

Islands District Council
Paper No. IDC 44 / 2012

Draft Po Toi Islands Development Permission Area Plan No. /I-PTI/1
(23.4.2012)

1. Objective

This paper aims to brief members on the draft Po Toi Islands Development Permission Area (DPA) Plan No. DPA/I-PTI/1(**Appendix I**), its planning intention, the Notes (**Appendix II**) and Explanatory Statement (**Appendix III**) of the DPA Plan.

2. Background

2.1 On 20.2.2012, under the power delegated by the Chief Executive, the Secretary for Development directed the Town Planning Board (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. Reasons for preparing the DPA Plan

3.1 Po Toi Islands has a rural and natural setting with scientific importance and conservation value which are unique in Hong Kong. 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.

3.2 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.

4. Object of the Plan

4.1 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.

- 4.2 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.
- 4.3 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).

5. The Development Permission Area

5.1 *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 in **Appendix I**.

5.2 *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.

6. Land Use Zonings and Intended Uses

- 6.1 The Land Use Zonings and Intended Use of the Area are specified in the Notes (**Appendix II**) and Explanatory Statement (**Appendix III**) of the Plan and are outlined below:
- 6.2 About 0.56 ha of land in the Area is designated as “Village Type Development” zone. 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. 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. 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, inter alia, Small House demand and developments.

- 6.3 The remaining 549.11 ha of land in the Area is designated as “Unspecified Use”. 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. 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, this 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.

7. Notes of the Plan

- 7.1 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.
- 7.2 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 Planning Department and can be downloaded from the Board’s website at <http://www.info.gov.hk/tpb>.

8. Exhibition of the Draft DPA Plan

- 8.1 On 2.3.2012, the draft Po Toi Islands Development Permission Area Plan No. DPA/I-PTI/1 was exhibited under s.5 of the Ordinance for public inspection for 2 months until 2.5.2012. In accordance with section 6(1) of the Ordinance, any person may, during the public exhibition period of the draft Plan, make representations to the Board. Any Representations should be made in writing no later than 2.5.2012 to the following address:

Secretary, Town Planning Board
15/F, North Point Government Offices
333 Java Road, North Point, HONG KONG

- 8.2 Representations can also be made via the Town Planning Board website: <http://www.tpb.gov.hk>.

9. Planning Control

- 9.1 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.
- 9.2 Uses of land or building which were in existence immediately before the first publication in the Gazette of the notice of the Plan (i.e. before 2.3.2012) 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.
- 9.3 Any development, other than those referred to in paragraph 9.1 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.

10. Consultation

- 10.1 In accordance with the Board's decision, consultations with Lamma Island (South) Rural Committee (RC) and Islands District Council for the Plan will be conducted during the public exhibition period, i.e. between 2.3.2012 and 2.5.2012. Consultation with RC was conducted in its meeting on 14.3.2012. Any comments on the Plan could be submitted in writing to the Town Planning Board during the public exhibition period by means specified in paragraph 8.1 above.

11. Attachments

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| Appendix I | Draft Po Toi Islands Development Permission Area Plan No. DPA/I-PTI/1 |
| Appendix II | Notes of the draft Po Toi Islands Development Permission Area Plan No. DPA/I-PTI/1 |
| Appendix III | Explanatory Statement of the draft Po Toi Islands Development Permission Area Plan No. DPA/I-PTI/1 |