

圖例  
NOTATION

ZONES

VILLAGE TYPE DEVELOPMENT

MISCELLANEOUS

BOUNDARY OF DEVELOPMENT PERMISSION AREA

地帶

鄉村式發展

其他

發展審批地區界線

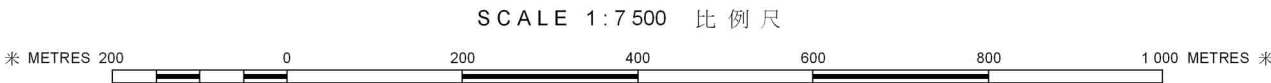
USES	大約面積及百分比 APPROXIMATE AREA & %		用途
	公頃 HECTARES	% 百分比	
VILLAGE TYPE DEVELOPMENT	0.56	0.10	鄉村式發展
UNSPECIFIED USE	549.11	99.90	非指定用途
TOTAL AREA OF DEVELOPMENT PERMISSION AREA	549.67	100.00	發展審批地區總面積

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

2 0 1 2 年 3 月 2 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  
2 MARCH 2012

Signed T.K. LEE 李德強 簽署  
SECRETARY 城市規劃委員會秘書  
TOWN PLANNING BOARD

蒲台群島發展審批地區圖  
PO TOI ISLANDS DEVELOPMENT PERMISSION AREA PLAN



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

圖則編號  
PLAN No. DPA/I-PTI/1



**DRAFT PO TOI ISLANDS DEVELOPMENT PERMISSION AREA PLAN**  
**NO. DPA/I-PTI/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, cycle track, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
  - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
  - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities, waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
  - (e) rebuilding of New Territories Exempted House;
  - (f) replacement of an existing domestic building, i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the draft development permission area plan, by a New Territories Exempted House;
  - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government;
  - (h) in areas not zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the uses stipulated in the schedule forming Annex A of these Notes; and
  - (i) in areas zoned or set apart under section 4(1) of the Town Planning Ordinance in the development permission area, the uses stipulated in Column 1 of the relevant zoning schedule forming part of Annex B of these Notes.
- (8) 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 PO TOI ISLANDS**  
**DEVELOPMENT PERMISSION AREA PLAN**  
**NO. DPA/I-PTI/1**

Schedules of Uses

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Annex A

**Uses always permitted in an “Unspecified Use” area**  
(Being an area not zoned or set apart  
under section 4(1) of the Town Planning Ordinance)

Agricultural Use

Remarks

- (a) Any use or development, other than the always permitted use as specified above or the uses or developments always permitted under the covering Notes, requires planning permission from the Town Planning Board under section 16 of the Town Planning Ordinance.
- (b) Any diversion of 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	Eating Place 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

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

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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 the existing recognized village. 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 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), 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.



**DRAFT PO TOI ISLANDS DEVELOPMENT PERMISSION AREA PLAN**  
**NO. DPA/I-PTI/1**

**EXPLANATORY STATEMENT**

DRAFT PO TOI ISLANDS DEVELOPMENT PERMISSION AREA PLAN  
NO. DPA/I-PTI/1

EXPLANATORY STATEMENT

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**DRAFT PO TOI ISLANDS DEVELOPMENT PERMISSION AREA PLAN**  
**NO. DPA/I-PTI/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 Po Toi Islands Development Permission Area Plan No. DPA/I-PTI/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 20.2.2012, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating the Po Toi Islands as a development permission area (DPA).
- 2.2 On 2.3.2012, the draft Po Toi Islands DPA Plan No. DPA/I-PTI/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 Po Toi Islands 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 to illustrate the broad principles of development within the Planning Scheme Area. It is a small-scale plan and the planning scheme boundary, the boundary of the land use zone may be subject to minor adjustments as detailed planning and development proceed.
- 3.3 The Plan is to provide interim planning guidance and to facilitate development control within the Area during the period required for detailed analysis of the land use pattern, study of infrastructural provisions and development constraints for the formulation of an 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 Po Toi Islands comprise a group of islands located at the southern-most of Hong Kong, which include mainly Po Toi, Mat Chau, Beaufort Island, Sung Kong and Waglan Island. These five islands (the Area) cover a total area of about 550 ha. The Area is generally of hilly terrain and is covered by rocky outcrops and vegetated areas of shrubs and grasses.
- 5.2 Po Toi is the southern-most outlying island in Hong Kong. It has a hilly terrain and is covered by rocky outcrops and vegetated areas of shrubs and grasses. It is largely natural in character with scattered rural settlements at Tai Wan and Wan Tsai. A recognised village is found at Tai Wan of Po Toi. Marine access to the village is available via the public pier at Tai Wan. There is a footpath network maintained by the Islands District Office connecting the public pier in Tai Wan and other places of interest on the island. Most of the streams on Po Toi Island, though small in size and seasonal, are largely natural and unpolluted. They should be preserved from the nature conservation point of view. A lighthouse is found on Po Toi for navigation purpose. Activities involving vegetation clearance and laying of concrete slabs have recently been detected in the southwestern part of Po Toi (i.e. near Wan Tsai), causing an adverse impact on the natural environment.
- 5.3 Mat Chau is a virtually uninhabited small isolated island separated from Po Toi by Mat Chau Mun. It is covered by rocky outcrops and vegetated areas of shrubs and grasses.
- 5.4 Beaufort Island and Sung Kong are two isolated islands with a hilly terrain and are covered by rocky outcrops and scattered vegetated areas of shrubs and grasses. Both islands are virtually uninhabited.



- 5.5 Waglan Island is the eastern-most outlying island in Hong Kong. The southern part of the island is covered by rocky outcrops with limited vegetated areas of shrubs and grasses whilst the northern part of the island has a rocky surface. In addition, the Hong Kong Observatory has set up an automatic weather station at the top of the island. There are some ruined structures found near the lighthouse and the automatic weather station.
- 5.6 There is no vehicular access to the Area. Marine access to Po Toi and Waglan Island is available by boat. Public piers and jetties are found along the coastal area of Po Toi and Waglan Island. To the west and south of the Area are natural deep water channels, which are major fairways for incoming and outgoing ocean-going vessels. Several marine facilities operated and maintained by the Marine Department are found on the islands, including a lighthouse and a radar station on the hilltop of Waglan Island, and two lighthouses located at Nam Kok Tsui of Po Toi and at the northwest shore of Beaufort Island respectively.
- 5.7 According to the “Landscape Value Mapping of Hong Kong” (2005) prepared by the Planning Department, the overall landscape value of these islands is high. Only Po Toi has some village development and a concrete trail along the rocky coast up to the southern headland of Ngong Chong which is mainly for the local villagers and holiday visitors use. Other islands are undeveloped of hilly terrain and covered by rocky outcrops. Vegetation comprises predominantly shrubs and grassland with several streams flowing down hillsides into the sea. Islands feature steeply rocky coast and low cliffs from 100mPD to 270mPD with high landscape value geological formations. Especially on Po Toi, there are some well known geological formation in granite rock along the coastline e.g. Buddha’s Palm Cliff, Tortoise Rock and Coffin Rock. Rock Carvings on Po Toi are Declared Monuments of particular historic and cultural significance. The overall landscape character of these islands is remote, rugged and visually dramatic.
- 5.8 Developments on these islands may involve site formation and vegetation and rocks clearance is expected. Adverse and irreversible landscape impact to existing landscape resources and landscape character is anticipated. To prevent haphazard developments and conserve the rural and natural character of these islands, except those developments permitted under the covering Notes of the Plan, Landscape and Visual Impact Assessment is considered necessary for those developments subject to applications under the Ordinance.
- 5.9 Within the Area, Po Toi has a special scientific value worthy of conservation. Migratory birds, Romer's Tree Frog (*Liuixalus romeri*, 盧氏小樹蛙) and butterflies are the three scientific interests contributed to the ecological and conservation importance of Po Toi. Owing to its geographical position, Po Toi is considered as a crucial re-fuelling stop for migratory birds. More than 300 species, such as Hodgson's Redstart (*Phoenicurus hodgsoni*, 黑喉紅尾鵲), Dark-throated Thrush (*Turdus ruficollis*, 赤頸鵲), Brown Hawk Owl (*Ninox scutulata*, 鷹鴞), Blue-winged Pitta (*Pitta moluccensis*, 馬來八色鸚) and Oriental Honey Buzzard (*Pernis ptilorhyncus*, 鳳頭蜂鷹) have been recorded.

Po Toi is one of the only four sites in Hong Kong with natural populations of Romer's Tree Frog. They are distributed in a number of sites on Po Toi. Po Toi also has a diverse assemblage of over 60 species of butterflies. Besides, Waglan Island is known to be a breeding site for terns.

## **6. NEED FOR PLANNING GUIDANCE AND CONTROL**

- 6.1 The Area has a rural and natural setting with scientific importance and conservation value which are unique in Hong Kong. Recently, activities involving vegetation clearance and laying of concrete slabs have been detected in the southwestern part of Po Toi (i.e. near Wan Tsai), causing an adverse impact on the natural environment.
- 6.2 To prevent any haphazard and uncontrolled development that may adversely affect the rural and natural character of the Area, it is necessary to prepare a DPA Plan to cover the Area to provide interim planning guidance control for future development pending preparation of an OZP and to enable enforcement actions to be taken against any unauthorized developments and undesirable change of use to safeguard the Area's natural and rural character with scientific importance and conservation value.

## **7. THE DEVELOPMENT PERMISSION AREA**

### **7.1 Plan Area**

The total area covered by the Plan is about 550 ha, including Po Toi (about 369 ha), Mat Chau (about 3 ha), Waglan Island (about 10 ha), Beaufort Island (about 120 ha) and Sung Kong (about 48 ha). The boundary of the Area is shown by a heavy broken line on the Plan.

### **7.2 General Planning Intention**

The general planning intention for the Area is to protect the rural and natural landscape of the Area with scientific importance and high conservation value from encroachment by unauthorized development and from undesirable change of use, and to reflect the existing recognized village and rural settlements. Due consideration should be given to the conservation of the ecologically and environmentally sensitive areas, such as Po Toi, when development in or near the Area is proposed.

### 7.3 Population

Among the Po Toi Islands, only Po Toi is currently populated. According to the estimation of the Planning Department, the population in the Area is about 100.

### 7.4 Land Use Zoning and Intended Uses

#### 7.4.1 “Village Type Development” (“V”): Total Area 0.56 ha

- (a) The planning intention of this zone is to reflect the existing recognized village. 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.
- (b) There is only one recognized village in the Area, namely Tai Wan Village on Po Toi. Currently, there is a restaurant within the “V” zone. The boundary of “V” zone is drawn up provisionally around existing clusters having regard to the existing village clusters and building structures, ‘village environs’, local topography and site characteristics. Areas of difficult terrain, dense vegetation, burial grounds, ecologically sensitive areas and streamcourses have been avoided where possible. Therefore, only existing village clusters in Tai Wan Village are zoned “V” in the Plan Area. The boundary of the “V” zone 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..
- (c) Except for those specified in the Notes, 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 the first publication in the Gazette of the notice of this draft DPA plan, whichever is the greater.
- (d) To provide flexibility for innovative design adapted to the characteristics of particular site, 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.

- (e) 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 works and related activities except public works co-ordinated or implemented by Government.

7.4.2 “Unspecified Use”: Total Area 549.11 ha

- (a) This area consists mainly of rocky outcrops with vegetated areas of trees, grasses and shrubs on the hillside of the islands, fallow and cultivated agricultural land, temple and village houses in the lowland of Po Toi. There are also two Declared Monuments in the Area. Activities involving vegetation clearance and laying of concrete slabs have recently been detected in the southwestern part of Po Toi (i.e. near Wan Tsai), causing an adverse impact on the natural environment. To prevent such activities and land use changes from further deteriorating the unique rural and natural character and the conservation value of the Area as well as from degrading the natural environment, 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. Any use and development other than the ‘Agricultural Use’ and some uses which are permitted under the covering Notes of the Plan will require planning permission from the Board.
- (b) As diversion of streams, filling of land/pond or excavation of land may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities except public works co-ordinated or implemented by Government.

7.5 Transport and Utility Services

7.5.1 Waterborne Transport

There is no public transport service in the Area except the licensed ferry services from Aberdeen/Stanley to Po Toi.



#### 7.5.2 Road Network and Footpath

There is no road network in the Area but footpath systems on Po Toi and Waglan islands provide access from piers / jetties to the villages, mountain uplands as well as other places of interest. Improvement works to the footpaths in the Area are carried out under the Rural Public Works Programme.

#### 7.5.3 Utility Services

There are no sewerage, drainage and water supply systems in the Area. Electricity and potable water are provided to the locals at Tai Wan Village of Po Toi via portable electricity generators and water tanks, dam and water pipe provided and maintained by the Islands District Office.

### 7.6 Cultural Heritage

7.6.1 There are two Declared Monuments in the Area. One is the Waglan Lighthouse, Waglan Island, which is one of the five surviving pre-war navigation lighthouses in Hong Kong, and was declared a monument on 29.12.2000. The other is the Rock Carvings on Po Toi, which the patterns of which resemble to pottery and bronze vessels in the Bronze Age about 3,500 years ago. The Carvings were declared a monument on 27.4.1979. Every effort should be made to preserve the Declared Monuments.

7.6.2 A site of archaeological interest, known as Tai Wan Site of Archaeological Interest, is also found in Tai Wan at the southwestern Po Toi. Objects of both prehistoric and historic periods have been discovered in Tai Wan Site of Archaeological Interest.

7.6.3 Prior consultation with the Antiquities and Monuments Office (AMO) of the Leisure and Cultural Services Department (LCSD) should be made if any developments, re-developments or rezoning proposals may affect these Declared Monuments, site of archaeological interest, and their immediate environs. If disturbance of the Rock Carvings, site of archaeological interest and areas of archaeological potential is unavoidable, a detailed Archaeological Impact Assessment (AIA) conducted by a qualified archaeologist is required. The archaeologist shall apply for a licence to conduct the AIA under the Antiquities and Monuments Ordinance (Cap. 53). A proposal of the AIA shall be submitted to the AMO for agreement prior to applying for a licence.

**8. PLANNING CONTROL WITHIN THE DEVELOPMENT PERMISSION AREA**

- 8.1 The types of permitted developments and uses on land within the Area are listed in the Notes to the Plan. Unless otherwise specified, all building, engineering and other operations incidental to and all uses directly related and ancillary to the permitted developments and uses within the same zone are always permitted and no separate permission is required.
- 8.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the draft DPA Plan and which are not in compliance with the terms of the Plan may have adverse impact on the environment, drainage and traffic of the Area. Although no action is required to make such use conform to 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 this draft DPA Plan or with the permission of the Board, undertaken or continued on or after the date of the first publication in the Gazette of the notice on land included in the DPA Plan may be subject to enforcement proceedings under the Ordinance. Any diversion of streams, filling of land/pond or excavation of land within land designated "Unspecified Use" and diversion of streams or filling of pond within "V" zone on or after the first publication in the Gazette of the notice of the draft DPA Plan without permission from the Board may also be subject to enforcement proceedings.

- 8.5 It is intended that the DPA plan published by the Board will be replaced, within three years, by an OZP. Under the provisions of section 20(5) of the Ordinance, a draft DPA plan is effective for a period of three years after the notification in the Gazette. Extension of one additional year may be given by the Chief Executive in Council. The provision of enforcement will continue to be applicable to the Area after the DPA plan is replaced by an OZP.

**TOWN PLANNING BOARD  
MARCH 2012**