

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/SLC/172**

- Applicant** : CHAN Cecily Nga Li represented by KTA Planning Limited
- Premises** : No. 49 Shui Hau Village, Shui Hau, Lantau
- Floor Area** : About 40.5m<sup>2</sup>
- Lease** : Lot 222 (Part) in D.D. 326L under Block Government Lease  
(demised for building purpose)
- Lot 223 (Part)<sup>1</sup> in D.D. 326L under Block Government Lease  
(demised for agricultural purpose)
- Plan** : Approved South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/21
- Zoning** : “Village Type Development” (“V”)
- Application** : Proposed Shop and Services (Retail Shop and Tourist Information Office)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed ‘Shop and Services (Retail Shop and Tourist Information Office)’ use at the application premises (the Premises) falling within an area zoned “V” on the OZP (**Plan A-1**). The Premises is a one-storey stone-brick building built in the 1920s. It is not a New Territories Exempted House (NTEH). According to the Notes of the OZP for the “V” zone, ‘Shop and Services’ is a Column 2 use and requires planning permission from the Town Planning Board (the Board).
- 1.2 The Premises is a Grade 3 historic building. The Premises is accessible by footpaths connecting to South Lantau Road (**Plan A-2**). According to the applicant, the project titled “Regenerating Shui Hau: Developing sustainable village revitalization in Lantau South through heritage restoration, cultural conservation and village co-operatives”, initiated by School of Architecture, The Chinese University of Hong Kong (CUHK),

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<sup>1</sup> According to the applicant, the external wall of the application premises slightly encroaches onto Lot 223 (mainly vacant land) in its east, which is subject to verification at the next stage.

has obtained the funding approval from Lantau Conservation Fund (LCF), which explores the integrated regeneration of Shui Hau Village in South Lantau by conserving the 350 year-old coastal village's valuable built and intangible heritages. Since the Premises will be one of the check points along the guided tour route, the subject house will be renovated with minimal intervention, such as reroofing with the same type of clay tiles, applying waterproofing treatment to the existing concrete flat roof of the front portion, paint works at the external wall and installing new metal windows, electrical sockets and emulsion paint for the interior. The Premises will provide visitors with information about the culture and history of Shui Hau Village, as well as serving as a venue for selling of souvenirs at limited scale and organising activities and workshops (e.g. cultural sharing, artwork making, soap making, local craft workshop) ancillary to the guided tour service. Due to the limited capacity, the Premises will only accommodate no more than 15 people at one time, with four guided tours per week on reservation basis. No walk-in service is allowed. The indicative floor layout plan submitted by the applicant is at **Drawing A-1**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) application form received on 15.11.2022; (Appendix I)
- (b) further information (FI) received on 23.12.2022\*; and (Appendix Ia)
- (c) FI received on 4.1.2023\*. (Appendix Ib)

*\* accepted and exempted from publication and recounting requirements*

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendices I to Ib** and summarised as follows:

- (a) the proposed use at the Premises is in support of the village regeneration project which is in line with the Sustainable Lantau Blueprint promulgated in 2017 on revitalisation of old village buildings, as well as promotion of sustainable ecological and cultural tourism compatible with the local context;
- (b) the proposed use at the Premises is in support of the village regeneration project funded by the LCF;
- (c) the proposed renovation works for the subject house mainly involve providing electricity supply and refurbishment without changing the exterior appearance, with no modification to the graded building. No adverse visual and landscape impact will be induced;
- (d) the proposed use will allow better utilisation of the vacant house after renovation and provide opportunities for the public to learn the architectural, cultural and historical

features of the subject house as well as Shui Hau Village. Other activities as ancillary to the guided tour service are of limited scale;

- (e) the Premises will accommodate no more than 15 people at one time. Guided tour of about 20 participants each will be divided into smaller groups when visiting the Premises. With four guided tours per week on reservation basis and no walk-in service being allowed, the activities will not create nuisance to the neighbourhood;
- (f) franchised public transport system will be the main transport mode for the visitors travelling to Shui Hau Village given the Closed Road System. Adverse traffic impact is not anticipated; and
- (g) the proposed use and the ancillary activities are of limited scale. There is no toilet in the original house and it is not intended to provide toilet for the proposed use. There is an existing public toilet in around 150m from the Premises (**Plan A-2**). Any waste water produced will be collected and treated off-site to make sure no adverse impact to the sewerage system. No adverse impact on visual and landscape aspect, environment and infrastructure including sewerage and drainage is anticipated.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” of the private lots within the Premises but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by notifying the current land owners by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Previous Application**

There is no previous application at the Premises.

### **5. Similar Application**

There is no similar application within the “V” zones on the OZP.

### **6. The Premises and Its Surrounding Areas (Plans A-1 to A-3 and site photos on Plans A-4a to A-4d)**

6.1 The Premises is:

- (a) currently used for storing furniture and renovation materials;

- (b) located entirely within the village 'environs' of Shui Hau;
- (c) a Grade 3 historic building collectively with the adjacent No. 50 Shui Hau Village, with a flat-roof front portion and a pitched roof rear portion. Walls of the front portion are constructed of granite blocks, whereas the rear portions are built of grey brickwork; and
- (d) located on a levelled slope and accessible from South Lantau Road via footpaths to its south. There is no direct vehicular access to the Premises.

6.2 The surrounding areas have the following characteristics:

- (a) the Premises is located amidst the village cluster of Shui Hau Village and is surrounded by village houses;
- (b) to the further north are some village houses on levelled platforms and the vegetated slope connecting to the Lantau South Country Park;
- (c) to the immediate east is a vacant lot (i.e. Lot 223) with vegetation. To the further east are two village houses, an electricity substation surrounded by vegetation on a sloping surface and a vehicular road; and
- (d) to the further southwest and southeast are Lantau Island Shui Hau Sitting-out Area, a bus stop and South Lantau Road.

## **7. Planning Intention**

The planning intention of the "V" zone is to designate both existing recognized 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 NTEH. Other commercial, community and recreational uses may be permitted on application to the Board.

## **8. Comments from Relevant Government Departments**

8.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

8.1.1 Comments of the District Lands Officer/Islands, Lands Department:

- (a) no adverse comment on the application from land administration point of view;
- (b) Lot 222 in D.D. 326L is demised for building purpose under the Block Government Lease;
- (c) Lot 223 in D.D. 326L is an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (d) the siting and boundaries (including house walls) of the subject house and the boundaries of the lot(s) involved are subject to verification by Authorized Land Surveyor/Registered Professional Surveyor (Land Surveying) appointed by the applicant/land owner; and
- (e) other advisory comments are at **Appendix III**.

### **Tourism Promotion**

#### 8.1.2 Comments of the Commissioner for Tourism:

considering that the proposed use will help promote local cultural and historical features to visitors and facilitate their visits to Shui Hau Village, she supports the application from tourism promotion perspective.

### **Lantau Development**

#### 8.1.3 Comments of the Head of the Sustainable Lantau Office, Civil Engineering and Development Department (H(SLO), CEDD):

- (a) he supports the application;
- (b) the LCF Advisory Committee approved and funded a Conservation Management Agreement (CMA) project by the CUHK in the 2020-2021 application to explore the integrated regeneration of Shui Hau Village by conserving the village's valuable tangible and intangible heritages. In the CUHK's project proposal, the Premises would be renovated by the project team as a key venue for guided tours, workshops and other cultural activities to take places (i.e. as tourist information centre). The retail of souvenirs at the Premises would generate some contributions towards the cost of the CMA project; and
- (c) the proposed 'Shop and Services (Retail Shop and Tourist Information Centre)' use at the Premises is one of the key components of the approved CMA project. The project targets to achieve village revitalisation, and enhance conservation awareness of the community. The applicant has

also demonstrated that no adverse impacts would be generated in terms of traffic, visual, landscape, environmental and infrastructure aspects.

### **Heritage Conservation**

8.1.4 Comments of the Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) if the application is approved by the Board, to safeguard the graded building from the works arising from the proposed use, the applicant is required to submit a Conservation Management Plan (CMP) to be approved by AMO before the commencement of any works. The CMP should identify the character-defining elements of the graded building and possible impact on the graded building arising from its future use, recommend appropriate mitigation measures alleviating the adverse impact, if any, on the graded building, and to formulate policies to guide the future works and long term maintenance of the graded building; and
- (b) other advisory comments are at **Appendix III**.

### **Licensing and Environmental Hygiene**

8.1.5 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) no adverse comment on the application; and
- (b) other advisory comments are at **Appendix III**.

### **Traffic**

8.1.6 Comments of Commissioner for Transport (C for T):

as only about four guided tours will be arranged every week and no walk-in service will be provided, she has no objection to the application from traffic engineering perspective.

### **Environment**

8.1.7 Comments of the Director of Environmental Protection (DEP):

- (a) no adverse comment on the application; and
- (b) other advisory comments are at **Appendix III**.

## **Fire Services**

### 8.1.8 Comments of the Director of Fire Services:

- (a) no objection in principle to the application subject to water supplies for firefighting and fire service installations being provided to the satisfaction of Director of Fire Services. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (b) other advisory comments are at **Appendix III**.

### 8.2 The following government departments have no comment on/objection to the application:

- (a) Chief Building Surveyor/Hong Kong East and Heritage, Buildings Department (CBS/HKE&H, BD);
- (b) Chief Engineer/Construction, Water Supplies Department;
- (c) Chief Engineer/Hong Kong & Islands, Drainage Services Department;
- (d) Chief Highway Engineer/ New Territories East, Highways Department;
- (e) Chief Town Planner/Urban Design and Landscape, Planning Department;
- (f) Commissioner of Police;
- (g) Director of Agriculture, Fisheries and Conservation;
- (h) Director of Electrical and Mechanical Services;
- (i) Director of Leisure and Cultural Services;
- (j) District Officer (Islands), Home Affairs Department (DO(Is), HAD); and
- (k) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department.

## **9. Public Comments Received During Statutory Publication Period**

A total of four opposing comments from individuals were received during the statutory publication period (**Appendix II**). One opposing comment was submitted by the land owner of Lot 223 in D.D. 326L (mainly vacant land to the immediate east of the Premises) mainly on the grounds that the applicant did not obtain his consent and made false declaration. The remaining three opposing comments were submitted by the sons of the above-mentioned land owner/individuals, who object to the application and do not agree to change the use of the concerned lot.

## **10. Planning Considerations and Assessments**

- 10.1 The applicant seeks planning permission for proposed 'Shop and Services (Retail Shop and Tourist Information Office)' use at the Premises which falls within an area zoned "V" on the OZP. The planning intention of the "V" zone is to designate both existing recognized 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. Other commercial, community and recreational uses may be permitted on application to the Board. While 'Shop and Services' use is always permitted on the ground floor of a NTEH, the subject house is not a NTEH and hence planning permission is required. Although the proposed use is not entirely in line with the planning intention of the "V" zone, the proposal could allow gainful use of the Premises to promote the integrated regeneration and local and historical features of Shui Hau Village under the CMA project funded by the LCF. The proposed use, which will be confined within the existing house with minimal modification works, is in line with the nature and cultural conservation initiatives of the Sustainable Lantau Blueprint to supporting revitalisation of historic buildings and old village buildings and promoting cultural tourism. Both H(SLO), CEDD and Commissioner for Tourism support the application.

- 10.2 The surrounding area comprises mainly village houses and some vegetated areas within the village cluster of Shui Hau. The Premises is accessible by footpaths shared by local residents in Shui Hau. After renovation with minimal intervention, the Premises will be one of the checkpoints along the guided tour route and will provide visitors with information about the culture and history of Shui Hau Village, as well as serving as a venue for selling of souvenirs at limited scale and organising activities and workshops. The proposed use is considered not incompatible with the surrounding area. ES(A&M), AMO acknowledges that there are needs for restoration and renovation of the graded building to suit its proposed use. According to the applicant, given the limited scale of the Premises with a floor area of about 40.5m<sup>2</sup>, the Premises will only accommodate no more than 15 people at one time, with four guided tours to be arranged weekly on reservation basis. As a section of Tung Chung Road is a closed road, valid Lantau Closed Road Permits are required for motor vehicles entering Shui Hau from Tung Chung. It is expected that franchised public transportation services will be the main transport mode for the participants travelling to Shui Hau. Adverse traffic impact is not anticipated. C for T and DO(Is), HAD have no adverse comment in this regard.
- 10.3 Other relevant government departments consulted, including DFEH, DEP and CBS/HKE&H, BD, have no objection to or no comment on the application.
- 10.4 Regarding the concerns raised in the public comments, the applicant clarified in her submission (**Appendix Ia**) that the current planning application is for the Premises at the existing house at No. 49 Shui Hau. According to the applicant, while the external wall of the subject house partially overlaps with the boundary of Lot 223 in DD326L, which is subject to verification, the applicant is of the view that the development right and interest of the land owner of Lot 223 would not be affected by the proposed use at the Premises. The land matter should be dealt with separately.



## **11. Planning Department's Views**

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the public comments mentioned in paragraph 9, the Planning Department has no objection to the application.
- 11.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until **13.1.2027**, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval Conditions**

- (a) the provision of fire services installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the Town Planning Board; and
- (b) the submission and implementation of a Conservation Management Plan for the conservation of the graded building at No. 49 Shui Hau prior to the commencement of any works to the satisfaction of the Antiquities and Monuments Office or of the Town Planning Board.

### **Advisory Clauses**

The recommended advisory clauses are at **Appendix III**.

- 11.3 There is no strong reason to recommend rejection of the application.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

### **13. Attachments**

<b>Appendix I</b>	Application form received on 15.11.2022
<b>Appendix Ia</b>	Further Information (FI) received on 23.12.2022
<b>Appendix Ib</b>	FI received on 4.1.2023
<b>Appendix II</b>	Public Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Indicative Floor Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4d</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2023**