

3 June 2020

Chairman and Members

Town Planning Board

15/F, North Point Government Offices

333 Java Road, North Point

Hong Kong

Fax: 2877 0245;

Email: [tpbpd@pland.gov.hk](mailto:tpbpd@pland.gov.hk)

**Comments on Draft Hoi Ha Outline Zoning Plan  
(Plan No. S/NE-HH/3)**

Dear Chairman and Members,

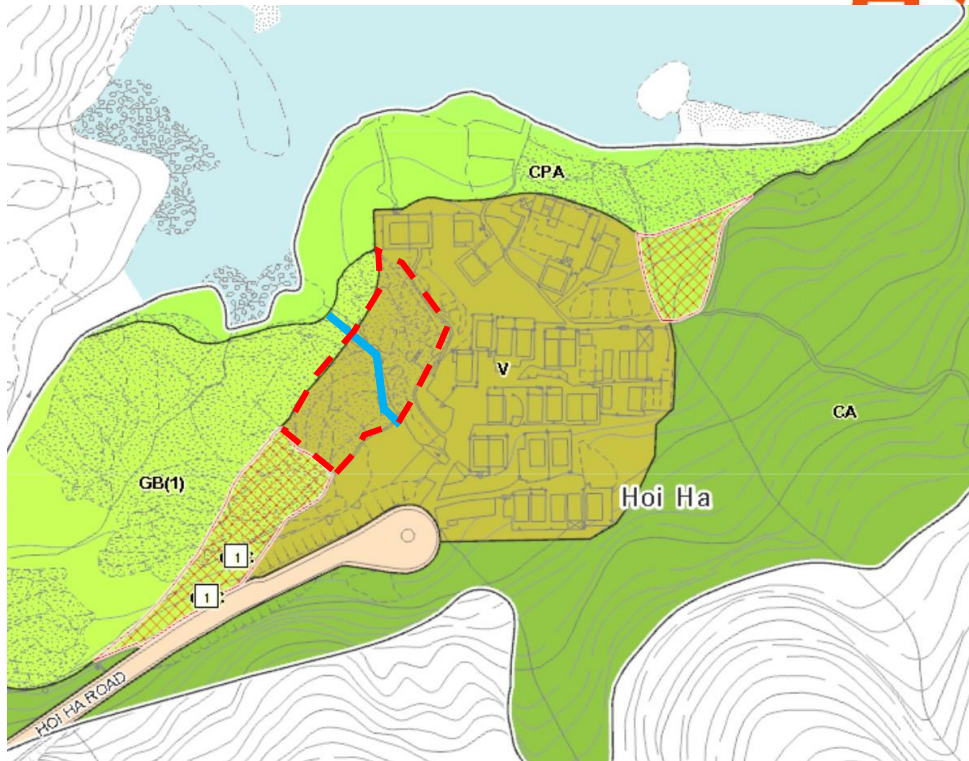
Designing Hong Kong Limited welcomes the reduction of “Village Type Development” (“V” Zone) and the extension of “Green Belt (1)” and “Coastal Protection Area” in the Draft Hoi Ha Outline Zoning Plan.

However, we have further comments on the Draft Hoi Ha Outline Zoning Plan in the following:

- As stated in TPB Paper No. 10626, the review of the Hoi Ha Outline Zoning Plan did arise from the Court of First Instance’s judgement on the judicial review (JR). The JR was allowed on the ground that the Board failed to carry out its duty to inquire two issues,
  1. The genuine need for Small House development for all three Outline Zoning Plans in Pak Lap, Hoi Ha and So Lo Pun, and
  2. The accuracy of the base map for Hoi Ha Outline Zoning Plan
- 0.3 hectare of “V” zone has been cut in the Draft Hoi Ha Outline Zoning Plan but there is still 0.53 hectare of land available for Small House development which can accommodate 21 Small Houses despite the failure to establish the genuine need for Small House.
- The Indigenous Inhabitant Representatives (IIRs) claimed the 10-year Small House demand forecast in Hoi Ha is 21 in 2020. Only nine of them (including four aged 18 or above and five to be aged 18 in ten years) are residing in Hong Kong, and the rest (including five aged 18 or above and six to be aged 18 or above in ten years) are residing overseas.
- The Lands Department has received 16 new Small House applications in the last decade. They processed 20 Small House application with only three approvals. The proposal that catering 60% of the overall demand has overestimated the need for land for Small House in Hoi Ha.

- According to the land search done in May 2020, some of the land lots zoned as “Village Type Development” to the west of the main village cluster in Hoi Ha are sold to various companies since 2008. It is inconsistent with the claims by the IIRs that there is a demand for housing while at the same time villagers sell their land to the companies.
- It is also found that some companies have sold the land back to individuals with the same surname Yung at the same time in 2011. We concern there are possible fraudulent sales of Ding Rights in these transactions which are violating the law.
- The allocation of land sufficient to build 21 Small Houses in Hoi Ha exceeds the real demand of Small Houses according to the applications received by LandsD and according to land transition records.
- The Town Planning Board has the duty to enquire and review the genuine needs for Small House development in Hoi Ha. It is failing to fulfil their duty if the TPB accept this estimation.
- Given the low number of Small House applications in Hoi Ha, the coverage “V” zone in Hoi Ha should be greatly reduced and only covering the existing village and approved Small House construction sites.
- The “V” zone to the west of the main village cluster is suggested to be rezoned as “Green Belt (1)” to protect the stream running across and to prevent the damage from the development within the “V” zone to the ecology and hydrology.

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The area proposed to be rezoned and the location of existing stream

- The country park enclaves and the surrounding natural environment should be protected through the existing statutory processes. Town Planning Board should take a stringent restrictive approach towards permitted land uses and development in country park enclaves to protect the existing environment.

Here we submit our concerns for your consideration.

Yours,

**Designing Hong Kong Limited**