DRAFT SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/EC

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

NOTES

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

- 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) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building 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.
- (5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the draft development permission area 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.
- (6) 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.
- (7) Road junctions, alignment of roads and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) 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 (9) in relation to areas zoned "Site of Special Scientific Interest", "Conservation Area" or "Coastal Protection Area":

- (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 and 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; and
- (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.
- (9) In areas zoned "Site of Special Scientific Interest", "Conservation Area" or "Coastal Protection Area",
 - (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.

(10) In any area shown as 'Road', all uses or developments except those specified in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:

road and on-street vehicle park.

- (11) (a) Except in areas zoned "Site of Special Scientific Interest", "Conservation Area" or "Coastal Protection Area", 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 (11)(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", "Conservation Area" or "Coastal Protection Area", 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.
- 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.
- (13) 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 SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/E

Schedule of Uses

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VILLAGE TYPE DEVELOPMENT

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 (New Territories Exempted
House only)
On-Farm Domestic Structure
Religious Institution
(Ancestral Hall only)
Rural Committee/Village Office

Eating Place Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified)# Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified)# Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Utility Installation # Religious Institution (not elsewhere specified)# 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

Planning Intention

The planning intention of this zone is to designate both existing recognised villages 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

(Please see next page)

VILLAGE TYPE DEVELOPMENT (cont'd)

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the 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) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of streams, 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 (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), 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.

GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted Column 2
Uses that may be permitted with or without conditions on application to the Town Planning Board

Broadcasting, Television and/or Film Studio

Eating Place (Canteen,

Cooked Food Centre only)

Educational Institution

Field Study/Education/Visitor Centre Government Refuse Collection Point

Government Use (not elsewhere specified) Institutional Use (not elsewhere specified)

Library Market

Place of Recreation, Sports or Culture

Public Clinic

Public Convenience Public Utility Installation Recyclable Collection Centre

Religious Institution

Rural Committee/Village Office

School

Service Reservoir Social Welfare Facility

Training Centre Wholesale Trade Animal Boarding Establishment Animal Quarantine Centre

Columbarium

Correctional Institution

Crematorium

Eating Place (not elsewhere specified)

Funeral Facility

Helicopter Landing Pad

Holiday Camp

House (other than rebuilding of New Territories

Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the

covering Notes)

Off-course Betting Centre

Office

Place of Entertainment

Private Club

Radar, Telecommunications Electronic
Microwave Repeater, Television
and/or Radio Transmitter Installation

Residential Institution

Sewage Treatment/Screening Plant

Shop and Services (not elsewhere specified)

Utility Installation for Private Project

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

(Please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (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 building height in terms of number of storey(s) as stipulated on the Plan, or the 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) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

OTHER SPECIFIED USES

Column 1 Uses always permitted Column 2
Uses that may be permitted with or without conditions on application to the Town Planning Board

For "Pier" Only

Pier

Government Use (not elsewhere specified) Public Utility Installation

Planning Intention

This zone is intended to designate land for pier and jetty to facilitate marine access to Sham Wat and San Shek Wan areas.

AGRICULTURE

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 only)
On-Farm Domestic Structure
Public Convenience
Religious Institution (Ancestral Hall only)
Rural Committee/Village Office

Animal Boarding Establishment
Barbecue Spot
Field Study/Education/Visitor Centre
Government Refuse Collection Point
Government Use (not elsewhere specified)
House (New Territories Exempted House only,
other than rebuilding of New Territories
Exempted House or replacement of existing
domestic building by New Territories
Exempted House permitted under the

Picnic Area

Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)

Public Utility Installation

covering Notes)

Religious Institution (not elsewhere specified)

School

Utility Installation for Private Project

Planning Intention

This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

Remarks

Any diversion of streams or filling of land/pond, 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 (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), 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. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:

(Please see next page)

AGRICULTURE (cont'd)

- (i) laying of soil not exceeding 1.2m in thickness for cultivation; or
- (ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

GREEN BELT

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
Barbecue Spot
Government Use (Police Reporting
Centre only)
Nature Reserve
Nature Trail
On-Farm Domestic Structure
Picnic Area
Public Convenience
Tent Camping Ground
Wild Animals Protection Area

Animal Boarding Establishment
Broadcasting, Television and/or Film Studio
Burial Ground
Columbarium (within a Religious Institution or
extension of existing Columbarium only)
Crematorium (within a Religious Institution or
extension of existing Crematorium only)
Field Study/Education/Visitor Centre
Government Refuse Collection Point
Government Use (not elsewhere specified)
Helicopter Landing Pad
Holiday Camp
House (other than rebuilding of New Territories
Exempted House or replacement of existin

Exempted House or replacement of existing domestic building by New Territories
Exempted House permitted under the covering Notes)

Place of Recreation, Sports or Culture
Public Utility Installation
Radar, Telecommunications Electronic
Microwave Repeater, Television
and/or Radio Transmitter Installation

Religious Institution
Residential Institution
Rural Committee/Village Office
School
Service Reservoir
Social Welfare Facility
Utility Installation for Private Project

Planning Intention

The planning intention of this zone is primarily 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.

(Please see next page)

GREEN BELT (cont'd)

Remarks

Any diversion of streams, filling of land/pond 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 (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), 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.

CONSERVATION AREA

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 (other than Plant Nursery) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area

Field Study /Education/Visitor Centre
Government Refuse Collection Point
Government Use (not elsewhere specified)
House (Redevelopment only)
Public Convenience
Public Utility Installation
Radar, Telecommunications Electronic
Microwave Repeater, Television
and/or Radio Transmitter Installation

Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Ecologically Important Stream or Country Park from the adverse effects of development.

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.

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond 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 (except public works co-ordinated or implemented by Government, and maintenance, or repair or rebuilding works), 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.

COASTAL PROTECTION AREA

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 (other than Plant Nursery) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area Field Study /Education/Visitor Centre
Government Use
House (Redevelopment only)
Pier
Public Convenience
Public Utility Installation
Radar, Telecommunications Electronic
Microwave Repeater, Television
and/or Radio Transmitter Installation

Planning Intention

This zoning 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.

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, filling of land/pond 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 (except public works co-ordinated or implemented by Government, and maintenance, *or* repair-or rebuilding works), 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.

SITE OF SPECIAL SCIENTIFIC INTEREST

Column 1	Column 2	
Uses always permitted	Uses that may be permitted with or	
	without conditions on application	
	to the Town Planning Board	
Wild Animals Protection Area	Agricultural Use	
	Field Study/Education/Visitor Centre	
	Government Use	
	Nature Reserve	
	Nature Trail	
	On-Farm Domestic Structure	
	Public Convenience	
	Public Utility Installation	

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/pond 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 (except public works co-ordinated or implemented by Government, and maintenance, or repair—or rebuilding works), 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.

Appendix III of TPB Paper No. 10753

$\frac{\text{DRAFT SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN}}{\text{NO. S/I-SW/}E}$

EXPLANATORY STATEMENT

DRAFT SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/ $E \in$

EXPLANATORY STATEMENT

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DRAFT SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/EC

(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. <u>INTRODUCTION</u>

This Explanatory Statement is intended to assist an understanding of the draft Sham Wat and San Shek Wan Outline Zoning Plan (OZP) Plan No. S/I-SW/EC. It reflects the planning intentions and objectives of the Town Planning Board (the Board) for various land-use zonings for the Plan.

2. <u>AUTHORITY FOR THE PLAN AND PROCEDURE</u>

- 2.1 On 9 November 2020, under the power delegated by the Chief Executive (CE), the Secretary for Development (*SDEV*) directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Sham Wat and San Shek Wan area as a Development Permission Area (DPA).
- 2.2 On 5 January 2021, under the power delegated by the CE, *SDEV*Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Area.
- 2.3 On 8 January 2021, the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/1 was exhibited for public inspection under section 5 of the Ordinance. During the exhibition periods, a total of 168XX representations and XX comments were received.
- 2.4 On XX XXXXX 2021, the draft Sham Wat and San Shek Wan OZP No. S/I-SW/1 (the Plan) was exhibited for public inspection under section 5 of the Ordinance.
- 2.5 Pursuant to section 20(6) of the Ordinance, the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/1 ceased to be effective on *XX XXXXX 20218-January 2024* (except for the provisions related to the existing use and unauthorized development), as the land in respective of the DPA Plan was included in the draft Sham Wat and San Shek Wan OZP No. S/I-SW/1 on the date. The plan-making process for the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/1 did not proceed further.

3. OBJECT OF THE PLAN

3.1 The object of the Plan is to indicate the broad land use zonings for the area of Sham Wat and San Shek Wan so that development and redevelopment within the area of Sham Wat and San Shek Wan can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.

3.2 The Plan is to illustrate the broad principles of development and planning control only. It is a small-scale plan and the boundaries between land use zones may be subject to minor adjustments as detailed planning and development proceed.

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 Planning Scheme Area (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 (*PlanD*) and can be downloaded from the Board's website at http://www.info.gov.hk/tpb.

5. THE PLANNING SCHEME AREA

- 5.1 The Area, including two small pieces of land to the west of San Chau along the coastline and covering a total area of about 179.59 ha, is located on the north-western part of Lantau Island, fronting the Hong Kong-Zhuhai-Macao Bridge (HZMB) Hong Kong Link Road. The Area consists of hilly terrains along foothills of Nei Lak Shan to the east and Cheung Shan to the southwest. It is embraced by the Lantau North and the Lantau North (Extension) Country Parks to its south and the sea bay to the north. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road, while most parts of the Area are accessible only by footpaths.
- The natural landscape of the Area consists of woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, wetlands including marshes and mangroves and coastal features including shorelines, mudflats and seagrass bed. Woodlands cover the majority of the Area in particular along the coast near San Chau and in the vicinity of the village clusters in Sham Wat, Sham Shek Tsuen and San Shek Wan. San Chau, located to the west of Sham Wat, is designated as a Site of Special Scientific Interest (SSSI) for its harbouring the largest known population of *Rhododendron championiae* (毛葉杜鵑), in which the species is considered as one of the rarest native rhododendrons species in Hong Kong.
- 5.3 There is a natural stream in Sham Wat commonly known as Ngong Sham Stream (昂深石澗), a portion of it is an Ecologically Important Stream (EIS) flowing downhill towards Sham Wat to Sham Wat Wan. Ngong Sham Stream is characterised by its high diversity of freshwater and brackish fish and herpetofauna, with records of species of conservation importance such as Japanese eel (Anguilla japonica 日本鰻鱺). The myriad of terrestrial natural habitats, coupled with streams and natural coastal environment, offer desirable homes for a diverse community of animals of

different kinds, including species of conservation importance such as Romer's Tree Frog (Liuixalus romeri 盧氏小樹蛙), Short-legged Toad (Megophrys brachykolos 短腳角蟾), Tokay Gecko (Gekko gecko 大壁虎), Burmese Python (Python bivittatus 蟒蛇), Crested Goshawk (Accipiter trivirgatus 鳳頭鷹) and Common Cerulean (Jamides celeno 錫冷雅灰蝶). The coastal area, in particular Sham Wat Wan, contains marshes, mangroves, mudflats, seagrass bed and various types of coastal plants. Horseshoe Crab could be found in Sham Wat Wan and along the coast near San Chau.

- 5.4 The Area is characterised by a rural countryside ambience with village settlements located mainly in Sham Wat, Nam Tin, Sham Shek Tsuen and San Shek Wan, which are currently occupied by a few villagers. Village houses are mainly one to three-storey in height. There are two recognised villages within the Area, namely Sham Wat and Shan Shek Wan sited along the footpaths. There are two religious institutions including Sam Shan Kwok Wong Temple (三山國王廟) in San Shek Wan and Shing Kok Ha Yuen (勝覺下苑) near Sham Shek Tsuen. Active and abandoned farmland and some vacant farmhouses are found in Sham Wat, Sham Shek Tsuen and San Shek Wan. Sham Wat is accessible by vehicles via Sham Wat Road while there is no vehicular access to San Shek Wan. There is no significant economic activity in the Area. Major commercial activities include some local provision stores in Sham Wat that operate mainly during weekends.
- 5.5 There are five Sites of Archaeological Interest (SAIs) in the Area, i.e. San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worthy of preservation.
- 5.6 The Area is a popular hiking area with scenic views, accessible either by *an existing trail (commonly known as* Tung O Ancient Trail) which connects Tung Chung and Tai O, or by boat via the local pier in San Shek Wan and the jetty in Sham Wat.

6. **POPULATION**

Based on 2016 Population By-census, the population of the Area as estimated by *PlanD*the Planning Department is about 100. It is estimated that the planned population in the Area would be about 270.

7. OPPORTUNITIES AND CONSTRAINTS

7.1 *Opportunities*

7.1.1 Nature Conservation

(a) The Area is embraced by Lantau North and Lantau North (Extension) Country Parks and rich in natural habitats including woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, wetlands including marshes and mangroves and coastal features including shorelines, mudflats and seagrass bed.

- (b) San Chau, located to the west of Sham Wat and at the north-western part of the Area, is designated as a SSSI for its harbouring the largest known population of *Rhododendron championiae* (毛葉杜鵑), in which the species is considered as one of the rarest native rhododendrons in Hong Kong. Part of Ngong Sham Stream (昂深石澗) is an EIS flowing downhill towards Sham Wat to Sham Wat Wan, which is of high diversity of freshwater and brackish fish and herpetofauna, with records of species of conservation importance.
- (c) The myriad of terrestrial natural habitats, coupled with streams and natural coastal environment, offer desirable homes for a diverse community of animals of different kinds. The high diversity of wild fanua and flora are worthy of conservation. Any haphazard and uncontrolled development that may adversely affect the rural and natural character with scientific importance and conservation value of the Area should be avoided.

7.1.2 Sustainable Lantau Blueprint (the Blueprint)

- (a) An overarching principle of "Development in the North; Conservation for the South" embraced by the Blueprint was promulgated in June 2017. The predominant part of Lantau would be conserved for its natural and cultural resources. Unique rural settlements would also be preserved and enhanced. Where appropriate, low-impact leisure and recreational uses would be developed for public enjoyment.
- (b) The Area is a popular hiking area with scenic views, accessible either by an existing trail Tung O Ancient Trail which connects Tung Chung and Tai O, or by boat via local piers and jetties in the Area. According to the Blueprint, the predominant part of Lantau, including the Area, would be for conservation. Where appropriate, low-impact leisure and recreational uses which are compatible with the natural setting and rural character would be developed for public enjoyment. The Sustainable Lantau Office (SLO), Civil Engineering and Development Department (CEDD) has promulgated the Lantau Conservation and Recreation Masterplan (with Lantau Trails and Recreation Plan) in December 2020 to provide a framework guiding the conservation and recreation initiatives, and orchestrate public and private projects better for achieving synergy in conservation of Lantau. Some existing hiking trails and a proposed Round-the-Lantau Route are located in the Area. Several preliminary proposals to promoting revitalization of the villages along Tung O Ancient Trail have been received from SLO, CEDD. Subject to further information and detailed impact assessments, planning application for such proposals may be submitted for the Board's consideration.

7.1.3 <u>Agricultural Development</u>

While there are active farming activities observed in the Area, the abandoned agricultural lands in the Area may also exhibit potential for rehabilitation for agricultural use.

7.2 *Constraints*

7.2.1 <u>Accessibility</u>

- (a) At present, the Area has limited access. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. While most parts of the Area are inaccessible due to lack of proper vehicular access, some parts may be accessible by footpaths. Other forms of connection include hiking trails/footpaths linking Tai O and Tung Chung via Sha Lo Wan and San Tau.
- (b) The Area is also accessible by boat with the provision of a pier at San Shek Wan and a jetty at Sham Wat.

7.2.2 <u>Heritage Preservation/Archaeological Consideration</u>

- (a) There are five SAIs in the Area, i.e. San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worth preserving.
- (b) Prior consultation with the Antiquities and Monuments Office (AMO) of Development Bureau (DEVB) should be made if any works, developments, redevelopments or rezoning proposals may affect the above SAIs, graded historic buildings/structures, new items pending grading assessment, and other historic structures identified and their immediate environs. Besides, if there are any buildings/structures both at grade level and underground which were built on or before 1969, AMO should be alerted.

7.2.3 <u>Airport Height Restriction</u>

The building height of the developments within the Area is subject to the gazetted Airport Height Restriction Plan (AHRP) and any potential amendments to the gazetted AHRP related the Expansion of the Hong Kong International Airport (HKIA) into a Three Runway System Project (3RS). No part of building or buildings or other structure or equipment erected or to be erected within the Area (or any addition or fitting to such building or buildings or structure or equipment) shall exceed the prevailing "restricted height" (more commonly known as Airport Height Restriction (AHR)) prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) or its amendment associated with 3RS.

7.2.4 <u>Helicopter Operation</u>

Whilst more than 20 helicopters takeoff/landings operate at the Hong Kong Government Flying Service (GFS) daily, any development within the Area, located only about 1 km southwest of the GFS Headquarters on the Airport Island, may affect helicopter operations in particular takeoff and landing path to/from the GFS Headquarters, the routing for entering/exiting the airport and the holding procedure for runway crossing/awaiting clearance at Sham Shek and/or Sha Lo Wan for landing to the GFS.

7.2.5 Aircraft Noise

- (a) Aircraft approaching and departing from the HKIA is identified as one of the key existing noise sources which affects the Area. Although the Area may fall inside/outside the coverage of the Noise Exposure Forecast (NEF) 25 contours of the HKIA under the 3RS operations, the Area is in close proximity to the HKIA which is a very busy airport operating 24 hours. Aircraft noise due to the overflights of approaching and departing aircraft is anticipated.
- (b) Any project proponent(s)/developer(s) for development within the Area should review the building design features and consider the use of acoustic insulation to enhance the indoor noise environment. In addition, the Area is in proximity to the helicopter holding areas and helicopter flight paths, which may also contribute to the noise environment.

7.2.6 Limited Infrastructure

(a) At present, the Area has no public drainage system. Any development planned in thethis Area shall reserve sufficient land for the necessary drainage improvement in future. In particular, a buffer area of sufficient width from both edges of existing watercourses/streams should be reserved to allow the development of future drainage systems with more ecological features, installation of green channels/drainage improvements and implementation of associated drainage maintenance and river training works in future. If any development or re-development within the Area which may affect the drainage system or change the drainage characteristic, drainage studies including the details of the affected drainage system and any mitigation measures should be submitted to the Drainage Services Department (DSD) for checking in accordance with the principle laid down in the Environment, Transport and Works Bureau Technical Circulars (Works) No. 14/2004, 5/2005, 2/2006, **DEVB**Development Bureau Technical Circular (Works) No. 9/2020 and DSD Advice Note No. 1.

- (b) There is no existing or planned public sewer for the Area and at present, the Area is mainly served by on-site septic tank and soakaway (STS) system. Any increase in population, number of visitors to the Area or further residential/recreational developments would require additional facilities. The design and construction of the STS system need to comply with relevant standards and regulations, such as the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 issued by the Environmental Protection Department (*EPD*) for the protection of the water quality and the stream flowing through the Area.
- (c) Fresh water supply is available to the existing clusters of village houses at Sham Wat and San Shek Wan but the supply is of limited capacity. There is no salt water supply system for flushing in the Area.

7.2.7 Geotechnical Constraints

The Area and its vicinity comprise hilly natural terrain with past natural terrain landslide records. There are about 94 registered man-made slopes and retaining walls within the Area and the stability of these slope features is mostly unknown. If these slope features would affect or be affected by any development and redevelopment, geotechnical investigations and studies including the details of any permanent geotechnical works should be submitted to the Geotechnical Engineering Office of CEDDCivil Engineering and Development Department for checking in accordance with the principle laid down in the Environment, Transport and Works Bureau Technical Circular (Works) No. 29/2002 or to the Buildings Department in accordance with the Buildings Ordinance (Cap. 123) as appropriate. For any future development or redevelopment in the Area, a natural terrain hazard study would be required to assess the potential hazards and constraints arising from natural terrain, and to provide suitable hazard mitigation measures, if found necessary, as part of the development or redevelopment.

7.2.8 <u>Urban Design</u>

The Area is characterised by a rural countryside ambience. Any proposed developments should be of a scale compatible with the natural and rural character of the Area.

7.2.9 Burial Grounds

There are two permitted burial grounds in the Area for indigenous villagers and they are not suitable for any development. They are located to the northeast of San Shek Wan and to the west of Sham Wat Tsuen.

8. GENERAL PLANNING INTENTION

- 8.1 The general planning intention for the Area is to conserve its landscape and ecological values in safeguarding the natural habitat and rural character of the Area and to preserve historical artifacts, local culture and traditions of the villages and to make provision for future Small House development for indigenous villagers of Sham Wat and Shan Shek Wan.
- 8.2 Due consideration should be given to the conservation of ecologically and environmentally sensitive areas when development in or near the Area is proposed. Small House development in recognised villages will be consolidated at suitable locations to avoid sprawling and to preserve the rural character of the Area. In designation of various zones in the Area, consideration has been given to protect the natural habitats in the Area such as the woodland areas which form a continuous stretch of well-established vegetation with those located in the adjoining Lantau North and Lantau North (Extension) Country Parks and natural streams.

9. LAND USE ZONINGS

- 9.1 "Village Type Development" ("V"): Total Area 0.62 ha
 - 9.1.1 The planning intention of this zone is to designate both existing recognised villages 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 New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.
 - 9.1.2 The "V" zones cover the two recognised villages, namely Sham Wat and Shan Shek Wan. The "V" zones are designated having regard to the 'village 'environs', the local topography, the existing settlement pattern, the outstanding Small House applications, and demand forecast. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded. The existing village clusters at Sham Wat and San Shek Wan are zoned "V".

- 9.1.3 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 building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA plan, whichever is the greater.
- 9.1.4 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.
- 9.1.5 As diversion of streams may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by the Government, and maintenance, repair or rebuilding works.

9.2 "Government, Institution or Community" ("G/IC"): Total Area 0.08 ha

- 9.2.1 The planning intention of this zone is primarily for the provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 9.2.2 Existing GIC uses include a public toilet located near Sham Shek Tsuen and the water break pressure tank and Water Supplies Department staff quarters of the Water Supplies Department (WSD) adjacent to Sham Wat Road to the south of Sham Wat.
- 9.2.3 Two pieces of land in Sham Wat and San Shek Wan are reserved for the planned refuse collection points (RCP).
- 9.2.4 To preserve the rural and low-rise character of the Area, development/redevelopment within this zone should be restricted to the maximum building height as stipulated on the Plan or the height of building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater.
- 9.2.5 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be

considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9.3 "Other Specified Uses" ("OU"): Total Area 0.03 ha

9.3.1 The planning intention of this zone is to designate land for pier and jetty to facilitate marine access to the Area. The zone mainly covers a pier in San Shek Wan and a jetty in Sham Wat.

9.4 <u>"Agriculture" ("AGR"):</u> Total Area *4.17*3.39 ha

- 9.4.1 This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. This zone mainly covers the existing active farmlands to the west of downstream area of the Ngong Sham Stream in Sham Wat and the contiguous pieces of agricultural land adjoining the village clusters in San Shek Wan.
- 9.4.2 As diversion of streams or filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities. However, filling of land specifically required under prior written instructions of government department(s), or for the purposes of genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, and construction of agricultural structure with prior written approval from the *Lands Department* (LandsD) is exempted from the control.

9.5 <u>"Green Belt" ("GB"):</u> Total Area *142.16*142.94 ha

- 9.5.1 The planning intention of this zone is primarily 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.
- 9.5.2 The "GB" zone mainly covers the woodlands, shrublands and grasslands, vegetated slopes and knolls, streams, wetlands, abandoned farmland and some temporary structures in the Area.
- 9.5.3 There are two permitted burial grounds, which are intended for burial places of deceased indigenous villagers in the Area. To respect the local ritual and tradition, burial activities in the permitted burial grounds within this zone are generally tolerated. The District Office (DO) is delegated with authority under the Public Health and Municipal Services Ordinance (Cap.

- 132) to issue the burial certificates within the boundaries of permitted burial grounds. Burial activities within permitted burial grounds are also governed by separate conditions stipulated by LandsD, the Food and Environmental Hygiene Department, the Agriculture, Fisheries and Conservation Department and the *WSD*-Water Supplies Department. Any burial activities should be confined within the designated grounds as far as practicable.
- 9.5.4 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines. As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage and environmental impacts on the adjacent areas and the natural environment, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by the Government, and maintenance, repair or rebuilding works.

9.6 "Conservation Area" ("CA"): Total Area 19.85 ha

- 9.6.1 This zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as EIS or country park from the adverse effects of development. 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.
- 9.6.2 This zone covers the EIS portion of Ngong Sham Stream and its the riparian area to avoid encroachment and adverse impact on the stream. The woodland area to the east of the upstream section of Ngong Sham Stream which is covered by mature woodland is also zoned "CA" to preserve the intact natural habitat of the stream.
- 9.6.3 New residential development is not permitted within this zone. Redevelopment of existing house may be permitted on application to the Board. The redevelopment of existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA Plan.
- 9.6.4 As diversion of streams, filling of land/pond or excavation of land may

cause adverse drainage and environmental impacts on the adjacent areas and the natural environment, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by the Government, and maintenance, *or* repair—or rebuilding works.

9.7 "Coastal Protection Area" ("CPA"): Total Area 5.24 ha

- 9.7.1 The planning intention of this zone is 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.
- 9.7.2 This zone covers the natural coastlines along the northern peripheries of the Area, which comprise coastal features including shorelines, flat rock, cliff, marshes, mangroves, mudflats and seagrass bed.
- 9.7.3 New residential development is not permitted under this zone. Redevelopment of existing house may be permitted on application to the Board. The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA Plan.
- 9.7.4 As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage and environmental impacts on the adjacent areas and the natural environment, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by the Government, and maintenance, or repair—or rebuilding works.

9.8 "Site of Special Scientific Interest" ("SSSI"): Total Area 6.52 ha

9.8.1 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 SSSI. It intends to deter human activities or developments within the SSSI.

- 9.8.2 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.
- 9.8.3 This zone covers part (about 6.52 ha) of the designated San Chau SSSI, while the rest is covered by the Lantau North Country Park. The San Chau SSSI (total area about 36 ha), harbours the largest known population of *Rhododendron championiae* (毛葉杜鵑) in Hong Kong, a species considered as one of the rarest native rhododendrons in Hong Kong. All wild rhododendrons are protected under the Forestry Regulations, a subsidiary legislation of the Forests and Countryside Ordinance (Cap. 96).
- 9.8.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage and environmental impacts on the adjacent areas, the natural environment and the ecology. In view of the scientific value of the area within this zone, permission from the Board is required for such activities, except public works co-ordinated or implemented by the Government, and maintenance; *or* repair-or rebuilding works.

10. COMMUNICATIONS

- 10.1 At present, the Area has limited access. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. The Area is generally not served by any public transport service except Lantau taxi.
- While most parts of the Area are inaccessible due to lack of proper vehicular access, some parts may be accessible by footpaths. There are some famous walking trails such as *the existing trail between Tung Chung and Tai O (commonly known as Tung O Ancient Trail)* connecting to other areas on Lantau including San Tau, Sha Lo Wan, Tai O, Tung Chung and Ngong Ping.
- 10.3 With the provision of a pier at San Shek Wan and a jetty at Sham Wat, the Area is also accessible by boat.

11. UTILITY SERVICES

11.1 At present, the Area has no public drainage system. Any development planned in this Area shall reserve sufficient land for the necessary drainage improvement in future. In particular, a buffer area of sufficient width from both edges of existing watercourses/streams should be reserved to allow the development of future drainage systems with more ecological features, installation of green channels/drainage

improvements and implementation of associated drainage maintenance and river training works in future. If any development or redevelopment within the Area would affect the drainage system or change the drainage characteristic, detailed drainage study would be required and suitable mitigation measures should be provided, if necessary, as part of the development or redevelopment.

- 11.2 There is no existing or planned public sewer for the Area and at present, the Area is mainly served by the STS system. Any increase in population, number of visitors to the Area or further residential/recreational developments would require additional facilities. The design and construction of the STS system need to comply with relevant standards and regulations, such as ProPECC PN 5/93 issued by the *EPD*Environmental Protection Department for the protection of the water quality and the stream flowing through the Area.
- 11.3 Fresh water supply is available to the existing clusters of village houses at Sham Wat and San Shek Wan but the supply is of limited capacity. There is no salt water supply system for flushing in the Area.
- 11.4 Telephone network and electricity supply are available in the Area. Prior consultation with the electricity supplier for the locations of overhead lines and/or underground cables running across the Area is required for any proposed development within the Area. There is no gas supply to the Area.

12. <u>CULTURAL HERITAGE</u>

- 12.1 There are five SAIs in the Area, i.e. San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worthy of preservation.
- 12.2 The Antiquities Advisory Board (AAB) also released a list of new items in addition to the list of 1,444 historic buildings. These items are subject to grading assessment by the AAB. Details of the list of 1,444 historic buildings and the new items have been uploaded onto the website of AAB at http://www.aab.gov.hk.
- Prior consultation with the Antiquities and Monuments Office (AMO) of Development 12.3 Bureau (DEVB) should be made if any works, developments, redevelopments or rezoning proposals may affect the above SAIs, graded historic buildings/structures, new items pending grading assessment, and other historic structures identified and their immediate environs. If disturbance to the SAIs is unavoidable, prior agreement with AMO should be made on any measures for the protection of the SAIs. example, whether detailed Archaeological Impact Assessment (AIA) is required. The AIA shall evaluate the archaeological impact imposed by the proposed works. If necessary, a qualified archaeologist shall apply for a licence under the Antiquities and Monuments Ordinance (Cap.53) for an archaeological investigation. A proposal of the AIA shall be submitted to AMO for agreement prior to applying for the licence. Subject to the findings of AIA, appropriate mitigation measures shall be fully implemented by the project proponent in consultation with AMO. Besides if there are any buildings/structures both at grade level and underground which were built on or before 1969, AMO should be alerted.

13. <u>IMPLEMENTATION</u>

- 13.1 The Plan provides a broad land use framework for development control and implementation of planning proposals for the Area. More detailed plans will be prepared as a basis for public works and private developments.
- 13.2 At present, there is no overall programme for the provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both public and private sectors.
- 13.3 Notwithstanding the above, minor improvement works, e.g. access improvements, utility services installation and public works projects will be implemented through the Public Works Programme and the Rural Public Works Programme subject to priority and resource availability. Private developments will be effected principally through private sector initiatives in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

14. PLANNING CONTROL

- 14.1 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.
- 14.2 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.
- 14.3 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, 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 *PlanD*Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.
- 14.4 Any development, other than those referred to in paragraph 14.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued

on or after 8 January 2021 on land included in a Plan of the Sham Wat and San Shek Wan DPA may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond or excavation of land in relevant zones on or after the exhibition of the specific plan referred to in the Notes of the relevant zones without permission from the Board may also be subject to enforcement proceedings.

TOWN PLANNING BOARD AUGUST JANUARY 2021

Appendix IV of TPB Paper No. 10753

Summary of Representations in respect of the draft Sham Wat and San Shek Wan Development Permission Area Plan No. DPA/I-SW/1

Major Issues in Representations		Responses	
A. Planning Intention			
1.	The planning intention of the Development Permission Area (DPA) Plan to	Support noted.	
	introducing planning control into the Area and to protect the rural and natural		
	character is supported.		
2.	The subject DPA Plan is over-restrictive. Majority of the areas are designated	DPA Plan is an interim plan to provide control against	
	"Unspecified Use" that only agricultural uses are permitted, whereas other uses	unauthorized development and undesirable change of	
	may require planning permission.	use, and will be replaced by an Outline Zoning Plan	
		(OZP) which consists of detailed land use proposals.	
		To facilitate timely consultation with relevant	
		stakeholders on the appropriate land use zonings for the	
		Area, PlanD has expedited the plan preparation process	
		and submitted the preliminary draft OZP to the Town	
		Planning Board for preliminary consideration on	
		15.1.2021. The relevant stakeholders including	
		Islands District Council, Tai O Rural Committee, local	
		villagers / residents and green / concern groups have	
		been consulted to solicit their views on the land use	
		proposals of the draft OZP.	

B. Village Development

1. A better balance should be struck between village development and ecological conservation by comprehensive planning.

The Area forms an integral part of the natural woodlands system in the adjoining Country Parks with a wide spectrum of natural habitats supporting a high diversity of wild fauna and flora and are worth conserving. The Area is characterised by a rural countryside ambience with village settlements located mainly in Sham Wat, Nam Tin, Sham Shek Tsuen and San Shek Wan, which are currently occupied by a few villagers. There are two recognised villages within the Area, namely Sham Wat and Shan Shek Wan sited along the footpath.

The OZP is to provide the planning framework with appropriate zonings designated to facilitate development and redevelopment in the Area under statutory planning control. The general planning intention for the Area is to conserve its landscape and ecological values in safeguarding the natural habitat and rural character of the Area, to preserve historical artifacts, local culture and traditions of the villages and to make provision for future Small House development for the indigenous villagers of Sham Wat and San Shek Wan.

2.	Village structures and the existing 'Village Environ' should be retained.	According to the covering Notes of the draft OZP, 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 DPA
		Plan conform to the Plan, provided such use has
		continued since it came into existence. Therefore village
		structures which have been existed immediately before
		the draft Sham Wat and San Shek Wan DPA Plan would
		not be affected. Furthermore, the status and
		delineation of 'Village Environ' would not be affected
		by the gazette of DPA Plan and OZP.
3.	Rights and interests of the indigenous inhabitants, their right to develop Small	Due to its landscape and ecological value, the planning
	House and private property rights should not be infringed but instead upheld by	framework of the Area should fundamentally be the
	the planning exercise. Any change in land use to conservation zonings is not	preservation of the natural environment and rural
	supported, and/or no private land should be covered by the subject OZP with	setting. Notwithstanding the above, "Village Type
	development restrictions.	Development" ("V") zones are designated to allow
		Small House development and reserve areas of land
		considered suitable for village expansion of Sham Wat
		and Shan Shek Wan.
		· · ·
		While 'Agriculture Use' is generally permitted, other
		developments and uses may be permitted through the
		and the property of permanent and again the

		planning permission system in accordance with
		provisions of the Notes of the OZP which allows
		flexibility. There is no infringement on private
		property right.
4.	The shelter structures above the small platform to the west of Sham Wat "V"	During the preparation of OZP, all relevant factors
	zone across the vehicular road are built for refreshment services for the visitors,	would be taken into consideration and appropriate
	and therefore they should not be designated for "V" zone.	zonings would be designated.
		The small platform with existing structures adjoins the
		Sham Wat village cluster and possesses similar nature to
		the structures within the proposed Sham Wat "V" zone.
		It is considered suitable to include the platform within
		the proposed "V" zone on the draft OZP.
5.	The proposed "V" zones for the two recognized villages should be delineated	During the preparation of OZP, all relevant factors
	according to the genuine needs of the indigenous inhabitants and/or the existing	would be taken into consideration and appropriate
	village area in order to control human development and to minimize human	zonings would be designated.
	disturbance to the nature. Reference should be made to the judgment on the	
	Judicial Review case on Pak Lap, Hoi Ha and So Lo Pun OZPs when	The boundaries of the "V" zones are drawn up having
	designating the "V" zones.	regard to planning considerations including VE, the
		local topography, the existing settlement pattern, the
		outstanding Small House applications and demand
		forecast. Areas of difficult terrain, potential natural

		terrain hazards, dense vegetation, conservation and ecological value are excluded as appropriate. An incremental approach for designation of "V" zone for Small House development has been adopted with an aim to consolidating Small House development at suitable location in order to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area.
6.	Areas with natural vegetation, active and abandoned agricultural land should excluded from land for development of New Territories Exempted Houses (NTEH). Abandoned agricultural clusters should be designated as "GB" to prevent from incompatible developments in rural context (e.g. tent sites, solar panel farms, etc.).	During the preparation of OZP, all relevant factors would be taken into consideration and appropriate zonings would be designated.
7.	The Hong Kong International Airport (HKIA) and the Hong Kong-Zhuhai-Macao Bridge (HZMB) have caused undesirable environmental impacts (e.g. noise impacts, visual impacts) to the locality. The current planning exercise should address these issues and ameliorate the impacts.	As advised by Director of Environmental Protection (DEP), the approved Environmental Impact Assessment (EIA) Report of Expansion of Hong Kong International Airport into 3-Runway System (3RS) has addressed the aircraft noise impact to the noise sensitive receivers (NSRs) nearby. Based on the prediction of the approved EIA report, the areas covered by Sham Wat and San Shek Wan OZP fall outside the NEF 25 contours in 2030 and 2032. The visual impacts associated with

the third runway have also been assessed and no adverse visual impact will be anticipated with the implementation of mitigation measures.

The EIA for Hong Kong Link Road (HKLR) has assessed the noise impact arising from the operation of the HZMB and HKLR and concluded that no adverse noise impact at the nearby NSRs is anticipated. The visual impacts associated with HKLR have also been assessed and no adverse impact will be anticipated with the implementation of mitigation measures.

C. Transport and Traffic

1. External road and water transport facilities should be enhanced to improve accessibility to urban areas and to meet the daily needs of the villagers and the elderly. Existing vehicular road and footpath should be widened for vehicular access to facilitate government works and emergency services (e.g. fire service and ambulance service).

The suggestion has been referred to the relevant departments for consideration and follow up, as appropriate.

Chief Highway Engineer/NT East, Highways Department (CHE/NTE, HyD) advises that there is no any studies and / or infrastructure improvement works being / to be undertaken within the Area by his department.

		Commissioner for Transport (C for T) advises that the proposed widening of Sham Wat Road should be subject to further review on technical feasibility by the works agent to be identified.
2.	Sham Wat Road is proposed to be upgraded with an additional lane for driving safety concern.	The suggestion has been referred to the relevant departments for consideration and follow up, as appropriate. CHE/NTE, HyD advises that there is no any studies and / or infrastructure improvement works being / to be undertaken within the Area by his department. C of T advises that the existing Sham Wat Road is managed by the Transport Department and there is no planned transport enhancement programme in the Area at this moment.
3.	The access from Sam Shan Kwok Wong Temple (三山國王廟) to the structures at upslope area of Sham Shek (including 15-17 Sham Shek Tsuen) should be improved and paved as footpath.	District Officer (Islands), Home Affairs Department advises that there is no plan to carry out the proposed improvement works which mainly fall within licensed land.

D. I	nfrastructure and Community Facilities	
1.	Limited tele-communication services in the area have hindered external	As advised by Director-General of Communications, the
	communication. Tele-communication infrastructure should be improved.	Office of the Communications Authority (OFCA), it is
		normal practice for mobile network operators (MNOs)
		to identify suitable locations for setting up radio base
		stations (RBS), including private premises (e.g. village
		houses) or public facilities (e.g. government buildings).
		In addition, various initiatives have been taken to
		facilitate MNOs to set up RBS at some of the
		government venues, Country Parks, rural areas and
		hilltops sites for improving mobile coverage at the
		Country Parks and rural areas.
2.	Infrastructure is lacking in the locality. The Government should improve	The suggestion has been referred to the relevant
	infrastructure provision, including sewerage, freshwater supply, refuse	departments for consideration and follow up, as
	collection point, etc.	appropriate.
		As advised by Director of Food and Environmental
		Hygiene (DFEH), Food and Environmental Hygiene
		Department (FEHD) has no planned provision of refuse
		collection point in the Area yet.

		According to the advice by Chief Engineer/Consultants Management, Drainage Services Department, there is no planned / on-going sewerage projects at the Area.
3.	A public toilet and more rubbish bins are requested to be provided at Sham Wat to serve hikers and visitors. Such request has been conveyed to Food and Environmental Hygiene Department (FEHD) before.	The suggestion has been referred to the relevant departments for consideration and follow up, as appropriate.
		As advised by DFEH, FEHD provides both regular and accessible type portable toilets in Sham Wat and arranges regular cleansing service to maintain their hygiene conditions. The current provision is considered able to meet the needs of visitors. FEHD will monitor the hygiene and usage condition of the toilet facilities.
		Regarding the provision of more waste collection bins, FEHD will closely monitor the situation and flexibly deploy resources to maintain the cleanliness of the Area.
4.	Rain shelter and more street lights are requested to be provided at Sham Wat and San Shek Wan.	DO(Is), HAD advises that her office has received a request from Tai O Rural Committee (TORC) and resident representative of Sham Shek to construct rain shelter(s) in Sham Wat and Shan Shek Wan in March

2021. Her office is currently following up the proposed works with relevant stakeholders.

Regarding street light provision, DO(Is), HAD advises that additional street lights could be applied under Village Lighting Programme. Her office has been following up with TORC and relevant stakeholders on an application for village light at Sham Wat.

E. Environment and Conservation

1. Two species of horseshoe crab of conservation values (i.e. *Tachypleus tridentatus* and *Carcinoscropius rotundicauda*) and their juveniles can be found along the shores of Sham Wat. The coastline along the northern part of the area is still in natural condition without human disturbance. All natural coastline and coastal habitats (e.g. mudflats, estuaries, mangrove stands, rocky shore and backshore vegetation) with high conservation values should be contiguously zoned "Coastal Protection Area" ("CPA").

During the preparation of OZP, all relevant factors would be taken into consideration and appropriate zonings would be designated.

"CPA" zones are proposed to be designated along the majority of coastline on the draft OZP with due regard to conserve, protect and retain the natural coastline and the sensitive coastal natural environment with a minimum of built environment. Areas occupied by government facilities, village houses and structures, other man-made features, paved area, and sparse vegetation have been excluded from "CPA".

2. Sham Wat has recorded odonate species of conservation values. Watercourses, streams (including Sham Wat Ecologically Important Stream (EIS) and its upstream area) and their riparian areas should be protected by conservation zonings and buffers on both sides with appropriate width (~30m) from village clusters. Malfunction of septic tank and soakaway systems of village houses could cause pollution to nearby watercourses and streams.

During the preparation of OZP, all relevant factors would be taken into consideration and appropriate zonings would be designated.

Watercourses with special standing and mature woodland (e.g. Ngong Sham EIS, its riparian areas and the upstream woodland) are proposed to be zoned "CA" on the draft OZP.

As advised by DEP, for protection of water quality, the design, construction and maintenance of on-site septic tank and soakaway system for village houses need to comply with relevant standards and regulations including Environmental Protection Department's Practice Note for Professional person (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" which specifies the necessary clearance from the specified water bodies.

3. Lantau is an important site for the endemic Romer's Tree Frog. Natural/vegetated areas containing habitats of conservation concerns (e.g. wetlands, natural streams, secondary woodlands and fung shui woodlands) should be provided with adequate protection and covered with conservation

During the preparation of OZP, all relevant factors would be taken into consideration and appropriate zonings would be designated.

	zonings.	
4.	The intertidal zone at Sham Wat, including the marshes, mangroves and	In accordance with established practice, area below high
	mudflats at Sham Wat Wan, should be included in the planning scheme	water mark will not be included within the planning
	boundary for better protection.	scheme area of OZP. The intertidal zone below high
		water mark generally falls on government land and any
		activities and/or developments not complying with
		existing provisions and regulations may be subject to
		enforcement and prosecution by relevant authorities.
5.	Majority of the areas are designated "Unspecified Use" that could not provide	To prevent any haphazard and uncontrolled development
	adequate protection against environmental vandalism. In view of the recent	that may adversely affect the rural and natural character
	unauthorized development near Sha Lo Wan, the definition of 'Existing Use'	of the Area, a DPA Plan has been prepared to provide
	(EU) should be reviewed. The Government should take a proactive approach	interim planning control pending preparation of an OZP
	to stop any "Destroy First, Develop Later" activity. Concerned footpath and	and to enable enforcement actions to be taken against
	hiking trail should be designated for "Recreation" ("REC") and/or "Green Belt"	any unauthorised developments and undesirable change
	("GB") to control development.	of use. Appropriate zonings would be designated for
		the footpath and hiking trail during the preparation of the
		OZP.
		Regarding EU, it should be noted that prior to gazettal
		of the draft DPA Plan, the development control mainly
		rests with the Buildings Department, the Lands
		Department and the various licensing authorities. With

		the designation of the Area as DPA, the Planning Authority could take action against unauthorized development in the Area according to the Ordinance.
6.	For conservation purpose, most of the areas should be conserved by "GB" and	During the preparation of OZP, all relevant factors
	other conservation zonings, while areas of high ecological values should be	would be taken into consideration and appropriate
	accorded for higher protection with designation for "Conservation Area"	zonings would be designated.
	("CA"), "CPA" and "Site of Special Scientific Interest" ("SSSI"). Road and	
	major hiking trails should be covered by "Open Space" ("O") or "GB" zones.	
7.	Sites of Archaeological Interest should be provided with adequate protection	As stated in the Explanatory Statement of the draft OZP,
	regime and buffer zone.	prior consultation with the Antiquities and Monuments
		Office (AMO) of Development Bureau should be made
		if any works, developments, redevelopments or rezoning
		proposals may affect the Sites of Archaeological Interest
		(SAIs), graded historic buildings/structures, new items
		pending grading assessment, and other historic
		structures identified and their immediate environs. If
		disturbance to the SAIs is unavoidable, prior agreement
		with AMO should be made on any measures for the
		protection of the SAIs.
		During the preparation of OZP, all relevant factors and

		comments from relevant departments would be taken into consideration and appropriate zonings would be designated.
F. A	Agricultural Development	
1.	There is an increasing number of local villagers returning and carrying out	During the preparation of OZP, all relevant factors
	agricultural rehabilitation. Private agricultural land is private property, and	would be taken into consideration and appropriate
	those which were used/have been using for agricultural activities should be	zonings would be designated.
	retained for agricultural uses in lieu of zoning as "GB".	
		Agriculture use is permitted in "AGR", "GB" and "CA"
		zones.
2.	Irrigation facilities should be provided to facilitate agricultural activities, in	The suggestion has been referred to the relevant
	particular San Shek Wan area.	departments for consideration and follow up, as
		appropriate.
		As advised by Director of Agriculture, Fisheries and
		Conservation (DAFC), there is an existing irrigation
		pipeline serving Sham Wat and San Shek Wan. Should
		irrigation improvement be required, farmers are advised
		to submit request to the Agriculture, Fisheries and
		Conservation Department (e.g. application for grant

under Farm Improvement Scheme).

G. Development Proposals

1. DD308 Lot No. 327 is proposed to be designated for "REC" zoning and developed as a camping site, which could bring positive impact to the general public. It could provide recreation, leisure and education opportunities for families and youngsters under the natural backdrop. The site is a private lot which does not consist of any historic relics and buildings and therefore should not be covered by the Site of Archaeological Interest nor "CPA" zone.

Due to its landscape and ecological value, the planning framework of the Area should fundamentally be the preservation of the natural environment and rural setting.

According to the advice of DAFC, the proposal lacks assessment of the potential ecological impact due to the developments. It is noted that the concerned area is well wooded and extensive vegetation clearance is required as a result. Several natural streams are also found within or in the close vicinity of the proposed site. He has reservation on the proposal from nature conservation perspective at this stage.

Nevertheless, during the preparation of OZP, any specific proposals with technical assessment to demonstrate their technical feasibility and with no adverse impact on the natural environment of the Area would be duly considered and appropriate zonings

2. According to the overarching principle of 'Development in the North, Conservation for the South' outlined in the Sustainable Lantau Blueprint, where appropriate, low-impact leisure and recreational uses would be developed for public enjoyment. With seamless connection to other areas on Lantau via Tung O Ancient Trail, one area in San Shek Wan is proposed to be developed for eco-lodges to promote eco-tourism and recreational related uses and to cater the needs of hikers and visitors. Planning control in the form of "OU(Eco-lodge)" zone designation and reference to other guidelines is proposed to be applied to the development proposal.

would be designated.

Ditto.

H. Consultation

1. The Government did not have any consultation with the local stakeholders before the gazette of the DPA Plans, nor having sufficient and effective consultation with them within the limited time of representation period. Representation period of the DPA Plan should be extended. The Government should further consult local stakeholders and seek their views for revising the land use proposals of the draft OZP.

The draft Sha Lo Wan and San Tau DPA Plan No. DPA/I-SLW/1 was exhibited under section 5 of the Ordinance on 8.1.2021 for public inspection for a period of two months. To avoid the emergence of incompatible uses with the surrounding environment or intensified development before the statutory plan comes into effect, public consultation would be conducted only after gazettal of the DPA plan in accordance with the established practice. DPA Plan is an interim plan and will be replaced by an OZP which consists of detailed

land use proposals.

To facilitate timely consultation with relevant stakeholders on the appropriate land use zonings for the Area, PlanD has expedited the plan preparation process and submitted the preliminary draft OZP to the Town Planning Board for preliminary consideration on 15.1.2021. The relevant stakeholders including Islands District Council, Tai O Rural Committee, local villagers / residents and green / concern groups have been consulted to solicit their views on the land use proposals of the draft OZP.

Extract Minutes of the 1237th TPB Meeting on 15.1.2021

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Agenda Item 10

[Open Meeting]

Draft Sham Wat and San Shek Wan Outline Zoning Plan No. S/I-SW/C – Preliminary Consideration of a New Plan

(TPB Paper No. 10715)

[The item was conducted in Cantonese.]

Presentation and Question Sessions

94. The following representatives of the Planning Department (PlanD) were present at the meeting:

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands

(DPO/SKIs)

Mr Richard Y.L. Siu - Senior Town Planner/Islands

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

Mr Kanic C.K. Kwok

Mr Cyrus C.F. Chow Town Planners/Islands

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

- 95. The Chairperson invited PlanD's representatives to brief Members on the Paper.
- 96. With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, DPO/SKIs, briefed Members on the need for the outline zoning plan (OZP), existing land uses, land use planning considerations, general planning intention and proposed land use zonings of the draft OZP as detailed in TPB Paper No. 10715.
- 97. As the presentation from PlanD's representative had been completed, the

Chairperson invited questions and comments from Members.

- 98. The Chairperson and some Members raised the following questions:
 - (a) whether the existing local provisions store, proposed to be zoned "Village Type Development" ("V") zone, would be affected;
 - (b) the reason to include the two pieces of land on the western fringe of the draft OZP as "Coastal Protection Area" ("CPA") zones; and whether a special zoning should be introduced to cover land that fell within a site of archaeological interest (SAI);
 - (c) whether there was a need to exclude vacant land that was odd-shaped and difficult to be used for Small House development from PlanD's estimation of land available within the "V" zone, and whether additional land could be zoned as "V" to meet the potential demand for Small House developments in the future;
 - (d) whether PlanD had adopted a consistent approach in drawing up the boundaries of the "V" zones on different OZPs;
 - (e) the basis for drawing up the boundary of zonings along the coastline, and whether the tidal range had been taken into account;
 - (f) whether a specific government department would be responsible for managing the land zoned "Site of Special Scientific Interest" ("SSSI") and "CPA"; and
 - (g) noting that a number of private lots in Nam Tin fell within the proposed "Green Belt" ("GB") zone, whether the development rights of those lots would be adversely affected by the proposed zoning.
- 99. In response, Ms Donna Y.P. Tam, DPO/SKIs, made the following main points with the aid of some PowerPoint slides and the visualiser:

- the operation of the existing provisions store within the proposed "V" zone would not be affected, as it would be an "existing use" under the provision of the draft OZP. According to the Notes of the "V" zone, development of New Territories Exempted House (NTEH) was always permitted and using the ground floor of the NTEH for 'shop and services' and 'eating place' uses was also always permitted;
- that fell outside the boundary of the Lantau North Country Park into the draft OZP and zoning them as "CPA" would allow statutory planning control so as to better preserve the environment. The SAI only earmarked the boundary of land that might be of archaeological interest and was not intended to be a type of land use zoning. For future development within SAIs, relevant government departments such as the Antiquities and Monuments Office would be consulted and project proponents might be required to carry out archaeological impact assessment and implement mitigation measures;
- the "V" zones on the draft OZP were mainly to reflect the existing clusters of village houses. The land at the back of the "V" zone of Sham Wat was mainly steep slopes with limited scope for village development or expansion. It was noted that both the number of outstanding Small House application and the 10-year Small House demand forecast for Sham Wat were 0. As such, the current "V" zone boundary as shown on the draft OZP was proposed;
- (d) a consistent approach had been adopted in drawing up the boundaries of the "V" zones on the four draft OZPs. Taken into account the nil outstanding Small House application and 10-year Small House demand forecast, the "V" zones for Sham Wat and Shan Shek Wan were primarily drawn up to reflect the existing village clusters rather than reserve additional land to cater for demand for Small House development in the future. However, while the "V" zone covered mainly the existing

- clusters, there was still some vacant land between houses that might be used for building village houses;
- (e) for statutory plans involving coastlines, the high water mark was usually used to delineate the boundary between land and sea. Land use zonings would normally only be designated for land area;
- (f) majority of the land proposed to be zoned "SSSI" and "CPA" were government land under management by LandsD. Since the area was now covered by the draft DPA Plan, any development on those sites would need to conform to the requirements of the statutory plan in force; and
- (g) currently there were some scattered domestic buildings/structures, some of which fell within private lots, in the proposed "GB" zone near Nam Tin. According to the proposed covering Notes of the draft OZP, replacement of an existing domestic building by a NTEH in the "GB" zone was always permitted and no planning permission from the Board was required. The development rights of the concerned lot owners would not be adversely affected by the proposed "GB" zone.

100. After deliberation, the Board <u>agreed</u> that:

- (a) the draft Sham Wat and San Shek Wan OZP No. S/I-SW/C together with its Notes was suitable for consultation with Islands District Council (IsDC) and Tai O Rural Committee (TORC);
- (b) the Explanatory Statement (ES) was suitable to serve as an expression of the planning intention and objectives of the Board for the various land use zonings of the draft OZP; and
- (c) the ES was suitable for consultation with IsDC and TORC together with the draft OZP.

致:規劃署西貢及離島規劃處

(請於 2021 年 7 月 7 日或之前電郵至 skisdpo@pland.gov.hk 或傳真至 2367 2976)

- 《梅窩北分區計劃大綱草圖編號 S/I-MWN/C》
- 2. 《沙螺灣及磁頭分區計劃大綱草圖編號 S/I-SLW/C》
- 3. 《深屈及儆石灣分區計劃大綱草圖編號 S/I-SW/C》
 - 4. 《貝澳坳分區計劃大綱草圖編號 S/I-POA/C》

我/我們 *	□ 對上述大綱草圖沒有意見。 □ 對上述大綱草圖有以下意見:
	见 < 附分 - >>

*請在適當空格內加上 "✓" 號

姓名

: 何 說基

闩期

: 6-7-2021

電話 : 2-985 7229

有關沙螺灣及磁頭分區大綱草圖編號 S/1-SLW/C 的意見:

- 1. 村民一致反對村內農地進行綠化地帶規劃,現時村內已進行復耕工作,更申請了溫室種植許可證,惟村民使用土地應有權益時,有關部門卻未能有效協助村民進行有關工作,反而未取得共識下擬將村內農地規劃為綠化地帶,剝削業權人的權益,引起極大迴響。
- 2. 有關職頭村鄉村式用地擬規劃面積與村內實際情況不符,村中現時有約130名男丁符合申請小型屋宇的要求,分佈於職頭、田心、郊寮,村民一致要求將鄉村式用地範圍圍繞上述三個地點,擬規劃範圍更坐落在斜坡旁,與政策背道而馳。
- 3. 如能夠與政府充份商討,達到村民合理訴求,將村內土地妥善規劃,村民樂於配合政府政策,達致共贏局面。
- 有關深屈及職石灣分區計劃大綱圖意見,和職頭和沙螺灣村民意向相同,地區內綠化地區已佔有大部分面積,維持村內農地作耕種用途。

何紹基 2021-7-6



Comments on 4 Development Permission Area (DPA) Plans and draft Outline Zoning Plans (OZP) on Lantau Island23/04/2021 10:13

From: "info@livingislands.org.hk" <info@livingislands.org.hk>

To: WU Long Chi Keith <klcwu@pland.gov.hk>, TAM Yin Ping Donna <dyptam@pland.gov.hk>

Cc: SIU Yee Lin Richard <rylsiu@pland.gov.hk>, John Schofield , Merrin Pearse

, iviciimi i cai

Dear Donna & Keith,

Further to the on-line meeting last Monday (12 Apr), which was very useful, we would like to confirm our comments and recommendations on the 4 draft OZPs as follows:

Pui O Au

In general, we do not support the creation of new Village Development Zones in areas other than existing Recognised Villages, because of the potential for comprising the property rights of persons other than indigenous villagers which in turn is due to Lands Department's method of implementing the Small House Policy, which has the effect of extinguishing the property rights of other owners.

In the Pui O Au case there are private Lots to the North and South of the village cluster and at least one house on the fringe that was constructed outside the Small House Policy on a private lot. Therefore, we would like to see that proposed V-zone re-designated as Residential (Group C or other group as appropriate). If there must be a V-zone we recommend that it be drawn tightly round the cluster of (7) houses clearly constructed on government land.

Owners of private lots to the North and South of this more restricted V-zone may wish to make their own representations as to the zoning they ideally would wish to see in their cases.

Otherwise we support the proposed zoning for the rest of the area.

Mui Wo North

We have concern about the piecemeal approach to zoning of the Silvermine Beach seafront area next to the central section of Silvermine Beach into various small pieces of Green Belt, Commercial, Residential and V-Zone. Our preference would be for the whole area to be designated Green Belt or Recreation.

As stated above, we do not support the creation of new Village Development Zones in areas other than existing Recognised Villages, because of the potential for comprising the legitimate property rights of persons other than indigenous villagers due the operation of the Small House Policy which has the effect of extinguishing some of the rights

of other legitimate owners.

In the Mui Wo North case, designation of new small V-zones on the sensitive sea front area would also inhibit implementation of a more comprehensive redevelopment plan for the upgrading of the sea front area into a high-quality recreational facility for the benefit of the general public.

Our recommendation is for the whole area to be re-designated Recreation (with appropriate recognition of existing uses whether commercial or residential). Alternatively the whole area could be designated Green Belt or Open Space with the same exemptions for existing uses, pending a further review of plans for the Mui Wo seafront area.

Similarly, we would prefer to see the extension of the V-zone to the North outside the village environs of Wang Tong redesignated as a Residential area. Wang Tong itself does not have indigenous inhabitants since it was not a recognised village until after 1898. There is therefore the potential for discrimination against existing landowners, by definition probably not indigenous inhabitants. (A separate question is why is it necessary or appropriate to single out two isolated dwellings in the Green Belt for designation as Residential (RC1 and RC3)?

We note and support the comments of other participants in the meeting that there are several areas covered by the plan that should be considered for stronger protection, i.e. designated as Conservation Areas. These would include:

The mangrove and wetlands area between Tai Wai Yuen and the beach immediately north of the Wang tong River estuary, and

the Wetland areas to the West of Wang Tong Village.

There are other areas that merit such consideration such as the hill to the North-West of Wang Tong Village that has been re-wooded with entirely native species of tree as a conservation project:

Jenny Quinton of ArkEden () and Paul Melsom of EagleOwl () have been part of planting 10,000s of native trees around North Mui Wo. This article will provide some initial insights into the work that they both have done https://www.arounddb.com/life-on-lantau-articles/dispatch/recreating-the-lost-woodlands-how-deforestation-is-impacting-lantaus-biodiversity/. It is recommended that they both be contacted to confirm planting areas and we recommend these planting areas have buffer areas within the Mui Wo North plan adjoining the plantings with Conservation Area status.

We would also like to recommend that the entire coastline from Tung Wan Tau to Man Kok Tsui be designated a Coastal Protection Area. This coastline is still natural and without reclamation or significant modification, thus providing a wonderful coastline below the North Lantau Country Park.

There is great amount of Marine Refuse, abandoned fishing nets etc. along the entire coast and especially on the Man Kok Tsui beach which detracts greatly from the amenity and conservation values of an otherwise unspoilt area.

Sha Lo Wan

Between the small piece of North Lantau Country Park by the Sha Lo Wan Pier that is separated from the rest of the Country Park to the south we recommend that this area is treated as a wildlife corridor and hence be designated as Conservation Area rather than the proposed Green Belt.

The SSSI area near the San Tau Pier is a very important conservation area that we feel should have a better planning buffer around its inland perimeter than Green Belt. We recommend that a buffer of 50m to the North, West and South of the SSSI be designated as Conservation Area.

Sham Wat

We recommend that the small V Zone on the waterfront side of the road in Sham Wan be zoned Green Belt. There are few existing structures and there is no demand for new village houses on the planning horizon. Since the historic designation of Village Environs will remain, future applications to Town Planning Board could be entertained on a case-by-case basis if the situation changes

Final general comments on all for areas.

We would appreciate being supplied with copies of the AFCD reports on these areas so that we can better understand what additional information exists in the community to supplement the AFCD reports.

A very useful reference which we hope you already have been referencing is "Lantau - Hong Kong's Jewel. A Biodiversity Study of Lantau by Philip Yip and Clive Noffke". This is an illustrated, easily read and comprehensive study which is available online via http://tinyurl.com/Lantau-HKsJewel

Regards

Dr Merrin Pearse

For and on behalf of the Living Islands Movement

www.livingislands.org.hk



Re: Draft Sham Wat and San Shek Wan Development Permission Area Plan No. DPA/I-SW/130/04/2021 07:51

From: Cindy Choi <

To: tpbpd@pland.gov.hk

Cc: klcwu@pland.gov.hk, dyptam@pland.gov.hk, rylsiu@pland.gov.hk,

 $k\underline{ckyeung@pland.gov.hk}, ccfchow@pland.gov.hk, kckkwok@pland.gov.hk, Cindy Choilland.gov.hk, ccfchow@pland.gov.hk, kckkwok@pland.gov.hk, Cindy Choilland.gov.hk, Cindy Choilland.gov.hk, ccfchow@pland.gov.hk, ccfchow.gov.hk, ccfchow.go$

2 Attachments





2021-04-28 AGHK comments on 4 Lantau DPA.pdf LanDAC AGHK Presentation 20180731.pdf

Dear Sir/Madam,

Further to our comments submitted on 8 March 2021 to Town Planning Board about captioned draft DPA plans, we would like to supplement the additional comments as per attachment. Our presentation to the Lantau Development Advisory Committee (LANDAC) in 2018 is also attached for your perusal.

Cindy Choi Chairman

Association for Geoconservation, Hong Kong

email: website: www.rocks.org.hk



30 April 2021

The Secretary
Town Planning Board
15/F, North Point Government Offices
333 Java Road
North Point, Hong Kong

Dear Sir / Madam,

Draft Plan No: DPA/I-POA/1, DPA/I-MWN/1, DPA/I-SLW/1, DPA/I-SW/1

Further to our comments submitted on 8 March 2021 to Town Planning Board about captioned draft DPA plans, we would like to supplement the following comments

Preamble

Geodiversity is defined as the variety of the non-living elements of nature – including its minerals, rocks, fossils, soils, sediments, landforms, topography, geological and morphogenetic processes, and hydrological features such as rivers and lakes. Geodiversity underpins biodiversity and is the basis of every ecosystem, but has its own values independent of biodiversity.

The rapidly growing importance of geodiversity is demonstrated by the recent proposal for an International Geodiversity Day (IGD) www.geodiversityday.org. The IGD has been formally accepted by the Plenary meeting of the UNESCO Executive Board on 21 April 2021, and will be submitted to the 41st session of the UNESCO General Conference to be held in November 2021. More than 70 countries and 600 organisations including our Association ('AGHK') have co-sponsored this proposal.

In Hong Kong, geodiversity is rich with a rugged terrain, diverse landform and geological formation dating back to the Devonian age. The inauguration of the Hong Kong UNESCO Global Geopark in 2011 was a major step in the conservation of geodiversity in line with global treand. Yet the framework for conservation of geodiversity is fragile outside protected areas. Geodiversity is not recognised in the environmental impact assessment process and has little place in planning and development.

With ever growing international attention to geoconservation, we strongly recommend that geodiversity is fully taken into account into the drafting of outline zoning plan.



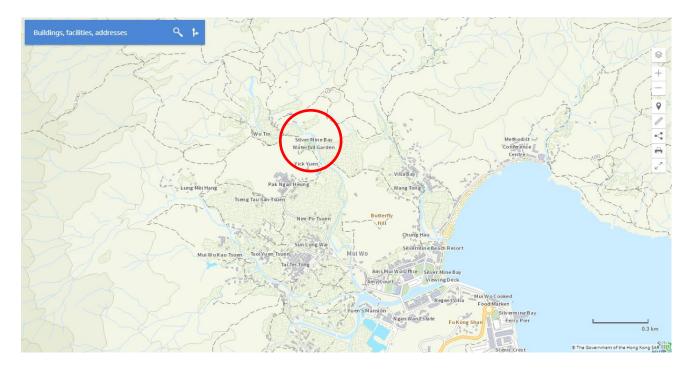
As a first step, we recommend that the following items are included into the draft OZP with better protection status.

We also attach the presentation we made to the Lantau Development Advisory Committee (LANDAC) in 2018.

Further advice on geology may be sought from the Hong Kong Geological Survey of CEDD.

Mui Wo

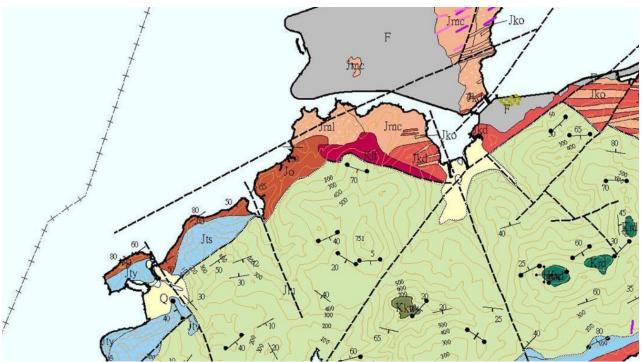
- Silver Mine Cave and tailings
- Silver Mine Waterfall
- All natural shorelines within the plan
- Shoreline and promontory around Man Kok Tsui





San Tau/Sha Lo Wan/Sham Wat

The whole coastal area between Tung Chung and Tai O is particularly rich in geodiversity. Geological formations cover volcanic rocks, granite, sedimentary rocks and mineralization. These formations cover both Carboniferous and Jurassic ages.



Geological Map of NW Lantau (source: GEO, CEDD)



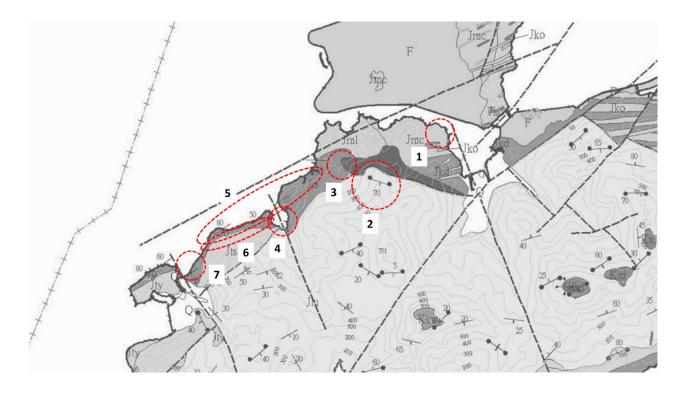
The reddish colourful sedimentary formation (Tai O Formation) between San Shek Wan and Tai O is a highlight of both very high geological and scenic value.



Selected geosites include:

- 1. Alluvial fan of San Tau
- 2. Old Sha Lo Wan Mine workings (mostly outside OZP)
- 3. Skarn deposit at contact zone between granite and sedimentary formation
- 5. Red beds sedimentary formation of the Tai O Formation
- 4.& 6. Thrust fault at boundary between volcanic formation and sedimentary formation
- 7. Outcrops of Quaternary sedimentation





We therefore kindly request your consideration of incorporating above mentioned items in the OZPs as a holistic statutory protection of our geodiversity and geoheritages.

Yours sincerely,

Cindy Choi Chairman,

Association for Geoconservation, Hong Kong

cc: klcwu@pland.gov.hk dyptam@pland.gov.hk, rylsiu@pland.gov.hk, kckyeung@pland.gov.hk, ccfchow@pland.gov.hk, kckkwok@pland.gov.hk

GEOCONSERVATION FOR LANTAU





Geodiversity and Geoconservation



- Geodiversity: the natural diversity of geological (rocks, minerals, fossils), geomorphological (landforms, topography, physical processes) and soil and hydrological features. It includes their assemblages, structures, systems and contributions to landscapes (Gray 2013).
- Geoheritage: elements of the Earth's geodiversity that are considered to have significant scientific, educational, cultural or aesthetic value (DíazMartínez 2011; GSA 2012).
- Geoconservation: Action for the proper management and conservation of geodiversity and geoheritage for their valuesintrinsic, cultural, aesthetic, economic, functional, and for research and education.

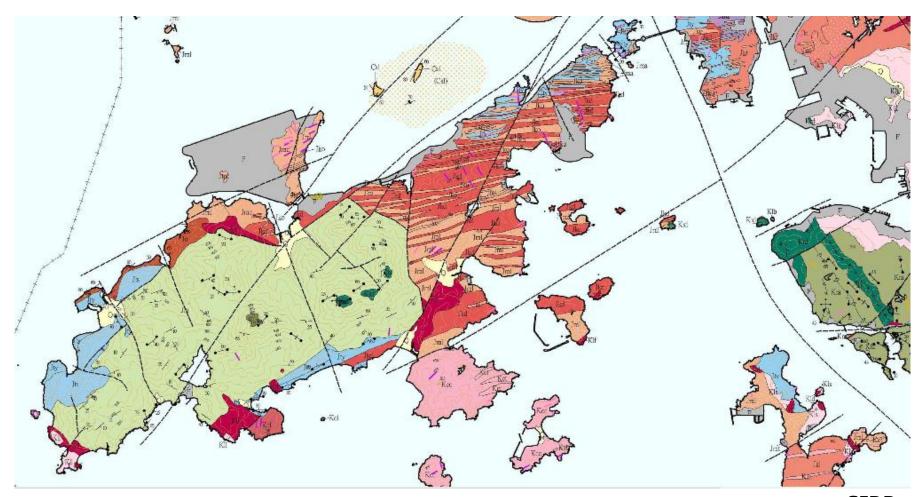
International Trend in Geodiversity



- UNESCO's World Heritage Convention and Global Geoparks Network (GGN)
- IUCN (International Union for Conservation of Nature)
 Resolutions 4.040 at Barcelona (2008), 5.048 at Jeju (2012),
 6.083 at Hawaii (2016)
 - Conservation of Geodiversity and Geological Heritage
 - Preference for inclusive terms "Nature", "Natural Diversity" or "Natural Heritage"
 - Geodiversity is part of Natural Diversity and Geoheritage is part of Natural Heritage
- Geoconservation at country, regional and local levels

Geodiversity of Lantau





source: CEDD

Rich Geodiversity of Lantau



 Geological formation and structures, landforms, landscape, shorelines, outcrops, mineral ores ...





Source: Professor Wyss Yim

Geodiversity, Biodiversity, Culture



Inseparable relationship among landforms, ecology and local life



Geodiversity as part of Nature

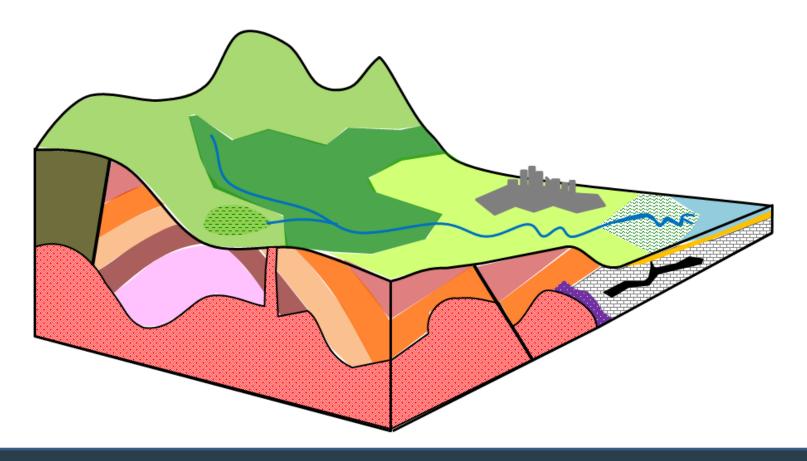


- Geodiversity broadens the horizon of Nature
 - Key stages in earth history
 - ➤ Major structural features
 - > Formation of minerals
 - > Evolution of life and biodiversity of the past
 - Modern earth processes
 - Landform features
 - > Records of past environmental conditions

Appreciating Nature in 4-dimension



- Geodiversity provides the foundation for biodiversity
- Ecosystem services coming from geodiversity and biodiversity



Geodiversity – Biodiversity - Scenery



Emphasis on "Nature Value" rather than "Ecological Value"

		Scenic	
		Outstanding	Low
Geodiversity	Rich		
	Low		

		Biodiversity	
		Rich	Low
Geodiversity	Rich		
	Low		

EIA Incomplete for Nature Conservation



- EIA does not consider geoconservation
- LVIA is not equal to geoconservation

Geoconservation

Geodiversity Geoheritage

LVIA

(Landscape and Visual Impact Assessment)

Cultural Heritage Archaeology

Biodiversity Conservation

Ecological

Assessment

Fisheries

EIA

Pollution Control

Air

Water

Noise

Hazards

Impacts of Infrastructure Developments



- Urban developments, reclamations, transport corridors, drainage, container terminals, power generation and transmission, telecommunications, service reservoirs etc.
- Smaller scale works degrading wilderness
- Remove, mask, destroy, degrade and/or modify geodiversity
- Prevent accessibility for appreciation

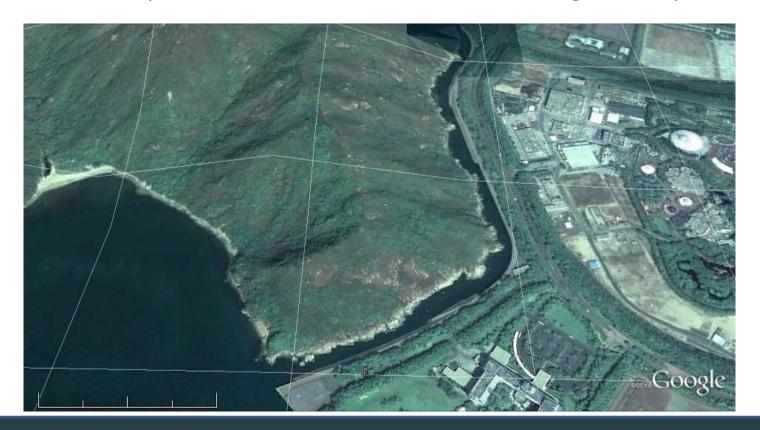




Natural Shorelines and Reclamations



- Shoreline is preserved at the Disneyland
- A still wider separation is preferred
- Coastal strip of the reclamation is closed to general public



Natural Terrain Hazard Mitigation Works



- Large scale slope works extending to substantial altitude into countryside
- Massive debris flow dams and other works can significantly degrade countryside areas

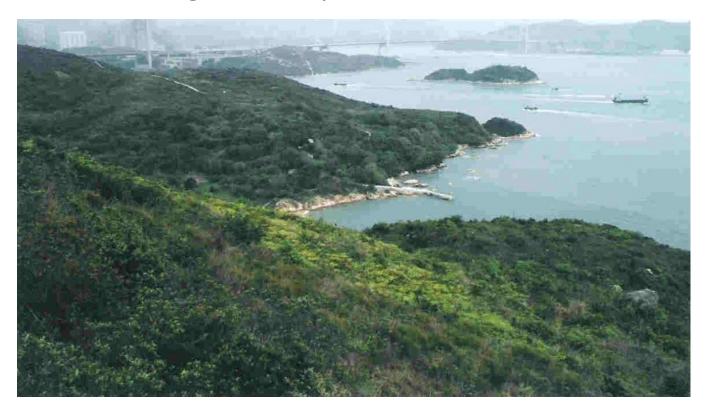




Route 11 (Study in Progress)



- Previous route will destroy long stretches of natural shorelines of east Lantau
- Tunnel-based alignment is preferred

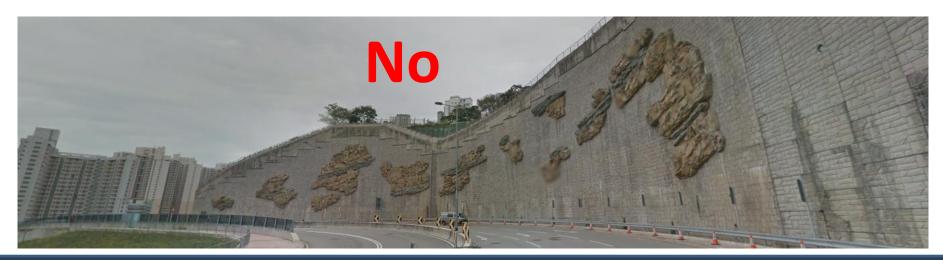


Rock Formation and Landscape Design



- Suitable exposure of rock formations and strata
- Re-use of local rocks from excavations and tunnels for landscape hardware
- No "fake" rocks!





More Natural Street Furniture



- Formulate strategy for compatible street furniture design on roads around country parks
- Steel back timber barrier increasingly adopted in national parks and countryside in China e.g. Taishan UNESCO site





Geodiversity, Scenery and View Points



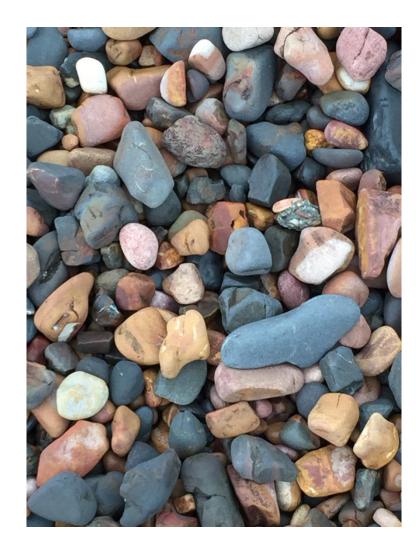
 Indiscriminate afforestation could degrade the diversity of scenery, obscure geological outcrops and interfere with view points



Geoconservation Strategy



- 1. Maintain integrity of geodiversity and landscape
- 2. Conserve natural coastline
- Prevent obscuring of geological outcrops
- 4. Promote landscape design compatible with geoconservation
- 5. Use local natural rocks from works and do not use fake rocks
- 6. Maintain access and view points
- 7. Promote appreciation of geodiversity and geoconservation





守護大嶼聯盟 SAVE LANTAU ALLIANCE

致:西貢及離島規劃專員

有關:填土/填塘或挖土工程的的註釋事宜

聯盟曾於 2021 年 3 月 8 日就有關大嶼山四幅草擬中分區計劃大綱草圖(S/I-MWN/C、S/I-SLW/C、S/I-SW/C、S/I-POA/C)去信城規會及於 2021 年 3 月 17 日與 閣下進行交流一事, 聯盟尚有以下跟進問題。

我們發現四幅草圖在「自然保育區」、「海岸保護區」及「具特殊科學價值地點」地帶《註釋》中有關填土/填塘或挖土工程的「備註」與《法定圖則註釋總表》相應部份存在重要分別。

簡單而言,按《法定圖則註釋總表》上述各土地用途地帶的相應「備註」,就河道改變填土/填塘或挖土工程有如下註明,行文如下(以總表「自然保育區」為例):

- (b) 在有關中期發展審批地區圖/發展審批地區草圖*的公告在憲報首次刊登該日或以後,如未取得城市規劃委員會根據《城市規劃條例》第16條批給的許可,不得進行或繼續進行任何河道改道、 * 填土/填塘 * 或挖土工程,包括為改作上文第一欄和第二欄所列的任何用途,或《註釋》說明頁所經常准許的用途或發展而進行或繼續進行者。
- * 備註的斜體部分適用時加進文內

然而,四幅大嶼山大綱草圖卻在行文中增添了新句字(粗體字),基本翻譯如下:

「…如未取得城市規劃委員會根據《城市規劃條例》第 16 條批給的許可,不得進行或繼續進行任何填塘或挖土工程,包括為改作上文第一欄和第二欄所列的任何用途或《註釋》說明頁所經常准許的用途或發展 (政府統籌或落實的公共工程,以及保養、修葺或翻建工程除外)而進行或繼續進行者。」

我們不擬在此詳細作出意見,但希望處方能首先解釋以下問題:

- 1. 考察此四幅草圖在城規會公開會議披露前已刊憲的其他鄉郊分區計劃大綱圖,並未 出現以上跟《法定圖則註釋總表》的差異。因此,上述變化是否西貢及離島規劃處因 應大嶼山的情況而作出的有異平常的不同安排?倘基於(如存在)「區情」的差異, 其具體內容及處方因應的考慮內容若何?
- 2. 如上述草擬中「備註」的調整並非西貢及離島規劃處單獨作出的安排,可否說明這調整的背景、原因、所根據的規劃政策、條例、規劃標準及具體決定的過程?

是項調整可說茲事體大,希望閣下撥冗回覆

守護大嶼聯盟 召集人謝世傑謹啟 2021.05.26

Comments from Head of the Geotechnical Engineering Office, <u>Civil Engineering and Development Department</u>

The Association for Geoconservation, Hong Kong (AGHK) highlighted in their email/letter to the TPB, on 8.3.2021 and 30.4.2021, seven particular geological features that are relevant to the draft Sham Wat and San Shek Wan OZP and the Sha Lo Wan and San Tau OZP. Our comments on the geological / scientific significance of these features are as below:

(a) Alluvial fan/delta, intertidal mudflats and waterfall at San Tau

The alluvial fan/delta and intertidal mudflats at San Tau, although of relatively large extent, is not an uncommon geomorphological feature in Hong Kong. Similarly, the waterfall along the stream at San Tau is not uncommon in Hong Kong.

(b) Old Sha Lo Wan Mine workings (for wolframite)

Mining activities for wolframite (tungsten ore), and subordinate quartz and feldspars minerals, were recorded in the Sha Lo Wan area in the 1950's-60's. Since the cessation of mining activities in the 1970's, the workings and other mining facilities have been abandoned, and the current situation of which are uncertain. The preservation value of this site is considered to be more related to its historical importance, which is beyond the purview of the GEO.

(c) Skarn deposit at San Shek Wan

The skarn deposit at the coastal section near San Shek Wan is of high scientific value and geological interest. It comprises a 5-m wide mineralization zone containing garnet, vesuvianite, diopside, epidote and scattered magnetite. The location is one of a few places in Hong Kong where such skarn mineralization can be observed at the surface. We note that the concerned rock exposure falls with the proposed Coastal Protection Area in the draft Sham Wat and San Shek Wan OZP and the Sha Lo Wan and San Tau OZP, and have no specific comment on the proposed zoning.

(d) The Tai O Formation

The draft OZPs cover only part of the concerned geological/geomorphological feature. The sedimentary rocks of the Middle Jurassic Tai O Formation crops out along the northern coast of west Lantau from Tai O to Sham Wat Wan. The type section of the formation is along the coastal northeast of Tai O, which is of high scientific and geological value. Under the draft OZPs, the type locality and the coastal exposures of the formation fall within the proposed Coastal Protection Areas or SSSI (San Chau). We have no specific comment on the proposed zoning.

(e) Fault between sedimentary and volcanic rocks

The 3-km long fault contact between sedimentary and volcanic rocks, extending from San Shek Wan to Tai O, is not an uncommon geological feature. Unless a specifically important outcrop(s) has been identified, the scientific value of the fault contact may not be as significant.

(f) The Quaternary sediments near Po Chue Tam, Tai O

The coastal section of the Quaternary alluvial deposits near Po Chue Tam, Tai O, although not a unique geological feature, represent one of the best exposures of its kind in Hong Kong. The section comprises alluvium from the Middle Pleistocene to Holocene age, and is of special geological interest for studies of the Quaternary stratigraphy and geomorphology. The location is also an important location for field studies by students of secondary schools, colleges and universities. We note that the geological feature fall within either the existing North Lantau Country Park or the proposed Coastal Protection Areas in the draft OZP, and have no specific comment on the proposed zoning.

(g) Rhyodacite dykes and contacts between granites at San Tau

The concerned rhyodacite dykes and geological contacts at San Tau represent a small fraction of a swarm of rhyolitic/rhyodacitic dykes that are present over a relatively extensive area in northern and eastern Lantau Island. Unless a specifically important outcrop(s) has been identified, the scientific value of the geological contacts at San Tau may not be as significant.

Summary of Deviations from the Master Schedule of Notes

<u>User Schedule:</u>

Zonings	Column 1 Uses	Column 2 Uses
Village Type Development	-	Add: Field Study/Education /Visitor Centre Remove:-
		 Public Transport Terminus or Station Public Vehicle Park (excluding container vehicle)
Government, Institution or	Remove:-	Remove:-
Community	 Ambulance Depot Animal Quarantine Centre (in Government building only) Exhibition or Convention Hall Hospital Public Transport Terminus or Station Public Vehicle Park (excluding container vehicle) Research, Design and Development Centre 	 Driving School Petrol Filling Station Zoo
Green Belt	-	Remove: Petrol Filling Station - Public Transport Terminus or Station - Public Vehicle Park (excluding container vehicle)