

Consultation of Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/1

1. Purpose

The purpose of this paper is to consult the Tuen Mun District Council on the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/1 together with its Notes and Explanatory Statement (the draft plan).

2. Background

2.1 In October to November 2013, this Office consulted the Village Representative of Tin Fu Chai, the Tuen Mun Rural Committee, the Tuen Mun District Council, and the Town Planning and Development Committee of the Yuen Long District Council on the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/B. Views from other persons were also received. This Office submitted the views to the Town Planning Board on 6 December 2013 for its consideration.

2.2 After consideration, the Town Planning Board designated “Village Type Development” zones having regard to the private land with house/building status within the planning scheme area (the Area).

3. General Planning Intention

The Area is completely encircled by Tai Lam Country Park and is rural and natural in character. It forms an integral part of the natural habitats/system of the adjoining Tai Lam Country Park. The general planning intention for the Area is to conserve the natural habitats, landscape resources and rural and natural character of the Area. Developments which would cause adverse impacts on the water quality and water resources of the water gathering ground are not encouraged.

4. Land Use Zonings

4.1 Village Type Development – Total area: 0.41 ha

“Village Type Development” zone is designated having regard to the private land with house/building status. Land within this zone is primarily intended for redevelopment of Small Houses by indigenous villagers.

4.2 Conservation Area – Total area: 1.04 ha

A wooded area with higher conservation value in the northwestern part of the Area is within this zone.

4.3 Green Belt – Total area: 53.05 ha

Apart from the wooded area with higher conservation value in the northwestern part of the Area and the areas zoned “Village Type Development”, all areas are within this zone. It also provides a buffer

between the areas zoned “Village Type Development” and Tai Lam Country Park.

- 4.4 According to the covering Notes of the draft plan, rebuilding of New Territories Exempted House (including Small House) and replacement of existing domestic building by New Territories Exempted House (including Small House) within “Green Belt” zone are always permitted.

5. Giving Views

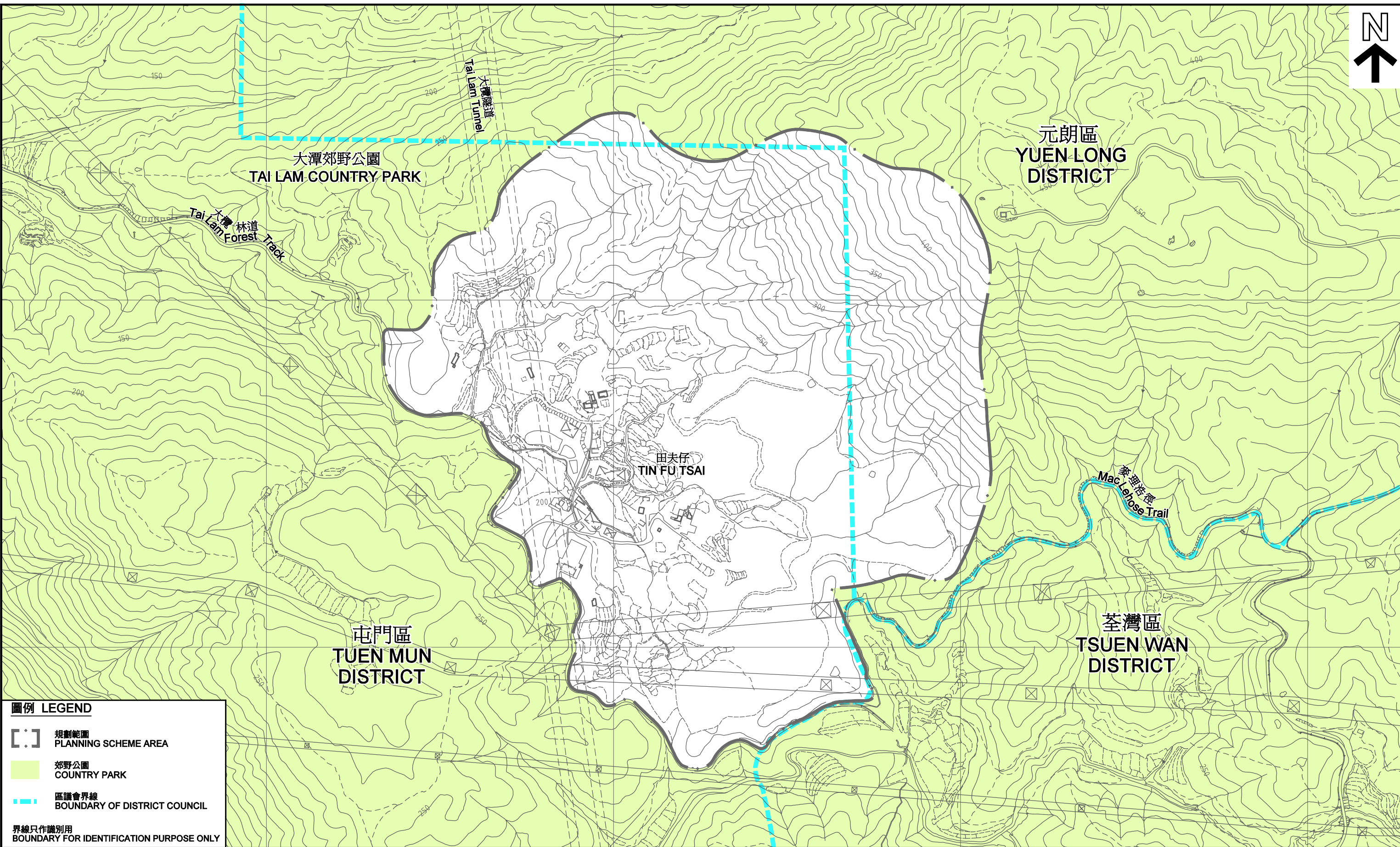
- 5.1 Pursuant to section 5 of the Town Planning Ordinance, the draft plan has been exhibited on 20 December 2013 for a period of two months to 20 February 2014. During this period, the draft plan is deposited at the Secretariat of the Town Planning Board, the Planning Enquiry Counters in North Point and Sha Tin, the Tuen Mun and Yuen Long District Planning Office, the Tuen Mun District Office, the Yuen Long District Office, and the Tuen Mun Rural Committee for public inspection during normal office hours. The draft plan can also be viewed on the Town Planning Board’s website (<http://www.info.gov.hk/tpb>).
- 5.2 If the Tuen Mun District Council or its members has/have views, please send representation in writing to the Secretary, Town Planning Board, 15th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong **on or before 20 February 2014**. The representation shall indicate:
- (a) the particular matter in the draft plan to which the representation relates;
 - (b) the nature of and reasons for the representation; and
 - (c) the amendments (if any) proposed to the draft plan.

6. Attachments

Plan 1 District Council Boundary

Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/1 together with its Notes and Explanatory Statement

**Tuen Mun and Yuen Long District Planning Office
Planning Department
December 2013**



區議會界線
BOUNDARY OF DISTRICT COUNCIL

田夫仔
TIN FU TSAI

SCALE 1 : 5 000 比例尺

米 100 0 100 200 米
METRES

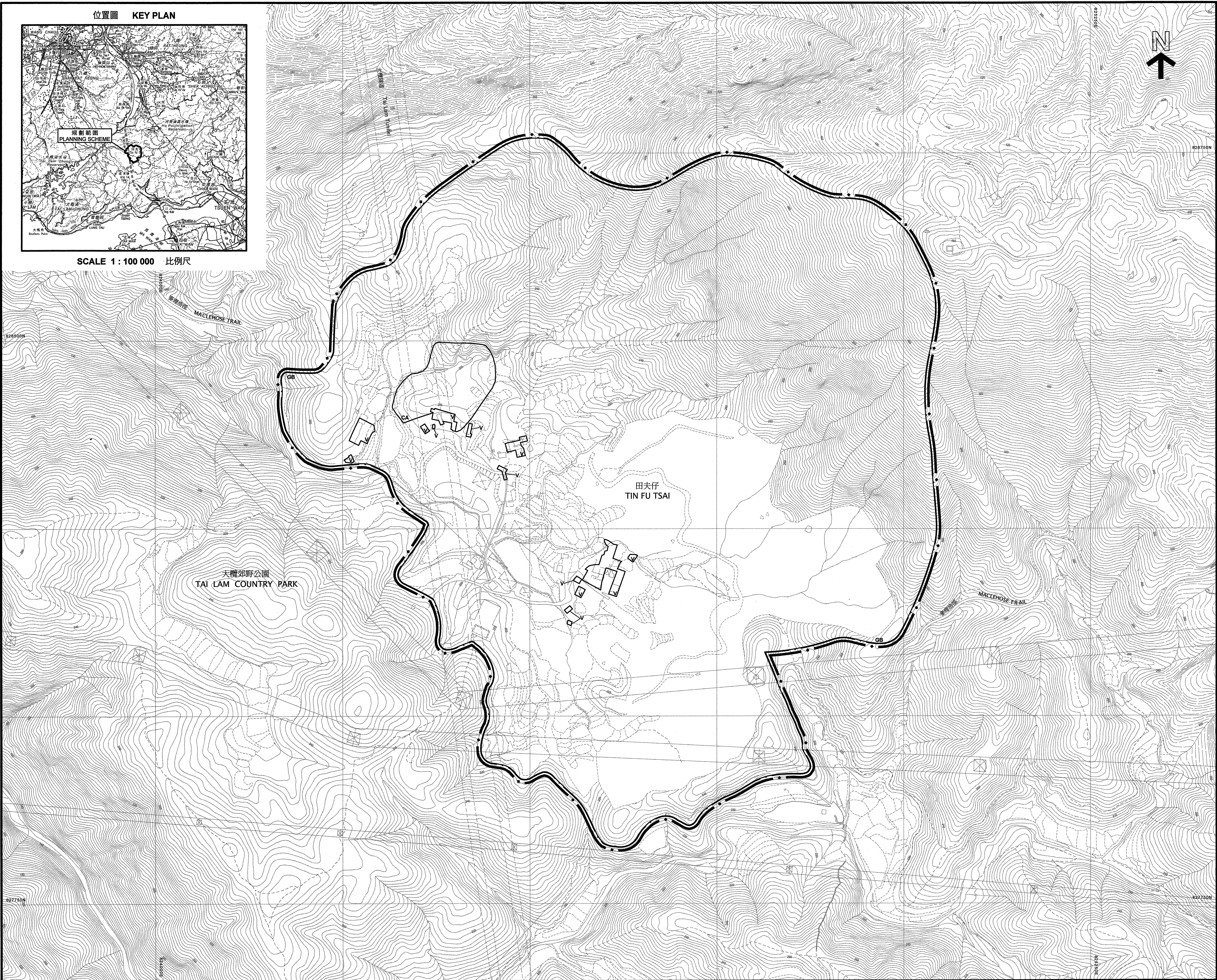
規劃署
PLANNING DEPARTMENT



參考編號 REFERENCE No.
M/TM/13/241

圖 PLAN
1

本摘要圖於2013年12月17日擬備，所根據的
資料為測量圖編號 6-SE-1D, 2C, D, 3C, 6B,
7A, B, C, D 和 8A
EXTRACT PLAN PREPARED ON 17.12.2013
BASED ON SURVEY SHEETS No.
6-SE-1D, 2C, D, 3C, 6B, 7A, B, C, D & 8A



SCALE 1 : 100 000 比例尺

圖例
NOTATION

ZONES		地帶
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GREEN BELT	GB	綠化地帶
CONSERVATION AREA	CA	自然保育區
MISCELLANEOUS		其他
BOUNDARY OF PLANNING SCHEME	— + —	規劃範圍界線
BOUNDARY OF COUNTRY PARK / SPECIAL AREA	— . —	郊野公園 / 特別地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分比 APPROXIMATE AREA & %			用途
	公頃 HECTARES	%	百分比	
VILLAGE TYPE DEVELOPMENT	0.41	0.75		鄉村式發展
GREEN BELT	53.05	97.34		綠化地帶
CONSERVATION AREA	1.04	1.91		自然保育區
TOTAL PLANNING SCHEME AREA	54.50	100.00		規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

2013年12月20日 按照城市規劃條例第5條展示的
草圖
DRAFT PLAN EXHIBITED UNDER SECTION 5 OF THE TOWN
PLANNING ORDINANCE ON 20 DECEMBER 2013

Ophelia Y. S. WONG 黃婉嫻
SECRETARY
TOWN PLANNING BOARD
城市規劃委員會秘書

香港城市規劃委員會依據城市規劃條例擬備的田夫仔分區計劃大綱圖
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
TIN FU TSAI - OUTLINE ZONING PLAN

SCALE 1:2500 比例尺
米 METRES 50 0 100 200 300 400 METRES 米

規劃署遵照城市規劃委員會指示擬備
PREPARED BY THE PLANNING DEPARTMENT UNDER
THE DIRECTION OF THE TOWN PLANNING BOARD



圖則編號
PLAN No. S/TM-TFT/1

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/1

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan.)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the draft development permission area plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
- (6) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.

- (7) Boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (9) in relation to areas zoned “Conservation Area”:
 - (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted House;
 - (f) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House; and
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
- (9) In areas zoned “Conservation Area”,
 - (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
 - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (iii) provision of amenity planting by Government; and

- (b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.

- (10) (a) Except in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

- (b) Except as otherwise provided in paragraph (10)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Conservation Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

- (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.

- (11) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.

- (12) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

“Existing building” means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

“New Territories Exempted House” means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as ‘Shop and Services’ or ‘Eating Place’, the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/1

Schedule of Uses

	<u>Page</u>
Village Type Development	1
Green Belt	2
Conservation Area	4

VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use	Eating Place
Government Use (Police Reporting Centre, Post Office only)	Government Refuse Collection Point
House (New Territories Exempted House only)	House (not elsewhere specified)
On-Farm Domestic Structure	Residential Institution #
Religious Institution (Ancestral Hall only)	Shop and Services
Rural Committee/Village Office	Social Welfare Facility #
	Utility Installation for Private Project

Planning Intention

The planning intention of this zone is to reflect the existing recognized village. Land within this zone is primarily intended for redevelopment of Small Houses by indigenous villagers.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of stream, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Public Convenience Wild Animals Protection Area	Animal Boarding Establishment Barbecue Spot Broadcasting, Television and/or Film Studio Burial Ground Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Picnic Area Place of Recreation, Sports or Culture Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Tent Camping Ground Utility Installation for Private Project

(Please see next page)

GREEN BELT (Cont'd)

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

Remarks

Any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

CONSERVATION AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use (other than Plant Nursery) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area	Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (Redevelopment only) Public Convenience Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/1
EXPLANATORY STATEMENT

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/1

EXPLANATORY STATEMENT

<u>CONTENTS</u>	<u>Page</u>
1. INTRODUCTION	1
2. AUTHORITY FOR THE PLAN AND PROCEDURE	1
3. OBJECT OF THE PLAN	1
4. NOTES OF THE PLAN	2
5. THE PLANNING SCHEME AREA	2
6. POPULATION	3
7. OPPORTUNITIES AND CONSTRAINTS	3
8. GENERAL PLANNING INTENTION	5
9. LAND USE ZONINGS	5
9.1 Village Type Development	5
9.2 Green Belt	6
9.3 Conservation Area	6
10. TRANSPORT AND COMMUNICATION	7
11. UTILITY SERVICES	7
12. IMPLEMENTATION	8
13. PLANNING CONTROL	8

DRAFT TIN FU TSAI OUTLINE ZONING PLAN NO. S/TM-TFT/1

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note: For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/1. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 13 December 2010, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Tin Fu Tsai area as a development permission area (DPA).
- 2.2 On 7 January 2011, the draft Tin Fu Tsai DPA Plan No. DPA/TM-TFT/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.3 On 6 December 2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Tin Fu Tsai DPA Plan, which was subsequently renumbered as DPA/TM-TFT/2. On 16 December 2011, the approved Tin Fu Tsai DPA Plan No. DPA/TM-TFT/2 was exhibited for public inspection under section 9(5) of the Ordinance.
- 2.4 On 30 January 2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an outline zoning plan for the Tin Fu Tsai area.
- 2.5 On 20 December 2013, the draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/1 (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land use zonings for Tin Fu Tsai area so that development and redevelopment within the area can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and control only. It is a small scale plan and the boundaries between the land use zones may be subject to minor adjustments as detailed planning proceeds.

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the planning scheme area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land use planning and control of developments to meet the changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

5. THE PLANNING SCHEME AREA

- 5.1 The planning scheme area (the Area) is located at Tin Fu Tsai and covers an area of about 54.50 ha. It is completely encircled by Tai Lam Country Park. It is about 1.7 kilometres (km) to the southwest of Ho Pui Irrigation Reservoir, and about 1.8 km to the east of the upper end of Tai Lam Chung Reservoir and Kat Hing Bridge. Tai Lam Tunnel runs through the western part of the Area underground in a north-south direction. The Area falls mainly within the Tuen Mun district, and partly within the Yuen Long district. The boundary of the Area is shown by a heavy broken line on the Plan.
- 5.2 The Area is rural and natural in character. It is surrounded by vegetated hill slopes of Tai Lam Country Park. The eastern, southern and central parts of the Area mainly comprise flat or gently sloping land with orchards/planted trees and some fallow agricultural land covered with trees, shrubs and grass. The western part of the Area comprises gentle slopes with trees at the periphery. In the northwestern part of the Area, along the toe of the hill slopes is a woodland, and some of the trees are on previously fallow agricultural land. The woodland extends to the upper and steeper hill slopes in the northwestern part of the Area. The northern and northeastern parts of the Area comprise steeper naturally vegetated hill slopes rising to a higher altitude. The higher hill slopes are generally covered by shrubs and grass, while trees concentrate at the toe of these hill slopes and along the streams flowing down these slopes. These streams converge to a west-flowing branched watercourse near the central and at the southwestern parts of the Area. A few ponds are near the watercourse at the southwestern part of the Area. The southwestern part of the Area has generally been used for an outdoor training centre. Some war game areas stretch from the southwestern part to the northwestern part of the Area. A few village type houses are in the Area. Some cultivated land is at the southwestern part of the Area. An ancestral hall is in the northwestern part of the Area.

- 5.3 Tin Fu Chai (as per the List of Recognized Villages under the New Territories Small House Policy published by the Lands Department), a pre-1898 recognized village, is located within the Area.
- 5.4 The Area is within a gazetted water gathering ground. According to the Water Supplies Department, the water gathering ground in which the Area locates is classified as upper direct water gathering ground of Tai Lam Chung Reservoir, where water would flow into the reservoir direct. Part of a permitted burial ground is at the northwestern periphery of the Area. In recognition of the traditional burial right of indigenous villagers, that part of burial ground within the Area has been preserved.

6. POPULATION

- 6.1 According to the estimate of the Planning Department, the population of the Area in 2013 is about 20 persons.
- 6.2 It is estimated that the planned population for the Area would be about 560 persons due to redevelopment of village type houses. There is no definite programme for the anticipated level of population built-up and the planned population growth will be in the long-term.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

- 7.1.1 The Area is of rural and natural character and with high landscape value and tranquil environment. According to the Landscape Value Mapping of Hong Kong (2005), the Area is of upland countryside landscape character and the landscape value of the Area is generally rated “High” and “High (Qualified)”. Opportunities should be taken to preserve the rural and natural character as well as the landscape of the Area.
- 7.1.2 According to the Agriculture, Fisheries and Conservation Department, the habitats in the northwestern part of the Area are largely natural. A wooded area to the north of an ancestral hall is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a ‘fung shui’ wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. Although the understory has been disturbed and signs of war game are noted, the ecological value of the wooded area should recover overtime. This wooded area is of higher conservation value. There is an opportunity to conserve the natural habitats and the wooded area in the northwestern part of the Area.
- 7.1.3 In addition, other areas with dense tree cover, especially at the periphery of the Area, and the vegetated hillsides with natural streams and diverse aquatic vegetation should be protected as advised by the Agriculture, Fisheries and Conservation Department.

7.2 Constraints

- 7.2.1 The Area is completely encircled by Tai Lam Country Park. The vehicular access to the Area is through Tai Lam Forest Track, which is a restricted road managed by the Agriculture, Fisheries and Conservation Department. The section of Tai Lam Forest Track near the Area also forms a section of MacLehose Trail and mountain bike trail for recreation purposes. The section of Tai Lam Forest Track concerned is narrow and without footway. Increased vehicular traffic would cause conflict with the recreation use and safety concerns.
- 7.2.2 The Area is not provided with public water supplies, drainage and sewerage systems. Uses and developments within the Area should pay due regard to these infrastructure constraints.
- 7.2.3 The Area is within an upper direct water gathering ground of Tai Lam Chung Reservoir. According to the Water Supplies Department, Tai Lam Chung Reservoir is a very important reservoir in Hong Kong and pollution of this reservoir will have serious consequences. New development within the Area should be strictly controlled in order to avoid any possible water pollution so as to safeguard the quality of the water sources of the Area. The Water Supplies Department does not support new village type development. According to the Environmental Protection Department, in general the use of septic tank and soakaway systems for sewage treatment and disposal are not considered acceptable for new village type developments within water gathering ground, especially for sites in close proximity to existing stream courses. For New Territories Exempted House/Small House redevelopment, the design and construction of sewage disposal facilities need to comply with relevant standards and regulations, such as the Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93, for protection of the water quality of the Area.
- 7.2.4 There is natural terrain around the Area. Natural terrain is also present in the northern and northeastern parts of the Area. These parts of the Area also comprise steep natural hillsides with past occurrence of landslides. Developments in these parts of the Area are potentially subject to natural terrain hazards. Natural terrain hazard study may be required and suitable hazard mitigation measures shall be provided, if found necessary, as part of the developments. For developments to be located only on the relatively flat areas close to these steep natural hillsides, it is considered that natural terrain hazard study should be extended to cover the steep natural hillsides.
- 7.2.5 There are 400 kV overhead power lines at the southern part of the Area. Uses and developments within the Area should pay due regard to the high voltage overhead power lines.

7.2.6 Tai Lam Tunnel runs in a generally north-south direction across the western part of the Area. Uses and developments shall not affect Tai Lam Tunnel.

7.2.7 Part of a permitted burial ground is at the northwestern periphery of the Area and the remaining part of it is within Tai Lam Country Park. The area occupied by the burial ground is not suitable for development.

8. GENERAL PLANNING INTENTION

The Area is completely encircled by Tai Lam Country Park and is rural and natural in character. It forms an integral part of the natural habitats/system of the adjoining Tai Lam Country Park. The general planning intention for the Area is to conserve the natural habitats, landscape resources and rural and natural character of the Area. Developments which would cause adverse impacts on the water quality and water resources of the water gathering ground are not encouraged.

9. LAND USE ZONINGS

9.1 Village Type Development ("V"): Total area: 0.41 ha

9.1.1 The planning intention of this zone is to reflect the existing recognized village. Land within this zone is primarily intended for redevelopment of Small Houses by indigenous villagers.

9.1.2 The boundary of the "V" zone is drawn up having regard to the private land with house/building status.

9.1.3 Except for those specified, developments and redevelopments within this zone are restricted to a maximum building height of 3 storeys (8.23 m) or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.

9.1.4 As diversion of stream may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.1.5 In accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005, under the current administrative practice, for development proposals/submissions that may affect natural streams/rivers, the approving/processing authorities at various stages of the development should consult and collate comments from the Agriculture, Fisheries and Conservation Department and relevant authorities and incorporate relevant comments/advice as conditions of approval where possible. Accordingly, the Lands Department when processing New Territories Exempted House/Small House applications in close proximity to

existing streams, should consult relevant departments and ensure that relevant departments would have adequate opportunity to review and comment on the applications.

- 9.1.6 There is no existing or proposed public sewer in the Area. For New Territories Exempted House/Small House redevelopment, the design and construction of sewage disposal facilities need to comply with relevant standards and regulations, such as the Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93, for protection of the water quality of the Area.

9.2 Green Belt (“GB”): Total area: 53.05 ha

- 9.2.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 9.2.2 Apart from the wooded area with higher conservation value in the northwestern part of the Area and the areas zoned “V”, all areas are within this zone. This zone also covers part of a permitted burial ground intended to provide burial places for indigenous villagers, which is at the northwestern periphery of the Area. The provision of grave of indigenous New Territories villager within the permitted burial ground is always permitted according to the covering Notes. The “GB” zone also provides a buffer between the areas zoned “V” and the Tai Lam Country Park.
- 9.2.3 Since there is a general presumption against development within this zone, development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines.
- 9.2.4 As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.3 Conservation Area (“CA”): Total area: 1.04 ha

- 9.3.1 This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or

scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

- 9.3.2 A wooded area in the northwestern part of the Area with dense trees is within this zone. According to the Agriculture, Fisheries and Conservation Department, the habitats in this area are largely natural. The wooded area within this zone is dominated by *Celtis sinensis* and *Machilus pauhoi* and believed to be the remnant of a 'fung shui' wood. Numerous individuals of *Pavetta hongkongensis*, which is a species protected under the Forests and Countryside Ordinance (Cap. 96), are also recorded there. This wooded area is of higher conservation value.
- 9.3.3 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. The redevelopment of existing houses shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA plan.
- 9.3.4 Diversion of stream, filling of land/pond or excavation of land may cause adverse drainage impact on the adjacent areas and adverse impacts on the natural environment. In view of the conservation value of the area within this zone, permission from the Board is required for such activities.

10. **TRANSPORT AND COMMUNICATION**

Road Network and Footpath

The Area is accessible through the paved Tai Lam Forest Track. The track runs through Tai Lam Country Park and a section of it is along the southern and southwestern edges of the Area. Tai Lam Forest Track is a restricted vehicular access managed by the Agriculture, Fisheries and Conservation Department. The track also forms a section of the MacLehose Trail and mountain bike trail. In addition, there are waterworks access roads in the vicinity. The waterworks access roads are restricted vehicular accesses constructed and maintained by the Water Supplies Department solely for inspection and maintenance of waterworks. The waterworks access roads are not constructed to public road standard and the Water Supplies Department has no plan to upgrade or improve them.

11. **UTILITY SERVICES**

There are no public fresh/potable and salt water supplies to the Area. There are also no public drainage and sewerage systems in the Area. Electricity supply and limited fixed line telecommunication services are available in the Area. Town gas supply is not available.

12. IMPLEMENTATION

- 12.1 The Plan provides a broad land use framework for development control and implementation of planning proposals. More detailed plans would be prepared when required as a basis for public works planning and private developments.
- 12.2 At present there is no overall programme for the provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both the public and private sectors.
- 12.3 Notwithstanding the above, minor improvement works, e.g. laying of utility services, will be implemented through the Public Works Programme, the Rural Public Works, and the Local Public Works subject to priority and resources availability. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned use indicated on the Plan, provided that their proposals meet Government requirements.

13. PLANNING CONTROL

- 13.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- 13.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 13.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the planning applications, will take into account all relevant planning considerations including the guidelines published by the Board. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, and the Technical Services Division and relevant District Planning Office of the Planning Department.

Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.

- 13.4 Any development, other than those referred to in paragraph 13.1 above or in conformity with the Plan or with the permission of the Board, undertaken or continued on land included in the Plan on or after the date of the first publication in the Gazette of the notice of the draft DPA plan may be subject to enforcement proceedings under the Ordinance. Any diversion of stream, filling of land/pond or excavation of land in the relevant zones on or after the date of the first publication in the Gazette of the notice of the draft DPA plan without permission from the Board may also be subject to enforcement proceedings. Moreover, there is a presumption against diversion of stream and filling of pond for temporary use or development in conservation-related zonings, such as “Conservation Area”.

**TOWN PLANNING BOARD
DECEMBER 2013**