

TOWN PLANNING BOARD

TPB Paper No. 10754

**for consideration by
the Town Planning Board on 6.8.2021**

**THE DRAFT PUI O AU OUTLINE ZONING PLAN NO. S/I-POA/E
FURTHER CONSIDERATION OF A NEW PLAN**

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1. Introduction

The purpose of this paper is to:

- (a) report on the representations received during the two-month exhibition period of the draft Pui O Au Development Permission Area Plan (DPA) No. DPA/I-POA/1;
- (b) report on the results of the consultation with Islands District Council (IsDC) and the South Lantau Rural Committee (SLRC), and the other public views received on the draft Pui O Au Outline Zoning Plan (OZP) No. S/I-POA/C; and
- (c) seek Members' agreement that the draft Pui O Au OZP No. S/I-POA/E, its Notes and Explanatory Statement (ES) (**Appendices I to III**) are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance).

2. Background

The draft DPA Plan

- 2.1 On 8.1.2021, the area of Pui O Au (the Area) was designated as a DPA and covered by the draft Pui O Au DPA Plan No. DPA/I-POA/1 (**Plan 1**). The draft DPA Plan is to provide an interim planning control with a view to protecting the natural and landscape character of the Area and preventing 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 14 representations¹ were received. Amongst all, 10 representations support, 1 representation objects to and 3 representations provide comments without indicating support or objection on the draft DPA Plan. A copy of the representations is deposited at the meeting for Members' reference. A summary of the representations received and the government's responses is provided at **Appendix IV**. The grounds of the representations and proposals are summarised below:

¹ The 10 supporting representations are submitted by green/concern groups and an individual; the 1 objecting representation is submitted by the SLRC enclosing with the petition from the villagers; the 3 representations without indicating support or objection are submitted by a group of IsDC Members, the SLRC and an individual.

Village Development

- the village houses should be excluded from the Planning Scheme Area;
- “V” zone should be delineated only for the existing village houses;
- no “V” zone should be designated in order to prevent possible adverse impact to the rural and natural character of the Area;

Permitted Burial Ground

- the permitted burial ground should be excluded from the Planning Scheme Area;

Environment and Conservation

- support the DPA Plan and its general planning intention for better protection of the natural habitats with development control and enforcement under the Ordinance;
- malfunction of the septic tank and soakaway systems of the village houses would cause pollution to the nearby watercourses and streams. In addition, the upstream section of the Pui O Ecologically Important Stream (EIS) is located at the centre of the Area. Watercourses, streams and their riparian areas should be protected by conservation zonings (e.g. “Conservation Area” (“CA”) zone) and buffers on both sides with appropriate width of about 30m;
- a diverse group of species with conservation value is found in the woodlands and streams within the Area, which should be protected by appropriate conservation zoning (such as “CA”);
- inadequate protection against environmental vandalism by the designation of “Unspecified Use” on the DPA Plan;
- geology and landforms in the Area should be considered; and

Consultation

- unreasonable timing on the gazettal of the DPA Plan as local consultation with the SLRC and local villagers could not be arranged during the Chinese New Year and under the pandemic. The gazette of the draft DPA Plan should be deferred for comprehensive consultation with the local villagers.

The draft OZP

- 2.3 On 15.1.2021, the Town Planning Board (the Board) gave preliminary consideration to the draft Pui O Au OZP No. S/I-POA/C (TPB Paper No. 10716) and agreed that the draft OZP was suitable for consultation with IsDC and SLRC. The proposed Planning Scheme Area of the new Pui O Au OZP is shown on **Plan 2**. The TPB Paper No. 10716 and an extract of the minutes of the Board’s meeting held on 15.1.2021 are at **Appendices V and VI** respectively for Members’ reference.
- 2.4 For Members’ ease of reference, major land use proposals of the draft Pui O Au OZP No. S/I-POA/C are recapitulated below (**Plan 3**):

“Village Type Development” (“V”): Total Area 0.29 ha

- (a) There is no recognised village within the Area. The “V” zone reflects

the existing village cluster in Pui O Lo Wai Tsuen (Pui O Au) at the south-western part of the Area. Demarcation of the “V” zone has taken into account the building entitlement, topography and the existing settlement. Areas with steep terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded.

“Government, Institution or Community” (“G/IC”): Total Area 0.48 ha

- (b) There are two “G/IC” zones mainly covering the electricity substation, the public vehicle park and a piece of vacant land to its west for its possible extension and a refuse collection point to the east of Pui O Lo Wai Tsuen (Pui O Au).

“Other Specified Uses” (“OU”): Total Area 0.62 ha

- (c) This zone cover two sites which are the existing private recreation centre with ancillary hostel development namely the Swire Leadership Centre and the existing Water Supplies Department’s Pui O Au Portal.

“Green Belt” (“GB”): Total Area 7.50 ha

- (d) The “GB” zone mainly covers the woodlands, shrublands, grasslands, streams, some existing houses and temporary structures in the Area. The zone also covers a permitted burial ground located to the east of Pui O Lo Wai Tsuen (Pui O Au), which is intended for burial places of deceased villagers of Pui O Lo Wai in the Area. Any burial activities should be confined within the designated grounds as far as practicable.

- 2.5 The draft Pui O Au OZP is to replace the draft DPA Plan, which would cease to be effective upon gazetting of the OZP (except for the provisions related to the existing use and unauthorised development) under the Ordinance, and the plan-making process of the DPA Plan would not proceed further. The views of the representations on the draft DPA Plan have been taken into account and incorporated into the draft Pui O Au OZP where appropriate.

3. Consultation on the draft OZP

SLRC, IsDC and Local Villagers of Pui O Lo Wai

- 3.1 SLRC was consulted on the draft OZP at its meeting on 25.3.2021 and IsDC was consulted by circulation of papers on 30.6.2021. In response to the Indigenous Inhabitant Representatives (IIR) of Pui O Lo Wai, separate meetings were held on 10.5.2021 to solicit their views and concerns on the draft OZP. The Chairman and a Member of the IsDC, Mr. Randy YU and Mr. HO Chun-fai², have submitted written comments on the draft OZP (**Appendix VII and VIII**). SLRC, IsDC and local villagers express concerns on aspects including extent of “V” zone, deprivation of rights on private agricultural land and burial ground. Major points of the concerns and proposals from SLRC,

² Mr. HO Chun-fai is the Chairman of the SLRC.

IsDC Members and local villagers on land use planning on the draft OZP are summarized below:

Village House and Private Land

- (a) Both SLRC and local villagers express that the village houses and private land should be excluded from the Planning Scheme Area (**Plan 4**). If not, the “V” zone should be expanded to the east to cover the land proposed for “GB” zone in order to reserve more land for future Small House development.

Implication to the Permitted Burial Ground

- (b) The permitted burial ground, located to the east of Pui O Lo Wai Tsuen (Pui O Au) has been designated by the Government for the villagers of Pui O Lo Wai (**Plan 4**). SLRC raises concern that the draft OZP would hinder the burial activities within the permitted burial ground and its future extension. SLRC requests the permitted burial ground within the Area be excluded from the Planning Scheme Area.

Impact to Agricultural Activities

- (c) The “GB” zone covers a major portion of the Planning Scheme Area (i.e. about 7.5 ha or 84.36%). Local villagers consider the designation of “GB” zone on the private land would affect agricultural activities including erecting structure for storing farming tools, scarifying and fertilising the soil and providing access (footpath) to the farmland.

Provision of Community, Leisure and Recreational Facilities

- (d) Members of SLRC and the IIR of Pui O Lo Wai consider there has been inadequate community, leisure and recreational facilities within the South Lantau area such as open space, sitting-out area, shelter, etc. Areas in the centre of the Planning Scheme Area should be rezoned from “GB” to “Recreation” (“REC”) or “G/IC” zones in order to provide adequate community, leisure and recreational facilities for the local villagers.

Local Residents

- 3.2 During the consultation of the draft OZP, concerns from the Living Islands Movement and the local residents were received (**Appendices IX and X**) mainly on the grounds that designating “V” and “GB” zones on the existing village houses and their lots (e.g. Lots 235 to 239 in D.D. 316L (**Plan 4**)) within the Area would deprive the right of the house owners who are not indigenous villagers for house development / redevelopment application to the Lands Department (LandsD) in the future. They propose to designate the existing village houses and their lots as residential zone.

Green/Concern Groups

- 3.3 On 17.3.2021 and 12.4.2021, two meetings were held with green / concern groups on the draft OZP. Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Save Lantau Alliance (SLA), 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, SLA, Ark Eden and Support HK Environmental Petition Platform attended the meeting on 12.4.2021. They express concerns on aspects including designation of zonings for conservation purpose, geodiversity conservation and control on unauthorized developments. Major points of the green / concern groups' concerns on land use planning on the draft OZP and their proposals are summarized below:

Designation of Zonings for Conservation Purpose

- (a) Representatives of the green groups propose that more stringent conservation zoning (such as "CA") should be designated to protect the streams and the riparian areas with high ecological value, especially the upstream of the Pui O EIS (**Plan 4**).
- (b) Some representatives of the green groups suggest that tighter control on village house development should be imposed to safeguard the natural environment. Apart from avoiding designating any rivers and their riparian areas into "V" zone, they reiterate the relevance of the judgment on the Judicial Review case on OZPs of Pak Lap, Hoi Ha and So Lo Pun areas and the Board's latest practice of adopting an incremental approach in delineating "V" zone area and boundary.
- (c) Geological conservation proposals should be formulated in consultation with Civil Engineering and Development Department (CEDD) and other relevant departments.

4. Planning Department's Responses

- 4.1 The comments and concerns received during the consultation as stated on paragraph 3 above, together with the representations made on the draft DPA Plan as summarised on paragraph 2.2 above, have been duly considered. Adjustments to the land use proposals on the draft OZP have been made as appropriate, which are summarised below for further consideration by the Board. In consultation with departments concerned, Planning Department's (PlanD) responses to the comments/proposals received are as follows:

Conservation

- (a) Regarding the green groups' views on the protection of the woodlands and watercourses/streams within the Area and provision of buffer for riparian area, the woodlands and the watercourses/streams and the riparian areas are already included in "GB" zoning with a presumption

against development, which is considered appropriate to reflect the existing natural landscape and provide adequate planning protection. Director of Agriculture, Fisheries and Conservation (DAFC) considers that the “GB” zone with the general presumption against development is appropriate in view of the overall site condition of the Area which includes natural habitats such as streams, woodlands, roadside vegetated slope and human settlements and activities (houses and graves). More stringent conservation zonings are considered not necessary.

- (b) Regarding the views expressed by the Association for Geoconservation, Hong Kong on taking the geology and landforms within the Area into account during the formulation of the draft OZP, in general, development at the land surface would not significantly affect the geology underneath. During the preparation of OZP, amongst other factors, the natural environment, topography, attractive geological features and physical landforms have been taken into consideration and appropriate zonings have been designated to protect areas of conservation value where necessary. Head of Geotechnical Engineering Office (H(GEO)) of CEDD has no in-principle objection to the draft OZP on geotechnical aspect and has no comment on the views by the Association for Geoconservation, Hong Kong.

“V” Zone

- (c) There is no recognised village within the Area. The proposed “V” zone is to reflect the existing village clusters at the southwest of the Area, having regard to factors including building entitlement, topography and the existing settlement. Areas with steep terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded. Small House application will be processed in accordance with the Small House Policy.
- (d) Regarding concerns from some local residents on depriving the right of house owners who are not indigenous villagers on house development / redevelopment, it should be noted that the planning intention of the “V” zone in this Area is to reflect the existing village cluster and according to the Notes of the draft OZP, ‘House (New Territories Exempted House (NTEH))’ within the “V” zone is always permitted. For the private lots (Lots 235 to 239 in D.D. 316L) located at the southwest of the Area which is proposed to be mainly zoned as “GB” zone with a portion zoned “V”, they are agricultural lots and at present covered by vegetation except part of Lot 237 in D.D. 316L is covered by a village house with a building licence (**Plan 4**). A stream is running through the area. The proposed “GB” zoning for the vegetated area and the proposed “V” zoning for the existing village house are considered appropriate to reflect the existing status of the area. For the existing village houses scattering on the Area and falling within the “GB” zone (**Plan 4**), the covering Notes of the draft OZP stipulate that rebuilding of NTEH and replacement of an existing domestic building by a NTEH are always permitted on land falling within the boundaries

of the Plan. The zonings on the OZP would not deprive land owners' right for development / redevelopment in future.

Burial Ground

- (e) With regard to the permitted burial ground located to the east of Pui O Lo Wai Tsuen (Pui O Au) which is for qualified villagers of Pui O Lo Wai Tsuen (**Plan 4**), it is currently covered by the proposed "GB" zone. As the permitted burial ground has been designated by the Government before the first publication in the gazette of the draft Pui O Au DPA Plan, it is an existing use of which the status of the permitted burial ground and its boundary would not be changed. Burial activities within the permitted burial ground would not be affected by the "GB" zone.
- (f) For any future extension of the permitted burial ground, according to the Notes of the draft OZP, 'Burial Ground' use is a Column 2 use in "GB" zone. Planning application is required for the consideration by the Board on case by case basis. District Officer (Islands) of Home Affairs Department (DO(Is) of HAD) advises that though there is currently no plan in extending the existing permitted burial ground, she will review the situation as appropriate when a concrete request of the proposal in extending the existing permitted burial ground is received in the future.

"GB" zone and Agricultural Activities

- (g) The designation of "GB" zone is mainly to reflect the existing natural landscape of the Area including streams, woodlands and roadside vegetated slope. Since 'Agricultural Use' is always permitted under the "GB" zone, genuine agricultural activities would not be affected by the designation of "GB" zone. Besides, structures that are ancillary and directly related to the agricultural activities are always permitted and no planning permission is required.

Provision of Community, Leisure and Recreational Facilities

- (h) In response to SLRC's request on the provision of community, leisure and recreational facilities, a site adjoining the existing government refuse collection point (coloured blue on **Plan 5**) (about 306m²) is proposed to be rezoned from "GB" to "G/IC". A maximum building height of 2 storeys is proposed for the site and the "G/IC" site covering the existing government refuse collection point. An additional site (about 245m²) abutting South Lantau Road is also proposed to be rezoned from "GB" to "G/IC" (coloured in blue on **Plan 5**) with a maximum building height of 2 storeys. The proposed maximum building height of 2 storeys for the "G/IC" sites is considered compatible with the rural character of the nearby low-rise development. Both sites are located on formed vacant government land abutting South Lantau Road. While there is currently no concrete proposal from the Government for development of community, leisure

and recreational facilities, it is considered suitable to reserve them as undesignated GIC sites for future development.

- (i) SLRC's requests have been referred to relevant departments for consideration and flexibility has been provided in the Notes of the OZP that small scale community, leisure and recreational facilities such as open space, rain shelter and other public works co-ordinated or implemented by Government on land falling within the boundary of the OZP are always permitted. For proposed private leisure and recreational development, while 'Place of Recreation, Sports or Culture' use is always permitted within the "G/IC" zone, the same use is a Column 2 use in "V" and "GB" zones. Planning permission is required for the consideration by the Board on case by case basis.

Proposed Amendments to the draft OZP

4.2 In summary, having struck a balance between local concerns and other relevant planning factors, the land use proposals are largely retained, except the following amendments proposed in response to the local request on the provision of community, leisure and recreational facilities (**Plan 5**):

- rezoning of an area (about 306m²) to the southwest of the Pui O Au public vehicle park from "GB" to "G/IC" and a building height restriction of 2 storeys for the area and the existing government refuse collection point is imposed; and
- rezoning of an area (about 245m²) abutting South Lantau Road from "GB" to "G/IC" with a building height restriction of 2 storeys.

4.3 A table comparing the land use budget of the Area covered by the draft Pui O Au OZP No. S/I-POA/E and the previous draft Pui O Au OZP No. S/I-POA/C is shown below:

| Land Use Zonings | Draft Pui O Au OZP No. S/I-POA/C (a) | | Draft Pui O Au OZP No. S/I-POA/E (b) | | Difference (b) – (a) | |
|------------------|--------------------------------------|-------|--------------------------------------|-------|----------------------|------------|
| | Hectare | % | Hectare | % | Hectare | % |
| "V" | 0.29 | 3.26 | 0.29 | 3.26 | No change | No change |
| "G/IC" | 0.48 | 5.40 | 0.54 | 6.07 | +0.06 | +0.67 |
| "OU" | 0.62 | 6.98 | 0.62 | 6.97 | No change | No change* |
| "GB" | 7.50 | 84.36 | 7.44 | 83.70 | -0.06 | -0.66 |
| Total | 8.89 | 100 | 8.89 | 100 | - | - |

Notes: * Refinement on rounding discrepancy.

4.4 The proposed amendments have been incorporated into the draft Pui O Au OZP No. S/I-POA/E (**Appendix I**). Opportunities are also taken to revise the Notes and ES of the draft OZP to reflect the latest planning situation of the Area. The corresponding amendments to the Note and ES are also highlighted (***bold and italics*** for addition and ~~double cross-out~~ for deletion) at **Appendices II and III** for Members' ease of reference. The draft Notes are formulated on the basis of the latest set of Master Schedule of Notes (MSN) to Statutory Plans endorsed by the Board whilst having regard to the peculiar

characteristics of the Area. Deviations from MSN are summarised at **Appendix XI**.

- 4.5 The draft Pui O Au OZP No. S/I-POA/E together with its Notes and ES has been circulated to relevant government departments for comments. No objection/adverse comment has been received from departments concerned. Comments received have been incorporated into the draft OZP, its Notes and ES as appropriate.

5. Publication of the draft OZP

If agreed by the Board, the draft Pui O Au OZP No. S/I-POA/E (to be renumbered as S/I-POA/1 upon exhibition) and their Notes will be exhibited under section 5 of the Ordinance for public inspection. Members of the public can submit representations on the OZP to the Board during the statutory exhibition period. The IsDC and SLRC will be informed during the statutory exhibition period of the draft OZP.

6. Decision Sought

Members are invited to:

- (a) note the representations and responses on the draft Pui O Au DPA Plan No. DPA/I-POA/1;
- (b) note the comments from and responses to IsDC, SLRC and others on the draft Pui O Au OZP No. S/I-POA/C;
- (c) agree that the draft Pui O Au OZP No. S/I-POA/E (to be renumbered as S/I-POA/1 upon gazetting) and its Notes (**Appendices I and II**) are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (d) adopt the ES (**Appendix III**) for the draft Pui O Au OZP No. S/I-POA/E (to be renumbered as S/I-POA/1 upon gazetting) as an expression of the planning intention and objectives of the Board for various land use zonings of the OZP and agree that the ES is suitable for public inspection together with the draft OZP and issued under the name of the Board.

7. Attachments

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| Plan 1 | Draft Pui O Au Development Permission Area (DPA) Plan No. DPA/I-POA/1 |
| Plan 2 | Proposed Planning Scheme Area for Pui O Au Outline Zoning Plan (OZP) |
| Plan 3 | Proposed Land Uses of the draft Pui O Au OZP No. S/I-POA/C |
| Plan 4 | Location Plan and Site Photos of areas of concern |
| Plan 5 | Proposed Revision to the draft Pui O Au OZP No. S/I-POA/C |

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| Appendix I | Draft Pui O Au OZP No. S/I-POA/E |
| Appendix II | Notes of the draft Pui O Au OZP No. S/I-POA/E |
| Appendix III | Explanatory Statement of the draft Pui O Au OZP No. S/I-POA/E |
| Appendix IV | Summary of representations on the draft Pui O Au DPA Plan No. DPA/I-POA/1 received during the public exhibition period |
| Appendix V | Town Planning Board (TPB) Paper No. 10716 |
| Appendix VI | Extract of Minutes of the TPB Meeting held on 15.1.2021 |
| Appendix VII | Email dated 7.7.2021 from the Chairman of Islands District Council Mr. YU Hon-kwan, Randy |
| Appendix VIII | Reply slip dated 7.7.2021 from the Islands District Council Member Mr. HO Chun-fai (the Chairman of the South Lantau Rural Committee) |
| Appendix IX | Email dated 23.4.2021 from Living Islands Movement |
| Appendix X | Email dated 10.5.2021 from individuals (local residents) |
| Appendix XI | Summary of Deviations from the Master Schedule of Notes |

PLANNING DEPARTMENT
AUGUST 2021