

LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance
(Chapter 131)

APPROVED MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/2

INTRODUCTION

At the meeting of the Executive Council on 13 September 2022, the Council **ADVISED** and the Chief Executive **ORDERED** that the draft Mui Wo North Outline Zoning Plan (OZP) No. S/I-MWN/1A should be approved under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). The plan is now renumbered as No. S/I-MWN/2 at **Annex A**.

A

THE DRAFT OZP

2. On 27 August 2021, the draft Mui Wo North OZP No. S/I-MWN/1 (the draft OZP) was exhibited for public inspection under section 5 of the Ordinance. On the same day, the draft Mui Wo North Development Permission Area Plan No. DPA/I-MWN/1 (the DPA Plan) covering the same area on the draft OZP ceased to be effective in accordance with section 20(6) of the Ordinance as the land in respect of the DPA Plan was included in the draft OZP gazetted on that day. The plan-making process for the DPA Plan did not proceed further.

REPRESENTATIONS AND COMMENTS ON REPRESENTATIONS

3. During the exhibition of the draft OZP, a total of **70** valid representations were received. On 3 December 2021, the representations were published for comment, and **seven** valid comments on representations (comments) were received. The representations and comments were considered by the Board at its meeting held on 29 April 2022.

Supportive Representations and those Providing Views (13 nos.)

4. The major grounds/views of the supportive representations and those providing views are summarised below –

Planning Intention

- (a) the general planning intention of the draft OZP to conserve the landscape and ecological values in safeguarding the natural habitat in the Mui Wo North area (the Area) was supported. The draft OZP could ensure proper planning and development control

and protect the rural and natural character with conservation value of the Area;

Conservation of Natural Environment and Habitats

- (b) the designation of “Coastal Protection Area” (“CPA”) zone for the coastline from Tung Wan Tau to Man Kok was welcomed;
- (c) the designation of “Green Belt” (“GB”) zone for Butterfly Hill was agreed;
- (d) “GB” zone was considered inadequate to protect the natural features against development. House development might still be permitted on application to the Board and the approval rate of Small House (SH) applications within “GB” zone was high. The Board might also approve rezoning of “GB” for other purposes (e.g. tent camping site, solar panel farms, etc.);
- (e) those habitats of high ecological value should be zoned “Conservation Area” (“CA”) or “GB(1)”, in which redevelopment of an existing house should be restricted to its existing bulk. New Territories Exempted House (NTEH) should be precluded from Columns 1 and 2 uses of zonings covering area with natural vegetation, including woodlands, as well as active and abandoned farmlands, in particular Man Kok Tsui and Tung Wan Tau;
- (f) the section of coastline in Tung Wan Tau (abutting the east of the Silver Mine Bay Beach) currently zoned “Open Space” (“O”) was still in a natural condition without human disturbance and should be zoned “CPA”. “CPA” zone allowed enforcement action to be instigated once land filling/excavation of land activities took place, whilst “O” zone which permitted construction of recreational facilities had no such provision;
- (g) public works coordinated and implemented by Government, e.g. involving excavation of land, in conservation-related zones should not be exempted from planning application. An open and transparent procedure should be maintained;
- (h) Septic Tank and Soakaway (STS) systems generally used by villages would adversely affect and pollute the streams and wetlands nearby;
- (i) a tree-planting area in Wo Tin growing both native and rare species should be protected to safeguard the wildlife corridor from Lin Fa Shan, Pak Ngan Heung fung shui woodland, Wo Tin forest to Lantau North (Extension) Country Park;

- (j) the wetlands in Wang Tong, Tai Wai Yuen and Tung Hang Mei were of high ecological value but were privately owned subject to great development pressure. The research findings by green groups suggested that Tung Hang Mei, the lower reach of Wang Tong River, was home to many indigenous tree species;

Representers' Proposals

- (k) woodlands in Wo Tin should be rezoned from "GB" to "CA";
- (l) wetlands, woodlands, marshes and streams (with 30m-wide buffer on both sides of stream bank) in Wang Tong, Tai Wai Yuen and Tung Hang Mei Valley, and mangroves in the lower reach of Wang Tong River should be rezoned from "GB" to "CA";
- (m) the coastline and beach in Tung Wan Tau should be rezoned from "O" to "CPA";

Rural Development and "Village Type Development" ("V") Zone

- (n) "V" zone should be assessed based on reliable information, including land ownership and entitlement, and actual rather than speculated number of SH applications. There was no verification of the accuracy of SH demand forecast. An incremental approach should be adopted. "V" zone should be confined to the existing village clusters in accordance with genuine need of indigenous villagers and should not fall within 30m from rivers, streams, watercourses, waterbodies or any other sensitive locations;
- (o) the designation of new "V" zone with planning intention primarily for development of SH by indigenous villagers was objected to as much of the land in "V" zone was owned by non-indigenous persons and unlikely to be used for SH development. The planning intention of "V" zone should be amended to "land within this zone is primarily intended for the provision of village housing in the form of NTEH, including but not limited to Small Houses (SH) under the SH Policy";
- (p) the inclusion of 'Field Study/Education/Visitor Centre' use under Column 2 in "V" zone without strong justifications, detailed studies and consultation with the local community was not supported;
- (q) the existing house lots should be retained;

Agricultural Land and “Agriculture” (“AGR”) Zone

- (r) the permitted land use under “AGR” zone would pose undesirable environmental problem to the natural habitats and ecologically sensitive areas. The approval rate of SH applications within the “AGR” zone was high. The existing agricultural cluster in the Area should be zoned “GB(1)”/”AGR(2)” where no house development was allowed;
- (s) the majority of land in Man Kok was owned by a single developer. The “AGR” zone in Man Kok could not protect the landscape but encouraged recreational development which would degrade the environment. Land in Man Kok should be given a more stringent conservation zoning or the Columns 1 and 2 uses of “AGR” zone should be revised;
- (t) the existing agricultural land should be retained;

Unauthorised Development

- (u) human disturbance and destruction were found in the Area, e.g. Butterfly Hill, before gazettal of the DPA Plan. Any activities of ‘destroy first, build later’ should not be tolerated. The Notes should state that ‘existing use’ (‘EU’) could not include any unauthorised works and provide that unauthorised developments include filling of wetland, clearance of woodland and arbitrary fencing of land for no obvious reason. No development should be encouraged by development-related zones in Butterfly Hill; and

Provision of Recreational and Community Facilities

- (v) more land should be reserved for recreational and community facilities.

Adverse Representations (57 nos.)

5. The major grounds of the adverse representations are summarised below –

“GB” Zone and Other Conservation-related Zonings

- (a) the “GB” zone was excessive and did not reflect the existing site condition, and many private lots were included within the zone. Some land currently zoned “GB” on the draft OZP should be rezoned to “V” and “AGR” for village expansion and agriculture rehabilitation respectively;

- (b) the designation of “GB” and “CPA” zones might not be able to improve the terrestrial and marine ecologies of Lantau;
- (c) the designation of “GB” zone on various lots in/near Wang Tong was opposed as it would infringe private property rights and devalue the land significantly. Excavation/filling of land for agricultural use was not allowed within the “GB” zone. It would also affect the agricultural rehabilitation programme being set up by **R66/C7**. The concerned lots should be retained for agricultural or recreational use to facilitate agricultural development and rehabilitation;
- (d) the designation of “GB” zone on land which was previously designated for agricultural or residential uses on the Mui Wo North Layout Plan (LP) was opposed as residents have legitimate expectations on the land uses according to the LP;

Agricultural Land

- (e) some land in the Area was quality agricultural land. The planning control imposed on the draft OZP would hinder agricultural development;

Rural Development and “V” Zone

- (f) insufficient land had been reserved for village development. Natural slopes should not be excluded from the “V” zone as there might be scope for SH development in future. Some sites subject to outstanding SH applications before gazettal of the draft OZP were zoned “GB” instead of “V” under which planning application was required for SH development. “V” zone should be expanded to cater for long term village development and to cover the outstanding SH application sites at Lot No. 328 in D.D. 2 MW;

Provision of Recreational and Community Facilities

- (g) land should be reserved for provision of more community and recreational facilities. The “GB” zone near Mui Wo Town Centre should be rezoned to “Government, Institution or Community” (“G/IC”) for development of a community hall, community welfare facilities or an international school, and “Recreation” (“REC”). The “GB” and “CPA” zones in Chok Tsai Wan should be rezoned to “REC” and “O” respectively to facilitate a proposed water sports centre;

Development Proposals

- (h) the designation of “AGR”, “GB” and “CPA” zones in Man Kok was

opposed. The concerned lots in D.D. 358 L should be rezoned to “G/IC” to facilitate development of a marine conservation centre which could help promote renewable energy and preserve the agriculture, fisheries and cultural heritage of Man Kok Tsui, and provision of a family trail and nature trail;

- (i) the designation of “GB” and “V” zones covering a site next to the Silver Mine Bay Beach and to the south of Butterfly Hill was opposed. The site should be rezoned to “Other Specified Uses” annotated “Mixed Uses with Ecological Enhancement” with a maximum plot ratio of 1.5 and a maximum building height of eight storeys to facilitate the upgrading of the area into a mix of residential/commercial development and tourism related uses with ecological enhancement to existing landscape features; and
- (j) the designation of “GB” zones covering various lots (Lots No. 565, 94, 95, 609 and 610 in D.D. 2 MW) at Butterfly Hill was opposed as the zoning did not reflect the existing site condition that the site was occupied by an established domestic structure, but not covered by woodland, and would deprive the landowner’s right to redevelop the site up to the building entitlement if such entitlement was resolved among the Lands Department and the landowner. Two proposals were put forward for the concerned lots namely:
 - Proposal 1: part of Lot No. 565 in D.D. 2 MW (which was covered by Building Licence No. 92) to be rezoned from “GB” to “Residential (Group C)4” (“R(C)4”) with a maximum gross floor area of 730m² ⁽¹⁾ and a maximum building height of two storeys; and
 - Proposal 2: the remaining part of Lot No. 565, and the part of Lots No. 94, 95, 609 and 610 in D.D. 2 MW to be rezoned to “Other Specified Uses” annotated “Animal Re-home Centre” to facilitate the proposed animal re-home centre with overnight quarters and resting area for buffalos by way of application under section 16 of the Ordinance.

Comments on Representations (7 nos.)

6. The grounds of the comments are similar to those raised in the representations. The main additional grounds/views are set out below –

- (a) there should not be further reduction in the conservation-related

⁽¹⁾ In the hearing meeting held on 29 April 2022, the representer clarified that the maximum permissible GFA of 365m² as stated in his written representation should be 730m² instead.

zones;

- (b) SH development should not be included as Column 2 use of any zoning other than “V” zone;
- (c) stringent resale conditions should be implemented for SHs given the environmental sensitive nature of the Area;
- (d) the general presumption against development of “GB” zone would constrain freedom of design and exploit user right. It would increase the cost of operation as every activity was to be scrutinised and approved under section 16 of the Ordinance. It implied huge cost on preparation of submission and uncertainty in the approval period. “GB” zone should not include developed private land which was neither small nor pocketed nor mainly slopes of high gradient; and
- (e) the designation of “GB” zone on the site in Wang Tong failed to recognise the agricultural rehabilitation programme being set up there and was supported by government policy.

The Board’s Decision

7. After giving consideration to the representations and comments, the Board decided to note **the supportive views of R1 (part) to R5 (part)** and not to uphold **the remaining views of R1 (part) to R5 (part)** and **R6 to R70**, and considered that the draft OZP should not be amended to meet the representations for the following reasons:

Conservation of Natural Environment and Habitats

- (a) “CA”, “CPA” and “GB” were all conservation-related zonings of different levels of control on land use and development. The designation of “GB” zone on the draft OZP was considered appropriate for protecting the natural habitats such as woodlands, marshes, mangroves and natural streams in the Area while at the same time reflecting the existing site conditions where human settlements and activities were taking place (**R1 to R11 and R13 to R15**);
- (b) the “CPA” zone covering the natural coastline between Tung Wan Tau and Man Kok was considered appropriate from nature conservation perspective. The coastline along Tung Wan Tau Road comprising Silver Mine Bay Beach and area with active water sports was considered appropriate to be designated as “O” instead of “CPA” to reflect the existing site conditions where recreational activities were taking place (**R1 to R3 and R5**);

- (c) on-site STS systems for village houses were required to comply with relevant standards and regulations to ensure no adverse impact on the environment (**R1 to R4 and R7**);

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

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

Designation of “V” Zone

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

Control stipulated in the Notes of the OZP

- (g) the purpose of the draft OZP was to indicate the broad land use zonings for the Area and impose statutory planning control. The land concerned could be put to ‘always permitted uses’ (Column 1 uses) or uses that might be permitted with or without conditions on application to the Board (Column 2 uses) in accordance with the Notes of the OZP. The draft OZP would not deprive the development rights of the lot owner (**R13, R14, R63 and R70**);
- (h) the inclusion of ‘Field Study/Education/Visitor Centre’ use in

Column 2 of the Notes for the “V” zone could allow flexibility to cater for any such need in future, and thus this provision should be retained (**R5 and R12**);

- (i) the incorporation of the exemption clause for diversion of streams, filling of land/pond or excavation of land pertaining to public works co-ordinated or implemented by Government was to streamline the planning process. Incorporation of this exemption clause for conservation-related zones was in line with the latest revision of the Master Schedule of Notes to Statutory Plans (**R5**);

Unauthorised Development

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

Provision of Recreational and Community Facilities

- (k) the provision of recreational and community facilities in Mui Wo area was planned in accordance with the Hong Kong Planning Standards and Guidelines and in consultation with relevant bureaux/government departments. The provision of such facilities would be subject to review by relevant bureaux/government departments as and when necessary (**R13, R14 and R16**); and

Development Proposals

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

IMPLICATIONS OF THE PROPOSALS

8. Approval of the draft Mui Wo North OZP No. S/I-MWN/1A has no economic, civil service and family implications. It also has no financial implication as the draft OZP aims to replace the DPA Plan and reflect the

as-built conditions in the area. The environmental, sustainability and gender implications in respect of approval of the draft Mui Wo North OZP No. S/I-MWN/1A are set out below.

9. Regarding the environmental implications, future developments within the Area should be planned, designed, constructed and implemented in accordance with relevant environmental guidelines and criteria laid down in the chapter on “Environment” of the Hong Kong Planning Standards and Guidelines.

10. As far as sustainability implications are concerned, the draft OZP provides a planning framework with detailed land use zonings to guide and control future development in the Area. The concerns and views from various stakeholders should be handled with care.

11. The draft OZP intends to make provision for SH development under the Small House Policy. Whilst the Small House Policy excludes women villagers and has gender implications, the Court of Final Appeal ruled against the judicial review against the Small House Policy on 5 November 2021 and upheld its lawfulness and compatibility with the Basic Law.

PUBLIC CONSULTATION

12. The Board gave preliminary consideration to the draft OZP No. S/I-MWN/C on 15 January 2021 and agreed that the draft OZP No. S/I-MWN/C was suitable for consultation with the Mui Wo Rural Committee (MWRC) and Islands District Council (IsDC). The MWRC and IsDC were consulted at its meeting on 5 March 2021 and by circulation of paper on 30 June 2021 respectively. On 3 June 2021, a meeting was held with the representatives of Keymax Holdings Limited, which was a land owner of various lots in Butterfly Hill, and the representatives of Man Kok Tsui Residents’ Association (MKTRA), which also represented a major land owner in Man Kok. On 17 March 2021 and 12 April 2021, two meetings were held with green/concern groups on the draft OZP No. S/I-MWN/C. Some representatives of the green/concern groups were also local residents in the Area. The draft OZP No. S/I-MWN/C was re-numbered as S/I-MWN/E for submission to the Board on 6 August 2021. Views collected during the consultations and the representations received during the exhibition of the DPA Plan for two months from 8 January 2021 under section 5 of the Ordinance were reflected to the Board for consideration of the draft OZP No. S/I-MWN/E on 6 August 2021. The draft OZP No. S/I-MWN/E was re-numbered as S/I-MWN/1 for gazettal on 27 August 2021.

13. Upon gazettal of the draft OZP No. S/I-MWN/1, an information paper (IsDC Paper No. IDC 82/2021) was circulated to the members of IsDC on 23 September 2021. On 29 September 2021, the Chairman of the IsDC, made a

response to the abovementioned IsDC Paper and submitted a representation (**R13**).

PUBLICITY

14. The approved Mui Wo North OZP No. S/I-MWN/2 will be printed and exhibited in accordance with section 9(5) of the Ordinance. A press release will be issued on the day of exhibition. A spokesman will be available for answering media enquiries.

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A-I
A-II 15. The approved Mui Wo North OZP No. S/I-MWN/2 is at **Annex A** for Members' reference. A set of Notes listing out the uses which are always permitted and those which may be permitted on application to the Board is at **Enclosure I to Annex A**. An Explanatory Statement in respect of the approved OZP is at **Enclosure II to Annex A**.

ENQUIRY

16. Any enquiry on this brief can be addressed to Ms Lily YAM, Assistant Director of Planning/Board, Planning Department (Tel. No. 2231 4606).

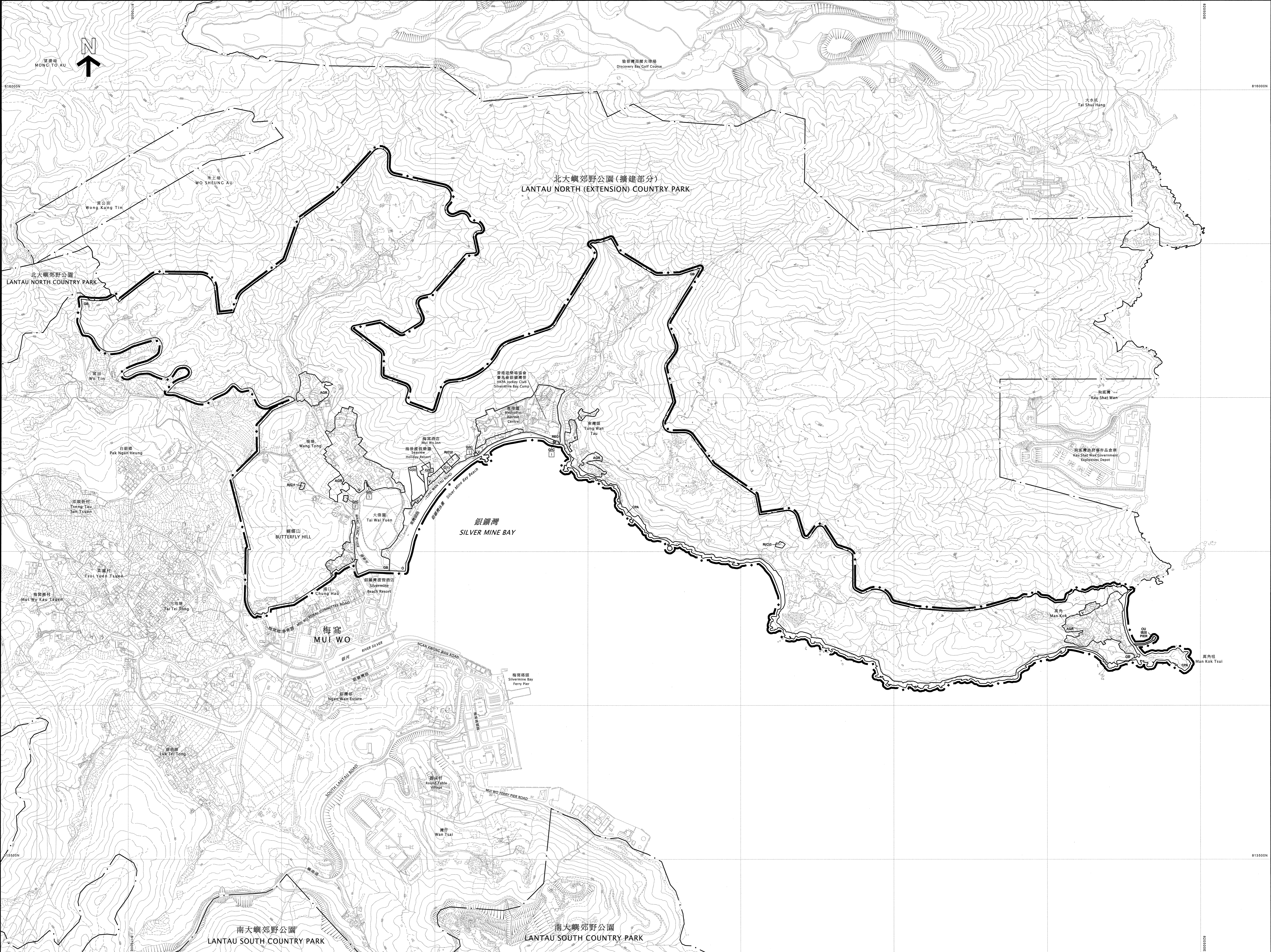
PLANNING DEPARTMENT
SEPTEMBER 2022

**APPROVED MUI WO NORTH
OUTLINE ZONING PLAN
NO. S/I-MWN/2**

Annex A Approved Mui Wo North Outline Zoning Plan (OZP) No.
S/I-MWN/2

Enclosure I : Notes to the Approved Mui Wo North Area OZP
No. S/I-MWN/2

Enclosure II : Explanatory Statement of the Approved Mui Wo
North OZP No. S/I-MWN/2



圖例 NOTATION

ZONES		地帶
COMMERCIAL	C	商業
RESIDENTIAL (GROUP C)	R(C)	住宅 (丙類)
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	G/IC	政府、機構或社區
OPEN SPACE	O	休憩用地
RECREATION	REC	康樂
OTHER SPECIFIED USES	OU	其他指定用途
AGRICULTURE	AGR	農業
GREEN BELT	GB	綠化地帶
COASTAL PROTECTION AREA	CPA	海岸保護區
MISCELLANEOUS 其他		
BOUNDARY OF PLANNING SCHEME	—•—•—	規劃範圍界線
BOUNDARY OF COUNTRY PARK	—•—•—	郊野公園界線
MAXIMUM BUILDING HEIGHT (IN NUMBER OF STOREYS)	1	最高建築物高度 (樓層數目)

土地用途及面積一覽表 SCHEDULE OF USES AND AREAS

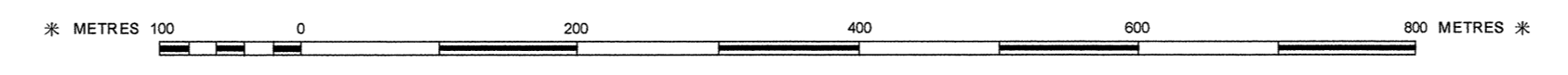
USES	大約面積及百分比		用途
	公頃 HECTARES	% 百分比	
COMMERCIAL	0.60	0.36	商業
RESIDENTIAL (GROUP C)	0.15	0.09	住宅 (丙類)
VILLAGE TYPE DEVELOPMENT	4.55	2.75	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	0.04	0.02	政府、機構或社區
OPEN SPACE	2.41	1.46	休憩用地
RECREATION	3.11	1.88	康樂
OTHER SPECIFIED USES	0.02	0.01	其他指定用途
AGRICULTURE	3.78	2.29	農業
GREEN BELT	147.29	89.07	綠化地帶
COASTAL PROTECTION AREA	3.42	2.07	海岸保護區
TOTAL PLANNING SCHEME AREA	165.37	100.00	規劃範圍總面積

夾附的《註釋》屬這份圖則的一部分 THE ATTACHED NOTES ALSO FORM PART OF THIS PLAN

行政長官會同行政會議於2022年9月13日 根據城市規劃條例第9(1)(a)條核准的圖則
 APPROVED BY THE CHIEF EXECUTIVE IN COUNCIL UNDER SECTION 9(1)(a) OF THE TOWN PLANNING ORDINANCE ON 13 SEPTEMBER 2022

Ms Carmen KUNG 江嘉敏女士
 CLERK TO THE EXECUTIVE COUNCIL 行政會議秘書

香港城市規劃委員會依據城市規劃條例擬備的梅窩北分區計劃大綱圖
 TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD
 MUI WO NORTH - OUTLINE ZONING PLAN



規劃署遵照城市規劃委員會指示擬備
 PREPARED BY THE PLANNING DEPARTMENT UNDER THE DIRECTION OF THE TOWN PLANNING BOARD

圖則編號 PLAN No. S/I-MWN/2

APPROVED MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/2

(Being an Approved Plan for the Purposes of the Town Planning Ordinance)

NOTES

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

- (1) 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.
- (2) 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) A use or development of any land or building permitted under an earlier draft or approved plan including development permission area plan for the area and effected or undertaken during the effective period of that plan is always permitted under this Plan. Any material change of such use or any other development (except minor alteration and/or modification to the completed development of the land or building 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.
- (5) Except to the extent that paragraph (3) or (4) applies, any use or development falling within the boundaries of the Plan and also within the boundaries of the draft development permission area 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.
- (6) 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.
- (7) Boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

- (8) 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 (9) in relation to areas zoned “Coastal Protection Area”:
- (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, cycle track, 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; and
 - (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.
- (9) In areas zoned “Coastal Protection Area”,
- (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, footpath, 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; and
 - (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.

- (10) (a) Except in areas zoned “Coastal Protection Area”, temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:
- structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.
- (b) Except as otherwise provided in paragraph (10)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Coastal Protection Area”, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.
- (c) Temporary use or development of land or building exceeding three years requires permission from the Town Planning Board in accordance with the terms of the Plan.
- (11) 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.
- (12) 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).

APPROVED MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/2

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COMMERCIAL

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Commercial Bathhouse/ Massage Establishment Eating Place Educational Institution Exhibition or Convention Hall Government Use (not elsewhere specified) Hotel Information Technology and Telecommunications Industries Institutional Use (not elsewhere specified) Library Off-course Betting Centre Office Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Utility Installation Recyclable Collection Centre Religious Institution School Shop and Services Social Welfare Facility Training Centre Utility Installation for Private Project	Broadcasting, Television and/or Film Studio Flat Government Refuse Collection Point House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Residential Institution

Planning Intention

This zone is intended primarily for commercial developments, which may include hotel, shop, services, place of entertainment and eating place, serving the immediate neighbourhood and the visitors.

(Please see next page)

COMMERCIAL (Cont'd)

Remarks

- (a) On land designated “Commercial(1)” (“C(1)”), “C(2)” and “C(3)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum gross floor area and building height specified below, or the gross floor area and height of the 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, whichever is the greater:

<u>Sub-area</u>	<u>Maximum Gross Floor Area</u>	<u>Maximum Building Height</u>
“C(1)”	390m ²	3 storeys
“C(2)”	735m ²	3 storeys
“C(3)”	2,302m ²	3 storeys

- (b) In determining the relevant maximum gross floor area for the purposes of paragraph (a) above, any floor space that is constructed or intended for use solely as plant room and caretaker’s office, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor area and building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

RESIDENTIAL (GROUP C)

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Flat Government Use (Police Reporting Centre, Post Office only) House Utility Installation for Private Project	Eating Place Educational Institution Government Refuse Collection Point Government Use (not elsewhere specified) Institutional Use (not elsewhere specified) Library Place of Recreation, Sports or Culture Private Club Public Clinic Public Convenience Public Utility Installation Recyclable Collection Centre Religious Institution Residential Institution Rural Committee/Village Office School Shop and Services Social Welfare Facility Training Centre

Planning Intention

This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Town Planning Board.

(Please see next page)

RESIDENTIAL (GROUP C) (cont'd)

Remarks

- (a) On land designated “Residential (Group C)1”(“R(C)1”), “R(C)2” and “R(C)3”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum gross floor area and building height specified below, or the gross floor area and height of the 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, whichever is the greater:

<u>Sub-area</u>	<u>Maximum Gross Floor Area</u>	<u>Maximum Building Height</u>
“R(C)1”	186m ²	2 storeys
“R(C)2”	586m ²	3 storeys
“R(C)3”	759m ²	3 storeys

- (b) In determining the relevant maximum gross floor area for the purposes of paragraph (a) above, any floor space that is constructed or intended for use solely as plant room, caretaker’s office and caretaker’s quarters, or recreational facilities for the use and benefit of all the owners or occupiers of the domestic building or domestic part of the building, provided such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (c) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the gross floor area and building height restrictions stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

VILLAGE TYPE DEVELOPMENT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Use (Police Reporting Centre, Post Office only) House (New Territories Exempted House only) On-Farm Domestic Structure Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Eating Place Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified)# Hotel (Holiday House only) House (not elsewhere specified) Institutional Use (not elsewhere specified)# Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Utility Installation # Religious Institution (not elsewhere specified)# Residential Institution # School # Shop and Services Social Welfare Facility # Utility Installation for Private Project

In addition, the following uses are always permitted on the ground floor of a New Territories Exempted House:

- Eating Place
- Library
- School
- Shop and Services

Planning Intention

The planning intention of this zone is to reflect existing recognized and other villages, and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Town Planning Board.

(Please see next page)

VILLAGE TYPE DEVELOPMENT (cont'd)

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building (except development or redevelopment to those annotated with #) shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the 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, whichever is the greater.
- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.
- (c) Any diversion of stream, 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 (except public works co-ordinated or implemented by 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 the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

GOVERNMENT, INSTITUTION OR COMMUNITY

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Broadcasting, Television and/or Film Studio Eating Place (Canteen, Cooked Food Centre only) Educational Institution Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Institutional Use (not elsewhere specified) Library Market Place of Recreation, Sports or Culture Public Clinic Public Convenience Public Utility Installation Recyclable Collection Centre Religious Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Training Centre Wholesale Trade	Animal Boarding Establishment Animal Quarantine Centre Columbarium Correctional Institution Crematorium Eating Place (not elsewhere specified) Funeral Facility Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Off-course Betting Centre Office Place of Entertainment Private Club Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Residential Institution Sewage Treatment/Screening Plant Shop and Services (not elsewhere specified) Utility Installation for Private Project

Planning Intention

This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

(Please see next page)

GOVERNMENT, INSTITUTION OR COMMUNITY (cont'd)

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height in terms of number of storey(s) as stipulated on the Plan, or the height of the 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, whichever is the greater.

- (b) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height restriction stated in paragraph (a) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

OPEN SPACE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Aviary Barbecue Spot Bathing Beach Field Study/Education/Visitor Centre Park and Garden Pavilion Pedestrian Area Picnic Area Playground/Playing Field Promenade Public Convenience Sitting Out Area	Eating Place Government Refuse Collection Point Government Use (not elsewhere specified) Holiday Camp Place of Entertainment Place of Recreation, Sports or Culture Private Club Public Utility Installation Religious Institution Service Reservoir Shop and Services Tent Camping Ground Utility Installation for Private Project

Planning Intention

This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

RECREATION

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot Field Study/Education/Visitor Centre Government Use (Police Reporting Centre only) Holiday Camp On-Farm Domestic Structure Picnic Area Place of Recreation, Sports or Culture Public Convenience Tent Camping Ground	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Eating Place Flat Government Refuse Collection Point Government Use (not elsewhere specified) Hotel House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Place of Entertainment Private Club Public Utility Installation Religious Institution Residential Institution Shop and Services Utility Installation for Private Project

Planning Intention

This zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

(Please see next page)

RECREATION (cont'd)

Remarks

- (a) No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 2 storeys (6m), or the height of the 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, whichever is the greater.
- (b) No residential development shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m).
- (c) In determining the maximum plot ratio for the purposes of paragraph (b) above, any floor space that is constructed or intended for use solely as plant room, caretaker's office and caretaker's quarters, provide such uses and facilities are ancillary and directly related to the development or redevelopment, may be disregarded.
- (d) Based on the individual merits of a development or redevelopment proposal, minor relaxation of the building height and plot ratio restrictions stated in paragraphs (a) and (b) above may be considered by the Town Planning Board on application under section 16 of the Town Planning Ordinance.

OTHER SPECIFIED USES

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
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For "Pier" Only

Pier	Government Use (not elsewhere specified) Public Utility Installation
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Planning Intention

This zone is intended to designate land for piers to facilitate marine access to Mui Wo North.

AGRICULTURE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Use (Police Reporting Centre only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Animal Boarding Establishment Barbecue Spot Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (New Territories Exempted House only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Picnic Area Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only) Public Utility Installation Religious Institution (not elsewhere specified) School Utility Installation for Private Project

Planning Intention

This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

Remarks

Any diversion of stream, filling of land/pond, 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 (except public works co-ordinated or implemented by 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 draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:

- (i) laying of soil not exceeding 1.2m in thickness for cultivation; or
- (ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

GREEN BELT

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Barbecue Spot Government Use (Police Reporting Centre only) Nature Reserve Nature Trail On-Farm Domestic Structure Picnic Area Public Convenience Tent Camping Ground Wild Animals Protection Area	Animal Boarding Establishment Broadcasting, Television and/or Film Studio Burial Ground Columbarium (within a Religious Institution or extension of existing Columbarium only) Crematorium (within a Religious Institution or extension of existing Crematorium only) Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) Helicopter Landing Pad Holiday Camp House (other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Place of Recreation, Sports or Culture Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation Religious Institution Residential Institution Rural Committee/Village Office School Service Reservoir Social Welfare Facility Utility Installation for Private Project

Planning Intention

The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

(Please see next page)

GREEN BELT (cont'd)

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 (except public works co-ordinated or implemented by 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 the draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

COASTAL PROTECTION AREA

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use (other than Plant Nursery) Nature Reserve Nature Trail On-Farm Domestic Structure Wild Animals Protection Area	Field Study/Education/Visitor Centre Government Use House (Redevelopment only) Pier Public Convenience Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

Planning Intention

This zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion.

There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

Remarks

- (a) No redevelopment, including alteration and/or modification, of an existing house shall result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan.
- (b) Any diversion of streams, 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 (except public works co-ordinated or implemented by Government, and maintenance or repair works), 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.

APPROVED MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/2

EXPLANATORY STATEMENT

APPROVED MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/2

EXPLANATORY STATEMENT

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APPROVED MUI WO NORTH OUTLINE ZONING PLAN NO. S/I-MWN/2

(Being an Approved 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 INTRODUCTION

This Explanatory Statement is intended to assist an understanding of the approved Mui Wo North Outline Zoning Plan (OZP) No. S/I-MWN/2. It reflects the planning intention and objectives of the Town Planning Board (the Board) for various land use zonings for the Plan.

2 AUTHORITY FOR THE PLAN AND PROCEDURE

- 2.1 On 9 November 2020, under the power delegated by the Chief Executive (CE), the Secretary for Development (SDEV) directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating Mui Wo North area as a development permission area (DPA).
- 2.2 On 5 January 2021, under the power delegated by the CE, SDEV directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the area of Mui Wo North.
- 2.3 On 8 January 2021, the draft Mui Wo North DPA Plan No. DPA/I-MWN/1 was exhibited for public inspection under section 5 of the Ordinance. During the exhibition periods, a total of 44 representations were received.
- 2.4 On 27 August 2021, the draft Mui Wo North OZP No. S/I-MWN/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.5 Pursuant to section 20(6) of the Ordinance, the draft Mui Wo North DPA Plan No. DPA/I-MWN/1 ceased to be effective on 27 August 2021 (except for the provisions related to the existing use and unauthorized development), as the land in respect of the DPA Plan was included in the draft Mui Wo North OZP No. S/I-MWN/1 on the date. The plan-making process for the draft Mui Wo North DPA Plan No. DPA/I-MWN/1 did not proceed further.
- 2.6 During the two-month exhibition period of the draft Mui Wo North OZP No. S/I-MWN/1, a total of 70 representations were received. On 3 December 2021, the representations were published for three weeks for public comments. Upon expiry of the publication period on 24 December 2021, a total of seven comments were received. After giving consideration to the representations and comments on 29 April 2022, the Board decided not to propose any amendments to the draft OZP to meet the representations under section 6B(8) of the Ordinance.

- 2.7 On 13 September 2022, the CE in C, under section 9(1)(a) of the Ordinance, approved the draft Mui Wo North OZP, which was subsequently renumbered as S/I-MWN/2. On 23 September 2022, the approved Mui Wo North OZP No. S/I-MWN/2 (the Plan) was exhibited for public inspection under section 9(5) of the Ordinance.

3 OBJECT OF THE PLAN

- 3.1 The object of the Plan is to indicate the broad land use zonings for the area of Mui Wo North so that development and redevelopment within the Planning Scheme Area (the Area) can be put under statutory planning control. It also provides the planning framework for preparing more detailed non-statutory plans which form the basis for public works planning and site reservation for various uses.
- 3.2 The Plan is to illustrate the broad principles of development and planning control only. It is a small-scale plan and the boundaries between land use zones may be subject to minor adjustments as detailed planning and development proceed.

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 (PlanD) and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

5 THE PLANNING SCHEME AREA

- 5.1 The Area, covering a total area of about 165.37 ha, is bounded by Lantau North (Extension) Country Park and Lantau North Country Park to the north, Mui Wo fringe area to the west, Mui Wo town centre to the southwest, and Silver Mine Bay to the south. The topography of the Area is mostly hilly with some flat land at Wang Tong and the coastline along the southern periphery of the Area. The Area is not served by vehicular access. Wang Tong and Tung Wan Tau are accessible on foot and by cycling from Mui Wo town centre through Tung Wan Tau Road. Man Kok is further connected by footpaths.
- 5.2 The Area comprises village settlements, woodlands, shrublands, grasslands, coastal uplands, vegetated hills, streams, marshes, mangroves, beaches, coastline and agricultural land, etc. The Area embraces rich natural landscape resources and a wide variety of flora and fauna species of ecological importance. Young woodlands dominated by common native trees e.g. *Mallotus paniculatus* (白楸), *Schefflera heptaphylla* (鵝掌柴), *Celtis sinensis* (朴樹), *Machilus chekiangensis*

(浙江潤楠), *Ficus microcarpa* (榕樹) and fruit trees e.g. *Litchi chinensis* (荔枝), *Dimocarpus longan* (龍眼), mixed with exotic trees e.g. *Acacia confusa* (台灣相思), can be found near Wo Tin, Butterfly Hill and Tung Wan Tau. Incense trees (*Aquilaria sinensis*, 土沉香) were recorded in the hilly woodland near Wang Tong. Marshes and woodland edges near Butterfly Hill provide habitats for various fauna species of conservation interest, such as Eastern Cattle Egret (牛背鷺), Painted Lady (小紅蛺蝶), Metallic Cerulean (素雅灰蝶), Common Awl (三斑趾弄蝶), Grey Scrub Hopper (*Aeromachus jhora*, 寬鏢弄蝶), Grass Demon (薑弄蝶), Chinese Bullfrog (虎紋蛙) and Romer's Tree Frog (*Liuixalus romeri*, 盧氏小樹蛙). Species of conservation interest, such as Common Emerald Dove (*Chalcophaps indica*, 綠翅金鳩) and Tokay Gecko (*Gekko gecko*, 大壁虎), were recorded in the woodland near Wo Tin.

- 5.3 Two largely natural streams can be found at Wang Tong and Tung Wan Tau, where fish species of conservation interest were recorded, e.g. Predaceous Chub (*Parazacco spilurus*, 異鱸) and *Stiphodon atropurpureus* (紫身枝牙鰕虎魚).
- 5.4 There are three recognised villages in the Area, namely Mang Tong, Tung Wan Tau and Man Kok Tsui. Village houses and domestic structures are mainly one to three-storey in height. Sporadic domestic dwellings can also be found uphill and along the coast. There are some active agricultural land at Mang Tong, Tung Wan Tau and Man Kok Tsui but most of the agricultural land are abandoned. There is no vehicular access to the Area. Silver Mine Bay Beach is one of the key tourist attractions in Mui Wo. Economic and employment opportunities recorded in the Area are mainly contributed by the commercial and recreational activities associated with Silver Mine Bay Beach, including hotels and holiday camps.

6 **POPULATION**

Based on the 2016 Population By-census, the population of the Area as estimated by PlanD was about 650 persons. It is estimated that the planned population of the Area would be about 900 persons.

7 **OPPORTUNITIES AND CONSTRAINTS**

7.1 *Opportunities*

7.1.1 Sustainable Lantau Blueprint (the Blueprint)

- (a) An overarching principle of “Development in the North; Conservation for the South” embraced by 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.

- (b) It has been promulgated in the Blueprint that careful consideration would be given to balancing the needs of development/improvement and preservation of Mui Wo with a view to retaining its rural township character.

7.1.2 Nature Conservation

- (a) The Area is largely bounded by Lantau North (Extension) Country Park and Lantau North Country Park and comprises rich natural habitats including woodlands, shrublands, grasslands, coastal uplands, vegetated hills, streams, marshes, mangroves, beaches and coastline.
- (b) 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. The high diversities of wild fauna and flora are worthy of conservation. Any haphazard and uncontrolled development that may adversely affect the natural and rural character and conservation value of the Area should be avoided.

7.1.3 Tourism and Recreational Development

- (a) Silver Mine Bay Beach has been a popular tourist attraction in Hong Kong and is frequently visited by many local and foreign tourists every year. Beach-related facilities such as holiday camps, hotels and shops have been developed along the beach. “Improvement Works at Silvermine Bay Beach, Mui Wo, Lantau Island” had been completed in 2018. New beach buildings and associated beach facilities including a barbeque pit area and a sitting-out area as well as a viewing deck near the entrance to the beach had been constructed to provide a better experience to the visitors of Silver Mine Bay Beach.
- (b) Sustainable Lantau Office of the Civil Engineering and Development Department (CEDD) has promulgated the Lantau Conservation and Recreation Masterplan (with Lantau Trails and Recreation Plan) in December 2020 to provide a framework guiding the conservation and recreation initiatives, and orchestrate public and private projects better for achieving synergy in conservation of Lantau. Some existing hiking trails, a gazetted beach and a proposed Round-the-Lantau Route are located in the Area.

7.1.4 Agricultural Development

While there are active farming activities observed, the abandoned agricultural land in the Area may also exhibit potential for rehabilitation for agricultural use.

7.2 *Constraints*

7.2.1 Accessibility

The Area is not served by vehicular access. Wang Tong and Tung Wan Tau are accessible on foot and by cycling from Mui Wo town centre through Tung Wan Tau Road. Man Kok is further connected by footpaths. There is a pier in Man Kok providing limited marine access serving mainly the local residents.

7.2.2 Limited Infrastructure

- (a) Any development planning in this Area shall reserve sufficient land for necessity of drainage improvement in future. In particular, a buffer area of 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 which may affect the drainage system or change the drainage characteristic, drainage studies including the details of the affected drainage system and any mitigation measures should be submitted to the Drainage Services Department (DSD) for checking in accordance with the principle laid down in the Environment, Transport and Works Bureau Technical Circulars (Works) No. 14/2004, 5/2005, 2/2006, Development Bureau (DEVB) Technical Circular (Works) No. 9/2020 and DSD Advice Note No. 1.
- (b) On-site treatment systems, e.g. septic tanks and soakaway pits, are generally used in the villages. Any increase in population or number of visitors to the Area or further recreation/residential/commercial/institutional developments will require additional sewage treatment facility to be provided as an integral part of the development if connection to public sewer is not feasible.
- (c) Fresh water supply is available to the existing villages in the Area. The water supply system is however of limited capacity. If any major development is envisaged in this Area, sufficient lead time should be allowed for upgrading the water supply system as necessary. There is no salt water supply for flushing in the Area.

7.2.3 Geotechnical Constraints

- (a) The Area and its vicinity comprise hilly natural terrain with past natural terrain landslide records. There are about 183 registered man-made features located within the Area and the stability of these features is mostly unknown.
- (b) If these man-made 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 (GEO) of CEDD 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 (Cap. 123) as appropriate.

- (c) 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.

7.2.4 Heritage Preservation/Archaeological Consideration

- (a) There are four Sites of Archaeological Interest (SAIs), i.e. Mang Tong SAI, Chok Tsai Wan SAI, Chung Hau SAI and Man Kok Tsui SAI in the Area. All the SAIs are worthy of preservation. Besides, if there are any buildings/structures both at grade level and underground which were built on or before 1969, the Antiquities and Monuments Office (AMO) should be alerted.
- (b) Prior consultation with AMO of DEVB should be made if any works, developments, redevelopments or rezoning proposals may affect the above SAIs, graded historic buildings/structures, new items pending grading assessment, any other historic structures identified 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 the SAIs e.g. whether a 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 a licence. Subject to the findings of AIA, appropriate mitigation measures shall be fully implemented by the project proponent in consultation with AMO.

7.2.5 Airport Height Restriction

The building height for the developments within the Area is subject to the gazetted Airport Height Restriction Plan (AHRP) and any potential amendments to the gazetted AHRP related to 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.

7.2.6 Aircraft Noise

Although the Area falls outside the coverage of Noise Exposure Forecast (NEF) 25 contour under the HKIA 3RS, the Area will be subject to potential aircraft and helicopter noise impact as it falls beneath the primary helicopter entry/exit route “Silvermine” and is in proximity to HKIA. The helicopter noise arising from the frequent use of GFS helicopters flying on the helicopter entry/exit route “Silvermine” over the Area will present an adverse impact on any residential development with the Area.

7.2.7 Risk Hazard

Part of the Area falls within the consultation zones for Silvermine Bay Water Treatment Works (SMBWTW) and Kau Shat Wan Government Explosives Depot (KSWGED), which are Potentially Hazardous Installations (PHIs). Any development within such areas would be subject to constraints due to risk associated with the PHIs, and requires submission of a hazard assessment to the Coordinating Committee on Land-use Planning and Control relating to Potentially Hazardous Installations for approval prior to application for planning permission from the Board.

7.2.8 Urban Design

The Area is characterised by a rural countryside ambience. Any proposed developments should be of a scale compatible with the natural and rural character of the Area.

7.2.9 Burial Ground

There is a permitted burial ground in the Area for indigenous villagers and it is not suitable for any development. It is located to the northwest of Mang Tong.

8 GENERAL PLANNING INTENTION

- 8.1 The general planning intention of the Area is to conserve its landscape and ecological values in safeguarding the natural habitats and to maintain the unique natural and rural character and cultural heritage of the Area. Low-impact leisure and recreational uses compatible with the rural setting will be encouraged where appropriate. Land is also designated for village development.
- 8.2 Due consideration should be given to the conservation of ecologically and environmentally sensitive areas when development in or near the Area is proposed. Small House development in recognised villages will be consolidated at suitable locations to avoid sprawling and to preserve the rural character of the Area. In designation of various zones in the Area, consideration has been given to protecting the natural habitats in the Area such as the woodland areas which form a continuous stretch of well-established vegetation with those located in the adjoining Lantau North (Extension) and Lantau North Country Parks and natural streams.

9 LAND USE ZONINGS

9.1 “Commercial” (“C”): Total Area 0.60 ha

- 9.1.1 This zone is intended primarily for commercial developments, which may include hotel, shop, services, place of entertainment and eating place, serving the immediate neighbourhood and the visitors.
- 9.1.2 It mainly covers three commercial developments, including two existing hotels, namely Seaview Holiday Resort and Mui Wo Inn at the back of Silver Mine Bay Beach and a resort-type development under construction along Tung Wan Tau Road.
- 9.1.3 On land designated “C(1)”, “C(2)” and “C(3)”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum gross floor area and building height specified below, or the gross floor area and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater:

<u>Sub-area</u>	<u>Maximum Gross Floor Area</u>	<u>Maximum Building Height</u>
“C(1)”	390m ²	3 storeys
“C(2)”	735m ²	3 storeys
“C(3)”	2,302m ²	3 storeys

- 9.1.4 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the gross floor area and building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9.2 “Residential (Group C)” (“R(C)”): Total Area 0.15 ha

- 9.2.1 This zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 9.2.2 Three existing domestic developments located to the west of Mang Tong, along Tung Wan Tau Road and to the southeast of Tung Wan Tau respectively are under this zone.
- 9.2.3 On land designated “R(C)1”, “R(C)2” and “R(C)3”, no new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of the maximum gross floor area and building height specified

below, or the gross floor area and height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater:

<u>Sub-area</u>	<u>Maximum Gross Floor Area</u>	<u>Maximum Building Height</u>
“R(C)1”	186m ²	2 storeys
“R(C)2”	586m ²	3 storeys
“R(C)3”	759m ²	3 storeys

9.2.4 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the gross floor area and building height restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9.3 “Village Type Development” (“V”): Total Area 4.55 ha

9.3.1 The planning intention of this zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9.3.2 It covers three recognised villages, namely Mang Tong, Tung Wan Tau and Man Kok Tsui, and the village clusters along Tung Wan Tau Road and in Chung Hau.

9.3.3 The “V” zones designated for Mang Tong, Tung Wan Tau and Man Kok Tsui are drawn up having regard to the ‘Village Environs’, the local topography, the existing settlement pattern, the outstanding Small House applications and demand forecast. Areas of difficult terrain, potential natural terrain hazards, dense vegetation, conservation and ecological value are excluded. The “V” zones designated for village clusters along Tung Wan Tau Road and in Chung Hau are drawn up to reflect the existing condition.

9.3.4 No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 3 storeys (8.23m) or the height of the building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater.

9.3.5 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9.3.6 As diversion of stream may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works.

9.4 “Government, Institution or Community” (“G/IC”): Total Area 0.04 ha

9.4.1 This zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.

9.4.2 It covers an existing refuse collection point located in the southern part of Mang Tong, an existing catholic church to the southwest of Mang Tong, the existing Tung Wan Tau Public Toilet to the southwest of Tung Wan Tau and a planned fresh water pump house along Tung Wan Tau Road.

9.4.3 To preserve the rural and low-rise character of the Area, development/redevelopment within this zone should be restricted to the maximum building height as stipulated on the Plan, or the height of building which was in existence on the date of first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater.

9.4.4 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height restriction may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9.5 “Open Space” (“O”): Total Area 2.41 ha

9.5.1 This zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9.5.2 It mainly covers a gazetted public bathing beach at Silver Mine Bay including beach buildings and associated beach facilities. It also covers Tung Wan Tau Road, some existing beach-supporting shops and eating places, and the beach areas adjacent to the gazetted beach along Tung Wan Tau Road.

9.6 “Recreation” (“REC”): Total Area 3.11 ha

- 9.6.1 This zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.
- 9.6.2 It mainly covers the Hong Kong Playground Association (HKPA) Jockey Club Silvermine Bay Camp and the Methodist Retreat Centre.
- 9.6.3 No new development, or addition, alteration and/or modification to or redevelopment of an existing building shall result in a total development and/or redevelopment in excess of a maximum building height of 2 storeys (6m), or the height of the building which was in existence on the date of the first publication in the Gazette of the notice of the draft DPA Plan, whichever is the greater.
- 9.6.4 Residential development will generally not be allowed in this zone except where it can be established that such use, in the form of holiday accommodation, is ancillary to and in support of the recreational uses. No residential development shall result in a total development in excess of a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m).
- 9.6.5 To provide flexibility for innovative design adapted to the characteristics of particular sites, minor relaxation of the building height and plot ratio restrictions may be considered by the Board through the planning permission system. Each proposal will be considered on its individual planning merits.

9.7 “Other Specified Uses” (“OU”): Total Area 0.02 ha

The planning intention of this zone is to designate land for piers to facilitate marine access to the Area. It covers a pier in Man Kok.

9.8 “Agriculture” (“AGR”): Total Area 3.78 ha

- 9.8.1 This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.8.2 It mainly covers clusters of active and abandoned agricultural land in the vicinity of villages.
- 9.8.3 As diversion of stream and filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by the Government, and maintenance, repair or rebuilding works. This restriction does not apply to filling of land specifically required under prior written instructions of

government department(s) or for the purposes of laying of soil not exceeding 1.2m in thickness for cultivation, or construction of agricultural structure with prior written approval issued by the Lands Department (LandsD).

9.9 “Green Belt” (“GB”): Total Area 147.29 ha

9.9.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9.9.2 It mainly covers woodlands, shrublands, grasslands, coastal uplands, vegetated hills, streams, marshes and mangroves adjoining Lantau North (Extension) Country Park and Lantau North Country Park. It also covers some scattered agricultural land which are mostly abandoned.

9.9.3 There is a permitted burial ground to the northwest of Mang Tong, which is intended for burial places of deceased indigenous villagers in the Area. To respect the local ritual and tradition, burial activities in the permitted burial grounds within this zone are generally tolerated. The District Office (DO) is delegated with authority under the Public Health and Municipal Services Ordinance (Cap. 132) to issue the burial certificates within the boundaries of permitted burial grounds. Burial activities within permitted burial grounds are also governed by separate conditions stipulated by LandsD, the Food and Environmental Hygiene Department, the Agriculture, Fisheries and Conservation Department and the Water Supplies Department (WSD). Any burial activities should be confined within the designated grounds as far as practicable.

9.9.4 There is a general presumption against development within this zone. Development in this zone will be strictly controlled. Development proposals will be considered by the Board on individual merits taking into account the relevant Town Planning Board Guidelines. As diversion of stream, filling of land/pond or excavation of land may cause adverse drainage and environmental impacts on the adjacent areas and the natural environment, permission from the Board is required for such works and related activities except public works co-ordinated or implemented by the Government, and maintenance, repair or rebuilding works.

9.10 “Coastal Protection Area” (“CPA”): Total Area 3.42 ha

9.10.1 This zoning is intended to conserve, protect and retain the natural coastlines and the sensitive coastal natural environment, including attractive geological features, physical landform or area of high landscape, scenic or ecological value, with a minimum of built development. It may also cover areas which serve as natural protection areas sheltering nearby developments against the effects of coastal erosion. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

9.10.2 It mainly covers the natural coastline along the southern and eastern peripheries of the Area from Tung Wan Tau to Man Kok, which comprises coastal features including flat rock and beach.

9.10.3 New residential development is not permitted under this zone. Redevelopment of existing house may be permitted on application to the Board. The redevelopment of an existing house shall not result in a total redevelopment in excess of the plot ratio, site coverage and height of the house which was in existence on the date of the first publication of the draft DPA Plan.

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

10 COMMUNICATIONS

10.1 The Area is not served by vehicular access. Wang Tong and Tung Wan Tau are accessible on foot and by cycling from Mui Wo town centre through Tung Wan Tau Road. Man Kok is further connected by footpaths. There is a pier in Man Kok providing limited marine access.

11 UTILITY SERVICES

11.1 Drainage

DSD has completed drainage improvement works in Wang Tong River to reduce the flooding risk in the Area.

11.2 Sewerage

(a) At present, the Area is mainly served by septic tank and soakaway (STS) system. For Mui Wo Area, the main branch sewers to Tai Tei Tong and Pak Ngan Heung have been constructed along with the emergency vehicular access while the main branch sewer to Luk Tei Tong is at the planning stage. The Mui Wo Sewage Treatment Works located at the southeastern part of Mui Wo (outside the Area) will not have spare capacity to accommodate any further sewage arising from additional developments in Mui Wo including the Area. For the new developments located near the gazetted beach, if additional sewage treatment facilities are to be provided, effluent discharges are subject to control under the Water Pollution Control Ordinance (Cap. 358). According to Technical Memorandum on Standards for Effluents Discharged into Drainage and Sewerage Systems, Inland and Coastal Waters, no new effluent will be allowed within 100m of the boundaries of a gazetted beach in any direction, including rivers, streams and storm water drains.

- (b) If connection to public sewer is not feasible, alternatives should be proposed to protect the water quality of the streams and sea, the design and construction of on-site STS system for any development proposals/submission need to comply relevant standards, regulations and requirements, including the Environmental Protection Department (EPD)'s Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93.

11.3 Water Supply

Majority of the Area falls within the Silver Mine Bay Fresh Water Supply Zone designated by the WSD and is supplied with potable water. There is no salt water supply for flushing in the Area.

11.4 Others

At present, telephone network, electricity and cylinder liquefied petroleum gas supplies are available in the Area.

12 CULTURAL HERITAGE

- 12.1 There are four SAIs, i.e. Mang Tong SAI, Chok Tsai Wan SAI, Chung Hau SAI and Man Kok Tsui SAI in the Area. All the SAIs are worthy of preservation. Besides, if there are any buildings/structures both at grade level and underground which were built on or before 1969, AMO should be alerted.
- 12.2 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>.
- 12.3 Prior consultation with AMO of DEVB should be made if any works, developments, redevelopments or rezoning proposals may affect the above SAIs, graded historic buildings/structures, new items pending grading assessment, any other historic structures identified 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 the SAIs e.g. whether a detailed 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 a licence. Subject to the findings of AIA, appropriate mitigation measures shall be fully implemented by the project proponent in consultation with AMO.

13 IMPLEMENTATION

- 13.1 The Plan provides a broad land use framework for development control and implementation of planning proposals for the Area. More detailed plans will be

prepared as a basis for public works planning and private developments.

- 13.2 At present, there is no overall programme for the improvement or provision of infrastructure within the Area. The implementation process will be gradual and may stretch over a long period of time depending on the availability of resources. It will be undertaken through the participation of both public and private sectors.
- 13.3 Notwithstanding the above, minor improvement works, e.g. access improvements, utility services installation and public works projects will be implemented through the Public Works Programme and the Local Public Works Improvement Programme, subject to priority and resource availability. Private developments will be effected principally through private sector initiatives in accordance with the zoned uses indicated on the Plan, provided that their proposals meet Government requirements.

14 PLANNING CONTROL

- 14.1 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.
- 14.2 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 this 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.
- 14.3 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 including guidelines published by the Board. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of PlanD. 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 PlanD. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.
- 14.4 Any development, other than those referred to in paragraph 14.1 above or in conformity with this Plan or with the permission of the Board, undertaken or continued on or after 8 January 2021 on land included in a plan of the Mui Wo North DPA may be subject to enforcement proceedings under the Ordinance.

Any diversion of stream, filling of land/pond or excavation of land in relevant zones on or after the exhibition of the specific plan referred to in the Notes of the relevant zones without permission from the Board may also be subject to enforcement proceedings.

**TOWN PLANNING BOARD
SEPTEMBER 2022**