

Hong Kong, 27 April 2016

The Secretariat,
Lantau Development Advisory Committee,
17/F, East Wing,
Central Government Offices,
2 Tim Mei Avenue,
Tamar, Hong Kong
Email: landac@devb.gov.hk

Dear Sirs,

Re: Proposed Development Strategy for Lantau

Designing Hong Kong Limited has standing and involvement in this matter since 2004. We herewith offer our views on the captioned development strategy.

Pearl River Delta Development Strategy

- It is yet unclear what the overall and long-term response to and participation in the Pearl River Delta development is by Hong Kong. Any development strategy must be clearly embedded in a long-term overall vision.

Alternatives

- As for the new town plans, it is yet unclear that a 'Lantau Metropolis' is the right answer. Putting aside the community's disagreement over the population and immigration forecasts and policy, alternatives such as the development of a new town on reclamation in Junk Bay just off the coast of Tseung Kwan O Industrial area should be evaluated.

The risks of Lantau Development

- 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 consolidation of associated infrastructure and transport links, and economies of scale and land take footprint, and improvement on social and environmental impacts.
- The risk for South Lantau is fragmented pockets of development each with a large footprint of associated infrastructure and slope works. Each development will further 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 ecological values will eventually be lost.

The conservation measures needed

To meet the 'conservation' objectives for Lantau, a number of measures should be implemented first to control the impacts of development on valuable landscapes and ecological habitats nearby.

1. Comprehensive plans are needed clearly showing the (estimated) footprint of proposed and committed developments together with all associated infrastructure and slope works required.

2. Capability to halt and control spillover of unauthorized and unintended uses on land reserved for conservation and agricultural uses is needed (see appendix 1 for more details):
 - i. Law reform first to improve enforcement powers to halt the spill-over of unauthorized/unintended uses on adjacent private land, including amendment of Waste Disposal Ordinance and Town Planning Ordinance.
 - ii. Setting up an inter-departmental nature conservation enforcement task force (including key implementing departments such as Agriculture, Fisheries and Conservation Department, Environmental Protection Department, Lands Department, Planning Department and the Food and Environmental Hygiene Department) and increase budgets and headcount for the enforcement teams to co-ordinate and oversee all enforcement and to ensure damaged sites are fully restored.
 - iii. To protect and manage valuable landscapes and ecology by incorporating relevant (private) land under the Country Park Ordinance or resuming land for nature parks.
3. Prior to any development, a comprehensive transport and traffic strategy is needed to reduce the footprint of infrastructure, to minimize air pollution, to control landfilling and incompatible development on Lantau.
 - i. No new road should be planned in Country Parks, South Lantau and Tung Chung Bay, and near or in other ecological important sites. Any other new roads should be well justified, assessed and the public must consulted early.
 - ii. Traffic restrictions (permit system) are needed for all construction trucks and machinery on South Lantau and the Tung Chung Valley and Bay areas to prevent large scale waste dumping.
 - iii. The numbers of temporary licenses to enter south lantau roads should not increase. A clear assessment is needed of all transport facilities including parking taking into account the growing local vehicle fleet associated with ongoing residential, small house and commercial developments. The government should maintain strict traffic restrictions on closed roads.
 - iv. Government must promote public and environmental-friendly, smart, transportation.
4. Lantau is a valuable treasure for Hong Kong from an ecologically, geologically, historically, aesthetically, and from a landscape and recreational point of view. The ecologically important sites should be fully protected and actively managed. No development and infrastructure should be proposed in these ecologically sensitive areas. (*See Green groups joint request submitted on 13 April 2016*) Proposed developments require dedicated assessments of costs and benefits, and early public consultation regarding environmental, heritage, cultural and other impacts.
5. The proposed mass tourism plans are not in line with the ecological and historical value of Lantau. Cultural, Eco and Sustainable tourism are a new trend in global tourism as also highlighted in the consultant report submitted to LanDAC.¹ Passive cultural and eco-tourism is better suited for providing job opportunities in valuable ecological and historical areas. Moreover, developed, but abandoned areas should be revitalized to their original function. For example, the tea garden at Ngong Ping could be revitalized to promote the tea and Buddhism history.
6. A transparent live database with land status, land use, habitats, topography and ground features including private land ownership interests for Lantau will provide an open platform for the general public to discuss the development plan.

¹ [https://www.devb.gov.hk/filemanager/en/content_924/ESD_SC_Paper_No_06_2015_\(Eng\).pdf](https://www.devb.gov.hk/filemanager/en/content_924/ESD_SC_Paper_No_06_2015_(Eng).pdf), “Global Tourism Industry Economic Analysis”, p.11

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7. The public is extremely concerned over the conflict of interest of LanDAC committee members and the proposed development plan. These concerns need to be addressed.
8. We urge for a regular meetings with all the stakeholders, focus groups and related government departments in order to facilitate a better exchange of opinions and views over the future of Lantau and Hong Kong's participation in the development of the Pearl River Delta. Only through extensive and ongoing debate across all sectors of the community, business and professionals can we ensure that Hong Kong follows a path towards sustainable development.

Here we submit our concerns for your consideration.

Designing Hong Kong Limited
April 2016

Appendix I

The necessary law reform and enforcement measures

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. Delete the Waste Disposal Ordinance s16 (2)(c) Cap 354

- Delete the exemption for dumping of "inert waste". All waste dumping including construction waste should require a permit.
- Require statutory permits which take into account environmental protection and conservation values prior to allowing any C&D waste disposal activities on private or government land.

2. Enhanced control measure against C&D waste disposal

- Application of the mandatory trip-ticketing system to private projects and adopting GPS applications to track dump trucks.
- Apart from landowners and drivers, the works site engineer should also be liable for any waste from the works site.

3. Amend the Town Planning Ordinance Cap 131, s20(2)

- To delete s20(2) entirely or to amend it as follows: "*The Board shall not, 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*".
- This change will enable the Town Planning Board to prepare Development Permission Area Plans (DPA Plans), including the land already covered by an Outline Zoning Plan. Protection and conservation of rural land - defined as all land excluding the development area within existing and planned new towns/new town extensions, and excluding land already protected under the Country Park Ordinance - requires enforcement powers for the Planning Department. In particular, the rural land includes all undeveloped and unformed government land, and undeveloped private agricultural land under Block Crown Lease. DPA Plans provide Planning Department with such enforcement powers.

4. Establish a public and transparent database of all land related data

- Establish a comprehensive and transparent database with details such as land status, ownership, land use, habitat type, and topography and ground features, so as to provide baseline information for the reinstatement of damaged sites.

5. Establish a Conservation Enforcement Task Force

- Set up an inter-departmental nature conservation enforcement task force (including key implementing departments such as Agriculture, Fisheries and Conservation Department, Environmental Protection Department, Lands Department, Planning Department and the Food and Environmental Hygiene Department) to co-ordinate and oversee all enforcement cases and ensure all damaged sites are properly restored.
- Furthermore, to increase budgets and headcount for the enforcement teams of government departments, including Environmental Protection Department, Agriculture, Fisheries and Conservation Department, Planning Department, Buildings Department and Lands Department.

6. Clarifications of the Town Planning Ordinance Cap 131 (TPO) are needed

- 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 soil?
- Some leisure farms and hydroponic farms involve the filling and paving of land with C&D waste 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? And while “leisure farm” (or “hobby farm” in Town Planning) is regarded as “Place of Recreation, Sports or Culture” use, should the “hydroponic farm” use be defined separately out of the current term “Agricultural Use” in Statutory Plans, as it involves change of land cover on arable soil?
- 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?
- 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?