

APPROVED PAK SHA O OUTLINE ZONING PLAN NO. S/NE-PSO/2

Notes

Schedule of Uses

Explanatory Statement

APPROVED PAK SHA O OUTLINE ZONING PLAN NO. S/NE-PSO/2

(Being an Approved 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) Alignment of roads and 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) in the Remarks in the Notes of the zone or (c) 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; and
 - (e) 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) In any area shown as ‘Road’, all uses or developments except those specified in paragraphs (8)(a) to (8)(e) above and those specified below require permission from the Town Planning Board:

road and on-street vehicle park.

- (11) (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 (11)(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.

- (12) 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) 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).

APPROVED PAK SHA O OUTLINE ZONING PLAN NO. S/NE-PSO/2

Schedule of Uses

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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 Government Use (Police Reporting Centre, Post Office only) On-Farm Domestic Structure Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Eating Place Flat Government Refuse Collection Point Government Use (not elsewhere specified) # Hotel (Holiday House only) House (New Territories Exempted House only) Institutional Use (not elsewhere specified) # Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Utility Installation # Religious Institution (not elsewhere specified) # Residential Institution # School # Shop and Services Social Welfare Facility # Utility Installation for Private Project

Planning Intention

The planning intention of this zone is to preserve the vernacular Hakka village setting of the existing Pak Sha O and Pak Sha O Ha Yeung villages and designate area of land considered suitable for village expansion in harmony with the surroundings. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected community uses serving the needs of the villagers and not adversely affecting character of the villages are always permitted. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

(Please see next page)

VILLAGE TYPE DEVELOPMENT (Cont'd)

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 (8.23m) 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) On land designated “Village Type Development(1)”, any demolition of or addition, alteration and/or modification to or replacement/redevelopment of an existing building, i.e. a building which was in existence on the date of first publication in the Gazette of the notice of the draft development permission area plan, requires planning permission from the Town Planning Board.
- (c) 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.
- (d) Any diversion of streams or filling of land/pond, 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 or repair 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.

GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Ambulance Depot Animal Quarantine Centre (in Government building only) Broadcasting, Television and/or Film Studio Eating Place (Canteen, Cooked Food Centre only) Educational Institution Exhibition or Convention Hall Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Hospital Institutional Use (not elsewhere specified) Library Market Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Transport Terminus or Station Public Utility Installation Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution Research, Design and Development Centre Rural Committee/Village Office School Service Reservoir Social Welfare Facility Training Centre Wholesale Trade	Animal Boarding Establishment Animal Quarantine Centre (not elsewhere specified) Columbarium Correctional Institution Crematorium Driving School Eating Place (not elsewhere specified) Funeral Facility Holiday Camp House Off-course Betting Centre Office Petrol Filling Station Place of Entertainment Private Club Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Residential Institution Sewage Treatment/Screening Plant Shop and Services Utility Installation for Private Project Zoo

(Please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (Cont'd)

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height in terms of number of storeys as stipulated on the Plan, 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.

AGRICULTURE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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<p>Agricultural Use Government Use (Police Reporting Centre only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office</p>	<p>Animal Boarding Establishment Barbecue Spot Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (New Territories Exempted House only) Picnic Area Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only) Public Utility Installation Religious Institution (not elsewhere specified) School Utility Installation for Private Project</p>
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Planning Intention

This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

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AGRICULTURE (Cont'd)

Remarks

Any diversion of streams or filling of land/pond, 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 or repair 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. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:

- (i) laying of soil not exceeding 1.2m in thickness for cultivation; or
- (ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

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 Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House Petrol Filling Station 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 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 streams, 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 or repair 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)	Barbeque Spot
Nature Reserve	Field Study/Education/Visitor Centre
Nature Trail	Government Refuse Collection Point
On-Farm Domestic Structure	Government Use (not elsewhere specified)
Picnic Area	House (Redevelopment only)
Wild Animals Protection Area	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.

(Please see next page)

CONSERVATION AREA (Cont'd)

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 streams, 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.

APPROVED PAK SHA O OUTLINE ZONING PLAN NO. S/NE-PSO/2

EXPLANATORY STATEMENT

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EXPLANATORY STATEMENT

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APPROVED PAK SHA O OUTLINE ZONING PLAN NO. S/NE-PSO/2

(Being an Approved 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 approved Pak Sha O Outline Zoning Plan (OZP) No. S/NE-PSO/2. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land-use zonings of the plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 31 October 2012, under the power delegated by the Chief Executive (CE), the Secretary for Development (SDEV) directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a Development Permission Area (DPA) Plan for the Pak Sha O area.
- 2.2 On 7 December 2012, the draft Pak Sha O DPA Plan No. DPA/NE-PSO/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, 41 representations were received. On 1 March 2013, the Board published the representations for public comment. In the first three weeks of the publication period, 20 comments were received. After giving consideration to the representations and comments on 26 July 2013, the Board decided to partially uphold 36 representations by proposing amendments to the Notes of the DPA Plan stipulating that ‘House’ and any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “Village Type Development” (“V”) zone required planning permission from the Board. On 9 August 2013, the proposed amendments to the draft DPA Plan were published under section 6C(2) of the Ordinance. Upon the expiry of the three-week publication period of the proposed amendments to the draft DPA Plan, a total of four valid further representations were received. After giving consideration to the further representations and the related representations and comments under section 6F(1) of the Ordinance on 4 October 2013, the Board decided not to uphold the further representations and to amend the draft DPA Plan by the proposed amendments. In accordance with section 6H of the Ordinance, the draft DPA Plan should hereafter be read as including the above amendments.
- 2.3 On 7 January 2014, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft Pak Sha O DPA Plan, which was subsequently renumbered as DPA/NE-PSO/2. On 17 January 2014, the approved Pak Sha O DPA Plan No. DPA/NE-PSO/2 was exhibited for public inspection under section 9(5) of the Ordinance.

- 2.4 On 22 May 2015, under the power delegated by the CE, the SDEV directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Pak Sha O area.
- 2.5 On 4 December 2015, the draft Pak Sha O OZP No. S/NE-PSO/1 was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, a total of 1,806 valid representations were received. On 5 April 2016, the representations were published for three weeks for public comment and a total of 36 comments on the representations were received. After giving consideration to the representations and comments on 22 July 2016, the Board decided to partially uphold 1,292 representations by amending the Notes of the draft OZP to the effect that any new New Territories Exempted House (NTEH) in the “V” zone would require planning permission from the Board. The Board also considered that the Explanatory Statement of the draft OZP should be suitably amended to explain the planning intention of “V” zone. On 19 August 2016, the Board considered and agreed the revisions to the Schedule of Uses and the planning intention of the “V” zone to that effect and also the revision to the Remarks of the “V” zone by incorporating restriction on filling of land in the zone and removing exemption of rebuilding works from the restriction on diversion of streams or filling of land/pond; as well as the corresponding revisions to the Covering Notes, Schedule of Uses and/or Remarks of the “Government, Institution or Community” (“G/IC”), “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones.
- 2.6 On 5 September 2016, the CE, under section 8(2) of the Ordinance, agreed to extend the statutory time limit for the Board to submit the draft OZP to the CE in C for approval for a period of six months from 4 November 2016 to 4 May 2017.
- 2.7 On 9 September 2016, the proposed amendments to the draft OZP were published under section 6C(2) of the Ordinance. Upon the expiry of the three-week publication period of the proposed amendments to the draft OZP, a total of two valid further representations were received. After giving consideration to the further representations and the related representations and comments under section 6F(1) of the Ordinance on 10 February 2017, the Board decided not to uphold the further representations and to amend the draft OZP by the proposed amendments. In accordance with section 6H of the Ordinance, the draft OZP should hereafter be read as including the above amendments.
- 2.8 On 25 April 2017, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Pak Sha O OZP, which was subsequently renumbered as S/NE-PSO/2. On 5 May 2017, the approved Pak Sha O OZP No. S/NE-PSO/2 (the Plan) was exhibited for public inspection under section 9(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 the area of Pak Sha O so that development and redevelopment within the area of Pak Sha O 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 planning control only. It is a small-scale plan and the road alignments and boundaries between the land-use zones may be subject to minor alterations 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 (the 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 development 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 Area, covering a total land area of about 33.27 ha, is located at the northern part of the Sai Kung Peninsula. It is encircled by Sai Kung West (SKW) Country Park with Hoi Ha Wan (HHW) Marine Park to its further north. The Area falls entirely within the upper indirect water gathering ground (WGG). The boundary of the Area is shown by a heavy broken line on the Plan.
- 5.2 The Area is rural in character comprising mainly regenerated woodlands from abandoned agricultural land, dense native woodlands and freshwater marshes. Surrounded by SKW Country Park, it is situated along the eastern part of a narrow valley in between Mount Hallows and Shek Uk Shan running towards HHW. The central part of the Area mainly comprises low-lying agricultural land, freshwater marshes, shrublands and woodlands that extend towards the fringe of the Area connecting with the well-established vegetation cover of SKW Country Park.
- 5.3 Agricultural activities were widely undertaken in the whole valley area in the 1960s and 1970s but diminished from the 1980s. Recently, some agricultural land to the north of the village cluster at Pak Sha O has been rehabilitated for active agricultural use. There are stream courses and irrigation systems in the Area running from west to east. The Hoi Ha Ecologically Important Stream (EIS), about 1.4 km in length, and its tributaries feed the surrounding low-lying agricultural lands and regenerated woodlands and some natural freshwater marshes before flowing into HHW.

- 5.4 Pak Sha O and Pak Sha O Ha Yeung are the two recognized villages in the Area. According to the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD), the two villages are outstanding vernacular Hakka villages which are well preserved with a number of interesting historical and cultural heritage buildings, including Ho Residence and Ho Ancestral Hall (Grade 1) and Immaculate Heart of Mary Chapel (Grade 3) at Pak Sha O and King Siu Sai Kui and Hau Fuk Mun (proposed Grade 1) at Pak Sha O Ha Yeung. Some nicely restored old village houses with landscape gardens can also be found in these villages.
- 5.5 The Area is accessible by vehicles via Hoi Ha Road connecting to Pak Tam Road, and a number of hiking trails from Pak Tam Chung, some of which are connected to HHW to the further north. Whilst there is no direct vehicular access to the village clusters of Pak Sha O and Pak Sha O Ha Yeung, there is a walking trail off Hoi Ha Road leading to the two villages. Pak Sha O Youth Hostel, which has been operated by Hong Kong Youth Association since 1975, is situated adjacent to Hoi Ha Road and there is a public toilet to the further south near the walking trail. In Pak Sha O, Immaculate Heart of Mary Chapel currently occupied by The Catholic Scout Guild can be found.

6. POPULATION

Based on the 2011 Population Census, the population of the Area was estimated by the Planning Department as below 50 persons. It is expected that the total planned population of the Area would be about 270 persons mainly attributed to the village expansion.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 Opportunities

7.1.1 Conservation and Natural Landscape

Encircled by SKW Country Park, the Area comprises mainly woodland, scrubland, active agricultural land, low-lying freshwater marshes, streams and village settlements. The woodland is ecologically-linked to the natural habitats in SKW Country Park and supports protected plant species. Many stream tributaries flow through the Area, including a section identified as the Hoi Ha EIS, which is valued for its good water quality and presence of the rare Three-lines Bagrid Fish *Pseudobagrus trilineatus* (三線擬鱔). In general, the Area is natural and rural in character and has high ecological, landscape and scenic value. It is worthy of conservation while the scale of the village development should be compatible with the surrounding landscape and rural setting in particular, the existing vernacular Hakka village setting.

7.1.2 Tourism Recreation and Agriculture Potential

- 7.1.2.1 With a number of hiking trails and a mountain bike trail connected to the wider areas of SKW Country Park and HHW Marine Park, the Area is popular with hikers/visitors. The existing footpath of the Area forms part of a hiking trail from Pak Sha O to Lai Chi Chong and Sham Chung passing through various physical and cultural features such as regenerated woodlands, streams, active agricultural land, dense woodlands and the existing village cluster.
- 7.1.2.2 Currently, some abandoned agricultural land to the north of the village cluster of Pak Sha O has recently been rehabilitated for active agricultural use.

7.2 Constraints

7.2.1 Ecological Significance

- 7.2.1.1 The Area comprises mainly woodland, scrubland, active agricultural land, low-lying freshwater marshes, streams and village settlements. The natural habitats, including woodlands and freshwater marshes developed from abandoned agricultural land, support species of wildlife. Protected plant species, such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗) have been recorded in these woodlands. In particular, the mature woodland (*fung shui* woodland) to the south of the village cluster of Pak Sha O covers an extensive area and an unusually large specimen of *Bischofia javanica* (秋楓) has been recorded.
- 7.2.1.2 There is a large stretch of freshwater marsh to the south of the village cluster of Pak Sha O Ha Yeung, where an orchid species, *Liparis ferruginea* (鏽色羊耳蒜), with a limited local distribution is found.
- 7.2.1.3 The Hoi Ha EIS, about 1.4 km in length, is located at the central and southern part of the Area. It is one of the two localities in Hong Kong that are known to support the rare fish species *Pseudobagrus trilineatus* (三線擬鱧).
- 7.2.1.4 In the natural habitats of the Area, rare and very rare butterfly species, such as *Parantica sita* (大絹斑蝶) and *Choaspes hemixanthus* (半黃綠弄蝶) have been recorded. A diverse group of birds have been found in the Area, including woodland birds, waterbirds, open country birds and raptor species. Among them, some species are of conservation concern, including Brown Fish Owl (*Ketupa zeylonensis*) (褐漁鴉). Developments that may adversely affect the natural

character and the ecologically sensitive areas are not recommended.

7.2.2 Landscape Character

7.2.2.1 With reference to the '*Landscape Value Mapping of Hong Kong (2005)*', the Area is classified as of high quality landscape value of an enclosed, tranquil and coherent landscape character. Other landscape features include the traditional village houses and surrounding woodlands of Pak Sha O and Pak Sha O Ha Yeung villages as well as the adjacent ornamental and mature tree planting.

7.2.2.2 Most of the natural landscape is largely undisturbed, and important landscape resources include the woodlands situated within the Area, the Hoi Ha EIS and its tributaries, low-lying freshwater marshes and existing village settlements. Other than natural landscape, there is a number of interesting historical and cultural heritage buildings, including Ho Residence and Ho Ancestral Hall, Immaculate Heart of Mary Chapel, King Siu Sai Kui, Hau Fuk Mun, and small clusters of well-preserved traditional stone village houses in the Area. Some well maintained ornamental planting with mature trees and landscape garden surround the heritage buildings form a picturesque village of high landscape amenity and cultural value. The traditional village setting of the Area, including the surrounding landscape should be conserved. Any large scale development would cause adverse impact on the existing landscape context and affect the cultural landscape character of the Area which is not recommended.

7.2.3 Cultural Heritage and Vernacular Hakka Village Houses

The two recognized villages within the Area are outstanding vernacular Hakka villages which are well preserved with a number of interesting historical and cultural heritage buildings, including Ho Residence and Ho Ancestral Hall (Grade 1) and Immaculate Heart of Mary Chapel (Grade 3) at Pak Sha O, and King Siu Sai Kui and Hau Fuk Mun (proposed Grade 1) at Pak Sha O Ha Yeung. All the above historic buildings are worthy of preservation.

7.2.4 Burial Grounds

Part of a burial ground encroaches upon the north-western fringe of the Area, which is not suitable for development.

7.2.5 Water Gathering Ground

According to the Water Supplies Department (WSD), the Area is located within the upper indirect WGG. To prevent contamination of waters which are designated for abstraction for potable water supply, any proposed development that may result in any material increase in

pollution effect will not be acceptable. Besides, the use of pesticide within the WGG is not allowed. As for the use of other chemicals including fertilizers, prior approval must be sought from WSD.

7.2.6 Sewerage

There is no existing or planned public sewerage for the Area. At present, on-site discharge system such as septic tanks and soakaway pits are generally used in traditional villages. They would only satisfy the requirements of individual lots. Any increase in population or number of visitors to the Area or further recreation/residential developments will require additional facilities.

7.2.7 Transportation (Road Access)

The Area is accessible via Hoi Ha Road and walking trails connecting to SKW Country Park. At present, Hoi Ha Road is a restricted road and vehicles entering it have to apply for permits from relevant departments. Furthermore, there is no direct vehicular access to the village clusters of Pak Sha O and Pak Sha O Ha Yeung.

7.2.8 Infrastructure and Utility Services

The Area is provided with electricity and telephone services. Potable water supply has been provided to the existing facilities and villagers of the Area. However, there are no sewerage and drainage systems within the Area.

7.2.9 Geotechnical

The Area is situated in a northeast trending valley covered by superficial deposits including debris flow deposits and alluvium. The solid geology of the Area is coarse ash crystal tuff of the Long Harbour Formation. The Area is overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. Natural terrain hazard studies may be required to ascertain the scale of the hazard and to provide suitable hazard mitigation measures, if found necessary as part of developments within the Area.

8. GENERAL PLANNING INTENTION

8.1 The general planning intention for the Area is to conserve the high natural landscape and ecological significance of the Area in safeguarding the natural habitat and natural system of the wider area. Apart from environmental and ecological consideration, development in the Area is constrained by limited infrastructure provisions. It is also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area. Since Pak Sha O and Pak Sha O Ha Yeung are outstanding vernacular Hakka villages in the Area and are well-preserved, and that the heritage value of historic buildings partly lies in their original physical environment, the planning intention is also to preserve

the vernacular Hakka village setting and any change to the village setting with possible adverse impact on the heritage value of historic buildings should be avoided.

- 8.2 In the designation of various land use zones in the Area, consideration has been given to the natural environment, physical landform, existing land use pattern, demand for Small Houses and availability of infrastructure. The following land use zones are proposed to be designated on the Plan.

9. LAND-USE ZONINGS

9.1 “Village Type Development” (“V”) : Total Area 1.20 ha

- 9.1.1 The planning intention of this zone is to preserve the vernacular Hakka village setting of the existing Pak Sha O and Pak Sha O Ha Yeung villages and designate area of land considered suitable for village expansion in harmony with the surroundings. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected community uses serving the needs of the villagers and not adversely affecting character of the villages are always permitted. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.
- 9.1.2 Pak Sha O and Pak Sha O Ha Yeung are two recognized villages in the Area. The boundaries of this zone are drawn up having regard to the village ‘environs’, the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints and the high conservation value of the existing village clusters, including Ho Residence and Ho Ancestral Hall (Grade 1) at Pak Sha O and King Siu Sai Kui and Hau Fuk Mun (proposed Grade 1) at Pak Sha O Ha Yeung, of the two villages. Areas of difficult terrain, dense vegetation, stream courses and burial grounds have been avoided as far as possible.
- 9.1.3 Noting that Pak Sha O and Pak Sha O Ha Yeung are outstanding vernacular Hakka villages in the Area and are well-preserved, and that the heritage value of historic buildings partly lies in their original physical environment, any change to the vernacular Hakka village setting with possible adverse impact on the heritage value of historic buildings and integrity and ambience of the existing village setting should be avoided. To this end, a “V” zone separated from the old villages is designated for village expansion, whilst the existing village clusters are zoned “V(1)” where new house development (NTEH only) and any demolition of or any addition, alteration and/or modification to or replacement/redevelopment of an existing building requires planning permission from the Board. Prior consultation with AMO of LCSD should be made if any development, redevelopment or rezoning proposals might affect the above historic buildings, new items pending grading assessment and their immediate environs. To avoid possible

adverse visual impact to the vernacular Hakka village setting, house development (NTEH only) in the separated “V” zone also requires planning permission from the Board.

- 9.1.4 Except for those specified, no new development, or addition, alteration and/or modification to or redevelopment of an existing building 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 DPA plan, whichever is the greater.
- 9.1.5 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- 9.1.6 Some areas are overlooked by steep natural hillsides and may be affected by potential natural terrain landslide hazards. For future development in these areas, the developer(s) may be required to carry out natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.
- 9.1.7 In accordance with the Environmental, Transport and Works Bureau’s 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 (AFCD) and relevant authorities and incorporate relevant comments/advice as conditions of approval wherever possible. Accordingly, the Lands Department (LandsD) when processing Small House grant applications in close proximity to existing stream courses, should consult concerned departments including AFCD and the Planning Department to ensure that all relevant departments would have adequate opportunity to review and comment on the applications.
- 9.1.8 As diversion of streams or filling of land/pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.
- 9.1.9 There is neither existing nor proposed public sewer in the Area. In addition, the Area falls entirely within the upper indirect WGG. For any village type development, it should be demonstrated that the water quality within WGG will not be affected by the proposals. In general, the use of septic tank and soakaway systems for sewage treatment and disposal is considered as an unacceptable means for new village developments located in WGGs. 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.

9.2 “Government, Institution or Community” (“G/IC”) : Total Area 0.52 ha

- 9.2.1 The planning intention of this zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the government organizations providing social services to meet community needs, and other institutional establishments.
- 9.2.2 Three sites are zoned “G/IC”, namely Pak Sha O Youth Hostel, Immaculate Heart of Mary Chapel and a public toilet located to the south of the youth hostel. Pak Sha O Youth Hostel was converted from an abandoned village school comprising of three school blocks providing about 110 bed spaces and some camping sites in September 1975. The simple architectural design of the building blocks with one to two storeys in height integrates with the surrounding landscape. Trees and ornamental planting are found within and adjacent to the hostel along the existing footpath. The character of the building and the adjoining landscape are compatible to the landscape context of the Area.
- 9.2.3 Immaculate Heart of Mary Chapel is located to the south of Pak Sha O Village. The chapel is a Grade 3 historic building of one storey in height probably built between 1915 and 1923. In 1982, the chapel was converted by the Catholic Diocese of Hong Kong into a tent site and a training camp. The site is currently being occupied by The Catholic Scout Guild.
- 9.2.4 The public toilet to the south of Pak Sha O Youth Hostel is one storey in height. It is managed and maintained by the Food and Environmental Hygiene Department.
- 9.2.5 To preserve the rural and low-rise character of the Area as well as provide spatial and visual relief, development/redevelopment within this zone should be restricted to the maximum building heights as stipulated on the Plan or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is greater.
- 9.2.6 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9.3 “Agriculture” (“AGR”) : Total Area 0.18 ha

- 9.3.1 The planning intention of this zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9.3.2 Plots of abandoned agricultural land adjoining the EIS to the northeast of the village cluster of Pak Sha O have been rehabilitated for agricultural purpose. To reflect the agricultural use on site, the area is designated as “AGR”.

9.3.3 As the diversion of streams or filling of land/pond may cause adverse impacts on the natural environment and the ecological value of the adjacent area, planning approval is required for such activities. However, filling of land specifically required under prior written instructions of government department(s), or for the purpose of genuine agricultural practice including laying of soil not exceeding 1.2m thickness for cultivation, and construction of agricultural structure with prior written approval from LandsD is exempted from the control.

9.4 “Green Belt” (“GB”) : Total Area 29.46 ha

9.4.1 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.

9.4.2 Numerous tree species such as *Cinnamomum parthenoxylon* (黃樟), *Bischofia javanica* (秋楓), *Schefflera heptaphylla* (鵝掌柴), *Cratoxylum cochinchinense* (黃牛木), *Viburnum odoratissimum* (珊瑚樹), *Sterculia lanceolata* (假蘋婆), *Machilus spp.* (楠屬), *Aporosa dioica* (銀柴) and *Symplocos spp.* (山礬) etc, together with understory planting are found in the eastern part of the regenerated woodland at the entrance to the Pak Sha O village cluster. Common woodland tree species such as *Sapium sebiferum* (烏柏), *Cleistocalyx nervosum* (水翁) etc. are found within the western part of the regenerated woodland located to the west of Pak Sha O. Most of the area in Pak Sha O Ha Yeung is natural woodland with mature trees, such as *Viburnum odoratissimum* (珊瑚樹), *Cinnamomum parthenoxylon* (黃樟), *Cleistocalyx nervosum* (水翁), *Ficus variegata* (青果榕) etc. and the downstream of the Hoi Ha EIS and hillside tributaries are found to the east. Protected plant species such as *Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉) and *Cibotium barometz* (金毛狗) have been found in the woodlands of the Area.

9.4.3 Many stream tributaries flow through the Area including a section identified as the Hoi Ha EIS. The EIS is valued for its good water quality and presence of the rare Three-lines Bagrid Fish *Pseudobagrus trilineatus* (三線擬鱧). Pak Sha O is one of the two localities in Hong Kong where this species can be found. The EIS and the tributaries feed the surrounding low-lying active agricultural lands and regenerated woodlands supporting woodland habitats and some natural freshwater marshes.

- 9.4.4 The areas zoned “GB” comprise mainly woodlands, scrublands and streams, including the EIS and its riparian zone and the buffer between the “V” zone and the EIS. Designation of “GB” zones would conserve and maintain the integrity of the vast secondary woodland including woodland on the hillslopes which are contiguous with SKW Country Park and conserve the natural and rural character of the Area.
- 9.4.5 Part of a traditional burial ground which encroaches upon the north-western fringe of the Area is within this zone. It has been in existence for many years, and is considered as an existing use intended for the burial of deceased indigenous villagers in the Area. To respect the local ritual and tradition, burial activities within this zone are generally tolerated.
- 9.4.6 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.
- 9.4.7 As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts 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 or repair works.
- 9.5 “Conservation Area” (“CA”) : Total Area 1.36 ha
- 9.5.1 This zone 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.
- 9.5.2 The mature woodland (*fung shui* woodland) on the hillsides forming a backdrop for the Pak Sha O village cluster at the southern part of the Area is zoned “CA”. An unusually large specimen of *Bischofia javanica* (秋楓) has been recorded.
- 9.5.3 Another “CA” zone covers the large stretch of freshwater marsh to the south of the village cluster of Pak Sha O Ha Yeung, where an orchid species, *Liparis ferruginea* (鏽色羊耳蒜), with a limited local distribution is found.
- 9.5.4 New residential development is not permitted under this zone. Redevelopment of existing houses may be permitted on application to the Board. Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on 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. COMMUNICATIONS

10.1.1 The Area is accessible by vehicles via Hoi Ha Road, which is a restricted road and vehicles entering it have to apply for permits from relevant departments. It is also accessible by a number of hiking trails connected to the wider areas of SKW Country Park.

10.1.2 However, there is no direct vehicular access to the village clusters of Pak Sha O and Pak Sha O Ha Yeung. The two villages are accessible by footpaths branching off Hoi Ha Road.

11. CULTURAL HERITAGE

11.1 Within the Area, there are graded and proposed graded historic buildings, namely Ho Residence and Ho Ancestral Hall (Grade 1) and Immaculate Heart of Mary Chapel (Grade 3) at Pak Sha O, and King Siu Sai Kui and Hau Fuk Mun (proposed Grade 1) at Pak Sha O Ha Yeung. All the above historic buildings are worthy of preservation.

11.2 The Antiquities Advisory Board (AAB) has released a list of new items in addition to the list of 1,444 historic buildings. These items are subject to grading assessment by AAB. Details of the list of 1,444 historic buildings and the new items have been uploaded onto the website of AAB at <http://www.aab.gov.hk>.

11.3 Prior consultation with AMO of LCSD should be made if any development, redevelopment or rezoning proposals might affect the above historic buildings, new items pending grading assessment and their immediate environs.

12. UTILITY SERVICES

The Area is provided with electricity and telephone services. Potable water supply has been provided to the existing facilities and villagers of the areas. There are no sewerage and drainage systems.

13. IMPLEMENTATION

13.1 The Plan provides a broad land-use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works planning and private developments.

13.2 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.

- 13.3 Notwithstanding the above, minor improvement works, e.g. access improvement and laying of utility services will be implemented through the Public Works Programme and the Rural Public Works as and when resources are available. Private developments will be effected principally through private sector initiatives to develop or redevelop their properties in accordance with the zoned uses indicated on the Plan, provided that their proposals meet government requirements.

14. PLANNING CONTROL

- 14.1 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 developments and uses within the same zone are always permitted and no separate permission is required.
- 14.2 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 impacts on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to this 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.
- 14.3 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 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 the 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.

- 14.4 Any development, other than those referred to in paragraph 14.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on land included in this 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 streams, filling of land/pond and 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 filling of ponds for temporary land uses/developments in conservation-related zonings, such as “CA”.

**TOWN PLANNING BOARD
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