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ACE Paper 5/97
(for information)

PREPARATION OF ADDITIONAL DEVELOPMENT PERMISSION AREA (DPA) PLANS

Purpose

1. The purpose of this paper is to :
 - (a) inform the Council of the background on the preparation of Development Permission Area (DPA) plans;
 - (b) examine the need for preparing additional DPA plans; and
 - (c) inform the Council of a tentative programme for the preparation of new DPA plans.

Background

2. Under the Town Planning (Amendment) Ordinance 1991, statutory planning control was extended to cover the rural parts of the New Territories, one of the primary objectives being the prevention of the proliferation of container yards and other open storage uses in those areas.
3. Since 1991, a total of 36 DPA plans have been prepared for areas in the rural parts of the New Territories which required immediate planning control and guidance on development. These are interim plans which have been or will be replaced by Outline Zoning Plans (OZPs) within three years from the date of their gazetting (Figure 1).
4. These plans enable the Planning Authority to take enforcement and prosecution actions against the unauthorized developments (UDs). So far considerable success has been achieved to contain the rampant proliferation of problems associated with such open storage, container yards and trailer and tractor parks. For example, in 1991-1996, a total of 485 UD's involving about 141.6 ha of land were discontinued as a result of enforcement actions taken by the Planning Authority, and 242 persons who had committed offences under the Town Planning Ordinance were successfully convicted.
5. Some environmentally conscious organizations had expressed concern about the need for conservation of the "pockets" of land excised from the existing Country Parks and not yet subject to any statutory planning control (hereafter referred to as the "pockets of land"). The Tai Long Wan area in Sai Kung and Sha Lo Tung in Tai Po were cited as examples. These organizations considered that although such areas were relatively inaccessible and therefore less vulnerable to misuses (e.g. by open storage), the environmental concern would need to be addressed and thus there was a need for preparing DPA plans as a means to prevent possible misuse of land.

6. At the ACE meeting held on 29.4.1996, members discussed a paper submitted by WWF on "Conservation and Development Pressure in Areas In and Around Country Parks". Some members were aware of the adverse effects that statutory town plans might have on property and traditional rights of owners and indigenous villagers affected. However, other members urged strongly for the preparation of DPA plans to cover the "pockets of land", especially those which had attracted development interest.
7. Members of the meeting were informed that it had been Government's long-held intention to do the very thing they pressed for but it was a matter of priority and staff resources available. As agreed at the meeting, the Planning Department undertook to review the priority to see if statutory planning control could be extended to the sensitive areas to avoid degradation and damage to the valuable environment.

Constraints and Problems

8. While it is Government's objective to extend statutory planning control to all parts of the New Territories, the availability of staff resources to prepare the statutory town plans and to take enforcement action and the priority of the areas concerned often dictate the pace of preparation of DPA plans. The vast flat areas of the northern New Territories, which were susceptible to unauthorized developments, were the areas meriting first attention. The remote areas of the New Territories, often enclosed by Country Parks, were less imminent as far as extension of statutory planning control to them is concerned.
9. The preparation of DPA plans and subsequent enforcement action are a time-consuming resource-begging process. DPA plan preparation involves detailed land use surveys, studies of the general pattern of land ownership, Small House demand and ecological value. It requires the efforts of many Government departments and the Town Planning Board. The subsequent enforcement action is a lengthy process and may not be totally effective to achieve control. It could take a long time before a person who has undertaken an unauthorized development (UD) could be prosecuted and the UD discontinued.
10. Before the extension of statutory planning control, therefore, the existing Government powers enshrined in the lease conditions, the Crown Land Ordinance and the Country Parks Ordinance can be used to curb the spread of UD's where land owners/developers have to obtain Government permission for any building development.
11. So far there have been 36 DPA plans and 34 OZPs prepared for the various parts of the New Territories. The Government and the Town Planning Board have been heavily engaged in the conversion of these DPA plans to OZPs and this has involved the hearing of objections, consideration of s.16 applications and s.17 reviews, and handling of Town Planning Appeal Board cases. The enforcement action taken on these DPA plans and OZPs has also given rise to much work and this has exerted a lot of pressure on the staff of the Planning Department and many other Government departments, as well as the courts.

12. Moreover, extension of statutory planning control to the rural parts of the New Territories outside the coverage of existing DPA Plans/OZPs and Country Parks will require the preparation of about 65 new DPA plans (including about 17 for the "pockets of land") and a similar number of replacement OZPs afterwards. Although the Planning Department has made a bid for additional staff resources to complete the plan preparation effort within a period of five years, the current situation is that the required resources will unlikely be available in the near future.

Factors Determining the Need and Urgency for DPA Plans

13. In general, the following factors are considered in assessing the need and urgency for the preparation of a DPA plan for an area :
 - (a) whether the area concerned has already been covered by a statutory town plan and /or Country Parks;
 - (b) topography and accessibility/remoteness from main roads;
 - (c) threat of unauthorized developments and undesirable land uses;
 - (d) development pressures (e.g. for open storage, container yards, trailer and tractor parking, workshops, village type and other residential developments);
 - (e) conservation pressure (e.g. SSSIs, areas having high scenic and/or ecological values);
 - (f) availability of other tools of control on land development; and
 - (g) work priority and staff resources available.

Preparation of Additional DPA Plans

14. Against the above factors and the constraints and problems explained in paras. 8-12 , the Planning Department has recently carried out a review on the need and urgency for the preparation of additional DPA plans. All areas in the New Territories which are outside the coverage of statutory town plans and Country Parks have been examined.
15. In general, the areas in and around Country Parks are mostly inaccessible to motor vehicles. The known development pressures, if any, in these areas are not high. The powers under the Crown Land Ordinance, lease conditions and Country Parks Ordinance should be adequate to control any undesirable development there. Hence, the need for DPA plans to cover all these areas is less imminent.

16. The following areas are considered to merit early attention. Their locations are indicated in Figure 2.

<u>District</u>	<u>Area</u>
(a) Sai Kung	(i) Tai Long Wan * (ii) Tai Po Tsai and Silverstrand (iii) Clear Water Bay North (iv) Tai Mong Tsai and Tsam Chuk Wan *
(b) Tai Po	(i) Sha Lo Tung *
(c) North	(i) Wo Keng Shan (ii) Hung Lung Hang (iii) Ma Tso Lung (iv) Man Kam To (v) Kong Yiu (vi) Lin Ma Hang (vii) Sha Tau Kok (viii) Hok Tau

[* Note : Including "pockets of land" excised from the existing Country Parks.]

17. Higher priority should be accorded to areas in Tai Long Wan, Sha Lo Tung, Wo Keng Shan and Hung Lung Hang in view of the development pressures there. Preparation of DPA plans for these areas is in progress and is scheduled to be completed in 1997. However, for the other areas mentioned in para.16 above the programme for DPA plan preparation depends much on the future workload of the Planning Department and statutory and other bodies concerned.
18. Given the existing staff situation in the Planning Department and other Government departments concerned, it is anticipated that about three to four DPA plans can be prepared per year, with completion of all the above 13 plans in three to four years. However, this is subject to regular review to take into account changing circumstances and a schedule for plan preparation will be prepared in due course.

Conclusions

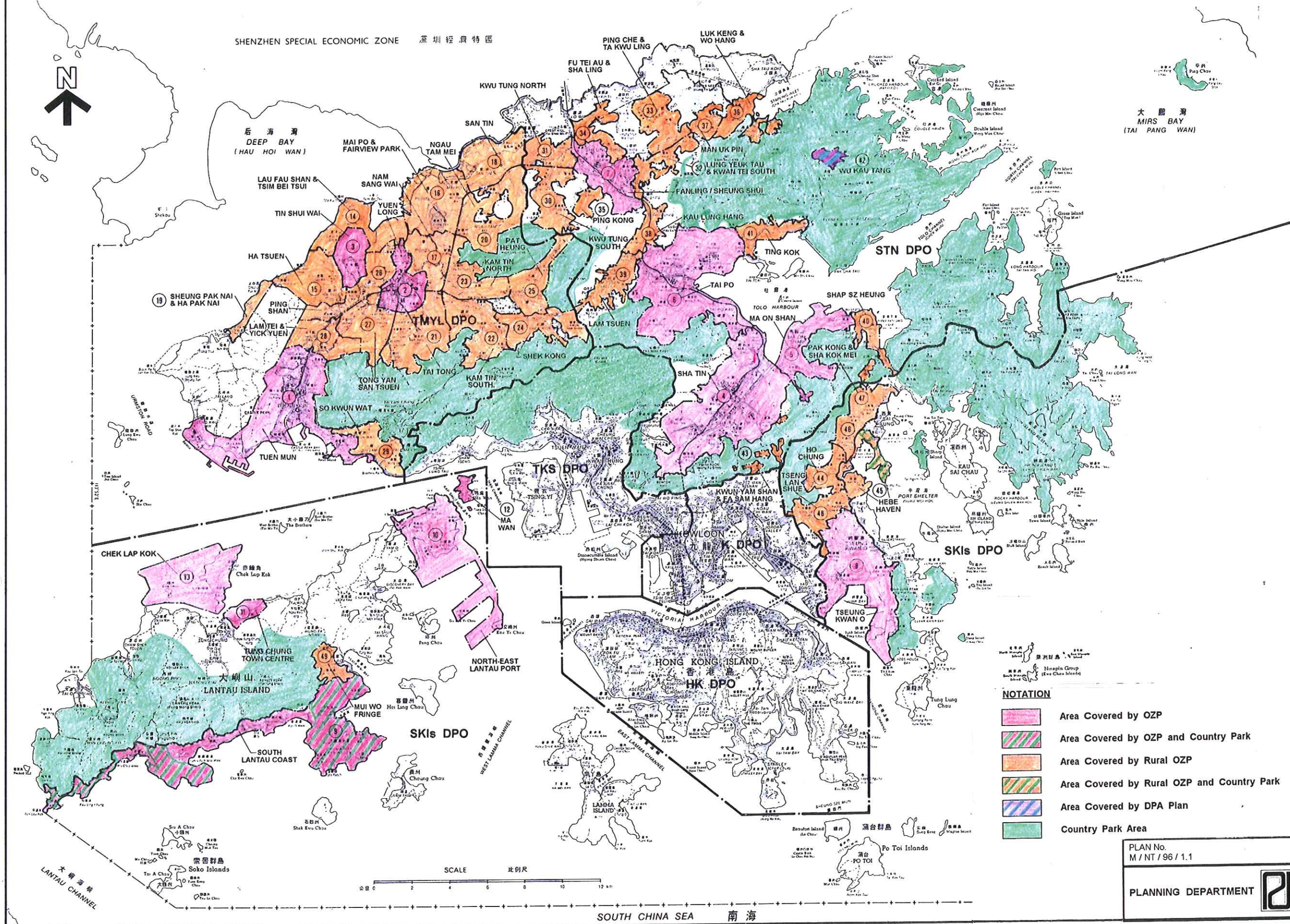
19. Members are invited to note the following :
- (a) It is the Government's objective to extend statutory planning control to all of the rural parts in the New Territories subject to the availability of the required resources and the priorities of the areas concerned which further depend on such factors as the threat of UD's, undesirable land uses and development pressure.

- (b) Additional DPA plans will be prepared for areas where the need arises, having regard to priority and workload. In the meantime, the powers under the Crown Land Ordinance, the lease conditions and the Country Parks Ordinance should and will be exercised to prevent any undesirable developments in those areas not yet covered by DPA plans.
- (c) In a recent review conducted by the Planning Department, it is considered that DPA plans for the Tai Long Wan, Wo Keng Shan, Sha Lo Tung and Hung Lung Hang areas should be prepared as soon as possible within the constraints of staff resources available. Action is in hand and these plans are scheduled to be completed in 1997.
- (d) For other areas mentioned in para.16 above, a programme for DPA plan preparation will be drawn up in due course. The situation will be kept under review taking into account the priority of the areas for statutory planning control and the future workload and staff resources of the Planning Department and other Government departments and the workload and work programmes of relevant statutory/advisory bodies.

PLANNING DEPARTMENT
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AREAS COVERED BY OUTLINE ZONING PLANS, DEVELOPMENT PERMISSION AREA PLANS AND COUNTRY PARKS

Fig.1



LOCATION OF AREAS FOR PREPARATION OF ADDITIONAL DEVELOPMENT PERMISSION AREA PLANS

