

CONFIDENTIAL

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**Minutes of 1235th Meeting of the
Town Planning Board held on 27.11.2020**

Sai Kung and Islands District

Agenda Items 6 to 9

[Closed Meeting]

[The items were conducted in Cantonese.]

Consideration of the Draft Mui Wo North Development Permission Area Plan No. DPA/I-MWN/E

(TPB Paper No. 10694)

Consideration of the Draft Sha Lo Wan and San Tau Development Permission Area Plan No. DPA/I-SLW/B

(TPB Paper No. 10695)

Consideration of the Draft Sham Wat and San Shek Wan Development Permission Area Plan No. DPA/I-SW/B

(TPB Paper No. 10696)

Consideration of the Draft Pui O Au Development Permission Area Plan No. DPA/I-POA/B

(TPB Paper No. 10697)

1. The following Planning Department (PlanD)'s representatives were invited to the meeting to brief Members on each of the Papers and answer Members' questions.

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung & Islands
(DPO/SKIs)

Mr Cyrus C.F. Chow - Assistant Town Planner/Islands

Mr Keith L.C. Wu - Assistant Town Planner/Islands

2. With the aid of a Powerpoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points as detailed in each of the Papers:

Need for Statutory Plans

- (a) to prevent any haphazard and uncontrolled developments that might adversely affect the rural and natural character with scientific importance and/or conservation value of Mui Wo North, Sha Lo Wan and San Tau, Sham Wat and San Shek Wan, and Pui O Au (the four Areas), it was necessary to prepare Development Permission Area (DPA) Plans to cover the four Areas to provide interim planning control, pending preparation of Outline Zoning Plans (OZPs) and to enable enforcement actions to be taken against any unauthorized developments (UDs) and undesirable change of use;
- (b) on 9.11.2020, 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 undertake the systematic preparation of draft DPA Plans for the four Areas which were currently not covered by any statutory plan;

Draft Mui Wo North DPA Plan

Planning Context

- (c) Mui Wo North was bounded by the Lantau North (Extension) Country Park and the Lantau North Country Park to the north, Mui Wo fringe area to the west, Mui Wo town centre to the southwest, and Silver Mine Bay to the south. It covered an area of about 165.37 ha. Human disturbance such as severe land excavation and tree felling previously found in the secondary woodlands at Butterfly Hill and Tung Wan Tau had adversely affected the rural and natural character of Mui Wo North, despite gradual recovery of vegetation observed in some damaged areas;

Landuse Proposals

- (d) the general planning intention of Mui Wo North was to conserve its landscape and ecological values in safeguarding the natural habitats, to maintain the unique rural and natural character and cultural heritage of the area, and to prevent it from encroachment by UDs and from undesirable change of use;
- (e) to protect the natural landscape and rural character of Mui Wo North, the whole area (about 165.37 ha) was designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of preparation of the OZP for the area. Any use and development other than the ‘Agricultural Use’ and some uses which were permitted under the covering Notes of the Plan would require planning permission from the Town Planning Board (the Board);

Draft Sha Lo Wan and San Tau DPA Plan

Planning Context

- (f) Sha Lo Wan and San Tau was located to the west of Tung Chung on the northwestern part of Lantau Island, fronting the Hong Kong-Zhuhai-Macao Bridge (HZMB) Hong Kong Link Road and the Hong Kong International Airport (HKIA). It was embraced by the Lantau North (Extension) Country Park to the south and north and the sea channel to the north. It covered an area of about 155.92 ha. Human disturbance in the form of road widening and slope cutting works recently found along Tung O Ancient Trail to allow vehicular access between Sha Lo Wan and Sham Wat had adversely affected the rural and natural character of Sha Lo Wan and San Tau;

Landuse Proposals

- (g) the general planning intention of Sha Lo Wan and San Tau was to protect the ecologically sensitive areas, to maintain the unique rural and natural character, landscape value and the cultural heritage of Sha Lo Wan and San Tau, and to prevent it from encroachment by UDs and from undesirable change of use;

“Site of Special Scientific Interest” (“SSSI”) (1.4 ha)

- (h) this zone covered part of the San Tau Beach SSSI which was designated in 1994. It was intended to conserve and protect the features of special scientific interest such as rare particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which were designated as SSSI. It was intended to deter human activities or development within the SSSI. There was a general presumption against development in this zone. No developments were permitted unless they were needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes;

“Unspecified Use” (154.78 ha)

- (i) to protect the natural landscape, ecological resources and rural character of Sha Lo Wan and San Tau, the whole area except the part zoned “SSSI” was designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of preparation of the OZP for the area. Any use and development other than ‘Agricultural Use’ and some uses which were permitted under the covering Notes of the Plan would require planning permission from the Board;

Draft Sham Wat and San Shek Wan DPA Plan

Planning Context

- (j) Sham Wat and San Shek Wan, including two small pieces of land to the west of San Chau along the coastline, was located on the north-western part of Lantau Island fronting the HZMB Hong Kong Link Road. It was embraced by the Lantau North and the Lantau North (Extension) Country Parks to its south and the sea to the north. It covered an area of about 179.59 ha. Human disturbance in the form of road widening and slope cutting works recently found along Tung O Ancient Trail to allow vehicular access between

Sham Wat and Sha Lo Wan had adversely affected the rural and natural character of Sham Wat and San Shek Wan;

Landuse Proposals

- (k) the general planning intention of Sham Wat and San Shek Wan was to protect the ecologically sensitive areas, to maintain the unique rural and natural character, landscape value and the cultural heritage of Sham Wat and San Shek Wan, and to prevent it from encroachment by UDs and from undesirable change of use;

“Site of Special Scientific Interest” (“SSSI”) (6.52 ha)

- (l) this zone covered part of the San Chau SSSI which was designated in 1999. It was intended to conserve and protect the features of special scientific interest such as rare particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which were designated as SSSI. It was intended to deter human activities or development within the SSSI. There was a general presumption against development in this zone. No developments were permitted unless they were needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes;

“Unspecified Use” (173.07 ha)

- (m) to protect the natural landscape, ecological resources and rural character of Sham Wat and San Shek Wan, the whole area except the part zoned “SSSI” was designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of preparation of the OZP for the area. Any use and development other than ‘Agricultural Use’ and some uses which were permitted under the covering Notes of the Plan would require planning permission from the Board;

Draft Pui O Au DPA Plan

Planning Context

- (a) Pui O Au was located on the southern part of Lantau Island and sandwiched between the Lantau South Country Park and South Lantau Road. It covered an area of about 8.89 ha. There was a need to better protect the natural and landscape character of Pui O Au to avoid disturbance to the natural environment;

Landuse Proposals

- (b) the general planning intention of Pui O Au was to conserve its landscape and ecological values in safeguarding the natural habitats, to maintain the unique rural and natural character of Pui O Au, and to prevent it from encroachment by UDs and from undesirable change of use;
- (c) to protect the natural landscape and rural character of Pui O Au, the whole area (about 8.89 ha) was designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of preparation of the OZP for the area. Any use and development other than the ‘Agricultural Use’ and some uses which were permitted under the covering Notes of the Plan would require planning permission from the Board;

Consultation

- (d) the draft DPA Plans together with the Notes and Explanatory Statement (ES) had been circulated to the relevant government departments for comments. Comments received had been incorporated into the draft DPA Plans, their Notes or ES as appropriate; and
- (e) the Islands District Council (IsDC), Mui Wo Rural Committee (MWRC), Tai O Rural Committee (TORC) and South Lantau Rural Committee (SLRC) had not been consulted on the draft DPA Plans due to the confidential nature of the

plans. The IsDC, MWRC, TORC and SLRC would be consulted on the draft DPA Plans after their publication under section 5 of the Ordinance.

3. The Chairperson remarked that the draft DPA Plans were intended to give enforcement power to the Planning Authority (PA) to take enforcement actions against any UD and undesirable change of use in the four Areas. Members should maintain confidentiality about the draft DPA Plans before their publication in the Gazette. To minimize the period of suspense over the specific land uses to be proposed eventually and give certainty of planning for the four Areas, the draft DPA Plans would be replaced by OZPs as soon as possible. Efforts would be made to shorten the gap between the promulgation of the draft DPA Plans and the draft OZPs. She then invited questions from Members.

4. Noting that some villagers had reacted intensely in the past to idea of development control and environmental protection in Sha Lo Wan, a Member agreed that the draft DPA Plans should be replaced by OZPs as soon as possible to remove suspense over the specific land uses to be proposed and give certainty of planning to the four Areas.

5. Noting that the draft DPA Plans would quickly be replaced by OZPs, a Member enquired as to whether the preparation and gazette of the DPA Plans could be skipped to accelerate the plan-making process. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD advised that as the Ordinance only empowered the PA to take enforcement action against UD within areas covered by DPA Plans and OZP areas previously covered by DPA Plans, preparation of DPA Plans was necessary.

6. Noting that there might be houses/structures under construction within the four Areas, the Member enquired whether they were regarded as existing uses (EUs). In response, Ms Donna Y.P. Tam advised that uses which existed before the publication of the draft DPA Plans would be regarded as EUs under the Ordinance. Subject to further assessment, consideration could be given to designating suitable zonings for houses/structures approved by the Lands Department (LandsD) but currently under construction to respect the landowners' development rights.

“Unspecified Use”

7. A Member enquired whether the existing stores in Sham Wat, which provided essential supplies for hikers in the area, would be affected by the “Unspecified Use” designation on the draft DPA Plan. Ms Donna Y.P. Tam, DPO/SKIs, PlanD, responded that those stores were EUs and would not be affected by the “Unspecified Use” designation. As those stores fell within the existing village cluster of Sham Wat, which was a recognized village, while the detailed land use zonings of the OZP were still being studied, consideration would be given to designating the existing village cluster under “Village Type Development” (“V”) zoning on the OZP, and ‘Shop and Services’ were always permitted on the ground floor of a New Territories Exempted House in “V” zone.

8. Another Member enquired whether ‘agricultural use’ was always permitted in areas designated as “Unspecified Use”, and Ms Donna Y.P. Tam replied in the affirmative.

SSSI

9. A Member enquired how SSSIs were designated, in particular, whether the two huge Camphor trees in Sha Lo Wan were designated as SSSI. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that the SSSIs in Sha Lo Wan and Sham Wat were designated by the Agriculture, Fisheries and Conservation Department (AFCD) in 1994 and 1999 respectively to cover those areas with high ecological values. The “SSSI” zones on the draft DPA Plans merely reflected the SSSIs designation by AFCD. PlanD was liaising with AFCD to identify changes in the SSSI boundaries over time for more proper protection of the SSSIs under the OZPs. The two Camphor trees were part of Sha Lo Wan Village’s *fung shui* woodland, which was partly designated as “Unspecified Use” under the draft DPA Plan and partly fell within Lantau North (Extension) Country Park. PlanD was liaising with AFCD on the suitable zoning e.g. “Conservation Area” to conserve that piece of woodland.

10. Another Member enquired whether ‘agricultural use’ required planning permission in “SSSI” zones. Ms Donna Y.P. Tam responded that areas under the “SSSI” zoning were of high ecological value, and therefore ‘agricultural use’ would require planning permission to ensure that the ecological value of the areas would not be affected by the proposed agricultural use.

Sites of Archaeological Interest

11. A Member enquired why Sites of Archaeological Interest in the Areas were not protected under an appropriate zoning similar to the treatment of SSSI. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that Sites of Archaeological Interest were protected under an established administrative mechanism rather than a land use zoning on the OZP. As some villages on Lantau Island had a long history up to several thousand years, there could be archaeological relics buried somewhere beneath the ground. Proponents of proposed developments within Sites of Archaeological Interest would need to consult the Antiquities and Monuments Office and/or carry out archaeological investigation, if necessary, to ascertain that any archaeological relic would not be affected by the proposed development.

Sham Wat

12. A Member enquired about the present condition of the two isolated plots of land to the west of Sham Wat along the coastline. Ms Donna Y.P. Tam, DPO/SKIs, PlanD, responded that those two plots of land were vegetated land with some old structures. As those two plots of land were outside the Country Park, they were included in the draft Sham Wat and San Shek Wan DPA Plan as linked sites for proper statutory planning protection against haphazard activities.

Pui O Au

13. In response to the Vice-chairperson's enquiry as to whether there would be any leftover area not covered by Country Parks/statutory plans upon publication of the draft Pui O Au DPA Plan, Ms Donna Y.P. Tam, DPO/SKIs, PlanD, confirmed that there would not be any such leftover area upon publication of the draft Pui O Au DPA Plan.

Tung O Ancient Trail

14. A Member enquired whether there was any additional mechanism to protect Tung O Ancient Trail which was of high historical value. In response, Ms Donna Y.P. Tam, DPO/SKIs, PlanD said that the section of Tung O Ancient Trail currently not falling within Country Parks/existing statutory plans would be included in the Sha Lo Wan and San Tau/ Sham Wat and San Shek Wan DPA Plans with statutory planning controls such that UD's along

the trail could be enforced by the PA. The Civil Engineering and Development Department (CEDD) was currently carrying out some studies on the Tung O Ancient Trail. PlanD would follow-up with CEDD's recommendations in considering the appropriate statutory planning controls of the areas.

15. As a background information, another Member supplemented that the narrow and long Tung O Ancient Trail was rarely used by villagers for commuting. Instead, villagers would travel to Tai O or Tung Chung by boats.

16. After deliberation, the Board agreed that:

- (a) the draft Mui Wo North Development Permission Area (DPA) Plan No. DPA/I-MWN/E (to be renumbered as DPA/I- MWN/1), the draft Sha Lo Wan and San Tau DPA Plan No. DPA/I-SLW/B (to be renumbered as DPA/I-SLW/1), the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/B (to be renumbered as DPA/I-SW/1), and the draft Pui O Au DPA Plan No. DPA/I-POA/B (to be renumbered as DPA/I-POA/1), and their Notes at Appendices I and II of each of the Papers were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);
- (b) the Explanatory Statement (ES) in Appendix III of each of the Papers was suitable to serve as an expression of the planning intention and objectives of the Board for the draft DPA Plans, and that the ES should be issued under the name of the Board; and
- (c) consultation of the draft DPA Plans with Islands District Council, Mui Wo Rural Committee, Tai O Rural Committee and South Lantau Rural Committee should be conducted after their publication under section 5 of the Ordinance.