

**Minutes of 1272nd Meeting of the
Town Planning Board held on 6.6.2022**

Present

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Wilson Y.W. Fung

Mr Stephen L.H. Liu

Dr C.H. Hau

Ms Sandy H.Y. Wong

Mr Franklin Yu

Mr Stanley T.S. Choi

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Chief Traffic Engineer (Traffic Survey & Support)

Transport Department

Mr Patrick K.P. Cheng

Chief Engineer (Works),

Home Affairs Department

Mr Paul Y.K. Au

Assistant Director (Environmental Assessment),

Environmental Protection Department

Mr Terence S.W. Tsang (a.m.)

Principal Environmental Protection Officer (Regional Assessment)

Environmental Protection Department

Mr Victor W.T. Yeung (p.m.)

Director of Lands

Mr Andrew C.W. Lai

Director of Planning

Mr Ivan M.K. Chung

Deputy Director of Planning/District

Mr C.K. Yip

Secretary

Absent with Apologies

Miss Winnie W.M. Ng

Mr L.T. Kwok

Mr Daniel K.S. Lau

Ms Lilian S.K. Law

Dr Jeanne C.Y. Ng

Mr Ricky W.Y. Yu

Professor Roger C.K. Chan

In Attendance

Assistant Director of Planning/Board

Ms Lily Y.M. Yam

Chief Town Planner/Town Planning Board

Ms Josephine Y.M. Lo (a.m.)

Ms Johanna W.Y. Cheng (p.m.)

Senior Town Planner/Town Planning Board

Ms Carmen S.Y. Chan (a.m.)

Ms M.L. Leung (p.m.)

Sai Kung & Islands District

Agenda Item 1

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Sham Wat and San Shek Wan Outline Zoning Plan No. S/I-SW/1

(TPB Paper No. 10823)

[The item was conducted in English and Cantonese.]

1. The Secretary reported that the draft Sham Wat and San Shek Wan Outline Zoning Plan (OZP) was to replace the draft Development Permission Area Plan (the DPA Plan) covering the Sham Wat and San Shek Wan area (the Area). Representations and comments had been submitted by the Hong Kong Bird Watching Society (HKBWS) (R1), the Conservancy Association (CA) (R2/C2) and Corona Land Company Limited (R17) represented by Llewelyn-Davies Hong Kong Limited (LD). The following Members had declared interests on the items:

- | | |
|------------------|---|
| Mr K.W. Leung | - being a member of the executive board of HKBWS and the Chairman of the Crested Bulbul Club Committee of HKBWS; |
| Dr C.H. Hau | - being a member of HKBWS and a life member of CA and his spouse being the Vice-Chairman of the Board of Directors of CA; and |
| Mr Ricky W.Y. Yu | - his firm having past business dealings with LD. |

2. Members noted that Mr Ricky W.Y. Yu had tendered an apology for being not able to attend the meeting. As Mr K.W. Leung and Dr C.H. Hau had no involvement in the submission of the relevant representations and comment, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

3. The Chairperson said that notification had been given to the representers and commenters inviting them to attend the hearing, but other than those who were present or had indicated that they would attend the hearing, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

4. The following representatives of the Government, and representers, commenters and their representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

Ms Caroline T.Y. Tang - District Planning Officer/Sai Kung & Islands (DPO/SKIs)

Mr Kenneth C.K. Yeung - Senior Town Planner/Special Duties

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

Agriculture, Fisheries and Conservation Department (AFCD)

Ms C.Y. Ho - Senior Nature Conservation Officer/South (SNC/S)

Ms Connie Ng - Nature Conservation Officer/Lantau (NC/L)

Representers, Commenters and their Representatives

R1 - Hong Kong Bird Watching Society

Ms Wong Suet Mei - Representer's Representative

R2/C2 - The Conservancy Association

Mr Ng Hei Man - Representer's and Commenter's Representative

R3/C1 - Designing Hong Kong Limited

Mr Wong Wan Kei Samuel - Representer's and Commenter's Representative

R4 - Green Power

Mr Lo Wing Fung - Representer's Representative

R5 - Kadoorie Farm and Botanic Garden

Mr Nip Hin Ming - Representer's Representative

R7/C3 - Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R9 - 大澳鄉事委員會(Tai O Rural Committee)

Mr Ho Siu Kei - Representer's Representative

R11 - 吳鳳蓮

Ms Ng Fung Lin - Representer

R16- Asia International Develop Limited

Top Bright Consultants Limited -

Mr Chow Tsz Nok - Representer's Representative

R17 - Corona Land Company Limited

Llewelyn-Davies Hong Kong Limited -

Mr Ng Chi Wan] Representer's Representatives

Mr Hui Chak Hung Dickson]

Mr Kong Ka Chun]

C4 - Fung Kam Lam

Mr Fung Kam Lam - Commenter

5. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representatives would be invited to brief Members on the representations and comments. The representers, commenters and their representatives would then be invited to make oral submissions. To ensure the efficient operation of the hearing, each representer, commenter or his/her representative would be allotted 10 minutes for making oral submissions. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters and their representatives. After the Q&A session, government representatives, the representers, commenters or their representatives would be invited to leave the meeting. The Town Planning Board (the Board) would deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

6. The Chairperson invited PlanD's representatives to brief Members on the representations and comments.

7. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, briefed Members on the representations and comments, including the background of the draft OZP, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10823 (the Paper).

[Messrs Stanley T.S. Choi, Franklin Yu and Patrick K.P. Cheng and Dr Conrad T.C. Wong joined the meeting during PlanD's presentation.]

8. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations/comments.

R1 - Hong Kong Bird Watching Society

R2/C2 - The Conservancy Association

R3/C1 - Designing Hong Kong Limited

R4 - Green Power

R5 - Kadoorie Farm and Botanic Garden

9. With the aid of a PowerPoint presentation, Mr Wong Wan Kei Samuel, R3/C1's representative, made the following main points:

- (a) the purpose of preparing the OZP for the Area was mainly to conserve its landscape and ecological values in safeguarding the natural habitat and rural character of the Area. The speedy formulation of the DPA Plan and the draft OZP was intended to deter human disturbances, such as footpath and road widening, slope cutting works along Tung O Ancient Trails, which had adversely affected the rural and natural character of the Area. Such human disturbances, however, had never stopped. Activities like illegal removal of government signage and crash gate, roadside dumping of concrete and slope cutting could still be observed in 2021 after the Area was covered by the DPA Plan and later by the OZP, and even after such incidences were reported to the Sustainable Lantau Office (SLO) of the Civil Engineering and Development Department (CEDD) and Islands District Office. He questioned whether the current zonings of "Green Belt" ("GB") and "Agriculture" ("AGR") on the OZP were adequate to protect the Area and considered that a zoning with higher level of conservation protection should be designated for the Area;

10. With the aid of a PowerPoint presentation, Ms Wong Suet Mei, R1's representative, made the following main points:

- (b) the zonings for the Area should be intended to discourage human disturbance. However, the OZP was covered largely by "AGR", "Village Type Development" ("V"), "Government, Institution or Community" ("G/IC") and "GB" zone, with just a minor portion under conservation-related zonings;
- (c) although the Area was not easily accessible, 83 bird species were recorded in the area and 13 of them were of conservation concern, including Lesser Coucal (小鴉鶻) which was in Class II of the List of Wild Animals Under

State Protection promulgated by the State Forestry Administration and Ministry of Agriculture in China and classified as vulnerable in China Red Data Book, Striated Heron (綠鷺) which was normally found around wetland habitats such as marshes, agricultural fields and river, and Hartert's leaf warbler which could be found in forest area. Some rare species of local concern such as Siberian Blue Robin (藍歌鸚), Black-naped Oriole (黑枕黃鸝), White's Thrush (懷氏地鸝), Besra (松雀鷹) and crested goshawk (鳳頭鷹) were also found in woodland. The latter two were Class II protected animal species in Mainland China. The rare species found in the Area should be treasured;

- (d) the planning intention of the “AGR” zone was to retain and safeguard good quality agricultural land, farm/fish ponds for agricultural purposes. For the “AGR” zones of all OZPs, the overall approval rate of Small House (SH) applications was 57.7% and that of planning applications for other uses, which were irrelevant or harmful to agricultural development such as brownfield and recreation-oriented hobby farm, was about 55% from 2012 to 2019. As evidenced in the cases of Ho Chung, Kai Leng, Man Uk Pin and Lam Tsuen areas, SH development in the “AGR” zone would often proliferate after granting the first planning approval. The “AGR” zone in Kam Tin (namely “Buffalo Fields”) was even permanently destroyed as most of the applications for hobby farm in the area were cases of “destroy first, build later”. Such loss of natural environment reflected that the enforcement power for illegal uses/works was not effective and the deterrence effects were questionable;
- (e) there was a general presumption against development within “GB” zone and only passive recreational outlets could be provided. For the “GB” zones of all OZPs, the overall approval rate of planning applications for various uses (e.g. recreational use, car parking, etc.) from 2017 to 2019 was 45%. In particular, the approval rate of SH development within the “GB” zone was about 36%;

- (f) without stringent zoning control, the proliferation of the incompatible uses within the “AGR” and “GB” zones, as stated above, would induce problems such as water and stream pollution from septic tanks of SH development, destruction of ecologically sensitive wetlands/streams by land filling of less than 1.2m (which was always permitted for agricultural activities within the “AGR” zone), and environmental degradation;
- (g) it was noted that some parts of the “AGR” zone near San Shek Wan on the OZP was originally zoned “GB” on the DPA Plan. As those areas were densely vegetated without agricultural activities and were mainly Government land, the reasons for rezoning them to “AGR” was questionable; and
- (h) in view of the above, it was suggested that the zonings of “AGR” and “GB” be replaced by more stringent ones such as “Conservation Area” (“CA”) to safeguard farmlands and the nearby wetlands from adverse environmental impacts caused by different kinds of development;

11. With the aid of a PowerPoint presentation, Mr Nip Hin Ming, R5’s representative, made the following main points:

- (i) he questioned why a section of the coastline in the northern part of San Shek Wan was zoned “GB”, rather than “Coastal Protection Area” (“CPA”), on the OZP. As shown in the various photos he presented, San Shek Wan was a continuous beach and the sand portion of the beach should also be zoned as “CPA” for continuity and unity sake. Although the concerned area was just a narrow strip, it was noted that an area of similar size in the northeastern part of Sham Wat Wan was zoned “CPA”;
- (j) similarly, the continuity of the “CPA” zone was found interrupted in Sai Tso Wan. According to the survey plan from the Lands Department (LandsD), some vegetation or even mangroves were identified along the coastline of Sai Tso Wan. He showed a video to illustrate that the eastern part of Sai Tso Wan was covered by mangroves. Although the concerned area was

occupied by abandoned structures and concrete platform, mangroves, natural coastline and a rare species of Romer's Tree Frog were also found in the eastern and western parts of that area. Given the above, it would be more appropriate to zone the area as "CPA"; and

- (k) currently, 32 out of the 33 identified Ecologically Important Streams (EIS) were covered by OZPs including the one at Sham Wat. The "CA" zoning for the EIS together with its upstream portion at Sham Wat was welcomed.

R7/C3 – Mary Mulvihill

12. With the aid of a visualizer and some photos, Ms Mary Mulvihill made the following main points:

- (a) she supported the view from the green groups that the efforts in conserving and protecting the unique environment by designation of "AGR"/"GB" zones in the Area were not sufficient. The "CPA" zone should cover the whole coastline, and the "CA" zone should cover all the rivers, which were now largely covered by the "GB" zone on the OZP;
- (b) low-impact leisure and recreational uses should be developed for public enjoyment. To safeguard the planning intention for conserving the natural and cultural resources and preserve the unique rural settlement in Lantau, further control or requirements to govern those developments should be included in the OZP;
- (c) complaints about illegal practices should be acted on fast and stronger enforcement action should be taken against unauthorized developments;
- (d) the Board had approved rezoning of "GB" for other purposes from time to time. Hence, the "GB" zoning was no longer appropriate for protecting the environment;
- (e) as there was no outstanding SH application and the 10-year SH demand

forecast was zero for both Sham Wat and Shan Shek Wan, there was no justification for enlargement of the “V” zone which should be minimized;

- (f) some rezoning proposals would cover a sizeable area with natural vegetation in the absence of supportive technical assessments. The potential impacts brought by the proposed zoning to the environment in terms of sustainability and compatibility were unknown;
- (g) the “AGR” zone in the area permitted multiple uses which were not compatible with sensitive areas of high ecological value. Abandoned agricultural land in “AGR” zone and woodlands should be rezoned to “GB”. Agricultural land should be retained for farming purposes to ensure food security against the booming of food crisis. The Board should reconsider the current trend of approving uses in the “AGR” zone;
- (h) the covering Notes of the OZP should state clearly that the existing uses could not include any unauthorized works;
- (i) adequate buffer zone to the Sites of Archaeological Interest should be provided to protect the unique characters of the area; and
- (j) she objected to the ‘Exemption Clause’ for public works co-ordinated by Government involving excavation of land in conservation-related zones from planning permission as there was no accountability system in place and, once the works commenced, the damage done would be irreversible.

R9 – 大澳鄉事委員(Tai O Rural Committee)

13. Mr Ho Siu Kei made the following main points:

- (a) he was the Chairman of the Tai O Rural Committee;
- (b) he opposed the “GB” zone covering the private land of Sham Wat and San Shek Wan village, as their rights should be duly protected. The

villagers would soon resume farming activities in Sham Wat and San Shek Wan and hoped that the Government would support the agricultural rehabilitation;

- (c) the Government should balance the interests between green groups and villagers so to minimize conflict among various stakeholders; and
- (d) Sham Wat Road and the footpath connecting Tung Chung and Tai O were created by villagers bit by bit. In the 1960s, the Government provided them with concrete for road paving and allowed them to undertake maintenance works in the 1980s. He urged Members to consider their circumstances and protect the rights of their private land. The Government should have a better plan to avoid conflict among road users, especially between pedestrians and cyclists by demarcating clearly hiking trail and cycle track. A proper planning was needed to better utilize the land resources.

R11 – 吳鳳蓮

14. Ms Ng Fung Lin made the following main points:

- (a) she was the Resident Representative of Sham Shek;
- (b) she was concerned about road safety of the single-lane Sham Wat Road for 2-way traffic as the road was steep with bends. Government departments had examined the design of Sham Wat Road years ago and suggested installation of safety convex mirrors, but no action had so far been taken;
- (c) there were lack of basic public facilities in the rural area and uneven allocation of public resources as compared to the urban area. Application for construction of a public toilet in Sham Shek Village had been under processing for 10 years. Besides, the Government should install a sewerage system in Sham Wat to tackle the sewage discharge issue; and
- (d) a piece of private land in Sai Tso Wan zoned “GB” should be rezoned to

“AGR”. That piece of land used to be for farming in the past decades and farming activities would be resumed soon.

R16 - Asia International Develop Limited

15. With the aid of a PowerPoint presentation, Mr Chow Tsz Nok made the following main points:

- (a) he, representing the land owner (i.e. R16), opposed the designation of the “GB” zone for Lot No. 327 in D.D. 308 (R16’s site) and proposed to rezone R16’s site or part of it to “Recreation” (“REC”) zone;
- (b) there was a shortage of recreational facilities in Hong Kong. The proposed recreational use at R16’s site would provide a picturesque leisure spot for both passive and active recreation and enhance the quality of life for Hong Kong residents, which was in line with the planning vision of Hong Kong 2030+ in respect of sustainable development;
- (c) the ‘Sustainable Lantau Blueprint’ indicated that the broad planning principle of Lantau was “Development in the North; Conservation for the South” and certain recreational uses were suggested along the coastline. However, no “REC” zone was designated on the Tung Chung Town Centre, Tung Chung Extension Area, Tung Chung Valley and South Lantau Coast OZPs. In fact, there was potential for Lantau in achieving a more balanced spatial development pattern to meet the long-term development needs of Hong Kong;
- (d) R16’s site was suitable to be rezoned to “REC” based on the following reasons:
 - (i) R16’s site with an area of about 11,000m² was flat and located next to two existing villages. It was situated at the mid-point of the Tung O Ancient Trail and was not within any ecologically sensitive area. There were various historic or tourist spots nearby, such as

Sam Shan Kwok Wong Temple and the Hong Kong-Zhuhai-Macao Bridge, and basic facilities such as vehicular road, public convenience and ferry pier.;

- (ii) since 2016, the land owner had been closely liaising with government departments regarding the proposed recreational use at R16's site. The proposal had been circulated for departmental comments and PlanD considered that the proposed recreational use was not incompatible with the surrounding environment. Prior to the publication of the DPA Plan, the land owner had applied for land exchange for recreational use and initial work such as site clearance, erection of fencing and paving for pedestrian access had already commenced. The land owner had also made representations on the DPA Plan for opposing the "GB" zoning for the site. However, the planning history and the development intention for the site were not reflected on the OZP. He urged the Board to take into account the land owner's intention of developing the site for recreational use and to consider rezoning the site to "REC";

- (iii) there was not only a single way to protect the natural environment. For instance, the Sai Yuen Farm in Cheung Chau was located within a "REC" zone and bounded by the "GB" zone at its east and south. It demonstrated that there was no conflict between the two zonings even if there was development in the "REC" zone. The layout of the Sai Yuen Farm was not only designed for protecting the rural and natural environment but also promoting environmental protection to visitors; and

- (iv) R16's site was located far from the "Site of Special Scientific Interest" ("SSSI") zone and the nearby areas of it were zoned "V", which was a development zone with low ecological value. Two natural streams were identified at the eastern and western boundaries of the site. Although there was no indication on the necessity for streams protection, the land owner was willing to confine the recreational use

in the central part of the site and accept only zoning part of the site to “REC”.

R17 - Corona Land Company Limited

16. With the aid of a PowerPoint presentation, Mr Hui Chak Hung Dickson made the following main points:

- (a) in addition to San Shek Wan, the representer also owned lands in Mui Wo and Sha Lo Wan. To echo with the planning principle of “Development in the North; Conservation for the South” as stated in the ‘Sustainable Lantau Blueprint’ and with the presence of major existing/planned infrastructure (i.e. the Hong Kong-Zhuhai-Macao Bridge and the Third Runway of the Hong Kong International Airport) and many tourist spots in Lantau, the representer believed that there were development opportunities for promoting eco-tourism in Lantau;
- (b) in view that Hong Kong lacked new tourist spots, the representer would like to recommend a proactive approach to promote eco-tourism in Lantau by the provision of eco-lodges which could link up with the historical Sham Shek Village and Tung O Ancient Trail, so as to attract local and overseas visitors to stay overnight in Lantau. In the long run, the proposed eco-lodges could bring positive economic benefits to the society;
- (c) to take forward the above-mentioned concept, it was suggested to rezone the northern part of the OZP near San Shek Wan (R17’s site) from “AGR”, “GB” and “CPA” to “Other Specified Uses” annotated “Eco-lodge” (“OU(Eco-lodge)”) with a maximum plot ratio of 0.2 and a maximum building height of not more than 2 storeys. The formulation of the proposed zoning and development parameters had made reference to the “OU(Eco-lodge)” zone stipulated on the Ma Tso Lung and Hoo Hok Wai OZP (MTL&HHW OZP). For future development within the “OU(Eco-lodge)” zone, it was suggested that submission of s.16 planning application to the Board in the form of comprehensive development

scheme and supported with relevant technical assessments should be required; and

- (d) as for PlanD's responses to R17's representation, the representer agreed to submit details of the proposed 'eco-lodge' and technical assessments to the Board for consideration should the proposed zoning of "OU(Eco-lodge)" be accepted. In conclusion, he urged Members to strike a proper balance between conservation and appropriate development in planning for the Area.

C4 - Fung Kam Lam

17. With the aid of a PowerPoint presentation, Mr Fung Kam Lam made the following main points:

- (a) he objected to the incorporation of the "Exemption Clause" in the Remarks of the Notes of the "CA", "CPA" and "SSSI" zones in which any diversion of streams, filling of land/pond and excavation of land pertaining to public works co-ordinated or implemented by Government (which were always permitted as stated in the covering Notes of the OZP) would be exempted from the requirement of planning application;
- (b) he suggested removing such exemption and a caution approach should be adopted under which planning application should be required for both private and public works. For instance, 'On-farm Domestic Structure' use under Column 1 of the "CPA" zone might involve excavation of land which however could be exempted from planning application if implemented by the Government. He doubted whether the upcoming works in Lantau such as upgrading of Tung O Ancient Trail, Eco-farming and the Round-the-Lantau Route proposed by the SLO of the CEDD in conservation sensitive areas as set out in the Lantau Trails and Recreation Plan would be well monitored;
- (c) he understood that public works co-ordinated or implemented by

Government might be governed by relevant existing mechanism and government requirements. Taking the Environmental Impact Assessment Ordinance as an example, environmental permits were required for all projects including new access roads partly or wholly in SSSI, but minor maintenance works to roads, drainage, slopes and utilities or footpaths and facilities relating to sitting out areas were exempted. There was uncertainty on how the scale of works would be determined as minor. Besides, the legislative proposals to streamline the development-related statutory processes proposed to expand the scope of “minor works” under the Roads (Works, Use and Compensation) Ordinance and the Railways Ordinance, such that more projects could fall within the definition of “minor works” which needed not to go through the gazettal procedures. It would undermine the right of public inquiry. Another example was works for installation of underground cable by telecommunication companies. If such works was coordinated by the Government (i.e. Office of the Communications Authority), planning permission was required only if the works fell within areas zoned “SSSI”, “CA” or “CPA”. However, if the works only involved maintenance of the cable and coordinated by the Government, planning application was not required; and

- (d) it was noted that the formulation of the Notes for the Sham Wat and San Shek Wan OZP had made reference to the Master Schedule of Notes to Statutory Plans (MSN) promulgated by the Board. In view of the above concerns, Members should consider whether a different approach, i.e. deletion of exemption clause for works co-ordinated or implemented by Government, could be adopted for the new OZP.

18. As the presentations of PlanD’s representative, the representers, commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers, commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties.

Proposed “REC” and “OU(Eco-lodge)” Zones

19. The Chairperson, Vice-Chairperson and some Members raised the following questions:

- (a) whether there were “REC” zones on the three OZPs in Tung Chung and the South Lantau Coast OZP as mentioned by R16;
- (b) noting that details and technical assessments were not available at the moment, the principles of consideration on rezoning R16’s and R17’s sites (the concerned area) from “GB to “OU(Eco-lodge)” or “REC”; and
- (c) noting that relevant technical assessments were needed prior to identification of suitable locations for recreational use in the Area, whether such suitable location had ever been identified and which party was responsible for conducting relevant technical assessments to ascertain whether recreational uses at a particular location in the Area were feasible.

20. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) although there was no “REC” zone designated on the Tung Chung Town Centre Area, Tung Chung Extension, Tung Chung Valley and South Lantau Coast OZPs, recreational development could be taken forward in certain zones, e.g. “GB”, via submission of s.16 application with relevant supporting technical assessments to the Board for seeking planning permission;
- (b) both R16 and R17 did not provide details of rezoning proposals, e.g. development scale and layout and relevant technical assessments, noting that there was only one access road to the representation sites and there were no public sewer and drainage systems. In particular, R17’s site covered the major portion of a hill for which natural hazard terrain study

and ecological assessment should be required. In the absence of such information, it was not possible to determine if the rezoning proposals were acceptable. On R17's suggestion that the area be rezoned to "OU(Eco-lodge)", such use was considered akin to certain uses such as 'Holiday Camp', 'Place of Recreation, Sports or Culture' and 'Field Study/Education/Visitor Centre', which were under Column 2 of the "GB" zone and s.16 planning application with detailed development proposal supported with technical assessments could be submitted for the Board's consideration. The representer could seek planning permission through s.16 planning application under the current "GB" zoning; and

- (c) according to the 'Sustainable Lantau Blueprint', no major development was proposed for the Area. The technical assessments for any recreational development in the Area should be conducted by the project proponents. Subject to demonstration of the technical feasibility of providing eco-lodge or recreational uses as proposed by the representers, SLO of CEDD could provide the necessary assistance in taking forward the projects as appropriate.

21. Regarding the question on whether there were any "OU(Eco-lodge)" zones on the OZPs in Hong Kong, the Secretary supplemented that a piece of land was such zoned on the MTL&HHW OZP.

22. The Chairperson further asked whether technical assessments were conducted to identify suitable location for eco-lodge development in Lantau, and if the area identified by R16 and R17 remained to be covered by "GB" zone, whether their proposals could be realized. In response, Ms Caroline T.Y. Tang, DPO/SKIs, said that according to the 'Sustainable Lantau Blueprint', the major portion of the Lantau, including the southern and northwestern parts, was intended for conservation with sustainable leisure and recreational uses. Hence, no assessment was conducted for major development in the Area. Under the sustainable planning framework, suitable uses such as 'Holiday Camp', 'Place of Recreation, Sports or Culture' were put under Column 2 of the "GB" zone of the OZP. If the representers would like to proceed with 'Eco-lodge' or recreational development proposal, s.16 planning applications with relevant supporting technical assessments could be submitted for the

Board's consideration.

23. A Member asked about the development scale and types of facilities to be provided as proposed by R16 and how visitors could access R16's site. Mr Chow Tsz Nok, representative of R16, responded that R16's site with an area of about 11,000m² was located at the mid-point of Tung O Ancient Trail which would take about 3.5 hours to complete. Visitors could take an hour walk from either Tung Chung or Tai O to R16's site for taking a rest. Different types of camping ground, recreational activities centre and/or education/visitor centre could be provided at R16's site. Regarding accessibility, in addition to walking from Tung Chung/Tai O via Tung O Ancient Trail, visitors could also reach R16's site by a 15-minute walk from either Sham Wat Road or San Shek Wan Pier.

24. The Chairperson enquired about the progress of R16's development proposal. Mr Chow Tsz Nok, representative of R16, said that the land owner had prepared a scheme for recreational use in 2016. The scheme at R16's site was submitted to LandsD for land exchange application and PlanD indicated at that time that the proposed development was not incompatible with the surroundings. Since then, due to change of land ownership, the land exchange application was suspended. While the current land owner kept refining the proposal, the intention for recreational use remained unchanged.

25. Ms Caroline T.Y. Tang, DPO/SKIs, supplemented that during the departmental circulation process for the land exchange application submitted by the land owner in 2016, while PlanD advised that the proposal was not incompatible with the surroundings, the land owner had yet to demonstrate the feasibility of the proposal with relevant technical assessments. No further proposal was received from the land owner until the current one submitted in the representation.

26. A Member asked whether local consultation was conducted for the proposals submitted by R16 and R17 and whether the locals and green groups at the meeting had any views on the two proposals. Mr Hui Chak Hung Dickson, representative of R17, responded that local consultation had yet to commence and it would be conducted during the planning application stage under the current mechanism. Ms Ng Fung Lin, representer of R9, expressed that provision of recreational facilities for Hong Kong residents was supported and the project proponents were reminded to consult the nearby villagers. Mr Nip Hing Ming,

representative of R5, said that the proposed eco-lodge use should be supported by research and assessments as for the case of “OU(Eco-lodge)” on MTL&HHW OZP. He supplemented that the Land Use Planning of the Frontier Closed Area Study recommended promotion of eco-tourism and proposed to develop an eco-lodge in Ma Tso Lung. Such recommendation was supported by relevant assessments including ecological survey and a site was later designated as “OU(Eco-lodge)” on the MTL&HHW OZP.

Rationale of designating “CPA” Zone

27. Noting from a presenter that two portions of the coastline along the Area, i.e. the southwestern part near San Shek Wan Pier and the northern part of Sai Tso Wan, were zoned “GB” instead of “CPA”, the Chairperson, Vice-Chairperson and some Members asked about the rationale of designating the respective zonings and whether “continuity” was a consideration factor for the “CPA” zone. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, responded that the “CPA” zone was designated for most part of the coastline of the Area with a view to conserving, protecting and retaining the natural coastline and the sensitive coastal natural environment. It might cover areas which served as natural protection areas sheltering nearby development against the effects of coastal erosion. For delineation of the boundary of “CPA” zone and the seaside limit of the boundary of the OZP, a consistent approach, i.e. making reference to the high water mark, had been adopted. Besides, certain portions of inter-tidal zones of San Shek Wan and Sai Tso Wan had been included within the boundary of the OZP. For the Sai Tso Wan portion, the area was mainly a concrete platform with sparse vegetation and mangrove to its east which was lower than the high water mark and hence, outside the OZP boundary. For the San Shek Wan portion, the area being next to San Shek Wan Pier comprised mainly a footpath with sparse vegetation and some vacant structures. These two portions were occupied by man-made features rather than natural coastline. In view of the above, it would be more appropriate to zone these areas as “GB”. AFCD advised that by adopting the habitat mapping approach, the current conservation-oriented zoning, i.e. “GB”, was considered appropriate to render protection of the common natural habitats and at the same time to reflect the existing site conditions in these areas. The same principle and approach for designation of the “CPA” zone had been applied to the other three OZPs, i.e. Mui Wo North, Pui O Au, and Sha Lo Wan and San Tau.

“AGR” and “GB” zones

28. The Chairperson and some Members raised the following questions:

- (a) the reason for expanding the northern portion of the “AGR” zone near San Shek Wan which was zoned “GB” on the preliminary draft of the OZP;
- (b) noting that some private land was zoned “GB”, whether the property right would be affected;
- (c) whether there was any difference in undertaking agricultural activities in the “GB” and “AGR” zones from statutory planning perspective;
- (d) whether there was any control on waste water generated from agricultural activities in the “AGR” or “GB” zones given the presence of conservation zone nearby and how such possible contamination/pollution to the nearby “GB” or conservation zones could be avoided; and
- (e) the source of information regarding nil outstanding SH applications for both Sham Wat and Shan Shek Wan and zero forecast for the 10-year SH demand for both villages as mentioned in the Paper.

29. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, Ms C.Y. Ho, SNC/S, and Ms Connie Ng, NC/L, made the following main points:

- (a) according to the site survey record, orchards were found in the northern part of the “AGR” zone in San Shek Wan and the land thereat was covered by Government Land Licences and Permits. In view that the area was suitable for agricultural rehabilitation, it was appropriate to zone the area as “AGR”;
- (b) according to the covering Notes of the OZP, rebuilding of a New Territories Exempted House (NTEH) or replacement of an existing domestic building by a NTEH was always permitted in the “GB” zone.

‘House’ use was under Column 2 of the “GB” zone which might be permitted with or without conditions on application to the Board. The Board would consider each application based on its individual merits, taking into account the prevailing planning circumstances. ‘Agricultural Use’ was also always permitted within the “GB” zone, and the designation of “GB” or “AGR” zone would not hinder agricultural development or rehabilitation. Hence, the villagers’ right for development of NTEH or house or agricultural rehabilitation in Sham Wat and San Shek Wan would not be forfeited;

- (c) ‘Agricultural Use’, as a Column 1 use, was always permitted in both the “AGR” and “GB” zones. The nuance of the controls under the two zones was in the different control on filling of land. In “AGR” zone, planning permission from the Board for filling of land was not required where the laying of soil for cultivation did not exceed 1.2m in thickness or the filling of land was for construction of any agricultural structure with prior written approval issued by the LandsD. For the “GB” zone, all circumstances involving filling and/or excavation of land, except public works co-ordinated or implemented by Government and maintenance, repair or rebuilding works, would require planning permission;
- (d) in general, there was no specific control on agricultural activities in the “AGR” zone or other conservation zone, i.e. “GB”, under the planning regime. For the treatment of waste water generated by agricultural activities or livestock farming, relevant control and regulations should be followed; and
- (e) the 10-year SH demand forecast and the number of outstanding SH applications were provided by the village representatives of Sham Wat and Shan Shek Wan and LandsD respectively.

30. The Chairperson and a Member raised the following questions:

- (a) whether there were any public facilities in San Shek Wan Village and whether planning permission was required for the provision of public convenience;
- (b) whether the road safety issue of Sham Wat Road raised by R11 would be addressed and whether planning application was required if road widening works were conducted by the Government; and
- (c) whether planning permission was required for all public works co-ordinated or implemented by the Government.

31. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, made the following main points:

- (a) Sham Shek Public Toilet was located near San Shek Wan and was zoned “G/IC” on the OZP. According to the Notes of the OZP, ‘Public Convenience’ was a Column 1 use of the “GB” and “AGR” zones, which was always permitted;
- (b) R11 in her written submission suggested that Sham Wat Road should be widened to a two-lane road. The suggestions, which had been referred to the Transport Department (TD) for consideration, and the proposed road widening works were subject to TD’s views on the need and further review on the technical feasibility by the works agent to be identified. According to the covering Notes of the OZP, road works co-ordinated or implemented by Government were always permitted within the boundaries of the OZP; and
- (c) according to the covering Notes of the OZP, local public works co-ordinated or implemented by Government were always permitted within the boundaries of the OZP. These normally referred to minor works such as maintenance or repair of road, watercourse, nullah, sewer

and drain, and provision of amenity planting by Government. While such minor works were always permitted under statutory planning regime, relevant government departments would monitor the public works which should conform to relevant legislations and government requirements. Major works should be defined by its nature and reference should be made to the schedule of use for the specific zones. For instance, 'Public Utility Installation' was a Column 2 use in the "GB" zone and planning permission was required. Taking 'rain shelter' in "SSSI", "CA" or "CPA" zone as an example, if it was a public works (i.e. local public works and such other public works co-ordinated or implemented by Government), the works and its associated filling or excavation of land were exempted from planning permission in accordance with the covering Notes and the Notes of the OZP and no planning permission was required. As for a private project, the provision of rain shelter and its associated filling or excavation of land would require planning permission from the Board.

32. As Members had no further questions to raise, the Chairperson said that the hearing procedure for the presentation and Q&A sessions had been completed. The Board would further deliberate on the representations and comments in closed meeting and inform the representers and commenters of the Board's decision in due course. The Chairperson thanked the representers and commenters and their representatives and the government representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

33. The Chairperson recapitulated the key concerns of the representations/comments. Regarding the representers' proposals to rezone part of the "GB" zone along the Tung O Ancient Trail near San Shek Wan and the area to its south to "OU(Eco-lodge)" or "REC" for provision of recreational facilities for the public to enjoy the natural environment (R16 and R17), such intentions could be taken forward through s.16 planning application under the current statutory planning regime as relevant uses, such as 'Holiday Camp' or 'Place of Recreation, Sports or Culture', were under Column 2 of the concerned "GB" zone. Notwithstanding that, Members were invited to consider whether the current information

provided by the representers was adequate to justify their rezoning proposals.

34. Regarding the concerns raised by some representers, i.e. R1 to R5, on the need for continuity of “CPA” along the coastline, the Chairperson said that as explained by the government representatives in the meeting, the major consideration in the designation of “CPA” was whether the area was a natural coastline with landscape, scenic or ecological value rather than continuity of “CPA” zone. Members might consider whether the approach currently adopted for the “CPA” zone on other OZPs should be changed for the subject OZP.

35. Regarding a commenter’s concerns (C4) on the ‘exemption clause’ in the covering Notes, i.e. exempting works involving diversion of streams, filling of land/pond or excavation of land pertaining to public works co-ordinated or implemented by Government from the requirement of planning application, the Chairperson reminded that such provision was in line with the latest revision of the MSN for statutory plans. Members were invited to consider if there was any justification for deviation from the MSN for the OZP.

“OU(Eco-lodge)” and “REC” zones

36. The majority of Members considered that without the support of technical assessments and development details, it was pre-mature to designate the concerned sites as “OU(Eco-lodge)” or “REC” zones as proposed by R16 and R17. A Member said that according to the Notes of the “OU(Eco-lodge)” of the MTL&HHW OZP, ‘Eco-lodge’ was a Column 2 use which required planning permission. Even if the representation sites were to be rezoned to “OU(Eco-lodge)”, planning permission should still be required. Under the current zoning of “GB”, the project proponents (i.e. R16 and R17) could take forward their proposals through submission of s.16 planning applications for the Board’s consideration. A Member suggested that ‘Eco-lodge’ could be put under Column 2 of the “GB” zone in order to provide a clearer indication for the project proponents to put forward their eco-lodge proposal. A Member also said that a list of assessment criteria for applications related to ‘Eco-lodge’ could be promulgated to facilitate the submission and consideration of such planning applications. While most Members considered that there was no strong reason to support the rezoning proposals, some Members suggested that the Government might adopt a proactive approach to identify appropriate locations or provide suitable facilities in the Area

to promote eco-tourism which echoed with the spatial planning and development framework of the ‘Sustainable Lantau Blueprint’; i.e. providing low-impact leisure and recreational uses for public enjoyment where appropriate.

“CPA” Zone

37. While a Member considered that flexibility could be allowed to include small portions of man-made features along the coastline in the “CPA” zone, the majority of Members agreed that a consistent approach should be adopted to delineate the boundary of the “CPA” zone with the high water mark demarcating the seaside limit and area covered by natural coastline with existing man-made features excluded. The Chairperson further pointed out that the reason for the green groups requesting for more stringent zonings was for protection of the environment. To build up their confidence that the current zonings could provide adequate protection for the environment, enforcement actions and publicity on government’s efforts against unauthorized development should be enhanced. Mr Ivan M.K. Chung, Director of Planning, supplemented that PlanD had been undertaking actions against unauthorized development in the rural New Territories and related publicity, including meeting with rural committees to explain the planning enforcement and prosecution works undertaken by PlanD and distributing pamphlet on government’s actions against unauthorized developments under the Town Planning Ordinance. PlanD would continue to closely work with relevant government departments to carry out the planning enforcement and prosecution actions.

“Exemption Clauses”

38. Regarding C4’s concern, Mr Paul Y.K. Au, Chief Engineer (Works) of Home Affairs Department (HAD), supplemented that there were internal guidelines and circulars to govern the implementation of district minor works co-ordinated or implemented by government. For instance, for district minor works led by HAD in conservation sensitive area, regular meetings with the concerned parties and green groups would be held to ensure that their comments could be incorporated as far as possible. HAD would also maintain continuous dialogue with them and update the guidelines to reflect the latest circumstances as appropriate. In general, Members had no objection to maintain the “exemption clauses” as stipulated in the Notes of the conservation-related zones on the OZP.

Conclusion

39. The Chairperson concluded that based on the information submitted and presented at the hearings, Members generally agreed that the OZP should not be amended to meet the adverse representations and that all grounds and proposals of the representations and comments had been addressed by the departmental responses as detailed in the Paper and the presentations and responses made by the government representatives at the meeting. The Chairperson also recapitulated the following points:

- (a) regarding the recreational uses proposed by some of the representers, it was suggested that the SLO of CEDD should take the initiative to facilitate the project proponents to take forward their proposals through submission of s.16 planning application for the Board's consideration;
- (b) regarding the "CPA" zoning, the principle and standard for designation of which, i.e. high water mark and natural coastline, had been clearly stated and should be consistently applied across all relevant OZPs. Noting that the green groups had requested for more stringent zoning/control for the sake of environmental protection and conservation, enforcement actions against unauthorized developments causing damages to the environment should be continued; and
- (c) the 'exemption clauses' in the Notes of the conservation-related zones on the OZP was in line with the latest revision of MSN which was promulgated by the Board in August 2021 and it was not appropriate to make further revision at the current juncture. In response to the commenter's concerns, government departments would endeavour for better coordination and continue to follow the established practice in carrying out and monitoring public works, including, amongst others, those involving excavation of land in conservation sensitive areas, in accordance with relevant guidelines and circulars.

[Mr Frankie Yu left the meeting during the deliberation session.]

40. After deliberation, the Town Planning Board (the Board) noted the supportive views of Representation No. **R1 (part) to R4 (part)** and decided not to uphold the remaining views of No. **R1 (part) to R4 (part)** and **R5 to R17**, and agreed that the draft OZP should not be amended to meet the representations for the following reasons:

“Conservation of Natural Environment and Habitats

- (a) “Costal Protection Area” (“CPA”), “Conservation Area” (“CA”) and “Green Belt” (“GB”) are all conservation-related zonings of different levels of control to land use and development. The designation of the such zonings on the draft Sham Wat and San Shek Wan Outline Zoning Plan (OZP) is considered appropriate from nature conservation perspective, “CPA” zone for protecting the natural coastline with high landscape, scenic or ecological value, “CA” zone to preserve the Ecologically Important Stream portion of Ngong Sham Stream and its riparian area, and “GB” zone to render protection of the common natural habitats and at the same time to reflect the existing site conditions in Sham Wat and San Shek Wan area (the Area) **(R1 to R9)**;
- (b) “CPA” zone is designated along the majority of the coastline. Only coastal areas with existing man-made features are excluded from the “CPA” zone and are designated with appropriate zonings **(R1 to R4, R6 and R7)**;
- (c) on-site Septic Tank and Soakaway systems for village houses are required to comply with relevant standards and regulations to ensure no adverse impact on the environment **(R1, R4 and R6)**;

Agricultural Land and Designation of “GB” and “Agriculture” (“AGR”) Zones

- (d) majority of the existing and abandoned agricultural land with potential for rehabilitation is zoned “AGR”, while some common natural habitats such as woodland and shrubland are zoned “GB”. ‘Agricultural Use’ is always permitted within “AGR” and “GB” zones. Genuine agricultural activities would not be hindered **(R8 to R12)**;

- (e) in general, existing agricultural land and house lots in the Area would not be affected by the statutory planning control imposed on the OZP. No action is required to make the existing use of any land or building conform to the OZP **(R10)**;

Designation of “Village Type Development” (“V”) Zone

- (f) the boundaries of the “V” zones are drawn up having regard to the ‘village environs’ (‘VE’), local topography, existing settlement pattern, outstanding Small House (SH) applications and demand forecast. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded. An incremental approach has been adopted for designating the “V” zone with an aim to consolidating SH development at suitable location in order to avoid undesirable disturbance to the natural environment and overtaxing the limited infrastructure in the Area **(R1, R4 and R7 to R9)**;

Provision of Community Facilities and Infrastructures

- (g) suitable sites are zoned “Government, Institution or Community” for provision of government, institution and community facilities serving the needs of the local residents in the Area. The provision of community facilities and infrastructures, including transport and irrigation facilities, will be subject to review by relevant government bureaux/departments as and when necessary **(R10 to R15)**;

Unauthorized Development

- (h) upon the gazettal of the draft Development Permission Area Plan, the Planning Authority is empowered to instigate enforcement action against unauthorized developments in the Area. Any suspected unauthorized development including filling of land/pond and excavation of land will be closely monitored and enforcement action will be taken as appropriate. The current definition of

‘Existing Use’ is consistent with the rule against retroactivity in criminal law (**R2, R3 and R7**); and

Development Proposals

- (i) the rezoning proposals to facilitate various proposed developments by the representers are considered premature to be taken on board at this stage as no concrete proposal nor relevant technical assessments are submitted. The current zonings for the concerned sites have taken into account relevant planning considerations and are considered appropriate (**R16 and R17**).”

41. The Board also agreed that the draft Sham Wat and San Shek Wan OZP, together with the Notes and updated Explanatory Statement, were suitable for submission under section 8 of the Town Planning Ordinance to the Chief Executive in Council for approval.

[The meeting was adjourned for lunch break at 12:40pm.]

[Dr C.H. Hau, Ms Sandy H.Y. Wong, Messers Wilson Y.W. Fung, Stanley T.S. Choi and Terence S.W. Tsang left the meeting at this point.]

42. The meeting was resumed at 1:30 p.m.

43. The following Members and the Secretary were present in the afternoon session:

Permanent Secretary for Development
(Planning and Lands)
Ms Bernadette H.H. Linn

Chairperson

Mr Lincoln L.H. Huang

Vice-chairperson

Mr Stephen L.H. Liu

Mr K.W. Leung

Professor John C.Y. Ng

Professor Jonathan W.C. Wong

Dr Venus Y.H. Lun

Dr Conrad T.C. Wong

Mrs Vivian K.F. Cheung

Mr Vincent K.Y. Ho

Mr Ben S.S. Lui

Mr Timothy K.W. Ma

Ms Bernadette W.S. Tsui

Mr K.L. Wong

Chief Engineer/Traffic Survey & Support
Transport Department
Mr Patrick K.P. Cheng

Chief Engineer (Works),
Home Affairs Department
Mr Paul Y.K. Au

Principal Environmental Protection Officer (Regional Assessment),
Environmental Protection Department
Mr Victor W.T. Yeung

Director of Lands
Mr Andrew C.W. Lai

Director of Planning
Mr Ivan M.K. Chung

Sai Kung & Islands District

Agenda Item 2

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Representations and Comments in respect of the Draft Sha Lo Wan and San Tau Outline Zoning Plan No. S/I-SLW/1

(TPB Paper No. 10822)

[The item was conducted in English and Cantonese.]

44. The Secretary reported that the draft Sha Lo Wan and San Tau Outline Zoning Plan No. S/I-SLW/1 (the OZP) replaced the draft Sha Lo Wan and San Tau Development Permission Area Plan No. DPA/I-SLW/1 (the DPA Plan) covering the Sha Lo Wan and San Tau area (the Area). Representations and comments were submitted by the Hong Kong Bird Watching Society (HKBWS) (R1), the Conservancy Association (CA) (R2/C2) and Corona Land Company Limited (R47) represented by Llewelyn-Davies Hong Kong Limited (LD). The following Members had declared interests on the items:

Mr K.W. Leung - being a member of the executive board of HKBWS and the Chairman of the Crested Bulbul Club Committee of HKBWS;

Dr C.H. Hau - being a member of HKBWS and a life member of CA, and his spouse being the Vice-Chairman of the Board of Directors of CA; and

Mr Ricky W.Y. Yu - his firm having past business dealings with LD.

45. Mr Ricky W.Y. Yu and Dr C.H. Hau had tendered apologies for being unable to attend the meeting. As Mr K.W. Leung had no involvement in the submission of the relevant representation, Members agreed that he could stay in the meeting.

Presentation and Question Sessions

46. The Chairperson said that notification had been given to the representers and commenters inviting them to attend the hearing, but other than the representers/commenters who were present, the rest had either indicated not to attend or made no reply. As reasonable notice had been given to the representers and commenters, Members agreed to proceed with the hearing of the representations and comments in their absence.

47. The following government representatives, representers, commenters and representers'/commenters' representatives were invited to the meeting at this point:

Government Representatives

Planning Department (PlanD)

- Ms Caroline T.Y. Tang - District Planning Officer/Sai Kung & Islands (DPO/SKIs)
- Mr Kenneth C.K. Yeung - Senior Town Planner/Special Duties
- Mr Keith L.C. Wu - Town Planner/Islands

Agriculture, Fisheries and Conservation Department (AFCD)

- Ms C.Y. Ho - Senior Nature Conservation Officer (South) (SNC/S)
- Ms Connie Ng - Nature Conservation Officer (Lantau) (NC/L)

Representers, Commenters and their Representatives

R1 – Hong Kong Bird Watching Society

- Ms Wong Suet Mei - Representer's Representative

R2/C2 – The Conservancy Association

- Mr Ng Hei Man - Representer's and Commenter's Representative

R3/C1 – Designing Hong Kong Limited

Mr Wong Wan Kei Samuel - Representer's and Commenter's Representative

R4 – Green Power

Mr Lo Wing Fung - Representer's Representative

R5 – Save Lantau Alliance

Mr Tse Sai Kit - Representer's Representative

R6 – Kadoorie Farm and Botanic Garden

Mr Nip Hin Ming - Representer's Representative

R8/C3 – Mary Mulvihill

Ms Mary Mulvihill - Representer and Commenter

R9 – Yu Hon Kwan (Chairman of Islands District Council)

Mr Yu Hon Kwan - Representer

R10 – Tai O Rural Committee

Mr Ho Siu Kei - Representer's Representative

R12 – Chan Wing Foon

Ms Chan Wing Chui - Representer's Representative

R13 – Li Sau Mui

R14 – 沙螺灣洪聖寶誕值理會

R16 – 沙螺灣鄉公所

Ms Li Sau Mui - Representer and Representers' Representative

R17 – 大嶼山二澳村

Mr Kung Hok Shing - Representer's Representative

R20 – 陳永佳

Mr Chan Wing Kai - Representer

R24 – Lee Yim Hung (李艷紅)

Ms Lee Yim Hung - Representer

R26 – 李大鵬

Mr Lee Tai Pang - Representer

R27 – Cheung Kwong Yam (張廣任)

R28 – Yuen Yuen Chun (袁月珍)

Mr Cheung Kwong Yam - Representer and Representers
Representative

R33 – Wong Huen Ting Jade

R34 – Cheung Man Nei Olivia

Ms Wong Huen Ting Jade - Representer and Representers
Representative

R35 – 陳永娟

Ms Chan Wing Kuen - Representer

R36 – 謝擎天

Mr Tse King Tin - Representer

R37 – Tsai Kai Pong

R38 – Tse Kam Yau

R39 – Tse Kwok Hing

R40 – Tse Wai Chung

R41 – Cheh Ka Po

R42 – Tse Shu Fan

R43 – Tse Lai Ngor

R44 – Tse Lai Yuk

Mr Lau Cheung Ching - Representers' Representative

R46 – 徐承芬

Ms Chui Shing Fan - Representer

R47 – Corona Land Company Limited

Llewelyn-Davies Hong Kong Limited –

Mr Ng Chi Wan] Representer's Representatives

Mr Hui Chak Hung Dickson]

Mr Kong Ka Chun]

R48 – Poon Wai Ying (潘惠英)

Ms Poon Wai Ying - Representer

Mr Tsoi Shing Lam - Representer's Representative

C4 – Fung Kam Lam

Mr Fung Kam Lam - Commenter

48. The Chairperson extended a welcome. She then briefly explained the procedures of the hearing. She said that PlanD's representative would be invited to brief Members on the representations and comments. The representers, commenters and their representatives would then be invited to make oral submissions. To ensure the efficient operation of the hearing, each representer, commenter or his/her representative would be allotted 10 minutes for making oral submissions. There was a timer device to alert the representers, commenters or their representatives two minutes before the allotted time was to expire, and when the allotted time limit was up. A question and answer (Q&A) session would be held after all attending representers, commenters and their representatives had completed their oral submissions. Members could direct their questions to the government representatives or the representers, commenters and their representatives. After the Q&A session, government representatives, the representers, commenters and their representatives would be invited to leave the meeting. The Town Planning Board (TPB/the Board) would deliberate on the representations and comments in their absence and inform the representers and commenters of the Board's decision in due course.

49. The Chairperson invited PlanD's representative to brief Members on the representations and comments.

50. With the aid of a PowerPoint presentation, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, briefed Members on the representations and comments, including the background of the draft OZP, the grounds/views/proposals of the representers and commenters, planning assessments and PlanD's views on the representations and comments as detailed in TPB Paper No. 10822 (the Paper).

51. The Chairperson then invited the representers, commenters and their representatives to elaborate on their representations/comments.

R2/C2 – The Conservancy Association

52. With the aid of a PowerPoint presentation, Mr Ng Hei Man made the following main points:

- (a) the background for preparing the DPA Plan for the Area was of paramount importance in considering the OZP. In view of the mounting development pressure and human disturbances along the Tung O Ancient Trail (the Trail) in the form of site formation works, road widening and sloping cutting, the DPA Plan for the Area was published to provide interim planning control to safeguard the natural environment and enable enforcement actions to be taken against any unauthorised developments. The Board should be mindful not to encourage 'Destroy First, Build Later' activities;
- (b) he agreed with the overall planning intention of the DPA Plan and the OZP for conservation of the landscape and ecological values by introducing conservation-related zonings to protect the natural and rural character of the Area; and
- (c) the section of the Trail near Sha Lo Wan, which was originally a narrow hiking path, had been widened through extensive slope cutting in order to allow passage of private cars.

R6 – Kadoorie Farm and Botanic Garden

53. With the aid of a PowerPoint presentation, Mr Nip Hin Ming made the following main points:

- (a) the San Tau Beach Site of Special Scientific Interest (SSSI) consisted of a small area of mangroves and a seagrass bed underneath the water. While the San Tau Beach SSSI as shown in the Register of SSSIs on PlanD's website included both the mangroves and the seagrass bed, the "SSSI" zone on the OZP included the area above the high water mark only. This might not achieve the planning intention to protect the seagrass bed in the SSSI. Including areas below the high water mark in a "SSSI" zone was not unprecedented, as in the "SSSI" zone for Tai Ho Stream on the Tai Ho OZP which followed the boundary of the Tai Ho Stream SSSI. Moreover, the seagrass bed of the San Tau Beach SSSI might have expanded over time, and hence the SSSI boundary should be reviewed and expanded to cover the entire seagrass bed;
- (b) in San Tau, an area to the west of San Tau School was a secondary woodland forming part of a larger woodland. The concerned area that adjoined a natural stream to the south was originally proposed to be zoned "Green Belt" ("GB") on the draft Sha Lo Wan and San Tau OZP No. S/I-SLW/C, but was subsequently rezoned as "Village Type Development" ("V") on the OZP (as shown on Plan 21b of TPB Paper No. 10752). Developments in the "V" zone with septic tank discharge would pose threat to the ecology of the stream. It was proposed that the concerned area be rezoned "GB" so as to protect the riparian zone of the natural stream; and
- (c) in Sha Lo Wan, compared with the draft OZP in TPB Paper No. 10752, the proposed conservation-related zonings for four patches of woodland/vegetated land had been changed, including from "GB" to "V" for (i) an area to the east of the village, (ii) an area to the southeast of the village, and (iii) an area at the southwestern tip of the village, and from "Conservation Area" ("CA") to "GB" for (iv) a long strip of mature woodland to the south of the

village (as shown on Plan 21a of TPB Paper No. 10752). These four areas formed contiguous parts of the existing wider woodland/vegetated land. Expanding the “V” zone by including item (i) above would bring the “V” zone to the edge of a natural stream in the further east which posed threat to the stream ecology. It was proposed that the areas (i), (ii) and (iii) above be rezoned from “V” to “GB” and the area (iv) above be rezoned from “GB” to “CA” so as to protect the riparian zone of the natural stream.

R4 – Green Power

54. With the aid of a PowerPoint presentation, Mr Lo Wing Fung made the following main points:

- (a) he supported the planning intention of the OZP for conservation of the Area with high ecological value ;
- (b) San Tau was a butterfly hotspot. According to their survey conducted from 2008 to 2022, about 166 species of butterflies were recorded including 43 rare and very rare species such as the *Troides aeacus*, *Papilio dialis* and *Neptis soma* which required forests as their habitats. It was believed that such a diversified butterfly community and the rare forest-dependent species survived on the mature woodlands in San Tau. Both the woodlands to the west of San Tau School and to the south of San Tau Tsuen were dense forests since 1963 as shown on Lands Department (LandsD)’s aerial photos, and the forests were protected as fung shui woodlands by the villagers up to the present time. Compared with the “CA” zone for the woodland to the south of San Tau Tsuen, the “V” zone for the woodland to the west of San Tau School was not appropriate and should be rezoned to “GB” as originally proposed on the draft OZP No. S/I-SLW/C; and
- (c) in Sha Lo Wan, dragonfly species of conservation interests, including the highly globally rare species *Melligomphus guangdonensis* (only seen in South China), had been recorded in the streams. As such, the “V” zone should be kept at a

distance from the streams to minimise pollution and adverse impacts on the dragonfly habitat.

R1 – Hong Kong Bird Watching Society

55. With the aid of a PowerPoint presentation, Ms Wong Suet Mei made the following main points:

- (a) their survey recorded that 101 bird species were spotted along the Trail in the past ten years and 23 of them were species of conservation concern, including some wetland birds (e.g. the threatened species of Chinese Egret) and woodland birds (e.g. Black-naped Oriole ('local concern' status), Crested Serpent Eagle, Grey-faced Buzzard, etc.);
- (b) in the "GB" zones across the territory, the approval rates of planning applications from 2017 to 2019 for Small House (SH) and other uses (e.g. recreation use, car park, brownfields, etc.) were about 36% and 45% respectively, suggesting that the "GB" zone was not effective in nature conservation as claimed by some government departments;
- (c) in the "AGR" zones across the territory, the approval rate of planning applications from 2012 to 2019 for SH and other uses were about 57.7% and 55% respectively, and most of the other uses approved were incompatible and had adverse impacts on agricultural developments (e.g. recreation-oriented hobby farms, brownfields, etc.). For SH developments, they usually started expanding into the "AGR" zone soon after the first planning approval, as evident in places like Ho Chung, Kai Leng, Man Uk Pin and Lam Tsuen. For other incompatible uses, they might start off with illegal site formation works on fallow agricultural land and such unauthorised developments (UDs) would proliferate largely due to ineffective enforcement actions by LandsD and PlanD. Very often, non-agricultural developments were subsequently approved on the damaged land, and some 70% of the approved hobby farms involved 'Destroy First, Build Later' activities. The case of Kam Tin Buffalo Fields was a typical example;

- (d) the proliferation of incompatible uses in the “AGR” and “GB” zones would create problems with irreversible impacts such as water pollution from septic tanks of SH developments, destruction of ecologically sensitive wetlands/streams by land filling of less than 1.2m, and environmental degradation by hobby farm, barbecue spots and recreation developments; and
- (e) in view of the above, the Notes of both “AGR” and “GB” zones should be revised to prohibit house development or more stringent zonings be imposed.

R3/C1 – Designing Hong Kong Limited

56. With the aid of a PowerPoint presentation, Mr Wong Wan Kei Samuel made the following main points:

- (a) the Town Planning Board Paper No. 10624 on the proposed amendments to the draft Pak Lap OZP No. S/SK-PL/1 dated 3.3.2020 stated that (i) the 10-year SH demand forecast was subject to changes over time; (ii) the forecast was provided solely by the Indigenous Inhabitant Representatives (IIRs) and could not be easily verified based on the information currently available; and (iii) there was no obligation to cater for the full SH demand at the outset;
- (b) noting that the land required to meet outstanding SH demand was about 1.7 ha, the area of the “V” zone (about 6.18 ha) would be exceedingly more than enough to meet such demand; and
- (c) the population of the Area would increase from about 300 persons in 2016 to about 470 persons in the future (i.e. an increase of about 170 persons), according to the Explanatory Statement (ES) of the OZP. On the other hand, the available land for SH development in the Area could produce about additional 124 SHs as estimated in the Paper. Assuming that the additional 170 persons were to be accommodated in the additional 124 SHs, the population density would be as low as about 1 to 2 persons per SH. The need for a large “V” zone was doubtful. There was also a lack of supporting facilities which would adversely affect the living quality in the village.

R5 – Save Lantau Alliance

57. With the aid of a PowerPoint presentation, Mr Tse Sai Kit made the following main points:

- (a) he agreed with the overall planning intention of the OZP for conservation of landscape value and cultural heritage of the Area;
- (b) he agreed with the green groups that designating “V” zones too close to streams/rivers would cause adverse impacts;
- (c) the Trail was rich in ecological and cultural resources as identified in the Sustainable Lantau Blueprint and the cultural study carried out by the Sustainable Lantau Office of Civil Engineering and Development Department (SLO), and should be preserved. However, the Trail had been subject to some vandalism activities over the years. A section of the Trail near Sham Wat was improved by Home Affairs Department (HAD) in 2009 to allow emergency vehicles and was gate guarded at where it met Sham Wat Road. However, since 2020, the gate had sometimes been found to be opened to allow passage of private cars. Also, suspected unauthorised excavation of land was carried out at various spots along the Trail, e.g. extensive paving of concrete to widen the road surface, erection of roadside railings/poles to support the widened road section, cutting of slope to form possible car parking space, etc;
- (d) as revealed in the representation hearing of the draft Mui Wo North OZP No. S/I-MWN/1 held on 29.4.2022, AFCD would offer advice on the appropriateness of the conservation-related zonings based on their in-house past ecological survey data, among others, instead of conducting any updated and comprehensive ecological study. To strengthen AFCD’s role, AFCD should proactively liaise with the green/concern groups and incorporate the latter’s ecological findings in AFCD’s database, where appropriate, in order to have an updated ecological profile of the Area; and

- (e) he objected to the 'exemption clause' that allowed public works co-ordinated by Government involving excavation of land in conservation-related zones to be exempted from planning permission. The planning permission mechanism was an open and transparent system, providing channels for public scrutiny, and should not be bypassed. The requirement for planning applications for public works in respect of the South Lantau Coast OZP (without the 'exemption clause') should be followed.

R8/C3 – Mary Mulvihill

58. Ms Mary Mulvihill made the following main points:

- (a) she agreed with the green groups that the OZP was on the right direction but did not provide sufficient control for protection of the unique natural environment. The sea area of the San Tau Beach SSSI should also be included in the "SSSI" zone;
- (b) since the Board had from time to time approved the rezoning of "GB" sites for other purposes, it was clear that the "GB" zone provided no protection from exploitation. The history of previous planning approvals and references to Policy Address, such as providing housing supply, were always used to justify developments in the "GB" zones;
- (c) the "AGR" zone permitted multiple uses that were not compatible with sensitive area of high ecological value. Marshes and other intertidal zones should be zoned "CA" instead of "AGR", and shrublands and grasslands should also be preserved so that they could serve as buffer. The "CPA" zone should cover the entire coastline of the Area given the contiguous nature of the coastline;
- (d) the integrity of Sites of Archaeological Interest should be protected by designating adequate buffer zone. Allowing developments too near to these sites would impinge upon the sites' visibility and detract from their unique characters;

- (e) the majority of the newly-built New Territories Exempted Houses (NTEHs) were for sale or rent to non-indigenous villagers. The exploitation of the SH Policy had to be addressed and stringent restriction should be put in place to plug the loopholes. Residential developments and “V” zones should be kept to the minimum to only reflect the genuine SH demand and that “V” zones should be confined to the existing settlements;
- (f) designating government land to the east of Sha Lo Wan Village, which was already cleared for cultivation and sheds, as “V” set a bad precedent to encourage encroachment on government land;
- (g) the eco-lodge concept put forward by R47 was obviously a first step to an eventual residential development;
- (h) she objected to the ‘exemption clause’ that allowed public works co-ordinated by Government involving excavation of land in conservation-related zones to be exempted from planning permission since government departments should also be subject to scrutiny and public accountability;
- (i) the covering Notes of the OZP should state clearly that existing non-conforming uses that were tolerated and exempted from planning permission should not include unauthorised developments; and
- (j) for complaints about illegal practices, it took a long time for the Government to take action, and the site’s ecological value might already be destroyed.

R9 – Yu Hon Kwan (Chairman of Islands District Council)

59. Mr Yu Hon Kwan made the following main points:

- (a) the green/concern groups’ views about the importance of environmental protection of the Area were noted. The overarching principle of “Development in the North; Conservation for the South” for Lantau was supported by the locals. Despite the importance of nature conservation, the

human needs and economic development of the local villagers should also be recognised such that a more sustainable development could be achieved. Noting that about 90% of Lantau had already been designated as country park, “CA”, “SSSI” and “GB” zones, he considered that there was no need for further enlarging the conservation-related zonings. On the other hand, there had been human settlements in San Tau and Sha Lo Wan for a few hundred years and the need for indigenous villagers to build SH should be addressed;

- (b) since the ecological importance of the watercourses in the Area had been confirmed by the green groups, it might not be desirable for the locals to continue using septic tank and soakaway systems for effluent discharge of SHs which would aggravate water pollution. To address the issue, proper infrastructure such as public sewerage system should be built by the Government to service the area;
- (c) during the plan formulation stage, there was a lack of consultation with statutory bodies, e.g. Heung Yee Kuk, rural committee, etc;
- (d) it might not be legally sound to say that Article 40 of the Basic Law was not engaged as ‘the right to apply for or build a SH is a personal right enjoyed by the indigenous inhabitant himself, but not attached to the land that he owns’, as stated in the Paper (paragraph 5.3.2(c)); and
- (e) the Trail was merely a hiking trail and had no historic significance worthy of preservation. It was inadvertently named as ‘Tung O Ancient Trail’ some 20 years ago and should now be called ‘Tung O Trail’ as recently adopted by the SLO.

[Mr Lincoln L.H. Huang left the meeting during Mr Yue’s presentation.]

R10 – Tai O Rural Committee

60. Mr Ho Siu Kei made the following main points:

- (a) he objected to the OZP on behalf of Tai O Heung. The Heung Yee Kuk and the rural committee were not consulted;
- (b) any conservation effort involving private land without prior liaison with the relevant stakeholders (e.g. private landowners, advisory bodies, etc.) would be to nobody's avail as the access right to the concerned land still rested with the private landowners. Designating private land with conservation-related zonings would remove the land owners' development rights that they were entitled to before the imposition of planning control. Disputes usually arose when landowners could not exercise their entitled development rights whilst the green groups were denied access to the concerned land to implement conservation initiatives; and
- (c) the Area was severely deficient in emergency rescue service and there had been deaths due to delayed rescue in the past. However, the Tung Chung New Town nearby enjoyed a wide range of public services.

R13 – Li Sau Mui

R14 – 沙螺灣洪聖寶誕值理會

R16 – 沙螺灣鄉公所

R17 – 大嶼山二澳村

61. Ms Li Sau Mui, Sha Lo Wan IIR, and Mr Kung Hok Shing made the following main points:

- (a) the Trail was not worthy of preservation. It was just a local track used by villagers over the years. It had been laid and maintained by the villagers, not by the Government. Hence, villagers should have the right to decide how to use the Trail. Gates should not be put at the Trail so that the needy, such as the elderly, could use it for access. Villagers had been carrying out trail improvement works involving slope cutting and tree felling over the years but they were now accused by the green groups or government departments of undertaking illegal works. In the aftermath of major typhoons, the

Government offered no help and the villagers were requested to remove the felled trees by themselves;

- (b) imposing planning control on Sha Lo Wan deprived the villagers of their traditional rights to build SH and compensation should be provided. The OZP provided a platform for the green groups to abuse the villagers, causing disputes between the two parties. The Sha Lo Wan villagers objected to the OZP and it should be withdrawn. The OZP, as with other OZPs for rural areas, only harmed and “killed” the indigenous villages;
- (c) no SH applications in Sha Lo Wan had been approved by LandsD in the past 30 years, contrary to the figures (i.e. 50% to 60% approval) presented by the green groups. The registered population of Sha Lo Wan was about 700 persons (i.e. 400 persons more than PlanD’s estimate), and 250 of which were indigenous villagers. Hence, the “V” zone should be enlarged;
- (d) regarding the ferry service, it was difficult to get on the always fully loaded ferry at Sha Lo Wan. The 50-year-old pier was also in a bad condition due to wear and tear;
- (e) despite the claims of the Fire Services Department that there was sufficient emergency access, including helicopter and fire boat, the police or fire brigade usually took two to three hours to arrive for the villagers’ rescue in cases of emergency. The Government had continuously denied the villagers’ request for a vehicular access to be provided by the Government. The villagers were also not allowed to build a vehicular access themselves at their own cost;
- (f) they did not want to use septic tank and soakaway systems for treating effluent, but a public sewerage system was not provided by the Government even after repeated requests; and
- (g) the villagers had not been consulted when the OZP was under preparation. The villagers’ views on hardships of their livelihood, including nuisance caused by hikers, had not been heard nor appropriately reflected by PlanD, and

therefore the planning work of the OZP being conducted by PlanD should be suspended.

R20 – 陳永佳

62. Mr Chan Wing Kai made the following main points:

- (a) Sha Lo Wan had long been disadvantaged due to the long-term deficiency in basic transport facilities with very limited ferry service;
- (b) for agricultural rehabilitation, if one wished to install a water irrigation system for growing crops, an application to AFCD with support of transaction records of agricultural produce would be needed. However, transporting agricultural produce without external transport was difficult; and
- (c) the Noise Exposure Forecast (NEF) 25 Contour prohibited all SH developments in San Tau, even though his SH site fell within the ‘village environs’ (‘VE’). It was unclear whether his SH application submitted in 1997 could be taken forward.

R24 – Lee Yim Hung

R26 – 李大鵬

63. Mr Lee Tai Pang and Ms Lee Yim Hung made the following main points:

- (a) the Board should consult the local residents, understand their aspirations and deliver what the local community needed. Imposing planning control on private land, which they inherited from their ancestors, would infringe on the landowners’ property rights. The entitlement of house lots should be recognised with a development zone even without on-site structure as the house might have fallen. He (R26) had applied for a SH since the 1970s which was yet to obtain approval;

- (b) there was a previous incidence in which he had to wait for two to three hours for rescue before being transported on an open deck police boat to the North Lantau Hospital. This situation was unacceptable and a rescue access to Sha Lo Wan should be provided. The soccer pitch in Sha Lo Wan had been used for emergency helicopter landing in the past but it was now fenced up, making it impossible for helicopters to land; and
- (c) the ferry service was so always fully loaded that the villagers of Sha Lo Wan could not get on the ferries. The Government should provide them with a road access.

R27 – Cheung Kwong Yam

R28 – Yuen Yuen Chun

64. Mr Cheung Kwong Yam made the following main points:

- (a) since much of Lantau (about 90%) had already been designated as country park and with various conservation-related zonings, Sha Lo Wan and San Tau could be released for developments to a certain extent. Imposing planning control would freeze their land assets which were inherited from their ancestors over the past 400 years. If their land were to be deployed for conservation, compensation should be provided;
- (b) the forecast for SH demand should be extended beyond the next 10-year timeframe and the “V” zone be enlarged accordingly;
- (c) for agricultural rehabilitation in Sha Lo Wan, the lack of transport was the greatest constraint which prevented farmers from delivering their produce to markets in the urban area;
- (d) the ferry service was limited and fully loaded that the local residents could not get on the ferries all the time;

- (e) the poles at the roadside as mentioned by R5 were put up by the telecommunication companies, instead of by the villagers as claimed by R5;
- (f) the Trail was not worthy of preservation;
- (g) regarding the possible provision of cycle paths in the Area as stated in the Paper (paragraph 2.3), measures should be taken to avoid bicycle accidents, particularly collisions between cyclists and villagers; and
- (h) given the objecting comments received, the OZP should be withdrawn.

R33 – Wong Huen Ting Jade

R34 – Cheung Man Nei Olivia

65. Ms Wong Huen Ting Jade made the following main points:

- (a) the Board should not side towards the green groups based on their presentations but should visit the villages and consult the village representative(s) to better understand the villagers' needs, e.g. allowing abandoned agricultural land for SH development to improve the villagers' living environment. A proper balance should be struck;
- (b) noting that the general processing time for a SH application was normally about 10 years, the one for Sha Lo Wan was unreasonably long, with some applications even dating back to 1972 (about 50 years ago). No SH application had been approved in Sha Lo Wan since 1998; and
- (c) the lack of external transport connection had made daily commuting to work in the urban area difficult and that had deterred villagers from moving back to Sha Lo Wan.

[Mr Stephen L.H. Liu left the meeting during Ms Wong's presentation.]

R12 – Chan Wing Foon

R35 – Chan Wing Kuen (陳永娟)

66. Ms Chan Wing Chui and Ms Chan Wing Kuen made the following main points:

- (a) imposing stringent zonings on private land would deprive the owners of their property rights. For many years, no SH application in Sha Lo Wan had been approved, as opposed to the general approval rate of some 50% presented by the green groups;
- (b) Sha Lo Wan was very close to the airport but it was very difficult for villagers to travel home. Ferry service was the only external public transport available. The earliest Tung Chung-bound ferry stopping at Sha Lo Wan was around 10am in the morning and the last Sha Lo Wan-bound ferry departing Tung Chung was around 5:25pm. Such ferry schedule was not convenient for those working in the urban area. Ferries to/from Tung Chung were often overcrowded when it stopped at Sha Lo Wan and villagers could not get on them. Priority for boarding should be accorded to the local residents over the tourists, who could alternatively take bus from Tung Chung to Tai O;
- (c) emergency rescue service was so slow and in the past, fire brigade had taken two hours to arrive. The emergency rescue access should not be blocked by a gate; and
- (d) the natural environment of Sha Lo Wan had been deteriorating since construction of the airport, e.g. the sandy beach became muddy, Chinese white dolphins had vanished, etc.

R36 – Tse King Tin

67. With the aid of a PowerPoint presentation, Mr Tse King Tin made the following main points:

- (a) considering that the accessibility of San Tau would be improved with the planned operation of the MTR Tung Chung West Station (only about 2km away) in 2029, many indigenous villagers wanted to return to reside in the village. Therefore, the “V” zone should be expanded;

Lot 212 in DD6TC, San Tau

- (b) since 1998, no SH application in San Tau had been approved by LandsD due to the NEF 25 Contour issue related to aircraft noise from the airport. Soon after LandsD resumed processing of SH applications in May 2016, he submitted a SH application in July 2016. The application site for the SH was initially proposed on a piece of government land but was later changed to a piece of private land at Lot 212 in DD6TC within the ‘VE’. He bought the private lot in 2019 in the wake of the then court decision that no government land should be involved in SH application. That lot was subsequently zoned “GB” on the OZP. Contrary to the Paper (paragraph 5.3.1(d)) which stated that the concerned private land was located outside the existing village cluster and generally covered by shrubland, the lot was only about 25m away from the village. According to the aerial photos, there was no vegetation on the land in 2019/2020 as it was used for farming. His SH application was submitted well before the imposition of planning control in end 2020, and sympathetic consideration should be given to rezoning his land from “GB” to “V”;

Lots No. 891 and 954 in DD6TC, San Tau

- (c) he had been undertaking genuine agricultural activities at Lots No. 891 and 954 in DD6TC (zoned “GB”), for which an application for erection of seven greenhouses thereon was approved by LandsD in 2019. The two concerned lots were inherited by their family from their ancestors. They should be rezoned from “GB” to “AGR” to reflect the on-going agricultural activities. The Government had indicated that genuine agricultural activities would not be hindered in “GB” zones; however, they even had difficulty in obtaining approval for electricity supply for the agricultural activities as their application to China Light and Power Co. Ltd. in 2020 was still pending approval; and

- (d) being the IIR, he would say that villagers of San Tau were not too opposed to the “GB” zoning of those areas intended for conservation. Private land intended for SH development or agricultural activities should be appropriately zoned to allow sustainable development of the village.

R37 – Tsai Kai Pong

R38 – Tse Kam Yau

R39 – Tse Kwok Hing

R40 – Tse Wai Chung

R41 – Cheh Ka Po

R42 – Tse Shu Fan

R43 – Tse Lai Ngor

R44 – Tse Lai Yuk

68. With the aid of a PowerPoint presentation, Mr Lau Cheung Ching made the following main points:

- (a) the aircraft noise impact could be mitigated by double-glazing windows and thick layer of trees, and therefore should not have prohibited SH developments within the NEF 25 Contour for the past 30 years;
- (b) it was proposed to exclude the lots in (i) below from the “V” zone while including the lots (which their family members owned and had submitted SH applications in March 2021) in (ii) below in the “V” zone:
 - (i) Lots No. 321, 322, 323, 324, 325, 636, 655, 656, 659, 676, 678, 972, 973 and 974 in DD6TC, San Tau (all zoned “V”).
 - (ii) Lots No. 328, 771s.A, 771s.B and 771RP (all zoned “GB”); and Lots No. 282, 705s.A, 705s.B and 705RP (all zoned “AGR”) in DD6TC, San Tau. Designating pockets of “V” zones for these lots was not uncommon, as in the case of the Mui Wo North OZP where pockets of “R(C)” zones were designated;
- (c) the Paper mentioned that the concerned lots were zoned “AGR” as they were covered by active/abandoned agricultural land. However, they had all along

intended to build SH on those lots and had used the land for agricultural purpose in the interim. They had waited for thirty years to build their SH due to the NEF 25 Contour issue;

- (d) any SH developments on the eight lots under (b)(ii) above would have minimal adverse impacts, when compared with impacts from construction at the airport and the reclamation in Tung Chung; and
- (e) to provide emergency rescue access, three proposals were put forward including
 - (i) construction of a new rescue road between Road L24 in Tung Chung West and the Trail; (ii) construction of a new rescue road between San Tau and the junction of Chun Yue Road/Chek Lap Kok South Road on the airport island; and (iii) improvement to the existing footpath between Tung Chung Hau Wong Temple and the Trail, taking into account the difficulties of utilising the footpath as a rescue access currently encountered by the Fire Services Department.

[Mrs Vivian K.F. Cheung left the meeting during Ms Chui's presentation.]

R46 – Chui Shing Fan

69. With the aid of a PowerPoint presentation, Ms Chui Shing Fan made the following main points:

- (a) about 50% of the land in San Tau were held by indigenous villagers. In recent years, different commercial bodies had approached the villagers to sell their land for various commercial ventures, e.g. recreational grounds, large-scale tourist resorts, etc. but the villagers had refused these offers. The villagers did not want San Tau to become commercialised and were concerned about the adverse ecological impacts;
- (b) the villagers had no objection to the “GB” zone near the coast, on the understanding that the “GB” zone would not affect genuine farming activities;

- (c) the San Tau Village Office had been actively pursuing conservation initiatives since end 2020 with funding from the Lantau Conservation Fund and in collaboration with the Hong Kong University of Science and Technology (HKUST) and the Conservancy Association (CA). The conservation project with the CA's involvement comprised two phases. The first phase was to research the mudflats in San Tau and the second phase was to identify land within the village for sustainable agricultural rehabilitation. The villagers would not start agricultural rehabilitation until the CA advised so and would monitor any misuse of land in the meantime. Green groups and villagers had to work together for nature conservation;

- (d) the woodland to the west of San Tau School should not be zoned "V" as the area was covered by a woodland. The villagers had conducted a site inspection revealing that there were about 10 big and mature trees with trunk diameter of about 60cm and 20 trees with trunk diameter of about 30cm to 45cm. The villagers had advised that one of the trees was huge and had a crown coverage estimated to be about 500 m² (i.e. some 20% of the said "V" zoned area). Removing these trees for SH developments would meet with objections from the green groups, relevant government departments and the villagers as well, rendering this "V" zone infeasible. It would be more practicable to develop SHs on land free from trees than on the woodland. If the proposal of R36 to R44 in paragraph 68(b) above was adopted, the villagers' SH demand would be fulfilled while the total area of the "V" zone would remain unchanged;

- (e) they had collated and provided PlanD with detailed information of SH applications of villagers in San Tau, including the lots they intended to build the SHs, but the designation of "V" zones on the OZP had ignored such information; and

- (f) all the villagers wished for was an emergency rescue access to San Tau accessible by motorcycles, not by private cars. The Government repeatedly rejected their request on the ground that the existing footpath from Tung Chung West could not be widened due to geographic constraints and impacts on the

natural environment. Yet, the Government had not provided information about such constraints.

R47 – Corona Land Company Limited

70. With the aid of a PowerPoint presentation, Mr Hui Chak Hung Dickson made the following main points:

- (a) the Hong Kong-Zhuhai-Macao Bridge and the upcoming commissioning of the Three-Runway System project for the Hong Kong International Airport would enhance Hong Kong's connection with the outside world. In the development strategy of Lantau laid down in the Hong Kong 2030+ and the Sustainable Lantau Blueprint, there was no concrete proposal and mechanism to take forward recreation development in South Lantau;
- (b) developing eco-lodges on land in Sha Lo Wan and San Tau owned by the representer was considered appropriate under the proposed "Other Specified Uses" ("OU") annotated "Eco-lodge" zone to allow tourism related uses (including holiday camp and hotel) at a maximum plot ratio of 0.2 and a maximum building height of not more than 2 storeys. The proposed "OU" zoning with a requirement for planning permission for all uses would provide better planning control as compared that under the "GB" zone; and
- (c) the concerns raised in the Paper (e.g. no concrete proposal and technical assessments submitted, extensive vegetation clearance on well-wooded sites, etc.) would be addressed at the stage of s.16 application, should the proposed "OU" zone be approved by the Board.

71. As the presentations of PlanD's representatives, the representers, commenters and their representatives had been completed, the meeting proceeded to the Q&A session. The Chairperson explained that Members would raise questions and the Chairperson would invite the representers, commenters, their representatives and/or the government representatives to answer. The Q&A session should not be taken as an occasion for the attendees to direct questions to the Board or for cross-examination between parties.

72. The Chairperson remarked that land use zonings and the associated traffic concerns were relevant to the Board's consideration of the representations and comments, whereas requests for improvement to transport facilities and road infrastructure were outside the Board's ambit.

Planning Intention

73. In response to the Chairperson's question, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, explained that the overarching principle of "Development in the North; Conservation for the South" embraced in the Sustainable Lantau Blueprint promulgated in 2017 was to conserve the unique rural and natural character of the predominant part of Lantau, including the Area. While being located close to the airport, the Area was separated from the airport island by a water body and had a long history of human settlement rich in cultural heritage, and conservation would remain central to the planning for the Area.

Planning Control on Private Land

74. Regarding the grounds of representations and comments about adverse impacts on private property rights of land owners, the Chairperson said that the Town Planning Ordinance had empowered the Board to exercise planning control on the use of land through the preparation of statutory plans (i.e. DPA Plans/OZPs). Past case law had established that the restrictions on particular sites imposed under statutory plans could be different from those stipulated under leases. For land with development rights permitted under the lease, PlanD would take that into account when preparing statutory plans, wherever practicable and appropriate.

75. The Chairperson and some Members raised the following questions:

- (a) the land status of areas zoned "GB" and the ownership pattern of private land therein; and
- (b) whether there was private land with development rights falling within conservation-related zonings.

76. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, made the following main points:

- (a) land status was only one of many considerations when determining the land use zonings. The “GB” zone (about 129 ha) in the Area was mainly government land dotted with separated patches of private lots that were mainly agricultural lots. Under the “GB” zoning, rebuilding of an NTEH and replacement of an existing domestic building by an NTEH was always permitted under the covering Notes of the OZP; and
- (b) in Sha Lo Wan, there were three house lots within the “GB” zone to the west of the “V” zone, with one straddling the “V” and “GB” zones, one being next to a seasonal natural stream and one located away from the village proper. These lots were rather small and without on-site structure. In San Tau, there were some house lots within the “GB” zone to the southwest of the “V” zone of San Tau that were without on-site structure, located away from the village cluster and close to slopes. Considering the existing site conditions, the incorporation of the above house lots within a larger area zoned “GB” was considered appropriate. If there was no on-site structure on the house lots, the provision to rebuild or replace a domestic structure by an NTEH under the covering Notes of the OZP was not applicable, and planning application for house development could be submitted for consideration by the Board.

77. R13 supplemented that she was the owner of one of the house lots covered by the “GB” zone to the west of the “V” zone of Sha Lo Wan. Since an application for SH developments on three contiguous lots (including the concerned lot) had been submitted to LandsD and pending approval, those lots should be rezoned to “V”.

Rural Development and “V” Zone

78. The Chairperson and some Members raised the following questions:

- (a) the number of SH applications in Sha Lo Wan and San Tau approved by LandsD and the source of the 10-year SH demand forecast;
- (b) the criteria for delineating “V” zones, in particular the rationale for the “V” zone to include, inter alia, secondary woodland, areas originally proposed to be zoned “GB” on the draft OZP No. S/I-SLW/C, land adjoining streamcourses and the woodland to the west of San Tau School mentioned by R46 and/or the green groups;
- (c) whether the lots, with outstanding SH applications, proposed by R36 to R44 to be rezoned to “V” had been considered before delineating the current “V” zone boundaries in Tin Sam/San Tau, and how the applicants could take forward their proposed SH developments in those lots;
- (d) whether it would be better to enlarge the “V” zones near Tin Sam and San Tau to include the private lots with outstanding SH applications as proposed by R36 to R44, instead of retaining the “V” zone to the west of San Tau School which was a woodland on government land;
- (e) the implications of the NEF 25 Contour (relating to aircraft noise from airport) on land use zonings under the OZP, in particular for control on SH developments; and
- (f) the reasons why there were a number of SH applications within the woodland to the west of San Tau School (zoned “V”), despite the presence of a mature woodland as presented by R46.

79. With the aid of some PowerPoint slides, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, made the following main points:

- (a) the number of SH applications approved by LandsD for the period from 2010 to 2022 was nil for Sha Lo Wan and 2 in 2018 for San Tau. The 10-year SH demand forecasts for Sha Lo Wan and San Tau were provided by the respective IIRs;

(b) the “V” zones in the OZP were drawn up having regard to a number of factors, including the ‘VE’, local topography, existing village settlement pattern, outstanding SH applications, SH demand forecast, etc. Subsequent to the Board’s consideration of the draft Sha Lo Wan and San Tau OZP No. S/I-SLW/C, the local communities and green groups were consulted in the first half of 2021. The OZP gazetted in August 2021 had incorporated revisions where appropriate taking into account the Board’s comments, information submitted by the villagers and the latest planning circumstances. The additional areas zoned “V” in Sha Lo Wan and San Tau were shown in Plans 21a and 21b of the TPB Paper No. 10752. The reasons for the amendments made to the draft OZP No. S/I-SLW/C were:

- (i) in Sha Lo Wan, the additional areas zoned “V” were (1) an area to the east of the village comprising some sheds, cultivated land and structures close to the village cluster, (2) an area to the southeast of the village, and (3) an area at the southwestern tip of the village. Both areas under (2) and (3) above comprised some structures, were close to the village cluster and with some outstanding SH applications. The additional areas zoned “V” were to reflect the existing site conditions and to address SH demand; and
- (ii) in San Tau, the additional area zoned “V” was a woodland on government land to the west of San Tau School, comprising trees of common species as advised by AFCD. According to the information provided by LandsD in March 2022, there were a number of outstanding SH applications in the additional area zoned “V”. The additional area zoned “V” was to cater for SH demand. The relatively big tree mentioned by R46 was located between the locations of the outstanding SH applications in the additional area zoned “V”.

LandsD would assess SH applications submitted within the “V” zone based on individual circumstances, and concerns on tree felling would be considered at that stage. As PlanD’s estimate of land available for SH was based on a broad

assumption of 40 SHs/hectare, there was flexibility to provide buffer area between SHs, allowing room to avoid tree felling at the SH application stage;

- (c) each and every lot proposed for rezoning by the representers had been studied and duly considered before delineating the current “V” zone boundaries. The rationale for the “AGR” or “GB” zonings was: (i) the lots mentioned by R36, R38, R39 and R44 (i.e. Lots No. 282, 705s.A, 705s.B and 705RP in DD6TC, San Tau) were zoned “AGR” as they formed part of a larger agricultural land cluster covered by either active or abandoned agricultural land; and (ii) the lots mentioned by R36 and R40 to R43 (i.e. Lots No. 212, 328, 771s.A, 771s.B, 771RP, 891 and 954 in DD6TC, San Tau) were zoned “GB” as they were generally covered by vegetation forming part of a larger woodland and/or shrubland area and were outside the existing village clusters. If SH developments were to be pursued on those lots, planning applications could be submitted to the Board for consideration;
- (d) an incremental approach had been adopted in delineating “V” zones by concentrating village developments in certain clusters and expanding them in future, if there was new SH demand. Against the outstanding demand for 27 SHs in San Tau, the available land for SH development within the current “V” zones of San Tau was estimated to accommodate 48 SHs, and hence there was sufficient land in the “V” zones to meet the SH demand; and
- (e) upon commissioning of the Three-Runway System of the Hong Kong International Airport, the NEF 25 Contour would move northward gradually and would be primarily beyond the ‘VE’ and “V” zones of Sha Lo Wan and San Tau in 2032.

80. Ms Chui Shing Fan (R46) explained that the SH applications covering sites in the woodland on government land to the west of San Tau School were submitted in 1998 by villagers who did not own private land at that time. Some of the concerned applications had subsequently been rejected by LandsD due to the need for tree felling. For Sha Lo Wan, Ms Li Sau Mui (R13), IIR of Sha Lo Wan, explained that since some previous SH applications on sites in woodland and of sloping topography had been rejected by LandsD, one would expect

the same outcome for SH applications on land with similar characteristics. Hence, the additional area zoned “V” around Sha Lo Wan Primary School would unlikely be usable for SH developments due to the presence of many trees.

81. Having noted from R46 that some SH applications covering sites to the west of San Tau School had been rejected before, the Chairperson requested PlanD, in consultation with LandsD, to provide the latest information regarding SH applications in the said area.

Provision of Transport Facilities and Infrastructures

82. Some Members raised the following questions:

- (a) the number of usual residents in the villages and their age structure;
- (b) the weight attached to the population size in providing infrastructure, public utility and transport facilities to villages;
- (c) the land status of the Trail and the party responsible for management and maintenance of the Trail;
- (d) the existing emergency rescue arrangement for Sha Lo Wan and San Tau, and the authority to approve any widening of the Trail or to turn it into a motorcycle rescue access; and
- (e) the transport facilities and ferry services for Sha Lo Wan and San Tau.

83. With regard to the question on population, Mr Tse King Tin (R36), the IIR of San Tau, advised that the usual residents of San Tau totalled about 70 persons, comprising 50 indigenous villagers and 20 non-indigenous villagers. Some villagers commuted to Tung Chung or the urban area daily for work and school, and they were in their forties and their teenage years respectively. Ms Li Sau Mui (R13), the IIR of Sha Lo Wan, advised that the registered population of Sha Lo Wan was about 700 persons; however, due to the inconvenient location of Sha Lo Wan, the usual residents of the village were only about 50 persons who were all indigenous villagers aged above 50 years.

84. On the provision of infrastructural facilities, Mr Paul Y.K. Au, CE(W), HAD, advised that HAD was responsible for ad-hoc maintenance to existing rural roads and raw water pipelines within villages, and it was not within their purview to implement works relating to development of new roads or new water supplies. The population size was a crucial factor when determining the threshold for provision of public infrastructure.

85. On matters relating to the Trail, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, said that the Trail was mainly on government land, with minor portions falling on private land when it passed through the villages. HAD was the government department responsible for the ad-hoc maintenance of the Trail. Road widening works at the Trail was permitted under the covering Notes of the OZP. Mr Tse King Tin (R36) supplemented that the portion of the Trail within San Tau was on private land.

86. On emergency rescue arrangement, Ms Caroline T.Y. Tang, DPO/SKIs, PlanD, said that Sha Lo Wan and San Tau were accessible only by a footpath from Tung Chung West, without vehicular access. Mr Tse King Tin (R36) supplemented that the footpath was not accessible even by motorbike. For rescue operations, upon receipt of emergency calls from the villagers, the police or fire services would park their vehicles at the frontyard of the Tung Chung Hau Wong Temple and the person in need of emergency service would be transported there by tricycles. The provision of a motorbike access for emergency rescue should be the bare minimum, but an application for such had been denied by the Islands District Office, citing geographical constraint.

87. On transport facilities and ferry service, Mr Patrick K.P. Cheng, CE/TSS, TD, advised that on land transport, vehicular access was available at both ends of the Trail (i.e. at Tung Chung and Tai O) and midway at Sham Wat. As for ferry service, there was an existing ferry running along the route Tai O-Sha Lo Wan-Tung Chung-Tuen Mun which could accommodate 94 passengers and was offering four daily services two hours apart. It could generally cater for the passenger demand with occasional over-capacity situations. The ferry operator had planned to deploy an additional vessel within the year to enhance the service of the route, and TD would liaise with the operator on the level of service to be provided. Ms Li Sau Mui (R13) supplemented that the only public transport serving Sha Lo Wan was the ferry service which was not only infrequent but was sometimes suddenly cancelled due to ferry

breakdown. The additional vessel mentioned by TD would only run between Tuen Mun and Tai O, without a stop at Sha Lo Wan.

Others

88. In response to a Member's question on whether R5 had clarified with the villagers on whether the works along the Trail he identified were carried out by the villagers, Mr Tse Sai Kit, representative of R5, replied in the negative and said he suspected that the recent road widening works and excavation of land along the Trail were carried out without planning permission.

89. In response to a Member's question about the villagers' views on the eco-lodge proposal of R47, Mr Tse King Tin (R36) replied that since the proposal was lacking details (e.g. development scale, the number of potential visitors, etc.) and he needed time to consult the villagers, he could not provide any feedback at the meeting.

90. As Members had no further questions to raise, the Chairperson said that the hearing procedures for the presentation and Q&A session had been completed. The Board would further deliberate on the representations and comments and inform the representers and commenters of the Board's decision in due course. The Chairperson thanked the representers and commenters and their representatives and the government representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

91. The Chairperson remarked that since PlanD was requested, in consultation with LandsD, to provide the latest information on SH applications in the "V" zone to the west of San Tau School which might have a bearing on the Board's consideration of the representations and comments, including whether there was a need to amend the boundary of the "V" zone, she suggested that the deliberation session be deferred pending the said information to be provided. Members agreed.

[Post-meeting Note: According to the latest information provided by LandsD as at 10.6.2022, four SH applications had been approved on the land to the west of San Tau School covered by the “V” zone whereas ten SH applications were under processing. In the past 10 years, there were four rejected SH applications in this area. Amongst the four rejected SH applications, one was rejected on the ground related to tree felling while the remaining three were rejected for various reasons, including the applicant failed to submit the required documents, the applicant passed away and the site was covered in another application.]

92. The meeting was adjourned at 7:35 p.m.