

TOWN PLANNING BOARD

CONFIDENTIAL

Downgraded on
2.9.2011

**TPB PAPER NO. 8901
FOR CONSIDERATION BY
THE TOWN PLANNING BOARD
ON 26.8.2011**

**CONSIDERATION OF THE DRAFT YIM TIN TSAI AND MA SHI CHAU
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/NE-YTT/D**

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**CONSIDERATION OF THE DRAFT YIM TIN TSAI AND MA SHI CHAU
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1. Introduction

The purpose of this paper is to seek Members' agreement that:

- (a) the draft Yim Tin Tsai and Ma Shi Chau Development Permission Area (DPA) Plan No. DPA/NE-YTT/D (to be renumbered as DPA/NE-YTT/1) (**Appendix I**) and its Notes (**Appendix II**) are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
- (b) the Explanatory Statement (ES) (**Appendix III**) is suitable to serve as an expression of the planning intention and objectives of the Town Planning Board (the Board) for the draft Yim Tin Tsai and Ma Shi Chau DPA Plan and that the ES should be issued under the name of the Board.

2. Background

- 2.1 On 12.3.2010 and 23.8.2011, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft DPA Plan to cover Yim Tin Tsai and Ma Shi Chau area which is not covered by any statutory plan.

Location and Physical Characteristics

- 2.2 The Yim Tin Tsai and Ma Shi Chau Area (the Area) is located in Tolo Harbour and forms part of the southern edge of Plover Cove (**Plan 1**). The Yim Tin Tsai island is connected to the mainland in the west by Sam Mun Tsai Road leading to Ting Kok Road. The remainder of the Area is overgrown with vegetation and inaccessible by vehicles. The Area is rural and natural in character with a high landscape value and scenic quality. It comprises mainly woodlands, rocky coasts, mangroves, streams, wetland, fallow agricultural land and village houses (**Plan 4a**).

Need for Statutory Plan

- 2.3 In the past years, there have been public concerns about suspected unauthorized site formation works and private columbarium use at Shui Mong Tin in Ma Shi Chau causing adverse impacts on the natural vegetation and landscape of the Area (**Plans 4b and 5b**).

- 2.4 There is a need to better protect the natural scenic character and geological value of the Area from uncontrolled development through development control. The DPA Plan will provide an interim planning guidance for future development pending preparation of an Outline Zoning Plan (OZP) and to enable enforcement action to be taken against any unauthorized developments to safeguard the Area's natural and landscape character.

3. Object of the Plan

- 3.1 The object of the draft DPA plan is to delineate the extent of the Area and to set out the types of developments and uses which are permitted at all times and such types of development and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 The draft DPA plan is to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an OZP. The draft DPA plan will be replaced by an OZP within three years.

4. The Planning Scheme Area (Plan 2)

Existing Situation

- 4.1 The Area covers an area of about 107.94 ha. The Area mainly comprises four islands, namely Yim Tin Tsai, a small island to its northeast, Ma Shi Chau and Yeung Chau. The Area is located in Tolo Harbour and forms part of the southern edge of Plover Cove. Yim Tin Tsai island is accessible via Ting Kok Road off Sam Mun Tsai Road through the Sha Lan peninsula. The island of Ma Shi Chau is connected to Yim Tin Tsai island by a tombolo that is only accessible when the tide is low. The small island to the northeast of Yim Tin Tsai is not accessible by road or footpath even though there are marsh/sandy sediments between it and Yim Tin Tsai island. Yeung Chau can only be reached by boat (**Plan 3a**).
- 4.2 The Yim Tin Tsai island is rural in character comprising mainly village houses, natural hillsides covered with woodlands and a burial ground for indigenous villagers and fishermen. The Sam Mun Tsai New Village and Luen Yick Fishermen Village located at the north of the Yim Tin Tsai island facing the Shuen Wan Typhoon Shelter are mainly 2-storey tenement houses built for fishermen. There are some small-scale boat repairing workshops in temporary structures along the coast of Yim Tin Tsai island forming the southern edge of the typhoon shelter. A low density private residential development and a church are also located at the northern tip of the island (**Plans 3b and 5a**).

- 4.3 The small island to the northeast of Yim Tin Tsai (except three pockets of mainly private land), the Ma Shi Chau island (except two pockets of land with private lots at Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin) and Yeung Chau island fall within the Ma Shi Chau Special Area¹. The Ma Shi Chau island together with the eastern tip of Yim Tin Tsai island are also within the Yim Tin Tsai and Ma Shi Chau SSSI² (**Plan 2**).

Transport and Utility Services

- 4.4 While the northern tip of Yim Tin Tsai island is accessible from Sam Mun Tsai Road connecting to Ting Kok Road, the remainder of the Area is overgrown with vegetation and inaccessible by vehicle. There are a few off-street parking spaces within the villages. Most of the village houses and the burial ground are accessible only by village access or walking trails. There is no plan to further extend the existing road network in the Area.
- 4.5 There is no existing public drain in the Area. There are existing sewerage facilities, water supply, electricity and telephone services for the northern part of Yim Tin Tsai island. While there is no planned drainage or sewerage works in the Area, all development proposals are required to demonstrate that no adverse drainage and sewerage impact would be caused to the Area.

Geotechnical Safety

- 4.6 The Area comprises natural terrain with a long history of instability and is subject to potential landslide hazards. For the future development in the Area, the project proponent may require to carry out a natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.

Cultural Heritage

- 4.7 A site of archaeological interest is located within the southern part of the Area, namely Yim Tin Tsai Site of Archaeological Interest (**Plan 3a**). Upon publication of the DPA Plan, the Antiquities and Monuments Office of the Leisure and Cultural Services Department and the Commissioner for Heritage's Office of the Development Bureau should be consulted on any development, redevelopment or rezoning proposal which might affect the site of archaeological interest and its immediate environs.

Land Ownership

- 4.8 Most of the land in the Area (about 97.2%) is Government land, and the remaining about 2.8% is private land comprising mainly fallow agricultural and some building lots in the northern flat area and along the shore at the southern entrance of the Shuen Wan Typhoon Shelter (**Plan 3a**).

¹ The Ma Shi Chau Special Area was designated under the Country Parks Ordinance (Cap. 208) and published in the Gazette on 9.4.1999. All uses and developments within the Special Area require consent from the Country and Marine Parks Authority.

² The Yim Tin Tsai and Ma Shi Chau SSSI covers the eastern tip of Yim Tin Tsai island, the whole island of Ma Shi Chau and the tombolo connecting them. The SSSI was designated on 24.9.1982.

5. Planning Intention

- 5.1 The general planning intention of the Area is to conserve the areas of high landscape and geological significance, to protect the unique landscape character and to maintain the rural and natural character of the Area.
- 5.2 In this regard, in the designation of various land use zones in the Area, consideration has been given to the existing villages and development pattern, landscape character and the designated areas of high conservation value.

6. Land Use Zonings

6.1 "Residential (Group C)" ("R(C)") : Total Area 0.29 ha

- (a) This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- (b) The only development within this zone is Springdale Garden (**Plans 3b and 5a**) located at the northern tip of Yim Tin Tsai island, which is a low-rise, low-density residential development. The development is restricted to a maximum gross floor area of 2,325m² and a maximum building height of 3 storeys, or the gross floor area and height of the existing building, whichever is the greater, so that the existing development intensity, which blends in well with the surroundings, can be maintained.
- (c) To provide flexibility for innovative design adapted to the characteristics of this particular site, minor relaxation of the gross floor area/building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

6.2 "Residential (Group D)" ("R(D)") : Total Area 4.35 ha

- (a) The planning intention of this zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board.
- (b) This zone mainly covers Sam Mun Tsai New Village, Luen Yick Fishermen Village and the surrounding area occupied by some village houses, domestic and temporary structures (**Plans 3b and 5a**). The two villages were built in the 1960s by the government and charity groups for the settlement of fishermen at that time. There is a primary school premises which is no longer in use.

- (c) Within this zoned area, redevelopment of existing houses shall not result in a maximum building area of 37.2m² and a maximum building height of 2 storeys (6m), or the building area and height of the existing building, whichever is the greater. Apart from the intention of residential upgrading, low-rise and low density residential developments may be permitted on application to the Board. To be in line with the general development intensity of the surrounding areas, residential developments shall not result in a total development in excess of a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m).
- (d) To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the plot ratio and building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

6.3 "Site of Special Scientific Interest" ("SSSI") : Total Area 7.24 ha

- (a) The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI. There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.
- (b) This zoning mainly covers the eastern tip of Yim Tin Tsai island, Shui Mong Tin of Ma Shi Chau, the tombolo connecting them and a small circular area to the northeast of Shui Mong Tin, forming part of the Yim Tin Tsai and Ma Shi Chau SSSI but not covered by the Ma Shi Chau Special Area. The SSSI was designated since 24.9.1982. The eastern tip of Yim Tin Tsai island contains excellent exposures of dyke swarm on rocky coast and unconformable contact of Tolo Harbour Formation with Volcanic Tuff of the Repulse Bay Formation.
- (c) As development may affect the rocky outcrops and geological features and also uncontrolled fossil digging and specimen collection is harmful to the site, the Agriculture, Fisheries and Conservation Department should be advised of and consulted on any development proposals which will affect the site and restriction on fossil digging and rock specimen collection will be introduced when necessary.
- (d) In view of the conservation value of the area within this zone, permission from the Board is required for diversion of streams, filling and excavation of land that may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. Grave is not permitted within this zone.

- (e) Notwithstanding, as shown in **Plan 3a**, this zone covers a portion of 'burial ground'³. During the preparation of the DPA Plan, the District Officer/Tai Po (DO/TP) points out that while the burial ground was designated by the government and existed for many years, there would be expectation that areas within the burial ground would continue to be reserved for burying of the eligible deceased indigenous villagers and locally based fishermen upon publication of the DPA Plan. In view of the DO/TP's comments, the Director of Agriculture, Fisheries and Conservation has no objection to the burial activities within the area given that the burial ground is an existing use and the major geological features within the SSSI are found in the coastal areas which fall outside the burial ground boundary. The "SSSI(1)" zone, located on the northeast of Yim Tin Tsai island, forms part of a designated burial ground for indigenous villagers and local fishermen. Grave within the designated burial ground in this sub-zone is always permitted.

6.4 "Unspecified Use" : Total Area 96.06 ha

The area mainly includes the north-eastern coastal area and the central part of Yim Tin Tsai island, a small island to its northeast, Yeung Chau island and Ma Shi Chau island (except Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin). To protect the natural and landscape character of the area, planning guidance and development control are considered necessary. Owing to the urgency to establish planning control under the DPA Plan, this area has been designated as "Unspecified Use" pending detailed analysis and studies to establish the appropriate land uses in the course of preparing an OZP.

7. Notes of the Plan

- 7.1 Attached to the draft DPA Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and other uses for which planning permission from the Board should be sought. The provision for application for planning permission under section 16 of the Ordinance allows flexibility in land-use planning and control of development to meet the changing needs.
- 7.2 The draft Notes are formulated on the basis of the latest set of Master Schedule of Notes to Statutory Plans endorsed by the Board whilst having regard to the peculiar characteristics of the Area.

8. Plan Number

Upon gazetting, the draft Yim Tin Tsai and Ma Shi Chau DPA Plan will be renumbered as DPA/NE-YTT/1.

³ Burial ground means an area outside the gazetted cemeteries in the New Territories designated by the Director of Lands in consultation with the Director of Home Affairs reserved for burying of the indigenous villagers and locally based fishermen.

9. Consultation

- 9.1 The draft DPA Plan together with the Notes and ES have been circulated to the relevant Government departments for comments. Comments received have been incorporated into the draft DPA plan, its Notes or ES, which has been endorsed by the New Territories District Planning Conference by circulation on 25.8.2011 as suitable for submission to the Board for consideration.
- 9.2 The Tai Po District Council (TPDC) and the Tai Po Rural Committee (TPRC) have not been consulted on the draft DPA Plan due to the confidential nature of the plan. The TPDC and TPRC will be consulted on the draft DPA Plan after its publication under section 5 of the Ordinance.

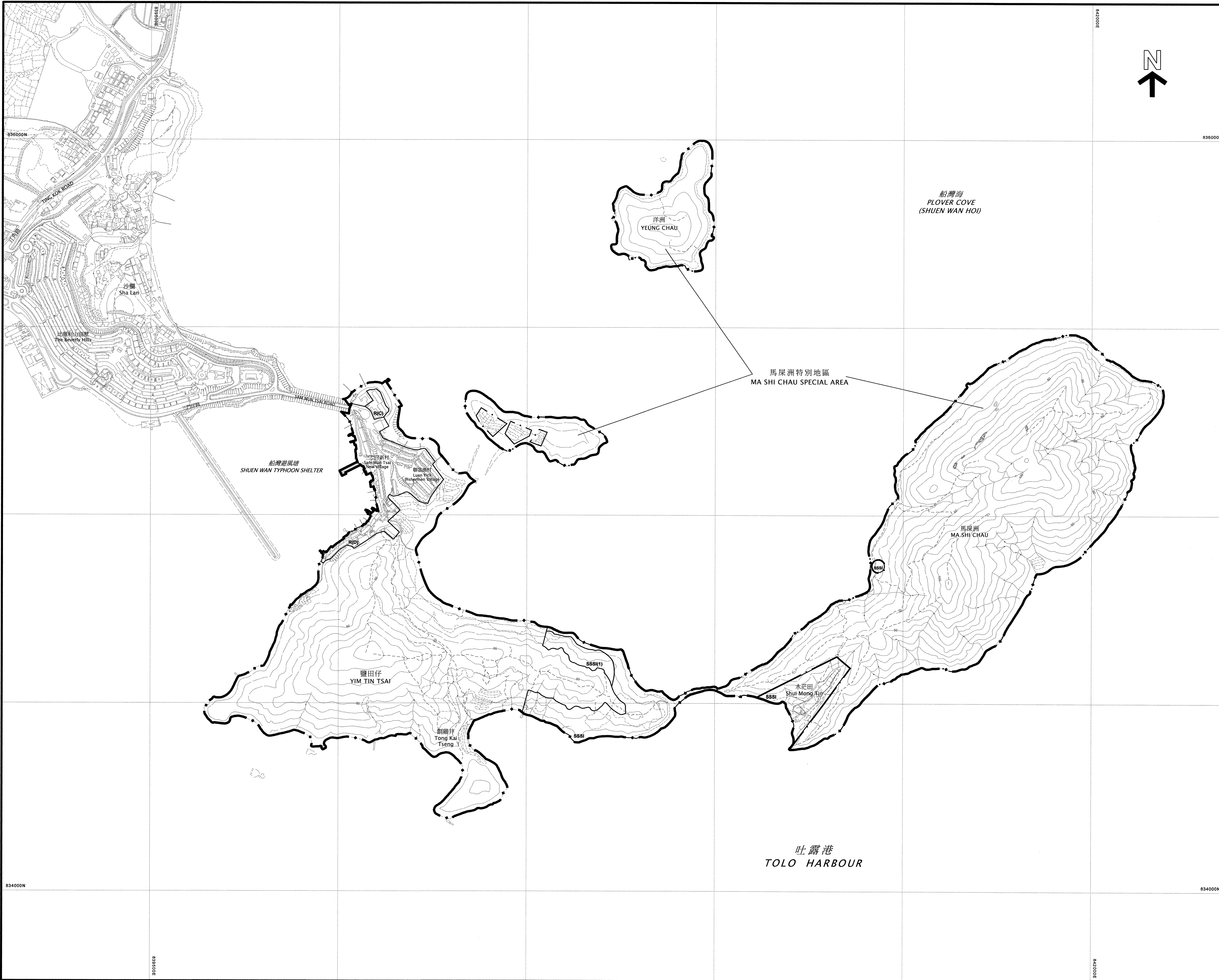
10. Decision Sought

Members are invited to :

- (a) agree that the draft Yim Tin Tsai and Ma Shi Chau DPA Plan No. DPA/NE-YTT/D (to be renumbered as DPA/NE-YTT/1) (**Appendix I**) and its Notes (**Appendix II**) are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) agree that the ES (**Appendix III**) is suitable to serve as an expression of the planning intention and objectives of the Board for the draft Yim Tin Tsai and Ma Shi Chau DPA Plan and that the ES should be issued under the name of the Board ; and
- (c) agree that a briefing on the draft DPA Plan will be conducted for the TPDC and TPRC after its publication under section 5 of the Ordinance.

Attachments

Appendix I	Draft Yim Tin Tsai and Ma Shi Chau Development Permission Area Plan No. DPA/NE-YTT/D
Appendix II	Notes of the Draft Yim Tin Tsai and Ma Shi Chau Development Permission Area Plan No. DPA/NE-YTT/D
Appendix III	Explanatory Statement of the Draft Yim Tin Tsai and Ma Shi Chau Development Permission Area Plan No. DPA/NE-YTT/D
Plan 1	Location plan
Plan 2	Planning scheme boundary of Yim Tin Tsai and Ma Shi Chau Development Permission Area
Plans 3a and 3b	Site plans
Plans 4a and 4b	Aerial photos
Plans 5a and 5b	Site photos



圖例
NOTATION

ZONES

RESIDENTIAL (GROUP C)

RESIDENTIAL (GROUP D)

SITE OF SPECIAL SCIENTIFIC INTEREST

R(C)

R(D)

SSSI

地帶

住宅（丙類）

住宅（丁類）

具特殊科學價值地點

MISCELLANEOUS

BOUNDARY OF DEVELOPMENT
PERMISSION AREA

BOUNDARY OF COUNTRY PARK
SPECIAL AREA

— ◆ —

其他

發展審批地區界線

郊野公園/
特別地區界線

土地用途及面積一覽表
SCHEDULE OF USES AND AREA

USES	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
RESIDENTIAL (GROUP C)	0.29	0.27	住宅 (丙類)
RESIDENTIAL (GROUP D)	4.35	4.03	住宅 (丁類)
SITE OF SPECIAL SCIENTIFIC INTEREST	7.24	6.71	具特殊科學價值地點
UNSPECIFIED USE	96.06	88.99	非指定用途
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	107.94	100.00	發展審批地區總面積

夾附的《註釋》屬這份圖則的一部分
THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

鹽田仔及馬屎洲發展審批地區圖

YIM TIN TSAI AND MA SHI CHAU DEVELOPMENT PERMISSION AREA PLAN

規劃署遵照城市規劃委員會指示擬備
 PREPARED BY THE PLANNING DEPARTMENT UNDER
 THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號
PLAN No. **DPA/NE-YTT/L**

SCALE 1:5 000 比例尺

**DRAFT YIM TIN TSAI AND MA SHI CHAU
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/NE-YTT/D**

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- (1) These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- (2) Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) Except to the extent that paragraph (3) applies, any use or development falling within the boundaries of the Plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
- (5) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (6) Boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (8) in relation to areas zoned "Site of Special Scientific Interest":
- (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted House;
 - (f) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House;
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government;
 - (h) in areas not zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the use stipulated in the schedule forming Annex A of these Notes; and
 - (i) in areas zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the uses stipulated in Column 1 of the relevant zoning schedule forming part of Annex B of these Notes.
- (8) In areas zoned "Site of Special Scientific Interest",
- (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
 - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; and
 - (iii) provision of amenity planting by Government; and

- (b) the following uses or developments require permission from the Town Planning Board:

provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.

- (9) (a) Except in areas zoned "Site of Special Scientific Interest", temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:

structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.

- (b) Except as otherwise provided in paragraph (9)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned "Site of Special Scientific Interest", temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

- (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.

- (10) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.

- (11) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

"Existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

"New Territories Exempted House" means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

DRAFT YIM TIN TSAI AND MA SHI CHAU
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/NE-YTT/D

Schedule of Uses

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Use always permitted in an "Unspecified Use" Area
(Being an area not zoned or set apart under
section 4(1) of the Town Planning Ordinance)

Agricultural Use

Remarks

- (a) Any use or development, other than the always permitted use as specified above or the uses or developments always permitted under the covering Notes, requires planning permission from the Town Planning Board under section 16 of the Town Planning Ordinance.
- (b) Any diversion of streams, filling of land or excavation of land, including that to effect a change of use to the always permitted use as specified above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by the Government), shall not be undertaken or continued on or after the date of first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP C)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat	Eating Place
Government Use (Police Reporting Centre, Post Office only)	Educational Institution
House	Government Refuse Collection Point
Utility Installation for Private Project	Government Use (not elsewhere specified)
	Institutional Use (not elsewhere specified)
	Library
	Place of Recreation, Sports or Culture
	Private Club
	Public Clinic
	Public Convenience
	Public Utility Installation
	Public Vehicle Park (excluding container vehicle)
	Recyclable Collection Centre
	Religious Institution
	Residential Institution
	Rural Committee/Village Office
	School
	Shop and Services
	Social Welfare Facility
	Training Centre

Planning Intention

This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP C) (Cont'd)

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum gross floor area of 2,325m² and a maximum building height of 3 storeys, or the gross floor area and height of the existing building, whichever is the greater.
- (b) In determining the maximum gross floor area for the purposes of paragraph (a) above, any floor space that is constructed or intended for use solely as car park, loading/unloading bay, plant room, caretaker's office, or caretaker's quarters and recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor area/building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP D)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Use (Police Reporting Centre, Post Office only) House (Redevelopment; Addition, Alteration and/or Modification to existing house only) Rural Committee/Village Office	Eating Place Flat Government Refuse Collection Point Government Use (not elsewhere specified)# House (not elsewhere specified) Institutional Use (not elsewhere specified)# Library Market On-Farm Domestic Structure Petrol Filling Station Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Utility Installation # Public Vehicle Park (excluding container vehicle) Recyclable Collection Centre Religious Institution # Residential Institution # School # Shop and Services Social Welfare Facility # Utility Installation for Private Project

In addition, the following uses are always
permitted on the ground floor of a New
Territories Exempted House:

Eating Place
Library
School
Shop and Services

(Please see next page)

RESIDENTIAL (GROUP D) (Cont'd)

Planning Intention

This zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board.

Remarks

- (a) No addition, alteration and/or modification to or in-situ redevelopment of an existing temporary structure or an existing building (except to 'New Territories Exempted House' or to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building area of 37.2m² and a maximum building height of 2 storeys (6m), or the building area and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, whichever is the greater.
- (b) No development including redevelopment for 'Flat' and 'House' (except 'New Territories Exempted House') uses, other than those to which paragraph (a) above shall apply, shall result in a development and/or redevelopment in excess of a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m).
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the plot ratio and building height restrictions stated in paragraph (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

SITE OF SPECIAL SCIENTIFIC INTEREST

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Country Park * Grave (within designated burial ground in "SSSI(1)" only) Wild Animals Protection Area	Agricultural Use Field Study/Education/Visitor Centre Government Use Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Public Utility Installation Tent Camping Ground Utility Installation for Private Project

- * Country Park means a country park or special area as designated under the Country Parks Ordinance (Cap. 208). All uses and developments require consent from the Country and Marine Parks Authority and approval from the Town Planning Board is not required.

Planning Intention

The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as Site of Special Scientific Interest (SSSI). It intends to deter human activities or developments within the SSSI.

There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

Remarks

Any diversion of streams, filling of land or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

**DRAFT YIM TIN TSAI AND MA SHI CHAU
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/NE-YTT/D**

EXPLANATORY STATEMENT

DRAFT YIM TIN TSAI AND MA SHI CHAU
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/NE-YTT/D

EXPLANATORY STATEMENT

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**DRAFT YIM TIN TSAI AND MA SHI CHAU
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/NE-YTT/D**

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note : For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the draft Yim Tin Tsai and Ma Shi Chau Development Permission Area Plan No. DPA/NE-YTT/D. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land-use zonings of the Plan.

2. AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 12 March 2010 and 23 August 2011, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Yim Tin Tsai and Ma Shi Chau area as a development permission area (DPA).
- 2.2 On 2 September 2011, the draft Yim Tin Tsai and Ma Shi Chau DPA Plan No. DPA/NE-YTT/D (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to delineate the extent of the Yim Tin Tsai and Ma Shi Chau DPA (the Area) and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 The Plan is to illustrate the broad principles of development within the Planning Scheme Area. It is a small-scale plan and boundaries between the land use zones may be subject to minor adjustments as detailed planning and development proceed.
- 3.3 The Plan is to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an outline zoning plan (OZP).

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet the changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

5. THE EXISTING SITUATION

- 5.1 The Area covers an area of about 107.94 ha. The Area mainly comprises four islands, namely Yim Tin Tsai, a small island to its northeast, Ma Shi Chau and Yeung Chau. The Area is located in Tolo Harbour and forms part of the southern edge of Plover Cove. Yim Tin Tsai island is accessible via Ting Kok Road off Sam Mun Tsai Road through the Sha Lan peninsula. The island of Ma Shi Chau is connected to Yim Tin Tsai island by a tombolo that is only accessible when the tide is low. The small island to the northeast of Yim Tin Tsai is not accessible by road or footpath even though there are marsh/sandy sediments between it and Yim Tin Tsai island. Yeung Chau can only be reached by boat.
- 5.2 The Yim Tin Tsai island is rural in character comprising mainly village houses, natural hillsides covered with woodlands and a burial ground for indigenous villagers and fishermen. The Sam Mun Tsai New Village and Luen Yick Fishermen Village located at the north of the Yim Tin Tsai island facing the Shuen Wan Typhoon Shelter are mainly 2-storey tenement houses built for fishermen. There are some small-scale boat repairing workshops in temporary structures along the coast of Yim Tin Tsai island forming the southern edge of the typhoon shelter. A low density private residential development and a church are also located at the northern tip of the island.
- 5.3 The small island to the northeast of Yim Tin Tsai (except three pockets of mainly private land), the Ma Shi Chau island (except two pockets of land with private lots at Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin) and Yeung Chau island fall within the Ma Shi Chau Special Area. The Ma Shi Chau island together with the eastern tip of Yim Tin Tsai island are also within the Yim Tin Tsai and Ma Shi Chau SSSI.

6. NEED FOR PLANNING GUIDANCE AND CONTROL

The Area is rural and natural in character with a high landscape value and scenic quality. It comprises mainly woodlands, rocky coasts, mangroves, streams, wetland, fallow agricultural land and village houses. In the past years, there have been public concerns about suspected unauthorized site formation works and private columbarium

use at Shui Mong Tin in Ma Shi Chau causing adverse impacts on the natural vegetation and landscape of the Area. There is a need to better protect the natural scenic character and geological value of the Area from uncontrolled development through development control. The DPA Plan will provide an interim planning guidance for future development pending preparation of an OZP and to enable enforcement action to be taken against any unauthorized developments to safeguard the Area's natural and landscape character.

7. THE DEVELOPMENT PERMISSION AREA

7.1 Plan Area

The Area covers an area of about 107.94 ha. The boundary of the Area is shown by a heavy broken line on the Plan.

7.2 General Planning Intention

The general planning intention of the Area is to conserve the areas of high landscape and geological significance, to protect the unique landscape character and to maintain the rural and natural character of the Area.

7.3 Population

Based on the population data from the 2006 By-census, the population of the Area was about 1,014 persons.

7.4 Land Use Zonings and Intended Uses Within "Unspecified Use" Area

In the designation of various land use zones in the Area, consideration has been given to the existing villages and development pattern, landscape character and the designated areas of high conservation value. The following land use zones are designated on the Plan:

7.4.1 "Residential (Group C)" ("R(C)") : Total Area 0.29 ha

- (a) This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- (b) The only development within this zone is Springdale Garden located at the northern tip of Yim Tin Tsai island, which is a low-rise, low-density residential development. The development is restricted to a maximum gross floor area of 2,325m² and a maximum building height of 3 storeys, or the gross floor area and height of the existing building, whichever is the greater, so that the existing development intensity, which blends in well with the surroundings, can be maintained.

- (c) To provide flexibility for innovative design adapted to the characteristics of this particular site, minor relaxation of the gross floor area/building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

7.4.2 “Residential (Group D)” (“R(D)”) : Total Area 4.35 ha

- (a) The planning intention of this zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board.
- (b) This zone mainly covers Sam Mun Tsai New Village, Luen Yick Fishermen Village and the surrounding area occupied by some village houses, domestic and temporary structures. The two villages were built in the 1960s by the government and charity groups for the settlement of fishermen at that time. There is a primary school premises which is no longer in use.
- (c) Within this zoned area, redevelopment of existing houses shall not result in a maximum building area of 37.2m² and a maximum building height of 2 storeys (6m), or the building area and height of the existing building, whichever is the greater. Apart from the intention of residential upgrading, low-rise and low-density residential developments may be permitted on application to the Board. To be in line with the general development intensity of the surrounding areas, residential developments shall not result in a total development in excess of a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m).
- (d) To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the plot ratio and building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

7.4.3 “Site of Special Scientific Interest” (“SSSI”) : Total Area 7.24 ha

- (a) The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI. There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

- (b) This zoning mainly covers the eastern tip of Yim Tin Tsai island, Shui Mong Tin of Ma Shi Chau, the tombolo connecting them and a small circular area to the northeast of Shui Mong Tin, forming part of the Yim Tin Tsai and Ma Shi Chau SSSI but not covered by the Ma Shi Chau Special Area. The SSSI was designated since 24 September 1982. The eastern tip of Yim Tin Tsai island contains excellent exposures of dyke swarm on rocky coast and unconformable contact of Tolo Harbour Formation with Volcanic Tuff of the Repulse Bay Formation.
- (c) As development may affect the rocky outcrops and geological features and also uncontrolled fossil digging and specimen collection is harmful to the site, the Agriculture, Fisheries and Conservation Department should be advised of and consulted on any development proposals which will affect the site and restriction on fossil digging and rock specimen collection will be introduced when necessary.
- (d) In view of the conservation value of the area within this zone, permission from the Board is required for diversion of streams, filling and excavation of land that may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. Grave is not permitted within this zone.
- (e) Notwithstanding, the “SSSI(1)” zone, located on the northeast of Yim Tin Tsai island, forms part of a designated burial ground for indigenous villagers and local fishermen. Grave within the designated burial ground in this sub-zone is always permitted given that the burial ground is an existing use and the major geological features within the SSSI are found in the coastal areas which fall outside the burial ground.

7.4.4 “Unspecified Use” : Total Area 96.06 ha

The area mainly includes the north-eastern coastal area and the central part of Yim Tin Tsai island, a small island to its northeast, Yeung Chau island and Ma Shi Chau island (except Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin). To protect the natural and landscape character of the area, planning guidance and development control are considered necessary. Owing to the urgency to establish planning control under the DPA Plan, this area has been designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of preparing an OZP.

7.5 Transport and Utility Services

7.5.1 Road Network and Footpath

While the northern tip of Yim Tin Tsai island is accessible from Sam Mun Tsai Road connecting to Ting Kok Road, the remainder of the Area is overgrown with vegetation and inaccessible by vehicle. There are a few off-street parking spaces within the villages. Most of the village

houses and the burial ground are accessible only by village access or walking trails. There is no plan to further extend the existing road network in the Area.

7.5.2 Public Transport

The northern part of the Area could be accessible by mini-bus and taxis.

7.5.3 Utility Services

There is no existing public drain in the Area. There are existing sewerage facilities, water supply, electricity and telephone services for the northern part of Yim Tin Tsai island. While there is no planned drainage or sewerage works in the Area, all development proposals are required to demonstrate that no adverse drainage and sewerage impact would be caused to the Area.

7.6 Geotechnical Safety

The Area comprises natural terrain with a long history of instability and is subject to potential landslide hazards. For the future development in the Area, the project proponent may require to carry out a natural terrain hazard study and provide suitable hazard mitigation measures, if found necessary, as part of the development.

7.7 Cultural Heritage

A site of archaeological interest is located within the southern part of the Area, namely Yim Tin Tsai Site of Archaeological Interest, which is worthy of preservation. Any development or redevelopment on it should be avoided as far as possible. Prior consultation with the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department and the Commissioner for Heritage's Office of the Development Bureau should be made, if any development, redevelopment or rezoning proposal might affect the above site and its immediate environs. If disturbance of the site of archaeological interest is unavoidable, a detailed Archaeological Impact Assessment (AIA) conducted by a qualified archaeologist is required for development works within the sites. The archaeologist shall apply for a licence to conduct the AIA under the Antiquities and Monuments Ordinance (Cap. 53). A proposal of the AIA shall be submitted to the AMO for agreement prior to applying for a licence.

8. PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA

- 8.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.

- 8.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to this Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 8.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the planning applications, will take into account all relevant planning considerations which may include the guidelines published by the Board. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.
- 8.4 Any development, other than those referred to in paragraph 8.1 above or in conformity with this draft DPA plan or with the permission of the Board, undertaken or continued on or after the date of the first publication in the Gazette of the notice on land included in the DPA plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land or excavation of land in the relevant zones on or after the first publication in the Gazette of the notice of the draft DPA plan without permission from the Board may also be subject to enforcement proceedings.
- 8.5 It is intended that the DPA plan published by the Board will be replaced, within three years, by an OZP. Under the provisions of section 20(5) of the Ordinance, a draft DPA plan is effective for a period of three years after the notification in the Gazette. Extension of one additional year may be given by the Chief Executive in Council. The provision of enforcement will continue to be applicable to the Area after the DPA plan is replaced by an OZP.

TOWN PLANNING BOARD
AUGUST 2011



本摘要圖於2011年8月10日擬備，
所根據的資料為地圖編號HM50C2_Sht2
EXTRACT PLAN PREPARED ON 10.8.2011
BASED ON SHEET No. HM50C2_Sht2

位置圖
LOCATION PLAN

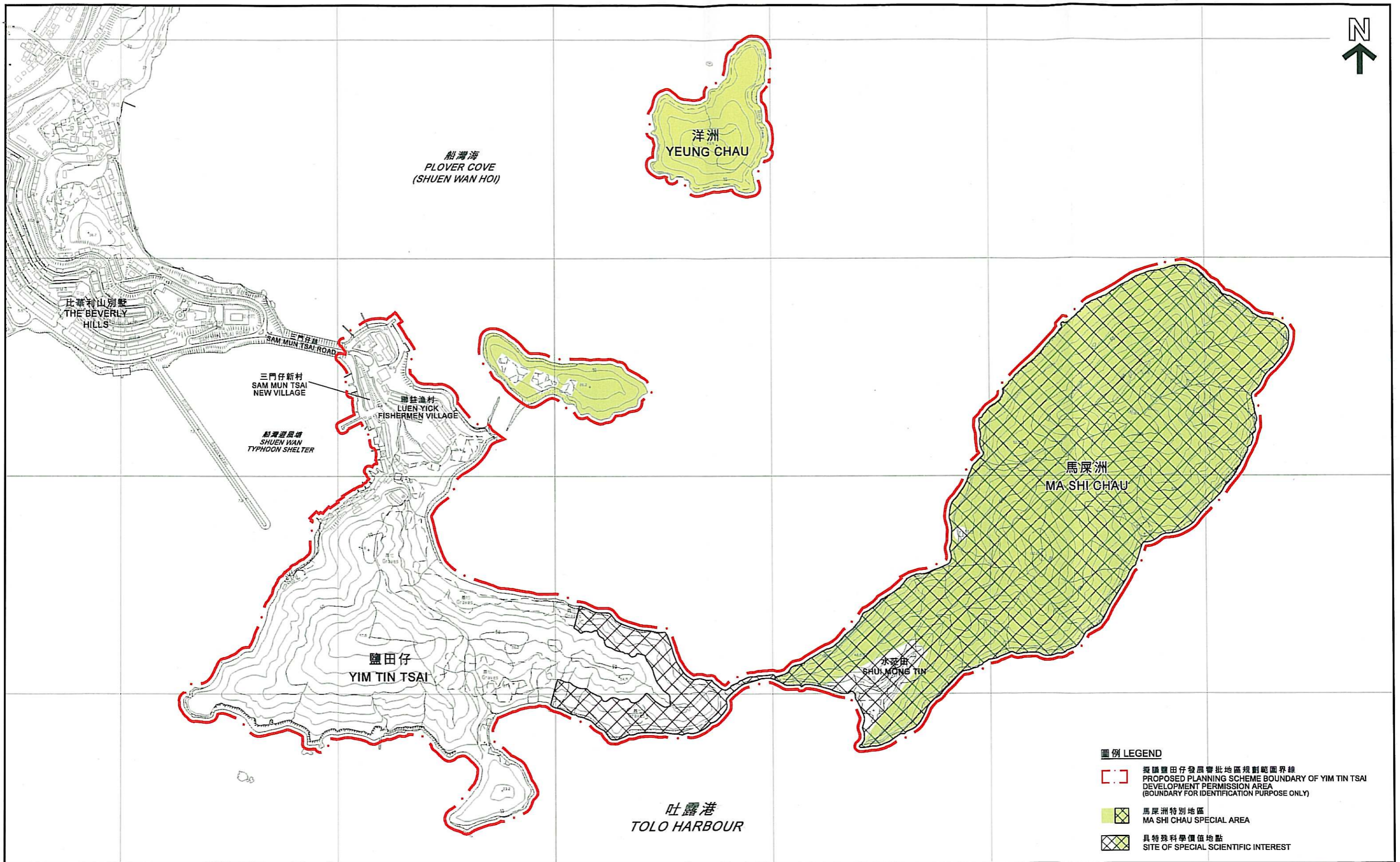
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規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/73A

圖 PLAN
1



本摘要圖於2011年8月10日擬備，
所根據的資料為HP5BW編號3-SE-C、D及7-NE-A、B
EXTRACT PLAN PREPARED ON 10.8.2011
BASED ON HP5BW SHEETS No. 3-SE-C & D AND 7-NE-A & B

鹽田仔及馬屎洲發展審批地區規劃範圍界線
PLANNING SCHEME BOUNDARY OF YIM TIN TSAI AND MA SHI CHAU DEVELOPMENT PERMISSION AREA

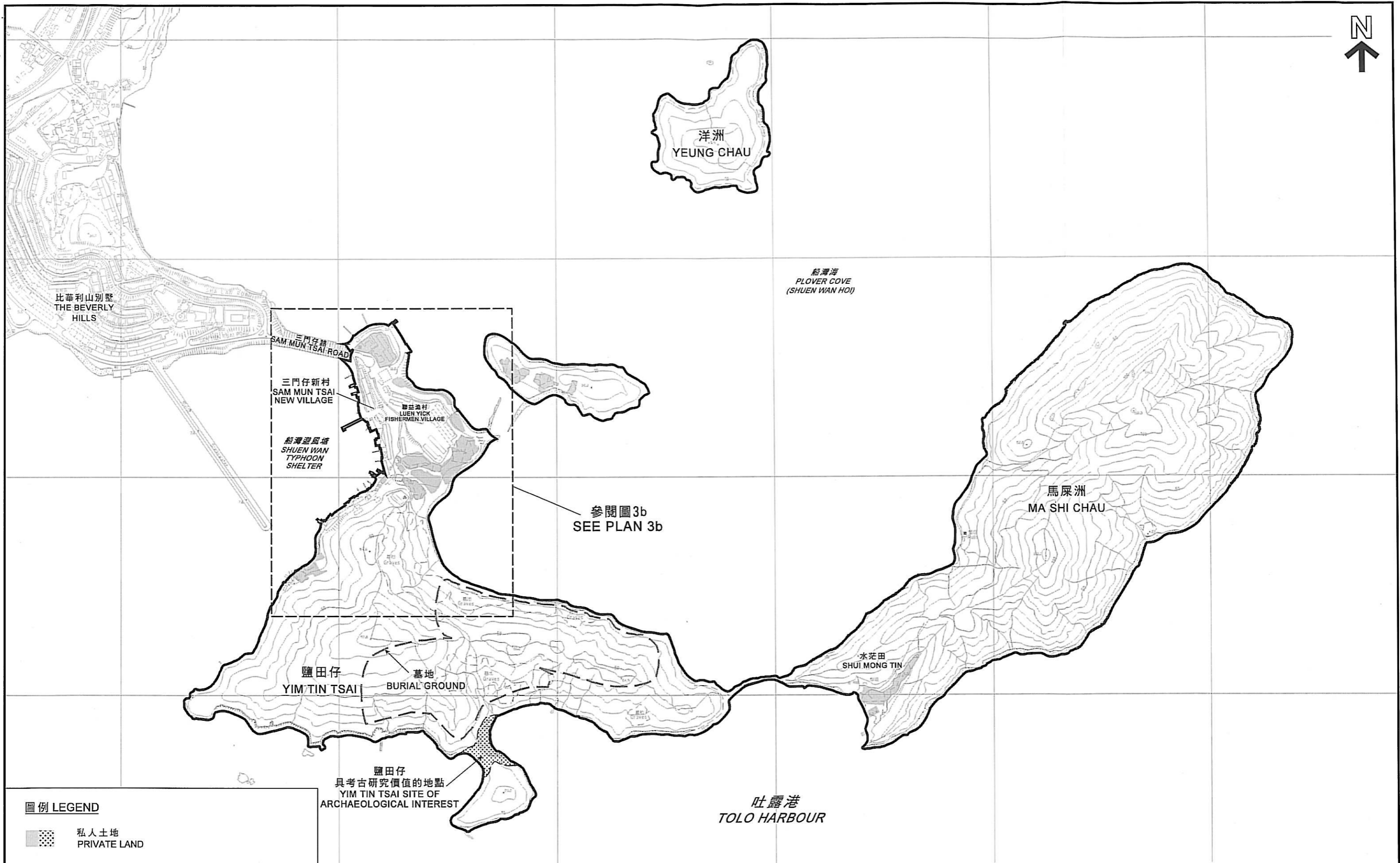
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規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
M/NE/11/73A



圖 PLAN
2



圖例 LEGEND

私人土地
PRIVATE LAND

本摘要圖於2011年8月10日擬備，
所根據的資料為HP5BW編號3-SE-C、D及7-NE-A、B
EXTRACT PLAN PREPARED ON 10.8.2011
BASED ON HP5BW SHEETS No. 3-SE-C & D AND 7-NE-A & B

平面圖
SITE PLAN

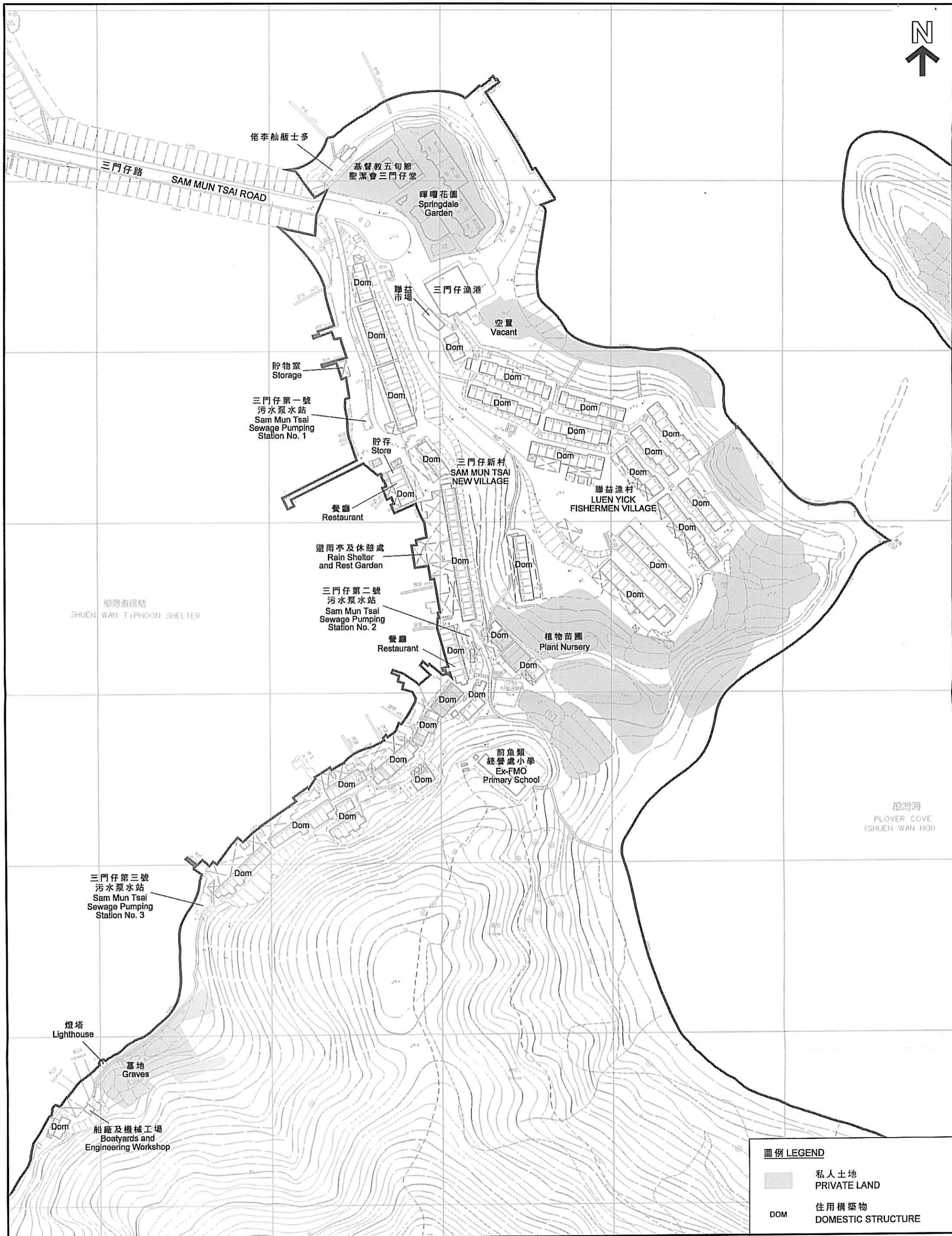
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規劃署
PLANNING
DEPARTMENT

參考編號
REFERENCE No.
M/NE//11/73A



圖 PLAN
3a



圖例 LEGEND

- 私人土地
PRIVATE LAND
- DOM 住用構築物
DOMESTIC STRUCTURE

本摘要圖於2011年8月10日擬備，所根據的資料為測量圖編號7-NE-2D及7B
EXTRACT PLAN PREPARED ON 10.8.2011
BASED ON SURVEY SHEETS No.
7-NE-2D & 7B

平面圖
SITE PLAN

米 40 0 40 米
METRES SCALE 1:2 000 比例尺 METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/73A

圖 PLAN
3b



本摘要圖於2011年8月10日擬備，
所根據的資料為地政總署
於2010年11月9日拍得的航攝照片編號CW88095
EXTRACT PLAN PREPARED ON 10.8.2011
BASED ON AERIAL PHOTO No. CW 88095
TAKEN ON 9.11.2010 BY LANDS DEPARTMENT

航攝照片
AERIAL PHOTO

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/73A

圖 PLAN
4a

所根據的資料為地政總署於2008年2月28日拍得的航攝照片編號CS10946
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 BASED ON AERIAL PHOTO No. CS 32389 TAKEN ON 19.1.2011 BY LANDS DEPARTMENT

本摘要圖於2011年8月10日擬備
 EXTRACT PLAN PREPARED ON 10.8.2011

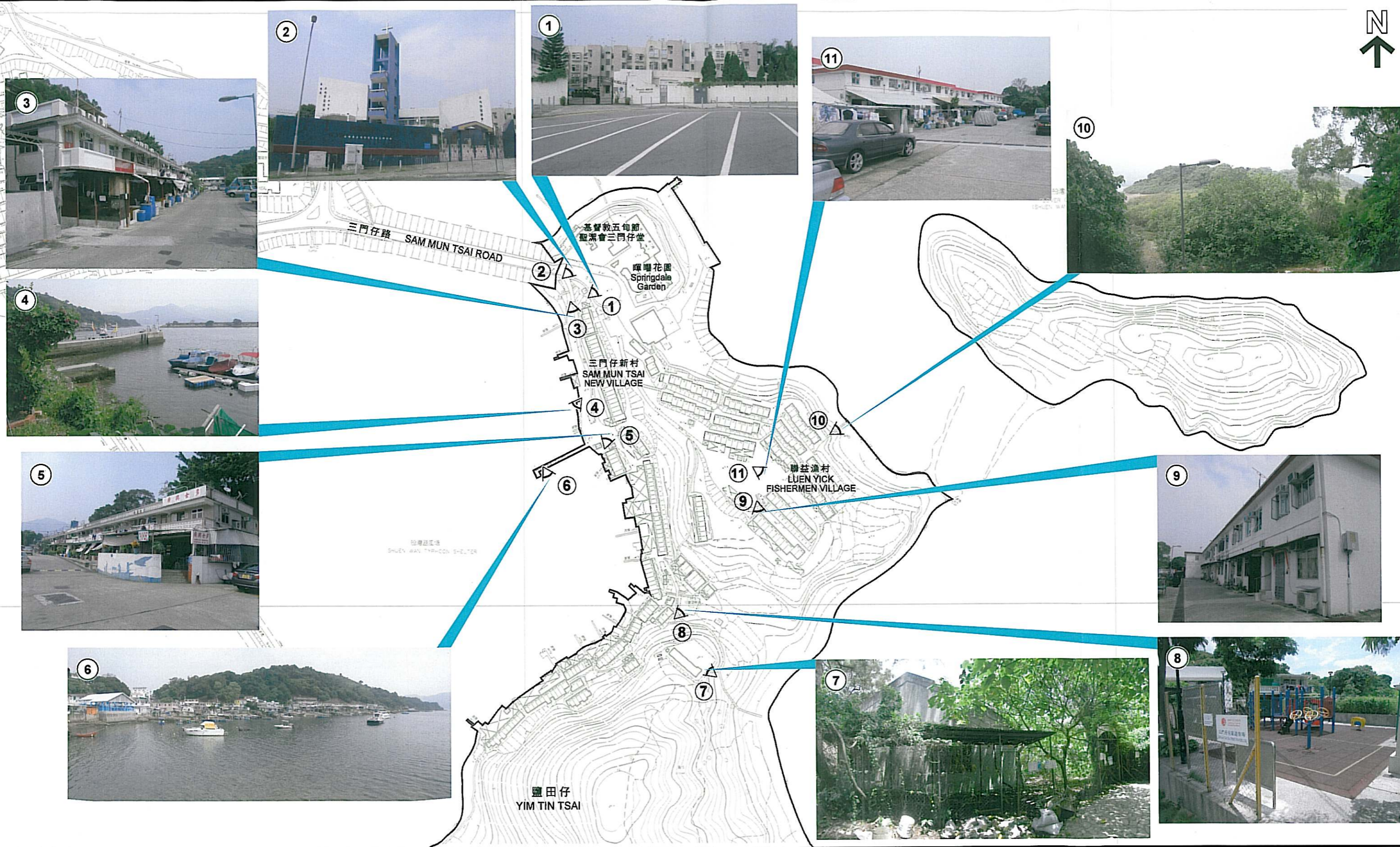
航攝照片
 AERIAL PHOTOS

規劃署
 PLANNING
 DEPARTMENT



參考編號
 REFERENCE No.
 M/NE/11/73A

圖 PLAN
 4b



圖例 LEGEND

- ① ◁ 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

本摘要圖於2011年8月10日擬備，所根據的資料為測量圖編號7-NE-2A、2B、2C、2D和3C及攝於2011年6月3日的實地照片
EXTRACT PLAN PREPARED ON 10.8.2011 BASED ON SURVEY SHEETS No. 7-NE-2A, 2B, 2C, 2D & 3C AND SITE PHOTOS TAKEN ON 3.6.2011

實地照片
SITE PHOTOS

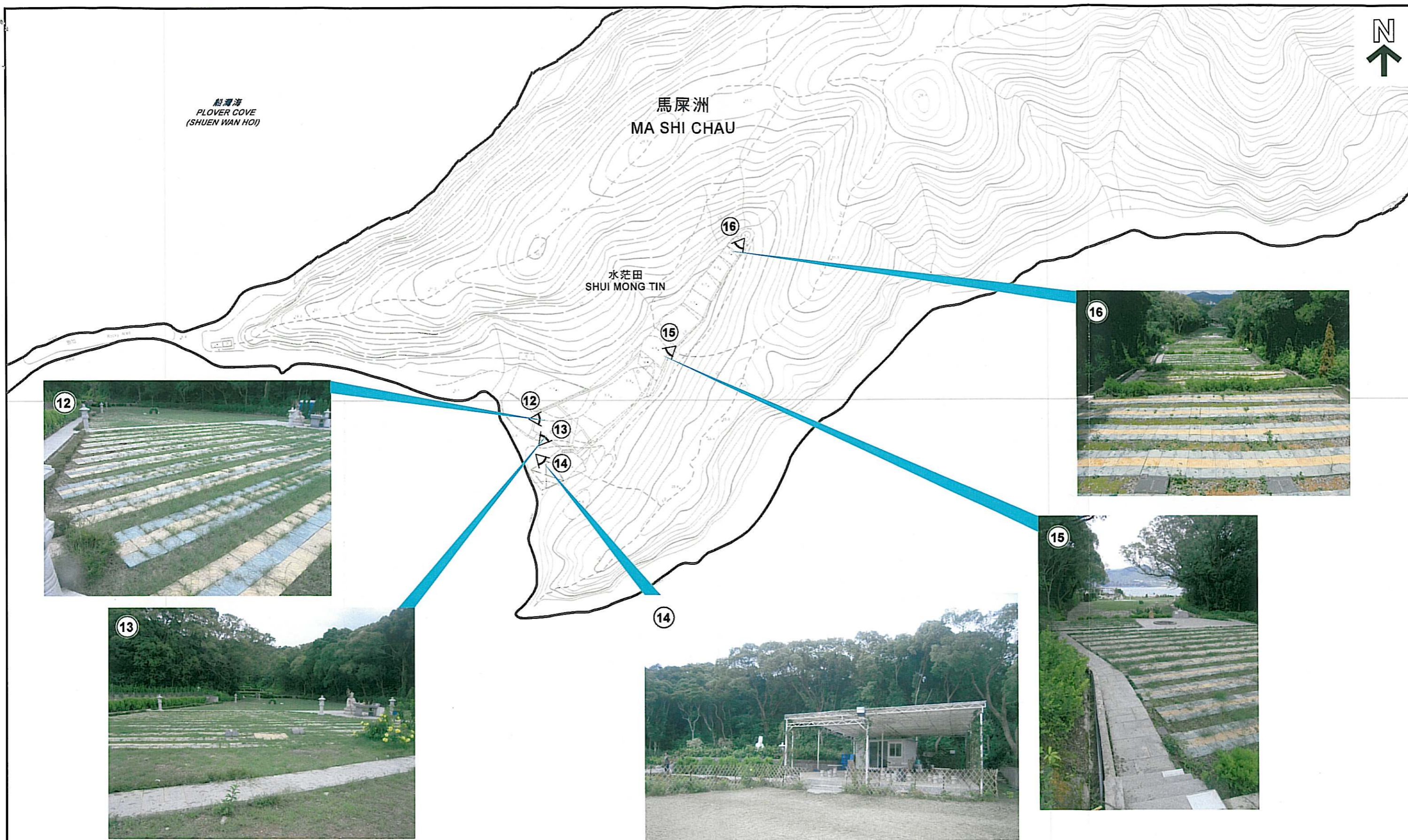
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規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/73A

圖 PLAN
5a



圖例 LEGEND

① ◁ 實地照片的觀景點
VIEWING POINT OF SITE PHOTO

本摘要圖於2011年8月10日擬備，所根據的資料為測量圖編號7-NE-8A和8B及攝於2011年6月14日的實地照片
EXTRACT PLAN PREPARED ON 10.8.2011 BASED ON SURVEY SHEETS No. 7-NE-8A & 8B AND SITE PHOTOS TAKEN ON 14.6.2011

實地照片
SITE PHOTOS

SCALE 1:2 000 比例尺
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METRES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
M/NE/11/73A

圖 PLAN
5b