

**Minutes of 1064th Meeting of the
Town Planning Board held on 1.8.2014**

Present

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

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Professor S.C. Wong

Mr Roger K.H. Luk

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Julia M.K. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Dr Wilton W.T. Fok

Mr. Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Mr Stephen H.B. Yau

Mr F.C. Chan

Dr Eugene K.K. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr K.F. Tang

Deputy Director of Lands (General)
Mr Jeff Y.T. Lam (until 12:50 p.m.)

Director of Lands
Ms Bernadette H.H. Linn (from 2:30 p.m. onwards)

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

Principal Assistant Secretary (Transport)
Transport and Housing Bureau
Mr Rico W.K. Tsang

Director of Planning
Mr K.K. Ling

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Professor P.P. Ho

Mr Clarence W.C. Leung

Mr Laurence L.J. Li

Ms Bonnie J.Y. Chan

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr Francis T.K. Ip

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau (a.m.)
Ms Lily Y.M. Yam (p.m.)

Senior Town Planner/Town Planning Board
Mr Stephen K.S. Lee (a.m.)
Mr K.K. LEE (p.m.)

Agenda Item 1

[Open meeting]

Confirmation of Minutes of the 1063rd Meeting held on 18.7.2014

[The meeting was conducted in Cantonese.]

1. The minutes of the 1063rd meeting held on 18.7.2014 were confirmed without amendments.

Agenda Item 2

[Open meeting]

Matters Arising

[The meeting was conducted in Cantonese]

- (i) New Judicial Review against the Decision of the Town Planning Board in respect of the Draft Sha Tin Outline Zoning Plan No. S/ST/29(HCAL 85/2014)

Declaration of Interest

2. The following Members had declared interests in this item for owning properties in Sha Tin:

Mr Clarence W.C. Leung	-	his spouse owning a flat in Fo Tan
Professor K.C. Chau	-	owning a flat in Royal Ascot
Professor C.M. Hui	-	owning a flat in City One Shatin
Mr Eric K.S. Hui	-	owning a property in Sha Tin

3. As the judicial review (JR) was concerned with a proposed public rental housing development by the Housing Department (HD), which was the executive arm of the Hong

Kong Housing Authority (HKHA), the following Members had also declared interests in this item:

- | | | |
|--|---|---|
| Mr Stanley Y.F. Wong | - | being a member of HKHA and Chairman of the Subsidised Housing Committee of HKHA |
| Professor P.P. Ho | - | being a member of the Building Committee of HKHA |
| Ms Julia M.K. Lau | - | being a member of the Commercial Properties Committee and Tender Committee of HKHA |
| Mr H.F. Leung | - | being a member of the Tender Committee of HKHA and having business dealings with HKHA |
| Ms Janice W.M. Lai |] | |
| Mr Dominic K.K. Lam |] | having business dealings with HKHA |
| Mr Patrick H.T. Lau |] | |
| Mr K.K. Ling
(as Director of Planning) | - | being a member of the Strategic Planning Committee and Building Committee of HKHA |
| Mr Jeff Y.T. Lam
(as Deputy Director of Lands) | - | being a member of HKHA |
| Mr. Eric K.S. Hui
(as Assistant Director (2),
Home Affairs Department) | - | being a representative of the Director of Home Affairs who was a member of the Strategic Planning Committee and |

Subsidised Housing Committee of HKHA

Mr Rico W.K. Tsang - being the representative of the Secretary
(as Principal Assistant for Transport and Housing who was a
Secretary (Transport)) member of the Strategic Planning
Committee of HKHA

4. Members noted that Mr Clarence W.C. Leung, Professor P.P. Ho, Mr. H.F. Leung and Ms Janice W.M. Lai had tendered their apologies for not being able to attend the meeting and Mr Dominic K.K. Lam, Ms Julia M.K. Lau and Mr Patrick H.T. Lau had not yet arrived at the meeting.

5. As this item was to report the receipt of a new JR, Members agreed that Professor K.C. Chau, Professor C.M. Hui, Mr Eric K.S. Hui, Mr Stanley Y.F. Wong, Mr K.K. Ling, Mr Jeff Y.T. Lam and Mr Rico W.K. Tsang should be allowed to stay at the meeting.

The JR Application

6. The Secretary reported that on 16.7.2014, a JR was lodged by a resident of the Shek Mun Estate, Mr Fung Woon Ki, against the decision of the Town Planning Board (the Board) in respect of the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/29. The Court had not yet granted leave to the JR application.

7. The draft Sha Tin OZP No. S/ST/29 was gazetted on 22.11.2013 mainly to incorporate amendments to rezone Shek Mun Estate, which was zoned “Residential (Group A)”, together with a strip of land zoned “Open Space” (“O”) to “Residential (Group A) 4” (“R(A)4”) for proposed public rental housing development. The applicant had submitted a representation (R89) objecting to the amendments.

8. The main grounds of JR were that the Planning Department (PlanD) had provided inaccurate documents and reports to mislead the Board and the public. In agreeing to the amendments on the draft OZP, the Board had not considered the air ventilation assessment of Shek Mun Estate, the traffic flow, the inadequate provision of open space and the lack of medical facilities in the Sha Tin district.

9. The applicant also sought relief to quash the Board's decision and to stay the submission of the draft OZP to Chief Executive in Council for approval pending the determinations of the JR.

10. The Department of Justice was considering whether there were merits for the Board to oppose the leave. Members agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

(ii) Judicial Review against the Decision of the Town Planning Board in respect of the Draft Central District (Extension) Outline Zoning Plan No. S/H24/8 (HCAL 49/2014)

The Judicial Review Application

11. The Secretary reported that on 8.5.2014, a Judicial Review (JR) was lodged by Designing Hong Kong Limited (the applicant) against the Board's decision not to amend the draft Central District (Extension) Outline Zoning Plan (OZP) No. S/H24/8 in respect of the Central Military Dock (CMD) site. The Board had been briefed on the case on 16.5.2014 and 6.6.2014 respectively.

12. The draft OZP was gazetted on 15.2.2013 mainly to amend the zoning of a strip of the Central waterfront from "Open Space" to "Other Specified Uses" annotated "Military Use (1)" for the CMD site.

13. On 19.5.2014 and 3.6.2014, the Court of First Instance (CFI) considered the leave and interim stay application. On 21.7.2014, CFI granted leave to the JR application and ordered an interim stay of the submission of the OZP to Chief Executive in Council (CE in C) pending the CFI determination of the JR.

14. The hearing date of the JR had not yet been fixed. Members agreed that the Secretary should represent the Board in all matters relating to the JR in the usual manner.

15. The progress of the JR after grant of leave of the CFI was recorded under confidential cover.

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

(iii) New Town Planning Appeal Received

Town Planning Appeal No. 5 of 2014 (5/14)

Proposed House (New Territories Exempted House – Small House) in “Green Belt” Zone, Lot 544 in D.D. 28, Tai Mei Tuk, Tai Po

(Application No. A/NE-TK/445)

16. The Secretary reported that an appeal was received by the Appeal Board Panel (Town Planning) on 8.7.2014 against the decision of the Board on 2.5.2014 to reject on review an application for a proposed House (New Territories Exempted House (NTEH) – Small House) in the “Green Belt” zone on the approved Ting Kok Outline Zoning Plan No. S/NE-TK/17. The application was rejected by the Board for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zone which was primarily for defining 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. The site and its adjoining slopes served as a buffer between the natural vegetated hillsides to the north and the village proper to the south. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape on the surrounding environment; and
- (c) 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 impact on the surrounding areas.

17. The hearing date of the appeal was yet to be fixed. Members agreed that the Secretary would represent the Board on all matters relating to the proceedings of the Appeal Board Panel (Town Planning) in the usual manner.

(iv) Appeal Statistics

18. The Secretary reported that as at 1.8.2014, 14 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows:

Allowed	:	31
Dismissed	:	131
Abandoned/Withdrawn/Invalid	:	180
Yet to be Heard	:	14
Decision Outstanding	:	3
Total	:	359

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

ShaTin, Tai Po & North District

Agenda Item 3

[Open Meeting]

Consideration of Representations and Comments to the Draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area Plan No. DPA/NE-TT/1 (TPB Paper No. 9698)

[The item was conducted in Cantonese and English.]

19. The Chairman said that the representations and comments would be considered collectively in two groups. The Chairman said that the deliberation session would be held after the presentation and question sessions for the two groups.

Group 1: R1 to R248

20. The Chairman said that reasonable notice had been given to the representers of Group 1 to invite them to attend the meeting. Members agreed to proceed with the hearing of Group 1 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.

21. Members noted that the following documents from the representers' representatives were tabled at the meeting:

- (a) the Statement of Position of the Forum on the Planning Issues of Remote Villages in the New Territories (新界偏遠鄉村規劃問題座談會立場書) submitted by the representative of R5, R13, R18, R19, R22, R23, R32, R48, R49, R50 to R52, R59, R60, R69, R70 and R72; and
- (b) proposed Amendments to Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area (DPA) Plan (建議修訂大灘、屋頭、高塘及高塘下洋發展審批地圖) submitted by the representative of R6, R29, R30, R33, R36, R39 and R42.

22. The following government representatives, representers and representers' representatives were invited to the meeting at this point:

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

Ms Channy C. Yang - Senior Town Planner/Country Park Enclave (STP/CPE), PlanD

R1 - Village Committees of Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung, together with Thomas Tsang Surveyors Limited

Mr Tsang Ka Kau] Representers' representatives

Mr Lam Tsz Kwai]

R2 - Li Ming

Mr Li Ming - Representer

R3 - Cheng Mau Lam (Indigenous Inhabitant Representative of Uk Tau)

Mr Chua Yong Chan]

Mr Chan Hon Fai]

Ms Teresa Yeung]

Ms Lau Sze Hong] Representer's Representatives

Ms Jovial Wong]

Ms Rachel Lo]

Ms Betty Choi]

R4 - Sai Kung North Rural Committee

Mr Mo Ka Hung, Joseph - Representer's Representative

R5 - 何偉成 (西貢北約高塘下洋村原居民代表)

R13 - 郭金喜

R18 - 關永龍

R19 - 蕭產光

R22 - 何芷甄

R23 - 何民謙

R32 - 何偉成

R48 - 鄭曉彤

R49 - 黃詠妍

R50 - 鄭世豪

R51 - 鄭劍輝

R52 - 李樹生

R59 - 伍玉燕

R60 - 陳國泰

R69 - 陳文麗

R70 - 陳穎文

R72 - 何錦基

Mr Lee Yiu Ban - Representers' Representative

R6 - Wong Loy Sang (Village Representative of Ko Tong)

R29 - 李煜星

R30 - 宋再天

R33 - 張燦旺

R36 - 張四有

R42 - 徐國軍

Mr Wong Loy Sang - Representer

Mr Li Chung Fan - Representers' Representative

R10 - Cheng Kwok Fai

Mr Cheng Kwok Fai - Representer

Mr Wan Yuet Kau] Representers' Representatives

Ms Gigi Lo]

R27 - 何向成

Mr Wong Sui Yeung - Representers' Representative

R101 - Wan Yuet Cheung

Mr Wan Yuet Cheung - Representer

23. The Chairman extended a welcome and explained the procedures of the meeting. He then invited the representative of PlanD to brief Members on the background to the representations.

24. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, PlanD, made the following main points as detailed in the Paper:

Introduction

- (a) on 8.11.2013, the draft Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung DPA Plan No. DPA/NE-TT/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 277 representations were received. On 7.2.2014, the representations were published for three weeks for public comment. At the end of the publication period on 28.2.2014, a total of two comments on the representations were received;

Representations

- (b) on 4.7.2014, the Town Planning Board (the Board) decided to consider the representations and comments in two groups;

Group 1

- (c) the first group comprised 248 representations (R1 to R248) submitted by the Sai Kung North Rural Committee (SKNRC), Village Representatives (VRs) of Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung and related organizations as well as individuals. These representations mainly objected to the inadequate “Village Type Development” (“V”) zone to meet the demand for village development and proposed to expand the “V” zone to the adjoining areas as well as rezoning to facilitate recreational development;

Group 2

- (d) the second group comprised the remaining 29 representations (R249 to R277) and two comments (C1) and (C2) submitted by the green/ concern groups and related organizations as well as individuals;
- (e) the representations mainly supported the DPA Plan as an interim planning control to Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung area (the Area) but indicated that the extent of the “V” zone should be limited on the grounds of potential environmental and traffic impacts as well as unrealistic

Small House demand forecast without verification. They proposed to limit the “V” zone to the existing structures/ building lots and approved Small House application sites and to rezone the environmentally sensitive areas, including the Ecologically Important Stream (EIS) and its riparian zone, estuarine mangrove, ‘fung shui’ woodland and secondary woodland, etc. or the “Unspecified Use” area to “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”) or “Site of Special Scientific Interest” (“SSSI”);

- (f) the two comments supported some of the representations of Group 2 (R249 to R251 and R254 to R257) on similar grounds;

Grounds of Representations

Group 1

Designation of “V” Zone

Inadequate Land within “V” Zone (R1 to R248)

- (g) the incorporation of the concerned villages into the DPA Plan was objected to as planning permission was required for Small House development within village ‘environs’ (‘VE’) but outside “V” zone;
- (h) the proposed “V” zone was insufficient to meet the demand for village development. The total Small House demand for the four indigenous villages (i.e. Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung) was 500. The proposed “V” zone should reflect not only the existing recognized village but also take account of the outstanding Small House demand and the 10-year forecast of Small House demand;

Contravention of the Basic Law (R2, R4 and R5)

- (i) the rezoning of private land into “Unspecified Use” area without any compensation would adversely affect the villagers’ property right. Under Article 40 of the Basic Law, the legal and traditional rights of indigenous villagers should be respected;

Specific Proposals for Expanding the “V” Zones (R1, R3 and R4)

- (j) the “V” zone of Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung should be expanded to the adjoining areas (R1). The “V” zone in Uk Tau should be expanded northward covering the ‘VE’ (R3). The area was considered suitable for village development as it comprised mainly flat land and was being used for agricultural activities. Furthermore, the area covered mainly private land (73% of the proposed area) and was well served by Pak Tam Road. R4 proposed to follow the ‘VE’ in designating the “V” zone;

Rezoning Proposal to Facilitate Recreational Development (R1)

- (k) to facilitate recreational development, the following rezoning proposals were proposed (R1):
 - (i) the fallow agricultural land located to the east of Pak Tam Road should be designated as “Recreation” (“REC”);
 - (ii) the areas mainly covering Wong Shek Public Pier and Civil Aid Service Tai Tan Camp should be designated as “Government, Institution or Community” (“G/IC”) to facilitate development of refuse collection points, etc;
 - (iii) the areas between Ko Tong and Ko Tong Ha Yeung and to the west of Uk Tau and Ko Tong including flat land and fish ponds should be designated as “Agriculture” (“AGR”);
 - (iv) natural environment such as the uninhabited knolls, slopes, streams and beaches should be designated as “Green Belt” (“GB”) to maintain the rural character;
 - (v) land in the proposed “V” zone should be reserved for road use; and
 - (vi) in relation to the above rezoning proposals, a set of new Notes for the “V”, “GB”, “REC”, “G/IC” and “AGR” zones had been proposed;

Group 2

DPA Plan as an Interim Planning Control (R249 to R252 and R254 to R275)

- (l) the DPA Plan as an interim planning control and a stopgap measure against incompatible development in the Area was supported;

Designation of “V” Zone

Small House Demand (R249 to R252, R256 to R271, R275 and R277)

- (m) in view of high ecological value of the Area, the designation of “V” zones should be based on an actual Small House demand and accurate population forecast, and the “V” zone should not encroach onto any ecologically sensitive areas;
- (n) the original intention of the Small House Policy was to provide housing for indigenous males who wished to live in their ancestral village, not to provide properties for them to sell or rent. In assessing the need for Small House, the Government should look at the number of houses built in these villages in the last 10 or 20 years which were occupied by the indigenous villagers;

Environmental Impact on the Local Habitats and the Surrounding Areas (R249 and R253 to R277)

- (o) some portions of ‘VE’ fell within the boundary of Sai Kung West Country Park. In order to protect the ecology and natural landscape of the Country Park, the “V” zone should not cover these areas;
- (p) many Small House construction sites at Tai Tan were located next to the natural watercourses including EIS relying on the septic tank and soakaway (STS) system to treat the sewage from the development. The system was often not effective in removing pollutants in the long run inducing water quality degradation damaging the natural stream courses as well as the

mangroves at the estuary;

- (q) permitting more village house developments would induce significant adverse impact on the ecosystem and traffic;
- (r) the Board had been given inaccurate maps and data on the environmental and landscape value of the land covered by “V” Zone;

Confining the “V” Zones (R249 to R275 and R277)

- (s) the “V” zone should be confined to the existing structures/building lots and approved Small House application sites, while the rest of the Area should be covered by either “CA” or “SSSI” zone;
- (t) the size of the “V” zone should not be increased until the infrastructure was assessed and proven to be able to cope with the projected population;

Ecological Importance of the Area

Ecological Information to Justify the Conservation Value of the Area (R253 to R256)

- (u) the representations made by the green/ concern groups contained ecological information to justify the conservation value of the area, which were summarized as follows:
 - (i) the woodlands, riparian zones, watercourses, mangroves, backshore vegetation, marsh and the large pond of the Ko Tong Enclave were of high conservation importance;
 - (ii) the Ko Tong woodlands provided habitats for a total of about 100 plant species, including at least four plant species of conservation concern (*Aquilaria sinensis* (土沉香), *Pavetta hongkongensis* (香港大沙葉), *Cibotium barometz* (金毛狗) and *Gnetum luofuense* (羅浮買麻藤)) and fauna species of conservation importance such as

Copperhead Racer (三索錦蛇) and the *Brown Fish Owl* (褐魚鴞);

- (iii) the lower riparian areas and the backshore vegetation as well as the mangrove areas provided habitats for a diverse Sesarmino Crab community. The mangrove soft shore at Tai Tan was considered as “very important”, where an uncommon mangrove tree, *Heritiera littoralis* (銀葉樹), was recorded;
- (iv) an amphidromous fish species of conservation concern, *Stiphodon atropurpureus* (菲律賓枝牙鰕虎魚), was found in Hau Tong Kai Stream (an EIS) and another stream to its south (a non-EIS); and
- (v) comprehensive vegetation and fauna surveys with adequate temporal coverage should be conducted to ensure that the village type development would not cause significant impact on the biodiversity;

Designation of the Important Habitats and Environmentally Sensitive Areas as Conservation Zonings (R249, R250 and R253 to R277)

- (v) the natural habitats with high ecological value and environmentally sensitive areas including the EIS and its riparian zones (i.e. 30m-wide buffer) at Ko Tong Enclave should be protected by “CA”, “CPA” or “SSSI” zones;

Designation of Country Park Enclave as Country Park (R249, R251, R252, R254 to R274 and R277)

- (w) the country park enclave was surrounded by country park with high ecological value. The purpose of the Country Park Enclaves policy was to protect the country park as a whole and the general public has clearly expressed that the country park enclaves should not be placed under development threats. There should be a general presumption against development;

- (x) instead of covering the Area by an OZP, the Area should be incorporated into Sai Kung East Country Park or Sai Kung West Country Park for management and control;

Notes of “Unspecified Use” Area and “V” Zone (R249, R257 to R271, R273 and R275)

- (y) as there should be a general presumption against development in the Area, ‘House (New Territories Exempted House only)’ should be moved to Column 2 use of the “V” zone which required planning permission, and the ‘House (not elsewhere specified)’ should be removed from the “V” zone;
- (z) in order to prevent any “Destroy First, Develop Later” activities including bogus farming activities, ‘Agricultural Use’ should be removed from Column 1 of the ‘Unspecified Use’ area and “V” zone. Planning permission should be required for ‘Agricultural Use’;

Comments

- (aa) the two comments on the representations were submitted by Association for Geoconservation, Hong Kong (C2) and an individual (C1) supporting some of the representations in Group 2 (R249 to R251 and R254 to R257). They mainly objected to the extensive “V” zone as it would cause drainage, sewage and traffic impacts on the local habitat and the surrounding area;

Planning Considerations and Assessments

The Representation Sites and Their Surrounding Areas

- (bb) the Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung area, which comprised two sub-areas, i.e. the main sub-area bounded by Wong Chuk Long and Wong Ma Tei, and another sub-area currently occupied by Jockey Club Wong Shek Water Sports Centre, was located at the northeastern coast of Sai Kung East and West Country Parks along Ko Tong Hau;

- (cc) the Area was mainly accessible by Pak Tam Road and by marine access via Wong Shek Pier, a major pier serving Long Harbour (Tai Tan Hoi) providing ferry services to and from Tap Mun and Chek Keng;
- (dd) Pak Tam Road passed through and bisected the main sub-area into two portions, i.e. the western portion where Wong Shek Pier and four well-populated recognized villages, Tai Tan, Uk Tau, Ko Tong, and Ko Tong Ha Yeung, were located, and the eastern portion which was mainly occupied by woodlands, shrublands, grasslands, and fallow agricultural lands as well as a training camp site, namely Civil Aid Service Tai Tan Camp;

General Planning Intention of the Area

- (ee) the general planning intention of the Area was to protect its high conservation and landscape value and the rural settings which complemented the overall naturalness and the landscape beauty of the surrounding country parks. The planning intention was also to reflect the existing recognized villages of Tai Tan, Uk Tau, Ko Tong, and Ko Tong Ha Yeung;

Designated as "Unspecified Use" Area

- (ff) except for about 3.04 ha of land zoned "V" on the DPA Plan, the remaining majority area (67.75 ha) had been designated as "Unspecified Use" pending detailed analysis and studies to establish the appropriate land use zonings in the course of preparation of the OZP;

Planning Intention of "V" Zone

- (gg) the planning intention of the "V" zone was to reflect the existing four recognized villages in the Area. It was also intended to concentrate village type development within this zone for a more orderly development pattern,

efficient use of land and provision of infrastructure and services;

Consultation

(hh) the DPA Plan was presented to Tai Po District Council (TPDC) on 13.11.2013 and 8.1.2014, and SKNRC on 13.12.2013. In summary, some members of SKNRC indicated that as there was insufficient land within the “V” zone for Small House development, it should be expanded to tally with the ‘VE’. TPDC respected the opinions of SKNRC and hence did not support the DPA Plan;

Responses to Grounds and Proposals of Representations

Designation of “V” Zone (R1 to R248 and R249 to R277)

(ii) the representations in Group 1 proposed to expand the “V” zone to the adjoining areas, whereas those in Group 2 proposed to confine the “V” zone to existing structures/ building lots and approved Small House application sites. Responses to the two divergent views over the designation of “V” zone were as follows:

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

(ii) the boundaries of the current “V” zones were drawn up provisionally around existing clusters and building structures and having regard to approved Small House applications and existing ground features;

(iii) the boundaries would be further reviewed and defined during the preparation of the OZP 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. Views from relevant government departments and stakeholders would also be taken into account where appropriate;

- (iv) it should be noted that Small House demand which was provided by the VRs to Lands Department (LandsD) would only be one of the many factors in considering the “V” zone. In view of the need to conserve the natural environment of the Area, an incremental approach in designating the “V” zones to meet the Small House demand would be more appropriate;

Contravention of the Basic Law (R2, R4 and R5)

- (v) on the point of deprivation of private right and possible contravention of the Basic Law, the Department of Justice advised that the draft statutory plan would not have this effect since it would not involve any expropriation or transfer of ownership of the land concerned, nor would the draft statutory plan leave the land without any meaningful use or any economically viable use. It should also be noted that under the Ordinance, there was no provision for compensation due to curtailment of right by planning action;

Small House Demand (R249 to R252, R256 to R271, R275 and R277)

- (vi) according to the District Lands Officer/Tai Po (DLO/TP), the 10-year forecast of Small House demand for the recognized villages in the Area was 188 (in which the figure for Ko Tong was not available) and there were 86 outstanding Small House applications (including Ko Tong). Though there was no mechanism at the planning stage to verify the figures, the respective DLO would verify the status of the Small House applicant at the stage of Small House grant application;

Environmental Impact on the Local Habitats and the Surrounding Areas

(R249 and R253 to R277)

(vii) the Area was one of the country park enclaves i.e. falling outside the country park, therefore the future “V” zone within the Area would not encroach onto the surrounding country parks;

(viii) the sewage disposal including STS system of Small House and its drainage impact would be considered by concerned departments (including the Environmental Protection Department (EPD), Drainage Services Department, Water Supplies Department, Agriculture, Fisheries and Conservation Department (AFCD) and PlanD) during the processing of the Small House application by LandsD. The arrangement of sewage disposal works should comply with the requirements from the relevant government departments. Besides, as far as the traffic issue was concerned, the Transport Department indicated that the handling capacity of Pak Tam Road was sufficient to cope with the proposed development;

(ix) the Board had been given the latest available plans and information including the topographic map for consideration of the DPA Plan. In the preparation of the OZP, land use zonings for the Area would be comprehensively reviewed subject to a more detailed analysis of various factors;

Proposals for Expanding the “V” Zones and to Facilitate Recreational Development (R1, R3 and R4)

(x) AFCD advised that the proposed expansion of the “V” zones to cover woodland or shrubland in R1 and R3 was not appropriate from nature conservation point of view. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that all the proposed expanded “V” zones were located below steep natural terrain and might be affected by potential natural terrain landslide hazards. EPD advised that as there was no existing or planned public

sewer in the Area, the size of “V” zone should be kept to minimal in order to protect the water quality of the Area. The boundaries of the “V” zones would be further reviewed and defined during the preparation of the OZP;

(xi) the recreational development proposals covered an extensive area designated as “Unspecified Use” on the DPA Plan. The “Unspecified Use” area was an interim designation. Detailed zonings for the “Unspecified Use” area would be drawn up during the preparation of the OZP to take account of the results of relevant assessments/studies and views from relevant government departments and stakeholders. The recreational potential of the Area would be studied when preparing the OZP;

(xii) planning application for Small House development, recreational development and other related uses in “Unspecified Use” area could be considered by the Board on its individual merits. Besides, ‘Agricultural Use’ was always permitted in both the “V” zone and “Unspecified Use” area in the DPA Plan. Moreover, flexibility had been provided in the covering Notes of the DPA Plan for local public works, road works, sewerage works, drainage works and environmental improvement works coordinated and implemented by Government, which were generally necessary for provision, maintenance, daily operations and emergency repairs of local facilities for the benefits of the public and/or environmental improvement;

Responses to other specific grounds and proposals of representations in **Group 2**

DPA Plan as an Interim Planning Control (R249 to R252 and R254 to R275)

(jj) the supporting views to the DPA Plan as an interim planning and a stopgap measure against incompatible development in the Area were noted;

Ecological Importance of the Area

Ecological Information to Justify the Conservation Value of the Area (R253 to R256)

- (kk) the information relating to the ecological value of the Area provided by the representers of Group 2 was noted. AFCD agreed that habitats such as mature woodland, natural streams and mangrove stands were ecologically important and worthy of protection. Such information would be taken into account and further expert advice from AFCD would be sought for subsequent preparation of the OZP for the Area;

Designation of the Important Habitats and Environmentally Sensitive Areas as Conservation Zonings (R249, R250 and R253 to R277)

- (ll) the protection of important habitats and environmentally sensitive areas including mature woodland, the riparian zone of the streams as well as mangrove stands by appropriate conservation zonings was generally supported and appropriate land uses would be further examined during the preparation of the OZP;

Designation of Country Park Enclave as Country Park (R249, R251, R252, R254 to R274 and R277)

- (mm) designation of the country park was under the jurisdiction of the Country and Marine Parks Authority which was outside the purview of the Board. Preparation of the statutory plan would not preclude any future designation of country park;

Notes of "Unspecified Use" Area and "V" Zone (R249, R257 to R271, R273 and R275)

- (nn) as the planning intention of the "V" zone was primarily for development of Small Houses by indigenous villagers, it was appropriate to put 'House (NTEH only)' under Column 1 of the "V" zone;

- (oo) AFCD had reservation on moving 'Agricultural Use' to Column 2 in the

DPA Plan from agricultural development point of view, as it would hinder the potential farming activities in the Area. Moreover, planning permission was required for any diversion of streams or filling of land/pond or excavation of land which might cause adverse impacts on the natural environment. Hence, there was no strong justification for imposing more stringent control on 'Agricultural Use';

Responses to Comments

(pp) same as the responses to the representations; and

PlanD's View

(qq) PlanD did not support Representations No. R1 to R277 and considered that no amendment should be made to the DPA Plan to meet the representations.

25. The Chairman then invited the representers and the representers' representatives of Group 1 to elaborate on their representations.

[Dr. Eugene K.K. Chan arrived to join the meeting at this point.]

R1 – Village Committees of Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung, together with Thomas Tsang Surveyors Limited

26. With the aid of a Powerpoint presentation, Mr Tsang Ka Kau made the following main points:

(a) the DPA Plan was an interim planning control. They had some observations and suggestions on the DPA Plan;

Observations

Shortcomings of Planning Intention

- (b) the DPA Plan covered an area of 70.79ha of land outside the Sai Kung East and Sai Kung West Country Parks, of which 69.09% and 30.91% were government and private land respectively;
- (c) only 3.04ha (4.29%) of land was zoned “V” for the four indigenous villages in the Area. Apart from the recognition of the four indigenous villages and protection of the landscape value and rural setting, there was no mention in the planning intention how the village type development in the Area could be carried out in an orderly and restricted manner so that such development could blend in well with the surrounding scenic environment and how the objectives of the 2014 Policy Address with respect to housing and land supply, poverty alleviation, care for the elderly, environmental protection and sustainable economic growth could be actualized;

Inadequacy of land for “V” Zone

- (d) Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung were four indigenous villages which had been established for over 400 years. The development of each village was unique and the ‘VE’ had been given due respect to the surrounding landscape and natural features of significance;
- (e) due to diminishing of the agricultural sector, people moved to the urban areas or overseas for a living in the past. The current estimate of males in the villages was 500 taking into account the returning trend of villagers. Although the importance of conserving the EIS in Tai Tan was recognized, it was equally important to allow village expansion to meet future demand. However, the “V” zone in the DPA covered only the existing village houses, reflecting neither the outstanding Small House applications nor the 10-year Small House demand;

Failure to Consider the ‘VE’

- (f) the boundaries of the ‘VE’, which had long been delineated and marked by civic and historical inheritance of the villages within, had not been taken

into consideration in determining the boundaries of the “V” zones;

- (g) the “V” zones with sufficient provision of transportation, sewerage and drainage facilities should be expanded to follow the ‘VE’;

Suggestions

“Village Type Development”

- (h) a total of 20.15ha of land should be zoned “V”, which was 28.4% of the Area;

“Green Belt” Use in the “Unspecified Use” Area

- (i) with a view to deterring urban development and preserving the unique character of the rural areas, the uninhabited rolling hills, woodland and rivers in the Area were proposed to be zoned “GB” accounting to 30.6ha or 43.23% of the Area;

‘Agricultural’ Use in the “Unspecified Use” Area

- (j) although ‘Agricultural Use’ was always permitted under Block Government Lease, various factors, including the lack of irrigation water and threat of avian flu, had discouraged agricultural development in the Area. Noting the potential of forming an agricultural ribbon by connecting the existing fish ponds in the basin to the north of Hoi Ha Road and south of Ko Tong Ha Yeung, an area of 5.65ha or 7.98% of the Area was proposed for “Agriculture” zone to promote organic and fish farming;

‘Recreation’ Use in the “Unspecified Use” Area

- (k) there were recreational facilities, such as the Civil Aid Service Tai Tam Camp, Jockey Club Wong Shek Sports Centre, and hiking trails in the vicinity. 12.5ha or 17.66% of the Area was proposed for ‘Recreational

Use' to capture the externality of the presence of existing recreational facilities and the potential given by the tranquil environment to set up holiday camps in the Area to meet the rising demand of public recreational facilities, particularly for the elderly;

“Government, Institution or Community” (“G/IC”) Use in the “Unspecified Use” Area

- (l) to cater for the need of the existing and future developments in the Area, 2.64ha or 3.73% of the Area was proposed for “G/IC” uses;
- (m) the submission made had fully taken into account the population policy and various social concerns and the proposals put forward were considered suitable taking into account the Small House demand, land status, etc. Innovative initiatives, such as leisure train services for the Area could be considered;
- (n) the villagers had no objection to the preparation of the OZP to impose development control and for infrastructure planning for the Area as far as their private property rights were respected and communication was maintained between the Government and the villagers in the process;
- (o) the villagers strongly objected to zone their private land to “CA”; and
- (p) in sum, the OZP to be prepared should be able to:
 - (i) balance natural conservation and village development on a people-oriented basis;
 - (ii) provide the necessary infrastructure for sustainable village type development to meet the 21st century requirements for pleasant living;
 - (iii) boost local economic growth; and

- (iv) facilitate public and private partnership in recreational development, particularly for the elderly.

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

R3 – Cheng Mau Lam (Indigenous Inhabitant Representative of Uk Tau

27. With the aid of a Powerpoint presentation, Ms Teresa Yeung made the following main points:

- (a) Uk Tau was a recognized village requiring a large enough “V” zone for village type development;
- (b) in drawing up the “V” zone, consideration should be given to existing village clusters, outstanding Small House applications and 10-year forecast of Small House demand;
- (c) the “V” zone for Uk Tau had taken into account the existing village clusters and approved Small House applications only, but with the outstanding Small House applications and 10-year forecast of Small House demand omitted;

Outstanding Small House Applications

- (d) 51 Small House applications had been submitted in 2005/06 from villagers of Uk Tau. All the 51 Small House sites under application were by and large on private land within the ‘VE’ of Uk Tau but outside the “V” zone on the DPA Plan;
- (e) the current “V” zone on the DPA Plan of about 0.3ha covering less than 10% of the ‘VE’ (about 3.1ha) of Uk Tau was not enough to meet the actual housing need of Uk Tau. Land requirement for the development of 51 outstanding Small Houses was about 1.4ha;

10-Year Forecast of Small House Demand

- (f) the 10-year Small House demand for Uk Tau was 31 which required an area of about 0.8ha;

Criteria for Small House Development

- (g) there were five criteria in identifying sites for Small House development.

The site should:

- (i) be within the 'VE';
 - (ii) not encroach upon country parks;
 - (iii) avoid slope and potential natural terrain landslide hazards;
 - (iv) be with road access; and
 - (v) preferably be on private lot;
- (h) about 0.2ha of land within the remaining 1.4ha of 'VE' after deducting the area of the existing village clusters and outstanding Small House applications could meet criteria (i) to (iv) at sub-paragraph (g) above;
 - (i) in order to meet the 10-year Small House demand of Uk Tau, another 0.6ha of private land adjoining the northern boundary of the 'VE' of Uk Tau was identified, which could meet criteria (ii) to (v) at sub-paragraph (g) above;

Proposed expanded "V" Zone

- (j) a total area of 2.5ha was proposed for "V" zone to meet the actual Small House demand of Uk Tau. Although about 0.6ha of land of the proposed "V" zone was outside the 'VE', the total area of the proposed "V" zone of 2.5ha was smaller than the size of the 'VE' (3.1ha) of Uk Tau;

- (k) the proposed “V” zone was appropriate as it would not encroach onto country park, ‘fung shui’ woodland or EIS;

Proposed Amendments to the Notes and Explanatory Statement

- (l) the Notes and Explanatory Statement were proposed to be suitably amended to (i) reflect the planning intention of the “V” zone which was to reflect the existing recognized village as well as to designate areas of land considered suitable for village expansion; and (ii) indicate that the boundaries of the “V” zone were drawn up having regard to ‘VE’, outstanding Small House applications, as well as the 10-year forecast of Small House demand, amongst others; and

Precedent

- (m) the “V” zone for Ko Lau Wan was a precedent for incorporation of area for outstanding Small House applications in the “V” zone.

R4 – Sai Kung North Rural Committee

28. Mr Mo Ka Hung, Joseph made the following main points:
- (a) being the vice-chairman of SKNRC, he supported the objection of the VRs of the four villages to the DPA Plan as well as the proposed amendments made by the VRs;
 - (b) SKNRC would act as a mediator between the villagers and the Government with a view to achieving a ‘win-win’ situation;
 - (c) according to the villagers, the number of males in the villages eligible for Small House development in the next ten years was 500. There should be enough land within the ‘VE’ to meet the Small House demand;

- (d) SKNRC was infuriated by the Government's unfair move to change its original practice of allowing Small House developments from within 'VE' to within the "V" zones. As the "V" zones now proposed in the DPA Plan were to reflect the as-built villages alone without prior consultation with the villagers, there was virtually no room for future expansion. SKNRC thus requested the isolated farmland to the east of Pak Tam Road be zoned "V" for sustainable village type development;
- (e) the Government should not just yield to the unreasonable demand of the environmentalists. In fact, the villagers had been doing environmental protection works since the days of their ancestors. If the Government kept on ignoring the housing need of the villagers as well as not providing infrastructural improvements to the area, there was no guarantee what the villagers would do next to protect their rights.

R5 - 何偉成 (西貢北約高塘下洋村原居民代表)

R13 - 郭金喜

R18 - 關永龍

R19 - 蕭產光

R22 - 何芷甄

R23 - 何民謙

R32 - 何偉成

R48 - 鄭曉彤

R49 - 黃詠妍

R50 - 鄭世豪

R51 - 鄭劍輝

R52 - 李樹生

R59 - 伍玉燕

R60 - 陳國泰

R69 - 陳文麗

R70 - 陳穎文

R72 - 何錦基

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

(a) a statement of position summarizing the discussion of the villagers at the forums held in the last few weeks had been tabled at the meeting for Members' reference. The main points of the statement were summarized as follows:

(i) the villages were founded by their ancestors hundreds of years ago. The sustainable development concept had all along been embraced in carrying out developments in the villages. Their contribution to environmental protection could not be denied or twisted;

(ii) the Small House Policy was part of the Housing Policy in Hong Kong to address the housing need of villagers. Whilst the Government was proposing rezoning "GB" for housing development, a large number of private land in the rural areas were zoned "SSSI", "CA" or "GB" depriving the villagers' rights of development. There was a strong request for the Government to zone private agricultural land as "AGR" and provide enough "V" land to meet future Small House demand of the villagers;

(iii) the Government was strongly requested to improve roads and infrastructural provisions in the remote villages to cater for sustainable village type developments; and

(iv) the Government was also strongly requested to provide public sewers for villages to address the sewage disposal problem;

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

(b) the statement tabled at the meeting was signed by VRs of villages covered by the DPA Plan as well as those in the more remote areas. The villagers were very upset about the Government's decision on the boundaries of the

“V” zones. It was hoped that the Government would respond to their concerns, care about the continuity of the villages and undertake works to improve the roads and sewerage of the villages.

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

R10 - Cheng Kwok Fai

30. Mr Wan Yuet Kau made the following main points:

- (a) he was a villager of Ko Tong and was surprised to learn that to the north of the ‘VE’ of Ko Tong was a ‘fung shui’ woodland;
- (b) within the alleged ‘fung shui’ woodland, as shown on a photograph through the visualizer, was a school located on a knoll. The photograph was taken some 30 to 40 years ago with some youngsters including himself standing in front of the school which was founded in 1958;
- (c) the flat area of the knoll was private agricultural land used as threshing ground with an adjoining playground. The slopes of the knoll had been turned into terraced farms. There was no ‘fung shui’ woodland in the area;
- (d) because of traffic inconvenience and diminishing of the agricultural sector, villagers in the past had to go overseas or to the urban areas for a living. With road improvement, villagers would return and rebuild their houses in the village. There were a lot of outstanding Small House applications pending approval by DLO/TP; and
- (e) the 10-year forecast of Small House demand for the village was 130 numbers as advised by VR. The “V” zone of Ko Tong had to be expanded to meet the demand.

R6 - Wong Loy Sang (Village Representative of Ko Tong)

R29 - 李煜星

R30 - 宋再天

R33 - 張燦旺

R36 - 張四有

R42 - 徐國軍

31. Mr Li Chung Fan made the following main points:

- (a) Ko Tong, which was a Hakka village, had a history of over 200 years. The villagers all along lived a simple and harmonious life. The comment made on the villagers that they did not treasure land resources was unfair and unreasonable. Most land in Ko Tong was owned by the indigenous villagers, not developers;
- (b) the villages were original farmland formed by the villagers. The increasing Small House demand was to meet the housing need of the villagers, including the villagers returning from abroad;
- (c) Small House applications of the villagers were repeatedly rejected by the Government. Some of the villagers had waited for 14 years, 20 years or even 26 years before they were informed that their applications had been rejected;

[Mr K.F. Tang left the meeting temporarily at this point.]

- (d) the villagers had not been treated fairly. Some of the villagers, being representers to the DPA Plan, were not invited to this hearing ; and
- (e) the villagers had the following proposals:
 - (i) the Government should review the current workflow of processing Small House applications. Applicants should be advised of their application status as soon as practicably possible;

- (ii) in processing the applications, balance should be struck between conservation and development. Land in the Area was mostly fallow agricultural land with low conservation value and few mature trees. Village type development would also help preserve the Hakka culture. The boundaries of 'VE' needed to be reviewed and the "V" zone needed to be expanded with appropriate infrastructure to meet future demand;
- (iii) subsistence agriculture should be encouraged. It was unreasonable to deprive the villagers of their rights of farming; and

[Mr K.F. Tang returned to join while Dr Wilton W.T. Fok left the meeting at this point.]

- (iv) there was no 'fung shui' woodland in Ko Tong. The area concerned was occupied by a school and threshing ground. The area of 'fung shui' woodland needed to be reduced or even be deleted from the DPA Plan for village type development.

R27 (何向成)

32. Mr Wong Sui Yeung made the following main points:

- (a) being over 80 years of age, he had good knowledge of the development history of the four villages;
- (b) the indigenous villagers were immigrants from the Mainland over a hundred years ago. With little resources, they lived in squatters and began farming with primitive tools;
- (c) subsequently, the Government recognized their settlement in the villages and allowed them to register with the then District Office;
- (d) to earn a living, many of them had migrated to the United Kingdom later

leaving behind their dwellings in the villages; and

- (e) many of the youngsters of the indigenous villagers returning from overseas now wanted to live in the villages and stay close to the seniors of their families. It was hoped that the Government would reserve sufficient land for village type development to meet the housing needs of the villagers

R101 (Wan Yuet Cheung)

33. Mr Wan Yuet Cheung made the following main points:

- (a) he was a member of the then Regional Services Council and a member of the Sai Kung District Council now;
- (b) Ko Tong was an indigenous village for over 200 years. People farmed there until the area was made a water gathering ground for the High Island Reservoir. With insufficient water for irrigation, people had to move to the urban areas or migrate overseas for a living;
- (c) there were about 40 households with a total population of over 200 living in the village back in the 1950s. It was estimated that the number of males eligible for Small Houses was over 80 for Ko Tong for the next ten years. Sufficient land should be made available for village type development to allow the indigenous villagers to live with their families and for the continuity of the Hakka culture;
- (d) there was no 'fung shui' woodland to the north of Ko Tong. As shown by the photographs and a plan through the visualizer, part of the alleged 'fung shui' woodland was a school located on a small knoll, a latrine and the former threshing ground of the village comprising mainly private land;
- (e) in a letter issued by LandsD on 22.8.2012 to a villager, whose application for Small House development in the alleged 'fung shui' woodland was once refused on ground of presence of trees, it stated that after consultation with

government departments concerned and vetting of the information provided by the villager that no trees were found on the application site, the application could be reconsidered; and

[Mr Frankie Yeung arrived to join while Ms Julia M.K. Lau, Mr Eric K.S. Hui and Dr Eugene K.K. Chan left temporarily the meeting at this point.]

- (f) Members were requested to consider seriously how to strike a balance between conservation and development so as to preserve the Hakka culture in the area and to meet the housing needs of the indigenous villagers.

34. As the presentations were completed, the Chairman invited questions from Members.

35. The Chairman asked whether ‘fung shui’ woodland was planned or actually existed in the Area. In response, Mr C.K. Soh said that ‘fung shui’ woodland in general was an area with mature trees that villagers had preserved since the early days on ‘fung shui’ ground. The boundaries of ‘fung shui’ woodland were delineated by the then District Office, LandsD and villagers. Some of the trees in these ‘fung shui’ woodlands could be over a hundred years old. The ‘fung shui’ woodland as shown on Plan H-2 of the Paper was to reflect the survey record and serve only as reference together with other information such as land status, burial grounds, etc. The presence of ‘fung shui’ woodland was not the sole factor in determining the appropriate land use zonings for the area. AFCD would be consulted when preparing the OZP to confirm the extent of the woodland as some of the areas within the ‘fung shui’ woodland might no longer be covered by trees. Conservation zonings would only be designated for areas of high conservation value. The concerned ‘fung shui’ woodland was designated as “Unspecified Use” area on the DPA Plan pending detailed analysis and studies to be undertaken in the course of preparation of the OZP.

36. The Vice-chairman asked why the villagers had no idea of the ‘fung shui’ woodland in the Area. In response, Mr Wan Yuet Kau reiterated that there was no ‘fung shui’ woodland in the Area. A Member supplemented that villagers would usually be involved in determining whether an area was a ‘fung shui’ woodland. Once a ‘fung shui’ woodland was determined, the villagers would have a duty to protect the woodland and there

would be restrictions on tree felling and bird catching activities. The Member suggested that more communication with the villagers on the issue of the 'fung shui' woodland should be made.

37. The Vice-chairman asked the representative of PlanD and the representers to clarify the Small House demand in the Area. In response, Mr Soh said that according to DLO/TP, the 10-year forecast of Small House demand for the recognized villages was 188 which had not included any figure for Ko Tong as it was not available. The figure would be higher if that for Ko Tong was subsequently provided. Mr Wan Yuet Kau supplemented that the 10-year Small House demand for Ko Tong was 130.

38. As raised by R6, a Member asked why some of the representers had not received invitation to this meeting. In response, the Secretary said that notification letters of the hearing had been sent to all representers on 4.7.2014 to invite them to attend the meeting. Of all the 277 letters sent, four were returned either due to recipients not identified, or incomplete address.

39. The same Member asked whether there was any information on the outstanding Small House applications of the villages. In response, Mr Soh said that according to information provided by LandsD, the outstanding Small House applications for the four villages were 86.

[Mr Eric K.S. Hui returned to join the meeting at this point.]

40. In response to a Member's questions on whether there was successful application for Small House development in the "Unspecified Use" area on the DPA Plan and why it took seven to eight years to process Small House applications as highlighted by R3, Mr Soh said that villagers could apply for Small House development on sites fell within the "Unspecified Use" area. However, there was no information in hand on whether the District Lands Office (DLO) had approved Small House application in the past. As regards the time for processing Small House applications, Mr Jeff Y.T. Lam, Deputy Director of Lands, advised that the DLO concerned had to process a large number of Small House applications in the district and, in general, they were processed according to the order of receipt of the applications. Also, the process would involve interviews with the applicants

and the processing time for each case would vary due to its complexity, such as submission of further information by the applicants.

41. A Member considered that Small Houses should be for occupation by indigenous villagers and asked whether there was information available on the number of approved Small Houses in the last five years within the four villages concerned that were currently occupied by the indigenous villagers. In response, Mr Li Chung Fan said that no Small House applications in Ko Tong had been approved since the 1990s. As the household size of the villagers would increase over the years, some villagers might find their existing houses not big enough to house all the family members. Without the approval of Small House applications for a long time, some villagers would have no alternatives but to sell their property to meet their family housing need. In general, he opined that about 60% to 70% of the inhabitants in the villages were indigenous villagers. Mr Wan Yuet Kau supplemented that it would be the Government's responsibility to restrict any transaction of Small Houses if it considered Small Houses should be for occupation by indigenous villagers only. Small Houses transaction should not be an excuse for the Government to deprive the indigenous villagers of their rights of Small House development.

42. In response to a Member's question on whether there was public sewerage connection in the Area, Mr Soh said that the villages still had to rely on the STS system for sewage treatment. In response to another Member's question, Mr Soh said that the existing population of the Area was about 240 people in 2011.

[Dr W.K. Yau left the meeting temporarily and Ms Julia M.K. Lau returned to join the meeting at this point.]

43. As the representers and the representers' representatives of Group 1 had finished their presentations and Members had no further question to raise, the Chairman informed 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 the representers' representatives of Group 1 for attending the hearing. They all left the meeting at this point.

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

[Mr David Y.T. Lui left the meeting temporarily and Dr Eugene K.K. Chan returned to join the meeting at this point.]

Group 2 : R249 to R277, C1 and C2)

44. The Chairman said that reasonable notice had been given to the representers and commenters of Group 2 to invite them to attend the meeting. Members agreed to proceed with the hearing of the representations in Group 2 in the absence of the other representers and commenters who had indicated that they would not attend or made no reply to the invitation to the hearing.

45. Members noted that the following documents from the representer and the representer's representative were tabled at the meeting:

- (a) supplementary information submitted by the representative of R273; and;
- (b) supplementary information submitted by R277.

46. The following representers and representers' representatives were invited to the meeting at this point:

R253 - Kadoorie Farm & Botanic Garden Corporation

Dr Chiu Sein Tuck - Representer's Representative

R256 - WWF – Hong Kong

Mr Andrew Chan] Representer's Representatives

Mr Tobi Lau]

R273 - Designing Hong Kong Ltd.

Mr Paul Zimmerman - Representer's Representative

R275 - Mr Ruy Barretto S.C.

Mr Ruy Barretto S.C. - Representer

R277 - Ms Cheng Hang Fan

Ms Cheng Hang Fan - Representer

47. The Chairman extended a welcome and explained the procedures of the hearing. He then invited the representative of PlanD to brief Members, the representers and the representers' representatives on the background to the representations.

48. With the aid of a Powerpoint presentation, Mr Soh repeated the presentation as recorded in paragraph 24 above.

49. The Chairman then invited the representers and representers' representatives of Group 2 to elaborate on their representations

R256 – WWF-Hong Kong

50. With the aid of a Powerpoint presentation, Mr Andrew Chan made the following main points:

- (a) the DPA Plan as a stopgap measure to control the environmental impacts of developments on woodland and its planning intention to protect areas of high conservation value e.g. a recognized EIS with a locally endangered *Stiphodon atropurpureus* (菲律賓枝牙鰕虎魚) were supported;

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

- (b) the recommended land use zonings for the OZP to be prepared were as follows:

“CA” zone for Hau Tong Kai EIS and its riparian zone

- (i) 18 Small Houses to the south of Hau Tong Kai were approved by LandsD in 2010 making Hau Tong Kai, an EIS, and the mangroves at

Ko Tong Kau susceptible to impacts of the Small Houses. The EIS and its riparian zone needed to be zoned “CA” to prevent further expansion of village type development;

“Coastal Protection Area” (“CPA”) zone for the estuarine mangrove at Tai Tan and an area adjoining Ko Tong Kau

(ii) there were mangroves and mudflats at the estuary of Hau Tong Kai. The proposed “CPA” zone was to recognize these ecologically important areas and to protect them from developments;

“CA” zone for ‘fung shui’ woodland and secondary woodlands

(iii) the ‘fung shui’ woodland to the north of Ko Tong and the secondary woodland along Pak Tam Road should be zoned “CA” to maintain the ecological integrity of the areas; and

(c) areas of the “V” zones should be commensurate with the actual Small House demand.

[Dr W.K. Yau returned to join the meeting at this point.]

R253 – Kadoorie Farm and Botanic Garden Corporation

51. With the aid of a Powerpoint presentation, Dr Chiu Sein Tuck made the following main points:

(a) construction in the Area was destroying the Hakka culture. Cultural heritage was being bulldozed. Approval of the 18 Small Houses in the vicinity of Hau Tong Kai had also caused pollution to the EIS. Waste water from cleaning of tyres of dumper trucks was discharged into the stream directly which had affected the EIS as well as the sensitive coastal mangrove area. Enforcement by government departments was not easy due to resources limitation;

- (b) the Area was also subject to tree felling activities. Hillside was scarred and construction waste from developments in Tai Tan was transported to Uk Tau for disposal. Plant nursery site was in fact illegal dumping ground and site formation in disguise, which would pave the way for subsequent developments; and
- (c) there were species of high conservation concern in the enclave. The natural streams and their riparian zones, 'fung shui' woodlands, freshwater marshes or ponds, mangroves and seasonally wet grassland in the Area needed to be protected.

R273 – Designing Hong Kong Ltd.

52. Mr Paul Zimmerman made the following main points:

- (a) Uk Tau was probably the first village he lived in when he arrived at Hong Kong 30 years ago. The population then was about 80% foreigners and 20% indigenous villagers;
- (b) the properties in Ko Tong, Tai Tan and Uk Tau had been maintained well by foreigners until 2010 when the landowners decided not to rent out the properties and to demolish them as many as they could so that conservation zonings would not be designated for the Area. There was no farm and the Hakka culture was vanishing;
- (c) Pak Sha O was a case to show that cultural heritage was not properly protected. The heritage houses were standing empty with roofs caving in. In a few years' time, they would become ruins and people would request them to be replaced by New Territories Exempted Houses (NTEHs). The heritage building block in Tai Tan was not graded. To protect the building block, redevelopment as of right under the DPA Plan should be reviewed;
- (d) the Country Park Ordinance (CPO) specifically stated that the Country and

Marine Parks Authority should preserve and maintain buildings and sites of historic or cultural significance within the country parks and special areas but without prejudice to the Antiquities and Monuments Ordinance (AMO) (Cap. 53). So even without AMO, the Country and Marine Parks Authority should try their best to protect the historic and cultural buildings. It was agreed in 2010 between PlanD and AFCD that enclaves without development pressure would be handled by CPO while those with development pressure be handled under the Ordinance;

- (e) although the villages were not included in the country park, they were in fact located deep inside the country park. The only reason that they were not put under CPO in 1997 was because villagers were living there. The clear intention was that these buildings should be preserved and maintained. Actions should be taken before people pulled down the buildings for NTEHs. These buildings needed proper protection; and
- (f) to supplement the presentation, a set of document had been tabled at the meeting for Members' reference.

R275 – Mr Ruy Barretto S.C.

53. Mr Ruy Barretto S.C. made the following main points:

- (a) he had been involved in conservation in Hong Kong for almost 30 to 40 years and believed that the countryside was at stake at this critical time. The Board and the other government departments should be more proactive in protecting the area;
- (b) to achieve this, it would make good administrative and governance sense to put 'Agriculture' and 'House (NTEH only)' under Column 2 uses so that the Board could check and ensure that the application was genuine but not fake farming which turned greenery into desert. The Board could also impose appropriate planning conditions if the proposal involved tree felling, land or pond filling, etc;

- (c) the general planning intention of the Area was to protect the high conservation and landscape value in the rural setting which complemented the overall naturalness and landscape beauty of the surrounding country parks. In order to comply with the general planning intention, proactive steps needed to be taken. Making 'Agriculture' and 'House (NTEH only)' Column 2 uses would facilitate enforcement action as well. The application system would ensure that the public would have a fair chance to be heard; and
- (d) putting 'Agriculture' and 'House (NTEH only)' under Column 2 uses was to ensure that the area would not be destroyed before it became a country park. There was evidence before the Board that abuses were taking place. There was no genuine need for "V" zone expansion, while evidence of abuses were overwhelming. Proactive measure to stop the abuses was required at this stage.

R277 – Ms Cheng Hang Fan

54. Ms Cheng Hang Fan made the following main points:

- (a) a set of supplementary information had been tabled at the meeting for Members' reference;
- (b) apart from the 54 enclaves, there were actually 74 plots of land in close proximity to the country parks;
- (c) development and expansion of "V" in the Area were objected to as the Area should have been included in the country parks;
- (d) there was a total of 356 square miles or 18.8% of land covered by the then Block Crown (Government) Lease (BGL) in the New Territories;
- (e) Small House grants could be in the form of a private treaty grant or free

building licence and should be subject to BGL;

- (f) after 1984, land conveyancing was processed by private solicitors and land boundary survey done by private surveyors would not be scrutinised by the Land Authority after 1996;
- (g) taking advantage of the above system, developers took over the development rights of the land for easement and appurtenances in the New Territories. The Small House Policy was abused;
- (h) the Government should rectify the situation and ensure that Small House developments were conforming to BGL and the relevant Ordinances before approval was granted. There should be proper planning for Small House development;
- (i) the country park was very important as it was precious resources and cultural heritage of Hong Kong. Allowing residential developments would be detrimental to the environment in particular EIS;
- (j) the Government might consider resiting the villages to other areas, such as the abandoned agricultural land in Tuen Mun and Yuen Long leaving the Area for recreational purposes. There were precedents for village resite for public purposes, e.g. the construction of the High Island Reservoir and the development of the Tsuen Wan satellite town. There should be no more Small House development on government land; and

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

- (k) the Government might also consider resuming all private land concerned for Small House development.

55. As the presentations were completed, the Chairman invited questions from Members.

56. In response to a Member's question on whether the *Stiphodon atropurpureus* (菲律賓枝牙鰕虎魚) found in the EIS was a native species, Mr Chan of WWF-Hong Kong answered in affirmative. Dr Chiu Sein Tuck supplemented that there was another endangered species of turtle of high conservation value found in the EIS which made the EIS ecologically important.

57. As the representers and representers' representatives of Group 2 had finished their presentations and Members had no further question to raise, the Chairman informed them that the hearing procedure had been completed and the Board would deliberate on the representations in their absence and inform the representers and the commenters of the Board's decision in due course. The Chairman thanked the representers, representers' representatives and the government representatives for attending the hearing. They all left the meeting at this point.

[The meeting was adjourned for a short break of 3 minutes.]

[Mr Rico W.K. Tsang left the meeting at this point.]

Deliberation

58. The Chairman invited Members to consider the representations and comments of the two groups, taking into account all the written submissions, the oral presentations and materials presented at the meeting.

59. The Chairman advised that the DPA Plan would be replaced by an OZP in three years. Various studies and assessments would be conducted during that period so as to gather the necessary information including the 'fung shui' woodland and ecology in drawing up a draft OZP for Members' consideration. Other than areas zoned as "V", the rest of the areas on the DPA Plan was designated as "Unspecified Use" area to provide interim planning control and flexibility of land use through the planning application system. The Chairman recapitulated and summarized the responses to the grounds of representations as follows:

Designation of "V" zone

- (a) there were divergent views between the villagers and environmentalists on the boundaries of the “V” zones. The villagers considered the “V” zones too small while the environmentalists requested a more restrictive zoning. As the DPA Plan was a stopgap measure to provide planning guidance in the interim, the boundaries of the “V” zone would be reviewed when the draft OZP was prepared with relevant factors, such as the outstanding Small House applications, 10-year forecast demand, etc being taken into account;

Contravention of the Basic Law

- (b) legal advice had been sought and the advice was that the draft statutory plan would not deprive private right since it would not involve any expropriation or transfer of ownership of the land concerned, nor would the draft statutory plan leave the land without any meaningful use or any economically viable use. The draft statutory plan would not be inconsistent with the Basic Law;

Environmental Impacts

- (c) the environmentalists had expressed their concerns. The sewage disposal of the small house developments would be considered by concerned departments when processing the applications in the interim. More detailed analysis of various factors would be carried out in determining the land use zonings when preparing the OZP;

Proposals for Expanding the “V” zone and for Recreational Development

- (d) the different views on ‘fung shui’ woodland and the proposals on recreational development were noted. Relevant information regarding the ‘fung shui’ woodland and other areas of high conservation value would be gathered and the recreational potential of the Area would be studied when preparing the OZP; and

Designation of Country Park Enclave as Country Park

- (e) designation of country park was under the jurisdiction of the Country and Marine Parks Authority which was outside the purview of the Board.

60. A Member asked whether preservation of Hakka village should be a factor to be considered by the Board. In response, the Chairman said that PlanD would consult the Antiquities and Monuments Office during the preparation of the OZP to see if there were heritage buildings of conservation value within the Area that needed to be preserved.

61. Given the country park enclaves would have different characteristics and no single approach was applicable, a Member asked whether the enclaves could be grouped into different categories according to a set of criteria and each category would be subject to different planning controls. Another Member had reservation on the proposal as the criteria might not be applicable to the different circumstances of the country park enclaves. In response, the Chairman said that all statutory plans, including those for the enclaves, were prepared based on various planning considerations including the characteristics of the concerned area. Mr K.K. Ling, Director of Planning, supplemented that each enclave had its own unique characteristics and development history. Even within an enclave, there might be areas of high ecological value requiring conservation and areas of lower conservation value that certain types of developments might be permissible. It would be difficult to classify enclaves into different categories and to devise standard planning controls for each category. Each case should be considered individually according to the characteristics of the area concerned and other planning considerations.

62. After deliberation, Members decided not to uphold representations R1 to R277 and not to amend the DPA Plan to meet the representations. Members then went through the suggested reasons for not upholding the representations as detailed in paragraph 8.1 of the Paper and considered the reasons were appropriate.

63. After further deliberation, Members decided not to uphold representations R1 to R277 for the following reasons:

“Group 1 and Group 2

Designation of “V” Zone (R1 to R248, R249 to R277)

- (a) The boundaries of the current “V” zones are drawn up provisionally around existing clusters and building structures having regard to approved Small House applications and existing ground features. The boundaries will be further reviewed and defined in the preparation of the OZP. In view of the need to conserve the natural environment, an incremental approach in designating the “V” zones not to meet the Small House demand at the outset is considered appropriate for the country park enclaves. Views from relevant government departments and stakeholders would also be taken into account where appropriate.

Contravention of the Basic Law (R2, R4 and R5)

- (b) The DPA Plan would not involve any expropriation or transfer of ownership of the land concerned and would not leave the land without any meaningful use or any economically viable use. Also, as long as any asserted rights and interests of the indigenous inhabitants have already been qualified by the Ordinance by the time the Basic Law came into force, subjecting them to the planning controls that may be imposed pursuant to the Ordinance by way of the draft statutory plan would not be inconsistent with the Basic Law. Under the Ordinance, there is no provision for compensation due to curtailment of right by planning action.

Land Use Zonings for the Area (R1, R3, R4, R249 to R275 and R277)

- (c) In the preparation of the OZP, land use zonings for the Area will be drawn up taking into account detailed analysis of the land use pattern, infrastructural provisions, conservation and local need in consultation with the relevant government departments.

Group 1

Rezoning Proposal to Facilitate Recreational Development (R1)

- (d) The recreational development proposals cover an extensive area designated as “Unspecified Use” on the DPA Plan. The “Unspecified Use” area is an interim designation. It would be reviewed and detailed zonings for the area would be drawn up during the preparation of OZP. Views from relevant government departments and stakeholders would also be taken into account where appropriate.

Group 2

DPA Plan as an Interim Planning Control (R249 to R252 and R254 to R275)

- (e) The supporting views to the DPA Plan as an interim planning and a stop gap measure against incompatible development in the Area are noted.

Ecological Importance of the Area

Ecological Information to Justify the Conservation Value of the Area (R253 to R256)

- (f) The information relating to the ecological value of the area from Group 2 is noted. Such information would be taken into account and further expert advice from DAFC would be sought for subsequent preparation of the OZP for the Area.

Designation of the Important Habitats and Environmentally Sensitive Areas as Conservation Zonings (R249, R250, R253 to R277)

- (g) The protection of important habitats and environmentally sensitive areas including mature woodland, the riparian zone of the streams as well as mangrove stands by appropriate conservation zonings is generally supported and appropriate land uses will be further examined during the preparation of the OZP.

Designation of Country Park Enclave as Country Park (R249, R251, R252, R254 to R274 and R277)

- (h) Designation of the Area as Country Park is under the jurisdiction of the Country and Marine Parks Authority governed by the Country Parks Ordinance (Cap. 208) which is outside the purview of the Board.

Notes of “Unspecified Use” Area and “V” Zone (R249, R257 to R271, R273 and R275)

- (i) As the planning intention of the “V” zone is to reflect the existing recognized villages and land within this zone is primarily intended for development of Small Houses by indigenous villagers, it is appropriate to put ‘House (NTEH only)’ under Column 1 of the “V” zone.
- (j) Removing ‘Agricultural Use’ from Column 1 of the “Unspecified Use” area in the DPA Plan would hinder the potential farming activities in the Area. Moreover, planning permission is required for any diversion of streams of filling of land/pond or excavation of land which may cause adverse impacts on the natural environment. Hence, there is no strong justification for imposing more stringent control on ‘Agricultural Use’.”

64. The meeting was adjourned for lunch break at 12:50 p.m.

65. The meeting was resumed at 2:30 p.m.

66. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow Chairman

Mr Stanley Y.F. Wong Vice-chairman

Mr Roger K.H. Luk

Professor S.C. Wong

Professor Eddie C.M. Hui

Dr C.P. Lau

Professor K.C. Chau

Mr H.W. Cheung

Mr. Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Stephen H.B. Yau

Mr F.C. Chan

Mr David Y.T. Lui

Mr Frankie W.C. Yeung

Mr Peter K.T. Yuen

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr K.F. Tang

Director of Lands
Ms Bernadette H.H. Linn

Director of Planning
Mr K.K. Ling

Kowloon District

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Consideration of Further Representations on Proposed Amendments
to the Draft Kowloon Tong Outline Zoning Plan No. S/K18/18
Arising from Consideration of Representations and Comments
on Kowloon Tong Outline Zoning Plan No. S/K18/17
(TPB Paper No. 9714)

[The hearing was conducted in Mandarin and English]

Presentation and Question Sessions

67. The Chairman and the following Members had declared interests in this item for owning properties in the Kowloon Tong area, having affiliation and/or having business dealings with the Hong Kong Baptist University (HKBU), which had submitted a representation (R25) and a comment (C4) on the representation site at Renfrew Road (i.e. southern portion of the ex-Lee Wai Lee Campus of Hong Kong Institution of Vocational Education):

- | | | |
|---------------------|---|--|
| Mr Thomas T.M. Chow |] | each owning a flat at Parc Oasis |
| Mr H.W. Cheung |] | |
| Ms Janice W.M. Lai | - | owning a flat at Earl Street with spouse |
| Ms Christina M. Lee | - | owning properties at Durham Road and being a part-time student of HKBU |
| Mr David Y.T. Lui | - | owning a flat in Yau Yat Chuen |

- Ms Julia M.K. Lau - owing some share of a property near the junction of Hereford Road and Waterloo Road
- Mr Clarence W.C. Leung - owning a property near the junction of Durham Road and La Salle Road
- Mr Laurence L.J. Li - being an ex-honorary member of the Court of HKBU and was once involved in the discussion in the Court regarding the use of the ex-Lee Wai Lee site
- Mr Stephen H.B. Yau - being the Chairman of the Social Work Advisory Committee of the Department of Social Work in HKBU
- Mr Dominic K.K. Lam - had previous business dealings with HKBU in 2006
- Mr H.F. Leung - having current business dealings with HKBU

68. Since the properties of the Chairman, Mr. H.W. Cheung and Mr David T.Y. Lui were not located in proximity to the amendment site at Renfrew Road and the interest of Mr Dominic K.K. Lam was indirect, Members agreed that they should be allowed to stay in the meeting. Members considered that the interest of Mr Stephen H.B. Yau was direct and he should leave the meeting temporarily for this item. Members also noted that Ms Janice W.M. Lai, Ms Christina M. Lee, Ms Julia M.K. Lau, Mr Clarence W.C. Leung, Mr Laurence L.J. Li and Mr H.F. Leung had tendered apologies for being unable to attend the meeting.

[Mr Stephen H.B. Yau left the meeting temporarily at this point.]

69. The following representative from the Planning Department (PlanD), further representers, further representer's representative and original representers were invited to the meeting:

Mr Tom C.K. Yip - District Planning Officer/ Kowloon
(DPO/K), PlanD

F6 – Kun Wai

Ms Kun Wai - Further representer

F21 – 周忠亮

Dr Ma Jianying - Further representer's representative

F22 – 孫素明

Mr Sun Suming - Further representer

R8792 – 陳路德

Ms Ruth Chan - Representer

R21149 – Law Cheuk Wah

Mr Law Cheuk Wah - Representer

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

71. With the aid of a PowerPoint presentation, Mr Tom C.K. Yip, DPO/K, made the following main points as detailed in the Paper:

Background

- (a) on 15.2.2013, the draft Kowloon Tong Outline Zoning Plan (OZP) No. S/K18/17 was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). A total of 25,847 valid representations and 2,980 valid comments were received;
- (b) after considering the representations and comments, the Board decided on 26.3.2014 to propose amendments to the OZP to meet/partially meet 25,834 representations by rezoning the southern part of the ex-Lee Wai Lee Campus of Hong Kong Institution of Vocational Education at Renfrew Road (the Site) from “Residential (Group B)” (“R(B)”) to “Government, Institution or Community(9)” (“G/IC(9)”) (Amendment Item A) and to delete the Notes for “R(B)” zone;
- (c) on 23.5.2014, the proposed amendments to the draft Kowloon Tong OZP No. S/K18/18 were published under section 6C(2) of the Ordinance for further representation. Upon expiry of the three-week publication period, 23 valid further representations (F1 to F22 and F24) were received, amongst which 22 further representations (F1 to F22) supported Amendment Item A and one (F24) objected to Amendment Item A and the deletion of the Notes for “R(B)” zone.
- (d) on 4.7.2014, the Board decided that F23, which was submitted by the original representer (R24845) and commenter (C1537) and that the Board had proposed amendments to meet his representation, was invalid. The Board also decided to hear the valid further representations collectively in one group;

The Further Representations

- (e) the main grounds of F1 to F22 in support of Amendment Item A were summarised as follows:

- (i) the Site was not suitable for residential use;
 - (ii) the Site was close to HKBU and should be allocated to HKBU for educational/Chinese medicine teaching hospital (CMTH)/student hostel uses, which was in line with the government policy in nurturing talents and enhancing competitiveness;
 - (iii) developing a CMTH would enable students to conduct their internship in Hong Kong, provide more training for professionals, promote the research of Chinese medicine and improve Chinese medicine service in Hong Kong; and
 - (iv) HKBU was not allocated additional land to develop necessary facilities for the implementation of the 3-3-4 academic reform. There was a shortage in academic space and student hostel places in HKBU;
- (f) F24 considered that the Government was investing a large amount of money in developing Kai Tak. The Site, being not far from Kai Tak and located in the urban centre of Hong Kong, should be developed for residential use to benefit more people and should be rezoned to “Residential (Group A)” instead of “R(B)” for high-density development;

Responses to Grounds of Further Representations

- (g) the responses to the grounds of F1 to F22 as detailed in paragraphs 3.5 and 3.6 of the Paper were summarised below:
- (i) the supportive views of F1 to F22 to Amendment Item A were noted;
 - (ii) as regards the suggestion that the Site should be granted to HKBU for its long-term education use/student hostels/CMTH, the Secretary for Education (SED) reiterated that the northern part of

the ex-Lee Wai Lee site had been reserved for higher education use for HKBU and they were studying the feasibility for special school use at the Site;

- (iii) for proposed Chinese medicine hospital (CMH) or CMTH development on the Site, the Secretary for Food and Health (SFH) advised that a site was reserved in Tseung Kwan O to set up a CMH for providing in-patient services to the public and facilities to support the teaching, clinical practice and scientific research of Chinese medicine. There was no plan to develop a CMH at the Site at the moment; and
 - (iv) the role of the Board was to consider the appropriate zoning for the Site. The allocation of the Site for a particular government, institution or community (GIC) user fell outside the ambit of the Board and should be determined by the Government with reference to its policy priority;
- (h) the responses to the grounds of F24 as detailed in paragraph 3.7 of the Paper were summarised below:
- (i) in view of SED's intention for special school development and the support of the local community and the general public for GIC use, "G/IC(9)" zoning was more appropriate; and
 - (ii) the proposed high-density housing development was not compatible with the low to medium-density environment in the surrounding areas.

PlanD's Views

- (i) the supportive views of Further Representations No. F1 to F22 were noted. While the suggested GIC uses were always permitted in the proposed "G/IC(9)" zone, the allocation of the Site to a particular GIC

user fell outside the ambit of the Board; and

- (j) PlanD did not support Further Representation No. F24 and considered that the draft Kowloon Tong OZP should be amended by the proposed amendments for the reason given in paragraph 5.2 of the Paper.

72. The Chairman then invited the further representers, further representer's representative and original representers to elaborate on their submissions.

F21 – 周忠亮

73. Dr Ma Jianying, the further representer's representative, made the following main points:

- (a) she supported reverting the zoning of the Site to "G/IC(9)" and allocating the Site to HKBU for the development of a CMTH;
- (b) there was an urgent need to develop a CMTH in Hong Kong for training the students locally. Otherwise, the students had to go back to the Mainland to gain practical experiences. The Chinese medicine culture and practice of the Mainland were different from those of Hong Kong, for instance, practitioners in the Mainland were allowed to use western medicine while those in Hong Kong were not. A local CMTH could train suitable practitioners for Hong Kong;
- (c) a CMTH was different from and could not be replaced by a CMH. While the Government's plan to develop a CMH in Tseung Kwan O was welcomed, there was still a need to develop a CMTH for providing clinical training for students, carrying out clinical research and promoting the combined use of Chinese and western medicines; and
- (d) the Site was considered most suitable for development of a CMTH as it was close to the School of Chinese Medicine of HKBU and could create synergy for the benefits of the students and patients.

F22 – 孫素明

74. Mr Sun Suming made the following main points:

- (a) he supported the allocation of the Site to HKBU for development of a CMTH and student hostel;
- (b) Hong Kong had already surpassed Japan to become a place with the longest life expectancy, implying that there would be more and more elderly people. The demand for Chinese medicine as a kind of health care for the elderly people would become greater and greater. It would require the training of more competent Chinese medicine practitioners. Chinese medicine training was currently provided by three universities in Hong Kong and the teachers and researchers on Chinese medicine mostly came from the Mainland. Hong Kong needed to establish its own system to train the competent practitioners locally. The development of a CMTH was important for Hong Kong; and
- (c) if the Site was used for residential development, it would only be enjoyed by a few people. If the Site was developed into a CMTH, it would benefit all people of Hong Kong, in particular the elderly people who could receive better medical services and the students who could have more systematic training in Chinese medicine.

R8792 – 陳路德

75. Ms Ruth Chan made the following main points:

- (a) the Site was not suitable for public or private housing or community centre use;
- (b) as the Site was next to HKBU, it should be allocated to HKBU for the development of a CMTH and student hostel;

- (c) a CMTH could provide clinical training for students, facilitate the research on Chinese medicine and improve the provision of Chinese medicine medical services in Hong Kong; and
- (d) she did not support the provision of acupuncture treatment in a CMH as acupuncture was not an effective means of medical treatment.

R21149 – Law Cheuk Wah

76. Mr Law Cheuk Wah supported the development of a CMTH and considered that Chinese medicine was an advanced subject that needed to be studied systematically.

77. As the representative of PlanD, the further representer, further representer's representative and original representers had finished their presentation, the Chairman invited questions from Members. Members had no questions.

78. The Chairman said that the hearing procedure had been completed and that the Board would deliberate on the further representations in the absence of the further representers and representers, and would inform them of the Board's decision in due course. The Chairman thanked the further representers, further representer's representative, original representers and the representative of PlanD for attending the hearing. They all left the meeting at this point.

Deliberation

79. Members generally agreed that the proposed amendment to revert the Site to its original "G/IC(9)" zoning had been fully deliberated by the Board during the consideration of representations and comments taking into account the latest development and views from the general public.

Further Representations No. F1 to F22

80. After deliberation, Members agreed to note the supportive views of Further Representations No. F1 to F22. As regards the suggestions that the Site should be used for

specific GIC facilities, it should be noted that the role of the Board was to consider the appropriate zoning for the Site. While the suggested GIC uses were always permitted in the proposed “G/IC(9)” zone, the allocation of the Site to a particular GIC user fell outside the ambit of the Board.

Further Representation No. F24

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

As the Site was being considered for special school development, it was considered more appropriate to revert the zoning of the Site to “G/IC(9)” to meet the latest need for GIC use. High-density housing development under the “R(A)” zone proposed by F24 was not compatible with the low to medium-density environment in the area.

[Mr Stephen H.B. Yau returned to join the meeting at this point.]

82. As the attendees of agenda item 5 had not yet arrived, the Chairman suggested and Members agreed to proceed with agenda items 6 and 7 first.

Sha Tin, Tai Po and North District

Agenda Items 6 and 7

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-TKL/467

Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Lots 626 S.A in D.D. 82, Lei Uk Tsuen, Tai Kwu Ling

Review of Application No. A/NE-TKL/468

Proposed House (New Territories Exempted House – Small House) in “Agriculture” and “Village Development Type” Zones, Lots 626 R.P. in D.D. 82, Lei Uk Tsuen, Tai Kwu Ling (TPB Papers No. 9721 and 9722)

[The meeting was conducted in Cantonese.]

83. As the two applications for the same use were submitted by the same consultant and the two application sites were located next to each other, Members agreed that the two applications could be considered together.

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

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

Mr Sit Kwok Keung - Applicants' representative

85. The Chairman extended a welcome and explained the procedure of the review hearing. He then invited DPO/STN to brief Members on the applications.

86. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the applications and covered the following main points as detailed in the Paper:

- (a) the applicants sought planning permission to build a house (New Territories Exempted House (NTEH) – Small House) on each of the application sites (the Sites). The site of Application No. A/NE-TKL/467 fell entirely within the “Agriculture” (“AGR”) zone while the site of Application No. A/NE-TKL/468 fell mainly within the “AGR” zone with a minor portion falling within the “Village Type Development” (“V”) zone on the approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14;

- (b) on 4.4.2014, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) rejected the applications for the following reasons:
 - (i) the proposed developments were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submissions for a departure from the planning intention; and

 - (ii) land was still available within the “V” zone of Lei Uk Tsuen where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services;

- (c) on 2.5.2014, the applicants applied, under section 17(1) of the Town Planning Ordinance (the Ordinance), for review of the RNTPC’s decisions to reject the applications. The justifications put forth by the applicants in support of the review applications were highlighted in paragraph 3 of the Papers and summarised below:

- (i) the existing cultivation on the Sites was grown by the farmer of the adjoining fields. The applicants did not stop the farming activity because the cultivation could prevent dumping of wastes on the Sites. Stopping the farming activity could be misinterpreted as a 'destroy first' approach. The existing condition of the Sites should be considered as vacant land without garbage dumped on them;
 - (ii) the plantings, including a wild-grown fruit tree, on the Sites had no preservation value. The proposed Small Houses were in line with the government policy of developing Small Houses within the village 'environs' ('VE');
 - (iii) Small House development would generate insignificant traffic impact. The Commissioner for Transport (C for T)'s view that the applications could be tolerated was noted; and
 - (iv) the eastern part of the same 'VE' had largely been developed for Small Houses. The Sites were the last and only opportunity for the applicants to meet their housing need;
- (d) departmental comments – comments from the relevant government departments were detailed in paragraph 4 of the Paper and summarised below:
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural point of view as active farming activities were noted in the vicinity of the Sites and the Sites had high potential for agricultural rehabilitation;
 - (ii) C for T had reservation on the applications. Although additional traffic generated by the proposed developments was not expected to be significant, approval of Small House

development outside “V” zone would set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, as the subject applications only involve development of one Small House on each site, they could be tolerated unless they were rejected on other grounds;

- (iii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD had reservation on the applications from the landscape planning point of view. Although significant adverse impacts arising from the proposed Small Houses were not anticipated, approval of the applications might set an undesirable precedent of spreading of Small House development outside the “V” zone in an uncoordinated manner and would thus erode the rural landscape character where the Sites were located; and
- (iv) other relevant government departments had no objection to or no adverse comment on the review applications;
- (e) previous applications – the Sites were the subjects of two previous applications (No. A/NE-TKL/420 and 421) for Small House developments, which were rejected by the RNTPC on 11.1.2013 and by the Board on review on 26.4.2013. The reasons for rejection were that the proposed developments were not in line with the planning intention of the “AGR” zone and no strong planning justification had been provided to merit a departure from the planning intention; land was still available within the “V” zone of Lei Uk Tsuen for Small House development; and it was more appropriate to concentrate the proposed Small Houses close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services;
- (f) similar applications – there were 21 similar applications for Small House developments within the same “AGR” zone since the first promulgation of the Interim Criteria for Consideration of Application for NTEH/Small

House in New Territories (the Interim Criteria):

- (i) 10 applications (No. A/NE-TKL/406, 407, 414, 415, 416, 421, 457, 458, 468 and 471) to the west of Lei Uk were rejected either by the RNTPC or by the Board on review from December 2012 to May 2014 for the same reasons as those of Applications No. A/NE-TKL/420 and 421; and
- (ii) 11 applications (No. A/NE-TKL/207, 214, 216, 218, 221 to 223, 359 to 361 and 466) to the east of Lei Uk were approved with conditions by the RNTPC between June 2002 and April 2014 on considerations that the applications complied with the Interim Criteria in that the concerned sites were located within the ‘VE’ of Lei Uk Tsuen where there was a general shortage of land in meeting the demand for Small House developments in the “V” zone; and the proposed Small House development would unlikely have significant adverse environmental, drainage and traffic impacts on the surrounding areas;
- (g) public comments – during the statutory publication period at the section 17 review stage, three public comments on each of the review applications were received. A North District Council member supported the applications as they could provide convenience to the villagers. Designing Hong Kong Limited and Kadoorie Farm and Botanic Garden Corporation objected to the applications mainly on the grounds that the proposed Small Houses were not in line with the planning intention of the “AGR” zone; approval of the applications would result in cumulative impacts of causing reduction in farm land and affect food supply; the proposed Small Houses should be built within the “V” zone and not encroach upon the “AGR” zone; no technical assessment had been included in the applications to assess the possible traffic and environmental impacts on the surrounding areas; and the subject applications should be rejected on the same planning consideration and principle as the previously rejected applications in

2013; and

- (h) PlanD's view – PlanD did not support the review applications based on the planning considerations and assessments set out in paragraph 7 of the Papers, which were summarised below:
 - (i) despite the applicants' claims that the existing condition of the Sites should be considered as vacant land without garbage dumped on them, the Sites were fallow agricultural land. The proposed developments were not in line with the planning intention of the "AGR" zone. The applicants had not provided convincing planning justification in the review applications to demonstrate that the proposed Small Houses were in line with the planning intention of the "AGR" zone or warranted a departure from the planning intention. DAFC did not support the applications from the agricultural development point of view as active farming activities were found in the vicinity of the Sites within the same "AGR" zone;
 - (ii) although the proposed Small House footprints fell entirely within the 'VE' to the west of Lei Uk Tsuen and there was a general shortage of land in meeting the Small House demand in the "V" zone of Lei Uk Tsuen (about 15.5 ha of land or 618 Small House sites were required to meet the future Small House demand (the number of outstanding Small House applications and the 10-year Small House demand being 38 and 580 respectively) while only about 2.2 ha of land or 87 Small House sites were available within the "V" zone), the applications did not meet the Interim Criteria in that the proposed Small House developments would frustrate the planning intention of the "AGR" zone where active agricultural activities were found;

- (iii) according to PlanD's estimate, there were about 2.2 ha of land (about 87 Small House sites) within the "V" zone of Lei Uk for Small House development, but the number of outstanding Small House applications was only 38. It was considered more appropriate to concentrate those proposed Small Houses close to the existing village cluster within the "V" zone for orderly development pattern, efficient use of land and provision of infrastructures and services;
- (iv) the village proper of Lei Uk Tsuen was at a distance of about 70m/120m to the east/northeast of the Sites while the areas surrounding the Sites were active and fallow agricultural land. As the Sites were situated in an area of rural landscape character and far away from the existing village cluster, CTP/UD&L, PlanD considered that approval of the applications might set undesirable precedents of spreading village development outside the "V" zone;
- (v) while the applicants mentioned that the proposed Small Houses would generate insignificant traffic impact and hence C for T advised that the applications could be tolerated, C for T in general had reservation on the applications and considered that Small House development should be confined within the "V" zone. Permitting Small House development outside the "V" zone would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
- (vi) there had been no material change in planning circumstances for the Sites and their surrounding areas since the rejection of the applications by the RNTPC in April 2014 which warranted a departure from the RNTPC's previous decisions; and

- (vii) there were adverse public comments on the applications concerning the deviation from the planning intention of the “AGR” zone and the possible adverse impacts on the surrounding areas.

[Dr C.P. Lau arrived to join and Professor Eddie C.M. Hui left the meeting at this point]

87. The Chairman then invited the applicants’ representative to elaborate on the review applications. Mr Sit Kwok Keung made the following main points:

- (a) as the Sites fell within the ‘VE’, the Lands Department and other government departments supported the development of the two proposed Small Houses on the Sites;
- (b) it was noted from Plan R-1 of the Paper that all planning applications for Small House development to the east of Lei Uk within the ‘VE’ were approved while those to the west of Lei Uk were rejected. He postulated that it was because of the Government’s plan to develop the Liantang boundary control point or the North East New Territories New Development Areas (NENT NDAs) that those applications to the west of Lei Uk were rejected. As the plans for the Liantang boundary control point and NENT NDAs had been firmed up and the proposed Small Houses on the Sites would not affect these plans, the Board was urged to approve the two applications; and
- (c) at Ha Shan Kai Wat to the southeast of the Sites within the same OZP, two similar applications (No. A/NE-TKL/373 and 374) for Small House developments were first rejected by the RNTPC at the section 16 application stage but approved by the Board on review. The current applications should be treated in the same way.

88. As the presentation of the applicants’ representative was completed, the Chairman invited questions from Members.

89. As Members had no question, the Chairman informed the applicants' representative that the hearing procedure for the review applications had been completed. The Board would deliberate on the review applications in his absence and inform the applicants of the Board's decisions in due course. The Chairman thanked the applicants' representative and DPO/STN for attending the meeting. They left the meeting at this point.

Deliberation

90. Members generally noted that the proposed Small House developments were not in line with the planning intention of the "AGR" zone. There had been no major change in the planning circumstances of the two applications since their rejection by the RNTPC. After discussion, Members agreed that the applications for review should be rejected.

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

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

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

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/NE-KLH/402-1

Application for Class B Amendments to an Approved Development Proposal for Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Government Land in D.D.9, Tai Wo Village, Kau Lung Hang, Tai Po (TPB Paper No. 9695)

[The meeting was conducted in Cantonese.]

92. The following representative from the Planning Department (PlanD), the applicant and the applicant’s representative were invited to the meeting at this point:

- | | | |
|------------------|---|--|
| Mr C.K. Soh | - | District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Lee Chiu Ping | - | Applicant |
| Ms Chu Sau Ling | - | Applicant’s representative |

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

94. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the application and covered 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 (the Site) which fell within the “Agriculture” (“AGR”) zone on the approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11;

- (b) on 28.5.2010, the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board) approved Application No. A/NE-KLH/402 with the validity period of the planning permission until 28.5.2014 and subject to the following approval conditions:
- (a) the submission and implementation of a tree preservation and replanting proposal to the satisfaction of the Director of Planning (D of Plan) or of the Board;
 - (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the Board;
 - (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies (D of WS) or of the Board;
 - (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the D of WS or of the Board; and
 - (e) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the Board;
- (c) the applicant was also advised under advisory clause (a), inter alia, that the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (d) on 3.3.2014, the applicant submitted an application (No. A/NE-KLH/402-1) under section 16A of the Town Planning Ordinance (the Ordinance) for extension of time (EOT) for commencement of the approved development proposal for 48 months (i.e. until 28.5.2018), which was approved by the D of Plan, under the delegated authority of the Board. The permission was valid until 28.5.2018 and subject to the

same approval conditions as the original application (No. A/NE-KLH/402). Advisory clauses similar to those of Application No. A/NE-KLH/402 were also stated in the approval letter;

- (e) on 2.5.2014, the applicants applied, under section 17(1) of the Ordinance, for review of the D of Plan's decision to continue imposing advisory clause (a) that the actual construction of the proposed Small House should only begin after the completion of the planned public sewerage system. On 23.6.2014, the applicant clarified that the review application was against the decision to continue imposing approval condition (c) which required the connection of the foul water drainage system to the public sewers to the satisfaction of the D of WS or of the Board;
- (f) the justifications put forth by the applicant in support of the review application were highlighted in paragraph 3 of the Paper and summarised below:
 - (i) the applicant was aggrieved by the decision to continue imposing condition (c) for the approved application for EOT for another four years as waiting for the completion of the public sewerage system was not reasonable, practical or realistic.
 - (ii) the applicant urged the Board and related government departments to put forward alternative or contingency plan to resolve the sewerage problem as early as possible as there was no guarantee that the planned public sewerage system would be completed in the next four years; and
 - (iii) the applicant had proposed to include a self reliant contained sewerage system to be built in the interim which would be disconnected once the public sewerage system was available;
- (g) departmental comments – comments from the relevant government departments were detailed in paragraph 5 of the Paper and summarised below:

- (i) the Director of Environmental Protection (DEP) maintains his previous stance of no objection to the original application for Small House development provided that the proposed Small House which fell within the water gathering ground (WGG) was required to be connected to the public sewerage system and the actual construction of the Small House should not be commenced prior to the completion of the public sewerage system and adequate land was reserved for the connection works. He noted that while there was currently no fixed programme for the sewerage scheme, relevant departments were trying to resolve the local objection to the scheme. Regarding the applicant's proposal to build a self reliant contained sewerage system in the interim, it was agreed among the relevant departments in 2002 that the use of septic tank and soakaway system was only for the proposed Small House developments falling within the original "Village Type Development" ("V") zone but the Site was entirely within the "AGR" zone;

- (ii) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the review application and commented that no information was provided by the applicant to demonstrate that there would be no material increase in pollution effect to WGG arising from the proposal. He concurred with DEP's view that the actual construction of the Small House should not be commenced prior to the completion of the public sewerage system and considered that approval condition (c) and advisory clause (a) should be maintained;

- (iii) the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that according to the latest proposed sewerage scheme under the North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village, public sewerage connection point would be provided in the vicinity of the Site. However, since the sewerage scheme was degazetted on

29.10.2010, there was no fixed programme at the juncture for the implementation of the concerned public sewerage works; and

- (iv) other relevant government departments had no objection to or no adverse comment on the review application;
- (h) similar applications – there was no similar application for reviewing the decision on imposing the approval condition which required the connection of foul water drainage system to public sewers; and
- (i) PlanD's view – PlanD did not support the review application based on the planning considerations and assessments set out in paragraph 6 of the Paper, which were summarised below:
 - (i) the D of Plan, under the delegated authority of the Board, approved Application No. A/NE-KLH/402-1 for EOT for commencement of the approved development proposal on the consideration that the application was generally in line with Town Planning Guidelines on EOT for Commencement of Development (TPB PG-No. 35B);
 - (ii) since the Site was within WGG, according to the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories (the Interim Criteria), the proposed development should be connected to the public sewerage system. Approval condition (c) was imposed and advisory clause (a) was given on the advice of DEP and CE/Dev(2), WSD to ensure that the proposed development would not cause adverse impact on the water quality of the area;
 - (iii) the permission under Application No. A/NE-KLH/402-1 was valid until 28.5.2018 and subject to the same approval conditions as Application No. A/NE-KLH/402;

- (iv) although the applicant proposed to include a self reliant contained sewerage system as an interim measure before the completion of the public sewerage system, he could not demonstrate that there would be no material increase in pollution effect to WGG arising from the proposal; and
- (v) both DEP and CE/Dev(2), WSD maintained their views that approval condition (c) and advisory clause (a) should be retained to address the water quality impact within WGG.

95. The Chairman then invited the applicant to elaborate on the review application. Mr Lee Chiu Ping made the following main points:

- (a) he was an indigenous villager of Tai Wo Village. He had been waiting for the construction of the public sewer by the Government for four years but there was still no progress of the works. As he was already 57 years old, he could not wait any longer;
- (b) the “AGR” zoning for the Site was outdated as there was no longer any agricultural activities in Tai Wo Village. The Site was a piece of abandoned land and some Small Houses had been built in its vicinity. The building of one more Small House on the Site would not cause any change to the environment;
- (c) noting that the Site fell within WGG, he had proposed to provide a sewage treatment plant for his Small House until the Government’s public sewerage system was in place. According to his research, some sewage treatment plants were effective in treating waste water in WGG;
- (d) although the Environmental Protection Department (EPD) had indicated in 2004 that some sewage treatment plants were not acceptable for use in village houses, as technology had advanced over the years, he believed that the modern sewage treatment plants could now meet EPD’s pollution control requirements;

- (e) he could not afford private housing and was not eligible for public housing since he was an indigenous villager. He only wanted to build a Small House for his own use in his place; and
- (f) the Government should allow alternative options for him to proceed with his approved Small House development rather than asking him to wait until the public sewerage system was completed.

96. As the presentation of the applicant was completed, the Chairman invited questions from Members.

97. A Member asked whether the other planning applications for Small House development approved in 2009 in the vicinity of the Site as shown on Plan A-2 of Annex A of the Paper were also subject to the same requirement that the construction of the proposed Small Houses should only be commenced after completion of the planned public sewerage system. In response, Mr C.K. Soh, DPO/STN, said that those similar applications approved in 2009 were subject to the same requirement as the subject case and those approved Small Houses had yet to be built.

98. Mr Lee Chiu Ping supplemented that his proposed sewage treatment plant was only an interim measure for treating the sewage from his house. He would abandon his plant and connect his drains and sewers to the public sewerage system when it was available. He showed on the visualiser a document to Members that his proposed sewage treatment plant could achieve a 98.9% pollution reduction.

99. In response to the questions from Mr K.K. Ling, D of Plan, Mr C.K. Soh said that the approval condition requiring the connection of foul water drainage system to the public sewers was imposed for all planning applications approved after August 2002 when the criterion requiring that the proposed Small House development within WGG should be able to be connected to the existing or planned sewerage system in the area was incorporated into the Interim Criteria. As such, only those Small Houses which were approved in 2001 or before in the vicinity of the Site (as shown on Plan A-2 of Annex A of the Paper) were allowed to use septic tank and soakaway systems for sewage treatment. The planned public sewerage project for the area was held up and degazetted in 2010 as the villagers had raised

concerns on the resumption of land for implementation of the project. According to DEP, relevant departments were working hard to resolve the local objection with a view to formulating a revised sewerage scheme for implementation.

100. As Members had no further question, the Chairman informed the applicant and the applicant's representative that the hearing procedure for the review application had been completed. The Board would deliberate on the review application in their absence and inform the applicant of the Board's decision in due course. The Chairman thanked the applicant, the applicant's representative and DPO/STN for attending the meeting. They left the meeting at this point.

Deliberation

101. A Member noted that when the subject application for Small House development was first approved at the section 16 stage, the Government had a plan to provide a public sewerage system for the area but the sewerage scheme was subsequently degazetted. This Member considered that it might not be reasonable to maintain the requirement that the construction of the proposed Small House could only begin after completion of the public sewerage network which was out of the control of the applicant. Moreover, it might not be correct to say in the rejection reason that the applicant failed to demonstrate that the proposed Small House development would not have adverse water quality impact within WGG since he had tried to demonstrate to the Board at the hearing that he would provide a sewage treatment plant for his Small House in the interim.

102. The Secretary drew Members' attention to information provided in the Paper that the subject application for Small House development was first approved by the RNTPC in 2010, at which time there was a gazetted public sewerage project. The sewerage scheme was subsequently degazetted due to local objection to the scheme. The validity period of the original planning permission lasted until 2014. In 2014, the applicant submitted an application under section 16A of the Ordinance to extend the time limit for commencement of the approved development scheme, which was approved by the D of Plan, under the delegated authority of the Board, in view of the background of the case and that the Government had a plan to implement the sewerage scheme subject to the resolution of the opposing views with the local villagers. The time limit for commencement of the approved

Small House had been extended for 4 years until 2018 to allow time for the applicant to commence the construction works of the house upon completion of the planned sewerage system. If the application for the proposed Small House was submitted at a time when there was no gazetted sewerage scheme, PlanD might not support the application. The current application for review was against the D of Plan's decision to continue imposing approval condition (c) which required the connection of the foul water drainage system to the public sewers.

103. The Secretary went on to say that although the applicant indicated in the submission that he would provide a 'self reliant contained sewerage system', he had not provided detailed information on the system and demonstrated that the proposed Small House development would not have adverse water quality impact within WGG. The applicant only presented to the Board at the hearing a document showing the proposed sewage treatment plant that he was going to provide on the site.

104. Noting that the proposed sewage treatment plant presented by the applicant at the hearing had not been assessed by the relevant departments and that the Government still had a plan (though without a fixed programme) to implement a sewerage scheme in the area, Members generally considered that there was a need to maintain approval condition (c) and advisory clause (a) in the planning permission to address the water quality impact within WGG arising from the proposed Small House development. After discussion, Members agreed that the application for review should be rejected.

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

- “(a) the application site is located within the water gathering ground (WGG). Deletion of the approval condition on the connection of the foul water drainage system of the proposed Small House development to public sewers would adversely affect the water quality within WGG. It is not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories; and

- (b) the proposed self reliant contained sewerage system as an interim measure fails to demonstrate that the proposed Small House development would not have adverse water quality impact within WGG.”

Agenda Item 8

[Open Meeting]

Further Consideration of the Draft Mau Ping Outline Zoning Plan No. S/ST-MP/C
(TPB Paper No. 9700)

[The meeting was conducted in Cantonese.]

106. Mr C.K. Soh, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Planning Department (PlanD) was invited to the meeting at this point.

107. The Chairman extended a welcome and invited DPO/STN to brief Members on the Paper. With the aid of a PowerPoint presentation, Mr C.K. Soh briefed Members on the draft Mau Ping Outline Zoning Plan (OZP) No. S/ST-MP/C as detailed in the Paper and covered the following main points:

Background

- (a) on 11.4.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Mau Ping OZP No. OZP S/ST-MP/B and agreed that the draft OZP was suitable for submission to the Sha Tin District Council (STDC) and the Sha Tin Rural Committee (STRC) for consultation;

Local Consultation

STDC, STRC and Sai Kung Rural Committee (SKRC)

- (b) STDC, STRC and SKRC were consulted on the draft OZP. Members of STDC at the meeting held on 3.7.2014 generally had no objection to the draft OZP. The comments of STDC were summarised as follows:

- (i) the feasibility to provide hiking trail, vehicular access and recreational/tourism facilities in Mau Ping should be examined;
 - (ii) the planning intention for the burial ground at the north-eastern part of the Planning Scheme Area (the Area) should be considered;
 - (iii) the draft OZP should satisfactorily protect the surrounding environment as well as the aspiration of the indigenous villagers for Small House development; and
 - (iv) there were concerns about possible adverse impact of village type development on the Mau Ping Fung Shui Wood, which was zoned “Conservation Area” (“CA”) but fell within the village ‘environs’ (‘VE’);
- (c) there were no comments from STRC and SKRC;

Local Villagers

- (d) in the 2011 Census, there was no population in the Area. Moreover, no Village Representatives (VRs) were elected in the two recognised villages, namely Mau Ping and Wong Chuk Shan, in the VR Election of 2011. As such, no comments or submissions had been received from local villagers;

Environmental Concern Groups

- (e) on 23.6.2014, Kadoorie Farm and Botanic Garden Corporation (KFBG) submitted a proposal entitled “Mau Ping (Ma On Shan Country Park Enclave)” with a botanical survey, suggesting that the whole Area should be covered by “CA” zone, or even “Site of Special Scientific Interest” (“SSSI”) zone, as the Area was predominantly covered with mature secondary woodland with high plant diversity, and many rare plant species were found. KFBG also indicated that the number of approved planning applications for Small House development in “GB” zone was not small

and the trend had been increasing, and in view of the high botanical importance of Mau Ping, “GB” zone was not an appropriate zoning for the enclave;

- (f) World Wide Fund for Nature Hong Kong submitted a letter on 10.7.2014 expressing views similar to those of KFBG. They said that the ecological values of Mau Ping existed not merely at any particular location of the Area but embedded within the whole Area, and they recommended to change the “GB” zone to “CA” zone to safeguard the ecological integrity of the whole Area;

PlanD’s Responses

- (g) PlanD’s responses to the comments and proposals as detailed in paragraphs 4.1 to 4.6 of the Paper were as follows:

Responses to STDC

Provision of hiking trail, vehicular access and recreational/tourism facilities

- (i) the Area was accessible via footpaths, such as the Pak Kong – Mui Tsz Lam Trackway that led to Pak Kong in Sai Kung and Mui Tsz Lam in Ma On Shan, but was not served by any vehicular access. The MacLehose Trail ran close to and alongside the Area to its southeastern side. The provision of vehicular access to the Area had to pass through the country park which should be carefully assessed and with the consent of the Country and Marine Parks Authority. Flexibility had been provided in the covering Notes of the OZP for road works and recreational/tourism facilities;

Planning intention for the burial ground at the north-eastern part of the Area

- (ii) the permitted burial ground at the north-eastern part of the Area had been in existence for many years and was considered as an existing use. It was intended for use as burial places of the deceased indigenous villagers in the Area;

Aspiration of the indigenous villagers for Small House development

- (iii) there was no population in the Area in the 2011 Census, no outstanding Small House application and no 10-year forecasts of Small House demand for the two recognised villages. No planning application for Small House development within the Area had been received since the gazettal of the draft Development Permission Area (DPA) Plan. The District Lands Officer/Sai Kung advised that the indigenous villagers of Mau Ping Village and Wong Chuk Shan Village had moved to Sai Kung decades ago, and settled in Mau Ping New Village (MPNV) and Wong Chuk Shan New Village (WCSNV). SKRC had also been consulted and did not have any views; and

Possible adverse impact of village type development on the Mau Ping Fung Shui Wood

- (iv) the Mau Ping Fung Shui Wood behind Mau Ping San Uk, which fell within the 'VE', was in good condition with plant species of conservation interest being found therein. The area was proposed to be zoned "CA" to protect and retain the existing natural landscape, ecological or topographical features for conservation, educational and research purposes. Various areas within the 'VE' had been separately zoned "V" to concentrate the village type developments within this zone;

Responses to Environmental Concern Groups

- (v) the Area formed an integral part of the natural system of the natural woodlands in the adjoining Ma On Shan Country Park that supported populations of rare plant and fauna species of conservation interests. The landscape and amenity value of the Area was high. As such, the general planning intention of the Area was to protect its conservation and landscape value which complemented the overall naturalness and the landscape beauty of the surrounding Ma On Shan Country Park. As there were two recognised villages in the Area, the planning intention was also to reflect the existing recognised villages and reserve land at suitable locations for village development;
- (vi) the Director of Agriculture, Fisheries and Conservation (DAFC) and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD in general had no objection to the environmental concern groups' comments including the findings of the botanical survey by KFBG. The proposed "CA" zone could be considered for the secondary woodland which was ecologically linked with the Ma On Shan Country Park;
- (vii) regarding the proposed "SSSI" zone, there was no existing designated SSSI in the Area, and hence the proposed "SSSI" zoning for the whole Area was not considered as justified or appropriate;
- (viii) since the gazettal of the draft DPA Plan on 26.8.2011, no planning application for Small House development had been received. There was neither outstanding Small House application nor Small House demand forecasts in the two recognised villages in the Area;

Proposed amendment of rezoning the “GB” zone to “CA”

- (ix) in the course of preparation of the draft OZP for the Board’s further consideration, further habitat information had been received from and collated in consultation with DAFC and CTP/UD&L. DAFC confirmed that the extent of the secondary woodland within the Area had been found to be unfragmented and was ecologically linked with Ma On Shan Country Park. The woodlands in the Area comprising lowland forest, fung shui forest and mixed shrubland were considered as high value ecological habitats and could be rezoned to “CA” to better reflect its conservation value. The “CA” zoning was supported by CTP/UD&L from the landscape value point of view; and
- (x) taking into account the advice from DAFC and CTP/UD&L, it was proposed to amend the draft Mau Ping OZP No. S/ST-MP/B by rezoning the “GB” zone to “CA”. Whilst new house development was not permitted in the “CA” zone, redevelopment of house might be permitted on application to the Board;

Further Consultation

- (h) a meeting was arranged to consult the Indigenous Village Representatives (IIRs) of MPNV and WCSNV on 22.7.2014 on the proposed “CA” zone. Their major comments were summarised below:
 - (i) the villagers would not agree to the proposed amendment as it would further restrict the use and development right of their private properties; and
 - (ii) the “V” zones were too small in comparison with the ‘VE’ and thus should be enlarged;

PlanD's Responses

- (i) PlanD's responses to the comments and proposals of the IIRs of MPNV and WCSNV as detailed in paragraph 4.8 of the Paper were as follows:
 - (i) in view of the further information/views from DAFC and CTP/UD&L, "CA" zone was considered more appropriate to reflect the conservation value of the secondary woodland in Mau Ping which was ecologically linked with the Ma On Shan Country Park;
 - (ii) there was no population in the Area in the 2011 Census, no outstanding Small House application, no 10-year forecasts of Small House demand for the two recognised villages, and no planning application within the Area had been received since the gazettal of the draft DPA Plan. The indigenous villagers of the two recognised villages had moved to Sai Kung decades ago; and
 - (iii) given the natural environment with conservation and landscape value coupled with its site constraints including inaccessibility due to lack of vehicular access, potential natural terrain landslide hazards and its location within the upper indirect water gathering ground, a prudent approach for designation of "V" zone for Small House development had been adopted. About 0.81 ha of land mainly comprising the building lots within the existing village settlements had been reserved for Small House development. Within the "V" zones, about 0.28 ha of land (equivalent to about 11 Small House sites) was available for development;

Land Use Zonings

- (j) except the proposed amendment to rezone the "GB" zone to "CA" as shown on Plan 5 of the Paper, no other zoning amendments to the previous draft OZP No. S/ST-MP/B had been proposed. The details of the

proposed land use zonings on the draft OZP No. S/ST-MP/C were set out in paragraph 5 of the Paper; and

Consultation

- (k) STDC, STRC and SKRC would be consulted after the Board's agreement to the publication of the draft Mau Ping OZP under section 5 of the Ordinance during the exhibition period of the OZP.

108. The Vice-chairman asked (a) under what principles and mechanisms the two recognised villages in Mau Ping, namely Mau Ping Village and Wong Chuk Shan Village, were relocated to Sai Kung to re-establish MPNV and WCSNV; (b) whether there was still a need to designate "V" zones for Mau Ping Village and Wong Chuk Shan Village in the Area; and (c) whether there were other similar cases or established mechanism/policy for relocating a recognised village from one place to another which could be made reference of by other recognised villages within country park enclaves.

109. In response, Mr C.K. Soh, DPO/STN, said that he did not have information about the background of how the two recognised villages in Mau Ping were relocated to Sai Kung years ago. As far as he understood, the two villages had new 'VEs' (for MPNV and WCSNV) in Sai Kung while their original 'VEs' in Mau Ping were also retained. The indigenous villagers of the two villages could opt for either building their Small Houses in Mau Ping or Sai Kung. As the location of Mau Ping was very remote, all new Small House applications of the two villages were in Sai Kung. He was not aware of other similar village relocation cases as that of Mau Ping.

110. In response to a Member's question on whether houses were allowed if the whole Area was zoned "CA", Mr C.K. Soh said that redevelopment of existing houses within "CA" zone could be allowed on application to the Board but the development of new houses was not permitted. Besides, development or redevelopment of New Territories Exempted Houses would be always permitted on the areas currently proposed to be zoned as "V".

111. A Member said that the Area had very high ecological value as it was part of the Mui Tsz Lam and Mau Ping Priority Site for Enhanced Conservation. This Member

sought confirmation from DPO/STN on whether the relocation of the two recognised villages years ago was subject to any conditions, e.g. allowing the villagers to retain the original 'VEs' in Mau Ping. Mr C.K. Soh said that he could obtain more information from the Lands Department on this aspect and report back to the Board afterwards. The Chairman supplemented that such information would not affect the consideration of the Board.

[Post-meeting Notes: DPO/STN had sought advice from the District Lands Officer/Shai Tin (DLO/ST) and the District Lands Officer/Sai Kung (DLO/SK) on the relocation/resettlement arrangements of the two recognised villages. According to LandsD's record, MPNV and WCSNV in the Sai Kung district (the new villages) were considered as the offshoots of the pre-1898 villages of the other district (i.e. Mau Ping and Wong Chuk Shan in the Sha Tin district (the original villages)) due to the remoteness of the original villages but not for the implementation of any government projects. MPNV and WCSNV were established in 1969 and 1967 respectively prior to the promulgation of the Small House Policy in 1972. According to LandsD's "List of Recognised Villages under the New Territories Small House Policy", Mau Ping and Wong Chuk Shan were recognised villages in the Sha Tin district, whilst MPNV and WCSNV were recognised villages in the Sai Kung district. As advised by DLO/ST and DLO/SK, both the original villages and the new villages had their own 'VEs' drawn for Small House development. If the indigenous villagers applied for Small House grants in the original villages, DLO/ST had to process their applications. DLO/SK had all along been processing the Small House applications of the villagers in the new villages.]

112. Mr K.K. Ling, Director of Planning, said that the preparation of a new OZP for the Area to replace the DPA Plan did not preclude the possibility of incorporating the Area into the country park in future. However, if an OZP was not prepared to replace the DPA Plan before it ceased to be effective, the opportunity to cover the Area by a statutory plan would be lost.

113. A Member considered that the whole Area could be zoned as "CA" if there was no intention to allow new developments in the Area. It would not infringe the property rights of the villagers if redevelopment of existing houses could be allowed in "CA" zone on application to the Board. Mr. C.K. Soh supplemented that most of the areas

currently proposed to be zoned as “V” were of building lot status and about 11 more houses could be built within the “V” zones.

114. After deliberation, Members agreed to note the comments from and responses to STDC, STRC, SKRC, and the environmental concern groups on the draft Mau Ping OZP No. S/ST-MP/B, and the views from the IIRs of MPNV and WCSNV on the proposed “CA” zone. Members also agreed that:

- “(a) the draft Mau Ping Outline Zoning Plan (OZP) No. S/ST-MP/C (to be renumbered as S/ST-MP/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 Town Planning Ordinance;
- (b) the Explanatory Statement (ES) at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the draft Mau Ping OZP No. S/ST-MP/C; and
- (c) the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.”

115. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

[Mr David Y.T. Lui and Mr Frankie W.C. Yeung left the meeting at this point.]

Agenda Item 9

[Open Meeting]

Further Consideration of the Draft Ko Lau Wan Outline Zoning Plan No. S/NE-KLW/B
(TPB Paper No. 9701)

[The meeting was conducted in Cantonese.]

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

Mr C.K. Soh	-	District Planning Officer/Shai Tin, Tai Po and North (DPO/STN), PlanD
Mr David Y.M. Ng]	Senior Town Planners/Shai Tin, Tai Po
Mr C.T. Lau]	and North (STPs/STN), PlanD

117. The Chairman extended a welcome and invited DPO/STN to brief Members on the Paper. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, briefed Members on the draft Ko Lau Wan Outline Zoning Plan (OZP) No. S/NE-KLW/B as detailed in the Paper and covered the following main points:

Background

- (a) on 2.5.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Ko Lau Wan OZP No. S/NE-KLW/B and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the Sai Kung North Rural Committee (SKNRC) for consultation;

Local Consultation

- (b) SKNRC and TPDC were consulted on the draft OZP on 7.5.2014 and 14.5.2014 respectively. On 29.6.2014, SKNRC submitted a letter enclosing specific proposals from the village representatives of Ko Lau

Wan and Tan Ka Wan, with additional information submitted on 3.7.2014;

- (c) while SKNRC noted a net increase of land for Small House development as compared with that of the Development Permission Area (DPA) Plan, they considered that the size of “Village Type Development” (“V”) zone was inadequate and objected to the draft OZP. The comments and proposals of SKNRC were summarised as follows:
- (i) the designation of “V” zone would limit the indigenous villagers’ right to develop their own private land for Small House and there was insufficient area designated as “V” zone to meet the long-term housing need for the local villagers. Most of the land within the “V” zone (2.96 ha) had already been built with housing developments and there was only a net increase of 0.35 ha of land (equivalent to 8 Small Houses) as compared with that of the DPA Plan (2.61 ha);
 - (ii) the rationale of adopting a 10-year forecast of Small House demand was not in line with the principle of one-country-two-systems that warranted 50 years of unchange. The Small House demand forecast should be made up to 2047 accordingly;
 - (iii) insufficient transport and infrastructure facilities would hinder the further development of the Planning Scheme Area (the Area). The provision of infrastructure, e.g. new/expansion of existing pier to enhance accessibility to the Area should be explored;
 - (iv) as the “V” zone was adjoining the “Coastal Protection Area” (“CPA”) zone, it might impose difficulty in obtaining approval from concerned departments for Small House development solely relying on the septic tank system;
 - (v) long and complicated application process for Small House development in the “Green Belt” (“GB”) zone increased the

development cost. The transplanting of the protected plant species, i.e. *Pavetta hongkongensis* (香港大沙葉), from Ko Lau Wan to elsewhere should be explored in order not to affect the further development of the Area;

- (vi) Ling Oi Tan Ka Wan Centre might cause adverse impact on the local villagers and the environment in terms of security threat and littering problem;
 - (vii) “Tan Ka Wan” should be included into the title of the draft OZP;
 - (viii) the “V” zones should be expanded; and
 - (ix) the “CPA” zones should be shortened and narrowed;
- (d) members of TPDC at the meeting held on 14.5.2014 noted and respected SKNRC’s objection to the draft OZP;
- (e) no comments had been received from other local villagers and the environmental concern groups;

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:

Designation of “V” zone and Small House demand

- (i) in drawing up the draft OZP, special attention had been given to protect the high conservation and landscape value of the Area with regard to the wider natural system of the adjoining Sai Kung East Country Park. Environmentally sensitive areas including the natural coastlines, woodland and shrubland which were contiguous and ecologically-linked with the wide stretch of vegetation in the

adjoining Sai Kung East Country Park were covered by conservation zonings of “CPA” and “GB”;

- (ii) there were two recognised villages in the Area, namely Ko Lau Wan and Tan Ka Wan (i.e. Tse Uk, Lau Uk, Lam Uk and Mo Uk). There was a need to designate “V” zones at suitable locations to meet the Small House demand of the local villagers after delineating the areas to be conserved. The boundaries of the “V” zones had been drawn up having regard to the village ‘environs’ (‘VE’), the number of outstanding Small House applications, Small House demand forecast, local topography and site constraints. Areas of difficult terrain, dense vegetation, stream courses and burial grounds had been avoided as far as possible. Fallow agricultural land currently covered with some vegetation in the vicinity of the existing village clusters were zoned “V”;
- (iii) according to the District Lands Officer/Tai Po (DLO/TP), Lands Department (LandsD), there was one outstanding Small House application for each village. The 10-year Small House demand forecast for Ko Lau Wan and Tan Ka Wan, as provided by the concerned village representatives (VRs), were 200 and 318 respectively (the figures provided in 2007 were 20 and 80 respectively). Justification had not been provided by the VRs of both villages for the substantial increase in the latest 10-year forecast (from 20 to 200 for Ko Lau Wan and from 80 to 318 for Tan Ka Wan). There was no planning application received since the gazettal of the draft DPA Plan. Extending the Small House demand forecast to 2047 was not justified;
- (iv) with a view to minimising adverse impacts on the natural environment of the Area, an incremental approach had been adopted for designating “V” zones for Small House development in that the size of “V” zone would not fully meet the land requirement of Small House demand at the outset in order to confine Small

Houses at suitable locations adjacent to existing village clusters;

- (v) the total land area of the “V” zone was about 2.96 ha including about 1.66 ha of land at Ko Lau Wan and about 1.3 ha land at Tan Ka Wan. There was an increase of about 0.35 ha of land zoned “V” as compared with the DPA Plan. The available land reserved for new Small House developments amounted to about 1.44 ha, equivalent to about 57 Small House sites, which could satisfy about 56% of the total 10-year Small House demand forecast in the Area;
- (vi) although the area of the proposed “V” zones could not meet all the current forecast of Small House demand, should there be a genuine need to use the land outside the “V” zone for Small House developments, there was provision in the draft OZP to allow for application for Small House development in other zonings. Each case would be considered by the Board on its individual merits;

Provision of infrastructure

- (vii) according to the 2011 Census, the total population of the Area was below 150 persons. The Area at present was not served by any vehicular access but was accessible by boats from Wong Shek Public Pier and Ma Liu Shui and by hiking trails leading from Chek Keng. The Area was provided with electricity and telephone services. Potable water supply had been provided to the existing facilities and villagers of the Area. There were no sewerage and drainage systems. The proposed “V” zones on the draft OZP would accommodate a total planned population of around 640 persons. Relevant works departments would keep in view the need for infrastructure in future subject to resources availability;
- (viii) flexibility had been provided in the draft OZP for public works coordinated and implemented by Government. The major existing public transport facility in the Area, i.e. Ko Lau Wan

Public Pier, was designated with the “Other Specified Uses” annotated “Pier” (“OU(Pier)”) zoning. As the provision of vehicular access to the Area would have to pass through the country park, any proposal should be carefully assessed and with the consent of the Country and Marine Parks Authority;

Difficulty in obtaining approval for Small House development that solely relied on septic tank system in the “V” zone adjoining “CPA” zone

- (ix) in order to protect the nearby watercourses, the clearance distances as well as the design and construction of septic tank and soakaway system as specified in the Environmental Protection Department’s Practice Note for Professional Persons (ProPECC PN 5/93) should be referred to. A buffer between the adjoining village areas and the marine environment had been provided for by the “CPA” zones in the draft OZP. ‘House (New Territories Exempted House only)’ was always permitted in the “V” zones;

Long and complicated application process for Small House development in “GB” zone

- (x) there was a general presumption against development within the “GB” zone. Development proposals within the “GB” zone would be considered by the Board on individual merits. In accordance with the Town Planning Ordinance, all planning applications would be considered by the Board within two months of their receipt;
- (xi) regarding the proposal of transplanting the protected plant species, i.e. *Pavetta hongkongensis* (香港大沙葉), from Ko Lau Wan to elsewhere, the Director of Agriculture, Fisheries and Conservation (DAFC) advised that more emphasis should be put on the preservation of habitats with conservation value rather than records of individual species of conservation interest, and conservation zonings might be recommended for habitats of conservation value

even in the absence of any record of species of conservation interest;

Adverse impact of Ling Oi Tan Ka Wan Centre on the local villagers and environment

- (xii) as advised by DLO/TP, the site for Ling Oi Tan Ka Wan Centre was granted for the purposes of a non-profit-making drug dependent persons treatment and rehabilitation centre and such other associated facilities under a short term tenancy. According to the tenancy agreement, the tenant was not permitted to do anything which might become a nuisance, annoyance, dangerous to health, cause damage or inconvenience to the Government, the owners or occupiers of any adjoining or neighbouring premises;
- (xiii) the Director of the Food and Environmental Hygiene advised that the operator of Ling Oi Tan Ka Wan Centre was required to arrange proper disposal of the waste arising from the centre's daily activities, and littering in public place was an offence under the law and the offender would be prosecuted;

Inclusion of "Tan Ka Wan" into the title of the draft OZP

- (xiv) the title of the draft OZP was mainly to indicate the broad geographical area concerned, instead of listing the names of all the recognised villages therein. "Ta Ka Wan", as one of the existing recognised villages and a sub-area in the Area, had been mentioned throughout the Explanatory Statement (ES) of the draft OZP;

Expanding the "V" zones

- (xv) as regards the proposals of the VRs of Ko Lau Wan and Tan Ka Wan to expand the "V" zones to the adjoining areas including those currently zoned "CPA" (Area A) and "GB" (Area B1) to the

northeast of Ko Lau Wan, the area currently zoned “GB” to the east of Tse Uk, Lau Uk and Lam Uk (Area B2), to the west of Mo Uk (Area B3) and to the south of Ling Oi Tan Ka Wan Centre (Area B4) (Plan 6 of the Paper):

- Area A was a natural boulder shore covered in part with coastal vegetation and formed an integral part of the long and continuous natural coastlines along the northern fringe of the Area, which was at the entrance of Long Harbour and was visually exposed to surrounding landscape. It could provide a buffer between the adjoining village areas and the marine environment. DAFC considered that the “CPA” zoning was appropriate and the Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of PlanD advised that a continuous coastal area should be preserved. The proposed rezoning of Area A, with part of it falling outside the ‘VE’, to “V” was not fully justified;
- Areas B1 to B4 were mainly large stretches of woodland, scrubland and grassland adjacent to Sai Kung East Country Park. The vegetated habitats there were largely composed of native species. The woodlands and scrublands, in particular, were contiguous and ecologically-linked with the wide stretch of vegetation in the adjoining country park. A protected plant species, *Pavetta hongkongensis* (香港大沙葉), was recorded in the woodlands. These areas provided a buffer between village type developments and the sensitive natural environment of the country park. Taking these factors and the sloping vegetated terrain with burial ground and stream courses into account, all these areas were zoned “GB”;
- predominantly falling within the ‘VE’, Area B1 covered a

vegetated slope. The proposed rezoning of Area B1 to “V” was not justified as it was mostly occupied by a burial ground and CTP/UD&L advised that the proposed rezoning of it together with Area A to “V” would degrade the landscape quality of the continuous scenic coast. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that both Areas A and B1 might be affected by potential natural terrain landslide hazards;

- Area B2 was a densely wooded slope adjoining Sai Kung East Country Park with stream courses flowing in its northern and southern fringes. It partially fell within the ‘VE’, with the south-eastern part falling outside of it. The proposed rezoning of Area B2 to “V” would break up the continuity of the “GB” zone in the Area serving as a buffer between village type developments and the sensitive natural environment of the country park. DAFC advised that a “V” zone that was contiguous to the country park was not desirable and considered that the “GB” zoning was appropriate. H(GEO), CEDD advised that Area B2 might be affected by potential natural terrain landslide hazards;
- Area B3 covered a densely wooded coastal slope and a stream course. It partially fell within the ‘VE’, with the western part falling outside of it. DAFC advised that village development in Area B3 would result in extensive vegetation clearance and was not favoured from the natural conservation point of view, and considered that the “GB” zoning was appropriate; and
- Area B4 was covered with trees and tall shrubs. The proposed rezoning of Area B4 to “V” was not justified as it predominantly fell outside the ‘VE’ and was separated from

the existing village clusters. CTP/UD&L advised that the proposal would jeopardise the function of the current “GB” zone as a buffer between village development and the country park;

- (xvi) an incremental approach for designation of “V” zone had been adopted with an aim to consolidating Small House development at suitable locations so as to avoid undesirable disturbances to the natural environment and overtaxing the limited infrastructure in the Area. The local villagers might apply for Small House development in other zonings, which would be considered by the Board on its individual merits; and

Shortening and narrowing the “CPA” zones

- (xvii) the VRs of Ko Lau Wan and Tan Ka Wan proposed to substantially shorten and narrow the area of the “CPA” zones at Tan Ka Wan (Area C on Plan 6 of the Paper). This coastal area primarily consisted of coastal vegetation, rocky and boulder coasts fringing the Area, and a sandy estuary with some mangroves at Tan Ka Wan. Forming an integral part of the long and continuous natural coastlines along the western fringe of the Area, the current “CPA” zones could provide a buffer between the adjoining village areas and the marine environment. The VRs’ proposal would break up the continuous “CPA” belt along the western fringe of the Area, in particular that on both sides of the sandy estuary and jeopardise the function as a buffer for the natural coastline;

Land Use Zonings

- (g) in view of the above, it was considered appropriate to maintain the proposed land use zonings as shown on the draft OZP No. S/NE-KLW/B. The details of the proposed land use zonings were set out in paragraph 10 of Annex V of the Paper; and

Consultation

- (h) TPDC and SKNRC would be consulted after the Board's agreement to the publication of the draft Ko Lau Wan OZP under section 5 of the Ordinance during the exhibition period of the OZP.

118. In response to a Member's question on why a narrow strip of land to the south of the "OU(Pier)" zone and in-between the "V" zone and the sea was designated as "CPA" on the draft OZP, Mr C.K. Soh, DPO/STN, said that the area concerned was a natural coastline.

119. After deliberation, Members agreed to note the comments from and responses to TPDC and SKNRC on the draft Ko Lau Wan OZP No. S/NE-KLW/B. Members also agreed that:

- “(a) the draft Ko Lau Wan Outline Zoning Plan (OZP) No. S/NE-KLW/B (to be renumbered as S/NE-KLW/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 Town Planning Ordinance;
- (b) the Explanatory Statement (ES) at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the draft Ko Lau Wan OZP No. S/NE-KLW/B; and
- (c) the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.”

120. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board's consideration.

Agenda Item 10

[Open Meeting]

Further Consideration of the Draft Lai Chi Wo, Siu Tan and Sam A Tsuen

Outline Zoning Plan No. S/NE-LCW/D

(TPB Paper No. 9702)

[The meeting was conducted in Cantonese.]

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

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

Mr David Y.M. Ng] Senior Town Planners/Shu Tin, Tai Po
Mr C.T. Lau] and North (STPs/STN), PlanD
Ms Channy C. Yang]

Mr Cheung Kwok Wai - Senior Nature Conservation Officer (North) (SNCO(N)), Agriculture, Fisheries and Conservation Department (AFCD)

122. The Chairman extended a welcome and invited DPO/STN to brief Members on the Paper. Mr C.K. Soh, DPO/STN, said that two additional pages to Annex VIII of the Paper, which were the further comments from Designing Hong Kong Limited on the draft Outline Zoning Plan (OZP), were tabled for Members' reference.

123. With the aid of a PowerPoint presentation, Mr C.K. Soh briefed Members on the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/D as detailed in the Paper and covered the following main points:

Background

- (a) on 16.5.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. OZP S/NE-LCW/C and agreed that the draft OZP was suitable for submission to the North District Council (NDC) and the Sha Tau Kok District Rural Committee (STKDRC) for consultation;

Local Consultation

STKDRC and NDC

- (b) STKDRC and NDC were consulted on the draft OZP on 9.7.2014 and 21.7.2014 respectively. They strongly objected to the draft OZP and opined that it was necessary to determine land use proposals from a holistic perspective, taking into account not only the need to conserve areas worthy of enhanced protection but also the legitimate aspirations of the local community for a more balanced mode of development. They considered that the size of the “Village Type Development” (“V”) zones was inadequate and most of the Planning Scheme Area (the Area) (about 118 ha or over 90% of the Area) was designated as conservation zones of “Conservation Area” (“CA”) and “Green Belt” (“GB”). The major comments of STKRC and NDC were summarised as follows:

Opposition to designating private land under conservation zonings

- (i) most of the land designated as “CA” in Lai Chi Wo and Siu Tan were under private ownership. They used to be for agricultural use and started to gain ecological value only after they were abandoned. It was not just for the owners to bear the cost for protecting the environment under the “CA” zoning. Compensation should be provided for the loss of land value;

Insufficient land for Small House development in “V” zone

- (ii) only about 6.04 ha (or 4.61%) of land was designated for “V” zone on the draft OZP. While it was true that there was no outstanding Small House demand at the moment, the size of the “V” zone should take into account the legitimate wish of the older cohorts and should be enlarged. Without a properly sized “V” zone, the villages would be doomed for further decline;

Designation of recreation zoning for eco-tourism

- (iii) the Area was surrounded by Plover Cove Country Park, Yan Chau Tong Marine Park and the Double Haven Geo-Area of the Hong Kong Global Geopark of China. In order to facilitate the public to enjoy these natural resources and promote ecological education and eco-tourism, appropriate zonings such as “Recreation” (“REC”) should be specified at suitable locations; and

Reservation of land for agricultural rehabilitation

- (iv) while it was recognised that agriculture in the traditional form might no longer be a viable means for subsistence, the local community considered that sufficient land for agricultural use should be reserved such that agricultural activities could be incorporated in the package for eco-tourism;

Green Groups

- (c) the comments and proposals of the green groups, namely Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and World Wide Fund for Nature Hong Kong, were summarised as follows:

Extending the Development Permission Area (DPA) Plan for one year

- (i) as country parks enclaves were connected to country parks geographically, ecologically and aesthetically, the Country and Marine Parks Board (CMPB) had the responsibility to advise the Country and Marine Parks Authority on the assessment of the country park enclaves for designation/exclusion from country parks and the discussion was tentatively scheduled for October 2014. Extending the DPA Plan for one year would timely match with the CMPB's assessment;

Layout plan preparation

- (ii) layout plan should be provided for each enclave with consensus from the public and stakeholders;

Enhancing development control

- (iii) all slope stabilisation, site formation, sewage treatment, drainage, footways, access and parking requirement should be implemented as public works to minimise impacts. Any future construction of new roads to the enclaves which were not currently serviced by roads should be denied;

Reduction of "V" zones

- (iv) flooding was recorded in the "V" zone adjacent to the stream at Lai Chi Wo and septic tank and soakaway (STS) systems did not work in areas prone to flooding. From the safety and environmental protection perspectives, there should be setback distance between the "V" zone and the stream;
- (v) the "V" zone should be limited to the existing built structures plus a reserve for approved Small House applications. Future Small

House demand should be addressed outside the enclaves and country parks and no future development under the Small House Policy should be allowed in the enclaves and country parks;

Rezoning the “Agriculture” (“AGR”) zone at Lai Chi Wo to “GB(1)” or “CA” and the “AGR” zone at Sam A Tsuen to “CA”

- (vi) the marsh at Lai Chi Wo was largely zoned “AGR”. As the number of approved cases for Small House development was not small in “AGR” zone and the trend had been increasing, the stream and the marine park would be affected if Small Houses were allowed to be built in the area. The area should be zoned “GB(1)” or “CA” to protect the marsh;
- (vii) the marshy area at Sam A Tsuen was partly zoned “AGR” and partly zoned “CA”. The whole marshy area should be zoned “CA” as the marshes were ecologically linked and any potential farmland restoration activity was permitted within “CA” zone;

Conservation zoning for the riparian zones and the streams

- (viii) the lower section of the stream zoned “AGR” would be culverted which might block the stream and lead to higher risk of flooding. However, no enforcement action would be taken as it was not classified as stream diversion. The fish *Anguilla japonica* (日本鰻鱺), which had recently become Globally Endangered, appeared at Lai Chi Wo. Any obstacles (e.g. a concrete pipe) in the stream would greatly affect this species as it was a migratory species and needed to move between the sea and the stream. The stream and its riparian zones should be covered with conservation zoning;

Rezoning the “GB” zone to “GB(1)” or “CA”

- (ix) “GB” zone provided insufficient protection for the environment. To provide higher protection to the ecology while allowing farming, the “GB” zone including riparian area should be zoned to “GB(1)” or “CA”;

Rezoning the marsh at Siu Tan from “CA” to “CA (for wetland only)”

- (x) the ponds to the north of the marshy area should be zoned “CA (for wetland only)” in order to reflect the actual landscape of this location. The ‘no-net-loss in wetland’ principle should be adopted for any change in use within this zone;

Notes of the OZP

- (xi) to move ‘House’ and ‘Small House’ from Column 1 to Column 2 in the Notes to ensure that any demolition and redevelopment of houses would be subject to planning permission; and
- (xii) ‘Tent Camping Ground’ should be put under Column 2 for both “GB(1)” and “CA(1)” zones;

PlanD’s Responses

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

Opposition to designating private land under conservation zonings

- (i) private land within conservation zonings such as “GB” and “CA” was primarily demised for agricultural purpose under the Block Government Lease. Since ‘Agricultural Use’ was always permitted under such zonings, there was no deprivation of the

rights of the landowners. There was no provision for compensation due to curtailment of rights by planning action under the Town Planning Ordinance (the Ordinance);

Extending the DPA Plan for one year

- (ii) AFCD would conduct assessments on the enclaves' suitability for incorporation into country parks in accordance with established principles and criteria. The preparation of the OZP would not affect AFCD to conduct assessments on the enclaves;

Layout plan preparation

- (iii) the preparation of village layout plan would depend on a number of factors such as implementation prospect of the layout plan, manpower and priority of works within PlanD;

Enhancing development control

- (iv) according to the Notes of the draft OZP, public works co-ordinated or implemented by Government were always permitted. According to relevant works departments, there was no planned/committed access road to the Area. As the Area was enclosed by Plover Cove Country Park, any new roads proposed to connect with the existing road network would have to pass through the country park and consent of the Country and Marine Parks Authority should be obtained;

Designation of "V" zone

- (v) there were two divergent views on the boundaries of the "V" zones. The local villagers considered that the "V" zones were not sufficient to meet the Small House demand. On the other hand, the green groups held the views that the "V" zones should be

reduced and confined to the existing village settlements and approved Small House sites;

- (vi) in drawing up the OZP, special attention had been given to protect the high conservation and landscape value of the Area having regard to the wider natural system of Plover Cove Country Park and Yan Chau Tong Marine Park. Environmentally sensitive areas, including fung shui woodland, lowland secondary forest, shrubland, ecologically important stream and other stream courses, coastal mangrove, freshwater marsh, abandoned ponds and seagrass bed, were covered by conservation zonings, i.e. “CA” and “GB”;
- (vii) there were four recognised villages in the Area, namely Lai Chi Wo, Mui Tsz Lam, Kop Tong and Sam A. There was a need to designate “V” zones at suitable locations to meet the Small House demand of the local villagers after delineating the areas that have to be conserved;
- (viii) according to the District Lands Officer/North (DLO/N), there was no outstanding Small House application for the four villages. The 10-year demand forecast for Small Houses at Lai Chi Wo, Mui Tsz Lam, Kop Tong and Sam A were 2,800, 132, 135 and 300 respectively. Justification had not been provided by the village representatives (VRs) of Lai Chi Wo village for the substantial increase in the latest 10-year forecast (from 1,098 to 2,800). With a view to minimising adverse impacts on the natural environment of the Area coupled with its limited infrastructure, an incremental approach had been adopted for designating “V” zones for Small House developments;
- (ix) the proposed “V” zones on the draft OZP covered a total area of about 6.04 ha (about 2.71 ha of land at Lai Chi Wo, 1.09 ha at Mui Tsz Lam, 0.59 ha at Kop Tong and 1.65 ha at Sam A). The total

developable land reserved for new Small House developments amounted to about 3.5 ha, which was equivalent to about 138 Small House sites. It could satisfy about 8.4% of the total 10-year Small House demand forecast in the Area;

- (x) although the area of the proposed “V” zones could not meet all the current Small House demand forecast, should there be a genuine need to use the land outside the “V” zone for Small House development, there was provision in the OZP to allow for application for Small House in other zonings under section 16 of the Ordinance;
- (xi) on the specific comments from the green groups that a strip of fung shui woodland fell within the Lai Chi Wo Village, according to AFCD, the Lai Chi Wo Fung Shui Woodland fell substantially within Plover Cove Country Park and Lai Chi Wo Special Area. The vegetation below the Lai Chi Wo Nature Trail including the narrow strip of area was more scattered and shrubby. AFCD had no particular comment on the proposed “V” zoning for this strip of land;
- (xii) regarding the green groups’ concern on the riparian zones of some upper tributaries of the stream next to the “V” zones at Mui Tsz Lam and Kop Tong and the lower section of stream next to the “V” zone of Lai Chi Wo, which were prone to flooding, the “V” zones of Mui Tsz Lam and Kop Tong were rather small and largely covered the existing village areas. The streams adjacent to the “V” zones were small streams coexisting with the villages for a long time. AFCD had no adverse comments on these two “V” zones. The stream within the “V” zone of Lai Chi Wo was largely a concrete channel. AFCD advised that the section of Lai Chi Wo stream at the southern side of the “V” zone was lined by gabions and abutting the piazza. As such, limited riparian vegetation would be affected by the “V” zone. For concerns related to the

risk of flooding, the Drainage Services Department (DSD) advised that for the last 10 years, only one flooding incident mainly on the two sides of the footpath was reported at Lai Chi Wo Tsuen in May 2014;

- (xiii) any diversion of stream or filling of pond that might cause adverse drainage impacts or adverse impacts on the natural environment would require permission of the Board. AFCD and the relevant authorities would be consulted on development proposals that might affect natural stream in accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005. For protection of water quality, the design and construction of on-site STS system for any development needed to comply with relevant standards and regulations, including Environment Protection Department (EPD)'s Practice Note for Professional Person (ProPECC PN 5/93);

Designation of recreation zoning for eco-tourism

- (xiv) the Study on the Enhancement of the Sha Tau Kok Rural Township and Surrounding Areas completed in 2013 found out that the Lai Chi Wo area had great potential for tourism development. The Study proposed the development of the Lai Chi Wo Ecological Centre at the vacant village school, i.e. ex-Siu Ying School, to further enhance the role of Lai Chi Wo as an ecological destination in the Northeast New Territories. Recreational uses, such as 'Holiday Camp' and 'Field Study/Education/Visitor Centre', in "GB" zone and 'Hotel (Holiday House only)' use in "V" zone might be permitted on application to the Board;

Reservation of Land for agricultural rehabilitation purpose

- (xv) 'Agricultural Use' was a Column 1 use in most of the zones and rehabilitation farming was always permitted in such zones;

Rezoning the “AGR” zone at Lai Chi Wo to “GB(1)” or “CA” and the “AGR” zone at Sam A Tsuen to “CA”

- (xvi) the designation of “AGR” zoning at the southern part of the village at Lai Chi Wo was mainly to reflect the current situation of the land where there were some active agricultural land intermixed with abandoned farmland/grassland. The land area to the north of the Ecologically Important Stream (EIS) at Lai Chi Wo previously comprised largely wet abandoned agricultural land where agricultural rehabilitation had been observed. AFCD advised that only a small section of the Lai Chi Wo stream at the southern side of the “V” zone fell within the “AGR” zone and this section was not part of the EIS while a large portion of this stream section abutting the piazza of Lai Chi Wo Village was already straightened and lined by gabions;
- (xvii) according to AFCD, the “CA” zone at Sam A Tsuen covered the coastal woodland and wetland habitats (mangroves and marshes) beyond the concrete footpath. These coastal habitats supported a variety of rare flora and fauna and were put under “CA” zone for better protection. The “AGR” zone covered mainly fallow agricultural land above the concrete footpath and signs of agricultural rehabilitation had been observed;
- (xviii) while there was concern on approval of Small House development in the “AGR” zone, Small House development, diversion of streams or filling of land/pond in “AGR” zone required planning permission from the Board. In view of this, AFCD had no objection to the proposed “AGR” zonings;

Conservation zoning for the riparian zones and the streams

- (xix) AFCD considered that the habitats of the narrow strip of the riparian zone along the EIS was similar to the adjacent habitats

where shrubs and trees were of common species and “GB” was a type of conservation zoning. Any diversion of stream, filling of pond/land or excavation of land in “GB” zone also required permission from the Board. AFCD considered that the proposed “GB” zone was adequate in protecting the EIS;

Rezoning the “GB” to “GB(1)” or “CA”

- (xx) according to AFCD, the “GB” zones covered a vast area, mainly hill side slopes and abandoned agricultural land of Lai Chi Wo. The vegetation cover was a mixture of grassland, shrubland and secondary woodland, comprising mainly common species. The woodland areas at Siu Tan and Sam A were relatively young and consisted of mainly common species. As “GB” zone was a type of conservation zoning, the proposed “GB” zone was considered appropriate in protecting the woodlands. Woodlands of high conservation value, including the mature woodland to the north of Lai Chi Wo as well as fung shui woodlands of Mui Tsz Lam, Kop Tong and Sam A, had already been zoned “CA”;

Rezoning the marsh at Siu Tan from “CA” to “CA (for wetland only)”

- (xxi) the Board adopted the principle of no-net-loss in wetland in considering development proposals in the Deep Bay Area which provided for the conservation of continuous and adjoining fish ponds. The wetland system in Siu Tan comprised of natural stream, intertidal ponds and marshes of ecological importance, but the Siu Tan area was not of the same setting as Deep Bay. The proposed “CA” zone was adequate in protecting the ponds;

Notes of the OZP

- (xxii) as the planning intention of the “V” zone was to provide land for New Territories Exempted House (NTEH), it was appropriate to

put NTEH in Column 1 of “V” zone; and

- (xxiii) ‘Tent Camping Ground’ referred to any place open to the public where tents were put only for temporary lodging for recreational or training purpose, and was a facility designated by the Government. AFCD considered that tent camping activities might not have significant adverse impacts on sensitive habitats and thus there was no strong justification for putting such use under Column 2 of the “GB” zone;

Land Use Zonings

- (e) except about 0.12 ha of land to be rezoned from “GB” to “CA” to finetune the boundary of the “CA” zone at Siu Tan as shown on Plan 6 of the Paper, taking AFCD’s latest comment into account, no other zoning amendments to the previous draft OZP No. S/NE-LCW/C had been proposed. The details of the proposed land use zonings on the draft OZP No. S/NE-LCW/D were set out in paragraphs 2.2 and 4.3 of the Paper; and

Consultation

- (f) NDC and STKDRC would be consulted after the Board’s agreement to the publication of the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP under section 5 of the Ordinance during the exhibition period of the OZP.

124. A Member raised the following questions:

- (a) whether government departments consulted had provided comments on the preservation value of the existing Lai Chi Wo Village which was a Hakka village;
- (b) whether PlanD would seek comment from an external expert on preservation value of Lai Chi Wo Village if it could not obtain advice from other departments on this aspect;

- (c) if Lai Chi Wo Village was assessed to have high preservation value, how the preservation requirement could be implemented under the OZP;
- (d) what the normal approach was to designate a zoning for a fung shui woodland next to a village, whether to zone it as “GB” or “V”; and
- (e) noting that a strip of fung shui woodland to the east of Lai Chi Wo Nature Trail was zoned “V” while the western side of the nature trail was Lai Chi Wo Special Area as shown on Plan 4 of the Paper, whether the proposed “V” zoning for that strip of fung shui woodland was appropriate as it might allow clearance of the existing vegetation for development of Small Houses which would be very close to the edge of Lai Chi Wo Special Area.

125. Mr C.K. Soh, DPO/STN, provided the following responses to the Member’s questions:

- (a) in Lai Chi Wo Village, Hip Tin Temple and Hok Shan Monastery was a Grade 3 historic building according to the Antiquities and Monuments Office (AMO). AMO considered that the proposed “Government, Institution or Community” (“G/IC”) zoning for Hip Tin Temple and Hok Shan Monastery was already adequate to protect the historic building;
- (b) the Hakka village of Lai Chi Wo Village itself was not accorded with any grading currently although the whole village was quite well preserved. Nevertheless, it was understood that AMO would review the preservation values of the potential historic buildings in Hong Kong from time to time, and they would assess the historic value not only on the basis of individual buildings but also the value of preserving a wider area; and
- (c) if Lai Chi Wo Village was accorded with a historic grading in future, PlanD could liaise with AMO to see if more stringent development control should be imposed for the village through the OZP.

126. Mr Cheung Kwok Wai, SNCO(N), AFCD provided the following responses to the Member's questions:

- (a) fung shui woodlands generally referred to those clusters of woodland areas behind the traditional New Territories villages. For those fung shui woodlands which were well-preserved with high ecological and conservation values, AFCD would generally recommend PlanD to zone them as "CA" or "GB" for protecting the woodlands. Some fung shui woodlands did not have significant ecological or conservation value and they might be zoned "V";
- (b) Lai Chi Wo Fung Shui Woodland to the west of Lai Chi Wo Village was designated as Lai Chi Wo Special Area a few years ago in view of its well-developed woodland habitat, rich in species diversity and composition. Lai Chi Wo Nature Trail in-between Lai Chi Wo Special Area and Lai Chi Wo Village was built by AFCD at the time of designation of Lai Chi Wo Special Area. Strictly speaking, the sloping ground to the east of the natural trail did not form part of the fung shui woodland. There were only some small trees and fruit trees grown by the villagers on that strip of land. As the area was indeed a narrow slope, it might not be possible to build Small Houses there; and
- (c) from the conservation point of view, AFCD would welcome the provision of some buffer area between the "V" zone and Lai Chi Wo Special Area so that the village houses would not be built next to the Special Area.

127. In response to a question from Mr K.K. Ling, Director of Planning, Mr C.K. Soh said that the strip of woodland concerned was government land. Any proposed Small House development in this area would need the consent from the relevant government departments which would render comments from various aspects, including sewerage treatment and geotechnical stability. The feasibility of developing Small Houses in this strip of land was slim.

128. A Member opined that a “GB” zoning was suitable for this strip of woodland to serve as a buffer for better protection of the adjoining Lai Chi Wo Special Area. In response, Mr C.K. Soh said that due to the small scale of the OZP, the proposed “GB” zone might only be shown as a slender area on the OZP. He also showed Members the boundary of Lai Chi Wo Special Area through a PowerPoint slide.

129. In response to the same Member’s question, Mr C.K Soh said that there was no outstanding Small House application in Lai Chi Wo and Mui Tsz Lam currently.

130. The Chairman noted that AFCD supported the provision of a buffer between the “V” zone of Lai Chi Wo Village and Lai Chi Wo Special Area, and that Members generally agreed that the strip of woodland in-between Lai Chi Wo Village and Lai Chi Wo Special Area should be rezoned from “V” to “GB”.

131. After deliberation, Members agreed to note the comments from and responses to NDC, STKDRC and the green groups on the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/C. Members also agreed that, subject to an amendment to rezone a strip of woodland to the west of Lai Chi Wo Village and east of Lai Chi Wo Special Area from “Village Type Development” to “Green Belt”:

- “(a) the draft Lai Chi Wo, Siu Tan and Sam A Tsuen Outline Zoning Plan (OZP) No. S/NE-LCW/D (to be renumbered as S/NE-LCW/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 Town Planning Ordinance;
- (b) the Explanatory Statement (ES) at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the draft Lai Chi Wo, Siu Tan and Sam A Tsuen OZP No. S/NE-LCW/D;
and

- (c) the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.”

132. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

Agenda Item 11

[Open Meeting]

Further Consideration of the Draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan
No. S/NE-YTT/D
(TPB Paper No. 9720)

[The meeting was conducted in Cantonese.]

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

- | | | |
|--------------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Planning Department (PlanD) |
| Mr David Y.M. Ng |] | Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), PlanD |
| Mr C.T. Lau |] | |
| Ms Channy C. Yang |] | |
| Mr Cheung Kwok Wai | - | Senior Nature Conservation Officer (North) (SNCO(N)), Agriculture, Fisheries and Conservation Department (AFCD) |

134. The Chairman invited DPO/STN to brief Members on the Paper. Mr C.K. Soh, DPO/STN, said that a replacement page 2 of the Paper and a replacement page 6 of Appendix III of the Paper to clarify the background information of Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village on the draft Outline Zoning Plan (OZP), were tabled for Members' reference.

135. With the aid of a PowerPoint presentation, Mr C.K. Soh briefed Members on the draft Yim Tin Tsai and Ma Shi Chau OZP No. S/NE-YTT/D as detailed in the Paper and covered the following main points:

Background

- (a) on 20.6.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Yim Tin Tsai and Ma Shi Chau OZP No. S/NE-YTT/C and agreed that the draft OZP was suitable for submission to the Tai Po District Council (TPDC) and the Tai Po Rural Committee (TPRC) for consultation;

Local Consultation

- (b) TPRC and TPDC were consulted on the draft OZP on 8.7.2014 and 9.7.2014 respectively. They both objected to the draft OZP mainly in consideration that the proposed "Residential (Group D)" ("R(D)") zone could not satisfy the housing/redevelopment need of the villagers and the conservation zones had taken away the development right of the private land. The comments and proposals of TPRC and TPDC were summarised as follows:

Opposing the conservation zones

- (i) most of the land in the Planning Scheme Area (the Area) were under conservation zonings leaving not much land for development to cater for the need of the local villagers. There was strong a sentiment against prohibition of development on private land

within the “Site of Special Scientific Interest” (“SSSI”) zone which deprived the development rights of private land owners without any compensation and was in breach of the Basic Law in safeguarding the private property rights. It was unfair to the private land owners;

- (ii) the “SSSI” zone overlapped with the permitted burial grounds. The “SSSI” zoning was meaningless as all the land area was mostly occupied with graves. Consideration should be given to relocating the burial grounds;

Opposing the “Green Belt” (“GB”) zone to the north and southeast of Luen Yick Fishermen Village

- (iii) there were many private lots to the southeast of Luen Yick Fishermen Village. The area was within the village ‘environs’ (‘VE’) and should be zoned “Village Type Development” (“V”). Land to the north of Luen Yick Fishermen Village had been hard paved and currently used for parking of vehicles;

Opposing the “R(D)” zone and its development restrictions

- (iv) the development parameters of the “R(D)” zoning were too restrictive in terms of building height and plot ratio. The “R(D)” zone could not cater for the housing/redevelopment needs of the local villagers. It was considered appropriate to have a “V” zone for the area in view of the historical background (namely Sam Mun Tsai San Tsuen was a recognised village and Small House development should be allowed within the ‘VE’), the current living conditions and the future development need; and
- (v) the building height restriction of 2 storeys (6m) in the “R(D)” zone was too restrictive and it should be relaxed to 3 storeys;

- (c) no comments had been received from the local villagers and the environmental concern groups;

PlanD's Responses

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

Opposing the conservation zones

- (i) the Yim Tin Tsai and Ma Shi Chau SSSI had been designated since 1982. The "SSSI" zone on the Development Permission Area (DPA) Plan was to reflect part of the land falling within the SSSI designation but not covered by Ma Shi Chau Special Area so as to provide planning guidance and development control for the area;
- (ii) the planning intention of the "SSSI" zone was to conserve and protect features of special scientific interest. There was a general presumption against development in this zone. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the proposal to allow house development in the "SSSI" zone as it would set an undesirable precedent for other "SSSI" zones across the territory;
- (iii) the private land within conservation zone, such as "GB" and "SSSI", were primarily demised for agricultural purpose under the Block Government Lease. As 'Agricultural Use' was always permitted within "GB" or could be permitted within "SSSI" on application, there was no deprivation of the rights of the landowners. There was no provision under the Town Planning Ordinance for compensation due to curtailment of rights by planning action;

Opposing the “GB” zone to the north and southeast of Luen Yick Fishermen Village

- (iv) the area to the southeast of Luen Yick Fishermen Village was mainly covered with dense vegetation. “GB” zoning was appropriate to protect the existing green areas;
- (v) the area to the north of Luen Yick Fishermen Village was partly vacant and partly hard paved. Having considered the current site condition and the views of TPRC and TPDC, it was proposed to rezone the concerned area (0.34 ha) from “GB” to “R(D)” as shown on Plan 5 of the Paper;

Opposing the “R(D)” zone

- (vi) there were two villages in the area, namely Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village comprising mainly 2-storey tenement houses. Luen Yick Fishermen Village (with 107 building units) was constructed in 1975 and the buildings there were covered by Government Land Licence. Sam Mun Tsai San Tsuen (with 163 building units) was constructed in 1965 for re-housing the villagers affected by the construction project of Plover Cove Reservoir. Although Sam Mun Tsai San Tsuen was a recognised village with ‘VE’, it had no Indigenous Inhabitant Representative nor indigenous villagers. There was also no Small House demand nor outstanding Small House application, and no information to ascertain whether the existing residents were indigenous villagers eligible for Small House grant under the Small House policy;
- (vii) with reference to the circumstances of the two villages and the site conditions of the area taking account of the existing village settlement, environmental conditions and natural terrain, “R(D)” zoning was considered appropriate for the area covering both Luen

Yick Fishermen Village and Sam Mun Tsai San Tsuen and the surrounding area which were mainly occupied by domestic and temporary structures of 2 storeys. “R(D)” zoning was intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and was also intended for low-rise, low-density residential developments subject to planning permission from the Board;

- (viii) in the event that there was Small House application from indigenous villagers, there was provision in the OZP for planning application of house (including New Territories Exempted House (NTEH)/Small House) development within the “R(D)” zone. For NTEH developments within “R(D)” zone, they could be built up to 3 storeys. For other types of house development, there was provision for minor relaxation of building height restrictions and each application would be considered on its individual planning merits by the Board; and
- (ix) according to the covering Notes of the OZP, rebuilding of NTEH and replacement of an existing domestic building by a NTEH were always permitted within the boundary of the OZP, except areas zoned “SSSI” and “CPA” which were subject to the terms of the OZP;

Land Use Zonings

- (d) except about 0.34 ha of land to the north of Luen Yick Fishermen Village to be rezoned from “GB” to “R(D)” as shown on Plan 5 of the Paper to reflect the existing site conditions, no other zoning amendments to the previous draft OZP No. S/NE-YTT/C had been proposed. The details of the proposed land use zonings on the draft OZP No. S/NE-YTT/D were set out in paragraphs 2.2 and 4.3 of the Paper; and

Consultation

- (e) TPDC and TPRC would be consulted after the Board's agreement to the publication of the draft Yim Tin Tsai and Ma Shi Chau OZP under section 5 of the Ordinance during the exhibition period of the OZP.

136. In response to a Member's questions on the number of houses that could be accommodated in the area proposed to be rezoned from "GB" to "R(D)" and whether the number of graves in the burial ground could increase, Mr C.K. Soh, DPO/STN, said that, with a size of about 0.34 ha, the area to be rezoned to "R(D)" could accommodate about 10 houses, and the provision of graves for indigenous villagers and locally based fishermen within the permitted burial grounds was always permitted.

137. In response to another Member's question on why part of the coastal area to the east of Sam Mun Tsai San Tsuen and Luen Yick Fishermen Village was zoned "CPA" while part of it was currently proposed to be rezoned to "R(D)", Mr C.K. Soh explained that the area zoned "CPA" had a natural coastline while the area proposed to be rezoned to "R(D)" had a man-made seawall with some vegetation cover and some hard paving.

138. 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.

139. After deliberation, Members agreed to note the comments from and responses to TPDC and TPRC on the draft Yim Tin Tsai and Ma Shi Chau OZP No. S/NE-YTT/C. Members also agreed that:

- “(a) the draft Yim Tin Tsai and Ma Shi Chau Outline Zoning Plan (OZP) No. S/NE-YTT/D (to be renumbered as S/NE-YTT/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 Town Planning Ordinance;

- (b) the Explanatory Statement (ES) at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the draft Yim Tin Tsai and Ma Shi Chau OZP No. S/NE-YTT/D; and
- (c) the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.”

140. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

[Mr Stephen H.B. Yau left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 12

[Open Meeting]

Further Consideration of the Draft Luk Wu and Keung Shan Outline Zoning Plan

No. S/I-LWKS/C

(TPB Paper No. 9704)

[The meeting was conducted in Cantonese.]

141. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD) was invited to the meeting at this point.

142. The Chairman extended a welcome and invited DPO/SKIs to brief Members on the Paper. With the aid of a PowerPoint presentation, Mr Ivan M.K. Chung briefed Members on the draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/C as detailed in the Paper and covered the following main points:

Background

- (a) on 16.5.2014, the Town Planning Board (the Board) gave preliminary consideration to the draft Luk Wu and Keung Shan OZP No. S/I-LWKS/B and agreed that the draft OZP was suitable for submission to the Islands District Council (IsDC) and the Tai O Rural Committee (TORC) for consultation;

Local Consultation

IsDC and TORC

- (b) IsDC and TORC were consulted on the draft OZP on 23.6.2014 and 25.6.2014 respectively. They both requested to revise the “Village Type Development” (“V”) zone to meet the updated 10-year forecast for Small House demand and expressed objection to the imposition of planning control on private land. The comments and proposals of IsDC and TORC were summarised as follows:

Revision of the “V” zone

- (i) the village representatives indicated that the 10-year forecasts for Small House demand for the recognised villages in the Planning Scheme Area (the Area) were being updated and the “V” zone should be revised to cater for the updated Small House demand;
- (ii) TORC considered that the “V” zone should be extended to tally with the village ‘environs’ (‘VE’) and requested that the “V” zone should cover both government land and private land such that villagers who were not land owner could also apply for Small House;

Objection to the imposition of planning control on private land

- (iii) some IsDC and TORC members considered that private land should not be subject to planning control;

Zoning all the private agricultural land to “Agriculture” (“AGR”)

- (iv) some TORC members indicated that the agricultural land in Lower Keung Shan was abandoned because water source had been terminated for the construction of reservoir and other infrastructure. The Government should provide water supply for farmers for rehabilitation of agricultural land. Agricultural land under private ownership should be zoned “AGR” instead of “Green Belt” (“GB”) to respect land owner’s entitlement under lease and to allow rehabilitation of agricultural use without the need to obtain planning permission including that for excavation of land; and

Provision of infrastructure

- (v) some TORC members were of the view that the lack of sewerage treatment and water supply facilities in the Area had restricted private land owners from developing their land in accordance with their land right. In particular, developments within water gathering grounds (WGGs) were strictly restricted. They requested the Government to provide proper sewerage treatment and water supply facilities for the Area;

Local Religious Community

- (c) upon request of a local religious community, i.e. Luk Wu Dharma Management Culture Foundation Ltd. (LWDMCFL), a site visit to Luk Wu area with the representatives of the local religious community including some environmental specialists was held on 29.5.2014 to listen to their views on the land use proposals of the Area. LWDMCFL

submitted a proposal on the land use zonings on the draft OZP. Their comments and proposals were summarised as follows:

Stricter control to protect the natural and tranquil environment in Luk Wu

- (i) the planning intention to protect the natural landscape and special religious and tranquil character which complemented the overall naturalness and the landscape beauty of the surrounding Lantau South and Lantau North Country Parks and the exclusion of 'Columbarium' use in the Notes of both "GB" and "Government, Institution or Community (1)" ("G/IC(1)") zones were supported;
- (ii) there should be stricter control on land uses around the religious buildings in Luk Wu and Upper Keung Shan area, including:
 - the area around Luk Wu and Upper Keung Shan should be rezoned from "GB" to "GB(1)" with restrictive uses to be permissible subject to the planning permission from the Board. Uses which would potentially attract more members of the public to engage in activities that would create noise, air and visual impact on the Luk Wu residents and the tranquil religious environment should not be allowed;
 - all areas zoned "GB" should be rezoned to "Conservation Area" ("CA") as species of conservation concern were recorded in adjacent areas of Luk Wu and Keung Shan. It was necessary to designate Luk Wu and Keung Shan area as a conservation area in advance as further biodiversity survey in the area had yet to be conducted; and
 - 'Columbarium', 'Crematorium' and 'Funeral Facility' uses should be deleted from Column 2 of the Notes of the "G/IC" zone as Luk Wu residents were strongly against any columbarium development in the Area;

More flexibility for the provision of ancillary facilities to the existing religious uses

- (iii) the boundaries of the “G/IC(1)” zone should be revised to:
 - reflect the building footprints and the flat concrete surfaces that formed foundations of the religious building lots;
 - reflect land that had been part of the management and custodianship of the religious institution concerned since its establishment; and
 - encompass the land that had been used for large-scale, outdoor meditation practices during festival for years;
- (iv) the Notes of the “G/IC(1)” zone were proposed to be revised to allow cultivation by Luk Wu residents and provision of supporting facilities of the religious institution. Luk Wu should remain as a religious area and any change of the existing use should not be allowed unless it was for the benefit of the Hong Kong community as a whole, such as education;
- (v) the “G/IC” zone at Keung Shan Road was proposed to be extended to ensure that public facilities, such as ‘Public Convenience’ and ‘Visitor Centre’, would be permitted to serve the Luk Wu community in future; and

Rezoning two sites to reflect their existing religious uses

- (vi) the properties at Lots 377, 388 and 393 in D.D. 310 had been managed, maintained and occupied by Mo Leung Kwong (無量光) for many years and had been used for Buddhism religious practices and as hermitages all along. These lots should be zoned “G/IC(1)” to reflect their existing religious uses;

Green Groups

- (d) the comments and proposals of the Green Groups, namely Conservancy Association, Kadoorie Farm and Botanic Garden Corporation and World Wide Fund for Nature Hong Kong, were summarised as follows:

Rezoning area of high ecological and landscape importance as “CA” or “GB”

- (i) the Area including the woodland near villages had high ecological and landscape importance and should be protected by conservation zonings;
- (ii) streams within or adjacent to “V”, “Residential (Group C)” (“R(C)”) and “AGR” zones should be zoned as “CA” or “GB” to better protect them and their riparian area from development, especially village encroachment. While these zonings would facilitate agriculture use, it would also highlight the importance to uphold the presumption against development within these areas; and

Imposing planning control on demolition of or alteration to historic buildings

- (iii) the zoning should facilitate in-situ preservation of various historical religious buildings, particularly currently graded historic buildings. Planning permission from the Board should be obtained for any demolition of or alteration works to these buildings;

PlanD’s Responses

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

Revision of the “V” Zone

- (i) the boundary of the “V” zone for Lower Keung Shan had been drawn up taking account of site conditions of the area within ‘VE’, existing village clusters, local topography, WGGs and site characteristics. The Small House demand forecast was only one of the various factors in drawing up the “V” zones. Only land suitable for Small House development had been included in the “V” zone whilst areas with dense vegetation, difficult terrain and near the natural stream courses reserved for buffer area as required by the Environmental Protection Department (EPD) had been excluded. The boundary of the “V” zone at Lower Keung Shan had been reviewed and extended to cover suitable land available for Small House development as shown on Plan 8a of the Paper to cater for the Small House demand in Upper Keung Shan and Lower Keung Shan villages. The proposed “V” zone with an area of about 0.92 ha could provide about 30 new Small House sites to meet 97% of the updated 10-year forecast of Small House demand in Upper Keung Shan and Lower Keung Shan villages;
- (ii) the planning intention of the “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion, irrespective of whether it was private or government land. An incremental approach was adopted in designating the “V” zone. Should there be a genuine need to cater for more Small House developments, flexibility had been provided under the planning application system for Small House developments within the “AGR” zone;
- (iii) regarding the request that the “V” zone should cover both government and private land, it was noted that the government land within the ‘VE’ of Lower Keung Shan was mostly sloping ground not suitable for development. The government land therefore had not been included in the “V” zone. As Upper Keung Shan fell

within WGGs, only the existing village clusters were zoned “V” in order to protect the water quality in WGGs;

Objection to the imposition of planning control on private land

- (iv) it was the government policy to put those areas not covered by statutory plans under statutory planning control in the long term. Under the directive of the Secretary for Development, the Board prepared the draft OZP for providing a statutory planning framework to guide the long-term development of the Area;
- (v) the draft OZP had been formulated based on a detailed planning report and consultation with relevant government bureaux and departments. The preparation of the draft OZP was in accordance with the provisions of the Town Planning Ordinance (the Ordinance). IsDC and TORC had been duly consulted on the draft OZP. Meetings with green groups and local religious community had also been held in the course of preparation of the OZP. All the comments received were submitted to the Board for consideration prior to the gazettal of the draft OZP. During the exhibition period of the draft OZP, any person could make representation to the Board under the Ordinance;

Zoning all the private agricultural land to “AGR”

- (vi) fallow arable land with good potential for rehabilitation for cultivation and agricultural land under active/occasional cultivations were mainly found in area near the religious clusters and villages. They were worthy of preservation from the agricultural point of view and were zoned “AGR” on the draft OZP. Other agricultural land had been abandoned for a long time and were now covered by natural vegetation. They were zoned “GB” to reflect their existing natural state. As agricultural use was always permitted in “GB” zone, agricultural activities could still be

carried out in this zone. The Agriculture, Fisheries and Conservation Department (AFCD) had no objection to the “AGR” and “GB” zonings on the draft OZP;

Provision of infrastructure

- (vii) relevant works departments would keep in view the need for infrastructure in future subject to resources availability. Flexibility had been provided in the Notes of the draft OZP for public works co-ordinated or implemented by the Government for the benefits of the public and/or environmental improvement;

Stricter control to protect the natural and tranquil environment in Luk Wu

- (viii) on the proposal to rezone an area in Luk Wu area from “GB” to “GB(1)”, the Notes of the “GB” zone followed largely the Master Schedule of Notes to Statutory Plans (MSN) which included uses which might be considered by the Board under the planning application system. The potential adverse impacts on the surrounding area could be assessed through the planning application system. Significant environmental impacts would therefore not be expected to generate from the “GB” zone on the surrounding area. Relevant departments including AFCD had no objection to the “GB” zoning on the draft OZP;
- (ix) on the proposal to rezone all areas from “GB” to “CA”, according to AFCD, the Area mainly consisted of woodland, shrubland and grassland of mostly native species and plantations. The flora and fauna species of conservation interest that had been recorded were generally associated with woodland habitat and individual species could be present in different parts of the planning area. As such, it would be appropriate to place the vegetated areas under the same type of zoning (e.g. “GB”) since their habitat qualities were similar in nature. Most of the woodland, natural streams and areas

adjoining Lantau North and Lantau South Country Parks were zoned “GB” to protect and preserve the natural environment and habitats. Other than minor alteration or replacement of an existing religious building by a building with the same building bulk and for religious use as the existing religious building, all religious uses were subject to planning permission to make sure that the potential water quality impact on the streams and the water catchment could be minimised;

- (x) for the request to delete ‘Columbarium’, ‘Crematorium’ and ‘Funeral Facility’ uses from Column 2 of the Notes of the “G/IC” zone, the planning intention of the “G/IC” zone was to provide government, institution or community (GIC) facilities serving the needs of the local residents and/or a wider district, region or the territory. The Notes of the “G/IC” zone followed largely the MSN and the inclusion of the concerned uses was to provide flexibility for the provision of GIC facilities through the planning application system;

More flexibility for the provision of ancillary facilities for the existing religious uses

- (xi) as the areas around Luk Wu and Upper Keung Shan were located within WGGs, strict control on any new development was required to protect the water quality of the area as advised by the Director of Environmental Protection and the Director of Water Supplies. Both of them did not support new development within WGGs;
- (xii) to conserve the special religious character and the natural landscape of the Area as well as to minimise the potential water quality impact on the streams and water catchment, the existing religious buildings would be reflected/tolerated under the “G/IC(1)” subzone within which minor alteration or redevelopment of the religious building by a building with the same building bulk and for the same

use as the existing building would be permitted. Any new development for 'Religious Institution' use should be subject to planning permission by the Board to minimise potential water quality impact on the streams and water catchment;

- (xiii) the boundaries of the "G/IC(1)" zones in the Area would only reflect the major existing religious buildings and the existing clusters. The garden and park areas of these religious buildings which were mostly government land had been excluded as far as possible to ensure that the potential water quality impact on the streams and the water catchment could be minimised. The proposed extension of the "G/IC(1)" zones to cover the garden and park areas could lead to applications for new religious institution which might also result in clearance of existing vegetation. There might be undesirable cumulative visual impact and the present character of the Luk Wu area would be altered. As existing religious uses before gazettal of the draft Development Permission Area (DPA) Plan were permitted under the covering Notes and minor alteration of existing buildings were allowed under Column 1 of "G/IC(1)" zone, there was no strong justification for the proposed extension of the "G/IC(1)" zone;
- (xiv) for outdoor meditation practices which were short-term uses, they were always permitted according to the covering Notes of the draft OZP provided that the uses did not last over two months and no site formation (filling or excavation) would be carried out;
- (xv) regarding the proposed amendments to the Notes of the "G/IC(1)" zone, the planning intention of the "G/IC(1)" zone was primarily for designating the existing religious uses and only selected GIC facilities were permitted with or without planning permission from the Board. The "G/IC(1)" zone covered the existing religious buildings and clusters in the Area. However, as some of the existing religious buildings/clusters fell within the "VE" of Luk

Wu which was a recognised village, flexibility had been allowed in the “G/IC(1)” zone for application for Small House development. Some limited small-scale commercial uses might also be considered through the planning application system to support the religious activities in the area. Areas adjacent to the “G/IC(1)” zones were mainly zoned “GB” where ‘Agricultural Use’ was always permitted;

- (xvi) regarding the suggestion to extend the “G/IC” zone at Keung Shan Road to allow provision of public facilities, to minimise possible impacts on water quality in the water catchment area, the “G/IC” zone only covered the existing GIC facilities serving the Area. A few public facilities including ‘Public Convenience’ and ‘Visitor Centre’ were permitted with or without planning permission within the “GB” zone to allow flexibility;

Rezoning two sites to reflect their existing religious uses

- (xvii) as the concerned sites at Lots 377 and 393 were now for religious uses, the sites were proposed to be rezoned from “GB” and “R(C)” respectively to “G/IC(1)” as shown on Plan 8b of the Paper to reflect the existing religious uses;

[Mr F.C. Chan left the meeting at this point.]

Rezoning area of high ecological and landscape importance as “CA” or “GB”

- (xviii) the flora and fauna species of conservation interest that had been recorded were generally associated with woodland habitat and individual species could be present in different parts of the planning area. As such, it would be appropriate to place the vegetated areas under the same type of zoning (e.g. “GB”) since their habitat qualities were similar in nature. Most of the

woodland, natural streams and areas adjoining Lantau North and Lantau South Country Parks were zoned “GB” to protect and preserve the natural environment and habitats. DAFC also advised that the major streams within the Area had already been put under “GB” zoning in the draft OZP;

- (xix) in accordance with the Environment, Transport and Works Bureau Technical Circular (Works) No. 5/2005, for NTEH/Small House redevelopment, the design and construction of sewerage facilities needed to comply with relevant standards and regulations, such as EPD’s Practice Notes for the Professional Person (ProPECC No. 5/93); and

Imposing planning control on demolition of or alteration to historic buildings

- (xx) the 11 graded historic buildings in the Area were neither declared monuments nor covered by any proposed or intended preservation proposal. The Antiquities and Monument Office of the Leisure and Cultural Services Department had no objection to the current “G/IC(1)” zoning of these buildings on the draft OZP;

Land Use Zonings

- (f) except about 0.20 ha of land to be rezoned from “AGR” and “GB” to “V” zone at Lower Keung Shan and about 0.09 ha of land to be rezoned from “GB” and “R(C)” respectively to “G/IC(1)” zone at Luk Wu as shown on Plans 8a and 8b of the Paper, no other zoning amendments to the previous draft OZP S/I-LWKS/B had been proposed. The details of the proposed land use zonings on the draft OZP No. S/I-LWKS/C were set out in paragraphs 2.2 and 4.3 of the Paper; and

Consultation

- (g) IsDC and TORC would be consulted after the Board's agreement to the publication of the draft Luk Wu and Keung Shan OZP under section 5 of the Ordinance during the exhibition period of the OZP.

143. A Member noted that compared with the draft OZP No. S/I-LWKS/B, the size of the "V" zone at Cheung Ting, Lower Keung Shan had been enlarged with its northern boundary approaching an existing stream on the "GB" zone, notwithstanding there was no outstanding Small House application in the Area. The overall "V" zone area on the draft OZP No. S/I-LWKS/C had increased by about 23% as a result of the enlargement of the "V" zone, which could now meet 97% of the 10-year forecast of Small House demand of the Area. This Member queried the rationale for enlarging the "V" zone at Cheung Ting if the incremental approach in designating "V" zone was to be adopted, in particular the area of "V" zone on the previous draft OZP No. S/I-LWKS/B could already satisfy 70% of the updated Small House demand forecast.

144. In response, Mr Ivan M.K. Chung, DPO/SKIs, said that during the course of local consultation of the draft OZP No. S/I-LWKS/B, members of TORC and IsDC requested PlanD to reserve more land within 'VE' in the Area for Small House development to meet the updated demand forecast. PlanD hence reviewed the area within the 'VE' of Lower Keung Shan to see if there were more suitable areas for Small House development. Taking into account the actual physical environment and topography of the area to the north of the original "V" zone, which consisted mainly of abandoned farmland without mature trees or vegetation with high conservation value, the boundary of the "V" zone at Cheung Ting, Lower Keung Shan was slightly refined and rationalised as shown on Plans 4 and 8a of the Paper. The additional area of about 0.2 ha in the "V" zone could accommodate about 8 more Small Houses and it would not affect the stream course to the north and sloping ground to the east. As Upper Keung Shan fell within WGG and only the existing village clusters were zoned "V", the concerned "V" zone at Cheung Ting, Lower Keung Shan was intended to serve the Small House demands of both Upper and Lower Keung Shan. Both AFCD and EPD had no objection to the revised "V" zone boundary.

145. Some members concurred with the views that there were no strong justifications to enlarge the “V” zone at Cheung Ting if there was no outstanding Small House demand in the Area and that the incremental approach as previously agreed by the Board should be adopted in designating “V” zones in country park enclaves.

146. The Chairman noted that Members generally supported maintaining the boundary of the “V” zone at Cheung Ting as shown on the previous draft OZP No. S/I-LWKS/B.

147. After deliberation, Members agreed to note the comments from and responses to IsDC, TORC, the local religious community and the green groups on the draft Luk Wu and Keung Shan OZP No. S/I-LWKS/B. Members also agreed that, subject to an amendment to revert the boundary of the “V” zone at Cheung Ting, Lower Keung Shan to that shown on the previous draft OZP No. S/I-LWKS/B:

- “(a) the draft Luk Wu and Keung Shan Outline Zoning Plan (OZP) No. S/I-LWKS/C (to be renumbered as S/I-LWKS/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 Town Planning Ordinance;
- (b) the Explanatory Statement (ES) at Annex III of the Paper should be adopted as an expression of the planning intentions and objectives of the Town Planning Board (the Board) for various land use zonings of the draft Luk Wu and Keung Shan OZP No. S/I-LWKS/C; and
- (c) the ES is suitable for exhibition for public inspection together with the draft OZP and issued under the name of the Board.”

148. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the Board’s consideration.

Procedural Matters

Agenda Item 13

[Open Meeting]

Information Note and Hearing Arrangement for Consideration of Representations and Comments in respect of the Draft Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/12 (TPB Paper No. 9715)

[The meeting was conducted in Cantonese.]

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

Mr Stanley Y.F. Wong - owning a flat and 2 parking spaces at Deerhill Bay near Pak Shek Kok with his spouse and being the Chairman of the Incorporated Owners of Deerhill Bay which had submitted Representation No. R178;

Dr. W.K. Yau - owning a house and land in Cheung Shue Tan Tsuen near Pak Shek Kok

150. As the item was procedural in nature and no discussion was required, Members agreed that Mr Stanley Y.F. Wong should be allowed to stay in the meeting but refrain from participating in the discussion. Members also noted that Dr. W.K. Yau had tendered apologies for being unable to attend the meeting.

151. The Secretary briefly introduced the Paper. On 7.3.2014, the draft Pak Shek Kok (East) Outline Zoning Plan (OZP) No. S/PSK/12 (the Plan) was exhibited for public inspection under section 5 of the Town Planning Ordinance. The major amendments involved the rezoning of a site partly bounded by Fo Yin Road, Chong San Road and Pok Yin Road from “Other Specified Uses” annotated “Science Park” (“OU(SP)”) to “Residential (Group B)6” (“R(B)6”) for medium-density residential development and incorporation of non-building areas (Amendment Item A); and the rezoning of a site at Fo Yin Road from “OU(SP)” to “Government, Institution or Community” to reflect an existing sewage pumping

station (Amendment Item B).

152. During the two-month exhibition period, a total of 458 representations were received. Most of the representations (except R1, R321 and R458) objected to Amendment Item A. The representers comprised residents of Pak Shek Kok, owners' committees of residential developments in the vicinity, District Council members, Legislative Councillors, business owners, related interest groups and members of the public. Some of the representers also objected to Amendment Item B, which was a consequential amendment of Amendment Item A. The objections were mainly on the grounds that the site under Amendment Item A was suitable for the Hong Kong Science Park (HKSP)'s expansion and the rezoning would impact the future development of HKSP; and the proposed residential development was incompatible with the surrounding area and would bring about adverse traffic, visual and environmental impacts.

153. R1 submitted by a member of the public supported the rezoning proposals without stating any specific reasons. R321 submitted by Mass Transit Railways Corporation had no objection to the rezoning proposals but indicated that the future residential development might be subject to noise from the East Rail. R458 submitted by a member of the public had no comment on the amendment items.

154. On 6.6.2014, the representations were published for public comment for three weeks and a total of 96 valid comments were received. The comments on the representations were in general objecting to Amendment Items A and B on grounds similar to the representations.

155. Since all of the valid representations and comments were related to Amendment Items A and B and were similar in nature, it was recommended that the representations and comments could be considered by the Board collectively in the same group. The hearing was tentatively scheduled to be held in September 2014.

156. After deliberation, the Board agreed that the representations and comments should be heard by the Board in the manner as proposed in paragraph 3 of the Paper.

Agenda Item 14

[Open Meeting]

Any Other Business

[The meeting was conducted in Cantonese.]

157. There being no other business, the meeting was closed at 5:45 p.m.