

TOWN PLANNING BOARD

TPB Paper No. 10722

**for consideration by
the Town Planning Board on 5.3.2021**

**APPLICATION FOR AMENDMENT OF PLAN
UNDER SECTION 12A OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. Y/I-NEL/1

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APPLICATION NO. Y/I-NEL/1

<u>Applicant</u>	: Mr. Fung Kam Lam
<u>Site</u>	: Chok Ko Wan Lots (CKWLs) 4 (Part) & 6 (Part), Lantau Island
<u>Site Area</u>	: About 328.37 ha
<u>Lease</u>	: (a) unleased and unallocated government land (about 308.08 ha, about 93.82%) (b) a Licence (No. CX1192) granted to CLP Power Hong Kong Limited for the purpose of laying and operating a submarine cable for transmitting electric power from Peng Chau to Kau Yi Chau (about 20.25 ha, about 6.17%) (c) a Permanent Government Land Allocation (PGLA No. IS 363) allocated to the Marine Department for the landing for light beacon at Kau Yi Chau (about 430 m ² , about 0.01%)
<u>Plan</u>	: Approved North-East Lantau Outline Zoning Plan (OZP) No. S/I-NEL/12
<u>Zonings</u>	: “Other Specified Uses” annotated “Container Terminal” (“OU(CT)”) (about 233.16 ha, about 71%) “Other Specified Uses” annotated “Container Back-up Area” (“OU(CBA)”) (about 93.9 ha, about 28.6%) “Open Space” (“O”) (about 1.31 ha, about 0.4%)
<u>Proposed Amendment</u>	: From “OU(CT)”, “OU(CBA)” and “O” to “Other Specified Uses” annotated “Reserved for General Marine Functions Uses” (“OU(RGMFU)”)

1. The Proposal

- 1.1 The applicant seeks planning permission to rezone the application site (the Site) from “OU(CT)”, “OU(CBA)” and “O” to “OU(RGMFU)” (**Plans Z-1 and Z-2**) with an intention to retain the general marine functions of the Site

for public use, which include but not limited to vessel traffic, fishing, navigation, recreational activities, and scientific researches such as marine ecology and physical oceanography. According to the application, within the proposed “OU(RGMFU)” zone, reclamation or development that involves large scale permanent decking over the sea, mining of marine resources and/or dredging of or damage to the seabed is prohibited. The applicant also proposes a new set of Notes for the proposed “OU(RGMFU)” zone with no Column 1 or Column 2 uses (**Annex Ia**).

1.2 The Site currently covers mainly sea area and Siu Kau Yi Chau (**Plan Z-3**).

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

- (a) Application form with location plan received on 12.10.2020 (**Annex I**)
- (b) A new set of Notes for the proposed “OU(RGMFU)” zone attached to application form (**Annex Ia**)
- (c) Email dated 19.10.2020 clarifying the name of the proposed zoning (**Annex Ib**)
- (d) Further Information (FI) on 22.12.2020 providing responses to departmental comments (**Annex Ic**)
(accepted and exempted from publication and recounting requirements)

1.4 On 8.1.2021, the Rural and New Town Planning Committee (the Committee) decided to defer a decision on the application and refer the application to the full Town Planning Board (the Board) for consideration as requested by the Planning Department (PlanD). The Committee agreed that the application should be submitted for the full Board’s consideration within two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form (**Annex I**) and FI (**Annex Ic**). They can be summarised as follows:

- (i) the existing zonings of “OU(CT)” and “OU(CBA)” cannot reflect the current port development plan of Hong Kong. According to previous government studies¹, Southwest Tsing Yi is a more preferred location for container terminal expansion and the potential site at North-East Lantau has been given up;
- (ii) the “O” zone is intended to serve the port workers and should be rezoned

¹ Three studies namely *Study on Hong Kong Port – Master Plan 2020*, *Study on the Strategic Development Plan for Hong Kong Port 2030* and *Preliminary Feasibility Study for Container Terminal 10 at Southwest Tsing Yi* are mentioned in the application form submitted by the applicant. A brief account of these studies and some other studies relevant to Hong Kong’s container port development is included in paragraph 4 of this Paper.

together with “OU(CT)” and “OU(CBA)” zones;

- (iii) the deletion of the term ‘Port’ from the title of the OZP in 2000² indicates that the intention of port development at North-East Lantau no longer exists;
- (iv) referencing to the National Marine Functional Zoning (2011-2020) (全國海洋功能區劃(2011-2020 年)) issued by State Council, the existing marine functions of the Site should be acknowledged and kept for public use;
- (v) there is strong public aspiration to preserve the sea of Hong Kong;
- (vi) there are records of rare marine species such as Finless Porpoises (江豚), Sea Pens (海筆珊瑚) and Seahorses (海馬) within the Site and in the vicinity of Kau Yi Chau; the Site could also be a living area of White Bellied Sea Eagles (白腹海鷗); and
- (vii) the proposed rezoning will not affect the existing uses, developments and anchorages and the vegetation on Siu Kau Yi Chau.

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

The Site falls within government land only. The “owner’s consent/notification” requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) are not applicable to the application.

4. **Background**

- 4.1 Completed in 1989, the North-East Lantau area was identified by the *Port and Airport Development Strategy* (PADS) as the primary area for expansion of Hong Kong’s port facilities. In 1991, the *Lantau Port and Western Harbour Development Studies*, which were commissioned as a follow-up of PADS, confirmed the feasibility of port development in the North-East Lantau area with a Recommended Outline Development Plan (RODP).
- 4.2 The draft North-East Lantau Port OZP No. S/I-NELP/1 (**Annex II**) with port development as the major development theme was first gazetted on 24.3.1995. Penny’s Bay and the Site were earmarked as “OU(CT)”, “OU(CBA)” and “O” on the then OZP. The designated land uses were generally in accordance with the RODP of *Lantau Port and Western Harbour Development Studies*.
- 4.3 The *Northshore Lantau Development Feasibility Study* (NLDFS) commissioned in 1998 recommended that the land use proposals for North-East Lantau should be based on a tourism and recreation development theme with scope for international standard tourism facilities while the sites for container

² The draft OZP No. S/I-NEL/5 was renamed as North-East Lantau OZP and exhibited for public inspection on 13.8.1999. On 28.3.2000, the draft North-East Lantau OZP was approved and renumbered as S/I-NEL/6.

terminals near Kau Yi Chau in the far south were retained to cater for long term port development. Following the findings of NLDFS, amendments were made to the zonings of Penny's Bay to reflect the planning intention for tourism and recreational development, while the zonings of the Site remained unchanged as "OU(CT)", "OU(CBA)" and "O" on the draft OZP S/I-NEL/5 (**Annex III**). In the light of the changing planning emphasis of the North-East Lantau area from primarily port oriented to tourism and recreation oriented, the draft OZP No. S/I-NEL/5 was renamed as North-East Lantau OZP.

- 4.4 The subsequent amendments to the OZP included extension of scheme boundary to accommodate the revised design of piers, incorporation of updated design of infrastructure works, adjustments in zoning boundaries and road alignment, and refinements to the Notes. There has been no change to the zonings of the Site up to the current version of North-East Lantau OZP No. S/I-NEL/12 which was approved in 2005.
- 4.5 In 2004, the *Study on Hong Kong Port – Master Plan 2020* (HKP 2020 Study) identified South West Tsing Yi (SWTY) as one of the potential sites for container terminal development and the *Preliminary Feasibility Study for Container Terminal 10 at SWTY* completed in 2014 ascertained the preliminary feasibility of the SWTY site.
- 4.6 In 2014, the *Study on the Strategic Development Plan for Hong Kong Port 2030* (HKP 2030 Study) anticipated that handling of containerised cargo would continue to be concentrated at Kwai Tsing Container Terminals and concluded that the existing infrastructure could be augmented to meet future demand forecasts up to 2030.
- 4.7 The *Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030* (Hong Kong 2030+) promulgated in October 2016 had proposed the development of East Lantau Metropolis (ELM), which covers Kau Yi Chau area, as one of the two strategic growth areas of Hong Kong. The Report of the Task Force on Land Supply (TFLS) published in 2018 gave support to the development of artificial islands of Kau Yi Chau as a strategic growth area catering to the need for land supply in meeting the medium to long term development needs of Hong Kong. In 2018, the Lantau Tomorrow Vision (LTV) was announced in the Policy Address. The Government, with funding approval by Legislative Council (LegCo) in December 2020, will conduct a study related to the phased reclamation for the formation of artificial islands in the central waters between the Hong Kong Island and Lantau (the Central Waters) to alleviate the acute shortage of land in the medium-to-long term as well as meeting the long-term housing and economic development needs of Hong Kong. The study is expected to be completed in 42 months.

5. **Previous Application**

There is no previous application at the Site.

6. Similar Application

There is no similar application within the boundary of the NEL OZP.

7. The Site and its Surrounding Areas (Plans Z-1 to Z-4)

7.1 The Site is:

- (a) mainly sea area with a portion covering the entire Siu Kau Yi Chau; and
- (b) accessible by marine transport only.

7.2 The surrounding areas have the following characteristics:

- (a) surrounded by existing sea area with Kau Yi Chau located to its immediate southeast;
- (b) to its west are Peng Chau and Ngan Chau. Lantau Island is to its further west and northwest. Penny's Bay of Lantau Island, where the Hong Kong Disneyland Resort is located, is situated to its northwest;
- (c) to its east are Green Island, Hong Kong Island and Victoria Harbour; and
- (d) to its southwest are Sunshine Island and Hei Ling Chau.

8. Planning Intentions

- 8.1 The "OU(CT)" zone is intended to reserve land for the long-term expansion of container port.
- 8.2 The "OU(CBA)" zone is intended to provide land for container storage, container repair and refurbishment, lorry, tractor and trailer parking, and possible container freight station development in support of container terminals.
- 8.3 The "O" zone is intended primarily for the provision of outdoor open-air space for active and/or passive recreational uses serving the needs of the workforce in the container terminals.

9. Comments from Relevant Government Bureaux and Departments

- 9.1 The following government bureaux and departments have been consulted and their views on the application and the public comments received are summarised as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD):

- (a) There are existing developments (e.g. PGLA No. IS 363 and the Licence No. CX1192) within the proposed zone of “OU(RGMFU)”;
- (b) the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) (FS(R)O) applies to all reclamation works within the HKSAR including those to be undertaken by Government or its agents, unless the works are gazetted under the Railways Ordinance or the Roads (Works, Use and Compensation) Ordinance. The Works Bureau Technical Circular (WBTC) No. 9/2001 dated 4.5.2001 on "Procedures for Gazetting under the FS(R)O" provides details and procedures required by the said Ordinance;
- (c) the Site is subject to the Deed of Restrictive Covenant dated 10.12.1999 as varied and amended by the Deed of Variation of Deed of Restrictive Covenant dated 25.8.2017 (“the DVDRC”) (collectively referred to as “the DRC”) entered into between the Government of the Hong Kong Special Administrative Region and Hongkong International Theme Parks Limited;
- (d) the Site falls within the “Height Control Zone” under the DRC and is subject to the provisions in Clause 4 of the DRC that among other things, building works (as defined in the DRC) to be carried out in the Height Control Zone shall not exceed maximum height as shown on the Structural Height Intrusion Limitations Plan at Appendix 1 of the DVDRC and no casino use is permitted within the Height Control Zone; and
- (e) further, the majority part of the Site (i.e. being within CKWL 4) is within the “Facing Reclamation Area” under the DRC and subject to the provisions in Clause 7 of the DRC. The remaining part of the Site (i.e. being within CKWL 6) is within the “Visual Buffer Zone” under the DRC and is subject to the provisions in Clause 5 of the DRC that among other things, the land within this zone can only be used as open country-side or ocean.

Strategic Planning Context

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

- (a) the rezoning application is not supported;
- (b) CEDD obtained funding approval from LegCo to commence

related studies to Kau Yi Chau Artificial Islands (“KYCAIs”) in December 2020. The Site for rezoning largely overlaps with KYCAIs. The proposed zoning by the applicant as “Reserved for General Marine Functions Uses” would have significant impact on the future land use of KYCAIs. The “Schedule of Use” of the proposed zoning prohibits reclamation in the vicinity of Kau Yi Chau, resulting in the major land supply initiative under LTV being hardly materialised;

- (c) the Chief Executive has announced LTV in the 2018 Policy Address. LTV spanning two to three decades has proposed various initiatives to increase land supply thereby alleviating the acute shortage of land in the medium-to-long term in Hong Kong. The first phase of the development under LTV will focus on the KYCAIs, with a total reclaimed area of about 1,000 ha. It is estimated that KYCAIs are capable of providing about 150,000 to 260,000 housing units, 70% of which are public housing. KYCAIs will also support the development of the third Central Business District (CBD3) providing some 200,000 diversified employment opportunities;
- (d) The overall spatial framework under Sustainable Lantau Blueprint (the Blueprint) identifies KYCAIs, which forms a part of the ELM, as the strategic growth area. The study for “Artificial Islands in the Central Waters” will follow the overall spatial framework of the Blueprint to formulate the land use proposal. The KYCAIs are located at Central Waters of Hong Kong, which is about 3km away from the natural coast of the south Lantau. The Artificial Islands would not encroach into southern coast of Lantau and adjoining waters thus complying with the principle of “Conservation for the South”. Having said that, the development of Artificial Islands would have due regard to the preservation to the environment and ecology near Kau Yi Chau; and
- (e) according to the public engagement (PE) booklet of Hong Kong 2030+ regarding preliminary concepts for the ELM, some marine benthic species, i.e. coral communities, have been identified around the waters of Kau Yi Chau.

9.1.3 Comments of the Secretary of Development (SDEV):

- (a) he notes that the SLO of CEDD has provided comments on the subject application from the perspective of LTV and pointed out that with the funding for the studies related to the KYCAIs approved by the LegCo in early December 2020, it is planned to commence the studies in mid-2021. SLO has also advised on the implication of the subject application for the future land use of KYCAIs, being a major land supply initiative under LTV.

DEVB have no supplement on top of SLO's input at this stage as far as LTV is concerned; and

- (b) according to Schedule 3 to the Interpretation and General Clauses Ordinance (Cap. 1), the waters covered in the subject application is beyond the harbour area governed by the Protection of the Harbour Ordinance (Cap. 531) (PHO).

9.1.4 Comments of the Chief Town Planner/Strategic Planning, PlanD (CTP/SP, PlanD):

- (a) he has strong reservation on the proposed rezoning from strategic planning point of view;
- (b) the Site partly falls within the ELM which is one of the two strategic growth areas proposed for PE under Hong Kong 2030+ in 2016. The basic concept of ELM is to create artificial islands by reclamation in the waters near Kau Yi Chau and the Hei Ling Chau Typhoon Shelter, and to make better use of the underutilised land in Mui Wo, with the aim of creating a smart, liveable and low-carbon development cluster with an estimated population of 400,000 - 700,000 and a CBD3 for about 200,000 employment. Hong Kong 2030+ is being finalised by DEVB and PlanD for promulgation in due course;
- (c) the Site also partly falls within LTV announced in Chief Executive's 2018 Policy Address. One of the key initiatives of LTV is to commence studies on the phased reclamation for the formation of artificial islands in the Central Waters (the Central Water Study) to be supported by a comprehensive network of strategic roads and rails that connects the Hong Kong Island, Lantau and the coastal areas of Tuen Mun, benefiting not only the artificial islands but also the Northwest New Territories as well as the territory; and
- (d) against the above background, the proposed rezoning will jeopardise the finalised recommendations of Hong Kong 2030+ and the future work on the Central Waters Study.

Marine Use

9.1.5 Comments of the Director of Marine (D of Marine):

- (a) the Site overlaps the Western Anchorage No. 1 and the Kau Yi Chau Dangerous Goods Anchorage respectively (**Plan Z-2**). These two Anchorages are currently serving the daily port operations of Hong Kong;
- (b) other than these two Anchorages, the Site is not prohibited for navigation, thus it could be used by the public for carrying out

various marine activities;

- (c) given the extent of the Site and the water depths vary greatly in different positions, thus to determine what marine activities and how these activities could be carried out would hinge upon the size of the participating vessels and the area to be covered; and
- (d) there is no existing fairway within the Site. Regarding suitability for the provision of fairways, it depends on further studies.

Nature Conservation

9.1.6 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) there is no known important habitat of Chinese White Dolphins (中華白海豚) and Finless Porpoises (江豚) within the Site. Hence, the ecological value of the Site is limited;
- (b) Bogadek's Burrowing Lizard (鮑氏雙足蜥) and nesting sites of White Bellied Sea Eagle (白腹海鵬) were recorded on other outlying islands outside the Site;
- (c) Hong Kong waters are generally available for fishing with the use of fishing vessels, except in certain areas such as the core areas of marine parks, marine reserve, fish culture zones, principal fairways, public bathing beaches and reclamation projects. These areas are under the purview of a number of different departments such as the Marine Department (MD) for principal fairways, the Leisure and Cultural Services Department (LCSD) for public bathing beaches, various works departments for reclamation projects, the Agriculture, Fisheries and Conservation Department (AFCD) for marine parks, marine reserve and fish culture zones;
- (d) regarding the public comments on the Convention on Biological Diversity (CBD) of the United Nations (UN), the target for global ocean protection of designating 10 percent of the coastal and marine areas as Marine Protected Areas by 2020 has been incorporated as one of the targets of the Hong Kong city-level Biodiversity Strategy and Action Plan (BSAP). He advises that these goals and targets consist of aspirations for achievement at the global level, and they also serve as a flexible framework for Parties, including Hong Kong, to set their own targets, taking into account local needs and priorities. Not all countries need to develop a national target for each and every global target. For some countries, the global threshold set through certain targets may have already been achieved; and

- (e) regarding a public comment on the Ramsar Convention (**Annex IVj**), he advises that Ramsar Convention is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. The Mai Po Inner Deep Bay area fulfilled several listing criteria set out in the Convention and was designated as a Ramsar Site in Hong Kong. The Convention is considered irrelevant to the context of land use planning. Besides, according to Charts for Local Vessels published by MD, part of the Site is of water depth more than 6m below Chart Datum. Hence the marine waters concerned may not be classified as wetland defined under the Convention as indicated in a public comment.

Leisure and Recreation

9.1.7 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) there are no existing / planned recreational activities and leisure facilities, as well as road side trees under the purview of his department in the Site; and
- (b) there is currently no plan to develop the site zoned “O” into public open space at present; sufficient “O” sites have to be reserved on the relevant OZP to cater for the long-term need of any new population projected for the area.

Urban Design and Landscape

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

Urban Design

- (a) it is noted that the application does not involve any development proposal. As such, she has no specific comment from urban design and visual impact perspectives; and

Landscape

- (b) according to the aerial photo of 2019, the Site is situated in an area of natural landscape character and it covers mainly the sea area and Siu Kau Yi Chau which is a small island with dense vegetation. She has no comment on the application from landscape planning perspective.

9.2 The following government bureaux/departments have no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department

- (CHE/NTE, HyD);
- (b) Chief Building Surveyor/New Territories East (1) & Licensing, Buildings Department (CBS/NTE1&L, BD);
 - (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
 - (d) Commissioner for Transport (C for T);
 - (e) Head of Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
 - (f) Chief Engineer/Port Works, CEDD (CE/PW, CEDD);
 - (g) Chief Engineer/Consultant Management, Drainage Services Department (CE/CM, DSD);
 - (h) Chief Engineer/Hong Kong and Islands, DSD (CE/HK&I, DSD);
 - (i) District Officer (Islands), Home Affairs Department (DO(Is), HAD);
 - (j) Director of Electrical and Mechanical Services (DEMS);
 - (k) Director of Environmental Protection (DEP);
 - (l) Director of Food and Environmental Hygiene (DFEH);
 - (m) Director of Fire Services (D of FS);
 - (n) Commissioner of Police (C of P);
 - (o) Secretary for Transport and Housing (STH);
 - (p) Commissioner of Tourism, Commerce and Economic Development Bureau (C of Tourism, CEDB); and
 - (q) Executive Secretary (Antiquities and Monuments) of the Antiquities and Monuments Office, DEVB.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 23.10.2020, the application was published for public comments. During the 3-week statutory public inspection period, a total of 476 public comments were received. All the public comments received are deposited at the Board's Secretariat for Members' reference.
- 10.2 465 public comments support the application. Amongst all, 268 comments are submitted via SupportHK Environmental Petition Platform (SupportHK) in standard letter format with variations (**Annex IVa**)³. 79 comments submitted through a Central and Western District Council (CWDC) member and one comment from a sub-committee of CWDC are in the same standard letter format with variations in comments provided (**Annex IVb**). The other comments are from Hong Kong Bird Watching Society, World Wide Fund for Nature Hong Kong, Green Power, Designing Hong Kong Limited, Living Islands Movement, Save Lantau Alliance, Protect Kennedy Town Alliance (**Annex IVc – IVi**) and members of the public. The major views of the support comments are summarised as follows:
- (a) additional container terminal is not necessary. The container throughput in Hong Kong has been falling due to market competition. There is no need to reserve land for construction of new container

³ SupportHK claims that 2,521 public comments have been submitted via email to the Board's Secretariat. However, according to the record of the Board's Secretariat, only 268 public comments from or via SupportHK have been received during the statutory public inspection period.

terminals. Thus, the current zoning for the container terminal is no longer suitable;

- (b) the Site should be conserved for its ecological importance from reclamation and the proposed rezoning aligns with international conventions. The proposed rezoning can protect the marine ecology of Hong Kong from the threats of polluting human activities. The Central Waters are important habitats for diverse species living in the sea and on the surrounding islands. Meanwhile, preservation of the site aligns with the targets under CBD of UN for protecting coastal regions and the Ramsar Convention for conserving wetland. The proposed rezoning is also considered in line with the “Conservation for the South” principle of the Blueprint;
- (c) reclamation is unnecessary as there are land available for development in other parts of Hong Kong. Proposed rezoning can prevent reclamation for artificial islands; and
- (d) the proposed rezoning will not affect the existing marine activities. Conservation of the Site could also support and sustain local economic activities, especially tourism and fishery in Lantau and the nearby outlying islands.

- 10.3 One public comment from an individual objects to the application (**Annex IVk**) and supports reclamation at the Site.
- 10.4 Ten public comments express environmental concerns and/or object to development at the Site (including reclamation or artificial islands) without clearly indicating their views on the proposed rezoning application (**Annex IVl**).

11. Planning Considerations and Assessment

- 11.1 The application is to rezone the Site from “OU(CT)”, “OU(CBA)” and “O” to “OU(RGMFU)” (**Plan Z-2**). The Site has a total area of about 328.37ha covering only unleased and unallocated government land (existing sea areas and Siu Kau Yi Chau) except a Licence granted to CLP Power Hong Kong Limited and a PGLA allocated to MD. According to the applicant, the proposed rezoning intends to retain the general marine functions of the Site for public use, which include but not limited to vessel traffic, fishing, navigation, recreational activities and scientific researches such as marine ecology and physical oceanography. Within the proposed “OU(RGMFU)” zone, reclamation or development that involves large scale permanent decking over the sea, mining of marine resources and/or dredging of or damage to the seabed are prohibited. There is no land use specified neither in Column 1 or Column 2 of the proposed zone.
- 11.2 The applicant has not provided any information, assessments and studies in

the submission to support the proposed rezoning. The Site at present is mainly sea area, which allows the marine functions governed under relevant laws and regulations. According to D of Marine, other than two anchorage sites (**Plan Z-2**), the Site is not prohibited from navigation and could be used by the public for carrying out various marine activities as suggested by the applicant. DLO/Is, LandsD points out that reclamation works within the HKSAR are governed by details and procedures under FS(R)O and the Site is also subject to the DRC. In other words, any change to the existing condition of the Site would be subject to the control and requirements of various regulations and the DRC. In this connection, the applicant fails to provide information and justifications on the need to rezone the Site to “OU(RGMFU)” with the planning intention to retain its existing marine functions and prohibit reclamation.

- 11.3 Although the Site has been confirmed not required for container terminal development under the HKP 2020 Study and HKP 2030 Study, relevant studies would need to be undertaken on long term plan for the area before appropriate zoning amendments/recommendations could be put forward to the Board for consideration. As emphasized by H(SLO), CEDD and CTP/SP, PlanD, the Site is part of the proposed LTV and ELM and the sea area involved would be studied for its suitability for reclamation for development. Funding application for commencing related studies to the KYCAIs to be carried out by CEDD was approved by Finance Committee of LegCo in December 2020 and the studies are planned to commence in mid-2021. It is also noteworthy that development of the ELM is one of the eight priority land supply measures recommended by the Task Force on Land Supply after extensive public engagement, as set out in its report published in December 2018. The study to be carried out by CEDD is an important step to take forward the multi-pronged land supply strategy. Approval of the rezoning application at this stage will pre-empt the important strategic study to be carried out for the area.
- 11.4 Regarding the applicant’s claims and public comments that there are records of rare marine species such as Finless Porpoises, DAFC advises that there is no known important habitat of Chinese White Dolphins and Finless Porpoises, hence the ecological value of the Site is limited. Nevertheless, the Site will be assessed under the related studies including environmental and ecological assessments to be conducted by CEDD before a recommendation on long term plan for the Site and the surrounding area is to be put forward. Approval of the rezoning application at this stage would be premature and pre-empt the planned studies to be carried out.
- 11.5 As regards public comments supporting the application, comments of bureaux and departments in paragraph 9.1 and assessment in paragraphs 11.2 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account

the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reason:

the applicant fails to provide information and justifications in the submission to support the proposed rezoning, and approval of the application at this stage will pre-empt an important study to be commissioned by Government as part of a multi-pronged land supply strategy.

13. Decision Sought

- 13.1 The Board is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 13.2 Should the Board decide not to agree to the application, Members are invited to advise what reason(s) for the decision should be given to the applicant.

14. Attachments

Annex I	Application Form with Location Plan received on 12.10.2020
Annex Ia	A new set of Notes for the proposed “OU(RGMFU)” zone attached to Application Form
Annex Ib	Email dated 19.10.2020 clarifying the name of the proposed zoning
Annex Ic	Email dated 22.12.2020 providing responses to departmental comments
Annex II	Draft North-East Lantau Port OZP No. S/I-NELP/1
Annex III	Draft North-East Lantau OZP No. S/I-NEL/5
Annex IVa	Sample of Standard Letter A (English Version)
Annex IVb	Sample of Standard Letter B (English Version)
Annex IVc	Public Comment of Hong Kong Bird Watching Society
Annex IVd	Public Comment of World Wide Fund for Nature Hong Kong
Annex IVe	Public Comment of Green Power
Annex IVf	Public Comment of Designing Hong Kong
Annex IVg	Public Comment of Living Islands Movement
Annex IVh	Public Comment of Save Lantau Alliance
Annex IVi	Public Comment of Protect Kennedy Town Alliance
Annex IVj	Public Comment of a member of the public (related to Ramsar Convention)
Annex IVk	Public Comment of a member of the public (object to the application)
Annex IVl	Public Comments of members of the public (express environmental concerns/object to development)
Plan Z-1	Location Plan
Plan Z-2	Site Plan

Plan Z-3

Plan Z-4

Aerial Photo

Site Photos

**PLANNING DEPARTMENT
MARCH 2021**