

DRAFT YI O OUTLINE ZONING PLAN NO. S/I-YO/1

**CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/I-YO/1-R1 TO R20
AND COMMENTS NO. TPB/R/S/I-YO/C1 TO C1401**

Subject of Representation	Representers	Commenters
Supportive	<u>Total: 4</u>	
<u>Support</u> the Outline Zoning Plan (OZP) and /or “Coastal Protection Area” (“CPA”) zone	R1 (Part) : Greencourt Ltd. R2 : Fabian Pedrazzini R3 : Tai O Environment and Development Association R19 : Clive Noffke	
Adverse	<u>Total: 13</u>	<u>Total: 1,401</u>
<u>Object</u> to a “Green Belt” (“GB”) zone and propose rezoning it to “Other Specified Uses” annotated “Eco-lodge” (“OU(Eco-lodge)”)	R1 (Part) : Greencourt Ltd.	C1 (Greencourt Ltd., R1) comments on R1, R4 to R8 C2 (Yi O Agricultural Cooperation Ltd, R7) comments on R17
<u>Object</u> or <u>provide</u> similar views concerning benefit of villagers relating to “Village Type Development” (“V”), “GB” and “CPA” zones, and infrastructure facilities	R4 : Mr. Kung Hok-sing, Yi O Village Indigenous Inhabitant Representative (YOIIR) R5 : Tai O Rural Committee (TORC) R6 : Mr. Yu Hon-kwan, Islands District Council (IsDC) Member	C4 (CA, R16), C11 & C13 (individuals) comment on R1 C6 (HKBWS, R15) comments on R1, R4, R5, R7, R14, R16 and R17 C7 (WWF, R14) comments on R1, R11 to R17
<u>Object</u> or <u>provide</u> similar views concerning “Agriculture” (“AGR”) zone/adverse impact on natural environment and/or requesting for higher protection to “AGR” zone/some sites/natural environment	R11 : Kadoorie Farm and Botanic Garden Corporation (KFBG) R12 : Tony Nip R13 : Dr. Chiu Sein Tuck R14 : World-Wide Fund, Hong Kong (WWF) R15 : Hong Kong Bird Watching Society (HKBWS) R16 : The Conservancy	C8 (Green Sense) comments on R1, R4 to R7, R11 to R17 C9 (individual) comments on R1, R11 and R15 C10 (individual) comments on R1, R11 to R17 C12 (individual) comments

Subject of Representation	Representers	Commenters
	Association (CA) R17: Designing Hong Kong Limited (DHK) R18: Ms Lam	on R4 to R7 1,384 comments including C5 (Save Lantau Alliance), C175 (Land Justice League), C1315 (Greeners Action), C1377 (DHK, R17) and individuals mainly in similar standard forms commenting on:
<u>Object</u> (content indecipherable)	R20: Mr Lee Lo Mo	(i) R1 (ii) R4, R5, R7, R9 and R10 (iii) R14 to R17, as follows:
Providing views Relating to farming rehabilitation of Yi O, ecology and/or infrastructures	<u>Total: 5</u> R7: Yi O Agricultural Cooperation Ltd R8: 蘇文英 R9: Alien United R10: Trinity Trail Association	C5 and C1377 comment on (i) to (iii), R11 to R13 C14 to C1376 & C1393 comment on (i) to (iii) C1378 to 1386 comment on (ii) and (iii) C1387 to C1392 & C1394 comment on (i) and (ii) C1395 to C1396 comment on (i) and (iii) C3 (Lantau Area Committee), C1397 to C1401 (Individuals) (total:6) do not indicate which representation they provide comment on
Total:	20	1,401

Note: A CD-ROM containing the names of all commenters and the submission of all representations and comments is at **Annex I** (for Board Members only).

1. Introduction

- 1.1 On 13.11.2015, the draft Yi O OZP No. S/I-YO/1 (the OZP) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) (**Plan H-1**). During the two-month exhibition period, 20 representations were received. On 5.2.2016, the Town Planning Board (the Board) published the representations for three weeks for comments and a total of 1,401 valid comments were received.
- 1.2 On 15.4.2016, the Board decided to consider the representations and comments collectively in one group.

- 1.3 This paper is to provide the Board with information for consideration of the representations and comments. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **The Representations**

- 2.1 Amongst the 20 representations, **R1** raises both support and objection, three (**R2, R3 and R19(part)**) indicate support and nine (**R4, R5, R11, R12, R13, R16, R17, R18 and R20**) indicate objection. The remaining seven (**R6 to R10, R14 and R15**) provide views without indicating support or objection, while the nature of **R6, R14 and R15** is adverse.
- 2.2 The supportive representations are submitted by a land owner (**R1**), individuals (**R2 and R19**) and Tai O Environment and Development Association (**R3**).
- 2.3 For the adverse representations, **R1** (part) proposes rezoning a site from “GB” to “OU(Eco-lodge)” to facilitate a proposed eco-lodge development. Subsequently, **R1** submitted a comment, **C1**, revising his proposal to rezoning the site to “AGR”, see paragraph 3.2 below. The remaining representations can generally be categorized as follows:
- (a) YOIR (**R4**), TORC (**R5**) and an IsDC member (**R6**) raise concerns on rights of Yi O villagers such as inadequate “V” land, lack of infrastructures and their right on private land zoned “GB” or “CPA”.
 - (b) KFBG (**R11**), WWF (**R14**), HKBWS (**R15**), CA (**R16**), DHK (**R17**) and individuals (**R12, R13 and R18**) mainly concern on adverse impact of the “AGR” and “GB” zonings on the natural environment and request for higher protection to certain areas and/or “AGR” and/or “GB” zones.
- 2.4 The four representations providing views are submitted by Yi O Agricultural Cooperation Ltd. (**R7**), an individual (**R8**), Alien United (**R9**) and Trinity Trail Association (**R10**) relating to farming rehabilitation of Yi O, ecological aspect and planning of pier, road and infrastructures.
- 2.5 The submission of **R1 to R20** are at **Annexes IIa and IIb**. The major grounds of representations and the Planning Department (PlanD)’s responses are summarised in **Annex III**. The representation sites are shown on **Plan H-3**.

Grounds of Representations

Supportive Representations

- 2.6 **R1** (part) supports the gazettal of the OZP as it puts Yi O area under statutory planning control and supports the “CPA” zoning of his land for the preservation of the natural coastline of Yi O.

- 2.7 **R2** supports the provisions, spirit and intent of the OZP and propose to accord higher protection to certain land so as to preserve them from construction development proposals.
- 2.8 **R3** supports the planning direction, in particular designating “GB” and “CPA” zonings to areas with mangrove, and considers that the rights of different stakeholders should be respected, the main stream and two other streams in the area should not be diverted and covered; appropriate level of agricultural activities would facilitate sustainable development of Yi O, and maintaining existing wetland farming is important to the ecological environment in Yi O.
- 2.9 **R19** commends the Notes of the OZP which point out the setting within Country Park, the Lantau Trail, the highest Landscape Value of the area and provide comprehensive information on conservation aspects. He supports the designation of the “CPA” zoning for foreshore area. On the other hand, R19 also provides views on “V” zone and conservation zonings, see paragraphs 2.10 (d) and (k) below.

Adverse Representations/Those Providing Views on Similar Issues

- 2.10 The major grounds of adverse representations (**R1(part), R4 to R6, R11 to R18**) and those providing views on similar issues (**R7 to R10 and R19(part)**) are summarised below:

Objection to a “GB” Site and Rezoning for Proposed Eco-lodge Development (R1) (Plans H-4 and H4a)

- (a) **R1** objects to the “GB” zoning of a site to the east of Yi O bay which covers an area of about 2.68ha. According to the submission, about 1.8ha of land is owned by R1, 0.73ha is owned by other owners while the remaining 0.15ha is government land (**Drawing H-1**). R1 proposes to develop the site for a 70-room eco-lodge development with a field study/education/visitor centre with not less than 20% of the total GFA open for free public visit. R1 indicates that the site is close to Tai O and South Lantau. The proposed eco-lodge development is of strategic importance in making Lantau as a genuine tourism hub for both overseas and local visitors, will have synergy effect with the farming activities at Yi O San Tsuen and support the tourism activities in Tai O and Ngong Ping. The proposed development is to be built on abandoned farmland. The site is not located within any sensitive zoning or country park. No vehicular road, pond filling nor stream diversion is proposed. To facilitate the proposed development, R1 proposes to rezone the site from “GB” to “OU(Eco-lodge)”. If the “OU(Eco-lodge)” zoning is approved, private land owned by R1 within the Lantau North Country Park will be surrendered to the Government or in form of land exchange.
- (b) Subsequently, **R1** submitted a comment (**C1**) suggesting an “AGR” zone with ancillary accommodation use in Column 2 for the site instead

of the “OU(Eco-lodge)” zone, see paragraph 3.2.

“V” zone (R4 to R6, R8 and R19)

- (c) YOIR (R4) expresses the request for revitalization of Yi O village. The “V” zone of 0.33ha, equivalent to 13 Small House sites, is insufficient to meet the 10-year Small House demand of 145. YOIR, TORC and a member of IsDC (R4 to R6) are of the view that land within the village environs (‘VE’) (Plan H-5) should be designated as “V” zone as the village boundary of building Small Houses has been in existence since 1970’s.
- (d) R19 however considers that the “V” zone is not a realistic provision as there will be no development at all in view of the remote location and the village was abandoned many years ago. R8 suggests to impose restriction on the use of “V” land.

“CPA” Zone and Private Land within “GB” and “CPA” Zones (R4 to R7)(Plans H-3, H-4, H-4b and H-5)

- (e) YOIR, TORC and a member of IsDC (R4 to R6) consider that private land should not be zoned “GB” or “CPA” without agreement of villagers as it would affect their benefits. R5 further suggests that the “CPA” zone should be deleted as the “CPA” zoning affects the future development of Yi O. Yi O Agricultural Cooperation Ltd. (R7) considers private farmland within Yi O San Tsuen should be zoned “AGR”.

Lack of Transport and Infrastructure Facilities (R4 to R10)

- (f) There is no vehicular access to Yi O. It takes about an hour to commute between Tai O and Yi O on foot. YOIR (R4) states that upon implementation of Yi O village revitalization and agricultural land rehabilitation programme, there will be about 1,560 and 80 persons living and working in Yi O respectively, and mobile and transient population will be 2,000 and 600 per month. YOIR, TORC, a member of IsDC and Yi O Agricultural Cooperation Ltd. (R4 to R7) consider a vehicular access should be provided or designated on the OZP connecting Tai O and Yi O to facilitate the farming activities and meet the need of future population growth.
- (g) R4 to R10 are of the view that a standard pier is required at Yi O to facilitate the provision of emergency services, farming rehabilitation, rural farming experience/education activities or to enhance safety. YOIR (R4) suggests that the old pier at the western part of Yi O bay at 漁苗埔 (Plan H-2), which is dilapidated and not in use, should be rebuilt and a vehicular access should be planned on the OZP connecting the said pier and Yi O village.

- (h) There are no water supply, drainage and sewerage facilities in Yi O. **R4 to R10** proposes that such facilities should be planned or provided to serve the future growing population, farming and rural farming experience/education activities, and to avoid discharge of untreated waste water affecting ecology and avoid flooding. Flooding occurs during typhoon and heavy raining occasions causing damage to farmland, facilities, human and animals. **R9 and R10** consider Yi O an ideal place for camping, star watching and/or natural education activities but there is a lack of infrastructures.

“AGR” and “GB” Zones (R8, R11 to R17 and R19)

- (i) Green/concern groups/persons (**R11 to R17**) consider that “AGR” zone is not sufficient to protect farmland from development pressure of Small House. The “AGR” zone, especially the area within the ‘VE’ encircling Yi O San Tsuen (**Plan H-5**), will become reserve for future Small House development. The approval rate for Small House application in “AGR” zone was high, i.e. about 62.5% between 2003 and 2012. Small House/other developments will damage the environment and the surrounding Country Parks. **R14 to R17** suggest that the “AGR” zone should be replaced by a more restrictive “AGR(2)” zoning to prohibit development of new house and ensure genuine agricultural practice in the area. **R15 and R17** propose similar restrictive “GB(1)” zoning to replace the “GB” zone to restrict Small House development and for the protection of the natural habitats.
- (j) **R15** considers that any diversion of stream, filling of land, or excavation should not be conducted without permission from the Board and relevant departments.
- (k) **R19** considers that there are no other conservation zonings other than the 1.38ha of “CPA” zone. “GB” zone can be raided for development. **R17 and R19** point out that there is a development agreement covering the entire valley comprising a resort hotel, housing and a water sports/recreation centre which is a latent threat to protecting this area.
- (l) **R8** suggests retaining farmland/increasing farmland development, and designating it as “AGR” instead of “GB” so as to perform its farming function.

Riparian zone of Stream, Areas with Woodland and Coastal Vegetation within “AGR” zone (R11 to R17) (Plans H-5, H-5a to H-5c)

- (m) **R11 to R17** consider that the main stream of Yi O to the west of Yi O San Tsuen and its riparian (**Plans H-5, H-5b and H-5c**) should be well protected with conservation zonings such as “GB”/“GB(1)”/“CPA”/“Conservation Area” (“CA”) under which agricultural use is always permitted. Two freshwater fish species of high conservation importance, *Metzia lineate* (線細鰻) and *Oryzias curvinotus* (弓背青鱗) have been found in the main stream. The

“AGR” zone cannot reflect the reality of the ecological sensitivity of the stream course and its riparian, and cannot meet the need for a robust protective natural corridor along its entire length. The lack of a conservation zoning for the main stream and its riparian is inconsistent with the practice of the other OZPs for Country Park Enclaves. The concerned riparian areas are covered with conservation zoning, despite the fact that many of these streams are not necessary Ecologically Important Streams (EISs) and do not always contain species of conservation importance (e.g. Chek Keng, To Kwa Peng, Pak A, Siu Tan and Ma Tso Lung). In addition, much of lowland areas at the riparian are still largely covered with vegetation and even with some natural wetlands, which should not be zoned as “AGR” but should be zoned as “GB” or “CPA”.

- (n) **R11 to R17** consider that the areas with woodland within “AGR” zone at the east and west of Yi O San Tsuen (**Plans H-5 and H-5a**) are not suitable for cultivation and other agricultural purposes, thus they cannot be considered active or even abandoned farmland. Woodland provides habitat for Romer’s Tree Frog and provides foraging and nursery grounds for animals. As such, conservation zoning such as “GB”/“GB(1)”/“CPA”/“CA” should be designated for the woodland areas.
- (o) **R11 to R14 and R16** consider that the areas with coastal vegetation within “AGR” zone (**Plans H-5 and H-5a**) have no farming activities spotted and is an ecological buffer between the inland agricultural activities and the sensitive coastal habitat. The areas should be designated as conservation zonings such as “GB”/“GB(1)”/“CPA”/“CA”. In addition, the designation of conservation zonings would not violate the right to farm.

Representers’ Proposals

- 2.11 The proposals of the representers relating to the zoning on the OZP are summarised below:

Proposed Rezoning of a “GB” Site to Facilitate a Proposed Eco-lodge Development (R1) (Plan H-4)

- (a) rezoning the site (about 2.68ha) from “GB” to “OU(Eco-lodge)” with a maximum plot ratio of 0.2 to 0.25 and a maximum building height of 2 storeys to facilitate a proposed eco-lodge development with related facility(see also R1’s comment, C1, in paragraph 3.2).

Proposals of Local Villagers and Other Associations/Person

“V” zone

- (b) expansion of the “V” zone to follow the ‘VE’ of Yi O (**R4 to R6**) (**Plan H-5**).

“CPA” Zone and Private Land within “GB” or “CPA” zones (R4 to R7)

- (c) deletion of “CPA” zone (**R5**).
- (d) exclusion of private land from “GB” and “CPA” zonings (**R4 to R6**), and zoning of private farmlands in Yi O San Tsuen as “AGR” (**R7**).

Planning/Provision of Transport and Infrastructure Facilities (R4 to R10)

- (e) planning/provision of a road connecting Tai O and Yi O for vehicle (**R4 to R7**), a standard pier (**R5 to R10**), water supply, drainage and sewerage facilities (**R4 to R10**); and a pier at 漁苗埔 with vehicular access connecting the proposed pier and Yi O village (**R4**).

Proposals of Green/Concern Groups/Persons

Amendment to the Notes for the “GB” and “AGR” zones

- (f) amending the Notes for “AGR” (**R11 to R17**) and “GB” (**R15 and R17**) zones by replacing ‘House (New Territories Exempted House (NTEH) only, other than rebuilding of NTEH or replacement of existing domestic building by NTEH permitted under the covering Notes)’ to ‘House (Redevelopment only)’ in Column 2.
- (g) Requiring permission from the Board for any diversion of stream, filling of land, or excavation of land (**R15**).

Amendment to the Zoning Boundaries of the “GB” and “AGR” zones (Plan H-5)

- (h) rezoning the main stream of Yi O and its riparian (**R11 to R17**), the areas with woodland (**R11 to R17**) and coastal vegetation (**R11 to R14 and R16**) within “AGR” zone to conservation zoning such as “GB”/“GB(1)”/“CPA”/“CA”.

Other Views Not Directly Related to the OZP

- 2.12 Yi O Agricultural Cooperation Ltd. (**R7**) considers the Government should play the role of integration, integrating leisure experiences including farm, bed and breakfast and restaurant. Processing and assembling, stock management, logistic and packaging may also be carried out in the village to revitalize the idle land and villages. **R15** considers that eco-friendly farming activities should be adopted and wet agricultural land should be maintained to protect the biodiversity in the area. **R18** concerns on the impact on trees and vegetation but there are no related assessments, and considers that tree survey and assessment on important tree species and/or potential old and valuable trees, if any, should be carried out at the site and its periphery. **R8** suggests that in preparing the OZP, the Government should adopt sustainable development principles and conduct strategic environmental assessment.

3. Comments on Representations

- 3.1 Of the 1,401 valid comments, **C1** is submitted by Greencourt Ltd. (**R1**), **C2** is submitted by Yi O Agricultural Cooperation Ltd. (**R7**), **C3** is submitted by Lantau Area Committee. Eight comments are submitted by green/concern groups (CA (**C4**), Save Lantau Alliance (**C5**), HKBWS (**C6**), WWF (**C7**), Green Sense (**C8**), Land Justice League (**C175**), Greeners Action (**C1315**) and DHK(**C1377**)) and the remaining 1,390 comments are submitted by individuals mainly in standard forms.
- 3.2 **C1 (R1)** clarifies that the proposed eco-lodge as proposed in R1 is within his land (about 1.8ha). It is not intended for five star resort but for very basic accommodation for those interested in farming. Simple accommodation will be provided for successive short overnight stays given the remote location of and limited accessibility to Yi O. Moderate scale cloche and greenhouse structures would likely be required. Recognizing that it may be difficult for the Board to accept the proposed “OU(Eco-lodge)” zone, C1 suggests an “AGR” zone for the site to ensure and commit the use of the land to agriculture and related ancillary uses (hobby farming/greenhouse and farming tutorial). Ancillary accommodation could be listed as Column 2 use. Changing to “AGR” zone would ensure that land owners have an obligation to operate/undertake uses and development that are conducive to the retention of the rural character of the area. C1 has conducted a vegetation survey which indicates that the site is generally made up of regenerated scrub of no major landscape or horticultural value and would not pose a restriction on the range of activities proposed by C1. C1 objects to the “GB” zoning on his land as it has defeated the purpose of the land stipulated under the lease such as agriculture and residential purposes. Besides, **C1** supports **R4 to R6’s** proposal for provision of a standard pier and water supply to enhance safety and promote agricultural activities; supports **R5 and R6’s** objection to zone private land as “GB”; support **R7’s** suggestion on promotion of modern sustainable farming; and **R8’s** views on expansion of agricultural land, and considers that the area and his land should be rezoned to “AGR”.
- 3.3 **C2** provides responses to **R17’s** queries on landowners and operators’ intention to carry out genuine farming at Yi O. **C2** provides information on the integrated farming plan for Yi O, where farming activities are taking place at Yi O and the farm products produced since rehabilitation. **C2** clarifies that there is no rental agreement signed between villagers and Yi O Agricultural Corporation and they have no plan to develop Yi O as a tourist centre.
- 3.4 **C3** supports the right and requests of Yi O villagers and considers that their rights should not be affected by the planning of Yi O.
- 3.5 1393 comments submitted by green/concern groups (**C4 to C8, C175, C1315, C1377**) and individuals (**C9 to C174, C176 to C1314, C1316 to C1376, C1378 to C1396**) mostly in standard forms can generally be summarised as follows:

- (a) objecting **R1**'s proposal to rezone a site from "GB" to "OU(Eco-lodge)" and the proposed 70-room eco-lodge mainly for reasons that the proposed development will destroy the continuity of Country Parks from ecological, geological, aesthetical, landscape and recreational points of view, and affect the trail to Shui Lo Cho. The proposed development would affect the woodlands, coastal vegetations, natural streams and habitat of Romer's Tree Frog. No detailed proposal and comprehensive technical assessments on various aspects have been submitted by the representer (**C4 to C11, C13 to C1377, C1387 to C1396**);
- (b) opposing **R4, R5, R7, R9 and/or R10** for their proposals for a pier and vehicular access connecting the pier, Tai O and Yi O mainly for reasons that the proposal will cause adverse environmental, ecological, landscape and/or traffic impacts on the area and nearby Country Parks, there is no large-scale development that justifies the proposed facilities, and the existing facilities are considered adequate (**C5, C6, C8, C12, C14 to C1394**);
- (c) supporting **R14, R15, R16 and/or R17**'s proposal to replace 'House (NTEH' only)' with 'House (Redevelopment only)' in Column 2 of the "AGR" and/or "GB" zones to protect farming by removing the right to build house and removing the incentive to destroy the ecological value of farmland as the commenters support genuine farming and consider "AGR" zone inadequate in protecting farming (**C5 to C10, C14 to C1386, C1393, C1395 to C1396**);
- (d) supporting **R11 to R17**'s proposal to protect ecologically sensitive areas/habitats in Yi O by rezoning the areas of riparian zone of stream, woodland, low-lying area and/or coastal vegetation to conservation zoning (**C5, C7, C10, C1377 and C1383**); and
- (e) objecting **R4, R5, R7, R9 and R10**'s proposals on the expansion of "V" zone as the outstanding Small House demand and 10-year forecast in 2015 was 6 and 40, and objecting rezoning private farmland from "GB" to "AGR" zone as most private farmlands are abandoned (**C1377**).

3.6 Many comments provide general views supporting conservation and opposing destroy the natural environment and/or Country Park. **C1401** however supports development and considers Hong Kong not need so many country parks. A summary of comments on representations and PlanD's responses are in **Annex IV**.

4. Background

- 4.1 On 7.5.2015, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover Yi O (the Area). On 14.8.2015, the Board gave preliminary consideration to the draft Yi O OZP No. S/I-YO/B and agreed that the draft OZP was suitable for submission to the IsDC and the TORC for consultation.

- 4.2 IsDC was consulted on the draft OZP No. S/I-YO/B on 7.9.2015 and 21.9.2015, and TORC was consulted on 15.9.2015. Meeting with YOIR on the draft OZP was held on 18.9.2015. A site visit and meeting was held on 8.10.2015 with YOIR and concerned departments on the pier proposed by YOIR. TORC and YOIR requested for expansion of the “V” zone boundary, deletion of the “CPA” zoning and not to designate private land as “GB” zone, and requested for respect private land right and reservation of land for transport and infrastructures to cater for the estimated population increase. They also requested further consultation with locals on the revised OZP prior to submission to the Board.
- 4.3 On 9.9.2015, a meeting was held with green / concern groups to brief them on the draft OZP. CA, WWF, DHK, KFBG, HKBWS and Green Power attended the meeting. Subsequently, CA, WWF, DHK and KFBG submitted comments and proposals on the draft OZP. They mainly concerned the riparian of streams, areas adjoining Country Parks and areas with coastal vegetation and woodland, and requested to impose conservation zoning for the said areas. They also requested to rezone agricultural land in the “AGR” zone to a more restrictive zoning to protect the ecologically sensitive habitats from development threats.
- 4.4 On 30.10.2015, the views received from YOIR, IsDC, TORC and green/concern groups and the revised draft Yi O OZP No. S/I-YO/C were submitted to the Board for consideration. The Board agreed that, the draft Yi O OZP was suitable for exhibition for public inspection. On 13.11.2015, the draft Yi O OZP No. S/I-YO/1 (**Plan H-1**) was exhibited for public inspection under section 5 of the Ordinance.

5. Consultation with IsDC and TORC

Whilst local consultation was conducted during the preparation of the draft OZP and their views were considered by the Board or incorporated in the draft OZP No. S/I-YO/C as appropriate, the draft Yi O OZP No. S/I-YO/1 was circulated to all members of IsDC and TORC in December 2015 for consideration. TORC was consulted on 10.12.2015 and YOIR being a member of TORC attended the meeting. TORC considered Yi O villagers’ comments were not addressed and objected to the OZP. YOIR and TORC subsequently submitted representations to the Board. The requests of YOIR (**R4**) are mentioned in paragraphs 2.10(c), (e) to (h) above and TORC (**R5**) opposes the draft OZP and supports the requests of YOIR. Mr Yu Hon-kwan, Member of IsDC also submitted a representation (i.e. **R6**) to the Board with similar views. The grounds of representations and PlanD’s assessment are summarised in this Paper and **Annex III**.

6. Planning Considerations and Assessments

The Representation Sites and their Surrounding Areas (Plan H-3)

- 6.1 The representation sites cover the ‘VE’ of Yi O, the “V” zone, a site to the east of Yi O bay, private lots zoned “GB” and “CPA”, the eastern riparian of

the stream at Yi O, as well as coastal vegetation and woodland areas within the “AGR” zone.

Planning Intention

- 6.2 The general planning intention of the Area is to protect its high conservation and landscape value and the rural settings which complement the overall natural character and the landscape beauty of the surrounding Lantau North and Lantau South Country Parks and to make provision for future Small House development for the indigenous villagers of the Area. In designation of various land use zones in the Area, consideration has been given to protect the natural habitats in the Area such as the wooded areas which form a continuous stretch of well-established vegetation with those located in the adjoining Lantau North and Lantau South Country Parks and natural streams. Active and fallow agricultural land is retained in view of the good potential for agricultural use.
- 6.3 The “V” zone is to designate both existing recognized village and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.
- 6.4 The “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Except those specified in the Notes for “AGR” zone, any diversion of stream or filling of land requires planning permission from the Board.
- 6.5 The “GB” zone is primarily intended for defining the limits of development areas by natural features and to preserve the existing natural landscape as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Except those specified in the Notes for “GB” zone, any diversion of stream, filling of land or excavation of land requires planning permission from the Board.
- 6.6 The “CPA” zone is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest

may be permitted. Except those specified in the Notes for “CPA” zone, any diversion of stream filling of land or excavation of land requires planning permission from the Board.

Responses to Grounds of Representations and Representers’ Proposals

Supportive Views

- 6.7 The supporting views of **R1(part) to R3 and R19(part)** are noted. Responses to their other comments/proposals are in **Annex III**.

Adverse Views/Views on Similar Issues

*Objection to a “GB” Site and Rezoning for Proposed Eco-lodge Development (**R1 and C1**) (**Plans H-4 and H-4a**)*

- 6.8 The “GB” site (2.68ha) in close proximity to Yi O bay is sandwiched between “CPA” at the west and Lantau North Country Park at the east (**Plan H-4**). Several streams run through the site from uphill in the Country Park towards Yi O bay supporting freshwater marsh and coastal vegetation along the coast. The site is largely covered by vegetation including undisturbed woodland, grass and bushes. There are abandoned farmland and dilapidated houses found within the site. The Director of Agriculture, Fisheries and Conservation (DAFC) considers that the site largely consists of woodland, instead of scrubland as indicated in the vegetation survey submitted by **C1**. Both Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) and DAFC consider the current “GB” zoning, with its general presumption against development, appropriate to reflect the existing natural landscape.
- 6.9 For the proposed eco-lodge providing 70 guest rooms in 2-storey buildings with field study/education/visitor centre, CTP/UD&L, PlanD considers it incompatible with the surrounding environment, in particular if it is in form of a tourist resort, and could possibly induce adverse visual impact on the surrounding natural environment. According to the Revised Concept Plan for Lantau – Landscape Conservation, the site falls within the Landscape Protection Area with general intention to preserve it as landscape buffer between the Country Parks and any developed areas. Hence, CTP/UD&L, PlanD does not agree to R1’s statement that the site is comparatively less visually sensitive.
- 6.10 Concerned departments including Director of Environmental Protection (DEP), Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD), Chief Engineer/Development(2), and Water Supplies Department (CE/Dev(2), WSD) consider that there are insufficient information to demonstrate that the proposed eco-lodge within such a large site would be acceptable from environmental, geotechnical and infrastructural aspects. DEP advises that as watercourses exist within and close to the site, these constraints would affect the feasibility of using septic tank/soakaway system to treat sewage arising from the development. WSD advises that the site is at great distance (about

2km) from the nearest WSD fresh water supply system at Tai O and the existing Tai O water treatment works is of very limited capacity. There will be no provision of metered water supply to the proposed eco-lodge development. CEDD advises that the site is overlooked by steep natural terrain with past natural terrain landslide records. A Geotechnical Planning Review Report is required for the proposed development. However, no detailed proposal or assessment reports are submitted.

- 6.11 While **R1** in its comment submitted under C1 proposes to rezone the site to “AGR” with ancillary accommodation use in Column 2 to facilitate the proposed eco-lodge development to provide basic accommodation to those interested in farming, departments’ concerns on the proposed development are still applicable. Without any impact assessments submitted by the representer, it is inappropriate to rezone the site from “GB” to any other zone to facilitate the proposed eco-lodge development. As for the lease entitlement, District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) advises that there is no building status for the lots owned by the representer within the site. Since the private land is primarily demised for agricultural purpose under the block government lease and ‘Agricultural Use’ is always permitted within the “GB” zone, there is no deprivation of the rights of the landowners. Besides, under the current planning application mechanism, individuals may submit application for change of use to the Board for consideration with the necessary technical assessments.

“V” zone (R4 to R6, R8 and R19)

- 6.12 The boundaries of the “V” zone for Yi O Village (**Plan H-5**), the recognised village within the Area, has been drawn up around existing house clusters having regard to existing building structures, the extent of ‘VE’, approved Small House applications, outstanding Small House application, building lots, local topography, site characteristics and estimated Small House demand. Areas of dense vegetation, active agricultural land, ecologically sensitive areas and streamcourses have been avoided where possible. During the course of preparing the draft OZP, views and comments from relevant stakeholders including IsDC, TORC, YOIR and green/concern groups and government departments have also been taken into account in drawing up the “V” zone.
- 6.13 With regard to **R4 to R6**’s view that the “V” land (0.38ha) is inadequate to meet the 10-year Small House demand, it should be noted that the Small House demand forecast is only one of the factors in drawing up the “V” zone. The forecast is provided by the IIR to the LandsD and could be subject to changes over time for reasons like aspiration of indigenous villagers currently living outside the village, local and overseas, to move back to the Area in future. Given there is no outstanding Small House application and the lack of infrastructure facilities in Yi O, an incremental approach has been adopted in designating the “V” zone. The incremental approach could guide village expansion around the existing village settlements to achieve a more orderly development pattern, efficient use of land and provision of infrastructures and services. It would help confine human disturbance to the areas around the existing settlements, thus minimizing unnecessary adverse

impacts on the natural environment outside the village. Besides, Small House development outside the “V” zone could be processed through the planning application system.

Table 1: Small House Demand for Yi O Village

Small House Demand Figure in Sep 2015		‘VE’ Approx. Area (ha)	“V” zone area (ha)	Required land to meet demand (ha) for 145 Small Houses	Available Land to meet new demand (ha)	Percentage of the new demand met by available land (%)
Outstanding Demand	10-year forecast					
0	145	4.03	0.38	3.63	0.33 [†]	9

[†]The figure has excluded the 6 approved in 1981 but not yet developed Small Houses.

- 6.14 Within the ‘VE’, two pieces of land are under “V” zone on the OZP (0.38 ha) while the remaining area is zoned “AGR” and “GB”. DAFC advises that most land zoned “AGR” within the ‘VE’ consists of active farmland and fallow land with potential for agricultural rehabilitation, while the area zoned “GB” covers young woodlands. The current “AGR” and “GB” zones are considered appropriate.
- 6.15 As for **R8**’s view on imposing restriction on the use of “V” land, there is no justification or concrete suggestion on how to restrict its use. The current restrictions for the “V” zone as stipulated in its Notes which generally follow the Master Schedule of Notes to Statutory Plans (MSN) are considered appropriate.

*“CPA” Zone and Private Land within “GB” and “CPA” Zones (**R4 to R7**)*

- 6.16 The designation of conservation zonings on the OZP has taken into account the ecological values, landscape character, local topography, site characteristics, stakeholders’ views and concerned departmental advice. The “CPA” zone covers the existing natural coastal area with coastal vegetation, mudflat, rocky shore, and associated estuarine landscape. CTP/UD&L, PlanD considers that the current “CPA” zoning is appropriate for protection of the natural coastline and its landscape features.
- 6.17 Regarding private land within conservation zonings (i.e. “CPA” and “GB”) (**Plan H-3**), the concerned land is primarily demised for agricultural purpose under the block government lease. There is no building lot within the “CPA” and “GB” zones. Most active farmland and fallow land with potential for agricultural rehabilitation is already zoned “AGR”. Since ‘Agricultural Use’ is always permitted under “CPA” and “GB”, there is no deprivation of the rights of the landowners. The private land within “CPA” zone covers the natural shore with natural vegetation (**Plan H-4b**), whereas the private land within “GB” zones mainly cover a continuous stretch of woodland. DAFC considers the current zonings appropriate to preserve the existing natural landscape while allowing agricultural use. Moreover, within “CPA” and

“GB” zones, apart from agricultural use, uses in line with the planning intention are always permitted and some specified uses may be permitted upon approval by the Board.

Lack of Transport and Infrastructure Facilities (R4 to R10)

- 6.18 Relevant government departments will keep in view of the need for infrastructure facilities in Yi O subject to resources availability. At present, concerned departments including Transport Department, DSD, EPD and WSD have not put forth any request for land reservation within the Area for road use or drainage, sewerage and water supply facilities. If concerned departments have plans in future to provide infrastructure facilities in the Area, flexibility has been provided in the covering Notes of the OZP for carrying out of 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.
- 6.19 With regard to the request for a vehicular access connecting Tai O and Yi O, Commissioner for Transport (C for T) advises that there is no plan to provide vehicular access to Yi O or any proposed widening of the track between Tai O and Yi O. Moreover, the Area is enclosed by the Lantau North and Lantau South Country Parks, the impact of constructing a road would have to be carefully assessed and consent of the Country and Marine Parks Authority is required.
- 6.20 As for the request for a pier at Yi O, C for T advises that the utilization of Sha Lo Wan Pier and Tai O Pier (located near Yi O) is low and there is no licensed ferry and kaito services to/from Yi O. Thus, there is currently no need for providing a new pier from transport operational point of view. Concerned departments currently have no plan to build a pier in Yi O. As for the suggestion of YOIR (R4) for a standard pier at 漁苗埔 at the western side of the bay, and a vehicular access connecting the proposed pier and Yi O village, it should be noted that 漁苗埔 is located outside the boundary of the OZP (**Plan H-2**) but is within the Lantau South Country Park. Consent of the Country and Marine Parks Authority on the proposal is required. In addition, relevant departments have advised that the proposed location is in very shallow water and a long catwalk leading to deeper water may be required if a pier is to be constructed there. Moreover, the proposed vehicular access will need to go through a vegetated area to the west of Yi O Bay. The impact should be carefully assessed.
- 6.21 There is an existing jetty at the eastern side of the bay (**Plan H-2**). Flexibility has been provided in the covering Notes of the OZP for carrying out any upgrading works to the pier if requires.

“AGR” and “GB” Zones (R8, R11 to R17 and R19)

- 6.22 Regarding the proposals of the green/concern groups/persons to amend the Notes for the “AGR” and/or “GB” zones to prohibit development of new house in these zones, the Notes for the “GB” and “AGR” zones generally

follow the MSN including uses which may be considered by the Board under the planning application system. This is to allow flexibility for development proposals and the provision of different facilities that may be compatible with the surrounding area for public use and/or enjoyment. 'House' use in these zones requires permission from the Board. "GB" is a conservation zone and there is a general presumption against development within this zone. Each application would be considered by the Board based on its individual merits taking account of the relevant planning considerations. There is no strong justification to impose further restrictions on these zones. As for **R8's** suggestion on retaining farmland/increasing farmland development, it should be noted that most active farmland and fallow land with potential for agricultural rehabilitation are already zoned "AGR".

- 6.23 As for **R15's** proposal that any diversion of stream, filling of land or excavation of land should not be conducted without permission from the Board, provision has already been made under the current Notes for the zones covering/immediately abutting on stream, i.e. "AGR", "GB" and "CPA" zones that diversion of stream, filling of land and/or excavation of land within these zones require planning permission from the Board except for those specified in the Notes for the zones. The current requirements are considered appropriate.

*Riparian zone of Stream, Areas with Woodland and Coastal Vegetation within "AGR" zone (**R11 to R17**)*

- 6.24 As for the riparian zone of the stream to the southwest of Yi O San Tsuen, the stream and its western riparian zone is already zoned "GB" and the eastern side is zoned "AGR". DAFC advises that the eastern riparian area mainly covers abandoned farmland (**Plans H-5, H-5b and H-5c**). From agricultural development perspective, there are active agricultural activities in the vicinity of the subject area. As active farming activities are found in the southern part of the concerned "AGR" site and the northern area has good potential of agricultural rehabilitation, it is considered that the "AGR" zone is appropriate to reflect the planning intention. Although Rice Fish (*Oryzias curvinotus* 弓背青鱗) and Striped Lesser Bream (*Metzia lineate* 線細鯰) of conservation concern have been recorded in the stream, the stream is not an EIS. The current zoning of "GB" and "AGR" covering western and eastern sides of the stream respectively is considered appropriate to reflect the existing natural landscape. Under the remarks of "AGR" zone, permission from the Board is required for diversion of streams and filling of land which might cause adverse environmental impacts on the adjacent areas. As for green group's view that riparian area of other non EIS at other country park enclaves are covered with conservation zoning, it should be noted that each stream and its riparian area are different and the zoning should be considered on its own characters and merits.
- 6.25 With regard to the woodlands within "AGR" zone to the east and west of Yi O San Tsuen (**Plans H-5 and H-5a**), there are no particular species of conservation importance and no registered old and valuable trees within the zone. While DAFC advises that Romer's Tree Frog has been recorded in the woodland area near the agricultural fields in the south of Yi O near Yi O Kau

Tsuen and near a stream to the east of Yi O, it is widespread in Lantau. DAFC also advises that active farming activities are observed in the vicinity of the woodland to the east of Yi O San Tsuen. The concerned area is mainly private land, and has the potential of agricultural rehabilitation. It is considered appropriate to zone the area close to Yi O San Tsuen as “AGR” from agricultural development point of view. The small petites woodland to the west of Yi O San Tsuen form part of the continuous flat land under active farming. It is considered appropriate to maintain its “AGR” zoning.

- 6.26 For the area with coastal vegetation (**Plans H-5 and H-5a**) currently zoned “AGR” at Yi O San Tsuen, it is largely a piece of continuous flatland. There are no particular species of conservation importance. DAFC advises that the areas with coastal vegetation are connected to existing active farmland and possess potential for agricultural rehabilitation.

Other Views

- 6.27 With regard to **R7**’s views on agricultural policy, DAFC advises that under the New Agricultural Policy (NAP), the Government will facilitate “leisure farming” as an auxiliary activity of farms on commercial production and as a means for farmers to increase income and reach out to potential customers. Besides, packaging for brand building and marketing of products that can help farmers to move up the value chain will also be supported under NAP. With respect to the provision of lodging and catering service, the operator should comply with the existing regulatory regimes. For **R18**’s concern on impact on trees and vegetation in the area, DAFC advises that there is no known record of tree of particular value within the “V” and “AGR” zones in the area. There are existing mechanisms overseen by the concerned departments for tree preservation if there is any development.

Responses to Comments

- 6.28 The views of the comments as highlighted in paragraph 3 are similar to the grounds of representations. The assessments in paragraphs 6.8 to 6.27 above are relevant. Detailed responses to the comments are provided in **Annex IV**.

7. Consultation

- 7.1 The following government bureaux/departments have been consulted and their comments have been incorporated in the paper as appropriate:

- (a) C for T;
- (b) DAFC;
- (c) DEP;
- (d) Director of Marine;
- (e) Chief Engineer/Port Works, CEDD;
- (f) H(GEO), CEDD;
- (g) CE/Dev(2), WSD;
- (h) Chief Engineer/Hong Kong Island and Islands, DSD;
- (i) Chief Engineer/Sewerage Projects, DSD;

- (j) Chief Engineer/Drainage Projects, DSD;
- (k) Chief Highway Engineer/New Territories East District, Highways Department (HyD);
- (l) Chief Town Planner/Central Enforcement and Prosecution, PlanD;
- (m) CTP/UD&L, PlanD; and
- (n) DLO/Is, LandsD.

7.2 The following government bureaux and departments have been consulted and they have no comment on the representations and comments:

- (a) Director of Leisure and Cultural Services;
- (b) District Officer/Islands, Home Affairs Department;
- (c) Project Manager/Hong Kong Island and Islands, CEDD;
- (d) Commissioner of Police; and
- (e) Director of Fire Services.

8. **Planning Department's Views**

The supportive views of **R1(part)**, **R2**, **R3** and **R19(part)** are noted. Based on the assessments in paragraph 6 above and the following reasons, PlanD does not support the views of **R1(part)**, **R4 to R18**, **R19(part)** and **R20** and considers that the draft OZP should not be amended to meet the representations:

Rezoning of a "GB" Site to Facilitate the Proposed Eco-lodge Development

- (a) There is insufficient information to demonstrate that the proposed eco-lodge use would not have adverse impacts on environmental, visual, landscape, ecological, geotechnical, traffic and infrastructural aspects. There are no strong reasons to rezone a large area to "OU(Eco-lodge)" or other zoning to facilitate the proposed eco-lodge development. (**R1**)

"V" zone

- (b) The boundaries of the "V" zone for the village have been drawn up having regard to the 'VE', local topography, settlement/building lot pattern, Small House demand forecast, outstanding Small House application, areas of ecological importance, as well as other site-specific characteristics. (**R4 to R6, R19**)
- (c) The Small House demand forecast is only one of the factors in drawing up the "V" zone. In view of the existing zero outstanding Small House application and the lack of infrastructure facilities in Yi O, it is appropriate to adopt an incremental approach for designating the "V" zone with an aim to confining Small House development at suitable locations. There is no strong justification to expand the "V" zone to the 'VE' boundary. (**R4 to R6**)
- (d) The current Notes and restrictions of "V" zone are considered appropriate. There is no justification or concrete suggestion proposed by the representer on how to restrict the use within the "V" zone. (**R8**)

“CPA” Zone and Private Land within “GB” and “CPA” Zones

- (e) The “CPA” zone covers the existing natural coastal area with coastal vegetation, mudflat, rocky shore, and associated estuarine landscape. The “CPA” zoning is considered appropriate for protection of the natural coastline and its landscape features. **(R5)**
- (f) The designation of “GB” and “CPA” zones on the OZP is considered appropriate taking into account all the relevant planning considerations. **(R4 to R7)**
- (g) Private land within the “CPA” and “GB” zones are agricultural lots and ‘Agricultural Use’ is always permitted on land in “CPA” and “GB” zones. Therefore, there is no deprivation of the rights of the landowners. **(R4 to R7)**

Transport and Infrastructure Facilities

- (h) According to the Notes of the OZP, 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 are always permitted in the Area. **(R4 to R10)**

“AGR” and “GB” zones

- (i) The Notes for “GB” and “AGR” zones generally follow the MSN including uses which may be considered by the Board under the planning application system. This is to allow flexibility for development proposals and the provision of different facilities that may be compatible with the surrounding area for public use or/and enjoyment. ‘House’ use requires planning permission from the Board and each application would be considered by the Board based on its individual merits taking account of relevant planning considerations. There is no strong justification to impose further restrictions on these zones. **(R11 to R17)**
- (j) Diversion of stream, filling of land and/or excavation of land within “AGR”, “GB” and “CPA” zones require planning permission from the Board, except for those specified in the Notes for these zones. The current requirements are considered appropriate. **(R15)**
- (k) There is a general presumption against development within “GB” zone. Uses which may be considered by the Board will be processed under the planning application system. **(R19)**
- (l) Most active farmland and fallow land with potential for agricultural rehabilitation are already zoned “AGR”. **(R8)**

Riparian Zone of Stream, Areas with Woodland and Coastal Vegetation within “AGR” zone

- (m) The eastern riparian zone of the stream to the southwest of Yi O San Tsuen mainly covers abandoned farmland and has good potential of agricultural

rehabilitation. The “AGR” zone is considered appropriate to reflect the planning intention. The Notes for the zone has stipulated that diversion of stream or filling of land requires planning permission from the Board. **(R11 to R17)**

- (n) Active farming activities are observed in the vicinity of the woodland to the east of Yi O San Tsuen. The concerned area has the potential of agricultural rehabilitation. The woodland to the west of Yi O San Tsuen forms part of the continuous flat land under active farming. The “AGR” zoning for the areas is considered appropriate. **(R11 to R17)**
- (o) The areas with coastal vegetation are connected to existing active farmland and possess potential for agricultural rehabilitation. The “AGR” zoning is considered appropriate. **(R11 to R14 and R16)**

Impact on Trees and Vegetation

- (p) There is no record of tree of particular value within the “V” and “AGR” zones and there are existing mechanisms for tree preservation if there is any development. **(R18)**

9. Decision Sought

The Board is invited to give consideration to the representations taking into consideration the points raised in the hearing session, and decide whether to uphold/not to uphold the representations.

10. Attachments

Annex I	CD-ROM containing the names of commenters, submission of all representations (R1 to R20) and comments (C1 to C1401) (for Board Members only)
Annexes IIa and IIb	Submission of representation R1 to R20 (for Board Members only)
Annex III	Summary of the grounds of representations/representers’ proposal and PlanD’s responses
Annex IV	Summary of comments on representations and PlanD’s responses
Plan H-1	Draft Yi O OZP No. S/I-YO/1
Plan H-2	Aerial Photo
Plan H-3	Location Plan of Representation Sites
Plan H-4	Site Plan of Representation Sites R1, R4 to R7
Plan H-4a	Site Photos of Representation Sites R1
Plan H-4b	Site Photos of Representation Sites R1, R4 to R6
Plan H-5	Site Plan of Representation Sites R4 to R7, R11 to R17
Plans H-5a to H-5c	Site Photos of Representation Sites R11 to R17
Drawing H-1	Representation Site R1 – Land Ownership