

CONFIDENTIAL

(downgraded on 2.9.2011)

**Minutes of 990th Meeting of the
Town Planning Board held on 26.8.2011**

Sai Kung and Islands District

Agenda Item 7

[Confidential Item. Closed Meeting]

Consideration of the Draft Luk Wu and Keung Shan
Development Permission Area Plan No. DPA/I-LWKS/C
TPB Paper No. 8899

[The meeting was conducted in Cantonese.]

6. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Mr. Ivan Chung - District Planning Officer/Sai Kung and Islands

Mrs. Margaret Lam - Senior Town Planner/Islands

7. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper. With the aid of a Powerpoint presentation, Mrs. Margaret Lam did so and covered the following main points as detailed in the Paper:

The Area

(a) located to the west of Ngong Ping with an area of about 167 ha, the Luk Wu and Keung Shan area (the Area) was a country park enclave fully enclosed by Lantau North and South Country Parks. The Area was characterised by a rural and natural setting with religious and tranquil atmosphere;

- (b) the Area was a valley surrounded by mountain ranges with a number of natural streams and water bodies. It was rural and natural in character comprising woodlands, shrublands and grasslands supporting various amphibian and mammal species of conservation importance;
- (c) there were three recognized villages in the Area, namely, Luk Wu Village, Upper Keung Shan Village and Lower Keung Shan Village. Luk Wu Village was a religious community whilst Upper and Lower Keung Shan Villages were small villages with a few occupied village houses. More than 30 religious buildings scattered in the Area, including Ling Yan Monastery, Yin Hing Monastery and Kwun Yam Temple. Most of the religious buildings were built in early half of the last century and some of them are graded historic buildings. The concentration of religious buildings gave the Area a special and unique religious character;
- (d) the majority of the land in the Area (about 82%) was Government land, and the remaining 18% was under private ownership comprising agricultural land and building lots;
- (e) Sham Wat Road, Tai O Road and Keung Shan Road connecting to South Lantau Road and Tung Chung Road were the main access to the Area which were subject to the Closed Road Permit system. Some parts of the Area were accessible only by footpaths and walking trails;

Need for Statutory Plan

- (f) according to the “Revised Concept Plan for Lantau” promulgated in 2007, the Area which fell within the religious node in the northwest uplands of Lantau with natural landscape setting and prominent temples of religious heritage should be protected and new developments would be permissible only if due respect had been given to the tranquil environment, natural landscape setting and unique religious character;
- (g) the Area was one of the Country Park enclaves that needed to be

covered by statutory plan. The Chief Executive in the 2010-2011 Policy Address had acknowledged the need to regulate land use of the Country Park enclaves to forestall human damage;

- (h) besides, there had been public complaints over the conversion of Yin Hing Monastery into private columbarium and the environmental degradation caused by the associated engineering works. There were grave concerns from the public and the local religious communities that the special religious character and spiritual atmosphere of the Area would be adversely affected by the commercial operation of the private columbarium and the proliferation of similar developments in the Area;
- (i) it was therefore necessary to prepare a Development Permission Area (DPA) plan for the Area to provide planning guidance and development control pending preparation of an Outline Zoning Plan (OZP) and to enable enforcement actions to be taken against any unauthorized development to safeguard the Area from undesirable change of land use;

General Planning Intention

- (j) the general planning intention for the Area was to protect the natural environment as well as the special religious and tranquil character from encroachment by development and from undesirable change of use. The planning intention was also to reflect the existing recognized villages in the Area;

Land Use Proposals

- (k) about 0.41 ha of land in the Area was zoned “Village Type Development” (“V”) to reflect the existing recognised villages. The boundaries of the “V” zone were drawn up having regard to the ‘Village Environs’, the existing village clusters, local topography and site characteristics. Areas of difficult terrain, dense vegetation, burial grounds, ecologically sensitive areas and stream courses had been avoided where possible. According to the District Lands Officer/Islands, there was currently no Small House granted within the

‘Village Environs’ and no outstanding Small House application for the recognised villages in the Area. As Luk Wu Village was a religious community with numerous temples/monasteries/nunneries, only the existing village clusters in the Upper and Lower Keung Shan Villages were zoned “V” on the draft DPA Plan. Nevertheless, the boundaries of the “V” zones would be further defined during the preparation of the OZP to take account of the Small House demand and developments. As diversion of streams or filling of pond might cause adverse impacts on drainage and the natural environment, planning permission from the Board was required for such works and related activities, except public works co-ordinated or implemented by the Government, and maintenance, repair or rebuilding works;

- (l) the remaining 98% of the Area (about 164.04 ha) was designated as “Unspecified Use”. This would give immediate statutory protection pending further studies to establish the appropriate uses for the area. Apart from ‘Agricultural Use’ and some uses which were permitted under the covering Notes of the DPA Plan, all uses and developments within the “Unspecified Use” area would require planning permission from the Board. Planning permission would also be required for diversion of stream, filling of land/pond or excavation of land, except public works implemented or coordinated by the Government;
- (m) to the north of Ngau Kwo Tin, a catchwater and its service road fell within the Lantau South Country Park. As they ran across the Plan Area, they were also incorporated into the DPA Plan and designated as “Unspecified Use”. They would be given appropriate zoning in the course of the preparation of the OZP; and

Consultation

- (n) the draft DPA Plan together with the Notes and Explanatory Statement (ES) had been circulated to the relevant government bureaux/departments and their comments had been incorporated, where appropriate. The Islands District Council and the Tai O Rural

Committee would be consulted on the draft DPA Plan after its publication under s.5 of the Town Planning Ordinance (the Ordinance).

8. A Member asked if the boundaries for the three recognized villages shown in red in one of the Powerpoint slides were the respective “Village Environs”. Mrs. Margaret Lam replied in the affirmative.

9. Mr. Jimmy C.F. Leung asked about the implications of the publication of the draft DPA Plan on the Yin Hing Monastery. Mr. Ivan Chung said that upon the publication of the draft DPA Plan, a freezing survey would be undertaken to record the uses of the Monastery at that point in time, including the private columbarium use. The purpose of the freezing survey was to establish the ‘existing use’ status as defined under the Ordinance. While ‘existing use’ would be tolerated under the Ordinance, any material change of such use would have to comply with the provisions of the draft DPA Plan.

10. A Member asked about the columbarium use in the Area. Mr. Ivan Chung said that according to site visit, only the private columbarium in Yin Hing Monastery was under commercial operation. It was also noted that there was columbarium use in other monasteries/temples in the Area, but they were mainly meant to serve their monks and nuns.

11. After further deliberation, the Board agreed that :

- (a) the draft Luk Wu and Keung Shan DPA Plan No. DPA/I-LWKS/C (to be renumbered to DPA/I-LWKS/1) and its Notes at Appendices I and II of the Paper were suitable for exhibition for public inspection under s.5 of the Ordinance;
- (b) the ES at Appendix III of the Paper was suitable to serve as an expression of the planning intention and objectives of the Board for the draft Luk Wu and Keung Shan DPA Plan and that the ES should be issued under the name of the Board; and

- (c) briefings on the draft DPA Plan would be conducted for the Islands District Council and the Tai O Rural Committee after its publication under s.5 of the Ordinance.

12. As Members had no further questions and comments to raise, the Chairman thanked PlanD's representatives for attending the meeting. They all left the meeting at this point.

Sha Tin, Tai Po and North District

Agenda Item 8

[Confidential Item. Closed Meeting]

Consideration of the Draft Yim Tin Tsai and Ma Shi Chau
Development Permission Area Plan No. DPA/NE-YTT/D
(TPB Paper No. 8901)

[The meeting was conducted in Cantonese.]

13. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Mr. W.K. Hui	- District Planning Officer/Sha Tin, Tai Po and North
Ms. Lisa Cheng	- Senior Town Planner/Tai Po

14. Members noted that replacement pages for the Paper were tabled. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper. With the aid of a powerpoint presentation, Ms. Lisa Cheng made the following main points as detailed in the Paper:

Location

- (a) with an area of about 107.94 ha, the Yim Tin Tsai and Ma Shi Chau

Area (the Area) was located in Tolo Harbour and formed part of the southern edge of Plover Cove. The Area comprised four islands, namely Yim Tin Tsai, a small island to the northeast of Yim Tin Tsai, Ma Shi Chau and Yeung Chau. The Area was rural and natural in character with high landscape value and scenic quality comprising woodlands, rocky coasts, mangroves, streams, wetland, fallow agricultural land and village houses;

Need for Statutory Plan

- (b) in the past years, there had been public concerns about suspected unauthorized site formation works and private columbarium use at Shui Mong Tin in Ma Shi Chau, which had caused adverse impacts on the natural vegetation and landscape of the Area. Hence, there was a need to prepare a Development Permission Area (DPA) Plan for the Area to provide interim planning guidance for future development pending preparation of an Outline Zoning Plan (OZP) and to enable enforcement action to be taken against any unauthorized developments. This would better protect the natural scenic character and geotechnical value of the Area from uncontrolled development;
- (c) on 12.3.2010 and 23.8.2011, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Ordinance, to prepare a draft DPA Plan to cover the Area;

The Planning Scheme Area

- (d) Yim Tin Tsai was rural in character. It comprised mainly village houses (mainly 2-storey tenement houses) in the Sam Mun Tsai New Village and Luen Yick Fishermen Village, a designated burial ground for indigenous villagers and local fishermen and natural hillsides covered with woodlands. There were some small-scale boat repairing workshops in temporary structures along the coast and a low-density

private residential development (Springdale Garden) and a church in the northern part of the island;

- (e) the small island to the northeast of Yim Tin Tsai (except for three pockets of mainly private land), Ma Shi Chau (except for two pockets of land with private lots at Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin) and Yeung Chau fell within the Ma Shi Chau Special Area, that was designated under the Country Parks Ordinance (Cap. 208). All uses and developments within the Ma Shi Chau Special Area required consent from the Country and Marine Parks Authority;
- (f) the Yim Tin Tsai and Ma Shi Chau Site of Special Scientific Interest (SSSI), that was designated in 1982, covered the eastern tip of Yim Tin Tsai, the Ma Shi Chau and the tombolo connecting the two islands;
- (g) the northern tip of Yim Tin Tsai was accessible from Sam Mun Tsai Road connecting to Ting Kok Road. The remaining parts of the Area was overgrown with vegetation and inaccessible by vehicles. Ma Shi Chau was connected to Yim Tin Tsai by a tombolo that was only accessible when the tide was low. Yeung Chau could only be reached by boat;
- (h) the Yim Tin Tsai Site of Archaeological Interest was located within the southern part of Yim Tin Tsai. The Antiquities and Monuments Office of the Leisure and Cultural Services Department and the Commissioner for Heritage's Office of the Development Bureau should be consulted on any development, redevelopment or rezoning proposal which might affect the site of archaeological interest and its immediate environs;
- (i) most of the land in the Area (about 97.2%) was Government land, while the remaining area was private land comprising mainly fallow agricultural land and some building lots in the north and along the shore at the southern entrance of the Shuen Wan Typhoon Shelter;

General Planning Intention

- (j) the general planning intention of the Area was to conserve the areas of high landscape and geological significance, to protect the unique landscape character and to maintain the rural and natural character of the Area. The designation of various land use zones in the Area had taken account of existing villages and development pattern, landscape character and the designated areas of high conservation value;

[Mr. Timothy K.W. Ma left the meeting at this point.]

Land Use Zonings

“Residential (Group C)” and “Residential (Group D)” Zones

- (k) about 0.29 hectares (ha.) of land covering Springdale Garden at the northern tip of Yim Tin Tsai was proposed to be zoned “Residential (Group C)” (“R(C)”). This zone would be primarily intended for low-rise and low-density residential developments. Development within this zone would be subject to a maximum gross floor area (GFA) of 2,325m² and a maximum building height (BH) of three storeys so as to retain the existing development intensity which blended in well with the surroundings;

[Post meeting note: the maximum GFA restriction for the “R(C)” zone was amended from 2,685m² to 2,325m² as in the lease conditions.]

- (l) about 4.35 ha. of land covering Sam Mun Tsai New Village, Luen Yick Fishermen Village and the surrounding area occupied by some village houses, domestic and temporary structures was proposed to be zoned “Residential (Group D)” (“R(D)”). This zone would primarily be intended for improvement and upgrading of existing temporary

structures through redevelopment of existing temporary structures. In-situ redevelopment of existing houses would be subject to a maximum building area of 37.2m² and a maximum BH of two storeys (6m). In addition, low-rise and low density residential development (excluding in-situ redevelopments) might be permitted on application to the Board and would be subject to a maximum plot ratio of 0.4 and a maximum BH of three storeys (9m);

- (m) to provide flexibility for innovative design, minor relaxation of the plot ratio, GFA and / or BH restrictions under the “R(C)” and “R(D)” zones might be considered by the Board through the planning permission system. Each proposal would be considered on its individual merits;

“Site of Special Scientific Interest” Zone

- (n) about 7.24 ha. of land covering some areas within the Yim Tin Tsai and Ma Shi Chau SSSI but not covered by the Ma Shi Chau Special Area were proposed to be zoned “SSSI”. The planning intention for the “SSSI” zone would be to conserve and protect the features of special scientific interest therein with a general presumption against development. In view of the conservation value of the area, planning permission from the Board was required for diversion of streams, filling and excavation of land and ‘grave’ use would not be permitted;
- (o) notwithstanding, it was noted that a portion of the designated burial ground fell within the boundary of the proposed “SSSI” zone. The District Officer/Tai Po (DO/TP) had pointed out that the burial ground was designated by the Government and had existed for many years, and there would be expectation that areas within the designated burial ground would continue to be reserved for burying of the eligible deceased indigenous villagers and locally based fishermen upon publication of the DPA Plan;
- (p) in this regard, a “SSSI(1)” sub-zone was proposed within the “SSSI”

zone to cover the area, which was part of the designated burial ground that fell within the Yim Tin Tsai and Ma Shi Chau SSSI. ‘Grave (within designated burial ground in “SSSI(1)” only)’ use was proposed to be included as a Column 1 use in the Notes of the “SSSI” zone. The Director of Agriculture, Fisheries and Conservation had no objection to continuation of burial activities within the area given that the designated burial ground was an existing use and the major geological features were found in the coastal areas which fell outside the boundary of the designated burial ground;

“Unspecified Use” Area

- (q) about 96.06 ha. of land was proposed to be designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of preparing the Outline Zoning Plan for the Area. The proposed “Unspecified Use” area covered the north-eastern coastal area and the central part of Yim Tin Tsai and a small island to its northeast, Yeung Chau and Ma Shi Chau (except Shui Mong Tin and a small circular area to the northeast of Shui Mong Tin); and

Consultation

- (r) the draft DPA Plan together with the Notes and Explanatory Statement (ES) attached to Appendices I to III of the Paper had been circulated to the relevant government bureaux/departments and their comments had been incorporated, where appropriate. The Tai Po District Council and the Tai Po Rural Committee would be consulted on the draft DPA Plan after its publication under s.5 of the Ordinance.

15. Mr. W.K. Hui clarified the proposed amendments to the replacement pages. For page 6 of the Notes for the “SSSI” zone, the Column 1 use in respect of ‘grave’ use should be revised from ‘Grave (designated “SSSI(1)” only)’ to ‘Grave (within designated burial ground in “SSSI(1)” only)’. This was to clearly state that ‘grave’ use would only

be permitted on the burial ground on Yim Tin Tsai that was designated by the Government and had existed for many years. In this regard, page 5 of the ES should be amended by adding the word ‘notwithstanding’ to the beginning of paragraph 7.4.3(e) of the ES in respect of the “SSSI(1)” sub-zone.

16. In response to the Vice-chairman’s question as to why ‘grave’ use was proposed to be included as a Column 1 use in the “SSSI” zone, the Chairman said that PlanD’s proposal was to allow ‘grave’ use only within the designated burial ground in the “SSSI(1)” sub-zone. The designated burial ground was designated by the Government for the burying of the eligible deceased indigenous villagers and locally based fishermen.

17. In response to a Member’s question, Mr. W.K. Hui (DPO/STN) showed Members the location of the proposed “SSSI(1)” sub-zone on the visualizer. The “SSSI(1)” sub-zone was located at the eastern tip of Yim Tin Tsai, which would cover an area that fell within the boundaries of both the designated burial ground and the Yim Tin Tsai and Ma Shi Chau SSSI.

18. The same Member asked about the value of the SSSI at Shui Mong Tin, which was currently occupied by suspected unauthorised private columbarium use. Mr. W.K Hui (DPO/STN) said that the Yim Tin Tsai and Ma Shi Chau SSSI covered the whole Ma Shi Chau (including Shui Mong Tin) and the eastern tip of Yim Tin Tsai. The value of that SSSI rested with the rocky coasts and geological features of the area.

19. The Secretary further said that PlanD’s proposed amendment to the Notes of the “SSSI” zone was to clearly spell out that ‘grave’ use was only permitted within designated burial ground in the “SSSI(1)” sub-zone. This proposed amendment was to provide clarity to differentiate the designated burial ground at Yim Tin Tsai from the suspected unauthorised private columbarium use at Shui Mong Tin.

20. After further deliberation, the Board agreed that :

- (a) the draft Yim Tin Tsai and Ma Shi Chau DPA Plan No. DPA/NE-YTT/D (to be renumbered to DPA/NE-YTT/1) in Appendix I of the Paper and its Notes at Appendix II of the Paper were suitable for

exhibition for public inspection under s.5 of the Ordinance;

- (b) the ES at Appendix III of the Paper was suitable to serve as an expression of the planning intention and objectives of the Board for the draft Yim Tin Tsai and Ma Shi Chau DPA Plan and that the ES should be issued under the name of the Board; and
- (c) briefings on the draft DPA Plan would be conducted for the Tai Po District Council and the Tai Po Rural Committee after its publication under s.5 of the Ordinance.

21. As Members had no further question and comment to raise, the Chairman thanked PlanD's representatives for attending the meeting. They all left the meeting at this point.