

**Minutes of 1047th Meeting of the
Town Planning Board held on 6.12.2013**

Present

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Timothy K.W. Ma

Professor Edwin H.W. Chan

Mr Rock C.N. Chen

Mr Maurice W.M. Lee

Professor Eddie C.M. Hui

Ms Julia M.K. Lau

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Mr Roger K.H. Luk

Ms Anita W.T. Ma

Dr W.K. Yau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr Sunny L.K. Ho

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.B. Yau

Mr F.C. Chan

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

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

Ms Bernadette H.H. Linn
Director of Lands (until 1:30 p.m.)

Mr Jeff Lam
Deputy Director of Lands (from 2:40 p.m. onwards)

Director of Planning
Mr K.K. Ling

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

Secretary

Absent with Apologies

Professor P.P. Ho

Dr C.P. Lau

Ms Bonnie J.Y. Chan

Professor K.C. Chau

Mr Ivan C.S. Fu

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

In Attendance

Assistant Director of Planning/Board

Ms Brenda K.Y. Au

Chief Town Planner/Town Planning Board

Mr Louis K.H. Kau (a.m.)

Mr Edward W.M. Lo (p.m.)

Senior Town Planner/Town Planning Board

Ms Doris S.Y. Ting (a.m.)

Mr J.J. Austin (p.m.)

Agenda Item 1

[Open Meeting]

Confirmation of Minutes of the 1046th Meeting held on 15.11.2013

[The meeting was conducted in Cantonese.]

1. The minutes of the 1046th meeting held on 15.11.2013 were confirmed without amendments.

Agenda Item 2

[Open Meeting]

Matters Arising

[The meeting was conducted in Cantonese.]

(i) New Town Planning Appeal Received

Town Planning Appeal No. 9 of 2013

Proposed Hotel (Guesthouse) in “Residential (Group A)” zone,

2/F, Block A, Wah May Building,

Nos. 36A-36B Shantung Street, Mong Kok

(Application No. A/K3/547)

2. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 28.11.2013 against the decision of the Town Planning Board (the Board) on 13.9.2013 to reject on review an application for a proposed hotel at 2/F, Block A, Wah May Building in Mong Kok. The site was zoned “Residential (Group A)” on the draft Mong Kok Outline Zoning Plan No. S/K3/30. The application was rejected by the Board for the following reasons:

- (a) the application involved partial conversion of an existing commercial/residential building for hotel use. As there was no

separate access to exclusively serve the proposed hotel, its operation would create nuisances to the residents on the upper floors of the same building. The security measures proposed in the application were considered not effective to avoid the shared use of the common entrance and lift of the building by the hotel guests and residents;

- (b) the internal design and layout of the proposed hotel development were not acceptable as some of the guestrooms were not provided with windows; and
- (c) the approval of the application would set an undesirable precedent for similar application for partial conversion of an existing commercial/residential building for hotel use without separate access.

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

(ii) Appeal Statistics

4. The Secretary reported that as at 6.12.2013, 16 cases were yet to be heard by Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	30
Dismissed	:	130
Abandoned/Withdrawn/Invalid	:	172
Yet to be Heard	:	16
Decision Outstanding	:	3
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Total	:	351

Sha Tin, Tai Po and North District

Agenda Item 3

[Open Meeting]

Consideration of Two New Draft Outline Zoning Plans for Kwu Tung North and Fanling North New Development Areas

(TPB Paper No. 9528)

[The meeting was conducted in Cantonese.]

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

Mr C. K. Soh - District Planning Officer/Shu Tin, Tai Po and North, PlanD (DPO/STN, PlanD)

Ms Maggie Chin - Senior Town Planner/Shu Tin, Tai Po and North, PlanD (STP/STN, PlanD)

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

7. With the aid of a Powerpoint presentation, Ms Maggie Chin, STP/STN, made the following main points as detailed in the Paper:

Background

- (a) the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study) was commissioned jointly by the Civil Engineering and Development Department and PlanD with a view to formulating a planning and development framework for the New Development Areas (NDAs) to meet long-term housing, economic and environmental needs of Hong Kong. The results of the NENT

NDA Study were promulgated on 4.7.2013 and had recommended proceeding with the implementation of Kwu Tung North (KTN) and Fanling North (FLN) NDAs. Briefings and meetings with relevant bodies, including the Legislative Council Panel on Development, Land Development Advisory Committee, North District Council and relevant Rural Committees, local concerns groups and other stakeholders had been held;

- (b) on 26.7.2013, Members of the Board were briefed on the Recommended Outline Development Plans (RODPs) formulated for the KTN and FLN NDAs and the arrangements for implementing the proposals, including the implementation approach and the compensation and rehousing arrangements;
- (c) on 9.9.2013, the Advisory Council on the Environment (ACE) considered and endorsed the Environmental Impact Assessment (EIA) Report on the NENT NDAs with conditions and had also put forward some recommendations. Approval of the EIA was given by the Director of Environmental Protection (DEP) on 18.10.2013;

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

- (d) on 22.8.2012 and 4.12.2013, under the power delegated by the Chief Executive, the Secretary for Development directed the Board, under section 3(1)(a) of the Town Planning Ordinance (the Ordinance), to prepare two new statutory plans for the KTN and FLN NDAs;

Refinements of RODPs

- (e) since the promulgation of the Revised RODPs for the KTN and FLN NDAs in July 2013, further refinements had been made to respond to comments received and allow a better layout. The major refinements were:

KTN NDA

- (i) realignment of Road R1 to Ma Tso Lung to the west and moving the proposed sports ground/sports complex westwards to avoid diversion of the lower section of Ma Tso Lung Stream. This part of the stream and its surrounding areas covered by riparian vegetation were designated as “Green Belt” (“GB”) zone to protect the ecologically sensitive Ma Tso Lung Stream;
- (ii) relocation of the proposed fire station cum ambulance depot and swapping of school sites to better serve the community;
- (iii) rezoning of five sites from open space/amenity area to “Government, Institution or Community” (“G/IC”) for government reserve to cater for future needs;
- (iv) addition and extension of open space spines to enhance the open space network;

FLN NDA

- (v) retaining the mitigation meander to the north of Ng Tung River and rezoning the meander to “Conservation Area” (“CA”) and the surrounding buffer area to “GB”;
- (vi) enlarging the regional open space and preserving the mitigation meanders in it as important landscape features;
- (vii) relocating a G/IC use at Fu Tei Au to the north of Ng Tung River to optimize land utilization and rezoning the concerned site from “G/IC” to “Agriculture” (“AGR”) to allow the continuation of the farming practice;
- (viii) rezoning of an open space site to “G/IC” for government reserve

to cater for future needs;

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

Planning Scheme Boundary of KTN and FLN OZPs

KTN OZP

- (f) the KTN OZP, with an area of about 447 ha, fell mainly within the planning scheme areas of three prevailing OZPs. The new KTN OZP would replace the draft KTN No. S/NE-KTN/8 and incorporate the southern part of the draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/1, small strips of land on the approved Fanling/Sheung Shui OZP No. S/FSS/18 and a piece of land at the southern fringe not currently covered by any statutory plan (i.e. an area of about 21 ha covering the ex-Dills Corner Military Site and a section each of Fanling Highway and Castle Peak Road);

FLN NDA

- (g) the FLN NDA, with an area of about 165 ha, fell mainly within the planning scheme areas of three prevailing OZPs. It would incorporate the northern and north-eastern parts of the approved Fanling/Sheung Shui OZP No. S/FSS/18, the southern part of the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/12, a piece of land in the southern tip of the approved Hung Lung Hang OZP No. S/NE-HLH/7 and the previous river channel of Ng Tung River before training which was not covered by any statutory plan (about 10 ha);

Special Features of the OZPs

Specific Set of Covering Notes for the NDA OZPs

- (h) under the Master Schedule of Notes to Statutory Plans (MSN) endorsed by the Board on 28.2.2003, there were two sets of covering Notes, one for urban/new town areas (i.e. urban OZPs) and one for rural areas (i.e.

rural OZPs), reflecting the differences in planning control and enforcement powers under the Ordinance for areas previously covered by Interim Development Permission Area (IDPA) Plans or Development Permission Area (DPA) Plans (i.e. rural areas) and areas that were not (i.e. urban/new town areas);

- (i) for rural OZPs, 'existing use' was tied to the date of the first publication of the IDPA/DPA Plan and any use that came into existence after that date would need to comply with the OZP and any unauthorized development would be subject to enforcement action. For the urban/new town areas, 'existing use' was tied to the date on which the first statutory plan was published or a new land use zoning restriction affecting the land or building came into effect. PlanD had no enforcement power against unauthorized development under the Ordinance in the urban/new town areas;

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

- (j) there was also a difference in planning control on temporary uses. For rural OZPs, in order to prevent the proliferation of temporary uses in rural areas, all temporary uses (except for a few specific uses not exceeding a period of two months) would require planning permission from the Board. Under urban/new town OZPs, temporary uses that were expected to be five years or less were always permitted as long as they complied with any other relevant legislation, the conditions of Government lease concerned, and any other Government requirements;
- (k) given that the planning scheme areas of the KTN and FLN OZPs had included areas covered by IDPA/DPA Plans or new town OZPs, a special set of covering Notes that had integrated the provisions in the covering Notes for urban/new town OZPs and for rural OZPs had been prepared for the two OZPs. The main features of this set of covering Notes were detailed in paragraph 5.4 of the Paper and summarised

below:

‘Existing Use’

- (i) for those areas previously covered by the IDPA/DPA Plans (namely, the Kwu Tung North IDPA Plan and the Ma Tso Lung and Hoo Hok Wai DPA Plan within the KTN NDA, and the Fu Tei Au and Sha Ling IDPA Plan and the Hung Lung Hang DPA Plan within the FLN NDA), the provision for ‘existing use’ in the covering Notes followed the rural OZPs. For those areas previously covered by the Fanling/Sheung Shui OZP No. S/FSS/1 and the area not previously covered by any statutory plan, the provision followed the urban OZPs. The provisions for ‘existing use’ for the rural and urban OZPs were set out in paragraph 7(i) above;

Temporary Use

- (ii) as the two NDAs were currently predominantly rural in character with scattered village settlements, domestic dwellings, rural workshops and open storage uses, it was necessary to retain the control on temporary uses (i.e. planning permission would be required for all temporary uses) in the interim pending the implementation of the NDAs. Upon full implementation of the NDAs scheduled by 2031, planning control on temporary uses would have to be further revised to bring the control in line with the practice for urban/new town areas;

Uses Always Permitted under Respective Zones

- (iii) as some rural areas would be retained in the NDAs, the relevant provisions of the MSN for rural areas to meet the villagers’ needs, including ‘rebuilding of New Territories Exempted House (NTEH)’, ‘replacement of an existing domestic building by a NTEH’, ‘provision, maintenance or repair of grave of indigenous villager or a locally based fisherman and his family

members' etc. had been incorporated;

Provision of Commercial Uses in “Residential (Group A)” (“R(A)”) Zone

- (l) according to the MSN for “R(A)” zone, commercial uses were always permitted on the ‘lowest three floors of a building’ to facilitate the provision of commercial uses to serve the local community. As an urban design concept in the NENT NDAs Study, terraced commercial podium up to two storeys in the core of the town centres/district centres was recommended. Also, purpose-designed non-residential buildings of up to five storeys might allow flexibility for provision of greater floor space for commercial and G/IC facilities to cater for special needs while at the same time avoid bulky podium structures to minimize any possible adverse air ventilation and visual impacts. It was proposed that both options in the Notes of the “R(A)” zone be allowed to take forward the recommended design concept for the NDAs;

[Miss Winnie Wong arrived to join the meeting at this point.]

“Open Space (1)” (“O(1)”) Zone

- (m) a special design feature in KTN NDA was the Town Plaza which stretched from west to east across the Town Centre forming a focus area of activities and an important public open space linking up major activity nodes with the proposed Kwu Tung railway station and public transport interchange. A special “O(1)” zoning was proposed with the intention to encourage commercial activities around the proposed Kwu Tung station to enhance the vibrancy of the area. As the Town Plaza was the “heart” of the KTN NDA, it was important to ensure that its design should be of high quality and conducive to its function as a major activity node. Appropriate development control on the detailed planning and design of the Town Plaza would be exercised through the planning application. Commercial uses such as ‘shop and services’ and ‘eating place’ might be provided in the area adjacent to the proposed railway station on application. An urban design study would

be undertaken to formulate the design guidelines for the Town Plaza;

Pedestrian Shopping Streets

- (n) pedestrian shopping streets and terraced podium design, subject to a building height of 5m and 10m-wide setback, were planned in the town cores and along major open spaces in the NDAs. Continuous shop frontage and provision of a mix of commercial and leisure facilities along the shopping streets would enhance the vibrancy and vitality of the areas while terraced podium design would ensure coherent built form and enhance the pedestrian environment at street level;

Conserve and Enhance Ecological Value of Long Valley

- (o) to conserve and enhance the existing wetland habitats in Long Valley for the benefit of the local ecology and promotion of nature conservation and education, about 37 ha of land in the core area of Long Valley had been designated as a 'Nature Park'. All private land would be resumed by the Government for future management under the Agriculture, Fisheries and Conservation Department (AFCD). As the ecological value of the area was closely related to the existing farming practice, the Nature Park would allow such practice based on guidelines and requirements to be prescribed by the Government;

"AGR(1)" Zoning for the Northern Part of Long Valley

- (p) the farmland in the northern part of Long Valley was at present predominantly under active agricultural use. In considering the EIA report for the NENT NDAs, ACE strongly recommended zoning this area as "CA" to provide better protection of the ecologically important habitat/bird flight paths in the area. As advised by AFCD, the ecological importance of the farmland in the northern part of Long Valley was closely related to the current farming practice in the area and it being located under the direct flight paths of migratory birds between the Ho Sheung Heung Egrettry and Long Valley. It was essential to retain and safeguard the agricultural land/farm/fish ponds in

this area for agricultural purposes in order to maintain its ecological function. In the circumstances, “AGR” zoning would better reflect the planning intention of retaining/safeguarding the agricultural land/farm/fish ponds in the northern part of Long Valley for agricultural purposes;

- (q) to ensure that the ecological importance of the area would be maintained by existing agricultural activities, this area was proposed to be designated as “AGR(1)” to impose more stringent planning control by limiting the development and activities in the area. Planning permission from the Board would be required for filling of pond/land including the filling of land up to 1.2m which was normally permitted in “AGR” zone. Besides, only uses related to the agricultural uses and rural facilities were permitted as of right. Selective uses serving the local needs might be permitted on application to the Board;

[Mr Patrick H.T. Lau, Mr Clarence W.C. Leung and Mr F.C. Chan arrived to join the meeting at this point.]

New Restrictions under “Green Belt” Zone

- (r) in KTN, there were some natural landscape and ecological features including the habitats of wildlife associated with the Ma Tso Lung Stream, the fung shui woodland and hilly terrain of Fung Kong Shan. These areas were previously covered by “AGR”, “GB” and “G/IC” zones on the KTN OZP as well as “AGR” and “GB” zones on the Ma Tso Lung and Hoo Hok Wai OZP and subject to different or no restrictions on ‘diversion of stream’, ‘filling of pond/land’ and ‘excavation of land’. As recommended in the EIA Report of the NENT NDAs, the concerned area would be designated as “GB” on the new KTNOZP. To better protect the natural environment, there was a need to impose more stringent control where all the above activities would require planning permission from the Board;

Reprovisioning of Affected Village Houses under Village Removal Terms

- (s) the implementation of the two NDAs would affect a number of village houses or building lots. According to the prevailing New Territories Village Removal Policy, the Government would consider providing eligible house or building lot owners resite houses in exchange for the free surrender or upon resumption of their affected houses or building lots under Village Removal Terms. To fulfill this obligation, two sites in the NDAs had been identified for the reprovisioning of village houses under the Village Removal Terms due to the NDA developments. The two sites would be designated as “Village Type Development (1)” (“V(1)”) on the KTN OZP and “Village Type Development” (“V”) on the FLN OZP;

Land Use Proposals

- (t) upon full development, the KTN and FLN NDAs would accommodate a total population of about 176,900 and provide about 37,700 employment opportunities;

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

KTN OZP

- (u) the land use proposals for the draft KTN OZP were detailed in paragraphs 6.3 to 6.23 of the Paper and summarized as follows:

Comprehensive Development Area (“CDA”) (about 1.61 ha)

- (i) a site to the south of Yin Kong Village was under this zoning. The zoning was intended for comprehensive development of the area for residential use with the provision of open space and other supporting facilities. Development on the site was subject to a maximum plot ratio (PR) of 0.4, a maximum site coverage (SC) of 20% and a maximum building height (BH) of three storeys including one storey of car park. On 6.11.2009, a

planning application for a low-rise and low-density residential development with minor relaxation of PR and SC was approved with conditions by the Board. The approved low-density residential development included 38 houses with a PR of 0.47, a SC of 22.47%, and a maximum BH of three storeys including one storey carport. The existing Enchi Lodge, which was a Grade 2 historic building within the site, would be preserved;

Residential (Group A) (“R(A)”) (about 28.51 ha)

- (ii) the “R(A)” zone was intended for high-density residential developments and included 10 sites for both private and public housing developments including Home Ownership Scheme (HOS). All these sites were located in proximity to the proposed railway station (within 500m) and at the core of the NDA. Five of the sites had been reserved for public rental housing (PRH)/HOS use or a mix of them to cater for the future demand for subsidized housing;

“Residential (Group B)” (“R(B)”) (About 19.91 ha)

- (iii) the “R(B)” zone was primarily intended for medium-density private residential developments. A total of eight sites to the east of the proposed railway station were designated as “R(B)”. Developments in these sites were subject to a maximum PR of 3.5 and maximum BHs ranging from 75mPD to 95mPD having regard to the general topography and site constraints;

“Residential (Group C)” (“R(C)”) (About 0.34 ha)

- (iv) the “R(C)” zone was primarily intended for low-rise and low-density residential developments. The Phoenix Garden, an existing low-density residential development, on the southern side of Fung Kong Shan in Area 14 was under this zoning. Development or redevelopment of this site was subject to a maximum PR of 0.4 and a maximum BH of two storeys;

“Village Type Development” (“V”) (About 17.66 ha)

- (v) the “V” zone was to designate existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The existing recognized villages, i.e., Ho Sheung Heung in Area 17 and Yin Kong in Area 37, would be retained and zoned as “V” for Small House developments. Amendments had been made to enlarge the “V” zone of Ho Sheung Heung and Yin Kong taking into account the outstanding Small House applications and the ten-year forecast Small House demand, the village ‘environs’ and relevant planning considerations;

- (vi) a site near Ho Sheung Heung Village in Area 36 was designated as “V(1)” for reprovisioning of the affected village houses under the Village Removal Terms due to the NDA developments;

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

“Government, Institution or Community” (“G/IC”) (About 46.66 ha)

- (vii) the planning intention of “G/IC” zone was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory;

- (viii) the major existing GIC facilities of regional significance under this zone included the existing Lo Wu Correctional Institution and two service reservoirs. Other government uses included a hospital, polyclinic and general clinic/health centre would provide medical services for the Area and wider population. Moreover, a district library, a sports centre, a community hall and some social welfare facilities were planned in areas near residential developments;

- (ix) seven primary schools and four secondary schools would be provided to meet the needs of the population. These proposed school sites were in close proximity to residential developments to allow convenient access to students. Apart from these, seven sites were designated as “G/IC” for government reserve purposes to meet future needs;

“Open Space” (“O”) (About 33.31ha)

- (x) the “O” zone was intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses. A network of interconnected public open spaces was proposed;
- (xi) regional open space including areas along the western banks of Sheung Yue River and Shek Sheung River, which would be developed into a continuous riverside promenade for the enjoyment of the residents and visitors;
- (xii) the Town Plaza stretching from west to east across the Town Centre was specially designated as “O(1)”. It served as a green corridor linking up major activity nodes with the proposed railway station and the public transport interchange. The major north-south green corridor linking Kwu Tung South to Fung Kong Shan Park was also designated as “O”. It would serve as the primary green corridor of the NDA. Local open space was provided in close proximity to residential areas to serve local residents which included some open space corridors linking up the residential areas with the Town Plaza and the riverside promenade along Sheung Yue River. Besides, local open space would also be provided to serve the local residents within individual private and public residential developments in accordance with the Hong Kong Planning Standards and

Guidelines (HKPSG);

Other Specified Uses (“OU”) (75.36 ha)

“Commercial and Residential Development with Public Transport Interchange”

- (xiii) a site in Area 25 was designated under this zoning for high-density private commercial/residential developments with a public transport interchange (PTI) of not less than 6,000m² serving the community. Development on the site was subject to a total maximum PR of 6 (of which domestic PR should not exceed 5) and a maximum BH of 120mPD;

“Mixed Use”

- (xiv) a site in Area 30 at the southern entrance of the NDA abutting Fanling Highway was planned for a medium-density development for a mix of commercial/office, hotel, residential uses and social welfare facilities, either vertically within a building or horizontally over a spatial area. This zone was subject to a total maximum PR of 3 (of which the domestic PR should not exceed 1) and a maximum BH of 110mPD;

“Business and Technology Park”

- (xv) five sites in the southern part of the NDA were under this zoning which was intended for medium-density development to provide a mix of commercial, office, design, research and development uses for promoting high technology business development. An urban design and landscape framework aiming to create a pleasant park-like environment for this business and technology cluster should be formulated to guide the future development. This zone was subject to a maximum PR of 3.0 and maximum BH ranging from 40 to 60mPD.

“Research and Development”

- (xvi) a site in Area 2 (about 5.8 ha) was under this zoning. The planning intention of this zone was primarily for design, research and development uses which could create synergy with the development of Lok Ma Chau Loop in close proximity to the site. The site would provide development space for industries such as innovative and high-technology industries and cultural/creative industries. Development on the site was subject to a maximum PR of 1.76 and maximum BHs ranging from 30mPD to 65mPD to be in harmony with the rural setting and village development in the vicinity;

“Nature Park”

- (xvii) about 37 ha of land in Long Valley in Area 39 was designated as “Nature Park”;

“Agriculture” (“AGR”) (About 25.07 ha)

- (xviii) the areas designated as “AGR” were predominately active agricultural land intermixed with abandoned farmland/grassland, fruit trees and squatter huts. It was intended to allow the continuation of the existing farming practices. It would also serve as a buffer for Long Valley to its north;

“Agriculture (1)” (“AGR(1)”) (About 20.79 ha)

- (xix) the “AGR(1)” zone was intended primarily to retain and safeguard the agricultural land/farm/fish ponds for agricultural purposes and to serve as a buffer to give added protection to the Nature Park. The area under this zoning was located at the northern part of Long Valley and was at present predominantly under active agricultural use. More stringent planning control under the “AGR(1)” zone was set out in paragraph 7(q) above;

“Green Belt” (“GB”) (About 125.34 ha)

- (xx) the planning intention of the “GB” zone was primarily for defining the limits of development areas, to preserve existing natural features, as well as to provide passive recreational outlets for the local population and visitors. There was a general presumption against development within this zone. The zoned areas include the land area where Ma Tso Lung Stream was located, the hills at Fung Kong Shan, woodland and vegetated land at the fringe areas and to the west of Ho Sheung Heung;

FLN OZP

- (v) the land use proposals for the draft FLN OZP were detailed in paragraphs 6.24 to 6.42 of the Paper and summarized as follows:

Residential (Group A) (“R(A)”) (about 14.87 ha)

- (i) land was zoned “R(A)” for high-density residential developments including PRH, HOS and private residential developments. All sites were located close to the PTIs at the two cores of the NDA. Five of these sites had been reserved for PRH/HOS use or a mix of them to cater for the future demand for subsidized housing. Commercial uses were always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys;

“Residential (Group B)” (“R(B)”) (About 12.08 ha)

- (ii) the “R(B)” zone was primarily intended for medium-density private residential developments. The eight sites under this zoning were located at the riverside. One site was reserved for HOS development, three sites were for PRH/HOS development and the remaining four sites were for private residential developments. Development within this zone was subject to a maximum PR of 3.5 and BH restrictions ranging from 60mPD to 90mPD;

“Residential (Group C)” (“R(C)”) (About 1.24 ha)

- (iii) the “R(C)” zone was primarily intended for low-rise and low-density residential developments. Development on the site was subject to a maximum PR of 2.0 and BH of 55mPD which aimed to respect and integrate with the adjoining low-rise village houses in Sheung Shui Wa Shan;

“Village Type Development” (“V”) (About 0.24 ha)

- (iv) land was reserved for the reprovisioning of village houses/building lots affected by NDA developments under Village Removal Terms. It was intended to concentrate village type developments within this zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services;

“Government, Institution or Community” (“G/IC”) (About 20.37 ha)

- (v) the major “G/IC” uses in the NDA included two sites in the northern part reserved for the Police Driving and Traffic Training Division and Weapons Training Division for the Hong Kong Police Force. A cluster of social welfare, sports/leisure related facilities, and a government clinic were reserved in close proximity to the residential cluster;
- (vi) five primary and three secondary schools were provided to meet the needs of the population. Sites reserved for school developments were located in close proximity to residential developments to allow convenient access for students;

“Open Space” (“O”) (About 24.89 ha)

- (vii) regional open space along the southern bank of Ng Tung River would provide a continuous riverside promenade for the enjoyment of the residents and visitors from other parts of the territory;

- (viii) the Central Park in Area 12 was a major recreational area in the NDA as well as the Fanling/Sheung Shui New Town. The district open space in the form of green corridors would link up the riverside promenade with the residential areas in the NDA and Fanling/Sheung Shui New Town. Besides, local open space would also be provided to serve the local residents within individual private and public residential developments in accordance with HKPSG;

Other Specified Uses (“OU”) (About 16.62 ha)

“Commercial and Residential Development with Public Transport Interchange”

- (ix) a site of 4.54 ha in Area 15 was designated “Commercial/Residential Development with Public Transport Interchange (1)” which was intended primarily for a high-density commercial/residential development with a PTI;
- (x) another site of about 1 ha in Area 10 south of Ng Tung River was under “Commercial/Residential Development with Public Transport Interchange (2)”. The planning intention for this sub-area was primarily for a medium-density private commercial/residential development with a PTI serving the community;

Parking and Operation Facilities for Environmentally Friendly Transport System

- (xi) subject to further study, a site in Area 5 was reserved for the possible parking and operation facilities for Environmentally Friendly Transport System (EFTS) serving the NDAs. Development on the site was subject to a maximum BH of 30mPD;

“Agriculture” (“AGR”) (About 12.5 ha)

- (xii) land at the north-western part of the NDA near Fu Tei Au was under “AGR” zone to allow the continuation of the existing farming practices. This zone was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes;

“Green Belt” (“GB”) (About 2.44 ha)

- (xiii) land with mature vegetation in the area was zoned “GB” to protect the existing green area. The zone would also provide ecological buffers for the mitigation meanders at Sheung Shui Wa Shan and Siu Hang San Tsuen Stream, which were of landscape and ecological values;

“Conservation Area” (“CA”) (About 2.22 ha)

- (xiv) land was zoned “CA” in Areas 2 and 7. The planning intention of the “CA” zone was to conserve the ecological mitigation meanders;

Imposition of BH Restrictions

- (w) broad height bands in terms of mPD were imposed on development sites to achieve the urban design concept of a descending BH from the town centres towards the peripheral areas;
- (x) for KTN, higher BHs with maximum BHs ranging from 110mPD to 135mPD were stipulated for development sites around the transport hub, i.e. the proposed Kwu Tung railway station and PTI in Area 25. The BH descended toward the southern periphery of the NDA with the provision of some low to medium-rise GIC facilities and “Business and Technology Park” (a maximum BH of 55mPD/60mPD) along Fanling Highway to allow visual relief between the Area and the existing

low-rise developments in the Kwu Tung South area. Lower BHs of 75mPD to 95mPD were also imposed on the residential areas by the River near Long Valley and the existing recognised villages for better integration with the ecologically/visually important areas;

- (y) for FLN, the overall BH profile stepped down from the district nodes towards the periphery and riverside to ensure a better integration with the adjacent rural setting. Development sites in the District Centre generally had higher BHs up to maximum BHs of 105mPD to 115mPD. The BHs then descended gradually from the centre towards the riverside to about 75mPD. For the development sites south of the River in Areas 6 and 8, development sites along the riverside in general had lower BHs of 75mPD and 90mPD;

Implementation

- (z) details on the implementation of the NDA development were set out in paragraph 10 of the Paper and summarised as follows:
 - (i) 2014 - Detailed design for site formation and engineering infrastructural works for housing and supporting facilities;
 - (ii) 2018 - construction would commence;
 - (iii) 2023 - first population intake; and
 - (iv) 2031 - full implementation of NDAs;
- (aa) the Government would resume and clear the private land planned for public works projects, public and private developments and Government, institution or community (GIC) facilities, 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 meeting a set of criteria by specified deadlines having

regard to the phased development of the NDAs;

Consultation

- (bb) concerned departments had no objection to or no adverse comment on the OZPs;
- (cc) upon agreement by the Board, the North District Council (NDC), Sheung Shui District Rural Committee (SSDRC) and Fanling District Rural Committee (FDRC) would be consulted on the draft OZPs either before the gazetting or during the exhibition period of the draft Kwu Tung North OZP No. S/KTN/1 and the draft Fanling North OZP No. S/FLN/1 depending on the meeting schedules of NDC, SSDRC and FDRC;

Decision Sought

- (dd) Members were invited to agree that:
 - (i) the draft Kwu Tung North OZP No. S/KTN/C (to be renumbered as S/KTN/1) at Annexes I and II of Appendix A of the Paper and the draft Fanling North OZP No. S/FLN/C (to be renumbered as S/FLN/1) at Annexes I and II of Appendix B of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
 - (ii) the Explanatory Statements (ESs) at Annexes III of Appendices A and B of the Paper were suitable to serve as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Kwu Tung North OZP and Fanling North OZP and that the ESs should be issued under the name of the Board.

8. After the presentation, the Chairman invited questions or comments from Members.

9. Noting that the development intensity of the KTN and FLN NDAs had been revised during the course of the NENT NDAs Study in order to optimise the use of land and to increase housing land supply, the Vice-Chairman requested PlanD's representatives to provide a comparison of the current proposals with the previous proposals for Members' reference. Moreover, with reference to Melbourne which was one of the most livable cities, he asked whether the future developments of the NDAs with the increased population would be able to achieve the same living quality and whether there was a target greening ratio which could be adopted as a benchmark for the future implementation of the NDAs.

10. With the aid of a comparison table showing the differences in the total number of flats and overall population for the two NDAs under the original RODPs and the revised RODPs, Mr C.K. Soh, DPO/STN, said that after considering all relevant factors including efficient use of scarce land resources, adequacy of supporting infrastructure, acceptable environmental impacts as well as public aspiration for a quality living environment, the total number of flats and the overall planned population for the two NDAs had increased by about 13,400 flats and 40,900 persons respectively. The increase in the development intensity was achieved through the increase in PRs of residential sites without substantial changes to the layouts. The PRs of the residential sites at the centres of the two NDAs had increased from 3.5 or 5 to 6 while that of other low-density sites had also increased from 2.5 to 3.5. Mr Soh continued to say that the two NDAs were predominantly rural in character, particularly the northern part which was characterised by a green mountain backdrop. Extensive land area of each NDA had been designated as "O", "AGR", "GB" and "CA" zones on the OZP to respect the existing greenery and protect the natural landscape, which would contribute to a green living environment. Moreover, a nature park at Long Valley had also been planned in KTN. To further enhance the living environment of the NDAs, a requirement for minimum greening ratio of 30% for all future residential developments had been imposed and at least 50% of the landscaped area should be provided at-grade or at areas easily accessible.

[Mr H.W. Cheung returned to join the meeting at this point.]

11. In response to the Vice-chairman's question on whether the provision of subsidised and private housing units under the revised RODPs was at a split of 60% and 40% respectively as advocated by the Long Term Housing Strategy Committee, Mr C.K. Soh replied in the affirmative.

12. Some Members had the following questions or comments:

Sites for Research and Development (R&D) Uses

- (a) what was the rationale for designating the land in the northern part of KTN as "OU(Research and Development)" ("OU(R&D)") zone while the land near the proposed railway station in the southern part was designated as "OU(Business and Technology Park)" ("OU(B&TP)");
- (b) the reservation of two areas serving similar 'research and development' (R&D) purposes at two separate locations in KTN would affect the economies of scale. It might be advantageous to cluster the two areas together to create synergy. Hence, it might be worthwhile to consider relocating the proposed "OU(B&TP)" sites to the south of the "OU(R&D)" zone;
- (c) with the growing trend that conventional R&D activities conducted by universities had migrated from academic purpose to commercial applications, it might be difficult to have a clear functional distinction between the "OU(R&D)" and "OU(B&TP)" areas as intended. Nevertheless, to facilitate future disposal of sites within these areas, the specific positioning of the two "OU" areas should be more definite such that the right clients would be attracted to the right place;
- (d) even if the "OU(R&D)" and "OU(B&TP)" areas were intended to provide more choices for different companies, such planning intention

might not be achievable. Were there any specific target clients identified for the respective areas? If not, consideration might be given to reserving the sites near the town centre and PTI for more beneficial uses such as residential in order to address the acute housing demand;

- (e) the concept of developing the “OU(B&TP)” and “OU(R&D)” areas in KTN as an extension of the existing knowledge and technology corridor was welcomed. However, sufficient infrastructure and supporting facilities should be made available to support the development of a high-technology cluster in the area;
- (f) while it was desirable for some R&D establishments to be located near railway station or major transport node to take advantage of the accessibility, it was also important to provide some R&D sites in more affordable locations with lower land cost;

Quality Living Environment

- (g) whether there was any proposal to improve the connectivity between FLN NDA and Shek Wu Hui and Luen Wo Hui so as to facilitate the shared use of GIC facilities;
- (h) whether a cycle track network connecting with other districts would be provided in the NDAs;
- (i) Hong Kong had been renowned for its close proximity to and good connectivity with the Country Parks. The NDA development should showcase the provision of a quality living environment albeit the NDAs were of high development intensity. Given the beautiful natural scenery of the NDAs, a comprehensive network of green corridors including pedestrian and cycle track networks connecting major activity nodes should be provided and a specific zoning might be designated for

such green corridors in the plan-making process such that the general public could clearly visualise the pedestrian-friendly environment;

- (j) under the existing mechanism, some recreational activities were not allowed in the public open spaces. Whether it would be possible to formulate a different set of Notes for the “O” zone so as to facilitate a variety of activities such as cycling and hobby farming to be carried out in the public open space in the NDAs;
- (k) given the urban design framework of the NDA developments had incorporated a number of eco-concepts such as a comprehensive cycle track network and a system of interconnected open spaces, consideration should be given to integrating such environmental-friendly concepts with the branding of NDAs to project an ‘eco-city’ image;

Rehousing Sites and Re provisioning Arrangement

- (l) the reservation of two sites for local rehousing was welcomed. To provide a quality living environment for the future residents of these rehousing sites, it was necessary for concerned parties to work out a comprehensive layout for these rehousing sites. Whether there would be any detailed design for these rehousing sites;
- (m) with a view to maintaining the social fabric of the affected clearnees and to provide a better living environment, consideration could be given to involving the affected households in the design and implementation of the rehousing sites. Moreover, the implementation programme should be carefully planned to ensure that the rehousing sites would be completed prior to the clearance operation;
- (n) what assumptions had been adopted in drawing up the boundaries of the “V” and “V(1)” zone for re provisioning of the village houses affected by

the NDA developments; whether the traditional rights of the indigenous villagers for Small House development would be affected if there was insufficient area within the “V” and “V(1)” zones to meet their demand;

- (o) with the displacement of the existing rural activities and the intake of new population in the NDAs, the original community would be disrupted. Whether there would be any government policy to assist the industrial establishments, such as the timber factories/sawmills and soy sauce factory, affected by the NDA development in relocating their businesses to other suitable locations;

Provision of GIC Facilities

- (p) as the provision of school places in FLN NDA was currently focused on kindergartens and primary schools, what would be the provision of secondary schools in that NDA; whether there would be any long-term planning for school developments in the New Territories to cater for the increase in the population;
- (q) given the NDAs would only be fully implemented by 2031, a flexible approach in respect of the provision of primary and secondary schools should be adopted in the interim to cater for changes in the demographic structure and the number of cross-boundary students in the North District;
- (r) whether the future developments in NDAs would provide some specific building design, facilities or barrier-free environment to cater for the special needs of the aging population in Hong Kong;
- (s) noting that the first population intake of the NDAs would commence in 2023, presumably the profile of the new population had been taken into account in the planning of land uses and GIC facilities of the NDAs;

Provision of Environmental-friendly Facilities

- (t) where would be the location of the district cooling system (DCS); and whether the implementation strategy of the NDAs had already taken into account the need to integrate the DCS with other public utility installations;
- (u) noting there would be a provision of refuse collection point, whether it would be possible to consider incorporating a mini incinerator such that the waste generated in the NDAs could be treated locally;

13. In response, Mr C.K. Soh made the following main points:

- (a) whilst the planning intentions for the “OU(B&TP)” and “OU(R&D)” zones in KTN NDA had similarities, the two land use zones were aimed at different user groups. The “OU(B&TP)” zone was primarily intended for a mix of commercial, office, design, research and development uses. The cluster would provide development spaces for the industries where Hong Kong enjoyed clear advantage such as innovative and high-technology industries, cultural and creative industries. The “OU(R&D)” zone was primarily for design, research and development uses which could create synergy with the development of Lok Ma Chau Loop in close proximity to the area. As hotel and other commercial/business uses might be allowed in the “OU(B&TP)” zone, it was more desirable for “OU(B&TP)” sites to be reserved in a convenient location so as to enhance the vibrancy of the “OU(B&TP)” zone. The “OU(R&D)” zone in the northern part of the NDA was intended to provide development spaces for more conventional R&D activities to be undertaken by higher educational institutions which might prefer to establish their own supporting base to serve their own needs. Moreover, efficient road network had been proposed to enhance the linkage between the “OU(R&D)” sites and the Lok Ma Chau Loop which was intended mainly for higher education, high-tech R&D as well as cultural and creative industries uses;

- (b) at present, there were different clusters of industrial and high-tech R&D sites in the northern part of the New Territories. For example, the Science Park in Pak Shek Kok and the Tai Po Industrial Estate had been positioned differently to cater for the needs of different clients. The designation of different zonings for R&D uses at different locations would have the flexibility to cater for different types of companies/industries. Similarly, Singapore had also developed various kinds of business/technology parks with different themes to cater for different clients;
- (c) it was agreed that the clustering of R&D establishments could create synergy. The proposed “OU(B&TP)” zone in the southern part of KTN NDA, with an area of more than 10 ha, would be sufficiently large for the development of a business and technology cluster. Moreover, its convenient location near the PTI and the proposed railway station and other commercial uses could also provide a vibrant and quality working environment. It was not feasible to relocate the “OU(R&D)” areas to the southern part of KTN near the town centre given the large site area involved which would affect the provision of housing land in the town centre. Similarly, the rural setting and village environment in the northern part of KTN would not be conducive to creating a vibrant working environment required for the “OU(B&PT) zone;
- (d) there were no prescribed selection criteria on the types of R&D establishments for the respective zones, as this would be subject to the market decisions of the concerned industries;
- (e) regarding the proposal to relocate the “OU(B&TP)” sites to the south of the “OU(R&D)” zone, the area to the south of the “OU(R&D)” zone was Fung Kong Shan which was zoned “GB” on the OZP to preserve the existing natural features;

Quality Living Environment

- (f) in view of the close proximity of FLN NDA to the Fanling/Sheung Shui New Town, an integrated pedestrian network connecting to public transport facilities, railway stations and adjacent development areas as well as the existing pedestrian network in Fanling/Sheung Shui areas would be provided;
- (g) one of the main planning concepts for the NDAs was green design. To encourage the reduction of carbon emissions and to create an environmental-friendly environment, a comprehensive and continuous cycle track networks was planned in the NDAs which would link up the residential clusters, open spaces and other major activity nodes within the NDAs and the adjacent areas. Cycle track network would be integrated into the design of open spaces in both NDAs;
- (h) although the development intensity of the NDAs was high, the future developments would adopt an environmental-friendly design to enhance the quality of life. Most of the high-density residential developments would be developed within 500m of the railway station/public transport nodes to minimise the need for road-based transport. Over 80% of the population could travel to the PTIs or railway station on foot. A high greening ratio was also adopted in the residential developments within the NDAs with a view to achieving a quality living environment;
- (i) the 'community garden scheme' currently advocated by LCSD might be further considered at the detailed design stage of the future public open spaces. Besides, PlanD had recently completed an in-house study on 'urban agriculture', the result of which might shed some light on the possibility of practicing farming in some built-up areas;
- (j) a branding strategy to promote the special design and unique characteristics of the NDAs could be further considered during the

detailed design stage of the NDA developments;

Rehousing Sites and Reprovisioning Arrangement

- (k) two sites, one in each NDA, had been reserved for public housing development to rehouse the eligible clearerees who would opt to continue to live in the area after clearance. The sites were zoned “R(A)” on the respective OZPs and had been included in the Advanced Work Package of the NDAs for early implementation. The layout and detailed design of the rehousing sites would be worked out at detailed design stage;

- (l) land in the “V” zone of KTN NDA was to designate the existing recognised villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for the development of Small Houses by indigenous villagers. The boundaries of the “V” zone for Yin Kong and Ho Sheung Heung, the two recognised villages in KTN, were drawn up having regard to the existing village ‘environs’, Small House demand forecast and other planning considerations including the topography and ecological value of the surrounding areas. Moreover, as the implementation of the two NDAs would affect a number of village houses, two sites, designated as “V(1)” on the KTN OZP and “V” on the FLN OZP respectively, had been identified for the reprovisioning of village houses affected by the implementation of the NDAs. Detailed layout might be worked out at the implementation stage to ensure that an orderly development pattern and a quality environment would be achieved;

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

- (m) as the two NDAs would be developed in form of new town development, the existing open storage and rural workshop uses such as soy sauce factory would need to be cleared to make way for development. The Government would render necessary assistance to the affected owners of

these industrial establishments if required;

- (n) during the course of the NENT NDAs Study, the Government had maintained liaison with the local villagers and other people affected by the NDA developments in order to offer assistance as far as practicable. Various alternatives including agricultural resite, rehousing arrangement and compensation package according to the existing legislation and prevailing policies and requirements had been formulated taking into account the Small House needs of the indigenous villagers and to assist genuine farmers to continue farming elsewhere. Concerned departments would continue to work closely with the affected parties throughout the implementation of the NDAs to ensure that their livelihood would not be significantly affected;

GIC Facilities

- (o) at present, three secondary schools and five primary schools had been planned in FLN NDA to serve the residents. To cater for possible increase in the number of cross-boundary students and demographic changes in future, a flexible building design could be adopted to convert primary schools to secondary school use if so required, as the school sites reserved would be sufficient to cater for such conversion. Besides, upon the request of the Education Bureau, PlanD would continue to identify suitable sites for school developments in other areas to meet the demand of cross-boundary students. Apart from educational facilities, the planned provision of a variety of different GIC facilities in the NDAs would be sufficient to serve the new population of the NDAs as well as the local residents of the Fanling/Sheung Shui New Town;
- (p) the planned provision of various kinds of social welfare and community facilities would also be sufficient to meet the demand of the elderly in the NDAs. Moreover, there were more than 10 sites designated as “G/IC” for government reserve purpose to cater for future needs;

- (q) a barrier-free environment for the elderly population in compliance with the prevailing statutory requirements would be provided in the NDAs. Appropriate design and layout together with the provision of user-friendly facilities would be incorporated into the public housing developments to cater for the specific needs of the elderly;

Environmental-friendly Facilities

- (r) a site in the south-western part of KTN had been reserved for the development of a DCS. The system would be subject to further study taking into account the requirements of other public utility facilities for the area. Experience gained from the installation of a DCS in the Kai Tak area would be taken as a reference; and

[Professor S.C. Wong left the meeting at this point.]

- (s) there was no plan for incorporating a mini incinerator into the NDAs at the moment. It was understood that the Environmental Bureau was currently examining the issue at a policy level. Subject to any policy directive in future, the government reserve sites in the NDAs might be considered for accommodating such facility if required.

14. Regarding the Members' concern on the designation of two R&D sites at different locations of KTN, Mr K.K. Ling, D of Plan, supplemented that under the strategic plan of Hong Kong, there was a conceptual 'knowledge and technology corridor' which largely followed the Mass Transit Railway East Rail corridor. The corridor had stretched from the south to the north starting from the Hong Kong Polytechnic University in Hung Hom; through the two universities, the Innovation Centre and the Productivity Council in Kowloon Tong; the Chinese University of Hong Kong in Ma Liu Shui; the Science and Technology Park in Pak Shek Kok; and the Tai Po Industrial Estate in the north. From the strategic and territorial planning perspective, the proposed "OU(B&TP)" and "OU(R&D)" zones in the southern and northern parts of KTN respectively were planned as

an extension of this ‘knowledge and technology corridor’, with an eventual extension to the Lok Ma Chau Loop. Due to the close proximity of the proposed “OU(B&TP)” zone to Fanling Highway, the future development in this area would be subject to severe environmental constraints. Hence, it would not be appropriate to have residential developments in this location as suggested by a Member. For the “OU(R&D)” zone in the northern part of KTN, it would create synergy with the Lok Ma Chau Loop in its close proximity which had been planned for higher education, high-tech R&D as well as cultural and creative industries uses. Moreover, a link road connecting KTN and the Lok Ma Chau Loop had also been planned to improve the connectivity between the two areas. Mr Ling further said that since the proposed “OU(B&TP)” and “OU(R&D)” sites would only come into place in nearly 20 years’ time, it would be premature to identify any potential clients at this stage as the future take-up of the sites within these zones would depend on the prevailing market situation at that time. However, since the proposed “OU(B&TP)” zone was a kind of employment-generating land use which was essential to the sustainable development concept of the NDA developments, there was a need to designate such areas on the OZP in order to make appropriate provision to cater for the long-term development of the NDAs.

15. The Chairman added that the Government would continue to liaise closely with the commercial or industrial operators affected by the NDA developments to address their concerns as far as practicable during the implementation stage.

16. After deliberation, Members agreed that:

- (a) the draft KTN OZP No. S/KTN/C (to be renumbered as S/KTN/1) at Annexes I and II of Appendix A of the Paper and the draft FLN OZP No. S/FLN/C (to be renumbered as S/FLN/1) at Annexes I and II of Appendix B of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) the ESs at Annexes III of Appendices A and B of the Paper were suitable to serve as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft KTN OZP and FLN OZP

and that the ESs should be issued under the name of the Board.

17. Members also agreed that the Secretariat of the Board would further check the accuracy of the OZPs, Notes and ESs. The above documents, after incorporating the refinements (if any), would be published under section 5 of the Ordinance.

Agenda Item 4

[Open Meeting]

Proposed Amendments to the Approved Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/18, the Approved Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/12, the Approved Hung Lung Hang Outline Zoning Plan No. S/NE-HLH/7 and the draft Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan No. S/NE-MTL/1
(TPB Paper No. 9529)

[The meeting was conducted in Cantonese.]

18. The Chairman invited DPO/STN to brief Members on the Paper.

19. With the aid of a Powerpoint presentation, Ms Maggie Chin, STP/STN, made the following main points as detailed in the Paper:

Background

- (a) in connection with the preparation of two new draft Outline Zoning Plans (OZPs) for Kwu Tung North (KTN) and Fanling North (FLN) New Development Areas (NDAs) which had just been considered by the Board, the planning scheme area of the four existing OZPs (i.e. approved Fanling/Sheung Shui OZP No. S/FSS/18, approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/12; approved Hung Lung Hang OZP No. S/NE-HLH/7; and draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/1) would need to be adjusted by excising the relevant areas

for incorporation into the two new NDA OZPs to reflect the land uses of the NDAs;

[Mr Rock C.N. Chen left the meeting at this point.]

- (b) the existing KTN OZP No. S/NE-KTN/8 would be replaced by the new draft KTN OZP for the KTN NDA;

Proposed Amendments to the Four Affected OZPs

- (c) the proposed amendments as shown on respective OZPs were set out in paragraph 4 of the Paper and summarised below:

Fanling/Sheung Shui OZP No. S/FSS/18

- (i) Amendment Item A : the northern and north-eastern parts of the OZP (about 101.3 ha) be excised for incorporation into the new FLN OZP;
- (ii) Amendment Item B : two small strips of land of the OZP (about 0.5 ha) be excised for incorporation into the new KTN OZP;
- (iii) Amendment Item C : incorporation of small strips of land along Shek Sheung River and Sheung Yue River (about 1.4 ha) be excised from the existing KTN OZP and to rezone the land from “Agriculture” and an area shown as ‘Road’ to an area shown as ‘River Channel’ to reflect the existing river channel;
- (iv) Amendment Item D : rezoning of an area (about 0.5 ha) occupied by Chuk Wan Street from “Green Belt” to an area shown as ‘Road’ to reflect the existing road;

Fu Tei Au and Sha Ling OZP No. S/NE-FTA/12

- (v) Amendment Item A : the southern part of the OZP (about 52 ha)

be excised for incorporation into the new FLN OZP;

Hung Lung Hang OZP No. S/NE-HLH/7

- (vi) Amendment Item A : a piece of land at the southern tip of the OZP (about 1 ha) be excised for incorporation into the new FLN OZP;

Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/1

- (vii) Amendment Items A1 and A2 : two pieces of land in the southern part of the OZP (a total area of about 52 ha) be excised for incorporation into the new KTN OZP;

- (d) the proposed amendments to the Notes of the respective OZPs (if any) were set out in paragraph 5 of the Paper and summarised below:

- (i) upon the excision of two pieces of land which included the existing Lo Wo Correctional Institution and Lo Wu Firing Range from the Ma Tso Lung and Hoo Hok Wai OZP, the Notes for the “Government, Institution or Community” zone of the OZP be amended to move ‘Correctional Institution’ use from Column 1 to Column 2 to tally with the Master Schedule of Notes. Moreover, the Notes for the “Other Specified Uses” annotated “Firing Range” zone would be deleted;

- (ii) no proposed amendments to the Notes of the other three OZPs had been made;

- (e) the Explanatory Statements (ESs) of the OZPs were proposed to be revised, where appropriate, to take into account the above proposed amendments. Opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZPs;

Consultation

- (f) upon the agreement by the Board, the North District Council (NDC), Fanling District Rural Committee (FDRC) and the Sheung Shui District Rural Committee (SSDRC) would be consulted on the amendments either before the gazetting or during the exhibition period of the draft OZPs depending on the meeting schedules of the NDC, FDRC and SSDRC;

Decision Sought

- (g) Members were invited to agree that:
 - (i) the proposed amendments to the above OZPs and their Notes were suitable for exhibition under section 5 or 7 of the Town Planning Ordinance (the Ordinance); and
 - (ii) the revised ESs for the respective OZPs would be published together with the draft OZPs.

20. Members had no question or comments on the proposed amendments to the above four OZPs as set out in paragraph 20(c) to (e) above

21. Members agreed that:

- (a) the proposed amendments to the following OZPs and their Notes were suitable for exhibition under section 5 or 7 of the Ordinance:
 - (i) approved Fanling/Sheung Shui OZP No. S/FSS/18 (to be renumbered as S/FSS/19) at Annexes A and B of Appendix I of the Paper;
 - (ii) approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/12 (to be

renumbered as S/NE-FTA/13) at Annexes A and B of Appendix II of the Paper;

(iii) approved Hung Lung Hang OZP No. S/NE-HLH/7 (to be renumbered as S/NE-HLH/8) at Annexes A and B of Appendix III of the Paper;

(iv) draft Ma Tso Lung and Hoo Hok Wai OZP No. S/NE-MTL/1 (to be renumbered as S/NE-MTL/2) at Annexes A and B of Appendix IV of the Paper; and

(b) the revised ESs for the respective OZPs at Annex C of Appendices I to IV of the Paper as an expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan and the revised ESs would be published together with the draft OZPs.

22. Members also agreed that the Secretariat of the Board would further check the accuracy of the OZPs, Notes and ESs. The above documents, after incorporating the refinements (if any), would be published under section 5 or 7 of the Ordinance.

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

Agenda Item 5

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations to the Draft Kuk Po, Fung Hang and Yung Shue Au Development Permission Area Plan No. DPA/NE-KP/1

(TPB Paper No. 9469)

[The hearing was conducted in English and Cantonese.]

Presentation and Question Session

23. The Chairman said that as reasonable notice had been given to the representers to invite them to attend the meeting, Members agreed to proceed with the hearing in the absence of the other representers who had indicated that they would not attend or made no reply to the invitation to the hearing.

[Miss Anita W.T. Ma arrived to join the meeting at this point.]

24. The following representatives of Planning Department (PlanD), representers and their representatives were invited to the meeting at this point:

Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po and North, PlanD (DPO/STN, PlanD)

Mr David Ng - Senior Town Planner/Shan Tin, Tai Po and North, PlanD (STP/STN, PlanD)

R2 – Cheng Ma Fok (transliteration)

Mr Sung Wong Kwan - Representer's representative

R3 – North District Council, District Minor Works and Environmental Improvement Committee

Mr Lee Koon Hung]

Mr Tsang Yuk Ok] Representer's representatives

Mr Hau Wing Kong, Alvan]

R4 – Globalink Architects Ltd.

Mr Lee Hon Kit]

Mr Yip Wai Ming]

Mr Kong Chee Cheung] Representer's representatives

Mr. Cheung Wai Fai]

Mr Cheung Wai Man]

Mr Chan Chun Lok]

R5 – Sha Tau Kok District Rural Committee

Mr Sit Kwok Keung]	
Mr Lee Kwun Hung]	
Mr Lau Yuen Ping]	
Mr Cheung Man Yin]	Representer’s representatives
Mr Yeung Yuk Fung]	
Mr Wan Ting Yan]	
Mr Wan Tin Fuk]	
Mr Cheung Koon Cheung]	

R6 – World Wide Fund Hong Kong

Mr Andrew Chan	-	Representer’s representative
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R7 – Kadoorie Farm & Botanic Garden Corporation

Dr Chiu Sein Tuck]	
Mr Tony Nip]	Representer’s representatives
Ms Woo Ming Chuan]	

R9 – Designing Hong Kong Limited

Mr Paul Zimmerman	-	Representer’s representative
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25. The Chairman extended a welcome and explained the procedure of the hearing. He then invited the representatives of PlanD to brief Members on the representations.

[Miss Anita W.T. Ma arrived to join the meeting at this point.]

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

Background

- (a) on 8.3.2013, the draft Kuk Po, Fung Hang and Yung Shue Au Development Permission Area Plan No. DPA/NE-KP/1 (the DPA Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). During the two-month exhibition period, a total of 12 representations were received. No comments were received on the representations;

Public Consultation

- (b) on 8.3.2013 and 18.3.2013, the Shau Tau Kok District Rural Committee (STKDRC) and the North District Council (NDC) were consulted on the draft DPA Plan respectively. Their views and comments were set out in paragraph 4.1 of the Paper and summarised below:
 - (i) NDC requested that the land designated as “Unspecified Use” (“U”) should be re-planned for use in the improvement of amenities, transportation, roads, public utilities and other infrastructure in the Kuk Po, Fung Hang and Yung Shue Au area (the Area) and relevant government departments should carry out such improvement works. They considered that such improvements could facilitate the return of the villagers, hence, the “Village Type Development” (“V”) zone should be enlarged to accommodate the long-term demand of land for Small House developments;
 - (ii) some STKDRC members indicated that the proposed “V” zones were too small and had excluded large areas of private land, thus depriving them of their rights for Small House development. Some members said that they should be suitably compensated, e.g., by exchange for land in the Sha Tau Kok town. Moreover, the DPA Plan was not balanced between conservation and

development and there was no prior consultation with the villagers on the plan;

The Area

- (c) the Area (about 90.27 ha), comprising the three sub-areas of Fung Hang, Kuk Po and Yung Shue Au, was located in the northwestern coast of the Plover Cove Country Park (PCCP) fronting Starling Inlet. The Area was surrounded by mature woodland and was only accessible by a walking trail along the coast connecting to Luk Keng. The Area was one of the Country Park (CP) enclaves that needed to be covered by statutory plan. At present, the Area was rural and natural in character with a scenic setting comprising mainly woodland, shrubland, fallow agricultural land, low-lying marshes and stream with village settlements;
- (d) Fung Hang comprised mainly woodland, estuarine mangrove, streamcourse, freshwater marsh and fallow agricultural land. A natural stream was located at the western part of the area. A woodland was found in the west adjoining PCCP while a fung shui woodland was located in the middle of the area. There were some floral species of conservation significance. Fung Hang Village was the only recognized village in the area and the conditions of those village houses varied from being fair to poor and a few of them were still occupied by local villagers;
- (e) Kuk Po was rural and occupied with areas of ecological importance including woodland, reedbed, mangroves, tidal ponds, freshwater marshes and natural stream in the middle part of the area worthy of preservation. Estuarine mangroves, mudflat and reedbed were on the seaward side while freshwater marsh was near the hill slopes. A natural stream flowed across the area from Ng To in the south to the Kuk Po San Uk in the north and about 1 km of the stream course was considered as an Ecologically Important Stream (EIS). Together with the coastal

habitats and adjoining woodlands, this wetland complex supported a high diversity of dragonfly and freshwater fish and provided a good habitat for over 100 species of butterflies. Fung shui and mature woodlands were mainly located at Kuk Po San Uk Ha, Sam To, Kuk Po Lo Wai and Ng To. Village settlements were largely abandoned and concentrated in six recognized villages, namely Kuk Po Lo Wai and Kuk Po San Uk Ha while those inland villages were Yi To, Sam To, Sze To and Ng To;

- (f) Yung Shue Au was surrounded by mature woodland and facing the sea. The seaward side and middle part of the area were occupied with wetlands of ecological importance including mangroves, tidal pond, freshwater marshes and natural stream. An EIS of about 750 meters in length flowed across the area. Surrounding the wetlands were mature woodlands and shrublands, including a fung shui woodland behind the Yung Shue Au Village, which form the foothill of PCCP. The area was identified as a hotspot for freshwater fish. Yung Shue Au Village, the only recognized village in the area, was basically uninhabited and had two rows of houses and some scattered houses which were mostly in poor conditions or abandoned;

The Representations

- (g) the representation sites covered the whole DPA Plan. The 12 representations could be categorized by nature into 2 major groups of representations;
- (h) five representations (R1 to R5) submitted by the Village Representatives (VRs), STKDRC, NDC and individual villagers objected to the DPA Plan or offered views that the “V” zone was insufficient to accommodate future demand for Small House developments;
- (i) seven representations (R6 to R12) submitted by green groups and other

associations (World Wide Fund Hong Kong (WWF Hong Kong), Kadoorie Farm & Botanic Garden Corporation (KFBG), The Conservancy Association, Designing Hong Kong Limited, Hong Kong Entomological Society) and individual members of the public were generally in support or appreciation of the DPA Plan but with major concerns on the excessive “V” zone and were in favour of protecting the landscape value and natural habitats;

Major Grounds of Representations and Representers’ Proposals

- (j) the major grounds of representations and the representers’ views on the DPA Plan were set out in paragraphs 2.2 and 2.3 of the Paper and summarised below:

Size of the “V” zones

- (i) R1 to R4 considered that the size of the “V” zones, which was much smaller than the village ‘environs’ (‘VE’), was inadequate to meet the Small House demand in the coming decades. R1 and R2 were of the views that the numbers of indigenous villagers for Fung Hang and Kuk Po were over 300 and 2,000 respectively. With improved transportation to the Sha Tau Kok area and the economic recession in Europe, they envisaged that villagers abroad would want to return to the Area to build their homes. R5 noted that the Government had prepared the ‘VE’ plans to honour the promise of Small House developments to eligible villagers;
- (ii) R10 considered that the proposed “V” zones (about 4.78 ha) were excessive for the Area with a population of about 67 people. Reserving excessive land for village type development would lead to demand for construction of vehicular access or extension of pier facilities which would cause adverse impact on the ecological and cultural conservation of the Area;

High ecological value

- (iii) R6 to R9, R11 and R12 were of the view that the Area consisted of a range of high-value habitats in the woodlands, mangroves, freshwater marshes, natural streams etc., for protected and/or rare plant and animal species;
- (iv) the Area was not suitable for large-scale development. The freshwater input to the marshy areas and the pond should be preserved as it supported the reedbed in the wetland mosaic. The stream-ocean corridor should not be disturbed by further development in the Area;

Enhancement of Eco-tourism

- (v) R5 held that there was a need to promote eco-tourism and to designate “Recreation” (“REC”) zoning in the Area;

Representers’ Proposals

- (k) the proposals put forth by the representers were set out in paragraphs 2.4 and 2.5 of the Paper and summarised below:

Enlarging the “V” zone

- (i) R1 to R4 proposed that the “V” zone for the respective villages be expanded to cater for the long-term Small House demand of the local indigenous villagers;
- (ii) R2 proposed an area (about 5 ha) to the north of Kuk Po Lo Wai Village to be zoned “V”;
- (iii) R5 proposed that the “V” zone should tally with the ‘VE’ in size and in delineation as far as possible except with adjustments to avoid difficult terrains and encroaching upon CP boundaries;

Roads and Infrastructure

- (iv) R1 and R3 proposed that the transport and road connection should be improved. R3 further proposed that the area designated as “U” should be reviewed with a view to reserving land for recreation, transportation and public utility facilities;

Proposed “REC” Zone and Eco-Route

- (v) R5 pointed out that the portion of the Sha Tau Kok Hoi eco-tour route that fell within the Area should be indicated on the plan and that strips of land abutting the Sha Tau Kok Hoi at the Fung Hang and Kuk Po areas should be designated as ‘eco-route’ to promote eco-tourism and enhance maintenance of the route. R5 also proposed that areas designated “U” in Kuk Po be zoned “REC” to enhance eco-tourism in the Area;

Conservation Zoning

- (vi) R6, R7 and R8 considered that Small House developments would impose threats to the ecologically sensitive habitats in the Area including the EISs. They proposed that the EISs together with their 30m riparian zones at both sides of the streams be designated “Conservation Area” (“CA”) and “Coastal Protection Area” (“CPA”) to protect the ecological integrity and functions of the nature streams. R7 and R8 also proposed that the mangrove pond, the freshwater marshes, the wetland mosaic and the woodlands in the Area should be covered with conservation zonings such as “CA”;

Limiting the “V” zone

- (vii) R7 proposed that the “V” zone should be strictly limited to existing concreted areas;
- (viii) R8 proposed that an additional survey in the “V” zones be carried out to ensure that species of conservation interest could be

protected;

- (ix) R10 proposed to reduce the area of “V” zone from 4.78 ha to 1 ha and clearly stipulated that construction of vehicular access and extension of existing pier facilities were not allowed;

Country Park Designation

- (x) R7 and R12 proposed that the Area should be included into the PCCP area for comprehensive protection of the valuable species and the natural habitats;
- (xi) R6, R9 and R11 proposed that all ecologically sensitive areas (including the lowland habitat areas), or all areas designated “U” should be incorporated into PCCP, so as to enhance protection of the natural habitats and wildlife as well as to satisfy the ever-increasing demand for nature explorations;

Proposals not directly related to the DPA Plan

- (xii) R9 proposed that DPA Plans for all areas which had yet to be covered should be prepared urgently. The preparation of village layout plans for all “V” zones and areas where Small Houses were permitted should be resumed immediately to ensure a sustainable layout. The processing of land grant applications under the New Territories Exempted House (NTEH) policy by the Lands Department (LandsD) should be suspended to avoid adding more development pressure and increase demand for compensation;

Responses to Grounds of Representations and Representers’ Proposals

- (l) the responses to grounds of representations were set out in paragraphs 5.9 and 5.10 of the Paper and summarised below:
 - (i) the information relating to the ecological value of the Area

provided by the representers (R6, R7, R8, R11 and R12) were noted;

Size of the “V” zone (R1 to R5, R7, R8 and R10)

- (ii) the DPA Plan was an interim plan which provided stopgap measures to provide planning guidance and to facilitate development control within the Area pending the formulation of land use proposals 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. The boundaries of the “V” zones would be further reviewed and defined during the preparation of OZP stage to take account of the results of relevant assessments/studies on various aspects including 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;
- (iii) regarding R1 and R2’s information on the numbers of indigenous villagers for Fung Hang and Kuk Po, according to the latest population data from the 2011 Census, the existing populations of Fung Hang and Kuk Po were estimated to be about 17 and 49 respectively. The outstanding Small House applications and the 10-year Small House demand would be taken into account at the preparation of the OZP;
- (m) the responses to the representers’ proposals were set out in paragraphs 5.11 and 5.12 of the Paper and summarised below:

Enlarging or limiting the “V” zone (R1 to R5, R7, R8 and R10)

- (i) with respect to R2 and R5’s specific proposals to enlarge “V” zones, the Director of Agriculture, Fisheries and Conservation

(DAFC) had reservation on the proposals since the proposed expansion areas would encroach upon or lie in close proximity to ecologically sensitive areas including PCCP, EIS and fung shui woods. DAFC advised that according to the available ecological information, some species of conservation interest had been recorded in the Area;

- (ii) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department noted that the proposed expansion areas would cover areas close to the foot of the hill slopes, and advised that areas overlooked by steep natural hillsides might be affected by potential natural terrain landslide hazards;

- (iii) regarding R7, R8 and R10's proposals to limit the size of the "V" zones, the current 11 "V" zones covering eight indigenous villages on the DPA Plan, with a total size of 4.78 ha, were delineated around existing village clusters, having regard to the existing village houses and building structures and existing site conditions. Nevertheless, 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 "V" zones would be further reviewed and defined to take account of the results of various assessments/studies and other 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. In the meantime, planning applications for Small House development in areas designated

“U” could be considered by the Board on its individual merits;

Roads and Infrastructure (R1 and R3)

- (iv) assessments of necessary infrastructural provisions and public utility facilities would be undertaken in the formulation of specific land use proposals for the Area during the preparation of the OZP, and provision of such infrastructural facilities would be commensurate with the land use proposals of the OZP;

Proposed “REC” Zone and Eco-Route (R5)

- (v) on R5’s proposal to zone the entire Area, except land for Small House development, as “REC”, it should be noted that according to the Agriculture, Fisheries and Conservation Department (AFCD), the Area consisted of enclaves of PCCP which contained a mixture of habitats worthy for preservation. According to the available ecological information, some species of conservation interest had been recorded in the Area, and should be protected. Owing to the urgency to establish the planning control under the DPA Plan, majority of the Area, except land within the “V” zones, had been designated “U”, and any proposed recreational uses could be submitted through the planning application system and be considered by the Board on individual merits. Nevertheless, the recreation potential of the Area would be studied when preparing the OZP;

- (vi) the eco-tour route in Fang Hang and Kuk Po route was on an existing footpath. According to the Covering Notes of the DPA Plan, “footpath” was a use always permitted on land falling within the boundaries of the Plan. Any future local public works or environmental improvement works co-ordinated or implemented by Government, for the purposes of maintaining this footpath, were also always permitted;

Conservation Zoning (R6 to R8)

- (vii) according to DAFC, the two EISs flowing through the Area (one in Kuk Po and one in Yung Shue Au) formed part of the wetland complex that supported a high diversity of dragonflies and freshwater fishes including *Macropodus hongkongensis* (香港鬥魚), *Oryzias curvinotus* (弓背青鱗) and *Orhetrum poecilops poecilops* (斑灰蜻), which were of conservation significance. Kuk Po was identified as a hotspot for both freshwater fish and butterfly and Fung Hang a hotspot for freshwater fish with records of a rare goby, *Stiphodon atropurpureus* (菲律賓枝牙鰕虎魚). The protection of ecologically sensitive areas including the riparian zones of the streams by appropriate conservation zoning was generally supported and appropriate land uses would be further established pending detailed analysis and studies during the preparation of the OZP;

Country Park Designation (R6, R7, R9, R11 and R12)

- (viii) the designation of an area as CP was under the jurisdiction of the Country and Marine Parks (CMP) Authority governed by the Country Parks Ordinance (Cap. 208) which was outside the purview of the Board. According to DAFC, the suitability of the 3 enclaves (Fung Hang, Kuk Po, and Yung Shue Au) for CP designation would be assessed in due course and views of the Country and Marine Parks Board (CMPB) would also be sought in due course;

Proposals not directly related to the DPA Plan (R9)

- (ix) regarding the preparation of DPA plans, 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 CP. Such task would be undertaken having regard to development pressure, priorities and resources availability;

- (x) the preparation of new VLPs for villages covered by existing OZPs would depend on a number of factors such as implementation prospect of VLPs, and manpower and priority of works within PlanD. For the new DPA Plans which had just been completed such as this DPA Plan, OZPs with specific land use zonings should be prepared before layout plan could be contemplated. As the boundary of the “V” zone would be further reviewed and defined at the preparation of OZP stage, the need for preparation of new VLP for the “V” zone to be covered by the OZP would then be reviewed as appropriate;
- (xi) processing of land grant applications in accordance with the New Territories Small House Policy was under the jurisdiction of LandsD which was outside the purview of the Board;

PlanD’s Views

- (n) based on the planning considerations and assessment in paragraph 5 of the Paper as summarised above, PlanD’s views were as follows:
 - (i) the support of R6(part) to R12(part) to the DPA Plan and information to substantiate the ecological and heritage values of the Area provided by R6, R7, R8 and R10 were noted; and
 - (ii) the adverse representations of R1 to R5, R6(part) to R12(part) were not supported and the Plan should not be amended to meet the representations for the reasons given in paragraphs 7.2 and 7.3 of the Paper.

27. The Chairman then invited the representers and their representatives to elaborate on their representations.

R2 – Cheng Ma Fok (transliteration)

28. Mr Sung Wong Kwan, the representer's representative, made the following main points:

- (a) he was an indigenous villager and a manager of Kuk Po Village;
- (b) he displayed a photo on the visualiser showing that his family had 32 members. Coupled with the fact that there were more than 250 house lots in Kuk Po Village, the information about the total population of the Area being 67, as stated by the Hong Kong Entomological Society, was wrong;
- (c) the number of indigenous villagers of Kuk Po Village was more than 2,000 although most of the them were residing overseas;
- (d) the private land occupied by the existing marshes in the Kuk Po area were originally padi fields. Since the local villagers had moved out from the area in the last decade, the abandoned agricultural land was flooded and some areas had become marshes which provided a good habitat for different kinds of insects; and
- (e) the local villagers of the North East New Territories had made a great contribution to Hong Kong in the war against the Japanese invasion, and a stele to commemorate those martyrs had recently been set up in a museum at Chung Ying Street. However, the local villagers had not been able to share the benefits of the booming economy of Hong Kong.

R3 – NDC, District Minor Works and Environmental Improvement Committee

29. With the aid of some photos, Mr Tsang Yuk On, the representer's representative, made the following main points:

- (a) he was a co-opted member of the District Minor Works and Environmental Improvement Committee of NDC, an Executive

Committee member of STKDRC, and a VR of Mui Tsz Lam Village in Sha Tau Kok;

- (b) the environmental protection and conservation policy advocated by the green groups had exceeded proper limits, which was against the objective of sustainable development and hindered the development of Hong Kong since reunification;
- (c) the existing boundaries of various CPs were wisely drawn up in the past to avoid incorporating the existing village clusters and the village ‘environs’ and had respected the private development rights of the local villagers;
- (d) it was the responsibility of the Government to provide the necessary transport and infrastructural facilities for the revitalisation of villages in order to encourage the return of local villagers;
- (e) conservation should not be achieved at the expense of the property rights of the local villagers. The proposal put forth by the green groups to designate the EISs in Kuk Po and Fung Hang and the 30m riparian areas of the streams as “CA” zone was unreasonable as the concerned areas were in the vicinity of “V” zones where Small House developments were permitted;
- (f) the Conservancy Association, the WWF Hong Kong and KFBG were of the view that conservation zonings should be designated to protect a range of high-value habitats for rare plant, animal and butterfly species such as *Aquilaria sinensis* (土沉香), East Asian Porcupine. The local villagers did not object to such zonings provided that private land would not be included;
- (g) similarly, the proposal to include the Area or the ecological sensitive areas of the Area into the CP boundary should not cover any private land.

The area and coverage of the existing CPs were already too extensive and AFCD did not have enough manpower and resources to carry out the necessary patrol and management of CPs. Hence, the rare and valuable plant species in CPs were not properly protected. Necessary infrastructure and supporting facilities should be provided in CP to encourage some local economic activities by the indigenous villagers so as to achieve a win-win situation;

- (h) the Government should have a long-term planning for the revitalisation of the abandoned villages in the Area by designating proper “V” zones for the recognised villages and improving the transport networks and infrastructural facilities. This would attract those indigenous villagers residing in different parts of the territory to move back to the Area. The provision of additional village houses in the Area could help address the acute housing problem in Hong Kong to a certain extent; and
- (i) the Board should fully appreciate that the local villagers were the genuine stakeholders of the indigenous villages in the Area. Green groups should not intrude into the villagers’ right. However, the green groups could offer advice in the planning of village revitalisation when required by the villagers.

R4 – Globalink Architects Ltd.

30. Mr Lee Hon Kit, the representer’s representative, made the following main points:

- (a) his comments on the DPA Plan were related to the two sub-areas of Kuk Po and Fung Hang;

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

- (b) the recognised villages in Kuk Po and Fung Hang had existed for more

than a few hundred years. They were at present largely uninhabited due to the lack of transport and infrastructural facilities. However, the problem of poor accessibility of the Area was not insurmountable as Fung Hang and Kuk Po were not far from the Bride's Pool Road, with a respective distance of about 600m and about 1,500m. The accessibility of these two areas would be improved if the Government was willing to take the initiative to provide an access road;

- (c) the areas of the "V" zones as shown on the OZP were too small. They mainly reflected the existing village clusters with no regard to the existing villages' heritage and the condition of the village houses; and
- (d) the boundaries of the "V" zones of the recognised villages in Kuk Po and Fung Hang should be significantly increased. A plan was displayed on the visualiser showing the boundaries of the proposed "V" zones for Kuk Po and Fung Hang. The preliminary expansion proposal was formulated having regard to the 'VE' boundaries of the recognised villages, the topography of the surrounding areas and the site constraints. Fung Shui woodland, steep slopes and mature trees were avoided and the proposed extension area mainly covered the extensive flat land surrounding the village. Moreover, to avoid contaminating the EIS in Kuk Po, a 15m buffer area on both sides of the stream was also proposed. Noting that some existing village houses were located only about 10 to 15m away from the stream, it was considered that a 15-m buffer distance should be sufficient to protect the water quality and ecological value of the stream.

31. Mr Kong Chee Cheung, the representer's representative, made the following main points:

- (a) the accessibility of most of the 77 CP enclaves was poor although some of them were not distant from the existing vehicular access nearby;

- (b) due to the lack of proper village access and pier facility, Kuk Po and Fung Hang were largely uninhabited;
- (c) many youngsters might like to live in the New Territories to enjoy the rural areas. Having regard to the beautiful natural scenery of the area, there was potential to develop some recreational facilities and low-rise, low-density residential developments in Kuk Po and Fung Hang provided that the necessary road access and other supporting facilities including the internet service were in place; and
- (d) the Government should initiate the provision of vehicular access as well as other infrastructure and supporting facilities in order to develop the area.

R5 – STKDRC

32. Mr Cheung Man Yin, the representer's representative, made the following main points:

- (a) he was a VR of Fung Hang Village;
- (b) the information provided by the Conservancy Association and KFBG that there was only 17 residents in Fung Hang was wrong. It was estimated that the total number of villagers was more than 1,000 including 300 male descendents;
- (c) due to the poor accessibility of Fung Hang, many local villagers had moved to live in other areas closer to their schools or workplaces. A number of local villagers had also emigrated to make a living overseas;

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

- (d) the traditional rights of the indigenous villagers for Small House

development should not be sacrificed because of the need to conserve the mangroves and protect the rare plant and animal species in the area;

- (e) there were inadequate provision of land for Small House developments and insufficient road and infrastructure facilities for the Fung Hang area. Hence, it was not possible for those elderly villagers residing overseas to return to their homeland;
- (f) even though approval was obtained for the construction of a footpath in the Fung Hang area in 1994, it had not yet been constructed; and
- (g) the Government was urged to enlarge the area of the “V” zone and to improve the road network for the benefit of the indigenous villagers.

33. Mr Lee Koon Hung, the representer’s representative, made the following main points:

- (a) he was the Chairman of STKDRC;
- (b) the relationship between the green groups and local villagers had become increasingly confrontational in recent years;
- (c) the boundaries of CPs was carefully drawn up to avoid including any indigenous villages or private land. The Government had promised that the indigenous villages and the private land of the local villagers would not be included in CPs so as to respect the traditional rights of the indigenous villagers and future development potential of their land;
- (d) the ‘VE’ boundary of each indigenous village had been formulated and agreed by indigenous villagers to include all the land which was considered suitable for Small House developments;
- (e) in the past few years, the Government had included 24 out of a total of

77 enclaves into the CP boundaries. Some private land owned by the local villagers had also been included as part of CPs. One of the justifications put forth by the Government in designating these enclaves as part of CPs was that the area would be protected and improved. However, the Government had not allocated any resources to improve these areas;

- (f) the property right of the villagers was not respected since it was virtually impossible to have any development in CPs due to the stringent provisions of the Country and Marine Parks Ordinance. The development rights of the private land within CPs were therefore forfeited;
- (g) conservation should not be achieved at the expense of the property right of the local villagers. Heung Yee Kuk had proposed that any resumption of private land for conservation purposes should be properly compensated by the Government;

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

- (h) the ecological significance of some freshwater fishes as claimed by the green groups was doubtful as the named species were commonly found in the streams when he was young;
- (i) there was a lack of balance between conservation and development. The current planning for the rural New Territories had been biased towards conservation with no respect to the property rights of the indigenous villagers. Should the Government's current stance of 'pro-conservation' continue, the conflicts between the green groups and the local villagers would be further aggravated. The local villagers might resort to taking more violent actions; and
- (j) Members were urged to respect the interests of the indigenous villagers

by reserving suitable areas for Small House developments. Moreover, sustainable development should also be allowed in some suitable locations within the Area.

34. Due to some technical problems of the audio-visual system of the conference room, the meeting was adjourned for a short break at this point.

[Messrs. Clarence W.C. Leung, H.W. Cheung, Dominic K.K. Lam, H.F. Leung, Sunny L.K. Ho, Patrick H.T. Lau and Ms Janice W.M. Lai left the meeting, and Mr Lincoln L.H. Huang left the meeting temporarily at the point.]

35. After the audio-visual technical problem had been fixed, with the aid of a Powerpoint presentation, Mr Lau Yuen Ping, the representer's representative, made the following main points:

- (a) the total number of the indigenous villagers as advised by the VRs of Fung Hang and Kuk Po Villages was supported by concrete evidence such as the information contained in the Block Crown Lease and genealogy. Many villagers abroad would like to return to the Area after their retirement;
- (b) the 'VE' boundary drawn up by the Government since the promulgation of Small House Policy in 1972 had reserved suitable land for Small House developments by indigenous villagers. Moreover, when PCCP was first designated by the Government in 1978, the village areas in its periphery were not included into the CP boundary. Such policy had been working very well and a careful balance between conservation and village development had been maintained;
- (c) taking the "V" zone in Fung Hang as an illustration, the "V" zone proposed by PlanD did not tally with the 'VE' boundary and was far smaller than the 'VE' in size. The existing "V" zone only reflected the existing village cluster and the possibility of new Small House

developments was precluded;

- (d) if PlanD had carried out the required study on the appropriate “V” zone boundary prior to the publication of the draft DPA plan, the conflicts between the green groups and the local villagers could be avoided;
- (e) there was existing mechanism to protect the water quality of the rivers and streams. In approving Small House developments in the vicinity of rivers/streams, LandsD would require appropriate mitigation measures to protect the water quality. According to the prevailing policy, Small House development was not allowed within 15m boundary of the stream and within 50m from the sea. For those Small Houses located between 15m to 30m from the stream, environmental septic tanks should be provided. This requirement would avoid contamination of the streams by Small House developments;
- (f) part of the Area fell within the Sha Tau Kok eco-tour route. To complement with the recreational development in the Sha Tau Kok town and to promote eco-tourism, consideration might be given to developing some recreation-related facilities such as tent camping ground in the Area. PlanD should explore the recreational potential of the Area during the preparation of the OZP;

36. Mr K.K. Sit, the representer’s representative, made the following main points:

- (a) given the interim nature of the draft DPA Plan, no planning intention should be specified for the Plan. The public had not been consulted on the planning intention of the Plan. The planning intention as stated in paragraph 5.6 of the Paper should more appropriately be amended to read as ‘providing planning guidance for optimal development in the Area adjoining PCCP’;

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

- (b) as the Area was not part of CP, there should not be any presumption against development. AFCD was not in an appropriate position to decide whether the Area should be conserved. The Environmental Protection Department (EPD), which was the relevant authority on environmental conservation for areas outside the CP, did not raise any objection to the representer's proposal to rezone the Area as "V" or "Recreation" use;
- (c) as the existing private land of the villagers did not include any slopes or streams, the future Small House developments, which would only be confined to the private land within the "V" zone, would not cause any adverse impacts on the hillslopes and streams of the Area as claimed by the concerned government departments;
- (d) the boundaries of the existing "V" zones which did not follow the 'VE' of respective indigenous villages were not justified. It was unreasonable to exclude large pieces of private land from the "V" zones;
- (e) the Government had never provided any necessary supporting and infrastructural facilities to improve the accessibility and environment of the recognised villages. The representer's proposal to expand the "V" zone boundaries was feasible even without any government assistance;
- (f) the local villagers would not object to the inclusion of their village areas into the CP boundary if an area outside the CP was provided as compensation;
- (g) AFCD had advised that the Area, being the enclaves of PCCP, contained a mixture of habitats worthy for preservation. The department should be mindful that the Area was not part of the CP, hence it was outside the AFCD's jurisdiction to prohibit developments in the Area; and

- (h) he hoped that the planning intention of the future OZP should be formulated in such way that it was intended to provide planning guidance for some kinds of sustainable development in the Area.

R6 – WWF Hong Kong

37. Mr Andrew Chan, the representer's representative, made the following main points:

- (a) the statutory planning control and general planning intention of the DPA Plan over the Area was supported as it could help the preservation of the ecological and landscape character of the Fung Hang, Kuk Po and Yung Shue Au areas;
- (b) there were several natural streams within the three areas. Two of them in Kuk Po and Yung Shue Au were recognized as EISs by AFCD. Those streams not only provided important habitats to freshwater fauna, but also supplied freshwater downstream to maintain the wetland eco-system at the estuaries;
- (c) the freshwater wetlands in the Area included reedbeds, marshes, mangroves and mudflats. These freshwater habitats had formed mosaics that could serve very high ecological functions for different fauna species. Some rare freshwater fishes, such as *Macropodus hongkongensis* (香港鬥魚,) and *Oryzias curvinotus* (弓背青鱗), could be found in the marshes;
- (d) the fung shui woodlands in all the three areas were well-preserved. They had provided good habitats for different wildlife and had complemented the natural environment and landscape beauty of the surrounding PCCP;
- (e) given that no public sewerage system was provided in the three areas,

there was grave concern that the natural streams and wetlands would be contaminated by domestic sewage from future Small House developments in the Area;

- (f) although the construction of septic tanks and soakaway pit system for Small Houses had to comply with EPD's requirement, DSD had indicated in its pamphlet about the collection of sewage in rural areas that the sewage treatment capacity of the septic tanks would be affected by the increased number of septic tanks in one area and if the sewage in the septic tanks were not properly and regularly collected. With the lack of proper access to the three areas, there was grave concern on the effectiveness of the septic tanks in mitigating the adverse environmental impacts of the Small Houses on the surrounding ecologically sensitive areas. Such concern should be duly taken into account in formulating the "V" zone boundaries on the future OZP;
- (g) conservation zonings should be applied to the ecologically sensitive areas. For example, the freshwater marshes, EISs, natural streams and its riparian zones should be designated as "CA"; the reedbeds, mudflats, mangroves near the coastal area should be designated as "CPA" and the fung shui woods should also be zoned "CA" ; and
- (h) the relevant authority should also consider incorporating the three areas into PCCP to better conserve the integrity of the natural setting of the area.

R7 - KFBC

38. With the aid of a Powerpoint presentation, Mr Tony Nip, the representer's representative, made the following main points:

- (a) the high ecological value of the Kuk Po, Fung Hang and Yung Shue Au areas had been covered by the presentation of WWF Hong Kong and its

proposal to introduce conservation zonings for the Area was also supported;

- (b) apart from the EIS identified by AFCD, there were several natural streams in Kuk Po which formed a comprehensive network flowing through the entire area. Most of the abandoned farmland in the area had been turned into marshes and wetland. As the underground watertable for the area was at a high level, it was doubtful whether the septic tanks and soakaway pit system of the Small Houses could function properly;
- (c) the Fung Hang area contained some natural habitats such as freshwater marsh, brackish marsh, reedbed, and mangrove. There were two watercourses where an uncommon fish species (*orange peacock*) had been spotted. Moreover, horseshoe crabs and some rare fish species were also found in the mangroves and the brackish marsh respectively;
- (d) there was grave concern on the “V” zone in Yung Shue Au as it was located next to a marsh. Moreover, he wondered if planning permission was required for Small House development on the former government barracks which had also been included in the “V” zone;
- (e) the Yung Shue Au area was characterised by mangrove and marsh habitats. There were a pond with mangroves and reedbed on the seaward side of the area and a mosaic of brackish and freshwater marshes behind the mangrove area. There were also a EIS and other natural streams running from the hillside to the seaward pond;
- (f) in 2004, KFBG had published a report on the pilot biodiversity study of the eastern Frontier Closed Area and North East New Territories which provided ecological background information of the study area including the enclaves in the North East New Territories. The publication was available on the homepage of KFBG and the findings might be useful for

assessing the ecological value of the area;

- (g) as compared with other areas in the New Territories, the CP enclaves were unique in the sense that the areas were completely surrounded by CP, it was not easily accessible by road and there was a lack of appropriate infrastructure. Hence, the pattern of village developments in other rural areas should not be applicable to the enclaves;
- (h) large-scale Small House developments within the enclaves would not be sustainable on environmental terms due to the lack of public sewerage facilities. Moreover, the provision of road and infrastructure to cater for the increasing number of Small Houses might pose significant threat on the ecological sensitive areas;
- (i) in recognition of the high landscape and ecological value of the three areas, the Study on the Enhancement of Sha Tau Kok Rural Township and the Surrounding Areas commissioned by PlanD recommended that only public convenience and tourist information boards should be provided within these areas;
- (j) the CP enclave should be planned in a holistic manner taking into account the ecological significance of the surrounding area and its integration with the wider area; and
- (k) the Board should make the right decision to respond to the overriding public interest in protecting the ecological sensitive areas and the CP enclaves.

R9 – Designing Hong Kong Ltd

39. With the aid of some plans and materials, Mr Paul Zimmerman, the representer's representative, made the following main points:

- (a) the enclaves in CPs were physically, ecologically, geologically, aesthetically, and from a landscape and recreational point of view, fully connected with their surrounding CP. The protection of CPs from incompatible development in the enclaves required comprehensive, integrated and co-ordinated approach between the Board and CMPB;
- (b) the Board had a role to play in determining the method of protection of the enclaves. The designation of “V” zone on the DPA Plans which allowed Small House development would pre-empt the decision of CMPB to incorporate the enclaves into CP;
- (c) there was a conflicting stance on the future method to protect the Area. It was mentioned in paragraphs 3.1 and 5.11(c) of the Paper that the OZP would eventually be prepared for the Area given the DPA Plan was only to provide interim planning guidance and development control. It was also mentioned in paragraph 5.11(h) of the Paper that the suitability of the three enclaves for CP designation would be assessed in due course;
- (d) on 28.7.2010, the Government published its ‘Enclave Policy’ setting out follow-up actions, including a review of the adequacy of the existing protection against incompatible development which could degrade the integrity, aesthetic and landscape quality of CPs. In this case, to protect the integrity of the CP, the cumulative impacts of developments within the enclaves of PCCP such as So Lo Pun should be considered comprehensively;
- (e) in the 2010-11 Policy Address, the Chief Executive announced that the Tai Long Sai Wan incident had highlighted the need to take prompt action to regulate land use in CP enclaves to forestall human damage. To meet conservation and social needs, the Government promised to either include enclaves into CP, or to determine their proper uses through statutory planning. Hence, there was a choice on the method to control the enclaves;

- (f) as revealed in the Audit Commission's Report dated 30.10.2013, there was a secret agreement between AFCD and PlanD in October 2010 that 25 enclaves were to be incorporated in CPs and statutory plans were to be prepared for 27 enclaves. The choice of the Board on the appropriate method to protect these enclaves seemed to be precluded by this secret agreement;
- (g) the 77 enclaves identified in 2010 covered an area of about 2,000 ha. Based on the Audit Commission's report and information available from the Legislative Council, only those mini enclaves with no private land, and hence no development threat, were included in the CPs;
- (h) with reference to a table showing AFCD's assessment results on the suitability of incorporating the surrounding enclaves into PCCP which included the Kuk Po, Fung Hang and Yung Shue Au enclaves, it appeared that AFCD's recommendation might have been affected by the expected level of exceptionally strong objection from local villagers and Heung Yee Kuk;
- (i) up to November 2013, PlanD had prepared DPA Plans to exercise development control over the 29 or 30 enclaves. Moreover, it was understood that six or seven new DPA plans would be prepared. Unless the enclaves were incorporated into CPs, the DPA plans which were only effective for a period of three years would be automatically replaced by OZPs and "V" zones would need to be included in the OZPs for the enclaves to reflect the recognised villages;
- (j) private land in enclaves was primarily agricultural lots and the development threat to CPs was mainly from Small House developments permitted under the Small House Policy, and unauthorized developments. The demand for Small House developments was infinite;
- (k) the designation of "V" zones on statutory plans would render the Small

Houses permitted as of right leaving LandsD to be the gatekeeper. This created serious doubts over the effectiveness of statutory plans in controlling developments in enclaves and protecting the CPs;

- (l) the increased Small House developments would also create increased demand for transport infrastructure which would have significant adverse impact on the integrity and environment of the CPs;
- (m) the prevailing Small House Policy did not include any planning of the VE which resulted in chaotic village layouts. There were no public works for site formation, slope stabilization, access, parking, drainage and sewerage. Individual landowners made their own arrangements for such infrastructure facilities including unlawful occupation of government land;
- (n) “V” zone would therefore impact on the immediate landscape, pollute nearby land and waters, and impact on the integrity and enjoyment of surrounding CPs and marine resources;
- (o) as previously explained by R7, the septic tank and soakaway pit system of the Small Houses would not function properly in the wetland area and would adversely affect the ecological sensitive areas. However, the cumulative adverse impacts of the Small House developments on the enclaves had not been assessed by the Government;
- (p) if the enclaves were not included in the CP, the Board should ensure that the enclaves could be protected through statutory planning control; and
- (q) the Board should work with CMPB on the best way to protect the CP enclaves. AFCD should be urged to complete the assessment of enclaves for inclusion in CPs before the Board’s consideration of OZPs and Small House developments within the enclaves should not be allowed in the interim.

40. As the presentation from PlanD's representative, representers and their representatives had been completed, the Chairman invited questions from Members.

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

41. A Member asked the representatives of R2 to R5 to advise whether the local villagers had a genuine intention to return to the village and, if so, who those villagers would be and how they would make their living. Noting that human activities would inevitably impact on the environment, the Member asked the representatives of R6, R7 and R9 to advise whether they welcomed the local villagers' proposal to revitalise the villages and explain why the village revitalisation and agricultural rehabilitation as intended by the local villagers would have adverse impact on the environment bearing in mind that the villagers used to live and practise farming in the area in the past.

42. In response to the view of R7's representative regarding the malfunctioning of septic tanks for Small Houses in the Area, Mr Kong Chee Cheung, R4's representative, said that it should be the Government's responsibility to resolve the potential pollution problem by the construction of a public sewerage system for the area. Moreover, he considered that the use of septic tanks would not cause avian flu. He continued to say that Fung Hang was largely inhabited and the agricultural practice in the past, which normally used animal waste as natural fertilisers, was compatible with the ecological system and would not cause adverse impact on the environment. Apart from allowing Small House developments, some forms of compatible development such as low-rise houses which would suit the younger villagers might also be considered in the Area. It was common in some overseas countries that their National Parks and Provincial Parks were closely knitted with the rural townships in the surrounding areas and necessary supporting facilities such as road access and lodges were provided to serve the recreational needs of the public. For the Area, the provision of a basic access road for small electric vehicles, would be sufficient to meet the needs of local residents. Given the high-density environment of the urban areas, consideration should be given to developing more housing in the Area which could help improve the living condition and enhance the quality of life of the general public.

43. Mr Tsang Yuk On, R3's representative, said that the wetlands and marshes in the Area, which provided valuable habitats for some rare and protected animal and plant species, were a natural evolution after the moving out of local villagers and the abandonment of agricultural land in the past few decades. Many villagers resided abroad would like to return to their homeland for retirement but their dreams could not be realised due to the lack of necessary road access. He said that when the villages in Lai Chi Wo and Mui Tsz Lam were inhabited with about 103 and 16 households many years ago, there was not any sign of environmental pollution. It was therefore difficult to understand why the construction of a few holiday houses could not be allowed by the Government for the reason that the proposed development would cause adverse environmental impacts on the surrounding areas. While human activities would have some impacts on the natural environment, human beings were much more valuable when compared with the rare plant and animal species found in the Area. He considered that human activities were a de facto part of the eco-system.

44. Mr Tony Nip, R7's representative, responded that some plant species such as water ferns commonly found in the enclaves including So Lo Pun, Kuk Po and Pak Lap, would grow easily if a suitable wetland environment was provided. He considered that agricultural activities such as growing of crops might not be incompatible with the natural environment. However, Small House developments and associated road infrastructure which required site formation and concrete paving was unacceptable as the natural habitats of the rare and protected plant species would be adversely affected. He therefore had grave concern on the kinds of development to be allowed in the Area and doubted whether the great demand for Small House development was genuine. As he learnt from an unverified source that the peak number of inhabitants for So Lo Pun was 170 while the latest estimate on the total number of villagers was 1,000, he considered that such information should be verified. When the Area was sparsely populated in the past, the associated pollution might be acceptable. However, the environment would become unsustainable when there was a significant increase in the number of Small Houses, in particular when the Area was not provided with proper public sewerage facilities and the septic tanks and soakaway pit system could not function effectively in this Area. He did not agree with R4's representative that more residential developments should be permitted in this Area. He considered that because of the poor living condition in the urban areas,

there was a greater need to protect the natural environment of the CPs for the enjoyment of general public.

45. Mr Paul Zimmerman, R9's representative, said that CP was first designated to protect the water gathering grounds. At that time, land within the enclaves was still under active cultivation. After most of the villagers had left the area, the abandoned farmland was gradually replaced by wetland and remained undisturbed for many years. This explained why the wetland in the enclave areas was usually of higher ecological value. The local villagers now wanted to return to their villages and build their houses in the enclaves, but the genuine intention of some villagers was profit-making. While some villagers said they would like to return to the villages for farming, he opined that it would not be financially viable in areas without any road or access. Should it be the Board's intention to allow agricultural rehabilitation in the enclaves, supporting facilities and road access would need to be provided. The Board could make a decision on the future of the CPs and the extent of developments to be allowed in them. However, the Board should be aware of the ongoing development pressure if housing development was allowed in the enclaves.

46. The same Member asked R9's representative to clarify whether he would consider the deserted villages as forming a part of the CP when it was designated. Mr Paul Zimmerman said that the significance of the enclaves in maintaining the integrity of the CP was recognised. However, in view of the urgent need to designate the CP, its enclaves including deserted villages were purposely left out to avoid the need to handle objections and compensation claims lodged by local villagers. Should it be the Government's intention to allow house development in the enclaves, due consideration should be given to the provision of sewage treatment facilities and road access.

47. Mr Tsang Yuk On said that the CP boundary was carefully drawn up to avoid the recognised villages. Villagers now only wanted to have some forms of sustainable development in the Area which were compatible with the surrounding environment. The Sha Tau Kok and North East New Territories had potential for low-density, leisure and recreational uses. He said that a private consultancy study on the provision of sewerage facilities in Mui Tsz Lam Village was being carried out and there might be scope to

convert some existing village houses into holiday houses for leisure use when the sewerage problem was resolved. The green groups should not advocate the inclusion of the Area into the CP merely because the villages were deserted.

48. Mr Tony Nip said that since the villages were still inhabited in the 1970's, the villages were therefore not included in the CP. However, the villages were now mostly vacant with the existing population for the Kuk Po, Fung Hang and Yung Shue Au area at 67 while that for So Lo Pun was zero. While the green groups considered that the traditional rights of the indigenous villagers for Small House development should be respected, they would object to any other large-scale residential development. For instance, it was revealed from land search records that a number of land parcels in the Hoi Ha Village were owned by a private company, and hence the genuine intention of the villagers in building Small Houses in the area for self-occupation was in doubt.

49. Mr Kong Chee Cheung said that the provision of an access, which was essential to the local villagers, might not necessarily be in the form of a standard road. Local villagers shared the views of the green groups that any development in the area should be of low-density and compatible with the environment. However, developments should not be prohibited in the Area merely due to the potential pollution to the environment, which should be tackled by EPD. To ensure sustainable development for the villages in the Area and for Hong Kong as well, it was hoped that an optimal balance among conservation, development and private property right could be achieved during the formulation of the land use proposals for the future OZP.

50. As the representers and their representatives had finished their presentations and Members had no further question, the Chairman said that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and inform the representers of the Board's decision in due course. The Chairman thanked the representers and their representatives, and PlanD's representatives for attending the hearing. They all left the meeting at this point.

51. The meeting was adjourned for a short break of five minutes.

Deliberation Session

52. The Chairman invited Members to consider the representations, taking into consideration all the written submissions and the oral presentations and materials presented at the meeting.

53. Members noted the following main responses to the representers' main grounds of representation and their proposals:

- (a) the DPA Plan was an interim plan to provide planning guidance and to facilitate development control within the Area pending the preparation of an OZP. The boundaries of the "V" zones would be further reviewed and defined 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;
- (b) similarly, assessments of road and necessary infrastructural provisions and public utility facilities would be undertaken in the formulation of specific land use proposals for the Area during the preparation of the OZP;
- (c) the proposals of the green groups to designate the ecologically sensitive areas with conservation zonings would have to be further considered having regard to the detailed analyses and studies during the preparation of the OZP; and
- (d) some of R9's proposals were not directly related to the DPA Plan.

54. Members noted the supportive views of R6 (part) to R12 (part) and did not support R1 to R5 and the proposals put forth by R1 to R12. Members then went through (i) the reasons for not upholding R1 to R5 and R6 (part) to R12 (part) as detailed in

paragraph 7.2 of the Paper, and (ii) the responses to R9's proposals (which were not directly related to the DPA Plan) as detailed in paragraph 7.3 of the Paper and considered that they were appropriate.

Representations No. R1 to R12

55. After further deliberation, the Board decided not to uphold R1 to R5, R6 (Part) to R12 (part) for the following reasons:

- “(a) the boundaries of the current “Village Type Development” (“V”) zones are drawn up provisionally around existing village clusters having regard to existing building structures, approved Small House applications and existing site conditions. The boundaries of the “V” zones will be further reviewed and defined in the preparation of Outline Zoning Plan (OZP) stage. Relevant departments and stakeholders’ views would also be taken into account where appropriate; (R1 to R5, R7, R8 and R10)
- (b) the protection of the water courses and the riparian habitat are generally supported. The detailed zoning boundaries and restrictions will be worked out during the OZP stage taking into account relevant assessments/studies; (R6 to R8)
- (c) designation of the Country Park (CP) is under the jurisdiction of the Country and Marine Parks Board governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board; (R6, R7, R9, R11 and R12)
- (d) the Area, except land within the “V” zone, has been designated as “Unspecified Use” so that detailed analyses and studies can be carried out to establish the appropriate land uses in the course of the preparation of OZP. Prior to the publication of an OZP for the Area, any proposed recreational uses within “Unspecified Use” areas could be submitted through the planning application system, and the Board would consider

each application on its individual merits; (R5)

- (e) assessments of necessary infrastructural provisions and public utility facilities would be undertaken in the formulation of specific land use proposals for the Area during the preparation of the OZP. (R1 and R3)”

Representation No. R9

56. After further deliberation, the Board decided to provide the following responses to R9’s proposals which were not directly related to the DPA Plans:

- “(a) it has been the Government’s long-term target to prepare statutory plans for all areas of Hong Kong except areas covered / to be covered by CP. Such task will be undertaken having regard to development pressure, priorities and resources availability;
- (b) the preparation of new village layout plans (VLPs) for villages covered by existing OZPs will depend on a number of factors such as implementation prospect of the VLPs, manpower and priority of works within the Planning Department. For the new Development Permission Area (DPA) Plans which have just been completed such as this DPA Plan, OZPs with specific land use zonings should be prepared before layout plans could be contemplated. As the boundaries of the “V” zones will be further reviewed and defined at the preparation of OZP stage, the need for preparation of new VLPs for the “V” zones to be covered by the OZP will then be reviewed as appropriate; and
- (c) processing of land grant applications in accordance with the New Territories Small House Policy is under the jurisdiction of the Lands Department, which is outside the purview of the Board.”

57. The meeting was adjourned for lunch break at 1:30 p.m.

58. The meeting was resumed at 2:40 p.m.

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

Mr Thomas Chow

Chairman

Mr Timothy K.W. Ma

Mr Roger K.H. Luk

Dr W.K. Yau

Mr Lincoln L.H. Huang

Mr Dominic K.K. Lam

Ms Christina M. Lee

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr Y.T. Lam

Mr K.K. Ling

Mr C.W. Tse

Miss Winnie M.W. Wong

Agenda Item 6

[Open Meeting]

Further Consideration of the Draft Tin Fu Tsai Outline Zoning Plan No. S/TM-TFT/D

(TPB Paper No. 9509)

[The meeting was conducted in Cantonese]

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

- | | | |
|----------------------|---|---|
| Mr W.S. Lau | - | District Planning Officer/Tuen Mun and Yuen Long, Planning Department (DPO/TMYL, PlanD) |
| Mr K.C. Kan | - | Senior Town Planner/Special Duties 1(STP/SD (1)), PlanD |
| Mr T.H. Yeung | - | Senior Engineer/Planning (2), Water Supplies Department (WSD) |
| Mr Philip W.K. Chung | - | Senior Engineer/New Territories West (1), WSD |
| Mr Kelvin Y.T. Kwok | - | Senior Chemist (2), WSD |
| Mr Johnson M.K. Wong | - | Senior Environmental Protection Officer (Strategic Assessment) 2, Environmental Protection Department (EPD) |
| Mr Wessex W.F. Lau | - | Senior Environmental Protection Officer (Sewerage Infrastructure) 3, EPD |

61. The Chairman extended a welcome and invited PlanD's representatives to brief Members on the Paper.

62. Mr K.C. said that "0.40 ha" in paragraph 4.1(e) of the Paper should be rectified to read as "0.41 ha". With the aid of a Powerpoint presentation, Mr Kan made the following main points as detailed in the Paper:

Background

- (a) on 4.10.2013, the Town Planning Board (the Board) gave preliminary consideration to the draft Tin Fu Tsai OZP No. S/TM-TFT/B (TPB Paper No. 9459) and agreed that the draft OZP was suitable for submission to the Tuen Mun District Council (TMDC), the Tuen Mun Rural Committee (TMRC) and the Yuen Long District Council (YLDC) for consultation subject to amendments to include “Village Type Development” (“V”) zone to generally cover 7 existing houses;
- (b) on 18.10.2013, after considering the draft Tin Fu Tsai OZP No. S/TM-TFT/C with “V” zones covering the 7 existing village type houses incorporated, the Board decided to revert to the previous draft Tin Fu Tsai OZP No. S/TM-TFT/B (i.e. without the “V” zones) for public consultation purposes;
- (c) TMRC, TMDC, and the Town Planning and Development Committee (TPDC) of YLDC were consulted on the draft OZP on 26.10.2013, 5.11.2013 and 20.11.2013 respectively. The Village Representative (VR) of Tin Fu Tsai was also consulted and 100 submissions from individual members of the public were received. Moreover, submissions from the environmental concern groups including World Wide Fund for Nature Hong Kong (WWFHK), The Conservancy Association, Designing Hong Kong Limited (DHKL), Kadoorie Farm & Botanic Garden Corporation (KFBGC), and The Hong Kong Bird Watching Society (HKBWS) were received;

Views of the District Councils, the Rural Committee, Villagers and individuals

- (d) the comments and proposals of TMRC, TMDC, TPDC of YLDC, VR of Tin Fu Tsai and individuals were summarised as follows:

Strong Request for “V” zone

- (i) VR of Tin Fu Tsai strongly requested for designation of a “V” zone which was a necessary support for indigenous villagers to exercise

their rights to build Small Houses and was the standard practice for all indigenous villages. The Government should not deprive indigenous villagers of their right to build Small Houses. Tin Fu Tsai was the first recognized village which had no designated “V” zone on an OZP and this would set a precedent which would derogate the rights of indigenous villagers. TMRC, TMDC and TPDC of YLDC all requested that “V” zone be designated on the draft Tin Fu Tsai OZP. TMDC was also of the view that it was unreasonable to require indigenous villagers to obtain planning permission for Small House developments. 100 objections from individuals in the form of a standard letter were also received in November 2013 stating that the draft Tin Fu Tsai OZP could not meet the long-term housing demand and development of the village;

[Ms Christina M. Lee arrived and Mr C.W. Tse returned to join the meeting at this point.]

Not respecting the Basic Law

- (ii) TMRC considered that the non-designation of “V” zone was not respecting Article 40 of the Basic Law, which stated that the lawful traditional rights and interests of the indigenous inhabitants of the New Territories should be protected;

Resumption and Compensation

- (iii) both TMDC and TPDC of YLDC considered that the right of the villagers should be protected and compensated. The Government should resume the private land in the Area for protection of water resources;

Re-site of the Village or Designation of “V” zone outside water gathering grounds

- (iv) VR of Tin Fu Tsai, TMDC and TPDC of YLDC proposed that re-site of the village to an area outside the water gathering grounds or designation of “V” zone for Tin Fu Tsai in an area outside the

water gathering grounds were options to prevent pollution of the water resources; and

Sewage Treatment

- (v) VR of Tin Fu Tsai, TMDC and TPDC of YLDC also considered that the Government should provide public sewerage or sewage treatment facilities for village developments in Tin Fu Tsai. VR of Tin Fu Tsai suggested that the Environmental Protection Department (EPD) should consider laying sewerage to Ho Pui to the north. He also proposed that villagers might provide water-tight sewage tanks (either for individual village type houses or on communal basis) for temporary storage of sewage which would be removed periodically by sewage tankers for proper disposal;

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

Views of the environmental concern groups

- (e) the comments and proposals of WWFHK, The Conservancy Association, DHKL, KFBGC and HKBWS were summarised as follows:

Support for Statutory Planning Control

- (i) WWFHK, The Conservancy Association, KFBGC and HKBWS supported statutory planning control and conservation zonings to conserve/preserve the natural habitats and landscape resources, and to control development with adverse environmental impacts. The Conservancy Association supported the “Conservation Area” (“CA”) zone covering the wooded area in the north-western part of the area;

Incorporation of the Area into Country Park

- (ii) WWFHK, DHKL and KFBGC opined that consideration should be given to incorporating the Area into the Tai Lam Country Park to better conserve the integrity of the natural settings, ecological

integrity and diversity of natural habitats of the Area. WWFHK considered that 'Country Park' was in line with the planning intention of the draft Tin Fu Tsai OZP. DHKL suggested that the validity period of the Tin Fu Tsai DPA Plan should be extended to allow the Director of Agriculture, Fisheries and Conservation (DAFC) to consider incorporating the Area into Country Park. DHKL also opined that incorporation of the 'enclaves' into Country Parks was the only way to strike a balance between conservation and development, and would give DAFC and the Country and Marine Parks Board (CMPB) control over development and management of the Area. KFBGC urged that DAFC incorporate private land with conservation value into Country Parks;

Speed-up DPA Plan Preparation

- (iii) WWFHK and KFBGC stated that PlanD should speed up the process of covering the remaining 'enclaves' adjacent to or surrounded by Country Parks and those ecologically sensitive areas which were not in proximity to Country Parks by Development Permission Area (DPA) plans;

Enforcement against War Game Areas

- (iv) The Conservancy Association expressed concerns on the adverse environmental impacts of the war game areas and urged PlanD and other concerned Government departments to take enforcement action against the war game areas as appropriate. KFBGC also had concern on the possible adverse effects of war game activities on the landscape and environment;

Enhancing Development Control

- (v) The Conservancy Association and KFBGC suggested that the streams and their riparian areas should be protected by "CA" zone to prevent water pollution caused by potential expansion of war game areas. KFBGC further suggested covering all woodlands by "CA"

zone;

- (vi) DHKL considered that the “Green Belt” (“GB”) zone provided inadequate protection and would result in increased expectation of potential development in the community. DHKL proposed to cover the Area with “CA” zone instead of “GB” zone except the existing developed area and buildings within the Area;
- (vii) WWFHK proposed that ‘Agricultural Use (other than Plant Nursery)’ and ‘On-farm Domestic Structure’ should be transferred from Column 1 to Column 2 of the Notes for the “CA” zone. The “CA” zone covered a wooded area of high conservation value but the above mentioned uses would require clearance of vegetation in the wooded area and would affect the conservation and ecological value of the “CA” zone. These 2 uses were against the planning intention of the “CA” zone;
- (viii) KFBGC considered that the “GB” zoning could not provide sufficient protection to some of the natural habitats since ‘Barbecue Spot’, ‘Picnic Area’ and ‘Tent Camping Ground’ were always permitted and ‘House’, ‘Columbarium’ and ‘Crematorium’ were in Column 2 of the Notes for the “GB” zone;
- (ix) WWFHK proposed that ‘Barbecue Spot’ should be moved from Column 1 of the Notes for the “GB” zone to Column 2. Any use of fire should be controlled so as to prevent hill fire, which might affect the integrity of the natural environment and landscape of Tin Fu Tsai, the Tai Lam Country Park and the water gathering grounds. There were already designated barbecue sites in the Tai Lam Country Park; and
- (x) DHKL proposed to delete ‘House’ from Column 2 of the Notes for the “GB” zone as no new house should be permitted within the

“GB” zone and to avoid giving a wrong impression that the area was deemed suitable for house developments with conditions;

PlanD’s Responses

- (f) PlanD’s responses to the comments and proposals as detailed in paragraph 4.1 of the Paper were summarised as follows:

Strong Request for “V” zone

- (i) although Tin Fu Tsai was a recognized village which would normally be zoned “V”, due to its location within the upper direct water gathering grounds of Tai Lam Chung Reservoir, there was concern from the Water Supplies Department (WSD) as they would not accept any increase in the risk of water pollution due to new village type developments. The risk of water pollution would arise from two sources, i.e. discharge of sewage from new village type developments/houses (point source) and activities of inhabitants of the new village type developments (including the activities outside village type houses) (non-point source). While public sewerage, if technically feasible, would collect the sewage from point sources, it was necessary to prevent/mitigate water pollution from non-point sources and new village type developments at Tin Fu Tsai was not supported;
- (ii) having regard to the concerns of the indigenous villagers, the development right of villagers owning private lots with house/building status in Tin Fu Tsai, and noting that WSD would tolerate existing village type houses and redevelopment of village type houses previously existed, it was proposed that the “V” zones be confined to the areas generally covering the 66 private lots with house/building status to minimize the risk of pollution to the water resources. Future redevelopment on these private lots would, to an extent, meet the Small House demand of the indigenous villagers;

- (iii) DAFC had reservation on rezoning the private land with house/building status at the fringe of the “CA” zone to “V” as the affected area was currently occupied by large mature trees and New Territories Exempted House (NTEH) redevelopments might lead to tree felling or damage to the wooded area. However, as the affected area (about 0.03 ha) was at the fringe of the originally proposed “CA” zone, the proposal to rezone this small area from “CA” to “V” and “GB” was considered to have minimal impact on the wooded area as a whole;

Not respecting the Basic Law

- (iv) Article 40 of the Basic Law protected the lawful traditional rights and interests of the indigenous inhabitants of the New Territories. Insofar as the rights and interests embodied by the New Territories Small House Policy had already been qualified by the system of OZPs prepared under the Ordinance before the Basic Law came into force on 1.7.1997, applying those controls to the area concerned by way of the draft OZP did not appear inconsistent with the protection of the lawful traditional rights and interests of the New Territories indigenous inhabitants under Article 40 of the Basic Law;

Resumption and Compensation

- (v) according to the information in 2013, private land within the Area was about 10.21 ha (i.e. about 18.73% of the Area). According to the revised draft Tin Fu Tsai OZP, about 0.41 ha of land was designated for “V” to respect the development right of the landowners of private lots with house/building status;
- (vi) the remaining private land within the “GB” and “CA” zones was primarily granted for agricultural purpose under the Block Government Lease. ‘Agricultural Use’ and ‘Agricultural Use (other than Plant Nursery)’ were always permitted under the “GB” zone and

the “CA” zone respectively. In this regard, the revised draft Tin Fu Tsai OZP would not deprive the landowners of their rights. In any case, there was no provision for compensation under the Ordinance and land resumption was outside the purview of the Board;

Re-site of the Village or Designation of “V” zone outside water gathering grounds

- (vii) the water gathering grounds covered a much larger area than the village ‘environs’ (‘VE’) of Tin Fu Tsai. Any “V” zone designated outside the water gathering grounds would not be contiguous to the ‘VE’ and would fall outside the boundary of the planning scheme area of the draft Tin Fu Tsai OZP. Under the current Small House Policy, Small House application would be processed by the LandsD only if the site fell within a “V” zone which encircled or overlapped with a ‘VE’ or within ‘VE’. The designation of land for village re-site of Tin Fu Tsai would involve land policy matters which were outside the purview of the Board;

Sewage Treatment

- (viii) the Director of Environmental Protection (DEP) advised that connecting Tin Fu Tsai to the nearest public sewerage facilities in Tai Tong to the west or Sham Tseng to the south would require about 8km of sewer over undulating terrain and a number of sewage pumping stations, but the level of sewage flow was too low for effective operation of the sewage pumps. The provision of public sewerage was not feasible from the perspective of engineering design and actual difficulties during operation. In response to the suggestion of laying sewerage to Ho Pui to the north, DEP advised that there were no existing sewers in Ho Pui and further sewerage connection to Kat Hing Wai or Shek Kong Barracks would be required. The length of sewerage and technical difficulties involved would be similar to providing sewerage to Tai Tong and Sham Tseng. EPD would not provide sewage treatment plant/facilities for individual village type

developments;

- (ix) DEP did not agree with the “temporary storage and tanker-away” proposal for sewage disposal as there had not been any successful case for NTEH development. The risk of sewage spillage and pollution was relatively high as the sewage might not be removed on time. If sewage spillage caused water pollution, the Water Pollution Control Ordinance would be contravened. Moreover, the organic matters in stored sewage would decompose over time, releasing bad odour and there was also the risk of methane accumulation. In addition, sewage tanker traffic might also be a concern;

- (x) on the traffic of sewage tankers, DAFC commented that the vehicular accesses to Tin Fu Tsai were restricted roads under the Country Parks Ordinance. They were not built to the road standards and might cause safety concerns if frequently used by heavy vehicles. As these roads overlapped with popular hiking trails and mountain bike trails, frequent movement of heavy vehicles along these roads would create disturbance and safety concern on Country Park visitors. This would not be compatible with the nature conservation objective of Country Parks. Moreover, accidental spilling of sewage would cause pollution to the Country Park environment and affect Country Park users;

Incorporation of the Area into Country Park

- (xi) the incorporation of the Area into Tai Lam Country Park, which was under the jurisdiction of the Country and Marine Parks Authority under the Country Parks Ordinance, was outside the purview of the Board. Whether there were justifications for incorporating Tin Fu Tsai into Tai Lam Country Park would be subject to the consideration of DAFC and CMPB;

Speed-up DPA Plan Preparation

(xii) according to the 2010-11 Policy Address, the Government would either include the remaining ‘enclaves’ into Country Park or determine their proper uses through statutory planning. Up to November 2013, including the approved Tin Fu Tsai DPA Plan, a total of 18 DPA plans (including those replaced by OZPs) had been published covering 25 Country Park ‘enclaves’. Continued efforts would be made to cover the remaining Country Park ‘enclaves’ by DPA plans where statutory planning control was considered suitable. In setting the priority for preparation of DPA plans, due regard would be given to such factors as accessibility and development pressure;

Enforcement against War Game Areas

(xiii) although war game areas that were in existence immediately before the first publication of the draft Tin Fu Tsai DPA Plan were tolerated under the Ordinance, any unauthorized new war game area would be subject to planning enforcement action. If there was a breach of lease condition or illegal occupation of Government land, the District Lands Officer/Tuen Mun of Lands Department (DLO/TM, LandsD) would consider taking appropriate lease enforcement or land control action(s). To protect the water resources, WSD would regularly monitor the water quality of streams near the war game areas in Tin Fu Tsai and appropriate action would be taken by EPD should there be any violation of environmental legislation;

Enhancing Development Control

(xiv) regarding the proposal to protect the streams and its riparian areas from war game uses by “CA” zone, it should be noted that war game use was neither a Column 1 nor a Column 2 use under the Notes for the “CA” and “GB” zones. There was a presumption against development in these 2 zones and unauthorized development of war game areas would be subject to planning enforcement actions. Moreover, the Remarks of Notes for the “GB” zone stated that any diversion of stream, filling of land/pond or excavation of land,

including that to effect a change of use (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works) should not be undertaken without the permission of the Board. According to DAFC, the existing streams/watercourses at Tin Fu Tsai, while largely natural, were not of particular high ecological value which warranted designation of a “CA” zoning. The “GB” zoning was appropriate and would provide sufficient planning control over new developments;

(xv) for the proposal to move ‘Agricultural Use (other than Plant Nursery)’ and ‘On-farm Domestic Structure’ from Column 1 to Column 2 of the Notes for “CA” zone, there was private agricultural land within the “CA” zone and erection of on-farm domestic structure on agricultural land would require approval of LandsD. LandsD would consult concerned Government departments in processing such applications according to the established practice. Moreover, permission from the Board was required for any works relating to diversion of stream, filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. It was considered appropriate to retain these two uses under Column 1 in the Notes for the “CA” zone, which was also consistent with the revised Master Schedule of Notes to Statutory Plans (MSN) promulgated by the Board;

(xvi) Tin Fu Tsai was located within the upper direct water gathering grounds of Tai Lam Chung Reservoir. A cautious approach should be adopted based on WSD’s latest advice on potential risk of water pollution arising from non-point sources. In this regard, it was proposed that ‘Barbecue Spot’, ‘Picnic Area’ and ‘Tent Camping Ground’ uses be moved from Column 1 to Column 2 of the Notes for “GB” zone. Also, taking into account the views of the environmental concern groups and having considered the setting of Tin Fu Tsai, it was proposed that ‘Columbarium (within a Religious Institution or extension of existing Columbarium only)’,

‘Crematorium (within a Religious Institution or extension of existing Crematorium only)’ and ‘Petrol Filling Station’ be deleted from Column 2 of the Notes for the “GB” zone. With the above proposed revisions, only agriculture-related and nature reserve/protection-related uses were in Column 1, which would be always permitted; and

- (xvii) there was a general presumption against development in the planning intention for the “GB” zone. According to the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10), an application for new development in “GB” zone would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. Retaining the ‘House’ use in Column 2 would provide flexibility to cater for unforeseen and exceptional circumstances;

Amendments to the Draft OZP

- (g) taking into account the comments on the draft OZP and PlanD’s responses, the following amendments to the draft OZP were proposed:
- (i) it was proposed that the private land with house/building status within the Area (about 0.41ha) be zoned “V”. To cater for the special circumstances of the Area, the Notes and planning intention for the “V” zone would be tailor-made, deviating from MSN. In this regard, the planning intention of the “V” zone would be to reflect the existing recognized village and to specify that land within the zone was primarily intended for redevelopment of Small Houses by indigenous villagers. For the Notes of the “V” zone, ‘Eating Place’, ‘Library’, ‘School’ and ‘Shop and Services’ on the ground floor of a NTEH, which were Column 1 uses under MSN, were deleted from Column 1. The Column 2 uses under the Notes of the

“V” zone were also proposed to be more restrictive, with only ‘Eating Place’, ‘Government Refuse Collection Point’, ‘House (not elsewhere specified)’, ‘Residential Institution’, ‘Shop and Services’, ‘Social Welfare Facility’ and ‘Utility Installation for Private Project’ being retained in Column 2;

- (ii) the area of the “GB” zone was reduced from about 53.43 ha to about 53.06 ha. The Notes of the “GB” zone were also amended by moving ‘Barbecue Spot’, ‘Picnic Area’ and ‘Tent Camping Ground’ from Column 1 to Column 2 while ‘Columbarium (within a Religious Institution or extension of existing Crematorium only)’, ‘Crematorium (within a Religious Institution or extension of existing Crematorium only)’ and ‘Petrol Filling Station’ were deleted from Column 2 of the Notes; and
 - (iii) the area of the “CA” zone was slightly reduced from about 1.07 ha to about 1.04 ha to exclude private land with house/building status and a small piece of land was rezoned from “CA” to “GB”;
- (h) the details of the proposed land use zonings on the draft OZP were set out in section 5 of the Paper; and

Consultation

- (i) TMDC, TMRC and YLDC would be consulted after the Board’s agreement to the publication of the draft Tin Fu Tsai OZP under section 5 of the Ordinance during the exhibition period of the OZP.

63. In response to a Member’s enquiry on whether the proposed amendments to the draft OZP was acceptable to WSD, Mr T.H. Yeung, SE/P(2), WSD, said that the proposed amendments were acceptable as WSD would tolerate existing village type houses and the redevelopment of village type houses that were previously in existence. This was in line with the existing policy which had been in place since 1968.

64. As Members had no further questions or comments to raise, the Chairman thanked the Government's representatives for attending the meeting. They left the meeting at this point.

65. After deliberation, Members agreed to note the comments from and responses to TMDC, TMRC, TPDC of YLDC, the local villagers, private individuals and the environmental concern groups on the draft Tin Fu Tsai OZP No. S/TM-TFT/B. Members also agreed that:

- “(a) the revised draft Tin Fu Tsai OZP No. S/TM-TFT/D (to be renumbered as S/TM-TFT/1 upon gazetting) and its Notes at Annexes I and II of the Paper are suitable for exhibition for public inspection under section 5 of the Ordinance;
- (b) the Explanatory Statement at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Board for various land use zonings of the draft Tin Fu Tsai OZP No. S/TM-TFT/D; and
- (c) the Explanatory Statement is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.”

66. Members also agreed that the Secretariat of the Board would further check the accuracy of the OZP, its Notes and ES before their publication.

Agenda Item 7

[Open Meeting]

Request for Deferment of Review of Application No. A/YL-NSW/204

Proposed Columbarium in “Government, Institution or Community” and “Undetermined” Zones, Lots 879, 880 S.A ss.1, 880 S.B ss.1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326

and 1344 (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long

(TPB Paper No. 9435)

[The hearing was conducted in Cantonese.]

67. The Secretary reported that on 14.12.2012, upon request of the applicant, the Board agreed to defer a decision on the review application for one month so as to allow time for the applicant to address the public and departmental comments. On 8.3.2013, upon the request of the applicant, the Board agreed to further defer a decision for two months so as to allow time for the applicant to undertake further assessments to address the comments of the Hospital Authority (HA). On 31.5.2013, 10.7.2013 and 17.9.2013, the applicant submitted further information to address the comments of the Transport Department (TD) and HA.

68. On 8.11.2013, the applicant requested the Board to defer making a decision on the review application for one month so as to allow time to carry out detailed assessment and responses to the recent comments from TD and HA. This was the third request for deferral by the applicant for the review application.

69. 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 prepare documentation for the review, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

70. 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 should be submitted for its consideration within three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a period of one month for preparation of the submission of further information, that a total period of four months had already been allowed, and that no further deferment would be granted.

Agenda Item 8

[Open Meeting (Presentation and Question Session only)]

Consideration of Representations and Comments in relation to the Draft Mong Kok Outline Zoning Plan No. S/K3/30

(TPB Paper No. 9482)

[The hearing was conducted in English and Cantonese.]

71. The following Members declared interests on this item:

- | | |
|---------------------|---|
| Ms Bonnie J.Y. Chan | - her father owned a few units in a property in Ash Street, Tai Kok Tsui |
| Ms Christina M. Lee | - being a Member of the Wofoo Social Enterprises Limited which owned premises at Wofoo Commercial Building which was near to one of the representation sites. |

72. Members considered that the interests of Ms Christine M. Lee were direct and that she should withdraw from the meeting. Members also noted that Ms Bonnie J.Y. Chan had already left the meeting.

[Ms Christina M. Lee left the meeting temporarily at this point.]

Presentation and Question Session

73. The Chairman said that reasonable notice had been given to the representers and commenters to invite them to attend the hearing. However, some of the representers and commenters had either indicated not to attend the meeting or made no reply. Members agreed to proceed with the hearing in the absence of these representers and commenters.

74. The following representatives from the Planning Department (PlanD) and the

- (b) the rezoning of the two sites were measures to convert a number of “G/IC” sites and other Government sites which were considered suitable for housing development to residential use to meet the pressing demand for housing land, as announced by the Chief Executive in the 2013 Policy Address;
- (c) the two sites fell within a predominantly residential neighbourhood with low to medium-rise residential buildings. Taking into account the surrounding land uses and the absence of any designated GIC use, they were rezoned for residential purpose. Similar to other “R(A)” zones on the Mong Kok OZP, they were subject to a maximum plot ratio of 7.5 for a domestic building and a maximum plot ratio of 9 for a composite building, and a building height (BH) restriction of 80mPD (or 100mPD for sites with an area of 400m² or more). In response to the request of the District Officer/Yau Tsim Mong (DO(YTM)), the Soy Street site was zoned “R(A)4” with a requirement of providing a community hall (CH) with a GFA of not less than 937m²;
- (d) in rezoning the two “G/IC” sites, the adequacy of Government, institution or community (GIC) facilities in the Mong Kok area had been assessed by PlanD. Based on the latest planned population of about 147,000 for the area, there was no deficit of GIC provision in the area except for a divisional police station, a post office, 16 secondary school classrooms, 250 primary school classrooms and 46 kindergarten/nursery classrooms. Except for the proposed CH at the Soy Street site, relevant Government departments confirmed that the two sites were not required for any other GIC uses. The Commissioner of Police (C of P) and the Postmaster General (PMG) did not require the sites for the development of a divisional police station or a post office. As to kindergarten/nursery, their provision mainly depended on private initiatives and the use was allowed in all “Commercial” zones and the non-domestic portion of buildings in “R(A)” zones, and the shortfall of classrooms could be met

by provision in the adjoining areas. For primary and secondary schools, the provision was assessed on the basis of a wider district by the Secretary for Education (SED) separately. Given the small size of the two sites, they were considered not suitable for development of a primary/secondary school or divisional police station;

- (e) during the two-month exhibition period which expired on 31.7.2013, four representations were received. On 9.8.2013, the representations were published for public comments and in the first three weeks of the publication period, three comments were received;

The Representations

- (f) all four representations were submitted by individuals and were related to both the Soy Street site and the Reclamation Street site. One of them (R1) supported the amendments, while the remaining three (R2 to R4) opposed the amendments;

Grounds of Representation

Supportive Representation

- (g) R1 supported the two proposed zoning amendments on the ground that they could increase the residential and commercial land supply;

Adverse Representations

- (h) the main grounds of the adverse representations (R2 to R4) were summarized as follows:

Provision of GIC facilities

- (i) Mong Kok had been recognized as one of the most densely

populated places in the world. There was a considerable shortfall in community services in the district. The purpose of the “G/IC” sites was to meet the needs of the community. Such needs should be fully met before alternative use should be considered. In this regard, the two “G/IC” sites should be retained for their designated purpose. The concerned departments were negligent in not taking the opportunity to include GIC uses at the two sites;

- (ii) apart from the proposed CH, the Soy Street site should accommodate a community centre and a social centre for the elderly;
- (iii) the Reclamation Street site should be used to provide a hostel for street sleepers so as to address the street sleepers problem in Mong Kok. There was a deficiency of some 200 primary school classrooms in Mong Kok. Consideration should be given to relocating some GIC facilities at other sites to the Reclamation Street site so as to free up other land for school development;

Provision of open space/recreational facilities

- (iv) there was a serious deficit in open space provision in Mong Kok. The planned provision of district and local open space in the area only amounted to one third of the required provision as stipulated in the Hong Kong Planning Standards and Guidelines (HKPSG);
- (v) the six sitting out areas (SOAs) near the Soy Street site were mainly for children and the elderly. According to the 2011 Census, the population in the ‘Mong Kok West’ area was mainly aged between 10 and 64, but the area had only one basketball court at the Tung On Street Rest Garden in its vicinity. Provision of at-grade recreational facilities, e.g. ball courts, at the Soy Street site would provide opportunity for the residents, particularly the youth, and workers in the area to get exercise and help preserve some

ventilation space and spatial relief in the district; and

Visual and air ventilation

- (vi) it was not acceptable to develop a tall tower at the Reclamation Street site. The low-rise nature of the street block should be preserved to provide spatial relief and air ventilation for the area;

Representers' Proposals

- (i) the following proposals were made by the adverse representations:
 - (i) to maintain the two sites for GIC use;
 - (ii) to provide open-air recreational facilities such as basketball or volleyball courts at the Soy Street site;
 - (iii) to provide a community centre and a social centre for the elderly at the Soy Street site in addition to the proposed CH. The proposed CH could also be downscaled to provide rooms for meetings of owners' corporations and various activities; and
 - (iv) to provide a hostel for street sleepers at the Reclamation Street site;

The Comments

- (j) the three comments were submitted by the Tsim Sha Tsui Residents Concern Group (C1), Designing Hong Kong Ltd (C2) and Ms Mary Mulvihill (C3) who was also R2. While C2 opposed the supportive representation (R1), C1 and C3 had not specified which representation they were related to. The views of the commenters were summarised as follows:

- (i) there was no prior public consultation on the OZP amendments. This was in violation of the duty of the Board to make inquiries and arrangements for the preparation of draft plan;
- (ii) the two sites should not be used for hotels and expensive residential developments. As many old buildings in Mong Kok did not have club houses or recreational facilities, the Soy Street site should be developed into an open-air sports facility to serve the local residents. The Reclamation Street site was an ideal location for a hostel for those having difficulty in finding accommodations;
- (iii) the two sites should be used to provide social service facilities to address the long waiting time for care places for the elderly, the disabled and the mentally handicapped;
- (iv) the rezoning of the two sites for residential use would worsen the shortfall in the provision of major community facilities and open space in Mong Kok. Unlike public housing estates with more open space, private housing developments in Mong Kok relied on “G/IC” sites to provide the essential services and recreational facilities. The rezoning would downgrade the quality of life of residents in the private sector; and
- (v) the amendments to the BH restrictions for the two sites would increase the density in Mong Kok where there was significant traffic congestion, adversely affect air ventilation and worsen air pollution in the district;

Government’s Responses to the Representations and Comments

- (k) the Government’s responses to the representation and comments were summarized as follows:

Provision of GIC facilities

- (i) land suitable for development in Hong Kong was scarce and there was a need to optimize the use of land available to meet the increasing development needs of Hong Kong. The rezoning of suitable “G/IC” sites for residential use was one of the measures adopted by the Government to meet the pressing demand for housing land. The two sites had no designated GIC use and fell within a predominantly residential neighbourhood. Based on the assessments of concerned departments, residential use at the two sites would not result in adverse visual, traffic, environmental or air ventilation impact on the surrounding areas. They were suitable for rezoning to residential use;

- (ii) the adequacy of planned GIC facilities in the Mong Kok area had been assessed by PlanD in rezoning the two sites. According to HKPSG, the planned provision for various community facilities in the area was generally adequate to meet the planned population of the area, except for a few facilities which were considered not suitable/required to be provided at the two sites. Except for the proposed CH at the Soy Street site, the relevant Government departments confirmed that the two sites were not required for any GIC uses;

- (iii) a CH with a multi-purpose hall and a meeting room would be provided at the Soy Street site to serve the locals. Taking into account the limited size of the site and the planned provision of a CH, DO(YTM) and the Director of Social Welfare (DSW) considered it unnecessary to provide the facilities proposed by the representers/commenters, viz. a community centre and a social centre for the elderly. The meeting room provided in the CH of the Soy Street site could also serve as a venue for meetings of owners’ corporations and various activities;

- (iv) in view of the small size of the Reclamation Street site (283m²) and the development constraint imposed by the service lane cutting through the site, DSW considered the site unsuitable for development of a street sleepers' shelter. Also, a "G/IC" site at Hau Cheung Street, Yau Ma Tei with an area of about 975m² had already been reserved for the development of a street sleepers' shelter and a refuse collection point. At present there were 5 subvented urban hostels and 2 emergency shelters for street sleepers with a utilization rate of 81%. The services provided could meet the existing demand;

- (v) on the proposal to relocate GIC facilities at other sites to the Reclamation Street site so as to release other land for school development, the concerned departments confirmed that no GIC facilities were required to be relocated to the Reclamation Street site. Even if some GIC facilities could be relocated, the site was so small (only 283m²) that it could only accommodate a limited amount of GIC facilities and the land released from the relocation would not be sufficient for a school development which required a site of at least 3,950m² for a 18-classroom primary school. Despite the shortfall in the primary school classrooms in Mong Kok, the overall provision of primary school was assessed by SED on the basis of a wider district;

Provision of open space/recreational facilities

- (vi) while there was a shortfall of 18.93 ha of open space in the Mong Kok area, the shortfall could partly be absorbed by the surplus open space provision in the adjoining Yau Ma Tei area (+2.64 ha) and South West Kowloon area (+41.65 ha). As a whole, there was a surplus of 42.8 ha of open space in the Yau Tsim Mong District;

- (vii) the Director of Leisure and Cultural Services (DLCS) advised that due to the small size of the two sites, their potential for open space use was limited. Besides, there were already six existing SOAs in the surrounding area that were equipped with both passive and active recreational facilities for public enjoyment. Taking into account the provision and distribution of open spaces in the local area, DLCS had no plan to develop the two sites as open space;

- (viii) DLCS also had no plan to develop any active recreational facilities such as basketball or volleyball courts at the Soy Street site because there were similar facilities at the playgrounds in Mong Kok including Macpherson Playground, Anchor Street Playground, Shanghai Street/Market Street Playground and Sycamore Street Playground;

Visual and air ventilation

- (ix) the two sites were located in the midst of a residential cluster in Mong Kok and were immediately adjacent to a number of “R(A)” sites with existing BHs ranging from 6 storeys to 28 storeys (24mPD to 86mPD). These sites were allowed to be redeveloped to a maximum BH of 80mPD/100mPD as stipulated for the “R(A)” zone. As the development parameters for the two sites, i.e. plot ratio of 7.5/9 and BH of 80mPD/100mPD were in line with other “R(A)” sites in Mong Kok, the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) considered that the proposed development at the two sites were visually not incompatible with the surrounding context, and could blend in well with the height profile in the vicinity;

- (x) the streets in this part of Mong Kok followed a grid pattern which was north-south and east-west running, facilitating the penetration of prevailing wind. The two sites did not fall within the problem

areas or major breezeway/air paths identified in the Air Ventilation Assessment by Expert Evaluation for the Mong Kong OZP conducted in 2010. The rezoning of the two sites was not envisaged to result in any major adverse impact on air ventilation in the area;

Public Consultation

- (xi) regarding the concern on the lack of prior public consultation, the amendments to the OZP had been exhibited for public inspection for a period of two months in accordance with the provisions of the Ordinance, which was a statutory public consultation process. Before exhibition of the OZP, the Yau Tsim Mong District Council was consulted on the proposed amendments on 25.4.2013 and their views were submitted to the MPC for consideration on 3.5.2013;

Others

- (xii) regarding the comment that the two sites should not be used for hotels or expensive residential developments, the “R(A)” zoning of the two sites was intended for residential development, instead of hotel use. Besides, the price of the future development was not a planning consideration for the Board; and
- (xiii) regarding the view that the rezoning would have adverse traffic impacts on the surrounding areas, the Commissioner for Transport (C for T) and the Director of Environmental Protection (DEP) had no adverse comment on the zoning amendments.

77. The Chairman then invited the representers to elaborate on their representations.

Representation No. R2 and Comment No. C1 and C3

78. With the aid of information presented on the visualiser, Ms Mary Mulvihill

made the following main points:

- (a) even though there was pressing demand for housing land, the Government should not overlook the equally pressing demand and urgent need for community facilities. In April 2013, the Director of Audit had cautioned against the wholesale appropriation of community land for housing. In the Government's quest for housing land, the provision of facilities to serve the community had been sacrificed;
- (b) besides the shortage of educational facilities and police station mentioned in the TPB Paper, there were deficiencies in the provision of other facilities such as residential care services for persons with disabilities. Based on information presented by the Government to the Legislative Council in January 2013, the average waiting times for a place in a hostel for moderately mentally handicapped persons and in a hostel for severely mentally handicapped persons were 84 months and 81 months respectively. The information on the demand for community facilities presented in the TPB Paper was not comprehensive;
- (c) as non-government organisations (NGOs) could not afford the construction costs for developing and providing the necessary community facilities, the Government should make available Government land and pay for the construction of community facilities through the Capital Works Reserve Fund, instead of spending on mega infrastructure projects. With Government providing the premises, NGOs would be able to offer the needed services to the community;
- (d) as there was already an inadequate provision of community facilities to serve the area, the two sites should be retained for GIC use rather than rezoned for residential development which would increase the deficiency of facilities;
- (e) based on information as at June 2012, Yau Tsim Mong District had one of

the smallest amounts of vacant Government land available for “G/IC” use, only 7.3 ha. In view of the growing population, there would be strong demand for community facilities in the next decade and there would be inadequate land to provide the necessary facilities;

- (f) there was strong public objection to the proposal to develop a street sleepers’ centre next to a refuse collection point. It was unacceptable to require street sleepers to be adversely affected by the odour and noise generated by the refuse collection point. The proposal to co-locate the two facilities was unacceptable;
- (g) there was also an urgent need for single rooms to be provided to serve low-wage earners in the area’s restaurants and bars who worked into the late hours of the night. At least one of the sites should be made available for the provision of affordable accommodations for these people;
- (h) the shortfall of 18.93 ha of open space in Mong Kok area was significant and it was unacceptable to claim that the shortfall would be addressed by the surplus in Yau Ma Tei and West Kowloon. The shortfall would be worsened after taking into account the additional population generated by the two residential sites;
- (i) the six existing SOAs were not suitable for recreational use by teenagers and adults as the facilities were catered for children and the elderly. As the bulk of the population in the Yau Tsim Mong District were in the 25 to 64 age group and the average family income was within the bracket of \$10,000-\$20,000 per month, there was a strong need for recreational facilities that were free of charge;
- (j) while residents in public housing estates were provided with sufficient community facilities, it was unfair that residents in the inner city were so deprived of community facilities when, according to HKPSG, a minimum open space of 2m² per person should be provided for everybody;

- (k) the active recreational facilities provided was inadequate as only one basketball court was provided at the Tung On Street Rest Garden to serve the area. The active recreational facilities mentioned in the TPB Paper, including Macpherson Playground, Anchor Street Playground, Shanghai Street/Market Street Playground and Sycamore Street Playground were some distance away from the area and not easy to access. The current provision of active recreational facilities in the area failed to meet the active to passive ratio of 3:2 recommended in HKPSG;
- (l) while the provision of community facilities was for a population of 147,000 persons in accordance with the 2011 Census, the amount of tourists going to the area would generate additional demand for community facilities which had not been assessed;
- (m) the need for providing another CH in Mong Kok was questionable as one CH was available at Argyle Street and another CH at Temple Street. While the residents in Tsim Sha Tsui had been requesting for a CH in their district, the provision of a CH at the Soy Street site would not serve the purpose as it was too far away. Moreover, the residents were looking for small meeting rooms available at short notice for a reasonable fee in order to allow the building management and other groups to hold meetings and gatherings rather than a multi-purpose hall with only one meeting room;
- (n) as the Hong Kong-Zhuhai-Macau Bridge would bring in thousands of additional vehicles to the district from the West Kowloon Corridor and the Yau Ma Tei Public Car Park would be demolished with no replacement facility, it was inconceivable that the zoning amendment would not cause any adverse impact on ventilation and traffic. As the current temporary car park at the Soy Street site would not be reprovisioned upon development, the reduction in the number of car parking spaces in the area would add pressure on the local streets;

- (o) while the Yau Tsim Mong District Council was consulted, the local residents were not. As the zoning amendments were related to the rezoning of “G/IC” sites which would affect the provision of community facilities, the local people should be consulted and given the chance to air their views;
- (p) if there was no guarantee that the residential flats to be provided at the two sites would be sold at prices that were affordable to the local community, the two “G/IC” sites should be retained for the provision of much needed community facilities such as residential care services for persons with disabilities and day creches; and
- (q) the two sites were at the right location for the provision of open space and recreational facilities to serve the population in the area.

79. As the representers had finished their presentation, the Chairman invited questions from Members.

80. A Member enquired whether the information regarding the shortfall in community facilities presented by the representer was for the territory as a whole or for Yau Tsim Mong District only. In response, Ms Mary Mulvihill said that the information on open space provision was for Mong Kok only while the information on residential care services for persons with disabilities was for the territory as a whole.

81. A Member noted that as the size of the two “G/IC” sites were relatively small, the number of flats produced was not significant. However, upon rezoning of the two sites, few vacant “G/IC” sites would remain. The Member enquired whether the relevant Government departments were asked specifically to consider whether the sites would be required to meet current community needs such as singleton hostels for the elderly and possible future community needs such as a centre for the collection of kitchen waste. In response, Mr Wilson Chan said that the relevant Government departments had been specifically consulted on whether they required the two sites for the provision of GIC

facilities and only the Home Affairs Department (HAD) had indicated the need for a CH at the Soy Street site. HAD indicated that an additional CH was needed to serve the community as the usage rate of the two existing CHs in Yau Tsim Mong District was saturated. Regarding the need for a centre for the collection of kitchen waste, Mr Chan said that DEP had not indicated the need for such a facility at the sites. DSW indicated that although there was a general shortfall in the provision of facilities for the elderly for the territory as a whole, the two “G/IC” sites under concern were not required for the provision of facilities for the elderly.

82. A Member enquired about the existing use of the Reclamation Street site. In response, Mr Wilson Chan said that the previous building on the Reclamation Street site was demolished in 2004 and the site had been vacant since then.

83. In response to a Member’s enquiry on whether the Government would consult NGOs on the use of “G/IC” sites, Mr Wilson Chan said that when a “G/IC” site was available, PlanD would normally consult DSW on whether the site was required for the provision of any social welfare and community facilities as DSW would also have knowledge whether the site under concern would be required for services to be provided by NGOs. PlanD would not consult NGOs directly on the use of “G/IC” sites. The Chairman supplemented that policy support from the relevant policy bureau was required before a site could be granted to an NGO for the provision of a specific social or community service.

84. Ms Mary Mulvihill said that the relevant Government departments should be required to attend the Board’s meeting and explain the reason why they did not need the “G/IC” sites when there was obvious demand for facilities to serve the elderly and persons with disabilities. The Board should put pressure on the relevant Government departments to explain why the “G/IC” sites were not required when there was a dire need for the provision of community facilities and the Board should not rezone the “G/IC” sites.

85. As Members had no further questions and the representers had nothing to add, the Chairman said that the hearing procedure had been completed, the Board would deliberate on the representations and comments in their absence and would inform them of

the Board's decision in due course. The Chairman thanked the representers and the PlanD representatives for attending the hearing. They all left the meeting at this point.

[Mr. Lincoln L.H. Huang left the meeting at this point.]

Deliberation Session

86. The Chairman said that in proposing to rezone a "G/IC" site for other purposes, the relevant Government bureaux and departments would be consulted and the HKPSG would be taken into account.

87. A Member said that as the relevant Government bureaux/departments would not consult NGOs upon departmental circulation, they might not have a full picture of the needs and requirements of NGOs. The Member's NGO had a negative experience in looking for Government premises in Mong Kok to provide social services and the concerned NGO had to rent premises from the private sector to provide services. This case showed that there was a shortage of G/IC premises in the area. In response, the Chairman said that each Government bureau/department would examine the "G/IC" site from their policy perspective before determining whether the site that was available was suitable for their needs or whether there were other alternatives. In deciding whether a site should be allocated to an NGO, policy support from the relevant bureau was a pre-requisite.

88. A Member said that the biggest problem for NGOs in Hong Kong was the lack of space to provide or expand their services to the community. In this regard, the Government should consult NGOs on their space requirements and should stock-take the space requirements on a regular basis. This would facilitate the Government and NGOs to match sites that were available with requirements of the NGOs. The meeting agreed that the suggestion of a regular stock-taking exercise should be forwarded to the Labour and Welfare Bureau for its consideration.

89. A Member opined that the Board should be prudent in considering whether to support the rezoning of the two "G/IC" sites as not many "G/IC" sites would remain in the Mong Kok area. The Member noted that while Government departments were able to

confirm that they did not have any need for the “G/IC” sites at present, they would not be able to predict whether the site would be required in future when circumstances changed.

90. The Chairman said that when considering the rezoning of a “G/IC” site, PlanD would take into account the provision of GIC facilities in the area having regard to the HKPSG and the need for specific GIC facilities raised by the relevant Government bureaux/departments, while the provision of GIC facilities would require funding approval. Mr K.K. Ling, Director of Planning, supplemented that the site search exercise for GIC facilities was an interactive process. While PlanD would ask the relevant Government bureaux/departments whether they needed a specific “G/IC” site for their purposes, the relevant Government bureaux/departments could also request PlanD to find suitable sites to meet their requirements. While some “G/IC” sites were rezoned for other uses, PlanD would also reserve other “G/IC” sites for future use as required by the relevant Government bureaux/departments. The Chairman added that GIC facilities could also be provided through land sales as per relevant policy bureau or Government department’s request.

91. Members noted that for the two subject “G/IC” sites, the relevant Government bureaux/departments had been consulted and confirmed that they did not require any of the two sites for GIC uses.

92. After further deliberation, Members agreed that there was a need to optimize the use of land available to meet the pressing demand for housing land. Taking into account the provision of GIC facilities in the area in accordance with HKPSG and the specific needs of the relevant Government bureaux/departments, they noted that a CH would be provided at the Soy Street site.

93. Members agreed to note the views of representation R1 and not to uphold the views and proposals of representations R2 to R4. Members then went through the suggested reasons for not upholding the representation as detailed in paragraph 6 of the Paper and considered that they were appropriate.

Representation No. R1

94. After deliberation, the Board noted the views of representation R1 supporting

the amendments to the OZP.

Representations No. R2 to R4

95. After deliberation, the Board decided not to uphold representations R2 to R4 and that the Plan should not be amended to meet the representations for the following reasons:

- “(a) land suitable for development in Hong Kong is scarce and there is a need to optimize the use of land available to meet the pressing demand for housing land. As the Soy Street and Reclamation Street sites are not required for GIC development except for a community hall, it is considered appropriate to rezone the two sites for residential use, with the requirement of providing a community hall in the future development at the Soy Street site;
- (b) since there are a number of local open spaces near the two sites and active recreational facilities are available in various existing playgrounds in Mong Kok, the provision of open space or recreational facilities at the two sites is not required; and
- (c) since the building height restriction for the two sites are compatible with the developments in the surrounding “Residential (Group A)” zone and the two sites are not situated within any identified breezeways or air paths, the proposed developments at the sites should not have adverse visual and air ventilation impacts on the surrounding areas.

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

Agenda Item 9

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/I-TCTC/45

Temporary Eating Place for a Period of 3 Years in “Open Space” Zone, Lot Nos. 2259-2261 in

D.D. 3, G/F, No.2 Wong Nai Uk Village, Tung Chung, Lantau Island

(TPB Paper No. 9479)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

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

- | | | |
|---------------------|---|--|
| Mr Ivan Chung | - | District Planning Officer/Sai Kung & Islands (DPO/SKIs), PlanD |
| Mr Wong Shue Yau | - | Applicant |
| Mr Kong Chee Cheung | - | Applicant's representative |

97. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/SKIs to brief Members on the background of the application.

98. With the aid of a Powerpoint presentation, Mr Ivan Chung made the following main points as detailed in the Paper:

- (a) the applicant applied for planning permission for eating place on a temporary basis for a period of three years at the application premises which fell within an area zoned "Open Space" ("O") on the Tung Chung Town Centre Area Outline Zoning Plan (OZP);
- (b) the application was rejected by RNTPC on 16.8.2013 for the following reasons:
 - (i) there was insufficient information in the submission to demonstrate that the development would not generate adverse sewerage and noise impacts on the surrounding areas; and

- (ii) previous planning permissions granted to the applicant under Applications No. A/I-TCTC/40 and 42 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 permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control;
- (c) the applicant did not submit any written representation in support of the review;
- (d) departmental comments – the departmental comments were summarised in paragraph 4 of the Paper. The Director of Environmental Protection (DEP) commented that he had no in-principle objection to the application provided that the applicant committed to keeping the operation hours of the premises from 7:00am to 11:00pm. The applicant was also advised to comply with the Water Pollution Control Ordinance and the Air Pollution Control Ordinance and to follow the best practices as stipulated in the Environmental Protection Department's (EPD) dedicated webpage. Moreover, polluting effluent discharged on 19.6.2012 was substantiated and non-compliance was suspected. Flytipping/dumping of wastes on 17.12.2012 was also substantiated and action was taken by EPD. The Hong Kong Police Force (Lantau District) indicated that the Lantau Police District had received two noise complaints against the subject restaurant on 26.12.2012 and 27.6.2013 respectively. The District Lands Officer/Islands of Lands Department (DLO/Is, LandsD) commented that, in a recent site inspection, the Government land in front of the subject three lots was found to be used as outside sitting area (OSA) of the food premises. The Chief Engineer/Hong Kong and Islands of Drainage Services Department (CE/HK&I, DSD) had no objection to the application and commented that public sewer connection was available and the applicant/lot owner was required to carry out sewer connection

works at his own cost to the satisfaction of DSD. He also commented that foul water generated from the eating place should be properly controlled by the applicant/lot owner to avoid flowing into the nearby surface u-channels, creating odour, hygiene and pollution nuisance to the public;

- (e) public comments – during the statutory publication period of the review application, 16 public comments were received. Fifteen comments made by private individuals, customers and workers of the subject eating place, and residents in Tung Chung and Yat Tung Estate supported the application as it was the only eating place operating after 10:00pm to serve the residents and workers from the airport and hotels nearby who needed to work until late at night. One comment from a resident of Yat Tung Estate objected to the application on the grounds that lots of rubbish and abandoned furniture were created by the eating place in Wong Nai Uk Village, effluent was discharged to the road and noise nuisance was caused to residents of the surrounding area due to the late night operation; and
- (f) PlanD's view – PlanD did not support the application based on the assessment in paragraph 6 of the Paper, which were summarised below:
 - (i) there was no material change to the planning circumstances since the Board's decision to reject the current application (A/I-TCTC/45) and no significant change in land uses of the surrounding areas. No further information had been provided by the applicant;
 - (ii) although the applicant indicated that the noise mitigation measures had been implemented and the drainage works (the revocation reason for A/I-TCTC/42) would be implemented after the excavation permit was issued by LandsD, the subject eating place had been the subject of various complaints related to late night operation, noise nuisance, polluting effluent discharge, dumping of

waste and illegal parking.

- (iii) according to EPD, two complaints in June and December 2012 regarding polluting effluent discharge and flytipping/dumping of wastes were substantiated. Regarding late night operation, an approval condition was imposed under the previous application (A/I-TCTC/42) prohibiting operation of the eating place between 11:00pm and 7:00am. Although a warning letter was issued by PlanD to the applicant on 15.1.2013 requiring him to follow the operation hours as per the approval condition, complaints on late night operation and noise nuisance arising from the subject eating place were still received on 10.7.2013 and 18.7.2013;
- (iv) while the subject application was only related to the existing buildings at Lots 2259-2261 in D.D. 3, as pointed out by DLO/Is, the Government land in front of the subject lots was also found to be used as OSA by the applicant;
- (v) although a previous application (No. A/I-TCTC/42) for temporary use of the application premises as an eating place for 1 year was approved by the Board on review on 12.10.2012, the applicant subsequently failed to comply with the approval condition regarding the implementation of sewer connection which resulted in the approval being revoked. Furthermore, the applicant had failed to comply with the approval condition restricting the operating hours from 7:00am to 11:00pm, resulting in more complaints from the public;
- (vi) there was no information on how the foul water from the eating place would be handled, no technical proposal on sewer connection had been submitted and no clear information on how the public concern on noise nuisance from the eating place could be addressed. In this regard, sympathetic consideration to allow planning

permission for the proposed use, even on a temporary basis, was not warranted; and

- (vii) approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

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

100. Mr Kong Chee Cheung made the following main points:

- (a) a summary of the actions that had been taken by the applicant since the approval of application No. A/I-TCTC/40 was tabled for Members' reference;
- (b) the application site was located in Wong Nai Uk Village which was a recognised village that was zoned "O" on the OZP. To the north-west of the application site was Tung Chung New Town, while Lantau Hospital was to its south and Yat Tung Estate was to its west. There was only one person living in the village at the moment;
- (c) the approval conditions for application No. A/I-TCTC/40 regarding the provision and implementation of fire service installations had been fully complied with. In fact, a temporary licence was issued by the Food and Environmental Hygiene Department (FEHD) which was valid until 26.12.2013;
- (d) to fulfill the approval condition on the construction of sewer connection works, a drainage proposal was submitted to DSD in March 2012 and was approved in August 2012;

- (e) there was a delay in submitting the application for excavation on Government land as the applicant needed to make the application through the lot owner. Nevertheless, the application for excavation on Government land was submitted in March 2013 and approval was given by DLO/Is in November 2013; and
- (f) works for the sewerage connection could commence and it was expected that the works would be completed in 3 months' time.

101. Mr Wong Shue Yau made the following main points:

- (a) the approval conditions on the installation of fire service installations were not complied with in time because FSD would not issue the certificate of compliance unless the restaurant had commenced operation. The restaurant could only come into operation one year after planning permission was granted;
- (b) there was delay in fulfilling the approval conditions on drainage as it took some time for him to engage consultants to do the design for the drainage works. While the drainage proposals were submitted to DSD in March 2012, it took 5 months for DSD to approve the drainage proposals;
- (c) on the implementation of the drainage proposals, as the lot was owned by 9 parties some of whom lived overseas, it took seven months for the owners to give consent for a representative, on behalf of all owners, to submit an application to DLO/Is for excavation on Government land. Approval for the excavation works was finally granted on 11.11.2013. According to the contractor, construction works would take two weeks to complete and, upon obtaining DSD's confirmation that the works were carried out to their satisfaction, he would be able to confirm full compliance with the approval condition;

- (d) the planning permission granted under application No. A/I-TCTC/42 was revoked as the temporary permission was only granted for one year and there was not enough time to comply with the approval conditions as he needed to go through the various procedures involving different Government departments;
- (e) after planning permission was granted for the first application (A/I-TCTC/40) in 2010, it took more than 8 months to obtain a tenancy agreement with the owner of the premises;
- (f) due to a misunderstanding on the procedures for applying for an extension of time, a new application (A/I-TCTC/42) was submitted instead of an extension of time for the previous application;
- (g) on the issue of noise, the necessary noise mitigation measures including the setting up of noise barriers and limiting the operating hours of the restaurant had already been implemented. After 11 pm, any remaining customer would only stay indoors to minimize the noise impact. Although the Police received two noise complaints against the restaurant, no charges were filed upon investigation as the complaints were not substantiated;
- (h) regarding the complaint against the discharge of effluent, FEHD indicated that the pool of dirty water found near the site was not generated by the restaurant. As there were no drains for collecting rain water in the vicinity, the pool of dirty water was probably caused by people washing their cars or people splashing water nearby;
- (i) the restaurant was currently connected to the public sewerage system by a sub-standard drain. The drainage proposal required by DSD was for the provision of sewers and sandpits that were up to DSD standards;
- (j) the temporary licence issued by FEHD would expire by the end of the

month and would not be extended unless planning permission for the proposed restaurant was granted; and

- (k) in co-operation with an NGO, the restaurant was currently offering free meals to the poor, persons with disabilities and families in need. Besides operating the restaurant, he wanted to serve the community and help people in need.

102. As the applicant and his representative had finished the presentation, the Chairman invited questions from Members.

103. Noting that planning approval was first granted three years ago and the restaurant had been in operation for two years, a Member did not understand what difficulty the applicant faced in fulfilling the approval conditions and in resolving the other problems such as noise and illegal parking. In response, Mr Wong Shue Yau said that to fulfill the approval conditions on the submission and implementation of drainage proposals, he spent a lot of time going through the procedures of the various Government departments and there was no way for him to quicken the process. It took 5 months for DSD to approve the drainage proposals and 8 months for DLO/Is to approve the proposed excavation works on Government land for carrying out the drainage works. Regarding the noise complaint, he said that there were only 2 complaints in 2 years' time due to the effective noise mitigation measures. As for the illegal parking problem, it was out of his control as the cars that were illegally parked outside the restaurant belonged to the residents in the vicinity.

104. The Chairman enquired the reason for the delay in submitting the drainage proposals to DSD, in March 2012, when planning approval was granted in December 2010. In response, Mr Wong said that there were various reasons for the delay. For example, it took over 8 months for him to reach a rental agreement with the owner of the premises and another 8 months for FSD to issue a certificate of compliance. Before submitting the drainage proposals, some time was taken to employ contractors to draw up the drainage proposals. He agreed that the process had been slow, but there was no intention to delay the submission of documents or avoid fulfilling the approval conditions.

105. In response to a Member's enquiry on whether the applicant had been actively trying to fulfill the approval conditions, Mr Ivan Chung said that application No. A/I-TCTC/40 was approved with conditions requiring *inter alia* the submission and implementation of fire service installations and sewer connection proposals. The planning permission for A/I-TCTC/40 was revoked on 23.12.2011 due to non-compliance with approval conditions regarding the submission and implementation of fire service installations and sewer connection proposals. For application No. A/I-TCTC/42, noise mitigation proposals and sewer connection proposals were submitted and the application was approved with conditions requiring *inter alia* the submission and implementation of fire service installations and sewer connection proposals. While the applicant had fulfilled the fire service installations requirements and the submission of sewer connection proposals, the approval condition on the implementation of sewer connection proposals was not met and, hence, the application (A/I-TCTC/42) was revoked on 12.7.2013. In gist, the applicant had been trying to fulfill the approval conditions.

106. As the applicant mentioned the lack of public drains, the Chairman enquired whether DSD's requirements were concerned with storm water drains or sewers. In response, Mr Ivan Chung said that the approval conditions for the previous planning applications were for sewer connections.

107. In response to a Member's enquiry on the amount of time required by the applicant to fulfill the approval conditions, Mr Wong Shue Yau said that as approval for excavation on Government land was granted, works for the sewer connections could commence and it would take about three weeks for the works to be completed. However, the amount of time required for DSD to certify that the works were completed to their satisfaction was unknown.

108. Referring to Plan R-4 of the Paper, the Chairman enquired about the status of the land covered by the yellow canopy. In response, Mr Wong Shue Yau said that the piece of land was Government land and he had been trying to obtain a short term tenancy for the use of the land. However, he would need to obtain a licence for outside seating accommodation for alfresco dining from FEHD before the application for short term tenancy could be processed by DLO/Is. Although the Government land was being illegally

occupied, he had been actively liaising with the relevant Government departments for the use of the land.

109. Mr Wong Shue Yau said that he would carry out all the necessary works required by DSD and comply with the approval conditions regarding the operation hours in order to minimize noise nuisance to the surrounding area. He requested the Board to give sympathetic consideration to the application as the restaurant was the only eating place providing late night service to people working in the airport.

110. In response to the Chairman's enquiry about the operation of the restaurant after 11 pm, Mr Wong Shu Yau said that the restaurant would close at 11 pm but customers yet to finish their meals would be asked to move indoors. He would also request smokers to refrain from smoking inside the premises.

111. 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 procedure for the review had been completed and the Board would further deliberate on the application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant and his representative and DPO/SKIs for attending the meeting. They all left the meeting at this point.

Deliberation Session

112. Although the applicant had illegally occupied Government land and had failed to fulfill the approval conditions in time, a Member noted that the applicant had been trying to meet the requirements but had met with delays. In view of the fact that the applicant was collaborating with an NGO to provide free meals to people in need, the Member considered that favourable consideration could be given to the application. This view was supported by another Member.

113. A Member echoed the same view and said that it was a time-consuming process to get approvals from the relevant Government departments. The Chairman, however, pointed out that although the approval process did take some time, there was also delay on

the part of the applicant in submitting the necessary applications to the relevant Government departments.

114. Members generally agreed that favourable consideration should be given to the application. However, instead of granting planning permission for a temporary period of 3 years, a temporary approval of 1 year should be given in order to better monitor the fulfillment of the approval conditions by the applicant. Moreover, a shorter compliance period for the implementation of the sewer connection proposals within 3 months respectively should be imposed.

115. After deliberation, the Board decided to approve the application on review on a temporary basis of 1 year, instead of the 3 years sought, until 6.12.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) no night-time operation, between 11:00pm and 7:00am, as proposed by the applicant, is allowed on the application premises during the planning approval period;
- (b) the existing fire service installations implemented should be maintained at all times during the planning approval period;
- (c) the existing noise mitigation measures implemented should be maintained in good condition at all times during the planning approval period;
- (d) the implementation of sewer connection works including a terminal manhole within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.3.2014;
- (e) if any of the above conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (f) if the above condition (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

116. The Board also agreed to advise the applicant on the following:

- “(a) prior planning permission should have been obtained before continuing the applied use at the application premises;
- (b) a temporary planning approval for 1 year up to 6.12.2014 is granted so as to monitor the development;
- (c) a shorter compliance period is imposed in order to better monitor the progress of compliance of conditions;
- (d) should the planning permission be revoked due to non-compliance with the approval conditions again, sympathetic consideration would not be given by the Board to any further application for the same use;
- (e) resolve any land issues relating to the development with the concerned owner of the application site;
- (f) to note the District Lands Officer/Islands, Lands Department’s comments that the existing buildings within these two lots had been rebuilt without the approval of Island District Lands Office (Is DLO). The applicant is required to apply for an Outside Seating Accommodation of food premises from FEHD instead of a Short Term Tenancy from Is DLO;
- (g) to note the Director of Environmental Protection’s comments that the various Environmental Pollution Control Ordinances including Water Pollution Control Ordinance (WPCO) and Air Pollution Control Ordinance

(APCO) should be complied with and the best practices as stipulated in EPD's website should be implemented;

- (h) to note the Chief Building Surveyor/New Territories East 1 & Licensing Unit, Building Department's comments that if the existing structures are erected on leased land without approval of the Building Department, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under application. Before any new building works are to be carried out on the Site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An AP should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the Site under the BO. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the Site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the Licensing Authority;
- (i) to note the Director of Fire Services' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, Emergency Vehicular Access (EVA) shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Building which is administered by the Buildings Department;
- (j) to note the Chief Engineer/Hong Kong and Islands, Drainage Services Department's comments that foul water generated from the eating place should be properly controlled by the applicant/lot owner to avoid flowing

into the nearby surface u-channels creating odour, hygiene and pollution nuisance to the public; and

- (k) to note the Director of Electrical and Mechanical Services' comments that the electricity supplier should be approached for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the Premises. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the Premises, the following measures should be carried out:
- (i) prior to establishing any structure within the Premises, the electricity supplier should be liaised with and, if necessary, the electricity supplier should be asked to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure.
- (ii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

[Mr Timothy K.W. Ma and Dr W.K. Yau left the meeting at this point.]

Agenda Item 10

[Open Meeting]

Request for Deferment of Review of Application No. A/SK-CWBN/27

Proposed Minor Relaxation of Plot Ratio and Site Coverage Restrictions for Permitted House Development in "Residential (Group C) 6" Zone, Lot 501 and Extension in D.D. 238, Clear Water Bay, Sai Kung

(TPB Paper No. 9502)

[The meeting was conducted in Cantonese.]

117. The Secretary reported that on 12.11.2013, the applicant requested the Board to defer making a decision on the review application for two months as the applicant intended to make his own presentation to the Board but was unable to attend the meeting on 20.12.2013 due to overseas work commitment. This was the first request for deferral by the applicant for the review application.

118. The Secretary continued to say that according to paragraph 3.1 of the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), the Board might, upon consideration of such request or of its own volition, decide to defer a decision on the applications for the following reasons including (a) need to consult other relevant government departments; (b) provision of important supplementary information; and (c) awaiting recommendations of major government planning-related study or infrastructure proposal. Paragraph 3.2 of TPB PG-No. 33 further stipulated that non-planning related reasons should normally not be accepted. As the justifications for the request for deferment was non-planning related, Planning Department did not support the request for deferment.

119. In response to an enquiry from Mr K.K. Ling, the Director of Planning, whether third party interests would be affected, the Secretary said that the application was for minor relaxation of the plot ratio and site coverage restrictions for a house development and would unlikely affect the interests of other parties.

120. Noting that the application was a review of the decision of RNTPC, a Member enquired whether the applicant had submitted further information responding to the reasons for rejection. In response, the Secretary said that the applicant had not submitted any information to substantiate the review application.

121. The Chairman considered that the Board should not give discretion for non-planning related reasons unless there were very special personal circumstances. The Secretary added that the applicant could appoint an authorized representative to attend the meeting on his behalf. This view was echoed by two Members.

122. After deliberation, the Board decided not to accede to the request for deferment submitted by the applicant and that the review application should be submitted to the Board for consideration at the originally scheduled meeting date, i.e. 20.12.2013.

Agenda Item 11

[Open Meeting (Presentation and Question Session only)]

Review of Application No. A/TP/535

Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 179 S.A ss.3 in D.D. 23, Wai Ha Village, Shuen Wan, Tai Po

(TPB Paper No. 9480)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

123. The following Members declared interests on this item:

- | | |
|----------------------|--|
| Mr Stanley Y.F. Wong | - co-owned a flat and 2 car parking spaces with spouse in Tai Po |
| Mr H.W. Cheung | - owned a flat in Tai Po Hui |
| Dr W.K. Yau | - owned a flat and a shop in Tai Po Hui, and a house and 3 pieces of land at Cheung Shue Tan village |

124. Members noted that the above Members had already left the meeting.

125. The following representative of Planning Department (PlanD) was invited to the meeting at this point.

- | | |
|-------------|--|
| Mr C.K. Soh | - District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
|-------------|--|

126. The Chairman extended a welcome and explained the procedure of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/STN to brief Members on the background of the application.

127. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points as detailed in the Paper:

- (a) the applicant sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on the application site which fell within an area zoned “Green Belt” (“GB”) on the Tai Po Outline Zoning Plan (OZP);
- (b) the application was rejected by the Rural and New Town Planning Committee (RNTPC) on 16.8.2013 and the reasons were:
 - (i) the proposed house (NTEH - Small House) was not in line with the planning intention of the “GB” zone, which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. There was no strong justification in the submission to justify a departure from this planning intention;
 - (ii) the proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
 - (iii) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) in that the proposed development would adversely affect

existing natural landscape and slope stability in the area; and

- (iv) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area;
- (c) the further justifications provided by the applicant in support of the review application were summarised as follows:
- (i) the village ‘environs’ (‘VE’) was set up before the statutory plan was promulgated and the “GB” zoning of land within the ‘VE’ had deprived the indigenous villagers of their legal and development rights;
 - (ii) the proposed Small House was small in scale and would not cause adverse environmental and visual impacts. Also, the Board could approve the application with conditions to ensure that the development would not cause adverse environmental and visual impact;
 - (iii) regarding the concerns on geotechnical safety, the applicant undertook to employ relevant professionals to prepare assessment reports and implement appropriate mitigation measures upon approval of the Small House application by the Board. It was unfair to require the applicant to carry out these expensive assessments before the application was approved; and
 - (iv) Small House developments to the west of Tung Tsz Road used to be prohibited. However, PlanD had reviewed the situation in recent years and the Board had approved five to six Small House developments in the area to the west of Tung Tsz Road after approving application No. A/TP/417. The current application and

the approved applications were similar in nature except the subject site was covered by weed and was situated in an undisturbed rural setting, whereas the sites of the approved cases were formed/with vegetation removed and used for car parking;

- (d) departmental comments – the departmental comments were summarized in paragraph 5 of the Paper. The District Lands Officer/Tai Po (DLO/TP) advised that the applicant had withdrawn his Small House application at the site and changed the application to a site in Lam Tsuen San Tsuen. He had no objection to the application and advised that the latest figures on 10-year Small demand and outstanding Small House applications for Wai Ha were 48 and 50 respectively. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) maintained his objection to the application from the landscape perspective as the site and its surrounding areas were predominantly undisturbed by development and was currently in good condition with existing stream and woodland. As no Small House applications had been approved within the “GB” zone to the south of Tung Tsz Road, the approval of the application would set an undesirable precedent and encourage similar Small House developments encroaching onto the subject “GB” and deteriorate the existing rural landscape quality of the area. The Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H/GEO, CEDD) advised that as the Site was overlooked by steep natural hillside and met the alert criteria requiring a Natural Terrain Hazard Study (NTHS), he would object to the proposed development unless the applicant was prepared to undertake NTHS and to provide suitable mitigation measures as part of the development. The applicant was also required to submit a Geotechnical Planning Review Report (GPRR) in support of the application to assess the geotechnical feasibility of the proposed development;
- (e) public comments – during the first three weeks of the statutory public inspection period, two comments from the Kadoorie Farm and Botanic

Garden Corporation (KFBG) and Designing Hong Kong Limited (DHK) were received. Both KFBG and DHK objected to the application mainly on the grounds of adverse ecological impact, incompatibility with the surrounding environment, and approval of the application would set an undesirable precedent for similar development in the vicinity; and

(f) 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) the site fell entirely within the “GB” zone where there was a general presumption against development. The proposed Small house development was not in line with the planning intention of the “GB” zone;
- (ii) the applicant was an indigenous villager of Wong Yue Tan and this was an application related to cross-village Small House development within the same Heung. According to DLO/TP's records, the total number of outstanding Small House applications for Wai Ha was 50 while the 10-year Small House demand forecast for the same village was 48. It was estimated that about 0.83ha (or equivalent to about 33 Small House sites) of land was available within the “V” zone for Wai Ha village. In this regard, there was insufficient land in the “V” zone to meet the demand of village houses (about 2.45ha or equivalent to about 98 Small House sites);
- (iii) the village proper of Wai Ha was on the opposite side of Tung Tsz Road to the northeast of the site (about 50m). The areas immediately surrounding the site mainly comprised fallow agricultural land covered with dense overgrowth of grass and shrubs and the site was in close proximity to a woodland to its southwest. The site also fell within the flood fringe which was subject to overflow and inundation during heavy rainfall;

- (iv) CTP/UD&L, PlanD objected to the application from the landscape perspective as the site and its surrounding areas were predominantly undisturbed by development and was currently in good condition with existing stream and woodland;
- (v) H/GEO, CEDD objected to the proposed development unless the applicant was prepared to undertake NTHS and to provide suitable mitigation measures as part of the development;
- (vi) despite a general shortage of land to meet the Small House demand in the “V” zone of the concerned village, the application did not meet the Interim Criteria and TPB PG-No. 10 for development within the “GB” zone in that the proposed development would frustrate the planning intention of the “GB” zone and had adverse impacts on the existing natural landscape and slope stability in the area;
- (vii) the decision of the Town Planning Appeal Board (TPAB) to dismiss an appeal against the Board’s decision on application No. A/TP/291 in 2002 re-affirmed the Board’s views that Tung Tsz Road and the natural stream course had consistently been applied as the limits of development. As the current application was similar in nature and circumstances to the application that was dismissed by TPAB, there was no strong reason to deviate from the Board’s previous considerations and decision;
- (viii) application No. A/TP/417 and other similar approved applications mentioned by the applicant were located adjacent to another “V” zone at Tung Tsz about 500m to the northwest of the site. The circumstances of these applications were completely different as set out in paragraph 7.7 of the Paper; and

- (ix) there had been no material change in planning circumstances for the application site and its surrounding areas since the rejection of the application which warranted a departure from the previous decision of RNTPC.

128. As Members had no question to raise, the Chairman said that the hearing procedure for the review had been completed and the Board would deliberate on the application and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

Deliberation Session

129. The Chairman noted and Members generally agreed that the proposed development was not in line with the planning intention of the "GB" zone. It was also not in compliance with the Interim Criteria for consideration of application for New Territories Exempted House/Small House and TPB PG-No. 10 in that it would cause adverse landscape and geotechnical impacts on the surrounding areas.

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

- “(a) the proposed house (NTEH - Small House) is not in line with the planning intention of the “GB” zone, which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong justification in the submission to justify a departure from this planning intention;
- (b) the proposed development did not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause

adverse landscape and geotechnical impacts on the surrounding areas;

- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would adversely affect existing natural landscape and slope stability in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Agenda Item 12

[Open Meeting (Presentation and Question Session Only)]

Review of Application No. A/NE-TK/464

Proposed Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” zone, Lots 608 S.B, 608 S.C and 608 R.P. in D.D. 15, Shan Liu Village, Tai Po

(TPB Paper No. 9481)

[The hearing was conducted in Cantonese.]

Presentation and Question Session

131. The following representative of Planning Department (PlanD) was invited to the meeting at this point.

Mr C.K. Soh - District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), PlanD

132. The Chairman extended a welcome and explained the procedure of the review hearing. As the applicant had decided not to attend the hearing, the Chairman indicated

that the Board would proceed with the review hearing in the absence of the applicant. He then invited DPO/STN to brief Members on the background of the application.

133. With the aid of a Powerpoint presentation, Mr C.K. Soh made the following main points as detailed in the Paper:

- (a) the applicant applied for planning permission to build three NTEHs (Small Houses) at the application site which fell within an area zoned “Agriculture” (“AGR”) on the Ting Kok Outline Zoning Plan (OZP);
- (b) the application was approved by RNTPC on 16.8.2013 subject to the following approval conditions:
 - (i) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the Board;
 - (ii) submission of drainage impact assessment (DIA) and implementation of the flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board;
 - (iii) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the Board; and
 - (iv) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the Board;
- (c) on 12.9.2013, the applicants’ representative applied for a review of the RNTPC’s decision on imposing approval condition (b) requiring the submission of DIA and implementation of the flood relief mitigation measures identified therein;

- (d) the further justifications in support of the review submitted by the applicant were summarised as follows:
- (i) the topographic condition for the area was sloping from north and east to south and west with unobstructed drainage. Even after heavy rainfall, water did not accumulate at any location in the village. Flooding never happened to the village and there was no complaint against flooding. Hence, it was not understood why the applicants were required to implement flood relief mitigation measures;
 - (ii) for the recently approved applications No. A/NE-TK/415 (previous application) and A/NE-TK/420 in the vicinity of the site, the approval condition concerning drainage matters only required the ‘submission and implementation of drainage proposal’. It was not clear why there was such a drastic change to the requirement within such a short period of time; and
 - (iii) the current approval condition (b) should be replaced by an approval condition requiring the ‘submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Board’;
- (e) departmental comments – the departmental comments were summarised in paragraph 5 of the Paper. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) advised that at the time of consideration of the s.16 application, there was report of flooding around the stream course at the downstream end of the site and he had reservation on the application from the flood control and prevention point of view. To eradicate residual flooding in the area, Shan Liu had been included in the recent consultancy study on “Review of Drainage Master Plan in Tai Po”. After reassessing the application and in view of the small size of

the site, CE/MN, DSD considered that the previous requirement for DIA could be relaxed to the submission and implementation of a drainage proposal to DSD's satisfaction. Other Government departments had no objection to or adverse comments on the review application;

- (f) public comments – during the first three weeks of the statutory public inspection period, three public comments from two villagers of Shan Liu and Designing Hong Kong Limited (DHK) were received. While DHK maintained its objection to the proposed development and disagreed with the review of the drainage condition, the two villagers objected to the proposed development mainly on 'fung shui', traffic and road safety reasons; and
- (g) PlanD's view – PlanD had no objection to the application based on the assessment in paragraph 7 of the Paper, which were summarised below:
 - (i) at the time of consideration of the s.16 application, CE/MN, DSD had reservation on the application from the flood control and prevention point of view. After reassessing the application and in view of the small size of the site, CE/MN, DSD decided that the previous requirement for DIA could be relaxed to the submission of a drainage proposal. In this regard, the application for review on approval condition (b) was considered acceptable;
 - (ii) as there was no public drain maintained by DSD in the vicinity of the Site, should the application be approved, approval condition (b) should be replaced with "submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or the Town Planning Board" to ensure that the proposed development would not cause adverse drainage impact to the adjacent area; and
 - (iii) regarding the three public comments against the proposed

development, an approval condition had already been imposed to minimize the impacts on the surrounding area to address the concern on potential drainage and sewerage impacts.

134. In response a Member's enquiry, Mr C.K. Soh said that the application was approved with four approval conditions and the review application was to make amendments to approval condition (b). Should the review application be agreed, approval condition (b) would be amended accordingly while the other approval conditions (a), (c) and (d) would be retained. In response to the Member's further enquiry, the Secretary said that if the Board agreed to the review application, the previous approval condition (b) i.e. 'submission of drainage impact assessment (DIA) and implementation of the flood relief mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the Board' would be replaced by 'submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or the Town Planning Board'.

135. In response to the Chairman's enquiry, Mr C.K. Soh said that a s.17 review application could be submitted to either review the decision of MPC/RNTPC to reject an application or to review the approval conditions imposed by MPC/RNTPC for an application.

136. As Members had no further question to raise, the Chairman said that the hearing procedure for the review had been completed and the Board would deliberate on the application and inform the applicant of the Board's decision in due course. The Chairman thanked DPO/STN for attending the meeting. He left the meeting at this point.

Deliberation Session

137. Members noted that as DSD considered that the requirement of a DIA was no longer necessary, approval condition (b) should be appropriately amended.

138. After deliberation, the Board decided to approve the application on review and approval condition (b) should be amended as follows:

- (b) submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or the Town Planning Board.

Agenda Item 13

[Open Meeting]

Request for Deferment of Review of Application No. A/K18/301

Proposed School (Supporting Activity Rooms for Extension of a Primary School) in “Residential (Group C)1” at 15 Kent Road, Kowloon Tong, Kowloon

(TPB Paper No. 9436)

[The meeting was conducted in Cantonese.]

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

- Ms Julia M.K. Lau - she had given the applicant advice and her family members lived in Kowloon Tong
- Ms Janice W.M. Lai - owned a flat in Earl Street with spouse

140. Members noted that the above Members had already left the meeting.

141. The Secretary reported that on 10.7.2013, the Board received the applicant’s supplementary information including a traffic report in support of the review and the review application was re-scheduled for consideration by the Board on 4.10.2013. On 12.9.2013, the applicant submitted further information including a traffic improvement proposal and a traffic assessment and the review application was re-scheduled for consideration by the Board at this meeting.

142. The Secretary continued to say that on 6.11.2013, the applicant requested the Board to defer making a decision on the review application for one month so as to allow more time to resolve the technical issues with departments concerned. This was the first request for deferral by the applicant for the review application.

143. 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 prepare documentation for the review, the deferment period was not indefinite and the deferment would not affect the interests of other relevant parties.

144. 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 should be submitted for its consideration within three months upon receipt of the further submission from the applicant. The Board also agreed to advise the applicant that the Board had allowed a period of one month for preparation of the submission of further information and no further deferment would be granted unless under very special circumstances.

Agenda Item 14

[Closed Meeting]

145. This item was recorded under confidential cover.

Agenda Item 15

[Open Meeting]

Submission of the Draft Wan Chai North Outline Zoning Plan No. S/25/3A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9530)

[The meeting was conducted in Cantonese.]

146. The Secretary briefly introduced the Paper. On 24.5.2013, the draft Wan Chai North OZP No. S/H25/3, incorporating amendments mainly to rezone the Exhibition (EXH)

Station site of the Shatin to Central Link (SCL)/North Island Line (NIL) to “Comprehensive Development Area (“CDA”); to rezone the Atrium Link Extension site to “Other Specified Uses” annotated “Exhibition Centre”; to rezone the site occupied by the Harbour View International House to “Government, Institution or Community (5)” (“G/IC(5)”) zone; to revise the Notes in accordance with the Revised Master Schedule of Notes to Statutory Plans (MSN); and to make minor boundary adjustments was exhibited for the public inspection under section 5 of the Ordinance. During the two-month exhibition period, one representation was received opposing the Notes of the “CDA” zone and the “G/IC(5)” zone, and the revision to the Notes of the G/IC” zone in accordance with the Revised MSN. On 2.8.2013, the representation was published for public comments and in the first three weeks of the publication period, no comment was received.

147. On 18.10.2013, after giving consideration to the representation, the Board decided to partially meet the representation by specifying the requirement for preparation of a Planning Brief in the Explanatory Statement of the “CDA” zone and amending the Notes of the “G/IC” zone to move ‘Exhibition or Convention Hall’ use from Column 1 to Column 2.

148. On 1.11.2013, the proposed amendment to the Notes of the “G/IC” zone was published for public inspection. During the first three weeks of the publication period, no further representation was received.

149. As the representation consideration process had been completed, the draft Wan Chai North OZP was ready for submission to the CE in C for approval.

150. After deliberation, the Board agreed:

- “(a) to note that there is no further representation on the proposed amendment to the draft OZP. In accordance with section 6G of the Ordinance, the draft OZP should be amended by the proposed amendment;
- (b) that the draft Wan Chai North OZP No. S/H25/3A together with its Notes at Annex II and Annex III of the Paper are suitable for submission under

section 8 of the Ordinance to the CE in C for approval;

- (b) to endorse the updated Explanatory Statement (ES) for the draft Wan Chai North OZP No. S/H25/3A at Annex IV of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Wan Chai North OZP No. S/H25/3A is suitable for submission to CE in C together with the draft OZP.”

Agenda Item 16

[Open Meeting]

Submission of the Draft Ho Chung Outline Zoning Plan No. S/SK-HC/10A to the Chief Executive in Council for Approval under Section 8 of the Town Planning Ordinance

(TPB Paper No. 9495)

[The meeting was conducted in Cantonese.]

151. The Secretary briefly introduced the Paper. On 10.5.2013, the draft Ho Chung OZP No. S/SK-HC/10, incorporating amendments on the rezoning of a site at Nam Pin Wai Road from “Residential (Group C)1” to “Village Type Development” (“V”) (Amendment Item A) and addition of two symbols on the Plan for linking three sites zoned “V” at Wo Mei (Amendment Item B), and the related amendments to the Notes of the Plan, was exhibited for public inspection under section 5 of the Ordinance. During the two-month exhibition period, one representation was received. On 19.7.2013, the representation was published for public comments and, in the first three weeks of the publication period, no comment was received.

152. On 1.11.2013, after giving consideration to the representation, the Board decided not to uphold the representation. As the representation hearing process had been completed, the draft Ho Chung OZP was ready for submission to the CE in C for approval.

153. After deliberation, the Board agreed:

- “(a) that the draft Ho Chung North OZP No. S/SK-HC/10A together with its Notes at Annex A and Annex B of the Paper are suitable for submission under section 8 of the Ordinance to the CE in C for approval;
- (b) to endorse the updated Explanatory Statement (ES) for the draft Ho Chung OZP No. S/SK-HC/10A at Annex C of the Paper as an expression of the planning intention and objectives of the Board for various land-use zones on the draft OZP and issued under the name of the Board; and
- (c) that the updated ES for the draft Ho Chung OZP No. S/SK-HC/10A is suitable for submission to CE in C together with the draft OZP.”

Agenda Item 17

[Closed Meeting]

154. This item was recorded under confidential cover.

Agenda Item 18

[Closed Meeting]

155. This item was recorded under confidential cover.

Agenda Item 19

[Closed Meeting]

156. This item was recorded under confidential cover.

Agenda Item 20

A.O.B.

[The meeting was conducted in Cantonese.]

157. There being no other business, the meeting closed at 5:20 p.m.