

TOWN PLANNING BOARD

TPB Paper No. 10821

**For Consideration by
the Town Planning Board on 29.4.2022**

**THE DRAFT MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/1
CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/I-MWN/1-R1 TO R70
AND COMMENTS NO. TPB/R/S/I-MWN/1-C1 TO C7**

DRAFT MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/1

**CONSIDERATION OF REPRESENTATIONS NO. TPB/R/S/I-MWN/1-R1 TO R70
AND COMMENTS NO. TPB/R/S/I-MWN/1-C1 TO C7**

Subject of Representations	Representers (No. TPB/R/S/I-MWN/1-) Total: 70	Commenters (No. TPB/R/S/I-MWN/1-) Total: 7
<i>Supportive Representations / Representations Providing Views</i>		
<p><u>Support</u> the planning intention and conservation approach of the draft Mui Wo North Outline Zoning Plan (the OZP); and/or <u>provide views</u> regarding protection of habitats by conservation zonings</p>	<p><u>Total: 13</u></p> <p><i>Green/Concern Groups (8)</i> R1: Hong Kong Bird Watching Society R2: The Conservancy Association R3: Designing Hong Kong Limited R4: Green Power R5: 守護大嶼聯盟 (Save Lantau Alliance) R6: Kadoorie Farm and Botanic Garden R7: World Wide Fund for Nature Hong Kong R8: Living Islands Movement</p> <p><i>Individuals (3)</i> R9 to R11</p>	<p><u>Total: 6</u></p> <p><i>Green/Concern Groups (3)</i> C1: Designing Hong Kong Limited (also R3) supports R1, R2 and R4 to R7 C2: The Conservancy Association (also R2) supports R1 and R3 to R7 C6: Living Islands Movement (also R8) without providing specific comment (no attachment or comment provided)</p> <p><i>Individual (3)</i> C3 (also R9) provides further views C4 (also R12) supports R1 to R5 C5 (also R10) provides further information</p>
<p><u>Provide views</u> on a Column 2 use in “Village Type Development” (“V”) zone</p>	<p><i>Individual (1)</i> R12</p>	
<p><u>Provide views</u> on general land uses</p>	<p><i>Individual (1)</i> R16</p>	

Subject of Representations	Representers (No. TPB/R/S/I-MWN/1-)	Commenters (No. TPB/R/S/I-MWN/1-)
<i>Adverse Representations</i>		
<u>Oppose</u> the OZP on grounds including insufficient “V” zone	<u>Total: 57</u> <u>Chairman of the Islands District Council (IsDC) (1)</u> R13: 離島區議會主席余漢坤 <u>Rural Committee (1)</u> R14: 梅窩鄉事委員會 (Mui Wo Rural Committee (MWRC))	<u>Total: 1</u>
<u>Oppose</u> the OZP in general that agricultural use may be affected	<u>Individuals (35)</u> R25 to R59 <u>Company (1)</u> R67	
<u>Oppose</u> the “Green Belt” (“GB”) zone or zonings of specific sites	<u>Local Residents’ Organisation (1)</u> R15: 萬角咀村居民協會 (Man Kok Tsui Residents’ Association (MKTRA)) <u>Individuals (13)</u> R17 to R24, R60 to R64 <u>Companies (5)</u> R65, R66, R68 to R70	<u>Company (1)</u> C7 (also R66) provides further views

Note: The names of all representers and commenters are attached at **Annex I**. Soft copy of their submissions is sent to the Town Planning Board (the Board) Members via electronic means; and is also available for public inspection at the Board’s website at https://www.info.gov.hk/tpb/en/plan_making/S_I-MWN_1.html and the Planning Enquiry Counters of Planning Department (PlanD) in North Point and Sha Tin. A set of hard copy is deposited at the Board’s Secretariat for Members’ inspection.

1. **Introduction**

- 1.1 On 27.8.2021, the draft Mui Wo North Outline Zoning Plan (OZP) No. S/I-MWN/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) (**Plan H-I**).
- 1.2 During the two-month statutory exhibition period, 70 representations were received. On 3.12.2021, the representations were published for public comments. Upon expiry of the three-week publication period, seven comments were received.

- 1.3 On 9.2.2022, the Town Planning Board (the Board) agreed to consider all the representations and comments collectively in one group.
- 1.4 This Paper is to provide the Board with information for consideration of the representations and comments. The representers and commenters have been invited to attend the meeting in accordance with section 6B(3) of the Ordinance.

2. Background

- 2.1 On 8.1.2021, the Mui Wo North area (the Area) was designated as a Development Permission Area (DPA) and covered by the draft Mui Wo North DPA Plan No. DPA/I-MWN/1 (the DPA Plan). The draft DPA Plan was to provide an interim planning control with a view to conserving its landscape and ecological values in safeguarding the natural habitats, maintaining the unique rural and natural character and cultural heritage of the Area, and preventing it from encroachment by unauthorized development and from undesirable change of use within the Area.
- 2.2 During the exhibition of the draft DPA Plan, a total of 44 representations were received. Amongst them, 15 representations supported, 23 representations opposed and six representations provided views on the draft DPA Plan. Zoning proposals were also suggested by some representers.
- 2.3 On 15.1.2021, the Board gave preliminary consideration to the draft Mui Wo North OZP No. S/I-MWN/C (TPB Paper No. 10713) and agreed that the draft OZP was suitable for consultation with IsDC and MWRC. The Board also remarked that PlanD might consider fine-tuning and rationalising the boundaries of the “Recreation” (“REC”) and “V” zones as land use zonings on OZP were intended to be broad-brush in nature.
- 2.4 On 6.8.2021, the Board, having considered the views collected during consultations and representations received during exhibition of the DPA Plan (TPB Paper No. 10751), agreed that the draft Mui Wo North OZP No. S/I-MWN/E and its Notes were suitable for exhibition for public inspection under section 5 of the Ordinance subject to incorporation of the ‘Field Study/Education/Visitor Centre’ use in Column 2 of the Notes for the “V” zone. On 27.8.2021, the draft Mui Wo North OZP No. S/I-MWN/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.5 The draft Mui Wo North DPA Plan No. DPA/I-MWN/1 ceased to be effective on 27.8.2021 in accordance with the Ordinance as the land in respect of the DPA Plan was included in the draft OZP gazetted on that day. The plan-making process for the DPA Plan did not proceed further.

3. Public Consultation

- 3.1 Before the Board gave further consideration to the preliminary draft Mui Wo North OZP No. S/I-MWN/E, MWRC and IsDC were consulted at its meeting on 5.3.2021 and by circulation of paper on 30.6.2021 respectively. On 3.6.2021, a

meeting was held with the representatives of Keymax Holdings Limited, which is a land owner of various lots in Butterfly Hill, and the representatives of MKTRA, which also represents a major land owner in Man Kok. On 17.3.2021 and 12.4.2021, two meetings were held with green/concern groups on the draft OZP. Some representatives of the green/concern groups are also local residents in the Area. Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Save Lantau Alliance, the Conservancy Association, Green Power, Hong Kong Bird Watching Society and Association for Geoconservation, Hong Kong attended the meeting on 17.3.2021, while Living Islands Movement, Save Lantau Alliance, Ark Eden and Support HK Environmental Petition Platform attended the meeting on 12.4.2021. Their views were reflected in the TPB Paper No.10751 for the Board's consideration.

- 3.2 Upon gazettal of the draft Mui Wo North OZP No. S/I-MWN/1, an information paper (IsDC Paper No. IDC 82/2021) was circulated to the members of IsDC on 23.9.2021. On 29.9.2021, Mr Randy Yu, the Chairman of IsDC, made a response to the above mentioned IsDC paper stating that the draft OZP could not fully address the comments raised by MWRC during the previous consultation (**Annex II**).

4. The Draft OZP (Plan H-1)

4.1 Planning Scheme Area

- 4.1.1 The Area, covering a total area of about 165.37 ha, is bounded by Lantau North (Extension) Country Park and Lantau North Country Park to the north, Mui Wo fringe area to the west, Mui Wo town centre to the southwest, and Silver Mine Bay to the south. The topography of the Area is mostly hilly with some flat land at Wang Tong and the coastline along the southern periphery of the Area. The Area is not served by vehicular access. Wang Tong and Tung Wan Tau are accessible on foot and by cycling from Mui Wo town centre through Tung Wan Tau Road. Man Kok is further connected by footpaths.
- 4.1.2 The Area comprises village settlements, woodlands, shrublands, grasslands, coastal uplands, vegetated hills, streams, marshes, mangroves, beaches, coastline and agricultural land, etc. The Area embraces rich natural landscape resources and a wide variety of flora and fauna species of ecological importance.
- 4.1.3 Two largely natural streams can be found at Wang Tong and Tung Wan Tau, where fish species of conservation interest were recorded.
- 4.1.4 There are three recognized villages in the Area, namely Mang Tong, Tung Wan Tau and Man Kok Tsui. Village houses and domestic structures are mainly of one to three storeys. Sporadic domestic dwellings can also be found uphill and along the coast. There are some active agricultural land at Mang Tong, Tung Wan Tau and Man Kok Tsui but most of the agricultural land are abandoned. There is no vehicular

access to the Area. Silver Mine Bay Beach is one of the key tourist attractions in Mui Wo. Economic and employment opportunities in the Area are mainly contributed by the commercial and recreational activities associated with Silver Mine Bay Beach, including hotels and holiday camps.

4.2 Planning Intention

- 4.2.1 The general planning intention of the Area is to conserve its landscape and ecological values in safeguarding the natural habitats and to maintain the unique natural and rural character and cultural heritage of the Area. Low-impact leisure and recreational uses compatible with the rural setting will be encouraged where appropriate. Land is also designated for village development.
- 4.2.2 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 (SH) development in recognized 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 (Extension) and Lantau North Country Parks and natural streams.

4.3 Individual Zones

- 4.3.1 The “Commercial” zone (about 0.60 ha) is intended primarily for commercial developments, which may include hotel, shop, services, place of entertainment and eating place, serving the immediate neighbourhood and the visitors.
- 4.3.2 The “Residential (Group C)” (“R(C)”) zone (about 0.15 ha) is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 4.3.3 The “V” zone (about 4.55 ha) is intended to reflect existing recognized and other villages, and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of SHs 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 (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.
- 4.3.4 The “Government, Institution or Community” (“G/IC”) zone (about 0.04 ha) 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, organisations providing social services to meet community needs, and other institutional establishments.

- 4.3.5 The “Open Space” (“O”) zone (about 2.41 ha) is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 4.3.6 The “REC” zone (about 3.11 ha) is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- 4.3.7 The “Other Specified Uses” annotated “Pier” zone (about 0.02 ha) is intended to designate land for piers to facilitate marine access to Mui Wo North.
- 4.3.8 The “Agriculture” (“AGR”) zone (about 3.78 ha) 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.
- 4.3.9 The “GB” zone (about 147.29 ha) is intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.
- 4.3.10 The “Coastal Protection Area” (“CPA”) zone (about 3.42 ha) 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.

5. The Representations and Comments on Representations (Plans H-2 and H-3)

5.1 Subject of Representations

- 5.1.1 During the two-month exhibition period, a total of 70 representations were received, including 13 representations supporting the draft OZP

and/or providing views on conservation/development issues (**R1 to R12 and R16**) and 57 representations opposing the draft OZP (**R13 to R15 and R17 to R70**).

- 5.1.2 11 representations supporting the draft OZP and/or providing views are submitted by green/concern groups (**R1 to R8**) and individuals (**R9 to R11**). They generally support the draft OZP and its planning intention and conservation approach to enable planning control in the Area. They also provide views on promoting higher level of conservation for some habitats and preventing excessive village development.
- 5.1.3 Two representations providing views are submitted by individuals (**R12 and R16**). **R12** expresses concern on the inclusion of 'Field Study/Education/Visitor Centre' in Column 2 of the "V" zone. **R16** provides views on general land uses.
- 5.1.4 Amongst the 57 adverse representations, two are submitted by the Chairman of IsDC (**R13**) and MWRC (**R14**) objecting to the OZP mainly on grounds of insufficient "V" zone. MKTRA (**R15**), five companies (**R65, R66 and R68 to R70**) and 13 individuals (**R17 to R24 and R60 to R64**) oppose the "GB" zone or zonings of specific sites including some with rezoning proposals. Nine submissions from **R17 to R24** and **R66** are in standard form with minor variations. Submissions of **R68** and **R69** including the rezoning proposal are in general identical. The rezoning proposals of **R62** and **R63** are the same as that of **R70**. The remaining 36 representations are submitted by a company (**R67**) and 35 individuals (**R25 to R59**) in standard form with minor variations. They oppose the OZP in general on the ground that the planning control imposed may affect agricultural use in the Area.
- 5.1.5 The major grounds of representations as well as their proposals, and PlanD's responses, in consultation with relevant government bureaux/departments (B/Ds), are at **Annex III** and summarised in paragraphs 5.2 and 5.3 below.

5.2 Major Grounds/Proposals of and Responses to Supportive Representations/Representations Providing Views

5.2.1 *Planning Intention*

Major Grounds	Rep. No.
(1) The general planning intention of the draft OZP to conserve the landscape and ecological values in safeguarding the natural habitats in the Area is supported. The draft OZP can ensure proper planning and development control and protect the rural and natural character with conservation value of the Area.	R1 to R5

Response
In response to (1):
(a) The supportive views are noted.

5.2.2 *Conservation of Natural Environment and Habitats*

Major Grounds/Proposals	Rep. No.
(1) The designation of “CPA” zone for the coastline from Tung Wan Tau to Man Kok is welcomed.	R2 to R5, R7 to R9
(2) The designation of “GB” zone for Butterfly Hill is agreed.	R5
(3) Various terrestrial habitats and waterbodies in the Area are important habitats for flora and fauna species and of high ecological values. They should be adequately protected from any development and potential pollution. “GB” zone is considered inadequate to protect the natural features against development. House development may still be permitted on application to the Board and the approval rate of SH applications within “GB” zone is high. The Board may also approve rezoning of “GB” for other purposes. Those habitats of high ecological value should be zoned “CA” or “GB(1)”, in which redevelopment of an existing house should be restricted to its existing bulk. NTEH should be precluded from Columns 1 and 2 uses of zonings covering area with natural vegetation, including woodlands, as well as active and abandoned farmlands, in particular Man Kok Tsui and Tung Wan Tau.	R1 to R11
(4) The section of coastline in Tung Wan Tau currently zoned “O” is still in natural condition without human disturbance.	R2, R3, R5
(5) Public works coordinated and implemented by Government, say involving excavation of land, in conservation-related zones should not be exempted from planning application. An open and transparent procedure should be maintained.	R5
(6) Septic Tank and Soakaway (STS) systems generally used by villages would adversely affect and pollute the streams and wetlands nearby.	R1 to R4, R7
<i><u>Proposals</u></i>	
(7) Woodlands in Wo Tin should be rezoned from “GB” to “CA” (Drawing H-1, Plans H-4a and H-4b).	R10

(8) Marshes in Wang Tong and Tai Wai Yuen, and mangroves in the lower reach of Wang Tong River should be rezoned from “GB” to “CA” (Drawing H-2, Plans H-5a and H-5b).	R7
(9) The coastline and beach in Tung Wan Tau should be rezoned from “O” to “CPA” (Drawings H-3 and H-4, Plans H-6a and H-6b).	R1 to R3, R5
Responses	
<p>In response to (1) and (2):</p> <p>(a) The supportive views are noted.</p>	
<p>In response to (3), (7) and (8):</p> <p>(b) “CA”, “CPA” and “GB” are all conservation-related zonings of different levels of control on land use and development. These zones have a general presumption against development. Amongst them, “CA” zone is usually used for covering areas with considerable ecological significance, e.g. mature woodland and ecologically important stream (EIS), while “CPA” zone is for natural coastline with high landscape, scenic or ecological value. For other common natural habitats and vegetated areas, “GB” zone is generally adopted. In the Area, there are various natural habitats such as woodlands, shrublands, marshes, mangroves and natural streams. However, there is no mature woodland or EIS found in the Area. As such, the current designation of “GB” zoning for these areas is considered appropriate. In response to the proposals to rezone various natural habitats with more stringent zonings, the Director of Agriculture, Fisheries and Conservation (DAFC) advises that by adopting the habitat mapping approach, it is considered appropriate to maintain the current “GB” zoning to render protection of the natural habitats and at the same time to reflect the existing site conditions where human settlements and activities are found.</p> <p>The planning intention of “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Within “GB” zone, except agricultural use and some uses compatible with the natural environment and/or administrated by the Government that are always permitted, most uses and developments require planning permission from the Board. The Board would have opportunities to scrutinise development proposals within “GB” zone on their individual merits in accordance with relevant guidelines of the Board. As for rezoning proposals, only those with strong planning justifications and no insurmountable problems will be approved by the Board.</p>	
<p>In response to (4) and (9):</p> <p>(c) “CPA” zone is intended to conserve, protect and retain the natural</p>	

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. “CPA” zone on the draft OZP covers the natural coastline between Tung Wan Tau and Man Kok which is mostly inaccessible with minimal human activities.

On the other hand, “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. “O” zone on the draft OZP covers the coastline along Tung Wan Tau Road, which comprises mainly Silver Mine Bay Beach, a gazetted public beach managed by the Leisure and Cultural Services Department for public enjoyment. For the remaining part of the coastline, although it is not within the boundary of the gazetted beach, it is an immediate extension of Silver Mine Bay Beach, conveniently accessible via Tung Wan Tau Road and overlooked by two existing recreational facilities, namely the Methodist Retreat Centre and the Hong Kong Playground Association (HKPA) Jockey Club Silvermine Bay Camp. Active recreational activities, such as water sports, are carried out by the general public at the location.

As such, the current designation of “CPA” and “O” zones is considered appropriate to reflect the existing features and conditions. With regard to the proposal of further extending the “CPA” zone to cover the coastline in Tung Wan Tau, DAFC considers that the current designation of “CPA” zone covering the natural coastline between Tung Wan Tau and Man Kok is appropriate. Besides, the Director of Leisure and Cultural Services (DLCS) recommends that Silver Mine Bay Beach be remained as “O” zone.

Notwithstanding the “O” zoning, the coastline along Tung Wan Tau Road is subject to statutory planning enforcement against unauthorized developments as well as other relevant legislations.

In response to (5):

- (d) The incorporation of the ‘exemption clause’, i.e. exempting works involving diversion of streams, filling of land/pond or excavation of land pertaining to public works co-ordinated or implemented by Government from the requirement of planning application, for conservation-related zones in the subject OZP is in line with the latest revision of Master Schedule of Notes which was promulgated by the Board on 24.8.2021. The objective of including this exemption clause is to streamline the planning application process/mechanism. Whilst such works are exempted from planning permission, they still have to conform to any other relevant legislations, the conditions of the government lease concerned, and other government requirements, as may be applicable.

In response to (6):

- (e) The design, construction and maintenance of on-site STS systems for village houses are required to comply with relevant standards and regulations, including the Environmental Protection Department's (EPD) Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the EPD" and the necessary clearance from the specified water bodies to ensure that the proposed STS systems would not cause adverse impact to the environment. In this regard, the Director of Environmental Protection (DEP) considers that the draft OZP has already addressed the protection of water quality of the streams and sea in the Area.

5.2.3 Rural Development and "V" Zone

Major Grounds/Proposals	Rep. No.
(1) "V" zone should be assessed based on reliable information, including land ownership and entitlement, and actual rather than speculated number of SH applications. There is no verification of the accuracy of SH demand forecast. The Area lacks proper vehicular access and public sewerage system to cater for large population intake. An incremental approach should be adopted. "V" zone should be confined to the existing village clusters in accordance with genuine need of indigenous villagers and should not fall within 30m from rivers, streams, watercourses, waterbodies or any other sensitive locations.	R1 to R4, R9
(2) Designation of new "V" zone with planning intention primarily for development of SH by indigenous villagers is objected as much of the land in "V" zone is owned by non-indigenous persons and unlikely to be used for SH development. The planning intention of "V" zone should be amended to "land within this zone is primarily intended for the provision of village housing in the form of NTEH, including but not limited to SHs under the SH Policy".	R8
(3) The inclusion of 'Field Study/Education/Visitor Centre' under Column 2 in "V" zone without strong justifications, detailed studies and discussions is not supported.	R5, R12
(4) The existing house lots should be retained.	R16
Responses	
<p>In response to (1):</p> <p>(a) The "V" zones designated for Mang Tong, Tung Wan Tau and Man Kok Tsui are drawn up having regard to the 'village environs' ('VE'), local topography, existing settlement pattern, outstanding SH applications and demand forecast. Areas of difficult terrain, potential natural terrain</p>	

hazards, dense vegetation, conservation and ecological value are excluded. An incremental approach has been adopted for designating the “V” zone with an aim to consolidating SH development at suitable location in order to avoid undesirable disturbance to the natural environment and overtaxing the limited infrastructure in the Area. Besides, each SH grant application will be processed by the Lands Department (LandsD) in accordance with the established procedures under the SH Policy.

In response to (2):

- (b) The planning intention of “V” zone is to reflect both existing recognized and other villages, and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of SHs by indigenous villagers. According to the Notes of the draft OZP, ‘House (NTEH only)’ is always permitted within “V” zone, which may include both SH and non-SH developments.

In response to (3):

- (c) According to the Definition of Terms promulgated by the Board, ‘Field Study/Education/Visitor Centre’ means any place or premises exclusively or primarily used for displaying information or conducting field study and educational programmes on the environment and related subjects. The inclusion of ‘Field Study/Education/Visitor Centre’ use in Column 2 of the Notes for the “V” zone is on the consideration that the Area is of landscape and ecological values. The provision for application is to allow flexibility to cater for any such need in future in support of environmental education and related studies. Should there be an application for such use in the “V” zone, the applicant is expected to provide justifications and relevant assessments to support the application. The Board would have the chance to deliberate on the individual planning merits of each relevant application. As such, it is considered appropriate to keep the ‘Field Study/Education/Visitor Centre’ as a Column 2 use in the “V” zone.

In response to (4):

- (d) The draft OZP will not affect the land status of existing house lots. In general, the existing house lots have been suitably reflected on the zonings of the draft OZP such as “R(C)” and “V”. Besides, there is provision in the covering Notes of the OZP that rebuilding of NTEH or replacement of an existing domestic building by a NTEH is always permitted on land falling within the OZP except in “CPA” zone where no house lot is found.

5.2.4 *Agricultural Land and “AGR” Zone*

Major Grounds/Proposals		Rep. No.
(1)	The permitted land use under “AGR” zone would pose undesirable environmental problem to the natural habitats and ecologically sensitive areas. Approval rate of SH application within “AGR” zone is high. Existing agricultural cluster in the Area should be zoned “GB(1)”/“AGR(2)” where no house development is allowed. In particular, majority of land in Man Kok is owned by a single developer. “AGR” zone in Man Kok cannot protect the landscape but encourages recreational development which degrades the environment. Land in Man Kok should be given a more stringent conservation zoning or the Columns 1 and 2 uses of “AGR” zone should be revised.	R1, R3
(2)	The existing agricultural land should be retained.	R16
Responses		
<p>In response to (1):</p> <p>(a) Land with conservation value has been designated with conservation-related zonings. Response (b) under paragraph 5.2.2 is relevant.</p> <p>The planning intention of “AGR” zone is 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. On the draft OZP, the “AGR” zones cover clusters of active and fallow agricultural land in the vicinity of villages including Man Kok Tsui. Such designation of zoning is considered appropriate in view of the existing conditions in the Area. In this regard, DAFC has no comment on the “AGR” zone. Appropriate planning control is in place as stipulated in the Notes of the draft OZP, where planning application for development of NTEH or place of recreation within “AGR” zone has to be submitted to the Board under the planning permission system. Each application would be considered on its individual merits taking into account relevant guidelines of the Board.</p>		
<p>In response to (2):</p> <p>(b) Generally speaking, clusters of active and fallow agricultural land near villages have been retained and zoned “AGR” as far as practicable. Given the broad-brush nature of zoning, some agricultural land which is scattered and/or away from villages may be zoned “GB” together with its surrounding natural habitats. As ‘Agricultural Use’ is also always permitted within the “GB” zone, the designation of “GB” or “AGR” zone will not hinder agricultural development and rehabilitation.</p>		

5.2.5 *Unauthorized Development*

Major Grounds/Proposals	Rep. No.
(1) Human disturbance and destruction were found in the Area, e.g. Butterfly Hill, before the implementation of DPA Plan. Any activities of ‘destroy first, build later’ should not be tolerated. The definition of ‘existing use’ (‘EU’) should be reviewed as these activities would be regarded as ‘EU’ under the Ordinance. No development should be encouraged by development-related zones in Butterfly Hill.	R2, R3
Responses	
<p>In response to (1):</p> <p>(a) With the designation as a DPA, the Area is now subject to statutory planning control and the Planning Authority could take enforcement action against unauthorized development in the Area in accordance with the Ordinance. Butterfly Hill is zoned “GB” on the draft OZP. Regarding the vegetation clearance and slope cutting works in Butterfly Hill, the Chief Town Planner/Central Enforcement and Prosecution (CTP/CEP), PlanD advises that enforcement action would be instigated as appropriate should there be sufficient evidence to form an opinion of unauthorized development at the concerned site under the Ordinance. Furthermore, the definition of ‘EU’ as stipulated under the Ordinance in relation to a DPA, which is reflected in the covering Notes of the DPA Plan and the subsequent OZP, is to facilitate the Planning Authority to undertake enforcement action against unauthorized developments in the rural areas. Due to the rule against retroactivity in criminal law, existing land use not complying with the subsequent DPA Plan or OZP is not punishable as a matter of criminal law. Penalising someone for an action without any possible foreknowledge prior to enactment of the legislation is unjust and unfair. As such, existing non-conforming uses are tolerated and exempted from planning permission. In view of the above, the current definition of “EU” under the Ordinance in respect of carrying no retrospective effect is considered reasonable. Notwithstanding the above, prior to gazettal of the draft DPA Plan, the development control mainly rested with the Buildings Department (BD), LandsD and other licensing authorities.</p>	

5.2.6 *Provision of Recreational and Community Facilities*

Major Grounds/Proposals	Rep. No.
(1) More land should be reserved for recreational and community facilities.	R16
Responses	
<p>In response to (1):</p> <p>(a) The provision of recreational and community facilities in Mui Wo area</p>	

is planned in accordance with the requirements of the Hong Kong Planning Standards and Guidelines (HKPSG) and in consultation with relevant B/Ds. Currently, there are several existing recreational facilities in the Area such as Silver Mine Bay Beach, the Methodist Retreat Centre the HKPA Jockey Club Silvermine Bay Camp. There is also an array of GIC facilities provided in the adjacent Mui Wo Town Centre area such as a municipal services building, a fire station and a swimming pool. The provision of such facilities will be subject to review by relevant B/Ds as and when necessary.

5.3 Major Grounds/Proposals of and Responses to Adverse Representations

5.3.1 ***“GB” Zone and Other Conservation-related Zonings***

Major Grounds/Proposals	Rep. No.
(1) “GB” zone is excessive and many private lots are included. Some land currently zoned “GB” on the draft OZP should be rezoned to “V” and “AGR” for village expansion and agriculture rehabilitation respectively.	R13, R14
(2) Designation of “GB” and “CPA” zones may not be able to improve the terrestrial and marine ecology of Lantau.	R15
(3) Designation of “GB” zone on various lots in/near Wang Tong is opposed as it would affect agricultural rehabilitation. The concerned lots should be retained for agricultural or recreational use to facilitate agricultural development and rehabilitation (Plans H-7a and H-7b).	R17 to R24, R64 to R66
(4) Designation of “GB” zone on land which was previously designated for agricultural or residential uses on the Mui Wo North Layout Plan (LP) is opposed as residents have legitimate expectations on the land uses according to the LP (Plans H-8a to H-8c).	R13, R14
(5) “GB” zone does not reflect the existing site condition.	R63, R70
(6) “GB” zone infringes the reasonable and legitimate development rights of the lot owner, in particular Lot No. 565 in D.D. 2 Mui Wo (MW), which is covered by ‘Building Licence No. 92’.	R63, R70
Responses	
<p>In response to (1):</p> <p>(a) The purpose of the draft OZP is to indicate the broad land use zonings for the area so that development and redevelopment within the area can be put under statutory planning control. The draft OZP endeavors to strike a balance between conservation and suitable use of land. Land status is not the only planning consideration and the appropriate zonings</p>	

would cover both government land and private land.

“GB” zone mainly covers woodlands, shrublands, grasslands, coastal uplands, vegetated hills, streams, marshes and mangroves. It also covers some scattered agricultural land which are mostly abandoned. “V” zones designated for recognized villages are drawn up having regard to the ‘village environs’ (‘VE’), local topography, existing settlement pattern, outstanding SH applications and demand forecast. An incremental approach has been adopted for designating the “V” zone with an aim to consolidating SH development at suitable location in order to avoid undesirable disturbance to the natural environment and overtaxing the limited infrastructure in the Area. The designation of “GB” and “V” zones on the draft OZP is considered appropriate. Regarding agricultural rehabilitation, response (b) under paragraph 5.2.4 is relevant.

In response to (2):

- (b) “CPA” and “GB” are both conservation-related zonings of different levels of control on land use and development. There is a general presumption against development within these zones. “CPA” zone is for natural coastline with high landscape, scenic or ecological value. For other common natural habitats and vegetated areas, “GB” zone is generally adopted. Suitable land has been designated as “CPA” and “GB” to reflect and protect the natural habitats.

In response to (3):

- (c) Response (b) under paragraph 5.2.4 is relevant.

In response to (4):

- (d) Some private lots in Wang Tong, which are zoned “GB” on the draft OZP, are designated “Residential – Zone 4” (“R4”) or “V” for low-density residential or village type developments respectively on the LP. The LP, which is administrative and non-statutory in nature, was prepared/adopted in 1984. After conducting a comprehensive land use review in 2021, the draft OZP, which is a statutory plan, was prepared having regard to the latest planning circumstances, including the findings and observations from site inspections, land use survey, local consultation and departmental comments. Since the concerned area is mainly an existing marsh, the designation of “GB” zone in accordance with the existing conditions and planning intention of the Area is considered appropriate. Besides, designation of “R4” zone on the LP does not have any implications on building entitlement. Any proposed residential development on agricultural land requires lease modification and other necessary government procedures and permissions.

In response to (5):

- (e) In the course of preparing the draft OZP, PlanD has conducted land use review and site inspections for the Area. The “GB” zone generally covers woodlands, shrublands, grasslands, coastal uplands, vegetated hills, streams, marshes, mangroves and some scattered/ abandoned agricultural land in the Area to reflect their existing conditions. The zonings on the OZP are broad-brush in nature, and sporadic dwellings, footpaths and other structures surrounded by natural habitats may also be broadly covered. In this regard, DAFC considers that the designation of “GB” zone is appropriate.

In response to (6):

- (f) The purpose of the draft OZP is to indicate the broad land use zonings for the Area so that development and redevelopment within the Area can be put under statutory planning control. The draft OZP endeavors to strike a balance between conservation and the suitable use of land. The concerned lot is largely covered by woodland with a structure at its western part. In view of the overall natural features/landscape of the area and that the building entitlement at the concerned lot cannot be ascertained by the District Lands Officer/Islands (DLO/Is), LandsD (details of the concerned lot are in response (c) under paragraph 5.3.5), the designation of “GB” zone for the area including the concerned lot is considered appropriate. The land concerned could be put to ‘always permitted uses’ (Column 1 uses) or uses that may be permitted with or without conditions on application to the Board (Column 2 uses) in accordance with the Notes of the draft OZP. Each application would be considered by the Board based on its own individual merits. As such, the draft OZP would not deprive the development rights of the lot owner.

5.3.2 *Agricultural Land*

Major Grounds/Proposals	Rep. No.
(1) Some land in the Area is quality agricultural land. The planning control imposed on the draft OZP would hinder agricultural development.	R25 to R59
(2) The entire draft OZP is opposed as modification to the existing land lease would affect the renting out of the concerned lot(s) for agricultural use.	R67
Responses	
In response to (1) and (2):	
(a) The draft OZP will not affect the land status of existing agricultural land. Response (b) under paragraph 5.2.4 is relevant.	

5.3.3 Rural Development and “V” Zone

Major Grounds/Proposals		Rep. No.			
(1) Insufficient land has been reserved for village development. Natural slopes should not be excluded from the “V” zone as there may be scope for SH development in future. Some sites subject to outstanding SH applications before gazettal of the draft OZP are zoned “GB” instead of “V” under which planning application is required for SH development. “V” zone should be expanded to cater for long term village development and cover the outstanding SH application sites at Lot No. 328 in D.D. 2 MW (Plans H-9a and H-9b).		R13, R14, R60, R61			
Responses					
In response to (1):					
(a) In general, areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded when drawing up the “V” zone. Response (a) under paragraph 5.2.3 is relevant.					
<p>As advised by DLO/Is, LandsD, there are 14 outstanding SH applications in the Area (all from Mang Tong, and nil from Tung Wan Tau and Man Kok Tsui). The total of 10-year SH demand in the Area is 20 (all from Mang Tong, and nil from Tung Wan Tau and Man Kok Tsui). Based on PlanD’s preliminary estimate, land required for meeting the SH demand is about 0.85 ha, while the available land within the “V” zones of the three recognized villages in the Area is about 0.94 ha (Table 1). Since there is available land in the respective village that could cater for future SH development, in accordance with the incremental approach, further expansion of the “V” zone is considered not necessary.</p>					
<p style="text-align: center;"><u>Table 1 – Available Land in the “V” Zone to meet the SH Demand</u></p>					
Recognized Villages	Area of “V” zone on draft OZP (ha)	Available land for SH development (ha) [No.]	Land required to meet outstanding SH (ha) [No.]	Land required to meet 10-year SH demand (ha) [No.]	Percentage of outstanding SH and 10-year demand met (%)
Mang Tong	3.05	0.78 [31]	0.35 [14]	0.5 [20]	94%
Tung Wan Tau	0.35	0.07 [2]	0 [0]	0 [0]	-
Man Kok Tsui	0.15	0.09 [3]	0 [0]	0 [0]	-

Three outstanding SH applications (including the two applications mentioned by **R60** and **R61**) located at the northern fringe of Mang Tong fall outside the “V” zone. They are located to the west of Wang Tong River in a marsh and wholly or partly falling outside the ‘VE’ of Mang Tong. The current designation of “GB” zoning for the concerned sites to reflect their existing conditions is considered appropriate. The applicants of the concerned outstanding SH applications could explore other suitable locations within the “V” zone for SH development.

5.3.4 *Provision of Recreational and Community Facilities*

Major Grounds/Proposals	Rep. No.
(1) Land should be reserved for provision of more community and recreational facilities. The “GB” zone near Mui Wo Town Centre should be rezoned to “G/IC” for development of a community hall, community welfare facilities or an international school, and “REC”. The “GB” and “CPA” zones in Chok Tsai Wan should be rezoned to “REC” and “O” respectively to facilitate a proposed water sports centre.	R13, R14
Responses	
In response to (1): (a) Response (a) under paragraph 5.2.6 is relevant.	

5.3.5 *Development Proposals*

Major Grounds/Proposals	Rep. No.
(1) Designation of “AGR”, “GB” and “CPA” zones in Man Kok is opposed. The concerned lots in D.D. 358 L should be rezoned to “G/IC” to facilitate development of a marine conservation centre which could help promote renewable energy and preserve the agriculture, fisheries and cultural heritage of Man Kok Tsui (Drawings H-5 and H-6, Plans H-10a and H-10b).	R15
(2) Designation of “GB” and “V” zones covering a site next to the Silver Mine Bay Beach and to the south of Butterfly Hill is opposed. The site should be rezoned to “Other Specified Uses” annotated “Mixed Uses with Ecological Enhancement” (“OU(MUEE)”) with a maximum plot ratio of 1.5 and a maximum building height of eight storeys to facilitate the upgrading of the area into a mix of residential/commercial development and tourism related uses with ecological enhancement to existing landscape features (Drawing H-7, Plans H-11a and H-11b).	R68, R69

<p>(3) Designation of “GB” zones covering various lots at Butterfly Hill is opposed and two proposals are put forward:</p> <ul style="list-style-type: none"> • Proposal 1: Part of Lot No. 565 in D.D. 2 MW should be rezoned to “R(C)4” with a maximum gross floor area of 365m² and a maximum building height of two storeys (R63 and R70) (Drawing H-8, Plans H-12a and 12b). • Proposal 2: The remaining part of Lot No. 565, and the part of Lots No. 94, 95, 609 and 610 in D.D. 2 MW should be rezoned to “Other Specified Uses” annotated “Animal Re-home Centre” (“OU(ARC)”) zone to facilitate the proposed animal re-home centre with overnight quarters and resting area for buffalos (R62 and R70) (Drawing H-9, Plans H-12a and H-12b). 	<p>R62, R63, R70</p>
<p>Responses</p>	
<p>In response to (1):</p> <p>(a) The proposed rezoning of the site to “G/IC” for a conservation centre for marine ecology is considered premature as no concrete development proposal nor technical assessments have been submitted to support the proposal. Taking into account the site conditions, Man Kok being generally covered by active agricultural uses, the current zonings in Man Kok are considered appropriate. Planning applications for any development proposal in support of relevant technical assessments could be submitted in accordance with section 16 (s.16) or section 12A (s.12A) of the Ordinance for the Board’s consideration if necessary.</p>	
<p>In response to (2):</p> <p>(b) The proposed rezoning of the site to “OU(MUEE)” for a mixed-use development with ecological enhancement is considered premature as no concrete development proposal nor technical assessments have been submitted to support the proposal. Taking into account the site conditions which mainly involve the marsh in Tai Wai Yuen and the existing village cluster near Chung Hau at the foothill of Butterfly Hill, the “GB” and “V” zonings at the concerned site are considered appropriate. In this regard, DLCS advises that in order to maintain the natural environment and maintain a broad and open view for public from the open space in the subject area, the development proposal is not supported. Notwithstanding this, planning applications with relevant supporting technical assessments could be submitted in accordance with s.16 or s.12A of the Ordinance for the Board’s consideration if necessary.</p>	
<p>In response to (3):</p> <p>(c) Proposal 1: The concerned site is inaccessible and part of it is occupied</p>	

by a structure located within a large piece of woodland. Regarding the supporting information provided by **R70** to demonstrate the building entitlement of Lot No. 565 in D.D. 2 MW, DLO/Is, LandsD considers that it is doubtful whether it is prudent to rely on these alleged “true copies” of the Memorandum of Agreement and Building Licence for the purpose of ascertaining the lease information of concern. In this connection, the “GB” zoning broadly covering the woodland and the structure therein is considered appropriate having regard to the broad-brush nature of zoning.

Nevertheless, according to the covering Notes of the draft OZP, 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 DPA Plan, by a NTEH is always permitted. Planning application for any development proposal could be submitted which would be considered by the Board on its own merits taking into account the relevant guidelines of the Board.

- (d) Proposal 2: The proposed rezoning of the site to “OU(ARC)” for an animal re-home centre with overnight quarters is considered premature as no concrete development proposal nor technical assessments have been submitted to support the proposal. Taking into account the site conditions including the northern part of Butterfly Hill mainly covered by woodlands, and the broad-brush nature of zoning, the “GB” zoning at the concerned site is considered appropriate. In this regard, DAFC advises that although the proposal of setting up an animal re-homing centre is generally in line with their prevailing policy, AFCD has not been approached by the project proponent for any advice or support regarding the subject proposal.

For the resting area for buffalos, AFCD in general does not oppose the idea as long as the welfare of stray cattle/buffalo is not jeopardised and further discussion is welcomed. Nevertheless, ‘Animal Boarding Establishment’, which means any place or premises providing food and accommodation, training or recreation facilities for or undertaking breeding of animals other than livestock, is a Column 2 use within the “GB” zone, a s.16 application could be submitted to the Board for consideration if the project proponent so wishes.

5.4 Comments on Representations

- 5.4.1 Seven comments are submitted by three green/concern groups (**C1, C2 and C6**), a company (**C7**) and three individuals. Commenters of **C1, C2, C3, C4, C5, C6** and **C7** are also representers of **R3, R2, R9, R12, R10, R8** and **R66** respectively.
- 5.4.2 **C1, C2** and **C4** generally support the views of representations submitted by the green/concern groups on the grounds that the Area is rich in ecological and landscape values and worth protection by conservation zonings to avoid encroachment by developments and human

disturbances. **C4** also provides views on the exemption clause for diversion of streams, filling of land/pond or excavation of land pertaining to public works in “CPA” zone.

5.4.3 **C3, C5 and C7** mainly reiterate their views made in their representations and supplement with additional information. **C3** provides further views and suggestions similar to those raised by green/concern groups. **C5** provides additional photos in relation to his representation. **C7** further substantiates his representation by additional justifications.

5.4.4 **C6** does not provide any information or attachment with its comment.

5.4.5 The grounds of supportive and adverse comments, and comments providing views are similar to those raised in the representations. The major grounds of comments, and PlanD’s responses, in consultation with relevant B/Ds, are at **Annex III**. The additional major grounds of comments are summarised in paragraph 5.5 below.

5.5 Additional Major Grounds of and Responses to Comments

Major Grounds	Com. No.
(1) There should not be further reduction in the conservation-related zones.	C2
(2) SH development should not be included as Column 2 use of any zoning other than “V” zone.	C3
(3) Stringent resale conditions should be implemented for SHs given the environmental sensitive nature of the Area.	C3
(4) The general presumption against development of “GB” zone would constrain freedom of design and exploit user right. It would increase the cost of operation as every activity is to be scrutinised and approved under s.16 of the Ordinance. It implies huge cost on preparation of submission and uncertainty in the approval period. “GB” zone should not include developed private land which is neither small nor pocketed nor mainly slopes of high gradient.	C7
(5) Designation of “GB” zone on the site in Wang Tong fails to recognise the agricultural activities supported by government policy.	C7
Responses	
<p>In response to (1):</p> <p>(a) Response (b) under paragraph 5.2.2 is relevant.</p>	

<p>In response to (2):</p> <p>(b) The Columns 1 and 2 uses in various zones on the draft OZP generally follow the Master Schedule of Notes promulgated by the Board. Development proposals involving Column 2 uses would be considered by the Board on its own merits taking into account the relevant guidelines of the Board.</p>
<p>In response to (3):</p> <p>(c) According to DLO/Is, LandsD, there is alienation restriction clause stipulated in SH Grant and Free Building Licence. Assignment of a SH is only possible after the owner obtains an approval by LandsD and subject to the payment of premium. Nevertheless, this is not a planning issue.</p>
<p>In response to (4):</p> <p>(d) Response (a) under paragraph 5.3.1 regarding the designation of “GB” zone and inclusion of private land under land use zonings is relevant.</p>
<p>In response to (5):</p> <p>(e) According to the Notes of the draft OZP, ‘Agricultural Use’ is always permitted within “GB” zone and submission of s.16 application to the Board is not required. As such, the “GB” zoning at the concerned site is considered appropriate for accommodating agricultural activities while imposing suitable planning control. DAFC also advises that except livestock keeping, there is no need to seek approval or policy support from the Government for conducting farming activities at the site.</p>

6. Departmental Consultation

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

- (a) DLO/Is, LandsD;
- (b) District Officer (Islands), Home Affairs Department;
- (c) DEP;
- (d) Chief Planning Officer, Housing Department;
- (e) Commissioner for Transport;
- (f) Head of the Sustainable Lantau Office, Civil Engineering and Development Department (CEDD);
- (g) Head of the Geotechnical Engineering Office, CEDD;
- (h) Chief Engineer/Port Works, CEDD;
- (i) Project Team Leader/Pier Improvement, CEDD;
- (j) Chief Engineer/Construction, Water Services Department (WSD);
- (k) Chief Engineer/Hong Kong, WSD;

- (l) Director of Electrical and Mechanical Services;
- (m) Director of Fire Services;
- (n) Director of Food and Environmental Hygiene;
- (o) DLCS;
- (p) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office, Development Bureau;
- (q) Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD);
- (r) Chief Engineer/Consultants Management, DSD;
- (s) DAFC;
- (t) Chief Highway Engineer/New Territories East, Highways Department;
- (u) Controller, Government Flying Service;
- (v) Director-General of Civil Aviation;
- (w) Commissioner of Police;
- (x) Director of Marine;
- (y) Chief Building Surveyor/New Territories East (1) & Licensing, BD;
- (z) Director-General of Communications;
- (aa) CTP/CEP, PlanD;
- (bb) Chief Town Planner/Strategic Planning, PlanD;
- (cc) Chief Town Planner/Urban Design & Landscape, PlanD; and
- (dd) Chief Engineer/Cross-boundary Infrastructure & Development, PlanD.

7. Planning Department's Views

- 7.1 The supportive views of **R1 (part) to R5 (part)** are noted.
- 7.2 Based on the assessments in paragraph 5 above, PlanD does not support **R1 (part) to R5 (part)** and **R6 to R70** and considers that the OZP should not be amended to meet the representations for the following reasons:

Conservation of Natural Environment and Habitats

- (a) “CA”, “CPA” and “GB” are all conservation-related zonings of different levels of control on land use and development. The designation of “GB” zone on the draft OZP is considered appropriate for protecting the natural habitats such as woodlands, marshes, mangroves and natural streams in the Area while at the same time reflecting the existing site conditions where human settlements and activities are taken place (**R1 to R11 and R13 to R15**);
- (b) the “CPA” zone covering the natural coastline between Tung Wan Tau and Man Kok is considered appropriate from nature conservation perspective. The coastline along Tung Wan Tau Road comprising Silver Mine Bay Beach and area with active water sports is considered appropriate to be designated as “O” instead of “CPA” to reflect the existing site conditions where recreational activities are taken place (**R1 to R3 and R5**);
- (c) on-site STS systems for village houses are required to comply with relevant standards and regulations to ensure no adverse impact on the environment (**R1 to R4 and R7**);

Agricultural Land and Designation of “GB” and “AGR” Zones

- (d) the designation of active and abandoned agricultural land clusters in the vicinity of existing villages as “AGR” while some scattered agricultural land surrounded by natural habitats as “GB” is considered appropriate. As ‘Agricultural Use’ is also always permitted within the “GB” zone, the designation of “GB” or “AGR” zone will not hinder agricultural development and rehabilitation (**R1, R3, R16 to R59 and R64 to R67**);
- (e) in general, existing agricultural land and house lots in the Area would not be affected by the statutory planning control imposed on the OZP. No action is required to make the existing use of any land or building conform to the OZP (**R16, R25 to R59 and R67**);

Designation of “V” Zone

- (f) the planning intention of the “V” zone is to designate both existing recognized villages and areas suitable for village expansion. The boundaries of the “V” zones are drawn up having regard to the ‘VE’, local topography, existing settlement pattern, outstanding SH applications and demand forecast. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological values are excluded. An incremental approach has been adopted for designating the “V” zone with an aim to consolidating SH development at suitable location in order to avoid undesirable disturbance to the natural environment and overtaxing the limited infrastructure in the Area (**R1 to R4, R8, R9, R13, R14, R60 and R61**);

Control stipulated in the Notes of the OZP

- (g) the purpose of the draft OZP is to indicate the broad land use zonings for the Area and impose statutory planning control. The land concerned could be put to ‘always permitted uses’ (Column 1 uses) or uses that may be permitted with or without conditions on application to the Board (Column 2 uses) in accordance with the Notes of the OZP. The draft OZP would not deprive the development rights of the lot owner (**R13, R14, R63 and R70**);
- (h) the inclusion of ‘Field Study/Education/Visitor Centre’ use in Column 2 of the Notes for the “V” zone can allow flexibility to cater for any such need in future, and thus this provision should be retained (**R5 and R12**);
- (i) the incorporation of the exemption clause for diversion of streams, filling of land/pond or excavation of land pertaining to public works co-ordinated or implemented by Government is to streamline the planning process. Incorporation of this exemption clause for conservation-related zones is in line with the latest revision of the Master Schedule of Notes to Statutory Plans (**R5**);

Unauthorized Development

- (j) upon the gazettal of the draft DPA Plan, the Planning Authority is empowered to instigate enforcement action against unauthorized developments in the Area. Any suspected unauthorized development including filling of land/pond and excavation of land will be closely monitored and enforcement action will be taken as appropriate. The current definition of 'EU' is consistent with the rule against retroactivity in criminal law (**R2 and R3**);

Provision of Recreational and Community Facilities

- (k) the provision of recreational and community facilities in Mui Wo area is planned in accordance with HKPSG and in consultation with relevant B/Ds. The provision of such facilities will be subject to review by relevant B/Ds as and when necessary (**R13, R14 and R16**); and

Development Proposals

- (l) the rezoning proposals to facilitate various proposed developments by the representer(s) are considered premature to be taken on board at this stage as no concrete proposal nor relevant technical assessments are submitted. The current zonings for the concerned sites have taken into account relevant planning considerations and are considered appropriate (**R15, R62, R63 and R68 to R70**).

8. Decision Sought

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

9. Attachments

Annex I	List of Representers and Commenters
Annex II	Email from the Chairman of Islands District Council dated 29.9.2021
Annex III	Summary of Representations and Comments and the Planning Department's Responses
Drawing H-1	Drawing provided by R10
Drawing H-2	Drawing provided by R7
Drawing H-3	Drawing provided by R2
Drawing H-4	Drawing provided by R5

Drawings H-5 & H-6	Drawings provided by R15
Drawing H-7	Drawing provided by R68 and R69
Drawings H-8 & H-9	Drawings provided by R70
Plan H-1	Draft Mui Wo North Outline Zoning Plan No. S/I-MWN/1 (reduced size)
Plan H-2	Location Plan of Representations (R1 to R70) and Comments (C1 to C7)
Plan H-3	Aerial Photo of Representations (R1 to R70) and Comments (C1 to C7)
Plans H-4a & H-4b	Woodlands in Wo Tin (R10)
Plans H-5a & H-5b	Marshes and Mangroves in the Area (R7)
Plans H-6a & H-6b	Coastline along Tung Wan Tau Road (R2 and R5)
Plans H-7a & H-7b	Various Lots in D.D. 2 MW (R17 to R24 and R64 to R66)
Plans H-8a to H-8c	Private Lots in Wang Tong and Extract of Adopted Mui Wo North Layout Plan No. L/I-MWN/1B
Plans H-9a & H-9b	Lot No. 328 in D.D. 2 MW (R60 and R61)
Plans H-10a & H-10b	Proposed “G/IC” Zone in Man Kok (R15)
Plans H-11a & H-11b	Proposed “OU(MUEE)” Zone at Tai Wai Yuen and near Butterfly Hill (R68 and R69)
Plans H-12a & H-12b	Proposed “OU(ARC)” and “R(C)4” Zones at Butterfly Hill (R62, R63 and R70)

PLANNING DEPARTMENT
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