TOWN PLANNING BOARD

CONFIDENTIAL

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TPB Paper No. 10696

for consideration by the Town Planning Board on 27.11.2020

CONSIDERATION OF THE DRAFT SHAM WAT AND SAN SHEK WAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/I-SW/B

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CONSIDERATION OF THE DRAFT SHAM WAT AND SAN SHEK WAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/I-SW/B

1. Introduction

The purpose of this paper is to seek Members' agreement that:

- (a) the draft Sham Wat and San Shek Wan Development Permission Area (DPA) Plan No. DPA/I-SW/B (to be renumbered as DPA/I-SW/1) (**Appendix I**) and its Notes (**Appendix II**) are suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
- (b) the Explanatory Statement (ES) (**Appendix III**) is suitable to serve as an expression of the planning intention and objectives of the Town Planning Board (the Board) for the draft Sham Wat and San Shek Wan DPA Plan and that the ES should be issued under the name of the Board.

2. <u>Background</u>

2.1 On 9.11.2020, 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 Sham Wat and San Shek Wan area which is not covered by any statutory plan.

Location and Physical Characteristics (**Plans 1 to 3**)

2.2 Sham Wat and San Shek Wan, including two small pieces of land to the west of San Chau along the coastline (the Area), is located on the north-western part of Lantau Island fronting the Hong Kong-Zhuhai-Macao Bridge (HZMB) Hong Kong Link Road. It is embraced by the Lantau North and the Lantau North (Extension) Country Parks to its south and the sea bay to the north. It covers an area of about 179.59 ha comprising village settlements, woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, active and abandoned farmland, wetlands including marshes and mangroves and coastal features including shorelines, mudflats and seagrass bed. The Area consists of hilly terrains along foothills of Nei Lak Shan to the east and Cheung Shan to the southwest. Only Sham Wat is accessible by vehicles via Sham Wat Road whereas most parts of the Area are accessible only by footpaths.

Need for Statutory Plan

2.3 The Area is currently not covered by statutory plan. It forms an integral part of the natural woodlands system in the adjoining country parks with a wide spectrum of natural habitats supporting a high diversity of wild fauna and

flora and are worth conserving. Human disturbance in the form of footpath and road widening and slope cutting works was recently found along Tung O Ancient Trail to allow vehicular access between Sham Wat and Sha Lo Wan which has adversely affected the rural and natural character of the Area (**Plan 4**). To prevent any haphazard and uncontrolled development that may adversely affect the rural and natural character with scientific importance and conservation value of the Area, it is necessary to prepare a DPA Plan to cover the Area to provide interim planning control, pending preparation of an Outline Zoning Plan (OZP) and to enable enforcement actions to be taken against any unauthorised developments and undesirable change of use.

3. Object of the Plan

- 3.1 The object of the Plan is to delineate the extent of the Area and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 The Plan is to illustrate the broad principles of development within the Area. It is a small-scale plan and the planning scheme boundary, the boundary of the land use zones may be subject to minor adjustments as detailed planning and development proceed.
- 3.3 The Plan is to provide interim planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and development constraints for the formulation of an OZP.

4. <u>The Development Permission Area</u>

4.1 <u>Strategic Planning Context</u>

An overarching principle of 'Development in the North; Conservation for the South' embraced by the Sustainable Lantau Blueprint (the Blueprint) was promulgated in June 2017. The predominant part of Lantau would be conserved for its natural and cultural resources. Unique rural settlements would also be preserved and enhanced. Where appropriate, low-impact leisure and recreational uses would be developed for public enjoyment.

4.2 The Existing Situation

- 4.2.1 Majority of the Area is largely natural with limited development. Human disturbance in the form of footpath and road widening and slope cutting works are found on both sides of Tung O Ancient Trail. Currently, the Area is not covered by any statutory plan or designated as country park. Hence, developments in the Area are not subject to planning control.
- 4.2.2 The Area is a popular hiking area with scenic views. Some famous walking trails such as Tung O Ancient Trail connect to other areas on

Lantau including San Tau, Sha Lo Wan, Tai O, Tung Chung and Ngong Ping. There is no significant economic activity in the Area. Major commercial activities include some local provision stores in Sham Wat that operate mainly during weekends. Active agricultural land is mainly located in the vicinities of the village clusters in Sham Wat, Sham Shek Tsuen and San Shek Wan.

Ecological and Conservation Importance (Plans 5 and 6)

- 4.2.3 The Area forms an integral part of the natural woodlands system in the adjoining country parks with a wide spectrum of natural habitats supporting a high diversity of wild fauna and flora and are worth conserving. In particular, San Chau, which was designated as a Site of Special Scientific Interest (SSSI) in 1999, harbours the largest known population of *Rhododendron championiae* (毛葉杜鵑) in Hong Kong, in which the species is considered as one of the rarest native rhododendrons in Hong Kong.
- 4.2.4 There is a natural stream in Sham Wat, the Ngong Sham Stream (昂 深石澗) which is an Ecologically Important Stream (EIS) characterised by its high diversity of freshwater fish species and herpetofauna in Hong Kong, including the rare Japanese eel (Anguilla japonica 日本鰻鱺). The myriad of terrestrial natural habitats, coupled with streams and natural coastal environment, offer desirable homes for a diverse community of animals of different kinds, including species of conservation importance such as Romer's Tree Frog (Liuixalus romeri 盧氏小樹蛙), Short-legged Toad (Megophrys brachykolos 短腳角蟾), Tokay Gecko (Gekko gecko 大 壁虎), Burmese Python (Python bivittatus 蟒蛇), Crested Goshawk (Accipiter trivirgatus 鳳頭鷹) and Common Cerulean (Jamides celeno 錫冷雅灰蝶). The coastal area, in particular Sham Wat Wan, contains marshes, mangroves, mudflats, seagrass bed and various types of coastal plants. Horseshoe Crab could be found in Sham Wat Wan and along the coast near San Chau.

Landscape Value (Plan 5)

4.2.5 The natural landscape of the Area consists of woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, wetlands including marshes and mangroves and coastal features including shorelines, mudflats and seagrass bed. Woodlands cover the majority of the Area in particular along the coast near San Chau, area to the east and south of the Ngong Sham Stream and in the vicinity of the village clusters in Sham Wat, Sham Shek Tsuen and San Shek Wan.

Recognised Villages (Plans 7a and 7b)

4.2.6 There are two recognised villages within the Area, namely Sham Wat and San Shek Wan. Sham Wat is the most populated village in the Area. It is served by a jetty and Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. Sham Wat

mostly consists of one to two-storey village houses, temporary structures and local provision stores fronting Sham Wat Wan. A few patches of active agricultural land can be found near the village and estuary of the Ngong Sham Stream.

4.2.7 San Shek Wan, located in the north-eastern part of the Area, is relatively smaller in size and the domestic structures are sparsely distributed. It can be accessed via the Tung O Ancient Trail or by boat via the local pier. The village comprises mainly abandoned farmland in the northwest, with a few one to three-storey village houses and temporary structures along the footpath.

Nam Tin, Sham Shek Tsuen (Plan 7c)

4.2.8 Nam Tin and Sham Shek Tsuen, located to the northeast of Sham Wat Wan and to the north of Sham Wat, are not recognised villages but consist of some one to two-storey village houses, ruins and woodlands.

Government Uses (Plans 7b and 8)

4.2.9 There is a public toilet located at Sham Shek Tsuen. The Sham Wat Road Break Pressure Tank and the Sham Wat Catchment Barrack of Water Supplies Department are sited adjacent to Sham Wat Road in the southernmost part of the Area.

Religious Institutions (Plans 7b and 7c)

4.2.10 There are two religious institutions namely Sam Shan Kwok Wong Temple (三山國王廟) in San Shek Wan and Shing Kok Ha Yuen (勝 學下苑) near Sham Shek Tsuen.

Burial Grounds (**Plan 9**)

4.2.11 There are two permitted burial grounds in the Area for indigenous villagers. They are located to the northeast of San Shek Wan and to the west of Sham Wat Tsuen.

4.3 Population

Based on the 2016 Population By-census, the population of the Area as estimated by the Planning Department is about 100.

4.4 Accessibility

At present, only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. While most parts of the Area are inaccessible due to lack of vehicular access, some parts may be accessible by footpaths. There are some famous walking trails such as Tung O Ancient Trail. With the provision of a pier at San Shek Wan and a jetty at Sham Wat, the Area is also accessible by boat.

4.5 <u>Utility Services</u>

Drainage

4.5.1 At present, the Area has no public drainage system. Any development planned in this Area shall reserve sufficient land for the necessary drainage improvement in future.

Sewerage

4.5.2 There is no existing or planned public sewer for the Area and at present, the Area is mainly served by on-site septic tank and soakaway system (STS). The design and construction of the STS need to comply with relevant standards and regulations, such as the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 of the Environmental Protection Department for the protection of the water quality and the stream flowing through the Area.

Water Supply

4.5.3 Fresh water supply is available to the existing clusters of village houses at Sham Wat and San Shek Wan but the supply is of limited capacity. There is no salt water supply system for flushing in the Area.

Telephone, Electricity and Gas

4.5.4 At present, telephone network and electricity are available in the Area. There is no gas supply to the Area.

4.6 <u>Geotechnical Safety</u>

The Area and its vicinity comprise hilly natural terrain with past natural terrain landslide records. There are about 94 registered man-made slopes and retaining walls within the Area and the stability of these slope features is mostly unknown.

4.7 Cultural Heritage (**Plan 9**)

- 4.7.1 There are five Sites of Archaeological Interest (SAI) in the Area including San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worth preserving.
- 4.7.2 Prior consultation with the Antiquities and Monuments Office (AMO) of Development Bureau (DEVB) should be made if any developments, redevelopments or rezoning proposals may affect the above SAIs, graded historic buildings/structures, new items pending grading assessment and their immediate environs.

4.8 <u>Land Ownership</u> (**Plan 9**)

Land tenure within the Area comprises private land, government land, Government Land Licenses and other permits. Majority of the Area is government land (about 96%, 172.08 ha) and about 4% (about 7.51 ha) of the Area is privately owned.

5. General Planning Intention

The general planning intention of the Area is to protect the ecologically sensitive areas (including the San Chau SSSI and the EIS), to maintain the unique rural and natural character, landscape value and the cultural heritage of the Area, and to prevent it from encroachment by unauthorized development and from undesirable change of use.

6. <u>Land Use Zonings (Appendix I)</u>

"Site of Special Scientific Interest" ("SSSI"): Total Area 6.52 ha

- 6.1 This zone is intended to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI. There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.
- 6.2 This zone covers part of the San Chau SSSI which was designated in 1999. The SSSI, covered by scrubland, is a coastal hill slope to the west of Sham Wat Wan on northern Lantau. The site harbours the largest known population of *Rhododendron championiae* (毛葉杜鵑) in Hong Kong, in which the species is considered as one of the rarest native rhododendrons in Hong Kong.
- 6.3 Diversion of stream, filling of land/pond or excavation of land may cause adverse impacts on the adjacent areas and adverse impacts on the natural environment and the ecology. In view of the scientific value of the area within this zone, permission from the Board is required for such activities.

"Unspecified Use": Total Area 173.07 ha

6.4 This area consists mainly of woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, active and abandoned farmlandand village settlements. It also includes the natural coastal features in Sham Wat Wan such as shorelines, marshes, mangroves, mudflats and seagrass bed. To protect the natural landscape, ecological resources and rural character of the Area, planning guidance and development control are considered necessary.

Except the area zoned "SSSI", the remaining area of the Plan has been designated as "Unspecified Use" pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of OZP. Any use and development other than 'Agricultural Use' and some uses which are permitted under the covering Notes of the Plan will require planning permission from the Board.

6.5 As diversion of stream, filling of land/pond or excavation of land may cause adverse landscape, environmental, ecological and drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except those for public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

7. Notes of the Plan

- 7.1 Attached to the draft DPA Plan is a set of Notes which shows the type of uses or developments which are always permitted within the Area and other uses for which planning permission from the Board should be sought. The provision for application for planning permission under section 16 of the Ordinance allows flexibility in land-use planning and control of development to meet the changing needs.
- 7.2 The draft Notes (**Appendix II**) are formulated on the basis of the latest Master Schedule of Notes to Statutory Plans endorsed by the Board whilst having regard to the peculiar characteristics of the Area.

8. <u>Plan Number</u>

Upon gazetting, the draft Sham Wat and San Shek Wan DPA Plan will be renumbered as DPA/I-SW/1.

9. Consultation

- 9.1 The draft DPA Plan together with the Notes and ES have been circulated to the relevant government departments for comments. Comments received have been incorporated into the draft DPA Plan, its Notes or ES, which has been endorsed by the New Territories District Planning Conference by circulation on 19.11.2020 as suitable for submission to the Board for consideration.
- 9.2 The Islands District Council (IsDC) and the Tai O Rural Committee (TORC) have not been consulted on the draft DPA Plan due to the confidential nature of the Plan. The IsDC and TORC will be consulted on the draft DPA Plan after its publication under section 5 of the Ordinance.

10. <u>Decision Sought</u>

Members are invited to:

- (a) <u>agree</u> that the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/B (to be renumbered as DPA/I-SW/1) (**Appendix I**) and its Notes (**Appendix II**) are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) <u>agree</u> that the ES (**Appendix III**) is suitable to serve as an expression of the planning intention and objectives of the Board for the draft Sham Wat and San Shek Wan DPA Plan and that the ES should be issued under the name of the Board; and
- (c) <u>agree</u> that consultation of the draft DPA Plan with IsDC and TORC will be conducted after its publication under section 5 of the Ordinance.

11. Attachments

Appendix I	Draft Sham Wat and San Shek Wan Development Permission Area Plan No. DPA/I-SW/B
Appendix II	Notes of the draft Sham Wat and San Shek Wan Development Permission Area Plan No. DPA/I-SW/B
Appendix III	Explanatory Statement of the draft Sham Wat and San Shek Wan Development Permission Area Plan No. DPA/I-SW/B
Plans 1 and 2	Location Plans of Sham Wat and San Shek Wan Development Permission Area
Plan 3	Aerial Photo of Sham Wat and San Shek Wan Development Permission Area
Plan 4	Site Photos of Tung O Ancient Trail
Plan 5	Site Photos of Existing Natural Landscape and Habitats
Plan 6	Photos of Flora and Fauna Species
Plan 7a	Site Photos of Sham Wat
Plan 7b	Site Photos of San Shek Wan
Plan 7c	Site Photos of Nam Tin, Sham Shek Tsuen
Plan 8	Site Photos of Government Uses
Plan 9	Recognized Village Environs and Land Ownerships

PLANNING DEPARTMENT NOVEMBER 2020

TOWN PLANNING BOARD

DRAFT SHAM WAT AND SAN SHEK WAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/I-SW/B

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

NOTES

(N.B. These form part of the Plan)

- These Notes show the uses or developments on land falling within the boundaries of the Plan which are always permitted and which may be permitted by the Town Planning Board, with or without conditions, on application. Where permission from the Town Planning Board for a use or development is required, the application for such permission should be made in a prescribed form. The application shall be addressed to the Secretary of the Town Planning Board, from whom the prescribed application form may be obtained.
- Any use or development which is always permitted or may be permitted in accordance with these Notes must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable.
- (3) No action is required to make the use of any land or building which was in existence immediately before the first publication in the Gazette of the notice of the draft development permission area plan conform to this Plan, provided such use has continued since it came into existence. Any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board.
- (4) Except to the extent that paragraph (3) applies, any use or development falling within the boundaries of the Plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
- (5) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (6) Boundary of the Plan and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except (a) where the uses or developments are specified in Column 2 of the Notes of individual zones or (b) as provided in paragraph (8) in relation to the area zoned "Site of Special Scientific Interest":
 - (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government:
 - (e) rebuilding of New Territories Exempted House;
 - (f) 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 development permission area plan, by a New Territories Exempted House;
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government;
 - (h) in areas not zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the use stipulated in the schedule forming Annex A of these Notes; and
 - (i) in areas zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the uses stipulated in Column 1 of the relevant zoning schedule forming part of Annex B of these Notes.
- (8) In the area zoned "Site of Special Scientific Interest",
 - (a) the following uses or developments are always permitted:
 - (i) maintenance or repair of plant nursery, amenity planting, sitting out area, rain shelter, refreshment kiosk, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
 - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (iii) provision of amenity planting by Government; and

- (b) the following uses or developments require permission from the Town Planning Board: provision of plant nursery, amenity planting (other than by Government), sitting out area, rain shelter, refreshment kiosk, footpath, public utility pipeline, electricity mast, lamp pole, telephone booth and shrine.
- (9) Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted uses and developments within the same zone are always permitted and no separate permission is required.
- (10) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.
 - "Existing building" means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.
 - "New Territories Exempted House" means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as 'Shop and Services' or 'Eating Place', the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

DRAFT SHAM WAT AND SAN SHEK WAN DEVEOPMENT PERMISSION AREA PLAN NO. DPA/I-SW/B

Schedule of Uses

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Annex B	SITE OF SPECIAL SCIENTIFIC INTEREST	2

Uses always permitted in an "Unspecified Use" area

(Being an area not zoned or set apart under section 4(1) of the Town Planning Ordinance)

Agricultural Use

Remarks

- (a) Any use or development, other than the always permitted use as specified above or the uses or developments always permitted under the covering Notes, requires planning permission from the Town Planning Board under section 16 of the Town Planning Ordinance.
- (b) Any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use to the always permitted use as specified above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by the Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of this draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

Annex B

SITE OF SPECIAL SCIENTIFIC INTEREST

Column 1	Column 2
Uses always permitted	Uses that may be permitted with or
· -	without conditions on application
	to the Town Planning Board
Wild Animals Protection Area	Agricultural Use
	Field Study/Education/Visitor Centre
	Government Use
	Nature Reserve
	Nature Trail
	On-Farm Domestic Structure
	Public Convenience
	Public Utility Installation

Planning Intention

The planning intention of this zone is to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as Site of Special Scientific Interest (SSSI). It intends to deter human activities or developments within the SSSI.

There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.

Remarks

Any diversion of stream, filling of land/pond or excavation of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

Appendix III of TPB Paper No. 10696

DRAFT SHAM WAT AND SAN SHEK WAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/I-SW/B

EXPLANATORY STATEMENT

DRAFT SHAM WAT AND SAN SHEK WAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/I-SW/B

EXPLANATORY STATEMENT

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DRAFT SHAM WAT AND SAN SHEK WAN DEVELOPMENT PERMISSION AREA PLAN NO. DPA/I-SW/B

(Being a Draft Plan for the Purposes of the Town Planning Ordinance)

EXPLANATORY STATEMENT

Note: For the purposes of the Town Planning Ordinance, this statement shall not be deemed to constitute a part of the Plan.

1. <u>INTRODUCTION</u>

This Explanatory Statement is intended to assist an understanding of the draft Sham Wat and San Shek Wan Development Permission Area (DPA) Plan No. DPA/I-SW/1. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the Plan.

2. <u>AUTHORITY FOR THE PLAN AND PROCEDURE</u>

- 2.1 On 9 November 2020, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Sham Wat and San Shek Wan area as a development permission area.
- 2.2 On XX XXXXX 2020, the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/1 (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

- 3.1 The object of the Plan is to delineate the extent of the Sham Wat and San Shek Wan (including two small pieces of land to the west of San Chau along the coastline) DPA (the Area) and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.
- 3.2 It is a small-scale plan and the planning scheme boundary, the boundary of the land use zones may be subject to minor adjustments as detailed planning and development proceed.
- 3.3 The Plan is to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and development constraints for the formulation of an outline zoning plan (OZP).

4. NOTES OF THE PLAN

- 4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and in particular zones and which may be permitted by the Board, with or without conditions, on application. The provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet the changing needs.
- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at http://www.info.gov.hk/tpb.

5. THE EXISTING SITUATION

- 5.1 The Area, covering a total area of about 179.59 ha, is located on the north-western part of Lantau Island, fronting the Hong Kong-Zhuhai-Macao Bridge (HZMB) Hong Kong Link Road. The Area consists of hilly terrains along foothills of Nei Lak Shan to the east and Cheung Shan to the southwest. It is embraced by the Lantau North and the Lantau North (Extension) Country Parks to its south and the sea channel to the north. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road while most parts of the Area are accessible only by footpaths.
- The natural landscape of the Area consists of woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, wetlands including marshes and mangroves and coastal features including shorelines, mudflats and seagrass bed. Woodlands cover the majority of the Area in particular along the coast near San Chau, area to the east and south of the Ngong Sham Stream and in the vicinity of the village clusters in Sham Wat, Sham Shek Tsuen and San Shek Wan. San Chau, located to the west of Sham Wat, is designated as a Site of Special Scientific Interest (SSSI) for its harbouring the largest known population of *Rhododendron championiae* (毛葉杜鵑), in which the species is considered as one of the rarest native rhododendrons species in Hong Kong.
- 下石澗), which is an Ecologically Important Stream (EIS), in the Area flowing downhill towards Sham Wat to Sham Wat Wan. The EIS is characterised by its high diversity of freshwater and brackish fish and herpetofauna, with records of species of conservation importance such as Japanese eel (Anguilla japonica 日本鰻鱺). The myriad of terrestrial natural habitats, coupled with streams and natural coastal environment, offer desirable homes for a diverse community of animals of different kinds, including species of conservation importance such as Romer's Tree Frog (Liuixalus romeri 盧氏小樹蛙), Short-legged Toad (Megophrys brachykolos 短腳角蟾), Tokay Gecko (Gekko gecko 大壁虎), Burmese Python (Python bivittatus 蟒蛇), Crested Goshawk (Accipiter trivirgatus 鳳頭鷹) and Common Cerulean (Jamides celeno 錫冷雅灰蝶). The coastal area, in particular Sham Wat Wan, contains marshes, mangroves, mudflats, seagrass bed and various types of coastal plants.

Horseshoe Crab could be found in Sham Wat Wan and along the coast near San Chau.

- The Area is characterised by a rural countryside ambience with village settlements located mainly in Sham Wat, Nam Tin, Sham Shek Tsuen and San Shek Wan, which are currently occupied by a few villagers. Village houses are mainly one to three-storey in height. There are two recognised villages within the Area, namely Sham Wat and San Shek Wan sited along the footpath. There are two religious institutions including Sam Shan Kwok Wong Temple (三山國王廟) in San Shek Wan and Shing Kok Ha Yuen (勝覺下苑) near Sham Shek Tsuen. Active and abandoned farmland and some vacant farmhouses are found in Sham Wat, Sham Shek Tsuen and San Shek Wan. There is no significant economic activity in the Area. Major commercial activities include some local provision stores in Sham Wat that operate mainly during weekends.
- 5.5 There are five Sites of Archaeological Interest (SAIs) in the Area including San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI.
- 5.6 The Area is a popular hiking area with scenic views, accessible either by Tung O Ancient Trail which connects Tung Chung and Tai O, or by boat via the local pier in San Shek Wan and the jetty in Sham Wat.
- 5.7 There is a public toilet, namely Sham Shek Tsuen Public Toilet, located at Sham Shek Tsuen. The Sham Wat Road Break Pressure Tank and the Sham Wat Catchment Barrack of Water Supplies Department are sited adjacent to Sham Wat Road in the southernmost part of the Area.

6. NEED FOR PLANNING GUIDANCE AND CONTROL

- 6.1 The Area forms an integral part of the natural woodlands system in the adjoining country parks with a wide spectrum of natural habitats supporting a high diversity of wild fauna and flora and are worth conserving. In particular, San Chau, which was designated as a SSSI in 1999, harbors the largest known population of *Rhododendron championiae* (毛葉杜鵑) in Hong Kong. The Ngong Sham Stream is identified as an EIS which supports the high diversity of freshwater and brackish fish and herpetofauna in Hong Kong. The myriad of terrestrial natural habitats, coupled with streams and natural coastal environment, offer desirable homes for a diverse community of animals of different kinds, including species of conservation importance. The Area is of high scenic and ecological value. Any uncontrolled development may affect the landscape and natural environment, including the marine ecology along the coast of the Area.
- An overarching principle of 'Development in the North; Conservation for the South' embraced by the Sustainable Lantau Blueprint (the Blueprint) was promulgated in June 2017. The predominant part of Lantau would be conserved for its natural and cultural resources. Unique rural settlements would also be preserved and enhanced. Where appropriate, low-impact leisure and recreational uses would be developed for public enjoyment.
- 6.3 To prevent any haphazard and uncontrolled development such as the footpath and road widening and slope cutting works recently found along Tung O Ancient Trail that may

adversely affect the rural and natural character with scientific importance and conservation value of the Area, it is necessary to prepare a DPA Plan to cover the Area to provide interim planning guidance control for future development pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorised developments and undesirable change of use.

7. THE DEVELOPMENT PERMISSION AREA

7.1 Plan Area

The Area covers an area of about 179.59ha. It is bounded by the Lantau North and the Lantau North (Extension) Country Parks and the sea bay. The boundary of the Area is shown by a heavy broken line on the Plan.

7.2 General Planning Intention

The general planning intention of the Area is to protect the ecologically sensitive areas (including the San Chau SSSI and the EIS), to maintain the unique rural and natural character and the cultural heritage of the Area, and to prevent it from encroachment by unauthorized development and from undesirable change of use.

7.3 <u>Population</u>

Based on 2016 Population By-census, the population of the Area as estimated by the Planning Department is about 100.

7.4 <u>Land Use</u>

7.4.1 "Site of Special Scientific Interest" ("SSSI"): Total Area 6.52ha

- (a) This zone is intended to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest which are designated as SSSI. It intends to deter human activities or developments within the SSSI. There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.
- (b) This zone covers part of the San Chau SSSI which was designated in 1999. The SSSI, covered by scrubland, is a coastal hill slope to the west of Sham Wat Wan on northern Lantau. The site harbours the largest known population of *Rhododendron championiae* (毛葉杜鵑) in Hong Kong, in which the species is considered as one of the rarest native rhododendrons in Hong Kong.
- (c) Diversion of stream, filling of land/pond or excavation of land may cause adverse impacts on the adjacent areas and adverse impacts on

the natural environment and the ecology. In view of the scientific value of the area within this zone, permission from the Board is required for such activities.

7.4.2 "Unspecified Use": Total Area 173.07ha

- (a) This area consists mainly of woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, active and abandoned farmland and village settlements. It also includes wetlands and natural coastal features in Sham Wat Wan such as shorelines, marshes, mangroves, mudflats and seagrass bed. To protect the natural landscape, ecological resources and rural character of the Area, planning guidance and development control are considered necessary. Except the area zoned "SSSI", the remaining area of the Plan has been designated as "Unspecified Use" pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of OZP. Any use and development other than 'Agricultural Use' and some uses which are permitted under the covering Notes of the Plan will require planning permission from the Board.
- (b) As diversion of stream, filling of land/pond or excavation of land may cause adverse landscape, environmental, ecological and drainage impacts on the adjacent areas and the natural environment, permission from the Board is required for such activities except those for public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

7.5 <u>Transport and Utility Services</u>

7.5.1 Road Network and Footpath

At present, the Area has limited access. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. While most parts of the Area are inaccessible due to lack of proper vehicular access, some parts may be accessible by footpaths. There are some famous walking trails such as Tung O Ancient Trail connecting to other areas on Lantau including San Tau, Sha Lo Wan, Tai O, Tung Chung and Ngong Ping. With the provision of a pier at San Shek Wan and a jetty at Sham Wat, the Area is also accessible by boat.

7.5.2 <u>Public Transport</u>

The Area is generally not served by any public transport service except Lantau taxi.

7.5.3 Utility Services

Drainage

At present, the Area has no public drainage system. (a) Any development planned in this Area shall reserve sufficient land for the necessary drainage improvement in future. In particular, a buffer sufficient width from both edges of existing watercourses/streams should be reserved to allow the development of future drainage systems with more ecological features, installation of green channels/drainage improvements and implementation of associated drainage maintenance and river training works in future. If any development or redevelopment within the Area would affect the drainage system or change the drainage characteristic, detailed drainage study would be required and suitable mitigation measures should be provided, if necessary, as part of the development or redevelopment.

Sewerage

(b) There is no existing or planned public sewer for the Area and at present, the Area is mainly served by on-site septic tank and soakaway system (STS). Any increase in population, number of visitors to the Area or further residential/recreational developments would require additional facilities. The design and construction of the STS need to comply with relevant standards and regulations, such as the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 of the Environmental Protection Department for the protection of the water quality and the stream flowing through the Area.

Water Supply

(c) Fresh water supply is available to the existing clusters of village houses at Sham Wat and San Shek Wan but the supply is of limited capacity. There is no salt water supply system for flushing in the Area.

Telephone, Electricity and Gas

(d) Telephone network and electricity supply are available in the Area. Prior consultation with the electricity supplier for the locations of overhead lines and/or underground cables running across the Area is required for any proposed development within the Area. There is no gas supply to the Area.

7.6 Geotechnical Safety

The Area and its vicinity comprise hilly natural terrain with past natural terrain landslide records. There are about 94 registered man-made slopes and retaining walls within the Area and the stability of these slope features is mostly unknown. If these

slope features would affect or be affected by any development and redevelopment, geotechnical investigations and studies including the details of any permanent geotechnical works should be submitted to the Geotechnical Engineering Office of the Civil Engineering and Development Department for checking in accordance with the principle laid down in the Environment, Transport and Works Bureau Technical Circular (Works) No. 29/2002 or to the Buildings Department in accordance with the Buildings Ordinance as appropriate. For any future development or redevelopment in the Area, a natural terrain hazard study would be required to assess the potential hazards and constraints arising from natural terrain, and to provide suitable hazard mitigation measures, if found necessary, as part of the development or redevelopment.

7.7 <u>Cultural Heritage</u>

- 7.7.1 There are five SAIs in the Area including San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worth preserving.
- 7.7.2 The Antiquities Advisory Board (AAB) also released a list of new items in addition to the list of 1,444 historic buildings. These items are subject to grading assessment by the AAB. Details of the list of 1,444 historic buildings and the new items have been uploaded onto the website of AAB at http://www.aab.gov.hk.
- 7.7.3 Prior consultation with the Antiquities and Monuments Office (AMO) of Development Bureau (DEVB) should be made if any developments, redevelopments or rezoning proposals may affect the above SAIs, graded historic buildings/structures, new items pending grading assessment and their immediate environs. If disturbance to the SAIs is unavoidable, prior agreement with AMO should be made on any measures for the protection of For example, whether detailed Archaeological Impact Assessment (AIA) is required. The AIA shall evaluate the archaeological impact imposed by the proposed works. If necessary, a qualified archaeologist shall apply for a licence under the Antiquities and Monuments Ordinance (Cap.53) for an archaeological investigation. A proposal of the AIA shall be submitted to AMO for agreement prior to applying for the licence. Subject to the findings of AIA, appropriate mitigation measures shall be fully implemented by the project proponent in consultation with AMO.

7.8 Airport Height Restriction

The building height for the development within the Area is subject to the gazetted Airport Height Restriction Plan (AHRP) and any potential amendments to the gazetted AHRP related the Expansion of the Hong Kong International Airport (HKIA) into a Three Runway System (3RS) Project. No part of building or buildings or other structure or equipment erected or to be erected within the Area (or any addition or fitting to such building or buildings or structure or equipment) shall exceed the prevailing "restricted height" (more commonly known as Airport Height Restriction (AHR)) prescribed under the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) or its amendment associated with 3RS.

7.9 Aircraft Noise

Aircraft approaching and departing from the HKIA is identified as one of the key existing noise sources which affects the Area. Although the Area may fall inside/outside the coverage of the Noise Exposure Forecast (NEF) 25 contours of the HKIA under the 3RS operations, the Area is in close proximity to the HKIA which is a very busy airport operating 24 hours. Aircraft noise due to the overflights of anticipated. approaching departing aircraft is proponent(s)/developer(s) in the Area should review the building design features and consider the use of acoustic insulation to enhance the indoor noise environment. addition, the Area is in proximity to the helicopter holding areas and helicopter flight paths, which might also contribute to the noise environment.

7.10 Burial Grounds

There are two permitted burial grounds in the Area for indigenous villagers. They are located to the northeast of San Shek Wan and to the west of Sham Wat Tsuen.

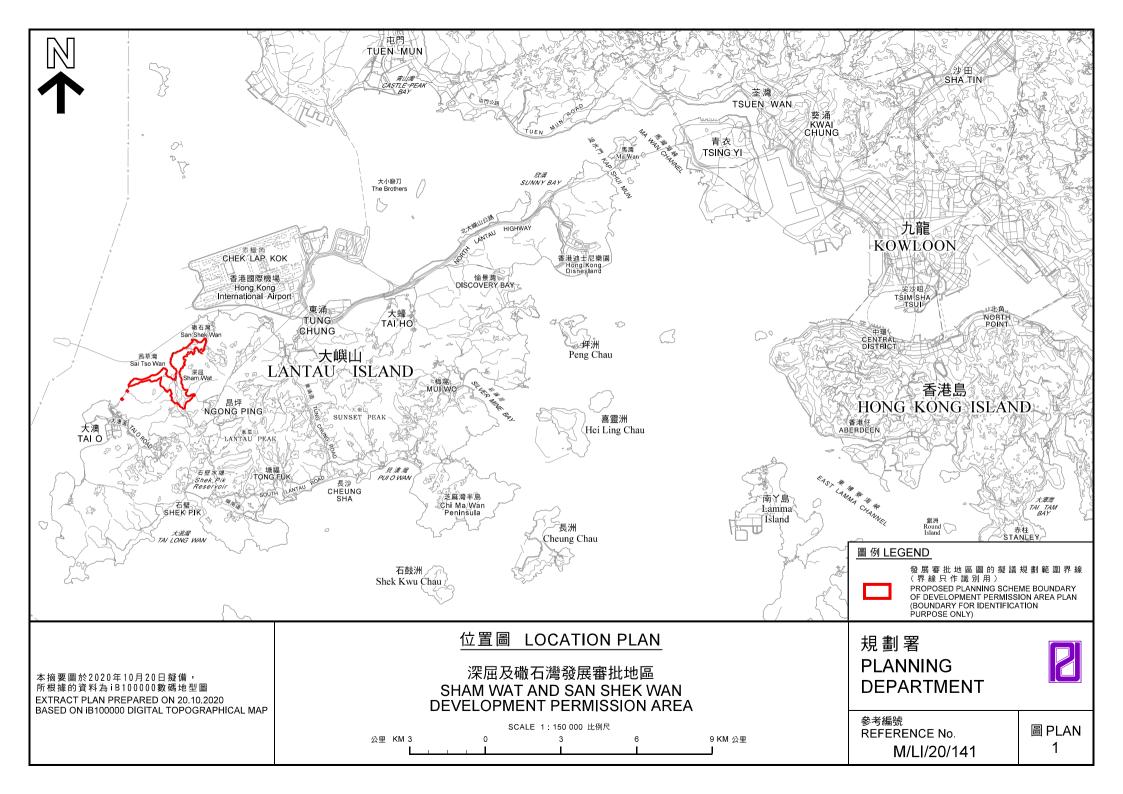
8. PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA

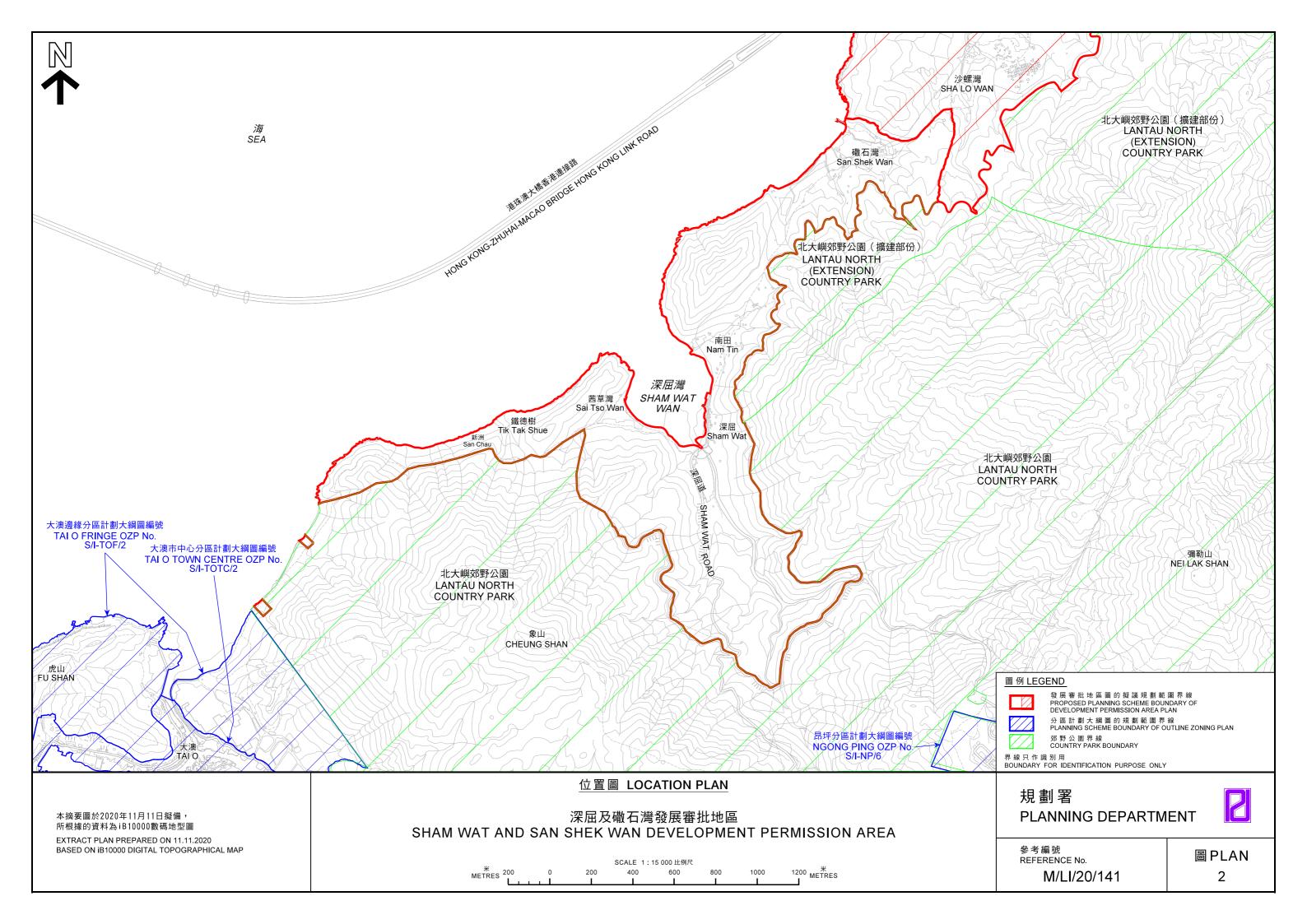
- 8.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.
- 8.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA Plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to the Plan, any material change of such use or any other development (except minor alteration and/or modification to the development of the land or building in respect of such use which is always permitted) must be always permitted in terms of the Plan or, if permission is required, in accordance with a permission granted by the Board. The Board will consider these applications on their individual merits. Those alteration and/or modification works which may lead to an environmental improvement or upgrading to the Area may be considered favourably by the Board.
- 8.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the planning applications, will take into account all relevant planning considerations which may include the departmental outline development plans/layout plans, and the guidelines published by the Board. The outline development plans/layout plans are available for public inspection at the Planning Department. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and relevant District Planning Office of the Planning Department. Applications should be supported by

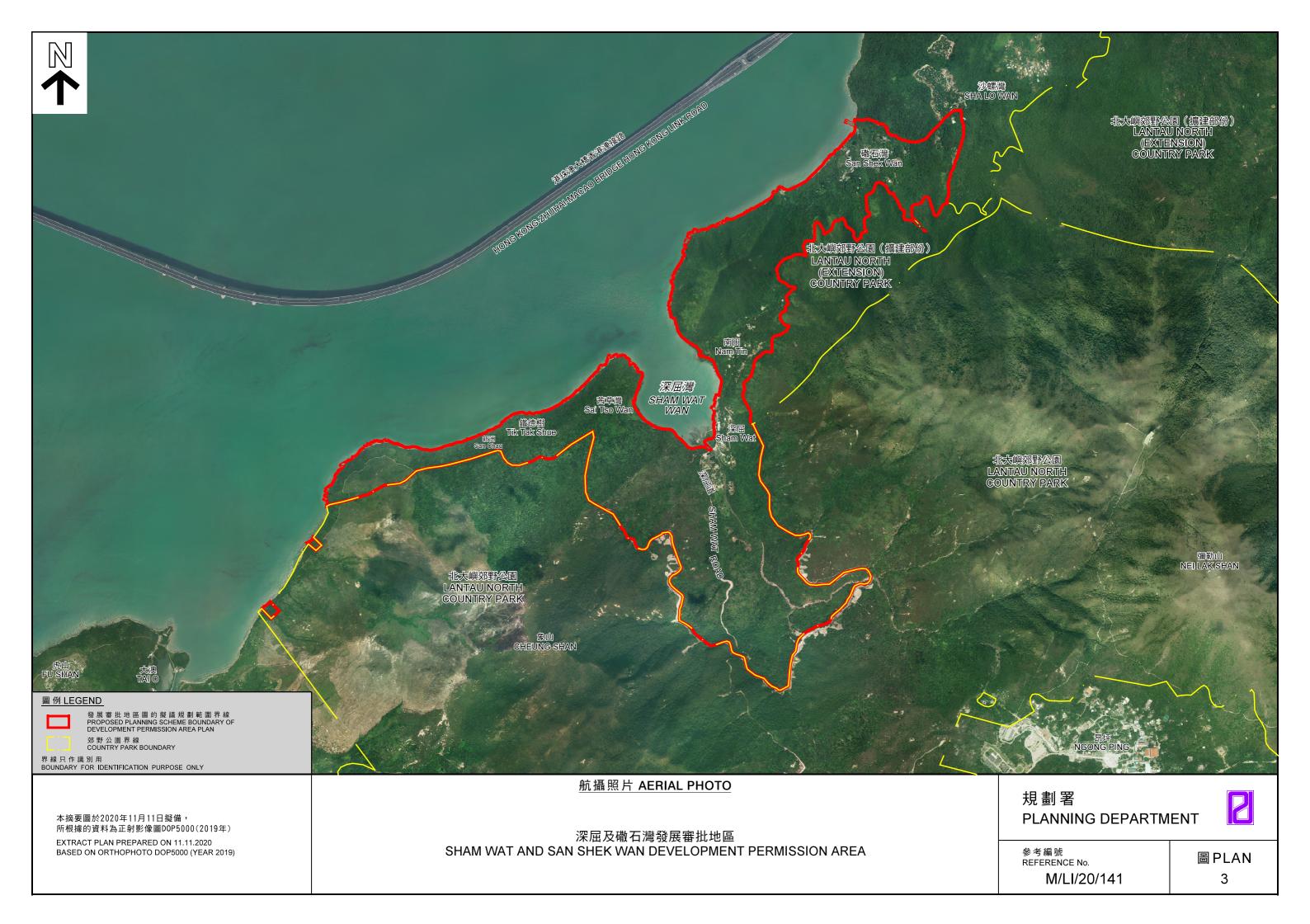
such materials as the Board thinks appropriate to enable it to consider the applications.

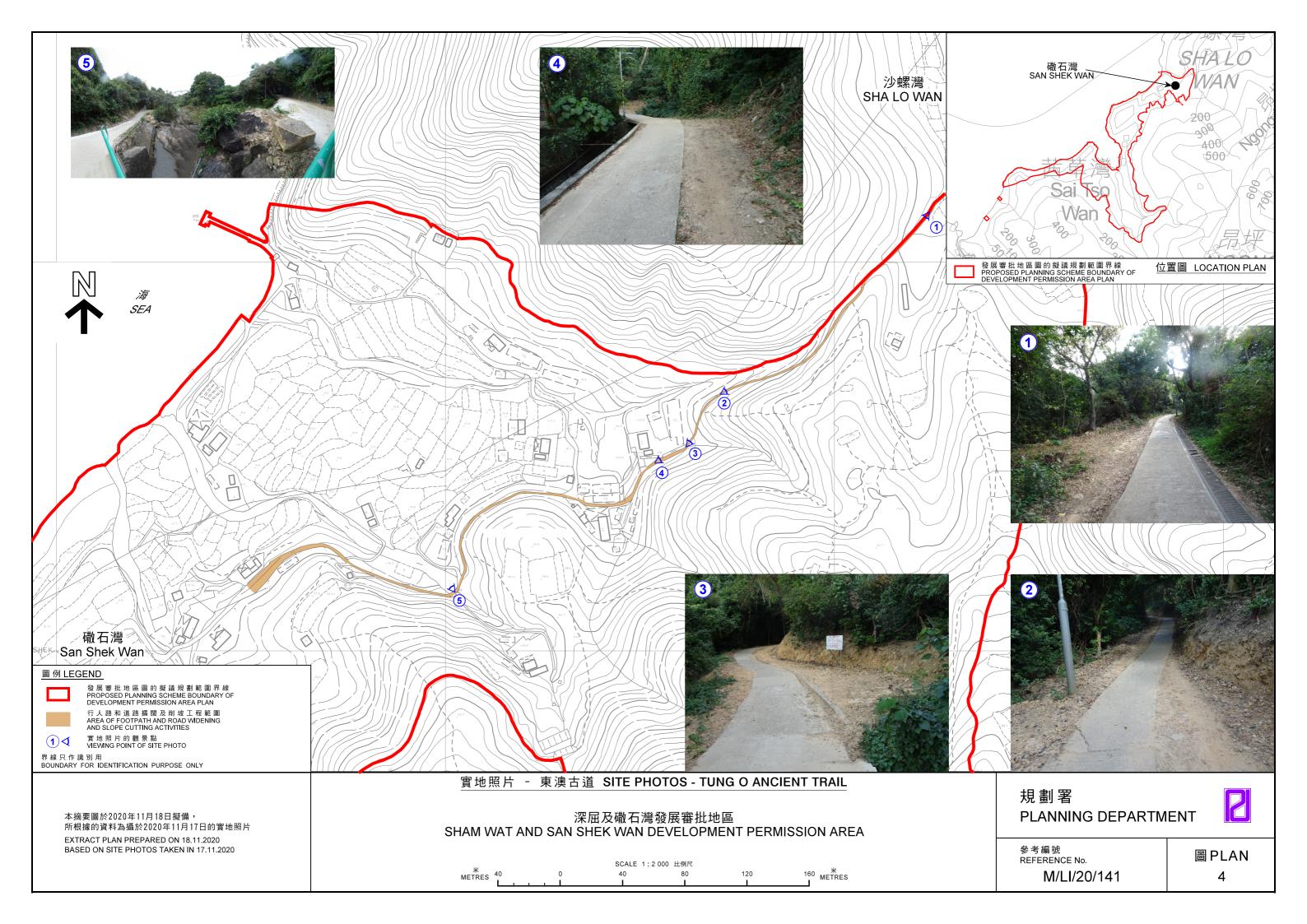
- 8.4 Any development, other than those referred to in paragraph 8.1 above or in conformity with this draft DPA Plan or with the permission of the Board, undertaken or continued on or after the date of the first publication in the Gazette of the notice on land included in the DPA Plan may be subject to enforcement proceedings under the Ordinance. Any diversion of stream, filling of land/pond or excavation of land within land designated "Unspecified Use" area and "SSSI" zone on or after the first publication in the Gazette of the notice of this draft DPA Plan without permission from the Board may also be subject to enforcement proceedings.
- 8.5 It is intended that the DPA plan published by the Board will be replaced, within three years, by an OZP. Under the provisions of section 20(5) of the Ordinance, a draft DPA plan is effective for a period of three years after the notification in the Gazette. Extension of one additional year may be given by the Chief Executive in Council. The provision of enforcement will continue to be applicable to the Area after the DPA plan is replaced by an OZP.

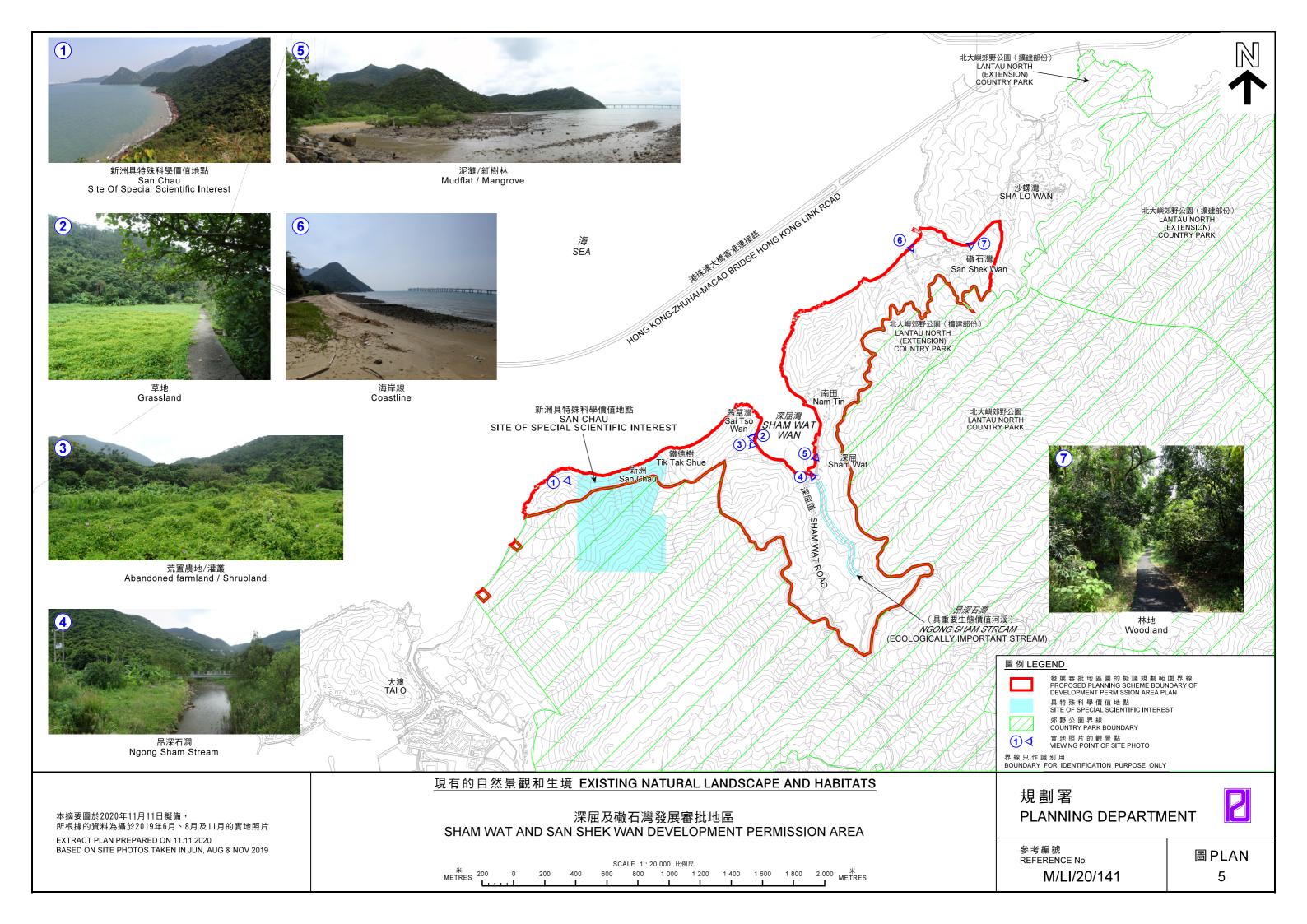
TOWN PLANNING BOARD XXXX 2020













毛葉杜鵑 *Rhododendron championiae*



盧氏小樹蛙 Romer's Tree Frog



短腳角蟾 Short-legged Toad



大壁虎 Tokay Gecko



日本鰻鱺 Japanese Eel



蟒蛇 Burmese Python



鳳頭鷹 Crested Goshawk



錫冷雅灰蝶 Common Cerulean

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深屈及職石灣發展審批地區 SHAM WAT AND SAN SHEK WAN DEVELOPMENT PERMISSION AREA 規劃署 PLANNING DEPARTMENT



參考編號 REFERENCE No.

M/LI/20/141

圖PLAN 6

