

SAI KUNG DISTRICT COUNCIL

**(DRAFT TUNG A AND PAK A DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/SK-TA/1)**

1. PURPOSE

This Paper aims to brief Members and seek their advice on the planning intention, the Notes and Explanatory Statement of the Draft Tung A and Pak A Development Permission Area Plan No. DPA/SK-TA/1 (the Plan) (Appendix 1).

2. BACKGROUND

2.1 On 14 July 2011, under the delegated authority of the Chief Executive, the Secretary for Development directed the Town Planning Board (the Board) to prepare a draft plan designating Tung A, Pak A and Chau Tsai areas as a Development Permission Area under section 3(1)(b) of the Town Planning Ordinance (the Ordinance).

2.2 On 19 August 2011, the Plan was exhibited for public inspection under section 5 of the Ordinance.

3. OBJECT OF THE PLAN

3.1 The object of the Plan is to delineate the extent of Tung A and Pak A Development Permission Area (the Area) and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.

3.2 The Plan is a small-scale plan and the planning scheme boundary may be subject to minor adjustments as detailed planning and development proceed.

3.3 The Plan is to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an outline zoning plan (OZP). It is intended that the Plan will be replaced by an OZP within three years.

4. THE DEVELOPMENT PERMISSION AREA

4.1 Plan Area

The Area covers an area of about 20.41 ha. It comprises three areas, namely, Tung

A, Pak A and Chau Tsai. Tung A and Pak A are completely encircled by the Sai Kung East Country Park (SKECP), whilst Chau Tsai is a small island which links up with Pak A by a sand bar during low tide. The boundary of the Area is shown by a heavy broken line on the Plan.

4.2 General Planning Intention

Amid the SKECP, the Area is part of the wider natural system of the Sai Kung countryside. The general planning intention of the Area is to protect the natural and landscape character of the Area and the landscape beauty of the surrounding SKECP. The planning intention is also to reflect the existing recognized villages of Tung A and Pak A, and the fishermen settlement at Sha Kiu Tau.

5. LAND USE

5.1 “Village Type Development” (“V”)

Land within this zone is primarily intended for development of Small Houses by indigenous villagers and to concentrate village type development for a more orderly development pattern and efficient use of land. Tung A and Pak A are the two recognized indigenous villages in the Area. There is also a fishermen settlement at Sha Kiu Tau in Tung A. The boundaries of the “V” zones are drawn up provisionally having regard to the existing village clusters and building structures, outstanding Small House applications and existing site conditions. Areas of difficult terrain, dense and mature vegetation and ecologically sensitive areas are not included. The boundaries of the “V” zones will be further reviewed and defined during the preparation of OZP stage.

5.2 “Unspecified Use”

The Area under this designation consists mainly of grassland, shrublands, woodland and fallow agricultural land. To protect the natural and landscape character of the Area, planning guidance and development control are considered necessary. Owing to the urgency of preparing the DPA plan, except the area zoned “V”, the other area has been designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of OZP.

6. NOTES OF THE PLAN

6.1 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 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.

6.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

7. EXHIBITION OF THE DEVELOPMENT PERMISSION AREA PLAN

The Draft Tung A and Pak A Development Permission Area Plan No. DPA/SK-TA/1 will be available for public inspection under section 5 of the Ordinance for a period of two months between 19 August and 19 October 2011. Any representation in respect of the Plan should be made in writing to the Board during the exhibition period at the following address and email address:

Address : The Secretariat , Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, Hong Kong
Email : tpbpd@pland.gov.hk

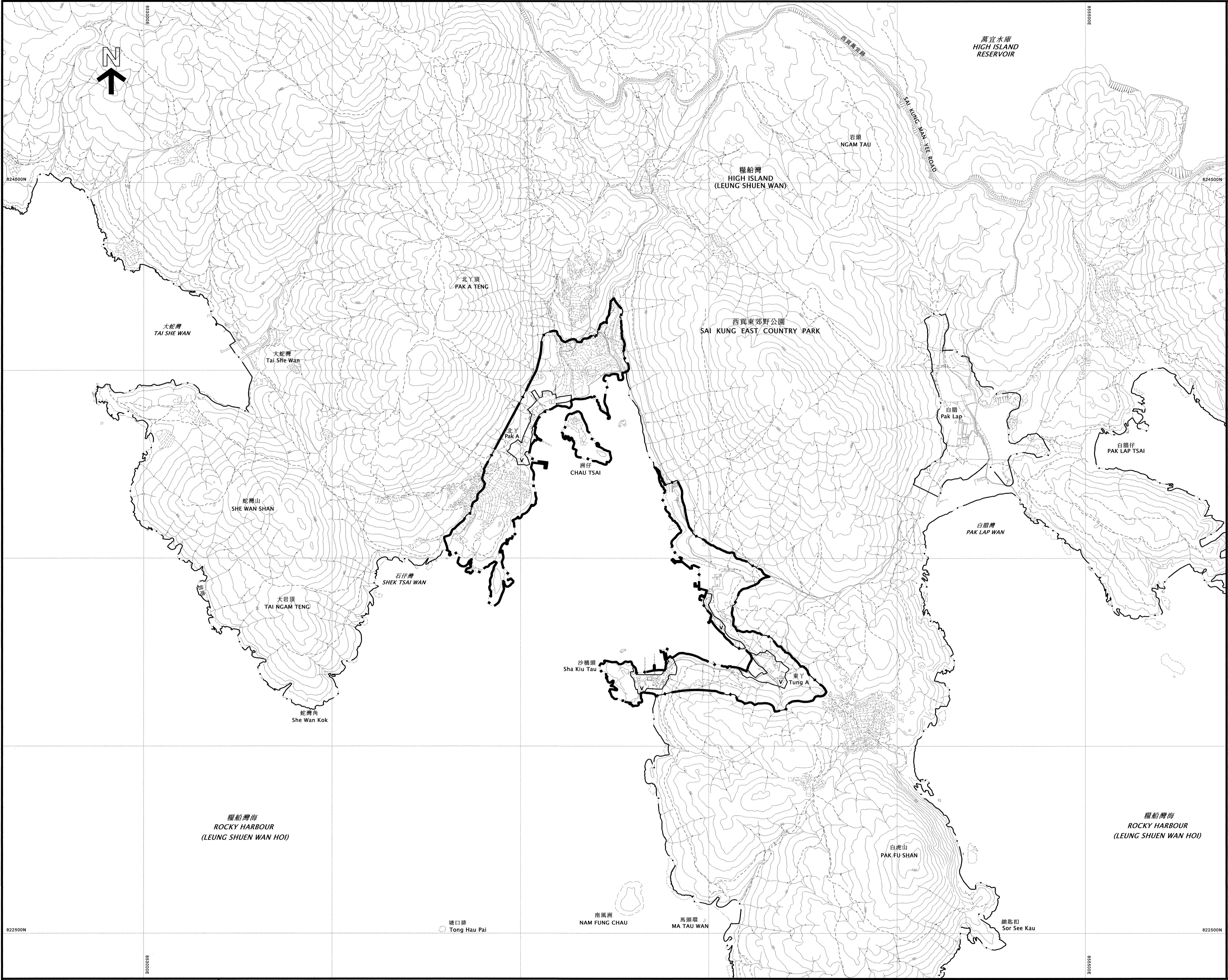
8. LOCAL CONSULTATION

The Plan will be presented to the Sai Kung Rural Committee during the exhibition period.

9. ENCLOSURES

Appendix I	Draft Tung A and Pak A Development Permission Area Plan No. DPA/SK-TA/1 (reduced version)
Appendix II	Notes of the Draft Tung A and Pak A Development Permission Area Plan No. DPA/SK-TA/1
Appendix III	Explanatory Statement of the Draft Tung A and Pak A Development Permission Area Plan No. DPA/SK-TA/1

SAI KUNG & ISLANDS DISTRICT PLANNING OFFICE
PLANNING DEPARTMENT
AUGUST 2011



圖例
NOTATION

- | | | |
|---|--|---------------|
| ZONES | | 地帶 |
| VILLAGE TYPE DEVELOPMENT | | 鄉村式發展 |
| MISCELLANEOUS | | 其他 |
| BOUNDARY OF DEVELOPMENT PERMISSION AREA | | 發展審批地區界線 |
| BOUNDARY OF COUNTRY PARK / SPECIAL AREA | | 郊野公園 / 特別地區界線 |

土地用途及面積一覽表
SCHEDULE OF USES AND AREAS

USES	大約面積及百分率 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分率	
VILLAGE TYPE DEVELOPMENT	2.12	10.39	鄉村式發展
UNSPECIFIED USE	18.29	89.61	非指定用途
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	20.41	100.00	發展審批地區總面積

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

2011年8月19日 按照城市規劃條例第5條展示的
發展審批地區草圖
DRAFT DEVELOPMENT PERMISSION AREA PLAN EXHIBITED
UNDER SECTION 5 OF THE TOWN PLANNING ORDINANCE ON
19 AUGUST 2011

Ophelia Y. S. WONG 黃婉靄
SECRETARY
TOWN PLANNING BOARD 城市規劃委員會秘書

東丫及北丫發展審批地區圖
TUNG A AND PAK A DEVELOPMENT PERMISSION AREA 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. **DPA/SK-TA/1**

DRAFT TUNG A AND PAK A
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/SK-TA/1

(Being a Draft 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) Except to the extent that paragraph (3) applies, any use or development falling within the boundaries of the Plan, unless always permitted in terms of the Plan, shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft development permission area plan without permission from the Town Planning Board.
- (5) Except as otherwise specified by the Town Planning Board, when a use or material change of use is effected or a development or redevelopment is undertaken, as always permitted in terms of the Plan or in accordance with a permission granted by the Town Planning Board, all permissions granted by the Town Planning Board in respect of the site of the use or material change of use or development or redevelopment shall lapse.
- (6) Boundaries of the Plan and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.

- (7) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of the zone :
- (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, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station 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, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted Houses;
 - (f) replacement of an existing domestic building, i.e., a domestic building which was in existence on the date of the publication in the Gazette of the notice of this draft development permission area plan, by a New Territories Exempted House;
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government;
 - (h) in areas not zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the use stipulated in the schedule forming Annex A of these Notes; and
 - (i) in areas zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the use stipulated in column 1 of the relevant zoning schedule forming part of Annex B of these Notes.
- (8) 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.
- (9) In these Notes, unless the context otherwise requires or unless as expressly provided below, terms used in the Notes shall have the meanings as assigned under section 1A of the Town Planning Ordinance.

“Existing building” means a building, including a structure, which is physically existing and is in compliance with any relevant legislation and the conditions of the Government lease concerned.

“New Territories Exempted House” means a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as ‘Shop and Services’ or ‘Eating Place’, the building works in respect of which are exempted by a certificate of exemption under Part III of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

DRAFT TUNG A AND PAK A
DEVELOPMENT PERMISSION AREA PLAN NO. DPA/SK-TA/1

Schedule of Uses

		Page
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Annex B	VILLAGE TYPE DEVELOPMENT	2

Use Always Permitted in an “Unspecified Use” area
(Being an area not zoned or set apart under
Section 4(1) of the Town Planning Ordinance)

Agricultural Use

Remarks

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

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	Burial Ground Eating Place Government Refuse Collection Point Government Use (not elsewhere specified)# Hotel (Holiday House Only) House (not elsewhere specified) Institutional Use (not elsewhere specified)# Market 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

(Please see next page)

VILLAGE TYPE DEVELOPMENT (cont'd)

Planning Intention

The planning intention of this zone is to reflect existing recognized and other villages. 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.

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 or filling of pond, including that to effect a change of use to the always permitted uses as specified above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by the Government), shall not be undertaken or continued on or after the date of publication in the Gazette of the notice of this draft development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

DRAFT TUNG A AND PAK A DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/SK-TA/1

EXPLANATORY STATEMENT

DRAFT TUNG A AND PAK A DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/SK-TA/1

EXPLANATORY STATEMENT

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DRAFT TUNG A AND PAK A DEVELOPMENT PERMISSION AREA PLAN
NO. DPA/SK-TA/1

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

EXPLANATORY STATEMENT

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

1. **INTRODUCTION**

This Explanatory Statement is intended to assist an understanding of the draft Tung A and Pak A Development Permission Area Plan No. DPA/SK-TA/1. It reflects the planning intention and objectives of the Town Planning Board (the Board) for the Plan.

2. **AUTHORITY FOR THE PLAN AND PROCEDURE**

2.1 On 14 July 2011, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating Tung A, Pak A and Chau Tsai areas as a development permission area (DPA).

2.2 On 19 August 2011, the draft Tung A and Pak A DPA Plan No. DPA/SK-TA/1 (the Plan) was exhibited for public inspection under section 5 of the Ordinance.

3. **OBJECT OF THE PLAN**

3.1 The object of the Plan is to delineate the extent of the Tung A and Pak A DPA (the Area) and to set out the types of developments and uses which are permitted at all times and such types of developments and uses that may be permitted with or without conditions on application to the Board within the boundaries of the Area.

3.2 The Plan is a small-scale plan and the planning scheme boundary may be subject to minor adjustments as detailed planning and development proceed.

3.3 The Plan is to provide planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and examination of development options for the formulation of an outline zoning plan (OZP).

4. **NOTES OF THE PLAN**

4.1 Attached to the Plan is a set of Notes which shows the types of uses or developments which are always permitted within the Area and which may be permitted by the Board, with or without conditions, on application. The

provision for application for planning permission under section 16 of the Ordinance allows greater flexibility in land-use planning and control of development to meet the changing needs.

- 4.2 For the guidance of the general public, a set of definitions that explains some of the terms used in the Notes may be obtained from the Technical Services Division of the Planning Department and can be downloaded from the Board's website at <http://www.info.gov.hk/tpb>.

5. THE EXISTING SITUATION

- 5.1 The Area falls within a greater area named High Island (also known as Leung Shuen Wan). The Area comprises three sub-areas, namely, Tung A, Pak A and Chau Tsai. Tung A and Pak A are completely enclosed by the Sai Kung East Country Park whilst Chau Tsai is a small island located to the east of Pak A. Fish rafts and sea urchin cultivation are found in the cove of the Rocky Harbour between Tung A and Pak A. The Area is located at the southern coast of Sai Kung peninsula, about 9 km to the south-east of Sai Kung Town.
- 5.2 Tung A Village and Pak A Village are the only two indigenous villages in the Area. Both of them are Hakka Villages. In the past, the villagers depended mainly on farming. Since the early 1980s, most villagers have moved out and farming activity has ceased.
- 5.3 Most of the flora and fauna in the Area are common and widespread species. Though the Area is not exceptional in terms of biodiversity or ecological importance, the wooded areas at the periphery of the Area form a continuous stretch of well-established vegetation with those located at the adjacent Sai Kung East Country Park and are ecologically-linked to the natural habitats therein. The Sai Kung East Country Park encircling the Area is a famous scenic spot and also a popular tourist and hiking attraction in the territory. To the further north of the Area is the High Island Reservoir. The Area has a high landscape value which complements the overall naturalness and the landscape beauty of the surrounding Sai Kung East Country Park.
- 5.4 The Area is accessible by a footpath leading from Sai Kung Man Yee Road. Chau Tsai is linked up with and accessible from Pak A via a sand bar in between. The sand bar is completely submerged under water during high tide. There is no vehicular access to the Area. Marine access is available at both Tung A and Pak A by boat. Public piers and several jetties are found along the coastal area of Tung A and Pak A respectively.
- 5.5 Tung A
- 5.5.1 Tung A resembles an inverted L-shape located at the eastern part of the Area. There are mountain ranges to the north, east and south of Tung A. The western part of Tung A is a piece of coastal low-lying area. Tung A is mainly rural and countryside in character comprising mainly

village houses along the coastline. Shrubland, woodland and streamcourses are mainly found to the north, east and south of the village houses.

5.5.2 Village houses are one to two-storey in height. Apart from Tung A Village which is an indigenous village, there is a cluster of fisherman settlements at Sha Kiu Tau in the southwestern part of Tung A. Some of the existing houses in Tung A are still being used for habitation while some others are in dilapidated conditions or left vacant. Restaurants can be found on the ground floors of the village houses. There is a Tin Hau Temple at the northern part of Tung A. An abandoned salt pan is found on a knoll of the southwestern part of Tung A.

5.6 Pak A

5.6.1 Pak A is located at the opposite side of Tung A across the cove of the Rocky Harbour. Mountain ranges of Tai She Wan are located to its north and west. The eastern and southern part of Pak A is a piece of coastal low-lying area. Pak A is characterised by a rural and countryside ambience, comprising mainly village houses, shrubland, woodland, fallow agricultural land and streamcourses.

5.6.2 Village houses are one to two-storey in height and clustered in the middle part along the coastal area. Some of the houses in Pak A are still being used for habitation while some others are in dilapidated conditions or left vacant. The ground floor of a village house is used as a restaurant. Two large pieces of fallow agricultural land are located in the northeast and southwest of Pak A and are overgrown with dense vegetation.

5.7 Chau Tsai

Chau Tsai is a small island located to the east of Pak A. It is accessible to Pak A through a sand bar which emerges during low tide. Fallow agricultural land is found in the middle part of the island which is overgrown with grass, shrubs and trees. The island is encircled by bare rocks along the coastline. No human settlements or activities are found on the island.

6. NEED FOR PLANNING GUIDANCE AND CONTROL

The Area is rural and natural in character comprising mainly village houses, shrubland, woodland, grassland, fallow agricultural land and streamcourses. To prevent haphazard developments and conserve the rural and natural character of the Area, it is necessary to prepare a DPA plan to cover the Area to provide planning guidance and development control pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized development.

7. THE DEVELOPMENT PERMISSION AREA

7.1 Plan Area

The Area covers an area a total of about 20.41 ha. It comprises three areas, namely, Tung A (about 9.47 ha), Pak A (about 10.1 ha) and Chau Tsai (about 0.84 ha). Tung A and Pak A are completely encircled by the Sai Kung East Country Park, whilst Chau Tsai is a small island which links up with Pak A by a sand bar during low tide. The boundary of the Area is shown by a heavy broken line on the Plan.

7.2 General Planning Intention

Amid the Sai Kung East Country Park, the Area is part of the wider natural system of the Sai Kung countryside. The general planning intention of the Area is to protect its high landscape value which complements the overall naturalness and the landscape beauty of the surrounding Sai Kung East Country Park. The planning intention is also to reflect existing recognized villages and the fishermen settlement.

7.3 Population

According to the estimate of the Planning Department, the population in the Area is about 90 persons.

7.4 Land Use Zoning and Intended Uses within “Unspecified Use” Area

“Village Type Development” (“V”): Total Area 2.12 ha

7.4.1 The planning intention of this zone is to reflect existing recognized villages and the fishermen settlement. 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 infrastructure 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.

7.4.2 The recognized villages within the Area are Tung A and Pak A. Restaurants are found on the ground floors of the village houses. The boundaries of “V” zones are drawn up provisionally around existing clusters having regard to the existing village clusters and building structures, outstanding Small House applications and existing site conditions. Areas of difficult terrain, dense and mature vegetation and ecologically sensitive areas are not included. The

boundaries of the “V” zones will be further reviewed and defined during the preparation of OZP stage to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation value, the environment, infrastructure, landscape character, etc.

7.4.3 Except for those specified, 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-storey (8.23 m) or the height of the building which was in existence on the date of publication in the Gazette of the notice of this draft DPA plan, whichever is the greater.

7.4.4 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.

7.4.5 As diversion of streams or filling of pond may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activity.

“Unspecified Use”: Total Area 18.29 ha

7.4.6 The Area consists mainly of grassland, shrublands, woodland and fallow agricultural land. To protect the natural and landscape character of the Area, planning guidance and development control are considered necessary. Owing to the urgency of preparing the DPA plan, except the area zoned “V”, the other area has been designated as “Unspecified Use” pending detailed analysis and studies to establish the appropriate land uses in the course of the preparation of OZP.

7.5 Transport and Utility Services

7.5.1 Road Network and Footpath

At present, the Area is accessible via a footpath leading to Sai Kung Man Yee Road. There is no vehicular access to the Area.

7.5.2 Waterborne Transport

There are public piers in both Tung A and Pak A. Marine access to the Area is available by boat.

7.5.3 Utility Services

There are no public sewerage and drainage systems in the Area. Potable

water supply to existing facilities and villagers of Tung A and Pak A is provided.

7.6 Cultural Heritage

The Tin Hau Temple at Tung A was built by fishermen for worshipping Tin Hau in the 18th Century. The temple is a Grade 3 historic building. The Antiquities and Monuments Office of the Leisure and Cultural Services Department should be consulted in advance of any development that might affect the Tin Hau Temple and its immediate environs.

8. PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA

- 8.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses are always permitted and no separate permission is required.
- 8.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to 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.
- 8.3 Planning applications to the Board will be assessed on individual merits. In general, the Board, in considering the planning applications, will take into account all relevant planning considerations which may include the departmental outline development plans/layout plans, and the guidelines published by the Board. The outline development plans/layout plans are available for public inspection at the Planning Department. Guidelines published by the Board are available from the Board's website, the Secretariat of the Board and the Technical Services Division of the Planning Department. Application forms and Guidance Notes for planning applications can be downloaded from the Board's website and are available from the Secretariat of the Board, the Technical Services Division and relevant District Planning Office of the Planning Department. Applications should be supported by such materials as the Board thinks appropriate to enable it to consider the applications.

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

**TOWN PLANNING BOARD
AUGUST 2011**