

# LEGISLATIVE COUNCIL BRIEF

Town Planning Ordinance  
(Chapter 131)

## APPROVED SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/2

### INTRODUCTION

A At the meeting of the Executive Council on 6 December 2022, the Council ADVISED and the Chief Executive ORDERED that the draft Sham Wat and San Shek Wan Outline Zoning Plan (OZP) No. S/I-SW/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-SW/2 at Annex A.

### THE DRAFT OZP

2. On 27 August 2021, the draft Sham Wat and San Shek Wan OZP No. S/I-SW/1 (the draft OZP) was exhibited for public inspection under section 5 of the Ordinance. On the same day, the draft Sham Wat and San Shek Wan Development Permission Area Plan No. DPA/I-SW/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 17 valid representations were received. On 3 December 2021, the representations were published for comment, and four valid comments on representations (comments) were received. On 31 May 2022, the Chief Executive agreed under section 8(2) of the Ordinance to extend the statutory time limit for the Board to submit the draft OZP to the CE in C for approval for a period of six months, i.e. from 27 July 2022 to 27 January 2023. The representations and comments were considered by the Board at its meeting held on 6 June 2022.

### Supportive Representations and Representations Providing Views (9)

4. The major grounds/views of the supportive representations and representations 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

and rural character in 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) a wide variety of important habitats for species of high conservation value were found in the area. They should be adequately protected from any development and potential pollution. Marshes, mangroves, woodlands, streams and 30m buffer area on both sides of rivers should be protected by more stringent zonings (such as "Conservation Area" ("CA") zone). All natural coastal areas should be zoned "Coastal Protection Area" ("CPA");
- (c) "Green Belt" ("GB") zone was considered inadequate to protect the natural habitats against undesirable development as the Board approved the rezoning of "GB" for other purposes on a regular basis, and the "GB" zoning should be replaced by more stringent zoning, e.g. "CA". Shrubland and grassland should be zoned "CA" or "Green Belt (1)" ("GB(1)"), in which redevelopment of an existing house should be restricted to its existing bulk;
- (d) more stringent planning control (e.g. by replacing the zonings of "Agriculture" ("AGR") and "GB" by "CA") should be imposed on agricultural land near ecologically sensitive area. Existing agricultural land clusters should be zoned "GB(1)" or "Agriculture (2)" where no house development should be allowed. New Territories Exempted House should be precluded from Columns 1 and 2 uses in zones with good quality agricultural land or woodlands;
- (e) the septic tank and soakaway (STS) systems commonly used by villages would pollute the environment and pose health hazards to the villagers;
- (f) closed road system should be maintained with strict vehicular access control to Sham Wat in accordance with the "Development in the North; Conservation for the South" strategy for Lantau;
- (g) no further changes to the draft OZP that would potentially cause adverse environmental effects should be made;

#### Representer's proposal

- (h) inter-tidal zones of Sham Wat should be covered by the draft OZP and zoned "CPA", and the coastline near San Shek Wan Pier and Sai Tso Wan should also be zoned "CPA";

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

- (i) an incremental approach should be adopted in designating the "V" zones based on genuine Small House (SH) demand. "V" zones should be restricted to the existing village clusters only. There was no outstanding SH application and the 10-year SH demand forecast was zero for both Sham Wat and San Shek Wan and there was no justification to enlarge the "V" zone;
- (j) the existing agricultural land and house lots should be retained;
- (k) more land should be reserved for recreational and community facilities;
- (l) adequate buffer zone to the Sites of Archeological Interest should be provided to protect the unique character of the area;
- (m) in view of the increased traffic and the existing steep and winding design, Sham Wat Road should be widened to a double-lane road and be further extended to Sha Lo Wan;

## Unauthorised Development

- (n) road widening, slope cutting works and vegetation clearance were spotted along Tung O Ancient Trail. The current enforcement and prosecution against illegal development took years to go through the process and could not protect the environment and ecology in time; and
- (o) the definition of 'existing use' ('EU') should be reviewed to exclude any unauthorised works. There were also concerns that unauthorised activities including road widening and slope cutting undertaken before the gazettal of the DPA Plan would be regarded as 'EU'.

## Adverse Representations (8)

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

### Rural Development and "V" Zone

- (a) the extent of "GB" zone was excessive. It should not cover a large amount of private land;
- (b) the extent of "V" zone was insufficient to meet the SH demand. The "V" zones should be extended to cover the nearby "GB" zones to meet village development needs in the long term. Designating agricultural

land, areas near recognised villages and those with outstanding SH application as "GB" zone neglected indigenous inhabitants' housing needs and adversely affected agricultural rehabilitation;

- (c) "AGR" zone should be enlarged or all agricultural land should be retained to facilitate agricultural rehabilitation;

#### Provision of Transport Facilities and Infrastructures

- (d) transport facilities (both road and water transport) and local facilities in the area were lacking and should be improved. Enhancement of transport facilities was required to facilitate access/provision of emergency services and community/recreational facilities. The existing trail between San Shek Wan and Sha Lo Wan should be repaved and widened as a vehicular road. Sham Wat Road should be widened;
- (e) irrigation facilities for agricultural activities should be provided. A sewerage system in Sham Wat should be installed to tackle the sewage discharge issue;

#### Representer's Proposals

- (f) to rezone a site near San Shek Wan from "GB" to "Recreation" for recreational development;
- (g) to rezone a site near San Shek Wan from "AGR", "GB" and "CPA" zones to "Other Specified Uses" annotated "Eco-lodge" with a maximum plot ratio of 0.2 and a maximum building height of not more than 2 storeys.

#### Comments on Representations (4)

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

- (a) unauthorised developments including removal of vegetation and slope cutting works should be prohibited. Those areas should not be covered by any development-related zonings; and
- (b) the exemption clause for diversion of stream, filling of land/pond or excavation of land for public works co-ordinated or implemented by Government in "CA", "CPA" and "Site of Special Scientific Interest" zones should be removed.

## The Board's Decision

7. After giving consideration to the representations and comments, the Board noted the supportive views of R1 (part) to R4 (part) and decided not to uphold the remaining views of R1 (part) to R4 (part) and R5 to R17, 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) "CPA", "CA" and "GB" were all conservation-related zonings of different levels of control to land use and development. The designation of such zonings on the draft OZP was considered appropriate from nature conservation perspective, "CPA" zone for protecting the natural coastline with high landscape, scenic or ecological value, "CA" zone to preserve the ecologically important stream portion of Ngong Sham Stream and its riparian area, and "GB" zone to render protection of the common natural habitats and at the same time to reflect the existing site conditions in the area (R1 to R9);
- (b) "CPA" zone was designated along the majority of the coastline. Only coastal areas with existing man-made features were excluded from the "CPA" zone and were designated with appropriate zonings (R1 to R4, R6 and R7);
- (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, R4 and R6);

### Agricultural Land and Designation of "GB" and "AGR" Zones

- (d) majority of the existing and abandoned agricultural land with potential for rehabilitation was zoned "AGR", while some common natural habitats such as woodland and shrubland were zoned "GB". 'Agricultural Use' was always permitted within "AGR" and "GB" zones. Genuine agricultural activities would not be hindered (R8 to R12);
- (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 (R10);

### Designation of "V" Zone

- (f) 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 value 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, R4 and R7 to R9);

#### Provision of Community Facilities and Infrastructures

- (g) suitable sites were zoned "Government, Institution or Community" for provision of Government, institution and community facilities serving the needs of the local residents in the area. The provision of community facilities and infrastructures, including transport and irrigation facilities, would be subject to review by relevant bureaux/departments as and when necessary (R10 to R15);

#### Unauthorised Development

- (h) 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, R3 and R7); and

#### Development Proposals

- (i) the rezoning proposals to facilitate various proposed developments by the representers 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 (R16 and R17).

### IMPLICATIONS OF THE PROPOSAL

8. Approval of the draft Sham Wat and San Shek Wan OZP No. S/I-SW/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 Sham Wat and San Shek Wan OZP No. S/I-SW/1A are set out below.

9. Regarding the environmental implications, future developments within the aArea 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 Small House 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-SW/C on 15 January 2021 and agreed that the draft OZP No. S/I-SW/C was suitable for consultation with the Tai O Rural Committee (TORC) and Islands District Council (IsDC). The TORC and IsDC were consulted at its meeting on 1 April 2021 and by circulation of paper on 30 June 2021 respectively. On 26 February 2021, a meeting was held with the local villagers of Sham Shek and Shan Shek Wan in response to the request from a resident representative of Sham Shek. On 17 March 2021 and 12 April 2021, two meetings were held with green/concern groups on the draft OZP No. S/I-SW/C. The draft OZP No. S/I-SW/C was re-numbered as S/I-SW/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-SW/E on 6 August 2021. The draft OZP No. S/I-SW/E was re-numbered as S/I-SW/1 for gazettal on 27 August 2021.

13. Upon gazettal of the draft OZP No. S/I-SW/1, an information paper was circulated to the members of IsDC on 23 September 2021. The Chairman of IsDC made a response to the abovementioned IsDC paper on 29 September 2021 and subsequently submitted a representation (R8).

## PUBLICITY

14. The approved Sham Wat and San Shek Wan OZP No. S/I-SW/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-II 15. The approved Sham Wat and San Shek Wan OZP No. S/I-SW/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  
DECEMBER 2022



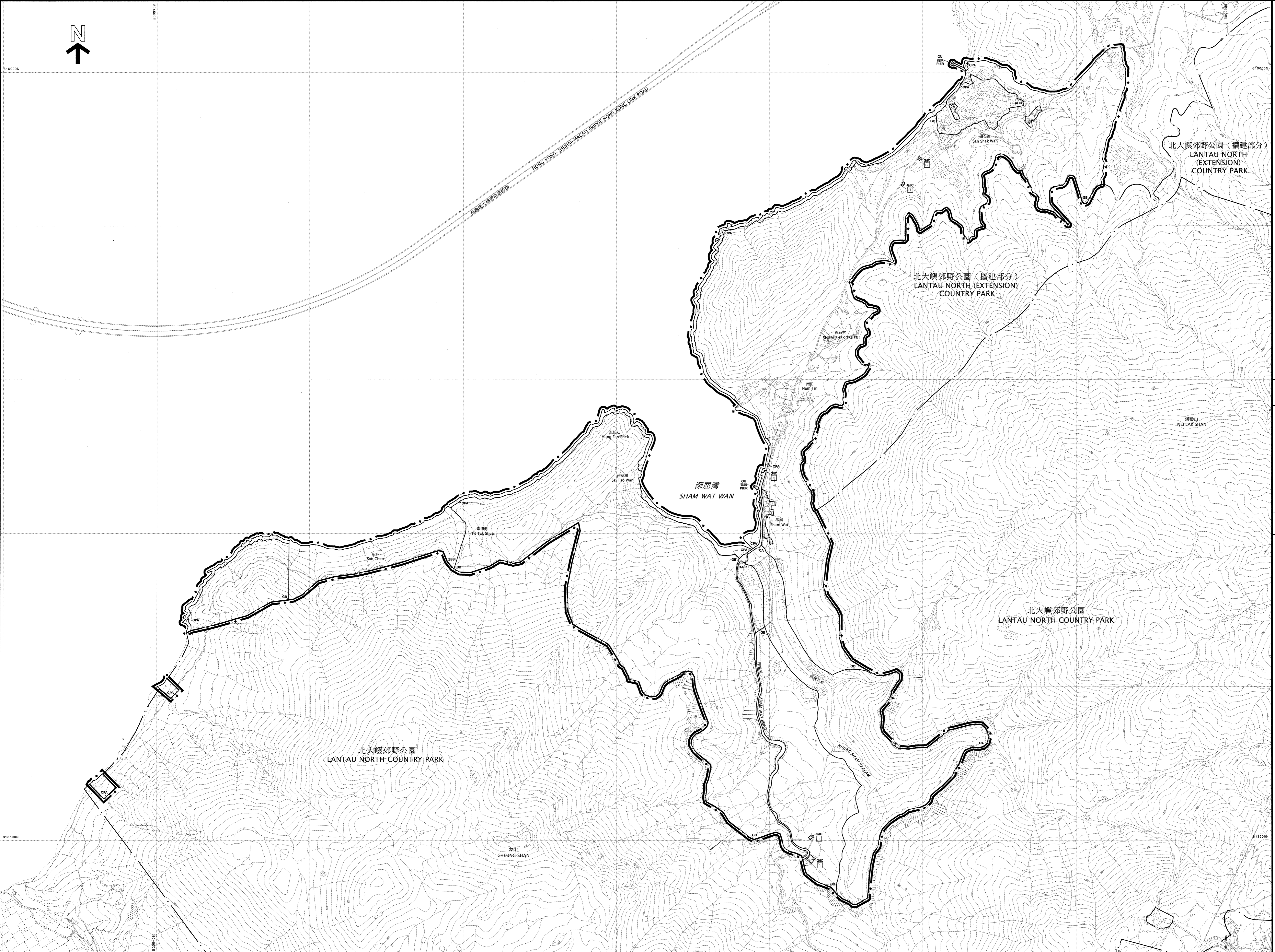
APPROVED SHAM WAT AND SAN SHEK WAN  
OUTLINE ZONING PLAN  
NO. S/I-SW/2

Annex A Approved Sham Wat and San Shek Wan Outline Zoning Plan No.  
S/I-SW/2

Enclosure I : Notes to the Approved Sham Wat and San Shek  
Wan Outline Zoning Plan No. S/I-SW/2

Enclosure II : Explanatory Statement of the Approved Sham  
Wat and San Shek Wan Outline Zoning Plan No.  
S/I-SW/2





**圖例 NOTATION**

ZONES	地帶	
VILLAGE TYPE DEVELOPMENT	V	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	G/IC	政府、機構或社區
OTHER SPECIFIED USES	OU	其他指定用途
AGRICULTURE	AGR	農業
GREEN BELT	GB	綠化地帶
CONSERVATION AREA	CA	自然保育區
COASTAL PROTECTION AREA	CPA	海岸保護區
SITE OF SPECIAL SCIENTIFIC INTEREST	SSSI	具特殊科學價值地點
<b>COMMUNICATIONS</b>		<b>交通</b>
MAJOR ROAD AND JUNCTION	==	主要道路及路口
<b>MISCELLANEOUS</b>		<b>其他</b>
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**

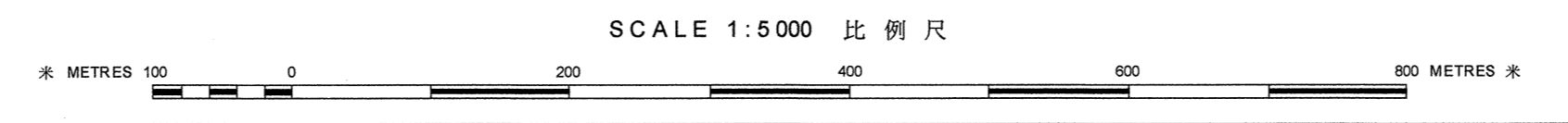
USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	百分比 PERCENTAGE	
VILLAGE TYPE DEVELOPMENT	0.62	0.35	鄉村式發展
GOVERNMENT, INSTITUTION OR COMMUNITY	0.08	0.04	政府、機構或社區
OTHER SPECIFIED USES	0.03	0.02	其他指定用途
AGRICULTURE	4.17	2.32	農業
GREEN BELT	142.16	79.16	綠化地帶
CONSERVATION AREA	19.85	11.05	自然保育區
COASTAL PROTECTION AREA	5.24	2.92	海岸保護區
SITE OF SPECIAL SCIENTIFIC INTEREST	6.52	3.63	具特殊科學價值地點
MAJOR ROAD ETC.	0.92	0.51	主要道路等
<b>TOTAL PLANNING SCHEME AREA</b>	<b>179.59</b>	<b>100.00</b>	<b>規劃範圍面積</b>

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12月6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 6 DECEMBER 2022

Ms Carmen KONG 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深屈及礮石灣分區計劃大綱圖  
TOWN PLANNING ORDINANCE, HONG KONG TOWN PLANNING BOARD  
SHAM WAT AND SAN SHEK WAN - 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-SW/2



**APPROVED SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/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) Road junctions, alignment of roads and 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 “Site of Special Scientific Interest”, “Conservation Area” or “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, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
- (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
- (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
- (e) rebuilding of New Territories Exempted House;
- (f) replacement of an existing domestic building, i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House; 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 “Site of Special Scientific Interest”, “Conservation Area” or “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, road, watercourse, nullah, public utility pipeline, electricity mast, lamp pole, telephone booth, shrine and grave;
  - (ii) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government; 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) In any area shown as ‘Road’, all uses or developments except those specified in paragraphs

(8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:

road and on-street vehicle park.

- (11) (a) Except in areas zoned “Site of Special Scientific Interest”, “Conservation Area” or “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 (11)(a), and subject to temporary uses for open storage and port back-up purposes which are prohibited in areas zoned “Site of Special Scientific Interest”, “Conservation Area” or “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.
- (12) 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.
- (13) 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 SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/2**

Schedule of Uses

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**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 designate both existing recognized villages and areas of 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 streams, 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.

**OTHER SPECIFIED USES**

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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 pier and jetty to facilitate marine access to Sham Wat and San Shek Wan areas.

**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 streams or 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 the 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:

(Please see next page)

**AGRICULTURE** (cont'd)

- (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**

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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

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Planning Intention

The planning intention of this zone is primarily for defining the limits of development areas by natural features and to preserve the existing natural landscape 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 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, 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.

**CONSERVATION AREA**

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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 Refuse Collection Point Government Use (not elsewhere specified) House (Redevelopment only) Public Convenience Public Utility Installation Radar, Telecommunications Electronic Microwave Repeater, Television and/or Radio Transmitter Installation

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Planning Intention

This zoning is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Ecologically Important Stream or Country Park from the adverse effects of development.

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.



**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.

**SITE OF SPECIAL SCIENTIFIC INTEREST**

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

Planning Intention

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

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

Remarks

Any diversion of 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 SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/2**

**EXPLANATORY STATEMENT**

APPROVED SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/2

EXPLANATORY STATEMENT

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# **APPROVED SHAM WAT AND SAN SHEK WAN OUTLINE ZONING PLAN NO. S/I-SW/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 Sham Wat and San Shek Wan Outline Zoning Plan (OZP) Plan No. S/I-SW/2. It reflects the planning intentions 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 the Sham Wat and San Shek Wan 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 Sham Wat and San Shek Wan area.
- 2.3 On 8 January 2021, the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/1 was exhibited for public inspection under section 5 of the Ordinance. During the exhibition periods, a total of 168 representations were received.
- 2.4 On 27 August 2021, the draft Sham Wat and San Shek Wan OZP No. S/I-SW/1 was exhibited for public inspection under section 5 of the Ordinance.
- 2.5 Pursuant to section 20(6) of the Ordinance, the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/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 Sham Wat and San Shek Wan OZP No. S/I-SW/1 on the date. The plan-making process for the draft Sham Wat and San Shek Wan DPA Plan No. DPA/I-SW/1 did not proceed further.
- 2.6 During the two-month exhibition period of the draft Sham Wat and San Shek Wan OZP No. S/I-SW/1, a total of 17 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 four comments were received. After giving consideration to the representations and comments on 6 June 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 6 December 2022, the CE in C, under section 9(1)(a) of the Ordinance, approved

the draft Sham Wat and San Shek Wan OZP, which was subsequently renumbered as S/I-SW/2. On 16 December 2022, the approved Sham Wat and San Shek Wan OZP No. S/I-SW/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 Sham Wat and San Shek Wan 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, including two small pieces of land to the west of San Chau along the coastline and covering a total area of about 179.59 ha, is located on the north-western part of Lantau Island, fronting the Hong Kong-Zhuhai-Macao Bridge (HZMB) Hong Kong Link Road. The Area consists of hilly terrains along foothills of Nei Lak Shan to the east and Cheung Shan to the southwest. It is embraced by the Lantau North and the Lantau North (Extension) Country Parks to its south and the sea bay to the north. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road, while most parts of the Area are accessible only by footpaths.
- 5.2 The natural landscape of the Area consists of woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, wetlands including marshes and mangroves and coastal features including shorelines, mudflats and seagrass bed. Woodlands cover the majority of the Area in particular along the coast near San Chau and in the vicinity of the village clusters in Sham Wat, Sham Shek Tsuen and San Shek Wan. San Chau, located to the west of Sham Wat, is designated as a Site of Special Scientific Interest

(SSSI) for its harbouring the largest known population of *Rhododendron championiae* (毛葉杜鵑), in which the species is considered as one of the rarest native rhododendrons species in Hong Kong.

- 5.3 There is a natural stream in Sham Wat commonly known as Ngong Sham Stream (昂深石澗), a portion of it is an Ecologically Important Stream (EIS) flowing downhill towards Sham Wat to Sham Wat Wan. Ngong Sham Stream is characterised by its high diversity of freshwater and brackish fish and herpetofauna, with records of species of conservation importance such as Japanese eel (*Anguilla japonica* 日本鰻鱺). The myriad of terrestrial natural habitats, coupled with streams and natural coastal environment, offer desirable homes for a diverse community of animals of different kinds, including species of conservation importance such as Romer's Tree Frog (*Liuixalus romeri* 盧氏小樹蛙), Short-legged Toad (*Megophrys brachykolos* 短腳角蟾), Tokay Gecko (*Gekko gecko* 大壁虎), Burmese Python (*Python bivittatus* 蟒蛇), Crested Goshawk (*Accipiter trivirgatus* 鳳頭鷹) and Common Cerulean (*Jamides celeno* 錫冷雅灰蝶). The coastal area, in particular Sham Wat Wan, contains marshes, mangroves, mudflats, seagrass bed and various types of coastal plants. Horseshoe Crab could be found in Sham Wat Wan and along the coast near San Chau.
- 5.4 The Area is characterised by a rural countryside ambience with village settlements located mainly in Sham Wat, Nam Tin, Sham Shek Tsuen and San Shek Wan, which are currently occupied by a few villagers. Village houses are mainly one to three-storey in height. There are two recognized villages within the Area, namely Sham Wat and Shan Shek Wan sited along the footpaths. There are two religious institutions including Sam Shan Kwok Wong Temple (三山國王廟) in San Shek Wan and Shing Kok Ha Yuen (勝覺下苑) near Sham Shek Tsuen. Active and abandoned farmland and some vacant farmhouses are found in Sham Wat, Sham Shek Tsuen and San Shek Wan. Sham Wat is accessible by vehicles via Sham Wat Road while there is no vehicular access to San Shek Wan. There is no significant economic activity in the Area. Major commercial activities include some local provision stores in Sham Wat that operate mainly during weekends.
- 5.5 There are five Sites of Archaeological Interest (SAIs) in the Area, i.e. San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worth preserving.
- 5.6 The Area is a popular hiking area with scenic views, accessible either by an existing trail (commonly known as Tung O Ancient Trail) which connects Tung Chung and Tai O, or by boat via the local pier in San Shek Wan and the jetty in Sham Wat.

## **6. POPULATION**

Based on 2016 Population By-census, the population of the Area as estimated by PlanD was about 100 persons. It is estimated that the planned population in the Area would be about 270 persons.

## **7. OPPORTUNITIES AND CONSTRAINTS**

### *7.1 Opportunities*

#### 7.1.1 Nature Conservation

- (a) The Area is embraced by Lantau North and Lantau North (Extension) Country Parks and rich in natural habitats including woodlands, shrublands, grasslands, vegetated slopes and knolls, streams, wetlands including marshes and mangroves and coastal features including shorelines, mudflats and seagrass bed.
- (b) San Chau, located to the west of Sham Wat and at the north-western part of the Area, is designated as a SSSI for its harbouring the largest known population of *Rhododendron championiae* (毛葉杜鵑), in which the species is considered as one of the rarest native rhododendrons in Hong Kong. Part of Ngong Sham Stream (昂深石澗) is an EIS flowing downhill towards Sham Wat to Sham Wat Wan, which is of high diversity of freshwater and brackish fish and herpetofauna, with records of species of conservation importance.
- (c) 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 diversity of wild fauna and flora are worth conserving. Any haphazard and uncontrolled development that may adversely affect the rural and natural character with scientific importance and conservation value of the Area should be avoided.

#### 7.1.2 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) The Area is a popular hiking area with scenic views, accessible either by an existing trail which connects Tung Chung and Tai O, or by boat via local piers and jetties in the Area. According to the Blueprint, the predominant part of Lantau, including the Area, would be for conservation. Where appropriate, low-impact leisure and recreational uses which are compatible with the natural setting and rural character would be developed for public enjoyment. The Sustainable Lantau Office (SLO), 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 and a proposed Round-the-Lantau Route are located in the Area. Several preliminary proposals to promoting revitalization of the villages along Tung O Ancient Trail have been received from SLO, CEDD. Subject to further information and detailed impact assessments, planning application for such proposals may be submitted for the Board's consideration.

### 7.1.3 Agricultural Development

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

## 7.2 *Constraints*

### 7.2.1 Accessibility

- (a) At present, the Area has limited access. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. While most parts of the Area are inaccessible due to lack of proper vehicular access, some parts may be accessible by footpaths. Other forms of connection include hiking trails/footpaths linking Tai O and Tung Chung via Sha Lo Wan and San Tau.
- (b) The Area is also accessible by boat with the provision of a pier at San Shek Wan and a jetty at Sham Wat.

### 7.2.2 Heritage Preservation/Archaeological Consideration

- (a) There are five SAIs in the Area, i.e. San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worth preserving.
- (b) Prior consultation with the Antiquities and Monuments Office (AMO) of Development Bureau (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, and other historic structures identified and their immediate environs. Besides, if there are any buildings/structures both at grade level and underground which were built on or before 1969, AMO should be alerted.

### 7.2.3 Airport Height Restriction

The building height of the developments within the Area is subject to the gazetted Airport Height Restriction Plan (AHRP) and any potential amendments to the gazetted AHRP related the Expansion of the Hong Kong International Airport (HKIA) into a Three Runway System Project (3RS).

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.

#### 7.2.4 Helicopter Operation

Whilst more than 20 helicopters takeoff/landings operate at the Hong Kong Government Flying Service (GFS) daily, any development within the Area, located only about 1 km southwest of the GFS Headquarters on the Airport Island, may affect helicopter operations in particular takeoff and landing path to/from the GFS Headquarters, the routing for entering/exiting the airport and the holding procedure for runway crossing/awaiting clearance at Sham Shek and/or Sha Lo Wan for landing to the GFS.

#### 7.2.5 Aircraft Noise

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

#### 7.2.6 Limited Infrastructure

- (a) At present, the Area has no public drainage system. Any development planned in the Area shall reserve sufficient land for the necessary 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 re-development 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, DEVB Technical Circular (Works) No. 9/2020 and DSD Advice Note No. 1.

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

#### 7.2.7 Geotechnical Constraints

The Area and its vicinity comprise hilly natural terrain with past natural terrain landslide records. There are about 94 registered man-made slopes and retaining walls within the Area and the stability of these slope features is mostly unknown. If these slope features would affect or be affected by any development and redevelopment, geotechnical investigations and studies including the details of any permanent geotechnical works should be submitted to the Geotechnical Engineering Office of 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. 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.

#### 7.2.8 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 Grounds

There are two permitted burial grounds in the Area for indigenous villagers and they are not suitable for any development. They are located to the northeast of San Shek Wan and to the west of Sham Wat Tsuen.

### **8. GENERAL PLANNING INTENTION**

- 8.1 The general planning intention for the Area is to conserve its landscape and ecological values in safeguarding the natural habitat and rural character of the Area and to preserve historical artifacts, local culture and traditions of the villages and to make provision for future Small House development for indigenous villagers of Sham Wat and Shan Shek Wan.
- 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 recognized 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 protect 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 and Lantau North (Extension) Country Parks and natural streams.

### **9. LAND USE ZONINGS**

#### 9.1 “Village Type Development” (“V”): Total Area 0.62 ha

- 9.1.1 The planning intention of this zone is to designate both existing recognized villages and areas of 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.
- 9.1.2 The “V” zones cover the two recognized villages, namely Sham Wat and Shan Shek Wan. The “V” zones are designated 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 existing village clusters at Sham Wat and Shan Shek Wan are zoned "V".

- 9.1.3 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 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.
- 9.1.4 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.
- 9.1.5 As diversion of streams 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.

9.2 "Government, Institution or Community" ("G/IC"): Total Area 0.08 ha

- 9.2.1 The planning intention of this zone is primarily for the provision of Government, institution or community (GIC) 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, organisations providing social services to meet community needs, and other institutional establishments.
- 9.2.2 Existing GIC uses include a public toilet located near Sham Shek Tsuen and the water break pressure tank and staff quarters of the Water Supplies Department (WSD) adjacent to Sham Wat Road to the south of Sham Wat.
- 9.2.3 Two pieces of land in Sham Wat and San Shek Wan are reserved for the planned refuse collection points.
- 9.2.4 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.

9.2.5 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 “Other Specified Uses” (“OU”): Total Area 0.03 ha

9.3.1 The planning intention of this zone is to designate land for pier and jetty to facilitate marine access to the Area. The zone mainly covers a pier in San Shek Wan and a jetty in Sham Wat.

9.4 “Agriculture” (“AGR”): Total Area 4.17 ha

9.4.1 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. This zone mainly covers the existing active farmlands to the west of downstream area of the Ngong Sham Stream in Sham Wat and the contiguous pieces of agricultural land adjoining the village clusters in San Shek Wan.

9.4.2 As diversion of streams or filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities. However, filling of land specifically required under prior written instructions of government department(s), or for the purposes of genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, and construction of agricultural structure with prior written approval from the Lands Department (LandsD) is exempted from the control.

9.5 “Green Belt” (“GB”): Total Area 142.16 ha

9.5.1 The planning intention of this zone is primarily for defining the limits of development areas by natural features and to preserve the existing natural landscape as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

9.5.2 The “GB” zone mainly covers the woodlands, shrublands and grasslands, vegetated slopes and knolls, streams, wetlands, abandoned farmland and some temporary structures in the Area.

9.5.3 There are two permitted burial grounds, which are 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 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 WSD. Any burial activities should be confined within the designated grounds as far as practicable.

9.5.4 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 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, repair or rebuilding works.

9.6 “Conservation Area” (“CA”): Total Area 19.85 ha

9.6.1 This zone is intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as EIS or country park from the adverse effects of development. 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.

9.6.2 This zone covers the EIS portion of Ngong Sham Stream and its the riparian area to avoid encroachment and adverse impact on the stream. The woodland area to the east of the upstream section of Ngong Sham Stream which is covered by mature woodland is also zoned “CA” to preserve the intact natural habitat of the stream.

9.6.3 New residential development is not permitted within this zone. Redevelopment of existing house may be permitted on application to the Board. The redevelopment of 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.

9.6.4 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.

9.7 “Coastal Protection Area” (“CPA”): Total Area 5.24 ha

9.7.1 The planning intention of this zone is 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.

9.7.2 This zone covers the natural coastlines along the northern peripheries of the Area, which comprise coastal features including shorelines, flat rock, cliff, marshes, mangroves, mudflats and seagrass bed.

9.7.3 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.

9.7.4 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.

9.8 “Site of Special Scientific Interest” (“SSSI”): Total Area 6.52 ha

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



- 9.8.2 There is a general presumption against development in this zone. No developments are permitted unless they are needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes.
- 9.8.3 This zone covers part (about 6.52 ha) of the designated San Chau SSSI, while the rest is covered by the Lantau North Country Park. The San Chau SSSI (total area about 36 ha), harbours the largest known population of *Rhododendron championiae* (毛葉杜鵑) in Hong Kong, a species considered as one of the rarest native rhododendrons in Hong Kong. All wild rhododendrons are protected under the Forestry Regulations, a subsidiary legislation of the Forests and Countryside Ordinance (Cap. 96).
- 9.8.4 Diversion of streams, filling of land/pond or excavation of land may cause adverse drainage and environmental impacts on the adjacent areas, the natural environment and the ecology. In view of the scientific value of the area within this zone, permission from the Board is required for such activities, except public works co-ordinated or implemented by the Government, and maintenance or repair works.

## **10. COMMUNICATIONS**

- 10.1 At present, the Area has limited access. Only Sham Wat is accessible by vehicles via Sham Wat Road leading from Keung Shan Road, South Lantau Road and Tung Chung Road. The Area is generally not served by any public transport service except Lantau taxi.
- 10.2 While most parts of the Area are inaccessible due to lack of proper vehicular access, some parts may be accessible by footpaths. There are some famous walking trails such as the existing trail between Tung Chung and Tai O (commonly known as Tung O Ancient Trail) connecting to other areas on Lantau including San Tau, Sha Lo Wan, Tai O, Tung Chung and Ngong Ping.
- 10.3 With the provision of a pier at San Shek Wan and a jetty at Sham Wat, the Area is also accessible by boat.

## **11. UTILITY SERVICES**

- 11.1 At present, the Area has no public drainage system. Any development planned in this Area shall reserve sufficient land for the necessary drainage improvement in future. 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 would affect the drainage system or change the drainage characteristic, detailed drainage study would be required and suitable mitigation measures should be provided, if necessary, as part of the development or redevelopment.

- 11.2 There is no existing or planned public sewer for the Area and at present, the Area is mainly served by the STS system. Any increase in population, number of visitors to the Area or further residential/recreational developments would require additional facilities. The design and construction of the STS system need to comply with relevant standards and regulations, such as ProPECC PN 5/93 issued by the EPD for the protection of the water quality and the stream flowing through the Area.
- 11.3 Fresh water supply is available to the existing clusters of village houses at Sham Wat and San Shek Wan but the supply is of limited capacity. There is no salt water supply system for flushing in the Area.
- 11.4 Telephone network and electricity supply are available in the Area. Prior consultation with the electricity supplier for the locations of overhead lines and/or underground cables running across the Area is required for any proposed development within the Area. There is no gas supply to the Area.

## **12. CULTURAL HERITAGE**

- 12.1 There are five SAIs in the Area, i.e. San Shek Wan SAI, Nam Tin SAI, Sham Wat SAI, Sha Lo Wan SAI and Tai O SAI. All the SAIs are worth preserving.
- 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, and 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. For example, whether detailed Archaeological Impact Assessment (AIA) is required. The AIA shall evaluate the archaeological impact imposed by the proposed works. If necessary, a qualified archaeologist shall apply for a licence under the Antiquities and Monuments Ordinance (Cap. 53) for an archaeological investigation. A proposal of the AIA shall be submitted to AMO for agreement prior to applying for the licence. Subject to the findings of AIA, appropriate mitigation measures shall be fully implemented by the project proponent in consultation with AMO. Besides, if there are any buildings/structures both at grade level and underground which were built on or before 1969, AMO should be alerted.

## **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 and private developments.

- 13.2 At present, there is no overall programme for the 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 Rural Public Works 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 which may include the guidelines published by the Board. Guidelines published by the Board, 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 Sham Wat and San Shek Wan DPA may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, 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  
DECEMBER 2022**