

Hong Kong, 14 April 2016

Chairman and members of the Panel on Development  
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Legislative Council Complex,  
1 Legislative Council Road,  
Central, Hong Kong  
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**Re: Proposed Development Strategy for Lantau**

Dear Chair and Members,

***Development of Lantau - The risks***

1. The risk for North Lantau is incremental development of individual projects. An integrated plan is needed for the Pearl River Delta including the western part of Hong Kong. This will ensure improvement on social and environmental impacts, consolidation of associated infrastructure and transport links, and economies of scale and footprint.
2. The risk for South Lantau is fragmented pockets of development each with a large footprint of associated infrastructure and slope works. Each development will result in spill-overs including unauthorized/unintended uses on adjacent private land as enforcement powers have proven to be limited. Incrementally the fragmented developments will join up and the landscape and ecology values will eventually be lost.

***Conservation of Lantau - The measures needed***

To meet the 'conservation' objectives for Lantau, a number of measures should be implemented first to limit the impacts of development in close proximity to valuable landscapes and ecological habitats:

1. Open live database with land status, land use, habitats, topography and ground features including private land ownership interests for Lantau;
2. Comprehensive plans clearly showing the (estimated) footprint of proposed and committed developments together with all associated infrastructure and slope works required;
3. Protect and manage valuable landscapes and ecology by incorporating relevant (private) land under the Country Park Ordinance or resuming land for nature parks;
4. Law reform to improve enforcement powers to halt the spill-over of unauthorized/unintended uses on adjacent private land;
5. Increase budgets and headcount for the enforcement teams of government departments, including EPD, AFCD, PlanD, BD and LandsD.

## *Conservation of Lantau – The necessary law reform*

Law reform is required with urgency and prior to allowing development in close proximity to the natural resources we seek to protect and conserve on Lantau.

### **1. Amend the Waste Disposal Ordinance Cap 354 s16 (2)(c)**

- a. Delete the exemption for dumping of "inert waste". All waste dumping including construction waste should require a permit.

### **2. Amend the Town Planning Ordinance Cap 131, S20(2)**

- a. "The Board shall not (**add: unless otherwise directed by the Chief Executive,**) designate as a development permission area any area that is or was previously included in a plan under this Ordinance"
- b. This amendment will enable the Town Planning Board to prepare **Development Permission Area plans (DPA) for all rural land**, including those already covered by an Outline Zoning Plan. DPAs provide the Planning Department with enforcement powers. Rural land is defined as all land excluding existing and planned towns/town extensions, and excluding land already protected under the Country Park Ordinance.

### **3. Amend the Town Planning Ordinance Cap 131, section 20(7) and (8) and section 21**

- a. Land owners who fail to prevent, stop and remove an unauthorized development should be deemed to commit an offence and be subject to prosecution without prior warning/notice.
- b. Current law is limited to "any person who undertakes or continues" and renders enforcement impractical as government officials need to observe the culprits in action. Land owners should be responsible for protecting, maintaining and managing their land.

### **4. Clarifications of the Town Planning Ordinance Cap 131 (TPO) are needed**

- a. Soil is permitted under TPO for filling of land. However, soil is normally the upper layer of earth in which plants grow, a dark brown mixture of organic remains, clay and rock particles. Land filling with any substance other than soil should thus be considered a material change in the use of that land. How is that inert materials and paved surfaces are tolerated as land fill?
- b. Leisure farms and hydroponic farms involve the filling and paving of land and erecting structures. Such use should not easily be allowed on land reserved for agriculture. Should land for such uses be reserved a separate dedicated zoning?
- c. When is reinstatement demanded? What reinstatement is considered appropriate and satisfactory? And when reinstatement is not implemented, when will the government enter and reinstate the land?
- d. The Magistrates Ordinance Cap 227 s26 deems that prosecution should commence within 6 months including for unauthorized land use offences under the TPO. As these offences are not indictable, prosecution can't be started if the crime took place more than six months earlier. What law reform is needed to improve the prosecution rate? What are other obstacles?