :- - Section A of Lot No.1020 in Demarcation District No.290 - Section B of Lot No.1020 in Demarcation District No.290 - The Remaining Portion of Lot No.1020 in Demarcation District No.290
(15)	LOT NO. 990 IN D.D. 290 be divided into :- - Section A of Lot No.990 in Demarcation District No.290 - The Remaining Portion of Lot No.990 in Demarcation District No.290
(16)	LOT NO. 1263 IN D.D. 290 be divided into :- - Section A of Lot No.1263 in Demarcation District No.290 - Section B of Lot No.1263 in Demarcation District No.290 - The Remaining Portion of Lot No.1263 in Demarcation District No.290
(17)	LOT NO. 1298 IN D.D. 290 be divided into :- - Section A of Lot No.1298 in Demarcation District No.290 - The Remaining Portion of Lot No.1298 in Demarcation District No.290
(18)	LOT NO. 1357 IN D.D. 290 be divided into :- - Section A of Lot No.1357 in Demarcation District No.290 - The Remaining Portion of Lot No.1357 in Demarcation District No.290

Figure 4 Brief records of Land Registry on the 10 land lots with outstanding small house demand

DD290	業主姓名 Name of Owner	文書日期 DATE OF INSTRUMENT	註冊日期 DATE OF REGISTRATION
995			
RP	Developer	21/07/2008 04/11/2009 17/05/2012 17/05/2012	14/8/2008 02/12/2009 24/05/2012 24/05/2012
SA	YIP	23/5/2012	1/6/2012
SB	HO	23/5/2012	1/6/2012
SC	Developer	21/07/2008 04/11/2009 17/05/2012 17/05/2012	14/8/2008 02/12/2009 24/05/2012 24/05/2012
SD	IP	23/5/2012	1/6/2012
999			
RP	Developer	16/2/2012	29/2/2012
SA	LAM	23/5/2012	1/6/2012
SB	WONG	23/5/2012	1/6/2012
SC	YIP	23/5/2012	1/6/2012
SD	YIP	23/5/2012	1/6/2012
SE	WONG	23/5/2012	1/6/2012
SF	HO	23/5/2012	1/6/2012
SG	Developer	16/2/2012	29/2/2012
SH	HO	23/5/2012	1/6/2012
1000			
RP	WONG	23/5/2012	1/6/2012
SA	YIP	23/5/2012	1/6/2012
SB	HO	23/5/2012	1/6/2012
1001			
RP	Developer	16/12/2009	15/1/2010
SA	Developer	16/12/2009	15/1/2010
SB	HO	23/5/2012	1/6/2012
SC	HO	23/5/2012	1/6/2012
1003			

RP	HO	23/5/2012	1/6/2012
SA	HO	23/5/2012	1/6/2012
SB	IP	23/5/2012	1/6/2012
SC	Developer	21/07/2008 04/11/2009 17/05/2012 17/05/2012	14/8/2008 02/12/2009 24/05/2012 24/05/2012
1004			
RP	HO	23/5/2012	1/6/2012
SA	Developer	21/07/2008 04/11/2009 17/05/2012 17/05/2012	14/8/2008 02/12/2009 24/05/2012 24/05/2012
SB	HO	23/5/2012	1/6/2012
SC	HO	23/5/2012	1/6/2012
SD	IP	23/5/2012	1/6/2012
SE	IP	23/5/2012	1/6/2012
SF	HO	23/5/2012	1/6/2012
SG	Developer	21/07/2008 04/11/2009 17/05/2012 17/05/2012	14/8/2008 02/12/2009 24/05/2012 24/05/2012
1018			
RP	LAM	23/5/2012	1/6/2012
SA	HO	23/5/2012	1/6/2012
SB	IP	23/5/2012	1/6/2012
SC	YIP	23/5/2012	1/6/2012
SD	WONG	23/5/2012	1/6/2012
1020			
RP	HO	23/5/2012	1/6/2012
SA	Developer	21/07/2008 04/11/2009 17/05/2012 17/05/2012	14/8/2008 02/12/2009 24/05/2012 24/05/2012
SB	Developer	21/07/2008 04/11/2009 17/05/2012 17/05/2012	14/8/2008 02/12/2009 24/05/2012 24/05/2012
1080			
RP	IP	23/5/2012	1/6/2012
SA	HO	23/5/2012	1/6/2012

1093			
RP	HO	23/5/2012	1/6/2012
SA	IP	23/5/2012	1/6/2012

Figure 6 Most of the area zoned AGR (shaded in green) are within Village Environ

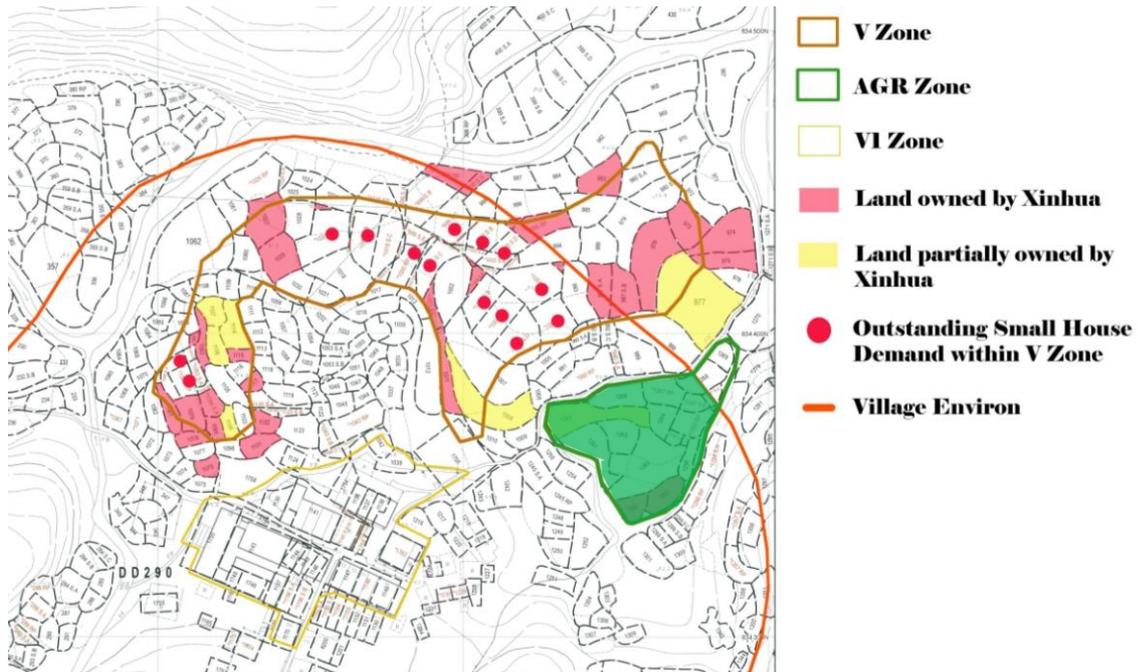


Figure 7 Viewing the proposed V zone (circled in red) at the walking trail leading to Pak Sha O village



Figure 8 Photomontage: Viewing the proposed V zone at the hiking trail linking Lo Fu Kei Shek and Shek Uk Shan

