

**Minutes of 1038<sup>th</sup> Meeting of the  
Town Planning Board held on 26.7.2013**

**Present**

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

Chairman

Mr. Stanley Y.F. Wong

Vice-chairman

Mr. F.C. Chan

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

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

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Ms. Anita W.T. Ma

Dr. W.K. Yau

Deputy Director (1), Environmental Protection Department  
Mr. C.W. Tse

Director of Lands  
Ms. Bernadette H.H. Linn (p.m.)

Deputy Director of Lands (General)  
Mr. Jeff Y.T. Lam (a.m.)

Principal Assistant Secretary (Transport)  
Transport and Housing Bureau  
Miss Winnie M.W. Wong

Assistant Director (2), Home Affairs Department  
Mr. Eric K.S. Hui

Director of Planning  
Mr. K.K. Ling

Deputy Director of Planning/District  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Mr. Timothy K.W. Ma

Professor S.C. Wong

Professor Edwin H.W. Chan

Professor K.C. Chau

Mr. Rock C.N. Chen

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Maurice W.M. Lee

Mr. Laurence L.J. Li

Mr. Stephen H.B. Yau

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Mr. Jerry Austin (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 1037<sup>th</sup> Meeting held on 12.7.2013**

[The meeting was conducted in Cantonese.]

1. The minutes of the 1037<sup>th</sup> meeting held on 12.7.2013 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[The meeting was conducted in Cantonese.]

Application No. A/DPA/YL-NSW/12-2

Further Extension of Time for Commencement of the

Proposed Golf Course and Residential Development for 3 Years until 18.12.2013

Lots 1520 RP, 1534 and 1604 in D.D. 123 and Adjoining Government Land,

Nam Sang Wai, Yuen Long

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[Open Meeting]

2. The following Members had declared interests on this item as the application was submitted by Nam Sang Wai Development Co. Ltd. and Kleener Investment Ltd. (the applicants), a subsidiary of Henderson Land Development Co. Ltd. (HLD):

Mr. Ivan C.S. Fu ] had current business dealings with HLD

Mr. Patrick H.T. Lau ]

Ms. Janice W.M. Lai ]

Mr. Dominic K.K. Lam ]

Mr. Clarence W.C. Leung - being the Director of a non-governmental organisation (NGO) that recently received a private donation from a family member of the Chairman of HLD

- Mr. Roger K.H. Luk - being a member of the Council of the Chinese University of Hong Kong (CUHK) which received donation from a family member of the Chairman of HLD
- Professor P.P. Ho - being an employee of CUHK which received donation from a family member of the Chairman of HLD
- Professor S.C. Wong ] being an employee of the University of  
Mr. F.C. Chan ] Hong Kong (HKU) which received  
Dr. Wilton W.T. Fok ] donation from a family member of the  
Chairman of HLD
- Mr. H.F. Leung - being an employee of HKU which received donation from a family member of the Chairman of HLD and had current business dealings with the legal representative of the applicants

3. Members agreed that as the interests declared by Mr. Ivan C.S. Fu, Mr. Patrick H.T. Lau, Mr. Dominic K.K. Lam and Ms. Janice W.M. Lai were direct, they should leave the meeting temporarily during the discussion of this item. Members noted that Mr. Fu had tendered an apology for being unable to attend the meeting. Members also noted that Mr. Lau and Ms. Lai had not yet arrived at the meeting. Mr. Dominic K.K. Lam left the meeting temporarily at this point.

4. As the concerned NGO, CUHK and HKU had received many donations from various parties and Mr. H.F. Leung was not directly involved in the subject application, Members considered that the interests of Mr. Clarence W.C. Leung, Mr. Roger K.H. Luk, Professor P.P. Ho, Professor S.C. Wong, Mr. F.C. Chan, Dr. Wilton W.T. Fok and Mr. H.F. Leung were indirect and they could stay at the meeting for this item. Members noted that Professor Wong and Dr. Fok had tendered apologies for being unable to attend the meeting. Members also noted that Mr. Chan had not yet arrived at the meeting.

5. The Secretary said that a letter dated 10.7.2013 submitted by the applicants' legal representative had been tabled at the meeting. The applicants sought confirmation from the Town Planning Board (the Board) that the adjournment of the review hearing of the application for extension of time for commencement of the subject development (EOT application) be continued until the final determination of Town Planning Appeal No. 8/2011 (the Appeal). She then briefed Members on the main points of the subject application as follows:

*Background*

- (a) in August 1994, an application for a proposed golf course and residential development in Nam Sang Wai, Yuen Long (Application No. A/DPA/YL-NSW/12) (the Application) was allowed with conditions by the Town Planning Appeal Board (TPAB). The decision of the TPAB was further upheld by the Privy Council in 1996. The validity of the planning permission had been extended three times until 18.12.2010;

*Fulfillment of Approval Conditions*

- (b) in September 2010, prior to the lapsing of the planning permission, the applicants submitted a modified Master Layout Plan (MLP) and technical reports for fulfilling some of the approval conditions. On 1.12.2010, the Director of Planning (D of Plan) informed the applicants that the submitted modified MLP deviated substantially from the approved scheme and therefore could not be considered in the context of fulfillment of conditions. The applicants disagreed with D of Plan and sought to refer the dispute to the Board for consideration. On 17.12.2010, the Board decided that the relevant approval conditions in relation to the Application were not satisfactorily complied with. The applicants requested for a review of the Board's decision under section 17 of Town Planning Ordinance (the Ordinance). On 8.4.2011, the Board considered the request and agreed that there was no provision to review the Board's decision on fulfillment of approval conditions under

section 17 of the Ordinance;

- (c) on 28.6.2011, the applicants lodged an appeal to the TPAB against the Board's decision not to review its decision on the fulfillment of approval conditions (i.e. the Appeal);

*EOT Application*

- (d) on 29.10.2010, the applicants submitted an application for further extension of the validity period of the planning permission for three years until 18.12.2013. The EOT application was rejected by the Rural and New Town Planning Committee (RNTPC) on 10.12.2010. Subsequently, the applicants requested for a review of the RNTPC's decision under section 17 of the Ordinance;
- (e) on 25.8.2011, the applicants submitted a letter to the Board requesting for adjournment of the review hearing as the outcome of the Appeal would have a material impact on the right and interest of the subject review. On 26.8.2011, the Board decided to defer making a decision on the adjournment request and the review application pending the availability of legal advice;
- (f) on 28.10.2011, the Board agreed that there was a reasonable ground for the Board to adjourn the hearing for the review application until the outcome of the Appeal was known based on the following legal advice:
  - (i) had the MLP been accepted, the approval conditions would have been fulfilled and the applicants could have obtained approval of the building plans. There would have been a deemed commencement of the development and no EOT would be required;
  - (ii) the TPAB might make a decision that the modified MLP submitted by the applicants had fulfilled the approval conditions; and

- (iii) if there was no adjournment of the review application and the Board decided not to grant the EOT, the applicant's appeal to the TPAB would become futile;
- (g) the applicants were advised on 21.11.2011 that the Board agreed to adjourn the subject review hearing to a date to be fixed after the determination of the Appeal by the TPAB; and
- (h) the Appeal was allowed by the TPAB on 30.10.2012. The TPAB held that the Board did have the power to review its own decision on fulfillment of approval conditions and the Board should proceed to review the case under section 17 of the Ordinance.

6. The Secretary continued to say that on 4.1.2013, Members were briefed on the TPAB's decision on the Appeal and the advice of the Department of Justice and the Counsel. The Board agreed that a judicial review (JR) should be lodged against the TPAB's decision. The JR hearing was scheduled for 6.11.2013. Members were therefore invited to consider whether the review of the EOT application should continue to be adjourned until the matter had been finally resolved or determined by the Court.

7. The Chairman said that the same principle governing the Board's determination on the adjournment of the review of EOT application should apply. The review of the EOT application should continue to be adjourned as the JR was still on-going. Members agreed.

8. After deliberation, the Board agreed to adjourn the review of the EOT application until the matter had been finally resolved or determined by the Court. The applicants would be notified of the decision of the Board accordingly.

[Mr. C.W. Tse arrived and Mr. Dominic K.K. Lam returned to join the meeting at this point.]

### **Agenda Item 3**

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments to the Draft Pak Sha O  
Development Permission Area Plan No. DPA/NE-PSO/1  
(TPB Paper No. 9386)

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[The hearing was conducted in English and Cantonese.]

#### **Presentation and Question Session**

9. The following representatives from the Planning Department (PlanD), the representers, 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), PlanD |
| Mr. David Ng    | - | Senior Town Planner/New Plans (STP/NP), PlanD                       |

##### **R1 (Mr. Ho Chi Chiu. Village Representative (VR) of Pak Sha O)**

- |                 |   |                              |
|-----------------|---|------------------------------|
| Mr. Ho Chi Chiu | - | Representer                  |
| Mr. Li Yiu Ban  | - | Representer's representative |

##### **R2 (Sai Kung North Rural Committee (SKNRC))**

- |                   |   |                              |
|-------------------|---|------------------------------|
| Mr. Leung Wo Ping | - | Representer's representative |
|-------------------|---|------------------------------|

##### **R3 (Ms. Ho Kam Ling and Mr. Ho Wai Ming)**

##### **R4 (Mr. Yung Ah Ming)**

##### **R5 (Xinhua Bookstore Xiang Jiang Group Ltd.)**

- |                   |   |                              |
|-------------------|---|------------------------------|
| Mr. Chung Pui Kai | - | Representer's representative |
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**R7 and C16 (Friends of Hoi Ha)**

Mr. David Newbery - Representor and Commenter's  
representative

**R8 (Mr. Christophe Barthelemy)**

Mr. Christophe Barthelemy - Representor

**R9 and C13 (Mr. Timothy Richard Collard)**

Mr. Timothy Richard Collard - Representor and Commenter  
Ms. Tsang Kwan Ting - Representor and Commenter's  
representative

**R10 and C12 (Mr. Ruy Barretto)**

Mr. Ruy Barretto - Representor and Commenter

**R15 (Designing Hong Kong Ltd.)**

Ms. Debby Chan - Representor's representative

**R21 (Green Power)**

Dr. Karen Woo Lai Yan )  
Mr. Stanley Chan Kam Wai ) Representor's representatives  
Dr. Michelle Cheung Ma Shan )

**R23 (WWF Hong Kong)**

Dr. Leung Sze Lun )  
Mr. Chan Chun Ming ) Representor's representatives  
Mr. Lau Shiu Keung )

**R27 and C20 (Mrs. Vanda Cole)**

Mrs. Vanda Cole - Representor and Commenter

**C1 (Mr. Nigel Timothy Kay)**

Mr. Nigel Timothy Kay - Commenter

10. The Chairman extended a welcome. He said that sufficient notice had been given to invite the 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 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 representations and comments.

11. With the aid of a Powerpoint presentation, Mr. David Ng, STP/NP, made the following main points as detailed in the Paper:

#### Background

- (a) on 31.10.2012, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(b) of the Town Planning Ordinance (the Ordinance), to prepare a draft plan designating Pak Sha O (the Area) as a Development Permission Area (DPA). The preparation of the DPA Plan provided a stopgap measure to effect planning control over the Area;
- (b) on 7.12.2012, the draft Pak Sha O DPA Plan No. DPA/NE-PSO/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Ordinance;
- (c) during the two-month exhibition period, a total of 41 representations were received. On 1.3.2013, the representations were published for public comments and in the first three weeks of the publication period, 20 comments were received;
- (d) on 14.6.2013, the Board decided to consider all the representations collectively in one group by the full Board;

#### The Representations

- (e) Representations No. R1 to R5 were submitted by the VR of Pak Sha O

(R1), SKNRC (R2), villagers and a developer (R3 to R5) respectively who objected to the draft DPA Plan and the extensive “Unspecified Use” designation;

- (f) Representations No. R6 to R41 were submitted by green groups, local concern groups and individuals of the public who supported the DPA Plan in general but raised concern on the “Village Type Development” (“V”) zone;

### Grounds of Representations

#### Adverse Representations

- (g) R1 and R2 opposed the DPA Plan and R3 to R5 objected to the “Unspecified Use” designation. The main grounds of the representations were summarized as follows:

*Inadequate area for the “V” zone (R1 and R2) / Boundary of the “V” zone (R3 and R4)*

- (i) only about 4.15% of land area was zoned “V” on the draft DPA Plan which was insufficient to meet the present and future needs of villagers. The population figure of 37 was wrong. According to their record, as at 2012, the male population (both local and overseas) was almost 200 (R1 and R2);
- (ii) the Small House applications submitted by R3 and R4 had been stalled with the publication of the draft DPA Plan, even though the proposed Small Houses were located within the village ‘environs’ (‘VE’) of the villages. In drawing up the “V” zone, the ‘VE’ of villages, Small House applications submitted to the Lands Department (LandsD) and the 10-year forecast of Small House demand should be taken into account;

*“Unspecified Use” designation (R5)*

- (iii) R5 had acquired land parcels for undertaking agricultural activities in the Area and a farm had been in operation before the publication of the draft DPA Plan. The “Unspecified Use” designation could not provide certainty for the representor to invest on agricultural activities in the Area;

*Depriving property right under Basic Law (R1)*

- (iv) the DPA Plan ignored and robbed the villagers of their basic rights under the Basic Law; and

*Country Park designation (R2)*

- (v) R2 objected to the incorporation of Pak Sha O Village into the Sai Kung West Country Park;

*Supporting Representations*

- (h) R6 to R15, R17 to R19 and R21 to R23 generally supported the DPA Plan but raised concern on the “V” zone, while R16, R20 and R24 to R41 offered views and proposals on the DPA Plan without indicating support. The main grounds of the supporting representations and representations offering views and proposals were summarised as follows:

*Incorporation of the “V” zone into the DPA Plan (R6 and R7, R16 to R18 and R24) and Extent of “V” zone (R8 to R14 and R19)*

- (i) R6 and R7, R16 to R18 and R24 objected to the “V” zones as both Pak Sha O and Pak Sha O Ha Yeung had high heritage value and lied in areas of ecological significance. R8 to R14 and R19 considered that the extent of the “V” zone was excessively large

and did not take into account the unique historical, cultural and rural landscape value of the two villages, whether as a whole or as individual buildings. The “V” zones were arbitrary, close to the local stream system and included areas of woodland and riverbank;

*Provisions in the Notes of DPA Plan (R6, R8 to R14 and R20), Conservation of historic village (R15 and R29), Preservation of the character of the Area as a whole (R26 to R28 and R31 to R41) and General planning intention (R10 and R11)*

- (ii) R6, R8 to R14 and R20 objected to the provisions in the Notes for “demolition of a building”, “rebuilding of New Territories Exempted Houses (NTEHs)” and “replacement of an existing domestic building by a NTEH” which were contrary to the planning intention of the DPA Plan. The homogeneity of building design at Pak Sha O and Pak Sha O Ha Yeung was fundamental to the architectural, historical, cultural and landscape value of the Area;
- (iii) R15, R26 to R29 and R31 to R41 expressed that most of the existing Hakka style buildings in Pak Sha O were graded or proposed to be graded for their heritage value. The “Unspecified Use” designation or the “V” zoning did not form a secure basis for a sustainable plan to ensure conservation of this 150-year old village;
- (iv) the general planning intention as set out in the Explanatory Statement (ES) was not reflected in the Notes of the DPA Plan. There were no appropriate terms or conditions to protect the special heritage which was mostly zoned “V”. The group value of the historic buildings should be protected and the criteria of the Antiquities and Monuments Office (AMO) should be applied (R10 and R11);

*“Destroy First, Develop Later” (R15)*

- (v) R15 was concerned about the “Destroy First, Develop Later” approach and the actions by landowners prior to the publication of the DPA Plan;

*High ecological and heritage value (R18, R21, R23 and R30)*

- (vi) Pak Sha O comprised secondary woodland, fung shui wood, marshes, streams and agricultural land which possessed a high biodiversity, with 75 butterfly species, 11 fresh water fish species including the rare Three-lines Bagrid Fish *Pseudobagrus trilineatus* (三綫擬鱔), 38 bird species, 8 amphibian species and 23 reptile species, some of which were of local or global conservation concern. It was the site where the Martens’s Warbler (峨嵋鷓鴣) was first discovered in Hong Kong. The Area was rich in ecological and heritage value and the restored village houses and nearby fung shui woodland were cultural heritage of great value;

*Protection of the Hoi Ha Ecologically Important Stream (EIS) and Hoi Ha Wan Marine Park (R9 and R21)*

- (vii) it was doubtful whether the intention of the developer in acquiring large tracts of land was to grow vegetables. Large-scale cultivation would lead to pollution of river and the Hoi Ha Wan Marine Park, and cause damage to the sensitive marine species;
- (viii) the Hoi Ha EIS ran through the Area. A change in water quality would affect natural stream ecology and the Hoi Ha Wan Marine Park. Sewage outfalls should not be allowed to be drained into any streams at Pak Sha O. Construction works along the river banks should also be prohibited. The use of chemical fertilizers

and pesticides should be strictly controlled; and

*Application of Convention on Biological Diversity (R10 and R11)*

- (ix) the principles of the Convention on Biological Diversity should be applied. They included the avoidance principle (i.e. avoiding impacts where possible), assessing cumulative impact of past and potential future developments, the ecosystem approach (i.e. looking at the human and natural system as a whole) and the precautionary principle (i.e. if an action or policy had a suspected risk of causing harm to the public or environment, the burden of proof that was not harmful fell on those taking the action);

Representers' Proposals

- (i) the representers had the following proposals:

*Withdrawal of the DPA Plan (R1)*

- (i) the Board should withdraw the DPA Plan;

*Expanding the "V" zone (R2 to R4)*

- (ii) R2 requested that areas within the 'VE' should be zoned as "V". R3 requested rezoning 1.9 ha of land encircling Pak Sha O Village to "V". R4 requested rezoning 2.42 ha of land encircling Pak Sha O Ha Yeung Village to "V";

*Rezoning of "Unspecified Use" areas (R5)*

- (iii) the private fallow agricultural land in the central and western parts of the Area (about 14.9 ha) should be rezoned from "Unspecified Use" to "Agriculture" ("AGR"). The land from the east of the proposed "AGR" zone to the northern tip of the Area (about 4.6 ha)

should be rezoned from “Unspecified Use” to “Recreation” (“REC”) to provide land for potentially compatible recreational uses;

*Replacing the “V” zone by appropriate conservation zoning or Reducing the size of the “V” zone (R6 to R19)*

- (iv) the Area should be designated as “Unspecified Use”. Should the deletion of “V” zone be considered inappropriate, it should be reduced to cover only the footprint of the existing buildings and formed area. R15 specifically requested that Pak Sha O Village should be zoned as “Other Specified Uses” annotated “Heritage Precinct”;

*Conservation zoning (R7, R8, R10, R11, R18, R22, R23 and R25)*

- (v) R7, R8, R10, R11, R18 and R22 proposed that the water courses needed to be identified on the DPA Plan and no development should be permitted within 30m of the stream bank. Investigation should be conducted to confirm the suitability for zoning the riparian areas as “Site of Special Scientific Interest” (“SSSI”), “Conservation Area” (“CA”) or other conservation zonings. R23 and R25 proposed that the area should be protected by conservation zonings. R22 also requested that an ecological survey should be conducted in the “V” zones to ensure that species of conservation interest could be protected;

*Country Park designation (R18, R20, R21 and R30)*

- (vi) the entire Area should be incorporated into the country park or designated as “SSSI”;

*Complete ban on demolition and building activities (R6 to R14, R16, R19, R20 and R24)*

- (vii) there should be a complete ban on all demolition, new housing and building activities within the “V” zones. Remedial works or modifications to existing structures should only be permitted if they conformed to strict standards on design, disposition and height sympathetic with the existing character and structures. R24 requested that House No. 4 or 5 of Pak Sha O Village should be protected since it was one of the most attractive and well preserved buildings in the Area;

*Amendments to the Notes of the “Unspecified Use” designation (R21)*

- (viii) the “Unspecified Use” designation might not completely safeguard the stream and wetland in Pak Sha O as government works might have serious impacts during the construction or operational phases, such as diversion/disturbance of streams, pollution of streams, clearance of vegetation and waste dumping. Such works should be strictly controlled in river channels, river banks and on land with dense vegetation or woodlands;

*Amendments to the Notes and Explanatory Statement (R8, R10 and R11)*

- (ix) the Notes and Explanatory Statement (ES) of the DPA Plan should be amended to enhance protection of the historic buildings, natural landscape and ecology of the Area. The planning intention of the “V” zone should be revised to fit in with the general planning intention of the Area. The Notes and ES should specify the need for planning applications to have regard to the landscape and ecosystem on a holistic basis or the ecosystem approach; and

*Revising the Master Schedule of Uses of the “V” zone (R10 and R11)*

- (x) to deleted ‘burial ground’, ‘government use’, ‘institutional use’, ‘market’, ‘public clinic’, ‘public transport terminus’, ‘public utility

installation’, ‘religious institution’, ‘residential institution’, ‘school’, ‘social welfare facility’ and ‘utility installation for private project’ from the Schedule of Uses of the “V” zone. The Remarks of the “V” zone should be revised to allow only buildings which matched the existing buildings;

- (j) the following proposals put forth by R15 were not directly related to the DPA Plan:
  - (i) the urgent preparation of DPA Plans for all areas which were yet to be covered;
  - (ii) the preparation of village layout plans (VLPs) for all village zones and areas where Small Houses were permitted should be resumed immediately. The failure to ensure a sustainable layout would lead to a deterioration of the environment; and
  - (iii) LandsD should suspend the processing of land grant applications under the NTEH policy to avoid adding development pressure and the demand for compensation;

#### The Comments

- (k) amongst the 20 comments received, C16 and C18 were submitted by Friends of Hoi Ha and Designing Hong Kong Limited which had also submitted representations (R7 and R15), while others were submitted by individuals (C1 to C15, C17, C19 and C20). C1, C12, C13, C15 and C20 had also submitted representations (R6, R10, R9, R8 and R27). The commenters generally did not support R1 to R5 on the expansion of the “V” zone and the proposed “AGR” and “REC” zones. They generally supported R6 to R41 for protecting the rural landscape and unique historical and cultural villages from inappropriate developments and building activities;

Consultation with Tai Po District Council (TPDC) and SKNRC

- (l) during the two-month exhibition period, the DPA Plan was presented to SKNRC and TPDC on 20.12.2012 and 9.1.2013 respectively. Their major views and comments on the DPA Plan were summarised as follows:
- (i) some members of the TPDC commented that the DPA Plan had violated the Basic Law as it deprived landowners of their development right without compensation. Although they supported environmental conservation, the development right of landowners should be protected as well. The DPA Plan imposed a lot of planning controls in the Area; and
  - (ii) some members of the SKNRC indicated that the proposed “V” zones were too small. The population of Pak Sha O as of 2012 was about 200 instead of 37 as stated in the draft DPA Plan. The development right of a lot of private land in the Area would be frozen and that was considered unfair to the landowners. A new “V” zone should be proposed and it should be located away from the existing cultural heritage resources in the midst of the existing village clusters. There was no prior consultation with the villagers on the draft DPA Plan;
- (m) subsequently, SKNRC (R2) submitted a representation opposing the DPA Plan;

Responses to the Representations and Comments

- (n) the responses to the grounds of the representations and comments were summarised as follows:

*Adverse Representations*

*Adequacy of “V” zone (R1, R3, R4, R6 to R14, R16 to R19 and R24)*

- (i) the DPA Plan was an interim plan which provided stopgap measures to provide planning guidance and to facilitate development control within the Area. The boundaries of the “V” zones were drawn up provisionally around existing village clusters having regard to existing building structures, approved Small House applications and existing site conditions. They would be further reviewed and defined at the OZP preparation stage to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation value, environment, infrastructure and landscape character;
- (ii) according to the latest population data from the 2011 Census, the existing population of the Area was estimated to be about 37 persons. The ES of the DPA Plan would be updated accordingly when opportunity arose;
- (iii) according to the District Lands Officer/Tai Po, LandsD (DLO/TP, LandsD), most of the outstanding Small House applications were scattered around the fringe of the ‘VE’ with some outside the ‘VE’. Under the “V” zone, Small House development was always permitted, while application could be made to the Board for Small House development in the area designated as “Unspecified Use”;

*“Unspecified Use” designation (R5)*

- (iv) owing to the urgency for establishing planning control under the DPA Plan, majority of the Area had been designated as “Unspecified Use”. ‘Agricultural Use’ was always permitted in the “Unspecified Use” area and no planning permission was required from the Board. Hence, the “Unspecified Use” designation would not affect activities relating to agricultural uses.

Detailed zonings for the area would be worked out during the preparation of OZP;

*Depriving property right under Basic Law (R1)*

- (v) the Department of Justice advised that R1 did not expressly state what the “basic rights of the indigenous villagers were under the Basic Law” that would be affected by the draft DPA Plan. Given that R1 specifically referred to the small part of the area designated for village type development, his complaint seemed to be that Small House development by indigenous villagers would be adversely affected by the draft DPA Plan. Yet, even assuming that the draft DPA Plan would adversely affect Small House development in the area concerned, insofar as Small House development was subject to planning controls that might be imposed under the Ordinance before the Basic Law came into force, applying those controls to the area concerned by way of the draft DPA Plan did not appear inconsistent with the protection of the lawful traditional rights and interests of the New Territories indigenous inhabitants under Basic Law 40;

*Country Park designation (R2, R18, R20, R21 and R30)*

- (vi) designation of the Area as Country Park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board. According to the Director of Agriculture, Fisheries and Conservation (DAFC), the suitability of the Pak Sha O country park enclave for country park designation would be assessed in due course by drawing reference to criteria such as conservation value, landscape and aesthetic value, recreation potential and existing scale of human settlement. Views of the Country and Marine Parks Board would also be sought;

*Large extent of “V” zone (R6 to R14, R16 to R19 and R24)*

(vii) the heritage value/conservation of the village and the area as a whole would need to be balanced with the need to meet the Small House demand in the Area. The DPA Plan was an interim plan and more detailed planning studies and analysis would be carried out at the OZP preparation stage. The boundaries of the “V” zones would be reviewed taking into account the findings of studies, and consultation with relevant stakeholders;

(viii) in accordance with the Environmental, Transport and Works Bureau’s Technical Circular (Works) No. 5/2005, DAFC would be consulted on development proposals/submissions that might affect natural streams/rivers, and conditions could be incorporated wherever appropriate. Hence, there were existing administrative mechanisms to ensure that any potential adverse impacts on the natural streams would be properly addressed;

*Notes of DPA Plan (R6 to R16, R19 to R20, R24, R26 to R29, and R31 to R41)*

(ix) Pak Sha O and Pak Sha O Ha Yeung were outstanding vernacular Hakka villages and were well-preserved. The heritage value of the Area vis-à-vis the need for Small house development had yet to be carefully examined in the course of OZP preparation. While there were established mechanisms to protect graded building through administrative means, any change to the existing vernacular Hakka village setting with possible adverse impact on the heritage value of historic buildings should be avoided. While further studies would be carried out at the OZP preparation stage, it was considered prudent to impose appropriate interim control to minimise any adverse impact on the existing village setting. In this regard, the Remarks of the Notes of the “V” zone would be revised to specify that planning permission would be required from

the Board for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building;

*“Destroy First, Develop Later” (R15)*

- (x) the Board was determined to deter the “Destroy First, Develop Later” approach which would lead to the deterioration of the environment and heritage in the Area. The purpose of designating the Area as a DPA was to provide immediate planning control against unauthorized development which would be subject to planning enforcement action;

*High ecological and heritage value (R7 to R11, R18, R21 to R23, R25 and R30)*

- (xi) the planning intention of the Area was to protect its high conservation and landscape value and the rural settings which complemented the overall naturalness and the landscape beauty of the surrounding Sai Kung West Country Park and to reflect the existing recognized villages of Pak Sha O and Pak Sha O Ha Yeung;
- (xii) according to the Agriculture, Fisheries and Conservation Department (AFCD), the Hoi Ha EIS was of good water quality and had a diversity of freshwater fish. It supported the rare Three-lines Bagrid Fish, which had only been recorded at two sites in Hong Kong including Pak Sha O. The protection of ecologically sensitive areas including the riparian zone of the stream by appropriate conservation zoning was generally supported. Nevertheless, AFCD advised that it might not be appropriate to zone the stream as “SSSI” on the DPA Plan as the stream had not been designated as an existing SSSI;
- (xiii) DAFC advised that agricultural activities did not necessarily lead

to pollution. Many methods could be adopted in modern farming to avoid pollution and other problems detrimental to the environment. Chemical pesticides and fertilizers were not used in organic farming. Even in conventional crop farming practice, good agricultural practice would reduce the pollution problem to a minimum; and

*Application of Convention on Biological Diversity (R10 and R11)*

- (xiv) the Convention on Biological Diversity was formally extended to Hong Kong in 2011. It was an international treaty which emphasised the importance of biological diversity to human well-being. At the OZP preparation stage, due consideration would be given to the importance of the rich variety of flora and fauna within the Area with a view to striking a proper balance between nature conservation and development;

Responses to Representers' Proposals

- (o) the responses to the proposals of the representers were summarised as follows:

*Withdrawal of the DPA Plan (R1)*

- (i) under the Ordinance, there was no provision for withdrawal of statutory town plan once it had been published;

*Expanding the "V" zone (R2 to R4)*

- (ii) the proposed "V" zone extension areas comprised not only the existing village clusters, but also natural streams including the EIS and its tributaries, low-lying marshes, fung shui woodland and natural vegetated hillslopes. Also, the Area fell within upper indirect water gathering ground (WGG). According to the

Drainage Services Department (DSD) and the Director of Environmental Protection (DEP), there was no existing or planned public sewer within the Area. DEP advised that in order to protect contamination of potable water supply, there should be no further expansion of village housing within the WGG unless it was supported by the provision of public sewerage or some other effective means to ensure that there would be no increase in the load of nutrients, pathogen and other pollutants carried by waters abstracted for potable supply. The Water Supplies Department (WSD) also did not accept the proposed extension of “V” zones unless it could be demonstrated that the engineering solutions and mitigation measures proposed were effective in preventing and containing the pollution effect and that the proposal would not cause irreversible damage, unacceptable risks or negative impacts on the water environment and water quality;

- (iii) DAFC raised concern on the proposed “V” zone extensions as they might encroach upon woodlands as well as the Hoi Ha EIS and its riparian zone. Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the proposals as the Area was identified as of “high” and “high qualified” scenic and rural landscape character. Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that parts of the proposed “V” zones at Pak Sha O and Pak Sha O Ha Yeung were located below steep natural terrain and might be affected by potential natural terrain landslide hazards;
- (iv) the boundaries of the “V” zones would be further reviewed and defined during the preparation of OZP. Planning application for Small House development in the “Unspecified Use” areas could be considered by the Board based on individual merits;

*Rezoning from “Unspecified Use” to “AGR” and “REC” (R5)*

- (v) agricultural use was always permitted under the “Unspecified Use” designation and recreational uses could be submitted through the planning application system. While WSD and DEP raised concern on the adverse water impact on the WGG from any proposed development, DAFC advised that the proposed “REC” zone might encroach upon woodlands connecting to the surrounding country park. CTP/UD&L, PlanD also had reservations on the proposal as the Area was identified as of “high” and “high qualified” scenic and rural landscape character. The “Unspecified Use” area would be further studied at the OZP preparation stage;

*Amendments to the Notes of the “Unspecified Use” designation (R21)*

- (vi) the Remarks of the “Unspecified Use” area were intended to allow flexibility for public works co-ordinated or implemented by the government, which were generally necessary for provision, maintenance, daily operations and emergency repairs of local facilities, such as sidewalks, footpath, handrail, sign boards, planters, manhole etc., for the benefit of the public and/or environmental improvement. It would not be in the public interest to require planning permission for such works as this might cause unnecessary delay and adversely affect the public. According to the Home Affairs Department (HAD), the District Offices (DOs) might carry out small scale improvement works in rural areas, in which HAD or DO staff were required to consider the environmental implications in accordance with relevant legislation and guidelines as well as the comments of concerned departments as necessary;

*Amendments to the Notes and Explanatory Statement (ES) (R8, R10 and R11)*

- (vii) the existing village clusters of Pak Sha O and Pak Sha O Ha Yeung were zoned “V”. While further background studies/assessments and consultation with relevant departments on the cultural and historical significance of the entire village setting would be carried out at the OZP preparation stage, it was considered prudent to impose appropriate interim control to minimise any adverse impact on the existing village setting. It was proposed that the Remarks of the Notes of the “V” zone be revised by specifying that planning permission would be required from the Board for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building;

*Revising the Master Schedule of Uses of the “V” zone (R10 and R11)*

- (viii) the purpose of Column 2 uses was to provide flexibility for developments which were not incompatible with the planning intention of the relevant zone to cater for the changing circumstances. Those uses would be subject to scrutiny by the Board through the planning application system. Each application would be considered based on its individual merits taking into account all relevant factors including departmental comments and public views; and
- (ix) the proposed amendments to the Notes of the “V” zone as mentioned in sub-paragraph (vii) above would help ensure that an interim control could be put in place to minimize adverse impact on the existing village settings;

[Ms. Janice W.M. Lai and Ms. Julia M.K. Lau arrived to join the meeting at this point.]

Responses to Representer’s Proposals not directly related to the DPA Plan

- (p) the responses to the proposals not directly related to the DPA Plan put forth by R15 were summarised as follows:

- (i) it had been the Government's long-term target to prepare statutory plans for all areas of Hong Kong except areas covered/to be covered by Country Park. Such task would be undertaken having regard to development pressure, priorities and resource availability;
- (ii) PlanD had prepared a number of VLPs covering various recognised villages in the territory. For the existing VLPs, PlanD would continue to monitor the situation and update them if required. The preparation of new VLPs for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of the VLPs, manpower and priority of work within PlanD. For the new DPA Plans which had just been published/completed, OZPs with specific land use zonings should be prepared before layout plans could be contemplated. As the boundary of the "V" zone would be further reviewed and defined at the OZP preparation stage, the need for preparation of new VLP for the "V" zone to be covered by the OZP would be reviewed as appropriate; and
- (iii) processing of land grant applications in accordance with the NTEH Policy was under the jurisdiction of the LandsD, which was outside the purview of the Board. DLO/TP, LandsD did not support the representers' proposal as Small House applications would be processed under the Small House Policy;

Responses to Comments (C1 to C20)

- (q) the views of C1 to C20 in support of R6 to R41 for protecting the rural landscape and unique historical and cultural villages from inappropriate developments and building activities were noted. Responses to the views of C1 to C20 opposing R1 to R5 had been elaborated in the responses to the relevant grounds and proposals of the representations above;

PlanD's Views

- (r) the information to substantiate the ecological and heritage value of the area provided by Representations No. R18, R21, R23 and R30 were noted;
- (s) PlanD did not support Representations No. R1 to R5 and considered that no amendment should be made to the DPA Plan to meet the representations for the reasons given in paragraph 7.2 of the Paper;
- (t) PlanD had no objection to parts of Representations No. R6 to R41 and considered that the Remarks of the Notes of the "V" zone should be amended to partially meet the representations by specifying that planning permission would be required from the Board for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building as detailed in Annex IV of the Paper. To tie in with the proposed amendments to the Remarks of the Notes of the "V" zone, paragraph 7 of the covering Notes and the ES should also be revised as proposed in Annexes V and VI of the Paper respectively; and
- (u) PlanD did not support the remaining parts of Representations No. R6 to R41 and considered that no amendment should be made to the DPA Plan to meet the remaining part of the representations for the reasons given in paragraph 7.4 of the Paper.

12. The Chairman then invited the representers, commenters and their representatives to elaborate on the representations.

R1 - Mr. Ho Chi Chiu

13. Mr. Ho Chi Chiu made the following main points:

- (a) he was the Village Representative of Pak Sha O;

- (b) Pak Sha O Village was a traditional Hakka village with a history of over 100 years. Villagers used to make a living by growing rice and vegetables. The Ho family was the largest clan in the village;
- (c) in the past, Pak Sha O Village had a population of over 200 persons with a primary school for 50 students and a Catholic church;
- (d) the livelihood of the villagers had been adversely affected by the construction of High Island Reservoir in the 1970s which significantly reduced the amount of water flowing through Pak Sha O, affecting the agricultural activities there. As a result, villagers were forced to leave Pak Sha O to work in the urban areas or even overseas;
- (e) with a reduction of waterflow in the streams, the rare Three-lines Bagrid Fish could no longer be found in Pak Sha O;
- (f) the “V” zone on the draft DPA Plan was grossly insufficient to meet the present and future housing needs of the villagers. The population figure of 37 persons stated in the ES of the DPA Plan was incorrect. As at the end of 2012, the male population of Pak Sha O was about 200 persons, of which over 60 persons were from the Ho’s clan;
- (g) the population currently living in Pak Sha O was small mainly because of the lack of transport and other basic infrastructures. The villagers’ request for the construction of a 1.5 km vehicular access road between Hoi Ha Road and the Pak Sha O Youth Hostel was never followed up by the Government;
- (h) many villagers who had left Pak Sha O wanted to return to the village after retirement; and
- (i) the Board should take into account the aspiration and housing needs of the villagers.

[Ms. Christina M. Lee arrived to join the meeting at this point.]

14. Mr. Lee Yiu Ban made the following main points:

- (a) he was an executive member of SKNRC and the New Territories Heung Yee Kuk (HYK);
- (b) it was sad that many remote villages in the New Territories, which formed part of the history of Hong Kong, had been depopulated and had fallen into ruins;
- (c) village development and environmental protection were not mutually exclusive. Villagers had in the past contributed to the conservation of the rural environment through proper usage of land and preservation of woodlands. With people living in the villages, the ecology and biological diversity of the area would improve. More consideration should be given to the sustainable development of villages in the planning of Pak Sha O;
- (d) the substantial amount of money and resources devoted by the Ho family in building and maintaining the Ho Residence was a classic example showing the affection of villagers to the village;
- (e) the main issue affecting the vitality of villages was vehicular access. Hoi Ha was able to sustain itself mainly because of the presence of an access road; and
- (f) the Board should comprehensively consider the needs of the villagers and conservation, and strike a proper balance between them.

[Mr. Clarence W.C. Leung arrived to join the meeting at this point.]

R2 - SKNRC

15. Mr. Leung Wo Ping made the following main points:

- (a) he was an indigenous villager who was still residing in a village;
- (b) although he went abroad in the 1960s, he came back to the village upon his retirement in 1992;
- (c) as most villagers would like to return to their home village after retirement, the “V” zones on the DPA Plan were not adequate to meet the needs of the villagers of Pak Sha O. As land was available around the villages, the “V” zones should be enlarged to provide about 200 Small Houses;
- (d) as stated in a booklet issued by the then Country Park Authority in 1977, the Government made a commitment that private land would not be incorporated into country parks. The Government also made a commitment to consult the local villagers when delineating the boundary of country parks;
- (e) the current government policies had affected the livelihood of indigenous villagers as they could no longer build Small Houses in the villages in Pak Sha O; and
- (f) the Board should consider the request of Pak Sha O villagers and designate more land for village development.

R3 (Ms. Ho Kam Ling and Mr. Ho Wai Ming), R4 (Mr. Yung Ah Ming) and R5 (Xinhua Bookstore Xiang Jiang Group Ltd.)

16. Mr. Chung Pui Kai made the following main points:

- (a) R3 were two indigenous villagers of Pak Sha O Village who had submitted Small House applications to LandsD before the publication of the draft DPA Plan. Although the proposed Small Houses were located within the ‘VE’ of the village, the processing of the Small House applications of R3 had been put on hold. To ensure that the Small

House demand of indigenous villagers could be satisfied, it was proposed that the land within the 'VE' of Pak Sha O Village be rezoned to "V" as shown on Drawing H-1 of the Paper;

- (b) although NTEH development was permissible under the planning application system, any planning application would require time and resources on the part of the villagers. R3 was also worried that the processing of planning applications under the DPA Plan would be delayed in view of the need to prepare an OZP for the area;
- (c) R4, an indigenous villager of Pak Sha O Ha Yeung, had the same grounds of representation as R3. R4 proposed to rezone the land within the 'VE' of Pak Sha O Ha Yeung to "V" as shown on Drawing H-2 of the Paper;
- (d) the Board should take into account of the interests of the indigenous villagers of Pak Sha O and Pak Sha O Ha Yeung in preparing the OZP;
- (e) R5, being the owner of land parcels in Pak Sha O before the publication of the plan, requested that an area of about 14.9 ha be rezoned from "Unspecified Use" to "AGR". R5 also proposed to rezone an area of about 4.6 ha from "Unspecified Use" to "REC" to provide land for some potentially compatible recreational uses; and
- (f) PlanD and/or the Board should consult R5 when preparing the OZP for Pak Sha O.

R8 - Mr. Christophe Barthelemy

17. With the aid of a Powerpoint presentation, Mr. Christophe Barthelemy made the following points:

- (a) he was an architect and biologist;
- (b) Pak Sha O possessed a unique blend of rural landscape, ecology and

human residences. It was a place where anthropogenic culture and nature co-existed in harmony in an unspoiled environment;

- (c) the landscape of Pak Sha O was characterised by a sense of remoteness and tranquillity. The overall landscape value was high and the valley setting of Pak Sha O had made an important contribution to the character of the historic Hakka village;
- (d) the buildings in the villages of Pak Sha O and Pak Sha O Ha Yeung not only possessed architectural and heritage merits individually but also as a group, due to their homogeneity and harmonious design. Together, the village buildings demonstrated a fine and rare example of a historical human settlement that was representative of Hakka culture;

[Mr. F.C. Chan arrived to join the meeting at this point.]

- (e) the criteria adopted by the AMO in the assessment of historic buildings should be applied in assessing the village houses in Pak Sha O. They included architectural merit, group value, social value and local interest, rarity, authenticity and compatibility;
- (f) the fung shui woodlands in Pak Sha O were old-growth woodlands with little human disturbance and supported moderate plant diversity. Approximately 100 species of flora were recorded in the woodlands including five species that were of conservation concerns;
- (g) the woodland and stream networks in Pak Sha O supported a diverse fauna including mammals, birds, amphibians, reptiles, fishes and insects. Rare and endangered species such as leopard cat, East Asian porcupine, bats, brown fish owls, etc. were recorded. Many fauna species of conservation significance were associated with the good water quality found in the stream network and marshes in Pak Sha O;
- (h) the stream system at Pak Sha O was designated as an EIS and thus

required appropriate protection. Any development requiring extensive site formation and infrastructure would cause silting of streams and damage the ecosystem of Pak Sha O. Leakage from the soakaway pits would potentially affect the water quality and adversely affect the ecology of the area;

- (i) in view of the unique character and historic value of the area, opportunity should be taken to reinforce the planning control in Pak Sha O. The village areas should be zoned as “CA” and the remaining parts of the Area as “Unspecified Use”. The areas occupied by the ruined village structures should be designated as “CA-1” where rebuilding activities would be considered based on strict criteria on architectural merit and sustainability;
- (j) the conventional Spanish-style NTEH developments would cause significant adverse visual and heritage impacts to Pak Sha O. There should be a complete ban on building activities and change of land use within the Area until a full assessment of the ecological, historical, cultural, architectural and landscape value of the area was conducted; and
- (k) the amendments to the Notes and ES of the draft DPA Plan as proposed by R10 were supported.

R9 and C13 - Mr. Timothy Richard Collard

18. Ms. Tsang Kwan Ting showed a short film on Pak Sha O and made the following main points:

- (a) she was an indigenous villager of Pat Heung, who had decided to settle down in Pak Sha O after retirement;
- (b) no indigenous villager had been living in Pak Sha O for the last 10 years;
- (c) the Hakka village at Pak Sha O had been very well preserved, attracting many visitors who came to appreciate the pristine environment;

- (d) the current residents in Pak Sha O had strived to preserve the appearance of the historic villages. In carrying out maintenance works, they used building materials that matched the architectural style of the existing village houses. In effect, the existing residents had helped revitalise the village and conserve the cultural heritage and natural environment; and
- (e) the Board should preserve the character of the Hakka village for enjoyment of our future generations.

19. Mr. Timothy Richard Collard made the following main points:

- (a) he had lived in Pak Sha O Village for 10 years;
- (b) Pak Sha O was situated in an area of outstanding natural beauty with a Hakka village built in the Qing dynasty. There was no other similar unspoiled and inhabited village in Hong Kong;
- (c) the EIS in Pak Sha O and the riverine ecosystem supported a diverse community of fishes. Moreover, the woodlands in Pak Sha O supported one of the largest and rarest birds in Hong Kong, i.e. the brown fish owl. As the area was highly sensitive ecologically, any pollution caused by construction, additional sewage discharge or agricultural activities should be carefully monitored;

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

- (d) existing recreational uses in Pak Sha O were sustainable, imposing minimal environmental impact and compatible with the surrounding natural environment of country park. There was no need for any additional recreational development as proposed by R5;
- (e) any modern NTEH development would be out-of-character with the existing Hakka houses in Pak Sha O, causing adverse visual impact;

- (f) the proposed amendments to the Remarks of the Notes of the “V” zone by PlanD were insufficient to protect the wider natural and historical context of Pak Sha O. A complete moratorium on any demolition, modification or construction of village houses should be imposed until thorough assessment of the heritage and natural value of Pak Sha O and Pak Sha O Ha Yeung had been conducted; and
- (g) the Board should reconsider the size of the “V” zone in view of the small amount of indigenous villagers intending to live in Pak Sha O. The land around the villages should be zoned “CA” or “SSSI” as appropriate to provide added protection.

R10 and C12 – Mr. Ruy Barretto

20. With the aid of the visualiser, Mr. Ruy Barretto made the following main points:

- (a) Pak Sha O was a characteristic Hakka village which should be conserved and special controls should be added to the DPA Plan to protect all attributes in Pak Sha O;
- (b) to prevent known threats such as filling and excavation from taking place in “V” zones, the planning controls under the DPA Plan should be enhanced;
- (c) controls over demolitions and new developments were required to protect the cultural and natural heritage and the scenic and rural landscape. Planning controls should be imposed to preserve the existing heights of village buildings. A set of standards that controlled design, disposition and height of developments should be introduced to ensure compatibility with the traditional or vernacular Hakka village architecture;
- (d) the procedure of the Biodiversity Strategy and Action Plan (BSAP)

provided under the Convention on Biological Diversity should be carried out for Pak Sha O;

- (e) under the BSAP approach, an integrated conservation strategy would be adopted and applicable to all government departments and public bodies including the Board;
- (f) Pak Sha O met the principles and criteria for designation as a country park and the Area should be fully protected as a potential country park. In this regard, the DPA Plan should be used as a stopgap measure to guard against threats of development pending consideration of Pak Sha O as a country park extension;
- (g) suggested amendments to the covering Notes, the Notes of the “V” zone and the ES of the DPA Plan were tabled for Members’ reference. The amendments were intended to reinforce the general planning intention for the Area from the conservation point of view and to tighten planning control for the conservation of the heritage and ecological value of the Area. The suggested amendments were detailed in Annex 1-10 of the Paper and summarised as follows:
  - (i) to amend paragraph 7 of the covering Notes so that planning permission would be required for demotion of building, some government works, rebuilding of NTEH and replacement of an existing domestic building;
  - (ii) to remove uses which were incompatible with the planning intention from Column 2 of the Schedule of Uses of the “V” zone;
  - (iii) to revise the planning intention in the Notes of the “V” zone to fit in with the general planning intention for the Area;
  - (iv) to amend the Remarks of the “V” zone to allow only buildings which matched the existing buildings and to impose control on

infilling/excavation of land; and

- (v) to amend the ES of the DPA Plan by specifying the need for planning applications to have regard to the landscape and ecosystem on a holistic basis or the ecosystem approach, and by stating requirements on assessment and prevention of adverse cumulative impacts;
- (h) the Pak Sha O DPA Plan, its Notes and ES should be amended as suggested so that the public interest could be protected by enforceable rules;
- (i) as the general planning intention was for conservation of the Area, the main objective of the DPA Plan should be highlighted as comprehensive cultural heritage and nature conservation. Any NTEH-type development within the existing village cluster would ruin the character of the Hakka village and destroy the unique value of the place;
- (j) the flexibility provided under Column 2 of the “V” zone were incompatible with the planning intention and would undermine the conservation objectives for the Area; and
- (k) Pak Sha O should be conserved as a potential Country Park until such time that its management could be handed over to the Country and Marine Parks Authority.

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

R15 – Designing Hong Kong Ltd.

21. With the aid of a Powerpoint presentation, Ms. Debby Chan made the following main points:

- (a) she supported the introduction of statutory planning control to Pak Sha O to guard against unauthorised development;

- (b) assuming one hectare of land could accommodate 40 village houses, the country park enclaves in Sai Kung would produce a total of 5,418 village houses upon full development of the concerned “V” zones and ‘VE’, accommodating about 32,508 persons;

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

- (c) the cumulative impact of such an increase in population would adversely affect the carrying capacity of traffic in Country Park, and disrupt its tranquillity;
- (d) the negative impacts of Small House developments in Pak Sha O would include unlawful construction of access, unlawful site formation works, water pollution, chaotic village layouts, open refuse collection points along roads and construction activities throughout country parks for slope stabilisation and access road; and
- (e) the “V” zones should be confined to the existing building lots and all other areas should be rezoned to “CA”.

#### R21 – Green Power

22. With the aid of a Powerpoint presentation, Mr. Stanley Chan Kam Wai made the following main points:

- (a) it was evident that the villagers had been selling their land in Pak Sha O to developers. According to a random land search on 110 lots in the Pak Sha O area, about 40% of the lots were held by R5, which was a company engaged in the development of luxury housing and columbarium. In this regard, there was doubt on the villagers’ claim that they wanted to return to the village;
- (b) there were numerous examples of ‘Destroy First, Develop Later’ approach being found in country park enclaves. They included Sham Chung, Tam Wat, She Tau Village, To Kwa Ping and Pak Lap;

- (c) one of the problems was that the Government could only take enforcement action after damage to the agricultural land had been done;
- (d) an ecological survey conducted in Pak Sha O revealed that the Area had an extremely rich and diverse biodiversity. A total of 75 butterfly species, 11 freshwater fish species including the Three-lines Bagrid Fish, 78 bird species, 8 amphibian species and 23 reptile species had been recorded, including some rare and endangered species;
- (e) Pak Sha O possessed a diverse ecology, cultural heritage and human residences mixed together in proximity to one another. In order to conserve the cultural heritage and the ecology of the Area, the Board should not allow any further development in Pak Sha O; and
- (f) as the vacant agricultural land in Pak Sha O had become a valuable wetland, these areas should be designated as “SSSI”.

R23 – WWF-HK

23. Mr. Lau Shiu Keung made the following main points:

- (a) since 2011, the HKSAR had become a signatory of the Convention on Biological Diversity. According to the 2013 Policy Address, the Government would formulate a Biodiversity Strategy and Action Plan for Hong Kong and emphasise conservation of land and marine ecologies in major government policies;
- (b) under the New Nature Conservation Policy, statutory town planning had been recognised as one of the tools for protecting sites of high ecological importance;
- (c) there was a need to control development within country park enclaves;
- (d) according to two site inspections conducted in 2012, Pak Sha O

possessed an important natural ecological environment which comprised natural streams, freshwater marshes, secondary woodlands, fung shui woodlands and seasonal wetlands, etc. Many species that were of conservation interest including owls, bats and fishes were recorded;

- (e) Pak Sha O had been subject to threats from uncontrolled activities. In October 2012, earth-moving and drainage works had caused damages to the ecology of a freshwater marsh;
- (f) the publication of the draft DPA Plan was an important step to preserve Pak Sha O and to guard against unauthorised developments; and
- (g) the Area should be designated with zonings on the OZP which could restore the natural environment. A 30m buffer zone should be designated along the EIS in Pak Sha O to safeguard the water quality of the stream and its downstream areas.

R7 and C16 – Friends of Hoi Ha

24. With the aid of a Powerpoint presentation, Mr. David Newbery made the following main points:

- (a) Hoi Ha and Pak Sha O were adjacent villages in Sai Kung which were subject to similar planning and environmental issues;
- (b) the presentations made by R8, R9, R10, R15, R21 and R23 were supported, in particular the proposal in respect of the amendments to the Notes of the DPA Plan to tighten up planning control in Pak Sha O;
- (c) the landscape of Pak Sha O was worthy of preservation as there was an extensive woodland coverage, a village with communal building style, and a valley with paddy fields and stream courses;
- (d) Pak Sha O was different from other country park enclaves in that the landscape fabric of the village itself was worthy of protection. As the

existing houses were still habitable and in good condition, there was no need for any rebuilding or redevelopment. Moreover, any development of new 3-storey Spanish-style NTEH in Pak Sha O would spoil the character of the existing villages; and

- (e) the visual envelope of Pak Sha O comprised an extensive area of country park in the surrounding. Any incompatible development in the Area would have significant landscape and visual impacts on the surrounding countryside.

25. As the representers, commenters and their representatives had finished their presentation, the Chairman invited questions from Members.

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

#### *Moratorium on development in Pak Sha O*

26. A Member asked whether it was reasonable to impose a moratorium on development in Pak Sha O when there was a possibility that the indigenous villagers living overseas might return to the village. The Member also said that allowing an appropriate amount of development would enliven the area. In response, Mr. Christophe Barthelemy (R8) said that the indigenous villagers' claim that they would return to the village was dubious as they had already sold their land to a private property developer. He continued to say that the social profile of Pak Sha O village had changed over the years with a vibrant community of about 40 people who were not indigenous villagers living in the village. Any increase in population would adversely affect the EIS and cause damage to the ecosystem, due to land formation, construction and other activities. Notwithstanding this, Mr. Barthelemy would have no objection to any new development in the two villages on the condition that a mechanism was in place requiring new developments to be built in accordance with specific design requirements that complemented the existing vernacular Hakka style.

27. Mr. Ruy Barretto (R10) said that there already existed a vibrant, exciting and educational community in Pak Sha O. The place was a priceless gem of Hong Kong.

As it was in the public interest to preserve the existing village houses in Pak Sha O, a moratorium should be imposed as a stopgap measure until a suitable place was identified where development could take place without affecting the heritage and the natural environment.

[Ms. Julia M.K. Lau returned to join the meeting at this point.]

28. Mr. Timothy Richard Collard (R9) said that the existing village houses were available for indigenous villagers who wished to return to live in the village. However, the development of 3-storey Spanish-style NTEHs were incompatible with the existing vernacular village houses in the “V” zone, and hence a moratorium was considered appropriate until proper planning mechanism/design code was in place to ensure that any new developments in Pak Sha O were compatible with the architectural style of the existing villages.

29. Mr. Stanley Chan Kam Wai (R21) supplemented that the Ho Residence was a well-preserved living and cultural museum in Pak Sha O as the current resident had used his own resources to maintain and reinstate the vernacular style of the house and relics and artefacts of the Hakka people were kept in the house.

30. Mr. Lee Yiu Ban (R1) said that the focus of the hearing was biased towards conservation. If the proposed moratorium was imposed, there should be a suitable arrangement to meet the housing needs of the villagers. The Government would need to allocate resources for the conservation of Pak Sha O, just as it did for King Yin Lei. He also said that the HYK had all along been advocating the setting up of a conservation fund so that private land of significant conservation interest could be resumed and the owners be compensated by the Government. There should not be conflict between green groups and the villagers as long as the Government would allocate resources for the conservation of the environment.

31. The same Member asked R1 his views of using the DPA Plan as a stopgap measure to effect planning control in Pak Sha O pending further studies on detailed assessment on the heritage value of the villages and an appropriate mechanism to conserve the area. Mr. Lee Yiu Ban said that he did not envisage significant pressure for new

development, redevelopment and modification of the village houses within the 3-year validity period of the DPA Plan and that villagers would have no strong views on such stopgap measure. The crux of the matter lied on whether appropriate arrangement could be made in the OZP preparation stage to take into account the villagers' needs properly. While villagers were not against nature conservation, a proper balance between development and conservation should be struck.

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

#### *Controls on demolition of buildings in "V" zone*

32. In response to a Member's enquiry, Ms Jacinta Woo said that the proposed amendments to the covering Notes of the DPA Plan meant that any use or development mentioned in paragraph 7(a) would no longer be always permitted if control had otherwise been specified in Column 2 or the Remarks of the zone. As such, any proposed demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the "V" zone would require planning permission from the Board.

33. A Member enquired whether for future Small House developments, the villagers were willing to adopt an architectural style compatible with the existing village houses in Pak Sha O. In response, Mr. Lee Yiu Ban said that the architectural style of NTEHs was largely constrained by the standard dimensions applicable to NTEH. There was limited flexibility to vary the standard dimensions of a NTEH for a special house style.

#### *Proposals of R3, R4 and R5*

34. In response to a Member's enquiry on the scale of development being pursued by R3 to R5, Mr. Chung Pui Kai said that R3 and R4 wanted to build Small Houses within the 'VE', and R5 proposed that part of the an area should be for agricultural use while a "REC" zone was proposed to provide facilities of leisure or recreational nature. The intention was not for a large-scale holiday resort. In response to the question of another Member, Mr. Chung said that he had no information on the business background of R5 nor the details of the recreational use proposed.

*Environmental impact of public works*

35. A Member enquired about the public works that were reported to have caused degradation to the environment as mentioned by R21. In response, Dr. Karen Woo (R21) said that there had been a pollution incident caused by footpath maintenance works at Hang Mei where construction waste was thrown into a stream by the contractor. At Pui O, the poor site practice of sub-contractors had resulted in siltation and pollution of a river. In this regard, public works such as construction of footpath, slope stabilisation and river works should be placed under planning control. Dr. Woo also requested that details of such government works should be published for public inspection so that they could be properly monitored by the general public.

*Return of villagers to Pak Sha O*

36. Ms. Tsang Kwan Ting (R9) said that many indigenous villagers of Pak Sha O had already sold their right to build Small Houses to the developer. Except the Ho Residence, most of the houses within the villages had been sold to outsiders and those houses which were not sold had been let out to outsiders for decades. It was unlikely that the indigenous villagers would return to live in Pak Sha O.

37. Mr. Ho Chi Chiu (R1) said that the villagers were forced to leave Pak Sha O to make a living. Although some indigenous villagers had sold their land to outsiders, many villagers wanted to return to live in the village. He said that the Ho Residence had been preserved in an excellent condition and it would definitely not be sold. Indeed, the Ho's family had not sold any of their land in Pak Sha O. Mr. Lee Yiu Ban said that some villagers of Pak Sha O had sold their land mainly because they did not see any prospect in developing their land. Without road access and other basic infrastructures, they could not make a living in Pak Sha O. In fact their land was sold at a very low price.

38. In response to a Member's enquiry on how returning villagers could make a living, Mr. Ho Chi Chiu (R1) said that the location of Pak Sha O was remote and currently not served by vehicular access. If a road could be built providing direct access to Pak Sha O, villagers would be able to travel to other places in Hong Kong to work.

*Basic Law*

39. In response to the question of a Member, Mr. Ho Chi Chiu (R1) said that the imposition of planning controls had taken away the rights of the villagers and was against the Basic Law.

40. As Members had no further questions, and the representers, commenters and their representatives had nothing to add, the Chairman said that the hearing procedures had been completed, and that the Board would deliberate on the representations in their absence and would inform them of the Board's decision in due course. The Chairman thanked the representers, commenters and their representatives and the representatives of PlanD for attending the hearing. They all left the meeting at this point.

41. Members took a short break of 5 minutes at this juncture.

Deliberation Session

42. Members generally noted that the views and concerns expressed by the representers, commenters and their representatives and the preparation of the DPA Plan provided a stopgap measure to effect planning control over the Pak Sha O area.

43. The Chairman then recapitulated the following key considerations:

Ecological value

- (i) the supportive views on the DPA Plan and the information to substantiate the ecological and heritage values of Pak Sha O were noted;

"V" zone boundary

- (ii) the boundaries of the "V" zones were drawn up provisionally around existing village clusters having regard to existing building structures, approved Small House applications and existing site conditions. They would be further reviewed and defined at the OZP preparation stage to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation

value, environment, infrastructure and landscape character;

“Unspecified Use” designation

- (iii) owing to the urgency to establish planning control under the DPA plan, majority of the Area had been designated as “Unspecified Use”. ‘Agricultural Use’ was always permitted under the “Unspecified Use” and no planning permission was required from the Board. Hence, the “Unspecified Use” designation would not affect activities relating to agricultural uses. Detailed zonings for the area would be worked out during the preparation of OZP;

Depriving property right under Basic Law

- (iv) insofar as Small House development was subject to planning controls that might be imposed under the Ordinance before the Basic Law came into force, applying controls to the area concerned by way of the draft DPA Plan did not appear inconsistent with the protection of the lawful traditional rights and interests of the New Territories indigenous inhabitants under Basic Law 40;

Incorporating the Area into the Country Park

- (v) it was outside the jurisdiction of the Board to determine whether certain areas were suitable for designation as a country park;

“Destroy First, Develop Later”

- (vi) the Board was determined to deter the “Destroy First, Develop Later” approach which would lead to the deterioration of environment and heritage in the Area. The purpose of introducing the DPA Plan was to provide immediate planning control against unauthorized development, which would be subject to planning enforcement action;

Ecological consideration

- (vii) the protection of ecologically sensitive areas including the riparian zone of the stream by appropriate conservation zoning was generally

supported. At the OZP preparation stage, due consideration would be given to the importance of the rich variety of flora and fauna within the Area; and

44. Regarding the concern on the preservation of the Hakka village setting, the Chairman said that PlanD proposed to amend the Remarks of the Notes of the “V” zone by specifying that planning permission would be required from the Board for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building. This would act as an interim control to minimise any adverse impact on the existing village setting before further background studies/assessments and consultation with relevant departments on the cultural and historical significance of the whole existing village settings would be carried out at the OZP preparation stage.

*Planning control on existing developments*

45. Noting the amendments to the Notes of the DPA Plan as proposed by PlanD, a Member enquired whether the controls were adequate. The Chairman said that according to PlanD’s proposed amendments to the Notes, any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “V” zone would require planning permission from the Board. The Secretary supplemented that the incorporation of such control in the Remarks of the “V” zone was not unprecedented. Similar control had been provided for in the Sha Lo Tung OZP and was effective in controlling the concerned activities.

46. The Secretary continued to say that with the proposed amendments to the covering Notes, any use or development mentioned in paragraph 7(a) would no longer be permitted if it had been specified in Column 2 or in the Remarks of the Notes of the zone, and would require planning permission from the Board. Under the “Unspecified Use” designation, all uses and developments, except ‘Agricultural Use’, would require planning permission from the Board; and under the “V” zone, any new development for a Column 2 use and any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building would require planning permission from the Board. The above would address Members’ concern on planning control in Pak Sha O.

47. As regards how the demolition of buildings within the “V” zone would be controlled, the Chairman said that planning applications for such demolition works would need to be submitted under section 16 of the Ordinance for consideration of the Board. In considering whether to grant planning permission for the proposed demolition works, the Board would take into account relevant factors including the views of the AMO and other relevant government departments as well as the public comments received. Each application would be considered based on its individual merits.

*Planning control on new developments*

48. A Member said that while PlanD’s proposed amendments would help conserve the existing buildings, new NTEHs, which were always permitted within the “V” zone, might cause adverse impacts on the character and heritage value of the village setting. This Member asked whether planning control on new NTEH within the “V” zone should be considered. The Secretary said that according to the Notes of the current “V” zone, new NTEH developments would not require planning permission from the Board. However, should it be considered necessary by the Board, the Notes of the “V” zone could be amended by placing NTEH as a Column 2 use and each application would be considered by the Board on its individual merits. Similar control had been introduced in the Tai Long Wan OZP.

49. At the request of the Chairman, Mr. Jeff Y.T. Lam explained that in processing Small House applications, LandsD would specify in the land document the permitted dimensions of the proposed development which conformed with a NTEH. LandsD did not have any design requirement for the proposed development and would not consider the architectural style of the proposed houses under the land document. Mr. Lam said that while the views of the relevant government departments (including AMO as necessary) would be sought in processing the Small House application, he was not aware of any such application that was rejected by LandsD on conservation of heritage building grounds.

[Mr. Patrick H.T. Lau arrived to join the meeting at this point.]

50. A Member said that since any new Spanish-style NTEH would be incompatible with the existing vernacular Hakka village setting, the placement of NTEH as

a Column 2 use within the “V” zone should be considered provided that the justifications were clearly spelt out. The Member also said that a design code on the façade and architectural style of the new NTEH might be useful to guide future development. The Secretary said that the justifications for placing NTEH as a Column 2 use within the “V” zone would be set out in the ES of the DPA Plan.

51. A Member said that the village houses in Pak Sha O had already been significantly modified and commented that their conservation value was not up to the standard of heritage conservation. There were in fact other villages that had much higher conservation value. As the development rights of indigenous villagers would need to be respected, this Member considered it unreasonable for the Board to impose controls on the architectural style of NTEHs. In response, the Chairman said that the purpose of controlling new developments within the “V” zone was not to restrict new NTEHs to a particular architectural style, but to enable the Board to consider the potential impacts of individual NTEH development taking account of the advice of relevant government departments and public comments received, and to impose approval conditions where appropriate. The Secretary supplemented that in order to guide future development, the rationale for requiring new NTEH within the “V” zone to obtain planning permission from the Board would be set out clearly in the ES of the DPA Plan. Such arrangement should be considered as a stopgap measure to prevent any incompatible development within the “V” zone until such time when more definite zonings were introduced under the OZP.

#### *Control on agricultural use*

52. Noting that ‘Agricultural Use’ was always permitted in areas designated as “Unspecified Use”, a Member asked whether there were provisions under the DPA Plan to control unauthorised activities carried out in the name of agricultural activities. In response, the Secretary said that ‘Agricultural Use’ was defined under the ‘Definitions of Terms/Broad Use Terms Used in Statutory Plans’ adopted by the Board. Any use which did not comply with the definition, including the criteria on thickness of soil for cultivation, would not be considered as ‘Agricultural Use’. Furthermore, in “Unspecified Use” area, any unauthorised diversion of streams, filling of land/pond or excavation of land, including that to effect a change of use to a permitted use (including agricultural use) would require planning permission from the Board. Any unauthorised development detected would be

subject to enforcement action by the Planning Authority under the Ordinance.

*Planning study for preparation of OZP*

53. While supporting the imposition of statutory control on demolition, addition, alteration, modification and redevelopment of existing buildings with the “V” zone, a Member said that the conservation of the village buildings in the long term should be given further consideration in the preparation of OZP. A planning study to comprehensively assess the various considerations including landownership, heritage conservation and resource implications might be necessary. In response, the Chairman said that a detailed planning study would be conducted at the OZP preparation stage taking into account relevant assessments/studies on various aspects including cultural heritage, ecology, traffic, sewerage, landscape and geotechnical etc.

*Exemption of planning approval for public works*

54. In respect of a representer’s concern on the adverse environmental impact caused by public works, Mr. Eric K.S. Hui said that as far as HAD’s minor works projects were concerned, it was the department’s standing practice to remind its term consultants and minor work contractors from time to time to comply with the relevant guidelines to maintain the works areas properly at all times and the cases of violation of such guidelines were few and far apart. Mr. Hui added that the concern of the green groups might be due to the different requirements and aspirations on the works and facilities among different end-users. For example, the primary objective of HAD’s footpath projects was to provide access to local villagers, who preferred concrete surface while hikers might prefer soft soil. Nevertheless, HAD would try to adopt, as far as possible, environmental-friendly designs and materials in its minor works projects and strike a balance between the needs and aspirations of different user groups. Another Member commented that in order to improve the supervision of HAD’s minor works, an assessment system comparing the ‘before’ and ‘after’ situation of the works might be useful. Members agreed that the problems raised were not related to the scope of the Government works project but their implementation. The requested that Mr. Eric Hui should relay the concern to HAD and DOs and agreed that no amendment to the DPA Plan needed to be made in this aspect.

*Conclusion*

55. After further deliberation, Members agreed to note the information to substantiate the ecological and heritage values of the area provided by Representations No. R18, R21, R23 and R30. Members also agreed to partially meet Representations No. R6 to R41 by (i) amending the Remarks of the Notes of the “V” zone and paragraph 7 of the covering Notes so that planning permission would be required from the Board for any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the “V” zone, and (ii) amending the Notes of the “V” zone so that any new NTEH within the “V” zone would require planning permission from the Board. The ES of the DPA Plan would be suitably amended. The proposed amendments to the draft DPA Plan, its Notes and the ES would be exhibited for public inspection under section 6C(2) of the Ordinance. Members also agreed not to uphold Representations No. R1 to R5 and the remaining parts of Representations No. R6 to R41 and that no amendment should be made to the DPA Plan to meet the representations. Members then went through the reasons for not upholding the representations and not to amend the draft DPA Plan to meet the representations as detailed in paragraphs 7.2 and 7.4 of the Paper and agreed that they were appropriate.

Representations No. R1 to R5

56. After further deliberation, the Board decided not to uphold Representations No. R1 to R5 and not to amend the DPA Plan to meet the representations for the following reasons:

*Adequacy of “V” zone (R1 to R4)*

- (i) the DPA Plan was an interim plan which provided stopgap measures to provide planning guidance and to facilitate development control within the Area during the period in which detailed analysis and assessments of the land use proposals and study of infrastructural provisions would be carried out for the formulation of an OZP. The boundaries of the current “V” zones were drawn up provisionally around existing village clusters having regard to existing building structures, approved Small House applications and existing site conditions. Areas of difficult

terrain, dense and mature vegetation, and ecologically sensitive areas were not included. The boundaries of the “V” zones would be further reviewed and defined at the OZP preparation stage to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation value, the environment, infrastructure, and landscape character. Relevant departments and stakeholders’ views would also be taken into account where appropriate;

*Depriving property right under the Basic Law (R1)*

- (ii) given that R1 specifically referred to the small part of the area designated for village type development, his complaint seemed to be that Small House development by indigenous villagers would be adversely affected by the draft DPA Plan. Yet, even assuming that the draft DPA Plan would adversely affect Small House development in the area concerned, insofar as Small House development was subject to planning controls that might be imposed under the Town Planning Ordinance (Cap. 131) before the Basic Law came into force, applying those controls to the area concerned by way of the draft DPA Plan did not appear inconsistent with the protection of the lawful traditional rights and interests of the New Territories indigenous inhabitants under Basic Law 40;

*Country Park Designation (R2)*

- (iii) designation of the Country Park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board;

*“Unspecified Use” designation (R5)*

- (iv) owing to the urgency to establish planning control under the DPA plan, majority of the Area, except land within the “V” zone, had been designated as “Unspecified Use”. Although there was no “Agriculture”

zone on the DPA Plan, 'Agricultural Use' was always permitted under the area designated for "Unspecified Use" and no planning permission was required from the Board. Hence, the "Unspecified Use" designation would not affect activities relating to agricultural uses. Detailed zonings for the area would be worked out at the OZP preparation stage; and

*Withdrawal of the DPA Plan (R1)*

- (v) under the Town Planning Ordinance, there was no provision for withdrawal of the statutory town plan once it had been published in the Gazette.

Representations No. R6 to R17, R19 to R20, R22, R24 to R29, and R31 to R41

57. After further deliberation, the Board agreed to partially meet Representations No. R6 to R17, R19 to R20, R22, R24 to R29 and R31 to R41 by amending the Notes of the DPA Plan so that any new NTEH and any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the "V" zone would require planning permission from the Board, and decided not to uphold the remaining parts of the representations for the following reasons:

- (i) the DPA Plan was an interim plan which provided stopgap measures to provide planning guidance and to facilitate development control within the Area during the period in which detailed analysis and assessments of the land use proposals and study of infrastructural provisions would be carried out for the formulation of an OZP. The boundaries of the current "V" zones were drawn up provisionally around existing village clusters having regard to existing building structures, approved Small House applications and existing site conditions. Areas of difficult terrain, dense and mature vegetation, and ecologically sensitive areas were not included. The boundaries of the "V" zones would be further reviewed and defined at the OZP preparation stage to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation value, the

environment, infrastructure, and landscape character. Relevant departments and stakeholders' views would also be taken into account where appropriate;

*Country Park Designation (R20)*

- (ii) designation of the Country Park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board; and

*Revising the Master Schedule of Uses of the "V" zone (R10 and R11)*

- (iii) the purpose of Column 2 uses was to provide flexibility for developments which were not incompatible with the planning intention of the relevant zone to cater for the changing circumstances. Those uses would be subject to the scrutiny of the Board through the planning application system. Each application would be considered by the Board on its individual merits taking into account all relevant factors including departmental comments and public views.

Representations No. R18, R21, R23 and R30

58. After further deliberation, the Board noted the information to substantiate the ecological and heritage values of the area provided by Representations No. R18, R21, R23 and R30, agreed to partially meet Representations No. R18, R21, R23 and R30 by amending the Notes of the DPA Plan so that any new NTEH and any demolition of or any addition, alteration and/or modification to or redevelopment of an existing building within the "V" zone would require planning permission from the Board, and decided not to uphold the remaining parts of the representations for the following reasons:

- (i) the DPA Plan was an interim plan which provided stopgap measures to provide planning guidance and to facilitate development control within the Area during the period in which detailed analysis and assessments of the land use proposals and study of infrastructural provisions would be carried out for the formulation of an OZP. The boundaries of the

current “V” zones were drawn up provisionally around existing village clusters having regard to existing building structures, approved Small House applications and existing site conditions. Areas of difficult terrain, dense and mature vegetation, and ecologically sensitive areas were not included. The boundaries of the “V” zones would be further reviewed and defined at the OZP preparation stage to take account of the results of relevant assessments/studies on various aspects including Small House demand and developments, conservation value, the environment, infrastructure, and landscape character. Relevant departments and stakeholders’ views would also be taken into account where appropriate;

*Country Park Designation (R18, R21 and R30)*

- (ii) designation of the Country Park was under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208), which was outside the purview of the Board; and

*Amendments to the Notes of the “Unspecified Use” designation (R21)*

- (iii) the Remarks of the “Unspecified Use” area was intended to allow flexibility for public works co-ordinated or implemented by the government generally necessary for benefits of the public, emergency repairs and/or environmental improvement. It would not be in the public interest to require government departments to obtain prior planning approval before undertaking these works as this might cause unnecessary delay to such essential works and adversely affect the public. There were administrative mechanisms to ensure that the environmental impacts of such works would be properly addressed.

59. The Board agreed to provide the following responses to the proposals submitted by R15 that were not directly related to the DPA Plan:

*Preparing DPA plans for areas yet to be covered*

- (a) it had been the Government's long-term target to prepare statutory plans for all areas of Hong Kong except areas covered/to be covered by Country Park. Such tasks would be undertaken having regard to development pressure, priorities and resources availability;

*Resuming village layout plans (VLP) preparation*

- (b) the preparation of new VLPs for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of the VLPs, manpower and priority of works within PlanD. For the new DPA Plans which had just been published /completed such as this DPA Plan, OZPs with specific land use zonings should be prepared before LP could be contemplated. As the boundary of the "V" zone would be further reviewed and defined at the OZP preparation stage, the need for preparation of new VLP for the "V" zone to be covered by the OZP would then be reviewed as appropriate; and

*Suspending the processing of land grant applications for Small House development*

- (c) processing of land grant applications in accordance with the New Territories Small House Policy was under the jurisdiction of the LandsD which was outside the purview of the Board.

[Mr. Stanley Y.F. Wong left the meeting at this point.]

**Agenda Item 4**

[Open Meeting]

Review of Application No. A/ST/811

Proposed Office in "Industrial" zone, Workshops 6 & 8, 9th Floor, Shing Chuen Industrial Building, 25-27 Shing Wan Road, Sha Tin

**(TPB Paper No. 9390)**

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[The hearing was conducted in Cantonese.]

Presentation and Question Session

60. The following Members had declared interests on this item:

- |                          |   |  |
|--------------------------|---|--|
| Professor Eddie C.M. Hui | - | owned a flat in Sha Tin                        |
| Professor K.C. Chau      | - | owned a flat in Royal Ascot                    |
| Mr. Clarence W.C. Leung  | - | spouse owned a flat in Fo Tan                  |
| Ms. Christina M Lee      | - | spouse owned a flat at 1 Mei Tin Road, Tai Wai |

61. Members agreed that as the properties owned by Professor C.M. Hui and Professor K.C. Chau and by the spouse of Mr. Clarence W.C. Leung and Ms. Christina M. Lee would not be affected by the application, these Members should be allowed to stay in the meeting. Members noted that Professor Chau had tendered apology for being unable to attend the meeting.

62. The following representative of Planning Department (PlanD), the applicant and his representative were invited to the meeting at this point.

- |                  |   |   |
|------------------|---|---|
| Ms. Jacinta Woo  | - | District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD |
| Mr. To Ka Fai    | - | Applicant   |
| Mr. Francis Choi | - | Applicant's representative  |

63. The Chairman extended a welcome and explained the procedures of the review hearing. He then invited DPO/STN to brief Members on the background of the application.

64. With the aid of a Powerpoint presentation, Ms. Jacinta Woo made the following main points as detailed in the Paper:

- (a) the applicants sought planning permission to regularize the office use at

the application premises which fell within an area zoned “Industrial” (“I”) on the Sha Tin Outline Zoning Plan (OZP);

- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 5.4.2013 for the reason that the proposed development did not comply with the ‘Town Planning Board Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D) in that the partial conversion to office would not be acceptable in terms of environmental considerations. The proposed use would be subject to potential adverse air quality and noise impacts from the surrounding industrial activities;
- (c) the applicants had not submitted any justification in support of the review application;
- (d) the application premises, i.e. Workshops 6 and 8, was located on 9/F of Shing Chuen Industrial Building and had a floor area of about 178m<sup>2</sup>. According to site visit, the application premises comprised a hall, a small office, a pantry and a band room. The application premises was physically merged with Workshops 5 and 7 where three activity rooms, a control room and a stage were found. The applicants proposed that the application premises would be separated from Workshops 5 and 7 by a fixed wall;
- (e) there was no previous planning application for the application premises. An application seeking planning permission to use Workshops 1 to 4 on 8/F of the same industrial building for office use (A/ST/804) was rejected on review by the Board on 10.5.2013 on the ground that the proposed development did not comply with TPB PG-No. 25D because of fire safety concern;
- (f) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. District Lands Officer/Sharing Tin (DLO/ST) of Lands Department (LandsD) commented that the subject lot should

not be used for any purpose other than industrial and godown purposes and that office use was not permitted under the lease. If the Board approved the subject planning application, the owner of the premises was required to apply for a waiver from LandsD to implement the approved proposal. Director of Environmental Protection (DEP) did not support the application from environmental planning point of view given the potential industrial air and noise problems generated from the permitted industrial use in the subject industrial building and office use was classified as “sensitive receiver”. There might be noisy and heavy industries at the same industrial building. Nevertheless, if there was a planning control mechanism to avoid or mitigate noisy industrial activities at the subject industrial building, she would have no in-principle objection to the application. Director of Fire Services (D of FS) had no in-principle objection to the application subject to the compliance with TPB PG-No. 25D and the proposed office use did not attract persons unrelated to the activities in the building who could be exposed to fire risks which they were not aware of. Other Government departments consulted had no adverse comment on or no objection to the review application;

- (g) public comments – two public comments were received during the statutory publication period. The public comment from the Chairman of Sha Tin Rural Committee indicated no comment on the review application. Another commenter raised objection to the application and questioned the reason for not requiring the existing office use of the subject premises to be reverted back to the permitted industrial use. This commenter also attached a recent newspaper cutting stating that many religious institutions had moved into the industrial buildings for due to cheaper rent and availability of floor space;
- (h) PlanD’s views – PlanD did not support the application based on the assessment as stated in paragraph 7 of the Paper, which were summarized below:

- (i) pure office buildings within the “I” zone might be permitted on application to the Board based on individual merits and in accordance with the planning assessment criteria set out in TPB PG-No. 25D. In case of a partial conversion, it had to be demonstrated that the proposed use would be acceptable in terms of fire safety, land use, traffic and environmental considerations;
- (ii) the application was for partial conversion of two units on 9/F of an existing industrial building for office use. There were concerns on environmental (noise and air) aspects. DEP did not support the application as potential environmental nuisances, such as air and noise, might affect the employees of the proposed office. Owing to the environmental concerns, the application was not in compliance with the TPB PG-No 25D;
- (iii) although D of FS had no objection to the proposed office use, it was based on the understanding that the office use would not attract persons including the old, infirm, children and those whose nature of work was unrelated to the activities in the building who could be exposed to fire risks which they would neither be aware of nor prepared to face; and
- (iv) there was a public comment objecting to the application.

65. The Chairman then invited the applicant and his representative to elaborate on the application.

66. Mr. Francis Choi made the following main points:

- (a) the proposed office use was not incompatible with other uses within the subject industrial building (Shing Chuen Industrial Building) as a large proportion of the building was already occupied by office use;
- (b) it was quite common for office use to be accommodated in industrial

buildings. Under the lease for industrial lots, an area not exceeding 30% of the total floor area was permitted to be used as ancillary office within industrial buildings; and

- (c) some of the Column 1 uses under the “T” zone were office uses. As these office uses did not require planning permission from the Board, they were not subject to control from the Environmental Protection Department (EPD).

67. The Chairman then invited questions from Members.

*Environmental Concern and Compliance with Town Planning Board Guidelines*

68. In response to the question of a Member, Mr. Francis Choi said that the proposed office use would not generate any noise nuisance that would affect its neighbours.

69. In response to the enquiry of the Chairman, Mr. C.W. Tse said that EPD had reviewed the application and conducted a visit to the subject site. Since there were no polluting industries found within the subject industrial building, from environmental of point of view the proposed office use under application could be regarded as tolerable and EPD would not insist its objection to the application.

70. In view of EPD’s latest views on the application, the Chairman enquired whether the proposed office was in compliance with TPB PG-No. 25D. In response, Ms. Jacinta Woo said that the major planning criteria in TPB PG-No. 25D for consideration of application for office use within “T” zone were shortfall in provision of office space, accessibility of public transport facilities, environmental impact and provision of parking and loading/unloading facilities. For partial conversion of an industrial building to any use requiring planning permission, it had to be demonstrated that the proposed use would be acceptable in terms of fire safety, land use, traffic and environmental considerations. Ms Woo said that during circulation of the subject application for departmental comments, all relevant government departments consulted had no adverse comment on the application apart from EPD. As EPD now no longer objected to the subject application, the proposed

office use was considered in compliance with TPB PG-No. 25D and PlanD had no objection to the application.

*Application premises*

71. In response to the questions of two Members enquiries, Mr. Francis Choi said that the application premises comprised only Workshops 6 and 8 on 9/F of the subject industrial building. Making reference to Plan R-3, Mr. Choi said that the application premises would be separated from other units on 9/F by a fixed wall upon obtaining planning permission from the Board.

*Proposed use of the application premises*

72. In response to the Chairman's enquiry, Ms. Jacinta Woo said that the use under application was 'office'. While storage use had been found in the application premises in a site visit conducted during the section 16 application stage and a commenter suspected that the application premises had been used for church related activities, the application premises was at present largely vacant as shown on Plans R-4a and R-4b of the Paper.

73. In response to a Member's enquiry, Mr. Francis Choi said that the band room was a previous use which was already discontinued while the stage was outside the application premises. A Member noted that the proposed office space seemed to be excessively large as only 10 staff would be employed. In response, Mr. Francis Choi said that the application premises would be used as an administrative office and storage area. While storage use with ancillary office not exceeding 30% was always permitted within the "T" zone, it was proposed that about 70% of floor space within the application premises would be used for office purpose, while the remaining 30% would be used for storage purpose. The applicants were not yet sure of the size of the office space required at this moment. Hence, an application for a large office space (up to 70% of the application premises) was submitted. The exact proportion of office use within the application premises would be determined after planning permission was granted by the Board.

74. Noting that part of the application premises would be used for storage of dried and canned food, the Chairman asked the applicant to elaborate on the nature and operation

of the proposed use in the application premises. Mr. To Ka Fai said that the application premises was owned by him and his wife. They had been involved in non-profit making community services and office and storage space was required in relation to the community activities. The goods to be stored at the application premises would only be handled by their staff and the proposed office and storage uses would not attract outsiders to the industrial building.

#### *Similar application*

75. Noting that a similar application within the subject industrial building had recently been rejected by the Board on fire safety concern, a Member asked if there were similar concerns for the subject application. In response, Ms. Jacinta Woo said that the similar application (A/ST/804) at 8/F of the same industrial building was rejected by the Board on review mainly on fire safety concern. In that application, the proposed uses included several non-office uses such as workshop for training or production, pottery and handicrafts making, artwork design, song writing and practicing of musical instruments. The proposed development in that application was not in compliance with the TPB PG-No. 25D in that it would attract persons whose nature of work was unrelated to the activities in the building and was objected by the Fire Services Department (FSD). For the current application, the proposal was only for office and storage use against which FSD had no objection.

76. As the applicant and his representative had no further comment to make and Members had no further question to raise, the Chairman informed them that the hearing procedures for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicants of the Board's decision in due course. The Chairman thanked the applicant and his representative and DPO/STN for attending the meeting. They all left the meeting at this point.

#### Deliberation Session

77. The Chairman said that since all relevant government departments had no adverse comment on the application, the application was considered in compliance with TPB PG-No. 25D. There were no strong grounds to reject the application. Members

agreed.

78. After further deliberation, the Board decided to approve the application on review on a temporary basis for a period of three years until 26.7.2016 on the terms of the application as submitted to the Board and subject to the following conditions:

- (a) the submission of an air quality and noise assessment within 6 months from the date of approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 26.1.2014;
- (b) the implementation of the suitable mitigation measures identified therein within 9 months from the date of approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 26.4.2014;
- (c) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.1.2014;
- (d) the provision of fire safety installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.4.2014; and
- (e) if the above planning conditions were not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

79. The Board also agreed to advise the applicants on the following:

- (a) prior planning permission should be obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Board to monitor the compliance of the approval conditions and the

supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) the applicants should apply to the District Lands Officer/Shah Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) the applicants should note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance; and
- (e) the applicants should refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

### **Agenda Item 5**

[Open Meeting]

Request for Deferral of Review of Application No. A/FSS/210

Proposed Minor Relaxation of Non-Domestic Plot Ratio Restriction for Permitted Commercial/Residential Development in "Commercial/Residential (3)" zone, Junction of Ma Sik Road and Sha Tau Kok Road, Fanling (FSST Lot 177)

**(TPB Paper No. 9400)**

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[The meeting was conducted in Cantonese.]

80. The Secretary reported that on 14.12.2012 and 10.5.2013, upon the request of the applicant, the Board had deferred making a decision on the review application twice, each for a period of two months, in order to allow time for preparation of further information on the review and design of the pedestrian walkway. On 22.2.2013, the applicant submitted further information including a case study of gross floor area (GFA) exemption for elevated pedestrian walkways in Singapore in support of the proposed minor

relaxation. The applicant's representative had been in discussion with the Buildings Department (BD) regarding the design and implementation of the concerned public pedestrian walkway.

81. On 10.7.2013, the applicant wrote to the Secretary of the Board and requested the Board to defer the consideration of the review application on the grounds that the applicant had examined the relevant case studies in Singapore and had been in discussion with BD. To address BD's comments, the applicant had recently engaged a specialist building consultant to review the design and implementation of the concerned pedestrian walkway. In this regard, the applicant requested the Board to defer consideration of the review application in order allow two months' time for the applicant to prepare further information to address BD's comments. This was the third deferral request submitted by the applicant.

82. Members noted that the justifications for deferment met the criteria set out in the Town Planning Board Guidelines No. 33 in that the applicant needed more time to prepare documentation for the review, the deferment period was not indefinite, and that the deferment would not affect the interests of other relevant parties.

83. After deliberation, the Board agreed to defer consideration of the application as requested by the applicant and the application should be submitted to the Board for consideration within three months upon receipt of further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a further period of two months for preparation of the submission of further information and that a total of six months had already been allowed. No further deferment would be granted unless under very special circumstances.

84. The meeting was adjourned for lunch break at 1:15 p.m.

85. The meeting was resumed at 2:30 p.m.
86. The following Members and the Secretary were present in the afternoon session.

Mr. Thomas Chow Chairman

Mr. F.C. Chan

Ms. Bonnie J.Y. Chan

Mr. H.W. Cheung

Mr. Sunny L.K. Ho

Mr. Lincoln L.H. Huang

Ms. Janice W.M. Lai

Mr. Dominic K.K. Lam

Dr. C.P. Lau

Mr. Patrick H.T. Lau

Ms. Julia M.K. Lau

Ms. Christina M. Lee

Mr. H.F. Leung

Mr. Clarence W.C. Leung

Mr. Roger K.H. Luk

Dr. W.K. Yau

Deputy Director (1)  
Environmental Protection Department  
Mr. C.W. Tse

Director of Lands  
Ms. Bernadette Linn

Director of Planning  
Mr. K. K. Ling

**Tuen Mun and Yuen Long District**

**Agenda Item 6**

[Open Meeting]

Review of Application No. A/YL-HT/832

Temporary Open Storage of Container Offices, Used Containers, Tools, Construction Materials, Construction Machinery, Sales of Metals with Ancillary Workshops and Logistics Vehicles Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.A RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen,

Yuen Long

(TPB Paper No. 9387)

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[The meeting was conducted in Cantonese.]

87. Ms. Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned two pieces of land in D.D. 125, Ha Tsuen. As Ms. Lai could not ascertain whether the concerned land parcels were located in the vicinity of the application site, she considered it more prudent to temporarily withdraw herself from the meeting during the discussion of this item. Members agreed.

[Ms. Janice W.M. Lai left the meeting temporarily at this point.]

**Presentation and Question Session**

88. The following representative of Planning Department (PlanD) and the applicant’s representative were invited to the meeting at this point.

Mr. W.S. Lau - District Planning Officer/Tuen Mun & Yuen Long (DPO/TMYL), PlanD

Mr. Wong Shing Tong - Applicant’s representative

89. With the aid of a Powerpoint presentation, Mr. W.S. Lau, DPO/TMYL, presented the review application and covered the following main points as detailed in the Paper:

- (a) the applicant applied for planning permission for temporary open storage of container offices, used containers, tools, construction materials, construction machinery, sales of metals with ancillary workshops and logistics vehicles back-up centre for a period of three years on the application site (the site). The site fell within an area zoned “Comprehensive Development Area” (“CDA”) on the Ha Tsuen Outline Zoning Plan (OZP) No. S/YL-HT/10;
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 8.2.2013 for the following reasons:
  - (i) the development would have adverse environmental impacts on the surrounding areas, and there was no information submitted to demonstrate that the adverse environmental impacts could be mitigated; and
  - (ii) previous planning permissions granted to the applicant under Applications No. A/YL-HT/685 and 797 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control;
- (c) on 1.3.2013, the applicant applied for a review of the RNTPC’s decision to reject the application but did not submit any written representation in support of the review. On 3.5.2013, the applicant submitted a letter to revise the operation hours of the metal recycling yard with ancillary workshop from 8:00 a.m. to 7:00 p.m. under the original s.16 application

to 8:30 a.m. to 7:00 p.m. from Monday to Saturday. The applicant also attached a letter from the commenter on the section 16 application, who was the resident of the adjoining residential dwelling, withdrawing his objection to the application;

- (d) the site was directly abutting Ping Ha Road with the ingress/egress at its western boundary. The site was used for different uses including open storage of construction materials, construction machinery and logistics vehicle back-up centre. An area in the south and south-western part of the site was used for storage and sales of metals with an ancillary workshop. A noise barrier of about 7.6m in height and about 18m in length was erected at the western part of the site, separating the site and the 2-storey residential dwelling to its immediate west (about 2m away). The applicant had submitted a landscape and tree preservation proposal and drainage plan to indicate that the trees were planted and drains were provided along the periphery of the site;
- (e) the site was subject to planning enforcement action. New Enforcement Notices (ENs) against the four newly enforced unauthorised developments (UDs) for storage use (including deposit of containers) were issued on 7.5.2013. As the requirements of the ENs were not complied with upon expiry of the compliance period on 7.7.2013, the notice recipients were subject to prosecution action under the Town Planning Ordinance;
- (f) the site was currently being used for the applied use without valid planning permission. The surrounding area of the site was mainly characterised by open storage yards, workshops and logistics centres, most of which were suspected UD's;
- (g) the site was the subject of 10 previous applications No. A/YL-HT/65, 147, 202, 263, 366, 436, 464, 584, 685 and 797 approved for temporary open storage of construction materials/machinery/converted containers/used containers and recycling of metal, with/without ancillary

repairing workshop, and logistics vehicles back-up centre. Application No. A/YL-HT/685 for temporary open storage of converted containers, used containers, construction materials, construction machinery, logistics vehicles back-up centre and recycling of metal with ancillary repair workshop submitted by the current applicant was approved by the RNTPC with conditions on 10.9.2010. The planning permission was revoked on 10.6.2011 due to non-compliance with the approval conditions on the submission of a condition record of the existing drainage facilities and a tree preservation and landscape proposal. Application No. A/YL-HT/797 for temporary open storage of converted containers, construction materials and construction machinery, logistics vehicles back-up centre, sales of metals and warehouse, also submitted by the current applicant, was approved by the RNTPC with conditions on 20.7.2012 for one year instead of three years sought in order to monitor the situation of the site and the fulfilment of approval condition. The planning permission was revoked on 21.9.2012 due to non-compliance with the approval condition prohibiting cutting, dismantling, repairing, melting, compaction, cleansing and workshop activity on the site during the planning approval period;

- (h) there were 17 similar applications for temporary open storage/port-back up and workshop uses within the same “CDA” zone in Ha Tsuen since the promulgation of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) on 17.10.2008;
- (i) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The District Lands Officer/Yuen Long, Lands Department advised that the lots within the site were Old Scheduled Agricultural Lots held under the Block Government Lease under which no structures were allowed to be erected without the prior approval from his office. No permission had been given for the proposed use and/or occupation of the Government Land within the site. The Director of Environmental Protection (DEP) did not support the

application because there was sensitive use to the immediate west of the site. The proposed use would likely generate traffic of heavy vehicles with potential to cause environment nuisance to the nearby sensitive receiver. While the noise barrier might minimize the noise impact to the residential dwelling adjacent to the site, there could still be environmental nuisance. DEP further advised that two environmental complaints on noise nuisance pertaining to the site were received in 2012. The complainant was a resident living in a village house in the very close proximity of a metal recycling workshop. On 9.7.2012, his office issued a noise abatement notice (NAN) to the owner of the recycling workshop requiring him to abate the noise by 5.10.2012. On 1.11.2012, a compliance check was conducted and found that the Corrected Noise Level was 66 dB(A) which exceeded the statutory limit. On 23.4 2013, the owner of the company was convicted and fined. Subsequently, the complainant informed Environmental Protection Department (EPD) that he did not need EPD to follow up the case further. There had not been any further complaint received on this site. The Chief Engineer/Mainland North, Drainage Services Department had no objection in principle to the application. Should the application be approved, he would suggest stipulating planning conditions requiring the applicant to maintain the existing drainage facilities on site and to submit condition record of the existing drainage facilities. The Commissioner for Transport advised that sufficient manoeuvring space should be provided within the site. No vehicle was allowed to queue back to public road or reverse onto/from public road;

- (j) public comments – at the s.16 application stage, one public comment from the resident of adjoining lot of the site was received which objected to the application on the grounds of noise and vibration nuisance generated by the compaction of scrap metals on the site by heavy machineries, and dust nuisance from heavy vehicles accessing the site. During the statutory publication period of the section 17 review application, no public comment was received. On 3.5.2013, the applicant submitted a copy of letter from the commenter of the s.16

application stating that he agreed to the application as the operation hours for the metal yard had been revised;

- (k) PlanD's view – PlanD did not support the application based on the assessment in paragraph 6 of the Paper, which were summarised below:
- (i) the site fell within Category 1 areas under the TPB PG-No. 13E where favourable consideration would normally be given, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses might cause significant environmental and traffic concerns;
  - (ii) the applied use was not incompatible with most of the surrounding uses within the subject “CDA” zone which was predominantly occupied by open storage yards and workshops;
  - (iii) there were 10 previous applications for open storage uses approved by the RNTPC/the Board on review since 1999. No objection to or comment on eight of these previous applications was received from the resident of the adjoining lot. Since the introduction of recycling activities on the site by the current applicant in 2011 under Applications No. A/YL-HT/685 and 797, objections to/complaints on the site had been received from the resident who had grave concern on the noise nuisance generated from the site. Although the adjoining resident had withdrawn his objection to the application, the metal yard with workshop activities were still incompatible with the residential use to its immediate west (about 2m away). There was no information submitted to demonstrate that the adverse environmental impact could be mitigated. In this regard, DEP also considered that the applied use would cause environmental nuisance on sensitive receiver in the vicinity of the site and did not support the application;

- (iv) two previous applications (No. A/YL-HT/685 and 797) submitted by the current applicant were revoked due to non-compliance of approval conditions. For the last Application No. A/YL-HT/797, there was local objection on the grounds of noise and vibration nuisance generated by the compaction of scrap metals on site by heavy machines and dust nuisance from heavy vehicles accessing the site. To address EPD and the local resident's concerns on environmental nuisance, relevant approval conditions restricting operation hours, stacking height of materials/containers stored, prohibition of workshop activities onsite and the provision of paving for the site were recommended. The RNTPC approved the application with these conditions for one year instead of the three years sought for close monitoring on the situation of the site. However, site inspection conducted by PlanD on 28.8.2012 revealed that a scrap metal compaction machine was found on the site but was not in operation. Despite the issue of a warning letter on 29.8.2012 reminding the applicant to comply with the approval condition prohibiting workshop activities, a follow-up site inspection on 21.9.2012 revealed that the compaction machine was in operation. The permission of Application No. A/YL-HT/797 was therefore revoked on 21.9.2012 but the site had been continually used for the applied use without planning permission. The applicant had been warned in the last approval letter that sympathetic consideration to further planning application might not be given if the permission was revoked again due to non-compliance with the approval conditions;
- (v) noting the applicant's repeated failures to comply with the approval conditions of the previous planning permissions, there was serious doubt that potential impacts of the development could be addressed by way of approval conditions; and
- (vi) there was no change in the planning circumstances since the

consideration of the subject application by the RNTPC on 8.2.2013.

90. The Chairman then invited the applicant's representative to elaborate on the application. Mr. Wong Shing Tong made the following main points:

- (a) referring to the rejection reason as stated in paragraph 1.2(a) of the Paper, he said that the surrounding areas of the site had been used for open storage yards, repair workshops and logistics centres since 1990's. The development under application would have no adverse environmental impacts on the surrounding areas. Moreover, the applicant had made submissions at both the s.16 application and s.17 review stages to support his application. It was unfair for PlanD to mislead the Board by stating that no information was submitted by the applicant;
- (b) the site had been approved for open storage use since 1990's. There was large amount of mature trees on the site and proper drainage facilities were provided to avoid flooding. The previous application (No. A/YL-HT/685) was revoked as his staff had failed to submit a report on the records of drainage works. Application No. A/YL-HT/797 was revoked due to non-compliance of approval condition prohibiting workshop activities on the site. The operation of the metal recycling yard would require small-scale machinery for compaction of scrap metal and loading/unloading of recycled metals. Workshop was not included in the applied use of Application No. A/YL-HT/797 as he had taken heed of PlanD's advice on another previous application (No. A/YL-HT/777) that the site should not be used for workshop. Application No. A/YL-HT/777 was subsequently withdrawn by the applicant;

[Mr. Clarence W.C. Leung returned to join the meeting at this point.]

- (c) after the revocation of the planning permission of Application No. A/YL-HT/797, the previous metal compaction machine was removed

and the metal compaction activities used to carry out on site was discontinued. Moreover, a noise barrier of 7.6m high and 18m long was erected along the western boundary of the site with a view to minimising the noise nuisance to the nearby resident who raised objection to the application at the s.16 stage. Subsequently, the resident withdrew his previous objection;

- (d) the site had been operating as open storage uses for many years and there was no change to the approved use except that a metal recycling facility was included in the recent two applications. Such recycling facility would be beneficial to the local community of Tin Shui Wai and could assist in waste reduction at source as promoted by the Government. Moreover, only minor repair works of the machinery/equipments would be carried out in the ancillary workshop; and
- (e) the application should not be rejected for the reason that there was local objection to the application. In fact, the only resident in the area who lived in the adjoining lot had withdrawn his previous objection. The operation hour of the metal recycling yard and its ancillary workshop was revised to 8:30 a.m. to 7:00 p.m. to minimise noise nuisance and only valuable metals would be stored within the site. He hoped the Board would give sympathetic consideration to the application.

91. The Chairman asked which approval conditions were not complied with by the applicant in the previously revoked cases. Mr. W.S. Lau replied that for Application No. A/YL-HT/685, the planning permission was revoked due to non-compliance with the approval conditions on the submission of a condition record of the existing drainage facilities and a tree preservation and landscape proposal. For Application No. A/YL-HT/797, the planning permission was revoked due to non-compliance with the approval condition which prohibited cutting, dismantling, repairing, melting, compaction, cleansing and workshop activity on the site during the planning approval period.

92. In response to a point made by Mr. Wong Shing Tong that submissions were made to support the application, Mr. W.S. Lau said that only an application form and a few

plans showing the site layout, the landscape, drainage and fire service installation proposals were submitted by the applicant at the s.16 application stage. The rejection reason (a) was related to the lack of information to demonstrate that the adverse environmental impacts could be mitigated. Although the applicant erected a noise barrier in the western boundary of the site in end 2012, probably after the receipt of the NAN issued by DEP, subsequent compliance check carried out by EPD found that the Corrected Noise Level had still exceeded the statutory limit. The company owner was convicted and fined.

93. Mr. W.S. Lau continued to say that he had carried out site inspection and found that there was a large volume of traffic to/from the site. The machinery for transporting scrap metals and the loading/unloading activities of the recycling yard had generated much noise nuisance to the surrounding areas. Moreover, he visited the house adjoining the site and considered that the noise barrier did not have much effect in mitigating the noise nuisance of the development. His observation was supported by the noise measurements conducted by EPD earlier which indicated that the Corrected Noise Level had still exceeded the statutory limit.

94. The Chairman asked if the applicant had made any efforts to comply with the approval conditions relating to the provision of landscaping and drainage facilities, and the measures to address the concern on noise nuisance.

95. Mr. Wong Shing Tong said that the site was used for open storage for almost 20 years. A lot of money had been used to provide a good drainage system with 450mm drains within the site and there was no record of flooding in the past years. Moreover, the existing trees within the site were lushly planted in 2m interval, instead of the requirement of 3m interval, and all the trees had grown up to about 10m tall. There was only one house abutting the site to the west and noise barrier had been erected to minimise noise nuisance to the residents. With this mitigation measure in place, the environmental concern should have been properly addressed as the resident of the adjoining house had subsequently withdrawn his previous complaint/objection. He said that the planning permission for the previous application No. A/YL-HT/685 was revoked due to oversight of his staff to submit the on-site drainage records.

96. In response to a Member's questions on whether the house to the immediate west of the site was the only development subject to adverse environmental impacts generated by the development at the site and whether there was any misunderstanding between the applicant and PlanD on the non-compliance of approval conditions, Mr. W.S. Lau said that the site was mostly surrounded by open storage and workshop uses and the house located to the immediate west of the site was at present the only domestic development in the area. He said that the metal recycling yard and ancillary workshop within the site was the major noise source to the adjoining house.

97. Mr. W.S. Lau went on to say that the applicant was well aware the approval conditions which were not complied with. For Application No. A/YL-HT/685, prior to the revocation, concerned departments including Drainage Services Department (DSD) and Urban Design and Landscape Planning Unit (UD&L) of PlanD were consulted on the compliance of the respective condition. For Application No. A/YL-HT/797, regular site inspections were carried out and workshop activities were found within the site. Warning letter was issued to the applicant but the workshop activities had still continued as revealed in the follow-up site inspection. The planning permission was therefore revoked.

98. Mr. Wong Shing Tong reiterated that the revocation of Application No. A/YL-HT/685 was only due to oversight of his staff in making submissions on the existing drainage record and landscape plan for compliance with the concerned approval conditions. All the drainage works within the site were completed a long time ago and regular maintenance was carried out every two to three weeks. Relevant department did not find the drainage condition unsatisfactory. Moreover, the applicant had closely monitored the conditions of the existing trees. For Application No. A/YL-HT/797, Mr. Wong said that the ancillary workshop use of the metal recycling yard was not included under Application No. A/YL-HT/797 as PlanD had advised him on another previous Application No. A/YL-HT/777, not to mention workshop use. However, metal compaction was an essential process for the metal recycling yard.

99. In response to a Member's question on whether a specific noise level could be set as a limit in considering the application or be enforced through an approval condition, Mr. W.S. Lau replied in the negative and said that planning applications were assessed taking into account relevant planning considerations, concerned departments' comments

and public comments received. For the current application, the comments of EPD and the local resident on the potential noise impacts on the surrounding area were duly taken into consideration. Although the site was previously approved for open storage use, no complaint from the resident of the adjoining house was received until the introduction of metal recycling yard with ancillary workshop in the site. The latest Application No. A/YL-HT/797, though approved by the RNTPC on 20.7.2012, did not include workshop use and was only allowed a shorter approval period of one year instead of the three years sought such that the situation of the site could be monitored.

100. Noting that the development on the site would only affect one house and the only objection raised by the resident of the adjoining house had been withdrawn, the Chairman asked whether the concern on the adverse environmental impacts of the development was still valid. Moreover, the Chairman asked PlanD to elaborate on the specific concerns of relevant departments regarding the non-compliance of approval conditions on the landscape and drainage aspects.

101. Mr. W.S. Lau said that the resident of the adjoining house had withdrawn his objection for the reason that the operation hour of the metal recycling yard and its ancillary workshop was revised. However, it should be noted that the noise barrier was already erected before the s.16 application was submitted but the noise measurement conducted by EPD revealed that the noise level had still exceeded the statutory limit. Hence, the existing noise barrier was not an effective measure to mitigate the noise nuisance generated by the development and the problem of adverse environmental impacts on the neighbouring residential use remained unresolved. As regards Application No. A/YL-HT/685, it was noted that the existing drains within the site were provided many years ago and DSD would need to ascertain whether they were maintained in good working conditions. A condition was imposed to require the submission of a condition record of the existing drainage facilities to DSD's satisfaction. On the landscape aspect, the applicant would need to submit proposal to demonstrate that the existing trees within the site would be properly preserved and maintained in good condition. Mr. Lau considered that the compliance with those approval conditions, which was mainly technical in nature, was not difficult if genuine efforts had been made by the applicant. For the approval condition prohibiting workshop activities on site under Application No. A/YL-HT/797, the applicant might have some difficulties in complying with the condition due to the

operation of metal recycling yard within the site.

102. Mr. K.K. Ling, D of Plan, noted that the revocation of planning permission for Application No. A/YL-HT/797 was mainly due to the operation of a compaction machine to compact the scrap metals within the site. He asked whether the compaction machine was still found within the site and what was the major noise source within the site.

103. Mr. W.S. Lau said that no compaction machine was found on the site. Based on his observations during site inspection, the major noise source came from the two small cranes/machineries used for transportation of metals and the loading/unloading of metals to/from goods vehicles.

104. In response to the questions raised by Members, Mr. Wong Shing Tong made the following main points:

- (a) no approval condition on the provision of environmental mitigation measures was imposed in the previous planning approvals;
- (b) the compaction machine was removed immediately after the receipt of EN stating that the site was involved in a UD of workshop. However, the operation of a metal recycling yard required the use of machinery for transportation of recycled metals;
- (c) regarding the compliance of approval conditions on submission and implementation of tree preservation and landscape proposal, he considered that the compliance standard set by the UD&L Unit of PlanD was too high and unreasonable in that the presence of a few creepers on the trees was not tolerated, and objects were not allowed to be kept near the trees; and
- (d) the on-site compliance checking of the completed drainage facilities was conducted by the contractor of DSD. He was not sure if the contractor had conducted site inspection on the existing drainage facilities with the site. The drainage facilities within the site were completed and the

non-compliance of approval condition on the submission of condition record of the existing drainage facilities was due to his own negligence.

105. In response to the Chairman's enquiry on whether there would be new residential development in the area, Mr. W.S. Lau replied that the site was zoned "CDA" on the OZP, and that the planning intention of the zone was primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities. Moreover, the site fell within the Hung Shui Kiu New Development Area (HSK NDA). According to the ongoing HSK NDA Planning and Engineering Study, the site was initially proposed for private residential development.

106. As the applicant's representative had no further comment to make and Members had no further question to raise, the Chairman informed him that the hearing procedures for the review had been completed and the Board would further deliberate on the application in his absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant's representative and DPO/TMYL for attending the meeting. They left the meeting at this point.

#### Deliberation Session

107. As requested by the Chairman, the Secretary briefed Members on the background of the application as follows:

- (a) the site had been approved by the RNTPC/the Board on review with conditions for temporary open storage uses for many years. The planning permission of the last two applications (Nos. A/YL-HT/685 and 797) submitted by the current applicant were revoked by the Board;
- (b) Application No. A/YL-HT/685 was revoked due to non-compliance of approval conditions on the submission of a condition record of the existing drainage facilities and a tree preservation and landscape proposal by the specified date. Although there were existing drainage facilities within the site, the applicant did not submit any condition

record for compliance with the approval condition;

- (c) Application No. A/YL-HT/797 was approved by the RNTPC on 20.7.2012 for one year instead of the three years sought with shorter compliance periods in order to allow monitoring of the situation of the site and the fulfilment of approval condition taken into consideration DEP's concern on the adverse environmental impacts and the revocation of the previous planning approval under Application No. A/YL-HT/685. Relevant approval conditions prohibiting workshop activities on-site and the provision of paving were imposed to address the objections raised by DEP and the resident of the adjoining house. However, the planning permission was revoked on 21.9.2012 due to non-compliance with the approval condition prohibiting workshop activity on the site during the planning approval period. According to records, the applicant had not made any landscape and drainage submissions for compliance with the relevant approval conditions. For Application No. A/YL-HT/797, the revocation of that planning permission did not include non-compliance of those two conditions because the permission was already revoked before the expiry date for compliance with approval conditions on drainage and landscape submissions;
- (d) for the subject application, the same local resident submitted a public comment at the s.16 stage objecting to the application on the grounds of noise and vibration nuisance generated by the compaction of scrap metals on the site, and dust nuisance from heavy vehicles accessing the site. However, the public comment was subsequently withdrawn by the resident for the reasons that the delay of the opening hour of the metal recycling yard by half an hour (i.e. from 8:00 am in the original submission to 8:30 am in the recent submission) had addressed his concern; and
- (e) PlanD did not support the review application mainly on the consideration that the development would have adverse environmental impact on the surrounding areas and with repeated non-compliance with approval

conditions of the previous planning permissions by the applicant, there was serious doubt that potential impacts generated by the development could be addressed by way of approval conditions. Approval of the application would set an undesirable precedent for other similar planning applications.

108. The Secretary continued to say that Members should consider whether the applied use which included a metal recycling yard with ancillary workshop would have adverse environmental impacts on the surrounding area and whether the imposition of approval condition prohibiting workshop activities within the site could effectively mitigate the adverse environmental impacts of the development bearing in mind the revocation of planning permission of Application No. A/YL-HT/797. As regards whether repeated non-compliance with approval conditions of the previous planning permissions was a valid planning consideration, the Secretary briefed Members that the Town Planning Appeal Board (TPAB), in considering a recent appeal case (No. 3 of 2011), had confirmed that approval of application with repeated non-compliances would set an undesirable precedent for other similar planning permissions, thus nullifying statutory planning control was a valid reason of rejection.

109. The Chairman said that although there was one house to the immediate west of the site, DPO/TMYL had indicated that other residential developments might be developed in the surrounding area in future. Moreover, the withdrawal of the previous objection to the application by the local resident did not mean that the development would not cause noise nuisance to the surrounding area, noting DEP's advice that the noise level of the development had still exceeded the statutory limit. The processing of scrap metal which formed part of the operation of the metal recycling yard, as advised by Mr Wong Shing Tong, would likely continue.

110. By referring to the table showing all the previous applications covering the site (Appendix III of the RNTPC Paper at Annex A of the Paper), a Member considered that workshop use might likely be a major source of noise nuisance to the surrounding area as only two previous applications for temporary open storage use were approved for ancillary repair workshop. Given that there was an existing house located only 2m to the west of the site, and that the assessment conducted by EPD showed that the adjoining

house was subject to a noise level exceeding the statutory limit, the Member considered that no workshop activity should be allowed on the site. The withdrawal of the original objection to the application by the resident of the adjoining house was unusual. The adverse environmental impact of the development on the surrounding area would still remain and other residents of the existing house or other residential developments in the surrounding area might still be subject to the noise nuisance caused by the workshop.

111. Considering that only one house was affected and the original objection had been withdrawn by the resident of that house, the compaction machine was removed, drains and mature trees were already provided within the site, and only part of the site was a metal recycling yard, a Member was of the view that the case should be thoroughly considered in those lights. The Member further opined that the approval conditions on drainage and landscape aspects could easily be complied with and an approval for one year might be considered.

112. The Chairman said that although the compaction machine had been removed, a few cranes/machineries for transporting scrap metals were still found within the site. Moreover, DPO/TMYL had also observed in his site inspection that the loading/unloading of scrap metals to and from the goods vehicles would generate a high noise level. Coupled with the results of the noise measurement carried out by DEP, the metal recycling yard with ancillary workshop would not be a suitable use at the site given its close proximity to an existing house. Moreover, the surrounding area allowed future residential developments.

113. The Secretary said that while the site and its surrounding area was intended for residential development, given the "CDA" zoning of the area, it was unlikely that new residential developments would be developed in the next three years. The Secretary continued to clarify that the approval condition on the landscape aspect required the applicant to submit a tree preservation and landscape proposal instead of merely a record on the existing landscape works within the site.

114. One Member remarked that the existing noise barrier, which was crudely built, could not perform its intended function. The existing noise barrier would need to be upgraded or rebuilt. Proper assessment should be carried out to demonstrate the

effectiveness of the noise barrier.

115. Mr. K.K. Ling considered that the problem of noise nuisance generated by the loading/unloading of scrap metals would be difficult to address.

116. The Chairman said that in considering the review application, Members should consider whether the applicant had submitted new information or technical assessments which justified a departure from the decision of the RNTPC.

117. In response to a Member's question on whether the Board should consider each application afresh if a new application for similar use on the same site was submitted after the rejection of the current review application, the Chairman said that, for any application, the applicant should submit the necessary technical assessments to demonstrate that the proposed use would not have adverse impacts on the surrounding areas.

118. The Secretary further said that there were previous occasions where a fresh application was submitted by a new applicant for same/similar use in order to get away from the previous records of repeated non-compliances of approval conditions. However, as the existing developments on the site was not covered by any valid planning permission, the unauthorised developments on the site would be subject to enforcement action by the Planning Authority and had to be discontinued prior to the submission of a new application. Future application on a vacant site would be considered afresh.

119. In response to the Chairman's concern on whether repeated non-compliances of approval conditions by the same applicant could be a reason for rejection, the Secretary said that the proposed rejection reason (b) in paragraph 7.1 of the Paper relating to the repeated non-compliances of approval condition was considered well-justified by the TPAB in its decision on another appeal case.

120. After further deliberation, the Board decided to reject the application on review. Members then went through the reasons for rejection as stated in paragraph 7.1 of the Paper and considered that they were appropriate. The reasons were:

- (a) the development would have adverse environmental impacts on the surrounding areas, and there was no information submitted to demonstrate that the adverse environmental impacts could be mitigated; and
- (b) previous planning permissions granted to the applicant under Applications No. A/YL-HT/685 and 797 were revoked due to non-compliance with approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

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

Hong Kong District

**Agenda Item 7**

[Open Meeting]

Request for Deferment of Review of Application No. A/H21/132-2

Proposed Class B Amendments to the Approved Application for

Proposed Office Development and Minor Relaxation of the Non-building Area Restriction in “Comprehensive Development Area” zone, Taikoo Place, 979 King’s Road, Quarry Bay

(TPB Paper No. 9388)

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[The meeting was conducted in Cantonese.]

121. The following Members had declared interests on this item:

Mr. Patrick H.T. Lau ] had current business dealings with MVA which

Ms. Julia M.K. Lau ] was the consultant of the applicant

Professor S.C. Wong : co-owned a flat with his spouse at Kornhill

- Mr. Roger K.H. Luk : owned a flat at Kornhill
- Mr. Dominic K.K. Lam : his office was located in Taikoo Place
- Ms. Janice W.M. Lai : owned a flat at Yick Fat Building and a flat at Tai Hing House, Quarry Bay
- Dr. Wilton W.T. Fok : owned a flat at Taikoo Shing Road near Taikoo Place
- Ms. Winnie Wong : owned a flat at Parkvale, Quarry Bay
- Mr. K.K. Ling : his family member owned a property at Kornhill

122. As the application was a deferral request submitted by the applicant, Members agreed that the above Members should be allowed to stay in the meeting. Members noted that Professor S.C. Wong and Dr. Wilton W.T. Fok had tendered apologies for being unable to attend the meeting, and Ms. Winnie Wong had already left the meeting.

123. The Secretary said that on 16.7.2013, the applicant's representative wrote to the Secretary of the Board and requested the Board to defer making a decision on the review application for two months to allow more time for the applicant to further discuss with various government departments in order to resolve the issues raised in the rejection letter from the Board. This was the first request from the applicant for deferment of the review hearing.

124. Members noted that the justifications for deferment met the criteria for deferment as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No. 33) in that the applicant needed more time to further discuss with various government departments in order to resolve the issues raised in the rejection letter from the Board; the deferment period was not indefinite; and that the deferment would not affect the right or interest of other relevant parties.

125. After deliberation, the Board agreed to defer a decision on the review

application as requested by the applicant pending the submission of further information by the applicant. The Board also agreed that the review application would be submitted to the Board for consideration within three months upon receipt of the further submission from the applicant. The applicant should be advised that the Board had allowed two months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

## General

### Agenda Item 8

[Open Meeting]

North East New Territories New Development Areas Project  
(TPB Paper No. 9392)

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[The meeting was conducted in Cantonese.]

### Presentation Session

126. The following Members had 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
Ms. Janice W.M. Lai	-	had current business dealing with ACE Limited, another consultant of the Study

127. As the item was a briefing to Members on the project, 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 had tendered an apology for being unable to attend the meeting.

128. The following Government representatives were invited to the meeting at this

point:

- |                         |   |  |
|-------------------------|---|--|
| Ms. Amy Cheung          | - | Assistant Director/Territorial, Planning<br>Department (AD/T, PlanD)   |
| Mr. Lawrence Chau       | - | Chief Town Planner/Studies and Research,<br>(CTP/SR ), PlanD   |
| Mr. Ambrose S.Y. Cheong | - | Deputy Project Manager/New Territories<br>North and West, Civil Engineering Office,<br>Civil Engineering and Development<br>Department (DPM/NTN&W, CEDD) |
| Mr. W.M. Tang           | - | Senior Engineer/8 (NTN&W), (SE/8<br>(NTN&W), CEDD  |
| Mr. Davis Lee           | ] | OAP  |
| Mr. Desmond Wong        | ] |  |

129. The Chairman extended a welcome and invited the team to brief Members on the Paper. With the aid of a Powerpoint presentation, Ms. Amy Cheung, AD/T, PlanD, made the following main points:

#### Background

- (a) the Territorial Development Strategy Review in 1990s first identified the potential for strategic growth in the North East New Territories (NENT);
- (b) the Planning and Development Study on NENT commissioned in 1998 identified Kwu Tung North (KTN), Fanling North (FLN) and Ping Che/Ta Kwu Ling (PC/TKL) as suitable for New Development Areas (NDAs) development;
- (c) the “Hong Kong 2030: Planning Vision and Strategy”, completed in 2007, revisited the need for strategic development areas in the New

Territories, and recommended proceeding with the KTN, FLN and PC/TKL NDAs as well as the Hung Shui Kiu NDA to address the long-term housing demand and provide employment opportunities. The NDAs were also included as one of the ten major infrastructure projects in the 2007-2008 Policy Address. The CEDD and PlanD jointly commissioned the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) in June 2008 to establish a planning and development framework for the KTN, FLN and PC/TKL NDAs;

- (d) the NENT NDAs Study adopted a three-stage Public Engagement (PE) Programme to facilitate public discussions and foster consensus building. The PE3 to gauge public views on the Recommended Outline Development Plans (RODPs) of the NDAs was completed in September 2012, and the Board was consulted at each stage of PE;

#### Key Changes

- (e) having regard to public views and findings of technical assessments, the key changes to the planning aspect of the project were summarised below:

##### *KTN and FLN NDAs as Fanling/Sheung Shui New Town extension*

- (i) the KTN and FLN NDAs would be developed as an extension to the Fanling/Sheung Shui (FL/SS) New Town to form the Fanling/Sheung Shui/Kwu Tung (FL/SS/KT) New Town for effective sharing of resources. The FL/SS/KT New Town would have a total population of about 460,000 upon full development. It would be an integrated community with wide-ranging commercial, retail, community, recreational and cultural facilities as well as employment opportunities given the more significant population threshold;

- (ii) Increase Development Intensity and Housing Supply – having regard to the infrastructural capacity and environmental constraints, the development intensity of KTN and FLN had been increased. The plot ratios (PR) of residential sites at the future centres of the two NDAs, mainly “Residential Zone 1” (“R1”) and public rental housing (PRH)/Home Ownership Scheme (HOS) sites, had been increased from 3.5 or 5 to 6 for high-density developments. Most of the low-density sites, i.e. “Residential Zone 3” (“R3”), had been upzoned to “Residential Zone 2” (“R2”) with a PR of 3.5. These together with other changes in housing mix would bring about an increase of about 13,400 flats (+28%) (from 47,300 to 60,700) and a corresponding increase in population by 41,000 (+31%) (from 134,000 to 174,900). The flat supply and population capacity of the revised proposals for the two NDAs were higher than those planned for the original three NDAs in the NENT (53,800 flats and 151,600 population);
  
- (iii) Increase the Provision of Subsidised Housing - by switching some sites originally planned for private residential use to subsidised housing developments including PRH and HOS, the number of subsidised housing units had increased from 23,100 (49%) to 36,600 (60%), and the land area of subsidised housing had increased from 31% to 47%. The ratios of both the number of subsidised housing units and subsidised housing land area were higher than those planned for the original three NDAs in the NENT which only accounted for 43% and 21%;
  
- (iv) Apply ‘Hong Kong Property for Hong Kong People’ Measure – subject to property market situation and other relevant considerations at the time when the sites were ready for disposal in the market, the Government planned to apply the “Hong Kong Property for Hong Kong People” measure to private residential sites in the two NDAs; and

*Re-planning of PC/TKL NDA*

- (v) the PC/TKL NDA was originally planned for lower density residential and special industry developments due to the absence of rail link. With a view to optimizing the use of valuable land resources and also taking into account the possible Northern Link (NOL) extension, the area would be reviewed and re-planned. As one of the policy initiatives in the 2013 Policy Address, the development potential in New Territories North (NTN) would be explored in order to provide land to meet the demand for housing and economic developments. In this context, PC/TKL would be included in the planning of NTN in order to comprehensively review various relevant planning considerations, for example, the development potential afforded by possible new rail infrastructure;

Overall Planning and Design of KTN NDA

- (f) the key features of the planning and design of the KTN NDA were highlighted below:
  - (i) high-density residential and commercial developments would cluster within the 500m catchment of the proposed Kwu Tung railway station. About 80% of the population of the NDA would reside in this residential cluster. Development intensity and building height would be gradually reduced towards the periphery rural areas;
  - (ii) the north-south and east-west green spines and view corridors would be created to link up the residential areas and major activity nodes;
  - (iii) a cluster of land along Fanling Highway (about 14ha) had potential to be developed into various types of office and research uses as well as to provide space to support the development of industries

which Hong Kong enjoyed clear advantages. Moreover, an additional 8 ha of land in the north-western part of the NDA would be reserved for research and development uses which could create synergy with the development of the Lok Ma Chau Loop (the Loop); and

- (iv) the core area of Long Valley generally of high ecological value was designated as a Nature Park to be implemented by the Government;

#### Overall Planning and Design of FLN NDA

- (g) the key features of the planning and design of the FLN NDA were highlighted below:
  - (i) with the beautiful scenery of Ng Tung River, the NDA would be developed into a 'Riverside Community'. High-density residential and commercial developments would be developed within the 500m catchments of the public transport interchange. The major residential district would be located at the eastern part of the NDA while another would be located at the riverside north of Tin Ping Estate;
  - (ii) riverside promenade would be provided along Ng Tung River. Comprehensive open space, pedestrian and cycle track systems would also be provided to link up residential areas with major activity nodes; and
  - (iii) the areas at the heart of the NDA would be developed into a civic and recreation area comprising a Central Park, social welfare and recreational facilities which would also serve the residents of FL and SS;

#### Long Valley Nature Park (LVNP)

- (h) about 37 ha of land in the core area of Long Valley generally of high ecological value were designated as a Nature Park to protect the ecological resources of Long Valley. As the ecological value of this area was closely related to the existing farming practice there, in particular wet farming, such practice would be allowed in the LVNP based on prescribed guidelines and requirements. Land in the north and south of the proposed Nature Park (about 45 ha) would be retained as “Agriculture” (“AGR”) zone where farming activities could be practised. They would also serve as buffers to the LVNP;

[Mr. Roger K.H. Luk left the meeting at this point.]

#### Planning Merits of the NDAs

##### *To promote peri-urbanisation and respect nature*

- (i) in view of the public aspirations to preserve the existing rural character in the midst of the future NDAs, an extensive area of about 94 ha (including 37 ha of land in LVNP, 45 ha in the “AGR” zone to the north and south of the LVNP and another 12 ha of agricultural land in Fu Tei Au of FLN) had been reserved for agricultural use in the future FL/SS/KT New Town. This was a major breakthrough in the planning of new town development;
- (j) the existing natural ridgelines and watercourses were respected and optimised to provide an interesting townscape and quality living environment;

##### *To enhance the integration of old and new communities*

- (k) to take advantage of the geographical proximity of the KTN and FLN NDAs to the FL/SS New Town, a comprehensive pedestrian walkway system and cycle track networks was planned to connect the NDAs and the FL/SS New Town. This would promote the shared use of

community, recreational and commercial facilities, and enhance employment opportunities within the local district;

*To pursue a quality and green living environment*

- (l) to concentrate residential developments, workplace, leisure/entertainment and public service facilities within 500m of the railway station/public transport interchanges to minimise the need for road transport;
- (m) proposed to adopt District Cooling System for non-domestic developments which would be subject to detailed feasibility study, and proposed to use reclaimed water for non-potable purposes such as flushing and irrigation;
- (n) encouraged the use of low-emission, low-fuel consumption vehicles to minimise vehicle emissions; and

*To create a more robust economic and employment clusters*

- (o) apart from the 22 ha of land which would be used for commercial, research and development uses, a mixed development of residential and commercial uses was proposed in the NDAs to enhance the vibrancy of the area. Landscaped retail corridors and pedestrian shopping streets would also be developed to promote the street vibrancy.

130. With the aid of a Powerpoint presentation, Ms. Bernadette Linn, D of Lands, made the following main points:

- (a) having regard to public views, the key changes to the implementation approach, compensation and rehousing arrangement and assistance to affected farmers were summarised below:

Implementation

- (b) the Government had decided to adopt an enhanced Conventional New Town Approach and would take the lead in developing the two NDAs. Overall speaking, the Government would resume and clear the private land planned for public works projects, public housing and private developments, carry out site formation works, and provide infrastructure before allocating land for various purposes, including disposal of land planned for private developments in the market. At the same time, flexibility would be provided for modification of lease including in-situ land exchange applications which met a set of criteria by the specified deadlines having regard to the phased development of the NDAs. Lease modifications including land exchange had been used before for development of new towns in the past (including Tsuen Wan, Sha Tin, Tuen Mun, FL/SS, Yuen Long and Tseung Kwan O);
- (c) on this front, the Government would impose more stringent requirements in processing applications for modification of lease (including in-situ land exchange) as reflected in the specified criteria. This was to ensure that such applications would comply with the planning and timetable for the NDAs development. The specified criteria for applications for modification of lease mainly included:
- (i) confined to sites planned for private development on the RODPs (and detailed Layout Plans prepared based on the RODPs where available). Lease modification/land exchange for lots lying within an area zoned for public use such as road, Government, Institution or Community use, open space, subsidised housing would not be accepted;
  - (ii) the proposed site to be surrendered should have an area of not less than 4,000 m<sup>2</sup> (which was a reasonable size to achieve a decent development with supporting facilities) and all private lots contained therein should be under the ownership of a single owner or joint venture owners as the applicant;

- (iii) the lease modification/land exchange including premium negotiation had to be completed within a specified time period. Where the applications could not be completed within the specified time limit, the land concerned would be resumed by the Government for disposal; and
- (iv) the landowner(s) as the applicant should offer a compensation package to the occupants (those occupants who were existing on the land at the time of announcement of the criteria, i.e. on 4.7.2013). The compensation package offered by the landowner should be comparable to the prevailing monetary ex-gratia compensation that the Government would offer to other eligible clearerees affected by the NDAs development. Information of the lease modifications/land exchange applications in the NDAs received by LandsD would be announced so that those affected occupants would know that the land concerned was subject of such applications;

#### Compensation and Rehousing Arrangement

- (d) given the scale and importance of this project as well as its critical timing to the delivery of the subsidised housing targets, smooth land resumption and clearance would be crucial. To facilitate the process, the Government would provide a special ex-gratia compensation package to eligible households occupying a licensed/surveyed domestic structure. A household was regarded as a qualified household for the special ex-gratia compensation package if
  - (i) it was covered by the Pre-clearance Survey (PCS);
  - (ii) the affected structure was either a licensed or surveyed domestic structure not built on building land; and

- (iii) the household was registered in the 1984/85 Squatter Occupancy Survey (SOS);
  
- (e) under the special package, a special ex-gratia cash allowance (SEGCA) of \$600,000 would be offered to qualified households on a structure or household basis, whichever was smaller;
  
- (f) for those households not fully meeting the relevant eligibility criteria, for example, those household not registered in the 1984/85 SOS but had continuously occupying in a licensed or surveyed domestic or non-domestic structure for domestic use for ten years or more immediately preceding the date of PCS, the Secretary for Development might exercise discretion to decide whether they would be eligible for the special package, taking into account the specific circumstances of each case;
  
- (g) to assist those affected clearerees who would like to continue to live in the area after clearance, apart from a site in the KTN NDA which had already been reserved for PRH development and could be used for local rehousing purpose, one more site in the FLN NDA had been reserved for the same purpose. The total number of PRH flats these two sites could provide would be more than enough to take care of the PRH needs of the affected households, and the surplus would be taken up by applicants on the general PRH waiting list. Public housing units within the existing FL/SS New Town and elsewhere could also be used for rehousing to meet the needs of the affected residents who were eligible for public housing subject to the Housing Authority's agreement. Sufficient units had been provided for the eligible clearerees who would be subject to Comprehensive Means Test in accordance with the prevailing rehousing policy of the Housing Department;

#### Assistance to Farmers

- (h) it was estimated that about 28 ha of active agricultural land within the

KTN and FLN NDAs would be affected. If licensed/surveyed domestic structures existed on the affected farmland, the concerned owners might also be entitled to enjoy the special ex-gratia compensation package. For those affected tenants, compensation would be made according to the prevailing policy taking into account the market value of the affected crops and the on-farm facilities;

- (i) to facilitate agricultural resite/rehabilitation for affected genuine farmers, the agricultural land in Kwu Tung South (KTS) (about 103 ha) had been surveyed and about 34 ha was found fallowed. Most of the land fell on private ownership; and
- (j) a special agricultural land rehabilitation scheme would be introduced to further assist and facilitate relocation of affected farmers. The Agriculture, Fisheries and Conservation Department (AFCD) would approach the land owners who were willing to rent or sell their agricultural land in nearby areas and accord priority to the affected farmers in pairing up.

131. With the aid of a Powerpoint presentation, Ms. Amy Cheung continued to brief Members on the implementation programme of the project and made the following main points:

- (a) the NDAs project would provide 60,700 new flats (including 36,600 flats for PRH and HOS) and land for economic and employment uses creating 37,700 new job opportunities;
- (b) to achieve early delivery of land to meet the pressing housing needs and ensure timely provision of other supporting facilities in tandem with the population build-up, an implementation programme with proper phasing and packaging of works for the NDAs development had been formulated;
- (i) September/October 2013 – commencement of statutory planning

procedures, kick-start by the submission of amendments to relevant statutory Outline Zoning Plans for two NDAs to the Board for consideration;

- (ii) 2014 – 2018 : to carry out land resumption procedures and compensation and rehousing arrangements for advance works and first stage works;
- (iii) 2018 – 2024 : to carry out site formation, infrastructure and development of advance works and first stage works;
- (iv) 2022<sup>1</sup>/23 : first population intake in NDAs;
- (v) 2024 – 2031 : to carry out site formation, infrastructure and development of remaining works; and
- (vi) 2031 : completion of overall development of KTN and FLN NDAs.

### Discussion Session

132. Some Members had the following questions and comments:

#### *Planning Aspect*

- (a) noting that the development concept of the NDAs was to concentrate high-density residential development near railway stations, whether the noise impact generated by the railway had been taken into account in planning these residential developments. Consideration should be given to provide more commercial development/non-sensitive uses along the railway to serve as a buffer to the residential area;

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<sup>1</sup> Allowing modification of lease (including in-situ land exchange) may help advance the first population intake to 2022

- (b) there should be mixed commercial/residential developments which would attract more street activities and enhance the vibrancy of the area;
- (c) some of the major views received at the PE3 were related to the planning of pedestrian network and ecological conservation. Opportunities should be taken to provide a quality pedestrian walking environment through the provision of greenways and integrated cycle track networks;
- (d) consideration should also be given to re-create the natural watercourses to enhance ecological value of the existing rivers in the area;
- (e) referring to the overall planning of KTN NDA as shown on pages 28 and 29 of the Information Digest (Enclosure 2 of the Paper), high-density public and private residential areas were mainly located around the town centre while the recreational, commercial and other social welfare and community facilities were provided in the periphery which were not easily accessible by the local residents. Consideration should be given to integrate the recreational and residential development or provide direct pedestrian links between the railway station and the recreational/sports facilities;
- (f) whether urban design concepts were adopted in planning the NDAs;
- (g) whether there were any measures to avoid the development of wall-building by private developers, in particular along the riverside promenade;
- (h) what measures were taken to encourage local employment;
- (i) what specific industries would be supported by the proposed 'research and development' area in the NDAs;
- (j) whether there was sufficient demand to support the additional provision

of research and development use;

- (k) the connectivity between the railway station and the commercial, research and development area, which was the major employment centre in KTN NDA, should be better planned;

#### *Land Aspect*

- (l) whether the premium negotiation process had to be completed within the specified time limit for completion of the land exchange application;
- (m) number of genuine farmers would be affected and whether illegal farming activities were identified in the 28 ha of affected farmland;
- (n) whether the affected households of the squatter structures could enjoy both SEGCA and rehousing;
- (o) there was a concern on the problem of equity if the compensation received by the affected tenants of the squatter structures was comparable to the affected owners of the agricultural land. This might affect the smooth implementation of land resumption procedure;

#### *Assistance to Farmers*

- (p) it might not be feasible to use the land within Long Valley as a potential area for agricultural resite as substantial area were under active farming;
- (q) the genuine farmers affected by the government project would be eligible for agricultural resite and might be allowed to erect an on-farm structure. The ownership of that structure needed to be clarified;
- (r) DAFC should proactively assist the affected farmer to rent another piece of agricultural land to continue farming given that it was very difficult to rent farmland;

- (s) the concept of urban farming should be implemented in the new town development to encourage agricultural activities intermixed with urban development. There was no need to have the agricultural land segregated from the urban development;

*Infrastructure and Transport Network*

- (t) whether the proposed increase in development intensity was sustainable on infrastructure terms. Whether the infrastructure was planned according to the Hong Kong Planning Standards and Guidelines (HKPSG) or a new set of standard specifically devised for the project;
- (u) whether there was any cycle track network linking the two NDAs and what supporting facilities would be in place to encourage this eco mode of transport; and
- (v) in view of the close proximity of SS to Lo Wu, most of the cross-boundary traffic was directed to SS New Town. Whether there would be other external transport network to help divert the cross-boundary traffic from SS.

133. In response, Ms. Amy Cheung, Mr. Ambrose S.Y. Cheong, DPM/NTN&W, CEDD, and Ms. Bernadette Linn made the following points:

*Planning Aspect*

- (a) as the future railway station would be constructed along the existing Lok Ma Chau Spur Line which ran underground within the NDA, railway noise would not be a problem;
- (b) an east –west running pedestrianized town park of about 80m wide would be provided at-grade in the town centre. Two-storey terraces with retail shops, cafes and restaurants would be provided on both sides

to promote street vibrancy of the town centre;

- (c) in response to the general public comments received in PE3, some key changes were suitably made in the revised RODPs. Specific comments received in PE3 had also been addressed as far as practicable, e.g. minor adjustment of the site boundaries were made to avoid affecting some existing houses;
- (d) the existing Ng Tung River had been trained to prevent flooding. The alignment of the existing river channel would be largely maintained in the future NDA. Riverside promenade lined with trees would be provided along the southern bank of Ng Tung River for enjoyment of residents and visitors;
- (e) only large-scale recreational facilities such as sports ground/sports complex were located away from the town centre. A community facilities area providing library, indoor sports centre, and other social welfare services was strategically located near the town centre and well connected to the residential clusters. A comprehensive open space, pedestrian and cycle track network would be provided to link up residential areas with major activity nodes;
- (f) Air Ventilation Assessment was carried out to identify the major air paths /breezeways of the NDAs. Recommendations would be made to clearly designate these major air paths on the OZPs. Any future developments would need to comply with the statutory requirement of the OZPs to avoid possible wall effect generated by the development;
- (g) the proposed commercial, research and development area (with an area of 14 ha) was located in close proximity to the residential cluster and part of it was within 500m of the railway station, aiming to conveniently serve the local and cross-district employees;
- (h) the NDAs would create about 37,700 job opportunities. In view of the

strategic location of the KTN NDA, a synergy effect with the future development of the Loop area could be created to promote economic development and to provide different employment opportunities. According to the relevant study, the Loop area had been planned for the development of Higher Education, Research and Development, and creative industries, and could create about 29,000 job opportunities. Moreover, the railway facility would provide an efficient external transport network linking the NDAs to different parts of Hong Kong. This would also serve cross-district employments;

- (i) having regard to the high utilisation rate of the Hong Kong Science Park and its expansion proposal, it appeared that there was demand for more land area to serve the high technology industries. The proposed 'commercial, research and development' area of the KTN NDA could be developed into a 'business park' environment to provide flexible accommodation for different uses. This could form part of a 'technology corridor' which stretched from Sha Tin, Tai Po, KTN NDA up to the Loop area. However, it would be premature to designate any specific use of the proposed business park at the moment, as the first piece of land in the NDAs would only be available in 2022/23. Consideration might be given to use part of the area to support some of the industries where Hong Kong enjoyed clear advantage such as certification and testing. More detailed development proposals for the proposed business park would be worked out at a later stage taking into account the future economic development and prevailing market circumstances at that time;
- (j) the north-south running pedestrianized green corridors would provide direct and convenient linkage between the railway station and the GIC, commercial, research and development areas. It was agreed that the future pedestrian network should be carefully designed to provide a direct and convenient connection to the employment cluster and other major activity nodes;

*Land Aspect*

- (k) the specified time limit for completion of land exchange applications included the premium negotiation process. Land exchange applications submitted by different private land owners might be subject to different time limits depending on the implementation programme of the phased developments of the NDAs;
- (l) the information on the number of affected farmers and whether they were genuine farmers would only be available when the PCS and AFCD's checking were completed;
- (m) the affected households of the squatter structures would only be given one form of compensation, even if they met the eligibility criteria for both the rehousing and the SEGCA. In such event, the affected households had to opt for one form of compensation. Households receiving the SEGCA would be barred from applying for any form of subsidised housing or related benefits for the subsequent three years;
- (n) the purpose of granting SEGCA of \$600,000 per household was to assist in the rehousing of the affected household in the short term. According to the prevailing policy, a compensation at a rate of more than \$900 per sq ft would be paid to land owners for the resumption of agricultural land in the NDAs. It would be difficult to assess whether the land owners of the affected agricultural land would consider such form of compensation as unfair;

*Assistance to Farmers*

- (o) under the prevailing policy, affected genuine farmers could purchase or rent agricultural land elsewhere to continue farming. They could apply for a short-term waiver for building on the land that they had secured a temporary domestic structure up to two storeys and 5.18 m/17 feet in height, and a roofed-over area of 37.16 m<sup>2</sup>/400 square feet (i.e. 800

square feet floorspace). The issue on the ownership of the temporary domestic structure on an abandoned agricultural land, which was previously constructed by the farmer renting the land, would need to be further investigated;

*Infrastructure and Transport Network*

- (p) in revising the development proposals of the KTN and FLN NDAs, detailed technical assessments (including transport and traffic, ecology, environmental, engineering, sustainability, air ventilation assessments) had been carried out to confirm feasibility of the proposals in the revised RODPs. An Environmental Impact Assessment to ensure environmental acceptability of the development of the two NDAs had been completed. Overall, the NDAs project was technically feasible and would not have any insurmountable planning, engineering and environmental problems based on the technical assessment results. Moreover, the standards requirements as set out in the HKPSG had been followed in planning for the NDAs;
  
- (q) a plan was displayed at the meeting to show that a comprehensive cycle track network to connect the NDAs, FL/SS New Town and the North East and North West New Territories would be provided. Moreover, some associated facilities such as cycle parking areas and resting area would also be developed; and

[Ms. Bonnie J.Y. Chan left the meeting at this point.]

- (r) by referring to pages 16 and 17 of the Information Digest (Enclosure 2 of the Paper) which presented the existing and proposed transport network including both road and rail transport of the NDAs, it was noted that roads would be constructed to connect the NDAs with the Loop area and the existing road networks within the area would also be improved. The NDAs would be connected with different parts of Hong Kong and the surrounding areas by a comprehensive transport network.

134. In response to Members' questions and comments above, Mr. K.K. Ling, D of Plan, supplemented the following main points:

- (a) similar to the planning of the Kai Tak area, the formulation of the RODP for the NDAs had adopted an urban design led approach. In the first place, PlanD had identified some major and prominent landscape features and ecologically sensitive areas such as Long Valley and the agricultural land to its north and south, Fung Kong Shan, etc., which needed to be preserved. This was followed by the designation of major view corridors and breezeways in the areas, and the formulation of land use proposals for the NDAs. A comprehensive and continuous pedestrian network serving also as green corridors had been designed to link up the residential areas with major activity nodes. Moreover, landscaped retail corridors or pedestrian shopping streets were also provided to enhance street vibrancy;
- (b) the conventional approach of integrating high-density developments with highly efficient mass transport would increase mobility and reduce the car use by the future population. The development approach was well known as 'Hong Kong model' in the planning regime and was used by some overseas cities for inner city rejuvenation;
- (c) by referring to page 20 of the Information Digest (Enclosure 2 of the Paper) showing the revised RODP for the KTN NDA, various GIC facilities such as sports centre, library, social welfare facilities were also close to the residential cluster and easily accessible from the railway station. Other large-scale recreational facilities such as the sports ground/sports complex was located farther from the central area as their location in the central area would adversely affect the planning of a continuous pedestrian network system in the area; and
- (d) he concurred that some of the land owners were reluctant to rent their land for agricultural activities on the expectation that their land would be

upzoned for more beneficial uses. The 34 ha of land in southern part of KTS which had been identified as potential area for agricultural rehabilitation/resite were zoned “AGR” on the OZP. Such “AGR” zoning would give certainty on the planning intention of the area for agricultural rehabilitation/resite use and might assist DAFC in liaising with the land owners in the matching exercise. Moreover, under the existing agriculture development policy, DAFC might also provide basic infrastructure and technical support to facilitate the affected farmers to re-establish their farming practice.

135. As Members had no further comments, the Chairman thanked the government representatives and the study consultants for attending the meeting. They left the meeting at this point.

### **Agenda Item 9**

[Open Meeting]

Hung Shui Kiu New Development Area Planning and Engineering Study - Preliminary Outline Development Plan and Stage Two Community Engagement  
(TPB Paper No. 9399)

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[The meeting was conducted in Cantonese.]

136. The following Members had declared interests on this item:

Professor S.C. Wong	]	had current business dealings with
Ms. Julia M.K. Lau	]	AECOM Asia Co. Ltd. (AECOM),
Mr. Patrick H.T. Lau	]	which was the consultant of the Study
Mr. Dominic K.K. Lam	]	had current business dealings with
Mr. Ivan C.S. Fu	]	AECOM and Urbis Ltd. (Urbis),
Ms. Janice W.M. Lai	]	which were the consultants of the Study

137. As the item was a briefing to Members as part of the Community Engagement (CE) exercise, 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. Ivan C.S. Fu had tendered apologies for being unable to attend the meeting.

#### Presentation Session

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

Ms. Amy Cheung	- Assistant Director of Planning/Territorial, Planning Department (AD/T, PlanD)
Mr. Li Wai	- Chief Engineer/Project(1) (NTN&W), Civil Engineering and Development Department (CEDD)
Mr. Igor Ho	- AECOM
Mr. Alan MacDonald	- Urbis

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

140. Ms. Amy Cheung, AD/T, PlanD, gave a short introduction and made the following main points:

- (a) Hung Shui Kiu New Development Area (HSK NDA) was the major source of housing supply in the long term; and
- (b) the HSK NDA Planning and Engineering Study (the Study) would carry out a comprehensive 3-stage CE to ensure timely incorporation of public views into the planning and design of the HSK NDA. The Stage 1 CE ended in early February 2012 and the Stage 2 CE had commenced to

seek public comments on the Preliminary Outline Development Plan (PODP).

141. With the aid of a Powerpoint presentation, Mr. Igor Ho, AECOM, made the following main points:

#### Background

- (a) in 1990s, the potential for strategic growth in the North West New Territories (NWNT) was first raised in the Territorial Development Strategy Review;
- (b) in 1998, Hung Shui Kiu (HSK) was identified as a New Development Area (NDA) in the Planning and Development Study on North West New Territories (NWNT Study);
- (c) the “Hong Kong 2030: Planning Vision and Strategy”, completed in 2007, recommended proceeding with the NDA developments;
- (d) the HSK NDA was included as one of the ten major infrastructure projects announced in the 2007-08 Policy Address;

#### The Study

- (e) the Study commenced in August 2011. The HSK NDA covered an area of about 826 ha. The NDA had a mixed urban-rural character. Land in the north was predominantly occupied by port-back up (PBU)/open storage (OS) uses with some village developments, whereas land located to the south was mainly occupied by low-density residential/village developments with scattered industrial uses;
- (f) the CE of the Study was divided into three stages, with Stage 1 CE (CE1) carried out in two rounds. The first round was held in November 2010, prior to the commencement of the Study, to initiate early public

discussion on the key issues. The second round took place between December 2011 and February 2012 to facilitate further discussion on the major topics relating to the strategic roles of the HSK NDA, building people-oriented communities, promoting a green living and working environment, and implementation mechanism. The CE1 ended in early February 2012. The public views and aspirations on the HSK NDA had been taken into account in formulating the PODP;

#### Major public comments of the CE1

- (g) the public views collected in CE1 were set out in the CE1 Report at Appendix 1 of the Paper. The major public comments were summarized below:

##### *Strategic Roles of the HSK NDA*

- (i) the NDA should play a strategic role by capitalising on the transport connections with the Hong Kong International Airport, the NWNT and Shenzhen;
- (ii) the NDA should tie in with the developments in Tuen Mun, Yuen Long and Tin Shui Wai (TSW) New Towns;
- (iii) other than housing developments to meet the long-term housing demand, job opportunities should be provided in the NDA;

##### *People-oriented Communities*

- (iv) means of living for the local residents should be ensured;
- (v) adequate Government, Institution and Community (GIC) facilities, shopping streets and employment opportunities should be provided to create a self-sufficient community;

- (vi) a homogenous residential area with a high proportion of public housing should be avoided;
- (vii) the existing villages and the surrounding natural environment should integrate well with the new developments;
- (viii) the historic buildings and sites of archaeological interest should be preserved and tourist routes should be established;

*Sustainable Development*

- (ix) plot ratios (PRs) for public and private housing should not be too high and should be compatible with the environment;
- (x) the NDA should have railway services to enhance connection of HSK with the urban areas by a West Rail (WR) HSK Station;
- (xi) sewerage to villages in HSK and drainage systems to alleviate flooding should be provided;
- (xii) the existing rural environment and sites with significant ecological values should be preserved, and buffer zones should be provided to minimise disturbance to ecological sensitive habitats;
- (xiii) the PBU/OS uses within the NDA should be carefully considered and a flexible approach should be adopted to sustain the livelihood of PBU/OS operators/workers;

*Implementation Mechanism, Compensation and Rehousing*

- (xiv) the NDA development should be implemented in phases and the supporting infrastructure should be provided in a timely manner;  
and

- (xv) the prevailing compensation rates under land resumption by the Government should be reviewed. Some considered that land resumption should only be carried out for public housing and infrastructure, others objected to private sector participation in the development of the NDA;

#### Vision and Role of the HSK NDA

- (h) the overall vision of the NDA was to build a sustainable, people-oriented and balanced living and working community for Hong Kong. The HSK NDA would not be just a localised residential and employment hub, but a regional centre that would serve to foster future economic development and growth of Hong Kong;
- (i) the geographically favourable location of HSK NDA would help promote economic activities which built upon interaction with the adjacent areas such as Tuen Mun, TSW and Shenzhen. The HSK NDA would provide a major source of land supply to meet the housing needs of Hong Kong in the medium- to long-term. Moreover, the HSK NDA should integrate well with the existing neighbouring urban clusters including TSW, Yuen Long and Tuen Mun to enable effective sharing of infrastructure, GIC facilities and job opportunities, and to improve the existing housing mix;

#### PODP

- (j) the proposals under the PODP would accommodate a new town of a population of about 218,000 (including existing population and base growth of 43,000), about 60,000 new flats (51% public and 49% private) and 100,000 job opportunities. The PRs for the HSK NDA ranged from 3.5 to 8 and the maximum building height (BH) for the developments was 40 storeys. The implementation works would commence in 2019, with the target of first population intake by 2024 and full occupation of the NDA by 2034;

- (k) the HSK NDA would make use of the existing WR as backbone of mass public transport. The HSK NDA was also served by the Light Rail Transit at the south. Feeder services were proposed to serve the population and workers of the HSK NDA to and from the existing WR TSW Station and proposed WR HSK Station. Environmentally-friendly transport system would also be considered;
  
- (l) the HSK NDA was already well served by existing strategic highways including Yuen Long Highway, Castle Peak Road and Kong Sham Western Highway (KSWH). It was proposed to build a primary distributor running underneath KSWH for convenient access to the Logistics and Technology Quarter in the north-western part of the NDA. This would also avoid heavy vehicles to use the roads within the residential neighbourhood. There would also be an additional main distributor in the northern part of the NDA to facilitate east-west traffic movements. Moreover, a section of the existing Tin Ying Road between Tin Wah Road and Ping Ha Road was proposed to be removed to enable better integration with the TSW area and to free up some land along the river channel for other developments;

#### Overall Planning and Design Framework

- (m) the main features of the HSK NDA were highlighted as follows:
  - (i) the major town centre with a mega shopping facility and other shops and services, office and hotel uses as well as high density residential developments was planned around the proposed WR HSK Station;
  
  - (ii) a secondary hub would be located near the existing WR TSW Station which would also serve the residents of TSW;
  
  - (iii) a Logistics and Technology Quarter was proposed in the

north-western part of the NDA with direct access onto KSWH;

- (iv) visual corridors, building setbacks and varied BHs were proposed to enhance visual linkage with surrounding natural features and ensure air ventilation;
- (v) regeneration of the areas along the TSW Channel and removal of a section of Tin Ying Road were proposed to improve the air quality of the surrounding areas and reduce traffic noise nuisance to the residents;
- (vi) a Town Park was proposed at a central location in the NDA, which would be well connected with the other smaller open spaces and the riverside promenades; and
- (vii) a comprehensive cycle track and pedestrian network was proposed to connect all developments, community facilities, open spaces, transport nodes as well as TSW.

142. With the aid of a Powerpoint presentation, Mr. Alan MacDonald, Urbis, made the following main points:

#### Development Character Areas

- (a) the NDA could broadly be divided into six development character areas (DCAs), each with different characteristics and defined function:

*DCA1 – Riverine and Village Neighbourhood* (PR : 5.5 to 6.5, BH : 20-35 storeys)

- (i) this area was proposed to be a quality residential and riverine environment. The removal of a section of Tin Ying Road allowed better integration with TSW and improved the living environment of those residents of TSW residing along the river

channel. The additional land area released from the road removal had provided opportunity to enhance the riverside environment and allow greater flexibility in planning and layout;

- (ii) existing riverine channel would be regenerated as a landscape and recreational resource. Retail and dining facilities would be provided along the riverside promenade along the existing TSW river channel. Moreover, pedestrian and cycle tracks would be provided on the riverside;
- (iii) a town park with riverside promenade would be provided in the southern part of DCA1 serving as a major focal point of HSK;

*DCA2 – Bayview Neighbourhood (PR : 3.5 to 6, BH : 14-35 storeys)*

- (iv) land uses proposed within this area included residential developments (private, public rental housing (PRH) and Home Ownership Scheme (HOS)) and GIC uses. High-density developments of PRH and HOS would be developed at the eastern and southern parts farther from the Lau Fau Shan (LFS) area. Development intensity of other residential developments would decrease towards the LFS area;
- (v) the existing ecological resources would be respected and a riverside promenade would be developed along the river for recreational use;

*DCA3 – Logistics and Technology Quarter (PR : 5, BH : 10 - 15 storeys)*

- (vi) the area would be the major job centres providing employment opportunities for the residents of the HSK NDA and TSW. It would be designated for “Special Industry” to accommodate logistics facilities as well as Information Technology and Telecommunications industries including data centre uses, testing

and certification facilities and business uses;

- (vii) land currently occupied by the existing OS uses would be rationalised and a more intensive form of development was conducive to better land utilization;
- (viii) existing areas of wetland compensation installed under the KSWH project were to be retained and designated as “Green Belt”;

*DCA4 – Commercial Residential Hub (PR : 5 - 8, BH : 2 - 40 storeys)*

- (ix) taking into account the location of the proposed WR HSK Station, this area would be the major town centre of the HSK NDA;
- (x) a commercial core accommodating a mix of hotels, retail, and office uses would be provided above and in the vicinity of the proposed WR HSK Station to serve the residents of NWNT as well as cross-boundary visitors. Moreover, residential developments would be provided near the station;
- (xi) a sports ground mainly serving the NDA and neighbouring New Towns would be provided at the southern part of the area;
- (xii) an active egretty at San Sang San Tsuen would be retained and designated “Green Belt”;
- (xiii) the existing river channel in the middle part of the area would be upgraded into riverside promenade for enjoyment of local residents;

*DCA5 – Eastern Residential Neighbourhood cum Commercial Centre*

(PR : 5.5 - 8, BH : 20 - 40 storeys)

- (xiv) the area was located immediately south of the existing WR TSW Station and would be developed as a secondary focal point of the NDA;
- (xv) developments within this area would principally include commercial developments, private and public residential developments, GIC facilities and retail uses;
- (xvi) a site to the southwest of the WR TSW Station had been reserved for a possible hospital cum specialist clinic/polyclinic to help address the shortfall of a wider area;
- (xvii) the area was surrounded and bisected by major roads posing environmental constraints to the future developments. The adverse environmental impacts would have to be addressed by careful layout planning at a later stage;

*DCA6 – Southern Residential Neighbourhood*

- (xviii) the area was characterised by existing clustered villages and private developments. Given the presence of these well established communities and limited available land for further major developments, substantial intensification of development in this area was not contemplated;
- (xix) further development of this DCA would follow the land use and development intensity provisions in the current OZPs. Suitable environmental and infrastructural improvements for the area would be proposed; and
- (xx) existing river channels would be regenerated as a landscape and recreational resources;

- (b) the existing cycle track network in TSW would be extended to HSK NDA;
- (c) a comprehensive cycle track network permeating the HSK NDA would be provided to create a vehicle-free environment for cyclists. The cycle track network would be linked with the cycle tracks along Castle Peak Road to Yuen Long and the NENT in future;
- (d) the existing heritage resources within the NDA would be preserved and conserved in the overall planning of the NDA. A network of cultural heritage trail was proposed within the NDA;

#### Environment and Conservation

- (e) with a view to create a sustainable living environment, various energy efficient designs and technologies for building development were encouraged. Opportunities of using renewable energy in the NDA were being explored;
- (f) there was only a limited amount of ecological resources within the NDA. The existing areas of wetland compensation installed under the KSWH project in DCA3 were to be retained and protected. An active egretty at San Sang San Tsuen in DCA4 would be protected;

#### Stage 2 CE

- (g) CE2 which started on 15.7.2013 would be conducted for three months to seek comments from the public on the proposed PODP. Relevant Boards/Committees, including the Tuen Mun and Yuen Long District Councils and the relevant Rural Committees, Heung Yee Kuk, and major local concern groups/stakeholders would be consulted during the engagement period. A public forum on the PODP would be held on 7.9.2013; and

- (h) the public views received during the CE2 would be taken into account in refining the planning proposals at the next stage of the Study.

### Discussion Session

143. Some Members had the following questions and comments:

- (a) the proposal of preserving all the existing villages within the HSK NDA was supported. The development concept was organic which had respected the existing natural resources;
- (b) consideration should be given to integrate different land parcels together to form a people-oriented community;
- (c) given that there were already town parks in Tuen Mun and TSW areas, the provision of another town park in the central area of the HSK NDA seemed unnecessary. Moreover, the location of the Town Park was too far way from the population cluster. Consideration should be given to provide smaller parks closer to residential developments;
- (d) a unique design concept should be adopted to make the proposed Town Park a major focal point for the HSK NDA;
- (e) what was the strategic relationship between the HSK NDA and the Qianhai development in Shenzhen noting that the land use proposal of both projects were similar, i.e. to provide logistics centres and commercial uses;

[Dr. W.K. Yau left the meeting at this point.]

- (f) the concept of developing a comprehensive and continuous pedestrian network, cycle track network and heritage trail within the NDA development was appreciated. A separate plan illustrating these green

infrastructure would assist the general public to comprehend the concept in the CE2;

- (g) a pedestrian network which was segregated from the road network should be designed to provide a quality walking environment;
- (h) justifications should be provided to demonstrate that the proposed location was suitable for the development of Special Industries, in particular data centre, from the perspectives of infrastructural support and business development;

[Mr. H.W. Cheung left the meeting at this point.]

- (i) what was the impact of the HSK NDA on the existing logistics industries in the area, in particular the container storage which might not be classified as a kind of Special Industries and were unwelcomed by the local community;
- (j) whether the development of a designated area for logistics industries in Tuen Mun would have any bearing on the development of HSK NDA;
- (k) what was the implementation approach for the HSK NDA. The presence of large amount of land under Tso Tong ownership would affect the smooth implementation of the project; and
- (l) how would the development of railway station in HSK NDA fit into the overall railway network of Hong Kong in terms of timing.

144. In response, Ms. Amy Cheung and Mr. Alan MacDonald made the following main points:

- (a) the details on integration between different land parcels within the NDA would be worked out at a later stage taking into account the public comments received in CE2;

- (b) there was a general consensus that the Town Park should be centrally located. Sufficient open spaces had been planned in each DCA according to the requirement of the Hong Kong Planning Standards and Guidelines;
- (c) given the strategic location of the HSK NDA, with railway systems and road networks linking to Shenzhen and other areas, opportunity would be taken to capitalise on this strategic position for future economic growth and provision of a large employment cluster for various economic activities including commercial, office and logistics industries, etc.;
- (d) alternative pedestrian network along the riverside promenades would provide a quality walking environment that was vehicle-free, properly landscaped, and easily connected to all parts of the NDA;
- (e) the Special Industries Area (SIA) was proposed in the north-western part of the NDA based on locational and environmental consideration. The proposed area was highly accessible to major highways and boundary crossing which would provide a convenient connection to Shenzhen and other adjacent areas. The logistics facility under the SIA which had a high trip generation of heavy vehicles should be located away from the residential clusters. The proposed data centre use was an initial proposal. Further advice on the appropriateness, the location and infrastructure support would be sought from relevant Government bureaux/departments. Public comments would also be invited during CE2;
- (f) to contain and consolidate the existing OS uses within the proposed SIA would allow more efficient use of land as well as improving the environment. As the proposed area for logistics industries might not be suitable for accommodating the existing operators, the arrangement to phase out the existing container yards would need to be worked out carefully;

- (g) given the NDA was well connected to other districts, the reservation of any site for logistics industries in the adjoining areas (e.g. Tuen Mun) would be taken into account in planning the future development of logistics industries within the NDA;
- (h) the CE2 currently undertaken was mainly to solicit public views on the land use proposal contained in the PODP. The presence of more than 100 ha of Tso Tong land in the NDA would affect site amalgamation by the private sector and would therefore need to be taken into consideration in working out, at the next stage, an appropriate implementation arrangement for the project; and

[Ms. Janice W.M. Lai left the meeting at this point.]

- (i) the proposed WR HSK station had been included in the strategic railway network of Hong Kong for many years. However, its implementation would depend on the timing of meeting the population threshold for implementing this railway network.

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

145. As Members had no other questions or comments, the Chairman concluded the discussion and said that he hoped 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.

#### Procedural Matters

#### **Agenda Item 10**

[Open meeting]

Submission of the draft Lai Chi Kok Outline Zoning Plan No. S/K16/15 to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9393)

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[The meeting was conducted in Cantonese.]

146. Mr. H.F. Leung had declared an interest on this item as he owned a property at Mei Foo Sun Chuen which was near the site under amendment.

147. As the item only involved procedural matter and no discussion was required, Members agreed that Mr. H. F. Leung could stay at the meeting.

148. The Secretary briefly introduced the Paper. On 28.12.2012, the draft Lai Chi Kok Outline Zoning Plan (OZP) No. S/K16/15, incorporating amendments mainly to rezone the private community centre (孚佑堂) at 38 Broadway Street, Stage 2, Mei Foo Sun Chuen from “Residential (Group A)” to “Other Specified Uses” annotated “Private Community Centre”, to impose building height restriction of one storey and gross floor area restriction of 564m<sup>2</sup> to reflect the as-built condition of the private community centre, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the plan exhibition period which ended on 28.2.2013, no representation was received. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

[Ms. Bernadette Linn left the meeting at this point.]

149. After deliberation, the Board:

- (a) agreed that the draft Lai Chi Kok OZP No. S/K16/15A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Lai Chi Kok OZP No. S/K16/15A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft

OZP and to be issued under the name of the Board; and

- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 11**

[Open meeting]

Submission of the draft Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/10A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance (TPB Paper No. 9417)

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[The meeting was conducted in Cantonese.]

150. The following Members had declared interests on this item:

- |                       |   |   |
|-----------------------|---|---|
| Mr. Dominic K.K. Lam  | ] | had current business dealings with Sino                           |
| Mr. Patrick H.T. Lau  | ] | Land Company Ltd. which was a parent                              |
| Mr. Ivan C. S. Fu     | ] | company of King Regent Limited (R1)                               |
| Mr. Stanley Y.F. Wong | : | co-owned with his spouse a flat on Deerhill Bay near Pak Shek Kok |
| Dr. W. K. Yau         | : | owned a house and land in Cheung Shue Tan Tsuen near Pak Shek Kok |
| Mr. Roger K.H. Luk    | : | being the Treasurer of the Chinese University of Hong Kong        |

151. As the item only involved procedural matter and no discussion was required, Members agreed that the above Members could stay at the meeting. Members noted that Professor S.C. Wong and Mr. Ivan C.S. Fu had tendered apologies for being unable to attend the meeting, and Mr. Stanley Y.F. Wong, Mr. Roger K.H. Luk, Mr. Patrick H.T. Lau and Dr. W.K. Yau had already left the meeting.

152. The Secretary briefly introduced the Paper. On 18.1.2013, the draft Pak Shek Kok (East) Outline Zoning Plan (OZP) No. S/PSK/10, incorporating amendments mainly related to the rezoning of a site of 3.8 ha from “Recreation” (“REC”), “Open Space” (“O”) and ‘Road’ to “Residential (Group B) 5” (“R(B)5”) for medium-density private housing development and a site of about 8 ha from “REC”, “O” and ‘Road’ to “Other Specified Uses” annotated “Science Park” to reserve land for future expansion of Hong Kong Science Park; and reflect the existing Government, Institution and Community facilities and designation of non-building areas in the “Residential (Group B)4” (“R(B)4”) and “R(B)5” zones to improve local air ventilation, was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 349 representations and 89 comments were received. Subsequently, one representation was withdrawn. On 12.7.2013, after giving consideration to the representations and comments, the Board decided not to propose any amendment to the draft OZP to meet any representation. Since the representation consideration process had been completed, the draft OZP was now ready for submission to the Chief Executive in Council (CE in C) for approval.

153. After deliberation, the Board:

- (a) agreed that the draft Pak Shek Kok (East) OZP No. S/PSK/10A and its Notes were suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) endorsed the updated Explanatory Statement (ES) for the draft Pak Shek Kok (East) OZP No. S/PSK/10A as an expression of the planning intention and objectives of the Board for the various land-use zonings on the draft OZP and to be issued under the name of the Board; and
- (c) agreed that the updated ES was suitable for submission to the CE in C together with the draft OZP.

**Agenda Item 12**

[Open meeting]

**Any Other Business**

[The meeting was conducted in Cantonese.]

154.           There being no other business, the meeting closed at 6:20 p.m.