

**Minutes of 1032<sup>nd</sup> Meeting of the  
Town Planning Board held on 26.4.2013**

**Present**

Permanent Secretary for Development  
(Planning and Lands)  
Mr. Thomas Chow

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Professor S.C. Wong

Mr. Timothy K.W. Ma

Mr. F.C. Chan

Professor Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. H.W. Cheung

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Professor P.P. Ho

Mr. Lincoln L.H. Huang

Professor Eddie C.M. Hui

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. Patrick H.T. Lau

Mr. Maurice W.M. Lee

Mr. H.F. Leung

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Mr. Stephen H.B. Yau

Principal Environmental Protection Officer (Metro Assessment)

Environmental Protection Department

Mr. Ken Y.K. Wong

Director of Lands

Ms. Bernadette H.H. Linn

Principal Assistant Secretary (Transport)

Transport and Housing Bureau

Miss Winnie M.W. Wong

Director of Planning

Mr. K.K. Ling

Deputy Director of Planning/District

Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Ms. Christina M. Lee

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Dr. W.K. Yau

Assistant Director (2), Home Affairs Department

Mr. Eric K.S. Hui

**In Attendance**

Assistant Director of Planning/Board  
Ms Christine K.C. Tse

Chief Town Planner/Town Planning Board  
Mr. Edward W.M. Lo (a.m.)  
Ms. Donna Y.P. Tam (p.m.)

Senior Town Planner/Town Planning Board  
Mr. Raymond H.F. Au (a.m.)  
Ms. Doris S.Y. Ting (p.m.)

## **Agenda Item 1**

[Open Meeting]

### **Confirmation of Minutes of the 1031<sup>st</sup> Meeting held on 22.3.2013**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1031<sup>st</sup> meeting held on 22.3.2013 were confirmed without amendments.

## **Agenda Item 2**

### **Matters Arising**

[The meeting was conducted in Cantonese.]

- (i) [Confidential item. Closed Meeting]

2. This item was recorded under confidential cover.

- (ii) Draft Yi O Development Permission Area Plan No. DPA/I-YO/1  
Hearing Arrangement for Consideration of Representations and Comment  
[Open Meeting]

3. The Secretary said that on 23.11.2012, the draft Yi O Development Permission Area (DPA) Plan No. DPA/I-YO/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 144 representations were received. On 15.2.2013, the representations were published for three weeks for public comments and one comment was received. On 22.3.2013, the Board agreed that the representations and comment would be heard by the full Board collectively in one group as most of the representations and comment were submitted in the form of standard or similar letters, and the grounds of representations were similar and inter-related in nature.

4. The Secretary continued to say that on 19.4.2013 and 23.4.2013, two e-mails were received from two representers, namely Kadoorie Farm and Botanic Garden

Corporation and WWF Hong Kong respectively requesting for arrangement of separate hearings for the environmental groups and the villagers/landowners in order to ensure a better environment for expressing their views. In view of this, the hearing arrangement had been further reviewed. It was noted that there were two main groups amongst the representations: (i) relating to the need to protect the natural environment of Yi O; and (ii) objecting to the adverse impacts brought about by the DPA Plan on rehabilitation of Yi O Village and the infringement of the rights/interests of local villagers. The Board had a discretion to decide on the number and formation of groups in the representation hearing. In order to facilitate a more focused hearing and consideration of representations and comment, it was recommended that the representations and related comment be heard by the full Board in three groups, as follows:

Group 1 - collective hearing of 43 representations (R1 to R42 and R144) submitted by environmental groups and individual members of the public in relation to the need to protect the natural environment;

Group 2 - collective hearing of 101 representations (R43 to R143) submitted by the Tai O Rural Committee (TORC), Islands District Council members, village representatives, associations, representatives of fishermen and individuals of the public who opposed the DPA Plan for its adverse impacts on rehabilitation of Yi O Village and the rights and interests of the villagers of Yi O; and

Group 3 - hearing of one comment (C1) (on R1, R2, R4 and R6) submitted by the Indigenous Villagers Representative of Yi O, TORC and persons objecting to the draft Yi O DPA Plan No. DPA/I-YO/1.

5. In response to the questions of some Members, the Secretary said that although the representers of one group could not attend the representation hearing of another group, they could still observe the open meeting of the hearing of other groups in the Public Viewing Room.

6. After deliberation, the Board agreed to the proposed hearing arrangement for the consideration of representations and comments in three groups as set out in paragraph 4

above.

- (iii) Approval of Draft Central District Outline Zoning Plan (OZP)  
[Open Meeting]

7. The Secretary reported that, on 9.4.2013, the Chief Executive in Council approved the draft Central District OZP (to be renumbered as S/H4/14) under section 9(1)(a) of the Town Planning Ordinance. The approval of the OZP was notified in the Gazette on 19.4.2013.

- (iv) Town Planning Appeal Decision Received  
[Open Meeting]

Town Planning Appeal No. 3 of 2011

Proposed Columbarium, G/F and 1/F, 15 Fa Peng Road, Cheung Chau

(Application No. A/I-CC/10)

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8. The Secretary reported that the appeal was lodged by the Appellant to the Appeal Board Panel (Town Planning) (ABP) against the decision of the Town Planning Board (the Board) to reject on review an Application No. A/I-CC/10 for a proposed columbarium with 1,000 niches at the appeal site in the “Government, Institution or Community(4)” (“G/IC(4)”) zone on the approved Cheung Chau Outline Zoning Plan No. S/I-CC/5. The appeal was heard by the Town Planning Appeal Board (TPAB) on 1.11.2012. On 17.4.2013, the TPAB dismissed the appeal based on the following main considerations:

- (a) the Board’s approach in considering the compatibility of the proposed development with the land uses in the surrounding areas was correct in that it represented a direct application of the Town Planning Board Guidelines No. 16;
- (b) the Board was not erred in finding that land uses in the surrounding areas of the appeal site were mainly low-rise, low-density residential

and recreational developments. The fact that the Bethany Lodge and the proposed redevelopment of Christian Zheng Sheng School had not expressly been mentioned by the Board did not mean that the Board had ‘totally disregarded’ them;

- (c) the purpose-built and large-scale commercial columbarium with 1,000 niches was meant to draw business from others living elsewhere, draw crowd and raise environmental concerns. The proposed columbarium was not similar to nor compatible with its adjacent residential or recreational uses, residential retreat, and school or social welfare facility, and could hardly be said to be in harmony with the surrounding areas;
- (d) the submission made by the Appellant that by acquiring the application premises, the Appellant would be acquiring the right of compatibility of the original Taoist Temple with 1,000 ancestral tablets under section 16 of the Conveyancing and Properties Ordinance (Cap. 219) was entirely misconceived;
- (e) the Board had correctly formed the view that the proposed development raised serious traffic and pedestrian safety concerns. The Appellant chose not to address these concerns by presenting the TPAB with any traffic impact assessment. TPAB saw no basis to leave such a fundamental matter to be dealt with by way of the imposition of a condition subsequently;
- (f) the Appellant had not addressed the concern of inaccessibility of emergency vehicles to the appeal site and was unable to answer the public safety issues; and
- (g) the two previously approved applications for columbaria in Sha Tin and Tai Po as quoted by the Appellant were materially different from the subject application.

9. A copy of the Summary of Appeal and the TPAB's decision had been sent to Members for reference.

(v) Two New Town Planning Appeals Received

[Open Meeting]

Town Planning Appeal No. 2 of 2013

Proposed Rural Committee/Village Office in "Green Belt" zone,

Government Land in D.D. 15, Shan Liu Village, Tai Po

(Application No. A/NE-TK/382)

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10. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) (ABP) on 14.3.2013 against the decision of the Town Planning Board (the Board) to reject on review an Application No. A/NE-TK/382 for a proposed Rural Committee/Village Office in the "Green Belt" ("GB") zone on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17. The application was rejected by the Board on 4.1.2013 for the following reasons:

- (a) the proposed development was not in line with the planning intention of the "GB" zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the application did not comply with the Town Planning Board Guidelines for Application for Development within "GB" zone under section 16 of the Town Planning Ordinance in that the proposed development would cause adverse landscape impacts on the surrounding environment and its approval would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area; and
- (c) the applicant failed to demonstrate that the proposed development located

within the water gathering ground would not cause adverse impact on the water quality in the area.

11. The Secretary said that the hearing date of the appeal was yet to be fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

Town Planning Appeal No. 3 of 2013

Proposed House (New Territories Exempted House – Small House)

in “Agriculture” zone, Lot 2316 S.A in D.D. 116,

Tai Tong, Yuen Long, New Territories

(Application No. A/YL-TT/307)

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12. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) (ABP) on 2.4.2013 against the decision of the Town Planning Board (the Board) to reject on review an Application No. A/YL-TT/307 for a proposed house (New Territories Exempted House (NTEH) – Small House) in the “Agriculture” (“AGR”) zone on the approved Tai Tong Outline Zoning Plan No. S/YL-TT/16 (the OZP). The application was rejected by the Board on 18.1.2013 for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “AGR” zone on the OZP, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification given in the submission for a departure from the planning intention; and
- (b) the application did not comply with the Interim Criteria for assessing planning applications for NTEH/Small House development in that the site and the footprint of the proposed Small House fell wholly outside both the ‘village environs’ of recognized village and the “Village Type Development” (“V”) zone. Besides, there was land available within the “V” zone of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and

Tong Tau Po Tsuen to meet the demand forecast for Small House development. The applicant failed to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.

13. The Secretary said that the hearing date of the appeal was yet to be fixed. Members agreed that the Secretary would act on behalf of the Board in dealing with the appeal in the usual manner.

(vi) Abandonment of Town Planning Appeal

[Open Meeting]

Town Planning Appeal No. 7 of 2012

Proposed Columbarium in “Government, Institution or Community” zone,

Lot 667 in D.D. 131, Yeung Tsing Road, Tuen Mun

(Application No. A/TM/415)

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14. The Secretary reported that the subject appeal was lodged on 20.8.2012 by the Appellant to the Appeal Board Panel (Town Planning) (ABP) against the decision of the Town Planning Board to reject on review Application No. A/TM/415 for a proposed columbarium at the appeal site. The appeal site was zoned “Government, Institution or Community” on the Tuen Mun Outline Zoning Plan. The appeal was scheduled to be heard on 21.5.2013 to 23.5.2013. On 10.4.2013, the appeal was abandoned by the Appellant on his own accord. On 12.4.2013, the ABP formally confirmed that the appeal was abandoned in accordance with Regulation 7(1) of the Town Planning (Appeals) Regulations.

Appeal Statistics

15. The Secretary reported that as at 26.4.2013, 18 appeal cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	: 29
Dismissed	: 129
Abandoned/Withdrawn/Invalid	: 168
Yet to be Heard	: 18
<u>Decision Outstanding</u>	<u>: 1</u>
<b>Total</b>	<b>: 345</b>

(vii) [Confidential item. Closed Meeting]

16. This item was recorded under confidential cover.

### **Sha Tin, Tai Po and North District**

#### **Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Draft Ma On Shan Outline Zoning Plan No. S/MOS/17

Consideration of Further Representations No. TPB/R/S/MOS/17 – F1 to F28

(TPB Paper No. 9338)

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[The hearing was conducted in Cantonese.]

17. The following Members had declared interests in this item:

Mr. Dominic K.K. Lam - his spouse owned two flats at Marbella which was located immediately adjacent to the site under Amendment Item A (i.e. reverting the zoning of a site at On Chun Street to “Government, Institution or Community” (“G/IC”) which was the subject of Further Representations No. F1 to F23 submitted by residents of Marbella

Dr. W.K. Yau - had tendered advice to the Ma On Shan residents on the subject matter under consideration

18. Members agreed that as the interests declared by Mr. Dominic K.K. Lam and Dr. W.K. Yau were direct, they should be invited to withdraw from the meeting for this item. Members noted that Dr. Yau had tendered apology for not attending the meeting. Mr. Dominic K.K. Lam left the meeting temporarily at this point.

#### Presentation and Question Session

19. The following representatives of the Planning Department (PlanD), the further representer, original representers and commenters and their representatives were invited to the meeting at this point:

##### Planning Department (PlanD)

Ms. Jacinta Woo - District Planning Officer/Shan Tin, Tai Po & North (DPO/STN)

Mr. Anthony Luk - Senior Town Planner/Shan Tin (STP/ST)

##### F5 – Wong Chi Wai

Mr. Wong Chi Wai - Further Representer

##### R99 – Yau Man Yu

Mr. Yau Man Yu - Representer

##### R174 - Wong Wai Sau

Ms. Wong Wai Sau - Representer

##### R909 – Tang Siu Man

Mr. Yung Ming Chau - Representer's representative

R1039 and C31 – Wong Lung Sheung

Mr. Wong Lung Sheung - Representer and Commenter

R1072 – Lee Shuk Han

Ms. Lee Shuk Han - Representer

R1075 – Chik Chi Kam

Mr. Chik Chi Kam - Representer

C43 – Lee Ka Fai

Mr. Lee Ka Fai - Commenter

20. The Chairman extended a welcome. He said that sufficient notice had been given to invite all further representers and concerned original representers and commenters to attend the hearing, but other than those who were present at the meeting, the rest had either indicated not to attend the hearing or made no reply. As reasonable notice had been given to the further representers and the original representers and commenters, Members agreed to proceed with the hearing in their absence. The Chairman then invited the representatives of PlanD to brief Members on the further representations.

21. With the aid of a Powerpoint presentation, Mr. Anthony Luk, STP/ST, made the following main points as detailed in the Paper:

Background

- (a) on 24.2.2012, the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 1,079 valid representations and 61 comments were received. The representations and comments had been divided into two groups. The first group (i.e. Group 1) related to the rezoning of the sites at Whitehead and the second group (i.e. Group 2) related to the rezoning of the site at On Chun Street;
- (b) on 31.8.2012, the Town Planning Board (the Board) decided not to

uphold the Group 1 representations and to defer a decision on the Group 2 representations pending a review of the “G/IC” sites in Ma On Shan which might be suitable for residential development;

- (c) on 1.2.2013, after giving further consideration to the Group 2 representations and comments, the Board decided to propose the following amendments to the draft OZP to meet Representations No. R6(Part), R7(Part) and R8 to R1079:

Amendment Item A - rezoning of a site at On Chun Street from “Residential (Group B)3” (“R(B)3”) to “G/IC” with the building height restriction (BHR) amended from 60mPD to 8 storeys and deletion of the “non-building area” in the site

Amendment Item B - rezoning of a site at Hang Kwong Street from “G/IC” to “R(B)3” with the BHR amended from 2 storeys to 50mPD

Amendment Item C - rezoning of a site at Ma Kam Street from “G/IC” to “R(B)4” with the BHR amended from 2 storeys to 75mPD

Amendment Item D - amending the BHR of a reserved Indoor Recreation Centre (IRC) site at On Luk Street from 2 storeys to 8 storeys

- (d) the proposed amendments to the draft Ma On Shan OZP to meet the representations were exhibited for public inspection under section 6C(2) of the Ordinance on 22.2.2013. Upon expiry of the three-week exhibition period, a total of 83 further representations were received;
- (e) on 22.3.2013, the Board decided that Further Representations No. F29 to F83, which were submitted by the original representers and commenters, were invalid and should be treated as not having been made under section 6D(1) of the Ordinance. The Board also decided to hear Further

Representations No. F1 to F28 collectively in one group by the full Board;

The Further Representations

- (f) amongst the 28 valid further representations, 23 (F1 to F23) were submitted by the residents of Marbella, including 22 (F1 to F22) which supported the rezoning of the On Chun Street site to “G/IC” (Amendment Item A) and one (F23) which objected to it. The remaining five further representations (F24 to F28) were submitted by individual local residents of Ma On Shan who objected to the rezoning of the Ma Kam Street site for residential development (Amendment Item C);

Grounds of Further Representations and Proposals of the Further Representers

*Amendment Item A (F1 to F23)*

- (g) F1 to F22 supported Amendment Item A without specific reasons and proposed to use the On Chun Street site for indoor swimming pool, park for children, community facilities, public pier for tourists, pet garden for dogs, bicycle park and café;
- (h) F23 objected to Amendment Item A without specific reasons and proposed to use the site for residential development;

*Amendment Item C (F24 to F28)*

- (i) F24 to F27 considered that the Ma Kam Street site should be reserved for expansion of the adjacent Ma On Shan Health Centre to meet the needs of the growing population in Ma On Shan;
- (j) F28 was concerned that the proposed BHR of 75mPD for the site might

bring about air ventilation impacts on the surrounding area;

### Planning Considerations and Assessments

#### *The Further Representation Sites*

- (k) the On Chun Street site covered by Amendment Item A was currently used as a temporary fee-paying car park under Short Term Tenancy for a term of one year certain commencing on 1.9.2010 and thereafter quarterly. It had an area of about 0.48 ha;
  
- (l) the Ma Kam Street site covered by Amendment Item C was currently used by the Drainage Services Department as a temporary works area under a temporary Government land allocation till 31.12.2015. It was located off the northern end of Ma Kam Street with a net site area of about 3,100m<sup>2</sup>. It abutted Sai Sha Road to the north and Ma On Shan Road to the west and was located close to the Ma On Shan Town Centre;

#### *Planning Intention*

- (m) the further representation site at On Chun Street (Amendment Item A) had been reverted to "G/IC". The "G/IC" zone was intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It was also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments. After consulting the concerned departments, the site was considered suitable for provision of social welfare facilities by the Social Welfare Department (SWD) and a non-profit making organisation. The site could also accommodate other GIC facilities to be considered by the concerned government departments;

- (n) the representation site at Ma Kam Street (Amendment Item C) had been rezoned to “R(B)4” with a BHR of 75mPD and a gross floor area restriction of 15,500m<sup>2</sup>. The “R(B)” zone was intended primarily for medium-density residential developments where commercial uses serving the residential neighbourhood might be permitted on application to the Board. The site could be developed into a residential building of about 18 storeys at a plot ratio of 5, providing about 238 units;

Responses to Grounds of Further Representations and Proposals of the Further Representers

*Amendment Item A (F1 to F23)*

- (o) the responses to the grounds of further representations and the proposals put forth by F1 to F23 were detailed in paragraphs 3.6 to 3.10 of the Paper and summarized as follows:
  - (i) the supportive views of F1 to F22 were noted;
  - (ii) no justification had been given by F23 for residential use at the On Chun Street site. The On Chun Street site had been previously rezoned for residential development. In the course of considering the adverse representations and comments, the Board directed a review of all the undeveloped “G/IC” sites in the area be made. The review proposed that the zoning of the On Chun Street site (Amendment item A) be reverted to “G/IC” for accommodating social welfare and community facilities, and that the Hang Kwong Street (Amendment Item B) and Ma Kam Street (Amendment Item C) sites be rezoned for residential developments;
  - (iii) rezoning of the Hang Kwong Street and Ma Kam Street sites for residential uses would result in a potential flat gain of 136 units compared with the original proposal of developing the On Chun Street site alone for residential purpose. This overall arrangement

was presented to the Sha Tin District Council (STDC) on 3.1.2013 and gained its support;

- (iv) having balanced the considerations on site utilization and housing supply, and taking into account the view of STDC, the Board accepted the option of retaining the On Chun Street site for accommodating the GIC facilities, rezoning the Hang Kwong Street and Ma Kam Street sites for residential developments, and amending the BHR of the reserved IRC site at Area 103 to accommodate a community hall;
- (v) the concerned departments had been further consulted and confirmed that they had no requirements for any additional GIC facilities other than the social welfare facilities proposed by SWD and the non-profit making organisation;
- (vi) in respect of the proposed public car park, the Transport Department (TD) advised that the present policy was to encourage the private sector, through the land sales, to develop and operate public car parks in areas of demand and where the surrounding roads were capable of handling the additional traffic generated. If the future implementation agent of the On Chun Street site was willing to provide additional car park and offer it for public use, TD would have no objection; and
- (vii) at present, a swimming pool was already provided in the vicinity of the On Chun Street site. To allow flexibility for provision of an indoor heated swimming pool as requested by the STDC, the BH of the reserved IRC site in Area 103 had been relaxed to 8 storeys. The facilities to be incorporated into the reserved IRC site would be subject to the consideration of the Leisure and Cultural Services Department in consultation with the STDC;

*Amendment Item C (F24 to F28)*

- (p) the responses to the grounds of further representations and the proposals put forth by F24 to F28 were detailed in paragraphs 3.11 and 3.12 of the Paper and summarized as follows:

*No Need to Use Ma Kam Street site for Expansion of the Existing Ma On Shan Health Centre*

- (i) Sha Tin District had four clinics/health centres, each with a public General Out-patient Clinic under the operation of Hospital Authority. In planning for the provision of public primary care services, the Hospital Authority had taken into account a number of factors, including the projected demands having regard to population growth and demographic changes, the growth rate of services and the possible changes in utilisation pattern, etc. The Administration had reserved a site at Area 90 in the southern part of Ma On Shan for the provision of a health and welfare building to meet the long term medical needs of the area. There was no need to reserve the Ma Kam Street site for expansion of the existing Ma On Shan Health Centre;

*No Adverse Air Ventilation Impacts from Residential Development at Ma Kam Street Site*

- (ii) the BHR for the Ma Kam Street site had been formulated taking into account the characteristics of the site and its surrounding area, including the height profile of the surrounding developments, its development context in relation to the adjoining cluster of GIC facilities, and the BHRs of residential developments in the district. The BHRs of the adjacent residential developments were 110mPD to 130mPD while the G/IC developments to the east and the south were of 2 storeys (18.9mPD) and 8 storeys (22.5mPD) respectively. In this regard, the proposed BHR of 75mPD for the Ma Kam Street site was considered not incompatible with the surrounding

developments and had provided a suitable gradation; and

- (iii) according to the Housing, Planning and Lands Bureau Technical Circular No. 1/06 on Air Ventilation Assessment (AVA) setting out the guidance for applying AVA for Government projects, the Ma Kam Street site did not fall within the criteria requiring the conduct of an AVA. Nevertheless, an AVA by expert evaluation had been conducted for the Ma On Shan New Town. The Ma Kam Street site was not located within the airpaths for the prevailing wind and would not block major air flow in Ma On Shan. As such, there would be no adverse air ventilation impacts arising from the proposed residential development;

#### PlanD's Views

- (q) the supportive views of Further Representations No. F1 to F22 were noted; and
- (r) PlanD did not support Further Representations No. R23 to R28 and considered that the draft Ma On Shan OZP should be amended by the proposed amendments for the reasons given in paragraphs 5.2.1 to 5.2.3 of the Paper.

22. The Chairman then invited the further representer, representers and commenters and their representatives to elaborate on their submissions.

#### F5 - Wong Chi Wai

(Mr. Wong Chi Wai – further representer)

23. Mr. Wong Chi Wai made the following main points:

- (a) his views were expressed on behalf of the residents of Marbella;
- (b) as the On Chun Street site was not large in size, high-rise development

thereon would significantly affect the air ventilation and environmental quality of the area; and

- (c) the On Chun Street site was suitable for low-density development such as social welfare and community facilities including facilities for elderly people and children.

R99 – Yau Man Yu

(Mr. Yau Man Yu – representer)

24. Mr. Yau Man Yu made the following main points:

- (a) he supported Amendment A to revert the zoning of the On Chun Street site to “G/IC”; and
- (b) given that the On Chun Street site was located far away from the Ma On Shan Town Centre and was at present only served by one green minibus route, due consideration should be given to the provision of adequate transport facilities to serve the social welfare facilities to be provided on the site especially for the convenience of the elderly people;

R909 – Tang Siu Man

(Mr. Yung Ming Chau – representer’s representative)

25. Mr. Yung Ming Chau made the following main points:

- (a) he clarified that the date of meeting with the Owners’ Committee of Marbella should be ‘31.12.2012’ instead of ‘31.10.2012’ as recorded in paragraph 54(b) of the minutes of the Board meeting held on 1.2.2013;
- (b) the supportive Further Representations No. F1 to F23 were submitted by residents of Marbella after he reported the progress of the matter to them at a meeting with the Owners’ Committee of Marbella. Since there was one adverse further representation against Amendment Item A,

DPO/STN and the District Social Welfare Officer (Sha Tin) were invited to a meeting with the residents of Marbella on 19.4.2013 to explain the planning procedures in relation to the proposed amendments to the OZP and the type of social welfare services and facilities that might be provided in the future social welfare complex at the On Chun Street site. In general, the responses of the residents were positive;

- (c) the rezoning of the On Chun Site to “G/IC” was supported as it was a balanced consideration on housing supply and provision of supporting GIC facilities to meet the needs of the growing population of Ma On Shan;
- (d) the social welfare facilities to be provided at the On Chun Street site should not be confined to elderly facilities. In order to enhance the acceptability of the proposed social welfare facilities amongst local residents, consideration should be given to provision of services which could meet the needs of the local community such as day-care nursery;
- (e) he requested SWD, in preparing the detailed design of the social welfare complex at the On Chun Street site, to consult the views of the local residents; and
- (f) the On Chun Street site was currently used as temporary car park providing over 200 carparking spaces. Upon development of the site, the temporary car park would be displaced and the illegal parking problem in the area might be worsened. He suggested that the concerned government departments should consider opening up the car park, if there was one, in the future social welfare building at the On Chun Street site for public use after office hours and during public holidays so as to meet the demand for carparking spaces.

R1039 and C31 – Wong Lung Sheung

(Mr. Wong Lung Sheung – representer and commenter)

26. Mr. Wong Lung Sheung supported the rezoning of the On Chun Street site to “G/IC” and objected to high-rise residential development at the site. He reiterated that the reasons and justifications for reverting the site to “G/IC” zone had been thoroughly discussed and deliberated at the representation hearing on 1.2.2013.

27. As the representatives of PlanD, the further representer, representers and commenters and their representatives had finished their presentation, the Chairman invited questions from Members. Members had no questions.

28. The Chairman said that the hearing procedures had been completed and that the Board would deliberate on the further representations in their absence and inform them of the Board’s decision in due course. The Chairman thanked the further representer, representers, commenters and their representatives and the representatives of PlanD for attending the hearing. They all left the meeting at this point.

#### Deliberation Session

29. Members generally noted that the justifications for the proposed amendments had been fully deliberated by the Board during the consideration of representations and comments on 1.2.2013. Having balanced the considerations on site utilization and housing supply, the Board accepted the option of retaining the On Chun Street site for accommodating the G/IC facilities, rezoning the Hang Kwong Street and Ma Kam Street sites for residential developments, and amending the BHR of the site at Area 103 to accommodate a community hall. There was no change in planning circumstances after the consideration of representations and comments to the draft OZP. The adverse further representations had not raised any valid grounds to support a departure from the previous decision of the Board.

30. After deliberation, Members agreed to note the supportive views of Further Representations No. F1 to F22. Members also agreed not to uphold Further Representations No. F23 to F28 and that the OZP should be amended by the proposed amendments which formed part of the draft Ma On Shan OZP Plan No. S/MOS/17. In accordance with section 6H of the Ordinance, the OZP should thereafter be read as including the amendments. The amendments should be made available for public

inspection until the Chief Executive in Council had made a decision in respect of the draft Ma On Shan OZP under section 9 of the Ordinance. Members then went through the reasons for not upholding the further representations and to amend the OZP by the proposed amendments as detailed in paragraphs 5.2.1 to 5.2.3 of the Paper and considered that they were appropriate.

Further Representation No. F23

31. After further deliberation, the Board decided not to uphold Further Representation No. F23 and to amend the OZP by the proposed amendments for the following reason:

The On Chun Street site was required for provision of social welfare facilities to meet the need of the population in Ma On Shan.

Further Representations No. F24 to F27

32. After further deliberation, the Board decided not to uphold Further Representations No. F24 to F27 and to amend the OZP by the proposed amendments for the following reason:

The Ma Kam Street site was not required for provision of health facilities. A site at Area 90, Ma On Shan had been reserved for provision of health and welfare facilities to meet the need of growing population in Ma On Shan.

Further Representation No. F28

33. After further deliberation, the Board decided not to uphold Further Representation No. F28 and to amend the OZP by the proposed amendments for the following reason:

The Ma Kam Street site was not located within the airpaths for the prevailing wind and would not block major air flow in Ma On Shan. The proposed building height restriction of 75mPD had taken the surrounding developments into account. There would be no adverse air ventilation impacts arising from residential development at the Ma Kam Street site.

**Agenda Items 4 to 8**

[Open Meeting]

Preliminary Consideration of New Plans -

Draft Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/B, Draft Lin Ma Hang OZP No. S/NE-LMH/C, Draft Ta Kwu Ling North OZP No. S/NE-TKLN/C, Draft Man Kam To OZP No. S/NE-MKT/B and Draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/C (TPB Papers No. 9326, 9327, 9328, 9329 and 9330)

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[The meeting was conducted in Cantonese.]

[Mr. Dominic K.K. Lam returned to join the meeting at this point.]

34. The Chairman suggested and Members agreed that since all the five draft outline zoning plans (OZPs) covering the Sha Tau Kok (STK), Lin Ma Hang (LMH), Ta Kwu Ling North (TKLN), Man Kam To (MKT) and Ma Tso Lung and Hoo Hok Wai (MTL & HHW) areas were all located in proximity to each other in the Frontier Closed Area (FCA) and with similar planning backgrounds, they would be considered collectively by the Town Planning Board (the Board).

35. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

Ms. Jacinta Woo - District Planning Officer/Shan Tin, Tai Po & North (DPO/STN)

Mr. Otto Chan - Senior Town Planner/North (STP/N)

36. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Papers.

37. With the aid of a Powerpoint presentation, Mr. Otto Chan, STP/N, made the following main points on the background of five draft OZPs as detailed in the Papers:

(a) in 2008, the Security Bureau (SB) announced that the coverage of the FCA would be substantially reduced from about 2,800 ha to about 400

ha. The STK area and most of the eastern/southern portion of the LMH area fell within the area covered by the first stage of reduction and were now outside the FCA. Most of the MTL & HHW area fell within the area covered by the second stage of reduction which would tentatively come into effect in mid-2013. Part of the western portion of the LMH area and the TKLN and MKT areas were covered by the third stage of reduction which was planned to come into effect in 2015;

- (b) five draft development permission area (DPA) Plans for the former FCA, including the STK, LMH, TKLN, MKT and MTL & HHW DPA Plans, were prepared to take forward the recommendations of the “Land Use Planning for the Closed Area – Feasibility Study” (the FCA Study);
- (c) on 30.7.2010, the five draft DPA Plans, including the draft STK DPA Plan No. DPA/NE-STK/1, the draft LMH DPA Plan No. DPA/NE-LMH/1, the draft TKLN DPA Plan No. DPA/NE-TKLN/1, the draft MKT DPA Plan No. DPA/NE-MKT/1 and the draft MTL & HHW DPA Plan No. DPA/NE-MTL/1, were exhibited for public inspection under section 5 of the Ordinance. The numbers of valid representations and comments to the five draft DPA Plans were as follows:

DPA Plan	Number of valid representations	Number of valid comments
Draft STK DPA Plan No. DPA/NE-STK/1	14	3
Draft LMH DPA Plan No. DPA/NE-LMH/1	7	8
Draft TKLN DPA Plan No. DPA/NE-TKLN/1	3	1
Draft MKT DPA Plan No. DPA/NE-MKT/1	6	1
Draft MTL & HHW DPA Plan No. DPA/NE-MTL/1	8	1

- (d) on 8.9.2011, the Board considered the representations and comments to

the five draft DPA Plans and agreed to propose amendments to the draft DPA Plans to meet/partially meet the representation(s);

- (e) on 11.11.2011, the Board gave consideration to the further representations to the draft STK DPA Plan, the draft LMH DPA Plan, the draft MKT DPA Plan and the draft MTL & HHW DPA Plan and decided not to uphold the further representations. The Board decided that the proposed amendments to the four DPA Plans would form part of the respective DPA Plan under section 6F(8) of the Ordinance;
- (f) the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft STK DPA Plan and the draft MTL & HHW DPA Plan on 21.2.2012, the draft TKLN DPA Plan and the draft MKT DPA Plan on 8.5.2012, and the draft LMH DPA Plan on 8.1.2013; and
- (g) in accordance with section 20(5) of the Ordinance, the DPA Plans were effective for three years until 30.7.2013. On 8.2.2013, under the power delegated by the CE, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an outline zoning plan (OZP) to cover each of the STK, LMH, TKLN, MKT and MTL & HHW areas.

#### Draft STK OZP

38. Mr. Otto Chan then made the following main points on the draft STK OZP No. S/NE-STK/B as detailed in TPB Paper No. 9326:

#### *Strategic Planning Context*

- (a) according to the FCA Study, the major objective of the Recommended Development Plan (RDP) of the STK area was to protect the natural setting, environmental diversity and cultural integrity. The traditional villages could provide an entry point to the recreational and

environmental features of the immediate area;

*Issues Arising from Consideration of the DPA Plan*

- (b) the major land use proposals arising from the representations and comments to the draft STK DPA Plan No. DPA/NE-STK/1 were summarized as follows:
- (i) local villagers suggested that more land should be reserved for all villages in Sha Tau Kok by inclusion of the adjacent “Agriculture” (“AGR”) and “Green Belt” (“GB”) zones;
  - (ii) a Sha Tau Kok District Rural Committee (STKDRC) member, a North District Council (NDC) member and various Village Representatives (VRs) opposed the “AGR” zone along the coastal area south of Sha Tau Kok Road and proposed to rezone the area to “Recreation” (“REC”); and
  - (iii) local villages opposed the “GB” zoning of an area near Gate One Checkpoint of the FCA (south of Ha Tam Shui Hang) and proposed to rezone the area to “REC”;

*Town Planning Board’s Decisions and Instructions*

- (c) on 8.9.2011, the Board considered the representations and comments to the draft STK DPA Plan No. DPA/NE-STK/1, and decided to amend the “Village Type Development” (“V”) zone for the villages of Tong To, San Tsuen, Muk Min Tau, Tsui Hang, Tam Shui Hang and Shan Tsui to partially meet the representations. Regarding the local villagers’ request to rezone the coastal area south of Sha Tau Kok Road to “REC”, the Board decided that the “AGR” zoning of the area should be maintained as the zoning was in line with the recommendations of the FCA Study and appropriate to retain the good quality agricultural land. Nevertheless, the Board requested PlanD to further examine the issue in

the OZP preparation stage. As for the “GB” zone near Gate One Checkpoint, the “GB” zoning was considered appropriate taking into account its natural setting;

- (d) the proposed amendments to the draft STK DPA Plan No. DPA/NE-STK/1 were published for public inspection on 16.9.2011. Two further representations were received, which proposed to revoke the proposed amendments and raised objection on ground that there was a lack of sustainable layout plans of infrastructure for the health and well being of the residents. On 11.11.2011, the Board gave consideration to the further representations and decided not to uphold them, and agreed to amend the STK DPA Plan by the proposed amendments under section 6F(8) of the Ordinance;

*The Planning Scheme Area*

- (e) the Planning Scheme Area of the draft STK OZP (the STK Area) covered a total area of about 557 ha. It was located approximately 9 kilometres to the north-east of Fanling/Sheung Shui. It was bounded by Sha Tau Kok River in the north, Sha Tau Kok Boundary Control Point (STK BCP) in the east, Starling Inlet (Sha Tau Kok Hoi) in the south-east, and Robin’s Nest (Hung Fa Leng) in the south-west and west;
- (f) the landscape features of the STK Area included shrubland, woodlands, upland grassland, knolls and foothills. The STK Area covered a spectrum of natural habitats including ‘fung shui’ woods, mixed shrubland, seasonally wet grassland, lowland forest and natural watercourse;
- (g) the recognized villages within the STK Area included Tong To, Muk Min Tau (including Tsiu Hang), San Tsuen, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), and Shan Tsui. According to the 2011 Population Census, the total population of the STK Area was 750;

- (h) economic activities in the STK Area were limited due to its rugged relief and limited accessibility;
- (i) there were several graded historic buildings and two sites of archaeological interest within the STK Area;
- (j) in general, the major conditions of the STK Area remained largely unchanged since the gazettal of the draft STK DPA Plan;

*Development Proposals Received in the Course of Preparation of the Draft OZP*

- (k) Kadoorie Farm and Botanic Garden Corporation (KFBGC) and World Wildlife Fund (WWF) requested for a review of land use zonings for three streamcourses in the STK area, their river estuaries and the mangroves along the coast of Sha Tau Kok;
- (l) green groups, including KFBGC and WWF, expressed that appropriate zonings should be designated for two pieces of dense woodland of high ecological value to the north of Tam Shui Hang and Sha Tsui which were zoned “V” on the STK DPA Plan;

*Land Use Planning Considerations*

Review of “V” Zones

- (m) based on the latest Small House demand figures provided by the District Lands Officer/North, Lands Department (DLO/N, LandsD) in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the “V” zones on the approved STK DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;

- (n) according to DLO/N, LandsD, there was a substantial increase in total Small House demands for Tong To and Tam Shui Hang from 548 and 467 to 3,002 and 912 respectively, and a slight increase in total Small House demands for San Tsuen from 138 to 151, Muk Min Tau from 3,000 to 3,014 and Shan Tsui from 246 to 254 as compared with the figures presented to the Board in 2011. As the substantial increase in Small House demands for Tong To and Tam Shui Hang was not supported by evidence and not verified by DLO/N, their “V” zone boundaries were reviewed based on the total Small House demand in 2011, i.e. 550 and 462 respectively;
- (o) the boundaries of the “V” zones had been fully deliberated during the consideration of representations and comments to the draft STK DPA Plan in 2011 and there had been no significant change in planning circumstances since then. No change was proposed for the “V” zone of Tong To as the size of the “V” zone on the approved DPA Plan was already equivalent to the size of the village ‘environs’ (‘VE’) of the recognized village;
- (p) for Shan Tsui and Tam Shui Hang, the “V” zone on the approved DPA Plan was approximately the same as the ‘VE’ of the recognized villages. Taking into account the green groups’ proposal, two pieces of land north of Tam Shui Hang and Shan Tsui with a total area of 0.55 ha were proposed to be rezoned from “V” to “GB”. On the other hand, two pieces of land between Muk Min Tau and Tam Shui Hang (0.39 ha) and to the north-west of Tam Shui Hang (0.16 ha) were proposed to be rezoned from “AGR” to “V”;
- (q) for San Tsuen and Muk Min Tau (including Tsiu Hang), the “V” zone on the approved DPA Plan was of a size equivalent to about 95% of the ‘VE’ of the two recognized villages. No suitable land in the vicinity of the villages was available to meet their Small House demands as the surrounding area was covered by dense vegetation, seasonal wet grassland and burial ground;

Major Streamcourses in STK Area

- (r) the land use zonings along the three streamcourses in the STK Area had been reviewed after site investigation and further discussions with the Agriculture, Fisheries and Conservation Department (AFCD). The findings were summarized below:

Stream adjacent to Tong To

- (i) according to the findings of the FCA Study, the stream adjacent to Tong To was of moderate ecological value. The modified lower-middle section of the stream fell mainly within “REC” zone. As there had been no material change in planning circumstances of the area along the stream since the gazettal of the draft STK DPA Plan, it was considered appropriate to retain the “REC” zoning for the stream. A clause had been included in the Notes of the draft OZP to ensure that any diversion of the existing streamcourses within the “REC” zone would be subject to statutory planning control;
- (ii) the upper section of the stream fell within areas mainly zoned “GB” to reflect the current natural hillslopes. The areas covered by Tong To and Tong To Ping Tsuen and their vicinity were zoned “AGR” and “V” to reflect its existing uses which included agricultural land and village house developments;

Stream adjacent to Muk Min Tau and San Tsuen

- (iii) the upper section of the stream adjacent to Muk Min Tau and San Tsuen was of moderate ecological value according to the FCA Study and was covered by “Conservation Area” (“CA”), “GB” and “AGR” zones. The lower-middle course of the stream was of low ecological value and mainly zoned “V” to reflect the existing development pattern; and

Stream adjacent to Tam Shui Hang

- (iv) according to the FCA Study, the stream at Tam Shui Hang was of moderate to high ecological value. The upper section of the stream fell mainly within “AGR” and “GB” zones. As there had been no change in the planning circumstances at the upper section of the stream since the gazettal of the draft STK DPA Plan, the “AGR” and “GB” zonings for this part of the stream were to be retained. There were signs of recent village house developments alongside the nearby “V” zone close to the lower-middle course of the stream. It was proposed that this part of the stream should be rezoned to “V” to reflect the existing development pattern;

Impact of Small House Development within “V” Zone on Streams

- (s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within “V” zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the “V” zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

Coastal “AGR” Zone south of Sha Tau Kok Road

- (t) regarding the request of the Board to review the land use zoning of the coastal area south of Sha Tau Kok Road, it was considered appropriate to retain the “AGR” zoning in view that the area covered mostly fallow arable land with good potential for agricultural rehabilitation. The “AGR” zoning was also appropriate to allow only low-density development along the coastal area with a view to minimizing any potential impact on Starling Inlet. Recreational uses, such as ‘Barbecue Spot’ and ‘Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only)’, might be permitted on application to the Board;

“GB” Zone near Gate One Checkpoint of the FCA

- (u) it was considered appropriate to retain the “GB” zoning for the areas near Gate One Checkpoint of the FCA as they were covered with seasonally wet grassland and mangroves;

*Planning Intention*

- (v) the general planning intention of the STK Area was to promote cultural conservation, recreation and tourism. The rural character, natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well as the ecologically important areas, and the upland scene of the STK Area should be conserved;

*Land Use Zonings*

- (w) about 39.45 ha of land were zoned “V” to cover the recognized villages within the STK Area, i.e. Shan Tsui, Tam Shui Hang (including Sheung Tam Shui Hang and Ha Tam Shui Hang), Muk Min Tau (including Tsiu Hang), San Tsuen and Tong To, and areas of land suitable for village expansion;
- (x) about 1.46 ha of land were zoned “Government, Institution or Community” (“G/IC”), which mainly covered two hilltop survey stations, Sha Tau Kok Sewage Treatment Works, the Sha Tau Kok Police Operation Base and helicopter landing site, and the MacIntosh Fort at Pak Kung Au. The disused Kwan Ah School at Sheung Tam Shui Hang was currently vacant. According to the FCA Study, the disused school building could be used as a visitor centre and/or a small scale holiday camp;
- (y) about 11.35 ha of land were zoned “REC”, which covered an area south of Tong To extending to the bank of Sha Tau Kok Hoi currently occupied by ‘Sha Tau Kok Farm’ and abandoned agricultural land;

- (z) about 38.82 ha of land were zoned “AGR”, which mainly covered the areas in the northern and western parts of the STK Area;
- (aa) about 461.55 ha of land were zoned “GB”, which mainly covered the eastern fringe of Robin’s Nest and the permitted burial grounds for indigenous villagers;
- (bb) about 2.77 ha of land were zoned “CA” to retain and preserve the existing natural character of the ‘fung shui’ woods at the backdrops of Muk Min Tau;
- (cc) in terms of land use, there was a slight increase in area zoned “GB” (0.55 ha) and a corresponding decrease in area zoned “AGR” as compared with the approved STK DPA Plan. No change to the land area of other land use zones was proposed;

*Consultation*

- (dd) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (ee) subject to the agreement of the Board, the draft STK OZP No. S/NE-STK/B would be submitted to the NDC and the STKDRC for consultation. Comments from the NDC and the STKDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

39. As the presentation from the representatives of PlanD on the draft STK OZP had been completed, the Chairman invited questions from Members. The Chairman remarked that Members were invited to consider if the draft OZPs were suitable for submission to the NDC and the concerned RCs for consultation. After the consultation exercises, the draft OZPs with the views of NDC and the concerned RCs would be submitted to the Board before gazetting under section 5 of the Ordinance.

*Supporting Facilities for Recreational Uses and Tourism*

40. In response to the Chairman's question on the provision of supporting facilities for recreational development including car parks in the STK Area, Ms. Jacinta Woo said that about 11.35 ha of land were zoned "REC" on the draft OZP with a view to facilitating low-density active recreational and related uses. An area to the north-western part of the STK Area was a proposed country park for passive recreational use. She indicated that due to infrastructural constraints, the STK Area was largely suitable for passive recreational uses at present. Since the STK Area was only opened up in February 2012, it would be prudent to closely monitor the situation before active recreational uses and supporting facilities could be considered. Besides, planning applications for temporary car parks in the STK Area had recently been received and such applications would be assessed based on individual merits.

41. Another Member said that after opening up of the STK Area, there was a need to gear up the provision of supporting facilities to meet the vast volume of visitors and local tours during weekends and holidays.

*Traffic Issues*

42. The Chairman further asked whether there were any coach parking facilities and transport infrastructures such as public transport terminus (PTT) to support the corresponding increase in coach bus traffic in the area. Ms. Jacinta Woo said that there was no provision of coach parking facilities in the STK Area but there was one PTT in STK Town close to the STK Area for green minibuses (GMB) and coach bus parking. Ms. Woo said that Transport Department would closely monitor the local traffic situation and consider improving the existing transport facilities when necessary.

43. Given the rural character and infrastructural constraints of the area, a Member said that the use of public transport such as GMBs should be encouraged and the use of private cars should be discouraged on environmental consideration.

44. A Member said that proper traffic measures to ensure the promotion of

recreational development and eco-tourism without undermining the planning intention to conserve the area, such as restricting vehicular access to the area, should be considered.

45. In response to a Member's concern on the border-crossing traffic and the demand for parking facilities generated from the STK BCP, Mr. K.K. Ling said that the STK BCP, similar to the MKT BCP, were relatively small scale road-based land crossings which would not attract significant volume of border-crossing traffic. There was currently no plan and programme to expand these two existing BCPs. Mr. Ling said that a new BCP at Liantang/Heung Yuen Wai planned for handling higher volume of border-crossing traffic was scheduled for operation in 2018.

46. In response to a Member's question on whether the land use zonings on the draft OZP would pose any constraints on future road improvement works, the Secretary said that road projects authorized under the Roads (Works, Use and Compensation) Ordinance were deemed approved under the Ordinance and road works co-ordinated or implemented by Government departments were permitted in all zones under the covering Notes of the draft OZP.

#### *Integration with STK Town*

47. In response to a Member's suggestion to take into account the STK Town in the planning of the STK Area as an integrated area, Ms. Jacinta Woo said that STK Town was still within the FCA and there was currently no plan and programme to open up STK Town. Ms. Woo said that the preparation of the draft STK OZP had already taken into account the findings and recommendations of the Study on Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas of which proper integration of STK Town and its surrounding fringe areas had been examined. The integration of the STK Area with STK Town could be further examined when there was a policy to open up STK Town.

#### *Zoning of Proposed Country Park*

48. A Member asked whether the proposed country park at Robin's Nest should be zoned as "CA" instead of "GB". In response, Ms. Jacinta Woo said that the proposed

country park area was mostly Government land and hence was under Government control. AFCD considered that the “GB” zoning for the proposed country park area was appropriate in preserving its natural landscape and environment. Only areas of high ecological value as supported by AFCD would be considered for “CA” zoning.

*Planning Intention and Scope for More Intensive Development*

49. The Vice-chairman indicated support to the general planning intention of the five draft OZPs to preserve the local character and to conserve the natural environment. He said that given the lack of transport and other infrastructures, it was appropriate to designate majority of the areas as “CA”, “GB” and “AGR” zones on the draft OZPs to contain urbanised development. In the long term, any major development in these areas should be justified and supported by detailed studies.

50. A Member said that agriculture use played an important role in the process of sustainable development. Noting that there was plenty of abandoned agricultural land in the areas, the Member commented that a proper agricultural policy should be in place to optimize the use of agricultural land. Otherwise, the agricultural land should be considered for other beneficial uses such as residential development in order to avoid wastage of land resources.

51. The same Member asked if there was any long term plan to allow more development in the area noting that it was very near Shenzhen which had been developed into a high density area. Some people might want to live in the STK area to be near Shenzhen. In response, Mr. K.K. Ling said that PlanD had conducted an integrated planning study, i.e. the FCA Study, to examine how the area should be planned from a the strategic planning perspective. The FCA Study recommended that the FCA could serve as a green buffer between Hong Kong and Shenzhen. Although there had been growing aspiration for intensifying developments in the area, a proper balance between nature conservation and development needs should be struck. The draft OZPs were prepared mainly to reflect the proposals recommended in the FCA Study and to ensure proper planning control in the areas. Most of the FCA areas were not sufficiently served by infrastructural facilities and hence they were not yet ready for development. These areas would have to be properly protected by way of a statutory OZP. High-density urban type

developments should be confined to areas with infrastructure provisions such as the three proposed New Development Areas in North East New Territories.

*“V” Zone Boundary and Small House Development*

52. The Vice-chairman supported the criteria that the area of “V” zone should not be larger than the area of ‘VE’. He quoted several villages in the STK Area which indicated that there was a substantial increase in 10-year forecast demand for Small House development since the opening up of the STK Area. In view of the need to conserve the natural environment, it would be prudent to confine “V” zone within the ‘VE’. In fact, land was still available in the “V” zones for Small House developments.

53. A Member asked whether there were any new Small House development within the areas since the gazettal of the draft DPA Plans. In response, Ms. Jacinta Woo said that comparing the Small House demand figures provided by DLO/N in 2011 and 2012, there had been an increase in the outstanding Small House applications for a number of villages in the areas, possibly due to the opening up of the FCA.

54. After deliberation, the Board:

- (a) adopted the Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Sha Tau Kok OZP No. S/NE-STK/B; and
- (b) agreed that the draft Sha Tau Kok OZP No. S/NE-STK/B together with its Notes and Explanatory Statement were suitable for submission to NDC and STKDRC for consultation.

Draft LMH OZP

55. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft LMH OZP No. S/NE-LMH/C as detailed in TPB Paper No. 9327:

*Strategic Planning Context*

- (a) according to the FCA Study, the major objective of the RDP of the LMH area was to protect the natural setting, environmental diversity and cultural integrity of the area. The land use pattern and surrounding facilities should also promote Lin Ma Hang as a key tourism node;

*Issues Arising from Consideration of the DPA Plan*

- (b) the major land use proposals arising from the representations and comments to the draft LMH DPA Plan No. DPA/NE-LMH/1 included the proposal of the VR of Lin Ma Hang Village to enlarge the “V” zone of Lin Ma Hang Village and his objection to the “CA” zoning for the buffer area of Lin Ma Hang Stream;

*Town Planning Board's Decisions and Instructions*

- (c) on 8.9.2011, the Board considered the representations and comments to the draft LMH DPA Plan, and decided that no change should be proposed for the “V” zones of Lin Ma Hang and San Kwai Tin. The Board also decided to rezone the buffer area of Lin Ma Hang Stream from “CA” to “GB” to partially meet the representations;
- (d) the proposed amendments to the draft LMH DPA Plan No. DPA/NE-LMH/1 were published for public inspection on 16.9.2011. A total of 15 further representations were received, which mainly objected to the proposed rezoning of the buffer area along Lin Ma Hang Stream from “CA” to “GB”. On 11.11.2011, the Board gave consideration to the further representations and decided not to uphold them, and agreed to amend the LMH DPA Plan by the proposed amendments under section 6F(8) of the Ordinance;

*The Planning Scheme Area*

- (e) the Planning Scheme Area of the draft LMH OZP (the LMH Area) covered a total area of about 329 ha. It was located approximately 6 kilometres to the northeast of Fanling/Sheung Shui New Town. It was bounded by Sham Chun River in the north, Robin's Nest in the east and south and Wong Mau Hang Shan in the west;
- (f) the landscape features of the LMH Area included woodlands, vegetated uplands, knolls and foothills. The LMH Area covered a spectrum of natural habitats including 'fung shui' woods, mixed shrubland, freshwater/brackish wetland, lowland forest and natural watercourse. There were two sites of special scientific interest (SSSIs) in the LMH Area;
- (g) existing rural settlements were mainly located in the recognized village of Lin Ma Hang while San Kwai Tin Village had already been abandoned. According to the 2011 Population Census, the population of the LMH Area was about 100 persons;
- (h) economic activities in the LMH Area were limited due to its rugged relief and limited accessibility;
- (i) there were several graded historic buildings and a site of archaeological interest within the LMH Area;
- (j) in general, the major conditions of the LMH Area remained largely unchanged since the gazettal of the draft LMH DPA Plan;

[Mr. Patrick H.T. Lau left the meeting temporarily at this point.]

*Development Proposals Received in the Course of Preparation of the Draft OZP*

- (k) KFBGC and WWF considered that the "GB" zoning of the buffer area along the Lin Ma Hang Stream SSSI was not sufficient to provide protection to the stream. They proposed to rezone the buffer area of the

stream to “CA”;

### *Land Use Planning Considerations*

#### Review of “V” Zones

- (l) based on the latest Small House demand figures provided by DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the “V” zones on the approved LMH DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- (m) according to DLO/N, LandsD, there was a decrease in total Small House demand for Lin Ma Hang Village from 909 to 314 as compared with the figures presented to the Board in 2011. The Small House demand forecast for San Kwai Tin Village was not available as there was no Indigenous Inhabitant Representative for the village;
- (n) no amendment to the “V” zone was proposed for Lin Ma Hang Village as the size of the “V” zone on the approved DPA Plan was already larger than the ‘VE’ of the recognized village by about 7%. Despite there was a substantial reduction in the total Small House demand for Lin Ma Hang Village, there was still insufficient land available within the “V” zone to meet the total Small House demand. As the boundaries of the “V” zones had been fully deliberated during the consideration of representations and comments to the draft LMH DPA Plan in 2011 and there had been no significant change in planning circumstances since then, no change to the “V” zones of Lin Ma Hang Village and San Kwai Tin Village was proposed;

#### Buffer Area along Lin Ma Hang Stream

- (o) Lin Ma Hang Stream was designated as a SSSI in 2007 in consideration of its high ecological value. According to the FCA Study, Lin Ma

Hang Stream was a rare, unchannelised and unpolluted lowland stream in Hong Kong. The FCA Study proposed that a 20m wide zoning buffer could be considered for the stream;

- (p) a 20m wide buffer area along both sides of Lin Ma Hang Stream was first zoned “CA” on the draft LMH DPA Plan No. DPA/NE-LMH/1. Upon consideration of the representations and comments to the draft LMH DPA Plan on 8.9.2011, the Board agreed to rezone the buffer area of the stream from “CA” to “GB” to partially meet the representations of the Lin Ma Hang villagers. It was considered that the rezoning of the area from “CA” to “GB” would allow the Board to regulate developments within the buffer area and maintain a proper balance between conservation and the need for development;

[Ms. Anita W.T. Ma left the meeting temporarily at this point.]

- (q) after further site investigation and discussion with AFCD, it was found that the upstream area of Lin Ma Hang Stream was densely vegetated with few signs of human disturbance. Thus, it was considered more appropriate to designate this section of the stream and its buffer area as “CA” for better protection of the water quality and habitat characteristic of the stream. ‘Agricultural Use’ and ‘On-Farm Domestic Structure’ would be permitted as of right under the “CA” zone as they were considered compatible with the rural character and surrounding environment. Planning permission from the Board would be required for diversion of streams or filling of pond/land that might cause adverse impacts on drainage and the natural environment;

[Ms. Janice W.M. Lai left the meeting temporarily and Mr. Patrick H.T. Lau returned to join the meeting at this point.]

- (r) as for the downstream area, there were already pockets of village settlements. AFCD agreed that it was appropriate to retain the “GB” zoning for the buffer area. The proposed boundary of the “GB” zone

would be delineated with reference to the boundary of the “V” zone and ‘VE’ of Lin Ma Hang Village. Small House developments might be permitted within the “GB” zone upon application to the Board. The “GB” zone could be regarded as a vegetated buffer to separate the village area from the stream and to provide flexibility to the Board to scrutinize developments under the planning permission system;

#### Impact of Small House Development within “V” Zone on Streams

- (s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within “V” zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the “V” zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

#### *Planning Intention*

- (t) the general planning intention of the LMH Area was to protect the natural setting, environmental diversity and to promote cultural conservation, recreation and tourism. It was also the planning intention to conserve the rural character, the natural habitats including the undisturbed woodland and lowland river habitats, the unique landscape as well as the ecologically important areas, and the upland scene of the LMH Area;

#### *Land Use Zonings*

- (u) about 13.35 ha of land were zoned “V” to cover the two recognized villages within the LMH Area, i.e. Lin Ma Hang and San Kwai Tin, and areas of land suitable for village expansion. In order to provide opportunities for short-term accommodation in existing NTEH, ‘Hotel (Holiday House only)’ might be permitted on application to the Board;

- (v) about 0.8 ha of land were zoned “G/IC”, which covered the MacIntosh Fort at Kong Shan and the disused King Sau School with its ancillary playground. According to the FCA Study, the disused school building could be developed into an exhibition centre/historic museum;
- (w) about 39.15 ha of land were zoned “AGR”, which mainly covered the lowland areas in the western part of the LMH Area;
- (x) about 258.5 ha of land were zoned “GB”, which mainly covered the hilly terrain in the east, mountainous areas of Wong Mau Hang Shan and the permitted burial grounds for indigenous villagers. The “GB” zone also covered a land corridor adjoining Lin Ma Hang Stream at the downstream area adjacent to the “V” zone of Lin Ma Hang Village;
- (y) about 6.66 ha of land were zoned “CA” which covered the ‘fung shui’ woods at the eastern backdrop of Lin Ma Hang, and two land corridors adjoining Lin Ma Hang Stream at the eastern and western upstream areas on higher altitude;
- (z) a total area of 10.62 ha were zoned “SSSI”, which covered the two designated SSSIs in the LMH Area, i.e. the Lin Ma Hang Stream SSSI and the Lin Ma Hang Lead Mines SSSI;
- (aa) in terms of land use, there was an increase in the area zoned “CA” (4.71 ha) and a corresponding decrease in the area zoned “GB” as compared with the approved LMH DPA Plan. No change to the land area of other land use zones was proposed;

*Consultation*

- (bb) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and

- (cc) subject to the agreement of the Board, the draft LMH OZP No. S/NE-LMH/C would be submitted to the NDC and the STKDRC for consultation. Comments from the NDC and the STKDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

[Ms. Bonnie J.Y. Chan and Ms. Bernadette H.H. Linn arrived at the meeting at this point.]

56. As the presentation from the representatives of PlanD on the draft LMH OZP had been completed, the Chairman invited questions from Members.

*Lin Ma Hang Stream and Buffer Areas*

57. The Vice-chairman said that it would be desirable to designate the buffer area of the whole Lin Ma Hang Stream as “CA” from nature conservation point of view. He asked if there was strong justification to zone the buffer zone on the upstream area of Lin Ma Hang Stream to “CA” and the downstream buffer zone to “GB”. The proposal with “CA” and “GB” zonings respectively for the upstream and downstream areas might not be able to meet the expectation of both the villagers and the green groups.

58. In response, Ms. Jacinta Woo said that there had been differing views on the land use zonings for the buffer areas of Lin Ma Hang Stream from villagers and green groups. Taking account of the need for protecting the stream and the community needs for development, and after detailed discussion with AFCD, the proposed “CA” and “GB” zonings were considered as a more balanced proposal. The “CA” zoning for the upstream area was to protect the natural habitats of the stream. As for the downstream area, it was located close to the “V” zone and partly within the ‘VE’ of Lin Ma Hang Village. While “GB” zoning was not a development zone and had a presumption against development, it would provide greater flexibility for the Board to allow some Small House developments within the appropriate places therein through the planning permission system if situation so warranted it. Ms. Woo supplemented that in terms of planning control, ‘NTEH’ was a Column 2 use under “GB” zone, but in “CA” zone only rebuilding of NTEHs could be allowed on application to the Board.

59. A Member said that the whole Lin Ma Hang Stream and its buffer area should be zoned “CA” to conserve the integrity of habitats along the stream. To compensate for the corresponding reduction in land area for village development at the downstream area, some land within the adjoining “AGR” zone could be considered for rezoning to “V” to meet the Small House demand. Ms. Jacinta Woo said that the feasibility of the Member’s suggestion could be further considered upon consultation with the local villagers.

60. A Member expressed concern that the “GB” zoning for the downstream area might give a wrong impression to the villagers that they could develop up to the banks of the stream. Although a wide buffer area might not be necessary for protection of the habitats along the stream, development too close to the banks might adversely affect the water quality of the stream and should be discouraged.

61. A Member indicated support to the “GB” zoning for the downstream area since it could provide a proper balance between nature conservation and the development needs of villagers. There was adequate provision for the Board to guard against incompatible developments within the “GB” zone under the planning permission system.

62. After deliberation, the Board:

- (a) adopted the Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Lin Ma Hang OZP No. S/NE-LMH/C; and
- (b) agreed that the draft Lin Ma Hang OZP No. S/NE-LMH/C together with its Notes and Explanatory Statement were suitable for submission to NDC and STKDRC for consultation.

[Dr. Wilton W.T. Fok left the meeting at this point.]

#### Draft TKLN OZP

63. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft TKLN OZP No. S/NE-TKLN/C as detailed in TPB Paper No.

9328:

*Strategic Planning Context*

- (a) according to the FCA Study, the major objective of the RDP of the TKLN area was to protect the natural setting and cultural integrity and to promote sustainable agricultural activities. Provision had been made for an extensive recreation area stretching across the north of the TKLN area to provide low-intensity recreational uses to complement other nearby uses, and for the future Liantang/Heung Yuen Wai Boundary Crossing Point (LT/HYW BCP) and connecting roads;

*Issues Arising from Consideration of the DPA Plan*

- (b) since the gazettal of the draft TKLN DPA Plan No. DPA/NE-TKLN/1, two planning applications (No. A/DPA/NE-TKLN/1 and No. A/DPA/NE-TKLN/3) for the proposed resite of village/building lots affected by the LT/HYW BCP project were approved by the Rural and New Town Planning Committee (RNTPC). Planning application No. A/DPA/NE-TKLN/2 for reprovisioning of a permitted burial ground was also approved by the RNTPC;
- (c) the major land use proposals arising from the representations and comment to the draft TKLN DPA Plan No. DPA/NE-TKLN/1 included that of The Conservancy Association, which proposed that the ‘fung shui’ woodlands near the villages of Kan Tau Wai, Tsung Yuen Ha and Heung Yuen Wai should be rezoned to “CA”;

*Town Planning Board's Decisions and Instructions*

- (d) on 8.9.2011, the Board agreed to the proposed extension of the “V” zones of Tong Fong, Tsung Yuen Ha and Ha Heung Yuen after considering the review of “V” zone boundaries. The Board also considered the representations and comment to the draft TKLN DPA

Plan, and decided not to uphold the representations for rezoning the ‘fung shui’ woodlands near Kan Tau Wai and Tsung Yuen Ha from “GB” to “CA”. At the representation hearing, a Member of the Board requested PlanD to review the land use zoning of an area between Pak Fu Shan and Sham Chun River and to consider whether the area should be rezoned from “GB” to “REC” or “AGR”;

- (e) on 28.10.2011, the draft TKLN DPA Plan No. DPA/NE-TKLN/2 was exhibited for public inspection under section 7 of the Ordinance. One representation was received. On 13.1.2012, the Board decided that the representation was invalid;

*The Planning Scheme Area*

- (f) the Planning Scheme Area of the draft TKLN OZP (the TKLN Area) covered a total area of about 431 ha. It was located approximately 9 kilometres to the north-east of Fanling/Sheung Shui. It was bounded by Sham Chun River in the north, Lin Ma Hang Road in the northeast, Wong Mau Hang Shan in the east, Tung Fung Au and Tung Lo Hang in the south, and Ping Che Road in the west;
- (g) there were six recognized villages within the TKLN Area, namely Chuk Yuen, Heung Yuen Wai, Ha Heung Yuen, Tsung Yuen Ha, Kan Tau Wai and Tong Fong. According to the 2011 Population Census, the total population of the TKLN Area was 550;
- (h) the landscape features of the TKLN Area included woodlands, vegetated uplands, knolls and foothills. The TKLN Area covered a spectrum of natural habitats including ‘fung shui’ woods, mixed shrubland, lowland forest and natural watercourse;
- (i) economic activities in the TKLN Area were limited due to its rugged relief and limited accessibility;

- (j) there were several graded historic buildings and a site of archaeological interest within the TKLN Area;
- (k) in general, the major conditions of the TKLN Area remained largely unchanged since the gazettal of the draft TKLN DPA Plan;

*Development Proposals Received in the Course of Preparation of the Draft OZP*

- (l) KFBGC and WWF requested for a review of land use zonings to reflect the ecological value of the following areas within the TKLN Area:
  - (i) Ping Yuen River - an uncommon dragonfly species, *Paragomphus capricornis* or commonly known as Tawny Hooktail (鈎尾副春蜓), was found around an upper tributary of Ping Yuen River near the “V” zones of Tong Fong and Kan Tau Wai. It was proposed that the area be rezoned to “CA” or “GB”;

[Ms. Janice W.M. Lai and Ms. Anita W. T. Ma returned to join the meeting at this point.]

- (ii) Lowland habitats from Kan Tau Wai to Heung Yuen Wai - seasonally wet grassland, lowland grassland and grassland/shrubland mosaic where species of conservation concern including Greater Painted-snipe (彩鷀) and Large Grass Warbler (*Graminicola stiatu*s) (大草鶯) were recorded. It was proposed that the area be rezoned from “REC” to “CA”; and
  - (iii) Natural streamcourses at Heung Yuen Wai - the area along the streamcourses near Heung Yuen Wai was largely natural vegetated riparian zone and natural stream bed. The area should be considered of high ecological value;
- (m) green groups, including KFBGC and WWF, expressed concerns about the potential adverse impacts of development within the “V” zones of

Tsung Yuen Ha, Heung Yuen Wai and Ha Heung Yuen on the water quality of the nearby natural streamcourses;

*Land Use Planning Considerations*

Review of “V” Zones

- (n) based on the latest Small House demand figures provided by DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the “V” zones on the approved TKLN DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- (o) according to DLO/N, LandsD, there was a substantial increase in total Small House demand for Heung Yuen Wai (including Ha Heung Yuen) from 232 to 593, an increase of total Small House demand for Kan Tau Wai from 73 to 222, a slight increase in total Small House demand for Tong Fong and Tsung Yuen Ha from 151 and 185 to 168 and 187 respectively, and a decrease in total Small House demand for New Chuk Yuen Village from 65 to 22 as compared with the figures presented to the Board in 2011;
- (p) for Kan Tau Wai, the “V” zone (3.07 ha) on the approved DPA Plan was not sufficient to meet the total Small House demand in 2012. As there was scope to enlarge the “V” zone to the same area of the ‘VE’ of the recognized village, an area of about 2.46 ha adjacent to the northeast of Kan Tau Wai was proposed to be rezoned from “REC” to “V”;
- (q) no change to the “V” zones of Heung Yuen Wai (including Ha Heung Yuen) and Tsung Yuen Ha was proposed as the size of the “V” zones on the approved DPA Plan was already equivalent to the ‘VE’ of the two recognized villages;

- (r) no change to the “V” zone of Tong Fong was proposed as the character of the village surroundings was not suitable for further expansion. However, it was possible to extend the “V” zone to the south of the village where suitable flat land with little vegetation was available. As the concerned area was covered by the Ping Che and Ta Kwu Ling OZP, the proposal could be considered separately when the land uses within the Ping Che and Ta Kwu Ling OZP were to be reviewed;
  
- (s) for New Chuk Yuen Village, the “V” zone on the approved DPA Plan was designated for the relocation of the village affected by the LT/HYW BCP project and its further expansion. No amendment to the “V” zone of New Chuk Yuen Village was proposed;

#### Nature Conservation

- (t) the land use zonings along the two streamcourses and the lowland habitat in the TKLN Area had been reviewed after site investigation and further discussions with AFCD. The findings were summarized below:

#### *Heung Yuen Wai Stream and its Riparian Area*

- (i) according to the FCA Study, the upper section of Heung Yuen Wai Stream, which fell mainly within “REC” zone, had high ecological value. Its riparian vegetation, generally well-developed with little disturbance, created a variety of stream conditions and showed good linkage to other nearby habitats, including woodland and grassland habitats. Upon further discussion with AFCD, it was considered appropriate to rezone a strip of land (about 0.59 ha) along the natural streamcourse at Heung Yuen Wai from “REC” to “AGR” and a piece of land (about 0.31 ha) east of Heung Yuen Wai from “REC” to “GB”. AFCD considered that the proposed “GB” and “AGR” zones would offer better protection for the stream;

Ping Yuen River and its Riparian Area

- (ii) the upper section of Ping Yuen River, which fell mainly within “REC” zone, was natural and of moderate ecological value according to the FCA Study. As there was no material change in planning circumstances of the area, it was considered appropriate to retain the “REC” zoning of the stream. A clause had been included in the Notes of the draft OZP to ensure that any diversion of the existing streamcourses within the “REC” zone would be subject to statutory planning control; and

Lowland Habitats between Kan Tau Wai and Heung Yuen Wai

- (iii) the area comprised lowland grassland and grassland/shrubland. According to the FCA Study, the lowland habitats had low to moderate ecological value with low habitat diversity and low faunal diversity. AFCD considered that the “REC” zoning was appropriate and in line with the recommendations of the FCA Study;

Impact of Small House Development within “V” Zone on Streams

- (u) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within “V” zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the “V” zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

Area North of Pak Fu Shan

- (v) the area was predominantly covered with trees and shrubs, with scattered temporary structures and small-scale farming activities. As there was no direct road access to the area, only small-scale passive recreational use might be supported in the area. In view that there was limited

infrastructure and no active recreational and other uses had been identified for the concerned area, the “GB” zoning was considered appropriate to preserve its natural state;

The LT/HYW BCP Project

- (w) the LT/HYM BCP project and its connecting roads had strategic significance for Hong Kong’s future development and would connect Hong Kong with the Eastern Corridor in Shenzhen to provide an efficient link with the eastern part of Guangdong Province and the adjacent provinces. The project commenced in 2013 and was expected to be completed in 2018;

*Planning Intention*

- (x) the general planning intention of the TKLN Area was to promote cultural conservation, recreation and tourism, and to provide suitable facilities to meet the territorial need and cross-boundary infrastructure. It was also the planning intention to protect the natural setting and cultural integrity of the TKLN Area and to promote sustainable agricultural activities. Provision had been made for an extensive recreation area stretching across the north of the TKLN Area to provide low-intensity recreational uses to complement other nearby land uses. The draft TKLN OZP also made provision for the future LT/HYW BCP;

*Land Use Zonings*

- (y) about 27.83 ha of land were zoned “V” to cover the six recognized villages within the TKLN Area, i.e. Chuk Yuen, Heung Yuen Wai, Ha Heung Yuen, Tsung Yuen Ha, Kan Tau Wai and Tong Fong, and areas of land suitable for village expansion;
- (z) about 1.98 ha of land were zoned “G/IC”, which mainly covered the Ta Kwu Ling Police Station, Ta Kwu Ling Fire Station, Pak Fa Shan Police

Operation Base and the MacIntosh Fort at Pak Fu Shan;

- (aa) about 111.83 ha of land were zoned “REC”, which covered the fallow agricultural land around Pak Fu Shan to the north of Tsung Yuen Ha, Ha Heung Yuen and Heung Yuen Wai, and a large area to the east of Kan Tau Wai;
- (bb) a total of 23.82 ha of land were zoned “Other Specified Uses” (“OU”) annotated “Boundary Crossing Facilities” (“BCP”) to provide land for the development of boundary crossing facilities and related activities for the proposed LT/HYW BCP. To meet the public aspiration and to cater for the future public need for cross-boundary purpose, ‘Public Vehicle Park (excluding container vehicles)’ was added under Column 1 of the “OU(BCP)” zone;
- (cc) about 55.92 ha of land were zoned “AGR”, which mainly covered the areas in the northern and western parts of the TKLN Area;
- (dd) about 208.13 ha of land were zoned “GB”, which mainly covered the prominent hilly areas of Wong Mau Hang Shan, Pak Fu Shan and Tung Lo Hang, the permitted burial grounds and the ‘fung shui’ woodland adjoining the villages of Tsung Yuen Ha, Kan Tau Wai and Tong Fong;
- (ee) about 1.1 ha of land were zoned “CA” to retain and preserve the existing natural character of the ‘fung shui’ woods at the backdrops of Heung Yuen Wai;
- (ff) in terms of land use, there was an increase in areas zoned “V” (2.46 ha), “AGR” (0.59 ha) and “GB” (0.31 ha) and a corresponding decrease in area zoned “REC” (3.36 ha) as compared with the approved TKLN DPA Plan. No change to the land area of other land use zones was proposed;

*Consultation*

- (gg) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (hh) subject to the agreement of the Board, the draft TKLN OZP No. S/NE-TKLN/C would be submitted to the NDC and the Ta Kwu Ling District Rural Committee (TKLDRC) for consultation. Comments from the NDC and the TKLDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

64. As the presentation from the representatives of PlanD on the draft TKLN OZP had been completed, the Chairman invited questions from Members.

*“OU” Zone*

65. In response to the question of a Member, Ms. Jacinta Woo said that the land within the “OU” zone on the draft TKLN OZP was reserved for development of the LT/HYW BCP.

66. In response to the question of a Member regarding the function of the LT/HYW BCP, Mr. K.K. Ling said that the new facilities at LT/HYW BCP would serve the cross-border passage of both people and goods. Compared with the existing MKT and STK BCPs, the LT/HYW BCP would be of larger capacity and was at a more strategic location readily connected to the transportation networks in Shenzhen.

*“REC” Zone*

67. A Member noted that about 26% of land was zoned “REC” on the draft TKLN OZP and asked whether there had been any proposal for recreational developments in the area. Ms. Jacinta Woo said that according to the FCA Study, the flat land and abandoned agricultural land in the area were considered suitable for recreational uses in view of their relatively low ecological value. Nevertheless, no planning application for recreational developments had been received since the gazettal of the draft TKLN DPA Plan. The same Member followed up and enquired about the road infrastructures to support the

“REC” zones. In response, Ms. Jacinta Woo said that the “REC” zones were currently accessible via Ping Che Road and Lin Ma Hang Road. They would also be served by the new roads connecting to the LT/HYW BCP in the future.

68. After deliberation, the Board:

- (a) adopted the Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings on the draft Ta Kwu Ling North OZP No. S/NE-TKLN/C; and
- (b) agreed that the draft Ta Kwu Ling North OZP No. S/NE-TKLN/C together with its Notes and Explanatory Statement were suitable for submission to NDC and TKLDRC for consultation.

#### Draft MKT OZP

69. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft MKT OZP No. S/NE-MKT/B as detailed in TPB Paper No. 9329:

##### *Strategic Planning Context*

- (a) according to the FCA Study, the major objective of the RDP of the MKT area was to protect the natural setting and cultural integrity while promoting sustainable agricultural practices. Retention of agricultural practices in the west of the MKT area would preserve its landscape and ecological values. Limited alternative uses to upgrade the existing environment through the promotion of residential development at Kong Nga Po would be allowed. The RDP also recommended Sandy Ridge for cemetery and related columbarium and crematorium uses;

##### *Issues Arising from Consideration of the DPA Plan*

- (b) the major land use proposals arising from the representations and comment to the draft MKT DPA Plan No. DPA/NE-MKT/1 included

that of the VR of Fung Wong Wu Village, who suggested that the extent of the “V” zone as well as ‘VE’ for Fung Wong Wu Village should be enlarged as the Small House developments in the village were subject to the physical limitation of Ping Yuen River;

*Town Planning Board’s Decisions and Instructions*

- (c) on 8.9.2011, the Board agreed to the proposed extension of the “V” zone of Muk Wu after considering the review of “V” zone boundaries. The Board also considered the representations and comment to the draft MKT DPA Plan, and decided to rezone an area to the northwest of Chow Tin Tsuen from “AGR” to “V” to partially meet a representation;
- (d) the proposed amendments to the draft MKT DPA Plan No. DPA/NE-MKT/1 were published for public inspection on 16.9.2011. One further representation was received, which stated that there was a lack of sustainable layout plans of infrastructure for the health and well being of the residents. On 11.11.2011, the Board gave consideration to the further representation and decided not to uphold it, and agreed to amend the MKT DPA Plan by the proposed amendments under section 6F(8) of the Ordinance;
- (e) on 28.10.2011, the draft MKT DPA Plan No. DPA/NE-MKT/2 was exhibited for public inspection under section 7 of the Ordinance. No representation was received;

*The Planning Scheme Area*

- (f) the Planning Scheme Area of the draft MKT OZP (the MKT Area) covered a total area of about 431 ha. It was located approximately 3.5 kilometres to the north of Fanling/Sheung Shui. It was bounded by the southern bank of Sham Chun River in the north, Ping Che Road in the east, Hung Lung Hang in the southeast, Sha Ling Road in the southwest and Ng Tung River in the west;

- (g) the landscape features of the MKT Area included woodlands, vegetated uplands, knolls and foothills. The MKT Area covered a spectrum of natural habitats including large tracts of mature woodland, ‘fung shui’ wood, freshwater/brackish wetland, lowland forest, mixed shrubland and natural watercourse;
- (h) there were four recognized villages within the MKT Area, namely Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu, and a major non-indigenous settlement at Ta Kwu Ling Village. According to the 2011 Population Census, the total population of the MKT Area was 600;
- (i) economic activities in the MKT Area were limited due to its rugged relief and limited accessibility;
- (j) there were several graded historic buildings and a site of archaeological interest within the MKT Area;
- (k) in general, the major conditions of the MKT Area remained largely unchanged since the gazettal of the draft MKT DPA Plan;

*Development Proposals Received in the Course of Preparation of the Draft OZP*

- (l) a proposal was received from the indigenous villagers of Chow Tin Tsuen for including a parcel of land zoned “AGR” on the Hung Lung Hang OZP as an extension to the “V” zone of Chow Tin Tsuen. Since the concerned area fell outside the boundary of the draft MKT OZP, the proposal could be considered separately when the land uses within the Hung Lung Hang OZP were to be reviewed;
- (m) KFBGC and WWF pointed out that a parcel of land to the northwest of Chow Tin Tsuen which was zoned “V” on the DPA Plan was active wet agricultural land without intense human disturbance. KFBGC and

WWF proposed to designate the area with “CA” or “GB” zoning in view of its ecological value;

*Land Use Planning Considerations*

Review of “V” Zones

- (n) based on the latest Small House demand figures provided by DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the “V” zones on the approved MKT DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- (o) according to DLO/N, LandsD, there was a slight increase in total Small House demands for Muk Wu and Chow Tin Tsuen from 129 and 812 to 137 and 900 respectively, no change in total Small House demand for Muk Wu Nga Yiu at 84 and a decrease in total Small House demand for Fung Wong Wu from 250 to, 123 as compared with the figures presented to the Board in 2011;
- (p) the boundaries of the “V” zones had been fully deliberated during the hearings of representations and comment to the draft MKT DPA Plan in 2011 and there had been no significant change in planning circumstances since then. No change to the “V” zones of Muk Wu and Muk Wu Nga Yiu was proposed as the size of the “V” zones on the approved DPA Plan was already equivalent to the ‘VE’ of the two recognized villages;
- (q) Chow Tin Tsuen and Fung Wong Wu shared the same ‘VE’ with Lei Uk located outside the boundary of the draft MKT OZP. No change to the “V” zones of Chow Tin Tsuen and Fung Wong Wu was proposed as the size of the “V” zones on the approved DPA Plan was already equivalent to the ‘VE’ of the two recognized villages;

Wet Agricultural Land at Chow Tin Tsuen

- (r) according to the FCA Study, the subject area was considered of moderate ecological value. The boundary of the “V” zone of Chow Tin Tsuen was defined in accordance with the recommendations of the FCA Study and agreed by AFCD after taking into account various factors including local topography, settlement patterns, ecological value of the area, site characteristics and the total Small House demand of the village. Therefore, no change to the “V” zone of Chow Tin Tsuen was proposed;

Impact of Small House Development within “V” Zone on Streams

- (s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within “V” zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the “V” zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

Proposed Columbarium, Crematorium and Funeral Related Uses at the Existing Sandy Ridge Cemetery

- (t) an engineering feasibility study on the site formation and associated infrastructural works for development of columbarium, crematorium and funeral related uses at the existing Sandy Ridge Cemetery was completed in 2012. It was recommended to provide an all-inclusive funeral venue and services, including crematorium, funeral parlours, visitor service centre and ancillary restaurant and convenience store, with a provision of at least 200,000 niches. The proposed funeral facility was expected to complete in 2022. Detailed design including detailed visual, environmental and traffic impact assessments on the site formation and associated infrastructural works would commence in July 2013. The concerned area would be zoned “OU(Cemetery, Columbarium, Crematorium and Funeral Related Uses)” on the draft MKT OZP. The scale and height of the proposed developments within the “OU(Cemetery,

Columbarium, Crematorium and Funeral Related Uses)” zone would be subject to detailed study;

Residential Development at Kong Nga Po Ex-borrow Area

- (u) the ex-borrow area in Kong Nga Po was an area of low environmental value. The previous uses had created a series of platforms that could be developed for residential use to provide a sustainable living environment. As recommended in the FCA Study, an engineering study had been commissioned by the Civil Engineering and Development Department (CEDD) to examine the development feasibility of the Kong Nga Po site for residential use. The engineering feasibility study commenced in October 2012 and was scheduled for completion in April 2014;

*Planning Intention*

- (v) the general planning intention of the MKT Area was to promote cultural conservation, recreation, tourism and sustainable residential development, and to provide suitable facilities to meet the territorial need and cross-boundary infrastructure. It was also the planning intention to retain good quality agricultural land for agricultural purposes or leisure farming and to preserve the existing heritage features and historic buildings;

*Land Use Zonings*

- (w) about 27.62 ha of land were zoned “V” to cover the four recognized villages within the MKT Area, i.e. Muk Wu, Muk Wu Nga Yiu, Chow Tin Tsuen and Fung Wong Wu, and areas of land suitable for village expansion. In order to provide opportunities for short-term accommodation in existing NTEH, ‘Hotel (Holiday House only)’ might be permitted on application to the Board;
- (x) about 11.28 ha of land were zoned “G/IC”, which mainly covered Ling

Ying Public School, three pumping stations and staff quarter, Hong Kong Police Force Man Kam To Operation Base, MacIntosh Forts, a livestock monitoring station, an animal inspection station and food inspection facilities at the MKT BCP. Two disused schools (ex-Sam Wo Public School and ex-Lo Wu Public School) also fell within this zone. According to the FCA Study, the disused school buildings could be refurbished as a focal point for a possible farmland rehabilitation and organic farm centre to promote eco-tourism;

- (y) about 16.68 ha of land were zoned “REC”, which covered an area to the north of Ping Yuen River around Ta Kwu Ling Village and a small area to the east of Fung Wong Wu;
- (z) a total of 108.96 ha of land were zoned “OU” to provide land of specific uses in the MKT Area. They included the “OU(BCP)” zone (10.15 ha) that covered the Lo Wu BCP and the MKT BCP; the “OU(Cemetery, Columbarium, Crematorium and Funeral Related Uses)” zone (92.08 ha) that covered the Sandy Ridge Cemetery; and the “OU(Railway)” zone (6.73 ha) that covered a strip of land to the east of Ng Tung River primarily for the railway track of the Mass Transit Railway (East Rail Line);
- (aa) about 59.73 ha of land were zoned “AGR”, which mainly covered parcels of land near Muk Wu and Lo Shue Ling and the agricultural land in lowland areas in the western and central parts of the MKT Area;
- (bb) about 114.22 ha of land were zoned “GB”, which mainly covered the mountainous areas west of the boundary crossing at Man Kam To and in Lo Shue Ling, the densely vegetated areas which included the ‘fung shui’ woodlands mainly scattering around Chow Tin Tsuen and Muk Wu, and the permitted burial grounds for indigenous villagers;
- (cc) about 4.24 ha of land were zoned “CA” which covered a small patch of land at Yuen Leng Chai and the area west of the McIntosh Fort at Nam

Hang occupied by existing fish ponds/wetlands;

- (dd) about 3.23 ha of land were zoned “Undetermined” which covered the northern portion of the ex-borrow area at Kong Nga Po. The planning intention of the area was to allow for comprehensive development for residential use with the provision of open space and other supporting facilities in future. The Kong Nga Po site was subject to a number of development constraints. An engineering study had been commissioned by CEDD to examine the development feasibility of the site for residential use;
- (ee) in terms of land use, there was a slight increase in area zoned “GB” (0.05 ha) and a corresponding decrease in area zoned “AGR” as compared with the approved MKT DPA Plan. No change to the land area of other land use zones was proposed;

*Consultation*

- (ff) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (gg) subject to the agreement of the Board, the draft MKT OZP No. S/NE-MKT/B would be submitted to the NDC and the TKLDRC for consultation. Comments from the NDC and the TKLDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

70. As the presentation from the representatives of PlanD on the draft MKT OZP had been completed, the Chairman invited questions from Members. Members had no questions.

71. After deliberation, the Board:

- (a) adopted the Explanatory Statement as an expression of the planning

intention and objectives of the Board for various land use zonings on the draft Man Kam To OZP No. S/NE-MKT/B; and

- (b) agreed that the draft Man Kam To OZP No. S/NE-MKT/B together with its Notes and Explanatory Statement were suitable for submission to NDC and TKLDRC for consultation.

#### Draft MTL & HHW OZP

72. With the aid of a Powerpoint presentation, Mr. Otto Chan made the following main points on the draft MTL & HHW OZP No. S/NE-MTL/C as detailed in TPB Paper No. 9330:

##### *Strategic Planning Context*

- (a) according to the FCA Study, the major objective of the RDP of the MTL & HHW area was to conserve the ecological value of the fish ponds which formed an integral part of the wetland ecosystem in the Deep Bay area. The existing and contiguous, active or abandoned fish ponds in the Deep Bay area should all be conserved. The loss of fish ponds and habitat fragmentation should be avoided and any negative impacts arising from undesirable land uses and human disturbances should be mitigated;

##### *Issues Arising from Consideration of the DPA Plan*

- (b) the major land use proposals arising from the representations and comment to the draft MTL & HHW DPA Plan No. DPA/NE-MTL/1 were summarized as follows:
  - (i) the VR of Liu Pok suggested to enlarge the “V” zone and the ‘VE’ of Liu Pok, and to zone the agricultural land at Ma Tso Lung as “V” to complement the Kwu Tung North development; and

- (ii) green groups, including The Conservancy Association, KFBGC, Designing Hong Kong Limited, Green Lantau Association and WWF, opposed the designation of “Unspecified Use” area for the HHW area and proposed to rezone the area to “CA”;

*Town Planning Board’s Decisions and Instructions*

- (c) on 8.9.2011, the Board considered the representations and comment to the draft MTL & HHW DPA Plan No. DPA/NE-MTL/1, and decided to rezone an area to the northwest of Liu Pok Village from “AGR” to “V” and an area to the northeast of the village from “V” to “AGR” to partially meet a representation. The Board also noted that the HHW area was designated as “Unspecified Use” area which would be subject to further study in the course of the OZP preparation;
- (d) the proposed amendments to the draft MTL & HHW DPA Plan were published for public inspection on 16.9.2011. One further representation was received, which stated that there was a lack of sustainable layout plans of infrastructure for the health and well being of the residents. On 11.11.2011, the Board gave consideration to the further representation and decided not to uphold it, and agreed to amend the MTL & HHW DPA Plan by the proposed amendments under section 6F(8) of the Ordinance;

*The Planning Scheme Area*

- (e) the Planning Scheme Area of the draft MTL & HHW OZP (the MTL & HHW Area) covered a total area of about 553 ha. It was located approximately 2 kilometres to the northwest of Fanling/Sheung Shui. It was bounded by the southern bank of Sham Chun River in the north, Lo Wu Station and Mass Transit Railway (East Rail Line) in the east, Fung Kong Shan in the south and Tai Law Hau in the west;
- (f) Tai Shek Mo was a dominating hilly terrain that was located on the

eastern side of the MTL & HHW Area. Another hilly upland was located to the west of Tse Koo Hang. The extensive lowlands mainly comprised arable land intermixed with clusters of village settlements, abandoned fish ponds, marsh, undisturbed woodlands, vegetated habitats and natural watercourse;

- (g) Ho Sheung Heung Egretty was located at the eastern base of Tai Shek Mo and was an important breeding site for ardeids particularly for Chinese Pond Heron. The northern portion of the MTL & HHW Area was occupied by a spectrum of natural habitats including woodland, mixed shrub land, lowland forests, freshwater/brackish wetlands, natural watercourses, abandoned fish ponds and marshy wetland;
- (h) existing rural settlements were mainly located at Liu Pok, which was the only recognized village in the area, and the rural settlements at Ma Tso Lung San Tsuen and Shun Yee San Tsuen. According to the 2011 Population Census, the total population of the MTL & HHW Area was 1,000;
- (i) there were no significant economic activities in the MTL & HHW Area;
- (j) the MacIntosh Fort at Ma Tso Lung was a Grade 2 historic building;
- (k) in general, the major conditions of the MTL & HHW Area remained largely unchanged since the gazettal of the draft MTL & HHW DPA Plan;

*Development Proposals Received in the Course of Preparation of the Draft OZP*

- (l) KFBGC and WWF reported that two endangered species, i.e. *Somanniathelphusa zanklon* (鑷刀束腰蟹) which was classified as 'Globally Endangered' in the International Union for Conservation of Nature (IUCN) redlist, and *Cuora trifasciata* (金錢龜) which was classified as 'Globally Critically Endangered' in the IUCN redlist, had

been found in the Ma Tso Lung Stream. They proposed that the stream and its riparian area, which were mainly zoned “AGR” and “GB” on the DPA Plan, should at least be covered by “CA” zoning;

*Land Use Planning Considerations*

Review of “V” Zones

- (m) based on the latest Small House demand figures provided by the DLO/N, LandsD in 2012, which included the outstanding Small House applications and the 10-year demand forecast supplied by the Indigenous Inhabitants Representatives, the “V” zone on the approved MTL & HHW DPA Plan had been reviewed according to the established criteria agreed by the Board on 8.9.2011, as detailed in paragraph 9.1 of the Paper;
- (n) according to DLO/N, LandsD, there was a slight increase in total Small House demand for Liu Pok from 349 to 353, as compared with the figure presented to the Board in 2011;
- (o) the boundary of “V” zone had been fully deliberated during the consideration of representations and comment to the draft MTL & HHW DPA Plan in 2011 and there had been no significant change in planning circumstances since then. No change to the “V” zone of Liu Pok was proposed as the size of the “V” zone on the approved DPA Plan was already equivalent to the ‘VE’ of the recognized village;

Review of “Unspecified Use” Areas at Hoo Hok Wai

- (p) an Ecological Field Survey had been undertaken to identify the ecological values at various parts of the HHW area, which was designated as “Unspecified Use” area on the MTL & HHW DPA Plan. The results of the survey and the proposals on appropriate zonings for respective areas were summarized below:

- (i) the extensive fish ponds that occupied majority of the HHW area were rated with high ecological value due to their importance to waterbirds including ardeids and spoonbills and other wetland-dependent species including the globally-threatened Eurasian Otter, and their strong ecological linkages with other wetlands within the Deep Bay area including the Mai Po Inner Deep Bay Ramsar Site. These areas were proposed to be zoned “CA(1)”;
- (ii) the freshwater marshes which formed an integral part of the HHW area were largely rated with high ecological value. These freshwater marshes were known to support a rare community of reed-associated species and Eurasian Otter. It was considered appropriate to zone the marshes as “CA(1)”;
- (iii) the remaining part of the HHW area was recommended to be zoned “GB” due to the relatively less importance in ecological value;
- (q) AFCD considered that although the isolated marshes within the HHW area were accorded with moderate to high ecological value in the Ecological Field Survey, they were part and parcel of the ecosystem and should be included in the “CA(1)” zone;

Review of Ma Tso Lung Stream and Its Riparian Area

- (r) according to the FCA Study, Ma Tso Lung Stream was a narrow and partially-channelised stream that appeared to provide suitable habitat for fish and odonates, with low to moderate abundance/richness of wildlife. Its ecological value was constrained by the modification that had occurred to the stream while the riparian area was predominately covered by weeds and shrubs. It was considered appropriate to retain the “AGR” and “GB” zonings of the stream. AFCD also agreed to the “AGR” and “GB” zonings for this area;

Impact of Small House Development within “V” Zone on Streams

- (s) it was suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within “V” zone, AFCD and PlanD should be consulted. Besides, any diversion of streams or filling of pond within the “V” zone would require planning permission from the Board in accordance with the Notes of the draft OZP;

Existing Government, Institution or Community Uses

- (t) it was proposed that two sites currently used by the Hong Kong Police Force as Tak Yuet Lau Police Post and Tai Shek Mo Observation Post should be rezoned from “GB” to “G/IC”;

*Planning Intention*

- (u) the general planning intention of the MTL & HHW Area was to strengthen nature conservation and to promote sustainable eco-tourism and cross-boundary development. It was also the planning intention to retain good quality agricultural land for agricultural purposes or leisure farming and to preserve the existing heritage features and historic buildings;

*Land Use Zonings*

- (v) about 6.33 ha of land were zoned “V” to cover the recognized village of Liu Pok and areas of land suitable for village expansion. In order to provide opportunities for short-term accommodation in existing NTEH, ‘Hotel (Holiday House only)’ might be permitted on application to the Board;
- (w) about 7.93 ha of land were zoned “G/IC”, which mainly covered the MacIntosh Fort at Ma Tso Lung, Lo Wu Correctional Institution, Lo Wu

Saddle Club, the flood shelter near Tak Yuet Lau, Tak Yuet Lau Police Post, Tai Shek Mo Observation Post and two raw water tunnel portals for the Water Supplies Department;

- (x) about 9.15 ha of land covering the small knoll to the west of Tse Koo Hang were zoned “OU” annotated “Eco-lodge” to provide for sustainable-based tourism in the form of an eco-lodge for development of low-rise and low-density resort-type accommodation. Development and/or redevelopment in this zone was subject to a maximum plot ratio of 0.2 and a maximum building height of 6m. The built structure should be one storey over stilts to allow the building to be lifted off the ground to minimize site disturbance and permit variation in building height to create visual interest in the development;
- (y) the Lo Wu Firing Range, with a total land area of 5.47 ha, was zoned “OU(Firing Range)”;
- (z) about 38.42 ha of land were zoned “AGR”, which mainly covered the western and central parts of the MTL & HHW Area as well as the agricultural land to the west and north of Liu Pok;
- (aa) about 234.64 ha of land were zoned “GB”, which mainly included the woodland and densely vegetated hillslopes at Ma Tso Lung, Tai Shek Mo and Tse Koo Hang, and the permitted burial grounds for indigenous villagers. The “GB” zone also included the planted mitigation woodland in the north-eastern HHW area, two ruderal vegetation areas and two small planted woodlands alongside the border road and the marsh located to the north of Liu Pok;
- (bb) about 10.81 ha of land were zoned “CA” which covered the Ho Sheung Heung Egrettry together with its peripheral secondary woodland and fishponds;
- (cc) a total of about 228.37 ha of land were zoned “CA(1)” to conserve the

ecological value of wetland and fish ponds. The “CA(1)” zone covered the extensive fish ponds that occupied a majority of the HHW area and the freshwater marshes which formed an integral part of the HHW area;

- (dd) in terms of land use, the area designated as “Unspecified Use” (246.32ha) on the approved MTL & HHW DPA Plan had been rezoned to “CA(1)” (228.37 ha), “GB” (16.89 ha) and “G/IC” (1.06 ha). No change to the land area of other land use zones was proposed;

[Mr. Maurice W.M. Lee arrived at the meeting at this point.]

*Consultation*

- (ee) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (ff) subject to the agreement of the Board, the draft MTL & HHW OZP No. S/NE-MTL/C would be submitted to the NDC and the Sheung Shui District Rural Committee (SSDRC) for consultation. Comments from the NDC and the SSDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

73. As the presentation from the representatives of PlanD on the draft MTL & HHW OZP had been completed, the Chairman invited questions from Members.

74. In response to the question of a Member, Ms. Jacinta Woo said that some of fish ponds within the “CA(1)” zone in Hoo Hok Wai were still under active cultivation. While all types of agricultural uses were always permitted within the “CA” zone, only fish pond culture was permissible within the “CA(1)” zone under the Notes of the draft OZP.

75. After deliberation, the Board:

- (a) adopted the Explanatory Statement as an expression of the planning

intention and objectives of the Board for various land use zonings on the draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/C; and

- (b) agreed that the draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/C together with its Notes and Explanatory Statement were suitable for submission to NDC and SSDRC for consultation.

[Mr. Patrick H.T. Lau and Mr. Otto Chan left the meeting at this point.]

### **Agenda Item 9**

[Open Meeting]

Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/D

Preliminary Consideration of a New Plan

(TPB Paper No. 9331)

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[The meeting was conducted in Cantonese.]

76. The following representatives of the Planning Department (PlanD) were invited to the meeting at this point:

- |                 |   |
|-----------------|---|
| Ms. Jacinta Woo | - District Planning Officer/Shu Tin, Tai Po & North (DPO/STN) |
| Mr. David Ng    | - Senior Town Planner/New Plans, STN (STP/NP(STN))            |

77. The Chairman extended a welcome and invited the representatives of PlanD to brief Members on the Paper.

78. With the aid of a Powerpoint presentation, Mr. David Ng, STP/NP(STN), made the following main points on the draft So Lo Pun Outline Zoning Plan (OZP) No. S/NE-SLP/D as detailed in the Paper:

### **Background**

- (a) on 30.9.2010, the draft So Lo Pun Development Permission Area (DPA) Plan No. DPA/NE-SLP/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). 14 representations and five comments on the representations were received. After giving consideration to the representations and comments on 8.4.2011, the Board decided not to uphold the representations;
- (b) on 8.11.2011, the Chief Executive in Council (CE in C), under section 9(1)(a) of the Ordinance, approved the draft So Lo Pun DPA Plan, which was subsequently renumbered as DPA/NE-SLP/2. Pursuant to section 20(5) of the Ordinance, the So Lo Pun DPA Plan was effective only for a period of 3 years until 30.9.2013. An OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the So Lo Pun area upon expiry of the DPA Plan;
- (c) on 11.1.2013, under the power delegated by the CE in C, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the So Lo Pun area;

#### Strategic Planning Context

- (d) the So Lo Pun area fell within part of the Linkage Area of the “Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas – Feasibility Study” (the STK Study) commenced in 2010. As per the recommendations of the STK Study, majority of the area was proposed to be preserved to protect the sensitive natural environment;
- (e) with reference to the Landscape Value Mapping of Hong Kong (2005), the So Lo Pun area was rated with “High (qualified)” landscape value. With its high quality landscape and great variety of natural habitats, the area was worthy of conservation;

#### Issues Arising from Consideration of the DPA Plan

- (f) since the gazettal of the draft DPA Plan on 30.9.2010, no planning proposal or application had been received;
- (g) the major land use proposals arising from the representations to the draft DPA Plan were recapitulated below:
  - (i) environmental concerned groups suggested that ecologically and environmentally sensitive areas such as whole section and both sides of So Lo Pun stream, coastal area, seagrass and the mangrove community, fung shui woodland and secondary forest be designated for conservation purpose including “Site of Special Scientific Interest” (“SSSI”), “Coastal Protection Area” (“CPA”), and “Conservation Area” (“CA”) zones; and
  - (ii) local villagers suggested that hilly areas at the fringe be designated as “Green Belt” (“GB”); “Government, Institution or Community” (“G/IC”) for an ex-school site at the entrance of the So Lo Pun area for providing public facilities to visitors; “Recreation” (“REC”) for the mangrove mudflat and freshwater marsh for developing field study/education/visitor centre to promote fishery at Kat O Hoi; “Agriculture” (“AGR”) for the terraced agricultural land for agricultural development such as hobby farming; and “Village Type Development” (“V”) for the central part of the area for New Territories Exempted House (NTEH) with ‘Hotel (Holiday House only)’ to provide short-term accommodation for recreational/agricultural activities and eco-tourism;

#### Town Planning Board’s Decisions and Instructions

- (h) while the Board decided not to meet the representations and not to propose any amendment to the draft DPA Plan on 8.4.2011, it was agreed that there was a need to strike a balance between environmental conservation and sustainable development of the area which would be taken into account in the preparation of the future OZP;

The Planning Scheme Area

- (i) the Planning Scheme Area of So Lo Pun (the Area) covered a total area of about 27.68 ha. It was encircled by the Plover Cove Country Park (PCCP) on three sides and fronted onto the scenic coastline of Kat O Hoi to the north-east;
- (j) So Lo Pun Village was the only recognized village in the Area which was currently largely uninhabited. Village developments were mainly concentrated on the lower hillslopes in the northern part of the Area. Most of the village houses had become ruins, except a few one to two-storey houses which were in dilapidated condition and left vacant;
- (k) the southern, western and northern parts of the Area were mainly covered by woodland and shrubland. The wooded areas along the hillside formed a continuous stretch of well-established vegetation with those located at the adjacent PCCP and complemented the overall natural environment and landscape beauty of the surrounding PCCP. Fallow agricultural land in lower slopes and at lowland were mainly covered with grass and shrubs. Some freshwater marshes were evolved from abandoned wet agricultural fields at the flat land in the central part of the Area. Estuarine mangrove/mudflat habitats were found on the seaward side of the Area along the coastline of Kat O Hoi. A pond fringed by reeds was found to the south-west of the estuarine mangrove. A natural stream flowed across the Area in the south-west to north-east direction, the downstream part of which was an Ecologically Important Stream (EIS);

Development Proposals Received in the Course of Preparation of the Draft OZP

- (l) in the course of preparation of the OZP, some views/proposals were received from informal meetings/site visits with concerned parties:
  - (i) Sha Tau Kok District Rural Committee (STKDRC) opined that low density village house development with eco-tourism should be the

main theme for future land use planning and the area of the future “V” zone should be able to accommodate the 10-year Small House demand forecast. However, conservation zoning was not supported as majority of the land were under private ownership;

- (ii) environmental concerned groups suggested that the future OZP should focus on conservation and the proposed “V” zone should be confined to the existing ruins of structures and its surrounding areas while the ecologically sensitive areas should be preserved and protected for conservation purpose; and
- (iii) Kadoorie Farm and Botanic Garden Corporation (KFBGC) submitted an Ecological Note on So Lo Pun to PlanD to facilitate the preparation of the OZP. The Note recommended that the woodland, the freshwater marshes in the flat area of the valley and the streamcourses should be zoned “CA”, and the ponds at the coastal area should be zoned “CA” or “CPA” since many species of conservation importance were recorded in these habitats, and that the conservation importance of So Lo Pun was very high and thus it should be eventually incorporated into the Country Park system;

#### Land Use Planning Considerations

##### *Environmental and Conservation Considerations*

- (m) while local villagers requested to promote fishery and eco-tourism for the Area by designating the mangrove mudflat and freshwater marsh at the coastal area for recreational purpose, environmental concerned groups suggested that the ecologically and environmentally sensitive areas should be designated for conservation purpose;
- (n) according to the Agriculture, Fisheries and Conservation Department (AFCD), the wetland system in So Lo Pun including the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as EIS and the freshwater marsh were of ecological importance. A relatively

high diversity of fish and a number of species of conservation interest including water fern *Ceratopteris thalictroides* (水蕨), seagrass *Zostera japonica* (矮大葉藻) and a bat species *Tylosycteris robustula* (褐扁顛蝠), as well as the uncommon dragonfly *Orthetrum poecilops poecilops* (班灰蜻) and a fish species *Oryzias curvinotus* (弓背青鱗), had been recorded in the wetland complex. According to the available information, the So Lo Pun EIS and its adjoining freshwater marsh was one of the remaining habitats in Hong Kong that supported a healthy and natural population of *Oryzias curvinotus*. In addition, the water fern *Ceratopteris thalictroides*, which was a protected plant in China, had been recorded throughout the marsh. These important habitats for a variety of rare and uncommon flora and fauna should be protected. AFCD considered that “CA” zoning for the wetland complex in So Lo Pun was appropriate;

- (o) the surrounding wooded areas, which formed a continuous stretch of well-established vegetation of the natural woodlands adjoining the PCCP, were proposed to be designated as “GB” zones so as to provide a buffer between the development and conservation areas or Country Park;

#### *Land for Village Development*

- (p) So Lo Pun was the only recognized village in the Area and its ‘VE’ covered an area of about 8.58 ha. PlanD had assessed the Small House demand of So Lo Pun based on the District Lands Officer/North (DLO/N)’s latest information on the 10-year forecast for Small House demand. DLO/N advised that according to the Indigenous Village Representative of So Lo Pun Village, the 10-year forecast for Small House demand (2011-2020) for So Lo Pun area was 270 (as compared to the figure of 230 for 2010-2019). There was neither outstanding nor approved Small House application in respect of So Lo Pun. It was estimated that the total land required for meeting the Small House demand of 270 was about 6.75 ha;
- (q) according to the 2011 Population Census, there was no population in the Area. There was no planning proposal/application received since the

gazettal of the draft DPA Plan;

- (r) given the natural environment with high conservation and landscape value coupled with its inaccessibility due to lack of vehicular access, an incremental approach for designation of “V” zone for Small House development had been adopted. Thus, about 2.52 ha of land mainly comprising the existing village settlements with its surrounding areas had been reserved for Small House development. Within the proposed “V” zone, about 1.73 ha of land was available (or equivalent to about 69 Small House sites). Although there was insufficient land to meet the 10-year forecast for Small House demand (deficit of about 5.02 ha of land or equivalent to about 200 Small House sites), this figure had not been verified. Besides, the planning application system had provided a means for the villagers to apply for Small House development outside the “V” zone;
  
- (s) with reference to the concern on potential impacts of developments in particular Small Houses within “V” zones on existing streamcourses in the Area, LandsD, when processing Small House grant and applications in close proximity to existing streamcourses, should consult concerned departments including AFCD and PlanD to ensure that all relevant departments would have adequate opportunity to review and comment on the applications. It was also suggested that the Explanatory Statement of the draft OZP should clearly state the requirement that when processing Small House grants and applications in close proximity to existing streamcourses within “V” zone, AFCD and PlanD should be consulted;

#### Planning Intention

- (t) the Area formed an integral part of the natural system of the natural woodlands in the adjoining PCCP with a wide spectrum of natural habitats including, inter alia, woodland, hillside shrubland, freshwater marsh and mangrove and an ecologically important stream which supported some rare/uncommon flora and fauna of the Area and should be preserved and

protected. The general planning intention of the Area was to protect its high conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding PCCP;

- (u) apart from the environmental and ecological considerations, development in the Area was constrained by limited transport and infrastructural provisions. It was also intended to consolidate village development so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area;

#### Land Use Zonings

- (v) the “V” zone (2.52 ha) covered So Lo Pun Village which was a recognized village and the only village in the Area. Some areas zoned “V” were adjacent to steep natural terrain and might be affected by natural terrain hazards. Any development within the steep natural terrain might be required to carry out a natural terrain hazard study and provision of necessary hazard mitigation measures. Besides, development for ‘Hotel (Holiday House only)’ might be permitted on application to the Board;
- (w) the areas zoned “GB” (17.15 ha) included the vegetated hillslopes to the north, west and south. The “GB” zones were generally covered by natural vegetation, woodland, hillside shrubland and grassland, fallow agricultural land and small natural streams and provided a buffer between the development and conservation areas or Country Park area;
- (x) the “CA” zones (8.01 ha) covered the wetland system in So Lo Pun including the intertidal habitats with mangrove and seagrass bed, reed pond, a natural stream identified as EIS and the freshwater marsh which were of ecological importance;
- (y) as compared to the approved So Lo Pun DPA Plan where all the land were designated as “Unspecified Use” area, majority of land uses in the draft So Lo Pun OZP had been allocated to conservation zonings (including about

62% for “GB” zone and about 29% for “CA” zone) due to the large area of environmental and ecological significance while about 9% had been reserved for village development;

Consultation

- (z) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (aa) subject to the agreement of the Board, the draft So Lo Pun OZP No. S/NE-SLP/D would be submitted to the North District Council (NDC) and the STKDRC for consultation. Comments from the NDC and the STKDRC would be submitted to the Board for further consideration prior to the publication of the draft OZP under section 5 of the Ordinance.

79. In response to a Member’s question on the Small House applications and their implementation progress in So Lo Pun, Ms. Jacinta Woo said that according to DLO/N, there were neither outstanding nor approved Small House applications in So Lo Pun. Moreover, there was no planning application for Small House development in the So Lo Pun area since the gazettal of the draft So Lo Pun DPA Plan.

80. A Member asked how the 10-year Small House demand forecast for So Lo Pun Village was derived. Ms. Jacinta Woo said that as in other villages, the Small House demand forecast figures were provided by the Indigenous Village Representative of So Lo Pun Village and no verification on the figures could be carried out by government departments. In general, the forecast figures were based on clan pedigrees and past records of the village.

81. A Member expressed support to the draft OZP as the “GB” and “CA” zones could serve as ecological corridors between So Lo Pun Village and the adjacent PCCP.

82. A Member said that given the limited infrastructures including roads and sewerage system in the So Lo Pun area, it might be difficult for villagers to obtain planning approval for Small House developments. The Chairman said that on sewerage concern,

the use of septic tanks for sewage treatment purpose in Small House developments was common and acceptable. In any case, such applications would be considered on their individual merits.

83. After deliberation, the Board:

- (a) adopted the Explanatory Statement as an expression of the planning intention and objectives of the Board for various land use zonings of the draft So Lo Pun OZP No. S/NE-SLP/D; and
- (b) agreed that the draft So Lo Pun OZP No. S/NE-SLP/D together with its Notes and Explanatory Statement were suitable for submission to the NDC and the STKDRC for consultation.

[The meeting was adjourned for a short break of 5 minutes.]

[Mr. Ivan C.S. Fu, Ms. Julia M.K. Lau, Mr. H.F. Leung and Ms. Anita W.T. Ma left the meeting temporarily at this point.]

### **Agenda Items 10 and 11**

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/NE-TKL/420

Proposed House (New Territories Exempted House (NTEH) - Small House)

in “Agriculture” zone, Lot 626 S.A in D.D. 82, Lei Uk Tsuen, Ta Kwu Ling, New Territories (TPB Paper No. 9324)

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Review of Application No. A/NE-TKL/421

Proposed House (New Territories Exempted House (NTEH) - Small House)

in “Agriculture” and “Village Type Development” zones, Lot 626 RP in D.D. 82, Lei Uk Village, Ta Kwu Ling, New Territories

(TPB Paper No. 9323)

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[The meeting was conducted in Cantonese.]

Presentation and Question Session

84. The Chairman said that since the sites of the two applications were located in close proximity and the nature of the two applications were similar, they would be considered collectively by the Board. He said that the applicants' representative had been consulted and agreed to this arrangement.

85. The following representative of the Planning Department (PlanD) and the applicants' representative were invited to the meeting at this point:

- |                 |   |
|-----------------|---|
| Ms. Jacinta Woo | - District Planning Officer/Shu Tin, Tai Po<br>& North (DPO/STN), PlanD |
| Mr. K.K. Sit    | - Applicants' Representative  |

86. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited Ms. Jacinta Woo, DPO/STN, to brief Members on the review applications.

87. With the aid of a Powerpoint presentation, Ms. Jacinta Woo presented the review applications and covered the following main points as detailed in the TPB Papers:

- (a) the applicants sought planning permission for development of a proposed house (New Territories Exempted House (NTEH) - Small House) on each of the application sites. The site of Application A/NE-TKL/420 was zoned "Agriculture" ("AGR") and the site of Application A/NE-TKL/421 fell within an area partly zoned "AGR" (about 95.52%) and partly zoned "Village Type Development" ("V") (about 4.47%) on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14 at the time of section 16 applications and currently in force;
- (b) the Rural and New Town Planning Committee (RNTPC) rejected the applications on 11.1.2013 for the following reasons:

- (i) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention; and
- (ii) land was still available within the “V” zone of Lei Uk Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services;

[Mr. H.F. Leung returned to join the meeting at this point.]

- (c) the justifications put forth by the applicants in support of the review applications were summarized in paragraph 3 of the TPB Papers and highlighted as follows:
  - (i) the applications were rejected mainly because of the reason to retain the agricultural land for cultivation purposes;
  - (ii) the applications met most of the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (Interim Criteria) except the reasons of compatibility with the planning intention of “AGR” zone and landscape impact;
  - (iii) the public comment and comment of the Director of Agriculture, Fisheries and Conservation (DAFC) were not relevant for individual NTEH/Small House development on a small piece of land that fell within the village ‘environs’ (‘VE’). They were

more relevant to large-scale private residential/commercial developments;

- (iv) paragraph 11.1 of the RNTPC Papers reflected that more than 13ha of land outside “V” zone were required to meet the Small House demand. NTEH/Small House development within the ‘VE’ should be allowed for Small House developments in order to meet the Small House demand; and
  - (v) there was no strong reason to allow Small House development on one part of the ‘VE’ but not on the other part of the same ‘VE’. The current application should be approved as in the cases of Applications No. A/NE-TKL/359 to 361;
- (d) the sites of Application No. A/NE-TKL/420 and A/NE-TKL/421, with an area of about 246m<sup>2</sup> and 197.7m<sup>2</sup> and respectively, were located entirely within the ‘VE’ of Lei Uk Village. Both sites were flat and currently under active cultivation. To the east of the sites were active and fallow agricultural land and to the further east was the village proper of the “V” zone of Lei Uk Village;
- (e) there was no previous planning application for NTEH/Small House development on the application sites. There were five similar applications for Small House development within the same “AGR” zone to the west of Lei Uk since the first promulgation of the Interim Criteria on 24.11.2000. All these applications were rejected by the RNTPC on 7.12.2012 and 21.12.2012 respectively for the same reasons as the current applications. There had been 10 similar applications for Small House development within the “AGR” zone to the east of Lei Uk since the first promulgation of the Interim Criteria. All these applications were approved with conditions by the RNTPC between 2002 and 2011 mainly on the considerations that the applications complied with the Interim Criteria in that the concerned sites were located within the ‘VE’ of Lei Uk Village, there was a general shortage of land in meeting the

demand for Small House development in the “V” zone of the same village; the application sites were covered with weeds and the proposed NTEH (Small House) development would unlikely have significant adverse environmental, drainage and traffic impacts on the surrounding areas;

- (f) departmental comments – the departmental comments were summarized in paragraph 5 of the TPB Papers. DAFC maintained his view of not supporting the applications from the perspective of agricultural development as active farming activities were noted at the application sites and the sites had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD PlanD) had reservation from the landscape planning point of view as the applicants had not provided any justifications and details to support the review applications. The application sites were situated in an area of rural landscape character and approval of the proposed Small House applications might set undesirable precedents of spreading village development outside the “V” zone thus eroding the rural landscape character. The Commissioner for Transport had reservation on the applications as such type of development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed developments was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future that the resulting cumulative adverse traffic impact could be substantial. Other government departments consulted generally had no adverse comment on or no objection to the review applications. The District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that two Small House applications in respect of the subject lots were received by his office on 7.9.2011 and that the latest number of outstanding Small House applications and the number of 10-year (2011 to 2021) Small House demand forecast for Lei Uk Village were 33 and 500 respectively, with the latter provided by the relevant Indigenous Inhabitants Representatives without any supporting evidence and was not verified;

[Mr. Ivan C.S. Fu, Ms. Julia M.K. Lau and Ms. Anita W.T. Ma returned to join the meeting at this point.]

- (g) public comments – three public comments were received from a North District Council (NDC) member, Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation (KFBGC) respectively during the statutory publication period of the review applications. The NDC member supported the applications as they were good for the villagers. Designing Hong Kong Limited and KFBGC objected to the applications for the reasons that the proposed developments were not in line with the planning intention of “AGR” zone; potential cumulative impact would be caused by approving the applications; there was a lack of sustainable layout of infrastructure and development for the area; and failure to provide a sustainable layout before approval might deteriorate the living environment in the village, impact the well being of residents and create health and social problems and future costs to the society; and
  
- (h) PlanD’s views – PlanD did not support the review applications based on the planning considerations and assessments as set out in paragraph 7 of the TPB Papers, which were summarized below:
  - (i) the proposed developments were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The application sites were currently active farm land which formed an integral part of a large “AGR” zone with active agricultural activities. They were located further away from the village proper of Lei Uk without vehicular access. DAFC did not support the applications from the agricultural development point of view. CTP/UD&L, PlanD had reservation on the proposed developments as they were situated in the context of a pleasant

rural landscape character, and approval of the proposed Small House applications might set an undesirable precedent of spreading village development outside the “V” zone. There was no strong justification to merit a departure from the planning intention;

- (ii) the land available within the “V” zone of Lei Uk (about 2.2ha which was equivalent to about 87 Small House sites) could not fully meet the future Small House demand in Lei Uk Village (i.e. about 533 Small House sites). Although sympathetic consideration might be given to the applications in that the entire footprints of the proposed NTEHs/Small Houses were located within the ‘VE’ of Lei Uk and there was a general shortage of land in meeting the Small House demand, the proposed developments were not entirely in line with Interim Criteria in that they would frustrate the planning intention of the “AGR” zone. NTEH/Small House developments had all along been concentrated in the “V” zone of Lei Uk Village and the eastern side of the village proper. There were still 2.2 ha of land (about 87 Small House sites) within the “V” zone of Lei Uk for Small House development. It was considered more appropriate to concentrate the proposed Small House developments close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services. An incremental approach should be applied in catering for the development of Small Houses within Lei Uk;
  
- (iii) the five similar applications for Small House development in the vicinity of the application sites within the same “AGR” zone to the west of Lei Uk were all rejected by the RNTPC. There had been no material change in the site condition and planning circumstances since the rejection of the previous applications and the applicants had not submitted further planning reasons to address the RNTPC’s concerns which warranted a departure from its previous decisions;

- (iv) the 10 similar applications for Small House development within the “AGR” zone approved by the RNTPC, including Applications No. A/NE-TKL/359 to 361 as quoted by the applicants, were located in the eastern side of the “AGR” zone which was mostly fallowed agricultural land with grasses and weeds and located along or near a local track serving as direct vehicular access to the village;
- (v) as there were no similar applications within the western part of “AGR” zone which had been approved by the RNTPC, the approval of the applications would set an undesirable precedent for similar applications, the cumulative effect of approving these applications would result in loss of agricultural land, adverse traffic impact and landscape impact on the surrounding area; and
- (vi) public comments against the applications were received.

88. The Chairman then invited the applicants’ representative to elaborate on the review applications. With the aid of a visualiser, Mr. K.K. Sit made the following main points:

- (i) previously only those planning applications for Small House developments with part of the sites falling within the “V” zone would be approved by the Board. Recently, it was found that planning applications for Small House development which fell outside the “V” zone but within the ‘VE’ had also been approved;
- (ii) as there had been planning applications for Small House development approved in the eastern part of the “AGR” zone, some villagers followed suit by proposing Small House developments in the western part of the “AGR” zone and were only surprised to learn that their applications were not approved;

- (iii) the applications met most of the Interim Criteria except the reason of compatibility with the planning intention of “AGR” zone. However, given that the application sites were located within ‘VE’ and similar applications for Small House development had been approved within the same “AGR” zone by the RNTPC, the rejection reason on planning intention could be compromised;
- (iv) the comments of CTP/UD&L, PlanD on landscape impact were unfounded. There were no existing trees on the application sites. The three existing trees mentioned in paragraph 5.2.8 of TPB Paper No. 9324 were located to the west of the application sites. To claim that the applications would adversely affect the existing trees and the rural landscape was unfair to the applicants;
- (v) the Transport Department had confirmed that the traffic impact generated by the proposed developments would not be significant and considered that the applications could be tolerated unless they were rejected on other grounds. As such, traffic impact should not be a valid ground to reject the applications;
- (vi) the traffic impact of the proposed developments would be less significant than the approved Small House developments in the eastern part of the “AGR” zone. It was because the applicants were well aware that there would be no vehicular access to the sites and they would not expect that private cars could be used for accessing their sites. No carparking spaces had been proposed in the applications. There would therefore be no adverse vehicular traffic impacts;
- (vii) it was more likely that the approved Small House developments in the eastern part of the “AGR” zone would attract additional traffic and create traffic impact, given that the concerned sites were in close proximity to Ping Che Road and the occupants of the Small Houses would more likely use private cars; and

(viii) the villagers had encountered difficulties in finding suitable land within the “V” zone for Small House developments. There was no strong reason to reject Small House developments in the western part of the ‘VE’ on grounds of adverse traffic impacts but to allow Small House developments on the eastern part of the ‘VE’ where the potential traffic impact was more significant. The current applications should be approved as in the cases of Applications No. A/NE-TKL/359 to 361.

89. As the presentation from the representative of PlanD and the applicants’ representative had been completed, the Chairman invited questions from Members.

90. Noting the applicants’ representative had claimed in the presentation that one of the rejection reasons was on grounds of adverse traffic impact, a Member asked him to point it out in the TPB Papers. In response, Mr. K.K. Sit admitted that there was no such reference on rejection on grounds of adverse traffic impact in the TPB Papers, but such consideration of traffic impacts had been reflected in the minutes of the RNTPC meeting held on 11.1.2013. Another Member said that according to the TPB Papers, the minutes of the RNTPC meeting held on 11.1.2013 and the notification letters issued by the Secretary of the Board to the applicants on 25.1.2013, adverse traffic impact did not constitute a reason of rejection for both applications. The Chairman supplemented that the subject applications were rejected by the RNTPC mainly on the grounds of being not in line with the planning intention of the “AGR” zone.

91. A Member said that compliance with the planning intention of the “AGR” zone should not be compromised even if the application sites were located within the ‘VE’ of the recognized village.

92. In response to the question of the Chairman, Ms. Jacinta Woo said that there were still 2.2 ha of land (about 87 Small House sites) within the “V” zone of Lei Uk for Small House developments.

93. Noting that the shortage of land within “V” zone was one of the considerations

in approving the similar applications in the eastern part of the “AGR” zone, Ms. Bernadette H.H. Linn asked whether such consideration was applicable to the subject applications. Ms. Jacinta Woo said that although the land within the “V” zone of Lei Uk available for Small House development (about 87 Small House sites) could not meet both the outstanding Small House applications (33 sites) and the 10-year Small House demand forecast (500 sites) as provided by DLO/N, it was still adequate to meet the 33 outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House developments close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

94. A Member referred to Plan R-2b of the Papers and asked whether the three approved Small House developments under Applications No. A/NE-TKL/359 to 361 had been implemented. Making reference to Plan R-1 of the Papers, Ms. Jacinta Woo said that the three applications were approved by the RNTPC on 20.5.2011. Given that time was required by DLO/N to process the concerned Small House applications, it was likely that the construction of the Small House developments had not yet commenced.

95. As the applicants’ representative had no further comment to make and Members had no further questions, the Chairman informed the applicants’ representative that the hearing procedure for the review applications had been completed. The Board would inform the applicants of the Board’s decision in due course. The Chairman thanked the applicants’ representative and the representative of PlanD for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

96. Members generally noted that the application sites were currently active farm land which formed an integral part of a large “AGR” zone with active agricultural activities. The proposed Small House developments were not entirely in line with the Interim Criteria in that they would frustrate the planning intention of the “AGR” zone. Members also noted that no similar applications within the western part of the subject “AGR” zone had been approved by the RNTPC/the Board since the first promulgation of the Interim Criteria on 24.11.2000, and that similar applications for Small House development approved were located in the eastern part of the subject “AGR” zone which

was mostly fallow agricultural land with grasses and weeds located along or near a local track.

[Professor P.P. Ho left the meeting at this point.]

97. A Member said that no new and valid planning grounds had been put forward by the applicants to support the applications. The submission of the applicants' representative at the meeting that the rejection of the applications on grounds of adverse traffic impacts was not valid and was a misinterpretation of the consideration of the Board. Other Members agreed.

98. The Chairman concluded that the proposed Small Houses were not in line with the planning intention of the "AGR" zone and land was still available within the "V" zone of Lei Uk Village for Small House development. There was no change in planning circumstances after rejection of the planning applications, and the applicants had not put forward any further valid grounds to support a departure from the previous decisions of the RNTPC.

99. After deliberation, the Board decided to reject the applications on review. Members then went through the reasons for rejection as stated in paragraph 8.1 of the Papers and considered that they were appropriate. The reasons were:

- (a) the proposed development was not in line with the planning intention of the "Agriculture" zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention; and
- (b) land was still available within the "Village Type Development" zone of Lei Uk Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster

for orderly development pattern, efficient use of land and provision of infrastructures and services.

100. The meeting was resumed at 2:10 p.m.

101. The following Members and the Secretary were present in the afternoon session.

Mr. Thomas Chow Chairman

Mr. Stanley Y.F. Wong Vice-chairman

Mr. Timothy K.W. Ma

Mr. F.C. Chan

Professor Edwin H.W. Chan

Ms. Bonnie J.Y. Chan

Professor K.C. Chau

Mr. Ivan C.S. Fu

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Professor Eddie C.M. Hui

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Ms. Julia M.K. Lau

Mr. H.F. Leung

Mr. Roger K.H. Luk

Mr. Stephen H.B. Yau

Principal Environmental Protection Officer (Metro Assessment)  
Environmental Protection Department  
Mr. Ken Wong

Principal Assistant Secretary (Transport 3)  
Transport and Housing Bureau  
Miss Winnie Wong

Director of Lands  
Ms. Bernadette Linn

Director of Planning  
Mr. K. K. Ling

### **General**

#### **Agenda Item 12**

[Open Meeting]

Enhancing Land Supply Strategy: Reclamation outside Victoria Harbour and  
Rock Cavern Development - Stage 2 Public Engagement  
(TPB Paper No. 9334)

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[The meeting was conducted in Cantonese.]

#### **Presentation Session**

102. The following Members declared interests on this item:

Professor S.C. Wong	]	had current business dealings with Ove
Mr. Patrick H.T. Lau	]	Arup & Partners Hong Kong Limited
Mr. Dominic K.K. Lam	]	(OAP) which was the consultant of the
Mr. Ivan C.S Fu	]	Study for the subject briefing

103. As the item was a briefing to Members on the scope of Stage 2 Public Engagement of the Study and the way forward, Members agreed that the above Members' interests were indirect and they should be allowed to stay in the meeting and participate in the discussion. Members noted that Professor S.C. Wong and Mr. Patrick H.T. Lau had already left the meeting.

104. The following Government representatives were invited to the meeting at this point:

- Mr. C.S. Liu - Principal Assistant Secretary (Works) 2,  
Development Bureau (DEVB)
- Mr. Robin Lee - Deputy Head, Civil Engineering Office, Civil  
Engineering and Development Department (CEDD)
- Dr. Samuel K.C. Ng - Chief Geotechnical Engineer, CEDD
- Mr. Ricky Wong - Senior Engineer, CEDD
- Mr. David Lam - Chief Town Planner/Strategic Planning, Planning  
Department (PlanD)

105. The Chairman extended a welcome and invited the team to brief Members on the Paper. Mr. C.S. Liu, DEVB, gave an introduction covering the following main points:

- (a) on 15.7.2011, the Board was briefed on the Enhancing Land Supply Strategy Study (the Study). Members generally supported the Study and the 'land reserve' concept;
- (b) the stage 1 public engagement (PE) was completed in March 2012. The results of the stage 1 PE revealed that the majority of the public generally agreed on the six-pronged land supply strategy (namely, re-zoning, resumption, redevelopment, reclamation, rock cavern development and re-use of ex-quarry sites). Most of the members of the public also agreed that more land supply would be required for Hong Kong and a land reserve should be built up for meeting future demands;
- (c) in the 2013 Policy Address, the Chief Executive (CE) mapped out the land supply initiatives in short, medium and long term including reclamation on an appropriate scale outside Victoria Harbour, and rock cavern and underground space development. The CE also announced that the Administration was determined to develop new land extensively and build up an abundant "land reserve" that could meet the demand more than that in the short-term demand;
- (d) creation of new development land by reclamation had been virtually

dormant in the past decade. Coupled with the challenges on other supply options, the problem of inadequate land supply had been intensifying. All six options were needed to form a flexible and resilient land supply package. To enhance the land development process, it was proposed that three kinds of land reserve should be created by reclamation to meet our short, medium and long term needs;

- (e) subsequent to the Policy Address, five near-shore reclamation sites and three existing public facilities as pilot scheme of relocation to caverns were proposed; and
- (f) on 21.3.2013, the stage 2 PE was launched and would last for 3 months. The PE aimed at collecting public views on the five proposed near-shore reclamation sites, the proposed studies on constructing the artificial islands in the central waters and on the three proposed rock cavern development sites. A series of briefings and roving exhibitions were conducted and the purpose of this briefing was to seek Members' views on the proposed land reserve and the ensuing studies.

[Ms. Bonnie J.Y. Chan returned to join the meeting at this point.]

106. With the aid of a Powerpoint presentation, Mr. Robin Lee, CEDD, made the following main points:

#### Background

- (a) land reserve was required to meet the different needs of the society including housing, commercial, infrastructural development and social and community facilities. Land reserve could be built up at different pace to meet the different needs that might arise in different time frames:
  - (i) to form the land first and allocate the sites for temporary use in the short-term before a permanent land use was effected;

- (ii) to complete the detailed study and design on the identified potential sites to meet the medium-term demand. Reclamation would start at appropriate time when the need arose;
  - (iii) to reserve sites that fulfilled the site selection criteria for long-term uses and to conduct detailed study and design when there were needs for land;
- (b) reclamation was considered the most suitable type of land reserve. It would not affect existing land uses and could generate a large piece of new land to cater for unexpected demand timely. Reclamation could provide new land as decanting sites to accommodate displaced residents, facilities and economic activities affected by other land supply options such as redevelopment and resumption. It would also allow relocation of unpleasant or special industrial facilities from the urban areas to reduce their adverse impacts on the local community and to release valuable land in the urban areas for other uses. Public fill generated by other supply options could also be reused in reclamation. Compared with the other options of land supply, reclamation could offer greater flexibility for comprehensive planning for building a balanced and sustainable community;

[Mr. Lincoln L.H. Huang arrived to join the meeting at this point.]

#### Outcome of Stage 1 Public Engagement

- (c) the main objective of the stage 1 PE was to gauge public opinion on enhancing land supply strategy and the initial site selection criteria for reclamation outside Victoria Harbour and rock cavern development;
- (d) the results of the stage 1 PE indicated that the majority of the public generally supported the proposed enhancing land supply strategy with about 70% to 80% of the respondents supporting the need for increasing land supply, more than 60% of the respondents supporting the

establishment of a land reserve to meet the unexpected demands, and more than 80% of the respondents supporting or indicating no objection to the six-pronged approach in land supply strategy;

- (e) the respondents generally agreed on the initial site selection criteria. Under the principles of sustainable development, the impacts on the local community and the environment (particularly on marine ecology) were the more important selection criteria for reclamation sites, and the criteria on social and environmental impacts at the cavern development site, and engineering feasibility were considered more important for cavern development sites;

#### Potential Reclamation Sites

- (f) in the selection of potential reclamation sites, a broad technical assessment on the constraints and development opportunities of the eastern, central and western waters of Hong Kong was carried out. It was revealed that the eastern waters of Hong Kong were bounded by shorelines of high ecological value commonly characterized by abundance of mangroves with rich diversity and fauna species, seagrass areas and key coral areas. In addition, the eastern waters were more exposed to severe offshore wave conditions, and thus would involve high reclamation cost. On the other hand, the western waters, where a number of major infrastructure projects were already under planning or construction, would provide the development opportunities for future reclamation sites;
- (g) reclamation sites that might have significant impact on the local community and the environment / marine ecology were not considered. Other sites were evaluated with reference to the site selection criteria. Five near-shore reclamation sites comprising Lung Kwu Tan, Siu Ho Wan, Sunny Bay, Tsing Yi Southwest and Ma Liu Shui were selected for further consideration, and further studies of possible artificial islands in the central waters were suggested;

- (h) the main opportunities and challenges of the five potential near-shore reclamation sites were highlighted as follows:

*Lung Kwu Tan* (about 200 – 300 ha)

- (i) this potential reclamation site which connected to strategic traffic routes including the proposed Tuen Mun Western Bypass and Tuen Mun-Chek Lap Kok Link to Lantau, Tuen Mun Road to Kowloon and Route 9 to North New Territories could provide job opportunities benefitting the Tuen Mun New Town;
- (ii) there were natural shorelines and a beach. Chinese White Dolphins were active in nearby waters. The proposed reclamation would avoid the natural shorelines and encroachment on the Chinese White Dolphin active spots. Moreover, the future planning should take into account potential development constraints arising from the power and natural gas stations nearby. Preliminary assessment suggested that the air quality of the area was acceptable in terms of the prevailing standards and the more stringent standards of the new Air Quality Objective. Hence, the site might be considered for residential developments subject to the results of the PE and further detailed assessments;

[Professor Eddie C.M. Hui left the meeting at this point.]

*Siu Ho Wan* (about 100 – 150 ha)

- (iii) the site was near the airport and could link up with the major trunk road and infrastructure including Hong Kong Zhuhai-Macau Bridge, Tuen Mun-Chek Lap Kok Link and North Lantau Highway. It was suitable for strategic economic development such as logistics park to create job opportunities and support the development of the Tung Chung New Town;
- (iv) as the site was close to the airport and the Tai Ho Conservation

Area, and Chinese White Dolphins were active in the nearby waters, the future planning should take into account the potential development constraints arising from the aircraft noise. Moreover, encroachment on the Tai Ho Conservation Area and the Chinese White Dolphin active spots should be avoided;

*Sunny Bay* (about 60-100 ha)

- (v) the site was zoned “Undetermined” on the Outline Zoning Plan and planned for uses compatible with tourism and recreation in future, thus creating synergy with other tourist attractions in Lantau. Benefitting from its strategic location near the airport, the site had potential to be developed as a business park providing business and job opportunities for Hong Kong as well as Tung Chung New Town;
  
- (vi) a large part of the site was located within the flight path of the airport and would not be suitable for residential developments. Moreover, habitats of ecological importance were found to the west of the proposed reclamation site. There were records of Chinese White Dolphins in nearby waters. The future planning should take into account the development constraint arising from aircraft noise and should avoid encroachment onto the ecologically important habitats. Preliminary assessments indicated that the development of the site which was farther away from the Chinese White Dolphin active spots would have less impact on the Chinese White Dolphins;

*Tsing Yi Southwest* (about 80 – 120 ha)

- (vii) the site had the benefit of being connected to existing transportation nodes. The Government was studying the technical feasibility of the development of Container Terminal 10, and the site could provide land to extend the port facilities of the nearby container terminals to create a regional logistics node, thus creating job opportunities benefitting Hong Kong and the Kwai

Tsing community;

- (viii) the future planning should take into account the potential development constraint posed by the existing industrial facilities, in particular if residential development was to be considered for the site;

*Ma Liu Shui* (about 30 – 60 ha)

- (ix) in view of the location of the site being in close proximity to the Sha Tin New Town and Ma On Shan and easily connected to the existing railway system, the site could provide valuable land for residential development and for meeting the needs of community facilities of the district. The site could create synergy with 28 ha of land to be released by the relocation of the Sha Tin Sewage Treatment Works to rock cavern currently under study by the Government; and
  - (x) in future planning for the site, a comprehensive urban design was required to integrate the new development into the existing community;
- (i) a cumulative environmental impact assessment for three of the sites located at the western waters, viz. Lung Kwu Tan, Siu Ho Wan and Sunny Bay, together with existing and planned projects in the vicinity would be conducted. While every effort had been made to avoid encroachment upon Chinese White Dolphin hotspots as far as possible, ecological surveys including shore-based theodolite tracking and passive acoustic monitoring on Chinese White Dolphins at these sites would be conducted to ascertain the potential impact and formulate mitigation measures if needed;
  - (j) based on the overseas experience from Australia, Netherlands, Japan, United States, Singapore, etc., the Study would explore the feasibility of building eco-shorelines at the future reclamation sites with mangrove

planting and mudflats at the inter-tidal zones. It was anticipated that the marine environment of four of the five potential reclamation sites, which were at present characterised by man-made shorelines, would be enhanced;

[Dr. C.P. Lau arrived to join the meeting at this point.]

*Artificial islands* (about 1,400 – 2,400 ha)

- (i) the central waters between Lantau and Hong Kong Island had been identified as having good opportunity for artificial island development as there were few major infrastructure projects under planning in the area and subject to less environmental constraints;
- (ii) artificial islands had greater flexibility in planning and could be developed as new development areas in the long term if supported by convenient and cost-effective transportation network;
- (iii) strategic studies would be conducted to assess the impact of the artificial islands on marine traffic safety, port operations, water quality, water current and marine ecology. Moreover, the engineering feasibility, transport connection and possible land uses, etc. would also be examined; and
- (iv) the size, location and number of artificial islands proposed to be built were not decided at the moment. The recommendations would be subject to the results of strategic studies;

Potential Rock Cavern Development Sites

- (k) apart from the ongoing feasibility study on relocating the Sha Tin Sewage Treatment Works to rock cavern being undertaken by the Drainage Services Department, the Study proposed three existing public facilities as pilot scheme of relocation to caverns, including the Diamond

Hill Fresh Water and Salt Water Service Reservoirs, the Sai Kung Sewage Treatment Works and the Sham Tseng Sewage Treatment Works, which would release a total of about 6 ha of land for housing and other uses;

- (l) to adopt a holistic approach in the planning and execution of the rock cavern development initiative so that it would become a sustainable means of increasing land supply. The CEDD was also conducting a study on the long-term strategy for rock cavern development with a view to preparing rock cavern master plans and formulating policy guidelines;
- (m) the Government would further explore the potential of developing underground spaces in the urban areas;

#### Stage 2 PE

- (n) the main objective of the stage 2 PE was to share with the public the need for building up a land reserve, to introduce the potential reclamation and rock cavern development sites, and their opportunities and challenges. The opportunity would be taken to collect the views of the public on the particular aspects regarding the individual sites that the Administration should pay attention to when carrying out further studies, including views on potential future land uses of the selected sites;
- (o) a series of PE activities had started or would continue, including briefings to the Panel on Development of the Legislative Council, relevant district councils, statutory bodies, local communities and stakeholders; conducting public forums and roving exhibitions with face to face interviews;

#### Way Forward

- (p) after the stage 2 PE, the Study team would conduct detailed technical studies for near-shore reclamation (including cumulative environmental

impact assessment) and cavern development sites, and strategic assessment for artificial islands to determine the reclamation limits; and

[Ms. Bernadette Linn returned to join the meeting at this point.]

- (q) design and other statutory procedures would be carried out with a view to commencing reclamation as soon as possible to build up the necessary land reserve.

### Discussion Session

107. The Chairman and some Members had the following questions and comments:

#### *Potential reclamation sites*

- (a) whether the public would be consulted on the future land uses for each reclamation site? Since the future land uses might be subject to changes after detailed studies, how could the expectation of the public on the future land uses for the reclamation sites be addressed in the PE?
- (b) was there any timetable and priority for implementing the proposed reclamation projects? The public would be interested in the criteria for setting the priority for implementation;
- (c) whether the study team had explored the possibility of developing reclamation sites in Tuen Mun, the Plover Cove and Kei Ling Ha area?
- (d) the environmental benefits brought about by the provision of eco-shorelines when implementing reclamation projects should be emphasized in the PE;
- (e) Lung Kwu Tan, being the largest potential reclamation site, was not linked to any existing strategic road network. Was there any conceptual land use proposal for the site at the moment?

*Artificial islands*

- (f) as in the case of Singapore, the potential artificial islands in Hong Kong could be reclaimed by public fill. This would help to address the problem of insufficient capacity of fill banks on the one hand and provide land for the needed developments on the other. Consideration should also be given to use renewable energy on the artificial islands, if possible, in order to maintain a sustainable energy supply;
- (g) our Harbour was very busy. Whether the impact on the existing marine navigation channels had been taken into account in deciding the central waters as the potential area for artificial islands?
- (h) the central waters were already very congested with limited space available for building artificial islands. Was there any successful case of artificial islands in other parts of the world that had similar constraints?

*Cavern development*

- (i) had any financial assessment been carried out to assess whether the proposed cavern development was cost-effective?
- (j) the development of cavern sites would generate additional public fill which required more land for proper disposal. Had such consideration been taken into account in assessing the land supply strategy of rock cavern development?

*Others*

- (k) how much public fill materials generated in Hong Kong could be absorbed by the existing fill banks and the proposed reclamation projects?

- (l) what was the current and long-term strategy to handle the surplus public fill of Hong Kong?
- (m) noting that none of the public forums and only two roving exhibitions would be carried out on Hong Kong Island, what were the criteria for selecting the venues for holding the public forums and roving exhibitions?
- (n) given that the issue on potential sites for reclamation and rock cavern developments was of territorial significance, the scale of PE as currently proposed was considered inadequate. Would it be possible to expand the scope of the stage 2 PE and to increase the publicity and encourage more participation by the general public?
- (o) the public should be allowed to express views on the priority to implement different land supply strategy; and
- (p) whether the future developments on reclamation and cavern development sites or on artificial islands would encounter problems such as structural stability, management and maintenance difficulties in the long run?

108. In response, Mr. C.S. Liu, Mr. Robin Lee and Dr. Samuel Ng, CEDD, made the following points:

*Potential reclamation sites*

- (a) there was at present no definite land use proposal for the reclamation sites and the public would be consulted in the PE on their views about the future land uses for the reclamation sites. However, it was considered appropriate to give a broad indication in the PE of the possible land uses for the reclamation sites taking into account their respective opportunities and development constraints. The future land

uses of the reclamation sites would be formulated upon completion of the detailed technical studies taking into account the public views and expectation on the future land uses;

- (b) as compared with other reclamation sites, it was anticipated that the implementation of the reclamation site at Sunny Bay might take place earlier given that the site was already covered by a statutory Outline Zoning Plan. The timetable for implementation of the reclamation sites would be worked out after the completion of detailed technical studies;
- (c) it was anticipated that the first piece of reclaimed land might be available in 2019;
- (d) the Plover Cove and Kei Ling Ha area in the eastern waters of Hong Kong were identified as 'no-go' areas in the preliminary assessment of the potential reclamation sites as the areas possessed high ecological value. This was also in line with the public aspirations that the marine ecology should not be affected. For the Tuen Mun area, two potential sites near the River Trade Terminal (RTT) in Area 40 and Sam Shing in Area 27 were previously included in the 25 possible reclamation sites announced by the Government in January 2012 during the stage 1 PE. Due to the very small area of the sites, the busy marine operation of the RTT in Area 40 and the close proximity of Area 27 to the existing residential developments along Castle Peak Bay, these two sites in Tuen Mun were not selected;
- (e) the potential reclamation site in Lung Kwu Tan was mainly served by the existing Lung Mun Road which had scope for widening to cater for the future developments including residential use. Detailed assessment on the future land uses, traffic demand and the existing road capacity would be carried out in the next stage;
- (f) the construction of carefully designed eco-shorelines at the reclamation sites would provide opportunity for re-creating a natural shoreline to

enhance the environment. This practice was widely used in other countries. Some notable examples of eco-shorelines included Lake Washington in Seattle, United States and Gough Whitlam Park Cooks River in New South Wales, Australia;

*Artificial islands*

- (g) the artificial islands in Singapore were reclaimed by using the garbage gray. Such fill materials were not available in Hong Kong. The future land uses of the artificial islands were highly flexible. They might be an extension of the urban area, a new development area or a site for relocation of industrial facilities. As regards the source of energy supply for the artificial islands, it would be subject to detailed studies and the result of the PE;
- (h) the three existing navigation channels (namely the East Lamma Channel, the West Lamma Channel and the Adamasta Channel) and a number of anchorage areas for different types of vessels designated in the central waters of Hong Kong had been duly taken into account in the preliminary assessment of potential location for artificial islands. Strategic studies to identify the specific location and size of the artificial islands in the central waters taking into consideration the marine traffic safety, port operations, water quality and marine ecology would be conducted. Moreover, suitable sites for reprovisioning of the affected anchorage areas would also be identified;
- (i) there were many successful overseas examples of artificial islands such as the Trash Island in Singapore and the Kansai International Airport in Osaka. Locally, the Chek Lap Kok Airport was also an artificial island with a reclaimed area of about 1,200 ha;

*Cavern development*

- (j) cost effectiveness was one of the important considerations in assessing

whether the potential rock cavern development should be implemented. The development costs of rock cavern development would be assessed against the land value of the after use of the sites to be released from the relocation of existing public facilities to rock cavern. For some facilities such as sewage treatment plant, the intangible social and environmental benefits as a result of relocation would also be duly considered in the cost-benefit analysis. The three potential sites currently identified were located near the existing developed area and could benefit from the availability of infrastructure and road network. It was anticipated that the future development on these sites would not involve high development cost. A full-scale cost-benefit analysis would be carried out in the detailed studies;

- (k) the CEDD had previously undertaken a stock-taking exercise and identified a list of over 400 existing government facilities that had the potential for relocation to rock caverns. After stage 1 PE, 21 facilities were short-listed having regard to land area of the concerned sites, location and accessibility of the sites, proximity of the facilities to geological features that were highly suitable for cavern development, and suitability of the facilities for relocation to caverns;
- (l) about two-thirds of Hong Kong land area, underlain by strong granitic and volcanic rocks, was potentially suitable for cavern development. Most of the rocks excavated from the cavern development were quality building materials which could be reused in other construction projects, as the existing quarries in Hong Kong could only generate about 30% of the required rock materials. The cavern development would unlikely create significant impact on the disposal of public fill;

*Others*

- (m) about 20 - 25% of the public fill generated by government projects would be reused by other construction projects in Hong Kong. However, there were still about 600 million tonnes of surplus public fill

which needed to be disposed every year. The two temporary fill banks at Tseung Kwan O and Tuen Mun, with a respective area of about 100 ha and 40 ha, had already been filled up;

- (n) since 2007, the surplus public fill was delivered to the receptor site in Taishan by 60 vessels every day and about 420 ha of land had already been reclaimed. Such means of disposing surplus public fill to the off-shore receptor site, which had incurred high delivery costs and generated substantial carbon emission, was not sustainable in the long term. Whether the receptor site at Taishan could continue to be used by Hong Kong in the long run was also uncertain as this was subject to the result of the annual negotiation with the Taishan Government;
- (o) the scope of the stage 2 PE activities was so designed to suit its specific objective of collecting community views on the selected reclamation and rock cavern development sites. In this regard, the public forums and roving exhibitions would be held at locations easily accessible to the local community which might be affected by these potential development sites. Apart from the two public forums, the Panel on Development of the Legislative Council would also arrange a public hearing where members of the public could express their views on the issues. Moreover, the study team would attend briefings arranged for other concerned groups, if required. It was considered that the current scope of stage 2 PE exercise was adequate;
- (p) the construction technology for artificial islands was very advanced. Recently, a new non-dredged reclamation technique, which could avoid the problem of land subsidence, had been used in the construction of the Hong Kong-Zhuhai-Macau Bridge;
- (q) while the relocation of public facilities into rock cavern was a rather new concept in Hong Kong, the use of purpose-built rock caverns to accommodate public facilities was not uncommon in Hong Kong. They included the sewage treatment plant in Stanley, which commenced

operation in 1995, and the mass transit railway stations built in the 1980's. No significant management and maintenance problems had been encountered in these cavern developments; and

- (r) the Taikoo and Sai Wan Ho Mass Transit Railway stations were the earliest cavern developments in Hong Kong. They were built in 1984 and the stations had been maintained in good working condition for about 30 years. As compared with at-grade developments, the caverns, with temperatures in the range of 20 to 25C<sup>o</sup> throughout the year, could provide an optimal environment for certain facilities which required a steady environment. Moreover, cavern developments would also reduce the land take on ground level and help addressing the acute shortage of land for development.

109. After further discussion, the Chairman concluded that Members generally supported the provision of a land reserve and the multi-pronged approach to increase land supply including reclamation outside Victoria Harbour and rock cavern development. He hoped that the comments and views expressed by Members should be useful to the study team. They should be duly taken into account in the formulation of land use proposals for the new development sites in the next stage of the Study. The Chairman thanked the Government representatives for attending the meeting. They left the meeting at this point.

### **Agenda Item 13**

[Open Meeting]

Planning and Engineering Study for Housing Sites in Yuen Long South—Investigation,  
Stage 1 Community Engagement  
(TPB Paper No. 9339)

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[The meeting was conducted in Cantonese.]

110. The following Members declared interests on this item:

Professor S.C. Wong	]	had current business dealings with Ove
Mr. Patrick H.T. Lau	]	Arup & Partners Hong Kong Limited
Mr. Dominic K.K. Lam	]	(OAP) which was the consultant of the
Mr. Ivan C.S Fu	]	Study for the subject briefing

111. As the item was a briefing to Members on the scope of the Study, Members agreed that the above Members' interests were indirect and they should be allowed to stay in the meeting and participate in the discussion. Members noted that Professor S.C. Wong and Mr. Patrick H.T. Lau had already left the meeting.

#### Presentation Session

112. The following Government representatives and the study consultants were invited to the meeting at this point:

Mr. K.T. Yau	-	Chief Town Planner/Cross-boundary Infrastructure & Development, Planning Department (CTP/CID, PlanD)
Ms. Katy Fung	-	Senior Town Planner/Cross-boundary Infrastructure & Development, PlanD
Mr. Ip Wing Cheung	-	Chief Engineer, Civil Engineering and Development Department (CEDD)
Ms. Theresa Yeung	]	
Mr. Peter Chan	]	OAP (the Consultants)
Ms. Apple Lau	]	

113. The Chairman extended a welcome and invited the study team to brief Members on the Study.

114. Mr. K.T. Yau, CTP/CIP, PlanD gave a short introduction and made the following main points:

- (a) the main objective of the Planning and Engineering Study for Housing

Sites in Yuen Long South (the Study) was to examine and optimise the development potential of the degraded brownfield land in Yuen Long South (YLS), currently occupied by open storage yards, warehouses and rural workshops, etc., for housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment of the area;

- (b) the Stage 1 Community Engagement (CE) of the Study was launched on 16.4.2013. Public views collected would be taken into consideration in the formulation of the development options and preparation of the Preliminary Outline Development Plan (ODP) at the next stage of the Study; and
- (c) the purpose of the briefing was to seek Members' views on the planning issues and guiding principles for the development in YLS.

115. With the aid of a Powerpoint presentation, Ms. Theresa Yeung, OAP, made the following main points:

#### Background

- (a) YLS, being part of the Yuen Long Plain, was extensively occupied by rural settlements and agricultural use in 1960 to 70's. With the development of Yuen Long New Town (which did not cover the YLS area) and the decline in agricultural activities in the 1980's, the YLS area, though remained largely rural in nature, was characterised by the proliferation of open storage yards, warehouses, workshops and industrial uses. This had resulted in the degradation of the rural environment;
- (b) it was announced in the 2011-12 Policy Address that the Administration would "explore the possibility of converting into housing land some ... agricultural land in ... Yuen Long currently used mainly for industrial purposes or temporary storage, or which was deserted.". Moreover,

developing YLS was one of the measures mentioned in the 2013 Policy Address for increasing long-term land supply;

- (c) in November 2012, the Study was jointly commissioned by PlanD and CEDD. The Study Area covered an area of about 1,560 ha and comprised the potential development areas (PDAs), Yuen Long New Town, Shap Pat Heung and Ping Shan areas. The PDAs, with an area of about 200 ha, were located to the south of Yuen Long New Town and comprised two main parts, one in the Tong Yan San Tsuen area mostly zoned for low-density residential developments on the Outline Zoning Plan (OZP), and the other in the Tai Tong area zoned “Undetermined” on the OZP. About 50% of the land area of the PDAs was currently occupied by open storage yards, workshops and warehouses, and the remaining areas were mainly active/fallow agricultural land, low-density residential developments and unused land. Potential housing sites would be identified in the PDAs and other suitable areas within the Study Area;
  
- (d) the main objective of the Study was to examine and optimise the development potential of the degraded brownfield land in YLS for housing developments and other uses, and explored opportunities for improving the existing degraded living environment brought about by the proliferation of haphazard open storages, rural workshops, warehouses and industrial operations;
  
- (e) the Study included a three-stage CE as follows:
  - (i) Stage 1 CE was to solicit public views on the development opportunities and constraints/key issues and guiding principles;
  
  - (ii) Stage 2 CE was to collect public views on the Preliminary ODP;  
and
  
  - (iii) Stage 3 CE was to obtain feedback on the draft Recommended

### ODP and Preliminary Layout Plans;

- (f) the Stage 1 CE was launched on 16.4.2013 for two months until 16.6.2013;

#### Opportunities

- (g) being in close proximity to the Yuen Long New Town, the proposed Hung Shui Kiu (HSK) New Development Area (NDA) and Yuen Long Highway, the area had potential for more intensive development to provide a source of housing land supply;
- (h) large parts of the PDAs were currently occupied by haphazard open storages, rural workshops and warehouses (about 93 ha, 47% of the total area of the PDAs). Proliferation of these uses had degraded the environment. The development of YLS could improve the local living environment through proper land use planning, urban design and provision of infrastructure and Government, institution or community facilities;

#### Constraints and Key Issues

- (i) YLS was not served by railway and there was currently no direct access to Yuen Long Highway which was the only strategic road linking YLS with the urban area. The limited capacity of the substandard Kung Um Road which provided the only major road access running through the PDA in the Tai Tong area, would pose constraints to future development. Potentials for improving the traffic capacity and connectivity of YLS with Yuen Long New Town and the proposed HSK NDA had to be explored;
- (j) environmental impacts from Yuen Long Highway, open storage yards, industrial uses and livestock farms might pose constraints on the future developments;

- (k) in the formulation of the development proposals, the existing low-rise residential developments, indigenous and non-indigenous villages, graves as well as some agricultural land would need to be taken into account;
- (l) most areas in YLS were not served by public sewerage system. Sewage discharge from the developments in YLS would have to meet the “No Net Increase in Pollution Loads to Deep Bay Requirement”. Moreover, the developments in YLS might have some impacts on the existing drainage system;
- (m) the cultural heritage, natural landscape resources and ecologically important features in the Study Area, such as the stream in Yeung Ka Tsuen, Tai Tong egretty and Tai Lam Country Park, would be taken into consideration when formulating development proposals;
- (n) about 85% of the land in the PDAs was under private and multiple ownership and some of it was held by “Tso Tong”. This would have implication on implementation;
- (o) large portions of the PDAs were located within areas underlain by marble that might have cavities and voids containing weak and unconsolidated materials. They posed challenges to the construction of foundations;
- (p) the existing development intensity decreased from the Yuen Long New Town in the north towards the YLS area. The surrounding context set the scene for the future planning and urban design of the PDAs;

#### Guiding Principles

- (q) the following six guiding principles would be used to examine and

address the development opportunities and constraints/key issues:

- (i) to turn the degraded brownfield land to beneficial uses and to optimise the development potential of YLS to meet housing and other land use needs with supporting infrastructure improvement, community facilities and open space;
- (ii) to improve the existing living environment, to address the industrial/residential interface problems and to create a sustainable and livable neighbourhood in YLS with opportunities to provide greening, breezeways and landscape enhancements including the possibility to landscape the existing drainage channel along Kung Um Road;
- (iii) to take into consideration the existing local character of the adjacent villages and the cultural heritage in formulating land use proposals and development intensity;
- (iv) to take into consideration the existing villages (both indigenous and non-indigenous), the existing active agricultural land that was contiguous and sizeable, and the graves in the foothill areas;
- (v) to take into consideration the natural landscape resources and ecologically important features, including old and valuable trees, the stream in Yeung Ka Tsuen, Tai Tong egretty and Tai Lam Country Park; and
- (vi) to integrate and enhance connectivity with Yuen Long New Town and surrounding developments including village settlements and the proposed HSK NDA; and

#### Stage 1 CE Activities

- (r) the Stage 1 CE included the following major activities:

- (i) briefings to the Panel on Development of the Legislative Council, Town Planning Board, Planning Sub-Committee of Land Development Advisory Committee, Yuen Long District Council, Ping Shan and Shap Pat Heung Rural Committees;
- (ii) focus group meetings to discuss specific topics with different stakeholders including local residents/villagers, local farmers, local business operators, environmental groups/concern groups and professional institutes;
- (iii) community forum to serve as a platform for the public to express and exchange views and concerns;
- (iv) roving exhibitions, publicity and displaying information by PlanD's mobile exhibition vehicle, sending publicity materials by post (via Hongkong Post Circular Service and by general postal service to occupants in the PDAs) to disseminate information of the Study; and
- (v) setting up a Study website to promulgate community engagement materials and events as well as to collect public comments.

### Discussion Session

116. The Chairman and some Members had the following questions and comments:

- (a) how the constraint of compliance with 'Deep Bay Zero Discharge Requirement' could be addressed?
- (b) the Study Area covered a larger area including Yuen Long New Town, Ping Shan, Shap Pat Heung, which were also characterised by low-density residential developments. Why only the Tong Yan San Tsuen and Tai Tong area were selected as the PDAs of the Study?

- (c) noting that about 85% of the land in the PDAs was under private and multiple ownership which would pose constraints to implementation, consideration should be given to work out some consultation strategies to engage the public and relevant stakeholders to facilitate the implementation of the future development in a more effective manner;
- (d) what was the percentage of land owned by “Tso Tong” in the PDAs?
- (e) whether the indigenous villages within the PDAs would be affected by the Study proposals? and
- (f) as most of the land within the PDAs were currently occupied by open storage yards, rural workshops and warehouses which were beneficial to the local economy, whether there was any reprovisioning proposal for those affected open storage yards and industrial operations?

117. In response, Mr. K.T. Yau, Ms. Theresa Yeung and Mr. Peter Chan, OAP, made the following points:

- (a) the Study team had been working closely with concerned departments including CEDD, Environmental Protection Department and Drainage Services Department on the sewage problem of the PDAs with a view to addressing the requirement of no net increase in pollution discharged to Deep Bay. Further investigation would be carried out to explore the possibility to increase the loading capacity of the existing sewage treatment facilities including the upgrading of the existing Yuen Long Sewage Treatment Works;
- (b) the two proposed PDAs mainly covered the degraded brownfield sites which were currently occupied by open storage yards, warehouses, workshops and industrial uses. All the indigenous villages, permitted burial grounds and area zoned “Agriculture” on the relevant OZPs were excluded from the PDAs;

- (c) the land owned by “Tso Tong” was scattered within the PDAs. The exact area of the “Tso Tong” land was still being verified and would be available in the next stage of study;
- (d) the area within the village ‘environs’ of the indigenous villages in the PDAs would not be affected by any development proposals; and
- (e) the Study team was undertaking a more detailed analysis on the classification of different open storage yards and warehouses within the PDAs. According to the preliminary assessment, about 5% of the total area currently occupied by open storage yards, warehouses, rural workshops was related to port back-up uses (about 4.3 ha), while the remaining areas were mostly used for open storage of various goods including construction machinery and equipment, construction materials and sand, recycling materials and other miscellaneous/household items. Consideration would be given to consolidate these open storage or warehouse uses within a particular area of the PDAs or suitable locations elsewhere in order to release the valuable land resources for other beneficial uses.

(Mr. Sunny L.K. Ho left the meeting temporarily at this point.)

118. After further discussion, the Chairman concluded the discussion and said that the comments and views expressed by Members would be useful to the study team for the next stage of the Study. The Chairman thanked the Government representatives and the study consultants for attending the meeting. They left the meeting at this point.

**Sai Kung and Islands District**

**Agenda Item 14**

[Open Meeting]

Preliminary Consideration of the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/B  
(TPB Paper No. 9333)

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[The meeting was conducted in Cantonese.]

119. Mr. Ivan Chung, District Planning Officer/Sai Kung & Islands of Planning Department (DPO/SKIs, PlanD) was invited to the meeting at this point.

120. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the Paper.

121. With the aid of a Powerpoint presentation, Mr. Ivan Chung, DPO/SKIs, made the following main points on the draft Pak Lap Outline Zoning Plan (OZP) No. S/SK-PL/B as detailed in the Paper:

**Background**

- (a) on 30.9.2010, the draft Pak Lap Development Permission Area (DPA) Plan No. DPA/SK-PL/1 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the exhibition period, 14 representations were received. After giving consideration to the representations on 11.3.2011, the Town Planning Board (the Board) decided not to uphold the representations. It was agreed that detailed land use zonings would be worked out during the OZP preparation stage taking into account the representers' proposals;
- (b) on 4.10.2011, the Chief Executive in Council, under section 9(1)(a) of the Ordinance, approved the draft Pak Lap DPA Plan, which was subsequently renumbered as DPA/SK-PL/2. Pursuant to section 20(5)

of the Ordinance, the Pak Lap DPA Plan was effective only for a period of 3 years until 30.9.2013. As such, an OZP had to be prepared to replace the DPA Plan in order to maintain statutory planning control over the Pak Lap area upon expiry of the DPA Plan;

- (c) on 11.1.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Ordinance, to prepare an OZP to cover the Pak Lap area;

#### The Planning Scheme Area (the Area)

- (d) the Area covered a total of about 6.8 hectares. It was located at the southern coast of Sai Kung peninsula and was completely encircled by the Sai Kung East Country Park (SKECP). There were mountain ranges to its east, north and west. To the south of the Area was the scenic coastline, including the beach of Pak Lap Wan which had also been designated as part of the SKECP;
- (e) the Area was characterised by a rural and countryside ambience, comprising mainly village houses, shrubland, woodland, grassland, fallow agricultural land and streamcourses. Pak Lap Village was the only recognized village in the Area. Village houses were mainly two to three-storey in height. Most of them were left vacant but some of them were still inhabited by the villagers. The eastern and northern parts of the Area were fallow agricultural land and now became regenerated grassland. Natural streams were found flowing across the Area from north to south into Pak Lap Wan. Further north of the Area was the High Island Reservoir;

#### Issues Arising from Consideration of the DPA Plan

- (f) since the gazettal of the draft DPA Plan on 30.9.2010, there were three approved planning applications for one Small House and 11 New Territories Exempted Houses (NTEHs) development in Pak Lap area;

- (g) the major land use proposals put forth by the representers of the draft DPA plan were summarised below:
- (i) World Wild Fund (WWF) Hong Kong suggested incorporating Pak Lap as part of the SKECP to better conserve the integrity of the natural settings of the Area. WWF also suggested that the agricultural land excavated in 2009 should be zoned as “Conservation Area” (“CA”) to facilitate restoration of the natural habitats;
  - (ii) Sai Kung Rural Committee (SKRC) and the Indigenous Inhabitant Representatives of Pak Lap Village suggested that more land should be reserved for village development and vehicular access from Sai Kung to Pak Lap area should be provided; and
  - (iii) some land owners suggested that their private lots and the adjoining government land in Pak Lap area should be zoned as “Village Type Development” (“V”);

Development Proposals Received in the Course of Preparation of the Plan

- (h) environmental concern groups including WWF, Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation, and The Conservancy Association in general suggested that the future OZP should focus on conservation and the proposed “V” zone should be confined to the existing structures and its surrounding areas while the wooded ecologically sensitive areas should be preserved and protected;
- (i) on 7.10.2010, the Land and Development Advisory Committee considered a proposal to build an international school with boarding facilities at Pak Lap and decided not to support the project as the proposed development was not compatible with the surrounding environment which had high landscape and nature conservation value;

- (j) the Village Representatives (VR) submitted a land use proposal for the OZP in July 2012. They proposed to zone the central part of the Area (about 4.5 ha), including the existing Pak Lap Village and the fallow agriculture land as “V” for Small House development to meet their 10-year Small House demand. Moreover, they proposed to zone the wooded area in the northern part of the Area (about 0.34 ha) as “Agriculture” (“AGR”), the south-eastern and southern parts (about 0.66 ha) as “Recreation” (“REC”) for holiday camp for the disabled with disabled carpark, and the south-western part (about 1.3 ha), currently covered by scrubland and native woodland, as “Green Belt” (“GB”);

#### Land Use Planning Considerations

- (k) the general planning intention for the Area was to protect its high natural landscape value, to protect its natural and rural character which complemented the overall naturalness and the landscape beauty of the surrounding SKECP and to make provision for future Small House development for the indigenous village of Pak Lap;

#### *Environmental and Conservation Considerations*

- (l) according to the ecological survey conducted by the Director of Agriculture, Fisheries and Conservation (DAFC), many native species were found in the wooded areas which formed a continuous stretch of well-established vegetation with those located at the adjacent SKECP and were ecologically-linked to the natural habitats therein. One of the species of conservation interest, namely *Pavetta hongkongensis* (香港大沙葉) was recorded in the woodland near the village. It was a protected plant under the Forests and Countryside Ordinance (Cap. 96). Developments that might adversely affect the general rural character and the adjacent ecologically sensitive areas should be avoided. DAFC considered that the designation of these wooded areas as “CA” was appropriate;

*Land for Village Development*

- (m) Pak Lap Village was the only recognized village in the Area and its village ‘environs’ (‘VE’) covered an area of about 6.85 ha which extended beyond the boundary of the Plan. Since the publication of the DPA Plan, the local villagers had been asking for reservation of sufficient land in the Area to cope with the Small House demand. The SKRC had also maintained that the indigenous villagers should be allowed to build Small House within the ‘VE’. However, environmental concern groups suggested that the proposed “V” zone on the OZP should be confined to cover the existing structures and its surrounding areas, while other ecologically and environmentally sensitive areas such as lowland forest and mixed shrubland forming an integral part of the natural woodlands in the adjoining SKECP should not be included in the “V” zone;
  
- (n) noting the requests and concerns of both the locals and environmental concern groups, PlanD had assessed the supply of land to meet the Small House demand of Pak Lap Village based on the latest information on the 10-year forecast for Small House demand provided by the District Lands Officer/Sai Kung (DLO/SK). DLO/SK advised that according to the indigenous VR of Pak Lap Village in December 2012, the outstanding and the 10-year forecast for Small House demand for Pak Lap Village were 7 and 72 (as compared to the previous figure of 15 for the period of 2010 to 2019). As explained by the indigenous VR, the updated 10-year forecast had taken account of the male descendants residing overseas. Based on PlanD’s preliminary estimate, about 1.8 ha of land was required for meeting the total Small House demand of 79;
  
- (o) with reference to the Small House demand and ‘VE’ for the recognized village as enumerated above, PlanD had analyzed the site conditions of the area within the ‘VE’ taking account of the existing village cluster, previously approved Small House applications, environmental conditions and natural terrain of the Area;

- (p) the Area was completely encircled by the SKECP. There were mountain ranges to its east, north and west and the scenic coastline of Pak Lap Wan to its south. The central and northern parts of the Area were fallow agricultural land overgrown with grass and shrubs. As the grassland in the central part of Area was flat, close to the existing village and large enough to meet the outstanding and the 10-year forecast for Small House demand, it was the optimal location for designation as “V” zone. Consolidation of Small House development at suitable locations could avoid undesirable disturbances to the natural environment and overtaking the limited infrastructure in the Area. The surrounding woodland adjoining SKECP was hence suggested to be protected;
- (q) the currently proposed “V” zone covering a total area of 2.36 ha mainly comprised the existing village settlements, cluster with its surrounding areas and the area approved for Small House and NTEHs development (0.56 ha). Within the proposed “V” zone, about 1.8 ha of land located in the central part of the Area was available to meet the Small House demand. Planning application provided another measure for the villagers to apply for Small House development outside “V” zone subject to the Board’s approval;
- (r) the Director of Environmental Protection had reservation on the size of the “V” zone due to water quality concerns. However, Pak Lap did not fall within the Water Gathering Grounds area and as advised by DLO/SK, the following practices according to the Environmental Protection Department’s (EPD) Guidelines would be imposed in Small House applications to address the issue of water quality:
- (i) all Small House applications within 15m from streams, spring, wells or beaches should be rejected;
  - (ii) the design and construction of the septic tank and soakaway pit system for those Small Houses located between 15 to 30m from

stream should be in line with EPD's ProPecc PN 5/93; and

- (iii) for Small Houses located beyond 30m from streams, springs, wells or beaches, the design of septic tank and soakaway pit system should adopt the Lands Department's guidelines of "Drainage and Health Requirements for Village Type Houses";

#### *Land for Agriculture*

- (s) the northern part of the Area, which was once the subject of unauthorized excavation works, was currently occupied by an artificial pond and fallowed terraced field. DAFC advised that this area had good potential for rehabilitation into agricultural use. Hence, it was recommended to designate the area as "AGR";

#### *Footpath*

- (t) the Area was accessible via a footpath connecting Sai Kung Man Yee Road with Pak Lap Village and a large part of the footpath fell within the SKECP. To respond to the request from the local villagers, Sai Kung District Office proposed to re-align the footpath and improve the pathway by providing ramps to facilitate the transportation of goods by trolleys to Pak Lap. The proposal was submitted to the Country and Marine Parks Board on 17.10.2012 for consideration;

#### Land Use Zonings

- (u) Pak Lap Village was the only recognized village in the Area. The boundaries of the "V" zone (about 2.36 ha) were drawn up having regard to the 'VE', the local topography, the existing settlement pattern, site constraints, the approved applications for Small House development, the outstanding Small House applications, as well as the estimated Small House demand;
- (v) the "AGR" zone (about 1 ha) covered the fallow arable land in the north-western part of the Area with good potential for rehabilitation for

cultivation and other agricultural purposes;

- (w) the “CA” zoning (about 3.44 ha) covered the wooded areas at the periphery of the Area (i.e. eastern, south-eastern, southern, south-western and northern parts of the Area) which formed a continuous stretch of well-established vegetation with those located in the adjoining SKECP;

#### Consultation

- (x) government bureaux and departments had been consulted and their comments had been incorporated as appropriate; and
- (y) subject to the agreement of the Board, the draft OZP No. S/SK-PL/B would be submitted to the Sai Kung District Council (SKDC) and the SKRC for consultation. Comments from the SKDC and the SKRC would be submitted to the Board for further consideration in due course.

122. Noting that the VR had put forward a proposal to designate the south-eastern part of the Area as “REC” zone, a Member asked if consideration would be given to zone part of the Area for recreational use to complement with the scenic beach to the south of the Area. This Member further said that it was unrealistic to zone a large piece of land as “AGR” given the Area was rather remote and with no vehicular access.

123. Mr. Ivan Chung said that according to the proposal submitted by the VR, the “REC” zone was mainly for the development of holiday camp for the disabled and disabled carpark. The VR also proposed to construct a vehicular access leading from Sai Kung Man Yee Road to the Area which might have adverse impact on the natural landscape of the Area. To meet the need for holiday camp facilities in the Area, there was existing mechanism for developing ‘holiday house’ within the “V” zone by application to the Board. Regarding the proposed “AGR” zone in the northern part of the Area, it covered mainly terraced fallow agricultural land and a man-made pond, and was not suitable for Small House development. As DAFC advised that the land had high potential for agricultural rehabilitation, the “AGR” zoning for this area was considered appropriate.

124. The same Member continued to say that recreational use might not necessarily be served by vehicular access and considered that some land within the Area should be used for recreational purpose if suitable location could be identified.

[Mr. Sunny L.K. Ho returned to join the meeting at this point.]

125. Mr. Ivan Chung said that the proposed “REC” zone at the south-western part of the Area, as suggested by the VR, was predominantly covered by existing mature woodland. Any recreational development on the area might cause adverse landscape and environmental impacts on the surrounding area. In the absence of any concrete development proposal or technical assessments to demonstrate that the recreational use would not have adverse landscape, traffic, sewage and environmental impacts on the surrounding areas, it might not be appropriate to designate a “REC” zone on the OZP. However, sufficient flexibility had been provided for possible recreational uses in the Area as ‘Place of Recreation, Sports or Culture’ was a Column 2 use within the “AGR” zone. In view of the high landscape quality of the existing natural environment, it was considered more appropriate for the Board to exercise planning control through the planning application system to ensure that any proposed recreational developments would be compatible with the surrounding area and would not cause adverse traffic, sewage, landscape and environmental impacts.

126. A Member said that the land use zoning proposals should be formulated according to the planning intention of the area. The Member asked what the overall planning intention for the Area was. This Member also expressed a concern on the provision of 2.36 ha of “V” land for Small House development, noting that about 1.8 ha of land was already sufficient to meet the outstanding and 10-year Small House demand for Pak Lap Village. This appeared contrary to the approach taken in designating “V” zone for other DPA Plans or OZPs. This Member further asked how the Government could address the increasing Small House demand of all the indigenous villages in view of the overall shortage of land for development in Hong Kong.

127. The Chairman said that the Pak Lap Area was a county park enclave. The general planning intention was to preserve its natural environment of high landscape value

in order to complement the overall natural environment and landscape beauty of the surrounding SKECP. The Government had been reviewing the Small House Policy for some years. In view of the complexity of the issue, more time was required for the Government to complete the review of the Small House Policy.

128. Mr. Ivan Chung said that in preparing the land use zoning in the Area, consideration had been given to protect the natural habitats of high ecological significance in the Area such as the wooded areas at the periphery of the Area which formed a continuous stretch of well-established vegetation with those in the adjoining SKECP. Pak Lap Village was the only recognised village in the Area and sufficient land should be provided to meet the Small House demand as far as practicable. The currently proposed “V” zone covering a total of 2.36 ha, comprised the existing village settlements, the area approved for Small House/NTEH development (about 0.56 ha), as well as other flat land in the central part of the Area which were considered suitable for future Small House developments (about 1.8 ha). Within the “V” zone, only about 1.8 ha of land (equivalent to about 79 Small House sites) was available to meet the outstanding and 10-year Small House demand. The currently proposed “V” zone was much smaller than the ‘VE’ of Pak Lap Village, which had an area of about 6.83 ha extending beyond the planning scheme boundary of the OZP.

129. Another Member expressed a concern that many Country Parks were not easily accessible and were not provided with basic supporting facilities such as public car parks, public convenience and refreshment kiosks. The user friendliness of these Country Parks was therefore adversely affected. This Member asked if the designation of “REC” zoning would facilitate the provision basic supporting facilities in the Area to enhance the user friendliness.

130. The Chairman said that the Board should focus on the land use proposal for the Area. While some Country Park areas were purposely kept in a natural, tranquil state, other Country Park areas were purposely made easily accessible by private and public transports with the provision of walking trails, barbecue spots and other supporting facilities to provide a wide range of options for visitors.

131. Mr. Ken Wong, EPD, said that his department had reservation on the size of the proposed “V” zone due to water quality concerns. The proposed “V” zone was bisected by a stream course leading to Pak Lap Wan in the south. As the Area was not served by the existing public sewer and the use of on-site septic tank and soakaway pit was not an effective means for sewerage discharge given its close proximity to the existing stream course, there was grave concern that the great number of Small House developments within the enlarged “V” zone would adversely affect the water quality of the scenic beach downstream.

132. A Member said that PlanD had adopted a consistent approach in formulating the land use zoning proposals in preparing the OZPs for Pak Lap and another country park enclave in So Lo Pun. Both OZPs aimed at preserving the existing natural environment and to make provision for future Small House development to cater for the need of indigenous villagers. Given the existing condition of the Area with only a few village houses and most agricultural land had been abandoned for a long time, this Member opined that the zoning of a large stretch of land for “V” and “AGR” use, as currently proposed, might not be an optimal use of land resources for the Area. This Member suggested to refine the preliminary land use proposals after balancing the views of different stakeholders collected in the public consultation.

133. Another Member shared similar concern on reserving about 2.36 ha of land for “V” zone merely based on the 10-year Small House demand forecast of the Pak Lap Village which had been substantially increased from 15 in 2009 to 72 in 2013. With reference to the aerial photos which revealed that the Area was still largely undeveloped with only a few inhabitants, this Member considered that the currently proposed “V” zone was not realistic.

134. The Chairman said that it was very difficult to have an accurate estimation on the future Small House demand for each village at the moment given that there were many variables and each village would have their own circumstances. The currently proposed “V” zone was drawn up after taken into consideration the existing site condition, the ‘VE’ boundary, the future Small House demand, and the different views of the environmental concern groups, the local villagers and RC, and carefully balancing all the factors

concerned. In fact, the proposed “V” zone was far smaller than the ‘VE’ boundary. As regards Members’ views on using the Area for other more beneficial uses, the Chairman said that the Area fell within the country park enclave and the general principle was to preserve the natural environment and large-scale development would not be encouraged. He continued to say that the current land use proposals were only a starting point to facilitate discussion with the SKDC and the SKRC. The preliminary land use proposals might be subject to changes after receiving their views in the consultation.

[Ms. Julia M.K. Lau left the meeting at this point.]

135. A Member agreed to adopt the current land use proposals on the draft Pak Lap OZP for consultation. This Member, however, wondered if consideration would be given to review the established practice in drawing up the “V” zone boundary on statutory plans given that the information on Small House demand forecast could not be verified.

136. The Secretary explained that the general principles adopted in designating the “V” zone on the statutory plans had been established since the statutory plans for the rural areas were first prepared in 1991 and had been consistently applied in other OZPs including OZPs covering country park enclaves. The boundaries of “V” zone were drawn up having regard to the ‘VE’ of the recognised village, the approved and outstanding Small House applications, the estimated 10-year Small House demand, the local topography as well as the existing village settlement pattern. Areas of difficult terrain, dense vegetation and stream courses had been avoided as far as possible. While it was the established principle that sufficient land should be reserved within the “V” zone to meet the 10-year Small House demand as far as possible, the size of the “V” zone, in any event, would not be larger than that of the ‘VE’. However, in occasions when sufficient land suitable for Small House development could not be identified in the ‘VE’ of some villages such as in areas of high landscape value, or when the figures of 10-year Small House demand forecast provided by the indigenous VRs were considered dubious, a different practice in designating the “V” zone would be used. Depending on the circumstances, PlanD might adopt a flexible approach to designate a common “V” zone covering a number of indigenous villages in close proximity to each other within the same ‘Heung’, as in Sai Kung; or using an incremental approach by designating a “V” zone which could not totally meet the 10-year Small House demand. Under the later approach, the 10-year Small

House demand forecast could be closely monitored and the “V” zone could be reviewed when there was a need to do so. The Secretary further said that in considering the “V” zone for the current OZP, Members should consider whether the latest figure of 10-year Small House demand (i.e. 72 Small Houses) was reasonable and whether sufficient land suitable for Small House development could be identified.

137. A Member said that the local villagers had been living and practising agricultural activities in the Pak Lap area for generations since the Ching Dynasty. Though the intention of preserving the natural scenic environment was noted, the traditional development rights of the indigenous villagers in the Area should be respected in the formulation of land use proposals for the Area.

138. Another Member said that while the history of the Area should be respected, there was concern on the substantial increase in the future Small House demand from 15 to 72 in three years' time. As the Area was remotely located and not accessible by vehicles, and only a few village houses were found, it was unlikely that all the Small Houses would be developed within the “V” zone in the near future. This Member said that it would be more appropriate to adopt an incremental approach in the designation of “V” zone for the Area by starting off with a smaller “V” zone, and to rezone its surrounding area including the proposed “AGR” zone and the portion of “V” zone to the east of the existing stream course to “GB” such that any Small House developments could be closely monitored by the Board through the planning application system.

139. The Chairman said that even if a large “V” zone was designated on the OZP, the existing natural environment or landscape character of the Area would still be preserved with the small number of Small House developments in the Area. However, as there was a general presumption against development in the “GB” zone, Small House developments would only be permitted under exceptional circumstances or in accordance with the interim criteria for assessing Small House applications.

140. The Secretary said that in drawing up the “V” zone boundary for the OZP, PlanD would compare the latest figure of 10-year Small House demand with that obtained at the time when the DPA plan was prepared. Normally, the latest figure would be taken into consideration unless the increase was very substantial and no strong justifications

were provided. The same approach was adopted in preparing OZPs for the Frontier Closed Areas.

141. In response to the Secretary's request to brief Members on the rationale for adopting the latest figure of future Small House demand for Pak Lap Village, Mr. Ivan Chung said that the 10-year forecast of Small House demand for the Pak Lap Village was 15 at the time when the DPA plan was prepared and the latest figure was 72 as advised by DLO/SK. DLO/SK advised that according to the written information provided by the indigenous VR of Pak Lap Village, the latest figure of 72 was derived based on the number of existing male descendents of age 18 or above and the additional number of male descendents reaching the age of 18 in the coming 10 years, which was 60 and 12 respectively. Although there was no effective mechanism to verify the figure, the latest figure of 72 was not considered unreasonable.

142. The Vice-chairman said that as the principle adopted in drawing up the "V" zone for statutory plans had been applied consistently for more than 20 years, there was no strong reason for the Board to deviate from the established practice in preparing the current draft OZP. Moreover, as the current land use zoning proposals including the "V" zone boundary would be subject to public scrutiny, the established principle in drawing up the "V" zone should be adhered to as far as possible so as to avoid possible challenge from the local villagers and SKRC.

143. Members noted that while the future Small House demand as recently provided by the VR could not be verified, the figure of 72 Small Houses was supported with some justifications and was considered not unreasonable. Moreover, the land use zoning proposals currently proposed by PlanD were only preliminary proposal for consultation with the SKDC and the SKRC. The land use proposals could be refined after receiving the comments from the SKDC and the SKRC and the OZP would be submitted to the Board for further consideration in due course before gazetting under section 5 of the Ordinance. The Chairman suggested that the draft OZP together with its Notes and Explanatory Statement be accepted as suitable for consultation with the SKDC and the SKRC. Members agreed.

144. After deliberation, the Board:

- (c) adopted the Explanatory Statement as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Pak Lap OZP No. S/SK-PL/B; and
- (d) agreed that draft Pak Lap OZP No. S/SK-PL/B together with its Notes and Explanatory Statement was suitable for submission to the SKDC and the SKRC for consultation.

#### **Agenda Item 15**

[Confidential Item. Closed Meeting.]

145. This item was recorded under confidential cover.

#### **Agenda Item 16**

[Confidential Item. Closed Meeting.]

146. This item was recorded under confidential cover.

#### **Agenda Item 17**

[Open meeting]

#### **Any Other Business**

[The meeting was conducted in Cantonese.]

147. The Chairman said that based on the previous exchange of views, three initial options on the destination for the coming 2013 overseas duty visit were proposed, namely, (i) the United Kingdom and a country in North Europe, (ii) Japan and South Korea, and (iii) Australia and New Zealand. Members were requested to give some thoughts on the

preferred destination and appropriate timing of the duty visit for further discussion at the next meeting.

148.       There being no other business, the meeting closed at 4:40 p.m.