

TOWN PLANNING BOARD

TPB Paper No. 11013

**For Consideration by
the Town Planning Board on 8.8.2025**

**DRAFT CHEUNG CHAU OUTLINE ZONING PLAN NO. S/I-CC/10
CONSIDERATION OF REPRESENTATION NO. TPB/R/S/I-CC/10-R1**

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Subject of Representation	Representer (No. TPB/R/S/I-CC/10-)
<p><u>Amendment to the Plan</u></p> <p><u>Item A</u> Rezoning of a site at Fa Peng from “Residential (Group C) 6” (“R(C)6”) to “Residential (Group C) 9” (“R(C)9”).</p> <p><u>Amendments to the Notes of the Plan</u></p> <p>(b) Revision to the plot ratio (PR)/gross floor area (GFA)/site coverage (SC) exemption clause to clarify the provision related to caretaker’s quarters in the Remarks of the Notes for “Residential (Group A)” (“R(A)”) and “R(C)” zones.</p> <p>(c) Incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 of the Notes for “Village Type Development” (“V”) zone; and corresponding deletion of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 2 of the Notes for “V” zone.</p> <p>(d) Incorporation of ‘Field Study/Education/Visitor Centre’ and ‘Flat’ under Column 2 of the Notes for “V” zone.</p> <p>(f) Revision to the Planning Intention as well as the Remarks of the Notes for “Coastal Protection Area” (“CPA”) zone on filling of land or excavation of land clause in accordance with the Master Schedule of Notes to Statutory Plans (MSN).</p>	<p>Total: 1</p> <p><u>Oppose Item A and Amendments to the Notes (c), (d) and (f), and Provide Views on Amendment to the Notes (b):</u></p> <p>R1: Individual</p>

Note: The name of the representer is attached at **Annex III**. Soft copy of the submission is sent to Town Planning Board (the Board) Members via electronic means; and is also available for public inspection at the Board's website at https://www.tpb.gov.hk/en/plan_making/S_I-CC_10.html and the Planning Enquiry Counters of the Planning Department (PlanD) in North Point and Sha Tin. A hard copy is deposited at the Board's Secretariat for Members' inspection.

1. **Introduction**

- 1.1 On 21.3.2025, the draft Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/10 (the Plan) (**Annex I**) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance)¹. The Schedule of Amendments setting out the amendments incorporated into the OZP is at **Annex II** and the location of the amendment item is shown on **Plan H-1**.
- 1.2 During the two-month exhibition period, one valid representation was received. On 11.7.2025, the Board agreed to consider the representation itself.
- 1.3 This paper is to provide the Board with information for consideration of the representation. The list of representer and the submission are at **Annexes III and IV** respectively. The representer has been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. **Background**

Item A – Rezoning of a site at Fa Peng for residential development

- 2.1 To take forward the Rural and New Town Planning Committee (RNTPC) of the Board's decision on 20.9.2024 to agree to a section 12A (s.12A) application (No. Y/I-CC/7), a site in Fa Peng has been rezoned from "R(C)6" to "R(C)9" subject to a maximum PR of 1.58 and a maximum building height (BH) of 3 storeys (8.23m) to facilitate a proposed residential development.

Amendments to the Notes and Explanatory Statement (ES) of the OZP

- 2.2 The following amendments to the Notes of the OZP have been made:

"R(C)" zone

- (i) in relation to **Item A**, the Remarks for the "R(C)" zone are revised to incorporate "R(C)9" sub-area with relevant development restrictions;

"V" zone

- (ii) to allow flexibility, 'Flat' is added as a Column 2 use of the "V" zone so that flat use may be permitted through application to the Board, which is in line with the MSN;

¹ The draft Cheung Chau OZP No. S/I-CC/10 together with its Notes and Explanatory Statement is available at the Board's website at https://www.tpb.gov.hk/en/plan_making/S_I-CC_10.html.

“Other Specified Uses” annotated “Pier” (“OU(Pier)”) zone

- (iii) to provide flexibility for provision of ancillary uses within the piers, the development restrictions in the Remarks for the “OU(Pier)” zone are revised so that kiosk or premises not in excess of a maximum non-domestic GFA of 100m² in total for use as shop and services and eating place are also considered as ancillary to ‘Pier’ use; and

Technical amendments

- (iv) opportunity has been taken to revise the Notes for the “V”, “CPA”, “R(A)” and “R(C)” zones to align with the latest MSN, as appropriate.

- 2.3 The ES of the OZP has been suitably revised in view of the above amendments as well as to update the general information for various land use zones to reflect the latest status and planning circumstances of the Cheung Chau Planning Scheme Area and to incorporate certain technical revisions.

The Draft OZP

- 2.4 On 28.2.2025, RNTPC agreed that the proposed amendments to the approved Cheung Chau OZP No. S/I-CC/9 were suitable for exhibition under section 5 of the Ordinance for public inspection. The relevant RNTPC Paper No. 1/25 is available at the Board’s website² and the extract of the minutes of the concerned RNTPC’s meeting is at **Annex V**. Subsequently, the draft Cheung Chau OZP No. S/I-CC/10 was gazetted on 21.3.2025.

3. Local Consultations

Prior to Submission of the Proposed Amendments to RNTPC

- 3.1 Islands District Council (IsDC)’s District Infrastructure and Development Planning Committee (DIDPC) and Cheung Chau Rural Committee (CCRC) were consulted on the proposed amendments to the OZP on 18.12.2024 and 6.12.2024 respectively. While members of both DIDPC and CCRC supported the **Item A**, some members concerned the environmental and traffic impacts arising from the construction of the proposed residential development and other developments nearby. Their comments have been incorporated into RNTPC Paper No. 1/25.

Upon Gazettal of the Draft OZP

- 3.2 Upon gazettal of the draft OZP on 21.3.2025, members of IsDC and CCRC were notified on the same date that members of the public can submit representations on the amendments in writing to the Secretary of the Board during the exhibition period of the draft OZP. No representation from IsDC and CCRC members was received.

² RNTPC Paper No. 1/25 and the attachments are available at the Board’s website at https://www.tpb.gov.hk/en/meetings/RNTPC/Agenda/760_rnt_agenda.html.

4. The Representation Site and the Surrounding Areas

4.1 The Representation Site and its Surrounding Areas (Plans H-2a to H-2e)

- 4.1.1 Representation site under **Item A** (the Site) (about 0.07ha) is zoned “R(C)9” subject to a maximum PR of 1.58 and a maximum BH of 3 storeys (8.23m). Located at the upland area of Fa Peng in the eastern part of Cheung Chau, the Site is a piece of private land largely occupied by two single-storey abandoned ruined houses erected on two different level platforms with trees, shrubs and some undergrowth found in the remaining part of the Site. The Site is accessible from Don Bosco Road to the west and Ming Fai Road to the north via an informal footpath. The surrounding areas are in rural character mainly comprising low-rise and low-density residential, institutional and recreational developments ranging from 1 to 3 storeys as well as natural vegetation and trees.
- 4.1.2 According to the applicant’s indicative scheme under the s.12A application (No. Y/I-CC/7) (**Drawings H-1a to H-1f**), the proposed development consists of six 3-storey New Territories Exempted Houses (NTEHs) with a PR of about 1.573, a GFA of about 1,168.881m², a SC of 52.43% and a BH of not more than 8.23m or about 63.916mPD with an estimated population of 54.

4.2 Planning Intention

The planning intention of the “R(C)” zone (**Item A**) is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

5. The Representation

5.1 Subject of Representation

- 5.1.1 The representation was submitted by an individual (**R1**) opposing **Item A** and amendments to the Notes (c), (d) and (f), while providing views on amendment to the Notes (b).
- 5.1.2 The major grounds and views of the representation as well as PlanD’s responses in consultation with the relevant government bureaux/departments (B/Ds) are summarised in paragraphs 5.2 and 5.3 below.

5.2 Adverse Representation

5.2.1 Item A

Major grounds/views	
(1)	The proposed development is an abuse of the intention of the NTEH policy, that a NTEH or Small House can only be built by a male indigenous villager in his own recognised village. The Site is not part of any existing recognised village. There is no legal right to enjoy the exemptions applicable to NTEH

at the Site.	
(2)	The original “R(C)6” zoning of the Site was to reflect the prior existence of a dwelling for single family at a site surrounded by green belts. The “R(C)9” zone allows increase of PR and SC in multiple times. The OZP amendments would encourage further applications of similar nature which would adversely affect the integrity of green belts.
(3)	The Site has no vehicular access where increase in planned population would have adverse traffic impact on the pedestrian access. The proposed six septic tanks on a site without vehicular access would incur sewage leakage into the surrounding green belts as it would have difficulty on necessary servicing of septic tanks. Moreover, IsDC members’ concerns on other environmental and traffic impacts arising from construction of the proposed residential development and other developments nearby have not been properly considered.
(4)	There would be no space between buildings, resulting in poor ventilation and penetration of natural light. Also, the proposed built form is inefficient as it requires six staircases, each in one house. A low-rise residential development of 18 units could be built with fewer access and hence achieve better gross floor area per unit.
Responses	
(a)	<p>In response to (1):</p> <p>Item A is to take forward the s.12A application (No. Y/I-CC/7) agreed by the RNTPC on 20.9.2024 to facilitate a residential development consisting of six 3-storey NTEHs with a PR of about 1.573, a GFA of about 1,168.881m² and a BH of not more than 8.23m. Prior to the publication of the first Cheung Chau OZP in 2004, a Certificate of Exemption (CoE) for building works for six NTEHs with each of not more than 3 storeys (8.23m) and a total roofed-over area not exceeding 65.03m² at the Site was issued on 12.1.1993, while a set of site formation plans to facilitate the six NTEHs was approved on 20.3.1992. Besides, a CoE for drainage works of the proposed development was issued on 18.1.2023. The indicative scheme of the s.12A application is generally in line with the proposal approved under CoE for building works.</p> <p>As advised by District Lands Officer/Islands, Lands Department (DLO/Is, LandsD), since there are no recognised villages in Cheung Chau according to the “List of Recognised Villages under the New Territories Small House Policy”, New Territories Small House Policy is not relevant to the Site. In general, LandsD will usually make reference to the relevant lease conditions and requirements set out in the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) to consider redevelopment of village houses, and each case will be considered based on its individual merits. DLO/Is, LandsD has no adverse comment on the s.12A application and the amendments to the OZP from land administration perspective.</p>
(b)	In response to (2) to (4):

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments. According to the ES of the OZP, the “R(C)” zone covers existing and reserved sites for low-rise, low-density residential developments that are compatible with the rural character of Cheung Chau. The Site is located at the upland area of Fa Peng in the eastern part of Cheung Chau and is largely occupied by abandoned ruined houses. The surrounding area has a rural character with mainly low-rise and low-density residential, institutional and recreational developments ranging from 1 to 3 storeys mostly zoned “R(C)”, “Government, Institution or Community (4)” and “Recreation”, as well as natural vegetation and trees. The proposed development comprising six NTEHs is considered not incompatible with the surrounding environment and landscape character. **Item A** is to rezone the Site from “R(C)6” to “R(C)9” with an increase in PR and BH to facilitate the proposed residential development without changing the boundary of “Green Belt” zones nearby.

The Director of Agriculture, Fisheries and Conservation (DAFC) has no comment on the proposed development from nature conservation perspective in view that the Site is partly occupied by an old structure and the amendment to the OZP is minor. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD also advised that given the proposed development is low-rise and in small scale, a requirement for building separation is considered not necessary.

At the planning application stage, a drainage plan, a tree survey plan with tree assessment schedule and a conceptual landscape plan were submitted. Septic tanks and soakaway pit system have been proposed, and the Director of Environmental Protection (DEP) has no adverse comment on the proposed development. As advised by DEP, the design and construction of the proposed septic tanks and soakaway pit system should comply with Environmental Protection Department’s Professional Person Environmental Consultative Committee Practice Note 1/23.

The Site is accessible via an existing footpath branching off from Don Bosco Road and Ming Fai Road. According to the applicant of the s.12A application (No. Y/I-CC/7), the proposed development would continue to make use of the existing footpath as major access (**Plans H-2a and H-2d**). The Commissioner for Transport (C for T) has no comment on the proposed development from traffic engineering point of view.

IsDC members’ concerns on the environmental and traffic impacts arising from the construction of proposed residential development and other developments nearby have been properly considered and conveyed to relevant B/Ds for follow up as appropriate. DEP has advised the applicant to observe and comply with relevant environmental protection and pollution control ordinances and to implement appropriate mitigation measures/practices as set out in the Recommended Pollution Control Clauses for Construction Contracts during construction stage. Other relevant B/Ds concerned including Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD) and Chief Building Surveyor/New Territories East (1) & Licensing, Buildings Department (CBS/NTE(1)&L, BD) have no adverse comment on the proposed development.

5.2.2 Amendments to the Notes (c), (d) and (f)

Major grounds/views	
(1)	Incorporating ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 for “V” zone will affect public scrutiny of the location and design of these facilities.
(2)	The planning intention of “V” zone is to provide housing for indigenous villagers and the incorporation of ‘Field Study/Education/Visitor Centre’ and ‘Flat’ under Column 2 for “V” zone would encourage abuse of the NTEH policy and result in developments being for sale to outsiders.
(3)	The revision to the Planning Intention as well as the Remarks of the Notes for “CPA” zone to exempt filling of land or excavation of land pertaining to public works co-ordinated or implemented by the Government, and maintenance or repair works from the requirement of planning permission will allow the concerned works not subject to even minimal supervision, and entirely eliminate the interests of the community from the process.
Responses	
(a)	<p>In response to (1):</p> <p>The incorporation of ‘Government Refuse Collection Point’ and ‘Public Convenience’ under Column 1 of the Notes for “V” zone, being in line with the latest MSN promulgated by the Board, is to streamline the provision of these common and essential facilities in village areas. Under the current practice, relevant government departments such as the Food and Environmental Hygiene Department would consult the concerned local residents/DCs/RCs on the provision of such facilities, as appropriate.</p>
(b)	<p>In response to (2):</p> <p>Since there is no recognised village in Cheung Chau, land within the “V” zone is not intended for development of Small Houses by indigenous villagers. The planning intention of the “V” zone is primarily for the provision of land for the retention of the existing village areas in Cheung Chau. To respect the village settlement, NTEH as a built form in compliance with the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) is always permitted within the “V” zone. ‘Flat’ is added under Column 2 of the Notes for “V” zone to allow flexibility for flat development. Notwithstanding, such flat development is still subject to a maximum BH of 3 storeys (8.23m), which would be compatible with other developments in the “V” zone to retain the existing village character. Also, given the popularity of tours/visits to the villages in recent years, it is considered appropriate to add ‘Field Study/Education/Visitor Centre’ under Column 2 of the Notes for “V” zone to cater for the demand for such uses where appropriate. Both amendments are in line with the latest MSN promulgated by the Board. To ensure no insurmountable impacts on the surrounding areas and minimise the possible nuisance to the village environment, planning permission from the Board for such uses is required.</p>

(c) In response to (3):

The incorporation of exemption clause for government works on filling of land or excavation of land pertaining to public works co-ordinated or implemented by the Government from the requirement for planning application in the conservation-related zone is in line with the latest MSN promulgated by the Board. The objective is to streamline the planning application process/mechanism.

The exemption clause is only applicable to public works and minor works in which no major adverse impacts are anticipated. Public works co-ordinated or implemented by the Government will be in compliance with relevant government requirements, prevailing ordinances and regulations. Statutory control over the developments in the conservation-related zone would not be undermined.

5.3 Representation Providing Views

Major grounds/views	
(1)	Clarity is required for the revision to the PR/GFA/SC exemption clause under amendment to the Notes (b) on the provision related to caretaker's quarters in the Remarks of the Notes for "R(A)" and "R(C)" zones.
Responses	
(a)	In response to (1): The revision to the PR/GFA/SC exemption clause is a technical amendment to clarify that the exemption of caretaker's quarters and recreational facilities are only applicable to those facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building.

6. Departmental Consultation

The following B/Ds have been consulted and their comments, if any, have been incorporated in the above paragraphs, where appropriate:

- (a) Secretary for Education;
- (b) DLO/Is, LandsD;
- (c) C for T;
- (d) DEP;
- (e) DAFC;
- (f) Chief Engineer/Construction, Water Supplies Department;
- (g) CE/HK&I, DSD;
- (h) CBS/NTE(1)&L, BD;
- (i) Chief Highway Engineer/New Territories East, Highways Department;
- (j) Head (Geotechnical Engineering Office), Civil Engineering and Development Department (CEDD);
- (k) Project Manager (South and Sustainable Lantau), CEDD;
- (l) Director of Electrical and Mechanical Services;

- (m) Director of Social Welfare;
- (n) Director of Food and Environmental Hygiene;
- (o) Director of Leisure and Cultural Services;
- (p) Chief Architect/3, Architectural Services Department;
- (q) Director of Fire Services;
- (r) Commissioner of Police;
- (s) Controller of Government Flying Services;
- (t) Chief Heritage Executive (Antiquities and Monuments), Antiquities and Monuments Office, Development Bureau;
- (u) District Officer (Islands), Home Affairs Department;
- (v) Director of Housing; and
- (w) CTP/UD&L, PlanD.

7. Planning Department's Views

7.1 The views of **R1 (part)** on amendment to the Notes (b) are noted.

7.2 Based on the assessments in paragraph 5 above, PlanD does not support R1 (part) and considers that the OZP should not be amended to meet the representation for the following reasons:

- (a) **Item A** is to take forward the decision of the Rural and New Town Planning Committee on an agreed section 12A application for proposed residential development with increased plot ratio and building height. The proposed development is considered not incompatible with the surrounding environment and landscape character and will not cause significant adverse impacts to the surroundings, while concerned government bureaux/departments had no objection to or no adverse comment on the proposed development at the site. The zoning and relevant development restrictions for this item on the Notes of the Outline Zoning Plan is considered appropriate;
- (b) the incorporation of 'Government Refuse Collection Point' and 'Public Convenience' under Column 1, as well as 'Field Study/Education/Visitor Centre' and 'Flat' under Column 2 of the Notes for "Village Type Development" zone is in line with the latest Master Schedule of Notes to Statutory Plans (MSN) promulgated by the Town Planning Board (the Board). The provision of these facilities will follow the relevant established Government procedures and/or require planning permission from the Board; and
- (c) the incorporation of the exemption clause that filling of land or excavation of land related to public works co-ordinated or implemented by the Government are exempted from the requirement for planning application in the "Coastal Protection Area" ("CPA") zone is in line with the latest MSN promulgated by the Board and will streamline the planning application process. The exemption clause is only applicable to public works and minor works in which no major adverse impacts are anticipated. Statutory control over the developments in the "CPA" zone would not be undermined.

8. Decision Sought

- 8.1 The Board is invited to give consideration to the representation taking into consideration the points raised in the hearing session, and decide whether to propose/not to propose any amendment to the OZP to meet/partially meet the representation.
- 8.2 Should the Board decide that no amendment should be made to the draft OZP to meet the representation, Members are also invited to agree that the Plan, together with its Notes and updated ES, are suitable for submission under section 8(1)(a) of the Ordinance to the Chief Executive in Council for approval.

9. Attachments

Annex I	Draft Cheung Chau OZP No. S/I-CC/10 (reduced size)
Annex II	Schedule of Amendments to the Approved Cheung Chau OZP No. S/I-CC/9
Annex III	List of Representer
Annex IV	Submission of Representer
Annex V	Extract of the Minutes of the RNTPC Meeting held on 28.2.2025
Annex VI	Provision of Major Community Facilities and Open Space in Islands DC District
Drawings H-1a to H-1f	Indicative Scheme for the Proposed Development of the Representation Site
Plan H-1	Location Plan of the Representation Site
Plans H-2a to H-2e	Site Plan, Aerial Photo and Site Photos of the Representation Site

**PLANNING DEPARTMENT
AUGUST 2025**